

EVAN DACOSTA:

All right, so we're here with Reaz Jafri, who is an immigration lawyer for Withers Bergman LLP.

So Reaz, could you just tell us a little bit about what you do as an immigration lawyer for Withers Bergman?

REAZ JAFRI:

Sure. Thanks for the invite to speak about this. So Withers is a 120-year-old law firm. We're international. I'm based in New York and I head up our global immigration (*inaudible* * 0:00:28.6). And that means I'm advising people that are coming in/going out of the United States.

With regards to inbound immigration and when we're talking about DACA, relating to inbound immigration, what I do is advise people on what the current state of regulations and laws are, how to navigate the system, because it is very complex. I work with universities, employers, investors, on all aspects of immigration law.

EVAN DACOSTA:

Hmm, okay. So in regards to what's going on in the political climate now, and immigration laws is particularly relevant, so with the current administration do you think the decision to rescind DACA, do you think it was a purely political move to appeal to the base or was there a legal rationale behind it? What's your take on that?

REAZ JAFRI:

I think it is both. You know address the legal rationale. I mean back in 2012 when President Obama had signed the executive order authorizing DACA, you know he had a legal basis to do that. And just like that, a president has a legal basis to undue any executive order.

So President Trump is asserting his right to terminate that (*inaudible* * 0:02:06.0) or rescind it if he wishes. Now having said that, I think that given the population that's affected by DACA and the heated nature of our political discourse on the subject of immigration generally, it was very political, in my opinion.

I read a statistic recently that something like 70 percent of all DACA recipients are in five states, which are New York, California, Texas, Florida, and Illinois. And those are – you know especially in New York and California are not states that are part of the administration's base.

EVAN DACOSTA:

Right.

REAZ JAFRI:

And not to get too political, but kind of the red states, the states that are a strong part of his base, who have very few DACA recipients, actually, within them, see anything to do with immigration as being something that the US should discourage and reach a limit and curtail. And therefore it's made the base very happy.

And but having said that, I think the current administration is also throwing the ball back to Congress, which has the mandate to change laws, and they have not been able to. So it's both political on his part, I think it's also strategic, and I think there is legal rationale for it.

EVAN DACOSTA:

So for people who are DACA recipients facing the current situation, what legal recourse do they have, if any?

REAZ JAFRI:

Well, as of right now, I mean it's due to sunset or expire on March 4th of 2018 if the president does not extend it by executive order. And he can, and that's not out of the question. Or if Congress does not take this up as of March 6th, anyone whose work permit expires is out of luck, they're undocumented. You know they won't have any of the protections offered by DACA and they would have no recourse.

The only possible recourse one could have is if a person is a DACA recipient and they can overstay their visa as opposed to entering the country without a visa. You know if they have a fiancé or a girlfriend and they get married, they could adjust their status from being undocumented to a permanent resident. Other than that, there's no recourse whatsoever.

EVAN DACOSTA:

So what exactly is a difference between, from a legal perspective, overstaying a visa versus entering without a visa?

REAZ JAFRI:

Sure. When a person enters through an airport and they are interviewed by an immigration officer, or actually a custom and border officer to be precise, they are deemed to be admitted into the country. They've gone through an interview and asked questions and they're physically admitted, legally admitted into the United States.

And a person who is legally admitted in the United States has certain rights that those who enter without inspection (*phonetic* * 0:05:22.9). So people that walk across the border, southern border or northern border, are – (*inaudible* * 0:05:28.6) considered Entrance Without Inspection or EWI's. And a person who is an EWI never had any legal status and therefore they can never get any legal status.

EVAN DACOSTA:

Okay.

REAZ JAFRI:

That's the primary difference.

EVAN DACOSTA:

Okay, thanks for clearing that up. So what changes – this is a pretty broad question, but what changes would you say are needed to kind of fix – well, I'll put it this way: If you were in charge, if you are president in office, what changes would you put in place to fix our immigration system?

REAZ JAFRI:

Well, that's a – I think most people who are in this – that look at this issue, including politicians, know what changes need to be made. That's the really cynical part about the whole debate. You know we've been having this debate for a long time, back in 2000-and—I think it was '07 or '06 President Bush was ready to sign a (*inaudible* * 0:06:31.5) immigration reform bill which the US Senate had passed, but the Republican House stopped it.

