

IMMIGRATING THE LEGAL WAY

SIMULATION CARDS AND BOARD

This experience is a simulation game. Cut out the 24 cards in the following pages: on the front side, each one provides you with a scenario. Imagine that you are the person described on the card who, for one reason or another, desires to immigrate to the United States.

Then, cut out and assemble the pages below into one large, complex flow chart. Try to navigate it to determine how you might be eligible to become an immigrant in the United States going through the legal channels. Your scenario may not give you all the information necessary to go through the flow chart; if the card does not supply the information needed to answer a question, you can make up a reasonable answer. If it's a frustrating and confusing process, know that this is actually a simplified, incomprehensive version of U.S. immigration law.

After you've done your best to work your way through the maze, turn the card over to see how well you did.

SCENARIO

You are a desperately poor farmer in the country of Zambia. You only were able to attend school through fourth grade, when your father needed you to join him in the fields and to take care of your younger siblings. You have no family in the U.S., but you believe that if you could make it there, your life and the lives of your children would be very different.

You probably have no option to migrate lawfully to the U.S. You have no family members to sponsor you, your lack of education makes it almost certain that you would not qualify for an employer-sponsored visa, and your school education makes you ineligible for the Diversity Lottery.

SCENARIO 1

You are a native of Mexico. You, your spouse, and your four kids all must live on your wages of about \$8 per day, and you do not always have enough to eat. You have cousins in Los Angeles who are U.S. citizens, and they tell you that you could earn \$8 per hour at a fast food restaurant near where they live. You have no other U.S. citizen or Lawful Permanent Resident relatives.

SCENARIO 2

You are a native of the Philippines. You have a high school education but no college degree. You have searched for months without a job and have found few options in your country. Your brother, Ernesto, went to the United States on an employment based visa as a nurse five years ago and now has his green card.

SCENARIO 3

You are a native of Canada. You recently earned your Ph.D. in chemical engineering, and a corporation in Seattle has offered you a job. You have no family in the U.S.

SCENARIO 4

You are a native of Nicaragua. You just graduated from college but still the best job you can find pays the equivalent of \$1,500 per year, barely enough to get by. Your parents went to the United States in the 1980s fleeing political violence and were granted asylum, and they are now citizens, but they left you behind with your grandmother and have never previously petitioned for you. You're 22 years old and single.

You probably have no option to migrate lawfully to the United States under current law. If your brother becomes a citizen—which in most cases is possible five years after he was granted his green card—he could file a petition on your behalf, but petitions for siblings of U.S. citizens are currently being processed at the U.S. Consulate in Manila after a wait of about twenty-three years.

You probably have no option to migrate lawfully to the United States under current law. Your family members are ineligible to sponsor you, and, if you are earning \$8 per day, you almost certainly are not “highly-skilled” enough to qualify for a work-based visa. There is no Diversity Visa Lottery for Mexico.

Your best option is probably that one or both of your parents file a family petition on your behalf. At present, the U.S. Consulate in Managua is processing cases filed eight years ago, so you can expect to wait quite a while.

You are a good candidate for an employment-based visa. Presuming that the employer who has offered you a job is willing to spend the money and time necessary to sponsor you, you will likely be able to come to the United States. You will probably have to get a temporary work visa initially—and that may not be possible immediately, as there are limited numbers for these visas as well—but eventually it should be possible, and you may then eventually be able to get a green card and, five years after that, citizenship should you choose.

SCENARIO 5

You are a forty-five year old woman living in Poland. Your twenty-two year old daughter, unable to find work, left Poland four years ago on a tourist visa; she married an American citizen and, three years later, has now become a U.S. citizen herself. You're struggling to find work in Poland, and are interested in living in the United States along with your husband and your fourteen-year-old son.

SCENARIO 6

You are a native of Mexico. You have a high school education, but you've worked very hard and grown a successful business in Michoacán. You now earn \$15,000 per year—enough to comfortably support you, your spouse, and your two daughters. You love your country, but in the last few years, it has become much more dangerous to live in Mexico, as drug cartels and gangs seem more powerful than the government in some parts of the country. You've been told twice that if you didn't provide a bribe of \$5,000 to a local drug-lord, your daughters would be killed. Scared, you complied—but you can't afford to keep living like this. Your brother-in-law lives in Chicago, and tells you that you'd be safe there.

SCENARIO 7

You are a native of Benin in West Africa. You have had no formal education and survive on less than \$1 per day as a subsistence farmer. This year, there has been less rain than in the past, and your crops are barely surviving. Your entire extended family lives in your village. You left last year to go to the capital city and find work, but the situation wasn't much better than in your little village. You're desperate for any opportunity, and don't feel any option other than getting out.

SCENARIO 8

You are a native of Ireland and completed high school there. You had a factory job for the past twenty years that provided a decent wage, but that factory has recently closed and relocated to Cambodia. You've spent two years applying for jobs and have not found any stable work. Last year, your distant relatives from Boston came on a vacation to Ireland and met you, and they told you about the company they own in Boston, producing candy wrappers.

You probably have no option to migrate lawfully to the United States under current law. Your fear of persecution is not on account of your race, religion, national origin, political opinion, or membership in a particular social group, so you would not qualify for refugee or asylee status. Your brother-in-law cannot file a petition on your behalf. (If your sister is also there and is a U.S. citizen, she may be able to do so, but the wait time will probably be at least fifteen years).

