

March 2nd Homeless Alliance Meeting Notes

Attendees: Erin Ahearn (CHCB/Safe Harbor), Jan Demers (CVOEO), Diana Carminati (UWNWVT), Caitlin Ettenborough (ICA), Meghan Morrow (ICA), Margaret Bozik (CHT), Jane Helmstetter (AHS), Alexa Collesides (AHS- AmeriCorps Vista), Stephen Marshal (Homeless Community Member), Valerie Brosseau (ANEW Place), Lindsay Casale (Pathways), Jason Brill (VA), Jessica Radbord (VT Legal Aid), Laura Wilson (Cathedral Square), Daniel Blakenship (VSHA), Meg MacAublan (CVOEO), Marcy Esbjerg (CEDO), Sarah Russell (BHA), Stephanie Bixby (BHA), Sunnie Lobdell (Spectrum), Malread O'Reilly (VT Legal Aid), Brian Smith (DMH), Lisa Martiny (HowardCenter), Sharon Rotax (Steps to End DV), Lacey Smith (BPD), Jason Williams (UVMCMC), Maria McClellan (UVMCMC)

1. Introductions/Announcements:

- Margaret (CHT): provided information around the Occupancy Fee Bill that is being discussed by Legislatures (see handout #1) and a list of legislatures that are in support of the bill (see handout #2). Encouraged folks to follow up with their Legislatures around the bill.
- Daniel (VSHA): Waitlist has been closed, even for preferences. One exception is for family unification; those referrals come directly from DCF. VASH vouchers have also run out; continue to make referrals to the VA. 60 vouchers (one time availability) are currently available; 23 will be used for family unification, 37 will go to other populations. Introduced new Balance of the State's Continuum Support Specialist, Laurel Chen
- Jessica (VT Legal): introduced a new VT Legal Aid Fellow, Malread O'Reilly. Asked to add an issue on next month's agenda around how the opiate epidemic is having an effect on the work that we do.
- Alexa (AmeriCorp Vista): The draft of the survey has been completed and is asking for agencies to participate (see handout #3). She will also send it out electronically to the Google group.

2. Temporary Rental Subsidy (Margaret Bozik, CHT)

- Discuss around time limited rental subsidy program and that the program may lose federal resources. The subsidies that were scheduled to end in January have been extended until June. People that came on to the program in December will get a year of the subsidy. Advocacy for the program to be turned in a permanent subsidy is currently happening.
- 15 families in Chittenden County could be at risk of losing their subsidy by June 30th. 15 additional families would lose their subsidy later on in the year.
- Question presented to the group: Do we make a recommendation as to when and what circumstances time limited subsidies are appropriate to use?
- Suggestion that subsidy sits with the Housing Authorities instead of the State (easier to transition folks to permanent vouchers as they come available at the local level)
- Comment on how rapid rehousing seems to be effective only for a sliver of the homeless population; it is meant for working individuals that are fairly self sufficient. There is a need to be objective around making sure this is reaching its intended population and not individuals that are in need of a permanent voucher

-Jessica (VT Legal Aid) and Margaret (CHT) will do a write up to vote on in the April agenda. The vote will be around making the recommendation in support of moving clients from Vermont Rental Subsidy to permanent vouchers.

3. Homeless Management Information System (Meghan Morrow, Institute for Community Alliances)

-Update on the data imports from COTs to Bowman (the creator of Service Point). Bowman reported looking at the files COTs created; there continues to be issues around importing. Data was imported into a test site; issues with pulling data into reports. Bowman is working directly with COTs on this issue. Bowman has not given any timeline around when/if completion of importing is to happen.

-HMIS gave Bowman the deadline of March 15th.

-Once the data is reportable, it will be put into the live site. However, the data will not be real time as COTs is only importing data quarterly.

-Sentiment shared that there needs to be future conversations about this as the data importing does not seem to be working. This last round of funding, this CoC lost points because of the lack of data entered in to HMIS. Continuum also lost points for the increase in homeless Veterans.

