



# Joseph Law Firm<sup>PC</sup>

## Immigration Law Specialists

Newsletter

July/August 2015

### **THE BEGINNING OF THE END TO FAMILY DETENTION**

*Contributed by Koby Polaski, Senior Attorney, Edwards Office*

In 2014, millions of families from El Salvador, Honduras and Guatemala fled unspeakable violence in their home countries to seek safety in the United States. In response to this refugee crisis, the Department of Homeland Security (DHS) made the tragic decision to open temporary detention facilities in New Mexico and Texas to house thousands of mothers and children. The government tagged the families in these detention facilities as number one priorities for removal from the United States. Their cases were accordingly rushed through the system, in many cases without access to counsel and without bond. It quickly became clear that the government's goal was to remove these women and children – with complicated and viable asylum claims – from the United States as quickly as possible.

Although the detention facility in Artesia, New Mexico closed, the one in Texas remains open and continues to detain families arriving daily. This month, however, DHS announced its determination that reconsideration is appropriate for custody decisions of arriving families who have established eligibility for asylum or other relief under United States immigration laws. Going forward, Immigration and Customs Enforcement (ICE) will generally not detain mothers with children, absent a threat to public safety or national security, if they have received a positive finding for credible or reasonable fear and the individual has provided a verifiable residential address. DHS will also be releasing eligible family units after reviewing their cases for these same requirements.

There is still much work to be done in defending and representing the rights of the families detained at these facilities, but we hope this development marks the beginning of the end to family detention.



### **EXPANSION OF PROVISIONAL UNLAWFUL PRESENCE WAIVERS OF INADMISSIBILITY**

*Contributed by Aaron Hall, Partner*

More than eight months after President Obama announced his intention to expand the provisional waiver program, the Department of Homeland Security (DHS) has issued proposed regulations on the expansion of the I-601A provisional waiver program. I-601A provisional waivers allow an applicant to waive a ground of inadmissibility triggered by unlawful presence if they are statutorily eligible for a waiver, are seeking such a waiver in connection with an immigrant visa application, and meet other conditions.

The provisional waiver process currently allows a qualifying applicant to get his inadmissibility waived prior to leaving the United States, saving the applicant from many months or even years outside of the country waiting for his waiver to be adjudicated.

The new regulations would expand the provisional waiver process (1) by eliminating the requirement that provisional waiver applicants be certain immediate relatives of U.S. citizens and instead opening the process to all who qualify for the unlawful presence waiver under the applicable statute and meet certain other conditions; and (2) by allowing the requisite "extreme hardship" be shown to any U.S. citizen or lawful permanent resident spouse or parent instead of limiting the extreme hardship to U.S. citizen spouses.

The proposed regulations are not final yet and are open for written comment by interested parties until September 21, 2015. If the proposed regulations are implemented, they will greatly expand the number of applicants who can consular process with a provisional waiver.



## JOSEPH LAW FIRM – EXPERTS IN THE COMMUNITY

Jeff Joseph, Senior Partner, moderated a panel on advanced issues in worksite enforcement for the 2016 American Immigration Lawyers Association (AILA) annual immigration lawyers conference in Washington D.C. in June. The panel covered employer compliance and I-9 Practices for short-term and seasonal Workers, compliance for specific industries or employer types, compliance issues involving multiple worksites, subsidiaries, complex corporate structures, employer responsibility for subcontractors, staffing agencies and vendors, and ethical issues for lawyers in worksite enforcement.



In July, Jeff Joseph also presented on a webinar for the National Restaurant Association on H-2B options for the hospitality, resort and restaurant industry.

Kirby Joseph, Managing Partner, presented on a panel entitled, Put the Smart Phone Down - Networking at the Art of the Schmooze at the 2016 AILA annual immigration lawyers conference. This panel showcased the best techniques to improve productivity when attending network events. In addition it provided tips and strategies on how to ask for business and comfortably sell yourself without sounding like a salesman. Kirby also moderated a panel entitled Life and Death Consequences – Case Management in Removal Proceedings. This panel covered tips for attorneys on working with staff, managing clients and cases during lengthy court delays, and file management systems.

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

**Aurora Office: Bryan Ortiz** has joined Joseph Law Firm, P.C. as the firm's administrative assistant. He will be supporting the firm's attorneys, paralegals and administrative staff in their legal and administrative work and he will provide outstanding customer service to our clients. Bryan is fluent in English and Spanish.

Bryan studied at Tyler Junior College, working towards his associates degree in psychology and minoring in graphic arts. Born and raised in Austin, Texas, Bryan has always been surrounded by good music! Some of his hobbies include playing sports, hanging out with family and listening to good music. Bryan has always had a passion for helping others. In addition to playing football for seven years, he volunteered at Camp Barnabas, a camp for youth and adults with special needs, for four years and continued on as an employee for three years. Just prior to joining Joseph Law Firm, P.C. he served as a project assistant for a modern building developer in Austin, Texas.

**Colorado Springs: Isabel Guevara** has joined Joseph Law Firm, P.C. and will be a legal assistant in the firm's Colorado Springs office. She will be working closely with Amber Blasingame, Colorado Springs Attorney, to provide high quality legal services to each and every client. Isabel is fluent in English and Spanish.

Isabel is a Colorado native who enjoys spending time with her family, traveling, reading, and is actively involved in her church. Prior to joining Joseph Law Firm, PC; she worked at Peak Vista Community Health Centers here in Colorado Springs as the Trainer for the Enrollment Services department. In that role she was responsible for the continued education of the department on all state and federal guidelines pertaining to public assistance for medical services as well as serving as a spokesperson for the media regarding the Affordable Care Act. She has also worked as an interpreter for Nationwide Homes, walking Spanish speaking clients through the process of purchasing a home and has always enjoyed providing great customer service. Isabel is very excited to be part of the Joseph Law Firm team!



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