

SUBJECT-MATTER INDEX

Alphabetization is word-by-word (e.g., “V Visas” precedes “VAWA petitioners”)

Page numbers under 2000 are in Volume 1; page numbers over 2000 are in Volume 2.

3- and 10-year bars, *see* Unlawful presence
42 USC §§1981 & 1983, *see* Litigation
60-day grace or out-of-status period, 2039, 2230, 2267–68
(see also specific visa categories)
90-day rule, *see* Fraud and misrepresentation
180-day automatic extension, *see* Employment authorization
§212(c), *see* INA §212(c)
§214(b), *see* Intending immigrant
240-day automatic extension, *see* Employment authorization
§245(i), *see* Adjustment of status
§245(k), *see* Employment-based immigration, *subhead*: Adjustment of status
§287(g) agreements, *see* State and local government
540-day automatic extension, *see* Employment authorization

A

A visas (diplomats)
(see also Diplomats)
 adjustment of status, 2536
 cancellation under INA §222(g), 2025, 2334
 comparison of diplomatic visas, 2331
 consular interview, waiver of, *see* Consular processing, *subhead*: Nonimmigrant visas
 criteria, 2331–32
 deferred action, 2333
 EU laissez-passer travel document, *see* European Union
 family members, 2333–34
 employment, 2334
 battered spouses, 2993–94
 inadmissibility, 199, 2332
 LPR status for children, 2400–2401
 overstays, 2025, 2334
 procedures, 2332
 unlawful presence, 204
AAO review, 1556–61
 appeal process, 1558–60
 equitable tolling, 1558
 petitioner, not beneficiary, can appeal, 1560
 reopen, motions to, 1558–59
 unlawful presence, accrual during, 1560
 untimely appeal treated as motion, 1558–59, 1605
abandonment
 of application for relief, *see* Relief from removal

child abandonment
 as CIMT, 175, 178
 as deportation ground, 397–99
 of residency, *see* Lawful permanent residents
abbreviations, table of, xv–xviii
 (frontmatter)
ABC litigation, *see* American Baptist Church (ABC) litigation
abortion
 assault with intent to commit abortion
 inadmissibility for, 174
 forced abortion, *see* Forced abortion/sterilization
absconders, 988
 criminal charges, 560–61
 procedure to arrest, 653–56
absentia hearings, *see* In absentia hearings
absolute immunity, *see* Litigation
abuse, *see* Child abuse; Spousal abuse; VAWA petitioners
abuse of discretion
 detention, 337
 extreme hardship, 1841
 failure to exercise discretion, 1841
 inconsistent decisions as, 1839–40
 motion to reopen, 1349–50, 1602–3, 1842–46
 standard of review, 1836–48
ACA, *see* Affordable Care Act (Obamacare)
academic students, *see* F visas
accessory after the fact
 as aggravated felony, 433, 444, 447–48
 as crime involving moral turpitude, 176, 189, 500
accompanying
 defined, 2469–70
 derivative status, 2482
accredited representatives
 application of *Lozada* to, 830
 unauthorized practice of law (UPL), 843–44
acquiescence
 to circuit court decisions, 1516–18
 by government officials (persecution), 1146–48, 1228
Adam Walsh Act, *see* Child abuse
ADIS, *see* Security checks
adjustment of status (AOS)
 §245(i), 2548–56
 approvable when filed, defined, 2552–54
 grandfathering, 2551–55
 labor certification, 2553

legislative history, 12, 15–16
 reinstatement of removal order, 2556
 removal proceedings, 2555–56
 spouses, 2548–49, 2553–54
 abandonment, 2544
 admission and AOS, 63, 128–30, 2544–45
 concurrent filing, 2498–99, 2638
 denial of AOS, 2442, 2530–41, 2564
 denial of petition, 2511–13
 diplomats/foreign officials, 2330–31, 2337, 2536
 discretionary denial, 2541–44
 employment authorization, 2562, 2564
 unauthorized employment as bar to AOS, 2531, 2549, 2557–59
 entry, not an, 63, 128–30, 2544–45
 fees, 1405, 2546
see also specific types of petitions, specific visas, specific nationalities, etc.
 §245(k), *see* Employment-based immigration
 A visas, *see* A visas
 advance parole, *see* Advance parole
 affidavits of support, *see* Affidavits of support
 aged-out children, *see* Aged-out children
 agreement by ICE counsel, *see* Prosecutorial discretion
 Alien Registration Receipt Card (I-551), *see* Green cards
 arriving aliens, *see* Arriving aliens
 asylees, *see* Asylees and refugees
 conditional residents, *see* Conditional residence
 crewmembers, *see* Crewmembers
 E-1/E-2, *see* E-1 & E-2 visas
 employment-based immigration, *see* Employment-based immigration; *specific visa types*
 fiancées, *see* K-1 & K-2 visas
 G visas, *see* G visas
 ICE counsel agreement, *see* Prosecutorial discretion
 J visas, *see* J visas
 judicial review, *see* Judicial review
 K visas, *see* K-1 & K-2 visas
 orphans, *see* Adopted children
 prosecutorial discretion, *see* Prosecutorial discretion
 refugees, *see* Asylees and refugees
 S visas, *see* S visas
 special immigrants, *see* Special immigrants
 technical violation of status, *see* Technical violation of status
 TWOV, *see* Transit without a visa

- unauthorized employment, *see subhead: Employment authorization (in this heading)*
 - unlawful status, *see subhead: Ineligibility for AOS (in this heading)*
 - filing, 2498–99, 2529–30, 2560–61
 - I-824, *see* Forms
 - ineligibility for AOS, 1230–31, 1395–96, 2530–41
 - jurisdiction, 2560–61
 - lawful admission, 128–30
 - lawfully present as condition for, 2527
 - legislative history, 12, 14–15, 2525, 2548, 2557
 - nunc pro tunc* permission to reapply for admission, 1404–5, 1479–80
 - out-of-status as bar to AOS, 2531–35, 2557–59
 - parolees, 329–30
 - petition with DHS, 2498–99, 2560–61
 - protective order violations, effect of, 2538
 - readjustment in proceedings, 1475
 - reentry permit, 2566–68
 - remand, 1533–38
 - removal proceedings and AOS, 1471–72, 2545–48
 - continuances for AOS, 756–61
 - deportability not bar to adjustment, 1474, 2541, 2545
 - inadmissible aliens, 2545–48
 - waiver of inadmissibility, 1474–75
 - joint motion to dismiss for AOS, 724
 - LPRs in removal proceedings, 1434, 1475
 - marriage while in proceedings, 2446–49, 2536–37
 - motions to reopen, 1472–73, 1566–1605, 2560–61
 - post-adjustment proceedings, 2566
 - reinstatement of removal, 2556
 - voluntary departure, effect of, 1473–74
 - rescheduling interview, 2544
 - rescission, 2564–66
 - revocation of petition, 2513–14, 2710–11
 - secondary evidence, 2530
 - Social Security card, 2562
 - tax returns, 152, 2575–79
 - TPS, *see* Temporary protected status
 - transferring adjustments, 2528, 2544, 2709
 - travel, 2561–62
 - unlawful presence
 - 3/10 year bar, 202–17, 2555, 2563
 - tolling of, 208–9
 - VAWA, 2409
 - venue, 2560–61
 - visa availability, 2527–29
 - retrogression, 2528
 - visa waiver program, 2066, 2539–40
 - withdrawal of relief, 1395–96
- Administrative Appeals Office, *see* AAO review**
- administrative closure**
- BIA, 1515
 - circuit courts, 1878–79
 - employment authorization, 2993
 - IJ, 740, 897–901
- administrative errors, expedited processing of, 2047–48**
- administrative notice, 1247, 1553–56, 2835**
- Administrative Procedure Act (APA)**
- arbitrary and capricious, 1694–96
 - Auer* deference, 1855–56
 - Chevron* deference, 1853–55
 - final agency action, 1680–83
 - financial relief pursued, 1684
 - inapplicability, 1685–86
 - Kisor* deference, 1855–56
 - licensing violations, 1691
 - multidistrict litigation, 1696
 - notice and comment challenge, 1686–91
 - Regulatory Flexibility Act violation, 1707
 - remedies, 1706–7
 - rulemaking vs. adjudication, 1918–19
 - statute of limitations, 1678–79
 - staying agency action under §705, 1684
 - TRAC factors, 1697–1701
 - ultra vires* action, 1696–97
 - unlawfully withholding agency action, 1697–1706
 - vacating agency action under §706, 1685
 - violating appointments process, 1692–93
 - violating INA, 1691–92, 1696–97
 - withdrawal of regulation, 1689–90
- administrative record**
- discovery outside the record, 1832–34
 - federal review, 1830–34, 1886
 - FOIA used to include deliberative process documents for complete administrative record, 782
 - immigration court, 903–4
 - old/stale asylum record, 1349
 - petitions and applications, 2502
- administrative review, 1507–1606**
- (*see also* Federal jurisdiction; Judicial review; *specific tribunals and substantive issues*)
 - Administrative Appeals Office, *see* AAO review
 - asylum cases, *see* Asylees and refugees
 - BALCA, *see* BALCA review
 - BAR, *see* Board of Appellate Review
 - BIA, *see* BIA review
 - bonds, *see* Bonds
 - CBP admissibility, *see* Admissibility Review Office
 - choice of law, 1820–22, 1882–84
 - claims processing rules, *see* Federal jurisdiction
 - conviction (finality), 489–91
 - deference to agency interpretation, 1853–73
 - departure during appeal, 1530–31
 - DHS, 1538, 1556–61
 - dilatory or frivolous appeal, 848, 1527
 - exchange visitors, *see* J visas
 - exhaustion, *see* Exhaustion of administrative remedies
 - expedited removal, 325–26, 1658–60
 - fugitive status, 1603–4
 - in absentia* hearings, *see in absentia* hearings
 - labor certification, *see* BALCA review
 - medical waiver, 140
 - OCAHO review, *see* Employer sanctions
 - order appealable to circuit court, 1873–76
 - petitioner (not beneficiary) as appellant, 1508, 2828
 - summary removal order, 325–26
 - terrorist acts, 956
 - timeliness, 1519–21, 1558, 2834
 - unfair employment practices, 1562
 - wrongful deportation, 1819–20
- administrative warrants, *see* Search and seizure**
- Admissibility Review Office, 2022**
- admission, criminal, 876**
- controlled substance offense, 190
 - crime involving moral turpitude, 159–60
 - UK “caution” as admission, 195
- admission, judicial**
- counsel’s acts binding, 839–41
- admission and inspection, 2031–38**
- (*see also* Inadmissibility grounds; Removal proceedings—inadmissibility; Security checks)
 - adjustment of status not an admission, 63, 128–30, 2544–45
 - applicant for, 126–27
 - border inspection, 304–15
 - burden of proof, 132–33, 140
 - cancellation of visa, 331, 967
 - challenges to lookout system, 305, 308–11
 - credible-fear determination, *see* Asylees and refugees
 - criminal penalties, 510–40, 556–57
 - databases regarding admission to U.S., 2031–34
 - deferred inspection, 328–29
 - departure, as precondition for, 126–27
 - derogatory information removed, 308–11
 - DHS TRIP, 309–10
 - drug crimes, 190–97
 - entry and exit system, 2031–32
 - entry not defining act, 119–20
 - error, correcting after entry, 2038
 - error in name, correcting, 2570
 - EWI, 217–19
 - FISA, *see* FISA (Foreign Intelligence Surveillance Act)
 - Fleuti* doctrine (abandoned), 130–33
 - flexible definition, 130
 - I-94 electronic version, corrections, 2022
 - inadmissible at entry, deportation ground, 371–72

- lawful admission as defining concept, 119–20
 lookout book, 304, 307
 of LPRs, *see* Lawful permanent residents
 material misrepresentation, 225–34
 medical inspection, 311
 NSEERS, 363
 parole not an admission, 120
 presumptions against, 2009–10, 2482
 primary inspection, 311–15, 328
 procedures for, 304–71, 2021–22
 reapplication *nunc pro tunc* waivers, 368–69, 1404–5, 1479–80
 removal proceedings regarding, 315–27, 364–71
 representation, right to during inspection, 311, 328–29
 secondary inspection, 311, 328–29, 2021
 security clearance, 2019–21
 Technology Alert List (TAL), *see* Security checks
 territorial sea, 128
 time of initial admission, 2021–22, 2038
 visa not required, 2053–68
 waivers, *see* Waivers
 wet-foot/dry-foot, *see* Cubans
 withdrawal of application, 330–31
- adopted children**, 2415–32
 battered adopted child, 2417–18
 criteria, 2415–20
 customary adoption, 2419
 Hague Convention, 14, 2425–32
 legal custody requirement, 2416–18
 legislation, 14
 liability of foreign adoption agency for withdrawing right to adopt, 2431
 LPR provision for birth abroad not applicable, 2420
 naturalization, 3065, 3103
 orphans, 2420–25
 adjustment limited, 2420, 2431, 2541
 born out-of-wedlock, 2422
 Child Citizenship Act, 2431
 distinguished from adoption, 2420
 naturalization, 3066–67, 3103
 procedures, 2420–21
 U.S. citizenship upon entry, 2431, 3066
 petition for biological parents not permitted, 2419
 petition for biological siblings, 2419
 priority dates, *see* Priority dates
 relation to biological family, 2419
 residency requirement, 2416–18
 same-sex couples, adoption by, 2424
 siblings, adopting, 2418–19
 vaccination waiver, 136, 137
- advance parole**, 2561–64
 adjustment of status, 2561–64
 admissibility challenged, 2563
 employment authorization jointly issued, 2562
Flauti, 132
 H/L visa holders not required to have, 2171, 2305–6, 2561
 K-3s / K-4s not required to have, 2561
 revocation of, 2563–64
 third-country processing, 2525
 three- and ten-year bar, 207
 vs. departure, 127–28
- advanced degrees**, *see* EB-2 visas; Foreign degrees
- advisory opinions (DOS)**, *see* State Department
- affidavits of support (I-864)**, 147–56
 125% rule, 148, 149, 150, 152
 asylees, 148
 battered spouse/child, 148
 binding contract, 152–56
 criminal issues, 156
 death of sponsor, 17, 151
 designation of sponsor, 148
 diversity immigrants, 148
 divorce, effect on support obligations, 154–55
 documentary requirements, 152
 domicile requirement, 149–50
 enforcement of affidavit, 153–56
 household members, 149
 income requirements, 150
 joint sponsor, 149
 legislation, 10–11, 17
 National Visa Center processing, 2517–18
 not required, 148
 poverty guidelines, *see* Poverty guidelines
 procedures, 151–52
 public benefits, 2584–89, 3146–50 (Apdx. 2)
 refugees, 148
 self-petitioners, 148
 special immigrants, 148
 sponsor, 148, 149
 substitute sponsor, 149
 support claim, 153
 tax returns, 152
- affirmance without opinion (AWO)**, 1511–14
 exhaustion of remedies, 1512
 judicial review of, 1512–13
- Affordable Care Act (Obamacare)**
 criteria, 2590
 ICE use of information, 651, 2590–91
- Afghans**
 parole, 2658–60
 special immigrant status
 faithful and valuable service, 29, 32, 37, 39, 2656–60
 translators, 25, 35, 2655
 TPS, 1181
- Age Discrimination in Employment Act (ADEA)**, 3012
- aged-out children**
 §245(i), 2554–55
 accompanying, 2471
 adjustment of status, 2475–82
 asylum, *see* Asylees and refugees
 battered children, 2405, 2473
 beneficiaries of 2nd pref. petitions, 2472–73, 2475–76
 CSPA, *see* Child Status Protection Act
- diversity, *see* Diversity immigrants
 employment-based, 2476
 following to join, 2471
 immediate relatives, 2475
 K-4 visas, 2346, 2475
 mandamus for, 1710
 naturalization of parent, 2475–76
 petition process, 2475–82
 priority dates, *see* Priority dates
 refugees, 1011, 1371
 unlawful presence, 207
- agents**
 H-1B visas, 2148, 2161
 immigration agents, *see* Immigration agents
 O visas, 2278
 P visas, 2283
- aggravated felonies**, 401–78, 581–83
 §212(c) relief, 1431–38
 asylum, 1121–22
 bond, *see* Bonds
 burden of proof, 890, 952
 cancellation of removal, *see* Cancellation of removal
 categorical approach, 452–64
 CIMT, differences in analysis with, 473
 modified categorical approach, 464–73
 circumstance-specific approach, 466–68
 Convention Against Torture, 1164
 Davis/Barrett test, 413–16
 definition, 401–48
 relevance of sentencing guidelines, 581–83
 deportation grounds, 401–78
 described in language in statutes, 449
 detention, *see* Detention
 divisible statutes, 423, 464–73
 effective dates, 476–79
 expedited removal, *see* Expedited removal
 felony, whether required, 405, 415–16, 448–49
 foreign convictions, 451–52
 hearings, *see* Expedited removal; Removal proceedings—deportation; Removal proceedings—inadmissibility; Summary removal
 hybrid crimes, 433, 441
 hypothetical ambiguity, 459–64
 imprisonment, term of, 473–76
 involves language, 451
 judicial review, *see* Judicial review
 legislative history, 8, 12, 401
 modified categorical approach, 464–73
 naturalization, bar to, 3080–81
 offenses, 401–78
 accessory after the fact, 433, 447–48
 aiding & abetting, 433, 441, 447–48
 arson, 423, 427
 attempt, 433, 434, 445–46
 bribery, 443, 444
 burglary, 423, 428
 child abuse, 401–5, 425, 428
 child pornography, 435
 commercial bribery, 443
 conspiracy, 446–47

- counterfeiting, 442, 443
- disclosure of intelligence agent, 436
- document fraud, 442, 443
- drug trafficking, 406–17
- DUI /DWI, 428–29
- explosives, 418–19
- failure to appear
 - in criminal court, 445
 - to serve sentence, 442–43
- firearms offenses, 417, 418–19
- forgery, 442, 443
- fraud/deceit, 436–42
 - proving loss, 439–40
- fugitive status, 445
- gambling (RICO), 435
- hybrid crimes, 433, 441
- income tax, 436–42
- manslaughter, 421–22, 426–27, 429
- money laundering, 417–18
- murder, 406
- national defense, 436
- obstruction, 444–45
- passport, falsely making/altering, 442
- perjury, 444
- prostitution, 436
- ransom, 435
- rape, 405–6, 426–27
- recidivism as basis for drug trafficking, 416
- reentry after deportation for aggravated felony, 442
- RICO offenses, 435
- robbery, 426, 429
- sexual abuse of minor, 401–5, 425
- slavery, 436
- smuggling aliens, 442
- stolen property, 430–35
- subordination of perjury, 444–45
- tax evasion, 436–42
- theft, 431–35
- trafficking in persons, 436
- Travel Act violations, 416–17
- two possession convictions, 416
- vehicles, trafficking in, 443
- violent crimes, 419–30
- ordinary meaning of term, 451
- petty offense, 475–76
- presumption of deportability, 890, 951
- probation sentence, 473–74
- record of conviction, 464–73
- reentry after removal, 510–18
- relating to language, 449–51
- relief, 1400–1401, 1410
- re-sentencing, 475, 507–8
- retroactive application, 476–79
- sentence, defined, 473–76
- sentencing guidelines, 569–87
 - definition for INA purposes, 581–82
- state-law violations, 448–49
- summary removal, 890, 950–54
- voluntary departure, *see* Voluntary departure
- withholding of deportation, 1127–28
- agricultural workers**, *see* H-2A visas; Legalization
- aiding and abetting**
 - aggravated felonies, 433, 441, 447–48
- AIDS/HIV**
 - not grounds for inadmissibility, 135
- airlines**
 - crewmembers, *see* Crewmembers
 - employees, employment authorization, 2073
 - finest, 589–90, 2351
 - private aircraft entering U.S., 2032–33
 - suspension of entry of aliens aboard, 590
- airport workers**, 2998
- Alabama**
 - legislation affecting immigration, 68–69
- Alford pleas**, *see* Plea bargains
- Alien Enemies Act**, 51
- Alien Friends Act**, 51
- Alien Registration Receipt Card (I-551)**, *see* Green cards
- Alien Tort Claims Act**, *see* Litigation
- All Writs Act**, 506, 1611, 1719–20, 1891
- American Baptist Church (ABC) litigation**, 1186, 1459
- American Competitiveness in 21st Century Act (AC21)**, 14
 - (*see also* substantive headings)
- American Indians in Canada**, *see* North American Indians
- American Institute in Taiwan**, 2640–41
- American Recovery & Reinvestment Act of 2009**, 29
- amicus curiae**, *see* Friends of the court
- amnesty**, *see* Legalization
- amnesty fraud**, 233, 561
- annotating visas**, *see* Visas
- APIS (Advance Passenger Info. Sys.)**, *see* Security checks
- apparent eligibility**
 - asylum, 763–65, 1238–39
 - IJ duty to inform of relief in removal proceeding, 763–65
- appeals**, *see* AAO review; Administrative Procedure Act; Administrative review; BIA review; Cross-app-peals; Federal jurisdiction; Judicial review; *specific tribunals and substantive issues*
- approval notice**
 - obtaining duplicate (I-824), 2013, 2019
- area control operation**, 637
- Arizona**
 - legislation affecting immigration, 69–70
- Arkansas**
 - legislation affecting immigration, 71
- Armed Forces of the U.S.**, *see* Military service
- arrests**
 - Bail Reform Act, 696–98
 - citizens, arrest of persons claiming to be, 655, 1641
 - courthouses, 649–51
 - DHS, 653–56, 1658
 - enforcement actions against VAWA petitioners, Ts, and Us; arrests in domestic shelters, 655
 - FBI authorized, 658
 - immigration courts, 651
 - INA §239(e) compliance, 655
 - judicial warrant needed, 640–41
 - National Guard, 657
 - protected areas not exempt, 649–51
 - refugees, 1010–11
 - state and local law enforcement, 67–97, 656–57
 - USA PATRIOT Act, 655
- arriving aliens**
 - adjustment during removal proceedings, 2547–48, 2563
 - bonds, *see* Bonds
 - defined, 127
 - detention, *see* Detention
 - IJ has no jurisdiction over bond, 331–32, 682, 1639–41
 - LPR considered as, 63, 130–33, 332–33
- arson**
 - as aggravated felony, 423, 427
- ART**, *see* Assisted reproductive technology
- Art. III issues**, *see* Federal jurisdiction
- artificial intelligence (AI)**
 - attorney misuse in brief, 852
 - executive orders, 287
 - immigration enforcement, 652
- assisted reproductive technology (ART)**
 - birth abroad with surrogate mother, 3058
 - gestational mothers, 2411–12, 3058
- assisting inadmissible persons to enter**, 553
- asylees and refugees**, 1003–1389
 - (*see also* Convention Against Torture; Withholding of removal)
 - abandonment of application, 1217
 - abortion, forced, *see subhead: Coercive population control (in this heading)*
 - abstention from asylum ground not a basis to deny future harm, 1067
 - access to applicant, 1235–36
 - on account of (asylum criteria), 1040, 1078–83
 - on account of defined, 1040, 1078–83
 - activities in U.S. as grounds for, 1332
 - adjustment of status, 1376–80
 - numerical cap lifted, 1377
 - from pending asylum applications, 1214
 - refugees, 1010–11, 1376–77
 - removal, 1379–80
 - spouse divorced from principal, 1378
 - travel, 1379
- administrative notice of changed conditions, 1247, 1553–54
- administrative record (stale or old), 1349

- affidavit of support not necessary, 148
- affirmative applications (Asylum Office), 1208–19
- appeal of decision, 1218, 1221
- Convention Against Torture, 1219
- credible fear and reasonable fear, *see subhead: Credible- and reasonable-fear determinations (in this heading)*
- criteria to decide asylum, 1219–21
- discretionary denial, 1220–21
- filing consequences, 1210–14
- incomplete application, 1281–82
- interview process, 1215–17
- jurisdiction, 1208–9, 1219
- locations of offices, 1215
- multiple filings, 1115
- NIV status, 1214–15, 2024
- procedure, 1208–19
- referral to IJ, 1218–19
- reinterview before removal, 1222
- retention of documents, 1218
- revocation, 1221
- third-party disclosure, 1032–33, 1214, 1243
- timeliness of filing, 1115–20
- use of application against asylee, 1210–14
- withholding claim, 1219
- aged-out children, 1011, 1209, 1366–68, 1371, 1378
- aggravated felonies, 1121–22
- alternate theory of claim, 1310
- apparent eligibility, 763–65, 1238–39
- appeals
- to BIA, 1218, 1346–47
 - see also* BIA review
 - clearly erroneous standard of review, 1275–76, 1346–47
 - judicial review, 1006–7, 1347–66, 1755–58, 1846
 - see also* Judicial review
 - of bars, 1121
 - termination of refugee status; requests for review, 1196
- application process, 1196–1235
- see also subheads: Affirmative applications; IJ hearing; other specific topics in this heading*
- arrests, 1010–11
- assailants not identified, 1342
- Asylum Offices, 1215
- background checks, 1218, 1243
- bars to, 1101–21, 1220
- frivolous applications, 1210–14
 - persecution of others, 1008–10
 - third-country transit bar, 1108–11
- BIA review, *see subhead: Appeals (in this heading)*
- bilateral agreement as basis to deny, 1111–15, 1220
- biometric identification, 863–65, 1218
- bonds, 336, 683, 1239–40
- border, 1197–1208
- Circumvention of Lawful Pathways rule, 1108–11
 - emergency border rules, 1200–1205
 - executive orders, 1200–1205
 - Migrant Protection Protocols, 1205–6
 - parole with conditions, 1215
 - Presidential Proclamation on border emergency, 1200–1205
 - procedures for credible fear and screening, and consideration by AO rules, 1197–1208
 - tariffs to shut the border, 1201
- bribery to avoid persecution, 1342
- Bring Them Home Alive Act, 1013–14
- burden of proof, 1244
- asylum application as proof of deportability, 883, 1210
 - disfavored groups, 1098–99
 - disqualifying ground, 1120–21, 1137
 - firm resettlement, 1104–8
 - frivolous application, 1212–13
 - pattern or practice, 1097–98
 - rebutting well-founded fear presumption, 1086–95
 - testimony as sufficient, 1249–50
- Bureau of Democracy, Human Rights, & Labor (f/k/a BHRHA), 1229–30
- Canadian-U.S. agreement, 1111–13
- cancellation of visa, 967
- changed circumstances, 1116–18
- rebutting well-founded fear presumption, 1086–95
- changed country conditions
- reopening, 1582–92
- child applicants, 909, 1232–34
- see also subheads: Aged-out children; Family members (in this heading)*
 - international conventions, 1234
- circumstantial evidence, 1332–33
- circumventing refugee procedures, 1220–21
- citizenship-stripping as persecution, 1027
- civil war as grounds for persecution, 1028–29
- CLASS check, 1218
- classified information, 884–85, 1342
- clock (EAD), 1240, 1382–89
- coercive population control
- as persecution, 22, 1007, 1333–38
- confidentiality, 1032–33, 1214, 1243
- congressional designation of refugees, 1010
- conscientious objection, 1030–31
- conscription as persecution, 1027–28, 1030–31, 1332
- consequences of filing, 1210–14
- consular questioning, *see* Consular processing
- Convention Against Torture (CAT), *see* Convention Against Torture
- cooperative agreements with El Salvador, Guatemala, Honduras, 1113–14
- corroboration of claims, 1249–52
- see also subhead: Documentary evidence (in this heading)*
- circuit court review, 1253–56
- continuances, 1253
- judicial review, 1366, 1759
- past persecution, 1095
- REAL ID Act, 1250–53
- when not required, 1253, 1257
- corruption, challenging as grounds for asylum, 1340–42
- counsel, right to, 1236–37
- country-condition reports, *see* State Department (DOS)
- countrywide persecution, 1088–93, 1099–1101
- court personnel as grounds for, 1338–39
- credibility, *see* Credibility determinations
- credible- and reasonable-fear determinations, 318–21, 1197–1200, 1221–25
- See also subhead: Border (in this heading)*
 - confidentiality, 1214
 - interpreter, 319–20
 - notice of one-year deadline, 1222
 - parole, 323–25, 336–37, 1239–40
 - parole with conditions, 1215
 - reinterview before removal, 1222
 - telephonic interviews, 1221
- crew members, 1221, 1231
- criminal acts
- acts in U.S. not negating asylum, 1325
 - grounds for denial, 1101–2, 1121–22
- custodial interrogation as persecution, 1021
- databases, *see* Databases
- death of principal asylee and right to adjust, 1378
- definitions
- of asylee, 1014–15
 - of refugee, 1007
- demeanor, 1272–73, 1276–77
- denaturalization as persecution, 1027
- denial
- discretionary, 1122–23, 1220–21, 1231, 1836–37
 - mandatory, 1101–21, 1137, 1220, 1231
 - reconsideration, 1123–24
- dependents, *see subhead Family members (in this heading)*
- deportability, use of asylum application to prove, 883, 1210
- derivative claims, *see subhead Family members (in this heading)*
- detention
- asylees, 332–33, 334, 683, 1239–40
 - refugees, 1010–11
- disclosure of application to third party, 1032–33, 1243
- discretionary grounds for denial, *see subhead Denial (in this heading)*
- discrimination vs. persecution, 1024–25
- disfavored groups, 1098–99

- documentary evidence, 1249–71
 - authentication of documents, 873–75
 - country-condition reports (DOS), *see* State Department
 - documentation center, 1208–9, 1262
 - NGO and other reports, 1262–63
 - standard for credibility of documents, 1259–60, 1545
- domestic law, generally, 1006–7
- domestic violence, 1326–28
- DOS advisory opinions, 1217, 1229–30, 1247, 1263–71
- drug informants, 1339–40
- dual nationality, 1007
 - distinguishing firm resettlement, 1107
- due process, violation to remove person to his death, 1192–93
- economic status
 - affluence, effect on finding of persecution, 1342
 - deprived status as persecution, 1025–27
- effective dates, 1138
- emergency bar to entry rules, *see subhead: Border (in this heading)*
- emergency flow refugees, 1007, 1010
- employment authorization, *see subhead: Work authorization (in this heading)*
- equal treatment in adjudicating claim, 1231
- evidence (*see also subheads, in this heading, with specific types of evidence*)
 - nature of proof, 1246–49
 - testimonial evidence, 1271–1311
 - types of evidence, 1311–42
- exit visa laws, 1031
- expedited hearing, 318–21, 1222
- expedited processing before AO, 1217
- expedited removal, 1231–32
- expert testimony, 1270–71
- extortion as persecution, 1331–32
- extradition, 1140–41, 1191–92
- extraordinary circumstances, 1118–20
- failure to appear (*see subheads: IJ hearing; Interview before AO (in this heading)*)
- failure to identify assailants, 1342
- false statements
 - at airport, 1221, 1286–89
 - bar to good moral character, 1214
 - criminal and civil penalties, 1210
- family members
 - application, 1196, 1209–10, 1218–19, 1366–68, 1378
 - Cuban Refugee Adj. Act, 1372–73
 - parent's derivative application, 1235
 - persecution of, 1311–17, 1336–37
 - refugee/parole program for minors from El Salvador, Guatemala, and Honduras, 1014
 - of refugees, 1011–12, 1196
- fear of persecution, 1095–96, 1311–42
- criminal conduct not negating fear, 1325
- fees, 1405–7
 - Annual Asylum Fee, 1405
 - asylum program paid by I-129, I-129CW, and I-140 petitions, 2505–6
- female genital mutilation (FGM) as persecution, 1330–31
- firm resettlement, 1104–8, 1195
 - burden of proof, 1106
 - dual nationality, 1107
- fraud on entry, as a basis for denial, 1221, 1280
- frivolous applications, 1210–14, 1226, 1230–31
- gender-based persecution, 1325–26
- general political conditions, 1028–29, 1249
- general-law application as persecution, 1029
- Geneva Convention, 1004–5
- government inability to stop persecution, 1034–37, 1100–1101
- grant of, 1366–69
- guerrillas, evidence of specific threats, 1332
- harassment vs. persecution, 1024
- hearings, *see subhead: IJ hearing (in this heading)*
- hearsay evidence, 1260–61, 1268–69, 1280
- homosexuals, *see subhead: LGBTQ issues (in this heading)*
- humanitarian asylum, 1093–95
- I-730
 - for asylees, 1366–68
 - for refugees, 1011–13
- identity of applicant checked, 1218
- IIRIRA changes, 12
- IJ hearing, 1243–1343
 - duty of IJ to develop record, 1053
 - failure to appear, 1230
 - jurisdiction between IJ and AO, 1218–19
 - proceedings, 1225–26
 - referral to IJ by AO, 1218–19
- imputed political opinion/motive, 1044–46
- imputed social group claim, 1054
- in absentia* hearings, 1230
- INA §222(g), 2024–26
- inadmissibility grounds, 1196, 1376–77
- inconsistent treatment by gov't, 1325
- ineligibility
 - for asylum status, 1101–21
 - for refugee status, 1008–10
 - informants, 1005–6, 1339–40
- interdiction, 1014–15
- international law, 1004–6
- interpreter, need for, 1215–16
- interrogation as persecution, 1021
- interview before AO, 1215–17
 - failure to appear, 1216
 - gender identity, 1217
- Iraqis, 1013
- judicial review, *see subhead: Appeals (in this heading)*
- legislation, *see* History of immigration laws; *specific legislation*
- LGBTQ issues
 - evidence of sexual orientation, 1329–30
 - gender identification, interview before AO, 1217
 - passports, 2510, 3105
 - mandatory grounds for denial, *see subhead Denial (in this heading)*
 - marriage as persecution, 1331
 - material misrepresentation, 1210–14, 1221, 1291
 - material support, *see subhead Terrorism (in this heading)*
- medical treatment
 - failure to seek, 1018, 1342
 - forced exam as persecution, 1017
 - see also subhead Coercive population control (in this heading)*
- membership in a particular social group, *see subhead: Social group (in this heading)*
- mental disability as ground for, 1063
- metering, 1206–7
- Migrant Protection Protocols (MPP), 1205–6
- military service as persecution, 1030–31
- military use against applicant as persecution, 1325
- minors (*see subheads: Aged-out children; Child applicants; Family members (in this heading)*)
- mixed-motive cases, 1072–77
- motive of persecutor, 1041
- multiple filing bar, 1115
- NACARA, *see* NACARA
- nationality, lack of, 1015–16
- newly discovered evidence, 1343
- nonimmigrant status, 1214–15
- normal flow refugees, 1010
- North Koreans, 1013
- Northern Mariana Islands, 1124
- Northern Triangle countries (El Salvador, Honduras, Guatemala) and other refugee processing in Western Hemisphere, 1014
- notice
 - one-year filing deadline, 325, 1120, 1222, 1238–39
 - prior to finding evidentiary deficiency, 1252
 - of right to apply, 1238–39
- Office of Refugee, Asylum & International Operations, 340–41, 1222
- one-year limitation on filing, 1115–20, 1233
 - see also subhead: Notice (in this heading)*
- overseas refugees, 1007–14
- Palestinians, 1015–16, 1024–25
- parent's derivative application, *see subhead Family members (in this heading)*
- parole, *see* Parole
- particularly serious crime, 1121–22, 1127

- passport as evidence of no persecution, 1323–24
 pattern or practice
 as evidence of persecution, 1245–46
 showing not required, 1033, 1097–98
 periodic persecution, 1033
 permanent or serious injury not required, 1017–18
 persecution, 1003, 1016–34
 see also subheads (In this heading) covering specific groups being persecuted, specific acts of persecution, specific situations, etc. For persecution of others as bar to status, see subhead: Persecutors
 criminal conduct not affecting persecution, 1325
 cumulative effect of, 1033–34
 defined, 1007, 1016–17
 detention, not considered as, 1021–23
 discrimination vs. persecution, 1024–25
 economic status, *see subhead Economic status (in this heading)*
 emotional trauma, 1023–24
 forced medical examination, 1017
 harassment distinguished, 1024
 past persecution, 1083–95
 as basis for asylum, 1084
 as basis for withholding, 1085–86, 1125–26
 corroboration, 1095
 rebutting well-founded fear presumption, 1086–95
 social group, 1054
 periodic, 1033
 physical harm not required, 1017–18
 prosecution distinguished, 1029–31
 release after persecution, 1325
 Remain in Mexico policy (MPP), 1205–6
 remaining in or returning to country, effect on asylum claim, 1323–25
 similarly situated, treatment of, 1342
 single incident sufficient, 1033
 valid passport affecting asylum claim, 1323–24
 persecutors
 ineligibility for asylum, 1008–10
 motives, 1041
 physical disability as ground for, 1063
 police officers, 1338–39
 political opinion defined, 1041–46
 population control, *see subhead Coercive population control (in this heading)*
 post-traumatic stress disorder, 862, 1289
 premitting asylum application, 933, 1226, 1230, 1397
 previous applications for asylum, 1115
 previous grants of asylum, evidence of, 1342
 priority processing (P-1 to P-3), 1193–94
 prisoners, treatment as indicative of persecution, 1333
 private organizations, evidence by, 1262–63
 prosecution distinguished from persecution, 1029–31
 protective order, 1342
 public hearing, 1230
 punitive intent unnecessary, 1031–32
 quotas, 1193
 no cap on adjustment, 1377
 readjudication/pause on I-589, 1219
 REAL ID Act, 1072, 1102–3, 1250–53, 1271–75, 1290–91, 1366, 1377
 reasonable fear, *see subhead: Credible- and reasonable-fear determinations (in this heading)*
 rebutting well-founded fear presumption, 1086–95
 reconsideration of denial
 before physical removal, 1222
 torture claim raised, 1165
 withholding granted, 1231
 record on appeal, too stale, 1349
 refugees, admission of, 1007–14, 1193–96
 AG determination of admission order, 1196
 judicial/administrative review, 1012–13
 processing, 1193–96
 Central American minors (CAM Program), 1014
 security screening, 1194
 Refugee Act of 1980, 7, 1006
 spouses and children, 1011–13
 reinstatement of removal order, 1219, 1222–23, 1231
 released after persecution, 1325
 religious persecution, 1318–22
 relocation to avoid future persecution, 1088–90, 1099–1101
 inapplicability to refugees, 1090
 remand, motion to, 1347, 1533–38
 remand by court, 1886–91
 removal, expedited, 1222
 removal of refugees, 1011
 removal proceedings, referral to, 1218–19
 third country, 1101
 use of application to prove deportability, 883, 1210
 reopen, motion to, *see Reopen, motion to*
 rescheduling interview, 1216
 return to country of origin, 1323, 1368–69
 re-vetting refugees, 1010–11
 revocation, 1221, 1244, 1369–71
 for removal, 1380
 right to apply, 1238–39
 S visas, *see S visas*
 Safe Mobility Offices for Refugee Processing, 1013
 safe third country, 1111–15, 1220
 sealed information, 1342
 security checks, 1218, 1243
 security personnel, 1338–39
 security screening, refugees, 1194
 serious nonpolitical crime, 1102, 1133–36
 sexual assault as persecution, 1326–28
 sexual orientation, *see subhead: LGBTQ issues (in this heading)*
 similarly situated, disparate treatment by persecutors, 1342
 singled out, not standard, 1246
 social group
 defined, 1046–72
 imputed claim, 1054
 past-persecution claim, 1054
 Southeast Asians, 1013–14
 sponsorship for refugees, 1013
 spouse and children, *see subhead: Family members (in this heading)*
 standard of persuasion, 1245
 statelessness, 1015–16, 1027
 sterilization, forced, *see subhead: Coercive population control (in this heading)*
 stowaways, 1221, 1231
 technical violation of status, *see Technical violation of status*
 termination of proceedings, 1225
 termination of status, 1196, 1221, 1369–71, 1379–80
 termination or dismissal of removal and refiling asylum, 1219
 terrorism (*see also Terrorists and terrorism*)
 danger to U.S. security, 1136–37
 as grounds for denial, 1102–3
 testimonial evidence, 1271–1311
 third-country agreements, 1111–15, 1220
 third-country removal, 1101, 1656–57
 third-country transit bar, 1108–11
 threats without seizure, 1332
 travel
 to home country, effect on claim, 1323
 right to, 1242, 1368–69, 1379
 turnback policy, 1206–7
 U.N. Conventions
 CAT, *see Convention Against Torture*
 Relating to Status of Refugees, 1004
 rights of children, 1234
 unable or unwilling government protection, 1034–37
 unaccompanied minors, *see subhead: Child applicants (in this heading)*
 UNHCR Handbook, 1004–5, 1053–54
 union membership as grounds for, 1322–23
 unlawful presence, *see Unlawful presence*
 vaccinations, exemption from requirement, 136–37
 venue, 1208–9, 1238
 vetting of refugees, enhanced, 1194

visa cancellation, 967
 visa waiver program, 683, 1231
 waivers, 288–89, 1195, 1377, 1379, 1380
 Welcome Corps, 1013
 well-founded fear, defined, 1095–96, 1245
 whistleblower as grounds for asylum, 1340–42
 withdrawal of application, 1215
 withholding of removal (*see also* Withholding of removal)
 differences between asylum and withholding, 1226–27
 women, generalized persecution of, 1328–29
 work authorization, 1240–42, 1368
 termination of, 1242

athletes

(*see also* O visas; P visas)
 amateurs, 25, 2280, 2285
 athletic organizations, 2776
 B-1 admission, 2072
 employment authorization, special provision for, 2995
 H-2B visas, 2265
 ice skaters, 2280
 immigrants
 EB-1, 2599–2608
 EB-2, 2620–21, 2709
 labor certification, 2722, 2776, 2803, 2825–26
 minor leaguers, 2280, 2285
 professionals, 2279
 traded, 2040, 2279, 2287, 2776, 2825–26, 2995

attempt

as aggravated felony, 440–41, 445–46
 as crime involving moral turpitude, 159–60, 172
 drugs, 190

attenuation, 1813

attestation

(*see also* Labor condition applications)
 D visa, 2352
 fast track H-1B, 2206–8
 H-1B, 2139, 2172
 H-1C, 2201
 R visas, 2324
 special immigrant religious workers, 2638–39

