



IMMIGRATION INSIDER

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Headlines:

Matter of H-G-G-, Adopted Decision on TPS – Matter of H-G-G- affects TPS recipients and their eligibility to adjust their status under section 245 of the Immigration and Nationality Act, reaffirming the DHS position that TPS recipients are considered as being in and maintaining lawful nonimmigrant status only during the period TPS is in effect.

USCIS Updates Filing Addresses for Some I-129 Petitions - Though no normal announcement was made, USCIS has updated the direct filing addresses for Form I-129, Petition for a Nonimmigrant Worker.

USCIS Announces Citizenship and Assimilation Grant Opportunities – USCIS announces two new funding opportunities under the Citizenship and Assimilation Grant Program, potentially providing \$10 million in grants for citizenship preparation programs.

ABIL Global: Canada – The Entry/Exit Program is a significant development that has been many years in the making.

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Matter of H-G-G-, Adopted Decision on TPS

The Administrative Appeals Office (AAO) decision in Matter of H-G-G- affects Temporary Protected Status (TPS) beneficiaries and their eligibility to adjust their status under section 245 of the Immigration and Nationality Act, reaffirming the position held by the Department of Homeland Security that TPS recipients are considered as being in and maintaining lawful nonimmigrant status exclusively throughout the period of time that TPS is in effect. Granting TPS does neither confers an admission nor cures or otherwise affects any previous failure to maintain continuously a lawful status.

Furthermore, Matter of H-G-G- also states that the U.S. Courts of Appeals for the 6th and 9th Circuits' holding that a grant of TPS supplies the requisite admission for purposes of adjustment justifies USCIS to follow those directives only in these respective jurisdictions and pertaining to that specific issue. USCIS will universally apply the holding in Matter H-G-G- when dealing with the question of whether a grant of TPS absolves a prior unlawful status.

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Details: Matter of H-G-G-

https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2019/Matter_of_H-G-G-_Adopted_Decision_2019-01_AAO_July_31_2019.pdf

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USCIS Updates Filing Addresses for Some I-129 Petitions

Though no normal announcement was made, USCIS has updated the direct filing addresses for Form I-129, Petition for a Nonimmigrant Worker. Specifically, changes were made on the USCIS webpage for the filing addresses for H-1B cap-exempt petitions for extension of stay, change of status, concurrent employment, consular notification, and amended petitions, excluding those filed for H-1B cap-exempt entities, H-1B cap-exempt petitions based on a Conrad/IGA waiver or Guam, and all H-1B1, H-1B2, and H-1B3 petitions.

Petitions listed on the USCIS webpage under “Direct Filing Addresses for Form I-129, Petition for a Nonimmigrant Worker,” under the dropdown box entitled, “All Other H-1B Petitions (H-1B extension of stay, change of status, concurrent employment, POE/PFI/consular notification, and amended petitions),” are now accepted at:

- California Service Center (CSC),
- Nebraska Service Center (NSC),
- Texas Service Center (TSC), and
- Vermont Service Center (VSC)

Details: USCIS Form I-129 direct filing addressed, <https://www.uscis.gov/i-129-addresses>

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USCIS Announces Citizenship and Assimilation Grant Opportunities

On July 30, USCIS announced it would accept applications for two funding opportunities under the Citizenship and Assimilation Grant Program, potentially providing \$10 million in grants for citizenship preparation programs. The grants are available to organizations that prepare lawful permanent residents for naturalization, promoting knowledge of English, U.S. history, and civics.

There are two different grant opportunities:

- The **Citizenship Instruction and Naturalization Application Services** grant opportunity will fund up to 36 organizations offering both citizenship instruction and naturalization application services to lawful permanent residents.
- The **Refugee and Asylee Assimilation Program** grant opportunity will fund up to four organizations to provide individualized services to lawful permanent residents who entered the United States under the U.S. Refugee Admissions Program or were granted asylum. These services will assist these individuals in acquiring knowledge and skills leading The grant aims to promote long-term assimilation through the education of lawful permanent residents who strive for naturalization but lack the instruction, information, and services necessary to attain it.

Applications for either of these grant opportunities are due by August 13, 2019.

Within 30 days of receiving the award, all funded grant recipients must enroll in E-Verify as a regular employer and remain in good standing with E-Verify throughout the entire period of grant performance. USCIS projects its announcement of award recipients to occur in September.

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To apply for one of these funding opportunities, visit grants.gov. For additional information on the Citizenship and Assimilation Grant Program for fiscal year 2019, visit uscis.gov/grants or email the USCIS Office of Citizenship at citizenshipgrantprogram@uscis.dhs.gov.

Details: To apply for either funding opportunity, visit grants.gov; for more information on the Citizenship and Assimilation Grant Program for FY 2019, uscis.gov/grants or email the USCIS Office of Citizenship at mcitizenshipgrantprogram@uscis.dhs.gov.

