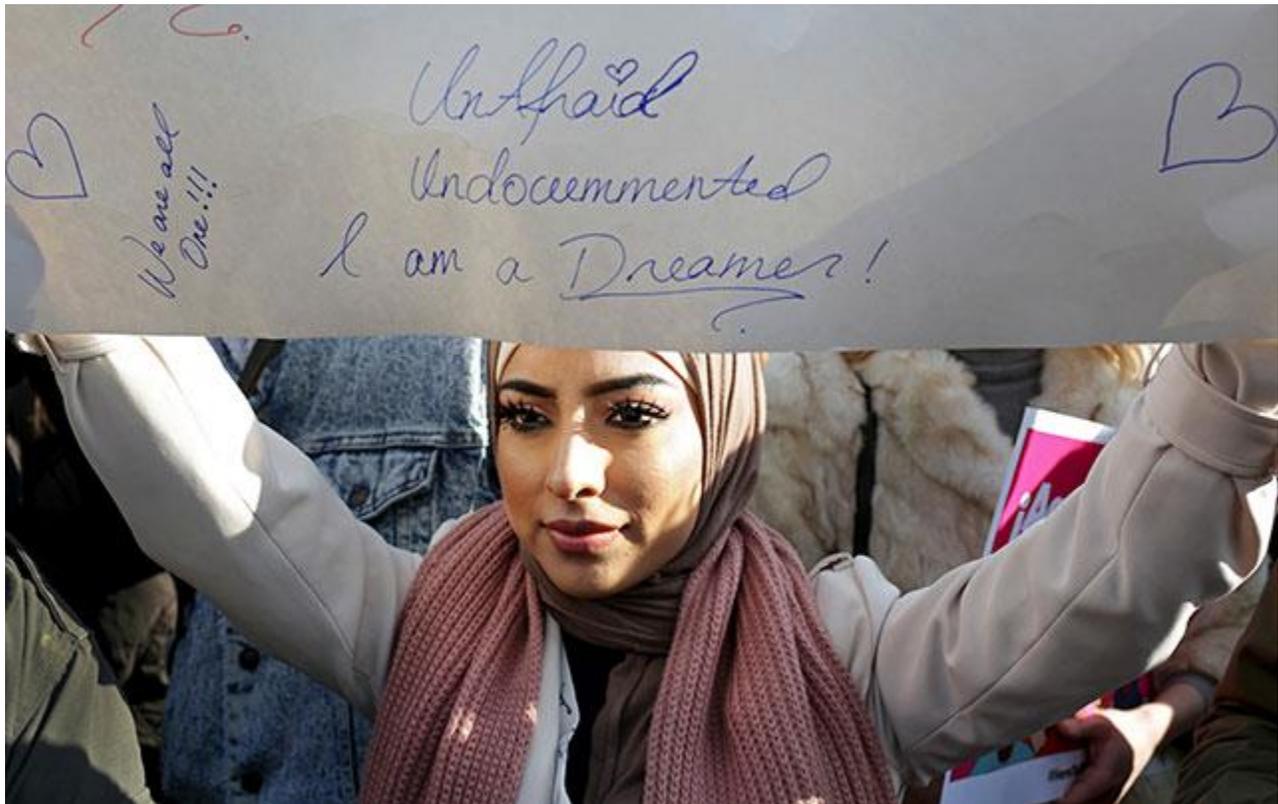


## Contending With the Trump Regime's New Immigration Practices: A Dispatch From the Trenches

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**Silvia Maceda, a native of Mexico who lives in Staten Island under the Deferred Action for Childhood Arrivals program, at a march in New York, January 29, 2017. (Photo: Yana Paskova / The New York Times)**

In his first 100 days in office, Donald Trump has coordinated an unprecedented crackdown on immigration, poured hundreds of millions of dollars into state attacks on undocumented immigrants and funded a brutal expansion of the US deportation infrastructure.

The force and viciousness of this new immigration regime led even a federal court judge to remark on its inhumanity. In his opinion on one case, Judge Stephen Reinhardt of the Ninth Circuit Court wrote, "The government forces us to participate in ripping apart a family ... three United States citizen children will now have to choose between their father and their country."

Yet none of this is surprising. Trump has not broken stride in stoking the flames of hate and distrust -- even his comments on the Portland murders of two people who were defending two Muslim women against verbal abuse rang hollow and hypocritical. Both during and after his campaign, Trump set the stage for such incidents and even provided a kind of script for it. These new policies and practices are having immediate and often profound effects on the way immigration law is practiced at the grassroots level.

Ilyce Shugall, directing attorney of the Immigration Program at **Community Legal Services in East Palo Alto**, California, confirms the new intensity and aggressiveness of the Trump regime. She told Truthout that in immigration court, the Immigration and Customs Enforcement (ICE) Office of the General Counsel is opposing "essentially every motion -- basic motions for continuance are being opposed, motions for administrative closure or motions to terminate in cases of children who are eligible for Special Immigrant Juvenile Status are being opposed when those were routinely agreed upon previously."

