



Immigration and Pathways to Citizenship



DOCUMENTATION STATUS

Documentation status impacts what pathways there are for immigrants to remain in the United States, to pursue lawful permanent residence, or to pursue citizenship.

Documented	Undocumented
A “Documented” Immigrant is a term to describe an immigrant within the US with current proper documentation.	An “Undocumented” immigrant is a term used to describe an immigrant without any current legal immigration status.

There are multiple ways people become an undocumented immigrant.

Typically the assumption is that undocumented means entering the United States without inspection. However, the most common process to becoming undocumented is when a person enters the U.S. via a valid visa and then overstays that visa.

Pathways to Citizenship

Legal Services of Eastern Missouri
Action.Justice.Hope.

Visas



VISAS

- An endorsement in a passport that allows a foreign national to seek entrance to the U.S.
 - A visa does not automatically grant the right to enter the U.S.
- Immigrant Visas: issued to foreign nationals who intend to live *permanently* in the U.S.
- Nonimmigrant Visas: allow foreign nationals to enter and stay in the U.S. for a *specified period of time*.

VISAS

- Types of immigrant visas
 - Family-sponsored
 - Diversity Immigrant Visa Program (“Visa Lottery”)
 - Humanitarian
 - Employer-sponsored
- Examples of nonimmigrant visas (related to purpose of the visit):
 - Business [B-1]
 - Tourism [B-2]
 - Students [F-1]
 - Fiancé(e) [K-1]
 - Athletes, artists, entertainers [P]

IMMIGRANT VISA PETITIONS

*Family-based petitions

- Immediate relative of a US citizen
 - Spouse, unmarried child under 21, parent at least 21
- Other Relative of a US citizen
 - Unmarried child over 21, married child, sibling at least 21
- Relative of a Legal Permanent Resident
 - Spouse, unmarried child under 21, unmarried child of an LPR at least 21

Next Steps in obtaining citizenship:

- 1) Obtain a Green card (Lawful Permanent Residence card)
- 2) Wait 3-5 years and continue to reside in U.S.
- 3) Apply for Naturalization (N-400 Application)



REFUGEES AND ASYLEES

- **Refugees** apply for protection **from outside the U.S.**, typically through UNHCR referrals and U.S. resettlement programs. They must prove a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.
- **Asylees** apply **from within the U.S.** or at a port of entry. They must meet the same legal definition of a refugee but can request asylum either affirmatively (through USCIS) or defensively (in immigration court during removal proceedings).

Next Steps in obtaining citizenship:

- 1) Apply for Obtain a Green card (Lawful Permanent Residence card) after 1 year of holding refugee/asylee status.
- 2) Once obtained, wait 5 years and continue to reside in U.S.
- 3) Apply for Naturalization (N-400 Application)

VAWA RELIEF

*Problem: Family-based petitions requires U.S. citizens and Legal Permanent Residents to apply on behalf of their noncitizen relative - abusers can use the process to control and oppress

*Solution: VAWA applicants can attain their Green Cards without their abusers' knowledge, consent, or participation

*Eligibility: *Spouses, Parents, and Children* of abusive U.S. citizens or Legal Permanent Residents

*Benefits: Obtain legal permanent residence and eventual citizenship without relying on abusive family members

U VISAS

What is a U Visa?

- Granted to immigrant survivors of crime
- U Visas offer legal protection to immigrants who help with investigations and prosecution
- Encourages immigrant survivors to report crimes to law enforcement
- Offers a pathway to citizenship

Eligibility

- Victim of *qualifying criminal activity*
- Suffered substantial physical or mental abuse as a result of criminal activity
- Have information about the criminal activity
- *Were helpful, are helpful, or are likely to be helpful* in the investigation or prosecution of the crime
- Crime occurred in the United States or violated U.S. laws

“qualifying criminal activity” - some examples: abduction, sexual assault, torture, extortion, blackmail

Children under 16 years old, or individuals with disabilities do not have to directly participate in investigations/prosecutions (family or friends can participate on their behalf)

T VISAS

What is a T Visa?

- Allows survivors of human trafficking and their immediate family to live and work in the U.S. on a temporary basis
- Provides pathway to legal permanent residence and citizenship
- Desirable for applicant to help law enforcement in investigation and prosecution (similar to U-Visa)

Eligibility

- Victim of a *severe form of trafficking in persons*
- Are physically present in the U.S. due to trafficking
- Have information about the criminal activity
- Demonstrate that you would suffer extreme hardship if you were removed from the U.S.
- Have complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (if over 18 years old at the time of trafficking)

“Severe form of trafficking in persons”: sex trafficking, labor trafficking

Requirement to comply with reasonable requests from law enforcement is waived if an applicant is unable to cooperate due to physical or psychological trauma



LEGAL PERMANENT RESIDENCE



WHAT IS A “GREENCARD?”



