



Iowa
Immigration Education
Coalition

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Why all this talk about immigration?

- The immigrant population in the Midwest has been growing faster than the native-born population (0.5% v. 5% annually for Mexican immigrants)
- Job creation has been primarily in high skill or low skill jobs – both sectors where there are fewer native-born applicants (pre-recession) (from 2000 to 2010 58% of job openings were or are projected to be low skilled)
- Few options for legal immigration in current system

Definition of Terms

- “immigrant” = a person who is not a U.S. citizen who comes to the U.S. to remain permanently (AKA “lawful permanent resident”, green card holder, unauthorized immigrant)
- “non-immigrant” = a person who is not a U.S. citizen who comes to the U.S. for a temporary stay, usually for a specific purpose (i.e., student, athlete, tourist, professional worker)
- “visa” = a “ticket” to enter the U.S. issued at the U.S. consulate in a foreign country
- “status” = the state of being of a foreign national in the U.S.
– usually shown by the I-94 card

I-94 Example

Departure Number OMB No. 1651-0111

b2b633123 12

I-94
Departure Record



April 23, 2009

14. Family Name SAMPLE	16. Birth Date (Day/Mo/Yr) 23 03 68
15. First (Given) Name JANE	
17. Country of Citizenship NEW ZEALAND	

CBP Form I-94 (10/04)

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Federal Agencies

- Department of Homeland Security
 - CIS – Citizenship & Immigration Service
 - ICE – Immigration & Customs Enforcement
 - CBP – Customs and Border Protection
- Department of State – Consulates & Embassies
- Department of Labor

Citizenship v. Permanent Residence

- A “green card” is not the same as citizenship.
- Five years permanent residence (or three if married to a U.S. citizen) is required for naturalization in most cases
- Naturalization requires:
 - Speaking, reading and writing English
 - Knowledge of U.S. history and government
 - Good moral character (no “serious” crimes)

The 4 Basic Ways to Immigrate

- **Family-based** = you are sponsored by **a close family member** who is a U.S. citizen or lawful permanent resident who can prove financial ability to support you.
- **Asylee/Refuge** = you cannot return to your home country for fear of persecution based on your **national origin, ethnicity, political opinion, membership in a particular social group or religion**.
- **Diversity Lottery** = you are from a country that sends few immigrants to the U.S., you have two years of school or work, and you apply at the time designated by the Department of State and are chosen **randomly**.
- **Employment-based** = you are sponsored by an employer who has proven to the Department of Labor that there are **no qualified U.S. workers** to do the job offered and to the U.S. Citizenship & Immigration Service that you are qualified to do the job and there is a job available (the employer has the ability to pay the wage).

Family-Based Immigration

- **Unlimited** for spouses and minor children of U.S. citizens and parent of U.S. citizens who are over 21.
- **Quotas** for all other categories:
 - Unmarried sons & daughters of U.S. citizens (24,300/year)
 - Spouses & unmarried sons & daughters of permanent residents (114,200/year)
 - Married sons & daughters of U.S. citizens (23,400/year)
 - Brothers & sisters of U.S. citizens (65,000/year)
- Total is about 480,000/year = .15% of U.S. population

Family Waiting Lines (10/2009)

Family	All Areas Except Those Listed	CHINA	INDIA	MEXICO	PHILIPPINES
1st -unmarried sons & daughters of US citizens	22JUL03	22JUL03	22JUL03	08JUN92	08OCT93
2A- spouses & minor children of residents	01JUN05	01JUN05	01JUN05	01MAR03	01JUN05
2B – unmarried sons & daughters of residents	22AUG01	22AUG01	22AUG01	22MAY92	01MAY98
3 rd – married sons & daughters of US citizens	15JAN01	15JAN01	15JAN01	08JUL91	15OCT91
4 th – brothers & sisters of US citizens	15APR99	15APR99	15APR99	08OCT95	01DEC86

Employment-Based Immigration

- Total of 140,000/year (including dependents) = .046% of total population and about .097% of the working population.
- Categories based on skills & education required to do the job:
 - **Priority Workers** = international managers, outstanding researchers, extraordinary ability aliens (28.6% of total/year)
 - **Advanced Degree Holders** = job requires a master's degree or equivalent (28.6% of total/year)
 - **Skilled Workers** = job requires less than a master's degree (28.6% of total/year) BUT if the job requires less than 2 years experience or education only 5,000 visas/year ("other workers")
 - **Religious Workers & Ministers** = with proof of 2 years religious work in same denomination (7.1% of total/year)
 - **Employment Creation/Investors** = investing \$1 million and creating 10 jobs (7.1% of total/year)

