A..B..C..DACA

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US CITIZENS
FEATURES OF PERMANENT RESIDENT OR IMMIGRANT STATUS

1. PERMANENT*
2. EMPLOYMENT AUTHORIZED
3. NO RESTRICTIONS ON WHO EMPLOYS
4. ELIGIBLE FOR NATURALIZATION
WAYS TO OBTAIN PERMANENT STATUS

1. LABOR - BASED
2. FAMILY - BASED
3. HUMANITARIAN
STUDENTS ARE LIKELY DERIVATIVE BENEFICIARIES
LABOR – BASED
LABOR CERTIFICATION
1. EMPLOYER FILES AN APPLICATION WITH Department of Labor (DOL)
2. DOL APPROVES
2. EMPLOYER RECRUITS NONCIT EMPLOYEE
3. EMPLOYEE IS GRANTED PR STATUS
FAMILY-BASED
FAMILY
FAMILY-BASED

1. WHICH CATEGORY IS THE BENEFICIARY RELATIVE?
2. ARE THEY AN “IMMEDIATE RELATIVE”?
EXAMPLE

US Citizen

Foreign National

17 Year Old

24 Year Old
ANY ISSUES FOR PR STUDENTS?

1. SOMETIMES CONDITIONAL
2. INELIGIBLE TO VOTE
3. MUST TRAVEL WITH PASSPORT FROM BIRTH NATION
NONIMMIGRANTS
WHAT’S THE DIFFERENCE?

IMMIGRANTS

NON IMMIGRANTS
NONIMMIGRANT VISAS

1. ADMITTED FOR A SPECIFIC REASON

2. FOR A LIMITED DURATION OF STAY
F-1 STUDENTS

1. ABILITY TO PAY

2. EMPLOYMENT SEVERELY RESTRICTED (CPT OR OPT)

3. LIMITS ON ONLINE INSTRUCTION COUNTING TOWARDS FULL-TIME STATUS
J-1 STUDENTS

1. PROGRAM SPONSOR (COUNTRY OR AGENCY)
2. GOAL IS TO PROMOTE CULTURAL EXCHANGES VIA WORK OR STUDY
3. EMPLOYMENT RESTRICTED
4. MANY NON-DEGREE SEEKING
EMPLOYMENT – BASED VISAS
H-1B VISAS

1. FULL-TIME ENROLLMENT MAY BE PERMISSIBLE
2. EMPLOYMENT RESTRICTED TO PETITIONING EMPLOYER
3. 3 + 3
4. TYPICALLY GRADUATE STUDENTS
H-4 STUDENTS

1. MAY PURSUE FULL-TIME ENROLLMENT
2. DERIVATIVE STATUS DEPENDENT
3. EMPLOYMENT SEVERELY RESTRICTED
4. SPOUSES AND CHILDREN UNDER 21
5. LIKELY UNDERGRADS
E2 VISAS

1. MAY PURSUE FULL-TIME ENROLLMENT
2. DERIVATIVE STATUS DEPENDENT
3. EMPLOYMENT SEVERELY RESTRICTED FOR CHILDREN
COMMON ISSUES?

AGING OUT (OVER 21)

LOSS OF IN-STATE TUITION?
VISAS (LONG & SHORT TERM)
Other Visas (long & short term)

A1-A2: DIPLOMATS & GOVERNMENT WORKERS

B2: TOURIST VISA

K: FIANCE VISA
HUMANITARIAN
ASYLEES & REFUGEES

• CREDIBLE FEAR OF PERSECUTION BASED ON RELIGION, RACE, GENDER, POLITICAL PERSUASION, ETC.

• IS INDIVIDUAL APPLYING IN (ASYLUM) OR OUTSIDE US (REFUGEE)?
ASYLEES & REFUGEES

1. PERMANENT
2. MAY ADJUST TO PERMANENT RESIDENT STATUS
3. EMPLOYMENT AUTHORIZED
4. DIFFICULT TO WIN OR TOTAL NUMBER IS CAPPED
TEMPORARY PROTECTED STATUS

1. NOT A PATH TO PERMANENT RESIDENCY
2. REQUIRES RE-REGISTRATION WITH DHS (18 mos.)
3. EMPLOYMENT AUTHORIZED
4. ELIGIBLE FOR AID?
5. ** ENDING FOR EL SALVADOR and HAITI **
T & U VISA

1. T for TRAFFICKING
2. U VICTIM for CERTAIN CRIMES
3. PATH TO PERMANENT RESIDENCY
4. EMPLOYMENT AUTHORIZED
5. ELIGIBLE FOR AID (FAFSA FOR T)
6. ** OFTEN PREVIOUSLY WITHOUT STATUS **
DREAMERS: SOME COMMON ISSUES

1. DACA RESCISSION
2. HISTORICALLY LOWER RATES OF GRADUATION
3. CAMPUS CLIMATE
4. INABILITY TO TRAVEL (DOMESTIC/INTERNATIONAL)
5. INCREASED ANXIETY (REMOVAL, EMPLOYMENT)
DREAMERS

1. MAY BE ELIGIBLE FOR STATE OR FEDERAL BENEFITS
2. CA BENEFITS: AB540
3. FEDERAL: DACA
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

VS.

CALIFORNIA

VS.

WHITE HOUSE
CALIFORNIA BENEFITS

1. AB540 – IN-STATE TUITION (SB 68)
2. AB 60 DRIVER’S LICENSES
3. AB130 & 131 – FINANCIAL AID
4. PROFESSIONAL LICENSING IN THE STATE (LAW)
5. BENEFITS EXIST INDEPENDENTLY OF DACA STATUS
CA HIGH SCHOOL
DACA BENEFITS

1. NO REMOVAL
2. MAY PURSUE EMPLOYMENT
3. PRIOR TO SEPT 2017, MAY TRAVEL OUTSIDE THE COUNTRY*
4. RENEWABLE*
DACA DISADVANTAGES

1. TEMPORARY
2. MIXED STATUS FAMILIES
3. NOT ALL APPLICATIONS APPROVED
4. NO PATH TO PERMANENT RESIDENT STATUS
DACA AS OF 1/16/18

1. PRESIDENT ANNOUNCED RESCISSION OF DACA ON SEPT. 2017

2. HOWEVER, FEDERAL INJUNCTION BY JUDGE ALSUP JANUARY 2018: DACA RENEWALS WILL CONTINUE.

3. HOWEVER, NO NEW APPLICATIONS ACCEPTED.

4. SOME RENEWALS MAY BE HARDER IF PRIOR DACA EXPIRED.
DACA AS OF 1/16/18

5. MAY NO LONGER TRAVEL OUTSIDE THE COUNTRY – NO “ADVANCE PAROLE”.

6. RENEWALS ARE STILL FOR TWO YEARS – EMPLOYMENT AUTHORIZATION STILL AUTHORIZED.

7. WE DON’T KNOW IF DACA APPLICATION INFORMATION WILL BE SHARED WITH ICE.
CONNECT DACA STUDENTS WITH LEGAL COUNSEL

FAMILIARIZE YOURSELF WITH PRO BONO OR AFFORDABLE LEGAL RESOURCES.
ADJUSTMENT OF STATUS

F1
H1/H4
ASYLUM

PERMANENT RESIDENT
NATURALIZATION

PERMANENT RESIDENT → US CITIZEN