

Who Does it Work For?

Immigration

Legal Entry Options

“Stand In Line”



Five “Lines” Are Open to Legally Immigrate

Who’s included and how long is the line?

Five “Lines” Are Open

- Family Sponsorship / “Chain Migration”

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- Family Sponsorship / “Chain Migration”
- Employment Visa

Five “Lines” Are Open

- Family Sponsorship / “Chain Migration”
- Employment
- Diversity Lottery

Five “Lines” Are Open

- Family Sponsorship / “Chain Migration”
- Employment
- Diversity Lottery
- Refugee Resettlement

What is a Refugee/Asylee?

A refugee must **PROVE PERSECUTION** based on

Race Religion Nationality Political opinion
Membership in a particular social group

You **CANNOT** be a refugee based on:

Natural Disasters Poverty Economic collapse Hunger
Civil unrest Gang violence Embedded domestic violence

Five “Lines” Are Open

- Family Sponsorship / “Chain Migration”
- Employment
- Diversity Lottery
- Refugee Resettlement
- Asylum

Unlimited

140K

50K

30K

31K

Who Doesn't Have a Place in Line?

- Those who do not have a spouse, parent or child who is able to sponsor them
- Those from countries with long waiting lines, including Mexico, China, India and the Philippines
- Those without legal status in the US
- Those without exceptional wealth or ability
- Those who **do not** meet the definition of “refugee”
- 98.8% of those **do** meet the definition

Benjamin's Story

Seeking Asylum

Sacred Heart Humanitarian Respite Center McAllen, Texas



The Center has served close to 100,000 people since it opened in 2014



Clients receive help understanding their bus tickets and what will happen next



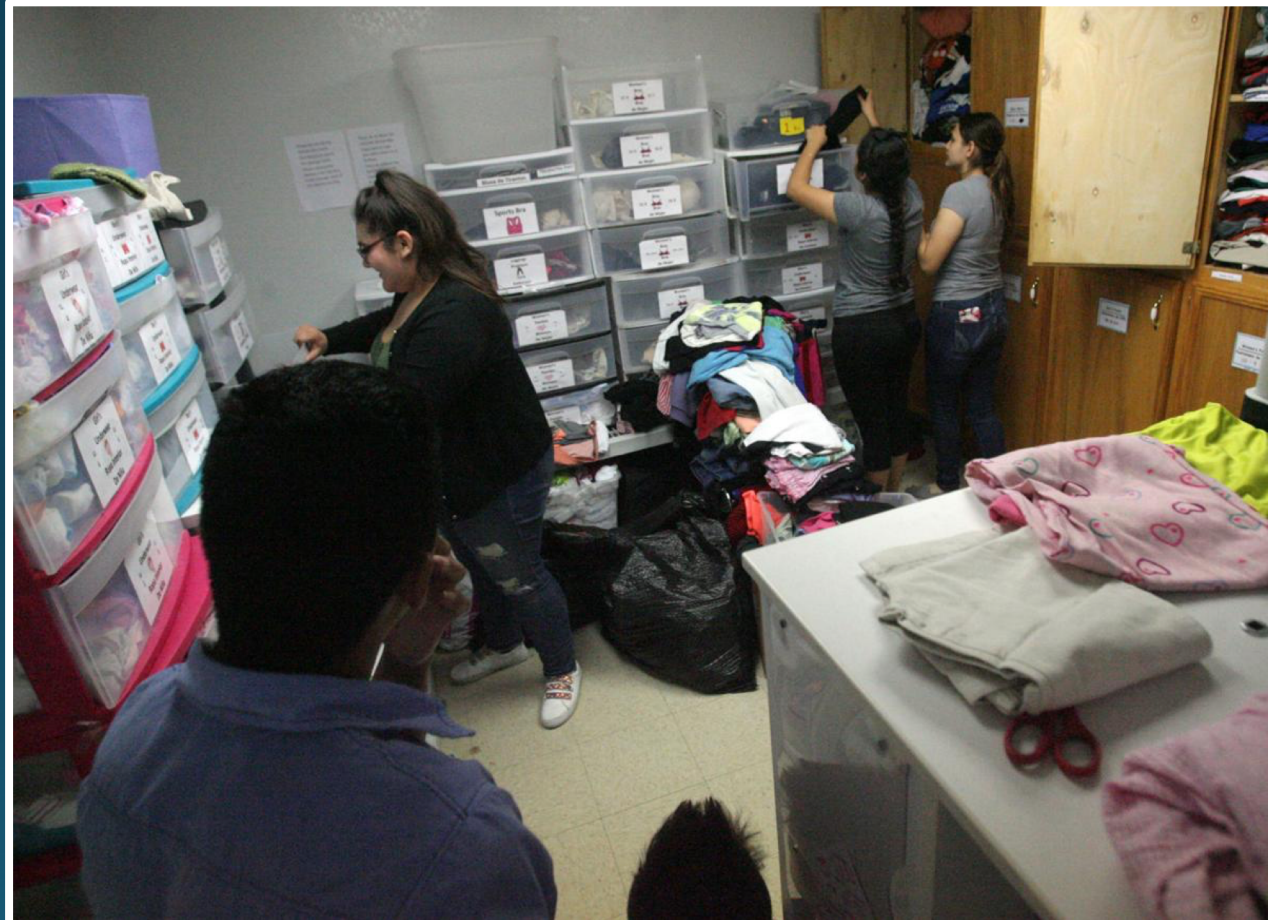
Chicken soup is available all day long to nourish those who have eaten little during their journey



