



IMMIGRANT LEGAL ADVOCACY PROJECT

Summary of President Trump's Immigration Actions February 24, 2017

It has been a volatile and challenging month in the world of immigration law. The following is a summary of immigration actions the Trump Administration has taken in the past month, and a few things that might happen in the near future.

What has happened:

- On January 25th, President Trump signed two executive orders related to immigration enforcement. One was related to building a wall at the southern border and hiring more immigration officers. The other was related to changing the enforcement priorities for people who are not in legal status. An executive order is not a law. The President can't change the law. But he does enforce and carry out the law. An executive order is an announcement about how the President is going to change the way the law is enforced or carried out. These two executive orders were not impacted by any law suits and they remain in effect.
- On January 27th, President Trump signed a third executive order, the Muslim Ban, which banned refugees and some Muslims from traveling to the U.S. He announced that the U.S. would not allow any refugees to enter the U.S. for at least 120 days. He also announced that the U.S. would not allow anyone from one of 7 predominantly Muslim countries: Somalia, Sudan, Iran, Iraq, Yemen, Syria, and Libya to enter the U.S. for at least 90 days. In addition, he reduced the number of refugees the U.S. will admit each year by more than half, to 50,000. He said that he was taking these actions in order to make sure we have "extreme vetting" to prevent security risks, even though there are already very significant security processes in place. As you all know, there was much confusion and chaos following this order. Many law suits were filed because the order violated the Constitution. In one case, the 9th Circuit issued a temporary restraining order (TRO) that temporarily suspended the President's order throughout the country. That TRO remains in place. So, as of today, refugees and people from the 7 countries may continue to enter the U.S., although the Administration has said that the President will issue a new travel ban next week, which will try to address the problems in the law suit. The reduction of refugees to 50,000 remains in place.
- On February 21st, John Kelly, the Secretary of the Department of Homeland Security, issued two memoranda that are meant to implement President Trump's January 25th executive orders on enforcement. These memoranda include many significant changes to enforcement priorities. In the memoranda, DHS eliminates the enforcement priorities issued by President Obama, and expands the categories of undocumented people who are priorities for deportation, including even those who were arrested and acquitted of a crime. It also decreases the number of people who have the right to an immigration court hearing by expanding expedited removal for people who are out of status and who cannot prove they have been in the U.S. for at least 2 years. It also encourages local law enforcement to enter into 287(g) agreements with ICE, which

would allow police to enforce the federal immigration laws. **See *ILAP's Advisory on Immigration Enforcement for individuals who may be impacted.***

- Since the executive orders were issued, there have been many reports across the country, and even in Massachusetts, of increased ICE enforcement. ICE has been arresting, detaining, and deporting people with deportation orders and undocumented people who have had interactions with the police. This included people who have been ordered deported but who have been allowed to stay in the U.S. on an “order of supervision” for years. There have been raids in homes, work places, and other location. Since ICE has always conducted raids and arrested people who are undocumented, it is unclear which incidents are based on the new executive order.
- So far, we have not heard of any raids or unusual ICE detentions or arrests in Maine. ILAP visits the Cumberland County Jail regularly to meet with ICE detainees and to tell them about their rights.

What may happen:

- President Trump’s administration has said that he plans to issue another “travel ban” executive order next week to replace the one that was challenged in court and that is subject to the TRO. From what we have heard from national partners and from things the administration has said, we think this executive order will ban some people from coming to the U.S., but it will try to get around the legal challenges made to the first executive order. It might expand the list of countries beyond the initial 7 to include some countries that are not majority Muslim, so that the administration can say that it is not a Muslim ban. The administration has said the travel ban will not impact permanent residents or people with legal status who have traveled abroad temporarily. Since there is no official order, we do not know for sure what this order will say. Regardless, we advise that people from those countries, even permanent residents, should not travel outside the U.S. right now.
- There was another leaked memo which would re-interpret “public charge” for people who are applying for permanent residency through a family member and who need an “affidavit of support” to become permanent residents and to prove that they won’t need public benefits to support themselves. This is only a leaked memo, and has not been issued or made public. So we do not know if it will ever be official. The changes in this order would make it more difficult for people who receive public benefits after they get permanent residency through a family member who has signed an affidavit of support. This would not impact refugees or asylees.
- The President has sent conflicting messages about what he plans to do with the DACA (Deferred Action for Childhood Arrivals) program. In a leaked memo, it appeared that he might continue DACA for those who already have it. But nothing official has been announced.

ILAP will continue to follow new developments and we will keep you updated. Visit our website www.ilapmaine.org to sign up for email updates, and for updated resources, information, and outreach events. Connect with us on Facebook and Twitter.