The Center for Immigrants’ Rights is an immigration policy clinic at Penn State Law, under the direction of Professor Shoba Sivaprasad Wadhia. At the Center, students produce white papers, practitioner toolkits, and primers of national impact on behalf of client organizations.

The Interdisciplinary Roundtable on Immigration is a group of immigration scholars and service professionals in the Centre County region. One goal of the Roundtable is to facilitate opportunities for collaborations aimed at improving immigration-related services in the Centre County region.

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“Why State College?”
A Panel Discussion on the Immigration Raid in Our Community

Penn State Law’s Center for Immigrants’ Rights
On behalf of
The Interdisciplinary Roundtable on Immigration

Tuesday, November 18, 2014, 6:30-8:00pm
State College Municipal Building, Room 201
243 S. Allen Street, State College, PA 16801
Shoba Sivaprasad Wadhia - Professor Wadhia is a nationally recognized scholar of immigration law whose research focuses on the role of prosecutorial discretion in immigration law; the association between detention, removal and due process; and the intersection between immigration, national security, and race. Her book, Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases, will be published by New York University Press in 2015 and is the first book on the topic of immigration prosecutorial discretion.

She is the founder/director of the Center for Immigrants’ Rights at Penn State Law. Prior to joining Penn State, Professor Wadhia was Deputy Director for Legal Affairs at the National Immigration Forum in Washington, D.C. She has been honored by the Department of Homeland Security’s Office for Inspector General and Office for Civil Rights and Civil Liberties, and in 2003, she was named Pro Bono Attorney of the Year by the American-Arab Anti-Discrimination Committee. She has also been an associate with Maggio Kattar, P.C. in Washington, D.C., where she handled asylum, deportation, and employment-based immigration benefits matters.

James V. Wade - Mr. Wade is the Federal Public Defender for the Middle District of Pennsylvania since being appointed in September of 1989. He was an Assistant Federal Public Defender in both the Middle and Western Districts of Pennsylvania from 1983-1989. He has been part of the Middle District of Pennsylvania reentry program, “CARE”, since its inception in March of 2009. He served as a law clerk to the Honorable Joseph S. Walko of Beaver County, Pennsylvania Court of Common Pleas. Mr. Wade graduated from Grove City College in 1977 and Ohio Northern University’s College of Law in 1980.

Mr. Wade became a board member of the York, Pennsylvania based Pennsylvania Immigration Resource Center in 2000 and was the President of its Board between 2002 and 2010. He has served as an adjunct professor of law at Widener University School of Law’s Harrisburg campus. Mr. Wade has also served on several District and Circuit Court committees and has been a member of several Administrative Office of United States courts, Working Groups, and Advisory Committees.

Peter Morris - Currently in his second term, Mr. Morris is a Council Member for the State College Borough Council. Mr. Morris was one of the first city council members to openly discuss the State College Raid during a city council meeting and has been working with the Center for Immigrants’ Rights as a key community stakeholder, helping us develop this event. Mr. Morris has a PhD. from the University of Texas and before retiring, served as faculty for Penn State for more than 30 years.

Juliette Gomez - Ms. Gomez is a Philadelphia-based immigration and removal defense attorney who represents families and individuals from across the mid-Atlantic in their matters before the Executive Office for Immigration Review, U.S. Citizenship and Immigration Service and U.S. Immigration and Customs Enforcement agency. Whether facing the crisis of imminent deportation, requesting the protection of the U.S. government or seeking a path to citizenship, Ms. Gomez works closely with her clients to collaboratively identify and pursue their goals.

Ms. Gomez launched her immigration law career in 2011 as an associate at Corpuz & Archambeault and currently works in solo practice at the Law Office of Juliette E. Gomez, based in Philadelphia, PA. She is a graduate of the Temple University Beasley School of Law and the University of Mary Washington. She is admitted to the Pennsylvania Supreme Court and a member of the American Immigration Lawyers Association. Prior to law school, Ms. Gomez blogged at ICE Raid Report from 2008-2011, where she tracked trends in federal, state, and local enforcement of immigration law nationwide.

Event Schedule

Introduction:
Sharon Barney, Solo Practitioner, State College, PA

Welcome:
Steven Soto, Law Student, Penn State Law’s Center for Immigrants’ Rights

Immigration 101:
Shoba Sivaprasad Wadhia, Samuel Weiss Faculty Scholar; Clinical Professor of Law; Director, Penn State Law’s Center for Immigrants’ Rights

Grand Jury Investigations:
James V. Wade, Federal Public Defender for the Middle District of Pennsylvania

Community Perspective:
Peter Morris, State College Borough Council Member

Immigration Policy and Families:
Juliette E. Gomez, Solo Practitioner, Philadelphia, PA

Closing and Q&A:
Vienna M. Vasquez, Law Student, Penn State Law’s Center for Immigrants’ Rights
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centerforimmigrantsr@law.psu.edu
My name is Rosa and I am 29 years old. In a village on the Southeastern coast of Mexico, I lived with my parents and six siblings. One single room served as the kitchen, living room, and bedroom for all of us. My family was very poor. I came to the United States when I was 19 years old after a journey from Mexico that included a dangerous four-day hike through the desert. Today, I live in State College with my partner and our two children, who are ages 8 and 4. My children were born in the United States and they are American in every way. While my children are in school, I work hard cleaning houses and sometimes cooking for other families. My dream is for my children to have a good education and to go to college, but my day-to-day life is surrounded with the fear of being deported and separated from my family.

