THE GIBSON REPORT 07-23-18

**TOP UPDATES**

[**3d Degree Marijuana Sale Not an Ag Fel (NYPL 221.45) & realistic probability**](http://www.ca2.uscourts.gov/decisions/isysquery/cfaead10-5084-4533-8c2f-510a7a6a3d2b/1/doc/17-1567_opn.pdf)

2nd Cir: “The BIA decision rested on the observation that there was no “realistic probability” that New York would apply NYPL §221.45 to conduct outside the generic federal felony. That was error because the state statute on its face punishes conduct classified as a federal misdemeanor.”

[**Immigration cop shortage and a caution against hiring too quickly**](https://www.washingtonpost.com/news/powerpost/wp/2018/07/23/immigration-cop-shortage-a-caution-against-hiring-too-quickly/?utm_term=.43ff6c319856)

WaPo: Customs and Border Protection (CBP) remains below authorized levels despite increasing the job applications received, cutting the time to hire and boosting the percentage of applicants employed.

[**New G-28 and I-765 Forms**](https://www.uscis.gov/forms-updates)

USCIS just released a new version of the G-28 and I-765 and will no longer accept previous versions starting September 17th

[**Impact of Sessions' asylum move already felt at border**](https://www.cnn.com/2018/07/14/politics/sessions-asylum-impact-border/index.html)

CNN: Immigrants are already being turned away at the border under Attorney General Jeff Sessions' recent reinterpretation of asylum law. And advocates for them fear there may be no end to it anytime soon.

[**Immigrant Children Describe Hunger and  Cold in Detention**](https://apnews.com/1a8db84a88a940049558b4c450dccc8a/Immigrant-children-describe-hunger-and-cold-in-detention)

AP: The children's descriptions of various facilities are part of a voluminous and at times scathing report filed in federal court this week in Los Angeles in a case over whether the Trump administration is meeting its obligations under a long-standing settlement governing how young immigrants should be treated in custody.

[**City of Fear**](http://nymag.com/daily/intelligencer/2018/07/undocumented-new-yorkers-living-in-fear-ice-deportation.html)

NYMag: In the eight months following Donald Trump’s inauguration, ICE arrests in the region jumped by 67 percent compared to the same period in the previous year, and arrests of immigrants with no criminal convictions increased 225 percent. During that time, ICE arrested 2,031 people in its New York “area of responsibility,” which includes the five boroughs and surrounding counties. These aren’t unprecedented numbers: ICE arrested almost four times as many people in 2010 in New York as it did last year, and it picks up far fewer people here than in other parts of the country.

[**A fate worse than separation awaits Central American families**](https://www.seattletimes.com/opinion/a-fate-worse-than-separation-awaits-central-american-families/)

Seattle Times: Under two court orders, the government is now reuniting migrant children with their mothers. Although the California court that ordered the reunification may permit continued detention of the families until their asylum claims can be decided, something worse than separation or detention awaits those mothers who are deported: rape and death.

[**The Trump Administration Is Working to Deport More Legal Immigrants**](https://www.motherjones.com/politics/2018/07/the-trump-administration-is-working-to-deport-more-legal-immigrants/)

MJ: Earlier this month, as outrage continued over the Trump administration’s family separation policies, another immigration agency quietly introduced several changes that could threaten even more immigrants, many of them here legally, with deportation.

[**Chasing Down the Rumors: EOIR Hotline Once Again Includes Names of Immigration Judges**](https://www.aila.org/infonet/chasing-down-rumors)

EOIR is once again including the names of immigration judges on its automated case status hotline, reversing course following complaints over the names being removed from the system in March 2018. AILA Doc. No. 16112144

**Update on VTC at Varick Street**

AILA: Despite advocacy, NY Field Officer Director Tom Decker has made no moves  to change the new policy that all NYC detained cases will now be conducted via video teleconferencing (“VTC”) for all hearings.

[**New York City Bar Issues Recommendations Regarding ICE Enforcement in New York State Courthouses**](https://www.aila.org/infonet/new-york-city-bar-ice-enforcement)

The New York City Bar issued a report with recommendations on the increasing number of ICE civil arrests being conducted in and around New York State courthouses, stating that if continued, “this practice poses a threat to the New York State court system’s ability to ensure access to justice....” AILA Doc. No. 18072303

[**Think Immigration: The President’s Proposal to Eliminate Due Process at the Border**](http://thinkimmigration.org/blog/2018/07/16/the-presidents-proposal-to-eliminate-due-process-at-the-border/)

In this blog post, AILA Policy Counsel Jason Boyd highlights recent tweets from the president that attack due process for asylum seekers and explains how and why, if implemented, such changes would violate U.S. asylum laws. AILA Doc. No. 18071636

**LITIGATION/CASELAW/RULES/MEMOS**

[**District Court Judge Orders Reunification of Parents and Children**](https://www.aila.org/infonet/dist-court-ms-l-et-al-v-ice-06-06-18)

