



OVERVIEW OF IMMIGRATION LAW AND RECENT DEVELOPMENTS IN IMMIGRATION LAW AND POLICY

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WHY IMMIGRATION LAW?

- One of the more complex areas of United States law.
- Complex laws/regulations and constant policy changes = Demand for legal assistance.
- Many individuals are underserved and need good legal representation.
- There are many ways to serve the immigrant community (family-based, employment-based, removal, humanitarian cases like asylum, VAWA, and SIJS)
- Excellent mentoring and assistance available.



TYPES OF MATTERS

- Affirmative Applications (examples below)
 - Nonimmigrant-Based Visa Applications
 - Immigrant-Based Visa Applications (“green cards”)
 - Asylum Applications
 - Naturalization/Citizenship
- Defensive Cases
 - Removal Defense (“deportation”)
 - Waivers of Inadmissibility
 - Appeals (administrative and federal court)



WHO IS AFFECTED BY IMMIGRATION LAW?

- Families/Relatives
- Employers/Employees
- Investors
- Students
- Religious Workers
- Refugees/Asylees
- Victims of Crime
- Children (who have been abandoned, neglected and abused)
- Undocumented Persons (seeking help with removal or finding path to residency)



DIFFERENT AGENCIES/COURTS- WHEN THEY COME INTO PLAY

- U.S. Citizenship & Immigration Services (USCIS)
 - Administrative Appeals Office (AAO)
 - Service Centers vs District Offices vs Field Offices
- U.S. Customs and Border Protection (CBP)
- U.S. Immigration and Customs Enforcement (ICE)
- Executive Office for Immigration Review (EOIR)
 - Immigration Court
 - Board of Immigration Appeals
- U.S. Department of Labor (DOL)
- U.S. Department of State



WHY SUCH A LONG WAIT FOR A GREEN CARD?

○ The Visa Bulletin provides the answer...

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08APR11	08APR11	08APR11	15NOV96	22JAN06
F2A	01JUN16	01JUN16	01JUN16	22APR16	01JUN16
F2B	15MAY11	15MAY11	15MAY11	01DEC96	15DEC06
F3	01FEB06	01FEB06	01FEB06	01SEP95	01APR95
F4	01OCT04	01OCT04	01MAR04	08JAN98	01FEB95



EMPLOYMENT-BASED WAIT TIMES

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	C	01JAN12	C	01JAN12	C	C	C
2nd	C	01SEP14	C	22DEC08	C	C	C
3rd	C	01JUN15	C	01MAY08	C	01JAN17	C
Other Workers	C	01MAY07	C	01MAY08	C	01JAN17	C
4th	C	C	15DEC15	C	22OCT16	C	C
Certain Religious Workers	C	C	15DEC15	C	22OCT16	C	C
5th Non-Regional Center (C5 and T5)	C	22JUL14	C	C	C	C	22JUL14
5th Regional Center (I5 and R5)	C	22JUL14	C	C	C	C	22JUL14



COMMON NON-IMMIGRANT VISAS

- B-1/B-2 Business/Pleasure Visitors
 - Border Crossing Cards
- ESTA (aka “visa waiver”)
- Common Work Visas: H-1B, H-2A & B, TN, L-1A & B, O-1
- F-1 Student Visa
- J-1 Cultural and Exchange Visa
- E-2 Investor and E-1 Trade



UPDATES ON CURRENT POLICY

- Revised USCIS Policies
 - Deferred Action for Childhood Arrivals (DACA)
 - Asylum Interview Scheduling
 - Processing Times for Benefits Applications (Pilot Project)
 - Revised Policy on Issuance of RFEs and NOIDs
 - Updated NTA Policy
 - Proposed Change to Public Charge
- Revised ICE, CBP, and DOJ Policies
 - “No Tolerance” Criminal Prosecution of Border Crossers
 - Detention of Children and Families
 - Revision of Enforcement Priorities
- Immigration Court Cases
 - Administrative Closure and Recalendarings
 - IJ Quotas, Continuances and Dismissals
 - Eligibility for Asylum



RESOURCES

- USCIS website: www.uscis.gov (has all USCIS forms and instructions)
- EOIR website: <https://www.justice.gov/eoir> (has all forms and Practice Manual)
- American Immigration Lawyers Association (AILA): www.aila.org



QUESTIONS

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