



# Post-Election Impacts on Immigration

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# KNOW YOUR RIGHTS!

- ▶ Civil Rights Apply to EVERYONE living in the US
- ▶ Constitution protects us from **unreasonable search or seizure** & from **self incrimination** & provides a **right to counsel**
- ▶ General Tips for Dealing With Officers
  - ▶ Be Prepared!
  - ▶ Stay Calm and Polite
  - ▶ Don't lie or give false documents
  - ▶ Carry valid immigration documents with you
  - ▶ Do not sign anything without talking to a lawyer

## What We Can Do as Allies of Immigrants

- ▶ If ICE Comes to the Classroom:
  - ▶ Ask officer for a warrant
  - ▶ Advise student not to answer questions, and to request an attorney if detained
  - ▶ Memorialize encounter: take photos/videos; record officer badge numbers, names, details on what happened
  - ▶ Don't argue, interfere with or obstruct the officer

# Path from Student Visa to Green Card



- New STEM Rule -24 month extension of OPT; multiple rounds of OPT for higher degrees; employer must be E-Verify
- Up to 3 chances for H-1B Lottery w/ STEM Extension
- H-1B valid up to six years (longer if green card process initiated)
- Most employment-based green cards require labor certification, except:
  - Individuals with Extraordinary Ability
  - Outstanding Researchers/Professors
  - National Interest Waivers
- Timing Concerns:
  - Must file labor certification before 5<sup>th</sup> anniversary of H-1B
  - Long Waiting Lines - China (3-5 years); India (8-12 years)

## GENERAL STRATEGIES

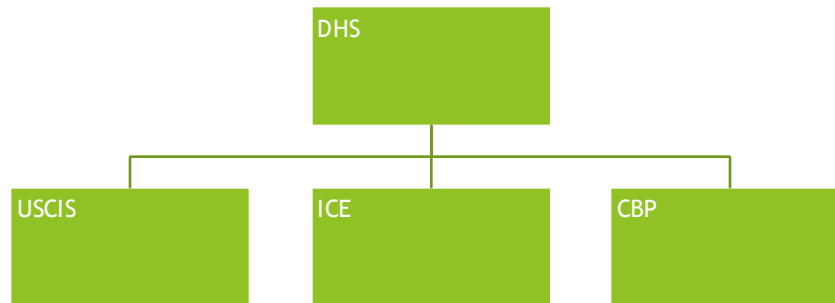
- ▶ Students - look for a **good job** related to your field of study - target larger, established employers familiar with immigration
- ▶ Keep **proof of employment** and **good relations with supervisors** - may need letters for green card
- ▶ Seek H-1B and LPR status **as early as possible** (switch from OPT and TN)
- ▶ If status is questionable, avoid travel after January 20
- ▶ Green Card Holders - apply for US Citizenship ASAP
- ▶ Consult with an **Immigration Lawyer**

## NSEERS

- ▶ Created in the wake of September 11, 2001
- ▶ Immigrants from 25 Muslim-majority countries had to register with local immigration offices and upon entry
- ▶ Notorious ethnic profiling and civil rights violations.
- ▶ 2011: DHS eliminated the list of countries subject to registration, but left the framework in place for future
- ▶ Push for Obama to remove the regulatory framework of NSEERS.
- ▶ Trump could re-instate or create a new, similar program

# Immigration Agencies

- ▶ Immigration is Governed by Federal Law
  - ▶ Cities and States resisting being “deputized” to enforce immigration laws
- ▶ Laws and Funding must be enacted by Congress
- ▶ Laws are carried out by Administrative Agencies, who report to the President:



- ▶ The Attorney General is the lawyer for the Agencies

## New Faces in Immigration

- ▶ **Attorney General - Jeff Sessions**
  - ▶ Wants to reduce immigration flows and increase enforcement
  - ▶ Believes immigration harms American workers, particularly H-1B and OPT
  - ▶ Likely enough votes to be confirmed by Senate
- ▶ **DHS Secretary - General John Kelly**
  - ▶ Expert on Latin America



## What can the President do Independently?

- ▶ Executive Orders - Issue or Repeal
  - ▶ Discretion on how prioritize enforcement the immigration laws (ex. DACA)
  - ▶ Matters involving National Security
  - ▶ Suspend immigration from “terror-prone regions”
  - ▶ Overturn DACA and DAPA

# DACA & DAPA

- ▶ Over 740,000 Have Benefitted
- ▶ Conflicting messages from Trump
- ▶ BRIDGE Act (Bar Removal of Immigrants who Dream and Grow the Economy)
  - ▶ Bi-partisan bill introduced on December 9
  - ▶ Provide DACA-eligible individuals “provisional protected presence” and work permits, similar to DACA
- ▶ In the meantime-
  - ▶ If you already have DACA, okay to apply to renew
  - ▶ If you haven’t yet applied, best not to apply now
  - ▶ If you have Advance Parole, complete any travel before January 20
- ▶ DAPA (For Parents of LPRs and USC’s) - unlikely to make it through courts