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**This Immigration Update<sup>®</sup> from FosterQuan, LLP contains important information regarding the following:**

1. OBAMA ADMINISTRATION TO FOCUS REMOVAL PROCEEDINGS ON HIGH-PRIORITY CASES
2. USCIS CHANGES POLICY ON B-2 STATUS AND EXTENSIONS FOR COHABITING PARTNERS AND OTHER HOUSEHOLD MEMBERS

### **1. OBAMA ADMINISTRATION TO FOCUS REMOVAL PROCEEDINGS ON HIGH-PRIORITY CASES**

The Department of Homeland Security (DHS) has implemented a new initiative to further concentrate resources on the highest-priority removal cases – those who present a threat to public safety or national security – instead of low-priority cases such as children, military families, individuals brought to the U.S. at a young age, and same-sex couples.

Under the new initiative, a DHS and Department of Justice (DOJ) working group will develop a process for reviewing cases pending before immigration and federal courts that meet specific criteria based on “positive factors” such as individuals present in the U.S. since childhood, minors, the elderly, pregnant and nursing women, victims of serious crimes, veterans and members of the armed services, and individuals with serious disabilities or health problems.

DHS will begin reviewing the cases of immigrants already in removal proceedings – about 300,000 individuals – and those cases that have been appealed to either the Board of Immigration Appeals or to the federal courts. Cases deemed to be low-priority will be administratively closed, which will suspend the individual’s deportation and allow individuals to apply for time-limited work authorization. High-priority cases involving immigrants with criminal records or who pose a risk to national security will be accelerated through the deportation process.

As always, FosterQuan will continue to monitor changes in the Administration’s immigration enforcement policies and procedures and will provide additional information via our firm’s [website](#) and future Immigration Updates<sup>®</sup>.

### **2. USCIS CHANGES POLICY ON B-2 STATUS AND EXTENSIONS FOR COHABITING PARTNERS AND OTHER HOUSEHOLD MEMBERS**

The U.S. Citizenship and Immigration Services (USCIS) has issued a policy memorandum allowing a “household member” of a principal non-immigrant to extend or to change status to a

visitor/B-2 visa. The memorandum updates the USCIS Adjudicator's Field Manual (AFM) to define "household member" for this purpose as "an alien who regularly resides in the same dwelling as the principal nonimmigrant and with whom the principal nonimmigrant maintains the type of relationship and care as one normally would expect between nuclear family members."

Previously, USCIS has denied nonimmigrant status to same-sex partners and caregivers who are not dependents of the principal nonimmigrant visa holder. This new policy will extend legal status to non-derivative household members. The memorandum explains that "the cohabitating partner's relationship to the nonimmigrant principal alien in another status will be considered a favorable factor in allowing the household member to obtain or remain eligible for B-2 classification." USCIS goes on to explain that the "finite nature" of the stay is a controlling factor in its adjudication, rather than reviewing the duration of the stay.

Parents, siblings, boyfriends, girlfriends, same-sex partners, or other household members who were previously ineligible to receive derivative-type benefits via the principal non-immigrant visa holder (in H-1B, F-1, etc. status), may be able to receive a B-2 visa or change their status to B-2 if they can demonstrate regular cohabitation and a bona fide relationship (i.e. couple, caregiver, etc.).

For more information concerning B-2 status and extensions of B-2 status for qualifying household members, or to initiate a timely Application to Extend Status for a household member, contact your FosterQuan immigration attorney.