



# US Immigration Newsletter

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## What Kavanaugh's Appointment Means for Immigration



After weeks of controversy surrounding President Trump's latest Supreme Court nominee, the Senate has finally approved Brett Kavanaugh as the ninth member of the United States Supreme Court. Justice Kavanaugh's confirmation cements the Conservative-leaning majority in the judicial branch with five GOP-appointed nominees on the bench compared to four Democrat-appointed Justices.

This shift in power could reflect a major change in how the Supreme Court rules on a wide variety of issues including gun control, discrimination, religion, the environment, and of course immigration.

According to Marielena Hincapié at the National Immigration Law Center, Kavanaugh's appointment could be *potentially devastating* for minority interests. However, his supporters claim that Kavanaugh is smart enough to judge cases on their own merits, regardless of his political views.

Certainly, he will have no shortage of hot-button immigration cases to preside

over during his first few months on the bench.

Currently, the most pressing issue is the removal of DACA privileges for over 800,000 undocumented migrant children that were allowed to live and work legally within the United States. While three federal judges have rejected the Trump administration's basis for terminating the program, claiming that the underlying reasoning was arbitrary and legally flawed, their decision is likely to head to the Supreme Court in due time after an earlier deferment.

Other immigration-related matters on table include the government's ongoing legal battle against so-called sanctuary cities; as well as the removal of TPS (Temporary Protected Status) protections for foreign workers whose home countries have been decimated by national disasters or war.

Over the next few months we will be able to gain a much clearer picture of whether Justice Kavanaugh will move the Supreme Court into lockstep with the Trump administration, or if he will live up to his *firm but fair* reputation.

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## 9000 Deportation Cases Thrown Out By U.S Courts

For most US immigrants, receiving an NTA form in the mail is an extremely distressing experience. These charging documents indicate that the DHS has lodged deportation proceedings against you, and that you must appear in court to argue against your removal from the country. Failure to do so, generally results in an immediate deportation order.

But what is a distressed recipient to do, when their NTA contains no mention of a scheduled time or date for their court-ordered hearing?



This question formed the basis for a landmark Supreme Court ruling earlier this year. After examining a case where Brazilian immigrant Wesley Fonseca Pereira was given a deportation order following a failure to show up at a court ordered hearing due to a lack of sufficient notification from the immigration authorities, the Supreme Court ruled that the NTA did not constitute a legal notice as it omitted vital time and date information. The related deportation order was dismissed as a result of this deficiency.

With a new precedent in place, immigration attorneys across the

country began to file challenges based on their client's incomplete NTAs. By August, more than 9000 deportation cases had been dismissed.

While new rulings from the Board of Immigration Appeals (BIA) have since put a stop to these case dismissals, 9000 immigrants have been granted another chance to secure their legal status.

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## Key Changes to Immigration Medical Process

As per new USCIS guidelines, green card applicants will now need to get their I-693 immigration medical forms signed by a licensed physician at least 60 days before filing with the immigration agency. Under the new policy, the validity period of these forms has also been extended to two years.



These changes should create greater efficiencies in the green card review process, as the I-693 form should remain valid throughout the duration of the processing period. Under the previous policies, applicants were often asked to submit an updated medical report well after the initial paperwork was filed. Now, a large portion of these update requests will be unnecessary.