### INDEX

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

<table>
<thead>
<tr>
<th>Alphabet</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A visas</td>
<td>generally, 137</td>
</tr>
<tr>
<td>AAO. See Administrative Appeals Office</td>
<td></td>
</tr>
<tr>
<td>Abbreviations and acronyms</td>
<td>list of, 221–228</td>
</tr>
<tr>
<td>AC21. See American Competitiveness in the 21st Century Act</td>
<td></td>
</tr>
<tr>
<td>Adjustment of status</td>
<td>generally, 85</td>
</tr>
<tr>
<td></td>
<td>asylees and refugees, 76–77, 78</td>
</tr>
<tr>
<td></td>
<td>defined, 33, 209</td>
</tr>
<tr>
<td></td>
<td>distinguished from change of status, 209</td>
</tr>
<tr>
<td></td>
<td>immigrant visas, 168</td>
</tr>
<tr>
<td></td>
<td>lawful permanent residents (LPRs), 115, 145–147</td>
</tr>
<tr>
<td></td>
<td>LIFE Act, 141</td>
</tr>
<tr>
<td></td>
<td>registry provision, 138</td>
</tr>
<tr>
<td></td>
<td>rescission of, 165</td>
</tr>
<tr>
<td></td>
<td>§245(i) provisions, 141–142</td>
</tr>
<tr>
<td>Administrative Appeals Office (AAO)</td>
<td>role of, 2, 173, 175–178</td>
</tr>
<tr>
<td>Administrative Procedure Act (APA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>final orders of removal, 185</td>
</tr>
<tr>
<td></td>
<td>matters other than removal, 189</td>
</tr>
<tr>
<td>Administrative review</td>
<td>admission to U.S., 173</td>
</tr>
<tr>
<td></td>
<td>asylum, 173–174</td>
</tr>
<tr>
<td></td>
<td>attorney general or DHS secretary, 182–183</td>
</tr>
<tr>
<td></td>
<td>citizenship claims, 174–175</td>
</tr>
<tr>
<td></td>
<td>consular processing, 177</td>
</tr>
<tr>
<td></td>
<td>discretionary relief from removal, 175</td>
</tr>
<tr>
<td></td>
<td>employer sanctions, 176</td>
</tr>
<tr>
<td></td>
<td>employment-based nonimmigrant visas, 175</td>
</tr>
<tr>
<td></td>
<td>employment-based preference petitions, 175</td>
</tr>
<tr>
<td></td>
<td>extension of status, 176</td>
</tr>
<tr>
<td></td>
<td>family-based preference petitions, 176</td>
</tr>
<tr>
<td></td>
<td>labor certification, 176</td>
</tr>
<tr>
<td></td>
<td>naturalization, 176, 202</td>
</tr>
<tr>
<td></td>
<td>nonimmigrant change of status, 177</td>
</tr>
<tr>
<td></td>
<td>nonimmigrant visa petitions, 177</td>
</tr>
<tr>
<td></td>
<td>passport denial, 207</td>
</tr>
<tr>
<td></td>
<td>procedure, 173–178</td>
</tr>
<tr>
<td></td>
<td>temporary protected status (TPS), 177</td>
</tr>
<tr>
<td></td>
<td>waivers, 177–178</td>
</tr>
<tr>
<td>Admissibility. See Inadmissibility, grounds of Admissions of criminal activities, 56</td>
<td></td>
</tr>
<tr>
<td>Admission to U.S.</td>
<td>administrative review, 173</td>
</tr>
<tr>
<td></td>
<td>burden of proof, 40–42</td>
</tr>
<tr>
<td></td>
<td>defined, 209</td>
</tr>
<tr>
<td></td>
<td>entry vs., 31–32</td>
</tr>
<tr>
<td>Adopted children</td>
<td>derivative citizenship, 202</td>
</tr>
<tr>
<td></td>
<td>establishing family relationship, 153–154</td>
</tr>
<tr>
<td>Advance parole</td>
<td>fraudulent obtaining of immigrant status, 44</td>
</tr>
<tr>
<td>Advertising in print media</td>
<td>PERM requirements, 163</td>
</tr>
<tr>
<td>Advisory opinions</td>
<td>nonimmigrant visas, 114</td>
</tr>
<tr>
<td>Advisory Opinions Division (AOD)</td>
<td>internal review of visa denial, 114</td>
</tr>
<tr>
<td>AEDPA. See Antiterrorism and Effective Death Penalty Act of 1996</td>
<td></td>
</tr>
<tr>
<td>Affidavit of support</td>
<td>defined, 209</td>
</tr>
<tr>
<td></td>
<td>family-sponsored immigration, 70</td>
</tr>
<tr>
<td>Agencies</td>
<td>in administrative review, 172</td>
</tr>
<tr>
<td></td>
<td>role described for each agency, 2–4</td>
</tr>
<tr>
<td>Age-outs. See Child Status Protection Act of 2002 (CSPA)</td>
<td></td>
</tr>
<tr>
<td>Aggravated felonies</td>
<td>generally, 60–62</td>
</tr>
<tr>
<td></td>
<td>bars to relief from removal, 74</td>
</tr>
<tr>
<td></td>
<td>defined, 61, 209</td>
</tr>
<tr>
<td></td>
<td>mandatory detention of noncitizens with aggravated felony convictions, 36</td>
</tr>
<tr>
<td></td>
<td>summary removal for, 49–50</td>
</tr>
<tr>
<td></td>
<td>voluntary departure not available, 82</td>
</tr>
<tr>
<td>Agricultural workers</td>
<td>H-2 visas, 127–128</td>
</tr>
<tr>
<td></td>
<td>IRCA and, 13</td>
</tr>
</tbody>
</table>
Border crossing cards (BCCs) defined, 135, 210

Burden of proof admission to U.S., 41

Burden of proof crimes involving moral turpitude, 58–59 lawful presence, 32 marriage validity, 75 public charge seeking to avoid deportation, 71 relocation possible for asylum seekers, 99

