

# U.S. Immigration Policy 101: The Basics

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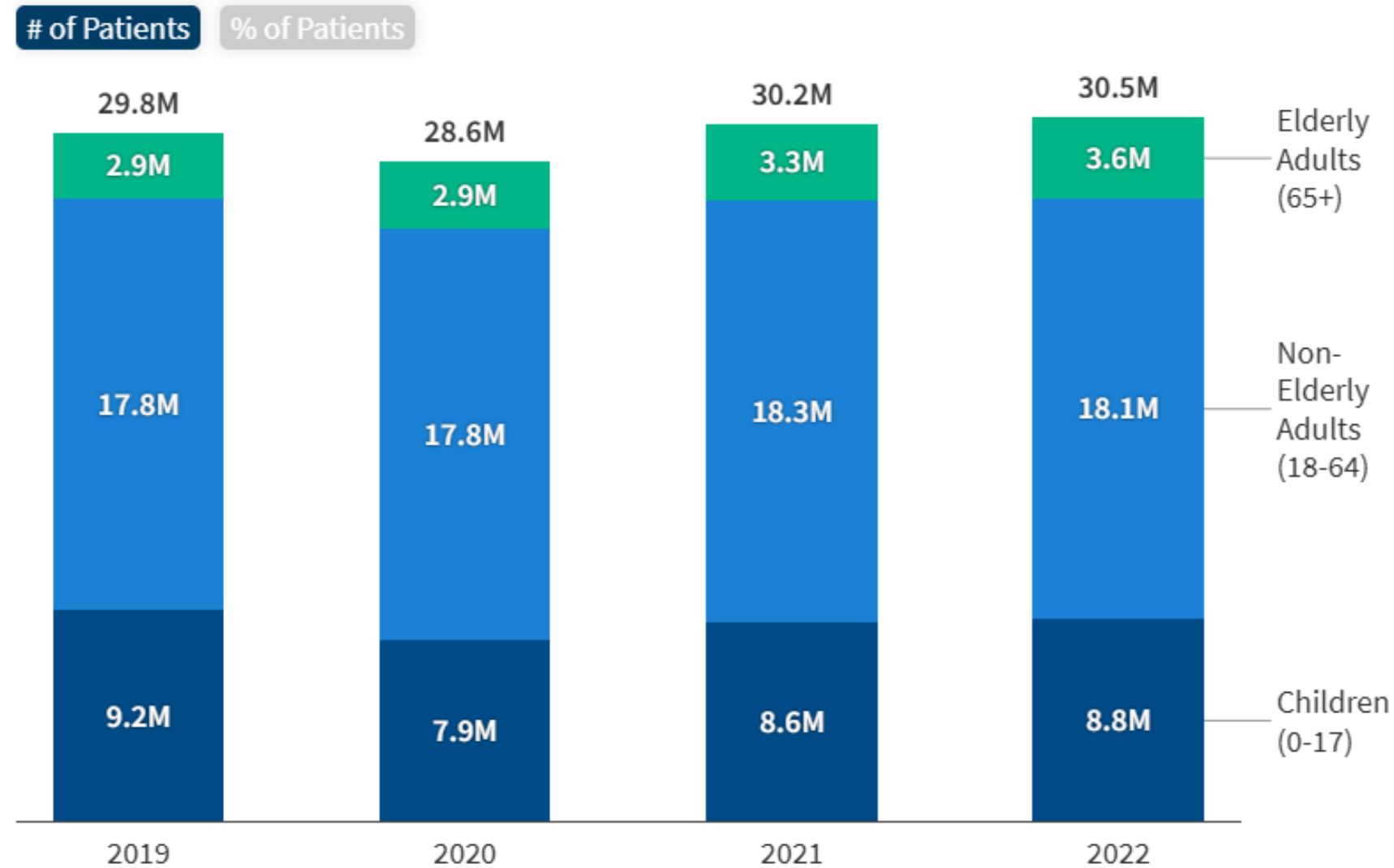
Working with Changing Patient Demographics with Influx of New  
Immigrants and Refugees  
December 3, 2024

