

# Youth Justice Coalition

## WE CAN GET THIS!!!

WEEK OF APRIL 8th

'07

STUFF TO  
DO THIS  
WEEK!

1

pages 2- 25

This week, City Attorney Rocky Delgadillo announced that both the City and District Attorneys' offices will be seeking "fast track" deportations for all alleged gang members. The YJC has warned about this strategy for many years. It links everyone on gang databases (all of whom are defined under California's STEP Act as Street Terrorists) with federal legislation -- such as the '94 Crime Bill and the Patriot Act -- to eliminate legal protections such as rights to due process. Because the legal definition of "gang member" is so broad, this move will affect thousands of people in L.A. who are *not* violent criminals, including many people who are not even active gang members. Please use the immigration guide on the following pages to notify people of their rights and help them avoid and/or fight deportation cases. Contact the organizations on page 25 for support. You can also the YJC for a free immigration law workshop.

2

pages 26/27

Write a letter in support of State Senate Bill 999, which will end Juvenile Life Without Parole in California and for State Assembly Bill 1300 which will give youth in Division for Juvenile Justice facilities (CYA/DJJ) greater contact with their families. Sample letters are included on pages 26 and 27. To attend the hearing on ending Life Without Parole, April 17<sup>th</sup> in Sacramento, contact the YJC for transportation -- 323-235-4243; [freelanow@yahoo.com](mailto:freelanow@yahoo.com).

**U.S. Immigration Law including  
what to do when questioned or detained  
by the police, ICE or FBI.**

Free Workshop!



**WE ARE NOT  
ILLEGAL!**

**Legal Ed Guide - Copywrite Free**

**Contact the YJC if you want to schedule  
a workshop - 323-235-4243 or  
e-mail us at [freelanow@yahoo.com](mailto:freelanow@yahoo.com).**

1. **Your Legal Rights if You're Stopped by the Cops, FBI or Immigration: Pages 2 - 3**
2. **Deportation: Pages 3 - 6**
3. **For Students – The Laws for People Going to School in the U.S.: Pages 6 - 7**
4. **Understanding the Language -- Immigration Law, Policies and Practice: Pages 7 - 20**
5. **History of Immigration Policy in the U.S. and It's Impact on L.A.: Pages 20 - 24**
6. **Immigration 411 – Where You Can Go for Support: Page 25**

**Shout Outs:** Much gratitude and respect goes out to all the organizations and individuals whose knowledge and information contributed to this booklet: The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); American Civil Liberties Union (ACLU) – Los Angeles Chapter; Coalition of Concerned Legal Professionals; Families for Freedom – New York and New Jersey; Arthur D. Jacobs, Major, USAF Retired; Michael Powers, author of Executive Order 9066 - FDR's Enduring Legacy; and the International Students and Scholars Office at Columbia University.

**Immigration statistics and terms** are based on the laws and policies enacted by the United States and its chief Immigration Agency – ICE – Immigration and Customs Enforcement within the Department of Homeland Security, including the Yearbook of Immigration Statistics

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 Youth Justice Coalition/L.A. 323-235-4243 [freelanow@yahoo.com](mailto:freelanow@yahoo.com)



**ENFORCEMENT CONTACT PUTS YOU AT RISK FOR DEPORTATION -- INCLUDING JAIL AND PRISON GUARDS, POLICE, HIGHWAY PATROL, SHERIFFS, PROBATION, FBI AND OTHER FEDERAL AGENCIES SUCH AS ICE (IMMIGRATION AND CUSTOMS ENFORCEMENT), ATF (ALCOHOL, TOBACCO AND FIREARMS), AND DEA (DRUG ENFORCEMENT AGENCY).**

**FOR THIS LEGAL ED GUIDE, POLICE REFERS TO ALL LOCAL LAW ENFORCEMENT INCLUDING LAPD AND OTHER CITY'S DEPARTMENTS, COUNTY SHERIFFS AND HIGHWAY PATROL.**

**IF YOU'RE STOPPED ON THE STREET:**

1. Under U.S. law, the police and other law enforcement can stop and ask questions to anyone at any time. **BUT YOU HAVE THE RIGHT TO REMAIN SILENT!!!** Give your name and nothing else. Do not give them I.D. – especially unofficial or “illegal” I.D.
2. Flip the Script: “I will not answer any questions without speaking to a lawyer. I want to see a lawyer as soon as possible.”

**IF THE COPS, ICE OR THE FBI COME TO YOUR HOUSE:**

If a police officer, ICE, the FBI (or any other law enforcement agency) comes to your house, DO NOT open the door unless they have a search warrant **signed by a judge**. Ask if they have a warrant **without opening the door**. If they do, you have the right to review the warrant before they enter. These rights also apply to another person’s house where you may be staying.

There are only two ways that law enforcement can enter without a warrant: (1) If someone living at the location is on Probation or Parole, they can enter to check on that person only! (2) If they believe that a crime is being committed at that moment, then they can enter. For example, if they are chasing someone who enters a house or building, then they can follow. If they get a phone call that someone is in danger, or hear something from inside the location such as gunshots, an argument or screaming, then they can enter to save a life. ***In other words, they can enter without a warrant to check on a Probationer or Parolee or to investigate a crime ONLY!!! Everyone should remain silent and give no information on your identity and history in the U.S.!!!***

**Remember:** Write down the *name(s)*, *agency* (FBI, LAPD or other police department, ICE), and badge numbers of any officers who come to your house. You can find this information on the officers’ uniforms and cars. **All police in L.A. County are also required to give you a business card when asked.**

**IF YOU'RE STOPPED IN YOUR CAR:**

1. If immigration agents or police signal you to stop while you are driving, under the law, you must pull over.
2. For your own protection against police shooting, we recommend that you, *and all passengers* in the car put both your hands out the car windows to show that you are not a threat in any way. People sitting in the middle of other passengers should put their hands on the ceiling of the car. Keep your hands in this position until the police ask for your license and registration. Keep these ID's in a convenient place – the best is on the sun visor directly above the driver's head – and tell the police where you are reaching *before* you get your IDs.
3. The police can require you to give your name, driver's license and proof of car registration and insurance.
4. Passengers are also required to give their names.
5. **DO NOT GIVE ANY OTHER INFORMATION AND ANSWER NO QUESTIONS!!!!**

**PROTECT YOURSELF AT WORK:**

Federal law protects workers' rights in the U.S. regardless of documentation, including the: National Labor Relations Act (NRLA), Railway Labor Act, Occupational Safety and Health Act (OSHA), Americans with Disabilities Act (ADA), Title VII of the 1964 Civil Rights Act, and the Fair Labor Standards Act.

**For example, OSHA and Title VII can be used to push employers to provide a workplace free of discrimination based on race, gender or ethnicity – including immigration status. The FSLA generally requires that employers pay all**

Both workers *with and without documents* **have a right to form and join unions and workers' rights organizations**, and to organize for worker protections, participate in collective bargaining and engage in other activities protected under the NRLA.

**However, it is common for employers to use the threat of ICE notification and deportation to increase the fear of immigrant workers to organize.** In addition, many workers are afraid to participate in agency investigations of employer wrong-doing, because the agencies that monitor conditions and mistreatment are federal – such as the National Labor Relations Board and the Wage and Hour Division of the U.S. Department of Labor and the Equal Employment Opportunity Commission (EEOC).

**If you believe an employer is treating immigrant workers unfairly or is using the threat of immigration raids and deportation to scare workers,** contact a workers' rights organization to help you in protecting the rights of workers and fighting for improved conditions and treatment. These

groups are listed below under 411.

**IF THE POLICE, ICE OR OTHER AGENTS RAID YOUR OFFICE, DO NOT GIVE THEM ANY INFORMATION, IDENTIFICATION OR ANSWER ANY QUESTIONS. ENCOURAGE YOUR CO-WORKERS AND EMPLOYERS ALSO TO REMAIN SILENT!!!** As with any police action, tell the officers that no one will talk until they speak to a lawyer!!!

**INFORM YOUR EMPLOYER THAT THEY SHOULD NOT ALLOW ANY LAW ENFORCEMENT TO ENTER YOUR PLACE OF BUSINESS WITHOUT A SEARCH WARRANT SIGNED BY A JUDGE.** The search warrant will include where the search can take place. If the warrant doesn't specifically include employee records, then your boss should not share any worker's name or documents with law enforcement.



**YOU CAN BE "LEGALLY" DEPORTED IF YOU HAVE:**

**ANY CRIMINAL CONVICTION**

Even if the conviction is old – *including convictions from years or decades ago* -- if you have only a green card, or if you **never** served time in jail you can still be deported. Consult a lawyer specializing in deportation *before* you go to the immigration office, leave the country, or apply for your green card/citizenship. Consult a lawyer specializing in deportation *before* you go to the immigration office, leave the country, or apply for your green card/citizenship. **PEOPLE WITH AGGRAVATED FELONIES, AS WELL AS PEOPLE WHO ARE ON A GANG DATABASE OR GANG INJUNCTION ARE MOST AT RISK. THE U.S. IS INCREASINGLY MOVING FOR FAST-TRACK DEPORTATIONS ON THESE CASES.**

## **NO PAPERS**

You may be undocumented/have no papers if you crossed the border, overstayed your visa, came on a false passport, or are adjusting your status (even if you have a work permit).

## **AN OLD ORDER OF DEPORTATION**

Sometimes immigration orders you deported, but does not tell you. You may have an old order if you lost your asylum case, skipped an immigration interview or skipped an immigration hearing.

***If you have an old order of deportation, you will not see a judge and can be deported immediately.***

To find out if you have an old order of deportation follow these steps:

1. Find your Alien Registration Number (A#). It is on the I-94 card on your passport, green card, work permit or any other document from immigration. It looks like: A99 999 999. (Some newer numbers have nine numbers following the A.)
2. Call 1-800-898-7180. This is the hotline for the immigration court.
3. Press "1" for English or "2" for Spanish.
4. Enter your A-number and listen for instructions. If your number is in the system, then this means that you had a deportation case at some time.
5. Press "3" to find out if an immigration judge ordered deportation (removal) against you.

If the hotline says you have a deportation/removal order, **talk to a lawyer specializing in immigration deportation before you go to the immigration office, leave the country, or try to adjust your status.**

## **IMMIGRATION CAN DETAIN YOU WHEN:**

### **YOU LEAVE THE COUNTRY AND TRY TO RE-ENTER**

At an airport, seaport, or at the border, immigration agents may detain you if you have an old conviction, false papers or a deportation order.

### **POLICE STOP YOU**

Regular police officers may send you to ICE if you have a past conviction or old deportation order. If police stop or arrest you:

1. **Don't say anything or answer any questions!!! You are not required to give any information or identification to the police, FBI or ICE!** If they pressure you to talk or arrest you, immediately say that you will not answer any questions without speaking to a lawyer. Don't say anything else, no matter how much pressure you get or the benefits they say you'll get by speaking. Under the law, law enforcement officers are allowed to *and trained to LIE* in order to get a confession.

U.S. law includes a Supreme Court decision that established what is known as your *Miranda Rights* – "You have the right to remain silent. Anything you say can and will be used against you in a court of law." That's anything you say **AT ANY TIME**, including what you say to undercover cops, to wired informants, on tapped phones or while under police video or audio taped surveillance.

2. Record who arrested you. Write down the officer(s) *name, agency* (FBI, LAPD or other police department, ICE), and badge number. You can find this information on the officers' uniforms and cars. **All police in L.A. County are also required to give you a business card when asked.**
3. Do NOT sign any papers without talking with a lawyer first. Officers will try to scare or trick you. Don't be fooled!!!! **You could be signing a statement admitting to something illegal or agreeing to your deportation without a hearing!!!!**
4. Do not give any information about where you were born or how you came here. By giving this information, you are helping the government deport you faster!
5. As long as you don't sign away your rights, you have the right to an immigration hearing and can have a lawyer in that hearing. However, unlike criminal court, immigration hearings do not come with free legal defense.

***It's still very important to get legal representation if you can:*** Do NOT take a guilty plea without speaking to a lawyer specializing in deportation. Defense lawyers, regular immigration attorneys, prosecutors and judges often don't know immigration law or the consequences of a conviction. Don't rely on their opinion. Also, too many attorneys take cases for money and make promises they can't keep. Use the resources on the back of this book to get free or low-cost services and won't bull-s%#t you!

### **YOU FINISH DOING TIME FOR A CRIMINAL CONVICTION**

You may be sent to immigration after you complete jail time, probation, a court-ordered drug rehabilitation program or community service, juvenile hall, Probation camp, state prison or California Youth Authority/Division of Juvenile Justice.

