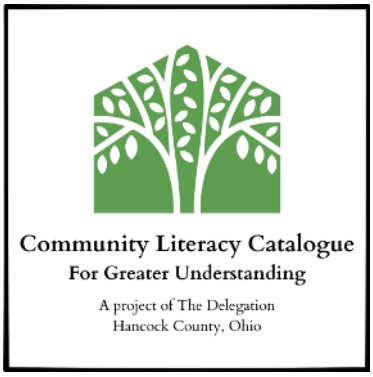

Immigration 101
A Complex, Lengthy, and Expensive Process Awaits International Newcomers
By Joy Brown

One case that has stood out to Melissa LaRocco throughout her years of practicing law involved a man from Mexico who came to the United States as a child with his migrant farmworker parents. Striving for citizenship nearly his entire life, he finally realized this dream just before his 90th birthday.

The road to naturalization can take so much time to traverse that "some people die before becoming citizens," said LaRocco, an attorney with Legal Aid of Western Ohio, Inc. "It's like a lottery draw. It depends on all sorts of factors, such as how long you've resided here and your familial connections within the U.S.," she said.

Adding to this complex mix are numerical thresholds according to country and circumstance, evolving social upheavals around the world, and continuous political fluctuations in the U.S. that impact immigration law.

Gaining permission to live and work in the U.S. usually takes years. Simply becoming eligible to begin the naturalization process requires a five-year wait for most, according to federal statute.

Then there are the costs; the logistics of travel and information comprehension; and the waiting for permissions that can result in other permissions to expire, necessitating more paperwork, more travel, more money, and more anxiety. The up-front filing fee to apply to be a citizen is $725. There are other fees associated with additional mandated forms. Rejections can occur, lengthening an already pricey and time-consuming endeavor.

An attorney who specializes in immigration law or is an appointed representative of the U.S. Department of Justice is necessary for individuals to successfully navigate the byzantine legal system. Some attorneys, particularly those who work for organizations such as Toledo-based Advocates for Basic Legal Equality, Inc., don't charge clients. Having to pay for these services can end up costing tens of thousands.

An informational document compiled by the Ohio Access to Justice Foundation and Catholic Charities Diocese of Cleveland that summarizes immigration from a legal standpoint characterizes immigration law as "alphabet soup." The organizations emphasize "it is very difficult to navigate, it is document and deadline heavy, it often has several steps and instructions… and it can be a very expensive process." Attorneys "need to often report for hearings or check-in meetings" that may require long-distance travel, they note. A flowchart included in this document includes 140 common scenarios and proper steps to take.

"Becoming a citizen is probably one of the most complicated legal processes we have in the U.S., in my opinion," LaRocco said.

Meanwhile, LaRocco pointed out, that many newcomers to this country are trying to work; send money back to extended family in their home countries for basics such as food and education; and contend with a foreign culture with different standards, norms, and expectations.

"Everyone here is just trying to survive, do the best for their families, and to be happy," said LaRocco.

Millions are living here, originally from other countries, who are trying to do just that. Using data from the U.S. Census Bureau and other sources, the Pew Research Center reported in July 2024 that "the U.S. foreign-born population reached a record 46.1 million in 2022. Growth accelerated after Congress made U.S. immigration laws more permissive in 1965. In 1970, the number of immigrants living in the U.S. was less than a quarter of what it is today."

"Immigrants today account for 13.8% of the U.S. population," Pew continued. "This is a roughly threefold increase from 4.7% in 1970. However, the immigrant share of the population today remains below the record 14.8% in 1890."

In Ohio in 2022, there were 585,938 "foreign-born" residents comprising about 5% of the state's total population, reported the Migration Policy Institute, which also analyzed the latest data from the U.S. Census Bureau's American Community Survey and Decennial Census. Of those 585,938 residents, 318,747 were naturalized citizens.

According to the American Immigration Council (AIC), immigration law is based on the following principles: reunification of families, admitting immigrants with skills that are valuable to the U.S. economy, protecting refugees, and promoting diversity.

Legal Authorization:

The U.S. Immigration and Nationality Act (INA), enacted in 1952 and amended several times since then, governs numbers admitted. There is a per-country limit. The president annually consults with Congress to set the annual number of refugees admitted through the U.S. Refugee Admissions Program.

No group of permanent international newcomers (family and employment-based combined) from a single country can exceed 7% of the total number of people immigrating here in one fiscal year, the INA states, explaining, "This is not a quota to ensure that certain nationalities make up 7% of immigrants, but rather a limit that is set to prevent any immigrant group from dominating immigration flows to the U.S."

When an immigrant visa is obtained, people attain the coveted status of **"lawful permanent resident" (LPR)**, historically referred to as a "green card." LPRs must live in the country for up to five years (three if they've been married to a U.S. citizen for at least three years) before applying for U.S. citizenship.

Those arriving on immigrant visas become LPRs when they arrive in the U.S.

There is no requirement that an LPR apply for citizenship. They are eligible to apply for nearly all jobs.

Non-immigrant visas are granted temporarily to individuals such as tourists and international students attending U.S. universities.

There are also more than 20 types of temporary employment-based visas granted to a wide range of people who have "extraordinary ability," who have "valuable skills," and who are "special immigrants," such as religious workers, unskilled laborers, athletes, and entertainers.

Family-based immigration is prioritized but involves "a complicated system/formula for granting visas to immediate family members," the AIC explains. An unlimited number of visas are available every year for immediate relatives of U.S. citizens. They include spouses, unmarried minor children under age 21, and parents. A limited number of visas are available for other non-immediate family members such as adult children and siblings. Congress uses a complicated formula for calculating the available number of such "family preference" visas for any given year. Admittance requires a U.S. citizen or LPR sponsor to petition for an individual relative, establish the legitimacy of the relationship, meet minimum income requirements, and sign an affidavit of support stating that the sponsor will be financially responsible for the family member(s) upon arrival. The individual relative must also meet requirements such as submitting to a medical exam, obtaining required vaccinations, a criminal history analysis, and demonstrating that they will not become primarily dependent on the government for subsistence.