Your daughter, now a U.S. citizen, could file a petition on your behalf and you should be able to enter the United States as a Lawful Permanent Resident within six months to two years, presuming that you've not done anything that would make you inadmissible (such as committing crimes, having a contagious disease, having ever been previously present in the U.S. without legal status, etc.) Presuming that your husband is also your daughter's father, he should be able to come through the same process, but you'll have to leave your son behind. At earliest, if you petition for him as soon as you arrive, he may be able to come in about three years.

You probably have no option to migrate lawfully to the United States under current law. As an Irish citizen, you could visit the United States without the need of a visa through the "visa waiver" program, but it would be unlawful for you to work or stay permanently. It would be extremely unlikely that your relatives' company could successfully obtain an employment-based visa for you, since your potential job is considered "low-skilled." You could enter the Diversity Lottery online; your odds of winning are approximately 1 in 300.

You probably have no option to migrate lawfully to the United States under current law. You do not meet the qualifications of a "highly-skilled" immigrant so as to be sponsored by an employer, and you have no family members who are U.S. citizens or Lawful Permanent Residents. Without a high school degree, you are also ineligible for the Diversity Lottery.

SCENARIO 9

You are a native of the Dominican Republic and a single mother of three children, aged fourteen, sixteen, and nineteen. Two years ago, while selling jewelry in the market, you met a nice US citizen who was on a cruise that stopped off in several places in the Caribbean. He seems like a genuinely nice guy, and you've stayed in touch via email. Eventually, you agree to marry him, so he flies down and you have a wedding ceremony.

SCENARIO 10

You are a native of Haiti. You are twenty years old and just got married. Your mother went unlawfully to Miami on a boat ten years ago and is still there, out of legal status, and sending you money occasionally. Your father—who was never married to your mother—went several years earlier, married a U.S. citizen, and was somehow able to obtain a green card in 1999. He is still a Lawful Permanent Resident. Now, after the earthquake in Port Au Prince, your home (built with the money your parents sent over many years) has been destroyed, and you're living in your wife's parents' one-bedroom home with six other people. You have only a primary education.

SCENARIO 11

You are a native of Cuba. You live on a minimal salary and have to use the black market to operate an illegal restaurant out of your house. You have cousins in New Jersey who have become very successful and who are now U.S. citizens, but no other U.S. citizen or Lawful Permanent Resident relatives. You have a high school degree.

SCENARIO 12

You are a native of Venezuela. You are in an abusive marriage, and you are afraid that your husband's physical and emotional abuse will never end. You have only a high school education, but you do have a sister in New Orleans.

You probably have no option to migrate lawfully to the United States under current law. If your father is able to naturalize, and if he can prove a strong father-child relationship with you (since you were born out of wedlock), you may eventually be able to come. At present, the wait time for a married child of a U.S. citizen from Haiti is about nine years, and the good news is that your spouse would get to come with you at the same time (and any children you may have by that time, so long as they remain unmarried and under 21 years old). If you cannot prove that you ever had much of a relationship with your father, because he abandoned you shortly after your birth and never supported you financially, you will not qualify as his child even after he naturalizes. Haitian nationals are not eligible to apply for the Diversity Lottery, and with only a primary education you are very unlikely to qualify for an employer-sponsored visa.

As the spouse of a U.S. citizen, your husband can file a petition on your behalf so that you can live permanently in the United States with him. He can also file petitions for your fourteen- and sixteen-year-old children. However, he does not legally qualify as the stepfather of your nineteen-year-old son, since that child was over 18 years old when you were married. If you want your nineteen-year-old to come, your only option is to petition for him once you arrive in the U.S.—but it will likely take at least eight years under current law, and he should be informed that if he marries during that wait time, the petition will die. Also—as a warning—you should perhaps be suspicious of marrying someone whom you do not know well: many cases of human trafficking or marriages plagued by domestic abuse start like this.

You may be eligible to immigrate through your sister, eventually, but only if she is a U.S. citizen. If not, you probably have no option to migrate lawfully to the United States under current law. If she is a citizen, she can file a petition, but the U.S. consulate in Caracas is currently processing these sort of petitions only if filed eleven years ago or earlier, so this is not going to happen quickly. You could also enter the Diversity Lottery; your odds of winning are about 1 in 300.

You probably would have no option to migrate lawfully to the United States under current law—except for that you're Cuban, and the U.S. treats Cubans very differently than folks of other nationalities. If you can manage to get to the United States—on a boat or, as a safer option, flying to Mexico and then reaching the U.S. border—you will be paroled in and eligible for a green card one year later.

SCENARIO 13

You are a native of the Democratic Republic of Congo. Your village has been devastated by war. You live in complete poverty and have never been to school, though you are now twenty-five years old. You subsist by selling pirated DVDs along the busy streets of your city. Your father fled to Tanzania three years ago and recently was accepted as a refugee to go to the United States, where he now has refugee status.

SCENARIO 14

You are a native of Rwanda. You come from a well-off family and were able to go to college in India. You've just returned to Rwanda, but your father was recently imprisoned, ostensibly because he committed a crime but actually because of his ethnicity. You apply to and are accepted to a Master's Program at a university in Chicago, but they have not offered you a significant scholarship, and at this point you only have \$5,000 of savings.

