



US Immigration Newsletter

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Commentary



It has been another volatile month for immigration policy. Amidst rising concerns surrounding the so-called *Migrant Caravan*, the Trump Administration moved to push through an aggressive new *Asylum Ban* which would severely restrict the intake of asylum seekers in the country. This new legislation takes place alongside a slew of restrictive policies including the (now approved) *Travel Ban*, a redefinition of the public charge rule which could see thousands of green card applications stopped dead in their tracks, and the much-maligned abolition of DACA.

While all of this was going on, President Trump took the extraordinary step of deploying up to 5,900 active duty troops to provide support to the 2,100 strong National Guard presence already stationed at the border.

Many feel that the ultimate aim of this political grandstanding was to secure an advantage for the GOP in the November 12 mid-term elections. Despite staking their claim on the immigration issue, the Republican party was largely unsuccessful in their efforts to gain a stronger mandate. While they did manage to secure a tighter Senate majority, Democrats did manage to flip the House by a massive margin. This shift in congressional power could represent a huge obstacle for further restrictive policies. Amongst other issues, a Democrat-controlled House could sink any future funding for the Wall. The Democrats could also look to reinstate protections for DACA recipients in return for their support on some of the President's other legislative efforts.

It will be extremely interesting to see how all of these trends affect the prospects of current and future immigrants in the country.

Proposed Recruitment Rules For H-2B Employers

PENDING
VISA
APPLICATION

The Department of Homeland Security (DHS) and Department of Labor (DOL), have floated a new proposed rule which would require US employers to advertise open vacancies for at least 14 days through online channels before they can submit a petition for a nonimmigrant worker to take up the position. If successful, the rule would represent the latest in a series of laws aimed at raising the minimum criteria for this long-term non-permanent visa.

Immigration Backlog is At Over 1 Million

According to a study from the *Transactional Records Access Clearinghouse* at Syracuse University, the backlog of pending Immigration Court cases has grown by over 49% since January 2017. While more immigration judges have been employed over the current year, and case closure rates have improved by over 3.9% as a result. The fact remains, that if significant headway isn't made on the issue soon, it would take up to 5.1 years to clear through these pending cases at the current rate.



A large part of these new challenges are down to the fact that the Attorney General recently implemented a new rule which caused over 300,000 administratively closed immigration cases to be moved back to the pending backlog. With the dockets crowded, it remains to be seen how the court system will handle this growing workload.