

PATHWAYS TO CITIZENSHIP

June 29, 2020

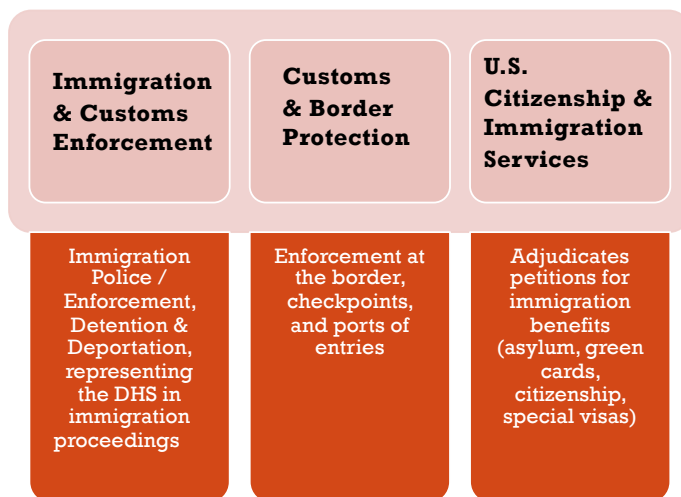


Massachusetts
Immigrant & Refugee
Advocacy Coalition



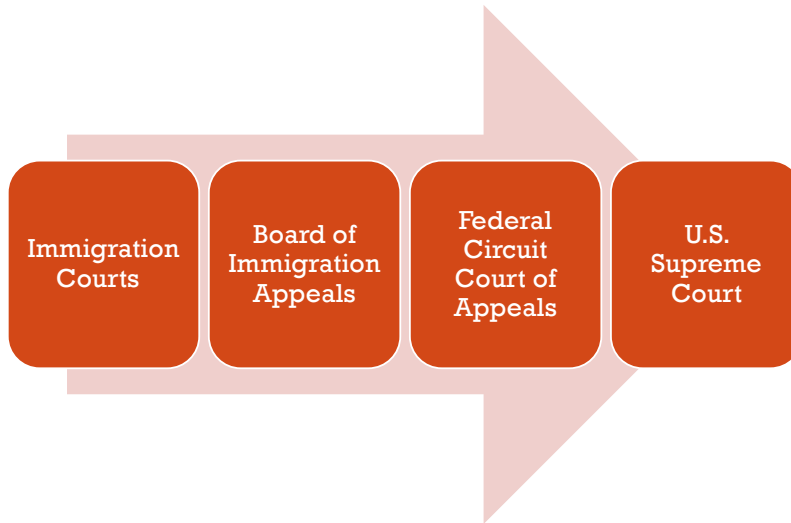
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THE IMMIGRATION SYSTEM: DEPARTMENT OF HOMELAND SECURITY



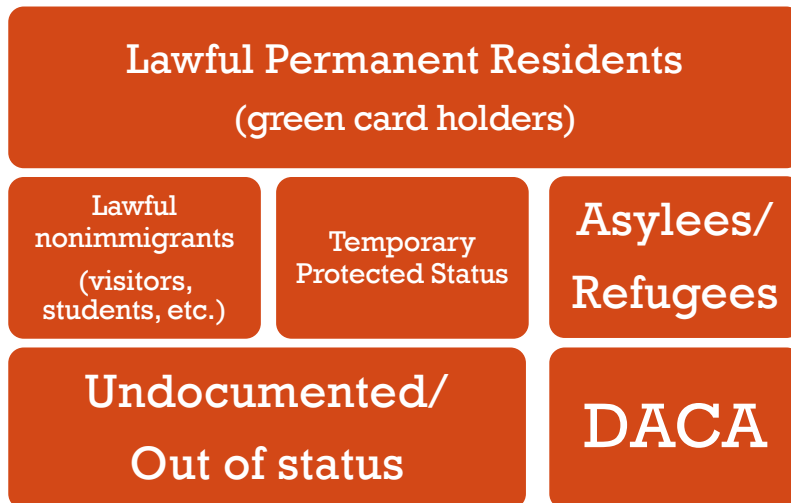
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THE IMMIGRATION SYSTEMS: IMMIGRATION COURTS



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MAIN TYPES OF IMMIGRATION STATUS



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IMMIGRANTS IN THE US

- **41.3 million foreign-born individuals** in the U.S. (13% of total population)*
 - **17.8 million** of them are **naturalized U.S. citizens***
- Estimated **11.2 million undocumented** immigrants*
 - **72%** have been in the U.S. for a decade or more*
 - **4 million** undocumented immigrants **live with their U.S. citizen children****
- Every year **1 million people obtain green cards*****

*<http://www.pewhispanic.org/2015/09/28/chapter-5-u-s-foreign-born-population-trends/>