## Health Center Patients

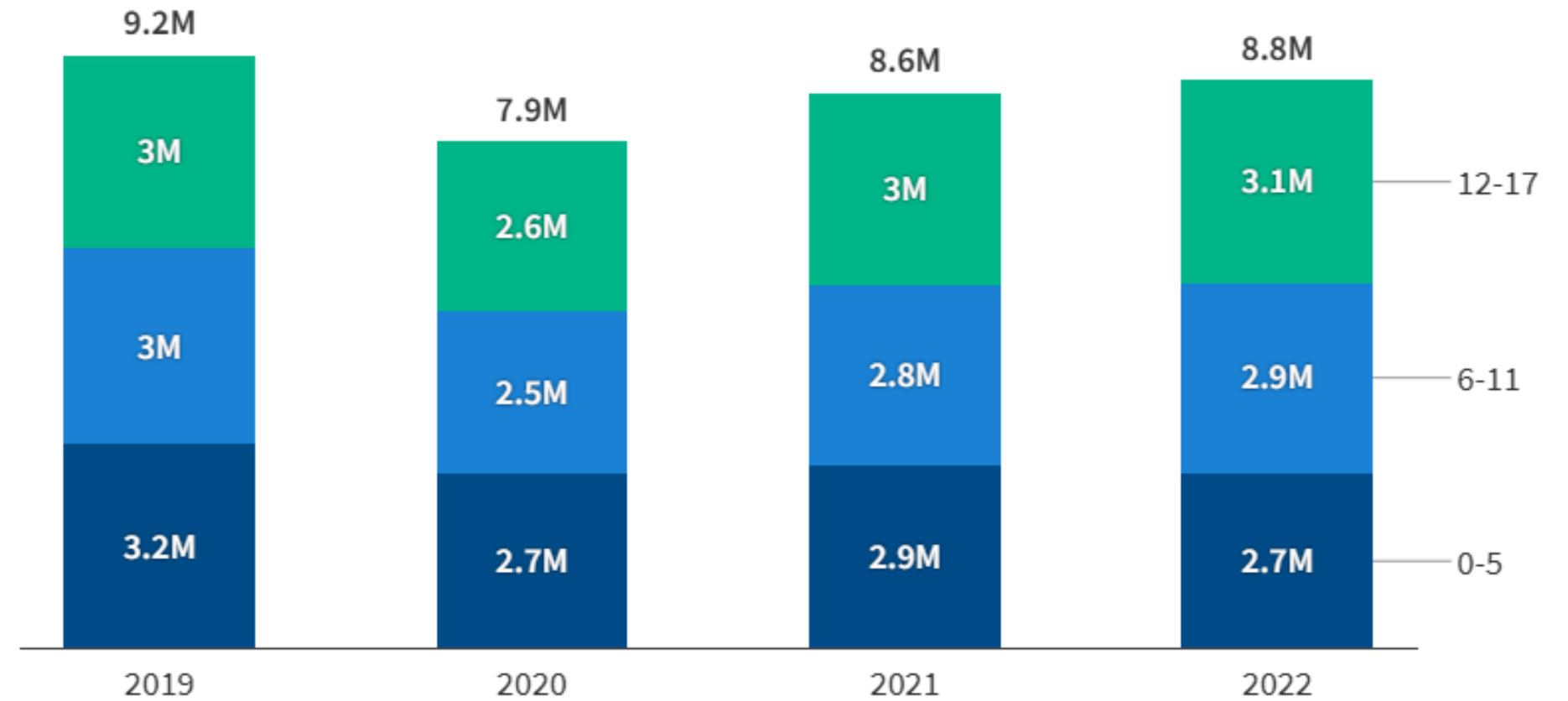
## Health Center Patients

Health centers served fewer children ages five and under in 2022 compared to 2019, driving the overall drop in pediatric patients.

Health Center Patients by Age Group, 2019-2022



Health Center Patients by Age Group Among Children Under 18, 2019-2022



Source: 2019-2022 Uniform Data System, Table 3A. Bureau of Primary Health Care (BPHC), HRSA, DHHS. • [Get the data](#) • [Download PNG](#)

## **Health Center Patients**

- The number of patients served by health centers increased in 2022, although the number of child patients has not fully rebounded to pre-pandemic levels.
- Most health center patients were people of color, and the vast majority were low-income.
- Health centers served fewer children ages five and under in 2022 compared to 2019, driving the overall drop in pediatric patients.
- Even as patients returned to in-person care in 2022, reliance on telehealth continued.
- Mental health, substance use disorder (SUD), and medical services drove growth in health center visits from 2019 to 2022, while visits for dental and vision services remained below pre-pandemic levels.
- The number of health center patients diagnosed with certain mental health and SUD disorders increased in 2022.

