

Federal Action on Immigration

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Overview of EOs

- ▶ Administration has issued five Executive Orders relating to immigration
 - Travel Ban 1.0
 - Travel Ban 2.0
 - Interior Security
 - Border Security
 - H-1B Visa Review

Travel Ban 1.0

- ▶ Issued on January 27, 2017
 - Suspended travel for individuals from seven Muslim countries for 90 days
 - Suspended refugees from entering for 120 days
- ▶ Immediately challenged in court
 - Mass. AG joined ACLUM case in D. Mass.
 - Washington AG obtained nationwide TRO on Feb. 3
 - Upheld by Ninth Circuit/DOJ declined to further defend/appeal

Travel Ban 2.0

- ▶ Issued on March 6, 2017
 - Only applies to new visa seekers
 - Removed Iraq from the list of banned countries
- ▶ Immediately challenged in court again
 - Hawaii AG obtained nationwide TRO on March 15
 - Followed by IRAP case out of Maryland
 - Cases pending before 4th and 9th Circuits
 - May end up in front of SCOTUS next term

Interior Security

- ▶ Issued January 25, 2017
- ▶ ICE Priorities
 - No more priorities for enforcement
 - Expanding 287g/restores Secure Communities
 - Monthly reports on noncitizen crime/apprehension
- ▶ VOICE Office
- ▶ Sanctuary Jurisdictions
 - Threats to cut funding to those deemed in violation of 8 USC 1373

ICE Enforcement

- ▶ ICE Arrests have gone up about 32%
 - Arrests for people without criminal background, up 50%
 - Arrests of people with criminal backgrounds, up 15%
- ▶ Troubling Incidents
 - USCIS interviewees in Lawrence
 - Brandeis graduate student
 - Crime victim reported by perpetrator

Sanctuary Jurisdictions

- ▶ Estimated over 300 cities and counties
- ▶ Ongoing Litigation
 - SF/Santa Clara: nationwide stay issued on April 25, stopped enforcing sanctuary city sanctions
 - Chelsea/Lawrence case in D. Mass.
 - At least two other cases
- ▶ DOJ Letters on April 21
- ▶ Court systems seeking to separate from ICE

Leaked Draft on Public Charge

- ▶ Proposes redefining “public charge” and “means-tested public benefits”
 - Ground of inadmissibility/for removal
- ▶ LPRs could become deportable for accessing benefits
- ▶ Seeks repayment of benefits by sponsors
- ▶ Working-class, immigrant-headed households with incomes <200% of the federal poverty line already rely less on public benefits and social services than comparable U.S-born households

Other Areas of Concern

- ▶ Temporary Protected Status
 - Individuals from Haiti are eligible for renewal in July
- ▶ Expansion of 287(g) Programs
- ▶ Increased Expedited Removal Proceedings
- ▶ Information Sharing
- ▶ Americorps & other federal funding cuts

Action by Mass AGO

- ▶ Travel Ban Litigation
- ▶ *Commonwealth v. Lunn*
- ▶ Education Guidance (*Plyler v. Doe*)
- ▶ Worker Rights Bulletin
- ▶ UPIL Initiative
- ▶ Community Outreach

- ▶ And more to come...

Commonwealth v. Lunn

- ▶ Challenge to ICE detainer
- ▶ Our position: holding someone on an ICE detainer violates MA state law
- ▶ Argument heard by SJC on April 4
 - Pending decision

Education Guidance (Plyler v. Doe)

- ▶ Advisory distributed to school officials at the beginning of March
- ▶ Affirms equal access to education regardless of immigration status
 - Includes both admission to schools as well as school climate matters

Workers Rights Bulletin

- ▶ Issued on May 1
- ▶ Workers entitled to protections under state and federal law regardless of immigration status
- ▶ AGO does not inquire about immigration status when investigating complaints

Fair Labor Hotline: (617) 727-3465

(Proposed) Guidance for Healthcare Providers

- ▶ ICE enforcement at healthcare facilities
- ▶ ICE requests for patient information
- ▶ Health insurance coverage/public benefits
- ▶ Ways to protect and educate patients

AGO Resources

- ▶ Health Care Division
 - (888) 830-6277
 - <http://www.mass.gov/ago/bureaus/hcfc/the-health-care-division>

- ▶ Civil Rights Division
 - (617) 963-2917
 - <http://www.mass.gov/ago/civilrights>

Questions/Comments

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