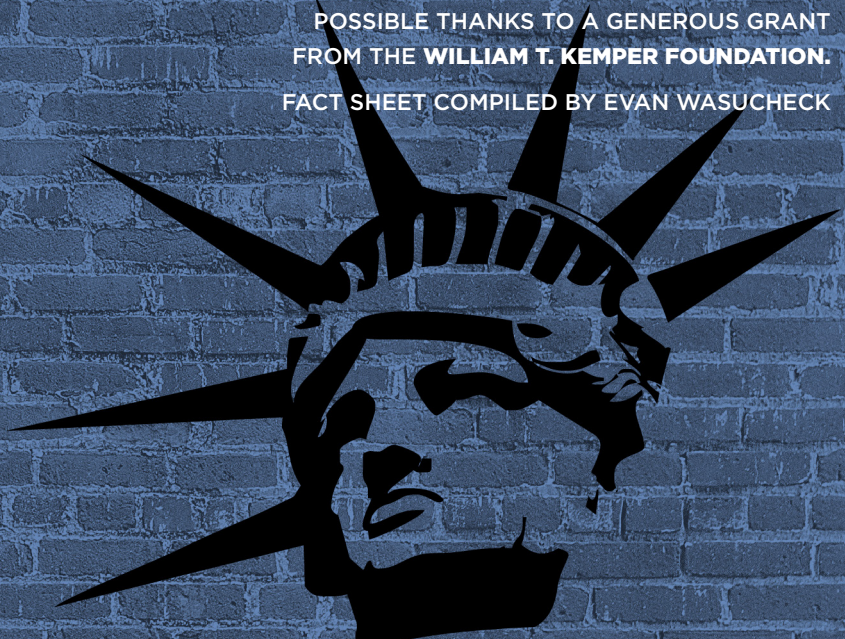


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FACT SHEET

THE CHANGING LANDSCAPE OF U.S. IMMIGRATION LAW & POLICY



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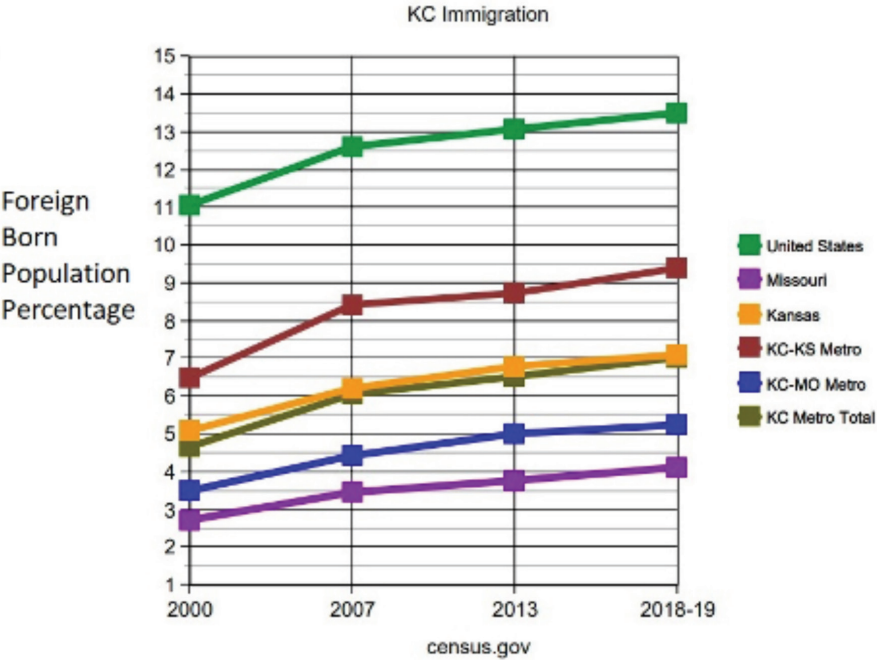


**COMMON
GOOD**



**American
Public
Square**
III AT JEWELL

In a national election year, Immigration is a top issue for Americans across the political spectrum. This Fact Sheet is intended to provide a basic level of information for the average KC resident who is not an expert on U.S. immigration law & policy. We will cover a basic definition of terms, high level data on immigration trends in the U.S., and an overview of the issue from the standpoint of our major political parties.



