

IMMI 102 — Immigration Status & Categories

Comprehensive Outline

Module 1 — Status vs. Category vs. Benefit (Core Framework)

1.1 Learning Goals

By the end of Module 1, you will be able to:

- Define **visa, admission, I-94, classification/category, and status**
 - Explain **why a visa is not status and why an unexpired visa does not guarantee lawful stay**
 - Identify which document controls **authorized stay** (usually the **I-94**)
 - Issue-spot common misunderstandings (e.g., “My visa is valid so I’m legal”)
 - Map a person’s situation into: **(1) category/classification, (2) status, (3) benefit sought next**
-

1.2 Core Definitions

A. Category / Classification (the “label”)

- The immigration “bucket” that determines rules: **B-2, F-1, H-1B, L-1, J-1, K-1, TPS, parole, LPR, etc.**
- A category tells you:
 - permitted activities (study/work/visit)
 - compliance requirements
 - typical evidence used to prove it

B. Status (your legal standing inside the U.S.)

- The person’s lawful immigration position **while physically in the U.S.**
- Status requires:
 - **valid admission** (or another legal basis to be present)
 - **compliance** with rules (no unauthorized work, maintain school, etc.)
 - **time compliance** (don’t remain past authorized stay unless extended/changed)

C. Benefit (what the government grants)

- A **government decision/authorization** requested and granted by USCIS/DHS/DOS
- Examples:
 - admission (CBP at entry)
 - extension/change of status (USCIS)
 - employment authorization (EAD)
 - adjustment of status (green card)
 - parole
 - TPS designation/renewal

D. Visa (a travel document, not status)

- Placed in passport by a U.S. consulate/embassy abroad
- Primary function: lets a person **request entry** at a port of entry
- Key point: the visa does **not** usually control how long they can remain once admitted

E. Admission (permission to enter in a category for a period)

- Decision by **CBP**
- Creates the person's **class of admission** and authorized stay
- Recorded on the **I-94**

F. I-94 (the admission receipt / controlling record)

- Shows:
 - class of admission (e.g., B-2, F-1, H-1B)
 - admitted-until date (or "D/S" for some categories)
- Often the first document to check to verify authorized stay

1.3 The "3-Part Framework" (The module's anchor concept)

1. **What category/classification applies?**
 - Example: B-2 visitor, F-1 student, H-1B worker, parolee, TPS holder
2. **What is the person's current status right now (in the U.S.)?**
 - In status, out of status, overstay, status violation risk
3. **What benefit are they seeking next (if any)?**
 - Extend, change, work authorization, adjust, travel permission, etc.

Quick lines:

- *Category = the rulebook*
- *Status = whether you're currently following the rulebook (and time limits)*
- *Benefit = the government's "yes" to a request under that rulebook*

1.4 Document-to-Concept Mapping (What proves what)

A. Visa stamp in passport

- Proves: permission to travel and request entry (and its validity type/entries)
- Does NOT prove: current lawful stay date in the U.S.

B. I-94

- Proves: admission + class + authorized stay end date (or D/S)
- Often the strongest “where do we stand today?” document for nonimmigrants

C. I-797 approval notice

- Proves: USCIS approved a petition/extension/change (often category-specific)
- May include I-94 at bottom for extensions (depending on type)

D. EAD card

- Proves: permission to work under a specific basis (category code)
- Does NOT automatically equal permanent status

E. Green card

- Proves: LPR status
-

1.5 Key Rules You Must Memorize (Core takeaways)

- **Visa ≠ status.**
 - **Visa does not guarantee entry.**
 - **I-94 usually controls authorized stay.**
 - A person can have:
 - a valid visa but **no status** (never admitted / refused entry)
 - an unexpired visa but be **out of status** (violated rules or overstayed I-94)
 - valid status but an **expired visa** (inside U.S. legally; visa needed mainly for re-entry)
-

1.6 Common Confusions “myth vs fact”

Myth 1: “My visa is valid, so I’m legal.”

Fact: Check the **I-94** and compliance with category rules.

Myth 2: “CBP must admit me if I have a visa.”

Fact: Visa allows you to **request** admission; CBP decides admission.

Myth 3: “Work authorization means I’m a permanent resident.”

Fact: EAD can be temporary and category-based (TPS, asylum-pending, etc.).

Myth 4: “A passport expiration controls my immigration stay.”

Fact: The **I-94** usually controls stay; passport must be valid for travel/identity.

1.7 Examples

Example A — Valid visa, expired I-94 (overstay)

- Facts: B-1/B-2 visa valid to 2029; admitted until 06/30/2025; still present today
- Category: B-2
- Status: likely overstay (past I-94)
- Benefit they might seek: (conceptually) depart, consult counsel, potential relief options depending on facts

Example B — Expired visa, valid status (inside U.S.)

- Facts: F-1 visa expired; student is enrolled full-time; I-94 shows D/S
- Category: F-1
- Status: may still be valid if maintaining rules
- Benefit: may need visa renewal only for international travel/re-entry

Example C — Refused entry

- Facts: Valid visa, but CBP denies admission at airport
- Category: attempted B-2 (or other)
- Status: none (not admitted)
- Benefit: may reapply/seek correct documentation depending on reason

Example D — Unauthorized employment

- Facts: B-2 visitor working for pay
- Category: B-2
- Status: violation risk / out of status
- Benefit: none available through B-2 for employment; must stop work and assess options

Module 2 — Lawful Permanent Resident (LPR) Categories (Green Card Basics)

2.1 Learning Goals

By the end of Module 2, you will be able to:

- Define **LPR** and explain what a “green card” represents
- Distinguish **immigrant status (LPR)** from **nonimmigrant classifications**
- Identify the main **paths to LPR** (Adjustment of Status vs. Consular Processing)
- Recognize major **LPR category “buckets”** (family, employment, humanitarian, diversity, special)
- Explain **conditional residence** (2-year cards) and basic removal of conditions concepts
- Spot common **LPR maintenance problems** (extended travel, abandonment indicators, criminal/other risk triggers—high level)
- Identify common **documents that prove LPR status** and key dates to check

2.2 Core Definitions

A. LPR (Lawful Permanent Resident)

- A person authorized to **live and work permanently** in the U.S.
- Not a U.S. citizen (still subject to immigration laws, removal grounds, etc.)

B. “Green Card” (Form I-551)

- The common proof of LPR status
- Card can expire; **status does not automatically expire** because the card expires (important concept)

C. “Immigrant Visa” vs. “Nonimmigrant Visa”

- Immigrant visa: used to enter as a permanent resident (or to become one on admission)
 - Nonimmigrant: temporary purpose (visit/study/work)
-

2.3 Big Picture: How LPR Status Is Obtained

Path 1 — Adjustment of Status (AOS) (Inside the U.S.)

- Concept: person is already in the U.S. and applies to become an LPR
- Common prerequisites (conceptual):
 - eligible immigrant category (family/employment/humanitarian)
 - eligible to file in the U.S. (status/entry issues may matter)
- Typical outcomes:
 - approval → person becomes LPR in the U.S.
 - receives green card after approval

Example

- F-1 student marries a U.S. citizen and applies inside the U.S. → AOS path (conceptually).

Path 2 — Consular Processing (Outside the U.S.)

- Concept: immigrant petition/eligibility is approved, then applicant interviews at U.S. consulate abroad
- Enters U.S. with immigrant visa → becomes LPR upon admission

Example

- U.S. employer sponsors a worker; worker completes immigrant visa interview abroad and enters as LPR.

Tip: Use a simple flow chart: **Petition/Eligibility** → **Visa availability (if required)** → **AOS or Consular** → **LPR**

2.4 Main LPR Category Buckets (High-Level Classification Map)

Teach students to categorize LPR cases by “where the green card comes from.”

