

NEGATIVE STRATEGY ON THE IMMIGRATION TOPIC

Rich Edwards
Baylor University
2018-19 National Policy Topic

Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

BRAIN DRAIN DISADVANTAGE

Uniqueness: Limited immigration at present

Link: The plan increases numbers of skilled immigrants.

Impact: Economic problems for developing countries – may focus on particular countries such as India or China.



Eliot Dickinson, (Prof., Politics, Western Oregon U.), GLOBALIZATION AND MIGRATION: A WORLD IN MOTION, 2017, 83. Skilled migrants leave for a wide range of reasons, but usually because they can earn more money, have greater social opportunities, and enjoy a higher quality of life abroad. The effect on countries that lose such valuable human capital is a serious problem inasmuch as it increases the already large economic disparity between rich and poor. It further disadvantages communities that are already struggling, and it contributes to keeping peripheral countries caught in a cycle of dependency and economic underdevelopment.

POPULATION DISADVANTAGE

Uniqueness: U.S. population growth is under control at present.

Link: Immigration increases U.S. population.

Internal Link: Immigration serves as a “safety-valve” undermining population control efforts in sending countries.

Impact: Species destruction, overwhelming carrying capacity.



Philip Cafaro, (Prof., Environmental Studies, Colorado State U.). HOW MANY IS TOO MANY?: THE PROGRESSIVE ARGUMENT FOR REDUCING IMMIGRATION INTO THE UNITED STATES, 2015, 29-30. Once again, at the risk of stating the obvious: which immigration rate we choose will make a huge difference to US population numbers in the coming years. A good rule of thumb is that for every half million immigrants admitted annually we increase America's population at the end of this century by 72 million people. Another is that under all mass immigration scenarios with more than a few hundred thousand net immigrants per year, the US population cannot stabilize and instead continues to grow.

HEGEMONY DISADVANTAGE

Uniqueness: U.S. leadership now at a low ebb, given rejection of Trump policies on immigration.

Link: The case claims to restore and reinvigorate U.S. leadership in global affairs.

Impact: Restoring U.S. leadership results in war, environmental destruction, and economic disaster.



Liu Mingfu, (Prof., China's National Defense University), THE CHINA DREAM, 2015, 58. American hegemony is the root cause of the current attempts at nuclear weapons proliferation. American war has not stopped since the Cold War concluded, and the reason is not nuclear weapons, but America's imposed hegemony. The first strategic task necessary to guarantee world peace is not denuclearization, it is the end of hegemony. Only if America halts its hegemonic campaigns can the world denuclearize.

HORSE-TRADING DISADVANTAGE

Uniqueness: The current impasse in Congress will prevent a major change in immigration policy.

Link: Any liberalization of legal immigration will cause a draconian crackdown on illegal immigration.

Impact: Mass deportations of illegal immigrants will destroy families and cause economic breakdown.



Associated Press, THE MORNING CALL, Feb. 23, 2017.

<http://www.mcall.com/business/getsmart/mc-fast-facts-how-much-would-deportation-of-illegal-immigrants-cost-the-us-economy-20170222-story.html>. Undocumented workers make up about 5 percent of the U.S. labor market. 8 million illegal immigrants in the U.S. are of working age, according to Pew. What is the value of undocumented immigrant labor? According to a study issued by the National Bureau of Economic Research, loss of that segment of the labor force would cost the U.S. economy \$5 trillion over a decade. Illegal immigrants provide \$500 billion in output a year, according to study co-author Francesc Ortega.

MIDTERM ELECTIONS

Uniqueness: Democrats will re-take control of Congress in the Midterms if all remains the same.

Link: Liberalization of immigration will re-energize the Republican base and generate turnout.

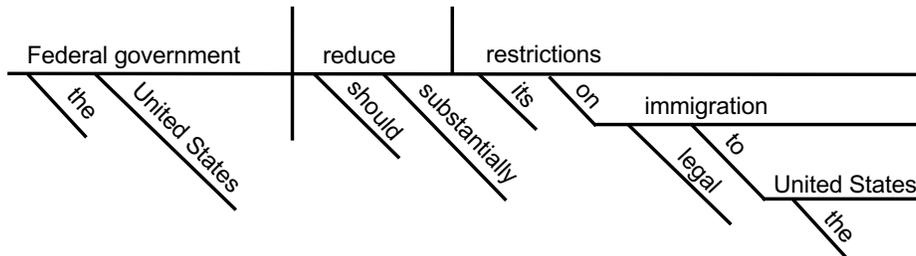
Impact: Republicans will repeal Obamacare and gut Medicaid funding, denying health care to millions.



Perry Bacon, (Journalist, FiveThirtyFive), WHAT HAPPENS IF REPUBLICANS KEEP CONTROL OF THE HOUSE AND SENATE?, May 22, 2018.

