**San Mateo County Immigrant Forum**

**July 18, 2024**

**Virtual Meeting**

1. **Welcome and Introductions**
2. **Immigrant Legal Resource Center (ILRC) Updates:**
	1. **Temporary Protected Status (TPS)** has been extended for Yemen, Haiti, El Salvador, Nepal, Nicaragua, and Sudan. Please see USCIS updates for details.
	2. **Special Immigrant Juvenile Status (SIJS):** USCIS has shared guidance on in-person filing of SIJS in the weeks prior to a 21st birthday.
		1. There is an option to file the I-360 in person, which ILRC strongly suggests for individuals in the 2-week window. DHS looks at the 21st birthday as a hard cutoff. If someone mails and application and it’s received late or it isn’t filed, there end up being very few options to get SIJS. The existence of the in person filing option does make it harder to argue that there are problems with mail-in option.
	3. **Flores settlement partial termination**: The Flores settlement, which deals with standards of detention for young people, has been partially terminated.
		1. This settlement arose from a Supreme Court ruling in 1993 and established standards and oversight for living conditions for detained children (some unaccompanied minors were being held in substandard hotels, deplorable living areas).
		2. Flores provided appropriate safeguards for unaccompanied migrant children’s living conditions before being reunited with a sponsor/parent/or relative in the US.
		3. This case has been in litigation for more than two decades.
		4. There was a lack of state licensed for housing for migrant children.
		5. The Flores settlement created standards in monitoring and oversight.
		6. The new regulations do not require independent oversight, and the partial termination of the settlement may make enforcement challenging.
		7. Termination of the settlement does not apply to children in Department of Homeland Security (DHS) custody—only those in the Office of Refugee Resettlement (ORR) custody.
		8. The Court retains the right to modify the settlement, which can be reimposed if a hostile administration attempts to undermine regulations in the future.
	4. **Supreme Court Decision: Loper Right vs. Raimondo (Chevron Doctrine)**
		1. This is an administrative law decision, not an immigration law decision, but will likely have a huge impact on immigration law.
		2. This decision overturned the Chevron doctrine from 1984, which instructed courts to defer to agencies regarding how to interpret broad statutes due to agencies’ technical and scientific expertise.
		3. The Supreme Court held that the Chevron test was unlawful and decided that going forward, courts will independently interpret statutes instead of deferring to agencies.
		4. The impacts of this decision are still unclear but it could become a mechanism for challenging immigration regulations. It offers courts a broader avenue to interpret the INA and make their own decisions.
3. **US Citizenship and Immigration Services (USCIS) Updates:**
	1. **SIJS I-360 In-Person Application Filing:**
		1. Applicants go through contact center first for Info Pass Appointment, but if someone can’t secure an appointment, let Sai or Willie know.
		2. For SIJS I-360 in-person emergency appointments, reach out to NorthCACommunityRelation@uscis.dhs.gov
	2. **NATIONAL WEBINARS**: <https://www.uscis.gov/outreach>
		1. **CIS Ombudsman’s Webinar Series**: 2024 Annual Report to Congress Tuesday, July 30, 10:00 am to 11:00 am PST.
			1. Each year, the CIS Ombudsman conducts a substantive analysis and makes recommendations to address some of the most significant challenges individuals and employers encounter when seeking immigration benefits from USCIS. <https://www.dhs.gov/news/2024/07/01/cis-ombudsmans-webinar-series-2024-annual-report>
		2. **USCIS Tech Talk Tuesday**, Aug. 6, 11:00 am to 11:45 am PST
			1. USCIS subject-matter experts will address common issues and questions related to online filing and be available to respond to your questions about creating and using USCIS online accounts o https://www.uscis.gov/outreach/upcoming-national-engagements/uscis-tech-talks
	3. **LOCAL OUTREACH**: <https://www.uscis.gov/outreach/upcoming-local-engagements>
		1. **How to Petition Relatives** - Thursday, July 18 at 5:00 pm PST
			1. Webex, Meeting number: 2818 771 3003, and password: UCpM9eNPp?44
		2. **How to Apply for Temporary Protected Status** – Thursday, July 25 at 5:00 pm PST
			1. Webex, Meeting number: 2828 029 2599, and password: S4Bzzmtst84@
	4. **ANNOUNCEMENTS:** <https://www.uscis.gov/newsroom/all-news>
		1. **Secretary Mayorkas Announces Extension and Redesignation of Yemen for Temporary Protected Status**, announced on July 8, 2024
			1. The redesignation of Yemen for TPS allows an estimated 1,700 Yemeni nationals (and individuals having no nationality who last habitually resided in Yemen) who have been continuously residing in the United States since July 2, 2024, to file initial applications for TPS, if they are otherwise eligible.