-Question proposed: is a quarterly dump sufficient at this point? Real time data seems to be the real need. For Coordinated Entry to be effective, it needs real time data.

-Question proposed: Even if import works, does it meet the needs of the Continuum since the data will not be real time?

-Vote to be put on April Agenda: Whether or not to amend HMIS charter to exclude importing of data

4. Data and Citizenship Status (Margaret Bozik, CHT and Jessica Radbord, Legal Aid)

-Memorandum from Federal Government (see handout #4 and #5) around the priorities for deportation. It highlights the Dept of Homeland Security definition/criteria around "removable aliens" to include anyone who has engaged in fraud of services or abuse of received public benefit. What is unclear is what the definition of what "removable alien" means.

-Another piece of the memorandum talks about holding sponsors of New Americans responsible for the fiscal amount their spondees used of public assistance. Certain non citizens need to have a sponsor to become a citizen. An old law states that the sponsor will be responsible for any financial burden their spondee accrues, while living in this country, and using public assistance. This law has never been enforced before; new executive order talks about going after the sponsors for reimbursement of funds used.

-They are also looking at individuals who are trying to change their citizenship status. They are proposing to look back to see if you have used benefits historically and will deny citizenship based on benefit use.

-Jessica is working with DCF around previous cases of fraud to try to prevent deportations. Concern is that some individuals signed their rights away to a trial for fraud and instead admitted to fraud by signing a form without fully understanding the consequence of such an admission. Historically, signing the form would result in a loss of benefits for a period of time; at this point in time, it could mean deportation.

-People that are eligible for foodstamps and other subsidies are refusing to apply out of fear of deportation.

-This is an issue to revisit as things progress. Jessica will keep the group abreast of any updates.

5. Outreach Committee (Stephen Marshall, Homeless Advocate)

-Discussion around the need for countywide outreach to get a true understand of the number of homeless individuals in Chittenden County.

-The narrow qualifications around how chronically homeless is defined doesn't include all homeless individuals. (*Chronically homeless as defined as being homeless for 12 months over a 3 year period of time or 12 months consecutively; also self reporting isn't sufficient enough to consider someone as chronically homeless. There needs to be documentation which isn't always easy to come by*)

-Discussed the desire for a group of CoC members to connect with smaller towns (e.g. Bolton, St. George, etc).

6. Committee Reports

-Coordinated Entry (Lindsay Casale, Pathways Vermont)

- HUD issued a timeline for completion of the coordinated entry process by February 2018.

-They are just about done with the consent form/release of information form that would allow for easier data sharing. It will most likely be brought to April's meeting for a vote

-They are working on expanding the Coordinated Entry process to include other populations outside of Permanent Supportive Housing.

-There is a HUD webinar around Coordinated Entry this month.

7. Quarterly Meeting (Jane Helmstetter, AHS)

-Update on the last Quarterly meeting: 25-30 people. Focus was the follow up around the 6 big ideas that were presented at the last Quarterly Meeting. 2 items were selected as the first two ideas to focus on: the need for ongoing support (after getting housed) and stream lining the system.

-Amy Carrola, United Way, will put the results together to present at a Continuum meeting.

-Concern expressed around the lack of continuum members at the Quarterly meeting.

-Looking in to having a future Quarterly meeting at the Salvation Army.

-Marcy (CEDO) talked about looking for two individuals to do summer internships that would help create a system to match the business communities desire to donate their excess (thinking clothing, food, etc) directly to agencies in need. Some business owners have come forward expressing their desire to donate but not having the internal capacity to go from agency to agency.

-Moving forward with interviews to hire the support person for the Homeless Alliance.

8. Communication (Stephen Marshall, Homeless Advocate)

- Handout #6 provided

- Stephen expressed the sentiment around the possibility of a progressive tax rate (which is similar to the mortgage interest tax deduction). Tax deduction would be applied to lower income folks instead of the home owners. Might help with keep rent at a reasonable price.

