CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE -JULY 19, 2019

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HEADLINES:

ICE Moving Forward With Arrests of Thousands of Immigrants and Family Members – ICE plans to move forward with operations to arrest and quickly deport thousands of immigrants and their family members who are in the United States without authorization.

House Passes Bill to Eliminate Per-Country Cap on Employment-Based Immigrants – The U.S. House of Representatives passed the "Fairness for High-Skilled Immigrants Act of 2019" (H.R. 1044) on July 10, 2019. The bill will be considered by the Senate next.

Executives of Staffing Companies Charged With H-1B Visa Fraud – Four executives of two information technology staffing companies have been arrested on charges of conspiracy to commit visa fraud, for fraudulently using the H-1B visa program to gain an unfair advantage over competitors.

ICE Moving Forward With Arrests of Thousands of Immigrants and Family Members

President Trump told reporters recently that U.S. Immigration and Customs Enforcement (ICE) is moving forward with previously postponed operations to arrest and quickly deport thousands of immigrants and their family members who are in the United States without authorization. According to reports, some may be held in detention centers in Texas and Pennsylvania and others may be detained in hotel rooms while they are processed.

Immigrants are being advised, among other things, to make emergency plans and that they are not legally required to open the door to ICE agents without a search warrant or court order. Some may have the right to reopen their

immigration cases.

Some organizations helping immigrant families in need include KIND (Kids in Need of Defense), Women's Refugee Commission, Catholic Legal Immigration Network, ACLU Immigrants' Rights Projects, RAICES, Al Otro Lado, Florence Project, Lawyers for Good Government (Project Corazon Travel Fund), Justice in Motion, Immigrant Families Together, Innovation Law Lab, ActBlue, Lights for Liberty, United We Dream, American Immigration Council, National Immigration Law Center, Human Rights First, National Immigrant Justice Center, ALDEA-People Justice Center, American Immigration Council, Immigrant Justice Campaign, PIRC (Pennsylvania Immigration Resource Center), CIRC (Penn State Law Center for Immigrants' Rights Clinic), Annunciation House, HIAS, and Cornell Law School.

Additional resources and information for helping families at risk of deportation are listed below under "New Publications and Items of Interest." See also "ABIL Member/Firm News" below, which includes numerous news articles with related information and advice.

Details: News articles, https://www.nytimes.com/2019/07/11/us/politics/ice-families-deport.html, https://www.dailymail.co.uk/news/article-7240989/Trump-backed-ICE-raids-started-California-claim-lawyers.html, https://www.syracuse.com/news/2019/07/on-eve-of-planned-immigration-raids-syracuse-advocates-remind-people-of-their-rights.html, https://qz.com/1664310/how-to-help-immigrants-caught-up-in-ice-raids/, https://www.businessinsider.com/immigrants-ice-raids-know-your-rights-experts-2019-7, https://www.univision.com/local/atlanta-wuvg/noticias/inmigracion/sabias-que-una-orden-de-deportacion-puede-ser-impugnada (Spanish)

House Passes Bill to Eliminate Per-Country Cap on Employment-Based Immigrants

The U.S. House of Representatives passed the "Fairness for High-Skilled Immigrants Act of 2019" (H.R. 1044) on July 10, 2019. The bill, introduced by Reps. Zoe Lofgren (D-CA) and Ken Buck (R-CO), would eliminate the per-country cap (numerical limitation) on employment-based immigrants and raise family-based per-country caps from 7 to 15 percent. The per-country cap provision

would be implemented over a three-year phase-in period: during year one, no more than 85 percent of employment-based visas could be allocated to India or China; in years two and three, no more than 90 percent of employment-based visas could be allocated to those countries. An additional provision protects people who have immigrant visa petitions approved before September 30, 2019. The legislation is expected to benefit primarily Indian and Chinese workers, who constitute the largest proportion of H-1B skilled workers waiting for years in the U.S. green card backlog.

The bill will be considered by the Senate next. The Senate version, S. 386, was recently blocked by Rand Paul (R-Ky.), who said he wants to amend the bill with an accommodation for EB-3 nurses. Other recent developments on the Senate side included the addition of provisions strengthening H-1B specialty occupation enforcement requested by Sens. Mike Lee (R-Utah) and Charles Grassley (R-Iowa). Although the bill has bipartisan support, it is unclear whether it has a chance of passage.

Details: Text and history of the House version, https://www.govtrack.us/congress/bills/116/hr1044; Rep. Lofgren's statement, https://lofgren.house.gov/media/press-releases/house-passes-reps-lofgren-s-and-buck-s-bipartisan-bill-strengthen-american; Senate version of the bill, http://src.bna.com/JDP; news reports, https://news.bloomberglaw.com/daily-labor-report/green-card-cap-legislation-remains-blocked-despite-h-1b-deal, https://www.deseretnews.com/article/900077471/mike-lee-kamala-harris-rand-paul-immigration-reform-bill-blocked.html, https://www.businesstoday.in/current/economy-politics/us-congress-to-vote-on-bill-to-lift-country-cap-on-green-card/story/362812.html

Executives of Staffing Companies Charged With H-1B Visa Fraud

Four executives of two information technology staffing companies have been arrested on charges of conspiracy to commit visa fraud, for fraudulently using the H-1B visa program to gain an unfair advantage over competitors. The conspiracy charge carries a maximum penalty of five years in prison and a $250,000 fine.

The defendants allegedly used staffing companies to recruit foreign nationals and sponsor them for H-1B visas. According to U.S. Citizenship and Immigration

Services (USCIS), to expedite their visa applications, they filed H-1B applications falsely asserting that the foreign workers/beneficiaries had already secured positions at another company when in reality no such positions existed. Instead, the defendants used the fraudulent applications to build a "bench" of job candidates already admitted to the United States who could then be hired out immediately to client companies without the need to wait for visa application processing, giving the defendants an advantage over their competitors in the staffing industry, USCIS said.

Details: USCIS release, https://www.uscis.gov/news/news-releases/executives-staffing-companies-charged-visa-fraud

THE FIRM AND THE NEWS:

Cyrus Mehta has published a new blog entry for July 2019 titled "Save Optional Practical Training for Foreign Students:"

http://blog.cyrusmehta.com/2019/07/save-optional-practical-training-for-foreign-students.html.

Cyrus Mehta being quoted in a Forbes article on July 10, 2019:

https://www.forbes.com/sites/stuartanderson/2019/07/10/latest-on-the-court-cases-that-could-restrict-immigration-opt-and-h-1b-spouses/#3c32c90244e3

Cyrus Mehta being quoted in a Times of India article on July 16, 2019:

https://timesofindia.indiatimes.com/world/us/us-opt-programme-for-intl-students-challenged-in-court/articleshow/70237143.cms