

Tonight...an Invitation...

- To explore JFON-Michigan and its mission and how our work aligns
- To explore new opportunities for collaboration and to help identify and support our neighbors in need throughout our SW District
- For active listening and initiation of dialogue with us



- JFON is a ministry of hospitality that welcomes immigrants
- by providing affordable, high-quality immigration legal services,
- engaging in advocacy for immigrants' rights
- and offering education to communities of faith and the public.





- National Organization (N-JFON) founded in 1999 by the United Methodist Committee on Relief (UMCOR). Ministry of hospitality that welcomes immigrants by providing legal services, advocacy and education for communities of faith and the public.
- The Kalamazoo Office has been in existence since 2015, first as a satellite office of the Grand Rapids office, then as a full-time office (2018). Grand Rapids was the first office in the State (“West Michigan” - 2004)
- There are four full-time offices in the State of Michigan:
 - Grand Rapids (2004)
 - Kalamazoo (2015)
 - Metro Detroit (2010)
 - Traverse City (2015)



<https://www.youtube.com/watch?v=1OGRBc2vLwQ>

Structure of JFON-Michigan in Kalamazoo

- Program (chair/clinic coordinator, Ann Sweany)
- Advocacy (chair, Amy Miedema)
- Fund Development (chair, Miriam Downey)
- Staff in Kalamazoo: Site Manager, Heather Haigh, DOJ Accredited Representative, Coral Cervantes & Staff Attorney, Kathy Purnell
- Volunteer Opportunities available – please contact Ann or Heather
- Host site: First United Methodist Church in Kalamazoo, Michigan

Who are our Immigrant Neighbors in Michigan?

In 2017*

% Foreign Born

703,806 (7.1%)

Region of Birth

Africa: 5.3% (37,501)

Asia: 51.6% (362,927)

Europe: 19.1% (134,610)

Latin America (incl.
Caribbean): 18.5%
(130,051)

Northern America (excl.
Mexico): 5.2% (36,269)

Naturalized citizens:
357,978 (50.9%)

Non-citizens: 345,828
(49.1%)

"Unauthorized Population"

Total = 129,000.

By Region of Birth:

-Asia: 43% (55,000)

-Mexico and Central Am:
35% (45,000)

-Europe/Canada/Oceania:
15% (20,000)

-Africa: 4% (6,000)

Under 16 yrs old: 7%
(10,000)

16-24: 16% (20,000)

25-44: 48% (62,000)

45+ : 29% (37,000)

Data from the Michigan Profile at migrationpolicy.org (Migration Policy Institute). "Foreign Born" refers to people residing in the US at the time of the population survey who were not US Citizens at birth.

Quick “Immigration 101”

- Main Government Agencies Involved:
 - US Department of Homeland Security:
 - USCIS, ICE, CBP
 - US Department of Justice:
 - Immigration Courts (Administrative Court) and BIA
 - US Department of State
 - US Embassies and Consulates
 - National Visa Center

Quick overview of key terms

- Types of Immigration Status in the United States
 - US Citizens (USCs)
 - U.S. Legal Permanent Residents (LPRs)
 - Non-immigrants
 - Undocumented immigrants
 - Those who entered without authorization or inspection
 - Those who entered with authorization initially, but overstayed their visas

Pathways to Legal Permanent Residency and/or other forms of Legal Status

- ▶ Humanitarian Programs**
- ▶ Family-based immigration**
- ▶ Employment-based immigration**



Humanitarian Relief

Our human compassion binds us
the one to the other - not in pity
or patronizingly, but as human
beings who have learnt how to
turn our common suffering into
hope for the future.

–Nelson Mandela

Clinic Case Types: Humanitarian case examples



***Special Immigrant
Juvenile Status***



Asylum



U-Visa

Clinic case types:
Family-based
immigration & more...