On 7/16/18, Judge Dana Sabraw granted an interim stay of removal for class members who may be subject to deportation. (*Ms. L.; et al., v. ICE*, 7/16/18) AILA Doc. No. 18060800

[**ICE Provides Guidance to OPLA Attorneys on Administrative Closure Following *Matter of Castro-Tum***](https://www.aila.org/infonet/ice-guidance-admin-closure-matter-of-castro-tum)

ICE provides guidance to OPLA attorneys litigating administrative closure in the wake of the Attorney General’s precedent decision in *Matter of Castro-Tum*. Guidance obtained from the blog, Immigration Courtside. AILA Doc. No. 18072074

[**DHS Announces Extension of TPS for Somalia for 18 Months**](https://www.aila.org/infonet/dhs-announces-extension-of-tps-somalia-18-months)

DHS announced the extension of the Temporary Protected Status (TPS) designation for Somalia for 18 months, through March 17, 2020. Further details, including information about the re-registration process and employment authorization documents, will appear in a Federal Register notice. AILA Doc. No. 18071931

[**EOIR Provides User Manual for Expanded Electronic Filing Pilot**](https://www.aila.org/infonet/eoir-user-manual-expanded-electronic-filing-pilot)

EOIR provided a user manual on its expanded electronic filing pilot that explains the procedures for participation. Participation in the pilot program is on a voluntary basis, and pilot participants must adhere to the procedures in this manual, effective July 16, 2018. AILA Doc. No. 18072072

[**2018 USCIS Form Updates**](https://www.aila.org/infonet/2018-uscis-form-updates)

**RESOURCES**

* [**BIA Style Manual: A Guide to Drafting Board Decisions**](https://www.aila.org/infonet/bia-style-manual-a-guide-to-drafting-board)
* [***Pereira v. Sessions*: Challenging the Validity of Notices to Appear Lacking Time-and-Place Information**](https://www.aila.org/infonet/pereira-v-sessions-challenging-the-validity-of)
* [**The Council and CLINIC Provide Practice Advisory on Strategies and Considerations in the Wake of *Pereira v. Sessions***](https://www.aila.org/infonet/council-practice-advisory-pereira-v-sessions)
* [**Practice Alert: *Pereira v. Sessions* Guidance to Immigration Judges**](https://www.aila.org/infonet/practice-alert-pereira-v-sessions-guidance)
* [**Your Guide to Representing Foreign-Born Clients Facing Criminal Charges**](https://agora.aila.org/Product/Detail/3413)
* [**The Council Provides Fact Sheet on How USCIS Estimates Application and Petition Processing Times**](https://www.aila.org/infonet/the-council-provides-fact-sheet-on-how-uscis)
* [**CRS Legal Sidebar on U.S. Immigration Laws Regulating the Admission and Exclusion of Noncitizens at the Border**](https://www.aila.org/infonet/crs-laws-regulating-admission-exclusion-border)
* [**Safe Texting with Clients**](https://www.aila.org/practice/management/technology/safe-texting-with-clients)
* [**AILA Policy Brief: New USCIS Notice to Appear Guidance**](https://www.aila.org/infonet/aila-policy-brief-new-uscis-notice-to-appear)

**EVENTS**

* 7/26/18 [**Defending Immigration Removal Proceedings 2018**](x-webdoc://7A141183-B15C-4FF0-9616-77951D0540DB/https%3a%2f%2fwww.pli.edu%2fContent%2fSeminar%2fDefending_Immigration_Removal_Proceedings%2f_%2fN-4kZ1z100g1%3fID%3d328375)
* 7/26/18 [**Seminar on NTA Memo**](https://www.aila.org/about/announcements/late-breaking-two-part-seminar-on-usciss-new-nta)
* 7/26/18 [**Implicit Bias in the Legal Profession**](https://www.probono.net/ny/nonprofit/calendar/event.683561-Implicit_Bias_in_the_Legal_Profession)
* 7/27/18 [**Music: SANCTUARY - Season Finale**](https://www.eventbrite.com/e/sanctuary-season-finale-tickets-46322160830?aff=ebdssbdestsearch)
* 8/2/18 [**Seminar on NTA Memo Part2**](https://www.aila.org/about/announcements/late-breaking-two-part-seminar-on-usciss-new-nta)
* 8/9/18 [**How to File Winning Appeals with the BIA and AAO**](https://agora.aila.org/Conference/Detail/1458)
* 9/12/18 [**Improving Productivity and Time Management**](https://agora.aila.org/Conference/Detail/1480)
* 9/26/18**Representing Children in Immigration Matters 2018: Effective Advocacy and Best Practices**
* 11/26-28/18 [**CLINIC & NITA “Advocacy in Immigration Matters”**](https://cliniclegal.org/calendar/nita-clinics-advocacy-immigration-matters-training)

