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# Deportation and Denial Policy 2018 - July 30 update

## Deportation and Denial Policy 2018 - July 30 update [1]

Submitted by admin on Jul 16th 2018

### Deportation and Denial Policy 2018

#### July 30 update

The USCIS has postponed implementing its NTA policy until further notice. As we had discussed with all our clients and community, this policy went into effect immediately about a month ago. Under this policy, if your case for an application is denied, and you happen to be out of regional status, you will be placed in deportation proceedings (removal proceedings). Today, the USCIS announced that they are postponing the implementation of this policy until such time when they can issue implementation guidance.

Once again, we see immigration policy being announced by people who have little or no knowledge of the law or the procedures. With 700,000 cases pending in deportation, trying to remove law-abiding under the pretext of announcing policy is shameful in any civilized nation.

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In July 2018, the USCIS announced to major policy changes under two different memos.

1. **The NTA policy.** Effective immediately this policy would permit the USCIS to start deportation proceedings whenever they deny a benefits application (such as an application for H-1B, L1,E visas, etc.) if the earlier status of the applicant has expired. Because the USCIS adjudication takes so long, this situation is likely to arise quite frequently. The issuance of an NTA, places a beneficiary in a precarious situation. Leaving while the NTA has been issued and served, would bar a beneficiary from coming back to the USA for five years. Staying and waiting for months to await an immigration judge to review the case would expose a beneficiary to a three year or a 10 year bar from entering the USA based upon unlawful presence of 180 days or one year respectively.

**This memo is available at:** <https://www.uscis.gov/news/news-releases/uscis-updates-notice-appear-pol...> [2]

2. **The denial without an RFE memo.** The second policy effective 11 September 2018 would

allow the USCIS to deny cases without a request for further evidence where the petition does not demonstrate that it is clearly approvable. This formulation is troubling because the USCIS is not an error-free organization. Further, policy changes within the USCIS are far too frequent. Keeping abreast of all these changes to organize a perfect petition is an impossible task even for consummate professionals.

**This memo is available at: <https://www.uscis.gov/news/news-releases/uscis-updates-policy-guidance-c...> [3]**

Following are some videos where Rajiv has discussed the issues raised and the possible preventative measures and solutions.

**July 16, Conference call with our clients regarding the Deportation and Denial Policy**  
**<https://youtu.be/d8McSr6ht9g>**<sup>[4]</sup>

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**July 19, Community Conference call with Rajiv**  
**<https://youtu.be/Dv88GGO5G8l>**<sup>[5]</sup>

## **Nonimmigrant Visas:**

**H Visa** <sup>[6]</sup>

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### **Links:**

[1] <https://immigration.com/blogs/deportation-and-denial-policy-2018-july-30-update>

[2] <https://www.uscis.gov/news/news-releases/uscis-updates-notice-appear-policy-guidance-support-dhs-enforcement-priorities>

[3] <https://www.uscis.gov/news/news-releases/uscis-updates-policy-guidance-certain-requests-evidence-and-notices-intent-deny>

[4] <https://youtu.be/d8McSr6ht9g>

[5] <https://youtu.be/Dv88GGO5G8l>

[6] <https://immigration.com/visa/nonimmigrant-visas/h-visa>