The image features a background map of the United States, showing state boundaries and major cities. The text "UNITED STATES" is printed across the center of the map. On the right side, there is a semi-transparent overlay of the American flag, showing the stars and stripes. The overall image has a light, slightly faded appearance.

# Overview and Introduction

# Current Status of Immigration Law





# U.S. Citizenship and Immigration Services

When was the last time there was a major change in U.S. immigration law?

The image shows a faded, grayscale background of the California State Capitol building. The central focus is a large, bold, black number '1996' with a textured, fabric-like appearance. The building's architecture, including its iconic dome and classical columns, is visible but less distinct due to the fading. An American flag is visible on the left side of the image.

**1996**

# **The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)...**

- Made it more difficult to enter the United States
- Made it more difficult to gain legal status
- Made it easier to get deported
- Restricted access to some public benefit programs



# The 1996 Immigration Law did not:

- Make legal immigrants immediately deportable if they participate in federal or state funded programs.
- Deny all legal immigrants access to federal, state, and local funded programs.
- Deny undocumented children the right to receive a free public education.

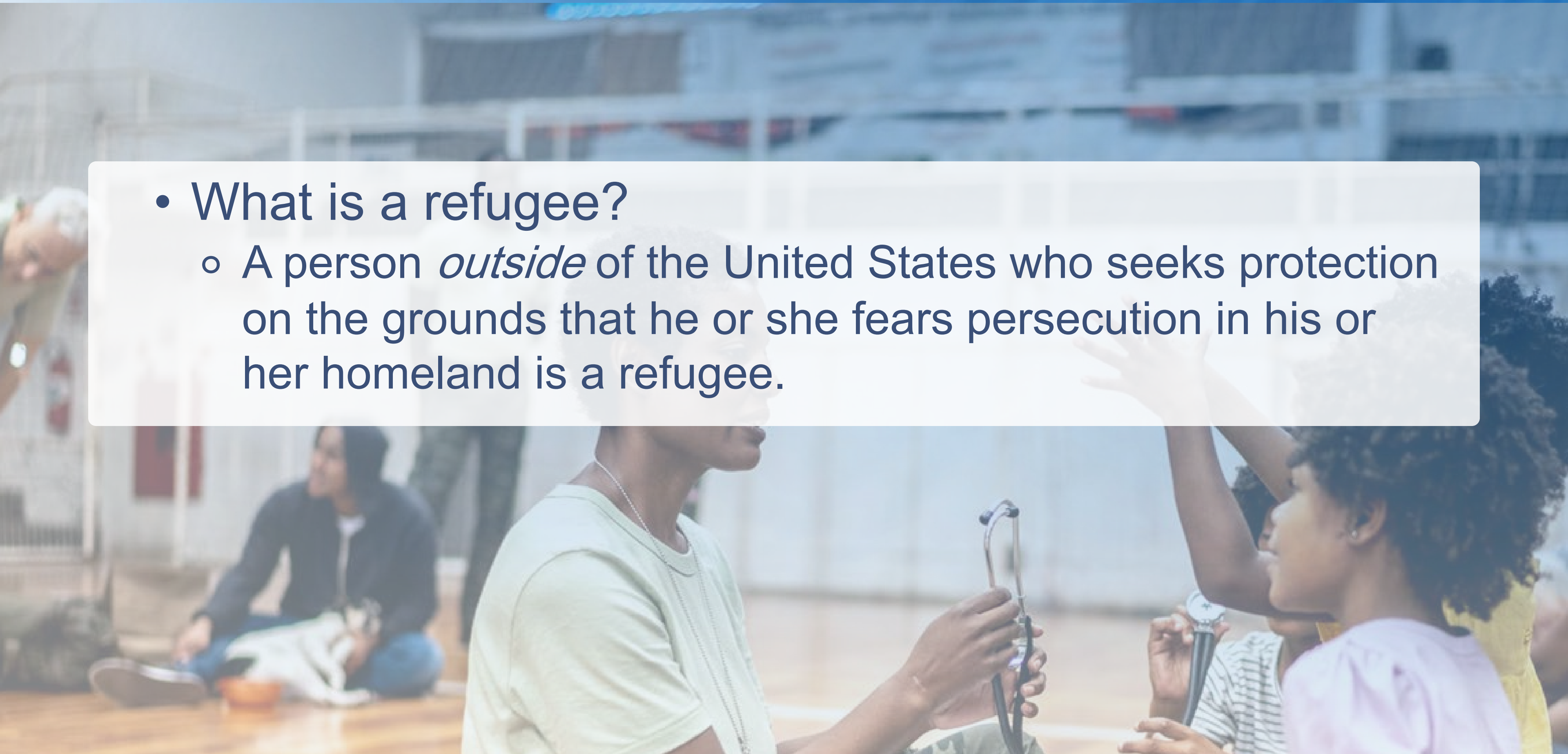
# Basic Concepts/Vocabulary

# The ABCs of U.S. Immigration

- What is an Undocumented Immigrant?
  - An undocumented immigrant is a person who is present in the U.S. without the permission of the U.S. government.
  - Undocumented immigrants enter the U.S. either
    - Illegally, without being inspected by an immigration officer or by using false documents
    - Legally, with a temporary visa, and then remain in the U.S. beyond the expiration date of the visa.

# The ABCs of U.S. Immigration

- What is a refugee?
  - A person *outside* of the United States who seeks protection on the grounds that he or she fears persecution in his or her homeland is a refugee.



# The ABCs of U.S. Immigration

- To attain refugee status, the person must prove that he/she has a “well-founded fear of persecution” on the basis of at least one of five specifically-enumerated and internationally-recognized grounds.
  - Race
  - Religion
  - Membership in a social group
  - Political opinion
  - National origin

# The ABCs of U.S. Immigration

- A person who has *already entered* the U.S. and who fears persecution if sent back to his or her country may apply for **asylum** here.
- Once granted asylum, the person is called an “**asylee**”.


# The ABCs of U.S. Immigration

- Like a refugee, an asylum applicant must also prove that he or she has a “well-founded fear of persecution” based on the same enumerated grounds.
