

Immigration Practice in the New Normal, and under a New Administration

Presented by:

Jonelle Ocloo, Esq.

Law Offices of Jonelle Ocloo LLC



Practicing Law Under the New Normal of COVID-19

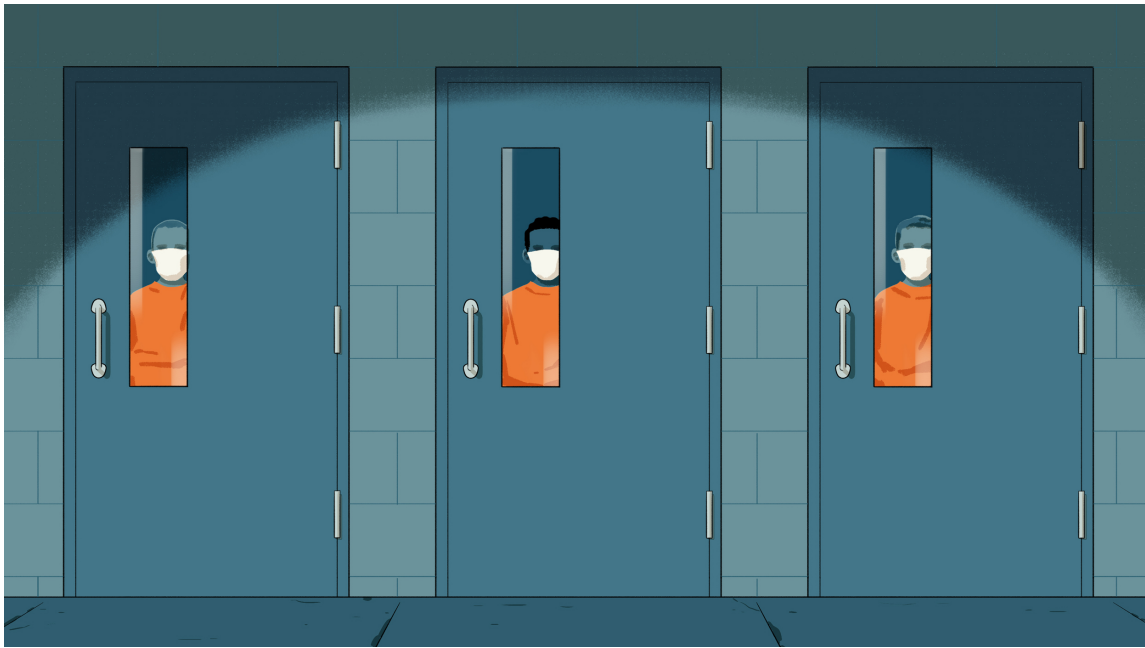
- ✓ Many changes similar across the board for lawyers in various practice areas
- ✓ Work-from-home
 - ✓ Logistics of getting the office online
 - ✓ Necessitated switch to the cloud, e.g. Office 365
- ✓ Virtual meetings with clients
- ✓ Positive changes even for post-COVID world of legal practice
- ✓ Will we return to the old normal? Will we ever return to the whole team working from a brick-and-mortar law office?

Backlogs and Delays with Immigration due to COVID-19 and Previous Administration

- ✓ USCIS closed to the public between March 2020 – June 2020. No interviews, biometrics appointments, or InfoPass.
- ✓ Staffing at lockboxes was down to 25%. Months-long delays in receipting cases.
- ✓ Backlogs of issuing receipt notices & employment authorization documents.
- ✓ Postponed Immigration Court dates for non-detained people to 2022-2024
- ✓ US Embassies & Consulates were closed to the public for most of 2020
- ✓ Some improvements so far in 2021, but still need to manage client expectations

