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## The Hidden Realities of Our Immigration System

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The Hidden Realities of Our Immigration System

Ewelina Dembinska

University of Rhode Island

**TABLE OF CONTENTS**

Overview.....	3
Notes on Peg Bowden’s book: <i>A Land of Hard Edges</i> .....	4-19
My Trip to Arizona and Mexico.....	20-35
Obtaining a U.S. Visa.....	36-49
Obtaining Permanent Residency.....	50-62
Obtaining Citizenship.....	63-69
History of Immigration Law.....	70-78
Immigration Politics of Hillary Clinton versus Donald Trump.....	79-81
Personal Immigration Stories.....	82-99
References.....	100

## OVERVIEW

When considering different topics for my Honor's Project, I decided it had to be something that was important to me, something that I wanted to learn more about, and something that would be interesting enough to spend a whole semester studying. I quickly settled on the topic of immigration, since I was born in Poland and immigrated to the United States at the age of eight. However, because I was so young when this process began for my family, I didn't remember and fully understand everything that happened. I decided to do my project on immigration because I wanted to expand my knowledge about the process that has allowed me to become a United States citizen. This portfolio shows my research on obtaining a U.S. visa, permanent residency, and citizenship. I also researched the history of immigration law, and the opposing immigration policies of Hillary Clinton and Donald Trump to learn about the process of immigration in the past, present, and the future.

I also wanted to enlighten the reader on the hidden realities of our immigration system, which includes the real struggles that countless immigrants face every day, in order to obtain a status in the United States. These hidden realities are demonstrated through the recollection of my trip to Arizona and Mexico and through the six anonymous personal immigration stories that were shared with me throughout the semester. These two sections of my project show that there are real people behind the abstract ideas presented in my research. As a country that is fundamentally made up of immigrants, it is our duty to hear these different stories and to understand that the immigration system of the United States has tremendously impacted the lives of many families. Ultimately, it is our civic and moral responsibility to reform and improve our nation's immigration system, whose roots have been neglected.

**NOTES ON PEG BOWDEN'S BOOK: *A LAND OF HARD EDGES***

This section includes notes that outline Peg Bowden's book, *A Land of Hard Edges*, which I read before taking my trip to Arizona and Mexico. The format of this section enables quick access to the multiple topics she has written about.

**Foreword by Paul Theroux**

- El Comedor in Mexico is a shelter run by American Jesuits
  - Located 1 mile from downtown Nogales
  - Activities are directed by the Kino Border Initiative
  - Began in 2009 by Arizona Jesuit Priests
  - Used to help those who have been “thrown out of the U.S.”
    - Broke, ill, hungry
    - Given: meals, two week stay, clothes, medicine, money, bus ticket home
  - Supported by churches, grants, and donations
    - Not government funded
- Green Valley Samaritans' mission: to prevent deaths in the desert
  - Group of volunteers
- Common medical conditions in border crossers: bullet wounds, severe hypothermia, starvation, exposure
- Some people at the comedor spent many years living in the U.S. and don't have a home in Mexico
  - Deported for not having papers and not allowed to come back

### **Introduction**

- Peg joined the Green Valley Samaritans as a volunteer
- El comedor: the dining area
  - “Place of refuge for migrants traveling north from Mexico and for those who have been deported from the United States”
  - Feeds meals to more than 100 migrants each day
  - Located in Nogales, Mexico
  - Binational project of Kino Border Initiative (KBI)

### **Chapter One: A Land of Hard Edges**

- “The militarization of the border is a fact, and I’ve learned to live with it”
  - Immigration checkpoint 25 miles from the Mexican border on Interstate 19
- Drastic change in border control between 1950s and 1990s as many Mexicans and other Latin Americans were migrating north
  - 1950s: two strand barbed wire fence/gate, customs officials were friendly and welcoming, no passports/identification required
  - 1990s: “huge forbidding wall”, armed guards
- Green Valley Samaritans have bimonthly meetings in Sahuarita, Arizona
  - Every other Monday at the Good Shepard United Church of Christ
  - Interest areas include: water drop, desert search, el comedor, basura (trash)
  - Mission: “to prevent deaths in the desert”
  - Report on the number of deaths in the desert and needs of deported migrants in Nogales, Mexico

- “If people are dying in the desert, you give them water and food and whatever else they may need to survive”
  - “This is what a civilized society does”
- Shura Wallin: “chief mover and shaker of the Green Valley Samaritans”
  - Compassionate, caring, and kind to everyone she meets
- Samaritans volunteer at the comedor each Tuesday
  - Help with breakfast
  - Bring clothes and medical supplies
  - Counsel those planning on crossing into the U.S. about the dangers of doing so without documentation
    - Includes information on the military presence in the desert, extreme weather conditions, and long distances to towns
  - Help pay for bus tickets home for those who have been deported
- Border wall described as: “The message is clear: Stay out. You are not welcome here. We don’t want you in our version of America.”
  - There is a “rotating iron gate” into Mexico
- Coyote guides: “people who lead people across the desert for a price”
  - Lie to them about the length of time it takes to cross the desert
  - 2011 rate: \$3,000
  - Not allowed into el comedor, but stand next to it to recruit for next trip
- “They live for el sueno Americano, the American dream”
  - What migrants hope to obtain
- El comedor started when eight Mexican families living near the border watched as the U.S. Border Patrol and ICE agents dropped migrants off without anything and left

- Mexican families began to hand out burritos, water, and coffee
- Through their actions, they were “made to feel that somehow they were breaking the law” by Mexican government and police
- After getting Christ the King Catholic Parish involved, they asked the mayor of Nogales for rental of the land they were using
  - Land became el comedor
- KINO Border Initiative began
  - May 2008: el comedor became part of KBI and Nazareth House (shelter for women and children, aimed at protecting them from the streets)
- El comedor became an “efficient humanitarian aid station providing food for the body and spiritual sustenance for the soul”
- Mission of the Jesuit priests of the KBI and Missionary Sisters of the Eucharist: “to serve the people who suffer from contemporary American immigration policy”
- “There is a bittersweet moment when we purchase a bus ticket”
  - Persuaded migrant against crossing into the U.S.
- Francisco: priest in training
  - Helps migrants with deportation papers and identification
  - Helps keep shelter running by cleaning etc.
  - Along with Father Martin, takes care of letting people into shelter with proper documentation
- Father Martin: daily overseer and director of el comedor
  - Offers prayer before morning meal
- Father Sean Carroll: director of KBI
  - Oversees humanitarian efforts and provides education to those visiting (politicians)

- Nurse Norma Quijada: runs first aid station
- Kitchen is run by volunteers, mostly from local churches
- Workers put on music during meals and dance to raise the morale and spirits of the travelers

### **Chapter Two: Spring**

- El comedor holds about 100 people per sitting for meals
  - During spring two shifts are done since the favorable weather brings more travelers
- Donations of underwear and menstrual supplies are needed and important for migrant women
  - Must deal with no supplies, no privacy, and cramps in the desert
- “The Samaritans may not be saving the world or getting the attention of the President about immigration policy, but we are showing up each week.”
- Rugolfo: migrant From Mazatlan with perfect English
  - Made journey into U.S. with coyote
  - Once in the U.S., coyote left a woman and her children behind, so he personally delivered them to safety
  - Was taken back to Mexico by Border Patrol
  - Developed wounds from carrying the family on his back
  - “I am lucky to be alive. I know this. I just want to go home.”
- Coyotes often abandon those who can’t keep up, leaving them lost and without supplies
- Jonathan: from Veracruz
  - Worked eight years in Seattle as an electrician
  - Went home to Mexico for daughter’s quinceanera and couldn’t return to the U.S.

- Tried crossing the border, drank cattle water and got sick, so the coyote left him behind because he couldn't keep up with the group
- Was picked up by Border Patrol, taken to a detention center where all his belongings disappeared, taken to a hospital and treated for dehydration and exposure, and was finally deported
- “There is a force stronger than logic when it comes to returning to family”
- Alfonso: from California, where he has a wife and five children
  - Was a butcher for 20 years and lost his job because of his undocumented status
  - Was watching his friend's store when the police came to get a signature for a document, he couldn't provide a valid U.S. identification and was deported
  - Tried to cross desert with a friend and coyote, but coyote left them behind
  - His feet were so injured he could no longer walk, his friend went to call for help and was found by Border Patrol and arrested
    - He begged them to go find his friend but they didn't
  - Several days later, Border Patrol asked him to show them where his friend was
    - His body was found so decomposed that it took the medical examiner days to figure out who he was
  - Alfonso's death shows that “America's irrational immigration policies are taking a toll on us as a nation. We have lost our moral compass”
- “Over 2,200 migrants have died in the Sonoran desert since 2000”
  - Only includes the bodies that have been found
- Takes a minimum of seven days to walk from the Mexican border to Tucson
  - Almost impossible to carry enough food and water for the journey

- Safe house: “secret place for sanctuary, suitable for hiding undocumented persons from the law”
- Estimated 11 million undocumented persons in U.S.
  - 8 million of which are Latinos
- Desert searches include looking for migrants who need help, water, food, or blankets
  - Also includes picking up things that migrants have left behind, referred to as “hidden treasure”
    - Includes shoe, earrings, notes with phone numbers, bags of medications, and empty cans of food
- “The problems of Mexico are binational” because Mexico has the drug products, but America is the buyer
- “Ironically, I feel safer as soon as I cross the line into Mexico. Fewer guns, more smiles”
  - On the U.S. side, there are officers with guns who don’t make conversation or smile
  - On the Mexico side, everyone welcomes the Samaritans
- Operation Streamline: “court system that speeds up due process for the thousands of immigrants who have entered the United States illegally”
  - Began in 2005
  - Handles about 70 cases every day
  - Any American can sit in on this process
  - Inhumane treatment of migrants includes being shackled: “their hands attached to a chain around their waist, feet manacled at the ankles”
    - They can’t even drink water because of the chains
    - Their shoelaces and belts are taken away so their pants fall, which they can’t fix because of the chains

- Migrants get a public defense lawyer who has about six cases, including theirs
- “Conveyor-belt approach”
- Nogales is the most common place to be deported into
- “They will cross regardless of Operation Streamline or incarceration”
- “We are criminalizing people who want to work”

### **Chapter Three: Summer**

- Summer in the Sonoran Desert is very hot
  - The only time it is tolerable is in the early morning and the evening
  - Gets very cold at night
  - May and June are the hottest months
  - When it rains, it rains really hard, making it impossible to travel through the desert
- Samaritans aid a Mexican citizen who is homeless and disabled by providing him with food and treating his back burns for months
- July is the deadliest
  - When it rains, the rain evaporates before it touches the ground
  - Hard to breathe outside
- “It is a sobering and grisly fact of life when hiking in Arizona. You may come across a body”
- “Your feet are your most important tool”
  - If anything happens to your feet, such as blister or a sprain, it is impossible to keep going in the desert
  - If there is redness on feet, it is treated with duct tape
  - “If you can’t walk, you don’t migrate”

- “Migrants are often deported many miles from their original port-of-entry location in order to discourage future crossings”
  - Inhumane treatment
- Man who grew up in Kansas didn’t even know that he was undocumented until he was 16
  - In the past, was able to go back and forth from U.S. to Mexico to see his family
  - Tried to cross the border through the desert because of a construction job in Kansas that pays much better than in Mexico
  - Decided not to do it again after severely injuring his feet on the journey
- “The bureaucracy and path to being a legal worker is Byzantine and expensive”
  - This is why people are choosing to stay undocumented, but end up “living in constant fear of deportation”
  - Also why some choose to leave the U.S. voluntarily
- “La bestia” is a train that migrants take to get to Nogales
  - On the train there is a lot of violence, and many migrants lose their possessions, limbs, and even their lives on this train
- “I used to believe that God created the universe. Now I think that God and man are creating the universe together”
  - Stated Father Francisco after his experiences at el comedor
  - Explanation: “what we do has a lot of impact on how the world turns out”
- Peg Bowden stated, “I am the one who receives the most profound gift. It is the gift of seeing their dignity and courage, the gift of watching them put their own life on the line for their children and family. They are my heroes”
- Migrant Trail Walk: “annual event that brings attention to the number of deaths in the desert”

- No More Deaths: nonprofit organization that is involved in searches, water drops, and advocacy for immigration reform
  - Made up of mostly college students
  - Run a camp in the desert to help injured and exhausted migrants
    - Camp located on land owned by Byrd Baylor, a children's book author who helps migrants, even in "defiance of law enforcement"
  - There is a high flag by this camp to show migrants there is hope here, along with water
  - "Consists of several large tents - a medical tent, the kitchen tent, a pantry, a tent that stores clothing and shoes, and a pit toilet" along with several small sleeping tents
  - Run by volunteers
- "When a person is dying in the desert, you do everything you can to save a life"
- Many random acts of kindness and thanks are given to the Samaritans in Mexico
- During the summer of 2012, President Obama "issued an executive order proclaiming that people who arrived in the United States as children, attended our schools, and perhaps served in our military, were not to be deported"
  - Called DREAM kids, which stands for Development, Relief, and Education for Alien Minors
  - Can apply for deferred action and possibility of employment
    - Paperwork consists of DACA: Consideration of Deferred Action for Childhood Arrivals
  - Ironic because "President Obama has deported more undocumented migrants than any other president in history"
- Jose: 14 year old whose parents brought him to the U.S. when he was just a baby

- Goes to a great school and is on many student councils
- Got caught trying to cross back into the U.S. with his mom
- Doesn't understand why he can't return to his life
- Can't apply for DACA because he has been gone for too many months
- “Families become separated. People are torn”
  - Because of deportation
  - Example: Eric was deported for driving without a license, but he has lived and worked in the U.S. for 19 years, and has a wife and three children here
- “They are driven by love. Logic has nothing to do with it. It is a drive beyond reason”
- NAFTA: North American Free Trade Agreement
  - Trade among U.S., Mexico, and Canada
  - Great economically for U.S. but disaster for Mexico because small farmers can't compete with the low prices of food from the U.S.
  - Causes many farmers to migrate north, work low paying jobs with awful conditions, and eventually want to migrate to the U.S.
- “I believe extraneous circumstances create poverty. Economic and immigration policies, lack of education, even lack of birth control – all these dynamics create situations involving suffering and financial hardship”

#### **Chapter Four: Autumn**

- There is an increase in travelers during the autumn season because the temperature is milder
- In 2012: “68 percent of the people in the United States favor the Arizona anti-immigration bill and think that anyone in this country without proper documentation should be deported. Period”

