

### Candidate Issues in Immigration Law

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> 2020 Virtual Conference Wednesday, October 28, 2020

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We provide legal services for foreign-born religious workers.



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# **Information and Resources Related to COVID-19 Pandemic**

https://cliniclegal.org/covid-19



Please check back frequently for updates.

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# What We'll Cover

- Learning the "Lingo"
- F-1 Students
- R-1 Religious Workers
- Permanent Residency Process
- Updates and Q & A



# "Alphabet Soup"

Immigration law relies heavily upon acronyms for agencies, processes, and immigration categories.



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# **Common Acronyms & Terminology**

AOS = Adjustment of Status Beneficiary = Foreign National

B-1 / B-2 = Visitor Category

CBP = Customs and Border Protection

CFR = Code of Federal Regulations

COS = Change of Status

DHS = Department of Homeland Security DOS = Department of State

EOS = Extension of Status

F-1 = Student Category

FN = Foreign National

ICE = Immigration Customs

Enforcement

INA = Immigration and Nationality Act INS = Immigration and Naturalization Service (pre-DHS)

Petitioner = Religious Organization

PR = Permanent Resident

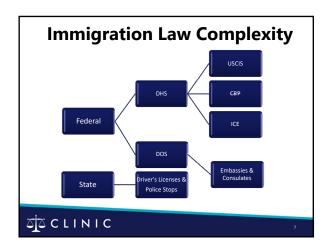
(aka "Green Card")

R-1 = Religious Worker Category USCIS = U.S. Citizenship &

Immigration Service

VWP = Visa Waiver Program







# Department of Homeland Security (DHS)

- Established in 2002
- Combines 22 different federal departments and agencies into a single cabinet agency.
- Agencies include:
  - ☐ U.S. Citizenship and Immigration Services (USCIS)
  - ☐ U.S. Coast Guard (USCG)
  - ☐ U.S. Customs and Border Protection (CBP)
  - ☐ Federal Emergency Management Agency (FEMA)
  - lue U.S. Immigration and Customs Enforcement (ICE)
  - lueTransportation Security Administration (TSA)



# United States Citizenship and Immigration Services (USCIS)

U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States. Immigration applications are filed with this agency. USCIS is funded primarily by immigration and naturalization fees charged to applicants and petitioners.





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# **Customs and Border Protection (CBP)**

CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security, and agricultural protection into one activity.





- More than 60,000 employees.
- One of the world's largest law enforcement organizations.
- Screens visitors and cargo.
   <u>www.cbp.gov</u>

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# Immigration & Customs Enforcement (ICE)



- Created in 2003 through a merger of the investigative and interior enforcement elements of the former U.S. Customs Service and the Immigration and Naturalization Service.
- More than 20,000 employees in more than 400 offices in the United States and 46 foreign countries.
  The agency is primarily devoted to two operational directorates Enforcement
- The agency is primarily devoted to two operational directorates Enforcemen and Removal Operations (ERO) and Homeland Security Investigations (HSI). <a href="https://www.ice.gov"><u>www.ice.gov</u></a>

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# **ICE = Immigration Enforcement**

- Immigration enforcement is the largest single area of responsibility for ICE. While certain responsibilities require ICE near the border, the majority of immigration enforcement work for ICE takes place in the country's interior.
- Find and remove immigrants who are undocumented, criminals, fugitives, <u>or</u> recent arrivals.

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# **Location, Location**

At border & port of entry (i.e. airport) or within 100 miles of the border? Probably CBP officers. Inside the U.S. and picked up by immigration? Most likely ICE officers.



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# Department of State (DOS or State)

www.state.gov

Bureau of Consular Affairs https://travel.state.gov/content/travel/en.html

Responsible for the welfare and protection of U.S. citizens abroad, the issuance of passports and other documentation to citizens and nationals, and the facilitation of legitimate travel (i.e. visa issuance) to the United States



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# **Embassy vs. Consulate**

An embassy is the <u>larger and more important</u> of the two. Permanent diplomatic mission which is generally <u>located in a country's capital city.</u>

- Capital cities like Ottawa, Washington D.C., and London are home to nearly 200 embassies each.
- The embassy is responsible for representing the home country abroad and handling
  major diplomatic issues, such as preserving the rights of citizens abroad. The ambassador
  is the highest official in the embassy and acting as the chief diplomat and spokesperson
  for the home government.