Attorney General

authority to ban travel, *see* Travel bans
 review of BIA, 1516

attorney-client privilege

as basis to prevent search, 638
 monitoring of attorney-client communications, 838

attorneys

(*see also* Counsel, right to)
 ethical issues and conduct, 846–47
 misuse of AI in brief, 852
 fees, *see* Attorneys' fees
 friends of the court, 843
 government counsel
 obligation of, 842–43
 remand decisions, 1890–91

labor certification cases, *see* Labor certification
 malpractice, 852–53
 EB-5 cases, 2700
 privileged communications, *see* Attorney-client privilege
pro bono representation, 821
 registering electronically, 841–42
 sanctions
 before BALCA, 2836–37
 before BIA, 847–53, 1527, 2195
 before DHS, 851
 in employer sanctions cases, 2959, 3050–51
 in federal court, 851–52
 in labor certification cases, *see* Labor certification
 misuse of AI, 852
 in removal proceeding, 847–53
 telephonic appearances and communications, *see* Telephonic, video, and Internet technology
 unauthorized practice of law, 843–44
 undocumented persons' right to practice, 97–98

attorneys' fees

Bivens, 2912
 civil rights acts, 2911–12
 criminal cases (Hyde Amendment), 2913
 employer sanctions, 2906, 2989
 Equal Access to Justice Act, 2896–2911
 admin. work, fees for, 2906
 bad-faith exception, 2896–97
 calculating fees, 2907–11
 client's, not attorney's, fees, 2897
 cost of living, 2908–9
 costs and expenses, 2911
 eligibility, 2897–2905
 employer sanctions, 2906, 2989
 expert fees, 2907
 federal litigation, fees for, 2905–6
 hourly rate, 2907–9
 interest, 2910
 legislative history, 2896
 naturalization petitions, 2906
 position of U.S., 2900–2905
 prevailing party, 2898–2900
 pro bono counsel, 2897
 pro se litigants, 2897
 procedures for filing, 2906–7
 remands, 2899–2900
 removal proceedings, 2906
 special circumstances against award, 2905
 special factors for award above \$125/hour, 2909–10
 standard of review, 2905, 2911
 substantial justification of government, 2900–2905
 Federal Torts Claim Act, 2912
 fees for fees, 2910
 forfeiture, 552
 Freedom of Information Act, 2912–13
 labor certification, *see* Labor certification
 recovery of, 552, 2195, 2896–2913
 trafficking victims, 19, 2873, 2913
 unfair employment practices, 3050

au pair program, 2116–17

audiologists

inadmissible without certificate, 159

audita querela writ, 506

audits

employer sanctions, 2946–47
 labor certification, 2760–66

Auer deference, *see* Deference to agency interpretation

Australian (E-3) special occupation visas, *see* E-3 visas

authentication of documents, 873–75

authority to regulate, *see* Federal authority to regulate; Preemption; State and local government

authorized residency, 2998

automated passport control (APC), *see* Security checks

avoidance doctrine

of constitutional questions, 1907
 of international-law violations, 1907–8

AWO, *see* Affirmance without opinion

B

B-1 visas (business visitors), 2070–76

admissible as, 2070–76
 airline employees, 2073
 artists, 2072
 athletes, 2072
 business defined, 2076
 Canadian business visitors under USMCA, 2055–61
 conferences, 2070
 domestic employment, 2072
 eligibility, 2076
 employment authorization, 2076, 2922
 equipment installation, 2073
 exploring E-2 investment, 2073
 family members of B-1, 2076
 investors, 2073
 in lieu of H-1 or H-3, 2071
 in lieu of J-1, 2071
 medical student, 2073
 Mexican business visitors under USMCA, 2055–61
 payment abroad, 2070
 religious workers, 2072
 truck drivers, 2073–74

B-2 visas (visitors for pleasure), 2077–78

admissible as, 2077–78
 birth tourism, 2077
 companion of H, L, E, 2078
 family of members of B-2, 2078
 language study, 2078
 nonspouse, accompanying partner, 2078

back pay

remedy for aliens, 3002

Bahamians

no visa required, 2061

Bail Reform Act, 696–98

- BALCA review**, 1561–62, 2182, 2762, 2827–37
 administrative/official notice, 2835
 appeals, 2832–36
 employer's review only, 2828
 motions to reconsider, 2828–32
 motions to reopen, 2832
 remand, 2835–36
- banking**
 use of ITINs by undocumented persons, 2583
- bankruptcy**
 no stay of employer sanctions case, 2955, 2975
- battered persons**, *see* Child abuse; Spousal abuse; VAWA petitioners
- beneficiaries**
 derivatives, *see* Derivative beneficiaries
 substitution in petitions, 2228, 2266–67, 2284, 2703, 2775–76
- Bermuda**
 visa not required, 2053–54
- BIA review**, 1507–56
 (*see also* Administrative review)
 abeyance, 1528
 acquiescence to court decisions, 1516–18
see also Deference to agency interpretation (*Chevron*)
 administrative closure, *see* Administrative closure
 administrative notice, 1247, 1553–55
 affirmance without opinion (AWO), *see* Affirmance without opinion
amicus curiae brief, 1525
 appeal from DHS decision, 1538
 appeal procedure, 1519–30
 Article III jurisdiction waived, 1523
 asylum cases, *see* Asylees and refugees
 Attorney General review, 1516
 attorney sanctions, 849–53, 2195
 beneficiary's appeal, 1508
 boilerplate decisions, 1546–48
 bond appeal, 683–84, 1509
 briefs, 1524–25
 Burbano affirmance, 1551
 burden of proof, 674–77
 certified questions, 1516
 classified information, 1525
 clearly erroneous review, 1346–47, 1461, 1515, 1539–42
 constitutional issues addressed, 1553
 credibility findings, 1543–46
 documentary evidence, 1258–62, 1545
 criteria/conditions, 674–77
 criticism of practices, 1529–30
 cross-appeals, 1525
de novo review, 1538–39
 decision, notice of, 1529
 delay in decision, 1529–30
 departure during appeal, 1530–31
 DHS decisions, not binding, 1552
 director, EOIR review, 1515
 disciplinary consequences of frivolous appeal, 1527
 electronic filing
 ECAS, 744–45
en banc decision, 1515
 entry of final order challenged, 1532–33
 estoppel, no authority to consider, 1482
 factfinding, restricted, 1542–43
 factors considered in decision, 1538–56
 family-based petitions, 1508
 final order of removal, BIA authority to enter, 1532–33
 index decisions, 1552–53
 interlocutory appeal, 1519
 judicial review
 of AWO, 1512–13
 of BIA, not IJ, 1551–52
 of IJ and BIA, 1551–52
 jurisdiction, 1507–10
 IJ jurisdiction ceasing on BIA appeal, 1523
 motion practice, 1533–38
 new (2026) appeal procedures, 1514
 new evidence, 1542–43
 nonbinding decisions, 1552–53
 notice of appeal, 1519–23, 1538
 oral argument, 1528
 precedent & other decisions, 1552–53
 procedure, 1510–16
 reasoned consideration, 1546–48
 recalendaring, *see* Recalendaring cases
 reconsider, motion to, *see* Reconsideration, *subhead*: Motions
 record on appeal, 1830–34, 1886
 re-detention and predeprivation hearings, 678
 reissuance of BIA decision, 1521, 1529
 remands, *see* Remand
 reopen, *see* Reopen, motion to
 review of BIA or IJ decision, 1551–52, 1873–76
 scope of review, 1538–56
 service office, appeal from, 1508, 1538
 single member panel, 1511
 standard of review
 clearly erroneous, 1346–47, 1461, 1515, 1539–42
 factors considered in BIA review, 1538–56
 stay, 1527–28
 streamlining, *see* Affirmance without opinion
sua sponte reopening, 1578–81
 summary affirmance, 1550–51
 summary dismissal, 1526–27
 of all appeals, 1514
 termination of appeal, *see* Termination of proceedings
 three-member panel, 1510–11, 1527
 time to file
 appeal, 1508, 1519–21
 brief, 1524
 transcripts, 1524, 1529–30, 1543, 1830–31
 undue influence on BIA, 1518
 untimely appeal, 1519–21
 voluntary departure, reinstatement on appeal, 1420, 1531
 waiver of appeal, 1521–23
 waiver of issue not raised before IJ, 1546
 waiver of issue not seriously challenged, 1522–23
 withdrawal of appeal, 1529
- bilateral investment treaties**, *see* E-1 & E-2 visas
- bill of attainder**, 610
- biometric identification**
 (*see also* Security checks)
 asylum applicants, 863–65, 1218
 BioVisa Program, 2013
 detention, 353
 legislation requiring, 10, 16
 machine-readable passports, *see* Passports
 missed appointment, 863–64
 mobile appointment, 863
 rescheduling, 863–64
- birth certificates**, 2503
- birth in U.S.**, *see* Naturalization and citizenship
- birth tourism**
 B-2 visas, 2077
- Bivens actions**, *see* Litigation
- blood tests**, 2413–14, 2503
- Board of Alien Labor Certification Appeals**, *see* BALCA review
- Board of Appellate Review (BAR)**, 3122
- Board of Immigration Appeals**, *see* BIA review
- body-cams**, *see* Immigration and Customs Enforcement
- boilerplate decisions**, *see* BIA review
- bonds**, 673–89
 (*see also* Consular processing; Detention; Federal jurisdiction; Habeas corpus)
 administrative review, 1721
 aggravated felons, 699–707
 arriving alien problem, 332–33, 334, 673–74, 682, 1639–41
 asylum, 323–25, 683, 1239–40
 attorney representation solely for bond, 682, 837–38
 automatic stay of IJ bond, 333, 683–84, 701, 1654
 Bail Reform Act, 696–98
 BIA appeal, 683–84, 1654
 breach, 688–89
 burden of proof, 674–77, 1642–46
 cancellation, 688
 children and families, 659–70
 circuit court, grant of, 688, 1674, 1879
 constitutional challenges, 701–7, 1639–46, 1650–52
 Cubans, 340
 deportation, 673–89, 699–707
 detainers, 690–96
 employer sanctions, 2985–86
 employment authorization, 11, 333
 entry without inspection (EWI), 324–25, 334–35, 1639–41

exhaustion of remedies, 1772–74
 expedited removal, 323–25, 334
 federal court, grant of, 688, 1674, 1879
 final order (§241) vs. removal proceedings (§236), 986–88
 habeas corpus, 326, 1639–46, 1650–52, 1654
 inherent authority to grant bail, 1674
 health-related reason, 335–36, 705
 IJ, no jurisdiction to determine, 331–33, 701
 impartial adjudicator needed, 705, 1650–52
 inadmissible persons, 323–25, 332–33
 ineligibility for, 682
 interests rates on, 682
Joseph hearing, 701
 judicial review, *see* Judicial review
 juvenile, 341, 659–70
 medical reason for release, 335–36, 705, 1658
 parolees, 323–24, 334–35, 1639–41
 procedure, 680–83
 REAL ID Act, 687
 redetermination, 681–83
 removal, 658
 deportation, 699–707
 risk classification assessment (RCA), *see* Parole
 stay of release, 333, 701, 1654
 supervised release, 679, 984, 1652–54
 terrorists, *see* Terrorists and terrorism
 venue, 332–33, 681
 visa waiver, 683, 1239
 withholding of removal, 1239–40
border procedures, 304–71
 challenges to border denials, 305–11
 citizens subject to inspection, 305
 expedited removal, *see* Expedited removal
border wall construction, *see* Judicial review
Brady material, *see* Discovery
Brand X deference, *see* Deference to agency interpretation
bribery
 as aggravated felony, 443, 444
bridging / bridge filing, *see* Change of status; Employment-based immigration; Extension of stay
briefing schedule
 BIA, 1524–25
 court of appeals, 1876
bringing to U.S., *see* Transporting/harboring
British subjects, *see* Bermuda; British Virgin Islands; United Kingdom
British Virgin Islands
 visa waiver, 2061
broadcasters, *see* I visas; Special immigrants
brothers and sisters, *see* Siblings
burden of proof, 888–94
 (*see also* Standard of proof)
 abandonment of residency, 2574–75

access to visa documents, 890
 acquisition of citizenship, *see* Naturalization and citizenship
 aggravated felonies, 890, 952
 arriving aliens, 132–33, 328, 889–90
 asylum cases, *see* Asylees and refugees
 bond, 674–77, 1642–46
 CAT, *see* Convention Against Torture
 clear-and-convincing standard, 888–89
 conditional residents, 890–91, 2444, 2693
 crimes involving moral turpitude, 172–73
 criminal conduct, 890, 1400–1401
 employment-based, 2482
 entry, 119–33
 EWI, 889–90
 family petitions, 2444, 2445, 2464–65, 2482, 2499–2501
 Fifth Amendment, 866–67
 firm resettlement, *see* Asylees and refugees
Fleuti doctrine, 130–33
 immigrant visa petitions, 2482, 2499–2501, 2513–14, 2520, 2523
 judicial review, 893–94
 lenity, rule of, 892–93
 LPRs, 130–33, 328, 366–67, 2482
 marriage (conditional residence), 890–91, 2444
 material misrepresentation, 232–33
 medical cases, 140
 nonimmigrants, 2009–11, 2019
 presumptions, 888–89
 against admissibility, 2009–10, 2482
 relief, 891–92, 1397–98
 removal, *see* Removal proceedings—deportation; Removal proceedings—inadmissibility
 returning resident, 130–33, 328, 366–67
 special immigrants, 2482
 unfair practices, *see* Unfair immigration-related employment practices
 vacated conviction, 486, 880

Bureau of Prisons

change of security classification, 954
 conditions of detention, 339
 detainees, 690–92
 First Step Act, 694
 rules affecting detention, 671
 situs of detention, 671

Burma, *see* Myanmar

business information

inadmissibility of person disclosing, 271

business necessity, 2795–99

Buy American, Hire American

NIV requirement, 2150, 2273, 2281–82, 2288, 2310

C

C visas (aliens in transit)

C-1, 2039, 2350
 C-2 and C-3, 2025, 2039, 2338, 2350

California

legislation affecting immigration, 71–73

Cambodians

adjustment of status, 15, 2489
 refugee status, 1013–14
 visa discontinuance, 994

Cameroon

TPS, 1183–84

Canadians

(*see also* TN visas; USMCA)
 citizenship, 2055
 commuter students, *see* F visas; M visas
 entry without visa, 2030, 2053–54
 Indians, *see* North American Indians
 J visas, *see* J visas
 marijuana industry as a bar, 2054
 three- and ten-year bar, 205, 2053–54
 waivers, limitations at border, 2054

cancellation of removal, 1422–71

(*see also* Suspension of deportation)
 administrative review, 1461, 1507–8, 1539–43, 1549
 aggravated felons, 508, 955, 1430–31
 battered spouses & children, 1449–51
 changes in 1996 law, 1422, 1429–32, 1452–53
 clearly erroneous standard of review, 1461, 1539–43
 crew members, 1425, 1447
 Cuban Refugee Adjustment Act, 1422
 discretionary eligibility, 1438–41
 Eastern Europeans, 1459
 effective date, 1429–30, 1457
 eligibility, 1422–25, 1441–47
 form for waiver, 1429
 Guatemalans, 1187, 1459
 INA §212(c), 1431–38
 J visas, 1425, 1447
 judicial review, *see* Judicial review
 LPRs, 288, 1422–41
 changes from §212(c), 1429–32
 eligibility, 1422–25
 outstanding equities not needed, 1440
 procedures, 1429
 motions to reopen, 1434–35, 1460–61
 non-LPRs, 1441–71
 changes in 1996 law, 1452–53
 eligibility, 1441–47
 hardship criteria, 1453–57
 procedures, 1457
 numerical cap, 1451–52, 1458
 rehabilitation, 1440
 reopening, 1434–35, 1450
 repapering, 740, 1470–71
 residency, 1424–25
 retroactive application of law, 1428–29
 Salvadorans, 1187, 1458–59
St. Cyr regulations, 1434
 stop-time rule, 1426–29
 TPS, time not counted, 1177
 withdrawal of relief, 1395–96
cancellation of visas
 automatically under INA §222(g), 2024
 DHS cancellation, 331, 967

- cap-exempt**, *see* H-1B visas
- caps**, *see* Numerical limitations; *specific visa types* (e.g., H-1B)
- CARECEN settlement**, *see* Temporary protected status (TPS)
- carrier liability**
custodial responsibility, 589–90
fines, 589–90
- CARRP (Controlled Application Review and Resolution Program)**, 3085–86
- catch and release**, *see* Immigration and Customs Enforcement (ICE)
- categorical, modified categorical approaches**
aggravated felony cases, 452–73
crimes involving moral turpitude, 164–70
differences in analysis between agg. felony and CMT, 473
- CBP**, *see* Customs and Border Protection
- CBP Home**, *see* Self-removal/deportation
- cellphones**
border search of, 646–48
- census count**, 100
- Centers for Disease Control & Prevention**, 133
- Central American Minors (CAM) program**, 1014
- CFR table of sections cited**
8 CFR, 3185–3201
20 CFR, 3202–4
22 CFR, 3205–6
28 CFR, 3207
other titles, 3208–9
- change of status**, 2024–25, 2042–45 (*see also specific visa*)
bridging, 209
departure, effect of, 2043–44, 2102
H-1B cap, 2089–90, 2143–44
physicians, 2205–6
technical violation of status, *see* Technical violation of status
three- and ten-year bar, 208–9
visa waiver program, 2065
- changed circumstances**
asylum applications, *see* Asylees and refugees
- chargeability**, *see* Preference petitions
- Chevron deference**, *see* Deference to agency interpretation
- child abduction**
grounds of inadmissibility, 240–44
- child abuse**
Adam Walsh Act, 25, 988, 2341–44, 2494–95
as aggravated felony, 401–5, 425, 428
as crime involving moral turpitude, 11, 175
as removal grounds, 397–99, 420, 425, 428
sexual abuse of minors
as aggravated felony, 401–5, 429–30
crime involving moral turpitude, 180
deportation ground for failure to register, 400–401
family petitions denied, 2494–95
history, 25
K-1 unavailable, 2341–44
sentencing, 575, 580
violence crime, 425, 429–30
U.N. Convention on Rights of Child, Sale of Children, Child Prostitution, Child Pornography, 1234
VAWA, *see* VAWA petitioners
- Child Advocates**, *see* Guardians
- Child Citizenship Act**, 15, 151, 239, 379, 2431, 3066–69
- child soldier recruiters**, 28, 270, 377, 1121, 1135–36
- Child Status Protection Act (CSPA)**, 17, 1371, 2409, 2471, 2475–82
asylees and refugees, 1209, 1371
diversity, 2476
employment-based, 2476
immediate relative, 2475
immigrants, 2475–82
INA §245(i), 2554–55
naturalization, 2475–76
retrogression, 2478
transfer of petition, 2479
- children**
(*see also* Juveniles; Minors; Unaccompanied children; *specific visa types*)
adopted, *see* Adopted children
adulterine, 2412
aged-out, *see* Aged-out children
asylum applicants, *see* Asylees and refugees
battered/abused children, *see* Child abuse; VAWA petitioners
bonds, 659–70
born abroad
citizenship, 3057–62, 3136–45 (Apdx. 1)
residency, 2575
Child Advocates, *see* Guardians
court dependents, *see* Special immigrant juveniles
de facto deportation, 615–16, 1482
defined, 2411–12
deportation grounds, 397–99, 401–5
see also Aggravated felonies; Crimes involving moral turpitude (CMT); Crimes of violence
deportation hearings, 905–10
detention, *see* Detention
friends of the court, *see* Friends of the courts
legitimated children, 2413–15
orphans, *see* Adopted children
pornography, 175, 401–5, 435, 993, 2341–44, 2494
reason to believe charge, 199
recruitment of child soldiers, deportation for, 28, 270, 377, 1121, 1135–36
separation from parents, 668–69
special immigrants, *see* Special immigrant juveniles
stepchildren, 2345, 2412–13, 3068
studying in U.S. while accompanying parent, 2012
unaccompanied, *see* Unaccompanied children
voluntary departure, 909
wedlock, born in- or out-of, 1439, 2413, 2422, 3058–61, 3068
- Chile**
H-1B1 (fast track) visas, 2206–8
- China (PRC)**
adjustment, 1170
Chinese Exclusion Act, 5
Chinese Student Protection Act, 9
deferred enforced departure program, 1170
Electronic Visa Update System (EVUS), 314
- CHIP**, *see* Public benefits
- CHNV parolees**, 1168–69
- choice of law**
circuit appeal, 1882–84
- Circumvention of Lawful Pathways rule**, 1108–11
- circus performers**, 2281, 2285
- citizenship**, *see* Naturalization and citizenship
- Citizenship and Integration Grant Program (USCIS)**, 2879
- civil proceedings for criminal purposes**, 622
- Civil Rights and Civil Liberties**
DHS Office, 2860–61
- civil rights statutes**, *see* Litigation
- class actions**, 1892–97
- CLASS lookout system**, *see* Security checks
- classified information**
asylum/withholding, 1342
BIA, 1525
removal (deportation), 884–85, 956
removal (inadmissible), 813, 884–85
- class-of-one claims in equal protection**, 54–55
- clear-and-convincing standard**
removal, 888–89
- clear-statement rule**, 1761
- climate change**
basis for refugee status, 1005
- closed hearings**
asylum, 1230
battered spouse/child, 2445
special interest cases, 817
- closed record**, 887
- closing argument**, 862–63, 902, 941
- CNMI**, *see* Northern Mariana Islands
- coercive population control**, *see* Forced abortion/sterilization
- collateral attack**
of criminal convictions, 490–91, 523–40, 890, 1661–62
in EOIR hearings, 490–91

- of deportation order
 - in criminal proceedings, 523–40
 - in failure-to-depart proceeding, 560–61
 - in subsequent deportation proceeding, 1483, 1553
- of foreign convictions, 498
- in habeas proceedings, 1661–62, 1755
- of summary exclusion order in §275(a) (EWI) proceeding, 561–63
- collateral estoppel**, 256, 728–31; 732–734, 935–36, 967, 1244, 2444, 3048
(*see also* Res judicata)
- Colombians**
 - CAM parole, *see* Parole
 - family unification parole, *see* Parole
 - insurgents, denial of visas to aiders/abetters, 272
- Colorado**
 - legislation affecting immigration, 73–74
- committed to agency discretion doctrine**, 1823–26
- common law marriage**, *see* Marriage and cohabitation
- Commonwealth of Northern Mariana Islands (CNMI)**, *see* Northern Mariana Islands
- communicable diseases**, *see* Contagious diseases
- Communist Party affiliation**
 - grounds of inadmissibility, 268–69
 - naturalization, 3013, 3090
- compelling circumstances in employment**, *see* Employment authorization
- COMPETE Act**, 25–26, 2280
- conditional parole**, *see* Parole
- conditional residence**
 - adjustment of status, 1471–72, 2432–46, 2538–39, 2660
 - burden of proof, 890–91, 2444, 2686, 2693
 - extension of status upon filing I-751 or I-829 petition, 2571–72
 - investor, 2660, 2689–91
 - judicial review, 2445–46, 2699–2701
 - marriage, 2432–46
 - naturalization, 2441–42, 2694
 - removal grounds, 373–74, 2443–45, 2693–94
 - status retained while fighting removal, 2444, 2694
- conditions of confinement, challenging**, *see* Detention
- Condor Visa check**, 2019
- confidentiality**
 - amnesty, 887
 - asylum, 1032–33, 1097, 1214, 1243
 - battered spouse (removal hearing), 740, 886–87, 2407–8, 2439
 - breach of as a basis for asylum, 1032–33, 1097, 1214
 - family unity program, 2491–92
 - legalization/amnesty, 2491–92
 - petitions, decisions on, 2508–9
 - removal hearing, 740, 884–87, 2365–66, 2386
 - T visa, 23, 740, 886–87, 2374
 - TPS, 1183
 - U visa, 740, 886–87, 2385
- confinement**, *see* Detention
- confiscation of U.S. real property** as ground of inadmissibility, 271
- Congress**, *see* Federal authority to regulate immigration; History of immigration laws
- Connecticut**
 - legislation affecting immigration, 74–75
- Conrad 30**, *see* Physicians
- conspiracy**
 - as aggravated felony, 446–47
 - as crime involving moral turpitude, 172
- constitutional issues**
(*see also* Federal authority to regulate; *specific classes of people; specific constitutional clauses, rights, and doctrines; specific contexts, e.g., Removal proceedings*)
 - alienage, 58
 - benefits under INA, 63–64
 - deportable/removable aliens, 64
 - economic regulation, 58
 - enforcement, 55–58, 597–614
 - executive branch, 56–57, 1401–3
 - intermediate scrutiny, 53–54
 - limitations on federal powers, 53–65
 - lower-level government officials, 57
 - physical location and constitutional rights, 59
 - preemption, *see* Preemption
 - rational basis test, 54
 - rights of noncitizens, 53–65
 - scope of review, 53–65
 - search and seizure, 616–21
 - statutory interpretation, 1907
 - strict scrutiny, 53
 - Takings Clause, 2861, 2879
- consular processing**
 - asylum questioning, 2011
 - dual intent, *see* Intending immigrant
 - family member denial, 2524
 - fees for visas, 2016
 - fraud investigation, 2016
 - homeless cases, 2518–19
 - immigrant intent, *see* Intending immigrant
 - immigrant visas, 2517–25
 - advisory opinions, 2524
 - denial of visa, 2523–25
 - return of petition, 2523, 2712
 - judicial review, *see* Judicial review
 - nonimmigrant visas, 2009–24
 - advisory opinions, 2018–19
 - BioVisa program, 2013
 - denial of visa, 2017–18
 - DHS involvement, 2014
 - homeless cases, 2014
 - interviews, 2013
 - Visa Interview Waiver Program, 2013
- residence/nationality as place of interview, 2013–14
- return of petition, 2029
- security issues, 2019–21
- third-country nationals, 2017
- spouse and child applying abroad, 2012
- visa bonds, 2016–17
- waivers, 303
- contagious diseases**
 - detention, 982
 - grounds of inadmissibility, 134–36
 - inspection, 311
- contempt powers, IJ**, 847
- continuances**
 - corroboration obtained for asylum, 1248–49; 1253
 - counsel obtained, 761, 819
 - INA §245(i), 762
 - judicial review, *see* Judicial review
 - removal (deportation), 751–63
 - removal (inadmissible), 365
 - U visas, *see* U visas
 - visa petition pending, 756–61, 2555–56
- continued presence**, 1495–96
- Controlled Application Review & Resolution Program**, *see* CARRP
- Convention Against Torture (CAT)**, 1005, 1139–65, 1221, 1366
(*see also* Asylees and refugees; Withholding of removal)
 - abandonment of application, 1164
 - acquiescence of public official, 1146–53, 1228
 - aggravated felony, 1164
 - alternate theories, 1310
 - analysis for CAT compared to asylum/withholding, 1228–29
 - application process, 1164, 1227
 - asylum, differences with, 1227–29
 - asylum officers, 1208–9, 1219
 - burden of proof, 1153–63, 1227
 - centers to treat torture, 1005
 - changed conditions, 1247, 1553–54, 1582–92
 - credible fear, 1197–1200, 1221, 1222
see also Asylees and refugees
 - deferral of removal, 988, 1139–65, 1227–29
 - detention, 1229, 1239–40, 1642–50
 - diplomatic assurance against torture, 587–89, 1164, 1230
 - expedited removal, 318–21, 1164
 - extradition, 587–89, 1140–41, 1191–92
 - IJ, procedures before, 1163–64
 - INA §235(c), 327, 1164, 1229, 1231
 - judicial review, 1005, 1366, 1630, 1661, 1758–59
 - political basis/motive not necessary, 1145–46
 - procedure, 1139–41, 1163–65, 1227–29
 - REAL ID Act, 1229, 1758–59
 - reinstatement of removal order, 958–60, 1164
 - reopen, motion to, 1140, 1163, 1343

standard of proof, 1153–63, 1227
 State Department, 1164, 1229–30
 stowaways, 327–28, 1221
 summary removal, 951–52
 termination of, 1164
 terrorists, 956
 torture, defined, 1142–45
 unlawful presence, 206
 willful acceptance, 1148
 willful blindness standard, 1148–49
 withholding of removal, differences, 1227–29

conversion

preference petitions, 2472–73
 religious, as asylum ground, 1320–21

convictions

admission of a crime, 876
Alford pleas, *see* Plea bargains
 All Writs Act, 506
 appeal, 489–90
audita querela, 506
 collateral attack, 490–91, 523–40, 761–62, 1661–62
 collateral estoppel
 removal proceeding, 728–31; 732–734, 935–36, 967
 commitment for treatment, not sentence, 381
coram nobis, 505–6
 courts martial, 482–83
 definition, 12, 479–89
 early removal after conviction, 993
 enhancement of sentence, 488, 510–11, 584–86
 expungements, 501–4
 extradition, 587–89, 711, 1191–92
 facilitation, 391, 416–17
 facts behind conviction, 488
 fast track pleas lawful, 497–98
 Federal First Offender Act, 503–4
 finality, 489–91
 foreign, 173, 190, 192, 385, 451–52, 498, 1908
 forfeitures, 569
 guilty pleas, *see* Guilty pleas
 habeas corpus, *see* Habeas corpus
in absentia foreign convictions, 173
 JRAD, *see* Judicial recommendation against deportation
 judgment of guilt, not conviction, 483
 juvenile delinquency, 160–61, 487–88, 569
 military, 482–83
 misprision, 189, 499–500
 nolo plea, 479, 481, 483–84, 496–97, 1434
 nonimmigrant status affected, 372–73
 out-of-status, 372–73
 pardons, *see* Pardons
Pickering, *see* *Vacatur*
 post-conviction relief, 484–87, 501–8
 pretrial intervention, 483–84
 prisoner transfer treaty, 588–89
 probation, *see* Probation
 proof of, in removal proceedings, 868–72, 876–84
 record of, 876–84
 relief from, 501–8
 Rule 11, 507
 Rule 32, 507

Rule 35, 507–8
 sentencing, *see* Sentences and sentencing
 setting aside, 501–4, 506–7
 solicitation, 189, 391, 499, 2341–44
 speedy trial, *see* Speedy trial
 transfer of prisoner to home country, 588–89
 treatment not sentence, 381
 two offenses, convictions for
 grounds of deportability, 384–85
 grounds of inadmissibility, 198
 vacation of sentence, *see* *Vacatur*
 withdraw plea, 498, 507
 withholding of adjudications, 479, 482
 writs, 505–6

cooperation with government

(*see also* S visas; T visas; U visas)
 agreement with prosecutor, 567

coram nobis, 505–6**coronavirus**, *see* COVID-19**corroboration**, *see* Asylees and refugees; Withholding of removal**corruption**

exposing as grounds for asylum, *see* Asylees and refugees
 ground of inadmissibility, 272–73

counsel, right to

(*see also* Attorneys)
 access to client, 837, 1236–37
 accredited representative, 844–46
 admissions by, 839–41
 appearing on behalf of other counsel, 838
 appointed counsel, 836–37
 architecture (forms) of representation, 817–18
 bond appearance only permitted, 682, 837–38
 briefs as admitting conviction, 881
 conflict, 2959
 consular interviews for Certificate of Loss of Nationality or Certificate of Birth Abroad, 3123
 criminal conduct, 638, 852
 criminal pleas/Padilla, 492–96
 deferred inspection, 328–29, 364, 820–21
 detention, visitation by counsel, 352
 DHS, representation before, 820–21
 document preparation only, 817–18
 DOS, representation before, 821, 3123
 due diligence in motion to reopen, *see* Due diligence
 equitable tolling, *see* Equitable tolling
 Form G-28, 352, 671, 1237
 in forma pauperis, 364, 836–37
 Forms EOIR-27 and -28, 818, 838
 harmless error rule, 824–25
 ineffective assistance of counsel
 affecting conviction, 492–96, 505–7
 criminal pleas (Padilla), 492–96
 due diligence, *see* Due diligence
 equitable tolling, *see* Equitable tolling
 exhaustion, 834

Lozada requirements, 829–33
 notaries, 830
 relief unavailable, 835
 remedy for, 833–34
 removal proceedings, 821–35
 reopen proceedings, 834–35

labor certification, participation in, 2815–16

law students, 844

limited appearance, 837–38

document preparation, 817–18

malpractice suits, 852–53

monitoring conversations with client, 838

notice to counsel

in absentia cases, 924

 as notice to respondent, 838–39

at passport office/interview, 3123

protective order violation, 850

at refugee interviews, 1010

registration, 841–42

right in asylum, 1236–37

right in removal proceedings, 364, 748, 817–20

search warrant of attorney's files, 638

service of papers and decisions upon, *see subhead*: Notice to counsel

(*in this heading*)

stipulation by, 839–41

telephonic appearances, *see* Telephonic, video, and Internet technology

time to obtain counsel, 748, 761, 819

transfer of client away from counsel, 837

Trump Administration attack on immigration lawyers, 853

waiver of client's appearance, 841

waiver of right, 835–36

withdrawal, 841

country bans, *see* Travel bans**country-condition reports (DOS)**, *see* State Department**court dependents**, *see* Special immigrant juveniles**courthouses**, 649–51**courts martial**, *see* Convictions**COVID-19**, 133, 136

CDC response, 133

challenges to conditions of detention during health emergency, 359–63

presidential proclamations, 133

credibility determinations, 1271–1311

administrative record, BIA, 1543–44
 airport interview inconsistent, 882–83, 1286–89

alcohol and drug use, 1280

BIA standard, 1275–76

brief testimony, reflection on credibility, 1310

confrontation, 1279

demeanor, 1276–77, 1544

documents, standard for, 1259–60, 1545

evidence, right to present, 1310

failure to call witnesses, 862, 1280

failure to seek third country asylum, 1280

false statements, 1289–90
 false travel documents, 1280
falsus in uno, falsus in omnibus, 1279
 forum shopping, 1281
 fraudulent documents, 1291–92
 not fatal to credibility, 1258–59
 geography, lack of knowledge, 1281
 hearsay, 1280
 IJ conduct, 1281, 1292–94
 IJ error, 1295–96
 incompetent counsel, 1283
 inconsistency
 on asylum application, 1281–85
 in asylum interview, 1288–89
 lack of credibility not fatal, 1294–95
 materiality of statement, 1291
 minor inconsistencies, 1290–91
 nontransfer of credibility finding, 1310
 perjury, 1310
 post-traumatic stress disorder, 862, 1289
 presumption of credibility, 1274–75
 REAL ID Act, 1271–75
 similarities in different applications, 1285–86
 speculation by IJ, 1292–94
 substantial evidence, 1295–1310, 1364, 1546
 treatment by BIA, 1543–46
 witnesses, failure to call, 862, 1280
credible-fear determinations, *see*
 Asylees and refugees; Convention
 Against Torture (CAT); Withhold-
 ing of removal

crewmembers

adjustment of status, 2354, 2530, 2548–49
 asylum claims, 1221, 1231
 cancellation of removal, ineligibility, 1425, 1447
 D visas, 2351–53
 detention due to security agreement, 2353
 yachts, 2075

crimes, 508–89

(*see also* Aggravated felonies; Con-
 victions; Crimes involving moral
 turpitude; *specific crimes*)
 immigration-related crimes, 508–66

crimes involving moral turpitude (CIMIT), 159–90, 381–85

accessory after the fact, 189
 admission of crime, 159–60
 alien smuggling, 187
 assault, 163, 174–75
 attempts, 159–60
 burden of proof, 172–73
 categorical, modified categorical ap-
 proaches, 164–70
 differences in analysis between agg.
 felony and CIMIT, 473
 child abuse/abandonment, 175, 178
 consequences, 159–60
 conspiracies, 159–60
 conviction, defined, 479–89
 definition, 162–64
 deportation for, 381–85
 divisible statutes, 167–68

drug offenses, 190
 DUI / DWI, 176
 false statements, 184, 188
 firearms, 176, 190
 foreign convictions, 160, 173, 190, 385
 fraud, 189
 against government, 185–89
 inadmissible for, 159–90
 inherent nature of crime, 163–64
 juvenile crimes, 160–61
 legally coherent crime, 172
 mental state required, 170–72
 minor exception to inadmissibility, 160–61
 minors, abuse of, 175, 180–81
 misprision, 189, 499–500
 money laundering, 188, 198
 persons, crimes against, 174–80
 petty offense exception, 161–62
 political offense, 162
 property, crimes against, 181–85
 regulatory crimes, 189
 sentence, 161–62, 380–81, 473–76
 sexual offenses, 180–81
 smuggling, 187
 statutory construction, 164
 waiver, 294–99
 weapons offenses, 190

crimes of violence, 419–30

(*see also* Aggravated felonies; *spe-
 cific crimes*)

criminal forfeiture, 569

criminal prosecution guidelines, 566–67

criminal records

disclosure
 immigrant visa petitions, 2508
 K-1 Petitioner, 2339–40
 K-3 Petitioner, 2347
 obtaining records through FBI, 799
 proof of, 876–84
 recourse solely to records and not
 facts of criminal act, 164–69,
 464–73

cross-appeals

BIA, 1525
 circuit courts, 1874

cross-chargeability, *see* Preference petitions

cross-examination

right in removal proceeding, 853–62

Cuban-Haitian entrants, 2588

Cubans

(*see also* NACARA)
 1956 Cuban Liberty and Democratic
 Solidarity Act, 18, 1375
 1996 Cuban Liberty and Democratic
 Solidarity Act, 271
 adjustment programs, 1372–76, 2487–
 88
 arriving aliens, adjustment in removal
 proceedings, 1374, 2547–48
 battered spouse/child, 1373
 Cuban Adjustment Act, 1372–76
 death of petitioner, 1372
 eligibility for §212(c) cancellation
 relief, 1375

EWI eligible for adjustment, 1373–74
 expedited removal, 315, 321–22
 family reunification parole program,
 1167
 inadmissibility of person who confis-
 cated or trafficked in property,
 271
 parole programs, 1167, 1168–69,
 1375
 suspending admission, 277, 279
 wet-foot / dry-foot policy, 1015

curricular practical training, *see* F visas (academic students)

custody, *see* Bonds; Detainers; Deten- tion; Federal jurisdiction; Habeas corpus

Customer Identity Verification

(CIV), *see* Biometric identification

Customs and Border Protection (CBP)

(*see also* Security checks)
 Admissibility Review Office, 2022
 CBP Home, 2032
 CBP Link (formerly CBP One), 804,
 2032
 criminal fines at the border, 327, 562–
 63
 Customs seals (airport workers), 2998
 databases, *see* Databases
 detention standards, 353–55
 establishment of, 18
 Immigration Advisory Program, 307
 satisfactory departure, 2037
 use of force, 635
 vehicle pursuit policy, 636

D

D visas, *see* Crewmembers

DACA / DAPA, *see* Deferred action programs

databases

of DHS and DOS, 2031–34
 inspection databases and programs,
 see Security checks

death of petitioner, 2495–98

automatic revocation ended, 2514
 Cuban Adjustment Act, 1372
 EB-5 investors, 2693
 family-based petitions
 deceased service members, 2410–
 11, 2495
 effect of spouse's death, 2401–2,
 2455–56, 2495–98
 history, 17, 29
 K-1 / K-2 petitions, 2340
 K-3 / K-4 petitions, 2347
 revocation of petition, 2495–98, 2514
 waivers, death of qualifying relative,
 1497
 widows, 2401–2

death of sponsor, *see* Affidavits of support

declaration under penalty of perjury 28 USC §1746, 876

declaratory judgment action, 1718– 19

dedicated docket, *see* Immigration judges

Defense Department visas, 2200–2201

deference (EB-5), *see* Employment-creation visas

deference to agency interpretation, 1853–73

Auer deference, 1855–56

Brand X deference, 1516–18, 1856–57

exceptions to *Chevron* deference, 1865–67

agency actions contrary to regulations, 1871

clear regulatory language, 1873

clear statutory language, 1870–71

Congress did not delegate to agency, 1865–67

constitutional question, 1873

construction of statute/regulation impermissible, 1871

criminal state or federal law interpreted, 1873

discretion not given to DHS, 1873

expertise lacking, 1872

inconsistent interpretations by agency, 1872–73

interpretation unreasonable, 1871

Kisor deference, 1855–56

litigation position, not interpretation, 1873

retroactivity questions, 1869

Skidmore/Christensen/Mead deference, 1853–56, 1867–69

statutory construct, only issue, 1871

deferral of removal

under CAT, 1139–65

detention, 1229, 1239–40, 1642–50

DHS authority to release person, 988

withholding/asylum distinguished, 1227–29

deferred action programs, 725–26, 1483–95

battered spouse/child, 2406–7

DACA (Deferred Action for Childhood Arrivals), 207, 1485–93

expedited employment visas, 1492

DAPA (Deferred Action for Parental Accountability), 1493

family of deceased veteran, 2411

military and veterans family members, 1493–94

other agency requests for, 1495

SIJs, 2653

special expedited employment visas for Dreamers and others, 1492

deferred enforced departure (DED), 1170–71

deferred inspection, *see* Admission and inspection

degree equivalency, 2617, 2633, 2781

Delaware

legislation affecting immigration, 75

demeanor during testimony, 1276–77, 1544

denaturalization, *see* Naturalization

Department of Homeland Security (DHS), *see* Homeland Security, Dep't of

Department of State, *see* State Department

departure control orders, 567–68

departure from U.S.