When I heard about the restaurant raid in State College last June, I felt sadness for those who were working and were arrested. Some of the workers arrested were portrayed on TV, in newspapers, and on the Internet as criminals, but they were just doing an honest job. I am not a criminal. I hope that my story helps show that many undocumented people who live in the United States are not criminals. We are hard-working people with children and families.
¿Por qué State College?

Una discusión acerca de la redada de inmigración en nuestra comunidad

18 Noviembre 2014
6:30 - 8:00 p.m.

Sala 201
State College Municipal Building
243 S. Allen Street
State College, PA 16801

Patrocinado por:
Penn State Law’s Center for Immigrants’ Rights de parte de Centre County’s Interdisciplinary Roundtable on Immigration

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Mi Historia:

“Mi nombre es Rosa y tengo 29 años. Yo vivía en un pueblo de la costa sudeste de México con mis padres y seis hermanos. Una sola habitación hacía de cocina, sala y dormitorio para todos nosotros. Mi familia era muy pobre. Vine a los Estados Unidos cuando tenía 19 años a través de un viaje por México que incluyó una peligrosa caminata de cuatro días por el desierto. Hoy en día vivo en State College con mi pareja y nuestros dos hijos, que tienen 4 y 8 años de edad. Mis hijos nacieron en los Estados Unidos y son Americanos en todos los sentidos. Mientras mis hijos están en la escuela, yo trabajo duro limpiando casas y algunas veces cocinando para otras familias. Mi sueño es que mis hijos tengan una buena educación y vayan a la Universidad, pero mi vida diaria está rodeada por el temor de ser deportada y separada de mi familia.

Cuando me enteré de la redada en los restaurantes de State College en junio pasado, sentí tristeza por aquellos que estaban trabajando y fueron detenidos. Algunos de los trabajadores arrestados fueron expuestos en la televisión, en los periódicos y en Internet como criminales, pero ellos estaban haciendo un trabajo honesto. Yo no soy un criminal. Espero que mi historia ayude a mostrar que muchas de las personas indocumentadas que viven en los Estados Unidos no son criminales. Somos gente muy trabajadora que tiene hijos y familias.”
**Immigration Removals By The Numbers:**

In FY2013, DHS apprehended approximately 662,000 “aliens”. (A)

In FY2013, DHS removed approximately 438,000 noncitizens from the United States. (A)

Expedited removal orders accounted for 44% of all removals. Reinstatements of prior removal orders accounted for 39% of all removals. This means that more than 80% of noncitizens were removed without seeing a courtroom or immigration judge. (A)

**New Americans in Pennsylvania**

Immigrants comprised 7.1% of the state’s workforce in 2011. (D)

If all unauthorized immigrants were removed from Pennsylvania, the state would lose $5.3 billion in economic activity, $2.3 billion in gross state product, and approximately 27,718 jobs. (E)

**Citations:**


(C) *Undocumented Immigrants’ State and Local Tax Contribution*, Institute on Taxation and Economic Policy, (July 2013).

(D) *2011 American Community Survey (1-Year Estimates)*.


For more information, visit: pennstatelaw.psu.edu/circ

**WHY STATE COLLEGE?**

A Panel Discussion on the Immigration Raid in our Community

Immigration Myths and Facts

On Behalf of: The Interdisciplinary Roundtable on Immigration
Immigrant Families

**Myth**: Undocumented immigrants give birth to children in the United States to avoid deportations.

**Fact**: When an undocumented immigrant gives birth to a child in the United States, that child is a U.S. citizen. But undocumented parents with U.S. citizen children remain at risk of detention and deportation. If a U.S. citizen child wants to petition for foreign-born parents, the child must be at least 21 years old. (H) INA § 201(b)(2)(A)(i)

Immigrants and the Economy

**Myth**: Every job filled by an immigrant is a job that could be filled by an unemployed American.

**Fact**: Immigrants typically do not compete for jobs with native-born workers. In fact, immigrants create jobs as entrepreneurs, consumers, and taxpayers. (B)

**Myth**: Immigrants drive down the wages of American workers.

**Fact**: Immigrants give a slight boost to the average wages of Americans by increasing their productivity and stimulating investment. (F)

**Myth**: Undocumented immigrants do not pay taxes.

**Fact**: Undocumented immigrants pay billions of dollars in taxes each year. (C)

Myth: Immigrants send all their money back to their home countries.