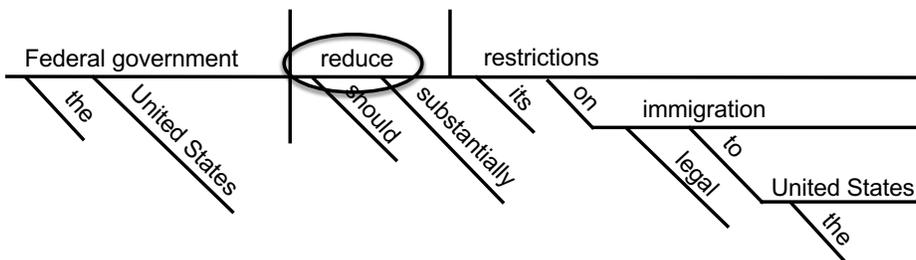
<https://fivethirtyeight.com/features/what-happens-if-republicans-keep-control-of-the-house-and-senate/>. If Republicans control the House and Senate next year, I would expect them to push some kind of health policy proposal that uses the so-called reconciliation process, which requires only a majority of votes in the Senate, rather than a filibuster-proof 60. That legislation could be a full-scale repeal of Obamacare.

The 2018-19 Resolution



Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

Topicality Challenges

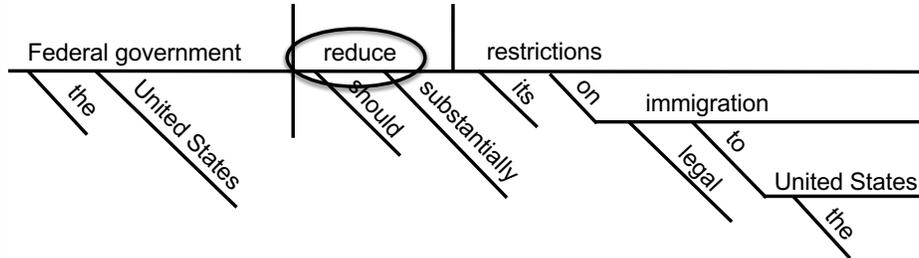


“Reduce” does not mean “eliminate” – some restrictions would remain.
Open borders would not be topical.

Christine Lindberg, (Editor), OXFORD AMERICAN COLLEGE
DICTIONARY, 2002, 1140. Reduce: Bring something to a lower or
weaker state.

Jean McKechnie, (Editor), WEBSTER’S NEW TWENTIETH CENTURY
DICTIONARY, UNABRIDGED, 1979, 1514. Reduce: To repair;
redress.

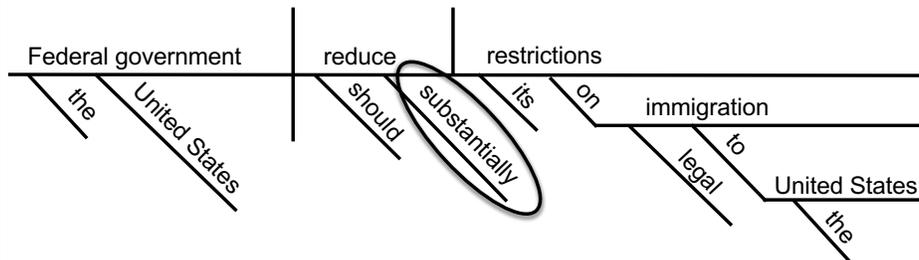
Topicality Challenges



“Reduce” means to “make less” – cases that give additional rights to immigrants are not topical.

Allen Walker Read, (Prof., English, Columbia U.), THE NEW INTERNATIONAL WEBSTER'S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 1058. Reduce: To make less in size, amount, number, intensity, etc.; diminish.

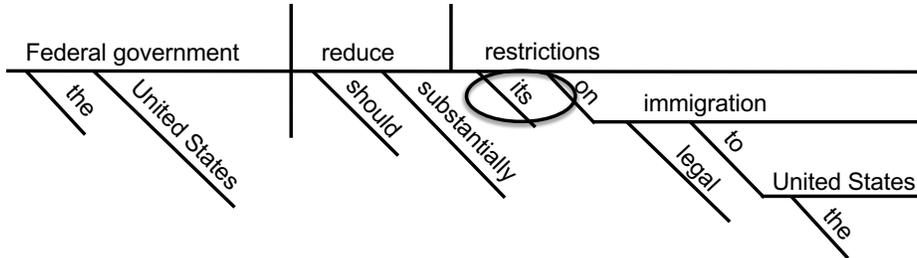
Topicality Challenges



Substantially: Without material qualification—plans which condition the increase in funding and/or regulation of education are not topical.

