

# DAPA and Expanded DACA – Still on Hold

We wanted to provide you with an update on how our office is handling expanded DACA and DAPA cases. Seventeen states filed a lawsuit against the U.S. Department of Homeland Security in an effort to block new applications for deferred action for childhood arrivals (DACA) and for deferred action for parental authority (DAPA) which President Obama announced on November 20, 2014.

On February 16, 2015 a Texas Judge granted a temporary preliminary injunction order asking that processing of applications cease until a decision is made. It has been predicted by the American Immigration Lawyers Association (AILA) that the lawsuit filed by the seventeen states will lose. AILA has urged immigration attorneys to continue preparing applications in anticipation of and applicants will be allowed to apply for work permits in the coming months.

For clients who are eligible under the expanded DACA and DAPA programs announced on November 20, 2014, we advise continuing to collect and turn in your evidence. We will monitor the situation and perform only basic required services such as background checks and receiving and cataloging evidence until we receive the final decision of the Courts.

## USCIS Visa Bulletin

**JUNE 2015**

The visa bulletin is a monthly notice issued by the State Department which lists the availability of visa numbers during the month of publication. It is used as a guide to determine whether a visa is available for certain immigrants, depending on visa category and country of origin. When an immigrant petition is filed, the petition is assigned a “priority date”, which is usually the date the application is filed. This date is used to determine the petition’s place in line, since visa availability is limited. Below is the current visa bulletin for June of 2015:

First: (F1) Unmarried Sons and Daughters of U.S. Citizens

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents

A. (F2A) Spouses and Children of Permanent Residents

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents

Third: (F3) Married Sons and Daughters of U.S. Citizens

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01SEP07	01SEP07	08SEP07	15NOV94	01MAR00
F2A	01OCT13	01OCT13	01OCT13	08AUG13	01OCT13
F2B	15SEP08	15SEP08	15SEP08	08APR95	01MAY04
F3	22FEB04	22FEB04	22FEB04	15APR94	15AUG93
F4	08SEP02	08SEP02	08SEP02	01MAR97	08NOV91

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# BARTEN LAW Newsletter

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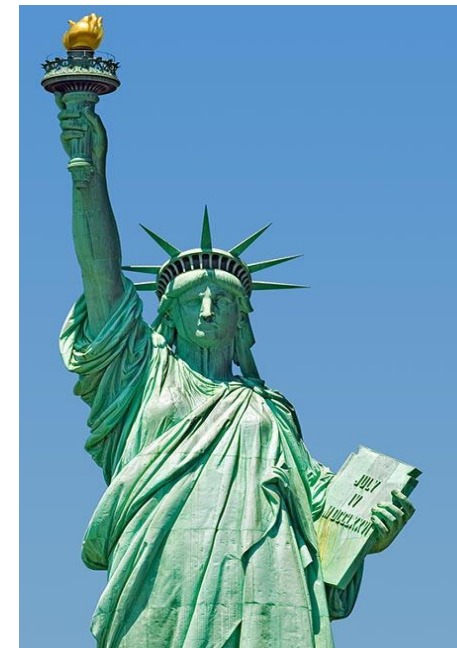
### Priority Date Predictions

### Visa Bulletin for June 2015

## Updates from the Federal Bar Association Immigration Law Conferences

Attorney JoAnn Barten recently returned from Memphis on May 18th with many new updates.

- The Administrative Appeal Office states that there has been a substantial increase in appeals of denials for I-130 petitions.
- The Department of State announced that during Summer 2015 six U.S. consulates - Frankfurt, Montreal, Sydney, Buenos Aires, Rio de Janeiro, and Thailand will begin electronic processing. Once an immigrant visa is approved, the goal is that the applicant will be able to enter the U.S. without delay. They won't be sent to secondary inspection and forced to wait extra hours at the airport or land border to enter for permanent residency.
- The National Visa Center is challenged and is facing backlogs and bottle-necks in processing. They state they are hiring more employees.



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## OUR ATTORNEYS



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“At Barten Law, we understand that your immigration needs are important to you and your family. You deserve the highest quality representation and legal advice in all areas of immigration law.”

