



Joseph Law Firm ^{PC}

Immigration Law Specialists

Newsletter

January/February 2017

IMMIGRATION NEWS

Joseph Law Firm Wins Reopening of Deportation Order Based on New Supreme Court Decision in *Mathis v. United States*

Contributed by Aaron Hall, Partner

Criminal convictions often determine whether a noncitizen can be deported from the United States or whether he or she can qualify to apply to stay. In the summer of 2016 through a Supreme Court decision in *Mathis v. United States* and a Board of Immigration Appeals decision in *Matter of Chairez*, the courts ruled that for a criminal conviction to trigger a negative immigration consequence, only conduct laid out in the statute that the jury must unanimously agree upon can be considered. Underlying facts do not matter. This month, the Board of Immigration Appeals granted a Joseph Law Firm Motion to Reopen in a case where our client had been ruled ineligible for Cancellation of Removal and ordered removed from the United States because of a Colorado Third Degree Assault conviction. We successfully argued that even though courts held in the past that Colorado's Third Degree assault could be a crime involving moral turpitude, after *Mathis* it could not. Our client now no longer has a final order of removal and will get to present his case to an immigration judge in new hearings. Any person who had a negative immigration ruling based on a criminal offense should at least check to see if the outcome would be different in a post-*Mathis* world. If so, there may be a way to reopen the case.



No Relief For America's Overburdened Immigration Courts: President Trump Announces Federal Hiring Freeze

Contributed by Alex McShiras, Associate Attorney

In one of his first actions as President of the United States, Donald Trump announced an executive order that freezes the hiring of new federal employees (with an exemption for essential military personnel). In one swipe of his pen, the new president further handcuffed an immigration court system that takes approximately five years to resolve the average case. The agency cannot hire any more immigration judges during this hiring freeze. With each judge completing about 750 cases per year, the Court would need at least 220 more judges to eliminate the huge backlog within one year. And of course that is assuming that no new cases are added (which is impossible). The Denver Immigration Court has the longest wait times in the country with an enormous backlog and cases that typically take 6 or 7 years to complete. Even the so-called "rocket-docket", a fast-track plan of the Obama Administration to prioritize the cases of parents and children from Central America, takes an average of three years to complete a case. Out of the approximately 161,000 cases pending in this category since 2014, the judges have finished only about 67,000- about 40%. This enormous backlog, more than 520,000 cases total, will be a major obstacle to President Trump's plans to deport as many as 3 million immigrants he says have criminal records. The majority of those deportations would have to be ordered by immigration judges. Moreover, many of those immigrants will have defenses against deportation and are entitled to their day in court to fight their case. This "day in court" is growing more and more distant as the cases pile up.

If you have a question regarding this huge backlog and how it may affect your pending immigration case, please ask your attorney at the Joseph Law Firm.



Trump Plans to Suspend the Refugee Resettlement Program and Why that is a Policy Disaster

Contributed by Claudia Hurtado-Meyers, Associate Attorney

As an immigrant, going to see the Statue of Liberty brings great joy and inspiration. The torch is a symbol of enlightenment. The Statue of Liberty's torch lights the way to freedom showing us the path to Liberty. Even the Statue's official name represents her most important symbol "Liberty Enlightening the World." With such a symbol of American pride right in Donald Trump's home town, and with all the diversity in New York City, you would think that our new president would be more aware of the positive impact immigrants of all backgrounds bring to this country. Instead, with the new presidency Donald Trump is expected to sign two executive orders. One, suspending the refugee resettlement program except for religious minorities escaping persecution. The justification is that the program should be halted until stronger vetting procedures can be put into place. The second order is a suspension of visas for citizens of Syria and six other Middle Eastern and African Nations. President Trump is playing on people's fears, and that is not acceptable. Whatever side of the issue you come from, please take a moment to familiarize yourself with the vetting procedures that are in place now. The truth is that these procedures are already unbelievably thorough, and take anywhere from many months to years to complete.



Refugees go through more rigorous security checks that essentially any other immigrant or entrant into the United States. The procedures we have in place now do work, and they work very well. The Washington Post documents that: "A State Department spokesperson said of the nearly 785,000 refugees admitted through the U.S. Refugee Admissions Program since 9/11, 'only about a dozen — a tiny fraction of one percent of admitted refugees have been arrested or removed from the U.S. due to terrorism concerns that existed prior to their resettlement in the United States. None of them were Syrian.'" Think about who is really in danger here. It's the families who have lived for years in war torn areas, desperate to find a stable life where they can work hard and raise their children. These are people that are presently trapped in refugee camps and cannot return to their homelands. If we stop our refugee program, they only result is to put more pressure on the United Nations programs and endanger more people. Many of these people have already spent more than a decade living in a refugee camp. It's the children, spouses, and parents of our newest, most grateful, and most patriotic Americans, who have been waiting patiently for the day that they would see their loved ones again after years of separation. From a policy standpoint this is a terrible idea, there is such an urgent humanitarian need right now for refugees. Stopping refugee resettlement, for any period of time for any group of people, would undermine our nation's founding principles of being a beacon of freedom and hope. This program saves hundreds of lives every day, and strengthens our communities and our nation. Stopping refugee resettlement will have profound and detrimental consequences. Lives will be lost and our national interests will be at risk. The United States should continue to welcome refugees while continuing to ensure our own security. Our history has proven you don't need to make a choice, and we should continue to do both.

Trump Backs Off Ending DACA *Contributed by Courtney Sommer, Associate Attorney*

With the election of President Trump has come a lot of fear over the future of DACA and its more than 750,000 recipients. Trump promised during his campaign to repeal many of Obama's executive orders, including the one that created DACA, on day 1 of his presidency. Fortunately for many of our clients, Trump's day 1 has come and gone and DACA is still in place. Now Trump's Press Secretary, Sean Spicer, has told the media that the administration's focus will be on people who have committed crimes and not on DACA recipients. Trump has backed off his campaign promises to repeal DACA immediately. Trump has even said his administration will work with Congress to find a long-term solution for DACA recipients. It is not clear what exactly that long-term solution will be or when it will be implemented, but there is support from both parties in Congress to pass the BRIDGE Act, a law that would essentially codify DACA. Trump is expected to begin signing executive orders relating to immigration starting January 25th. While we do not know what executive orders he will sign, we will be keeping up to date on the changes as they take place so we can inform our clients and advocate for them in the best way possible.



12203 East Second Avenue
Aurora, CO. 80011

www.immigrationissues.com

Aurora
303-297-9171

Colorado Springs
719-434-5660

Edwards
970-446-7884