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Immigration 101: What Noncredit Students Need to Know

Cynthia Lucas, Lucas & Barba LLP



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Please check in for the event:



TOPICS FOR TODAY

- I. SUMMARY OF MAJOR IMMIGRATION POLICY CHANGES
- II. BRIEF OVERVIEW OF IMMIGRATION LAW
 - UNDERSTANDING NONIMMIGRANT V. IMMIGRANT VISAS
 - HUMANITARIAN RELIEF OPTIONS
- I. CURRENT STATUS OF CERTAIN TEMPORARY/SPECIAL PROGRAMS
- II. PROTECTING YOUR RIGHTS

MAJOR CHANGES IN IMMIGRATION POLICY

- **Increased enforcement efforts – at border & in the interior**
 - More stops/raids/ detentions
 - Expanding expedited removals
 - Less access to bonds to get out of detention
- **Changes in asylum/refugee processes & restrictions**
 - Reduction in refugee numbers
 - Made asylum harder to access, changes to case law limiting claims, created new fees

MAJOR CHANGES IN IMMIGRATION POLICY (continued)

- **Reduction in humanitarian programs & increased barriers**
 - Limiting extensions on Temporary Protected Status (TPS), trying to end TPS
 - Revocation of humanitarian parole grants
 - Elimination of programs like CHNV (Cuba, Haiti, Nicaragua, Venezuela) parole
 - No more new/ initial U4U (Uniting for Ukraine) initial parole, only renewals allowed
 - No more deferred action for Special Immigrant Juveniles

MAJOR CHANGES IN IMMIGRATION POLICY

- **Extreme vetting – travel, visas & benefits applications**
 - Minor crimes/ offenses including some traffic violations leading to revoked visas, arrests/ detentions, denial of benefits
 - No more automatic extensions of employment authorization; harder to access work permits
 - Citizenship exam more challenging, more requirements
 - Caution against “anti-American” activity/ speech
 - More review of social media posts, and past applications

IMMIGRATION LAW BASICS



The United States

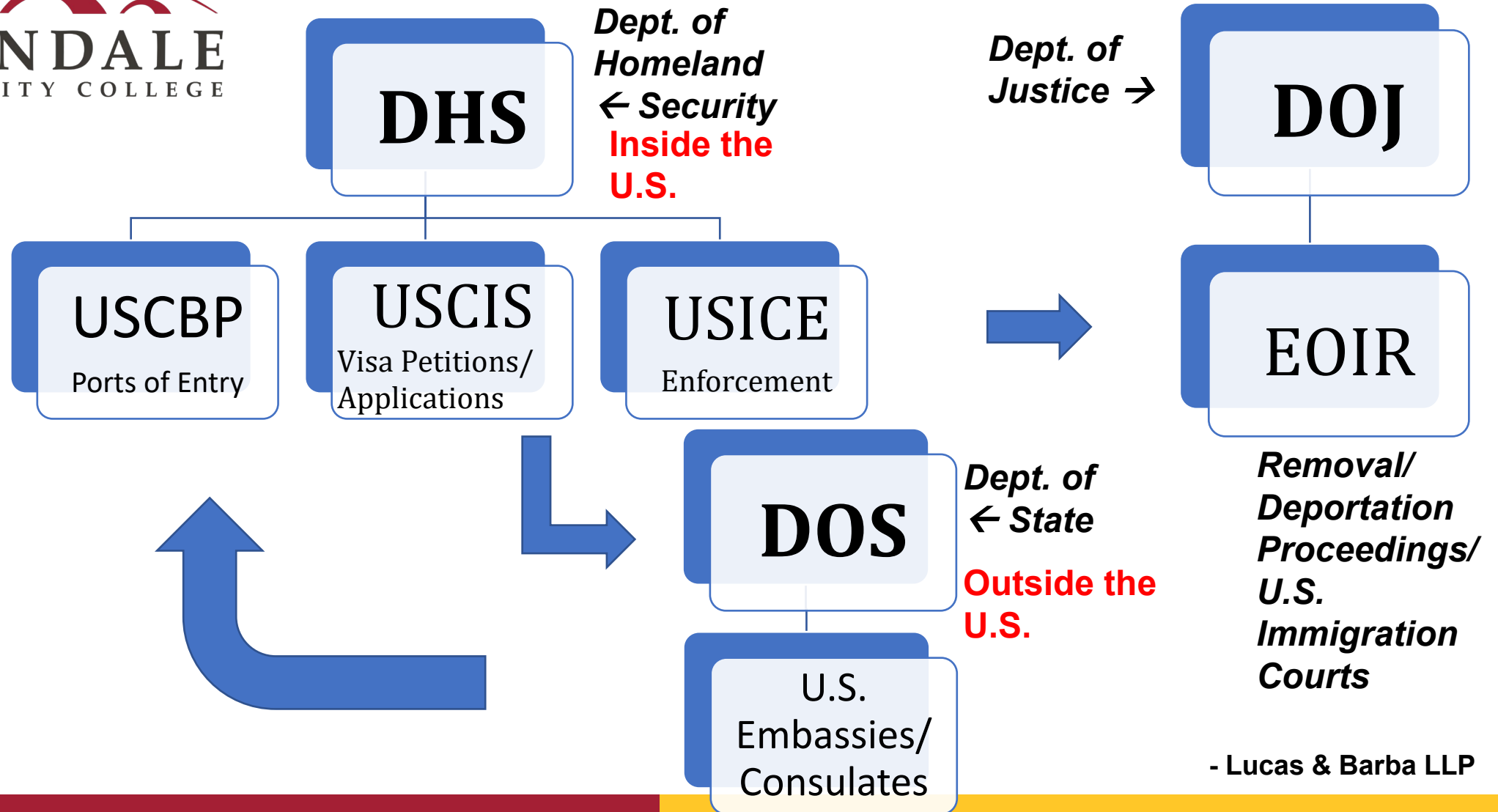
How did you enter the house?

