

IMSC Outreach Worker Training
Immigration Updates

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IMMIGRATION UPDATES



AGENDA

- I. MIRC Services and the Farmworker Program
- II. General Immigration Updates
- III. Proposed changes to Public Charge

MIRC SERVICES & THE FARMWORKER PROGRAM

Michigan Immigrant Rights Center

Statewide legal resource center for Michigan's low-income immigrants

Systemic Advocacy



Coalition Building

Education & Training



Direct services



Welcoming Michigan

Michigan Immigrant Rights Center

Services to Farmworkers

- Free, confidential, legal advice and services
- No immigration status requirements
- Focus on issues related to employment
 - (i.e. unpaid wages, employer-provided housing, employment discrimination, sexual harassment, labor trafficking)
- Local and statewide policy advocacy

Farmworker hotline:

- Joint, toll-free hotline shared with Farmworker Legal Services: 1-800-968-4046

GENERAL IMMIGRATION UPDATES

Deferred Action for Childhood Arrivals (DACA)

- Temporary permission
 - SSN, Work Permit, Michigan ID
- No pathway to permanent residence or citizenship
- DACA was terminated by current administration but, currently, renewals are being accepted under pending federal court cases



Consult with attorney before renewing

Updates on Temporary Protected Status (TPS)

- **Sudan:** ends Nov. 2, 2018
- **Nicaragua:** ends Jan. 5, 2019
- **Nepal:** ends June 24, 2019
- **Haiti:** ends July 22, 2019
- **El Salvador:** ends Sept. 9, 2019
- **Honduras:** ends Jan. 5, 2020

Upcoming TPS decision dates:

- July 5, 2018: **Yemen**
- July 19, 2018: **Somalia**
- March 3, 2019: **South Sudan**
- August 1, 2019: **Syria**

ICE Raids at Work

- ICE **must have a judicial warrant to enter private property** (including land) or be given permission to enter by the owner of the property.
- If housing is provided onsite, or as part of contract with employee, **ICE must have a judicial warrant or the resident's permission to enter.**

ICE Raids at Work

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ (Name of Alien) on _____ (Date of Service) and the contents _____ notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Original Affidavit - Court Original Warrant - Bureau	1st copy - Prosecutor 1st copy - Prosecutor	2nd copy - Serve 2nd copy - Serve	3rd copy - Issuing Judge
STATE OF MICHIGAN 90th DISTRICT COURT		SEARCH WARRANT	CASE NO.

Police Agency
Report Number: P96-21871

TO THE SHERIFF OR ANY PEACE OFFICER:

Jane Harmer, has sworn to the attached affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at: A home located at 112 Belvedere Avenue, more fully described as a white two story Victorian style home with a combination of lap and cedar siding with an attached two car garage with two garage doors and a lucia front door at an angle facing Huribut Street in the city of Charlevoix.
2. The PROPERTY to be searched for and seized, if found, is specifically described as: Any and all tapes from any and all answering machines in the home, any and all caller identification devices or other forms of telecommunication recording type devices, any and all mail, correspondence or other documentation from any person, group or faction containing or relating to the assets to any member of the Ramsey family and any and all physical evidence indicating that a breaking and entering or unlawful entry, illegal entry or surveillance has occurred in the home.

BY ME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with affidavit attached and a tabulation (or written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 1-5-17
Date: 1/5/17

Richard W. May
Judge Richard W. May

RETURN AND TABULATION

made 1-05-17 and the following property was seized:

NO PROPERTY SEIZED

Officer

Name of individual, warrant, and tabulation served on: RESOLVE
Name

Tabulation filed: 01-05-17

ICE Raids at Work

- What to do during a workplace raid?
 - **Do not panic. Do not run away.** Individuals can ask if they are free to leave. If the officer says no, do not try to leave.
 - If questioned, can say “I’m choosing to remain silent” or show a rights card.
 - **Do not show false documents. Do not lie.**

