

IMMIGRATION 101 THE ARCHITECTURE OF IMMIGRATION LAW & POLICY

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ABOUT US:



NOVO LEGAL & UFCW



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HISTORY

Since 2019, Novo Legal has been assisting the UFCW with their immigration-related needs, including raid response, naturalization, TPS, and Labor Dispute Deferred Action.



ACCOMPLISHMENTS 2024

In 2024 alone, Novo Legal helped the UFCW complete more than 1,000 applications for Labor Dispute Deferred Action and Naturalization.

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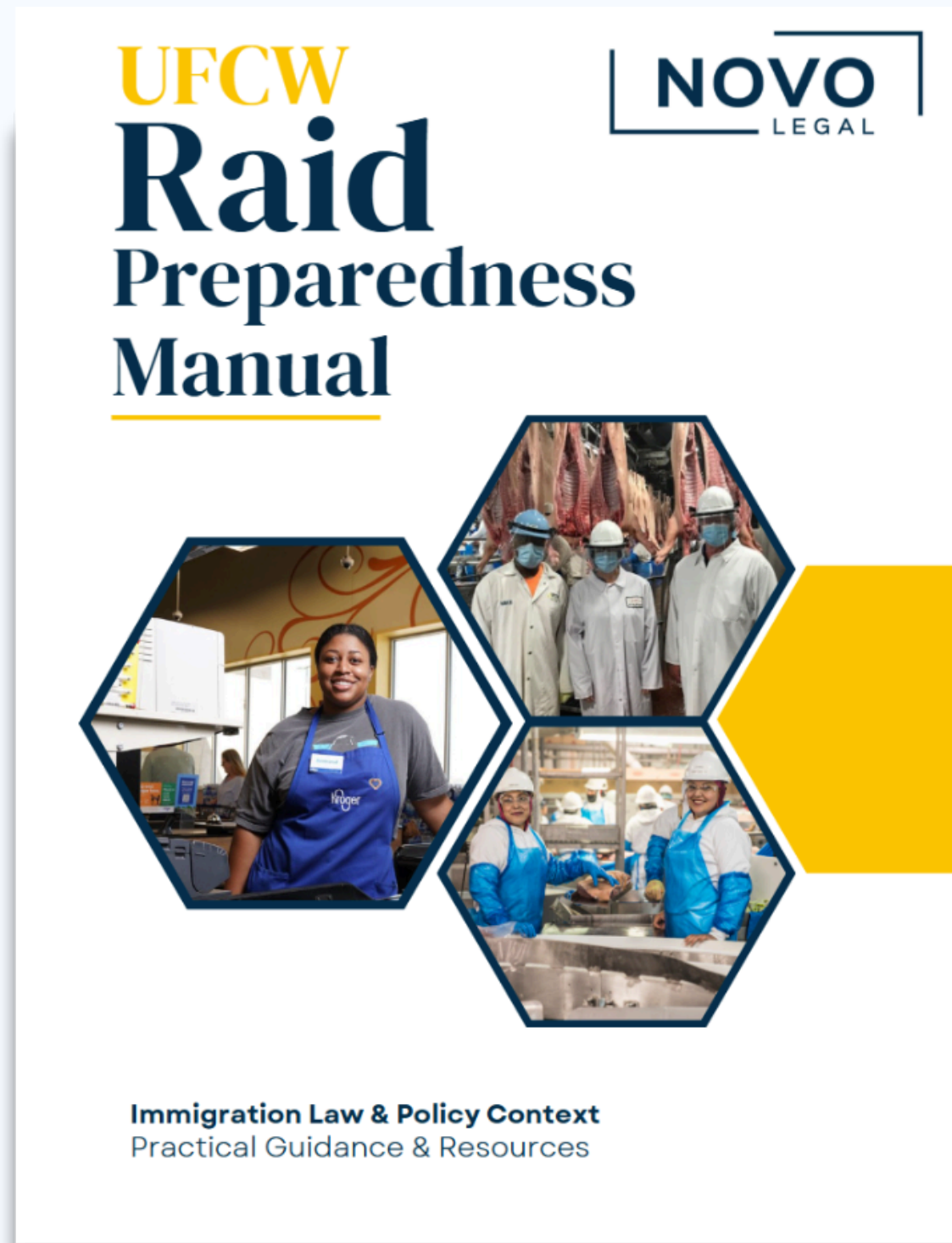
LOCAL SUPPORT

