IMMIGRATION STATUS AND HEALTH: How You Can Support People in the Current Policy Landscape

Kara Hurvitz, JD MSW
What kinds of immigration status do people have?
1. Undocumented People
2. Non-Immigrants
3. Immigrants
4. Special Immigrant Statuses
1. Undocumented People
2. Non-Immigrants
3. Immigrants
4. Special Immigrant Statuses
Undocumented People:

Physically present in the US, but lacking any "legal status"

Use neutral language:

Drop the "I-word" ("illegals")!
1. Undocumented People
2. Non-Immigrants
3. Immigrants
4. Special Immigrant Statuses
Non-Immigrants:

Permitted to spend time here, but restrictions on purpose, length of stay, and ability to work

- Tourist/Visitor
- Applicants for Immigrant Status
- Student
- Temporary Protected Status (TPS)
1. Undocumented People
2. Non-Immigrants
3. Immigrants
4. Special Immigrant Statuses
Immigrants

• Green Card Holders ("Lawful Permanent Resident" or "LPR")

• LPRs who have naturalized and become US Citizens
Primary Paths to LPR

- Refugee
- Employment
- Diversity Lottery
- Crime-, Neglect-, DV related
- Asylee
- Spousal or Family Sponsorship

LPR ("green card")
1. Undocumented People
2. Non-Immigrants
3. Immigrants
4. Special Immigrant Statuses
Special Immigrant Statuses

Violence Against Women Act (VAWA)
- Allows “battered spouse” and/or children of USC or LPR abuser to “self-petition” to obtain permanent residency (green card)

U Visa
- Allows crime victims who cooperate in the investigation and/or prosecution of a crime on US soil to obtain legal status
- Frequently used for unmarried victims of DV
- But only 10,000 issued per year!

Special Immigrant Juvenile Status (SIJS)
- Allows certain minors who have been abused, abandoned or neglected by one or both parents to obtain legal status

T Visa (victims of trafficking)
- Limited to 5,000 annually!
Temporary Protected Status

“TPS” is a common status here in the Boston area

A *temporary* form of protected status for nonimmigrants who are unable to return to their country due to temporary, extreme conditions

- Allows work authorization, removes threat of detention/deportation, and can permit travel authorization
- Generally either renewed or allowed to expire at the end of each designated period
## Temporary Protected Status

**Designated periods have expiration dates:**

<table>
<thead>
<tr>
<th>Country</th>
<th>Expiration Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudan</td>
<td>April 3, 2019  *</td>
<td>On Hold</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>July 5, 2019 *</td>
<td>On Hold</td>
</tr>
<tr>
<td>Nepal</td>
<td>June 24, 2019</td>
<td>Terminates</td>
</tr>
<tr>
<td>Honduras</td>
<td>January 5, 2020</td>
<td>Terminates</td>
</tr>
<tr>
<td>Haiti</td>
<td>January 22, 2020  *</td>
<td>On Hold</td>
</tr>
<tr>
<td>El Salvador</td>
<td>March 9, 2020 *</td>
<td>On Hold</td>
</tr>
<tr>
<td>Yemen Somalia</td>
<td>September 3, 2018</td>
<td>Extended</td>
</tr>
<tr>
<td>South Sudan</td>
<td>September 17, 2018</td>
<td></td>
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<tr>
<td></td>
<td>May 2, 2019</td>
<td></td>
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<tr>
<td></td>
<td>September 30, 2019</td>
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Source: [https://www.uscis.gov/humanitarian/temporary-protected-status](https://www.uscis.gov/humanitarian/temporary-protected-status)
1. Immigration Basics

2. Public Policy to Know
• Enforcement and Families
• Enforcement and Individuals
• Enforcement and Families
• Enforcement and Individuals
Enforcement at the Border: Arrival

“Zero tolerance” policy resulted in families being separated upon arriving at the border

• Note that this includes families seeking asylum!
• ~3000 children were separated in 2018
• Families continued to be separated long after the court order

Started stationing National Guard troops at the border in Apr. ‘18 and armed troops in Nov. ‘18

• Many states, including RI and MA, have refused to send National Guard troops
• Armed guards likely to remain there until Sept. at least

A “national emergency” was declared in Jan. ‘19 to fund the creation of a steel barrier at the border

• 3/26/19 – Pentagon authorizes $1 billion from personal account for the wall
• 8/3/19 – Domestic terrorism shooting in El Paso motivated by anti-immigration sentiment
Enforcement at the border: Deportation

**Sponsor Checks**
- New policy of full immigration checks for people offering **to sponsor unaccompanied minors**
- This means undocumented people offering to sponsor can be subject to deportation

**Immigration judge requirements**
- Immigration judges now have deportation quotas

**Changes to Asylum**
- Asylum was categorically denied for interpersonal violence or gang violence cases, but this was challenged by federal court in late 2018
- Asylees now being sent to Mexico or held without bond to await final asylum determinations as of April 2019
Enforcement in the US: General Notes

- Police officers can be deputized to act as ICE officers
- No longer any priority enforcement
- Increased organized raid efforts
- Many change since 2017
- Difficult time for families of vulnerable populations

- ALL people who might be subject to deportation are a priority
- 680 workers picked up in a retaliatory ICE raid in Mississippi on 8/5/19, on the first day of school after workers won a discrimination suit and unionized
- March report 5,000 reports of sexual and physical abuses perpetuated against adults and children in ICE custody, including 154 instances of staff sexual abuse of minors in custody
• Enforcement and Families
• Enforcement and Individuals
### Court Decisions Create Uncertainty

<table>
<thead>
<tr>
<th>Deferred Action for Childhood Arrivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 9/17 - Administrative action to terminate</td>
</tr>
<tr>
<td>• 4/18 – Court orders DACA renewals</td>
</tr>
<tr>
<td>• 8/18 - Administration is court-ordered to resume program by 8/23/18</td>
</tr>
<tr>
<td>• <strong>Deportation risk</strong> as USCIS <em>may</em> share info w/ ICE</td>
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<table>
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<th>Travel Ban</th>
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<tr>
<td>• 9/17 – Proclamation issued banning travelers from Iran, Libya, Syria, Yemen, Somalia, Chad (Venezuela and North Korea added later)</td>
</tr>
<tr>
<td>• 10/17 – Court temporarily blocks</td>
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<tr>
<td>• 12/17 – S. Ct permits enforcement pending S. Ct’s full review</td>
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<td>• 10/18 – Court orders stay of TPS terminations</td>
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<tr>
<td>• 10/18 – First termination of a TPS program is <strong>put on hold</strong> (six month extensions will be granted pending resolution)</td>
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True or false?

An immigrant placed into deportation proceedings is entitled to a lawyer free of charge.
FALSE!!!
Mixed status families face unique threats!

- **Mixed status families** frequently include older family members who are deportable and younger children who cannot legally be deported
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