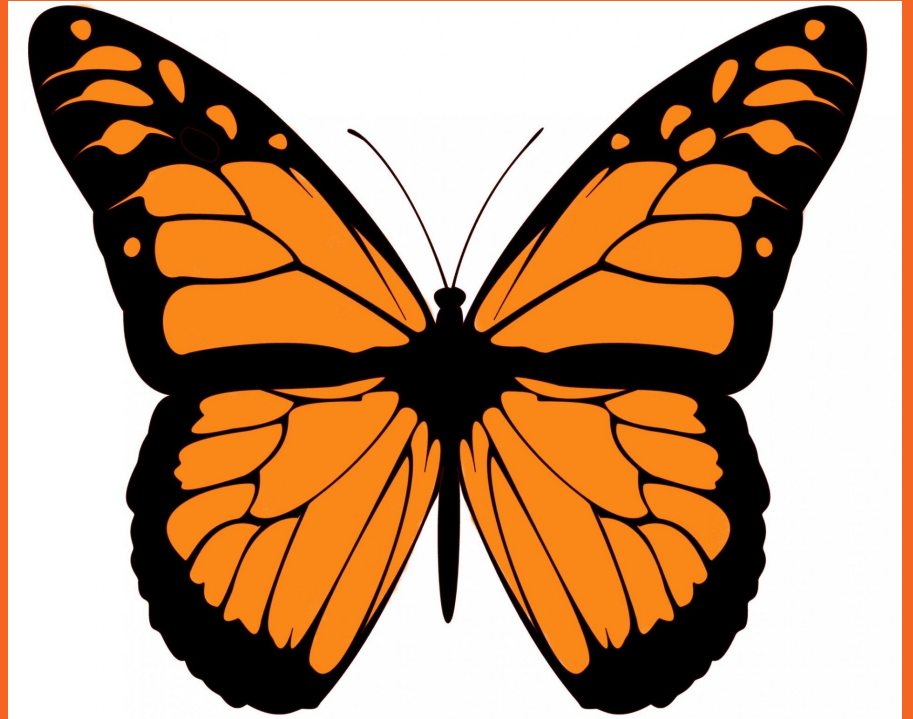

Immigration

The Path to Student Awareness
New York University



What do you know about Immigration?



1. What is the difference between immigrate and emigrate?
2. What stereotypes do you know about immigration?
3. Have you, or do you know anyone that has, been affected by immigration?

1. Immigration: travel into a country for the purpose of permanent residence there
2. Emigration: departure from a place of abode, natural home, or country for life or residence elsewhere
3. Migration: act of moving from one country, place, or locality to another
4. Naturalization: the course of action undertaken to become a citizen of a country other than the country where one was born
5. Refugee: a person who flees to a foreign country or power to escape danger or persecution
6. Xenophobia: fear and hatred of strangers or foreigners or of anything that is strange or foreign
7. Asylum: a place of retreat and security
8. Alien: belonging or relating to another person, place, or thing



Path to Citizenship

Source:

<https://citizenpath.com/paths-to-legal-status-undocumented/#LPR-Marriage>

DREAMers Green Card through Employment with LIFE Act Protection:

- U.S. employers may be interested in sponsoring the green card for a high-skilled prospective employee. Yet, even if a DREAMer is protected under DACA, he or she may still need the benefits of 245(i) protection through the [Legal Immigration Family Equity \(LIFE\) Act](#).
- In some instances the employer will need to go through a process known as Labor Certification or PERM prior filing for the prospective DREAMer's employment visa petition. However, even after such processes are successfully completed, the process still requires the immigrant to return to his or her home country because of his or her original unlawful entry or out of status condition. Yet, if the individual has 245(i) protection, he/she can complete the process in the United States and obtain a green card without leaving.

