



## ***Immigration and Equity Summit***

**Last updated: September 14, 2018**

### **Welcoming America**

[Welcoming America](#) is a non-profit, non-partisan organization that works to help institutions across the country to foster open and inclusive communities. [The Penn State Law Center for Immigrants' Rights Clinic](#) has been a member of Welcoming America since 2016. The [State College Municipality](#) has officially become a member this year. In September, Welcoming America sponsors [Welcoming Week](#): a series of events hosted by members. These events seek to raise awareness of the benefits of welcoming everyone, including immigrants, refugees, and native-born residents.

### **Center for Immigrants' Rights Clinic**

The Center for Immigrants' Rights Clinic is an experiential learning clinic at the [Penn State Law](#) in University Park. Students in the Clinic work under the direction of Professor Shoba Sivaprasad Wadhia, an experienced immigration attorney. The goal of the Clinic is to teach students not just immigration law, but the professional skills they will need to practice the law after they graduate. The Clinic engages in policy work and legal support in individual questions.

### **Municipality of State College: Anti-Bias Based Policing Policy**

The Municipality of State College values diversity and equity. To this end, the State College Police Department maintains an [Anti-Biased Based Policing and Immigration Policy](#). The policy prohibits all forms of bias based policing, defined as "any level of police contact or other law enforcement activity that is malicious or discriminatory towards another person or group based on bias or prejudice." In October 2017, the policy was revised to include an immigration section that 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. Public safety is enhanced when immigrants feel safe reporting crimes to the police without fear they will be turned over to DHS.

### **Deferred Enforcement Departure (DED)**

[DED](#) is a discretionary decision made by the President to protect certain individuals from removal (deportation). Unlike other forms of immigration relief, DED does not have a statutory basis. Authority for DED is derived from the powers of the President in the U.S. Constitution. According to the Congressional Research Service, DED has been used five times since 1990. DED decisions are country specific and typically are in response to war, civil unrest, or natural disasters. [Liberia](#) is currently the only country with DED designation. Most DED beneficiaries have been in the country for more than twenty years. On March 27, 2018, President Donald J. Trump [announced](#) that DED would end. The terminate date for Liberians with DED is March 31, 2019. Individuals who do not qualify for another type of immigration relief will lose work authorization and be at risk for removal.

## **Travel Ban**

The most recent version of the Travel Ban (issued as a [Presidential Proclamation](#)), was reinstated on December 4, 2017. The Travel Ban suspends the entry of all immigrants and certain visitors from Libya, Yemen, Iran, North Korea, Syria, and Somalia. (Chad was [removed from the list](#) on April 10, 2018, after meeting “baseline security” standards). The Travel Ban was challenged in federal courts. On June 26, 2018, the Supreme Court issued a 5-4 decision in the case of [Trump v. Hawaii](#), concluding that the Travel Ban does not violate the Immigration and Nationality Act or U.S. Constitution. The implications are profound as they exclude people in legally qualifying relationships (like marriage to a green card holder) or with eligibility for a temporary status (like a work visa) from entering the United States based solely on nationality.

## **DACA**

[DACA or Deferred Action for Childhood Arrivals](#) was announced by former President Barack Obama on June 15, 2012 and implemented by then Secretary of Homeland Security Janet Napolitano. The policy has enabled people who came to the United States before the age of 16 and meet other requirements to apply for “deferred action” (a form of prosecutorial discretion). [DACA has protected more than 800,000](#) people in the United States. On September 5, 2017, Attorney General (AG) Sessions [announced a decision to end DACA](#). Following the announcement, several lawsuits were filed. Currently there are court orders from federal courts in [California](#), [New York](#), and the [District of Columbia](#) that require the government to continue to process DACA renewal requests. However, the Department of Homeland Security (DHS) is not accepting DACA requests from first-time applicants. In response to a competing lawsuit filed by the state of Texas and six other states challenging DACA, the [court refused](#) to end the program. More than one year after AG Sessions announced the end of DACA, thousands of lives remain in limbo.

## **Family Separation**

On April 6, 2018, the Trump Administration implemented a [“zero tolerance” policy](#) that instructs United States’ Attorney’s Offices along the Southern Border to prosecute anyone who crosses irregularly. This policy had the result of separating [almost 2,600 children](#) from their parents at the border. On June 26, 2018, a [federal court in California](#) ordered the Government to stop its systematic separation of parents and children absent a finding that the parent is unfit or poses a danger to the child. The court further ordered the Government to begin to reunite parents and children separated by the policy with a deadline of July 26, 2018. At this time the Administration [is yet to reunite all families](#). On September 12, 2018, the Government and the plaintiffs [proposed a settlement](#) which would give as many as 1,000 families separated under the “zero tolerance” policy a second chance to apply for asylum.

The Trump Administration has sought to increase the use of family detention as an alternative to family separation. On September 6, 2018, the Administration published proposed regulations in the [Federal Register](#) that would allow the government to detain more children for longer periods of time. Family detention raises a number of legal and policy concerns. The [American Immigration Council](#) (AIC) has said, “[W]e know, after witnessing the trauma-inducing practice of family separation, child welfare has never been a priority for this administration. This proposal is further evidence of that fact.” The AIC has also counseled, “There are viable alternatives to detention that are more humane, less costly, and just as effective at ensuring people comply with their obligations as they face removal proceedings.

**Resources:** For more information, go to the Penn State Law Center for Immigrants Rights [website](#).

*The goal of this document is to provide general information regarding DACA and is not meant to act as a substitute to legal advice from an attorney.*