

US Immigration – The Basics

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Agenda

1. The Heart of the Matter – Visitors/Citizens
2. A Closer Look at DHS and DOJ
3. A Word about Unauthorized Residents
4. Virginia Immigration Overview
5. What can you do now?

The Heart of the Matter on Immigration

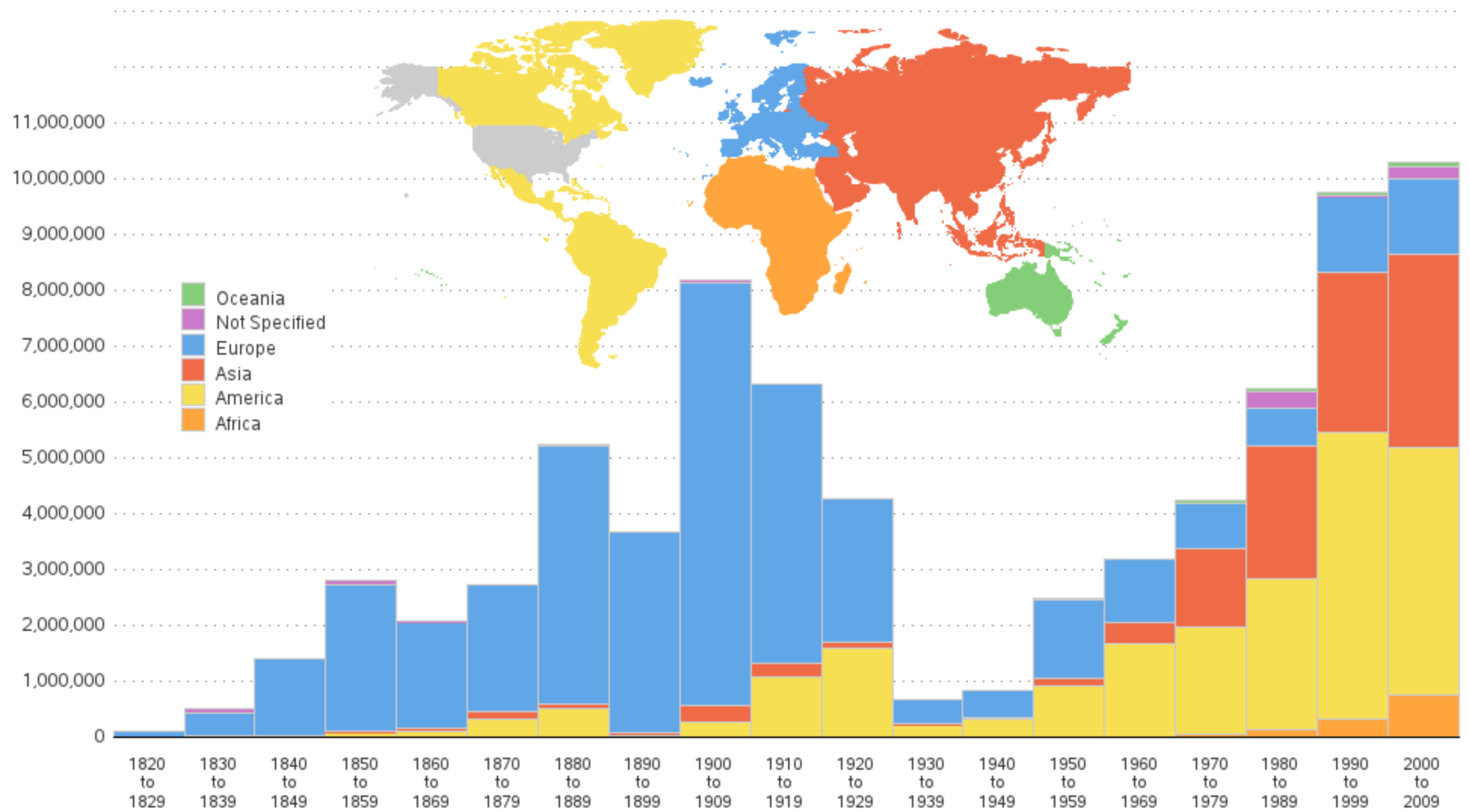
Who can come to the US?

- 1882 – Chinese Exclusion Act (barring Chinese laborers) (1875 – Page Act – no Chinese women)
- 1917 Immigration Act – Literacy Test, Barred people from Asia (Turkey – Indonesia)
- Immigration Act of 1924 – National Origins Quota (% of population) – Visas required to enter the country
- 1965 – INA – Hart-Celler – Family Pref. and Skills, Caps on Countries, Broadens Geography, Temp. Visas

Who is (can become) a US citizen?

