THE GIBSON REPORT – 09-24-18 – Compiled By Elizabeth Gibson, Esq., NY Legal Assistance Group

**TOP UPDATES**

[**Public charge proposed rule**](https://www.dhs.gov/news/2018/09/22/dhs-announces-new-proposed-immigration-rule-enforce-long-standing-law-promotes-self)

DHS: “DHS Announces New Proposed Immigration Rule to Enforce Long-Standing Law that Promotes Self-Sufficiency and Protects American Taxpayers.” See also [CLINIC: USCIS Proposes Vast Changes to Public Charge Definition](https://cliniclegal.org/resources/uscis-proposes-vast-changes-public-charge-definition)

[**ICE arrested undocumented immigrants who came forward to take in undocumented children**](https://amp.cnn.com/cnn/2018/09/20/politics/ice-arrested-immigrants-sponsor-children/index.html?__twitter_impression=true)

CNN: On Tuesday, Immigration and Customs Enforcement senior official Matthew Albence testified to Congress that, after Health and Human Services and ICE signed a memorandum of agreement to background-check and fingerprint potential "sponsors" of immigrant children, ICE arrested 41 people who came forward.

[**Sessions Limits U.S. Judges’ Ability to Dismiss Deportation Cases**](https://www.reuters.com/article/us-usa-court-trump-judges/trump-chips-away-at-liberal-u-s-appeals-court-majorities-idUSKCN1M025I)

*Reuters* reports on the Attorney General’s (AG) decision in *Matter of S-O-G- & F-D-B-*. AILA Associate Director of Government Relations Kate Voigt called it part of “a concerted effort by the AG to undermine judicial independence and to minimize the role of judges in immigration court.” AILA Doc. No. 18092001. See also [Jeff Sessions’ Latest Immigration Opinion Is Another Blow to the Independence of Immigration Judges, the Judges Union Said](https://www.buzzfeednews.com/article/zoetillman/the-immigration-judges-union-says-a-new-jeff-sessions)

[**Trump Administration Justifies Lowest Refugee Admission Target Ever, Arguing That America’s Generosity Remains Boundless**](https://click.everyaction.com/k/2291840/12346993/-565574998?nvep=ew0KICAiVGVuYW50VXJpIjogIm5ncHZhbjovL3Zhbi9FQS9FQTAwMS8xLzU4MjExIiwNCiAgIkRpc3RyaWJ1dGlvblVuaXF1ZUlkIjogIjNhMjQ4MjlkLTMwYmYtZTgxMS1hZjExLTI4MTg3ODQ3Yzg5ZSIsDQogICJFbWFpbEFkZHJlc3MiOiAiZWdpYnNvbkBueWxhZy5vcmciDQp9&hmac=ZMFiraJAzsG9xdd6azH_zFSbL_Zop2IGeTUpXOHnYIw=)

AIC: Secretary of State Mike Pompeo announced Monday the Trump administration's intention to limit refugee admissions to 30,000 people in Fiscal Year 2019. The administration argued that refugee admissions and asylum grants must be considered together when measuring “America’s generosity.”

[**Sessions Decision Could Eliminate Bond for Arriving Refugee Families**](https://www.humanrightsfirst.org/press-release/sessions-decision-could-eliminate-bond-arriving-refugee-families)

HRF: Human Rights First today condemned Attorney General Jeff Session’s decision to refer to himself a Board of Immigration Appeals decision in Matter of M-G-G-, a move that will likely lead to thousands of refugee families languishing indefinitely in detention. Sessions can now issue a ruling that would attempt to block individuals, including those seeking protection, from having an immigration judge assess their cases for potential release from detention.

[**More Communities Say They Won’t Jail Immigrants for ICE**](https://click.everyaction.com/k/2291818/12346834/1024758289?nvep=ew0KICAiVGVuYW50VXJpIjogIm5ncHZhbjovL3Zhbi9FQS9FQTAwMS8xLzU4MjExIiwNCiAgIkRpc3RyaWJ1dGlvblVuaXF1ZUlkIjogIjNhMjQ4MjlkLTMwYmYtZTgxMS1hZjExLTI4MTg3ODQ3Yzg5ZSIsDQogICJFbWFpbEFkZHJlc3MiOiAiZWdpYnNvbkBueWxhZy5vcmciDQp9&hmac=ZMFiraJAzsG9xdd6azH_zFSbL_Zop2IGeTUpXOHnYIw=)

AIC: A growing number of communities are reevaluating their role in detaining immigrants on behalf of U.S. Immigration and Customs Enforcement. Many are voting to no longer detain immigrants in their local jails.

