

GLOSSARY OF IMMIGRATION POLICY



287g (National Security Program): An agreement made by ICE (Immigration & Customs Enforcement), in which ICE authorizes the local or state police to act as immigration agents. The policemen who want to participate in this program have to go through a five week training to become certified.

When a person is arrested and they are and suspected to be undocumented, generally the police can detain them (for a maximum of 48 hours) until an immigration agent comes to interview the detainee.

With 287g, a jail does not have to wait for the immigration agents because there will be policemen trained to identify whether people have papers or not. When the policemen can identify undocumented workers, the incarceration process in detention and deportation centers is accelerated.

AgJOBS (Agricultural Job Opportunities, Benefits and Security Act): A bill that provides a way for seasonal guest workers and undocumented farm workers and their families to obtain papers if someone in their family has worked in the farms for the last two years and they commit to working in the fields for a certain number of hours, for a duration of 3-5 years.

Amendment 14: Guarantees that all people born in the United States are automatically considered U.S. citizens. However, anti-immigrant groups and many of our representatives are working to change Amendment 14 of the Constitution so that a person born in the United States would not be a considered a citizen unless one of their parents was also a U.S citizen.

By changing this amendment, those born to parents that are U.S citizens would have access to political, social, and economic institutions, while those are born to undocumented parents would be excluded from this.

This system would effectively promote crime and dehumanize undocumented people. Those affected by these changes would live in fear and would have to constantly do things “under the table”—working, for example. Another problem that might be caused by these changes is that those children born in the United States are technically not citizens of their parent’s native born country either, so they would have a difficult time identifying with a country of birth in order to get papers such as a birth certificate.

Border Law (passed by President Obama): In August 2010, President Obama signed a law to stop the entrance of thousands of people from Latin American countries into the United States. Under this law, the federal government will contract 1,500 new border agents to stop those who want to enter the U.S. without documents, create new Border Patrol stations, and increase border surveillance. Some of the money invested in this law will supposedly also help Mexican authorities to try to cease or at least interrupt drug trafficking from Mexico into the United States.

Border Patrol/ U.S. Customs and Border Protection (CBP): The federal law enforcement agency within the Department of Homeland Security (DHS), created in 1924 in response to immigration. Border Patrol lists their primary mission as preventing terrorists and terrorists’ weapons from entering the United States, as well as “to detect and prevent the illegal entry

of aliens into the United States". CBP has more armed law enforcement officers than any other agency in the federal government.

(See also: Militarization of the Border)

Comprehensive Immigration Reform: Set of laws that would provide a pathway for undocumented immigrants to obtain citizenship by meeting certain requirements. Some proposals for requirements have included paying taxes and fines, demonstrating they have good character and morals (meaning they had not been convicted of any crime), and by satisfying other requirements.

Department of Homeland Security (DHS): Federal agency created in 2002. DHS is divided into 3 units: U.S. Citizenship and Immigration Services (CIS), U.S. Immigration and Customs Enforcement (ICE) which handles immigration enforcement within the U.S. border, and U.S. Customs and Border Protection (CBP) which handles enforcement outside the U.S. border.

Deportation: Expelling a non-citizen from the United States by legal process. As of September 2011, the Obama administration had deported approximately 1.06 million people, nearly as many deportations of undocumented immigrants in one single presidential term as George W. Bush's two presidential terms combined.

Detention: Restricting an individual's freedom of movement by government authorities, usually through forced confinement. According to international human rights laws, everyone has the right to liberty, freedom of movement, and the right not to be arbitrarily detained. Using detention in response to unauthorized migration undermines these human rights. About half of all immigrants held in detention are held for immigration purposes only and have no criminal record at all.

The U.S. government detained approximately 380,000 people in immigration custody in 2009, in a mix of 350 facilities at an annual cost of more than \$1.7 billion. These facilities are a mix of DHS owned facilities and county and city prisons where DHS "buys" bed space.

(See 'Detention facility' below)

Detention facility: Physical places where individuals are confined. ICE operates and has contracts with detention facilities across the country. Most detainees are held in local jails, to which the government pays a fee for holding them.

