

Immigration 101

Kathryn Railsback, Director
University of Idaho School of Law Immigration Law Clinic

UI Immigration Law Clinic

Typically Mondays from 10am til noon, Wednesdays 4pm to 6pm at WSU, every other Saturday from 10am to noon at the University of Idaho

Six third-year University of Idaho law students

Free immigration consultations - DACA renewal, family-based immigration possibilities, naturalization application review

U.S. Citizens (USCs)

- ▶ Birth
- ▶ Naturalization
- ▶ Acquired
- ▶ Derived

Immigrants/Lawful Permanent Residents" (LPRs)/ "Green Card" Holders

- ▶ Family-Based
- ▶ Employment-Based
- ▶ Refugees and Asylees

By the numbers FY2017

- ▶ 1.1 million immigrants became LPRs (5% decrease from 2016)
- ▶ Roughly evenly divided between those adjusting status in the US and those applying abroad
- ▶ 46% Immediate Relatives of USCs
- ▶ 21% Other family-based categories
- ▶ 13% Refugee/asylee
- ▶ 12% Employment/Self-sponsored
- ▶ 5% Diversity Visa Lottery

Migration Policy Institute

Immigration Statistics

- ▶ Family-based immigration limited to 480,000/yr.
- ▶ Employment-based immigration limited to 140,000/yr.
- ▶ Per country limits and sub-category limits
- ▶ Visa queue of approximately 3.8 million (Nov. 2018)

Family-based immigration categories

- ▶ **First**: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400
- ▶ **Second**: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200,
 - ▶ A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
 - ▶ B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.
- ▶ **Third**: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.
- ▶ **Fourth**: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

Visa Bulletin Nov. 2019

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01MAR13	01MAR13	01MAR13	08AUG97	15SEP08
F2A	C	C	C	C	C
F2B	08JUL14	08JUL14	08JUL14	22AUG98	01OCT08
F3	15OCT07	15OCT07	15OCT07	22FEB96	01JUN98
F4	01JAN07	01JAN07	15OCT04	15DEC97	01SEP98

EMPLOYMENT-BASED PREFERENCES

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 Pub. L. 102-395.

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed	CHINA- mainland born	EL SALVADOR GUATEMALA HONDURAS					INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	01JUN18	01FEB17	01JUN18	01JAN15	01JUN18	01JUN18	01JUN18	01JUN18	01JUN18	01JUN18	
2nd	C	15MAR15	C	13MAY09	C	C	C	C	C	C	
3rd	C	01NOV15	C	01JAN09	C	C	01FEB18	C	01FEB18	C	
Other Workers	C	01FEB08	C	01JAN09	C	C	01FEB18	C	01FEB18	C	
4th	C	C	01JUL16	C	22JUL17	C	C	C	C	C	
Certain Religious Workers	C	C	01JUL16	C	22JUL17	C	C	C	C	C	

Refugees

- ▶ Must show well-founded fear of persecution on the basis of at least one of the following internationally recognized grounds:
 - ▶ race;
 - ▶ religion;
 - ▶ membership in a social group;
 - ▶ political opinion;
 - ▶ or national origin.
- ▶ Refugees generally apply for admission to the United States in refugee camps or at processing sites outside their home countries.

Refugees (continued)

- ▶ Admissions ceiling and allocations by region set by President in consultation with Congress
- ▶ For Financial Year 2019, the annual ceiling was set at 30,000, the lowest since the program began in 1980.
- ▶ In Financial Year 2018, 22,491 refugees were resettled in the United States, amounting to less than half of the admission ceiling of 45,000 allocated for that year—largely due to processing delays and policies put in place to increase vetting of refugees. This represents a 58 percent drop compared to the 53,716 admitted in 2017.

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Asylees: case backlogs

- ▶ 352,277 affirmative cases pending with USCIS (Jan 2019)
- ▶ 821,726 total immigration cases pending with EOIR, of which MPI estimates roughly 30 percent were defensive asylum ones.

Non-Immigrants (2016)

- ▶ 42.7 million individuals entered U.S. on temporary visas.
- ▶ 34.2 million, entered as tourists,
- ▶ 3.7 million business visitors.
- ▶ 1 million international students entered on F-1 visas.
- ▶ Approximately 290,300 individuals entered on high-skilled worker H-1B visas (mostly from India, China, Canada, the United Kingdom, and Mexico)
- ▶ 81,600 on nonagricultural temporary or seasonal worker H-2B visas (mostly from Mexico, Jamaica, Guatemala, South Africa, and Canada).

Nonimmigrant (temporary) Visa Types

A: Diplomatic employees and their households

B: Business visitors (B-1) or tourists (B-2)

C: Aliens in transit (pass-through at an airport or seaport)

D: Crewmember (air or sea)

E: Treaty investors or treaty traders (from countries where we have a treaty of commerce and investment)

F: Students

G: Employees of international organizations (IMF, OPIC, OAS, International Red Cross, etc.)

H: Temporary workers. Can be professionals (H-1B), nurses (H-1C), agricultural workers (H-2A), temporary or seasonal workers (H-2B), or trainees (H-3).

I: Representatives of international media

J: Exchange visitors (educational exchange students, au pairs, graduate medical trainees, practical training students, professors and researchers, short-term scholars, camp counselors)

Non-immigrant visa types (continued)

K: Fiancés and fiancées; spouses of U.S. citizens married abroad

L: Intracompany transferees (executives, managers, persons with proprietary knowledge)

M: Language and vocational students

N: NATO employees

O: Extraordinary ability aliens

P: Athletes, entertainment groups (such as orchestras) and support personnel

Q: Cultural exchange visitors (example: Smithsonian Folklife Festival participants)

R: Religious workers

S: Criminal informants

T: Victims of a severe form of trafficking in persons

TN: NAFTA professionals

U: Victims of criminal activity

V: Spouses and minor children of permanent residents who are waiting for green cards.

Unauthorized Immigrants

- ▶ Migration Policy Institute estimates 11.3 million unauthorized immigrants residing in the US (2016)
- ▶ Approximately 5.1 million children under age 18 lived with an unauthorized immigrant parent during the 2012-16 period, representing 7 percent of the U.S. child population. About 80 percent (4.1 million) of these children were U.S. citizens.

DACA

- ▶ Attempted Program Wind-down
- ▶ Supreme Court hearing
- ▶ Safety measures for DACA recipients

Questions?