- “The laws and policies concerning immigration are wrong and inhumane, and they don’t work”
  - The wall being built is not the answer, it just contributes to the problem and increases the amount of migrants and their deaths
- Not allowed to take produce, fruits, or flowers into the U.S. from Mexico
- “Through contracts with private prisons and county jails, ICE detains three thousand immigrants on any given day in Arizona”
- Migrants are often deported in the middle of the night as a “psychological ploy that will discourage future crossings”
  - Inhumane
- When undocumented people are picked up in the U.S. for minor infractions, they are held in detention centers for weeks or months
  - If they are picked up in the summer, they are released in early winter, and when they are deported, they are wearing only a t-shirt and pants instead of jackets and hats
- “If a person is not a Mexican citizen, Mexico returns the migrant to the country of origin”
  - Even if that person has lived in the U.S. since he was a child and knows no one in their country of birth
- The hardest stories to read are those of families being separated, especially those of parents and their children, and spouses
- Average stay at the comedor is three days
- Many people travel between the U.S. and Mexico many times, and this has become their life
- “At two thousand miles, the U.S. border with Mexico is the longest geographical boundary between a technologically advanced nation and an emerging industrialized country”

### Chapter Five: Winter

- La posada: Mexican Christmas tradition that means “the search for the inn and shelter”
- During the winter, the numbers of migrants leaving the U.S. and traveling south to see family greatly rise
- Christmas in Mexico is not a time for gifts, but rather a time to take a break from work and spend time with family
- Key points that must be brought to attention in immigration reform:
  - “The laws are unjust when they separate families”
  - “We must reform the immigration system so there is no separation of families”
- The story of the migrants resembles that of Mary and Joseph during the birth of Jesus
  - “They were on the run, and all they really wanted was a place to call home and to be together as a family”
  - “A two thousand-year-old story is as relevant today as it was so long ago”
- A homeless man in Mexico won’t accept a gift of a Christmas card and cookies because he has never received that before and doesn’t understand it
- When it rains, the migrants use trash bags on their heads and feet to prevent those parts of their bodies from getting wet
- Many migrants spend their Christmas Eve in the Nogales cemetery after days in the desert
- At the comedor there is a manger around Christmas time and a ritual for placing the baby Jesus in the manger
  - Samaritans participate in this ritual

### Chapter Six: Life Lessons

- “Morally I cannot accept that we treat people who simply want to work as if they were dangerous criminals”
- “Children cannot help where they are born, and yet our country punishes people for what they cannot help being”
  - Having cats at the comedor brings a smile to children who are “looking off into space, the children are trying to remove themselves from the trauma they have experienced”
- A man came to the comedor whose whole family was killed in the past year, and he was beaten and tortured in Guatemala
  - He can’t go back to Guatemala and is traveling to the U.S. to seek asylum
  - “According to the Office of Immigration Review, only 2 percent of Mexicans seeking asylum in this country actually obtain it. For Guatemalans, 4.5 percent seeking asylum in 2009 were allowed to enter this country; 3,458 had applied”
- Women traveling through the desert:
  - “The sisters tell me that 80 percent or more have been assaulted, raped and beaten. Some are impregnated by coyote guides during their journey in the desert”
  - Three women who were picked up in the desert and taken to a detention center weren’t given food or water for 24 hours
    - “The plates of food were thrown at these women, and the guard told them, ‘You’re nothing but dogs, so eat off the floor’”
    - Inhumane treatment
- “Any chance encounter with U.S. immigration officials can leave an undocumented person behind bars and in deportation proceedings”

- Constant fear of deportation
- “Many Mexican American neighborhoods in the United States have mobilized with a secret network of caretakers who step in if a child comes home from school and his parents are missing”
- Lawyers often talk undocumented migrants into signing deportation papers instead of waiting months in prison for a hearing, without clearly telling them that they cannot enter the U.S. for another 10 years
- “Many of the people I meet each week are migrating for economic and social reasons. They want to work. They do not want to live in fear”
  - “They would gladly stay in Mexico if they could earn a living wage”
    - A central problem causing deaths
- Possible way to fix this border issue:
  - “A guest-worker program allowing immigrants to come into the U.S. for a period of time to seek employment and small business privileges seems like a good thing”
    - In the past, this type of visa program has been inhumane, with low wages, being tied down to one employer, abuse, and exploitation
- “There are twice-weekly deportation flights from JFK Airport in New York City to Puebla, Mexico, filled with migrant workers without the proper papers”
  - Migrant workers make America run by fixing bridges and highways, working in restaurants, and working in the fields
- “The belief that migrant workers are taking away jobs from Americans is unfounded”
  - Americans wouldn’t do this type of work
- “The undocumented worker is less likely to wind up in prison or in mental hospitals than U.S. citizens”

- “But on a deeper level, I have learned that the real work on the border is about giving love, no matter what”
- “The best way to confront the issue of eleven million undocumented people in the United States who have violated our antiquated immigration laws is to fix the laws. A more humane way to confront the issue of the migration of thousands of Latinos is to offer safe passage and a beginning level of work”
- Message we are sending to Mexicans:
  - “You can die in our deserts trying to get here, and we will look the other way. Keep the truckloads of tomatoes coming, however. And while you’re at it, keep the prices down”
- This is an “immigration policy of exclusion”
- “If you are a Latino without papers, you are either locked in or locked out”
  - Philosophy of “enforcement first”
- “True immigration reform must include a pathway to legal status for the undocumented people who are already living in this country – eleven million of them”
- “There are millions of men, women and children living under the radar in fear. It is time to bring them in from the dark”

## MY TRIP TO ARIZONA AND MEXICO

### Day One

That first morning, Shura and I headed out early for the Green Valley Samaritans meeting, at The Good Shepard United Church of Christ in Sahuarita. Although we were the first ones there, we didn't have to wait long for other members to begin arriving. I soon found out that the group meets every other Monday, at eight in the morning. On this particular day, there were about thirty-five people who attended. The members were mostly older adults, and everyone was welcoming and friendly.

The meeting began with Reverend Randy Mayer welcoming everyone and announcing a moment of silence to reflect on the lives that are lost in the desert every day. Everyone bowed their heads and for a few minutes, we were all lost in our own thoughts. After the moment of silence, different members of the group started sign-up sheets for the many projects the group is involved in, such as desert searches and water drops. Once those began circling, Reverend Randy asked if anyone had updates on any of the projects currently being worked on. Concerning the desert searches, some of the members pointed out that there wasn't too much border control lately. One of the other men said that when he went out, a Border Patrol officer came up to them and stated that he drank some of the water that the Samaritans put out during a water drop, and thanked them for it. I personally thought that was really nice, compared to the stories I had previously read in Peg Bowden's book about Border Patrol agents. In addition, other people said that when they went out, they also came across very friendly Border Patrol officers and ended up having a twenty minute interview with them, during which the officers told them that there is a really nice, scenic path to take ahead.

From that point, the conversation turned a little, and some of the members stated that Border Patrol placed several cameras around a certain area to monitor migrants, but also to monitor the

presence of the Mexican military, which has been seen making frequent visits onto American soil. There was also some speculation about the possibility of these people not actually being part of the Mexican military, but rather a part of the drug cartel.

Concerning the water drops, a group stated that in the areas where a lot of water is usually used, they found the water untouched even though the food was gone. On the other hand, there was another area where all the water was gone, and the Samaritans had to fill up nine gallons of water during that one trip. Shura told me that these are the changes that are seen as migrants take different courses, and it is something that can't be predicted, but the Samaritans try to leave the water where it will reach as many migrants as possible.

Regarding the Comedor, Shura told the group that there were only about seventy migrants last week, of which ten were women and a few children. Many of the migrants are from Mexico, but some are from Central America. She also asked that if possible, to please donate shoes since the migrants really need closed-toed, athletic shoes for their journey, and the Comedor is low in supply.

Moving on to Operation Streamline, a woman said that when she went, there were only about twenty-five migrants there. She stated that the judge was very thorough and allowed them time to explain everything. There were a few people in the gallery, but there weren't any school groups or other large groups. She went on to say that two of the cases were dismissed for a language barrier and a lack of an interpreter, and one migrant didn't plead guilty. However, he is ineligible for bail because no migrant ever is eligible, therefore he will wait in prison for months until his trial.

All of the projects described up until this point I had already learned about by reading Peg's book, however, this next one was new to me. In their newsletter, The Good Shepard United Church of Christ called the article about this, "Helping a Family through the Asylum Process." Eva Reyes Cruz and her four children, William, Karen, Lesley, and Brandon, left Honduras two years ago to come to the United States border, to escape "the drug cartel and gang violence." After two years,

they finally got to the border and “presented themselves to Customs and Border Protection officers,” after which they were luckily “granted a one year visa so that they can present their case to the U.S. Immigration Courts.” One of the Samaritans actually had the family living in her house for the past five weeks, until they were able to move to an apartment and live on their own. The Samaritans have been an instrumental part of getting this family settled into the community, as well as getting them the legal help they need. The group stated that their first court date is on September 15<sup>th</sup>.

The four children have also recently started school, however they will need a lot of help with their schooling since they have been out of school for the past two years. The Samaritans will help these children learn English and catch up in their schoolwork. The Samaritan with whom the family stayed also brought up an important issue that they have been having with car seats for the children. She said that it is so important that the children always use car seats and seat belts because it is the American law, even though the family is not used to this. If they got pulled over for not complying, it would result in a lot of legal troubles, therefore it is a habit that they must get used to. Other members shared that once a week, the family is taken to a local food bank to volunteer and give back to the community. Also, because Eva has filed an asylum application, she cannot work right now. Therefore, the family is making bracelets and asking if the Samaritans are willing to help sell them, so that the family can make some money. Lastly, Reverend Randy asked if some Samaritans are willing to stop by their apartment and just socialize with the family or read to the children in both English and Spanish. He also stated that he would like for the group to try to replicate this type of work with other families as well.

Also during this meeting, La Roca was brought up, which I later found out was a shelter near the Comedor whose name means “the rock”. The shelter is mostly for Central American migrants, many of which are from Guatemala, Honduras, and El Salvador, although some Mexicans

stay there as well. It is important to note that women and men sleep in separate areas. This shelter is located on the Mexican side of the border, right across from the wall. The update we received during the meeting was that it was full for men, but not for women, and that the bed frames were being remade while the mattresses were being cleaned for bed bugs. In a conversation I had with Peg, she gave me all of this additional information and told me that aside from shelters, many migrants sleep in the streets or the cemetery, where they feel it is a little safer. Peg also stated that since the migrants get deported in the middle of the night, they have nowhere else to go or sleep other than the streets. Although the Samaritans have tried to work with Homeland Security to stop this, their excuse is that the migrants can be held for a maximum of twelve hours, and nothing really got resolved.

Next, I learned of a devastating event that occurred at the border. Jose Antonio Elena Rodriguez was a sixteen year old boy who was standing on the Mexican side of the border, but was shot ten times and killed by a Border Patrol officer, who was on the United States side of the border. Supposedly, the reason why the officer shot him was because he was throwing rocks through the wall at the officer. However, from how Shura described the wall and from my own observations in the next few days, it seems almost impossible for that to be true. In addition, being shot ten times in the back is completely inhumane. Regarding this issue, there was a hearing that several of the Samaritans attended because Homeland Security wants to prevent a conversation between the officer and his Capitan, right after the shooting, from being disclosed to the public. However, this conversation is a major piece of evidence for the criminal prosecution of the officer, and without it the case will be dismissed. At the hearing, they were told that a decision will be made on October 11<sup>th</sup>, and some of the Samaritans asked if the group would come to the hearing that day. Although the decision will be made ahead of time, their presence will be in support of the family of Jose.

Another important group I learned about at this meeting was the School of the Americas watch, which basically protests the School of the Americas. In a conversation I had with Shura the next day, she explained to me that the School of the Americas is located in Georgia, and its goal is to train military personnel from other countries in torture techniques. Shura gave me the example of when Ronald Reagan trained the Guatemala military to torture and kill their citizens during the revolution. However, during the meeting, it was brought up that the School of the Americas watch is going to be protesting in Arizona for a few days in October. Many of the Samaritans were interested in participating. For example, during one of the days there will be a procession and many other activities on both sides of the border in Nogales, with an attempt to build a bridge over the wall.

Next, one of the Samaritans brought up a project that they have recently gotten involved in, which includes working at detention centers to present the migrants with their rights. This project also includes interviewing the migrants to find out their stories, in order to fill out asylum applications that may actually be accepted. A few of the Samaritans were interested in helping with this project and talked to this particular member of the group after the meeting was over.

Later that day, during a conversation I had with Shura, I learned some things that shocked me. For example, she told me that in the United States, we aren't allowed, under law, to give migrants maps. However, we can draw a map in the sand, or even show them a map. Although, if someone is spotted by Border Patrol showing a migrant a map, that can be interpreted as an intent to give the migrant that map, which once again, is illegal. Along those same lines, we aren't allowed to give migrants a compass, because both of these actions are seen as aiding and abetting the migrants. And lastly, she told me that we aren't allowed to transport the migrants. After stating all of these rules, she told me that she believes there are two laws, man-made laws and moral laws. In her opinion, moral law always comes before man-made law, which I found to be inspiring.

Around noon, Shura and I headed back out, this time to Tucson. We first visited the Southside Presbyterian Church, which serves as a sanctuary for migrants. Shura explained to me that if a migrant was to be deported the church can take them in, and while that person is inside the church, they cannot be deported. In fact, on this day, we saw three migrants outside the church, waiting to be picked up for work. Unfortunately, we weren't able to go inside the church to see the sanctuary.

Following our ride to the church, we headed to the courthouse for Operation Streamline. We had to go through the security check, but the officers were pretty nice. Before we entered the room in which Operation Streamline is held, an immigration lawyer, Mark, who works with the migrants started a conversation with us. He told us that he is actually a cofounder of Operation Streamline, and he then proceeded to tell us why he began this program. First of all, he said that migrants who cross the border without documentation are committing a crime according to the United States, and therefore, there must be consequences. He said that in the past, migrants who were caught either spent a long time in detention centers or were immediately deported back to Mexico. Now, however, because of Operation Streamline migrants are seen in front of the judge quicker, but are also more accountable for their actions by serving a sentence before they are released. Most of the migrants who were at Operation Streamline on this day were picked up the day before, and a couple were picked up a few days earlier. In addition, the shortest sentence some of the migrants received that day was 30 days, and the longest was 180 days. The length of the sentence is determined by the number of times the migrants have already been deported.

The second reason Mark said that he cofounded Operation Streamline and works to defend the migrants is because he gets to reunite the “undocumented Americans” with their families. According to him, “undocumented Americans” are those migrants whose parents are citizens of the United States, but they were born in another country. He also says that out of the twelve thousand

migrants he has defended, only two were “undocumented Americans,” who he was able to reunite with their families here in the United States.

After talking with this lawyer, Shura and I walked into the courtroom. There were many migrants already seated in front of the judge, and others were slowly trailing in. I say slowly because I was horrified to see them fully shackled. Their arm cuffs were connected to a chain around their waist, which was connected to chains around their ankles. This made it very difficult for them to walk, and throughout the hearings, the background noise consisted of chains clinging as the migrants moved around. The courtroom was at capacity, with 75 migrants, six of which were women. When we talked to the marshal, he told us that the migrants get to the room at nine in the morning and are only allowed to exit to meet with their lawyers for half an hour. It is important to note that the hearings begin at 1:30 PM.

