



# Immigration Law and Policy

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Lafayette-Orinda Presbyterian Church

June 1, 2025

Speaker: Mindy Phillips



# Agenda

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Trump 2.0 Policies

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Immigration Courts

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ICE Enforcement & Constitutional Rights

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Q&A



# Introduction

# 1,017

4 years

# 316

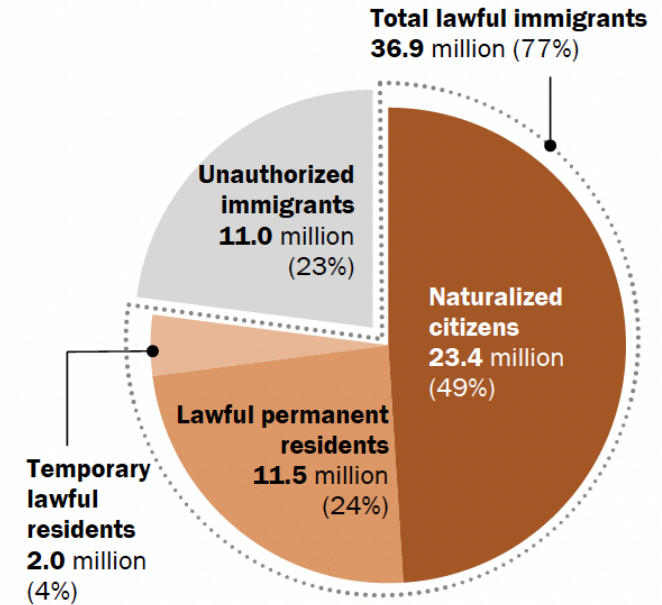
4 months

# U.S. Immigrant Population

- **77% (36.9 M)** immigrants have lawful status (U.S. citizenship, green cards, temporary residency)
- **23% (11 M)** undocumented immigrants (but this includes temporary statuses like DACA, Temporary Protected Status, pending asylum)

**Unauthorized immigrants are almost a quarter of U.S. foreign-born population**

*Foreign-born population estimates, 2022*



Note: Figures for the total and subgroups differ from published U.S. Census Bureau totals because census data has been augmented and adjusted to account for undercount of the population. All numbers are rounded. Unauthorized immigrants include some with temporary protection from deportation under Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), as well as pending asylum cases.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

PEW RESEARCH CENTER

# Trump 2.0 Policies

- **Targeting **legal** Immigration**
  - International students, refugees/asylees, green card holders, US citizens
- **Bypassing Congress and weaponizing bureaucracy**
  - Repeated requests for documents, “N/A” policy, longer forms, shorter validity periods for work authorization
- **Dehumanizing immigrants and falsely claiming immigrants = criminals**
  - As a group, immigrants have had lower incarceration rates than US born for 150 years. Immigrant men are **60% less likely** to be incarcerated than US-born white men. [National Bureau of Economic Research, 2024](#)
- **Conscripting federal, state, and local resources for ICE enforcement**
  - Non-immigration federal agencies, state law enforcement cooperation agreements, litigation against Sanctuary cities/policies, tying federal funding **of any kind** to cooperation with ICE, enforcement at sensitive locations

See more details at end of slide deck.

# Immigration Court: Structural and Systemic Lack of Due Process

- Administrative law courts overseen by the Department of Justice (Executive Branch), which means **no judicial independence**
- **No right to attorney** (even for children!)
  - % represented by attorney for all pending cases (sampling of states)
    - Hawaii: 84.8% | California: 59.3% | Texas: 20.7% | Idaho: 13.7%
  - Exception: individuals deemed mentally incompetent
- Outcomes are highly contingent on the particular **location** and **judge** of the court
  - Asylum cases approved since 2010
    - San Francisco: 68%
    - Houston: 9%
  - San Francisco asylum approval rate by judge: 8.4% v 98.7% (lowest and highest)

# Extreme Court and Application Backlogs

## Immigration court

- Backlog (March '25)
  - Nationally: **3.6 million**
    - 2 million asylum
  - 20 immigration judges fired without explanation (all Biden appointees) (2/15/25)
- Processing times
  - Average wait time for a final decision for an immigrant initially detained but then released: **2.5 years**
  - My last asylum case: 10 years

References: [TRAC data](#), [USCIS website](#)

