

Immigration Newsletter

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New DACA Applications Can Be Filed July 23, 2018 if DHS Does Not Satisfy Judge's Order

According to an Independent article, on April 24th, Judge John D. Bates ruled in favor of DACA. This makes him the 3rd judge to do so since January of this year. His ruling described the Trump administrations' decision to end DACA as "arbitrary and capricious" due to the lack of an adequate explanation from the department. The statement given by the Department of Justice stated that they believe the end of DACA is necessary for the protection of the border and US citizens.

While this ruling is not the end of the fight, it has given the Department of Homeland Security 90 days (as of April 24th) to come up with better reasoning for wanting to phase out DACA. In the meantime those that have filed applications in the past will still be able to renew until the next hearing, which is in 90 days. They are still not accepting applications from those that have not previously filed. However, if unable to persuade the judge to rule in their favor, they will have to start accepting new applications in addition to the renewals.

DACA 
Deferred Action for Childhood Arrivals

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"At Barten Law, we understand that your immigration needs are important to you and your family. You deserve the highest quality representation and legal advice in all areas of immigration law."



Trump Administration Cracks Down on Zero-Tolerance Policy Causing Children to be Separated at Border

According to a New York Times article, hundreds of immigrant children are being separated from their families at the border. Since October, approximately 700 children have been separated from their parents. This is in response to the Trump administration cracking down on the “zero-tolerance” policy first introduced in 2005. Attorney General Jeff Sessions stated that the policy will impose potential criminal charges on those caught crossing the border unlawfully; particularly those who have been deported in the past.

The policy requires that those detained at the border to be sent directly to federal court. Should their children be present, they are to be placed into custody of the Health and Human Services’ Office of Refugee Resettlement. Once detained, children cannot be released until the government is able to provide a guardian for them and will remain in federal facilities until they are able to do so. While officials say they aren’t deliberately trying to separate families, the aim of these new measures is to deter illegal border crossings. Officials also mentioned that this will not affect those seeking asylum.

Temporary Protected Status For Honduras Will Expire on January 5th, 2020

As of May 4th, 2018 DHS has announced that it will end the protection of Honduras. The country’s protected status has been in place since 1998 following the destruction of Hurricane Mitch. According to an NBC News article, DHS secretary Kirstejen Nielson made a statement that said “the disruption of living conditions from the hurricane have decreased to a degree that should not be considered substantial. The expiration of TPS is now set to January 5th, 2020. Hondurans that would like to stay until January 5th, 2020 will now have to re-register and apply for work authorization.

DHS raises cap of H2B Visas from 66,000 to 81,000 for 2018

The Department of Homeland Security has announced that they are raising the cap on H2B work visas from 66,000 to 81,000. According to Vox, this is in response to the shortage for seasonal workers that American businesses face. In the past, President Trump has been known to criticize the program for taking away American jobs. However, he is asking for approval to hire seasonal workers for his golf resorts. He stated that it wasn’t harmful to bring in workers due to the lack of labor.



Problems Obtaining File Requests from Customs and Border Protection?

One way for us to help our clients is to request the records from their entries to the U.S. Lately CBP has been responding that “no records are found” even when we know CBP does have records. The only way to force CBP to release the information is to file a lawsuit against CBP which is an expensive and time consuming process.



Immigration Courts Now Limited in Granting Administrative Closure

On May 17th 2018, Attorney General Jeff Sessions announced a policy change in immigration courts. According to a Huff Post article, he announced that immigration judges would now be limited in granting administrative closure in their cases stating that they were overstepping when doing so. Previously, judges granted administrative closure in cases that involved immigrants with a removal case in addition to another case pending at the time, essentially putting the removal case on hold. An example of pending case would be if someone had a removal case but was also waiting for their visa to be approved.

