



Immigration in Context

History of Immigration

- Unrestricted Immigration 1492-1874
- Exclusion & Centralized Control of Immigration 1875-1920
- National Origins Quota System 1921-1964
- End of National Origins Quota & Refugee Resettlement 1965-1985
- 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

1. Under the age of 31 as of June 15, 2012; (born after June 15, 1981)
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