

## **Update and Response to Executive Orders Banning Refugees and other Immigrants**

How non-immigration attorneys can help protect  
those affected by the Executive Orders

**February 1, 2017**

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**Presidential Executive Order: Border Security and Immigration Enforcement Improvements** -- An executive order issued by President Trump on January 25, 2017, regarding border security and immigration enforcement.

- **Build the Wall!** The order directs DHS to allocate available funds to start building the wall
- **Detention!** The order calls for a massive increase of detention along the border and in the interior and to build more detention facilities near the border (and increase IJs and AOs at these facilities).
- **Expand Expedited Removal!** Previously had been applied to 100 miles of border and w/in 14 days, the order expands this procedure throughout the U.S. and for entries within 2 years
- **Expand 287(g)** -- cooperation between local/state and federal Immigration officials
- **Conduct Removal Proceedings** outside the US (not sure how will be implemented)
- **Targeting “parole” and “credible fear” determinations** so to not allow “exploitation”
- **Prioritize prosecution of unlawful entry**

**Presidential Executive Order: Enhancing Public Safety in the Interior of the United States** -- An executive order signed by President Trump on January 25, 2017, regarding interior enforcement including sanctuary cities and detainers.

- Basically makes every undocumented immigrant in the US an enforcement priority
- DHS to hire 10,000 new ICE officers and expand 287(g) program (allows state/local law enforcement to act as ICE agents/enforce immigration law)
- Punish "Sanctuary Cities" -- cities that do not fully share information regarding citizenship and immigration status with DHS, not eligible for federal grants except for law enforcement purposes
- Increase prosecutions for unlawful entry and unlawful reentry
- Revive Secure Communities (require to share info)/end Priority Enforcement Program
- Pressure countries to accept return of foreign nationals
- Create an office for victims of crimes by removable persons and publish a weekly list of crimes committed by immigrants.

**Presidential Executive Order: Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals** -- An executive order signed by President Trump on January 27, 2017, regarding the suspension of U.S. Refugee Program for 90 days; indefinitely bans entry of Syrian refugees; bans immigrant and nonimmigrant entries, for at least 90 days, for nationals from Iraq, Libya, Somalia, Sudan, Syria, and Yemen; suspends the visa interview waiver program; screening of all immigration benefits; expedite biometric exit/entry system.

- Suspends US Refugee Admittance Program for 120 days (exception for religious minorities or if already in transit and denial would cause hardship)
- Reduces this fiscal year admittance of refugees from 110,000 to 50,000
- Halts the processing and admission of Syrian Refugees indefinitely
- Bans immigrant and nonimmigrant entries, for at least 90 days, for nationals from Iraq, Libya, Somalia, Sudan, Syria, and Yemen
- Calls for exclusion of persons who "would place violent ideologies over American Law"
- Suspends the Visa Interview Waiver Program, and requires an interview for most nonimmigrant visas

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**Centro Legal de la Raza**

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- Agencies are to create procedures to detect fraud, those likely to cause harm, likelihood of becoming a positively contributing member of society, and ability to contribute to national interest
- Expedite the completion and implementation of a biometric exit/entry system

### **Updates from Customs and Border Protection (“CBP”)**

- CBP clarified that dual nationals traveling on passports not issued by one of the seven countries will be admitted to the U.S. (e.g. Iranian national holding a Canadian passport will be admitted). Immigrant and non-immigrant visa holders will be denied boarding before they board their aircraft abroad and “referred to the Department of State for further process.”
- CBP also clarified that they are processing refugees for waivers, and expect 872 refugees to arrive this week that will be processed for waivers so that they can be admitted.
- CBP posted on its website that the Executive Orders apply to Lawful Permanent Residents (LPRs) but that they are eligible to the national interest exception consistent with the provision in the Executive Orders.

### **Legal Challenges**

- Syrian Family Files Suit Challenging Trump's Executive Order (Asali v. DHS, 1/31/17)
- State of Washington Files Lawsuit Challenging Trump's Executive Order Targeting Muslims and Refugees (State of Washington v. Trump, 1/30/17)
- Immigrant Rights Groups File Class Action Lawsuit Challenging Trump's Executive Order Targeting Muslims and Refugees (Ali, et al. v. Trump, et al., 1/30/17)
- Massachusetts District Court Judge Grants Temporary Restraining Order in Lawsuit Challenging Trump Executive Order (Loughalam v. Trump, 1/29/17)
- District Court Judge Grants Emergency Stay in Lawsuit Challenging Executive Order Targeting Muslims and Refugees (Darweesh v. Trump, 1/28/17)
- Virginia District Court Judge Grants Temporary Restraining Order in Lawsuit Challenging Trump Executive Order (Aziz v. Trump, 1/28/17)