Business professionals and visitors. See B-1 visas; H-1B visas; L visas

C

C visas generally, 138

Calcino-Martínez case (2001) LPRs with aggravated felonies, review allowed, 191–192

Cambodian nationals adjustment of status, 166

Canada. See North American Free Trade Agreement (NAFTA); TN visas

Cancellation of removal defined, 210 LPR status, 83–85, 142

CAT. See Convention Against Torture

Catholics immigration to U.S., 4

CBP. See Customs and Border Protection

Change of employers H-1B portability, 127

Change of nonimmigrant status generally, 116

Change of status distinguished from adjustment of status, 209 nonimmigrants, 116

Chevron deference analysis under, 192–194

Child abduction inadmissibility/deportability, grounds of, 78–79, 80

Child Citizenship Act of 2000 derivative citizenship, 202

Children aging out. See Child Status Protection Act of 2002 (CSPA)
citizenship at birth, 197–199 derivative citizenship, 202 establishing family relationship, 150–151, 153–154 unaccompanied minors in removal proceedings, 4

Child Status Protection Act of 2002 (CSPA)
citizenship at birth, 197–199
derivative citizenship, 202

Civil wars temporary protected status, 107

Classified information supporting deportation order, 50

Clear and convincing evidence denaturalization, 205 deportability, 41–42

Coercive population control as political persecution, 98

College and university faculty labor certification, 165

Colonial America immigration and, 4
Communist party members

inadmissibility of, 67, 68–69

Congressional power
immigration and, 1, 22–23, 29

Constitution, U.S.
See also specific amendments and clauses
citizenship, 199
citizen’s rights, 21–24
protection of noncitizens, 22–23

Consular processing
generally, 2–3
administrative review, 177
defined, 210
refugees, 101–102
relinquishment of citizenship, 204

Contempt
sanctions for, 44–46
Continuous residence or physical presence. See also specific type of visa
cancellation of removal, 83–84

Controlled Substances Act
list of substances for drug abuse inadmissibility in, 54, 59, 64
Controlled substances offenses. See Drug offenses

Convention Against Torture (CAT)
generally, 105–106
aggregated felony, relief under, 49
law implementing, 93, 105
T visas, 136

Convention Relating to the Status of Refugees
protections from, 92

Convictions. See Criminal convictions

Credible fear. See Persecution

Crewmembers
D visas, 138

Crimes involving moral turpitude (CIMTs)
generally, 58–59, 62–63
defined, 58–59, 211

Criminal convictions
generally, 56–66
controlled substances. See Drug offenses
defined, 56–58
deportable or inadmissible, 56–58
offenses listed at §237(a)(2)(c), 60
petty offense exception, 56

CSPA. See Child Status Protection Act of 2002

Cuban immigrants
expedited removal exemption, 43
NACARA provisions, 167

Cultural exchange programs
persons participating in (Q visas), 132–133

Customs and Border Protection (CBP)
role of, 2, 3, 211

Deferrable action
defined, 211
removal proceedings, 82–83

Deferred Action for Childhood Arrivals (DACA)
generally, 20, 21
defined, 211
discretionary relief, 48, 49, 175
preemption, 26, 27

Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)
generally, 20, 21
defined, 211
discretionary relief, 48, 49, 175
preemption, 26, 27

Deferred enforced departure, 107, 211

Denaturalization
defined, 211
termination of citizenship by, 196, 203, 205–206

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, 160–161

Deportability, grounds of
generally, 51–80
categories of, 30 chart summary, 86–87
convictions. See Criminal convictions
defined, 212
economic grounds, 71–72
health-related grounds, 55
immigration law violations, 75
INA provisions, 30
miscellaneous grounds, 78–80
moral grounds, 77–78
security and foreign-policy grounds, 69–70
waiver, 51–54
Deportation. See Removal
Derivative citizenship
Child Citizenship Act of 2000, 202
defined, 212
Derivative status (generally) defined, 212
Detention
alternatives to, 39–40
habeas review, 187
mandatory detention of noncitizens with aggravated felony convictions, 36
post-removal order detention, 39
removal proceedings, persons in, 38–39
terrorist activity, suspected, 37–38
Development, Relief and Education of Alien Minors Act (DREAM Act) proposed, 20, 48, 83
DHS. See Homeland Security Department
Dillingham Commission role of, 6–7
Diplomats
children of born in U.S., 197
Diversity lottery defined, 212
enactment of, 14
establishment of, 166
LPR status, 142
qualifications, 166
Document and presentation fraud
generally, 73
labor verification documents, 77
waivers, 76, 78
Domestic violence. See also Battered spouse or child
deportability for, 64–65
victim of, self-petition for LPR status, 143–144
Drug offenses
deportability of drug abusers, 64
inadmissibility of drug abusers/traffickers, 54, 55, 59
Dual intent
doctrine of, 111–112
P nonimmigrant visas, 132
Dual nationality defined, 212
Due process protections of, 23, 32