- Workshop Support (Naturalization / Deferred Action / Renewals / & More)
- Presentations (KYR / Immigration Updates)
- Application Reviews & Feedback
- Monthly Immigration Update Newsletters

MEMBER SUPPORT

- One free, 30-minute consultation per member per year
- Discounted legal representation
- Free application submission review*
- Pro Se Guide Support





RESOURCE HUB: COMPENDIUM



www.novo-legal.com/ufcw-resources

OUTLINE



01.

Statuses & Case Types

02.

Work Permits 101

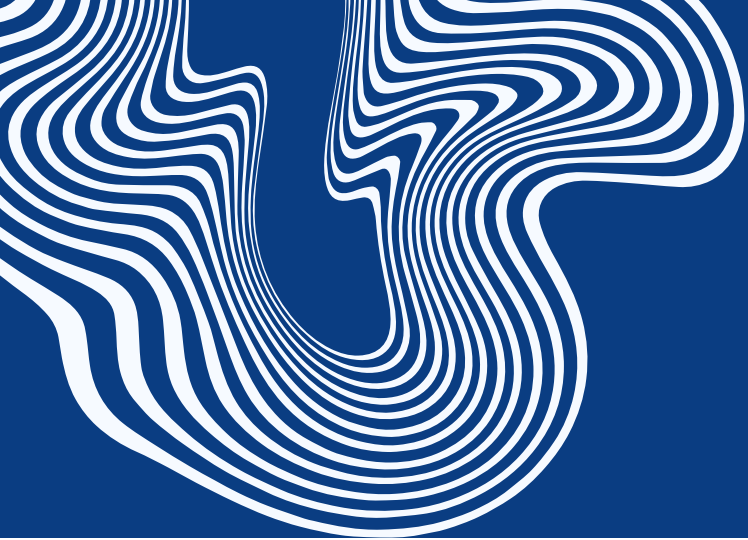
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Forecasting

