

# Index

*Alphabetization is word-by-word (e.g., “R visas” precedes “REAL ID Act”)*

- A**
- A visas**, 142
  - AAO**. *See* Administrative Appeals Office
  - ABA Model Rules**, 2–3
  - AC21 (American Competitiveness in the 21st Century Act)**, 18
  - Adjustment of status**
    - §245(i) provisions, 149–150
    - generally, 88
    - asylees and refugees, 80–81, 82
    - defined, 35
    - immigrant visas, 171
    - lawful permanent residents (LPRs), 122, 148–150
    - registry provision, 146
    - rescission of, 172
  - Administrative Appeals Office (AAO)**, 4, 176, 179–182
  - Administrative exclusionary rule**, 38
  - Administrative Procedure Act (APA)**
    - final orders of removal, 188
    - matters other than removal, 191–192
    - review of agency actions, 23
  - Administrative review**
    - admission to U.S., 177
    - asylum, 177–178
    - attorney general or DHS secretary, 185–186
    - citizenship claims, 178
    - consular processing, 180–181
    - discretionary relief from removal, 178–179
    - employer sanctions, 179
    - employment-based nonimmigrant visas, 179
    - employment-based preference petitions, 179
    - extension of status, 179
    - family-based preference petitions, 179
    - labor certification, 179
    - naturalization, 179–180, 205
    - nonimmigrant change of status, 180
    - nonimmigrant visa petitions, 180
    - passport denial, 210
    - procedure, 176–182
    - temporary protected status (TPS), 181
    - waivers, 181
  - Admissibility**. *See* Inadmissibility, grounds of
  - Admission to U.S.**
    - administrative review, 177
    - burden of proof, 47–48
    - entry vs., 32–34
  - Admissions of criminal activities**, 61–62
  - Adopted children**
    - derivative citizenship, 206
    - establishing family relationship, 156–157
  - Advance parole and fraudulent obtaining of immigrant status**, 50
  - Advertising in print media and PERM requirements**, 166
  - Advisory Opinions Division (AOD) internal review of visa denial**, 121–122
  - Advisory opinions on nonimmigrant visas**, 121–122
  - AEDPA**. *See* Antiterrorism and Effective Death Penalty Act of 1996
  - Affidavit of support for family-sponsored immigration**, 74
  - Agencies**
    - in administrative review, 175, 176
    - role described for each agency, 3–5

**Aggravated felonies**

generally, 64–65  
 bars to relief from  
 removal, 78–79  
 defined, 64  
 mandatory detention  
 of noncitizens  
 with aggravated  
 felony  
 convictions, 40–  
 43  
 summary removal  
 for, 55–56  
 voluntary departure  
 not available, 85

**Agricultural workers**

H-2 visas, 133–134  
 IRCA and, 14

**Airline crews and D  
visas, 142****Alien Registration Act of  
1940**

deportability for  
 conviction under,  
 69  
 enactment of, 9

**Alienage and burden of  
proof, 47–48****American**

**Competitiveness  
 in the 21st  
 Century Act  
 (AC21), 18**

**Amnesty**

for agricultural  
 workers, 14  
 LPR status, 146

**Antiterrorism and**

**Effective Death  
 Penalty Act of  
 1996 (AEDPA)**

criminal convictions,  
 deportable or  
 inadmissible, 41  
 enactment of, 16  
 judicial review, 187  
 removal procedure,  
 56–57

**APA. See Administrative  
Procedure Act****Appeals**

to BIA, 185  
 removal for  
 terrorism, 57

**Arizona and laws on  
undocumented  
aliens,  
preemption of,  
27–28****Armed Forces**

**Immigration  
 Adjustment Act  
 of 1991, 16**

**Arriving aliens,  
treatment of, 50****"Asiatic Barred Zone," 8****Asylum seekers**

generally, 98–102  
 adjustment of status,  
 80–81  
 administrative  
 review, 177–178  
 clear probability  
 standard, 110  
 defined, 94, 98  
 discretionary denials,  
 104–105  
 expedited removal  
 proceedings, 108,  
 177  
 fear of persecution.  
*See* Persecution  
 filing, 109

affirmative  
 application with  
 DHS, 109  
 defensive claim,  
 109

humanitarian relief,  
 80–81, 82, 84,  
 105*n*71

inadmissibility,  
 grounds for, 114–  
 115

legislation on, 12–13  
 mandatory denials,  
 105–106  
 procedures, 108–109.

*See also* this  
 heading: filing  
 quotas, 107*n*84, 108

REAL ID and, 19  
 relocation possible  
 for, 105  
 safe third countries,  
 106  
 sponsors, 107–108  
 statutory and  
 regulatory  
 protections, 98–  
 107  
 time limits, 106  
 Trump attempts to  
 cut off access at  
 U.S. southern  
 border for, 95–97  
 waivers of criminal  
 grounds, 71

**Athletes and P-1 visas,  
137****Attorneys**

ABA Model Rules,  
 2–3  
 client relationships, 2  
 ineffective assistance  
 of counsel, 183–  
 185  
 licenses, 2

**Audits and PERM  
regulations, 166**  
**Automobile checkpoints,  
37****B****B-1 visa (business  
visitors)**  
generally, 130  
tourism, 126**B-2 visa, 126****Backlog Elimination  
Centers (BECs),  
167****BALCA. See** Board of  
Alien Labor  
Certification  
Appeals