E

E visas
generally, 124–125
dual intent doctrine, 111
E-1 treaty traders, 124–125
E-2 treaty investors, 124–125
EAD. See Employment authorization document
EB visa (generally). See Employment-based immigration
Economic grounds
deportability for, 70–71
inadmissibility for, 71–72
waivers for, 72
Election offenses
inadmissibility/deportability, grounds of, 78–80
Electronic System for Travel Authorization (ESTA)
VWP, persons traveling under, 117–118
El Salvador immigrants temporary protected status, 107
Employer verification. See Employment verification
Employment authorization document (EAD) defined, 212
Employment-based immigration
EB-1 preference, 156–158
EB-2 preference, 158–159
EB-3 preference, 159
EB-4 preference, 159–160
EB-5 preference, 160–161
generally, 156–165
administrative review, 175
advanced degrees or exceptional ability in sciences, art, or business (EB-2), 158–159
extraordinary ability in sciences, art, or business (EB-1), 156–157
investor or employment-creation visas (EB-5), 160–161
labor certification. See Labor certification
multinational executives and managers (EB-1), 157–158
outstanding professors and researchers (EB-1), 157
preferences, 156–162 administrative review, 175
priority date, 156, 161–162
quotas, 156
skilled workers, professionals, and other workers (EB-3), 159
special immigrant visas (EB-4), 159–160
Employment discrimination
agencies handling cases of, 3–4
Employment verification
fraud in documents, 77
IRCA requirements, 13
Enhanced Border Security and Visa Entry Reform Act of 2002
enactment of, 18
Entertainers. See also Performing arts
P-1 visas, 132
Entry. See Admission to U.S.
EOIR. See Executive Office for Immigration Review
Equal protection
aliens and, 22
Espionage
deportable offense, 64, 69
Exceptional ability. See also Extraordinary ability
sciences, art, or business (EB-2 status), 158–159
Exchange visitors
cultural exchange programs (Q visas), 132–133
defined, 213
foreign exchange students, residency requirement, 79–80, 11, 121
Exclusion
defined, 213
hearings, 31
Executive Office for Immigration Review (EOIR)
pilot program to review nondetained cases, 47–48
role of, 3, 180
Exhaustion of remedies
final orders of removal, petitions for review, 187
Expatriation
defined, 175
relinquishment of citizenship and, 203–205
Expedited removal
for asylum seekers, 102
defined, 213
five-year bar after, 74
for non-LPR aggravated felons, 49–50
when applicable, 33, 42–44
Expungement
conviction for purposes of immigration, 57
Extended voluntary departure
defined, 213
discretionary use of, 107
Extension. See specific type of visa
Extraordinary ability
generally, 131. See also O visas
priority workers (EB-1), 156–157
Extreme hardship
 waivers of inadmissibility/deportability based on, 76
F
F visas. See also SEVIS
(Student and Exchange Visitor Information System)
generally, 120–121
False information
submitted in registration, 64
Family-sponsored immigration
generally, 147–156
affidavit of support, 70
INA and, 9
LPR status, 141, 143, 147–156
preference immigrants, 147–148
administrative review, 176
priority dates, 148–150
recognized family relationships, 150–155
Select Commission recommendations on, 12
sponsors, 70
Family unification
INA provision for, 150
Farm workers. See Agricultural workers
Federal First Offender Act
removal based on offense qualified for treatment under, 57–58
Federal Juvenile Delinquency Act
correction for purposes of immigration, 58
Fees
LPR surcharge fee, 145–146
Felony convictions. See Aggravated felonies
Fifth Amendment
protections of, 23
Firearm offenses
inadmissibility/deportability for, 63
First Amendment
inadmissibility on foreign-policy grounds, 68
Fleuti doctrine
on reentry of LPRs, 35
Following to join
family unification, 150
Foreign Agents Registration Act
deportability for conviction under, 64
Foreign exchange students
residency requirement, 79–80, 121
Foreign governments
employees and officials, 137–138
Foreign press
I visas, 129
Form I-862
Notice to Appear (NTA), 44–45
Form I-864. See Affidavit of support
Fourteenth Amendment.
See also Due process; Equal protection
citizenship and, 195
enactment of, 5
protection of, 32
Fraud. See also Marriage fraud
crimes that subject clients to inadmissibility, 72–77
document and presentation fraud, 72–73, 77–78
materiality of, 73
naturalization process, 205

G
G visas
generally, 137–138
Genocide, International Convention on the Prevention Punishment of U.S. as signatory to, 69
Gill, Guy Goodwin
on political opinions, 98
Good moral character
naturalization requirements, 200–201
Green card
defined, 213
entry document, use as, 170
Gun offenses
inadmissibility/deportability for, 63

H
H-1B visas
generally, 125–127
definition of specialty occupation, 125
dual intent doctrine, 111–112
labor condition application, 126
portability and change of employers, 127
H-1C visas
registered nurses, 127
H-2 temporary workers
generally, 127–128
H-3 temporary trainees
generally, 128–129
Habeas corpus
INA provisions, 183–184
judicial review, 183–184
LPRs with aggravated felonies, review allowed (2001), 191–192
REAL ID and petitions, 19, 81, 103, 184–188
Hague Convention on Intercountry Adoption
adoption from signatory countries, 154
Hague Convention on the Civil Aspects of International Child Abduction
inadmissibility for child abduction, 79
Haitian Refugee Immigration Fairness Act of 1998 (HRIFA)
enactment of, 17

American Immigration Lawyers Association
Handbook on Procedure and Criteria for Determining Refugee Status (UNHCR)  

ESSENTIALS OF IMMIGRATION LAW, 4TH ED.

Handbook on Procedure and Criteria for Determining Refugee Status (UNHCR)  

guidance on refugee definition, 95

Health and Human Services, Department of (HHS)  

role of, 4

Health care workers. See also Nurses; Physicians  

admission requirements, 71

Health-related grounds  

deportability, 55  

inadmissibility, 54  

waivers, 55

High-speed flight  

from immigration checkpoint, 64

History of immigration  

generally, 4–20  

AEDPA and IIRAIRA (end of 20th century), 15–16  

human rights and business efficiency (2000), 17–18  

Immigration Act of 1965 and 1960s reform, 10–11  

INA and its aftermath, 9  

IRCA and IMFA (late 1980s enforcement), 13–14  

liberal reform (early 1990s), 14–15  

post-Civil War, 5–6  

Revolution to Civil War, 4–5  

turn of the century restrictionism, 6–8  

worldwide quota, Refugee Act, and

Select Commission (late 1970s–early 1980s), 11–13

Hmong Veterans’ Naturalization Act of 2000  

special naturalization provisions, 201

Homeland Security Act of 2002  

enactment of, 2, 18–19

Homeland Security Department (DHS)  

administrative review by DHS secretary, 182–183  

overseas visas, authority for, 3  

role of, 2, 211

Humanitarian relief  

asylum and, 99, 101–102, 213  

parole and, 35–36, 40, 216  

waivers for asylees and refugees, 76, 78, 80  

waivers for LPRs who assist family member to enter illegally, 77–78

I

I visas  

generally, 129

I-9 verification. See Employment verification

I-551 card  

previously green card, 213

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)  