Green Card through marriage to a U.S. citizen:

- There are many issues that can become pitfalls to spouses and/or stepchildren of U.S. citizens and permanent residents as they contemplate filing for legal resident status. By law, if the foreign spouse and children or stepchildren entered the U.S. without inspection and remained in the U.S., they must leave the country and conclude their immigration process through U.S. consulates abroad to obtain the immigrant visa (green card). More importantly, if the immigrating spouse and/or children over 18 years of age resided in the U.S. unlawfully for at least 180 days (6 months), they could then be automatically barred from re-entry to the U.S. for 3 to 10 years once they leave the U.S.
 - Very Costly (estimated \$1760)
 - Provisional Waiver is now available and can be used during the process
-

Path to Citizenship

Source:

<https://citizenpath.com/paths-to-legal-status-undocumented/#LPR-Marriage>

U Visa for Victims of Crime:

- The individual must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity;
- The individual must have information concerning that criminal activity;
- The criminal activity violated U.S. laws; and
- The individual must have been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime.

Asylum Status:

- You are present in the United States (by legal or illegally entry);
 - You are unable or unwilling to return to your home country due to past persecution or have a well-founded fear of future persecution if you return;
 - The reason for persecution is related to one of five things: race, religion, nationality, membership in a particular social group, or political opinion; and
 - You are not involved with an activity that would bar you from asylum.
-

Stereotypes Within Immigration

“They are promoting the perception that if someone doesn’t have papers, they must be very bad” (René Flores)

- Currently in the United States, national origin, social class and, especially, criminal background powerfully shape perceptions of illegality.
- Based on Research at Uchicago, results show that Mexicans and other Latin Americans, but also Africans and Middle Easterners, were significantly more suspect than immigrants from Europe or Asia—despite the fact that there are hundreds of thousands of undocumented European and Asian immigrants in the country.
- That brings me to my first stereotype: Those coming from African/ Middle eastern descent and especially those from Mexican and Latin descent are almost seen as the face of immigration. Thus, most people of color are assumed to not have documentation.
- Second stereotype: The American public is increasingly internalizing the idea that undocumented immigrants are in fact criminals, even if this is not supported by empirical facts.” When Donald Trump came into his presidency he profited off the fact that immigrants were not only criminals, but stealing jobs as well. Some things said by him:

“Why are we having all these people from shithole countries come here?” , “When Mexico sends its people, they’re not sending their best,” he said. “They’re not sending you. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.” , “When you see these thugs being thrown into the back of a paddy wagon, you just seen them thrown in, rough. I said, ‘Please don’t be too nice.”

- What can you do? “The first step is becoming aware of the biases that shape perceived illegality and how they may affect immigration enforcement

Immigration and Customs Enforcement (ICE)

- ❖ Founded by the Homeland Security Act of 2002, signed into law by President George W. Bush following the events on 9/11.
- ❖ Mission: protect America from the cross-border crime and illegal immigration that threaten national security and public safety. ICE has three main functions: immigration enforcement, investigation of illegal movement of people and goods, and the prevention of terrorism
- ❖ Budget of ICE:
 - Enforcement and Removal Operations (ERO) – \$4.8 billion budget
 - Homeland Security Investigations (HSI) – \$2 billion budget
 - Office of the Principal Legal Advisor (OPLA) – \$2.8 million budget
 - Office of Professional Responsibility (OPR) – \$82 million budget

Sources:

- [Immigration Forum](#)
- [ICE.gov](#)

On an average day
ICE...

4,000 lbs

NARCOTICS SEIZED

87

CRIMINAL ARRESTS

\$4.93M

ILLICIT CURRENCY AND ASSETS
SEIZED

6

VICTIMS IDENTIFIED

284

ADMINISTRATIVE ARRESTS

335

DETAINERS ISSUED

509

REMOVALS CONDUCTED

12

GANG MEMBERS REMOVED

3.26M

IMMIGRATION CASES MANAGED

ICE and Border Patrol Abuses

- ICE uses removal tactics in court that are very unfair and biased, especially those vulnerable and marginalized. Their practices also impose heavy social costs, tearing American families apart and undermining community trust in law enforcement.
- These enforcement programs pose a variety of threats to civil liberties: such as implicating the Fourth Amendment's protection.
- The Border Patrol and its parent agency, Customs and Border Protection (CBP) militarize the border region, and force abuses ranging from racial profiling to excessive constraints. This leads to fear in deportation and worry for receiving insurance/health care.

