

Arrivals, confusing words, and mixed signals in U.S. immigration law and policy

League of Women Voters, Leelanau County, 20 April 2022

2022
Member



Gerald S. Schatz, J.D.

Pro bono

Admitted to practice:

District of Columbia

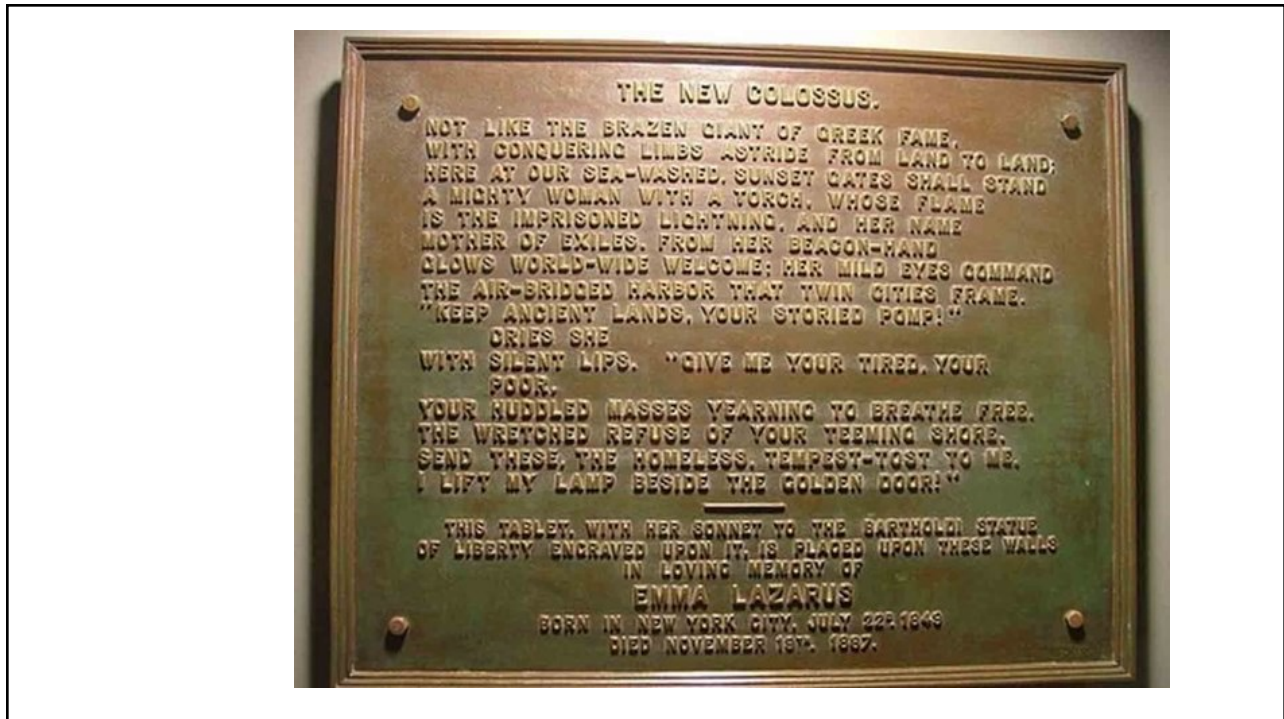
Pennsylvania

Federal agencies

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“When I use a word,” Humpty Dumpty said in rather a scornful tone, “it means just what I choose it to mean — neither more nor less.”

“The question is,” said Alice, “whether you can make words mean so many different things.”

“The question is,” said Humpty Dumpty, “which is to be master — that’s all.”

— Lewis Carroll, [Through the Looking Glass](#)

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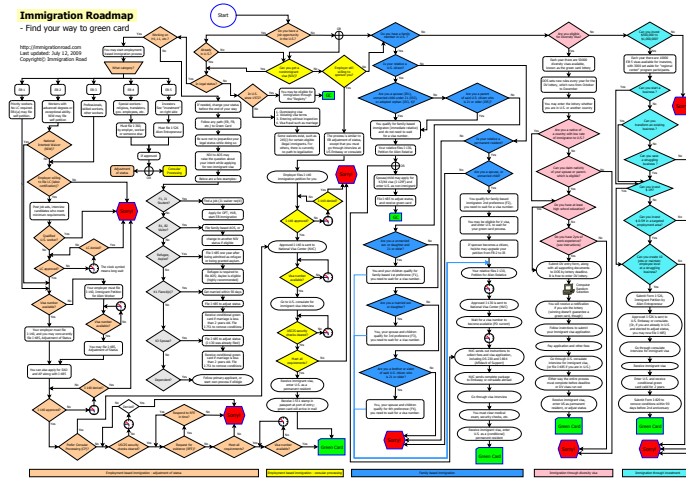
Holders of valid immigrant visas (family-based; employment; diversity; special).

