



**President Trump's Executive Orders on Immigration:
Where We Have Been and What Lies Ahead**

February 24, 2017



Center for Immigrants' Rights Clinic



Agenda

- Immigration 101 (Prof Wadhia)
- Interior/Border Enforcement (Prof Wadhia)
- Muslim/Refugee Ban (Brianni Frazier)
- Muslim/Refugee Ban 2.0 (Prof Wadhia)
- Know Your Rights (Lauren Picciallo)
- Office of Global Programs (Masume Assaf)
- Questions and Answers



Disclaimer

This presentation and its content should not be a substitute for legal advice, nor should it be construed to mean that each provision of this Order is lawful or feasible.



Executive Order: Interior Enforcement

- Add 10,000 ICE Agents
- Maximize of “Summary” Removal
- Expand 287(g) (agreements deputizing local police to enforce immigration law)
- Enforce the laws against “any alien subject to removal under any provision of the INA”
- Rescinds pre-existing prosecutorial discretion memoranda (**exception: DACA**)
- No Private Right of Action

*adapted from <https://www.ice.gov/doclib/ero-outreach/pdf/10029-2-policy.pdf>



Interior Enforcement EO: Priorities

- Convicted of any criminal offense
- Charged with any criminal offense where the charge is “not resolved”
- Committed “acts” that constitute a “chargeable criminal offense”
- Covered by any deportation ground related to crimes, criminal behavior (e.g. prostitution, drug sales), allegations of terrorism or national security
- Subject to a final order of removal, and present in the U.S.
- An “abuser” of any government benefit program (undefined)
- A threat to public safety and security in the “judgment” of an “immigration officer.”

*adapted from <https://www.ice.gov/doclib/ero-outreach/pdf/10029-2-policy.pdf>



Executive Order: Border Enforcement

- Add 5,000 Border Patrol Agents.
- Expand section 287(g) program in the border region.
- Expand “expedited removal” of individuals apprehended at the border who have been ordered removed.
- Expand detention capabilities.
- Build a wall across the southern border.
- No Private Right of Action.

*adapted from <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements>



Border Enforcement EO: Sensitive Locations Memo in Place

- “[E]nforcement actions at or focused on sensitive locations such as schools, places of worship, and hospitals should generally be avoided, and that such actions may only take place when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval.”

* <https://www.ice.gov/doclib/ero-outreach/pdf/10029-2-policy.pdf>



Protecting the Nation from Terrorist Attacks by Foreign Nationals

- Suspends entry to the United States of anyone who is a national of one of seven (7) “designated” countries – Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.
- Suspends US Refugee program for 120 days.
- Indefinitely suspends Syrian refugee admissions.
- Cuts refugee numbers by one-half (50,000 down from 110,000).

* Adapted from <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nations-foreign-terrorist-entry-united-states>



Legal Authority- INA §212(f)

“Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.”

Litigation Surrounding Travel Ban EO

- Several challenges brought in federal district courts.
- One nationwide temporary restraining order out of the Washington state court blocking most controversial sections of the EO (upheld by the higher court of appeals).
- Impact: Those affected by the first EO could now travel; promises of a second/revised EO.

Litigation Continued

- **Alleged Violations**
 - Establishment Clause (Religious Discrimination)
 - Fifth Amendment Due Process and Equal Protection
 - Religious Freedom Restoration Act
 - Administrative Procedure Act
 - Immigration and Nationality Act (section 202)
 - Foreign Affairs Reform and Restructuring Act
- **University of Michigan Litigation Clearinghouse**
 - <https://www.clearinghouse.net/results.php?searchSpecialCollection=44>

**What MAY be in
new Executive Order**

- Entry is still suspended for nationals from Iran, Iraq, Libya, Sudan, Somalia, Syria, and Yemen.
- Ban on entry for all refugees remains.
- Indefinite ban on Syrian refugees is rescinded.
- Only refugees from countries whose vetting procedures meet U.S. standards will be allowed entry.
- Explicitly exempts Lawful Permanent Residents.
- Certain visa holders inside the U.S. and those who have been in the U.S. but are currently outside may be exempt.

* Adapted from <http://video.foxnews.com/v/5334100931001/?#sp=show-clips> 13



**Every one has rights,
regardless of their
immigration status.**



Know Your Rights

- Right to remain silent
- Right to ask for a warrant
- Right to speak with an attorney

*adapted from <https://www.nilec.org/wp-content/uploads/2016/11/Rights-No-Matter-Who-Is-Pres-2016-11-10.pdf>



At the Airport/Other Ports of Entry

- Stop, Detain & Search
- Longer Interviews at Airports
- Laptop Searches
- Information to record if singled out on account of race, ethnicity, or religion

*adapted from https://www.aclu.org/files/kyr/kyr_english_5.pdf



Create a Safety Plan

- Memorize the phone numbers of family, friends and attorneys
- Find legal representation
- Arrange for childcare
- Keep documents in a safe place
- Make sure friends and family know about ICE's online detainee locator (<https://locator.ice.gov/odls/homePage.do>) or should call the local ICE Field Agency

*adapted from <https://www.ice.dhs.gov/wp-content/uploads/2016/11/Rights-No-Matter-Who-Is-You-2016-11-10.pdf>



Sources for Legal Help

- Immigration Law Help
 - www.immigrationlawhelp.org
- Department of Justice
 - www.justice.gov/eoir/list-pro-bono-legal-service-providers-map
- American Immigration Lawyers Association
 - www.aialawyer.com
- National Immigration Project
 - <https://www.nationalimmigrationproject.org/find.html>
- Center for Immigrants' Rights Legal Services Referral List
 - <https://pennstatelaw.psu.edu/sites/default/files/documents/pdfs/Immigrants/Legal%20Services%20Providers%20-%20202-9-17.pdf>



Forms of Relief

- Asylum, Withholding of Removal, Protection under the Convention Against Torture (CAT)
- Cancellation of Removal
- U Visa
- VAWA
- T Visa
- TPS
- Adjustment of Status
- Prosecutorial Discretion



Resources

- Office of Global Programs
 - <https://global.psu.edu/content/us-presidential-executive-orders-concerning-international-community>
- Penn State Student Legal Services
 - <http://studentaffairs.psu.edu/legalservices/>
- Penn State Law's Center for Immigrants' Rights Clinic
 - <https://penstatelaw.psu.edu/immigration-after-election#Executive>
- Statements on Revised Executive Order by Fox News White House Correspondent
 - <http://video.foxnews.com/v/5334100931001/?#sp=show-clips>
- Department of Homeland Security
 - <https://www.dhs.gov/executive-orders-protecting-homeland>
 - <https://www.dhs.gov/publication/implementing-presidents-border-security-and-immigration-enforcement-improvement-policies>
 - <https://www.dhs.gov/news/2017/02/21/fact-sheet-executive-order-border-security-and-immigration-enforcement-improvements>
 - <https://www.dhs.gov/news/2017/02/21/fact-sheet-enhancing-public-safety-interior-united-states>
 - <https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-border-security-and-immigration-enforcement>



Questions and Answers



Thank you

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