Adjustment of Status



Cancellation of Removal



Naturalization

Significance of USC vs LPR

- US Citizens have more options for the immigration of family members and the wait times are must less than those faced by LPRs.
- .
- Applying for residency can occur through two methods:
- Adjustment of Status: Persons who are in the US and who qualify to apply here. Apply through USCIS
- Consular Processing: for persons abroad or who are in the US but don't qualify to apply for residency here and have to depart. Apply through US consulate abroad.
- Unlawful presence issues
- Final Action date vs Filing dates

Rita's Relationship To Sam	If Sam Is A U.S.Citizen	If Sam Is A Lawful Permanent Resident
 Spouse	Immediate Relative	2A Preference
 Children	<ul style="list-style-type: none"> • Immediate Relative • 3rd Preference • 1st Preference • 3rd Preference 	<ul style="list-style-type: none"> • 2A Preference • N/A • 2B Preference • N/A
 Parent	Immediate Relative (If Sam is 21 or older)	N/A
 Brother/Sister	4th Preference (If Sam is 21 or older)	N/A

Grounds of Inadmissibility (INA 212)

Grounds of Deportability (INA 237)

Reasons you cannot come to the U.S., even if you qualify, or can be deported from the U.S. even if you have legal status:

- Crimes
- Immigration Offenses
 - Entry without inspection (EWI)
 - Unlawful Presence in the U.S.
 - 10-year bar; permanent bar
 - Smuggling
 - Visa Fraud
 - False Claim to U.S. Citizenship
- Health-related grounds
- National Security-related grounds
- Public Charge

Waivers and Exceptions may apply to some of these grounds.



Quick Review:

1. Is there a way for the immigrant to obtain legal status?	2. Is the immigrant inadmissible or deportable?	If yes, to both, eventually the person may obtain legal status.	3. Can the immigrant become a U.S. citizen?
Family-based Employment Humanitarian – e.g. Asylee or Refugee VAWA or U-visa DACA Other...	Crimes Immigration offenses Health-related National Security Public Charge	If no to either, no legal status may be available to that person.	Only if the immigrant was able to qualify for legal permanent residency (not just a temporary program).

Contemporary Immigration Issues



The Contours of An Ethical Intervention...On Recognition & Action

"All inhabitants of the globe are now neighbors...Nothing can be more tragic than for men to live in these revolutionary times and fail to achieve the new attitudes and the new mental outlooks that the situation demands...to adjust to new ideas, to remain vigilant and to face the challenge of change...we must transform this worldwide neighborhood into a worldwide brotherhood."

Source: "Where Do We Go From Here: Chaos or Community?" by Dr. Martin Luther King, Jr.; Boston: Beacon Press, 1967.



Contextualizing Current Challenges to Asylum in a Legal Frame

- ▶ Focus: The importance of examining the Legal Foundations of Asylum Law and U.S. Regulations
- ▶ Critical reflection: the recent changes to these foundations and their impact on the lived experiences of persons fleeing from persecution to seek protection in the United States.
- ▶ Re-focusing the discussion on people seeking protection : Why do nations provide protection from persecution to persons who meet the international definition of “refugee”?



Check-in: Terminology

- ▶ Under U.S. law, a “refugee” is a person who is unable or unwilling to return to his or her home country because of a “well-founded fear of persecution” due to race, membership in a particular social group, political opinion, religion, or national origin.
- ▶ This definition is based on the United Nations 1951 Convention and 1967 Protocols relating to the Status of Refugees, which the United States became a party to in 1968.
- ▶ Congress passed the Refugee Act of 1980, which incorporated the Convention’s definition into U.S. law and provides the legal basis for today’s U.S. Refugee Admissions Program (USRAP) and Asylum Procedures.

Check-in: Terminology

- ▶ Who is an Asylee?
 - ▶ A person who has sought protection from persecution on a protected ground from inside the United States or at the border. They must meet the definition of a “refugee.” In the US asylum seekers apply for protection from inside the country or at a port of entry.
 - ▶ UACs (Unaccompanied Alien Child) - A minor immigrant child who arrived in the US or at a port of entry without a parent or guardian.
 - ▶ Below the age of 18, enters without a parent or legal guardian.
 - ▶ If they arrive with a parent or legal guardian, and their parents are criminally prosecuted for improper entry, then the child is also designated a UAC (basis of “family separation” crisis)
 - ▶ UACs are placed in the care of Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) which screens them (human trafficking) and facilitates release to family, sponsoring organization or foster home.
- ▶ What is the difference between an Asylee and a Refugee? A refugee seeks/applies for protection from outside the United States.