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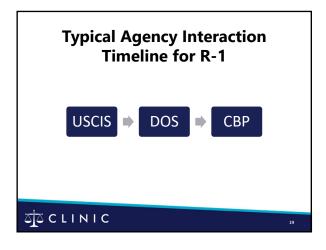
# **Embassy vs. Consulate**

By contrast, a <u>consulate is a smaller version of an embassy</u> and is generally <u>located in the larger tourist cities</u> of a country but not the capital.

- In Germany for instance, the U.S. consulates are in cities like Frankfurt, Hamburg, and Munich, but not in the capital city of Berlin (because the embassy is located in Berlin).
- Consulates (and their chief diplomat, the consul) handle minor diplomatic issues like issuing visas, aiding in trade relationships, and taking care of migrants, tourists, and expatriates.







### Where to Find the Law

Immigration law is federal law, not state law.

Applies to individuals only when they applying to enter, entering, or are inside the U.S.

- Title 8 of the Code of Federal Regulations (CFR)
  - Deals with "Aliens and Nationality."
- Statutes governing immigration law can be found in the Immigration Nationality Act (INA).
- USCIS Federal Register Publications, including notices, proposed, interim and final rules.
- Foreign Affairs Manual Chapter 9 (visas)
  - This is the manual used by Department of State officials abroad when processing visa applications.



# **QUIZ TIME!**

Sister Mary has come to the U.S. from Colombia and is at the Atlanta airport applying to enter the U.S. What U.S. Government Office will she meet with to apply for entry upon arrival?





# **Basic Immigration Terms**



- Nonimmigrant
- Immigrant
- Visa

These concepts are the building blocks of immigration law.

Status



# Who is a Nonimmigrant?

### A nonimmigrant

- is admitted to the U.S. for a **temporary** period of time
- is limited in length of time in the U.S.
- is limited in activities he/she can do in the U.S.

Examples: Students (F-1) and Religious Workers (R-1)



# Who is an Immigrant?

An **immigrant** is admitted to the U.S. without restriction as to length of stay (i.e. is arriving to stay **permanently**) or who becomes a permanent resident within the U.S.



### NOT a U.S. Citizen

- Cannot vote in State or Federal elections.
- Permanent Residents are not guaranteed the right to remain inside the United States.



# What is a Visa?

### A Visa

- is an official authorization (entry permit) in a passport permitting <u>ENTRY</u> into a country.
- is the key to ENTERING U.S.
- Must be valid (validity period) to enter the U.S.

Note: Canadians are Visa Exempt.



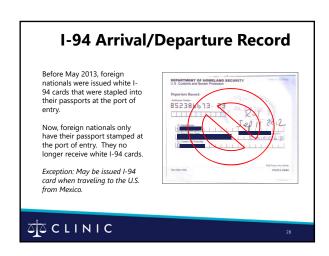
### What is Status?

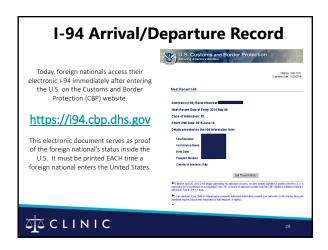
### Status

- is the period of time an individual is **authorized to stay (i.e. remain)** in the U.S.
- is granted on admission to the U.S. at Port of Entry by CBP and can be extended or changed by USCIS within the U.S.
- is shown on the electronic I-94 or I-94 card.

ONLY AN I-94 PROVES STATUS.









### Status vs. Visa

### Status

- Legal category admitted by CBP.
- Dictates the purpose of this visit.
- Dictates what is permissible and prohibited.
- Dictates the duration of the visit.
- Can change status inside US (depending upon circumstances).

### Visa

- Issued by a U.S. embassy or consulate abroad.
- Stamp/sticker laminated into the passport.
- Can expire while in the U.S.

EXAMPLE: Religious Worker enters U.S. using <u>R-1 Visa</u> and is granted <u>R-1 Status</u> to remain in the U.S.



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# **QUIZ TIME!**

# True or False

A foreign national can get a U.S. Visa while in the U.S.



