



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

**Executive Orders on Immigration and
the Impact in Your Community**

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Presenters

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Overview of Webinar

- Introduction
- Brief Analysis of Executive Orders
- Your Community's Response
- Resources
- Questions

Renewed Mission for USCMA

- Aspires to be a national coalition
- Provides members opportunities to convene, connect, and collaborate
- Animating missionary disciples
- Accompanying them through recruitment, preparation, service, integration, and leadership
- Cultivating the missionary spirit in the U.S.



A New Vision – Missionary Discipleship

*In virtue of their baptism,
all the members of the
People of God have
become missionary
disciples.*

Joy of the Gospel, para 120.





Missionary Discipleship

- All U.S. Catholics
- A New Identity as Catholics
- Adequate Preparation
- Collaboration
- Authentic Solidarity
- Mutuality for the Common Good

Background on Executive Orders

- ▶ **What is an Executive Order?**

Executive Orders are formal directives from the President to federal agencies to exercise the executive power in a particular way. They are numbered and appear in the Federal Registry.

- ▶ **Can Executive Orders be challenged or changed?**

In order to be valid, Executive Orders must operate within the bounds of the executive power--that is, they can only exercise powers that are authorized by an Act of Congress or the U.S. Constitution, sometimes explicitly, sometimes implicitly/inherently. The legislative and judicial branches can operate as checks on Executive Orders that exceed the executive power. The executive branch can also issue a subsequent order to rescind or augment a prior order.

Additional Background

- How are Executive Orders implemented
- Other factors that influence implementation



EO on Border Security

- Requests funds for wall on U.S./Mexico border
- Increases use of detention and expands detention capacity
 - More immigration judges and asylum officers for detained cases

EO on Border Security

- Requests funding for more Border Patrol Agents
- Encourages use of 287(g) agreements
- Dramatic expansion of expedited removal
- “Sensitive locations” memo is still in effect

DHS Memo on Implementation

- No category of removable aliens will be exempt from enforcement
- Mandatory detention for noncitizens apprehended along the border will be policy, with extremely limited exceptions.
- “Sensitive locations” memo is still in effect.

Executive Order on Refugees & Travelers

With this EO, the Trump Administration seeks to implement, among others things, the following things:

- ▶ A 90-day ban on visas, admission, and other immigration benefits for people from Syria, Iraq, Iran, Somalia, Sudan, Libya, and Yemen;
- ▶ A 120-day suspension of the refugee resettlement program;
- ▶ An indefinite suspension of the arrival of Syrian refugees;
- ▶ A 64% decrease for U.S. refugees in 2017—from 110,000 to 50,000;
- ▶ A prioritization of refugees who are religious minorities suffering religious persecution;
- ▶ Potential other roles for states and localities, with more say in placement and resettlement of refugees; and
- ▶ A mandated review and possibly stricter security vetting procedures for refugees, immigrants, and nonimmigrants.



Federal Court Challenges

- ▶ Over 60 federal cases filed—e.g., MA, WA, MN, VA
- ▶ States of Washington, et al v. Trump, et al
 - 2/3/17--Judge James L. Robart, U.S. District Court of Western Washington issued Temporary Restraining Order (TRO)
 - 2/9/17--9th Circuit Upheld TRO
 - Refugee admissions allowed to resume, as prior to the order



DHS Secretary on this EO

- ▶ Legal permanent residents are not barred from admission
- ▶ One is not banned if one is a dual citizen of one of the seven countries and of a country not on the list



EO Provisions Halted by TRO & Provisions Still in Force

Among others, the following provisions are halted by the TRO:

- ▶ the 90-day ban of those from 7 countries (section 3c);
- ▶ the 120-day refugee admission suspension (section 5a);
- ▶ the indefinite suspension Syrian refugees (section 5c); and
- ▶ the preference for resettlement of religious priorities (section 5b and the part of section 5e related to religious minorities).

Among others, the following provisions continue in force:

- ▶ a reduced 2017 refugee admissions from 110,000 to 50,000; and
- ▶ A new, yet-to-be-determined, State role in resettlement.



Content and Impact of Upcoming EO?

