THE GIBSON REPORT – 08 27-18 – COMPILED BY ELZABETH GIBSON, ESQ., NY LEGAL ASSISTANCE GROUP – Featuring Credible Claims Of Coercion In Sessions’s “New American Gulag” (Item #1) & More Problems In Federal Court For DHS’s Scofflaws (Litigation Section, Item #3)

**TOP UPDATES**

[**Parents Were 'Coerced' To Waive Reunification Rights With Children, Complaint Says**](https://www.npr.org/2018/08/23/641315568/parents-were-coerced-to-waive-reunification-rights-with-children-complaint-says)

NPR: Before the family reunification process began, government officials coerced mothers and fathers who were separated from their children into signing documents that waived their rights — threatening them, deceiving them and even denying them food and water, say immigration groups that filed a complaint with the Department of Homeland Security on Thursday. In the 28-page [complaint](https://americanimmigrationcouncil.org/sites/default/files/general_litigation/the_use_of_coercion_by_u.s._department_of_homeland_security_officials_against_parents_who_were_forcibly_separated_from_their_children_public_fin_0.pdf), the American Immigration Council and American Immigration Lawyers Association contend that immigration agents used "abusive tactics and deplorable conditions" to pressure parents to sign forms without an understanding of the repercussions.

[**Immigration Judges Taught To Dodge 'Categorical Approach'**](https://www.law360.com/articles/1075775)

Law360: The judges were trained by Board of Immigration Appeals member Roger Pauley on "avoiding the use or mitigating the effect" of the "categorical approach" in instances in which the result might not be "sensible," according to the [materials that the federal government released in response to a Freedom of Information Act](https://www.muckrock.com/foi/united-states-of-america-10/eoir-2018-judicial-conference-materials-56534/#files) request by immigration attorney Matthew.

[**Castro Tum Judicial E-mails**](https://www.muckrock.com/foi/united-states-of-america-10/castro-tum-judicial-e-mails-55803/#file-212223)

MatthewHoppock FOIA: EOIR director James McHenry emailed “Please confirm by COB today that Castro-tum’s next hearing has been scheduled for no later than May 31…"

[**Asylum Seekers Challenge Spending Months Locked Up Without Interviews or Bond Hearings**](https://click.everyaction.com/k/2002032/10437508/-121767861?nvep=ew0KICAiVGVuYW50VXJpIjogIm5ncHZhbjovL3Zhbi9FQS9FQTAwMS8xLzU4MjExIiwNCiAgIkRpc3RyaWJ1dGlvblVuaXF1ZUlkIjogIjkwYmFmN2JiLTkxYTgtZTgxMS1iY2U3LTAwMGQzYTEyYjgwMCIsDQogICJFbWFpbEFkZHJlc3MiOiAiZWdpYnNvbkBueWxhZy5vcmciDQp9&hmac=rM6HXKWZaM65VQJc2zHe2BaK6M46tmo71vqDKW9H4rc=)

AIC: The "zero-tolerance" policy is leaving asylum seekers to languish in detention for weeks or months without the opportunity to present their asylum claims or request release from imprisonment.

[**As more immigrants that are caught wear monitors, their effectiveness is disputed**](https://www.mantecabulletin.com/news/nation/more-immigrants-are-caught-wear-monitors-their-effectiveness-disputed/)

AP: As of early July, there were nearly 84,500 active participants in ICE’s Intensive Supervision Appearance Program, or alternatives to detention — more than triple the number in November 2014. Around 45 percent of those were issued GPS monitors, 53 percent report by phone using biometric voice verification and 2 percent use facial recognition apps.

[**Nicaraguan Refugee Crisis Growing In Central America**](https://www.npr.org/2018/08/23/641359728/nicaraguan-refugee-crisis-growing-in-central-america)

NPR: Hundreds of Nicaraguans are arriving in Costa Rica daily, fleeing the conflict in their country. The country is straining to provide services to the refugees and undergoing a sense of deja vu back to the days of the Nicaraguan Revolution.

[**White House Video on Mollie Tibbetts Case**](http://lawprofessors.typepad.com/immigration/2018/08/white-house-video-on-mollie-tibbetts-case.html)

ImmProf: The White House … tries to capitalize on the Tibbetts' case by focusing on "family separation" of parents who lost their children due to the crimes of undocumented immigrants, a reference to the now-abandoned Trump policy of separating migrant families in detention.