			2. Under the redesignation of Yemen, eligible individuals who do not have TPS may submit an initial Form I-821, Application for Temporary Protected Status, during the initial registration period that runs from July 10, 2024, through March 3, 2026. Applicants also may apply for TPS-related EADs and for travel authorization.
			3. Current TPS beneficiaries from Yemen who wish to extend their status through March 3, 2026, must re-register during the 60-day re-registration period from July 10, 2024, through September 9, 2024.
			4. Accompanying this announcement is a Special Student Relief notice for F-1 nonimmigrant students whose country of citizenship is Yemen, or individuals having no nationality who last habitually resided in Yemen, so that eligible students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F-1 status through the TPS designation period.
		2. **USCIS Updates Customer Service and Safe Address Procedures for Individuals Protected Under Confidentiality Provisions**, announced July 3, 2024 USCIS has implemented provisions in the USCIS Policy Manual that provide guidance on customer service and safe address procedures for individuals protected under 8 U.S.C. 1367. If you have a previously filed, pending, or approved VAWA, T, or U-related case, you may call the USCIS Contact Center at 800-375-5283 to request information about your case or certain services, such as an address change. Attorneys and accredited representatives may also send inquiries to the following email addresses:
			1. For U nonimmigrant petitions, Petitions for Qualifying Family Members of U-1 Nonimmigrant, and U-based adjustment of status applications located at the Nebraska Service Center: nsc.i-918inquiries@uscis.dhs.gov
			2. For U nonimmigrant petitions, Petitions for Qualifying Family Members of U-1 Nonimmigrant, and U-based adjustment of status applications located at the Vermont Service Center: HotlineFollowupI918I914.vsc@uscis.dhs.gov
			3. For all T nonimmigrant status and T-based adjustment of status applications: HotlineFollowupI918I914.vsc@uscis.dhs.gov · For all VAWA petitions: HotlineFollowUpI360.vsc@uscis.dhs.gov
	5. **Secretary Mayorkas Announces Extension and Redesignation of Haiti for Temporary Protected Status**, announced June 28, 2024
		1. The redesignation of Haiti for TPS allows an estimated 309,000 additional Haitian nationals (or individuals having no nationality who last habitually resided in Haiti) to file initial applications for TPS, if they are otherwise eligible and if they established residence in the United States on or before June 3, 2024, and have continued to reside in the United States since then. Eligible individuals who do not have TPS may submit an initial Form I-821, Application for Temporary Protected Status, during the initial registration period that runs from July 1, 2024, through Feb. 3, 2026.
		2. Current beneficiaries under TPS for Haiti must re-register during the 60-day re-registration period from July 1, 2024, through Aug. 30, 2024, to ensure they keep their TPS and employment authorization through Feb. 3, 2026. DHS recognizes that not all re-registrants who apply for a new EAD may receive it before their current EAD expires and is automatically extending through Aug. 3, 2025, the validity of certain EADs previously issued under Haiti’s TPS designation.
	6. **USCIS Extends Employment Authorization Documents under Temporary Protected Status Designations of El Salvador, Honduras, Nepal, Nicaragua, and Sudan,** announced June 20, 2024
		1. USCIS is extending the validity of certain Employment Authorization Documents (EADs) issued to Temporary Protected Status (TPS) beneficiaries under the designations of El Salvador, Honduras, Nepal, Nicaragua, and Sudan through March 9, 2025. USCIS will send a Form I-797, Notice of Action, notifying you if you are affected by this extension. Please review the specific country pages on the USCIS website to confirm if you are affected by this extension: <https://www.uscis.gov/humanitarian/temporary-protected-status>.
		2. If you are a current TPS beneficiary under one of these designations, and you have not yet re-registered for TPS under the most recent extension for that designation, you must submit Form I-821, Application for Temporary Protected Status, during the current re-registration period to keep your TPS benefits. As previously announced, the re-registration period for each country is changing from 60 days to the full length of each country’s current TPS designation extension.
	7. **USCIS looking for outreach partners**, especially who can provide interpretation for community events.
