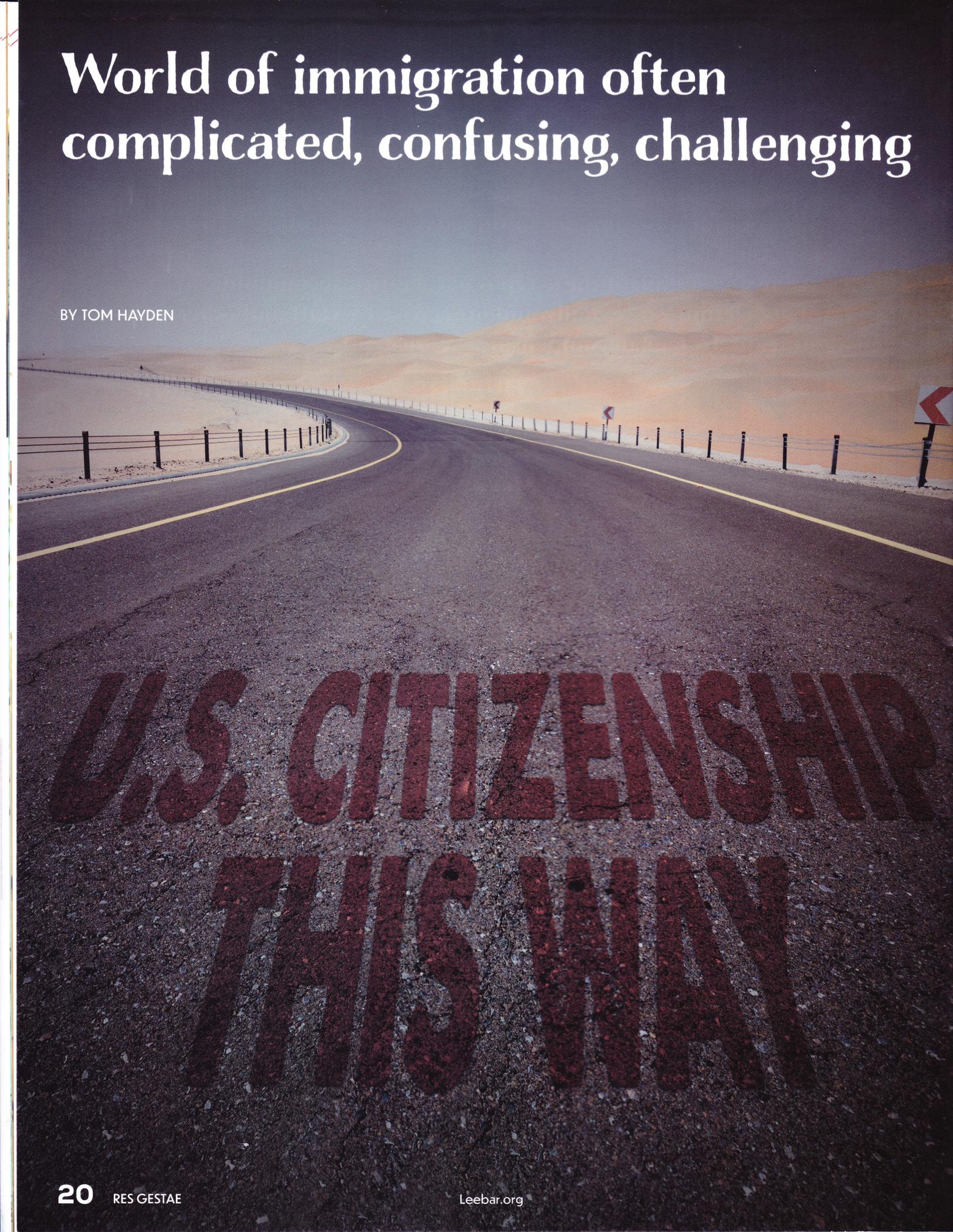


World of immigration often complicated, confusing, challenging

BY TOM HAYDEN



U.S. CITIZENSHIP
THIS WAY

The road to citizenship in this country is not easy, often taking three to five years **if** everything is done right.

The complicated, confusing, volatile, heartbreaking and heartwarming world of immigration changes by the moment for Lee County Bar Association attorneys who specialize in helping immigrants with visas, citizenship and other government programs.

The COVID-19 pandemic and ever-changing laws only add to the complexities that require attorneys to be on their game when helping immigrants.

