



IMMIGRATION BASICS

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DISCLAIMER

Nothing in this presentation should be interpreted as legal advice. This presentation is intended to help a person to understand the area of law to help ask the right questions with the attorney of their choice. Your time to act may be very limited and this could substantially reduce your rights and options. **YOU CAN NOT** rely on anything contained here in. This information is not intended to substitute for professional legal advice and does not create an attorney-client relationship. You should accept legal advice only from a licensed legal professional with whom you have an attorney-client relationship. You should contact a lawyer in your area immediately, to assist you in any of these matters.

WHO IS COMING INTO THE UNITED STATES?

- **Nonimmigrants**

- Nonimmigrant visas are issued to persons with a permanent residence outside the United States but who wish to be in the U.S. on a temporary basis.

- **Immigrants**

- Immigrant visas are issued to people wishing to live permanently in the United States.

NONIMMIGRANT VISAS

- Tourists, business people, people seeking medical treatment (B1/B2 visa)
- Temporary workers (H, O, L, C visas and several others)
- Students/Cultural Exchange (J visa)
- Victims of criminal activity and human trafficking (U and T visas)

IMMIGRANT VISAS

- Diversity Lottery
- Returning Resident
- Employment Based
- Family Based

FAMILY BASED IMMIGRATION

- The prospective immigrant needs a family sponsor.
- Requirements to be a sponsor (petitioner):
 - Family relationship between sponsor and prospective immigrant
 - No age requirement to be a sponsor, BUT sponsors must sign an Affidavit of Support
 - Requirements to sign an Affidavit of Support:
 - 18 years old
 - Domicile in the U.S.
 - Need to make a enough money to support his or her family (including the immigrant)

BEING A SPONSOR

- The sponsor signs a contract with the U.S. government promising that the prospective immigrant will not use certain need based public benefits (food stamps, Medi-Cal (not including emergency Medi-Cal) and other public benefits).
- If the immigrant uses certain need based public benefits, the sponsor will have to reimburse the government.
- The sponsor must show that his or her household income is equal to or higher than 125% of the U.S. poverty level for his or her household size. (Household size includes the sponsor, dependents of the sponsor, any relatives living with the sponsor, and the sponsored immigrants.)



2016 HHS Poverty Guidelines for Affidavit of Support

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-864P
Supplement

2016 HHS Poverty Guidelines*

Minimum Income Requirements for Use in Completing Form I-864

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

<u>Sponsor's Household Size</u>	<u>100% of HHS Poverty Guidelines*</u>	<u>125% of HHS Poverty Guidelines*</u>
	<i>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</i>	<i>For all other sponsors</i>
2	\$16,020	\$20,025
3	\$20,160	\$25,200
4	\$24,300	\$30,375
5	\$28,440	\$35,550
6	\$32,580	\$40,725
7	\$36,730	\$45,912
8	\$40,890	\$51,112
	Add \$4,160 for each	Add \$5,200 for each

FAMILY RELATIONSHIPS

- There are limits to how many immigrants can enter the United States. Limits are determined by the family relationship category.
- There are no limits on all immediate relatives of U.S. citizens which include parents, spouses, and unmarried children under 21.
- Those who are not immediate relatives must fit under one of the categories:

FAMILY RELATIONSHIPS CONTINUED

- **First: (F1)** Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.
- **Second:** Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:
 - A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
 - B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.
- **Third: (F3)** Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.
- **Fourth: (F4)** Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

PRIORITY DATES FOR JANUARY 2017

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES	
F1 Unmarried Sons and Daughters of U.S. Citizens	01-Jan-11	01-Jan-11		01-Jan-11	01-Jun-95	01-May-06
F2A Spouses and Children of Permanent Residents	22-Nov-15	22-Nov-15		22-Oct-15	22-Oct-15	22-Nov-15
F2B Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents	08-Feb-11	08-Feb-11		08-Feb-11	01-Jun-96	01-Feb-07
F3 Married Sons and Daughters of U.S. Citizens	22-Aug-05	22-Aug-05		22-Aug-05	01-May-95	01-Jan-95
F4 Brothers and Sisters of Adult U.S. Citizens	01-Jul-04	01-Jul-04		01-May-04	01-Dec-97	01-Apr-94

<https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

FINAL ACTION DATE FOR JANUARY 2017

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1 Unmarried Sons and Daughters of U.S. Citizens	08-Jan-10	08-Jan-10	08-Jan-10	22-Apr-95	01-Oct-05
F2A Spouses and Children of Permanent Residents	22-Mar-15	22-Mar-15	22-Mar-15	08-Mar-15	22-Mar-15
F2B Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents	08-Jun-10	08-Jun-10	08-Jun-10	15-Oct-95	08-Apr-06
F3 Married Sons and Daughters of U.S. Citizens	01-Mar-05	01-Mar-05	01-Mar-05	15-Dec-94	01-Sep-94
F4 Brothers and Sisters of Adult U.S. Citizens	22-Jan-04	22-Nov-03	15-May-03	15-May-97	08-Jun-93

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THANK YOU

- Questions? Comments?
- Contact:

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