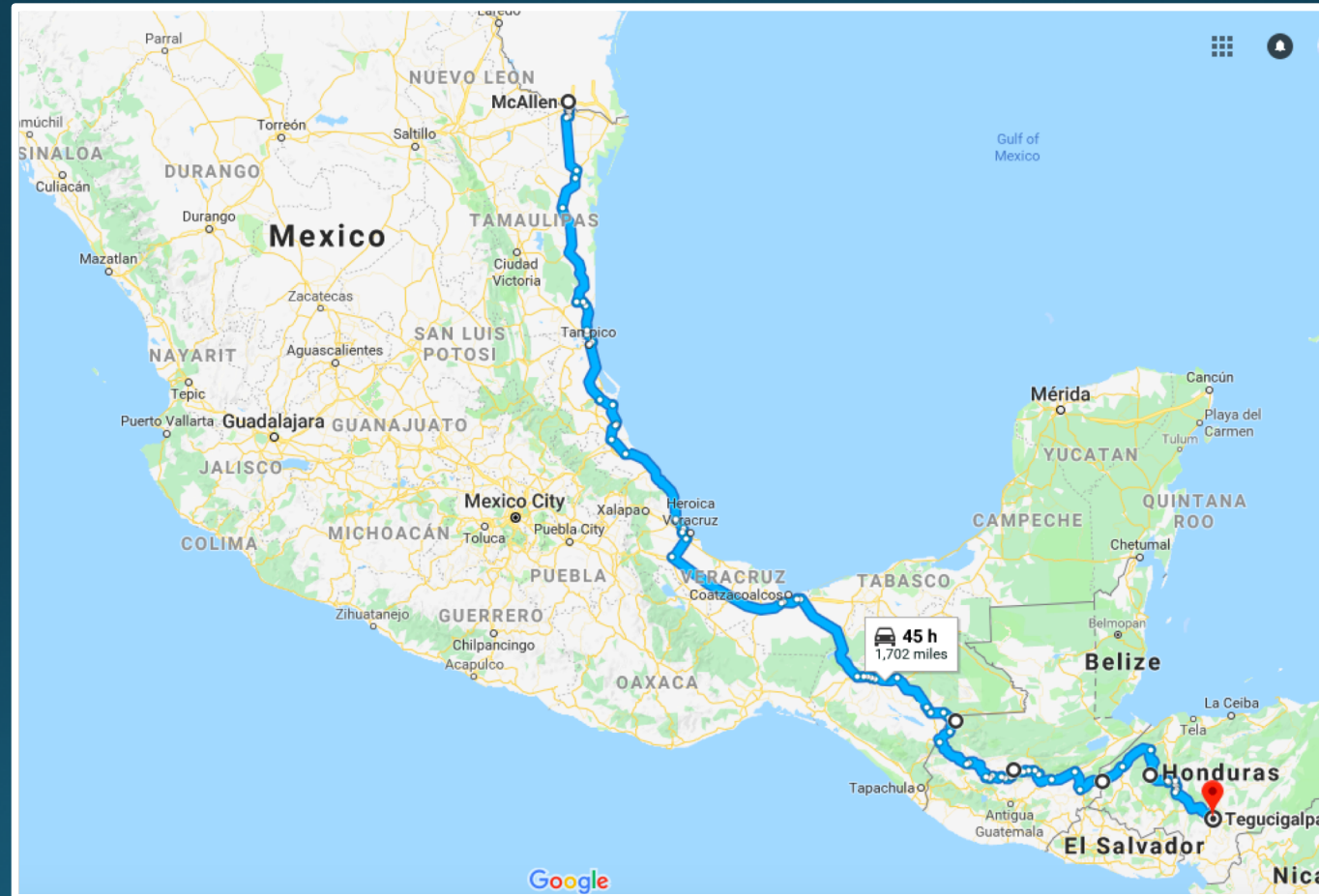
Two hot meals a day are served to up to 400 people daily. They are donated and served by volunteers.



