

# What do the President's Immigration Executive Orders Mean for Communities?

*The White House and Department of Homeland Security (DHS) have issued a series of documents detailing a significant expansion of immigration enforcement and detention in the United States. On January 25, the president issued two executive orders outlining his plan to target immigrants living in the country without documentation. On February 20, DHS Secretary John Kelly issued additional memos providing details on how Immigration and Customs Enforcement (ICE) will enforce the president's orders.*

*The National Immigrant Justice Center, other organizations, and elected officials have condemned the president and DHS for targeting immigrant communities. Our country is stronger and safer when immigrants are able to participate fully and safely in our society. Now is the time to protect our communities and families by knowing our rights, standing together, and continuing to oppose rhetoric and policies that are harmful to immigrants.*

## Frequently Asked Questions

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### **1. Is every noncitizen in the United States at risk of deportation?**

Yes. Immigration officers are authorized to arrest any individual they encounter who is "removable," which means the individual is in the United States without authorization, or has lawful status but has committed a crime that can trigger deportation. The president has also abandoned the "enforcement priorities" that DHS followed under President Obama and has adopted a new set of enforcement priorities that include all undocumented persons who may have entered unlawfully and all immigrants arriving at the border, even those seeking asylum.

### **2. What about the president's claim that he will only target people who pose a risk to the community?**

Secretary Kelly's February 20 memo suggests that major ICE enforcement operations are likely to focus on individuals with serious criminal convictions. However, he also instructs ICE officers to arrest any undocumented person they encounter.

### **3. How will the president enforce his directive against all undocumented immigrants?**

Secretary Kelly's memo outlines DHS's plan to encourage local law enforcement agencies to enter into "287(g) agreements," which deputize local police to serve as immigration officers. However, these agreements are optional and local police departments must choose to participate. Secretary Kelly's memo also reinstates the Secure Communities program, which asks local jails to hold individuals after they would otherwise be released from custody so that ICE officers can take them into custody – a practice that violates basic constitutional protections.

### **4. Are there any protected locations where ICE will not engage in arrests?**

DHS has [stated publicly](#) that it will continue to respect the sanctity of certain sensitive locations and refrain from engaging in enforcement operations at schools, medical and health care facilities, places of

worship, and during public demonstrations such as marches and rallies. However, DHS continues to maintain that it has the authority to engage in arrests at these locations in special circumstances.

### **5. What do the memos say about children who came to the United States alone – and their parents?**

Secretary Kelly states that DHS may bring criminal charges and/or deportation proceedings against anyone who “directly or indirectly ... facilitates the illegal smuggling or trafficking of a ... child into the United States.” We are hopeful that ICE will not interpret this as license to attack the families of children who came to the United States alone, but do not yet know what it will mean in practice. Undocumented family members are encouraged to consult with immigration attorneys before accompanying these children to immigration appointments. The memo also indicates that children who entered the United States alone and were then reunified with a parent may no longer be considered “unaccompanied,” which may affect the way these children apply for asylum. Families who have been reunified with unaccompanied children should consult with immigration attorneys to understand their rights.

### **6. Does the memo affect DACA?**

Although there have been several publicized arrests of DACA recipients, a fact sheet issued with Secretary Kelly’s memos states that the memos do not affect DACA recipients. DACA recipients should consult with immigration attorneys before applying to renew DACA, to determine if they have other options.

## **Know Your Rights!**

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### **1. Consult with an immigration attorney or BIA-accredited representative.**

Even if you do not think you have any legal options, you may have an immigration remedy available to you. A trained professional can help you navigate the complex immigration laws.

### **2. All persons in the United States are protected by the Constitution!**

Exercise your rights. You have the right to remain silent. You have the right to refuse to sign any formal documents without an attorney present. If officers come to your door, do not open the door. Ask the officers to identify themselves and the agency they are from. Ask why they are there. Only speak to officers through the door. Ask if they have a warrant; if they do, ask them to slip it under the door. Do not open the door unless you see a search or arrest warrant that 1) is signed by a judge (not a DHS or ICE officer) and 2) lists the name of a person in your residence or in the location the officer intends to search.

### **3. Make a safety plan.**

Memorize the phone number of a trusted friend, relative, or attorney in case you are arrested. Create a safety plan that outlines who would care for your children and other dependents if you are arrested and communicate this plan to your loved ones. Designate a safe place where you keep important documents such as birth certificates and immigration records, and provide a copy to a trusted loved one or attorney. Make sure your friends or relatives know your alien registration number (A#) if you have one. Make sure your loved ones are familiar with the ICE detainee locator website at <https://locator.ice.gov/odls>.

### **4. Connect with a community or faith-based organization.**

Many Americans and people in the community stand with you. Join a movement that supports immigrant rights. Be part of local and/or national efforts to build community and empower immigrants.

Read this information online: [immigrantjustice.org/know-your-rights/february-20-DHS-memos](http://immigrantjustice.org/know-your-rights/february-20-DHS-memos)