

Upcoming Meetings & Events

CANCELED: IN-PERSON FREEDOM NETWORK USA HUMAN-TRAFFICKING CONFERENCE

The annual Freedom Network USA Human Trafficking Conference has been canceled due to coronavirus. A virtual conference will take place instead on March 18 and 19. Details can be found [here](#).

40th ANNIVERSARY OF REFUGEE ACT – MAR 17

March 17th marks the 40th Anniversary of the Refugee Act of 1980, which created the federal Refugee Resettlement Program.

INFORMED IMMIGRANT HOSTS INSTAGRAM LIVE ON MENTAL HEALTH

On March 20, 2020 at 1:45 pm EST, the group Informed Immigrant will host an Instagram Live. The session will address the current political climate around DACA and how this is impacting DACA recipients. For more information, click [here](#).

WEBINAR: TAX ISSUES FOR IMMIGRANT FILERS – MAR 24

On Tuesday, March 24 at 2 pm EST, the National Immigration Law Center will hold their webinar “2020 Tax Issues for Immigrant Filers: ITINs Renewals, New ITIN Rule for Dependents, Tax Credits, and More.” For more information, including registration, click [here](#).



Federal and Unitary Government Systems in Public Health Emergencies

By Kelly Ann Whelan

In last week’s [brief](#), we explored the stigma against immigrants due to the spread of Coronavirus and other historical pandemics. In this brief, we take a brief detour from immigration issues to discuss an issue facing us all – the legal framework of isolations and quarantines in the United States as well as in other countries heavily affected by the Coronavirus.

While isolations and quarantines affect the entire population, it hits immigrants especially hard. In particular, quarantining immigrants entering countries often become low-hanging fruit for governments desperate to placate and calm citizens. However, with the recent events, quarantines have become commonplace in many countries for citizens and immigrants alike. In this discussion, we look at different approaches a federal and unitary government system take to disease control and the legal bases of such actions.

United States

The United States has a unique approach to instituting quarantines because of the nature of the federal system. When this country was founded, the writers of the Constitution feared the overwhelming power of a central government, such as the one they experienced under the rule of the British. Thus, they wanted the states to hold most of the power to make decisions and laws, except for those expressly provided for in the text of the Constitution, known as the “expressed powers.”

In terms of public health, primary public health powers reside with the states.¹ The federal government has narrow quarantine powers as a result. The federal government derives its authority for isolation and quarantine from the Commerce Clause of the U.S. Constitution.

Read this week’s full brief [here](#).

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RE-REGISTRATION REQUIREMENTS FOR YEMENI TPS HOLDERS PUBLISHED

The Federal Register Notice for the 18-month extension of Temporary Protected Status, or TPS, for Yemen, has been published. Yemen received an 18-month extension of its TPS designation, valid from March 4, 2020 to Sept. 3, 2021. To maintain TPS through the 18-month period, Yemeni TPS holders will need to re-register during the 60-day re-registration period between March 2, 2020 to May 1, 2020. More information can be found [here](#).

FEDERAL REGISTER ANNOUNCEMENT, COMMENTS DUE – APR 28

The Executive Office for Immigration Review (EOIR) and the Department of Justice (DOJ) have published a Notice of Proposed Rulemaking (NPRM) to the Federal Register regarding some EOIR forms, including instituting a \$50 fee for an asylum application. Fees for other forms could increase by up to 900%. Submit comments [here](#).

• At Least 12 Countries Close Borders in Response to Coronavirus

In response to the global coronavirus pandemic, at least 12 countries have announced entry restrictions or closed all ports-of-entry to non-resident foreigners. As of publication, in the Americas, [El Salvador](#), [Guatemala](#), and [Honduras](#) closed their borders. In Asia, [India](#) has suspended most visas, functionally closing the country to most people outside of the South Asian Area Regional Cooperation countries. [Israel](#) has closed its border to foreigners, with a few exceptions. In Europe, [Cyprus](#), [Denmark](#), [Latvia](#), [Lithuania](#), [Poland](#), [Slovakia](#) and [Ukraine](#) have closed their borders. At publication, reports indicate that the EU countries in the Schengen Area will close their borders to non-resident foreigners as well, although this has not been confirmed or made official. Worldwide many other countries have announced directed closures and entry restrictions. A partial list can be found [here](#).

• Vote on NO BAN Act Delayed by Coronavirus Bill

The House of Representatives postponed a scheduled vote on the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act in order to move forward with an emergency vote for coronavirus funding. The NO BAN Act would repeal President Trump's specific bans on entry from Muslim-majority countries, as well as refugee and asylum bans. As of publication, Democratic leadership has not indicated a new date for a floor vote. USCRI endorses the NO BAN Act.