And I think what needs to be addressed is, one, you know we have millions of people in this country, I would say, 99 percent of them are law-abiding, contributing members of society, who have been here for a long time. Not just DACA, but others that came as adults ten, fifteen years ago, the parents of DACA's, and they're part of our society. They work for our companies, they take care of our children, they take care of our parents, they work in our hospitals. They're a very integral part of our society and you know I think it ruptures society when you physically move people away who are otherwise contributing.

So I think one thing that we can do, and we should do, is find a method to legalize people that are here. Now legalize does not mean you have to make someone give someone a (*inaudible* * 0:07:30.8) citizenship immediately.

EVAN DACOSTA:

Right.

REAZ JAFRI:

I don't think that's necessarily what a proponent of legalization want, but they do want to have – it's in our interest to have different rights so they can become taxpayers and come out of the shadows. So I think that's one thing that we should do.

And also, we are based on a – you know country is based on a Judeo-Christian philosophy that we're all God's children, we're supposed to take care of ourselves.

EVAN DACOSTA:

Right.

REAZ JAFRI:

And the fact that you came in illegally doesn't make you an illegal human being. You're still a human being and you should be (*inaudible* * 0:08:01.1) a basic right that our Constitution guarantees, which is inalienable. So I do think that there's basis to legalize people here more from a philosophical point of view.

The other thing we should do is we should amend our immigration laws to address the needs of society that are today. Most of the immigration laws we have were written back in the 50's and even before that. You know to see the types of subjects students are studying, for example, in school, don't always mean that they're going to go out and get a job. There is a lot of entrepreneurship and other things that people get involved in.

And we don't have an entrepreneur visa, for example.

EVAN DACOSTA:

Right.

REAZ JAFRI:

So if you graduated from Notre Dame and wanted to do a startup, there's no visa for you, even though you may have a great idea and you may have funding from a venture capitalist, there's no visa for that. And most countries in the world have it. So we're at a competitive disadvantage with regards to that. And I do a lot of work in Silicon Valley with startups, so it's something I'm very familiar with.

Another thing we should do is I think that we should streamline our processing and become more IT savvy. Right now things take years to adjudicate and there's no reason for it when things can be done electronically.

EVAN DACOSTA:

Right.

REAZ JAFRI:

(*inaudible* * 0:09:19.1) of that.

And I think that the border security issue is important, as I think we need to secure the southern border, but we've done a very good job of that. So I don't – and I'm not an advocate of building a huge wall, but I do think that you can have intelligent security at the border. And the fact is that over the last couple of years the number of people coming in illegally from the southern border has decreased significantly. So I think those are the main things that I would address.

EVAN DACOSTA:

So in regards to that change, and you said earlier that politicians know what the right fixes are, why do you think there has been such deadlock on this issue for so long? Like why is it that immigration is such a hot button issue?

REAZ JAFRI:

Because it gets framed into a conversation which had to do with other things. You know I do believe that there is a certain amount of racial bias and racism in this – not in this country, but in this world. And you know if you frame the issue with regards to immigrant or criminals, then it's easy for a politician to stand there and say I'm tough on law and order and we need to be tough on immigration.

And once you take that position, any bill that comes up that in any way seems to give more benefits to immigrants, something you have to vote against because your constituents said you were tough on immigration.

And what we forget is that immigration is not in a vacuum. You know there are families. I mean there are lots of students at Notre Dame that are probably DACA recipients.

EVAN DACOSTA:

Yep.

REAZ JAFRI:

And to have – and there are people at Notre Dame whose parents may have caretakers that are DACA recipients and there are people that are working at Notre Dame that are DACA recipients. And the community at large. And that's just one part of this country. Imagine take that and multiply it by thousands. And that's what immigration is.

EVAN DACOSTA:

Right.

REAZ JAFRI:

So I think it gets very political and also, you know for the most part, the undocumented immigrant population are not a political force, meaning they don't vote. So politicians don't really care about them, you know where they need to get votes. And those people that are very pro-immigrant rights are, for the most part, already in the Democratic Party camp.

EVAN DACOSTA:

Right.