- Naturalization Act of 1790 - “Free white persons” with 2 years residency
- Naturalization Law of 1802 - All immigrants can become citizens – “Report and Register” – 5 year wait
- 1848/54 – Mexicans can opt to become US citizens (Treaty of Guadalupe Hidalgo and Gadsden Purchase)
- 1868 – 14th Amendment – “all persons born or naturalized in the US.....are citizens” (African Americans)
 - “jus soli” (right of the soil) not “jus sanguinis” (right of blood)
- 1924 – Native Americans born in the United States are citizens

US Legal Immigration History



Today : US Issues Millions of Visas Each Year

(L = Law, X = Executive Order, * = legal annual cap)

TEMPORARY VISITORS

Approx. 9 million per year

(L) Travel/Business Visas = 7 million

(L) Student/Exch. Visas = 800K

(L) Spec Worker Visas = 180K*

- H1B, H2A, H2B

(L,X) Temp. Protected Status = 300K

(X) DACA = 700K

PATHS TO CITIZENSHIP

Approx. 700-750,000 per year

(L) Family = 460K*

(L) EB Work Permits = 140K*

(L) Diversity (Lottery) = 50K*

(L,X) Refugee = 30K* (2019)

(L) Special Immigrant Visas = 16K

(L) Asylees = 20-30K

Department of Homeland Security (\$44B – 2018) (These 3 areas were formerly INS in DOJ, 2003)

CBP = Customs and Border Protection (\$16.7B - 2018)

US Ports of Entry (ex. Incoming Int'l Flights, Nogales AZ/MX)
Inspect Visitors, Returning Americans, Cargo

Includes **Border Patrol** = Border Agents between ports of entry

ICE = Immigration and Customs Enforcement (\$8.8B – 2018)

Operates across the US, manages detention centers

Includes ERO = Enforcement and Removal Operations

20,000 employees, 400 offices

USCIS = Naturalization of citizens (\$3.3B – 2018)

US Detention Centers

ICE – ERO (Enforcement and Removal Operation)

Source: Natl Immigrant Justice Center - ICE data

Hundreds of Facilities = For-profit, Federal, and Local

For-profit example: CoreCivic, 128 facilities, NYSE: CXW

71% of detainees held in privately-operated facilities

\$30 - \$169/day/inmate

Avg beds/day = 38,000 (2017), 39,300 (2018), 50,000 (current)

51% “non-criminal”, “posing no threat” (Nov, 2017)

Department of Justice (\$27.7B – 2018)

Immigration Courts (no separation)

Department of Justice = Immigration Courts

Decides: (1) Removable? (2) Relief from removal?

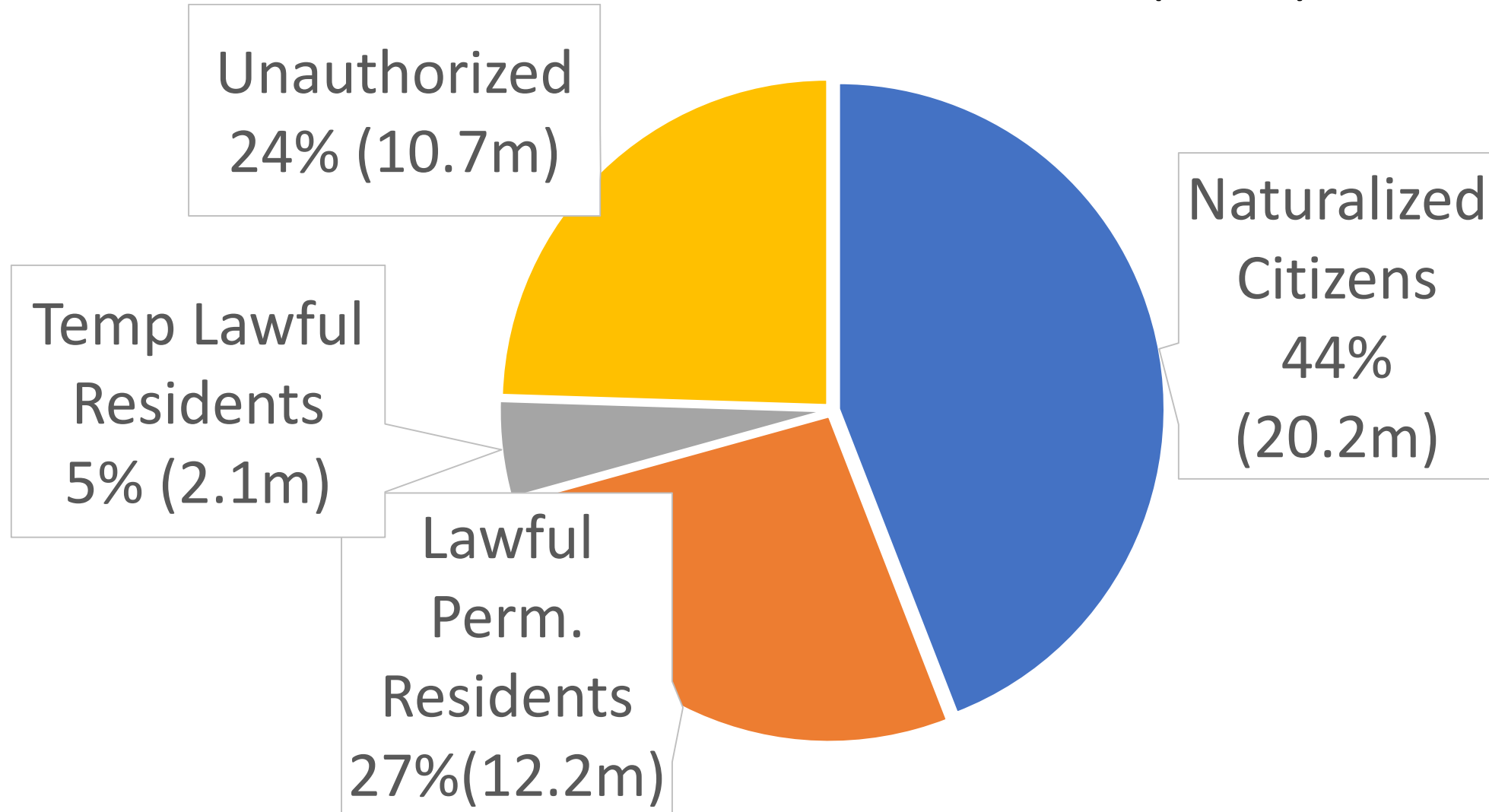
Immigration = Civil Matter, legal representation not required

