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26 Court Street, Suite 701, Brooklyn, NY 11242 Tel: 718-243-9431 Fax: 718-222-3153 Email: immjournal@aol.com

## Proposed Public Charge Rule: What You Need to Know

BY AARON REICHLIN-MELNICK

Recently, the Trump administration took steps to radically transform a little-known provision of immigration law that could have an outsized impact on legal immigration. In proposed regulations, the Department of Homeland Security (DHS) indicated that it would redefine the legal term “public charge” to block green cards for low-income immigrants who receive non-cash public benefits such as Medicaid or food stamps.

By redefining public charge, the administration is taking a punitive approach by more heavily scrutinizing immigrants’

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## USCIS' Proposed H1-B Registration Rule Creates More Uncertainty for Employers

BY LESLIE DELLON

Just months short of the normal starting date for the annual H-1B petition process, USCIS has proposed major changes. U.S. employers who rely on this visa category, which is for jobs that require a bachelor's or higher degree in a “specific specialty” or equivalent at the entry-level, are now in limbo, unsure whether these changes will be implemented before the normal petition-submission date.

Recently, USCIS issued a proposal to change the current system for H-1B “cap-subject” petitions. The proposal has two components: requiring employers to register online in advance to be eligible to submit an H-1B petition and reversing the order in which petitions are selected. Currently, USCIS selects petitions for the 20,000 “master’s exemption” first (for workers with a master’s or higher degree from U.S. colleges or universities that meet certain requirements). Any of these not selected are included when USCIS selects petitions for the 65,000 “cap.” (Selection is only the first step: USCIS has to accept a selected petition for filing, and then decide whether to approve.)

USCIS has provided a 30-day comment period, ending January 2, 2019. It appears that USCIS wants to proceed with the change in the selection process for April 2019, even if—as is likely—the registration system is not ready.

As proposed, USCIS would provide at least 30 days’ advance notice, through its website, of the registration start date. The registration period would run for at least 14 days, beginning at least 14 days before the first business day in April on which H-1B petitions could be filed.

When registering, the employer would have to identify the foreign national it intends to hire. As a result, the employer would have less time to consider hiring foreign nationals who need an H-1B classification.

When the initial registration period ends, if USCIS has more registrations than required for visa number allocation, the agency will hold a “lottery,” but keep the unselected registrations “on reserve” for that fiscal year. If there are less registrations than needed, then USCIS will open another registration period.

## I Am Undocumented. When Should I Tell Him or Her?

BY DAISY CAMPBELL

When you meet someone and start the ‘getting to know you’ process, there are many issues that can hinder the formation of a wonderful relationship. Kim was an undocumented immigrant and had met Steven, a citizen of the United States. Both had met while at a public event one night. They both took a liking to each other and started dating. After a month into the relationship, Kim began to see qualities in Steven that she really admired but there was an issue, she had kept her immigration status from him. She had now become fond of him



Photo credit: shutterstock.com

and now found herself in the predicament as to the right time to tell Steven about her status.

We use trust to judge the relationship with each other and in the process, determine how much we are prepared to give. Being an undocumented immigrant and the stigma attached to such a situation can often times pose as a challenge espe-

cially when that individual enters the world of dating. Meeting people and forging meaningful and long-lasting relationships can certainly be a painful experience. To determine the opportune time or whether or not to declare your immigration status can be quite burdensome as the risk of making it known is far greater than keeping it a secret.

As adults we know that relationships grow in stages. The more time that is spent to build the relationship, the more intimate and meaningful it becomes. At the beginning of the relationship, before the initiation of sexual contact,

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## The Caribbean LGBTQ Community Takes a Stand Against Sexual Violence

BY VIJAI NARAIN

In the fight against domestic violence, “Breaking the Rejection Cycle, Building Unity,” were the words that served as a slogan for the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community. The Lefferts’ Branch of Queens Library played host to Marcus Kissoon and was the venue for the Unchained: Caribbean LGBTQ Monthly Support Group. Kissoon, a member of the

Rape Crisis Society of Trinidad and Tobago’s Coalition Against Domestic Violence, was a guest speaker at the event.

Kissoon is currently enrolled in the master’s program at the University of the West Indies in Trinidad and Tobago. He is also a research assistant and tutor for the Institute for Gender and Development Studies.

For the longest time people struggled to gain and maintain power. Oftentimes, gender roles and stereotypes help to shape the route of the power struggle. As Kissoon



(L-R) Marcus W. Persaud, Marcus Kissoon, Darren J. Glenn, and Mohamed Q. Amin, post-October 1, 2018, Unchained: Caribbean LGBTQ Support Group

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**LGBTQ ... Sexual Violence/***continued from page 1*

puts it, "I want to be an equality fighter... my work breaks down gender roles."

He saw that "People have challenges gaining respect within the LGBTQ community. People, especially young males, need to gain respect."