## US Citizenship and Immigration Services

Application Type	Processing Time
DACA renewal	3 months
SIJS (Special Immigrant Juvenile Visa)	4-6 years for green card
Affirmative Asylum	6 months – 10 years
Citizenship	6.5 months (SF)
U-visa (victims of crime, eg domestic violence)	3 years for work permit or waitlist, <b>~30 years</b> for visa if you apply today
Green Card – Asylum (currently paused)	15.5 months
Green Card - Family	16 months (US-based)



## Know Your Rights

- The U.S. Constitution applies to all immigrants even if they do not have legal immigration status
- 4A: Right to be free from unreasonable search and seizure (ie arrest, taking property)
  - Law enforcement needs a valid warrant or probable cause
- 5A: Right to due process, protection from self-incrimination (right to remain silent)

# You have different rights depending on where you and your property are located



	Private	Public
<b>Some Examples</b>	<ul style="list-style-type: none"><li>• Homes</li><li>• Parts of workplaces only accessible to employees</li></ul>	<ul style="list-style-type: none"><li>• Walking on the street</li><li>• Driving or riding in a car</li><li>• Parts of workplaces open to the public</li></ul>
<b>General Rules</b>	ICE needs a <u>warrant</u> from a judge or your <u>consent</u> to enter or search	ICE only needs reasonable suspicion to make an arrest
<b>Notes</b>	<ul style="list-style-type: none"><li>• Allowed to pat down <i>above</i> clothing for officer safety</li><li>• Plain view (because this is actually public)</li></ul>	<ul style="list-style-type: none"><li>• Parts of cars like the trunk or glove box and “closed” property like bags and pockets are actually private and protected by the 4th Amd.</li></ul>



# Key Points: ICE AT YOUR HOME

## THINK:

- **NO INFO**
- **NO ENTRY**
- **NO SEARCH**

1. Don't open the door. Ask ICE to leave.
2. Identify who you are talking to: ask for ID and a warrant.
3. If officers are inside, ask ICE to leave.
4. Don't give ICE documents or information.
5. Tell them you don't want them to search.

★ These rights apply to everyone regardless of your immigration status.

# Judicial warrants and ICE warrants



AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No.

### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_  
(Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property  
described above, and that such search will reveal (Identify the person or describe the property to be seized):

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)

☐ In the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the  
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
as required by law and promptly return this warrant and inventory to \_\_\_\_\_  
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
§ 2795 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: \_\_\_\_\_

Judge's signature

City and state: \_\_\_\_\_

Printed name and title

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. \_\_\_\_\_

Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 287 of the  
Immigration and Nationality Act and part 287 of title 8, Code of Federal  
Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_  
is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal  
databases that affirmatively indicate, by themselves or in addition to other reliable  
information, that the subject either lacks immigration status or notwithstanding such status  
is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other  
reliable evidence that affirmatively indicate the subject either lacks immigration status or  
notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the  
Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location)  
on \_\_\_\_\_ (Name of Alien), on \_\_\_\_\_ (Date of Service), and the contents of this  
notice were read to him or her in the \_\_\_\_\_ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form 1-200 (Rev. 09/10)



# Key points: ICE IN PUBLIC

## THINK:

- NO INFO
- NO SEARCH

1. Ask if you are free to go.
2. Stay silent.
3. Don't give false or foreign documents.
4. Don't give them permission to search.

★ These rights apply to everyone regardless of your immigration status.

# What if ICE asks for my name in public?



Everyone has a right to remain silent whenever ANY officer asks questions (ICE, local police, FBI, etc.).

Some tips on how to handle being asked for your name by an officer:

1. **Identify** who is questioning you (ICE, local police, FBI, etc.).
2. **Assess** whether refusing to give your name will be used by ICE to escalate the situation
3. **Assert** your right to remain silent if that feels the safest in the moment.  
→ **I AM INVOKING MY RIGHT TO REMAIN SILENT. I DO NOT WANT TO ANSWER QUESTIONS.**

**Remember:** DON'T lie to law enforcement or give false documents

# What if ICE asks for my ID in public?



- **Ask** if you are free to go. If they say yes, leave.
- If they say no, **invoke your right to remain silent**.
- You can refuse to give your ID to ICE.\*

SAY: **I DO NOT WANT TO GIVE YOU MY DOCUMENTS.**

- **Assess** your safety. If you feel forced to show ID, consider whether you have a valid ID that does not say your place of birth or immigration status.

