Navigating the U.S. Immigration Landscape

Context and Conversation: The State of Immigration in Iowa

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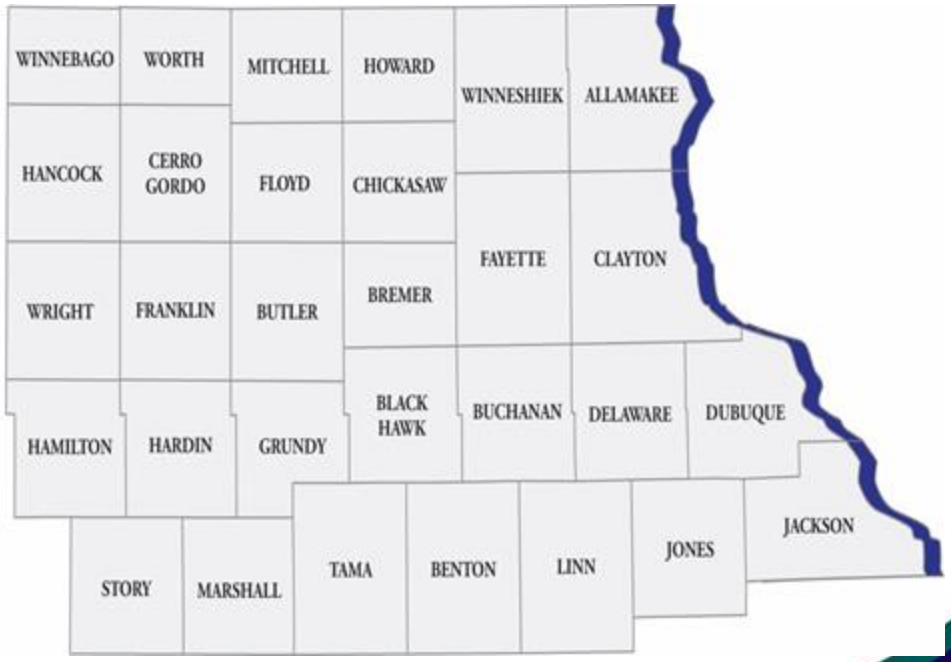
Legal Director, Immigration Legal Services

Catholic Charities Archdiocese of Dubuque

Catholic Charities office locations: Cedar Rapids, Dubuque & Waterloo

- Social service agency serving 30 counties in NE Iowa
- Responding to ever changing social needs
- Providing help to all persons in need, regardless of faith or background
- ILS, Counseling, Jail & Prison Reentry, Housing, Poverty Reduction



Catholic Charities
Archdiocese of Dubuque

Immigration Legal Services (ILS)