As the migrants were coming into the room and taking their seats, some of them looked over at us. When they caught my eye, I would smile at them, and some smiled back. I wanted them to know that they weren't completely alone, and that there was someone on their side. Shura has a tradition of giving the migrants a thumbs up or tapping her heart so that they know she is there for them, which I found to be a great idea. As the migrants came in, all of them looked so tired and sad.

It was interesting but not shocking to hear that all of the migrants plead guilty to “illegally” crossing into the United States. If someone was to plead not guilty, they would be held in jail for weeks to months, awaiting trial, since migrants cannot be set free on bail. Therefore, it makes sense that everyone would plead guilty, serve their sentence, and be deported. The judge stated that the maximum prison sentence is six months.

One of the cases was unlike the others because the young man had a white bandage wrapped around his head. Unlike with the other migrants, the first question the judge asked him was what happened to his head. The migrant wasn't sure how to answer, and the lawyer asked if he could

explain. He said that this happened before Border Patrol got there because the young man fell while he was running. He has a few deep wounds on his head, a sprained wrist, and soft tissue injuries. Before the judge proceeded, he asked if the young man would like to see a doctor and postpone his hearing, however, the migrant refused and the judge continued with the usual list of questions. During his sentence, the judge told him that he would see a doctor right away, which I thought was necessary. My overall thoughts on the judge were that he was very respectful of the migrants, called them sir or mam, made sure they understood their rights and his questions, and was genuinely pleasant. However, the way these migrants were shackled was almost inhumane, and I think that is something that needs to be addressed. I also think that the fact that they were called up in groups of eight or nine was very impersonal, although its purpose, I assume, was to save time. However, I didn't like that almost assembly line approach, and think that maybe that is something to address as well.

### **Day Two**

The next day, Shura, Peg, and I headed off towards the border and into Mexico. We drove in the Samaritan van, with all of the supplies, food, and clothing in the back. I was actually quite nervous as we got closer to the border. Thankfully, our car was not stopped by the Mexican agents on the way into Mexico. Shura always gets a little nervous about driving through because if we get stopped, the agents might not let us pass if they see everything in the van, thinking that we may be trying to sell it without a permit. Therefore, very close to the entrance, Shura had us chant "green, green, green" in hopes that as we drove by, the little light would turn green. Thankfully it did. If it had turned red, we would have had to pull over, and our passage with the van would be up to the agent.

Once we crossed over to Mexico, many of the vendors knew the Samaritans and Shura, so they smiled and waved at us. The spirit completely changed and everyone was very welcoming. We only drove a few minutes before turning around and parking by a small structure built into a hillside, el Comedor. I was very surprised when I saw it because it wasn't anything like what I had pictured. I imagined it would be a full building, but it wasn't. There was a small kitchen that had walls around it, two small bathrooms that were walled in as well, which equals two and a half walls in the small square area. The other one and a half walls of the area was made up of fences. However, there was a roof over the whole structure, which is important. The kitchen was really small, even though it produced a lot of food. The sinks to wash your hands after using the bathrooms were actually located outside of the bathrooms. Inside the bathrooms is where the extra clothes were kept. In the women's bathroom were the men's clothes, and in the men's bathroom were the women's clothes. This is done to control the clothes being given out, so that they are only given out when they are needed. The fence around the structure was covered with large poster-like pieces of cloth, so that you couldn't see the street from the Comedor, and vice versa. On the wall where the bathrooms and sinks are located, there is a mural painted. It depicts Jesus and the disciples as migrants, down to the tennis shoes on their feet.

When we arrived at the comedor, before we even walked up the stairs and inside, we met two gentlemen who shook our hands and thanked us. One of them told us that he had lived in the United States for twenty-five years, specifically in Phoenix. One day he was driving, and because he is undocumented, he didn't have a license. He was pulled over, and that's how he was deported. Back in Phoenix, he has a wife and a daughter who is turning sixteen. When talking to his daughter on the phone, she asked if he could come home for her birthday. That is why he told us he was going to head out today with two other men from the Comedor, to see his daughter on her birthday. He admitted that one of the men he would be traveling with is scared, but he thinks that as long as

they stick together they will make it safely. He emphasized that they must stick together and help one another, because the coyote he was using to cross into the United States earlier had left him and the other man after taking their money. This man had very high spirits and laughed often, and he spoke perfect English. He asked us for a pair of shoes before he takes off for his journey, which we were able to give him after breakfast. Although I don't know where he is right now and I will never find out, I hope that he is safe.

After talking with this man, we walked into the Comedor and were greeted with smiles from the nuns running the show, along with smiles from the migrants sitting at the long tables. I helped give cups of juice to the migrants who were just coming in. Already on the tables were bowls of salsa, chips, and muffins. In total, there were fifty-five migrants, out of which nine were women and no children.

The morning began with a speech from the sister who began el Comedor, and then one from Shura. They both spoke about how hard the journey into the United States really is, and that although it took many of them a long time and a lot of energy and effort to get to the border, this is only the beginning and it only gets harder from here. Shura also spoke about the Samaritans and what they do in the desert, so that if the migrants need help or water, they can always count on them. While the sister was speaking, she asked for a volunteer migrant to read a speech about the hardships of this journey. The speeches were followed by a video about human rights. Its purpose was to inform the migrants that they have rights, which include respect, dignity, legal defense, and medical care among many others. Lastly before the meal was served, a sister led the group in prayer.

After the prayer, I helped serve breakfast. First, we passed out three bowls of warm tortillas for every table. Then, each migrant received a plate of rice, beans, and eggs, which we passed out quickly and efficiently. With every part of breakfast, the women got served first, then the men.

While the migrants were eating, we went around the tables with bowls of more food and asked if anyone wanted any more. Many asked for more, and in the end, everyone's plate was empty. I really liked helping serve breakfast because although it was such a small thing, it put a smile on many of the migrant's faces and their gratitude was very evident.

One by one as the migrants finished eating, they started cleaning. Some started to wash and dry the dishes, while others began to clear the tables. Peg and I helped with drying the dishes as they were being washed. The other Samaritans, along with volunteers, began putting out the clothes and personal care items we brought in the van. The men's clothing went on one table, followed by a table of socks, hats, underwear, water bottles, and personal care baggies. These baggies included two razors, soap, a toothbrush, toothpaste, and Q-tips. On the following table were women's and children's clothes.

During this time, I along with other volunteers helped the migrants pick out the right size of jeans and shirts, along with offering them a pair of socks. The migrants were very grateful for these clothes and personal care items, and said thank you many times. I noticed that we quickly ran out of underwear, hats, and water bottles because we didn't have many to start out with. In addition, many of the men asked for sweatshirts, and once again we didn't have enough. When men asked about the items that we ran out of, I felt almost guilty because I wanted to do more for them.

Another man I had a conversation with also spoke perfect English and had lived all over the United States for ten years. He came to Mexico to visit his family, and when he tried to cross back into the United States to continue working, he ended up falling and injuring his leg. He stated that he was able to see a doctor in Mexico, who gave him a shot and told him he needs to use a cane for at least fifteen days to take the pressure off of that leg. However, currently, he was using a piece of wood because he couldn't get a cane. By the time we left the Comedor, Shura had collected enough money and sent someone out to buy this man a cane, which I found truly inspiring. Because of his

new disability, he has decided to stay with his family in Mexico and attempt to find work here. I was very happy to hear that because especially with an injured leg, it would be impossible to make the journey into the United States.

Overall, my morning at the Comedor was very perspective changing and inspirational. I felt good about doing these little things for the migrants because I know that having a warm, nutritious meal means a lot to them, and it is something I take for granted. I looked into their faces and I saw people just like me. Coming from a diverse town, they could be my neighbors, coworkers, and friends. There is nothing that separates me and these migrants, except for the fact that I am documented, and can leave and return to the United States as I please, and they can't. And really, from the people I met at the Comedor, all they want to do is go back to the life they know. They want to work and they want to be with their families, just like everyone else.

After our morning at the Comedor, we drove the van to a different port of entry. This time, we parked on the United States side and walked into Mexico. The atmosphere completely changed from the moment we crossed the border. There was so much energy and so many people everywhere. We made our way to an important landmark, the place where Jose Antonio Elena Rodriguez was shot and killed, as I previously wrote about. After visiting this spot, it is evident that there was no way for this young man to actually throw rocks at the Border Patrol officer. From the ground in Mexico, there is a twenty-five foot rise made up of rock, and on top of that, is the fifteen foot wall. Therefore, it is quite impossible to throw rocks over such a height, and it is equally impossible to throw large rocks in between the vertical sections of the wall. There was a Border Patrol tower really close to the location where Jose was shot, and surprisingly, Shura and Peg told me that since there is a camera on the tower, the whole altercation was recorded, but the FBI won't release it. In addition, since Jose was shot and killed on the sidewalk, to this day, there are bullet holes in the wall next to the area. Peg and Shura told me that many have been covered up, and a

new board was hung over the rest, but I was still able to see a few of them. This shows that the officer fired his weapon more than the ten times he hit Jose, which is absolutely inhumane. Along this same wall, there is now a cross with Jose's picture and flowers. Every month on the day of his death, there is a remembrance ceremony.

### **Day Three**

On my last full day in Arizona, Shura and I headed out early in the morning to meet another Samaritan, Paul, as we began our desert search. We began by stopping on a main road and going under an overpass, where in the past, migrants as well as their belongings have been found. Although we didn't come across any migrants, we did see footprints in the sand that appeared to be fresh. We also found a pair of heavily ripped pants that also appeared to be newly dropped. It was an eye-opener for me to see where these migrants slept and walked to get to their destinations.

I had always imagined the desert to be a large flat area, with an occasional cactus here and there. However, that is not the case. As we got closer to the root of the desert, there were more hills and more plants. We stopped by a water drop station to see if there was enough water and to ensure that it hadn't been damaged. This specific water tank was blue and held fifty-five gallons of water. It was marked by a tall pole with a blue flag on top. Shura and Paul told me that sometimes the water tanks were damaged or left open, causing all of the water to escape. It is hard for me to imagine a person who would do either of those things since that water saves so many migrant lives every day.

After dropping by that water drop station, we headed further into the desert, and the terrain got even rougher. As we got into the heart of the desert, Paul stated, "The desert will stick you, prick you, or bite you," and his statement couldn't have been more accurate. We drove down a long and unsteady dirt road to get to the No More Deaths Camp. Shura informed me that Border Patrol

knows about this area, but is not allowed to enter. Like the Comedor, I was also surprised at how this camp actually looked. I was expecting something more modern and updated, but once I got there, I understood why it couldn't be more modern. It was made up of many tents and campers, all of which held various necessities, for example, a clinic area, sleeping areas, and the kitchen. The bathroom facilities were found by following a path off to the side of the camp, where there was a toilet area and a shower area. There was a little board on the entrance to the path that people put down when they were going to use the facilities. Overall, the camp was very primitive, but essential to saving the lives of many migrants.

When we arrived, we were told that there are three migrants. Two of them were brothers traveling together, aged thirty-eight and thirty-nine. They both spoke enough English to have a conversation with us, although one of the brothers spoke more English than the other. They were sitting in a tent that contained a long table. The brothers were left by their coyote when one of them got too dehydrated to keep walking. Fortunately, the brothers hadn't paid him yet, and since he left them, they called their parents from the camp and told them not to pay him. I was really happy about this because many migrants pay the coyote upfront, and when the coyote leaves them, they end up without any money and no assistance getting safely to their destinations. This was actually one of the brothers' third trip into the United States. It seemed that he lived and traveled between the two places. He shared that he even started taking classes in Florida the last time he was in the United States. Also surprisingly, the brothers have never been previously deported. In addition, they shared something with us that we weren't aware of. They told us that many of the drug cartels and gangs in Mexico control different sections of the border on the Mexican side, therefore it is hard to find a section of the wall to cross over that is safe.

The third migrant at the camp didn't speak any English and was resting when we first got there. When he was found, he was severely dehydrated and the camp saved his life. However, we

found out that he was traveling with a relative of his, who is just sixteen years old, along with a whole group following a coyote. While they were sleeping, Border Patrol came and everyone ran in different directions, and he lost his relative. He currently doesn't know if he was taken in, is lost, or if he died somewhere in the desert. The volunteers at the camp took all of the necessary steps to notify the correct agencies of the missing person. To this day, I think about the look in this young man's eyes, the look of not only pure sadness, but also hopelessness and emptiness. I hope that they get reunited, or maybe they already have been. But I guess I will never know for sure.

After visiting the camp, we drove through the predetermined routes the Samaritans usually take in search of migrants. Although we didn't see any migrants, we found many plastic water bottles in several different areas. I even found a big water bottle that was wrapped in a sweatshirt sleeve and tied to a little piece of wood, so that it can be inserted into a belt buckle and wouldn't have to be carried. In one area where we found many water bottles, we started a new water drop station by placing four one-gallon water jugs under a tree.

My biggest take away from the desert search is that I don't know how the migrants cross over the wall, cross through the desert, and make it to their destination somewhere in the United States. To me, it seems impossible. First of all, the heat and the terrain is unbelievably hard to walk through, with so many different prickly plants everywhere, along with many hills. Next, we saw many Border Patrol cars driving along the dirt roads, as well as two on horses. The horses can go into parts of the desert that cars can't drive through, making it that much harder for the migrants to hide from Border Patrol. We actually had a conversation with these agents and they seemed really nice and pleasant, which was also surprising. Lastly, the lack of water and food in the desert is a serious issue that contributes to me thinking it is impossible to walk across the desert. Although there are groups like the Green Valley Samaritans who leave water for the migrants, it is impossible

to predict what routes the migrants will take. Between all of these factors, I am very shocked that migrants actually make it to their destinations, when so many elements are working against them.

Reflecting on my trip, I learned so much about the immigration issues present at the United States and the Mexican border. However, I learned so much because I was able to personally see these immigration issues and hear about them through such hands-on experiences. Because of this learning experience, I have a much deeper understanding, one that I wouldn't have gotten by just reading about these issues in a book. Lastly, I am so thankful for the Green Valley Samaritans and for all of the work that they do in the desert, which helps save migrant lives. I am glad that migrants have people in the desert who they can count on, someone on their side.

## OBTAINING A UNITED STATES VISA

### Definition

- Visa: “travel document issued by” a U.S. embassy or consulate located in the “traveler’s country of citizenship” and placed inside the passport that “allows you to travel to a port of entry, airport or land border crossing, and request permission of the Department of Homeland Security (DHS), Customs and Border Protection (CBP) inspector to enter the United States”
- Doesn’t guarantee entry, but it does “indicate (that) a consular officer at a U.S. Embassy or Consulate abroad has determined you are eligible to seek entry for that specific purpose”

### Nonimmigrant Visas

- Nonimmigrant Visas: “for travel to the United States on a temporary basis”
- Four types of nonimmigrant visas:
  - Business Visa (B-1): allows the individual to consult with business associates; attend a scientific, educational, professional, or business convention or conference; settle an estate; and negotiate a contract
  - Tourism and Visit Visa (B-2): allows the individual to tour; vacation; visit with friends or relatives; receive medical treatment; participate in social events hosted by fraternity, social, or service organizations; enroll in a short recreational course of study not for credit toward a degree, such as a “two-day cooking class while on vacation”
    - Not permitted to study; work; participate in paid or professional performances before a paying audience; arrive as a crewmember on a ship or

aircraft; work as foreign press, radio, film, journalist, or other information media; obtain permanent residence in the U.S.

