

[DOJ Threatens Immigration Rights Lawyers, Demands They Drop Their Clients](#)



A federal judge in Seattle has temporarily blocked a Justice Department order that called on a local immigrant-rights organization to stop some of its legal work. His ruling also applies to similar groups around the country, according to [The Seattle Times](#).

The nonprofit Northwest Immigrant Rights Project brought the lawsuit that resulted in the ruling by U.S. District Judge Richard Jones.

“In a letter last month, the Justice Department told the group it must ‘cease and desist’ providing certain legal assistance to immigrants unless it undertakes full representation of them in court,” writes reporter [Nina Shapiro](#).

The ruling also barred the Justice Department from sending similar orders to any other organizations around the nation.

[Read the Seattle Times article.](#)

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Lawyer Says Texas Law Banning 'Sanctuary Cities' Has Serious Constitutional Problems

A new Texas "sanctuary cities" ban set to take effect Sept. 1 orders cities and counties not to stop law officers from asking about the immigration status of anyone they detain. It also would punish police chiefs, sheriffs and constables who fail to abide by the law or fail to comply with federal immigration detainer requests, according to a post on the website of [Androvett Legal Media & Marketing](#).

On Tuesday, the American Civil Liberties Union of Texas warned visitors that their constitutional rights could be violated when they're in the state. A federal lawsuit has already been filed in San Antonio. On the other side, Attorney General Ken Paxton has also filed suit, asking a federal judge preemptively to uphold the constitutionality of the law.

Dallas attorney [David Coale](#) of [Lynn Pinker Cox & Hurst](#), a trial and appellate lawyer, says the new law is vulnerable.

"States and cities can't be made to enforce federal law because of the 10th Amendment and federal preemption of immigration law. Period. Farmers Branch and Irving, Texas, went through similar issues several years ago with their local laws about immigration. A state law that tries to make cities enforce federal law is just as problematic.

"Procedurally, I expect the plaintiffs in the San Antonio case to seek some kind of temporary restraining order or preliminary injunction to enjoin the law. On both sides, you have to separate the policy from the law. Both sides have points about the importance of immigration enforcement, on

the one hand, and local control over local law enforcement, on the other. The legal question, though, is about the structure of our government, which is defined by the Constitution.”

Jay Peak Resort Receiver Reaches \$150 Million Settlement with Raymond James

Michael I. Goldberg, the SEC appointed receiver in charge of the Jay Peak Resort and Burke Mountain Hotel in Vermont, reached a settlement agreement with Raymond James that will significantly benefit the defrauded investors and creditors of the receivership estate, according to a news release from [Akerman LLP](#).

Under the terms of the settlement, which must be approved by the U.S. District Court for the Southern District of Florida, Raymond James will pay \$150 million to the receivership estate and the funds will be used to satisfy the claims of numerous investors and creditors while at the same time allowing the receiver to complete construction of the Jay Peak Resort. The settlement was achieved exactly one year from the date the case began.

The Akerman release continues:

The Jay Peak case involves the largest fraud in the history of the federal EB-5 Immigrant Investor Visa Program. Raymond James allegedly assisted Ariel Quiros, owner of Q Resorts and William Stenger, president and CEO of Jay Peak, a

Vermont ski resort owner by Q Resorts, in stealing and misusing millions of dollars raised from hundreds of investors. Raymond James vehemently denied any liability whatsoever. Since July 2016, Goldberg and Raymond James have been engaged in good faith, arm's-length settlement negotiations. Upon court approval, the settlement will resolve all claims brought against Raymond James and bar any future claims that may arise from the activities associated with the Jay Peak Resort and Burke Mountain Hotel.

Goldberg said, "This settlement would not have been possible without Raymond James stepping up to the plate from the very beginning of this case in an effort to do the right thing. At all times throughout our negotiations, Raymond James acted professionally and honorably in a good faith effort to resolve the litigation. The way Raymond James approached this case is a benchmark for how other firms in a similar situation should handle such a case. I want to further thank my counsel, Jeffrey Schneider of Levine Kellogg and lead class counsel, Harley Tropin and Tucker Ronzetti of the Kozyak Tropin firm for their tireless work in helping me resolve this case and benefitting hundreds of investors and creditors. Finally, I want to thank the officials at the SEC and the State of Vermont for their unwavering commitment to protecting the defrauded investors and creditors since the very beginning of the case and helping us structure a settlement that is in the best interest of the receivership estate and the investors. The SEC's investigation and lawsuit was the catalyst for this settlement."