What can we do?

- Educate immigrants on their rights and responsibilities as residents
- Hold sessions to improve civic engagement
- Seek and demand opportunities and resources for immigrants

Sources:
[The Impact of Immigration and Customs Enforcement on Immigrant Health](#)

Deferred Action for Childhood Arrivals

Eligibility:

- Under the age of 31 as of June 15, 2012.
- Applicants had to have arrived in the U.S. before age 16 and lived here since June 15, 2007.
- Had come to the United States before their 16th birthday.
- Had no lawful status on June 15, 2012.
- Are currently in school, have graduated or obtained a certificate completion from high school, or honorably discharged veteran of the Coast Guard or Armed Forces in the United States
- Have not been convicted of a felony, significant misdemeanor, other three or more misdemeanors, and do not pose a threat to national security.

If one qualifies, they may apply for DACA and receive a renewable two-year period of deferred action from deportation and become eligible for a work permit in the U.S.

Source:

<https://www.adl.org/education/resources/tools-and-strategies/table-talk/what-is-daca-and-who-are-the-dreamers>

DREAM Act

Source:
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/dreamact/dreamsummary/>

The DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act, was introduced on May 11, 2011.

The DREAM Act would permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent legal status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military.

The DREAM Act would eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

DREAM Act

Source:
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/dreamact/dreamsummary/>

At the end of the condition period, unrestricted lawful permanent resident status would be granted if the immigrant had maintained good moral character, avoided trips abroad, and met at least one of the following:

- Graduated from a two-year college or certain vocational colleges, or studied for at least two years toward a B.A. or higher degree, or
- Served in the U.S. armed forces for at least two years

The act has been passed in 12 states: California, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, and Wisconsin.

Know Your Rights

Source:
<https://www.sirenimmigrantrights.org/>

What to do if ICE confronts you:

- Do NOT open your door! ICE can't come into your house unless they have a signed search warrant or you let them in.
 - Check the warrant. Look at the top and at the signature line to see if it was issued by a court and signed by a judge.
 - Do NOT resist if ICE agents force their way in.
 - Tell them you want to speak to a lawyer.
 - Do NOT sign anything. ICE might ask you to sign forms agreeing to be deported without seeing a judge first.
 - Report raids and checkpoints.
 - Document. If possible, take videos, photos, and notes on exactly what happened. Write down badge numbers. Note if ICE interferes with your right to take photos or videos.
-

Judicial Warrant vs Administrative Warrant

Enforceable Legally Binding Warrant

AO 93 (Rev. 01/03) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the Search of)
(Briefly)
or alias,))
2943 Raymond Avenue)
San Diego, California))

Case No. 14 MJ 0 396

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of California
(Identify the person or describe the property to be searched and give its location).
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be searched).
See Attachment B-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before February 17, 2014
(not to exceed 30 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night if I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Hon. David H. Bartick.
(Name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) for _____ days (not to exceed 30).
Until, the facts justifying, the later specific date of _____.

Date and time issued: 1/24/2014 [Signature]
Judge's signature

City and state: San Diego, California Hon. David H. Bartick, U.S. Magistrate Judge
Printed name and title

Non-binding ICE Warrant

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)
on _____ (Name of Alien) on _____ (Date of Service) and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/06)

Detainment of Undocumented Immigrants During Covid

March 18 2020: “ICE Enforcement and Removal Operations (ERO) will focus enforcement on public safety risks and individuals subject to mandatory detention based on criminal grounds. For those individuals who do not fall into those categories, ERO will exercise discretion to delay enforcement actions until after the crisis or utilize alternatives to detention, as appropriate.”

