

U.S. Immigration

I plan to talk about the process of becoming a citizen of the US and also discuss our current immigration policies.

This turns out to be a complex issue. I would like to acknowledge Laura Collins at the George Bush Institute who has done a lot of research and writing on this topic.

There are several main groups currently in the US>

300 million Citizens: These people are fully legal and have access to all parts of our society

15 million Legal Non-citizens: Residents: These people are in the US legally but are not citizens. Example: people here on a tourist Visa, Green Card

1.7 million : People here on temporary visas:

11.5 million: Undocumented People: These people have no legal standing and are here illegally.

- Came on a Visa but did not return back to their home country.
- Crossed a border or climbed the wall.

I will discuss each of these groups.

First: Citizens: 300 million

One can become a citizen by birth or naturalization.

Anyone born on US Land is automatically a citizen.

This comes under the law:

Jus soli: **right of soil** Only 33 countries do this. US embassies do not count

Also: Guam, US Virgin Islands, Puerto Rico and Northern Mariana Islands

If a child is born in US water space, and it is documented, the child is a US Citizen

US air space is the same....although extremely rare.

So an undocumented female can give birth to a child in the US and that child is a citizen.

Anyone born to a US citizen is also a citizen.

Jus sanguinis: **right of blood** If either father or mother is a US citizen ...the child is in, regardless of where the child was born.

What about US citizen fathering a child in another country?

The restrictions with this are that the father must acknowledge paternity and also agree to financially support the child until age 18.

So, basically, the father is under very little obligation.

It will be interesting as more DNA testing is through Ancestry.com...what will happen then?

Naturalization: This is process where a person can become a citizen.

855,000 new citizens in 2021

713,000 people are in the naturalization process

Eligibility

To apply for naturalization to become a U.S. citizen, you must:

- Be at least 18 years of age at the time you file the application;
- Have been a **lawful permanent resident** for the past three or five years (Important) (depending on which naturalization category you are applying under); this excludes undocumented people and DACA people)
- Have continuous residence and physical presence in the United States;
- Be able to read, write, and speak basic English;

- Demonstrate good moral character; Measures up to the standards of the average citizen
- Demonstrate a knowledge and understanding of U.S. history and government;
- Demonstrate a loyalty to the principles of the U.S. Constitution; and
- Be willing to take the Oath of Allegiance

Naturalization TEST Question: 5 sample questions

- 7. Who was President during World War I? Wilson
- 4. When was the Constitution written? 1787
- 3. The House of Representatives has how many members? 435
- 2. How many amendments does the Constitution have? 27
- 1. Name one writer of the Federalist Papers. Hamilton, Madison, John Jay

There are 128 questions on the 2020 exam that you can get and study for.

You must get 60% to pass.

How long does the process of naturalization take?: This typically takes about 2 years. For everything.

Who applies?

1. Green Card people
2. Foreign nationals
3. Military Can go from undocumented to if they are DACA 1,500 recruits per year.

Military is looking for recruits with language skills. Arabic, Chinese, Pashto (pash-toe) or Persian. Actually this is difficult to find because these kids came to the US at a young age and may not be speaking the language as proficiently

Residents: Legal Non-citizens

1.Short term are here on VISA Tourist, work

People here on VISAs 1.7 million

Types of VISA

If you are planning to visit the United States, you will quickly notice that there are many different types of visas. There is no universal visa for all travelers.

Nonimmigrant visas allow you to temporarily stay in the United States. Like the name suggests, you cannot immigrate to the U.S. with this kind of visa. There are different nonimmigrant visas depending on the purpose of your stay.

I count at least 14 different types of temporary VISAs.

Work, media, Study, exchange, airline crew

There are numerous exceptions and potential legal status changes to all of these.

2. Lawful Permanent Residents (LPR) Green Card

Approximately 13 million people

Immigration law defines a lawful permanent resident (LPR) or “green card” recipient as a noncitizen¹ who has been granted “the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws.”² LPRs may live and work permanently anywhere in the United States, own property, and attend schools, colleges, and universities. They may also join the Armed Forces or apply to become U.S. citizens if they meet certain additional eligibility requirements.

They can not vote in Federal elections or hold a federal job. They can get a SS # and can work and pay taxes. Can benefit from federal programs.

Can still be deported. This threat is real.

Green cards have a 10 year renewal.

Just over 700 thousand persons became LPRs in 2020, as reduced international travel during the COVID-19 pandemic and policy changes brought new LPR admissions in 2020 to their lowest level since 2003.

One can lose their card if they are convicted of a crime, or fraud. Even failing to notify the government of address changes can put a person in parrel.

There are seven ways to get a green card:

1. Have a sponsor: spouse or family member

To be eligible to get a green card this way, a foreign citizen must be sponsored by an immediate relative who is at least 21 years of age and is either a U.S. citizen or U.S. lawful permanent resident. Marriage is a common way this is done, but the marriage must be genuine and not simply undertaken for immigration purposes—intent is key.

