

Immigration Weekly Round-Up: Undocumented Immigrants in N.J. Lose Access to Pandemic Funds; N.Y. Sees Reduction in Immigration; EB-5 Project Threatened Over Investment Refunds

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Outrage Following Reallocation of Millions in the Excluded N.J. Funds

In a move that has left many immigrants and immigration advocates stunned and angry, New Jersey Governor, Phil Murphy, has reallocated approximately \$34 million of the \$50 million from the federally-funded Excluded New Jerseyans Fund – which is dedicated to providing pandemic assistance to those who were exempted from the initial stimulus checks, including thousands of undocumented immigrants – to pay for other state expenses, such as payroll and various department costs due to COVID-19.

Immigration advocacy groups, such as the [New Jersey Alliance for Immigrant Justice \(NJAIJ\)](#) and Casa Freehold, decried the decision. Both groups said that the application process for immigrants to apply for these relief funds was difficult and set to fail at the start. “People feel like they have lost their trust in the state’s ability to really listen to the community and provide responsive programs,” said Amy Torres, executive director for NJAIJ. Immigrant advocates said the difficult and confusing application process for the funds discouraged many people who would have qualified for the assistance from filing an application, and that other states were far more effective in distributing the funds to those for whom it was intended.

Report Finds No Growth in N.Y. Immigrant Population, First Time in 50 Years

A recent analysis of data gathered from the [U.S. Census Bureau](#) has made clear that the foreign-born population in the State of New York has stopped growing over the past 10 years. The immigrant population had significantly increased every decade since 1970.

FWD.us, a nonprofit organization advocating for greater protections for immigrants in the United States and increased employment-based immigration, said that the new census data may have potentially serious impacts on the state’s economy. The organization’s report indicated that in 2010, immigrants accounted for around 22% of the state’s population, but in 2019, the percentage remained about the same. Now, the report asserts, it appears that more immigrants are leaving New

York rather than moving into it.

In part to help stop this trend, FWD.us is currently advocating for the state of New York to pass the New York For All Act, which would prohibit state and local officials from sharing personal information of immigrants without a warrant, as well as for legislation that would expand the ability to apply for occupational and business licenses regardless of immigration status.

Immigration Status of Foreign Investors Threatened in Vermont EB-5 Project

Recently, the [Vermont Department of Financial Regulation](#) has issued a cease and desist order to Colorado-based Vail Resorts, alleging that the company has unlawfully sought to reimburse 30 foreign investors who are seeking permanent residence in the United States under the EB-5 Immigrant Investor Program, potentially leading to loss of their investors' immigration status and removal from the United States.

The EB-5 Program was first implemented in 1990 to help facilitate economic development by offering permanent resident status in the United States to foreign nationals who invested a substantial amount of money – typically at least \$500,000 or \$1 million, depending on the region – in a U.S. enterprise. In 2014, over 100 people invested \$500,000 with Peak Resorts – since purchased by Vail Resorts – for the purpose of improving the ski lodge and upgrading the snowmaking facility at Mount Snow in southern Vermont. However, in a recent cease and desist order from Vermont regulators, Vail Resorts is now trying to return the money to investors before the applications for permanent resident status have been processed. Vermont is alleging that the return of money would both violate Vermont's security laws and result in the loss of the investors' statuses and ability to remain in the country.

Additionally, Congress allowed the EB-5 Program to lapse on June 30, 2021, and has not reauthorized it, thus potentially foreclosing the ability of any investors to reinvest or restart the immigration process.

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