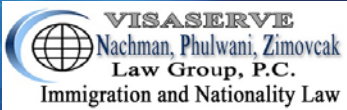


Current and Proposed U.S. Immigration Law Policies

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BUY AMERICAN, HIRE AMERICAN EXECUTIVE ORDER

- Executive Order issued April 18, 2017
- Seeks to create higher wages and employment rates for US workers, and
- Rigorously enforce and administer laws governing entry into the US of workers from abroad
- Calls on Departments of Homeland Security in coordination with other agencies to propose new rules and guidance to protect Buy American, Hire American
- Also calls on them to suggest reforms to ensure H1-B visas are awarded to only the most- skilled or highest-paid beneficiaries

- Enhance fraud detection and prevention
- Help reduce illegal immigration by verifying employment eligibility (E-verify)
- Transparency for US workers – H-1B and L-1 databases
- Various USCIS Policy Memoranda including:
 - Contracts and Itineraries Requirements for H-1Bs involving third parties
 - L-1 Qualifying relationships
 - Issuance of Requests for Evidence.....

REFERRAL OF CASES AND ISSUANCE OF NOTICES TO APPEAR

- Notice to Appear (“NTA”) is a document that instructs individual to appear before an immigration judge
- Authority to issue NTA – ICE, CBP and USCIS
- Executive Order- Enhancing Public Safety in the Interior of the US signed on January 25, 2017 set forth priorities for the removal of aliens from the United States
 - Charged or convicted of any criminal offense
 - Committed acts that constitute a chargeable criminal offense

- Abused program related to receipt of public benefits
- Subject to final removal order
- Pose risk to public safety or national security

• US Citizenship and Immigration Services (“USCIS”) issued Policy Memorandum on June 28, 2018 providing guidelines for referring cases to immigration court

- Cases that fall under Executive Order
- Required by Statute or Regulation
- Unfavorable decision on application/petition and foreign national is not lawfully present in the US

PROPOSED REGULATIONS

- RAISE Act- Introduced to Senate in February 2017
 - Establish a merit-based system
 - Eliminate the visa lottery (Diversity Lottery)
- Nuclear Family Priority Act- Introduced to Congress in February 2017
 - Modify the family immigration system– End Chain Migration
- September 2018 Proposals
 - Public Charge Ground of Inadmissibility
 - Changes to Immigration Detention

RAISE ACT: ESTABLISH A POINT-BASED SYSTEM FOR MERIT-BASED IMMIGRATION

- “Establish a point-based system for awarding green cards that protects U.S. workers and taxpayers, encourages assimilation, and ensures the financial self-sufficiency of newcomers.”
- Must have 30 points (“pass mark”) to be placed in the Eligible Applicant Pool.

HOW DO I GET POINTS?

- Age- Priority given to prime working ages (26-30 get the most points)
- Education- More points given to more degrees, US degrees get more points than foreign degrees
- English ability- More points given based on score on standardized English test.
- Job Offer- Points given to those with an offer AND points range based on the salary
- Olympic Medals- 15 points
- Investors- More points per amount invested
- Spouses are required to earn points under same rubric

RAISE ACT: ELIMINATE THE “DIVERSITY VISA” LOTTERY

- Diversity Lottery Requirements
 - Must be a national of a qualifying country
 - Country qualifies if US accepted less than 50,000 immigrants from that country in last 5 years
 - Must EITHER have a high school level education OR two years experience working in a qualifying occupation within the last five years

NUCLEAR FAMILY PRIORITY ACT: END CHAIN MIGRATION

- What is the policy now? Preference Categories:
 - Immediate Relative
 - Spouse of United States Citizen
 - Unmarried child under 21 of US Citizen
 - Parent of US Citizen (if US Citizen is *at least* 21 years old)
 - Other Family Categories
 - Unmarried sons and daughters (21 years and older) of USC citizens
 - Spouses and children (unmarried and under 21 years old) of Lawful Permanent Residents
 - Unmarried sons and daughters (at least 21 years old), of Lawful Permanent Residents
 - Married sons and daughters of US Citizens
 - Brothers and Sisters of US Citizens (if US Citizen is at least 21 years old)

NUCLEAR FAMILY PRIORITY ACT: END CHAIN MIGRATION

- What are the changes?
 - Immediate Relative
 - Spouse of United States Citizen
 - Unmarried child under 21 of US Citizen
 - ~~Parent of US Citizen (if US Citizen is at least 21 years old)~~
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 - Unmarried sons and daughters (21 years and older) of USC citizens
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 - ~~Brothers and Sisters of US Citizens (if US Citizen is at least 21 years old)~~
- This would decrease overall immigration by approximately 111,800 per year, or 1.118 million per decade

PUBLIC CHARGE INADMISSIBILITY

- Now, public charge are people who receive:
 - Cash assistance (SSI and Temporary Assistance for Needy Families (TANF), as well as comparable state and local programs)
 - Government-funded long-term institutional care
- Proposal would define public charge as people who receive the above, plus:
 - Non-emergency Medicaid
 - Supplemental Nutrition Assistance Program (SNAP)
 - Housing Assistance (public housing, section 8, rental assistance)
- Proposed Rule would NOT include:
 - Emergency/disaster relief
 - Anything other than those listed
 - DHS is considering the inclusion of Children's Health Insurance Program (CHIP)
- Proposed Rule would NOT be retroactive

PUBLIC CHARGE INADMISSIBILITY

- Public charge – category used to determine whether someone seeking green card is likely to become primarily dependent on the government for subsistence
- New rule would expand the list to include health insurance, food and house programs
- DHS estimates that 2.5% of eligible immigrants would drop out of public benefits, which would tally about \$1.5 billion per year

CHANGES TO IMMIGRATION DETENTION

- Flores Settlement (1997)- ICE must release unaccompanied children without unnecessary delay, and if a suitable release is not available, must place them in the least restrictive conditions & DHS/ORR must provide proposal to regulate this. Never proposed anything until now.
- Proposal:
 - Allow for indefinite detention throughout the duration of immigration proceedings without opportunity for bond
 - ICE self-monitoring of family detention center conditions
 - ONLY release unaccompanied children to parents/guardians
 - Determining UAC status:
 - Reasonable person standard for age
 - Reevaluated every time ICE/DHS encounters the child- can be stripped

Any Questions?

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