



2010 Elections are over. What is next for immigration?

By W. John Vandenberg, Esq.



With the 2010 elections over, businesses and immigrants should be ready for changes . . . and they do not look very promising.

As I'm sure our readers know, the Republican party swept the elections, winning control of the U.S. House of Representatives, and leaving Democrats with only a slim majority in the Senate. The change of power means that power is held by persons who seek to deal harshly with immigrants.

The powerful House judiciary Committee will likely be run by Rep. Lamar Smith (R-TX). He has said that he wants to draft legislation next year dealing with border security, and at some point in the future, so he says, will hold hearings about foreign worker visas and other immigration issues. Rep. Smith supports the Arizona immigration law, and seeks to make the federal electronic employment verification system, known as E-Verify, mandatory. He also is a strong supporter of ending "birthright" citizenship.

Rep. Steve King (R-IA) will likely assume the House Judiciary Committee's Immigration Policy Subcommittee, replacing Rep. Zoe Lofgren (D-CA), who once practiced as an immigration lawyer. King favors border security first, and immigration fixes "piecemeal." He also wants to take part in drafting legislation that would revoke U.S. citizenship by birth ("birthright citizenship") and boost taxes on employers found to have hired illegal immigrants.

What can we expect? More enforcement, on every level.

Rep. Smith was the architect behind the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, which implemented harsh punitive measures against immigrants. It is likely that, now that he has power again, he will seek to criminalize immigrants by, for example, making unlawful presence a federal crime. Penalties for illegal entry and re-entry will likely be made harsher. Persons who are placed into removal proceedings will have fewer chances for relief. We can foresee that the Republican-led house will seek to "streamline" the removal process, decreasing oversight and appeals of immigration judge decisions. And the DREAM Act, or Comprehensive Immigration Reform? You can probably forget about them this year through 2011.

If you are an immigrant, or an employer, or the family member of an immigrant, changes in the immigration laws are going to affect you. The attorneys and staff at Hogan & Vandenberg are here to guide you, and forecast the immigration issues that you must be aware of. Get daily updates by following us on Facebook and Twitter. We will also issue bulletins for urgent issues. This and previous newsletters, are already posted on our website (www.hoganvandenberglaw.com) so you can access articles of interest.

In this area of fast-moving law, our lawyers and staff make the difference between success and failure. Our reputation as good attorneys who are creative, aggressive, trustworthy, and holistic allows us to intelligently counsel and advocate for our clients on many levels. Call us, come see us, and allow us to earn your trust.

INSIDE THE NOVEMBER 2010 ISSUE

What is next for immigration	1
Haitian TPS	1
The newest addition to our team	1
Don't ever lose hope	2
Special Announcement	2

Haitian TPS



Lynda Jean-Gilles, senior paralegal
Statut de Protection Temporaire mise à jour

Les Etudiants Haïtiens vivant aux Etats-Unis avant ou au 12 Janvier 2010 et qui maintiennent un Visa F-1 sont accordés par L'immigration, l'opportunité d'appliquer pour le TPS, Statut de Protection Temporaire.

- ◆ Le TPS leur permettra de travailler à l'extérieur du campus pour subvenir du coût de leur études tout en gardant la validité du Visa F-1;
- ◆ De plus, tous les Haïtiens éligibles qui ont résidé de façon continue aux Etats-Unis depuis le 12 Janvier 2010, la prolongation d'inscription du TPS est maintenant jusqu'au 18 Janvier 2011.
- ◆ Contactez-nous au 610-664-6271, nous pouvons vous aider ! Demandez de parler avec Lynda, elle parle créole et français.

Temporary Protected Status updates

Haitian students living in the United States before January 12th 2010 with an F-1 visa will have the opportunity to apply for TPS (Temporary Protected Status).

- ◆ TPS will allow them to obtain employment authorization and work an increased number of hours while school is in session in order to be able to afford tuition
- ◆ In addition, the registration period for TPS has been extended until January 18th 2011 for all Haitians who have resided continuously in the US since January 12th 2010.
- ◆ Contact us at 610-664-6271, we can help! Ask to speak with Lynda, she is fluent in Creole and French.

The newest addition to our team

We are very pleased to introduce Mounya Sabri. Mounya Sabri joined Hogan & Vandenberg in August 2010. She graduated from University of Pennsylvania (UPenn) in May 2010 with a B.Sc in Economics with a concentration in Finance and a minor in Consumer Psychology. However, law has been the field that captivated her interest throughout her studies. Immigration law, in particular, appeals to her for its complexity and the ability to change people's lives.



