

PRESIDENT BIDEN'S ACTIONS & IMMIGRATION UPDATES

Policy Memos Issued by the Department of Homeland Security

100 day deportation pause and enforcement priorities memorandum:

- 100 day pause on all deportations starting January 22, 2020, with the following exceptions: 1) people involved in terrorism or espionage or poses danger to national security; 2) came to the U.S. on or after 11/1/20; 3) people who want to be deported; or 4) acting ICE Director determines is required by law.
- Directs ICE to review every person currently in deportation (removal) proceedings and apply new standards
- Requires ICE to review all enforcement practices to be completed within 100 days and provide recommendations for priorities regarding enforcement, prosecutorial discretion, detention, and interaction with state and local law enforcement.
- Implements an temporary set of new priorities for detention and deportation beginning February 1, 2020 effective until the agency has a chance to review and recommend priorities: 1) people involved in terrorism or espionage or who pose national security risk; 2) people detained near a border “while attempting to unlawfully enter the United States” on or after 11/1/20, or who weren’t present in the U.S. before 11/1/20; 3) people incarcerated in federal, state and local prisons and jails released on or after issuance of this memo who have been convicted of an aggravated felony offense, as defined in the law, and are determined to pose a threat to public safety. Note: These priorities apply not only to the decision to the deportation process, but also to a broad range of other discretionary enforcement decisions, including deciding: whom to stop, question, and arrest; whom to detain or release; whether to settle, dismiss, appeal, or join in a motion on a case; and whether to grant deferred action or parole.”

MPP termination: DHS announced it will stop new enrollments into the MPP program. It is a first and important step, we expect more information will come in the soon regarding how they will handle all of the people stranded at the border.

Executive Orders

1. Ends the Muslim and African bans: This EO rescinds the Trump bans that restricted travel from majority Muslim and African countries, and requires the Department of State to provide a report within 45 days ensuring a process for rapid processing of visas for applicants who were pending or denied. It also calls for review and improvement in the way people are screened at the border and review of its practices including the use of social media identifiers.
2. End of the Trump interior enforcement EO: This EO ends the EO Trump issued in his first week in office that made everyone who is undocumented a priority for deportation and sought to punish states with pro-immigrant policies.

3. Restoring proper census count: Reverses Trump’s policies to ensure that all people should be counted regardless of immigration or citizenship status.
4. Affirming DACA protections: This EO instructs the DHS Secretary to take all actions consistent with law to “preserve and fortify” DACA.
5. Liberian DED: This EO reinstates Deferred Enforced Departure for Liberians, extending to June 30, 2022 protections and employment authorization for those who were under a DED grant as of January 10, 2021.
6. Stops border wall construction: This EO stops the national emergency declaration that allowed the Trump administration to grab money from other departments to fund the wall and pauses wall construction. It also directs all relevant agencies to develop a plan for the redirection of the \$1+ billion funds already appropriated for 2021 for border wall construction.
7. Racial Equity: Another EO issued advances a whole-government approach to racial equity requiring a full review of ways in which structural barriers to access to federal benefits and programming prevent historically marginalized communities from gaining access.

Proposed Legislation

The Biden Administration proposed language for a bill that would give a path to citizenship to the 11 million undocumented persons living in the United States. This is not yet a law. The President does not make laws, only Congress can do that. The proposed language is sent to Congress for a member of Congress to introduce it as a bill. Senator Robert Menendez (D-NJ) and Congresswoman Linda Sanchez (D-CA) will be the sponsors of the bill. The bill aims to do the following:

- Legalization
 - Creates a path to citizenship for 11 million undocumented people giving people temporary status for 5 years and 3 years as lawful permanent residents (green cards) before they are eligible to apply for citizenship.
 - People with DACA, TPS and some farm workers will be eligible for green cards immediately if the bill is approved.
 - Only people in the U.S. on January 1, 2021 would be eligible.
 - People who were previously deported on or after January 20, 2017 who lived in the U.S. for at least three years before that may be eligible with a waiver.
 - The bill changes all immigration laws substituting the word “noncitizen” for “alien”
- Family Immigration
 - Clears the waiting list under the family based immigration system.
 - Increases the per-country limits.
 - Eliminates the 3 and 10 year bars.

- Explicitly includes permanent partnerships, eliminating discrimination against LGBTQ families.
 - Allows those with family based petitions to come to the U.S. while they wait for their visa.
- Increases Diversity Visas: Increases this visa category to 80,000 from 55,000.
- Promotes integration and citizenship: Funds state and local government and other non-governmental institutions to expand immigrant integration and inclusion.
- Protection from labor exploitation
 - Requires DHS and the Department of Labor to establish a commission to make recommendations to improve the employment verification process.
 - Increases protections from deportation and access to u visas for workers who suffer labor violations.
 - Increases penalties for employers who violate labor laws.
- Increases funding with technology for border controls.
- Directs DHS and the Dept of Health and Human Services to work with NGOs to develop guidelines for care of families, individuals and children in custody.
- Enhances ability to prosecute individuals for smuggling, trafficking and exploitation of migrants. Requires the DHS and the Secretary of State to expand transnational anti-gang task forces in Central America.
- Root Causes
 - Central America
 - Creates four year \$4 billion plan addressing causes of migration in Central America
 - Creates refugee processing centers in Central America
 - Reinstates the Central American Migrant Program for children with US relatives
 - Improves Immigration courts
 - Gives immigration judges discretion
 - Funding for legal orientation programs
 - Supports Asylum seekers: Eliminates 1 year deadline
 - Raises U visa cap to 30,000 from 10,000