Elements of Asylum Claims

1. “Well-Founded Fear”
 2. ...of “Persecution”
 3. Perpetrated by the government or an entity the government cannot/will not control
 4. “On account of”
 5. - Race - Religion - Nationality - Political Opinion - Membership in a Particular Social Group
- A “nexus” must be established between persecution and a protected ground.*

Examples of Profiles of Individuals Seeking Freedom From Persecution

- ▶ Examples of types of research you would be asked to conduct:
- ▶ Persecution based on Particular Social Group (“PSGs”)
 - ▶ **Honduras:** young woman who was an eyewitness to an attack and murder committed by a gang that operated in her border town who was then subjected to rape and other threats of sexual violence.
 - ▶ **El Salvador:** Young adult threatened to be outed as “gay” to gang-affiliated family members and suffered physical and verbal abuse for minor’s perceived sexual orientation.
- ▶ Political persecution:
 - ▶ **Venezuela:** former state employee who was tear-gassed during protests against the Maduro regime and faced employment retaliation and deprivation of food, health care and basic benefits to housing and children’s education when his family members were discovered to have cast votes against the government.
 - ▶ **Rwanda:** relatives of individual who created a media show in Rwanda popularized through social media critical of the current Rwanda regime facing repeated detention and interrogation by police officials. (+family/PSG)

Reality Check(s): For Due Process Concerns

- ▶ There have been over 400+ administrative regulatory changes within the past three years... See Migration Policy Report... <https://www.migrationpolicy.org/news/mpi-report-catalogs-immigration-executive-actions-trump-presidency>
- ▶ Specifically, what can we learn from some of the recent legal controversies and attempts to change asylum procedures in the United States?
 - ▶ Matter of -A -B
 - ▶ Grace v Whitaker
 - ▶ “The Asylum Ban(s)”
 - ▶ Migrant Protection Protocols
 - ▶ Safe Third Countries? Cooperative Agreements
 - ▶ “Firm Resettlement” and asylum in US law...
 - ▶ “Tent Courts and Tent Cities and Due Process
 - ▶ The Proposed Regulation to End Asylum as we know it (introduced on June 15, 2020; Comments due by July 15, 2020)

COVID-19's Impact on Immigrants

42 U.S.C. Section 265 (Public Health Service Act of 1944)

- <https://www.justsecurity.org/69747/there-is-no-public-health-rationale-for-a-categorical-ban-on-asylum-seekers/>

Presidential Proclamation to “suspend entry of aliens” (initially through June, now extended, with additional provisions through December 2020)

- <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-aliens-present-risk-u-s-labor-market-following-coronavirus-outbreak/>

Immigrants as Essential Workers

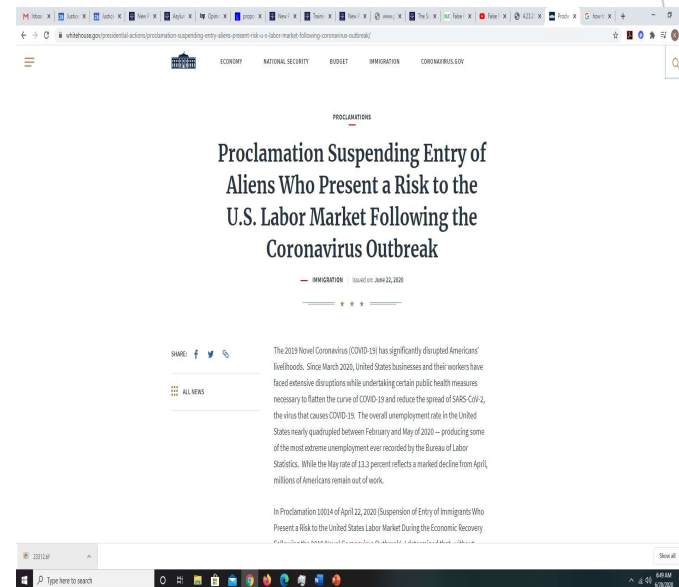
JBS/meat packing: <https://wwmt.com/news/coronavirus/60-covid-19-cases-1-death-connected-to-west-michigan-beef-plant>

Agricultural workers: <https://www.bridgemi.com/michigan-health-watch/coronavirus-outbreaks-tied-migrant-farm-workers-michigan>