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# **Common Nonimmigrant Types**

- B-1 / B-2
- F-1 Student



### B-1 / B-2 Visitor



- · They are here to visit!
- Cannot be an employee or paid wages.
- Length of stay typically no longer than 6 months. CBP makes determination at the time of entry into U.S.
- Travel expenses can be reimbursed .
- Can receive room and board.
- B-1 can be used by ministers exchanging pulpits.

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# **Missionary Work under B-1 Visa**

### Missionary Work:

- Members of religious denominations entering the U.S. temporarily for the sole purpose of performing missionary work on behalf of a denomination.
- Work cannot involve selling of articles or the solicitation or acceptance of donations. (Example: Priest cannot request donations for charity or religious order abroad.)
- Foreign national <u>will receive no salary or remuneration from U.S. sources other</u> than allowance or other reimbursement for expenses incidental to the temporary stay.
- Admitted for a maximum of six months.

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### F-1 Students

- Full-time student at immigration—approved educational institution.
- Diocese / Religious Organization will cover costs and tuition.
- Must show non-immigrant intent.
- Admitted for D/S (duration of status).
- Generally used by seminarians & candidates in religious formation.
- Cannot enter the U.S. more than 30 days prior to start of academic program



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# **Ways to Obtain F-1 Status**

- If outside the U.S., use I-20 issued by school to apply for the F-1 visa at the U.S. Consulate. (Will have visa interview.)
- If in the U.S. and changing status, work with school to file for a change of status to F-1 with USCIS. (Form I-539) No interview.
- If in the U.S. in F-1 status and transferring to a new school, must be accepted at the new school and notify current school of transfer.

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# What is an I-20?

- The Designated School Official (DSO) uses the Student and Exchange Visitor Information System (SEVIS) to issue an I-20.
- The I-20 shows how long the student is expected to attend school and provides relevant information about the program and the foreign national.
- SEVIS tracks and monitors nonimmigrant students and exchange visitors.

https://www.ice.gov/sevis

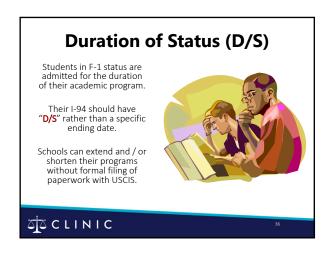


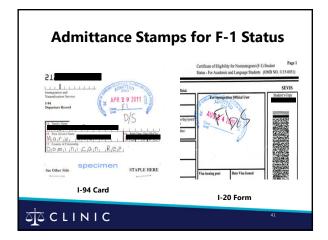


# **Denial of an F-1 Visa: Immigrant Intent**

U.S. consular officers automatically assume that ALL applicants have immigrant intent. It can be more difficult for students to overcome the presumption. Even more so for religion students, because they have no spouse or job waiting for them abroad.







### F-1 Status and Work

- A student in F-1 status <u>CANNOT WORK UNLESS</u> obtains permission from the School / DSO.
- Examples:
  - <u>Curriculum Practical Training (CPT)</u> = PT or FT. Must be part of curriculum. Job offer required.
  - Optional Practical Training (OPT) = PT or FT. No job offer required. Related to major but does not need to be part of curriculum.



## **OPT for Work after Graduation**

- Seminarians should speak to DSO early in their program for post-graduate OPT.
  - This is limited by using other types of work authorization during school.
- This program allows student to work for up to 12 months following graduation.
- Noted on I-20.
- MUST FILE EAD APPLICATION 3 MONTHS BEFORE GRADUATION.



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### **EAD Card**





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# **Visa Waiver Program (VWP)**

- VWP allows citizens of certain countries to travel to the U.S. for tourism or business for stays of 90 days or less without first obtaining a visa.
- Stamp can be "WT" (waiver tourist) or "WB" (waiver business) or even "VWP."
- Done in lieu of going to the consulate for a visa interview and stamp.
- ONLY CERTAIN COUNTRIES ELIGIBLE
- https://travel.state.gov/content/visas/en/ visit/visa-waiver-program.html



Cannot Change Status or Extend Stay with Visa Waiver entry.



# **QUIZ TIME!**

While in the U.S., Diocese X wants to hire priests to work for their Diocese and change their status to R-1. Can they change their status?