WHAT DOES LEGAL PERMANENT RESIDENCE GET ME?

*LIVE & WORK PERMANENTLY IN THE
U.S.



EXCEPT

NO EXTENDED ABSENCES

NO SERIOUS CRIMINAL CONDUCT

WHO CAN BECOME A LEGAL PERMANENT RESIDENT?

- Refugees
 - Must apply 1 year after entry into U.S.
 - Awarded LPR status as of the date they initially entered the U.S.
- Asylees
 - Must apply 1 year after Asylum awarded
 - Awarded LPR status as of one year prior to the date of being approved for permanent residence
- Beneficiaries of approved immigrant visa petitions



GENERAL APPLICATION PROCESS

1. Eligibility established (Visa petition approved)
2. Green Card application
 - If inside the U.S. → “adjust status”
 - If outside the U.S. → “consular processing”
3. Biometrics appointment
4. Interview
5. Receive a decision on your application

*Wait times depend on type of green card application





THE NATURALIZATION PROCESS



BASIC NATURALIZATION REQUIREMENTS

- Legal Permanent Resident for 5 years
 - 3 years if married to a U.S. Citizen
- Continuous Residence and Physical Presence
- English & US History/Civics
 - Applicants 65+ years old who have lived in U.S. for 20+ years can take modified version
- Good Moral Character
- Willing to Take the Oath of Allegiance

CONTINUOUS RESIDENCE & PHYSICAL PRESENCE

- Reside in the U.S. for at least 5 years as a Legal Permanent Resident; and
- Be physically present in the U.S. for at least half of those 5 years (30 months); and
- Live for at least 3 months in the U.S. Citizenship and Immigration Services (USCIS) district where the naturalization application was filed
- 8 CFR 316.2, 316.5

CONTINUOUS RESIDENCE & PHYSICAL PRESENCE

- Absences from the U.S.:
 - Longer than 6 months -> *might* break the continuous residence period
 - Longer than 1 year -> will *likely* break the continuous residence period
- If the continuous residence period is broken, the applicant can usually reapply for Naturalization 4 years and 1 day after returning from his/her most recent trip outside of the U.S.

GOOD MORAL CHARACTER

- **BEHAVIOR WITHIN 5 YEARS BEFORE THE N-400 IS FILED THAT PREVENTS CLIENT FROM DEMONSTRATING GMC**
 - **Conviction for Crime of Moral Turpitude**
 - **Two or more offenses with aggregate sentence of 5+ years**
 - **Violation of any Controlled Substance law**
 - **Exception: 1 offense for simple possession of less than 30 grams MJ**
 - **Actually confined to penal institution for 180 days in the aggregate**
 - **Gave false testimony under oath**
 - **Involved in prostitution, smuggling, polygamy, conviction of 2 or more illegal gambling offenses, habitual drunkard**
- **8 CFR 316.10**

Naturalization Tests

English

- Reading
 - Applicant must read aloud one out of three sentences correctly
- Writing
 - Applicant must write one out of three sentences correctly
- Speaking
 - USCIS officer will determine applicant's ability to speak English during the eligibility interview

U.S. History/Civics

- Oral test, administered by the interviewing USCIS officer
- 2025 version:
 - Applicant will be asked 20 questions from the list of 128 civics test questions
 - Applicant must get 12 questions correct to pass

EXCEPTIONS

- 55/15, 50/20, N-648

WILLING TO TAKE THE OATH OF ALLEGIANCE

- **Be loyal to the United States**
- **Follow the laws and Constitution of the United States**
- **Willing to bear arms on behalf of the United States**
- **Be willing to perform noncombatant work on behalf of the United States**
- **Give up all titles of nobility to any foreign state**

Deferred Action for Childhood Arrivals (DACA)

Was set in place by an executive order by President Obama in 2012.

Who is DACA for? DACA protects certain undocumented immigrants who came to the United States as Children (often called “dreamers”) and meet certain criteria:

What it provides? It doesn’t provide a pathway to citizenship but it does:

- Defer deportation for two years at a time (and is renewable),
- Allows recipients to apply for a work permit,
- In many cases, allow recipients to obtain drivers licenses and other public benefits.

Eligibility requirements:

- Arrival in the US before turning 16
- Continuous residence in the US since June 15, 2007,
- Being under 31 years old as of June 15, 2012,
- Being in school, having graduated, or being honorably discharged from the military
- No serious criminal record.

Current Status: DACA is still in effect, but no new applications are currently being accepted due to ongoing litigation. Only renewals are being processed as of now (June 2025).



