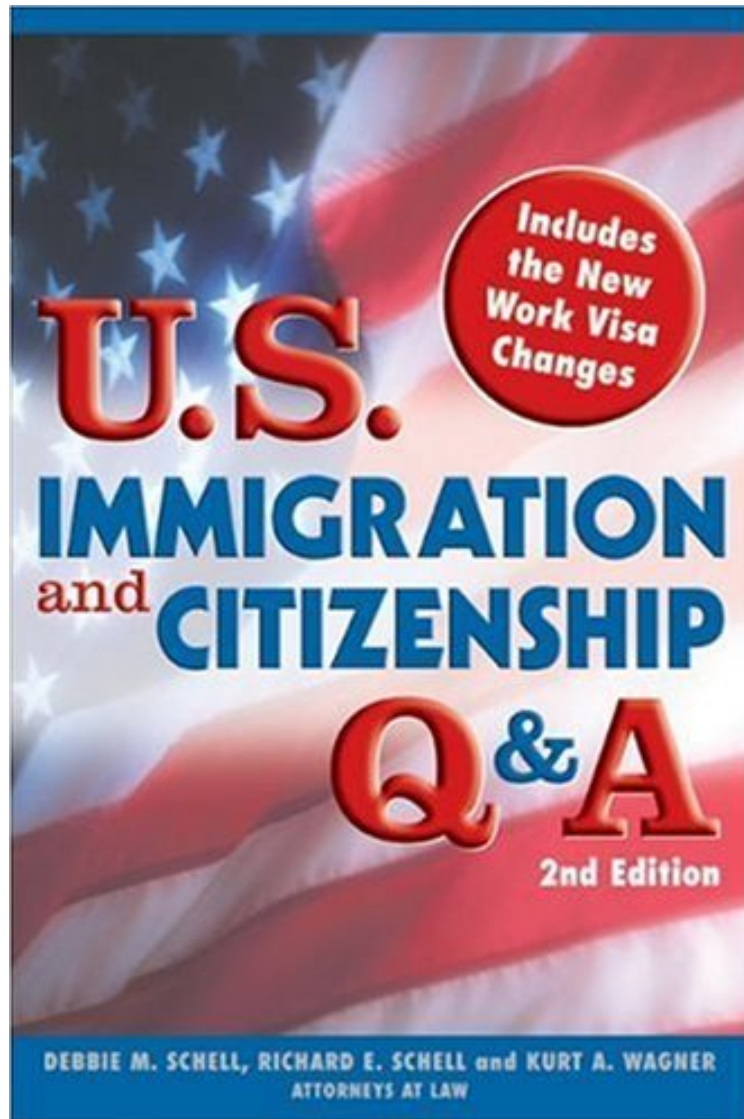


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## U.S. Immigration and Citizenship QA (U.S. Immigration Citizenship Q A)

*Debbie Schell, Richard Schell, Kurt Wagner*  
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How can I bring my family with me?What is the easiest way to obtain a work visa?What steps do I need to take to become a citizen?Visiting and immigrating to the United States can be a complicated and confusing procedure. Now more than ever, if you fail to follow all of the rules, you can be denied entry into the United States and even barred from ever coming here. Plus, once you are here, missing an important visa date or immigration deadline can remove all hopes of future citizenship.U.S. Immigration and Citizenship QA provides easy-to-understand answers to many, if not all, of your immigration and citizenship questions. It will take you from the beginning of the immigration process through naturalization.Find up-to-date information regarding:- Changes in consular procedures- Special registration requirements- Use of biometrics at the border- New visa options- Student visas- Family-related visas- Work visas- Labor certification filings- Permanent residency- Asylum requests- Citizenship requirements- Naturalization proceduresU.S. Immigration and Citizenship QA smoothes out the process and helps you do everything more easily, quickly and legally.