	8. [**Yesterday’s updates**](https://www.uscis.gov/newsroom/alerts/reminders-on-the-process-to-promote-the-unity-and-stability-of-families) **to Parole in Place:**
		* 1. Timeline is available now for applications (USCIS will begin to accept application on August 19th)
			2. Process has been announced for biometrics, and guidance released regarding fiscal process to show continuous presence.
			3. Still waiting for info regarding disqualifying crimes.
			4. There is a huge interest in the program, and it will effect many people.
			5. Application filing date is a good sign that things will be able to move forward during this calendar year.
4. [**Path2Papers**](https://sites.lawschool.cornell.edu/path2papers/)**: Please see slides.**
	1. **Background:**
		1. Path2Papers is based out of Cornell Law School, and focused on supporting DACA recipients and their employers to pursue work visas or other forms of immigration relief.
		2. Two recent policy announcements from the White House (announced June 18): Parole in Place for spouses of US citizens, and a process for easing the work visa process for Dreamers.
		3. DACA may be terminated next year, so organizations are exploring ways to support this population.
		4. Currently waiting for a 5th circuit decision. Expecting announcement this fall and expecting a decision that DACA is unlawful. This is also likely to be appealed to the Supreme Court. If SCOTUS decides to take the case, given the current court composition and its history, as well as recent Chevron decisions, advocates expect DACA would be deemed unlawful.
	2. **Overview of Employment Based Immigration Options**:
		1. Employment-based green cards (Legal Permanent Resident status)
		2. Non-immigrant visas (which can make a green card easier to get moving forward)
	3. **Employment Based Green Card**:
		1. PERM Labor Certification is filed with Dept of Labor after employer has posted and looked for US worker.
			1. Minimum requirement is two Sunday newspaper ads.
		2. This does not necessarily require educational degree. Could be a restaurant staff member, organizer, etc.
		3. Possible issue/barrier is immigration history and can be complicated – prospective applicants should seek a legal consultation.
	4. **H1B (3-year temporary employment visa):**
		1. This option requires a bachelor’s or equivalent degree, and job that corresponds to the degree.
		2. There is a lottery system (initiated by employer), but colleges, universities, and certain government agencies and non-profits are exempt from lottery.
		3. In general for H1B visas, applicants would have to leave the country in order to get the visa. For some DACA recipients, there is sometimes a risk that they would not be able to return due to unlawful presence.
		4. Unlawful presence begins to accrue at age 18, and can trigger a 3- or 10-year bar depending on the time accrued of unlawful presence.
		5. Individuals don’t accrue unlawful presence while they have DACA, so many DACA recipients who already had DACA when they turned 18 have no issues with these bars.
		6. Those who have accrued time unlawfully present would need a waiver (which is already available) and this change clarifies that if a person has graduated with a degree from a US institution of higher education, and they are coming to work in the US in a job related to their education, the waiver should be granted and expedited.
		7. Currently, the wait time for a waiver is months.
		8. Immigration advocates are advocating for more generous policies and would like to see further policy changes such that if someone goes on advance parole and goes to their H1B visa appointment, no waiver would be required at all.
		9. Path2Papers would not advise anyone whose DACA is about to expire to travel to visit a consulate abroad. If their DACA expired while they were outside of the US, they would risk being denied reentry. Advanced Parole offers extra protection.
		10. The policy is not limited to DACA recipients, but P2P’s grant is for DACA recipients or others who would have been DACA-eligible.
5. **‘Anamatangi Polynesian Voices (‘APV): please see slides**
	1. **Background: ‘**APV is agrassroots organization advancing systems-impacted communities through heritage preservation and civic engagement.
	2. ‘APV is based in East Palo Alto and serves the Native Hawaiian & Pacific Islander (NHPI) community and families.
	3. ‘APV has a focus on youth development and a presence in the schools. They also engage the community through workshops and work to support immigration needs in partnership with Community Legal Services in East Palo Alto (CLSEPA).
	4. Statistics demonstrate that show NHPI students are suspended at higher rates than other demographic groups, indicating a need for support for youth.
	5. Many cultural practitioners collaborate with ‘APV and function as touchpoints for the broader community.
	6. There is a need to get consistent, properly translated information.
	7. ‘APV is looking for partners for events.
		1. APV can bring community members, looking for partners with technical expertise (in particularly re: immigration.)