**While you are in custody, do not sign any papers – no matter how much pressure you get. Law enforcement and immigration officers often try to pressure people in lock-up to sign papers allowing for their deportation!**

### **YOU APPLY FOR CITIZENSHIP OR GO TO ANY IMMIGRATION OFFICE**

If you are at risk of deportation and go to any law enforcement or immigration office, you risk being detained. People have been deported when they go to pick-up a work permit or green card, inquire about their citizenship application, or go for an appointment. If you have an order of deportation or past conviction and decide that you must go to an immigration office, call a deportation specialist – (several are listed below under 411) – before you go.

Follow these tips:

1. Tell a family member or close friend where you are going, and set a time to call them after the visit. If you do not call because you are detained, they should start looking for you (follow the steps below to find someone in detention).
2. Do NOT take your birth certificate, passport, work permit, travel documents, or green card. If you must take certain items, **GIVE COPIES** of everything you take to a relative or friend first.

If you are going in response to an appointment letter, leave a COPY OF THE LETTER with a relative or friend.

### **PROTECT YOURSELF - FOR DETAINEES & PRISONERS**

1. If possible, carry the name of an immigration attorney or community-based legal center at all times. Once again, make sure your family also has your Immigration Number – a.k.a. “A” number – at all times in case you are detained. (Again, your A# is on most immigration papers and looks like: A99 999 999. Some newer numbers have nine numbers following the A.)
2. Remember that while you are in lock-up, no matter how you are pressured or what promises are made to you by the police, immigration agents or prison guards, DO NOT answer any questions, or sign any statements or documents, especially ones giving up your right to an immigration hearing in front of an immigration judge.
3. If you have an old order of deportation, Immigration may try to deport you without a hearing before a Judge. **You can challenge this by requesting to see a Judge.**
4. Make sure your family members have a copy of your immigration paperwork, including your **Notice to Appear (NTA)**.
5. If you are able to see an immigration judge and you do not have an attorney, tell the judge that you need more time to find someone to represent you. DO NOT admit to ANY OF THE CHARGES against you. DO NOT go into detail about your case. Anything you say can and will be used against you – even your country of birth.
6. If you think you may be transferred to a detention center far from your home, and you already have a lawyer, have them file an immigration form with DHS saying that they are representing you. This form is called a G-28. You can download it from DHS at <http://www.immigration.gov/graphics/formsfee/forms/g-28.htm>. Fax the form to the Deportation Officer immediately. This form may convince the officer to stop your transfer.

### **FIGHT FOR THE RELEASE OF YOUR FRIENDS AND FAMILY – FOR PEOPLE ON THE OUTSIDE**

**KEEP THE FOLLOWING INFORMATION ABOUT THE PERSON WHO IS DETAINED:**

1. Full name and aliases and birth date.
2. "Alien Registration Number" a.k.a. the A number. It is on most immigration papers, including the I-94 card on your passport, green card, or any other document that immigration gives you. (One more time, the A# looks like: A99 999 999. Some newer numbers have nine numbers following the A.)
3. Date person entered the U.S. and how (visa, cross border, green card, through marriage, etc.)
4. Try to have a list of the precise criminal convictions in the person's past, including date of arrest, place of arrest (City, State), date of conviction, and the sentence for each instance. If possible, get a copy of the person's "rap sheet," the official record of all police contact in a person's history. Get a Certificate of Disposition for each conviction from the court clerk's office in the courthouse where the criminal case was heard.
5. A copy of your **Notice to Appear (NTA)** and **all other immigration paperwork**.
6. Support documents: collect letters from employers, church, community organizations and/or public officials, certificates, pay stubs, diplomas – any documents showing that the person facing deportation has family, community ties and a "good character."
7. If you are looking for someone who has been detained, contact the Bureau of Immigration and Customs Enforcement Deport Office -- -- and ask to speak with a supervisory deport officer. Give them the person's full name

and A#. (Note: Deportation officers may refuse to speak to anyone besides an attorney or the person being deported. You should still try.)

## 3-For Students

Become familiar with the following terms, as they are used repeatedly in by college, university and government officials.

**Certificate of Visa Eligibility** - Students who (1) have been admitted to a college, university or other educational program, (2) need a student visa to enter the United States to study (except Canadian citizens who do not require a passport or visa), and in most cases will (3) have to document their ability to finance their education, will receive a Certificate of Visa Eligibility, Form DS-2019. This document certifies eligibility for an entry visa obtained at a U.S. consulate abroad, and must be shown to a Department of Homeland Security (DHS) official at the time of entry into the U.S. in order to enter with a student status. Also known as a Visa Certificate, the DS-2019 is processed and issued through SEVIS.

**SEVIS** - SEVIS is an acronym for Student and Exchange Visitor Information System. It is a data collection and monitoring system that creates an interface between institutions of higher education, the Department of Homeland Security (DHS), consulates and embassies abroad, and ports of entry. Schools are required to make regular electronic updates in SEVIS throughout each semester on the records of their enrolled students in F-1 and J-1 status-and their dependents-and their researchers and faculty in J-1 status. This includes, but is not limited to enrollment status, changes in address, changes in level of study, employment recommendations, and school transfers.

**Form I-94** - This small white card is a record of your legal entry into the U.S. and immigration status. You complete it on a flight to the U.S. or at a border crossing, and it is then processed at a port of entry. An immigration inspector usually staples it into your passport. Form I-94 notes name, date of birth, country of citizenship, and the date and port of your arrival in the U.S. It also indicates how long you can stay in the United States. The notation D/S signifies "duration of status" and refers to the completion date on the I-20. The Form I-94 is also a record of your arrivals and departures. Each time you leave the country you surrender your I-94. Only in the case of short trips to Canada, Mexico, and parts of the Caribbean do you keep this form. The I-94 is an important form; we recommend that you make a photocopy of both sides of the form to keep separately in case you need to replace it.

**Form DS-2019** - The Certificate of Eligibility for Nonimmigrant J-1 Exchange Visitor Status is commonly known as the Form DS-2019 (formerly Form IAP-66). This is the document issued by the program sponsor - the university, government agency or other organization sponsoring the visit - through the internet-based Student and Exchange Visitor Information System (SEVIS) for presentation at a U.S. consulate abroad to apply for a J-1 Exchange Visitor visa. It must also be presented to an immigration official upon entry into the U.S. It is your responsibility to keep all DS-2019's issued to you throughout your student status, no matter how long you stay in the U.S. or how many times you travel abroad. The initial DS-2019 used when you enter the country and stamped by the DHS is a very important immigration document. Make a copy of both sides to keep with your records.

**Form I-20** - The Certificate of Visa Eligibility for Nonimmigrant F-1 Student Status is commonly known as the I-20. This is the document issued by a school through the internet-based Student and Exchange Visitor Information System (SEVIS) for presentation at a U.S. consulate abroad to apply for an F-1 Student visa; it must also be presented to an immigration official upon entry into the U.S.

**Immigration Status** - This is often confused with "visa" but your immigration status, e.g., F-1, B-2, J-1, etc., is determined at the time of your entry into the U.S. by an immigration official and is noted on the Form I-94. You may have many visa stamps in your passport but, upon entry into the U.S., an immigration inspector will admit you in only one immigration status which is noted on the I-94 card (see above). Be sure the correct status is written on your I-94 card. Unlike your entry visa, your immigration status may be changed in the U.S. The U.S. Department of State web site at [http://travel.state.gov/visa/temp/info/info\\_1298.html](http://travel.state.gov/visa/temp/info/info_1298.html) provides further clarification on visa and status differences. Several important differences between the F-1 and J-1 immigration status are described at the end of this section.

**Passport** - Students in F-1 or J-1 immigration status must keep their passports valid at least six months into the future at all times. You may obtain extensions of your passport through the nearest consulate or embassy of your country.

**Entry Visa** - Your entry visa is issued by a United States Consulate abroad and affixed into your passport. The only purpose of an entry visa is to apply for admission to the United States at the port of entry. The entry visa itself may expire while you are in the U.S., but your permission to stay in the U.S. remains valid. All international students - with the exception of Canadian nationals - requesting F or J immigration status are required to have a valid F-1 or J-1 entry visa in their passport at the time of entry into the U.S. Your visa specifies the type of immigration status you will hold (F-1, J-1, etc.), the date until which you may enter the U.S., and the number of entries you may make before you must apply for a new entry visa stamp. The length of validity of each visa type is determined by an agreement between your home country and the U.S. government and is not necessarily tied to the length of your program of study. You can go to the State Department's Visa Reciprocity information on their website for more details.

F-1 or J-1 entry visas cannot be obtained within the U.S. Application for a new visa must be made in person at a U.S. consulate or embassy outside the U.S. The validity period of your visa does not determine the length of time you may remain in the U.S. after you enter. Your length of stay is determined by the expected completion date of your program as indicated

on your DS-2019. You are admitted to the U.S. for "duration of status" in J. This is notated as "D/S" on your I-94 card. The U.S. Department of State web site at [http://travel.state.gov/visa/temp/info/info\\_1298.html](http://travel.state.gov/visa/temp/info/info_1298.html) provides further clarification between the expiration date of an entry visa and the duration of time you are permitted to stay in the U.S. in your status.

### Differences Between F-1 and J-1 Status

There are two types of entry visas issued to nonimmigrant students who intend to study in the U.S. - the F-1 Student visa and the J-1 Exchange Visitor visa. A student's accompanying spouse and children are given an F-2 or J-2 visa.

- Source of Funding - J-1 Exchange Visitor status is available to those students who are supported substantially by funding other than personal or family funds. Such funding may include that which comes from the U.S. government or the student's home government, an international organization, or the college/university. Students who are supported by personal or family funds are ineligible for J-1 immigration status, and must come to the U.S. to study in F-1 immigration status.
- Foreign Residence Requirement - Students in J-1 immigration status and their J-2 dependents may be subject to a "foreign residence requirement". This applies to those who have received U.S. or home country government funding or those who are on the "Country Skills List". The foreign residence requirement means that upon completion of the J-1 program they must reside in their countries of last legal permanent residence for two years before they are eligible to apply for entry into the U.S. on a specialized work visas (H or L) or an immigrant visa.
- J-1 students who receive direct or indirect U.S. or home government funding, or who are studying in fields for which personnel are considered in short supply in their home countries (most developing nations have "Country Skills" lists of varying lengths), are ineligible to apply for a change to another nonimmigrant status (except A or G) or permanent residency in the U.S. until they have satisfied the "two year home country physical presence requirement".

There is no foreign residence requirement for F-1 student status. Refer to the Department of State's web site.

- Medical Insurance - Students in J-1 status and their J-2 dependents are required to have comprehensive medical coverage in order to fulfill U.S. government regulations governing the J Exchange Visitor status. The medical insurance offered some colleges and universities may cover the requirements – it's important to check. If you purchase insurance other than the insurance offered through schools for your dependents or yourself, it will cost thousands of dollars per year in excess of the usual living expenses.
- Work Permission - Students in either F-1 or J-1 immigration status may work part time (up to 20 hours per week) either on or off school campus. For both statuses, permission to work off campus based on economic need may usually be requested only after the first full academic year of student status, and only under extraordinary circumstances of unforeseen need. The United States Citizenship and Immigration Services (USCIS) authorizes F-1 students to work off campus, whereas J-1 students submit an application for work permission to their visa sponsor, i.e. the agency or school that issued the DS-2019 form.
- Practical or Academic Training - Students in F-1 and J-1 immigration status are eligible to engage in differing lengths of practical or academic training during their studies and at the completion of their academic programs.

Practical training, a privilege of F-1 immigration status if you are eligible, is employment in one's field of study. Those in F-1 immigration classification may be eligible for "curricular" practical training during their programs, in addition to one year of "optional" practical training that may take place during or after one's program of study. Permission to engage in practical training may be granted only after you have been in valid student status for one academic year.

- Dependent Employment - Immigration regulations allow no circumstances under which the spouse (F-2) of an F-1 student can apply for work permission while in the U.S. The spouse (J-2) of a J-1 Exchange Visitor, however, may apply to USCIS for permission to be employed, if he or she can demonstrate a need for supplemental support for self or children. The spouse cannot obtain work permission in order to support the J-1 student. Form I-765, required to apply for J-2 work permission, may be filed electronically.

## 4-The Language

### U.S. Immigration Law, Policies and Practice

**DISRESPECTFUL/DISCRIMINATORY LANGUAGE:** We believe that much of U.S. law, including most Immigration law, policies and practice, is discriminatory in both the letter and application of the law. However, in order to organize for change, as well as to fight for the rights and protection of individuals, families and communities, we need to understand the law as it is written and practiced. Therefore, this section includes the details of U.S. Immigration law. The language, while we believe it is offensive in many places, has nevertheless been unchanged. We did however add quotes to the terms "Alien" and "illegal" because we do not believe that any person, regardless

of their nation of origin or their current place of residence or employment, should be criminalized based on geography.

