



IMMIGRATION UPDATE

Enforcement Action and Removal

Feb. 24, 2021

Immigration and Customs Enforcement (“ICE”) recently issued interim guidance on enforcement actions and removal priorities, consistent with President Biden’s more humane directives. This affects who can be arrested, placed in custody, and ordered removed/deported by ICE. The guidance is effective immediately.

FIND THE RIGHT HELP!

- To learn more about your rights when confronted by law enforcement or to obtain referrals for free legal services, call the **New Americans Hotline** at **(800) 566-7636**, Monday-Friday, 9:00 am-8:00 pm.
- The wrong “help” can be harmful. Never pay a *notario*, travel agent, tax preparer, or form preparer to help with immigration work. Filing the wrong forms is a waste of money and it could lead to your deportation/removal.
- **Remember: If something is too good to be true, then it probably is not true.**

Who is affected?

- the guidance categorizes who can be arrested, placed in custody, and ordered removed/deported by ICE:
 1. people ICE considers a “national security threat”
 2. people who entered the US on or after November 1, 2020 (except asylum seekers)
 3. people ICE considers a “public safety threat”, which includes:
 - those with certain “serious” criminal offenses
 - those who have a conviction for certain crimes related to criminal street gang activity
 - those who are older than 16 who have participated in certain gang-related activity

Am I safe?

- people may be arrested and removed/deported by ICE, even if they do not fall in these priority categories.
- enforcement actions by ICE outside of the priority categories require preapproval by field office supervisors
- if you fall under the “public safety threat” category, you may not be taken into custody if you are elderly, have a physical or mental illness, or have a pending appeal or pending motion to reopen

What does this mean for the immigrant community?

- ICE’s enforcement focus is narrow but people may still be at risk.
- Consult with a trusted immigration legal services provider to determine your risk, and to understand your options.