- Student Visas:
  - F-1 Visa: used to enter the U.S. to attend university/college, high school, private elementary school, seminary, conservatory, or language training program
  - M-1 Visa: used to enter the U.S. to attend vocational or other recognized nonacademic institutions, other than a language training program
- Exchange Visitor Visa (J-1):
  - Categories include: camp counselor, government visitor, intern, international visitor, physician, professor and research scholar, short-term scholar, specialist, college or university student, secondary student, summer work travel, teacher, trainee, and pilot programs

### **Nonimmigrant Business and Tourism/Visit Visa Application Process**

- Complete the Online Nonimmigrant Visa Application, Form DS-160
  - Print confirmation page to bring to interview
  - Upload a photo
- Pay non-refundable visa application fee of \$160
- Interview:
  - Required if between 14-79 years old
  - Takes place at a U.S. Embassy or Consulate in the country where you live
  - Wait times for interview differ based on the “location, season, and visa category”
    - Nogales, Mexico: 1 day

- Warsaw, Poland: 9 days
- Bogota, Colombia: 7 days
- Necessary documentation: passport, online application confirmation page, application fee payment receipt, and photo
  - May also need documentation for “the purpose of your visit, your intent to depart the United States after your trip, your ability to pay all costs of the trip”
  - “Visa applicants must qualify on the basis of the applicant’s residence and ties abroad, rather than assurances from U.S. family and friends”
- Digital fingerprints are taken
- If approved, must pay visa issuance fee, which varies by country of birth
- Upon entry the CBP official “will provide an admission stamp or paper Form I-94, Arrival/Departure Record”
  - Must depart on or before the date issued on the stamp, unless a request to extend stay is approved
    - Failure to depart voids the visa

### **Nonimmigrant Student Visa Application Process**

- Apply and be accepted into SEVP (Student and Exchange Visitor Program) approved school
  - Example: University of Rhode Island
- Pay the Student and Exchange Visitor Information System I-901 fee
- Obtain form I-20 from school to bring to your interview
- Complete Form DS-160, Nonimmigrant Visa Application online
  - Print confirmation page to bring to interview

- Pay non-refundable visa application fee of \$160
- Interview:
  - Required if between 14-79 years old
  - Takes place at a U.S. Embassy or Consulate in country where you live
  - Necessary documentation: passport, online application confirmation page, application fee payment receipt, and photo
    - Form I-20 provided by the school: Certificate of Eligibility for Nonimmigrant Student Status for Academic and Language Students or Certificate of Eligibility for Nonimmigrant Student Status for Vocational Students, depending on which student visa you need
    - Academic preparation including transcripts, diplomas, and degrees
    - Proof of “how you will pay all education, living, and travel costs”
    - “Your intent to depart the United States upon completion of the course of study”
  - Digital fingerprints are taken
- If approved, must pay visa issuance fee, which varies by country of birth
- Spouse and children of the student may also apply for visa
  - Must apply for a separate Form I-20
  - Minor children may attend school in U.S. during this time period
- Visas can be issued for up to 120 days in advance of the start date of the course
  - May not enter U.S. until 30 days before start date
- Renewal: student visas may be renewed “at any time, as long as they have maintained student status and their SEVIS records are current”
  - May enter U.S. at any time before start date

- Departure: “students with F visas have an additional 60 days after the program end date listed on form I-20, and any authorized practical training, to depart”
  - Failure to depart voids the visa

### **Nonimmigrant Exchange Visitor Visa Application Process**

- Apply and be accepted into an exchange visitor program through a designated sponsoring organization, which enrolls you in the Student and Exchange Visitor Information System
- Pay the Student and Exchange Visitor Information System I-901 fee
- Complete Form DS-160, Nonimmigrant Visa Application online
  - Print confirmation page to bring to interview
- Pay non-refundable visa application fee of \$160
  - Those “participating in a Department of State, a U.S. Agency for International Development (USAID), or a Federally funded educational and cultural exchange program” don’t need to pay the fee
- Interview:
  - Required if between 14-79 years old
  - Takes place at a U.S. Embassy or Consulate in country where you live
  - Necessary documentation: passport, online application confirmation page, application fee payment receipt, and photo
    - Form DS-2019, Certificate for Eligibility for Exchange Visitor Status, “provided to you by your program sponsor”
    - If in trainee or intern categories, must bring Form DS-7002, Training/Internship Placement Plan
    - Purpose of travel

- Proof of “how you will pay all education, living, and travel costs”
- “Your intent to depart the United States after your travel”
  - Digital fingerprints are taken
- If approved, must pay visa issuance fee, which varies by country of birth
- Spouse and children of the student may also apply for visa
  - Must apply for a separate Form DS-2019
  - Minor children may attend school in U.S. during this time period
- Departure: “exchange visitors have an additional 30 days after the program end date listed on Form DS-2019 for domestic travel in the United States and/or to prepare for and depart”
  - Failure to depart voids the visa
- Two year home country physical presence requirement: must go back to country of birth for two years if participating in government funded exchange program, graduate medical education or training, or have a specialized knowledge or skill
  - For these two years, you are not allowed to change or adjust status in the U.S.
  - If unable to do this, may fill out a waiver

### **Immigrant Visas**

- Immigrant visas: “for travel to live permanently in the United States”
  - “A foreign citizen seeking to immigrate generally must be sponsored by a U.S. citizen or lawful permanent resident immediate relative(s), or prospective U.S. employer, and have an approved petition before applying for an immigrant visa”
- Five types of immigrant visas:
  - Family Based Visa: “for immigration of certain family members of U.S. citizens and lawful permanent residents”

- Two types:
  - Immediate Relatives Visa: filed by a U.S. citizen
    - Includes spouse, unmarried children under 21, orphan adopted abroad or in the U.S., parent of child who is at least 21
    - Not limited
  - Family Preference Visa: filed by U.S. citizen or permanent resident
    - For more distant family relationships
    - Limited each year
    - Four categories:
      - Family first preference (F1): unmarried sons and daughters and their minor children of U.S. citizens
        - Limit: 23,400 per year
      - Family second preference (F2): spouses, minor children, unmarried sons and daughters of U.S. permanent residents
        - Limit: 114,200 per year
        - 77% go to spouses and children
      - Family third preference (F3): married sons and daughters of U.S. citizens, their spouses and minor children
        - Limit: 23,400 per year
      - Family fourth preference (F4): brothers and sisters of U.S. citizens, their spouses and minor children
        - Limit: 65,000 per year

- Relatives can't be sponsored by grandparents, aunts, uncles, in-laws, or cousins
- Intercountry Adoption Visa: : “the process by which you adopt a child from a country other than your own through permanent legal means and bring that child to your country of residence to live with you permanently”
  - Application fee of \$720
- Employment Based Visa:
  - Limited per year
  - Five categories:
    - Employment first preference (E1): priority workers
      - Employer doesn't need to file for labor certification, but must complete Form I-140 for most of the categories
      - Includes:
        - People with extraordinary ability “in the sciences, arts, education, business, or athletics” who have “extensive documentation showing sustained national or international acclaim and recognition in their fields of expertise”
          - Don't need to have specific job offer, but must be entering to continue working in their field
          - Can file their own Form I-140
        - Outstanding professors and researchers “with at least three years' experience in teaching or research, who are recognized internationally”

- Must be entering to teach or research at university or other institution of higher education
- Must have job offer and their employer must file Form I-140
- Multinational managers or executives “who have been employed for at least one of the three preceding years by overseas affiliate, parent, subsidiary, or branch of U.S. employer”
  - Must have job offer and their employer must file Form I-140
- Employment second preference (E2): professionals holding advanced degrees and people of exceptional ability
  - Requirements: labor certification from employer, job offer, and employer must file Form I-140
    - If applicant files for exemption by National Interest Waiver, they can self-petition by filing Form I-140 and evidence of national interest
  - Includes:
    - Professional holding an advanced degree, which is higher than a baccalaureate degree, or a baccalaureate degree and five years of experience in the profession

- People with an exceptional ability “in the sciences, arts, or business” who have significantly more expertise than usual
- Employment third preference (E3): skilled workers, professionals, and unskilled workers
  - Requirements: employer must file Form I-140 and labor certification
  - Includes:
    - Skilled workers: “persons whose jobs require a minimum of two years training or work experience that are not temporary or seasonal”
    - Professionals: “members of the professions whose job require at least a baccalaureate degree from a U.S. university of college or its foreign equivalent degree”
    - Unskilled workers: “persons capable of filling positions that require less than two years of training or expertise that are not temporary or seasonal”
- Employment fourth preference (E4): certain special immigrants
  - Requirements: Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
  - Includes: broadcasters, certain employees or former employees “of the U.S. Government Abroad”, certain former employees of the Panama Canal Company or Canal Zone Government, Iraqi and Afghan interpreters/translators “who have worked

directly with the United States armed forces”, Iraqi and Afghan nationals who have provided faithful and valuable service “while employed by or on the behalf of the U.S. government”, certain foreign medical graduates, certain retired international organization employees, special immigrant juveniles, certain retired NATO-6 civilians, and people who are beneficiaries “of petitions or labor certification applications filed prior to September 11<sup>th</sup>, 2001”

- Employment fifth preference (E5): immigrant investors
  - “Capital investment by foreign investors in new commercial enterprises in the United States, which provide job creation”
  - Special Immigrant Visas: includes Iraqi or Afghan translators/interpreters, Iraqis who were employed by/on behalf of the U.S. Government, Afghans who were employed by/on behalf of the U.S. Government, and religious workers
  - Diversity Visa: for “countries with historically low rates of immigration to the United States”
    - Limited per year
    - Registration is open for about a month
      - In 2016, it was open from Tuesday, October 4<sup>th</sup> until Monday, November 7<sup>th</sup>
      - No cost to register
    - Applicants are selected randomly “based on the allocations of available visas in each region and country”, and informed of their status around May 5<sup>th</sup>
      - Need their confirmation number to check status online

- Must pay Diversity Visa Lottery fee of \$330 per person
- Spouse and children can obtain visa with applicant as derivative applicants, if the visa limit for that country hasn't been reached yet

### **Immigrant Family Based Visa Application Process**

- Sponsor requirements:
  - Must be 21 or older to file for siblings or parents, but no age minimum to file for all other categories
  - Must “demonstrate adequate income or assets to support the intending immigrant and accept legal responsibility for financially supporting their family member,” which is done by signing an Affidavit of Support, Form I-864 or I-864-EZ
  - Must live in the U.S.
- Sponsor must file Form I-130, Petition for Alien Relative and sign an Affidavit of Support, Form I-864 or I-864-EZ
  - Petition must be approved
- Applicant must file Form DS-260, Immigrant Visa and Alien Registration Application
- Applicant's priority date must meet the most recent qualifying date
  - Priority date: “determines a person's turn to apply for an immigrant visa”
- Pay the filing fee of \$420 for Form I-130 and a processing fee of \$325
- Applicant must have a medical examination
  - Includes a review of medical history, physical examination, chest x-ray, blood test, and vaccinations

- Required vaccinations: hepatitis A, hepatitis B, influenza, influenza type B, measles, meningococcal, mumps, pneumococcal, pertussis, polio, rotavirus, rubella, tetanus and diphtheria toxoids, varicella
- Interview:
  - Scheduled one month in advance
  - Consular officer determines if applicant is eligible for an immigrant visa
  - Digital fingerprints are taken
- If approved, must pay Immigrant Fee of \$165 before entering the U.S.
- On immigrant visa application, applicant can choose to receive Social Security Number Card upon admission to U.S.
  - Will arrive by mail about 3 weeks after immigrant enters the U.S.
- If this option was not chosen, applicant must apply for Social Security Number Card
- Visa doesn't guarantee entry into U.S. because "officials have authority to permit or deny admission"

### **Immigrant Employment Based Visa Application Process**

- Employer requirements:
  - Must obtain a labor certification approval from the Department of Labor
  - Must file Form I-140, Immigrant Petition for Alien Worker
- Employer petition must be approved
- Applicant's priority date must meet the most recent qualifying date
- Applicant must file Form DS-261, Choice of Address and Agent, and Form DS-260, Immigrant Visa and Alien Registration Application
- Pay the forms fee of \$190 and processing fee of \$345

- Applicant must have a medical examination
  - Includes a review of medical history, physical examination, chest x-ray, blood test, and vaccinations
    - Required vaccinations: hepatitis A, hepatitis B, influenza, influenza type B, measles, meningococcal, mumps, pneumococcal, pertussis, polio, rotavirus, rubella, tetanus and diphtheria toxoids, varicella
- Interview:
  - Consular officer determines if applicant is eligible for an immigrant visa
  - Digital fingerprints are taken
- If approved, must pay Immigrant Fee of \$165 before entering the U.S.
- If approved, applicant is given a passport containing the immigrant visa and a sealed packet containing documents provided by the applicant
  - Package can't be opened by applicant
  - U.S. immigration official will open it when applicant enters the U.S.
- On immigrant visa application, applicant can choose to receive Social Security Number Card upon admission to U.S.
  - Will arrive by mail about 3 weeks after immigrant enters the U.S.
- If this option was not chosen, applicant must apply for Social Security Number Card
- Visa doesn't guarantee entry into U.S. because "officials have authority to permit or deny admission"

## **OBTAINING PERMANENT RESIDENCY**

### **Definition**

- Permanent resident: “someone who has been granted authorization to live and work in the United States on a permanent basis”
- Are given a permanent resident card or green card to prove that status

### **Family Based Path to Permanent Residency**

- Immediate relatives of U.S. citizens: includes parents if the petitioner is over the age of 21, spouses, and unmarried children under age 21
  - Not limited per year
  - Application process:
    - Petitioner must file Form I-130, Petition for Alien Relative
    - Applicant must file Form I-485, Application to Register Permanent Residence or Adjust Status, and Form I-797, Notice of Action
    - If living in the U.S., must go through adjustment of status process
      - Doesn’t need to obtain visa first
    - If living outside U.S., must go through consular processing: “USCIS works with Department of State to issue a visa on an approved Form I-130 petition when a visa is available”
      - Travel with visa to U.S. and become permanent resident at port of entry
- Family member of U.S. citizen fitting into a preference category: includes unmarried children over the age of 21, married children of any age, and siblings if the petitioner is over the age of 21

