

## Unit 3: Immigration and Naturalization – Who Does What?

## Background:

1890 Commissioner of Immigration, under the Treasury Dept (Ellis Island era)

1933 Immigration and Naturalization Service (INS) under the Dept of Labor (1933-1940) or the Department of Justice (1940-2003).

Note: Setting immigration policy and enforcing immigration laws is a federal responsibility. It is unclear exactly what kinds of laws a state can make regarding immigration; these are always subject to legal challenge. In general, states can regulate employment licensing, enforcement (or not) of federal immigration laws, access to federal public benefit programs (like welfare, food stamps, housing), and access to state public benefit programs.

**Department of Homeland Security (DHS)**

- US Citizenship and Immigration Services (USCIS) – determines immigration benefits & oversees the naturalization process (i.e. the process of lawful entry). Manages “E-Verify” system for employers to determine a worker’s status. Handles refugee and asylum requests.
- US Immigration and Customs Enforcement (ICE) – immigration law enforcement within the US. Includes identifying, detaining, and removing undocumented aliens. Currently, the apprehension / removal priority is for convicted criminals, fugitives who pose national security threat, and people who recently entered without permission.
- US Customs and Border Protection (CPB) - handles immigration screening at the border
- US-VISIT – implements a biometric information gathering system at entry and exit of nonimmigrant visa holders at ports (air, land, sea) of entry.
- Office of Immigration Statistics (OIS) – data gathering and analysis, including an annual Yearbook of Immigration Statistics

**Department of State** – manages foreign relations with other countries. Immigration-related responsibilities include: adoption, au pair programs, student visas, border crossing cards, US consulates and embassies abroad, diversity lottery, human rights reports, immigrant visas obtained abroad, US passports. Note: a visa is permission to enter the US but is not a guarantee of being permitted entry. That’s up to CPB to determine who is admissible and who is not.

- Bureau of Population, Refugees and Migration (PRM) – administers refugee admission and assistance.
- Bureau of Consular Affairs – interprets visa law and regulations; liaison between State Dept and embassies / consulates abroad on visa matters. Issues passports to US citizens abroad.

**Department of Labor** – approves applications for work visas, like H-1B, H-2A, H-2B

**Selective Service Administration** – all men ages 18-26 must register, even if noncitizen or undocumented

**Social Security Administration** – provides some noncitizens / foreign nationals with SS #s for work authorization or tax purposes

**Department of Health and Human Services** – administers J-1 program for health care workers; administers foster care programs for unaccompanied minors, refugee resettlement funding and assistance, and Head Start / Health services for migrant workers

**Department of Justice** – runs the immigration court system and immigration appeals process. Also has an office of Special Counsel for Immigration Related Unfair Employment Practices.

**Internal Revenue Service (IRS)** – provides tax information for all taxpayers, citizens and noncitizens and for US citizens living abroad.

**Department of Education** – has offices / programs for English language acquisition for children, education for children of migrant workers, and adult literacy programs.