A

**Acquired Citizenship** - Citizenship conferred at birth on children born abroad to a U.S. citizen parent(s).

**Absconder** - A person with a prior deportation order that knowingly or unknowingly did not leave the country. Most absconders do not realize that they are absconders and merely believe that they are undocumented. They are one of the most vulnerable categories of deportable immigrants. Many local law enforcement agencies categorize them as fugitive felons for arresting purposes. Once detained, absconders can be deported immediately and do not get a hearing in front of an immigration judge. Attorney General Ashcroft launched the "Absconder Apprehension Initiative" in January 2002 to locate and expel all absconders, and began with those from "Al Qaeda" countries. Currently the government has categorized more than 400,000 noncitizens from across the world as "alien" absconders.

**Adoption** - See *Orphan*.

**Adjustment to Immigrant Status** - Procedure allowing certain "aliens" already in the United States to apply for immigrant status. "aliens" admitted to the United States in a nonimmigrant, refugee, or parolee category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. In such cases, the "alien" is counted as an immigrant as of the date of adjustment, even though the "alien" may have been in the United States for an extended period of time. Beginning in October 1994, section 245(i) of the INA allowed "illegal" residents who were eligible for immigrant status to remain in the United States and adjust to permanent resident status by applying at a USCIS office and paying an additional penalty fee. Section 245(i) is no longer available unless the "alien" is the beneficiary of a petition under section 204 of the Act or of an application for a labor certification under section 212(a)(5)(A), filed on or before April 30, 2001. And, if filed after January 1, 1998, the "alien" must have been present in the United States on December 21, 2000. Prior to October 1994, most "illegal" residents were required to leave the United States and acquire a visa abroad from the Department of State as they are again now.

**Aggravated Felony** - A specific category of "criminal aliens". The term "aggravated felon" is an artificial immigration category, like "enemy combatant" and *not* part of the criminal code. "Aggravated Felons" are stripped of most of their rights. (Some aggravated felonies are neither aggravated nor felonies.) Aggravated felonies include most drug crimes and almost anything that can get you a sentence of 365 days or more. Immigrants with post-1996 aggravated felony convictions have virtually no options to fight their case. They are subject to mandatory detention and mandatory deportation. Aggravated felons are barred from returning to the U.S. for life, even if they have family here, and may never apply for US citizenship.

**Agricultural Worker** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor.

**Alien** - Any person not a citizen or national of the United States.

**Amerasian Act** - Public Law 97-359 (Act of 10/22/82) provides for the immigration to the United States of certain Amerasian children. In order to qualify for benefits under this law, an "alien" must have been born in Cambodia, Korea, Laos, Thailand, or Vietnam after December 31, 1950, and before October 22, 1982, and have been fathered by a U.S. citizen.

**Amerasian (Vietnam)** - Immigrant visas are issued to Amerasians under Public Law 100-202 (Act of 12/22/87), which provides for the admission of "aliens" born in Vietnam after January 1, 1962, and before January 1, 1976, if the "alien" was fathered by a U.S. citizen. Spouses, children, and parents or guardians may accompany the "alien".

**Application Support Centers** - USCIS Offices fingerprint applicants for immigration benefits. Some USCIS applications, such as the Application for Naturalization or the Application to Register Permanent Residence or Adjust Status, require the USCIS to conduct a FBI fingerprint background check on the applicant. Most applicants that require a background check will be scheduled to appear at a specific Application Support Center (ASC) or Designated Law Enforcement Agency (DLEA) for fingerprinting.

**Apprehension** - The arrest of a removable "alien" by U.S. Immigration and Customs Enforcement (ICE). Each apprehension of the same "alien" in a fiscal year is counted separately.

**Asylee** - An "alien" in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution.

**People that are fleeing persecution: Refugees get their status before entering the United States, and Asylees usually get their status after entering and seeking Political Asylum.**

Persecution or the fear thereof must be based on the "alien's" race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the "alien" last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 adjustments per fiscal year.

## B

**Beneficiaries** - “aliens” on whose behalf a U.S. citizen, legal permanent resident, or employer have filed a petition for such “aliens” to receive immigration benefits from the U.S. Citizenship and Immigration Services. Beneficiaries generally receive a lawful status as a result of their relationship to a U.S. citizen, lawful permanent resident, or U.S. employer.

**Border Crosser** - An “alien” resident of the United States reentering the country after an absence of less than six months in Canada or Mexico, or a nonresident “alien” entering the United States across the Canadian border for stays of no more than six months or across the Mexican border for stays of no more than 72 hours.

**Business Nonimmigrant** - An “alien” coming temporarily to the United States to engage in commercial transactions which do not involve gainful employment in the United States, i.e., engaged in international commerce on behalf of a foreign firm, not employed in the U.S. labor market, and receives no salary from U.S. sources.

## C

**Cancellation of Removal** - A discretionary benefit adjusting an alien’s status from that of deportable “alien” to one lawfully admitted for permanent residence. Application for cancellation of removal is made during the course of a hearing before an immigration judge.

**Certificate of Citizenship** - Identity document proving U.S. citizenship. Certificates of citizenship are issued to derivative citizens and to persons who acquired U.S. citizenship (see definitions for Acquired and Derivative Citizenship).

**Child** - Generally, an unmarried person under 21 years of age who is: a child born in wedlock; a stepchild, provided that the child was under 18 years of age at the time that the marriage creating the stepchild relationship occurred; a legitimated child, provided that the child was legitimated while in the legal custody of the legitimating parent; a child born out of wedlock, when a benefit is sought on the basis of its relationship with its mother, or to its father if the father has or had a bona fide relationship with the child; a child adopted while under 16 years of age who has resided since adoption in the legal custody of the adopting parents for at least 2 years; or an orphan, under 16 years of age, who has been adopted abroad by a U.S. citizen or has an immediate-relative visa petition submitted in his/her behalf and is coming to the United States for adoption by a U.S. citizen.

**Civil Surgeon** – A medically trained, licensed and experienced doctor practicing in the U.S. who is certified by USCIS (U.S. Citizenship and Immigration Service). These medical professionals receive U.S. immigration-focused training in order to provide examinations as required by the CDC (Center for Disease Control and Prevention) and USCIS. For medical examinations given overseas, please see Panel Physician.

IMPORTANT: medical examinations will not be recognized if they are given by a doctor in the U.S. who is not a Civil Surgeon; please make sure that your appointment is with a *Civil Surgeon* or your results and documents will be invalid.

**Conditional Resident** - Any “alien” granted permanent resident status on a conditional basis (e.g., a spouse of a U.S. citizen; an immigrant investor), who is required to petition for the removal of the set conditions before the second anniversary of the approval of his or her conditional status.

## Country of -

*Birth*: The country in which a person is born.

*Chargeability*: The independent country to which an immigrant entering under the preference system is accredited for purposes of numerical limitations.

*Citizenship*: The country in which a person is born (and has not renounced or lost citizenship) or naturalized and to which that person owes allegiance and by which he or she is entitled to be protected.

*Former Allegiance*: The previous country of citizenship of a naturalized U.S. citizen or of a person who derived U.S. citizenship.

*(Last) Residence*: The country in which an “alien” habitually resided prior to entering the United States.

*Nationality*: The country of a person’s citizenship or country in which the person is deemed a national.

**Crewman** - A foreign national serving in a capacity required for normal operations and service on board a vessel or aircraft. Crewmen are admitted for twenty-nine days, with no extensions. Two categories of crewmen are defined in the INA: D1, departing from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft; and D2, departing from Guam with the vessel on which he arrived.

**Criminal Alien** - Potentially any non citizen at risk of deportation for a past conviction (even green cards holders). Non-citizens may be deported for most crimes, even if they never served a day in jail. A “criminal alien” may be undocumented, applying for green card, or a green card holder with U.S. citizen family. A wide range of offenses can make someone a “criminal alien” – including a single marijuana conviction, a shoplifting violation, or even admission to a crime without ever being convicted. Criminal “aliens” are typically deported *after* they have served their sentence. Deportation is *not* part of the

criminal sentence, and criminal courts and prosecutors nationwide have fought to ensure that they are not obligated to warn a non-citizen that a guilty plea may result in deportation.

**Cuban/Haitian Entrant** - Status accorded 1) Cubans who entered “illegally” or were paroled into the United States between April 15, 1980, and October 10, 1980, and 2) Haitians who entered “illegally” or were paroled into the country before January 1, 1981. Cubans and Haitians meeting these criteria who have continuously resided in the United States since before January 1, 1982, and who were known to Immigration before that date, may adjust to permanent residence under a provision of the Immigration Control and Reform Act of 1986.

## D

**Deferred Inspection** - See *Parolee*.

**Departure Under Safeguards** - The departure of an “illegal alien” from the United States which is physically observed by a U.S. Immigration and Customs Enforcement (ICE) official.

**Deportable Alien** - An “alien” in and admitted to the United States subject to any grounds of removal specified in the Immigration and Nationality Act. This includes any “alien” “illegally” in the United States, regardless of whether the “alien”

Persons who can be deported include noncitizens (including green card holders) with past criminal convictions; visa overstays; refugee/asylum seekers; and those who entered without inspection (in other words jumped the border).

entered the country by fraud or misrepresentation or entered legally but subsequently violated the terms of his or her nonimmigrant classification or status.

**Deportation** - The formal removal of an “alien” from the United States when the “alien” has been found removable for violating the immigration laws. Deportation is ordered by an immigration judge without any punishment being imposed or contemplated. Prior to April 1997 deportation and exclusion were separate removal procedures. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 consolidated these procedures. After April 1, 1997, “aliens” in and admitted to the United States may be subject to removal based on deportability. Now called Removal, this function is managed by U.S. Immigration and Customs Enforcement.

**Derivative Citizenship** - Citizenship conveyed to children through the naturalization of parents or, under certain circumstances, to foreign-born children adopted by U.S. citizen parents, provided certain conditions are met.

**Detention** – Basically the same as jail, used while holding someone: (1) for a deportation hearing; (2) prior to deporting them; or (3) when they complete their criminal conviction at federal or state prison or at a youth prison (California Youth Authority/Department of Juvenile Justice or Probation Camp) people may be transferred directly to ICE or local detention to be deported. In some places including L.A. County, separate federally-run deportation centers exist for immigrants. In other places, cells in local city or county jails are rented out to the Department of Homeland Security to detain immigrants. Occasionally, people are also held at police or sheriffs’ stations awaiting pick-up by ICE agents. Detainees are housed in over 300 county jails, private prisons and federal facilities nationwide, often held with the general criminal population. **They may be transferred from one part of the country to another, without any rights to access to family or legal counsel.**

**Juveniles are required by law to remain “out of sight and sound contact” with adults, and may be held in a separate section of an adult facility or in a juvenile hall.** When youth are kept in adult facilities, contact the Youth Justice Coalition (see 411 Resources section below) to make an official complaint and get them moved.

People are detained at every step of the immigration “process”: (1) awaiting adjudication of asylum or adjustment applications; (2) picked up and jailed without charges; (3) pending immigration proceedings; (4) after being ordered deported, while BICE is actively trying to remove; and (5) sometimes *indefinitely*, where BICE knows it may not be able to deport someone with an order of deportation.

**Mandatory Detention** (incarceration without the chance to apply for bond) applies to most people with past criminal convictions, asylum seekers, and all noncitizens considered “inadmissible” (people physically in the U.S., but never admitted legally at a port of entry).

**Special Interest Detainees** - Refers to a group of “mostly Arab, South Asian, North African and Muslim detainees,” (U.S. government classification) who were held initially under suspicion of terrorism, and then on mostly minor immigration charges after September 11<sup>th</sup>. None of the special interest detainees was ever charged with activities related to September 11<sup>th</sup>. Special Interest detainees comprise only a fraction of the detained population, but their mistreatment was glaring. What categorized special interest detainees were the use of FBI clearances prior to immigration court, secret immigration hearings, refusal of the government to release their names, and automatic stays of judge’s orders of release or bond.

**Disregard for Habeas Corpus** – On September 29<sup>th</sup>, Congress (House detainee resolution H.R. 6166 and Senate 3930) sent a bill to President Bush that he is expected to sign which:

- Suspends the habeas corpus rights of anyone suspected of terrorism – including anyone labeled an “enemy combatant,” but also anyone suspected of supporting “terrorism.” The writ of habeas corpus – (which is usually translated to “show or bring the body”) – was first established by the Magna Carta in 1215, and adopted as a central point in the U.S. Constitution even before the drafting of the Bill of Rights. (“The Privilege of the Writ of *Habeas Corpus* shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” ([Article One](#), section nine of the U.S. Constitution.) Officially, **habeas corpus** is the name of a legal instrument or

writ by means of which detainees can seek release from unlawful imprisonment. A writ of *habeas corpus* is a court order addressed to a prison official (or other custodian) ordering that a detainee be brought to the court so it can be determined whether or not that person is imprisoned lawfully and whether or not he or she should be released from custody. The writ of *habeas corpus* in common law countries is an important instrument for the safeguarding of individual freedom against arbitrary state action. It is the cornerstone of a person's due process rights – which ensure that no one can be detained without hearing their charges and the evidence against them in a civil court, with right to defense counsel. **Without these rights, the U.S. can detain people they suspect of participating in or supporting “terrorism” – even secretly detain them -- indefinitely. The only other time in United States history when habeas corpus rights were suspended was by President Lincoln during the Civil War. Both at the time and historically, it is considered the lowest point of the Lincoln Presidency. The present case is a much more serious attack on civil rights since we are neither being invaded or are experiencing an insurrection or an invasion within our borders.**

- Allows for evidence secured through torture.
- Allows that trials of detainees that do occur can take place in a military court without the right to independent counsel.
- Overturns the decision of the Supreme Court that declared this year that detainees held at Guantanamo Bay and at several public and secret U.S.-operated detention centers around the world had their rights violated by being detained without access to counsel and court.