(*see also* Travel)

during BIA appeal, 1530–31

during federal appeal, 1818–20, 1879–81

grace period for NIVs, 2038–39

during motion to reopen, 1571–73

prior to hearing, 126–27, 131, 914

return if unlawfully deported, 1880–81

self-deportation, 2032

dependent H-1B employers, *see* H-1B visas

deportation, *see* Deportation grounds; Removal proceedings—deportation

deportation grounds, 371–479

aggravated felonies, 401–78

see also Aggravated felonies

bribery, 443, 444

burglary, 423, 428, 430–31

change of address, 377

child abandonment, 397–99

child abuse, 397–99, 420, 425, 428

child neglect, 397–99

child soldiers, recruitment of, 377

CIMTs, 381–85

see also Crimes involving moral turpitude

conditional residence, termination of, 373–74, 2443–45

criminal activity, 380–448

document fraud, 377–79

domestic injunction violation, 399–400

domestic violence, 395–400

drug abuser, 385–86

drugs, 385–92, 406–17

effective dates of new deportation grounds, 400, 476–79

entry without inspection, 372

espionage, 374–75, 395

export of technology, 374–75

extrajudicial killing, 376

failure to disclose information, 372

failure to maintain medical controls, 372–73

failure to maintain status, 372–73

failure to register, 377–79

false claim of U.S. citizenship, 379

falsification of documents, 377–79

firearms, 392–95, 417, 418–19

Foreign Agents Registration Act, 377

foreign policy, 375–76

former grounds, 374, 478–79

fraud, 377–79, 433

genocide, 376

high-speed flight, 385

human trafficking, 395

immoral purpose, importation of persons for, 395

inadmissible at entry, 371–72

injunction violation, domestic, 399–400

investor status, failure to maintain, 2693–94

marriage fraud, 374

military-type training, recipients of, 376

money laundering, 417–18

moral turpitude crime, 381–85

Nazis, 376, 1127

Neutrality Act, 395

out-of-status, 372–73

overstay, 372–73

overthrow of U.S., 374–75

president, threatening the, 395

prostitution, eliminated, 401

protective order violation, 399–400

public charge, *see* Public charge

public safety endangerment, 374–75

religious freedom violators, 377

sabotage, 374–75, 395

security, 374–75

sedition, 395

selective service laws, 395

sex traffickers, 395

sexual offender, failure to register, 400–401

smuggling, 374

stalking, 399, 430

subversives, 374–75

terrorism, 375

theft, 430–35

torturer, 376

trading with the enemy, 395

travel restrictions during war/national emergency, 395

treason, 395

two crimes involving moral turpitude, 384–85

U.S. citizenship, false claims, 379

in U.S. in violation of law, 372

violent crimes, 419–30

voting unlawfully, 379–80

deportation procedures, *see* Removal proceedings—deportation

depositions, *see* Discovery

derivative beneficiaries (family members)

(*see also specific visas for principals*)

of asylees, *see* Asylees and refugees

priority dates, *see* Priority dates

residency applications, 2371, 2405, 2441, 2475–82

withholding, no benefit, 1126, 1368

derivative citizenship, *see* Naturalization and citizenship

designated school official (DSO), 2081

(*see also* F visas; J visas; M visas)

Detainee Treatment Act of 2005, 25

detainers

in deportation, 690–96

First Step Act, 694

detention, 331–63, 658–72

(*see also* Bonds; Detainers; Federal jurisdiction; Habeas corpus)

abuse of discretion standard, 337

- aggravated felons
 - removal (deportation), 699–707, 1240
- alternatives to, 325, 679–80
- arriving aliens, 323–25, 332–33, 1639–41
- asylum applicants, 336–37, 1239–40
- attorney access, *see* Counsel, right to automatic stay of IJ bond, 333, 683–84, 701, 1654
- Bail Reform Act, 696–98
- biometrics, 353, 863–65
- Bivens* actions, *see* Litigation
- bonds, *see* Bonds
- burden of proof, 674–77
- CAT, *see* Convention Against Torture
- charge lacking, 655
- children and families, 341, 659–70
- complaints, 356
- conditions of, 339, 346–55, 1658, 2843
 - challenges to, 357–59
 - litigation during health emergency, 359–63
- congressional access to detention facilities, 355–56
- constitutional challenges, 684–88, 701–7, 969–76, 1638–58, 1779
- contagious disease, 982
- crewmember detention pursuant to security agreement, 2353
- criminal proceedings, access by
 - nonimmigrant in detention, 355
- criminal proceedings, relation to, 696
- Cuban parolees, 128
- deaths in detention, 363
- discretionary decision challenges, 685–86, 704–5, 1641–42
- DNA collection, *see* DNA collection
- due process/equal protection, 338–39
- employment, 341–45
- entry without inspection (EWI), 324–25, 334–35, 1639–41
- expansion of immigration prisons, 357
- expedited removal, *see* Expedited removal
- facilities, 346–63
- families, 325
- Fed. R. Crim. P. 5(a), 523
- final order (§241) vs. removal proceedings (§236), 986–88
- First Amendment, retaliatory claim, 704, 1657–58
- forced feeding of detainee, 345
- foreign policy reason, 982
- Guantanamo, 345
- hold or holding rooms (ICE), 347–48
- hunger strike by detainee, 345
- identification of detainee, 345–46
- IIRIRA changes, 11
- impartial adjudicator challenge, 705, 1650–52
- INA §235(b)(2)(A), 324–25, 1639–41
- inadmissible, 331–63
- indefinite detention reviewed, 684–88, 701–7, 1642–50
- information disclosure about detainee, 345–46
- ISAP (Intensive Supervision Appearance Program), 679–80, 984, 1656
- Joseph hearing, 701
- judicial review, *see* Judicial review
- juveniles, *see subhead: Children and families (in this heading)*
- location
 - of detainees, 345–46
 - of facility, 671
 - ICE's Online Detainee Locator System (ODLS), 346
- mandatory (post-removal order), 972–76, 1646–50
- mandatory (pre-removal), 11, 699–707, 1639–46
- marriage in, 346, 2467
- medical challenge to, 705, 1658
- mental health provider access, 352–53
- National Detainee Handbook, 356
- no valid removal order, 1641
- ombudsman, 356
- outside U.S., 345
- parole, 332–33, 335–37, 1639–41
 - revocation of, 339–40, 1641–42
- parolees, 323–24, 334–35, 1639–41
- payment for work, 341–45
- pregnant detainees, 348
- presidential order on terrorism, 708
- pretrial criminal proceedings, 696
- pretrial presentment to IJ for bond hearing, 659
- prison sentence, relation to, 971
- prolonged detention, 339, 1642–50
- prosecutorial discretion, 658–59
- REAL ID Act, 687
- redetention and predeprivation hearing, 678, 1654–56
- remedy for unlawful detention, 705–7, 1673–74
- sexual assault in, 356
- situs of detention, 671
- solitary confinement, 350
- Speedy Trial Act, 589, 610
- standards
 - CBP, 353–55
 - ICE, 346–53
- statutory challenges to, 701–2
- stay on bond, 333, 701, 1654
- strip searches, 673
- supervised release, *see* Supervised release
- telephone access to counsel, 351
- termination of facility and transfer, 357
- terrorists, *see* Terrorists and terrorism
- transfer to another facility, 671–72
- transgender detainees, 349–50
- voluntary departure, detention pending, 1419
- vulnerable people, *see* Prosecutorial discretion
- warehouses, 357
- DHS, *see* Homeland Security, Dep't of
- Dictionary of Occupational Titles (DOT)**, *see* Labor certification
- diplomats**
 - adjustment of status, 2330–31, 2337
 - children born in U.S., 3055–57
 - domestic partners, 2331
 - immunity, 2329–30, 2895
 - inadmissibility, 199, 2332
 - lawful permanent residency, 2334, 2337
 - for children of, 2400–2401
 - overstays, 2025
 - special immigrants (G-4s), 2335–36, 2354, 2641–42
 - visas, 2329–38
 - see also* A visas; G visas; N visas
- disabled persons**
 - naturalization, 15, 3091–93
 - not a ground of inadmissibility, 159
- discovery**
 - A-files, 766
 - application, production by DHS, 813, 1397
 - Brady* material, 811, 842–43, 3117
 - Data Quality Act, 798
 - Dent request for A-file, 766
 - depositions, 799, 2955–57
 - employer sanctions cases, *see* Employer sanctions
 - exemption from disclosure, 802
 - FBI records request, 799
 - Federal Records Act, 814
 - fine proceedings (INA §274C), 3004
 - FOIA, *see* Freedom of Information Act
 - habeas proceeding, 1671
 - interrogatories, 799
 - Jencks Act, 799
 - loss of nationality, 3126
 - mandatory access to documents, 765
 - outside administrative record, 1832–34
 - plaintiff employment and personal injury cases, 3013
 - prehearing conference, 364, 813–14, 2957–58
 - Privacy Act, 799–810
 - removal hearings, 540, 765–814
 - right to production of favorable evidence, 811
 - right to records & documents, 811–13
 - subpoenas, *see* Subpoenas
 - undocumented workers, issues involving, 3013
 - unfair immigration employment practices, 3037–39
 - visa record disclosure, 2028
- discretion to deny petitions and applications by USCIS**, 2492–94
 - adjustment of status, 2541–44
 - alternative reasoning, 1838–39
 - employment authorization, 2999
 - I-751, 2435, 2439, 2445
 - Kazarian, 2605–6
 - petition process, 2492–94
 - VAWA, 2402–3
 - waivers, 288
- discretionary decisions reviewed**, 1725–47
 - bond, 680–83, 685–86
 - INA §242(a)(2)(B)(i), 1725–30
 - INA §242(a)(2)(B)(ii), 1730–41
- discretionary relief**, *see* Relief; Removal proceedings—deportation

discrimination against aliens

Bivens actions, 2856–61, 2912
 civil rights statutes, 2841–46
 constitutional issues, 53–65
 E visas, 2318–19
 Title IX, 3011–12
 Title VI, 3011
 Title VII, 3009–11
 unfair employment practices, *see* Unfair immigration-related employment practices
 Workforce Innovation and Opportunity Act, 3011

disfavored group, *see* Asylees and refugees

dismissal of complaint under Rule 12(b)(6), 1916, 3034–35

district director

deferred action, 1483–84

motions to reopen/reconsider, 1605–6

diversity immigrants, 2483–86

affidavits of support, *see* Affidavits of support

aged-out children, 17, 2476

electronic filing, *see* Electronic filing

judicial review, *see* Judicial review

divisible statutes

aggravated felonies, 423, 464–73

crimes involving moral turpitude, 167–68

divorce

battered spouse, effect on, 2403–4

I-864 effect on, *see* Affidavits of support

marriage petition, effect on, 2341,

2344–45, 2347, 2349, 2403–4,

2412, 2436–39, 2442–43, 2446,

2448, 2452–54

sham, 2460

stepchild status, effect on, 2412

DNA collection

of children at border, 669

crime for refusal to allow, 566

of detainees, 672–73

for family-based petitions, 2503

dockets, priority, *see* Executive Office

for Immigration Review (EOIR)

doctors, *see* Physicians

document fraud, *see* Documents, *sub-head*: unlawful acts involving documents

documents

authentication, *see* Asylees and refugees

corroboration, *see* Asylees and refugees;

Withholding of removal

credibility, *see* Credibility determinations

date document is considered “filed”

with USCIS, 2030

duplicate documents

approval notice (I-824), 2013, 2019

labor certification, 2718, 2775

evidence of criminal convictions,

876–84

protective orders, 885–86, 1342,

1396, 2538

retention by

asylum officer, 1218

ICE officer, 652–53

unlawful acts involving documents

destruction of official documents, 559

document abuse as unfair immigration

employment practice,

3022–24

document fraud, 182–84, 222–24,

299–302, 379, 442, 443, 553–

57, 592–95, 1258–59, 3134

establishing commercial enterprise

to evade immigration laws, 557

failure to disclose role as document

preparer, 560, 3134

fraud related to ID documents, 23,

182–84, 3013, 3134

not fatal to credibility, 1258–59

trafficking in false documents, 583

domestic partners, *see* Marriage and

cohabitation

domestic violence, *see* Child abuse;

Spousal abuse; VAWA petitioners

domestics

au pairs, 2116–17

B-1 status, 2072

employment authorization, 2072

labor certification, 2798

domicile

affidavit of support, 149–50

cancellation of removal, 1430

divorce, 2452–53

INA §212(c), 1430

INA §212(h), 295

minors, 1430

nonimmigrant status, 2011

suspension, 1467–68

DOS, *see* State Department

double jeopardy

employer sanctions, 2987

fine proceedings under INA §274C,

594–95, 2987

prosecution for entering U.S. and

found in U.S., 516, 520, 522

removal proceedings, 564, 610, 1553

driver's licenses

crime involving moral turpitude for

fraudulent use, 186

employer sanctions, 2929

REAL ID Act, 23, 2589–90

seizure of, 648

driving and parking violations

DUI, *see* DUI / DWI

parking violations and traffic tickets

insufficient to bar naturalization,

3085

drones at the border, 646**drug offenses**

abuser/addict, 139–40, 303, 385–86

admission, basis for inadmissibility,

139–40, 193–95

as aggravated felony, 406–17

assister/abettor, 195–96

constitutionality of “reason to be-

lieve”, 197

crimes involving moral turpitude, 190

deportation for, 385–92, 406–17

inadmissibility for, 139–40, 190–97

inadmissible even if conviction va-

cated, 488–89

inadmissible for reason to believe,

195–96, 371

spouse and child inadmissible, 197

juvenile exception, 487–88

marijuana

no deportation under

§237(a)(2)(B)(i), 391–92

presidential pardon, 197, 392

single possession, not subject to de-

portation, 391–92

waiver, 197, 294–99, 1498–99

paraphernalia, 193, 197, 294–99

petty offense exception not available,

193

reason to believe, 195–96, 488–89

recidivists, 416

solicitation, 189, 391, 412–13, 499

specific intent not required, 192

trafficking, 190, 195–96, 385–92,

406–17, 576, 993

two drug possessions as trafficking,

416

Travel Act, 392, 416–17

waiver

of §212(a)(2)(A)(i)(II), 197

under §212(c), 1429–32

under §212(h), 197, 294–99, 1498–

99

under cancellation of removal,

1422–41

simple possession, 197

dual citizenship, *see* Naturalization

and citizenship

dual-intent doctrine, *see* Intending

immigrant

due diligence

for equitable tolling in motions to reo-

pen, 1592–99

in absentia orders, 916

due process

(*see also* Constitutional issues; Fifth

Amendment; Judicial review; *spe-*

cific context of claim)

detention decisions, 332, 338–39,

701–7, 969–76

labor certification, 2730–31, 2794

LPRs, 63–64, 130–33, 332–33, 338–

39, 366–67, 701–7, 969–76, 2399

marriage in removal proceeding,

2446–47, 2465

notice of hearing/petition, 926–27

relief, grace or right, 64–65, 608–9,

1401–3

in removal (deportation), 64, 597–

614, 969

in removal (inadmissible), 61–64,

119–20, 128, 338–39

DUI / DWI

as aggravated felony, 428–29

as crime involving moral turpitude,

176, 189–90

naturalization, 3082, 3085

as “particularly serious crime” bar to

asylum, 1132

physical or mental disorder, inadmissible for, 137–40
 revocation of NIV, 2026–27

duplicate/multiple petitions, 2501–2

duress defense

to escape from detention, 561
 to forfeiture, 551
 to reentry, 516
 to smuggling, 548
 to terrorism and related offenses, *see*
 Terrorists and terrorism

E

E-1 & E-2 visas (treaty trader/investor), 2307–19

adjustment of status, 2308, 2536
 admission, 2310
 B-1 entry, 2073
 bilateral investment treaties, 2307–8
 country listing (table), 3151–52
 (Apdx. 3)
 business plans, 2309
 change of status, 2316
 definition, 2308
 discrimination in employment, 2318–19
 dual intent, 2010–11, 2308
 dual nationality, 2310
 E in lieu of H-1B, 2317
 E-1 (treaty trader) criteria, 2311
 embargo's effect on, 2312
 nationality of company, 2309–10
 principal trade, 2311–12
 trade, 2311–12
 E-2 (treaty investor) criteria, 2312
 commercial enterprise, 2314
 development and direction of the
 business, 2315
 escrowed, 2313
 investment, 2313–14
 marginality of investment, 2314–15
 nonprofits not permitted, 2312
 Northern Mariana Islands, 2318
 source of funds, 2313
 employees of Es, 2315–16
 employment for spouse, 2318
 employment with subsidiary, 2317
 expropriation of U.S. property, 2319
 family members, 17, 2318
 grace periods, 2310–11
 intent to depart, 2308
 job shop employees, 2317
 LPRs not eligible as owners, 2310
 multiple employees, 2317
 nationality of E, 2309–10
 petition, substantive changes on, 2317
 procedures, 2316–18
 reciprocity, 2317
 strikes, 2318
 treaties, 2307–8
 table of signatory countries, 3151–52
 (Apdx. 3)
 USMCA / NAFTA, 2061

E-3 visas (Australian Special Occupation), 2319–21
 employment authorization for battered spouses, 2993–94
 grace (10/60 day) periods, 2320

Eastern Europeans, *see* NACARA

EB-1 visas (priority workers), 2599–2615

expert testimony, 2602
 extraordinary ability, 2468, 2599–2608
 lawyers, not eligible for EB-1, 2608
 multinational executives and managers, 2468, 2611–15
 O visa vs. EB-1, 2608
 outstanding professors and researchers, 2468, 2608–11

EB-2 visas (advanced-degree professionals; persons of exceptional ability), 2615–30

exceptional ability defined, 2620
 expert testimony, 2624
 NIWs, *see* National interest waivers
 physicians, *see* Physicians

EB-3 visas (skilled workers, professionals, other workers), 2631–33

degree-equivalency differences between professional and skilled workers, 2633
 LC required, 2631
 licenses, 2633
 professional, definition of, 2632–33
 professional/skilled vs. other workers, 2631

EB-4 visas, *see* Special immigrants; *specific types of immigrants*

EB-5, *see* Employment-creation visas

ECAS, *see* Executive Office for Immigration Review

E-filing, *see* Electronic filing

El Salvador nationals, *see* Salvadorans

electronic filing

consular applications (DS-160), 2012–13, 2346
 diversity immigrants, 2484
 EOIR Courts and Appeal System (ECAS), 744–45
 I-9s, 2924–25
 labor certification (ETA-9089), 2723–24
 labor condition application (ETA-9035e), 2184
 service of papers on counsel, *see* Counsel, right to
 USCIS, 2030

electronic surveillance

wiretaps, 640

Electronic Visa Update System (EVUS), *see* Security checks

embargoes

effect on E-1, 2312
 effect on employment-based petitions, 2709

emergency requests (to USCIS)

natural disasters and unforeseen circumstances, 2048

Employ American Workers Act, 29
employee's labor rights, 2150, 3000–3015

employer sanctions, 2919–90

agent as employer, 2921
 agricultural employers, 2921
 ALJ decision, 2972–73
 attorney conflict, 2959
 attorneys, sanctions, 2959, 3050–51
 attorneys' fees, 2989, 3050
 audits, 2948–49
 B-1 not subject, 2922–23
 bankruptcy, no stay in, 2955, 2975
 bond, indemnity, 2985–86
 casual hires
 defense, 2922, 2969–70
 defined, 2920
 civil penalties, 2974
 consent order, 2972–73
 constitutional challenge, 2948–49, 2971–72, 2990
 constructive knowledge, 2934–37
 continuing employment defined, 2932
 copies of documents, 2926–27
 coverage of Act, 2919–22
 criminal penalties, 560, 2937, 2986–87
 debarment, 2986
 defenses, 2927, 2953–55, 2960–72
 discovery, 2955–58
 documentary requirements, 2926–30
 double jeopardy, 2987
 effective dates, 2923, 2990
 electronic verification, 2938–46
 employee defined, 2920
 employer defined, 2921–22, 2987
 employment, continuity of, 2932
 employment, incident to status, 2937
 entity defined, 2987
 E-Verify, 2938–46
 extension of stay as affecting employment, 2919–20, 2932
 federal government liable, 2922
 Fifth Amendment, 2948–49, 2956, 2971
 final order, 2972
 fines, 2949–51, 2974–75
 good-faith defense, 2927, 2960–68
 grandfathered employees, 2922, 2971
 hearings, 2951–59
 affirmative defense, 2953–55
 counsel, 2957–58
 decision, 2972–73
 default, 2954
 dismissal, 2953–55
 evidentiary rules, 2958
 improper charges, 2971
 initiation of, 2951–55
 record, 2959
 summary decision, 2957
 hiring defined, 2920
 I-9s, *see* Forms
 IIRIRA changes, 2922
 IMAGE program, 2945–46
 indemnity bond penalty, 2985–86
 independent contractors, 2920–21, 2969
 inspections, 2948–49
 investigation, 2946–47
 judicial review, *see* Judicial review
 knowledge requirement, 2933–37
 labor certification, filing as basis for knowing violation, 2934

- mitigation of fines, 2975–83
Monitoring and Compliance Branch (USCIS), 2939–40, 2946
multi-employer bargaining unit, 2971
name change / false identity, 2927
NLRA, 2936–37
no-match regulations, 2935–37, 2940, 2946
Northern Mariana Islands, *see* Northern Mariana Islands
notice of intent (to fine), 2950–51
OCAHO review, 1562, 1851, 2987–88
paperwork violations, 2960–62, 2975–85
pattern-or-practice violations, 2986
penalties, 2973–87
 ability to pay, 2980–81
 deterrent effect, 2982
 employees authorized to work, 2978–79
 good faith, 2960–68
 history of violations, 2980
 mitigation, 2975–83
 proportion of fine to conduct, 2982
 size of employer, 2976–78
preemption, 2944, 2989–90
pre-population of I-9, 2925
receipt in lieu of document, 2926
recruiters for a fee, 2920, 2937
referring for a fee, 2920, 2937
rehire, 2933
release of I-9 prohibited, 2925–26
remedial orders, 2975
replacement document, 2926
retention of I-9s, 2930
reverification, 2931–33
safe-harbor, 2935
SAVE program, 2946
search warrant, 2949
selective enforcement, 2971
settlement, 2972–73
Social Security false identification, *see subhead: Name change (in this heading)*
standard of proof, 2937
statute of limitations, 2970
subcontractors, 2944–45
subdivisions, liability of, 2987
subpoenas, 2948–49, 2957
substantial compliance defense, 2968
successor employers, 2921–22
three-day business requirement, 2923–24
three-day notice for inspection, 2948
time for checking documents, 2923–24
time for firing unauthorized employees, 2933
ultra vires regulations, 2971
unfair immigration employment practices, 2925, 2926, 2927–28
verification requirement, 2923–31, 2938–46
violations, 2933–38
warrantless search, 2949
worksite enforcement
 humanitarian concerns, 2947
 MOUs, 2947
- employment authorization**, 2052–53, 2990–3000
 adjudication within 90 days, 2998
 adjustment applicants, *see* Adjustment of status
 administrative closure of case, 900, 2993
 advance parole and EAD in one document, 2562
 application for, 2998
 approved employment-based beneficiaries, 2994–95
 Armed Forces enlisted, 2992
 asylee (granted), 1368
 asylum applicants, 1240–42
 athletes, 2995
 automatic extensions, *see subhead: Extensions (in this heading)*
 battered spouses/children, 2334, 2337, 2406–7, 2993–94
 A, E-3, G, and H nonimmigrants, 2993–94
 beneficiary awaiting priority date, 2528, 2718–19, 2994
 bond, 333
 cancellation or removal, 2993, 2997
 compelling circumstances
 for employment-based, 2994–95
 conditional residents, 2991
 constitutional right, 2999–3000
 DACA, 1485, 1489, 2996
 deportation, 2996
 discretion to deny, 2992, 2996, 2997
 economic necessity, 2997, 2998
 employer specific, 2991–92
 employment authorization document (EAD), 2998–99
 entrepreneurs, 125, 2992, 2995, 2997
 expedited for certain persons with university degrees, 2996
 extensions, 2995
 2- and 5-year automatic extensions, 2993
 180-day automatic extension, 2993
 240-day automatic extension, 2995
 540-day automatic extension, 2993
 family unity program, 2991
 final order supervision, 2997
 grantee verification in ETA programs, 2998
 H-1B employees, 2170–71, 2991
 see also H-1B visas
 healthcare workers, 2998
 history, 2990–91
 incident to status, 2991–92
 interim employment authorization, 2998
 judicial review, *see* Judicial review
 L-1 employees, 2305–6, 2991
 see also L visas
 labor certification, 2718–19
 NIW physicians, 2997
 nonimmigrants, 2052–53, 2995
 see also specific visa
 parolees, 329, 2997
 portability, 2705–9
 procedures, 2998–99
 professional athletes, *see* Athletes; O visas; P visas
 prosecutorial discretion, 722, 2993, 2996, 2997
 removal proceedings, 2996
 request permission to work, 2992
 revocation, 2999
 spouse of E visa holder, 2318
 spouse of L visa holder, 2306
 standard of review, 1848, 2999
 strike provisions, 3004
 students, 2996
 see also F visas; J visas; M visas
 time periods for grant of employment authorization, 2993–94
 time to adjudicate, 2998
 verification, *see* Employer sanctions
 voluntary departure, 2996
- employment verification**, *see* Employer sanctions; E-Verify
- employment-based immigration**, 2468–69, 2599–2837
 (*see also* Immigrant visas; Labor certification; Preference petitions; Special immigrants; *specific visas and professions*)
 ability to pay by employer, 2809
 adjustment of status, 2709–10
 §245(k), 2557–59
 legislative history, 12
 change in employment category, 2709
 portability, 2705–9
 administrative review, 2712
 see also Administrative review
 approvals, 2703–4
 Asylum Program Fee, 2505–6
 authorization to work, *see* Employment authorization
 backlogs, 2528, 2615, 2631
 bridging/stacking AOS application, 2558
 burden of proof, 2482
 change in employer, 2627, 2704–5
 change in petition, 2702–3
 copies submitted to USCIS, 2701–2, 2718, 2774
 court dependents, *see* Special Immigrant Juveniles
 death of beneficiary, effect on derivatives, 2710
 DHS review, generally, 2712–18
 embargoed countries, 2709
 employee's intent to work at job, 2718
 employer not needed, 2599–2600, 2634
 employer's ability to pay wage, *see* Labor certification
 expedited processing of petitions, *see* Expedited processing of cases; Premium processing
 extraordinary ability, *see* EB-1 visas
 intent to work at certified job, 2718
 judicial review, *see* Judicial review
 national interest waivers, *see* National interest waivers
 NOIDs, *see* Notice of intent to deny original documents to USCIS, 2701–2
 petition process, 2701–12

- portability, 2705–9
 - 180-day period, 2705–6, 2707
 - multinational executives, 2707
 - same or similar occupation defined, 2707
 - self-employment as basis for, 2707
 - successor employer, 2705–9
- post-submission changes to petition, 2702–3
- priority dates, *see* Priority dates
- request for evidence (RFE), 2718
- return of petition to DHS, 2523, 2712
- revocation, 2513–14, 2710–11
- RFEs, *see* Requests for evidence
- Schedule A, *see* Labor certification
- subsequent employer, 2705–9
- successor in interest, 2704–5
- withdrawal of petition, 2501, 2712
- employment-creation visas (EB-5), 2660–2701**
 - adjustment of status on different basis, 2691
 - administrative review, 2662–63
 - allocation of jobs, 2676
 - application process, 2686–89
 - at-risk investment, 2669–73
 - backlog, 2661
 - basic, not regional center, investment, 2661
 - bona fide persons, 2680
 - bridge financing, 2667
 - business plan, 2673, 2686–87
 - children
 - as investors, 2662
 - of investors, 2662, 2688, 2693
 - concurrent filing, 2661
 - conditional residency, 2661, 2689–91
 - death of investor, 2693
 - deference policy, 2691–93
 - demand multiplier, 2683–84
 - EB-5 Reform and Integrity Act of 2022, 38–39
 - employment, full time, 2674–75
 - employment creation, 2673–76, 2687
 - indirect, 2675–76
 - erroneous approval, 2692
 - escrowed funds, 2666–67
 - ethical issues for DHS officials, 2694–95
 - evidence required, 2686–89
 - fair market value, 2666
 - forms and requirements for filing
 - I-526 (immigrant petition), 2686–89
 - I-829 (petition to remove conditions), 2689–91
 - good-faith investor remedies, 2681–82
 - guaranteed returns, 2670
 - hotels, 2684
 - I-526 petition, 2686–89
 - I-526E petition, 2679
 - I-829 petition, 2689–91
 - I-924 application, 2683
 - I-956 petition, 2678
 - I-956F application, 2678–79
 - IMPLAN, 2675, 2683
 - infrastructure projects, 2660–61, 2665
 - Integrity Fund, 2681
 - investment, 2664–73
 - job-creation period, 2674
 - judicial review, 2662–63, 2699–2701
 - legislation, 2676–77
 - litigation over program features, 2699–2701
 - loan proceeds, 2667–68
 - loans, 2667–68
 - malpractice by counsel, 2700
 - material change, 2688, 2692
 - multiple investments, 2668
 - multiple investors, 2673
 - NAICS codes, 2684
 - naturalization, 2694
 - new commercial enterprise, 2663–64
 - partnerships, 2671, 2673
 - priority dates, 2689
 - promissory notes, 2669–70
 - promoters, 2681
 - quota backlog, 2661
 - redemption agreements, 2670–71
 - redeployment of funds, 2672–73
 - REDYN, 2683
 - regional centers, 2676–83, 2688
 - termination, 2684–86
 - REMI, 2683
 - removal of conditional residence status, 2689–91
 - removal proceedings, 2693–94
 - reserve payment, 2671
 - revisiting I-526 during I-829 process, 2691–92
 - RIMS II, 2675, 2683
 - secured loans, 2671
 - securities law, 2695–99
 - source of funds, 2668–69, 2686–87
 - spouse of investor, 2693
 - targeted employment area, 2664–66, 2673, 2688, 2691–92
 - high unemployment area defined, 2664–66
 - rural area defined, 2664
 - tenant-occupancy, 2692
 - termination of CPR status, 2693
 - time period for job creation, 2674
 - travel during I-829 pendency, 2690–91
 - troubled business, 2675, 2687
 - trusts, 2670
- employment/labor rights, 3000–3015**
- encouraging, *see* Transporting/harboring**
- Enhanced Border Security and Visa Entry Reform Act, 17**
- E-notification, *see* Electronic notification**
- entertainers**
 - EB-1 immigrants, 2599–2608
 - EB-2 immigrants, 2620–21
 - H-2B visas, 2264–65
 - labor certification, 2827
 - O visas, *see* O visas
 - P visas, *see* P visas
- entrapment, 522**
- entrepreneurs**
 - B-1 entry to explore investment, 2073
 - E visas, *see* E-1 & E-2 visas
 - immigrant visas, *see* Employment-creation visas (EB-5)
 - parolees, 122–26, 2997
- entry, *see* Admission and inspection**
- entry without inspection (EWI)**
 - battered spouses/children, waivers for, 217, 219, 2409
 - criminal and civil penalties, 327, 561–63
 - Cubans, 1373–74
 - deportability, 372
 - expedited removal, 315–27, 1639–41
 - inadmissibility, 119–20, 220
 - parole permitted, 121
 - unlawful presence, 204
- EOIR, *see* Executive Office for Immigration Review**
- Equal Access to Justice Act (EAJA), *see* Attorneys' fees**
- equal pay transparency laws**
 - labor certification requirements, 2818
- equal protection, 53–65, 613–14**
 - (*see also* Constitutional issues; *specific context of claim*)
 - asylum claims, 1231
 - nondiscrimination in immigrant visa issuance, 55
- equitable tolling**
 - BIA appeal, 1520
 - distinguished equitable estoppel, 1482
 - due diligence, 1594–95
 - extraordinary circumstances, 1595–99
 - FTCA, 2848
 - habeas corpus, 1672, 1819
 - in absentia* orders, 915–16, 1592, 1845
 - ineffective assistance of counsel, 915–16, 1592–99
 - lottery, 2485
 - motions to reopen, 1592–99
 - NACARA, *see* NACARA
 - relief from removal, 1404–5, 1461
 - special cancellation, 1461
 - unfair immigration employment practice, 3028
- Eritreans**
 - visa discontinuance, 994
- escape in removal proceedings, 561**
- espionage, *see* Deportation grounds; Inadmissibility grounds**
- ESTA (Electronic System for Travel Authorization), 2034–37, 2065**
 - close-loop cruise as nondeparture, 2036
 - mobile app, 2035
 - Privacy Act exemptions, 809
 - satisfactory departure extension for emergency, 2037
- estoppel, 522, 728–31; 732–734, 1480–82**
 - distinguished equitable tolling, 1482
 - exhaustion not necessary, 1773
- Ethiopians**
 - TPS, 1184
- European Union**
 - EU laissez-passer travel document, 235, 2332
 - EU privacy regulations, 811
- E-Verify, 2938–46**

evidence

abandonment for failure to present, 887–88
 abstract of judgment, 876–78
 administrative notice, challenge to, 1554–55
 administrative notice of conditions (asylum), 1247
 admission, 876
 amnesty applications, use as evidence, 887
 arrest reports, 881–82
 asylum applications, use of as evidence, 883, 1210
 asylum cases, *see* Asylees and refugees, *subhead*: Evidence
 attorney's statements in briefs, 881
 authentication of documents, 873–75
 battered spouses, 886–87, 1450, 2407
 briefs, statements in as evidence, 470, 881
 classified information, 813, 884–85, 1342
 close of hearing, 887
 criminal convictions, 876–84
 document fraud not fatal to credibility, 1258–59
 expert testimony, *see* Expert testimony
 foreign convictions, 1908
 foreign law, 883–84
 hearsay
 removal proceedings, 868–72
 visa processing, 2014
 I-9s, *see* Forms
 incompetency, 910–12
 interview statements, 882–83
 minors, 905–10
 negative inference for failure to present, 888
 offer of proof, 884
 perpetrator of abuse or criminal activity, prohibition under 8 USC §1367 re use of information from, 886–87, 2407–8
 police reports, 881–82
 polygraph, 861–62
 presentence report, 880
 presumption of regularity, 884
 protective order information, 885–86
 rap sheet, 882
 record of conviction, 876–84
 regularity, presumption of, 884
 relevance in discretionary relief, 1419, 1438–41
 removal proceedings (deportation), 765–814, 853–62, 867–88, 1230
 removal proceedings (inadmissibility), 365–67, 765–814, 853–62, 867–88, 1146–53
 right to respond, 1247
 sealed information, 885–86
 self-incrimination, 866–67
 sentencing factor notations, 880
 sequestration of witnesses, 887
 suppression of, 616–24, 865–66
 vacated conviction, 880