There are two types of Family sponsorships: Immediate Relatives and Family relatives.

Immediate Relatives – these visas are based on a close family relationship with a U.S. citizen, such as a spouse, child or parent. The number of immigrants in these categories is not limited each fiscal year. Processing is done expeditiously—usually taking say around a year or so.

Family Preference – these visas are for specific, more distant, family relationships with a U.S. citizen and certain specified relationships with a lawful permanent resident. The number of immigrants in these

categories is limited each fiscal year. Processing takes longer, usually for years—sometimes decades.

To be a sponsor:

Anyone who intends to sponsor someone else for a green card must fill out and submit an **affidavit of support**. This affidavit is essentially a legal contract between the sponsor, the person who is filing for someone to get a green card, and USCIS. (United States Citizenship and Immigration Services) Once signed, sponsors are legally obligated to provide financial support for the green card holder until they become a lawful permanent resident of the United States.

This financial liability goes far beyond just food and shelter. As the person sponsoring any foreign national for a green card, you are responsible for every aspect of that person's financial life.

There are a lot of requirements you must fulfill to legally sponsor anyone for a green card. First and foremost, you can only sponsor someone who is a direct family member by blood or marriage, or someone with a particular skill set who you intend to hire as an employee. Also, your yearly income must be at least 125% above the national poverty level for your household size, and you must provide documentation of your own citizenship or legal residency.

Other ways to get a green card:

2. Invest your way in \$500,000 in their business

3. Transfer: A business sends someone to our country

4. Study: Get a student visa to study at a U.S. college to get a bachelor's or master's degree.

5. Work Your Way In

Either apply for a H1B work visa and then get a green card through labor certification as described in the student example, or apply for an EB-2 extraordinary worker green card based on a national interest waiver.

6. Achieve Your Way

Generally speaking, such extraordinary ability applicants are celebrities in their field.

7. Win Your Way In

Apply for a green card under the annual Diversity Green Card Lottery where 55,000 applicants are chosen to apply to come to the U.S.

These are applicants from countries that are under-represented in terms of immigrants coming to America—countries like Estonia, Fiji or Ukraine for example.

Green card can not leave the country for more than a year

The last group is: Undocumented people:

Approx 12,000,000 people live in the US illegally. They have no legal status. They either overstayed their Visa or crossed the border illegally.

500,000 come per year.

Half come from people smugglers (coyotes) or simply crossing the border.

Typical fees to be smuggled in are \$5000-\$15,000 depending on which country they are from and how far inland they want to go.

Other half come from over staying their visa.

Penalty for overstaying your Visa: if you overstay by less than a year, then there is a 3 year ban to return. If more than a year, it is a 10 year ban.

The groups are treated differently: Overstaying a VISA is better than crossing the border illegally if you want to eventually become a citizen.

Of the 12 million undocumented people, 3.6 million people would fit under the category of Dreamers.

These are undocumented people who have come to the US as children and have demonstrated that they are good citizens.

There has been an effort for a long time to clear a path for citizenship for these people.

One such effort is The Dream Act: Started under Bill Clinton

Development, Relief and Education for Alien Minors Dream Act was introduced in 2001.

Who:

Came to US as a child- Outside of their own will or choice.

Is in college, or graduated from high school

No crimes

The person would get CPR (conditional permanent resident) status and then could obtain a LPR lawful permanent resident (green card) if they meet one of the following:

College degree

Military service

Work for 3 years

Despite bi partisan support, none of the 11 versions of the bill have become law. The 2010 version came with in 6 votes but was not passed.

The 2021 Dream and Promise Act is the latest version of the Dream Act. It would provide a pathway to citizenship for Dreamers. The bill has passed the House but now is in the Senate...still not approved.

800,000 Dreamers are under DACA This needs to be applied for.

DACA Delayed Action for Childhood Arrivals

2012 (Under Obama)

Guidelines

You may request DACA if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;

4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with the government.
5. Had no lawful status on June 15, 2012, meaning that:
 - You never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired as of June 15, 2012;
6. Are 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, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Age Guidelines

You must also be at least 15 years or older to request DACA

This does not make them legal. It simply puts them in a delayed action category.

You can not age out of the program

It needs to be renewed yearly. \$500 fee each time.

Mostly under the President as this is under Homeland Security and Presidential orders.

Trump tried to eliminate most of DACA but stopped short of eliminating it. The Supreme Court overruled him. Biden has now almost fully restored it.

People covered by DACA have very little security. It is largely at the discretion of the President. People like my friend could suddenly find that they are not protected and potentially unemployable.

Common perceptions of Undocumented immigrants:

Some people feel that they are taking our jobs and costing us a lot of money.