burden of proof, 41–42

criminal convictions, deportable or inadmissible, 37  

enactment of, 15–17  

judicial review, 184  

removal, 30–33, 212  

cancellation of, 83–84

Illegitimate children  

child born abroad to U.S. citizen parent, 198–199  

family-based immigration, 151

Immigrants  

defined, 214

Immigrant visas. See also specific types  

adjustment of status, 168–169  

chart of types of, 229–234  

defined, 214  

loss of permanent residency, 169–170  

LPR status, 141  

processing, 144, 167–168  

revocation of petitions for, 169

Immigration Act of 1917  

enactment of, 7

Immigration Act of 1965  

scope of, 10–11

Immigration Act of 1990 (IMMACT 90)  

employment-based visas, 156  

enactment of, 14–15  

naturalization process, 202  

temporary protected status, 106

Immigration and Customs Enforcement (ICE)  

role of, 2, 214
<table>
<thead>
<tr>
<th>INDEX</th>
<th>Justice Department (DOJ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>citizenship retention rules, 199</td>
<td>enactment of, 17</td>
</tr>
<tr>
<td>deportability, 30</td>
<td>violations of religious freedom, 67, 69</td>
</tr>
<tr>
<td>historical discussion of, 9</td>
<td></td>
</tr>
<tr>
<td>inadmissibility, 30</td>
<td></td>
</tr>
<tr>
<td>judicial review, 183</td>
<td></td>
</tr>
<tr>
<td>presumption about nonimmigrants, 109–110</td>
<td></td>
</tr>
<tr>
<td>Immigration and Naturalization Service (Legacy INS)</td>
<td></td>
</tr>
<tr>
<td>role of, 215</td>
<td></td>
</tr>
<tr>
<td>Immigration Judges</td>
<td></td>
</tr>
<tr>
<td>defined, 214</td>
<td></td>
</tr>
<tr>
<td>review of decisions of, 172–173</td>
<td></td>
</tr>
<tr>
<td>Immigration law violations</td>
<td></td>
</tr>
<tr>
<td>deportability, grounds of, 75</td>
<td></td>
</tr>
<tr>
<td>inadmissibility, grounds of, 72–77</td>
<td></td>
</tr>
<tr>
<td>waivers, 72–73</td>
<td></td>
</tr>
<tr>
<td>Immigration Marriage Fraud Amendments of 1986 (IMFA)</td>
<td></td>
</tr>
<tr>
<td>enactment of, 13, 14</td>
<td></td>
</tr>
<tr>
<td>Immigration Reform and Control Act (IRCA)</td>
<td></td>
</tr>
<tr>
<td>enactment of, 13–14</td>
<td></td>
</tr>
<tr>
<td>In absentia hearings</td>
<td></td>
</tr>
<tr>
<td>removal hearings, 44–45</td>
<td></td>
</tr>
<tr>
<td>Inadmissibility, grounds of</td>
<td></td>
</tr>
<tr>
<td>generally, 51–80</td>
<td></td>
</tr>
<tr>
<td>categories of, 30</td>
<td></td>
</tr>
<tr>
<td>chart summary, 86–89</td>
<td></td>
</tr>
<tr>
<td>convictions. See Criminal convictions defined, 209</td>
<td></td>
</tr>
<tr>
<td>economic grounds, 70–71</td>
<td></td>
</tr>
<tr>
<td>health-related grounds, 54–55</td>
<td></td>
</tr>
<tr>
<td>immigration law violations, 72–77</td>
<td></td>
</tr>
<tr>
<td>INA provisions, 30</td>
<td></td>
</tr>
<tr>
<td>miscellaneous grounds, 78–80</td>
<td></td>
</tr>
<tr>
<td>moral grounds, 77–78</td>
<td></td>
</tr>
<tr>
<td>security and foreign-policy grounds, 67–70</td>
<td></td>
</tr>
<tr>
<td>waiver, 51</td>
<td></td>
</tr>
<tr>
<td>Ineffective assistance of counsel</td>
<td></td>
</tr>
<tr>
<td>motions to reopen, 180</td>
<td></td>
</tr>
<tr>
<td>Informants</td>
<td></td>
</tr>
<tr>
<td>nonimmigrant S visas, 135–136</td>
<td></td>
</tr>
<tr>
<td>Injunctive relief</td>
<td></td>
</tr>
<tr>
<td>removal proceedings, 190</td>
<td></td>
</tr>
<tr>
<td>Inspections</td>
<td></td>
</tr>
<tr>
<td>CBP inspection to determine admissibility, 33, 113</td>
<td></td>
</tr>
<tr>
<td>defined, 214</td>
<td></td>
</tr>
<tr>
<td>pre-inspection, defined, 217</td>
<td></td>
</tr>
<tr>
<td>primary inspection, defined, 217</td>
<td></td>
</tr>
<tr>
<td>secondary inspection, defined, 218</td>
<td></td>
</tr>
<tr>
<td>Intensive Supervision Appearance and Electronic Monitoring Device Program</td>
<td></td>
</tr>
<tr>
<td>release of detainee in, 39</td>
<td></td>
</tr>
<tr>
<td>Intermediate level of scrutiny</td>
<td></td>
</tr>
<tr>
<td>classification under, 24</td>
<td></td>
</tr>
<tr>
<td>Internal Security Act of 1950</td>
<td></td>
</tr>
<tr>
<td>enactment of, 8</td>
<td></td>
</tr>
<tr>
<td>International child abduction</td>
<td></td>
</tr>
<tr>
<td>inadmissibility/deportability, grounds of, 78–79</td>
<td></td>
</tr>
<tr>
<td>International organizations</td>
<td></td>
</tr>
<tr>
<td>G visas, 137–138</td>
<td></td>
</tr>
<tr>
<td>International Organizations</td>
<td></td>
</tr>
<tr>
<td>J</td>
<td></td>
</tr>
<tr>
<td>J-1 visas (exchange students)</td>
<td></td>
</tr>
<tr>
<td>generally, 121</td>
<td></td>
</tr>
<tr>
<td>residency requirement, 79, 121</td>
<td></td>
</tr>
<tr>
<td>waiver of, 80</td>
<td></td>
</tr>
<tr>
<td>Judicial review</td>
<td></td>
</tr>
<tr>
<td>generally, 183–194</td>
<td></td>
</tr>
<tr>
<td>deference, 192–194</td>
<td></td>
</tr>
<tr>
<td>final orders of removal, 186–188</td>
<td></td>
</tr>
<tr>
<td>matters not reviewable, 189–191</td>
<td></td>
</tr>
<tr>
<td>matters other than removal, 188–189</td>
<td></td>
</tr>
<tr>
<td>REAL ID and, 81, 103, 184–188</td>
<td></td>
</tr>
<tr>
<td>Jus sanguinis</td>
<td></td>
</tr>
<tr>
<td>citizenship of child born abroad to U.S. citizen parent, 198</td>
<td></td>
</tr>
<tr>
<td>Jus soli</td>
<td></td>
</tr>
<tr>
<td>birth as means of acquiring citizenship, 197</td>
<td></td>
</tr>
<tr>
<td>Justice Department (DOJ)</td>
<td></td>
</tr>
<tr>
<td>administrative review by attorney general, 182</td>
<td></td>
</tr>
</tbody>
</table>
Juvenile adjudications
role of, 3

