

TRUMP: THE FIRST 100 DAYS

IMMIGRATION LIMITS

Even without travel order, president has broad legal arsenal

By Bloomberg News

Whether President Donald Trump’s ban against travelers from seven Muslim-majority countries is saved by revision or scrapped by the courts, he’ll still have a vast legal arsenal for limiting immigration into the U.S. and deporting millions of undocumented people.

The law vests the president with broad authority over immigration, said Austin Fragomen, whose New York-based Fragomen, Del Rey, Bernsen & Loewy is the biggest U.S. law firm focused on immigration.

Trump’s Jan. 25 executive order titled “Enhancing Public Safety in the Interior of the United States,” signed two days before his travel-ban directive, could result in hundreds of thousands, if not millions, of immigrants being rounded up for deportation, according to Kelly Lytle Hernandez, an immigration historian at the University of California, Los Angeles. The order directs federal agencies to vigorously enforce existing immigration laws and vows to withhold federal funds from jurisdictions that don’t comply.

“We are living in a new reality and that order is the beginning,” said Hernandez, a Trump critic. “We could quickly begin to see neighbors disappear.”

The Department of Homeland Security oversees almost two dozen agencies that determine who enters and leaves the U.S., including Immigration and Customs Enforcement, Customs and Border Protection and Citizenship and Immigration Services. The agency has an annual budget of \$41 billion and more than 229,000 employees. Trump has broad discretion to use the money and employees as he sees fit without seeking approval from Congress.

The president wants to bolster that force, saying he’ll hire 10,000 more agents and use state and local law enforcement as immigration officials. As part of the executive order, Trump vowed to strip funds from so-called sanctuary cities that refuse to cooperate with his crackdown. Several state attorneys general have vowed to fight that initiative.

“He can essentially unleash ICE officials to enforce however they choose,” said Cristina Rodriguez, a Yale Law School professor, referring to Immigration and Customs Enforcement.

Trump has broadened the Obama administration’s focus on immigrants

who have committed serious crimes to include almost anyone who entered illegally, according to Rodriguez. The government may also choose to jail more people before deportation, she said.

Trump may also expand expedited removal, which allows immediate deportation of people without proper documentation who are found within 100 miles of the border and less than two weeks after entry, Rodriguez said. That would minimize the cost of detention facilities and increase the number of people deported without a hearing, but it would likely face court challenges.

The president can instruct State Department and ICE officials to tighten criteria for letting people into the U.S. and to increase searches at the border, where agents have much more freedom to rifle through people’s belongings than police inside the country. Trump has said the order will hasten adoption of “extreme vetting” procedures.

The State Department, with a directive from Trump, could slow-walk visas with longer background checks, according to David Leopold, a Cleveland immigration lawyer and former president of the American Immigration Lawyers Association. The president could also influence Citizenship and Immigration Services to slow down the adjudication of immigration and asylum cases, he said.

Trump’s Jan. 27 executive order also fulfilled a campaign promise, this one to restrict immigration for Muslims. He said the plan wasn’t a Muslim ban but intended to block travelers from countries rife with terrorism.

In the face of judges ruling against the ban, Trump promised to issue a revised order this week, presumably avoiding some of the legal issues that caused judges across the country to block parts of it. The new order may avoid targeting green-card holders, who are legal permanent residents of the U.S., and people who have existing valid visas, immigration experts said.

Trump also has the power to cap the number of refugees — people fleeing war and persecution in their home countries — under the 1980 Refugee Act, said Pratheepan Gulasekaram, who teaches constitutional law at Santa Clara University. Trump’s order to lower the number of admitted refugees to 50,000 in fiscal 2017 from 110,000 the year before hasn’t been questioned by the courts.



Wilfredo Mendoza of Boston and Christina Villafranca of Malden, Mass., displayed placards Tuesday during a rally in Boston held to demonstrate the continued push for immigration rights and affordable health care coverage.

Immigration

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alone. Those immigrants fall into two categories: those who crossed the border without permission and those who overstayed their visas.

Crossing the border illegally is a criminal offense, and the new memos make clear that those who have done so are included in the broad list of enforcement priorities. Overstaying a visa is a civil, not criminal, offense. Those who do so are not specifically included in the priority list but, under the memos, they are still more likely to face deportation than they had been before.

The new enforcement documents are the latest efforts by President Donald Trump to follow through on campaign promises to strictly enforce immigration laws. Trump’s earlier immigration orders, which temporarily banned all refugees as well as foreigners from seven Muslim-majority countries, have faced widespread criticism and legal action. A federal appeals court has upheld a temporary halt.

Trump has also promised to build a wall at the Mexican border — he insists Mexico will eventually foot the bill — and Kelly’s memos reiterate calls for Homeland Security to start planning for the costs and construction.

Historically, the U.S. has quickly repatriated Mexican nationals caught at the border but has detained immigrants from other countries pending deportation proceedings that could take years. Kelly said 534,000 immigration cases are now pending in courts — a 200 percent increase from fiscal 2004.

Kelly’s enforcement plans call for enforcing

a long-standing but obscure provision of immigration law that allows the government to send some people caught illegally crossing the Mexican border back to Mexico, regardless of where they are from. Those foreigners would wait in that country for U.S. deportation proceedings to be complete. This would be used for people who aren’t considered a threat to cross the border illegally again, the memo says.

That provision is almost certain to face opposition from civil libertarians and Mexican officials, and it’s unclear whether the United States has the authority to force Mexico to accept third-country nationals. But the memo also calls for Homeland Security to provide an account of U.S. aid to Mexico, a possible signal that Trump plans to use that funding to get Mexico to accept the foreigners.