- Must wait for visa, limited per year
- Application process:
  - Petitioner must file Form I-130, Petition for Alien Relative
    - Must be approved
  - Must wait for priority date in the immigrant visa category
  - Applicant must file Form I-485, Application to Register Permanent Residence or Adjust Status
  - If living in the U.S., must go through adjustment of status process
  - If living outside U.S., must go through consular processing
- Family member of green card holder: permanent resident petitions for spouse and children of any ages
  - Considered as family 2<sup>nd</sup> preference category
  - Must wait for visa, limited per year
  - Application process:
    - Petitioner must file Form I-130, Petition for Alien Relative
      - Must be approved
    - Must wait for priority date in the immigrant visa category
    - Applicant must file Form I-485, Application to Register Permanent Residence or Adjust Status
    - If living in the U.S., must go through adjustment of status process
    - If living outside U.S., must go through consular processing
- Special categories: include battered spouse or child (VAWA), K nonimmigrant (includes fiancée), people born to foreign diplomats in the U.S., V nonimmigrant, and widow or widower of a U.S. citizen

### **Adjustment of Status Process**

- Adjustment of status: “process by which an eligible individual already living in the United States can get permanent resident status without having to return to their home country to complete visa processing”
- Process:
  - Determine basis for immigration
  - File immigrant petition:
    - Petitioner files Form I-130, Petition for Alien Relative
    - Applicant files Form I-485, Application to Register Permanent Residence or Adjust Status
      - If not immediate relative, may not file this unless a visa in that category becomes available
    - Application Support Center appointment:
      - Includes digital fingerprints, pictures, and a signature
    - Interview: includes answering questions under oath
      - Must bring all original documents submitted with application
    - Final decision is received in the mail
      - If application is denied may have option to appeal or motion to reopen/reconsider case by filing Form I-290B, Notice of Appeal or Motion

### **Employment Based Path to Permanent Residency**

- Through job offer: includes an offer of permanent employment in the U.S.
  - Application process:

- Employer must obtain labor certification and file Form I-140, Immigrant Petition for Alien Worker
  - Must be approved and the applicant receives a new visa number
- Applicant files Form I-485, Application to Register Permanent Residence or Adjust Status
  - Must be submitted with: evidence of inspection, admission, and parole into the U.S.; copy of approval notice for immigrant petition; job offer from employer; color photos taken within 30 days; Form G-325A, Biographic Data Sheet; Form I-693, Medical Examination
- If living outside U.S. must go through consular processing: “USCIS works with the Department of State to issue a visa on an approved Form I-140 petition when a visa is available”
- Through investment: “entrepreneurs (and their spouses and unmarried children under 21) who make an investment in a commercial enterprise in the United States and who plan to create or preserve ten permanent full time jobs for qualified United States workers”
  - Limited to 10,000 visas per year
  - Must invest at least \$500,000 in high unemployment or rural area
  - Application process:
    - Applicant must file Form I-526, Immigration Petition by Alien Entrepreneur
      - Must be approved and the applicant receives a new visa number
    - Applicant must file Form I-485, Application to Register Permanent Residence or Adjust Status
      - Must be submitted with passport photos, Form G-325A Biographic Information, copy of government issued photo identification, copy of

birth certificate, copy of passport page with nonimmigrant visa, copy of passport page with admission or parole stamp, Form I-94 Arrival/Departure Record, Form I-693 Report of Medical Examination and Vaccination Record, and approval notice for Form I-526

- Spouse and unmarried children must also file Form I-485 and count separately toward yearly limit
- If living outside U.S. must go through consular processing: “USCIS works with Department of State to issue a visa on an approved Form I-526, Immigrant Petition by Alien Entrepreneur, petition when a visa is available”
- Through self petition: available for “Aliens of Extraordinary Ability” and those granted a National Interest Waiver
  - Examples: Noble Prize winners, notable athletes
  - Applicant doesn’t need employer or specific job to sponsor them
  - Application process:
    - Applicant must file I-140, Immigrant Petition for Alien Workers
      - Must be approved and the applicant is given a new visa number
    - Applicant must file Form I-485, Application to Register Permanent Residence or Adjust Status
      - Must be submitted with: evidence of inspection, admission, or parole into U.S. (Form I-94 Arrival/Departure Record); copy of approval notice of immigrant petition; color photos taken within 30 days; Form G-325A, Biographic Data Sheet; Form I-693, Medical Examination

- If living outside U.S. must go through consular processing: “USCIS works with the Department of State to issue a visa on an approved Form I-140 petition when a visa is available”
- Through special categories: Afghan/Iraqi translator, broadcaster, international organization employee, Iraqi who assisted U.S. government, NATO-6 nonimmigrant, Panama canal employee, physical national interest waiver, religious worker
  - Must file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
    - May also need to file Form I-140 and Form I-485

### **Refugee or Asylum Status Path to Permanent Residency**

- Refugee status: must apply for permanent residency one year after entry into the U.S.
  - Eligibility:
    - Must be physically in U.S. for at least one year after being admitted as a refugee
    - Hasn't had refugee admission terminated
  - Application Process:
    - File Form I-485, Application to Register Permanent Residence or Adjust Status
      - Must be submitted with: two photos in envelope, Form G-28 signed by attorney, Form G-325A, Form I-693 signed by civil surgeon with vaccination portion completed, and evidence of refugee status through Form I-94 and copy of Employment Authorization Documentation
    - For family members, separate Form I-485 must be completed, but the documents should be sent together

- If permanent residency granted, adjustment of status date recorded as day entered into U.S. as refugee
- Asylum status: may apply for permanent residency one year after attaining this status
  - Eligibility:
    - Must be physically in U.S. for at least one year after being granted asylum
    - Continue to meet definition of asylee
    - Have not abandoned asylee status by settling into a foreign country
    - Be admissible to U.S.
  - May no longer qualify for asylum status if conditions in home country change or “you no longer meet the definition of an asylee due to changed circumstances”
  - Application process:
    - File Form I-485, Application to Register Permanent Residence or Adjust Status
      - Must be submitted with: Form I-693 Report of Medical Exam and Vaccination Record, Form I-602 Application by Refugee for Waiver of Grounds of Excludability if applicable, copy of I-94 card, copy of approval notice granting asylum or copy of immigration judge’s orders showing asylum, Form G-325A Biographic Information Sheet, copies of court records, and photos
  - If permanent residency granted, adjustment of status date will be “rolled back 1 year from the date your green card is granted”
  - For spouses or children of asylee who no longer meet definition of spouse or child can file Form I-589

- For family members, separate Form I-485 forms must be completed, but the documents should be sent together

### **Diversity Program Path to Permanent Residency**

- “Makes up to 50,000 immigrant visas available annually, drawn from random selection among all entries to individuals who are from countries with low rates of immigration to the United States”
- Most participants live outside of the U.S. and emigrate through consular processing and issuance of immigrant visa
- For those living in U.S. and residing as nonimmigrant or other legal status
  - Eligibility:
    - Selected for diversity visa
    - Have immigrant visa available when filing Form I-485, Application to Register Permanent Residence or Adjust Status
    - Must be admissible to U.S.
  - Application process:
    - File Form I-485 Application to Register Permanent Residence or Adjust Status
      - Must be submitted with: Form G-325 Biographic Information, photos, copy of birth certificate, Form I-693 Report of Medical Examination and Vaccination Record, copy of passport page with nonimmigrant visa and admission, Form I-94 Arrival/Departure Record, copy of selection letter for the diversity lottery, copy of receipt for diversity

lottery processing fee, Form I-601 Application for Waiver of Grounds of Inadmissibility, and applicable fees

- “The adjustment of status process for diversity visa winners must be completed by September 30<sup>th</sup> of the fiscal year the lottery pertains to”

### **K Nonimmigrant Path to Permanent Residency**

- For fiancée of U.S. citizens and their minor children to be admitted to U.S. as nonimmigrants, to “be spared a long separation from their intended spouse, while continuing their processing for an immigrant visa after the marriage takes place”
- Eligibility:
  - Beneficiary of immigrant visa petition filed by U.S. citizen for spouse or fiancée
  - Have been admitted to U.S. as K Nonimmigrant
  - Met requirement to marry U.S. citizen fiancée within 90 days of entry
  - Eligible to adjust status as spouse or child of U.S. citizen
  - Have immigrant visa readily available
  - Admissible to U.S.
- Application process:
  - U.S. citizen spouse files Form I-129F, Petition for Alien Fiancée
  - Applicant files Form I-485 after marriage
    - Submitted with: photos, Form G-325A Biographic Information, copy of government issued photo identification, copy of birth certificate, copy of passport page with nonimmigrant visa and admission, Form I-94 Admission/Departure Record, evidence of marriage to U.S. citizen within 90 days for K1, Form I-693 Report of Medical Examination and Vaccination

Record, Form I-864 Affidavit of Support, and copy of approved Form I-130 or Form I-797 Notice of Action if form I-130 pending

### **LIFE Path to Permanent Residency**

- Legal Immigrant Family Equity Act: “enables certain individuals who are present in the United States who would not normally qualify to apply for adjustment of status in the United States to obtain a green card regardless of” the manner they entered, working without authorization, and failing to maintain a lawful status since entry
  - Eligibility:
    - Beneficiary of qualified immigrant petition Form I-130 or I-140 or application for labor certification Form ETA-750 filed on or before April 30, 2001
    - Physically present in U.S. on December 21, 2000 and petition filed between January 15, 1998 and April 30, 2001
    - Current beneficiary of qualifying immigrant petition
    - Visa immediately available
    - Admissible to U.S.
  - Application must be “approvable when filed”
  - Application Process:
    - File Form I-485, Application to Register Permanent Residence or Adjust Status
      - Must be filed with photos, Form G-325A Biographic Information, copy of government issued photo identification, copy of birth certificate, copy of passport page with nonimmigrant visa and

admission, Form I-94 Arrival/Departure, Form I-693 Report of Medical Examination and Vaccination Record, and Form I-864 Affidavit of Support

- Concurrently file immigrant petition or Form I-797, Notice of Action
- File Form I-485 Supplement A
  - Must be submitted with: copy of immigrant petition or labor certification or Form I-797 Notice of Action, proof of physical presence in U.S. on December 21, 2000, and \$1,000 fee

### **Special Immigrant Juvenile Path to Permanent Residency**

- Purpose: “help foreign children in the United States who have been abused, abandoned, or neglected”
- If child is unable to be reunited with parents
- Allows children to live and work permanently in the U.S.
  - Can’t petition for green card for parents
  - Can’t petition for green card for brothers and sisters until they become a U.S. citizen
- Actions taken by court to qualify:
  - Declare child as dependent of court or place child in state agency, private agency, or private person
  - Not in child’s best interest to return to home country
  - Can’t be reunited with parents due to abuse, abandonment, or neglect
- Eligibility:
  - Child must have been under age 21 when filed Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant

- State court orders in effect on filing date and when decision was made unless child ages out of jurisdiction
- Child can't be married
- Physically in U.S. at time of filing
- Won't qualify if child is seen as a risk to people or property due to mental or physical disorder, prostitute or pimp, drug addict or abuser, or alien smuggler
  - Will qualify if Form I-601, Application for Waiver of Grounds of Inadmissibility is filed with a good reason such as "humanitarian concerns or in the public interest" and if the child gets medical treatment that controls mental or physical disorder, was forced into prostitution, was arrested only once for drugs and only for 30 grams or less of marijuana, or smuggles only parents or siblings
- Application process:
  - File Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
    - Must be submitted with: a cover letter stating why you qualify; history of how you became eligible; supporting evidence given to court including declaration that there is no one able or willing to take care of you in own country, reports of status of children in own country, or doctors/therapist letters; court records; copy of birth certificate; and Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative
  - File Form I-485, Application to Register Permanent Residence of Adjust Status
    - Must be submitted with: Form G-325 Biographical Information, photos, Form I-693 Report of Medical Examination and Vaccination in sealed envelope, and filing fee
  - File Form I-765, Application for Employment Authorization

- File Form I-601, Application for Waiver of Grounds of Inadmissibility
  - Must be submitted with: statement of why you think you are eligible, court and police records, and filing fee
- File Form I-912, Requests for Fee Waiver
  - Must be submitted with court evidence of declaration of custody and evidence of income and expenses
- Forms may either be accepted or returned with note explaining the mistakes made
- Biometrics appointment for photos and fingerprinting at Application Support Center
  - Bring state issued ID or passport
- Interview is usually done but there are several exceptions

## OBTAINING CITIZENSHIP

### U.S. Citizenship At Birth

- Must be born in U.S. or “certain territories or outlying possessions of the United States, and subject to the jurisdiction of the United States”
- Had parents who were citizens at time of child’s birth but child was born abroad
  - Parents must contact nearest U.S. embassy or consulate to apply for Consular Report of Birth Abroad of a Citizen of the United States of America (CRBA)
    - Documents that child is U.S. citizen and is used to obtain a passport
    - Form FS-240 is then created by Department of State
  - Eligibility:
    - Must be under the age of 18
      - If over 18 must apply for Certificate of Citizenship
      - If parents are married to each other:
        - Both are U.S. citizens and at least one parent lived in U.S. prior to child’s birth
        - One parent was a U.S. citizen at time of child’s birth and the birthdate is on or after November 14, 1986:
          - U.S. citizen parent must have lived in U.S. for at least 5 years and may have been abroad for one of the following reasons: serving honorably in U.S. armed forces, employed with U.S. government, or employed with certain international organizations
    - If parents are not married to each other:

- Genetic or non-genetic gestational legal mother is a U.S. citizen at the time of birth and the birthdate is after December 23, 1952
  - Must have been physically present in U.S. for a continuous period of one year
- Genetic father is a U.S. citizen at the time of birth, mother is alien, and birthdate is on or after November 14, 1986
  - Need clear and convincing evidence of blood relationship between child and father
  - Father had nationality of U.S. at birth
  - Father agreed in writing to provide financial support for child until he/she is 18 years old
  - U.S. citizen parent lived in U.S. for at least five years and may have been abroad for one of the following reasons: serving honorably in U.S. armed forces, employed with U.S. government, or employed with certain international organizations

### **U.S. Citizenship After Birth**

- Apply for derived or acquired citizenship through parents
  - Eligibility:
    - Must be under 18 or not yet born on February 27, 2001
    - At least one parent is a U.S. citizen, and the child is under 18 and living in the U.S. in the legal and physical custody of that parent

- Child was residing as Green Card holder in the U.S. and both parents naturalized before child's 18<sup>th</sup> birthday
  - If one parent died, surviving parent must be naturalized
  - If parents legally separate, parent with legal and physical custody must be naturalized
  - If child born out of wedlock and paternity not established, mother must be naturalized
- Child was adopted by U.S. citizen parent
  - Child lives in U.S. legally in the legal and physical custody of that parent
  - Must meet conditions after February 27, 2001 and before 18<sup>th</sup> birthday:
    - Adoptive parent adopted child before 16<sup>th</sup> birthday, had legal custody of child, and resided with child for at least two years
    - Child admitted to U.S. as orphan or convention adoptee whose adoption was done abroad
- Apply for naturalization: “process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act”
  - General qualifications:
    - At least 18 years old
    - Lived in one state for at least three months prior to the date of filing
    - Lived permanently in the U.S. for at least five years prior to filing

