

Illegal Immigration Reform and Immigrant Responsibility Act of 1996

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The **Illegal Immigration Reform and Immigrant Responsibility Act of 1996**, Pub.L. 104-208, Div. C, 110 Stat. 3009-546 (often referred to as "Ira-Ira", and sometimes abbreviated to IIRAIRA) vastly changed the immigration laws of the United States.

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How the previous immigration law was amended

These changes in immigration law occurred:

- a distinction was introduced for the purpose of this relief between applicants who were lawful permanent residents and those with no legal status in the United States;
- renamed deportation proceedings and exclusion proceedings as "removal proceedings";
- major changes to the immigration consequences of criminal cases;
- mandatory detention for immigrants convicted of certain crimes;
- a permanent bar to permanent residence for those who falsely claimed to be U.S. citizens;
- authorization for the U.S. Attorney General to hire at least 1,000 new Border Patrol agents and 300 new support personnel each year from 1997-2001


Constitutional issues within the law

Previously, immediate deportation was triggered only for offences that could lead to five years or more in jail. Under the Act, minor offences such as shoplifting, may make an individual eligible for deportation. The Act also applies to residents who have married American citizens and have American-born children.

When IIRIRA was passed in 1996, it was applied retroactively to all

A series of articles on the

United States Immigration Debate



Issues

- Illegal immigration
- Trafficking in human beings
- Labor shortage
- Terrorism
- U.S-Mexico Border

Proposed Solutions

- STRIVE Act (2007)
- DREAM Act
- Guest worker program
- H.R. 4437 (December 2005)
- S. 2611 (May 2006)
- Immigration reduction
- Legalization
- Jackson Lee (2005)
- McCain-Kennedy (2005)
- SKIL (2006)
- REAL ID (2005)
- Border Fence (2006)

Action

- 2006 Protests

Organizations

- Immigration and Customs Enforcement
- CCIR, NIF, FIRM, WAAA, NCLR, FAIR, MMP, MCDC, CCIR, SOS, CIS, NUS.A, MPI

Past Laws

- Naturalization Act (1795)
- 14th Amendment (1868)
- Chinese Exclusion (1882)
- Gentlemen's Agreement of 1907 (1907)
- Emergency Quota Act (1921)
- Immigration Act of 1924 (1924)
- Bracero Program (1942-64)

those convicted of deportable offenses. This included US residents who committed minor offences decades ago.

INS Act (1965)
IRCA (1986)
IIRIRA (1996)

- However, in 2001, the U.S. Supreme Court decided that Congress did not intend IIRIRA to be applied retroactively to those who pleaded guilty to a crime prior to the enactment of IIRIRA, if that person would not have been deportable at the time that he pleaded guilty. (*INS v. St. Cyr*).
- In spite of the 2001 ruling the way the IIRIRA law is used in practice has had so little public scrutiny and oversight so as to make its further use questionable.

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.

IIRIRA's mandatory detention provisions have also been repeatedly challenged, with less success.

Deportation issues

Deportees may be held in jail for months, even as much as two years, before being brought before an immigration board, at which defendants need to pay for their own legal representation. In 2001, the Supreme Court curtailed the Immigration Service's ability to hold deportees indefinitely. (*Zadvydas v. Davis*)

- The Act has been applied much more vigorously since 9/11. At least 1000 British citizens were affected by the law in 2003.
- In one case, an 83-year-old Frenchman, who had lived in the US for 52 years, was held for an old minor offence for seven months and then deported to France, though he no longer had any ties there. He also lost his US social security benefits. [1]
(<http://www.newstatesman.com/200411220005>)

Opponents argue that such deportations are being used to punish nations whose foreign policy clashes with the US, stating that it may be possible, within the legal language of this act, for *an American that is born abroad* with

1. American born parents (*both US citizens*)
2. American born grandparents (*all US citizens*)

to be deported.

See also

- Cambodian American Repatriation
- DREAM Act

External links

- Text of IIRIRA (<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?>

- dbname=104_cong_public_laws&docid=f:publ208.104.pdf) (See pg. 547 in this document).
- Stephen Davis, *New Statesman*, November 22, 2004, "Deported from America" (http://www.findarticles.com/p/articles/mi_m0FQP/is_4715_133/ai_n8578746)
- USCIS Factsheet, March 1997 (<http://uscis.gov/graphics/publicaffairs/factsheets/948.htm>)
- *INS v. St. Cyr* (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=00-767>)
- *Zadvydas v. Davis* (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=99-7791>)
- USCIS Summary of the Act (<http://uscis.gov/graphics/publicaffairs/factsheets/948.htm>)
- Text of the Act (<http://www.lib.umich.edu/govdocs/text/104208.txt>)
- "This American Life" on 'Immigration' (<http://www.thislife.org/pages/descriptions/00/170.html>)

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