



IMMIGRANTS' RIGHTS UPDATES

6 / 26 / 17

AGENDA

- **Welcome (2 min) – Reshma Shamasunder**
- **Key immigrant rights' cases headed to the Supreme Court (7 min) – Nicolas Espiritu**
- **Q&A regarding SCOTUS (10 min)**
- **GOP health bill, immigrants & public benefits (7 min) – Matt Lopas**
- **DACA update (7 min) – Ignacia Rodriguez**
- **Congressional budget (5 min) – Jackie Vimo**
- **Q&A (20 min)**

SUPREME COURT CASES

ADAC V. BREWER

- **Driver's Licenses for DACA recipients**
 - AZ grants licenses to applicants whose presence is authorized by federal law, but denied them to DACA recipients, until ordered by the courts to issue driver's licenses



ADAC V. BREWER

- **Request for Supreme Court to hear the case**
 - Supreme Court has asked for the views of the Solicitor General
- **Issues**
 - Preemption
 - Equal Protection
 - Future of DACA?



MUSLIM & REFUGEE BAN CASES



- **IRAP v. Trump**

- Case brought by HIAS and the International Refugee Assistance Project
- Represented by NILC, ACLU Immigrants' Rights Project & ACLU of Maryland
- 4th Circuit upheld the block on the travel ban
 - Said Trump's executive order violates the U.S. Constitution and "drips with religious intolerance, animus, and discrimination."
- Trump Administration asked Supreme Court to hear the case (cert petition)

MUSLIM & REFUGEE BAN CASES

- **Hawaii v. Trump**

- 9th Circuit blocked sections 2 and 6 of Trump's executive order from taking effect
 - Refugee ban and reduction in refugee admissions for FY 2017 from 110,000 to 50,000
- The Trump administration asked the Supreme Court to lift this block and allow the Muslim ban executive order to go into effect



MUSLIM & REFUGEE BAN CASES

- **TODAY the Supreme Court:**
 - granted the cert petitions
 - granted stay, BUT only as to foreign nationals who cannot credibly claim a “bona fide relationship with a person or entity in the United States”
- **NILC stands ready to continue the fight against Trump and his politics of hate in the highest court in the land!**



Q&A RE: SCOTUS

SENATE HEALTH BILL

LIKE THE HOUSE BILL, BUT WORSE

- **Guts the Medicaid program, which provides coverage for many low-income families**
- **Will increase premiums and out-of-pocket costs like deductibles for millions, forcing families to pay more for less coverage**
- **Allows states to opt-out of requiring that insurance cover essential health benefits, meaning everyone's care could be worth less**
- **Cuts funding for Planned Parenthood**
- **Will take away access for many immigrants by changing eligibility for tax credits and enrollment on the marketplace to the narrower "qualified immigrant" standard used by the 1996 welfare reform laws**

WHO LOSES ACCESS?

- **The “qualified immigrants” who would retain access are mainly green card holders, and people with some humanitarian forms of relief like refugees and asylees.**
- **Many people who Obamacare considers “lawfully present” and eligible are not “qualified immigrants”**
 - Survivors of serious crimes who are cooperating with law enforcement to prosecute the perpetrators.
 - Individuals admitted under the Compact of Freely Associated States (Marshall Islands, Micronesia, Palau – countries we’ve used as testing grounds for nuclear weapons)
 - Individuals who have fled torture or persecution, or otherwise can’t return to their home countries, who are authorized to live and work lawfully in the US (but don’t have or don’t yet have one of the “qualified” statuses)
 - Immediate family members of US citizens who are authorized to live and work in the US but don’t yet have their green card

WHAT CAN YOU DO?

- **Make your voice heard with your elected officials**
- **Be active on social media and share your story**
- **Join local events in your area**
- **Share your story as an amendment at OurAmendments.org**

TRUMP'S BENEFITS STATEMENT

JUST TALK ... FOR NOW

- President Trump on Wednesday said he will introduce legislation that would further limit immigrants' access to income-based safety-net programs, for at least five years after they arrive in the country
- **There has been no change in law: in fact what he said is unfortunately generally already law**
- Statements are in the spirit of the draft executive order leaked in January
- The organizing has to continue if we are going to defeat this anti-immigrant agenda

DACA UPDATES

POSSIBLE SCENARIOS

Scenario 1: DACA continues and affirmative promise by the administration not to end the program.

Scenario 2: DACA continues and no idea if administration plans to keep it.