- Both refugees and asylees may apply to become LPRs after one year.

# The ABCs of U.S. Immigration

- What are Non-Immigrants?
  - Non-immigrants are individuals who are permitted to enter the U.S. for a period of limited duration, and are given only temporary visas.
  - Some non-immigrant (temporary) visas are given to: students, tourists, temporary workers, business executives, and diplomats.



A person in a green coat and hat stands on a globe, holding a bag. The person is seen from behind, looking out over the world. The globe is blue and green, with a grid of latitude and longitude lines. The background is a light blue gradient.

**Migrant ≠ immigrant  
≠ undocumented**

# Ways To Obtain Legal Status

established  
The legal status  
capacity, efficiency

There are two basic ways an individual can be sponsored for legal status (or be admitted to permanently reside in the U.S.):



Employment-based immigration



Family-sponsored immigration

# Employer Sponsorship

A close-up photograph of a person's hands typing on a laptop keyboard. The laptop is silver and open. In the background, there is a window with white vertical blinds, through which bright light is streaming, creating a soft, out-of-focus background. The overall scene suggests a professional or office environment.

- Skills
- Availability of Workers

# Family Sponsorship



# The A, B, Cs of U.S. Immigration

- How do Immigrants Get Admitted to Permanently Reside Here?

Through **family-sponsored immigration**, a U.S. citizen can sponsor his or her spouse, foreign-born parent (if the sponsor is over the age of 21), minor and adult children, and brothers and sisters. A lawful permanent resident can sponsor his or her spouse, minor children and adult unmarried children

# Facts on Family-Sponsored Immigration

- Family-Sponsored Immigration is how U.S. citizens and lawful permanent residents bring family members from other countries to live permanently in the U.S.
- Citizens may only bring their spouses, unmarried children, parents (if the citizen is over 21 years), married children, and brothers and sisters (if the citizen is over 21 years).

# Facts on Family-Sponsored Immigration

- Lawful Permanent Residents (LPRs) may only bring their spouses and unmarried minor and adult children.
- Neither citizens nor LPRs may bring in more distant family members, such as aunts, uncles and cousins.



# Facts on Family-Sponsored Immigration

- Our immigration system divides the family members eligible for sponsorship into 2 tiers.
  - “**Immediate relatives**” of U.S. citizens (excluding brothers and sisters, unmarried and married adult children) receive an unlimited number of visas each year.
  - All others fall into the “**family preference system**” which has an annual maximum limit of 226,000 visas issued per year.