- Through the door w/ permission*
- Through the door but no proof of permission*
- Through the window without permission*

✓ May have more rights & qualify for more relief if can prove entered the country with inspection or lawful admission

✗ Less rights/ limited relief if entered the country without inspection or no lawful status

What are the *Immigration Agencies* in the U.S.?



TYPES OF IMMIGRATION “STATUS”

U.S. Citizen

Permanent Resident (Immigrant)

Non-Immigrant

Temporary Protected Status (TPS), Asylee/Refugee

Deferred Action

Undocumented



NONIMMIGRANT V. IMMIGRANT VISAS

NONIMMIGRANT VISAS (NIV)

- Usually temporary in nature, must use visa for specific purpose
- Intent is connected to the purpose of the visa, i.e. B-1/B-2 visitor visa for brief business or vacation, F-1 student visa to study, H-1B skilled worker visa to work for specific employer, O-1 extraordinary ability visa to perform in area of special skill/talent

IMMIGRANT VISAS (IV)

- Path to legalization, with intent to permanently live in the U.S.
- Traditional categories: Family-based, Employment-based or Humanitarian-based

HUMANITARIAN-BASED IMMIGRATION OPTIONS

➤ U Visa

- Victim of a serious qualifying crime who cooperated w/ police in investigation or prosecution of the crime & suffered substantial harm

➤ T Visa

- Victim of severe form of human trafficking in the U.S. because of the trafficking and tried to cooperate with law enforcement, would suffer extreme hardship if forced to leave

➤ VAWA (“Violence Against Women Act” - *but not limited to women*)

- Victim of abuse/extreme cruelty by a U.S. citizen or green card holder who is his/her spouse, parent (if victim is a child), or son/daughter

STATUS OF CERTAIN TEMPORARY/SPECIAL PROGRAMS

➤ Temporary Protected Status

- <https://www.uscis.gov/humanitarian/temporary-protected-status>

- Current: **Burma**, El Salvador, **Haiti**, **Ethiopia**, Lebanon, Somalia, **South Sudan**, Sudan, Ukraine, Yemen

➤ Parole/ Special Programs

- CHNV Parole ended

- prior humanitarian parole grants being revoked

- no new applications for U4U – only renewals if already have

➤ DACA

- no new applications for DACA- only renewals if already have

- travel *may* still be possible through Advance Parole applications

PROTECTING YOUR RIGHTS

- Be prepared, plan ahead
- Explore alternatives/ changes in status
- Know Your Rights
 - ❖ Stay calm- do not run, do not reach for any items in your pockets without permission, do not argue or physically resist.
 - ❖ Ask why you are being stopped & if you are free to leave – if there is no reason to detain you, you should be allowed to walk away.
 - ❖ Silence/Don't sign anything/ Ask for Attorney- if you are not allowed to leave/are being detained, offer to show an attorney letter or ask for permission to speak with your attorney/ preferred point of contact. Beyond asking to make a call, preserve your right to remain silent/ do not answer more questions.

QUESTIONS?

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