

February 2025

# IMMIGRATION 101

*Laura Pontius, J.D.*

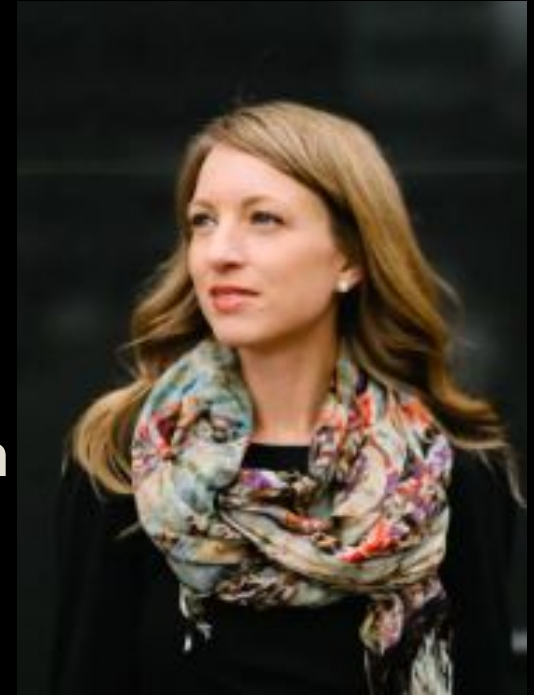


# AGENDA

1. The Immigration Legal System
2. Top 5 Immigration Myths
3. Immigration in Indiana
4. How to Support Immigrants in Indiana
5. ICE Enforcement & Places of Worship
6. Q&A

**Hi! I'm Laura.**

- **Practicing immigration law for 14+ years.**
- **Represented clients + corporations from numerous countries**
- **Handled business, family, humanitarian immigration legal matters**
- **Currently solo practice attorney + legal training attorney for large global non-profit**



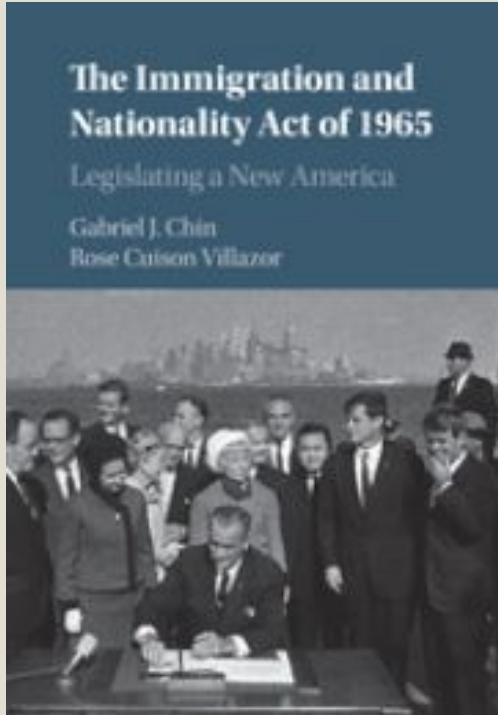
# THE IMMIGRATION SYSTEM

# “RULES” OF IMMIGRATION LAW

1. The laws very rarely change
2. The policies/procedures are always changing
3. The media always covers immigration
4. The media rarely tells the whole story
5. Everyone has an immigration story - discover yours!



# THE IMMIGRATION LAW



- “Immigration and Nationality Act (INA)” of 1965
- Bedrock of immigration system
- Establishes visa processes based on categories + country of origin
- Favors family reunification + skilled immigrants
- A handful of new laws since INA in 1965, but no major changes since 1965
- Many policies and presidential actions in each administration (humanitarian, terrorism actions, border control, DACA, etc.)