**REMEMBER:** Never give false documents!

*\*Some states require you to show ID to local police. Check what the laws are in your state.*

(Not California!)

# Legal Accompaniment

- If you see ICE enforcement, the First Amendment right to free speech gives you the right to observe, document, and speak *however* you should maintain a safe distance for your safety and so that ICE doesn't claim you are interfering or obstructing with an arrest

1. Ask the ICE agents why they are there
2. Inform people nearby about their rights
3. Observe and gather information

Guide to prepare for potential ICE enforcement:  
[Family Preparedness Plan](#)

# Resources

- What to do when you see ICE at the Concord Immigration Court
- [Immigrant Defense Project](#)
- [Immigrant Legal Resource Center](#)
- [National Immigration Law Center](#)
- [Stop and Identify Statutes in the US](#) (by state)
- [Informed Immigrant](#)
- [Immigration Policy Tracking Project](#)
- ICE Activity Hotlines
  - [Alameda County](#)
    - 510-241-4011 (M-F, 6am-6pm)
  - [Contra Costa County](#)
    - 925-900-5151



# Q&A

# Targeting **Legal** Immigration: Immigrants with Permanent or Temporary Legal Status

## Students

- "One-strike policy: Catch-and Revoke" (4/30/25)
  - Intent to revoke status automatically if non-citizen breaks the law; "will extend to students who have 'supported terrorists or otherwise abused our hospitality'"
- Screening social media activity for "antisemitism" (4/9/25)
- Revoking student visas without notice and on the basis of political activism or without explanation (4/4/25)
- Instruction to higher education institutions to monitor and report non-citizen student and staff for violations of immigration law (1/29/25)
- Suspension of refugee admissions (1/20/25)
- Suspension of processing green cards for immigrants *already granted* refugee or asylee status (3/25/25)
- Detention and deportation of U.S. citizens and immigrants with temporary or permanent legal status (2/1/25, 3/15/25)
- "Extreme vetting" eg detention for minor crimes and searching cell phones at ports of entry for evidence of political views and/or activism (1/20/25)

# Bypassing Congress: Weaponized Bureaucracy as a Tool for Restrictionist Immigration Policies

- Requests for documents already submitted
- "N/A" policy
- New form editions with no grace period
- Longer forms: Family-based petition form increased from 2 pages to 12 pages
- Shorter validity periods for work permits (more frequent renewals)
- Processing delays



"...When Mexico sends its people, they're not sending their best . . . They're sending people that have lots of problems . . . They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people. . . It's coming from more than Mexico. It's coming from all over South and Latin America, and it's coming probably . . . from the Middle East."

- President Trump,  
2015 Campaign Launch

# Dehumanization and (False) Criminalization of Immigrants

- The Marshall Project analyzed 350,000 of Trump's public statements about immigration ----->
- As a group, immigrants have had lower incarceration rates than US born for 150 years. Immigrant men are **60% less likely** to be incarcerated than US-born white men ([National Bureau of Economic Research, 2024](#))