- Father John is in the U.S. in valid VWP status.
- <u>Father Michael is in the U.S. in valid B1/B2 Status.</u>
- <u>Father Jorge is in valid F-1 Status.</u>



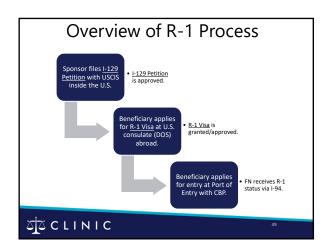
R-1 Process and Religious Workers



R-1 Religious Worker Visa







# **R-1 - Basic Requirements**

- Member of denomination for two (2) years.
- Denomination is a nonprofit, federally tax-exempt religious organization in the U.S.
- Coming to U.S. to work at least 20 hours per week.
- Coming for a temporary period of time -- not more than five (5) years.
- Must fit into one of three (3) categories:
  - Minister
  - Religious Vocation
  - Religious Occupation



# **Minister**



- Authorized by a recognized denomination to conduct religious worship and perform other duties traditionally reserved for the clergy.
- Fully trained according to the denomination's standards.
- <u>Deacon will also fall within</u> <u>this category.</u>

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# **Religious Vocation**

### What is a Vocation?

• formal lifetime commitment

### AND

demonstrated by <u>vows</u> or other ceremonies

### AND

• evidence of a traditional established class <u>different from secular members</u>.

The vocation category is appropriate for religious brothers and sisters who have taken their final vows.



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# **Religious Vocation**

### Authorized Work / Service

- May study (but should not be full-time study)
  - Keep in mind that only allowed FIVE years total in R-1 status. If studying, then could change to F-1 status and save R-1 time.
- Work may be considered religious duties if assigned by religious superior. Preferable to have assignment letter from superior before starting work.
  - Common examples: Sister working as Nurse. Brother working as Teacher.



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# **Religious Occupation**

### What is an Occupation?

- Primarily relates to <u>traditional religious</u> <u>function</u>
  - AND
- Recognized as a religious occupation within the denomination
   AND
- Primarily related to, and clearly involves, <u>carrying</u> <u>out the religious belief or</u> creed of the denomination.



- Limited administrative duties allowed.
- Clerks, maintenance workers and fundraisers are specifically excluded.
- Does not include study or training, except if <u>incidental to status</u>.

This category is appropriate for religion teachers and religious sisters / brothers who have not taken final vows.



# Describing Religious Work THINK LIKE A BOSS!!! R-1 (Religious Worker) status is an employment-based category based upon the foreign national's religious "work." Although it is not traditional work, please remember that it is still work for immigration purposes.

# **Describing Religious Work**

### Be sure to emphasize the religious duties.

- It is common for a religious organization to forget to include the basic religious requirements of the position and only focus on the assigned ministry.
- INCLUDE RELIGIOUS ACTIVITIES ON SCHEDULE! (i.e. prayer, Mass. etc.)
- Be sure to expressly state that the foreign national will be performing duties unique to a religious worker, such as living vows of poverty, chastity, and obedience in community.



# **Evidence of Compensation**

### Salaried vs. Non-Salaried

• Showing proof of compensation by sponsor is important, even if it is non-salaried compensation.

### Examples:

- 1. Religious Organization Financial Statements
- 2. House Budgets
- 3. Priest Compensation Statements
- 4. Religious Community Constitutions
- 5. Photographs of proffered housing
- 6. Health Insurance coverage (card & premiums paid)



# **Compensation & Status**

Once a foreign national is approved to work for a religious organization, he/she can ONLY work for that organization.

CANNOT receive compensation – stipends or salary – from any other religious organization without an approved Change of Employer petition.

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# Sponsor files 129 Petition with USCIS inside the U.S. Beneficiary applies for R-1 Visa at U.S. consulate (DOS) abroad. Beneficiary applies granted/approved. Beneficiary applies for R-1 Visa is granted/approved. Beneficiary applies for entry at Port of Entry with CBP. \*\*FN receives R-1 status via I-94.

# I-129 Petition Processing Times Regular Processing: Current processing time is 6-12 months. Plan ahead! Premium Processing: \*\*15 days or less with additional fee of \$1440 Only available for religious organizations that have had successful USCIS pre-adjudication site inspection.