Research shows that illegal immigrants increase the size of the U.S. economy, contribute to economic growth, enhance the welfare of natives, contribute more in tax revenue than they collect, reduce American firms' incentives to offshore jobs and import foreign-produced goods, and benefit consumers by reducing the prices of goods and services.^{[4][5][6][7]}

Economists estimate that legalization of the illegal immigrant population would increase the immigrants' earnings and consumption considerably, and increase U.S. gross domestic product.^{[8][9][10][11]}

There is scholarly consensus that illegal immigrants commit less crime than natives.^{[12][13]} Sanctuary cities—which adopt policies designed to avoid prosecuting people solely for being in the country illegally—have no statistically meaningful impact on crime, and may reduce the crime rate.^{[14][15]} Research suggests that immigration enforcement has no impact on crime rates.^{[16][17][14]}

Undocumented people are motivated to not break the law because they can not be found out.

We see many Mexicans driving very carefully. They are not lazy, just making sure that they are not speeding.

Stricter border controls have been linked to **increased levels** of undocumented immigrants in the United States, as temporary undocumented workers who used to enter the U.S. for seasonal work increasingly settled permanently in the U.S. when regular travels across the border became harder.^[18]

The illegal immigrant population of the United States peaked by 2007, when it was 4% of the total U.S. population.^{[19][20]} Since 2008, more illegal immigrants have left the United States than entered it, and illegal border crossings are at the lowest in decades.^{[21][22][23][24]} Since 2007, visa overstays have accounted for a larger share of the growth in the illegal immigrant population than illegal border crossings,^[25] which have declined considerably from 2000 to 2018.^[26]

There is virtually no way to track down all the people that overstay. If they commit a crime, then they are found.

An estimated half of the nation's undocumented immigrants are believed to be working under fake Social Security numbers, which means they are paying taxes and into Social Security. It is estimated estimated that state and local governments take in \$11.74 billion a year from undocumented immigrants.

Undocumented immigrants are also not eligible for the federal earned income tax credit, so they're taxed at higher rates than similar low-income Americans.

Undocumented immigrants also pay taxes in other ways: paying sales taxes on items they purchase, and funding property taxes through rent payments, too.

Meanwhile, undocumented immigrants are not eligible for Social Security and the vast majority of taxpayer-funded welfare programs like food stamps and cash assistance.

There are some notable exceptions: many receive medical care through emergency rooms and some undocumented immigrants are able to receive taxpayer-funded benefits through the Woman, Infants, and Children program, which helps provide food and formula for low-income pregnant and breastfeeding mothers and young children.

The biggest costs to taxpayers, come from public education, which all students are eligible to receive regardless of immigration status.

Still, second generation immigrants — the U.S.-born children of undocumented immigrants — often go on to do far better than their parents and can boost the American economy.

David Kallick, an Migration Policy Researcher, says “The right question for undocumented immigrants and any group is, 'Are they paying their fair share of taxes and getting their fair share of service?'" "You're talking about people who work for very low

wages and are excluded from nearly all social services. It takes a real act of will to say they're exploiting us."

Story of a friend

Family came on a Tourist VISA when she was 3 years old. Two parents and 1 child.

Not US citizens

Worked at Zalenka stayed in migrant housing **Pine Acres**
2 families to a two bedroom apartment.

Could only stay there for 8 months and then had to get out.

No sick leave

Did get overtime after 40 hours.

Used fake SS#

Expired drivers license

Never filed taxes

Lived in Fear.

They live like this because it is "better to be punished than dead."

Most people payed "under the table" The company is making money off of them

After about 12 years, ICE (Immigration and Customs Enforcement) came to arrest them at 10pm on a Friday night.

Before the trial, Parents fled back to Mexico leaving oldest sister , 19, to care for two younger sisters 15 and 8 Two younger sisters are citizens.

Currently the oldest sister is protected with DACA But this not very reliable.

She graduated from college and is now a Registered nurse

Both younger sisters will graduate from high school and will probably attend college.

This family mirrors the research: they are productive members of society. Kids have gotten an education.

The oldest sister, although surviving a difficult journey, she raised her siglings, graduated from school, holds a great job....does not have a path to citizenship.

Pathways to citizenship:

The US public strongly supports granting undocumented residents already living in the US the ability to earn citizenship.

A recent national poll found that 71% of the public supports the DREAM Act.

Nation wide, undocumented immigrants make up 1/3 of workers in farming occupations, 13% of construction workers and 7% of food and manufacturing services.

The benefits of citizenship are real and significant. It is estimated that undocumented immigrants would add \$150 billion of spending power to the US economy if they were citizens. Similarly, many states would stand to increase their GDP by several billion dollars if undocumented immigrants were provided a path to citizenship.

Currently, How can undocumented people become citizens?