A. Family-Based LPR Categories

- Immediate relatives (conceptual): spouse/parent/child of U.S. citizen (often no quota wait)
- Preference categories (conceptual): other family relationships with numerical limits
- Key evidence themes:
 - relationship documents (marriage/birth certificates)
 - bona fide marriage proof (if applicable)

Example

- U.S. citizen petitions spouse → family-based LPR.

B. Employment-Based LPR Categories

- Broad buckets: EB-1 / EB-2 / EB-3 (conceptual overview)
- Key evidence themes:
 - job offer/employer sponsorship (often)
 - qualifications (degrees, experience letters)
 - labor certification (PERM) concept (when required)

Example

- Employer sponsors skilled worker → EB-3 concept; PERM may be required.

C. Humanitarian / Protection-Based LPR

- Refugee/asylee adjustments (conceptual)
- Other protection pathways (high level)
- Evidence themes:
 - proof of granted protection status
 - continuous presence requirements (depending on pathway)

Example

- Asylee after required period applies to adjust to LPR (conceptual).

D. Diversity Immigrant Visa (DV Lottery) LPR

- Diversity program concept (country-based eligibility; selection)
- Evidence themes:
 - selection confirmation, education/work requirements (conceptual)

E. Special / Miscellaneous LPR Categories (Intro Survey)

- Examples (conceptual, not exhaustive): special immigrant juveniles, certain religious workers, other special programs
 - Teaching point: many “special categories” have unique statutory requirements
-

2.5 Conditional Permanent Residence (2-Year Green Cards)

What it is

- A conditional green card is still LPR status but subject to conditions.

Common conditional situations (conceptual)

- Marriage-based cases when marriage is “recent” at the time of approval (often results in 2-year card)
- Certain investment-based categories may be conditional (high-level concept)

Key concept

- Conditions must be removed later; failure can risk loss of status.

Example

- Married 14 months at approval → receives 2-year card; later must file to remove conditions with strong evidence of bona fide marriage.
-

2.6 LPR Rights and Responsibilities (Basic)

Rights

- Live and work permanently in the U.S.
- Travel (with limits and risk factors)
- Sponsor certain relatives (more limited than U.S. citizens)

Responsibilities

- Obey laws; maintain residence
 - Notify address changes (conceptually)
 - File taxes as required (high-level)
 - Keep proof of status current (renew card when needed)
-

2.7 Maintaining LPR Status: Travel & “Abandonment” (Conceptual)

Key idea: LPRs can travel, but **long or repeated trips** can trigger questions about U.S. residence intent.

Risk indicators (conceptual)

- long stays abroad
- no U.S. job/home ties
- moving family abroad
- minimal time in U.S. year to year

Evidence of continuing U.S. residence

- U.S. home/lease/mortgage
- U.S. employment
- tax filings
- family ties and ongoing obligations

Example

- LPR spends 10 months every year abroad for 3 years → likely questions about abandoning residence.
-

2.8 Loss of LPR Status (High-Level Survey)

Common ways LPR status can be lost

- Voluntary relinquishment (concept)
- Abandonment (intent + facts)
- Removal proceedings based on certain violations (criminal/immigration grounds—only high level here)

Teaching caution

- Avoid deep criminal law; keep it issue-spotting:
 - “Certain convictions can create removability—refer out for legal review.”
-

2.9 Documents & What to Check (Practical Skills)

Primary proof

- **Green card (I-551)**

Other supporting proof (contextual)

- immigrant visa in passport + entry stamp (new immigrants)
- I-797 approvals (some contexts)
- A-number consistency and identity matching

Key checks

- identity matches (name/DOB)
 - category basis (family/employment/etc.)
 - card expiration vs. actual status concept
 - travel history red flags (high-level screening)
-

2.10 Real Scenarios

1. **Expired green card:** LPR card expired last year; person thinks they're "illegal."
 - Card expiration \neq automatic loss of status (but needs renewal).
 2. **Extended travel:** LPR abroad 14 months; returns with minimal U.S. ties.
 - Abandonment risk indicators.
 3. **Conditional resident:** 2-year card holder nearing expiration; no preparation to remove conditions.
 - Timing and evidence planning.
 4. **Family sponsorship limits:** LPR wants to sponsor multiple relatives.
 - LPR sponsorship is more limited than U.S. citizen sponsorship.
-

Module 3 — Nonimmigrant Classifications (Temporary Status Categories)

3.1 Learning Goals

By the end of Module 3, you will be able to:

- Define **nonimmigrant classification** and explain “temporary purpose”
 - Identify major nonimmigrant **classification families** (visitor, student, work, exchange, treaty, religious, fiancé, etc.)
 - Explain how **visa / admission / I-94 / status** interact for nonimmigrants
 - Recognize common **status violations** by category (unauthorized work, study issues, overstays, employer-specific work)
 - Spot what evidence typically proves status and what “next benefit” is commonly requested (extend, change, EAD, etc.)
 - Triage a scenario: **classification** → **authorized stay (I-94)** → **compliance rules** → **next step**
-

3.2 Core Concepts

A. What is a Nonimmigrant Classification?

- A DHS/USCIS category for a **temporary** stay in the U.S. for a specific purpose
- Examples: **B-2, F-1, J-1, H-1B, L-1, O-1, E-2, R-1, TN, K-1**

B. “Temporary Intent” vs. “Dual Intent” (Conceptual)

- Some classifications expect the person intends to return abroad (typical “temporary intent” concept)
- Some allow “dual intent” (conceptually: can be temporary now and pursue LPR later)

C. The Nonimmigrant Document Stack

- **Visa**: travel document to request entry (consulate)
- **Admission**: granted by CBP at entry
- **I-94**: class + admit-until date (often controls stay)
- **Status**: must comply with rules of class + timeline

D. Common Nonimmigrant Benefits

- **Extension of stay**
 - **Change of status**
 - **Employer change/petition** (for work categories)
 - **Dependent status** (spouse/children categories)
 - **Work authorization** (limited; depends on category)
-

3.3 Major Nonimmigrant Categories

A) Visitors: B-1 / B-2 (Business & Tourism)

Purpose

- B-1: business activities (meetings, conferences, negotiations)
- B-2: tourism, visiting family, medical treatment, short recreational courses (limited)

Key rules

- No “U.S. employment” (paid work for U.S. market is a red flag)
- Must maintain visitor purpose; limited duration (I-94 controls)

Common documents

- Passport + visa + **I-94**
- Evidence of ties abroad (concept)

Common violations

- Unauthorized employment
- Overstay (past I-94)
- Enrolling in full-time study (depending on facts)

Examples

- **Example 1:** B-2 visitor babysits for pay weekly → likely unauthorized work.
 - **Example 2:** B-1 visitor attends meetings, then starts “hands-on labor” → likely not permitted.
-

B) Students: F-1 / M-1 + Dependents (F-2 / M-2)

Purpose

- F-1: academic program
- M-1: vocational program

Key rules (conceptual)

- Maintain full-time enrollment (F-1)
- Follow school reporting rules (DSO involvement concept)
- Work authorization is limited and category-controlled (on-campus/CPT/OPT concepts for F-1)

I-94 notes

- Often “D/S” (duration of status) concept (students maintain status through compliance)

Common violations

- Dropping classes without authorization
- Unauthorized employment
- Working more than permitted hours (concept)
- Failure to maintain program

Examples

- **Example 1:** F-1 stops attending but stays in U.S. → status violation risk.
- **Example 2:** F-1 works cash job off-campus → likely unauthorized employment.

C) Exchange Visitors: J-1 + J-2

Purpose

- Educational/cultural exchange programs (research, training, au pair, etc.)