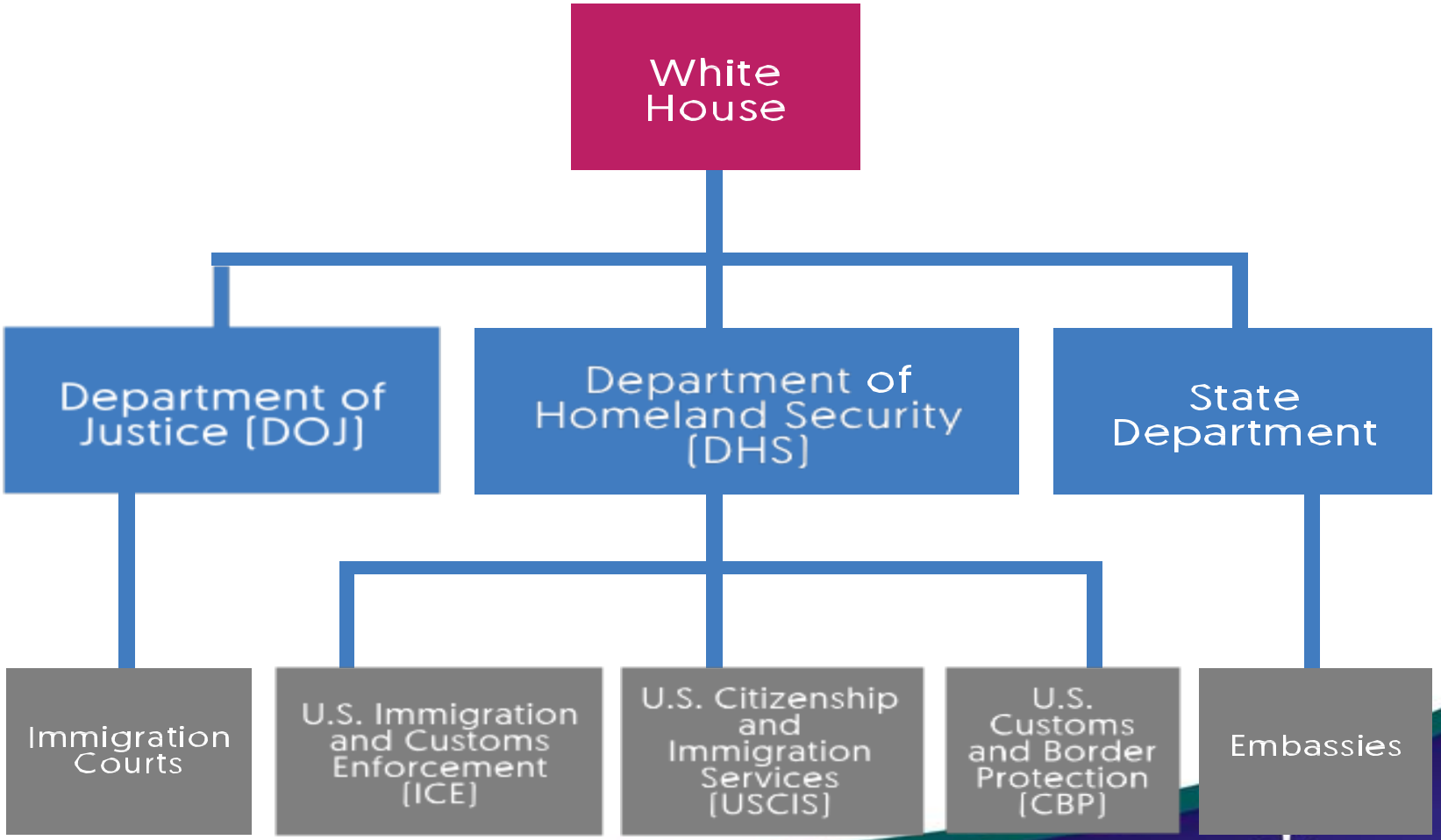
Helping to reunify & keep families together by providing affordable, quality legal services for individuals & families. Consultations are FREE.

- Asylum
- Citizenship
- DACA
- Green card
- Family-based

Reunification petitions

- SIJS/Unaccompanied minors
-VAWA Self Petition
-U & T crime victim/trafficking
-Humanitarian: TPS, HP,
- Removal Defense (limited)

Federal Agencies



Pathways to Legal Status

Family-Based Immigration

- US Citizen adults (21 and older) can sponsor Immediate Relatives = spouse, parent and unmarried child > 21 yrs – no visa caps/limits but siblings of USC subject to preference category limits
- Lawful Permanent Residents can sponsor spouse and unmarried child

Humanitarian Based Relief

-Asylum (unlimited) & Refugee (determined by President)

-Special Immigrant Juvenile Status (SIJS), Temporary Protected Status (TPS), Humanitarian Parole

-Deferred Action for Childhood Arrivals (DACA)

-VAWA, U visa, and T visa

Family Preference Categories (Jan 2025)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22NOV15	22NOV15	22NOV15	22NOV04	08MAR12
F2A	01JAN22	01JAN22	01JAN22	15MAY21	01JAN22
F2B	22MAY16	22MAY16	22MAY16	01JUL05	22OCT11
F3	01JUL10	01JUL10	01JUL10	22NOV00	08NOV02
F4	01AUG07	01AUG07	08APR06	01MAR01	01MAY04

FAMILY-SPONSORED PREFERENCES

First: (**F1**) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (**F2A**) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (**F2B**) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (**F3**) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (**F4**) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

Pathways to Legal Status

Employment-Based Immigration (140K visas): H1Bs, H2A, EB, Investors, L1: Extraordinary Ability, Outstanding Researchers or Advanced Professions, Highly Skilled Professionals, etc.

Diversity Visa Lottery (55K visas) - Countries NOT eligible: Bangladesh, Brazil, Canada, China, Colombia, Dominican Rep, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, UK and Vietnam.

Who is an Immigrant?