# FEDERAL AGENCIES INVOLVED IN IMMIGRATION LAW



U.S. Customs and  
Border Protection



U.S. Immigration  
and Customs  
Enforcement



U.S. Citizenship and  
Immigration Services



# THREE TYPES OF IMMIGRATION CASES



**FAMILY**

**EMPLOYMENT**

**HUMANITARIAN**



# What Part of Legal Immigration Don't You Understand? Mike Flynn and Shikha Dalwani

*Illustrated by Terry Colon*

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



Do you have family in the USA?  
 Yes  
 Is your relative a U.S. citizen or lawful permanent resident?  
 No

Are you skilled?  
 Yes  
 Do you have a college degree in a specialty occupation?  
 Yes  
 Can you prove that you are a genius? How about a star athlete? Or an investor with \$5 million?  
 No

Sorry! There is virtually no process for enabling immigrants without relatives in the U.S. to apply for permanent legal residence. Only 50,000 green cards are allocated every year, and the wait time approaches infinity. (Those who receive H-1B or H-2B temporary visas for seasonal work cannot transition to a green card.)

### UNITED STATES CITIZEN

Are you that relative's parent, spouse, or minor child?  
 Yes: Congratulations! You've found one of the easiest ways to become an American. There is an annual cap on the number of spouses, minor children, or parents of U.S. citizens who can enter, and they generally can receive green cards.  
 No: Adult children and siblings of U.S. citizens can apply for a green card. Wait time depends on home country and marital status.

After five years (three if you're a spouse), a green card holder is eligible to become a citizen.  
 After you file your naturalization papers and endure six to 12 months of processing delays, you can take a language and civics test. Pass it, and you're a citizen.

Total time to immigrate and become a citizen: BEST CASE: SIX TO SEVEN YEARS

Total time to immigrate and become a citizen: 10 TO 20 YEARS

### LAWFUL PERMANENT RESIDENT

Are you the spouse or child of a lawful permanent resident?  
 Yes: Spouses and minor children of lawful permanent residents can apply.  
 No: If you're the child, are you a minor?  
 Yes: Spouses and minor children of lawful permanent residents can apply.  
 No: Are you single?  
 No: Sorry, you don't qualify to apply.

Wait time depends on home country. Wait time: five to seven years.  
 With a green card, you likely can become a citizen after six years.

Total time to immigrate and become a citizen: 15 TO 17 YEARS

Wait time for a single adult child of a lawful permanent resident: nine to 14 years.  
 With a green card, you likely can become a citizen after six years.

Total time to immigrate and become a citizen: 14 TO 20 YEARS

OK. Then you have a shot, if... you have a job offer.  
 Yes: In your employer willing to file the paperwork for a labor certification? And conduct a new job search for your position? And pay up to \$4,000 in legal and other fees?  
 Yes: If an employer can't wait six to 10 years for you to start work...  
 Yes: ...is he willing to apply for your temporary work visa (H-1B)?  
 No: Sorry, you're out of luck.

The wait time for a green card is typically six to 10 years.  
 After your green card, count on another five to six years for citizenship.

Total time to immigrate and become a citizen: 15 TO 16 YEARS

Then you have a 50/50 chance of getting your H-1B, because these visas are capped at 85,000 per year, well below the total demand. They run out on the first day they become available. If you are lucky enough to get one, you can start working in the country and your employer can apply for your labor certification and green card.

With your green card you can become a citizen in five to six years.  
 Total time to immigrate and become a citizen: SIX TO SEVEN YEARS

Sorry, you're out of luck.

*Flynn is director of government affairs and Dalwani is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.*

# FAMILY BASED IMMIGRATION

- Must have a pathway in order to get a family based visa / green card.
- Pathways exist for certain relatives of U.S. Citizens or Lawful Permanent Residents
- USC or LPR must petition for relative

- Petitions cost \$3,000-\$5,000 or more each
- Petitions usually take 1-3 years, some even longer
- Some petitions could take 15+ years, depending on country of origin

# FAMILY EXAMPLES

Visitor Visas  
(B1/B2)

Fiance Visa  
(K-1)

Green Card  
(Adjustment  
of Status)

International  
Adoption

Naturalization

# EMPLOYMENT BASED IMMIGRATION

- Two main types of visas : temporary and permanent
- 20+ categories of temporary work visas, each with their own set of regulations
- 5 levels of permanent work visas
- Most permanent visas require DOL "Labor Certification"