Key rules (conceptual)

- Program-specific compliance
- Possible home residency obligations in some cases (conceptual mention only)
- J-2 work authorization may be possible (conceptual)

Common violations

- Program noncompliance
- Working without authorization

Example

- J-1 trainee quits program and works elsewhere → status violation.
-

D) Employment-Based Work Visas (Common Categories)

D1) H-1B (Specialty Occupation)

Key ideas

- Specialty occupation + employer petition concept
- Often employer-specific; job changes require proper filings (concept)
- Duration/renewals concept

Common violations

- Working for non-petitioning employer
- Working before authorization is effective

Example

- H-1B worker laid off and begins working for new employer without filings → likely unauthorized.

D2) L-1 (Intracompany Transferee)

Key ideas

- Transfer from related foreign entity to U.S. entity
- Role/relationship between companies matters (concept)

Example

- Person has never worked for the foreign entity but applies as L-1 → red flag.

D3) O-1 (Extraordinary Ability)

Key ideas

- High achievement standard (concept)
- Work is tied to petition/agent/employer structure (concept)

D4) H-2A / H-2B (Seasonal/Temporary Workers) (Survey)

- Temporary/seasonal nature concept
 - Employer-specific concept
-

E) Treaty Trader/Investor: E-1 / E-2 (Conceptual)

Purpose

- E-1: treaty trade
- E-2: treaty investment

Key ideas

- Nationality/treaty requirement concept
- Substantial trade/investment concept
- Often renewables; not automatically immigrant status

Example

- Small “paper investment” with no active business → red flag.
-

F) NAFTA/USMCA Professional: TN (Conceptual)

Purpose

- Certain listed professions for eligible nationals (concept)

Key ideas

- Profession must match list and qualifications (concept)
- Employer letter and role alignment matters

Example

- “Manager” role not aligned to TN profession list → mismatch risk.

G) Religious Workers: R-1 (Conceptual)

Purpose

- Religious occupation/vocation for qualifying organization

Key ideas

- Organization and role must qualify (concept)
 - Compliance and documentation are key
-

H) Fiancé(e): K-1 (and K-2 dependents) (Intro)

Purpose

- Entry to marry U.S. citizen (process step concept)

Key ideas

- Marriage is expected within timeframe (concept)
- Next benefit often: Adjustment of Status

Example

- K-1 enters, does not marry petitioner, stays → status problem.
-

I) Dependents (Spouse/Children Categories) — “Suffix Categories”

Teach the pattern: many categories have dependent counterparts.

- H-4, L-2, O-3, E-2 dependent, F-2, J-2, etc. (conceptual)

Key ideas

- Dependent status is tied to principal maintaining status
 - Work authorization varies by dependent category (concept)
-

3.4 “What’s Allowed?”

For each nonimmigrant scenario, students must answer:

1. What is the **classification**?
 2. What does the **I-94** say (date or D/S)?
 3. What activities are **allowed** (work/study/travel)?
 4. What compliance rules apply?
 5. What is the risk/violation?
 6. What benefit is typically needed next?
-

3.5 Common Violations & Red Flags (Across Categories)

- **Overstay** (past I-94 date)
 - **Unauthorized employment**
 - **Failure to maintain program/employer relationship**
 - **Misalignment** between stated purpose and actual activities
 - **Improper change of status** assumptions (“I can just switch to student next week”)
-

3.6 Practical Evidence Checklist (Intro Level)

You should be able to request/identify:

- Passport ID page + visa stamp (if any)
 - **I-94 record**
 - Category-specific proof:
 - F-1: school documentation (concept)
 - H-1B/L-1/O-1: approval notice (concept)
 - J-1: program documentation (concept)
 - Work authorization evidence if relevant (EAD or category-specific authorization)
-

Module 4 — Refugee, Asylee, and Humanitarian Categories

4.1 Learning Goals

- 4.1.1 Define and distinguish **refugee, asylee, asylum applicant, and parolee**
 - 4.1.2 Explain where each process generally occurs (**outside U.S. vs. inside U.S./border**)
 - 4.1.3 Identify common humanitarian categories: **refugee, asylum, withholding, CAT, parole, TPS, DED** (survey level)
 - 4.1.4 Recognize typical **proof documents** and what they show (status, work authorization, eligibility)
 - 4.1.5 Identify common **next-step benefits** (EAD, travel documents, adjustment to LPR when eligible)
 - 4.1.6 Spot major compliance issues and red flags (missed deadlines, travel issues, re-availing, criminal bars—high level)
-

4.2 Core Definitions

4.2.1 Refugee (outside-U.S. processing concept)

- Person generally **outside the U.S.** who is processed for admission under refugee procedures (conceptual overview).
- Admitted to the U.S. in refugee status.

4.2.2 Asylee (inside-U.S. / border protection concept)

- Person **in the U.S.** or at the border who is granted asylum (affirmative or defensive conceptually).
- Asylum grant creates “asylee” status.

4.2.3 Asylum applicant (pending case)

- Person who has filed for asylum but has **not yet been granted**.
- Pending does not equal approval; benefits depend on timing and rules (concept).

4.2.4 Withholding of removal (survey)

- A protection order that prevents removal to a country due to risk (concept).
- Different from asylum (limited benefits; mention only).

4.2.5 CAT protection (survey)

- Protection under Convention Against Torture (concept).
- Generally prevents removal to a country where torture is likely (mention only).

4.2.6 Humanitarian parole (survey)

- Temporary permission to enter/remain for urgent humanitarian/public benefit reasons (concept).
- Not the same as a visa; not necessarily “admission” in a typical nonimmigrant class.

4.2.7 TPS (Temporary Protected Status) (survey)

- Temporary protection for eligible nationals of designated countries (concept).
- Not automatic LPR; may include EAD eligibility.

4.2.8 DED (Deferred Enforced Departure) (survey)

- Discretionary protection from removal for certain groups (conceptual mention).
-

4.3 The “Where Filed / Where Processed” Distinction (Anchor Lesson)

4.3.1 Refugee = typically outside the U.S. before entry

- Processed abroad → admitted to the U.S. as refugee

4.3.2 Asylum = typically inside the U.S. or at the border

- Filed in U.S. or raised in removal defense → granted asylum → asylee

4.3.3 Parole = permission to enter/remain temporarily

- Can involve entry with parole or parole while in U.S. (concept)

Example

- “Refugee is processed **before** entry. Asylum is sought **after** arrival (or at the border). Parole is **temporary permission** for urgent reasons.”
-

4.4 Protected Grounds & Core Eligibility Concepts (High-Level)

4.4.1 Five protected grounds (survey level)

- Race
- Religion
- Nationality
- Political opinion
- Membership in a particular social group (PSG)

4.4.2 Basic “fear/harm” concept

- Must show serious harm risk linked to a protected ground (high-level; avoid deep legal tests unless your course is advanced)

4.4.3 Common bars/red flags (high-level mention only)

- Certain serious crimes
 - Security-related concerns
 - Firm resettlement concept (survey)
-

4.5 Asylum Process Overview (Conceptual, Step-Based)

4.5.1 Affirmative asylum concept

- Filed with USCIS while not in removal proceedings (concept)

4.5.2 Defensive asylum concept

- Raised before immigration judge in removal proceedings (concept)

4.5.3 Timing concept (survey)

- Filing deadlines may apply; exceptions exist (mention only, avoid deep statutory detail unless needed)

4.5.4 Evidence themes

- Identity and nationality proof
- Personal statement / declaration
- Country conditions evidence
- Corroboration (police reports, medical records, affidavits) where available

4.5.5 Outcomes (conceptual)

- Granted → becomes asylee
 - Denied → may be referred or remain in proceedings depending on posture (concept)
-

