

How families can navigate the immigration system - AvvoStories

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Whatever you may think of the Trump administration's [recent immigration orders](#), it's clear that there is high potential for them to create hardship for families with complicated immigration profiles.

For instance, one mother of two teenage children, who had been in the US for 21 years, was [recently tagged for deportation](#) during her regular meeting with ICE (Immigration and Customs Enforcement) officials, due to a non-violent arrest in 2008. It happened as a result of a recent immigration order that specifically prioritizes the deportation of undocumented immigrants who have been convicted, charged, or liable to be charged for *any* criminal offense (the Obama administration had previously prioritized only violent, serious, or repeat offenders).

But even prior to the recent orders, [immigration](#) to the United States was a hugely complicated and mysterious legal process for families.

Here are some tips for families trying to reunite in America, based on current immigration law (be sure to [stay informed](#) as new policies are announced):

Family Immigrant Visas

There are two [main categories](#) for family immigrant visas. **Immediate Relative Immigrant Visas** are based on a close family relationship with a United States citizen. Eligible relatives are the sponsor's:

- Spouse
- Unmarried child younger than 21
- Orphan adopted abroad
- Orphan to be adopted in the U.S.
- Parent (provided the petitioning U.S. citizen is at least 21 years old)

The great advantage of Immediate Relative Immigrant Visas is this: the number of visas issued each year in these categories is not limited. Therefore, those who are eligible for an Immediate Relative Immigrant Visa can look forward to a much faster immigration process.

The second category is the **Family Preference Immigrant Visa**. These visa types are for specific family relationships, which are broken down into [four preference categories](#), each subject to yearly limitations on the number of visas issued:

The available immigrant visas are issued in the chronological order in which the eligible petitions were filed. In addition to the already lengthy processing time, eligible applicants may be wait-listed for years before reaching the top of the list and receiving a visa.

Quota Myths

You will often hear people talking about “country quotas,” in the belief that the U.S. sets a fixed limit on the number of immigrants from each country that will be accepted. The fact is that national-origin admission quotas (often, and probably correctly, considered to have been racially motivated) were abolished by Congress in 1965 with the [Hart-Celler Act](#).

The quotas were replaced with a [formula](#) for the number of visas that can be issued to citizens of any country in a fiscal year. The per country limit is based on the total number of available visas each year, and ensures that countries with more applicants receive more visas. Unfortunately, those countries often will have the longest waiting lists, as well. The formula system may be more fair than quotas, but it is still complicated, confusing, and slow.

Family preference visas are limited to about 226,000 per year. No more than 7 percent of the visas may be issued to natives of any one country in a fiscal year. The per-country limit is a cap, not a quota; it does not entitle a country to the maximum number of visas each year.

According to [data](#) on the petitions submitted to the Department of State, there were about 4.5 million family-sponsored applicants on the waiting list as of November 1, 2015 (not counting those already inside the United States). Of these, 1.3 million were citizens of Mexico, 418,000 were from the Philippines, and 344,000 from India.

Start Early

Sponsoring a relative can take a very long time. Fortunately, you do not have to wait until you have become a naturalized citizen to begin the process. Green card holders can petition for a Family Preference Immigrant Visa for their children and spouse. Be sure to notify your [immigration attorney](#) if you or a member of your family is in the U.S. military—[special](#)

conditions may apply to your situation.

Next Steps

Which visa application form you must submit depends on which of these many categories your relative falls under; the most commonly required form is the I-130 Petition for Alien Relative. Approval of this form and its supporting documentation establishes that you have a qualifying relationship and creates a place in line for visa processing. It's an important form that you might consider having an attorney review for you.

Once your petition has been approved, you may still have to wait years for a visa to become available (unless you are applying for an Immediate Relative Immigrant Visa), in addition to the time required to process the visa. When your number does come up, your relative will still have to undergo the rest of the process for obtaining a green card through the "Adjustment of Status" (for those already residing in the United States) or "Consular Processing" (for relatives residing abroad).

Good luck, and if you have questions, you can ask free, anonymous questions via the Avvo Q&A forum, or speak to a lawyer directly.

Tagged children, Donald Trump, rights

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