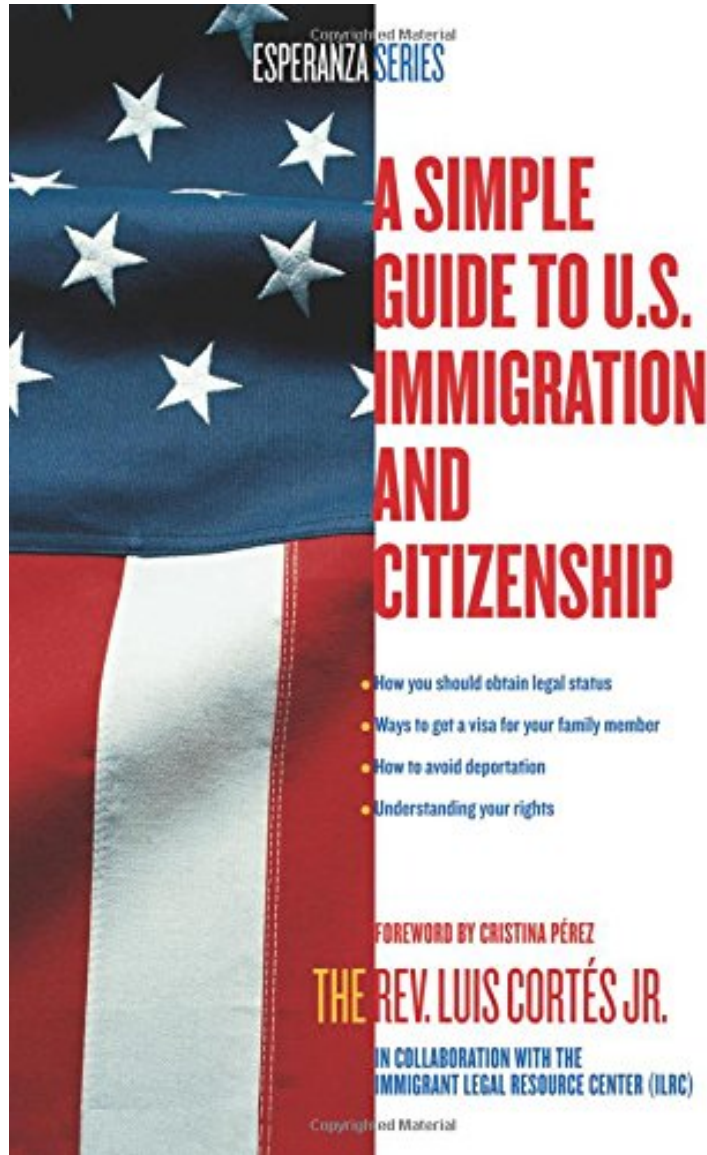


[E-BOOK] A Simple Guide to U.S. Immigration and Citizenship (Esperanza)

A Simple Guide to U.S. Immigration and Citizenship (Esperanza)

Rev. Luis Cortes

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Rev. Luis Cortes : A Simple Guide to U.S. Immigration and Citizenship (Esperanza) before purchasing it in order to gauge whether or not it would be worth my time, and all praised A Simple Guide to U.S. Immigration and Citizenship (Esperanza):

A Simple Guide to U.S. Immigration and Citizenship Immigration in America is a complex issue. And as with any worthwhile goal, securing your citizenship requires a lot of work. You'll face many obstacles, and potential pitfalls, but being educated about the process is the first step toward getting what you want. The Reverend Luis Cortes Jr. has developed this simple guide to lead you through the complicated web of bureaucracy and to answer many of your questions. For example: What happens if you're in the United States without papers? What could prevent you from getting a green card? What are the different types of visas? You'll also find "Warnings" to protect you from fraudulent offers and the risk of deportation. Most important, Cortes informs you of your rights, because whether you're a legal immigrant or not, you do have rights.