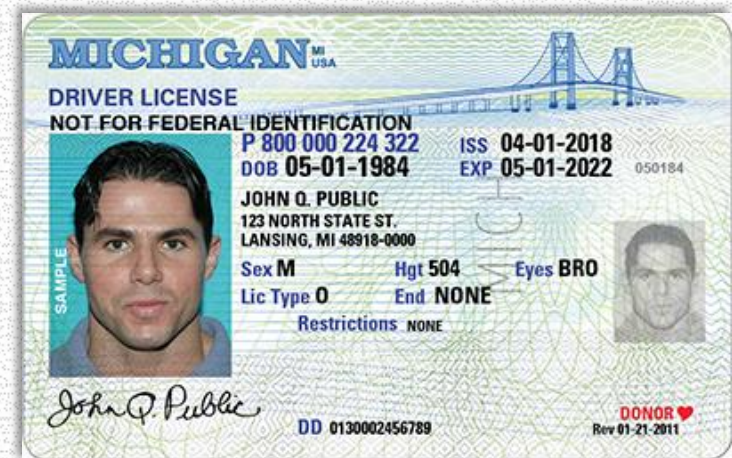


Driver's Licenses & the REAL ID Act

- REAL ID Act – new national standards for driver's licenses and state IDs to be accepted for official federal purposes
- Michigan issues both REAL ID-compliant licenses/IDs and standard, non-REAL ID licenses/IDs.
- Standard Michigan licenses/IDs are valid forms of identification.
 - However, beginning October 2020, standard Michigan licenses that are not REAL-ID compliant, will no longer be valid for official federal purposes (ie at federal facilities, at airport)

Driver's Licenses & the REAL ID Act

- How do you tell the difference between a Michigan REAL ID compliant and non-compliant license?



Driver's Licenses & the REAL ID Act

Applying for a license or ID? You will need the documents listed below.



Secretary of State
Ruth Johnson
www.Michigan.gov/sos

To ensure your application process is as smooth as possible, remember:

- ✓ Double-check that you have all the correct documentation before visiting a Secretary of State office. If you have any questions about what is required, please visit the Secretary of State website at www.Michigan.gov/sos or call the Department of State Information Center at 888-SOS-MICH (767-6424).
- ✓ Your first and last name and date of birth on your legal presence and identity documents should match. If your current legal name is different from the name on your birth certificate or legal presence document, you must show legal proof of the name change, such as an original marriage certificate, divorce decree or court order.
- ✓ A second document from group 42 may also be accepted as proof of identity.
- ✓ Foreign documents must be translated.
- ✓ Documents must be originals or copies certified with a raised seal or stamp. Faxed or photocopied documents will NOT be accepted.
- ✓ Foreign driver's licenses are proof of driving experience only. English translations must be provided if you do not have an International Driving Permit.
- ✓ Documents are subject to departmental review and may require more than one day for approvals. Additional information may be required. The department may retain images or copies of documents presented.

