

# IMMIGRATION GUIDEBOOK

*Answers to basic questions about  
U.S. immigration*



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INJURY & IMMIGRATION ATTORNEYS

# INTRODUCTION

U.S. immigration law is complicated and constantly changing. Additionally, the application process is confusing and very cumbersome. Some of the applications are hundreds of pages long and can take between 3 – 18 months before the applications are ever reviewed and approved.

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Immigration law also has multiple facets, and each facet is governed by different statutes and acts adding complexity and uncertainty to the immigration realm. A few of the facets include, but are not limited to, family-based petitions, K-1 fiancé visas, citizenship, naturalization issues, permanent residency, and removal or deportation.

Because the immigration laws in the U.S. are complicated and always changing, many

people with immigration needs find it very helpful to have an experienced immigration attorney help them with their case. The paper work can be very overwhelming and frustrating. At Ritchie Reiersen Immigration Law, our team of immigration lawyers are experienced with all your immigration needs and ready to help.



# CITIZENSHIP & NATURALIZATION

Citizenship and naturalization questions can be complex, confusing and often very frustrating. It can be challenging to understand the regulations and requirements necessary to qualify for citizenship or naturalization. Typically, there are two primary ways to become a United States Citizen. The first is by birth. If someone is born in the United States, he or she automatically becomes a U.S. citizen. Likewise, if you are born outside of the United States, but you have a U.S. citizen parent, you likely qualify to be a U.S. citizen, depending on your parents' marital status and/or time living in the United States.

The second way to become a citizen of the United States is through an immigration process known as naturalization. To qualify, you must previously be a permanent resident for at least three years, if you obtained your residency through marriage to a U.S. citizen, or five years, if you obtained it any other way. Permanent residency is commonly referred to as having a "green card," and is obtained through

a familial relationship with a U.S. Citizen or resident, through refugee/asylee status, by being the victim of a crime in the U.S., or through obtaining permission to be in the United States for employment. There are many requirements to become a naturalized U.S. citizen including the listed items below:

1. Be a lawful permanent resident of the United States for 5 years, or 3 years if married to a U.S. citizen (although there are certain exceptions to this requirement for persons who have honorable service in the U.S. Armed Forces);
2. Be physically present in the United States for over 50% of the required residency period;
3. Be a person of good moral character;
4. Take an oath of loyalty to the United States;
5. Be able to speak, read and write simple words and phrases in the English language (although there are certain exceptions to this rule); and
6. Pass a test on U.S. history and government.

# FAMILY BASED IMMIGRATION

If you have a family member who is either a resident or citizen of the United States, they may be able to help you with your immigration needs. There are two different types of family visa options. The first is an Immediate Relative Immigrant Visa and the second is a Family Preference Visa. Status and relationship of the family member in the United States determines which visa you may apply for and the steps you will need to take.

*To qualify for an Immediate Relative Visa, you must be considered an immediate relative of a United States citizen.*

To qualify for an Immediate Relative Visa, you must be considered an immediate relative of a United States citizen. An Immediate Relative is defined as a spouse of a U.S. citizen, unmarried child of a U.S. citizen under the age of 21, or a parent of a U.S. citizen child who is over the age

of 21. Those who fall into the immediate relative category are given priority in the immigration process. There is an unlimited number of visas for immediate relatives, and therefore one does not have to wait for a visa number to become available.

The Family Preference category allows both U.S. citizens and residents, or green card holders, to sponsor relatives not outlined in the immediate family parameters. Those available to be sponsored vary according to your status as either a citizen or a resident. The Family Preference category can have very significant wait times from 18 months up to 25 years.



# VISAS

There are over 180 different types of Visas in the United States. The most common ways to visit the United States are using an F-1, M-1, or J-1 temporary visa. The most common temporary work visas which allow you to obtain employment in the United States include E, H, L, and P visas.

*An Immigrant Visa is granted to someone who desires to live in the United States permanently.*

An Immigrant Visa is granted to someone who desires to live in the United States permanently. It is essential to determine your reason for coming to the United States and the period of time you plan to stay in order to ensure you apply for the correct visa. Non-immigrant Visas are also available for those who have permanent residency in another country but wish to visit or stay in the United States temporarily. These Non-immigrant Visas could also be available to individuals who have suffered as victims of crimes while living in the United States,



regardless of their current immigration status.

It can be complicated determining which visa is right for you or your loved one. Choosing the correct visa to apply for can help make the process much easier. There are a variety of visa options with varying requirements. Navigating those requirements can be confusing, but having an experienced immigration lawyer to help guide you through the immigration process can drastically increase your likelihood of achieving your goal of obtaining a visa.



