



# **IMMIGRANT RIGHTS UPDATES**

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# AGENDA

1. **Welcome – Jess, NILC (2 min)**
2. **Congressional budget – Angelo, NILC (7 min)**
3. **Public Charge - Gabrielle, NILC (9 min)**
4. **Muslim & Refugee Ban Executive Order 2.0**
  - Litigation challenging Muslim Ban – Karen, NILC (5 min)
  - Washington case – Matt Adams, NWIRP (5 min)
5. **Louisiana marriage case – Alvaro, NILC (5 min)**
6. **Q&A - (20 min)**

# **CONGRESSIONAL BUDGET**

# THE FEDERAL BUDGET PROCESS

How does the federal government create a budget?

1. **The President submits a budget request to Congress.**
2. The House and Senate pass budget resolutions.
3. House and Senate Appropriations subcommittees “markup” appropriation bills.
4. The House and Senate vote on appropriations bills and reconcile differences.
5. The President signs each appropriations bill and the budget becomes law.

# STEP 1: THE PRESIDENT SUBMITS A BUDGET REQUEST

- On March 16, 2017, President Donald Trump released a budget blueprint for Fiscal Year (FY) 2018 outlining increased military spending and cuts across other agencies, including the Environmental Protection Agency and the State Department.
- On the same day, President Trump also asked Congress to consider a supplemental budget request for FY 2017.
- Congress will still have to draft a formal budget, but the blueprint released on Mar. 16, 2017 indicates the president's priorities:
  - Additional resources for a wall on the southern border with Mexico, immigration judges, expanded detention capacity, U.S. Attorneys, U.S. Immigration and Customs Enforcement, and Border Patrol.

# FY17 SUPPLEMENTAL BUDGET REQUEST: DEPARTMENT OF HOMELAND SECURITY

- **AMOUNT REQUESTED: \$3 billion**
- **Border wall: \$286 million** for CBP Operations and Support
  - **\$95 million** for border surge operations
  - **\$65 million** to build hiring capacity to recruit and onboard 5,000 CBP agents, and
  - **\$64 million** for technology, equipment, and infrastructure investments
- **Construction of the border wall: \$1.4 billion** for CBP Procurement, Construction, and Improvements
  - **\$999 million** for planning, design, and construction of the first installment of the border wall
  - **\$179 million** for access roads, gates, and other infrastructure projects, and
  - **\$200 million** for border security technology

# FY17 SUPPLEMENTAL BUDGET REQUEST: DEPARTMENT OF HOMELAND SECURITY

- **(Continued)**
- **Detention and additional law enforcement: \$1.2 billion** for ICE Operations and Support
  - **\$1.15 billion** for detention, transpiration, and removal of undocumented immigrants and alternatives to detention
  - **\$76 million** to build hiring capacity to recruit and onboard 10,000 ICE agents and officers
  - **\$5 million** for homeland security investigations intelligence activities
  - **\$5 million** to support the expansion of the 287(g) Program
- **Data integration system: \$11 million** for the Office of Secretary and Executive Management Operations and Support to establish a real-time data integration system that would support immigration enforcement operations

# TRUMP'S "SKINNY" BUDGET: DEPARTMENT OF HOMELAND SECURITY

- **AMOUNT REQUESTED: \$44.1 billion**
- **Border Wall**
  - **\$2.6 billion** in infrastructure and border security technology, including funding to plan, design, and construct a physical wall along the southern border
- **Border Security**
  - **\$314 million** to recruit, hire, and train 500 new Border Patrol Agents and 1,000 new ICE law enforcement personnel
- **Expanded detention, transportation, and removal of undocumented immigrants**
  - Additional **\$1.5 billion** for expanded detention, transportation, and removal of undocumented immigrants
- **E-verify**
  - **\$15 million** to begin implementation of mandatory nationwide use of the E-verify Program



# TRUMP'S "SKINNY" BUDGET: DEPARTMENT OF JUSTICE

- **AMOUNT REQUESTED: \$27.7 billion**
- **Illegal Entry and Unlawful Presence**
  - Increase of nearly **\$80 million** to hire 75 additional immigration judge teams to adjudicate removal proceedings
- **Border security and immigration enforcement**
  - Providing 60 additional border enforcement prosecutors and 40 deputy U.S. Marshals for the apprehension, transportation, and prosecution of "criminal aliens"
- **Border wall**
  - 20 additional attorneys to pursue Federal efforts to obtain the land and holdings necessary to secure the Southwest border
- **Short-term detention space**
  - Provides **\$171 million** for additional short-term detention space to hold Federal detainees and other offenders awaiting trial or sentencing

# THROWING AWAY BILLIONS OF DOLLARS

Trump's infamous wall would cost U.S. taxpayers an estimated

## \$21.6 BILLION.

Instead of building fear, the U.S. could invest in:



**CREATING INFRASTRUCTURE AND JOBS**

\$21.6 billion could create nearly **400,000 new jobs** while also building roads and bridges, public transportation, and water systems for the U.S.