**District** - Geographic areas into which the United States and its territories are divided for the Immigration and Naturalization Service's field operations or one of three overseas offices located in Rome, Bangkok, and Mexico City. Each District Office, headed by a District Director, has a specified service area that may include part of a state, an entire state, or many states. District Offices are where most USCIS field staff are located. District Offices are responsible for providing certain immigration services and benefits to people resident in their service area, and for enforcing immigration laws in that jurisdiction. Certain applications are filed directly with District Offices, many kinds of interviews are conducted at these Offices, and USCIS staff is available to answer questions, provide forms, etc.

**Diversity** - A category of immigrants replacing the earlier categories for nationals of underrepresented countries and countries adversely "affected" by the Immigration and Nationality Act Amendments of 1965 (P.L. 89-236). The annual limit on diversity immigration was 40,000 during fiscal years 1992-94, under a transitional diversity program, and 55,000 beginning in fiscal year 1995, under a permanent diversity program.

**Docket Control** - The USCIS mechanism for tracking the case status of potentially removable "aliens".

## E

**Employer Sanctions** - The employer sanctions provision of the Immigration Reform and Control Act of 1986 prohibits employers from hiring, recruiting, or referring for a fee "aliens" known to be unauthorized to work in the United States. Violators of the law are subject to a series of civil fines for violations or criminal penalties when there is a pattern or practice of violations.

**Exchange Visitor** - An "alien" coming temporarily to the United States as a participant in a program approved by the Secretary of State for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training.

**Exclusion** - Prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, exclusion was the formal term for denial of an alien's entry into the United States. The decision to exclude an "alien" was made by an immigration judge after an exclusion hearing. Since April 1, 1997, the process of adjudicating inadmissibility may take place in either an expedited removal process or in removal proceedings before an immigration judge.

**Expedited Removal** - Piece of 1996 laws meant to deport "inadmissible" (not allowed entry into the US) immigrants without a hearing before an immigration judge. Expedited Removal especially applies to asylum seekers, although the process may also be applied to criminal "aliens". Under expedited removal, individuals can be removed on an order issued by an immigration officer at the border, without the opportunity to go before an immigration judge. The U.S. Immigration and Naturalization Service (INS) began implementing the expedited removal provisions of IIRIRA on April 1, 1997.

## F

**Fiance(e)s of U.S. Citizen** - A nonimmigrant "alien" coming to the United States to conclude a valid marriage with a U.S. citizen within ninety days after entry.

**Files Control Office** - An USCIS field office--either a district (including USCIS overseas offices) or a suboffice of that district--where "alien" case files are maintained and controlled.

**Fiscal Year** - Currently, the twelve-month period beginning October 1 and ending September 30. Historically, until 1831 and from 1843-49, the twelve-month period ending September 30 of the respective year; from 1832-42 and 1850-67, ending December 31 of the respective year; from 1868-1976, ending June 30 of the respective year. The transition quarter (TQ) for 1976 covers the three-month period, July-September 1976.

**Foreign Government Official** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States who has been accredited by a foreign government to function as an ambassador, public minister, career diplomatic or consular officer, other accredited official, or an attendant, servant or personal employee of an accredited official, and all above "aliens" spouses and unmarried minor (or dependent) children.

**Foreign Information Media Representative** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States as a bona fide representative of foreign press, radio, film, or other foreign information media and the alien's spouse and unmarried minor (or dependent) children.

**Foreign State of Chargeability** - The independent country to which an immigrant entering under the preference system is accredited. No more than 7 percent of the family-sponsored and employment-based visas may be issued to natives of any one independent country in a fiscal year. No one dependency of any independent country may receive more than 2 percent of the family-sponsored and employment-based visas issued. Since these limits are based on visa issuance rather than entries into the United States, and immigrant visas are valid for 6 months, there is not total correspondence between these two occurrences. Chargeability is usually determined by country of birth. Exceptions are made to prevent the separation of family members when the limitation for the country of birth has been met.

## G

**General Naturalization Provisions** - The basic requirements for naturalization that every applicant must meet, unless a member of a special class. General provisions require an applicant to be at least 18 years of age and a lawful permanent resident with five years of continuous residence in the United States, have been physically present in the country for half that period, and establish good moral character for at least that period.

**Geographic Area of Chargeability** - Any one of five regions--Africa, East Asia, Latin America and the Caribbean, Near East and South Asia, and the former Soviet Union and Eastern Europe--into which the world is divided for the initial admission of refugees to the United States. Annual consultations between the Executive Branch and the Congress determine the ceiling on the number of refugees who can be admitted to the United States from each area. Beginning in fiscal year 1987, an unallocated reserve was incorporated into the admission ceilings.

## H

**Hemispheric Ceilings** - Statutory limits on immigration to the United States in effect from 1968 to October 1978. Mandated by the Immigration and Nationality Act Amendments of 1965, the ceiling on immigration from the Eastern Hemisphere was set at 170,000, with a per-country limit of 20,000. Immigration from the Western Hemisphere was held to 120,000, without a per-country limit until January 1, 1977. The Western Hemisphere was then made subject to a 20,000 per country limit. Effective October 1978, the separate hemisphere limits were abolished in favor of a worldwide limit.

## I

**Immediate Relatives** - Certain immigrants who because of their close relationship to U.S. citizens are exempt from the numerical limitations imposed on immigration to the United States. Immediate relatives are: spouses of citizens, children (under 21 years of age and unmarried) of citizens, and parents of citizens 21 years of age or older.

**Immigrant** - See *Permanent Resident Alien*.

**Immigration Act of 1990** - Public Law 101-649 (Act of November 29, 1990), which increased the limits on legal immigration to the United States, revised all grounds for exclusion and deportation, authorized temporary protected status to "aliens" of designated countries, revised and established new nonimmigrant admission categories, revised and extended the Visa Waiver Pilot Program, and revised naturalization authority and requirements.

**Immigration Judge** - An attorney appointed by the Attorney General to act as an administrative judge within the Executive Office for Immigration Review. They are qualified to conduct specified classes of proceedings, including removal proceedings.

**INA** - See Immigration and Nationality Act.

**Immigration and Nationality Act** - The Act (INA), which, along with other immigration laws, treaties, and conventions of the United States, relates to the immigration, temporary admission, naturalization, and removal of "aliens".

**Immigration Marriage Fraud Amendments of 1986** - Public Law 99-639 (Act of 11/10/86), which was passed in order to deter immigration-related marriage fraud. Its major provision stipulates that "aliens" deriving their immigrant status based on a marriage of less than two years are conditional immigrants. To remove their conditional status the immigrants must apply at an U.S. Citizenship and Immigration Services office during the 90-day period before their second-year anniversary of receiving conditional status. If the "aliens" cannot show that the marriage through which the status was obtained was and is a valid one, their conditional immigrant status may be terminated and they may become deportable.

**Immigration Reform and Control Act (IRCA) of 1986** - Public Law 99-603 (Act of 11/6/86), which was passed in order to control and deter "illegal" immigration to the United States. Its major provisions stipulate legalization of undocumented

"aliens" who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders.

**Inadmissible** - An "alien" seeking admission at a port of entry who does not meet the criteria in the INA for admission. The "alien" may be placed in removal proceedings or, under certain circumstances, allowed to withdraw his or her application for admission.

**Industrial Trainee** - See *Temporary Worker*.

**International Representative** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States as a principal or other accredited representative of a foreign government (whether officially recognized or not recognized by the United States) to an international organization, an international organization officer or employee, and all above "aliens" spouses and unmarried minor (or dependent) children.

**Intracompany Transferee** - An "alien", employed for at least one continuous year out of the last three by an international firm or corporation, who seeks to enter the United States temporarily in order to continue to work for the same employer, or a subsidiary or affiliate, in a capacity that is primarily managerial, executive, or involves specialized knowledge, and the "alien's" spouse and minor unmarried children.

**IRCA** - See Immigration Reform and Control Act of 1986.

## L

**Labor Certification** - Requirement for U.S. employers seeking to employ certain persons whose immigration to the United States is based on job skills or nonimmigrant temporary workers coming to perform services for which qualified authorized workers are unavailable in the United States. Labor certification is issued by the Secretary of Labor and contains attestations by U.S. employers as to the numbers of U.S. workers available to undertake the employment sought by an applicant, and the effect of the "alien's" employment on the wages and working conditions of U.S. workers similarly employed. Determination of labor availability in the United States is made at the time of a visa application and at the location where the applicant wishes to work.

**Lawful Permanent Resident (LPR)** - Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."

**Legalization Dependents** - A maximum of 55,000 visas were issued to spouses and children of "aliens" legalized under the provisions of the Immigration Reform and Control Act of 1986 in each of fiscal years 1992-94.

**Legalized Aliens** - Certain "illegal aliens" who were eligible to apply for temporary resident status under the legalization provision of the Immigration Reform and Control Act of 1986. To be eligible, "aliens" must have continuously resided in the United States in an unlawful status since January 1, 1982, not be excludable, and have entered the United States either 1) "illegally" before January 1, 1982, or 2) as temporary visitors before January 1, 1982, with their authorized stay expiring before that date or with the Government's knowledge of their unlawful status before that date. Legalization consists of two stages--temporary and then permanent residency. In order to adjust to permanent status "aliens" must have had continuous residence in the United States, be admissible as an immigrant, and demonstrate at least a minimal understanding and knowledge of the English language and U.S. history and government.

**Legitimated** - Most countries have legal procedures for natural fathers of children born *out of wedlock* to acknowledge their children. A legitimated child from any country has two legal parents and cannot qualify as an orphan unless:

1. Only one of the parents is living, or
2. Both of the parents have abandoned the child

## M

**Medical and Legal Parolee** - See *Parolee*.

**Medical Waiver** - A medical waiver permits an immigration applicant to be allowed into, or remain in the United States despite having a health condition identified as grounds of inadmissibility. Terms and conditions can be applied to a medical waiver on a case by case basis.

**Metropolitan Statistical Areas (MSAs)** – MSAs consist of a core area with a large population and adjacent communities having a high degree of social and economic integration with the core. They are defined by the U.S. Office of Management and Budget (OMB). MSAs are generally counties (cities and towns in New England) containing at least one city or urbanized area with a population of at least 50,000 and a total metropolitan population of at least 100,000 (75,000 in New England). MSAs of one million or more population may be recognized as Consolidated Metropolitan Statistical Areas (CMSAs). Primary Metropolitan Statistical Areas (PSMAs) are component areas within MSAs. New England County Metropolitan Areas (NECMAs) are the county based metropolitan alternative of the New England states for the city and town based MSAs and CMSAs.

**Migrant** - A person who leaves his/her country of origin to seek residence in another country.

## N

**NACARA** - Nicaraguan Adjustment and Central American Relief Act.

**National** - A person owing permanent allegiance to a state.

**National Crime Information Center (NCIC) Database** - The nationwide computerized database was originally created to enable federal, state, and local law enforcement to identify suspected criminals with outstanding warrants. In 2002, Attorney General Ashcroft authorized using this criminal tool for immigration purposes, by entering the names of absconders and individuals who did not comply with special registration into the NCIC system.

**NATO Official** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States as a member of the armed forces or as a civilian employed by the armed forces on assignment with a foreign government signatory to NATO (North Atlantic Treaty Organization), and the "alien's" spouse and unmarried minor (or dependent) children.

**Naturalization** - The conferring, by any means, of citizenship upon a person after birth.

**Naturalization Application** - The form used by a lawful permanent resident to apply for U.S. citizenship. The application is filed with U.S. Citizenship and Immigration Services at the Service Center with jurisdiction over the applicant's place of residence.

