CHAPTER 1: IMMIGRATION LAW AND POLICY

I. AN OVERVIEW OF AMERICAN IMMIGRATION
   A. The Principle of “Overloading the Boat”
   B. The Immigration Door
   C. The Land of Freedom and Opportunity
      1. Why Some Stay While Others Go
   D. Back to the Immigration Door

II. THE CHANGING STAGES OF THE IMMIGRATION DOOR
   A. Immigration Fraud

III. A REVIEW OF OUR AMERICAN SYSTEM OF GOVERNMENT
   A. Our Two-Tier, Three-Branch System of Government

IV. THE TWO TIERS OF GOVERNMENT
   A. Where State and Federal Interests Conflict
   B. How the Two-Tier System of Government Affects Immigration

V. THE THREE BRANCHES OF GOVERNMENT
   A. The Legislative Branch
   B. The Executive Branch
   C. The Judicial Branch

VI. THE INA

VII. THE EFFECTS OF 9/11: THE DHS REPLACES THE INS

VIII. THE BIA

IX. THE EVER-CHANGING IMMIGRATION LAW
   A. Specific Changes — The 1996 Amendments

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B. The 1996 Amendments after 9/11

X. DEFINITIONS

A. Aliens

XI. LEGAL ALIENS

XII. ILLEGAL ALIENS

A. Emigrants, Immigrants, and Nonimmigrants

B. A Word about Citizenship

C. Visas

XIII. IMMIGRATION LAW — SOURCES AND RESEARCH

A. The United States Constitution

B. Statutes

C. Case Law

D. Administrative Decisions

E. Case Law versus Black Letter Law

XIV. IMMIGRATION FORMS

**STUDY TIPS**

The theme of this book is to learn about immigration law by understanding it from the perspective of U.S. history and public policy. Chapter 1 introduces these themes. As you review U.S. history and the U.S. system of government, think about it in terms of society nowadays and the impact of immigration.

Specifically, think about any laws that you know about, whether local, state, or federal, and analyze them from the perspective of our two-tier, three-branch system of government.
CHAPTER 2: NONIMMIGRANTS

I. QUALIFYING FOR A NONIMMIGRANT VISA

II. A VISAS: ACCREDITED FOREIGN GOVERNMENT REPRESENTATIVES

III. B VISAS: VISITORS

IV. C VISAS: VISITORS IN TRANSIT

V. D VISAS: CREW MEMBERS

VI. E VISAS: TREATY TRADERS AND INVESTORS

VII. F VISAS: ACADEMIC STUDENTS

VIII. G AND N VISAS: CERTAIN FOREIGN GOVERNMENT REPRESENTATIVES

IX. H VISAS: TEMPORARY WORKERS — REGISTERED NURSES AND PROFESSIONALS

X. I VISAS: FOREIGN MEDIA REPRESENTATIVES

XI. J AND Q VISAS: EXCHANGE VISITORS

XII. K VISAS: FIANCÉS AND FIANCÉES OF U.S. CITIZENS

XIII. K-3 AND V VISAS: THE LIFE VISAS

XIV. L VISAS: INTRACOMPANY TRANSFEREES

XV. M VISAS: VOCATIONAL STUDENTS

XVI. N VISAS

XVII. O AND P VISAS: ALIENS WITH EXTRAORDINARY ABILITY OR INTERNATIONAL RECOGNITION

   A. Extraordinary versus Internationally Renowned

XVIII. Q VISAS

XIX. R VISAS: RELIGIOUS WORKERS

XX. TN VISAS: NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)
XXI. V VISAS

XXII. ACADEMIC STUDENTS

A. Duration of Status

B. Full-Time Status

C. On-Campus Employment

D. Off-Campus Employment
   1. Students in Good Standing for a Specific Time Period
   2. Unsuccessful Recruitment of U.S. Workers
   3. Prevailing Wage
   4. Limited Work Hours

E. Curricular Practical Training

F. Postcompletion Practical Training

G. Violation of Student Status

STUDY TIPS

Chapter 2 is about nonimmigrant visas. To better understand nonimmigrant status, erase any thoughts about legal permanent residents or U.S. citizens from your mind. Concentrate only on aliens who wish to come to the United States on a temporary basis.

Get a set of index cards and use one card for each type of nonimmigrant visa. On one side, write down the type (letter) of the visa. On the other side, write down the definition of that visa and the qualifications for obtaining it.

