

# Do immigrants really have an easy time getting into the US? - AvvoStories

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IMMIGRATION, NEWS, POLITICS, RIGHTS

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You may have heard, in this seemingly endless election year, statements about immigration that made it sound like it's dangerously easy to get into this country. But it turns out that boring facts fail to support political rhetoric.

In reality, the accident of birth is the only easy method of becoming a U.S. citizen. Getting into America legally is tougher than you might think—and becoming a citizen is tougher still. For anyone born elsewhere, obtaining permanent residency and citizenship in the U.S. is a challenge that requires incredible stamina – and the assistance of an [attorney](#).

Here are some clarifications about a few recent immigration topics in the news, along with a primer on what emigrating to America actually entails:

## Accidents happen

One political argument that's been made by some concerns hand-wringing over the possibility of citizenship being accidentally granted to known criminals. That's not quite accurate. A recent [report](#) by the Department of Homeland Security report found that during the period 2008-2014, incomplete digitization of fingerprint records enabled immigration fraud in which previously deported individuals from special interest countries received citizenship under new, false identities.

Although the term "special interest" has recently been used to refer to hotbeds of terrorism, in this report it actually referred to countries with a history of high rates of immigration fraud. A total of 858 people received citizenship in this manner during the six-year period. (In fiscal year 2014 alone, 654,949 people were [naturalized](#).)

## Deportation and Asylum

The report did not identify the reasons these 858 people were initially deported, but it is likely that many of them entered the country the first time with improper documentation. Ineligibility for initial entry into the U.S. ([illegal entry](#)) is one of the most common causes of deportation. This may be due to a myth commonly believed by both U.S. citizens and hopeful immigrants that once a person sets foot on U.S. soil they have a right to pursue citizenship. The myth is based on a 1995 agreement specific to the treatment of Cuban refugees, commonly referred to as "[wet-foot, dry-foot](#)."

In fact, the only reliable legal route to citizenship for people who arrive without documentation is [asylum](#). To be granted asylum, you must apply within 12 months of your arrival in the United States and be able to prove that you have suffered persecution or have a legitimate fear of persecution in your country of legal residence due to your:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political opinion

[Getting asylum](#) is anything but easy. The burden of proof is high, and the entire process can take years. From fiscal years 2004 to 2014, an annual average of 24,500 individuals were granted asylum. If that sounds like a lot, consider that in 2016 more than 620,000 people were awaiting a decision on whether they'll be granted asylum or be removed from the United States.

Looking for more information? [Check out the full Avvo guide on how to apply for US citizenship](#)

## The Green Card

If you do not qualify for asylum, you must apply for a [green card](#), the identification card that grants authorization to live and work in the United States indefinitely. This is the biggest hurdle in the immigration process. The steps for obtaining a green card depend on your specific circumstances, but [54 percent](#) of successful green card applicants apply before their arrival in the United States.

The rest are issued to people who began their application while residing in the United States under a valid passport and [visa](#). There are over 30 types of visa for entry into the United States. You must obtain the correct visa for the

conditions under which you will enter the United States.

Timelines vary, but the process for obtaining a green card can take up to five years.

- Foreign residents: The consular processing protocol is an eight-step process that begins with the identification of your eligibility basis for immigration (see below); this is often the fastest method.
  - Legal U.S. residents: There are more than 20 non-immigrant temporary visas under which a foreign national may legally reside in the U.S. Two of the most common are the H1-B work visa for professionals and the F1 student visa. Temporary visa holders must follow the adjustment of status process to enter the immigration process and apply for a green card. This is a lengthy process that cannot be completed on tourist visa.
- Illegal U.S. residents: Those residing in the United States with an expired visa or without documentation must obtain an immigration attorney, and may still find it impossible to achieve citizenship. They may need to return to their home country and begin consular processing there. It might be possible to remain in the U.S. and pursue amnesty, but amnesty is not available for all illegal residents, and a successful petition is far from guaranteed.

## Basis to immigrate (categories of eligibility for green card)

Each of the processes above begin with determining your eligibility for a green card. Almost all successful immigration applications fall under two main categories, or “bases for immigration.” Refugees and asylum seekers make up a much smaller, but politically significant third category.

- Family: If you are the parent, minor child, or spouse of a legal permanent resident (U.S. citizen or green card holder), you are eligible to apply for a green card. Siblings and adult children can apply for a “family preference” green card but are usually placed on a waiting list. There are also special categories for fiancés, abuse victims, and a few more uncommon situations.
- Work: If you have a job offer from a U.S. company that is willing to petition on your behalf, you can obtain a work-related green card. Investors in business ventures that generate U.S. jobs and “Aliens of Extraordinary Ability” also qualify. Favored job experiences (usually those involving work performed abroad for the U.S. government) present another work-related avenue. Doctors, broadcasters, and religious workers should consult with an attorney over whether to apply under the Extraordinary Ability or favored job class options.

There are some special cases that do not fit the major categories. Roughly 50,000 individuals each year (out of nearly 1 million issued) receive green cards through the infamous “green card lottery.” A practically negligible number of green cards are issued under the Legal Immigration Family Equity Act; K Nonimmigrant status; or the Special Immigrant Juvenile status. An immigration attorney can help you figure out if any of the special cases apply to your situation.

## Naturalization steps

The naturalization process for green card holders takes at least five years, during which the applicant must maintain a clean criminal record. International travel during this time is restricted, as the prospective citizen must be physically present in the country for at least 30 months.

When an immigrant becomes eligible for citizenship after at least five years as a green card holder, there are four remaining steps.

1. Submit the USCIS Form N-400 and the \$680 filing fee.
2. Be fingerprinted for an FBI background check.
3. Pass the naturalization test in English, which includes an interview and questions on U.S. history and government.
4. Attend an oath ceremony and receive a certificate of naturalization.

Easy, huh? For more information, check out the [Avvo guide on how to apply for American citizenship](#).

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