*Noncitizen resident who intends to make the US their permanent home

- **Legal Permanent Resident** – aka LPR or green-card holder
- **Refugee and Asylee**
- **Temporary Legal Presence & Protection groups:**
  - **Temporary Protected Status (TPS)**
  - **Humanitarian Parole (eg. Afghan OAW, U4U, CHNV)**
  - **Deferred Action for Childhood Arrivals (DACA)**
  - **Special Immigrant Juvenile Status (SIJS)**
  - **VAWA recipients, U visa, T Visa**

- **Undocumented**: person who entered the U.S. without inspection or overstays visa and now does not have proper authorization

Refugee vs. Asylee

- **Refugee receives prior permission to come to the US from OUTSIDE of the country**
- **Refugees are resettled by a US refugee resettlement agency & offered R&P services**
- **Refugees already have status at the point of entry to the US. They are legally allowed to remain in the US and work immediately incident to their refugee status.**
- **Refugees are eligible to adjust their status (apply for green card) after maintaining physical residence in the US for one year.**

- **Asylee is physically in the US when she/he applies for asylum protection or physically present at POE (CBP)**
- **Asylee has to prove that they have reason to fear persecution in their home country and cannot return due to this fear**
- **Asylum seekers are only considered Asylee once they have been granted asylum by the USCIS Asylum Office or by an Immigration Judge (IJ)**

Myth Busting with Facts

MYTH: "All of them (immigrants who enter the US without inspection or immigrations who overstay their visa), because they illegally broke our nation's laws, and therefore, they are criminals, as far as this administration goes....it's a big culture shift in our nation to view someone who breaks our immigration laws as a criminal. But that's exactly what they are."

FACT: It is NOT a crime to be physical present in the US without proper documentation. In 2012, US Supreme Court held that "[a]s a general rule, it is not a crime for a removable alien to remain [present] in the United States," *Arizona v. United States, 567 U.S. 387*. Thus, being undocumented in the US cannot form a basis for an immigrant to be branded a 'criminal'.
But, the act of illegal entry is a federal misdemeanor crime under the federal U.S. Code §1325, punishable by a fine or imprisonment.

How Immigrants May Come into Contact with ICE

Contact with the criminal system

Applying for a benefit at United States Citizenship and Immigration Services (USCIS), ***while having a removal order or criminal charge***

Green card & Visa holders returning from travel:

- CBP must show either Immigrant intent OR Fraud
- A visa holder is subject to expedited removal

