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## HOMELAND SECURITY - IMMIGRATION POLICY

### **Introduction**

Every country in the world has immigration laws; they are particularly used to regulate entry of foreign citizens into their respective countries. Moreover, policies are aimed at protecting refugees as well as those seeking for temporary or permanent asylum who may otherwise face abuse in their native countries. Immigration policy has been instrumental in ensuring safety of both the visitors and locals in any given country. In addition, it has provided opportunities for tourism and international developments, especially in developing countries. Immigration policies are developed to help strengthen their viability in the region. It also contributes to restore confidence in the government's sole objective of protecting its citizen's safety. There are various laws governing immigration policies. In fact, immigration policy has undergone several changes all over the globe. For instance, since it was established, the institution of immigration had been the subject of legislation in the United States. It is quite important to note that immigration policies developed immediately aroused sharp debates among critics in terms of human rights concerning the freedom of interaction as well as the right of free movement. These have caused jitters in some countries, especially in the United States and United Kingdom which most people from developing countries see as safe heavens. As this debate continues, governments of these countries keep strengthening their safety measures through legislations on immigration policy. This paper will explore immigration policy as entailed in homeland security. It will also endeavor to examine its contents as well as the changes it has undergone since its conception to the present day (Bullock, et al., 2009, p. 5).

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### **Homeland security**

Homeland security is a term used to refer to the US government department agencies credited with the responsibility of protecting its states from any possible terrorist threats. In essence, its main concern is to ensure protection of its citizens from terrorists' attacks. Their main aims are to try to minimize any threats that may arise or any damages that can be possibly caused by terrorism. Moreover, they are also credited with reducing the country's vulnerability to terrorist acts. This cannot be achieved without involving immigration laws and policies. It is for this reason that homeland security works closely with immigration department to ensure that there are no influx of extremists into the United States of America. It is clear that terrorist threats can arise from within or outside of the country. It is also well known that most patriotic United States nationals cannot conduct activities aimed at endangering the lives of its fellow compatriots. This leaves one possible cause of such activities, an enemy living within the borders of the United States or living outside the borders but planning to enter. For the enemy to get access into the country, the passage through immigration procedure should be passed through. For this reason, immigration policies have a direct link with homeland security and require close monitoring to step up security (Kettl, 2007, p. 37).

The first records of the term 'homeland security' dates back to the 2003 September attacks. There followed a reorganization of some of the main United States' government agencies. It may therefore be used to refer to actions or activities of homeland security department as well as other stakeholders, like Senators and

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Congress on homeland security. Homeland security department therefore has the responsibility of protecting its citizens from external aggression, threats and attacks.

This department, along with Homeland Defense, incorporates over 180 federal agencies, including the National Guard agency, among others. This shows how serious the functions of this department are. In this regard, immigration policies form an integral part of homeland security, as scrutiny of entrants into the United States, have to be made with reference to homeland security act of 2002. Furthermore, it is through strengthening of immigration policies that close scrutiny can be achieved to weed out extremists and terrorist threats, which would endanger the country and its inclusions. Homeland security and immigration policies are, therefore, inseparable as they work hand in hand to ensure safety of the country.

### **Immigration policy**

Immigration policy has undergone tremendous changes in centuries since the United States was founded. Among the changes, the Congress formal process established to allow foreign-born people to become citizens of the United States was of great significance. This caused a huge rush for greener pastures in the United States for over a century from 1790. On the other hand, it increased threats to the countries citizens and resources as extremists envied their progress. Among others, the outcomes were new tasks aimed at reviewing all the processes of admission to the country. This has seen numerous modifications to the immigration policy. These policies have been the most useful instruments in ensuring safety of both the visitors and locals in any given country. In addition, it has provided opportunities for tourism and international developments, especially in developing countries. Immigration policies are

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developed to help strengthen its viability in the region; it also helps restore confidence in the government's sole objective of protecting its citizen's safety.

The term 'Immigration Policy' consists of two words – immigration and policy. Immigration means to enter a foreign country. It may also refer to a lawful permanent resident, which means an alien who has been lawfully admitted into a foreign county and given permanent residence status. Policies are laws that guide or regulate this process. Therefore, immigration policy may refer to the laws and regulations that have been formulated to guard the process of immigration. The Congress and Senate usually make these policies. It is quite important to note that immigration policies that have been developed aroused sharp criticism from human rights raising concerns on freedom of interaction as well as the right to move freely throughout the globe. These have caused displeasure in some countries, but strengthened policies on immigration. Governments cite security as the main reason for strengthening their safety measure through rigorous immigration processes.

