

Comprehensive Immigration Update Debriefing the President Obama's Immigration Accountability Executive Action

This nation needs a sensible and functioning immigration system not only to address about 11 million undocumented who live and work in the U.S. but also to find a solution for U.S. businesses to access workers with specific needed skills and for entrepreneurs to start up enterprises that create jobs that strengthen our economy so that the U.S. remains competitive in the global economy.

In an attempt to use immigration as a tool of economic and social change for keeping immigrant family members together, on November 20, 2014, President Obama announced a series of his plan "immigration accountability executive action," to use executive action to reform the U.S. immigration system. Presidents Reagan and Bush also used their executive branch authority to keep immigrant family members together and reunited them.

President Obama's Executive Action may allow up to 5.2 million undocumented immigrants, who are living, working, and raising their families in this country, to obtain a status to stay *temporarily* in the U.S. without fear of deportation. However, depending on outreach, access, cost, and numerous other factors, the actual number of affected people who apply for the program may be much smaller.

His plan includes:

- **Deferred Action for Childhood Arrivals (DACA)** will expand the eligible population to young people who came to this country before turning 16 years of age and who have been present since January 1, 2010, and extend the period of DACA and work authorization from 2 years to 3 years.
- **Deferred Action for Parental Accountability** program will be developed to allow parents of U.S. citizens and lawful permanent residents who have been in the country since January 1, 2010, to request deferred action and work authorization for 3 years. However, those parents are required to pass criminal background checks.
- **Provisional Waivers of Unlawful Presence** will be expanded to include the spouses and sons and daughters of lawful permanent residents and the sons and daughters of U.S. citizens.

On the same day, Secretary of the Department of Homeland Security (DHS), Jeh Charles Johnson, published a memorandum with directives for the U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) to enact new policies and regulations. New guidelines will expand certain parameters of the initial deferred action for childhood arrivals (DACA) and the memorandum, entitled *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*, issued on June 15, 2012 by Secretary Napolitano.

The initial DACA covered those who were under the age of 31 on June 15, 2012, who entered the U.S. before June 15, 2007 (5 years prior) as children under the age of 16, and who meet

specific educational and public safety criteria. They are eligible for deferred action on a case-by-case basis for a period of two years.

New guidelines extend DACA's renewal and work authorization to three-years and adjust the date-of-entry requirement from June 15, 2007 to January 1, 2010. It also extends deferred action, on a case-by-case basis, to certain individuals who are otherwise not enforcement priorities, as set forth in the November 20, 2014 Policies in the memorandum, entitled *Apprehension, Detention and Removal of Undocumented Immigrants*.

The new programs under the executive actions are a **temporary measure** and only Congress can determine who is eligible for permanent legal status and citizenship. That is, Congress still has the responsibility to pass a comprehensive immigration reform bill through bipartisan Congressional action in order to permanently fix our broken immigration system. On December 4, House Republicans voted to pass legislation to repudiate the President Obama's ability to temporarily protect millions of people from being deported.

Gulf Coast Immigration (GCI) urges Congress to work together to create a long-term solution to address the many complex issues of our outdated immigration laws. The broken immigration system has impacted the lives of not only undocumented immigrant's U.S citizen or Legal Permanent Resident family members but also America. Our nation and economy will be stronger by common-sense immigration laws that can be easily navigated.

GCI also warns against the threat of the unauthorized practice of law by unqualified practitioners and immigration scams. Only attorneys or Board of Immigration Appeals (BIA) accredited representatives should be assisting immigrants with their applications for relief. Further, **these proposals are not yet effective**. The USCIS will not accept any requests or applications until these programs are available. GCI advises anyone who believes they may be eligible for relief under these changes to beware of anyone who offers to help you submit an application or a request for any these actions before they are available. Further as a member of the American Immigration Lawyers Association (AILA), GCI strongly urge anyone who might be affected to view AILA's video which was developed in order to combating notario fraud related to President Obama's executive action on immigration.

[Stop Notario Fraud](#) (English); [Stop Notario Fraud](#) (Spanish)

For more information on Notario Fraud, visit www.stopnotariofraud.org.

If you have questions about Comprehensive Immigration Reform and President Obama's Immigration Accountability Executive Action, please contact Sujin Kim, Esq. at (251) 387-2544/(251) 379-8065 or skim@gcimmigration.com

About Gulf Coast Immigration

Immigration and Global Migration are one of the most complex and dynamic areas of law and policy affecting America's social and economic composition. A well-functioning immigration system is critical to

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America remaining strong and vibrant. To contribute to this goal and to meet the growing needs for comprehensive and sophisticated legal services in all aspects of business immigration-related matters in Northwest Florida, South Alabama and Mississippi, GCI has been issuing monthly business immigration newsletters/updates and immigration alerts to announce fast-breaking developments.

GCI offers guidance, advice, counsel and representation to business and individual clients in matters of immigrant (both employment- and family- based) and nonimmigrant working visa petitions and applications, with a subspecialty focusing on the U.S. Immigration Investor Program (EB-5 Program) and foreign investments under the U.S.-Korea Free Trade Agreement. GCI also conducts fee-based educational lectures/seminars and training for U.S. based academic institutions and businesses on information and developments on the U.S. immigration law and policy, including I-9 Compliance, E-Verify, and the EB-5 Program. For further information about GCI, publications and lectures and seminars, contact us at www.gcimmigration.com

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