[**New Census Data Show Immigrants Complement Natives in the US Workforce**](https://click.everyaction.com/k/2291821/12346870/2028379191?nvep=ew0KICAiVGVuYW50VXJpIjogIm5ncHZhbjovL3Zhbi9FQS9FQTAwMS8xLzU4MjExIiwNCiAgIkRpc3RyaWJ1dGlvblVuaXF1ZUlkIjogIjNhMjQ4MjlkLTMwYmYtZTgxMS1hZjExLTI4MTg3ODQ3Yzg5ZSIsDQogICJFbWFpbEFkZHJlc3MiOiAiZWdpYnNvbkBueWxhZy5vcmciDQp9&hmac=ZMFiraJAzsG9xdd6azH_zFSbL_Zop2IGeTUpXOHnYIw=)

AIC: New data from the Census Bureau's American Community Survey (ACS), illustrates how immigrants add value to the economy through their participation in the workforce.

[**Immigration Policies Weigh on Indian Workers Seeking Green Cards**](https://www.bna.com/immigration-policies-weigh-n73014482670/)

*Bloomberg* reports that hundreds of thousands of immigrants may lose their temporary work visas while waiting for green cards. AILA First Vice President Jennifer Minear said, “a whole puzzle with multiple pieces” created the situation, including a decades-long backlog and new USCIS policies. AILA Doc. No. 18092139

[**FOIA Response Details Guidance on Processing of Travel Ban Waivers**](https://www.aila.org/infonet/foia-response-details-guidance-on-processing)

In response to a FOIA request made by the International Refugee Assistance Project (IRAP), the Department of State provides guidance distributed to consular officers dated 1/23/18 concerning the processing of waivers under Presidential Proclamation 9645, also known as “Travel Ban 3.0”. AILA Doc. No. 18092140

**Updates on New Judges' Dockets**

* Judge Brian Palmer will be taking over the docket of retired Judge McManus
* Judge Sam Factor will be taking over the docket of retired Judge Sandy Hom (not to be confused with new Judge Howard Hom)
* Judge Oshea Spencer will be hearing cases previously on a VJ docket. Notices are being sent.
* In addition, some of Judge Vomacka’s 2019-2021 cases have been distributed to incoming IJs. The dates and times of these will remain the same. I would suggest attorneys with hearings scheduled before Judge Vomacka periodically check the 1-800 number to verify a new IJ has been assigned.

**LITIGATION/CASELAW/RULES/MEMOS**

[**Matter of S-O-G- & F-D-B-, 27 I&N Dec. 462 (A.G. 2018)**](https://go.usa.gov/xP2DS)

(1)  Consistent with Matter of Castro-Tum, 27 I&N Dec. 271 (A.G. 2018), immigration judges have no inherent authority to terminate or dismiss removal proceedings.

(2)  Immigration judges may dismiss or terminate removal proceedings only under the circumstances expressly identified in the regulations, see 8 C.F.R. § 1239.2(c), (f), or where the Department of Homeland Security fails to sustain the charges of removability against a respondent, see 8 C.F.R. § 1240.12(c).

(3)  An immigration judge’s general authority to “take any other action consistent with applicable law and regulations as may be appropriate,” 8 C.F.R. § 1240.1(a)(1)(iv), does not provide any additional authority to terminate or dismiss removal proceedings beyond those authorities expressly set out in the relevant regulations.

(4)  To avoid confusion, immigration judges and the Board should recognize and maintain the distinction between a dismissal under 8 C.F.R. § 1239.2(c) and a termination under 8 C.F.R. § 1239.2(f).

[**EOIR Releases Internal Guidance on *Pereira v. Sessions***](https://www.aila.org/infonet/eoir-releases-internal-guidance-on-pereira)

Obtained via FOIA by Hoppock Law Firm, EOIR released internal *Pereira v. Sessions*implementation guidance sent on 7/11/18 from Principal Deputy Chief Immigration Judge, Christopher A. Santoro, to all immigration courts. Special thanks to Matthew Hoppock. AILA Doc. No. 18091849

**Flores**

* [**AILA and Council Issue Statement to Senate HSGAC Committee on *Flores*Settlement Agreement**](https://www.aila.org/advo-media/aila-correspondence/2018/aila-and-council-issue-statement-to-senate-hsgac)
* [**ICE Issues Statement to Senate Committee on *Flores* Settlement**](https://www.aila.org/advo-media/whats-happening-in-congress/congressional-updates/ice-issues-statement-to-senate-committee-flores)

[**DHS Issues Statement on August 2018 Border Numbers**](https://www.aila.org/infonet/dhs-issues-statement-on-august-2018-border-numbers)