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ABIL Global: Canada

The Entry/Exit Program is a significant development that has been many years in the making.

Part of the Beyond the Border Action Plan, the Entry/Exit Program is a joint Canada-U.S. initiative that establishes a coordinated entry/exit information system to facilitate the exchange of traveler biographic information (such as name and date of birth). Collected upon entry at the common land border between the two countries, a record of entry into one country is now considered a record of exit from the other.

In addition to the exchange of this data with the United States at land borders, the Canada Border Services Agency (CBSA) will collect exit data on all travelers leaving by air. Air carriers will begin sharing their data in 2020 and 2021. Consequently, overstay indicators will not begin appearing within the entry/exit search results for temporary residents who have overstayed their allowable time in Canada until the air carrier information is shared.

Details: <http://www.cilf.ca/2019/07/22/exit-entry/>

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New Publications and Items of Interest

Immigrant Doctors Can Help Lower Physician Shortages in Rural America The Center for American Progress published an in-depth report, "Immigrant Doctors Can Help Lower Physician Shortages in Rural America." Greg Siskind, founding partner of Siskind Susser PC was thanked in the acknowledgements of the report, which concluded that immigrant doctors' ability to better serve rural communities would be improved with the implementation of federal and state policies removing immigration and licensing barriers. Read the report at <https://www.americanprogress.org/issues/immigration/reports/2019/07/29/472619/immigrant-doctors-can-help-lower-physician-shortages-rural-america/>.

The Trump administration is making legal immigration harder, too. León Rodríguez, partner at Seyfarth Shaw LLP and former director of USCIS, outlines the different ways the Trump administration is making legal immigration more difficult in an Op-ed for The Washington Post. Read the op-ed at https://www.washingtonpost.com/outlook/2019/07/29/trump-administration-is-making-legal-immigration-harder-too/?utm_term=.5ef6a71d975b.

How to create a case in E-Verify. E-Verify has released a new video series, "How to Create a Case." The short videos include Create an E-Verify Case (<https://www.youtube.com/watch?v=NyqZOegUGEs>), Close an E-Verify Case (<https://www.youtube.com/watch?v=N9qNyb8vNDI>), and Process and Refer Your Tentative Nonconfirmation (TNC) Case (<https://www.youtube.com/watch?v=2MSmt1eBbf4>).

"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

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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

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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 (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) authored a new blog entry. “Need to Plan Ahead Before Sponsoring a Senior Parent for a Green Card” is at <http://blog.cyrusmehta.com/2019/07/need-to-plan-ahead-before-sponsoring-a-senior-parent-for-a-green-card.html>.

Mr. Mehta was also quoted by The Times of India in “US officials site-visiting cos hiring STEM-OPT trainees.” Speaking about strategy STEM-OPT students need to implement in the event ICE officials visit the third-party worksite the student is employed, Mr. Mehta states, ““If there is a site visit, STEM-OPT students who are placed at third party sites are more vulnerable, as the third-party client may have no knowledge of the circumstances of their placement by the employer and may not be able to answer questions adequately to the site visit inspector. It is important for the employer who places STEM-OPT students at a third party client site to ensure complete compliance, which means that the employer still controls the employment and supervises their training at the client site. The employer’s own supervisors should be able to answer questions in the event of a site visit.” The article is at http://timesofindia.indiatimes.com/articleshow/70474183.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) provided his take on how the latest EB-5 regulations will affect employment for U.S. workers on The Everyday Immigration Podcast. The podcast can be found at <http://lionceauproductions.com/breaking-news-roundtable-new-eb-5-regulations-bonus-stephen-yale-loehr-and-kristal-ozmun/>.

Mr. Yale-Loehr was also quoted by FiveThirtyEight in “Will The 2020 Democrats Reject Obama’s Immigration Legacy?” Explaining Obama’s shift in immigration policy as his presidency continued, Mr. Yale-Loehr stated, “When a legislative solution fell apart, he switched to a less punitive approach.” The article is at <https://fivethirtyeight.com/features/will-the-2020-democrats-reject-obamas-immigration-legacy/>.

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) released the latest edition of his podcast, the Immigration Hour. The July 30 edition examines the Attorney General’s decision in Matter of L-E-A- on families asocial groups as well as the recent Guatemala-US “Safe Third Country” agreement. The podcast is at <https://soundcloud.com/user-474250731/the-immigration-hour-july-30-2019>.

Kuck Baxter Immigration LLC published its US legal guide for Corporate Immigration. It can be found at <https://iclg.com/practice-areas/corporate-immigration-laws-and-regulations/usa>.

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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](#).

Disclaimer/Reminder

This email does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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