[**The Day My Parents Were Deported**](https://www.facebook.com/ATTNVideo/videos/2210700965875196/)

Diane Guerrero: This is what happened the day my parents were deported.

[**USCIS’ Wait Times for Citizenship Have Doubled**](https://click.everyaction.com/k/2002040/10437516/-1366585874?nvep=ew0KICAiVGVuYW50VXJpIjogIm5ncHZhbjovL3Zhbi9FQS9FQTAwMS8xLzU4MjExIiwNCiAgIkRpc3RyaWJ1dGlvblVuaXF1ZUlkIjogIjkwYmFmN2JiLTkxYTgtZTgxMS1iY2U3LTAwMGQzYTEyYjgwMCIsDQogICJFbWFpbEFkZHJlc3MiOiAiZWdpYnNvbkBueWxhZy5vcmciDQp9&hmac=rM6HXKWZaM65VQJc2zHe2BaK6M46tmo71vqDKW9H4rc=)

AIC: The average wait time on a U.S. citizenship application was about five months in 2014. Today, the average time a green card holder will wait for their citizenship application to be processed by U.S. Citizenship and Immigration Services is 10 months.

**USCIS Cancels Liaison Meetings**

NYLAG: just found out today that the meeting that was previously scheduled for September will not be taking place. Furthermore, it appears that there will be no more liaison meetings. Needless to say, this is disturbing news, and the NYIC will continue to negotiate for these meetings to continue.

**New ACS SuppB Protocols**(attached)

Details on how to request ACS records and submit SuppB requests.

**State U and T Protocols** (attached)

Final U and T visa protocols for agencies under the Governor’s control.

**LITIGATION/CASELAW/RULES/MEMOS**

[**District Court Partially Stays Original Order for Full Restoration of DACA**](https://www.aila.org/infonet/naacp-files-lawsuit-challenging-daca-rescission)

The U.S. District Court for the District of Columbia issued an order that partially stays its original order as to new DACA applications and applications for advance parole, but not as to renewal applications. (*NAACP v. Trump*, 8/17/18) AILA Doc. No. 17091933

[**Complaint Details Coercive Tactics Used by Immigration Officials on Separated Parents**](https://www.aila.org/advo-media/press-releases/2018/complaint-re-coercive-tactics-on-separated-parents/complaint-details-coercive-tactics-used)

AILA and the Council filed a complaint with the DHS Office of the Inspector General (OIG) and Office for Civil Rights and Civil Liberties (CRCL) documenting a pervasive, illegal practice by DHS officials of coercing separated mothers and fathers into signing documents they may not have understood. AILA Doc. No. 18082236

[**Immigrants’ case against ICE, DHS can proceed, judge rules**](https://www.bostonglobe.com/metro/2018/08/23/immigrants-case-against-ice-dhs-can-proceed-judge-rules/sJqXGumjQoud7HJZLpaDoJ/story.html)

Boston Globe:  A lawsuit by immigrants trying to keep immigration officials from deporting them while they seek legal residency may move forward, a federal judge ruled Thursday. Judge Mark Wolf’s decision rejected the government’s argument that the case should be dismissed because the federal district court has no jurisdiction over deportation decisions made by Immigration and Customs Enforcement.

[**Two Colorado sheriffs and ACLU in legal fight over federal immigration holds**](https://www.denverpost.com/2018/08/26/colorado-sheriffs-immigration-detainers-county-jails/)

Denver Post: El Paso, Teller county sheriffs sued after breaking with 4-year-old custom of ignoring ICE detainers.