• District Court Invalidates USCIS Policies that Restrict H-1B Visas

On Tuesday, March 10 a District Court judge ruled that current U.S. Citizenship and Immigration Services (USCIS) policies for H-1B visas are overly restrictive, unlawfully implemented, and thereby invalid. The policies are widely believed to be responsible for increased denial rates for H-1B applicants. Read the ruling [here](#) and an in-depth discussion [here](#).

• Somalia TPS Guidelines Published

On Wednesday, March 11, USCIS published the official notice of its 18-month extension of the Temporary Protected Status (TPS) designation for Somalia. The designation was expected but official notice had not arrived in a timely manner. Read the notice [here](#).

• Supreme Court Stays 9th Circuit Ruling, Allows MPP to Continue

On Wednesday, March 11, the U.S. Supreme Court stayed an order ending the so-called Migrant Protection Protocols (MPP) that force asylum seekers to remain in Mexico during the processing of their cases. Although MPP endangers asylum seekers, the Supreme Court continued the stay until they decide to take up the Trump Administration's appeal. Read the stay order [here](#).

• Trump Announces Suspension of Travel from Europe

In a national address on Wednesday, March 11, President Trump announced the suspension of "all travel" from Europe to the United States for at least 30 days. Trump also announced a ban on "cargo" from Europe, which administration officials later said was a misstatement. Restrictions would apply to foreign nationals who had been present in any of the 26 European countries in the Schengen Area over the prior 14 days. Over the weekend the Trump administration added Ireland and the UK to the ban. For more information, click [here](#).

• US Capitol, House and Senate Office Buildings Closed to Public

On Thursday, March 12, the House and Senate Sergeant at Arms ordered that the U.S. Capitol as well as the Senate and House Office Buildings be closed as a measure to prevent the spread of coronavirus. The move came one day after a staffer for Senator Maria Cantwell of Washington tested positive for the virus. The Capitol will remain closed until at least April; official visits are still permitted as of publication.

Issue Updates (cont'd)

• Jonathan Hayes Removed as Director of ORR

Late in the evening of Friday, March 13, the Department of Health and Human Services (HHS) announced that Jonathan Hayes had been “promoted” from his job as head of the Office of Refugee Resettlement (ORR). Hayes’s new position will be Senior Advisor in the office of HHS’s Assistant Secretary for Preparedness and Response. A source told BuzzFeed’s Hamed Aleaziz that Hayes was “pushed out of his role at the direction of the White House.” Read more [here](#).

• EOIR Postpones Master Calendar Hearings for Non-Detained Individuals

The Executive Office of Immigration Review’s official Twitter account posted a tweet late on Sunday, March 15 that master calendar hearings will be postponed. The tweet reads: “All non-detained aliens’ master calendar hearings scheduled 03/16-04/10 are postponed. Usual operations for filings except Seattle. All other hearings proceeding.” Read the tweet [here](#).

• Supreme Court Postpones Oral Arguments for Coronavirus

The Supreme Court of the United States has officially postponed oral arguments scheduled to take place in March and early April because of the coronavirus epidemic. Other Court business, such as conferences, will occur, with some members participating remotely. Six justices are over the age of 65, and older adults as well as people with preexisting conditions are more vulnerable to the coronavirus. Read more [here](#).

USCRI Time Machine

In a week where the Supreme Court’s ruling on MPP was a major event, this week’s Time Machine comes from our 1987 report When Refugees Won’t Go Home: The Dilemma of Chadians in Sudan.

“We favor efforts to make a truly voluntary repatriation a more viable and common outcome for refugees. This is an end that cannot be lightly stated, but must be pursued actively. However, the U.S. Committee for Refugees and all refugee advocates would be concerned if refugees who have fled their homes seeking protection are coerced to return. The line between encouragement and promotion of voluntary repatriation and pressure to repatriate may not always be a clear one...

“If we are witnessing a process wherein refugees are being pressured to go home by making their stay in a country of asylum increasingly difficult, then this would not be an appropriate or acceptable way for the United Nations to treat refugees under its care and protection. Such an approach is too easily subject to abuse and manipulation, and would compromise UNHCR’s ability to ensure the safety of refugees. It is essential that a repatriation process be linked to clear and accepted international standards of protection whenever UNHCR undertakes actively the promotion of repatriation to reluctant refugees.”

If you have any questions
or comments, please
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Global Gigabyte

As Italy continues in its full quarantine to prevent the spread of coronavirus, Italians have taken to their balconies to make music together. Italians have played accordions and saxophones, played DJ sets, and danced, together but apart. Videos have circulated widely on social media. Read more, and watch videos, [here](#) and [here](#).