



# Immigration Law Update

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# Presentation Outline

- Refugee Resettlement
- Asylum
- Travel Ban
- Temporary Protected Status (TPS)
- Deferred Action for Childhood Arrivals (DACA)
- The Border

# Refugee Resettlement

Fiscal Year	Refugee Ceiling	Refugees Admitted
2019	30,000	18,051 (as of May 31 <sup>st</sup> )
2018	45,000	22,491
2017	110,000	53,716
2016	85,000	84,994
2015	70,000	69,933
2014	70,000	69,987
2013	70,000	69,926
2012	76,000	58,238
2011	80,000	56,424
2010	80,000	73,311
2009	80,000	74,654

Source: Refugee Processing Center PRM Admissions  
Graph May 31, 2019

# Asylum

## Asylee or Refugee?

- Asylees are granted status after they are already in the United States.
- Refugees are granted status outside of the United States.

# Asylum Changes

- *Matter of A-B-* (A.G. June 11, 2018)
  - Overruled *Matter of A-R-C-G* which was a heavily relied upon case for asylum claims related to domestic violence.
  - Contained language about private actors vs. government persecution.
  - We are still winning asylum claims for domestic violence.
- Fees
  - President Trump issued a Presidential Memorandum on Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System on April 29, 2019 which orders that, within 90 days of this order, the government must require application fees for asylum cases and initial work authorization documents for asylum applicants.

# Travel Ban

- Upheld by the U.S. Supreme Court in *Trump v. Hawaii*, 585 U.S. \_\_\_\_ (2018)
- Still in effect for Yemen, Syria, Iran, Libya, and Somalia
- Waivers are available but process for obtaining them is less than transparent

# Temporary Protected Status (TPS)

## TPS Designation Requirements – 8 USC 1254(b)

The Attorney General MAY provide temporary protected status to nationals from a foreign country if:

- There is an ongoing armed conflict in that country
- There had been an earthquake, flood, drought, epidemic, or other environmental disaster, it temporarily disrupts living conditions, and the country has requested designation
- There “exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.”

# Temporary Protected Status (TPS)

Country	Designation Date	Continuance Residence in US Since:	Current Status
El Salvador	03/09/2001	02/13/2001	Continuing pending court case
Haiti	01/23/2011	01/12/2011	Continuing pending court case
Honduras	01/05/1999	12/30/1998	Continuing pending court case
Nepal	06/24/2015	06/24/2015	Continuing pending court case
Nicaragua	01/05/1999	12/30/1998	Continuing pending court case
Somalia	09/16/1991	05/01/2012	Extended through 03/17/2020
Sudan	05/03/2013	01/09/2013	Continuing pending court case
South Sudan	01/25/2016	01/25/2016	Extended through 11/02/2020
Syria	08/01/2016	08/01/2016	Extended through 09/30/2019
Yemen	03/04/2017	03/04/2017	Extended through 03/03/2020

Source: U.S. Citizenship and Immigration Services



# Temporary Protected Status (TPS)

## Court Cases

- *Ramos, et al. v. Nielsen, et al.*, No. 18-CV-01554 (N.D. Cal. Oct. 3, 2018)
  - Enjoins the termination of TPS for Sudan, Haiti, El Salvador, and Nicaragua until this case is decided. Government appealed injunction and waiting for a decision on that appeal.
- *Bhattarai v. Nielsen*, No. 19-CV-731 (N.D. Cal)
  - Parties stipulated to a stay until the government's appeal from *Ramos* is decided. Parties agreed to extend TPS for Nepal and Honduras until that decision.
- *Saget v. Trump*, No. 18-CV-01599 (E.D.N.Y)
  - Enjoins the termination of TPS for Haiti until this case is decided.

# Deferred Action for Childhood Arrivals (“**DACA**”)

- Created by the Obama Administration.
- It gives qualified, undocumented individuals the ability to lawfully work in the U.S.
- It is NOT a path to any lawful immigration status in the US.
- It is an agreement to defer action and not to deport the individual for a period of time.
- It must be renewed every two years.

# DACA

## Court Cases

- *Regents of the University of California, et al. v. DHS, et al., Batalla Vidal, et al. v. Nielsen, et al., and State of New York, et al. v. Trump, et al.*
  - Preliminary Injunction which allows DACA recipients to keep renewing until case decided on the merits.
- *CASA de Maryland, et al. v. Dept. of Homeland Security, et al.*
  - Court dismissed plaintiff's argument that rescinding DACA is unlawful
  - Court issued preliminary injunction forcing the government to follow the 2012 DHS guidance to not use DACA recipient's information for enforcement purposes
- *NAACP v. Trump, et al. and Trustees of Princeton, et al. v. United States of America, et al.*
  - Court ordered that the government had to accept initial DACA applications too BUT then stayed this order for an appeal so it does not change the status quo.
- *Texas, et al. v. Nielsen, et al.*
  - Alabama, Louisiana, Nebraska, Arkansas, South Carolina, and West Virginia sued to stop the DACA program. Court denied issuing a preliminary injunction to stop the DACA program. The states summary judgment motion will be heard on July 8, 2019.

Source: *Status of Current DACA Litigation*, National Immigration Law Center (June 7, 2019)

# DACA

What is the current status of DACA?

- The government is continuing to process renewal requests.
- The government is not accepting initial DACA applications.

# DACA

## Future of DACA?

- Based on the following factors:
  - Whether or not the Supreme Court decides to take any of the DACA appeal cases
  - What the courts decide in the merits decisions in the mentioned cases
  - Will Congress do anything?

# The Border

- Family Separation Policy officially ended
- Migrant Protection Protocol (“Remain in Mexico Policy”)
  - In December 2018, former DHS secretary Nielsen announced a new Migration Protection Protocol which altered catch and release to catch and return.
  - Recently expanded to entire border.
- Unofficial “Turn Back Policy”
  - Widely documented since 2016. Customs and Border Patrol Officers are turning people away citing overcapacity and non-existent laws.



# Questions?

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