**<http://www.pewresearch.org/fact-tank/2015/09/11/number-of-babies-born-in-u-s-to-unauthorized-immigrants-declines/>

***https://www.dhs.gov/sites/default/files/publications/LPR%20Flow%20Report%202014_508.pdf



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IMMIGRANTS IN MASSACHUSETTS

- Immigrants in the state: 1,095,953
- Amount of state and local taxes paid by undocumented immigrants: \$184.6 million
- Individuals with DACA: 5,600

https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_massachusetts.pdf



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NON-IMMIGRANTS

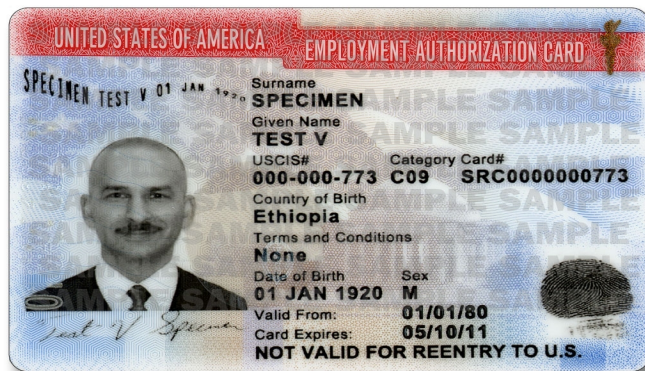
Persons seeking entry into the U.S. for a limited period of time and for a specific purpose

- 22 (!) nonimmigrant visa categories: A-V
 - B-2 visitors for pleasure
 - F-1 students
 - H-1B professional workers
 - H-2A short-term agricultural workers
 - H-2B temporary non-agricultural workers
 - J-1 exchange students or trainees
 - K-1 fiancé visa
- Various humanitarian categories
 - TPS, DED, DACA



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NEWER WORK PERMITS



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UNDOCUMENTED IMMIGRANT

A person who is present in the US without the permission of the US government

- Illegal entry without being inspected by an immigration officer or by using false documents
- Legal entry on a temporary visa and violating the terms of that visa, usually by remaining in the US beyond the expiration date of the visa (4 out of 10 enter legally)

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MOST COMMON PATHS TO A GREEN CARD

- Family Sponsored
- Employment Based
- Humanitarian Relief
- Diversity Immigrants



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FAMILY-BASED IMMIGRATION

- **First step:** US citizen or LPR relative (petitioner) files petition for foreign family member (beneficiary)
- **Second step:** Beneficiary applies to immigrate either in the U.S. through **adjustment of status** or at a U.S. consulate in home country through **consular processing**
 - If an individual does not have a legal entry into the US they cannot adjust status through a family member
 - If an individual has a legal entry but is currently out of status, they can adjust status only through some family members

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WHO CAN APPLY FOR WHOM?

- US citizen may petition for: spouse, parents (once 21 years old), children (any age, married or unmarried), siblings
- LPR may petition for: spouse and children (any age, unmarried)
- Divided into:
 - immediate relatives (no annual limit)
 - preference system (under annual quota)



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FAMILY-SPONSORED IMMIGRATION

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22MAY14	22MAY14	22MAY14	15NOV97	01FEB11
F2A	C	C	C	C	C
F2B	15MAR15	15MAR15	15MAR15	15FEB99	01SEP10
F3	15APR08	15APR08	15APR08	22JUN96	15APR01
F4	08AUG06	08AUG06	22JAN05	08MAY98	01FEB01



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EMPLOYER SPONSORED IMMIGRATION

- US employer can sponsor someone for a specific position where there is a demonstrated absence of US workers
- Most employment based-aliens must obtain a Labor Certification (US Dept of Labor verifies that no American worker is available, qualified, and willing to take the job at the prevailing wage)



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EMPLOYMENT-BASED CATEGORIES

- **1st Preference:** People of extraordinary ability in science, art, education, business, or athletics, and outstanding professors, researchers, and multinational executives and managers (40,000)
- **2nd Preference:** Professionals with advance degrees or people of exceptional ability in science, arts, or business (40,000)
- **3rd Preference:** Skilled and unskilled workers, recently graduated professionals, and those with a bachelor's degree (40,000)
- **4th Preference:** Certain special immigrants, including ministers, religious workers, and others (10,000)
- **5th Preference:** People who have between \$500,000 and \$3 Million dollars to invest in a job-creating enterprise in the US. At least 10 US workers must be employed by each investor. The Amount of money can vary depending on which area of the country will benefit from the investment (10,000)



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EMPLOYER SPONSORED IMMIGRATION

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	C	15AUG17	C	08JUN16	C	C	C
2nd	C	01NOV15	C	12JUN09	C	C	C
3rd	08NOV17	15JUN16	08NOV17	01APR09	08NOV17	08NOV17	08NOV17
Other Workers	08NOV17	15JUL08	08NOV17	01APR09	08NOV17	08NOV17	08NOV17
4th	C	C	15DEC16	C	08JUN18	C	C
Certain Religious Workers	C	C	15DEC16	C	08JUN18	C	C
5th Non-Regional Center (C5 and T5)	C	15JUL15	C	01JAN20	C	C	22APR17
5th Regional Center (I5 and R5)	C	15JUL15	C	01JAN20	C	C	22APR17



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HUMANITARIAN IMMIGRATION RELIEF