**Nonimmigrant** - An "alien" who seeks temporary entry to the United States for a specific purpose. The "alien" must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, "aliens" in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiance(e)s of U.S. citizens, intracompany transferees, NATO officials, religious workers, and some others. Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

**Nonpreference Category** - Nonpreference visas were available to qualified applicants not entitled to a visa under the preferences until the category was eliminated by the Immigration Act of 1990. Nonpreference visas for persons not entitled to the other preferences had not been available since September 1978 because of high demand in the preference categories. An additional 5,000 nonpreference visas were available in each of fiscal years 1987 and 1988 under a provision of the Immigration Reform and Control Act of 1986. This program was extended into 1989, 1990, and 1991 with 15,000 visas issued each year. "Aliens" born in countries from which immigration was adversely affected by the Immigration and Nationality Act Amendments of 1965 (Public Law 89-236) were eligible for the special nonpreference visas.

**North American Free-Trade Agreement (NAFTA)** - Public Law 103-182 (Act of 12/8/93), superseded the United States-Canada Free-Trade Agreement as of 1/1/94. It continues the special, reciprocal trading relationship between the United States and Canada (see United States-Canada Free-Trade Agreement), and establishes a similar relationship with Mexico.

**Numerical Limit, Exempt from** - Those "aliens" accorded lawful permanent residence who are exempt from the provisions of the flexible numerical limit of 675,000 set by the Immigration Act of 1990. Exempt categories include immediate relatives of U.S. citizens, refugees, asylees (limited to 10,000 per year by section 209(b) of the Immigration and Nationality Act), Amerasians, "aliens" adjusted under the legalization provisions of the Immigration Reform and Control Act of 1986, and certain parolees from the former Soviet Union and Indochina.

**Nursing Relief Act of 1989** - Public Law 101-238 (Act of 12/18/89), provides for the adjustment to permanent resident status of certain non-immigrants who as of September 1, 1989, had H-1 nonimmigrant status as registered nurses; who had been employed in that capacity for at least 3 years; and whose continued nursing employment meets certain labor certification requirements.

## O

**Occupation** - For an "alien" entering the United States or adjusting without a labor certification, occupation refers to the employment held in the country of last legal residence or in the United States. For an "alien" with a labor certification, occupation is the employment for which certification has been issued.

**Orphan** - The Immigration and Nationality Act provides a *definition of an orphan* for the purposes of immigration to the United States.

A child may be considered an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents. The child of an unwed mother or surviving parent may be considered an orphan if that parent is unable to care for the child properly and has, in writing, irrevocably released the child for emigration and adoption. The child of an unwed mother may be considered an orphan, as long as the mother **does not marry** (which would result in the child's having a stepfather) and as long as the child's biological father has not "legitimated" the child. If the father legitimates the child or the mother marries, the mother is no longer considered a sole parent. The child of a surviving parent may also be an

orphan if the surviving parent has **not married** since the death of the other parent (which would result in the child's having a stepfather or stepmother).

Note: Prospective adoptive parents should be sure that a child fits the definition of "orphan" before adopting a child from another country, because not all children adopted abroad meet the definition of "orphan," and therefore may not be eligible to immigrate to the United States.

**Out of Wedlock (born out of wedlock)** - A child born of parents who were not legally married to each other at that time.

Note: Adoptive and prospective adoptive parents of a child who was born out of wedlock in any country should find out whether or not the child has been "legitimated".

## P

**Panama Canal Act Immigrants** - Three categories of special immigrants established by Public Law 96-70 (Act of 9/27/79): 1) certain former employees of the Panama Canal Company or Canal Zone Government, their spouses and accompanying children; 2) certain former employees of the U.S. Government in the Panama Canal Zone who are Panamanian nationals, their spouses and children; and 3) certain former employees of the Panama Canal Company or Canal Zone Government on April 1, 1979, their spouses and children. The Act provides for admission of a maximum of 15,000 immigrants, at a rate of no more than 5,000 each year.

**Panel Physician** - A medically trained, licensed and experienced doctor practicing overseas who is appointed by the local U.S. Embassy or Consulate. These medical professionals receive U.S. immigration-focused training in order to provide examinations as required by the CDC (Center for Disease Control and Prevention) and USCIS (U.S. Citizenship and Immigration Services). For medical examinations given in the U.S., please see *Civil Surgeon*.

IMPORTANT: medical examinations given overseas will not be recognized if they are given by a doctor who is not appointed by the local U.S. Consulate or Embassy; please be sure that your medical exam is being given by a Panel Physician or your results and documents will be invalid.

**Parolee** - A parolee is an "alien", appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that "alien's" entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist. Types of parolees include:

1. *Deferred inspection*: authorized at the port upon "alien's" arrival; may be conferred by an immigration inspector when "aliens" appear at a port of entry with documentation, but after preliminary examination, some question remains about their admissibility which can best be answered at their point of destination.
2. *Advance parole*: authorized at an USCIS District office in advance of "alien's" arrival; may be issued to "aliens" residing in the United States in other than lawful permanent resident status who have an unexpected need to travel and return, and whose conditions of stay do not otherwise allow for readmission to the United States if they depart.
3. *Port-of-entry parole*: authorized at the port upon "alien's" arrival; applies to a wide variety of situations and is used at the discretion of the supervisory immigration inspector, usually to allow short periods of entry. Examples include allowing "aliens" who could not be issued the necessary documentation within the required time period, or who were otherwise inadmissible, to attend a funeral and permitting the entry of emergency workers, such as fire fighters, to assist with an emergency.
4. *Humanitarian parole*: authorized at USCIS headquarters or overseas District Offices for "urgent humanitarian reasons" specified in the law. It is used in cases of medical emergency and comparable situations.
5. *Significant Public Benefit Parole*: authorized at USCIS headquarters **Office of International Affairs** for "significant public benefit" specified in the law. It is generally used for "aliens" who enter to take part in legal proceedings when there is a benefit to the government. **These requests must be submitted by a law enforcement agency.**
6. *Overseas parole*: authorized at an USCIS District or suboffice while the "alien" is still overseas; designed to constitute long-term admission to the United States. In recent years, most of the "aliens" USCIS has processed through overseas parole have arrived under special legislation or international migration agreements.

**Per-Country Limit** - The maximum number of family-sponsored and employment-based preference visas that can be issued to citizens of any country in a fiscal year. The limits are calculated each fiscal year depending on the total number of family-sponsored and employment-based visas available. No more than 7 percent of the visas may be issued to natives of any one independent country in a fiscal year; no more than 2 percent may issued to any one dependency of any independent country. The per-country limit does not indicate, however, that a country is entitled to the maximum number of visas each year, just that it cannot receive more than that number. Because of the combined workings of the preference system and per-country limits, most countries do not reach this level of visa issuance.

**Permanent Resident** - Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as "*Permanent Resident Alien*", "*Lawful Permanent Resident*", "*Resident Alien Permit Holder*," and "*Green Card Holder*."

**Permanent Resident Alien** - an "alien" admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any "alien" in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An "illegal alien" who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident "alien". Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by U.S. Citizenship and Immigration Services in the United States.

**Port of Entry** - Any location in the United States or its territories that is designated as a point of entry for "aliens" and U.S. citizens. All district and files control offices are also considered ports, since they become locations of entry for "aliens" adjusting to immigrant status.

**Pre-inspection** - Complete immigration inspection of airport passengers before departure from a foreign country. No further immigration inspection is required upon arrival in the United States other than submission of Form I-94 for nonimmigrant "aliens".

**Preference System (prior to fiscal year 1992)** - The six categories among which 270,000 immigrant visa numbers were distributed each year during the period 1981-91. This preference system was amended by the Immigration Act of 1990, effective fiscal year 1992. (see Preference System - Immigration Act of 1990). The six categories were: 1) unmarried sons and daughters (over 21 years of age) of U.S. citizens (20 percent); 2) spouses and unmarried sons and daughters of "aliens" lawfully admitted for permanent residence (26 percent); 3) members of the professions or persons of exceptional ability in the sciences and arts (10 percent); 4) married sons and daughters of U.S. citizens (10 percent); 5) brothers and sisters of U.S. citizens over 21 years of age (24 percent); and 6) needed skilled or unskilled workers (10 percent). A nonpreference category, historically open to immigrants not entitled to a visa number under one of the six preferences just listed, had no numbers available beginning in September 1978.

**Preference System (Immigration Act of 1990)** - The nine categories since fiscal year 1992 among which the family-sponsored and employment-based immigrant preference visas are distributed. The family-sponsored preferences are: 1) unmarried sons and daughters of U.S. citizens; 2) spouses, children, and unmarried sons and daughters of permanent resident "aliens"; 3) married sons and daughters of U.S. citizens; 4) brothers and sisters of U.S. citizens. The employment-based preferences are: 1) priority workers (persons of extraordinary ability, outstanding professors and researchers, and certain multinational executives and managers); 2) professionals with advanced degrees or "aliens" with exceptional ability; 3) skilled workers, professionals (without advanced degrees), and needed unskilled workers; 4) special immigrants; and 5) employment creation immigrants (investors).

**Principal Alien** - The "alien" who applies for immigrant status and from whom another "alien" may derive lawful status under immigration law or regulations (usually spouses and minor unmarried children).

**Priority Date** - In the USCIS Immigrant visa petition application process, the priority date is the date the petition was filed. If the "alien" relative has a priority date on or before the date listed in the visa bulletin, then he or she is currently eligible for a visa.

## R

**Refugee** - Any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the "alien's" race, religion, nationality, membership in a particular social group, or political opinion.

People that are fleeing persecution: Refugees get their status before entering the United States, and Asylees usually get their status after entering and seeking Political Asylum.

People with no nationality must generally be outside their country of last habitual residence to qualify as a refugee. Refugees are subject to ceilings by geographic area set annually by the President in consultation with Congress and are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States.

**Refugee Approvals** - The number of refugees approved for admission to the United States during a fiscal year.

**Refugee Arrivals** - The number of refugees admitted to the United States through ports of entry during a fiscal year.

**Refugee Authorized Admissions** - The maximum number of refugees allowed to enter the United States in a given fiscal year. As set forth in the Refugee Act of 1980 (Public Law 96-212) the President determines the annual figure after consultations with Congress.

**Refugee-Parolee** - A qualified applicant for conditional entry, between February 1970 and April 1980, whose application for admission to the United States could not be approved because of inadequate numbers of seventh preference visas. As a result, the applicant was paroled into the United States under the parole authority granted to the Secretary of Homeland Security.

**Regional Offices** - The three USCIS Regional Offices that supervise the work of USCIS Districts and Border Patrol Sectors. The Regional Directors report to the Associate Director for Operations in USCIS Headquarters, Washington, DC. The three Regional Offices are located in (Eastern Region) Burlington, VT, (Central Region) Dallas, TX, and (Western Region) Laguna Niguel, CA.

**Registry Date** – “Aliens” who have continuously resided in the United States since January 1, 1972, are of good moral character, and are not inadmissible, are eligible to adjust to legal permanent resident status under the registry provision. Before the Immigration Reform and Control Act of 1986 amended the date, “aliens” had to have been in the country continuously since June 30, 1948, to qualify.

**Removal** - The expulsion of an “alien” from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

**Required Departure** - See *Voluntary Departure*.

**Resettlement** - Permanent relocation of refugees in a place outside their country of origin to allow them to establish residence and become productive members of society there. Refugee resettlement is accomplished with the direct assistance of private voluntary agencies working with the Department of Health and Human Services Office of Refugee Resettlement.

**Resident Alien** - Applies to non-U.S. citizens currently residing in the United States. The term is applied in three different manners; *Permanent Resident, Conditional Resident, and Returning Resident*

**Returning Resident** - Any “*Lawful Permanent Resident*” who has been outside the United States and is returning to the U.S. Also defined as a “special immigrant.” If outside of the U.S. for more than 180 days, must apply for readmission to the U.S. If outside of the U.S. for more than one year and is returning to his or her permanent residence in the United States, usually must have a re-entry documentation from USCIS or an immigrant visa from the Department of State.

## S

**Safe Haven** - Temporary refuge given to migrants who have fled their countries of origin to seek protection or relief from persecution or other hardships, until they can return to their countries safely or, if necessary until they can obtain permanent relief from the conditions they fled.

**Service Centers** - Four offices established to handle the filing, data entry, and adjudication of certain applications for immigration services and benefits. The applications are mailed to INS Service Centers -- Service Centers are not staffed to receive walk-in applications or questions.

**Special Agricultural Workers (SAW)** – “Aliens” who performed labor in perishable agricultural commodities for a specified period of time and were admitted for temporary and then permanent residence under a provision of the Immigration Reform and Control Act of 1986. Up to 350,000 “aliens” who worked at least 90 days in each of the 3 years preceding May 1, 1986 were eligible for Group I temporary resident status. Eligible “aliens” who qualified under this requirement but applied after the 350,000 limit was met and “aliens” who performed labor in perishable agricultural commodities for at least 90 days during the year ending May 1, 1986 were eligible for Group II temporary resident status. Adjustment to permanent resident status is essentially automatic for both groups; however, “aliens” in Group I were eligible on December 1, 1989 and those in Group II were eligible one year later on December 1, 1990.