[**DOJ Announces Arrest of Naturalized U.S. Citizen Charged with Obtaining U.S. Citizenship Fraudulently**](https://www.aila.org/infonet/doj-announces-arrest-of-naturalized-us-citizen)

DOJ announced the arrest of a naturalized U.S. citizen by ICE HSI following his indictment on a felony charge of having fraudulently obtained U.S. citizenship due to his alleged failure to disclose participation in persecution during the Red Terror period in Ethiopia. AILA Doc. No. 18082030

[**DOJ Provides Information on EADs for TPS Haiti**](https://www.aila.org/infonet/doj-eads-tps-haiti)

DOJ provided notice that USCIS automatically extended the validity of certain EADs issued under TPS Haiti through 1/17/19 if an EAD application has been submitted. USCIS will mail the applicant a Notice of Continued Evidence of Work Authorization that provides evidence of this automatic extension. AILA Doc. No. 18082101

[**EOIR Releases Procedures for Adjudicating Non-LPR Cancellation of Removal**](https://www.aila.org/infonet/nonlpr-cancellation-procedures)

Obtained via FOIA by Hoppock Law Firm, EOIR released a document from the 2018 Legal Training Program containing procedures for immigration judges to adjudicate non-LPR cancellation of removal in light of the cap on non-LPR cancellation. Special thanks to Matthew Hoppock. AILA Doc. No. 18082137

**RESOURCES**

* [**Crossing State Lines: A Practical Guide for Immigration Lawyers When Volunteering Their Services Out-of-State**](https://www.aila.org/infonet/crossing-state-lines-a-practical-guide)
* [**Denaturalization Efforts by USCIS**](https://www.aila.org/advo-media/issues/all/featured-issue-denaturalization-efforts-by-uscis)
* [**Filing DACA Applications in the Wake of Federal Court Rulings**](https://www.aila.org/infonet/aila-practice-alert-filing-daca-renewal)
* [**A Complete Immigration Law Primer for Your Classes**](https://agora.aila.org/product/detail/2938)
* [**Through the Back Door: Remaking the Immigration System via the Expected “Public-Charge” Rule**](https://www.migrationpolicy.org/news/through-back-door-remaking-immigration-system-expected-public-charge-rule)
* [**EOIR Releases Materials from the 2018 Legal Training Program for Immigration Judges**](https://www.aila.org/infonet/eoir-2018-training-program-judges)
* [**EOIR Releases Training Materials on Evidentiary Challenges for Appellate Adjudication in the Digital Age**](https://www.aila.org/infonet/eoir-releases-training-materials-on-evidentiary)
* [**EOIR Releases Procedures for Adjudicating Non-LPR Cancellation of Removal**](https://www.aila.org/infonet/nonlpr-cancellation-procedures)
* [**EOIR Releases IJ Training Materials on Resolving Claims to U.S. Citizenship**](https://www.aila.org/infonet/eoir-releases-ij-training-materials-on-resolving)
* [**EOIR Releases Training on Evidentiary Challenges**](https://www.aila.org/infonet/eoir-releases-training-on-evidentiary-challenges)
* [**EOIR Releases Circuit Court Case Law Summaries on Assessing Evidentiary Weight**](https://www.aila.org/infonet/eoir-releases-circuit-court-case-law-summaries)
* [**EOIR Releases Circuit Court Case Law Summaries on Reliability of Government Documents**](https://www.aila.org/infonet/eoir-circuit-case-summaries)
* [**EOIR Releases Training Materials on the One-Year Bar and One Central Reason Standard in Asylum Law**](https://www.aila.org/infonet/eoir-1yr-bar)
* [**EOIR Releases Training Materials on Developments in Criminal Immigration and Bond Law**](https://www.aila.org/infonet/eoir-crimes-bond)

