

Upcoming Meetings & Events

THE UNCERTAINTY OF DACA – NOV 10

On Tuesday, November 10 at 1:00 PM EDT, join the MIRA Coalition's Fall Speaker Series to learn about the history, present, and future of the DACA program. Speakers include an immigration attorney, a policy analyst, and a DACA recipient, who will discuss the impact DACA has had on its recipients. For more information and to register, click [here](#).

CRITICAL CONVERSATIONS: RACIAL JUSTICE AND THE IMMIGRANT RIGHTS MOVEMENT— NOV 12

On Thursday, November 12 at 10:00 AM EDT, the Binger Center will host its Annual Immigration Law Forum. This forum will feature discussions between immigration lawyers and advocates about racism in the immigration system, anti-Blackness, and immigrant identity. The forum's goal is to refocus participants to strive for long-term systemic change. For more information and to register, click [here](#).

SONGS THAT NEVER END FILM SCREENING AND Q&A WITH YEHUDA SHARIM – NOV 13

On Friday, November 13 at 10:00 PM EDT, join the Center for the Humanities at the University of California for a virtual film screening of *Songs that Never End*, a story about an Iranian family that fled to Houston. The story is told from the perspective of the family's two young children and the challenges they faced both on their journey and once they resettled in the United States. Stay tuned in after the film for a Q&A with the director, Yehuda Sharim. For more information and to register, click [here](#).



this issue

- U.S. Issue Updates **P.1**
- Around the World in International Migration **P.3**
- Whispers from Washington **P.4**
- Global Gigabyte **P.4**

United States Issue Updates

• Public Charge Rule Vacated Nationwide

Last week, the U.S. District Court for the Northern District of Illinois granted [summary judgment](#) to plaintiffs who claimed that the Department of Homeland Security's (DHS) public charge rule violates the Administrative Procedure Act. The public charge rule was enacted to make it harder for those who use certain public benefits to adjust their status and become legal permanent residents. The stated rationale was that the United States should only admit immigrants who can be self-sufficient and not rely on government help. The Northern District judge ruled that the public charge rule exceeds DHS' authority under the Immigration and Nationality Act (INA) and is arbitrary and capricious. The rule has been vacated in its entirety and can no longer be applied nationwide. The plaintiffs will continue to pursue their equal protection clause claim related to the public charge rule separately.

• Lesson Plans Adding Frivolous Requirements to the Asylum Process Vacated by a Federal Judge

Last week a federal judge in the District of Columbia vacated a [lesson plan](#) instructing asylum officers to make the credible fear process much more difficult for asylum-seekers to pass. The lesson plan included provisions instructing asylum officers to require "more than significant evidence" of an applicant's right to asylum, a much higher standard than is required in the initial credible fear interview under the INA. The plan also allowed officers to consider discretionary factors that were only meant to apply in the final asylum decision process to decide whether an applicant met the credible fear test. The judge found that these and other instructions laid out in the lesson plan plainly violate the asylum process set out in the INA. The judge vacated the entire lesson plan and ruled that the plaintiffs in the case, asylum-seekers who were denied asylum at their credible fear interviews, were entitled to new credible fear determinations.

United States Issue Updates (cont'd)

• Immigration Judges Lose Collective Bargaining Rights as National Association of Immigration Judges is Decertified

Last week, the Federal Labor Relations Authority (FLRA) issued a [decision](#) decertifying the National Association of Immigration Judges (NAIJ), a union that protects immigration judges' collective bargaining rights. The decision hinged on the issue of whether immigration judges should be considered management officials, and therefore should not be entitled to unionize. Although FLRA Director Jessica Bartlett concluded that immigration judges are not management officials, she was subsequently overruled by FLRA's Republican-majority board after the Justice Department demanded it review Bartlett's decision. The one dissenting FLRA member called the board's decision "the [antithesis](#) of reasoned decision making" and NAIJ's union chief declared that the decision reflects "undue interference in independent decision making authority."

• Preliminary Injunction in *Al Otro Lado v. Wolf* Protects Those Who Were Already Denied Asylum

Litigation is ongoing to challenge the Administration's Turnback Policy, a policy to deny asylum to those crossing the United States-Mexico border if they passed through a country other than their home country without applying for humanitarian protection. A preliminary injunction was issued last November to temporarily halt application of the policy, but the government interpreted the injunction to exclude asylum seekers who were already denied asylum. After the plaintiffs filed a Motion for Clarification, the U.S. District Court for the Southern District of California [clarified](#) last week that the injunction covers even those who were already denied asylum. The court also clarified that the Department of Homeland Security (DHS) has an affirmative obligation to notify potential class members of their rights, and to reopen or reconsider past asylum determinations that were affected by the rule. DHS must make all reasonable efforts to identify class members to remedy the issue.

