



News & Types: Immigration Update

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Practices: Immigration

PRESIDENT TRUMP ESTABLISHES NATIONAL VETTING CENTER

On February 6, 2018, Secretary of Homeland Security Kirstjen M. Nielsen released a statement on President Trump's signing of a National Security Presidential Memorandum to establish a National Vetting Center (NVC) to be housed within the Department of Homeland Security (DHS).

The NVC, by supporting DHS and the "entire U.S. intelligence community," would help departments and agencies improve coordination, intelligence use, and other information used during the vetting process. As part of the President's efforts at heightened security, the NVC would implement tougher vetting and screening into individuals entering the U.S. Secretary Nielsen also stated that DHS would put mechanisms in place so that it accomplishes its mission of keeping dangerous individuals from reaching the U.S., while also protecting the privacy, civil rights, and civil liberties interests of individuals. The NVC would be subject to the oversight and guidance of a National Vetting Governance Board.

Secretary Nielsen, along with the Secretary of State, the Attorney General, and the Director of National Intelligence, are to establish the NVC. The director is to be designated by Secretary Nielsen, and the Secretary of State and the Attorney General will detail or assign senior officials from their respective agencies to serve as deputy directors. The memorandum emphasizes coordination between the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Central Intelligence Agency.

The NVC will not commence operations until the President approves an implementation plan to be jointly submitted by the above agencies within 180 days of the issuance of the memorandum.

SELECT USCIS FIELD OFFICES EXPECTED TO IMPLEMENT INFOPASS CHANGES

Select U.S. Citizenship and Immigration Services (USCIS) field offices are expected to introduce a new pilot program requiring applicants to contact the USCIS' National Customer Service Center (NCSC) to schedule InfoPass appointments rather than self-scheduling online InfoPass appointments. The USCIS is seeking to eliminate InfoPass usage for routine inquiries that can be resolved via the NCSC. According to reports, the change will be implemented for the following 5 field offices: Hartford, CT, El Paso, TX, Jacksonville, FL, Sacramento, CA, and San Francisco, CA.

WHITE HOUSE ISSUES FRAMEWORK ON IMMIGRATION

On January 25, 2018, the White House released its “White House Framework on Immigration Reform & Border Security,” (Framework) a brief plan proposing sweeping changes to the immigration system and border security. The Framework is divided into 4 sections: (1) Border Security, (2) DACA Legalization, (3) Protect the Nuclear Family, and (4) Eliminate Lottery and Repurpose Visas.

The first item in its Border Security section is a \$25 billion trust fund to fund the border wall system. In addition, the Framework proposes additional appropriations for legal and law enforcement personnel, including Department of Homeland Security (DHS) personnel, Immigration and Customs Enforcement (ICE) attorneys, immigration judges, and prosecutors. Other measures proposed are based on interior enforcement. These include ending statutorily-imposed catch-and-release, expanding inadmissibility and deportation grounds, and deterring visa overstays with expedited removal.

The second section focuses on Deferred Action for Childhood Arrivals (DACA) legalization. For DACA recipients and other DACA-eligible illegal immigrants, the Framework proposes a 10-12 year path to citizenship with certain requirements. However, such status is subject to revocation for “criminal conduct or public safety and national security concerns, public charge, fraud, etc.”

The third section focuses on protection of the nuclear family by limiting family sponsorships to spouses and minor children of U.S. Citizens and Legal Permanent Residents, and prospectively ending all other categories of family-based immigrant visa sponsorship.

The fourth and last section focuses on elimination of the Diversity Visa Lottery Program and to repurpose visas. Claiming these programs are prone to fraud and abuse, the Framework proposes to eliminate the Diversity Visa Lottery and reallocate the visas to reduce the backlogs in family-based and employment-based visa categories. The entire Framework can be found below.

WHITE HOUSE FRAMEWORK ON IMMIGRATION REFORM & BORDER SECURITY

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BORDER SECURITY: Securing the Southern and Northern border of the United States takes a combination of physical infrastructure, technology, personnel, resources, authorities, and the ability to close legal loopholes that are exploited by smugglers, traffickers, cartels, criminals and terrorists.

- The Department of Homeland Security must have the tools to deter illegal immigration; the ability to remove individuals who illegally enter the United States; and the vital authorities necessary to protect national security.
- These measures below are the minimum tools necessary to mitigate the rapidly growing surge of illegal immigration.
 - \$25 billion trust fund for the border wall system, ports of entry/exit, and northern border improvements and enhancements.

- Close crippling personnel deficiencies by appropriating additional funds to hire new DHS personnel, ICE attorneys, immigration judges, prosecutors and other law enforcement professionals.
- Hiring and pay reforms to ensure the recruitment and retention of critically-needed personnel.
- Deter illegal entry by ending dangerous statutorily-imposed catch-and-release and by closing legal loopholes that have eroded our ability to secure the immigration system and protect public safety.
- Ensure the detention and removal of criminal aliens, gang members, violent offenders, and aggravated felons.
- Ensure the prompt removal of illegal border-crossers regardless of country of origin.
- Deter visa overstays with expedited removal. Ensure synthetic drugs (fentanyl) are prevented from entering the country.
- Institute immigration court reforms to improve efficiency and prevent fraud and abuse.

DACA LEGALIZATION: Provide legal status for DACA recipients and other DACA-eligible illegal immigrants, adjusting the time-frame to encompass a total population of approximately 1.8 million individuals.

- 10-12 year path to citizenship, with requirements for work, education and good moral character.
- Clear eligibility requirements to mitigate fraud.
- Status is subject to revocation for criminal conduct or public safety and national security concerns, public charge, fraud, etc.

PROTECT THE NUCLEAR FAMILY: Protect the nuclear family by emphasizing close familial relationships.

- Promote nuclear family migration by limiting family sponsorships to spouses and minor children only (for both Citizens and LPRs), ending extended-family chain migration.
- Apply these changes prospectively, not retroactively, by processing the “backlog.”

ELIMINATE LOTTERY AND REPURPOSE VISAS: The Visa Lottery selects individuals at random to come to the United States without consideration of skills, merit or public safety.

- This program is riddled with fraud and abuse and does not serve the national interest.
- Eliminate lottery and reallocate the visas to reduce the family-based “backlog” and high-skilled employment “backlog.”