MID-DECEMBER 2016 IMMIGRATION UPDATE

Posted on December 15, 2016 by Cyrus Mehta

Headlines:

1. **Graham, Durbin Introduce Bipartisan 'Bridge Act' for DACA Beneficiaries** – Sens. Lindsey Graham (R-SC) and Dick Durbin (D-IL) have introduced bipartisan legislation "to protect undocumented individuals should the Deferred Action for Childhood Arrivals (DACA) program be discontinued."

2. **Congress Extends Four Immigration Programs Through April 28** – The law extends the EB-5 Regional Center Program, E-Verify, the Conrad State 30 J-1 Waiver Program, and the Special Immigrant Non-Minister Religious Worker Program.

3. **EB-5 Regional Centers Must File Form I-924A By December 29** – USCIS reminds all EB-5 regional centers with a designation letter dated on or before September 30, 2016, that they must file Form I-924A, Supplement to Form I-924, for fiscal year 2016 by December 29, 2016.

4. **USCIS To Dispose of SAVE Records in April 2017; Historic Records Report Available** – In April 2017, USCIS plans to dispose of SAVE transaction records that are over 10 years old. A Historic Records Report contains transaction records dated on or before December 31, 2006, which SAVE users may download from now through March 31, 2017.

5. **Firm In the News...**

Details:

1. **Graham, Durbin Introduce Bipartisan 'Bridge Act' for DACA Beneficiaries**

Sens. Lindsey Graham (R-SC) and Dick Durbin (D-IL) announced on December 9, 2016, that they have introduced S. 3542, a bipartisan bill "to protect

undocumented individuals should the Deferred Action for Childhood Arrivals (DACA) program be discontinued." Cosponsors include Sens. Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), and Jeff Flake (R-AZ). The legislation, dubbed the "Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE) Act," would provide temporary relief from removal and work authorization to young undocumented persons who were brought to the United States as children."

DACA, which the Obama administration implemented via executive order, provides temporary protection from removal and work authorization to young students and veterans who grew up in the United States if they register with the government, pay a fee, and pass a criminal background check. More than 740,000 young people have received DACA. Temporary protection under the BRIDGE Act "would ensure that these young people can continue to work and study and be protected from deportation while Congress debates broader legislation to fix our broken immigration system," Sen. Durbin said.

Key points of the BRIDGE Act include:

- A current DACA recipient would receive provisional protected status until the expiration date of his or her DACA status and could apply for provisional protected presence prior to this expiration.
- An individual who is not a DACA recipient but who is eligible for DACA could also apply for provisional protected presence.
- Applicants would be required to pay a reasonable fee, be subject to criminal background checks, and meet a number of eligibility criteria indicating that they came to the United States as minors, grew up in the United States, have pursued an education, have not committed any serious crimes, and do not pose a threat to the United States.
- An individual's provisional protected presence and employment authorization would be subject to revocation by the Department of Homeland Security if the individual no longer met the eligibility criteria.
- The provisional protected presence and employment authorization would be provided for three years after the date of enactment of the legislation.

President-elect Donald Trump had previously said that he would rescind "every single Obama executive order," but he recently said when questioned about DACA recipients that "e're going to work something out that's going to make people happy and proud," and noted that "hey got brought here at a very young age, they've worked here, they've gone to school here. Some were good

students. Some have wonderful jobs. And they're in never-never land because they don't know what's going to happen." Sen. Durbin said, "We want to reach out to the incoming administration and urge them if they take any action on DACA try to do it with this BRIDGE, to join us in passing this BRIDGE so we don't have the disruption." And House Speaker Paul Ryan (R-WI) said that Republicans "would not pull the rug out from under" DACA recipients brought to the United States as children. "I will defer to the people who are focused on this on a daily basis to make sure they get this policy right, so that we don't have any kind of ugly disruption that people are concerned about."

The bill is at https://www.congress.gov/bill/114th-congress/senate-bill/3542/text?q=%7B%22search%22%3A%5B%22S.+3542%22%5D%7D&r=1. Sen. Durbin's announcement is at http://www.durbin.senate.gov/newsroom/press-releases/graham-durbin-announce-bipartisan-bridge-act-to-protect-young-individuals-from-deportation. More information on DACA is at https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca.

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2. Congress Extends Four Immigration Programs Through April 28

President Barack Obama signed H.R. 2028 (Pub. L. 114-254), a short-term bill passed by Congress, into law on December 9, 2016. The law includes a continuing resolution to fund the government through April 28, 2017. It extends without any changes the EB-5 Regional Center Program, E-Verify, the Conrad State 30 J-1 Waiver Program, and the Special Immigrant Non-Minister Religious Worker Program. The H-2B returning worker exemption was not reinstated.

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3. EB-5 Regional Centers Must File Form I-924A By December 29

U.S. Citizenship and Immigration Services (USCIS) is reminding all EB-5 regional centers with a designation letter dated on or before September 30, 2016, that they must file Form I-924A, Supplement to Form I-924, for fiscal year 2016 by December 29, 2016. Regional centers must submit an I-924A every year to demonstrate continued eligibility for the regional center designation.

Regional centers may be terminated for:

- Failure to provide USCIS with required information, including annual Form I-924A submissions
- Failure to promote economic growth

A regional center that has been terminated from the EB-5 program may not solicit, generate, or promote investors or investments, or otherwise participate as a designated regional center in connection with the Immigrant Investor Program.

The USCIS announcement is at https://www.uscis.gov/news/alerts/eb-5-regional-centers-must-file-form-i-924a-dec-29.

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4. **USCIS To Dispose of SAVE Records in April 2017; Historic Records Report Available**

In April 2017, U.S. Citizenship and Immigration Services (USCIS) plans to dispose of Systematic Alien Verification for Entitlements (SAVE) transaction records that are over 10 years old. USCIS has created a Historic Records Report that contains transaction records dated on or before December 31, 2006, which SAVE users may download from now through March 31, 2017.

SAVE encourages users to retain the Historic Records Report. USCIS noted that it may retain SAVE records associated with an ongoing government investigation, prosecution, or litigation. Instructions on how to download the report are at https://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Instructions_to_Download_NARA_Reports_in_SAVE.pdf. More information about SAVE is at https://www.uscis.gov/save/contact-save.

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5. **Firm In The News**

Cyrus D. Mehta was a Speaker on 1) *Opportunities and Challenges in H-1B, L-1 Practice and Other Non-Immigrant Visa Categories – Problems, Solutions, Recent Developments* and 2) *Alternatives and New Trends with Regard to Admissibility*, at

the 49th Annual Immigration & Naturalization Institute, New York, NY and Live Webcast, on December 7-8, 2016.

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