

.BACKGROUND INFORMATION

The following information serves to provide background information on what it takes to become a permanent resident in the United States or a Naturalized Citizen of the United States. As citizens of the United States of America we must understand what is taking place in our community with the increase of illegal people and we must understand how a person becomes a legal citizen in our community. We must not be ignorant of the facts but observant of the laws.

Who is given automatic citizenship in the U.S.A.?

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- XIV Amendment to the U.S. Constitution

Who is an Immigrant/Permanent Resident (Green Card)?

An immigrant is someone who is not a U.S. citizen but has been authorized to permanently live and work in the United States. There is a three-step process to become an immigrant. 1) The U.S. Citizenship and Immigration Services must approve an immigration petition for you, is usually filed by an employer or a relative. 2) A visa number through the State Department must be immediately available to you, even if you are already in the United States. If you receive an immigrant visa number, it means that an immigrant visa has been assigned to you. 3) If you are already in the U.S. you may apply to adjust to permanent resident status, after a visa number becomes available for you.

Who is Eligible for Immigration?

People who want to become immigrants are divided into categories based on a preference system. The immediate relatives of U.S. Citizens, which includes parents, spouses, and unmarried children under the age of 21, do not have to wait for an immigrant visa number to become available once the application is filed for them it is approved by the USCIS.

All people who want to become immigrants based on employment must wait for an immigrant visa number to become available according to the following preferences:

- First Preference: Priority Workers including aliens with extraordinary abilities, outstanding professors and researchers, and certain multinational executives and managers.
- Second Preference: Members of Professions Holding Advanced Degrees or Persons of Exceptional Ability.
- Third Preference: Skilled Workers, professionals and other qualified workers.

- Fourth: Certain special immigrants including those in religious vocations
- Fifth: Employment Creation Immigrants.

Naturalization

Naturalization is the process by which U.S. citizenship is conferred upon a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA). The general requirements for administrative naturalization include:

- must have been lawfully admitted to the United States for permanent residence;
- a period of continuous residence and physical presence in the United State as a lawful permanent resident for at least 5 years with no absence for more than 1 year;
- residence in a particular USCIS District prior to filing;
- an ability to read, write, and speak English;*
- must be at least 18 years old;
- a knowledge and understanding of U.S. history and government;
- good moral character;
- attachment to the principles of the U.S. Constitution; and,
- favorable disposition toward the United States.

Note: Recent changes in immigration law and USCIS procedures now make it easier for U.S. military personnel to naturalize (see Naturalization Information for Military Personnel).

*exemptions to this requirement:

1. applicants who, on the date of filing, have been residing in the United States as permanent resident for 15 years or more and are over age 55;
2. applicants who, on the date of filing, have been residing in the United States as permanent residents for 20 years or more and are over age 50;
3. applicants who have a medically determinable physical or mental impairment, where the impairment affects the ability to learn English.

All naturalization applicants must demonstrate good moral character, attachment, and favorable disposition. The other naturalization requirements may be modified or waived for certain applicants, such as spouses of U.S. citizens.

What You Should Think About

If a person claims to be a legal citizen of the United States, has a social security card, driver's license and other identification but cannot speak English and is under age 50 and is not physically or mentally impaired that claim is not reasonable based upon what we know it takes to become a naturalized citizen in the United States. If a person claims to be a permanent resident of the United

States and shows you a green card and cannot speak English no matter what the age that may seem more reasonable.

Entitled to an Education

Entitled to an Education: First, attorney Mary McGowan said, is the [U.S. Supreme Court](#) decision in *Plyler v. Doe*. That 1982 ruling protects the right of children to attend public schools regardless of their immigration status.