SCENARIO 15

You are a native of Mexico and a member of a very prominent family in Mexican society. Your father owns seven car dealerships in Mexico City and is a multi-millionaire. You've got an inherited investment portfolio presently worth \$5 million dollars, and think that if you invested that money in a car dealership in the U.S. that you could get a better return than in Mexico. You have no family members in the U.S., though you do have a tourist visa.

SCENARIO 16

You are a native of China. You recently finished a Master's Degree in Computer Engineering, and you speak English fairly well. You have found a job in your country, but the pay is a fraction of what you hear you could make in the United States. You have a husband and three kids whom you're primarily supporting, so you've tried to find a job in the United States, but with no success so far. You have no relatives in the United States.

You probably have no option to migrate lawfully to the United States under current law, but you might be able to obtain a temporary student visa if you can show that you have at least the first year's tuition in cash. Once you arrive, though, you should be aware that you will have very limited work authorization—not enough to earn the amount of tuition needed for a Master's Degree, and you will not be eligible for any federal financial aid or student loans. You could also enter the Diversity Lottery; your odds of winning are about 1 in 300.

You probably have no option to migrate lawfully to the United States under current law, unless you can convince the United Nations to accept you as a refugee—which cannot happen while you are living in the country of persecution. If you go to a third country, you might be designated as a refugee, but your odds of being resettled to the United States where your father is are still slim. Since you are older than 21 years old, your father cannot submit a petition for you at this time, though perhaps he could once he is able to become a Lawful Permanent Resident; the wait would then likely be at least eight years, and if you marry during that time it would terminate the petition.

Your best option is to try to find an employer in the United States who is willing to sponsor you; if you could find the employer, you may be eligible as a highly-skilled immigrant for an employment-based visa. You will likely need to accept a temporary work visa initially, but could eventually be eligible for a green card if you can maintain employment long enough. Then again, finding a job offer when the economy is down in the U.S. might prove very difficult—there are plenty of unemployed folks in the U.S. looking for jobs, so why would an employer spend the time and money necessary to petition for you?

You're in a good position—you are probably eligible for an investor visa, which is an employment-based visa for investors. You need to invest at least \$1 million in the U.S. and employ several U.S. citizens, but you should be eligible for a green card (presuming that you have not committed crimes or done anything else that would render you inadmissible).

SCENARIO 17

You are a native of Pakistan. Your sister lives in the United States and recently became a U.S. citizen. With the violence that is increasing in your country, you worry that you are not safe, and you have an idea for a business to start. You have a college education, but very little money.

SCENARIO 18

You are a native of Slovakia. You've never known your father and your mother went on a tourist visa to the United States twenty years ago, at a time when she was struggling to support you. She has never returned because of her undocumented status in the U.S. She works as a cleaning lady for \$70 a day. Over the years has saved up a good amount of money, and has bought a house, and paid for your school fees and housing from abroad. (You graduated from high school). She has not seen you since you were twelve years old and wants desperately for you to come to the United States—she says that if she deposits enough money into your savings account, you might be able to get a tourist visa. You would be more than willing to leave your job as a waitress, which you don't enjoy much anyway.

SCENARIO 19

You are a native of Burma. As an ethnic minority and a Christian, you were persecuted by the dictatorial military government of Burma/Myanmar. You only completed primary school before you were forced to flee your village. Eventually, you fled to Thailand, but there you are forced to live in camps; there is no work, you can never become a citizen, and, though you're safer than you used to be, your life is very difficult. You have no family connections in the United States.

SCENARIO 20

You are a native of Honduras. You have a fourth grade education. Your four children have all migrated illegally to the United States, though two migrated prior to 1982 and were granted legal status through the "amnesty" signed by President Reagan in 1986. They are now U.S. citizens. You are too old to work and too old to learn English, but you are lonely without your family.

You probably have no option to migrate lawfully to the United States under current law. If you are able to obtain a tourist visa, you could potentially enter the United States, but if you stayed more than six months or worked at all in the U.S. you would be violating the law. You would also qualify to enter the Diversity Lottery, but your odds of winning are about 1 in 300.

Your best option is probably through your U.S. citizen sister, but under current law you should expect to wait at least ten years before you would be eligible to come to the United States. Your good ideas alone will almost certainly not be sufficient in themselves to earn you an employment-based visa; if you could find an employer willing to hire you, you might be able to qualify as a highly-skilled immigrant, but your odds would be much better with a more advanced degree. Pakistani nationals are not eligible to apply for the Diversity Lottery.

One of your U.S. citizen children should be eligible to file a petition on your behalf, and you should be able to enter the United States in between six months and two years, presuming that you've never been there unlawfully previously, committed any crimes, or done anything else that would render you inadmissible.

You probably have no option to migrate lawfully to the United States under current law, unless you are fortunate enough to be designated as a refugee. Many Karen refugees from camps in Thailand have been resettled in recent years, so this may be a possibility. Still, the majority have not been resettled, so your odds are not good. Your lack of a high school education makes you ineligible to apply for the Diversity Lottery.

SCENARIO 21

You are a native of Honduras. You came to the United States on a tourist visa as a small child with your parents, but did not return to Honduras when your visa expired. You went through elementary and secondary school in Georgia, where you met your boyfriend, Tom. After high school, you understood what it meant that you were undocumented when you found out that, without a valid Social Security card, you were ineligible for any federal financial aid; you thus had to decline your admission offers to college. It was impossible to find a job without using a fraudulent Social Security card, which you prefer not to do. At age 19, you returned to Honduras, hoping to find work there. Having been there for six months, though, you haven't found good work yet. Tom came recently to visit and asked you to marry him; you agreed, and recently were lawfully married.

