



Joseph Law Firm ^{PC}

Immigration Law Specialists

Newsletter

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IMMIGRATION NEWS

New Hope for DACA Recipients

Contributed by Alex McShiras, Associate Attorney in Colorado Springs

Last month, Donald Trump was elected to be the next president of the United States. On December 9, Senators Dick Durbin and Lindsey Graham introduced a bi-partisan bill in the Senate that would preserve many of the key protections of the DACA program. Democrat Dick Durbin and Republican Lindsey Graham unveiled legislation to protect young undocumented immigrants from deportation under President-elect Donald Trump. Now the question is whether it will work.

The bipartisan bill, called the Bridge Act, would effectively maintain the protections of President Obama's Deferred Action for Childhood Arrivals program, DACA. Upwards of 740,000 young people and counting, were granted deportation reprieve and work permits under the program, but could now lose those protections, should Trump follow through on a promise to end DACA immediately upon taking office. The Durbin-Graham measure could serve two purposes: If it passes, so-called Dreamers could live without constant fear of deportation and continue to legally work. If it doesn't, it could still put pressure on Trump to leave DACA recipients alone.

The new bill would put DACA recipients into a new type of status, "provisional protected presence," that would last for three years from enactment. It would not be constrained to only those who currently have DACA: eligible individuals who have not yet applied could be granted provisional protected presence as well. All would have to pay a fee, undergo a background check and meet the eligibility requirements for DACA. The bill would also ensure that information individuals gave the government for DACA or for the new provisional protected presence could not be used for immigration enforcement, with exceptions for national security or non-immigration felony investigations.

Although it is likely that Mr. Trump will end the DACA program, it is possible that this bill will pass in Congress. This would need to be accomplished before President Obama leaves office on January 20, 2016. Otherwise, Mr. Trump may veto it. Last week, Trump told *Time* magazine that he will find some solution for people with DACA that will satisfy everyone. However, he gave no specifics and it is highly unlikely that anything Mr. Trump does will satisfy everyone. If you have a case pending with Joseph Law Firm PC, you are in much better shape than anyone without a lawyer. If you already have DACA, we recommend that you renew your status at the first opportunity.



Fourteen Mayors Urge Trump to Continue DACA

Contributed by Courtney Sommer, Associate Attorney

Fourteen U.S. mayors, including Denver's mayor Michael B. Hancock, have signed a letter sent to President-Elect Donald Trump asking his administration to continue accepting and adjudicating initial applications and renewals for DACA recipients until Congress can implement immigration reform. President-elect Donald Trump has previously promised to terminate the Deferred Action for Childhood Arrivals (DACA) program, which was created by executive order by President Obama. Approximately 740,000 people have approved DACA status, and terminating the program will leave many of those people in legal limbo.

DACA is available to applicants who: entered the U.S. before their 16th birthday; were in the U.S. on June 15, 2007 and have continuously resided here since then; were under the age of 31 on June 15, 2012 and had entered without inspection or had expired status on that date; are in school or have graduated or received a GED; and have not been convicted of certain crimes. The letter to Trump references the benefits the DACA program and its recipients have provided to the country. Of all DACA recipients, 87% are employed, 6% have started their own businesses (only 3.1% of the general American public has done so), 90% have gotten driver's licenses, and 54% have purchased cars. The letter estimates the U.S. would lose \$9.9 billion in tax contributions during Trump's presidency if he terminates DACA, and \$433.4 billion would be lost from the U.S. gross domestic product (GDP) over the next decade if he ends the program.



Children in the Berks Immigration Center Like Any Other Children; They Also Write Letters To Santa

Contributed by Claudia Hurtado-Myers, Associate Attorney in Edwards

On June 24, 2014, in response to the increasing number of children and families fleeing Honduras, Guatemala, and El Salvador to seek protection at the U.S. border, the Obama Administration announced plans to significantly increase capacity to detain children with their parents.

In testimony before Congress, Secretary Johnson proposed “an aggressive deterrence strategy,” including the rapid expansion of family detention, which would send a message to adults who brought their children with them: “we will send you back.” DHS quickly erected a 700-bed detention facility in Artesia, New Mexico, which was later closed. It repurposed and expanded a detention facility in Karnes County, Texas, which holds up to 532 individuals, and erected the South Texas Family Residential Center in Dilley, Texas, which has a capacity of 2,400 individuals.

The Berks County Residential Center, located in Leesport, Pennsylvania, has capacity to detain 96 individuals. This family detention policy comes at a high cost to taxpayers. Over the course of a year, family detention could cost more than \$400 million. A cost that continues to grow.

The Guardian Newspaper asked children between the ages of two and nine to write a letter to Santa with their Christmas wish list. Many listed items such as Disney character toys, remote control airplanes, or a computer; normal Santa Letter items. All of them listed one more thing: To get out of Berks and have their liberty back to see their family.

Of the children in Berks this holiday season this is the second Christmas that nineteen children will celebrate behind bars. In October 2015, Human Rights First published a study explaining the detrimental effect of Family Detentions like Berks. “Studies have revealed the damage caused by prolonged incarceration to children, harm can set in within the first two weeks of lockup, let alone years. Among the well-documented symptoms are PTSD, depression and suicidal thoughts – all of which have been recorded by psychologists examining the Berks children.”

In September 2014, I volunteered as a pro bono attorney in the Artesia, NM Family Detention Center. I saw firsthand how hard being behind bars can be for children. I saw two years old babies that stopped walking and reverted back to infant crawling. Children that lost 7-10 pounds, or almost 25% of their body weight because of stress. Children having daily nightmares because they were scared that they were going to be returned to the country their family so desperately fled. Children that stopped eating.

The US government claims that these are family residential facilities but with the barbwire and the armed guards it is no wonder that these children want their freedom.

I believe that the U.S. Government could do so much better with the taxpayers’ money and give these kids their Christmas wish; all while still keeping our country save.



We would like to congratulate our very own Jeff Joseph, Senior Partner and Director of Corporate Immigration & Employer Compliance, and Aaron Hall, Partner and Director of Removal Defense, Litigation & Family Immigration, for their recent achievement. Both have been listed as Best Lawyers for Immigration Law in Colorado’s Best Lawyers, The Denver Post, Denver Business Journal and The Wall Street Journal!



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