

# Immigration Law 101

What you need to know about immigration laws and procedures to understand the challenges facing many immigrant families in San Mateo County.

# International Institute of the Bay Area



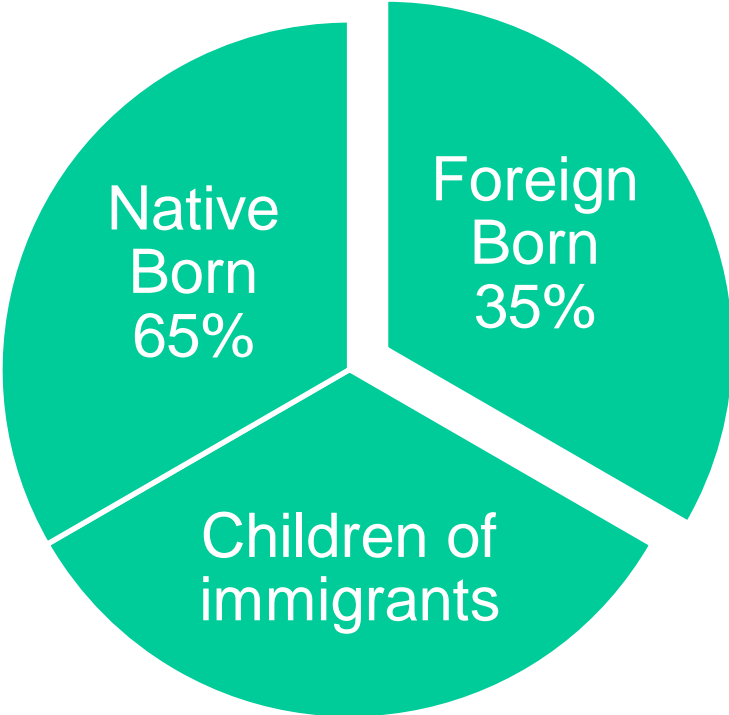
2600 Middlefield Road  
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Drop-In Consultations Every Monday (\$20)  
9:30am-noon and 1-4pm  
First Come, First Served. No appointment necessary.

