

Catholic Charities

of the Archdiocese of Galveston-Houston

ST. FRANCES CABRINI CENTER
FOR IMMIGRANT LEGAL ASSISTANCE
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EXECUTIVE ORDERS AND NEW POLICY MEMOS IMPACTING IMMIGRANTS AND REFUGEES

EXECUTIVE ORDERS

- ❖ The President signed 4 Executive Orders between January 25th and March 6th that carry significant impacts on the immigrant and refugee community.

They are:

- Enhancing Public Safety in the Interior of the United States
- Border Security and Immigration Enforcement Improvements
- Protecting the Nation from Foreign Terrorist Entry into the United States (the first one was signed on Jan. 27, 2017, the second one on March 6, 2017)



EO 13768: ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES

- ❖ This Executive Order focuses on two things:
 - Removal of immigrants
 - Expanding immigration enforcement
- ❖ It invalidates Priority Enforcement Program of November 2014 that prioritized deporting individuals convicted of violent crimes



EO13768: Enhancing Public Safety in the Interior of the United States

❖ PRIORITIZE REMOVAL OF IMMIGRANTS

- Who have criminal convictions
- Who is charged with a crime
- Who is suspected to have committed a crime
- Whom immigration officials believes may post a risk to public safety or national security
- Who committed fraud or misrepresentation in official business
- Who abuses public benefits
- Who was ordered removed but has not left yet



EO 13768: Enhancing Public Safety in the Interior of the United States

❖ EXPANDS IMMIGRATION ENFORCEMENT

- Hire 10,000 additional immigration officers
- Revive the 287(g) “Secure Communities” Program to contract state and local government to enforce federal immigration laws
- Defund states and cities that the Department of Homeland Security considers to be “sanctuary cities”
- Remove privacy protection for immigrants who are not U.S. citizens or Lawful Permanent Residents
- Pressure foreign countries to accept their nationals repatriated from the U.S. or halt all negotiations.



EO 13767: Border Security and Immigration Enforcement Improvements

❖ DETER MIGRANTS

- Build a wall on the border separating the U.S. and Mexico

❖ HEIGHTEN IMMIGRATION ENFORCEMENT

- Build more detention centers along the southern border
- Indefinite detention of immigrants - Department of Homeland Security can arrest and detain immigrants for immigration violations until their case is resolved
- Hire 5,000 more border Patrol
- Deputize state and local law enforcement to enforce immigration law



POLICY MEMORANDA

- ❖ Agencies charged with implementing the Executive Orders develop policy memoranda to explain how the orders are to be implemented.
- ❖ On February 20, 2017, Secretary of U.S. Department of Homeland Security (DHS) published 2 Policy Memos laying out the plan to implement the first 2 of the 4 Executive Orders




Policy Memo

- ❖ Rescind Priority Enforcement Memo, now everyone is a priority for deportation
- ❖ Reinstate and expand “Secured Communities” – allow both ICE and CBP to contract with local law enforcement, including national guard and state militia to enforce immigration law
- ❖ Practically eliminated prosecutorial discretion, except DACA
- ❖ Fast track removal of individuals held in criminal custody w/o benefit of hearing
- ❖ Immigration officer can arrest, detain & start deportation of anyone whom s/he believes has violated immigration law


Policy Memo

- ❖ Re-examine unaccompanied child designation once reunified with parent
- ❖ Deport or prosecute anyone who facilitates – directly or indirectly – the illegal smuggling or trafficking of an alien child into U.S.
- ❖ DHS can detain anyone until they are deported, ordered release by court or statute, become U.S. citizen or obtain immigration status, or found to have credible fear of persecution
- ❖ DHS can arrest anyone who cannot prove that they have been in the U.S. for longer than 2 years anywhere in the country and deport them in 24 hours
- ❖ Return for detention in Mexico or Canada anyone who crossed into the U.S. from those 2 countries pending U.S. deportation proceeding
- ❖ Parole in the public interest will be granted sparingly
- ❖ Expand secured communities to CBP – deputize state and local law enforcement to enforce federal immigration law




