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## **Disguised Immigration Policies Hit Hard Under the Radar** *Submission to Boston Globe, October 2018*

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Without amending any statutes or regulations, The Trump Administration recently and quietly produced two policy memos that will likely lead to many immigrants being wrongly denied critical changes to their legal status and being placed in line for possible deportation only because they called attention to themselves while trying to legally navigate the existing system.

The memoranda, issued by the Dept. of Homeland Security, were presented as innocuous changes to “increase public safety,” and reduce the filing of “frivolous” applications.

Instead, they erect new barriers, complicating the immigration process especially for low-income immigrants who cannot afford helpful legal services, and increasing the difficulty in saving, collecting and producing proof of their claims to immigration officials.

While there are many immigration policies that generate great public outcry and attention, the Department of Homeland Security recently issued two policy memoranda that will drastically change the way U.S. Citizenship and Immigration Services (USCIS) processes immigration cases. These changes will likely lead to many immigrants being wrongly denied critical changes to their legal status and consequently being placed in deportation proceedings because they have called attention to themselves by trying to use the existing system.

This action is simply a new element of the administration’s nativist agenda, and one that is particularly hypocritical. While Homeland Security says it respects the rule of law and wishes more immigrants would “wait in line” and “follow the rules,” it has made it exponentially more dangerous for people to do so.

Under these new policies, immigrants applying for green cards, citizenship, Temporary Protected Status and other statuses may have their applications denied without opportunity to provide supplemental evidence or clarify eligibility questions. Then, once their application is denied, they will be referred to court for deportation proceedings.

To understand the impact of these policies on the most vulnerable immigrants, consider Marie. Marie came to the U.S. in 2010, after an earthquake destroyed her home in Haiti. She was 14 when she and her mother entered the U.S. She currently has Temporary Protected Status, but that status, along with her work authorization, will be terminated in July. Marie is 22 and married to a U.S. citizen. They have two children. She wants to know if her US Citizen husband can help her apply for a green card.

Seeking help from Rosie’s Place, a community center for Boston’s poor and homeless women, Marie learns about free immigration clinics that the Irish International Immigrant Center (IIC) offers weekly, which helps women sort through their options. Marie meets with an IIC immigration attorney for her free consultation and reveals that her mother lost documents

proving that they lawfully entered the U.S. Marie's situation is more complex than it would have been just a few months ago.

Before the administration's policy changes, Marie, as the spouse of a U.S. citizen who entered the United States lawfully, was eligible for a green card and could have requested a new copy of the documents proving her legal entry at a cost of several hundred dollars. As an alternative, she could have submitted a statement from her mother, explaining when they were paroled into the U.S. and how she lost the relevant documents. If the U.S. Citizenship and Immigration Services (USCIS) did not think that statement was sufficient, it would give her an opportunity to submit more proof and likely would not have put her in immigration court.

Now, Marie learns that if USCIS determines that her proof of entry is insufficient, it will deny her application without giving her an opportunity to submit more proof. Her filing fees, well over \$1000, will not be refunded. And if she no longer has Temporary Protected Status by the time USCIS issues its decision, she will almost certainly be placed into deportation proceedings.

For Marie, deciding whether to apply for a green card has become unbelievably difficult. Is it worth the risk? Marie may decide it is not, even though not filing means she will lose her status, work authorization, and ability to support her family.

There is palpable pressure on immigrants to follow the rules and make themselves legal. Immigrants should be able to apply for legal status for which they have good reason to think they are eligible, without fear that doing so will put them at risk of being deported. Fear of deportation just for trying to use the system will only keep people living in the shadows. The hypocrisy of these policies is clear, and we cannot allow these injustices to continue. We must raise our voices now. Please contact your Congressional delegation to push back on the implementation of these policies.

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