Juvenile adjudications
conviction for purposes of immigration, 58

K
K visas
generally, 122–123
K-3/K-4 nonimmigrant visa for spouse or child
generally, 122–123
creation of, 18
Know-Nothing Party
creation of, 4–5

L
L visas
generally, 130–131
dual intent doctrine, 111
Labor certification
administrative review, 176
agencies involved in, 3
backlog, 164
BALCA role. See Board of Alien Labor Certification Appeals
defined, 214
PERM, 162–163
precertification positions (formerly Schedule A), 164. See also Schedule A occupations
process of, 71, 162–165
special handling procedures, 164–165
Labor condition application (LCA)
declared, 215

H-1B visas, 126
Labor Department (DOL)
PERM regulations. See PERM (Program Electronic Review Management System)
role of, 4
Laotian nationals
adjustment of status, 166
Laser visas. See Border crossing cards (BCCs)
Lawful permanent residents (LPRs)
generally, 141–170
adjustment of status, 116–117, 145–146
asylees applying to become, 142
cancellation of removal, 83–84, 142
citizenship vs. permanent residency, 195–196
defined, 143, 215
diversity visa lottery, 146
employment-based immigrant visas, 156–165
family-based immigrant visas, 141, 147–156
immigrant visa process, 144–145
inadmissibility and, 34
loss of permanent residency, 169–170
naturalization and, 199
petition procedure, 143
quotas, 147
refugees applying to become, 103, 142
returning, 34–35, 43, 170
surcharge fee for adjustment of status, 146

Lawful presence
establishing, 33
Legacy INS
defined, 215
Legal Immigration and Family Equity Act of 2000 (LIFE Act)
enactment of, 17–18
Legalization. See also Amnesty
defined, 215
Liberian immigrants
temporary protected status, 107
Literacy test
institution of, 7
Loss of citizenship. See Citizenship
Loss of permanent residency
generally, 169–170
LPRs. See Lawful permanent residents