About the Author The Reverend Luis Cortes Jr. is the president and CEO of Esperanza USA, the largest Hispanic faith-based community-development corporation in the country. In January 2005, he was featured as one of Time magazine's "25 Most Influential Evangelicals." Cristina Perez is a successful lawyer, three-time Emmy Award winning television personality, radio host, entrepreneur/business owner, national author and columnist, and devoted mother and wife. The daughter of Colombian immigrants, Cristina was born in New York. Cristina was the host of the Spanish language television program La Corte de Familia (Family Court) which aired nationally and internationally in fifteen countries on the Telemundo Network/NBC (2000-2005). In 2006, Cristina made her English-language television debut on Twentieth Television's first-run syndicated Cristinas Court. She has been named Woman of the Year in California for her community activities and was named one of America's Top 10 Latina Advocates. Visit her online at CristinaPerez.tv. Excerpt. Reprinted by permission. All rights reserved.

1 Obtaining Legal Status in the United States

The process of immigration is a complicated one. But just like other worthwhile goals, attaining legal status can take a lot of work. And we're talking about more than paperwork and appointments with immigration officials. You'll face many challenges ahead as you try to better understand and possibly change your immigration status, so you need to understand how the system works. You'll be more likely to find success if you have a working understanding of the immigration system in the United States. This chapter will help you familiarize yourself with some important immigration terms and ideas, and you'll learn some of the ways you can get legal residence in the United States. These ideas will recur throughout the book, so remember to refer back to this chapter if you come across a term you're not sure you understand, or check the index at the back of the book.

Who in the U.S. government handles immigration? The most important U.S. government agency you need to know about is the Bureau of Citizenship and Immigration Services, or CIS. This is the agency in charge of all immigration services that used to be handled by the Immigration and Naturalization Service, also called INS or *la migra*. These services include visa petitions, green card and naturalization applications, asylum applications, refugee applications, and more. For information about these services, visit the CIS Web site at www.uscis.gov. You can access immigration forms, filing fees, changes in immigration law, information on CIS office locations, and more.

How do I contact CIS? If you want to speak with an immigration officer about complex immigration issues, you can make an appointment, also called an InfoPass, for a meeting at your local CIS office. You may need an appointment to discuss matters including emergency travel documents, temporary identification of lawful permanent resident status, or interim employment authorization for those who are eligible. To make an appointment, go to <http://infopass.uscis.gov>.

WARNING: If you do not have any immigration status or immigration papers, do NOT go to your local CIS office without first consulting an experienced immigration lawyer or accredited representative. You may be exposing yourself to immigration authorities and be deported.

Who is a U.S. citizen? Anyone born in the United States or Puerto Rico is a U.S. citizen, even if that person's parents are undocumented. Some people who are born outside of the United States inherit U.S. citizenship when they're born if that person's mother or father was a U.S. citizen. If you're not born a U.S. citizen, you may be able to take steps to become one through a process called naturalization. Lawful permanent residents (green card holders) who meet certain requirements can apply to become U.S. citizens. If a green card holder becomes a U.S. citizen before his children turn eighteen years old, then those children may automatically become U.S. citizens, too, if they already have green cards.

EXAMPLE: Kira is a U.S. citizen. She was working in Costa Rica when she gave birth to her daughter, Marisol. Even though Marisol was not born in the United States, depending on certain requirements, she may have inherited U.S. citizenship through her mother.

EXAMPLE: Jorge was born in San Jose, California. Both of his parents were undocumented at the time of his birth. Jorge is a U.S. citizen because he was born in the United States. A U.S. citizen cannot be deported or removed from the United States, except in rare circumstances where the citizenship was acquired by fraud. A U.S. citizen can petition for a parent, spouse, child, brother, or sister to immigrate to the United States. Can you be a U.S. citizen and not know it? Some people who were born outside of the United States may have inherited U.S. citizenship from a parent who is a citizen. People born outside of the United States who believe a parent or grandparent may have been a U.S. citizen should talk to an experienced immigration lawyer or an accredited representative to discuss the possibility.