- Battered spouse or child**  
 naturalization under  
 VAWA, 203–204  
 waivers for, 70
- BIA.** *See* Board of  
 Immigration  
 Appeals
- Biometrics,** 18
- Birth abroad.** *See*  
 Citizenship
- Board of Alien Labor  
 Certification  
 Appeals  
 (BALCA),** 5,  
 176–177, 180
- Board of Immigration  
 Appeals (BIA)**  
 administrative  
 exclusionary rule,  
 38  
 appeals to, 185  
 cases  
   administratively  
   closed, 53  
 motions to reopen,  
 182–185  
 role of, 5
- Bonds, release on,** 46
- Border inspections,** 36–37
- Burden of proof**  
 admission to U.S.,  
 47–48  
 crimes involving  
   moral turpitude,  
   67  
 lawful presence, 33  
 marriage validity,  
 79–80  
 public charge seeking  
   to avoid  
   deportation, 74–  
   75  
 relocation possible  
   for asylum  
   seekers, 105
- Bush, George W.,** 19
- Business professionals  
 and visitors.** *See*  
 B-1 visa (business  
 visitors); H-1B  
 visas; L visas
- C**
- C visas,** 142
- Calcano-Martinez case  
 (2001),** 193–194
- Cambodian nationals,  
 adjustment of  
 status,** 169–170
- Canada,** 138–140. *See*  
*also* TN visas
- Cancellation of removal,  
 LPR status,** 87–  
 88, 146
- Carter, Jimmy,** 13
- CAT.** *See* Convention  
 Against Torture
- Catholics, immigration to  
 U.S.,** 6
- CBP.** *See* Customs and  
 Border Protection
- Cell phones, CBP  
 searches of,** 37
- Change of employers, H-  
 1B portability,**  
 133
- Change of nonimmigrant  
 status,** 118, 123–  
 124
- Change of status,  
 nonimmigrants,**  
 118, 123–124
- Chevron deference,** 195–  
 196
- Child abduction, grounds  
 of  
 inadmissibility/d  
 eportability,** 82–  
 83, 84
- Child Citizenship Act of  
 2000,** 206
- Child Status Protection  
 Act of 2002  
 (CSPA),** 158–159
- Children**  
 citizenship at birth,  
 201–203  
 derivative citizenship,  
 206  
 establishing family  
 relationship, 154,  
 156–158  
 unaccompanied  
 minors in removal  
 proceedings, 5, 45
- Chinese Exclusion Act of  
 1882,** 7, 24
- Chinese Exclusion Case  
 (1889),** 24
- Chinese immigration**  
 Chinese nationals  
 from People's  
 Republic of  
 China, 16  
 history of, 6–7
- Chinese Student  
 Protection Act of  
 1992,** 16
- CIMTs.** *See* Crimes  
 involving moral  
 turpitude
- Citizenship.** *See also*  
 Naturalization  
 generally, 24, 199–  
 210  
 at birth, 201–203  
 child born abroad to  
 U.S. citizen  
 parent, 201–202,  
 210  
 claims to,  
   administrative  
   review of, 178  
 derivative, 206  
 means of acquiring,  
 200–206  
 by naturalization,  
 203–204  
 overview, 199  
 permanent residency  
 vs., 199–200  
 procedure, 209–210  
 retention rules, 202  
 termination of, 200,  
 206–209

**Civil wars and temporary protected status**, 114

**Classified information**  
Federal Rules of Evidence, 57  
supporting deportation order, 56–57

**Clear and convincing evidence**  
denaturalization, 208–209  
deportability, 47–48

**Coercive population control as political persecution**, 104

**College and university faculty and labor certification**, 168

**Colonial America, immigration and**, 5

**Commercial curtilage**, 37–38

**Communist party members, inadmissibility of**, 71, 73

**Congressional power, immigration and**, 1, 24–26, 31

**Constitution, U.S.** *See also specific amendments and clauses*  
citizen's rights, 24–27  
citizenship, 202  
protection of noncitizens, 24–26  
Tenth Amendment, 22, 29

**Consular processing**  
generally, 4  
administrative review, 180–181  
refugees, 107–108

relinquishment of citizenship, 207  
**Contempt, sanctions for**, 52

**Continuous residence or physical presence.** *See also specific type of visa*  
cancellation of removal, 87

**Controlled Substances Act**, 60, 67–68

**Controlled substances offenses.** *See* Drug offenses

**Convention Against Torture (CAT)**  
generally, 111–112  
aggregated felony, relief under, 55  
credible fear of persecution, 49  
law implementing, 17–18, 98, 111  
protection under, 94  
T visas, 141

**Convention Relating to the Status of Refugees**, 98

**Convictions.** *See* Criminal convictions

**Credible fear.** *See* Persecution

**Crewmembers and D visas**, 142

**Crimes involving moral turpitude (CIMTs)**  
generally, 65–67  
defined, 65–66

**Crimes of violence**, 15

**Criminal convictions**  
generally, 61–71  
controlled substances. *See* Drug offenses  
defined, 62–63  
deportable or inadmissible, 62–63

offenses listed at §237(a)(2)(c), 68  
petty offense exception, 61

**CSPA (Child Status Protection Act of 2002)**, 158–159

**Cuban immigrants**  
expedited removal exemption, 49  
NACARA provisions, 169–170

**Cultural exchange programs, persons participating in (Q visas)**, 137–138

**Customs and Border Protection (CBP)**, 4, 5, 34, 36–37, 121, 176

## D

**D visas**, 142

**Deceit.** *See* Fraud

**Declaratory relief**, 188, 191–192

**Deferred action, removal proceedings**, 86

**Deferred Action for Childhood Arrivals (DACA)**  
generally, 20–21  
discretionary relief, 54–55  
preemption, 29  
revocation, 22, 55

**Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)**  
generally, 21n110  
discretionary relief, 54

preemption, 29

**Deferred enforced departure**, 113

**Denaturalization**, 200, 206, 208–209

**Department of \_\_\_\_**. *See name of specific department*

**Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 pilot investor program**, 163

**Deportability, grounds of**

generally, 57–84

categories of, 32

chart summary, 89–

90

convictions. *See*

Criminal

convictions

economic grounds,

76

health-related

grounds, 60

immigration law

violations, 79–80

INA provisions, 31–

32

miscellaneous

grounds, 82–84

moral grounds, 81–82

overview, 31–32

security and foreign-

policy grounds,

73–74

waiver, 57–59

**Deportation**. *See* Removal

**Derivative citizenship**,

206

**Detention**

alternatives to, 46–47

entry fiction, 44

habeas review, 191

humane treatment,

44–45

mandatory detention

of noncitizens

with aggravated

felony

convictions, 40–

43

medical treatment, 45

post-removal order

detention, 44

removal proceedings,

persons in, 43

terrorist activity,

suspected, 42–44

**Development, Relief and Education of Alien Minors Act (DREAM Act), proposed**, 20*n*109, 54*n*145

**DHS**. *See* Homeland Security Department

**Dillingham Commission**, 8

**Diplomats, children of born in U.S.**, 201

**Discrimination**, 5

**Diversity lottery**

enactment of, 15

establishment of,

168–169

LPR status, 146

qualifications, 169

**Document and presentation fraud**

generally, 78

labor verification

documents, 81

waivers, 80, 82

**Domestic violence**. *See*

*also* Battered

spouse or child

deportability for, 69–

70

victim of, self-

petition for LPR

status, 141

**Drug offenses**

deportability of drug

abusers, 67–68

inadmissibility of

drug

abusers/traffickers

, 60, 67–68, 72

**Dual intent**

doctrine of, 119

P nonimmigrant

visas, 137

**Due process**, 17, 26, 33, 200

## E

**E visas**

generally, 130–131

dual intent doctrine,

119

E-1 treaty traders,

130–131

E-2 treaty investors,

130–131

**EB visa (generally)**. *See* Employment-based immigration

**Economic grounds**

affidavit of support,

75

deportability for, 76

inadmissibility for,

23, 74–76

rule application, 75–

76

Trump's public

charge

regulations, 74–

76

waivers for, 76–77

**Eisenhower, Dwight D.**, 9

**El Salvador immigrants and temporary protected status**, 113

**Election offenses as grounds for inadmissibility/deportability, 82–84****Electronic System for Travel Authorization (ESTA), 124–125****Employer verification.**  
*See* Employment verification**Employment-based immigration**

generally, 159–168  
 administrative review, 179  
 advanced degrees or exceptional ability in sciences, art, 161  
 EB-1 preference, 159–161  
 EB-2 preference, 161  
 EB-3 preference, 161–162  
 EB-4 preference, 162  
 EB-5 preference, 162–164  
 EB-5 preference, Immigrant Investor Program Modernization (2019), 15*n*76, 162–163  
 extraordinary ability in sciences, art, 159–160  
 investor or employment-creation visas (EB-5), 162–164  
 labor certification. *See* Labor certification  
 multinational executives and managers (EB-1), 160–161

outstanding professors and researchers (EB-1), 160  
 preferences, 159–164  
 administrative review, 179  
 priority date, 159, 164  
 quotas, 159  
 skilled workers, professionals, 161–162  
 special immigrant visas (EB-4), 162

**Employment discrimination, 5****Employment verification**  
 fraud in documents, 81  
 IRCA requirements, 13**Enhanced Border Security and Visa Entry Reform Act of 2002, 19****Entertainers and P-1 visas, 137.** *See also* Performing arts**Entry.** *See* Admission to U.S.**EOIR.** *See* Executive Office for Immigration Review**Equal protection, aliens and, 25****Espionage as deportable offense, 69, 72****Ethics, 2–3**  
**Exceptional ability.** *See also* Extraordinary ability sciences, art, 161**Exchange visitors**  
 cultural exchange programs (Q visas), 137–138

foreign exchange students, residency requirement, 83–84, 128

**Exclusion**

hearings, 32–33  
 lists, 10

**Executive Office for Immigration Review (EOIR)**

pilot program to review nondetained cases, 53  
 role of, 2, 5, 183

**Exhaustion of remedies, final orders of removal, petitions for review, 190****Expatriation**

defined, 178  
 relinquishment of citizenship and, 206–208

**Expedited removal**

for asylum seekers, 108  
 five-year bar after, 78  
 for non-LPR aggravated felons, 55–56  
 when applicable, 34, 48–50

**Expungement of**

**conviction for purposes of immigration, 62–63**

**Extended voluntary departure, discretionary use of, 113****Extension.** *See specific type of visa*

**Extraordinary ability**  
generally, 136–137.  
*See also* O visas  
priority workers (EB-1), 159–160

**Extreme hardship, waivers of inadmissibility/deportability based on**, 70, 80

**Extreme vetting**, 120

## F

**F visas**, 127

**False information submitted in registration**, 69

**Family-sponsored immigration**  
generally, 151–159  
affidavit of support, 74  
INA and, 10–12  
LPR status, 145, 146, 151–159  
preference  
immigrants, 151  
administrative review, 179  
priority dates, 151–153  
quotas, 15  
recognized family relationships, 154–158  
Select Commission recommendations on, 13  
sponsors, 74  
visas and, 10