Of the approximately 350 facilities used by the Department of Homeland Security to detain immigrants, only 8 are owned and operated by ICE. ICE has contracts with over 240 local or county facilities, private prison corporations, and the federal Bureau of Prisons. In other words, detention of immigrants has turned for-profit prisons into a multi-billion dollar industry.

DREAM Act (Development, Relief and Education for Alien Minors): Bill that would provide a pathway for young undocumented students (between the ages of 12-35) who were brought by their parents before the age of 16 to the United States and who had been in the country for at least 5 years, to gain U.S. citizenship if they completed 2 years of a higher education or they joined the military. This law was amended in 2010, making the requirements much more stringent, but was not passed in the House of Representatives by a mere 4 votes. Versions of the DREAM Act have since passed on a state level to provide in-state tuition for undocumented residents of the state, **such as in California.**

E-Verify (National Security Program): E-Verify is part of an initiative that aims to promote the auto-deportation of undocumented immigrants by increasing the obstacles to finding jobs. It is currently a voluntary program between the Department of National Security and employers. The program gives the employers the option to electronically verify if a person has papers to work.

In some states (like Florida) E-Verify is mandatory for any company that works with the state government. There are many Florida representatives who want the use of E-Verify to be mandatory for all employers in Florida.

When a person searches for a job and they fill out the I-9 form they have to give personal data to the employers: information such as their full name, date of birth, social security number, and migratory status. This information is submitted electronically and is later compared to the Department of National Security and Social Security database.

This program confirms if the person has permission to work. If the program cannot identify this status the employer has 8 days to contact the Department of National Security or the Social Security Agency to resolve the case. If the employer does not go through this process they have to fire the undocumented worker so that they, the employer, cannot be charged with the violation of the law (of employing an undocumented worker).

The E-Verify program is voluntary unless the employer has been guilty of employing undocumented workers in the past, has specific federal contracts or is in a state that requires the use of this program by law.

There have been many problems with the E-Verify program. A flawed database failed to recognize many people who are authorized to work and has been used incorrectly by the employers (on many occasions the employers will fire people before the 8 days, or they will only hire people that the system recognizes automatically). Additionally, any person who pretends to be an employer has access to the E-Verify database.

Recently, the Obama administration has pushed to make E-Verify a federal law required for all employers.

ICE (Immigration and Customs Enforcement): Federal agency that enforces immigration and naturalization services within U.S. borders, including detention, removal and worksite raids. ICE has 14 programs in order to work with local agencies to enforce laws, agencies like the police or the jail system. These 14 programs in conjunction are called ICE ACCESS (Immigration and Customs Enforcement Agreement of Cooperation in Communities to Enhance Safety and Security); it includes programs like Secure Communities (S-COMM) and 287(g).

“Illegal”: a slanderous term, inaccurately used to describe immigrants who are in the United States without authorized status. The word “illegal” frames a person as a criminal and connotes that the person's mere existence is against the law and thus the person has no rights. In fact, the act of being in violation of immigration laws is NOT a crime, and thus **this term is both misleading and offensive.** (We at YAYA use the term “undocumented”.)

Militarization of the Border: Since 1993, the U.S. Border Patrol has escalated its militarization along the United States-Mexico border, placing agents and enforcement resources at border crossing points. It has implemented a few major operations:

- **Operation Blockade/ Hold the Line (1993):** Implemented in 1993 by the El Paso Border Patrol, which placed approximately 20 agents along the walls of the Rio Grande accompanied by low flying helicopters for the small pockets that agents could not see. Some Americans, especially at the immediate local level, viewed it as an anti-crime operation and were thus fervent supporters of this type of action.
- **Operation Gatekeeper (1994):** This operation in San Diego in 1994 directly followed the 1993 operation, as a response to growing uncertainty and anti-immigrant sentiments amongst the white community in California following a state recession. This operation extended border walls, and used high-intensity stadium lights, heat sensors, helicopters, and infrared telescopes.
- **Operation Safeguard (1994):** This operation aimed to divert immigrants' attention from areas where the Border Patrol had less personnel to those where they had more men. In areas where they had less personnel and equipment, they made patrols more visible; in the areas densely populated by the patrols they would camouflage and make agents harder to spot. This operation also used different non-governmental agencies such as Ranch Rescue, and Civil Homeland defense to arrest people and turn the "would- be" immigrants over to border patrol.
- **Operation Rio Grande (1997):** This operation was designed to safeguard the area around the Rio Grande. During the time of this operation, "deaths of unauthorized migrants increased as much as 1,181 percent from 1996 to 2000 for the entire Texas-Mexico border."
- **Secure Fence Act (2006):** The point of this act was to keep the American border as "secure" as possible for the Americans. The bill was supported by people who wanted to cut off illegal immigration and force people into finding "legal channels" to enter the United States. This Act was also used as an excuse to try and limit the amount of drugs that are smuggled into the United States every year. The Act created a physical fence that ran for 700 miles between the border of the United States and Mexico.

