



# US Immigration Newsletter

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## Commentary



Over the past month, local and national news has been rife with reports concerning the abduction and murder of Iowa college student Mollie Tibbetts. Cristhian Rivera, a 24 year old Mexican immigrant, whom authorities claim was in the country illegally, was identified as the prime suspect in the case and arrested earlier this month.

Immediately, the Trump administration and other GOP politicians picked up on the case as a prime example for why tougher immigration policies were required. In a tweet, Iowa Governor Kim Reynolds, expressed her condolences and went on to blame the incident on a "*broken immigration system.*"

Unfortunately, it has been difficult to separate the rhetoric from the actual facts surrounding the case. According to Rivera's attorney, Allan Richards, his client was legally permitted to work within the United States at the time of the murder. This line of reasoning has been echoed by Rivera's employers, *Yarabee Farms*. An Iowa business that is currently owned by former GOP representative Craig Lang's family. According to a *Yarabee* spokesperson Rivera had been vetted through the government's E-verify system prior to his hiring.

Regardless of whether Rivera was a legal or illegal immigrant, those who are using his alleged involvement in the Tibbett murder as grounds slander all illegal immigrants are flying in face of verified research. A study published this year in the journal *Criminology* showed a generally negative relationship between immigration and crime, and in fact linked increased immigration to generally

lower incidences of violence across states. Meanwhile, [multiple](#) Cato Institute [studies](#) have shown that immigrant populations have a far lower arrest, criminal conviction, and incarceration rate than native-born citizens.

While these statistics may not deter the right-wing media from using the Tibbett story as political capital, they should serve as an indicator of just how nonsensical the narratives surrounding violent or dangerous immigrants really are.

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## New Unlawful Presence Rules For Foreign Students

On August 9<sup>th</sup>, the USCIS issued new guidance on foreign and exchange program students that overstay their visas.

According to the new policy, any student on an F1, J1, or M1 visa would be assigned an unlawful presence status from the day after their first violation of visa terms. These terms apply regardless of whether individual has been in the United States across the duration of their visa. Furthermore, any foreign national that is found to overstay their visa by a period of more than 180 days will be subject to a 3 to 10-year ban on reentry to the United States.



This new ruling counteracts previous policies which stated that F, J, and M non-immigrants would retain their legal status until an immigration court or the USCIS found them to be in violation of this status.

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## Judge Allows Married Immigrant Lawsuit to go Forwards


The Immigration and Customs Enforcement agency (ICE), has recently come under fire for its attempts to arrest undocumented immigrants during scheduled marriage interviews with the USCIS.



According to a lawsuit filed by the ACLU, ICE has coordinated with the immigration authority to target illegal immigrants who are attempting to change their status through this legal channel.

After initial attempts at lodging the case were blocked, U.S District Judge Mark Wolf has given the okay for the lawsuit to move forward stating

*"ICE may not order the removal of an alien pursuing a provisional waiver*



*merely on the basis of finding the alien is subject to a final order of removal.”*