

Immigration Law 101 Ways that People Immigrate

* Employment *

Requires certain specialized skills and certification that there are not US workers to fill the job.

* Refugees and Asylum Seekers *

Determination based on past or future credible fear of persecution based on nationality, religion, social group, political opinion or race.

Refugees are granted status outside the US and then resettled in the US. On the other hand, asylum seekers are granted or denied status from within the US. Both have unique access to public benefits.

* Family Members *

This is by far the most common way to immigrate into the US legally. Immigrants need a qualifying relative with the correct immigration status who also has the correct familial relationship. There are very long waiting periods for certain immigrant family members.

* Certain Categories of Victims *

- *Victims of Domestic Violence* - current or former abused spouses and children of Legal Permanent Residents and Citizens qualify for residency or work permits.
- *Victims of Certain Crimes* - victims must have reported the crime to the police. Immigration regulations have not yet been issued on this visa, so there are many unanswered questions.
- *Victims of Human Trafficking* - a person who is a victim of a severe form of trafficking, and complied with reasonable investigation requests from law enforcement (unless under 14 years of age) may be eligible for this visa as well as their family members.
- *Special Immigrant Juveniles* - for unaccompanied minors under 21 who have been placed in state care as a minor.

* Special Visas or Programs for Certain Populations *

- *Diversity "Lottery" Visa* - for people from countries with few people immigrating.
- *Amnesty* - a program in the 1984, which granted status based on residence or agricultural work.
- *Registry* - for persons who have lived here continuously since 1972.
- *Programs for select nationalities* - Haitians, Cubans, Nicaraguans, Salvadorans and Guatemalans, members of certain eastern European countries.

Applications Available in Deportation Proceedings

- **Cancellation of Removal** - which requires exceptional and extremely unusual hardship to an immediate family member with legal status, 10 years of physical presence, and good moral character.
- **Cancellation of Removal for Battered Spouses and Children** - requires 3 years of physical presence, good moral character, as well as hardship as well as other requirements.

Ways that People Can Loose their Immigration Status

- Not complying with the restrictions of their visa, for example, working on a tourist visa
- Committing fraud on current or previous applications
- Falsely claiming to be a U.S. Citizen
- Committing crimes, such as carrying a firearm, or petty theft. Persons can be passed to immigration in jail, or the crime can appear when they are trying to reenter the country
- Residing for more than 6 months outside the country as a permanent resident, or forgetting to remove the conditions on a green card received through marriage, among others.

This information is not meant to serve as legal advice, and is by no means a substitute for legal assistance. If you have a question about your immigration case, we recommend speaking with an attorney or a BIA recognized non-profit agency.