Volunteers donate all the clothes, shoes, and food that are given out to the clients daily



From Honduras to McAllen, TX 1,600 miles



Stay or Go?

The risk of staying:

- Honduras has one of the highest murder rates in the world
- An estimated 190,000 people are internally displaced because of violence, extortion, threats, or forced recruitment by gangs.

The risk of leaving:

- Average annual income: \$5,600
- Cost of a *coyote* (guide) to the US border: \$6,000 - \$8,000
- Those who attempt the trip without a *coyote* risk falling prey to bandits, kidnappers, or to be used as mules or prostitutes.

Source: CIA Factbook, *La Presna*, Jan 24, 2017 "Coyotes les cobran hasta \$8,000 a los "mojados"

The First Step: The Credible Fear Review

- The United States Citizenship and Immigration Services (USCIS) has handled roughly 73,000 credible fear requests so far this year
- Approximately 55,500 (76%) passed the interview

Detention is Mandatory for Asylum Seekers (unless all of our 40,500 beds are taken....)



Release on Parole with Ankle Bracelet



Where am I?
How do I get where I am going?



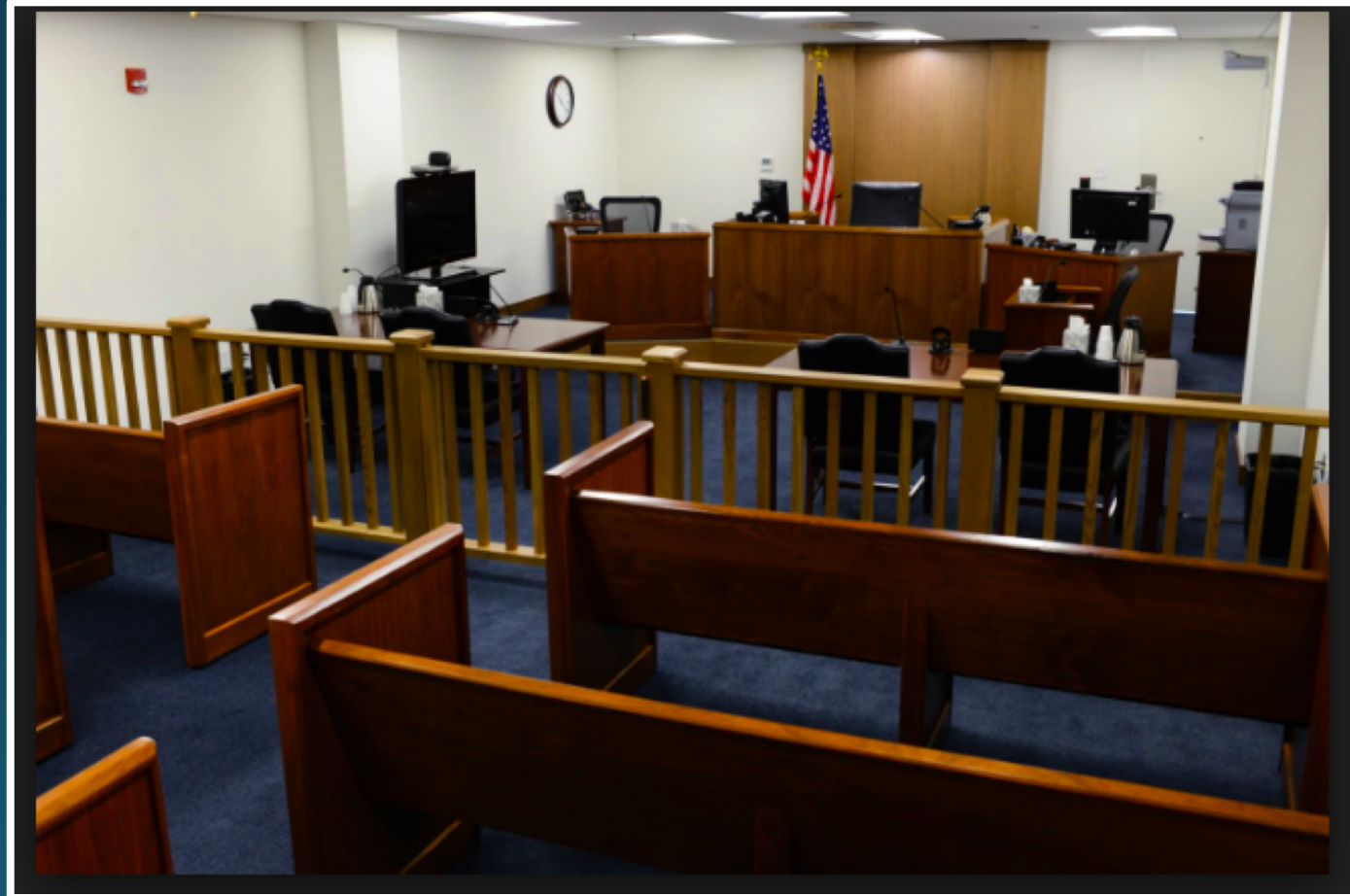
The Next Step: Vetting

Asylum Seekers are carefully vetted by multiple agencies:

Dept of Homeland Security (DHS)	Consular Consolidated Database
United States Immigration and Naturalization Service	Biometrics (IDENT)
National Security Database (TECS)	Department of Defense (DoD)
Immigration and Customs Enforcement (ICE)	National Counterterrorism Center
Federal Bureau of Investigation (FBI)	Fraud Detection and National Security office

The Final Step:

Executive Office of Immigration Review



What are the odds?

- Mexico, Guatemala, Honduras, and El Salvador represent most of the cases that appear in Immigration Court, but have the lowest success rates
 - 76% of all Credible Fear interviews pass
 - 22% of all Honduran asylum cases are granted

Jose and Aracely have a 17% chance of receiving of asylum.

And if they lose?

Those who lose their cases will be returned to their countries quickly,
usually within a week.

Benjamin will be shackled for the duration of the journey.