DHS issued statement on the August 2018 border numbers, stating that “While the overall numbers are consistent with an expected seasonal increase, the number of family units along the Southwest border increased 38 percent – 3,500 more than July and the highest August on record.” AILA Doc. No. 18091851

[**HHS Notice of Intent to Fund Additional Beds to Keep Unaccompanied Minors in Custody**](https://www.aila.org/infonet/hhs-83-fr-47176-9-18-18)

HHS (Department of Health and Human Services) notice of intent to provide additional funds for up to 3,800 beds to keep unaccompanied minors in custody. (83 FR 47176, 9/18/18) AILA Doc. No. 18091832

[**USCIS Publishes Revised Form G-28 and Extends Grace Period for Prior Versions**](https://www.aila.org/infonet/uscis-publishes-revised-form-g-28-and-extends)

USCIS published a revised version of Form G-28, with an edition date of 09/17/18. This revised version removes the geographic requirement for sending an original notice to a U.S. address for attorneys and representatives. USCIS extended the grace period for prior versions of G-28s until 11/19/18. AILA Doc. No. 18091734

**RESOURCES**

* [**CGRS launches new expert witness database**](https://cgrs.uchastings.edu/expert/search)
* [**IDP: Particularly Serious Crime implementation**](https://harvardimmigrationclinic.files.wordpress.com/2018/09/idp_harvard_report_final.pdf)**:**Report examining how U.S implementation and interpretation of the “particularly serious crime” bar to withholding of removal and asylum in the U.S. fails to comply with the Refugee Convention. It also looks at how the U.S. diverges from the standards and practices of the international community and other countries.
* [**IDP: Particularly Serious Crime Chart**](https://harvardimmigrationclinic.files.wordpress.com/2018/09/idp_chart_v3_2.pdf)
* [**Resources Related to DOD’s Tightening of Rules and Discharges of Immigrants from the Military**](https://www.aila.org/infonet/dod-tightens-rules-for-immigrants-joining-military)

**EVENTS**

* 9/25/18[**Reviving I-130 Petitions with Consular Processing and INA §204(l)**](https://agora.aila.org/Conference/Detail/1463)
* 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[**Strategies and Considerations in the Wake of Pereira v. Sessions and Matter of Bermudez-Cota**](https://agora.aila.org/Conference/Detail/1518)
* 9/26/18**Representing Children in Immigration Matters 2018: Effective Advocacy and Best Practices**
* 9/27/17**Update on National TPS Litigation**
* 9/27/18 **Free CLE training on Screening Scenarios at Community Immigration Clinics:**RSVP to the Fragomen Fellow, Caitlin Miner-Le Grand, at [cminer-legrand@nycbar.org](mailto:cminer-legrand@nycbar.org), by Tuesday, September 26. . It will prepare attorneys for pro bono volunteering at community clinics and  cover asylum, U/T/VAWA, naturalization, common crim-imm scenarios, and family-based immigration
* 9/28/18 **Sessions v. Dimaya How the Supreme Court decision impacts immigrants with convictions for "Crimes of Violence"**
* 10/1/18 [**MPI: Immigration Law & Policy Conference**](http://my.migrationpolicy.org/salsa/track.jsp?v=2&c=XzBKpvB4jbz9fg74lumlgHpz0yL6Q7f%2B)
* 10/2/18[**Bronx DV Roundtable Immigration Symposium**](https://www.facebook.com/events/490625664786728/)
* 10/4/18 [**Department of Justice Recognition and Accreditation & Immigration Legal Services for Abused Immigrants**](https://cliniclegal.org/civicrm/event/register?id=854&reset=1)
* 10/2/18-11/13/18 [**Introduction to Immigration Law Practice: A Course for New Practitioners**](https://cliniclegal.org/civicrm/event/info?reset=1&id=707)
* 10/5/18 [**DACA Conference at New York City Bar Association**](https://www.lawschool.cornell.edu/Events/DACA-Conference-2018.cfm)
* 10/9/18 [**Citizenship in an Era of Record Migration and Growing Nationalism**](http://www.eventbee.com/v/2018cmssymposium)
* 10/10/18 [**National Context: The Legal Fights over Sanctuary Policies**](https://docs.google.com/forms/d/e/1FAIpQLSeHJAcDYghNA5iwEQNAUZfDwlpHPHP6ss_K5Ytj-bTXuA6exg/viewform?c=0&w=1)
* 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)
* 2/8/19 [**Asylum, Special Immigrant Juvenile Status, Crime Victim, and Other Immigration Relief 2019**](https://www.pli.edu/Content/Seminar/Asylum_Special_Immigrant_Juvenile_Status/_/N-4kZ1z0zgl7?ID=348126)

