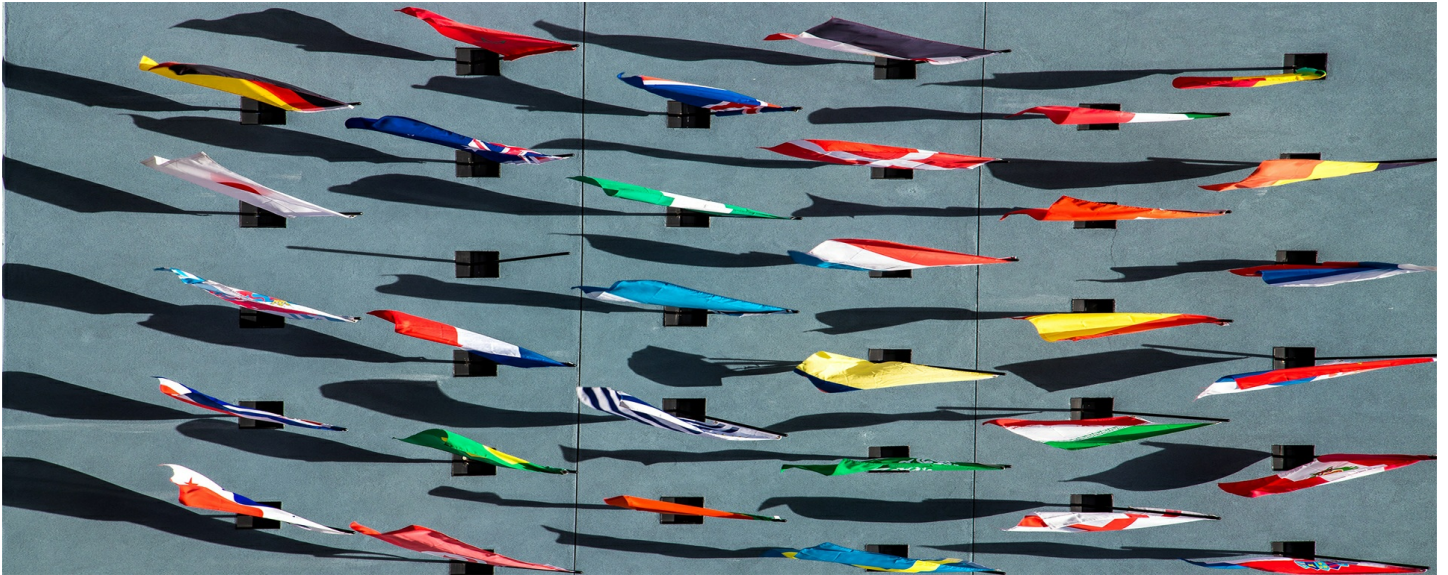


Biden's immigration changes focus on humanitarian policies impacting entrants through the U.S. Southern Border



By Elizabeth M. Klarin

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Yesterday, President Biden signed three immigration-related executive orders. The majority of the provisions included in these executive orders address humanitarian and family reunification efforts called for through government agencies under the new presidential administration.

However, notably, business- and family-based intending immigrants may now be less at risk of denial of their applications for permanent residence due to a (much-litigated) public charge ground of inadmissibility, which came to the forefront of the immigration process during the Trump administration. While applicants have been largely required to submit evidence that they are unlikely to become a public charge should they be granted permanent residence, it has yet to be seen whether eligibility for Green Cards will be impacted by the Trump-era emphasis on existing law in this area. President Biden has directed relevant agencies to clarify requirements, indicating a possible hesitation to strictly enforce the public charge provisions under U.S. immigration law.

These orders also revoked seven presidential actions (i.e., executive orders, presidential proclamations, and other presidential orders, memorandums, determinations and notices) implemented under the Trump administration.

Yesterday's executive orders by the office of the president cover the following:

Executive order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans):

- Revoked President Trump's May 23, 2019 memorandum, Enforcing the Legal Responsibilities of Sponsors of Aliens
- Called for a review of all agency actions related to implementation of the public charge ground of inadmissibility

and related ground of deportability

- Announced the development of a plan to streamline the naturalization process, including for reducing current naturalization processing times

Executive order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border:

- Revoked the following Trump-administration presidential actions:
 - Executive Order 13767 of January 25, 2017 (Border Security and Immigration Enforcement Improvements).
 - Proclamation 9880 of May 8, 2019 (Addressing Mass Migration Through the Southern Border of the United States).
 - Presidential Memorandum of April 29, 2019 (Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System).
 - Presidential Memorandum of April 6, 2018 (Ending “Catch and Release” at the Border of the United States and Directing Other Enhancements to Immigration Enforcement).
 - Presidential Memorandum of April 4, 2018 (Securing the Southern Border of the United States).
- Announced a multi-pronged approach toward managing migration throughout North and Central America
- Called for preparation of a strategy for addressing the root causes of migration, and strategy for collaboratively managing migration in the region, including proposals to:
 - Coordinate place-based efforts in El Salvador, Guatemala, and Honduras (the “Northern Triangle”) to address the root causes of migration
 - Evaluate compliance with the Dominican Republic-Central America Free Trade Agreement to ensure that unfair labor practices do not disadvantage competition
 - Encourage the deployment of Northern Triangle domestic resources and the development of Northern Triangle domestic capacity to replicate and scale efforts to foster sustainable societies across the region
 - Identify and prioritize actions to strengthen cooperative efforts to address migration flows, including by expanding and improving upon previous efforts to resettle throughout the region those migrants who qualify for humanitarian protection
- Initiated a review of mechanisms for better identifying and processing individuals from the Northern Triangle who are eligible for refugee resettlement to the United States
- Called for consultation and planning with international and non-governmental organizations to develop policies and procedures for the safe and orderly processing of asylum claims at United States land borders, consistent with public health and safety and capacity constraints.
- Directed the cessation of implementation of the “Prompt Asylum Case Review” program and the “Humanitarian Asylum Review Program”
- Called for a review of procedures for individuals placed in expedited removal proceedings at the United States border.

Executive Order on the Establishment of Interagency Task Force on the Reunification of Families:

- Revoked Executive Order 13841 of June 20, 2018 (Affording Congress an Opportunity To Address Family Separation)
- Established an Interagency Task Force on the Reunification of Families, tasked with:
 - Identifying all children who were separated from their families at the United States-Mexico border between January 20, 2017, and January 20, 2021, in connection with the operation of the Zero-Tolerance Policy;
 - To the greatest extent possible, facilitating and enabling the reunification of each of the identified children with their families

Please contact your LMWF professional with any questions concerning these executive actions.

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