Mounya Sabri,
paralegal

During her four years at UPenn, Mounya served as the treasurer of the Penn Arab Student Society and was a member of Wharton Women's marketing committee. In the summer, 2009, she interned with KPMG's audit department, in Lebanon, her home country. She also worked with a local microfinance institution in Bali, Indonesia and as a research assistant at Princeton University. She is fluent in Arabic, French and is conversant in Spanish. Mounya is now gaining invaluable experience in both immigration law and marketing at Hogan & Vandenberg.

Don't Ever Lose Hope

By M.Umar Rahman, Esq.



My most difficult moment as an attorney occurred in late July of last year. A Pakistani man, who had come to our office weeks

before was now being asked to report to the deportation office at USCIS Philadelphia.

When he first came to our office, we had learned that his Petition for Review at the Third Circuit had just been denied. Prior to that he went through a number of denials; his asylum case, appeal to the Board of Immigration Appeals ("BIA") and a motion to reopen based on changed country conditions filed at the BIA. He was still in fear of returning to his native country so we suggested that he consider a second motion to reopen based on changed country conditions. He was a Shiia Muslim from the Swat Valley, so his situation in Pakistan had drastically changed for the worse that summer.

I went with him to the deportation office with a copy of our most recent Motion to Reopen. I warned him that there was a chance he would be detained if he wanted to stay here and try to get legal status. Although

the officer was somewhat sympathetic and pointed that my client had plenty of chances, he detained him. My client's fear and anxiety were palpable when informed he would have to be taken into detention. He kept asking me if there was any way he could avoid being taken in. However we did not have any alternative.

I was worried that my client was on his way back to a place that had just been decimated by a war between the Pakistani government and the anti-Shiia Taliban. The Pakistani embassy refused to issue my client his passport. That provided us with a glimmer of hope since he couldn't be removed without a passport. After three months of detention, we asked for his release, knowing full well that normally Immigration & Customs Enforcement (ICE) doesn't release detainees until six months have elapsed. Although the motion to reopen was denied in October of 2009, ICE still released him since they could not get a travel document for him.

We then filed a second petition for review with the Third Circuit since the BIA, in denying our Motion to Reopen, ignored the drastic change in country conditions that occurred in Pakistan as a result of the rise of the Taliban and the conflict in the Swat Valley that summer. Simultaneous with the rise of Taliban was a rise in anti-Shiia pogroms.

Shortly afterwards a colleague of ours emailed our local listserv of Philadelphia Immigration Attorneys about the BIA's reopening of a case for a Pakistani Shiia Muslim due to changed country conditions. We found that the decision was

made just two weeks before we had filed our client's motion to reopen in July of 2009. In that decision, the BIA made broad conclusions about the deteriorating conditions for Shiia Muslims in Pakistan as a result of the rise of the Taliban. Now we had something to hang our hats on. We were confident the Third Circuit would not look too kindly at this glaring inconsistency in the BIA's jurisprudence. To avoid further complications we decided to just ask the BIA to correct its mistake based on the disparate way it treated two similarly situated Shiia Muslims from Pakistan. In addition, we still had the petition for review pending at the Third Circuit on the basis of the second motion to reopen. Finally few weeks ago, we got a decision from the BIA reopening this gentleman's case. The third motion to reopen was granted.

Now this man from the Swat Valley of Pakistan will have a chance to go back to an Immigration Judge and ask for asylum or withholding of removal. Just last summer he was in prison worried that he would be sent back to a place where his life is in grave danger. But now he has a good chance of remaining in the U.S. in lawful status. Although the procedures might be cumbersome and extremely time consuming, we encourage people with solid case to never give up. Profound changes happen for our clients every day, and we are proud to be the attorneys who make it happen.

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SPECIAL ANNOUNCEMENT: United States Citizenship and Immigration Service (USCIS) announced in September of 2010 that they would **increase certain USCIS application and petition filing fees on November 23, 2010**. If you are eligible, it is highly recommended to file your USCIS application or petition prior to November 23, 2010 to avoid the USCIS filing fee increase. (source: uscis.gov)

H&V is a local law firm which specializes in immigration and matters of interest to immigrants. The firm was founded by Rick Hogan and John Yahya Vandenberg in 2005. Over the years, they have built an expert, diverse and multi-lingual team that provides full service to its clientele. H&V assists individual clients, businesses and educational institutions with strategizing and resolving issues regarding immigration. The firm also provides services and referrals for other areas of law including commercial, criminal, discrimination and landlord-tenant issues.

We would be pleased to provide legal assistance as you require on these and other subjects. Please contact us:

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