#FundBridgesNotWalls #FundFamiliesNotWalls

FIRST FOCUS CLASP NATIONAL WOMEN'S LAW CENTER ADVANCING JUSTICE

Trump's infamous wall would cost U.S. taxpayers an estimated

## \$21.6 BILLION.

Instead of building fear, the U.S. could invest in:



**PROTECTING OUR ENVIRONMENT**

The entire budget of the Environmental Protection Agency in 2016 was a little over a third of the price of the proposed wall.

#FundBridgesNotWalls #FundFamiliesNotWalls

FIRST FOCUS CLASP NATIONAL WOMEN'S LAW CENTER ADVANCING JUSTICE

Trump's infamous wall would cost U.S. taxpayers an estimated

## \$21.6 BILLION.

Instead of building fear, the U.S. could invest in:

**FAMILIES AND CHILDREN**

With \$21.6 billion, we could provide child care assistance to an additional **3.4 million children**.



#FundBridgesNotWalls #FundFamiliesNotWalls

FIRST FOCUS CLASP NATIONAL WOMEN'S LAW CENTER ADVANCING JUSTICE


Trump's infamous wall would cost U.S. taxpayers an estimated

## \$21.6 BILLION.

Instead of building fear, the U.S. could invest in:

**COLLEGE TUITION**

For the cost of the wall, we could reduce the cost of college for **3.7 million of America's students**.



#FundBridgesNotWalls #FundFamiliesNotWalls

FIRST FOCUS CLASP NATIONAL WOMEN'S LAW CENTER ADVANCING JUSTICE

# CALL TO ACTION

- **Tell your Members of Congress that you oppose Trump's Deportation Force**

- To identify your Members of Congress, [click here](http://whoismyrepresentative.com/).  
(<http://whoismyrepresentative.com/>)

- **Visit their district office and tell them that you oppose funding for Trump's border wall and deportation force.**

- Sample Call Script:

*Dear [Member of Congress],*

*My name is [Name], and as your constituent, I urge you to NOT support President Trump's supplemental budget request to fund his border wall and deportation force. I don't believe our national priority should be to tear apart American families. Plus, these are a waste of money and we should instead be expanding our investments in early childhood education, college education, creating infrastructure and jobs, and protecting our environment.*

*Donald Trump can't make these cuts unless Congress agrees. Please take stand against hate and bigotry by opposing money for the wall or the deportation machine.*

- **Join an Indivisible group near you. Enter your zip code here:**  
<https://www.indivisibleguide.com/groups-nav/>.

# **PUBLIC CHARGE**

# BACKGROUND – PUBLIC CHARGE

A public charge is a person who is primarily dependent on the government for subsistence

A person who is 'likely to become a public charge' can be denied:

- admission to the US or
- the ability to become a lawful permanent resident (LPR)

# PUBLIC CHARGE TEST

Whether a person is likely to become a public charge is based on multiple factors that affect their ability to be self-supporting:

- age
- resources
- health
- education
- income
- skills
- prior employment, and
- sponsorship

This test is in law and **cannot** be changed without Congress

# CURRENT POLICY

Under guidance issued by the INS (now USCIS) in 1999, only two public benefits can be considered in a public charge determination:

- cash assistance for income maintenance, and
- institutionalization for long-term care at government expense
  - [Field Guidance on Deportability and Inadmissibility on Public Charge Grounds \[64 FR 28689\] \[FR 27-99\]](#)

Non-cash benefits like SNAP and cash benefits for other purposes cannot be considered

# LEAKED ORDER: PUBLIC CHARGE

Immediately rescinds and replaces 1999 guidance

- Benefits considered in a public charge determination to include all public benefits “*for which eligibility or amount is determined in any way on the basis of income, resources or financial need.*”

Directs the Dept. of Homeland Security to issue regulations consistent with new scope of benefits

- Require sponsors to repay costs of benefits received by sponsored immigrant



# EFFECTS

People have been withdrawing from essential benefit programs like Medicaid and SNAP due to concerns about the leaked order

