

May 23, 2017 — Immigration during the Trump Era and How to Prepare — Jennifer Anzardo Valdes (Supervising Attorney Children’s Project Americans for Immigrant Justice – AIJ)

A special thanks to Jennifer Anzardo Valdes for “coming back” and giving us a little refresher on some of the topics she taught us in the first immigration meeting and giving us an update on immigration in the Trump Era. [Check Support Group notes from 08-23-16 for more information.]

- Immigration executive orders signed by President Trump:
 - 1) The travel ban- also referred to as the Muslim Ban. This 1st executive order even applied to those with permanent residency. The Court issued a restraining order and it still remains blocked.
 - a. AIJ (Americans for Immigrant Justice) was very active when refugees were stopped — not just from the 7 countries listed in the travel ban, but from countries in Central America as well.
 - 2) The second executive order removed permanent residents and also removed Iraq as one of the 7 countries. The Court issued a restraining order which remains in effect.
 - 3) The third executive order deals with enforcement.
 - a. President Obama set enforcement as a priority for those people with aggressive felony convictions who entered without permission after January 2014 and gang-related security threats
 - b. Now, everyone is a priority.
 - i. Anyone without documents who is found is subject to enforcement.
 - ii. Anyone who has an order of removal pending or pending charges
 - iii. Anyone who has committed an act that can “be considered” a chargeable offense
 - c. President Trump has said he will triple the size of ICE
 - d. 287G — a program which deputizes local law enforcement agents to act as ICE officials. This has led to racial profiling. Miami Dade County is NOT participating in 287G. Other counties, like Collier, Duval, and smaller counties are participating.
- People picked up at traffic stops have now been placed in adult detention facilities.
- We have gone back to the secure communities program — a deportation program that relies on a partnership between federal, state, and local law enforcement agencies. The moment a person is arrested, their fingerprints are sent to immigration. Immigration has 48 hours to pick them up after release from a detention facility.
- **Sanctuary cities** — there is no real definition, but they are basically cities that limit their cooperation with the government to enforce immigration law.
 - President Trump has stated that federal funding will be cut to cities that don’t cooperate.
 - AIJ doesn’t believe this will be legally enforceable.
- **Border communities** — trying to convert border communities into militarized zones.
 - Expansion of expedited removal- doesn’t allow a person to present their case in front of a judge. Since 2004 has been used to deport individuals who arrive at our border as well as those who entered without authorization if they are apprehended within 2 weeks of arrival and within 100 miles of the border (Canada and Mexico). This has now been changed to 2 years and includes all of Florida.
 - If you know people who are undocumented, make sure they carry proof that they have been here for more than 2 years!!
- If parents have been removed and their children are American and no prior arrangements were made, the children will enter foster care.

- We have seen a decrease of people crossing the border, but it is not clear if they aren't coming or they don't pass the credible fear interview.
- **Special Immigrant Juvenile (SIJ)** status — for those under 21 years old
 - who have been declared dependent by a state court;
 - where reunification with one or both parents is not viable due to abuse, abandonment, neglect or other similar basis under state law; and
 - where it would not be in the child's best interest to be returned to the child's previous country of nationality or country of last habitual residence.
 - Allocated by country- 7,000 per year. Guatemala, Mexico, El Salvador, Honduras & India have used all allotted visas for 2016. Expect delays for minors from these countries to be able to apply for green cards
 - Cannot assist parents with immigration status
 - Must apply before turning 21 !!!!
 - In dependency it is now taking a very long time to get a green card- can be a 1 to 2 year wait.
 - A best interest order is sent to immigration. If the child is reunified during the process they are now longer eligible for SIJ.
 - AIJ is now encouraging CLS to file against both parents. That way- if a child is reunified with one parent here in this country, the process continues because there is no reunification with the other parent.
- **TPS- temporary protected status**
 - A temporary immigration status to the US granted to eligible nationals of designated countries. During the period a country is designated TPS, the beneficiaries may remain in the US and obtain work authorization.
 - Haiti was designated TPS after the earthquake 7+ years ago. These people have become business and home owners. Miami largest Haitian population in US. If they extend TPS status it is usually for 18 months only now they only extended for 6 months.
 - AIJ is very concerned that they will be sent back. They are working with many of these people to see if they are eligible for a more permanent status.
 - Honduras and El Salvador also have TPS status which is up for renewal in January and March. Many of these people have been here since the 90's and longer. A much larger population will be affected.
 - With TPS status you cannot have a criminal record.
 - You can have a prior removal order.
- Many people were deported under President Obama. President Trump is just much more verbal about it.
- Our detention centers are filled to capacity and the Courts have huge backlogs (over 500,000 cases).
- **Dream Act** — legislation that has never passed.
 - In 2012 President Obama issued the executive action known as DACA

- Deferred Action for Childhood Arrivals (DACA) –people who came to U.S, as children may be eligible for deferred action to block one’s deportation back to home country.
 - Eligible for work permit
 - NOT a pathway to green card
 - Eligibility for DACA:
 - Under age 31 on June 15, 2012;
 - Age 15 or older on date of DACA application* (unless in immigration court proceedings);
 - Entered US when under 16 years old;
 - Continuously resided in US since June 15, 2007;
 - Physically present on June 15, 2012;
 - Without valid immigration status on June 15, 2012;
 - Possession of high school diploma, GED certificate, honorable discharge from US armed services, or current enrollment in school; AND
 - Lack of disqualifying criminal record
 - This is still in effect.
- If you know a child is undocumented, make the referral to AIJ- 305-573-1106 or info@aijustice.org
 - If the child is an unaccompanied minor (Office of Refugee Resettlement) or in the dependency system (Our Kids) AIJ can help!!
 - Catholic Services also provides services on a sliding scale to families whose children are receiving assistance from AIJ.
- To get the word out into the community, AIJ conducts Know Your Rights presentations. They will go to churches, schools, etc and do the presentations in both Spanish and Creole.
- They have the Family Defense Project to assist with the Haitian TPS issue.
- If you are undocumented the time to contact AIJ is NOW, not when you are in detention- they will try to see if something more permanent can be done.
 - Put a plan in place for the children — name who will have temporary custody.
 - Execute a power of attorney.
 - Make plans with a U.S. Citizen or a permanent resident.
- If a child has SIJ, they no longer have to wait for permanent resident status to be adopted. Adoptions can be finalized prior to receiving a green card.