CARES ACT, Unemployment Insurance, access to COVID-19 testing and treatment

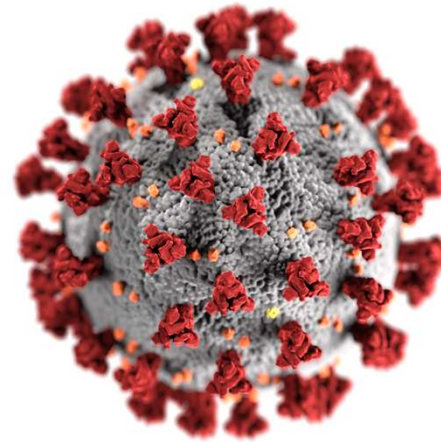
<https://michiganimmigrant.org/coronavirus/resources>

<https://www.youtube.com/watch?v=BC4X11NyPpU&feature=youtu.be>



COVID-19's Impact: JFON-Michigan Operations

- ▶ USCIS Field Offices, EOIR Courts, Asylum Office Operations all impacted
- ▶ JFON Staff have been working remotely
- ▶ Intake and client interactions during a pandemic
- ▶ Trainings and other volunteer activities
- ▶ Coordination of re-opening plans and phased plans to resume “new-normal” operations



DACA Decision

- ▶ On June 18, 2020, The U.S. Supreme Court issued a decision finding that the Trump administration's termination of DACA in 2017 was (1) judicially reviewable and (2) done in an arbitrary and capricious way that violated federal law.
- ▶ The termination in 2017 to end the program had ceased new renewals, advanced parole requests and limited renewals.
- ▶ However, the only thing that is certain is that U.S. Citizenship and Immigration Services (USCIS) will continue to accept DACA renewal applications from anyone who previously has had DACA. It is unclear if new applications will be processed if submitted.
- ▶ However, both the President and the Department of Homeland Security have made their views clear...Please see, for example, USCIS press release...

<https://www.uscis.gov/news/news-releases/uscis-statement-supreme-courts-daca-decision>

USCIS Statement on Supreme Court's DACA Decision

Release Date: June 19, 2020

WASHINGTON — U.S. Citizenship and Immigration Services Deputy Director for Policy Joseph Edlow issued the following statement on today's Supreme Court decision on the Deferred Action for Childhood Arrivals program:

Today's court opinion has no basis in law and merely delays the President's lawful ability to end the illegal Deferred Action for Childhood Arrivals amnesty program.

"DACA was created through an Executive Branch memorandum after President Obama said repeatedly that it was illegal for him to do so unilaterally and despite the fact that Congress affirmatively rejected the proposal on multiple occasions. The constitutionality of this de facto amnesty program created by the Obama administration has been widely questioned since its inception. The fact remains that under DACA, hundreds of thousands of illegal aliens continue to remain in our country in violation of the laws passed by Congress and to take jobs Americans need now more than ever. Ultimately, DACA is not a long-term solution for anyone, and if Congress wants to provide a permanent solution for these illegal aliens it needs to step in to reform our immigration laws and prove that the cornerstone of our democracy is that presidents cannot legislate with a 'pen and a phone.'"

For more information on USCIS and its programs, please visit [uscis.gov](https://www.uscis.gov) or follow them on Twitter (@uscis), Instagram (/uscis), YouTube (/uscis), Facebook (/uscis) and LinkedIn (/uscis).

The Contours of An Ethical Intervention (III)...On Recognition & Action

“If we really do believe that all human beings are created equal and endowed with certain inalienable rights, we are morally required to think about what that conception requires us to do with and for the rest of the world...”

-Martha Nussbaum



Inspirations from The Book of Resolutions 3281: "Welcoming the Migrant to the United States"

- "From the dawn of creation human beings have migrated across the earth. The history of the United States is a migration narrative of families and individuals seeking safety, economic betterment, and freedom of religious and cultural expression...what all immigrants share is the promise of what they believe lies in another land other their own...Migrants today continue to travel...because of the effects of globalization, dislocation, economic scarcity, persecution and other reasons...Every region in the world is affected in some way by the global economic divide."
- "Throughout the history of the United States, the most recently arrived group of migrants has often been the target of racism, marginalization and violence...we resolve...to work to eliminate racism and violence directed toward newly arriving migrants to the United States.."