**ImmProf**

Monday, July 23, 2018

* [**How the U.S. Contributed to Central American Migration**](http://lawprofessors.typepad.com/immigration/2018/07/how-the-us-contributed-to-central-american-migration.html)

Sunday, July 22, 2018

* [**Trevor Noah on the Africanness of French Soccer Team**](http://lawprofessors.typepad.com/immigration/2018/07/trevor-noah-on-the-africanness-of-french-soccer-team.html)
* [**From the Bookshelves: Tell Me How It Ends: An Essay in 40 Questions by Valeria Luiselli**](http://lawprofessors.typepad.com/immigration/2018/07/from-the-bookshelves-tell-me-how-it-ends-an-essay-in-40-questions-by-valeria-luiselli.html)

Saturday, July 21, 2018

* [**Conference Announcement: CSLSA Registration Now Open**](http://lawprofessors.typepad.com/immigration/2018/07/conference-announcement-cslsa-registration-now-open.html)
* [**Immprof Op-Eds and Essays by Bellis, Gilman, Hines, Schrag & Thomas**](http://lawprofessors.typepad.com/immigration/2018/07/immprof-op-eds-and-essays-by-bellis-gilman-hines-schrag-thomas.html)
* [**Government Uses Separated Children as Leverage to Coerce Parents Into "Consenting" to Deportation**](http://lawprofessors.typepad.com/immigration/2018/07/government-uses-separated-children-as-leverage-to-coerce-parents-into-consenting-to-deportation.html)
* [**Guidance on Pereira v. Sessions**](http://lawprofessors.typepad.com/immigration/2018/07/guidance-on-pereira-v-sessions.html)

Friday, July 20, 2018

* [**Bloody uprising in Nicaragua could trigger the next Central American refugee crisis**](http://lawprofessors.typepad.com/immigration/2018/07/bloody-uprising-in-nicaragua-could-trigger-the-next-central-american-refugee-crisis.html)
* [**Cory Booker: I went to the US-Mexico border. What I saw there horrified me.**](http://lawprofessors.typepad.com/immigration/2018/07/cory-booker-i-went-to-the-us-mexico-border-what-i-saw-there-horrified-me.html)

Thursday, July 19, 2018

* [**AALS Calls for Papers**](http://lawprofessors.typepad.com/immigration/2018/07/aals-calls-for-papers.html)
* [**'Terrorized': Report Details Conditions at Child Detention Centers**](http://lawprofessors.typepad.com/immigration/2018/07/terrorized-report-details-conditions-at-child-detention-centers.html)
* [**Report finds more than 800 complaints of hate-related abuse in immigration detention**](http://lawprofessors.typepad.com/immigration/2018/07/report-finds-more-than-800-complaints-of-hate-related-abuse-in-immigration-detention.html)
* [**NBA star Marc Gasol aboard Spanish migrant aid ship: “It’s inhumane. These people should be rescued”**](http://lawprofessors.typepad.com/immigration/2018/07/nba-star-marc-gasol-aboard-spanish-migrant-aid-ship-its-inhumane-these-people-should-be-rescued.html)

Wednesday, July 18, 2018

* [**Why attorneys represent immigrants for free**](http://lawprofessors.typepad.com/immigration/2018/07/why-attorneys-represent-immigrants-for-free.html)
* [**Immigration Article of the Day: Immigration Enforcement and the Future of Discretion by Shoba Sivaprasad Wadhia**](http://lawprofessors.typepad.com/immigration/2018/07/immigration-article-of-the-day-immigration-enforcement-and-the-future-of-discretion-by-shoba-sivapra.html)

Tuesday, July 17, 2018

* [**Pronouncing Pereira**](http://lawprofessors.typepad.com/immigration/2018/07/pronouncing-pereira.html)
* [**Global Compact for Safe, Orderly and Regular Migration**](http://lawprofessors.typepad.com/immigration/2018/07/global-compact-for-safe-orderly-and-regular-migration.html)
* [**A Look At Immigration From A Virginia Town With A Fast-Growing Hispanic Population**](http://lawprofessors.typepad.com/immigration/2018/07/a-look-at-immigration-from-a-virginia-town-with-a-fast-growing-hispanic-population.html)

Monday, July 16, 2018

* [**At the Movies: America First: The Legacy of an Immigration Raid**](http://lawprofessors.typepad.com/immigration/2018/07/at-the-movies-america-first-the-legacy-of-n-immigration-raid.html)
* [**Extraordinary story of the Aquarius in a behind-the-scenes exclusive documentary**](http://lawprofessors.typepad.com/immigration/2018/07/extraordinary-story-of-the-aquarius-in-a-behind-the-scenes-exclusive-documentary.html)

**AILA NEWS UPDATE**

[**http://www.aila.org/advo-media/news/clips**](https://www.aila.org/advo-media/news/clips)