**Special Immigrants** - Certain categories of immigrants who were exempt from numerical limitation before fiscal year 1992 and subject to limitation under the employment-based fourth preference beginning in 1992; persons who lost citizenship by marriage; persons who lost citizenship by serving in foreign armed forces; ministers of religion and other religious workers, their spouses and children; certain employees and former employees of the U.S. Government abroad, their spouses and children; Panama Canal Act immigrants; certain foreign medical school graduates, their spouses and children; certain retired employees of international organizations, their spouses and children; juvenile court dependents; and certain “aliens” serving in the U.S. Armed Forces, their spouses and children.

**Special Naturalization Provisions** - Provisions covering special classes of persons whom may be naturalized even though they do not meet all the general requirements for naturalization. Such special provisions allow: 1) wives or husbands of U.S. citizens to file for naturalization after three years of lawful permanent residence instead of the prescribed five years; 2) a surviving spouse of a U.S. citizen who served in the armed forces to file his or her naturalization application in any district instead of where he/she resides; and 3) children of U.S. citizen parents to be naturalized without meeting certain requirements or taking the oath, if too young to understand the meaning. Other classes of persons who may qualify for special consideration are former U.S. citizens, servicemen, seamen, and employees of organizations promoting U.S. interests abroad.

**Special Registration** - “Call in” part of NSEERS program; implemented by John Ashcroft and the Department of Justice in October of 2002. The program required non-permanent resident men and boys age 16 and over from 25 “primarily Muslim” (government language) countries and North Korea to register with the immigration service. Countries subject to Special Registration: Iran, Iraq, Lybia, Sudan, Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morroco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Pakistan, Saudi Arabia, Bangladesh, Egypt, Indonesia, Jordan, and Kuwait. Close to 2,000 men were put into removal proceedings in New York City as a result of this program and 13,800 nationwide.

**Sponsor** - There are many ways to sponsor an “alien”. The term “sponsor” in the immigration sense, often means to bring to the United States or “petition for”.

Another meaning of the term "sponsor" is a person who completes Form I-864, Affidavit of Support Under Section 213A of the Act. This type of sponsorship is not, however, the first step in any immigration process.

In order to be a sponsor and file Form I-864, Affidavit of Support Under Section 213A of the Act, the following conditions must already be met:

1. You have already petitioned for your relative;
2. You have been notified that INS has approved the petition;
3. The visa for that relative is currently available;
4. The relative has been scheduled to appear to submit his or her application for an immigrant visa overseas to a Consular Officer (DOS Form OF-230) or is preparing to file for adjustment of status to that of a lawful permanent resident (on Form I-485, Application to Register Permanent Residence or Adjust Status) in the United States. In the case of the overseas relative, you, the petitioner will be informed as to where and when to submit Form I-864. In the case where the relative is in the United States, you, the petitioner will complete Form I-864 and give it to your relative to file along with his or her application for permanent residency.

If you are a U.S. citizen and are sponsoring, or petitioning for, your spouse, parents or minor children who are currently in the United States, the above conditions do not need to be met in that exact order. Your relative may file his or her application for adjustment of status to that of a lawful permanent resident at the same time you file the relative petition. If this is your situation, you, the petitioner, must complete Form I-864, Affidavit of Support, and the petition for your relative and give them to your relative to submit with the application for adjustment of status.

**Stateless** - Having no nationality.

**Stowaway** - An "alien" coming to the United States surreptitiously on an airplane or vessel without legal status of admission. Such an "alien" is subject to denial of formal admission and return to the point of embarkation by the transportation carrier.

**Student** - As a nonimmigrant class of admission, an "alien" coming temporarily to the United States to pursue a full course of study in an approved program in either an academic (college, university, seminary, conservatory, academic high school, elementary school, other institution, or language training program) or a vocational or other recognized nonacademic institution.

**Suboffices** - Offices found in some Districts that serve a portion of the District's jurisdiction. A Suboffice, headed by an Officer-in-Charge, provides many services and enforcement functions. Their locations are determined, in part, to increase convenience to INS' customers.

**Subject to the Numerical Limit** - Categories of legal immigrants subject to annual limits under the provisions of the flexible numerical limit of 675,000 set by the Immigration Act of 1990. The largest categories are: family-sponsored preferences; employment-based preferences; and diversity immigrants.

## T

**Temporary Protected Status (TPS)** - Establishes a legislative basis for allowing a group of persons temporary refuge in the United States. Under a provision of the Immigration Act of 1990, the Attorney General may designate nationals of a foreign state to be eligible for TPS with a finding that conditions in that country pose a danger to personal safety due to ongoing armed conflict or an environmental disaster. Grants of TPS are initially made for periods of 6 to 18 months and may be extended depending on the situation. Removal proceedings are suspended against "aliens" while they are in Temporary Protected Status.

**Temporary Resident** - See Nonimmigrant.

**Temporary Worker** - An "alien" coming to the United States to work for a temporary period of time. The Immigration Reform and Control Act of 1986 and the Immigration Act of 1990, as well as other legislation, revised existing classes and created new classes of nonimmigrant admission. Nonimmigrant temporary worker classes of admission are as follows:

1. H-1A - registered nurses (valid from 10/1/1990 through 9/30/1995);
2. H-1B - workers with "specialty occupations" admitted on the basis of professional education, skills, and/or equivalent experience;
3. H-1C - registered nurses to work in areas with a shortage of health professionals under the Nursing Relief for Disadvantaged Areas Act of 1999;
4. H-2A - temporary agricultural workers coming to the United States to perform agricultural services or labor of a temporary or seasonal nature when authorized workers are unavailable in the United States;
5. H-2B - temporary non-agricultural workers coming to the United States to perform temporary services or labor if unemployed persons capable of performing the service or labor cannot be found in the United States;

6. H-3 - "aliens" coming temporarily to the United States as trainees, other than to receive graduate medical education or training;
7. O-1, O-2, O-3 - temporary workers with extraordinary ability or achievement in the sciences, arts, education, business, or athletics; those entering solely for the purpose of accompanying and assisting such workers; and their spouses and children;
8. P-1, P-2, P-3, P-4 - athletes and entertainers at an internationally recognized level of performance; artists and entertainers under a reciprocal exchange program; artists and entertainers under a program that is "culturally unique"; and their spouses and children;
9. Q-1, Q-2, Q-3 - participants in international cultural exchange programs; participants in the Irish Peace Process Cultural and Training Program; and spouses and children of Irish Peace Process participants;
10. R-1, R-2 - temporary workers to perform work in religious occupations and their spouses and children.

See other sections of this Glossary for definitions of Exchange Visitor, Intracompany Transferee, and U.S.-Canada or North American Free-Trade Agreement classes of nonimmigrant admission.

**Transit Alien** - An "alien" in immediate and continuous transit through the United States, with or without a visa, including, 1) "aliens" who qualify as persons entitled to pass in transit to and from the United Nations Headquarters District and foreign countries and 2) foreign government officials and their spouses and unmarried minor (or dependent) children in transit.

**Transition Quarter** - The three-month period--July 1 through September 30, 1976--between fiscal year 1976 and fiscal year 1977. At that time, the fiscal year definition shifted from July 1-June 30 to October 1-September 30.

**Transit Without Visa (TWOV)** - A transit "alien" traveling without a nonimmigrant visa under section 233 of the INA. An "alien" admitted under agreements with a transportation line, which guarantees his immediate and continuous passage to a foreign destination.

**Treaty Trader or Investor** - As a nonimmigrant class of admission, an "alien" coming to the United States, under the provisions of a treaty of commerce and navigation between the United States and the foreign state of such "alien", to carry on substantial trade or to direct the operations of an enterprise in which he/she has invested a substantial amount of capital, and the alien's spouse and unmarried minor children.

## U

**Underrepresented Countries, Natives of** - The Immigration Amendments of 1988, Public Law 101-658 (Act of 11/5/88) allowed for 10,000 visas to be issued to natives of underrepresented countries in each of fiscal years 1990 and 1991. Underrepresented countries are defined as countries that received less than 25 percent of the maximum allowed under the country limitations (20,000 for independent countries and 5,000 for dependencies) in fiscal year 1988. (See *Diversity*.)

**Undocumented** - An Immigrant that has no legal status ("illegal"). Undocumented is not a legal category and can range from somebody that "illegally" crossed the border or **Entered Without Inspection (EWI)**, someone that overstayed a visa, or someone that is presently trying to adjust their status.

**United States-Canada Free-Trade Agreement** - Public Law 100-449 (Act of 9/28/88) established a special, reciprocal trading relationship between the United States and Canada. It provided two new classes of nonimmigrant admission for temporary visitors to the United States-Canadian citizen business persons and their spouses and unmarried minor children. Entry is facilitated for visitors seeking classification as visitors for business, treaty traders or investors, intracompany transferees, or other business people engaging in activities at a professional level. Such visitors are not required to obtain nonimmigrant visas, prior petitions, labor certifications, or prior approval but must satisfy the inspecting officer they are seeking entry to engage in activities at a professional level and that they are so qualified. The United States-Canada Free-Trade Agreement was superseded by the North American Free-Trade Agreement (NAFTA) as of 1/1/94.

## V

**Visa** - A U.S. visa allows the bearer to apply for entry to the U.S. in a certain classification (e.g. student (F), visitor (B), temporary worker (H)). A visa does not grant the bearer the right to enter the United States. The Department of State (DOS) is responsible for visa adjudication at U.S. Embassies and Consulates outside of the U.S. The Department of Homeland Security (DHS), Bureau of Customs and Border Protection (BCBP) immigration inspectors determine admission into, length of stay and conditions of stay in, the U.S. at a port of entry. The information on a nonimmigrant visa only relates to when an individual may apply for entry into the U.S. DHS immigration inspectors will record the terms of your admission on your Arrival/Departure Record (I-94 white or I-94W green) and in your passport.

**Visa Waiver Program** - Allows citizens of certain selected countries, traveling temporarily to the United States under the nonimmigrant admission classes of visitors for pleasure and visitors for business, to enter the United States without obtaining nonimmigrant visas. Admission is for no more than 90 days. The program was instituted by the Immigration Reform and Control Act of 1986 (entries began 7/1/88). Under the Guam Visa Waiver Program, certain visitors from designated countries may visit Guam only for up to 15 days without first having to obtain nonimmigrant visitor visas.

**Voluntary Departure** - The departure of an "alien" from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An "alien" allowed to voluntarily depart concedes removability but does not have a bar to seeking admission at a port-of-entry at any time. Failure to depart within the time granted results in a fine and a ten-year bar to several forms of relief from deportation.

## W

**Withdrawal** - An arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an immigration judge or an expedited removal. Withdrawals are not included in nonimmigrant admission data.

# 5 - History of Immigration in the U.S.

While it is true that the Constitution does not give people the legal right to enter the U.S., it does include provisions protecting people from discrimination based on race and national origin and from arbitrary treatment by the government. Immigrants work and pay taxes; legal immigrants are subject to the military draft. Many immigrants have lived in this country for decades, married U.S. citizens, and raised their U.S.-citizen children. Laws that punish them violate their fundamental right to fair and equal treatment.

## Timeline of U.S. Immigration Policy

**1790 - Naturalization rule adopted.** Federal government establishes a two-year residency requirement on immigrants wishing to become U.S. citizens.

**1819 - Reporting rule adopted.** Data begins to be collected on immigration into the United States. Ships' captains and others are required to keep and submit manifests of immigrants entering the United States.

**1875 - First exclusionary act.** Convicts, prostitutes, and "coolies" (Chinese contract laborers) are barred from entry into the United States.

**1882 - Immigration Act passed.** The federal government moves to firmly establish its authority over immigration. Chinese immigration is curtailed; ex-convicts, lunatics, idiots, and those unable to take care of themselves are excluded. In addition, a tax is levied on newly arriving immigrants.

**1885 - Contract laborers' entry barred.** This new legislation reverses an earlier federal law legalizing the trade in contract labor.

**1891 - Office of Immigration created.** Established as part of the U.S. Treasury Department, this new office is later given authority over naturalization and moved to the U.S. Justice Department. (Today it is known as the Immigration and Naturalization Service.) In the same year, paupers, polygamists, the insane, and persons with contagious diseases are excluded from entry to the United States.

**1892 - Ellis Island opens.** Between 1892 and 1953, more than 12 million immigrants will be processed at this one facility.

**1903 - Additional categories of persons excluded.** Epileptics, professional beggars, and anarchists are now excluded.

**1907 - Exclusions further broadened.** Imbeciles, the feeble-minded, tuberculars, persons with physical or mental defects, and persons under age 16 without parents are excluded.

**1907 - "Gentleman's agreement" between United States and Japan.** An informal agreement curtails Japanese immigration to the United States. Also, the tax on new immigrants is increased.

**1917 - Literacy test introduced.** All immigrants 16 years of age or older must demonstrate the ability to read a forty-word passage in their native language. Also, virtually all Asian immigrants are banned from entry into the United States.

