

## IMMIGRATION ISSUES FOR INTERNATIONAL STUDENT ADVISORS

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- **Immigration consequences of criminal convictions**
  - **How it works:** state crimes (defined by state law) are slotted into immigration law categories (federal law). Amorphous categories (e.g., CIMT) lead to odd results (e.g., vehicular manslaughter is not a CIMT, but drunk driving without a valid license is). Law changes all the time—partly defined by the law partly by published cases—a crime that is not a CIMT today might be tomorrow.
  - **Cautionary tales:** (1) couple fighting, neighbor calls the police, boyfriend is arrested, busy public defender advises him to plead guilty to avoid serving time, conviction ends up being considered a CIMT/COV; (2) student has a small amount of marijuana and is cited for possession—inadmissible (i.e., can't later adjust status or be readmitted after going to Vancouver for the day) because the conviction is a “violation of any law relating to a controlled substance.”
  - **Bottom line:** if ever arrested, make sure students understand that they need to talk to an immigration attorney who has experience in this area.
  
- **Asylum**
  - **Eligibility.** Person has been persecuted on the basis of race, religion, nationality, membership in a social group, political opinion. “Social group” is amorphous—includes, e.g., women who have been or fear circumcision, women who have suffered severe domestic violence, gay individuals from certain countries. *Must file within one year*, though it's possible in limited circumstances to file beyond the deadline
  
- **U Visa**
  - Victim of a crime who has been helpful in the prosecution of the crime (e.g., reported the crime) and has suffered substantial harm.

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- **Diversity Visas**

- 50,000-55,000 awarded each year for individuals from low-admission regions. A person married to an applicant from a low-admission state can enter based on the spouse's country of birth.
- Must have a high school diploma.
- Within 5 years of applying, have at least two years of work experience in an occupation requiring at least two years' training or experience.
- Spouses and children of DV applicant eligible.