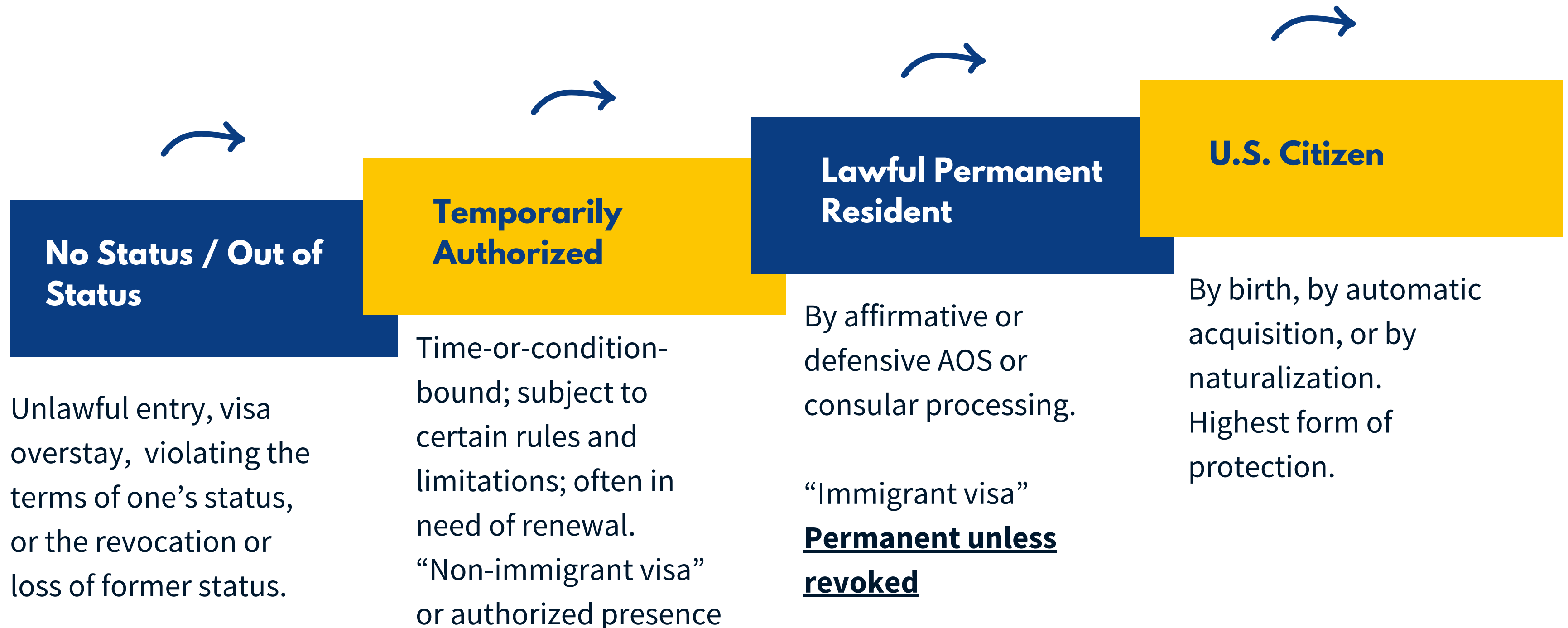
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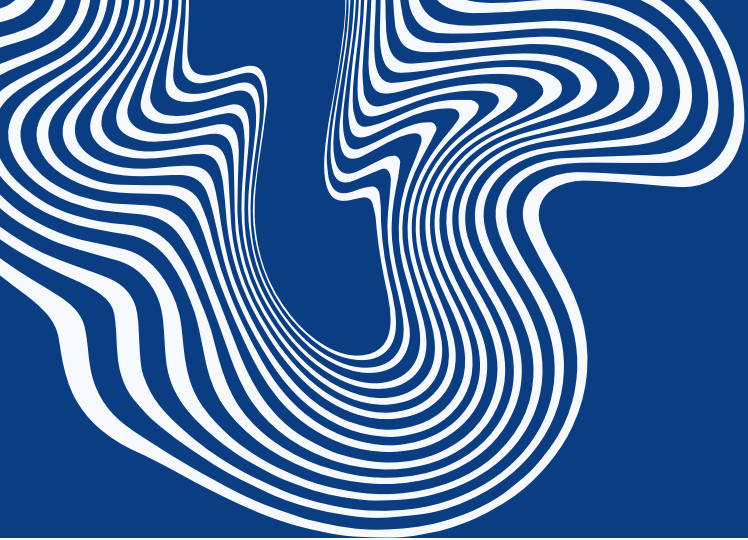
What's Next



