

IMMIGRATION JUSTICE CAMPAIGN

Guidance for Immigration Justice Campaign Volunteers in the Wake of Recent Executive Actions

As you may be aware, in the last few days, the Trump administration has issued several executive orders and policy directives that impose sweeping reforms to our immigration system. We understand that you and your clients may be concerned about what these changes mean and how clients and their cases will be impacted. Here, we provide high-level guidance and impacts on currently active cases, with the aim to provide additional in-depth information in the coming days and weeks. As always, please reach out to your IJC mentor or join weekly office hours for additional information.

This information is specific to the kinds of cases we have placed that are ongoing, and is not an all-encompassing list of the changes to policies that may affect other clients you have outside of our program. We are also including a link to a more in-depth analysis of the Executive Orders done by the American Immigration Council's Policy team [here](#).

Changes in immigration enforcement and detention:

- Call for maximal enforcement of immigration law, and rescission of current enforcement priorities, which may affect requests for prosecutorial discretion and expands who must be detained pending their cases.
 - Under the new expanded policy, U.S. officials will be authorized to arrest someone accused of entering the country without inspection anywhere inside the U.S. and subject them to expedited removal (without a hearing before an immigration judge) if they believe that person has been here for less than two years.
 - If your client has already been given a Notice to Appear (NTA), they cannot be put into expedited removal. If your client has an active case in immigration court, they have already been NTA'd.
 - Any client who entered without authorization and was not paroled will have the burden of proving that they have been in the U.S. for longer than two years if they are not already in removal proceedings, and therefore **it is advisable that clients who entered the U.S. prior to January 2023 gather and maintain proof of physical presence documents covering a period longer than two years, in the event they are picked up by ICE.**

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- **Please refer to Know Your Rights information for you and your clients, and how clients can protect themselves and exercise their rights in a situation when confronted with local law enforcement or ICE agents.**

Changes to border policies and parole programs:

- Remain in Mexico (MPP) has restarted, and entry at ports of entry is extremely limited. The CBP One app has been ended, including people who had appointments set.
- It is unclear if clients who were previously granted humanitarian parole under the Cuban, Honduran, Nicaraguan, Venezuelan (CHNV) parole program will lose their parole status sooner than the current expiration date of their parole, and **in the meantime should seek to file applications for other eligible forms of relief as soon as possible, if not already pending.**
- Parole is not a “status” in the traditional sense, so **any individual with parole should be seeking other forms of relief, particularly by filing an asylum application if they have a viable asylum claim.**
- Individuals with Temporary Protected Status (TPS) who have no other immigration application pending should consider applying for other immigration benefits or forms of relief for which they are eligible.

Requirement of undocumented individuals to register their presence in the U.S.

(submit fingerprints and provide an updated address) or face criminal penalties if they do not comply.

- This is a complicated and confusing element of the new policies and there is not yet a system in place to advise individuals on how and where to comply with this requirement. We will provide updates as we get information. Likely, if your client has already been fingerprinted for a visa or other applications, they have already been considered “registered.”
 - **Make sure that if your client has a pending form of relief, that their address is updated with the courts and/or USCIS.**

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Changes to the definition of gender:

- While sexual orientation and gender identity will still be bases for asylum, there may be additional issues to consider in making these arguments. Please contact your mentor for guidance.
- It is very likely that detained trans individuals will be detained with other individuals who share the same gender assigned at birth.