**EVENTS**

* 8/28/18 [**Overcoming Secondary Trauma in Immigration Practice**](https://agora.aila.org/Conference/Detail/1488)
* 8/29/18 [**Understanding and Preparing Waivers**](https://www.immigrationadvocates.org/calendar/event.684407-Understanding_and_Preparing_Waivers)
* 9/6/18 [**Asylum Law Updates on Particular Social Groups**](https://agora.aila.org/Conference/Detail/1461)
* 9/7-9/18 [**NOVA Frontier Film Festival**](https://www.eventbrite.com/e/restorationart-presents-i-nova-frontier-film-festival-tickets-48806543686?aff=ebdssbdestsearch) - showcases films that are centered around the theme of Identity and Immigration, supporting the artistic development of filmmakers of African Descent
* 9/10/18 [**NYIC 40 Hour Training: Albany**](https://tockify.com/thenyic/detail/22/1536582600000)
* 9/12/18 [**Improving Productivity and Time Management**](https://agora.aila.org/Conference/Detail/1480)
* 9/16/18[**Arts Framing the Struggle: The Intersection of Art, Immigration & Activism**](https://www.eventbrite.com/e/arts-framing-the-struggle-the-intersection-of-art-immigration-activism-tickets-49347602006?aff=ebdssbdestsearch)
* 9/20-21/18 [**2018 Federal Court Litigation Conferences: Join Us in Washington, D.C. or Remotely via Webcast**](https://www.aila.org/about/announcements/join-us-2018-federal-court-litigation-conference)
* 9/20/18[**Consequences of War: A Refugee and Immigrant Mental Health Crisis in the Middle East**](https://www.eventbrite.com/e/consequences-of-war-a-refugee-and-immigrant-mental-health-crisis-in-the-middle-east-tickets-49396439079?aff=ebdssbdestsearch)
* 9/26/18 [**On the Frontlines Defending Immigrant Families: A Conversation with Lee Gelernt, Lead ACLU Attorney Challenging Trump's Family Separation Policy**](https://www.eventbrite.com/e/defending-immigrant-families-with-lee-gelernt-lead-aclu-attorney-tickets-49457895898?aff=ebdssbdestsearch)
* 9/26/18**Representing Children in Immigration Matters 2018: Effective Advocacy and Best Practices**
* 10/9/18 [**Citizenship in an Era of Record Migration and Growing Nationalism**](http://www.eventbee.com/v/2018cmssymposium)
* 10/10/18 [**Immigrant Women, Labor, and the Quest for Gender Justice**](https://www.eventbrite.com/e/immigrant-women-labor-and-the-quest-for-gender-justice-tickets-49059290659?aff=ebdssbdestsearch)
* 10/13/18 [**The Economics and Ethics of Immigration**](https://www.eventbrite.com/e/the-economics-and-ethics-of-immigration-registration-48811197606?aff=ebdssbdestsearch)
* 10/26/18 [**A Nation of Immigrants? 50 Years of the New Immigration**](https://www.eventbrite.com/e/a-nation-of-immigrants-50-years-of-the-new-immigration-tickets-49443950186?aff=ebdssbdestsearch)
* 11/26-28/18 [**CLINIC & NITA “Advocacy in Immigration Matters”**](https://cliniclegal.org/calendar/nita-clinics-advocacy-immigration-matters-training)

**ImmProf**

Monday, August 27, 2018

* [U.N. report calls for Myanmar generals to be investigated, prosecuted for genocide and war crimes](http://lawprofessors.typepad.com/immigration/2018/08/un-report-calls-for-myanmar-generals-to-be-investigated-prosecuted-for-genocide-and-war-crimes.html)

Sunday, August 26, 2018

* [Judge Allows Lawsuit Challenging Border Patrol Practice of Turning Away Asylum Seekers to Proceed](http://lawprofessors.typepad.com/immigration/2018/08/judge-allows-lawsuit-challenging-border-patrol-practice-of-turning-away-asylum-seekers-to-proceed.html)
* [White House Video on Mollie Tibbetts Case](http://lawprofessors.typepad.com/immigration/2018/08/white-house-video-on-mollie-tibbetts-case.html)
* [RIP Senator John McCain (1936-2018)](http://lawprofessors.typepad.com/immigration/2018/08/rip-senator-john-mccain-1936-2018.html)
* [When The U.S. Government Tried To Replace Migrant Farmworkers With High Schoolers](http://lawprofessors.typepad.com/immigration/2018/08/when-the-us-government-tried-to-replace-migrant-farmworkers-with-high-schoolers.html)

Saturday, August 25, 2018

* [The Mollie Tibbetts Case in Perspective](http://lawprofessors.typepad.com/immigration/2018/08/the-.html)