# **Regular Processing Times**

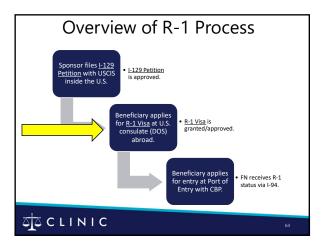
- Significant delays over past year for I-129 petitions for religious workers.
- Petitions cannot be filed more than six months prior to start date!
- Be prepared for delays and make any possible accommodations (i.e. flexibility in assignments) for this fact.



### **QUIZ TIME!**

Brother Michael is a permanently vowed member of a religious order and will be working as a Music Director within the religious order. What religious worker category/categories could Brother Michael fall into? Is there a reason you would choose one over the other?





# **Steps in R-1 Visa Process**

- R-1 Visa Process begins after I-129 petition is approved.
- Prepare and submit DS-160 electronically on Department of State website.
- Verify process for payment of fees, photos, and biometrics for individual Consulate. (Procedures vary.)
- Have in-person interview with Consular Officer.



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# **Public Charge Rule**

- May apply in the R-1 Visa Application step.
- Effective February 2020.



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# **Applying for Visa**

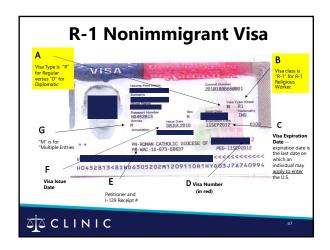


- Visit the appropriate Consulate's website and review the requirements: www.usembassy.gov
- Review the visa wait times for planning purposes:

https://travel.state.gov/content/visas/en.ht

Check fees and reciprocity requirements:
 <a href="https://travel.state.gov/content/visas/en/fees/fees-reciprocity-tables.html">https://travel.state.gov/content/visas/en/fees/fees-reciprocity-tables.html</a>
<a href="https://travel.state.gov/content/visas/en/fees/fees-reciprocity-tables.html">https://travel.state.gov/content/visas/en/fees/fees-reciprocity-tables.html</a>

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# **Potential Problems at Visa Stage**

- Denials often based on lack of adequate ties abroad (typically for F-1 students) and misunderstanding of R-1 (Religious Worker) categories.
- "Administrative Processing" (Case falls into DOS "black hole." Possible lengthy delays for security background checks.)
- Petition approval is somehow not verified in Petition Information Management Service (PIMS) system. (PIMS serves as primary communication between USCIS & DOS.)



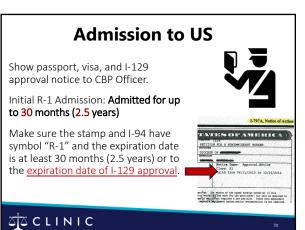
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# Visa is Granted / Approved

- Passport returned with visa.
- Visa validity dates vary according to the approved petition validity dates and reciprocity table.
- A visa does <u>NOT</u> automatically guarantee admission into the U.S.



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# Finally in the U.S.! Now what do we do???

# Maintaining Lawful R-1 Status Terms of Stay Abide by the terms of the R-1 Visa. Can only do what is permitted in R-1 status. Must leave the U.S., extend, or change status before the I-94 expiration date.

### **How to Correctly Change Employers**

- Is it really a New Employer?
  - ✓ If sponsored by a <u>Diocese</u>, changing assignments to a new parish may not be a new employer.
  - ✓ If sponsored by a <u>Religious Community</u>, changing assignments to a different diocese or parish may not be a new employer.
- New Employer must file an I-129 petition!!!
  - ✓ The foreign national CANNOT start working for the new employer until the I-129 application is APPROVED.

An unauthorized change of employer constitutes a failure to maintain status and the individual may not be eligible to file for extensions of stay or permanent residence.



# **Compensation & Status**

If the foreign national is  $\underline{paid}$  by the Diocese or  $\underline{working}$  for the Diocese BEFORE being the beneficiary of an approved petition for R-1 status, then that person has violated his status.

Violations can be costly for the religious worker AND the Diocese. The foreign national may be required to go home and the Diocese may lose accountability with USCIS, which can affect all foreign-born religious workers.