**1921 - Quota Act.** An annual immigration ceiling is set at 350,000. Moreover, a new nationality quota is instituted, limiting admissions to 3 percent of each nationality group's representation in the 1910 census. The law is designed primarily to restrict the flow of immigrants coming from eastern and southern Europe.

**1924 - National Origins Act.** The Act reduces the annual immigration ceiling to 165,000. A revised quota reduces admissions to 2 percent of each nationality group's representation in the 1890 census. The U.S. Border Patrol is created.

**1927 - Immigration Ceiling Further Reduced.** The annual immigration ceiling is further reduced to 150,000; the quota is revised to 2 percent of each nationality's representation in the 1920 census. This basic law remains in effect through 1965.

**1929 - National Origins Act.** The annual immigration ceiling of 150,000 is made permanent, with 70 percent of admissions slated for those coming from northern and western Europe, while the other 30 percent are reserved for those coming from southern and eastern Europe.

**1948 - Displaced Persons Act.** Entry is allowed for 400,000 persons displaced by World War II. However, such refugees must pass a security check and have proof of employment and housing that does not threaten U.S. citizens' jobs and homes.

**1952 - McCarran-Walter Act.** The Act consolidates earlier immigration laws and removes race as a basis for exclusion. In addition, the Act introduces an ideological criterion for admission: immigrants and visitors to the United States can now be denied entry on the basis of their political ideology (e.g., if they are communists or former Nazis).

**1965 - Immigration Act is amended.** Nationality quotas are abolished. However, the Act establishes an overall ceiling of 170,000 on immigration from the Eastern Hemisphere and another ceiling of 120,000 on immigration from the Western Hemisphere.

**1978 - World-wide immigration ceiling introduced.** A new annual immigration ceiling of 290,000 replaces the separate ceilings for the Eastern and Western Hemispheres.

**1980 - Refugee Act.** A system is developed to handle refugees as a class separate from other immigrants. Under the new law, refugees are defined as those who flee a country because of persecution "on account of race, religion, nationality, or political opinion." The president, in consultation with Congress, is authorized to establish an annual ceiling on the number of refugees who may enter the United States. The president also is allowed to admit any group of refugees in an emergency. At the same time, the annual ceiling on traditional immigration is lowered to 270,000.

**1986 - Immigration Reform and Control Act.** The annual immigration ceiling is raised to 540,000. Amnesty is offered to those illegal aliens able to prove continuous residence in the United States since January 1, 1982. Stiff sanctions are introduced for employers of illegal aliens.

**1990 - Immigration Act of 1990.** The annual immigration ceiling is further raised to 700,000 for 1992, 1993, and 1994; thereafter, the ceiling will drop to 675,000 a year. Ten thousand permanent resident visas are offered to those immigrants agreeing to invest at least \$1 million in U.S. urban areas or \$500,000 in U.S. rural areas. The McCarran-Walter Act of 1952 is amended so that people can no longer be denied admittance to the United States on the basis of their beliefs, statements, or associations.

**1994 – Clinton Crime Bill established mass deportations for people engaged in “terrorist activity.”** Since in California, the 1988 STEP ( Act established all alleged gang members as “street terrorists” this allowed for the deportation of people who were on a gang file and convicted of a crime. Youth and young adults deported from L.A. to Central America have been murdered by government death squads and private vigilante groups as a result. In addition, mass deportations without any efforts to link people to jobs and other resources in their home countries have also exported L.A.’s gang violence throughout the world.

**1996 - Immigration Act.** In an effort to curb illegal immigration, Congress votes to double the U.S. Border Patrol to 10,000 agents over five years and mandates the construction of fences at the most heavily trafficked areas of the U.S.-Mexico border. Congress also approves a pilot program to check the immigration status of job applicants.

**1996 - Immigrants lose benefits.** President Clinton signs welfare reform bill that cuts many social programs for immigrants. Legal immigrants lose their right to food stamps and Supplemental Security Income (a program for older, blind, and disabled people). Illegal immigrants become ineligible for virtually all federal and state benefits except emergency medical care, immunization programs, and disaster relief.

**Every wave of immigration into the United States has faced fear and hostility, especially during times of economic hardship, political turmoil, or war. A brief history of the U.S. and L.A.’s immigrant experience includes:**

- The colonization of the Americas forced the migration of an estimated 112 million indigenous people from their land, into slavery and servitude; exile; and death by military massacre, wars against colonizers, disease and suicide. The death of Indian people by disease alone is estimated to be as high as 40 to 50 million – in excess of 90% of the population in the hardest hit areas—and creating "the greatest human catastrophe in history," far exceeding even the disaster of the *Black Death* of medieval Europe, a plague which wiped out half of Europe's population. The most devastating disease was smallpox, but other deadly diseases included typhus, measles, influenza, bubonic plague, mumps, yellow fever, and whooping cough.
- In the U.S., broken land treaties, massacres of entire communities, the distribution of Small Pox infected blankets, the mass annihilation and near extinction of buffalo herds in order to starve Indian nations, the forcing of Indian people off their ancestral and sacred ground onto less fertile reservations, the saturation of Indian communities with alcohol, the assimilation of Indian children through forced relocation to Christian and government boarding schools,

and the outlawing of Indian religions and rituals were all government policies adopted to devastate America's first peoples. To this day, Indian communities continue to suffer the highest poverty and alcoholism rates in the nation, as well as disproportionate rates of incarceration.

- Portuguese traders forced the first African slaves for agricultural labor to the Caribbean in 1502. From then until 1860, more than 12 million people were stolen from Africa to the Americas and Europe. Two million died in the brutal passage from Africa to the Americas. The great majority were brought to the Caribbean, Brazil, or the Spanish colonies of Central and South America. Of this number, 6 percent were traded in British North America/United States.
- From 1619 until 1865, the U.S. economy and the wealth of its white merchant and agricultural elites were made possible in large part by the free labor of slavery. Around half a million (500,000) Africans were brought to the U.S., but due to laws claiming the children of slaves also as slaves, the slave population in the United States grew to 4 million by the 1860 Census.
- In the American colonies from 1600 to 1800, American Indians (Native Americans) and other groups, mostly poor white immigrants, captured soldiers and people accused of minor crimes were used as slaves (indentured servants). However, by the 19<sup>th</sup> century, almost all slaves in the U.S. were blacks. While all poor communities, people of color and immigrants, religious and ethnic minorities have suffered discrimination, for the past 400 years, African Americans have experienced the greatest number of federal, state and local laws aimed at limiting the economic and educational opportunity, inclusion, freedom and safety of any group of people.
- After the high-jacking of the Southwest during the Mexican American War, Californians with Spanish and Indigenous ancestry were suddenly declared Mexican nationals and many lost their land and businesses. Those who fought to reclaim their land were labeled "bandits" establishing the first gang labels in the U.S. Until the early 1900s, Los Angeles – not the Southeast – led the nation in court-ordered hangings, "legal lynchings" conducted by deputized posses and illegal lynchings by vigilante mobs. The majority of the victims were "Mexicans," with additional victims being Indians indigenous to Southern California and poor whites. Nearly all the victims were accused of stealing livestock.
- The first major wave of immigration was of Irish immigrants who were criminalized and economically exploited from the 1830s through the early 1900s. The Irish filled the prisons, poor houses, urban slums and lowest paying jobs of northeastern cities until the turn of the century when new waves of immigration were similarly treated. During this period, 80 percent of Irish infants died. Criminalization of the Irish also led to gang labels and laws against immigrant youth. The Irish also dominated the front lines of the Union Army during the Civil War. (More than 150,000 Irish served in the Union Army and more than 100,000 died.) The draft riots in 1863 were led largely by Irish immigrants protesting the Civil War Draft where over 85% of the names called in New York City were Irish. Irish rioters blamed African Americans and the upper classes for both their military and economic exploitation. Rioters lynched and beat several African Americans, burned an African American church and orphanage to the ground, and caused property damage in excess of 1.5 million (in 1865 dollars) including destroying wealthy mansions and government offices. Federal troops were sent into NYC by President Lincoln and approximately 100 rioters were killed, with countless more injured.
- The Thirteenth Amendment to the Constitution which "abolished" slavery also stated that slavery would be legal for prisoners. The article states:

*Neither slavery nor involuntary servitude, **except as a punishment for crime whereof the party shall have been duly convicted**, shall exist within the United States, or any place subject to their jurisdiction.*

Within a decade, racist Jim Crow laws were established throughout the Southeast, and in more subtle ways throughout the nation, to begin the re-enslavement of African Americans within chain gangs, work camps and prison farms.

- Ten thousand Chinese and 40,000 Irish died building the Transcontinental Railroad.
- The Chinese Massacre in 1871 – which included Los Angeles law enforcement and the Mayor among its leadership – burned out the Chinese community in downtown and led to the lynching of 17 men. (Similar riots occurred in Northern California.) By 1900, the Chinese community in L.A. had been completely forced out. The Chinese massacre was the first of L.A.'s many "race riots" all of which have been led by the police (or military in the case of the Sailor a.k.a. Zoot Suit Riots), or started in response to police brutality. L.A. leads the nation in civil uprisings.
- In 1882, Congress passed the Chinese Exclusion Act, one of our nation's first immigration laws, to keep out all people of Chinese origin.
- Similar laws were passed at that time to exclude "convicts" when violence and crime in California were blamed on Australians who came to the U.S. after Great Britain had established Australia as a prison colony.
- During the "Red Scare" of the 1920s, thousands of foreign-born people suspected of political radicalism were arrested and brutalized; many were deported without a hearing.
- During the 1930's, thousands of Mexicans in the southwest – the majority from Los Angeles – were illegally deported. Many were born in the U.S. and had families rooted here for generations.

- The migration during the Great Depression (1930s) of between 300 and 400,000 people, 95 percent of whom were poor whites (families from Missouri, Arkansas, Texas and Oklahoma) displaced the primarily Mexican, Filipino and single white male agricultural workers in California, as the needs of white families were given priority over people of color. White migrants also faced discrimination and criminalization. During this period the LAPD, which led the deportation effort of Mexican-Americans locally, also established a “bum blockade” on the California - Arizona border to refuse entry to migrants unless they could pay a particularly high sum of money to enter. L.A.’s Police Chief declared that all an Okie needed was the “3 Bs – beans, the Bible and a beating.”
- Despite the fact that two million peasants lost their lives in the Mexican Revolution of 1910, the Mexican government failed to fulfill the promised land reform or to provide rural communities the resources needed to survive. By the late thirties, agricultural began yielding insufficient harvests and the world-wide depression devastated Mexico’s economy. These factors coincided with the emergence of a demand for manual labor in the U.S. brought about by World War II. On August 4, 1942, the U.S. and Mexican governments instituted the Bracero program. Thousands of impoverished Mexicans abandoned their rural communities and headed north to work as braceros. The majority of the braceros were experienced farm laborers who stopped working their land and growing food for their families with the illusion that life would be better in the U.S.
- In 1942, 120,000 Americans of Japanese descent – the majority from California – were interned in camps until the end of World War II. Indicating the racism implicit in immigration law and practice, only 11,000 Germans were interned at the same time despite the fact that Americans of German ancestry far outnumber those of Japanese ancestry. And, unlike the treatment of the Japanese, of the German adults who were interned, all were born outside the U.S. – and the only American citizens of German ancestry interned were those children of foreign born parents.
- 1945 Zoot Suit Riots were really “Sailor Riots” as U.S. servicemen rampaged through the streets of L.A. assaulting Chicano youth.
- In 1994, voters in California overwhelmingly approved the "Save Our State" amendment, better known as Proposition 187. The law denied illegal aliens all public social services, public non-emergency health care based on financial needs, and public education. Most public and private services, as well as many local governments, have refused to implement the law.

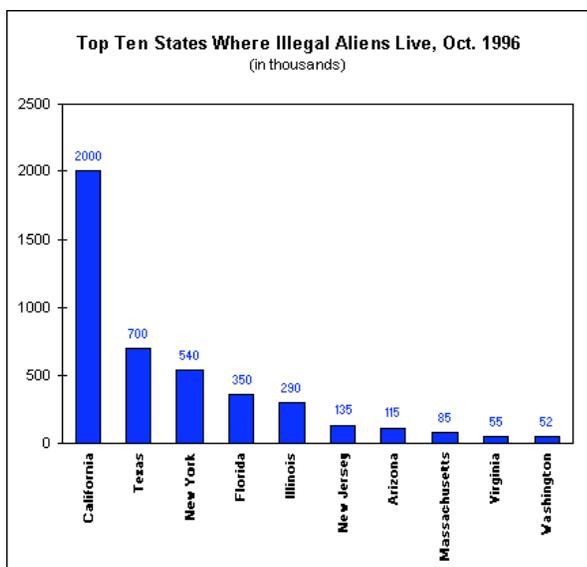
**Affects of President Clinton’s 1994 Crime Bill and 1996 Immigration and Welfare “Reform” Acts**

As described above, President Clinton passed a Crime Bill in 1994 and two Immigration Acts in 1996 which severely criminalized and marginalized immigrant communities. **The Clinton Crime Bill established mass deportations for people engaged in “terrorist activity.”** Since in California, the 1988 STEP ( Act established all alleged gang members as “street terrorists” this allowed for the deportation of people who were on a gang file and convicted of a crime. Youth and young adults deported from L.A. to Central America have been murdered by government death squads and private vigilante groups as a result. In addition, mass deportations without any efforts to link people to jobs and other resources in their home countries has also exported L.A.’s gang violence throughout the world.