**Family unification**, 153

**Farm workers.** *See* Agricultural workers

**Federal First Offender Act, removal based on offense qualified for treatment under**, 63

**Federal Juvenile Delinquency Act, conviction for purposes of immigration**, 63

**Fees**, 149

**Felony convictions.** *See* Aggravated felonies

**Fifth Amendment**, 26

**Firearm offenses, inadmissibility/deportability for**, 68

**First Amendment and inadmissibility on foreign-policy grounds**, 72

**Fleuti doctrine**, 39–40

**Following to join, family unification**, 154

**Foreign Agents Registration Act, deportability for conviction under**, 69

**Foreign exchange students and residency requirements**, 83–84, 128

**Foreign governments, employees and officials of**, 141–142

**Foreign press and I visas**, 135

**Form I-862, Notice to Appear (NTA)**, 51

**Fourteenth Amendment.** *See also* Due process  
citizenship and, 201  
enactment of, 6–7  
equal protection, 25  
protection of, 33

**Fourth Amendment**, 36, 38

**Fraud.** *See also* Marriage fraud

crimes that subject clients to inadmissibility, 77–81  
document and presentation fraud, 77–78, 81–82  
materiality of, 77  
naturalization process, 208

## G

**G visas**, 142

**Gang-related claims of violence**, 103–104

**Genocide, International Convention on the Prevention Punishment of, U.S. as signatory to**, 73

**Gill, Guy Goodwin**, 104

**Good moral character as naturalization requirement**, 204

**Green card, use as entry document**, 172

**Gun offenses, inadmissibility/deportability for**, 68

## H

**H-1B visas**  
generally, 131–133  
definition of specialty occupation, 131  
dual intent doctrine, 119  
labor condition application, 132

- portability and change of employers, 133
  - H-2 temporary workers**, 133–134
  - H-3 temporary trainees**, 134
  - Habeas corpus**
    - INA provisions, 187–189
    - judicial review, 187–189
    - LPRs with aggravated felonies, 193
    - REAL ID and petitions, 19, 85, 109, 187–189
  - Hague Convention on Intercountry Adoption**, 157
  - Hague Convention on the Civil Aspects of International Child Abduction**, 83
  - Haitian Refugee Immigration Fairness Act of 1998 (HRIFA)**
    - adjustment of status, 169
    - enactment of, 17
  - Handbook on Procedure and Criteria for Determining Refugee Status (UNHCR)**, 100
  - Health and Human Services, Department of (HHS)**, 5
  - Health care workers**
    - admission requirements, 76
    - physicians, 76
  - Health-related grounds**
    - deportability, 60
    - inadmissibility, 60–61
    - waivers, 60–61
  - High-speed flight from immigration checkpoint**, 69
  - History of immigration**
    - generally, 5–23
    - AEDPA and IIRAIRA (end of 20th century), 16–18
    - convicts and prostitutes, 7
    - first restrictionist period, 7
    - human rights and business efficiency (2000), 18
    - Immigration Act of 1965 and 1960s reform, 11–12
    - INA and its aftermath, 10–11
    - IRCA and IMFA (late 1980s enforcement), 14–15
    - legal reform (early 1990s), 15–16
    - open door period, 5
    - post-9/11 security issues, 18–23
    - post-Civil War, 7
    - Revolution to Civil War, 5–7
    - turn of the century restrictionism, 7–9
    - worldwide quota, Refugee Act, 12–14
  - Hmong Veterans' Naturalization Act of 2000**, 205
  - Homeland Security Act of 2002**, 4, 19
  - Homeland Security Department (DHS)**
    - administrative review by DHS secretary, 185–186
    - Memorandum of Understanding, 4–5
    - overseas visas, authority for, 5
    - policy memoranda, 21
    - regulations, 21
    - reorganization creating, 176
    - role of, 4–5
    - searches, 36–37
    - temporary protected status, 94
  - Honduran immigrants and temporary protected status**, 113
  - Humanitarian relief**
    - asylum and, 105*n*71, 107–108
    - parole and, 40, 46
    - temporary protected status (TPS) for, 115
    - waivers for asylees and refugees, 71, 82, 84
    - waivers for LPRs who assist family member to enter illegally, 82
  - Hungarian refugees**, 9
- I**
- I visas**, 135
  - I-9 verification**. *See* Employment verification



**Illegal Immigration****Reform and  
Immigrant  
Responsibility  
Act of 1996  
(IIRAIRA)**

burden of proof, 47–48  
 criminal convictions,  
 deportable or  
 inadmissible, 41  
 enactment of, 16  
 judicial review, 187  
 removal, 32–57  
   cancellation of,  
   86

**Illegitimate children**

child born abroad to  
   U.S. citizen  
   parent, 202–203  
 family-based  
   immigration, 154,  
   156

**Immigrant visas.** *See also  
specific types*

adjustment of status,  
 171  
 employment-based,  
 145  
 loss of permanent  
   residency, 172–  
   173  
 LPR status, 145–173  
 overview, 145–146  
 processing, 148, 170–  
   171  
 revocation of  
   petitions for, 171–  
   172

**Immigration Act of 1917,**  
8**Immigration Act of 1965,**  
11–12**Immigration Act of 1990  
(IMMACT 90)**

employment-based  
 visas, 159  
 enactment of, 15  
 naturalization  
 process, 205

temporary protected  
 status, 112–113

**Immigration and  
Customs  
Enforcement  
(ICE), 4–5****Immigration and  
Nationality Act  
of 1952 (INA)**

citizenship retention  
 rules, 202  
 deportability, 32  
 historical discussion  
 of, 9–11  
 inadmissibility, 31–  
 32  
 judicial review, 186  
 presumption about  
 nonimmigrants,  
 117–118