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- The National Visa Center states that once they receive the file from USCIS they are now issuing fee bills within 7 business days and once documents are received they are now responding within 21 business days. The National Visa Center is storing over 450,000 paper files from each year waiting for the I-130 or I-140 petition priority dates to become current. The National Visa Center will begin changing to computer storage. They state they will expedite cases for individuals turning age 21, and there was a reminder to pay the fee invoices immediately for children to lock in the Child Status Protection Act provisions.
- The National Visa Center has been sending out notices to petitioners, as priority dates are predicted to move forward, to begin the next stage for consular processing. A large number of those notices were returned to the National Visa Center because petitioners are failing to change their address directly. **The Post Office does not update the address and rejects the notices if it is not the most recent address they have on file.** For this reason updating the Petitioner's address directly with the National Visa Center is critical and could determine whether a family member or employee immigrates at the earliest possible opportunity or their case is terminated. **Contact us for assistance notifying the NVC and tracking your case.**
- There is new leadership at the Department of Labor for employment based cases. The President has demanded reduction of lengthy delays in employment application processing. As a result, premium processing, a fee for faster results, is being considered. The application for labor certification, PERM, will be revised soon. There has been considerable angst over the lack of notice in processing changes. Since 2013, the Department of Labor has modified processing without announcement more than once and thus denied a large number of applications which previously would have been approved. This covert practice of making changes without announcement has been called into question because it makes the employment immigration process very unpredictable.
- The Immigration Courts are continuing to deal with the “border surge” of children and women with children arriving at the southern border and requesting protection. It is expected that the number of arrivals this summer will reduce from 50,000 to around 35,000. Many of the female older children are arriving pregnant as a result of rape before they left their country or rape while traveling to the U.S. These cases are a priority. Trials, individual merits hearings, for non-border surge cases are being scheduled out to 2019.
- The Immigration Courts now require registration in order to represent clients in immigration court so that unauthorized notaries, who are not licensed attorneys, can no longer appear in immigration court. The Immigration Court is hiring 140 new judges plus court staff by 2016. There has been a large number of retirements and a hiring freeze which resulted in considerable lack of judges and contributes to the long wait for an individual merits hearing.
- The attorney general plans to publish new regulations in 2015 to provide a process to re-open removal/ deportation orders when an immigrant's case is hurt by bad lawyering.
- More than 223,000 H-1B applications were received for the available 85,000 slots. Employers and employees not selected need to plan accordingly.

## Priority Date Predictions

Charles Harrington, in charge of the Visa Bulletin, announced the following predictions for priority dates. The President is urging that the full number of allowable family and employment based residency be granted and this past year 98% of the allotments were processed.

Approximately 75 – 80% of each family category will be used by June 2015. The family categories are expected to move forward as follows until the U.S. government year ends this September 30, 2015.

**Family 1<sup>st</sup> Category** - will move forward 2 – 3 weeks per month

**Family 2A Category** - will move forward 4-5 weeks per month

**Family 2B Category** - will slow down

**Family 3<sup>rd</sup> Category** - will move forward 2 weeks

**Family 4<sup>th</sup> Category** - will move forward 3- 6 weeks per month

## DACA – Original Program Still Available

For clients who are eligible under the original DACA program which began September 2012, we will continue to file work permit renewals and initial applications for work permits. To qualify for the original DACA program, an individual must show:

- He or she is at least 15 years old
- He or she entered the United States under the age of sixteen
- Has continuously resided in the United States for at least five years prior to the date of the memorandum (June 15, 2007)
- Was present in the United States on June 15, 2012
- Is signed up for a qualified GED or high school adult program, or is currently in school, or has graduated from high school or received a GED.
- Has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanors, or poses a threat to national security of public safety
- Is not over age thirty on June 15, 2012.

## CASE EVALUATION

Attorneys at Barten Law offer a full range of immigration services and advice to individuals, and companies large and small. We offer a FULL immigration case review and are available to answer your immigration questions. Call our office today!



## Client Testimonials

Thank you to All for helping me achieve my U.S. Citizenship!

Manie N. – Clarion, Iowa

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