About the AuthorKurt A. Wagner, MBA, JD (Magna Cum Laude) is an attorney, author, university lecturer, and founder of the Law Offices of Kurt A. Wagner with offices in Illinois and Austria. He is a member of the Immigration and International Law Section of the Illinois State Bar Association, the Chicago Bar Association, and the Washington, D.C. Bar Association. He formerly served as a U.S. Department of State Consular Officer with experience in visa processing at U.S. embassies abroad. He teaches classes on legal topics at the University of Klagenfurt and the Carinthia Technical Institute in Austria, and served as Editor-in-Chief of the Southern Illinois University Law Journal. Debbie M. Schell, JD is an attorney and author who practices with the Law Offices of Kurt A. Wagner. She is a member of the American Immigration Lawyers Association (AILA) and the Immigration and Nationality Law Committee of the Chicago Bar Association. Her experience with immigration began early, when her mother immigrated to the United States from Jamaica and her father came from Belize. She has edited legal forms books as well as works on the law of asylum. Her clients include refugees, as well as individuals and companies seeking help with immigration issues. In addition, she was a Senior Staff Attorney with the Illinois Department of Human Rights, which gave her extensive experience with human rights issues related to employment and housing.Richard E. Schell, JD is an attorney, author, and speaker, and serves of Counsel to the Law Offices of Kurt A. Wagner. He has extensive legal editing and researching experience with a major legal publisher and in the areas of international law, immigration law, and agricultural law. He studied international law at the University of Notre Dame in London. He is also a frequent writer and speaker on international legal topics and small business development.Excerpt. Reprinted by permission. All rights reserved.Immigration and Family QAExcerpted from U.S. Immigration and Citizenship QA by Debbie M. Schell, Richard E. Schell, and Kurt A.Wagner 2003LAWFUL PERMANENT RESIDENTSI am from Jamaica, and I have lots of friends who now live in the United States. Many of them are now permanent resident aliens. What does that mean? Are they now Americans or are they still Jamaicans?For purposes of U.S. immigration law, they are still Jamaican citizens. However, they are now also, lawful permanent residents. A lawful permanent resident (also known as a permanent resident alien) is a foreign national who has been granted the privilege of permanently living and working in the United States.My relatives in the United States say my husband and I should come there to live with them. As a family, we have agreed to immigrate to the United States. How do we get started?The first issue to tackle is to determine whether you and your family members qualify to immigrate to the United States. You cannot simply file an application for yourselves to come to the United States. Rather, someone (a family member) or someplace (an employer) must petition or sponsor you to immigrate. If your relatives here in the United States want to petition for you and your family members to come, you must first determine the status of your relatives here in the United States (citizens or permanent resident aliens). Next, you must determine whether the family connection they have with you is one that will support a petition for permanent residency on the behalf of you