4.6 Refugee Process Overview (Conceptual, Step-Based)

4.6.1 Processing abroad concept

- Screening, interviews, vetting, medical checks (conceptual)

4.6.2 Admission to the U.S.

- Becomes refugee upon admission
- Receives documentation evidencing status (concept)

4.6.3 Common next steps

- Work authorization and resettlement support (concept)
 - Adjustment to LPR when eligible (concept)
-

4.7 Humanitarian Parole (Detailed Survey)

4.7.1 What parole is

- Temporary permission to enter/remain
- Does not equal permanent status
- Often time-limited

4.7.2 Common uses (conceptual examples)

- Urgent medical treatment
- Family emergency
- Public benefit reasons

4.7.3 Key cautions

- Parole expiration issues
- Need for a separate longer-term status path if staying

Example

- Parole granted for urgent medical treatment; after treatment, person must evaluate another lawful path or depart (concept).
-

4.8 TPS and Related Protections (Survey)

4.8.1 What TPS does

- Protects from removal while designation remains
- May allow EAD eligibility (concept)
- Requires re-registration when extended (concept)

4.8.2 TPS limitations

- Not a green card by itself
- Needs another basis to adjust (concept)

Example

- TPS holder has EAD and works legally but is not automatically eligible for LPR without a qualifying immigrant category.
-

4.9 Work Authorization & Travel (Practical Rules – Conceptual)

4.9.1 Work authorization sources

- Some humanitarian categories may allow an **EAD**
- Some statuses allow work incident to status (conceptual mention)

4.9.2 Travel cautions (high-level)

- International travel can create risk in certain protection cases (e.g., returning to country of feared harm can be a major red flag)
 - Always verify travel permission requirements before leaving (concept)
-

4.10 Adjustment to LPR (High-Level Pathways)

4.10.1 Refugee adjustment concept

- Refugees may have a path to adjust to LPR after meeting requirements (concept)

4.10.2 Asylee adjustment concept

- Asylees may have a path to adjust to LPR after meeting requirements (concept)

4.10.3 TPS/parole are not automatic LPR

- TPS/parole require a separate immigrant basis to become LPR (concept)
-

4.11 Documentation (What Students Should Recognize)

4.11.1 Identify common proof categories (conceptual)

- Evidence of grant (refugee/asylum approval documentation)
- I-94 notations (where applicable)
- EAD category codes (if issued)
- Travel documents (refugee travel document concept)

4.11.2 Key practice skill

- Always ask: “What is the person’s current lawful basis to remain today?” and “What document proves it?”
-

4.12 Common Issues & Red Flags (Issue Spotting)

4.12.1 Missed deadlines / late filings (concept)

4.12.2 Inconsistent statements (credibility concerns—concept)

4.12.3 Criminal issues (bar risk—high-level)

4.12.4 Travel back to home country of feared harm (re-availing red flag—concept)

4.12.5 Expired parole/TPS lapses (status continuity problem)

Module 5 — Temporary Protected Status (TPS), DACA, Deferred Action (Intro)

5.1 Learning Goals

- 5.1.1 Define **TPS, DACA, and Deferred Action** and explain what each program does (and does not do)
 - 5.1.2 Distinguish **lawful status, lawful presence, and work authorization** (intro level)
 - 5.1.3 Identify common proof documents: **approval notices, EAD, I-94 (if applicable), category codes**
 - 5.1.4 Recognize common compliance issues: **renewals, re-registration, lapses, travel restrictions, criminal bars (high level)**
 - 5.1.5 Correct common misconceptions: **EAD ≠ green card; deferred action ≠ permanent status**
 - 5.1.6 Apply the triage framework: **current basis to remain → document proof → next-step benefit → risks**
-

5.2 Core Definitions (Teach First)

5.2.1 Temporary Protected Status (TPS)

- Temporary protection from removal for eligible nationals of **designated countries** (or last habitual residence)
- Granted for limited periods; can be extended/terminated depending on designation (concept)

5.2.2 Deferred Action (general concept)

- A discretionary decision by the government to **defer (pause) removal action** against a person for a period of time
- Does not create a traditional “visa status” (concept)
- May allow eligibility for work authorization depending on program rules (concept)

5.2.3 DACA (Deferred Action for Childhood Arrivals)

- A specific deferred action program for certain individuals who came to the U.S. as children and meet criteria (intro level)
- Not a pathway to citizenship by itself; provides temporary protection and may allow EAD (concept)

5.2.4 EAD (Employment Authorization Document)

- Work permit showing authorization to work under a particular basis/category code
 - Not the same as LPR status
-

5.3 Key Concept: Status vs. Presence vs. Work Authorization (Intro)

5.3.1 Immigration status (traditional categories)

- Examples: F-1, H-1B, LPR, etc.

5.3.2 Lawful presence (conceptual)

- Being allowed to remain in the U.S. without being considered “unlawfully present” for certain purposes (avoid deep statutory detail)

5.3.3 Work authorization

- Permission to work; can exist with or without a traditional nonimmigrant “status” depending on the program (TPS/DACA/deferred action examples)

Example:

- “A person can have permission to remain and even an EAD, but still not have a permanent ‘status’ like a green card.”
-

5.4 TPS — Program Overview (Intro)

5.4.1 Who TPS is for (conceptual)

- Eligible nationals of a designated country (or last habitual residence) who meet residence/presence requirements (concept)

5.4.2 What TPS provides

- Protection from removal while TPS is valid
- Eligibility to apply for an EAD (work authorization)
- Ability to request travel permission (concept)

5.4.3 What TPS does NOT provide

- Not automatic permanent residence
- Not automatic citizenship
- Not a visa stamp by itself

5.4.4 TPS time limits and extensions

- Country designations can be extended, redesignated, or terminated
- TPS holders often must **re-register** during designated periods to keep benefits (concept)

5.4.5 Common TPS issues / red flags

- Missing re-registration window
- EAD expiration confusion (“I can still work because I had TPS once”)
- Criminal issues that may affect eligibility (high level)
- Travel without proper permission (concept)

5.4.6 TPS example scenarios

- Example 1: TPS holder’s EAD expired but TPS is extended → check extension rules and current proof
- Example 2: TPS holder believes TPS = green card → correct misconception; needs separate immigrant basis

5.5 DACA — Program Overview (Intro)

5.5.1 What DACA provides (conceptual)

- Deferred action (temporary protection from removal) for a set period
- Potential eligibility for EAD (work authorization)

5.5.2 What DACA does NOT provide

- Not a lawful permanent resident status
- Not a visa
- Not an automatic path to citizenship

5.5.3 Common DACA compliance issues / red flags

- Renewal timing and lapses
- Criminal issues affecting eligibility (high level)
- Travel outside the U.S. without proper permission (concept)
- Misunderstanding of benefits (e.g., “DACA means I’m legal forever”)

5.5.4 DACA example scenarios

- Example 1: DACA recipient's EAD expired last month → identify employment authorization issue and renewal need
 - Example 2: DACA recipient wants to travel internationally → flag travel permission requirements and risks
-

5.6 Deferred Action (Non-DACA) — General Concepts

5.6.1 What deferred action means

- Discretionary pause in enforcement action; may be case-by-case or group-based (concept)

5.6.2 Common forms of proof

- Deferred action approval notice
- EAD (if eligible and issued)

5.6.3 Key limitations

- Temporary; can be revoked
- Does not automatically provide permanent status

5.6.4 Example

- Individual receives deferred action due to humanitarian factors; later needs a long-term plan (family petition, employment pathway, etc., depending on eligibility)
-

5.7 Evidence & Documentation (Practical Skills)

5.7.1 TPS documentation to recognize

- Approval/registration notices (concept)
- EAD card (category code)
- Any travel permission documents (concept)

5.7.2 DACA documentation to recognize

- DACA approval notices (concept)
- EAD card (category code)

5.7.3 Key checks

- Identity match (name/DOB)
 - Validity dates (program period, EAD dates)
 - Renewal/re-registration proof
 - Any criminal/arrest disclosures (screening only; refer out for legal analysis)
-

5.8 Common Misconceptions (Myth vs Fact)

5.8.1 Myth: “EAD means I have a green card.”

- Fact: EAD = permission to work; not LPR.

