

Immigration 101

October 3, 2019

Presented by:

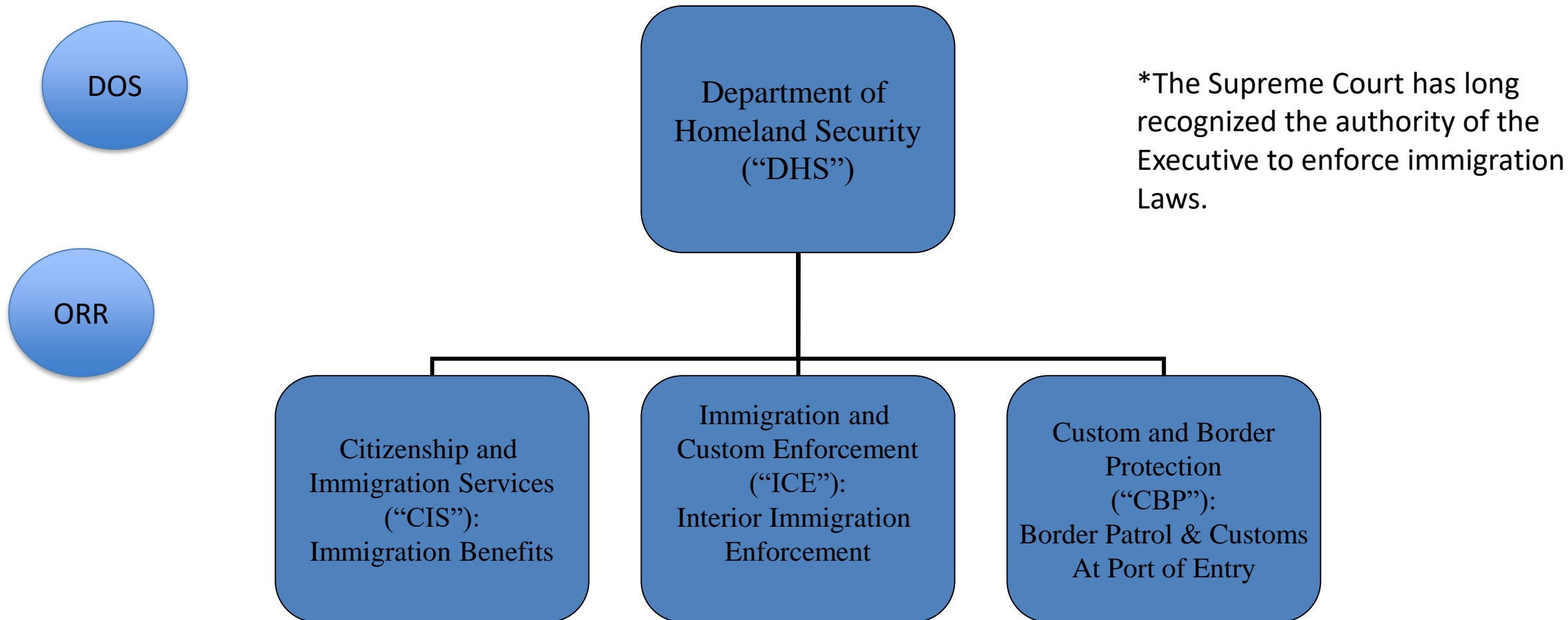
Adonia Simpson, Director of the Family Defense Program