M
M-1 visas
vocational students, 122
Managers. See also L visas
multinational executives and managers (EB-1), 156–158
Mandamus
as legal remedy, 183, 186–189
Marriage fraud
deporatability for, 75
Immigration Marriage Fraud Amendments of 1986 (IMFA), 13, 14
inadmissibility for, 73
validity for family-sponsored im-
<table>
<thead>
<tr>
<th>Nonimmigrants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>American Immigration Lawyers Association</strong></td>
</tr>
<tr>
<td><strong>INDEX</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>migration, 152–153</td>
</tr>
<tr>
<td><strong>McCarran-Walter Act. See Immigration and Nationality Act of 1952 (INA)</strong></td>
</tr>
<tr>
<td><strong>Media representatives</strong></td>
</tr>
<tr>
<td>1 visas, 129</td>
</tr>
<tr>
<td><strong>Mexican-Americans</strong></td>
</tr>
<tr>
<td>immigration of, 8</td>
</tr>
<tr>
<td><strong>Mexico. See North American Free Trade Agreement (NAFTA); TN visas</strong></td>
</tr>
<tr>
<td><strong>Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA)</strong> enactment of, 36</td>
</tr>
<tr>
<td><strong>Money laundering crimes</strong></td>
</tr>
<tr>
<td>inadmissibility for, 15, 60</td>
</tr>
<tr>
<td><strong>Moral grounds</strong></td>
</tr>
<tr>
<td>deportability, grounds of, 77–78</td>
</tr>
<tr>
<td>inadmissibility, grounds for, 77</td>
</tr>
<tr>
<td>waivers, 78</td>
</tr>
<tr>
<td><strong>Moral turpitude. See Crimes involving moral turpitude (CIMTs)</strong></td>
</tr>
<tr>
<td><strong>Motion pictures. See Performing arts</strong></td>
</tr>
<tr>
<td><strong>Motions to reopen or reconsider</strong></td>
</tr>
<tr>
<td>ineffective assistance of counsel, 180</td>
</tr>
<tr>
<td>procedure, 178–181</td>
</tr>
<tr>
<td><strong>Musicians. See Performing arts</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>N</strong></td>
</tr>
<tr>
<td><strong>N visas</strong></td>
</tr>
<tr>
<td>generally, 138</td>
</tr>
<tr>
<td><strong>NACARA. See Nicaraguan Adjustment and Central American Relief Act of 1997</strong></td>
</tr>
<tr>
<td><strong>NAFTA. See North American Free Trade Agreement</strong></td>
</tr>
<tr>
<td><strong>National Interest Waiver (NIW)</strong></td>
</tr>
<tr>
<td>labor certification, 164</td>
</tr>
<tr>
<td><strong>Nationality</strong></td>
</tr>
<tr>
<td>foreign state chargeability, 148, 149</td>
</tr>
<tr>
<td>persecution on account of, 93</td>
</tr>
<tr>
<td><strong>National Origins Quota Act of 1924</strong></td>
</tr>
<tr>
<td>changes by Immigration Act of 1965, 10</td>
</tr>
<tr>
<td>enactment of, 7</td>
</tr>
<tr>
<td><strong>National Security Entry and Exit Registration System (NSEERS)</strong></td>
</tr>
<tr>
<td>generally, 73</td>
</tr>
<tr>
<td><strong>NATO aliens</strong></td>
</tr>
<tr>
<td>nonimmigrant status, 138</td>
</tr>
<tr>
<td><strong>Natural disasters</strong></td>
</tr>
<tr>
<td>temporary protected status, 107</td>
</tr>
<tr>
<td><strong>Naturalization</strong></td>
</tr>
<tr>
<td>administrative review, 176, 202</td>
</tr>
<tr>
<td>citizenship acquired by, 199–201</td>
</tr>
<tr>
<td>defined, 215</td>
</tr>
<tr>
<td>denaturalization, 196, 203, 205–206</td>
</tr>
<tr>
<td>Hmong Veterans’ Naturalization Act of 2000, 201</td>
</tr>
<tr>
<td>special cases for extraordinary contributions to U.S. national security, 201</td>
</tr>
<tr>
<td><strong>Naturalization Act of 1790</strong></td>
</tr>
<tr>
<td>enactment of, 4</td>
</tr>
<tr>
<td><strong>Nazi persecutions, participants in</strong></td>
</tr>
<tr>
<td>inadmissibility of, 67, 102</td>
</tr>
<tr>
<td><strong>Neutrality laws</strong></td>
</tr>
<tr>
<td>deportability for conviction under, 64</td>
</tr>
<tr>
<td><strong>New evidence</strong></td>
</tr>
<tr>
<td>administrative review, 182–183</td>
</tr>
<tr>
<td><strong>Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)</strong></td>
</tr>
<tr>
<td>adjustment of status, 166</td>
</tr>
<tr>
<td>EB-3 workers, 159</td>
</tr>
<tr>
<td>enactment of, 17</td>
</tr>
<tr>
<td><strong>NIW. See National Interest Waiver</strong></td>
</tr>
<tr>
<td><strong>Nonimmigrants</strong></td>
</tr>
<tr>
<td>generally, 109–139</td>
</tr>
<tr>
<td>administrative review of visa petitions, 177</td>
</tr>
<tr>
<td>categories of visas, 119–139</td>
</tr>
<tr>
<td>chart of, 235–237</td>
</tr>
<tr>
<td>education, 120–122</td>
</tr>
<tr>
<td>family, 122–123</td>
</tr>
<tr>
<td>foreign government or quasi-government employees and officials, 137–138</td>
</tr>
<tr>
<td>law-enforcement-related, 135–136</td>
</tr>
<tr>
<td>tourism, 119</td>
</tr>
<tr>
<td>work or business, 123–135</td>
</tr>
<tr>
<td>change of status, 116–119</td>
</tr>
<tr>
<td>administrative review, 177</td>
</tr>
<tr>
<td>consular processing, 177</td>
</tr>
<tr>
<td>defined, 215</td>
</tr>
</tbody>
</table>
Nonrefoulement

dual intent, doctrine of, 111–112
extension and reinstatement of status, 115
from state designated as sponsor of terrorism, 112
visa application and admission procedure, 112–113

Nonrefoulement defined and incorporation into U.S. law, 103–104

North American Free Trade Agreement (NAFTA)
TN visas and, 134–135

Northern Ireland
Q-2 visas for persons 35 or younger, 132–133

Notices
Notice to Appear (NTA), 44–45

NSEERS (National Security Entry and Exit Registration System)
generally, 73

Numerical cap. See Quotas Nurses
H-1C professional registered nurses, 127

O

O visas
generally, 14–15, 131
O-2 aliens accompanying O-1 aliens, 131

Oaths
naturalization, 202

Office of Refugee Resettlement
role of, 4

Office of Special Counsel (DOJ)
role of, 3

Office of the Chief Administrative Hearing Officer (OCAHO)
role of, 3–4, 176

Omnibus Anti-Drug Abuse Act of 1988
mandatory detention of noncitizens with aggravated felony convictions, 36

Orphan child
establishing family relationship, 153–154

P

P visas
generally, 14, 132

Pardons
conviction for purposes of immigration, 58

Parents
establishing family relationship, 154–155

Parole. See also Humanitarian relief
generally, 35–36, 39–40
defined, 11, 35–36, 216
refugee usage of, 12

The Passenger Cases (1849)
state’s imposition of tax on noncitizens held unconstitutional, 5

Passports
denial review procedure, 207

PATRIOT Act. See USA PATRIOT Act
Performing arts
exceptional ability in, 132
P-1 visas, 132
Schedule A labor certification, 164–165

Perlman Commission
role of, 9

Permanent residency. See Lawful permanent residents (LPRs)

PERM (Program Electronic Review Management System)
generally, 162–165
audits, 163
criticisms of, 162–165
defined, 216
documentation requirements, 163
effective date of, 162
filing requirements, 163
recruitment requirements, 163–164

Persecution
basis for, 93
credible fear of persecution, 43, 102
mixed motives, 95, 103
past persecution, 94
totality of circumstances test, 101
waiver of inadmissibility/deportability based on, 80
well-founded fear of persecution, 43, 94

