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## BRAUWERMAN LAW FIRM, P.A.

Immigration & Nationality Law

A Progressive Law Firm Dedicated to Traditional Values <sup>SM</sup>

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## The Immigration Connection

June 2011 - Supplement

Welcome to the **Brauerman 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.

### **[Oops, We Got a Bug! - DOS Voids 2012 Diversity Lottery Results.](#)**

The State Department issued a press release announcing that, due to a computer programming problem, the results of the 2012 Diversity Lottery that were previously posted on the DOS website have been voided. A new random computer drawing will be made and the results should be posted by July 15th.

### **[DOJ/Education Fact Sheet on the Education Rights of Immigrant Children.](#)**

The Department of Justice issued an education fact sheet, pursuant to the 1982 U.S. Supreme Court decision in *Plyler v. Doe*, describing acceptable enrollment policies, such as proof of residency within the school district, policies that may not be used by schools to deny enrollment to children, and contact information to report violations. In other words, since 1982 it has been illegal to deny a K-12 public school education to any child who resides in a school district and.....

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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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#### **Department of Justice Issued an Education Letter on the Education Rights of All Children Regardless of their Immigration Status.**

On May 6th the Department of Justice Education Dear Colleague letter, pursuant to *Plyler v. Doe*, was sent to public school districts reaffirming their obligation under federal law to provide equal educational opportunities to children residing in their districts regardless of immigration status.

#### **Attorney General Exercises Review Authority in DOMA Case.**

The Attorney General, in *Matter of Dorman*, 25 I&N Dec. 485 (AG 2011) vacated the Board of Immigration Appeals (BIA) order and remanded the matter to the BIA to determine whether and how the constitutionality of the Defense of Marriage Act (DOMA) impacts respondent's eligibility for cancellation of removal, wherein a NJ civil union is involved.

ALSO- a Newark immigration judge has delayed removal of a male alien who married his male companion in a ceremony in Connecticut.

#### **DHS Notice Withdrawing NSEERS Country Designations.**

The Department of Homeland Security (DHS) issued a notice removing all designated countries from the listing of countries whose nationals are required to comply with National Security Entry-Exit Registration System (NSEERS) special registration requirements. Aliens from listed countries who entered in certain statuses had to register with DHS. This notice was effective 4/28/11. (76 FR 23830, 4/28/11)

#### **Letter from Sen. Schumer to DHS Sec. Napolitano Requesting Discretion in Certain Non-Criminal Immigrant Cases.**

A letter was sent from Senator Schumer (D-NY) to DHS Secretary Napolitano requesting that DHS use its discretion to weigh - on a case-by-case basis - whether detention and removal funds should be used in cases involving certain non-criminal immigrants.

#### **The U.S. Court of Appeals for the 2nd Circuit Weighs in on "Parole" in the Adjustment of Status Context.**

The Second Circuit in *Cruz-Miguel v. Holder*, \_\_ F.3d \_\_ (2nd Cir. Apr. 27, 2011) held that the requirement that an alien be "paroled into the United States" in order to seek adjustment of status under INA §245(a) is not satisfied by the alien's release (from custody) on "conditional parole" under INA §236( a)(2)(B).

#### **Call Us Today For A Professional Consultation**

Jeffrey N. Brauerman, of [Brauerman 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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