## Trump claims that:

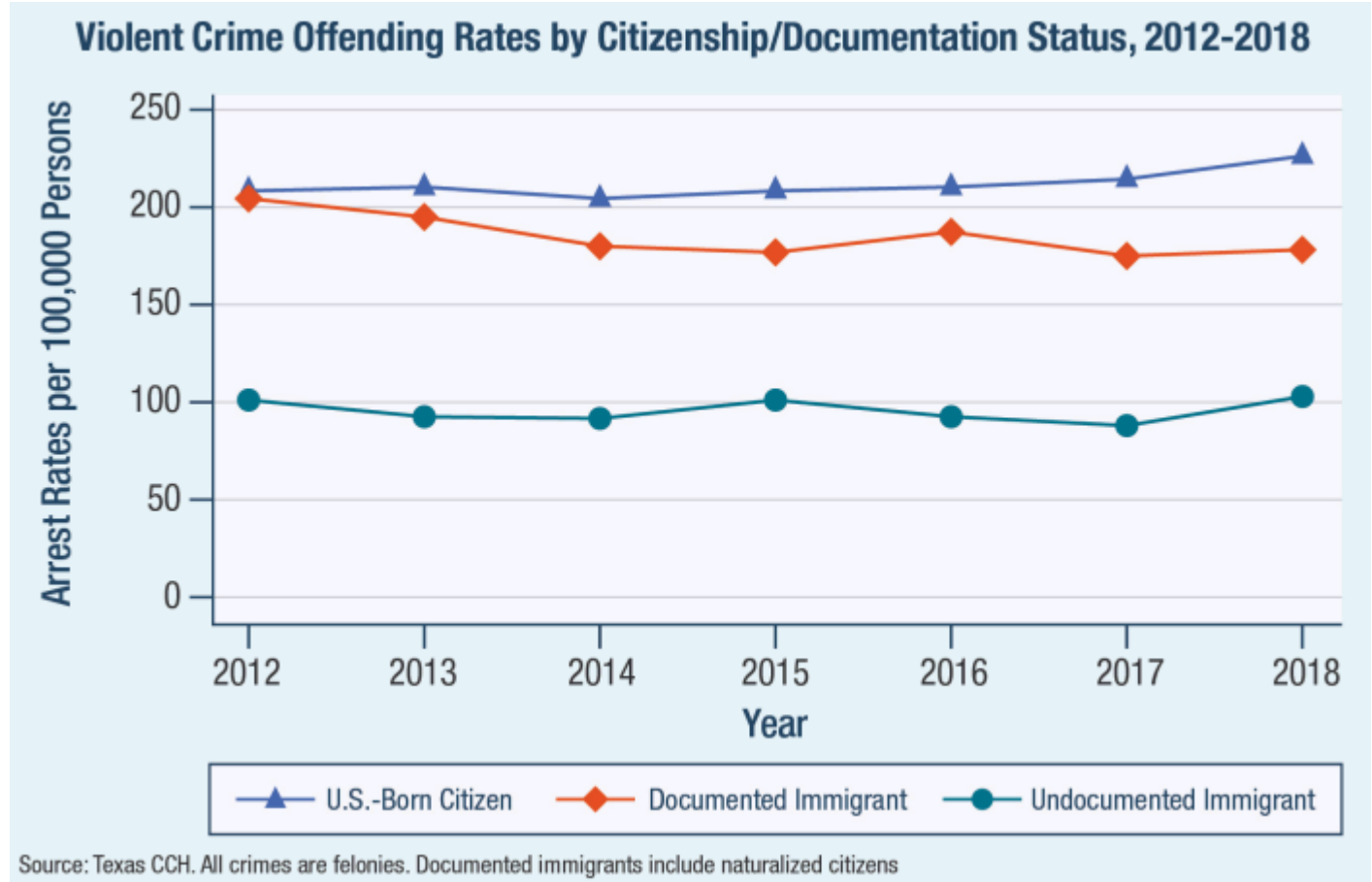
- Unauthorized immigrants are criminals [said 575+ times], snakes that bite [35+ times], eating pets, coming from jails and mental institutions [560+ times], causing crime in sanctuary cities [185+ times], and a group of isolated, tragic cases prove they are killing Americans en masse [235+ times].
- They are stealing Americans' public benefits [270+ times] and jobs [155+ times].
- He has to build a wall [675+], and mass deportations are acceptable because Eisenhower did it [50+ times].

# Violent Crime Arrest Rates in Texas

US-Born Citizen: **0.2%** (213)

Undocumented immigrant: **0.01%** (96.2)

"There is **no evidence** that the prevalence of undocumented immigrant crime has grown **for any category**." (2012-2018)



Reference: National Institute of Justice (Dept. of Justice), ["Undocumented Immigrant Offending Rate Lower than US-Born Citizen Rate" \(2024\)](#)

# ICE Enforcement Expansion: Conscripting Federal, State, and Local Resources

- Enlisting non-immigration federal agencies to assist with deporting people (SSA, USPS, IRS, military)
- Expansion of agreements with **local and state** law enforcement agencies and intended increase of ICE officers
- Litigation against Sanctuary cities/policies and tying federal funds **of any kind** to cooperation with DHS/ICE
- Chilling effect: Retracted "sensitive location" policy so state/local courts, schools, hospitals, and churches are no longer protected from ICE enforcement