- Was physically present in the U.S. for at least 30 months out of five years immediately preceding the date of filing
- Lived continuously in U.S. from date of application to time of naturalization
- Person of “good moral character”
- Have basic knowledge of U.S. government and history
- Read, write, and speak basic English because of the naturalization test in civics and English
- Exceptions to taking the naturalization test include those who are at least 55 years old and have been permanent residents for at least 15 years, those who are at least 50 years old and have been permanent residents for at least 20 years, and those who have a permanent physical or mental impairment
- General application process:
  - File Form N-400, Application for Naturalization
  - Biometrics appointment for digital fingerprints and pictures
  - Interview
  - If accepted, oath of allegiance is required
- Spouses of U.S. citizens
  - Eligibility: permanent resident status for three years and living in marital union with the same U.S. citizen for those three years
  - General application process
- Spouses of U.S. citizens employed abroad
  - Eligibility: no specific period as permanent resident, period of continuous residence or physical presence in the U.S., or period of marital union

- Must report that you will depart abroad immediately after naturalization but “you intend to reside in the United States immediately upon the termination of your spouse’s employment abroad”
- General application process
- Military personnel
  - Eligibility: Part of U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, components of National Guard, or Selected Reserve of the Ready Reserve
  - “Peacetime naturalization”: “person who has served honorably in the U.S. armed forces at any time”
    - Additional requirements:
      - Served honorably in the armed forces for at least one year
      - Permanent resident at time of examination
  - “Periods of hostility”: specific dates including September 11, 2001 through the present; August 2, 1990 through April 11, 1991; February 28, 1961 through October 15, 1978; June 25, 1950 through July 1, 1955; September 1, 1939 through December 31, 1946; and April 6, 1917 through November 11, 1918
    - Additional requirements:
      - Served honorably in active duty or as a member of Selected Reserve of the Ready Reserve for any amount of time during a designated period of hostility
      - Was either lawfully admitted as permanent resident at any time after enlistment or physically present in U.S. at time of enlistment regardless of status upon entry

- Application process:
  - Not charged with filing or biometrics fees
  - File Form N-400, Application for Naturalization
  - File Form N-426, Request for Certification of Military or Naval Service
  - Biometrics appointment for digital fingerprints and pictures
  - Interview
  - If accepted, oath of allegiance is required
- Spouses and children of military members
  - Spouses of U.S. citizen service members who are or will be deployed are eligible for expedited naturalization
    - Additional requirements:
      - Establish that spouse is deployed abroad as service member
      - Be present in U.S. at time of examination and naturalization
      - Report that you will depart abroad immediately after naturalization but “you intend to reside in the United States immediately upon the termination of your spouse’s employment abroad”
  - Overseas naturalization of spouses and children of military members
    - Don’t have to travel to U.S. for any part of naturalization process
    - Additional requirements:
      - Authorized to accompany service member abroad
      - Residing abroad with member in marital union

- Permanent resident status for three years and living with spouse in marital union for three years before date of filing

### **Dual Citizenship**

- Dual citizenship: “a person is a national of two countries at the same time”
- May be acquired in another country through marriage if person was born in the U.S.
- May be acquired when immigrant becomes U.S. citizen because “U.S. law does not...require a person to choose one nationality or another,” so the person keeps their nationality of the country of birth
- U.S. nationality will be lost if a person applies “for foreign nationality voluntarily, by free choice, and with the intention to give up U.S. nationality”
  - Intent is shown through “the person’s statements or conduct”
- U.S. government doesn’t encourage dual citizenship “as a matter of policy because of the problems it may cause”
  - Laws of the other country may conflict with U.S. law
  - Limits U.S. efforts to assist nationals abroad
- Requirements:
  - Must obey laws of both countries
  - Must use U.S. passport to leave and enter the U.S.

**THE HISTORY OF IMMIGRATION LAW****1790**

- 1790 Naturalization Act: established a uniform rule for naturalization
  - “Free white persons who have resided in the United States for at least two years may be granted citizenship, so long as they demonstrate good moral character and swear allegiance to the Constitution”
- Free and open immigration

**1819**

- Congress mandated the continued reporting of immigration to the U.S.

**1864**

- Congress centralized control over immigration under the Secretary of State with a Commissioner
- Importation of contract laborers was legalized

**1875**

- Supreme Court declared regulation of immigration a federal responsibility
- Immigration rates increased while economic conditions worsened
- Law passed that prohibited the entry of prostitutes and convicts into the U.S.

**1882**

- Chinese Exclusion Act: prohibited the entry of Chinese immigrants, deported Chinese immigrants who were living illegally in the U.S., and excluded Chinese immigrants from naturalization
- Immigration Act of 1882: created a head tax of 50 cents on each immigrant and prohibited the entry of “idiots, lunatics, convicts, and persons likely to become a public charge”

**1885**

- Alien Contract Labor Law of 1885: prohibited the entry of contract laborers

**1888**

- Law passed that called for an expulsion of aliens, which included the return of any immigrant who violated the Alien Contract Labor Law of 1885
- 1888 Scott Act: further restricted Chinese immigration by prohibiting lawfully residing Chinese nationals to come back into the U.S. after departure

**1891**

- Immigration Act of 1891: created the Bureau of Immigration under the Treasury Department and prohibited the entry of “polygamists, persons convicted of crimes of moral turpitude, and those suffering from loathsome or contagious diseases”
- Law passed that “makes it a federal misdemeanor to bring into the United States or aid in bringing into the United States any noncitizen not lawfully entitled to enter”

**1892**

- Immigration Service opened an immigration station on Ellis Island in New York, which became the busiest port of entry into the U.S.
- Geary Act: extended the Chinese Exclusion Act of 1882 for another 10 years, required all Chinese immigrants who were legally residing in the U.S. to obtain certificates of proof, and allowed for the imprisonment of any Chinese immigrants who were living in the U.S. undocumented

**1903**

- Immigration Act of 1903: prohibited the entry of anarchists, or those who believe in or advocate the overthrow of the government through force or violence

**1906**

- Basic Naturalization Act of 1906: created uniformity within the naturalization process, which included standard naturalization forms, checking immigration records to ensure admission to the U.S. was legal, a fixed fee, and making the knowledge of the English language a requirement

**1907**

- Immigration Act of 1907: increased the head tax on immigrants to \$4, restricted the entry of Japanese immigrants, and prohibited the entry of those with physical or mental disabilities, Tuberculosis, and children unaccompanied by parents

**1917**

- Immigration Act of 1917: prohibited the entry of “illiterates, persons of psychopathic inferiority, men as well as women entering for immoral purposes, (and) alcoholics,” and created an “Asiatic barred zone”
  - Required a literacy test upon entry
  - Asiatic barred zone: people from British India, Southeast Asia, and the Middle East were prohibited from entry into the U.S.

**1918**

- The first Federal Textbook on Citizenship was published to help prepare naturalization applicants
- Entry and Departure Controls Act: authorized the President to “control the departure and entry in times of war or national emergency of any alien whose presence was deemed contrary to public safety”

**1921**

- Emergency Quota Act: set temporary annual quotas according to nationality
  - Limit was set to three percent of the total number of foreign born people of that nationality present in the U.S. as of the 1910 census

**1924**

- Immigration Act of 1924: established a Border Patrol unit and a permanent preference quota system
  - Provided immigrant visas to two percent of the total number of people of each nationality in the U.S. as of the 1890 census
  - Completely prohibited the entry of Asian immigrants

**1942**

- Bracero Agreement: the U.S. and Mexico established an agreement allowing Mexican nationals to enter the U.S. as temporary agricultural workers
  - Due to labor shortages created by World War II

**1943**

- Magnuson Act: repealed the Chinese Exclusion Act of 1882 and allowed the importation of agricultural workers from North, South, and Central America
  - Started the basis of the “Bracero Program”

**1946**

- Alien Fiancées and Fiancés Act: facilitated the entry of foreign born wives, husbands, fiancées, fiancés, and children of U.S. armed forces personnel

**1948**

- Displaced Persons Act of 1948: authorized the entry of certain displaced people into the U.S. for a limited time
  - First policy for the admission of people fleeing persecution

**1950**

- All aliens were required to report their address annually

**1952**

- Immigration and Nationality Act of 1952: retained the national origins quota system, limited immigration from the Eastern Hemisphere, created a preference for skilled workers and relatives of U.S. citizens and permanent residents, created stricter security and screening standards and procedures for entry into the U.S.

**1953**

- Refugee Relief Act of 1953: increased the Displaced Persons Act of 1948 to admit over 200,000 refugees above the previous limit

**1965**

- Immigration and Nationality Act of 1965: abolished the national origins quota system and created a preference system “designed to reunite immigrant families and attract skilled immigrants”
  - Continued to limit the number of immigration visas available each year

**1980**

- Refugee Act of 1980: removed refugees as a preference category and established a permanent and systemic procedure for the admission of refugees

**1982**

- In the Plyler vs. Doe case, the United States Supreme Court allowed undocumented immigrant children to attend public schools

**1986**

- Immigration Reform and Control Act: legalized immigrants who have been living in the U.S. in an undocumented status since January 1, 1982; prohibited employers from hiring, recruiting, or referring aliens who are unauthorized to work in the U.S.; created a new classification of temporary agricultural workers and a path for their legalization; established a visa waiver pilot program; and increased Border Patrol staffing
- Law passed which stated that immigrants whose status was based on marriage will be conditional for two years and they must apply for permanent residency within 90 days after their second year

**1988**

- Anti-Drug Abuse Act: established serious crime as a new condition for deportation, which included murder and drug/weapon trafficking

**1989**

- Bill was passed that “adjusted from temporary to permanent status certain nonimmigrants who were employed in the United States as registered nurses for at least three years and met established certification standards”

**1990**

- Immigration Act of 1990: increased the number of available immigrant visas, created separate admission categories for family sponsored, employment based, and diversity immigrant visas; revised the conditions for exclusion and deportation; “authorized the Attorney General to grant temporary protected status to undocumented alien nationals of

designated countries subject to armed conflict or natural disasters”; and established an administrative procedure for naturalization while ending the judicial process

#### **1994**

- Violent Crime Control and Law Enforcement Act: allowed the “U.S. Attorney General the option to bypass deportation proceedings for certain alien aggravated felons, enhanced penalties for alien smuggling and reentry after deportation, and increased appropriations for Border Patrol”

#### **1996**

- Illegal Immigration Reform and Immigrant Responsibility Act: established new conditions as basis for deportation, expanded the list of crimes considered aggravated felonies, established quick removal procedures, expanded the mandatory detention of immigrants who have been convicted of crimes, reduced the scope of judicial review of immigrant decisions, increased Border Patrol staffing and created new border control measures, reduced government benefits to immigrants, increased penalties for unauthorized immigrants, created stricter requirements for asylum applicants, and started a mandatory system to monitor both arrivals and departures of immigrants

#### **1997**

- Nicaraguan Adjustment and Central American Relief Act: established several paths for relief from deportation and adjustment of status for immigrants of specific nationalities

#### **2001**

- USA Patriot Act: broadened the terrorism conditions for excluding immigrants from entry into the U.S. and increased monitoring of foreign students

**2002**

- Enhanced Border Security and Visa Entry Reform Act: developed an interoperable electronic data system to share information on immigrant entry and departures, as well as deportations
- Homeland Security Act: created the Department of Homeland Security and separated it into 3 branches

**2005**

- REAL ID Act: established requirements for deportation cases, expanded the terrorism conditions for inadmissibility and deportation, improved border infrastructure, and started the mandatory system of states verifying an applicant's legal status before issuing a driver's license or personal identification card

**2006**

- Secure Fence Act: mandated "the construction of more than 700 miles of double-reinforced fence to be built along the border with Mexico, through the U.S. states of California, Arizona, New Mexico, and Texas in areas that experience illegal drug trafficking and illegal immigration" and authorized "more lighting, vehicle barriers, and border checkpoints" and required the "installation of more advanced equipment, such as sensors, cameras, satellites, and unmanned aerial vehicles"

**2010**

- DREAM Act: attempted to create an opportunity for citizenship for those in the military or pursuing an education, but didn't pass

**2012**

- Deferred Action for Childhood Arrivals (DACA): allowed people who are under the age of 31, were brought to the U.S. as children under 16 years of age, have lived in the U.S. for at least five years, and are currently enrolled in school to apply for a two year deportation deferral and authorization to work
  - Provided a temporary legal status

**2013**

- Border Security, Economic Opportunity, and Immigration Modernization Act: if passed, it will allow many undocumented immigrants to gain legal status, increase Border Patrol staffing, and create new visa categories

**2014**

- Deferred Action for Parents of Americans (DAPA): President Obama took executive action to delay the deportation of millions of undocumented immigrants by creating a policy in which parents of a U.S. citizen or permanent resident will receive deportation deferrals and authorization to work if they have been in the U.S. for more than five years and pass the background check

**IMMIGRATION POLITICS OF HILLARY CLINTON VERSUS DONALD TRUMP****Hillary Clinton's Immigration Plan**

- Goal: “fix our broken immigration system and stay true to our fundamental American values: that we are a nation of immigrants, and we treat those who come to our country with dignity and respect – and that we embrace immigrants, not denigrate them”
- Introduce comprehensive immigration reform with a “pathway to full and equal citizenship”
  - It will “treat every person with dignity, fix the family visa backlog, uphold the rule of law, protect our borders and national security, and bring millions of hardworking people into the formal economy”
- End the three and ten year bars that “force families...into a heartbreaking dilemma: remain in the shadows, or pursue a green card by leaving the country and loved ones behind”
- Defend President Barack Obama's executive orders in relation to DACA and DAPA
- “Do everything possible under the law to protect families...if Congress keeps failing to act on comprehensive immigration reform” by creating a “simple system for those with sympathetic cases...such as parents of DREAMers, those with a history of service and contribution to their communities, or those who experience extreme labor violations... to make their case and be eligible for deferred action”
- Enforce immigration laws “humanely” by focusing “resources on detaining and deporting those individuals who pose a violent threat to public safety,” and by ensuring that “refugees who seek asylum in the U.S. have a fair chance to tell their stories”
- “End family detention for parents and children who arrive at our border in desperate situations and close private immigrant detention centers”
- Expand access to affordable health care by allowing all families, “regardless of immigration status...to buy into the Affordable Care Act exchanges”

- Promote naturalization by working to “expand fee waivers to alleviate naturalization costs, increase access to language programs to encourage English proficiency, and increase outreach and education to help more people navigate the process”
- “Support the immigrant integration” by working to “create a national Office of Immigrant Affairs, support affordable integration services through \$15 million in new grant funding for community navigators and similar organizations, and significantly increase federal resources for adult English language education and citizenship education”

