# What Part of Legal Immigration Don't You Understand?

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A ministry of the Catholic Diocese of El Paso, Diocesan Migrant and Refugee Services, Inc. (DMRS) is the only full-service immigration legal aid clinic serving low-income immigrants and refugees residing in the southwestern United States.

#### What Part of Legal Immigration Don't You Understand? Mike Flynn and Sbikba Dalmia

Illustrated by Terry Colon Opponents of illegal immigration are Congratulations! You've fond of telling foreigners to "get in line" After five After you file your Total time to STATES found one of the easiest that vears (three naturalization before coming to work in America. But immigrate and CITIZEN relative's ways to become an if you're a papers and endure become a citizen: what does that line actually look like, parent, American. There is no spouse), a six to 12 months of annual cap on the BEST CASE: SIX spouse. green card TO SEVEN YEARS and how many years (or decades) does processing delays, or minor number of spouses. holder is you can take a it take to get through? Try it yourself! minor children, or parents child? eligible to language and civics of U.S. citizens who can become a test. Pass it, and enter, and they generally citizen. you're a citizen. can receive green cards. Total time to Adult children Wait time immigrate and siblings depends and become a of U.S. on home Siblings of With a green card. Single adult Married adult citizen: 12 TO citizens can country U.S. citizens: you likely can children: six-tochildren: seven-28 YEARS apply for a and marital become a citizen 11-to-22-year 14-year wait. to-15-year wait. green card. status. after six years. If you're the With a green card, Are you the LAWFUL child, are you a Spouses and minor you likely can Total time to PERMANENT spouse or minor? depends on immigrate children of lawful become a citizen child of a RESIDENT home permanent residents after six years. and become a lawful country. citizen: 11 TO permanent Wait time: 13 YEARS resident? five to seven Do you have family in the USA? vears Total time to Are you single? immigrate and become a Is your relative a U.S. citizen Wait time for a single Wait time citizen: 14 TO or lawful permanent resident? adult child of a lawful depends on 20 YEARS Sorry, you don't permanent resident: home country. qualify to apply. nine to 14 years. Are you skilled? Yes -----The wait time for a green card Do you have a college degree ..you have After your green card, OK. Then you is typically six to 10 years. count on another five to in a specialty occupation? a job offer. six years for citizenship. Is your employer willing to file the paperwork for a If an employer can't Can you prove that you Congratulations! labor certification? And wait six to 10 years for are a genius? How about You have found Total time to conduct a new job search you to start work... a star athlete? Or an the quickest way immigrate and for your position? And pay investor with \$1 million? to get a green up to \$10,000 in legal and become a citizen: card, taking 12 11 TO 16 YEARS other fees? ..is he willing to apply to 18 months. for your temporary work But you would Sorry! There is virtually no visa (H-1B)? have made it process for unskilled Sorry, you're out of luck. anywhere, Mr. immigrants without relations Beckham. in the U.S. to apply for Then you have a 50/50 chance of getting permanent legal residence. your H-1B, because these visas are Only 10,000 green cards are capped at 85,000 per year, well below the allotted every year, and the total demand. They run out on the first day Total time to wait time approaches infinity. With your green they become available. If you are lucky immigrate and (Those who receive H-2A or card you can enough to get one, you can start working in become a citizen H-2B temporary visas for become a citizen the country and your employer can apply for SIX TO SEVEN seasonal work cannot in five to six years. your labor certification and green card. transition to a green card.)

> (Flynn is director of government affairs and Dalmia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)

## Types of Immigration Status

- People not under the authority of immigration
  - ■U.S. Citizens

- People under the authority of immigration
  - Legal Permanent Residents (LPRs, green card holders, residents)
  - Visa holders
  - People who are undocumented

#### Citizenship

- Born in the United States
- Naturalize
  - ► Have been an LPR for 3/5 years
  - ■Can read, write and speak English
  - ■Can pass a civics/history test
  - Are a person of good moral character
- **■** Inherit

#### Employment Based Residency

■ Investment: if you have \$1,000,000

■ Individuals of extraordinary ability in the sciences, arts,

education, business or athletics

Congratulations!
You have found
the quickest way
to get a green
card, taking 12
to 18 months.
But you would
have made it
anywhere, Mr.
Beckham.