The settlement amount will be utilized as follows:

- \$15.3 million will be used to satisfy the promissory notes payable to the investors of Jay Peak Hotel Suites L.P.
- \$5.1 million will benefit Jay Peak Hotel Suites Phase II L.P., Jay Peak Penthouse Suites L.P., Jay Peak Golf and Mountain Suites L.P., Jay Peak Lodge and Townhouses L.P., Jay Peak Hotel Suites Stateside L.P. and Q Burke Mountain

Hotel and Conference Center, L.P. by satisfying past due trade debt on the Jay Peak Resort and the Burke Mountain Hotel.

- \$19.6 million will be used to complete the construction of the Stateside Phase VI project of which up to \$2.2 million will be used to satisfy existing contractor liens.
- \$67 million will be used to return the \$500,000 principal investment each investor made in the Jay Peak Biomedical Research Park L.P.
- \$6.6 million will be used to satisfy contractor claims against the Q Burke Phase VIII project and to repay other debt on the Burke Mountain Hotel.
- \$10 million will be posted in a separate interest-bearing escrow account and be used if needed to repay up to twenty Q Burke Phase VIII Investors who may not be eligible to apply for permanent residency through the United States Citizenship and Immigration Services' EB-5 Immigrant Investor Program.
- \$1 million will be used to refund the \$500,000 investment of two investors in the Q Burke phase VIII whose I-526 petitions were denied prior to the date of the SEC Action.
- \$25 million will be set aside to pay the fees of class counsel and other attorneys who brought suits on behalf of individual victims.

Goldberg is co-chair of the Fraud & Recovery Practice Group at top 100 U.S. law firm Akerman LLP. The case of Jay Peak is the largest EB-5 fraud scheme in U.S. history and the \$150 million settlement represents the largest recovery of EB-5 investor losses.

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Largest Immigration Law Firm in U.S. is Busy, Very Busy



Image by [Daniella Urdinlaiz](#)

The only large U.S. law firm in the country dedicated solely to immigration work is in crisis management mode in the wake of President Donald Trump's immigration order, [reports Bloomberg Law](#).

Blake Chisam, chief audit and privacy officer at Fragomen, Del Rey, Bernsen & Loewy, said the firm has started using two telephone briefings every day to alert partners about administrative issues, news updates, unsettled legal issues and upcoming risks. The firm has about 550 lawyers across the world, many of them gathering information as the situation unfolds.

The report says "Fragomen has helped clients draft letters to their board, briefed upset executives for meetings with the President, and even sued the Trump administration on behalf of a CNN journalist detained at the Atlanta airport. The firm's attorneys have also jumped in on a pro bono basis to help travelers, visa and green card holders facing deportation and uncertainty."

[Read the Bloomberg article.](#)

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[Uber CEO to Leave Trump Advisory Council After Criticism](#)



Image by [Adam
Tinworth](#)

Uber CEO Travis Kalanick responded to an onslaught of criticism to his joining President Trump's economic advisory council by resigning from the council on Thursday, [reports *The New York Times*](#).

The criticism came both from people outside the company and from Uber employees, explains reporter [Mike Issac](#).

First, the company took heat from the public after the company appeared to be profiting from business generated during New York protests of Trump's immigration order. Then Kalanick had

to face direct criticism from his employees, who wondered why he was willing to advise the president.

“Outside of the internal pressure, Uber faced other fallout from Mr. Kalanick’s stance. More than 200,000 customers had deleted their accounts,” Issac writes.

[Read the *Times* article.](#)

[Many More Legal Challenges Likely for Trump’s Executive Order on Immigration](#)



Scholars interviewed by *The Washington Post* say that President Trump’s executive order on immigration is likely to face a series of new legal challenges about whether it violates a 1965 anti-discrimination law and the Constitution, [the newspaper reports](#).

Four federal judges have put various holds on the ban, and 16 state attorneys general have said they believe the executive order is unconstitutional.

Ruthann Robson, professor of law at City University of New York School of Law, said the order could be thrown out on grounds that it violates the equal protection clause of the Constitution. “She noted that courts have criticized governmental distinctions based on ancestry and race, write

[Michael Kranish](#) and [Robert Barnes](#).