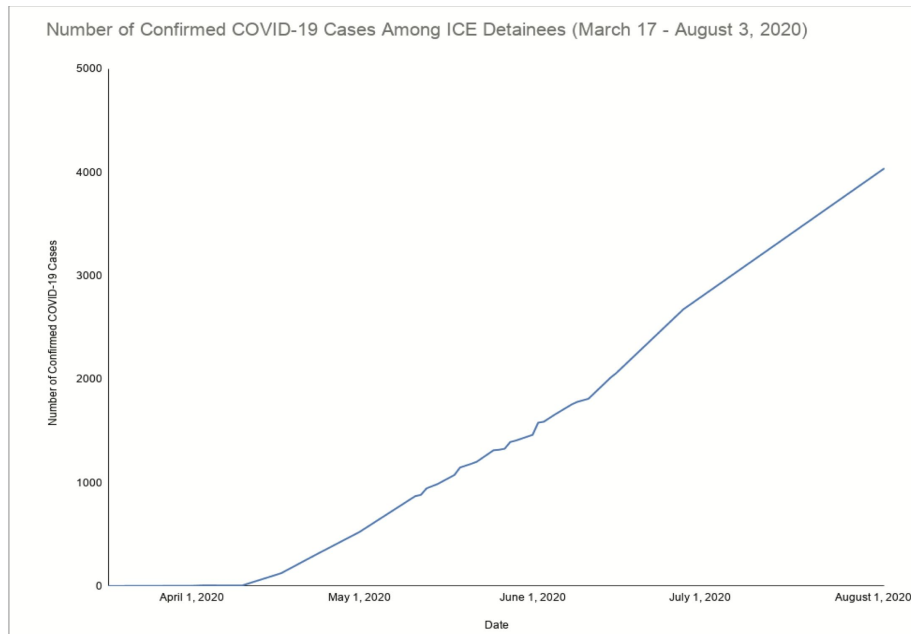
- Problems in ICE facilities
 - Inadequate oversight
 - Claims of medical neglect and abuse
 - Lack of Sanitizing products and protective equipment
 - “share five bars of soap” & “guards come in and out... without wearing masks or gloves.”
 - No lawyer to advocate for the detainee’s release from detention or relief from deportation under existing law.
 - Failure to track and report covid cases
 - Advised the guards not to wear masks or gloves “to avoid spreading panic among detainees”
- Ice continued to send people to detention and transfer people between facilities
 - Example:
 - “ICE also transferred 72 detainees in April from facilities with confirmed cases in New York and Pennsylvania, to the detention facility in Prairieland, Texas, which had no confirmed cases at the time.”
- Ice failed to realize the importance of testing, tracing the contacts of those who tested positive, and isolating the infected.

Sources:

<https://www.vera.org/tracking-covid-19-in-immigration-detention>
<https://www.ice.gov/coronavirus#citations>
<https://cmsny.org/wp-content/uploads/2020/08/CMS-Detention-COVID-Report-08-12-2020.pdf>

Statistics

- Detained Population:
 - 13,832
- Covid-19 Positive Cases Currently in Custody
 - 502
- Detainees Tested:
 - 100,274
- Total Confirmed Covid-12 Cases
 - 9,429



Grassroots

California Immigrant Youth
IG: @ciyja

Brown Issues
IG: @brownissues

SIREN Immigrant Rights
IG: @siren_immigrantrights
Website: <https://www.sirenimmigrantrights.org/>

National Immigrant Justice Center
IG: @immigrantjustice

ACLU
IG: @aclu_nationwide
Website: <https://action.aclu.org/>

Immigrant Rising
IG: @immigrantrising



Petitions and Donations



[PETITION: Pass Dream Act](#)

[PETITION: Preventing ICE from deporting international students during a pandemic](#)

[PETITION: Stopping Ice Operation during Covid](#)

[PETITION: Stop The Government From Abusing Immigrant Children](#)

[DONATION: Financial Assistance to Undocumented People](#)

Helpful Documentary For Better Understanding

[From Executive Producer Selena Gomez | Living Undocumented | Official Trailer](#)

Netflix Series: Immigration Nation



Follow Up Questions



1. Why do you think immigration is not covered by the media as much as other topics?
2. How can you be an ally for immigrants? How can we integrate immigrants into our society to feel more welcomed?