

	<p>Immigration Law</p> <p>Categories of Admission</p>

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	<ul style="list-style-type: none"> ■ Immigrants – come to reside in the US legally ■ Non-immigrants – come to US for a particular purpose for a temporary stay

	<p>Immigrants</p>
	<ol style="list-style-type: none"> 1. LPR – able to stay in US indefinitely unless he/she commits post –entry acts that make him/her removable 2. Naturalization – generally after 5 years of LPR status one can become a U.S. citizen

	<h2 style="margin: 0;">Current Immigration System</h2>
	<p>4 Major Immigrant Categories:</p> <ol style="list-style-type: none"> 1. Family Based 2. Employment Based 3. Diversity 4. Refugees/Asylees

	<h2 style="margin: 0;">Current Immigration System</h2>
	<ul style="list-style-type: none"> ■ 1990 – Caps (ceilings) placed on non-refugee admissions to the U.S. <p>Family-sponsored: 480,000 Employment-based: 140,000 Diversity: 55,000</p> <p>Refugees have a separate cap (70,000 in 2006)</p>

	<h2 style="margin: 0;">Employment-based Preference Categories</h2>
	<p>140,000 Employment-based immigrant numbers are divided into 5 categories:</p> <ol style="list-style-type: none"> 1. Priority Worker (40,000) 2. Members of Professions holding advanced degrees or Aliens of exceptional ability (40,000) 3. Skilled Workers, Professionals, other Workers (40,000) 4. Certain Special Immigrants (10,000) 5. Employment Creation (10,000) <ul style="list-style-type: none"> - 10 jobs - Investment 1,000,000

	<h3 style="margin: 0;">Employment-based Preference Categories</h3>
	<ul style="list-style-type: none"> ■ Category (1)(2)(3) = Employer must petition for worker ■ Category (4)(5) = Worker can self-petition

	<h3 style="margin: 0;">Family-based Preferences</h3>
	<ol style="list-style-type: none"> 1. Immediate Relatives of U.S. Citizens 2. 1st Preference – Unmarried Sons or Daughters of U.S. Citizens over 21 3. 2nd A Preference – Spouses and Children of LPR's 2nd B Preference – Unmarried Sons and Daughters of LPR's over 21 4. 3rd Preference – Married Son's and Daughters of U.S. Citizens 5. 4th Preference – Brothers and Sisters of U.S. Citizens <p>Note: Backlogs in all family categories except immediate relatives</p>

	<h3 style="margin: 0;">Diversity Lottery</h3>
	<ul style="list-style-type: none"> ■ 10,000,000 enter for 55,000 visas ■ .0055% ½ of 1% ■ Requirements: <ol style="list-style-type: none"> 1. HS Degree 2. W/in 5 yrs have had 2yrs training in field or job that required 2yrs of training

	<p>Immigration Law – Family-based Immigration</p>
	<ul style="list-style-type: none"> ■ <u>Family Reunification Categories:</u> 1/3 of all immigrants to US = immediate relatives

	<p>Immigration Based on Marriage</p>
	<p><u>What marriages are recognized by INA?</u></p> <ul style="list-style-type: none"> ■ General Rule: Validity of a marriage is determined by the law of the place the marriage is entered into.

	<p>Immigration Based on Marriage</p>
	<ul style="list-style-type: none"> ■ Exceptions – <ol style="list-style-type: none"> 1. Marriage entered into solely for the purpose of obtaining an immigration benefit (sham marriage) 2. Proxy marriage – parties not present at marriage ceremony (unless marriage consummated) 3. Marriages that conflict w/ public policy (which generally means it must be recognized in the place of intended residence in US) <ul style="list-style-type: none"> - Polygamous marriages - Marriages to 1st cousin, if not allowed in intended state of residence

	Immigration Marriage Fraud Amendment of 1986
	<p>INA § 216</p> <ul style="list-style-type: none"> - All persons who obtain LPR based on marriage of less than 2 years receive such status on a constitutional basis. - Conditional period last for two years - Husband and Wife must file joint petition w/in 90 days of end of 2 year period to "remove the conditional aspect of the LPS status". (I – 751) - USCIS has statutory authority to call in couple for a marriage "interview".

	IMFA and Problem of Spouse Abuse
	<ul style="list-style-type: none"> ■ 1990 Amendment <p>INA § 216 (c)(4)(c) – I – 751 Waiver for battered spouses</p> <p>VAWA 1994 – Allows battered spouse of USC and LPR's to file self-petition (even when abusive spouse has never filed original marriage paperwork) (I-130)</p>

	Immigration Status
	<ul style="list-style-type: none"> - Ask to see all immigration related documents or cards, passport, and make copies - Ask where person was born - Ask person about her status - Ask where her parents or grandparents were born - Ask why she left her country of nationality

	<p>How to determine status</p>
	<ul style="list-style-type: none"> ■ Evidence of Lawful Permanent residence (LPR) status <ol style="list-style-type: none"> 1. LPR card (green card) 2. Temporary I-551 stamp in passport 3. Form I-94 arrival/departure card 4. Welcome Notice from USCIS as LPR 5. Immigration Court order granting LPR status

	<p>How to determine status (cont)</p>
	<ul style="list-style-type: none"> ■ Evidence of Asylee/Refugee <ol style="list-style-type: none"> 1. Form I-94 2. Employment or work authorization card with status listed 3. Refugee travel document 4. Approval notice from USCIS or order from judge granting asylum

	<p>How to Determine status (cont)</p>
	<ul style="list-style-type: none"> ■ Evidence of some sort of temporary status <ol style="list-style-type: none"> 1. Nonimmigrant visa in passport 2. Form I-94 card 3. Employment or work authorization card with status 4. Receipt Notice from USCIS