In a hearing Tuesday with Mexican senators, Mexico’s new ambassador to the U.S., Geronimo Gutierrez, said the policy changes “are a cause for concern for the foreign relations department, for the Mexican government, and for all Mexicans.”

The memos do not change U.S. immigration laws, but take a far harder line toward enforcement. One example involves broader use of a program that fast-tracks deportations. It will now be applied to immigrants who cannot prove they have been in the United States longer than two years. Since at least 2002 that fast-deportation effort — which does not require a judge’s order — has been used only for immigrants caught within 100 miles of the border, within two weeks of crossing illegally.

The administration also plans to expand immigration jail capacity. Currently Homeland Security has money and space to

jail 34,000 immigrants at a time. It’s unclear how much an increase would cost, but Congress would have to approve any new spending.

After deportations reached a record high of 434,000 in 2013, intense pressure from immigration advocates prompted the Obama administration to implement new guidelines that focused enforcement on hardened criminals. Obama announced in November 2014 that his administration would deport “felons, not families.”

The number of people deported in 2015 was just over 333,000, the lowest since 2007, according to federal data. Statistics for 2016 are not publicly available.

More than 408,000 people were apprehended along the southern border last year. Most were fleeing poverty and violence in Honduras, Guatemala and El Salvador, three of the most violent countries in the world.

Immigration lawyers have already begun taking steps to challenge Trump’s sweeping new directives. Some of the top immigration rights groups and their lawyers huddled over the weekend and Tuesday to debate when and how they want to attack Tuesday’s directives.

“President Trump does not have the last word here,” said Omar Jadwat, director of the ACLU’s Immigrants’ Rights Project. “The courts and the public will not allow this un-American dream to become reality.”

However, Rep. Lamar Smith, a Texas Republican who sits on the House Homeland Security Committee, applauded the Trump effort, saying the memos “overturn dangerous” policies from the Obama administration.

The memos also call for the hiring of 5,000 new

Border Patrol agents and 10,000 Immigration and Customs Enforcement agents, but it’s unclear how quickly that could take place.

The government also plans to review a program that allows local police and jailers to act as immigration agents and a program that used fingerprint records from local jails to identify immigrants who had been arrested.

The Trump administration sought to allay fears in immigrant communities Tuesday, saying the directives are not intended to produce mass deportations.

“We do not have the personnel, time or resources to go into communities and round up people and do all kinds of mass throwing folks on buses. That’s entirely a figment of folks’ imagination,” a DHS official said in a conference call with reporters. The official spoke on condition of anonymity.

The directives do not affect President Barack Obama’s program that has protected more than 750,000 young immigrants from deportation. The Deferred Action for Childhood Arrivals remains in place, though participants could be deported if they commit crimes or otherwise are deemed to be threats to public safety or national security, according to the department.

The directives indicate that some young people caught crossing the border illegally by themselves may not be eligible for special legal protections if they are reunited with parents in the United States. And those parents or other relatives that the government believes helped the children would face criminal and immigration investigations.

Information from Tribune News Service and The Washington Post was used in this report.

Yiannopoulos apologizes for remarks, quits Breitbart News

By The Associated Press

NEW YORK — Polarizing right-wing writer Milo Yiannopoulos resigned as an editor at Breitbart News on Tuesday and apologized for comments he had made about sexual relationships between boys and men.

Speaking to reporters, Yiannopoulos said that two men, including a priest, had touched him inappropriately when he was between the ages of 13 and 16.

“My experiences as a victim led me to believe I could say anything I wanted to on this subject, no matter how outrageous,” he said. “But I understand that my usual blend of British sarcasm, provocation and gallows humor might have come across as flippancy, a lack of care for other victims or, worse, advocacy. I am horrified



THE ASSOCIATED PRESS

Milo Yiannopoulos resigned as an editor at Breitbart after coming under fire from other conservatives.

by that impression.”

He said he was resigning from Breitbart, which helped make him a star, because it would be “wrong to allow my poor choice of words to detract from my col-

leagues’ important reporting.”

The apology followed days of criticism from fellow conservatives after the release of video clips in which Yiannopoulos appeared to defend sexual relationships between men and boys as young as 13.

In one of them, Yiannopoulos, who is gay, said relationships between boys and men could “help those young boys discover who they are and give them security and safety and provide them with love and a reliable sort of rock, where they can’t speak to their parents.”

On Monday, he was disinvited from the Conservative Political Action Conference after video of his remarks was promoted through social media.

Publisher Simon & Schuster also announced it would cancel the publication of his upcoming book, “Dangerous.”

Yiannopoulos said the book had already received interest from other publishers and would still come out this year. He pledged to donate 10 percent of the proceeds to child sex abuse charities.

Yiannopoulos, who was born in Greece and raised in Britain, has long been known for provocative comments about women and Muslims and made his support for Republican Donald Trump clear in the last presidential election cycle.

He was the technology editor at Breitbart News, whose former executive chairman, Steve Bannon, is now a senior adviser to Trump, who became president last month.

Before this controversy, Yiannopoulos was perhaps best known for getting banned from Twitter for helping to lead an online harassment campaign

against comedian and “Ghostbusters” actress Leslie Jones.

Early in February, he was scheduled to give a talk at the University of California, Berkeley, but the speech was cancelled after violent protests.

Yiannopoulos has appeared, until now, to reveal in those controversies and has portrayed himself as a champion of free speech. Tuesday’s apology, he said, was the first he’d made.

Still, the video clips, he insisted, had been edited to remove important context. He characterized media reporting on the tapes as unfair and inaccurate.

“Nonetheless,” he added, “I do say some things on the tapes that I do not mean and which do not reflect my views.” He said he “would like to restate my disgust at adults who sexually abuse minors.”