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## Implementation of the Immigration Enforcement Executive Orders

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On February 20, 2017, the Department of Homeland Security (DHS) released a pair of memos which outline the government's aggressive plan to implement President Trump's January 25 Executive Orders on interior enforcement and border enforcement.

The memorandums state that “effective immediately,” DHS shall faithfully execute U.S. immigration laws against “all removable aliens” and will no longer exempt categories of removable aliens from potential enforcement. The memorandums rescind prosecutorial discretion; except for DACA. They direct DHS to make full use of all statutory authorities for removing aliens “expeditiously”, by bypassing immigration courts and allowing enforcement officers to act as judges. Fast-track removals block access to due process and humanitarian protections. The memorandums direct DHS personnel to arrest, apprehend, and initiate enforcement actions against “any alien whom an immigration officer has probable cause to believe” has violated the immigration laws. The memorandums also call for a massive expansion in detention.

The Trump administration also clarified that the current federal hiring freeze will not apply to immigration court judges under an exception for positions that are needed for national security and public safety. The Executive Office for Immigration Review is continuing to fill positions for immigration judges and supporting staff.

On February 28<sup>th</sup>, just hours before Trump delivered his first speech to a joint session of Congress, he indicated that he was open to passing a bill that could grant legal status to millions of undocumented immigrants living in the United States. However, during the speech he repeated his campaign promise to build a wall along the U.S.-Mexico border; boasted about his tough enforcement strategies; continued to portray immigrants as criminals; and called for the United States to change its immigration system to “merit-based”. The president did not offer any clarity on what his administration will do or whether it would support an immigration reform bill.

As of now, under the Trump administration’s enforcement guidance, ICE is conducting targeted raids aimed at arresting immigrants who have committed criminal offenses; have a prior deportation order and have remained in the country; and those immigrants who entered legally but overstayed their visa or authorized stay. In our community, we have not yet seen large-scale workplace raids or raids in public places, but below are some recommendations for those situations.

### **Know Your Rights: If ICE Comes to Your Work Place (Employee)**

- ICE must have a valid search warrant or the consent of your employer to enter non-public areas.
- Do not panic and do not run away. If you are frightened and feel like you need to leave, you can calmly walk toward the exit. If you are stopped, you may ask if you are free to leave. If the officer says no, do not try to exit the building.
- You have the right to remain silent. You do not need to answer ICE's questions. If they ask you to stand in a group according to immigration status, you do not have to move, or you can move to an area that is not designated for a particular group. You may refuse to show identity documents that say what country you are from. Do not show any false documents.
- You have the right to speak to a lawyer. If you are detained or taken into custody, you have the right to immediately contact a lawyer.

### **Know Your Rights: If ICE Stops You on the Street or in A Public Place**

- You have the right to remain silent. You do not need to speak to the immigration officers or answer any questions. You may ask if you are free to leave. If the officer says no, you may exercise your right to remain silent. You may refuse to show identity documents that say what country you are from. Do not show any false documents.
- You may refuse a search. If you are stopped for questioning but are not arrested, you do not have to consent to a search of yourself or your belongings, but an officer may "pat down" your clothes if he or she suspects you have a weapon.
- You have the right to speak to a lawyer. If you are detained or taken into custody, you have the right to immediately contact a lawyer.

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