THE FUTURE OF IMMIGRATION POLICIES UNDER THE TRUMP ADMINISTRATION:
AN INFORMATION SESSION ON DACA, TEMPORARY PROTECTED STATUS, AND DEFERRED ENFORCEMENT DEPARTURE

March 27, 2018 | 6:00 p.m. - 7:30 p.m.
112 Lewis Katz Building | State College, PA

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Disclaimer

- This presentation is **not** a substitute for legal advice from an attorney
- Resources are available at https://pennstatelaw.psu.edu/immigration-after-election
Roadmap

- Deferred Action for Childhood Arrivals (DACA)
- Temporary Protected Status (TPS)
- Deferred Enforcement Departure (DED)
Key Terms

- Department of Homeland Security (DHS)
  - Immigration and Customs Enforcement (ICE)
  - United States Citizenship and Immigration Services (USCIS)
  - Customs and Border Protection (CBP)
- Department of Justice (DOJ)
  - Attorney General
Key Terms

- Immigration and Nationality Act (INA)
- Undocumented Immigrant
- Prosecutorial Discretion
- Deferred Action
- Administrative Procedure Act (APA)
- Injunction

What is DACA?

- Deferred Action for Childhood Arrivals
- An example of Prosecutorial Discretion
- Benefits of DACA
  - Protection against deportation for renewable two-year periods
  - Work authorization

What are the DACA Requirements?

- Include but not limited to:
  - Came to the U.S. under the age of 16
  - Continuously resided since June 15, 2007 through present time
  - Physically present in the United States on June 15, 2012
  - Currently in school, has graduated from high school, has obtained a G.E.D. certificate, or is an honorably discharged veteran of the U.S. military
  - Has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety
  - Under the age of 31 as of June 15, 2012

- Nearly 800,000 people have received DACA
  - An estimated 6,000 in Pennsylvania

Data available on USCIS website, (Feb. 2018)
DACA: Current State of Play

- Rescission
- Litigation
  - California Injunction
  - New York Injunction

Memorandum on Rescission of Deferred Action for Childhood Arrivals (DACA) from Elaine C. Duke, (Sep. 5, 2017)
DACA: What is the Current State of Play?

- DHS announcement
  - Will not pursue deportation of DACA recipients
- Proposed Legislation
  - DREAM Act
  - BRIDGE Act

Acting Press Secretary Tyler Q. Houlton Statement on Deferred Action for Childhood Arrivals, (Mar. 7, 2018)
Penn State support Dreamers
Penn State President Eric Barron

“Penn State will remain actively engaged, as we have been for more than a year, to support a permanent legislative solution that will allow all DACA beneficiaries to maintain their current status and complete their degrees”
What is TPS?

- Temporary Protected Status
- TPS is found in § 244 of the INA
  - Gives DHS discretion to designate countries for TPS when those countries face certain conditions, such as military conflict or natural disasters
Who is Eligible for TPS?

- Requirements include:
  - Must be from a TPS designated country
  - Must have been living in U.S. since the date of the TPS designation
  - Must pass a criminal background check
- TPS must be renewed regularly
- 435,000 beneficiaries currently in the U.S.

INA § 244
Temporary Protected Status: An Overview and Current Issues, Every CRS Report Website (Jan. 17, 2018)
TPS: Current State of Play

- End of TPS designation announced
- Lawsuits
- Proposed legislation
  - 19 state attorneys general sent a letter to Congress
  - American Promise Act
  - SECURE Act

DHS Announcements available on USCIS website
TPS: Policy Concerns

- Humanitarian
  - 273,000 U.S. born children have at least one parent with TPS from El Salvador, Honduras, or Haiti
  - Contributors to the U.S. economy

- International
  - Continuing conditions in home country
  - Haiti may not be able to handle influx of 60,000 TPS beneficiaries

Data from The American Immigration Council
What is DED?

- Deferred Enforcement Departure
- Prosecutorial Discretion by the President
  - Authority derived from U.S. Constitution
- Usually in response to war or natural disasters

Information available on USCIS website

DED Liberians

- Designated for TPS in 1991, expired in 2007
- Designated for DED by President Bush in 2007
- Renewed multiple times by President Obama, most recently in Sep. 2016

*BREAKING: March 27, 2018: 12 month “wind-down” for DED starting April 1, 2018 and extending through March 31, 2019. Work authorization will be automatically extended.

Information available on USCIS website
DED: Current State of Play

- Patrice Lawrence
  - National Policy and Advocacy Director for The UndocuBlack Network
  - Follow her on Twitter @Undocublack_Pat
What do DACA, TPS, & DED Have in Common?

- Each policy applies to a particularly vulnerable class of people
- Most individuals have been in the United States 10+ years
- Many identify America as home
- Recent changes put beneficiaries at risk of deportation
What Comes Next?

- What may happen
  - Court Rulings
  - Proposed Legislation
  - Extended Deadlines

- What should I do?
  - Screen for alternative relief with an immigration attorney

Resources

- Penn State Center for Immigrants’ Rights Clinic
  - https://pennstatelaw.psu.edu/immigration-after-election
- Penn State Student Affairs: Student Legal Services
  - https://studentaffairs.psu.edu/legalservices
- The UndocuBlack Network
  - http://undocublack.org