Executive Office for Immigration Review (EOIR)

- 58 Courts, 395 Judges
- 800,000+ cases backlogged (detention, bond, waiting)
- Appeals: Board of Immigration Appeals (part of DOJ)
Circuit Courts, Supreme Court (outside of DOJ)

45.2 million Immigrants

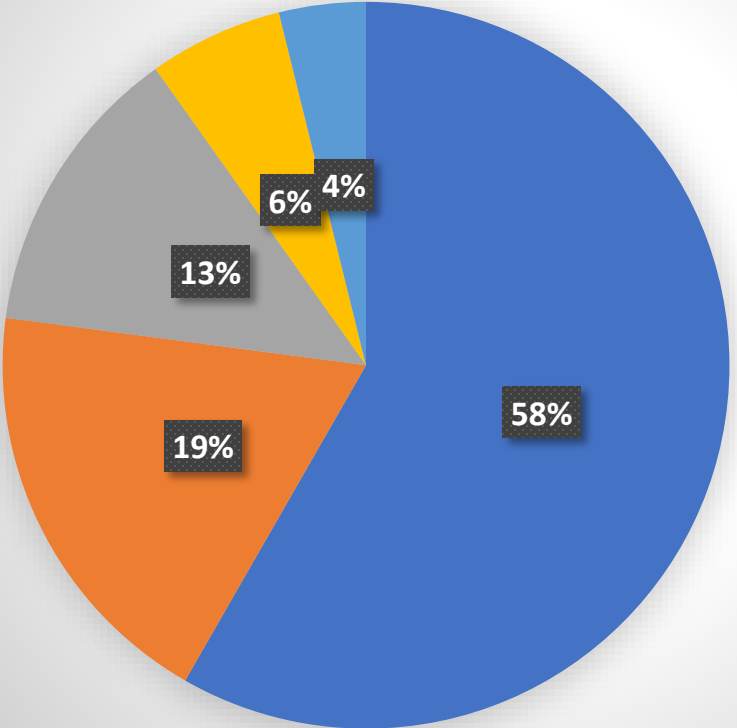
SOURCE: Pew Research Center (2016)



