



Three-Part Telephone & E-mail Seminar:

# Overview Of The Immigration Process

Speakers: Robert C. Divine with Guest Speakers Lynn Calder, Franco Capriotti, and David Ware

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## Seminar Outline

### Phone session of June 26th: Nonimmigrant (Temporary) Visas and Status

- Eligibility overview: (i) Choosing a Nonimmigrant classification from the alphabetic options (ii) Assessing nonimmigrant intent : (1) Is it required? "Home abroad" group, "temporary" group, and other classifications (2) How to meet the requirement with evidence • Preliminary petitions to INS: (i) Whether and when required, how and whether to avoid (ii) Multiple Locations, employers, and beneficiaries (iii) Filings by agents and contractors (iv) Special petition requirements—return transportation, no strikes or dismissals, other (v) Premium processing
- Visa applications to a consulate: (i) Who is visa exempt (ii) Who is subject to special clearances and delays (iii) Where to apply—Section 222(g) limitations, "third country national" issues, "homelessness" (iv) How to apply: (1) Completing DS-156 and other forms (2) Procedures unique to each consulate—consular web sites (3) Determining reciprocity fees (4) Interview procedures (5) Waivers of inadmissibility (v) Visa refusals and review (vi) Visa validity—time and number restrictions, automatic cancellation, active cancellation
- Inspection and admission, parole, withdrawal, or removal—a brief summary of the process • Extension and Change of Status: (i) I-129 Group (ii) I-539 Group (iii) Changed circumstances (employment or otherwise) • Visa renewals and revalidation: (i) Renewals in person (ii) Renewals by mail or otherwise (iii) Revalidation in USA (iv) Automatic revalidation for travel to contiguous territory • I-94 replacement and surrender

### Phone session of July 26th: Processing to Permanent Residence

- Preliminary Issues: (i) Substantive paths—a brief summary (ii) choosing between immigrant visas and adjustment of status—summary (iii) Preferences and backlogs (iv) Validity, revocation and conversion of petitions (v) Derivative beneficiaries—dependents (vi) Countries of Chargeability • Adjustment of Status (i) Eligibility overview (ii) Where to file—local, service center, or court (iii) What to file—forms and documents, timing of medicals and support, waivers (iv) Interim work and travel authorization—initial applications, extensions, special H/L rules (v) Fingerprinting mechanics (vi) Interview and waiver of interview (vii) INS requests for evidence before, at or after interview (viii) Mechanics of approval—I-551 stamp, card issuance, fixing problems (ix) Denial and appeal in removal proceedings (x) Rescission
- Immigrant Visas (i) Standard processing (1) Notifying INS of intent for immigrant visa processing (2) NVC's level of coordination and review—a moving target (3) Completing DS-230 (4) DS-3032 agent form (5) The new "Instructions to Immigrant Visa Applicants"—variations on a theme (6) Amassing the papers (7) Scheduling of interview (8) Medical exams (9) Interview and visa issuance (10) Use of visa to enter USA (11) Receipt of I-551 at the correct address (ii) Special situations (1) Dependents "following" principal (2) Application for inadmissibility waiver (3) Picking a different consulate (4) Lottery cases (5) Switching between adjustment and visa processing (6) Side-stepping the NVC (7) Adjudication of petitions by consulate (one-step) or overseas INS office

### Phone session of August 26th Maintaining Permanent Residence and Obtaining Citizenship

- Permanent Residence (i) "Renewing" vs. "replacing" I-551 (green card) (ii) Removing conditions on permanent residence (marriage based cases) (iii) How to Lose permanent residence (1) Deportability and even inadmissibility (2) Abandonment (3) Renunciation (iv) How to preserve permanent residence (1) Validity of I-551 for travel (2) Reentry permits for absences and "passports" (3) Preserving residence for naturalization purposes (4) Returning resident visas • Citizenship (i) Paths to citizenship (1) Birth in the U.S. (2) Birth Abroad (a) General Rule (b) Reference to complex historical rules (3) Naturalization (a) Confirming eligibility and avoiding removal (b) Completing and filing N-400 package (c) Preparing for interview (d) Approval and swearing-in (4) Automatic citizenship and certificates for children (ii) Obtaining and replacing documentation of citizenship (1) U.S. birth certificate (2) Report of Birth Abroad (3) U.S. passport (4) INS Certificates of Citizenship (iii) Dual Citizenship (iv) Loss of U.S. citizenship—brief overview

## About the Speakers

**Robert C. Divine** is the author of *Immigration Practice* (Lexis Law Publishing 2000 ed.), a 1,500 handbook/treatise on all aspects of immigration law revised and reprinted each year by Juris Publishing. He currently serves as Chair of AILA's Mid-South Chapter.

**Lynn Calder** is a partner at Allen and Pinnix, P.A. She is an Associate Editor of the AILA Immigration Law Handbook and is listed in Best Lawyers in America, Immigration Law. She has been on the Board of Trustees of the American Immigration Law Foundation since 1997.

**F.J. (Franco) Capriotti III** is an adjunct professor of immigration law at the Northwestern School of Law at the Lewis and Clark College in Portland, Oregon. He has spoken at AILA national conferences on computerizing the law office and the internet.

**David Ware** has been co-chair of the Tulane University Immigration Conference, New Orleans, LA since 1989. and an adjunct professor of immigration law at the Loyola University School of Law in New Orleans, LA since 1986.

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