**Immigration Judges,  
review of  
decisions of, 176–  
177****Immigration law  
violations**

deportability, grounds  
 of, 79–80  
 inadmissibility,  
 grounds of, 77–81  
 waivers, 80–81

**Immigration Marriage  
Fraud****Amendments of  
1986 (IMFA),  
14–15****Immigration Reform and  
Control Act  
(IRCA), 14–15****In absentia hearings for  
removal, 51****Inadmissibility, grounds  
of**

generally, 57–84  
 categories of, 32  
 chart summary, 89–  
 90  
 convictions. *See*  
 Criminal  
 convictions

crimes of violence,  
 15

economic grounds,  
 74–76

health-related  
 grounds, 60–61

immigration law  
 violations, 77–81  
 INA provisions, 31–  
 32

miscellaneous  
 grounds, 82–84

money laundering, 15

moral grounds, 81

overview, 31–32

religious freedom  
 violators, 18

security and foreign-  
 policy grounds,  
 71–74

waiver, 57–59

**Ineffective assistance of  
counsel and  
motions to  
reopen, 183–185****Informants and  
nonimmigrant S  
visas, 140–141****Injunctive relief and  
removal  
proceedings, 191****Inspections**

CBP inspection to  
 determine  
 admissibility, 34,  
 36, 121  
 secondary inspection,  
 defined, 36

**Intensive Supervision  
Appearance and  
Electronic  
Monitoring  
Device Program,  
46n94**

**Intermediate level of scrutiny, classification under, 26****Internal Security Act of 1950, 9****International child abduction as grounds for inadmissibility/deportability, 82–83****International organizations and G visas, 142****International Religious Freedom Act of 1998**

enactment of, 18  
violations of religious freedom, 71, 73

**Intracompany transferees and L visas, 135–136****Investors and EB-5 visas, 162–164****IRCA (Immigration Reform and Control Act), 14–15****J****J-1 visas (exchange students)**

generally, 128  
residency requirement, 83, 128  
waiver of, 84

**Johnson, Lyndon B., 11****Judicial review**

generally, 186–197  
de novo review, 196  
deference, 195–196  
final orders of removal, 189–190  
matters not reviewable, 191–194

matters other than removal, 191–192  
REAL ID and, 85, 109, 187–189

**Jus sanguinis, citizenship of child born abroad to U.S. citizen parent, 202****Jus soli, birth as means of acquiring citizenship, 201****Justice Department (DOJ)**

administrative review by attorney general, 185–186  
Memorandum of Understanding, 4–5  
role of, 5

**Juvenile adjudications, conviction for purposes of immigration, 63****K****K visas**

generally, 129  
CSPA and, 159

**K-3/K-4 nonimmigrant visa for spouse or child**

generally, 129  
creation of, 18

**Kennedy, John F., 11****Know-Nothing Party, 6****L****L visas**

generally, 135–136  
dual intent doctrine, 119

**Labor and workforce issues, 5****Labor certification**

administrative review, 179  
agencies involved in, 5  
backlog, 167

BALCA role. *See* Board of Alien Labor Certification Appeals

PERM, 165–166  
precertification positions (formerly Schedule A), 167  
process of, 75–76, 165–168  
special handling procedures, 167–168

**Labor condition application (LCA) and H-1B visas, 132****Labor Department (DOL), 5**

PERM regulations, 165–168. *See also* PERM (Program Electronic Review Management System)

**Laotian nationals, adjustment of status, 169–170****Laptops, CBP searches of, 37****Lawful permanent residents (LPRs)**

generally, 145–173  
adjustment of status, 124, 148–150  
asylees applying to become, 146  
cancellation of removal, 87–88, 146

- citizenship vs.  
 permanent  
 residency, 199–  
 200  
 defined, 146  
 diversity visa lottery,  
 146  
 employment-based  
 immigrant visas,  
 145, 159–168  
 family-based  
 immigrant visas,  
 145, 151–159  
 immigrant visa  
 process, 148  
 inadmissibility and,  
 35  
 loss of permanent  
 residency, 172–  
 173  
 naturalization and,  
 203–204  
 overview, 145–146  
 petition procedure,  
 147  
 quotas, 150  
 refugees applying to  
 become, 109, 146  
 returning, 35, 39–40,  
 48, 172–173  
 surcharge fee for  
 adjustment of  
 status, 149
- Lawful presence,**  
 establishing, 33
- Legal Immigration and  
 Family Equity  
 Act of 2000  
 (LIFE Act),** 18
- Liberian immigrants and  
 temporary  
 protected status,**  
 113
- Literacy test,** 8
- Loss of citizenship.** *See*  
 Citizenship
- Loss of permanent  
 residency,** 172–  
 173
- LPRs.** *See* Lawful  
 permanent  
 residents
- M**
- M-1 visas and vocational  
 students,** 128
- Managers.** *See also* L  
 visas  
 multinational  
 executives and  
 managers (EB-1),  
 159–161
- Mandamus,** 187, 191–192
- Marriage fraud**  
 deportability for, 79–  
 80  
 Immigration  
 Marriage Fraud  
 Amendments of  
 1986 (IMFA), 14–  
 15  
 inadmissibility for,  
 78  
 validity for family-  
 sponsored  
 immigration,  
 154–156
- McCarran-Walter Act.**  
*See* Immigration  
 and Nationality  
 Act of 1952  
 (INA)
- McKinley, William,** 8
- Media representatives  
 and I visas,** 135
- Memorandum of  
 Understanding,**  
 4–5
- Mexican-Americans,  
 immigration of,** 9
- Mexico,** 138–140. *See also*  
 TN visas
- Money laundering  
 crimes,  
 inadmissibility  
 for,** 15, 68, 72
- Moral grounds**  
 deportability, grounds  
 of, 81–82  
 inadmissibility,  
 grounds for, 81  
 waivers, 82
- Moral turpitude, crimes  
 involving,** 65–67
- Motion pictures.** *See*  
 Performing arts
- Motions to reopen or  
 reconsider**  
 ineffective assistance  
 of counsel, 183–  
 185  
 procedure, 182–185
- Musicians.** *See* Performing  
 arts
- N**
- N visas,** 143
- NACARA (Nicaraguan  
 Adjustment and  
 Central  
 American Relief  
 Act of 1997),** 17,  
 169
- NAFTA,** 138–140
- National Interest Waiver  
 (NIW),** 168
- National Origins Quota  
 Act of 1924**  
 changes by  
 Immigration Act  
 of 1965, 11  
 enactment of, 9
- National Security Entry  
 and Exit  
 Registration  
 System  
 (NSEERS),** 78
- Nationality**  
 foreign state  
 chargeability, 151  
 persecution on  
 account of, 98,  
 100
- NATO aliens,  
 nonimmigrant  
 status,** 142–143

