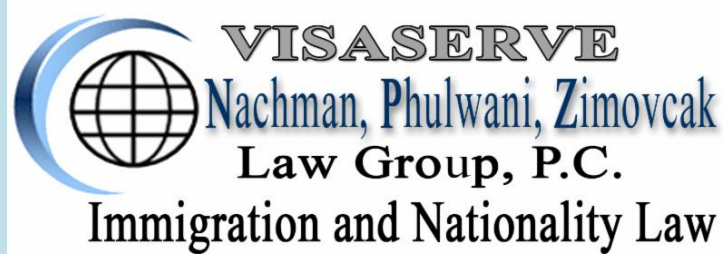


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## Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. - U.S. and Canadian Immigration and Nationality Law Newsletter and Updates.



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### **Dear Readers:**

As we wind into the summer, the "twists and turns" of the US immigration law system show no signs of subsiding. As we previously reported, the government continues to move toward its electronic filing goals. But new pronouncements and initiatives continue to emerge.

The immigration court system will begin to roll-out an electronic filing pilot program in six immigration courts on July 16th this year, representing an important advancement for these courts that still heavily rely on paper documentation. Cases at the Immigration Courts continue to grow with recent pronouncements by the Attorney General about new interpretations for the guidance on the issuance of NTAs.

On the TPS front, surprisingly, Temporary Protected Status (TPS) for Yemen will be extended through March 3rd 2020. Approximately 1,250 Yemeni TPS will now be able to renew their status to avoid being returned to what the United Nations Secretary-General has labeled as "the world's worst humanitarian crisis."

On July 4th, 2018, Independence Day, U.S. Citizenship and Immigration Services welcomed over 14,000 new citizens nationwide. It is nice to see that, so far, the Naturalization process has not slowed but we do remind our clients and readers that filing for naturalization

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Chicago, IL.

\* Please note that our  
immigration law  
practice is national and  
international in scope.  
We assist our clients  
throughout the U.S. and  
throughout the world.

**NPZ'S CENTRAL NEW  
JERSEY OFFICE:**

nowadays requires a detailed look into the history of the case to ensure that all the "i's were dotted and the t's were crossed".

On the "family separation front", there continues to be many protests nationwide as well as significant media coverage. The protests demonstrate a clear rejection of the Trump administration's punitive policies and support for keeping families together. Our immigration system must reunite families and offer a more humane alternative.

We remind our readers that we are immigration and nationality lawyers and attorneys. While we face significant challenges each day in a not-so-immigrant-friendly-environment, we continue to remind our clients to be "patient and persistent".

We are here to assist you, your families, your friends, and your colleagues. If we can be of any assistance, please feel free to email us at [info@visaserve.com](mailto:info@visaserve.com) or you can call us at 201-670-0006 (x107). Our highly-skilled staff of immigration specialists look forward to being able to assist you with US and/or Canadian immigration law matters.

### **GUIDANCE FOR PROCESSING REASONABLE FEAR, CREDIBLE FEAR, ASYLUM, AND REFUGEE CLAIMS IN ACCORDANCE WITH MATTER OF A-B.**

On July 11th, 2018, the Attorney General published Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018), which addresses what asylum applicants must demonstrate in order to show that they were persecuted because of their membership in a particular social group.

The purpose of the Memorandum is to provide guidance to asylum and refugee officers about how to apply this decision while processing reasonable fear, credible fear, asylum, and refugee claims.

**[FOR DETAILED INFORMATION, PLEASE CLICK HERE .](#)**

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### **USCIS ISSUES POLICY MEMORANDUM ON ISSUANCE OF CERTAIN RFEs AND NOIDS.**

On July 13th, 2018, USCIS issued a policy memo with guidance to adjudicators regarding the discretion to deny an application, petition, or request without first issuing a RFE or NOID if initial evidence is not submitted or if the evidence in the record does not establish eligibility. Guidance is due to be effective on September 11th, 2018.

The policy implemented in this Memorandum rescinds the 2013 PM's "no possibility" policy and restores to the adjudicator full discretion to deny applications, petitions, and requests without first issuing an RFE or a NOID, when appropriate. This policy is intended to discourage frivolous or substantially incomplete filings used as "placeholder" filings and encourage applicants, petitioners, and requestors to be diligent in collecting and submitting required evidence. It is not intended to penalize filers for innocent mistakes or misunderstandings of evidentiary requirements.

**[TO READ MORE, PLEASE CLICK HERE . . .](#)**

### **USCIS UPDATES: NOTICE TO APPEAR POLICY GUIDANCE TO SUPPORT DHS ENFORCEMENT PRIORITIES.**

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c/o Mr. Shishir Goyal,  
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U.S. Citizenship and Immigration Services issued updated guidance that aligns its policy for issuing Form I-862, Notice to Appear, with the immigration enforcement priorities of the Department of Homeland Security.