SCENARIO 23

You are a university student in Chile. Last year, an American student named Shauna began attending your church when she was studying abroad in Santiago for a year. Over the course of the year, you fell in love and, before she left, you proposed to her. She said yes, and now you want to get married near her home in Baltimore next year.

SCENARIO 22

You are a seventeen-year-old girl living in Jamaica. Your sister, a U.S. citizen who was born in the U.S. prior to your birth, sponsored your parents to come to the U.S. as Lawful Permanent Residents. You are about to finish high school, but cannot afford to continue on to college, and you are very lonely since your parents left to go to the U.S.

SCENARIO 24

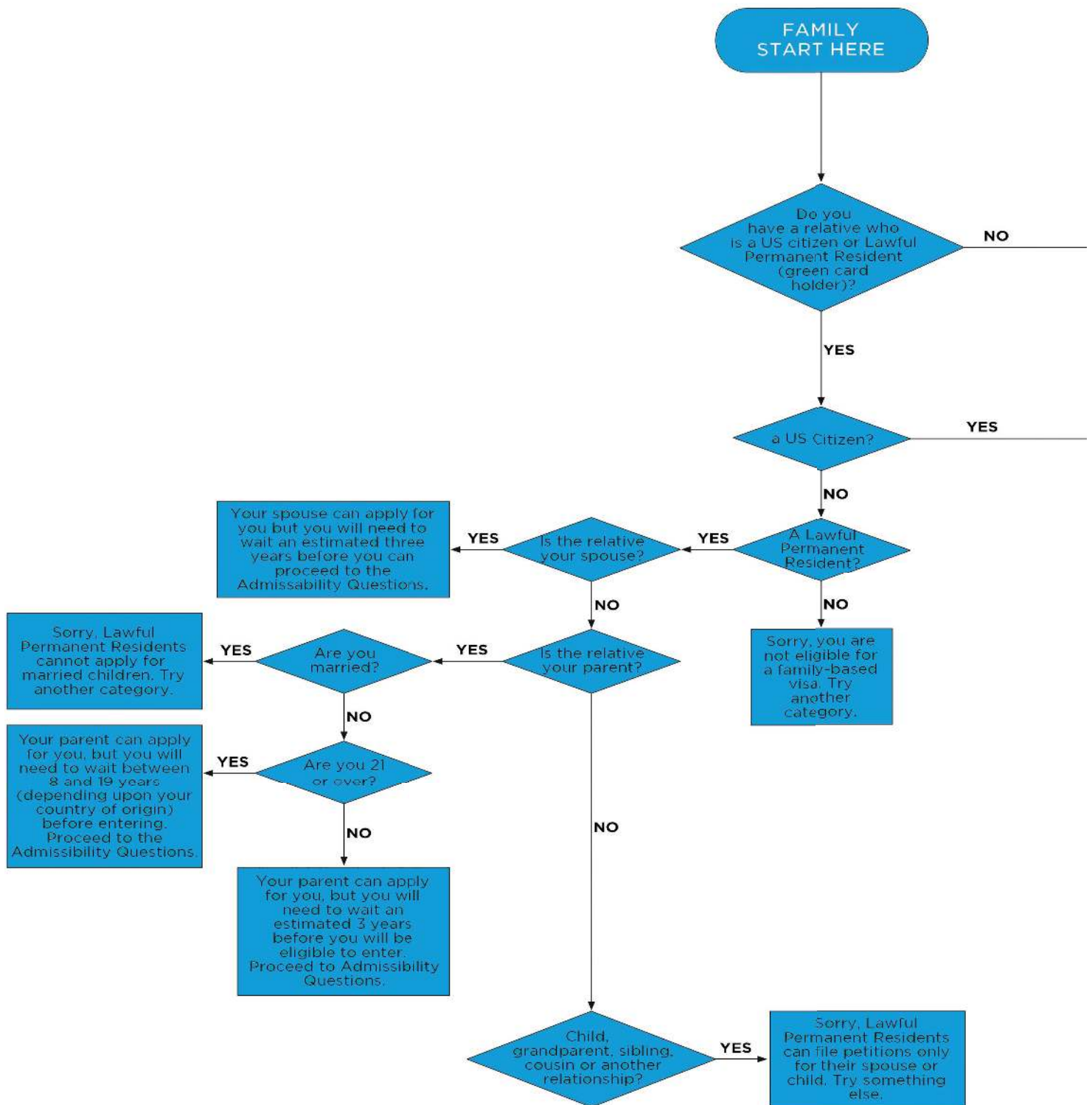
You are a citizen of Thailand. You met your husband, George, when he was working as a missionary in your country many years ago. You have now been married for nearly twenty years and have two children. You came to the United States once previously during a two-year long furlough for your husband, and were granted a green card. With that green card, you received a driver's license and even registered to vote while you were at the Department of Motor Vehicles. You've now been back in Thailand for a decade, but you would like to retire in the United States, where your children now live.

Your sister can also file a petition for you. Whereas your parents were considered Immediate Relatives under the law and able to enter the U.S. just eight months after the petition was filed, though, the State Department is currently adjudicating cases for siblings of U.S. citizens only if they were filed at least ten years ago, so you will have a long wait. If your mother or father filed a petition for you as Lawful Permanent Resident, it would be about a three to four year wait. If you turn twenty-one before the visa becomes available, though, you may “age out” and move into the category of adult children of Lawful Permanent Residents, for which the wait time is about eight years. And if you marry while that petition is pending (and before your sponsoring parent has naturalized), your petition will die. The Diversity Visa Lottery is not an option for Jamaican nationals, and with a high school degree only you’re very unlikely to be eligible for an employer-based visa.