Friday, August 24, 2018

* [Immigration Article of the Day: Pereira v. Sessions: A Jurisdictional Surprise for Immigration Courts by Kit Johnson](http://lawprofessors.typepad.com/immigration/2018/08/immigration-article-of-the-day-pereira-v-sessions-a-jurisdictional-surprise-for-immigration-courts-b.html)
* [CNN: Inside America's hidden border](http://lawprofessors.typepad.com/immigration/2018/08/cnn-inside-americas-hidden-border.html)
* [Former Nazi labor camp guard removed to Germany](http://lawprofessors.typepad.com/immigration/2018/08/former-nazi-labor-camp-guard-removed-to-germany.html)
* [Nicaraguan Refugee Crisis Growing In Central America](http://lawprofessors.typepad.com/immigration/2018/08/nicaraguan-refugee-crisis-growing-in-central-america.html)

Thursday, August 23, 2018

* [Trump Administration Could Significantly Reshape Future Legal Immigration by Executive Fiat with Expected Public-Charge Rule: Effects Would Fall Most Heavily on Asian, Hispanic and African Immigrants](http://lawprofessors.typepad.com/immigration/2018/08/trump-administration-could-significantly-reshape-future-legal-immigration-by-executive-fiat-with-exp-1.html)
* [Donald Trump: Capitalizing (Again) on Human Tragedy -- The Mollie Tibbetts Case](http://lawprofessors.typepad.com/immigration/2018/08/donald-trump-capitalizing-again-on-human-tragedy-the-molly-tibbetts-case.html)
* [Immigration Article of the Day: Legal and Extra-Legal Challenges to Immigrant Detention by Prerna Lal](http://lawprofessors.typepad.com/immigration/2018/08/immigration-article-of-the-day-legal-and-extra-legal-challenges-to-immigrant-detention-by-prenan-lal.html)

Wednesday, August 22, 2018

* [“Divided,” Part 1: How Family Separations Started](http://lawprofessors.typepad.com/immigration/2018/08/divided-part-1-how-family-separations-started.html)
* [Immigration Article of the Day: Enforcing/Protection: The Danger of Chevron in Refugee Act Cases by Maureen Sweeney](http://lawprofessors.typepad.com/immigration/2018/08/immigration-article-of-the-day-enforcingprotection-the-danger-of-chevron-in-refugee-act-cases-by-mau.html)
* ['César's Choice': The conditions and decisions facing reunited immigrant families--a conversation with Prof. Lauren Gilbert](http://lawprofessors.typepad.com/immigration/2018/08/c%C3%A9sars-choice-the-conditions-and-decisions-facing-reunited-immigrant-families-a-conversation-with-prof-lauren-gilbert.html)
* [The 'unknown migrants' buried in southern Spain](http://lawprofessors.typepad.com/immigration/2018/08/the-unknown-migrants-buried-in-southern-spain.html)

Tuesday, August 21, 2018

* [New Mexico artist creating sculpture to raise awareness about immigration policies](http://lawprofessors.typepad.com/immigration/2018/08/new-mexico-artist-creating-sculpture-to-raise-awareness-about-immigration-policies.html)
* [Watch: Logic’s emotional VMAs performance protesting family separation](http://lawprofessors.typepad.com/immigration/2018/08/watch-logics-emotional-vmas-performance-protesting-family-separation.html)
* [Trump's Assault on Authorized Migration](http://lawprofessors.typepad.com/immigration/2018/08/trumps-assault-on-authorized-migration.html)

Monday, August 20, 2018

* [Trump Attacks Dems' Immigration Policies](http://lawprofessors.typepad.com/immigration/2018/08/trump-attacks-dems-immigration-policies.html)
* [Report: Shortchanged: The Big Business Behind the Low Wage J-1 Au Pair Program](http://lawprofessors.typepad.com/immigration/2018/08/report-shortchanged-the-big-business-behind-the-low-wage-j-1-au-pair-program.html)
* [DHS: Fiscal Year 2017 Entry/Exit Overstay Report (or Overstay Report). Visa Overstay Reports](http://lawprofessors.typepad.com/immigration/2018/08/on-aug-7-the-department-of-homeland-security-dhs-released-the-fiscal-year-2017-entryexit-overstay-report-or-overstay-re.html)
* ['Shocked and humiliated': Lawsuits accuse Customs, Border officers of invasive searches of minors, women](http://lawprofessors.typepad.com/immigration/2018/08/shocked-and-humiliated-lawsuits-accuse-customs-border-officers-of-invasive-searches-of-minors-women.html)

**AILA NEWS UPDATE**

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