EVUS (Electronic Visa Update System), *see* Security checks

EWI, *see* Entry without inspection

Ex Post Facto Clause, 609–10

exceptional ability, *see* EB-2 visas; Labor certification

exceptional and extremely unusual hardship, *see* Cancellation of removal, *subhead*: Non-LPRs (hardship criteria)

exceptional hardship (§212(e) waiver), 294, 2121–23

exchange visitors, *see* J visas

exclusion grounds, *see* Inadmissibility grounds

exclusion hearing and procedures, *see* Removal proceedings—inadmissibility

exculpatory evidence, disclosure of *Brady* rule, *see* Discovery

executive discretion
 settlement limiting, 1720–21

Executive Office for Immigration Review (EOIR)

dockets, priority, 742–44
 electronic filing, ECAS, 744–45
 Internet Immigration Information (I³), 814

practice manual, 858
 rocket docket, 744

executive orders, *see* Presidential proclamations and executive orders

executives, *see* EB-1 visas; L visas

exhaustion of administrative remedies, 525–28, 779–80, 1762–82

AWO, *see* Affirmance without opinion

bond, 1774–75

exceptions to exhaustion requirement, 1773–82

citizenship case/claim, 1777
 detention case, 1774–75
 estoppel, 1781
 failure to inform of relief, 1781
 futility, 1779–81
 intertwined issues, 1782
 irreparable harm, 1781
 legal issue arose after briefing, 1778
 manifest injustice, 1778
 no review procedure, 1773
 pure legal question, 1778
 raised fairly below, 1781
 regulatory challenge, 1778
 removal proceedings only, 1777
 review procedure not mandatory, 1773–82
 timeframe for review lacking, 1781
 waiver of appeal not voluntary, 1782

habeas corpus, 1662–63
 ineffective assistance of counsel, 834
 torture, 2872
 voluntary departure, 1421–22

exit the U.S., 2031–32

expatriation, *see* Naturalization and citizenship, *subhead*: loss of citizenship

expedited processing of cases, 2047–48, 2508, 2688, 2709
 (*see also* Premium processing)

expedited removal

administrative review, 325–26
 alternatives to detention, 325
 credible fear, 318–21, 334, 336–37, 1197–1200, 1221–22
 criminal aliens, 950–54
 Cubans, 315, 321–22
 deportation, 315–27
 detention, 323–25, 334–35, 1658–60
 exceptions, 318–23
 ICE parole of persons who establish credible fear, 336–37, 1641–42
 INA §235(b)(2)(A) detention, 324–25, 1639–46
 inadmissible persons not subject to expedited removal, 316
 judicial review, 326–27, 1658–60, 1892
 minors, *see* Juveniles
 motion to reopen, 325–26
 notice of right to file asylum, 325
 parole, 323–25
 procedures, 317–18, 323–25
 reasonable fear, 1222–25
 rescind, request to, 326
 stay of removal, 327, 1658–60
 stowaways, 327–28
 visa waiver program, 322

expert testimony

asylum, *see* Asylees and refugees
 EB-1 petitions, 2602
 EB-2 petitions, 2624
 labor certifications, 2792
 O visas, 2275–76
 P visas, 2285
 removal proceedings, 858–61

Export Control (EAR & ITAR) violations, 245, 2150, 2208, 2278, 2304

expropriators of U.S. property

E treaties, 2319
 grounds of inadmissibility, 271

expungement

defer removal proceeding, 761–62
 effect on criminal conviction, 501–4

extension of stay, 2039–42

(*see also specific visas*)
 bridging, 209, 2041
 cancellation of visa (INA 222(g)), 2024–25

technical violation of status, *see* Technical violation of status
 three- and ten-year bar, 208–9
 travel while extension is pending, 2042
 visa waiver program, 2039, 2065

extradition

asylum claims, 1191–92
 CAT, application of, 587–89, 1140–41, 1191–92
 without extradition treaty, 587–89

extraordinary ability, *see* EB-1 visas; O visas

extraordinary circumstances

asylum cases, 1118–20

extraordinary rendition, 2871

extreme hardship, 1412–14
 INA §212(a)(9)(B)(v) waiver, 210–17
 INA §212(h) waiver, 294–95
 INA §212(i) waiver, 299–302
 provisional waiver, 212–17
 standard of review, 1841
 suspension, 1453–57, 1468

F

F visas (academic students), 2082–2109
 absence abroad, 2102–3
 B-1/B-2 prohibited from attending school, 2104–5
 Canadian commuting students, 2087
 cancellation of visa under INA §222(g), 2105
 change of address, 2107
 change of status
 from B-1/B-2, 2104–5
 to H-1B (cap-gap), 2089–90, 2143–44
 commuter students from Canada and Mexico, 2087
 concurrent enrollment, 2087
 consular procedure, 2087–88
 criteria, 2082–87
 curricular practical training, 2093–94
 duration of status, 2088
 employment, 2091–2103, 2996
 students suffering from severe economic crisis, 2091–92
 entry time after obtaining visa, 2088
 extension of stay, 2107
 family, 2107
 fee paid to SEVIS, 2079–80
 financial ability to attend school, 2085
 full course of study defined, 2085–86
 grace period of 60 days, 2088
 H-1B cap, *see subhead*: Change of status (*in this heading*)
 inadmissible because of visa abuse, 225
 in-state tuition, *see* Students
 international organization, internship with, 2092
 Mexican commuter students (F-3), 2087
 online classes, 2086
 optional practical training, 2094–2103
 STEM degrees eligible for OPT extension, 2096–97
 out of status, 2103–4
 overstay, 2105
 procedures, 2087–88
 public school attendance prohibited, 2084
 reduced course load, 2086
 reinstatement, 2106–7
 school certification by ICE, 2108
 school ranking irrelevant, 2082–83
 severe economic hardship employment, 2091–92
 SEVIS, *see* SEVIS
 Social Security card, 2103
 Special Student Relief, 2091–92
 status, out of, 2103–4
 strikes, 2103
 subject of study irrelevant, 2082–83

termination of status, 2105–6
 transfers, 2090–91
 tuition, in state, 2081–82
 undocumented students, *see* Students
 visa abuse, 225
 withdrawing from school, 2091

Facebook, 2458

facilitation of crime, 391, 416–17

factual findings reviewed, 1350–51

by BIA, 1515, 1539–43
 by federal courts, 1850
 suspension/cancellation, 1851
 good moral character, 1409

failure to appear

asylum, 1216, 1230
 relief unavailable, 914, 1395–96
 removal, 220–21, 367–68, 1395–96
 voluntary departure, 1395–96

failure to depart

after final removal order, 560–61
 Absconder Apprehension Initiative, 988
 fines, 595–96
 voluntary departure, 1417–18

Fair Labor Standards Act, 343, 3005–8

false claim to U.S. citizenship, *see* Naturalization and citizenship

False Claims Act, 2890–91

false statements, 556, 559, 1221, 1289–90, 2937–38, 3078–79, 3131–34

Family and Medical Leave Act, 2170

family detention, *see* Detention, *subhead*: Children and families

family unification parole, *see* Parole

family unity, *see* Legalization

family-sponsored immigration, 2401–82

(*see also* Immigrant visas; Lawful permanent residents; Preference petitions)
 accompanying, defined, 2469–70
 adverse evidence, respond to, 2511–12
 affidavits of support, *see* Affidavits of support (I-864)
 aged-out child, *see* Aged-out children approval, 2511
 Armed Forces, family of deceased, 2410–11
 battered spouses/children, *see* VAWA petitioners
 BIA procedural issues, *see* BIA review
 birth certificates, 2503
 burden of proof, 2482
 revocation of petition, 2513–14
 termination of conditional resident status, 2444
 child defined, 2411–12
 confidential evidence, 2508–9
 consular processing, 2517–25
 conversion, 2472–73
 copies of documents to USCIS, 2502
 criminal background of petitioner as a basis for denial, 2494–95
 disclosure to beneficiary, 2508

derivative status, 2469, 2475–82
 divorce, sham, *see* Divorce
 DNA testing, *see* DNA collection eligibility

at time of filing/approval, 2500–1
 expedited processing of petitions, 2508

fee waiver, 2508

forms, force of law, 614–15, 2502–3
 immediate relatives, 2401

children, 2411–32

de facto deportation of, 615–16

parents, 2401, 2432

spouses, 2432–67

widow(er)s, 2401–2, 2455–56

inadmissibility not a basis to deny petition, 2508

investigation as basis to hold petition, 2508

marriage-based petitions

adjustment of status, 2432–67, 2536–37

see also Adjustment of status
 administrative review, 2445–46
 admissibility, presumption against, 2482

approval of petition as presumption of validity of marriage, 2457
 cohabitation, not required, 2454–55, 2459

common law marriage permitted, 2452

conditional residency, 2432–46
 death of spouse, effect of, 2401–2, 2456

divorce, effect of, *see* Divorce

fraud, *see* Marriage fraud

INA §204(c), 2461–66

judicial review, 2445–46

living apart, petition not invalid, 2454–55, 2459

minor (under 18) as petitioner, 2457

naturalization, 2441–42

outside U.S., 2467

permanent residency, 2432–67

physical presence in U.S., 2441

procedures, 2432–67

proof of bona fide marriage, 2457

proxy marriage, 2454

public policy issue, 2452

relation back doctrine, 233, 949–50, 2453

religious marriage, 2452

removal proceedings, 2443–45, 2457–58

marriage while in proceedings, 2446–49, 2536–37

reopen, motions to, 1472–73, 1577–78, 2536–37

same-sex marriages, *see* Same-sex partnerships

separation, effect of, 2454–55

sham divorce, 2446

sham marriage, 2457–60

status retained while fighting removal, 2444, 2568

subsequent marriage, 2449

subsequent petitions, 2461–66

termination, 2442–43

- test for validity, 2458–60
- transgender marriage, 2450
- validity of marriage, 2449
- veteran's spouse, 2410–11
- viability of marriage, 2454–56
- void marriage, 2452
- waiver of joint filing, 2435–39
- military, family of deceased, 2410–11
- minor, sexual abuse of as bar to petition, 2494–95
- nonpreference category, 2467–82
- originals submitted to USCIS, 2502
- parents, 2401, 2410–11
- petition process, 2492–2517
- petition returned by DOS to DHS, 2523
- petitioner precluded from filing, 2494–95
- preferences categories
 - 1st (unmarried son or daughter of USC), 2468
 - 2nd (spouse or unmarried child of LPR), 2468
 - 3rd (married son or daughter of USC), 2468
 - 4th (sibling of USC), 2468
- presumption against admissibility, 2482
- priority dates, *see* Priority dates
- records unavailable, 2502
- replacement visa, 2525
- rescission, 2564–66
- return of petition to DHS, 2523
- revocation, 2513–14
- sexual abuse of minor barring petition, 2494–95
- siblings, 2418–19, 2420, 2432, 2468
- venue for filing I-130/I-360, 2498–99
- widow(er)s, 2401–2, 2455–56
- farmworkers**, *see* H-2A visas; Legalization
- fashion models**, 2200
- fast-track**
 - guilty pleas, 497–98
 - H-1B1s, *see* H-1B1 visas
 - premium processing, *see* Premium processing
- FBI**
 - as immigration agents, 658
 - records requests, *see* Discovery
- FDNS**, *see* Fraud Detection & National Security Directorate
- federal authority to regulate immigration**, 49–65
 - (*see also* Preemption)
 - based on distinction among aliens, 59–64
 - alienage-based discrimination, 58
 - physical-location-based, 59
 - race or national-origin discrimination, 58, 61
 - sex discrimination, 61
 - enumerated constitutional powers, 49
 - executive powers, 56–57
 - implied constitutional powers, 49–50
 - legislative powers, 55–56
 - lower-level officials, 57
 - standards of review, 53–55
- federal employer identification number (FEIN)**
 - H-1B, 2172
 - labor certification, 2725, 2786
- federal jurisdiction**, 1611–1920
 - (*see also* Judicial review)
 - abuse of discretion, 1836–48
 - adjustment, 1637–38, 1741–47, 1848
 - under HRIFA, 1630–31, 2488
 - I-130 petition denial, 2512–13
 - marriage fraud finding, 2460–61
 - under NACARA, 1630–31, 2487–88
 - Alien Tort Claims Act, 2861
 - All Writs Act, 506, 1891
 - Anti-Terrorism Act of 1991, 2876–77
 - Anti-Terrorism and Effective Death Penalty Act (AEDPA), 1638–39
 - APA, 1677–1707
 - Article III issues, 1787–1814
 - see also specific issues in this heading*
 - attenuation, 1813
 - BIA not bound “case or controversy” limitation, 1523
 - Bivens* action, 2856–61
 - Chevron* deference, 1853–55
 - choice of law, 1882–84
 - civil rights actions, 2841–46
 - claims processing rules, 1521
 - vs. jurisdictional limitations, 1905–6
 - class action, 1892–97
 - committed to agency discretion, 1823–26
 - consolidation of issues on review, 1634–37, 1885–86
 - constitutional claims not barred, 1613–20, 1761
 - consular review, 1782–87, 1852, 2019, 2027, 2127–28
 - convictions, persons barred from review, 1629, 1721–25
 - declaratory judgment action, 1718–19
 - deference to agency interpretation, 1853–73
 - denaturalization, 3117–19, 3129
 - departure from U.S., 1818–20, 1879–81
 - deportation proceeding, 1873–91
 - detention and parole, 337–39, 684–88, 701–7, 986, 1630, 1638–75, 1721, 1774–75, 1879
 - discretionary decisions
 - possible review despite bar, 1399–1400
 - review barred, 1629–30, 1725–47
 - dismissal of complaint under Rule 12(b)(6), 1916
 - effective dates of AEDPA and IIRIRA, 1919–20
 - exhaustion, *see* Exhaustion of administrative remedies
 - facially legitimate, bona fide, 337–38, 1835
 - factual findings reviewed, 1350–51, 1409, 1539–43, 1850, 1851
 - Federal Tort Claims Act, 2849–50
 - federal-question jurisdiction, 1675–77
 - filing, timely, 1873–76
 - final order, defined, 1631–38
 - Foreign Sovereign Immunities Act, *see* Sovereign immunity
 - frivolous appeals, 851–52
 - fugitive, 1814–15
 - gross miscarriage of justice, 1836
 - habeas corpus, *see* Habeas corpus
 - harmless error, 824–25, 902–3
 - IIRIRA changes, generally, 11, 1611–23
 - INA §236(e), 337–39, 684–88, 1721, 1848
 - INA §242, 1628–29, 1631–38
 - (a)(2)(B)(i), 1725–30
 - (a)(2)(B)(ii), 1730–41
 - (a)(2)(C), 1629, 1721–25
 - (a)(2)(D), 1613–20
 - (b)(9), 1631, 1634–37, 1660–61
 - (g), 1660–61, 1747–53
 - injunctive relief, 1672–73, 1714–18, 1798–99
 - laches, 1813
 - law of case, 1852–53
 - legislative history, 1631
 - loss of citizenship, 3127–29
 - mandamus, 1707–14
 - mandate stayed, 1891
 - manifestly contrary to law standard, 1364, 1835
 - mootness, 1806–13
 - naturalization, 3123–27
 - non-final orders, 1782
 - noninquiry rule, 1814
 - notice of appeal, 1873–76
 - pendent, 1638
 - political question doctrine, 1813–14
 - post hoc rationalization, impermissible, 1827–30
 - preclusion of review, *see* Judicial review
 - presumption of review, *see* Judicial review
 - prior adjudication, 1817–18
 - Prison Litigation Reform Act, 1671–72
 - private right of action under INA, 2890
 - REAL ID Act, overview, *see* REAL ID Act
 - record, 1830–34, 1886
 - reinstatement of removal order, 956–67
 - remands, 1886–91
 - removal proceedings, 1873–91
 - retroactivity, 1908–15
 - ripeness, 1804–6
 - scope of review, *see* Judicial review
 - sovereign immunity, *see* Sovereign immunity
 - standard of review, *see* Judicial review
 - standing, *see* Standing
 - statutory construction, *see* Statutory construction rules
 - statutory preclusion to jurisdiction, 1611–31, 1660–62, 1721–1822
 - stays, 1656–57, 1674, 1716, 1718, 1876–79
 - sua sponte* reopening, 1823–25
 - subject-matter jurisdiction, 1787–88

substantial-evidence test, 1350–64,
1848–52, 1884
summary judgment, 1915–16
summary removal, 1628–29, 1892
terrorism, 707–11, 956
Torture Victims Protection Act,
2867–68
trafficking victims, civil action, 2873–
76
transfer of case to and from circuit
court, 1670
Tucker Act, 2879
U.S. as party, 1814
venue, 1820–22, 1882–84
void for vagueness, 1917–18
waiver of issues not raised on appeal,
1815–17
wrongful deportations, 1819–20,
1880–81

Federal Records Act, *see* Discovery

Federal Tort Claims Act, *see* Litiga-
tion

fees

adjustment of status, 2546
asylum, *see* Asylees and refugees
attorneys' fees, *see* Attorneys' fees
consular fees for visas, 2016
fee schedule, 2504
HR 1 reconciliation fees, 1405–7
procedure for filing with BIA, 937
procedure for filing with IJ, 937
refund, 2507
waiver, 304, 2508

female genital mutilation (FGM), *see*
Asylees and refugees

fiancé(e)s, *see* K-1 & K-2 visas

Fifth Amendment

(*see also specific rights*)

burden of proof not satisfied, 866–67,
888–89
continuance, basis for, 762
crimes as basis for assertion, 866–67
in absentia hearing, 932
removal proceeding, 866–67
suppression, 620
motion, 865–66
taking, 2861
testify, refusal to, 866–67

fifth preference (employment), *see*
Employment-creation visas (EB-5)

filing, *see* Electronic filing; Forms;
Postmark for filing; Removal pro-
ceedings—deportation; Removal
proceedings—inadmissibility; *spe-*
cific contexts

Filipino war veterans

parole program, 1167

Filipino WWII veterans

naturalization, 3099

final order

BIA authority to issue, *see* BIA re-
view
defined, 1631–38
remand, as a, 1891

finances

airlines, 589–90
appeal, 592, 595

defenses, 591–92, 594–95
document fraud, 592–95
employer sanctions, *see* Employer
sanctions
entry, attempted, 561–63
escape from removal, 561
EWI, 327, 561–63, 595–96
failure to depart after final order, 595–
96
failure to present documents, 592
judicial review, *see* Judicial review
mitigation, 591
procedures, 590–92, 593–94
remission, 591
summary decision, 594
unfair immigration employment prac-
tices, 3042–43

firearms offenses

as aggravated felony, 417, 418–19
criminal penalties, 563–65
deportation, 392–95, 417, 418–19
moral turpitude, 190

firm resettlement, *see* Asylees and
refugees

first offender status, *see* Convictions

first preference, *see* EB-1; Employ-
ment-based immigration; Family-
sponsored immigration

FISA (Foreign Intelligence Surveil- lance Act)

as amended by Reforming Intelli-
gence and Securing America Act,
40, 2034

**FLAG (Foreign Labor Application
Gateway) System**, *see* H-2A vi-
sas; H-2B visas; Labor certifica-
tion; Labor condition applications;
Prevailing wage

Fleuti doctrine, 130–33

flight from immigration checkpoint at high speed

criminal statute, 563
removal ground, 385

Florida

legislation affecting immigration, 75–
78

FOIA, *see* Freedom of Information
Act

following to join

defined, 2470
derivative status, 2482

force, excessive use of, 633–35

forced abortion/sterilization

as basis for inadmissibility, 272
as persecution, 12, 1008–9, 1333–38

forced feedings of detainee, 345

Foreign Agent Registration Act, 377

foreign asset control violations, 246,
2709

foreign convictions, *see* Convictions

foreign degrees

advanced degree defined, 2617–19
foreign degree equivalency, 2633,
2781

foreign law, 883–84

foreign medical graduates, *see* Physi-
cians

foreign officials, *see* A visas; Diplo-
mats; G visas

foreign policy

detention, 982
grounds of inadmissibility, 267–68
grounds of removal, 375–76

Foreign Sovereign Immunities Act,
see Sovereign immunity

foreign state chargeability, *see* Immi-
grant visas

foreign-residency requirement,
2119–20

annotation error, 2129
cancellation of removal, 1425, 1447
change of status, ineligible, 2043
E.U. countries, 2129
family members, 2134
impossibility of performance, 2129
judicial challenge, 2127–28
loss of citizenship, 2129
repayment of funds, 2129
residency in third country, 2128
skills list, 2129–30
spouses and children, 2134
suspension, 1468
third country residency, 2128
waiver, 294, 2011, 2043, 2120–30

forfeiture

attorneys' fees, *see* Attorneys' fees
constitutional infirmity of procedures,
551
criminal, 569
defenses, 550–51
foreign judgment enforcement, 552
fugitive, 551
grounds for, 549–50
innocent owner, 550
jurisdiction, 549, 551
remission and mitigation, 550
trial, 551

forms

(*see also specific topics covered by
forms*)

date document is considered “filed”
with USCIS, 2030
e-filing, *see* Electronic filing
force of law, 614–15, 2048–49, 2502–
3
gender selection on USCIS forms,
2510
I-9, 2923–33
see also Employer sanctions
correcting deficient I-9, 2931
disclosure prohibited, 2925–26
document abuse, 3022–24
documents required for I-9, 2926–
30
evidence in removal proceedings,
2937–38
false claim to U.S. citizenship, 237,
379, 2937–38
falsifying employment information,
3048
I-90 (Appl. to Replace Permanent
Resident Card), 2569–71

- I-94, electronic version, corrections, 2022
- I-129, *see* Change of status; Nonimmigrants; Premium processing; *specific nonimmigrant visas*
- I-130 (*see also* Family-sponsored immigration)
petition process, 2492–2517
reinstatement, 2455–56, 2514
- I-140, *see* Employment-based immigration
- I-212 (advanced permission to reenter), 200–202
- I-213, 633, 799, 855–57, 868–69, 872
see also Removal proceedings—deportation; Removal proceedings—inadmissibility
- I-407 (abandonment of residency), 2572–73
- I-824 (duplicate approval notice), 2013, 2019, 2471, 2478–79, 2499, 2522, 2543–44, 2571
- I-864, *see* Affidavits of support (I-864)
- I-956, 2678
- signatures for petitions, 2509–10
- vetting, enhanced USCIS, 2021
- forum shopping**
adverse credibility finding, 1281
one-judge division, 1820
- found in U.S. after removal**, 518–22, 581
- Fourth Amendment**, *see* Arrests; Search and seizure
- fourth preference**, *see* Family-sponsored immigration; Special immigrants; *specific types of immigrants*
- fraud and misrepresentation**
90-day rule, 225–26
as aggravated felony, 436–42
amnesty related, 561
asylum claims, 1210–14, 1280, 1289–91
civil proceeding, 592–95
as crime involving moral turpitude, 189
criminal proceedings, 553–57
deportation grounds, 377–79, 442, 443
document fraud, *see* Documents
FDNS, *see* Fraud Detection & National Security Directorate
immigration-related fraud, 377–79, 553–57
inadmissibility ground, 225–34
burden of proof, 232–33
materiality, 226–30
other documentation, other benefit, 232
waivers, 234
willfulness, 230–32
legalization fraud, *see* Legalization in lieu of marriage fraud, 233–34
naturalization by fraud, 3131–34
relation back doctrine, 233
social media used, 2458
Social Security fraud, 565
waiver, 299–302, 2460–61
- willful blindness
CAT claims, *see* Convention Against Torture
deliberate avoidance as inadmissibility ground, 231
employer sanctions, *see* Employer sanctions
- Fraud Detection & National Security Directorate (FDNS)**, 820, 2050–51, 2171–72
adjustment of status, 2458
H-1B visas, 2171–72
religious visas, 2050–51, 2640
- free trade agreements**
Australia, *see* E-3 visas
Canada & Mexico, *see* TN visas; USMCA
Chile & Singapore, *see* H-1B1 visas
- Freedom of Information Act (FOIA)**, 766–98
adequacy of search, 775–79
attorneys' fees, *see* Attorneys' fees
burden of proof, 782–84
fingerprint FOIA, 771
fugitives, 798
genealogy, 770
in camera review, 797
National Archives (NARA), 767
Open Government Act, 771–72, 2912
policy-or-practice claim, 774
procedures, 766–71
referral to other agencies, 780
Vaughn index, 784–85
visa records disclosure, 2028
- Freely Associated States (Micronesia, Marshall Islands, Palau)**
employment authorization, 2991
visa not required, 2061–62
- friends of the court**, 843, 907
- frisking**, 631
- frivolous filings**
appeals, 848, 1527
asylum applications, 1210–14
- fugitives**
deportation status, 560–61, 567–68
Absconder Apprehension Initiative, 988
escape from removal proceedings, 561
fugitive disentitlement doctrine
administrative review, 1603–4
FOIA, 798
petitions for review, 1814–15
right to pursue administrative appeal, 1603–4
right to pursue FOIA requests, 798
right to pursue forfeiture claim, 551
right to pursue relief, 1396
waiver of federal appeals, 1814–15
- G**
- G visas (international organizations)** (*see also* Diplomats)
adjustment, 2337, 2536
cancellation of visa under INA §222(g), 2025, 2337
children born in U.S., 2337
- criteria, 2335–36
employment, 2337
family, employment of, 2337
battered spouses, 2993–94
inadmissible, 2335
LPR status for children, 2400–2401
NATO, 2337–38
overstay, 2025, 2337
security and advisory opinions, 2335
special immigration, 2641–42
three/ten-year bar, 204
- gender identity**, *see* Forms; Transgender issues
- gender (“X”) markers**, 2510, 3105
- gender-based discrimination**, *see* Sex discrimination
- gender-based persecution**, *see* Asylees and refugees
- General Counsel, legacy INS**
memoranda not binding on DHS, 1552
- Georgia**
legislation affecting immigration, 78–79
- Global Entry Program**, *see* Security checks
- gold card**, 2701
- good moral character**, 1407–12
aggravated felony, 1410
battered spouse, child or parent, 2406
discretionary ineligibility, 1411–12
failure to pay taxes, 3085
military service for naturalization, 3086
naturalization, 3078–89
registry, 2400
statutory ineligibility, 1407–11
voluntary departure, 1416
- Gordie Howe Int’l Bridge**, 2054
- government counsel**, *see* Attorneys
- government suits**, *see* Litigation
- grand jury testimony**
not used in immigration proceedings, 623
- grandfathering**
§245(i) purposes, 2551–55
employer sanctions, 2922, 2971
- green cards (I-551)**
conditional residency, 2568–69
confiscation of, 2570
criminal charge for failure to carry, 563
lost, destroyed card abroad (I-131A), 2569–70
replacement of, 2569–71
second residency, 2572
status, not determinative of, 2399
temporary proof while I-90 pending, 2570
verifying residency, 2571–72
- gross miscarriage of justice**, 1836
- grounds of removal**, *see* Deportation grounds; Inadmissibility grounds
- Guam**
H-2Bs, 2068, 2268

Guantanamo
detention, 345

guardians
ad litem, 615
Child Advocates, 28, 667, 907
for deportation hearing of minor, 905–6
for detained parents, 348–50
emergency guardianship, 348–50
for inadmissible person, 140

Guatemalans
(*see also* NACARA)
American Baptist Church agreement, 1186
Asylum Cooperative Agreement, 1113–14
corruption ban, 272–73
family unification parole, *see* Parole
refugee/parole program for minors, 1014

guidelines, *see* Poverty guidelines;
Sentences and sentencing

guilty pleas, 491–98
agreement with prosecutor, 567
fast-track plea, 497–98
vacate plea, 491–98, 505–7
withdrawal of plea, 498, 507

Gulf War veterans, naturalization, 3099

H

H visas, generally, 2138
(*see also specific H visas*)
employment authorization for battered spouses, 2993–94
numerical limitations, 2011, 2141–44, 2149–50, 2207, 2268
petition required, 2019

H-1A visas, *see* Nurses

H-1B visas (specialty occupations), 2138–72
(*see also* Nurses; Physicians)
\$100,000 fee, 2140, 2161–62
adjustment of status
 extension while adjustment pending, 2170, 2564
 travel without abandoning adjustment, 2171, 2561
admission, period of, 2166–70
advance parole unnecessary, 2171, 2561
agents, 2148, 2161
amendments
 LCAs, *see* Labor condition applications
 petitions, 2164–65
appeals, 2165, 2166
attestation, *see* Labor condition applications
bachelor's degree or equivalent, 2151
benching, 2174–75
beneficiary-centric approach, 2144–46
bundling H-4 with I-129, 2044

caps, numerical, 2011, 2141–44, 2149–50
 cap selection process, 2144–46
 cap-exempt, 2141–44, 2149–50
 change of status and cap-gap, 2089–90, 2143–44
 doctors exempt, 2141
 INA §222(g), 2144
 master's degree, 2143
change in employment, 2012, 2162–65
classes, attending while in H-1B status, 2170
credential evaluations, 2159–60
criteria, 2138–44
damages claims, 2160, 2187–90
Defense Department visa, 2200–2201
definition, 2151–60
denial, 2165
dependent employers, 2139, 2172, 2198–99
DHS fees, 2161–62
documentation needed, 2162
dual intent, 2010–11, 2139
E-3 visa compared, 2319
educational equivalent, 2151
employee payment, 2139–40
employer
 change in, 2012, 2162–63
 employer-employee relationship, 2146–47
 multiple, 2165
 required U.S., 2146–48
 successor, 2162–63
employment, short-term, 2165
evaluation, 2159–60
experience sufficient, 2159
Export Administration Regulation (EAR) violations, 245, 2150
extension, period of, 2167–70
extension during adjustment, 2170
family members, 2170–71
fashion models, 2200
fast track, 2206–8
fees, 2161–62
fines for failure to comply, 2190–91
FLAG system, *see* Labor condition applications
foreign residency not required, 2139
fraud investigations, *see* Fraud Detection & National Security Directorate (FDNS)
grace period, 2207
grace period of 10 and 60 days, 2167
H-1B Visa Reform Act of 2004, 20
immigrant intent, 2009–11
INA §222(g), 2025, 2144
independent contractors, 2146–47
international medical graduates (IMGs), *see* Physicians
job shop (referred employees), 2148
judicial review, *see* Judicial review
labor certification, effect of filing, 2139
labor condition application (LCA), *see* Labor condition applications
layoff, 2177–78, 2199
leave, 2165
 Family and Medical Leave Act, 2170
 legislative history, 2138
license requirement for position, 2158, 2162, 2166, 2201–2
liquidated damages clause, 2160, 2178
maintenance of status, 2150
master's degree or equivalent, 2159, 2198
multiple employers, 2165
numerical limitations, *see subhead*:
 Caps (*in this heading*)
nurses, *see* Nurses
overstay/INA §222(g), 2025, 2144
owner as petitioner, 2147–48
per diem payment, 2173
petition
 amended petition, 2164–65
 new petition, 2164–65
 revocation, 2165–66
 validity date from work date, 2162
physicians, *see* Physicians
portability, 2148–50, 2165
posting notice, 2186
 electronically, 2186
prevailing wage, 2178–83
procedures, 2019, 2044, 2161–66
professional defined, 2151–60
professional employer organization, 2146
public access file, 2185
reduction in force as termination, 2165
renewal of visa in the U.S., pilot program, 2028–29
revocation, 2165–66
safe harbor, 2181
salary, payment within 30 days of entry, 2139
salary by foreign employer, 2146
self-petitioning, 2147–48
six-year limitation, 2166–67
 extension beyond 6 years, 2167–70
specialty occupations, 2152–57
spouse and children, 2170–71
 employment authorization for battered spouses, 2993–94
strikes, 2150, 2184
successor employer, 2162–63
termination of employment and status, 2150, 2165
time limitation, 2166–67
transportation costs, 2140
travel during pendency of adjustment, 2171, 2561
U.S. employer only, 2146–48
whistle blowers, 2194–95
willful violators, 2172, 2190, 2198–99

H-1B1 visas (Chile/Singapore FTA), 2206–8
E-3 visa compared, 2319
Export Administration Regulation (EAR) violations, 245, 2208
numerical cap, 2141, 2207

H-1C visas, *see* Nurses

H-2A visas (agricultural temporary workers), 2208–31
60-day provision, 2230
admission and extension, 2229–30
agriculture defined, 2209

countries designated for program, 2228
 denial and revocation, 2228–29
 enforcement of contract, 2230–31
 FLAG system, 2211
 portability, 2227
 procedures (DHS), 2227–28
 procedures (DOL), 2211–27
 requirements, 2208–11
 seasonal defined, 2209–10
 successors-in-interest, 2217
 temporary defined, 2210–11
 whistleblowing, 2230

H-2B visas (nonagricultural temporary workers), 2231–71

additional cap workers, 40, 2245–46
 administrative penalties, 2270
 admission and extension, 2267
 associations, filings from, 2266
 athletes, 2265
 beneficiaries
 naming, 2266
 substitution of, 2266–67
 countries designated, 2265
 debarment, 2262–63, 2266
 denial and revocation, 2269–70
 entertainers and athletes, 2264–65
 Fair Labor Standards Act, 3007
 FLAG system, 2246
 job contractors, 2242–43
 porting, 2267
 prevailing wage, 2249–52
 procedures (DHS), 2265–67
 procedures (DOL), 2244–65
 recruitment, 2252–54, 2259–60
 registration requirements, 2247–48
 requirements, 2231–32
 revocation, 2269–70
 temporary defined, 2235–36
 unfair employment practices
 relationship to, 3019
 whistleblowing, 2267

H-3 visas (trainees), 2135–37

admission, 2136
 criteria, 2135
 distinguish B-1 and J-1, 2136
 extension, 2136
 externs, 2136
 labor certification as grounds to deny, 2137
 nurses, *see* Nurses
 programs excluded, 2135
 special education exchange program, 2137
 training program, 2135–37

habeas corpus

AEDPA, 1638–39
 against Attorney General, 1665–67
 automatic-stay regulation, 1654
 bail, inherent authority to grant, 1674
 claim to U.S. citizenship, 1641
 claims cognizable in habeas, 1639–58
 class treatment, 1894
 collateral attack, 1661–62
 constitutional review, 1761
 core vs. non-core cases, 1667
 criminal proceedings, 506–7, 1661–62
 custodian, 1665–67
 in custody requirement, 1663–65

defective bond or parole decision, 1650–52
 delay in hearings not permissible, 1671
 detainees, 694–96
 detention without valid exercise of discretion, 1641–42
 detention without valid removal order, 1641
 discovery, 1671
 equitable tolling, 1672
 EWIs and parolees subjected to mandatory detention, 1639–41
 exhaustion requirement, 1662–63
 expedited-removal review, 1658–60
 First Amendment violations, 1657–58
 First Step Act, 694
 Fourth Amendment violations, 1658
 Great Writ, 1638, 1761
 IIRIRA, 1638–39
 immediate-custodian rule, 1665–67
 inadequate notice prior to removal, 1657
 limitations on, 1638–39, 1660–62
 outside U.S., 1674–75
 personal jurisdiction, 1665–67
 post-removal custody review procedures, 1652
 preliminary injunctions & TROs, 1672–73
 procedural requirements, 1663–72
 prolonged detention, 1642–50
 REAL ID Act, 22, 1638–39
 re-detention claims, 1654–56
 release as default remedy, 1673
 removal proceedings, 1638–39, 1660–61
 retaliatory detention, 1657–58
 revocation of order of supervision (OSUP), 1652–54
 revocation of visas, 1662
 scope of review, 1638–62
 second bond hearing, 1646
 service of petition, 1670–71
 stay of removal, 1674
 successive applications, 1671–72
 summary removal, 326, 1658–60, 1892
 supervised-release conditions, 1656
 terrorist suspects, 707–10, 1674–75
 third-country removal, 1656–57
 transfer affecting jurisdiction, 1668–70
vacatur or set-aside of conviction, 506–7
 venue, 1667–70

Hague Convention on Civil Aspects of Child Abduction, 240–44

Hague Convention on Protection of Children, *see* Adopted children

Haitians

Cuban-Haitian Adjustment Act, 1371
 Cuban-Haitian entrants, 2588
 deferred enforced departure program, 1171
 Family Reunification Parole Program, *see* Parole
 Help HAITI Act of 2010, 30–31, 2490

HRIFA, 13, 1171, 2488
 aged-out children, 2475
 interdiction, 279, 1014–15
 parole program, 1167, 1168–69, 1185
 student (F-1) employment, 2091–92
 suspected human rights violations as ground of inadmissibility, 12, 271
 temporary protected status, 1184

harboring, *see* Transporting/harboring

hardship

cancellation of removal, 1445–46, 1453–57
 exchange visitor, 294, 2121–23
 suspension, 1453–57, 1468

harmless error doctrine

deportation, 612–13, 824–25, 902–3

Hawaii

legislation affecting immigration, 79

health care workers, 157–59

health insurance

not a requirement for immigrants, 156
 public-charge consideration, 156

health insurance eligibility, *see* Affordable Care Act

health-related inadmissibility grounds, *see* Inadmissibility

health-related reason for release, 323, 335–36, 705, 1658

hearings, *see specific tribunals (e.g., BIA review), specific type of proceeding (e.g., Employer sanctions, Removal proceedings), specific issues (e.g., In absentia hearings), etc.*

hearsay, *see* Evidence

high-speed flight, *see* Flight from immigration checkpoint at high speed

history of immigration laws, 5–45

AC21 (American Competitiveness in 21st Century Act), 14
 ACA (Obamacare) (Patient Protection and Affordable Care Act), 30
 Act of 1864 to Encourage Immigration, 5
 ACWIA (American Competitiveness & Workforce Improvement Act), 13
 Adam Walsh Child Protection and Safety Act of 2006, 25
 Adoptive Family Relief Act, 32
 AEDPA (Anti-Terrorism and Effective Death Penalty Act), 10
 Afghan Special Immigrants, 25, 29, 32, 35, 37, 39
 AIDS/HIV (Lantos-Hyde ... Reauthorization Act), 27
 Alien and Sedition Acts of 1798, 5
 Alien Enemies Act of 1918, 6
 American Recovery and Reinvestment Act of 2009, 29
 Anti-Drug Abuse Acts, 8
 anti-terrorism provisions, 10, 16–17, 20–21, 22, 25–26
 Armed Forces, prohibition against involuntary separation, 35
 Armed Forces Immigration Adjust. Act of 1991, 9