5.8.2 Myth: “TPS or DACA makes me a citizen eventually.”

- Fact: TPS/DACA alone are not direct citizenship pathways.

5.8.3 Myth: “If the government deferred my action once, it can’t change its mind.”

- Fact: Deferred action is discretionary and time-limited.

5.8.4 Myth: “I can travel freely because I have DACA/TPS.”

- Fact: Travel often requires separate permission and can carry risk.
-

5.9 Triage Framework for TPS/DACA/Deferred Action Cases

5.9.1 Step 1: Identify the current basis to remain

- TPS? DACA? other deferred action? pending? expired?

5.9.2 Step 2: Identify proof documents

- Approval notices, EAD, dates, category codes

5.9.3 Step 3: Determine what is currently authorized

- Work authorization valid now?
- Any travel permission in place?

5.9.4 Step 4: Identify deadlines and next benefits

- TPS re-registration window
- DACA renewal timeline
- EAD renewal timing
- Long-term strategy need (separate immigrant basis)

5.9.5 Step 5: Spot red flags

- Lapse in renewals
- Unauthorized travel
- Criminal issues (screen only)

Module 6 — “Out of Status,” Overstays, Unlawful Presence, and Common Violations

6.1 Learning Goals

6.1.1 Define and distinguish **out of status**, **overstay**, **unlawful presence** (intro level), and **status violation**

6.1.2 Identify what usually controls authorized stay (**I-94 date or D/S**) and why that matters

6.1.3 Recognize common violations by category (visitor, student, work, exchange, parole/TPS/deferred action)

6.1.4 Explain the basic consequence themes (loss of benefits, future visa problems, removal risk—high level)

6.1.5 Apply an issue-spotting framework: **classification** → **I-94** → **rule requirements** → **what happened** → **status result** → **next steps**

6.1.6 Correct common misconceptions: **visa validity** ≠ **lawful stay**, **work permit** ≠ **permanent status**

6.2 Core Terms

6.2.1 In status

- Person is in the correct classification and following the rules; time authorized has not expired (or D/S compliance is met)

6.2.2 Out of status

- Person is no longer meeting the requirements of their classification (e.g., unauthorized work, stopped attending school), even if I-94 is not yet expired (depends on category)

6.2.3 Overstay

- Person remains in the U.S. **past the I-94 admit-until date** (or stays beyond the period allowed)

6.2.4 Unlawful presence (intro concept)

- A legal concept used for certain penalties; generally means time in the U.S. without authorization
- Keep it high-level: “Unlawful presence can trigger serious bars; details are technical and fact-specific.”

6.2.5 Status violation

- An action that breaks the rules of the classification (unauthorized employment, failure to maintain program/employer, etc.)
-

6.3 The Controlling Record: I-94 and D/S (Anchor Lesson)

6.3.1 I-94 admit-until date

- Often the controlling end date for authorized stay
- Example: admitted B-2 until 06/30/2026 → staying past this is an overstay

6.3.2 D/S (Duration of Status) (conceptual)

- Used in some categories (commonly students/exchange)
- Authorized stay is tied to compliance with program rules rather than a single end date

6.3.3 Key teaching line

- “Visa is for travel. **I-94 controls stay**. D/S means your compliance controls stay.”
-

6.4 “Out of Status” vs “Overstay” (Compare and Contrast)

6.4.1 Out of status can happen **before** I-94 expires

- Example: F-1 stops attending classes; still has time left but violates rules

6.4.2 Overstay is tied to **time**

- Example: B-2 stays beyond I-94 date even if they never worked

6.4.3 A person can be both

- Example: unauthorized work + stayed past I-94 date
-

6.5 Common Violations by Category (Practical)

6.5.1 Visitor (B-1/B-2) violations

- Unauthorized employment
- Enrolling in improper study
- Overstay beyond I-94 date
- Misrepresentation of purpose (concept)

Example

- B-2 visitor accepts paid work weekly → status violation and potential enforcement issues

6.5.2 Student (F-1/M-1) violations (conceptual)

- Dropping below required enrollment without authorization
- Unauthorized employment (cash job/off-campus without authorization)
- Failing to maintain program requirements

Example

- F-1 drops all classes and continues living in the U.S. → out of status

6.5.3 Exchange (J-1) violations (conceptual)

- Ending/abandoning program
- Working outside program authorization

6.5.4 Work visas (H/L/O/E/TN/etc.) violations (conceptual)

- Working for a non-petitioning employer
- Job duties/material changes not covered by filings (concept)
- Working outside authorized period

Example

- H-1B worker starts new employer without proper filings → unauthorized employment

6.5.5 K-1 (fiancé(e)) violations (conceptual)

- Failing to follow process steps/timing
- Remaining without a lawful basis after the allowed period

6.5.6 TPS/DACA/Deferred Action issues (conceptual)

- Expired EAD and continuing work
 - Missing TPS re-registration window
 - Travel without proper permission
 - Assuming EAD equals permanent status
-

6.6 Evidence Review: What to Request and What to Check

6.6.1 Must-have documents

- Passport biographic page
- Visa stamp (if any)
- **I-94 record** (or D/S indication)
- Approval notices (if any)
- EAD (if any)

6.6.2 Key checks

- Class of admission matches the person's story
 - Admit-until date (or D/S)
 - Any category-specific compliance indicators (school enrollment, employer continuity, etc.)
 - Work authorization dates if employment is involved
-

6.7 Issue-Spotting Flow (Step-by-Step Method)

6.7.1 Identify current/past classification

6.7.2 Confirm I-94 date or D/S

6.7.3 Identify the rule requirements of that classification

6.7.4 Identify what changed (work, school, employer, travel, time)

6.7.5 Determine if the person is: in status / out of status / overstay / both

6.7.6 Identify immediate needs (stop unauthorized activity, verify lawful basis, plan next filing)

6.7.7 Identify risks (future visa issues, removal risk, bars—high level) and refer out for legal review when needed

6.8 Consequence Themes (High-Level Only)

6.8.1 Immigration consequences (conceptual)

- Loss of eligibility for certain benefits
- Future visa problems or denials
- Exposure to removal proceedings
- Unlawful presence penalties can be severe (details depend on facts)

6.8.2 Practical consequences

- Work authorization loss
 - Driver license / employment verification issues
 - Travel risks (leaving may trigger problems when attempting return)
-

6.9 Common Misconceptions (Myth vs Fact)

6.9.1 Myth: “My visa is valid, so I’m legal.”

- Fact: Check the **I-94** and category compliance.

6.9.2 Myth: “I’m only out of status if I get arrested.”

- Fact: Status can be lost by violations without any arrest (time/work/school).

6.9.3 Myth: “If my EAD is valid, I must be in lawful status.”

- Fact: EAD is work authorization; status/presence depends on underlying basis.