Mohamed Q. Amin, who is the founder of the Caribbean Equality Project (CEP, a non-profit Caribbean LGBTQ educational agency based in Queens) shared similar sentiments about members and identities of the LGBTQ community. As a matter -of -fact, he created the project with the incentive of creating safe spaces for LGBTQ individuals, allowing them to have a place to share their experience, their ideas and be their true selves.

Amin, who has hosted this type of event for three years now, chose to direct the evening's program toward sexual violence. Both Amin and Kissoon targeted the issue. Kissoon brought up the fact that "Intimate partner violence can be caused by many reasons..." He continued to say, "...In the Caribbean culture, it is not right to leave your partner. Sometimes it's not easy to get out."

Leading off the notion of whether or not it may be easy to get out of a relationship impacted by "intimate partner violence," Amin and Kissoon led a group conversation on what exactly sexual violence may look like for the Caribbean LGBTQ community in New York City.

"Sex equals manhood, which is the reason why men get portrayed as the perpetrator," Kissoon stated. As the founder of the

CEP, Amin indulged in the "perpetrator" aspect of Kissoon's statement. According to Amin, he believes that "Mr. Kissoon was referencing how traditional and cultural standards of masculinity influence gender-based violence."

This idea of who is or isn't a perpetrator; intertwines with what has to be said about intimate partner relations. Amin stated, "One of the reasons the unchained space exists is to create a safe intergenerational environment to break the rejection cycle for the Caribbean LGBTQ+ community in NYC..." He continued by saying that this "...allows the marginalized population to share their stories, be heard, empower others, educate themselves, get support and inspire each other through collective healing from various traumas and challenges." The CEP prides itself on being a tight-knit, enclosed space where individuals don't have to be in fear of sharing some of the emotional scars that they have endured.

Amin mentions that "Statistically and historically, men have been the ones to use violence and/or violent acts to reinforce their masculine role in society." Now, with this being said, men aren't always playing the "perpetrator" role. Whether it is in a relationship or in a societal role, "...members of the LGBTQ community may have other elements of power held over them; such as being outed, family abandonment, being undocumented, mental health issues, HIV status, housing dependency, and at times socioeconomic factors."

One may be asking, "What is the exact function of this group?" According to the founder of the group, Amin stated, "The

first of its kind in New York City, Unchained is the Caribbean Equality Project's peer culture-specific monthly support group, providing a safe space to affirm the unique experience and identities of LGBTQ... people of Caribbean descent and allies to combat discrimination and hate violence."

Darren J. Glenn, who is an ambassador for the CEP, shared some of his insights about the group. "Being a part of the group and a part of this community is, in fact, the goal." Speaking about the CEP group, Glenn gave a brief overview of what he has witnessed as a member of the group. "CEP has changed lives in ways that I will never know. In Queens, CEP has supported individuals who previously thought they had no one."

The CEP group has been a back brace for individuals who have gone through unspeakable tragedies.

Every individual chooses to navigate their lives in different ways; it is important to remember that no one is perfect. Amin said, "The purpose of Unchained is to create a healing space for intergenerational dialogue with topics aimed at educating to end stigma, build healthier relationships..." The intent is to celebrate diversity, promote empowerment, and foster family acceptance. With the creation of the group, there is an emphasis put on the LGBTQ experience, while it highlights the unique cultural needs of Caribbean individuals for the past three years.

Glenn pointed to the fact that this group has a broad outreach, in terms of touching lives. The CEP ambassador said, "In Toronto it validated people's work that hadn't been validated before. In Guyana it has provided inspiration for locals who can now imagine what it may be like to be themselves. In NYC it has given space for LGBTQ people of Caribbean descent to experience a Carnival-style march made for them (during pride) after feeling erased or unwelcome at similar events." As a community it is safe to say that we all need to release or unchain the hostile grips we have on each other.

Taking a firm stance against anti-LGBTQ, gender-based and intimate partner violence, the foundation of this group was cemented into the New York community. "Since the launch of the CEP in 2015, the organization has made significant strides toward the advancement and uplifting of LGBTQ Caribbean voices in NYC." On a yearly basis, the "CEP does community outreach, community engagement, and partnerships to effectively challenge established systematic complexities on LGBTQ issues by providing opportunities for dialogue, education, and discussion."

For more information on the Caribbean Equality Project (CEP), visit [www.CaribbeanEqualityProject.org](http://www.CaribbeanEqualityProject.org). You can also reach out to [info@CaribbeanEqualityProject.org](mailto:info@CaribbeanEqualityProject.org).

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**I'm Undocumented/***continued from page 1*

being an undocumented immigrant, makes the situation more complicated. It would be best to use that introductory period to get to know the person. Ask questions, try to get to know him or her, learn about the things that they are passionate about and talk about current events.

If you decide to tell him or her, the upside to this is that he or she would appreciate the fact that you are very honest and therefore trust would be cemented and the possibility exists for the relationship to grow. The downside could be that he or she might not be prepared to undergo the challenges of the situation and may opt to end the relationship as they may find it difficult to endure. The greatest fear however of any undocumented immigrant is revealing his or status and then that information is used against them afterwards. There is a fear that the partner might raise an alarm and notify the authorities which can lead to deportation.