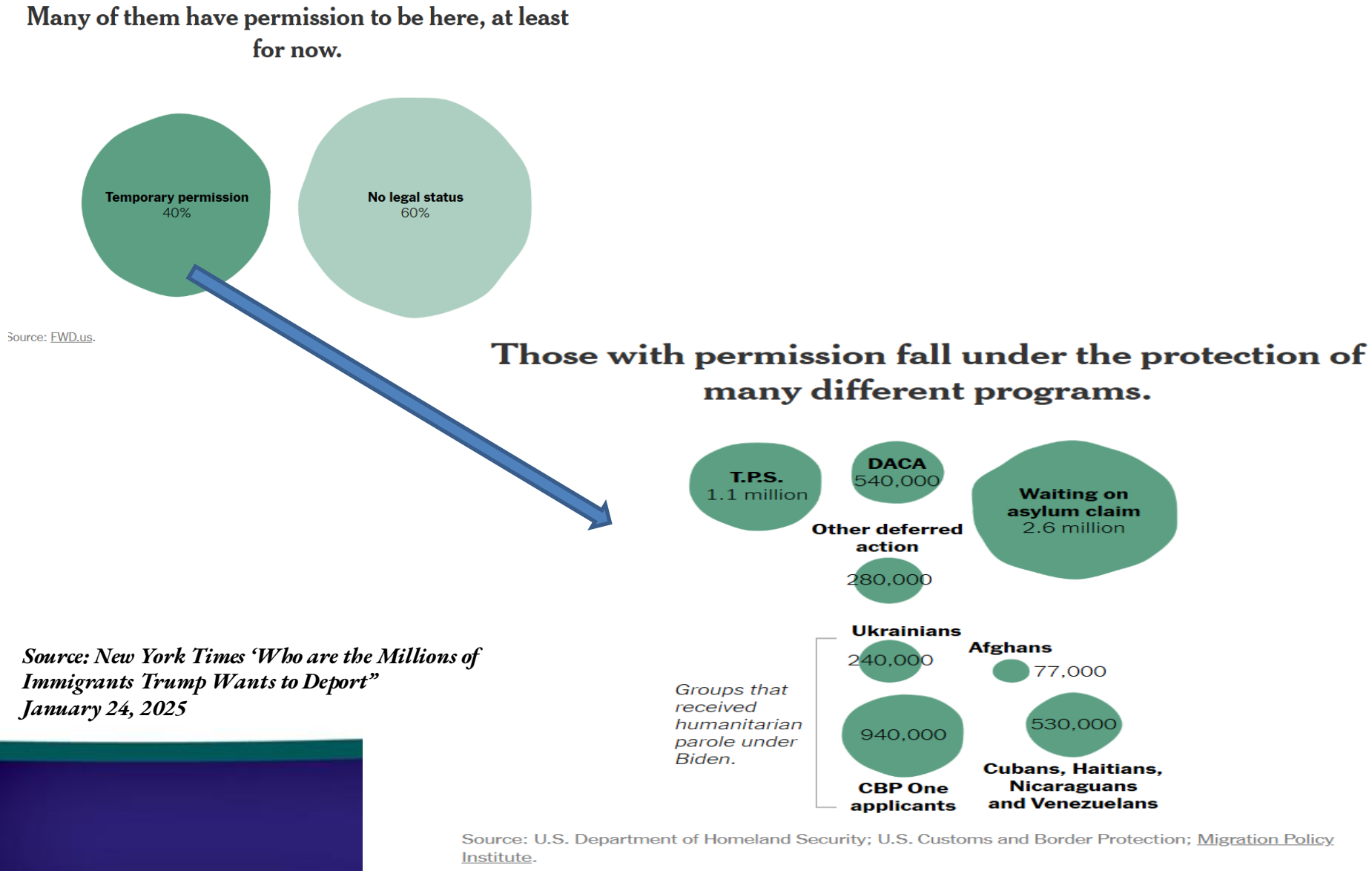
Raids & targeted enforcement

Attending an ICE appointment

Responding to an email/text/letter from ICE

Myth: The public perceives every noncitizen immigrant is undocumented.

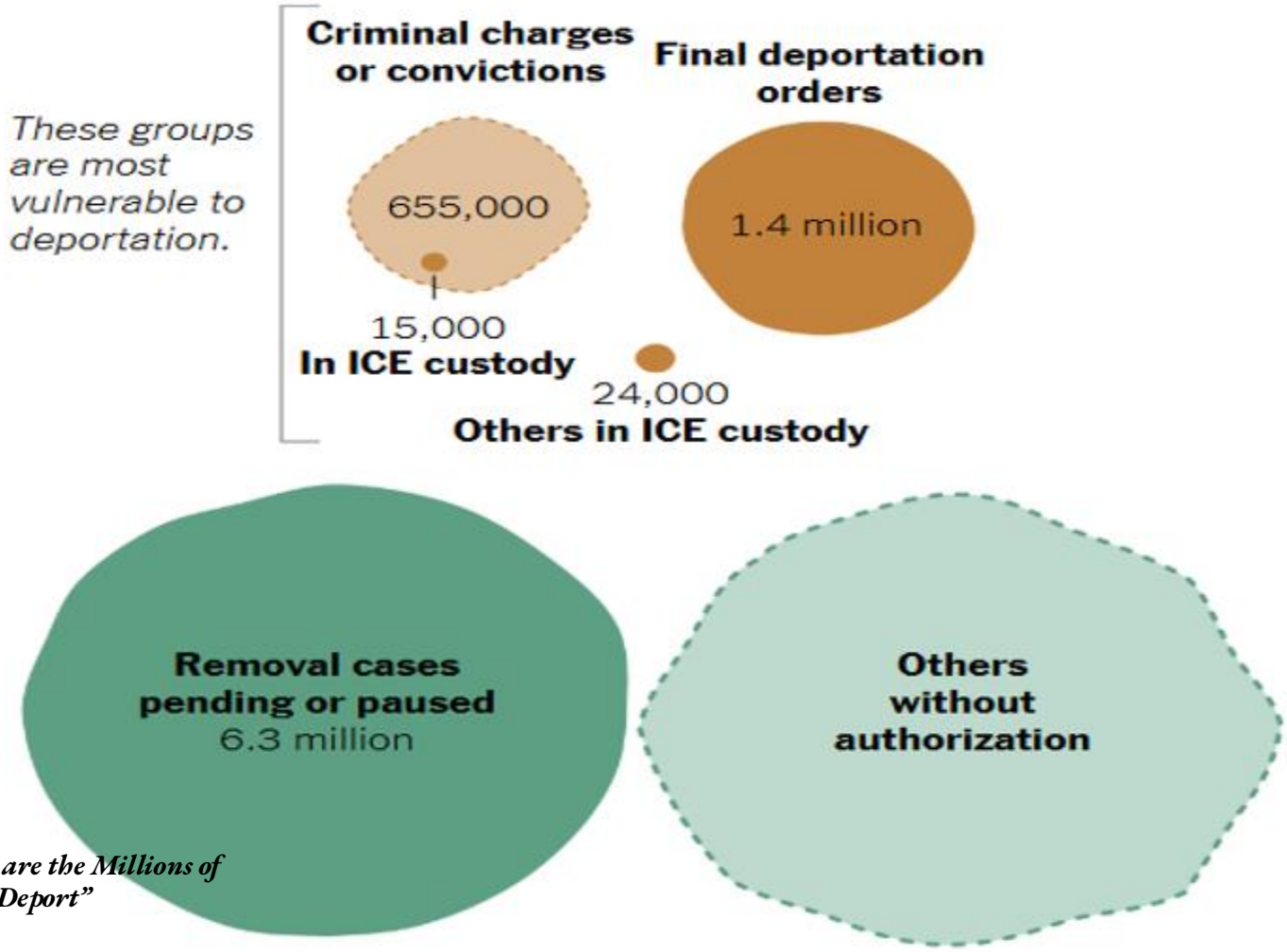
Fact: Many immigrants have legal permission to be in the US, are granted legal permission to work while waiting for their case to be adjudicated by USCIS or IJ