This year, the LCBA created a practice section devoted to immigration law to better familiarize membership with its enormous challenges. The section is chaired by immigration experts Indera DeMine, Esq., and Nirupa Netram, Esq.

"I think the biggest struggles immigration attorneys face is trying to keep up with the changes and latest announcements," DeMine said. "It sneaks up on you."

Matt Roepstorff, president of the LCBA, recognizes the new practice section as crucial to keeping members informed about immigration issues. "We are pretty excited to have an immigration practice section with Indera and Nirupa. They have been a huge boost for us and the local community," Roepstorff said. "Immigration is a hot topic ... and from a legal perspective trying to figure out where we are going with this system is an issue."

Petitions for family members to stay in the U.S., temporary work visas, acquiring driver's licenses and Social Security numbers occupy a bulk of DeMine's time with clients.

The pandemic has created new hardships for many of DeMine's clients and other immigrants seeking legal status. In March, U.S. Citizenship and Immigration Services suspended routine in-person services "to help slow the spread of COVID-19." USCIS is providing some emergency services, but many are waiting to have

appointments rescheduled or for naturalization ceremonies to resume.

At U.S. borders to Mexico, migrants who attempt to cross illegally are being sent back within an average of 96 minutes under emergency coronavirus measures now enforced, reports say. This action has reduced the flow of unauthorized border crossings from 1,000 a day to less than 60. More than 85 percent of detained migrants are being sent back to Mexico.

The road to citizenship in this country is not easy, often taking three to five years if everything is done right, depending on a person's status, to achieve a goal many immigrants seek. Three main words—good moral character—are what keep the long journey to citizenship alive or could result in deportation. A person who has established legal residency in the U.S. must have no criminal convictions, never missed a tax return or alimony payment and never claimed to have been a U.S. citizen on any legal document, like a driver's license, to be eligible for citizenship. That period extends to five years for people who are here on temporary status.

If all of those criteria are met within the established time periods and the person passes reading, writing and the civics examinations, U.S. citizenship awaits.

"I highly support all of them [requirements for citizenship]," DeMine said.

DeMine stresses any false claim about citizenship. Even if someone registered to vote in high school and made a false claim, it can get that person deported.

Roepstorff believes politics gets in the way of people wanting to enter this country legally, hoping for a better life. The separation of families in detention centers, children sold off in massive human trafficking operations and sanctuary cities in the U.S. can create

unbelievable hardships and human trauma that must be addressed, he believes.

"I think what gets most confusing and where we need help with streamlining is the criteria in applying for citizenship," Roepstorff said. "Can anybody apply? Do you have to have a certain skill set? What are the requirements? You wouldn't want to deny someone the chance to come to the United States for a better life for themselves, but it is also important that those persons looking to enter the United States understand and follow the process



Indera DeMine, Esq.

and requirements of our immigration system and respect our federal law."

DeMine helps around 300 clients a year and a bulk of her work is petitions, where a U.S. citizen or permanent resident wants to bring certain family members into this country legally under the family preference system. A granted petition allows a person to work here legally, obtain a driver's license and Social Security card and get a passport to travel internationally.

Many produce farms in Florida use migrant workers to harvest their fields. They are typically here on H-2A visas that enable agricultural employers to bring in foreign workers on a temporary or seasonal nature. Acquiring those visas also is a complicated process and requires legal experts who specialize in these programs. "Getting somebody to work here is difficult," DeMine said. "There are so many loopholes, so much paperwork to fill out. There is no guarantee of getting anyone."

These work visas come with other problems. Granting a visa to a worker from another country could take a job from a U.S. citizen. There are caps on the

number of H-2A visas, meaning larger companies that require a significant number of migrant workers may have an edge on getting the visas over a smaller company.

The Immigration and Nationality Act (INA) allows the U.S. to grant up to 675,000 permanent visas each year covering various visa categories. There is no limit on the yearly admissions of U.S. citizens' spouses, parents and children under the age of 21. In 2017, family-based immigrants made up 66 percent of all new lawful permanent residents in the U.S. Other preference allocations include 87,900 visas for the spouses and minors of lawful permanent residents and 65,000 visas for siblings of U.S. citizens.



Nirupa Netram, Esq.