1 Your Social Security number or letter of ineligibility	2 Legal presence	3 Identity verification	4 Proof of Michigan residency
<p>Present ONE of the following to demonstrate a valid Social Security number or ineligibility.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Social Security card <input type="checkbox"/> W-2 form <input type="checkbox"/> SSA 1099 form or non-SSA 1099 form <input type="checkbox"/> Pay stub containing your name and Social Security number. <input type="checkbox"/> SSA-1676 letter of ineligibility from the Social Security Administration. Must be presented with USCIS documents that show non-work authorized status. Letters more than 60 days old will not be accepted. <p>Note: If you are unable to provide one of the above documents as proof of your Social Security number, other documents that show your Social Security number may be presented but require review by the branch manager. Social Security number information will be verified. You may be required to correct your information with the Social Security Administration before your driver's license or ID card application can be processed.</p> <p>SOS-428 (03/18)</p>	<p>Present at least ONE of any of the documents from this column.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Valid, unexpired U.S. passport or passport card. <input type="checkbox"/> Certified birth certificate with stamp or raised seal issued by a government unit of the U.S. or U.S. territory government office. NOTE: Puerto Rico birth certificates can only be accepted if issued on or after July 1, 2010. <input type="checkbox"/> Enhanced Michigan Driver's License or ID card. <input type="checkbox"/> Consular Report of Birth Abroad issued by the U.S. Department of State (FS-240, DS-1350 or FS-545). <p><i>The following documents are subject to verification using the Systematic Alien Verification for Entitlements System (SAVE). Approval may take longer than one day.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Valid, unexpired Permanent Resident Card (I-551). <input type="checkbox"/> Certificate of Citizenship (N-560 or N-561). <input type="checkbox"/> Certificate of Naturalization (N-550, N-570 or N-578). <input type="checkbox"/> Valid, unexpired foreign passport and U.S. visa with entry stamp or I-94 form. <ul style="list-style-type: none"> ■ B1 and B2 visas are not accepted. ■ WB and WT visas are not accepted. ■ F-visa holders must present a I-20 form. ■ J-visa holders must present a DS-2019 form. <input type="checkbox"/> Valid, unexpired Employment Authorization Card (I-766) presented with foreign passport and entry stamp. <p>Note: If you do not have any of the above documents, other USCIS documents may be presented but require verification, which may take more than one day.</p>	<p>Present original documents to establish identity. MORE THAN ONE document may be required.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Out-of-state, U.S. territories, or Canadian driver's license or ID card. (Licenses or ID cards expired for less than four years will be accepted.) <input type="checkbox"/> Marriage license issued in the U.S. <input type="checkbox"/> Divorce decree issued in the U.S. <input type="checkbox"/> U.S. court order for a name change. <input type="checkbox"/> Employee photo ID issued by a federal or Michigan government agency. <input type="checkbox"/> U.S. Customs and Border Protection Trusted Traveler Card (Global Entry, SENTRI or NEXUS). <input type="checkbox"/> U.S. military ID card with photo (DD-2, DD-1173 or CAC card). <input type="checkbox"/> U.S. military discharge or separation documents, such as a DD-214. <input type="checkbox"/> Tribal photo ID card from a federally recognized Native American tribe. <input type="checkbox"/> Michigan Department of Corrections prisoner ID card. (This document requires verification, which may take more than one day.) <input type="checkbox"/> Michigan driver education certificate. (For applicants age 18 and younger) <input type="checkbox"/> Government-issued adoption record. <input type="checkbox"/> U.S. school records (School ID cards with name and photo, diplomas, transcripts, yearbooks, or record of attendance). <input type="checkbox"/> If the applicant is below age 18 and does not have one of the above with them, a parent or guardian may present their driver's license or ID and sign for the teen. <input type="checkbox"/> The identity requirement may also be met if two of the following documents are presented: foreign passport, I-94, Employment Authorization Card, Refugee Travel Document I-571 or immigrant visa. <input type="checkbox"/> A valid, unexpired U.S. passport or passport card can serve as both proof of legal presence and identity. <p>Note: If none of the documents listed above are available, other identity documents may be accepted. These documents require verification, which may take more than one day.</p>	<p>Present at least TWO documents with your name and Michigan residence address.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Utility bill or credit card bill issued within the last 90 days. (Electronic copies are acceptable.) <input type="checkbox"/> Account statement from a bank or other financial institution issued within the last 90 days. (Electronic copies are acceptable.) <input type="checkbox"/> Michigan high school, college or university report cards or transcripts. <input type="checkbox"/> Mortgage, lease or rental agreement. (Lease and rental agreements must include the landlord's telephone number.) <input type="checkbox"/> Pay stub or earnings statement issued with the name and address of the employee. <input type="checkbox"/> Life, health, auto or home insurance policy. <input type="checkbox"/> Federal, state or local government documents, such as receipts, licenses or assessments. <input type="checkbox"/> Michigan title and registration. (The registration must show current residential address.) <input type="checkbox"/> Other documents containing your name and address may be accepted with manager approval. <p>Note: Michigan P.O. boxes not an acceptable residence address.</p> <p>Documents needed:</p> <ol style="list-style-type: none"> 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ <p>www.Michigan.gov/sos</p>

Driver's Licenses & the REAL ID Act

2 Legal presence

Present at least ONE of any of the documents from this column.

- Valid, unexpired U.S. passport or passport card.
- Certified birth certificate with stamp or raised seal issued by a government unit of the U.S. or U.S. territory government office.
NOTE: Puerto Rico birth certificates can only be accepted if issued on or after July 1, 2010.
- Enhanced Michigan Driver's License or ID card.
- Consular Report of Birth Abroad issued by the U.S. Department of State (FS-240, DS-1350 or FS-545).

The following documents are subject to verification using the Systematic Alien Verification for Entitlements System (SAVE). Approval may take longer than one day.

- Valid, unexpired Permanent Resident Card (I-551).
- Certificate of Citizenship (N-560 or N-561).
- Certificate of Naturalization (N-550, N-570 or N-578).
- Valid, unexpired foreign passport and U.S. visa with entry stamp or I-94 form.
 - B1 and B2 visas are not accepted.
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 - F-visa holders must present an I-20 form.
 - J-visa holders must present a DS-2019 form.
- Valid, unexpired Employment Authorization Card (I-766) presented with foreign passport and entry stamp.