Persecutors
denial of asylum for, 99
inadmissibility/ deportability of, 67, 69
<table>
<thead>
<tr>
<th><strong>Index</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Petty offense exception</strong></td>
</tr>
<tr>
<td>criminal convictions that mandate inadmissibility or deportability, 56</td>
</tr>
<tr>
<td><strong>Physical presence. See Continuous residence or physical presence</strong></td>
</tr>
<tr>
<td><strong>Physicians</strong></td>
</tr>
<tr>
<td>medical graduates of nonapproved foreign medical schools, 71</td>
</tr>
<tr>
<td><strong>Plenary power doctrine</strong></td>
</tr>
<tr>
<td>challenges to, 21–22 in Chinese Exclusion Case (1889), 21–22</td>
</tr>
<tr>
<td><strong>Political opinions</strong></td>
</tr>
<tr>
<td>persecution on account of, 93–94, 98</td>
</tr>
<tr>
<td><strong>Polygamy</strong></td>
</tr>
<tr>
<td>inadmissibility, grounds for, 77</td>
</tr>
<tr>
<td>waivers not allowed, 78</td>
</tr>
<tr>
<td><strong>Portability. See H-1B visas</strong></td>
</tr>
<tr>
<td><strong>Post-removal order detention</strong></td>
</tr>
<tr>
<td>detention exceeding six months, 39</td>
</tr>
<tr>
<td><strong>Preemption</strong></td>
</tr>
<tr>
<td>conflicts between federal and state laws, 24–27</td>
</tr>
<tr>
<td><strong>Preference immigrants</strong></td>
</tr>
<tr>
<td>categories, defined, 216 employment-based, 156–165. See also Employment-based immigration</td>
</tr>
<tr>
<td><strong>Prehearing detention</strong></td>
</tr>
<tr>
<td>mandatory detention of noncitizens with aggravated felony convictions, 36–38</td>
</tr>
<tr>
<td><strong>Pre-inspection</strong></td>
</tr>
<tr>
<td>defined, 217</td>
</tr>
<tr>
<td><strong>Preponderance of evidence</strong></td>
</tr>
<tr>
<td>removal for terrorism, 50</td>
</tr>
<tr>
<td><strong>Primary inspection</strong></td>
</tr>
<tr>
<td>defined, 217</td>
</tr>
<tr>
<td><strong>Priority dates</strong></td>
</tr>
<tr>
<td>defined, 217</td>
</tr>
<tr>
<td><strong>Professionals. See H-1B visas; Skilled workers and professionals; specific professions</strong></td>
</tr>
<tr>
<td><strong>Professors</strong></td>
</tr>
<tr>
<td>labor certification, 157, 165</td>
</tr>
<tr>
<td><strong>Prosecutorial discretion</strong></td>
</tr>
<tr>
<td>backlog of cases and, 47–48</td>
</tr>
<tr>
<td><strong>Prostitution</strong></td>
</tr>
<tr>
<td>inadmissibility/deportability, grounds for, 60, 65, 77</td>
</tr>
<tr>
<td>waivers, 65, 78</td>
</tr>
<tr>
<td><strong>Public charge, likely to become. See Economic grounds</strong></td>
</tr>
<tr>
<td><strong>Q</strong></td>
</tr>
<tr>
<td><strong>Q visas</strong></td>
</tr>
<tr>
<td>generally, 132–133</td>
</tr>
<tr>
<td><strong>Quotas</strong></td>
</tr>
<tr>
<td>1921 law on, 7 defined, 217 employment-based immigration, 156 H-2 visas (temporary workers), 128 Immigration Act of 1965, 10–11 INA and, 9</td>
</tr>
<tr>
<td><strong>Reinstatement</strong></td>
</tr>
<tr>
<td>lawful permanent residents (LPRs), 147–148</td>
</tr>
<tr>
<td>refugees, 101</td>
</tr>
<tr>
<td>Select Commission on Immigration and Refugee Policy recommendations on, 12 worldwide, 11–13</td>
</tr>
</tbody>
</table>

**R**

| **R visas** |
| generally, 133–134 |
| **Rational basis test** |
| classification under, 23 |
| **REAL ID Act of 2005** |
| asylum, 210 enactment of, 19, 103 final orders of removal, 186 judicial review, 81, 103, 183–186 mixed-motive cases, 95, 103 |
| **Reconsideration, motions for** |
| procedure, 178–181 |
| **Recruitment** |
| PERM requirements, 162–164 |
| **Reduction in recruitment (RIR)** |
| defined, 217 |
| **Refugee Act of 1980** |
| enactment of, 12, 91–92 parole and, 36 procedures, 101–102 withholding of removal, 103–104 |
| **Refugees. See also Asylum seekers** |
| 1980 legislation on, 12 defined, 92–93, 217 |
Registered nurses. See Nurses

fear of persecution. See Persecution

Registered nurses. See Nurses

Reinstatement
nonimmigrant status, 115

Relatives. See Family-sponsored immigration

Release
on bond, 40
of detainees, 39–40

Religion
persecution on account of, 93
R visas for religious workers, 133–134

Reinquishment of citizenship
procedure, 196, 203–206

Removal. See also Expedited removal
in absentia hearings, 44–45
administrative review of discretionary relief, 175
bar to reentry, 72–75
cancellation of, 83–85, 142, 210
CAT relief, 105–106
constitutional claims, 183–185
defered action, 81, 82, 83, 106–107, 211
declared, 218
detention of persons in removal proceedings, 38–39
final orders of removal, petitions for review, 186–188
grounds for deportability, 9, 29
hearings, 44–46
IIRIRA procedure, 16, 30–32
injunctive relief, 189
loss of permanent residency, 169–170
questions of law, 185
relief from, 52
defined, 218
permanent relief, 83–85
temporary relief, 81–83
stay of, 81–82
terrorist removal hearing, 50–51
unaccompanied minors in proceedings, 4
withholding of, 103–104, 219–220

Reopen, motions to
ineffective assistance of counsel, 180–181
procedure, 178–181

Repatriation campaign
scope of, 8

Research scholars
labor certification, 162

Residency requirements. See Continuous residence or physical presence; specific type of visa

Restrictionism
at turn of the century (1800s-1900s), 6–8

Restriction on removal.
See Withholding of removal

Returning lawful permanent residents (LPRs)
treatment of, 34–35, 43, 169–170

Revocation
of naturalization, 176

of petitions for immigrant visas, 169

S visas
generally, 135–136

Sabotage
deportable offense, 64

St. Cyr case (2001)
availability of §212(c) relief, 85, 191, 192

Salvadorian immigrants
temporary protected status, 107

Sanctions
administrative review of employer sanctions, 176
for contempt, 45, 46
on employers for hiring illegal aliens, 13–14