Netram, who is opening her own consulting business on immigration called Lotus Solutions

LLC, says debunking myths about undocumented immigrants is crucial. She notes undocumented immigrants who are in this country legally pay almost \$32 billion in taxes in Florida. They are farm workers, teachers, healthcare workers and have many other skilled labor positions. Among the myths, she says, immigrants are "criminals and do not pay their taxes." Other untruths are they are mainly migrant workers or in entry level jobs. According to 2018 statistics from New American Economy, there are 4.4 million immigrant residents living in Florida, accounting for 21 percent of the population. They generate \$98.5 billion in spending power and over 388,000 are business entrepreneurs.

"People assume that because they are not a citizen, not a resident, then they don't have any value in society," Netram said. "They pay taxes. They are contributing members of society. We have to recognize that we need to support this population."

Prior to opening her business, Netram

worked at the Southwest Florida Community Foundation writing grants focused on the immigrant population. Now, she wants to educate others on the need to support undocumented workers, especially as laws change making it more difficult for many of them to stay in the U.S.

Potential barriers include the Supreme Court's pending decision on DACA, "which could have a devastating impact on DACA recipients," Netram says, as well as the increasing changes to immigration law and enforcement. Also facing immigrants are fee increases for naturalization and the proposed addition of a \$50 application fee for asylum, which would make the U.S. only the fourth country to impose such a fee.

Netram adds there is a "lack of awareness of reputable immigration legal service providers, especially those who provide services to qualified individuals for free or at low cost" and a "lack of awareness of community resources available to support immigrants." **RG**

U.S. worker visas breakdown according to the American Immigration Council

The limit for permanent employment-based visas is 140,000 a year divided into five categories:

"Persons of extraordinary ability," in the arts, science, education or athletics. These visas could include professors and researchers.

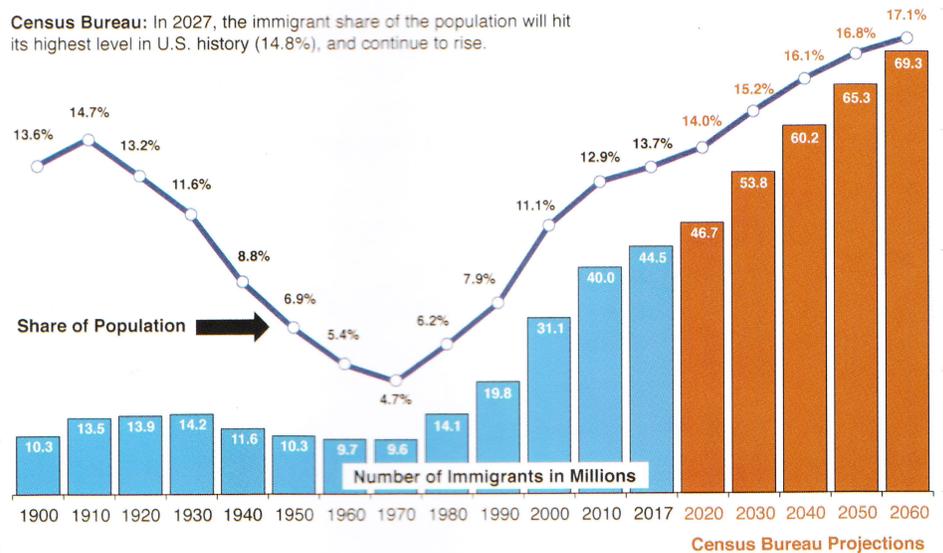
Members of professions having advanced degrees or persons with strong abilities in arts, science or business.

Skilled workers with at least two years training or experience or "other" workers for unskilled labor that is not temporary or seasonal.

Certain "special immigrants," including religious workers, employees of U.S. foreign service posts, former U.S. government employees and other classes of aliens.

Persons who will invest \$500,000 to \$1 million in a job-creating enterprise that employs at least 10 full-time U.S. workers.

Figure 1. Immigrants in the U.S., Number and Percent, 1900-2017 Plus Census Bureau Projections to 2060



Source: Decennial census for 1900 to 2000, American Community Survey for 2010 and 2017. For 2020 to 2060, see [Census projections through 2060](#). Historical numbers from the decennial censuses can be found at the Census Bureau's website. They show that in 1890 the foreign-born share reached 14.77 percent of the U.S. population and fell for a time, but again reached 14.70 percent in 1910. These two figures represent the highest share ever recorded. Table 8 of the new projections shows that the foreign-born population will reach 14.82 percent in 2027, making it the highest percentage ever recorded.