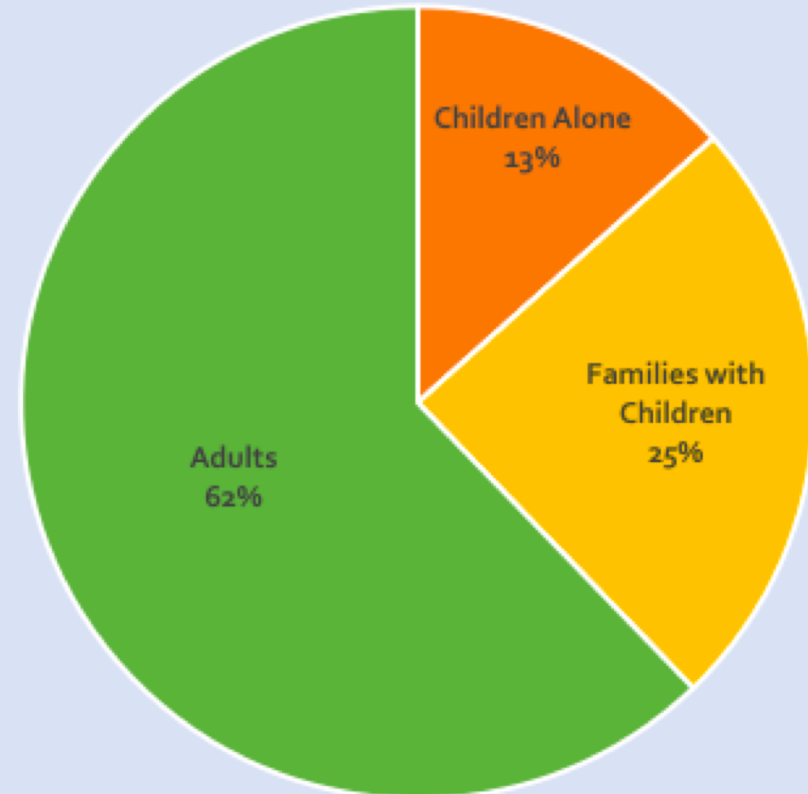


What's left? An Illegal Crossing



Image by John Moore, NYT

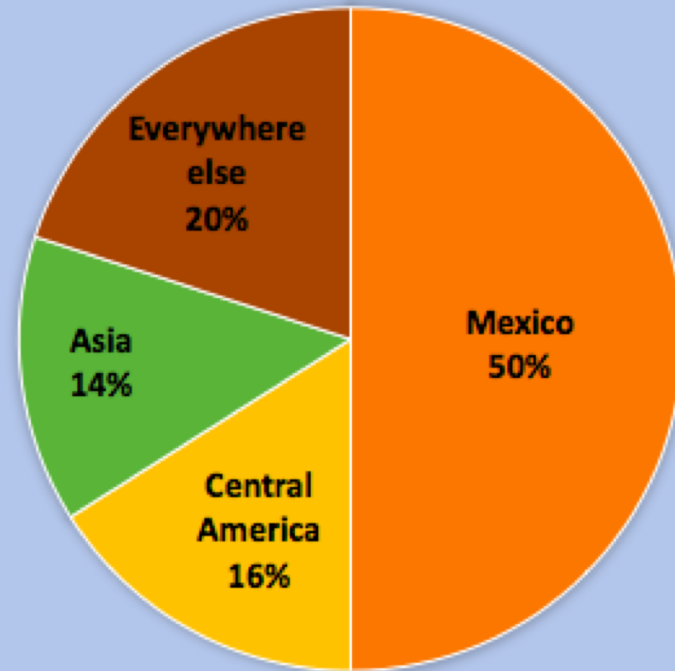
Apprehensions at the Border



Who are the “Undocumented”?

- 11 million (3% of US Pop)
- 750,000 children
- From all over the world
- Mixed families

WHERE DID THEY COME FROM?



Why do they come?

- They come to rejoin their families

Why do they come?

- They come to rejoin their families
- They come to work

Why do they come?

- They come to **rejoin** their families
- They come to **work**
- They are **afraid** to return to their home countries

Can They Ever Become Legal?

- Through family relationships - **risky**
- Defensive Asylum after arrest - **low probability**
- Cancellation of Removal - **difficult to qualify**

A Bit About Language...

“Undocumented”

- Recognizes that presence in the US without authorization is a **civil infraction**, not a crime. Crossing the border without authorization is a **misdemeanor**.

A Bit About Language...

“Illegal Alien”

- “Alien” emphasized that the person is fundamentally different and distant from me
- “Illegal” **condones and justifies oppression** and violence toward my neighbor

A Bit About Language...

“Criminal Alien”

- Means that a person has been *convicted* of breaking criminal laws

“Attrition Through Enforcement”

“Our goal is not to just **prosecute** more, but to **deter** and to **end illegality**. To that end we are resolutely committed.”

-Attorney General Jeff Sessions, September 10, 2018

The Criminalization of Undocumented

- 1986 - Denial of **work** permits
- 1996 - Creation of separate **criminal code** with harsher penalties
 - “**Bars**” to legal re-entry if they leave
 - Legalization of **unauthorized search**
 - Denial of **public benefits**
 - Limitations on **higher education**

The Criminalization of Undocumented

- 2005 - Denial of **Driver's licenses**
- 2008 - Deputization of local law enforcement to act as ICE agents, RealID, **checkpoints**
- 2010 - Denial of **health insurance** at any price
- 2018 - Denial of **domestic air travel**



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THEY ARE AN ECONOMIC DRAIN...