Source: New York Times 'Who are the Millions of Immigrants Trump Wants to Deport" January 24, 2025

Myth: Every noncitizen should/can be deported.

Fact: It will be difficult to swiftly deport every undocumented person in the US. The numbers of removable persons in ICE custody is low. Noncitizens should be reviewed if they generally fall under Deportation or Inadmissibility Grounds



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RISK ASSESSMENT FOR DEPORTATION / INADMISSIBILITY

High Risk

- Person with prior removal order, person who did not depart the US after final order of removal/deportation, person who missed/failed to appear for court hearing with in absentia removal orders; undocumented person
- Expedited Removal *pre-Jan 2025* – created in 1996 applies to noncitizens who arrive at border's POE (land or sea) without proper entry documents, EWIs apprehended within 2 wks of arrival & within 100 miles, allowed CBP/ICE agents to deport person without an immigration hearing (exception verbalize CF)
- ER Expansion Jan 2025 @ Interior - allows ICE to engage in EP if person has less than 2 years physical presence in the US (may now include parolee if they have not filed asylum yet)

Low Risk

- Lawful Permanent Resident (LPR) or Green Card holders with no criminal history triggering removal
- US citizens, naturalized or born in the US

Exec Orders Impacting Immigrants

Ending Protection and Lawful Pathways

- Rescinding Sensitive Locations Policy – ICE is permitted to detain & arrest immigrants at previously protected locations such as churches, places of worship, funerals, weddings, hospital, medical/health facilities, schools, or public demonstrations/rallies
- Stripping Humanitarian & Constitutional Protections

-Terminating Parole program for Cuba, Haiti, Nicaragua & Venezuela

-Terminating birthright citizenship (temporarily blocked, litigation pending)

- Restricting lawful immigration & refugee admissions

-Suspension of USRAP until further notice/review

- Expanding Detention & Deportation Operations

-Expansion of Expedited Removal to interior

PROTOCOL RESPONSE TO IMMIGRATION ENFORCEMENT ACTION

Review policies and designate staff to respond to ICE requests

1. **Consult** with your organization's legal counsel to review your privacy and visitors' policies
2. **Designate** administrator/supervisor who staff may contact
3. **Consider confidentiality** & any notice requirements when responding to search or arrest warrant requests
4. **Consider your response** to immigration efforts based upon the documentation provided
5. **Do not attempt to physically interfere** with ICE agents, even if agents appear to be acting without consent or exceeding the purported authority provided by a judicial warrant

How Can I Help?

- Safely host Know Your Rights workshop
- Order, print and distribute KYR cards for immigrants
- Donate/Volunteer with nonprofits serving immigrants
  - Tutor those preparing for citizenship, literacy skills
  - Drive or provide transportation
  - Serve as a legal guardian for an unaccompanied immigrant child/youth
- Create or donate to a legal fund for immigrants needing legal services, bond, etc. eg. Prairieland Freedom Fund (Iowa)
- Provide advocacy on fed & state legislative bills to help immigrants
- Join a local immigrant rights group or start one with your neighbors, friends, etc.
- Organize & Speak Out – leverage your privilege
- Do not give hate a safe harbor
- **Their goal is to create maximum fear & chaos, which assumes immigrants will leave at their own expense and this helps to reduce cost for the administration.**

National Resources on Immigration

This is not an exhaustive list of resources:

- American Immigration Lawyers Association (AILA)
- American Immigration Council (AIC)
- Nat'l Immigrant Legal Resource Center www.nilc.org
- Catholic Legal Immigration Network – CLINIC
- PEW Research Center www.pewresearch.org
- Migration Policy Institute www.migrationpolicy.org
- USCIS www.uscis.gov – forms and applications

Contact Information:

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