### **Immigration policy in the United States**

Immigration policy in the United States has undergone several changes over the years to enable it serve its citizens better. This has been aimed at achieving multiple goals. By doing this, the policy works to establish unity in families. The policy is also used to admit workers with definite skills who may be inadequately served in the country. For instance, positions that experience continuous shortages can be categorized under this section for admittance of immigrants. This would assist the country to mitigate its labor shortages. Again, these policies are aimed at providing safety to people who face various dangers in their respective countries; these may

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include racial, religious as well as political discrimination, among others. These may be also referred to as asylum seekers with valid grounds for their situations. The policy would, therefore, act to save them from such oppressors in their countries of origin. Immigration policy also promotes diversity by enabling admission of people from countries with very low rates of immigrants through a program dubbed “diversity program”. This is aimed at making the country a home to the representatives of all cultural diversities. All these goals of immigration policies are established to enable both temporary and permanent admissions to the United States.

It is quite important to note that these policies are well laid out and stated in the Congressional budget office paper. The policy describes conditions for eligibility of various categories of legal admission to the United States. In addition, it provides the current reforms on these policies aimed at strengthening its executions and safety to American population, resources as well as airspace, among others.

### **Evolution of immigration policy in the United States**

As stated above, immigration policy has undergone several modifications since the nation was founded. Policy makers have found it difficult to maintain the same regulations in a dynamic world over the years. The country faces several threats to its existence as attacks by terrorists witnessed in September 11, 2003, among others. This led to various legislations that continue to link immigration policies to homeland security in monitoring unlawful/legal immigrants with suspicious activities. Evolution of immigration policies began in 1790 when the Congress allowed people born outside the United States to become its citizens. This led to a very large influx of people mainly seeking for jobs from all parts of the world. Later on, after about a century, in 1875, the

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country enacted another law that sought to limit immigration. At first, it was just aimed at prohibiting admission of prostitutes along with other criminals. Due to the continual rise in immigrants, federal government was given exclusive rights to guard immigration by the Supreme Court. In 1891, Immigration service was established by the Congress with processing responsibilities resting on the federal government.

Immigration recorded its lowest in World War I. But later, it resumed its high levels, subsequently leading to new immigration policies that included the quota system in 1921 and 1924. This system, which favored family reunification, was later abolished in 1965, and a categorical preference system was adopted instead of that. The latter system emphasized on granting admissions to immediate families of citizens of the United States and permanent residents as well as those with valuable skills to the country. Most of these policies are still in place even though various amendments have been made on them. This went into cap ceilings that started with 290000 per year to a flexible cap of 675000 immigrants per year. In 2009, the United States granted legal permanent resident status to more than 1.1 million people. (Congressional Budget Office, 2011).

The flexible part only came into play for unused visas. Later on, Homeland security act, which was created in 2002, restructured the immigration policy. Department of Homeland security became responsible for almost all the immigration and Naturalization services' functions. These were done to stem illegal immigrants with threats to American population.

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### **Categories of lawful admission to the United States**

Non United States citizens can be admitted into the country through various ways. These ways are divided into two main categories, namely, permanent and temporary admissions, also known as immigrant or non-immigrant ones. In this regard, those who gain permanent admissions are commonly referred to as LPRs which means lawful permanent residents. They are usually served with green cards. LPRs are allowed to live and work in the United States. In addition, they may be also allowed to apply for citizenship of the United States. Another way of entering the United States is through temporary admissions. These are usually granted to the non-United States citizens who plan to visit or enter the country for a given period. This may be for purposes of tourism, student exchange, temporary works, among others. This category of people may or may not be allowed to work in the United States, depending on their visas. Moreover, they are not eligible to apply for citizenship in the United States. Instead, those who wish to apply for the same must first undergo the process of permanent admission. (The Congress of the United States, 2006, p. 1-19.)