REAZ JAFRI:

So the Republicans don't really care about this. And it sounds cruel, but they don't really care about the issue from a political point of view. I'm sure they care about it from a humanistic point of view, but they don't care about it from a political point of view. And that's where it gets stuck. Every single time it gets stuck right there.

You know everyone says, well, I came – my family came in legally, why can't they? That's the commentary without any solution.

EVAN DACOSTA:

Yep.

REAZ JAFRI:

You know I mean 1900's, early 1900's, lots of people came to this country without papers. We just let them in.

EVAN DACOSTA:

Mm-hmm.

REAZ JAFRI:

In Ellis Island we just let them in. Before that people were coming in. I think that has a lot to do with it.

And you know one more point I'll make is that there's a lot of research that's been done that says that immigration, not just in the US, but around the world, is important for developed countries to continue to grow their GDP. Just an economic point of view, if we don't have immigration coming into the country, it will be nearly impossible for us to grow our GDP, because we're not gonna have the workers that are needed to do the work for lots of reasons. One is, you know, level of education, one is a population that's now growing the way it needs to grow.

You know you have to have 2 ½ kids per person (*inaudible* * 0:13:14.8) couple to have population growth. We don't have that. So those are the big issues that get lost in the debate.

EVAN DACOSTA:

Right.

REAZ JAFRI:

You know the person is illegal. Well, I don't know if illegal is the right word; it might be undocumented. But I think the court found illegal alien already shows what your attitude towards it is.

EVAN DACOSTA:

Right. And that's an interesting point what you said about GDP growth because a lot of times politicians like to frame it as immigrants are stealing jobs, they're hurting the economy, but in reality it's just the exact opposite.

REAZ JAFRI:

Oh, absolutely. I mean some of my clients, big corporate clients I represent, they don't ever proactively go out and look for foreign workers. They place ads and they get the best workers, they get the workers they can. And in certain industries, like hospitality, hotels, restaurants, agriculture, and construction, there just are not enough Americans that want to do that type of work.

EVAN DACOSTA:

Right.

REAZ JAFRI:

Period. And you know it's not a coincidence that you've got a lot of immigrants in those particular industries because Americans don't. Especially, you know, like yourself, you're graduating from Notre Dame. You're not gonna go out and do a blue collar, hard labor job. You're gonna go into finance or some industry. But someone has to do that work and we forget that, you know? It's hurting our employers as well as the individuals that are here that need to work.

EVAN DACOSTA:

Mm-hmm. Could you tell us a little bit about temporary protection status and how that plays into the whole discussion?

REAZ JAFRI:

Temporary protection status is something that our government confers with citizens of a country that is having some type of crisis, be it environmental or political crisis. And if they're here then we say, you don't have to go back, we'll give you temporary protected status, and let people stay here.

So we have extended that historically to people from, let's say, Afghanistan in the 1980's. If they were here, we weren't gonna make them go back into a war country, so we give them temporary status. We've done that with the Latin American countries during a time of crisis. We give it to Asians right after the environmental disaster that (*inaudible* * 0:15:38.4) years ago. That has no (*inaudible* * 0:15:42.6) with DACA.

So that – because DACA recipients are from many countries, predominantly, let's say, Latin America, but they're from many countries. And it's not to any particular country, so with (*inaudible* * 0:15:54.2) DACA TPS, or Temporary Protective Status, has no play.

EVAN DACOSTA:

Okay, so the Trump Administration recently announced that they're gonna ask – or not ask, but patients who have temporary protection status are being asked – or I just said that. Are being told to leave the country in 18 months. Do you think that it's gonna be a pattern for more people with TPS?

REAZ JAFRI:

Yeah, I think that we are – and you know I just spent four – six days in four Asian countries. I got back last night. I mean when you travel around the world you see it much more. America is withdrawing from the global community and that's a shame because I think the world looks to us as a leader, but we're withdrawing from it.

And to take temporary protected status away from individuals who are here and who would have to go back to a country where its circumstances are still not normalized, I think sends the message to the world that we just don't care. You know and the sad thing is that the American people do care. I certainly care, I'm sure you care, and your parents care.