BLACK'S LAW DICTIONARY, Feb. 5, 2014. Retrieved May 10, 2017 from <https://www.novoco.com/notes-from-novogradac/close-enough-how-measure-substantially-similar-under-fasbs-new-lihtc-investment-guidance>. Substantially: Essentially; without material qualification; in the main; in substance, materially; in a substantial manner

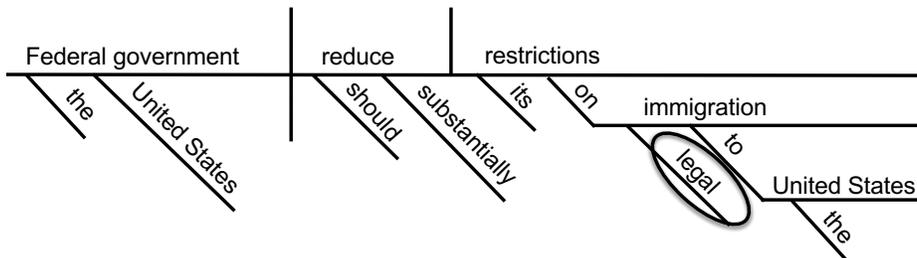
Topicality Challenges



“Its” refers to the federal government’s own restrictions on legal immigration, not the restrictions imposed by states or localities. Cases overturning restrictive state legislation in Arizona, Alabama, Georgia, or other states, would not be topical.

Frederick Mish, (Editor-in-chief), WEBSTER’S COLLEGIATE DICTIONARY, 10th ed., 1993, 623. Its: Of or relating to it or itself, esp. as possessor.

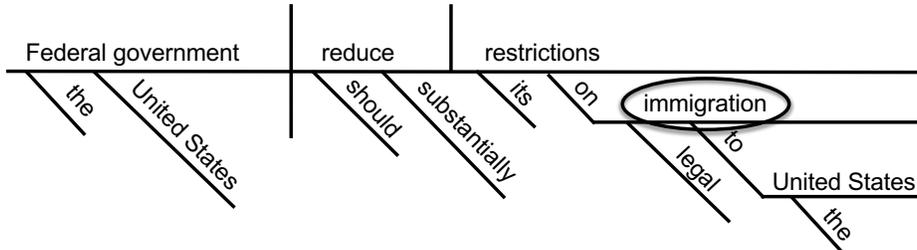
Topicality Challenges



“Legal” refers to a particular subset of immigration – cases reducing restrictions on undocumented immigrants are not topical.

Wendalyn Nichols, (Editor), RANDOM HOUSE WEBSTER’S COLLEGE DICTIONARY, 2000, 758. Legal: Permitted by law; lawful.

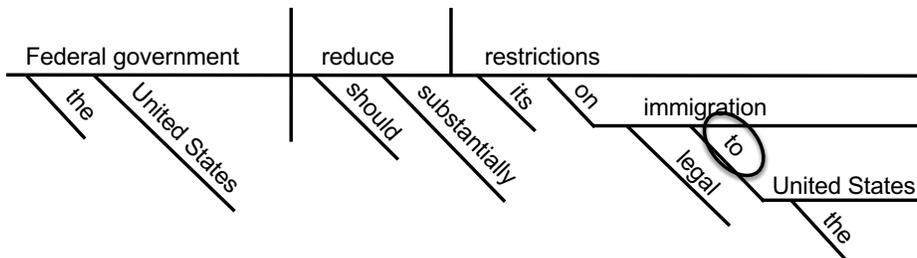
Topicality Challenges



“Immigration” refers to “immigrants” collectively; “immigrants” are not the same as “non-immigrants.” Cases dealing with “non-immigrant visas” are not topical.

Mark Amstutz, (Prof., Political Science, Wheaton College), JUST IMMIGRATION: AMERICAN POLICY IN CHRISTIAN PERSPECTIVE, 2017, 17. There are two major types of international migration: temporary and permanent. People in the first type—called “nonimmigrants”—are by far the largest in number and include millions of temporary visitors, tourists, students, business travelers, and guest workers. The second group involves “immigrants”: these are people who seek permanent settlement in a new country. In 2012, the US government admitted about 165.5 million nonimmigrants, while the number of immigrant admissions was a little over one million.

Topicality Challenges



“To” is not the same as “in” – The topic calls for lessening restrictions on those intending to come “to” the United States rather than for those already “in” the United States. Cases dealing with undocumented immigrants, DREAMers, or in Temporary Protected Status are not topical.

Steven Kleinedler, (Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 2006, p. 1814. To: (Used as Prep.): Toward a given state.

BIG PICTURE NEGATIVE STRATEGY CHOICE

Do you want to defend the Trump conservative position on immigration? You will probably be depending on sources from the Federation for American Immigration Reform (FAIR), Center for Immigration Studies (CIS), and NumbersUSA. But beware: You should at least read this source evaluation from the Southern Poverty Law Center at <https://www.splcenter.org/fighting-hate/extremist-files/individual/john-tanton> and <https://www.splcenter.org/fighting-hate/extremist-files/group/center-immigration-studies>.

The alternative is to use some of the strategies that I have suggested in the negative answers in the following slides.

Humanity's days are NUMBERED and AI will cause mass extinction, warns Stephen Hawking

HUMANITY is now bound to self-destruct and AI will replace us as the dominant being on the planet, according to a dire warning from Stephen Hawking.