On the contrary, visas are not capped as it is seen in admissions. This is mainly because the former can be valid for several years. In this case, holders of visas can enter and leave the United States whenever they want until it expires. However, whenever they enter the country, it is recorded by USCIS, although departures are never recorded. In some circumstances, people may be denied admissions or visas into the country through categories mentioned above. These may be on grounds of violations of immigration laws and inadequate documentation as well as on health grounds, among others. Other factors that include numerical limits may also deny those

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seeking for admissions or visa into the country. The main goals of permanent admissions are to reunite families for those who live in the United States, to allow admissions to those from diverse group of countries. Others are to give refuge to those escaping from persecutions of religious, political as well as racial nature and admit those with skills of strong demand and useful to the United States (The Congress of the United States, 2006, p. 1-19).

### **Enforcement of immigration laws**

Aliens as well as immigrants may be removed or granted inadmissibility in many situations. These include valid grounds for health concerns to the United States population, terrorist suspects, those with criminal history, and those with a likelihood of getting a public charge. Other grounds under which one may be denied admissibility include possession of fake qualifications and certifications, falsehood, domestic violence, child abuse as well as stalking, among other criminal activities. When immigrants are found to violate any immigration regulations, they are taken through immigration enforcement procedures. This starts with arrest of individuals found to violate immigration policies established by USCIS. Those found guilty of violating immigration policies may be deported to their countries of origin with subsequent bans that may include life bans to enter the United States. This can be done through voluntary departure or formal removal. The latter is usually carried out before a judge. This may cause departure or adjustment to alien's immigration status.

Other forms of punishment may include fines, prohibition of future entry as well as imprisonment. In some cases, one may be allowed to stay on. Expedited removals are usually conducted to aliens with fraudulent behaviors or inadmissibility. On the other

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hand, voluntary removals are usually given to those without criminal acts but attempting to enter the country. Naturalization of immigrants into the United States citizens must also follow the immigration policies (The Congress of the United States, 2006, p. 1-19).

### **Summary**

Immigration policy in the United States has undergone several alterations over the years. This has been aimed at achieving multiple goals, some of which include reuniting families living in different countries by admitting those with relatives in the country. By doing this, the policy works to establish unity in families. The policy is also focused on admitting workers with definite skills inadequately used in the country. For instance, positions with shortages can be categorized under this section. This would assist the country to mitigate its labor shortages. Again, these policies are aimed at providing safety grounds for people being deprived of these rights in their native countries.

The evolution of immigration policies which started at the end of the 18th century with the Congress allowance to those originally born outside the US to be considered its citizens. As a result, there was a strong inflow of foreigners, mainly those who came to the US in search of job since they could not get any in their native country due to various unfavorable reasons was observed. This fact, however, made the government think about putting a limit to the quantity of immigrants overflowing the US. Further changes and modifications to the law emerged with increasing risks of terrorism and enactment of homeland security act of 2002. Immigration policies changed from the quota system in the earlier times to the comprehensive system, which now seeks to achieve the goals mentioned above (The Congress of the United States, 2006, p. 1-19).

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The paper describes the way of gaining admission to the United States. These are divided into two main categories, which are permanent and temporary ones. They are also known as immigrant or non-immigrant admissions. In this regard, those who gain permanent admissions are usually known as LPRs (lawful permanent residents). They are usually being served with green cards. LPRs are allowed to live and work in the United States. In addition, they may also be allowed to apply for citizenship of the country. Another way of admission to the United States is through temporary admissions. These are usually granted to non-American citizens who plan to visit or enter the country for a given period. This may be for purposes of tourism, student exchange, temporary works, among others. It is also important to note that aliens may be removed or granted inadmissibility under certain situations. These include valid grounds for health concerns to the United States population, terrorist suspects, those with criminal history, and those with a likelihood of getting a public charge, among others (The Congress of the United States, 2006, p. 1-19).

### **Conclusion**

Immigration policy continues taking a new shape in our modern dynamic world. The United States, for example, formerly allowed everyone irrespective of his/her past to enter through its borders. However, this changed as influx grew out of proportion subjecting the country to illegal aliens as well as criminals. Subsequently, various reforms to the immigration policy followed. These were aimed at limiting threats to national security as well as illegal immigrants with criminal activities, which include drug trafficking and sexual abuse, among others. Establishing of homeland security act of 2002, which is now responsible for almost all immigration and naturalization services'

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functions. This was done to stem illegal immigrants with threats to American population. America is now safer with its new reforms on immigration policies (American Immigration Council, 2011, p. 1).

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