Note: If you do not have any of the above documents other USCIS documents may be presented but require verification, which may take more than one day.

Driver's Licenses & the REAL ID Act

Lawful Status - REAL ID	Legal Presence – MI standard (non-REAL ID)
<ul style="list-style-type: none">• Permanent resident (green card)• Asylee• Refugee	<p>Broader - All of these statuses + may include others, i.e. Order of supervision' Applicant for Cancellation w/EAD</p>
Temporary Lawful Status	
<ul style="list-style-type: none">• Nonimmigrant status• Pending asylum application• Pending or approved TPS• Deferred action/DACA• Pending application for green card	

Issues at SoS?

Ask for a branch manager and to have your documents sent through the exceptions process

PROPOSED CHANGES TO PUBLIC CHARGE

What is public charge?

- Public Charge is an immigration law concept.

One of the requirements for getting permanent residence (aka a “green card”): prove applicant is not likely to become primarily dependent on the government for subsistence.



Public Charge Under Current Law

May consider limited public benefits:

- Cash assistance (i.e. FIP, SSI), or
- Medicaid long-term care institutionalized care (e.g. *nursing home*)

But can respond with “affidavit of support” from sponsor (*sponsor makes income available to applicant for green card/LPR*)

Final decision must look at “totality of circumstances” (*past vs. current vs. future situation; age, family, health status, employment, etc.*)

Public charge does *not* apply to...

- Refugees and asylees
- VAWA self-petitioners
- Victims of human trafficking (T- Visas)
- Victims of Crime (U-Visas)
- Special immigrant juveniles (SIJ)
- Applicants for Temporary Protected Status (TPS) who receive a waiver
- Afghan and Iraqi special immigrants serving as translators with U.S.
- Cuban and Haitian entrants
- Central Americans adjusting as part of NACARA
- LPRs applying for U.S. citizenship
- American Indians born in Canada
- Certain Nationals of Vietnam, Cambodia and Laos
- Qualified aliens
- And others

The law has not changed

...however a there's a proposal to change the law that could have devastating consequences.

Proposed changes

Current Law

- Cash assistance programs including SSI, FIP, Institutionalized care at government expense

Proposed New Regulation

- Cash assistance programs (including TANF, SSI)
 - Earned Income Tax Credit
 - ACA/Obamacare (federal subsidies/ tax credits)
 - Food Stamps
 - Medicaid
 - WIC
 - Housing assistance
 - LIHEAP energy benefits
 - Institutionalization for short- and long-term care at government expense
-
- Includes benefits received by dependent children

Process for Regulation Change

Step 1: Department of Homeland Security (DHS) sent a *proposed regulation* to the Office of Management and Budget (OMB). Slated to be published in July but could be published any day.

Step 2: Publish for notice and comment: 30-60 days to send public comments on the proposed regulation

Step 3: DHS has to respond to the public comments (does not mean they will consider/change proposed regulation) and publish a *final regulation*. Could take several months.

What should immigrants know now

Adjusting/changing
status in the U.S.



Going through consular
processing



**Starting to hear
about changes at
some consulates**

- Rule is expected to be prospective
- No changes to eligibility for any government programs

What can you do?



- Join Protecting Immigrant Families *Michigan*
 - Updates, alerts, and instructions on how to submit comments
- Website: <https://michiganimmigrant.org/protecting-immigrant-families-michigan>
- Help us gather stories - <http://action.nilc.org/page/s/protectfamilies-stories>
- National resources: bit.ly/PIFresources

Example: effectiveness of comments

- Tip theft rule (was proposed December 2017)
- National Employment Law Project (their partners) generated over 300,000 comments
 - These comments elevated the profile of the issue and put pressure on Congress to act.
 - The omnibus spending bill which passed this year included a provision which codified tip protections for workers.
 - Here is a short NPR article on this victory --
<https://www.npr.org/sections/thesalt/2018/03/23/596458498/spending-bill-protects-tipped-workers-from-sharing-with-the-boss>

MIRC RESOURCES

- MIRC website: <https://michiganimmigrant.org/>
- Facebook (@Michiganimmigrant) Find us on 
- Twitter (@MichImmigrant) 