

PRESENTED AT

Conference on Immigration and Nationality Law

October 24th – 25th , 2019
Austin, Texas

(Not So) Golden Nuggets

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(Not so) Golden Nuggets in Today's Immigration Practice

By: Michelle L. Saenz-Rodriguez & Jacqueline L. Watson

There is little doubt that the practice of immigration is the most volatile among area of law today. Each day, immigration lawyers wake up wondering what the current administration will do to impact the work that we are doing for our clients. The most accurate description of the life of an immigration lawyer can be captured in one short quote:

"Being a lawyer is easy, it's like riding a bike—except the bike is on fire, you're on fire, everything is on fire and you are in hell".

The following summary is just the latest in a long list of important and sometimes potentially devastating changes in immigration law that every lawyer needs to know and understand the possible consequences.

1. **Public Charge Rule**: Thankfully, there were 3 injunctions that prevented the rule from going into effect on October 15, 2015. Two of the injunctions were nationwide injunctions and the other was specific to the 9th Circuit.

In a recent blog published on *Immigrationimpact.com*, Aaron Reichlin-Melnick explains the history of the public charge: *Since 1882, federal law has banned immigrants likely to become a "public charge" from immigrating to the United States. Although Congress has never defined the term, for generations the government interpreted the term to mean someone who is "primarily dependent" on public financial support. Since 1999, only those individuals who received more than 50% of their income from federal cash assistance programs were determined to be a public charge. But in 2018, the Trump administration proposed a broad redefinition of public charge which would find that someone was a public charge for receiving non-cash supplemental benefits like Medicaid or food stamps. The administration declared that these rules were needed to promote immigrant "self-sufficiency." In final regulations issued in August, the Trump administration declared that any individual who received any amount of certain benefits for "an aggregate of 12 months in a 36 month period" would be deemed a public charge. Under this new test, even disabled immigrants who relied on Medicaid to get a job and work would be declared public charges.*¹

2. **President's New Travel Ban**: October 4, 2019 – President Trump signs a Presidential Proclamation suspending the entry of immigrants who will not be covered by approved health insurance within 30 days of entry. The ***Ban*** goes into effect at 12:01am on November 3, 2019. The language of the proclamation is as follows:

¹ <http://immigrationimpact.com/2019/10/14/public-charge-rule-blocked-days-before-going-into-effect>

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First appeared as part of the conference materials for the
43rd Annual Conference on Immigration and Nationality Law session
"Golden Nuggets"