



# Immigration Update June-July 2020

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# Changes and updates...

- ◆ DACA at the Supreme Court
- ◆ Student Visas and remote classes
- ◆ COVID19 Closures and updates from agencies
- ◆ Asylum regulation changes
- ◆ Work permit changes
- ◆ Caselaw round up

# Cases BIA

- ◆ Matter of A-M-R-C---The Attorney General has referred an old asylum case to himself seemingly to change the law surrounding the standard for the “serious nonpolitical crim” bar and the “persecutor bar.”
- ◆ R-I- Ortega—The INA 204(c)(2) bar applies when fraud was in fiancée visa proceeding.
- ◆ Matter of M-D-C-V—Alients who arrive to US without inspection are subject to MPP.
- ◆ Matter of O-F-A-S—CAT standard regarding officials acting “under color of law.”



# Seventh Circuit

- ◆ *Yeison Meza Morales v. Barr*
- ◆ Allows immigration judges to administratively close proceedings, increasing availability of particular forms of relief for immigrants and allowing more efficient adjudication of cases.

# DACA is back, but...

- ◆ US Supreme Court issued its opinion in *DHS v. Board of Regents of University of California.*
- ◆ Held that the recission of DACA did not comply with the Administrative Procedures Act.
- ◆ Practical effect DACA is reset to the status it was in prior to September 2017.
- ◆ However the administration has been dragging its feet and sending mixed messages about what steps they may take to cancel the program again.



# Student Visas and COVID<sub>19</sub>

- ◆ On March 13, 2020 ICE announced an “exemption” from typical in-person class requirements.
- ◆ On July 6, 2020 ICE announced they were rescinding this exemption.
- ◆ Harvard and MIT sued.
- ◆ Then government relented and reinstated the exemption.
- ◆ Unclear how long the “exemption” will last.

# COVID<sub>19</sub> Agency Updates

## ◆ USCIS

- ▣ Indianapolis Office—Conducting limited interviews, required to bring a mask and own pen, seating restrictions in the waiting area. Fingerprint appointments also limited.
- ▣ Chicago Asylum Office—Conducting limited interviews; officer and applicant in different rooms, mask required, seating in waiting area in designated groups.
- ▣ Funding shortfall causing delays in some processes, may continue to cause delay.

## ◆ EOIR

- ▣ Chicago Court reopened for Merits hearings only no more than 4 hearings at a time.



# COVID<sub>19</sub> Agency Updates

## ◆ ICE

- Indianapolis Field Office—Currently open for limited purposes (bond payment, GPS malfunction) closed for routine check-ins; no announced “re-open” dates.
- ISAP modified reporting for some

## ◆ Detention Centers

- According to ICE data currently detaining about half as many detainees as typical from FY<sub>2019</sub>
- The detention policy is largely up to officer discretion.
- Court ordered release of all child detainees by July 17 under the *Flores* Settlement

## ◆ MPP

- MPP will resume hearings when certain guidelines are met.



# Asylum Proposed Rule

- ◆ Published proposed rule that would close asylum to many applicants.
  - Bar to asylum if transit through more than two countries
  - Limit asylum based on gender, LGBTQI+ status, and gang based persecution
  - Expand the definition of “frivolous filing”
  - Change standards at initial screening phases
- ◆ Comment period ended July 15, 2020. Now government must consider comments and publish final rule.

# Work permits for asylum seekers

- ◆ Final rule published in June and set to go into effect on August 25, 2020.
  - Changes waiting period to apply for EAD from 150 days to 365 days.
  - No EAD for those who enter without inspection (unless meet an exception)
  - No EAD for those who file outside “one year” rule unless an immigration judge makes a ruling otherwise.
  - Automatic termination of EAD after first “denial.”



# Any Questions?

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