

NOVEMBER 21, 2014 BULLETIN TO ALL IMMIGRATION CLIENTS

SUMMARY OF PRESIDENT'S IMMIGRATION ACCOUNTABILITY EXECUTIVE ACTIONS

On November 20, 2014, President Obama announced that his Administration would provide several executive actions with respect to immigration. This bulletin summarizes the elements expected to be included in such executive actions; however, many details are not finalized and the implementation of these changes will require regulations and/or new policy memoranda.

- **New enforcement priorities** will include terrorists, convicted felons and gang members, those apprehended at the border, those convicted of serious or multiple misdemeanors, very recent entrants, and those who failed to leave under an order of removal and/or returned after removal.
- **New “command and control” campaign** will provide for better coordination and more efficient use of resources at the border.
- **Two deferred action initiatives** will benefit up to 4.4 million people:
 - **Deferred Action for Parents (DAP):** Parents of U.S. citizens and lawful permanent residents (LPRs) (of any age) who meet continuous presence requirements, pass background checks, and pay taxes, will be eligible to apply for a three-year period of deferred action. Parents of DACA (Deferred Action for Childhood Arrivals) children are not eligible.
 - **Expansion of DACA:** DACA will be revised to eliminate the age cap, change continuous presence requirements, and be granted for three years (rather than the current two years).
- **There will be new worksite enforcement coordination between the Department of Labor (DOL) and other agencies.** Specific details of this coordination have not been released.
- **New opportunities for foreign entrepreneurs, researchers, inventors, and founders** will allow certain investors to be paroled into the United States for job creation (implemented through new regulations). Further, entrepreneurs, researchers, investors, and founders will be eligible for National Interest Waivers (implemented through policy guidance).
- **The timing of filing for Adjustment of Status** will allow more than 400,000 individuals with approved employment-based immigrant visa petitions who are caught in quota backlogs to file for Adjustment of Status to permit them to obtain the benefits of a pending adjustment of status application (e.g., travel and work authorization documents).

- **New L-1B guidance** will be released, though specific details about this guidance were not issued.
- **Regulations providing work authorization for H-4 spouses of H-1B workers will be finalized**, likely in December or January.
- **Regulations changing the Optional Practical Training (OPT) component** of F-1 student status will expand the length of extensions for STEM graduates. The Administration is considering other changes, such as allowing STEM OPT for master's degree students where only the first degree is in a STEM field.
- **The Administration will begin a full rulemaking process to modernize the PERM program.**
- **I-601 provisional waivers will be expanded** to include spouses and children of LPRs and the definition of extreme hardship will be expanded and clarified.
- **A new advance parole memo** will make clear that Customs and Border Protection (CBP) should recognize advance parole documents issued by U.S. Citizenship and Immigration Services (USCIS).
- **A Presidential Memorandum will direct agencies to examine the (immigrant) visa system in order to modernize it and make optimal use of the numbers of visas available under law.** This will include consideration of whether derivatives should be counted and whether past unused visa numbers can be recaptured.

Again, this is meant to summarize the changes announced by the Administration; as it continues to provide details regarding implementation, processes, and impact, we will provide additional updates.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

Copyright © 2014 by Cohen & Grigsby, P.C. (No claim to original U.S. Governmental material.)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of Cohen & Grigsby, P.C. and is intended to alert the recipients to new developments in the area of immigration law. The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about Cohen & Grigsby's qualifications and experience.