



# LATIN AMERICAN IMMIGRATION ASSOCIATION

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UNIENDO FAMILIA

**TITLE 42 AND  
FLORIDA SB 1718**

RENEE WAITE

# THE END OF TITLE 42

- What was Title 42?
- Program implemented during the pandemic that gave authority to turn away asylum seekers at the border.
- Ended May 11, 2023 at midnight.
- There is, and continues to be a surge of applicants at the Southern US Borders.
- 98% of all persons seeking admission will be seeking asylum

# PREPARING YOUR CLIENTS AND COMMUNITY



# HEIGHTENED BORDER SECURITY

- Temporary transfer of CBP officers to US Southern Border, and land ports of entry.
- 1,500 National Guard
- 24,000 other Law Enforcement personnel

# HEIGHTENED BORDER SECURITY

- STATISTICALLY - the community is a higher risk than normal of encountering ICE/CBP or other Law Enforcement.



# HEIGHTENED BORDER SECURITY

- CBP has jurisdiction within 100 miles of any US Border.
- In memorandums issued DHS has openly stated that they will be verifying the immigration status of all individual they encounter, setting up check points, etc.
- People that live within 100 miles of a US Border, should carry a copy documentation to prove their immigration status.

# DOCUMENTS TO CARRY

- US Passport Card, US Passport or copy of either
- Green Card – remember, Green Card Holders are required by law to keep their green card on their person at all times.
  - If renewing, or in the process of naturalization – their I-797 Receipt Notice (will have 24 month extension)
- Work permits
- I-797: Receipts and/or Approval Notices
- Asylees / Refugees – Carry COPIES of Asylum Approval Notices and/or Refugee Documents

# DOCUMENTS TO CARRY

- Parolees - Copy of I-94 and all other admission documents
- People in Removal Proceedings - Copy of NTA, Next Hearing Notice, and Proof of Filing of applications (Receipts from USCIS or Stamped 1<sup>st</sup> page of Court filings)
- TPS and DACA - Work Permit and I-797 Approval Notices (most recent)
- If in the process of renewing - their receipt.
- People with pending applications with USCIS - Copies of I-797 Receipt Notices
- Documents to show how long you have been in the US (this will be relevant in a few slides)

# HOW YOU CAN ASSIST IN PREPARING YOUR COMMUNITY

- Organize all copies of documents into a documentation packet
- Cover Letter/Summary of their immigration history
- Table of contents listing what is in their documentation packet
  
- Yes, you can charge for this

**PROVIDE  
COPIES TO  
TRUSTED  
PERSONS IN IN  
CASE OF  
EMERGENCY**

THIS INCLUDES US  
CITIZENS



# RESUMING TITLE 8 ADMISSIONS AND ERO

- What is Title 8
- The regular policies and procedures for admission to the US
  - Asylum seekers
  - Nonimmigrants
  - Parolees

# EXPEDITED REMOVAL ORDERS

- Issued at US Borders and Ports of entry by CBP and without a Judge
- 5 Year Bar for Reentry to the US
- Issued to arriving aliens:
  - Without visas/entry documents
  - When CBP cancels a visa (some are allowed to withdraw their application to US)
  - When an asylum seeker does not demonstrate that they have reasonable fear of persecution if they return to their country
  - Various other reason

# INCREASED USE OF EXPEDITED REMOVAL ORDERS

- Beginning with the Trump Administration there was a steady increase of the use of ERO
- During the previous guys administration - almost everyone that was NOT admitted to the US for any given reason was issued an ERO
- There has been a decrease in ERO and increase in Withdrawals of Applications for admission at US borders
- In recent announcements, DHS has OPENLY announced and WARNED the public that with the expiration of Title 42, that they will scrutinize all scenarios and to expect an increase in the use of EROs.