■ Job Offer: Professionals holding advanced degrees, skilled workers, professionals, and other workers

## Family Based Residency

**■** Citizen Petitioners

Resident Petitioners

**→**Parents

**→**Parents

**Spouses** 

**■**Spouses

- ► Children (21 or over)
- **■**Siblings

#### Immediate Relatives

Petitioner	Beneficiary
USC Parent	Unmarried child under 21
USC Spouse	Spouse
USC Child, 21 or over	Parent

# Family Based Residency – Visa Bulletin and Priority Dates

April 2017

Petitioner	Beneficiary	Category		All Areas Except Those Listed	CHINA- mainland	INDIA	MEXICO	PHILIPPINES
	Unmarried child over 21	F1		15OCT10	15OCT10	15OCT10	22MAY95	15JAN06
	Spouse and/or unmarried child under 21			08JUN15	08JUN15	08JUN15	22MAY15	08JUN15
	Unmarried child over 21	F2B		15SEP10	15SEP10	15SEP10	22DEC95	15JUN06
	Married child over 21	F3		15MAY05	15MAY05	15MAY05	08JAN95	15SEP94
USC Sibling	Sibling	F4		8MAY04	08MAY04	15AUG03	15JUN97	08SEP93

# Family Based Residency – Visa Bulletin and Priority Dates

Petitioner	Beneficiary	Category	MEXICO Apr 2017	MEXICO May 2017
USC Parent	Unmarried child over 21	F1	22MAY95	15JUN95
-	Spouse and/or unmarried child under 21	F2A	22MAY15	22JUN15
LPR Parent	Unmarried child over 21	F2B	22DEC95	O1FEB96
USC Parent	Married child over 21	F3	08JAN95	22JAN95
USC Sibling	Sibling	F4	15JUN97	01JUL97

For more information, see article: Wheeler, Charles. "Seriously, When Will My Visa Become Available?: Providing Honest Advice in Family-Based Cases." Catholic Legal Immigration Network, Inc., May 2012. Web. <a href="https://cliniclegal.org">https://cliniclegal.org</a>>

## Time-Based Status – Deferred Action for Childhood Arrivals

- ► For applicants who:
  - ■Don't have a serious criminal history
  - → Have lived in the US since they were 16
  - ■Were born after June 15, 1981
  - Have graduated high school, gotten a GED, or are currently in school
  - ► Have lived here since June 15, 2007
- ► \$495 Application Fee
- 2 year work permit

## Time-Based Residency – Registry

- Lived in the US continuously since 1972
- Person of good moral character
- Never been deported

#### Time-Based Residency – 10 year Cancellation of Removal

- In Removal Proceedings
- Lived in the US for 10 years
- Person of good moral character
- Have a parent, spouse, or child, who is a citizen or a resident, who would suffer exceptional and extremely unusual hardship

#### U-visa

- Victim of a crime in the United States
- Governmental report with your name as a victim
- Cooperated with the government in their investigation

#### Asylum

#### You must prove:

- Persecution
- Who is looking for you
- Your identity
- Your government cannot or is unwilling to help you
- You cannot go anywhere in your home country
- Why someone is looking for you (race, religion, nationality, political opinion, social group)

15

## Asylum

Rank	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
1	China	China	China	China	China
2	Ethiopia	Ethiopia	India	Guatemala	El Salvador
3	Nepal	Nepal	Ethiopia	Honduras	Guatemala
4	Eritrea	India	Nepal	El Salvador	Honduras
5	Egypt	Egypt	Egypt	India	Mexico
6	Soviet Union	Eritrea	El Salvador	Nepal	India
7	India	Soviet Union	Guatemala	Ethiopia	Nepal
8	Guatemala	Russia	Eritrea	Mexico	Ethiopia
9	El Salvador	El Salvador	Soviet Union	Somalia	Somalia
10	Russia	Mexico	Honduras	Soviet Union	Eritrea
11	Pakistan	Guatemala	Mexico	Egypt	Egypt
12	Cameroon	Cameroon	Somalia	Eritrea	Soviet Union
13	Guinea	Pakistan	Russia	Syria	Cameroon
14	Mexico	Sri Lanka Cameroon Russia		Albania	
15	Sri Lanka	Honduras	Venezuela	Cameroon	Bangladesh
16	Venezuela	Guinea	Pakistan	Bangladesh	Russia

Executive Office for Immigration Review FY 2016 Statistics Yearbook

## Asylum

Immigration Court	Grants	Denials	Grant Rate
ADELANTO, CALIFORNIA	50	383	12%
ARLINGTON, VIRGINIA	342	210	62%
ATLANTA, GEORGIA	14	590	2%
AURORA, COLORADO	37	120	24%
BALTIMORE, MARYLAND	246	144	63%
BATAVIA SPC, NEW YORK	14	64	18%
BLOOMINGTON (ST. PAUL), MINNESOTA	42	142	23%
BOSTON, MASSACHUSETTS	197	57	78%
BUFFALO, NEW YORK	0	10	0%
CHARLOTTE, NORTH CAROLINA	49	240	17%
CHICAGO, ILLINOIS	101	146	41%
CLEVELAND, OHIO	38	136	22%
DALLAS, TEXAS	37	346	10%
DENVER, COLORADO	58	44	57%
DETROIT, MICHIGAN	29	221	12%
EL PASO SPC, TEXAS	3	130	2%
EL PASO, TEXAS	2	33	6%
ELIZABETH DETENTION CENTER, NEW JERSEY	135	172	44%
ELOY, ARIZONA	12	95	11%
FISHKILL - NEW YORK STATE DOC, NEW YORK	0	6	0%
FLORENCE SPC, ARIZONA	3	60	5%
GUAYNABO (SAN JUAN), PUERTO RICO	1	1	50%
HARLINGEN, TEXAS	22	26	46%
HARTFORD, CONNECTICUT	84	112	43%
HONOLULU, HAWAII	202	42	83%
HOUSTON SPC, TEXAS	24	201	11%
HOUSTON, TEXAS	147	1,529	9%
IMPERIAL, CALIFORNIA	10	61	14%
KANSAS CITY, MISSOURI	38	84	31%
KROME NORTH SPC, FLORIDA	33	465	7%

