



# **Fighting for Refugee and Immigrant Families**

*Understanding Executive Actions and Working Together to Rescind them or Ameliorate their Negative Impacts*

*Webinar – Feb. 3, 2017*

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# Webinar Agenda

- ▶ Introduction—understand EO
- ▶ Border Security EO
- ▶ Interior Enforcement EO
- ▶ Possible Public Charge EO
- ▶ Refugee Resettlement EO
- ▶ How is Congress responding?
- ▶ How are we mobilizing for change?
- ▶ Discussion/Question & Answer



# Introduction

- ▶ Melissa Hastings, Immigration Policy Advisor
- ▶ Matt Wilch, Refugee Policy Advisor
- ▶ Micheal Hill, Associate Director Government Relations
- ▶ Ashley Feasley, Director of Policy

# Where Things Stand

- ▶ 3 Executive Orders in 3 Days
  - Border Security
  - Interior Enforcement
  - Refugee Resettlement
- ▶ Uncertainty and Fear in Communities
- ▶ Legal and Congressional Challenges
- ▶ Growing Grassroots



# Background on Executive Orders

- ▶ **What is an Executive Order?**

Executive Orders are directives from the President to federal agencies to exercise the executive power in a particular way.

- ▶ **How are Executive Orders different than Executive Actions?**

An Executive Action is a formal statement of Presidential intent. Executive Actions are not binding as federal law.

- ▶ **Can Executive Orders be challenged or changed?**

In order to be valid, Executive Orders must operate within the bounds of the executive power--that is, they can only exercise powers that are authorized by an Act of Congress or the U.S. Constitution, sometimes explicitly, sometimes implicitly/inherently. The legislative and judicial branches can operate as checks on Executive Orders that exceed the executive power.

# Border Enforcement EO

**What does the EO do?  
What are the impacts?**

- ▶ Moves Forward with Wall at the U.S./Mexico Border
  - Vulnerable migrants
  - Cost
- ▶ Increases the Number of Border Patrol Officers
  - Militarization of the border



*Children and Families being screened by the Border Patrol following their apprehension at the border, March 28, 2014. Photo Credit: Customs and Border Patrol/US Government*



# Border Enforcement EO cont'd

- ▶ Increases Detention Facilities and Detention
  - Family Separation
  - Access to counsel
- ▶ Erodes Protections for Asylum Seekers
  - Detention
  - Criminal prosecution
  - Return pending proceedings
- ▶ Fast-tracks Deportations
  - Access to counsel
  - Unjust results



*Archbishop Garcia-Siller celebrating Mass for detained migrants at a detention facility in Texas. Photo Credit: MRS/ USCCB*



# Interior Enforcement EO

## What Will the Executive Action on Interior Enforcement Do?

- Drastically expands the priorities DHS will use for who to apprehend and deport
- Attempts to defund sanctuary cities from vital federal funding
- Deputizes local law enforcement officers to enforce immigration law
- Reinstates controversial “Secure Communities” program which is permissive of racial profiling
- Begins process to impose civil fines and penalties on those who facilitate undocumented presence in the United States





# Interior Enforcement EO-- cont'd

- ▶ Expansive, unjust, and unrealistic new priorities for enforcement and deportation
  - Anyone convicted or charged with any criminal offense, however minor—e.g., driving with a suspended license
  - Anyone deemed by low-level immigration officer to be public safety or security risk
- ▶ Aggressively Attempts to Defund Sanctuary Cities
  - Cities must comply with 8 U.S.C. 1373 and share information but EO interpretation is questionable
- ▶ Calls for Penalties for Those Facilitating Presence of Undocumented
  - This appears to criminalize Christian corporal works of mercy.



# Possible Public Benefits EO

What does the EO say and what impacts would it have?

- ▶ Significantly expands the type of public assistance that could become a ground of deportation and inadmissibility known as “public charge”;
- ▶ Eliminates access to the Child Tax Credit for many mixed immigration status families,
- ▶ Denies undocumented workers who get right with the law and become citizens or legal residents the accrued Social Security credit for wages that they already earned; and
- ▶ Requires the production of reports on the following topics:
  - improper draw downs of benefits by ineligible immigrants;
  - foreign workers’ impact on the Social Security Trust Fund;
  - the long-term cost of the refugee admission program; and
  - the wide-spread phenomenon of U.S. birth-tourism;



# Possible Public Benefits EO—cont'd

The Possible Executive Order would have the following impacts of

- ▶ preventing unification, causing separation of families;
- ▶ harming the health and well-being of families;
- ▶ perpetuating false, negative assumptions about immigrants and refugees, overlooking their important cultural and economic contribution; and
- ▶ undermining the bi-partisan consensus that safety net services are a public investment consistent with the common good.



# Refugee Resettlement EO

Among other things, the EO has these immediate impacts:

- ▶ 90-day ban of people from Syria, Iraq, Iran, Somalia, Sudan, Libya, and Yemen;
- ▶ 120-day suspension of the refugee resettlement program;
- ▶ Indefinite suspension of the arrival of Syrian refugees;
- ▶ 64% decrease for U.S. refugees in 2017-110,000 to 50,000;
- ▶ Prioritization of refugees who are religious minorities suffering from religious persecution; and
- ▶ Potential other roles for states and localities, with more say in placement and resettlement of refugees;
- ▶ Mandated review and possibly stricter security vetting procedures for refugees and immigrants/nonimmigrants.



# Refugee Resettlement EO—cont'd

These questions explore possible long-term impacts:

- ▶ Will the temporary 7-country ban be made permanent for immigrants and/or refugees?
- ▶ Will the review of the refugee program lead to an affirmation of the existing vetting process, with minor adjustments? Or will the review lead to sweeping changes that reject the underlying integrity of U.S. and international refugee protection and procedures?
- ▶ Will the most critical criteria in resettlement decisions continue to be vulnerability of the refugee, or will religious affiliation become the most important factor for approving or denying a refugee for U.S. resettlement?
- ▶ Will states be given veto power over resettlement within their state?



# Refugee Resettlement EO--Litigation

- ▶ Several Federal Court cases have been filed challenging the Resettlement EO
- ▶ Included in the arguments are that the EO violates due process and equal protection, with special concern about basing government decisions on a person's nationality or religion



# Congressional Actions Against all EOs

- ▶ House and Senate Solve Act
- ▶ Sense of Congress Resolution



# Mobilizing

- ▶ JFI Action Alerts
- ▶ JFI Members' Statements
- ▶ JFI advocacy, education tools
- ▶ JFI Hill Meetings
- ▶ In-State and In-District Visits during February 20 recess and future recesses
- ▶ Other community based mobilization





# Discussion/Questions & Answers

Please share further ideas about

- how JFI should mobilize
- how you have mobilized your own organization and networks
- What the role of the Catholic community is in this advocacy

Please share any further questions or concerns.

[justiceforimmigrants.org](http://justiceforimmigrants.org)

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