EO 13769: Protecting the Nation from Foreign Terrorist Entry into the United States

- ❖ Target two groups of people: citizens of 7 majority Muslim countries and refugees
- ❖ ENTRY BAN –
 - 90-day entry ban for citizens of 6 majority Muslim countries: Iran, Iraq, Libya, Somalia, Sudan, and Yemen
 - Indefinite entry ban for Syrians
 - Cancel or revoke valid visa issued to citizens of the 7 countries
- ❖ REDUCE REFUGEES
 - Suspend refugee admission for 120 days
 - Reduce total refugee admission from 110,000 to 50,000
 - Prioritize refugee claims based on religious persecution



EO 13780: Protecting the Nation from Foreign Terrorist Entry into the United States

- ❖ The January 27th Executive Order (13769) was revoked on March 16, 2017, the effective date of the new EO
- ❖ Target two groups of people:
 - citizens of 6 majority Muslim countries
 - refugees
- ❖ Entry Ban –
 - 90-day entry ban for citizens of 6 majority Muslim countries: Iran, Libya, Somalia, Sudan, Syria and Yemen
- ❖ Reduce Refugee & Suspend Admission
 - Suspend refugee admission for 120 days
 - Reduce number of refugee admitted in FY17 from 110,000 to 50,000



EO 13780: Protecting the Nation from Foreign Terrorist Entry into the United States

- ❖ MAJOR DIFFERENCE UNDER MARCH 6TH EO:
 - No religious preference for refugee claim
 - No entry ban for lawful permanent residents who came from the 6 designated countries
 - No entry ban for returning refugees & asylees
 - No entry ban for those with valid visa as of 1/27/2017 & 3/16/2017
 - Dual nationals may enter on passport issued by non-designated country
 - Allow case-by-case waiver



Policy Memoranda

- On March 6, 2017, the Secretary of State, the Attorney General and the Secretary of Homeland Security issued a memo stating the departments' policy in implementing immediate heightened screening and vetting of applications for visas and other immigration benefits
- On March 16, 2017, Department of State announced suspension on implementing Sections 2 and 6 of EO 13780
- The policies take effect immediately

Impact on Immigrants

Non-priority Priority Enforcement:

- More immigrants are at risk of being targeted, detained and deported without due process
- More immigrants needing immigration legal assistance are going to be in detention

Unaccompanied Children:

- Re-designation of UC after reunified with a parent or turning 18 strip many of access to relief (e.g. subject to 1-year filing deadline, transferred to adult detention making access to lawyers difficult, loss access to social and mental health services, loss access to child advocate)
- Threats of criminal prosecution or deportation of anyone who help a minor come to the U.S. deter many potential custodians from coming forward to get the children released, leaving children in detention and making them docket priority
- UC arrivals slow down, but reunification also slows down, because fewer custodians willing to come forward, making those UC priority for removal hearing

Impact on Immigrants

More random immigration enforcement & ICE raids:

- On April 24, 2017, ICE issued press release of 95 arrests in Southeast Texas during a 5-day sting operation, (82 for criminal violations 13 on immigration grounds), vast majority were Latinos on sup
- Individuals on supervised release have high risk of being detained when appear at ICE deportation office for routine check-in
- DACA whose renewal is delayed administratively at risk of being detained
- Individuals ordered removed in absentia at risk of being detained and deported even with pending motion to reopen and stay

Impact on Immigrants

Expansion and revival Secured Communities Program

- Counties surrounding Houston and Harris County have signed on to the 287(g) program to help federal government enforce immigration law
- Immigrant victims of crimes scared to call the police for fear of deportation (25% drop in reports of sexual assault or domestic violence from Latino community this year, LA Times 3/21/2017)
- Locally, HPD reported a drop of 42.8% from Latino reporting crime between January & March this year (Houston Standard, 4/10/2017)
- Clients become afraid to come to *charla* for fear that ICE may target venues where large number of immigrants congregate

More detention facilities

- ICE is adding 1000 beds in Conroe, together with expansion of 287(g), more immigrants are expected to be held for a long time