



Immigration Law

WEEK ONE

What Is Immigration Law?

Who gets
to come to
U.S.?

Who gets
to stay in
U.S.?

Who has to
leave the
U.S.?

Immigration Law Terminology

Immigration Status

1. United States citizen
2. A lawful permanent resident
3. Nonimmigrant
4. Refugee
5. Asylee
6. Nondocumented

Immigration Law Terminology

1. Lawful status—temporary or permanent
2. Visa

Immigration Law—First Exclusions: 1875-1920

- ▶ Open Door Until 1874, although there were restrictions on who could be a citizen
- ▶ Restrictions Based on Loyalty, Moral Character, Race and Nationality
- ▶ First Targeted Group-Chinese Immigrants: 1882 Chinese Exclusion Act
- ▶ Supreme Court Case: Chae Chang Ping V. U.S.
(1889)-Holds U.S. Congress has power to override treaties: “Plenary” power to regulate immigration

1921-1964

- ▶ End of Anti-Asian laws but imposed numerical limits on immigration and favored Western hemisphere and northwestern Europeans who were exempt from quotas. By 1924, only 165,000 immigrants allowed to enter.
- ▶ After 1952 some expanded immigration allowed due to war refugees and need to find labor. By 1952 race eliminated as a factor.
- ▶ Passage of the first comprehensive immigration law, the Immigration and Nationality Act. (INA)

1965-1996: Relaxing Restrictions

- ▶ 1965-85: Abolished discrimination
- ▶ 1986: Amnesty-IRCA- and further employment controls
- ▶ 1986-1996: General expansion-more diversity

1996: Resumption of Restrictions

- ▶ Passage of Welfare Reform Act, Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) and the USA Patriot Act
 - ▶ curtailed public benefits to legal immigrants
 - ▶ made it very difficult for unauthorized immigrants to legalize in U.S.
 - ▶ increased the crimes that allow immigrants to be deported

September 11, 2001

- ▶ Broke up the Immigration and Naturalization Service (INS), with its functions now divided into three separate agencies
- ▶ Created the Department of Homeland Security
- ▶ Tightened restrictions on students and visitors
- ▶ Required individuals from certain countries to register.

2001-Present

- ▶ Increase in state laws seeking to enforce immigration laws
- ▶ Increased enforcement
 - ▶ Border fence
 - ▶ Large number of removals and deportations
 - ▶ Push for immigration reform and the Dream Act

Changes Since January 2017

- ▶ Use of Executive authority to curb humanitarian immigration and programs
 - ▶ Requiring asylum seekers to remain in Mexico, or to apply to a country they traveled through before coming to the U.S.
 - ▶ Restricting asylum for victims of domestic and interpersonal violence
 - ▶ Ending TPS and DACA
 - ▶ Cutting refugee program

Changes Since January 2017

- ▶ Restricting legal immigration
 - ▶ Heightened public charge requirements
 - ▶ Increased scrutiny of employment-based applications/extreme vetting
 - ▶ Processing delays

Question for Discussion

- ▶ What parallels do you see between immigration policy and the civil rights movement?

Immigration Law and Division of Powers

- ▶ The Congress writes the law
- ▶ The Executive Branch writes and interprets regulations. This is done by the Department of Homeland Security
- ▶ The Courts/Judiciary decide if an action violates the law or the constitution

Immigration Law Sources

- ▶ Constitution of the U.S.
- ▶ Immigration and Nationality Act
- ▶ Code of Federal Regulations
- ▶ Foreign Affairs Manual
- ▶ Treaties that have been ratified