**ANYONE IN THE US WITHIN 100 MILES  
OF A US BORDER**

**AND**

**HAS BEEN IN THE US WITHOUT STATUS  
FOR LESS THAN 2 YEARS**

**IS CONSIDERED AN ARRIVING ALIEN  
AND SUBJECT TO  
ERO**

# CBP ONE APP

INSTRUCTIONS  
ARE IN  
HANDOUTS

- Asylum seekers can now use the CBP One APP to schedule their arrival and presentation at certain US ports of entry:
- Brownville, TX
- Paso del Norte/El Paso, TX
- Eagle Pass, TX
- Hidalgo, TX
- Laredo, TX
- Calexico, CA
- San Ysidro, CA
- Nogales, AZ

# CAN YOU HELP SOMEONE FILE AN ASYLUM APPLICATION

## ABSOLUTELY NOT

- ONLY AN ATTORNEY OR BIA REPRESENTATIVE CAN ASSIST SOMEONE IN FILING FOR ASYLUM
- RISKY
- MOST PEOPLE DON'T QUALIFY
- REQUIRES LEGAL STRATEGY AND ADVICE

# WHAT CAN YOU DO

- Provide Legal INFORMATION
- Inform people seeking asylum that they MUST file their asylum applications within 1 year of their arrival to the US.
- They will lose the ability to file for asylum if they miss the 1- year deadline (with very few exceptions)
- Inform them that asylum is difficult to get approved
- Inform them that ONLY an Attorney or BIA Accredited Rep/Non-profit can help them with asylum

# WHAT CAN YOU DO

- Inform them that after they have filed their application and it has been pending 150 days that you can help them file for a work permit
- If you speak their language, inform them that you provide translation services
- If you do passport photos and/or live scan, offer those services (they need them for their application)
- If you have an attorney network, or an attorney that you work with regularly – refer them to an attorney you are familiar with

**FLORIDA SB  
1718**



# WHO IS AFFECTED

- Anyone within the geographical confines of the state of Florida that does NOT have lawful status in the US
  - Including unaccompanied minors
- It is unclear how Florida is handling people that have applied for asylum, but have not been approved or received a work permit
  - Under Federal Immigration Law, such people are considered “unauthorized aliens”
- It is also unclear if this applies to Parolees under the new Humanitarian Program

