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IMPORTANT IMMIGRATION CHANGES

On November 20, 2014, the President announced a series of initiatives, implemented through the President's executive authority, to help fix our broken immigration system. Specifically, these actions including expanding Deferred Action for Childhood Arrivals so that more persons are eligible, allowing parents of United States Citizens and lawful permanent residents to request deferred action and employment authorization, changes in enforcement priorities, the expansion of the provisional waiver program, extension of Optional Practical Training for STEM students, eliminating the backlog for employment-based petitions to allow beneficiaries to apply for residency without delay, and much more.

The following are the key provisions:

Expansion of Deferred Action for Childhood Arrivals – Work Permits

- Entered the United States before age 16
- Continuously present in the United States since January 1, 2010 (instead of June 15, 2007 as before)
- Enrolled in school (including GED Program) or high school/college graduate
- No upper age limit. (Previous order required the applicant to have been born before June 15, 1981)
- Employment authorization extended to 3 years, instead of 2 years

Deferred Action for Parent Accountability (DAPA), Parents of United States Citizens and Residents – Work Permits

- Continuously present in the United States on or before January 1, 2010
- Has a United States Citizen or Permanent Resident Child born on or before November 20, 2014
- Pass Background Checks (Not an enforcement priority)
- Pay Taxes

Provisional Waiver Expansion

- Applies to undocumented individuals who have resided lawfully in the United States for at least 180 days
- Spouses and sons and daughters of permanent residents and sons and daughters of United States Citizens will be eligible for provisional waiver
- Extreme hardship standard will be clarified

Modernize, Improve and Clarify Immigrant and Nonimmigrant Programs, Growing the Economy and Creating Jobs

- Method will be developed to allocate immigrant visas, ensuring all visas authorized by Congress will be issued to meet demand
- Steam-line Visa Bulletin System
- Provide Relief to workers experiencing lengthy adjustment delay
- Employees with an approved employment-based petition will be given benefits of pending residency application, impacting about 410,000 employees with approved petitions
- Clarify standard by which national interest waiver may be granted to foreign investors, researchers and founders of start-up enterprises in order to benefit United States economy
- Authorize parole, on a case by case basis, to eligible inventors, researchers and founders of start-up enterprises who may not yet qualify for a national interest waiver but have been awarded substantial U.S. investor financing, or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting-edge research
- Create a rule to provide work authorization to the spouses of certain H-1B visa holders who are on the path to lawful permanent residency
- Work with Immigration and Customs enforcement to develop regulations for notice and comment to expand and extend the use of Optional Practical Training (OPT) for foreign students, beyond the current 29-month-period (STEM Students)
- Clarify meaning of “specialized knowledge” for L-1B program

Enhancements to Naturalization Process

- Allow naturalization applicants to use a credit card to pay application fee
- Assess potential for partial fee waivers in the next biennial fee study

Spouses and Children of Military Personnel

- Provide relief to spouses and children of U.S. citizens seeking to enlist in the military, consistent with a request made by the Department of Defense.

Barten Law PC will continue to monitor the progress and implementation of the President’s Executive Order. Please contact us today to set up an individualized, one-on-one consultation to discuss how these new initiatives will impact you or your family. This newsletter is provided at no charge for educational and marketing purposes. It should not be relied upon for anyone individual actual immigration case. If you need legal advice on immigration matters, make sure that the person you rely on is authorized to give you legal advice. Only an attorney or an accredited representative working for a Board of Immigration Appeals-recognized organization can give you legal advice.

The Internet, newspapers, radio, community bulletin boards and storefronts are filled with advertisements offering immigration help. Not all of this information is from attorneys and accredited representatives. There is a lot of information that comes from organizations and individuals who are not authorized to give you legal advice, such as “notaries / notarios.” In the U.S., notary merely pays \$25 to the Secretary of State to obtain a certificate and a notary stamp.

WARNING: “Notarios,” notary publics, immigration consultants and businesses cannot legally give you immigration legal advice. In many other countries, the word “notario” means that the individual is an attorney, but that is NOT true in the United States. If you need help with immigration issues, be very careful before paying money to anyone who is neither an attorney nor a BIA-accredited representative of a recognized organization.