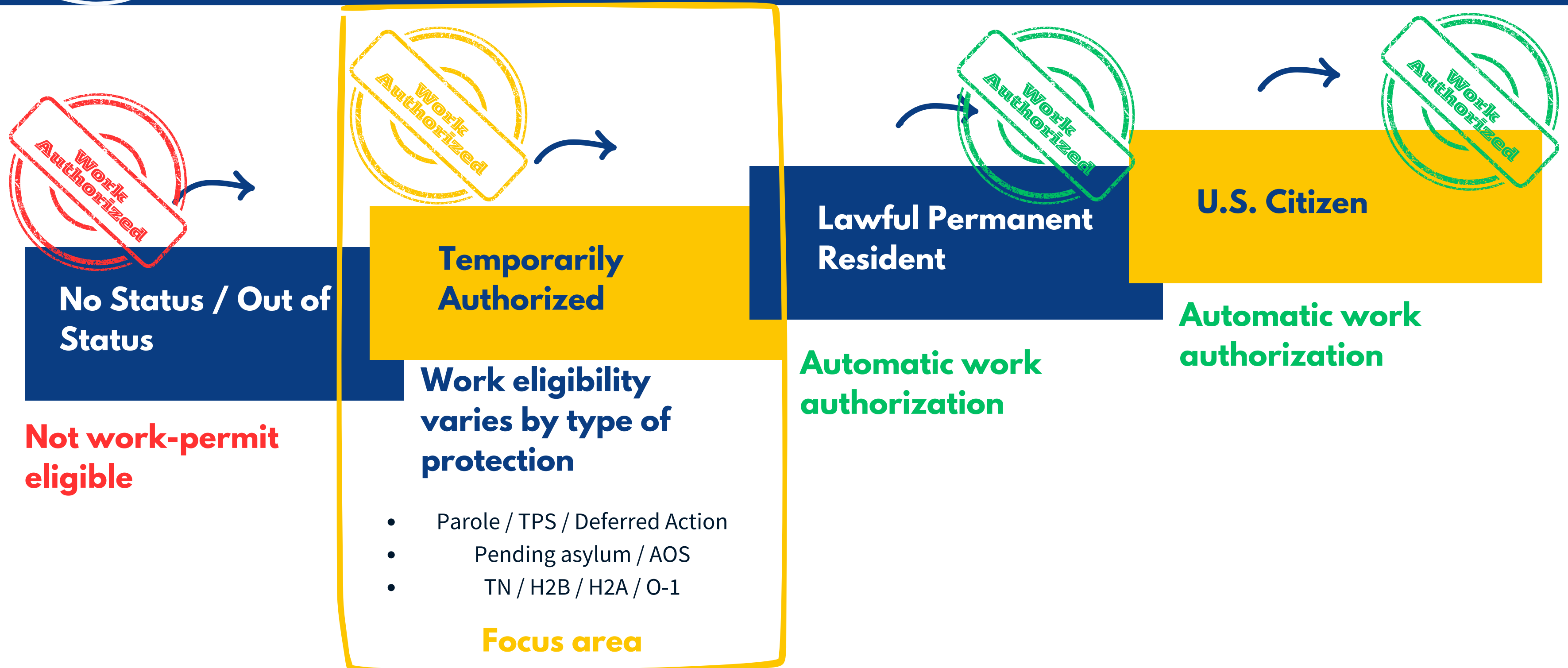


The Status Spectrum





The Status Spectrum





Moving Along The Status Spectrum

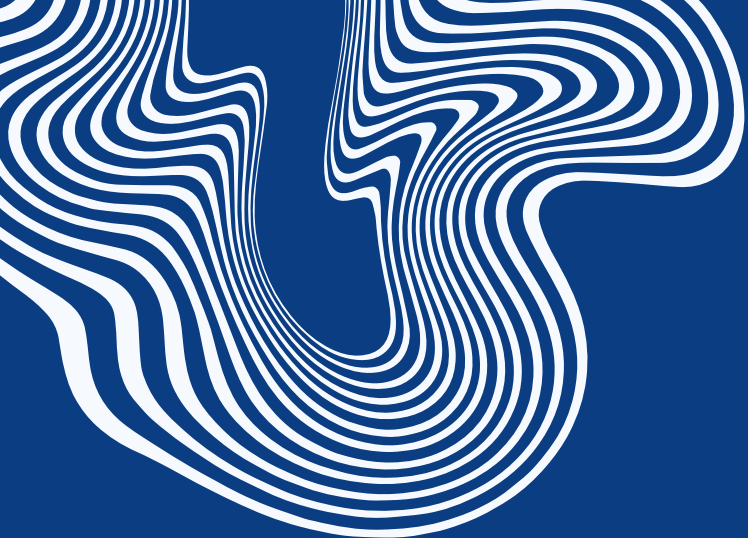
EMPLOYMENT BASED VISAS

**Limited Adjustment
(EB)**

FAMILY BASED PETITIONS

**Adjustment eligible
when visa available**

HUMANITARIAN PROTECTIONS



Moving Along The Status Spectrum

HUMANITARIAN PROTECTIONS

**Some of these are islands
unto themselves
(not adjustment eligible)**

- Deferred action
- Withholding
- TPS
- Parole

**Work
Authorized
incident to
protection**

**Others are adjustment
eligible**

- VAWA
- SIJS
- U Visa
- T Visa
- Cancellation

Temporarily / Conditionally Authorized



Deferred Action (DALE)

- Not a status.
- Time-bound; generally not renewable (per se).
- EAD: (C)(14). Work permit supplied separately.
- Free application*
- Form: G-325A
- Not adjustment eligible.

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Parolees

- Time-bound.
- Sometimes has work authorization incident to parole (Afghans / Ukrainians); others apply separately.
- Lost through violating the terms, overstaying, committing certain crimes.
- EAD category (C)(11)

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*More detail is available
in the compendium!*

Asylees / Pending Asylum

- Granted by CIS or EOIR.
- Adjustment eligible after one year.
- Difficult to win*
- EAD: (C)(8) | (a)(5); renewable. Pg. 20
- Form I-589
- Lost through availing oneself, certain criminal activity, changed country conditions.

Temporary Protected Status

- Only applies to designated countries.
- Extendable, so long as designation remains.
- EAD eligible (a)(12) | (c)(19)
- Form I-821
- Lost by unauthorized travel; changed conditions; non-designation.

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Temporarily / Conditionally Authorized



Special Immigrant Juvenile

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- Deferred action granted first.
- Adjustment eligible after one year.
- EAD: (C)(14)
- <21; unmarried
- Abuse, abandonment, neglect from ONE or BOTH parents.
- Form I-360 **after** state process.

U Visa

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- Victim of qualifying crimes.