"THEY DON'T PAY TAXES"

Everyone, whether they have legal status or not, pays sales taxes and property taxes, which compromise about 40% of Colorado state income.

A high percentage of the undocumented also pay state taxes, federal taxes, and social security either formally with an ITIN or informally through withholding using false social security numbers.

Using an ITIN number: People without social security numbers can and do apply for an Individual Tax Identification Number (ITIN) and use it to file 1040s. In 2015, the most recent year for which this info is available, there were about 4.4 million households who filed ITIN taxes, and \$1.1B in taxes were collected from them.

Using a false Social Security Number: Similarly, the Social Security Administration has studied the effects of the undocumented on the Social Security Trust Funds and estimated that at least 3 million people were working under false social security numbers and paying taxes for which they will receive no benefits. It is estimated that their contribution is at least \$12B each year.

The SSA study also took care to point out that these undocumented workers likely had citizen children who would become contributing members in the US economy, including paying taxes, and thus strengthening our SSA system.

It is also important to remember that the undocumented are not only workers, but also consumers, because not only do they pay taxes, but they also spend their earnings in their communities, further supporting local economies.

"THEIR CHILDREN FILL OUR OVERCROWDED PUBLIC SCHOOLS"

There are an estimated 750,000 to 1 million undocumented children in the United States, or 2% of the elementary and secondary population. Two percent hardly represents "overcrowding". Besides that, most of them live in "mixed status" households, which means that at least one of their parents has legal status.

Their right to attend public school is guaranteed by the Equal Protection clause of the 14th Amendment and upheld specifically by *Plyler vs. Doe* in 1982. Both the concurring and dissenting views in this Supreme Court judgement agreed that the education of every child benefited all of society and is worth the investment in our nation's future. Using similar reasoning, undocumented schoolchildren do qualify for a few public programs intended to support their success in school, including HeadStart, immunizations, breakfast and lunch programs (\$450 per year), and English Language instruction (\$165 per student).

"THEY COLLECT WELFARE"

Undocumented immigrants are not eligible for TANF (Temporary Assistance to Needy Families) or SNAP (Supplemental Nutritional Assistance Program), nor do they qualify for any Social Security programs. All women and children do qualify for WIC (a supplemental nutrition program for **W**omen, **I**nfants, and **C**hildren), regardless of status.

Many people believe that they have seen the undocumented applying for benefits and receiving them. In the case of mixed status families, an undocumented member – such as a father – can apply for benefits on behalf of specific members of his family who hold legal status. He cannot apply for members who do not qualify. Each person in a family who receives benefits must prove that they qualify.

They may receive benefits that are offered on the community level, such as from churches, shelters or soup kitchens.

"THEY USE OUR MEDICAL SYSTEM FOR FREE"

Undocumented children do not qualify for CHIP (Children's Health Insurance Program), but in the interests of community health, some states choose to divert state funding to cover them. They do not qualify for Medicaid, nor can they buy health insurance on the market, unless their state specifically allows it. However, they may purchase health insurance for those members of their family with legal status.

All low-income people, regardless of legal status, qualify for Emergency Medicaid. For the undocumented, this only covers childbirth or acute symptoms that jeopardize the patient's health, bodily functions or organs. Once the patient is stabilized, they are discharged.

"THEY TAKE JOBS FROM HARDWORKING AMERICANS"

The national unemployment rate is at its lowest in many years – 3.7% nationally and 2.8% in Colorado. There is no shortage of jobs. On the other hand, blue collar industries favored by the undocumented – such as construction, agriculture, landscaping and food service industries – are all reporting labor shortages, resulting in difficulties filling contracts.

The AFL-CIO has a great deal to say about immigration reform, and even in 2003, a peak year in terms of unemployment, advocated for the benefits of a path to citizenship for workers. Their comments are worth reading and considering: AFL-CIO: <https://aflcio.org/issues/immigration>

I want to know more....