and your family members. If my family member in the United States is a permanent resident alien, can he or she petition for me to come to the United States to live and work as a permanent resident alien myself? It depends on your family relationship. The first hurdle that you cleared is that your family member here in the United States is a permanent resident alien. The good news is that permanent resident aliens can sponsor certain of their relatives to also come to United States as permanent resident aliens. However, the next hurdle is to determine what the family relationship is between the two of you. Spouses always qualify, children sometimes, but brothers and sisters do not. My mother is the permanent resident alien in the United States who wants to sponsor me to come and live with her. Is this a family connection that will support a petition for permanent residency? Maybe. Permanent resident aliens may file a petition for their spouses and for their unmarried children under 21 years old, as well as their unmarried sons and daughters over 21 years old. If you fall into one of the two above categories, then your mother would be able to sponsor you to come to the United States. What is the difference between who a United States citizen may sponsor to come to the United States and who a lawful permanent resident may sponsor? A United States citizen may sponsor a spouse; his or her children under the age of 21; his or her unmarried sons or daughters over the age of 21; as well as, married children or sons and daughters of any age; his or her parents (if the citizen is 21 years or older); and, his or her siblings. Whereas, a permanent resident alien may only sponsor a spouse or his or her unmarried children (either under or over the age of 21). Aside from the distinctions between who a citizen may sponsor and who a permanent resident alien may sponsor, are there any other differences between the two categories that I should know about? Yes. In addition to the distinction between citizens and permanent resident aliens, there is a further distinction even within each of these categories. As we know, citizens of the United States may petition for their spouses, children, parents, and siblings to come to the United States to live. However, not each of these family members of citizens are on equal ground with each other. For example, spouses, unmarried children under the age of 21, and parents are considered immediate relatives of the United States citizen. As such, a petition to bring these relatives to the United States to live is processed ahead of all other family-based petitions (including those for any family member of a permanent resident alien) because it is not subject to numerical limitations. Further, unmarried sons and daughters over the age of 21, married children (of any age), and siblings of United States citizens fall into what is called preferences. This means that these family members can be sponsored by their United States citizen relative, but the processing time for their applications will be longer than those filed for immediate relatives because these categories are subject to numerical limitations. Finally, the immigration laws create further distinctions between the spouse, unmarried children under the age of 21, and unmarried children over the age of 21 for a permanent resident alien. I am a permanent resident and my cousin who lives in another country wants to come live with me. How can I start the process of bringing my cousin over? Unfortunately, your cousin will not be able to come to the United States to live with you simply based on your petition. Pursuant to the immigration laws and the family-based preferences, you may not sponsor your cousin to come to the United States because he or she is not a family member listed in the Immigration and Nationality Act who can obtain any immigration benefit from permanent resident aliens (or from citizens for that matter). My best friend from my home country is now in the United States for three months on business. He constantly calls me to tell me how great the United States is and how much I would like it. I have decided that I would like to join my friend in the United States to live and work. What does he need to do to sponsor me? Actually, there is nothing he can do to sponsor you. Since your friend is neither a United States citizen nor a permanent resident alien, he does not have the authority to sponsor anyone to come to the United States to live and work. My coworker was a permanent resident alien, who then naturalized to become a United States Citizen. She has filed a petition to sponsor her brother to immigrate to the United States. I told her of my plans to also file a petition for my brother to come to the United States to live and work. My coworker, however, says I won't be able to sponsor my brother because I am a lawful permanent resident. Is she right? Yes, she is correct. As a citizen of the United States, your coworker may sponsor several of her family members to immigrate to the United States. The family members that a citizen may sponsor include: a spouse or child under the age of 21; unmarried children under the age of 21; unmarried sons or daughters over the age of 21; a married son or daughter of any age; siblings, if the United States citizen is at least 21 years old; and, parents if the United States citizen is at least 21 years old. On the other hand, you, as a permanent resident alien, do not get as much generosity. A permanent resident alien may only sponsor the following family members to immigrate to the United States: a spouse; unmarried sons or daughters over the age of 21; but not, brothers or sisters. My brother has been a lawful permanent resident for approximately six years now. He had a child out-of-wedlock with his girlfriend in our home country. They have now gotten married and wish to bring their daughter to the United States to live with them. Can they do this? Yes they can. Since your brother is a permanent resident alien, he may bring his unmarried daughter, who is under the age of 21, to the United States to live with them. An important factor to note is that your brother and his wife were married before the child turned 18 years old, thereby legitimating the child. Your brother will need to submit a copy of his Green Card, a copy of the child's birth certificate, and his marriage certificate. My best friend is a permanent resident alien and has recently married her boyfriend from Germany. She is fairly confident that she can petition for him as her new spouse to come to the United States to live. However, he has a small child from a previous relationship who he is raising. Can my friend also petition for her new stepchild to come and live in the United States? In this case, yes. Your

friend may file a petition for both her spouse and her stepchild to come to the United States to live. It is important to note that if the stepchild had been 18 years old or older, your friend would not be able to file a petition for her stepchild to come to the United States. The marriage that creates the stepparent-stepchild relationship must have taken place before the child's 18th birthday.