# Facts on Family-Sponsored Immigration

## Immigration Based on Family Relationships

Category	U.S. Sponsor	Relationship	Visas Allocated
Immediate relative	U.S. Citizen	Spouses, unmarried minor children and parents (if the citizen is 21 years or older)	Not numerically limited (approximately 250,000 have been issued annually in recent years.)

# Facts on Family-Sponsored Immigration

## Immigration Based on Family Relationships

Category	U.S. Sponsor	Relationship	Visas Allocated
1 <sup>st</sup> Preference	U.S. Citizen	Unmarried adult children (21 years or older)	23,400 visas/year, plus any visas left from the 4 <sup>th</sup> preference
2 <sup>nd</sup> A Preference	LPR	Spouses and minor children	87,900 visas/yr
2 <sup>nd</sup> B Preference	LPR	Unmarried adult children (21 years or older)	26,300 visas/year

# Facts on Family-Sponsored Immigration

## Immigration Based on Family Relationships

Category	U.S. Sponsor	Relationship	Visas Allocated
3 <sup>rd</sup> Preference	U.S. Citizen	Married adult children	23,400 visas/year, plus any visas left from the 1 <sup>st</sup> and 2 <sup>nd</sup> preferences
4 <sup>th</sup> Preference	U.S. Citizen (21 years or older)	Brothers and sisters	65,000 visas/yr, plus any left over from the previous preferences

# Facts on Family-Sponsored Immigration

- Limits on Immigrants from One Country
  - In addition to the number of visas allocated to the different categories, U.S. law also limits the number of visas that may be issued to any one country in a year.
  - This “per-country ceiling” (about 25,600 visas) represents the total number of family preferences *and* employment-based visas that may be issued to nationals of a given country.

# Facts on Family-Sponsored Immigration

- Income Requirements

- To begin the process, the citizen or LPR must file a petition with CIS, seeking an “immigrant visa” for the family member
- All citizens or LPRs wishing to petition for a family member must also earn at least 125% of the federal poverty level and sign a legally enforceable *affidavit of support* promising to support the immigrant financially.

# Facts on Family-Sponsored Immigration - Income Requirements

- Petitioners are allowed to get another person to co-sign the affidavit of support on behalf of the immigrant to satisfy this financial requirement.
- In this case the co-signer also assumes unlimited liability to support the immigrant.

# Facts on Family-Sponsored Immigration - Income Requirements

- While this requirement was added to the law in 1996 to ensure that immigrants will be provided for by family members and will not become a “public charge”: for some hardworking but low paid Americans, it closes off an opportunity to reunite with close family members.



# The A, B, Cs of U.S. Immigration

- What is a Naturalized Citizen?
  - Lawful permanent residents are eligible to apply for U.S. citizenship through a process called **naturalization**.
  - To qualify to naturalize, applicants must reside in the U.S. for 5 years (3 if they are married to a U.S. citizen), demonstrate a knowledge of U.S. history and government, show they have committed no serious crimes, have paid their taxes, are of “good moral character”, and demonstrate that they understand, speak and write ordinary English.

# **“Adjustment of Status” within the United States**

**Mr. & Mrs. Smith**

# FACT PATTERN

Mrs. Smith has been married to Mr. Smith for 15 years. Mr. Smith was born in the United States in Tampa, Florida. Mrs. Smith was born in Mexico and is undocumented. She entered the U.S. “without inspection”.

Query: Can Mr. Smith sponsor Mrs. Smith for legal status while Mrs. Smith remains in the United States (without having to return to Mexico)?

Three year bar

Ten year bar

Every person's immigration situation presents a different and individual case, with different facts and circumstances, many of which might be unknown to those trying to help the person affected.

Advocates and service providers should exercise extreme caution when providing information to clients or patients and not provide any immigration or legal advice.



Those in need of legal advice regarding immigration should not take advice from a notary public or an immigration “consultant”.



