



IMMIGRATION INSIDER

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Headlines:

ICE Moving Forward With Arrests of Thousands of Immigrants and Family Members – ICE plans to move forward with operations to arrest and quickly deport thousands of immigrants and their family members who are in the United States without authorization.

House Passes Bill to Eliminate Per-Country Cap on Employment-Based Immigrants – The U.S. House of Representatives passed the "Fairness for High-Skilled Immigrants Act of 2019" (H.R. 1044) on July 10, 2019. The bill will be considered by the Senate next.

Executives of Staffing Companies Charged With H-1B Visa Fraud – Four executives of two information technology staffing companies have been arrested on charges of conspiracy to commit visa fraud, for fraudulently using the H-1B visa program to gain an unfair advantage over competitors.

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ICE Moving Forward With Arrests of Thousands of Immigrants and Family Members

President Trump told reporters recently that U.S. Immigration and Customs Enforcement (ICE) is moving forward with previously postponed operations to arrest and quickly deport thousands of immigrants and their family members who are in the United States without authorization. According to reports, some may be held in detention centers in Texas and Pennsylvania and others may be detained in hotel rooms while they are processed.

Immigrants are being advised, among other things, to make emergency plans and that they are not legally required to open the door to ICE agents without a search warrant or court order. Some may have the right to reopen their immigration cases.

Some organizations helping immigrant families in need include KIND (Kids in Need of Defense), Women's Refugee Commission, Catholic Legal Immigration Network, ACLU Immigrants' Rights Projects, RAICES, Al Otro Lado, Florence Project, Lawyers for Good Government (Project Corazon Travel Fund), Justice in Motion, Immigrant Families Together, Innovation Law Lab, ActBlue, Lights for Liberty, United We Dream, American Immigration Council, National Immigration Law Center, Human Rights First, National Immigrant Justice Center, ALDEA-

People Justice Center, American Immigration Council, Immigrant Justice Campaign, PIRC (Pennsylvania Immigration Resource Center), CIRC (Penn State Law Center for Immigrants' Rights Clinic), Annunciation House, HIAS, and Cornell Law School.

Additional resources and information for helping families at risk of deportation are listed below under "New Publications and Items of Interest." See also "ABIL Member/Firm News" below, which includes numerous news articles with related information and advice.

Details: News articles, <https://www.nytimes.com/2019/07/11/us/politics/ice-families-deport.html>, <https://www.dailymail.co.uk/news/article-7240989/Trump-backed-ICE-raids-started-California-claim-lawyers.html>, <https://www.syracuse.com/news/2019/07/on-eve-of-planned-immigration-raids-syracuse-advocates-remind-people-of-their-rights.html>, <https://qz.com/1664310/how-to-help-immigrants-caught-up-in-ice-raids/>, <https://www.businessinsider.com/immigrants-ice-raids-know-your-rights-experts-2019-7>, <https://www.univision.com/local/atlanta-wuvg/noticias/inmigracion/sabias-que-una-orden-de-deportacion-puede-ser-impugnada> (Spanish)

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House Passes Bill to Eliminate Per-Country Cap on Employment-Based Immigrants

The U.S. House of Representatives passed the "Fairness for High-Skilled Immigrants Act of 2019" (H.R. 1044) on July 10, 2019. The bill, introduced by Reps. Zoe Lofgren (D-CA) and Ken Buck (R-CO), would eliminate the per-country cap (numerical limitation) on employment-based immigrants and raise family-based per-country caps from 7 to 15 percent. The per-country cap provision would be implemented over a three-year phase-in period: during year one, no more than 85 percent of employment-based visas could be allocated to India or China; in years two and three, no more than 90 percent of employment-based visas could be allocated to those countries. An additional provision protects people who have immigrant visa petitions approved before September 30, 2019. The legislation is expected to benefit primarily Indian and Chinese workers, who constitute the largest proportion of H-1B skilled workers waiting for years in the U.S. green card backlog.

The bill will be considered by the Senate next. The Senate version, S. 386, was recently blocked by Rand Paul (R-Ky.), who said he wants to amend the bill with an accommodation for EB-3 nurses. Other recent developments on the Senate side included the addition of provisions strengthening H-1B specialty occupation enforcement requested by Sens. Mike Lee (R-Utah) and Charles Grassley (R-Iowa). Although the bill has bipartisan support, it is unclear whether it has a chance of passage.