This comes at a cost to both humanitarian principles and also to efficiency -- huge backlogs are being created as new immigration cases fill the system. Shugall fears that "Every case is suddenly going to have to be litigated, and every case is suddenly going to be a battle." She believes that the ICE attorneys have directives from above.

Lucas Guttentag, a professor at Stanford Law School who founded the ACLU's Immigrants' Rights Project and recently served as a senior immigration advisor in the Obama administration, agrees. "I think we're going to see Attorney General Sessions taking much more aggressive action both on criminal prosecutions, which he's threatened, but also on reinterpreting the immigration laws and how they apply," Guttentag told Truthout.

He added that Sessions has certain authority in that respect and is likely to issue decisions that reinterpret the law in ways that "might not get huge attention right away but will have really, really pervasive consequences." For example, Guttentag said, Sessions could try to erode domestic violence as a basis for getting political asylum in the United States.

Guttentag's perception is that the Trump administration is also trying to gradually change the culture within the Department of Homeland Security. "Everything's gone out the window -- it's a free for all," he told Truthout. He explained that even though the Trump administration has retreated somewhat in the face of legal challenges to its sweeping orders, damage has already been done in the message sent to ICE and Customs and Border Protection officers.

"What happened in the sanctuary litigation is the government went into court and said, 'Oh, we're not really going to cut off everybody's funding ... we're only going to go after cities after giving them notice,'" Guttentag said.

This kind of erratic behavior, which has become a hallmark of this administration, is often not easily constrained by the US Constitution, since the executive orders are often vague, though Trump's intent is clear. The result of this combination of this erratic behavior with newly aggressive enforcement and litigation is increasing fear. Guttentag believes this is deliberate: "I think part of the Trump administration's strategy is to make people so afraid that they'll leave. It's causing people to abandon jobs, homes, schools, even their kids in some instances where they have US-citizen kids. I think that's a conscious strategy to create as much fear as possible."

The Trump administration has also threatened to expand the use of the "Expedited Removal" initiative -- under which it can deport people without any immigration court check. The initiative has been used at

the border, but now the government may use it in the interior -- it allows ICE agents to make extrajudicial decisions to deport individuals on the spot.

Another aspect of this new mode of enforcement and judgment is that more people who are seeking asylum are not being granted parole and are being detained. As a result, the non-detained, non-priority cases get dragged out. That now includes children's cases, which have become deprioritized. Consequently people are reluctant to even make a case and apply for what they may well qualify for.

With all these actions taking place or being threatened, there is a widening disconnect between the goals of the federal government and the aims of local law enforcement. Shugall gives an example from San Mateo County, where the sheriff's department doesn't want to deputize its law enforcement officers to be immigration agents for fear that doing so would decrease the safety of the community. The sheriff's department has expressed fear that doing so could "prevent immigrants from reporting crimes and it could very well prevent people in mixed-status families from reporting crimes," Shugall told Truthout. "We've already seen statistics coming out of Los Angeles that there's been a decrease in reporting of domestic violence and sexual assault. And the belief is that it's because people are afraid to work with law enforcement."

Ultimately, Guttentag says there is an even larger issue at hand -- something that goes to the heart of what we are as a nation: "I don't think it's just about undocumented immigrants. I think it's about changing the perception and the reality of America and its composition. I think the Trump administration wants to change the immigration laws far more deeply than just what we're talking about now," he says. "It feels like we are in a period like at the beginning of the 1900s that lead to the 1920s National Origins Quota Act. That was -- as you know -- an openly racist and exclusionary law designed with the explicit goal using immigration to return to an era of America as a white, northern European, Christian nation. Barring all Asian immigration, and virtually no Jewish, Southern or Eastern European immigration."

In the face of the retrenchment of racist exclusionary practices, however, Guttentag said there is also some good news: The movement against these practices "has broadened and deepened the voices in support of immigrant communities, and made those communities feel there is a larger movement supporting them and that immigrants are not alone."

Shugall adds that, "Local advocacy is really key, because advocacy at the federal level is not going to be super successful at this point." She asks people who want to help to look at the websites of nonprofits like hers in their local communities to learn how they can support their efforts.

This focus on the local seems entirely reasonable, given the chaos that seems to reign in Washington these days. It is crucial to address the immediate impact these new practices are having on people in one's own community, to help shine a light on their dilemmas and to gather broader support for their defense. In all these areas, local nonprofits are fighting an increasingly costly and exhausting fight.

This truly is about what we are as a nation. Those who voted for Trump, at least in part because of his promise to "Make America Great Again," need to be answered: We must counter the premise that the

US was "great" in past eras when injustice, racism and sexism flourished. The recent votes in France and in the UK might be taken as signs that anti-immigrant fears are not always able to guarantee overwhelming votes for right-wing candidates, but we cannot take that for granted. Here in the United States, we have immediate damage to contend with.