



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

## Immigration Law Specialists

Newsletter

August/September 2015

### Immigration News

## DEAR MR. TRUMP: BIRTHRIGHT CITIZENSHIP IS SETTLED LAW AND WE SHOULDN'T CHANGE IT

*Contributed by Aaron Hall, Partner*

Over the last few weeks, Donald Trump and others have proposed ending birthright citizenship, either through legislation or through an amendment to the Constitution. Mr. Trump suggests that ending birthright citizenship *might not* actually require an amendment to the constitution. The crux of the argument he alludes to the phrase in the 14th Amendment extending citizenship to those born in and “subject to the jurisdiction of” the United States. Some argue that this could be interpreted to exclude the children of undocumented aliens from birthright citizenship. The problem with this argument is that it has already been heard and rejected by the Supreme Court in the 1898 case of *U.S. v. Wong Kim Ark*. Given the longstanding precedent on this issue, any change to birthright citizenship would need to come through an amendment to the Constitution.



Mr. Trump would presumably respond that if ending birthright citizenship truly does require a constitutional amendment, then we should go ahead and amend it. The reality is that the elimination of birthright citizenship would be disastrous public policy. America should be proud of its history of success in assimilating wave after wave of immigrants from all corners of the world, even in the face of different periods of anti-immigrant sentiment. That the children of immigrants are born as Americans and are invited to fully participate in our democracy is key to our incredible history of successful integration of immigrant communities into this nation. To take this away risks bringing up a generation of stateless children who speak English like any other American but have no incentive to buy into the system and become productive members of society.

As Linda Chavez pointed out in a Wall Street Journal opinion piece, “Our history has been largely one of continuously expanding the community of people regarded as Americans, from native-born whites to freed slaves to Indians to naturalized citizens of all races and ethnicities. Since the abolition of slavery, we have never denied citizenship to any group of children born in the U.S.—even when we denied citizenship to their parents, as we did Asian immigrants from 1882 to 1943. This expansive view of who is an American has been critical to our successful assimilation of millions of newcomers.”

If this formula has helped drive so much success throughout our history, why change it now?

## COURT ORDERS RELEASE OF IMMIGRANT CHILDREN FROM FAMILY DETENTION

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

On August 21, 2015, U.S. District Court Judge Dolly Gee ruled that the government should generally release children from detention within five days after apprehension. Judge Gee further held that children must not only be released within five days, but they should be released to a parent. She gave the government until October 23, 2015 to implement her ruling.

This ruling came following much anticipation after Judge Gee expressed shock in a decision in July over the government’s treatment of detained children. In her July decision, Judge Gee held that the government violated the terms of the “Flores Settlement.” The Flores Settlement provided specific guidelines and regulations to ensure proper care and protection for children in detention facilities. In that ruling, Judge Gee also gave the government a deadline by which it had to amend its detention policies pertaining to children. The government failed, in many ways, to implement Judge Gee’s July decision. It remains to be seen whether Friday’s ruling will be properly implemented by October.



# DELAYED PRODUCTION OF WORK AUTHORIZATION AND LAWFUL PERMANENT RESIDENT CARDS

*Contributed by Jennaweh Hondrogiannis, Associate Attorney*

The United States Citizenship and Immigration Services (USCIS) has confirmed that the card production facility in Corbin, KY is undergoing maintenance. For that reason, all card production was transferred to the production facility in Lee's Summit, MO. Due to the transfer, Lee's Summit is experiencing a backlog of cases. As such, many clients are experiencing delays between the approval of their applications for work authorization (I-765) or lawful permanent resident status (I-485) and the production of their card. Clients may now have to wait approximately two to three weeks after the approval of their applications before their card is produced. USCIS plans to have production back on track sometime in September 2015.

## Firm News

### JOSEPH LAW FIRM, P.C. WELCOMES ANOTHER ATTORNEY TO THE TEAM

**Courtney Butler** is a graduate of the University of Denver, Sturm College of Law, where she graduated first in her class. While in law school, Ms. Butler was the president of the Spanish Speaking Lawyers Association. She clerked for Joseph Law Firm, P.C. and the Denver Immigration Court, interned with a corporate law firm in Caracas, Venezuela, and interned with the Rocky Mountain Immigrant Advocacy Network, where she continues to volunteer as a pro bono attorney.

After law school, Ms. Butler clerked for the Colorado Court of Appeals and the Vermont Environmental Court. She then spent two years working for a private Vermont law firm before returning to Colorado, her native state. While in Vermont, Ms. Butler provided volunteer legal assistance to several immigrant and refugee nonprofit organizations. Ms. Butler continues to reach out to the immigrant community by participating in legal clinics and citizenship drives and by providing volunteer translation and interpretation assistance.

Ms. Butler is an active member of the American Immigration Lawyers Association (AILA). She is the Chair of the Spanish Speaking Lawyers Committee of the Colorado Bar Association, and she is a member of the Executive Council of the Young Lawyers Division of the Denver Bar Association. Ms. Butler has represented clients before the United States Citizenship and Immigration Service (USCIS), the Immigration Court, the Board of Immigration Appeals, the Colorado Court of Appeals, and the Tenth Circuit Court of Appeals.

Ms. Butler has lived in Argentina, Ecuador, and Venezuela. She enjoys international travel, and she has been fortunate to visit most of western Europe and South America, Morocco, Namibia, Nicaragua, the Dominican Republic, Belize, Canada, and Mexico. In her free time, Ms. Butler enjoys long distance running, ultimate Frisbee, camping, hiking, snowboarding, and photography.

### KIRBY JOSEPH SPEAKS AT AILA CONFERENCE

Kirby Joseph, Managing Partner, just returned from the American Immigration Lawyers Association (AILA) 2015 Paralegals Conference in Las Vegas, NV where she was a faculty member. She presented to a group of about 200 paralegals on The Role of a Paralegal in Immigration Practice.

Outside of Joseph Law Firm, Kirby is the Founder of Strategy4Success, a law firm management consulting company. In this capacity Kirby provides consulting services to law firms interested in changing the way that they practice law. For more information please visit [www.strategy4success.net](http://www.strategy4success.net).



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