Since 1996, over one million immigrants have been deported:

DEPORTATION – 1996 thru 2002 (Source: Immigration and Naturalization Service Statistical Yearbook)			
Chinese 3,517	Guatemalans 27,386	Jamaicans 12,938	Colombians 13,686
Haitians 3,184	Koreans 1,457	Dominicans 21,222	Hondurans 28,811
Mexicans 826,785	Filipinos 3,347	Indians 2,415	Nigerians 2,987
Total: <b>over 1 MILLION</b>			

**California has been hardest hit by deportations, and L.A. County leads the nation. Consider the census of “illegal” residents when the law was passed in 1996:**

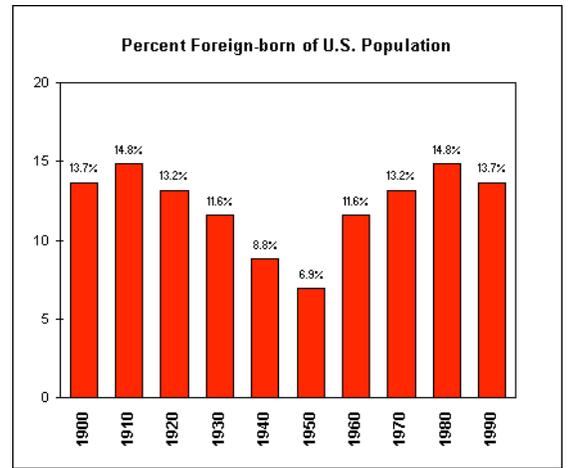


**There are several myths about immigration that allow policies to succeed that discriminate and deport people based on race and religion.**

**Most important:**

(1) The U.S. has always been a nation of immigrants and the percentage of our population that was born outside the U.S. has remained consistent despite the fear spread by anti-immigrant forces.

(2) Throughout the past 500 years, European immigration has dominated the growth of the U.S. population. Consider the census between 1820 and 1996 >



# 6-411-RESOURCES

**THESE ORGANIZATIONS ARE HERE TO HELP L.A.'S IMMIGRANT COMMUNITY TO FIGHT FOR OUR RIGHTS ON THE STREET, IN OUR HOMES, AT WORK, IN DEPORTATION HEARINGS AND IN DETENTION. THEY CAN CONNECT YOU TO RESOURCES FOR LEGAL, LEADERSHIP AND ORGANIZING SUPPORT. THEY ARE LED BY IMMIGRANTS AND THE CHILDREN OF IMMIGRANTS.**

<p><b>CARECEN – Central American Resource Center</b> provides no-fee representation and consultation for immigration court proceedings and procedures. The legal department is an advocate for immigration rights, and holds free seminars on legal issues, your rights, and current changes in immigration law.  <b>2845 West Seventh Street, L.A. – 90005; 213-385-7800; <a href="http://www.carecen-la.org">www.carecen-la.org</a></b></p>
<p><b>COALITION FOR HUMANE IMMIGRANT RIGHTS (CHIRLA)</b> was formed in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles; promote harmonious multi-ethnic and multi-racial human relations; and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society.  <b>2533 West Third Street, L.A. – 90057; 213-353-1333; <a href="http://www.chirla.org">www.chirla.org</a></b></p>
<p><b>GARMENT WORKER CENTER</b> is a place for garment workers to organize. There are monthly educational workshops that explain issues such as wage and hour laws, health and safety regulations and discrimination. Garment workers also come to find help with their work problems - if they have not gotten paid, if they were fired unfairly or if the factory is engaging in unfair and unsafe practices. The center also provides a space to centralize all the efforts happening against sweatshops and to help garment workers.  <b>1250 South Los Angeles Street, Suite 213, L.A. - 90015; 213-748-5866; <a href="http://www.garmentworkercenter.org">www.garmentworkercenter.org</a></b></p>
<p><b>HOMIES UNIDOS</b> is a community-based organization committed to developing creative alternatives to youth violence and drugs through access to alternative education, leadership development, self esteem building, and health education programs. Homies helps families to fight deportation to central America and to advocate for the human rights of the immigrant community in Los Angeles as well as L.A.'s deported community in El Salvador.  <b>1625 West Olympic Blvd., Suite 706, L.A. – 90015; 213-383-7484; <a href="http://www.homiesunidos.org">www.homiesunidos.org</a></b></p>
<p><b>THE INSTITUTE OF POPULAR EDUCATION OF SOUTHERN CALIFORNIA (IDEPSCA)</b> is a non-profit community-based educational organization working to create a more humane and democratic society by responding to the needs and problems of disenfranchised people through leadership development and educational programs based in Popular Education methodology. Specifically, our goal is to organize and educate members of low-income Latina and Latino immigrants concerned with solving problems in their own communities.  <b>1565 W. 14th Street, L.A. – 90015; 213-252-2952; <a href="http://www.idepsca.org">www.idepsca.org</a></b></p>
<p><b>KHMER GIRLS IN ACTION (KGA)</b> is a non-profit community based organization that works with Cambodian girls in Long Beach, ages between 14 and 21, on social justice issues that impact their lives. KGA's mission is to contribute to the movement for social, economical, and political justice by educating future Southeast Asian women leaders.  <b>1355 Redondo Ave. Suite 9; Long Beach – 90804; 562-986-9415; e-mail - <a href="mailto:KGAyellowlounge@yahoo.com">KGAyellowlounge@yahoo.com</a></b></p>
<p><b>KIWA - (KOREATOWN IMMIGRANT WORKERS ALLIANCE )</b> is working to develop and empower a progressive constituency and leadership amongst low wage immigrant workers in Los Angeles that can join the struggle in solidarity with other underrepresented communities for social change and justice. KIWA provides assistance to workers who would like to file wage claims with the Department of Labor if their employer did not pay them correctly. KIWA can help those who live and/or work in Koreatown, and speak Korean, Spanish and/or English.  <b>3465 West 8th Street, 2nd floor, L.A. – 90005; 213-738-9050; <a href="http://www.kiwa.org">www.kiwa.org</a></b></p>
<p><b>PILIPINO WORKERS' CENTER</b> was formed in 1997, on the idea that all individuals deserve a high quality of life, and are entitled to safe working conditions, living wages, decent living conditions, access to quality healthcare and basic human dignity. PWC provides services and resources that help meet the immediate needs of Pilipino workers and their families while organizing for long-term change.  <b>153 Glendale Blvd., L.A. – 90026; 213-250-4353; <a href="http://www.pwc.org">www.pwc.org</a></b></p>
<p><b>Q TEAM</b> empowers queer and trans youth of color through radical, multi-issue, grassroots organizing for human rights and social justice.  <b>5610 Pacific Blvd., Suite 204, Huntington Park, - 90255; 323-581-3554</b></p>
<p><b>SOUTH ASIAN NETWORK</b> was founded in 1990 to provide an open forum where individuals of South Asian origin could gather to discuss social, economic, and political issues affecting the community, with the goal of raising awareness, active involvement and advocacy among community members leading to an informed and empowered community.  <b>18173 S. Pioneer Blvd., Suite I, 2nd Floor, Artesia – 90701; 562-403-0488 and 3465 West 8th Street, L.A. – 90005; 213-480-9632</b>  <b><a href="http://www.southasiannetwork.org">www.southasiannetwork.org</a></b></p>
<p><b>YOUTH JUSTICE COALITION</b> is working to build a youth-led movement to challenge race, gender and class inequality in the Los Angeles County juvenile <i>in</i>justice system. We are working to dismantle a system that has ensured the massive lock-up of people of color, widespread police violence and distrust between police and communities, vast disregard for youth and communities' Constitutional rights, and the build-up of the world's largest prison system. We use coalition building, direct action organizing, advocacy and activist arts to mobilize youth, their families and youth organizations to bring about change. We can provide court and organizing support to people struggling with arrest, juvenile or criminal court, lock-up, deportation, gang suppression, gang databases and gang injunctions.  <b>253 West Martin Luther King Blvd., L.A. – 90037 / mail us at PO Box 73688, L.A. – 90003; 323-235-4243;</b>  <b>e-mail – <a href="mailto:freelanow@yahoo.com">freelanow@yahoo.com</a></b></p>

## **WRITE YOUR LETTERS FOR SB 999 AND AB 1300 AND GET THEM IN THIS WEEK. THANKS!**

### **FOR SB 999:**

The Honorable Gloria Romero  
Senate Majority Leader  
Chair, Public Safety Committee  
State Capitol, Room 313  
Sacramento, CA 95814

VIA FACSIMILE: (916) 445-0485

### **SUPPORT LETTER FOR SB 999**

Dear Senator Romero:

<**Your organization**> is pleased to support SB 999 (the Juvenile Life Without Parole Reform Act) which will eliminate the sentencing of juveniles to life sentences without any possibility for release on parole. This important piece of legislation recognizes that children who commit crimes before the age of 18 are different than adults and, while they should be appropriately punished, it is overly harsh to never in their lifetime give them an opportunity to prove they have been rehabilitated.

#### **<Brief description of your organization>**

The imposition of life without parole sentences on minor children is especially cruel in light of recent scientific developments showing that the adolescent brain is not fully formed until well into early adulthood, and that children do not have adult levels of judgment, impulse control, or ability to assess risks. In addition, this extreme punishment is widely considered a violation of international law and fundamental human rights.

By eliminating the unforgiving sentence of life without parole for crimes committed by minor children, SB 999 represents a more humane, sensible, and proportionate sentencing approach. Child offenders would still face severe punishment (a sentence of 25 years to life) for committing horrible crimes, but SB 999 would offer greater motivation for their rehabilitation since they would be given the opportunity to ask for (and prove worthy of) release on parole after serving 25 years.

We especially support SB 999 because racial disparities in sentencing practices in California are the worst in the nation: black youth are sentenced to life without parole at 22 times the rate of white youth.

Child offenders, no matter how serious the crime, should be given the chance to prove before they die that they have been reformed. We urge your support for this important legislation.

Sincerely,

<**your name**>

cc:  
Senator Dave Cogdill  
Senator Gilbert Cedillo  
Senator Bob Margett  
Senator Mark Ridley-Thomas  
Senator Leland Yee

**PLEASE e-mail a version of your letter to the Youth Justice Coalition at [freelanow@yahoo.com](mailto:freelanow@yahoo.com) so we can make sure that it's included. Thanks!!!**

### **FOR AB 1300:**

[DATE]

TO: Members of the California State Legislature

RE: **AB 1300 (Price) – Family Connection and Young Offender Rehabilitation Act**

**[YOUR ORGANIZATION]** is in support of AB 1300, by Assembly Member Price, which would reduce recidivism by juvenile offenders by encouraging communication between juvenile offenders and their family members and clergy while incarcerated. AB 1300 responds to the statistics that show that closer ties with family and clergy are highly correlated with lower recidivism rates.

Under current regulations and policies, families have found the bureaucracy and associated costs of maintaining relationships with their incarcerated children to be either difficult or even prohibitive, resulting in the loss of telephone services, institutionalized problem children with no understanding of their families' lack of communication, and even suicides.

AB 1300 is a deliberative package of measures that will help reduce recidivism while emphasizing rehabilitation. For example, it would ensure that a juvenile offender's visitor's list would travel with the juvenile when he or she was moved to a new location, thus ensuring that the juvenile did not wait months as a new bureaucracy again approved each of his family members and clergy for visits. Also, this bill would ensure that communication with family could not be used as a punitive measure (thereby encouraging more dependence on the

institution and on other juvenile offenders for social learning and value formations.) AB 1300 would also make individual visiting information more up- to- date and accessible for family members to plan often long and difficult trips to the institution. These are only some of the reasons why we support Assemblymember Price's AB 1300- The Family Connection and Young Offender Rehabilitation Act.

We strongly believe that enactment of AB 1300 would reduce recidivism by emphasizing rehabilitation through encouraging the family and social networks needed by our youth in their development towards adulthood.

**[ORGANIZATION]** respectfully urges your "AYE" vote on AB 1300.

Sincerely,

cc: Assembly Member Price

**PLEASE e-mail a version of your letter to the Youth Justice Coalition at [freelanow@yahoo.com](mailto:freelanow@yahoo.com) so we can make sure that it's included. Thanks!!!**