



Representing Immigrants - Educating Communities - Advocating for Change



**St. Olaf College
Immigration Law 2017**

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(651) 641-1011 or (800) 223-1368**

www.ilcm.org



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ILCM 2016 Legal, Education & Policy

- 4,113 immigration cases.
- 1,145 consults for the State Public Defender (Padilla).
- 118 nationalities. Latin Am. 56%, Asia 22%, Africa 19%.
- 25 staff: Burmese, Hmong, Karen, Spanish and Somali.
- 247 Pro Bono attorney volunteers (490 cases).
- 5 offices across MN.
- 250 education, training, outreach and advocacy events, reaching 7,755 individuals.
- Leader in multiple Coalitions for last 10 years.



Immigration Statuses & Transitions

- Temporary legal immigration status,
 - Visas (professionals, U-visa, student, tourist, employment)
 - DACA
 - Temporary Protected Status (Syria, Haiti, El Salvador, etc.)
- Refugee or Asylee (asylum seeker),
- Legal Permanent Resident,
- Naturalized U.S. citizen,
 - 2nd Generation – born to immigrant parents in the U.S.
- No current status: undocumented, overstayed a visa, or awaiting legal status. MN 95,000; US 11.4M



Today -Three Avenues to Immigrate

U.S immigration policy is mainly based on three things:

- 1. Family (65%)** immigrants applying based on close family relationship (USC or LPR)
- 2. Freedom (16%)**
Asylee (in U.S.)/Refugee (outside of U.S.)
- 3. Work (13%)** immigrants invited by US employers to fill positions where there is a shortage

(USCIS Office of Immigration Statistics, 2011 Immigration Yearbook)



Examples of a Broken System

1. Family delays (1-25 years; 3/10 yr. or perm. bar);
2. Employment (mostly professionals, some seasonal; 5,000 low-skilled perm. visas/yr; long waits for nurses; Microsoft - Vancouver);
3. No line or path for most of the 11.5 Million without status.



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Fixing a Broken System

Compromise bipartisan bill S.744 (2013)

1. Earned Legalization - citizenship,
2. DREAM Act,
3. Agricultural Workers,
4. Workplace enforcement (e-verify); fraud-proof documents,
5. Future-flow essential and high-skilled workers,
6. Smarter/greater enforcement (border and visas).



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Executive Action - Background

- DACA -not permanent – but important first protection, MN 6,000; US 750,000
- Executive defines law enforcement priorities
- Cannot deport 11.5 million - prioritize
- Presidents use executive action in immigration
- DACA predicts positive impacts of legalizing
- DAPA stopped by 4-4 tie at US Supreme Court



DACA 2012

Arrive in US before age 16

Undocumented on 6/15/2012,

High school (or GED) education or military service

No serious crimes, DUI, gang or terror involvement

Be at least 15 years of age at time of application
(unless in deportation)

Not 31 or older on 6/15/12

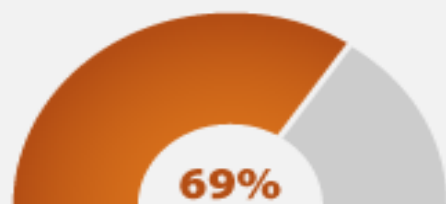


DACA – Positive Change

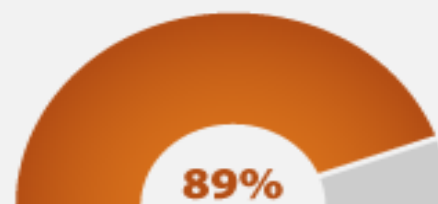
FIGURE 1

DACA is significantly improving the lives of recipients

Topline survey results



"Got a job with better pay"



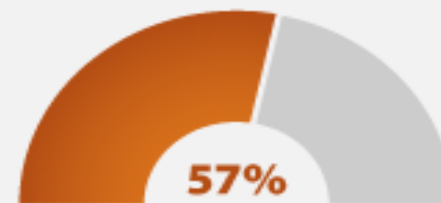
Got a driver's license or state ID



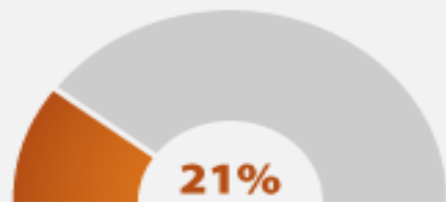
Of those in school, have "pursued educational opportunities [they] previously could not"



