**Immigration Law: Deport or Not--You Decide**

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**Abstract:** This lesson introduces students to immigration law in the United States. The lesson first reviews the history of immigration and defines deportation. The lesson then explains the difference between citizens and non citizens and the way in which deportation law affects each group.

**Credits:**

The materials in this lesson were adapted from the “No Second Chance: A crime prevention curriculum for immigrant youth” developed by the Immigrant Law Center of Minnesota. More information can be found at http://www.immigrantlawcentermn.org/service/education/NoSecondChance.html

**Objectives:**

Through this lesson, the students will:

* Learn the history of immigration in the United States
* Learn the difference between citizens and non citizens
* Understand the consequences of breaking the law to a non citizen

**Grade Level:**

High School (9-12)

**Time to complete:**

One 80 minute class period (preferred) or 2 periods. This lesson plan could be done in one 50 minute class period if the class is at a more advanced level.

**Materials needed:**

* PowerPoint Presentation
* Projector for slideshow
* Internet connection if teacher wants to show pictures from pbs.org and videos from Youtube.

**Procedure**

1. Post signs in separate areas of the room: Strong Disagree, Disagree, Agree, Strongly Agree
2. Read of crimes one at a time and ask students to move to the sign that describes their opinion on whether a non-citizen should be deported for committing the crime.
3. Ask a volunteer from each sign to state why they feel the way that they do. Explain that the crime is in fact one that a non-citizen could be deported for committing.

List of Crimes:

* Possessing any drugs, using drugs, or selling drugs, even in very small amounts. This includes Marijuana, Khat and prescription drug abuse.
* Domestic violence against a spouse or boyfriend/girlfriend
* Violent crimes
* Stalking
* Renting a car and not retuning it as scheduled (Auto Theft)
* Using false papers to get a job (fraud)
* Lying to a police officer or a judge about your name
* Shoplifting
* Writing bad checks
* Burglary of a house or store
* Fistfights, especially with a weapon
* Kidnapping your girlfriend to marry her
* Having sex with someone who is under 18 (statutory rape) even if with your boyfriend or girlfriend, even if both people agree to have sex.
* Committing a crime as part of a gang
* Threatening to harm or kill someone

**STRONGLY**

**DISAGREE**

**DISAGREE**

**AGREE**

**STRONGLY**

**AGREE**

***TEACHER BACKGROUND  
The United States and immigration***

The United States has a long history with immigration. An **immigrant** is someone who leaves one country to permanently live in another country. Immigrants come to the United States for many different reasons. Some are fleeing religious and political persecution, while others come to be reunited with, or to join family members already in the U.S. Many immigrants come to the United States in search of work and economic stability. Immigration law regulates how immigrants can legally enter the United States, and what rights and responsibilities they have once they are here. Immigration law also regulates deportation. It is especially important for non-citizen immigrants to understand the laws regarding deportation in the United States.

***What is Deportation?***

**Deportation**, now called **removal**, is the process of removing a person from the United States. Generally, when a person is deported they are no longer allowed to live, work or visit the United States. To fully understand deportation it is important to understand some key immigration vocabulary.

Many people believe that only **undocumented** people, or people that do not have legal permission from the United States government to be in the country, can be deported. However, *any* person that is living in the United States that is *not* a citizen can be deported if they break the law. This includes immigrants with legal permission to be in the country. A U.S. citizen cannot be deported, but it is important to know that any non-citizen *can* be deported.

***Citizens and non-citizens***

There are three ways in which a person may be citizen. A **citizen** can be someone who was born in the United States or someone that has an American citizen parent. Children can become citizens through their parents. An immigrant can also become a citizen through **Naturalization**, the process through which a foreign-born person becomes an U.S. citizen. A **non-citizen** is someone who was not born in the U.S., does not have a citizen parent, and has not yet gone through the process of naturalization. Deportation laws pertain to, or affect, all non-citizens.

Many non-citizens are lawful permanent residents. A **lawful permanent resident** is a person living in the United States with permission from the U.S government and with a “**green card**”. Green card is the term many people use to refer to a lawful permanent resident card. Lawful permanent residents can live and work in the United States indefinitely (permanently), and are eligible to become citizens through naturalization after living in the United States for some years. Until lawful permanent residents naturalize they are still considered non-citizens. Because they are not citizens, lawful permanent residents can be deported.