### **Donald Trump’s Immigration Plan**

- Goals:
  - “Prioritize the jobs, wages and security of the American people”
  - “Establish new immigration controls to boost wages and to ensure that open jobs are offered to American workers first”
  - “Protect the economic well-being of the lawful immigrants already living here by curbing uncontrolled foreign worker admissions,” which would be done by working to “select immigrants based on their likelihood of success in the U.S. and their ability to be financially self-sufficient”; “vet applicants to ensure they support America’s values, institutions and people, and temporarily suspend immigration from regions that export terrorism and where safe vetting cannot presently be ensured”; and “enforce the immigration laws of the United States and restore the Constitutional rule of law upon which America’s prosperity and security depend”
- “Begin working on an impenetrable physical wall on the southern border” that “Mexico will pay for”

- “End catch-and-release,” meaning that “anyone who illegally crosses the border will be detained until they are removed out of our country”
- “Move criminal aliens out day one, in joint operations with local, state, and federal law enforcement”
- “End sanctuary cities” which are located throughout the U.S.
- “Immediately terminate President Obama’s two illegal executive amnesties” by ensuring that “all immigration laws (are) enforced” and “we will triple the number of ICE agents”
- “Suspend the issuance of visas to any place where adequate screening cannot occur, until proven and effective vetting mechanisms can be put into place”
- “Ensure that other countries take their people back when we order them deported”
- “Ensure that a biometric entry-exit visa tracking system is fully implemented at all land, air, and sea ports”
- “Turn off the jobs and benefits magnet” because “many immigrants come to the U.S. illegally in search of jobs, even though federal law prohibits the employment of illegal immigrants”
- “Reform legal immigration to serve the best interests of America and its workers, keeping immigration levels within historic norms”

**PERSONAL IMMIGRATION STORIES****Anonymous Story One**

My family and I wanted to move to the U.S. because my whole extended family lived there, including my parents and siblings. While we were still living in Poland, we tried to get a visa many times. Each time, we had to travel to the embassy, wait in a long line, file an application, and have an interview. In the beginning, my husband and I decided that we wanted me and our two children to get our visas first, which we thankfully did. With our 10 year visas, we traveled to the United States for a brief, one month visit to see my family and to get to know the country a little. Finally, my husband received his visa as well. He didn't have the desire to travel to the U.S. alone, especially because we couldn't afford to all go again. However, shortly after getting his visa, my husband was laid off at his job and couldn't find any extra work to hold us over until he gets his job back. We then decided that the best course of action is for my husband to travel to the U.S., live with my parents at their house, and work. He did this three times, each time for half a year. When my youngest child was born, we applied for a visa for him, and thankfully he received it, and my whole family had visas at this point.

After a few years of my husband traveling back and forth to work in the U.S., we decided to move there permanently. Once we entered the U.S. we were able to stay for half a year on our visas. However, we knew that we wanted to stay in the U.S. permanently but legally after this period was over. Since my husband worked in construction, his boss decided to sponsor him as an employee. Everything was going well since we had our sponsor, and all we needed was a lawyer to help us with the legal process. Because we didn't speak English, it was important that we find one that spoke Polish.

Through family and friends, a lawyer in New York City was recommended to us who spoke fluent Polish. The benefits outweighed the travel expenses and loss of work during the days that we

would be gone. When we met with the lawyer and explained our situation, he was very optimistic and stated that there will be no problems with the process. In the following months, we continued to travel to New York City at least once a month, and each time, the lawyer requested that we sign paperwork and give him an additional check. At first we expected this and everything was looking well for us, however, as months passed and the lawyer took more and more money from us, we started to worry.

We later found out that the lawyer was lying to us all along. He was taking our money and pretending to send our paperwork, but actually wasn't. With the money he had stolen from us and other immigrants like us, he closed his office and took off, while our paperwork never got sent out and our case was not filed. During the countless months of working with the first lawyer, my husband and I were working hard just to afford the lawyer's fees. Everything we earned was used to pay the lawyer, and we didn't have any spare money for our children or ourselves. Also during this time, we were sending our children to a private school because the town we lived in was not very safe. We wanted to make sure they were safe in school and had the ability to learn the English language. This also cost more than we were making, so when the lawyer took off with our money and our case was never filed, we were devastated.

We then decided to take the paperwork we had to another lawyer, who started the whole process all over again. Of course, this required even more money and at this point, we were in the U.S. for nearly three years, making us "illegal". This new lawyer only spoke English, so we had to find a translator that we could trust with such personal information. I don't remember all the details because it was such a stressful time, however, we started off as having my husband's boss be our sponsor, but for some reason the lawyer said it wouldn't work anymore. She said that I need to find a different sponsor for us, and through family connections, I was given a voluntary position in a church, and that church became our new sponsor.

The lawyer made things even more complicated by telling us that we need to go back to Poland for the paperwork to get processed. This was not an option considering our children were doing really well in school and we couldn't imagine taking them out of school to travel back to Poland, where they would struggle again. She then suggested just buying plane tickets to make it look like we are leaving, so we wasted over \$5,000 on that. Like I said, I don't remember all the details, but in the end there was a window of opportunity for us to get our green cards, but during that time, the lawyer took a vacation and forgot to submit the documents before she left. When she came back, the deadline had already passed and she said there is nothing more she can do for us.

This process took another two years and our status as "illegal" immigrants continued. My husband was getting paid "under the table" at the construction company and I found extra work that paid cash. At this point, our lives completely fell apart. We stopped dreaming about and thinking about living in the U.S. permanently because it seemed impossible. We thought long and hard about going back to Poland because it was the only option left, so we started to prepare for this journey.

At this point a good friend of mine told me about a lawyer she used that did miracles to give her a permanent resident status. He was sick with cancer at that time and she wasn't sure he was still working, but she offered to give him a call for me just to check, since her English was much better than mine. She found out that after surviving cancer, he was still working. She made an appointment and took me to see him. On our initial visit, I told him our story and he said that he needs two weeks to look over the huge pile of paper work from the other lawyers to orient himself with the situation. The two weeks passed very slowly, and at the end, he concluded that there is no chance of us gaining a legal status because the second lawyer received notice that our case has been denied. He said there is nothing more he can do for us. For some reason, I refused to accept that. I went back to see him several more times to try to make him reconsider.

One particular time, my sister in law came with me and got really upset about the fact that the whole family is in the U.S. legally except for me and my family. The lawyer asked how the whole family was granted their legal status, and my sister in law begin to explain the whole process. Basically, my parents are here because my mother's sister filed paperwork for an immigrant visa for my mother, as her sponsor, when I was about eight or ten years old. The petition was for my mother, my father, and us kids. The lawyer began to think about this and considered the fact that my name is still on the petition. He came to the conclusion that this petition, which was over thirty years old, was the key to making my family legal in the U.S. I don't know what he did exactly and I don't know the legality of it, but I do know that this is what saved us and gave us a legal status after ten very long and devastating years. Quickly after that we received our authorization to work, our social security cards, and finally, our green cards. After five years passed, we were able to obtain our citizenship and we are so happy we did.

### **Anonymous Story Two**

I was a professional architect with my own business in Colombia. I previously never thought about coming to the U.S., however, because of the increasing violence I applied to get a U.S. visa. I went to my appointment at the embassy with all of the required documents, pictures, and money for the fees. I had an interview where I was asked several questions, and on the spot it was decided that I qualified for a visa. The process took about four months but I finally obtained my tourist visa. The passport and visa that came in the mail held a surprise because I wasn't told how long my visa was valid for. I received mine for five years, and traveled to the U.S. when I was twenty-eight years old. When I got there, I didn't know any English and I didn't have any money.

When I moved to the U.S., I connected with someone my parents knew, and like the mentality of almost every other Spanish immigrant, I began to work in a factory. Life eighteen years

ago was easier, so I was able to work as an immigrant at several different companies, get a driver's license, and buy a car. In between working at the factories, I did many simple cash jobs as an immigrant, such as delivering newspapers and working for a cleaning service. One of the companies I was working for paid for my English classes, and when I was able to speak some English, I brought them my resume from Colombia, and they gave me the opportunity to be a supervisor.

Four years after coming to the U.S., I got married and adjusted my status to a permanent resident. As I reflect back on my experiences, I was never "illegal" because I changed my status before my visa expired, but I was working illegally since my tourist visa didn't allow me to work in the U.S. It is also important to note that I didn't use any lawyers in completing my process. I read through all of the documents and decided to do it all by myself, and I didn't come across any problems.

Once the depression came, I lost my job as a supervisor. At this point, I got sick and because I didn't have insurance, it was hard to be in that situation. I was basically living on my savings. I started to think about the fact that I have the experience of working at a bank to pay for college in Colombia. Therefore, I applied for a job at the bank. However, I didn't want to stay frozen at the same point in my life as everyone else. Instead, I wanted to advance. At this point, I knew the English language and I had education and experience. Instead of staying at the bank, I began working in a federal job. Being employed by the government gave me a fast track to citizenship, therefore that process only took three years instead of five. In addition, I received a quick interview and was sworn in individually, not with a whole group of people. I now continue to work at my federal job as a U.S. citizen.

### **Anonymous Story Three**

I came to the U.S. at the age of 9 in June of 2003, with my mother. At that age, I didn't realize how far away from home I really was, and had no idea how long I was to stay in this new place. The only thing that mattered was seeing my dad after two years. Looking back, the U.S. definitely stood to its stigma of everything being huge, including the stores, cars, roads, etc. My father came here on a worker's visa, my mother and I on a visitor's visa, and my older sister on a student visa because she studied at a community college in D.C. After my mother and I arrived to the U.S., my sister came down from D.C. and moved in with my parents and me. Going to a catholic school full of Polish kids was great, however, it was very expensive. Fortunately, the school gave discounts to families who just traveled to the country, as long as they stayed within the parish. During the day, my father worked on construction sites, my mother worked at a bakery, and my sister continued to study at a local community college. At night, my parents would clean local stores like CVS and Walgreens. A few months went by and my parents' visas expired, money was very tight, and I was confused as to why my mom got very sad when I asked her when I would get to see my older brother, grandma, or cousins back home.

At this point, my parents and I were illegally residing in the U.S. The only identification my parents had was a tax ID number from the state. As long as my parents filed some sort of taxes and stayed out of trouble, everything was going to be fine. At the time I didn't understand our situation, and had a constant sense of fear and anxiety for many years. Going to doctor's appointments and hearing my mom tell the Polish receptionist, "We don't have papers, how much will it cost?" I didn't understand, but I knew it wasn't good. Taking pills and obtaining many shots at the age of 10 wasn't too fun either, but it was due to the TB administrative shot given in Poland, which made the American test come back positive, and made me "in need of treatment". A year after being thrown

into learning English, a small apartment life of sleeping on air mattresses, many doctor's appointments, and the resentment of going to school, my sister got married to a citizen.

Three months after her wedding in 2004, she received citizen status. After the many interviews she had to go through, she passed the test of "true love" in the eyes of the U.S. immigration office. A few months after that, my parents and sister went to a lawyer to start filing sponsorship paperwork for my parents and me. This lawyer was a Polish woman well known in the Polish community. After submitting all the legal paperwork, my parents felt the financial hole the process left behind. They paid for the visits, filling out of the application, necessary translations of certain documents, and sending out the paperwork. Needless to say, it was a ridiculous amount of money, so my mom added the housekeeping to her schedule and my dad went to more construction sites trying to catch up.

For reasons unknown to me, it took five years for this whole process to produce green cards for my parents. When my parents got their green cards, it was amazing and I thought that finally I would get to see my brother again, after all those years. Turns out that my case was different. Since the relationship between my parents and sister was that of child to parent, the U.S. immigration process only takes five years. However for sibling to sibling, even though I was not an adult, it takes seven years or more. At this point my family was outraged. The best part is that the lawyer who "helped us" was nowhere to be found, and previously had explained to us that because I was a minor at that time, I would get my green card in no time. What was even more infuriating was that when my sister called the immigration office to determine how to proceed, the immigration officer simply said, "We don't have any record of any paper work being submitted" for me.

I thought it was all a nightmare. I reached out to my immigrant friends who had similar startup stories, however their outcomes at achieving permanent status were much more successful. None of my friends had ever heard of such a thing. The worst part was that I didn't know where I

belonged. I knew English very well by now and had built a lot of great relationships with friends, teachers, coaches, and neighbors. I was about to graduate eighth grade and I had no idea what my life would be like. I couldn't go back to Poland because I wouldn't be able to see my parents and didn't want to burden my brother. I left Poland after second grade and I couldn't imagine getting any substantial job or catching up with the Polish education system, since it is beyond the standards of the U.S. At the time, it seemed like I couldn't stay in the states either because what would happen when I turned 18 in three short years? I wouldn't be able to build a life here either. And so the anxiety, anger issues, and confusion set in. In the already awful time of puberty, I was stuck with being the person who was a burden to everyone, because I couldn't really contribute. I felt like a criminal.

A few friends recommended another immigration lawyer, however my parents were very skeptical, and it took a few months to save up enough money to see him. I will never forget that first visit. This lawyer was American and spoke no Polish, so my sister came along with my parents and me. We found that there were a few options and none were very pretty. All options started with my sister filling out a petition to sponsor me as a citizen, which again would take seven years of illegal status. The next option, which would only have maybe a 40% success rate, was that my parents, as permanent residents, would also file paperwork sponsoring me. These two things alone cost around a thousand dollars, excluding the \$500 visit payment. The last option was to go back to Poland so that I could obtain my green card there, through the Polish-American consular. I don't remember all the details but this option was expensive, dangerous, and bittersweet. I could finally see my family but there was no guarantee that I would obtain a green card. So with this, my parents and sister filled out all the paperwork and paid about three thousand dollars.

My sister and parents traveled to Poland, and I stayed at home. Needless to say, I was in some sort of depressive state. Also, the clock was ticking and my 18<sup>th</sup> birthday was coming up

quickly. High school provided many teenage parties and introductions to college. However, I never went to those parties in fear of getting in some sort of trouble due to the other people there, and the fear of deportation was stronger than ever. It loomed over my shoulder every day. College was not an option for an illegal immigrant because I knew my parents didn't have the money. I didn't want to be a burden. Nevertheless, I took the SAT's, filled out many applications for scholarships, and reached out to my school counselor. She however, didn't find anything that could help me get any type of funding for school. Thankfully, Obama was in office, and I received a call from the lawyer. He told me that there was a new bill put in place by Obama that granted student visas for people who were brought into this country by the will of their families. A weight was lifted off my shoulders because maybe I couldn't go see my family in Poland, but with this, I could get a license and a legal job. There was hope. I filed the paper work myself and once again, my parents paid about a thousand dollars. I went through the process of getting an alien ID number and getting my finger prints taken. Anxiety, so much anxiety, but there was also hope.

Technically, there was a total of two weeks, at the age of 18, where I was truly considered an illegal and undocumented alien by the immigration law. That was the time when my paperwork was processing and in the eyes of the law, I was no longer a minor, and by my own will decided to stay in this country illegally. Thankfully, this did not interrupt the processing of the student visa that came from the DACA Act.

I GOT IT. I was approved to remain in the states legally for two year periods on a student visa. I could get my driver's license, I could get a job, I could safely apply to college, and I was not a burden anymore. I had to renew this visa every two years. I graduated high school with a smile and an acceptance letter from college. Life was getting better.