Scenario 3: DACA ends and DACA and work permits valid until expiration

Scenario 4: DACA ends and DACA and work permits immediately invalidated

- **Unknown what will be done with the information applicants shared.**
- **Unknown how this may affect Advance Parole**

DAPA MEMO RESCISSION

On June 15th, the Department of Homeland Security (DHS) Secretary John Kelly signed a memo rescinding the Obama administration's November 2014 memorandum thus officially terminating:

1. DAPA
2. Expanded DACA
3. DACA issuances for a three year period rather than the current two.

NOTE: If you have a valid three year work permit you DO NOT have to take any action. You can keep it.

We'll know more how the DAPA memo rescission affects the *Texas v. US* case in the next few weeks. Will it end the case? Will the case be amended?

WHAT DOES THE RESCISSION OF THE DAPA MEMO MEAN FOR DACA?

- By the morning of June 16th rumors were circulating in the media that the memo and accompanying materials signaled that DACA was safe indefinitely. However, these were only rumors.
- The memo and related materials only state that the decision does NOT affect DACA and that people can continue to apply and renew their DACA. There was no affirmative promise by the administration to keep DACA indefinitely.
- The White House quickly clarified that the president has not made a final determination about whether to continue DACA in the future.

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INITIAL AND RENEWAL APPLICANTS

- **Recommend speaking to an attorney or BIA accredited representative *before* applying and ideally filing a G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.**
- Considerations:
 - Loss of application fee (\$495)
 - Renewing DACA early may mean having a work permit longer if DACA ends.
 - Exposure
 - Lower risk for renewal applicants than initial applicants since USCIS already has their information.
 - Consider if new enforcement non-priorities apply to you.

NEW ENFORCEMENT PRIORITIES

Old Priorities:

Mostly focused on individuals with certain convictions:

- Aggravated felony,
- “significant misdemeanor”,
- People who entered or re-entered without permission after 1/1/14,
- **People ordered removed on or after 1/1/14**, and
- People with gang-related convictions

New Non-Prioritization

Vastly expanded list that includes:

- Anyone who initially entered without documents,
- **Anyone with 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”**

THE TREATMENT OF DACA RECIPIENTS

We have seen questionable practices by CBP and ICE. Here are a few examples:

- **Daniel Ramirez** was apprehended, detained, and had his DACA revoked due to ICE alleging he has gang affiliations when he doesn't
- **Jessica Colotl's** DACA renewal application was denied due to DHS alleging she had admitted guilty to a felony charge of making a false statement to law enforcement. In court, the government admitted she didn't.
- **Daniela Vargas** was apprehended and detained after speaking out at a rally against ICE practices in retaliation.
- **Carimer Andujar** was summoned to be interviewed by an ICE deportation officer as part of her DACA renewal process, possible intimidation tactic.
- **Juan Manuel Montes** was apprehended, detained, and deported twice. First the government denied he had DACA and then denied that there were two instances.

We don't know if this is all because of a change in policy AND/OR immigration agents emboldened by the Trump administration arbitrarily targeting immigrant communities, including those with DACA. We must all remain vigilant and report these injustices.

THE TREATMENT OF DACA APPLICATIONS

- There has been over 107,000 renewal approvals and over 17,000 initial approvals since January according to the [statistics](#) published by USCIS.
- However, these numbers don't really signal how the current administration will treat DACA cases going forward, given that those statistics capture a time period that overlaps with when President Obama was still in office (January 1-19).
- The high number could be a result of DACA renewal applicants applying early (with more than 120 days before expiration) out of concern that Trump would end DACA immediately upon entering office or it could be part of the cyclical nature of DACA renewals, or a combination of both.
- Anecdotally only a small number of DACA renewal cases are experiencing delays. If you're experiencing a delay (+120 days since you applied), please contact us at reply@nilc.org.
- According to [data](#) provided by USCIS, processing centers are taking up to 4-5 months to process an application.

CONGRESSIONAL BUDGET

FY 2018 BUDGET

○ President Trump Budget Request

✓ Devastating cuts means-tested benefits

- X Cuts **Medicaid** by nearly HALF over next 10 years
- X Cuts **food stamps** by nearly 30 %
- X Cuts \$72 billion from **Social Security** programs
- X Cuts **Environmental Protection Agency** by 1/3
- X Ends all federal funding for **Planned Parenthood**
- X Eliminates **programs to help kids afford college**

✓ ***Massive Deportation Machine* \$4.5 billion**

- ❑ \$1,000 new U.S. Immigration and Customs Enforcement (ICE) agents
- ❑ 500 hundred new Border Patrol officers
- ❑ 74 miles of wall on the southern border
- ❑ Increased collaboration between ICE and local law enforcement

✓ CTC/EITC restrictions

✓ E-verify

#FundFamiliesNotFear

QUESTIONS?

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