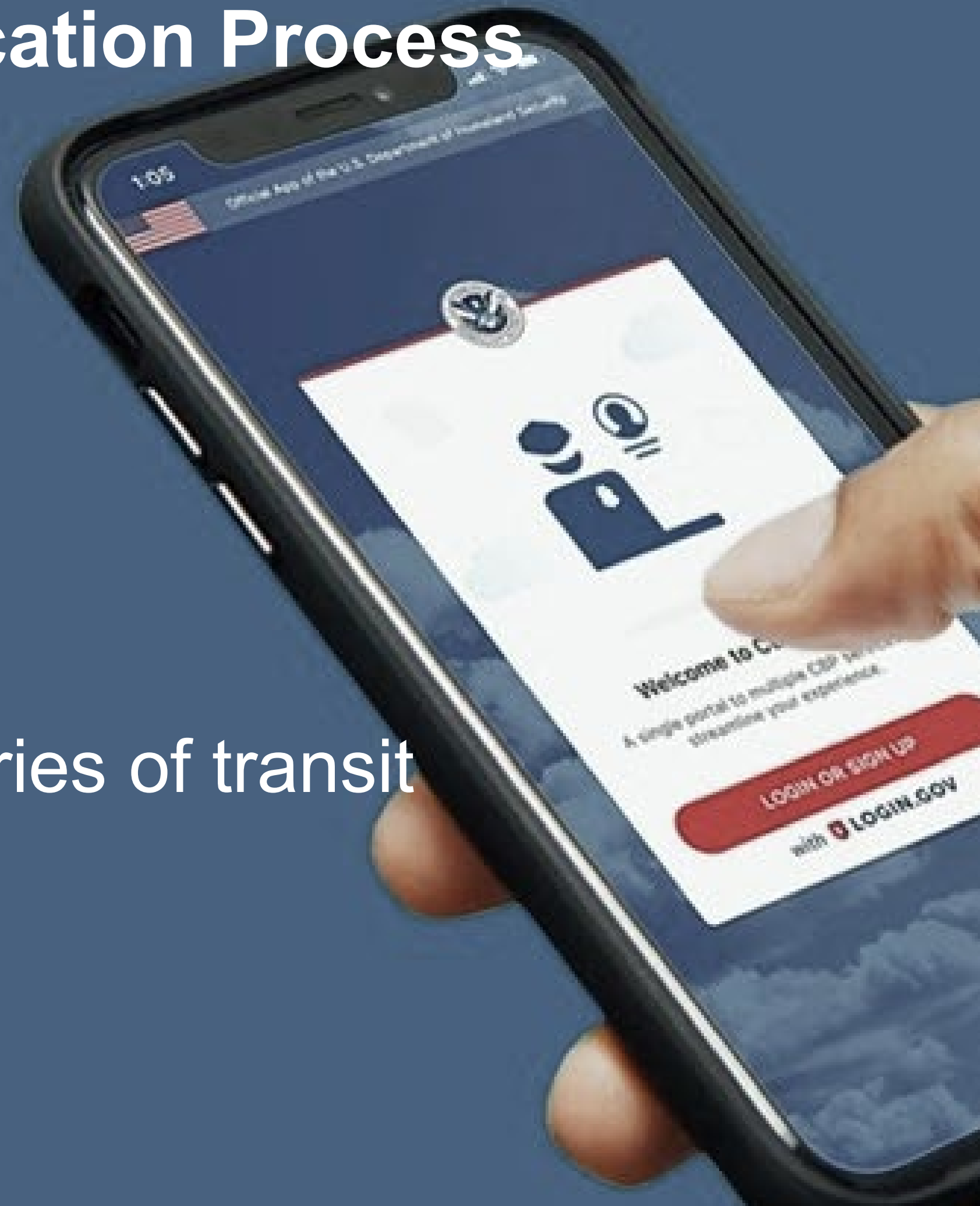


A woman with dark hair, wearing a grey blazer, is looking at a document in her hands. She is in an office setting, with a laptop visible in the foreground and another person partially visible on the right. The background is a blurred cityscape.

They should contact and consult with only a qualified immigration lawyer or an accredited representative for legal advice.

# Changes to the Asylum Application Process

- CBP One App
- Application for asylum in countries of transit



# Changes to the Temporary Protected Status (TPS) Program



- What is TPS?
- Addition of countries to the list
- Extension of time of TPS status



# 2021 “Protected Areas” Memo

U.S. Department of Homeland Security

Schools, houses of worship,  
hospitals/community health centers

EVALUATION



Questions/Further Discussion

MIGRANT CLINICIANS NETWORK

**MCN**



**Has MCN helped you in  
your work?**

**What has been the most  
useful?**

**Help us maintain our  
status on GreatNonprofits  
by leaving us a review!**

<https://greatnonprofits.org/reviews/write/migrant-clinicians-network-inc>



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