6.9.4 Myth: “Overstay and out of status are the same thing.”

- Fact: Overstay is time-based; out of status is rule-based.
-

Module 7 — Family-Based Immigration Categories (Immigrant Visa Classifications)

7.1 Learning Goals

- 7.1.1 Define **family-based immigration** and identify who may petition whom (intro level)
 - 7.1.2 Distinguish **immediate relatives** vs. **preference categories** (quota-controlled)
 - 7.1.3 Explain the “two-step” structure: **petition approval + immigrant visa/adjustment process**
 - 7.1.4 Identify the basic evidence themes: **relationship proof, bona fide marriage, identity, entry/history**
 - 7.1.5 Recognize common issues: **ineligibilities, misclassification, age/derivative issues, prior marriages, fraud concerns** (high level)
 - 7.1.6 Apply a triage framework: **petitioner status → relationship category → beneficiary location → process path (AOS vs consular) → key documents → risks**
-

7.2 Core Concepts

7.2.1 Family-based immigrant category

- A pathway to permanent residence based on a qualifying family relationship

7.2.2 Petitioner vs beneficiary

- Petitioner (sponsor): the U.S. citizen or LPR filing for a relative
- Beneficiary: the relative seeking the green card

7.2.3 Immigrant visa classification

- The “immigrant category label” assigned to the beneficiary based on the relationship and petitioner status

7.2.4 Two main processing paths (review from Module 2)

- **Adjustment of Status (AOS)** inside the U.S. (if eligible)
- **Consular processing** abroad

7.2.5 Visa availability (quota concept)

- Some categories are not numerically limited (immediate relatives concept)
- Others are numerically limited (preference categories), often creating wait times (intro concept)

7.3 Category Map: U.S. Citizen vs LPR Petitioners (Anchor Lesson)

7.3.1 U.S. Citizen Petitioners (intro level)

- Can petition spouse, unmarried children, married children, parents (if petitioner meets age requirement concept), and siblings (intro)

7.3.2 LPR Petitioners (intro level)

- More limited: typically spouse and unmarried children (concept)

Example: Petitioner's status often determines whether the case is "immediate" vs "preference" and whether derivatives apply.

7.4 Immediate Relatives of U.S. Citizens (Conceptual Bucket)

7.4.1 Concept: immediate relatives are generally not subject to numerical limits (intro)

7.4.2 Common immediate relative relationships (intro):

- Spouse of U.S. citizen
- Unmarried child under a certain age (concept)
- Parent of U.S. citizen petitioner (petitioner age requirement concept)

7.4.3 Key evidence themes

- Relationship proof (marriage certificate, birth certificates)
- Bona fide marriage evidence (if spouse case)
- Identity documents

7.4.4 Example scenarios

- U.S. citizen petitions spouse; beneficiary is inside U.S. → possible AOS (if eligible)
 - U.S. citizen petitions parent; parent is abroad → consular processing
-

7.5 Family Preference Categories (Quota-Controlled) (Intro)

7.5.1 Concept: preference categories have numerical limits and often waiting periods

7.5.2 Preference relationships (intro overview)

- U.S. citizen petitions certain adult children and siblings (concept)
- LPR petitions spouse/unmarried children (concept)

7.5.3 Priority date concept (intro)

- The filing date can become important for visa availability (high-level)

7.5.4 Derivative beneficiaries (concept)

- Some preference categories allow spouse/children to “derive” with the principal; immediate relatives generally do not “need” derivatives because they file separately (intro concept)

7.6 Special Family Issues (High-Level Issue Spotting)

7.6.1 Marriage validity

- Prior marriages properly terminated (divorce/death proof)
- Common-law marriage recognition depends on jurisdiction (concept)

7.6.2 Bona fide marriage vs. fraud concerns

- Evidence themes: joint residence, finances, children, photos, affidavits, communications
- Red flags (concept): very short courtship, inconsistent interviews, conflicting addresses, large unexplained gaps

7.6.3 Stepchildren / adoption / legitimation (intro)

- Relationship rules can be technical; screen and refer for legal review

7.6.4 Age and “aging out” concerns (concept)

- Child turning a certain age can change eligibility or category
- Keep it high-level: “age can change classification; check dates carefully”

7.6.5 Prior immigration violations (from Module 6)

- Overstays, unauthorized employment, or misrepresentation can affect eligibility (high-level)

7.7 Process Step Overview (Conceptual Workflow)

7.7.1 Step 1 — Identify the qualifying relationship and petitioner status

7.7.2 Step 2 — File immigrant petition (concept)

7.7.3 Step 3 — Wait for approval and visa availability (if quota-controlled)

7.7.4 Step 4 — Choose processing path: AOS (inside U.S.) or consular (abroad)

7.7.5 Step 5 — Interview/decision and issuance of LPR status

7.7.6 Step 6 — Post-approval concepts: conditional residence in some spouse cases; removal of conditions concept

7.8 Evidence Checklist (Practical Skills)

7.8.1 Identity evidence

- Passport, birth certificate, government ID (concept)

7.8.2 Relationship evidence

- Marriage certificate, birth certificate, adoption documents (as applicable)

7.8.3 Bona fide marriage evidence (spouse cases)

- Joint lease/mortgage
- Joint bank accounts/insurance
- Photos over time, communications
- Affidavits from friends/family (concept)

7.8.4 Prior marriage termination evidence

- Divorce decrees, death certificates

7.8.5 Entry/status history evidence (if AOS)

- I-94, prior approvals, prior immigration filings (concept)
-

7.9 Common Problems & Red Flags (Screening Level)

- 7.9.1 Incorrect petitioner status (citizen vs LPR) leading to wrong category
 - 7.9.2 Missing divorce/termination documents
 - 7.9.3 Weak bona fide evidence or inconsistent facts
 - 7.9.4 Age/derivative issues not evaluated early
 - 7.9.5 Prior immigration violations (overstay, unauthorized work, misrepresentation)
 - 7.9.6 Criminal issues (screen; refer for legal analysis)
-

Module 8 — Employment-Based Immigration Categories (Immigrant)

8.1 Learning Goals

- 8.1.1 Define **employment-based (EB) immigrant categories** and the purpose of EB immigration
 - 8.1.2 Identify the main EB category “buckets” (**EB-1, EB-2, EB-3, EB-4, EB-5**) at an introductory level
 - 8.1.3 Explain the typical structure: **job offer/petition → (PERM when required) → immigrant petition → visa availability → AOS/consular → LPR**
 - 8.1.4 Distinguish **employer-sponsored** vs **self-petition** concepts (where permitted)
 - 8.1.5 Recognize key evidence themes: **job offer, qualifications, experience letters, business ability to pay, labor market test (PERM)**
 - 8.1.6 Spot common issues: **wrong category, job mismatch, incomplete experience proof, priority date/visa availability delays, status/overstay complications** (high level)
 - 8.1.7 Apply the triage framework: **worker profile → job details → EB bucket → PERM needed? → petition path → timing/risks**
-

8.2 Core Concepts

8.2.1 Employment-based immigrant category

- A pathway to permanent residence based on skills, job offer, investment, or special immigrant classification (intro)

8.2.2 Petitioner and beneficiary in EB context

- Petitioner is often the **employer** (except some self-petition cases)
- Beneficiary is the **worker**

8.2.3 PERM labor certification (high-level concept)

- A labor market test process for some EB categories
- Purpose: show no qualified U.S. workers available for the job at the required wage (conceptual)

8.2.4 Priority date and visa availability (intro)

- Many EB categories are quota-controlled
- “Priority date” affects when the worker can move forward (concept)

8.2.5 Processing paths

- Adjustment of Status (AOS) inside the U.S. (if eligible)
 - Consular processing abroad
-

8.3 EB Category Map (Intro Overview)

8.3.1 EB-1 (Priority Workers) — concept

- Often for individuals with extraordinary ability, outstanding professors/researchers, or multinational executives/managers (survey)

8.3.2 EB-2 (Advanced Degree / Exceptional Ability) — concept

- Advanced degree or exceptional ability; sometimes includes National Interest Waiver concept (self-petition possibility)

8.3.3 EB-3 (Skilled Workers / Professionals / Other Workers) — concept

- Workers with required experience/training; professionals with degrees; other workers (survey)