- Cautioned around putting more “need boxes” around the community as simply leaving boxes of goods around the community takes away from building relationships with our homeless neighbors and instead further builds on class separation.

9. Schedule and Agenda for April

- Opioid conversation: how it affects providing services

- VOTE WARNED: recommendation around Vermont Subsidy Program

- VOTE WARNED: Removing import option to HMIS from Alliance Charter

- VOTE WARNED: Coordinated Entry consent form

#1

Housing For All Coalition - Occupancy Fee Bill FAQ

What does the bill include?

- A \$2 per night Occupancy Fee on hotel, motel, and AirBnB guests, as defined in Reg. § 1.9202(3), which is estimated to raise approximately \$10 million a year.
- The revenue will be deposited into a newly created Workforce and Supportive Housing Fund. The fund will be managed by the Vermont Housing and Conservation Board.
- The revenue will be divided into four areas. Suggested use and distribution of revenue incorporates the outcomes and recommendations from the legislatively funded Roadmap to End Homelessness.
 1. 30% for rental and other forms of **housing-related assistance** will go to the Agency of Human Services
 2. 10% for housing-related **supportive services** will go to the Agency of Human Services
 3. 50% to support a revenue bond and other expenditures **to develop permanently affordable workforce and supportive housing** will go to the Vermont Housing and Conservation Board
 4. 10% toward **infrastructure** in support of workforce housing pilot projects to the Vermont Housing and Conservation Board

What is the connection between housing, the occupancy fee, and the hospitality industry?

Lack of affordable housing is a significant barrier to both employers and employees in Vermont. 8.3% of all jobs in the state are directly or indirectly related to the lodging industry. Many employees working in the hotel/motel industry are in need of affordable housing. This affordable/workforce housing is especially lacking in areas where these jobs are available. This often forces workers to buy or rent a home far from the communities where they work, increasing their transportation costs and preventing them from being fully engaged in the civic life of their communities. Creating more affordable housing and infrastructure for workforce housing in areas where there are employment opportunities would help keep Vermonters working in the state, attract more families to move here and spend money in their local communities.

Why this fee?

This is a small fee- equal to the price of a cup of coffee. It will be paid by mostly out-of-state tourists and will make a huge impact on affordable housing in Vermont. Reducing homelessness and housing insecurity leads to healthier communities. Policies that make us and our families healthier are good for Vermont, good for the economy and worth the investment.

What are the cost savings to Vermont by investing in affordable housing?

- Reducing homelessness among families with children and single individuals helps reduce human services spending, including health care, mental health, corrections, and emergency housing. An adequate supply of affordable housing is essential for the health and sustainability of Vermont's communities.
- In one example; between 2012 and 2014 the Vermont Agency of Human Services found that the 134 households in the Vermont Rental Subsidy Program saw a decline of \$196,000 in emergency healthcare costs and \$55,000 in primary healthcare costs. Seventy-five percent of these families exited the program into permanent housing.

Housing For All Coalition

Occupancy Fee Bill

The Housing For All Coalition supports the creation and passage of an Occupancy Fee Bill in the 2017 Legislative Session.

We are asking that all revenues from this fee go toward affordable housing and homelessness reduction in Vermont. This would include investment in the creation of permanently affordable housing, infrastructure in support of workforce housing, increased rental assistance and supportive services. Suggested use and distribution of revenue incorporates the outcomes and recommendations from the legislatively funded Roadmap to End Homelessness.

By charging a \$2 per night surcharge on hotel, motel and AirBnB guests, as defined in Reg. § 1.9202(3), it is estimated that an Occupancy Fee will raise approximately \$10 million per year.