By the Congressional Budget Office - "How Changes in Immigration Policy Might Affect the Federal Budget"
<https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/49868-Immigration4.pdf>

By the Taxpayer Advocate/IRS - "Individual Taxpayer Identification Numbers" (2015)
https://taxpayeradvocate.irs.gov/Media/Default/Documents/2015ARC/ARC15_Volume1.pdf

By the SSA – "Effects of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds"
https://www.ssa.gov/oact/NOTES/pdf_notes/note151.pdf -

By the Congressional Budget Office - "Noncitizen Eligibility for Federal Public Assistance: Policy Overview"
<https://fas.org/sgp/crs/misc/RL33809.pdf>

WHAT PART OF “ILLEGAL” DON’T YOU UNDERSTAND?

“ILLEGAL ALIEN” AND A “CRIMINAL ALIEN” ARE NOT THE SAME THING

The word “alien” simply means someone who is not a citizen of the United States. It includes Legal Permanent Residents (LPRs) and holders of any kind of visa, as well as those who do not have any legal status.

“Illegal alien” was not commonly used until the signing of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and is defined in two ways. A person who has overstayed a visa is considered “unlawfully present”, which is a civil infraction, **not a crime**. A person who has crossed the border somewhere other than a port of entry can be charged with “entry without inspection”, which is a **misdemeanor**. Both charges do carry small penalties, as well as the potential for removal or deportation.

There is no clear definition of the term “Criminal Alien” although it is widely used. It generally refers to any person who is not a citizen and who has been convicted of a crime. Again, the term includes those who have legal status such as LPR or a visa, as well as those who do not. The type and severity of the crime, as well as the status of the individual, determine the consequences, which can range from fines and jail time like a citizen or much more serious consequences such as long prison sentences followed by deportation.

It is important to note that the definition of “felony” and “aggravated felony” differs depending on whether one is a citizen or non-citizen. For a citizen, a “felony” is generally a crime for which a person could be sentenced to prison for more than one year (whether or not they actually are) and an “aggravated felony” is a crime for which the sentence could be more than five years. For a non-citizen, however, any crime for which there could be a sentence of one year is considered an “aggravated felony”. The list of “aggravated felonies” also contains some additional items that would be prosecuted as misdemeanors for citizens.

The list of what qualifies as a felony (for citizens) can be found at: <https://www.gpo.gov/fdsys/pkg/CFR-2012-title34-vol3/pdf/CFR-2012-title34-vol3-part668-subpartD-appA.pdf>.

The list of what qualifies as an “aggravated felony” (for non-citizens) can be found at: <https://www.law.cornell.edu/uscode/text/8/1101> Item 43.

Only those with criminal convictions are “Criminal Aliens”

THEY BRING CRIME...

NON-CITIZENS COMMIT CRIMES AT A LOWER RATE THAN CITIZENS

In 2016, immigrants represented 13.5% of our population. Of those, 51% were non-citizens of any status, representing approximately 7% of the general population. Those who are “undocumented” are not recorded specifically, but are thought to number just over 11 million, or a little more than 3% of the general population.

The most common way to discuss criminality is to discuss the convicted population held in jails and prisons. In the United States, our prison system has two parts, and each handles different types of offenses. In 2016, the Department of Justice (DOJ) recorded a total of 1,506,800 prisoners held in state and federal institutions, representing about one-half of one percent of the general population. Almost all were being held for more than one year.

The federal system (also known as the Bureau of Prisons, or BOP) is smaller and focuses primarily on large-scale drug offenses and public order offenses. According to the DOJ, it held 189,192 prisoners, or 12.5% of the total prison population. Of these, 39,956, or 21%, were recorded as non-citizen of any status. For 8%, the most serious crime was an immigration offense.

The state system is much larger and handles most of what people generally consider to be “crimes”. In 2016, it held 1,317,765 prisoners, most of whom had been convicted of violent, property, and drug offenses. The DOJ recorded 43,617, or 3%, of this population to be non-citizens of any status.

The total number of non-native prisoners, including those with immigration charges, represents 5% of the prison population. If those with only immigration charges were removed, those held for actual crimes would be 3% of the total.

While non-citizens represent 7% of the general population, they represent about 5% of the prison population and 3% of criminals.

They commit crimes at HALF the rate of citizens.

From the Department of Justice: “Prisoners in 2016” <https://www.bjs.gov/content/pub/pdf/p16.pdf>

A PUBLIC SAFETY AND NATIONAL SECURITY THREAT...