The Diversity Visa Program "was created by the Immigration Act of 1990 as a dedicated channel for immigrants from countries with low rates of immigration to the United States," writes the AIC. Qualifiers include having a high school education or its equivalent or having, within the past five years, a minimum of two years working in a profession requiring at least two years of training or experience.

Humanitarian Relief:

Refugees are legally admitted to the U.S. based on their inability to return to their home countries because of a "well-founded fear of persecution due to their race, membership in a particular social group, political opinion, religion, or national origin," federal law states. The president annually determines the numerical limit for refugee admissions; the limits are broken down into limits for each region of the world. Admission, which is applied for outside of the U.S., depends on factors such as the degree of risk they face and whether they have family in the U.S. The president, in consultation with Congress, determines the numerical ceiling for refugee admission. During his tenure, President Donald Trump lowered the ceiling to 18,000, an all-time low since the system's creation in 1980, while Biden raised it to 125,000 for FY 2022-2024. These individuals become eligible to become LPRs one year after admission as a refugee

Asylum is available to people already in the United States who are seeking protection based on the same five protected grounds upon which refugees rely. They may apply at a port of entry at the time they seek admission or within one year of arriving in the U.S. Persecution must be done by their home country's government or by a group that the government is unwilling or unable to control. There is no limit on the number of individuals who may be granted asylum each year, nor are there specific categories for determining who may seek asylum," U.S. law states. Like refugees, these individuals also become eligible to become LPRs one year after receiving asylum.

Other forms of legal humanitarian relief include:

- **Temporary Protected Status (TPS)** – TPS is for individuals who can't return to their home country because of "natural disaster," extraordinary temporary conditions" or "ongoing armed conflict." As of Sept. 15, 16 countries had TPS notices granted, ranging from Haiti to Ukraine. TPS is granted for six, 12 or 18 months and can be extended if unsafe conditions persist.
- **Deferred Enforced Departure** – This status, at the discretion of the executive branch, offers protection from deportation for those whose home countries are unstable, therefore making return dangerous.
- **Deferred Action for Childhood Arrivals (DACA)**. Established in 2012, DACA permits certain individuals who were brought to the U.S. while under the age of 16 and who have resided continuously in the U.S. since June 15, 2017, to remain here and work lawfully for at least two years, so long as they have no significant criminal record and have graduated from high school or college or received a degree equivalent.
- **Humanitarian parole** is a longstanding executive authority (not having to do with prisoner release) that allows certain individuals to enter the United States, even though they may not meet the definition of a refugee and may not be eligible to immigrate through other channels. Parolees may be admitted temporarily for urgent humanitarian reasons or significant public benefit. There are multiple categories of this status, but many individuals are granted Parole in the Public Interest, good for one year, which allows them to remain in the country temporarily as they seek asylum. "…It takes so long to issue Employment Authorization that the parole status, and therefore employment eligibility,

will likely expire before Employment Authorization is issued," Catholic Charities and the OAJF maintain.

U.S. citizenship requires that individuals have LPR status for at least five years (or three years if the green card was obtained through a U.S. citizen spouse or the Violence Against Women Act). There are some other exceptions.

According to the U.S. Citizenship and Immigration Services (USCIS), 878,500 people became new citizens in fiscal year 2023 during naturalization ceremonies that were held in the U.S. and around the world. "Naturalizations in fiscal years 2022 and 2023 made up nearly a quarter (24%) of all naturalizations over the past decade," the USCIS reports. Most new citizens in FY 2023 came from Mexico (12%). The median age of the '23 cohort was 41, with 54.7% identifying as female. A total of 82.9% gained citizenship through LPR status, with the median number of years spent as an LPR being seven.

Also noteworthy in FY 2023 was the number of people who obtained citizenship through means other than LPR or "military service during designated period of hostilities": 0.1%.

Unauthorized Immigration

The word "undocumented" is not a legal term but is often used to refer to the immigration status of someone who entered the U.S. "without authorization and without being detected by border authorities," the OAJF and Catholic Charities state. "Many will incorrectly refer to any individual who crosses a land border as 'undocumented' even when that individual presented themselves to border authorities, requested asylum, and was paroled into the U.S.," the organizations say.

For unauthorized international newcomers to the U.S. who want to become citizens, the odds are overwhelmingly against them. "…Most undocumented immigrants do not have the necessary family or employment relationships and often cannot access humanitarian protection, such as refugee or asylum status," the AIC explains. "This means that no matter how long they have been in the United States, most undocumented immigrants have no way of achieving legal status. Even those who pay taxes, work hard, and contribute to their communities have no way to 'get in line' unless Congress creates a new pathway for legal status."

The unauthorized immigrant population in the U.S. was 11 million in 2022, Pew Research Center wrote in July 2024, an increase from 10.5 million in 2021. The 2022 total was still below the 2017 peak of 12.2 million in 2017.

"The U.S. unauthorized immigrant population has likely grown over the past two years, based on several alternative data sources," Pew reported.

The Migration Policy Institute estimates that 89,000 unauthorized immigrants live in Ohio.

The INA offers this summary: “The U.S. immigration system is a complex network of visas, humanitarian relief, pathways to permanent residency and citizenship, as well as temporary status for people facing specific crises in their home country.”

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The Delegation is a local coalition comprised of people who are intentionally dedicated to creating environments of inclusion and belonging across Findlay-Hancock County through language; policies, practices, and programs; and representation.