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IMMIGRATION LAW AND THE FAMILY 2013 Edition

by Sarah Ignatius and Elisabeth Stickney

Updating Editor
Ilyce Shugall

under the auspices of the
National Immigration Project of the National Lawyers Guild

THIS EDITION INCLUDES DISCUSSION OF:

- Deferred action for childhood arrivals (DACA), the new program announced by the Obama Administration on June 15, 2012, that allows certain young people to apply for deferred action and work authorization if they entered the United States by June 15, 2007, were under the age of 16 at the time of entry, and meet certain educational requirements
- The new provisional unlawful presence waiver that allows certain applicants for immigrant visas to file a Form I-601A to waive unlawful presence prior to departing the United States for an immigrant visa interview
- The U visa age out memo, which protects certain U visa derivatives from losing derivative status when turning 21 years of age

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2013 Edition

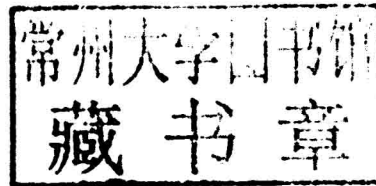
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by Sarah B. Ignatius and Elisabeth S. Stickney

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Sarah B. Ignatius
Elisabeth S. Stickney

Preface

The National Immigration Project of the National Lawyers Guild presents this book as its fourth publication from Thomson Reuters on immigration law. Its prior publications are *Immigration Law and Defense*, *Immigration Law and Crimes*, and the *Immigration Act of 1990 Today Handbook*. We hope that *Immigration Law and the Family* will serve as a useful resource for attorneys, legal workers, jailhouse lawyers, immigrants and others.

The National Immigration Project is a nonprofit organization formed in 1971 to protect the rights of immigrants. It works to correct discriminatory policies and practices, and to protect, defend and expand the civil and human rights of all immigrants, regardless of their status in the United States. The National Immigration Project assists legal practitioners and community organizations throughout the United States. It offers technical assistance, advocacy manuals, and training and skills seminars to develop immigration practitioners' legal skills and to educate the public about conditions that affect immigrants. The National Immigration Project also publishes its quarterly *Immigration Newsletter*, and maintains a Brief Bank service.

We have organized this book to move from the general to the specific. The initial chapters provide an overview, and then discuss in detail the process of filing and documenting a visa petition to obtain lawful permanent residence in the United States through a family relationship. Separate chapters describe who may file the relative visa petition, which agency adjudicates the petition, and whether a person may gain admission as an immigrant through adjustment of status in the United States or through consular processing abroad. Because of the significance of acquiring legal status through marriage to a United States citizen or permanent resident and because of the harsh penalties for marriage fraud, one chapter specifically addresses marriage and divorce, and another addresses conditional residence through a marriage that is less than two years old at the time of the noncitizen spouse's admission. The final chapters present special aspects of family immigration, including revoking approvals of visa petitions and rescinding permanent resident status; retaining priority dates for visa petitions despite a change in the circumstances of the petitioner or beneficiary; filing waivers of grounds of exclusion for people immigrating through family petitions; petitioning for an adopted child or an orphan; gaining legal status for widows, widowers and fiancés of United States citizens, derivative beneficiaries, and other special categories of family members, including those who may immigrate without a family-sponsored visa petition; acquiring citizenship at birth for children born abroad to a United States citizen parent, deriving citizenship through naturalization of parents, or becoming a citizen through naturalization; and abandoning permanent residence and United States citizenship.

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