

42nd Annual Conference on Immigration and Nationality Law

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UT LAW CLE

What a Difference A Year Makes: Top Ten Changes to the Practice of Immigration Law and What Attorneys Can Do To Protect Clients' Interests.

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EVERYTHING IS AWFUL

Getting hit from all sides:

- Executive Orders – <https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2018>
- Policy Memos –
USCIS <https://www.uscis.gov/legal-resources/policy-memoranda>
ICE <https://www.ice.gov/detention-reform#tab2>
CBP <https://www.cbp.gov/about>
- Rule/Regulation/Form Changes – <https://www.reginfo.gov/public/do/eAgendaMain>
- AG Decisions - <https://www.justice.gov/eoir/virtual-law-library>

#1

NonImmigrant Visa Policy Changes

New Policies to Know - Nonimmigrant

- October 1 – Incremental Implementation (I-485 and I-539) – USCIS 6/28/2018 Policy Memo on Notices to Appear and Checklists (AILA Doc. No. 18092634)
- August 28 – USCIS Extension of Suspension of Premium Processing for another 5 months at least until 2/19/19 (AILA Doc. No. 18092574) includes all H-1B I-129s filed with CSC or VSC except cap-exempt
- August 9 – Accrual of Unlawful Presence - USCIS Revised Policy Memo for F, J, and M Nonimmigrant Students (#18101938 AILA)

#2

NonImmigrant Visa Trends

Trends to Know – Nonimmigrant

- USCIS Denying Change of Status Requests to F-1 students with more than 12 months of Curricular Practical Training 8 CFR § 214.2(f)(10)
- NOIRs issued on Approved H-1B petitions (#18101730 AILA) 8 CFR § 214.2(h)(11)(iii) Approval may have involved “gross error.” (33 days to respond – government must articulate proper basis for revocation. Standard for approval - preponderance of the evidence) Consider FDNS site visits and consular oversight – Visa Office Verification Unit.

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Title search: What a Difference A Year Makes: Top Ten Changes to the Practice of Immigration Law and What Attorneys Can Do To Protect Clients' Interests.

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