**Natural disasters and temporary protected status,** 113–115

**Naturalization**  
 administrative review, 179–180, 205  
 citizenship acquired by, 203–204  
 denaturalization, 200, 206, 208–209  
 Hmong Veterans' Naturalization Act of 2000, 205  
 special cases for extraordinary contributions to U.S. national security, 205

**Naturalization Act of 1790,** 6

**Nazi persecutions, inadmissibility of participants in,** 71, 73, 108

**Neutrality laws, deportability for conviction under,** 69

**New evidence in administrative review,** 185

**Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)**

adjustment of status, 169  
 enactment of, 17

**Nicaraguan immigrants and temporary protected status,** 113

**NIW (National Interest Waiver),** 168

**Nonimmigrants**  
 generally, 117–143

administrative review of visa petitions, 180

categories of visas, 126–143  
 education, 126–128

family, 128–129  
 foreign

government or quasi-government employees and officials, 141–142

law-enforcement-related, 140–141  
 tourism, 126  
 work or

business, 130–140

change of status, 123–124

administrative review, 180

consular processing, 180–181

dual intent, doctrine of, 119

extension and reinstatement of status, 122–123

overview, 117–119  
 from state designated as sponsor of terrorism, 120

visa application and admission procedure, 120–121

**Nonrefoulement**

defined and incorporation into U.S. law, 110

Remain in Mexico policy, 97

**North American Free Trade Agreement (NAFTA),** 138–140

**Notices to Appear (NTAs),** 51

**NSEERS (National Security Entry and Exit Registration System),** 78

**Numerical cap.** *See* Quotas

**O**

**O visas**

generally, 15, 136–137

O-2 aliens accompanying O-1 aliens, 137

O-3 spouse and children of O-1/O-2 aliens, 137

**Oaths, naturalization,** 205

**Obama, Barack,** 20, 22, 53

**Office of Refugee Resettlement,** 5

**Office of Special Counsel (DOJ),** 5

**Office of the Chief Administrative Hearing Officer (OCAHO),** 5, 179

**Omnibus Anti-Drug Abuse Act of 1988,** 40

**Orphan child, establishing family relationship,** 156–157

**P**

**P visas,** 15, 137

**Pardons, conviction for purposes of immigration,** 63

- Parents, establishing family relationship, 158**
- Parole.** *See also*  
Humanitarian relief  
generally, 40, 46  
defined, 12, 40  
refugee usage of, 12
- The Passenger Cases (1849), 6**
- Passports, denial review procedure, 210**
- PATRIOT Act.** *See* USA PATRIOT Act
- Performing arts**  
exceptional ability in, 137  
P-1 visas, 137  
Schedule A labor certification, 167
- Perlman Commission, 10**
- PERM (Program Electronic Review Management System)**  
generally, 165–168  
audits, 166  
criticisms of, 165–168  
documentation requirements, 166  
effective date of, 165  
filing requirements, 166  
recruitment requirements, 165–166
- Permanent residency.** *See* Lawful permanent residents (LPRs)
- Persecution, 93–115**  
basis for, 98  
credible fear of persecution, 49, 103, 108–109  
defined, 99  
gang-related claims, 103–104  
mixed motives, 100, 109  
overview, 93–97  
past persecution, 99  
social groups, 101–103  
totality of circumstances test, 106–107  
waiver of inadmissibility/deportability based on, 84  
well-founded fear of persecution, 49, 99–100
- Persecutors**  
denial of asylum for, 105  
inadmissibility/deportability of, 71–72, 73
- Petty offense exception, criminal convictions that mandate inadmissibility or deportability, 61**
- Physical presence, 87**
- Physicians, medical graduates of nonapproved foreign medical schools, 76**
- Plenary power doctrine**  
challenges to, 24–25  
in Chinese Exclusion Case (1889), 24–25
- Political opinions, persecution on account of, 98, 104**
- Polygamy as grounds for inadmissibility, 81, 82**
- Portability.** *See* H-1B visas
- Post-removal order detention, 44**
- Preemption, 27–29**
- Preference immigrants, employment-based, 159–168.** *See also* Employment-based immigration
- Prehearing detention, mandatory detention of noncitizens with aggravated felony convictions, 40–43**
- Preponderance of evidence, removal for terrorism, 57**
- Priority dates, family-based visas, 151–153**
- Professionals.** *See* H-1B visas; Skilled workers and professionals; *specific professions*
- Professors and labor certification, 160, 168**
- Prosecutorial discretion**  
backlog of cases and, 53–55  
zero tolerance policy, 54
- Prostitution**  
inadmissibility/deportability, grounds for, 68, 69, 81  
waivers, 69, 82