By BEAN MARTIN

PUBLISHED: 13/11, 14 Nov 3, 2017 | UPDATED: 17/30, 14 Nov 3, 2017

SHARE     



H-1B: “Best and Brightest”

The case typically claims massive advantages from ending the STEM shortage.

You can deny there is a shortage or grant the case claims and turn the impact of advancing computer tech.

Anne Steele, (Staff), THE CHRISTIAN SCIENCE MONITOR, Oct. 27, 2014. Retrieved May 15, 2018 from Nexis. Just as Tony Stark warns of the dangers of high-tech weaponry in the wrong hands, Elon Musk - the Tesla and SpaceX founder who is regularly compared to Iron Man's not-so-secret identity - is raising the alarm about advances in artificial intelligence. The Space X founder called artificial intelligence "our biggest existential threat," at an MIT symposium, comparing it to "summoning the demon."

The US has all but slammed the door on Syrian refugees

The Trump administration uses Syrian refugees' traumas as a reason the war needs to end — but not a reason to let them in.
By Dana Lind | dana@fox.com | Apr 13, 2016, 12:05pm EDT

f t share



Syrian Refugees

Minimize the impact by pointing to U.S. funding of resettlement programs in neighboring countries, especially Jordan.

David Mednicoff, (Prof., Public Policy, U. Massachusetts), MORE SYRIAN REFUGEES: GOOD FOR NATIONAL SECURITY, Sept. 10, 2015. www.truth-out.org/opinion/item/32727-more-syrian-refugees-good-for-national-security. Yet there is another strong argument to be made that offering temporary or permanent homes to specifically Syrian refugees is in the national interest of countries like the US. In particular, such refugees can be crucial resources in tackling the extremist violence and authoritarian excess that we are now witnessing in the Middle East. They can do this in three specific ways. First, they will no longer be part of the problem by escaping the immediate threat of violence or radicalization. Second, their experience can serve as an important example for others. Third, they have the skills and the background that can be put to work in the broader struggle to defeat parochialism and repression in the Middle East."

The High Cost Of Open Borders

December 2, 2015 & Matt WinklerJohn



Open Borders

- Would not help the world's poor.
- Would hurt poor people in the U.S.
- Creates a safety valve exploding population
- Undermines environment
- Big link to growth disadvantage
- Violates right to self-determination
- Terrorism links

Philip Cafaro, (Prof., Environmental Studies, Colorado State U.). HOW MANY IS TOO MANY?: THE PROGRESSIVE ARGUMENT FOR REDUCING IMMIGRATION INTO THE UNITED STATES, 2015, 210. While highly educated, well-trained Americans might still do fine under an "open borders" scenario, at least for a few years, exposing less-favored Americans to direct competition from hundreds of millions of poorly educated, low-skilled workers from around the globe would be disastrous, swamping any efforts to bargain for or legislate higher wages and setting off a race to the bottom among businesses focused primarily on increased profits.

THE WALL STREET JOURNAL. Immigrants Need Better Protection—From Their Lawyers

This area of law is prone to abuse. It's difficult to file a bar complaint after you've been deported.

By Benjamin Edwards

Nov. 26, 2017 4:07 p.m. ET

Walls and travel bans get most of the attention, but there is another serious immigration problem that few talk about: incompetent and predatory immigration lawyers. Such attorneys do enormous harm to immigrants, courts and the federal fisc. This complex problem won't go away overnight, but the Trump administration can limit the damage.

As a group, the private immigration bar now contains the worst lawyers in all of law.

Right to Counsel

Inadequate supply of
well-trained
immigration attorneys

Poorly trained attorneys
are worse than none

How does this reduce a
restriction on legal
immigration?

Banks Miller, (Prof., Political Science, U. Texas at Dallas), LAW AND SOCIETY REVIEW, Mar. 2015, 230. Another startling finding is that having no attorney is consistently more beneficial than having a low quality attorney. This finding has serious policy implications in regard to proposed reforms concerning representation for all asylum seekers, which we discuss more in the section below.

FORTUNE

Robots May Steal As Many As 800 Million Jobs in the Next 13 Years



By DAVID MEYER November 29, 2017

A new study by the McKinsey Global Institute estimates that between 400 million and 800 million of today's jobs will be automated by 2030.

Aging Workforce

The aging workforce is a fortuitous development, since automation is replacing workers at a rapid pace.

Given the impact of automation, the last thing low-income U.S. workers need is more competition from increased immigration.

Ginger Szala, (Staff), THINK ADVISOR, Sept. 2017. Retrieved Apr. 20, 2018 from Nexis. This smart technology growth expands across the globe, which is exciting, he said, it also can be scary, as studies done by Oxford University and MIT have found that 47% of jobs in the U.S. today will be "automated away" by 2022. For India 69% of jobs will be lost to technology and for China 77%.

