

Immigration Basics

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Categories of Legal Statuses in the U.S.

- U.S. Citizens
- Lawful Permanent Residents (AKA LPR, green card holders)
- Non-immigrant Visitors
- Asylees/Refugees
- Undocumented

U.S. Citizens

- Born in the U.S. or naturalized
 - Naturalization – when a green card holder applies for U.S. citizenship, meets all the requirements, and then becomes a U.S. citizen
- Some are born outside the U.S., but they can derive citizenship
- Most people must be a green card holder first before being able to apply for citizenship
- Naturalized citizens generally cannot be removed from the U.S. BUT if they are convicted of certain crimes, it could affect their ability to petition for family members to get legal status in the U.S. This also applies to people who are U.S. citizens by birth.

Questions on the Fiance(e) Petition

Criminal Information

NOTE: These criminal information questions must be answered even if your records were sealed, cleared, or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.**

1. Have you **EVER** been subject to a temporary or permanent protection or restraining order (either civil or criminal)? Yes No

Have you EVER been arrested or convicted of any of the following crimes:

- 2.a. Domestic violence, sexual assault, child abuse, child neglect, dating violence, elder abuse, stalking or an attempt to commit any of these crimes? (See **Part 3. Other Information, Item Numbers 1. - 3.c.** of the Instructions for the full definition of the term "domestic violence.") Yes No

Part 3. Other Information (continued)

- 2.b. Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of these crimes? Yes No
- 2.c. Three or more arrests or convictions, not from a single act, for crimes relating to a controlled substance or alcohol? Yes No

NOTE: If you were ever arrested or convicted of any of the specified crimes, you must submit certified copies of all court and police records showing the charges and disposition for every arrest or conviction. You must do so even if your records were sealed, expunged, or otherwise cleared, and regardless of whether anyone, including a judge, law enforcement officer, or attorney, informed you that you no longer have a criminal record. If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.**

Lawful Permanent Resident

- AKA LPR, green card holders
- Live permanently in the U.S.
- Work
- Travel outside the U.S.
- Eligible for naturalization after a few years (3 or 5)
- Could lose status by abandonment or for committing certain crimes
- Could be barred from getting U.S. citizenship for committing certain crimes



Non-Immigrant Visitors

- Entered the U.S. legally on a visa that allows them to be here for a temporary period
- Allowable activities and how long they can stay depends on the type of visa they are issued.
- Examples: F-1 – student visa, B-2 tourist visa, H-1B temporary work visa.
- There are some who end up overstaying



Asylees / Refugees

- For people who have a well-founded fear of persecution in their home country based on race, religion, nationality, political opinion, or membership in a particular social group.
- May apply for a green card after one year in asylee/refugee status.
- More leniency given to asylees/refugees who have a criminal history.

Undocumented Immigrants

- Entered the U.S. without any type of legal documentation
- Was not inspected by a CBP officer
- They have no legal status in the U.S.
- Is not someone who entered legally with a visa but has overstayed
- There are ways for an undocumented immigrant to get legal status but not as easy as some people may think