History of Immigration

- Unrestricted Immigration 1492-1874
- Exclusion & Centralized Control of Immigration 1875-1920
- National Origins Quota System 1921-1964
- Control and Restrictions: 1986-2000
- National Security 2001-Present
Immigration Today by the Numbers

- Immediate Relatives unlimited
- Family based 236k year
- Employment based 140k per year
- Diversity Visa lottery 50k per year
- Humanitarian Relief (both permanent and temporary options)
- Undocumented estimates 11-15 million
Trumped-Up Immigration 2017- present

Executive Orders
Travel Ban- based on nationality / Religion
By American Hire American (BAHA)
Changes in Adjudication Timing and Standards
  EADs 90 days to 5 months
  H-1b lottery cases still in review
  I-485 Employment based interviews
  Deference Memo among other things
Enforcement — un-prioritization of people for deportation
Special Humanitarian Options

V: VAWA
U: Victim of a crime and cooperation
T: Trafficking Victims
Other Forms of Relief

Long-term
SIJV
Asylum
Temporary
Deferred Action
TPS
Special Immigrant Juvenile Status (SIJS)
SIJS Overview

Special Immigrant Juvenile Status (SIJS) provides protection for certain undocumented immigrant youth who have been abused, abandoned, or neglected, by allowing them to apply for lawful permanent residents.

• ONLY for people under age 21!

• Federal and state hybrid: requires finding by a state court first
SIJS Eligibility Requirements

Youth must:

1) Be under 21 years of age;
2) Be unmarried;
3) Declared a dependent of a juvenile court or placed under the custody of a state agency or individual or entity appointed by the state or court;
4) Reunification with one or both parents is not viable due to abuse, neglect or abandonment; and
5) Not in youth’s best interest to be returned to country of origin
Juvenile Court: Establishing Jurisdiction

• If a case is already pending in juvenile court, no need to initiate one

• If no case is already pending in a juvenile court, various actions may be available under your state’s law:
  • Custody suits
  • Dependency proceedings, including state foster care cases
  • Delinquency proceedings
  • Declaratory judgment suits
  • Guardianship suits
  • Adoption proceedings
  • Parentage suits
Asylum
Asylum Eligibility Requirements

- Well-founded fear (physical harm, threats, detention, past persecution) of
  - Persecution
  - On account of
  - A protected ground
    - race, political opinion, religion, nationality, membership in a particular social group
  - Persecutor is state actor, or state “unwilling or unable” to control private actor
  - Cannot safely or reasonably relocate within state
Benefits of Asylum

- Offers lawful status
- Prevents removal
- Employment authorization
- Right to travel
- Path to legal permanent residency
TPS
• TEMPORARY PROTECTED STATUS: Statutory authority: INA §244

• Temporary protection for immigrants from certain countries:
  • Protection from deportation
  • Work authorization
  • Travel authorization

• DHS will designate certain countries as eligible for TPS if conditions in the home country prevent that country's nationals from returning:
  • Ongoing armed conflict (e.g., civil war)
  • Natural disaster (e.g., hurricane, flood, earthquake)
  • Other extraordinary and temporary conditions
TPS Eligibility by Country

• Each country has a separate registration period

• For a complete list of eligible countries visit: http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status#Countries%20Currently%20Designated%20for%20TPS.
DACA
DACA Eligibility Requirements

2. Came to the United States before their 16th birthday;
3. Continuously resided in the United States since June 15, 2007, up to the present time;
4. Physically present in the United States on June 15, 2012, and at the time of making their request;
5. Undocumented as of June 15, 2012 (Entered unlawfully or your lawful immigration status expired)
6. Currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.
Benefits of DACA

1. Employment Authorization

2. Deportation is deferred for 2 years, with possibility of renewal – but can be taken away at DHS discretion

3. Social Security number

4. State Driver’s License

5. Travel outside the U.S. = possible with Advance Parole
What Do We Want our Immigration Policy to Consider?

- Family relationships
- Economics
- Skills/Education
- Humanitarian
- Security
Trumpian Immigration

- Less Family
- Those who made it in other places are welcome
- Diversity is not a priority
- THE WALL
Factors To Consider

• Legal Immigration Options
• Chain Migration
• Undocumented and limited pathways
• Employer Sanctions
• Unintended Consequences The Wall: 2006
• Frustration: Stalemate in DC
Resources

www.Wellesley.edu
www.nafsa.org
www.americanimmigrationcouncil.org
www.nilc.org