

# IMMIGRATION POLICY AND THE PRESIDENCY

*Flecha Law, Ltd. is a law firm in Columbus, Ohio focusing on meeting the needs of the immigrant and Spanish-speaking community. We focus on providing competent representation with courtesy and compassion on matters involving immigration, small business, traffic and family law. Both Attorneys speak Spanish and English fluently.*

## HOW A PRESIDENTIAL ADMINISTRATION CAN IMPACT OUR COUNTRY'S IMMIGRATION POLICY

In just about a month, the 2020 U.S. Presidential Election will take place, which could lead to changes in our immigration policy. While our immigration laws have not undergone substantive reform since 1996, the Executive branch carries significant power to influence immigration policy without involving Congress.

For example, both the Obama and Trump Administration have utilized Executive Orders to influence immigration policy. President Obama implemented Deferred Action for Childhood Arrivals, more commonly known as DACA,

in 2012 via an Executive Order.

It may be a surprise to learn that our Immigration Courts are not Article III Courts, under the control the Judicial Branch. Immigration Courts are in fact a function of the Executive Branch, as they operate under the Department of Justice. The Attorney General, a political figure chosen by the President, is the head of both the local Immigration Courts and the Board of Immigration Appeals. It is through the latter Court that the Attorney General yields significant power. The Attorney General may refer a case pending before the

Board of Immigration Appeals to him or herself to issue a decision. Former Attorney General Jeff Sessions and Attorney General William Barr have yielded this power frequently over the last four years, affecting many immigration matters, such as administrative closure in the Immigration Court, the definition of particular social groups in asylum cases, and the definition of good moral character.

Apart from these themes, the President also has the power to set enforcement priorities for people in the United States without an immigration status. (continued)

## USCIS FEES BLOCKED FROM CHANGING OCTOBER 2, 2020

The majority of application fees were due to increase, however, a Federal Judge in Northern California has temporarily blocked the changes from occurring while a lawsuit over the legality of the fee changes is pending.

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Crucita Flecha, Esq.  
Cynthia A.B. Vivekanandam, Esq.  
Flecha Law, Ltd.  
530 B Norton Road  
Columbus, OH 43228  
[www.flechalaw.com](http://www.flechalaw.com)  
(614) 379-3003

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Immigration and Customs Enforcement (ICE) carries the duty to assist with enforcing our immigration laws and locate those in the United States who have overstayed a visa, entered the country without inspection, or have an order of removal or deportation. How our immigration laws are enforced depends on the Presidential Administration in power. For example, the Obama Administration invoked a policy in 2014, which limited the classes of people who were a priority for immigration enforcement. In 2017,

the Trump Administration effectively removed all of these limits and virtually anyone in the United States without an immigration status became a priority for immigration enforcement.

Despite the fact that Congress has not enacted substantive immigration reform since 1996, the Presidency carries significant power to shape immigration policy and we can expect further changes no matter which administration is elected in November.

## ARE YOU THINKING ABOUT APPLYING FOR CITIZENSHIP?

### Test Yourself!

Last month we published this question for practice:

Why does the United States Flag have 50 stars?

*Answer: Because each star represents a state*