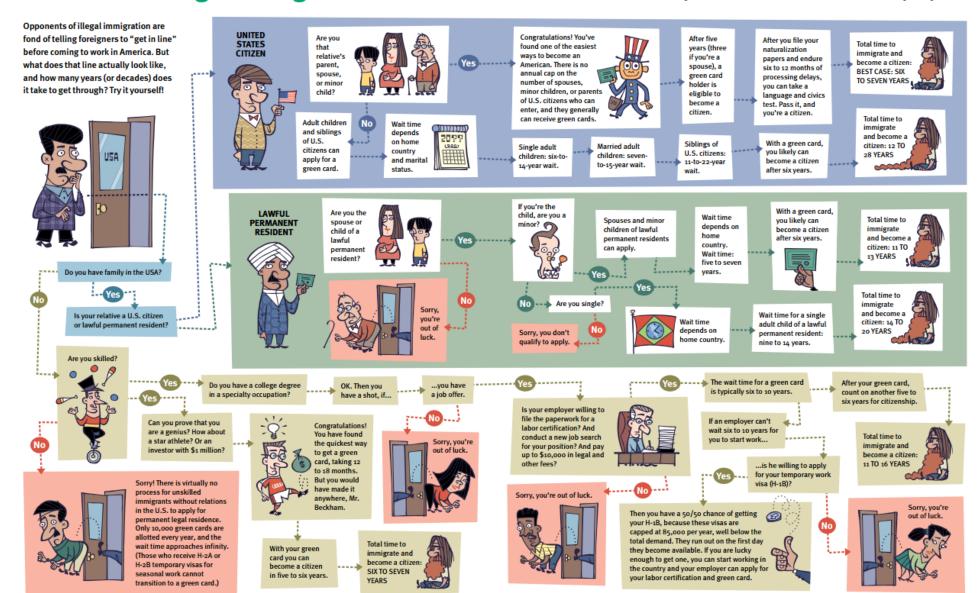
## Asylum

KROME NORTH SPC, FLORIDA	33	465	7%
LAS VEGAS, NEVADA	10	223	4%
LOS ANGELES, CALIFORNIA	326	1,124	22%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	26	273	9%
MEMPHIS, TENNESSEE	105	292	26%
MIAMI, FLORIDA	73	226	24%
NEW ORLEANS, LOUISIANA	29	77	27%
NEW YORK CITY, NEW YORK	4,125	708	85%
NEWARK, NEW JERSEY	85	43	66%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	5	155	3%
OMAHA, NEBRASKA	20	47	30%
ORLANDO, FLORIDA	71	332	18%
OTAY MESA, CALIFORNIA	29	76	28%
PEARSALL, TEXAS	65	141	32%
PHILADELPHIA, PENNSYLVANIA	90	47	66%
PHOENIX, ARIZONA	29	13	69%
PORTLAND, OREGON	145	147	50%
SAIPAN, NORTHERN MARIANA ISLANDS	0	0	0%
SALT LAKE CITY, UTAH	2	27	7%
SAN ANTONIO, TEXAS	83	301	22%
SAN DIEGO, CALIFORNIA	47	64	42%
SAN FRANCISCO, CALIFORNIA	939	324	74%
SEATTLE, WASHINGTON	267	462	37%
STEWART DETENTION FACILITY, GEORGIA	16	226	7%
TACOMA, WASHINGTON	107	194	36%
TUCSON, ARIZONA	16	46	26%
ULSTER - NEW YORK STATE DOC, NEW YORK	0	7	0%
VARICK SPC, NEW YORK	11	26	30%
YORK, PENNSYLVANIA	35	172	17%
TOTAL	8,726	11,643	43%

#### Diversity Immigrant Visa Program

- Residency for individuals who are from countries with low rates of immigration to the United States.
  - Not from Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.
- 50,000 a year
- Must have a high school education or 2 years of qualifying work experience over the last 5 years

19



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#### Detention

- Families
  - ■1. Berks Family Residential Center (Leesport, PA): 96 beds; opened Mar. 2001
  - ■2. Karnes Family Residential Center (Karnes City, TX):532 beds; opened Aug. 2014
  - ■3. South Texas Family Residential Center (Dilley, TX):2,400 beds; opened Dec. 2014
  - ► An average rate of \$161.36 per day.
- Adults
  - **■**30,913 beds
  - An average rate of \$126.46 per day