DEFINITION OF TERMS

Green Card

Authorization to live and work in the United States on a permanent basis. As proof of that status, U.S. Citizenship and Immigration Services (USCIS) grants a person a permanent resident card, commonly called a "Green Card."

Immigrant

Generally referring to aliens residing in the United States, but its specific legal meaning is any legal alien in the United States other than those in the specified class of nonimmigrant aliens such as temporary visitors for pleasure or students. Immigrant is also used synonymously with lawful permanent resident.

Refugee

A person who flees his or her country due to persecution or a well-founded fear of persecution because of race, religion, nationality, political opinion or membership in a particular social group. Refugees are eligible for federal resettlement assistance.

Visa

A citizen of a foreign country who seeks to enter the United States generally must first obtain a U.S. visa, which is placed in the traveler's passport, a travel document issued by the traveler's country of citizenship.

Certain international travelers may be eligible to travel to the United States without a visa if they meet the requirements for visa-free travel. The Visa section of this website is all about U.S. visas for foreign citizens to travel to the United States.

The type of visa you must obtain is defined by U.S. immigration law, and relates to the purpose of your travel. There are two main categories of U.S. visas:

- Nonimmigrant visas – For travel to the United States won a temporary basis.
- Immigrant visas – For travel to live permanently in the United States

What Is a Sanctuary Policy?

While there is no legal definition for sanctuary policies, the term is applied to jurisdictions that limit cooperation with federal immigration authorities, such as failing to provide information about immigration status and limiting the length of immigration detainees. States and

localities often cooperate with federal law enforcement, particularly in criminal investigations, for example, under voluntary agreements. Some state and local governments have policies that limit cooperation in civil investigations to support public safety and community policing goals, such as encouraging witnesses and victims of crime to come forward.

FEDERAL AGENCIES INVOLVED WITH IMMIGRATION

The US Department of State

The US Department of State has the responsibility of issuing United States both immigrant and non-immigrant visas. The US Department of State is main deciding factor in who is able to acquire a United States visa.

The Department of Homeland Security

Many of the federal agencies that facilitate US immigration are part of the Department of Homeland Security including:

- United States Citizenship and Immigration Services
- US Customs and Border Protection
- US Immigration and Customs Enforcement.

United States Citizenship and Immigration Services (USCIS)

USCIS oversees the process of lawful entry into the United States. Family members and employers who are sponsoring foreign nationals for immigration will submit applications and documentation to USCIS. Individuals who are immigrating will also be dealing with USCIS officials. For example, it is USCIS who conducts a naturalization interview, who administers English and civics tests to would-be citizens, and who conducts green card interviews.

United States Customs and Border Patrol (CBP)

CBP is the largest federal law enforcement agency in the United States. With more than 60,000 employees, the CBP is tasked primarily with keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade. Their mission is to, "safeguard

America's borders thereby protecting the public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel."

Immigration and Customs Enforcement (ICE)

ICE was created in 2003 when INS (Immigration and Naturalization Service) merged with US Customs Service. ICE enforces immigration laws in the United States at the federal level and works with local municipalities to varying degrees depending on the locality.

Local Enforcement Activity

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Kansas City has established a Border Enforcement Security Task Force (BEST) to work with their law enforcement partners to combat the TCOs that seek to exploit the nation's interstate systems, mail facilities, intermodal transportation and general aviation routes that exist within the Kansas City area. The Kansas City Interdiction (KCI) BEST targets transnational criminal activity including, but not limited to, the smuggling of currency, narcotics, weapons, human smuggling/trafficking, benefit fraud, document fraud and intellectual property rights.

A Review of U.S. Immigration Law & Policy

U.S. immigration law, first codified in the Immigration and Nationality Act (1952), is said to be the second longest in the U.S. code, after the tax law. Key legislation related to immigration and immigrants

- The Immigration Act of 1924 limited the number of immigrants allowed entry into the United States through a national origins quota. The quota provided immigration visas to two percent of the total number of people of each nationality in the United States as of the 1890 national census. It completely excluded immigrants from Asia.
- The Immigration and Nationality Act of 1952 upheld the national origins quota system established by the Immigration Act of 1924, reinforcing this controversial system of immigrant selection. It also ended Asian

exclusion from immigrating to the United States and introduced a system of preferences based on skill sets and family reunification.