- Asiatic Barred Zone Act, 6
 Border Commuter Student Act, 18
 Child Citizenship Act of 2000, 15
 Child Soldiers Accountability Act, 28
 Child Status Protection Act, 17
 Chinese Exclusion Act of 1882, 5
 Chinese Student Protection Act of 1992, 9
 Citizenship for Children of Military Members and Civil Servants Act, 36, 3066
 CNRA (Consolidated Natural Resources Act of 2008), 27
 COMPETE Act of 2006, 25–26
 Conrad 30 extension, 28, 31
 Consolidated Appropriations Acts, 36–37, 39, 40, 2245–46
 Continuing Appropriations Act, 2021, and Other Extensions Act, 36
 contract labor laws, 5
 Convention Against Torture, 13
 death of petitioner/principal, 17, 18, 19, 26, 31
 Detainee Treatment Act of 2005, 25
 DHS Appropriations Act for FY10, 29–30
 DOJ Appropriations Auth. Act, 18
 early immigration legislation, 5–6
 EB-5 Reform and Integrity Act of 2022, 38–39
 Employ American Workers Act, 29
 Enhanced Border Security and Visa Entry Reform Act, 17
 exclusion laws, 5–6
 FAA Reauthorization Act of 2018, 34–35
 Global Magnitsky Human Rights Accountability Act, 286
 H-1B fee increase, 30
 H-1B Reform Act of 2004, 20
 Hague Convention on Adoption, 14, 31
 Help HAITI Act of 2010, 30–31
 Heroes Earnings Assistance and Relief Tax Act of 2008, 27
 Homeland Security Act and Amendments, 18–19
 HR 1 Reconciliation, 41–45
 HRIFA (Haitian Refugee Immigration Fairness Act), 13
 Human Rights Enforcement Act, 30
 IIRIRA, 10–12
 IMFA (Immigration Marriage Fraud Amendments Act), 7–8
 IMMACT90 (Immigration Act of 1990), 8–9
 Immigration Act of 1907, 6
 Immigration Acts of 1882 and 1891, 5
 Immigration & Nationality Act of 1965, 7
 INA §245(i) legislation, 12, 15
 INA §245(k) legislation, 12
 INS abolished, 18
 INTCA (Immigration and Nationality Technical Corr. Act of 1994), 9–10
 Intercountry Adoption Act, 14, 30
 International Marriage Broker Regulation Act of 2005, 24
 International Megan's Law to Prevent Child Exploitation, 33–34
 Iraqi special immigrants, 26–27, 32
 IRCA (Immigration Reform and Control Act), 7
 Irish Peace Process visas, 13
 Justice for Victims of War Crimes Act, 2878
 L-1 fee increase, 30
 L-1 Reform Act of 2004, 20
 Laken Riley Act, 40–41
 Liberian Refugee Immigrant Fairness Act, 35
 LIFE Act and Amendment, 15–16
 McCarran Walter (1952) Act, 6
 Military Commissions Act of 2006, 25
 Military Personnel, Naturalization and Other Immigration Benefits, 19, 28
 Military Personnel Citizenship Process Act, 28
 Missing Persons and Unidentified Remains Act of 2019, 37
 MTINA (Misc. & Tech. Immigr. & Nat'z Amdmts. of 1991), 9
 NACARA, 12
 national defense authorization acts, 19, 26–27, 35, 37, 39, 40
 National Origin Quota Act, 6
 Naturalization Act of 1790, 5
 Northern Mariana Islands (CNMI) extending CW-1 Transitional Worker Program, 34
 extending U.S. immigration laws to CNMI, 27
 Long-Term Legal Residents Relief Act, 35
 Nursing Relief Acts, 8, 13–14
 Obamacare, 30
 omnibus/consolidated appropriations acts, 13, 20, 26, 29–30, 32–33, 36–37
 One Big Beautiful Bill Act (OBBBA), 41–45
 Orphan Redefinition Under Non-Hague Convention Countries, 32
 parole-in-place, 35
 Passport Act of 1918, 6
 Patient Act To Extend VD, 15
 Posse Comitatus Act, 100–101
 Promoting Security and Justice for Victims of Terrorism Act, 2877
 REAL ID Act of 2005, 21–23
 Reforming Intelligence and Securing America Act, 40
 Refugee Act of 1980, 7
 Refugee Crisis in Iraq Act of 2007, 26–27
 Religious Freedom Act of 1998, 13
 Respect for Marriage Act, 39
 Save Our Small and Seasonal Businesses Act of 2005, 23
 Secure Fence Act of 2006, 25
 Security Supplemental Appropriations Act, 2021, 37
 Soviet Scientists Immigration Act, 9, 18
 Steerage Act of 1819, 5
 Syrian Adjustment Act, 14–15
 TARP H-1Bs, 29
 terrorism exceptions (Consolidated Appropriations Act of 2008), 26
 Terrorism Prevention Act of 2004, 20–21
 terrorist states (broadening FSIA waiver), 27
 Torture Victims Protection Act (TVPA), 9
 Torture Victims Relief Reauthorization Act of 2003, 19
 Trafficking Victims Protection Acts & VAWA, 15, 19–20, 23–24, 28–29, 31
 Travel Promotion Act of 2009, 30
 U.N. Convention Against Torture, 13
 U.N. representatives, visa limitation, 32
 USA PATRIOT Act, 16–17
 USIA abolished, 13
 U.S.-Mexico-Canada Free Trade Agreement, 36
 Uyghur Forced Labor Protection Act, 37
 VAWA, *see subhead: Trafficking Victims Protection Acts (in this heading)*
 Vietnam, Cambodia and Laos Adjustment Act, 15
 Violent Crime Control and Law Enforcement Act of 1994, 9
 Visa Waiver Improvement and Terrorist Travel Prevention Act of 2015, 33
 welfare law (Personal Responsibility & Work Opportunity Reconciliation Act), 10
 widow penalty legislation (2010 DHS Appropriations Act), 29–30
 William Wilberforce (TVPA), 28–29
- HIV**
 not grounds for inadmissibility, 135
hold or holding rooms (ICE), 347–48
Homeland Security, Dep't of (DHS), 18
 criminal conduct by DHS employees, reporting, 569
 databases, *see* Databases
 DHS-TRIP, 309–10
 following BIA precedent, 1552
 law establishing, 18
 memoranda/decisions, effect on BIA, 1552
 right to counsel before DHS, *see* Counsel, right to
 Secure Flight Program, *see* Security checks
Homeland Security Act, 18–19
homeless visa cases, 2518–19
 immigrant visas, 2518–19
 nonimmigrant visas, 2014
homosexuality
 asylum claims, *see* Asylees and refugees, *subhead: LGBTQ issues*
 marriage, *see* Same-sex partnerships

Hondurans

Asylum Cooperative Agreement, 1113–14
 family unification parole, *see* Parole
 refugee/parole program for minors, 1014
 temporary protected status (TPS), 1185

Hong Kong

deferred enforced departure (DED), 1170

housekeepers, *see* Domestic

HPSA (health professional shortage area), 13–14, 2124, 2127, 2201, 2628–30

HR 1 Reconciliation (One Big Beautiful Bill Act)

fees changes, 1405–7
 overview, 41–45

HRIFA, *see* Haitians

Huawei Technologies Co.

visa restrictions, 267

humanitarian

asylum, 1093–95
 parole, *see* Parole
 reinstatement of I-130, 2455–56
 special situations relief, 1171–72

Hungarians

cancellation of removal, 1459

hunger strike by detainee, 345

I

I-___ (forms), *see* Forms; *specific topics covered by forms*

I visas (information media representative), 2326–27

I³ (Internet Immigration Information), *see* Executive Office for Immigration Review

IBIS lookout system, *see* Security checks

ICE, *see* Immigration and Customs Enforcement

Idaho

legislation affecting immigration, 79

IDENT system, *see* Security checks

identity theft (aggravated), 557–58, 3134

illegitimate children, *see* Legitimacy and paternity

Illinois

legislation affecting immigration, 79–81

immediate relatives, *see* Family-sponsored immigration

Immigrant Investor Pilot Program, *see* Employment-creation visas (EB-5)

immigrant visas (IVs)

(*see also* Employment-based immigration; Family-sponsored immigration; Preference petitions; *specific visas and professions*)
 adjudication prior to submission, 2703

affidavit of support, *see* Affidavits of support

aging-out, *see* Aged-out children

battered spouses/children, *see* VAWA petitioners

birth certificates, 2503

burden of proof, 2482, 2499–2501, 2513–14, 2520, 2523

changes to petition, 2702–3

confidential evidence, 2508–9

consular processing, *see* Consular processing

continuance based on petition, 756–61
 copies of documents permissible, 2502

criminal background of petitioner as a basis for denial, 2494–95

disclosed to beneficiary, 2508

death of petitioner, *see* Death of petitioner

denials, 304, 2511–13, 2523–25, 2710–11

deportation not stayed, 2511

discretionary acceptance, 2518–19

dual intent, *see* Intending immigrant eligible at application time, 2500–2501

embargoed countries, 2709

employment not granted when petition approved, 2718–19

entry to U.S. while IV is valid, 2525

expedited processing, 2508, 2709

fingerprint checks, 2520–21

foreign state chargeability, 2469

homeless visa cases, 2518–19

I-824, *see* Forms

interview at consulate, 2519

investigation, withholding approval until, 2508

judicial review, *see* Judicial review

lottery, *see* Diversity immigrants

medical exam, 2521

name check procedure, 2521

National Visa Center, 2517–19

nondiscrimination in IV issuance, 55

numerical limitations, 2467–82

oversubscription, 2469, 2482

petition process, 2492–2517

administrative record, 2502

adverse evidence, right to respond, 2511–12

amending petitions, 2500–2501, 2702–3

burden/standard of proof, 2499–2501

denial of petition, 2511–13

employment-based issues, 2701–12

humanitarian reinstatement after death, 2455–56, 2495–98, 2514

judicial review, 2515–17

see also Judicial review

return of, 2523

revocation of, 2513–14, 2710–11

police certificate, 2520–21

presumption against admissibility, 2482

priority dates, *see* Priority dates

procedures, 2492–2517

records unavailable, 2502

replacement visa, 2525

return of visa petition, 2523

revocation, 2513–14, 2710–11

judicial review, 2515–17

second residency, 2572

security checks, 2019–21, 2521–22

tax returns, 2521

third country processing, 2525

three/ten-year bar, 2408, 2563

transferring visa cases, 2519

travel bans, *see* Travel bans

venue, 2498–99

waivers of inadmissibility, 287–302

widow(er)s, 2401–2, 2455–56, 2514

Immigration Act of 1990

(IMMACT90), 8–9

Immigration Advisory Program, 307

immigration agents

criminal conduct, reporting, 569

limits on searches and seizures, 616–21

power to arrest, 653–56, 1658

Immigration and Customs Enforcement (ICE)

apps to avoid ICE, 636

arrest, 653–56, 1658

body-worn cameras, 635–36

complaints against, 2896

detention standards, 346–53

employee conduct, 353

ICE counsel agreement, *see* Prosecutorial discretion

interrogation procedures, 632–33

retaliation against press and demonstrators, 636

retention of noncitizen's documents, 652–53

searches, 636–44, 649–51

state and local cooperation, 656–57

stops/seizure, 624–32, 633–36

subpoenas, 651–52

use of force, 634–35

VOICE, 510

Immigration Court Practice Manual

attorney, limited appearance, 837–38

change of venue, 749–51

document submission, time, 816, 872–73

evidence, presentation/form, 816, 858

filing documents, 749

FOIA, 769–70

hearing, procedural issues, 816

prehearing conference, 813–14

subpoena, 798–99

types of IJ proceedings, 942

immigration judges (IJs)

completion quotas, 946

contempt power, 847

credibility determinations, *see* Credibility determinations

dedicated docket, 743–44

docketing cases, priorities, 742–44

jurisdiction limited, 1509

jurisdiction removed upon BIA appeal, *see* BIA review

misconduct, 937–42

off-the-record discussion, 903–4, 1831

post-hoc alteration of decision, 935

pro bono representation, 946

quotas eliminated, 946
 recusal, 937–42
 roles as prosecutor and adjudicator are separate, 942
 sanctions, attorney, 847–53
 specialized dockets, 743–44
 status docket, 742–43
 suits against, 945
 termination of proceedings, 765
 transfer of case to new IJ, 941–42
 types of proceedings, 942

Immigration Marriage Fraud

Amdts. Act, *see* Marriage fraud

Immigration Reform and Control Act (IRCA), 7

(*see also* Employer sanctions; Legalization; Unfair immigration-related employment practices)

immunity

of government officials, *see* Litigation
 sovereign immunity, *see* Sovereign immunity

imprisonment

defined, 12, 473–76

imputed political motive, 1044–46
 social group claim, 1054

in absentia hearings

appeals, 918
 burden of proof, 927–28
 defenses, 920–32
 due diligence, 915–16
 equitable tolling, *see* Equitable tolling
 exceptional circumstances as defense, 928–31
 finality of order, 918
 foreign convictions, 173
 inadmissibility for failure to attend, 220–21
 judicial review, *see* Judicial review
 Migrant Protection Protocols (MPP), 1205–6
 minors, 907, 908, 932–33
 motions to reopen, 914–17, 1592
 notice, 920–28
 removal (deportation), 913–33
 removal (inadmissible), 367–68, 913–33
 rescission of order, 914–17
 self-incrimination, 932
 stay of removal, 918
 withdrawal of relief, 1395–96

in forma pauperis, 364, 836–37

INA

(*see also specific topics*)

conversion table, INA to 8 USC, 3178
 section 212(c), *see* INA §212(c)
 section 214(b), *see* Intending immigrant
 section 245(i), *see* Adjustment of status
 table of sections cited, 3166–77
 waivers, *see* Waivers

INA §212(c), 1431–38
 adjustment permitted, 1434
 bars to eligibility, 1438
 comparable ground of removal, 1438
 continuing availability, 1431–38
 conviction after trial, 1433–34

convictions prior to 1990, 1436–37
 eligibility, 1431–38
 elimination of §212(c) relief, 1422
 exclusion proceedings, 1431–38
 special motion to reopen, 1434–35
St. Cyr eligibility, 1433–34, 1437–38
 statutory counterpart rule, 1438

INA §241(b), *See* Intending immigrant

INA §245(i), *see* Adjustment of status

INA §287(g), *see* State and local government

inadmissibility, *see* Inadmissibility grounds; Removal proceedings—inadmissibility; Waivers

inadmissibility grounds, 133–304
 (*see also* Admission; Removal proceedings—inadmissibility; Waivers)

§274C final order, 222–24, 379, 592–95

accompanying inadmissible person, 140

body parts, coercive transplantation of, 272

business info, trafficking in, 271

child abduction, 240–44

child soldiers, recruitment of, 270

citizenship, ineligible for, 236–37

Colombian insurgents, aiding and abetting, 272

communicable disease, 134–36

Communist Party affiliation, 268–69

confiscator of U.S. property, 271

corruption, 272–73

COVID-19, *see* COVID-19

crime involving moral turpitude, 159–90

criminal grounds, 159–99

Cuba, confiscation or trafficking in property, 270

decision of other agency respected, 1497

deported previously, 199–202

diplomats, 199

disclose confidential business information, 271

documentary violation, 199–225

draft evasion, 235–36

drug abuser, drug addict, 139–40

drug offenses, 190–97

drug trafficking, 195–96

drunk driving, 176

economic, 141–59

effective date under IMMACT90 and

IIRIRA, 304

elimination of certain grounds, 140,

159, 199, 244

espionage, 244–46

EWI, 217–19

excluded previously, 199

executive order, 273–79

export of technology, prohibition on,

244–46

expropriator of U.S. property, 271

extrajudicial killing, 270

failure to attend hearing, 220–21

false claim to U.S. citizenship, 236–39

final order under INA §274C, 222–24,

379, 592–95

forced abortion or sterilization, direct involvement in, 272

foreign assets control violation, 246

foreign conviction, 173

foreign health care workers, 157–59

foreign policy, 267–68, 327

former grounds, 140, 159, 199, 244

fraud, *see* Fraud and misrepresentation

genocide, 269–70

guardian of inadmissible person, 140

Haitians, suspected human rights violators, 271

health care workers, foreign, 157–59

health-related grounds, 133–40, 311

IMMACT90 changes, 140

HIV (eliminated), 135

human trafficking, 198–99

IIRIRA changes, 10–11

illiteracy, 244

IMMACT90, 140, 159, 244

ineligible for citizenship, 235–36

inspection, failure to undergo, 202–17

intending immigrant, 234–35

labor certification, 156

medical graduate, foreign, 156–57

mental disorder, 137–40

military-type training, recipient of,

250

misrepresentation, *see* Fraud and misrepresentation

money laundering, 198

moral grounds, 199

moral turpitude crimes, 159–90

multiple crimes, 198

Nazis, 269

no visa or passport, 234–35

organ transplantation through coercion, 272

overstays

effect on counting 3/10 bar, 204

new visa prior to reentry, 2024

physicians, 2024, 2205–6

visa void, 2024

overthrow of U.S., 247

passport invalid, 234–35

petition approval not barred, 2508

physical disorder, 137–40

physician, 156–57

polygamy, practicing, 199

present without admission or parole,

220

by presidential proclamation, 273–79

prostitution, 198

public charge, 141–59

reason to believe, 195–96, 246, 247,

488–89

reentry after EWI or removal, 199–

202

religious persecutor, 270

removal order, 199–202

removal proceedings, failure to attend,

220–21

renounced citizenship for tax purposes, 159

sabotage, 244–46

security grounds, 244–87

sex traffickers, 198–99

smuggling, 221–22

stowaway, 221

student visa abuser, 225

tax avoider, 159
 terrorism, *see* Terrorists and terrorism
 three- and ten-year bars, 202–17
 torture, 270
 totalitarian party membership, 268–69
 trafficking drugs, 195–96
 trafficking in persons, 198–99
 unlawful activity, 246–47
 unlawful presence, 202–17
 vaccinations, 136–37
 voting unlawfully, 239–40
 waivers of inadmissibility, *see* Waivers
inadmissibility hearing, *see* Admission and inspection; Removal proceedings—*inadmissibility*
incompetency, *see* Mental disabilities
inconsistent decisions
 abuse of discretion, 1839–40
indefinite detention challenge, 701–7, 1642–50
independent contractors
 employer sanctions, 2920–21
indeterminate sentence, 474
Indiana
 legislation affecting immigration, 81
ineffective assistance, *see* Counsel, right to
InfoPass, 2509
informants
 asylum, 1339–40
 as witnesses, *see* S visas
information media, *see* I visas
information sharing among agencies, 641–44, 2587–88
 (*see also* Privacy Impact Assessments)
injunctive relief, 1672–73, 1714–18, 1798–99
INSPASS, *see* Security checks
inspection, *see* Admission and inspection; Removal proceedings—*inadmissibility*; *specific issues*
instructions on forms, *see* Forms
intending immigrant (INA §214(b))
 dual-intent doctrine, 2010–11, 2061, 2139, 2272, 2282, 2564
 H and L categories exempt, 2010–11
 inadmissible for, 234–35
 presumption of, 2009–10
Intensive Supervision Appearance Program, *see* ISAP
Inter-American Commission on Human Rights, 2889
interdiction, 1014–15
interlocutory appeals
 BIA, *see* BIA review
intermediate scrutiny, 53–54
International Child Abduction Remedies Act (ICARA), 240–44, 2913
International Covenant on Civil and Political Rights
 Alien Tort Claim, 2862
de facto deportation of child, 615–16
 dismissal of NTA, 741
 INA §212(h) relief, 741

international law
 ATCA claims, bars to, 2862–67
 defense to removal, 615, 741
 Inter-American Commission on Human Rights, 2889
 International Covenant on Civil and Political Rights, 615, 741, 1907, 2862
 statutory construction, avoid violating international law, 1907–8
 U.N. Conventions
 CAT, *see* Convention Against Torture
 other U.N. Conventions, *see* United Nations
 Vienna Convention on Consular Relations, 551, 621, 948–49, 988, 2331, 2890, 2895
 waivers based upon, 741
International Marriage Broker Regulation Act of 2005, 24
international medical graduates (IMGs), *see* Physicians
International Organization Immunities Act (IOIA), 2335, 2889
international organizations representatives, *see* C visas; G visas
International Religious Freedom Act, 13, 270, 883, 1288
Internet-based appearances, *see* Telephonic, video, and Internet technology
internships, *see* F visas; J visas
Interpol Red Notice, 1134–35
interpretations, *see* Translations and translators
interrogation procedures, *see* Removal proceedings—*deportation*
interrogatories, 799
interviews
 asylum applicants, 1215–17
 reinterview before removal, 1222
 telephonic interviews, 1221
 at consulate, *see* Consular processing
 evidentiary use of inconsistencies in airport interview, 882–83, 1286–89
 labor certification, 2815–24
 phone or video interviews, *see* Telephonic, video, and Internet technology
 rescheduling interviews
 adjustment of status, 2544
 asylum, 1216
 naturalization, 3102
intracompany transferees, *see* L visas
investors
 B-1 to explore investment, 2073
 E visas, *see* E-1 & E-2 visas
 EB-5 investors, *see* Employment-creation visas
 labor certification issues, 2807
 physicians as investors, 2206
 removal proceedings, 373–74, 2693–94

Iowa
 legislation affecting immigration, 81–82
Iranians
 immigrant visa processing, 2518
Iraqis
 employed by U.S. in Iraq, 26–27, 32, 1013
 special immigrants
 adjustment of status, 2655–56
 providing faithful and valuable service to U.S., 26–27, 32, 2655–56
 translators, 25, 2655
 special registration (NSEERS), 363
 TWOV, 2351
Irish
 Irish Peace Process & Cultural & Training Program Act, 13
 visa waiver, 2063
ISAP (Intensive Supervision Appearance Program), 679–80, 984
ITIN (Individual Taxpayer Identification Number), 2583

J

J visas (exchange visitors), 2113–37
 adjustment of status, 2114, 2119, 2536
 administrative review, 1562, 2127
 admission and extension, 2131–32
 appeals to Exchange Visitor Waiver Review Board, 1562, 2127
au pair program, 2116–17
 B-1 in lieu of J-1, 2119
 camp counselors, 2119
 Canadians entering without J-1 visa, 2114
 Canadians subject to §212(e), 2054, 2129
 cancellation of removal, 1425, 1447
 cancellation of visa under INA §222(g), 2025, 2127, 2132
 categories of J-1s, 2115–19
 change of program, 2130
 children, 2134
 citizenship, loss of, 2129
 college and university internship program, 2115
 criteria, 2113–14
 designation of program, 2134–35
 dual intent, 2010–11
 eligibility, 2113–19
 employment, 2132–33
 spouses, 2133
 entry into U.S., 2130
 estoppel, 2133
 exceptional hardship waiver, 2121–23
 Exchange Visitor Waiver Review Board, 1562, 2127
 extension of stay, 2132
 foreign residency requirement, *see* Foreign-residency requirement
 full course of study defined, 2132
 government agency waiver, 2126–27
 government and international visitors, 2113, 2119
 grace period, 2132
 H-1B cap, 2141, 2144

hardship waiver, 2121–23
 hotline, 2130
 internship programs, 2115
 legislative history, 2113
 medical graduates, *see* Physicians
 medical insurance, 2114
 no objection waiver, 2123
 overstays, 2025, 2127, 2132
 period of stay, 2131–32
 persecution waiver, 2121
 physicians, 2113, 2119, 2124–27
 procedure for J, 2130
 procedure for waiver, 2120–21
 professors, 2113, 2119, 2131
 reinstatement, 2133
 revocation of J program, 2134–35
 scholars, short-term, 2119
 SEVIS, 2114, 2127, 2130, 2132
 skills list, 2129–30
 special country programs, 2119
 sponsor's obligations, 2134
 spouse and children, 2134
 State 30 waiver, 2124–26
 summer, work and travel program (SWT), 2117–19
 suspension, 1468, 2134–35
 teacher programs, 2117
 third country residency, 2128
 three- and ten-year bars, 204
 trainee programs, 2114–15
 transfer to other J programs, 2130
 waiver, 2120–30
 waiver hotline, 2130

Jencks Act, 799

job contractors, *see* H-2B visas

joinder, 1896–97

joint sponsors (I-864), *see* Affidavits of support

Joseph hearing, 701

judges, *see* Immigration judges

judicial notice, 1555, 1834
 (*see also* Administrative notice)

judicial recommendation against deportation (JRAD), 8, 173, 492, 500–501, 1408

Judicial Redress Act, 810–11

judicial review, 1611–1920
 (*see also* Federal jurisdiction)
 adjustment of status, 1629, 1631, 1637–38, 1741–47, 1848, 2487–88
 Administrative Procedure Act (APA), *see* Administrative Procedure Act
 aggravated felonies, 1721–25
 Anti-Terrorism and Effective Death Penalty Act (AEDPA), 1638–39
 appeal procedures
 aggravated felons, 1629, 1721–25
 deportation, 1873–91
 dilatatory/frivolous appeal, 851–52
 exclusion, 1611, 1873–91
 IIRIRA changes, 11, 1623, 1638–39
 record, 903–4, 1830–34, 1886
 remand, 1886–91
 removal, 1532–33, 1873–91
 reopen, motions to, 1772, 1842–46, 1875, 1884–85
 time for filing, 1873–76
 venue, 1820, 1882–84

Article III questions, *see* Federal jurisdiction

asylum cases, *see* Asylees and refugees

attenuation, 1813

BIA or IJ decision, 1551–52

bonds, 684–88, 1639–41, 1721, 1725, 1774–75, 1848, 1879

border wall construction, 1759–60

cancellation of removal, 1461–67, 1725–30

class treatment, 1892–97

committed to agency discretion, 1512–13, 1578–81, 1823–26, 2019, 2027, 2127–28, 2345–46, 2390

consolidation of issues for review, 1634–37, 1885–86

consular decisions, 1782–87, 2019, 2027, 2127–28

continuances, 762–63

Convention Against Torture (CAT), *see* Convention Against Torture

corroboration, 1366, 1759, 1850–51

criminals, 1629, 1721–25

deference to agency action, 1853–73

denaturalization, 3129

departure during appeal, 1818–20, 1879–81

detention, 337–39, 684–88, 701–7, 986–88, 1638–75, 1721, 1774–75

district director decisions, 1637–38

diversity immigrants, 1712, 2485–86

EB-5, *see* Employment-creation visas

effective dates of AEDPA and IIRIRA, 1919–20

employer sanctions, 1851, 2988

employment authorization, 1848, 2999

employment-based petitions, 1730–41, 1759, 2515–17, 2712, 2718

exhaustion, *see* Exhaustion of administrative remedies

expedited removal, 326–27, 1628–29, 1658–60, 1892

factual determinations and nondiscretionary grants, 1350–51, 1850, 1884

family-based petitions, 1730–41, 1847, 2445–46

federal-question jurisdiction, 1675–77

final order, defined, 1631–38, 1680–83, 1873–76

finest (civil penalties), 592, 595

Foreign Sovereign Immunities Act, *see* Sovereign immunity

fugitive disentitlement doctrine, 1814–15

futility, 1815

H-1B petition, 2160

H-2A/H-2B, 2271

habeas corpus, *see* Habeas corpus

harmless error, 824–25, 902–3

IIRIRA changes, 11, 1611–23, 1638–39, 1841, 1847–48, 1879–81, 1882, 1890

immigrant visas, 1782–87, 2515–17

in absentia hearings, *see in absentia* hearings

INA §242(a)(2)(D), 1613–20

INA §242(b)(9), 1634–37, 1660–61

investor program, 2699–2701

jurisdiction, *see* Federal jurisdiction

labor certification, 2837

lashes, 1813

law of the case, 1852–53

location of IJ hearing for venue in circuit courts, 905

loss of citizenship, 3127–29

mandate stayed, 1891

marriage fraud, 2460–61

mootness, 1806–13

motions to reopen, 1721–22, 1772, 1842–46, 1884–85

NACARA, *see* NACARA

national interest waivers, *see* National interest waivers

naturalization, 3123–27

no jurisdiction, 1628–31, 1721–1822

nonimmigrants, 1782–87, 1852, 2019, 2127–28, 2304–5, 2515–17

party presentation, principle of, 1818

pendent review, 1638

political question, 337, 1813–14

preclusion of review, 1611–31, 1660–62, 1721–61
see also Federal jurisdiction

presumption of review, 1760–61

previous adjudication, 1817–18

procedure for appeal, 1873–91

REAL ID Act, *see* REAL ID Act

record, limited to, 1831–32

record on appeal, 1886

reinstatement of removal, 963–67

remands, 1886–91

removal, expedited, 326–27, 1628–29, 1658–60, 1892

reopening, *see subhead*: Motions to reopen (*in this heading*)

rescission, 1638, 1851, 2566

restrictions on review, 1628–31

return if unlawfully deported, 1880–81

revocation, 2515–17

ripeness, 1804–6

scope of review, 1551–52, 1623–27, 1822–73
 abuse of discretion, 1836–48
 committed to agency discretion, 1512–13, 1578–81, 1823–26, 2019, 2027, 2127–28, 2345–46
de novo, 1538–39
 facially legitimate and bona fide, 337–38, 1835
 habeas corpus review, *see* Habeas corpus
 manifestly contrary to law, 1347–49, 1364, 1835, 1846
 plenary review, 1822–23
 substantial evidence, 1350–64, 1848–52, 1884

service of process, 1720

standard of review, 1835–52, 1884
 abuse of discretion, 337, 1349–50, 1538, 1602–3, 1836–48
de novo review, 1538–39, 1826–27
 facially legitimate and bona fide, 337–38, 1835

- factors considered in BIA decisions, 1538–56
 levels of scrutiny, 53–55
 manifestly contrary to law, 1347–49, 1364, 1835, 1846
 plenary review, 1822–23
 removal orders, 1835–52, 1884
 substantial evidence, 1350–64, 1848–52, 1884
 standing, *see* Standing
 statutory construction, *see* Statutory construction rules
 stays
 removal, 1846, 1876–79
 voluntary departure, 1881
sua sponte reopening, 1578–81, 1823–25
 summary removal, 326–27, 1628–29, 1658–60, 1892
 terrorist removal, 956
 terrorist suspects, 707–11
 torture claims, 1005, 1366, 1661, 1758–59
 TPS, 1182–83
 transfer of case to and from circuit court, 1670
 Tucker Act, 2879
 unfair immigration employment practices, 3050–51
 venue, 1882–84
 visa denials, 1782–87, 1852, 2127–28, 2515–17
 voluntary departure, 1420–22, 1846
 waiver of review, 1815–17
 waivers, 1725–30
 withholding of removal, 1137–38, 1351–63, 1849–50
 wrongful deportation, 1819–20, 1880–81
judicial warrants, *see* Search and seizure
jurisdiction, *see* Federal jurisdiction; *specific procedural headings*
jury trial
 in state court, due to immigration consequences, 482, 589
juveniles
 (*see also* Children; Minors)
 admission of deportability, 908
 court dependents, *see* Special immigrant juveniles
 crimes affecting status, 160–61, 487–88
 detention, *see* Detention, *subhead*: Children and families
 juvenile delinquency
 convictions, *see* Convictions
 Juvenile Delinquency Act, 57, 160–61, 487–88, 504, 569
 parental notice of criminal charges, 569
- K**
- K-1 & K-2 visas (fiancé(e)s and their children)**, 2339–46
 adjustment of status, 2344–45, 2540–41, 2549
 bars (numerical, time, criminal) to approval, 2341–44
 change of status not permitted, 2345
 criminal grounds barring petitioner, 2341–44
 criminal records of petitioner, 2341–44
 criteria, 2339
 death of petitioner, 2340
 denial, 2341–44
 employment authorization, 2344
 marriage fraud
 Immigration Marriage Fraud Amendments Act (IMFA), 2344
 INA §204(c) bar, 2341
 minors, crimes against, 2341–44
 petition required, 2339
 petitioner barred, 2341–44
 procedure, 2339–44
 review, 2345–46
 waivers, 2341–44
K-3 & K-4 visas (spouses awaiting IVs and their children), 2346–48
 adjustment, 2347–48
 aged-out children, 2346
 admission, 2347
 advance parole, 2348
 change of status barred, 2347
 children, 2346
 criminal grounds barring petitioner, 2347
 criminal record of petitioner, 2347
 death of petitioner, 2347
 employment authorized, 2348
 extension, 2347
 minors, crimes against, 2347
 multiple filings, notification to beneficiary, 2347
 petition barred, 2347
 procedure, 2346–48
 termination, 2347
 travel, 2348
 waivers, 2346
Kansas
 legislation affecting immigration, 82
Kentucky
 legislation affecting immigration, 82
Kisor deference, *see* Deference to agency interpretation
- L**
- L visas (intracompany transferees)**, 2287–2307
 accounting firms, 2287–88, 2291
 activity of companies, 2291
 adjustment of status
 effect of adjustment application, 2305–6, 2564
 extension while adjustment pending, 2305, 2564
 travel without abandoning adjustment, 2305–6, 2561
 administrative review, 2304–5
 admission period, 2303
 advance parole not necessary, 2305–6, 2561
 affiliation, 2291
 agency employment, 2290–91
 amendments to petition, 2304
 appeal to AAO, 2304–5
 blanket procedure, 2306–7
 bundling of L-2 with I-129, 2044
 burden of proof, 2291
 Canadians, USMCA, 2056
 children, 2306
 compensation, 2290
 definition, generally, 2287–88
 denial, 2304–5
 dual intent, 2010–11, 2288
 employee defined, 2290–91
 employer, change in, 2304
 executive, defined, 2297
 export control (EAR & ITAR) violations, 245, 2304
 franchising agreements, 2292
 fraud prevention fee, 2302
 full-time services not required, 2288, 2304
 grace periods (10/60 days), 2303
 intending immigrant, exempt from, 2010–11, 2288
 job shop, 2290–91, 2301, 2306
 joint venture, 2292
 judicial review, 2304–5
 L-1 Visa Reform Act of 2004, 20, 2287, 2289, 2290–91
 legislative history, 2287
 majority ownership, not necessary, 2292
 manager, defined, 2294–97
 new office, 2302
 nonprofits, eligibility of, 2287, 2306
 notice of intent to deny (NOID), 2304
 offsite work, 2290–91, 2301
 one-year employment requirement, 2288–89
 outsourced person, not employee, 2290–91
 owner as beneficiary, 2290
 ownership issues, 2292
 partnership, 2287, 2293
 part-time employment, 2288, 2304
 procedures, 2019, 2302–7
 qualifying organizations, 2291–93
 request for evidence (RFE), 2304
 requirements, 2287–2302
 revocation, 2305
 size of company irrelevant, 2301–2
 sole proprietorship, 2290
 specialized knowledge, defined, 2297–98
 specialized knowledge professional, defined, 2297–98
 spouse and children, 17, 2306
 startup company, 2293, 2302
 subsidiary, 2291
 temporariness, 2291
 travel during pendency of adjustment, 2305–6, 2561
labor certification (LC), 2719–2824
 30- and 180-day recruitment requirements, 2746–47, 2755
 30-day response time to audit, 2761–62
 45-day rule (pre-PERM), 2821–22
 §245(i), 2548–49
 ability to pay wage, 2713–17, 2809
 able, qualified and available, 2719, 2817–18

- advertising, 2739–55, 2769
- aging-out children, no expediting for, 2775
- alternative work experience, 2792–95
- amendment to, 2776
- appeal process, 1561–62, 2722–23, 2777, 2828–36
- athletes, 2722, 2776, 2804, 2825–26
- attestations, 2811–12
- attorneys
 - debarment, 2771
 - fees
 - EAJA recovery, 2837, 2906
 - employee barred from paying, 2770–71
 - participation in process, 2815–16
 - sanctions, 2836–37
 - suspension of attorney or fraud, effect on bona fides of job offer, 2810–11
- audit, 2760–66
- bargaining representative, notice to, 2756, 2824
- bona fide job offer, 2806–12
- bona fide prior employment, 2786
- business expansion, 2784, 2796
- business necessity, 2795–99
- cancellation of certification by DOS, 2711
- certifying officer, relationship to job service, 2719
- combination of jobs, 2792
- commuting jobs, 2751
- competence, 2781
- compliance with state, federal and local law, 2814
- cooks, 2798
- death of petitioner, *see* Death of petitioner
- debarment, 2770, 2771
- decision by CO, 2771–74
- degree not necessary if course work complete, 2786
- delay in contacting applicant not permitted, 2821–22
- denial, 2771–74, 2777
- denial of applicants, lawful job related reason for, 2815–24
- Dictionary of Occupational Titles (DOT), 2631, 2778, 2782, 2790, 2792
- discrimination, refusal to hire U.S. worker, 3020
- documentation, 2734, 2760–66, 2792
- due process, 2730–31
- duplicate LC, 2775
- EB-1s, no LC requirement, 2599–2600, 2612, 2613
- EB-2 NIWs, *see* National interest waivers
- education/training/experience requirements, 2712, 2778–89
- employees, notice to, 2756–59, 2824
- employer, defined, 2724–25
- employer sanctions, 2934
- employment, authorization, 2718–19
- employment history verified, 2780, 2824
- English language proficiency, 2780, 2791–92
- entertainers, *see* Entertainers
- errors and omissions (typos), 2725–33
 - materiality exception, 2731–32
- exceptional ability employees, 2827
- expansion of business, 2784, 2796
- expedite for aging-out children not allowed, 2775
- experience requirements, 2712, 2782–83
- expert opinion, 2792
- family employment, 2786, 2806–7
- federal or state law not violated, 2814
- fees, 2770–71
- FEIN, 2725, 2786
- filing deadline for appeal, 2834
- filing deadline for ETA 9089, 2734, 2746–47
- FLAG system, 2734
- foreign degrees equivalent, *see* Foreign degrees
- foreign language, 2791–92, 2797
- forms, 2723–35
- fringe benefits, 2804
- full-time and permanent, 2812–14
- fundamental fairness, 2727, 2729–30
- hearsay, 2774
- illegal employment as basis for experience, 2786–87
- inadmissible without, 156
- individual certification, 2719–2824
- inherent job requirements, 2779–81
- intent to work at job, 2718
- invalidation of, 2777
- investigation of LC application process, 2771
- investors, 2808
- job duties, 2778–89
- job order with SWA, 2736–38
- job terms contrary to law, 2814
- judicial review, *see* Judicial review
- language requirement, 2791–92, 2797
- layoffs, 2814–15
- legislative history, 2719
- licensure requirements, 2781–82
- live-in requirement, 2798, 2826
- location of job, 2814
- lost LC, 2775
- master's degree, 2617–19, 2791, 2797
- methods of certification, 2720–22
- metropolitan statistical area (MSA), 2704
- minimum requirements, 2777–82
- modification of the LC, 2776
- multiple job offers, 2808
- national interest waivers, *see* National interest waivers
- national office, direct processing, 2826
- new job created, 2785, 2808–9
- no smoking, 2780
- notice of findings eliminated, 2722
- notice to bargaining representative, 2756, 2824
- NPWC (National Prevailing Wage Center), 2734–35
- nurses, *see* Nurses
- O*NET, 2256, 2631, 2778, 2782, 2790, 2792, 2799, 2803
- on-the-job-experience, 2783
- overqualified applicant, 2817–18
- parent corporation employment, 2786
- performance testing, 2780
- performing artists, 2827
- PERM, 2719–2824
 - see also specific subheadings in this heading*
- physical therapists, 2827
- physicians, 2628–30
- posting, 2756–59, 2824
- prevailing wage, 2799–2806
 - variance between job description in PWD 9141 and 9089, 2804
- prior employment, 2783–89
- procedure, 2723–74
- purchase of LC, 2776
- readvertising (pre-PERM), 2773–74
- reconsideration, 2828–32
- recruitment, 2735–55, 2815–24
 - interview, 2815–24recruitment report, 2759–60
 - supervised recruitment, 2766–70
- reduction in recruitment (RIR), 2720
- references, 2780, 2824
- refiling under PERM, 2774
- reissuing LC, 2775
- requirements, 2719
 - see also specific subheadings in this heading*
- resume inadequate, 2818–20
- retention of LC by agency, 2775
- return receipt mail, 2821
- revocation by DOL, 2777
- revocation by DOS, 2711
- RFIs (requests for information), 2800
- sale of LC, 2776
- Schedule A, 2616, 2720–22, 2824–27
- Schedule B, 2722
- seasonal or permanent work, 2813
- self-employment prohibited, 2778
- sole proprietorship, 2786
- specially handled cases, 2824–27
 - athletes, 2776, 2804, 2825–26
 - performing artists, 2827
 - posting requirement, 2824
 - teachers, 2722, 2758–59, 2797, 2800, 2812, 2824–27
- staffing companies, 2813
- standard metropolitan statistical area, 2704
- standard of review of BALCA determinations, 2837
- strike or lockout not existent, 2814
- subcontracting prohibited, 2778
- substitution for athletes, 2709
- substitution of beneficiary, 2703, 2775–76
- substitution of employer, 2705–9, 2776
- successor employer, 2704–5, 2776
- suspension of LC application process, 2771
- SVP (specific vocational preparation), 2632, 2778, 2782, 2790–91, 2792, 2798, 2799
- teachers, 2722, 2758–59, 2797, 2799, 2812, 2824–27
- Technical Assistance Guide (TAG), 2719
- telecommuting, 2810
- temporary or permanent work, 2813

