



Joseph Law Firm^{PC}

Immigration Law Specialists

Newsletter

April/May 2015

JEFF JOSEPH PARTICIPATES IN AILA'S NATIONAL DAY OF ACTION

Senior Partner, Jeff Joseph returned from Washington D.C. on April 17th after having visited Congressional offices for 8 out of the 9 Congressional representatives for the State of Colorado. Representative Scott Tipton declined requests for a visit.

The visit included personal meetings with Representative DeGette and Representative Buck and meetings with the immigration staffers from the other offices. The purpose of the meetings was to make the case for a much-needed overhaul of the nation's immigration system.

"As part of the American Immigration Lawyers Association's National Day of Action, I advocated on Capitol Hill for real reform to America's broken immigration system. I visited both House and Senate offices to educate and inform members of Congress and their staff about what inaction means for our communities and my clients. I was glad to take part in this unique opportunity to join with colleagues, clients, coalition partners, and other AILA members, to ask Congress to advance concrete proposals that will fix our dysfunctional immigration system." Jeff said.

"In each meeting, I laid out the facts regarding immigrants in Colorado and the critical function they play in all sectors of the Colorado economy from resort workers, to dairy farms, from high tech companies to universities, from research to oil and gas. The need for these workers increases every year because our nation has failed to find a workable solution to the problems faced by immigrants, businesses, employers, and state and local governments. I also reminded Congress people that while border security is important, our border keeps illegal immigrants locked in the country as well as out of the country and that border security must be coupled with a legal immigration system that replaces the illegal flow of immigration with a sensible legal channel for workers to enter the United States to fill vacuums in our economy." Jeff continued.

"We saw the Senate step up in 2013 with S. 7444, and we've heard from members on both sides of the aisle about reform being necessary, so now is the time. We need a bill that includes a roadmap to lawful permanent resident status for those currently undocumented living and working in the U.S., and major reforms to the legal immigration system to help businesses to grow, families to reunite and bring fairness and due process to immigration enforcement. While I finished the Hill visits for this trip, my work will not be complete until a comprehensive immigration reform bill is signed by the President." Jeff concluded.

In addition to his lobby efforts, Jeff also appeared on a "Hot Topics Open Forum" panel with Riah Ramlogan, Acting Principal Legal Advisor for Immigration and Customs Enforcement at the Department of Homeland Security and Philip Miller, Assistant Director for Enforcement and Removal Operations at Immigration and Customs Enforcement.

USCIS HAS REACHED THE H-1B CAP FOR FISCAL YEAR 2016

Contributed by Kim Tremblay, Associate Attorney

As expected, United States Citizenship and Immigration Service (USCIS) announced that it has reached the 65,000 visa cap on H-1B petitions for the upcoming fiscal year. The 20,000 visa cap for the advanced degree exemption for applicants with a United States Master's degree or higher was also reached.

USCIS will finish the intake of the petitions it has received thus far and will then conduct a lottery to determine which petitions the agency will accept and review. The petitions that are accepted will still need to satisfy the legal requirements for H-1B petitions. USCIS will first conduct the lottery for the advanced degree exemption petitions and then include the petitions that were not selected in the general lottery for the 65,000 regular H-1B petitions. USCIS has not yet announced when the lottery will be conducted.

USCIS will return petitions that the agency does not select in the lottery, along with their filing fees. No date has been set for the lottery. Petitions that are cap-exempt can still be filed.

FIFTH CIRCUIT COURT OF APPEALS UPHOLDS DACA

Contributed by Aaron Hall, Partner

The Fifth Circuit Court of Appeals has rejected a challenge to the 2012 version of the Deferred Action for Childhood Arrivals (DACA) program by the State of Mississippi and individual Immigration and Customs Enforcement (ICE) agents.

In an April 7, 2015, opinion in *Crane v. Johnson*, the Fifth Circuit Court of Appeals upheld the 2012 version of the Deferred Action for Childhood Arrivals (DACA) program, holding that the plaintiffs had failed to demonstrate that they would suffer any injury from the DACA program.

This is a different case than *Texas v. United States*, the case where a group of states are challenging portions of President Obama's 2014 executive actions including the expansion of DACA and the Deferred Action for Parental Accountability (DAPA) program. Importantly, the court in *Crane* found that the State of Mississippi lacked standing based on the sparse evidentiary record in that case. The states in the *Texas* case will undoubtedly hope to bolster their chances of having the court strike down DACA 2014 and DAPA by introducing studies on the costs to the states that they allege come from the deferred action programs.

Still, the *Crane* decision is from the Fifth Circuit, the same circuit where courts are considering the *Texas v. United States*. The Fifth Circuit's rejection of the challenge to the 2012 version of DACA is therefore very positive news for the prospects of the 2014 version of DACA and DAPA.

NEW STAFF ADDITIONS TO JOSEPH LAW FIRM, P.C.

Aurora Office: Michael Jordan earned his Master's Degree in Latin American and Caribbean Studies from New York University in 2014 and his Bachelor's Degree in Spanish and History from the University of Virginia in 2012. Prior to joining Joseph Law Firm, P.C., he explored the Latin American region through a number of lenses: as an intern in the office of a Peruvian Congressman, as an interpreter and researcher for the UVA-Guatemala Initiative in the Lake Atitlán basin of Guatemala, as a Program Director of Migrant and Latino Aid—a volunteer-based ESL program in rural Virginia, as a Co-Curator of the Guantánamo Public Memory Project—a national exhibition about the history and use of the US Naval base, and as an Immigrant Rights Intern with the American Civil Liberties Union (ACLU) of Virginia. Michael was born in Virginia and moved to Colorado in 2015. He enjoys volunteering, playing soccer, hiking, and fishing. He is bilingual in English and Spanish.

Colorado Springs: Yvette Garcia graduated from Metropolitan State University of Denver, where she received her Bachelor's Degree in Criminal Justice and a minor in Human Services in 2014. Yvette was born in Cheyenne, WY and was raised in Greeley, CO. In 2010, she moved to Denver for her undergraduate career and she currently lives in Colorado Springs. Yvette's family is from Zacatecas, Mexico, and she is the first in her family to go to college and receive a college degree. Prior to joining Joseph Law Firm, P.C. Yvette volunteered at the 4th Judicial District Probation Department as a probation officer and was an intern for the Denver Center for Crime Victims, Legal Clinic. Her goal is to further her education and pursue a Master's degree in Criminal Justice Administration/Law. Yvette is bilingual in English and Spanish.

ETHICS AND LAW PRACTICE MANAGEMENT IN THE DIGITAL AGE

Kirby Gamblin Joseph, Managing Partner of Joseph Law Firm, P.C. and founder and law practice management consultant of Strategy4Success, was a speaker at the American Immigration Lawyers Association Texas/New Mexico/Oklahoma Chapter Spring 2015 Conference in Santa Fe, New Mexico on April 23rd. Kirby's panel focused on marketing tips, using technology within the practice of law, and best practices for managing a law practice.



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