



University Police Immigration 101 Training

Presented by: Penn State Law Center
for Immigrants' Rights Clinic



Legal Disclaimer

The materials presented are for informational purposes only and not for the purpose of providing legal advice.



Goals for Today's Presentation

1. Learn about the **clinic** and what we do.
2. Build an understanding of **core immigration terminology including examples.**
3. Provide basic information on **current immigration issues.**
4. Discuss who is **vulnerable** and why.





Center for Immigrants' Rights Clinic (CIRC)



Photo Credit: Mary Szmolko



What is the CIRC?

Penn State Law's Center for Immigrants' Rights Clinic is a nationally recognized in-house clinic focused on immigration and directed by its founder Professor Shoba Sivaprasad Wadhia.

2018 marks the 10-year anniversary of the Center for Immigrants' Rights Clinic.



<https://pennstatelaw.psu.edu/practice-skills/clinics/center-immigrants-rights>



What Do We Do?





Pillar 1: Community Outreach

At the Clinic, students engage in community outreach and education on immigration topics such as immigration remedies for victims of crimes, DACA, the travel ban, and immigration enforcement.



<https://pennstatelaw.psu.edu/gallery/163630/immigration-rights-clinic-community>



Pillar 2: Pro Bono Legal Support

The Clinic also provides legal support in individual cases of immigrants challenging deportation (removal) or seeking protection by the Department of Homeland Security and in the courts.



<https://pennstatelaw.psu.edu/news/center-immigrants%E2%80%99-rights-clinic-aids-asylum-seekers-held-detention-center>



Pillar 3: Policy Work

In the policy arena, students produce white papers, practitioner toolkits, and primers of national impact for institutional clients based in Washington D.C., and across the nation.



<https://pennstatelaw.psu.edu/gallery/163630/immigration-rights-clinic-community>



Immigration 101



<https://bipartisanpolicy.org/immigration-101/#1458673343540-8adbe9dd-cae4>



<https://new.pincusproed.com/product/immigration-101-fl-2018/>



Immigration as Civil Law

Fong Yue Ting v. United States, (1893)

"[T]he order of deportation is not a punishment for crime. It is not a banishment, in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment."

Arizona v. United States, (2012)

"Removal is a civil, not criminal, matter. A principal feature of the removal system is the broad discretion exercised by immigration officials."



<https://www.smithsonianmag.com/smart-news/statue-liberty-was-originally-muslim-woman-180957377/>



Why Terminology Matters

- When discussing immigration, terminology matters because it shapes the perception, attitudes and behaviors of individuals.

Terminology

- Undocumented vs. Illegal
- Non-citizen vs. “Alien”

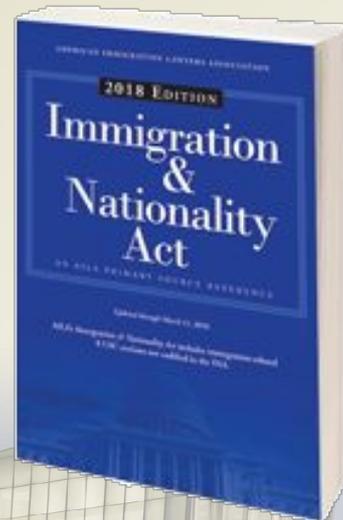


<https://abcstlouis.com/news/nation-world/is-the-proper-term-illegal-alien-or-undocumented-immigrants>