Immigrant rights activists fear that Sessions is implementing this policy as a way to ramp up deportations in accordance with the Trump Administration's efforts. This comes after a previous change in policy from Sessions that introduced a quota into the courts. The quota requires that immigration judges must hear at least 700 cases in a year to receive a good rating. Currently there is a backlog of approximately 700,000 immigration cases across all states in the US. And with the quota already in place, many believe that this will overwhelm the courts.

Students Overstaying Their Visas Could be Subject to a 3 or 10 Year Ban

In May of 2018, the Trump Administration announced that they would start cracking down on students found overstaying their visas. United States Citizenship and Immigration Services is also planning to change how they calculate unlawful presence. Before unlawful presence was calculated once the government found out about it. Now they are planning to calculate it once the visa holder's purpose in the country has ended.



There was an official executive order issued in January by Trump stating "Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety." The order specifically targets those with F, M, and J1 visa. It also states that those who are found illegally for more than 180 days would be barred from the country for 3 or 10 years depending on how long they were overstaying.

Immigration lawyer Angelo A. Paparelli stated in the New York Times that students will often fall out of compliance while waiting for their new visa to be approved or when transferring to a new one. Administrators are also worried that international students will be punished for life events that American citizens would be supported though such as falling below a full time credit load to deal with a mental illness. The Institute of International Education has already reported a 7% decline in international student enrollments in 45% of the schools surveyed.



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Visa and Immigration Services

- » Family-sponsored Immigration
- » Citizenship/Naturalization
- » Special Immigrant Juveniles
- » Permanent Employment EB-1 through EB-4
- » Removal/Deportation Defense
- » Asylum
- » Waivers
- » Fiancé Visa (Including LGBT)
- » H-1B Specialty Occupations
- » Consular Processing



JoAnn L. Barten, J.D.

Megan A. Lantz, J.D.

Preference Categories: June 2018 Bulletin -- The first priority date listed are cases which beneficiaries may file for adjustment of status or immigrant visa for residency June 01, 2018

Final Action: Family Sponsored

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland	INDIA	MEXICO	PHILIPPINES
F1	08APR11	08APR11	08APR11	01JUN97	22MAR06
F2A	08JUN16	08JUN16	08JUN16	08MAY16	08JUN16
F2B	22JUN11	22JUN11	22JUN11	15FEB97	15JAN07
F3	15MAR06	15MAR06	15MAR06	01OCT95	08APR95
F4	22OCT04	22OCT04	15MAR04	08JAN98	22FEB95

Dates for Adjustment: Family Sponsored

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland	INDIA	MEXICO	PHILIPPINES
F1	08JAN12	08JAN12	08JAN12	15JUL98	08OCT07
F2A	22SEP17	22SEP17	22SEP17	22SEP17	22SEP17
F2B	08SEP11	08SEP11	08SEP11	22MAY97	08SEP07
F3	08SEP06	08SEP06	08SEP06	22SEP98	22JUL95
F4	01APR05	01APR05	01DEC04	08MAY98	15OCT95

Final Action: Employment-Based

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01JAN12	C	01JAN12	C	C
2nd	C	01SEP14	C	26DEC08	C	C
3rd	C	01JUN15	C	01MAY08	C	01JAN17
Other Workers	C	01MAY07	C	01MAY08	C	01JAN17
4th	C	C	15DEC15	C	22OCT16	C
Certain Religious Workers	C	C	15DEC15	C	22OCT16	C
5th Non-Regional Center (c5 and T5)	C	01AUG14	C	C	C	C
5th Regional Center (I5 and R5)	C	01AUG14	C	C	C	C

Dates for Filing: Employment-Based

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01FEB15	C	01APR09	C	C
3rd	C	01JAN16	C	01SEP08	C	01JUL17
Other Workers	C	01JUN08	C	01SEP08	C	01JUL17
4th	C	C	15APR16	C	C	C
Certain Religious Workers	C	C	15APR16	C	C	C
5th Non-Regional Center (C5 and T5)	C	01SEP14	C	C	C	C
5th Regional Center (I5 and R5)	C	01SEP14	C	C	C	C