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?
- 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

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 sangunis” (right of blood)
- 1924 – Native Americans born in the United States are citizens
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)

- Naturalized Citizens: 44% (20.2m)
- Lawful Perm. Residents: 27% (12.2m)
- Temp Lawful Residents: 5% (2.1m)
- Unauthorized: 24% (10.7m)
Country Origin of Unauthorized Residents
Source: Center for Immigration Studies

1990 = 3.5M (1%)
- Mexico: 58%
- Cent American: 19%
- Eur/Africa: 13%
- Asia: 6%
- S. America: 4%

2016 = 10.8M (3.3%)
- Mexico: 53%
- Cent American: 12%
- Eur/Africa: 12%
- Asia: 20%
- S. America: 3%
11m Unauthorized = Border Crossers & Overstayers
More Overstayers each year since 2007
Source: Center for Migration Studies

BORDER CROSSERS
EWI = Entry w/o Inspection
58% of total
6.4 million people

VISA OVERSTAYERS
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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