- testing performance prior to hire, 2780
 training and employment guidance letters (TEGLs), 2719
 trustworthiness, 2780
 unduly restrictive, 2789–99
 unfair immigration employment practice, 3020
 unstated job requirements, 2779–81
 USCIS review, 2712–18
 vague description, 2781
 validity of grant, 2774–75
 virtual office, 2809–10
 wage increase affecting certification, 2710, 2803
 wages at time of filing, 2803
 waiver of recruitment, 2826–27
 withdrawal of, 2777
 work authorization, not conferred, 2718–19
 work authorization or SSN request impermissible, 2823
 work history, verification of, 2780, 2824
 work schedules, unduly restrictive, 2792
- labor condition applications (LCAs)**, 2139, 2172–99
 administrative hearing, 2195–97
 amending, 2186–87
 complaints filed, 2187–90
 defenses, 2194
 dependent employers, 2139, 2172, 2185, 2198–99
 electronic filing, 2172, 2184
 electronic posting, 2186
 faxback processing no longer used, 2184
 FEIN, 2172
 FLAG system, 2139, 2172, 2184, 2187
 hearing before ALJ, 2195–97
 judicial review, 2197–98
 Mexican TN, 2060
 misrepresentation, 2190
 penalties for noncompliance, 2190–91
 prevailing wage, 2178–83
 procedure, 2172–99
 retention of PWD, 2252
 retention of records by employer and DOL, 2186
 violations, 2187–90
 wage, requirements, 2173–78
 deductions, 2175–76
 obligation to pay, 2176–78
 release agreements, 2176
 termination of obligation to pay, 2177–78
 wages defined, 2173
 whistleblowers, 2194–95
 willful violators, 2139, 2172, 2190, 2198–99
- labor law**, 620–21, 3000–3015
 challenge to NTA based on unfair labor practice, 740
 evidence in deportation proceeding, 3001–2
 picket line arrest, 620–21, 3004
 undocumented person's rights, 620–21, 3000–3015
- laboratory technicians**
 inadmissible without certificate, 159
- laches**
 attorney sanctions, 850
 BIA, 1482
 denaturalization, 3118–19
 federal litigation, 1813
 fines, 591–92
 forfeiture, 551
- Laken Riley Act**, 40–41
- Laotian adjustment**, 2489
- laptop border searches**, 646–48
- Lautenberg amendment**, 1166–67
- law enforcement**
 immigration laws enforced by local police, 656–57
- law of the case**
 change of venue, 749–51, 941–42
 circuit court, 1852–53
- law students / law graduates**, 844
- lawful pathway bar to asylum**, 1108–11
- lawful permanent residents (LPRs)**, 2399–2591
 abandonment of residency, 2568, 2572–75
 adjustment of status, *see* Adjustment of status
 admissibility, presumption against, 2482
 admissibility on reentry, 130–33, 304–7, 332–33, 366–67, 2399, 2547–48, 2572–75
 affidavits of support, *see* Affidavits of support
 aged-out children, 2405
 alien card, 2399, 2568–71
 battered persons, *see* VAWA petitioners
 brothers and sisters, 2411, 2418–19, 2432
 burden of proof, 132–33, 328, 366–67, 2482
 Cambodian adjustment, 2489
 cancellation of removal, 288, 1422–41
 carrying card (I-551) required, 2568
 chargeability of visa, 2469
 child, defined, 2411–12
 children born abroad, 2575
 confiscation of card, 652, 2570
 constitutional rights, 63–64, 130–33, 338–39, 701–7, 969–76
 consular processing, *see* Consular processing
 Cuban Adjustment, *see* Cubans
 defined, 2399
 denaturalization for crimes committed while LPR, 3115–16, 3122
 derivative status, 2475–82
 diplomats, *see* Diplomats
 diversity immigrants, *see* Diversity immigrants
 driver's licenses, *see* Driver's licenses
 dual intent, *see* Intending immigrant
 employment-based petitions, *see* Employment-based immigration;
 Special immigrants; *specific visas and professions*
 family-based petitions, *see* Family-sponsored immigration
Fleuti doctrine, 63, 130–33, 2575
 green cards, *see* Green cards
 Haitians, *see* Haitians
 Homeland Security Act procedures, 2521–22
 Hungarians, *see* Hungarians
 immediate relatives, *see* Family-sponsored immigration
 INA §212(c) relief, *see* INA §212(c)
 Laotian adjustment, *see* Laotian adjustment
 legalization programs, *see* Legalization
 lottery, *see* Diversity immigrants
 maintenance of, 2572–75
 marriage, *see* Family-sponsored immigration
 medical exam, 2521
 methods to obtain residency, 2399
 name check procedure, 2521
 National Visa Center, 2517–19
 Nicaraguan adjustment, 12, 2487–88
 numerical limitations, *see* Numerical limitations
 oversubscribed countries, 2482
 parents, 2401, 2411, 2432
 petitions
 adverse evidence, right to respond, 2511–12
 approval, 2511, 2703–4
 birth certificate delayed, 2503
 confidential evidence, 2508–9
 consul's return of petition to DHS, 2523, 2712
 death of petitioner, *see* Death of petitioner
 denials, 2511–13, 2515–17, 2523–25
 deportation not stayed, 2511
 eligible at filing, 2500–2501
 employment upon filing, 2564, 2718–19
 employment-based, 2701–12
 family based, 2401–82
 homeless petitions, 2518–19
 parents, 2410–11, 2432
 post-submission changes, 2702–3
 pre-adjudication not permitted, 2703
 rebut evidence, 2512, 2711
 records unavailable, 2502
 replacement of card, 2569–71
 replacement visa, 2525
 VAWA, *see* VAWA petitioners
 police certificates, 2520–21
 Polish nationals, *see* Polish nationals
 preference/quota, *see* Numerical limitations
 priority dates, *see* Priority dates
 process to obtain, 2399–2401
 public benefits, 2584–89, 3146–50 (Apdx. 2)
 records unavailable, 2502
 reentry, 63, 130–33, 311, 2399, 2566–68
 reentry permit, 2566–68
 registry, 2400

reinstatement in removal hearing, 1475, 2556
 removal (deportation), 1475, 2399, 2547–48, 2566, 2575
 bar to adjustment, 1396, 2537–38
 new adjustment of status in proceedings, 1475
 removal (inadmissible), 130–33, 322, 332–33, 366–67, 2399, 2547–48
 replacement card, 2569–71
 rescission, 2564–66
 residence card, 2399, 2568–71
 return of petition, 2523, 2712
 returning resident, 63, 130–33, 311, 332–33, 2399, 2566–68
 revocation of petition, 2513–14, 2710–11
 second residency, 2572
 security procedures, 2541
 Social Security, payments to, 2579–81
 Social Security card, 2581–84
 special immigrants, *see* Special immigrants; *specific types of immigrants*
 status of, 2399
 suspension of deportation, 1452–53, 2400
 Syrian adjustment, *see* Syrians
 taxation of, 2575–79
 termination of, 2575
 third-country processing, 2518–19
 transfer family, 2544
 travel, 2566–68
 unavailable records, 2502
 USA PATRIOT Act, 2489
 verifying residency, 2571–72
 Vietnam, 2489
 widowers, 2401–2, 2455–56, 2514

Lebanese
 temporary protected status (TPS), 1185

legalization, 2490–92
 administrative review, 1556, 1559
 appeals, 1559
 confidentiality, 887, 2491–92
 criminal penalties for fraud, 561
 family unity program, 2490
 under INA 245A, 2490
 judicial review, *see* Judicial review
 LIFE Act, 15–16, 2490–91
 special agricultural workers (SAWs), 2490

legislation, *see* Federal authority to regulate immigration; History of immigration laws; State and local government; *specific laws*

legitimacy and paternity, 2413–15, 2422

lending practices to noncitizens, 2845

lenity, rule of, 437, 892–93, 1902–3

letter opinion by DHS
 not final agency decision, 1682–83, 1804

LGBTQ issues, *see* Asylees and refugees; Same-sex partnerships; Transgender issues

Liberians
 AOS under Liberian Refugee Immigr. Fairness Act, 35, 2488–89
 DED, 1170–71

LIFE Act legalization, *see* Legalization

litigation, 2841–46
 42 USC §1981, 2844–45
 42 USC §1983, 2841–44
 age discrimination in employment, 3012
 agency discretion, 1512–13, 1578–81, 1602–3, 2127–28
 Alien Tort Claims Act, 2861–73
 TVPA distinguished, 2867–69
 attenuation, 1813
 attorneys' fees, *see* Attorneys' fees
 Bivens actions, 2856–61
 detention, 338, 705–6
 fees, 2912
 immunity defense, 2891–94
 civil RICO actions, 3013–14
 civil rights claims, 2841–46
 class actions, *see* Class actions
 departure from U.S., 1818–20
 Equal Access to Justice Act (EAJA), *see* Attorneys' fees
 exhaustion of remedies, *see* Exhaustion of administrative remedies
 False Claims Act, 2890–91
 Federal Tort Claims Act (FTCA), 2846–56
 harmless error, 824–25, 902–3
 immunity (*see also subhead: Bivens actions (in this heading); specific statutes in this heading*)
 absolute immunity, 2894–95
 diplomatic immunity, 2895
 Foreign Sovereign Immunities Act, *see* Sovereign immunity
 qualified immunity, 2891–94
 sovereign immunity, *see* Sovereign immunity
 Judicial Redress Act, 810–11
 jurisdictional issues, *see* Federal jurisdiction
 laches, 1813
 Little Tucker Act, 2879
 multidistrict litigation, *see* Administrative Procedure Act
 post hoc rationalization, 1827–30
 preclusion of review, *see* Judicial review
 prior adjudication, 1817–18
 Privacy Act, 801–2
 private right of action, 2890
 record, 903–4, 1830–34, 1886
 scope of review, *see* Judicial review
 standard of review, *see* Judicial review
 standing, *see* Standing
 summary judgment, 1915–16
 Take Care Clause, 1720
 Title VII, 3009–11
 Torture Victims Protection Act (TVPA), 9, 2867–73
 actual/apparent authority, 2869–71
 Alien Tort Claims Act, distinguished, 2867–69

corporate liability, 2871–72
 exhaustion, 2872
 extraordinary rendition, 2871
 political question doctrine, 2872
 service of process, 2872
 Trafficking Victims Protection Reauth. Act (TVPRA), 2873–76
 Tucker Act, 2879
 undocumented workers' tort claims, 3009–13
 waiver of review, 1815–17

Little Tucker Act, 2879

local law enforcement, *see* State and local government

longshoremen, 2352

Lookout system (CLASS), *see* Security checks

loss of U.S. citizenship, *see* Naturalization and citizenship

lottery, *see* Diversity immigrants

Louisiana
 legislation affecting immigration, 82–83

Lozada criteria, 829–33

M

M visas (vocational students), 2109–13
 B-1/B-2 not basis to start program, 2111–12
 change to H status, 2113
 commuter students from Canada and Mexico, 2110
 concurrent enrollment prohibited, 2110
 criteria, 2109–10
 difference with F-1, 2113
 eligibility, 2109–13
 employment
 practical training, 2111
 entry period, 2111
 extension of stay, 2111
 family members, 2112
 fee paid to SEVIS, 2110
 full course of study defined, 2109–10
 grace period of 30 days, 2111
 reinstatement, 2112
 SEVIS, 2110
 technical violations through no fault of applicant, *see* Technical violation of status

Maine
 legislation affecting immigration, 83

maintenance of status
 deportation ground, 372–73
 employment-based / bridging, 2558
 nonimmigrant visas, 2045

managers, multinational
 L visas, 2287–97
 permanent residency, 2611–15

mandamus, jurisdiction, 1707–14
 aged-out challenges, 1710
 TRAC factors, 1697–1701
 venue, 1714

manifestly contrary to law
 asylum, 1364
 standard of review, 1884

Mantis Visa checks, 2019

Mariana Islands, *see* Northern Mariana Islands

Mariel Cubans

parole, 340

marijuana, *see* Drug offenses

marriage and cohabitation

(*see also* Family-sponsored immigration; Marriage fraud)

B-2 tourist status

marriage while in, 2077

nonspouse partners of E, H, or L principals, 2078

common law marriages, 2452

customary marriage, 2452

detention, marriage while in, 346, 2467

foreign marriages, 2467

marriage brokers, crimes by, 565

minors, 2450

naturalization, 3074

persecution, marriage as basis for, 1331

polygamy, *see* Polygamy

religious marriages, 2452

removal proceedings

IJ right to review I-130, 2457, 2545–46

marriage while in, 1471–72, 2446–49

Respect for Marriage Act, 39

same-sex marriages, *see* Same-sex partnerships

transgender marriages, 2450

marriage fraud

as bar to future residency, 2461

criminal offense, 553–54, 2466–67

deportation, marriage fraud as ground, 374, 2457–58

divorce, sham, *see* Divorce

Immigration Marriage Fraud Amdts. Act (IMFA), 7–8, 225, 2344, 2432–67

burden of proof, 2444

conditional residency, *see* Family-sponsored immigration, *subhead*: Marriage-based petitions

constitutionality, 2446–47

legislative history, 2432

marriage in removal proceedings, 2446–49

naturalization, 2441–42

removal of conditional residency status, 2432–46

subsequent spouse, petition, 2449

misrepresentation in lieu of marriage fraud, 2457–58

relief from marriage fraud, 1475–78

validity of marriage, 2449, 2457–60

Marshall Islands, *see* Freely Associated States

Maryland

legislation affecting immigration, 83–84

masking

by ICE/CBP, 1658

state legislation, 72, 75, 96

mass influx finding, 51

Massachusetts

legislation affecting immigration, 84–85

master's degree

experience equivalent, 2159, 2617–19

material misrepresentation, *see*

Fraud and misrepresentation

material support, *see* Terrorists and terrorism

McCarran Walter Act, 6

means-tested public benefits, *see* Public benefits

media representatives, 2326–27

Medicaid, *see* Public benefits

medical graduates, *see* Physicians

medical grounds

appeal, 140

inadmissibility, 133–40

inspection, 311

medical reports, 1262

medical technologists, 159, 2154

medically underserved areas, *see*

Nurses; Physicians

membership in a particular social group, *see* Asylees and refugees,

subhead: Social group

mental disabilities

Adam Walsh Act and detention, 988

deportation and civil commitment, 971

hearings involving persons with mental disabilities, 910–12

inadmissibility, 137–40

indefinite detention, 983, 988

prosecutorial discretion to release, 658–59

sedation, 972

metering (turnback policy), *see*

Asylees and refugees

metropolitan statistical area (MSA),

2180, 2250, 2664

Mexicans

(*see also* TN visas; USMCA)

bilateral agreement to remove, 992–93

border crossing cards, 2011, 2025, 2055

commuter students, 2087, 2110

Michigan

legislation affecting immigration, 85

Micronesia, *see* Freely Associated States

Migrant Protection Protocols (MPP), 1205–6

Military Commissions Act of 2006, 25

military service

Citizenship for Children of Military Members and Civil Servants Act, 36

convictions, 482–83

deceased service members' families, IV petitions by, 2410–11, 2495

deferred action for family, 1493–94

employment authorization, 2992

involuntary separation, prohibition against, 35

MAVNI (Military Accessions Vital to National Interest Pilot Program), 3099–3100

MOU between DOD and USCIS, 3097

National Guard

agreement with DHS, 657

enforcement operations, 101–2

use by president, 101–2

naturalization, 19, 3073–74, 3086, 3094–3101

Posse Comitatus Act, 100–101

prosecutorial discretion

NTAs, 722, 723

parole-in-place, 121

self-petitioning spouse, parent or child, 2410–11, 2495

special immigrants

certain veterans, 2654

NATO civilian employees, 2654

translators, 25, 35, 2655

ministers, *see* Religious workers

Minnesota

legislation affecting immigration, 85

minors

(*see also* Children; Juveniles)

hearings, 905–10

in absentia orders, 907, 908, 932–33

marriage, 2450

other removal, 615–16, 659–70

sexual abuse of, *see* Child abuse

UACs, *see* Unaccompanied children

Miranda rights, 522, 610–11, 866–67, 988

misconduct by government employees

actions against officials, generally, 2841–46

ethical issues for DHS officers, 2694–95

reporting DHS misconduct, 569, 2694–95, 2846, 2860–61

misprision, 499–500

as aggravated felony, 444, 445, 450, 451, 499–500

as crime involving moral turpitude, 189

as drug-related offense, 391, 499–500

misrepresentation, *see* Fraud and misrepresentation

Missouri

legislation affecting immigration, 85

mixed motive in asylum, 1072–77

models, *see* Fashion models

modified categorical approach, *see*

Categorical, modified categorical approaches

money laundering, 17, 188, 198, 476, 2987

watch list, 307

Montana

legislation affecting immigration, 85

mootness, 1806–13

moral turpitude crimes, *see* Crimes involving moral turpitude

mothers, gestational, *see* Assisted reproductive technology

motions to reopen, *see* Reopen, motion to

multidistrict litigation, *see* Administrative Procedure Act

multinational executives and managers

L visas, 2287–97

permanent residency, 2611–15, 2707

multiple offenses

deportation ground, 384–85

inadmissible ground, 198

Myanmar (Burma)

TPS, 1183

myUSCIS and myProgress, 2030

N

N visas (parents and children of special immigrants), 2354, 2641–42 (*see also* Diplomats)

NACARA (Nicaraguan Adjustment & Central American Relief Act)

aged-out children, 2475

asylees and refugees, 1187

battered spouses/children, 2402

Cubans, 2487–88

Eastern Europeans, 1459

equitable tolling, 1404–5, 1461

Guatemalans, 1187, 1459

history, 12

judicial review, 1630–31, 2487–88

jurisdiction, 2487–88

Nicaraguans, 2487–88

parolees, 1371

Salvadorans, 1187, 1458–59

suspension of deportation, 1457–61

unlawful presence, 205

NAFTA, *see* TN visas; USMCA

NAICS and NAILS databases, *see* Security checks

name check, *see* Security checks

National Crime Info Center (NCIC-III) Checks, *see* Security checks

National Defense Areas, 101, 540–41

National Defense Authorization Act for FY 2006, 26–27, 633, 2655, 3077

National Guard, *see* Military service

national interest waivers, 2616, 2621–27

change in employer, 2627

entrepreneurs, 2623–24

international medical graduates

(IMGs), 2628–30

judicial review, 2627

STEM, 2623

National Labor Relations Act

relationship to aliens, 3000–3005

SSA and no-match policy, 2936–37

national origin discrimination, 58, 61, 338, 350, 723, 2318–19, 2841–46, 2856–61, 2944–45, 2971, 3018–20

national origin quota system, 6

National Qualified Representative Program (NQRP), 912

National Security Entry-Exit Registration System, *see* NSEERS

National Vetting Center, *see* Security checks

National Visa Center (NVC), 2517–19

nationality claim

defense to removal, 734–37

nationals of U.S. (noncitizen), 3112

petitioning for relatives, 2492

NATO, *see* G visas; Special immigrants

naturalization and citizenship, 3055–3134

120-day period to decide, 3102

acquisition of citizenship at birth, 890, 3057–62, 3136–45 (Apdx. 1)

administrative naturalization, 3101

administrative review, 3122–23

admission of crime, 3081

adopted/orphan children, *see* Adopted children

adultery, 3083

age requirement, 3074

aggravated felony as bar to, 3080–81

aging out, 2475–76

application process, 3101–3

attorneys' fees, *see* Attorneys' fees

battered spouses and children, 3074–75

bear arms, 3089–90

birth in U.S., 3055–57

certificate corrections, 3103–4

certificate of citizenship, 3068, 3069–70, 3120, 3127–28

change of address, 3102

Child Citizenship Act, 15, 3066–69

civics requirement, 3091

claim of, in removal, 734–37, 1641, 3129–31

Communism, 3090, 3099

conditional residents, 2441–42, 2694, 3073

continuous-residence req't and statutory exemptions, 3075–78

criminal issues, 3079–81, 3134

denaturalization, 3113–19

administrative review, 3122–33
for crimes committed while LPR, 3116, 3122

defenses, 3118–19

form of persecution, 1027

illegal procurement, 3115–16

judicial review, 3129

material misrepresentation, 3113–15

military service, 3117

revocation, 3119–20

dependents not supported, 3082–83

deportation, relation to, 734–37, 1641, 3087–89, 3127, 3129–31

derivative citizenship, 3062–69, 3136–45 (Apdx. 1)

constitutional claims, 3065

disabled persons, 15, 3091–93

drunk driving, 3082, 3085

dual citizenship, 3013

EB-5, 2694

elderly applicants, 3091

eligibility, 3070, 3071

English requirement, 3091

exemptions from English/civics test, 3091–93

expedited oath of allegiance, 3103

expedited processing for children, 3103

false claims to U.S. citizenship

affecting good moral character, 3081–82

criminal penalty, 3133–34

ground of inadmissibility, 236–39

ground of removal, 379

filing 3 months prior, 3101

good moral character, 3078–89

effect of proceedings on, 3087–89

no inquiry limits, 3086–87

government knowledge requirement, 3091

judicial review, *see* Judicial review

loss of citizenship

acts leading to relinquishment of citizenship, 3120–21

burden of proof, 3121

denaturalization, *see subhead: Denaturalization (in this heading)*

presumption against expatriation, 3121

voluntary relinquishment, 3120–22

married to USC, 3074

military service, 19, 36, 3073–74,

3086, 3089–90, 3094–3101

murder as bar to, 3080

name change, 3103

national security, 3099

CARRP, 3085–86

neighborhood investigations, 3087

oath, 3103

orphan, citizen upon entry, 2431

parking violations and traffic tickets, 3085

passport, 3104–12

physical presence requirement, 3075

proof of, 2503–4, 3057, 3062

reexamination, 3103

Rehabilitation Act of 1973, relation to, 3092

removal, relation to, 734–37, 1641, 3087–89, 3127, 3129–31

residence after naturalization, 3117

residence requirement, 3075–78

revocation, 3119–20

Selective Service requirement, 3084–85

special naturalization programs, 3094–3101

SSI benefits, no prioritizing application, 3103

standing to raise claim, *see* Standing stepchildren, 3068

taxes, failure to pay, 3085

- transmission requirements for citizenship (chart), 3136–45 (Apdx. 1)
- unlawful voting, 3081–82
- veterans, 19, 3073–74, 3086, 3089, 3094–3101
- Nazis**
 - as bar to asylum or withholding, 1127
 - deportation for, 376
 - inadmissibility for, 269
- Nebraska**
 - legislation affecting immigration, 85–86
- Nepalis**
 - F-1 employment, 2091–92
 - special humanitarian relief, 1171–72
 - TPS, 1185–86
- Nevada**
 - legislation affecting immigration, 86
- New Hampshire**
 - legislation affecting immigration, 86
- New Jersey**
 - legislation affecting immigration, 86–87
- New Mexico**
 - legislation affecting immigration, 87
- New York**
 - legislation affecting immigration, 87–88
- newspersons**, *see* I visas; Special immigrants
- NEXUS**
 - entry program, 311, 313
 - GPS monitoring, 679
- Nicaraguans**
 - adjustment, *see* NACARA
 - parole programs, 1168–69
 - CAM parole program, 1014
 - TPS, 1185
- NIV**, *see* Nonimmigrants
- no-fly list**, *see* Terrorists and terrorism
- NOID**, *see* Notice of intent to deny
- nolo pleas**, 496–97, 1434
- no-match employer sanctions regulations**, 1796, 1799, 2935–37
- nonimmigrants**, 2009–2391
 - (*see also specific visa categories (e.g., H-1B visas), specific categories of people (e.g., Canadians, Physicians), and specific issues (e.g., Asylum, Change of status, Dual intent, Overstays)*)
 - 10-day grace period to depart, 2038–39
 - 60-day out-of-status provision, 2039, 2045
 - adjudication of petitions, 2046–52
 - administrative review of petition denial, 1556–61
 - admission procedures, 304–71, 2031–37, 2053–68
 - advisory opinion, 2018–19
 - appeal of denial of petition, 1556–61
 - application
 - at consulate, *see* Consular processing
 - at DHS for admission, 2046–52
 - third-country nationals, 2017
 - burden of proof, 2019
 - consular processing, *see* Consular processing
 - conviction affecting status, 2078
 - denial of visa, 304, 2017–18
 - departure, grace period, 2038–39
 - departure validation, 2038–39
 - deportation for failure to maintain status, 372–73
 - DHS approval, prior to issuance, 2019
 - disclosure of records, 2028
 - domicile, 2011
 - duplicate approval notices (I-824), 2013, 2019
 - employment, 2012, 2052–53, 2991–92
 - see also specific visas*
 - expedited processing of cases, 2047–48
 - extension, automatic, 2062
 - Global Entry, *see* Security checks
 - grace period (10-day) to depart, 2038–39
 - IIRIRA changes, 12
 - INA §222(g), 2024–26
 - inspection at border, 2031–37
 - see also* Security checks
 - intending immigrant, presumption, *see* Intending immigrant
 - NCIC check, 2019–20, 2346, 2349
 - no visa required, 2053–68
 - notice of intent to deny (NOID), 2049–50
 - one nationality at a time, 2012
 - one NIV status only, 2012
 - originals submitted to USCIS, 2051
 - out-of-status, 372–73, 2045
 - passport validity, 2011–12
 - petitions required for visa approval, 2019
 - preconceived intent, 2038, 2043
 - premium processing, 2046
 - presumption against admission, 2009–10
 - procedures, generally, 2012–30
 - reciprocity, 2016
 - records disclosure, 2028
 - reissuance of visa in U.S., 2028
 - renewal of visa in U.S., pilot program for H-1Bs, 2028–29
 - request for evidence (RFE), 2049–50
 - returning petitions to DHS, 2029
 - revalidation of visa, 2028
 - revocation of visa, *see* Revocation
 - security issues, 2019–21
 - status, change of, 2042–45
 - status, more than one, 2012
 - strikes, 3004
 - studying in U.S. despite status, 3163–64 (Apdx. 6)
 - terrorism, state sponsors of, 2011
 - third-country nationals, 2017
 - travel, *see* Travel
 - travel bans, *see* Travel bans
 - U.S., obtaining visa in, 2028
 - validity of visa
 - employment change, 2012
 - extended automatically, 2062
 - stay, relationship to, 2024
 - time period, 2024
 - visa bonds, *see* Consular processing
 - waiver of inadmissibility, 289–92, 2011
- North American Free Trade Agreement**, *see* TN visas; USMCA
- North American Indians**
 - from Canada, 136, 2061
- North Carolina**
 - legislation affecting immigration, 88
- North Dakota**
 - legislation affecting immigration, 88
- North Korean Human Rights Act**, 1013
- Northern Mariana Islands (CNMI)**
 - adjustment of status, 2559–60
 - asylum, 1124
 - Consolidated Natural Resources Act of 2008 (CNRA), 27, 1124, 2068
 - DACA, 1490
 - E-2 visas, 27, 2318
 - employment authorization, 2992
 - expedited removal, 322
 - H-1B cap, 2143
 - H-2B cap, 2068, 2268
 - L-1 visas, 2307
 - Long-Term Legal Residents Relief Act, 35
 - parole, 1167
 - residence for naturalization, 3077–78
 - T and U visa AOS, 2373
 - transitional (CW) workers, 2327–29
 - legislation creating, 27
 - legislation extending, 34
 - U.S. citizenship, 3056
 - visa waiver, 27, 2068
- notaries**
 - applying *Lozada*, 830
- notice**
 - asylum, *see* Asylees and refugees
 - attorney and client, notice to either or both, *see* Counsel, right to
 - in absentia* hearings, *see in absentia* hearings
 - NTAs, *see* Notice to appear
 - voluntary departure, *see* Voluntary departure
- notice of intent to deny (NOID)**, 2049–50, 2718
- notice to appear (NTA)**
 - challenge to, 726–42
 - content of, 745–47
 - criteria for issuance, 711–26
 - docketing cases, priorities, 742–44
 - failure to provide or receive as removal defense, 920–28
 - INA §239(e) compliance, 655, 740
 - initiation of proceedings, 364, 711–17
 - notice of rights in removal hearing, 745–49
 - service of, 745–49
 - stop-time rule, 1426–27
 - termination of proceedings, 765
- NSEERS (special registration)**, 363

numerical limitations (caps and quotas)

(see also H-1B visas; *other specific visa types*)

asylees and refugees, *see* Asylees and refugees

cap-gap, *see* H-1B visas

first quota systems, 6

immigrants, *see* Preference petitions

nonimmigrants, 2011

see also specific visa types

nunc pro tunc permission to reapply for admission, 200, 292, 368–69, 1404–5, 1479–80, 1497–98

nurses

admissibility and certification, 157–59

EB-2 visas, 2630

H-1A visas, 8, 12, 2201

H-1B visas, 2201–2

H-1C visas, 13, 2201

H-2B visas, 2202

H-3 trainees, 2135–37, 2202

history, 8, 12, 13

REAL ID Act, recaptured visas, 23

Schedule A, 2720–22, 2827

TN visas, 2202

VisaScreen, 2203

O**O visas (extraordinary ability)**, 2271–80

accompanists/assistants (O-2s), 2273, 2278

admission, 2279

agents, 2278

athletes, 2279

beneficiaries, multiple, 2278

change of employer, 2278

consultation, 2276–77

criteria, 2271–72

denial, 2280

distinction in the arts, 2275

dual intent, 2272, 2279

EB-1 vs. O visas, 2608

event, defined, 2276

expert testimony; documentary evidence, 2275–76

Export Administration Regulation (EAR) violations, 246, 2278

extensions, 2279

extraordinary ability defined, 2273

extraordinary achievement defined, 2273–74

fashion models, 2200

grace period (10/60 day), 2279

legislative history, 2271

locations, multiple, 2277

motion picture, 2272, 2273–74, 2276–77

multiple employers, 2277–78

petition process, 2277–79

return transportation costs, 2279–80

revocation, 2280

self-employment, 2272, 2277

spouses and children, 2273

STEM, 2274–75

TV production, 2272, 2273–74, 2276–77

Obamacare, *see* Affordable Care Act

OBIM (formerly US-VISIT), *see* Security checks

OCAHO, *see* Employer sanctions

Occupational Outlook Handbook, 2631–32

occupational therapists

admissibility and certification, 159

TN visas, 2057

offer of proof, 884

Office of Asylum Affairs (f/k/a BHRHA), 1229–30

off-record discussion by IJ, 903–4, 1831

Ohio

legislation affecting immigration, 88

Oklahoma

legislation affecting immigration, 88

ombudsman, USCIS, 2052

on account of in asylum, *see* Asylees and refugees

One Big Beautiful Bill Act (HR 1), *see* HR 1 Reconciliation

O*NET, 2631, 2782, 2790, 2792

opening statement, 862–63

Operation Metro Surge (MN), 103, 1716, 1798

Operation PARRIS, 285

optional practical training (OPT), *see* F visas

order of supervision (OSUP), *see* Supervised release

order to show cause

(*see also* Notice to appear)

transition rules, 479

Oregon

legislation affecting immigration, 88–89

orphans, *see* Adopted children

OSUP, *see* Supervised release

out-of-status, *see* Deportation grounds; Nonimmigrants

overstays

(*see also specific visa categories*)

asylum, 1214–15, 2024

Canadians under INA §222(g), 2025

cancellation of visa/222(g), 2024–26

consequences, 202–4, 372–73, 2024–26

diplomats, 2025, 2334, 2337

EWI, 2025

exchange visitor (J), 2127, 2132

extraordinary circumstances, 2024

H-1B cap, relationship to, 2025

information media (I visa holders), 2025

Mexicans under INA §222(g), 2025

new visa requirement, 2024

parole, 2025

physicians, 2024

readmission of NIV holder generally

barred, 2024

students, 2025

ten-year bar, 203

three-year bar, 202–3

tracking of (US-VISIT/OBIM), 2031–32

Visa Waiver Program, 2025

void visa, 2024

voluntary departure, 2024

oversubscribed countries, 2482

P**P visas (athletes, artists, entertainers)**, 2280–87

admission, 2286

agents, 2283

athletes, 2280–82, 2284, 2287

in the business, definition, 2283

circus, 2281, 2285

consular processing, 2287

consultation, 2285–86

culturally unique (P-3), 2282, 2285

denial, 2287

employer, change in, 2012, 2283

entertainers in group, not individually, 2281, 2284–85

exchange programs (P-2), 2282, 2285

expert testimony, 2285

extensions, 2286

foreign residence required (dual intent), 2282

international recognition, 2284

labor certification approval, 2286

petition process, 2283–85

revocation, 2287

sponsors, 2283–84

spouses/children, 2282

substitution of beneficiary, 2284

support staff, 2282, 2286

transportation costs, 2283

Palau, *see* Freely Associated States

Palestinians

asylum issues, 1015–16

deferred enforced departure, 1171

pardons, 504–5, 1408

parents

battered, 2406

detention release because of parental status, 659, 724

LPR status, 2401, 2411, 2432, 2495

prosecutorial discretion in removal proceedings (“parental interests directive”), 659, 724

parole, 329–30, 332–33

admission, different than, 120

advance parole, *see* Advance parole

Afghan parole program, 1167, 2658–60

AOS for parolees, 329–30

border crossing prevention by using parole, 126, 1168–69

Cubans, 1375

Haitians, 1185

Nicaraguans, 1168–69

Venezuelans, 1191

CHNV parolees, 1168–69

conditional parole, 689–90

conditional parolee not eligible for AOS, 2527

conditions at border, 1215

conditions on parole (alternatives to physical incarceration), 1207–8

- deportation unlawful, 1880–81
 during DHS appeal of asylum/With-
 holding/CAT grant by IJ, 336
 eligibility for AOS, 2527
 employment authorization, 329
 entrepreneurs/start-ups, 122–26
 for family members of person granted
 cancellation/suspension, 1451
 family reunification parole, 1167
 fees for parole, 1166, 1406
 humanitarian parole, 340–41
 ICE parole, 335–37, 1641–42
 release on bond of “inadmissible al-
 ien” not parole, 335
 IIRIRA changes, 12
 outside U.S., 126
 parole-in-place, 35, 121–22, 330
 family unity, process to promote,
 122
 revocation, 339–40
 habeas jurisdiction not barred, 687,
 1641–42
 risk classification assessment (RCA),
 335–36
 specific groups
 asylees/refugees (credible fear),
 336–37, 1166–67
 see also Credibility determina-
 tions
 Cubans, 340, 1375
 Filipino WWII veterans, 1167
 juveniles, 336
 public interest parole (Lautenberg
 Amendment), 1165–66
 termination of, 121
 Ukrainian parole program, 1167,
 1188–89
 unlawful presence, 207
- partners, domestic**, *see* Marriage and
 cohabitation
- party defendant**
 U.S., proper defendant to represent all
 agencies, 1814
- passports**
 automated passport control, *see* Secu-
 rity checks
 cancellation, 3107–10
 courier, 3106
 EU laissez-passer travel document,
 see European Union
 falsely making/altering, 442
 gender (“X”) markers, 2510, 3105
 machine-readable passports (MRPs),
 3106
 obtaining, 3104–6
 passport card, 3106
 proof of citizenship, 3014–3105
 refusal to issue, 3110–12
 retention for removal hearing, 652
 transgender issues
 amendment for change of sex, 3105
 application lacking option for non-
 binary, 3105
 gender markers on passports, 2510
 travel, where passport not needed,
 3106
 using false, 558–59, 3134
 validity, 2011–12, 2030
 for VWP, 2065
- paternity**, *see* Legitimacy and paternity
- PATRIOT Act**, *see* USA PATRIOT
 Act
- pattern or practice**, *see* Asylees and
 refugees
- penalties**
 (*see also* Fines)
 employer sanctions, 2973–87
 unfair immigration employment prac-
 tices, 3042–43
- pendent review**, 1638
- Pennsylvania**
 legislation affecting immigration, 89
- performance test**
 labor certifications, 2780
- PERM**, *see* Labor certification
- permanent resident cards**, *see* Green
 cards
- permanent residents**, *see* Lawful per-
 manent residents
- persecution**, *see* Asylees and refugees,
subhead: Persecution. For persecu-
 tion of others as bar to status, *see*
 Asylees and refugees, *subhead*:
 Persecutors
- petitions**, *see* Discretion to deny; Du-
 plicate petitions; Employment-
 based immigration; Family-spon-
 sored immigration; Forms; Immi-
 grant visas; Lawful permanent res-
 dents; Nonimmigrants; Signa-
 -tures; *specific nonimmigrant visa*
category
- petty offense**
 aggravated felony sentencing, 475–76
 cancellation and AOS, 1443
 CIMT exception, 161–62, 192
 good moral character determination,
 3079–80
- physical disorder**
 inadmissibility, 137–40
- physical therapists**
 admissibility and certification, 159
 Schedule A, 2720–22, 2827
 TN visas, 2057
- physicians (IMGs)**
 B-1 for medical student, 2206
 Conrad 30 program, 18, 28, 31, 2124–
 26
 EB-2 visas, 2628–30
 H-1B visas, 2204–6
 cap, 2141
 H-2Bs generally ineligible, 2206
 H-3 externship, 2136, 2206
 inadmissibility, 156–57
 investors, 2206
 J visa requirements, 2010–11, 2024,
 2124–27, 2205–6
 labor certification, 2628–30
 medical students, 2206
 clerkship on B-1, 2073, 2206
 medically underserved areas, 2024,
 2124, 2205–6, 2628–30, 2997
 NIWs, *see* National interest waivers
 O visas, 2206
 overstay (INA §222(g)), 2024, 2132,
 2205–6
- special immigrants, 2641
 TN visas, 2206
- physician’s assistants**
 admissibility and certification, 159
- picketing**, 620–21, 3004
- plea bargains**
 agreement by U.S. attorney not to de-
 port, 567
Alford pleas, 496–97
 conviction for immigration purposes,
 491–98
 counsel’s advice / *Padilla*, 492–96
 fast-track pleas, 497–98
- police**
 certificates, 2520–21
 state and local enforcement of INA,
 65–97, 656–57
- Polish nationals**
 cancellation of removal, 1459
- political offense**, 162
- political opinion**, *see* Asylees and ref-
 ugees
- political question**
 jurisdiction, 1813–14
 parole matters, 337
- polygamy**
 foreign polygamist marriages, not rec-
 ognized, 2452
 ground of inadmissibility, 199
- polygraph evidence**, 861–62
- portability**, *see* Employment-based
 immigration; H-1B visas; H-2A vi-
 sas; H-2B visas
- PORTPASS**, *see* Security checks
- ports of entry, types (Class A/B/C)**,
 2054, 2056
- Posse Comitatus Act**, 100–101
- post hoc rationalization**, 1827–30
- posting requirements**, *see* Labor certi-
 fication; Labor condition applica-
 tions
- postmark for filing**, 2030
- post-traumatic stress disorder**
 (PTSD), 862, 1289
- poverty guidelines**, 148, 149, 150,
 2507, 2996
- precedent decisions**
 General Counsel memoranda not
 binding, 1552
 unpublished AAO decisions, 1561
 unpublished BIA decisions, 1552–53
- preclusion of review**, 1495, 1721–61
- preconceived intent**, 2038, 2043,
 2350, 2543, 2566
- preemption**
 constitutional issues, 65–68
 detention facilities’ release of infor-
 mation, 345–46
 employer sanctions, 2945, 2989–90
 labor law, 2945, 2989–90
 public benefits, 2584
 state regulation of immigration, *see*
 State and local government
 by treaties, 2319

preference petitions, 2467–82
 accompanying, defined, 2469–70
 adjustment of status, *see* Adjustment of status
 adverse evidence, respond to, 2511–12
 approvals, 2511, 2703–4
 chargeability, 2469
 consular processing, *see* Consular processing
 conversion, 2472–73
 cross-chargeability, 2469, 2484
 denials, 2511–13, 2710–11
 derivative beneficiaries, 2475–82
 employment-based petitions, *see* EB-1 visas; EB-2 visas; EB-3 visas; Employment-creation visas; Immigrant visas; Special immigrants; *specific categories of immigrants*
 family-based petitions, *see* Family-sponsored immigration; Immigrant visas
 following to join, *see* Following to join
 foreign state chargeability, 2469
 judicial review, 2515–17
 oversubscription, 2482
 priority dates, *see* Priority dates
 procedures, 2499–2510
 revocation, 2513–14, 2523, 2710–11
 stay of deportation, 2511
 venue, 2498–99

pregnant women

barred at entry, 2077
 in detention, 348

prehearing procedures

removal (deportation), 813–14
 removal (inadmissibility), 364

premium processing, 2046

2021 Continuing Approp. Act, 36

presentence report

evidence of conviction, 880

presidential proclamations and executive orders, 273–87

artificial intelligence (AI), 287
 corruption ban, 277
 emergency border ban, 1200–1205
 finding persons inadmissible, 273–79
 specific countries targeted, 277–79
 suspending admission, 273–87
 territorial limits, 128
 travel bans, 273–87, 2053
 judicial review, 1877–78
 Trump I bans under §212(f), 279–81
 Trump II country bans, 281–84

presumptions

against admissibility (immigrants), 2482
 aggravated felony, 890, 951, 954
 favoring admissibility (visa), 366, 2022
 immigrant intent (§214(b)), *see* Intending immigrant
 marriage fraud, 2457
 regularity, presumption of, 884, 1523
 removal, 888–94

premitting asylum, *see* Asylees and refugees

prevailing wage

FLAG system, 2178–79, 2799
 labor certification, 2799–2806
 labor condition application, 2178–83

priority dates, 2471–82, 2703–4

adopted children, 2419–20
 aged-out children, 2475–82
 athletes, 2709
 change of employment as affecting, 2703–4
 conversion, 2472–73
 defined, 2471–82
 derivatives, 2474–82
 for employment-based petitions, 2474, 2703–4
 for family-based petitions, 2472–73
 loss of, 2482, 2522–23
 lost petition, preservation of original date, 2482
 for relative petitions, 2472–73
 Silva letters, 2474
 subsequent petitions, 2474
 successors in interest, 2704–5
 transfer, 2472–73, 2703–4, 2705–9
 Western Hemisphere priority dates, 2474

