



## Executive Orders: DACA, DED, Muslim and African Bans, Census, and Border Changes



On his first day in office, President Biden issued several immigration-related executive orders. Below are summaries of most of these orders. These victories are a result of many years of organizing by immigrant communities and are just the beginning. We will continue fighting for a just immigration system.

### Deferred Action for Childhood Arrivals (DACA)

In a Presidential Memorandum, President Biden directed the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to take all actions necessary to preserve and fortify DACA. In the meantime, because of a lawsuit *Make the Road New York and others* filed in Brooklyn, U.S. Citizenship and Immigration Services (USCIS) is **still accepting first-time applications and renewal applications for DACA** and advance parole applications from DACA recipients. Visit <https://maketheroadny.org/daca/> for more information.

### Temporary Protected Status (TPS) and Deferred Enforced Departure (DED)

Designating a country for TPS must be done by the Secretary of Homeland Security *after* consulting with other government agencies. Therefore, the Biden administration has yet to expand access to TPS or extended TPS for countries that have it.

However, unlike TPS, the president can unilaterally grant DED to immigrants from certain countries. DED provides protection against deportation and work authorization. In the last few days:

- The president extended DED for **Liberians** who have been residing in the United States and were under a grant of DED as of January 10, 2021.
- The previous president, prior to his departure, signed an executive order granting DED to **Venezuelans** for the first time. To qualify for DED, people must be Venezuelan nationals (or stateless people who last resided in Venezuela). The most important requirements for DED for Venezuelans are that they:
  1. Have been in the U.S. on January 20, 2021 and since then;
  2. Have not returned to Venezuela;
  3. Have not been previously deported from the U.S.;
  4. Are not inadmissible to the U.S. based on certain security grounds;
  5. Do not have a felony conviction or two or more misdemeanor convictions in the U.S.

USCIS has yet to announce how it will implement DED for Venezuelans. In the past, DED has been an automatic protection against deportation that does not require an application. Individuals who have it can apply for work authorization on the basis of their DED status, which does require an application. Consult with a trusted lawyer or accredited representative before submitting an application to USCIS.

- For now, TPS beneficiaries from Nicaragua, Sudan, El Salvador, Haiti, Honduras, and Nepal continue to have status through October 4, 2021. Please visit MRNY and USCIS's websites for the latest updates on TPS.

### **Repealing the Muslim and African Bans**

- President Biden revoked the Trump-era proclamations that prevented people from certain countries, largely Muslim-majority and African countries, from entering the U.S. Now people from those countries can once again apply for visas to the U.S.
- The countries affected are: Libya, Iran, Somalia, Yemen, Syria, Sudan, Nigeria, Tanzania, Myanmar, Eritrea, Kyrgyzstan, North Korea, and Venezuela.
- He also directed that there be expedited reconsideration of applications that were denied under the unjust policy.
- Finally, he directed a review of how applicants for visas are vetted, including through sharing of information between governments and review of their social media accounts.

### **Census**

The Biden administration reversed the racist and dangerous effort to count only people with immigration status in the census and committed to trying to make the census as accurate as possible. MRNY and CPD worked tirelessly to ensure our communities were counted and even brought lawsuits to ensure a fair census. Now, the census will once again count everyone in the U.S., regardless of status.

### **Changes at the Southern Border**

President Biden ordered a “pause” on construction of the southern border wall. He directed the government to look for other uses for money that Trump, by declaring a “national emergency,” had redirected to the border. The “pause” also applies to construction funded by Congress through legislation, but that construction (around 200 more miles of border wall) may resume after the pause.

The administration also promised that no new asylum seekers will be forced into the “remain in Mexico” program. Under the Trump administration’s “remain in Mexico” policy, most people seeking asylum at the southern border were forced to wait in dangerous camps in Mexico while their cases were decided. This announcement does not end the program for people who are already in it and stuck in Mexico. It also does not change COVID-19-related travel restrictions currently in effect at the border, which have made it very difficult for asylum seekers to enter the U.S.