[Read the *Washington Post* article.](#)

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[Is Trump Immigrant Order Repeating History? An Attorney Says Maybe](#)



A Dallas constitutional law attorney says President Trump's temporary ban on immigrants and refugees at airports nationwide is extreme, but not without historical precedent, according to a post published by [Androvett Legal Media & Marketing](#).

Issued Friday, the executive order prevents citizens of seven Muslim-majority countries from entering the United States for three months. He also placed the U.S. refugee program on hold for four months. The order launched massive protests at airports in major cities across the country and brought attorneys together to offer free legal support to detained travelers.

But attorney [David Coale](#) of [Lynn Pinker Cox Hurst](#) says that presidents have conducted similar actions in the past:

"There is a very broad 1952 statute that lets the president

suspend entry by classes of aliens for security reasons. But a 1965 statute imposes anti-discrimination limits on the executive branch in how it implements immigration policy. But beyond that, there is not a lot of case law to go. More modest bans have been allowed by courts, but with caveats that indicate they were thinking about a possibility such as this. Jimmy Carter did something vaguely like it in 1980 during the Iran crisis by requiring Iranians here on student visas to report to immigration officials, but it is a big leap from his limited action to this one. I think that once the temporary ban ends, however, the 'extreme vetting' in the current order will be DOA. The First Amendment prohibits government action that favors one religion over another, and the current executive order clearly does so by giving non-Muslims priority status."

Tech Industry Reacts to Trump's Order on Immigration With Fear and Frustration



Donald Trump's executive order Friday banning citizens of certain countries from entering the U.S. for 90 days blindsided the technology industry, reports [The Los Angeles Times](#).

Reporter [Tracey Lien](#) writes that the industry had thought that its main battle on the immigration front was over the number of H-1B visas – granted to high-skilled foreign workers – that

will be made available each year.

But now lawyers are fielding calls from worried tech workers with visas and green cards. And they're having to adjust their advice to those clients as each day's news comes out.

"For those abroad, we are telling them to come back as soon as possible, and be prepared to face questioning and possible refusal," Los Angeles immigration attorney Ayda Akalin said.

[Read the *Los Angeles Times* article.](#)

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[Sanctuary Cities See Legal Holes in Trump's Immigration Orders](#)

Reuters is pointing out that President Donald Trump's executive order directing federal agencies to take away funding from self-proclaimed sanctuary cities had one big exemption for one of his favorite constituencies: the police, who would be protected from cuts.

In [the article](#), reporters [Mica Rosenberg](#), [Dan Levine](#) and [Andy Sullivan](#) explain that it's possible that very exemption makes it much more likely that a judge could strike down that section of the order as unconstitutional.

The article says: "The Trump administration cannot cut funds

for sanctuary cities' healthcare and education while preserving money for police, since those jobs relate more closely to immigration enforcement, said Richard Doyle, city attorney in San Jose, California. He said it was not clear whether existing federal funding or only future grants would be targeted."

[Read the Reuters article.](#)

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[Obama Nominates Possible First Muslim-American Judge to Federal Court](#)

NBC News is reporting tht Muslim-American groups are applauding President Barack Obama's nomination of a Washington lawyer to serve in U.S. District Court – a move that could make him the first ever Muslim-American federal judge, according to advocates.

"If confirmed, Abid Riaz Qureshi would sit on the District of Columbia's federal bench, the White House announced Tuesday," [according to the report](#) by Chris Fuchs. "Qureshi, who graduated Harvard Law School in 1997, is a partner in the D.C. office of Latham & Watkins LLP, specializing in healthcare fraud, securities violations, and cases involving the False

Claims Act, according to a White House statement.”

The report says that, while Muslim Americans have filled roles as state judges, none have served at the federal trial or appellate levels, according to Muslim Advocates, a national legal advocacy organization.

[Read the article.](#)

[Ted Cruz's Call to 'Secure' Muslim Neighborhoods Stirs a Backlash](#)



Photo by [Jamelle Bouie](#)

GOP presidential candidate Senator Ted Cruz angered American Muslims on Tuesday with a call to “patrol and secure Muslim neighborhoods” in the wake of the terrorist attacks in Brussels, reports [The New York Times](#).