**Public charge, likely to become.** *See* Economic grounds

## Q

**Q visas,** 137–138

### Quotas

1921 law on, 8  
1924 law on, 9  
EB-5 visas, 163–164  
employment-based immigrants, 150  
employment-based immigration, 159  
family-sponsored immigration, 15  
H-2 visas (temporary workers), 133  
Immigration Act of 1965, 11–12  
INA and, 10–11  
lawful permanent residents (LPRs), 150  
refugees, 107  
Select Commission on Immigration and Refugee Policy recommendations on, 13  
worldwide, 12–14

## R

**R visas,** 138

**Race, persecution on account of,** 100

**Rational basis test, classification under,** 26

**Reagan, Ronald,** 13

**REAL ID Act of 2005**  
enactment of, 19, 109  
final orders of removal, 189–190  
judicial review, 85, 109, 187–189  
mixed-motive cases, 100, 109

**Reconsideration, motions for,** 182–185

**Recruitment, PERM requirements,** 165–166

**Refugee Act of 1980**  
enactment of, 12–13, 93–94  
parole and, 40  
procedures, 107–108  
withholding of removal, 110

**Refugees.** *See also* Asylum seekers  
1980 legislation on, 12–13  
defined, 94, 98–107  
fear of persecution. *See* Persecution  
Hungarian, 9  
Office of Refugee Resettlement, 5  
waivers of criminal grounds, 71

**Reinstatement, nonimmigrant status,** 122–123

**Relatives.** *See* Family-sponsored immigration

**Release**  
on bond, 46  
of detainees, 46

**Religion**  
CAT and religious freedom violators, 18  
persecution on account of, 98, 100–101  
R visas for religious workers, 138

**Relinquishment of citizenship,** 200, 207–208

**Removal.** *See also* Expedited removal  
in absentia hearings, 51

administrative review of discretionary relief, 178–179  
AEDPA procedure, 16–17  
bar to reentry, 77–80  
cancellation of, 86–88, 146  
CAT relief, 111–112  
constitutional claims, 188  
deferred action, 85, 86, 113–114  
detention of persons in removal proceedings, 43  
final orders of removal, petitions for review, 189–190  
grounds for deportability, 11, 31–32  
hearings, 51–52  
IIRAIRA procedure, 17, 32–57  
injunctive relief, 191  
loss of permanent residency, 172–173  
overview, 31–32  
questions of law, 188  
relief from, 58  
generally, 84  
history, 10  
permanent relief, 86–88  
temporary relief, 85–86  
search, seizure, and arrest, 36–39  
stay of, 85  
terrorist removal hearing, 56–57  
unaccompanied minors in proceedings, 5, 45

- voluntary departure, 85–86
  - withholding of, 110
  - Reopen, motions to**
    - ineffective assistance of counsel, 183–185
    - procedure, 182–185
  - Repatriation campaign, 9**
  - Research scholars and labor**
    - certification, 160
  - Residency requirements, 87.** *See also specific type of visa*
  - Restriction on removal, 110**
  - Restrictionism**
    - first period, 7
    - at turn of the century (1800s-1900s), 7–9
  - Returning lawful permanent residents (LPRs), 35, 39–40, 48, 172–173**
  - Revocation**
    - of naturalization, 179–180
    - of petitions for immigrant visas, 171–172
- S**
- S visas, 140–141**
  - Sabotage as deportable offense, 69**
  - St. Cyr case (2001)*, 87–88, 193–194**
  - Salvadorian immigrants and temporary protected status, 113**
  - Sanctions**
    - administrative review of employer sanctions, 179
    - for contempt, 52
  - on employers for hiring illegal aliens, 13
  - Sanctuary cities, 22**
  - Schedule A occupations and labor certification, 167**
  - Seamen and D visas, 142**
  - Seasonal workers and H-2 visas, 133–134**
  - Security issues.** *See also Terrorism*
    - deportability, as grounds for, 69
    - inadmissibility, as grounds for, 71–74
    - legislation dealing with (first half of 1900s), 9
    - naturalization for extraordinary contributions to U.S. national security, 205
    - post-9/11 legislation dealing with, 18–23
  - Sedition as deportable offense, 69**
  - Select Commission on Immigration and Refugee Policy, 12–14**
  - Selective Service laws, deportability for conviction under, 69**
  - Seventh Preference, refugees admitted under, 13**
  - SEVIS (Student and Exchange Visitor Information System), 127**
  - Ship crews and D visas, 142**
  - Siblings, establishing family relationship, 158**
  - Simpson-Mazzoli bill, 14–15**
  - Skilled workers and professionals**
    - EB-3 status, 161–162
    - visas and, 10
  - Smith Act of 1940, 9**
  - Social group persecution, 101–103**
  - Somalia and temporary protected status, 113**
  - Soviet Scientist Immigration Act of 1992, 16**
  - Specialty occupations.** *See H-1B visas; L visas*
  - Spousal relationship.** *See also Marriage fraud*
    - for immigration purposes, 154–156
  - Stalking, deportability for, 69**
  - State Department (DOS)**
    - Board of Appellate Review, 177, 178
    - overseas visas, authority for, 4
    - role of, 4–5
  - State laws**
    - preemption, 27–29
    - supremacy clause and, 27–28
  - Statelessness, international law and, 207**
  - Stay of removal, 85**
  - Stepchildren, establishing family relationship, 156–158**