- EAD: (a)(19); (a)(20)
- Adjustment eligible after 3 years.
- Generally granted in 4-year increments, with extensions possible.
- Form I-918.



VAWA

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- For victims of IPV or DV by LPR or USC spouse, child, parent: battery or extreme cruelty.
- Form I-360; self-petitioning allowed.
- EAD: (C)(31); (C)(9)
- Adjustment eligible either immediately or in line with visa bulletin.

Cancellation of Removal

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- Applied by EOIR only;
- EAD eligible during pending case using (C)(10).
- Adjustment of status incident to grant of cancellation.
- Limited to only 4,000 per fiscal year.

*More detail is available
in the compendium!*



- Name spelling
- USCIS Number = A Number
- Category
- Card #
- Biographical Details
- Validity Period
- Travel authorization authorized?

EAD
LITERACY

When is a Worker Required to Show Proof of Work Authorization?



Citizens & LPRs

U.S. citizens and LPRs are not required to re-verify themselves as being authorized to work in the United States. This means that if someone passed the I-9 process as a citizen or as a resident, there should be no reason for the employer to double-check this – even if the green card itself expires.

Once a worker fills out the I-9 and provides the required identity documents, an employer is generally not allowed to ask that worker again about their work authorization or immigration status. Employers can only ask to “re-verify” the worker under certain specific circumstances: if ICE audits the employer as a whole, if that worker’s work authorization expired, or if the employer is re-verifying every worker’s documentation as a group. In other words, an employer cannot ask only certain workers to re-verify, and cannot routinely ask workers about immigration status.



Temporary Status

If someone has a temporary status, they may be required to show their renewed work authorization. Sometimes this is not possible to workers. The union should identify these workers ahead of time and try to find them a new category at least six months before their current EAD validity period ends.