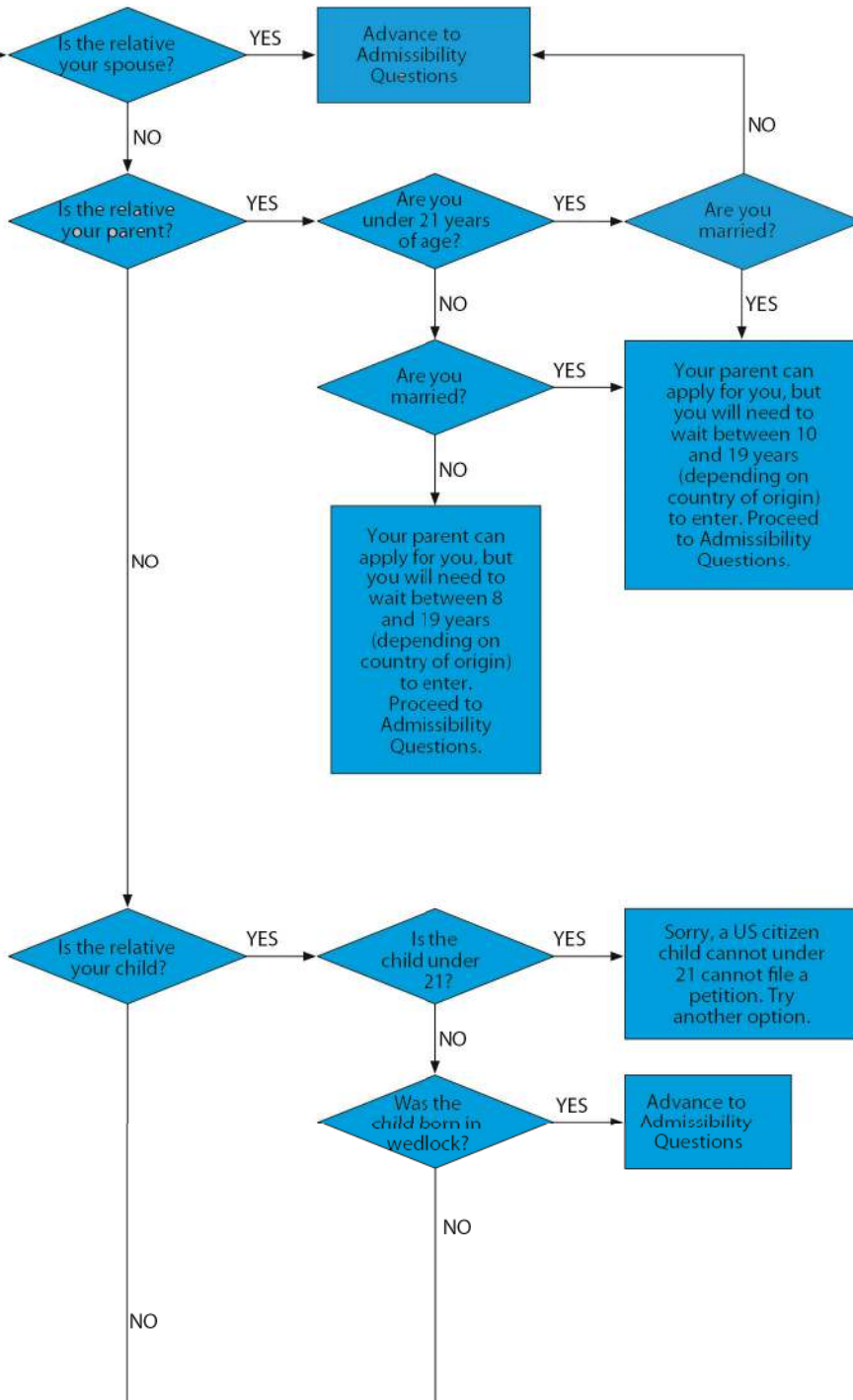
As the spouse of a U.S. citizen, your husband can petition for you and you will be eligible for your visa appointment in about six months to one year. But, because you have previously been unlawfully in the U.S. for more than one year after your 18th birthday, you are barred from entry to the United States for ten years from the time that you last departed. Your only hope is for the U.S. Consulate to grant you a waiver, if you prove that the decision to bar you from entry would cause “extreme hardship” to Tom, your U.S. citizen husband. That might seem obvious—living apart from your spouse for ten years would be “extremely hard”—but the majority of these waiver requests are denied in Tegucigalpa, so your odds are not good. After the ten year wait, though (if you’re still married), you should be eligible to return to the U.S. (Employment-based visas or Diversity Lottery visas, if you could obtain them, would still face the ten-year bar because of your past unlawful presence).

You probably abandoned your Lawful Permanent Residence granted with your first green card by staying abroad for many years in Thailand without returning to the U.S., but your husband could file a new petition for you and you should be eligible to enter within six months to one year as the spouse of a U.S. citizen... but the fact that you registered to vote while you were here last most likely implies that you signed a form, whether or not you understood it, that claimed that you were a U.S. citizen. That false statement, whether intentional or not, renders you permanently inadmissible to the U.S.