**Stowaways and inadmissibility**, 77**Streamlining of BIA appeals**, 185–186**Strict scrutiny test, classification under**, 26**Students**

- F visas, 127
- foreign-exchange-student residency requirement, 83–84, 124
- H-3 temporary trainees, 134
- nonimmigrant visas, 126–128
- SEVIS (Student and Exchange Visitor Information System), 127
- switch from private to public institution, 77

**Summary removal.** *See* Expedited removal**Supremacy clause**, 23, 27–28**Syrian Jews, adjustment of status**, 169–170**T****T visas**

- generally, 141
- creation of, 18

**Taxation on aliens**, 6**Temporary protected status (TPS)**

- generally, 112–115
- administrative review, 181
- creation of, 15
- defined, 94
- inadmissibility, 114–115
- natural disasters, 113–115

- qualifications, 114
- terrorism, 114–115

**Temporary workers and H-2 visas**, 133–134**Tenth Amendment**, 22, 29**Terrorism**

- Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 16–17
- denial of asylum for, 105
- deportability, grounds of, 71, 74
- detention of persons suspected of, 42–44
- inadmissibility, grounds of, 71–72
- removal hearing, 56–57
- state designated as sponsor of terrorism, 120
- temporary protected status, 114–115
- voluntary departure not available, 85
- VWP, 125

**Threats against president, espionage, sabotage, or sedition as grounds for deportability**, 69**TN visas**

- generally, 138–140
- admission procedures, 139–140
- Mexicans vs. Canadians, 139–140

**Torture.** *See also* Convention Against Torture (CAT)

- defined, 111

**Tourism, nonimmigrant visas for**, 126**TPS.** *See* Temporary protected status**Trading with the Enemy Act, deportability for conviction under**, 69**Trainees**, 134**Translation and removal hearings**, 52**Travel**

- bans on, 95, 119<sup>n9</sup>, 120
- persons in immediate and continuous transit through U.S., 143
- restrictions during war or national emergency, 69
- transit without visa (TWOV) program, 143
- VWP, persons traveling under, 124–125

**Truman, Harry S.**, 10**Trump, Donald**

- asylum seekers and refugees, 95–96, 108
- DACA, 22
- extreme vetting, 120
- policy, 21–23
- public charge regulations, 74–76
- Remain in Mexico policy, 95–97
- removal relief, 98
- Security Advisory Opinion countries, 108



- social group
    - persecution, 101–103
  - temporary protected status, 113–114
  - travel bans, 95, 119*n*9, 120
  - zero tolerance, 54
- U**
- U visas**
    - generally, 141
    - creation of, 18
  - Undocumented aliens, Arizona law on police determining status of, 28**
  - United Nations, G visas for officials and employees, 142**
  - United Nations High Commission for Refugees (UNHCR) Handbook on Procedure and Criteria for Determining Refugee Status, 100**
  - Universities**
    - professors and researchers, labor certification, 168
    - students. *See* Students
  - Unlawful presence**
    - generally, 80
    - three- and ten-year bars, 78–79
  - U.S. citizens. *See* Citizenship**
  - U.S. Citizenship and Immigration Service (USCIS)**
    - naturalization process, 205
    - role of, 4
- V**
- V visas (nonimmigrant spouses and children of I-130 petitioner)**
    - generally, 129
    - creation of, 18
    - CSPA and, 159
    - dual intent doctrine, 119
  - Verification. *See* Employment verification**
  - Victims of Trafficking and Violence Protection Act of 2000, 18**
  - Vietnam nationals, adjustment of status, 170**
  - Violence, crimes of, 15, 65, 68**
  - Violence Against Women Act (VAWA), 203–204**
  - Violent Crime Control and Law Enforcement Act of 1994, 16**
  - Visa Waiver Program (VWP)**
    - generally, 124–125
    - admissibility and, 34
    - restrictions, 125
    - terrorism, 125
  - Visas**
    - immigrant, 145–173. *See also* Immigrant visas
- W**
- Waivers**
    - administrative review, 181
    - for humanitarian reasons. *See* Humanitarian relief
    - of inadmissibility/deportability, 57–59
      - generally, 21*n*110
      - aggravated felonies or certain convictions, 69–71
        - chart summary, 91–92
        - distinguished from permanent relief, 86–87
        - economic grounds, 76–77
        - extreme hardship, 70
        - health-related grounds, 60–61
    - nonimmigrant, 117–143. *See also* Nonimmigrants
    - overseas issuance of, 4
    - system establishment, 10
  - Voluntary departure, 85–86**
  - Voluntary relinquishment of citizenship. *See* Relinquishment of citizenship**

humanitarian purposes, 80–81, 84  
immigration law violations, 80–81  
miscellaneous grounds, 84  
moral grounds, 82  
no objection waiver from person's country, 84  
procedure, 58–59  
provisional, 22*n*115  
refugees, 71  
security grounds, 74  
visa process, 148

**Warrantless arrest, 28**

**Warrantless searches, 37–38**

**Welfare benefits, deportability and, 76**

**Wilson, Woodrow, 8**

**Withholding of removal, defined, 110**

**Witness Protection Program, 42**

**Witnesses and nonimmigrant S visas, 140–141**

**Women. *See also* Battered spouse or child coercive population control and, 104 gender basis for social group persecution, 101–103**

Violence Against Women Act (VAWA), 203–204

**World Bank, G visas for officials and employees, 142**

**Z**

**Zero tolerance, 54**