

US Immigration Changes – Impacts to You, Your Family, and Your Business

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Agenda

- How the April Presidential Order impacts US immigration
- Current trends in employment-based immigration
- Immigration options for survivors of domestic violence
- Impacts of the new “public charge” rule on your green card application
- Update on USCIS and Immigration Court – closings, reopenings, and response times
- Recent Antonini & Cohen success stories
- General immigration questions and answers

How the April Presidential Order Impacts US Immigration



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April 22nd Presidential Order – Immigration Impacts

- Applies to those outside the US as of April 22, 2020 awaiting an **immigrant** visa
- Suspends entry into the US for 60 days for those falling under the order
- Within 50 days of April 22nd, the President will evaluate whether to extend or modify the order

April 22nd Presidential Order – Exemptions

- Lawful permanent residents – conditional and unconditional
- Certain healthcare professionals and researchers and their spouses and children under 21
- Investor green card cases
- Spouses of US citizens
- Children under 21 and some prospective adoptees of US citizens
- Members of the US Armed Forces, their spouses and children
- Certain individuals needed for US law enforcement purposes or the national interest
- Certain Special Immigrant Visas, including spouses and children

Current Trends in Employment-Based Immigration



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Employment-Based Immigration – Current Trends

- Premium Processing was suspended temporarily due to COVID-19, but is coming back in phases during June
- Foreign workers on temporary work visas are facing layoffs/furloughs
 - Creates a host of immigration problems for foreign born workers
 - H-1B visa holders only have a 60 day grace period to change status or employers
- USCIS temporary policy change – protects foreign medical graduates facing work gaps and/or provision of telehealth services

Employment-Based Immigration – Current Trends

- USCIS settlement – agreed to reopen and re-adjudicate H-1B visa cases in litigation which challenge the US CIS policies that:
 - Narrowed the definition of an "employee-employer relationship"
 - Required employers to submit foreign employees' work itineraries for three years
- USCIS will rescind the 2018 Contract and Itinerary Memorandum (PM-602-0157) which:
 - Formed the basis of a lot of denials
 - Shortened validity periods

Immigration Options for Survivors of Domestic Violence and Other Crimes



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Immigration Options for Survivors of Domestic Violence and Other Crimes

- Law enforcement agencies, hospitals, and doctor's offices are reporting a rise in domestic violence across the United States and here in Georgia since the start of the pandemic
- Options available for survivors of domestic violence and violent crimes
 - Affirmative and defensive applications under the Violence Against Women Act (VAWA)
 - Petitions for U nonimmigrant status (U visa)
 - Applications for T nonimmigrant status (T visa)

Immigration Options for Survivors of Domestic Violence and Other Crimes

- We work with survivors of violent crimes to figure out their best options
- We also provide referrals to other agencies that work with survivors, such as non-profits that provide counseling services or support groups

Impacts of the New “Public Charge” Rule on Your Green Card Application



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The New “Public Charge” Rule – What Is It?

- USCIS implemented a new rule effective February 24, 2020 to determine who will be considered a “public charge” – someone who is likely to need financial assistance from the government
- The Department of State (DOS) also implemented an interim final rule, effective February 24, to align its public charge standards with USCIS.
- Non-immigrants and immigrants will have to provide a lot more information about their health, family, education, and income

The New “Public Charge” Rule – Exemptions

Not all cases are subject to this rule. The most common exceptions are:

- Asylees and refugees
- Applicants for U or T nonimmigrant status
- VAWA self-petitioners
- Special immigrant juveniles
- Applicants seeking Temporary Protected Status
- Applicants under the Cuban Adjustment Act
- U.S. citizens, including naturalized citizens
- Lawful permanent residents

The New “Public Charge” Rule – Public Benefits

These benefits may be problems under the Public Charge rule

- Cash Assistance for Income Maintenance (includes TANF, SSI, and federal, state, and local assistance programs)
- SNAP or Food Stamps
- Medicaid (with exceptions listed below)
- Housing Assistance (public housing or Section 8 housing vouchers and rental assistance)

The New “Public Charge” Rule – Public Benefits

These benefits do NOT fall under the Public Charge rule:

- Benefits received by the immigrant’s family members
- Benefits received by U.S. Armed Forces service members
- Emergency medical assistance
- Medicaid received by (1) children under 21; (2) during pregnancy or within 60 days of pregnancy; or (3) under the Individuals with Disabilities Education Act (IDEA)
- Health insurance under Affordable Care Act
- Social Security and Medicare
- WIC
- Children’s Health Insurance Program (CHIP)
- Energy Assistance (LIHEAP)
- Pell grants and student loans
- Workers’ compensation or unemployment benefits
- Tax-related cash benefits

Update on USCIS and Immigration Court – Closings, Reopenings, and Response Times



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Update on USCIS and Immigration Court

- Additional time to respond to certain requests, notices and appeals dated between March 1 and July 1
- USCIS to resume non-emergency face-to-face services to the public in certain field offices
- Naturalization Oath Ceremonies
- Field office appointments and rescheduling
- Application Support Center appointments and rescheduling
- Asylum appointments

Recent Antonini & Cohen Success Stories



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Recent Antonini & Cohen Success Stories

- Athletes
- Removal Proceedings
- Family
- Federal Court
 - H-1B summary judgment
 - Mandamus

Questions?



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