Then, study the cards every day until you have mastered them.
CHAPTER 3: IMMIGRANTS: RELATIVE-BASED

I. LEGAL PERMANENT RESIDENT (LPR) STATUS
   A. The Green Card

II. TYPES OF RELATIVES

III. IMMEDIATE RELATIVES
   A. Spouses of U.S. Citizens
   B. The Immigration Marriage Fraud Amendments
      1. Genuine Marriages That Go Sour
      2. Hardship Waivers
      3. Ethical Considerations
         a. Parents of U.S. Citizens
   C. The Effects of 9/11
      1. Children of U.S. Citizens
   D. Legitimated and Adopted Children

IV. RELATIVES SUBJECT TO NUMERICAL LIMITATIONS

V. FIRST PREFERENCE: UNMARRIED SONS AND DAUGHTERS OF U.S. CITIZENS

VI. SECOND PREFERENCE: SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS OF LPRS

VII. THIRD PREFERENCE: MARRIED SONS AND DAUGHTERS OF U.S. CITIZENS

VIII. FOURTH PREFERENCE: BROTHERS AND SISTERS OF U.S. CITIZENS

IX. NUMERICAL LIMITATIONS ON CERTAIN COUNTRIES

X. PRIORITY DATES
A. The Life Act

**STUDY TIPS**

Chapter 3 deals with aliens who qualify for LPR status because of their relatives who are U.S. citizens or LPRs.

Get a set of index cards and use one card for each type of immigrant visa. On one side, write down the type of visa. On the other side, write down the definition of that visa and the qualifications for obtaining it.

Then, study the cards every day until you have mastered them. Then, think about how a particular alien’s immigration status may change. Think of yourself as the legal professional attempting to provide the alien with the quickest and most efficient avenue to LPR status.
CHAPTER 4: IMMIGRANTS: EMPLOYMENT-BASED

I. EMPLOYMENT IMMIGRATION AND “OVERLOADING THE BOAT”

II. QUALIFICATION FOR THE POSITION

III. THE EMPLOYER’S NEEDS MUST BE GENUINE

IV. THERE IS NO U.S. CITIZEN OR LPR READY, WILLING, AND ABLE TO FILL THAT POSITION, AND PREVAILING WAGES ARE PAID

V. THE DEPARTMENT OF LABOR

VI. FIRST PREFERENCE — PRIORITY WORKERS

   A. Persons of Extraordinary Ability in the Sciences, Arts, Education, Business, or Athletics

   B. Outstanding Professors and Researchers

   C. Certain Multinational Executives and Managers

VII. SECOND PREFERENCE

   A. Advanced Degrees

   B. Exceptional Ability

VIII. THIRD PREFERENCE

   A. Skilled Workers in Short Supply

   B. Persons Holding Baccalaureate Degrees

   C. Other Workers in Short Supply

IX. FOURTH PREFERENCE — CERTAIN SPECIAL IMMIGRANTS

   A. Religious Workers

   B. Former Employees of the U.S. Government

   C. Employees of International Organizations

X. FIFTH PREFERENCE — EMPLOYMENT CREATION VISAS

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XI. THE IMPACT OF ILLEGAL ALIEN EMPLOYEES

STUDY TIPS

Chapter 4 is about aliens who qualify for LPR status because of their current or potential employment status.

Get a set of index cards and use one card for each type of immigrant visa. On one side, write down the type of the visa. On the other side, write down the definition of that visa and the qualifications for obtaining it.

Then, study the cards every day until you have mastered them. Then, think about how a particular alien’s immigration status may change. Think of yourself as the legal professional attempting to provide the alien with the quickest and most efficient avenue to LPR status.
CHAPTER 5: OTHER TYPES OF LPR STATUS

I. DIVERSITY IMMIGRANTS
   A. The Lottery

II. REGISTRY
   A. Entered the United States Since before 1972
   B. Has Resided Here Continuously Since That Time
   C. Is a Person of Good Moral Character
   D. Is Not Otherwise Admissible

III. AMNESTY
   A. Amnesty after 9/11

IV. ASYLUM

V. ADJUSTMENT OF STATUS
   A. Minimum Adjustment of Status Requirements
   B. Adjustment of Status for Legal Aliens
   C. Adjustment of Status for Illegal Aliens

STUDY TIPS

Chapter 5 is about LPR status other than through relative or employment means. Think about the public policy implications of diversity immigration and amnesty.

Also, consider the options of adjustment of status versus traditional acquiring of an immigrant visa from the U.S. Consulate abroad. In what types of real-life scenarios would one status be more advantageous than the other?
CHAPTER 6: AMERICAN CITIZENSHIP

I. SOME BENEFITS OF CITIZENSHIP

A. The Right to Vote
   1. Elections Since 2000

B. Political Office
   1. The Arnold Factor

C. Increased Immigration Benefits for Relatives

II. SOME OBLIGATIONS OF CITIZENSHIP

A. Jury Duty

B. Military Service
   1. The Draft in the Post-9/11 Era

III. NATURAL-BORN VERSUS NATURALIZED CITIZENS

A. Natural-Born Citizens — Citizenship by Birth

B. Citizenship by Naturalization
   1. Naturalization after LPR Status
   2. Continuous Residence and Physical Presence
   3. Good Moral Character
   4. English Literacy
   5. Allegiance to the United States and the U.S. Constitution

