

**TKD**

# LEGAL ALERT

## **TWO SIGNIFICANT DEVELOPMENTS IN US IMMIGRATION LAW**

### **EXECUTIVE ORDER BY PRESIDENT ALLOWS FOR TEMPORARY RELIEF FOR YOUNG PEOPLE WITHOUT IMMIGRATION STATUS**

More significant news occurred on June 15, 2012 when President Obama, by Executive Order, announced that, effective immediately, individuals brought to the United States as children who do not pose a risk to national security or public safety and meet other key criteria will be eligible to receive “deferred action.” Deferred action stays any removal procedures and provides eligible individuals with the right to apply for an employment authorization document (“EAD”). This new policy applies to eligible individuals who are not in removal proceedings, as well as individuals with final orders of removal and to those who have never been placed in removal proceedings. The grant of deferred action is for a two year period and is subject to renewal.

US Citizenship and Immigration Services has advised that it will take 60 days to implement a formal application process for eligible individuals. Core criteria for eligible applicants include:

- Be 15-30 years old, and have entered the USA before age 16
- Have been present in the USA for 5 years as of June 15, 2012
- Have maintained continuous residence
- Have not been convicted of one serious crime or multiple minor crimes
- Be currently in school, graduated or have a GED, or is an honorably discharged veteran

There are close to 800,000 young people present in the USA and for all intents and purposes are “American”, and may be eligible to receive this benefit. These individuals will also add further innovation, creativity and growth to our US economy. It is important to note that deferred action provisions are not an amnesty, nor currently a route to US citizenship. In the absence of substantial immigration reform from Congress to fix our broken immigration system, the deferred action provisions provide a path to undocumented young people to regularize their status and become productive members of American society.

### **E2 VISA PROGRAM NOW AVAILABLE FOR ISRAELI INVESTORS**

On June 8, the President signed a bill into law allowing Israeli investors to apply for the E2 visa, which lets beneficiaries live and work in the USA for an extended period of time in order to oversee a major investment in the United States. The bill was approved in Congress on May 31.

In order to qualify for an E-2 visa, the applicant must either have invested, or be in the process of investing a substantial amount in the United States. The majority of the foreign investing enterprise must be owned by nationals of a country that has entered into a treaty with the United States that provides reciprocal benefits for traders and investors. The enterprise’s principal investors and those foreign employees seeking admission under the E-2 program must be nationals of the qualifying treaty country. Although E-2 beneficiaries are granted an initial two year period of stay, this period can be extended almost indefinitely. While Israel has, for many years, held E-1 Treaty Trader status, the new E2 provisions will likely allow for significant investment in high tech companies, IT companies, chemical and other endeavors in the USA.

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