Sample EAD Category Sheet

(Full List in the Compendium)

EAD Category	Description
(a)(2)	Lawful temporary resident
(a)(3)	Refugee
(a)(4)	Paroled refugee
(a)(5)	Asylee
(a)(6)	Fiancé(e) (K-1 or K-2 nonimmigrant)
(a)(9)	K-3 or K-4
(a)(10)	Withholding of deportation or removal granted
(a)(12)	Temporary Protected Status granted
(a)(16)	T-1 nonimmigrant
(a)(19)	U-1 nonimmigrant
(a)(20)	U-2, U-3, U-4, or U-5 nonimmigrant
(c)(1)	Spouse/dependent of A-1 or A-2 visa nonimmigrant
(c)(3)(A)	F-1 student, pre-completion Optional Practical Training
(c)(3)(B)	F-1 student, post-completion Optional Practical Training

EAD Category	Description
(c)(3)(C)	F-1 student, 24-month extension for STEM students
(c)(3)(ii)	F-1 student, off-campus employment sponsored by a qualifying international organization
(c)(3)(iii)	F-1 student, off-campus employment due to severe economic hardship
(c)(8)	Asylum application pending filed on/after Jan. 4, 1995
(c)(8)	Asylum application pending filed before Jan. 4, 1995 and applicant is in exclusion/deportation proceedings
(c)(8)	Asylum application under ABC Agreement
(c)(9)	Pending adjustment of status under Section 245 of the Act
(c)(10)	Suspension of deportation applicants (filed before April 1, 1997) Cancellation of Removal applicants Cancellation applicants under NACARA
(c)(11)	Public Interest parolee
(c)(14)	Deferred action



AUTOMATIC EXTENSIONS

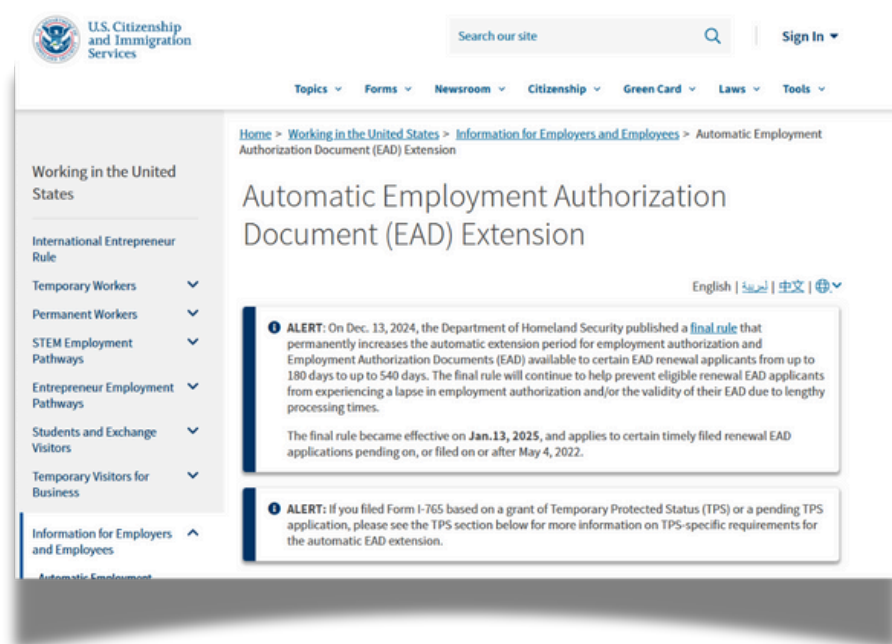
New Rule 2025

On 12/10/24, DHS made a rule that permanently increases the automatic extension period for certain EAD renewal applicants from 180 days to up to 540 days. The rule became effective on 01/13/25, and applies to certain timely filed renewal EAD applications pending or filed on or after May 4, 2022.

How to check:

<https://www.uscis.gov/eadautoextend>

- Look at the I-797C and issued EAD category & compare against the table provided online.
- **What this means: workers may still be work eligible even if their EAD shows an expired validity period.**





FORECAST

DACA, DALE, Humanitarian Parole, Asylum, Enforcement Priorities, Etc.