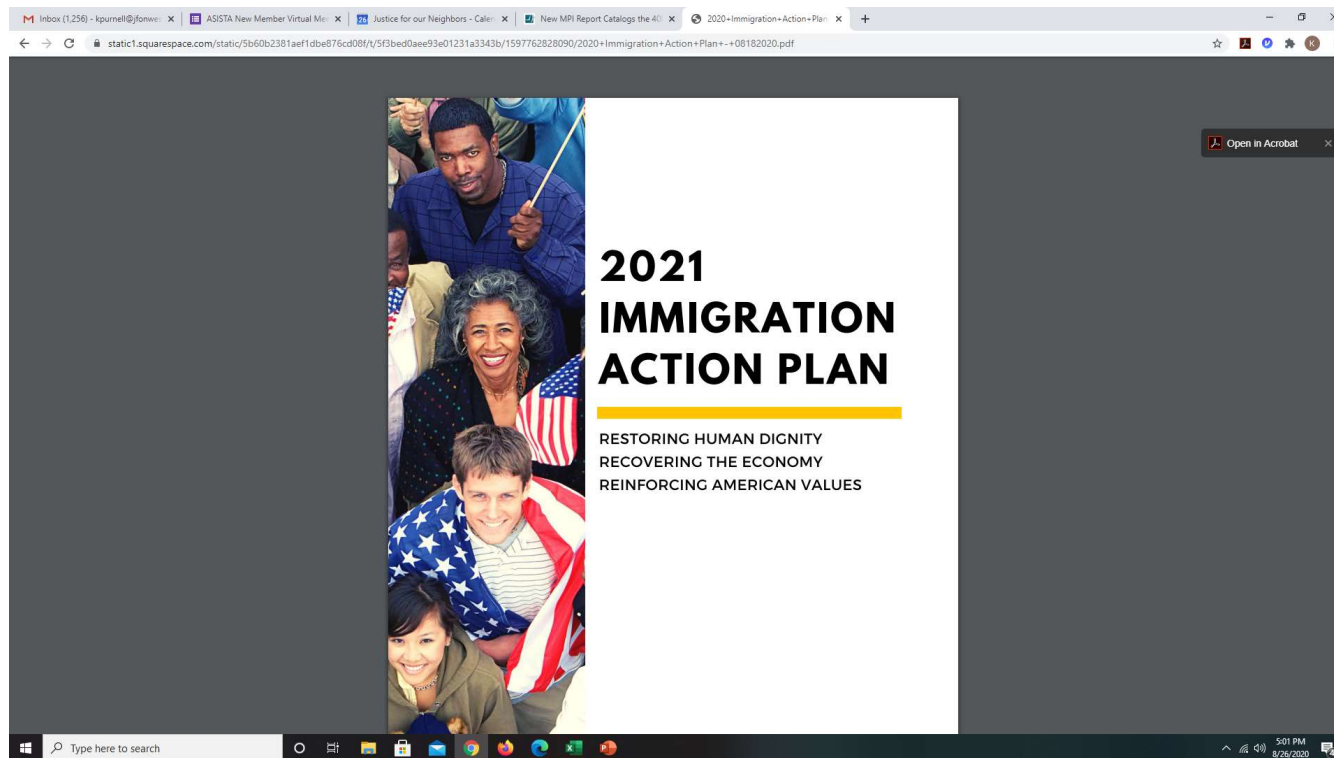
Source: *"The Book of Resolutions of the United Methodist Church 2012"*. Nashville: The United Methodist Publishing House, 2012.