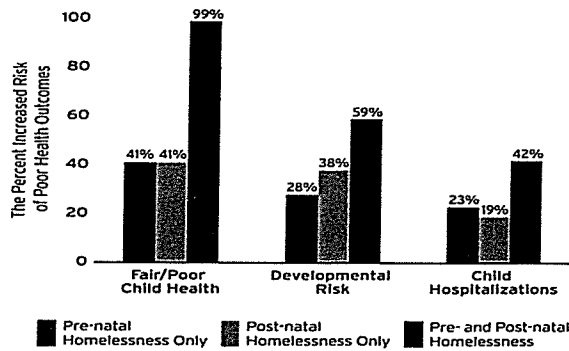
Why housing?

Access to safe, affordable housing is a basic need and right for all Vermonters. When Vermont families have a safe place to call home, our communities and our state are healthier. Former Gov. Shumlin and his AHS Secretary Hal Cohen recognized this in 2015 when they launched a statewide initiative to End Child and Family Homelessness by 2020. Vermont's recent efforts to end homelessness have been successful - as seen in the 2016 Point-in-Time Count which showed a 28% reduction in homelessness, but there is still work to be done. Revenue from an Occupancy Fee would help to further reduce homelessness and other barriers to housing such as affordability and lack of housing stock.

In Vermont:

- 🏠 88 hrs per week at minimum wage needed to afford a 2-bedroom unit
- 🏠 2.2 number of full time jobs needed at minimum wage needed to afford a 2-bedroom unit
- 🏠 \$21.13 per hour wage needed to afford a 2-bedroom unit¹

Compounding Effect of Homelessness on Child Health



By creating more housing options, we are encouraging families to live in Vermont, creating more jobs and ensuring that Vermonters have the stability they need to be thriving members of our Vermont economy. Reducing or eliminating homelessness and housing insecurity will help our families and our state to thrive.

For more information or to get involved please contact Kara Casey at 223-1302 kara@vtnetwork.org or Erhard Mahnke at 233-2902 erhardm@vtaffordablehousing.org.

¹ <http://nlihc.org/oor/vermont#>

Graph: Children's HealthWatch Data, May 2009-December 2014

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Rep. Johannah Donovan

Rep. Clement Bissonnette

Rep. Timothy Briglin

Rep. Susan Buckholz

Rep. Robin Chesnut-Tangerman

Rep. Kevin "Coach" Christie

Rep. Brian Cina

Rep. Selene Colburn

Rep. Elizabeth Dunn

Rep. Diana Gonzalez

Rep. Mary E. Howard

Rep. Diane Lanpher

Rep. Terence Macaig

Rep. James Masland

Rep. James McCullough

Rep. Alice Miller

Rep. Ruqaiyah Morris

Rep. Jean O'Sullivan

Rep. Carol Ode

Rep. Ann Pugh

Rep. Barbara Rachelson

Rep. Trevor Squirrell

Rep. Thomas Stevens

Rep. Valerie A. Stuart

Rep. Mary Sullivan

Rep. George W. Till

Rep. Joseph "Chip" Troiano

Rep. Tommy Walz

Rep. Theresa Wood

Rep. David Yacovone

Rep. Michael Yantachka

Sen. Christopher A. Pearson

Sen. Claire Ayer

Sen. Alison Clarkson

Sen. Debbie Ingram

Sen. Virginia "Ginny" Lyons

Sen. Mark A. MacDonald

Sen. Anthony Pollina

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Homelessness Programs Improvement Project

The Agency of Human Services is conducting a program improvement project to better understand if Vermonters accessed the programs and services available to them, how effective those interventions were to people who did access them, and what tools not available in all regions would be most helpful to further develop as a state.

Participating in our project is **entirely optional** and your participation -- or your decision not to participate -- will not effect in any way our efforts on your behalf to secure housing or any other service. You will not be denied any benefits or assistance if you decide not to participate in the project.

Our plan is to use the information that you give us permission to use to determine which programs, services, and systems you have been involved with in the past three years (examples include emergency rooms, homeless shelters, hospitals, jails, etc.) and how helpful they were to you to help us determine what types of supports and resources may be most helpful for people experiencing homelessness in Vermont.