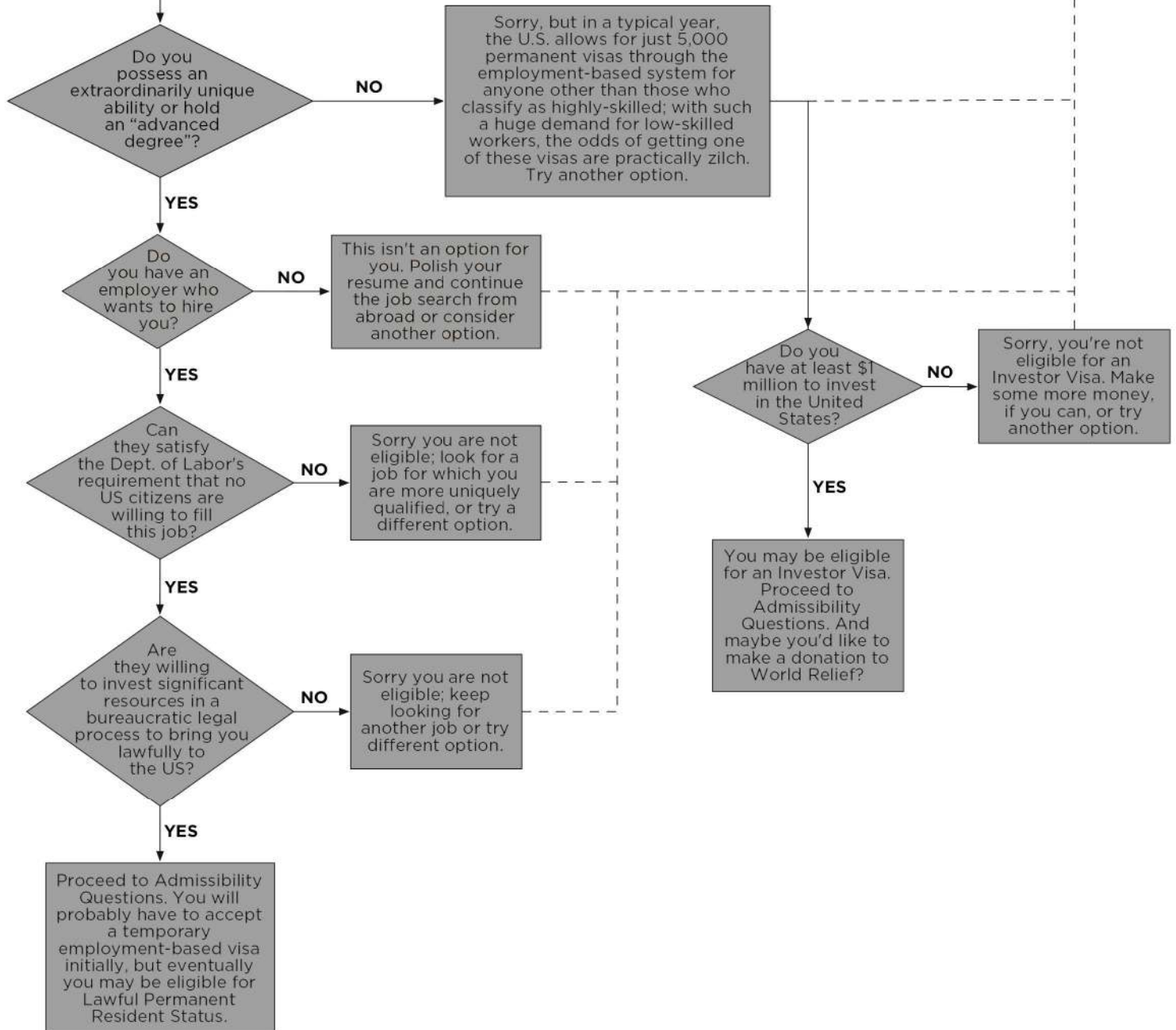
Presuming that you do not have a criminal history or any other problems that might render you inadmissible, your fiancée should be able to apply for a non-immigrant fiancée visa for you, allowing you to enter the United States. From there, once you are legally married, she can file for your green card, and it should arrive within six months to one year.



Sorry, you are not eligible for a family-based visa. Try another category.