1. Leave the country for the required amount of time and then reapply 3 or 10 years.
1. Green card through marriage
2. Dreamers Green Card : This does not exist
3. Asylum Status—This could be a paper of its own.
 - Basically people can ask for asylum if they feel threatened in their own country. The question is what happens to them while they are awaiting a decision.

Trump forced people to go back to their home country while waiting. Sometimes this could take many years.

The backlog in US immigration courts for asylum seekers has reached an all time high of 1.2 million people and the average wait time was about 2 years. Some states had 3 year waits.

If the people are in the US, they may be **detained**.

Approximately 25,000 per year are granted asylum. Once granted asylum, a person can apply for a Green card after one year and for citizenship after 4 years.

---The US has recently given immigration status to 100,000 Ukrainians. These people will come in legally under an asylum visa. Most will be given a pathway to a Green card and eventually citizenship, if they desire it.

4. Victim of a crime or can help solve a crime- risky

So, what do we do with a system such that now we have 10 million undocumented people?

There are two main issues: What to do with the people that are already here and how do we change the system so that it is not a reoccurring problem?

Regarding the system that allows us to be where we are:

1. We need to continue to work on border security.

The WALL along the Mexican border, which they did not actually end up paying for is far from finished.

About 650 miles of the 2,000 mile border are fenced, leaving 1,350 miles open. Of that 650 miles, about half is designed to stop vehicles, not people. The 300-plus miles of vehicle barriers, X-shaped crossbars or short steel posts, block cars. These fences often sit in harsh deserts that make crossing deadly on its own. But anybody on foot can cross over, under or through.

This means only about 350 miles of the 2,000-mile border currently has fencing meant to stop people.

The 5,500 mile Canadian border has very limited security and very little fencing.

Walls simply are not a good way to keep people out.

Congress should fund border surveillance technology as an excellent substitute. It is cheaper and more reliable.

The bigger question is why people are leaving their own country to come to the US.

Often the decision to leave your own country and enter the US illegally involves poverty and safety.

In Honduras right now, there is 60% unemployment and a significant danger to drug trafficking.

I have been involved with a mission in Honduras for many years. The leader of that mission is also a minister. 60 people from his small church have fled to California.

The US needs to work more closely with Honduras, Guatemala and El Salvador to address the reasons why people are walking to the US

President Trump tried to punish those countries by taking away aide to them. Unfortunately much of the US aide went to NGOs that were trying to solve the social problems which would have helped to keep people there.

The arrival of unaccompanied children from Central America in 2014 and families from the same region in 2018 and 2019 triggered a humanitarian crisis because the U.S. immigration enforcement system was designed to deter single Mexican men seeking work and couldn't easily adapt to changing conditions at the border. The challenges were numerous: a dramatic increase in claims of credible fear among migrants, inadequate detention capacity, overwhelmed federal offices.

More importantly: We know that **robust border security must be accompanied by a robust legal immigration policy**. Whether through temporary work visas or additional green cards, **legal migration pathways reduce pressure on the border** and head off the development of grey-zone communities where other types of crime can take root. Expanding the reach of the H-2A visa (temporary agricultural work) and H-2B visa (temporary nonagricultural work) to the Northern Triangle is a win-win.

We need to work together with Mexico to come up with solutions for border issues.

Regarding the undocumented people that are already here:

-there is a fairness question to those who actually went through the process legally

-but these are people who are already contributing to society

-people that we want in this country.

One option is Amnesty:

In 1986, President Reagan granted amnesty to 2.9 million undocumented people .

This was through the **Immigration Reform and control Act**

This act also made it illegal to hire undocumented people Also to increase border control.

Another option is increased Deportation:

-Deporting them all would cost up to \$600 billion and decrease the GDP by a trillion dollars. It would take 20 years.

Up until about 1990 the Us deported about 25 thousand people a year. It went up to 2 million under GW Bush, and 3 million under Barack Obama. Deportations actually went down under Trump.

I believe that we need to provide some type of path to citizenship for them.

The Dream Act needs to be expanded and actually passed. It should include all people that have been working here for 5 years and have had no legal issues.

Only Congress can provide a solution for the undocumented. And when it debates the fate of the undocumented, it should not forget it also has the power to design a new legal immigration system that will provide enough opportunities that no one has to live in the shadows.

American employers will be able to find workers to fill their open positions, and foreign workers can legally work in the United States without having to uproot their entire families. Congress can also adopt new legislation to create additional legal migration options such as a program that would allow some temporary workers

without bachelor's degrees to transition to green cards after working for the same employer for a given number of years.

All of this can be done and it should be done. We should not be a nation that puts children in cages at the border, that takes advantage of desperate people and gives them little avenue of improvement and safety.

The words on the Statue of Liberty say " Give me your tired, your poor, your huddled masses yearning to breath free...

It seems to me that many other countries are doing a better job of that than we are.

We can, and we must do better.