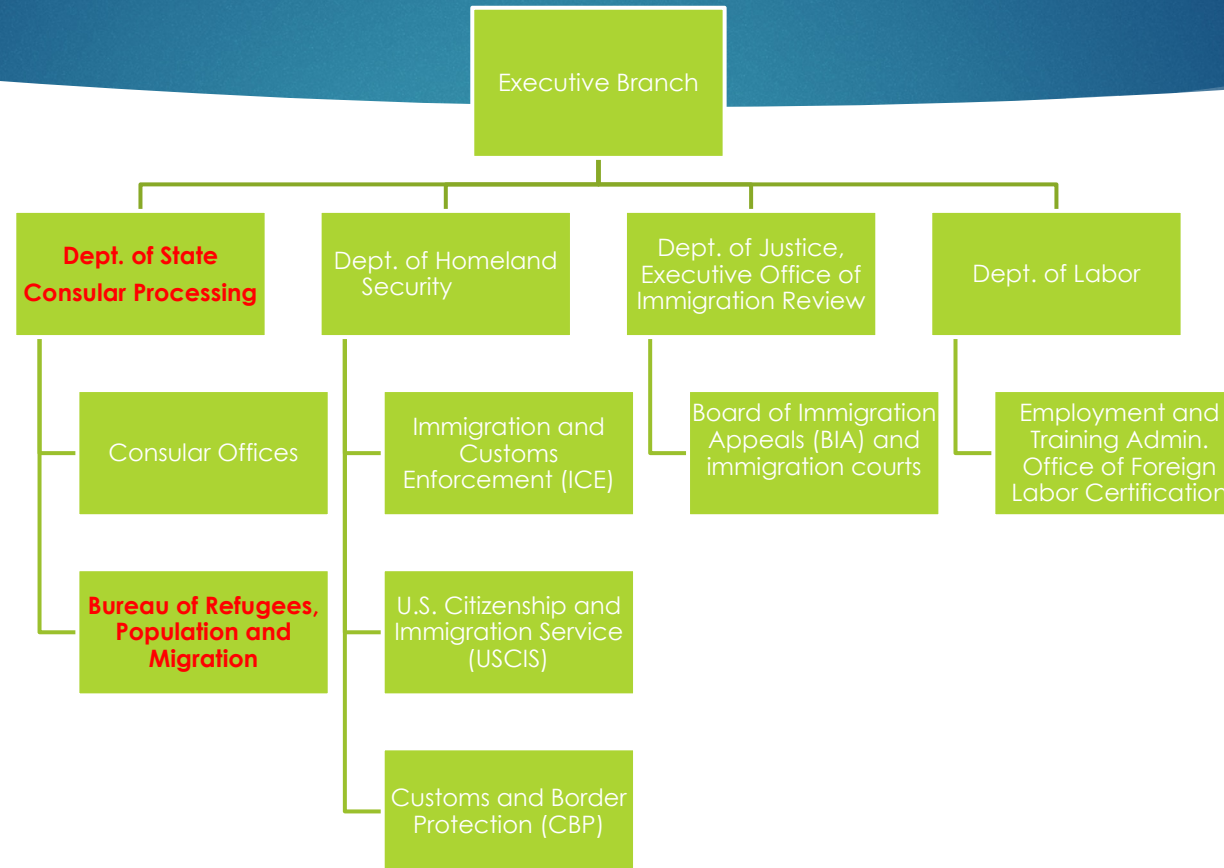
Government Agencies Involved with Immigration

- ▶ Department of Homeland Security: Umbrella
 - ▶ United States Citizenship and Immigration Services (USCIS)
 - ▶ Immigration and Customs Enforcement (ICE)
 - ▶ Customs and Border Protection (CBP)

Government Agencies Involved with Immigration

- ▶ Department of State/Consular Offices
- ▶ Department of Labor
- ▶ Department of Justice, Executive Office for Immigration Review (EOIR)

Immigration Agencies Today



Some Key Immigration Terms

- ▶ Immigrant: a person with lawful permanent resident status
- ▶ Lawful Permanent Resident (LPR): person can live and work in U.S. indefinitely, so long as they don't commit certain crimes
- ▶ Nonimmigrant/Temporary Immigrant: in the U.S. for a particular purpose on short term stay

Some Key Immigration Terms

- ▶ Undocumented: lacks immigration status
- ▶ Entered Without Inspection (EWI)
- ▶ Admissible/Inadmissible