

Immigration 101

by M. Keil Hackley, Esq.

The United States is a country founded and built by various immigrant groups, and, to this day, the promise of manifest destiny draws foreign nationals from around the world to this country's doorstep. Whether the reasons for coming here are based on family, employment, or unrest in a person's country of origin, the number of people wishing to temporarily or permanently relocate to the U.S. speaks for itself. From the U.S.' standpoint, immigration offers an opportunity to attract the best qualified foreign nationals to work and live in America.

There are several ways several different ways a person wishing to stay for a temporary period in the U.S. could obtain legal non-immigrant visa status. A few are: a person wishing to attend a U.S. university would enter in F-1 status; someone who works for a foreign company that has an affiliate business in the U.S. would apply for an L-1A visa; yet another, a person planning to visit family members in the U.S. for pleasure would request a B-2 visa.

There are as many visa categories as there are letters in the English alphabet. Some of these categories offer a pathway to permanent U.S. residency, such as the H-1B specialty worker visa or the O-1 extraordinary ability visa. These categories are beneficial to the foreign national who seeks to permanently live in the U.S. because they allow the person to apply for a green card. This document has to be renewed periodically and allows the person to remain in the U.S. for an indefinite time period. The U.S.

government offers another opportunity to obtain U.S. residency through the annual Diversity Visa Lottery, which makes available 50,000 green cards for foreign nationals from countries with low immigration rates to the U.S. Once a person has gained permanent residency status, the option to become a naturalized U.S. citizen opens up after five years in green card status.

At times, immigration into the U.S. can be less a voluntary decision to move and, rather, a precipitous appeal for U.S. entry. In the case of war, natural disasters, persecution, economic hardship or civil unrest, among other factors, a foreign national can apply for asylum or refugee status. Humanitarian Parole is available in emergency situations, for medical urgencies or other humanitarian reasons.

It was predicted that immigration would represent an important issue during this presidential election. Although the debates and the campaigns' messages have not primarily focused on U.S. immigration, reform propositions and increased border security (most likely due to other more pressing matters, such as the state of our economy), immigration has and will remain a priority item on any future government administration's agenda.

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