

Informational Brochure



IMMIGRATION

What is Immigration Law?

Immigration law is a very complex area of law which deals mainly with non-U.S. citizens who want to enter and/or remain in the United States for various purposes. Immigration law is very complex because it is fact-specific and the rules and regulations may or may not apply to a particular person depending on the circumstances of his or her individual case. Failure to comply with immigration laws can carry harsh consequences, so it is recommended that you consult a professional before filing a document or contacting the immigration authorities.

Who are the Immigration authorities and who enforces Immigration Law?

After March 1, 2003, the Immigration and Naturalization Service, commonly known as INS, transitioned into the Department of Homeland Security (DHS). Thus, the former INS was divided into three agencies within DHS as follows: U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP).

Where can I find the laws on Immigration?

Most of the Immigration laws can be found in the United States Code at 8 USC §§1101-1537 and in the Immigration and Nationality Act at INA §§101-537. There are also specific statutes that Congress has passed such as the American Competitiveness in the 21st Century Act (AC21); the Haitian Refugee Immigration Fairness Act of 1988 (HRIFA); the Nicaraguan Adjustment and Central American Relief Act (NACARA); and the Victims of Trafficking and Violence Protection Act of 2000, to name a few.

What is the difference between an Immigrant Visa and a non-Immigrant Visa?

An immigrant visa is obtained when a person seeks to enter the United States with the intention of living and working in the United States permanently. With some exceptions, a non-immigrant visa is obtained when a person seeks to enter the United States temporarily, for a specific purpose, and has the intention of going back to his or her country of origin.

What kind of non-Immigrant Visa can a temporary worker obtain to work in the United States?

There are many visas which give a person authorization to temporarily work in the United States. Each of them entails specific requirements and eligibility, and some are subject to a cap on the number issued each year. Therefore, before applying for any of the visas below, please consult an attorney. The following are some of the non-immigrant visas:

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|-----------------|---|------------------|---|
| H visas: | There are many categories, mainly for professionals, temporary or seasonal agricultural workers and temporary non-agricultural workers in short supply. | TN visas: | NAFTA employees. |
| L visas: | Intracompany transferees. | J visas: | Exchange visitors. |
| R visas: | Religious workers. | O visas: | Person with "Extraordinary Ability." |
| E visas: | Treaty traders (E1) or Treaty investors (E-2). | Q visas: | International Cultural Exchange visitors. |
| P visas: | Athletes and Entertainers. | | |

How can I immigrate to the United States?

There are different ways a person can immigrate to the United States. The two most common ways to immigrate are through family petitions and employment. Please note that other ways to immigrate to the United States entail specific requirements and eligibility. Therefore, before applying for any immigrant visa, you should consult an attorney for qualifications, which may include: immigration through investment; through court order before an immigration judge; through an asylum or refugee application; through Diversity Lottery Visa; through the Legal Immigration Family Equity Act (LIFE); through international adoption; through Violence Against Women's Act (VAWA); through "the Registry" provided by the Immigration and Nationality Act; or through Country Specific Acts (Cuba, Iraq, Haiti, Syria, Nicaragua, Vietnam, Cambodia, Laos).



Over for more ➔

IMMIGRATION *(continued from other side)*

❁ *What is a Green Card?*

A "green card" is a card that USCIS issues to prove that the person has become a legal permanent resident and can live and work in the United States permanently. In 1978, the legal permanent resident card was colored green. Today, the card has different colors as it has security enhanced features. However, it has the same purpose, and is still called a "green card."

❁ *How can I bring my family or relatives to the United States?*

If you qualify to get a non-immigrant visa or immigrant visa, you can, in most cases, bring your spouse and children with you. If you are seeking to bring your relatives with an immigrant visa through a family petition, you must be a United States citizen or a legal permanent resident. Only United States citizens can petition for their parents and siblings and for married sons and daughters.

❁ *What is Adjustment of Status?*

Adjustment of status is a term which means that you are allowed to apply for a green card or permanent resident status while you are physically present in the United States. In other words, certain people can have their green card without leaving the country. However, not everyone is eligible to apply for adjustment of status. Before you decide to apply for adjustment of status, please consult an attorney.

❁ *I am undocumented. If ICE finds me, can they deport me right away?*

Generally, although this could change in the future, ICE cannot deport an individual without due process or a hearing in front of an immigration judge, unless you have an outstanding deportation order or have been deported before. When a person is detained, ICE opens a case seeking to remove the individual from the United States. The proceedings are called "removal proceedings." ICE would seek to prove that they have the right to "remove" you because you do not have proper documents that would allow you to remain in the United States. Depending on your situation you may be able to prove that you should not be deported because you are eligible to apply for an immigration benefit and to suspend the deportation proceedings.

❁ *I am a legal Permanent Resident. If ICE finds me, can they deport me?*

Generally, no. However, if you were convicted of a crime involving moral turpitude (fraud, theft, rape, aggravated battery, etc) within five years after the date of entry or admission to the United States and the offense is one for which a one year or longer sentence may be imposed, you may be subject to deportation proceedings. You can also be subject to deportation if you were convicted of or for: an aggravated felony at any time; controlled substances (drugs, with a few exceptions); firearms offense; money laundering; domestic violence after September 30, 1996; alien smuggling; immigration violations; and export violations. It is important to consult an attorney if you were convicted of any of the above crimes and you plan to travel abroad or apply to become a United States citizen.

❁ *How do I find an attorney with experience in immigration matters?*

You can contact the State Bar of Nevada's [Lawyer Referral & Information Service](http://www.nvbar.org) at **702-382-0504** (toll-free in Nevada at **1-800-789-5747**) or look in the yellow pages of your telephone directory. You can also ask friends and/or relatives if they can recommend a good lawyer. The State Bar's main office (see numbers listed below) can tell you whether or not an attorney is licensed in Nevada and in good standing. There are also different organizations such as the American Immigration Lawyers Association (AILA) which could give you a referral to a local attorney. You can call them at 1-800-954-0254.

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