VAWA Petition	U Visa	T Visa	Asylum	Special Immigrant Juvenile Status
Abused spouse or child of US citizens or green card holder	Victims of certain crime including DV, sexual assault, stalking	Victim of severe form of labor or sex trafficking	Fear harm if returned to country of origin	Child who has been subject to abuse, abandonment, or neglect
<ul style="list-style-type: none"> • Good faith marriage • Joint residence • Battery or extreme cruelty • Good moral character 	<ul style="list-style-type: none"> • Victim of qualifying crime • Substantial abuse • Law enforcement <u>certifies</u> you have been or will be helpful in investigation or prosecution 	<ul style="list-style-type: none"> • Physically present in the US on account of the trafficking • Comply with any reasonable requests for assistance in the investigation or prosecution • Extreme hardship if deported 	<ul style="list-style-type: none"> • Unable or unwilling to return • Well-founded fear of persecution • Race, religion, nationality, political opinion, particular social group 	<ul style="list-style-type: none"> • Under 21 and unmarried • State court finding of abuse, abandonment or neglect or similar basis by one or both parents • Not in best interest to return to country

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TEMPORARY RELIEF

- There are additional forms of relief that provide temporary protection from deportation but **do not provide a pathway to permanent status or US citizenship**
- Most common:
 - Deferred Action
 - Temporary Protected Status

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DACA: DEFERRED ACTION FOR CHILDHOOD ARRIVALS

- Requirements:
 - Entry before June 15, 2007
 - Entry before turning 16 years old
 - Born after June 15, 1981
 - Undocumented on June 15, 2012
 - Be in school or have graduated from high school
 - Have no felony convictions, no more than 2 misdemeanor convictions, and no convictions for a “significant misdemeanor”
- Supreme Court decision – what does it mean?



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Temporary Protected Status

- Granted to nationals of countries in crisis who are presently in the U.S.
 - On-going armed conflict
 - Natural disaster
 - Extraordinary temporary conditions
- May last for 6, 12 or 18 months
- Restrictions:
 - Cannot apply for TPS from home country
 - Does not lead to a green card
 - Cannot petition for family members



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TEMPORARY PROTECTED STATUS

Country	Latest designation date	Current expiration date	Total U.S.	Total Mass.
El Salvador	March 9, 2001	Jan. 4, 2021*	263,282	6,058
Haiti	July 23, 2011	Jan. 4, 2021*	58,706	4,735
Honduras	January 5, 1999	Jan. 4, 2021*	86,163	834
Nepal	June 24, 2015	Jan. 4, 2021*	12,967	513
Nicaragua	January 5, 1999	Jan. 4, 2021*	5,349	17
Somalia	September 18, 2012	March 17, 2020	497	1
South Sudan	May 3, 2016	Nov. 2, 2020	49	2
Sudan	May 3, 2013	Jan. 4, 2021*	1,039	3
Syria	October 1, 2016	March 31, 2021	6,177	153
Yemen	March 4, 2017	March 3, 2020	819	10
		TOTAL	435,048	12,326

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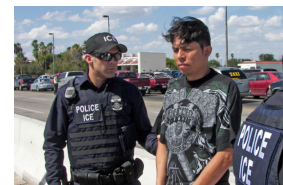


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WHO IS AT RISK OF DEPORTATION?

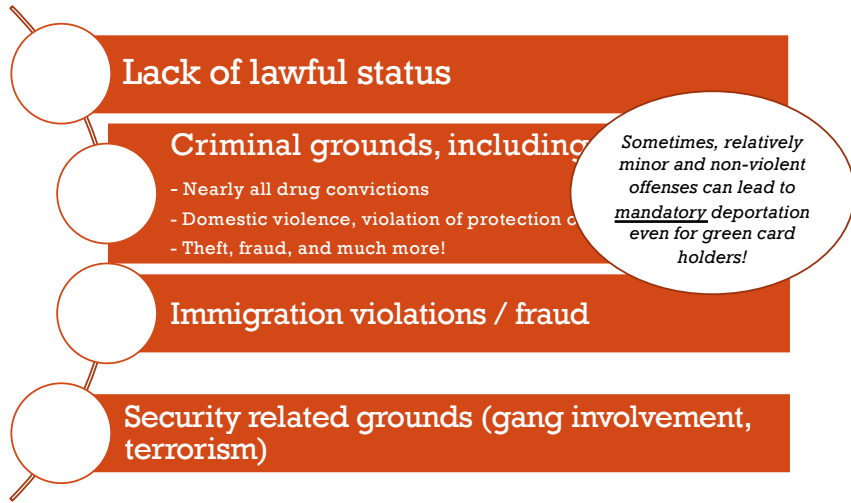
- Anyone who is not a U.S. citizen
 - Undocumented immigrants
 - People with asylum or refugee status or some other form of protection
 - Lawful permanent residents (green card holders)
 - Non-immigrants (visitors, students, etc.)

- Having a work permit does NOT equal having legal status



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REASONS FOR DEPORTATION



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HOW PEOPLE COME INTO CONTACT WITH IMMIGRATION ENFORCEMENT

- Contact with the criminal system
- Applying for immigration benefit
- Green card holders returning from abroad
- Workplace/home raids



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