Details: Text and history of the House version, <https://www.govtrack.us/congress/bills/116/hr1044>; Rep. Lofgren's statement, <https://lofgren.house.gov/media/press-releases/house-passes-reps-lofgren-s-and-buck-s-bipartisan-bill-strengthen-american>; Senate version of the bill, <http://src.bna.com/JDP>; news reports, <https://news.bloomberglaw.com/daily-labor-report/green-card-cap-legislation-remains-blocked-despite-h-1b-deal>, <https://www.deseretnews.com/article/900077471/mike-lee-kamala-harris-rand-paul-immigration-reform-bill-blocked.html>, <https://www.businesstoday.in/current/economy-politics/us-congress-to-vote-on-bill-to-lift-country-cap-on-green-card/story/362812.html>

Executives of Staffing Companies Charged With H-1B Visa Fraud

Four executives of two information technology staffing companies have been arrested on charges of conspiracy to commit visa fraud, for fraudulently using the H-1B visa program to gain an unfair advantage over competitors. The conspiracy charge carries a maximum penalty of five years in prison and a \$250,000 fine.

The defendants allegedly used staffing companies to recruit foreign nationals and sponsor them for H-1B visas. According to U.S. Citizenship and Immigration Services (USCIS), to expedite their visa applications, they filed H-1B applications falsely asserting that the foreign workers/beneficiaries had already secured positions at another company when in reality no such positions existed. Instead, the defendants used the fraudulent applications to build a "bench" of job candidates already admitted to the United States who could then be hired out immediately to client companies without the need to wait for visa application processing, giving the defendants an advantage over their competitors in the staffing industry, USCIS said.

Details: USCIS release, <https://www.uscis.gov/news/news-releases/executives-staffing-companies-charged-visa-fraud>

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New Publications and Items of Interest

"Everyday Immigration" podcast. What actually happens when a U.S. citizen marries someone from another country? How do foreign-born co-workers come to the United States? Why do employees have to fill out an immigration form when they start a new job? In the "Everyday Immigration" podcast, twice a month Dave Wilks speaks with people from all walks of life to explore the "everyday" effects of immigration. The podcasts are available at <http://lionceauproductions.com/everyday-immigration/> and most major podcast services.

E-Verify benefits video. E-Verify has released a new short video for employers on the basics of E-Verify at <https://www.youtube.com/watch?v=yHIVFveEK64>.

How to prepare for immigration raids. Cornell University's immigration technology clinic has developed an automated online interview to help people prepare if they or others are worried about being detained or deported. It can help people prepare their family, manage their property, close out their bank accounts, and perform other emergency preparations. The online interview is available in English and Spanish at https://www.immi.org/en/Home/make_a_plan.

Responding to large-scale immigration raids. The Immigration Justice Campaign and the American Immigration Lawyers Association have released information on what to do in the event of large-scale interior enforcement actions. See <https://www.immigrationjustice.us/volunteeropportunities/raids-preparation-teams> and <https://www.aila.org/advo-media/issues/all/featured-issue-2019-large-scale-enforcement>.

CBP accountability. A new website documents litigation across the United States in an effort to establish U.S. Customs and Border Protection (CBP) accountability and transparency. The website, which also directs readers to additional resources, is a joint project of the American Civil Liberties Union of San Diego and Imperial Counties, the American Immigration Council, the National Immigration Project of the National Lawyers Guild, and the Northwest Immigrant Rights Project. See <https://holdcbpaccountable.org/>.

Immigrant and Employee Rights webinars. The Department of Justice's Immigrant and Employee Rights Section is offering free webinars to the public. The webinars are for workers, employers, and advocates. For more information or to register, see <https://www.justice.gov/crt/webinars>.

Alliance of Business Immigration Lawyers:

- ABIL is available on Twitter: [@ABILImmigration](#)
- Recent ABIL member blogs are at <http://www.abilblog.com/>

Organizations providing help at the southern border and seeking non-lawyer and lawyer volunteers. Cornell Law School's Migration and Human Rights Program has compiled a list of organizations providing help at the southern border, and seeking donations and non-lawyer and lawyer volunteers to help migrants in U.S. detention and deportation proceedings. The list, which is updated on an ongoing basis, is at <http://www.lawschool.cornell.edu/MigrationandHumanRightsProgram/Organizations-seeking-non-lawyer-and-lawyer-volunteers.cfm>.

Nation of immigrants. Podcasts on U.S. immigration history and what it means to be an immigrant in America:

- Statutes of Liberty: <http://bit.ly/2thMM9O> (new episodes: A Prescription for Success: EB-1 for Physicians, <https://bit.ly/2J7oSjV>; The Best, Brightest, and Backlogged, discusses the backlog, who it affects, how to read the Visa Bulletin, and strategies for EB-1 visas, <https://bit.ly/2E6vamz>)
- Code Switch Podcast: What Does It Mean To Be A 'Nation of Immigrants'? : <http://n.pr/2FeWWg4>
- Hidden Brain: The Huddled Masses and the Myth of America: <http://n.pr/2Fbo9kC>
- American Pendulum I: <http://bit.ly/2FbYKY3>

Advisories and tips:

- Community Advisory: Social Media, Criminalization, and Immigration has been published by the National Lawyers Guild's National Immigration Project. This advisory summarizes ways in which immigration agents may use social media against those in removal proceedings or involved in criminal cases. The advisory is at https://www.nationalimmigrationproject.org/PDFs/community/2017_03Apr_comm-adv-social.pdf.
- How to safeguard your data from searches at the border is the topic of several recent articles and blogs. See, for example, <https://www.nytimes.com/2017/03/21/technology/personaltech/crossing-the-border-heres-how-to-safeguard-your-data-from-searches.html> and <https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-its-complicated>.
- Listings and links to cases challenging executive orders, and related available pleadings, are available at <https://lawfareblog.com/litigation-documents-resources-related-trump-executive-order-immigration>.