- The Immigration Act of 1965 replaced the national origins quota with per-country ceilings.
- The Refugee Act of 1980 established a federal-state partnership for a national domestic refugee resettlement program.
- The Immigration Reform and Control Act of 1986 offered legalization to 2.6 million unauthorized migrants, created employer sanctions for hiring illegal workers and provided states with \$4 billion to help immigrants through the legalization process.
- The Immigration Act of 1990 capped family visas, reformed employment and nonimmigrant visas, and created diversity visas and Temporary Protected Status.
- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added enforcement and penalties on illegal immigration.
- The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 added new restrictions on legal immigrants' eligibility for public benefits, and ended most benefits for unauthorized immigrants.

Thirty years have passed since the last major comprehensive immigration reform, covering both legal and unauthorized immigration, was enacted. Congress has tried three times without success in the past decade to advance immigration to more effectively meet the nation's priorities in national security and economic competitiveness, in 2006 (S.2611), 2007 (S.1348), and 2014 (S.744). This year, the Senate voted on four immigration bills in February during a debate on the FY 2019 budget agreement with none acquiring the necessary 60 votes.

THE ISSUE ACCORDING TO U.S. POLITICAL PARTIES

Republican Position on Immigration

Immigrants have undeniably made great contributions to our country, but any national immigration policy must put the interests of our existing citizens first. To start, our border must be absolutely secured and illegal immigration must be stopped. Then, and only then, can we begin reforming our system in a way that lets new immigrants experience the American Dream without causing economic hardships to American citizens.

Analysis – Immigration is a national security issue. Referencing terrorism, drug cartels and criminal gangs, Republicans stress the need to track persons entering and exiting the United States and that “allowing millions of unidentified persons to enter and remain in this country poses grave risks.” Republicans propose that by completing the border fence between the United States and Mexico and giving additional resources to border agents, America’s borders can be secured.

Complimenting border security, the Republican platform advocates a strict enforcement policy. Specifically, the platform calls for immigration enforcement at places of employment, including prosecution for using false security numbers; limiting the rights of aliens in deportation proceedings; tracking down aliens who overstay their visas; and denying federal funds to “sanctuary cities.” Republicans are also opposed to legalization, or “amnesty” programs; driver’s licenses for aliens; instate tuition for undocumented children; and allowing undocumented aliens to receive social security or other public benefits. The Republican Party platform is reminiscent to the hard-line, enforcement only approach taken by some members of Congress last year.

Democrat Position on Immigration

Democrats will continue to work toward comprehensive immigration reform that fixes our nation’s broken immigration system, improves border security, prioritizes enforcement so we are targeting criminals – not families, keeps families together, and strengthens our economy.

Analysis – Democrats view immigration policy as an opportunity to renew the “American Community.” Although the Democrats recognize the need to secure the borders, including additional personnel, infrastructure and technology at the borders and ports of entries, and enforce existing immigration laws, they understand the “need [for] comprehensive immigration reform, not just piecemeal efforts.” Rather, “comprehensive” immigration reform remains a top priority for Democrats.

Specifically, the Democrat’s plan calls for increasing family-based and employment based immigrant visas; improving the naturalization process; and addressing the dysfunctional immigration bureaucracy. Moreover, the Democratic platform supports a path for undocumented immigrants to become legal permanent residents, or in their words to “get right with the law.” Indeed, Democrats “support a system that requires undocumented immigrants who are in good standing to pay a fine, pay taxes, learn English, and go to the back of the line for the opportunity to become citizens.”

OVERVIEW OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

The program was introduced in 2012 by President Barack Obama as a stopgap measure that would shield from deportation people who were brought into the United States as children. The status is renewable, lasting two years at a time. The program does not provide a pathway to citizenship.

