November 8, 2019

Agenda

- Immigration Law Today
- Background
- Zero Tolerance
- Immigration Court
- Case Law
- Changes in Processing
Background:
Different Perspectives on the Border

Crisis, What Crisis?
Apprehensions of illegal entrants at the U.S. southwest border are running at their lowest levels since the early 1970s

Source: Department of Homeland Security, CBP
https://www.cbp.gov/newsroom/stats/sw-border-migration
% of apprehensions at southwest border through first six months of fiscal year, by type

Source: U.S. Customs and Border Protection.

PEW RESEARCH CENTER

Background: Unaccompanied Children
ZERO TOLERANCE

Family Separation

Remain in Mexico

Asylum Ban

by Leandra Bernstein | Tuesday, May 29th 2018
Background:

*Immigration Court Backlog*

![Graph showing immigration court backlog by fiscal year and represented vs. not represented cases.](image)

<table>
<thead>
<tr>
<th>Represented</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>135,568</td>
</tr>
<tr>
<td>Not Represented</td>
<td>88,004</td>
</tr>
<tr>
<td>Represented</td>
<td>47,564</td>
</tr>
</tbody>
</table>
Rapidly changing case law:

**Attorney General Certification**

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**Matter of A-B-, Respondent**

Decided by Attorney General June 11, 2018

(1) *Matter of A-R-C-G-*, 26 I&N Dec. 338 (BIA 2014) is overruled. That decision was wrongly decided and should not have been issued as a precedential decision.

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**Matter of L-E-A-, Respondent**

Decided by Attorney General July 29, 2019

(1) In *Matter of L-E-A-*, 27 I&N Dec. 40 (BIA 2017), the Board of Immigration Appeals improperly recognized the respondent’s father’s immediate family as a “particular social group” for purposes of qualifying for asylum under the Immigration and Nationality Act.

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**Matter of M-S-, Respondent**

Decided by Attorney General April 16, 2019

(1) Matter of X-K-, 23 I&N Dec. 731 (BIA 2005), was wrongly decided and is overruled.

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**Matter of Enrique Salas COMPEAN, Respondent**

File A078 566 977 - Houston, Texas

Decided by Attorney General January 7, 2009

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**Matter of Enrique Salas COMPEAN, Respondent**

File A078 566 977 - Houston, Texas

Decided by Attorney General June 3, 2009

The Attorney General vacated the decision in *Matter of Compean*, Bangaly & J-E-C-, 24 I&N Dec. 710 (A.G. 2009), and pending the outcome of a rulemaking process, directed the Board of Immigration Appeals and the Immigration Judges to continue to apply the previously established standards for reviewing motions to reopen based on claims of ineffective assistance of counsel.
Changes in case processing:
EOIR, USCIS, ICE

EOIR (Immigration Court) changes
DHS (Immigration agency) changes
USCIS
ICE
What do these changes mean?

What can we do?