Priority Enforcement Program

(PEP), *see* Immigration and Customs Enforcement

priority workers, 2468–69, 2599–2615

extraordinary ability, 2599–2608
 multinational executives and managers, 2611–15
 outstanding professors and researchers, 2608–11

Prison Litigation Reform Act of 1996, 1671–72

prisoners

early removal prior to completion of sentence, 993
 transfer treaties, 588–89

Privacy Act, 799–810

(*see also* Litigation)

Privacy Impact Assessments, 802–9

private legislation, 1500–1501

private right of action, 2890

expedited deportation, 993

probable cause, *see* Search and seizure

probation, 508–10

aggravated felony, 473–74
 not a sentence to confinement, 473–74, 508–10

professionals, *see* EB-1 visas; EB-2 visas; EB-3 visas; H-1B visas

professors

exchange visitor, 2113, 2119, 2130
 NIWs, *see* National interest waivers
 permanent residency, *see* EB-1 visas
 Schedule A, *see* Labor certification

prosecutorial discretion, 717–26

crime victims, 721–22
 detention, 322–23, 658–59
 employment authorization, 722, 2993, 2996, 2997

ICE memo, 717–24
 military families, 121–22, 722
 OPLA (ICE counsel) Doyle memo, 719–21
 parents, 724
 pending I-130s, 723–24
prima facie eligibility for relief, 724
 victims and witnesses of crimes, 721–22
 vulnerable persons, 721–22

prostitution

as aggravated felony, 401, 436
 deportation for, eliminated, 401
 inadmissible, 198

protective order

adjustment of status, 2538
 asylum denial, 1342
 attorney sanction for violation, 850
 deportation ground, 399–400
 discretionary relief denial for violation, 1396
 evidentiary issues, 885–86

protests of enforcement operations, 101–3

provisional unlawful presence waivers, *see* Waivers

pseudonyms, 885

public benefits, 153, 2584–89, 3146–50 (Apdx. 2)

public charge

affidavits of support, *see* Affidavits of support
 grounds of inadmissibility, 141–59
 grounds of removal, 374
 inspection, 311
 waiver, 302

Q

Q visas (cultural exchange programs), 2321–22

Q-2 visas (Irish Peace Process), 13

qualified immunity, *see* Litigation

questioning noncitizens, 654

questions of law, defined, 1539–41, 1613–20, 1778

qui tam actions, 2700

False Claims Act, 2890–91

quotas, *see* Numerical limitations; Preference petitions

R

R visas (religious workers), 2323–26

admission, 2323–24
 definition, 2323
 evidence, 2324–25
 minister, 2323
 not-for-profit, 2324
 petition, 2324–25
 professional capacity, 2323
 membership only required for visa, 2323
 religious occupation, 2323
 religious organization, 2324
 religious vocation, 2323
 spouse/children, 2324

- race discrimination**, 58, 61, 2318–19
- racetrack personnel**, 2075
- Racketeer Influenced & Corrupt Org. Act**, *see* RICO offenses
- rap sheet**
discretionary relief, *use in*, 882
evidence of conviction, 882
- RAPS database**, *see* Security checks
- rational-basis test**, 54
- REAL ID Act**, 21–23
All Writs Act, 1348, 1611, 1630, 1631, 1711, 1747, 1875–76, 1891
asylum, 21–22, 1102–3, 1250–53, 1271–75, 1338, 1348, 1366, 1377, 1397–98, 1544–45, 1850–51
Australian E-3 visa, 23, 2319
burden of proof, 21–22, 615, 891–92, 1397–98
CAT claims, *see* Convention Against Torture
corroboration, 21, 1250–53, 1850–51
credibility, 21–22, 1271–75, 1290–91, 1397–98, 1544–45
detention, 687, 986, 1620–21, 1623, 1630, 1638–39, 1660–61, 1721, 1725
driver's license, *see* Driver's licenses
employment-based visas, recapture of, 23
habeas corpus, 22, 687, 986, 1611–13, 1620–23, 1630, 1631–37, 1638–39, 1660–61
judicial review, 22, 687, 963–67, 986, 1631–37, 1638–39, 1660–61, 1722–23, 1758, 2718
mandamus, 22, 687, 986, 1630, 1631, 1711–12
nurses, *see* Nurses
questions of law, defined, 1613–20
refugees, 21–22, 1250–53, 1271–75
reinstatement of removal orders, 963–67
relief from removal, 22, 891–92, 1397–98
standard of proof, 891–92
terrorism, 22, 251, 266, 375, 1102–3
withholding of removal, 22, 1137, 1397–98, 1544–45, 1850–51
- reasonable-fear determination**, *see* Asylees and refugees
- reasoned consideration**
review standard of, 1546–48
- reason-to-believe-standard**
drug trafficking, 195–96, 365, 371, 488–89
money laundering, 17, 198
spouse and child covered, 197, 199, 250
terrorism, 247
trafficking in persons, 198–99
- recalendaring cases**
BIA, 1515
IJ, 900
- recidivism**
§212(c) relief, 1436
possession, 416
- recommendation against deportation**, *see* Judicial recommendation against deportation
- reconsideration**
asylum denial, 1123–24
frivolous finding, 1213–14
federal review, 1566, 1846, 1875, 1884–85
motions, 1564–66, 2512, 2564, 2828–32
barred because relief unavailable, 1575–76
barred by citation to nonprecedent decisions, 1576
numerically barred, 1573–75
regional service center, 1605
time barred, 1573–75
nonimmigrant visas, 2029, 2041, 2045
- record**
appeal, 1830–34, 1886
government obligation to disclose, 540, 786–96, 811–13, 1397, 2028
of proceedings, 903–4
review limited to, 1831–32, 1886
submission of evidence after closure, 887, 904
transcript, 882–83, 1529–30, 1543, 1830–31
- record of conviction**
basis for deportability, 163, 169, 390–91, 393–95, 423, 464–73, 876–84, 890
categorical and modified categorical approach, *see* Categorical, modified categorical approaches
- recusal of IJs**, *see* Immigration judges
- Red Notice (Interpol)**, 1134–35
- redress**, *see* Security checks
- reduction in recruitment**, *see* Labor certification
- reentry after removal**
collateral attack on deportation order, 523–40
criminal, 510–18, 569–71
immigration procedure, 956–67, 1474–75, 1483
inadmissible, 11, 189, 199–202, 217–19, 287
- reentry permit**, 2566–68
- Refugee Act of 1980**, 7, 1006, 1165–66
- Refugee Crisis in Iraq Act of 2007**, 26–27, 2655–56
- refugee travel document**, 1368–69, 1379, 1556, 2568
- refugees**, *see* Asylees and refugees
- refunds**, *see* Fees
- regional centers**
EB-5 centers, *see* Employment-creation visas
service centers, *see* Service centers
- registration**
failure to register, 552–53
failure to register, Selective Service, 3084–85
noncitizens, 377–79
- NSEERS, 363
sex offenders, 180–81
- registry**, 2400
judicial review, 1851
- regression**, *see* Priority dates
- regulations**
retroactive application, 1911–12
table of CFR sections cited, 3185–3209
- Regulatory Flexibility Act**, 1707
- Rehabilitation Act of 1973**
affecting criteria for naturalization, 3092
- reinstatement**
humanitarian, 2455–56, 2471, 2495–98
I-130, 2514
- reinstatement of removal order**, 956–67
administrative review, 962–63
constitutional challenges, 961
INA §245(i), 960–61
judicial review, 963–67
jurisdiction, 963–67
procedures, 961–62
REAL ID Act, 963–67
reasonable-fear determination, 958–59, 1222–25
- reissuance of visas**, 2028
- relation-back doctrine**, 233, 949–50, 1895, 2185, 2907
- release orders**
failure to comply with terms, 561
- relief from removal**, 1395–1501
abandonment of application, 863, 887–88, 936, 1164, 1217, 1242, 1379, 1818–20, 2561
adjustment of status, *see* Adjustment of status
aggravated felons, 504–5, 508, 951–52, 955, 1121–22, 1127–28, 1400–1401, 1410, 1414, 1416, 1427–28, 1430–31
apparent eligibility, 763–65, 1238–39, 1457
asylum, *see* Asylees and refugees; Withholding of removal
burden of proof, 22, 172–73, 891–92, 1397–98
cancellation of removal, *see* Cancellation of removal
citizenship, claim to, 734–37, 1641
collateral attack, 490–91, 497–98, 523–40, 1483
continued presence, 1495–96
criminal conduct affecting, 1400–1401
deferred action, 725–26, 1483–95
due diligence, *see* Due diligence
due process issues, 64–65, 1401–3
equitable tolling, *see* Equitable tolling
estoppel, 728–31; 732–734, 1480–82
fees, 1405–7
fundamentally fair hearing, 1398–99
IIRIRA changes, 11

- inadmissible aliens, 368–69
waivers, 136–37, 197, 200–202, 210–17, 222–24, 234, 287–302, 1497–1500
- ineligibility for, 217–19, 955, 1121–22, 1395–96, 1414–16
- international law issues, 615, 741
- marijuana conviction, 197, 391–92, 1407–8
- marriage fraud, 1475–78, 2460–61
- notice of relief, 763–65, 1238–39
- nunc pro tunc* permission, 1404–5, 1479–80
- payment of fee for, 937
- pretermisison of relief, 1230, 1397
- private legislation, 1500–1501
- procedures for filing, 749, 936
- protective order violation as basis to deny relief, 1396
- REAL ID Act standard, 615, 1397–98
- right to request, 863
- security checks, 863–65, 1243, 1405, 2570
- smuggling, waiver for, 222, 293, 374, 1479
- standard of proof, 1397–98
- suspension, 1467–70
- timing of request for, 863, 1397
- unavailability of relief, 955, 1395–96, 1437–38
- voluntary departure, *see* Voluntary departure
- waivers, 287–302, 1431–38, 1475–79, 1497–1500
§212(c), 1431–38
withdrawal of relief, 1395–96
- Religious Freedom Act, International**, 13, 270, 883, 1288
- Religious Freedom Restoration Act (RFRA)**, 2878
- religious marriages**, *see* Marriage and cohabitation
- religious persecution**
asylum, 1318–22
deportability for, 377
inadmissibility for, 270
- religious workers**
B-1 visas, 2072
history, 8
R visas, *see* R visas
special immigrants, 2634–40
adjustment of status, 2638
ministers, 2634–40
- Remain in Mexico policy (MPP)**, 1205–6
- remand**
asylum cases (credibility), 1544–45
BIA, 1533–38
court of appeals, 1846, 1886–91
decision by government counsel, 1890–91
final order, 1891
procedural issues in federal court, 1886–91
reversal, distinguished, 1887–88
standard of review, 1539–43
- removal, expedited**, *see* Expedited removal
- removal grounds**, *see* Deportation grounds; Inadmissibility grounds
- removal proceedings—deportation** (*see also* Deportation grounds; Removal proceedings—inadmissibility; *other specific procedural headings*)
abandonment or withdrawal, *see* Relief from removal
absence of respondent at hearing, 745–46, 913–33
additional charges, 815
adjustment of status, 724, 756–61, 1471–75, 2446–49, 2547–48, 2566
new adjustment for LPR in removal proceedings, 1434, 1475, 2547–48
administrative closure, 740, 897–901
after adjustment, 2547–48, 2566
aggravated felonies, 401–78, 699–707, 890, 950–54
alienage, 888–89, 936, 954, 1420
amnesty application, 887
apparent eligibility, 763–65, 1238–39, 1457
appeal
administrative, 1507–56
federal, 1611–1920
final order, 1631–38
appearance, waiver by counsel, 841, 904
arrest, 653–56
arrest reports, admission of, 881–82
attorney fees, 2906
attorney sanctions, 847–53
authentication, 873–75
Bail Reform Act, 696–98
battered spouses and children, 817, 886–87, 1449–51, 2445
bill of attainder, 610
bond, 673–89, 699–707
Brady rule, *see* Discovery
burden of proof, 888–94, 927–28, 956
cancellation of removal, *see* Cancellation of removal
cancellation of visas, *see subhead: Visas*, cancellation of (*in this heading*)
charges, 711–26, 746–48, 815
children, 615–16, 659–70, 872, 905–10, 1419, 1482
citizenship claim, 734–37, 1641, 3129–31
civil proceeding, 609–11
classified information, 884–85
closed hearing, 817, 1230, 2445
closing argument, 862–63, 902, 941
collateral attack on charge, 490–91, 1483
collateral estoppel, 935–36
commencement of proceedings, 711–17, 725–26
confidential hearing (battered spouse), 817, 2445
constitutional protection, 64–65, 597–614
continuances, 751–63
convictions, proof of, 876–84
counsel, criminal charges against, 852
counsel, right to, 364, 748, 817–20, 1236–37
counsel, role of government, 842–43
counsel, withdrawal of, 841
country of, 956, 967–69
court record, 903–4
criminal aliens, 950–54, 993
criminal record, admission of, 393–95, 876
cross-examination, 853–62
de facto deportation of USC child, 615–16
deferred action, 725–26, 1483–95
departure control orders, 567–68
departure during appeal, 1530–31, 1818–20, 1879–81
departure prior to hearing, 914
depositions, 799
detainers, 690–96
detention, *see* Detention
discovery, *see* Discovery
distinguished from inadmissibility, 64, 119, 128–30, 132–33
documents, retention by ICE, 652–53
documents, timely filing, 936
double jeopardy, 594–95, 610
due process in, 64, 597–614
effect of deportation, 596–97
effective date, 476–79, 748
embassy notification, 948–49
employment authorization, 988, 2996
equal protection claim, 53–65, 613–14
estoppel, 728–31; 732–734, 1480–82
evidence, 616–24, 811–13, 853–62, 867–88
ex post facto, 609–10
expedited removal, 315–27, 950–54
expert testimony, 858–61
failure to appear, 220–21, 745–46, 913–33
failure to depart, 560–61, 595–96, 988
failure to follow agency rules, 611–13
Fifth Amendment, 597–614, 620, 762, 866–67, 888–89
filing documents, 749
timeliness, 936
final conviction for immigration purposes, 489–91
final order of, 1628–29, 1873–76
fine for failing to depart after final order, 595–96
FOIA, 766–98
foreign law, 883–84, 1908
grounds of deportation, *see* Deportation grounds
harmless error, 824–25, 902–3
harsh consequences of removal, 596–97
hearsay, 868–72
IIRIRA changes, 11–12
IJ duty to fully develop record, 854–55, 942
IJ review of I-130, 2457, 2545–46
IJ roles as prosecutor and adjudicator are separate, 942
in absentia hearings, *see In absentia* hearings
incompetency, 910–12
international law bars removal, 741

- interpretation, 894–97
 - interrogation procedures, 632–33
 - interrogatories, 799
 - investors, 2693–94
 - Jencks Act, 799
 - judicial deportation, 587, 955
 - legislative history, 9, 12
 - lawful permanent resident, 2399, 2568
 - lenity, *see* Lenity, rule of
 - marriage in, 1471–72, 2446–49, 2536–37
 - minors, 905–10
 - Miranda rights, 610–11, 866–67
 - naturalization, relation to, 734–37, 3087–89, 3129–31
 - notice of deportation, 971–72
 - notice of hearing, 742
 - notice to appear (NTA), *see* Notice to appear
 - notice to embassy, 948–49
 - offer of proof, 884
 - opening statement, 862–63
 - order to show cause
 - service of, 479, 748
 - transition rules, 479
 - passport seizure, 652
 - physical removal, 967–72
 - absconders, 988
 - Adam Walsh Act, *see* Child abuse
 - civil commitment instead of removal, 971
 - criteria, 967–69
 - designation of country, 967–69
 - DHS disregard designation, 969–70
 - DHS procedures for detention, 979–83
 - due process challenge, 969
 - early removal of nonviolent offenders, 993
 - employment, 988
 - erroneous, 1819–20
 - fugitive status, 567–68, 988
 - jurisdiction, 986
 - notification, 971–72
 - return after successful challenge to removal, 1880–81
 - sedation of deportee, 972
 - self-removal, *see* Self-removal/deportation
 - to third country by DHS, 969–70
 - time limitation on, 972–79
 - police reports, 881–82
 - polygraph evidence, 861–62
 - practice manual, EOIR, 858
 - prehearing conference, 813–14
 - prehearing procedures, 711–814
 - presence of respondent, 904–5
 - premitting relief, 1230, 1397
 - prior order attacked, 1483
 - prison as site of hearing, 954
 - prisoner transfer treaty, 588–89
 - prisoners, early removal, 993
 - procedural rights, 597–614
 - prosecutorial discretion, 717–26
 - readmission after, 199–202
 - recalendaring cases, *see* Recalendaring cases
 - record, 903–4, 1830–34
 - recusal of IJ, 937–42
 - reentry after deportation, 510–18, 956–67
 - regulations, failure to follow, 611–13
 - reinstatement of LPR status, 1475
 - reinstatement of removal order, 956–67
 - relation back to cure defect, 949–50
 - relief from removal, *see* Adjustment of status; Asylees and refugees; Cancellation of removal; Relief from removal; Voluntary departure
 - repapering, 740, 1470–71
 - res judicata, 728–31
 - resident status terminated, 2575
 - retention of documents by ICE, 652–53
 - return after successful challenge to removal, 1880–81
 - return if mistakenly removed, 970–71, 1125, 1880–81
 - rights explained, 763
 - rights of deportable aliens, 64–65, 597–614
 - sanctions against countries refusing to accept their citizens, *see subhead: Visa discontinuance (in this heading)*
 - search and seizure, *see* Search and seizure
 - security check to file for relief, 863–65, 2570
 - sedation of deportee, 972
 - selective prosecution, 727
 - self-incrimination, 633, 866–67, 932
 - sentence for immigration purposes, 380–81, 473–76
 - sentenced to removal, 587, 955
 - speedy trial, 589, 610
 - standard of review, 1835–52
 - state and local law enforcement, 656–57
 - statements taken, 882–83
 - status docket, 742–43
 - statute of limitations, *see* Statutes of limitations
 - statutory construction, 892–93, 1897–1920
 - stay of removal, 989–92, 1527–28, 1656–57, 1674, 2511
 - stipulation to removal, 934–35, 955
 - subpoena, 798–99, 956
 - summary decision, 933
 - summary removal, 950–54
 - suppression of evidence, 616–24, 865–66
 - suspension of deportation, 1467–70
 - telephonic, 904
 - termination of proceedings, 726–42, 765, 901
 - terrorist removal, 956
 - time limit on deportation, 972–79
 - translation, documentary form of, 882–83, 897
 - travel during, 2568
 - treaty transfers for prisoners, 588–89
 - unfair labor practice, 620–21
 - venue, 749–51
 - video hearing, 904–5
 - visa discontinuance for countries refusing to accept their citizens, 993–94
 - visas, cancellation of, 331, 967
 - voluntary departure, 1414–19
 - reinstatement on appeal, 1531
 - waivers, 1475–79, 1497–1500
 - withdrawal of relief, 1395–96
 - witnesses in criminal proceeding, 568–69
 - wrongful departure, 1530–31, 1571–73, 1819–20, 1880–81
- removal proceedings— inadmissibility, 304–71**
(see also Admission; Inadmissibility grounds; Removal proceedings—deportation; Waivers; other specific procedural headings)
- adjustment of status, 369–70
 - admission, 119–33, 368–69
 - appeal
 - administrative, 370–71, 1507–56
 - judicial, 1611–23, 1873–91
 - asylum request, 318–21, 368, 1225–31
 - attorneys' fees, *see* Attorneys' fees
 - border inspection programs, 304–15
 - burden of proof, 119, 132–33, 140, 172–73, 208, 232–33, 238–39, 253–54, 328, 365–67, 866–67, 889–90
 - classified information, 327, 436, 884–85
 - collateral estoppel, 935–36
 - consequences of, 199–202, 369–70
 - constitutional protection, 61–64, 128, 338–39, 701–7
 - continuances, 365
 - counsel, right to, 364
 - cross examination, 364–65, 853–62
 - detention, *see* Detention
 - distinguished from deportation, 61–64
 - due process, 61–64, 120, 128, 338–39, 364–65
 - effective date of IIRIRA changes, 363–64
 - employment authorization, 988, 2996
 - evidence, 365–67, 811–13, 853–62, 867–88
 - exclusion hearing maintained, 363
 - expedited removal, 315–27
 - expert testimony, 858–61
 - filing in immigration court, 749, 936
 - final order, 1631–38, 1873–76
 - fundamentally fair hearing, 63–64, 364–65, 1398–99
 - hearing, rights at, 364–68
 - IIRIRA changes, 10–11, 363
 - in absentia* hearings, *see in absentia* hearings
 - interpretation, 368, 894–97
 - lawful permanent residents, 63–64, 130–33, 366–67
 - travel during hearing, 2568
 - low-risk border travelers, 311–14
 - marriage in, 2446–49
 - mass influx, *see* Mass influx finding
 - minors, 905–10
 - naturalization, relation to, 734–37, 3087–89

notice of, 364
nunc pro tunc, readmission, 368–69, 1479–80
 offer of proof, 884
 open hearing, 365
 parole, 329–30, 335–37, 339–40
 credible fear, persons who establish, 336–37
 Cubans, 340
 humanitarian, 340–41
 indefinitely detained, 339
 juveniles, 336, 341
 revocation, 339–40, 1641–42
 passport seizure, 652
 persons subject to inspection, 314–15
 physical removal, 370, 967–72
 polygraph evidence, 861–62
 prehearing matters, 364
 prosecutorial discretion, 717–26
 recusal of immigration judge, 937–42
 relief unavailable, 1395–96
 removal hearing, 364–68
 resident status terminated, 2575
 return after successful challenge to removal, 1880–81
 rights of inadmissible persons, 61–64, 119–33, 364–68
 security procedures to file for relief, 863–65, 1218, 1243
 security threat, 327
 sequestration of witness, 887
 stay of removal, 327, 370
 stipulation to removal, 934–35, 955
 stowaways, 327–28
 summary decision, 369
 summary removal, 315–27
 terrorist removal, 327, 956
 translation, 368, 882–83, 894–97
 travel during, 2568
 venue, change, 364, 749–51
 voluntary departure available, 368, 1414–19
 withdrawal of admission application, 330–31, 368
reopen, motion to, 1562–64, 1566–1605
 AAO appeal; service center review, 1558–59
 abuse of discretion standard, 1349–50, 1602–3, 1842–46
 administrative notice, 1553–54
 agreement by DHS to reopen, 1581
 asylum/withholding, 1343–46, 1582–92
 barred, 1573–78
 battered spouse/child, 1599, 2410
 changed country conditions, 1582–92
 consolidation in appeals court, 1885–86
 counsel ineffective, 834–35, 1568–69
 criteria, 1562–64, 1566–68, 1842–46, 1884–85
 departure during, 1530–31
 deported during, 1578
 discretionary denials, 1602–5
 district director, filed before, 1605–6
 eligibility for, 1567–68
 equitable tolling, *see* Equitable tolling

explanation for previous failure to apply, 1576
 factual basis, 1605
 filing motion during proceedings, 1846
in absentia hearings, *see In absentia* hearings
 INA §212(c), 1434–35
 judicial review, 1842–46, 1884–85
 marriage petitions, 1577–78, 2447–48
 numerical bar, 1573–75
 opposition untimely, 1602
 procedures, generally, 1562–64, 1566–68
 regional service center, 1605
 relief barred by statute, 1575–76
 revocation of employment petitions, 2712
 single BIA member decides, 1514
 stay of removal, not automatic during, 1600–1601
sua sponte, 1578–81, 1823–25
 time bar, 1573–75
 unavailability of information, 1601–2
repapering, 740, 1470–71
replacement of immigrant visa, 2525
requests for evidence (RFEs), 2049–50, 2304, 2508, 2718
res judicata
 deportation, 728–31
rescheduling interviews, *see* Interviews
rescission, 2564–66
 judicial review, *see* Judicial review
researchers, *see* EB-1 visas
re-sentenced, 475
residency, *see* Lawful permanent residents
retirement benefits
 deportable persons, 2591
retroactivity
 aggravated felony provisions, 476–79
 regulations, 1911–12
 statutory construction, 1908–15
return after successful challenge to removal, 1880–81
return of petition by consular officer, 2523, 2712
returning residents, 130–33, 311, 366–67, 2399, 2566–68
 burden of proof, 132–33, 366–67
revalidation, automatic, 2062
revalidation of visa, 2028
review, *see* Administrative review; Federal jurisdiction; Judicial review
revocation
 asylum, 1221, 1369–71
 death of petitioner, *see* Death of petitioner
 employment-based petition, 2710–11
 family petition, 2513–14
 H-1B, 2165–66
 naturalization, 3119–20
 nonimmigrant, 1847, 1852, 2026–27, 2305
 VAWA petitioners, 2409

RFE, *see* Requests for evidence
Rhode Island
 legislation affecting immigration, 89
RICO offenses
 as aggravated felony, 435
 civil actions, *see* Litigation
 predicate offenses, 565, 3013–14
ripeness, 1804–6
risk classification assessment (RCA), *see* Parole
Rule 11 to withdraw plea, 507
Rule 32 to vacate conviction, 507
Rule 35 to correct or reduce sentence, 507–8
rule of lenity, *see* Lenity, rule of
rulemaking
 notice and comment, 1686–91
 petitioning DHS for, 1690
 vs. adjudication, 1918–19

S

S visas, 2354–56
 adjustment of status, 2355, 2541
 asylum, 1231
 change of status, 2043, 2355
 criteria, 2354
 family members, 2355
 numerical limitation, 2355
 procedure, 2355
safe haven, 1004, 1220
safe-harbor provision
 prevailing wage for H-1B, 2181
Salvadorans
ABC litigation, 12, 1186, 1459
 Asylum Cooperative Agreement, 1113
 cancellation of removal, 1458–59
 refugee/parole program for minors, 1014
 temporary protected status, 1186–87
same-sex partnerships
 adoption by, 2424
 asylum, 1217, 1366–67, 1378
 diplomats' domestic partners, 2331, 2338
 fiancées, 2339
 humanitarian parole, 341
 inadmissibility, 197, 250
 naturalization, 3074
 permanent residency, 2450–51
 prosecutorial discretion, 723
 refugees, 1011, 1376
 relief from removal, 1404
 Social Security, 2581
 temporary protected status, 1180
 waivers, 210, 288
sanctions, *see* Attorneys; Employer sanctions
sanctuary cities
 litigation, 98–100
satisfactory departure, 2037
Save Our Small and Seasonal Businesses Act, 23
Schedule A, *see* Labor certification
Schedule B, *see* Labor certification

scope of review

before BIA, *see* BIA review
federal court, *see* Judicial review

screening and vetting

ATLAS program, 803
CARRP, 3085–86
H-1Bs and H-4s, 2171–72
information sharing, 641–44
pausing cases
 DOS, 286
 USCIS, 285–86
presidential EOs and proclamations, 273–87
social media, DOS procedures, 2015
students (F-1, M-1, J-1), 2080
USCIS vetting center, 2052
visa bonds, 2016–17
visa waiver, 2034–35

sealed records/protective orders

attorney sanction for violation, 850
discretionary relief denial for violation, 1396
evidentiary issues, 885–86

search and seizure, 616–24

administrative warrants, 305, 640–41, 2949
area control operation, 637
attorneys' files, 638
audits, 2948–49
border searches, 644–48
checkpoints, 644–48
 high-speed flight through, 385, 563
churches, 649–51
civil proceedings for criminal purposes, 622
consent to, 640
courthouses, 649–51
cruise ship searches, 645–46
document retention by ICE, 652–53
driver's license, 648, 652
egregious violation, Fourth Amendment, 617–18
electronic surveillance, 640
employer sanctions, 2948–49
factory sweeps, 636–37
Fifth Amendment, 620
First Amendment, 620–21
Fourth Amendment, 616–19, 1658
frisking, 631
fruits of unconstitutional search, 621–22
good faith exception, 631
inspection of I-9s, 2948
international waters, 648
interrogation, 632–33
judicial warrants, 640–41
laptop border searches, 646–48
motion to suppress, 616–24, 865–66
open fields, 638
probable cause standard relaxed in immigration, 637
protected areas, 649–51
reasonable suspicion, 624–31, 2946
recordings, consensual, 640
schools, 649–51
seizure, 631–32
self-incrimination, *see* Self-incrimination
standing, 637

sting operation, 649
stop, 624–31
subpoenas, 651–52, 2948–49
suppression, 616–24, 865–66
 criminal reentry case, 518, 521
suppression motion, 616–24, 865–66
surveillance, 641–44
unfair labor practice, 620–21
use of force, 634–35
validity, 637–38
Vienna Convention on Consular Relations, 621
warrant, standard, 637
with warrant, 636–38, 2949
warrant used improperly, 622
warrantless search, 638–39, 2949
wiretap, 640

second preference, *see* EB-2 visas;

Family-sponsored immigration

Secure Communities Initiative, *see*

Immigration and Customs Enforcement

Secure Flight Program, *see* Security checks**securities law**

EB-5 investors, 2695–99

security checks

adjustment of status, 2541
asylum, 863–65, 1218, 1243
bond, 680
consular processing for IVs, 2521–22
consular processing for NIVs, 2019–21
inspection databases and programs
 ABTC, 313
 ADIS, 304–5, 307–8, 2033
 Privacy Act challenge, 308
 APIS, 305, 2032–33
 automated passport control, 314
 BioVisa Program, 2013
 CLASS, 304, 1218, 2019–20, 2026–27, 2521
 challenge of records, 310–11, 2020
 Electronic Visa Update System (EVUS), 314
 ESTA, *see* ESTA
 FAST, 313
 Global Entry / Trusted Traveler program, 311–13
 IBIS, 304, 2020, 2026, 2034, 2541
 IDENT, 304–5, 2033–34
 challenge of records, 308–9
 disclosure of records, 307–8
 Immigration Advisory Program, 307
 INSPASS, 313
 low-risk border travelers, 311–14
 NAICS database, 2118, 2256, 2724
 NAILS lookout, 304
 failure to appear at deferred inspection, 329
 NCIC, 16, 2019–20, 2521
 K and V visa applicants, 2346, 2349
 OBIM (formerly US-VISIT), 304–5, 2031–32
 challenge to records, 308
 PORTPASS, 313
 RAPS, 304, 1032–33

redress, DHS-TRIP, 309–10
Secure Flight Program, 305–7, 2034
 challenge via DHS-TRIP, 309–10
SENTRI, 313
TAL (Technology Alert List), 244–45, 2019
TECS II, 304–5
LPR seeking I-90, 2569
National Vetting Center, 2034
removal proceedings, 863–65, 1405
security advisory opinions (SAOs), 2020–21
Visas Condor checks, 2019
Visas Donkey, 2019
Visas Mantis, 2019
Visas Shark, 2020
watch list, challenge to, 306

security threat

(*see also* Terrorists and terrorism)
grounds for special removal, 327
visa processing, 2019–21

sedation of person removed, 972**selective prosecution**, 64, 593, 727, 1747–53, 2971, 3048–49, 3132**Selective Service**

naturalization requirement, 3084–85

self-incrimination, 311, 633, 866–67

continuance as basis for, 762
crimes as basis for asserting, 866–67
in absentia hearings, *see In absentia* hearings
removal proceeding, 866–67
suppression, 620, 866–67
testify, refusal to, 866–67

self-petitioning

Cuban spouses, 1373
spouses, parents and children of serviceman killed in combat, 19, 2410–11
VAWA, *see* VAWA petitioners
widow(er)s, 2401–2, 2455–56

self-removal/deportation, 934, 1419,

1530–31, 1571–73, 1818–20
after final order, 988
CBP Home, 2032

sentences and sentencing, 380–81,

473–76, 569–87
aggravated felonies, 581–83
Booker, 569–74, 583–86
committed for treatment, not sentenced, 381
concurrent sentences, 474
correction under Rule 35, 507–8
defined, 198, 380–81, 473–76, 569–74, 583–87
deportation
 as part of sentence, 587, 955
 prior to completion of sentence, 10, 509–10, 587, 955, 993
downward departure, 497–98, 577–78, 584–86
enhancement under *Apprendi*, 488, 569–70
false ID/name, 583–84
found in cases, 581
guidelines, 569–87
indeterminate sentences, 474
minors, sexual abuse of, 575, 580

