

## Immigration Report July 20, 2021

### DACA

- Judge Hanen in TX issued a decision and permanent injunction, stating that the DACA program created by USCIS memo is vacated, this means no new/initial DACA applicants can be approved
- DHS can receive new/initial applications but can't adjudicate or approve cases that were not approved by 7/16/21
- DACA renewals can continue
- DACA Advance Parole is still available if DACA was approved before 7/16/2021; they are eligible to apply/receive AP
- USCIS is cancelling biometrics appointments for new/initial cases that were pending

### Attorney General Decisions

- AG vacated Matter of AB and Matter of LEA, which had restricted some asylum claims
  - Matter of AB – DV based claims
  - Matter of LEA – family based claims
  - Great news, more folks will have it easier to pursue asylum case
- AG in Cruz-Valdez over ruled Castro-Tum, which restores administrative closure in immigration court. This allows some folks to be able to apply for affirmative relief before USCIS

### Central American Migrant Refugee and Parole Program

- DHS announced 2<sup>nd</sup> phase of the CAM Program – allows some immigrant to petition their children who are abroad
- El Salvador, Guatemala, Honduras only
- Applies not only to parents but also to legal guardians
- This 2<sup>nd</sup> phase expands relief. Eligible to apply are folks with Legal Permanent Residence, TPS, Parole, Deferred Action, Employment Authorization Document, Withholding, and now will include pending asylum and U Visa applicants who filed before their applications before 5/15/2021
  - U Visa derivatives must be unmarried and under 21
- There are about 2 agencies in LA area that are accepting cases

### U Visa Updates

- Bona Fide EADs
  - USCIS has discretion to give bona fide EADs (work permits) while folks are waiting for U visas, will get 4 year work permits while the case is pending
  - USCIS will review pending U visa applications (including background checks) for cases that are pending
    - Our agency has received the EADs most recently for cases filed in August 2016
  - There are 270,000 individuals waiting on U visa decisions – it may take months/years for USCIS to catch up to the backlog to issue these EADs
- After Acquired Spouse Litigation now being applied nationwide for U/T visas

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- If marriage exists before the U Visa is actually approved, U/T visa applicants can apply for their spouses
- Change from previous practice where U Visa applicants needed to be married before their U visa case was filed