Any information you share with us about your personal situation will only be seen by the staff and volunteers helping with this program improvement project and will be kept strictly confidential

We hope to publish the results of this systems-improvement project as we believe they will be of great benefit to the State of Vermont, the Vermont legislature, and community organizations in Vermont fighting homelessness. If we publish the results using any of the information you have provided to us or given us permission to use, we will not identify you as a participant. In other words, we will not communicate to anyone that any of the information we obtained during this project came from you. While staff and volunteers working on this project may share your personal information with each other to help us gather and analyze information, any public reporting about the information will only be done in a way that maintains your anonymity.

If you agree to participate, and allow us to share your information for the purposes we have explained above, please complete the permission form on the reverse side.

We know it can be difficult to talk about homelessness. We appreciate your participation and are hopeful that the information you share with us will help us better serve Homeless Vermonters.

#3

PERMISSION TO SHARE PERSONAL & HEALTH INFORMATION

A staff member of AHS or a partner organization will review this release with you.

What's your legal name and any other names you have gone by in the past three years?

When is your birthday? _____

Check all that apply - do you consider yourself to be: Male: [] Female: [] Other: []

What are the counties or towns in Vermont that you've most recently lived in?

Please list any service providers outside of AHS that you have been working with in the past three years that you are comfortable with us contacting to learn more about your situation:

Is there anything else you'd like to share to help us better understand your situation?

By signing this form, I authorize all AHS departments, including the Department of Corrections, the Department of Vermont Health Access, the Department of Mental Health, the Vermont Department of Health, and the Department of Disability Aging and Independent Living, to analyze the data I provide, to analyze which services I have engaged with in the past three years that they have provided or funded, to determine how effective they were, what I was eligible for that I didn't access, and what services might have been helpful if they had been available to me.

I understand:

- The reasons I am being asked to release information.
- Signing this authorization is voluntary. I understand that ability to receive services or support is not conditioned upon authorizing this disclosure.
- While the Agency of Human Services will take every precaution to protect my personal and health information, once it is released pursuant to this authorization, it may be subject to re-disclosure by other parties.
- My drug and alcohol treatment records are protected by Federal confidentiality rules (42 CFR Part 2) and cannot be disclosed or re-disclosed without my express written consent or as allowed by the regulation. I am authorizing the Agency of Human Services to access information about my alcohol or drug related diagnosis and treatment or referral for treatment: Yes: No:
- I may revoke this authorization at any time by contacting the Secretary's Office of the Agency of Human Services at 802-241-0440, except to the extent that it has been acted upon.
- If I do not revoke or update this authorization, it will be in effect for one year from the date it is signed.
- I will be provided a copy of this form.
- All items on this form have been completed and my questions about this form have been answered.

Signature of Individual or Parent/Legal Representative: _____ **Date:** _____

Name of Person Explaining Authorization Process: _____ **Organization/position:** _____ **Date:** _____

#4

Draft

THE WHITE HOUSE
WASHINGTON
1/23/2017

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANDREW BREMBERG
SUBJECT: Executive Order on Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility

Purpose

With this Executive Order, President Trump will help fulfill a number of key campaign promises by ensuring that our immigration laws are enforced in a manner that promotes accountability and responsibility, thereby protecting American taxpayers and promoting immigrant self-sufficiency.

Background

Our country's immigration laws are designed to protect American taxpayers and promote immigrant self-sufficiency. Yet, households headed by aliens (legal and illegal) are much more likely than households headed by native-born citizens to use federal means-tested public benefits. Our immigration laws must be enforced in a manner that achieves the goal of protecting our taxpayers and promoting self-sufficiency. Indeed, for over a century it has been the policy of the United States, as required by statute, to deny entry to foreigners who are likely to become a public charge, but past administrations in recent years have failed to enforce this policy. The immigration laws must ensure the United States does not welcome individuals who are likely to become or have become a burden on taxpayers.

