

# LATEST NEWS AND UPDATES



## Recent Developments, Legislative and Policy Changes in Immigration Law

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## DACA and Supreme Court

- ▶ Oral Arguments heard on November 12, 2019
- ▶ Decision on case expected by Summer 2020
- ▶ Supreme Court Litigation Combines 3 cases:
  - ▶ *Regents of the University of California v. Department of Homeland Security* (9<sup>th</sup> Cir.)
  - ▶ *Batalla Vidal v. Nielsen* (2<sup>nd</sup> Cir.)
  - ▶ *NAACP v. Trump* (D.C. Cir.)



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# Litigation Update: Public Charge



- ▶ DHS Final Rule, "Inadmissibility on Public Charge Grounds", 84 Fed. Reg. 41292 was scheduled to take effect midnight EST October 15.
- ▶ The DHS Final Rule was enjoined nationwide on Friday October 11.
  - ▶ Nationwide Injunctions: *Make the Road* (S.D. NY); *NY Attorney General* (S.D. NY); *WA Attorney General 14-State* (E.D. WA).
  - ▶ Partial Injunction in California, Oregon, DC, Maine, Pennsylvania: *CA Attorney General* and *La Clinica de la Raza, et al.* (N.D. CA).
- ▶ DOS Interim Final Rule, "Visas: Ineligibility Based on Public Charge Grounds," 84 Fed. Reg. 54966, published on October 11 and **remains in effect.**

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# Presidential Proclamation – Insurance for Immigrants

- ▶ On October 4, 2019, President Trump issued a Proclamation prohibiting the entry of immigrants "who will financially burden the United States healthcare system."
- ▶ The Proclamation, which takes effect at 12:01 am on November 3, 2019, states that a foreign national will burden the U.S. healthcare system unless he or she will be covered by an approved health insurance within 30 days of entry in the United States;
  - ▶ Unless, the alien has the financial resources to pay for reasonably foreseeable medical costs.
- ▶ The Proclamation does not apply to certain foreign nationals, including those who held an immigrant visa prior to the effective date.
- ▶ Private health insurance is considered as a positive factor in the public charge determination under State's Interim Final Rule.



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First appeared as part of the conference materials for the  
43<sup>rd</sup> Annual Conference on Immigration and Nationality Law session  
"Recent Developments, Legislative and Policy Changes"