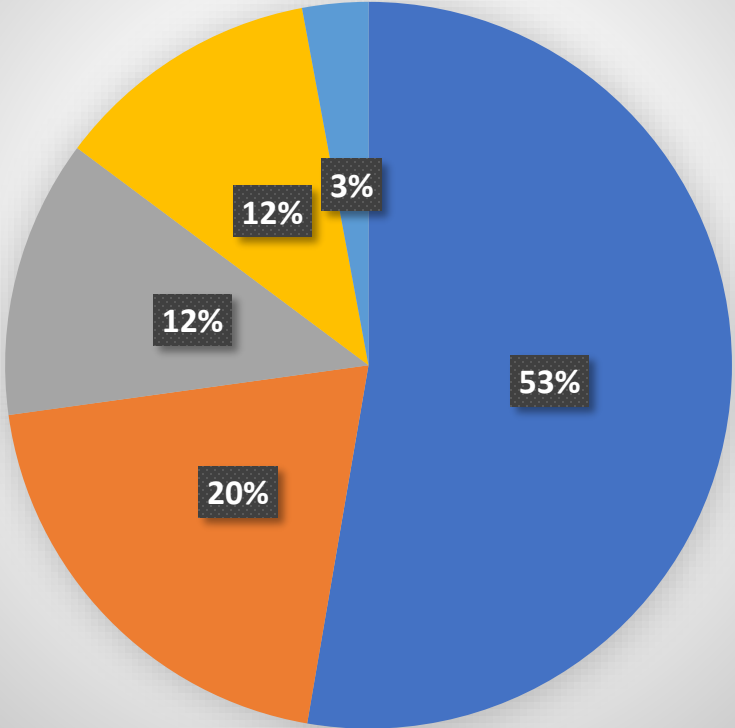
Country Origin of Unauthorized Residents

Source: Center for Immigration Studies

1990 = 3.5M (1%)



2016=10.8M (3.3%)



- Mexico
- Cent American
- Eur/Africa
- Asia
- S. America

11m Unauthorized = Border Crossers & Overstayers

More Overstayers each year since 2007

Source: Center for Migration Studies

BORDER CROSSERS

VISA OVERSTAYERS

EWI = Entry w/o Inspection

58% of total

6.4 million people

42% of total

4.6 million people

Unauthorized Residents

- 2/3 have lived in the US 10 years or longer (Migration Policy Institute)
- 16 million people live in mixed-status families
 - 200,000 mixed-status marriages
 - 4.7 million US citizen children born to unauthorized parent(s)
- Recent US Immigration laws - focus on unauthorized
 - 1986 (Reagan) - Immigration Reform and Control Act
 - Regularization (amnesty) for 3 million unauthorized
 - Executive Action allows children of unauthorized to become citizens
 - Criminal penalties for those hiring unauthorized
 - 1996 (Clinton) Illegal Imm. Reform and Immigrant Responsibility Act
 - Unauthorized must exit US if they apply for citizenship (marriages)
 - DHS has waiver authority (environmental, native) for border barriers

Why do Central Americans/Mexicans want to come to the United States?

(1) Income (to make money here)

- Bracero Program (1942-64) 500,000 at peak, cancelled

(2) Safety (to take refuge here)

- UN 1951 Refugee Convention, 1967 Protocol
- US INA and Refugee Act of 1980
- Asylum : anywhere, no detention, no returning to danger

NOTE: US destabilizes (economically and politically) many Central American countries which causes northward migration. Guatemala, Honduras, El Salvador, Nicaragua, Cuba, Dominican Republic.

Recent changes in US Immigration

- Travel Ban – Chad, Iran, Libya, N. Korea, Syria, Somalia, Venezuela, Yemen
- DACA – Deferred Action for Childhood Arrivals - undecided
- Temp. Protected Status cancelled - 300,000 and 273,000 citizen children
 - El Sal (195,000) Honduras (57,000) Haitians (46,000) Nicaragua (2,000), Sudan (1,000)
 - Waiting: Syria (6K) Yemen (1K) Somalia and South Sudanese
 - On hold pending court hearings
- ICE – May'18 – “Zero Tolerance” policy (Criminal Charges, Detain, Deport)
- USCIS (US Citizenship and Immigration Service)
 - Citizenship/green card denial based on (potential) usage of public services (pending)
 - Closing of overseas USCIS offices

Virginia – Immigration Facts

Total Population : 8.53 million

Immigrant Population : 1,015,000 (11.9%) (US Census)

Unauthorized Residents : 275,000 (3.2%) (Migration Policy Institute)

DACA = 13,900 (47% of the eligible) have applied (2016) (Am Imm Council)

Unauthorized Residents as % of labor force: 4.7% (Construction/Farming)

Immigration Courts (# judges): Arlington (15)

Primary Detention Centers : (* = owned/operated by Imm Centers of Am)
Farmville * (690), Caroline County (224) Va. Peninsula Regional Jail (54),
Staunton (juvenile)

287 (g) agreements: local police deputized by ICE – Prince Wm County, Culpeper, Manassas Reg Adult Detention (Source: www.ice.gov)

What can you do now?

- Learn more
- Do something locally
- Support national and local organizations
- Advocate for changes you'd like to see

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