

Essentials of Immigration Enforcement and Rights

President Trump's Executive Orders on Immigration Enforcement Priorities

On January 25, 2017, the president signed executive orders prioritizing border security and immigration enforcement, including:

- Immediate construction of a “physical wall” along the southern border of the U.S.
- Hiring 5,000 new Border Patrol agents and 10,000 more immigration officers in the U.S.
- Construction of immigration detention facilities near the U.S.-Mexico border.
- Reducing the number of paroles that allow undocumented immigrants to stay in the country for humanitarian reasons.
- Detaining *all* undocumented immigrants apprehended on suspicion of violating laws.

In another order, the president prioritized removal (deportation) of immigrants who:

- Have been convicted of any criminal offense.
- Have pending criminal charges.
- Have committed acts that would be a crime.
- Have committed fraud before a government agency.
- Have abused public benefits programs.
- Have a final order of removal.
- Are deemed to be a “risk to public safety or national security” by an immigration officer.

The interior enforcement executive orders attempt to expand the use of *expedited removal*:

- Issued by an ICE officer, not a judge.
- Under Obama this applied to those who could not prove physical presence in the U.S. for 14 days and who were apprehended within 100 miles of the U.S. border.
- Under Trump this applies to a person:
 - 1) who lacks entry documents, or 2) who received entry or immigration documents via fraud,
 - Who could not prove physical presence for the past *two years*,
 - *Anywhere* in the United States.

DACA

- DACA is an executive policy created by President Barack Obama in June 2012.
- DACA gives certain immigrants brought to the United States as children two-year work permits.
- President Trump rescinded (ended) the DACA program by beginning a six-month phase-out in September 2017.
- DACA is available only for persons with no criminal history.

Immigrants' Rights

Everyone in the United States — regardless of immigration status — has certain basic rights under the United States Constitution:

- The right to *remain silent* — Everyone may refuse to answer questions until they've had a chance to consult with an attorney.
- The right to *privacy* — No one has to open their door to any law enforcement agency — including ICE— unless a judge has issued a valid *search warrant*.
- The right to an *attorney* — Anyone facing removal (deportation) has the right to an attorney (but not at government expense, and possibly not for people stopped at ports of entry (e.g., international airports)).
- The right to *due process* — Everyone facing removal has the right to fair procedures.

Presidential Immigration Advisors

You are an immigration policy advisor to the president. You are now going to meet with a group of your fellow advisors to recommend an immigration policy to the president. In your group, follow these steps. You have 15 minutes to complete the steps.

Step 1. Select a chairperson to lead the group's discussion.

Step 2. Select a recorder to take notes for the group report.

Step 3. Select a spokesperson who will make the group's report.

Step 4. Review and discuss the following proposals to determine which should guide executive branch immigration enforcement policy.

Proposal 1 – Strict Enforcement

Continue the strict control of the southern border of the United States and enforcement of immigration law as outlined in the president's January 25 Executive Order, including the building of border wall, increasing the number of Border Patrol Agents; detaining all undocumented people suspected of violations of law, including violations of immigration law; reducing the number humanitarian paroles for those who have been detained; pressuring Congress to pass immigration reform (including a version of DACA); and speeding up deportations through "expedited removals."

Proposal 2 – Modifications

Modify the current Trump Administration policies by concentrating on apprehending and deporting the undocumented convicted of serious crimes, restoring restrictions on expedited removals, and reinstating the DACA program (by executive order).

Step 5. As a group, decide which proposal to recommend and help the spokesperson prepare a one-minute report providing at least three reasons for the recommendation.

Step 6. When called upon, present your report.