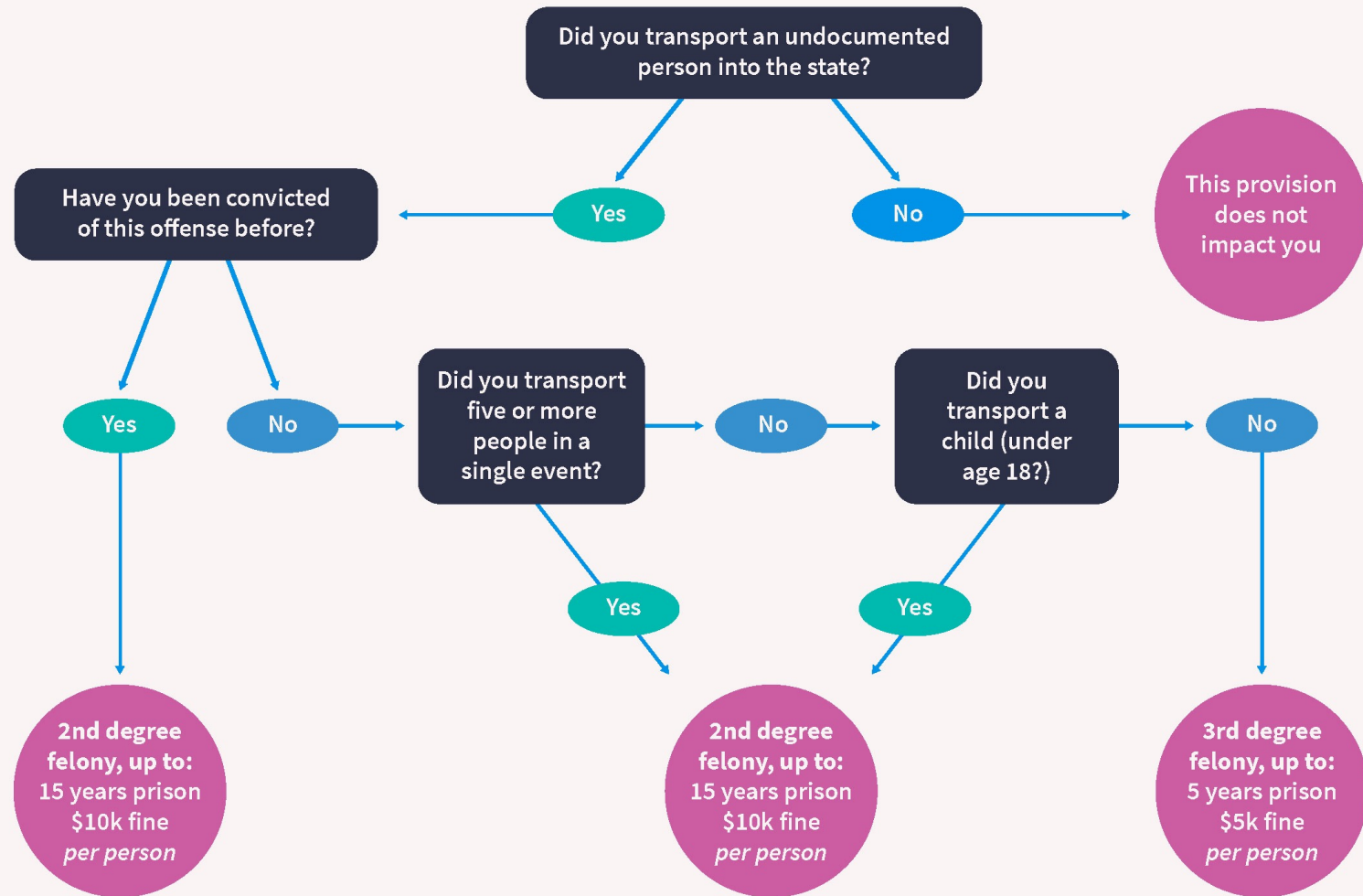
# WHO IS NOT AFFECTED

- Anyone within the geographical confines of the state of Florida that DOES have lawful status in the US:
- USC and Green Card Holders
- Those in valid nonimmigrant status
- TPS and DACA Recipients

# WHAT DOES FL SB 1718 DO?

- Out of state driver's licenses of undocumented persons will not be recognized - can lead to arrest and being turned over to ICE
- Requires employers with more than 25 employees and/or contractors to use eVerify or face high fines, and their business licenses can be revoked
- Any business found to employ undocumented persons knowingly faces fines starting at \$5k per violation
- Hospitals are required to obtain a patient's immigration status in the ER and/or admission to the hospital
- Millions of dollars set aside to expel undocumented persons from the state of Florida
- Criminal consequences for harboring (but living with could infer harboring) an undocumented person at work or at home
- Criminal consequences for transporting an undocumented person into the state of Florida

# What Charges Do Floridians Face Under SB 1718\*?



[www.floridapolicy.org](http://www.floridapolicy.org)

\*As passed by both chambers during the 2023 session (May 5, 2023)

# CAN THIS BILL NEGATIVELY IMPACT MY BUSINESS?

- In short, yes.
- SB 1718 could potentially put thousands of Floridians, including families, landlords, lawyers, immigration consultants, doctors, and religious leaders, at risk of becoming criminals if they are caught with people who are in the country unlawfully.

# HOW DO WE HELP CLIENTS IN FLORIDA

- There is now a possible risk for brick and mortar offices (harboring)
- Consider virtual services
- Exercise extreme caution
- Refer people to attorneys for clarification on how this Florida law could impact them

WE HOPE  
TO SEE  
YOU IN A  
FUTURE  
CLASS

Thank  
you