Americans for Immigrant Justice

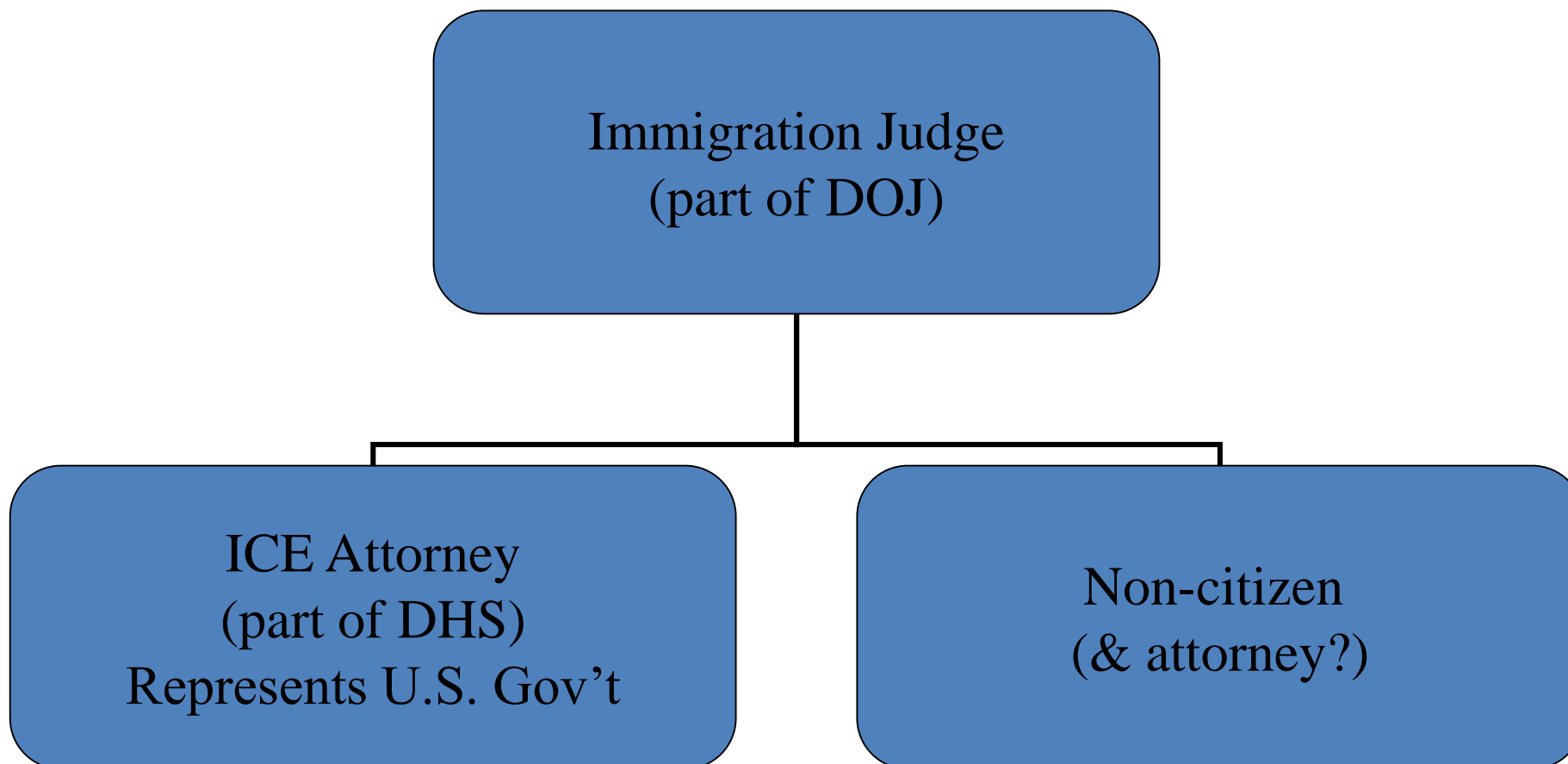
Americans for Immigrant Justice

- Non-profit organization dedicated to protecting and promoting the basic human rights of all immigrants.
- Represent low-income individuals before U.S. Citizenship and Immigration Services, the Immigration Court, the Board of Immigration Appeals, and the 11th Circuit.
- Advocate for the rights and humane treatment of immigrants at local, state, and national levels through trainings, impact and appellate litigation, investigative reports, and public pressure campaigns.