# **Extending R-1 Status**

- Employer requests extension by filing l-129 Petition on behalf of the Religious Worker (i.e. Beneficiary).
- Must be filed <u>BEFORE</u> current R-1 status (i.e. I-94) expires.
- Cannot be filed earlier than <u>6 months</u> before expiration of status (or I-129 Approval Notice, if applying for visa).
- Work Authorization with I-129 extension pending: 240 Days Rule



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# SPONSOR'S RESPONSIBILITY - Support and maintain the individual. - Assist the individual in maintaining immigration status by monitoring documents, expiration dates, and activities. - Report dismissal or departure to USCIS.

### **NOTIFICATION REQUIREMENT**

- Notify USCIS within <u>14 days</u> when a person in R-1 status is no longer with the Diocese or is working less than the required number of hours.
- Email Address: <a href="mailto:CSCR-1EarlyTerminationNotif@dhs.gov">CSCR-1EarlyTerminationNotif@dhs.gov</a>
- Include the following information:
  - Reason for notification or late notification;
  - USCIS receipt number of approved R-1 petition;
  - · Diocesan name, address, and phone;
  - R-1 beneficiary information (name, date of birth, country of birth, last known physical address and phone).



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# And Don't Forget...

- Timely file extension of status requests.
- Eligible for five years in R-1 status BUT
  - Recapture of time is available.
  - New R-1 period (5 more years) after 12 months outside U.S.
- New Employer = New I-129 Petition
  - Must continue to work for prior employer until new petition is approved.



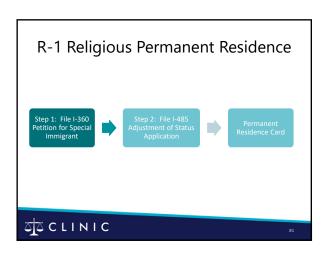
# **QUIZ TIME!**

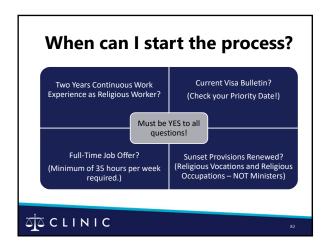
True or False

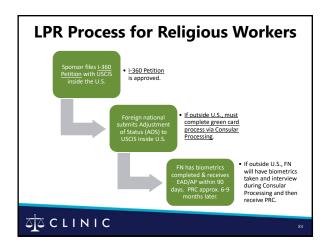
Father John works for Diocese X and would now like to work for Diocese Y. Diocese Y filed an I-129 Petition. Father John can start working for Diocese Y while the petition is pending.











# I-360 Requirements Same basic requirements as R-1 except: • Job offer must be for a full-time (average of at least 35 hours per week) compensated position. • Must have 2 years of continuous experience. Two years of experience does not need to correspond precisely to the type of work to be performed. Examples: Deacon (1 Year) + Priest (1 year) = 2 Years Exp. for Minister Category First Vows (1 Year) + Final Vows (1 year) = 2 Years Exp. for Religious Vocation

### **Non-Minister Permanent Residence Program**

- Includes religious brothers and sisters (religious vocations) and other non-minister religious positions (religious occupations)
- Renewed through <u>12/11/2020</u>. Will expire unless it is renewed by Congress. (Packaged with federal budget review.)
- Typically, it has been renewed, causing no interruptions or delays.
   However, the sunset has also been allowed to expire in the past with the renewal not occurring until several months later. If that occurs, pending cases will be delayed and put on hold until the program is
- DOES NOT affect the R-1 Nonimmigrant Religious Worker program or the minister program for permanent residence.

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### **Maintaining Status while I-360 Pending**

### **IMPORTANT:**

 Individual <u>must continue to maintain R-1</u> <u>status</u>. Filing the application <u>does not</u> give lawful status in the U.S.

The current processing time for an I-360 petition is 8-12 MONTHS.



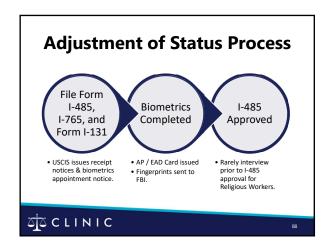
### Traveling while I-360 is Pending

Law changes in the fall of 2016 make it inadvisable to apply for an R-1 visa with a pending or approved I-360 petition.

Consider travel plans before starting permanent residency process!!!