Discussion

This Executive Order fulfills several key campaign promises related to immigration by, among other things: (1) directing the Director of the Office of Management and Budget to compile a report detailing how the federal government will save \$100 billion by ensuring that aliens receive only the public benefits that they are eligible to receive, and that the sponsors of aliens fulfill their obligations to reimburse the government for the cost of welfare benefits provided to such aliens; (2) requiring DHS and the State Department to establish new standards and regulations for determining when aliens will become subject to the "public charge" grounds of inadmissibility and deportability (i.e. their likelihood of requiring public assistance after being admitted to the United States); (3) directing the Commissioner of Social Security to issue a report on the impact of low-skilled foreign workers on the Social Security Trust Fund's long-term solvency; (4) directing the Secretary of State to publish a report on the long-term costs of the Refugee Admissions Program at the federal, state, and local levels; and, (5) directing DHS

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and the State Department to submit a report on the efforts that they are taking to combat the birth-tourism phenomenon.

Recommendation

I recommend that you sign the attached Executive Order.

Approve _____
Disapprove _____
Needs more discussion _____

#4

Executive Order—Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility

EXECUTIVE ORDER

PROTECTING TAXPAYER RESOURCES BY ENSURING OUR IMMIGRATION LAWS PROMOTE ACCOUNTABILITY AND RESPONSIBILITY

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended (PRWORA), I hereby order as follows:

Section 1. Purpose. Our country's immigration laws are designed to protect American taxpayers and promote immigrant self-sufficiency. Yet households headed by aliens are much more likely than those headed by citizens to use Federal means-tested public benefits. Our immigration laws must be enforced in a manner that protects our taxpayers and promotes self-sufficiency.

Sec. 2. Policy. It is the policy of the United States to:

- (a) deny admission to any alien who is likely to become a public charge;
- (b) identify and remove, as expeditiously as possible, any alien who has become a public charge and is subject to removal; and
- (c) seek reimbursement from all sponsors of immigrants for the costs of Federal means-tested public benefits provided to sponsored immigrants.

Sec. 3. Reforms to Immigration Policies and Procedures. In furtherance of the policies described in section 2 of this order, I hereby direct:

- (a) the Secretary of Homeland Security:
 - (i) to rescind any field guidance concerning the inadmissibility or deportability of aliens on the ground that they are likely to be or have become public charges, as applicable (public-charge grounds), and replace it immediately with new field guidance consistent with the provisions of this order;
 - (ii) to propose for notice and comment a rule that provides standards for determining which aliens are inadmissible or deportable on public-charge grounds, and that specifies that an alien is inadmissible as a public charge if he is likely to receive, and is deportable as a public charge if he does receive, public benefits for which eligibility or amount is determined in any way on the basis of income, resources, or financial need;

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(iii) to propose for notice and comment a rule that provides standards for determining whether an alien is deportable under 8 U.S.C. 1227(a)(5) for having become a public charge within five years of entry, from causes not affirmatively shown to have arisen since entry, and that defines "public charge" in a manner consistent with section 3(a)(ii) of this order;

(iv) to propose for notice and comment a rule that defines "means-tested public benefits" under 8 U.S.C. 1183a for purposes of Federal programs, and that require reimbursement from sponsors of aliens who have signed affidavits of support under 8 U.S.C. 1183a(a)(1), to include all Federal programs for which eligibility for benefits, or the amount of such benefits, are determined in any way on the basis of income, resources, or financial need; and

(v) within 270 days of the date of this order, to submit to the President a report, in consultation with the Secretary of State and the Governor of the Commonwealth of the Northern Mariana Islands, describing steps taken to combat the problem of "birth tourism," whereby individuals travel for the purpose of giving birth in the United States.

