

Demystifying Recent Changes to United States Immigration Policy

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What we are doing now

1. Factual explanation of recent changes in immigration law.
2. Respecting differences of opinions
3. Moving very quickly through complicated topics

This is not the forum for debating policy or politics.

History of immigration in the news

Immigration = Discrimination

Naturalization Act 1790
(must be free, white & good moral character)

1875 First Immigration Restrictions
criminals, people with contagious diseases,
beggars and importers of prostitutes

Chinese Exclusion Act 1882
(specifically aimed at Asian decent)

Chain Migration

- Before 1965 visas/LPR/green cards were given based on your nationality e.g. favored white Northern European countries.
- President Johnson, under pressure, proposed a merit based system
- Opposition thought that would allow too many people of color to immigrate

A compromise was made.

The Compromise

Preference shifted to family based immigration to keep the diversity level stable

Allowed some options for a merit based system

FAMILY-SPONSORED PREFERENCES

- First: (F1) **Unmarried Sons and Daughters of U.S. Citizens:** 23,400 plus any numbers not required for fourth preference.
- Second: **Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents:** 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:
 - A. (F2A) **Spouses and Children of Permanent Residents:** 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
 - B. (F2B) **Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents:** 23% of the overall second preference limitation.
- Third: (F3) **Married Sons and Daughters of U.S. Citizens:** 23,400, plus any numbers not required by first and second preferences.
- Fourth: (F4) **Brothers and Sisters of Adult U.S. Citizens:** 65,000, plus any numbers not required by first three preferences.

Final Action Dates Table

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22-Mar-11	22-Mar-11	22-Mar-11	22-Jul-96	15-Oct-05
F2A	22-Mar-16	22-Mar-16	22-Mar-16	1-Mar-16	22-Mar-16
F2B	1-Mar-11	1-Mar-11	1-Mar-11	15-Oct-96	8-Sep-06
F3	15-Dec-05	15-Dec-05	15-Dec-05	22JUN95	22-Mar-95
F4	22-Aug-04	22-Aug-04	1-Feb-04	15-Nov-97	22-Nov-94

Quiz

- How long would you wait before your brother's priority date became current?
- How long would a LPR (Green Card) holder wait before their minor child's priority date became current?

The process in general

- Submit I-130: Petition for qualifying relative
 - Wait approx. 8 months for approval (\$535)
- Wait for your priority date to become current
- Apply to the National Visa Center for an interview 3-6 months for processing (\$500)
- Attend and pass interview at the US Embassy which may require multiple interviews and fees in between (\$200 and \$3,000)
- Travel to the USA

Chain Migration = Family Migration

- Lines are long
- No guarantee of coming once your priority date is current

Pejorative term used to describe the forced migration of African Americans.

Deferred Action for Childhood Arrivals (DACA)

DACA is:

1. temporary deferment from removal or deportation due to unlawful presence
2. permission to work with the obligation to pay taxes including social security, FICA that fund benefits unavailable to DACA holder

DACA is not

- A path way to citizenship
 - Simply no way to apply “legally” or make yourself legal
- Permeant
 - Must be renewed every year

Application Guidelines

You may request DACA if you:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching your 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- 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 USCIS;
- Had no lawful status on June 15, 2012;
- 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
- 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

Changes in Asylum Law

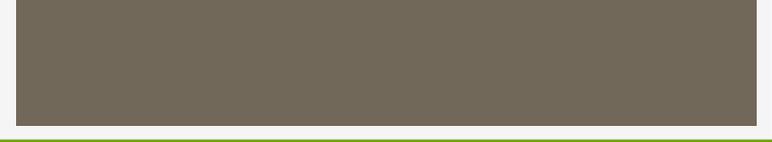
- Grounds of an Asylum Case
 - Race
 - Religion
 - Nationality
 - Membership in a particular social group
 - Political opinion
 - ~~Domestic Violence/Gang Membership~~

Sanctuary Cities

- No common definition exists
- Generally referred to cities/towns/municipalities who do not cooperate with I.C.E. Agents
- I.E. do not ask immigration status of detained individuals
- Increased level of bilingual support such as city forms in Spanish and English

Immigration Judge Quota

- Sessions intends to alleviate backlog of estimated 700,000 cases
- Judges must decide a minimum of 700 of cases per year.
- (260 work days per year/ 700= 3-4 decisions per day)
- Eliminate administrative closure
- No more than 15% over turned on appeal
- 1/3 represented by attorneys
- Children are not entitled to an attorney unless they can afford one



Questions?