He said that some politicians had “tried to deny this enemy

exists out of a combination of political correctness and fear.” And he added that Europeans were “seeing what comes of a toxic mix of migrants who have been infiltrated by terrorists and isolated, radical Muslim neighborhoods.”

“We need to empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized,” he said in a release

The Times reported that the comments drew immediate rebukes from Muslim groups. Last week, he came under fire after announcing a team of national security advisers that included Frank Gaffney Jr., a former Reagan administration official who is perhaps best known for holding extreme views about Islam.

[Read the article.](#)

[Last Call for H-1Bs](#)

By [Sujata Ajmera](#), Partner,
[Strasburger & Price](#)



Sujata Ajmera

The H-1B visa allows employers to hire skilled foreign national professionals to work in the United States for up to six years. The beauty of this specific visa type is that it transcends all industries, so virtually any company seeking to hire a skilled, professional foreign national worker is eligible to file an H-1B petition for that individual. However, because of its ubiquity, it is also by far the most commonly sought after visa type.

H-1B visas are subject to an annual quota, and the filing window for any given fiscal year opens on April 1st and does not close until the cap has been reached. This is not-so-affectionately referred to as "H-1B cap season" among immigration practitioners. By law, there are 65,000 H-1B visas available annually, with an additional 20,000 set aside for individuals with U.S. Master's degrees or higher. 85,000 visas may sound like a lot, however, when you consider that last year alone almost 233,000 H-1B visa petitions were filed in the first week of April, it becomes clear that timing is everything.

A late filing will result in a rejected petition, which means that the company must wait a full year before becoming eligible to submit a new petition. The time to start preparing is now.

Even if a company files their H-1B petition on April 1st, if the government receives an excess of petitions, which is likely to happen again this year, they conduct a random lottery, making it pure chance whether or not a company's petition is selected or rejected. The uncertainty can be daunting, however for many employers, this is their only option to retain foreign talent; and their business success often depends on being able to hire such skilled workers.

With Austin's robust technology, semiconductor, manufacturing, and gaming industries, there are many companies that will have a need to participate in the H-1B visa program this year. If

you have not yet reached out to an immigration attorney, now is the time to get the ball rolling to ensure a timely filing and fair shot at receiving a visa for your valued foreign national employees. Most attorneys will tell you that they would like at least 2 weeks to get a filing together – though they can sometimes be prepared in slightly faster than this. The clock is ticking...

H-1B Visa – 2016 Filing Season



Starting April 1, 2016, the U.S. Citizenship and Immigration Services will begin accepting H-1B visa petition filings – subject to the annual cap – for the next fiscal year, which begins Oct. 1, 2016, reports [Constangy, Brooks, Smith & Prophete, LLP](#) on its website.

The H-1B visa program allows U.S. employers to employ foreign workers temporarily in specialty occupations.

“To maximize client chances that their applications will be picked in this year’s anticipated lottery, we strongly recommend that H-1B visa petitions that are subject to the cap be filed as close to April 1, 2016, as possible,” [the firm advises](#).

The article lists exceptions to the H-1B cap and alternatives to the H-1B.

[Read the article.](#)

The Disturbing Legal Consequences Of Ted Cruz Birtherism

There is good evidence that the founding fathers would have understood the words “natural born citizen” to mean only people born within a nation’s borders, but there’s also strong evidence on the other side of the debate, according to [an article](#) published by ThinkProgress.

Harvard University Law Professor Laurence Tribe, for example, wrote in a newspaper op-ed piece that “the constitutional definition of a ‘natural born citizen’ is completely unsettled,” and then he claims that, under the method of constitutional interpretation Cruz preferred when he was Tribe’s student, Cruz “wouldn’t be eligible, because the legal principles that prevailed in the 1780s and ’90s required that someone actually be born on US soil to be a ‘natural born’ citizen.”

But two former United States Solicitors cite the Naturalization Act of 1790, which states that children born outside of the country, but with parents who are U.S. citizens, are natural born citizens themselves.

[Read the article.](#)

[Is Ted Cruz, Born in Canada, Eligible for the Presidency?](#)

U.S. Sen. Ted Cruz's foreign birth is raising questions – most notably from Republican rival [Donald Trump](#) – about whether Cruz is eligible for the presidency under the Constitution.

“Two prominent lawyers who served as U.S. solicitor general, one under President Obama and the other under President George W. Bush, said the history of the Constitution and the first naturalization law resolved any doubts,” reports *The Los Angeles Times*.

