



Catholic  
Charities

Archdiocese of Dubuque

***November 2018 - Increase Deportation Risks for  
Immigrants Under New Immigration Policies: Immigrants  
Can Be Deported as a Result of Denied Immigration  
Applications***

On June 28, 2018, U.S. Citizenship and Immigration Service (USCIS) issued a new policy guidance on when to issue a Notice to Appear (NTA) against a non-citizen immigrant. The NTA document is the official charging document issued by the Department of Homeland Security (DHS) to begin deportation/removal proceedings against a non-citizen under federal immigration law. The new policy will have significant negative consequences even for legal immigrants applying for immigration applications. The new policy impacts immigration applications or petitions including citizenship, green card, Special Immigrant Juvenile Status (SIJS), VAWA self-petitions, U (crime victim) visa, and many other applications.

Due to these new policy changes, USCIS officials will now have broader authority to issue case denials over mistakes and missing documents without giving applicants an opportunity to fix them and provide additional documentation. The change in policy directs USCIS to expand situations in which it will be permitted to issue NTA's against immigrants applying for immigration benefits, including lawfully present immigrants. Furthermore, the policy change dramatically increases the situations that will trigger when a NTA is issued by USCIS, and will likely lead to more people being placed in removal/deportation proceedings.

The following are situations in which USCIS will issue a NTA that will lead to deportation proceedings:

- 1) When an application or petition request is denied and the non-citizen is not lawfully present; or
- 2) When a lawfully present immigrant's application is denied and immigrant is deportable based on specific enforcement categories (based on Trump's previous Executive Order); or
- 3) When there is suspected fraud or if the immigrant has certain criminal history.

Therefore, the stakes are high for immigrants who need qualified legal immigration services. Now more than ever, it is critical that immigrants seeking help with their immigration applications seek qualified, competent immigration legal service providers. Immigrant lives and their future are at risk because any mis-step or wrong legal advice or guidance could lead to them being denied immigration relief or more importantly lead to severe consequences such as deportation.