(b) the Attorney General to certify immediately and review any Board of Immigration Appeals decisions that have frustrated or impeded Department of Homeland Security enforcement of the public-charge grounds of inadmissibility and deportability;

(c) the Secretary of State:

(i) within one year of the date of this order, to provide a report on the long-term costs of the Refugee Admissions Program at the Federal, State, and local levels; and

(ii) within six months of the date of this Order, to amend the Foreign Affairs Manual to ensure that its public-charge provisions are consistent with the goals of this Order;

(d) the Secretary of the Treasury, to propose for notice and comment a rule that requires submission of a Social Security Number by a taxpayer and by the taxpayer's qualifying dependent child to claim the Child Tax Credit;

(e) the Director of the Office of Management and Budget:

(i) within one year of the date of this order, to provide a report detailing how much the Federal Government could realize in savings by ensuring that aliens receive Federal public benefits, including Federal means-tested public benefits, Supplemental Security Income, Food Stamps, Temporary Assistance for Needy Families, Social Service Block Grants, and Medicaid only as allowed by PRWORA and ensuring that executive departments and agencies that provide Federal means-tested public benefits to sponsored immigrants obtain reimbursement from the immigrants' sponsors who have signed legally enforceable affidavits of support;

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(ii) within one year of the date of this order, to provide a report detailing how any savings can be invested in programs and services designed to benefit impoverished American communities, including inner-city communities, and to disadvantaged youth; and

(iii) every six months after submitting the report described in paragraph (i) of this subsection, to provide a report detailing the extent of the Federal Government's success in ensuring that aliens receive federal public benefits, including Federal means-tested public benefits, Supplemental Security Income, Food Stamps, Temporary Assistance for Needy Families, Social Service Block Grants, and Medicaid only as allowed by PRWORA and in obtaining reimbursement from the sponsors of immigrants for the Federal means-tested public benefits provided to the immigrants;

(f) the Council of Economic Advisers:

(i) to provide a report within six months after the conclusion of each new fiscal year on the cost to American taxpayers of providing means-tested public benefits in that fiscal year to households headed by illegal aliens;

(ii) to provide a report within six months after the conclusion of each new fiscal year on the number of non-citizens receiving means-tested public benefits in such fiscal year;

(iii) within one year of the date of this order, to provide a report on the impact of low-skilled immigrant workers on the long-term solvency of the Social Security Trust Fund;

(g) the Secretary of State and the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, within 18 months of the date of this order, to implement fully, to the extent permitted by law, the recommendations set forth in the Social Security Benefits Reform Joint Working Group Study, in order to prohibit aliens from receiving, for Social Security benefit eligibility purposes, credit for wages earned during periods of unauthorized work;

(h) the Director of the Census Bureau to publish an annual report comparing welfare use among alien-headed households and U.S. citizen-headed households; and

(i) the heads of all executive departments and agencies:

(i) to seek reimbursement from sponsors who signed legally enforceable affidavits of support under 8 U.S.C. 1183a(a)(1) for the costs of Federal means-tested public benefits within their authority that were provided to sponsored aliens, and bring court actions against or refer to the Attorney General those sponsors if necessary to compel reimbursement;

(ii) following the issuance of the proposed rule issued pursuant to the directive in section 3(a)(iv) of this order, to propose for notice and comment a rule, consistent with such

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proposed rule, that lists all Federal benefits within their authority for which eligibility or amount is determined on the basis of income, resources, or financial need as "Federal means-tested public benefits" for purposes of determining the eligibility of aliens for those benefits under PRWORA; and

(iii) inform the Department of Homeland Security whenever they provide any alien with Federal means-tested public benefits, as defined in the proposed rule issued pursuant to the directive in section 3(a)(iv) of this order.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

#5



Homeland Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services

Joseph B. Maher
Acting General Counsel

Dimple Shah
Acting Assistant Secretary for International Affairs

Chip Fulghum
Acting Undersecretary for Management

FROM:

John Kelly
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

Enforcement of the Immigration Laws to Serve the National Interest

This memorandum implements the Executive Order entitled "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017. It constitutes guidance for all Department personnel regarding the enforcement of the immigration laws of the United States, and is applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). As such, it should inform enforcement and removal activities, detention decisions, administrative litigation, budget requests and execution, and strategic planning.