Key Immigration Terms

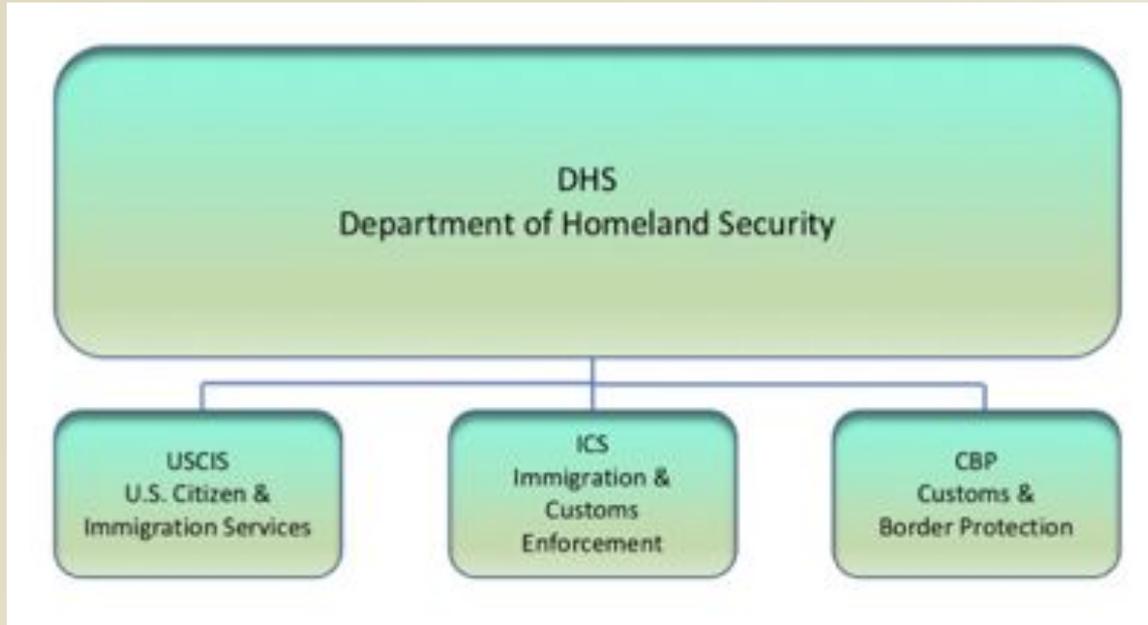
- **Immigrant:** A person who comes to the U.S. on a permanent basis.
- **Non-immigrant:** A foreign born individual who enters the U.S. on a temporary basis.
- **Lawful Permanent Resident:** An individual accorded the privilege of residing permanently in the United States.
- **Deferred Action:** the immigration agency's choice to defer (or postpone) an action to remove a noncitizen who is otherwise removable.
- **Prosecutorial Discretion:** the choice made by the immigration agency about whether and what kinds of charges to bring against a person or group of persons.



<https://agora.aila.org/product/detail/3566>



Immigration Agencies



<https://www.dhs.gov/>



Photo Credit: William Marcus Hobson



The U Visa

USCIS may find an individual eligible for a **U** visa if the victim:

- Is the **direct** or **indirect victim** of qualifying criminal activity;
- Has suffered **substantial physical** or **mental abuse** as a result of having been a victim of criminal activity;
- **Has information** about the criminal activity; and
- Was helpful, is being helpful, or is likely to be **helpful to law enforcement** in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.

-**U** nonimmigrant status: provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the crime.

-The **U** visa allows eligible victims to temporarily remain and work in the United States.

Supplement B, U Nonimmigrant Status Certification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS Form I-918
 05/03/06 (Rev. 03-15-2009)
 Expires 12-23-2019

Form USCIS Use Only

Remarks

* START HERE - Type or print in black or blue ink.

Part 1. Victim Information

1. Alien Registration Number (A-Number) (if any)

2a. Family Name (Last Name)

2b. Given Name (First Name)

2c. Middle Name

3. Street Number and State

4a. Family Name (Last Name)

4b. Given Name (First Name)

4c. Middle Name

Agency Address

5a. Street Number and State

5b. Apt. Bk. Pk.

5c. City or Town

Other Names Used (Include maiden names, nicknames, and aliases, if applicable.)
 If you need extra space to provide additional names, use the space provided in Part 7, Additional Information.

<https://www.uscis.gov/sites/default/files/files/form/i-918supb.pdf>

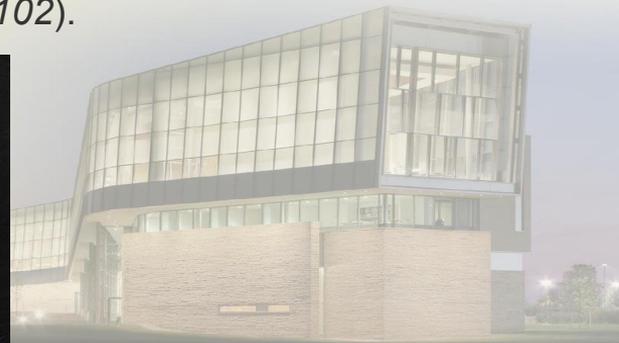
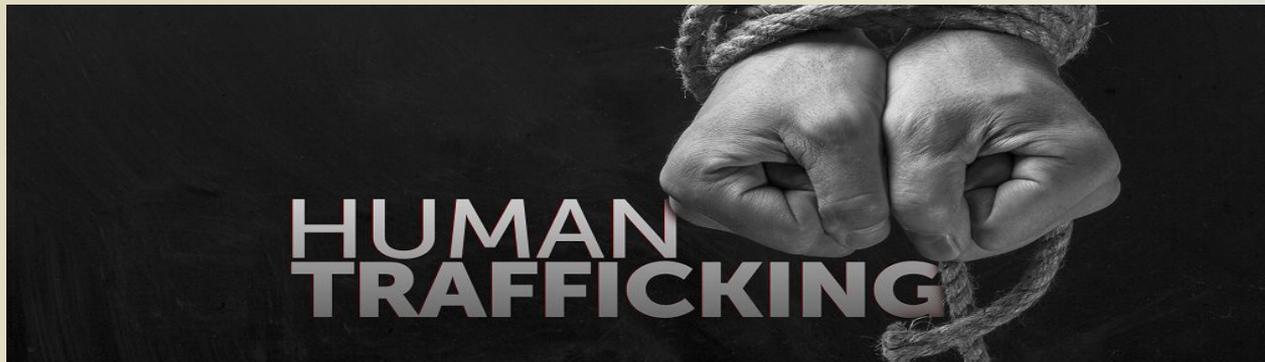