Structure of Immigration (formerly “INS”)



Immigration Court



Immigration Statuses

- U.S. Citizen
- Lawful permanent resident (LPR or “green card” holder)
- Temporary nonimmigrant (*e.g.* tourist)
- Temporary Protected Status (TPS)
- Deferred Action (*e.g.* DACA)
- Undocumented immigrant (no criminal law violated → not “illegal”)

What Does It Mean To Be “Undocumented”?

One who is present in the U.S. without lawful immigration status or without proof of lawful status.

Examples:

- One who entered the U.S. on a visa that has expired.
- One who crossed the U.S. border without detection.
- One who obtained lawful immigration status and subsequently lost his or her status.
- One who obtained lawful immigration status but does not have proof of status.

Do Undocumented Immigrants Have Rights in the United States?

- **Yes, undocumented immigrants have constitutional rights!**
 - When it comes to key constitutional provisions like due process and equal treatment under the law, the U.S. Constitution applies to all persons – which includes both documented and undocumented immigrants – and not just U.S. citizens.
 - **Right to trial**
 - **Right to court appointed counsel (criminal proceedings not immigration)**
 - **Right to due process and equal protection**
 - **Right to refuse searches of homes without a valid warrant signed by a judge**
 - **Right to remain silent**
 - **Right to public education**
- **Do NOT have the right to vote in Presidential Elections, unless a U.S. Citizen**



Recent Policy Changes

President Trump's January 25th Executive Order: "Enhancing Public Safety in the Interior of the United States"

- Universalized enforcement priorities
- Punishment of "sanctuary" jurisdictions
- Increase ICE agents
- Revives Secure Communities
 - Information-sharing btwn local LE and federal LE & use of ICE detainers
- Miami-Dade County is not participating in Secure Communities, but will hold people for up to 48 hours for ICE detainers

President Trump's January 25th Executive Order: "Enhancing Public Safety in the Interior of the United States"

Old Priorities	New Priorities
<p>Mostly focused on individuals with certain convictions:</p> <ul style="list-style-type: none">• Aggravated felony,• "significant misdemeanor",• People who entered or re-entered without permission after 1/1/2014,• People ordered removed on or after 1/1/2014, and• People with gang-related convictions	<p>Vastly expanded list that includes:</p> <ul style="list-style-type: none">• Anyone who initially entered without documents,• Anyone with a final removal; order,• Anyone "charged with any criminal offense, where such charge has not been resolved",• Anyone who "committed acts that constitute a chargeable offense"

President Trump's January 25th Executive Order: "Border Security and Immigration Enforcement Improvements"

- Border wall
- Expansion of detention
- Expansion of expedited removal
 - Includes individuals not physically present for 2 years
 - Within 100 miles of a land or sea border
 - No opportunity to see an immigration judge
- Increased CBP agents
- Expansion of 287(g) agreements
 - Law enforcement deputized as ICE agent



What is happening with TPS and DACA?

- DACA was terminated on October 5, 2017, BUT
 - A court has stopped the termination so people can still reapply
 - No Advanced Parole
 - Decision to allow for first-time applicants has been stayed
- Administration has terminated TPS for Sudan, Nicaragua, Haiti, El Salvador, and Honduras
 - Federal court decisions have stayed termination
 - Automatic extensions until January 2020

Other Immigration Issues

- Family Separation
- Remain in Mexico Policy/Other Asylum Policies
- Attorney General Decisions
- Public Charge
- Travel Ban
- De-naturalization
- Changes in policies regarding processing of applications
- Sanctuary cities/detainer policies/SB-168
- 2020 Census
- Backlogs at asylum, USCIS, and the Immigration Courts
- Raids
- Notario Fraud

Resources



- [New American Economy](#)
- [TRAC](#)
- [Migration Policy Institute](#)
- [ILRC](#)
- [NILC](#)
- [NIJC](#)
- [IAN](#)
- [PEW](#)
- [AIC](#)
- [USCIS](#)
- [EOIR](#)



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