- Many categories have numerical limitations and/or lottery systems
- Employer petitions cost \$15,000-\$20,000 each
- Petitions usually take 1-3 years, some even longer

# EMPLOYMENT EXAMPLES

Permanent  
Worker  
(Extraordinary  
, advanced  
degree, skilled  
workers)

Immigrant  
Investor  
(Permanent)

H-2A  
Agricultural  
Visa

O-1  
Extraordinary  
Ability

TN NAFTA  
Visa

H-1B  
Specialty  
Occupation

E-1 Treaty  
Traders

L-1  
Intracompany  
Transferee

P-1 Athlete or  
Performer

R-1 Religious  
Worker

# HUMANITARIAN IMMIGRATION

- Multiple programs exist
- Programs usually change when Executive Branch changes
- Each program has specific criteria and requirements
- Programs are sourced in Executive Orders, Agency Rulemaking, or the INA

- Most application types carry low or no fees
- Most programs are "oversubscribed," so wait times are extremely long
- Eligibility requirements are strict; denials are common
- Some programs subject to cancellation

# HUMANITARIAN CASE EXAMPLES

Refugee  
Resettlement

Asylum

T Visa  
(Victims of  
Trafficking)

DACA  
(Deferred  
Action for  
Childhood  
Arrivals)

Parole  
(U4U, Afghan,  
Humanitarian)

VAWA

SIJS  
(Special  
Immigrant  
Juvenile)

U Visa  
(Victims of  
Crime)

TPS  
(Temporary  
Protected  
Status)

DED  
(Deferred  
Enforced  
Departure)

**THE TOP 5  
IMMIGRATION  
MYTHS**



#1 Immigrants are a drain on the economy

#2 Immigrants increase crime rates

#3 Immigrants take jobs from Americans

#4 Seeking asylum is illegal

#5 Immigrants do not pay taxes

## #1 Immigrants are a drain on the economy

**Immigration actually has positive economic impacts**

<https://www.nber.org/papers/w23498>

**Immigrants contribute more to the economy than they receive in benefits**

<https://aspe.hhs.gov/reports/fiscal-impact-refugees-asylees>

**Immigrants are more likely to be involved in the labor force than native-born US citizens**

<https://map.americanimmigrationcouncil.org/locations/national/#>

## #2 Immigrants increase crime rates

Immigrants are less likely to commit crimes than native born Americans.

<https://www.pnas.org/doi/10.1073/pnas.2014704117>

Areas with higher immigrant populations tend to have lower crime rates

[https://www.americanimmigrationcouncil.org/sites/default/files/research/debunking\\_the\\_myth\\_of\\_immigrants\\_and\\_crime.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/debunking_the_myth_of_immigrants_and_crime.pdf)

Being an immigrant in the U.S. without status is not a criminal offense

<https://www.libertarianism.org/books/most-common-arguments-against-immigration-and-why-they-are-wrong>

## #3 Immigrants take jobs away from Americans

Immigrants usually fill jobs that Americans are unwilling to do (agriculture, construction, & hospitality)

<https://www.epi.org/blog/immigrants-are-not-hurting-u-s-born-workers-six-facts-to-set-the-record-straight/>

Immigration has a positive impact on wages of native-born workers

<https://www.nber.org/digest/mar10/effect-immigration-productivity-evidence-us-states>

Immigration is tied to positive economic growth + innovation

<https://www.brookings.edu/articles/a-spicy-red-sauce-and-how-immigrants-generate-jobs-and-growth-in-the-us/>

## #4 Seeking asylum is illegal

Seeking asylum is a long-standing legal right established in the INA

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/obtaining-asylum-in-the-united-states>

Seeking asylum is a legal right also established by international law

<https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention>

Asylum policies and procedures change frequently, but the law does not.

<https://www.americanimmigrationcouncil.org/research/asylum-united-states>

## #5 Immigrants do not pay taxes

Undocumented immigrants pay billions in federal, state, and local taxes.

<https://itep.org/undocumented-immigrants-taxes-2024/>

Undocumented immigrants pay taxes through property tax, sales tax and more.

