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BRAUWERMAN LAW FIRM, P.A.

Immigration & Nationality Law

A Progressive Law Firm Dedicated to Traditional Values SM

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The Immigration Connection

July 1st, 2011 Edition

Welcome to the **Brauwerman Law Firm** newsletter. You are being sent this newsletter because of your interest in immigration and nationality matters. Should you wish to unsubscribe you may do so below.

It's About Time: New Government Initiative to Halt Immigration Service Scams.

The American Immigration Lawyers Association has formed a new partnership with community organizations, FTC, USCIS, and DOJ to protect immigrant communities from harmful and dishonest practitioners of immigration law and also improve immigrants' access to qualified legal advice.

Board of Immigration Appeals (BIA) Finds Conviction for Violating Kansas No-Contact Provision is a Removable Offense.

The BIA found in *Matter of Strydom*, 25 I&N Dec. 507 (BIA 2011), that a conviction for violation of the no-contact provision of a protection order issued under the Kansas Protection from Abuse Act constitutes a removable offense under INA §237(a)(2)(E)(ii). That section relates to, *inter alia*, a violation of protection orders.

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Featured Article



Jeffrey N. Brauerman, formerly a United States Immigration Judge, has served as Regional Counsel for the Southern Region of the U.S. Immigration and Naturalization Service and Chief Legal Officer for its Miami District office.

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BIA Says Arriving Aliens Subject to Expedited Removal May Be Placed in §240 Proceedings.

The BIA found, in *Matter of E-R-- & L-R-M*, 25 I&N Dec. 520 (BIA 2011), that DHS has the discretion to place arriving aliens in removal proceedings under INA §240, even if they may also be subject to expedited removal under INA §235(b)(1)(A)(I).

Supreme Court to Decide Whether Tax Offense Is an Aggravated Felony.

The U.S. Court granted certiorari in *Kawashima v. Holder* to determine whether convictions for filing, and aiding and abetting in filing, a false statement on a corporate tax return, 26 USC §§7206(1) and (2), are aggravated felonies under INA §101(a)(43)(M)(I). The latter section relates to an alien who has been convicted of a an offense involving fraud or deceit in which the loss to the victim or victims exceeds \$10,000.00.

Hooray for the Supreme Court: It Denies Certiorari in Case Challenging CA In-State Tuition Policy.

The U.S. Supreme Court denied certiorari in *Martinez v. Regents of Univ. of CA*, a case challenging the policy of charging in-state tuition to undocumented immigrants who graduate from California high schools, leaving the lower court's decision to uphold the policy in place.

Supreme Court Granted Certiorari and Remanded to Third Circuit, City of Hazelton v. Lozano.

In *City of Hazelton v. Lozano* the Supreme Court granted certiorari and remanded to the Third Circuit to reconsider its ruling in light of *Chamber of Commerce v. Whiting*, 563 US __ (2011) The Hazleton ordinance would deny permits to businesses that hire illegal immigrants and fine landlords who rent to them.

That's Entertainment: U.S. District Court Applies Kazarian in Upholding EB-1 Denial for Film/Television Producer.

The U.S.D.C, W.D. Washington, found in *Rijal v. USCIS*, (U.S.D.C., W.D. Washington, 2/22/11) that although USCIS erred by heightening the requirements for at least four of the evidentiary criteria, its decision that Plaintiff did not demonstrate sustained acclaim was not arbitrary or capricious. Therefore, the alien was not found to be of "extraordinary ability". The alien has to be sponsored for employment and is not exempt from that requirement.

The State Department (DOS) Issues Notice Suspending Certain Requirements for J-1 Libyan Students.

DOS issued a notice announcing the temporary suspension of certain requirements governing program status and employment for J-1 Libyan

students. The notice was effective upon publication in the Federal Register on 6/10/11, and will remain in effect until 12/31/11.

Call Us Today For A Professional Consultation

Jeffrey N. Brauwerman, of [Brauwerman Law Firm, P.A.](#), is available for consultations in either of our two offices and is also available for telephonic consultations.

We look forward to meeting with you and ultimately providing you with representation. Please note that a consultation does not constitute an attorney-client relationship although information disclosed during the consultation to any member of the firm will be strictly confidential.

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