How the TVPA helps victims

1. Enabling trafficking victims to obtain medical care, witness protection, other types of social service assistance
2. Enabling victims to obtain legal immigration status
3. Criminalizing trafficking
4. Permitting prosecution where victim's service compelled by confiscation of documents
5. Increasing prison terms for all slaver violations from 10 years to 20 years; adding life imprisonment for death, kidnapping or sexual abuse of victim

May 27-28, 2014

CTP-IND-001

76

Human Trafficking

U.S. law and policy are exemplary

T Visa solves

Trafficking Victims

Protection Act (TVPA solves)

Efthimia Barbagiannis, (Editor), *CARDOZO JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW*, Summer 2017, 590. The T-Visa program can serve as a model for other countries to replicate. Other countries should create similar long-term residency programs that are suited for victims of trafficking. Long-term residency reduces the chances of a victim being repatriated to a place where his or her vulnerabilities can be exploited to re-traffic them. With a fifty percent rate of re-trafficking, long-term residency programs could significantly reduce that percentage, and doing so, better combat human trafficking.



Travel Ban

The various Trump travel bans have spawned activism by federal courts and state attorneys general

Court activism is the only hope for controlling Trump administration excesses

Carolyn Frederickson, (Pres., American Constitution Society), *HARVARD LAW & POLICY REVIEW*, Winter 2018, 123. Nonetheless, despite its checkered history in recent years, the federal judiciary--the Supreme Court, the appellate courts, and the trial courts--is the branch of government to which Americans can turn with the best chance of success for protection of critical civil and human rights. For those who oppose the policies of President Trump and congressional Republicans, the courts have already become a central arena for the battle. Litigation serves as both a strategy and a tactic.



Republicans beware: The 'blue wave' is already changing red states

BY STEVE HILL, SENIOR CONTRIBUTOR — CHECK IN AT 10 AM EDT
THE HOUSE COMMISSION ON CONSTITUTIONS AND RIGHTS HAS HEARD THE VIEW OF THE HILL

223

George Will votes against GOP in midterms
MAY 15 — 10:43 AM EDT

Will the nightmares that these children at the border face truly end?
MAY 15 — 10:43 AM EDT

Facebook unveils new team to prevent disinformation, data leaks
MAY 15 — 10:43 AM EDT

Trump autographs photos of people killed by undocumented immigrants for 'Sungai Family' event
MAY 15 — 10:43 AM EDT

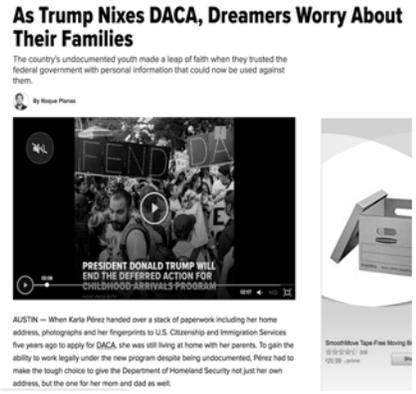
Democrats may pick up a significant number of congressional seats in November. Some former solid-red districts may tick a few shades blue, especially with a wave of GOP retirements.

Pathway to Citizenship

Trump immigration policy is all about theater – actual deportations are down.

Trump’s tough talk is creating an immigration backlash that will create a blue wave in the Midterms.

ECONOMIST, Dec. 14, 2017. Retrieved May 15, 2018 from <https://www.economist.com/united-states/2017/12/14/donald-trump-is-deporting-fewer-people-than-barack-obama-did>. While campaigning, Mr. Trump had promised to “round up” and remove all 11m undocumented immigrants estimated to be living in America. It was an impossible vow to keep, but the country still braced for an onslaught of deportations. Yet figures released by the Department of Homeland Security (DHS) on December 5th show that the total number of deportations has declined over the past fiscal year—from October 1st 2016 to September 30th 2017—to the lowest level seen since 2006.



As Trump Nixes DACA, Dreamers Worry About Their Families

The country's undocumented youth made a leap of faith when they trusted the federal government with personal information that could now be used against them.

By Renee Pineda

PRESIDENT DONALD TRUMP WILL END THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM

AUSTIN — When Karla Pineda handed over a stack of paperwork including her home address, photographs and her fingerprints to U.S. Citizenship and Immigration Services five years ago to apply for DACA, she was still living at home with her parents. To gain the ability to work legally under the new program despite being undocumented, Pineda had to make the tough choice to give the Department of Homeland Security not just her own address, but the one for her mom and dad as well.

Protecting DREAMers

DREAMers don’t want protection for themselves at the expense of their families.

Courts are providing protection.

Trump is determined to use DREAMers as trading bait for harsh immigration policies.

Ali Linan, (Staff), LAS CRUCES SUN-NEWS, Jan. 26, 2018, A2. The main concern for many "Dreamers" is that their freedom does not come at the cost of their families. The Trump administration laid out a proposal Thursday afternoon that would grant 1.8 million young undocumented immigrants a pathway to citizenship in exchange for a \$25 billion trust fund to pay for a wall along the United States-Mexico border. But, it leaves out one key request of the Dreamers, and that is protection for their loved ones.

