

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW

Immigration issues featured prominently in the 2016 presidential campaign and the outcome of the election understandably has caused uncertainty and fear for many in our community. Looking ahead, we should anticipate that there will be efforts to change substantive immigration law and immigration law enforcement practices, often in ways that will have significant impact on immigrants and their families. Despite blunt campaign rhetoric, however, specifics and feasible implementation plans for many proposals are lacking. How and when changes will be proposed and implemented is unknown. Given the centrality of immigration issues to the campaign and the importance of these issues to many supporters of the incoming administration, it is likely that some immigration-related changes will be among the first actions of the new administration.

As we move into this uncertain future, remember that the President-Elect does NOT have power to change anything BEFORE he takes office. Even after taking office, and even if all the various campaign promises are pursued, implementation of many will require statutory or regulatory changes. Others will require funding and resources that do not currently exist. For example, existing immigration statutes, regulations, and case law set forth procedures for initiating and conducting removal proceedings. Due process rights set forth in statutes, and those guaranteed by the Constitution, remain in place. Any efforts to roll back these protections will face long and hard-fought resistance. Finally, some rules concerning immigrants such as access to student financial aid or driver licenses are matters of state or local law.

In contrast, there are aspects of immigration law enforcement that the executive branch controls and this will mean that some changes can take effect immediately when the new administration takes office. In particular, policies and practices put in place by the executive branch without legislation or regulations are subject to change without new legislation or regulations. Most prominently, it is likely that the incoming president will rescind, or at least not continue, Deferred Action for Childhood Arrivals (DACA), which was created via executive action by President Obama in 2012. The use of personal information submitted to the federal government as part of DACA applications is unclear. Similarly, the executive sets levels of refugee resettlement from abroad and reductions in refugee admissions are likely. Other specific changes, including likely shifts in enforcement priorities, are more speculative.

Changes are coming, and we urge everyone to prepare rather than panic. Avoiding rumors and keeping up to date with credible information is key. Seeking advice from reputable sources is critical to avoid exploitation by those who would seek to profit from community fears. Below are links to resources on a number of topics to assist in understanding and planning for immigrants and immigrant communities.

Legal Services Resources

Michigan Immigrant Rights Center, <http://michiganimmigrant.org/resources/library/michigan-immigrant-service-provider-reference-guide>

American Immigration Lawyers Association, <http://www.ailalawyer.org/>

Immigration Advocates Network, <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

Immigration Law Help, <https://www.immigrationlawhelp.org/>

Mexican Embassy in the United States, www.embassyofmexico.org

National Immigration Project of the National Lawyers Guild find-a-lawyer tool, <https://www.nationalimmigrationproject.org/find.html>.

Deferred Action for Childhood Arrivals (DACA)

Immigrant Legal Resource Center, <https://www.ilrc.org/daca-talking-points>

MALDEF, <http://ow.ly/d/5xQG> (English and Spanish versions)

Know Your Rights and Safety Planning

Michigan Immigrant Rights Center, general information, <http://michiganimmigrant.org/resources/library>
<http://michiganimmigrant.org/resources/library/preparing-your-family-immigration-enforcement-english>
<http://michiganimmigrant.org/resources/library/preparing-your-family-immigration-enforcement-spanish>
<http://michiganimmigrant.org/sites/default/files/Familyemergency.pdf>
<http://michiganimmigrant.org/resources/library/family-emergency-checklist-spanish>

Farmworker Legal Services of Michigan, <http://www.farmworkerlaw.org/cle>

American Civil Liberties Union (ACLU), https://www.aclu.org/files/kyr/kyr_spanish.pdf

American-Arab Anti-Discrimination Committee, <http://www.adc.org/2016/11/community-advisory-adc-alarmed-by-hate-crimes-threats-to-places-of-worship-2/>

Immigrant Legal Resource Center, <https://www.ilrc.org/red-cards>

Immigrant Defense Project, <http://www.immdefense.org/ice-home-and-community-arrests/>

MALDEF, general resources, <http://www.maldef.org/>

Immigrant rights under a Trump Presidency (bilingual version),

http://static.ow.ly/docs/Bilingual%20Version_MALDEF_Immigrants%20Rights%20Under%20a%20Trump%20Presidency_5xQG.pdf

National Immigration Law Center, <https://www.nilc.org/wp-content/uploads/2016/11/Rights-No-Matter-Who-Is-Pres-2016-11-10.pdf>

Immigration Detention and Immigration Court Case Information

ICE's online detainee locator, <https://locator.ice.gov/odls/homePage.do>

Local ICE office, <https://www.ice.gov/contact/ero>

Change of Address and Registration

U.S. Citizenship and Immigration Services, Change of Address Brochure,

<https://www.uscis.gov/sites/default/files/USCIS/Resources/F2en.pdf>

U.S. Citizenship and Immigration Services, Change of Address Card, <https://www.uscis.gov/ar-11>

Reporting and Preventing Harassment

U.S. Commission on Civil Rights, (800) 552-6843, <http://www.usccr.gov/>

American-Arab Anti-Discrimination Committee, <http://www.adc.org/report-an-incident/>

Southern Poverty Law Center, <https://www.splcenter.org/reporhate>

United We Dream Hotline to report a raid: 1-844-363-1423, send text messages to 877877

Other Resources

ACLU constitutional analysis, <https://action.aclu.org/sites/default/files/pages/trumpmemos.pdf>

Migration Policy Institute, <http://www.migrationpolicy.org/programs/migration-data-hub>

United We Dream, <http://unitedwedream.org>

MSU College of Law Immigration Law Clinic faculty and attorneys are available to provide community presentations. These are likely to be more useful as we have more information on the specific plans of the new administration. Feel free to email to inquire about scheduling an event. We speak Spanish.

Veronica T. Thronson, Clinical Professor of Law & Director, Immigration Law Clinic, veronica.thronson@law.msu.edu

David B. Thronson, Professor of Law & Associate Dean for Experiential Education, david.thronson@law.msu.edu