Rescind and replace?

Keep the 90-day ban for 7 countries, but not for LPRs & dual citizens?

Keep the 120-day halt to refugee admissions, but strike ban on Syrians and strike favoritism of religious minorities?

Keep previous EO provisions that were not subject to the 9th Circuit decision?



Long-Term Impacts?

What impact will ongoing litigation on EO 13769 or a new EO have on the vetting of refugees, immigrants, and nonimmigrants, and on the future resettlement program ?

If EO 13769 does go forward, in whole or part,

- ▶ Will the temporary 7-country ban be made permanent for immigrants, nonimmigrants, and/or refugees? Will other countries be added?
- ▶ Will the review of the refugee program lead to an affirmation of the existing vetting process, with minor adjustments? Or will the review lead to sweeping changes that reject the underlying integrity of U.S. and international refugee protection and procedures?
- ▶ Will the most critical criteria in resettlement decisions continue to be vulnerability of the refugee, or will religious affiliation become the most important factor for approving or denying a refugee for U.S. resettlement?
- ▶ Will states be given veto power over resettlement within their state?
- ▶ Will the number of refugees allowed to come to the United States remain at a low level or be restored back to previous levels?



EO on Interior Enforcement

- Expands Enforcement Priorities
- Increases # of ICE Enforcement and Removal Officers
- Focuses on cooperation between local law enforcement and DHS
 - Secure Communities
 - 287(g) agreements

EO on Interior Enforcement

- Penalizes sanctuary jurisdictions
- Data collection
- Increases criminal immigration prosecutions
- Civil fines and penalties

DHS Memo on Implementation

- Enforcement priorities
- Transnational gangs will be specifically targeted for enforcement.
- DHS will no longer afford Privacy Act rights to non-citizens and non-lawful permanent residents (green card holders) in its records.

EO Considerations for Religious Workers

- How Might it Affect Us?
- International Religious Workers in the U.S.
- Other Possible Issues



Why Worry?

- EOs do not specify religious workers but...

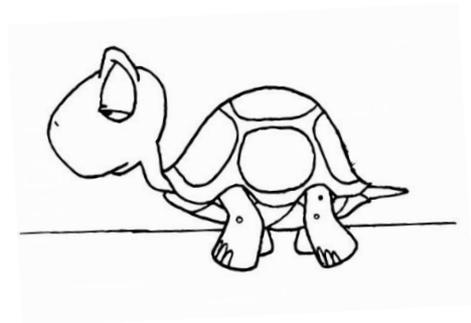
Religious workers may be lawful nonimmigrants themselves (R-1 Visa).

Religious workers work with/serve lawful nonimmigrant AND undocumented communities.



How Might it Affect Us?

- EO: Federal hiring freeze.
 - CBP and ICE going up; what about USCIS?
 - USCIS adjudicates immigration benefits.
 - Currently taking 8 months to process I-129 petition.
 - Currently taking 10 months to process I-360 petition.
 - Processing delays may grow.



How Might it Affect Us?

- EO: Review screening for all immigration programs.
 - Security checks at USCIS and U.S. Embassies/Consulates.
 - Enhanced or increased scrutiny may lead to additional processing delays.



International Religious Workers Here

- Keep proof of your lawful status – I-94 Record – with you at all times (copy).
- Be aware of when your immigration documents expire (passport, visa, I-94, etc.); comply with law (e.g. AR-11 form).
- Be prepared when you return to the U.S. after a trip abroad.



International Religious Workers Here

- Working with or serving the undocumented community (Memo on Sensitive Locations).
- Warning about *notario* fraud and individuals impersonating government officials (ICE).



Other Possible Issues

- Other “draft” EOs have been released; not clear if/when any will become official.
- “Foreign Worker Visa Programs”
 - Reform practical training (F-1 students).
 - Review activities for B1/B2 visa.
 - Expand E-verify.
 - Site visit reform.

And Finally...

- Two issues not directly associated with EOs but could be impacted.
- Sunset of Non-minister Permanent Residence Program – 4/28/2017.
- Immigrant Visa Quota for Employment-Based 4th Preference (Religious Workers); El Salvador, Guatemala, Honduras, & Mexico.