Employment Waiting Lines (10/2009)

Employment -Based	All Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
1 st	C	C	C	C	C
2 nd -	C	22MAR05	22JAN05	C	C
3 rd -	01JUN02	22FEB02	15APR01	01MAY02	01JUN02
Other Workers	01JUN01	01JUN01	15APR01	01JUN01	01JUN01
4 th	C	C	C	C	C
5 th	C	C	C	C	C

Non-Immigrant Categories

- **None for family members** except fiance(e)s, who can enter temporarily to marry and then apply for immigration. Being in the waiting line does not allow you to enter the U.S., and can make it harder to do so.
- Some NIVs for employment-based applicants, but they are focused on **high-skill applicants or seasonal workers**. Seasonal non-agricultural workers are capped at 66,000/year and typically run out quickly each year.
- Even for high-skill applicants, the most common category (H-1B) is capped at 65,000/year (+ 20,000 for those with U.S. master's degrees). **These ran out on the first day of the application period before the 2009 recession hit.**

Most Common Non-immigrant Visas

- B-1/B-2 - visitor (no work allowed)
- F-1 - student (only available for full-time studies and work allowed only if part of studies , on-campus work or an internship)
- J-1 - exchange visitor/intern (18/12 month limit)
- H-1B - professional worker (six year limit) - 65,000 + 20,000 (Master's degree) new ones/year
 - Singapore and Chile trade agreements - not numerically limited
- H-2A - unskilled seasonal worker - agriculture (less than one year)
- H-2B - unskilled seasonal worker - non-agriculture (less than one year) (66,000/year)
- L-1 -intracompany transferee (5/7 year limit depending on type)
- O-1 - extraordinary ability (must be top of the field of expertise)
- P - performer or athlete (proof of national or international acclaim)
- Q - cultural exchange (public demonstration required - “Disney” visa)
- TN - NAFTA Schedule 2 - Mexico & Canada only, mostly professionals
- E-3 - Australia (like H-1B) - no numerical limits
- E-1 & E-2 - Substantial trade and investment
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- K-1- fiancé(e) (must marry sponsor within 90 days) (K-2 for children)
- K-3 - spouse temporary visa (K-4 for children)

Educational Perspectives

- All students living within a district are entitled to enroll in public elementary and secondary schools per *Plyler v. Doe* (US Supreme Court case).
- Information collection or inquiries at the time of enrollment could be construed to violate *Plyler* and should be avoided. (Ex. – requiring Social Security numbers of students).
- Unauthorized immigrants are not eligible for “means-tested” public benefits, but this has not been applied to reduced fee lunches or breakfasts.
- Prohibiting participation in extra-curricular activities also a potential *Plyler* violation.

Educational Perspectives (cont'd)

- Determining immigration status –even if allowed - is difficult if not impossible for a lay person (Ex. – some children are U.S. citizens through acquisition at birth and do not know this).
- The question of whether the child's immigration status allows attendance at school is different than the question of whether the school may refuse enrollment (Ex. – B visa students)

Educational Challenges

- Most schools are not focused on refusing enrollment but facilitating education.
- Status of parents is a real concern for children despite the child's immigration status. This can affect student involvement in school or willingness to have parents involved in education.
- If student is has no immigration status, higher education and career options are severely limited, affecting focus and goals of students.

Educational Challenges

- Language acquisition is a long process even for children. Schools and teachers must have reasonable expectations and resources.
- Cultural understanding and expectations can also have a profound affect on success in school (Ex. – “My new student can’t eat pork – what do I do?”)
- Resources: World of Difference, Iowa Council for International Understanding

Law Enforcement and Education

- ICE policy is not to enter school property or undertake enforcement close to schools.
- Know your Constitutional rights (Ex. – warrant v. consenting to search).
- Know your privacy obligations – consult your lawyer about what information you may release.
- Even though unlikely in current enforcement regime, think about what to do in case of a large-scale enforcement action (i.e., Postville, Marshalltown)

How can we fix this?

- DREAM Act and Comprehensive reform
- Create Smart Enforcement
- Create an Employment-Based Program to Meet Workplace and Economic Needs
- Keep American Families Together
- Create a Path to Citizenship
- Strengthen Our Nation's Security and Borders
- Promote Immigrant Integration
- Protect Fundamental Rights For All

What Can You Do?

- Talk to your Congressman – they need to hear from you about how the current system is affecting your schools
- Educate others – the general public does not understand the immigration system and challenges
- Be informed – join IIEC to receive the latest research and factual information about immigrants and immigration