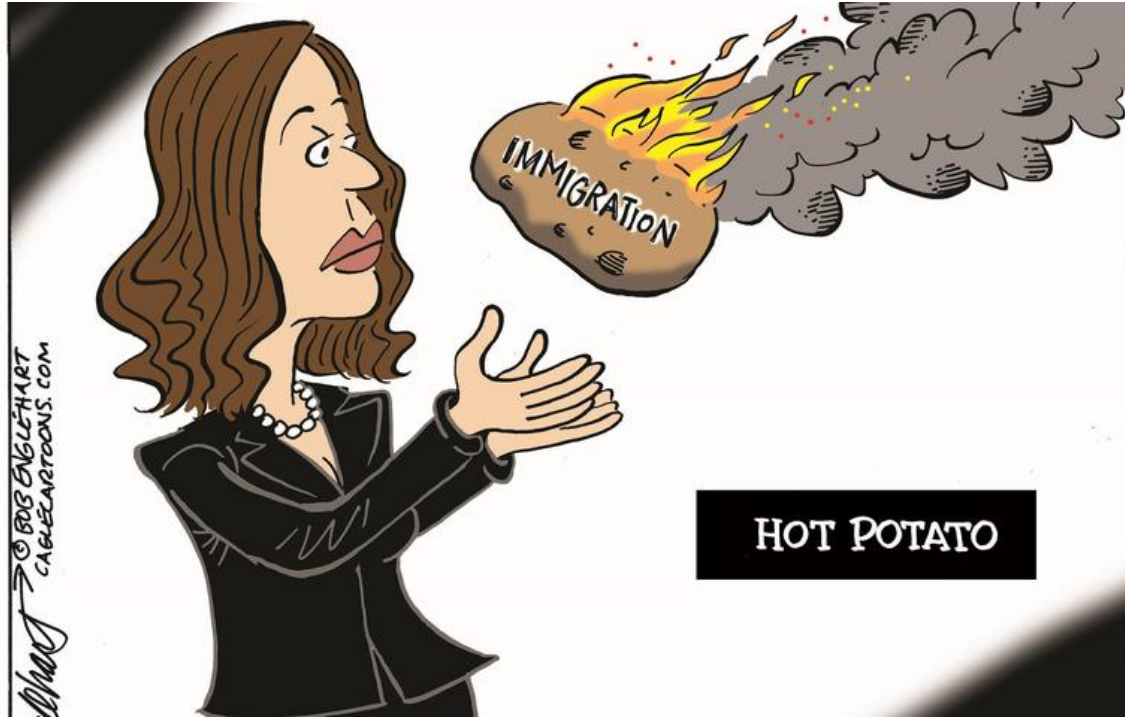
Procedural Changes at USCIS due to COVID-19

- ✓ Automatic 60-day extension for responses to RFE, NOID, and Denials
- ✓ Telephonic appearance at interviews (attorneys & interpreters)
- ✓ Copies allowed now for filing; doesn't have to be a wet signature
- ✓ Flexibility on DNA testing (extensions because embassies were closed)
- ✓ USCIS to provide interpreter for asylum interviews
- ✓ USCIS showing more flexibility for people filing for extensions of status for visitor's visas due to COVID; satisfactory departure



Procedural Changes in Immigration Court due to COVID-19

- ✓ Telephonic appearances for master hearings, as well as individual hearings.
 - ✓ Respondents are required to appear in person. (Problem if they or someone in their pod/cell block has COVID.)
 - ✓ Judges appear in person or by video
 - ✓ Office of Chief Counsel attorneys appear by phone
 - ✓ Some attorneys still choose to appear in person.
- ✓ Get instructions on how to dial in from court in advance.
- ✓ No master calendar hearings for non-detained people.
- ✓ Some attorneys are using strategy of motions to advance asylum hearings, SIJ hearings, adjustment hearings when they have a strong case that can be approved



Practicing Immigration Under the New Biden Administration

- ✓ Change has not come as quickly as many had hoped; Promises from Biden Administration that we are not seeing yet
- ✓ Biden Administration has inherited the issues, bottleneck, delays at the border
- ✓ VP Harris in charge of issue at border, acknowledgement of systemic problems in countries of origin.
- ✓ Issue of children being detained
- ✓ Biden Administration's attempt to halt all deportations was thwarted by federal court
- ✓ Biden has enforcement priorities: recent border crossers, criminals; April 15 expect new Memo on how the Biden Administration will implement enforcement priorities (who will be detained, who will be in removal proceedings)
- ✓ No significant policy changes yet to employment-based (but put hold on implementation of prevailing wage rule)

Changes Under the New Administration so far...

- ✓ New Public Charge Rule implemented by Trump in 2020 is dead
- ✓ Thankfully, eliminated blank spaces rule, which largely affected asylum cases
- ✓ Biden administration scrapped Trump's ban on immigrant visas
- ✓ Trump nonimmigrant visa (NIV) ban lapsed on March 31
- ✓ Embassies are slowly re-opening, but appointments are backed up
- ✓ Ban on travel from UK and Schengen countries (the EU) continues due to COVID numbers in that area. Possibility of national interest exemption (NIE) to the ban.

Future of Comprehensive Immigration Reform (CIR)

- ✓ US Citizenship Act of 2021
 - ✓ Change in terminology: “aliens” -→ “non-citizens”
 - ✓ Creation of class of “Lawful Prospective Immigrants” (LPI)
- ✓ Immigration is fractious issue; not decided purely on party lines or liberal-conservative divide
- ✓ If comprehensive immigration reform is not possible; piecemeal legislation may work instead
- ✓ Dream and Promise Act passed the House with some Republican support
- ✓ Possible legislation may pass for TPS recipients and agricultural workers, too

What's Next for Immigration Practice in the New Normal, under the New Administration?

- ✓ Continue to provide competent, reliable legal advice and services
- ✓ Manage client expectations
- ✓ Disseminate accurate information and legal advice
- ✓ Advocate for positive changes to US immigration laws and policies
- ✓ Gear up for possible increase in immigration work (increase competence in immigration law as well as efficiency of delivery of legal services)

Questions?

Contact the Law Offices of Jonelle Ocloo LLC

Tel: 410-312-5585

info@lojolaw.com

www.lojolaw.com

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