Participation in the program comes with a range of benefits. Along with permission to remain in the country, recipients can also get work permits, through which many have obtained health insurance from their employers.

The ability to work has also allowed them to pay for school, pursue higher education and, in some states, drive legally. The program also opened up access to in-state tuition and state-funded grants and loans

in some states. And depending on where they live, recipients can also qualify for state-subsidized health care.

A clean criminal record is a prerequisite. The program is open to those who were brought to the United States before they were 16 years old, have lived in the country at least five years, and have paid for and received a background check. The program does not provide a path to citizenship, but it does allow recipients to work legally and to renew their two-year reprieves from deportation.

A government study found more than 90 percent of recipients, who now are in the 20s and 30s, are employed, and about half are students.

DACA under the Obama Administration

As of June 2016, U.S. Citizenship and Immigration Services (USCIS) had received 844,931 - out of 1.7 million estimated eligible candidates - initial applications for DACA, of which 741,546 (88%) were approved, 60,269 (7%) were denied, and 43,121 (5%) were pending. Over half of those accepted reside in California and Texas

Recent DACA News

Since the Trump administration announced on September 5, 2017, that it was ending Deferred Action for Childhood Arrivals (DACA), several lawsuits have been filed against the administration for terminating DACA unlawfully. As a result, three nationwide injunctions issued by U.S. district courts — in California, New York, and the District of Columbia — have allowed people who have previously had DACA to renew their deferred action.

On June 28, 2019, the U.S. Supreme Court agreed to review these legal challenges. The Supreme Court will hear oral argument on the cases on November 12, 2019. A decision is expected no later than June 2020. The Supreme Court did not “stay” any of the lower court orders, which means that DACA recipients who currently have or previously had DACA can continue to submit applications to renew their DACA.

REFUGEE & ASYLUM SEEKERS

Asylum

Asylum is a legal process that allows someone who feels their life is in danger to seek refuge in safer countries. Under U.S. and international law, someone who reaches any U.S. border “with well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group, who has been forced to flee his or her country because of persecution, war or violence,” may apply for asylum.

A refugee and an asylum seeker differ in that an asylum seeker makes their claim after they have stepped foot onto the country where they are seeking refuge, whereas a refugee is granted status while still outside that country. Once a migrant applies for asylum, they begin a process to prove they have a “credible fear” of returning to their country of origin.

Current Administration Definition

Asylum status is a form of protection available to people who:

- Meet the definition of refugee
- Are already in the United States
- Are seeking admission at a port of entry

You may apply for asylum in the United States regardless of your country of origin or your current immigration status. If you are eligible for asylum you may be permitted to remain in the United States. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of your arrival to the United States. There is no fee to apply for asylum.

For the third year in a row, Venezuela was the top country of origin for received affirmative asylum applications, with 24,531 in FY 2019; followed by China (9,737), Guatemala (9,620), El Salvador (5,960), and Honduras (5,548). Meanwhile, 149,779 defensive asylum applications were filed

Table 5. Top Ten Countries of Refugee Admissions by Nationality, FY 2019

Country	Refugee Admissions	Share of Total Admissions
Total	30,000	100%
Democratic Republic of Congo	12,958	43%
Myanmar (Burma)	4,932	16%
Ukraine	4,451	15%
Eritrea	1,757	6%
Afghanistan	1,198	4%
Syria	563	2%
Iraq	465	2%
Sudan	382	1%
El Salvador	311	1%
Colombia	298	1%

Source: MPI tabulation of Worldwide Refugee Admissions Processing System (WRAPS) data from the State Department's Bureau of Population, Refugees, and Migration.

with the Department of Justice's immigration court system, known as the Executive Office for Immigration Review (EOIR), in FY 2019—a 30 percent increase from the 115,074 applications filed a year earlier.

In FY 2018, 38,687 individuals, including principal applicants and their spouses and/or unmarried children under age 21, were granted asylum after seeking protection upon or after arrival in the United States—a 46 percent increase from 26,509 a year earlier. An additional 6,304 individuals outside the United States were approved for asylum as immediate family members of principal applicants. (Note that this number reflects travel documents issued to these family members, not their arrival in the United States.)