Sharon, an undocumented immigrant revealed her status to her boyfriend. At first he was okay with it after a few months into the relationship things changed. He became very verbally abusive and she tried to defend herself, he made threats to call Immigration to send her home. She was devastated by the threat. He didn't make the call but the relationship was never the same. They eventually parted ways.

At the start of a new relationship, sex is a means to share intimacy and be playful, while also building deeper levels of trust and care. It is a great way for new couples to connect and learn about each other's passions and desires. Sexual intimacy and the connection that couples share can lead to both parties falling in love. When you are an undocumented immigrant and your partner is a citizen, your partner deserves to know the truth. At this stage, the issue of trust can be questioned which may either make or break your relationship. In making a decision about the right time to reveal your immigration status, is dependent on you the individual and your comfort level with your partner. There is no hard or fast rule, the final decision is yours to make. ●

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**Proposed Public Charge Rule** / *continued from page 1*

financial status before allowing them to enter or permanently reside in the United States. This will have a disproportionate impact on low-income immigrants, young adults, the elderly, individuals with disabilities, and non-English speakers. The changes could also create significant additional hurdles for individuals here on student visas, H-1B visas, or other non-immigrant visas.

If the proposed regulations go into effect, they could lead to the largest drop in legal immigration in generations.

Under current law, immigrants can be blocked from obtaining a green card on public charge grounds if they have received or are likely to receive public benefits in the form of cash assistance, such as Supplemental Security Income or Temporary Assistance for Needy Families. The government must believe the immigrant is "primarily dependent" on these benefits to be declared a public charge.

In the proposed regulations, a "public charge" will be defined as an immigrant who receives any public benefits at all, even if they are not primarily dependent on benefits. These non-cash benefits will now include:

- Benefits under the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps.
- Section 8 housing assistance or rental assistance.

**Immigrant rights advocates fear that it will discourage all non-citizens from using public benefits, even ones they are lawfully entitled to.**

- Medicaid benefits (except for emergency Medicaid or certain school or disability-based benefits for children).

- Premium and cost-sharing subsidies under Medicare Part D.

- Subsidized housing under Housing Act of 1937.

Immigrants can currently avoid being deemed a public charge if their sponsor—often a family member with U.S. citizenship or a green card—submits an "affidavit of support" agreeing to financially support them.

The proposed regulations would no longer automatically prevent an immigrant with such a sponsor from being declared a public charge.

The newly posted regulations do allow for some limited, temporary benefit usage. The government will only label an immigrant a public charge if they use an amount of benefits that goes above a specific threshold. However, the threshold level of benefits is quite low.

In addition, the proposed rule will not penalize immigrants for benefits taken before a final regulation goes into effect, and even then only benefits taken 60 days after a final rule is published will count against the immigrant.

DHS admits that many U.S. citizens will be affected by the rule because immigrant families will no longer take advantage

of benefits. The agency's list of negative effects includes "worse health outcomes ... especially for pregnant or breastfeeding women, infants, or children," as well as "increased use of emergency rooms," "increased prevalence of communicable diseases," "increased rates of poverty and housing instability; and reduced productivity and educational attainment." In fact, even before the regulations have gone into effect, health providers report that fear among immigrant parents has already caused many to forego nutritional benefits for their U.S.-born children.

Importantly, the public charge rules do not apply to asylum seekers, refugees, children receiving Special Immigrant Juvenile Status, individuals who are the beneficiaries of visas for crime victims or victims of domestic violence, and multiple other special visa categories that Congress has exempted from the public charge determination.

Although DHS has posted online a draft of the proposed regulation for the public to view, it has not yet formally published the rule in the Federal Register. Once that happens, the public will have 60 days to provide comments. The agency will then be required to review those comments and will only issue a final rule after that process is complete. ●

**USCIS' Proposed H1-B Registration Rule**

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For any registrations selected, USCIS will notify employers and provide at least 60 days within which to file. USCIS anticipates that it will stagger the filings to help the agency manage its workflow.

The proposal increases uncertainty because employers will need to proceed as if they will be required to register but also will need to prepare their H-1B petitions since registration is unlikely—and they will not know if their petitions are less likely to be selected than before if the petition does not fall within the "master's exemption."

The registration process also injects even greater uncertainty than currently exists as to when USCIS may make a decision on a petition—because USCIS will control how long the registration period lasts and the time period during which a selected registrant may file an H-1B petition. ●

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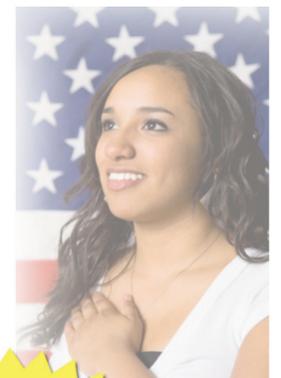
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