IV. CITIZENSHIP FOR PERSONS UNDER 18 WHEN A PARENT IS NATURALIZED

V. LOSS OF AMERICAN CITIZENSHIP: DENATURALIZATION AND EXPATRIATION

A. Denaturalization
1. Concealment of Material Fact
2. Willful Misrepresentation
3. Illegal Procurement of Naturalization
4. Residence in a Foreign Country within One Year of Naturalization

B. Expatriation
1. Gaining Naturalization in a Foreign Country
2. Allegiance to or Military Service in a Foreign Country
3. Foreign Government Employment
4. Formal Renunciation of U.S. Citizenship
5. Acts of Treason
6. Treason in the Post-9/11 Era

C. Voluntary Expatriation

STUDY TIPS

Chapter 6 is about American citizenship. Technically, it is U.S. citizenship, as opposed to citizenship in another country in North, South, or Central America. But “American” and “U.S.” are often used interchangeably in immigration law, as well as in this book. In other words, when you see the word “American,” it means “United States.”

Take a look at the types of questions asked of aliens seeking U.S. citizenship. Study the questions and know them well. Then, take a look at the N-400 Form and see what types of qualifications are necessary for citizenship. Think about why some of the questions might be particularly important.
CHAPTER 7: INADMISSIBILITY AND REMOVAL

I. INADMISSIBILITY

II. GROUNDS FOR INADMISSIBILITY

A. Health-Related Grounds
B. Criminal and Related Grounds
C. Security and Related Grounds
D. Public Charge
E. Unqualified Workers
F. Illegal Entrants and Immigration Violators
G. Documentation Problems
H. Ineligible for Citizenship
I. Aliens Previously Removed
J. Other Factors
K. Waiver

III. REMOVAL

A. Inadmissible Aliens or Immigration Violators
B. Criminal Offenses
C. Failure to Register and Falsification of Documents
D. Security and Related Grounds
E. Public Charge
F. Unlawful Voters
G. Removal Hearing
H. Aliens Ordered Removed
I. Relief from Removal

1. Appeals and Judicial Administrative Relief

2. Discretionary Relief

   a. Voluntary Departure
   b. Cancellation of Removal
   c. Withholding of Removal
   d. Stay of Removal

STUDY TIPS

Chapter 7 is about why certain aliens may not enter the United States and why and how they may be removed.

Think about the implications of these laws, particularly in light of the current national debate about immigration. Should the borders be further secured? What about the airports and shipping ports? Should immigration be stopped? How does all of this affect the war on terror and our tradition of being a nation of immigrants?
CHAPTER 8: REFUGEES AND ASYLUM

I. REFUGEES
   A. Race, Religion, or Nationality
   B. Social Group Membership and Political Opinion

II. ASYLUM
   A. Just “Plain Old” Asylum
   B. Timely Filing

III. FRAUD AND FRIVOLOUS CLAIMS

IV. ADJUSTMENT OF STATUS FOR REFUGEES AND ASYLEES

V. TEMPORARY PROTECTED STATUS (TPS)

STUDY TIPS

Chapter 8 discusses exceptions to the rule of being removed from the United States. Take a look at the various requirements of gaining refugee status, asylum, and temporary protected status.

Think about these categories in the post-9/11 world. Are these requirements too soft, too strict, or just right?

What would you do to change the requirements to protect the United States against terrorists but to remain compassionate toward aliens whose lives might be in danger if they were not permitted to enter or remain in the United States?
CHAPTER 9: TIPS FOR THE IMMIGRATION LEGAL PROFESSIONAL

I. ETHICS

II. LEGAL ETHICS

III. MAY NONATTORNEY LEGAL PROFESSIONALS GIVE LEGAL ADVICE?
   A. Do Immigration Nonattorney Legal Professionals Violate the ABA Rules?
   B. Laws That Prohibit Nonattorney Legal Professionals from Giving Legal Advice
   C. What Is the Big Deal about Nonattorneys Giving Legal Advice?

IV. COMPETENCE

V. ZEALOUS REPRESENTATION

VI. CONFIDENTIALITY
   A. Committing Future Crimes Exception

VII. RESISTING THE TEMPTATION TO PERPETUATE IMMIGRATION FRAUD

VIII. LEARN A FOREIGN LANGUAGE

IX. GET ALL THE HELP YOU CAN GET
   A. Bar Associations
   B. The American Immigration Lawyers Associations (AILA)
   C. Books, Books, Books
   D. Internships

STUDY TIPS

Chapter 9 focuses on ethics — values about what is good, right, and just. Particularly, attention is paid to legal ethics and, more specifically, those involving immigration.

Think about why each ethical standard discussed is important and what might happen if any or all of those standards did not exist.
Also, consider the unique status of the immigration legal professional, particularly in terms of the clients involved. Think about the ethical duty to do the right thing versus doing the easy or financially attractive alternative.