**ImmProf**

Sunday, September 23, 2018

* [Trump Administration Targets Noncitizen Public Benefits Recipients](http://lawprofessors.typepad.com/immigration/2018/09/trump-administration-target-noncitizen-public-benefits-recipients.html)

Saturday, September 22, 2018

* [Veteran who was deported to Mexico returns home -- to the U.S.](http://lawprofessors.typepad.com/immigration/2018/09/veteran-who-was-deported-to-mexico-returns-home-to-the-us.html)
* [Estimating the Undocumented Population](http://lawprofessors.typepad.com/immigration/2018/09/estimatingthe-undocumented-population.html)
* [Immigration and the Constitution](http://lawprofessors.typepad.com/immigration/2018/09/immigration-and-the-constitutiuon.html)

Friday, September 21, 2018

* [The President's Nevada Stump Speech](http://lawprofessors.typepad.com/immigration/2018/09/the-presidents-nevada-stump-speech.html)
* [From The Bookshelves: Melting Pot or Civil War?](http://lawprofessors.typepad.com/immigration/2018/09/from-the-bookshelves-melting-pot-or-civil-war.html)
* [New Music: Black Eyed Peas tackle gun violence, immigration in videos](http://lawprofessors.typepad.com/immigration/2018/09/new-music-black-eyed-peas-tackle-gun-violence-immigration-in-videos.html)

Thursday, September 20, 2018

* [Senator Feinstein (D-CA) faces attack on immigration, this time from the left](http://lawprofessors.typepad.com/immigration/2018/09/senator-feinstein-d-ca-faces-attack-on-immigration-this-time-from-the-left.html)
* [Removal Defense Skills Workshop (El Paso) October 6, 2018](http://lawprofessors.typepad.com/immigration/2018/09/removal-defense-skills-workshop-el-paso-october-6-2018.html)
* [The Beat Goes On: Attorney General Reviews More BIA Rulings](http://lawprofessors.typepad.com/immigration/2018/09/the-beat-goes-on-attorney-general-reviews-more-bia-rulings.html)

Wednesday, September 19, 2018

* [How Midwestern Suffragists Used Anti-Immigrant Fervor to Help Gain the Vote](http://lawprofessors.typepad.com/immigration/2018/09/how-midwestern-suffragists-used-anti-immigrant-fervor-to-help-gain-the-vote.html)
* [From The Bookshelves: Dear America](http://lawprofessors.typepad.com/immigration/2018/09/from-the-bookshelves-dear-america.html)
* [Iowa Struck Again by Tragic Death: The Death of Champion Golfer from Spain](http://lawprofessors.typepad.com/immigration/2018/09/iowa-struck-again-by-tragic-death-the-death-of-champion-golfer-from-spain.html)

Tuesday, September 18, 2018

* [Index of American Cities by Welcomeness to Migrants](http://lawprofessors.typepad.com/immigration/2018/09/index-of-american-cities-by-welcomeness-to-migrants.html)
* [Immigration Article of the Day: Weaponizing Misery: The 20-Year Attack on Asylum by Kari E. Hong](http://lawprofessors.typepad.com/immigration/2018/09/immigration-article-of-the-day-weaponizing-misery-the-20-year-attack-on-asylum-by-kari-e-hong.html)
* [Reaction to Trump's Reduction of Refugee Numbers to 30,000](http://lawprofessors.typepad.com/immigration/2018/09/reaction-to-trumps-reduction-of-refugee-numbers-to-30000.html)
* [El Salvador: Civil War, Natural Disasters, and Gang Violence Drive Migration](http://lawprofessors.typepad.com/immigration/2018/09/el-salvador-civil-war-natural-disasters-and-gang-violence-drive-migration.html)
* [Secretary Pompeo Delivers Remarks on Refugee Policy](http://lawprofessors.typepad.com/immigration/2018/09/secretary-pompeo-delivers-remarks-on-refugee-policy.html)

Monday, September 17, 2018

* [Music Break - Make America Great Again](http://lawprofessors.typepad.com/immigration/2018/09/pussy-riot-make-america-great-again.html)

Sunday, September 16, 2018

* [Lauren Gilbert: Trump doesn’t need a wall — he has Jeff Sessions](http://lawprofessors.typepad.com/immigration/2018/09/lauren-gilbert-trump-doesnt-need-a-wall-he-has-jeff-sessions-.html)

**AILA NEWS UPDATE**

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