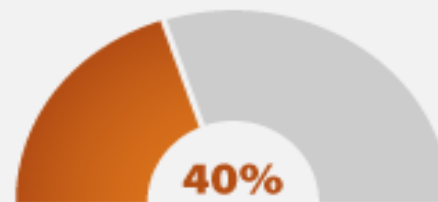
Average wage increase after DACA



Are "able to earn more money, which has helped [their] family financially"



"Bought [their] first car"



Have parents eligible for DAPA



Executive Actions 2017

- Interior Enforcement 1/25/2017
- Border Enforcement 1/25/2017
 - DHS Memos (Blueprints 2/20/2017)
- Muslim/Refugee Ban 1.0, 1/27/2017
- Muslim/Refugee Ban 2.0, 3/6/2017

- DRAFTED – not released:
 - DACA
 - Public Benefits – Public Charge



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Interior - Executive Actions 2017

“Enhancing Public Safety in the Interior of the U.S.”

1. Everyone is a Priority (sect. 5).
2. Secure Communities returns.
3. 287(g) “Deputizing police” returns.
4. Punishment by withholding federal \$ from Sanctuary Cities.
5. Prosecutorial Discretion very rare.
6. 10,000 new ICE officers.
7. Creation of new Privacy Guidelines for everyone who is not a naturalized citizen or legal permanent resident.



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Border - Executive Actions 2017

“Border Security and Immigration Enforcement Improvements”

1. \$23B Border Wall.
2. Massive expansion of detention (40k to 200k daily per AILA estimate).
3. Expedited Removals expanded – need to show proof of 2 years of residency; anywhere in U.S. (currently 2 weeks/100 miles border).
 1. No right to see a judge
4. Removes certain protections for unaccompanied minors.
5. Possible criminal prosecution of parents of minors.
6. 5,000 new Customs and Border Patrol officers.
7. Expand 287(g) to the Border.



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Muslim/Refugee Ban – Executive Actions 2017

“Protecting the Nation from Foreign Terrorist Entry into the U.S.” Effective 3/16/17

1. Revoked the 1/27/17 EO.
2. 6 Muslim countries’ citizens (Syria, Iran, Libya, Somalia, Sudan, Yemen) banned 90 days from entering U.S.
3. All Refugees banned for 120 days.
4. Reduction of total # of 2016-17 refugees from 110k to 50k.
5. Creation of ‘Extreme Vetting’ questions (fraud, terrorism, violent extremism, acts of violence, risk of causing harm subsequent to entry).
6. Suspension of Visa Interview Waiver Program.



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Muslim/Refugee Ban – Litigation

1. WA & MN vs. Trump – 9th Circuit issued TRO. Other courts had also enjoined.
2. Ban 2.0 stopped via litigation in HI and MD 3/15/2017.
3. Ban 2.0 VA ct holds it is valid 3/24/2017.



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Muslim/Refugee Ban



https://www.washingtonpost.com/news/post-nation/wp/2017/02/03/after-four-years-and-trumps-travel-ban-a-child-meets-her-family/?utm_term=.6c412e3750f3



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Know Your Rights etc.

HANDOUTS

1. KYR Handout – review
2. Common Remedies under existing law
3. DACA considerations (pamphlets and one-pager)
4. Common steps to be prepared
 1. Know your rights and practice,
 2. Family Preparedness Plans (next slide),
 3. Bond,
 4. Do not sign anything – fight your case,
 5. Hire a lawyer – odds significantly better.



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Family Preparedness Plans

Child Care Plan

- a) Who will care for your child if you cannot,
- b) Medical needs,
- c) Delegation of Parental Authority
- d) Passports
- e) Emergency Contacts

Power of Attorney

- a) Financial decision-making
- b) Mortgage/rent, cars



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Resources

- Visit our resources and workshops www.ilcm.org
- For more information from the government go to www.uscis.gov
 - DACA Page:
<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>
- www.aila.org
- www.ilrc.org
- www.nationalimmigrationproject.org



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How to Get Involved & Referrals

- GET INVOLVED – Sign up for communications via our clipboard or at www.ilcm.org
 - Facebook www.facebook.com/immigrantlawcenterMN
 - Twitter https://twitter.com/ilcm_mn

- John Keller, john.keller@ilcm.org
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QUESTIONS & ANSWERS