



# How the US Immigration System Works

When someone wants to immigrate to the United States, they need to understand how the legal US immigration system works.



## US Immigration System Nonimmigrant Visas

When any foreign national wants to travel to the United States, the US immigration system requires that they obtain a visa unless they are from one of the 39 countries that are part of the Visa Waiver Program. To understand this better, take a look at the following:

### 1 Visa Waiver Program

Those who plan to travel to the US for tourism or business meetings can stay for up to 90 days without a visa. If the traveler is from a country that is not part of the Visa Waiver program, they need to choose a B-1 or B-2 visitor visa for travel or business.



### 2 Student and Vocational Training Visas

Students can apply for an F-1 visa for full-time international students pursuing academics or an M-1 visa for a full-time international student pursuing vocational studies. There is also a J-1 visa for foreign nationals approved to participate in work or study-based exchange programs from the US Immigration System.

### 3 NAFTA Professional Visa

The NAFTA Professional Visa is a type of visa is available to citizens of Canada and Mexico, and it grants temporary entry to work in business activities at a professional level for up to three years.



### 4 K-1 or Fiancé(e) Visa

If someone is engaged to a US citizen and plans to marry, the fiancé(e) who lives in the US can apply for this visa. Once the person arrives in the US, they have 90 days to marry.

## US Immigration System Permanent Immigration

When people seek permanent immigration to the United States, there are a number of different visa categories, but there are only a few pathways. The primary pathways include family relationships, ties to employers, or the need for humanitarian protection.



## Permanent Immigration

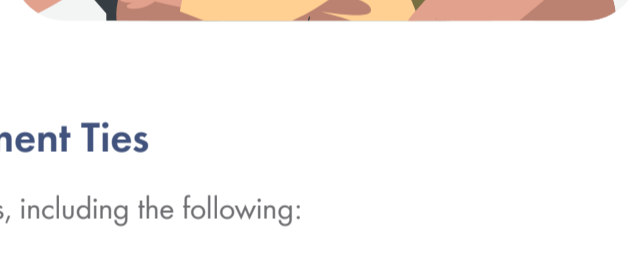
Permanent immigration is the part of the US immigration system where immigrants who are seeking permanent residence in the United States apply for a green card. The green card gives them lawful permanent resident status, and they can remain indefinitely as long as they aren't convicted of a crime that results in their removal.



## Immigrants who possess green cards can apply for US citizenship after five years, or they can apply after three years if they marry a US citizen.

### 1 Family Ties

A US citizen can sponsor their spouse, unmarried children who are younger than 21, and parents for a green card. There are no limits to the number of people who can apply each year for this type of application. For other types of family visas, there are 226,000 green cards reserved each year.

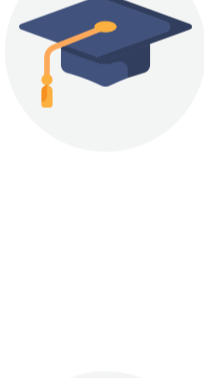


### 2 Employment Ties

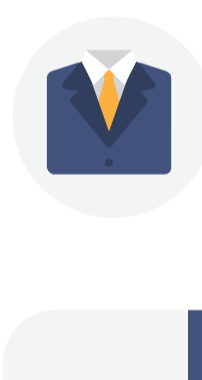
These are split into five categories, including the following:



Foreign nationals of extraordinary ability, outstanding professors and researchers, multinational executives and managers



Skilled workers (foreign nationals capable of performing skilled labor, requiring at least two years experience), professional workers (foreign nationals who hold at least a baccalaureate degree), other workers (foreign nationals capable of performing unskilled labor)



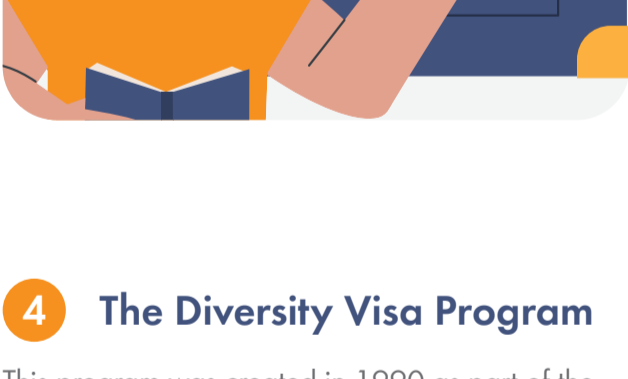
Foreign nationals who hold advanced degrees or demonstrate exceptional ability in the sciences, arts, or business



Special immigrants, including religious organization workers, international employees, and children who cannot be reunited with a parent because of abuse, abandonment, or neglect



Immigrant investors



### 3 Humanitarian Immigrants

This category of the US immigration system includes refugees and asylees. Refugees are admitted to the United States due to a "well-founded fear of persecution" in their home country. They may face persecution based on race, social group, political opinions, religion, or national origin. This type of immigrant applies from a transition country outside of the United States and their home country.

