

Immigration Weekly Round-Up: Senate Introduces Path to Citizenship for Thousands of Immigrant Children; Federal Court Permits Biden to Limit Immigration Detentions

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Democrats Announce Path to Citizenship for Certain Immigrant Children

This week, a bi-partisan group in the [United States Senate](#) introduced a bill that would allow children who had entered with their parents on short-term visas to apply for permanent residence, and ultimately citizenship. Currently, many adult immigrants on temporary work visas are unable to obtain permanent residency or otherwise face long delays, forcing their dependent children, who have frequently grown up in the United States, to leave the country once they turn 21.

The Senate bill, entitled the America's Children Act, would allow young adults who have been in the United States on a valid visa for more than 10 years and graduated from college to apply for permanent residence, better known as a "green card." This path to citizenship would provide long-term relief for several hundred thousand young people in the United States who would be required to depart the country once they had completed their education. The bill would also provide work authorization to children over the age of 16 with pending green card applications, as well as protect children whose cases are significantly delayed due to government backlogs.

The bill was sponsored by Democrats Alex Padilla (Calif.), Dick Durbin (Ill.), and Chris Coons (Del.), as well as Republicans Rand Paul (Ky.) and Susan Collins (Maine).

Federal Appeals Court Reinstates President Biden's Limitations on Immigration Arrests

On Wednesday, the Fifth Circuit Court of Appeals, based in New Orleans, reinstated the Biden Administration's enforcement priority policy, blocking enforcement of a Texas district court judge's ruling from last month that held the policy contrary to federal law. This decision will allow the policy to resume pending full adjudication of the case.

Soon after President Biden took office, his administration issued new guidance limiting the number of people who would be arrested and detained by [Immigration and Customs Enforcement \("ICE"\)](#) officers. The guidance limited arrests to those with serious criminal convictions or who otherwise posed a risk to national security or public safety. Any other arrest needed to be individually cleared by a senior officer prior to detention.

In August, the U.S. District Court Judge Drew Tipton ruled that federal law required officers to detain individuals who were subject to deportation. However, the Fifth Circuit stated this is likely incorrect, asserting that this requirement applied only to those with prior detention or deportation orders.

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