<https://www.americanimmigrationcouncil.org/research/adding-billions-tax-dollars-paid-undocumented-immigrants>

The IRS does not require taxpayers to register status when paying taxes

<https://taxpolicycenter.org/briefing-book/do-immigrants-pay-taxes>

# **IMMIGRATION IN INDIANA**

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[Map The Impact](#)

[Select Location](#) ▼

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# Immigrants in Indiana

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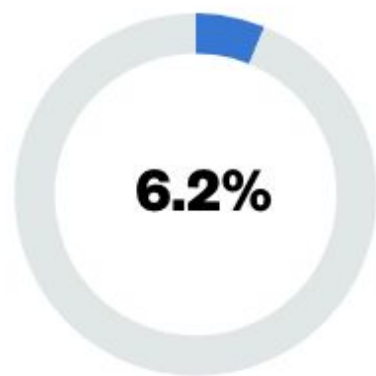


<https://map.americanimmigrationcouncil.org/locations/indiana/>



## OVERVIEW

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Immigrant share of population

**422,600**

Immigrant residents

**\$4.3B**

Immigrant taxes paid

**\$12.3B**

Immigrant spending power

**2022**

Data year

## TOP COUNTRIES OF ORIGIN FOR IMMIGRANTS



Mexico



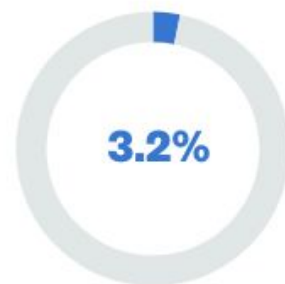
India



Nigeria



China



Burma (Myanmar)

## ENTREPRENEURSHIP



It is hard to overstate the importance of entrepreneurship since new businesses are the main driver of job growth in the United States. Immigrants play a particularly important role in this—founding businesses at far higher rates than the U.S. population overall. Today, millions of American workers are employed at immigrant-founded and immigrant-owned companies.



Share of entrepreneurs who are immigrants

**25,200**

Immigrant entrepreneurs

**\$793.9M**

Total business income of immigrant entrepreneurs

## TAXES & SPENDING POWER



Immigrant households contribute hundreds of billions of dollars in federal, state, and local taxes and hold a tremendous amount of spending power. This gives them significant economic clout, helping support local communities as consumers and taxpayers. Like all residents of the United States, regardless of where they were born, immigrants make use of public services like education, healthcare, and public safety. Even with these costs, however, immigrants' economic contributions far outweigh the cost of additional public services they incur.

**\$16.6B**

Immigrant household income

**\$12.3B**

Total spending power

**State & Local Taxes Paid**

**\$1.5B**

**Federal Taxes Paid**

**\$2.8B**

**Total Taxes Paid**

**\$4.3B**

**\$1.6B**

Immigrants' contributions to Social Security

**\$440.3M**

Immigrants' contributions to Medicare

The growth in the immigrant population has helped to strengthen America's labor force. As baby boomers retire, younger immigrants are filling crucial gaps in the labor market. Nationally, immigrants are more likely to hold an advanced degree than the U.S.-born. They are also more likely to have less than a high school education. As such, they are able to fill critical shortages at both ends of the skill spectrum, from high-tech positions to agriculture, hospitality, and service jobs.



Share of workers in the labor force who are immigrants

# 276,100

Number of immigrant workers in the labor force

### Educational Attainment by Nativity, Age 25+

Education Level	Foreign-Born Population	U.S.-Born Population
Less Than High School	25.5%	8.4%
High School & Some College	41.7%	62.2%
Bachelor's Degree	16.4%	19.3%
Graduate Degree	16.4%	10.1%

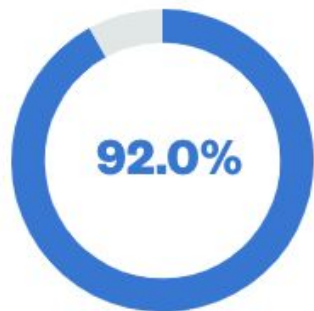
### Share of College-Educated Workers Employed in Jobs That Don't Require a College Degree

Foreign-Born Population	U.S.-Born Population
29.1%	30.1%

## UNDOCUMENTED IMMIGRANTS



The presence of a significant number of undocumented immigrants in the United States, most of whom have lived in the country for more than five years, poses many legal and political challenges. But while politicians continue to debate what to do about illegal immigration, millions of undocumented immigrants are working across the country, contributing billions of dollars to the U.S. economy.