- No entry restrictions other than admission and inspection but subject to health screening.
- Entry with a valid immigrant visa and with inspection upon entry is considered legal admission into the United States.

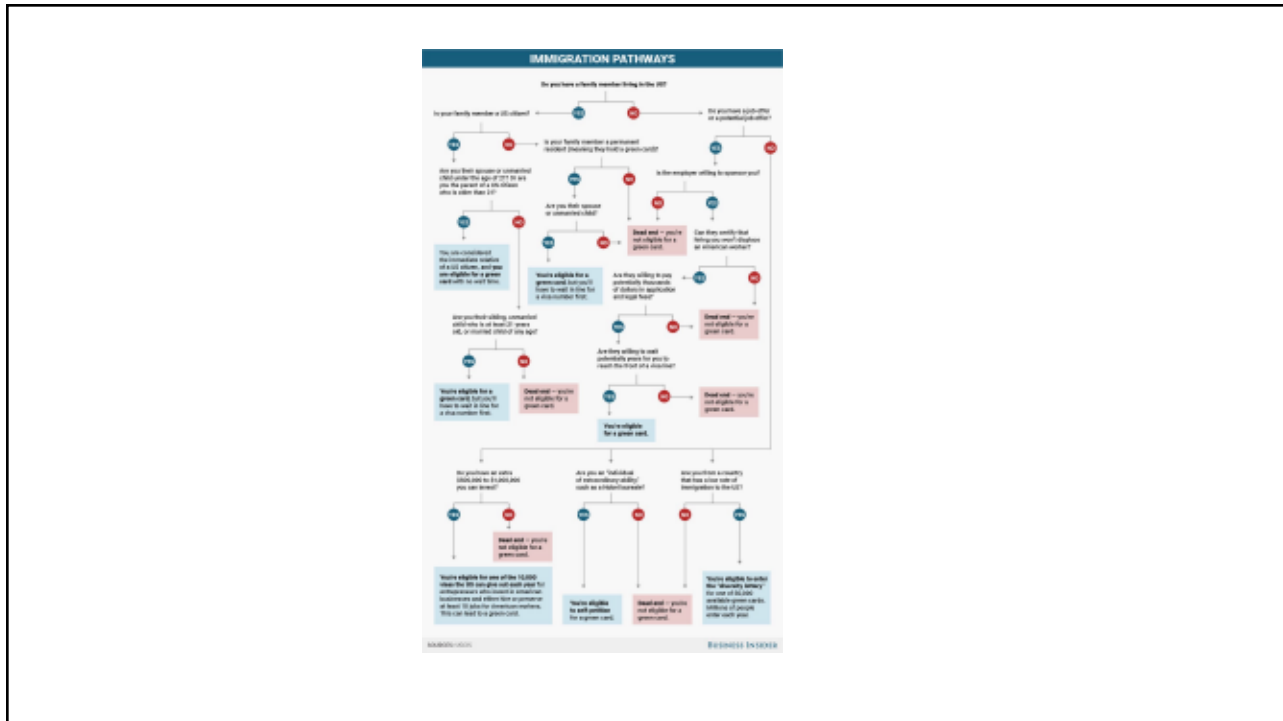
Holders of valid non-immigrant visas (visitor; student; academic; employment).

- No entry restrictions other than admission and inspection but subject to health screening.
- Entry with a valid non-immigrant visa and with inspection upon entry is considered legal admission into the United States.
- Employment restrictions.
- Limited duration of stay.

