



News & Types: Immigration Update

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Practices: Immigration

JUSTICE DEPARTMENT SETTLES DISCRIMINATION CLAIM AGAINST MEAT PROCESSING PLANT IN ILLINOIS

On March 5, 2018, the Justice Department announced that it signed a settlement agreement with West Liberty Goods, L.L.C., an Iowa-based meat processing business with a plant in Bolingbrook, Illinois. The Department had been investigating whether the company discriminated against work-authorized immigrants when it routinely asked non-U.S. citizens hired to present documentation, such as permanent resident cards or Employment Authorization Documents, to establish their work authority but did not make similar requests of U.S. citizens. Under the Immigration and Nationality Act's (INA) anti-discrimination provision, employers are prohibited from subjecting employees to more or different documentary demands based on the employee's citizenship, immigration status, or national origin.

Under the agreed settlement, West Liberty Foods will pay a civil penalty of \$52,100 to the government, ensure that its human resources staff participates in Justice Department training, and post notices informing workers about their rights under the INA's anti-discrimination provisions. The company will also be subject to monitoring for two years.

DHS FILES STATUS REPORT IN H-4 EMPLOYMENT AUTHORIZATION CASE

On February 28, 2018, the Department of Homeland Security (DHS) filed its status report in the H-4 employment authorization case. The case is currently being held in abeyance, based on DHS's previous representation that it would "begin the Notice of Proposed Rulemaking (NPRM) process with respect to the H-4 Rule in February 2018." However, in January 2018, U.S. Citizenship and Immigration Services reevaluated the rule and determined significant revisions were necessary. These findings were supported by a declaration by the Chief of Foreign Workers Division at USCIS. These revisions required new economic analysis, which required an additional several weeks. The changes to the rule and the revised economic analysis required revisions to the projected timeline. Thus, DHS reports that it intends to publish a NPRM to remove from its regulations certain H-4 spouses of H-1B nonimmigrants as a class of noncitizens eligible for employment authorization by June 2018.

USCIS I-485 EMPLOYMENT BASED INVENTORY STATISTICS AS OF JANUARY 2018

USCIS has provided I-485 employment-based inventory statistics as of January 2018. The chart includes employment-based I-485 inventory pending at service centers, as well as charts broken down by individuals born in China, India, Mexico, and the Philippines, and “all other chargeability”.

ICE STATEMENT ON IMMIGRATION ENFORCEMENT ACTIONS IN NORTHERN CALIFORNIA

On February 27, 2018, Immigration and Customs Enforcement (ICE) released a statement on its immigration enforcement operations in the San Francisco area. The agency announced it had made over 150 arrests in the San Francisco area, through leads from its local field office in conjunctions with the National Criminal Analysis and Targeting Center (NCATC). The agency noted that 50% of those arrested had other criminal convictions. In fiscal year 2017, there were more than 20,000 alien arrests in California, of which 81% were convicted criminals.

The statement also criticizes “sanctuary cities,” namely San Francisco and Oakland. The agency notes examples of arrests of made thus far (individuals from Mexico and Guatemala with prior criminal convictions) along with two individuals at large who are thought to reside in Oakland.

ICE ARRESTS 9 IN NORTHERN INDIANA

On March 2, 2018, Immigration and Customs Enforcement (ICE) announced its Enforcement and Removal Operations (ERO) had arrested nine criminal aliens and immigration violators in northern Indiana, in the counties of Allen, Elkhart and St. Joseph, over a 2-day enforcement action. ERO officers made six arrests in Elkhart, two in South Bend, and one in Fort Wayne. The individuals arrested ranged in age from 26 to 59, and were from El Salvador, Honduras, Israel, Ghana, and Mexico. Several of them had prior criminal histories and some had reentered the U.S. after having been deported.