Some Recent Policy Changes to Immigration



Overview of Recent EO's

Birthright citizenship	Suspending Asylum
<p>Executive Order: Trump signed an executive order to end birthright citizenship for children born in the U.S. to parents who are not in the country lawfully.</p> <p>Challenge: Immigrants' rights advocates, an expectant mother and several states sued the Trump administration, saying the order violates the Fourteenth Amendment.</p> <p>Status: This was recently heard in the supreme court.</p>	<p>Executive Order: Trump signed an executive order suspending asylum access at the southern border, stating he has the authority to suspend entry into the U.S. until he determines "that the invasion has concluded."</p> <p>Challenge: Immigration advocacy groups argue the executive order violates the Constitution, among other things.</p> <p>Status: Ongoing</p>

Overview of Recent EO's

Suspending the Refugee Program	Blocking Federal Funding for 'Sanctuary' Cities
<p>Executive Order: Trump signed an EO on his first day in the Oval Office suspending the U.S. Refugee Admissions Program “until such time as the further entry into the United States of refugees aligns with the interests of the United States.”</p> <p>Challenge: Plaintiffs argue that the executive order violates the Fifth Amendment.</p> <p>Status: A federal appeals court ruled in March that Trump can partially enforce the refugee ban.</p>	<p>Executive Order: Trump in January signed an EO that directed his attorney general and others to ensure that “sanctuary” jurisdictions that decline to cooperate with federal immigration authorities don’t receive federal funding.</p> <p>Challenge: Sixteen cities and counties argued that the Trump administration was illegally trying to force local officials to cooperate with federal immigration arrests.</p> <p>Status: A federal judge in April temporarily blocked the executive order, saying it violates the Constitution.</p>



Recent Changes: Temporary Protected Status



Temporary Protected Status (TPS)

TPS is a special immigration status granted to individuals from certain countries experiencing crisis situations, such as armed conflict or natural disasters.

TPS provides temporary protection from deportation and temporary work authorization in the US.

TPS designations are made by the Department of Homeland Security for 6, 12, or 18 months at a time. 60 days before expiration of TPS they decide whether to extend or terminate it.

TPS doesn't provide a path to lawful permanent residence (i.e., green card or citizenship) but a TPS recipient who is otherwise eligible for permanent residence may apply for that status.



Recently Terminated TPS

Most recently Venezuela's 2023 designation was terminated April 7, 2025. Supreme Court has permitted this termination.

How does this impact Venezuelan people who currently have TPS Status?

In cases where TPS is not extended, TPS beneficiaries return to the immigration status that the person held before receiving TPS, unless that status has expired or they have acquired new immigration status. If the person had entered the US without inspection and who are not eligible for other immigration benefits, could be removed.

Supreme Court will hear case regarding termination of TPS for Haiti and Syria on April 29, 2026.



Recent Travel Bans

On June 4, 2025, Trump announced Travel bans on certain countries to be enacted on June 9, 2025 (expansion of ban took place in January 2026 AND indefinite pause of visa processing for 75 countries)

Legal Authority: Section 212(f) of the Immigration and Nationality Act

Countries Affected	
Full Suspension:	Partial Restriction (B-1, B-2, F, M, J visas)
Afghanistan	Angola
Burkina Faso	Antigua and Barbuda
Burma	Benin
Chad	Burundi
Republic of the Congo	Cote d'Ivoire
Equatorial Guinea	Cuba
Eritrea	Dominica
Haiti	Gabon
Iran	The Gambia
Laos	Laos
Libya	Malawi
Mali	Mauritania
Niger	Nigeria
Palestine	Senegal
Sierra Leone	Tanzania
Somalia	Tonga
Sudan	Togo
South Sudan	Turkmenistan
Syria	Venezuela
Yemen	Zambia
	Zimbabwe

KEY ICE POLICY SHIFTS

1. Bond Hearings Eliminated for Undocumented Individuals

ICE has issued a directive stating that undocumented immigrants—regardless of how long they've lived in the U.S.—are **no longer eligible for judicial bond hearings**, potentially resulting in indefinite detention. Update: decision in *Maldonado* requires bond hearings

2. Courthouse Arrest Practices Expanded

A new tactic allows ICE to **dismiss cases and arrest individuals immediately outside courthouses**—stripping procedural protections and removing the security of court as a safe place.

DHS rescinded prior limits on courthouse enforcement, removing protective boundaries around sensitive areas, including family courts.

3. Detainee Transfers Obscuring Access to Justice

ICE increasingly uses **frequent, unexplained transfers** across jurisdictions—denying detainees access to legal counsel and disrupting court proceedings.

These transfers appear opportunistically timed: once detainees are moved, court bonds are harder to obtain.

Questions?

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