Protecting Impacted Refugee, Immigrant, & Nonimmigrant Families

- ▶ If someone's loved one is being negatively impacted by EOs, encourage them to contact their local Catholic Charities/Social Services/Legal Services.
- ▶ Join with your local Catholic agency or parish to welcome and advocate for refugees, immigrants, and nonimmigrants during this difficult time.
- ▶ Support local Catholic refugee and immigration programs with donations so they are able to maintain their programs during this time of change.



Mobilizing

- ▶ JFI Action Alerts
- ▶ JFI Members' Statements
- ▶ JFI advocacy, education tools
- ▶ JFI Hill Meetings
- ▶ In-State and In-District Visits during future recesses
- ▶ Other community-based mobilization
- ▶ <http://justiceforimmigrants.org/>



How Can You Help?

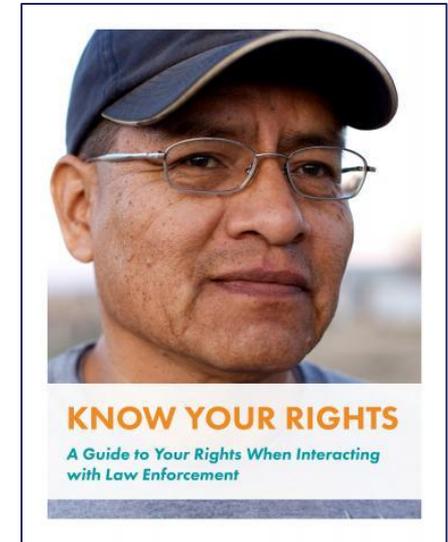
- Be informed
 - Accurate information
- Educate the community
 - People impacted by the EOs
 - Faith community
- Have a plan
 - What will you do?

How to Stay Up-To-Date

- Sign-up for our email updates at cliniclegal.org/email (req. Immigration Related Decisions and Agency Memos)
- Like and follow CLINIC on Facebook at facebook.com/cliniclegal
- Follow us on Twitter [@cliniclegal](https://twitter.com/cliniclegal)

Community Education Resources

- Know Your Rights Guides cliniclegal.org/resources/know-your-rights
- Catholic social teaching: <https://cliniclegal.org/cst>
- Trainings: cliniclegal.org/training



Quality Assistance is Crucial

- Encourage people to seek *qualified* legal assistance
- Find a licensed immigration attorney or DOJ accredited representative
- At least 15% of undocumented individuals may be eligible for an immigration benefit!
- Report immigration scams: uscis.gov/avoidscams

Do You Know Where to Refer People?

- CLINIC Affiliates
www.cliniclegal.org/directory
- DOJ Recognized Organizations
<https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
- IAN National Immigration Legal Services Directory
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- AILA Find a Lawyer
<http://www.ailalawyer.com/>

Resources

- Responding to Changes in Immigration Policy
cliniclegal.org/immigration-policy/changes
 - Talking Points on Jan. 25 Executive Orders
 - Do the president's Executive Orders affect me?
 - FAQ about Jan. 25 EO on Interior Enforcement
 - FAQ about Jan. 27 EO on Refugees and Travelers

Do the president's executive orders affect me?

Jan. 25, 2017 executive order on interior enforcement

"Enhancing the Public Safety in the Interior of the United States" will increase detention and deportation of immigrants, and could result in the firing 10,000 immigration officers.

