



IMMIGRATION UPDATE

How will Immigration Reform Effect me?

Obama's rousing speech on executive action on immigration has many immigrants and nonimmigrants asking how his orders will affect them.

Below is a summary of the proposed actions, which will be evolving and developing over the next few months and years.

Expand Deferred Action for DACA Program

Two deferred action initiatives are expected to benefit an estimated 4.4 million undocumented immigrants:

1) DAP (Deferred Action for Parents) will allow an undocumented individual living in the U.S., who on the date of the announcement is the parent of a U.S. citizen or lawful permanent resident and who meets certain guidelines, to apply for Deferred Action and employment authorization; and 2) The age gap for the current DACA program will be removed, allowing individuals born prior to June 15, 1981 to apply for DACA and the start date when continuously present will be changed to 1/1/2010, rather than the prior requirement of June 15, 2007.

These initiatives are expected to begin enactment within 90 to 180 days of the President's announcement.

Provisional Waiver of Unlawful Presence

The provisional waiver currently in existence for sons and daughters of U.S. citizens will expand to include the spouse and children of lawful permanent residents, as well as clarification of the definition "extreme hardship" to obtain the waiver.

This initiative is expected to be implemented when new guidelines and regulations are issued.

Modernization and Improvement of Immigrant and Nonimmigrant Programs to Facilitate Economic Growth and Innovation

This initiative includes several components including:

- Working with the Department of State to ensure that all immigrant visas allocated are issued and to provide for a more reliable visa availability determination;
- Clarification of AC-21 employment portability and national interest waiver standards;
- Advancement of Adjustment of Status opportunities for individuals who are caught in the backlog to file for AOS;

- Working with the Immigration and Customs Enforcement to develop regulations to expand and extend the use of OPT for foreign students; and
- Provide improved guidance on the meaning of "specialized knowledge" required for L-1B visa applications.

These initiatives are expected to be implemented gradually as necessary guidance and regulations are developed.

Please be Aware!

This announcement opens the opportunity for immigration scams of those offering to provide legal advice or guarantees of immigration benefits. These initiatives and their implementation will be evolving over time and currently, USCIS is not taking any applications relating to these initiatives.

Congress will be on Thanksgiving recess and we expect there will be little to no action taken on these initiatives. Marks Gray's immigration group will continue to provide relevant information as we learn about the specifics of the President's announcements and how it affects you and your business most.



Giselle Carson

Wishing you a Happy Thanksgiving

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Health, Happiness and Prosperity!

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