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ABIL Member/Firm News

Cyrus Mehta has published a new blog entry. "Save Optional Practical Training for Foreign Students" is at <http://blog.cyrusmehta.com/2019/07/save-optional-practical-training-for-foreign-students.html>.

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>) was profiled in the *Los Angeles Daily Journal*. The profile notes, among other things, that along with compliance audits, counsel and due diligence in mergers, acquisitions and corporate restructuring, Mr. Paparelli focuses on newly developed problems with sponsored worker immigration issues. "This is a time of historically unprecedented executive branch opposition to the legal, employment-based process for sponsorship of highly skilled noncitizens and intense immigration-related work site enforcement," he said, noting that it is essential to maintain clients' confidentiality due to fears of government retaliation. The article is available by subscription at <https://www.dailyjournal.com/>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by a variety of news outlets regarding reports of possible immigration raids:

- Voice of America: U.S. immigration raids planned. Mr. Yale-Loehr said, "Given the inefficiencies in the immigration court system, many people may have been ordered deported illegally because the immigration agency didn't have their correct address to notify them about their immigration court date. In such cases, they may have the right to reopen their immigration case," he said. Mr. Yale-Loehr noted that undocumented people living in the U.S. have certain constitutional rights. "Immigration agents are not legally allowed to forcibly enter a home [without authorization]. Immigrants can refuse to open the door when an agent approaches, unless the agents have a valid search warrant." <https://www.voanews.com/usa/us-immigration-raids-planned>
- Reuters (several newspapers): "Two thousand people deported is not that large in the annual scheme of things," said Stephen Yale-Loehr, pointing out that the administration of former President Obama deported more than 400,000 people a year during his first term. "On the other hand, the mere fact that they are announcing these raids is sending fear among immigrants and is causing them to hide or take other actions," he said. The article notes that President Trump will want to show his supporters that he is delivering on campaign promises to crack down on illegal immigration, a signature policy objective of his administration. "He's been trying to do something for months," Mr. Yale-Loehr said. <https://www.reuters.com/article/us-usa-immigration/arrests-of-immigrant-families-promised-by-trump-to-begin-on-sunday-times-says-idUSKCN1U60QV>

Mr. Yale-Loehr was also quoted in the following media on the same topic:

- Lawandcrime.com: ICE scheduling raids to arrest alleged undocumented immigrants – what to know: <https://lawandcrime.com/high-profile/ice-scheduling-raids-to-arrest-alleged-undocumented-immigrants-what-to-know/>
- Daily Mail: Trump-backed ICE raids have already started in California ahead of thousands of immigrants being rounded up nationwide this weekend, claim lawyers: <https://www.dailymail.co.uk/news/article-7240989/Trump-backed-ICE-raids-started-California-claim-lawyers.html>
- Quartz: The best ways to help immigrants in the US caught up in ICE raids: <https://qz.com/1664310/how-to-help-immigrants-caught-up-in-ice-raids/>
- Syracuse.com: On eve of planned immigration raids, Syracuse advocates remind people of their rights: <https://www.syracuse.com/news/2019/07/on-eve-of-planned-immigration-raids-syracuse-advocates-remind-people-of-their-rights.html>
- City & State: New York's limited power to resist ICE raids: <https://www.cityandstateny.com/articles/policy/immigration/new-yorks-limited-power-to-resist-ice-raids.html>
- Business Insider: Immigrants have rights when ICE comes to arrest them, but experts warn this only goes so far: <https://www.businessinsider.com/immigrants-ice-raids-know-your-rights-experts-2019-7>
- Univision: Did you know that a deportation order can be challenged? (Spanish): <https://www.univision.com/local/atlanta-wuvg/noticias/inmigracion/sabias-que-una-orden-de-deportacion-puede-ser-impugnada>
- Marketplace: <https://www.marketplace.org/shows/marketplace-morning-report/vacation-benefits-europe-vs-us/>

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, and the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:

<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of State Visa Bulletin: <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

Visa application wait times for any post:

<https://travel.state.gov/content/visas/en/general/wait-times.html/>

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 370 member lawyers and their more than 800 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' website is at <http://www.abil.com/>. ABIL is also on Twitter: [@ABILImmigration](#).

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