FORECASTING: PAROLE

- Parole has existed since 1952 and has been used by every president except Trump. It has been authorized 126 times in its history.
- According to U.S. Customs and Border Protection, more than 110,240 Cubans, 211,010 Haitians, 93,070 Nicaraguans, and 117,310 Venezuelans were granted parole through the end of October.
- DHS has the authority to end parole early if the purpose of parole is no longer valid.
- CHNV parole ending 04/24/2025 – those without other options can consider asylum w/ one-year exception 8 CFR 208.4(a)(5)(iv)
- CBP One ended on Inauguration Day

Major Risk

SPECIAL PAROLE PROGRAMS EXISTING NOW

1. Uniting for Ukraine
2. Afghan Nationals
3. Central American Minors Program
4. Family Reunification Parole (FRP)
5. Cuban Family Reunification Parole (CFRP)
6. Filipino WWII Veterans Parole
7. Military Parole in Place
8. International Entrepreneur Parole
9. Cubans, Haitians, Nicaraguans, and Venezuelan (CHNV) Parole
10. CBP One

- A note on Advanced Parole*
- INA 212(d)(5)(a) authority is discretionary

Major Risk



FORECASTING: TEMPORARY PROTECTED STATUS

- Over 860,000 people rely on TPS
- Most recipients have been here decades
- Designations set to expire soon: El Salvador, Afghanistan, Cameroon, Nepal, South Sudan, Sudan, Ukraine, Venezuela*
- Most likely to end through not re-designating
- Ending early could bring lawsuits

Under Attack:

- Haiti – now ending 08/2025
- Venezuela 2023 designation

Consider asylum with exception to one-year bar: 8 CFR 208.4(a)(5)(iv)



Country	Current End Date	Trump Administration Actions
Afghanistan	May 20, 2025	
Burma (Myanmar)	November 25, 2025	
Cameroon	June 7, 2025	
El Salvador	September 9, 2026	
Ethiopia	December 12, 2025	
Haiti	August 3, 2025	Decreased the designation from 18 months to 12 months, signaling an end to TPS for Haitians.
Honduras	July 5, 2025	
Lebanon	May 27, 2026	
Nepal	June 24, 2025	
Nicaragua	July 2, 2025	
Somalia	March 17, 2026	
South Sudan	May 3, 2025	
Sudan	October 19, 2025	Nothing yet, but this re-designation by former Secretary Mayorkas was already attacked for Haiti above.
Syria	September 30, 2025	
Ukraine	October 19, 2026	
Venezuela (2021)	September 10, 2025	
Venezuela (2023)	April 7, 2025	Ended by the Trump Administration.
Yemen	March 3, 2026	