- Did the detainee have access to a phone? Their own cell or CBP phone?
- Contact with family members? Did the detainee ask to call or speak with a family member? Were they allowed and able to make contact? If so, we need to know what they were told.
- Contact with attorney? Did the detainee ask to call or speak with an attorney? Were they allowed and able to make contact? If so, we need to know what they were told.
- Did an attorney or family member ask CBP to speak with their detained loved one/client? If so we need to know what attorney/family member was told, who the attorney/family member spoke to, and if they were ultimately permitted to speak to the detainee.
- Clear, detailed examples of what a detainee was asked or pressured to do
- relevant facts to determining whether there was coercion of undue pressure should be gathered, and include:
  - Aggressive questioning; Threats of any kind; Harsh detention conditions; Lack of access to water, food or restrooms; Show or use of force or restraints; Health issues or particular hardships of continued detention
- Other compelling factors of detainees: Education level; Limited English proficiency; English illiteracy; Cognitive or mental health limitations; Physical health limitations; Young or old age

**Dealing with CBP: What to Do If A LPR is Asked to Relinquish Their Green Cards and Sign Form I-407, Abandonment of LPR Status**

- An individual does not lose LPR status as a result of time abroad. They remain an LPR until a final order of removal is issued and the government must prove abandonment by clear, unequivocal, and convincing evidence.
- Form I-407, Abandonment of LPR Status, must be signed voluntarily and there are no potential negative ramifications for refusing to sign.
- Neither failure to sign nor abandonment is grounds for detention.
- Rather, an LPR who refuses to sign Form I-407 must be issued a Notice to Appear (NTA) so that an immigration judge can determine whether they have lost their LPR status.
- If the green card is confiscated, the individual must be provided with alternative evidence of their LPR status, such as an I-94 and/or passport stamp that says "Evidence of Temporary Residence."

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**Centro Legal de la Raza**

## **How to Help Those Affected by the Executive Orders**

Sign up to volunteer at the airport -- provide support to immigration attorneys and affected families; document abuses by CBP. The link to sign up is:

<http://signup.com/go/FmWbet>

- Materials are being developed to provide volunteers with resources and procedures

By helping someone who is already in the US obtain lawful status, you are helping ensure that they will not be targeted by the increased and extremely broad enforcement priorities laid out in the Executive Orders.

- Represent an asylum seeker in Immigration Court Proceedings
- Represent a victim of a crime in the U.S. apply for a U visa
- Represent an asylum seeker affected by the expansion of the use of Expedited Removal in her Credible Fear Interview
- Represent an individual targeted by immigration raids by filing a motion to suppress

**If you would like a training or to take on a case, please contact Kaitlin Kalna Darwal, Immigration Managing Attorney at Centro Legal de la Raza – [kkalnadarwal@centrolegal.org](mailto:kkalnadarwal@centrolegal.org).**

**Thank you for standing up for the rights of immigrants and refugees.**

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# **FREE IMMIGRATION LEGAL CLINICS**

SPEAK TO AN ATTORNEY ABOUT YOUR IMMIGRATION  
NEEDS OR CONCERNS

**9:00 AM - 11:00 AM**

**February 16, 2017**

**March 16, 2017**

**April 20, 2017**

**May 18, 2017**

**Centro Legal de la Raza**

**3400 East 12th Street**

**Oakland, CA 94601**

**Office: (510) 437-1554**

**No Appointment Needed**

# **CLINICAS LEGALES DE INMIGRACIÓN GRATUITAS**

CONSULTE CON UN ABOGADO ACERCA DE SUS  
NECESIDADES O PREOCUPACIONES DE INMIGRACION

**9:00 AM - 11:00 AM**

**16 de Febrero 2017**

**16 de Marzo 2017**

**20 de Abril 2017**

**18 de Mayo 2017**

**Centro Legal de la Raza**

**3400 East 12th Street**

**Oakland, CA 94601**

**Oficina: (510) 437-1554**

*No necesita cita*



# Centro Legal de la Raza

*Working for Justice  
Strengthening Community  
Since 1969*

## **SNAPSHOT: Centro Legal's Immigration Program**

### **Our Mission**

Founded in 1969, Centro Legal de la Raza is a comprehensive legal services agency protecting and advancing the rights of immigrant, low-income, and Latino communities through bilingual legal representation, education, and advocacy. By combining quality legal services with know-your-rights education and youth development, Centro Legal promotes access to justice for thousands of individuals and families each year throughout Northern and Central California.

### **Our Vision**

Centro Legal's multifaceted approach to legal advocacy on behalf of the most vulnerable amongst us is purposefully designed to ensure access to justice. To this end, we pride ourselves in the three key components of our work: creating **leadership**, **empowerment**, and **equity** in our community. We focus on **leadership** by providing guidance and mentorship to the next generation of attorneys and judges of color through our Youth Law Academy and Diversity Legal Pipeline programs. We incubate community **empowerment** by advocating for positive change in local and state governments, creating meaningful dialogue on issues through our communications and media strategies, and by engaging in true, collaborative based, community lawyering. Finally, we ensure **equity** through high quality bilingual legal services and court room advocacy.