In 2014, it had been five years since my parents received their green card. This meant that they were eligible to apply for American citizenship. I printed all the applications and become the

immigration expert in the family. I read about every application in detail and the history of it. I filled out the applications for both my mother and father. Again, a little over a thousand dollars was spent to send the applications out, however, there was no charge for the lawyer appointments. I was not a burden because I was helping. Over the years of translating taxes, bills, and other “adult” documents without really understanding, I finally understood. I become the parent in a lot of ways. I grew up much faster than a lot of my American friends. About three months later, my parents got the dates of their citizenship exams and I became their teacher. They also took classes at a local community college that was designed for people going for that specific exam, but I was their main source of education in that topic.

The day they passed their exam, I already had the paperwork for the sponsorship ready. All the required documents for a parent to child petition were printed. With the sibling sponsorship showing no sign of hope or timely response, I took it in my own hands. I called the lawyer for advice, and he gave me the last bit of courage I needed to go through this process. After sitting my parents down and obtaining a second job to save up for the costs, I began to fill out the applications. There was seven in total. Just the applications themselves cost about two thousand dollars. It took me about a month to complete them all, while being a full time science major in college and working two jobs. Needless to say the anxiety came back, but I pushed through it. My parents got their citizenship in November of 2014, I got a confirmation letter of my paper work being in progress mid-February of 2015.

This was taking too long, and anxiety set in further. Maybe I didn't fill it out right, maybe the immigration services took note of my two weeks of an illegal status. In late February of 2015, I got a letter from the immigration office that my sponsor, my dad, did not make enough money to fully support me in this country. My application was put on hold, in other words, it was put into a pile of thousands of other incomplete applications. FEAR, ANXIETY, and so forth. I was a burden.

Not only did my parents pay thousands of dollars to bring and keep me in this country, but they weren't financially stable enough to support me? They have been supporting me for the past 13 years, and I thought the immigration office was crazy. They asked for the tax return of that year to be sent in as soon as possible. As the end of February came along, my dad was filling his taxes as quickly as possible. I sent them in and waited. Thankfully, my parents made more money that year, just enough for my application to be put back into progress. In the summer of 2015, I was mailed the notification to once again get my finger prints taken. This was taking way longer than it should have. In November of 2015 I received my green card in the mail. Finally I was safe, and the next day I booked a flight to Poland with my parents.

At age 21, after 12 years, I saw my older brother. After 12 years of nightmares, missing my family like crazy, and countless times of confusion and anxiety, I was okay, I was free. So my brother didn't exactly look like he did when I was 9 and I had to look down to him instead of up, because I am now the taller one. That day was the 27<sup>th</sup> of December, 2015, it was my 21<sup>st</sup> birthday, and it is by far the happiest day of my life. After thousands of dollars spent, many applications, and countless nights filled with tears of anger and confusion, I know where I belong. My home is here and there. I will graduate college with a science degree and I will pay back my parents for everything, for every penny they spent on me. I know this, and so there is no more confusion and no more anxiety, no more being a burden. Five years from now, I will file for citizenship. I will fill out the applications and pay for them myself, pass the citizenship exam, and no longer have to deal with the broken immigration system of this wonderful country that is my second home.

#### **Anonymous Story Four**

When I was a teenager in high school, I got pregnant. The baby's father had just immigrated to the U.S. with a travel visa, but he really intended to work "under the table" and send money

home for the baby and me. Two years went by like this, and then I decided to take action. I needed him to figure out a way for me and our baby to come to the U.S. so we could all be together, or else our relationship would be over. Therefore, he began the filing process for our visas, which took about three months to obtain. Because I was a minor, I was filed under my father's family so that we could all travel in a group. After receiving my visa, I prepared to leave Colombia and within thirty days, was flying to the U.S.

After living in the U.S. for a month with the baby's father, he was arrested by immigration authorities for working illegally. He was in jail for a month with the plan to be deported. However, I was finally able to pay his bail. Once he got out, we had to flee the house we were living in to escape being arrested and deported. We stayed with several friends along the way. During this whole process I was really scared because I didn't know what would happen next. To prevent this from happening again, the baby's father purchased citizenship documents on the black market and was able to start working again. In hopes of being able to give me a legal status, he made me marry a U.S. citizen by paying him a large amount of money for the agreement. However, this person had a bad reputation and record and I was unable to obtain a permanent resident status through the marriage. In the long run, this created more problems.

In the meantime, I was a stay at home mom for fourteen years. The baby's father didn't allow me to work, go to school, drive, or learn English. I also had two more children with him, both of which were U.S. citizens by birth. Therefore, two of my children were U.S. citizens living here legally, and my first born and I were living "illegally". There was a domestic violence report filed against my children's father, and I decided to finally separate from him. I used this opportunity to file for asylum, however, the process was denied and I didn't have enough money for a lawyer that would have made a difference. At this time, I was like a new person, with no English language skills or money to live.

Eventually, I became involved in a serious relationship and marriage was considered. I had to divorce the man I was forced to marry for documentation, which was a very long process. I remember this time period of becoming separated from my children's father and getting divorced from the other man as an emotional roller coaster, because not only did it involve me, but it also involved my children. However, after it was over, I was able to begin my new relationship, which brought me hope and security. Through this happy marriage, I was able to obtain my work permit, get a driver's license, and start working. I obtained the status of a permanent resident and started to learn more and more English. Eventually, I created my own company with my husband's help. Although this whole process took about seventeen years, I am happy with the outcome and hope to soon become a citizen of the U.S.

### **Anonymous Story Five**

I was 12 years old when I sat on a plane for the first time. I was looking out the window, sitting beside my family. We weren't going on a trip or on a tropical vacation, we managed to pack our whole lives in a few suitcases and we were moving to the United States. This was the moment when everything finally started to sink in, and I began to realize I was leaving everything I ever knew behind.

Let's rewind to about a year prior to my departure from Poland. As a family, we went to take passport photographs once again. At this point it felt like a tradition, because I had my photo taken every year for a couple years in a row. My parents never explained the reason behind taking passport photographs so frequently, and I never asked them either. It turned out that my dad was filling out and sending an application to the Diversity Immigrant Visa Program, also known as the Green Card Lottery. The Diversity Immigrant Visa Program draws at random from a pool of all entries from individuals living in countries with low rates of immigration to the United States. Just

like an actual lottery, the chances of winning are slim, and it is one of those things that you apply for but don't expect to win. As a child, about 10-11 years old at the time, I was kept in the dark about the application status, until a tremendously large envelope, a couple inches thick, arrived on our doorstep. Even upon selection, or winning the Green Card Lottery, there is still an extensive process that needs to be satisfied before receiving an immigrant visa and a green card. From my recollections, almost a year has passed, from the day we received all documentation until our departure. The application process was supervised by the U.S. consulate in Warsaw. In a span of a year we had to provide all necessary paperwork, including translated birth certificates, court records, immunization histories, various medical exams and questionnaires. After a few months, we were granted visas and green cards, which meant that we could immigrate to the United States and legally reside on the U.S. territory.

I remember my parents gathering all of their life savings, selling their car, and most of the electronics that we had to buy plane tickets for my parents, my sister and I. Our financial situation was not the best to begin with, and the immigration process as well as travel expenses exhausted all the savings that my parents had. We only had one shot, and we bet everything we had on a better future in the United States. We left Poland in June 2006, and this month marked the beginning of the hardest year of my life. We have some distant family in the U.S., and they helped us find an apartment and move in. My parents started working right away, and I attended middle school in August. The first day of school was definitely traumatic, I didn't know where to proceed upon arrival, I couldn't communicate with anyone, and I never felt more alone. I felt a lot of resentment towards my parents for immigrating, and our relations changed, at least from my perspective. I also became very introverted and kept to myself. As months passed by I began to understand English, and slowly started to adapt to my surroundings and the environment. Financially, my family struggled at the beginning. We had a strict budget, making sure we paid rent, utilities, and other

necessities. At times, I remember not having enough money for some groceries. As a child, I also started to have a lot more responsibilities. The language barrier prevented my parents from successfully running a household, therefore I was often in charge of all the administrative things, such as paperwork, and bills.

Every immigrant experiences hardships at the beginning of their journey, which I believe ultimately pushes them to be strong, independent and work harder than anyone else to achieve what they always strived for, a better life. I have now been living in the United States for 10 years, and I have been a citizen of the U.S. for the past five years. I now understand why my parents chose to move to the U.S., and I appreciate their decision more than ever. They wanted my sister and I to have a prosperous future, a future where we could pursue a higher education, and a future where we could be financially stable. I was fortunate to be chosen as a recipient of a scholarship that covered all 4 years of my college education, I will be graduating in May, 2017 with a Bachelor's degree in Electrical Engineering, and I have accepted a job offer as a Systems Engineer in an Aerospace Company. All of my accomplishments would not be possible if I was not an immigrant.

### **Anonymous Story Six**

I have been an illegal immigrant for the past 19 years. I moved to the U.S. when I was about three years old. Emotionally, at the time I didn't really know what was going on and where we were going. However, I do remember making a big scene as I passed through customs, watching my grandma and all my other relatives on the other side crying, as I got onto the plane with my mother. I didn't know it then, but it would be between five and ten years before I saw any one of them ever again.

I remember arriving in the U.S. and living in what I thought was a regular house with a regular life. As far as my knowledge went, I didn't think we had even changed continents. We could

have still been in Colombia for all I knew. Thankfully, I was still at a young age so I picked up English as if it was my first language. I had to change schools a lot growing up, so having friends was not something I was accustomed to, and at the age of five or six, we moved to another state.

Little did I know, but I had experienced more troubles with immigration than most kids my age would have, and I didn't think anything of it because at the end of the day, what did I know about immigration and the whole concept of having citizenship in a country. I grew up thinking I was American. I was kind of clueless about my status, but as the years went on and I got older, I started to really get an idea of what barriers I would have to start overcoming.

I would always question why I didn't have to fill out my social security on some school forms, or why we never went on vacation outside the country. It was kind of upsetting because I wasn't able to interact with my classmates and really connect with them since I was clueless about my status. It wasn't until about the age of 14 when I found out about my situation, and I really started to see how much of a barrier my status would cause. My parents sat me down one evening, after I complained about not being able to do certain things, and finally told me. Since then, I had to constantly lie because my friends would ask me about things I wasn't allowed to do, and their parents would ask me as well, until it became overwhelming. It was frustrating not being able to get a permit or to be able to do things my friends with citizenship were able to do. It kind of made me rebel, and I started doing things that were legal to my friends, but awfully illegal to me, and knowing the consequences, I took the risk anyway. I would take my parents car for joy rides just as any teenage kid would, but unlike them, if I got caught, I risked getting deported back to Colombia. High school became more of a drag because as I got into my junior and senior year, college wasn't an option for me.

Without social security I was unable to do anything. Without social security, I am nothing to the United States. So college stopped being an option. For a student like me, I grew up thinking of

the American dream. More specifically, obtaining a scholarship through my academics or athletically was my goal. However, not having citizenship drove me right into another barrier just to apply to college.

My parents divorced my junior year and my mom applied for several programs that would allow us to obtain some form of status. First it was VAWA, Violence Against Women's Act, but that was denied. Then with the help of Obama, DACA was initiated, which opened up a whole new chapter in my world. I was given a social security card, which I learned to memorize by heart, and also a working permit. Since I am a go-getter, I got my license and started to work towards the end of high school to earn as much money as I could to take care of myself, while my mom took care of my younger siblings.

At the end of high school, I was again confronted with another barrier. The expense of college was like no other. I had applied to many colleges thinking I would qualify for help from the government and hopefully obtain a few scholarships. Thankfully, I was always kept on the right path through the help of friends and teachers, so I did very well in school. I gained a great deal of financial help from my high school, which gave me the ability to pay for the first year of college.

Next came my sophomore year, when I quickly realized how grown up I had to become. I became scared because for the first time in my life, I was helpless and things were out of my control. I was desperate and tried asking my mom's boss for financial help, hoping he would co-sign a loan for me through a specific company. However, I didn't do enough research about myself and my status, and since this company is federally funded, my DACA status didn't qualify. I realized I was as helpless as I would have been if I didn't have DACA. I spent countless hours in my school's business office, I became friends with the people who worked there, and they found an interest in really helping me continue to pay for school in whatever way was possible. They figured out that a specific program was state funded and DACA allowed me to obtain state funded loans, so

from my sophomore year to my present year, I found a way to overcome my financial problem.

Although I am going to have to swallow a huge pill when I graduate college and see all the money I am going to have to pay back, I wasn't able to receive any other help, and the most important thing for me was being able to continue going to school to obtain my degree.

Currently I am going through my day like any other person, however, I know in the back of my head I cannot act and be like any other person. I cannot get in trouble for anything illegal because I must prove that I am worthy of obtaining citizenship in this country. It is unfair that I can't do the same things as those with citizenship, because they take for granted what they were given so effortlessly, and they don't even realizing how much of a struggle life is without a green card. It is unfair that I always have to be on my toes and not get in any kind of trouble, but a person with citizenship can do whatever they want, without the worry that he will get deported back to the country he was born in. Since I am now no longer a minor, the only way to obtain a status in the U.S. is through marriage. It is very upsetting that the original idea of immigration to the U.S. has been changed, and now, the U.S. no longer greets immigrants but frowns upon them, which is ironic since this country was founded on immigration.

## References

- (2008, January). History of U.S. immigration law. *Federation for American Immigration Reform*. Retrieved from [http://www.fairus.org/facts/us\\_laws](http://www.fairus.org/facts/us_laws)
- (2016). Immigration. *Donald J. Trump for President*. Retrieved from <https://www.donaldjtrump.com/policies/immigration>
- (2013, March). Major U.S. immigration laws, 1790 - present. *Migration Policy Institute*. Retrieved from <http://www.migrationpolicy.org/research/timeline-1790>
- (2016). Immigration reform. *Hillary for America*. Retrieved from <https://www.hillaryclinton.com/issues/immigration-reform/>
- Bowden, P. (2014). *A land of hard edges: Serving the front lines of the border*. Tucson, AZ: Peer Publishing.
- U.S. Department of Homeland Security, Overview of Immigration and Naturalization Services History. (2015). <https://www.uscis.gov/history-and-genealogy/our-history/agency-history/early-american-immigration-policies>
- U.S. Department of Homeland Security, U.S. Citizenship website. (2013). <https://www.uscis.gov/us-citizenship>
- U.S. Department of Homeland Security, U.S. Green Card website. (2016). <https://www.dhs.gov/how-do-i/get-green-card>
- U.S. Department of State, Bureau of Consular Affairs, U.S. Visas website. (n.d.). <https://travel.state.gov/content/visas/en.html>
- Vatz, S. (2013, May 5). Interactive timeline: History of immigration in America. *KQED*. Retrieved from <https://ww2.kqed.org/lowdown/2013/05/05/u-s-immigration-policy-timeline-a-long-history-of-dealing-with-newcomers/>