

how to apply for a green card

Special Immigrant Juvenile Status (SIJS)

If you are in foster care and not a legal permanent resident of the U.S. (you do not have your green card), the Administration for Children's Services (ACS) and your foster care agency can help you to become a Legal Permanent Resident (LPR). It is important to become a LPR so you can work, apply for financial aid for college, and get certain housing subsidies. Once you apply to become a LPR, you can get permission to work even before the process is completed.

To get special immigrant status, you must meet these requirements:

- You must be a dependent of the family court or a child welfare agency
- You must be eligible for long term foster care
- You must be under age 21 (with some exceptions)
- A family court judge must find that it is not in your best interest to return to your country of origin

Green Card Lottery (DVP)

The U.S. Government issues 50,000 permanent Green Cards every year through the Diversity Immigrant Visa Program, the Green Card Lottery. Applicants are selected by a computer-generated drawing. If you are selected, you and your family are allowed to live and work permanently in the United States.

Residents of some countries of origin are not included in the lottery. Currently, they are:

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| • Canada | • Pakistan |
| • Colombia | • Philippines |
| • Mainland China | • Poland |
| • Dominican Republic | • Russian Federation |
| • El Salvador | • South Korea |
| • Haiti | • India |
| • Jamaica | • Vietnam |
| • Mexico | • United Kingdom* |

*Except Ireland and Northern Ireland

Political Asylum

Political asylum is available to people who are fleeing from their country of origin due to a fear of persecution based on their race, religion, national origin, political opinion or membership in a particular social group (including being gay/lesbian/transgendered or a woman). In order to apply

for political asylum, you must make an application within one year of arriving in the U.S. unless there are special circumstances preventing you from applying. The "one year" rule does not apply to people under the age of 18.

Once you obtain political asylum, you can apply for a Green Card one year later. It is recommended that you consult an immigration attorney if you think you might be eligible for political asylum.

Other Services for Immigrants

Below is a list of agencies that offer services especially for immigrants:

- Emergency Housing Hotline
(English and Spanish)(800) 994-6494
- New York Immigration Hotline(800) 566-7636
or(212) 419-3737
- Child Abuse and Maltreatment Hotline
(multi-languages).....(800) 342-3720
- AIDS Hotline
(multi-languages; choose option 6)(800) 825-5448
- Citizenship or Legal Services:
 - Church Avenue Merchants Block Association
Provides free immigration and other legal services
(CAMBA)(718) 287-2600
 - New York Legal Assistance Group(212) 750-0800
 - The Legal Aid Society(212) 577-3300
 - Safe Horizons Legal Services
Provides free legal services to domestic
violence victims on family and immigration
matters(212) 577-3220 Ext. 109
 - The Door Legal Services
Provides free legal services ages 12-21,
including immigration issues for undocumented
youth(212) 941-9090 Ext. 3280
 - New York Immigration Coalition
Makes referrals for most immigration issues
.....(212) 627-2227

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of **KNOW YOUR RIGHTS** brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.



A Green Card, officially known as a Permanent Resident Card, is a document that says you are a lawful permanent resident (LPR) and gives you the right to live and work permanently in the U.S.

You can obtain a Green Card in the following categories:

- Relatives and family members
- Adoption
- Employment
- Special immigrant
- Green Card lottery
- Political asylum

Relatives and Family Members

Family-sponsored immigration is the way U.S. citizens and lawful permanent residents may bring family members from other countries to live permanently in America. It accounts for 75% of regular immigration to the U.S. The close family member who is a U.S. citizen or Green Card holder and who will sponsor you can be your:

- Husband or wife
- Widow or widower of a U.S. citizen
- Brother or sister (including half-brothers and half-sisters)
- Son or daughter (including illegitimate children)
- Stepson or stepdaughter
- Stepparent of a U.S. citizen child
- Adopted son or daughter
- Adopted parent
- Father or mother
- Battered or abused spouse or child

U.S. immigration divides eligible family members into two levels. Immediate relatives of U.S. citizens (spouses, unmarried minor children and parents, but not brothers and sisters or unmarried and married adult children) are admitted as their applications are processed. Immediate relatives include spouses, unmarried minor children, and, if the U.S. citizen is 21 years or older, parents of U.S. citizens. U.S. citizens with immigrant fiancées may apply for a temporary “K” visa that will permit a fiancée to legally reside in the U.S. until the citizen and fiancée marry. In 2000, Congress extended the scope of the K visa to cover spouses and minor children so that they may reside and work legally in the U.S. while their paperwork for legal residency is being processed. There is no ceiling on the

number of immigrant visas allotted for immediate relatives. In recent years, more than 300,000 have immigrated per year.

All other family-sponsored immigrants fall into a “family preference system” that issues only 226,000 visas per year. The “family preference system” includes all of the relatives listed above of lawful permanent residents.

Applications for relatives of U.S. citizens and lawful permanent residents is a two-step process:

- Petition for relative
- Application for lawful permanent residence

Note: In certain cases, both the petition and the application for lawful permanent residence can be filed at the same time.

Adoption

Adoption allows many families and singles to have children and helps children without caring parents to find new homes. Adopted children have many of the same rights as biological children of U.S. citizens. Only U.S. citizens may adopt a child in the U.S. In the case of married couples, at least one of the adopting parents needs to be a U.S. citizen in order to adopt a foreign child. The child also must be legally available for adoption. The application requirements and procedures are different for orphan and non-orphan children. Quota restrictions may apply depending on the native country of the adopted child.

Employment

If workers have skills and talents needed in the U.S., they may apply for an employment-based Green Card that allows them to be admitted to work in that field. Current immigration law allots 140,000 employment-based immigrant visas each year. In most cases, an employer must file a petition with USCIS on the immigrant’s behalf. Some workers, such as priority workers, investors, and certain special immigrants, may petition on their own behalf.

Employment-based visas are divided into the following categories in order of preference:

- **1st Preference:** People who have extraordinary ability, are outstanding professors and researchers or are certain multinational executives and managers (about 40,000 visas a year).

- **2nd Preference:** Persons who are members of the professions holding advanced degrees or aliens of exceptional ability (about 40,000 visas a year).
- **3rd Preference:** Skilled workers, professionals, and other workers (40,000 visas a year). Skilled workers must be capable of performing skilled labor requiring at least two years training or experience.
- **4th Preference:** Certain special immigrants, including ministers, religious workers (about 10,000 visas a year).
- **5th Preference:** Persons who will invest between \$500,000 and \$3 million in a job-creating enterprise (about 10,000 visas a year). Each investor must employ at least ten U.S. workers. The amount of money varies depending on which area of the country will benefit from the investment.

Green Card through Employment is a 3-step process:

- 1. Labor Certification:** Labor certification proves that there are no qualified American citizens suitable for the position that has been offered to you.
- 2. Petition:** The petition proves that you do qualify for a green card through employment and you qualify for the job offered to you.
- 3. Application:** Apply for Lawful Permanent Residence.

Special Immigrant

The U.S. currently issues a limited number of Green Cards to immigrants for special circumstances. The application process can be carried out in the United States or at any U.S. consulate abroad.

Special Immigrant Green Cards are available if the applicants fall under one of the following categories:

- Workers for recognized religious organizations
- Foreign medical graduates who have been in the U.S. for a certain time
- Foreign workers who were formerly longtime employees of the U.S. government
- Foreign nationals who have been declared dependent on juvenile courts in the U.S.
- Retired officers or employees of certain international organizations who have lived in the U.S. for a certain time
- Special Immigrant Juveniles (*see next panel*)