### **Immigration Legal Services:**

Centro Legal's immigration practice is focused on serving the needs of our most vulnerable community members, including families living in poverty, long residing undocumented immigrants and families, youth, victims of violent crimes, asylum seekers, and detained individuals in removal proceedings. We represent clients in detained and non-detained removal defense, asylum applications, family-based visa petitions, U visas for victims of violent crimes, Deferred Action for Childhood Arrivals (DACA), Special Immigrant Juvenile Status (SIJS), adjustment of status, and naturalization. Our removal defense practice specializes in cases that are urgent and often involve novel legal issues. Centro Legal's immigration team has expertise in complex detained cases, including individuals deemed mentally incompetent by the court and appointed counsel.

Centro Legal also runs a robust pro bono immigration program. We train and provide technical and substantive assistance for pro bono attorneys representing clients seeking U visa relief, asylum before the immigration courts and asylum office, and bond for release from immigration detention. Pro bono attorneys also participate in our clinics and workshops under Centro Legal's supervision and mentorship.

### **Immigration Policy Advocacy:**

Centro Legal's strong legal rights and direct representation immigration program places us in a unique position to advocate for systemic change to the broken immigration system and to promote the rights of individuals on a local, regional, and national scale. In addition to providing legal assistance to low-income immigrants, Centro Legal's immigration team works with local and national partner groups to advocate and litigate for reform for individuals in immigration detention.

**TO GET HELP:** Our drop-in general immigration clinic takes place the third Thursday of every month from 9:00 a.m. – 12:00 p.m. at our main office. No appointment is necessary but in order to check on date of the next upcoming general immigration clinic, call (510) 437-1554, email [info@centrolegal.org](mailto:info@centrolegal.org), or stop by our office.



To promote systematic change on a broader scale, Centro engages in and supports a wide array of immigrants' rights advocacy efforts. We have participated in litigation on immigration detention conditions, provided data and legal support for a City of Oakland lawsuit against a "notario" business that defrauded immigrants, and are currently engaged in advocacy to increase access to counsel for immigrant detainees. Centro Legal attorneys also participate in quarterly meetings on how to improve conditions at the various immigration detention centers throughout California.

Centro Legal is an active member of the Alameda County United in Defense of Immigrant Rights Coalition (ACUDIR), which advocates for fair and just treatment of non-citizens. In recent years, Centro Legal has been at the forefront of efforts to curtail unlawful collaboration between local law enforcement agencies and federal immigration authorities in order to prevent unjust deportations and keep immigrant families together.

**Local:** For almost fifty years, Centro Legal has been headquartered in the heart of the immigrant community in Oakland's Fruitvale District. To better serve its clients, Centro Legal now has offices in Hayward, as well as San Francisco where the Immigration Court and Asylum Office are located.

**Every dollar counts:** With a staff of 37, including 24 attorneys, Centro Legal stretches each dollar to provide legal services to over 7,000 individuals and families each year, advocacy on policy issues, and education counseling for immigrant youth.

**Providing services when and where they are needed:** Centro Legal's attorneys and other staff travel to hard to reach communities, holding more than 45 off-site legal clinics each year at schools, community centers, and churches throughout rural Northern and Central California.

**Immediate response to crisis:** Since the November 8 election, Centro Legal has held 2 to 3 off-site **Know Your Rights Presentations** each week, throughout the Bay Area, to address the uncertainty and fear so prevalent in immigrant communities. To schedule a KRY Presentation, please email Centro Legal's KRY Coordinator, Yoshi Mendez at [ymendez@centrolegal.org](mailto:ymendez@centrolegal.org)

**Leader in representing unaccompanied children fleeing the violence in Central America:** Centro Legal has represented more unaccompanied minors fleeing violence and persecution in their home countries than any other organization in the State of California. In the past two years, Centro Legal has completed over 3,000 intakes with unaccompanied children and families and represented over 980 of these children and families in seeking asylum or Special Immigrant Juvenile Status which would allow them to stay in the U.S. Additional resources for unaccompanied minors can be found here: <http://centro-database.herokuapp.com/>

**Leader in representing immigrants in detention:** Centro Legal is the largest legal service provider in Northern and Central California representing immigrants facing deportation. In the past two years, Centro Legal immigration attorneys have appeared at 1,191 court hearings for detained immigrants, and Centro Legal has assisted over 400 asylum seekers and detained immigrants in being safely released from detention and getting to their family or friends in the U.S.

**Innovative programs that leverage its expertise:** In the past two years, Centro Legal has recruited and trained dozens of volunteer attorneys, most of whom had no prior immigration experience, to handle asylum and other immigration matters, with successful results in the vast majority of cases. Centro Legal is currently developing a program to train and assist volunteer attorneys in bond proceedings for clients seeking release from immigration detention during the often lengthy delays in deportation proceedings.