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# Public Charge Rule • Does apply in the I-485 Application step. • Effective February 2020. • I-944 Form



# **Consular Processing**

Applying for the Immigrant Visa **outside** the U.S. through U.S. Consulates abroad

Possible scenarios in which consular processing can be used:

- When person runs out of 5 years in R-1 time
- When person is outside the US and you want to bring them as a permanent resident without the hassle of R-1
- · When person violated status and must leave the US



# **Initiating Consular Processing**

- Outside the U.S.: I-360 will be automatically forwarded to the National Visa Center (NVC)
- Inside the U.S.: Either you note on Form I-360 that you plan to consular process or may need to file I-824 to notify the consulate
  - File I-824 Application for Action on an Approved Application or Petition (there is a filing fee)
  - Once I-824 is approved, I-360 automatically forwarded to NVC



### **Reminders for Green Card Holders**

- Permanent Residency ≠ Citizenship
- Special Immigrant Religious Workers can apply for citizenship 5 years after they receive PR status.
- Permanent resident status never expires but the physical green card does. (Valid for 10 years.)
- Permanent Residence can be revoked.
- Long trips abroad can affect PR status. (Reentry Permit may be required to maintain status.)





# **QUIZ TIME!**

Sister Mary is an FN from Colombia whose I-360 Petition was approved today. Can she file her I-485 today? What if Sister Mary was from Guatemala?

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Important Updates For Religious Workers and their Sponsors



# **Immigration Updates**

- Many new policies in last 6 months
- USCIS Furloughs –2020?
- F-1 Students and Online Classes; Limited
- USCIS Filing Fees going up soon? *Injunction*



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# **USCIS Adjudications**

- June 2020 Premium Processing <u>resumed</u> (expedited processing) for initial petition and change and extension of status (I-129)
- File extensions 6 months before status expires
- Public Charge Rule still in effect (2/24/2020)





# U.S. Embassies/Consulates and Visa Appointments

- 3/22/2020 Routine visa services suspended in most countries (e.g. visa appointments)
- 07/15/2020 DOS announces visa services/appointments to resume!!!
- · Check embassy/consulate website for current operating status

[T]he United States Embassy in Manila is canceling routine immigrant and nonimmigrant visa appointments. At this time your visa appointment is cancelled. We will resume routine visa services as soon as possible but are unable to provide a specific date at this time.





# **Travel/Border Issues**

- China, Iran, Europe Travel Proclamations suspend entry into the U.S. for those non-U.S. citizens who were physically present within the impacted countries during the 14 days before his/her attempted entry into the
- Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland (later Ireland and the United Kingdom were added).
- Brazil



## **Travel/Border Issues**

- Travel into U.S. limited to certain airports
- Travel limits still effect until terminated by President



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# **Travel/Border Issues**

- 3/24/2020 <u>Canada-Mexico "Essential Travel" Limits</u>
- In effect until October 21, 2020 (could be extended)
- Applies to land port and ferry terminal entry (not air travel)
- Travel limited to essential travelers
  - USC and LPR
  - Individuals traveling to attend educational institutions
  - Individuals traveling to work in the United States



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# **Executive Proclamations and Other Administrative Actions**

- 04/22/2020 Presidential Proclamation to Limit Entry of Certain Immigrants
- Suspends entry of new immigrants who do not have an approved immigrant visa (visa for permanent residence)



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# **Executive Proclamations and Other Administrative Actions**

- Currently <u>does not</u> impact adjustment of status applications in the U.S. or R-1 religious worker visa
- H, J, and L Visas suspended.





# **Executive Proclamations and Other Administrative Actions**

- More to come? Election year
- Don't forget the Sunset of the Non-minister Program - <u>12/11/2020</u> (permanent residence for non-minister religious workers)





# **DACA Update**

- Supreme Court decides...termination of DACA improper (inconsistent with APA)
- New cases should be accepted
- Administration could try again to eliminate DACA
- See update from 7/28/2020 DHS Memo



# **DACA Update**

- No new initial requests for DACA should be accepted;
- Applications for Advance Parole should be granted to current DACA beneficiaries only in exceptional circumstances; and
- DACA Renewals and the accompanying work authorization should be granted for oneyear, rather than two-year periods.



# **DACA Update**

- Since legal challenges in 2017, DACA beneficiaries have been permitted to renew the status
- Over 680,000 currently with DACA



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# **QUIZ TIME!**

Questions from the Audience



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