8.3.4 EB-4 (Special Immigrants) — survey

- Certain special immigrant classifications (keep high level; examples vary)

8.3.5 EB-5 (Investors) — concept

- Investment-based pathway meeting program requirements (survey level)
-

8.4 The Typical EB Workflow (Step-by-Step)

8.4.1 Step 1 — Define the job and worker qualifications

- Job title, duties, minimum requirements
- Worker's education, experience, licensing (if needed)

8.4.2 Step 2 — Determine EB category and whether PERM is required

- Some cases require PERM; some do not (concept)

8.4.3 Step 3 — PERM labor certification (if required)

- Recruitment and labor market test concept
- Wage requirement concept
- PERM approval leads to next step

8.4.4 Step 4 — Immigrant petition filed (concept)

- Employer files for the worker (or self-petition where allowed)

8.4.5 Step 5 — Wait for visa availability / priority date (if quota-controlled)

- Worker may need to wait until eligible to proceed (concept)

8.4.6 Step 6 — Final step to become LPR

- AOS inside U.S. or consular processing abroad
- Approval/admission → LPR

8.5 Employer-Sponsored vs Self-Petition (Conceptual)

8.5.1 Employer-sponsored (common)

- Employer offers a permanent job and petitions for the worker
- Employer must show job is real and worker meets requirements

8.5.2 Self-petition (limited cases)

- Some EB-1/EB-2 (NIW) concepts allow the worker to petition for themselves (survey)

Example: Most EB cases involve an employer; some exceptions allow self-petition.

8.6 Key Evidence Themes (Practical Checklist)

8.6.1 Worker qualification evidence

- Degrees, transcripts, evaluations (if needed)
- Experience letters (detailed duties, dates, hours)
- Licenses/certifications if required

8.6.2 Job offer evidence

- Employer letter with duties, requirements, wage, worksite

8.6.3 Employer ability to pay (concept)

- Financial evidence showing capacity to pay the offered wage (survey)

8.6.4 PERM documentation (if applicable)

- Recruitment steps evidence (concept)
 - Position requirements consistency (avoid “tailoring” requirements)
-

8.7 Common Issues & Red Flags (Issue Spotting)

8.7.1 Wrong EB category selection

- Job and worker qualifications don’t match category requirements

8.7.2 Job requirements mismatch or “inflated requirements”

- Requirements must reflect business necessity and normal standards (concept)

8.7.3 Weak or inconsistent experience letters

- Missing duties, dates, full-time/part-time details

8.7.4 Employer viability concerns

- Company can’t show ability to pay; inconsistent operations (concept)

8.7.5 Priority date delays and planning problems

- Worker expects immediate green card despite quota waits

8.7.6 Status complications (from Module 6)

- Overstay/out-of-status can affect AOS eligibility; requires careful legal review (high-level)

Module 9 — Common Forms & Evidence Mapping (Practical Skills)

9.1 Learning Goals

9.1.1 Identify common **USCIS/DHS/DOS forms** by purpose (petition, application, work permit, travel, sponsorship)

9.1.2 Match common **case types** to typical **forms + evidence packets** (family, employment, asylum, TPS/DACA, naturalization—intro)

9.1.3 Distinguish **form purpose** vs **supporting evidence** vs **fee/filing logistics** (intro level)

9.1.4 Build a basic **evidence map**: identity → relationship → eligibility basis → compliance → discretionary factors

9.1.5 Spot common evidence errors: **missing translations, inconsistent names/dates, wrong edition, missing signatures, weak relationship proof**

9.1.6 Use a standardized **intake checklist** to gather the right documents the first time

9.2 The “Evidence Mapping” Method (Core Framework)

9.2.1 Step 1 — Identify the benefit sought

- Example: AOS (green card), immigrant petition, EAD, TPS, asylum, travel doc

9.2.2 Step 2 — Identify the legal basis/category

- Family-based, employment-based, humanitarian, special program

9.2.3 Step 3 — Build the evidence buckets (use the same buckets every time)

9.2.3.1 Identity & civil documents

9.2.3.2 Entry & status history

9.2.3.3 Relationship evidence (if applicable)

9.2.3.4 Eligibility evidence (program-specific)

9.2.3.5 Financial/support evidence (if applicable)

9.2.3.6 Discretionary/mitigating evidence (if applicable)

9.2.3.7 Translations and certifications

9.2.4 Step 4 — Create a cover-sheet “map”

- One page listing: form(s), fee(s), evidence bucket checklist, and notes

9.3 High-Frequency Forms (What They Are For) — Practical List

9.3.1 Immigrant petitions (family)

9.3.1.1 **Form I-130** — Petition for Alien Relative (family sponsorship)

9.3.2 Adjustment of Status (green card inside U.S.)

9.3.2.1 **Form I-485** — Application to Register Permanent Residence or Adjust Status

9.3.2.2 Often paired: **I-864** (support), **I-693** (medical), **I-765** (work), **I-131** (travel)

9.3.3 Work authorization

9.3.3.1 **Form I-765** — Application for Employment Authorization

9.3.4 Travel authorization / travel documents

9.3.4.1 **Form I-131** — Application for Travel Document (advance parole, refugee travel document, etc.)

9.3.5 Affidavit of Support

9.3.5.1 **Form I-864** — financial sponsorship (many family-based AOS cases)

9.3.6 Naturalization (intro)

9.3.6.1 **Form N-400** — Application for Naturalization

9.3.7 TPS (intro)

9.3.7.1 **Form I-821** — Application for Temporary Protected Status

9.3.7.2 Often paired: **I-765** for EAD (concept)

9.3.8 Asylum (intro)

9.3.8.1 **Form I-589** — Application for Asylum and for Withholding of Removal

9.3.9 Employment-based immigrant petition (intro)

9.3.9.1 **Form I-140** — Immigrant Petition for Alien Worker

9.3.10 Employment nonimmigrant petitions (intro)

9.3.10.1 **Form I-129** — Petition for a Nonimmigrant Worker

9.3.11 Fiancé(e) petition (intro)

9.3.11.1 **Form I-129F** — Petition for Alien Fiancé(e)

9.3.12 Replace/renew green card

9.3.12.1 **Form I-90** — Application to Replace Permanent Resident Card

9.4 Evidence Buckets (Reusable “Map” for Any Case)

9.4.1 Identity & civil documents

- Passports (biographic page), birth certificates, national IDs
- Name change documents, marriage/divorce/death certificates
- Certified translations where needed

9.4.2 Entry & status history

- I-94 record, visa stamp, entry stamps
- Prior approvals (I-797), prior EADs
- Removal/immigration court paperwork (if any)

9.4.3 Relationship evidence (family cases)

- Marriage certificate, proof of bona fide marriage
- Birth certificates for parent-child
- Adoption/stepchild documentation (as applicable)

9.4.4 Eligibility evidence (program-specific)

- TPS: nationality and continuous presence (concept)
- Asylum: declaration + country conditions + corroboration (concept)
- Employment: degrees + experience letters + job offer + PERM/I-140 support (concept)

9.4.5 Financial evidence (when required)

- I-864 sponsor tax returns/W-2s/pay stubs
- Employer letters, proof of income/assets (concept)

9.4.6 Discretionary/mitigating evidence (as needed)

- Hardship documentation (if relevant)
- Rehabilitation/community ties (concept)
- Explanatory statements for gaps/inconsistencies

9.4.7 Translations & certifications

- Certified translations for foreign-language documents
 - Consistent formatting and labeling
-

9.5 Case Type “Maps” (Forms + Evidence Packets)

9.5.1 Family-based spouse AOS (typical bundle)

9.5.1.1 Forms

- I-130 (relationship petition)
- I-485 (adjustment)
- I-864 (support)
- I-765 (optional EAD)
- I-131 (optional travel)
- I-693 (medical exam, timing concept)