TWO OFFICES HANDLE NON-CITIZENS

CUSTOMS AND BORDER PATROL (CBP)

They're Terrorists...

CPB handles airports, seaports, border crossings and the border space in between. They perform a number of crucial duties, including inspecting cargo and facilitating trade, intercepting the transport of drugs and weapons into the country, inspecting for inbound agricultural diseases, processing entrants into the country, and monitoring entrants against the international terrorist watch list.

Of all their day-to-day responsibilities, CBP stated in its current performance report that its "priority mission is securing the US border and keeping **terrorists and their weapons** out of the US." This is certainly an important priority, but actual encounters with potential national security threats are few. Last year, the CBP encountered 2,554 people who were on the terrorist watch list, and most were intercepted at foreign airports or seaports before they ever embarked. Only 335 were intercepted at a border. Looking at it from another angle, just over 100 people are removed each year due to "national security concerns" and an average of 32 people per year are actually convicted on terrorism charges. More than half of these were citizens. And yet, in spite of the real but very small number of actual terrorists who attempt to enter the US, the public perception is that is quite large and disturbing threat.

They're Criminals...

Last year, 7,656 people were arrested at a port of entry based on a criminal record, or one half of one percent of all entries. In addition, CBP also arrested 310,531 people crossing elsewhere. Of these, 26% were families and 13% were unaccompanied children. 60% had no criminal record. One percent of these arrests were people with any criminal conviction besides illegal entry/reentry. One tenth of one percent were gang members.

The terms "terrorist" and "criminal" is wrongly conflated with all those who attempt to or succeed in entering the US without authorization.

"Stats and Summaries" <https://www.cbp.gov/newsroom/media-resources/stats>

"Criminal Alien Statistics" <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics>

"Protecting the Nation from Foreign Terrorist Entry Into the United States" <https://www.justice.gov/opa/press-release/file/1026436/download>

ENFORCEMENT AND REMOVAL OPERATIONS (ICE ERO)

ICE is responsible for everything in the interior of the US. They handle trafficking, transnational drug smuggling and counterterrorism, as well as the identification, arrest, detention, prosecution and removal of the undocumented. In the same report mentioned earlier, ICE “targets aliens who **pose a danger to national security or a risk to public safety**”.

ICE works closely with the Criminal Justice System and **74% of their arrests immediately follow a release from jail or prison**, and thus, are actually “criminal aliens”. They are not people who are freely roaming out streets and neighborhoods as is often ominously alleged.

The remaining **26% had not been convicted of any crime**. They were arrested as the result of home raids, workplace raids, traffic stops, or while responding to any official business involving an ID check (such as alimony appearances, witness testimony, filing a police report, or check-ins with immigration parole officers).

The overwhelming majority of those arrested crossing the border or living freely in the US – the “Undocumented” – are NOT criminals

There are very few who argue that non-citizens who are convicted of serious crimes should be considered for deportation. However, many do argue that the same laws, legal processes, and rights should apply equally to citizens and non-citizens alike. Christians should recognize that the Bible also demands this. At present, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) defines criminal behavior and punishments differently for non-citizens and allows for harsher punishments. Each administration has the authority to define policy – how existing laws are to be enforced and what priorities will be. Currently the enforcement policy is “zero tolerance”, which means that all those caught crossing the border or discovered to be present in the US without authorization will be prosecuted and deported – regardless of age, lack of criminal record, military service, family relationships and responsibilities, or dangerous conditions in home countries – no discretion is possible. Public acceptance of this policy is predicated on the belief that the undocumented are an actual danger to society, and that there are only two choices – allow “criminals” to enter and roam freely, or prosecute all undocumented as “criminals” in preparation for removal. This is a false choice - there is space between these extremes that allow for conversations that include both justice and compassion. Christians should occupy that space.

The belief that the undocumented are criminals is *factually* wrong.

The use of this false narrative to justify laws that marginalize and terrorize our neighbors is *morally* wrong.

From ICE: “ICE ERO Administrative Arrests” <https://www.ice.gov/removal-statistics/2017>

The text of IIRIRA: <https://www.congress.gov/104/crpt/hrpt828/CRPT-104/hrpt828.pdf>

“Zero Tolerance” enforcement policy: <https://www.everycrsreport.com/reports/R45266.html>