### 4 The Diversity Visa Program

This program was created in 1990 as part of the Immigration Act. It is designed to encourage immigrants from countries with low rates of immigration to the United States. Applicants need to have a high school education or the equivalent, or they must have two years working in a profession that requires two years of training or experience.



### 5 Other Humanitarian Relief

The following are other types of humanitarian relief:



Temporary Protected Status: This is for people who are in the US and can't return home due to a natural disaster, ongoing armed conflict, or extraordinary conditions. This visa can be issued for six, twelve, or eighteen months and can be extended as needed.



Deferred Action for Childhood Arrivals: This program is for people who were brought to the US when they were younger than 16 and have resided in the US continuously. They can remain as long as they do not have a criminal record and have graduated from high school or college. They need to renew every two years.



Humanitarian parole: This allows some people to be admitted to the US temporarily for urgent humanitarian reasons or significant public benefit.

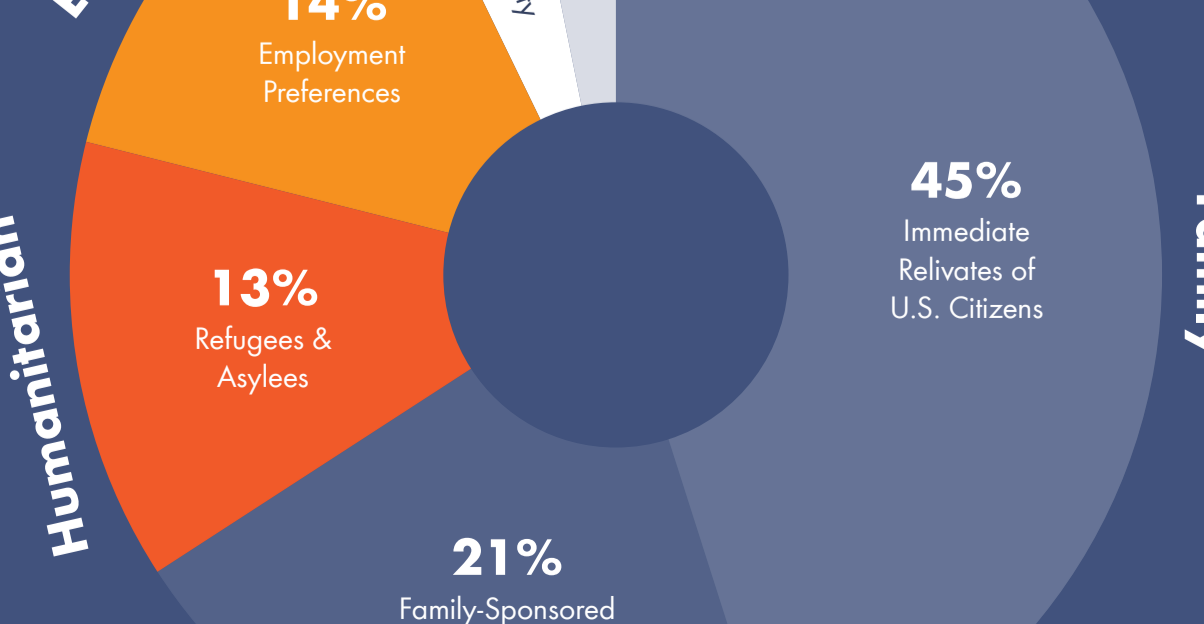


Deferred Enforced Departure: This provides protection from deportation to people whose home countries are unstable.

## Admission of Resettled Refugees and Asylum Recipients, FY 1990-2017



## The Ways in Which Green Cards Are Obtained Average for Fiscal Years 2013-17



## Our thoughts

The US immigration system can be complex, and laws change from time to time. If you or someone you know is looking to immigrate to the United States legally, you can request legal advice from N400 Harbor Immigration Law. Schedule a virtual consultation via Zoom to learn what your options are.