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With the exception of the June 15, 2012, memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," and the November 20, 2014 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents,"¹ all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal are hereby immediately rescinded—to the extent of the conflict—including, but not limited to, the November 20, 2014, memoranda entitled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," and "Secure Communities."

A. The Department's Enforcement Priorities

Congress has defined the Department's role and responsibilities regarding the enforcement of the immigration laws of the United States. Effective immediately, and consistent with Article II, Section 3 of the United States Constitution and Section 3331 of Title 5, United States Code, Department personnel shall faithfully execute the immigration laws of the United States against all removable aliens.

Except as specifically noted above, the Department no longer will exempt classes or categories of removable aliens from potential enforcement. In faithfully executing the immigration laws, Department personnel should take enforcement actions in accordance with applicable law. In order to achieve this goal, as noted below, I have directed ICE to hire 10,000 officers and agents expeditiously, subject to available resources, and to take enforcement actions consistent with available resources. However, in order to maximize the benefit to public safety, to stem unlawful migration and to prevent fraud and misrepresentation, Department personnel should prioritize for removal those aliens described by Congress in Sections 212(a)(2), (a)(3), and (a)(6)(C), 235(b) and (c), and 237(a)(2) and (4) of the Immigration and Nationality Act (INA).

Additionally, regardless of the basis of removability, Department personnel should prioritize removable aliens who: (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. The Director of ICE, the Commissioner of CBP, and the Director of USCIS may, as they determine is appropriate, issue further guidance to allocate appropriate resources to prioritize enforcement activities within these categories—for example, by prioritizing enforcement activities against removable aliens who are convicted felons or who are involved in gang activity or drug trafficking.

¹ The November 20, 2014, memorandum will be addressed in future guidance.

#5

B. Strengthening Programs to Facilitate the Efficient and Faithful Execution of the Immigration Laws of the United States

Facilitating the efficient and faithful execution of the immigration laws of the United States—and prioritizing the Department's resources—requires the use of all available systems and enforcement tools by Department personnel.

Through passage of the immigration laws, Congress established a comprehensive statutory regime to remove aliens expeditiously from the United States in accordance with all applicable due process of law. I determine that the faithful execution of our immigration laws is best achieved by using all these statutory authorities to the greatest extent practicable. Accordingly, Department personnel shall make full use of these authorities.

Criminal aliens have demonstrated their disregard for the rule of law and pose a threat to persons residing in the United States. As such, criminal aliens are a priority for removal. The Priority Enforcement Program failed to achieve its stated objectives, added an unnecessary layer of uncertainty for the Department's personnel, and hampered the Department's enforcement of the immigration laws in the interior of the United States. Effective immediately, the Priority Enforcement Program is terminated and the Secure Communities Program shall be restored. To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Department shall eliminate the existing Forms I-247D, I-247N, and I-247X, and replace them with a new form to more effectively communicate with recipient law enforcement agencies. However, until such forms are updated they may be used as an interim measure to ensure that detainers may still be issued, as appropriate.

ICE's Criminal Alien Program is an effective tool to facilitate the removal of criminal aliens from the United States, while also protecting our communities and conserving the Department's detention resources. Accordingly, ICE should devote available resources to expanding the use of the Criminal Alien Program in any willing jurisdiction in the United States. To the maximum extent possible, in coordination with the Executive Office for Immigration Review (EOIR), removal proceedings shall be initiated against aliens incarcerated in federal, state, and local correctional facilities under the Institutional Hearing and Removal Program pursuant to section 238(a) of the INA, and administrative removal processes, such as those under section 238(b) of the INA, shall be used in all eligible cases.

The INA § 287(g) Program has been a highly successful force multiplier that allows a qualified state or local law enforcement officer to be designated as an "immigration officer" for purposes of enforcing federal immigration law. Such officers have the authority to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, and conduct searches authorized under the INA, under the direction and supervision of the Department.

There are currently 32 law enforcement agencies in 16 states participating in the 287(g)