Newsweek

U.S.
STATES CHALLENGE TRUMP'S IMMIGRATION ORDERS

BY MICHELLE OUN 12/17/17 AT 8:13 PM

Sanctuary Cities

Courts are protecting sanctuary cities.

The Justice Department's sanctuary cities threat has created useful activism among state attorneys general.

Jonathan Shaub, (Assistant Solicitor General, State of Tennessee), UNIVERSITY OF RICHMOND LAW REVIEW, Mar. 2018, 685. In other words, state attorneys general serve as a check on the executive branch where one otherwise may not exist. The existence of their threat is ever-present and obvious as the executive branch chooses its actions. State attorneys general thus further a fundamental principle of our constitutional system by acting as an outside check on the exercise of executive authority in order to protect individuals and their liberty from a government in which the powers have not been separated. Although state attorneys general are not a formal part of the Constitution's separation of legislative and executive powers, they have become vital to protecting it in light of the evolution of the administrative state and statutory delegation. Without them, delegation enforcement may be impossible.

CNN World

International adoption: Saving orphans or child trafficking?

By Kevin Weight, CNN
updated 2:41 PM EDT, Wed September 18, 2013

International Adoption

Careful monitoring of international adoption agencies is justified by past abuses.

The Child Citizenship Act of 2000 gives citizenship to most children born abroad and adopted by U.S. citizens.

Gabriela Misca, (Prof., Health & Society, U. of Worcester), FAMILY COURT REVIEW, Jan. 2014, 62. Intercountry adoption is often hampered by illicit activities such as human trafficking and the exploitation of children. The increased demand of children from developing countries has, at times, turned intercountry adoption into a cover for illicit movement of vulnerable children. Thus, many vulnerable children become victims of child laundering where they are illegally separated from their birth families and processed through the adoption system as "orphans". Acknowledging the illegal movement of children underlines the importance of ethical and legal considerations that cannot be ignored, particularly as intercountry adoption operates on the premise of protecting children from further harm.



Restorative Justice • About Restorative Justice • Tutorial Intro to Restorative Justice • Lesson 5: Implementation Issues • **Diversion or Net-widening**

Some fear that restorative programmes could result in sanctions imposed on people (especially youth) who would have simply been left alone if restorative sanctions did not exist. Restorative justice may widen the net of social control by receiving cases that the formal court-system would not have received, or by imposing sanctions not utilized by the formal justice system.

Immigrant Detention

Alternatives to detention simple enable an abusive system – a classic form of “net widening”

Liat Ben-Moshe, (Prof., Disability Studies, U. of Toledo), BEYOND ALTERNATIVES TO INCARCERATION AND CONFINEMENT, 2017, 12. The problem with such so-called alternatives is that they only increase the scope of incarceration and become an addition to traditional forms of incarceration, instead of an alternative. Even though electronic monitoring was supposed to be a tool of decarceration, it became an accompanying tool of incarceration, in addition to prisons and jails, and has not been shown to decrease prison or detention populations in any significant way. GPS monitoring systems and home surveillance would also not be construed as very useful by some prisoners and anti-prison activists, as these are only alternatives to prisons, and do not provide alternatives to incarceration in a meaningful way. Such so-called alternatives then do not comprise a decline of segregation, but its intensification through other means.

Family Reunification Is the Bedrock of U.S. Immigration Policy

By Philip E. Wolgin | Posted on February 12, 2018, 10:41 am



Family Reunification

Family reunification already dominates U.S. immigration policy.

Expansion of family reunification would come at the expense of other forms of immigration.

Cassidy Cloninger, (JD), CAMPBELL LAW REVIEW, Spr. 2017, 416. With limited exceptions, America's current immigration system annually accepts 675,000 permanent immigrants worldwide. Immigration to the United States is prioritized based upon the principles of reunifying families and "admitting immigrants with skills that are valuable to the U.S. economy, protecting refugees, and promoting diversity." Noticeably, the "[p]reference allocation for family-sponsored immigrants" is the first category of immigrant visas discussed in the Immigration and Naturalization Act ("INA") Section 203. This is important because family reunification has been, and should remain, at the heart of America's immigration system. Family-based visas seek to accomplish the goal of reunification.

Top 10 Robotic Applications in the Agricultural Industry
By Alex Owen on Aug 5, 2017 7:00 AM

Robots are changing agriculture beyond recognition, from cobot-assisted milking to cow-feeding drones.



The food industry is being revolutionized by robotics and automation. We introduced this trend in our previous article Top 10: Robotics is Changing the Food Industry. In this article, we focus on specific applications in the agricultural industry. After all, farming is the start of the whole food journey!

Guest Workers

The guest worker program is not necessary – automation in agriculture is eliminating the need for more workers.