Secure Communities/S-COMM (National Security Program): Secure Communities, or S-COMM, is an agreement between ICE and local law enforcement agencies that allows them to automatically determine the immigration status of a person by taking their fingerprints. It gives local law enforcement access to the federal ICE database.

This agreement can be signed by ICE and any police officer, jail warden, or company who manages the finger prints in the state. It is important to remember that S-COMM is NOT a law.

When the police arrest someone for whatever reason (including not having a valid identification or driver's license, for example), they generally send the person's fingerprint to the Department of Justice to be able to determine the criminal records of these people.

Under S-COMM, fingerprints are also sent to ICE to establish an immigration history of the person. A person that did not show up for a court hearing or anyone who stayed in the country longer than their visa permitted could easily be recognized by ICE as an immigrant without valid status. If you are undocumented but have never had a record in this country, ICE will interview you either in person or through video conference. ICE or the local police can detain someone legally for 48 hours, while establishing whether or not the detainee is undocumented. This period of 48 hours is called a **detainer**.

If ICE establishes that you are an undocumented immigrant, ICE could arrest you, transfer you to a detention center or initiate the deportation process. Your fingerprints would be sent to ICE even if you have not been found guilty of any crime or if you have been the victim of a crime. ICE also has not excluded juveniles.

Even though ICE claims to give priority to the people who are guilty of crimes, if they are given the capacity to arrest, incarcerate, or extradite all undocumented immigrants around the area, they will do so.

Finally, even if ICE says that S-COMM is an agreement between ICE and different law enforcement agencies, ICE has not established a process by which the local authorities could opt out of the program. ICE states that the program is mandatory for any agency that wants to investigate any person's criminal records.

State Level Laws: in most states, undocumented immigrants lack basic rights such as obtaining a driver's license and barriers to things like getting a higher education, taking out a home loan, or having a bank account. While immigration policy is determined at the federal level, states and localities are increasingly passing legislation that imposes criminal penalties on undocumented immigrants. According to the **ACLU**, "The use by states and localities of criminal laws to go after undocumented immigrants simply for being undocumented is generally unlawful, because the federal government has sole power to regulate immigration." While the constitutionality of enacting immigration laws at the state level has been largely called into question, states are increasingly passing their own laws that criminalize immigrants and make it nearly impossible to live a dignified life.

- **Arizona's SB1070:** Also known as the Support Our Law Enforcement and Safe Neighborhoods Act, signed into law on April 23, 2010 in Arizona. Designed to eliminate illegal immigration in the state through the use of state and local law enforcement actions. SB1070 is especially contentious because it allows law enforcement to investigate and detain anybody for whom they have "reasonable suspicion" of unlawful presence, which in practice can lead to racial profiling.
- **Alabama's HB 56:** Passed in 2011 in Alabama, this bill is considered to be the harshest anti-immigrant bill in the U.S. Like Arizona's SB1070, it contains the "reasonable suspicion" provision, along with explicitly denying access to public benefits to undocumented immigrants, mandating participation in E-Verify, forbidding landlords from renting property to undocumented immigrants, and requiring schools to verify immigration status of students for statistical purposes. The law has already had drastic impacts on Alabama's agricultural industry.

Wet Foot, Dry Foot: Established in 1995, this law says that immigrants from Haiti or Cuba that are able to touch American land can apply for their citizenship after one year, but the people who are found at sea are to be returned to their country. This law gives preferential treatment to specific immigrant groups, and those who do not reach American soil are sent back to their home country no matter what will happen to them when they return.