- notations in court record, not evidence, 880
 probation, 473–74, 480–82, 508–10
 reduction as affecting conviction, 475, 507–8
 reentry after removal, 569–71, 578–83
 smuggling cases, 576–77
 stipulations, 586
 supervised release, 586–87
 suspending imposition, 380–81, 473, 474, 584
 terrorism enhancement, 585
 trafficking in false documents, 583
 upward adjustments, 584–86
 vacation of sentence, *see Vacatur*
 withholding execution, 380–81, 473, 490
- separation**, *see* Family-sponsored immigration, *subhead*: Marriage-based petitions
- sequestration of witness**, 887
- service centers (USCIS)**
 motions to reopen or reconsider, 1558–59, 1605
- service of papers on counsel**, *see* Counsel, right to
- service of process**, *see* Judicial review
- SEVIS (Student & Exchange Visitor Information System)**
 F (student) status, 2079–2109
 SEVIS identification, 2090
 J (exchange visitor) status, 2113–37
 M (vocational student) status, 2109–13
- sex discrimination**
 paternity statutes, 61
 Title IX, 3011–12
 Title VI, 3011
 Title VII, 3011–12
 Workforce Innovation and Opportunity Act, 3011
- sex trafficking**, *see* Trafficking
- sexual abuse of a minor**, *see* Child abuse
- sexual identity**, *see* Transgender issues
- sexual offenders**
 failure to register as ground of deportation, 400–401
- sexual orientation**
 asylum claims, *see* Asylees and refugees, *subhead*: LGBTQ issues
 partnerships, *see* Same-sex partnerships
- shackling of respondents**, 816–17
- siblings**
 adoption, 2418–19
 petition for LPR status, 2432, 2468
- Sierra Leoneans**
 visa discontinuance, 994
- signatures**
 on petitions, 2509–10
- Silva letters**, *see* Priority dates
- Singapore**
 H-1B1 fast track visas, 2206–8
- Skidmore deference**, *see* Deference to agency interpretation
- skilled workers**, *see* EB-3 visas
- skills list**, *see* J visas
- SmartLink**, 983
- smuggling noncitizens**
 as crime involving moral turpitude, 187
 criminal grounds, 541–52
 deportation, 374, 442
 inadmissible, 221–22
 transporting/harboring, 543–47
 waiver, 222, 293, 374, 1479
- SNAP**, *see* Public benefits
- social group membership**, *see* Asylees and refugees
- social networking sites**, 2458
- Social Security**
 criminal fraud, 565
 N-400 processing for SSI recipients, no priority, 3103
 obtaining card, 2562, 2582–83
 payments, 2579–81
 priority N-400 processing for SSI recipients, 3103
- solicitation**
 aggravated-felony drugs, 412–13
 of crimes, generally, 499
- solitary confinement**, *see* Detention
- Somalis**
 fast-track policy, 744
 immigrant visa processing, 2519
 temporary protected status (TPS), 1187
- South Carolina**
 legislation affecting immigration, 89–90
- South Dakota**
 legislation affecting immigration, 90
- South Sudanese**
 temporary protected status (TPS), 1187
- sovereign immunity**
 construction of, 1917
 Foreign Sovereign Immunities Act, 2879–89
 head of state immunity, 2889
 jurisdiction, 2879–81
 retroactive application, 2888–89
 LCA violation, 2194
 unfair immigration employment cases, 3047
- Soviet scientists**
 EB-2 visas, 9, 18
- special agricultural workers (SAWs)**, *see* Legalization
- special counsel, unfair immigration employment practices**, 2944–45
- special immigrant juveniles**, 2642–54
 adjustment of status, 2652
 application fees, 1406, 2643, 2651
 cared for by ORR, 2654
 deferred action (and EAD), 2653
 dependency, proceeding to determine, 2644–46
 detention, *see* Detention
 eligibility, 2650
- jurisdiction, 2648–49
 appeals, 2651–52
 HHS, 2648
 immigration court, 2648–49
 UAC Asylum Office, 2649
 procedure, 2651
 prosecutorial discretion, 2654
 proving abuse, neglect, abandonment, 2647
 revocation, 2651
 types of proceedings, 2646–47
- special immigrants**, 2634–60
 Afghans, *see* Afghans
 American Taiwan institute, 2640–41
 broadcasters, 2654
 burden of proof, 2482
 commuters, 2634
 court dependents, *see* Special immigrant juveniles
 employer unnecessary, 2634
 G-4s, 2335–36, 2641–42
 international medical graduates, *see* Physicians
 Iraqis, *see* Iraqis
 juveniles, *see* Special immigrant juveniles
 military service, 2654
 military translators, 25, 2655
 ministers, 2634–40
 NATO, 2654
 Panama Canal treaty employees, 2641
 petition process, 2634–60
 reacquisition of citizenship, 2634
 religious workers, *see* Religious workers
 returning residents, 2634
 translators for military, *see* Afghans; Iraqis
 U.S. employees, 2640–41
- special registration**, *see* NSEERS
- specialized docket**, *see* Immigration judges
- specialty occupations**, *see* H-1B visas
- specific vocational preparation (SVP)**, 2618, 2632, 2782, 2790–91, 2792
- speech-language pathologist**
 inadmissible without certificate, 159
- speedy trial**, 589, 610
- sponsors**, *see* Affidavits of support; Family-sponsored immigration; *specific visa types*
- sponsors of terrorism**, *see* Terrorists and terrorism
- spousal abuse**
 (*see also* VAWA petitioners)
 as aggravated felony, 425
 as crime involving moral turpitude, 175
 as deportation ground, 395–400
 employment authorization for A, E-3, G, H nonimmigrants, 2993–94
 as persecution, 1326–28
- spouses**
 (*see also* Family-sponsored immigration; Marriage and cohabitation; Marriage fraud)
 §245(i), *see* Adjustment of status

- preference category, same as principal, 2469
 reason to believe charge, 199, 250
 studying in U.S. while accompanying principal, 2012
- stalking**
 grounds of deportation, 399
- standard metropolitan statistical area (SMSA)**, 2704
- standard of proof**
(see also Burden of proof)
 asylum/withholding, 1015–16, 1083–84, 1095–96, 1124, 1153–63
 corroboration, 1249–52
 discretionary relief, 1397–98
 employer sanctions, 2937, 2958–59
 modified categorical approach, 472–73
 removal, 888–89
- standard of review**
 asylum cases, *see* Asylees and refugees
 in BIA cases, *see* BIA review
 in federal court, *see* Judicial review
- standing**, 1788–1803
 beneficiaries of IV and NIVs, 1799–1802
 cancellation claims, 1797
 citizenship claims, 1800
 Fourth Amendment violations, 637, 1658
 jurisdiction, 1788–1803
 Lyons injunction, 1798–99
 state standing, 1802–3
 statutory standing, 1798
 unions, 1795
- stare decisis**, 1918
- state and local government**
 §287(g) agreements, 656–57
 authority to arrest, 656–57
 detainees, 692–93
 found in criminal arrest, 518
 suppression of evidence, 621
 law enforcement, 656–57
 legislation, 65–97
see also Table of State Statutes, pp. 3143–51
 alienage, 58
 fundamental rights, 60–61
 national origin, 58
 preemption, 65–97
 racial discrimination, 58
 written agreement to enforce immigration, 657
- State Department (DOS)**
 advisory opinions
 asylum, 1217, 1229–30, 1247
 security related, 2020–21
 visa office, 2018–19, 2524
 country-condition reports, 1217, 1229–30, 1263–71, 1553–54
 administrative notice of conditions, 1247
 disclosure of records, 2028
 FAM, list sections cited, 3210–15
 fraud investigation, 2016
 nonimmigrant visas, generally, 2009–30
 review
 administrative, 2127, 3122–23
 judicial, 1782–87, 2019, 2027, 2127–28, 3108–10, 3127–28
 right to counsel before DOS, *see* Counsel, right to
 security related, 2019–21
 Visa Office, 2020, 2521–22
 visa petitions, 2518–19
- statelessness**
 asylum, 1015–16
 USCIS guidance, rescinded, 1016
- status docket**, 742–43
- statutes of limitations**
 §212(h) waivers, 294–99
 back pay, 2192
 class actions, 1895
 denaturalization / loss of citizenship, 3119, 3128
 employer sanctions, 2970
 fraudulent documents, 556
 habeas challenge to state conviction, 506–7
 persons “found in” U.S., 517, 518, 521–22
 procuring naturalization in violation of law, 3117
 removal proceedings, 611
 terrorism, suits against state sponsors of, 2885
 Torture Victims Protection Act, 2869
 unfair employment practices, 3047
- statutory construction rules**, 1897–1920
 agency deference, 1853–73
 ameliorative statutes, 1903
 avoidance of Fed.R.Civ.P. 12(b)(6) dismissal, 1916
 avoidance of serious constitutional question, 1907
 avoidance of violations of international law, 1907–8
 clear statement rule, 1761
 clear statutory language, 1897–1900
 deportation statutes, 892–93, 1902–3
 extraterritorial application, 1908, 1919, 2865–67
 inclusion of language, 1900–1902
 jurisdictional vs. claims processing, 1905–6
 multiple statutes, 1903–5
 omission of language, 1900–1902
 retroactive application of statute, 1908–15
 rulemaking vs. adjudication, 1918–19
 sovereign immunity, *see* Sovereign immunity
stare decisis, 1918
 summary judgment, 1915–16
 Supreme Court split decisions, 1918
 void for vagueness, 1917–18
- stays**
 BIA, 989–90, 1527–28
 from court of appeals
 of removal, 1876–79, 1891
 of voluntary departure, 1420–21, 1881
 extensions of, generally, 2024–25
 judicial review, 1876–79
- in removal (deportation), 989–92, 1527–28
 in removal (inadmissible), 205, 327, 370
- STEM (Science, Tech., Eng’g, Math)**
 NIWs, 2623
 O-1A visas, 2274–75
 students, 2096–2100
- stepchildren**, 2412–13
- sterilization**, *see* Forced abortion/sterilization
- sting operations**, 649
- stipulations**
 binding on counsel, 839–41
 judicial order of removal, 955
 removal order, 934–35
 sentencing, *see* Sentences and sentencing
- stolen property**
 as aggravated felony, 430–35
- stop by law enforcement**, *see* Search and seizure
- stop-time rule**, 1426–29, 1469–70
- stowaways**
 asylum/CAT claim, 327–28, 1219, 1221, 1231
 grounds of inadmissibility, 221
 removal at border, procedure for, 327–28
- streamlining at BIA**, *see* Affirmance without opinion (AWO)
- strike provisions**, 3004
- strip searches**, *see* Detention
- students**
(see also F visas; J visas; M visas)
 Chinese Student Protection Act, 9
 in-state tuition for undocumented students, 2081–82
 spouses and children while accompanying principal, 2012
 study opportunities for nonimmigrants, chart detailing, 3163–64 (Apdx. 6)
 undocumented school children, 2081
- sua sponte reopening**, *see* Judicial review
- subpoenas**
 employer sanctions, 2948–49, 2957
 enforcement of the INA, 651–52
 removal proceedings, 798–99
 terrorist court, 956
- substantial-evidence test**, 1848–52
- substitution of beneficiaries and employers**, *see* Beneficiaries; Successor employers
- subversives**
 deportation of, 374–75
 inadmissible for, 244–46
- successor employers**
 employer sanctions, 2921–22
 employment-based petitions, 2704–5
 H-1Bs, 2162–63
 H-2As, 2217
 labor certification, 2776

Sudanese

temporary protected status (TPS), 1187

suits against the government, *see* Litigation

summary decisions, 369, 594, 933, 2957

deportable, 933
inadmissible, 369

summary judgment, 1915–16

summary removal, 11, 315–27, 950–54

(*see also* Expedited removal)

supervised release, 508–10, 700, 984–86

challenge to revocation of, 1652–54
criminal penalties, 985
procedure, order of supervision, 984–85, 1652–54
subsequent to inability to remove, 984–86

suppression of evidence, *see* Search and seizure

surrogacy, *see* Assisted reproductive technology (ART)

surveillance, 641–44

suspension of deportation, 1467–70

(*see also* Cancellation of removal)

battered spouse/child, 1470
extreme hardship, 1453–57, 1468
ineligible, 1468
NACARA, *see* NACARA
residency by, 2400
seven-year provision, 1452, 1467–68
standard of review, 1851
stop-time rule, 1469–70
ten-year provision, 1468–69

SVP, *see* Specific vocational preparation

SWA (state workforce agency)

(*see also* Labor certification)
complete and file I-9s, 2922
E-Verify, 2939
LC process, 2736–38

Syrians

student (F-1) employment, 2091–92
Syrian Adjustment Act, 14–15
temporary protected status (TPS), 1187–88

T

T visas, 2356–74

abusers prohibited from visa, 2374
adjustment, 2370–73
age-out provision, 2368
application process, 2360–62
assistance, reasonable request defined, 2364–65
cap of 5000 visas, 2367
civil action for trafficking, 2873–76, 2913
credit report, challenge to, 2374
defined, 2357
employment, 2366
evidentiary standard, 2362–65
expedite application, 2369
family members, 2367–69

INA §239(e) compliance, 2365–66
removal after T status, 2367

removal of T visaholders, requirements for arrest, 655

travel, 2369

waiver, 2366, 2373

Take Care Clause, 1720

TAL (Technology Alert List), *see* Security checks

targeted employment area, 2664–66, 2673

TARP H-1Bs, *see* H-1B visas

tax crimes

tax avoidance
expatriate tax, 2578
good moral character issue, 1412
ground of inadmissibility, 159
tax evasion, 187
as aggravated felony, 436–42

tax returns

adjustment, 2575–79
affidavit of support, 152

taxation

of LPRs/NIVs, 2575–79
tax treaties, 3153–54 (Apdx. 4)

teachers

labor certifications, 2824–27

technical violation of status

adjustment of status, 2532–33
asylum, 1214–15
INA §245(k), 2557
J-1, 2133

Technology Alert List (TAL), *see* Security checks

TECS II, *see* Security checks

telephonic, video, and Internet technology

appearance by counsel, 837
client communication with counsel, 351
credible-fear interviews by telephone, 1221
deposition by videotape, 568–69
employer-sanction hearing, videotape evidence, 2958
expert and other testimony by telephone, 862
immigration court record, 904–5
Internet-based hearings, 904–5
location of electronic hearing, 904–5, 1882–83
presence of respondent by phone or video, 904–5
WebEx, 904–5

temporary protected status (TPS), 1172–91

adjustment of status, 1183, 2533–34
administrative closure of proceedings, 1182
Afghans, 1183
application procedure, 1180–82
asylum and TPS, 1177
benefits, 1173–74
Burmese, 1183
Cameroonians, 1183–84
cancellation of removal, time not counted toward, 1177

cancellation of visa under INA §222(g), 2024

CARECEN settlement, 1176–77

change of status, 1177

children, 1179–80

confidentiality, 1183

criminal conviction, ineligibility for TPS, 1179

criteria, foreign state, 1172

deportation stayed, 1173

eligibility, 1177–80

employment, 1173

Ethiopians, 1184

fees, 1405

Guatemalans, 1186–87

Haitians, 1184–85

Hondurans, 1185

judicial review, *see* Judicial review

late filing, 1181

Lebanese, 1185

Myanmar nationals, 1183

Nepalese, 1185–86

Nicaraguans, 1185

removal proceedings, 1182

Salvadorans, 1186–87

Social Security benefits, 1177

Somalis, 1187

South Sudanese, 1187

spouse, 1179–80

Sudanese, 1187

Syrians, 1187–88

temporary status before approval, 1180

termination of status, 1180

travel, 1174–76

Ukrainians, 1188

Venezuelans, 1190–91

visa cancellation, 2024

withdrawal of status, 1180

Yemenis, 1191

temporary workers, *see specific visa types*

tenant-occupancy, *see* Employment-creation visas (EB-5)

Tennessee

laws affecting immigration, 90–91

ten-year bar, *see* Unlawful presence

termination of proceedings

BIA, 1515

IJ, 726–42, 765, 901, 1219

terrorists and terrorism

Alien Enemies Act, 51
association with terrorist org., 267
asylum ineligibility, 1102–3
Convention Against Torture, 956
courts, specialized, 956
deportable offense, 375
designation of terrorist orgs., 259–60
detention of suspected terrorists, 334, 658, 659, 707–11, 982–83
duress defense, 250–51, 256–57
to material support for terrorists, 256–57, 1103–4
to military-type training for terrorism, 250, 258
to solicitation of funds/membership for terrorism, 252, 258

hold policy, 259

inadmissibility, generally, 247

- interview procedures by AG office, 633
 - jurisdiction, 956
 - material support, 252–59
 - collateral estoppel, 256
 - de minimis* support, 254
 - duress exemption, *see subhead*: Duress defense (*in this heading*)
 - insignificant material support exemption, 254–55, 262
 - limited material-support exemption, 255–56
 - medical support exemption, 258
 - military training exemption, 258
 - waiver, 22, 257
 - membership in terrorist organization, 261
 - NCIC checks, 2019–20
 - no-fly list, 306–7
 - NSEERS, 363
 - organization defined, 259
 - organizations designated as terrorist, 259–60
 - presidential order on detention/trial, 708
 - private action, Anti-Terrorism Act of 1991, 2876–77
 - reason to believe standard, 247
 - relief unavailable
 - adjustment, 2541
 - asylum, 1102–3
 - INA §212(c), 1437
 - registry, 2400
 - suspension, 1468
 - voluntary departure, 1416
 - withholding, 1102–3
 - removal procedures, 956
 - at border, 327
 - retroactive application, 266
 - sentencing enhancement, 585
 - spouses and children of terrorists, 250
 - state sponsors of terrorism
 - NIV restrictions, 2011
 - suits against, 2882–88
 - suspected terrorists, 327, 956
 - Terrorism Prevention Act of 2004, 20–21
 - USA PATRIOT Act, 16–17
 - waiver, 257, 261–66
 - watch list, 306
 - withholding ineligibility, 1136–37
- Texas**
- legislation affecting immigration, 91–95
- third preference**
- employment-based, *see* EB-3 visas
 - family-based petitions, 2468
- third-country transit bar**, 1108–11
- three- and ten-year bars**, *see* Unlawful presence
- Title 42**, 327
- post–Title 42 removals, 327
- Title VII**
- relationship to aliens, 3009–11
 - relationship to unfair immigration employment practices, 3025, 3028, 3043–44
- TN visas**, 2056–61
(*see also* USMCA)
- children, 2061
 - denial, 2060
 - dentist, 2057
 - dual intent, 2061
 - E visas, 2061
 - engineers, 2058
 - grace periods (10/60 day), 2060
 - in-state tuition, 2061
 - management consultants, 2058
 - nurses, *see* Nurses
 - physicians, 2057
 - procedures, 2059–60
 - professionals, 2056–57
 - self-employment prohibited, 2057
 - spouses, 2061
 - technologists, 2058–59
 - visitor for business, 2056
- tort claims**, *see* Litigation
- torture**
- CAT, *see* Convention Against Torture
 - defined, 1142–45
 - Torture Victim Protection Act (TVPA), *see* Litigation
- tour bus operators**, 2055, 2074–75
- TPS**, *see* Temporary protected status
- TRAC factors**, 1697–1701
- trafficking**
- in drugs, *see* Drug offenses
 - in false documents, *see* Documents
 - in firearms, 417
 - in persons (sex trafficking), 565, 2357
see also T visas; VAWA petitioners
 - as ground of deportation, 395
 - as ground of inadmissibility, 198–99
 - private right of action, 2128, 2873–76, 3013
 - withholding documents to further, 565
- Trafficking Victims Protection Acts**, *see* History of immigration laws; Litigation; Trafficking; VAWA petitioners
- trainees**, *see* H-3 visas; J visas
- transcripts, deficiencies in**, 903–4, 1529–30, 1830–31
- transfer case from or to circuit courts**, 1670
- transfer of detainees**
- attorney notification, 837
 - ICE standards, 671–72
- Transfer Treaty**, 588–89
- transferring visa cases**, *see* Immigrant visas
- transgender issues**
- detainees, 349–50
 - marriages, 2450
 - passports, visas, and forms
 - amendment of passport for change of sex, 3105
 - gender markers, 2510
 - nonbinary choice lacking on passport, 3105
 - women's sports, participation in
 - EB-1 visas, 2600
 - O visas, 2272–73
- transit visas**, *see* C visas
- transit without a visa (TWOV)**, 2350–51
- adjustment, 2350–51, 2525
- translations and translators**
- asylum requirements, 1215–16, 1282–83
 - credible fear, 319–20
 - documentary forms of, 897
 - foreign documents, 883–84
 - right to, 368, 894–97
 - self-translations, 897
 - special immigrant status, translators for U.S. military, 25, 2655
- transporting/harboring or bringing/encouraging noncitizens**, 541–52
- bringing to or “smuggling”, 542–43
 - conspiracy or aiding/abetting, 548
 - defenses, 548–49
 - encouraging, 541–42, 547
 - forfeiture and seizure, 549–52
 - harboring, concealing, shielding, 541–42, 545–47
 - transporting, 541–42, 543–45
- travel**
- advance parole, *see* Advance parole
 - asylees/refugees, 1242, 1323, 1368–69, 1379
 - extension of stay pending, 2042
 - Fleuti* doctrine, 130–33
 - H-1 and L-1 visa holders with pending AOS, 2171, 2305–6
 - inspection databases and programs, *see* Security checks
 - passports, *see* Passports; Security checks
 - removal proceedings, travel during, 2568
 - by TPS grantees, *see* Temporary protected status
- Travel Act violations**
- aggravated felony, 416–17
 - drug crime, 416–17
- travel bans**
- benefits withheld (on hold), 285–86
 - judicial review, 1877–78
 - presidential orders, 273–87, 2053
 - Secretary of State and AG authority to ban entry, 51, 267–68, 287
- treaty transfers of prisoners**, 588–89
- treaty visas**
- bilateral investment treaties, *see* E-1 & E-2 visas
 - free trade agreements, *see* E-3 visas (Australian Special Occupation); H-1B1 visas (Chile/Singapore FTA); TN visas; USMCA
- Tren de Aragua**, 51
- TRO**, *see* Injunctive relief
- truck driving**
- commercial, 2073–74
- Trusted Traveler program**, *see* Security checks
- Tucker Act**, *see* Litigation
- tuition, in-state**, 2081–82

turnback policy (metering), *see*
Asylees and refugees

TWOV, *see* Transit without a visa

two-year foreign-residency requirement, *see* Foreign-residency requirement

U

U visas, 2374–91

§239(e) compliance, 2386
abusers barred from visa, 2391
adjustment, 2387–90
admission, 2383
agency assisting, 2388
arrest, 2376
cap, 2382
certifying agency, 2380–82
certifying official, 2380–82
change of status, 2386
continuance of removal proceeding, 760–61
continued presence, 2387, 2388
crimes covered, 2375
defined, 2374–75
disclosure of information, 2385
duration of status, 2383
eligible for, 2374–77
employment authorized, 2382–83, 2389
extension of status, 2386
family members, 2383–84, 2388–89
inadmissibility, 2385
NTA issued, 2386
petitioning, 2377–82
procedures, 2377–82
removal of U visaholders
proceedings, 2386
requirements for arrest, 655
revocation of petition/status, 2385
unlawful presence, not accrued, 208, 2382
victim defined, 2375–76
waiting list, 2378–79, 2382
waiver, 293–94, 2379–80, 2385

Ukrainians

adoption, 1190
J-1 extensions, 1190
parole, 1188–89
TPS, 1188
Uniting for Ukraine, 1188–89

unaccompanied children (UACs)

asylum, 909, 1120, 1232–34, 2649
detention, 660–70
removal proceedings, 905–10
special immigrant juveniles, 2642–54
statements of (I-213), 872
transfer from ICE/CBP custody, 666

unauthorized employment, *see* Employer sanctions; Employment authorization

unauthorized practice of law (UPL), 843–44

unfair immigration-related employment practices, 3015–51

attorneys' fees, *see* Attorneys' fees
burden of proof, 3043–46
collateral estoppel, 3048
constitutional issues, 3048–49

coverage, 3015–26
debarment, 3043
defenses, 3047–48
discriminate, defined, 3018
disparate impact, not basis for claim, 3026, 3044–45
document abuse, 3022–24
EEOC overlap, 3030–31
employer, 3016–17
employment, defined, 3017
good faith, defense, 3048
H-2A/2B, relationship to, 3019
hearing, 3031–41
honesty policy, defense, 3048
IIRIRA changes, 12, 3022–23
Immigrant and Employee Rights Section (formerly OSC), 3027
judicial review, 1851, 3050–51
knowledge standard, 3018
labor certification, relationship to, 3020
lost wages, civil actions for, 3012–13
mixed motive, 3044
outsourcing, 3047–48
pattern-or-practice cases, 3029, 3046
penalties, 3042–43
private action, 3030
procedures, filing, 3027–31
protected individuals, 3015–16
reduction in force, defense, 3047
relief, 3042–43
retaliation claims, 3021–22
scope, 3015–26
sovereign immunity, *see* Sovereign immunity
statute of limitations, 3047
time limitations, 3027–28

unfair labor practices

challenge to NTA based on unfair labor practice, 740
suppression of evidence in removal proceeding, 620–21

United Kingdom

visas for UK subjects living in Bahamas, Cayman, or Turks and Caicos, 2061

United Nations

Conventions (*see also* Asylees and refugees)
CAT, *see* Convention Against Torture
Relating to the Status of Refugees, 1004
Rights of Child, Sale of Children, Child Prostitution, Child Pornography, 1234
Against Transnational Organized Crime (TOC), 1005–6, 1339, 2357

High Commissioner for Refugees (UNHCR)

detention standards, 1236
Handbook, 1004–5
Human Rights Committee, 1005
immunity from suit, 2896
representatives in transit, *see* G visas

United States

false claim to citizenship, *see* Naturalization and citizenship

as proper defendant, 1814, 2846–48
U.S. workers defined
employment creation, 2674–76
labor certification, 2719

unlawful presence

AAO appeal does not stay, 209, 1560
adjustment of status, 206
advance parole, 207
aggregate, not counted, 203
asylum, 206
battered spouses/children and VAWA, 208, 2408
Canadians, 205
cancellation of removal, 207
change of status, 208–9
conditional residence, 205–6
consulate investigation, 209
DED, 206
deferred action / DACA, 207
defined, 204–7
duration of status on I-94, 205
embassy questioning, 209
EWI, *see* Entry without inspection
exceptions, 207–8
extension of status, 208–9
family unity, 208
federal court litigation, 205
grounds of inadmissibility, 202–17
HRIFA, 206
legalization, 206
minors, 207
NACARA, 206
nonimmigrants, 204
one year and seek reentry, 217–19
overstays, 204–25
parole, 207
removal proceedings, 205
reopen, motion to, 209
stay of removal, 206
supervision, order of, 207
suspension of deportation, 207
temporary residents, 206
three- and ten-year bars, 202–4
advance parole, 207, 2563
differences between 3/10 year bar, 202–4
ten-year bar [INA §212(a)(9)(B)(i)(II)], 203
three-year bar [INA §212(a)(9)(B)(i)(I)], 202–3
waiver, 210–17
time not aggregated, 203
tolling, 208–9
TPS, 206
unlawful status distinguished, 204–5
voluntary departure, 204
VWP satisfactory departure, 207
waivers, *see* Waivers
withholding of removal, 206
UNNJ settlement, 2106
unpaid leave
benching, 2174–75
employment rights, 3011
H-1B, 2165
maintenance of status, 2045
U.S. Attorney
plea bargain binding DHS, 567

U.S. Citizenship and Immigration Services (USCIS)

(*see also specific policies and programs*)

anti-discrimination policies, 3015
databases, *see* Databases
Policy Manual (table), 3216–25

U.S. Customs and Border Protection (CBP), *see* Customs and Border Protection**USA PATRIOT Act**, 16–17

affidavit of support, 148
asylum, mandatory denial, 1103
detention, mandatory, 334, 707–11, 982–83
money laundering, 307
terrorism issues, 247, 266, 375
see also Terrorists and terrorism

USMCA (U.S.-Mexico-Canada Free Trade Agreement) (f/k/a NAFTA), 2055–61

implementation act, 36
L petitions, 2056
TN visas, *see* TN visas
visitors for business, 2055–61

US-VISIT (now OBIM), *see* Security checks**Utah**

legislation affecting immigration, 95

V**V visas**, 2348–49

adjustment, 2348
admission, 2348
aged out, 2348, 2475
Canadians, 2053
children, 2348
employment, 2349, 2991
inadmissibility issues, 2348–49
procedure, 2349
spouse, 2348
termination, 2349
travel, 2349, 2561
unlawful presence, 2349

vacatur, 484–87, 506–8
as basis to reopen, 484–85
burden of proof, 486
Pickering, 485–86; 487, 888
reason to believe charge sustained, 488–89
of sentence, 487, 506–8

vaccinations, 136–37**Vaughn index**, *see* Freedom of Information Act**VAWA petitioners**, 2402–10

adjustment of status, 2409, 2529
administrative review, 2410
affidavit of support not needed, 148
age out, 2405, 2481–82
arrest, 2409–10
bar to petition for abuser, 2406
bars under §245(c) not applicable, 2409
cancellation of removal, 1449–51
confidentiality, 2407–8
Cuban Adjustment Act, 15, 1373
deferred action, 2406–7

divorce, 2403–4
domestic violence waiver, 400
employment authorization, 2334, 2337, 2406–7, 2993–94
evidentiary issues, 886–87, 1450, 2407, 2461, 2504
EWI bar waived, 219, 2409
fraud waiver, 300
judicial review, 2410
NACARA, 2402
naturalization, 2410, 3074–75
Office on Violence Against Women (DOJ), 2410
permanent residency, petition for, 2402–10, 2457, 2473, 2504
perpetrator, prohibition on disclosure, *see* Evidence
removal hearing closed, 817, 2445
removal of, requirements for arrest, 655
reopen, motion to, 1599, 2410
revocation, 2409
self-petition, 24, 2402–10, 2457, 2473, 2481–82, 2504
suspension of deportation, 1470
unlawful presence and 3/10 bar, 208, 2408
visa waiver program, 2066, 2409, 2539–40
waivers, 136, 200–202, 208, 217, 219, 300, 400, 1449–51, 2408–9, 2439, 2461

Venezuela

DED, 1190
F-1 student employment, 2091–92
parole programs, 1168–69, 1191
TPS, 1190–91

venue

adjustment, 2498–99, 2560–61
appeal circuit court, 905, 1623, 1820, 1882–84
asylum, 1215, 1243
bond, 332–33, 681
change of, 749–51
district court, 1820
forum shopping, 1820
habeas corpus, 1667–70
mandamus, 1714
removal (deportation), 749–51
removal (inadmissible), 364

verification of employment, *see* Employer sanctions**Vermont**

legislation affecting immigration, 95–96

veterans, *see* Military service**vetting**, *see* Screening and vetting**Victims of Trafficking and Violence Protection Act of 2000**, *see* History of immigration laws**video hearings and testimony**, *see* Telephonic, video, and Internet technology**Vienna Convention on Consular Relations**, 621, 948–49, 988, 2890, 2895**Vietnam adjustment**, 15, 2489**vindictive prosecution**, 622–23**Violence Against Women Act**

(VAWA), *see* History of immigration laws; VAWA petitioners

Violent Crime Control & Law Enforcement Act of 1994, 9**Virgin Islands, British**

visa waiver, 2061

Virginia

legislation affecting immigration, 96

visa interviews, *see* Consular processing, *subhead*: nonimmigrant visas**visa waiver program (VWP)**, 2063–68

adjustment, 2066, 2539–40
asylum, 322, 683, 2067
bond if detained, 1239, 2067
change of status, ineligible, 2043, 2065
constitutionality questioned, 2068
ESTA, *see* Security checks
extension of status, ineligible, 2065
machine readable passports, 17, 2065
Northern Mariana Islands, *see* Northern Mariana Islands (CNMI)
overstays, 2065–66
satisfactory departure, 1414, 2065
VAWA and VWP, 2066, 2409, 2539–40
waiver of rights, 2066–67

visas

(*see also* Consular processing; Immigrant visas; Nonimmigrants; *specific visas and specific issues*)

annotating visas, 2062
bonds, *see* Consular processing
cancellation by DHS, 331, 967
cancellation under INA §222(g), 2024–26
chargeability, 2469
classification symbols, 3155–62 (Apdx. 5)
continuance for petition pending, 756–61
denial, 304, 2017–18
disclosure of records, 2028
electronic filing, 2030
exempt from, 2053–68
extension automatic, 2062
fees (*see also* Fees)
 Visa Integrity Fee, 1406
notice of denial, right to, 304, 2017–18
pauses through vetting, screening, and otherwise, 286
petition returned to USCIS, 2029
priority dates, *see* Priority dates
reissuance, 2028–29
renewal of visas in the U.S., 2028–29
revalidation, 2028–29, 2062
revocation, 1662, 1852, 2026–27
travel bans, *see* Travel bans
validity, 2011–12, 2024
vetting, enhanced, 2021
waiver, 328

Visas Condor / Donkey / Mantis / Shark, *see* Security checks**visitors**, *see* B-1 visas; B-2 visas

vocational students, *see* M visas

VOICE (Victims of Immigration Crime Engagement), *see* Immigration and Customs Enforcement (ICE)

void for vagueness, 1917–18

voluntary departure (VD), 1414–22

§222(g) of INA, 2024

administrative, 1414

administrative review, 1420, 1421, 1531–32

aggravated felony, 1414, 1416

bar to, 1414, 1416

BIA standard, 1420

bond requirement, 1416, 1418

changes to, 1419

children, 907–8

civil penalties, 595–96, 1417

conditions for, 1418

denial of relief, 1421–22

detention pending departure, 1419

effective date of changes, 1419

employment authorization not permitted, 2996

exhaustion of administrative remedies, 1421–22

expiration of VD, 1416–17, 1421

extended VD, 1007, 1170

extension from DD after grant by IJ, 1419

failure to appear for, 1395–96

failure to depart, 1417–18

good moral character, 1407

hearsay evidence, 1420

not required at master calendar, 1414–15

required at removal hearing conclusion, 1416

inadmissible persons now eligible, 365, 368, 1419

ineligibility for, 1414–16

judicial review, *see* Judicial review

master calendar, 1415

notice, 1415

prehearing VD, 1414–15

procedural issues, 1419–21

reinstatement on appeal

administratively by BIA, 1420, 1531

federal court, 1420–21

removal proceeding, 1414–19

reopened proceedings, 1418

stay in federal court, 1421, 1881

stipulation to, 1415

termination upon filing petition for review, 1418, 1881

termination upon motion to reopen, 1417–18

three- and ten-year bar, 1421

VAWA self-petitioners, 1419

visa revocation, 2024

visa waiver program, 1414

withdrawal of relief, 1395–96

voluntary dismissal, 1916–17

voter registration, 3082, 3094

voting unlawfully

criminal offense, 560, 3134

deportability, 379–80

inadmissibility, 239–40

W

wage loss

measure for aliens, 3012–13

waivers

§274C final order, 222–24, 293

appeals, *see* BIA review; Federal jurisdiction

asylees, 137, 288–89, 1377, 1379, 1380

battered spouses/children, *see* VAWA petitioners

cancellation of removal

immigrants, 288, 1422–41, 1498

non-LPRs, 1441–71

communicable disease, 136, 294

Communist Party, 269

concurrent, 1498

consular officer's criteria, 303

crimes, 197, 294–99, 1422–41, 1498–99

death of qualifying relative, 1497

denial, right to notice of, 304

deportation, 200–202, 1475–79

domestic violence, 400

drug abuse, no waiver, 140

drug conviction, 197, 294

previous deportation, 200–202

emergency, 292

EWI, 219

exchange students (§212(e)), 294, 2043, 2120–30, 2536

exclusion, previous, 200–202

fees, 304, 1405

foreign physician, 294, 2043, 2124–27

forms for waivers, 303

fraud, generally, 234, 299–302, 1475–78, 2460–61

fraudulent marriage, 1475–78, 2460–61

health related, 133–40, 294

appeal, 140

burden of proof, 140

humanitarian, 293

I-193, 289, 302

I-212, 200–202

I-601, 287–88, 1500

see also specific waiver provisions

expedite request, 288

I-601A, 212–17

I-602 form, 137, 1195

IIRIRA changes, 11

INA sections

§209(c), 137, 288–89, 1376–77, 1499–1500

§212(c), *see* INA §212(c)

§212(d)(1), 289

§212(d)(3), 289–92, 1103–4, 2011

§212(d)(4), 292–93

§212(d)(11), 222, 293

§212(d)(12), 223

§212(e), 294, 2010–11, 2043, 2119–30

§212(g), 15, 136–37, 372, 1377, 1498, 2341, 2409

§212(h), 7, 9, 11, 129, 193, 197, 294–99, 1409, 1474–75, 1479–80, 1498–99, 1629

§212(i), 234, 299–302, 593, 1474–75, 1498–99, 2373, 2525, 2560

§212(k), 235, 302, 1499, 2560

§213, 302, 1500

§237(a)(1)(E), 374, 1479

§237(a)(1)(H), 234, 1475–78, 2439, 2444–45, 2460–61

§237(a)(7), 15, 400

§240A, 197, 288, 1422–71

international law basis, 741

issue not raised before IJ, 1546

judicial review, *see* Judicial review

lack of documentation, 235, 289, 290, 302

marijuana convictions, 7, 197, 294–99, 391–92

mental disorder, 139, 294

misrepresentations, material, 234, 299–302, 1475–78

multiple grants, 1477, 1498

nonimmigrants generally, 289–92, 2011

notice of denial, 304

nunc pro tunc grants, 368–69, 1479–80, 1497–98

passport or NIV missing, 292

permanent bar, 219

permanent upon grant to LPRs, 303–4, 1498

petty offense, 161–62

physical disorder, 139, 294

prior deportation, exclusion or removal, 200–202

procedures, *see specific waiver*

prostitution, 294–99

provisional unlawful presence waivers, 212–17

public charge, 141–59, 302

reapply after deportation, exclusion or removal, 200–202

refugees, 137, 288–89, 1195, 1377

removal, previous, 200–202

S visas, 289

simultaneous, 1477, 1498

smuggling, 222, 293, 1479

stacking, 1477, 1498

suspension, 1467–70

T visas, 293, 2366

temporary entry, 219

ten-year bar, 210–17

terrorism, 257, 261–66, 292

three-year bar, 210–17

totalitarian membership, 269, 302

travel documents, 235, 292, 302

tuberculosis, 136, 294, 1498

TWOV, 292

two-year foreign residency req't, *see* Foreign-residency requirement

U visa, 293–94, 2379–80, 2385

U.N. Headquarters agreement, 287

unlawful presence, 210–17, 219

provisional unlawful presence waivers, 212–17

vaccinations, 136–37, 294

warrants

administrative, 2949

attorney's files, 638

judicial, 640–41

search without, 638–39, 2949

standard, 637

validity, 636–38

- Washington State**
legislation affecting immigration, 96–97
- watch list**
challenge to, 306, 308–11
- WebEx**, 904–5
- Welcome Corps**, *see* Asylees and refugees
- well-founded fear, defined**, 1007, 1014, 1095–96
- Western Hemisphere priority dates**, *see* Priority dates
- Western Hemisphere Travel Initiative (WHTI)**, 2037, 2053, 2061–62, 3106
- whistleblowers**
corporate immigration violations, 3015
as grounds for asylum, 1044, 1340–42
H-1B, *see* H-1B visas
- widows and widowers**
petition by immediate relatives, 2401–2, 2495–98, 2514
- willful blindness / willful ignorance**
CAT claims, *see* Convention Against Torture (CAT)
employer sanctions, *see* Employer sanctions
misrepresentations on form as ground of inadmissibility, 231
- willful violators of H-1B/LCA**, 2172, 2198–99
- withdrawal of applications and petitions**
admission application, 330–31, 368
asylum application, 1215
immigrant visa petition, 2501
- withholding of removal**, 1124–38, 1225–31, 1243
(*see also* Asylees and refugees; Convention Against Torture)
aggravated felony, 955, 1121–22
alternate theories for claim, 1310
asylum distinguished, 1226–27
asylum officer, 1208–9, 1219, 1222–25
bars to, 1127–37
bond, 336, 683, 1240
burden of proof, 1244
CAT distinguished, 1227–29
corroboration, 22, 1153, 1226–27, 1249–52
credibility, 1162, 1271–1311
derivative status not available, 1226–27, 1235, 1317–18, 1368
disqualification for, 1127–37
effective dates, 1138
employment authorization, 2992
evidence, type for claim, 1245–46, 1311–42
judicial review (*see also* Judicial review)
substantial evidence, 1350–64
nonpolitical crime, 1133–36
particularly serious crime, 955, 1127–33
past persecution as basis for, 1085–86, 1125–26
persecution against others, bar to withholding, 1127
prohibitions to withholding (discretionary), 1137
protective order violation as a basis to deny relief, 1396
reasonable-fear determination, 1222–25
reopen, motion to, 1344, 1582–92
in absentia orders, 1592
revocation, 1221, 1371
- security ground as prohibition, 1136–37
serious nonpolitical crime, 1133–36
standard of persuasion, 1244
U.N. Convention and Protocol, 1004, 1124
- witnesses**
(*see also* S visas; T visas; U visas)
departure during criminal proceeding, 568
experts, 858–61
located abroad, securing for trial, 569
prosecutorial discretion, *see* Prosecutorial discretion
- women's sports**, *see* Transgender issues
- work authorization**, *see* Employment authorization
- workers' compensation laws**
undocumented workers protection, 3000–3015
- writs**
All Writs Act, 506, 1611, 1630, 1631, 1711, 1747, 1755, 1787, 1875–76, 1891, 2027
of *audita querela*, 506
of error *coram nobis*, 505–6
of habeas corpus, 986, 1638–75
- wrongful termination of employee**, 740, 2318–19, 3011
- Wyoming**
legislation affecting immigration, 97

Y

Yemenis

- I-130 guidance, 2498
temporary protected status, 1191