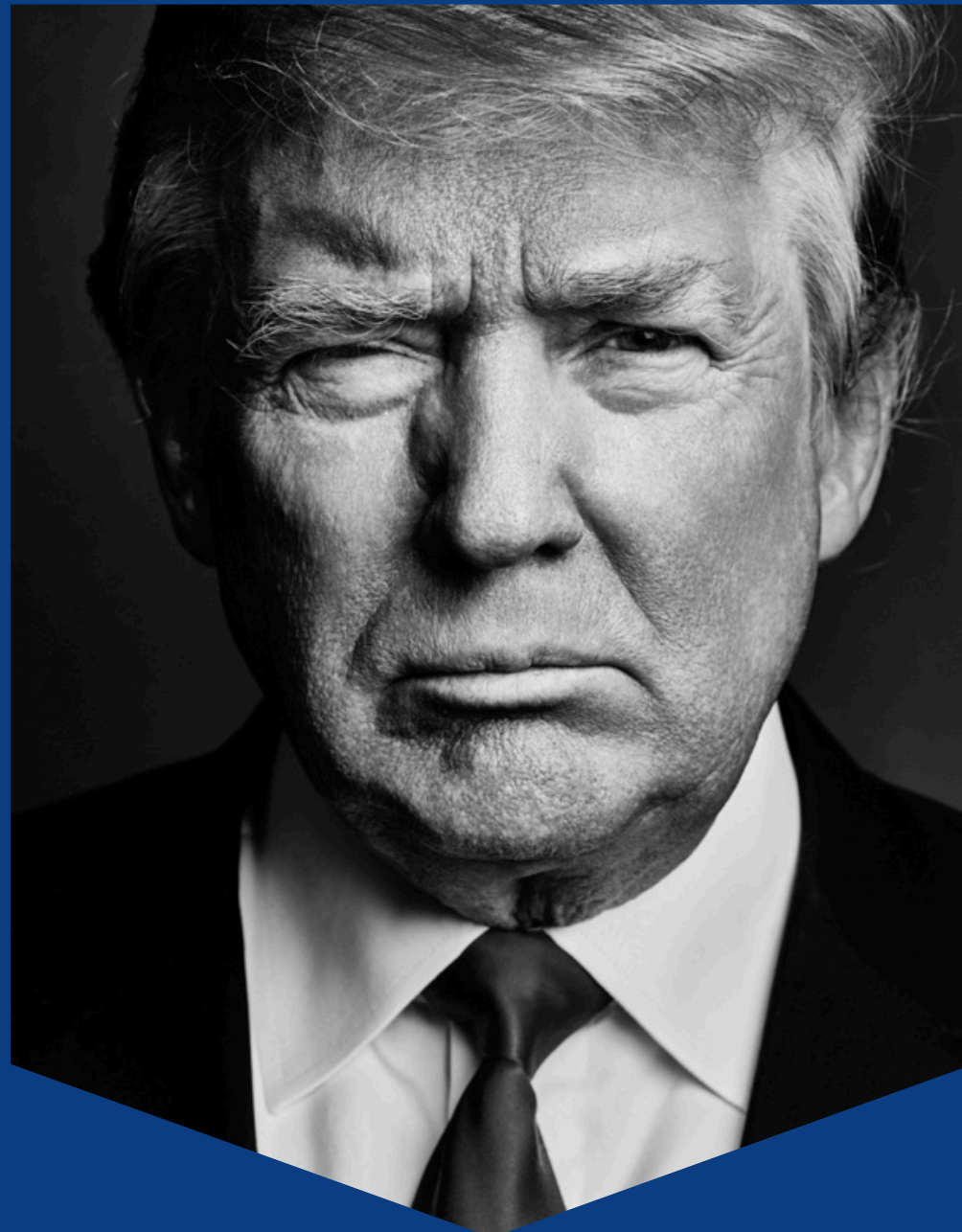
Court
Action
Pending

National TPS Alliance
v. Noem

FORECASTING

DACA UNDER **TRUMP 2.0**

- Started in 2012 under Obama Admin by Executive Order
- Trump 1.0 failed to end the program due to SCOTUS decision in 2020
- Biden sought to protect DACA but was blocked in Sept. 2023 by District Court in Texas and is on appeal in the Fifth Circuit
- On the campaign trail, Trump vowed to end DACA again



- We expect him to try and end the program
- Although he has recently spoken about protecting DREAMers, this is unlikely.
- Health coverage for DREAMers also under threat by lawsuit.

FORECASTING

DALE UNDER **TRUMP 2.0**



- Started in 2023 under Biden due to collaboration between DHS and DOL
- Not widely used; according to DHS data, only some 8,000 people have used it. (UFCW did ~1,000 alone in 2024)
- Humanitarian program; One of the few programs offering work permits to otherwise inadmissible individuals



- We do not expect existing EADs to be rescinded or DA to be ended
- Likely that no new apps accepted
- Likely no chance for extensions or renewals

Contact Us:

Novo Legal has an additional presentation during this conference tomorrow. Please stick around and use us as a resource!

Contact information:

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**Our resources are available:
www.novo-legal.com/ufcw**



UFCW Raid Preparedness Manual



Immigration Law & Policy Context
Practical Guidance & Resources