**NO NEW CONSULTATIONS JULY-AUGUST 2011.  
CONSULTATIONS WILL START AGAIN SEPTEMBER 2011.**

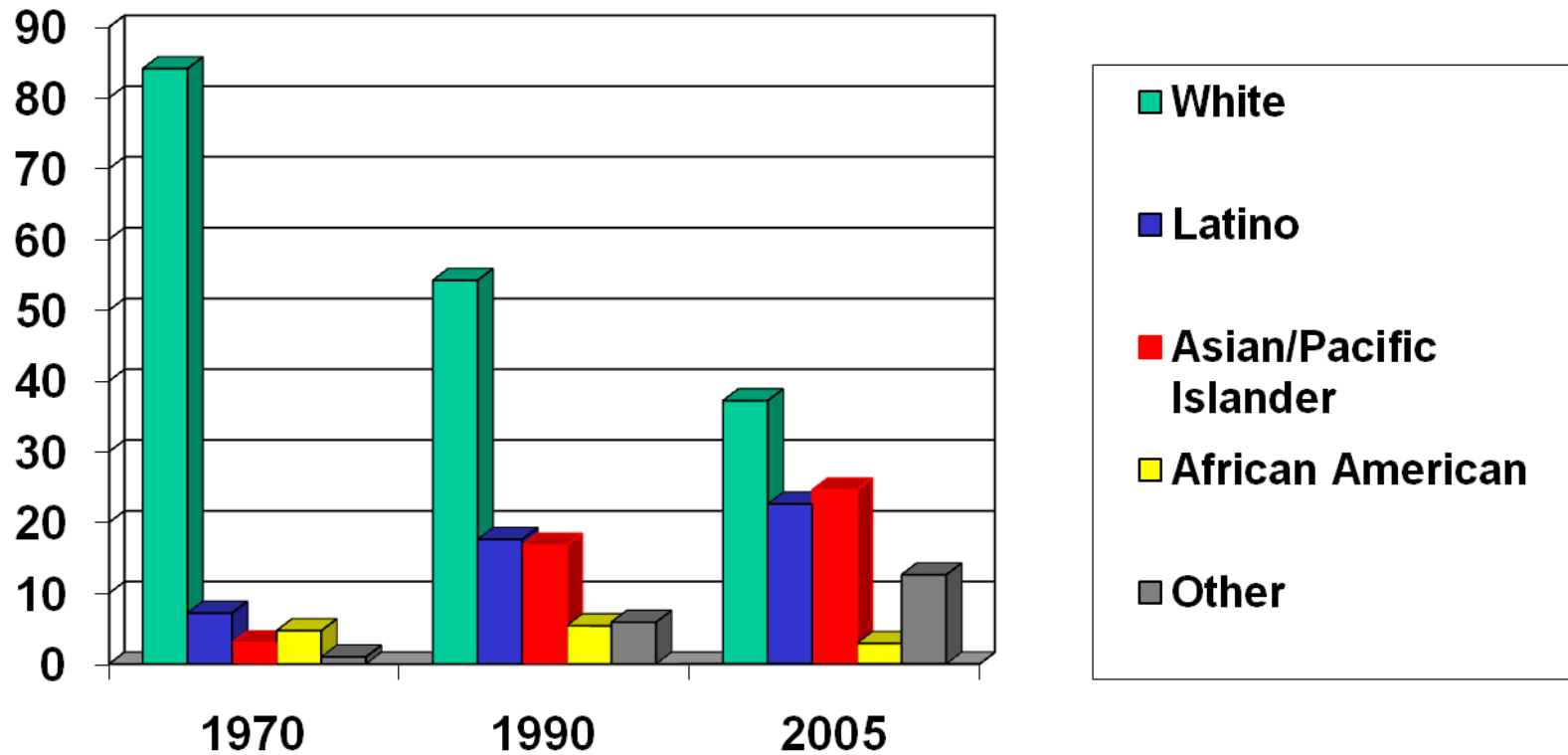
# San Mateo County Demographics

## 1/3 Foreign Born



# San Mateo County Demographics

## Growing Diversity



# What's the Difference

## Undocumented

- Overstayed a visa OR
- Entered without permission
- No work permission
- No social security #
- No Driver's Licence
- Right to K-12 education.

## Visa

- Permission to enter US
- Expiration Date
- Conditional: Visitor, student, business
- Usually no work permit (exception: U Visa includes work permit)

## Legal Permanent Resident

(Green Card)

- Permission to live in US
- Permission to work
- Residency doesn't expire
- Right to travel
- Can immigrate spouse and unmarried children

## Citizenship

- Right to vote
- Can immigrate spouse, sons, daughters, siblings, parents
- Can travel/live abroad
- Cannot be deported

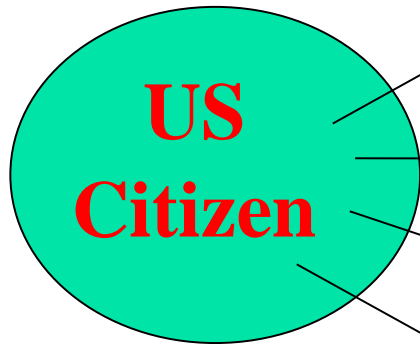
# A Brief Guide to Obtaining Legal Status

- **Family-Based Visa Petition.** Must be LPR or USC to submit petition.
- **Employment-Based Petition (Labor Certification).** Applicant must possess specialized and specific skills & education.
- **Diversity Visa (Lottery).** Applicants must be from designated countries, with certain levels of education &/or work experience.
- **Political Asylum.** Applicant must have suffered persecution in home country based on race, religion, politics or certain other grounds.

# Ways to Immigrate (cont.)

- **VAWA (Violence Against Women Act).** Domestic violence survivors can self-petition for residency if spouse or parent is LPR or Citizen.
- **U Visa** Victims of domestic violence and other serious crimes may be eligible for work authorization and path to residency if willing to assist in investigation or prosecution plus other criteria.
- **Cancellation of Deportation.** Remedy for individuals in deportation proceedings. Must prove 10 years continuous presence in US, good moral character, and “exceptional and extremely unusual” hardship suffered by USC or LPR spouse, child or parent.

# VISA PETITIONS



SPOUSE (IR\*) 1 YEAR

CHILDREN

UNMARRIED/UNDER 21 (IR) 1 YEAR

UNMARRIED/OVER 21 (1st Pref.) ~5-18 YEARS

MARRIED (3rd Pref.) ~10-19 YEARS

PARENTS (IR) 1 YEAR

BROTHERS/SISTERS (4th Pref.) ~12/15 YEARS



SPOUSE (2A Pref.) ~5 YEARS

UNMARRIED CHILDREN UNDER 21 (2A Pref.) ~5 YEARS

UNMARRIED SONS/DAUGHTERS

OVER 21 (2B Pref.) ~9-19 YEARS

\*IR= IMMEDIATE RELATIVE

## U.S. Citizen Petitions

	MEXICO	OTHER COUNTRIES
Spouses, Parents, children <21	“Immediate”	“Immediate”
Single sons & daughters >21	MAR 1993	MAY 2005
Married Sons & daughters	NOV 1992	JUNE 2001
Siblings	FEB 1996	MAR 2000

## Resident (Green Card Holder) Petitions

	MEXICO	Other Countries
Spouses, children <21	JUL 2007	AUG 2007
Single sons & daughters >21	AUG 1992	APR 2003

# **U-Visas: Protecting Victims**



# Special Immigrants

## “U” Visa

- Intended to protect victims of serious crime.
- Available to non-citizens who suffer substantial physical or mental abuse.

### BENEFITS:

- Employment Authorization
- Possibility to adjust status to LPR (green card)
- Can apply for social security card, driver's license and public benefits.

There is no “regular” visa.

Without a close family member who is already a US Citizen or Green Card holder, or highly skilled employment, **most people do not have a way to legally immigrate** to the United States.

# Limbo

- Many people who are legally eligible to immigrate wind up in “legal limbo” for 15-20 years waiting for their paperwork to be processed.

# DREAM Act

- The DREAM Act would have enabled young people, who were brought here as children, to legalize their immigration status and access a path towards Citizenship.
- The DREAM Act failed to pass Congress by 5 votes in December 2010.

# Consensus

- There is consensus on both sides of the aisle that our immigration system is broken and needs to be fixed.
- But, Congress cannot agree on how to fix it.

# At Risk

- Anyone, youth or adult, who is out-of-status is at risk of being deported.

# San Mateo County's Role

- **SCOMM** : Department of Homeland Security program that obligates local law enforcement agencies to collaborate with Immigration & Customs Enforcement (ICE) to deport immigrant women, men and children.



**IIBA**

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