





LAW OFFICES OF
ASMA CHAUDRY *



Immigration Law Basics



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*ADMITTED IN NEW YORK, NEW JERSEY AND UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT AND THIRD CIRCUIT



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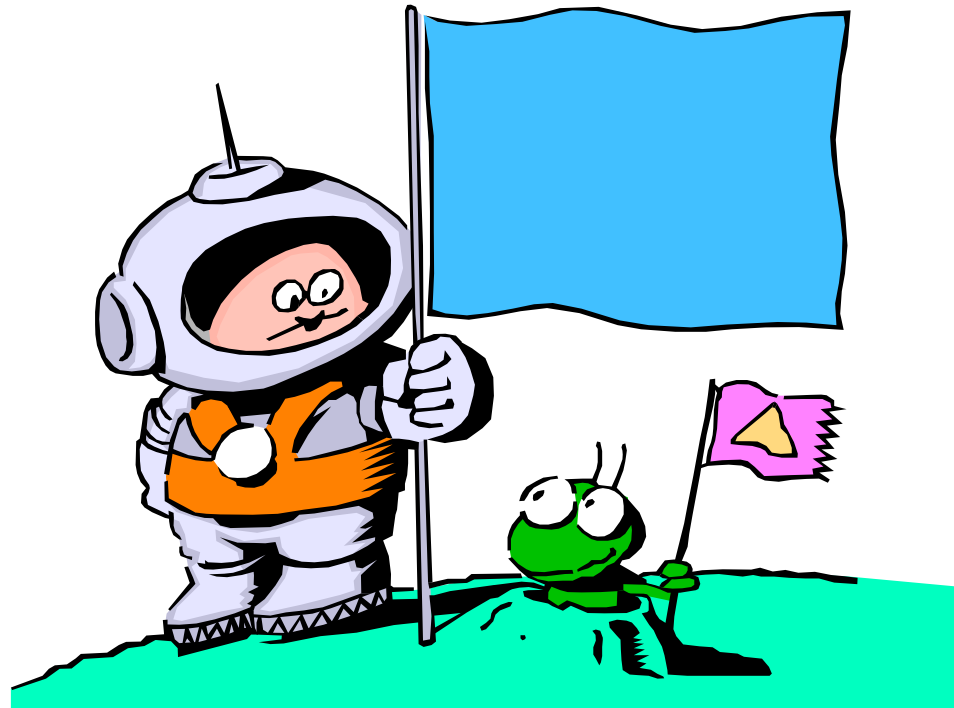


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Key Aspect: *Not all aliens are the same!*



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United States Citizens (USC)

[not actually aliens]

Born in U.S.	Born outside U.S
Automatically citizens regardless of parents' legal status.	<ol style="list-style-type: none">1. Might also be a USC if one or both of your parents are USC.2. Foreign nationals can become USC through naturalization.

Lawful Permanent Resident (LPR)

- ❖ This is a person who has obtained a “green card”
- ❖ A foreign national who has been granted the privilege of legally living & working in the U.S.
- ❖ A lawful permanent resident can remain in the U.S and maintain his or her own citizenship.



Lawful Permanent Resident (LPR)

Benefits of LPR status:



- ❖ Right to live in the United States, status can be revoked under certain circumstances
- ❖ Right to sponsor certain relatives to come to the United States
- ❖ Right to travel freely
- ❖ Right to work freely
- ❖ Right to become a USC after 5 years of being an LPR; or 3 years if LPR status based on marriage to a USC spouse

Lawful Permanent Residency (LPR)



LPR status can be lost:

- ❖ *if you live overseas for more than a year after becoming a permanent resident*
- ❖ *or if you are convicted of a crime*

Refugees & Asylees

- ❖ Each person's application determined on a case-by-case basis
- ❖ To qualify you must fear persecution in home country because of one or more of the following:
 - Race,
 - Religion,
 - Nationality,
 - Membership in a social group, or
 - Political opinion

Refugees & Asylees

❖ Asylum seekers are already on U.S. soil and submit petitions to the U.S. government

❖ Refugees are outside of the United States and seek help from the United Nations



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Other common temporary Visas:

- STUDENT VISA (F1)**
- VISITOR VISA (B1/B2)**
- TEMPORARY WORKER VISA (H1; L1)**



Out of Status v. Undocumented

Out-of-Status Alien


- Any foreign national who violated terms of admission is “out of status”

Undocumented Alien


- An undocumented alien is an individual who entered the U.S. without a visa

Steps to

LPR VISA APPLICATION



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Step 1: LPR Visa Application

Find A Sponsor

- ❖ Family Member: LPR or USC
- ❖ Employer: H-1;
- ❖ Self – Only for Refugees/Asylees




Step Two: File Visa Application


File Visa Application

- ❖ Can File Application overseas with Local U.S. Embassy

- ❖ Can File Application in the United States with USCIS



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Step Three: Visa Interview

Attend Visa Interview

- ❖ If Filed Application overseas with Local U.S. Embassy, then interview is Overseas

- ❖ If Filed Application in the United States with USCIS, then interview is in the United States




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Additional Resources

- **UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE**
WWW.USCIS.GOV

- **AMERICAN IMMIGRATION LAWYERS ASSOCIATION**
WWW.AILA.ORG



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