The report adds that Cruz could expect legal challenges, but those lawsuits probably would gain little traction in the courts.

[Read the report.](#)

[Legal Experts Agree: Trump's Proposal Unconstitutional](#)

Donald Trump's call to block all Muslims from entering the United States is not only unconstitutional, but also impossible to carry out, legal experts said Tuesday, according to an [Associated Press report](#).

“Trump’s proposed ban, announced to cheers at a rally in South Carolina Monday, would apply to immigrants and visitors alike, a sweeping prohibition affecting all adherents of a religion practiced by more than a billion people worldwide.” reports the AP’s Scott Bauer.

“It is blatantly unconstitutional and it’s an attack on the very foundation of the United States,” said Marci Hamilton, a law professor specializing in the First Amendment at Yeshiva University in New York City. She called his idea “laughable.”

[Read the report.](#)

Workers Thrilled, Employers Underwhelmed by Skilled Immigration Changes



Waits for work-based permanent residence could become easier – if not any shorter – under recent Obama administration changes overshadowed by more controversial steps for immigrants without legal status, reports the *Minneapolis Star Tribune*.

But employers in Minnesota and elsewhere say the changes don’t do enough to meet their demand for more work visas and green cards for college-educated professionals.

“Talent shortages, particularly in the high-tech industry, have been the focus of intense debate and dueling research

findings for years,” the *Star Tribune* says. “Administration critics have pounced on Obama’s changes to accuse him of kowtowing to business interests.”

[Read the story.](#)

[Legal Challenges for Remote I-9s / Immigration and Compliance Trends for 2015](#)



Equifax Workforce Solutions will present a [free webinar](#) about the challenges that come up in managing the Form I-9 process for remote new hires as well as 2015 trends in worksite enforcement.

The webinar will be Thursday, Feb. 12, at 12 p.m. Central time.

Montserrat Miller, a partner at Arnall Golden Gregory, LLP will discuss I-9 challenges for remote hires and also provide her forecast for 2015 trends in immigration issues that affect employers and their compliance with the Form I-9 and E-Verify requirements.

Miller will be joined by Chad Whittenberg, Senior Director of Product Management for I-9 & E-Verify, for a discussion about best practices in managing the remote I-9 process.

Topics:

–Remote hires – completion of the Form I-9, physical

inspection of the documents presented by new hires and employees and tips for improving compliance during the hiring process

–High risk areas of the I-9 process for authorized representatives with little experience

–States' issuance of driver's licenses to undocumented residents and implications for the Form I-9

–Issues that can come up during the E-Verify process due to employees' use of MyE-Verify

–Developments related to the President's executive action on immigration and what it means for the workforce and I-9 compliance

–Status of immigration reform on Capitol Hill; and 2015 trends in Form I-9 and E-Verify compliance.

[Register for the webinar.](#)

L-1, H-1B, and PERM Compliance for Human Resources



Wolfsdorf Rosenthal presents a free webinar explaining President's Obama's executive immigration actions.

On its website, the firm says this webinar will clarify and explain the variety of executive actions initiated by

President Obama as outlined in his Nov. 20, 2014, speech announcing new steps his administration is taking in light of Congressional inaction to address the broken immigration system.

The webinar will cover enforcement priorities, border security, Deferred Action for Parents, pending proceedings, immigration court reforms, U/T visas, worksite enforcement and more.

Watch the [on-demand webinar](#) and see the [presentation slides](#).

[Understanding President Obama's Immigration Plan](#)



Equifax Workforce Solutions will present a complimentary webinar details on President Obama's immigration plan and methods to help an organization gauge the potential impact on the hiring processes and procedures as well as retention procedures.

The 60-minute webinar will be Tuesday, Dec. 16, beginning at noon Central time.

Speakers will be Montserrat Miller, Partner, Arnall Golden Gregory LLP; Jason Fry, Senior Director, Equifax Workforce Solutions; and Chad Whittenberg, Sr. Director, Product Management – I-9 & E-Verify, Equifax Workforce Solutions.

Topics to be covered include:

- What and who is included in the President's executive action
- What it means to affected populations
- What it means to the business community
- What it means for the Form I-9 and E-Verify
- What impact it may have short-term and long-term for comprehensive immigration reform

[Register for the webinar.](#)