Refugees are also non-citizens. **Refugees** come to this country after leaving a country that was not safe for them to live in. After one year in the United States a refugee can apply to change their immigration status from refugee to lawful permanent resident status and get a green card. Because refugees are not citizens, they can be deported as a result of criminal activity.

Any non-citizen, including lawful permanent residents (people with green cards) and refugees can be deported. Deportation can occur for many reasons, but often is the result of breaking the law. The information below explains more about deportation laws, and how deportation can occur as a result of criminal activity.

***Deportation law***

In 1996, the U.S. government enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA). One result of this act is that it became much easier for Immigration and Customs Enforcement (ICE) to deport non-citizens, even lawful permanent residents (people with green cards). If you are not yet a citizen of the United States, these laws apply to you. Non-citizens should be aware of how deportation laws can have an effect them, or their non-citizen family, neighbors and friends.

Current immigration laws have resulted in a crackdown by Immigration (ICE) on non-citizens who are involved in any sort of criminal activity. These laws carry a "no second chance" attitude. What this means is that non-citizens living in the United States that have committed certain crimes, even if it was just one crime, are at risk of being deported. It only takes one crime or one wrong decision to be deported. Deportation laws have made it very hard for a non-citizen to obtain, or get, a second chance.

**Risks of Deportation**

Federal immigration law divides the people in this country into two categories: citizen and non-citizen. A non-citizen is a person who was born in another country and has not become a U.S citizen. According to federal immigration law, **any non-citizen can be deported**.

**Why does someone get deported?**

A non-citizen can be deported for a number of reasons;

* Having entered the U.S without legal permission
* Overstaying an immigration visa or work permit
* Having committed certain crimes (whether in the country legally or not)

**What types of crimes can lead to deportation?**

According to federal immigration law, an immigration judge has the power to decide which crimes carry the penalty of deportation. Based on past court decisions, here are some examples of crimes that can lead to deportation (the list is growing every year):

* Possessing any drugs, using drugs, or selling drugs, even in very small amounts. This includes Marijuana, Khat and prescription drug abuse.
* Domestic violence against a spouse or boyfriend/girlfriend
* Violent crimes
* Stalking
* Renting a car and not retuning it as scheduled (Auto Theft)
* Using false papers to get a job (fraud)
* Lying to a police officer or a judge about your name
* Shoplifting
* Writing bad checks
* Burglary of a house or store
* Fistfights, especially with a weapon
* Kidnapping your girlfriend to marry her
* Having sex with someone who is under 18 (statutory rape) even if with your boyfriend or girlfriend, even if both people agree to have sex.
* Committing a crime as part of a gang
* Threatening to harm or kill someone

**Can a person under 18 be deported?**

Yes. A non-citizen under 18 can be deported.

**What should I do if I am not a citizen, and have a criminal record or get in trouble with the law?**

* Talk to an Immigration attorney about your criminal record before you do anything with immigration, such as replace a green card or file for citizenship.
* If you just turned 18, and you have any criminal record, talk to an immigration attorney as soon as possible
* Be aware that pleading guilty to certain crimes will make you deportable and may eliminate any type of remedy from deportation.
* If you are arrested or charged with any crime in juvenile, EJJ, or adult court:
  + Tell your public defender or defense attorney that you are not a U.S citizen
  + Ask your public defender or defense attorney to call one of the legal assistance offices listed on this brochure before you plead guilty.
* **Do not** apply for your own citizenship until you have talked to an immigration attorney because you may risk placing yourself in deportation (removal) proceedings.
* **Do not** leave the U.S until you talk to an immigration attorney. If you are not a citizen, and you have a criminal record, you may not be allowed to return to the country.

**Important tips for all non-citizens in the U.S:**

* Obey all laws. Make yourself aware of what the laws in this country are, and be sure to follow them.
  + Become a U.S citizen if you are eligible. Go to USCIS.GOV for more information. Seek legal advice from an immigration attorney before you apply.
  + If you are under 18, help your parents to become citizens as soon as possible. If you are a permanent resident and a parent who you live with becomes a U.S Citizen before you turn 18, then you will automatically become a citizen as well.
  + Avoid risky situations and activities that may lead to breaking the law. It can only take one bad decision to lead to deportation.
  + Remember: any non-citizen can be deported if convicted of certain crimes. A person can be deported even if they have lived in this country since they were a small child, even if they only speak English, even if all of their family and friends are in this country, and even if they are under 18 (in some cases).