Schedule A occupations
labor certification, 164–165

Seamen
D visas, 138

Seasonal workers
H-2 visas, 127–128

Secondary inspection
defined, 218

Security grounds for deportability
threats against president, espionage, sabotage, or sedition, 64

Security grounds for inadmissibility
generally, 67–69

Security issues. See also Terrorism
legislation dealing with (first half of 1900s), 8
naturalization for extraordinary contributions to U.S. national security, 201
post-9/11 legislation dealing with, 18–21

Sedition
deportable offense, 64

Select Commission on Immigration and Refugee Policy
creation and recommendations of, 11–13

Selective Service laws
deportability for conviction under, 64

Service centers
defined, 218

Seventh Preference
refugees admitted under, 12

SEVIS (Student and Exchange Visitor Information System)
defined, 218
F (academic) students, 120–121

Ship crews
D visas, 138

Siblings
establishing family relationship, 155

Simpson-Mazzoli bill. See Immigration Reform and Control Act (IRCA)

Skilled workers and professionals
EB-3 status, 159

Smith Act of 1940
enactment of, 8

Somalia
temporary protected status, 107

Soviet Scientist Immigration Act of 1992
enactment of, 15

Specialty occupations. See H-1B visas; L visas

Spousal relationship. See also Marriage fraud
for immigration purposes, 152–153

Stalking
deportability for, 64

State Department (DOS)
Board of Appellate Review, 173, 174
overseas visas, authority for, 2–3
role of, 2–3

State laws
preemption, 24–27
supremacy clause and, 24–25

Statelessness
international law and, 204

Stay of removal
request for, 81–82

Stepchildren
establishing family relationship, 153–154

Stowaways
inadmissibility, 72

Streamlining
of BIA appeals, 182

Strict scrutiny test
classification under, 23, 24

Students
foreign-exchange-student residency requirement, 79, 116
F visas. See F visas;
SEVIS (Student and Exchange Visitor Information System)

Terrorism

Information System
H-3 temporary trainees, 128–129
nonimmigrant visas, 119–122
switch from private to public institution, 72

Summary removal. See Expedited removal

Supremacy clause
state and local enforcement and, 24–25

Syrian Jews
adjustment of status, 166, 167

T

T visas
generally, 136
creation of, 17

Taxation
on aliens, 5

Temporary protected status (TPS)
generally, 106–108
administrative review, 177–178
defined, 218

Temporary workers
H-2 visas, 127–128

Terrorism
Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 16
deportability, grounds of, 67, 70
detention of persons suspected of, 38, 39
inadmissibility, grounds of, 67, 68
removal hearing, 50–51
state designated as sponsor of terrorism, 112
Visas Viper Terrorist Reporting Program, 219
voluntary departure not available, 82

TN visas
generally, 134–135

Torture. See also Convention Against Torture (CAT)
defined, 105

Tourism
nonimmigrant visas for, 119

TPS. See Temporary protected status

Trading with the Enemy Act
deportability for conviction under, 64

Trainees
H-3 trainees. See H-3 temporary trainees

Translation
removal hearings, 46

Travel
persons in immediate and continuous transit through U.S., 138
restrictions during war or national emergency, 64
transit without visa (TWOV) program, 138–139
VWP, persons traveling under, 118–119

U

U visas
generally, 136–137
creation of, 17

Undocumented aliens
Arizona law on police determining status of, 25–26

United Nations
G visas for officials and employees, 137–138

United Nations High Commission for Refugees (UNHCR)
Handbook on Procedure and Criteria for Determining Refugee Status, 95

Universities
professors and researchers, labor certification, 165 students. See Students

Unlawful presence
generally, 73–77
defined, 218
three- and ten-year bars, 74–75

U.S. citizens. See Citizenship

U.S. Citizenship and Immigration Service (USCIS)
naturalization process, 202
role of, 2, 218

USA PATRIOT Act
enactment of, 18
family-sponsored immigration and, 166

US-VISIT program
defined, 218–219

V

V visas (nonimmigrant spouses and children of I-130 petitioner)
generally, 123
creation of, 17–18
dual intent doctrine, 111

Verification. See Employment verification

Victims of Trafficking and Violence Protection Act of 2000
enactment of, 17

Vietnam nationals
adjustment of status, 166

Violence, crimes of inadmissibility/deportability for, 15, 60, 61, 62

Violence Against Women Act (VAWA)
naturalization and, 200

Violent Crime Control and Law Enforcement Act of 1994
enactment of, 15

Visas
defined, 219
immigrant, 141–170, 229–234. See also Immigrant visas
nonimmigrant, 109–139, 235–237. See also Nonimmigrants
overseas issuance of, 2–3

Visas Viper Terrorist Reporting Program
role of, 219

Visa Waiver Program (VWP)
generally, 117–119 admissibility and, 33 defined, 219

Voluntary departure
generally, 82

American Immigration Lawyers Association
Voluntary relinquishment of citizenship. See Re- linquishment of citizenship

W

Waivers
administrative review, 177–178
defined, 219
for humanitarian rea- sons. See Hu- manitarian re- lief
of inadmissibility/ de- portability, 51–54
aggravated felonies or certain convic- tions, 64– 66
chart summary, 86– 87
distinguished from permanent relief, 83
economic grounds, 72
health-related grounds, 55
humanitarian purposes, 76–78, 80
immigration law viola- tions, 76–77
miscellaneous grounds, 80
moral grounds, 78
no objection waiver from person’s country, 80
provisional, 20
defined, 217
generally, 20
procedure, 53–54
visa process, 144
security grounds, 70

Warrantless arrest
for probable cause that public offense renders person removable (Arizona law), 25

Welfare benefits
deportability and, 71–72

Withholding of removal
defined, 103–104, 219– 220

Witnesses
nonimmigrant S visas, 135–136

Witness Protection Pro- gram
exception to deportability for aggravated felony convic- tions, 37

Women. See also Battered spouse or child
coercive population control and, 98
gender basis for social group persecu- tion, 97

Work authorization. See Employment authoriza-

Work permits. See also Employment authoriza-
tion document (EAD)
defined, 220

World Bank
G visas for officials and employees, 137–138