

Developments in Immigration Law

In 2011 the Obama Administration inserted some common sense into immigration enforcement, directing U.S. Immigration and Customs Enforcement (ICE) to focus on deporting violent criminals, drug dealers, and terrorists. In addition, the Administration has just announced plans to permit certain long-time, undocumented persons with a U.S. citizen spouse or children to legalize their status without having to wait outside the country for 1-2 years or longer, as is the present practice. If properly applied, this policy will avoid many of the heartbreaking stories of family separation seen in recent years. At the same time, though you wouldn't know it from watching Fox News, the Obama Administration deported more undocumented aliens (nearly 500,000) in 2011 than any previous administration. Furthermore, according to Homeland Security statistics, illegal entries to the U.S. are down substantially. So I disagree with the view that the Obama Administration has failed to enforce the immigration laws.

2011 will be remembered as the year several states enacted laws targeting Latinos and other people of color, effectively mandating racial profiling by state law enforcement agents. Since Alabama's 2011 law went into effect, foreign auto executives have been arrested by local law enforcement for failure to produce immigration papers, and civil rights workers have documented other due process violations, shortages of essential workers, and a climate of fear leading many to flee the state. Crops have gone unpicked as well.

During 2012, the U.S. Supreme Court will hear the Obama Administration's constitutional challenge to Arizona's immigration law, enacted in 2010 but temporarily blocked by the courts. The Court might strike down Arizona's law, reaffirming immigration policy as exclusively a federal matter. If the Court upholds the law, other states could follow Arizona's and Alabama's lead, resulting in a confusing patchwork of state immigration laws throughout the country.

Finally, will 2012 be the year Congress passes "immigration reform?" Even though this is the best way to improve our immigration system and resolve conflicting state laws, my personal take is that politics will prevent "reform" from occurring, at least until the government figures out a way to seriously stem the flow of persons illegally entering the U.S. as well as those overstaying their permitted time here. Many remember the 3-part 1986 immigration reform law, which provided amnesty (applied to around 4 million undocumented persons), a simultaneous increase of border patrol to seal off the border, and sanctions against employers who employ "unauthorized aliens." Because this law failed to stem the tide of undocumented persons within the U.S., many of our lawmakers fear that a new amnesty, without first sealing the border, will only increase the current population (10+ million) to 20+ million in short order.

Morris D.

USCIS Fraud Detection Unit Continues Surprise H-1B Investigations

- USCIS continues to make unannounced site visits to employers of H-1B professional workers. According to recent reports from several of our employer-clients, USCIS stops by the work location listed on the H-1B application, and requests documentary proof of the H-1B employee's job title, duty description, work location, and salary. In the event any detail of the employment differs from what was previously stated in the H-1B application, USCIS may cite an employer or try to revoke the previously-approved H-1B status. To avoid problems, H-1B employers and their employees must be vigilant in complying with USCIS and Labor Department regulations, and should file an H-1B amendment in the event of any material change in job title, duties, location or salary.

Deutsch, Killea and Eapen Continues to Solve Difficult Cases

- After a trial in Immigration Court, we prevented the deportation of an Iranian who had been a U.S. permanent resident for over 25 years. Despite his multiple convictions for drug possession, DUI, etc., the Court restored his right to permanent residence, based on his reform and the hardship his deportation would have caused his extensive family here.
- After trial, an Immigration Court granted political asylum to a former Army commander from Pakistan, based on evidence that the current government there would have arrested and possibly tortured him upon his return to Pakistan.
- In 2011 alone, our firm obtained permanent residence for dozens of foreign “extraordinary ability” and “outstanding” scientists working at the National Institutes of Health, National Institute of Standards and Technology, other non-government organizations, and numerous American universities. In order to succeed in such a case, one must prove that the scientist is “at the top” of and widely known in his or her field. We also successfully applied this type of case to foreign persons involved in national security, the military, international human rights, and the arts.
- Deutsch, Killea and Eapen skillfully obtains numerous applications for temporary or permanent work and residence permits, as well as U.S. citizenship. Our clients obtain their permission to live here through employment, investment, or family relationship. Whatever the type, we take on the tough immigration cases.

Our team of immigration attorneys and highly educated support staff are dedicated to providing clients with quality, efficient immigration services. There are few situations beyond the knowledge base of our 60+ combined years of experience in immigration law, which is why our firm has received the highest rating from Lawyers.com and Martindale Hubbell based on reviews by clients and other attorneys!

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