Immigration 101

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Presented by:
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Americans for Immigrant Justice
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• Non-profit organization dedicated to protecting and promoting the basic human rights of all immigrants.

• Represent low-income individuals before U.S. Citizenship and Immigration Services, the Immigration Court, the Board of Immigration Appeals, and the 11th Circuit.

• Advocate for the rights and humane treatment of immigrants at local, state, and national levels through trainings, impact and appellate litigation, investigative reports, and public pressure campaigns.
Structure of Immigration (formerly “INS”)

*The Supreme Court has long recognized the authority of the Executive to enforce immigration laws.

DOS

Department of Homeland Security (“DHS”)

Citizenship and Immigration Services (“CIS”):
Immigration Benefits

Immigration and Custom Enforcement (“ICE”):
Interior Immigration Enforcement

Custom and Border Protection (“CBP”):
Border Patrol & Customs At Port of Entry
Immigration Court

Immigration Judge (part of DOJ)

ICE Attorney (part of DHS) Represents U.S. Gov’t

Non-citizen (& attorney?)
Immigration Statuses

• U.S. Citizen

• Lawful permanent resident (LPR or “green card” holder)

• Temporary nonimmigrant (e.g. tourist)

• Temporary Protected Status (TPS)

• Deferred Action (e.g. DACA)

• Undocumented immigrant (no criminal law violated → not “illegal”)
## Benefits under Different Statuses

<table>
<thead>
<tr>
<th>Rights</th>
<th>Undocumented</th>
<th>Green Card Holder</th>
<th>United States Citizen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permission to Work</td>
<td></td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>Permission to Travel</td>
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<td>✔️</td>
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<tr>
<td>Social Security Number</td>
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<td>✔️</td>
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<tr>
<td>Public Benefits</td>
<td></td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>Federal Financial Aid</td>
<td></td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>Right to Vote</td>
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<td>✔️</td>
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<tr>
<td>Immigration Detention</td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>Deportation</td>
<td>✔️</td>
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What Does It Mean To Be “Undocumented”? 

One who is present in the U.S. without lawful immigration status or without proof of lawful status.

Examples:
- One who entered the U.S. on a visa that has expired.
- One who crossed the U.S. border without detection.
- One who obtained lawful immigration status and subsequently lost his or her status.
- One who obtained lawful immigration status but does not have proof of status.
Do Undocumented Immigrants Have Rights in the United States?

- Yes, undocumented immigrants have constitutional rights!
  - When it comes to key constitutional provisions like due process and equal treatment under the law, the U.S. Constitution applies to all persons – which includes both documented and undocumented immigrants – and not just U.S. citizens.
    - Right to trial
    - Right to court appointed counsel (criminal proceedings not immigration)
    - Right to due process and equal protection
    - Right to refuse searches of homes without a valid warrant signed by a judge
    - Right to remain silent
    - Right to public education

- Do NOT have the right to vote in Presidential Elections, unless a U.S. Citizen
Policy Changes Under the Trump Administration
President Trump’s January 25th Executive Order: “Enhancing Public Safety in the Interior of the United States”

• Universalized enforcement priorities
• Punishment of “sanctuary” jurisdictions
• Increase ICE agents
• Revives Secure Communities
  – Information-sharing between local LE and federal LE & use of ICE detainers
• Miami-Dade County is not participating in Secure Communities, but will hold people for up to 48 hours for ICE detainers
President Trump’s January 25\textsuperscript{th} Executive Order: “Enhancing Public Safety in the Interior of the United States”

<table>
<thead>
<tr>
<th>Old Priorities</th>
<th>New Priorities</th>
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<tbody>
<tr>
<td>Mostly focused on individuals with certain convictions:</td>
<td>Vastly expanded list that includes:</td>
</tr>
<tr>
<td>• Aggravated felony,</td>
<td>• Anyone who initially entered without documents,</td>
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<td>• “significant misdemeanor”,</td>
<td>• Anyone with a final removal; order,</td>
</tr>
<tr>
<td>• People who entered or re-entered without permission after 1/1/2014,</td>
<td>• Anyone “charged with any criminal offense, where such charge has not been resolved”,</td>
</tr>
<tr>
<td>• People ordered removed on or after 1/1/2014, and</td>
<td>• Anyone who “committed acts that constitute a chargeable offense”</td>
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<tr>
<td>• People with gang-related convictions</td>
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President Trump’s January 25th Executive Order: “Border Security and Immigration Enforcement Improvements”

• Border wall
• Expansion of detention
• Expansion of expedited removal
  – Includes individuals not physically present for 2 years
  – Within 100 miles of a land or sea border
  – No opportunity to see an immigration judge
• Increased CBP agents
• Expansion of 287(g) agreements
  – Law enforcement deputized as ICE agent
What is happening with TPS and DACA?

• DACA was terminated on October 5, 2017, BUT
  – A court has stopped the termination so people can still reapply
  – No Advanced Parole
  – Decision to allow for first-time applicants has been stayed

• Administration has terminated TPS for Sudan, Nicaragua, Haiti, El Salvador, and Honduras
  – Federal court decisions have stayed termination
Other Immigration Issues

• Family Separation
• Remain in Mexico Policy
• Attorney General Decisions
• Public Charge
• Travel Ban
• De-naturalization
• Changes in policies regarding processing of applications
• Sanctuary cities/detainer policies
• Notario Fraud
Immigration Facts and Data

• 76% of immigrants are lawful
• One in four children live with at least one immigrant parent and 90% of these children are US citizens
• Florida has the 4th largest immigrant population in the nation
• 32,500 TPS holders in Florida
• 85.8% of undocumented in Florida are of working age (16-64)
• Florida undocumented immigrants pay $1.7 billion annually in taxes and $543.2 million in state and local taxes
• Undocumented immigrants have $13 billion in spending power
Resources

- New American Economy
- TRAC
- Migration Policy Institute
- ILRC
- NILC
- NIJC
- IAN
- PEW
- AIC
- USCIS
- EOIR
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