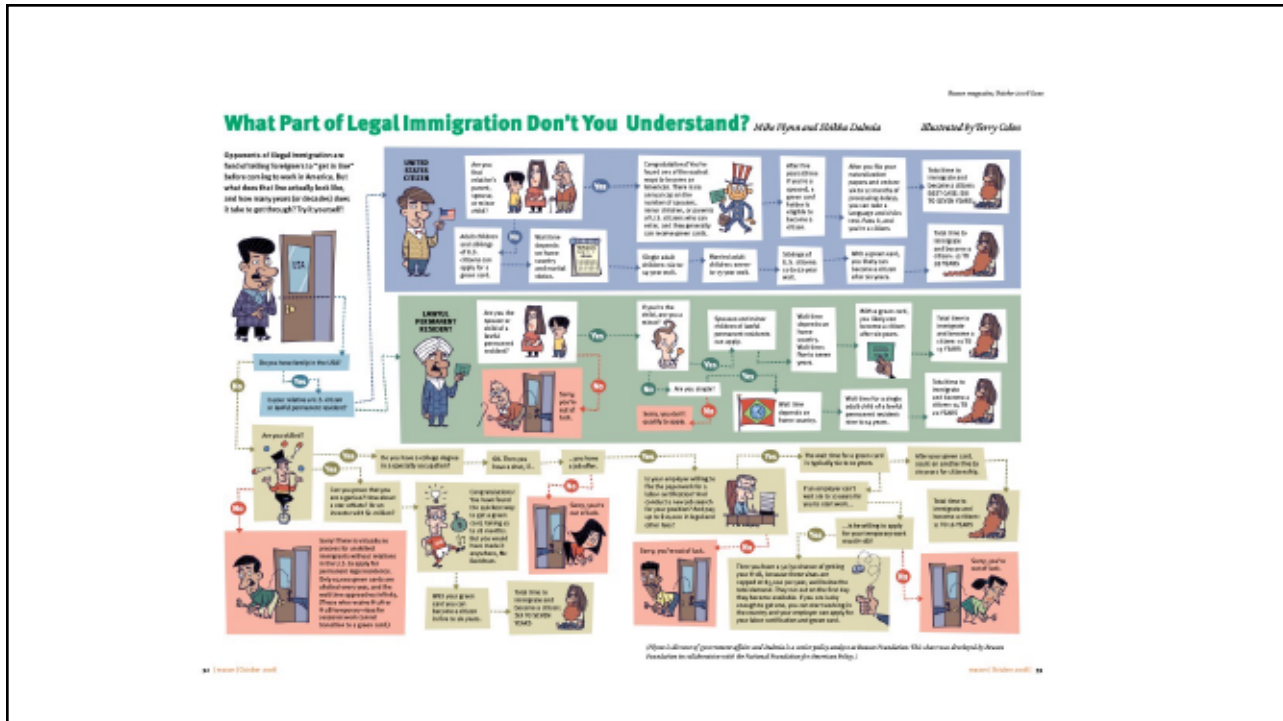
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One Hundred Seventeenth Congress
of the
United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Monday,
the fourth day of January, two thousand and twenty-one*

An Act

Making continuing appropriations for the fiscal year ending September 30, 2022,
and for providing emergency assistance, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extending Government Funding
and Delivering Emergency Assistance Act".

SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short Title
- Sec. 2. Table of Contents.
- Sec. 3. References.

GENERAL PROVISION—THIS TITLE

SEC. 2301. (a) Not later than 45 days after the date of enact- ment of this Act, the Secretary of Health and Human Services, the Secretary of State, and the Secretary of Homeland Security shall jointly submit a strategy on Afghan evacuee resettlement to the appropriate congressional committees and leadership describing agency roles and responsibilities, vetting, immigration status of each Afghan, and anticipated costs associated with imple- menting such strategy.

(b) DEFINITION OF AFGHAN EVACUEE.—In this section, the term "Afghan evacuee" means a person whose evacuation from Afghani- stan to the United States, or a location overseas controlled by the United States, was facilitated by the United States as part of Operation Allies Refuge.

SEC. 2502. (a) IN GENERAL.—Notwithstanding any other provision of law, a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for the benefits described in subsections (b) and (c) if—

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between July 31, 2021, and September 30, 2022; or

(B) paroled into the United States after September 30, 2022, and—

(i) is the spouse or child (as such term is defined under section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b))) of an individual described in subparagraph (A); or

(ii) is the parent or legal guardian of an individual described in subparagraph (A) who is determined to be an unaccompanied child under 6 U.S.C. 279(g)(2); and

(2) such individual's parole has not been terminated by the Secretary of Homeland Security.

