

If you have been in the United States illegally for more than a year, and then leave the U.S., and later re-enter illegally, you will be prohibited from returning for the rest of your life.

These bars will apply even if you are married to a U.S. citizen or legal permanent resident of the United States. These bars are also very important because sometimes the only way someone can become a legal resident is by leaving the U.S. and going to the U.S. consulate in his or her country.

In these situations, if the applicant has been illegally present in the U.S. for more than 180 days, he or she will be disqualified upon leaving the U.S., even though the only reason for the departure was to apply for permanent residence. *Therefore, if you illegally entered the U.S. or if you overstayed a visa, do not leave the country without first consulting with an immigration attorney.*

Are there any other groups of people who are barred from becoming legal residents?

Yes. Those who have not been vaccinated against certain illnesses are prohibited from becoming legal residents.

Drug addicts and abusers are prohibited from entering. You do not have to be convicted of a crime to be considered a drug addict or abuser.

If the government believes it's likely that you will become a public charge (that you will need public benefits to survive), you will be prohibited from becoming a legal resident. When deciding whether you are likely to become a public charge, the CIS will look at your age, health, family status, income, resources, education, and other skills. IN addition, if you immigrate through a relative, the person who petitions for you must sign a written agreement promising to support you. If the sponsor does not have enough income to support you, the sponsor must find another person to sign the affidavit with the sponsor. If no one signs an affidavit for you, you will not be allowed to immigrate.

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Indiana Legal Services, Inc.
Immigrants' and Language Rights Center
Indianalegalservices.org

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Indiana Legal Services, Inc. is a nonprofit law firm that provides free civil legal assistance to eligible low-income people throughout the state of Indiana.



TO SUBMIT AN APPLICATION FOR LEGAL ASSISTANCE:

Call 1 (866) 964-2138
Tuesdays and Thursdays
8:30am to 4:30pm

How can I become a legal resident of the U.S.?

**Prepared by:
The Immigrants' and
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Indiana Legal Services, Inc.**



This pamphlet is for information only. It is NOT legal advice. For legal advice, contact a private attorney or a lawyer at the nearest Legal Services Office.

Laws and Policies change. Please look at the last revised date to make sure the information is still current.

**This information is available online
www.indianalegalservices.org**

IMMIGRATION LAW IS VERY CONFUSING. YOU SHOULD SEEK AN ATTORNEY TO HELP YOU BEFORE YOU DO ANYTHING.

How can I become a legal resident of the United States?

There are three general ways to become a legal resident of the United States. The first is by having a close relative that is a citizen or legal resident. The second is if you have a profession or trade for which there are not enough American workers. In such cases, your employer must sponsor your application. The third is based on various humanitarian factors, such as living in the U.S. for many years or facing a danger of persecution in your home country.

How can I immigrate by way of my family?

You can immigrate through family if you have a U.S. citizen spouse, parent, brother, sister or child who is at least 21 years old. Also, you can immigrate if your spouse or parent is a legal permanent resident of the United States. It is impossible to immigrate through a cousin, aunt or uncle, a grandparent or other relative.

If my spouse abused me or my children, is there a way to immigrate without my spouse having to petition for me?

Yes. If your citizen or legal resident spouse has abused you or your children, you may petition for yourself. You must show that you have been battered or subjected to extreme cruelty. The person that committed the acts of violence has to be a citizen or legal permanent resident of the United States.

How to I get legal residence if I face danger of persecution in my home country?

If you have been threatened, you have suffered persecution, or fear persecution in your home country because of your race, religion, nationality, political opinion, or being a member of a social group, you may be able to apply for asylum in the U.S.

If you are from El Salvador or Guatemala and you have been in the United States since 1990, you may qualify for a special immigration program.

You should not apply for asylum without consulting a lawyer first. Asylum laws are **very** complicated. Applying for asylum can result in deportation from the United States. In the United States, a notary does not have legal education. You should not take advice from a notary.

If the USCIS arrests me for being undocumented, is there anything I can do to be able to stay in the United States?

If you are arrested by the USCIS for being undocumented, you can apply for a cancellation of the removal if you have been present in the United States for at least ten years. You can only have left the United States for brief periods of time in those ten years. You must have had good moral character for the ten years before you filed your application.

Also, you will have to demonstrate that your deportation would cause exceptional and extremely unusual hardship to your citizen or legal resident spouse, parent or your children. The law recognizes that all the people who are deported will suffer some type of hardship. To qualify for a cancellation of removal, the hardship that your family would suffer must be **more** extreme than normal.

Are there any reasons my application will NOT be approved?

Yes. Even if you fall within one of the categories listed above, your application may be denied if there are certain conditions that will disqualify you from immigrating. The following are some of the things that make you ineligible for legal residence:

- If you have committed certain crimes. It is **very** important that you speak to an attorney if you have ever been arrested, no matter how minor the offense.
- If you have committed a drug-related crime. Those who have been convicted of a drug-related crime or have admitted to committing a drug-related crime are not eligible for legal residence.

- If you do not show up to deportation proceedings.
- If you ever said that you are a U.S. citizen when in reality you were not.
- If you gave false information to obtain an immigration benefit.
- If you helped any other person, including your spouse or child, to enter the United States illegally.

There are also some very important grounds for denying your application if you are in the United States illegally.

Am I disqualified from becoming a legal resident if I have been in the United States illegally?

In some cases you might be. Whether you have been disqualified depends on how long you have been in the United States illegally and whether you leave the country.

If you have been in the United States illegally for more than 180 days, but less than a year, and then you leave the United States, you will be ineligible to get legal residence until you have spent three years outside the U.S.

If you have been in the United States illegally for a year or more and then you leave the United States, you will not be eligible to get legal residency until you have been outside of the United States for ten years.

You can apply for a waiver of these bars if you have a spouse or a parent who is a U.S. citizen or legal permanent resident and the denial of the waiver would result in extreme hardship for your spouse or parent.