**Fact**: In addition to the consumer spending of immigrant households, immigrants and their businesses contribute $162 billion in tax revenue to U.S. federal, state, and local governments. (G)

"Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door." - Emma Lazarus
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Immigration Law and Policy 101

Who are the main players?

- Department of Justice
  - Executive Office for Immigration Review
  - Office of Immigration Litigation
- Department of Homeland Security
  - Immigration Customs Enforcement
  - Customs Border Protection
  - United States Citizenship and Immigration Services

What are the major legal sources for and terms?

How does the government enforce immigration law?

What are some of the big policy questions?
Legal sources for immigration

- U.S. Constitution
- Immigration and Nationality Act
- Code of Federal Regulations
- Case Law
- Policy Memoranda and Guidance

Terminology

- Alien
- “Illegal”
- Noncitizen
- Undocumented
- Nonimmigrant
- Immigrant
- Lawful Permanent Resident
- United States Citizen

More Terminology

- Aggravated Felony
- Discretion
- Immigration Judge
- Relief from Removal
- Removal
- Work Permit
How are the Immigration Laws enforced?

Interrogation
Apprehension
Detention
Charges
Court Proceedings
Removal ("Deportation")

Sampling of Civil Immigration Violations

<table>
<thead>
<tr>
<th>Noncitizens</th>
<th>Employers</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Failure to maintain immigration status</td>
<td>- Knowingly hiring or employing noncitizens not authorized to work in U.S.</td>
</tr>
<tr>
<td>- Commission of certain crimes</td>
<td>- Failure to comply with 1-9 requirements</td>
</tr>
<tr>
<td>- Present without admission</td>
<td>- Unlawful discrimination in employment</td>
</tr>
<tr>
<td>- Failure to file a change of address</td>
<td></td>
</tr>
</tbody>
</table>

Sampling of Criminal Immigration Violations

<table>
<thead>
<tr>
<th>Noncitizen</th>
<th>Any person</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Reentry after Removal</td>
<td>- Marriage Fraud</td>
</tr>
<tr>
<td>- Unlawful entry of alien (noncitizen) at improper time or place</td>
<td>- Engaging in a pattern or practice of hiring, recruiting, or referring for a fee unauthorized aliens (noncitizens)</td>
</tr>
<tr>
<td></td>
<td>- Bringing in and harboring certain aliens (noncitizens)</td>
</tr>
</tbody>
</table>
Removal numbers: FY 2013

- 438,000 removals
- Expedited removal orders accounted for 44% of all removals.
- Reinstatements of final orders accounted for 39% of all removals.
- Administrative removal orders accounted for 9,217 or 2.7% of all removals.
- Other removals reached 65,925 or 15%

http://www.dhs.gov/immigration-statistics

What is Prosecutorial Discretion?

"Prosecutorial discretion" is the authority of an agency charged with enforcing a law to decide whether to enforce, or not to enforce, the law against someone.

Removal Priorities

- Public safety risk or danger to society, defined in part by a history of terrorist or criminal activity
- Recently entered the U.S. through means other than a valid port of entry or border checkpoint
- Remaining in the U.S. with an outstanding order of removal “or otherwise obstruct immigration controls”

Theory of prosecutorial discretion

**Economic**
- 11 million unauthorized noncitizens
- Resources to deport about 400,000 or less than 4% of 11 million

**Humanitarian**
- Service in the U.S. military
- Long-term presence in the United States
- USC dependents
- Serious medical condition
- Intellectual promise
- Advanced or tender age

Examples of “prosecutorial discretion”?
- Refraining from arresting an individual
- Release from detention or decision not to detain a person
- Cancellation of a Notice to Appear
- Dismissal of an Appeal
- Grant of deferred action or stay of removal
- Joining in a motion to terminate or close a removal case

Medley of Memos

- Civil Enforcement Priorities (ICE, March 2011)
- Prosecutorial Discretion Generally (ICE, June 2011)
- Prosecutorial Discretion Policy for Plaintiffs, Witnesses and Victims (ICE, June 2011)
- Review of 300,000 Cases (DHS, August 2011)
- Notice to Appear Policy (USCIS, November 2011)
- Deferred Action for Childhood Arrivals (June 2012)
What are the policy questions?

Who should the government target for enforcement and removal?

Who should make decisions about whether a person is deportable?

What safeguards should apply in the deportation process?

Should local law enforcement collaborate with federal immigration agents?

Which noncitizens should be detained and under what conditions?

Which noncitizen should be protected from apprehension, detention and removal?

Thank you!

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Penn State is committed to affirmative action, equal opportunity, and the diversity of its workforce. U.Ed. PSL 15-11