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New Immigration Executive Orders

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With less than a month in office, the Trump Administration has already signed three alarming immigration executive orders. On January 25, 2017, they signed “Enhancing Public Safety in the Interior of the United States” and “Border Security and Immigration Enforcement Improvements”. On January 27, 2017, they signed “Protecting the Nation from Foreign Terrorist Entry into the United States”. The executive orders indicate that the new administration plans to fulfill its campaign promise to be tough on immigration. The future of the Deferred Action for Childhood Arrivals (DACA) program was not addressed in these executive orders, so we still wait for a decision on the future of DACA.

Here are some of the highlights of the executive orders:

- Begin planning for the construction of the physical southern U.S./Mexican Border wall
- Allocate Federal funds to build the wall
- Add additional detention centers near the Mexican border
- Assign asylum officers & immigration judges to detention centers
- Authorizes detention of immigrants for mere suspicion of violating immigration law
- Hire an additional 5, 000 additional Border Patrol agents
- Authorize state and local law enforcement officials to preform functions of immigration officers in relation to investigation and apprehension of immigrants in the U.S.
- Stricter enforcement for asylum cases and parole admissions
- Established new immigration enforcement priorities, which include individuals:
 1. Convicted of criminal offenses
 2. Charged, but not convicted of criminal offense
 3. Committed acts that may be a chargeable criminal offense, but has not been convicted
 4. Commit fraud or willful misrepresentation in connection with any official and/or application before a governmental agency
 5. Abused any public benefit program
 6. Subject to a final order of removal, but who have not departed yet
- Immigrants without lawful status will be subject to civil fines
- Expand expedited removal throughout the country, to individuals who unlawfully entered the US and cannot prove that they have been continuously present in the US for the previous two years.
- Add an additional 10,000 ICE officers

- Find sources of federal funds that can be withheld from “sanctuary cities” that fail to cooperate with ICE.
- 90-day travel ban on “immigrants and nonimmigrants” from 7 designated countries
- 120-day ban on U.S. refugee program
- Indefinite suspension of Syrian refugee admissions

The objectives listed in these executive orders are alarming, but it is important to remember that these objectives are just orders and they still have to be implemented. It is not clear whether a Republican Congress that considers itself fiscally conservative will be willing to allocate the vast sums of money needed to carry out these orders. Immigration attorneys are also leading the charge to fight these executive orders in court, alleging that they violate our Constitution.

Immigration lawyers rushed to file lawsuits as soon as the Trump Administration’s executive order titled “Protecting the Nation from Foreign Terrorist Entry Into the United States” went into effect. Those lawsuits have resulted in a temporary restraining order on the federal government’s enforcement of the travel ban which means that those individuals who were banned under the Executive Order from entering the United States may now enter. Additionally, we have seen how several sanctuary cities such as San Francisco have filed lawsuits against the Trump administration alleging that the administration is violating the 10th Amendment of the Constitution. Lawyers will be using the law and the court systems to challenge every one of the Trump administration’s unconstitutional actions.

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