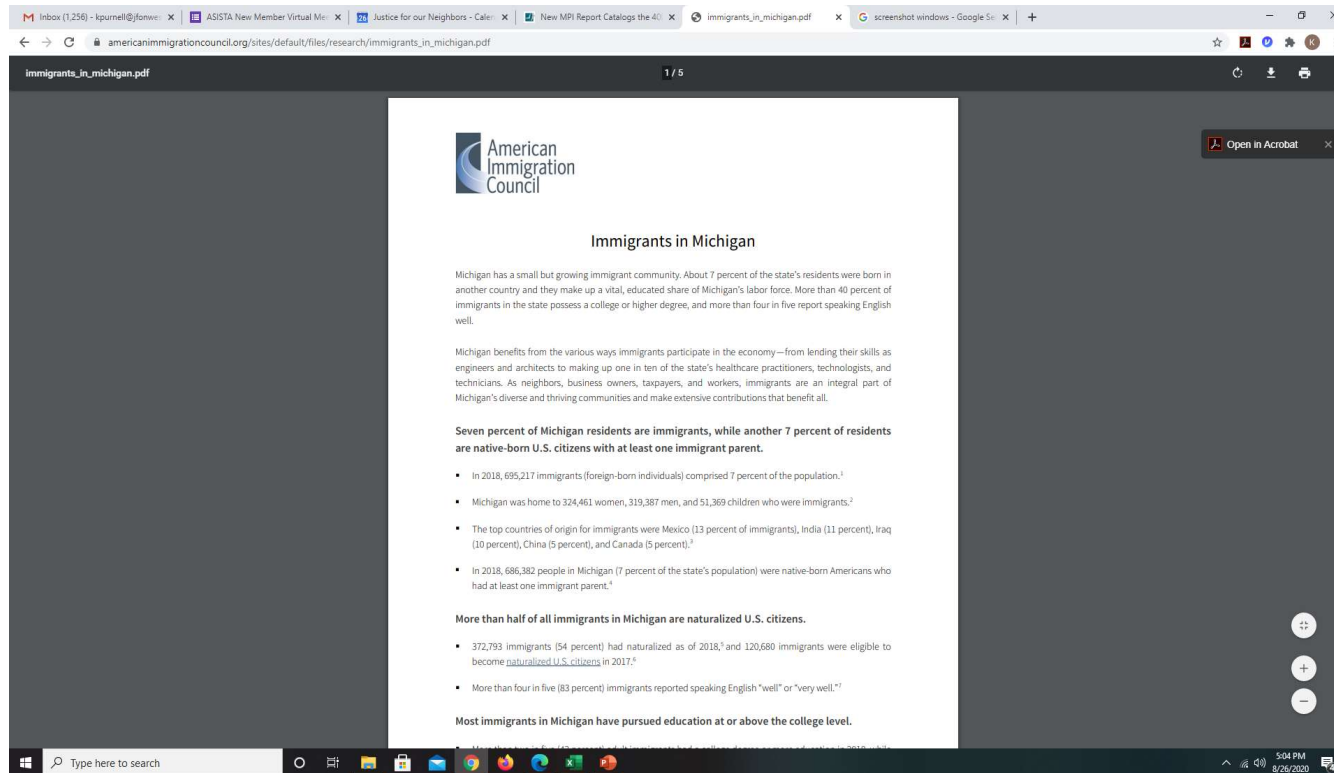
Questions and Thoughts?

Learn more: 2021 Immigration Action Plan...



Learn more: Immigrants in Michigan...

https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_michigan.pdf



Collaborative activity that could be supported

- “Immigration 101” and presentations to congregations, mission/social justice or the public in the SW District
- Bridge-building with local churches that are predominantly immigrant serving
- Film nights and discussions....First will take place on September 15 at 7pm through Friends of JFON. Film: Paper Children, **available on YouTube (free) at <https://www.youtube.com/watch?v=jdsPSkFXrD4>**. Watch the film before the discussion and then join us! *Human Rights and Migration Film Series*
- Remote/offsite intake clinics for migrants and immigrants
- Exploratory meetings with local leaders for other collaborative activities

Additional ways that you can help!

- Collaborate with us: Call 269-743-2501 or “contact us” at www.jfonmi.org
- Volunteer: If you wish to volunteer, please speak with Ann our Clinic Coordinator, who can also connect you to other Chairs of Volunteer Committees
- Connect: If you encounter anyone who needs assistance, please encourage them to call JFON-Kalamazoo at 269-743-2501
- Financial support: Thank you for your support! If you wish to individually contribute to support JFON’s work in Kalamazoo, please contact the JFON Site Manager, Heather Haigh, at hhaigh@jfonmi.org OR please go to the JFON-Michigan website: <http://www.jfonmi.org/donate> and designate “Kalamazoo”