And we're not talking about millions of people. You're talking about a relatively small number of people, (*inaudible* * 0:17:15.3) of the population. I mean you're talking about thousands of people. You're not talking hundreds of thousands or millions of people over here. And these are people that are here that have social security numbers, that are working, they're paying taxes, and they're not criminals.

Because you know what gets lost in the debate also is that as soon as – whether you're TPS or DACA, as soon as you commit a crime you're deported. So the people that are here are not the criminals. The criminals have already been deported or they'll get caught and be deported. And it's a shame to make people that have TPS right now go back to whatever country they came from.

EVAN DACOSTA:

Hmm. So as students, what do you think the most important thing that we should know about the immigration debate is and what can we do to get involved?

REAZ JAFRI:

I think that what students should be aware of is that the debate has been ongoing for a very long time and that their voices, both as students and as soon as they graduate, are very important to the debate. You know because students are voters. If not presently, they will be in the future. And I think that politicians do listen to young people.

I also think that students are closer to the issues oftentimes than politicians are because – for lots of reasons. And especially from places like Notre Dame and our elite schools in higher education is you are enlightened, you are getting an enlightened, highly moral education. And you know bring that thought to the debate.

And I don't think it will take a whole lot. I think a little bit of effort in a concerted way could shape the conversation from being what it is today to something more solution-oriented.

And I have to think they should be aware that the debate for immigration is cyclical. You know there have been times of high immigration and times of low immigration. And right now our country is going through a very divisive – or we are in a very divisive place where everything is black or white. You know you're either for illegal immigration or you're for law and order. And reframe the debate, be solution-oriented and not just fall into a camp when you get out of college or while you're in college because you live in a particular neighborhood or your family is a particular way.

EVAN DACOSTA:

Right.

REAZ JAFRI:

You know stop this business of red state/blue state, Republican/Democrat. Let's talk about – you know we're Americans and what is best for our country? And that's the debate I think students should be having within themselves, within student body, and with the outside world.

EVAN DACOSTA:

So our last question here: How do you see the future of immigration law changing during this administration and in the future? Do you think there's gonna be a need for more immigration lawyers or fewer or how do you see – what direction do you see this taking?

REAZ JAFRI:

I'm an optimist. I think that there will be immigration reform possibly with this administration, but certainly if not with this one, with the next one, only because there has to be.

You know we are a country where our companies are – our high-tech companies are having a hard time hiring people. Major industries in this country are having a hard time finding US workers. Investors that want to invest in US companies, US businesses, whether it's a startup or – are having a more difficult time coming in. And for us to remain competitive, we have to change our immigration laws. There's no question about it, we have to change our immigration laws. Because if we don't then you'll continue to see jobs being created in countries in Latin America, tech centers in Canada, incubators in Hong Kong and Shanghai are more so. And I think Europe is getting its act together quite well in (*inaudible* * 0:21:26.2) crisis and Europe is ascending. So I think that we'll have to do it out of necessity.

Whether or not we'll need more immigration lawyers, yeah, I think every immigration field is always – there's always a need for immigration lawyers because the world of immigration law is so complex. There are numerous agencies. You've got Homeland Security, Custom and Border Protection, USCIS, Immigration Enforcement, Department of State, state governments, state authority. Of course, it's so complex that people – that non-immigration lawyers would try to advise people (*inaudible* * 0:22:08.3).

You know one thing that's particularly sad for the – especially the Latino immigrant community is that in urban centers especially you've got these (*inaudible* * 0:22:19.3) which are not – who are not attorneys, but who file cases for people. And really I think it does them a great disservice because they think that applying for immigration benefits is as simple as filling out a form. But what they don't know and they don't tell their clients is that underneath those forms are very complex legal statutes, regulations, and cases which impact them.

So I think that anyone who is undocumented or need any revision benefits should go to an immigration lawyer. And therefore I believe the need for immigration lawyers will continue to increase.

EVAN DACOSTA:

Awesome. Well, Reaz, thank you for your time, especially considering you've just been in Asia traveling the world and very jet-lagged. Really appreciate it.

REAZ JAFRI:

Thank you so much for the call.

EVAN DACOSTA:

Yeah, have a great rest of your day. Thanks, again.

REAZ JAFRI:

Thanks, buh-bye.

(END)