# GREEN CARDS

*A permanent resident is limited to sponsoring only their spouse, minor children, & unmarried adult children.*

Most people obtain their Green Cards through either being sponsored by a family member or through their employment. A U.S. citizen may sponsor their spouse, minor children, adult children, parents or siblings. A permanent resident is limited to sponsoring only their spouse, minor children, and unmarried adult children.

Immigrants can obtain their Green Card through an employment-based petition. In order for employers to obtain permission to solicit immigrant employees, the employer must provide proof that finding U.S. workers has been exhausted and was unfruitful. Once an employer has established the need for immigrant workers, those workers can begin the process of obtaining their green cards. Doing so allows you to work legally in the United States.

Obtaining a green card for employment requires that you fall into one of four priority categories. These categories are determined based on characteristics such as your skill level, profession, and educational background. Due to the importance of an employer's sponsorship, it is vital to maintain a good working relationship with the employer. Some exceptions to the priority categories can be made for professionals whose job is in demand such as medical doctors. Exceptions may also be made for entrepreneurs whose business will potentially create more jobs in the United States.

*It is vital to ensure you have the proper documents completed with the right information in order to properly petition for a green card.*

Determining the right family member or employer to sponsor you in coming to the United States can be difficult. In addition to choosing your sponsor, it can be challenging to navigate through the correct paperwork and immigration process. It is vital to ensure you have the proper documents completed with the right information in order to properly petition for a green card.

# DEPORTATION/REMOVAL

There are several reasons one may be deported. Being in the U.S. without status, or committing a crime with status, can trigger the deportation process. If this applies to you or someone you know, you may be able to apply for defenses against deportation.

A common defense against deportation is Cancellation of Removal. Eligibility for this relief varies according to your current status here in the United States. An immigration attorney can help you determine if this applies to you based on criteria such as your employment history, length of time living in the U.S., criminal background, military service, property or business ownership, and the level of hardship deportation could potentially bring upon your family.

All those criteria are also affected by your status here in the United States. For those who have a green card (permanent residency), you must have had a continuous presence in the United States for a minimum of 7 years and have been permitted to live within the United States for 5 years. You cannot have prior convictions of

aggravated felonies and warrant a favorable exercise of discretion.

For those who do not have a green card, you must have had a continuous presence in the United States for a minimum of 10 years and have maintained good moral character for that time. Certain crimes can disqualify you from this relief. Additionally, perhaps most difficult of all, you must be able to prove extraordinary hardships that could be presented because of the deportation.

*If you do have prior convictions, you are not necessarily disqualified for cancellation of removal.*

If you do have prior convictions, you are not necessarily disqualified for cancellation of removal. Green card holders may still be eligible if you can prove you have been rehabilitated and warrant favorable discretion. However, if you do not have a green card, some criminal convictions will disqualify you from a cancellation of removal request.

If you have already had an immigration

hearing and are not satisfied with the outcome, you may be able to appeal the judge's decision. There are many time restraints on whether a person can appeal the judge's decision, and it is always a good idea to have an experienced immigration attorney assist you with your immigration appeal.



# KNOW YOUR RIGHTS!

## IF ICE ARRESTS YOU:

*First, we want to clarify that the following information is information that is publicly available, and is not considered legal advice.*

- REMAIN SILENT – DO NOT ANSWER ANY QUESTIONS.
- DO NOT SAY ANYTHING ABOUT WHERE YOU WERE BORN OR HOW YOU ENTERED THE UNITED STATES
- DO NOT SHOW ANY DOCUMENTS EXCEPT A LETTER/CARD FROM AN IMMIGRATION ATTORNEY
- NEVER SHOW ANY FALSE DOCUMENTS OR MAKE ANY FALSE CLAIMS
- DO NOT SIGN ANYTHING WITHOUT FIRST TALKING TO AN IMMIGRATION ATTORNEY

*Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.*

# KNOW YOUR RIGHTS! IF ICE COMES TO YOUR HOME:

- ASK TO SEE A SEARCH WARRANT
- IF THE OFFICIAL DOES NOT HAVE ONE, DO NOT OPEN YOUR DOOR
- DO NOT SIGN ANYTHING OR ANSWER ANY QUESTIONS
- DO NOT SHOW THE OFFICIALS ANY DOCUMENTS UNLESS THE OFFICIALS HAVE A SEARCH WARRANT
- DO NOT ALLOW THE OFFICIALS TO ENTER YOUR HOME
- IF YOU ALLOW THEM IN, YOU LOSE SOME OF YOUR RIGHTS

# IF ICE COMES TO YOUR PLACE OF EMPLOYMENT:

- DO NOT PANIC AND DO NOT RUN
- DO NOT SAY ANYTHING ABOUT WHERE YOU WERE BORN OR HOW YOU ENTERED THE UNITED STATES
- DO NOT SIGN ANYTHING WITHOUT TALKING TO AN IMMIGRATION ATTORNEY



# RITCHIE REIERSEN

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