Human Trafficking

Under U.S. federal law, “**severe forms of trafficking in persons**” includes both **sex** trafficking and **labor** trafficking:

Sex trafficking: in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).





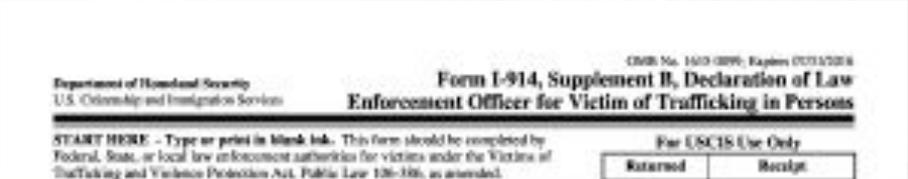
The T Visa

USCIS may find an individual eligible for a T visa if the victim:

- Is or was a victim of a **severe form of trafficking in persons**, as defined by federal law;
- Is in the United States, U.S. territory, or U.S. port of entry **due to trafficking**;
- Has **complied with with law enforcement's** reasonable requests for assistance in the investigation or prosecution of human trafficking; and
- Would **suffer extreme hardship** involving unusual and severe harm if **removed from the U.S.**

- **T** nonimmigrant status: provides immigration protection to victims of trafficking.

- The **T** visa allows eligible victims to temporarily remain and work in the U.S., generally for four (4) years.



Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1607-0099; Expires 07/31/2016

Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

START HERE - Type or print in **black ink**. This form should be completed by Federal, State, or local law enforcement authorities for victims under the Victims of Trafficking and Violence Protection Act, Public Law 108-106, as amended.

For USCIS Use Only

Returned	Receipt
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<https://www.uscis.gov/i-914>



U & T Visa Online Guide

Online Resource



https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf

U and T Visa Law Enforcement Resource Guide

for Federal, State, Local, Tribal and Territorial
Law Enforcement, Prosecutors, Judges, and
Other Government Agencies





Current Issues

- **Temporary Protected Status (TPS):** TPS refers to temporary immigration relief granted by USCIS for a designated period of time.
- **Deferred Action for Childhood Arrivals (DACA):** – Enacted in 2012, the DACA program has directly benefited over 800,000 individuals who met certain requirements and came to the United States as juveniles.
- **Deferred Enforcement Departure (DED):** Individuals covered by DED are not subject to removal from the United States, usually for a designated period of time.



<https://fivethirtyeight.com/features/whos-in-daca-and-who-isnt/>



So Who is Vulnerable?



Photo Credit: Mary Szmolko







Resources for Students

University Resources

- Student Legal Services (814-867-4388)
- The Directorate of International Student and Scholar Advising (814-865-6348)
- Gender Equity Center (814-863-2027)
- Counseling and Psychological Services (CAPS) (814-863-0395)
- Center for Immigrants' Rights Clinic

Local Resources

- Centre Safe: Empowering Survivors, Eliminating Violence (814-234-5050; 877-234-5050 24- hour hotline)





Resources for Police Officers

- Center for Immigrants' Rights Clinic
 - In Our Community
 - Collaboration with State College Police Department
 - Immigration Resources

• Collaboration with State College Police Department

In January and February 2018, clinic students Mark Diaz ('19) and Deokhee Ryu ('18) developed and presented a training for police on immigration. The training covered immigration 101 and information about the U and T visa.

- [Anti-Bias Based Policing Immigration 101 and The U & T Visa](#) Powerpoint

On October 16, 2017, the Borough of State College Manager Tom Fountaine and Police Chief John Gardner announced a revised policy on anti-bias-based policing and immigration. The Center for Immigrants' Rights Clinic worked closely with the State College Police Department and Borough of State College to craft a policy that among other things, encourages noncitizens to utilize police services and states that as a general practice, the State College Police do not ask or collect information about immigration status. The policy also outlines two types of immigration remedies available to victims and the specific role of law enforcement.

To learn more about this policy, please see:

-  [CNET Coverage of the Announcement](#) (begins at the 88:52 mark)
- [Frequently Asked Questions](#)
- [Highlights of the Anti-Bias Based Policing and Immigration Policy](#)
- [Immigration Resources](#)





Thank you!

Questions?