A Notice to Appear (NTA) is a document given to an alien that instructs them to appear before an immigration judge on a certain date. The issuance of an NTA commences removal proceedings against the alien. Under the new guidance, USCIS officers will now issue an NTA for a wider range of cases where the individual is removable and there is evidence of fraud, criminal activity, or where an applicant is denied an immigration benefit and is unlawfully present in the United States.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**WHAT TO DO ABOUT GETTING 2 YEARS  
CONDITIONAL PERMANENT RESIDENT STATUS  
REMOVED WHEN THERE IS A DIVORCE OR WHEN A  
DIVORCE CASE IS STILL PENDING?**

You can file Form I-751 at "any time" if you have a final order of divorce or annulment. That's true even if your conditional green card is not close to its expiration date. But what happens if you haven't yet filed for divorce or your divorce is not yet final?

If you have separated from your U.S. citizen spouse or he or she refuses to file Form I-751 with you then you will need to make some strategic decisions to what to do next.

In such a case, you have a few options:

\* Remain married and file Form I-751 with a waiver based on "extreme hardship" or "battery or extreme cruelty" if either applies to you.

\* File for divorce and mail the Form I-751 with evidence that you have initiated divorce proceedings (though this is problematic in that USCIS really prefers to see a final divorce order before issuing an approval), or

\* Wait until your conditional residence expires and you are placed into removal proceedings to file for a waiver.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**USCIS UPDATES FOR F-1 STUDENTS: AUTOMATIC  
TERMINATION OF OPTIONAL PRACTICAL TRAINING  
IF YOU TRANSFER TO A DIFFERENT SCHOOL OR  
BEGIN STUDY AT ANOTHER EDUCATIONAL LEVEL.**

USCIS reminds F-1 students on Optional Practical Training (OPT) that transferring to another school or beginning study at another educational level (for example, beginning a master's program after completing a bachelor's degree) automatically terminates their OPT as well as their corresponding employment authorization document (EAD).

Although authorization to engage in OPT ends upon transferring to a different school or changing educational level, students in F-1 status will not be otherwise affected as long as they comply with all

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requirements for maintaining their student status. These requirements include not working with a terminated EAD, because termination means that students are no longer authorized to work in the United States. Working in the United States without authorization has serious immigration consequences, including removal from the country and bars on reentry. Furthermore, remaining in the United States in violation of lawful nonimmigrant status could lead to an accrual of unlawful presence which includes another set of penalties under the Immigration and Nationality Act.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

### **DOS VISA BULLETIN UPDATE: VISA BULLETIN FOR AUGUST 2018 - IF YOUR "PRIORITY DATE" IS CURRENT PLEASE LET US KNOW?**

The U.S. Department of State (DOS) released the August 2018 Visa Bulletin. The employment-based, third preference (EB-3) category advance a bit for India, and surges forward for China. Meanwhile, a cutoff date is instituted in the employment-based, first preference (EB-1) category for all countries of chargeability.

#### **EB-1 Category:**

The cutoff date for EB-1 India and China remains stuck at January 1, 2012. For all other countries of chargeability, EB-1 retrogresses from current to a May 1, 2016 cutoff date. The EB-1 category is expected to return to being current on October 1, 2018, the first day of fiscal year 2019.

#### **Employment-Based, Second Preference (EB-2) Category:**

EB-2 India holds fast with a March 15, 2009 cutoff date. EB-2 China sees advancement by two months, to March 1, 2015.

#### **EB-3 Category:**

For people born in India, the EB-3 cutoff date advances by two months, to January 1, 2009. The news is far better for China, which sees the EB-3 cutoff date leap ahead by about 18 months, to July 1, 2014.

#### **Employment-Based, Fifth Preference (EB-5) Category:**

The EB-5 category remains current for all countries of chargeability, with the exception of China and Vietnam. The cutoff date for these two countries remains at August 1, 2014.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**NPZ ASSISTS FOREIGN NATIONALS IN THE GREATER BRAZILIAN AND PORTUGUESE COMMUNITY - OUR STAFF SPEAKS PORTUGUESE AND MANY OTHER LANGUAGES.**

### **Trump Continua a Expulsão de Beneficiários do TPS .**

Por que muitos diplomatas se opõem à deportação de beneficiários do TPS?

O presidente dos Estados Unidos, Donald Trump, continua com a sua aparente meta de deportação de milhares de pessoas que detêm o Status de Proteção Temporária (TPS na sigla em inglês). O governo Trump continua com essas ações, apesar da oposição de vários diplomatas de carreira.

[PARALERMAIS, POR FAVOR, CLIQUE AQUI . . .](#)

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**I-751: LIFTING THE CONDITIONS IN A MARRIAGE  
CASE.**



Your permanent residence status is conditional if it is based on a marriage that was less than 2 years old on the day you were given permanent residence. You are given conditional resident status on the day you are lawfully admitted to the United States on an immigrant visa or adjustment of your status to permanent residence.

Your status is conditional, because you must prove that you did not get married to evade the immigration laws of the United States. To remove these conditions you must file Form I-751, Petition to Remove

Conditions on Residence.