Jeff Daniels, (Staff, CNBC), FROM STRAWBERRIES TO APPLES, A WAVE OF AGRICULTURAL ROBOTS MAY EASE THE FARM LABOR CRUNCH, Mar. 8, 2018. Retrieved May 15, 2018 from <https://www.cnbc.com/2018/03/08/wave-of-agriculture-robotics-holds-potential-to-ease-farm-labor-crunch.html> . Some farmers are responding to the worsening farm labor shortage by turning to automated harvesting equipment and other advanced technology that perform tasks such as pruning, seeding and weeding. Robotic harvesting vehicles are being tested in Florida and California to pick strawberries and replace labor-intensive tasks normally performed by dozens of farm workers. Also, robotic machinery is being tested to harvest apples and other crops, and efforts are underway to develop small agriculture field robots that can attack weeds or take care of other farm work. Large farming companies are helping to champion the robotic solutions by sometimes becoming strategic investors in the technology firms and by participating in testing of the next-generation farm equipment. It comes as advancements in processor speeds also have paved the way for robotics to become more practical and cost effective.

The Investor Visa Program Should Be Scrapped

It's widely misused and failing to work as intended.

By The Editors
March 22, 2016, 7:00 AM EDT




Investor Visas

This program is rife with fraud and abuse while creating very few U.S. jobs.

Fundamentally, this program offers U.S. citizenship to the rich.

Peter Elkind, (Staff), FORTUNE, July 24, 2014. Retrieved May 15, 2018 from <http://fortune.com/2014/07/24/immigration-eb-5-visa-for-sale/>. But because the EB-5 industry is virtually unregulated, it has become a magnet for amateurs, pipe-dreamers, and charlatans, who see it as an easy way to score funding for ventures that banks would never touch. They've been encouraged and enabled by an array of dodgy middlemen, eager to cash in on the gold rush. Meanwhile, perhaps because wealthy foreigners are the main potential victims, U.S. authorities have seemed inattentive to abuses.

THE INSIGHTFUL IMMIGRATION BLOG
COMMENTARIES ON IMMIGRATION POLICY, CASES AND TRENDS

Home Cyrusmehta.com About Us Q

Potential Adjustment of Status Options After the Termination of TPS

January 22, 2018 / 0 Comments / in Blog / by Cyrus Mehta

As President Trump restricts immigration, it is incumbent upon immigration lawyers to assist their clients with creative solutions available under law. The most recent example of Trump's attack on immigration is the cancellation of Temporary Protected Status for more than 200,000 Salvadorans. David Isaacson's What Comes Next: Potential Relief Options After the Termination of TPS comprehensively provides tips on how to represent TPS recipients whose authorization will soon expire with respect to asylum, cancellation or removal and adjustment of status.

I focus specifically on how TPS recipients can potentially adjust their status within the United States through either a family-based I-130 petition or an I-140 employment-based petition for permanent residency. A September 2017 practice advisory from the American Immigration Council points to two decisions from the Ninth and Sixth Circuit, *Ramirez v. Brown*, 852 F.3d 954 (9th Cir. 2017) and *Flores v. USCIS*, 718 F.3d 548 (5th Cir. 2013), holding that TPS constitutes an admission for purpose of establishing eligibility for adjustment of status under INA 245(a).

In both these cases, the plaintiffs previously entered the United States without inspection, and then became recipients of TPS grants and subsequently married US citizens. At issue in both those cases was whether they were eligible for adjustment of status under INA 245(a) as beneficiaries of immediate relative I-130 petitions filed by their US citizen spouses. Both the decisions answered this question in the affirmative.

Wites & Kapetan, Attorneys at Law, Dec. 29, 2015. <http://wklawyers.com/immigrants-temporary-protected-status-may-soon-eligible-apply-lawful-permanent-residency/>.

Temporary Protected Status (TPS) holders who entered the United States illegally may now be eligible to adjust their status to "Lawful Permanent Resident" (LPR), according to a recent groundbreaking decision by a United States Court of Appeals. The decision serves as a stunning departure from previous United States Citizenship and Immigration Services (USCIS) policy requiring TPS holders to first leave the United States before applying for LPR status

Temporary Protected Status

Persons in the U.S. under TPS protection can now apply for permanent residency, given recent court rulings.

A National Network for Children

KIND continues to build a robust national network of pro bono attorneys who have been trained by KIND and who have represented unaccompanied children in their search for safety, including children who have been persecuted in their home countries; trafficked to the U.S., and abused, abandoned or neglected; these are among the many protection needs of these uniquely vulnerable children.

We have trained more than 24,200 attorneys and partnered with over 522 corporations, law firms, law schools, and bar associations. Firms often take numerous cases in their offices across the country and establish in-house expertise. In addition to in-person trainings and mentorship, KIND's online manual helps our attorneys access information whenever they need it; numerous other resources are also available to KIND volunteers.