The illegal aliens who are plaintiffs in these cases challenging the statute may claim the benefit of the Equal Protection Clause, which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Whatever his status under the immigration laws, an alien is a "person" in any ordinary sense of that term. This Court's prior cases recognizing that illegal aliens are "persons" protected by the Due Process Clauses of the Fifth and Fourteenth Amendments, which Clauses do not include the phrase "within its jurisdiction," cannot be distinguished on the asserted ground that persons who have entered the country illegally are not "within the jurisdiction" of a State even if they are present within its boundaries and subject to its laws. Nor do the logic and history of the Fourteenth Amendment support such a construction. Instead, use of the phrase "within its jurisdiction" confirms the understanding that the Fourteenth Amendment's protection extends to anyone, citizen or stranger, who is subject to the laws of a State, and reaches into every corner of a State's territory

Dear Community Leaders,

The discussion centered on the word illegal, as it relates to residence, has gone on too long in our country. While we recognize that the Federal Government cannot enforce the laws that protect our country from unknown, unlawful entry into this county, we recognize that as a community we can enforce the laws that are in place. The Board of the Clinton County Chamber of Commerce and the Board of Partners in Progress have been involved in numerous discussions that generally go off in the direction of taking adjectives and inserting them before the word “people”, all the while losing focus that we are only concerned with one word, the word “illegal”. The Chamber and PIP Boards see the emotions attached to experiences that move the community towards taking either an unreasonable side of supporting illegal activity or an unreasonable side of embracing racism. Our community must discuss the current situation of illegal activity conducted by/with/for illegal people. This should be a simple discussion. The question is this: What taxpayer supported services (other than education) are illegal people obtaining? The next question is: How do we stop providing those services? Are you ready to take this next step?

It is unfortunate that a combination of opportunity and lax Federal law enforcement have placed some hardworking individuals and families in the position of being illegal; nevertheless, the real issue is the word illegal. Although many illegal people are hardworking and kind; the presence of illegal people also create issues of overcrowding, street gangs, violent crime, identity theft, false identity and lack of appropriate insurance. This illegal presence taxes the resources of our Clinton County public safety agencies, schools, health care providers and social service agencies.

If we continue to shield illegal people from the consequences of unlawful behavior, what will be the long term economic and social detriment to our community? We have been patient, generous and tolerant; however, this has resulted in an ever-accelerating dismantlement of the communities in which we live. The flood of illegal people continues unabated, encouraged by local programs which have the effect of perpetuating their presence in our communities and encouraging more illegal people to come here. In order to begin dealing with this outrage, we must alter the conditions that make Clinton County a comfortable and inviting place for illegal people to reside. The following recommendations of the Boards of the Chamber of Commerce and PIP are to simply ensure that Clinton County is in strict compliance with federal, state, and local laws.

First, in cases where public benefits are restricted by law to only citizens and legal residents, we should actually ask applicants whether they are illegal people or not, and seek confirmation of the answer.

Second, police officers should inquire about and research, where possible, the legal status of all detainees, as is allowed under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Under this proposal, the county will participate in the Section 287(g) Program under the Immigration and Nationality Act of 2005.

Third, we will support city and county efforts to enforce existing ordinances regarding residence and occupancy of multi family dwellings, as well as, all other ordinances related to housing and property conditions.

Fourth, we will support the efforts and goals put forth by the South Frankfort Historic District.

Does this proposal take away benefits from anyone who is entitled to them currently? Not at all. Does it dictate that the police department starts performing immigration enforcement raids in minority communities? Not a chance. Does it dictate policies that would put the county on a collision course with the Supreme Court’s 1982 Plyer v. Doe decision which awards illegal people who are minors with

the privilege of a taxpayer-funded education in our public school system regardless of the resources that might otherwise be dedicated to educating the children of legal residents and citizens? No. Nevertheless, it is time we support actual enforcement of the laws that exist in our community.

It is important to recognize that 32 states have enacted immigration-related bills and more than 50 local governments have legislation under consideration; therefore, we too advocate actions and enforcements that will enhance and improve the quality of life for all the legal people in Clinton County.

Sincerely –

The Clinton County Chamber of Commerce

The Clinton County Economic Development Board, Partners In Progress