



Joseph Law Firm^{PC}

Immigration Law Specialists

Newsletter

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Immigration News

Reckoning with a President Trump

Contributed by Aaron Hall, Partner

I am completely stunned to be typing this, but Donald Trump has just been elected President of the United States. Mr. Trump built much of his campaign around the promises of intensified immigration enforcement. Mr. Trump has promised that he will handle what he sees as the evils of immigration by building a wall on our southern border and by “enforcing the law.” He has also promised to end President Obama’s executive actions on immigration, including DACA, “on day one” of his presidency.

Enforcing the law, of course, is the President’s job. But “the law” explicitly lays out noncitizens’ rights due process rights in immigration court, including the right to be represented by an attorney, examine the evidence against them, present evidence, cross-examine government witnesses, and apply for relief from deportation. Those same laws that Mr. Trump has promised to enforce allow certain noncitizens without immigration status, even those without immigration status, to apply to stay here as lawful permanent residents. Those same laws allow undocumented citizens to apply to cancel their deportation proceedings if they meet certain criteria. And those same laws that must be enforced guarantee noncitizens the right to a full hearing on applications for asylum if they fear persecution upon a return to their home countries.

So to the extent Mr. Trump has promised to enforce the law, he has also promised to enforce the due process and potential for relief from removal that is built into our laws. It will be our job to make sure that he and the government agencies enforce those aspects of the law as well.

There is no way to sugarcoat this. The election of Donald Trump seems to have been a devastating development for immigrant communities. We are anxious and uncertain about what this will mean.

What we remain sure of is the extraordinary benefit brought to this country by immigrants. We are enriched because of their talents, cultures, work, and friendship. And we know for sure that no matter what happens in the wake of this election, we will passionately and aggressively fight for every one of our clients’ rights under the law.



City Police Departments Refuse to Participate in Trump Immigration Enforcement

Contributed by Courtney Butler, Associate Attorney

President-elect Donald Trump has promised to deport or imprison up to three million undocumented immigrants after he is inaugurated on January 20, 2017. He plans to use state, local, and federal law enforcement agencies to do so. However, several police departments in cities throughout the United States – including Denver – have refused to participate in Trump’s plan to require local and state police departments to enforce the nation’s immigration laws. Trump has threatened to block federal funding for cities such as these that remain “sanctuary cities.”

A statement issued by Denver Police spokesman Doug Schepman said, “Immigration enforcement is handled at a federal level, not by local law enforcement. The Denver Police Department has not participated in those enforcement efforts in the past and will not be involved in the future.”

The Los Angeles Police Department has also refused to participate. As the LA Times noted, since 1979, the LAPD has prohibited officers from contacting people with the sole purpose of determining whether they are in the country illegally. Police Chief Charlie Beck states, “I don’t intend on doing anything different. We are not going to engage in law enforcement activities solely based on somebody’s immigration status. We are not going to work in conjunction with Homeland Security on deportation efforts. That is not our job, nor will I make it our job.” Other cities that have refused to implement this enforcement program include New York, Santa Fe, San Francisco, Baltimore, and Chicago.

DON'T PANIC: PRESIDENT ELECT TRUMP'S 10 POINT IMMIGRATION "PLAN"

Contributed by Alex Mcshiras, Associate Attorney

Mr. Trump has said some very worrisome things about what he intends to do to immigrants. But he has also said a variety of totally inconsistent and sometimes impossible things. Here is a list of his 10 point immigration "plan":

1. Build the wall
2. End "catch and release."
3. Create a deportation task force and focus on criminals in the country illegally
4. Defund sanctuary cities
5. Cancel President Obama's executive actions
6. Extreme vetting. Block immigration from some nations
7. Force other countries to take back those whom the U.S. wants to deport
8. Get biometric visa tracking system fully in place
9. Strengthen E-Verify, block jobs for the undocumented
10. Limit legal immigration, lower it to "historic norms," and set new caps

In the coming weeks we hope to get some idea of what Mr. Trump is going to do by seeing whom he names to his cabinet. People will be closely watching what he does and says about immigration because his platform was so ambitious and overzealous. At the moment, keep in mind the following and do not panic:

- If you have any way to apply for permanent residency or citizenship, you should do it now.
- If you are applying for some benefit based on a law (e.g. lawful permanent resident status), remember that only Congress can take that benefit away by changing the law. The President cannot change the law by himself. A change in the law is possible but it will take some time, and the agreement of many thoughtful people, not just one person's will.
- If you are arrested by immigration for being in the country illegally, there is a lengthy deportation process. Most people will be placed into removal proceedings and go in front of an immigration judge, where they fight their case to remain in the country. They are numerous defenses and other relief from removal.
- Keep in mind that if the new president tries to make major changes in how USCIS makes decisions, it will take months for such changes to take place. So if you are considering applying for something that could be affected by the attitude of the government, you should consider doing it soon.
- If you have some status based on the discretion of the President, it is possible, and maybe even likely, that you will lose that status. I'm talking particularly about DACA, TPS, and orders of supervision. Renewing such a status does not place you in more danger than you already are. The government already knows who you are and where you are. Maybe having registered along with thousands of others will make it politically unpalatable to end your benefit. However, those considering applying for such a benefit for the first time probably should not do it. We may be giving DHS information about your whereabouts that they do not yet have.
- Fortunately, the founders of our country provided for a separation of powers. So the President, while he does have a lot of power, is not all-powerful. Any change in the law has to go through hundreds of members of Congress. The federal courts have been willing to tell DHS when it is wrong, and those judges are appointed for life. I have had success suing the government in federal court and I anticipate that, if Mr. Trump follows through on his threats to violate the constitution, more such lawsuits will be successful.

DACA and TPS deserve additional focus because it is likely that Mr. Trump will make efforts to end these programs. If you have a case pending with us, you are in much better shape than anyone without a lawyer. If you already have DACA or TPS, we recommend that you renew your status at the first opportunity. Please work with us to get your case filed as quickly as possible, given the uncertainty. If you are currently undocumented, but you are eligible to file for immigration benefits such as adjustment of status or naturalization, now is the time to do so.



Dear Friends and Clients,

We wish you and your family a wonderful holiday season filled with abundance and bright moments. We join all immigrants in our country in sharing the spirit of gratitude, tolerance, and diversity this holiday season and beyond.



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