



# IMMIGRATION 101

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# GOAL:

Participants will become familiar with basic immigration law and immigrant categories, including humanitarian relief for crime victims.

# BACKGROUND



- Historic swings between “bring us your tired, you poor, your huddled masses” and restrictive laws like Chinese Exclusion Act.
- We have prioritized:
  - Workers
  - Family Unity
  - Humanitarian immigrants
    - Refugees, Asylum
    - VAWA, Trafficking
  - Public Policy
    - National security interests
    - Address unintended consequences of other provisions

# AGENCIES INVOLVED

- Department of Homeland Security (DHS)
  - U.S. Citizenship and Immigration Services (USCIS)
  - Immigration & Customs Enforcement (ICE)
  - Customs and Border Protection (CBP)
- US State Department

# AGENCIES INVOLVED



- U.S. Citizenship and Immigration Services (USCIS): Includes but not limited to, Family and Employment-based immigration and application adjudication & Naturalization
- Immigration & Customs Enforcement (ICE): Includes but not limited to: Investigations, Detention and Removal, Immigration law enforcement.
- Customs and Border Protection (CBP): includes but not limited to: Inspections at Ports of Entry Border Patrol and International Enforcement (Container security).
- US State Department: Consular Affairs, the only agency that issues visas to enter the US.

# TYPES OF IMMIGRATION STATUS

1. U.S. Citizen (USC)
  1. Birth
  2. Naturalization/Derivation
2. Non U.S. Citizens
  1. Non-Immigrants
    1. Temporary
    2. No Status/Out of Status
    3. Other--DACA
  2. Immigrants
    1. Asylees & Refugees
    2. LPRs

# TYPES OF IMMIGRATION STATUS

## 1. U.S. Citizen (USC)

1. Birth
2. Naturalization/Derivation

## 2. Non U.S. Citizens

### 1. Non-Immigrants

1. Temporary v. No Status/Out of Status
2. Other --DACA

### 2. Immigrants

1. Asylees/Refugees
2. LPRs

# NON USCS: NON IMMIGRANTS



## **In Status**

- Legal temporary status w/o intent to immigrate
  - Student
  - Business visitor (up to 6 years)
  - Tourist
- Us, Ts, etc.

## **No Status or Out of Status**

- No permission to live in U.S.
- Not authorized to work
- Can have deportation proceedings started at any time
- No access to public benefits



# NON USCS—OTHER NON IMMIGRANTS

## **DACA—Deferred Action for Childhood Arrivals**

- Temporary protection from deportation for certain young people who came here as children.
- Work authorization for 2 years (renewable) and CT driver's license.
- No path to citizenship, no eligibility for benefits/financial aid.

## **DAPA/Expanded DACA**

# TYPES OF IMMIGRATION STATUS



## 1. U.S. Citizen (USC)

1. Birth
2. Naturalization/Derivation

## 2. Non U.S. Citizens

### 1. Non-Immigrants

1. Temporary
2. No Status/Out of Status
3. Other-DACA

### 2. Immigrants

1. Asylees/Refugees
2. LPRs

# NON-USCS—IMMIGRANTS

## 1. Refugees and Asylees

Refugees and Asylees left their countries because of war or fear of being killed or hurt because of their nationality, race, religion, political opinion or membership in a group.

- A refugee receives permission to come to the U.S. from outside of the country. Refugees are resettled with the help of a refugee resettlement agency.

- An asylee is already in the U.S. when she is granted this protection, after having proven fear of persecution upon returning to the home country.

# NON-USCS—IMMIGRANTS



## 2. Lawful Permanent Residents (LPRs)

- Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."
- LPRs have permission to live and work permanently in the U.S. unless serious criminal or immigration violation (no public benefits)
- Can petition for legal status for spouse or child
- After 3-5 years, can naturalize

**But how does one become an LPR?**

# BECOMING AN LPR/GETTING A GREEN CARD:

## Ways to Immigrate to the United States

### 1. **Family-based Immigration\***

**\*Who Benefits?** Certain relatives of USC's and LPR's.

### 2. Employment-based Immigration

**The easiest process:** Immediate Relatives of USC's

### 3. Diversity Visa Lottery

1. Spouses

### 4. Special Categories

2. Unmarried, under 21 children

### 5. Refugees & Asylees

3. Parents

### 6. Relief from Removal

Everyone else? Depends on Preference category

# FAMILY –BASED IMMIGRATION

## Preference Categories



Category	Immigrant Type	Priority Date Wait Time
1	Unmarried, adult children (21+) of US Citizen	7 years
2a	Spouse & minor children of LPR	3 years
2b	Unmarried, adult children of LPR	8 years
3	Married children of US Citizen	11 years
4	Siblings of US Citizen	12 years

# TYPES OF IMMIGRATION STATUS



## 1. U.S. Citizen (USC)

### 1. Birth

1. Born in the United States
2. Born to at least one US Citizen (USC) Parent

### 2. Naturalization/Derivation

1. Naturalized after 3-5 years as a Lawful Permanent Resident (LPR)
2. Minor child LPR whose parent naturalizes
3. Minor child adopted by USC
4. Other rules

# US CITIZENS--NATURALIZATION

The process by which a lawful permanent resident becomes a citizen is called naturalization. In order to naturalize, a lawful permanent resident has to meet certain requirements:

- be at least 18 years old;
- have good moral character;
- be able to read, write, and speak English;
- be able to demonstrate knowledge sufficient to pass a test on U.S. history and government;
- have been a permanent residence in the U.S. for 3-5 years;
- never have disrupted the continuity of residence in the United States during any of the last five years;
- have been physically present in the U.S. for at least 1/2 of the five year period; and
- take a loyalty oath to the U.S. and support the U.S. Constitution



# IMMIGRATION RELIEF FOR FOREIGN-BORN VICTIMS



- TVPA and other laws meant to protect victims, prevent the crime, and aid in prosecution.
- Immigration relief for victims prevents misuse of immigration provisions by abusers, exploiters, other perpetrators AND makes society safer as a whole—encourages collaboration with law enforcement, coming forward and reporting crimes.

# POTENTIAL FORMS OF RELIEF FOR VICTIMS

**U & T nonimmigrant visas:** For victims of trafficking and other serious crimes

**VAWA:** if abused child of US citizen or LPR

**Special Immigration Juvenile Status:** requires juvenile/probate court order to declare the child has been abused, abandoned, or neglected and not in his/her best interest to return to home country.

**Asylum, Withholding, CAT:** Persecution/Torture

# Questions?



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