What does it mean to be undocumented or "illegal" in the United States? Undocumented people are those who do not currently have permission to be in the United States. The person may have crossed the border without inspection by an immigration official (sometimes referred to as entry without inspection [EWI] or present without authorization [PWA]), or the person may have entered with a temporary visa such as a

student or tourist visa, and the visa has now expired, or the person may have violated the conditions of the temporary visa by working without permission or in some other way. People in the situation of overstaying their visa are often called visa overstays. Obtaining lawful permanent residency or some other lawful status is not easy for the majority of undocumented people living in the United States. Undocumented people can face serious obstacles to getting a green card if they have traveled in and out of the United States or worked without permission in the United States. Given the complexity of the issue, it is vitally important that you consult an experienced immigration lawyer or accredited representative. What happens if I am in the United States without papers? Because of the unlawful presence bars, some undocumented people are hesitant to leave the United States out of fear that they will be unable to reenter, that they will forever jeopardize their ability to get a green card, or that they will have to stay out of the country for years before reuniting with family members here. **EXAMPLE:** Guadalupe is an undocumented nanny from Mexico who has lived in the United States for eight years. Her mother is in Tijuana, Mexico, and is very ill. She would like to get permission to visit her mother and return to the United States. She is currently not eligible to apply for any lawful immigration status. Unfortunately, Guadalupe cannot get permission to travel to Mexico and return to the United States. Permission to travel and to work is given only to people who have lawful status or, in some cases, to people who have submitted an application for lawful status. If Guadalupe asks CIS or the Bureau of Immigration and Customs Enforcement (ICE) for travel permission, they will probably deny her request and put her in removal proceedings. **WARNING: WATCH OUT FOR THE "UNLAWFUL PRESENCE BARS"** Undocumented people who leave the United States and try to return face serious consequences. If an undocumented person is in the United States for between 180 and 364 days in "unlawful presence" (without permission) and then leaves, he or she will be barred from reentering or getting a green card for three years. If an undocumented person is in the United States for one year or more in "unlawful presence" (without permission) and then leaves, he or she will be barred from reentering or getting a green card for ten years. If an undocumented person is in the United States for one year or more in "unlawful presence" (without permission), leaves, and then enters or attempts to reenter without permission, he or she may be permanently barred from reentering or getting a green card! However, just because a person is undocumented does not mean that he or she faces imminent deportation. Millions of people have lived undetected for many years in undocumented status in the United States, and an enormous number of American families are "mixed," containing both documented and undocumented family members. However, undocumented people are vulnerable to detention and deportation and can be picked up by U.S. government officials at any time. Who can best help me deal with my immigration problems? While it is good to check in with community and religious leaders, it is important that you consult with an experienced immigration lawyer or a knowledgeable accredited representative. Contact the American Immigration Lawyers Association's Lawyer Referral Service at (800) 954-0254. What about accredited representatives? An accredited representative works for a nonprofit organization serving immigrants and has been authorized by the government to represent people with their immigration papers. This means that an accredited representative gives you legal advice, can help you prepare your immigration applications, and can appear with you at any interviews or hearings required before immigration officials or immigration judges. In other words, an accredited representative can do much of what an attorney can to assist you in immigration proceedings and applications. An accredited representative must tell you that this is what he or she is and show you proof if you ask for it. To find an accredited representative to help you, look for an International Institute, Catholic Charities, or other nonprofit legal services organization near you. These are reputable national organizations that help immigrants with their papers. If they can't help you, they can usually tell you about an honest lawyer or other organization near you that may be able to help. You also can seek advice from respected people in your community, such as religious and community leaders, who may be able to suggest where you can find help. What is lawful residency? There are three ways a person can "reside" lawfully in the United States: as a lawful permanent resident, as a lawful temporary resident, or as a lawful conditional resident. All three kinds of lawful residents can lose their lawful status and be deported or removed from the country if they do something "deportable" under the law. What is a lawful permanent resident? Lawful permanent residents, or "green card" holders, have the right to live and work permanently in the United States and, w...