Send stories to:

**Publiccharge@nilc.org**

**Remember:**

The order has not been signed



# **MUSLIM & REFUGEE BAN 2.0**

# MUSLIM BAN 2.0

## What's Been Blocked by the Courts

- Travel Ban
  - Provision barring nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen from obtaining visas for 90 days
- Refugee Provisions
  - Halt on Refugee Program for 120 days
  - Slashing of refugee admissions numbers for the fiscal year from 110,000 to 50,000
  - Note that these provisions were in the original Executive Order, but were blocked for the first time on March 15<sup>th</sup>

# MUSLIM BAN 2.0— WHAT COMES NEXT

## *Hawaii v. Trump*

- TRO could be converted to a preliminary injunction
- Tentative hearing Wednesday, 3/29

## *IRAP v. Trump*

- Emergency stay pending appeal to be filed today
- First appellate brief to be filed today also
- Stay could be decided after 5/5
- Argument on appeal, 5/8 in Richmond, Virginia

## *Sarsour v. Trump*

- Decision today denying preliminary injunction finding no violation of the Establishment Clause (freedom of religion) among other claims

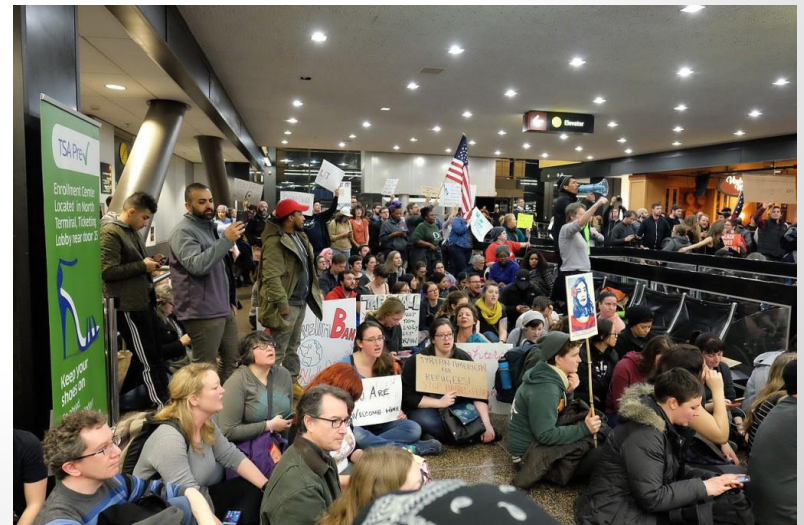
## *Washington cases*

- Currently stayed



# WASHINGTON CASE

- ***Ali v. Ashcroft*, Case No. 17-cv-0135 JLR (W.D. Wash)**
  - Filed parallel to WA State lawsuit on January 30, 2017
  - Amended Complaint filed March 10, 2007 concurrently with Second Motion for Class Cert and Motion for TRO/PI filed
  - TRO/PI stayed, rest of case moves forward



# WASHINGTON CASE

- ***Ali v. Ashcroft*, Case No. 17-cv-0135 JLR (W.D. Wash)**
  - Focuses on Immigrant visas (not nonimmigrant visas or refugees)
  - Because of targeted focus Statutory Ground is Primary Claim
  - Constitutional claims include Establishment Clause, Equal Protection and Due Process violations

# **LOUISIANA MARRIAGE CASE**

# VO V. GEE



- In 2015, the Louisiana legislature passed and then-Governor Bobby Jindal signed, Act 436
- The law adds a number of documentary requirements for obtaining a marriage license, many of which make it much harder for immigrants to get married



- Our client, Viet “Victor” Anh Vo, was born in an Indonesian refugee camp after his parents fled Vietnam
- He does not have, and can’t get, a birth certificate.
- Act 436 doesn’t allow anyone outside of the country to get the requirement to provide a birth certificate waived. Only people born in the United States or its territories can get a waiver.



# SO WE SUED!



- **We challenged the law based on violations of the Equal Protection, Due Process, and Supremacy Clauses of the U.S. Constitution**
  - Act 436 discriminates against foreign-born individuals
  - It denies the fundamental right to marry
  - It is preempted by the federal immigration laws
- **Co-Counsel includes the New Orleans Workers' Center for Racial Justice (NOWCRJ) and the law firm Skadden, Arps, Slate, Meagher & Flom LLP**





**LOVE WINS!**



# QUESTIONS?

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