WHO IS AFFECTED?	WHAT TO KNOW AND WHAT TO DO:
<p>People who are undocumented and living in the U.S., including those who entered without lawful immigration status, without inspection or overstayed a visa.</p> <p>Non-citizens who have had any interaction with law enforcement. This includes people who have been: (1) convicted of any criminal offense, (2) been charged with any criminal offense, or (3) have committed acts that constitute a chargeable criminal offense.</p> <p>Non-citizens who have had or purposefully misrepresented information on a government form, including forms for public assistance.</p> <p>Non-citizens (lawful permanent residents, foreign students, temporary workers, those with Temporary Protected Status and Deferred Enforced Departure) who have a prior removal order and are still in the U.S.</p>	<p>Get screened by an immigration attorney or accredited representative immediately to determine if you are eligible for an immigration benefit or relief from removal.</p> <p>Learn your rights and what to do in an interaction with the police or immigration officers.</p> <p>Make an emergency plan about what you will do if you are detained. Know that if you are detained, you could remain in detention for many months while your legal case processes.</p> <p>Know that being in a sanctuary city jurisdiction, or state does not mean you are safe from enforcement actions. You must be prepared.</p>
<p>DACA recipients</p> <p>Get Help</p>	<p>Follow the steps above. We also strongly encourage you to speak with an attorney or accredited representative before making any plans to travel abroad.</p>

Be sure to get help from the right place. A listing of immigration providers can be found at cliniclegal.org/immigration.

Resources

- Responding to Changes in Immigration Policy
cliniclegal.org/immigration-policy/changes
 - Preparing Your Program for Changes in the Presidential Administration (for you)
 - Preparing for Changes in the Presidential Administration (for clients)
 - In Defense of DACA



In Defense of DACA:

Talking points on the far-reaching benefits DACA has had on individuals, families and America as a whole

Background:

DACA is an executive action, implemented by President Obama in 2012, providing deportation relief and the opportunity to work for a select group of young, undocumented people living in the United States. To qualify, applicants must 1) have been under age 31 as of June 15, 2012; 2) have arrived in the United States before age 16; 3) have continuously resided in the country; 4) be in the U.S. at the time of applying for DACA; 5) be in school or have a high school diploma/GED or military service; and 6) not have been convicted of a felony or serious misdemeanors. Applicants must reapply every two years. Since the program's start, more than 755,000 young people have received DACA.¹ As many as 1.9 million people may be eligible.²

Who are DACA recipients?

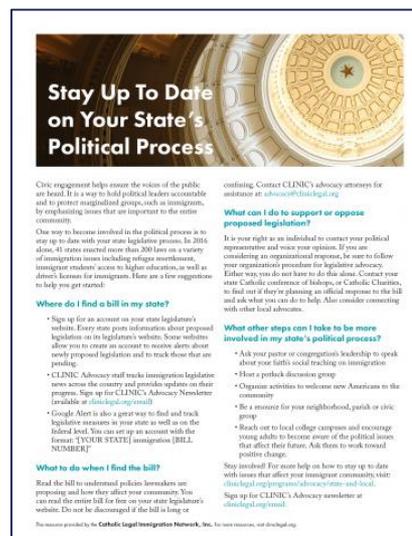
- Select young people who arrived or were brought to the United States before age 16
- Many were brought to the United States as infants and have only known the United States as their home
- They are students or serving in the military or they have earned a high school diploma/GED or honorable discharge from military service
- They have passed Department of Homeland Security background checks and have been through an intensive vetting process

¹ Deferred Action for Childhood Arrivals Process Through Fiscal Year 2016, s.16 (Dec 23, 2016), available at www.dhs.gov/sites/default/files/2016/12/23/Deferred-Action-for-Childhood-Arrivals-Through-Fiscal-Year-2016-Appendix-16-18-17.pdf
DACA/aca_deferredaction_5/2016_1.pdf

² Deferred Action for Childhood Arrivals (DACA) Den Totals, available at www.immigrationpolicy.org/pressroom/data-hub/deferred-action-for-childhood-arrivals-facts-sheet

Other Related Resources

- Stay Up To Date on Your State's Political Process
- Frequently Asked Questions About Families in Detention
- Sanctuary City Toolkit
- Immigration Detainers
- Catholic Social Teaching
- Due Process Concerns with Expedited Removal
- Unauthorized Practice of Immigration Law



Call to Action

- Educate
- Engage
- Encourage



Questions?

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A Culture of Encounter

A change of attitude towards migrants and refugees is needed on the part of everyone, moving away from attitudes of defensiveness and fear, indifference and marginalization – all typical of a throwaway culture – towards attitudes based on a culture of encounter, the only culture capable of building a better, more just and fraternal world.



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