



Immigration Law A Primer

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Overview

- Entering short term
 - Visitors/ Students/Temporary Worker
- Entering long term
 - Family sponsorship/Employment sponsorship
 - Refugee/Survivor of Abuse
- Exclusion
- Removal
- Citizenship



Sources of Law

Legislative Branch:

Congress
Immigration
Act

Executive Branch:

Dept of Justice
INS

Judicial Branch:

Federal Courts

Sources of Law





Non Immigrants

- Methods for entering the country temporarily



Short Term

Non Immigrant Visas

- (B) visiting temporarily for business or temporarily for pleasure
- (F) bona fide student qualified to pursue a full course of study
- (H) temporarily to perform services in a specialty occupation
- (J) student, scholar, trainee, teacher, professor, research assistant



Short Term

Non Immigrants Visas

- K) fiancée or fiancé of a citizen of the United States
- (L) employed continuously for one year by a firm or corporation
- (R) religious denomination having a bona fide nonprofit, religious organization in United States



Short Term

Non Immigrants Visas

- U) crime victims who have suffered physical or mental abuse as a result of rape, torture, trafficking, incest, domestic violence; possesses information concerning the criminal activity
- V spouses and children (unmarried and under the age of 21) to come in or stay in the U.S. once a petition filed by a permanent resident spouse/parent was filed more than three years previously and was approved or is still pending



Summary Short Term Visas

- Tourists
- Students
- Fiancé(e)
- Temporary Workers



Immigrants

- Methods for entering the country permanently
 - Lawful permanent resident
 - Green Card holder
 - Immigrant



Long Term: Immigrant Visas - Family

Immediate relatives


First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

- A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
- B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.



Violence Against Women

INS 204(a)(1)

- Spouses and children of U.S. citizens or Legal Permanent Residents who are victims of domestic violence can self-petition for permanent residency



Long Term Immigrant Visas - Labor

■ Employment Based

- First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.
- Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.
- Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."
- Fourth: Certain Special Immigrants: 7.1% of the worldwide level.
- Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.



Immigrant Visa - REFUGEE

- Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually,
- and who is unable or unwilling to return to, and is unable or unwilling to avail or herself of the protection of, that country because of
 - a well-founded fear
 - of persecution
 - on account of race, religion, nationality, membership in a social group, or political opinion.



Immigrant Visa - Special Juvenile Immigrant


8 U.S.C. 1101(27)

- (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;



Summary of Immigrant Visas

- Sponsored by a Family
- Sponsored by a Job
- Sponsoring yourself (Asylum)
- Sponsoring yourself (Abuse)
- Sponsoring yourself (Adjudicated Dependent Juvenile)
- Sponsoring yourself (Lottery)



Grounds for Inadmission (Exclusion)

Immigration and Nationality Act section 212 (a)

1. Health-related grounds.-
2. Criminal and related grounds.-
3. Security and related grounds.-
4. Public charge
5. Labor certification
6. Illegal entrants and immigration violators
7. Documentation Requirements. An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the General, is inadmissible.
8. Ineligible for citizenship
9. Aliens Previously removed
10. Miscellaneous (Polygamists; Abductors)



Grounds for Removal (Deportation)

Immigration and Nationality Act section 237 (a)

- Inadmissible at time of entry or of adjustment of status or violates status.- Any alien who at the time of entry or adjustment of status was within one or more of the classes of aliens inadmissible by the law existing at such time is deportable.
- Criminal offenses.-
- Failure to register and falsification of documents.-
- Security and related grounds.-
- Public charge.-
- Unlawful voters.-Any alien who has voted in violation of any Federal, State, or local provision, statute, ordinance, or regulation is deportable.



Citizenship

- Citizenship by parentage
- Citizenship by birth in US soil
- Citizenship by application



Citizenship by Application

Naturalization

- citizen of the United States upon his own application who cannot demonstrate-
- (1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: Provided, That the requirements of this relating to ability to read and write shall be met if the applicant can read or
- write simple words and phrases to the end that a reasonable test of his literacy shall be
- made and that no extraordinary or unreasonable conditions shall be imposed upon the
- applicant; and
- (2) a knowledge and understanding of the fundamentals of the history, and of the
- principles and form of government, of the United States.



Summary

- Entering short term
 - Visitor – student – Temporary Worker
- Entering Long term
 - Family sponsorship
 - Employment sponsorship
 - Refugee
- Exclusion
- Removal
- Citizenship



Non-profit agencies

Directory of Non-Profit Agencies that Assist Persons in Immigration Matters

Publisher: National Immigration Law Center

Telephone: (213) 938-6452

Philadelphia

1. Community Legal Services
2. Volunteers for the Indigent Program (VIP) 215 981-3700
3. Nationalities Service Center Dennis Mulligan
1300 Spruce Street 215 893-8400
4. Hebrew Immigrant Aid Society & Council Migration Service Judy Bernstein Baker
2100 Arch Street, 3rd Floor 215 832-0900
5. Lutheran Children and Family Services Janet Panning
231 N 63rd Street 215 747-7500 202
6. Catholic Social Services, Immigration Program
Phyllis Forman, 227 N. 18th Street 215 854-7019