To learn how your law firm, corporate legal department, law school, or bar association can get involved in one of the cities where we work, please contact Nirupa Narayan nnarayan@supportkind.org, or contact the KIND office nearest to you.

Unaccompanied Alien Children (UAC)

Nonprofit groups are providing relief.

U.S. law prevents detention for more than 20 days.

White House Press Release, WHAT YOU NEED TO KNOW ABOUT LOOPHOLES ALLOWING UNACCOMPANIED ALIEN CHILDREN TO STAY IN THE COUNTRY, Apr. 4, 2018. Retrieved May 15, 2018 from <https://www.whitehouse.gov/briefings-statements/need-know-loopholes-allowing-unaccompanied-alien-children-stay-country/>. Currently, based on a consent decree in a court case from roughly twenty years ago, the Department of Homeland Security (DHS) can only detain UAC for a maximum of 20 days combined. All UAC must be promptly transferred to the Department of Health and Human Services (HHS) for reunification with sponsors in the interior of the United States. Further, current Federal law prevents UAC who are not from Canada or Mexico from being promptly returned to their home countries.



NEW JERSEY DIVORCE AND FAMILY LAWYER BLOG

MARCH 16, 2017

The Violence Against Women Act and Remedies to Undocumented Immigrants Victimized by Domestic Violence

by The Law Office of James P. Yudes, P.C.

The Violence Against Women Act (VAWA), 42 U.S.C. § 13701 et seq., is a United States federal law that was originally passed in 1994 and was reauthorized in 2013 in which the spouses and children and parents of United States citizens or lawful permanent residents may self-petition to obtain lawful permanent residency in the United States. The Immigration and Nationality Act (INA) is the law that governs immigration in the United States. The VAWA provisions relating to immigration are codified in section 204(a) of the INA. Rules published in the Federal Register explain the eligibility requirements and procedures for filing a self-petition under the VAWA provisions. People who may apply include: (1) a spouse of a U.S. citizen or lawful permanent resident; (2) a child of U.S. citizen or lawful permanent resident; (3) a spouse of U.S. citizen or lawful permanent resident who's child has been battered or subjected to extreme cruelty for the reason being that a parent files for self-petition based on abuse of the child but both parent and child benefit; and (4) parent of a U.S. citizen

Spouses

VAWA, the Violence Against Women Act was specifically designed for the protection of immigrant women.

Lianna Donovan, (Editor), RUTGERS LAW REVIEW, Spring 2014, 758. Congress's passage of the Violence Against Women Act of 1994 ("VAWA 1994") was the first measure to explicitly "provide a federal role" in the prosecution of acts of domestic violence and the protection of victims of these crimes. From the outset of VAWA's enactment, Congress sought to end abusers' continued use of immigration status as a "key tool of control." By incorporating provisions that allowed undocumented victims to petition for legal status for themselves and their children without their batterer's knowledge and cooperation, VAWA reflected congressional intent to ameliorate immigrant victims' dependency on their abusers.



AFGHANISTAN
May 16, 2017 20:08
SIVET
Ben Spivack

U.S. Senate Approves Funds For 2,500 More Afghan Special Immigrant Visas



The U.S. Senate has approved the funding of 2,500 additional immigrant visas for Afghan interpreters and support staff who have helped U.S. troops and government officials in Afghanistan.

Special Immigrant Visas

Additional numbers of Special Immigrant Visas have been authorized.

US OFFICIAL NEWS, Dec. 13, 2017. Retrieved May 15, 2018 from Nexis. In this legislation, Senator Shaheen secured the authorization of 3,500 visas for the Special Immigrant Visa (SIV) program for Afghan interpreters and support staff. Senator Shaheen has championed the Afghan SIV program, which allows Afghans who have supported the U.S. mission in Afghanistan and face threats as a result of their service to apply for refuge in the United States. Earlier this year, Shaheen played a critical role in securing additional Afghan visas to avert a lapse in the program.

The New York Times

Diversity Visa Lottery: Inside the Program That Admitted a Terror Suspect



Members of the so-called Gang of Eight unveiling details of their immigration bill in 2013, which would have ended the visa lottery. The bill died because of opposition to its proposals to legalize undocumented immigrants. *Stephen Crowley/The New York Times*

By Miriam Jordan
Nov. 1, 2017

f t e s

Diversity Visa Program

- Creates an opening to terrorism.
- Trades off with other forms of immigration, such as skilled worker visas and family reunification.

Jeremy Duda, (Staff), YELLOW SHEET REPORT, Nov. 20, 2017. Retrieved Apr. 18, 2018 from Nexis. The terrorist attack carried out by Saipov in New York is not the first time Americans have been killed at the hands of an individual who gained entry to the United States through the diversity visa lottery program. It isn't even the first time a terrorist from Uzbekistan entered because of this program. Additionally, the diversity visa lottery program was in the news again earlier this month when the Justice Department stripped four Somali immigrants of their citizenship because they defrauded the program and lied about being a family.