

US IMMIGRATION POLICY: YESTERDAY AND TODAY

WEEK 2: HOW IMMIGRATION WORKS TODAY

- **Key Concepts:** Visa, Immigrant Visa, Non-Immigrant Visa, Dual-Intent Visa, Refugee, Asylee
- **Non-Immigrant Visas** (See chart of major non-immigrant visa categories)
 - Visa-free and visa-exempt countries are allowed to visit the US for up to 90 days without a visa
 - Many European countries, Canada, Chile, Australia, New Zealand, Japan, South Korea, Taiwan, Singapore, Brunei, Bermuda, Micronesia, Marshall Islands, Palau
 - Some visas are suspended or restricted by Executive Order
 - Suspended: Iran, Libya, N. Korea, Somalia, Syria, Venezuela, Yemen
 - Restricted: Cambodia, Eretria, Guinea, Sierra Leone, Sudan, Cuba
 - Visas are issued by US State Department (Per Hart-Cellar Act of 1965)
 - ***The law presumes that every nonimmigrant visa applicant is intending to immigrate unless otherwise proven***
 - Applicants must demonstrate that:
 - They plan to enter the US for a specific stated purpose
 - They plan to remain for a limited period
 - They have a residence as well as “binding ties” outside the US that ensure their return
 - Visas are issued for a specific period of time
- **Immigrant Visas** (See chart of major immigrant visa categories)
 - Must be applied for by petition of a U.S. citizen or a lawful permanent resident
 - A close family member
 - A U.S. employer, non-profit, or school
 - After petition is approved, the applicant must go through the normal visa process
 - Visa application
 - Interview at U.S. Consulate
 - Upon admission to the U.S., visa is replaced by a Permanent Resident Card (Green Card)
- **Outside the Visa System: Refugees / Asylees**
 - Governed by Refugee Act of 1980 and 1967 UN Protocol
 - Issued I-94 Arrival-Departure Card in lieu of Visa
 - May apply for Permanent Resident Card after one year and citizenship after 5 years
- **Outside the Visa System: Temporary Protected Status**
 - Governed by Immigration Act of 1990 (IMMACT)
 - Issued I-94 Arrival-Departure Card in lieu of Visa
 - May apply only for a work authorization, not eligible for permanent status

Bibliography

U.S. Immigration Made Easy. Ilona Bray. Nolo: 2017.

Visa policy of the United States. Wikipedia. https://en.wikipedia.org/wiki/Visa_policy_of_the_United_States