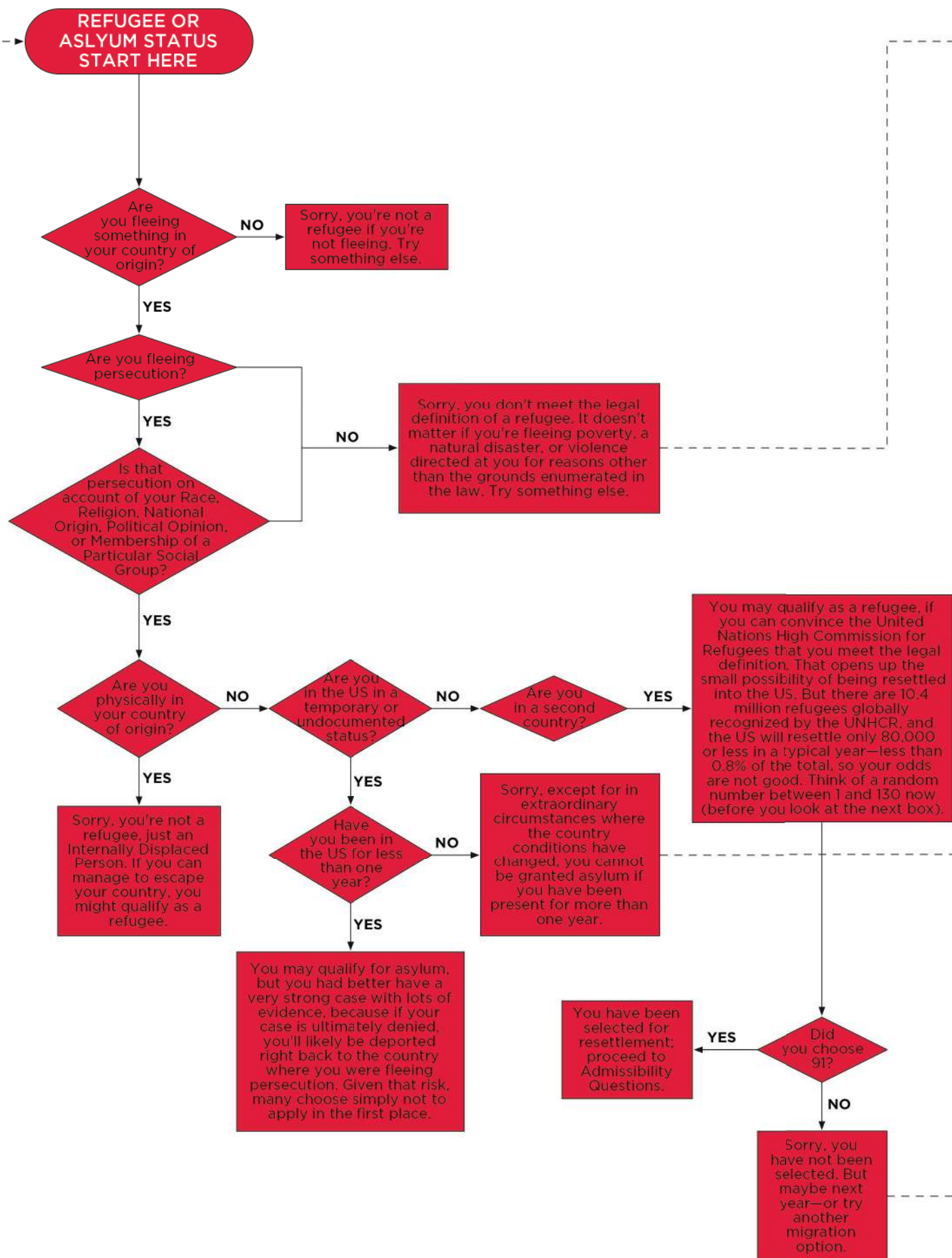


EMPLOYMENT START HERE



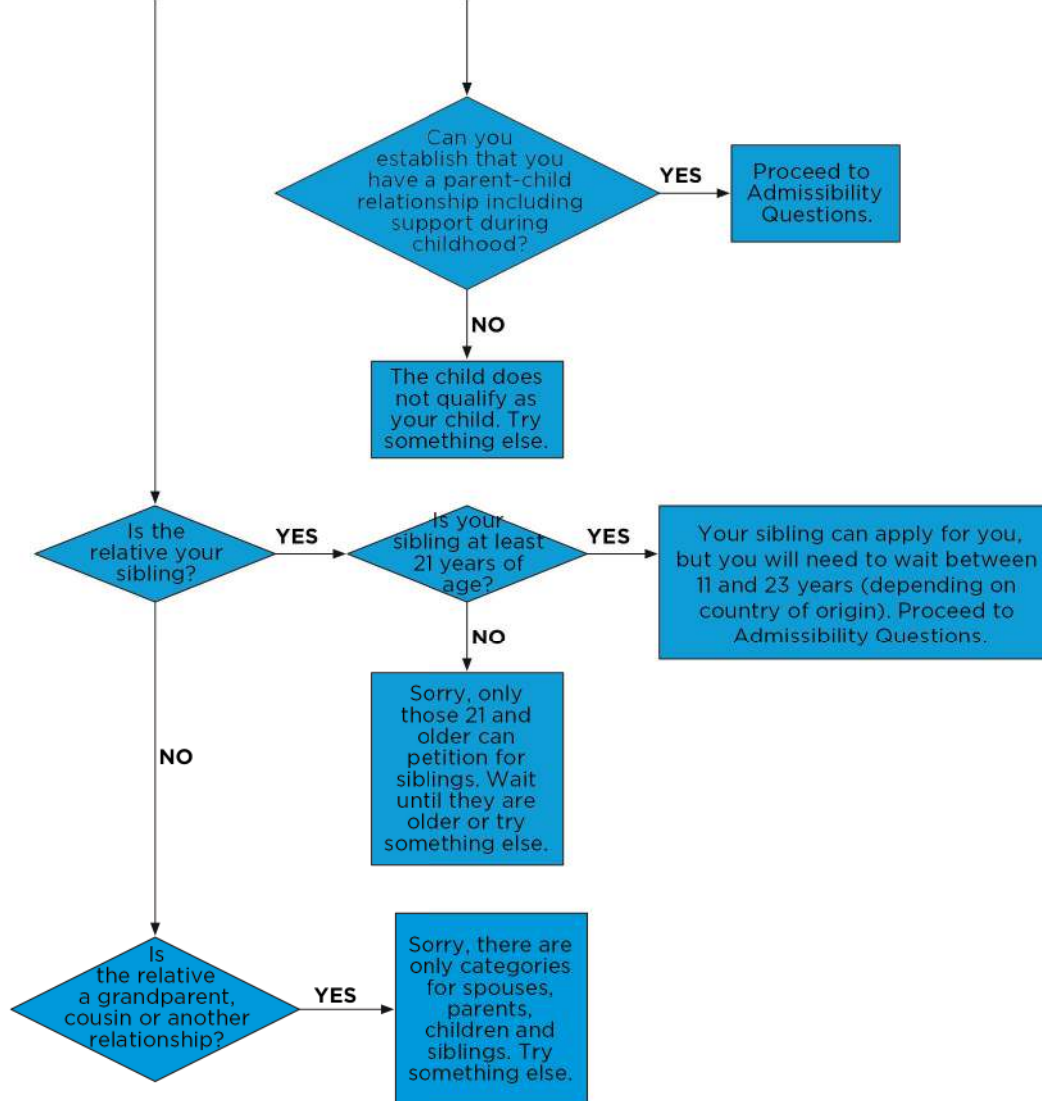
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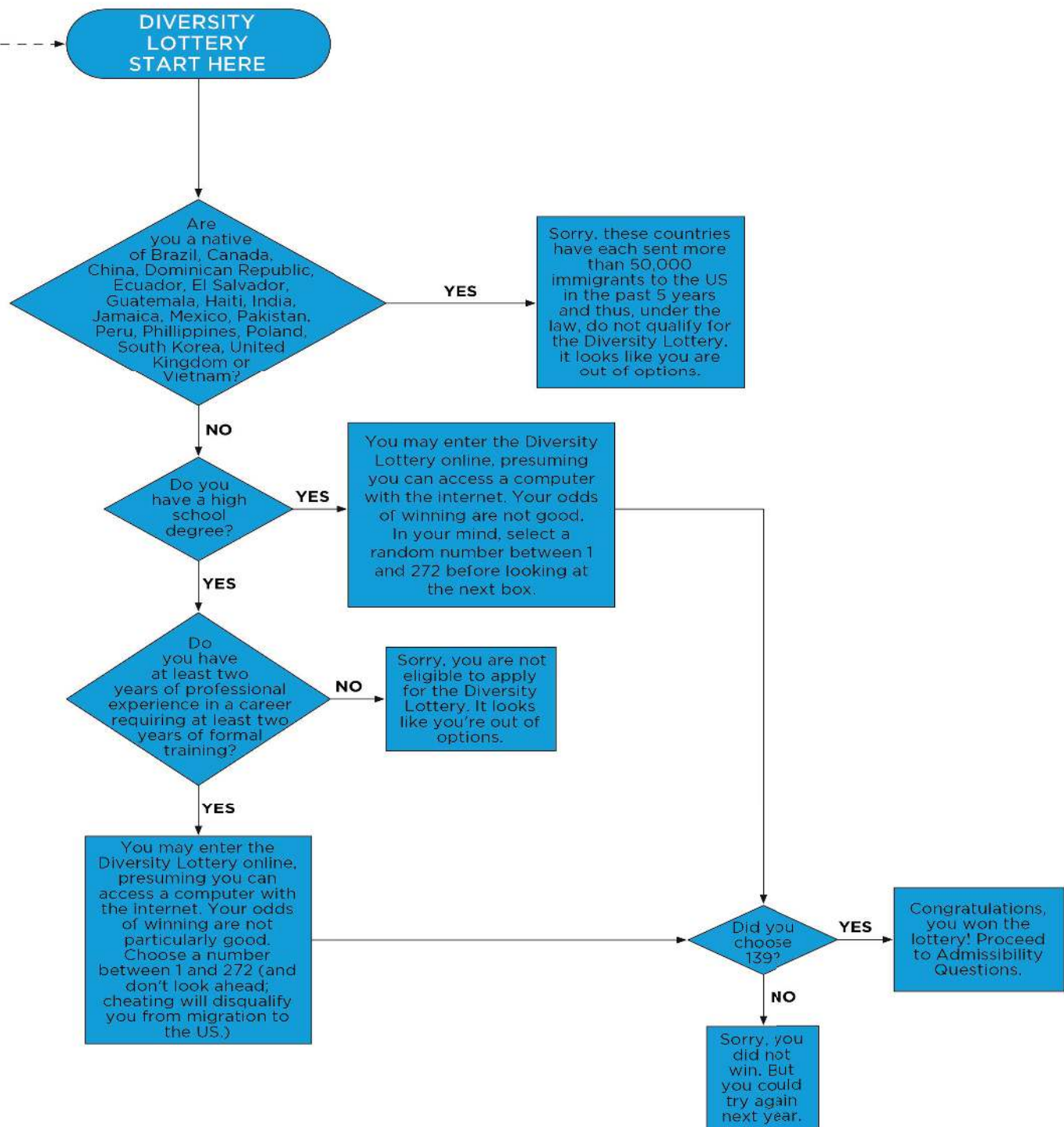
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ADMISSIBILITY QUESTIONS

Once you are found to be eligible to apply for an immigrant visa (a "green card"), you still must pass the admissibility test. If you answer "yes" to any of the following questions, you are inadmissible and are not eligible to migrate to the United States (in rare cases under unique circumstances, waivers may be available to some of these grounds of inadmissibility):