(b) BENEFITS.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) until March 31, 2023, or the term of parole granted under subsection (a), whichever is later;

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Parolees:

- Persons without visas or with visa applications pending may be paroled temporarily into the United States.
- Parole is for a specific purpose, is time-limited, and normally conveys no relief under U.S. immigration restrictions.
- Parole may be under port authority--emergency allowance of entry into the purpose of further processing.
- Humanitarian parole does not constitute admission for the purpose of the immigration laws but does allow temporary resettlement and opportunity to apply to normalize immigration status.
- Some remaining openly with no present intent to leave.

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- **Afghan evacuees:** Persons actually evacuated from Afghanistan.
- **Refugees:** Persons determined by appropriate authorities to have left their home countries for fear of persecution because of race, color, religion, ethnicity, nationality, political opinion, or membership in a particular social group and who seek legal refuge in another country.
- **Asylees:** Persons who, without having been ascertained to be a refugee, arrive in a country not their own and request and are granted asylum because of fear of persecution because of race, color, religion, ethnicity, nationality, political opinion, or membership in a particular social group.

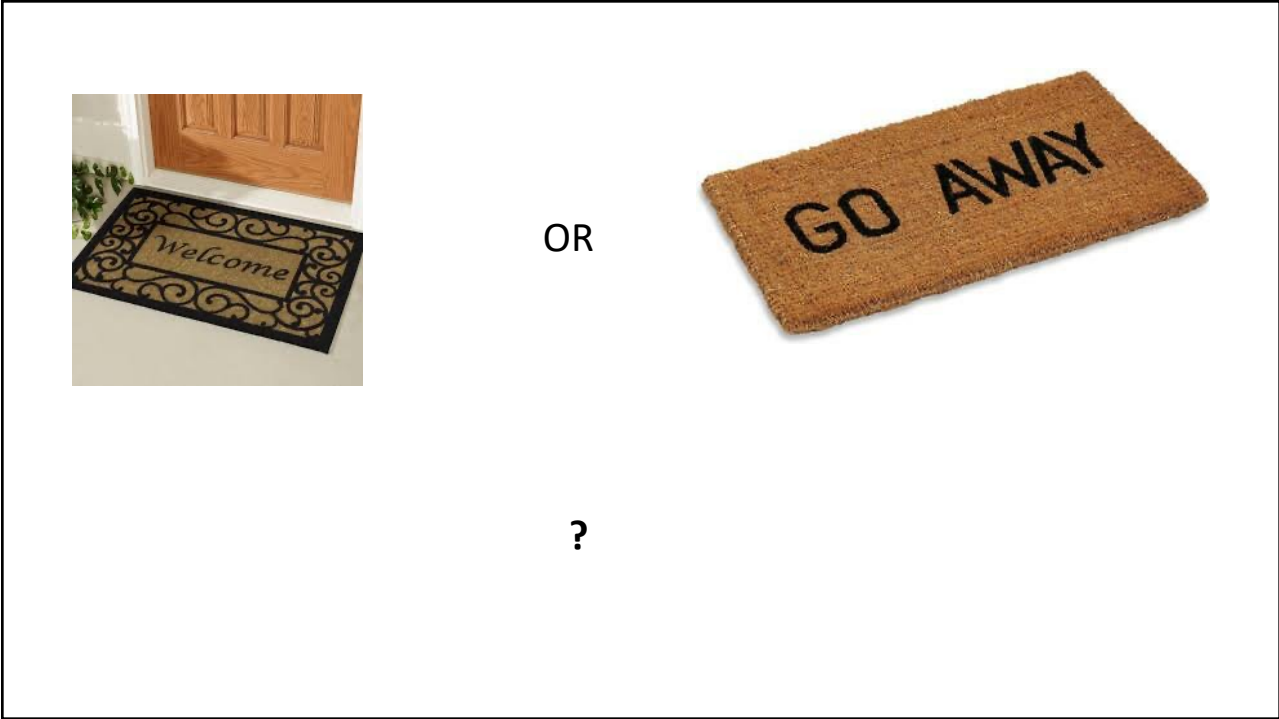
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The screenshot shows the American Immigration Council website. The main content is a fact sheet titled "How the United States Immigration System Works" dated September 14, 2021. The text explains that U.S. immigration law is based on principles of family reunification, economic benefit, and refugee protection. It states that the Immigration and Nationality Act (INA) allows for 675,000 permanent visas annually, with a limit on annual admissions per category. It also mentions the U.S. Refugee Admissions Program and the status of lawful permanent residents (LPR).

<https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>

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