• AG Rules That Persecutor Bar to Asylum Does Not Have Exception for Duress

Last week, Attorney General Jeff Sessions vacated a Board of Immigration Appeals (BIA) decision that allowed immigration judges to consider whether an asylum applicant who persecuted others did so under coercion or duress. The BIA's decision allowed immigration judges flexibility in deciding whether to apply the persecutor bar to deny an applicant's asylum claim by allowing these exceptions. Sessions found that the BIA's interpretation of the persecutor bar was not "the best interpretation" of the statute and ruled that no exceptions exist for coercion and duress. The BIA also placed the burden of proof on DHS to show that the persecutor bar applied to an applicant. Sessions' decision places the burden back on the asylum applicant to show that the persecutor bar does not apply.

Around the World in International Migration

• Saudi Arabia Announces Labor Reforms for Migrant Workers

Last week, Saudi Arabia announced its Labor Reform Initiative to rectify problems in the kafala sponsorship system for guest workers, in which foreign workers' legal status is tied to their employers. The kafala system has enabled widespread labor exploitation in the Gulf countries, as employers often confiscate workers' passports, force them to work excessive hours, deny them their wages, and prevent them from leaving the country. According to Saudi Arabia's Ministry of Human Resource and Social Development, foreign workers will gain the right to transfer their sponsorship from one employer to another, leave and re-enter the country, and secure exit visas independent of their employers. The change is expected to affect around 10 million foreign workers in Saudi Arabia.

• Bosnia Reports Large Drop in Irregular Migrant Arrivals in 2020

On October 30, Bosnian authorities announced that they had registered 13,683 irregular migrant arrivals in 2020, approximately a 45% drop from the 25,000 registered arrivals in 2019. Most migrants reaching Bosnia travel from Afghanistan, Morocco, and Pakistan. The drop is not surprising, as the COVID-19 pandemic left potential migrants in their home countries with fewer resources to make the journey, increased difficulties for migrants en route, and decreased job opportunities in cities and countries of reception across Europe. According to data provided by humanitarian organizations, 6,377 migrants are currently hosted in centers around Sarajevo.

• High Court of England and Wales Rules Unaccompanied Children Should Not Be Held in Hotels

The United Kingdom's High Court of England and Wales, in the first case of its kind, has ruled that unaccompanied child migrants cannot be placed in adult hotel accommodations. The case considered three young asylum seekers in the care of the London borough of Hillingdon, who had been placed in a hotel along with more than 400 adult asylum seekers. The Hillingdon Council argued that it could provide support to the children while they were at the hotel. Justice Beverly Lang wrote that "In my judgment the claimants have a good arguable case that the Council is failing to discharge its duties under the Children Act 1989 and instead is seeking to sidestep its statutory duty."

Whispers from Washington

Current Capitol Hill Considerations

Joe Biden and Kamala Harris Win the White House

After four days of waiting for mail-in and provisional ballots to be counted, Joe Biden and Kamala Harris were declared the winners of the 2020 presidential election on Saturday.

Biden, who received the most votes of any presidential candidate in United States history, is expected to win the popular vote by over 4 million votes. Although a few battleground states are yet to be called, Biden is expected to win the electoral college with 306 votes compared to 232 for current president, Donald Trump.

On the campaign trail, Biden promised to make the Deferred Action for Childhood Arrivals (DACA) program permanent, give undocumented immigrants a path to citizenship, and immediately increase the refugee admissions cap from 15,000 to 125,000.

Vice President-elect Kamala Harris will be the first female, the first Black person, and the first South Asian American to be vice president. During her time as a California senator, Harris was a fierce advocate for immigrants' rights.

Global Gigabyte

Two Lebanese young people have partnered on a mission to help foreign domestic workers return home.

Thousands of foreigners working in low-paid jobs in Lebanon have become stranded in Lebanon by the combination of the coronavirus pandemic and the worst economic crisis in the country's modern history. Déa Hage-Chahine and Serge Majdalani have fundraised more than \$35,000 for flights and coronavirus tests through an online campaign and have worked with embassies to clear bureaucratic and legal hurdles.

So far, Hage-Chahine and Majdalani have helped more than 120 Kenyan and Ethiopian women return to their home countries.

Read more [here](#).

If you have any questions or comments, please contact the Policy and Advocacy Division at policy@uscrimail.org.