9.5.1.2 Evidence map

- Identity: passports, birth certificates
- Entry: I-94, visa/entry stamps
- Relationship: marriage certificate + bona fide marriage evidence
- Sponsor finances: taxes, W-2s, pay stubs
- Any prior marriages: divorce decrees
- Translations for foreign documents

9.5.2 Consular family case (overview)

9.5.2.1 Forms

- I-130 for petition (USCIS)
 - DS immigrant visa forms (DOS) (intro concept)
- #### 9.5.2.2 Evidence map
- Identity + relationship + civil docs
 - Police/medical requirements may apply (concept)

9.5.3 Employment-based immigrant case (overview)

9.5.3.1 Forms

- PERM (if required) + I-140
- I-485 (if AOS) or consular immigrant processing (concept)

9.5.3.2 Evidence map

- Worker qualifications: degrees, experience letters
- Job offer: employer letter
- Employer ability to pay
- Status history for AOS: I-94, approvals

9.5.4 TPS case (overview)

9.5.4.1 Forms

- I-821 + I-765 (EAD) (concept)
9.5.4.2 Evidence map
- Nationality evidence
- Presence/residence evidence (concept)
- Photos/ID
- Prior TPS approvals if renewal

9.5.5 Asylum case (overview)

9.5.5.1 Forms

- I-589
9.5.5.2 Evidence map
- Declaration, identity proof
- Country conditions
- Corroboration (medical, police, affidavits) where possible
- Timeline consistency chart (practice tool)

9.5.6 Naturalization case (intro)

9.5.6.1 Forms

- N-400
9.5.6.2 Evidence map
- LPR proof (I-551)
- Travel history, tax history (concept)
- Marriage evidence if applying under certain rules (concept)

9.6 Common Filing Errors (What to Train Students to Catch)

- 9.6.1 Missing signatures / wrong fee / wrong filing address
 - 9.6.2 Wrong edition date of form (concept)
 - 9.6.3 Missing translations or uncertified translations
 - 9.6.4 Inconsistent names/dates across documents
 - 9.6.5 Weak relationship evidence in marriage cases
 - 9.6.6 Missing I-94/entry proof for AOS
 - 9.6.7 Poor organization (no tabs, no index, no cover letter)
-

9.7 Intake Checklist (Standardized)

9.7.1 Client identity packet (IDs, passports, birth certificate)

9.7.2 Immigration history packet (I-94, visas, approvals, EADs, prior filings)

9.7.3 Case-type packet

- Family: relationship + bona fide + prior divorce
- Employment: degrees + experience + job offer
- TPS: nationality + presence
- Asylum: declaration + country conditions

9.7.4 Translation needs list

9.7.5 Timeline worksheet (entries/exits, addresses, jobs)

Module 10 — Capstone Scenario Lab (Putting It All Together)

10.1 Learning Goals

10.1.1 Apply the full triage framework to real-world fact patterns: **category** → **documents** → **status** → **benefit** → **risks** → **evidence map**

10.1.2 Practice building a **case summary memo** (clear, organized, non-legal-advice tone)

10.1.3 Select correct **forms** and build an **evidence checklist** using Module 9 mapping

10.1.4 Identify **red flags** that require escalation (inadmissibility, unlawful presence bars, fraud/misrep indicators, criminal issues—high level)

10.1.5 Practice client-facing communication: **what to ask for**, what to explain, what to defer to attorney review

10.1.6 Demonstrate professional workflow: **intake** → **document review** → **timeline** → **strategy options (concept)** → **packet organization**

10.2 Capstone Lab Structure (How the Lab Runs)

10.2.1 Format options (choose one or rotate)

- Individual written lab
- Small group case workshop
- “Station rotation” (each station = different case type)
- Mock intake interview + written follow-up memo

10.2.2 Time plan (sample 90-minute lab)

- 10 minutes: read scenario + highlight key facts
 - 15 minutes: build timeline and document list
 - 20 minutes: status/category analysis + issue spotting
 - 20 minutes: forms selection + evidence mapping
 - 15 minutes: draft case memo + client document request list
 - 10 minutes: peer review using rubric
-

10.3 Capstone Triage Framework (Repeatable 7-Step Method)

10.3.1 Step 1 — Identify the person’s current situation

- Where are they now (U.S. or abroad)?
- What do they think their status is?

10.3.2 Step 2 — Identify the category/classification

- Nonimmigrant, LPR, humanitarian, TPS/DACA, etc.

10.3.3 Step 3 — Confirm controlling documents

- I-94 (date/D/S), approvals, EAD, green card, notices

10.3.4 Step 4 — Determine status outcomes

- In status / out of status / overstay / potential unlawful presence (high level)

10.3.5 Step 5 — Identify the desired benefit

- Extend/change, AOS, consular, EAD, travel document, TPS, etc.

10.3.6 Step 6 — Build the forms + evidence map

- Use Module 9 buckets and a cover sheet

10.3.7 Step 7 — Identify red flags and escalation points

- Misrepresentation, criminal issues, unlawful presence bars, prior removals, DV fraud concerns, etc. (high level)
-

10.4 Core Tools Students Must Use

10.4.1 Intake question set (minimum)

- Full legal name + aliases
- DOB + citizenship/nationality
- Entry history (dates, places, how entered)
- Current documents: passport, visa, I-94, approvals, EAD, GC
- Family relationships (USC/LPR relatives)
- Work/school history
- Prior immigration filings/denials
- Any arrests/charges (screen only)
- Travel history and plans

10.4.2 Timeline worksheet

- Entries/exits
- Status changes
- Key life events (marriage, birth, job, school)

10.4.3 Evidence map cover sheet

- Forms list
- Fee/logistics notes (concept)
- Evidence buckets checklist
- Exhibit list numbering

10.5 Capstone Case Types

10.5.1 Family-based AOS with overstay

- B-2 overstay + marriage to U.S. citizen; check I-94, entry proof, marriage evidence, prior violations

10.5.2 Employment-based with status complication

- H-1B job change without proper filings; employer now wants EB sponsorship; issue-spot unauthorized work/out-of-status

10.5.3 TPS renewal + long-term plan

- TPS holder missed re-registration window; EAD expired; wants “green card”

10.5.4 Asylum + EAD + travel question

- Pending asylum applicant wants to travel abroad; issue-spot travel permission and risk

10.5.5 Consular family case with prior divorce documentation gap

- USC petitions spouse abroad; missing prior divorce decree; evidence mapping focus

10.5.6 LPR travel/abandonment risk

- LPR spent long periods abroad; returning with weak U.S. ties; issue-spot abandonment indicators

10.5.7 K-1 fiancé case turning into AOS

- K-1 entered, marriage occurred, wants AOS; build forms + evidence map

10.5.8 “Mixed status household” case

- One spouse is USC; one spouse is TPS/DACA; child is USC; multiple possible pathways
-

10.6 Student Output Templates (What You Must Produce)

10.6.1 Capstone case memo (1 page) — required headings

- 10.6.1.1 Facts summary (bullet)
- 10.6.1.2 Current category/status assessment (what controls it)
- 10.6.1.3 Desired benefit(s)
- 10.6.1.4 Forms to file (by purpose)
- 10.6.1.5 Evidence checklist (by buckets)
- 10.6.1.6 Red flags / escalation items
- 10.6.1.7 Next steps + client document request list

10.6.2 Evidence map checklist (Module 9 style)

- Identity/civil docs
- Entry/status history
- Relationship evidence (if applicable)
- Eligibility evidence (program-specific)
- Financial/support evidence (if applicable)
- Discretionary evidence (if applicable)
- Translations