Share of undocumented immigrants who are working age

**104,500**

Number of undocumented immigrants

**7,100**

Undocumented entrepreneurs

**\$3.1B**

Undocumented household income

**\$2.4B**

Total spending power

---

State & Local Taxes Paid

\$247.3M

---

Federal Taxes Paid

\$400.3M

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**Total Taxes Paid**

**\$647.6M**

# IMMIGRATION LEGISLATION in INDIANA

## House Bill 1393

Requires law enforcement officers to report suspected illegal immigrants that have been arrested for a crime to the U.S. Immigration and Customs Enforcement (ICE) Agency

*Passed out of committee  
01/24/25 with bipartisan support*

## Senate Bill 428

Clarifies that the enforcement of federal immigration laws may be carried out by federal, state, or local law enforcement.

## House Bill 1399

Creates the crime of unlawful presence in Indiana by an alien, a Class A misdemeanor.



We really don't want the government deciding what happens in our churches.

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### Shifts in immigration policy and the effect on Indiana

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# HOW TO SUPPORT IMMIGRANTS IN INDIANA

Distribute  
"Know Your  
Rights"  
information

Call your  
elected  
officials

Donate to  
immigration  
nonprofits

Pray

Educate  
yourself

Distribute  
"Red Cards"  
(ILRC)

**Let your representatives know how you feel about the immigration changes! Phone calls are the most effective way to contact your representatives.**

- **Call Todd Young at 202-224-5623**
- **Call Jim Banks at 202-224-4814**

# ICE ENFORCEMENT & PLACES OF WORSHIP

## 1. **Public vs. Private Spaces**

- Worship spaces, lobbies = anyone can enter
- Staff offices = private space, judicial warrant required

## 2. **During an ICE Encounter**

- Remain calm. Do not rush to exits (running away = probable cause)
- Remind congregants they can exercise their rights

## 3. **If ICE Attempts to Enter Private Space**

- Do not open door, ask for officer's identifying info/credentials & record info
- Request to see warrant through window or under door (needs to be signed by a judge)

## 4. **Support Immigrant Congregants**

- Legal assistance, bond payment, pastoral care, meals, childcare

## 5. **Seek Individualized Legal Counsel if "Sanctuary Church"**

- Federal and state laws very complicated
- Risks and defenses should be evaluated before determining "sanctuary" church

# **KNOW YOUR RIGHTS INFO FOR IMMIGRANTS**

- 1. Catholic Legal Immigration Network, Inc.**
  - <https://www.cliniclegal.org/resources/protecting-your-community/know-your-rights/know-your-rights-guide-your-rights-when>
- 2. National Immigrant Justice Center**
  - <https://immigrantjustice.org/know-your-rights>
- 3. Immigrant Legal Resource Center**
  - <https://www.ilrc.org/resources/community/know-your-rights-toolkit>
- 4. National Immigrant Law Center**
  - <https://www.nilc.org/resources/>
- 5. World Relief**
  - <https://worldrelief.org/chicagoland/client-hub/>

# IMMIGRATION NONPROFITS - INDIANA

1. Exodus Refugee (Indy & Bloomington) <https://www.exodusrefugee.org/>
2. National Immigrant Justice Center (Indy & Goshen) <https://immigrantjustice.org/>
3. Catholic Charities (Indy) <https://helpcreatehope.org/>
4. Catholic Charities (Fort Wayne) <https://www.ccfwsb.org/>
5. Neighborhood Christian Legal Clinic (Indy) <https://www.nclegalclinic.org/>
6. Indiana Legal Services <https://www.indianalegalservices.org/>
7. La Casa de Amistad (South Bend) <https://www.lacasadeamistad.org/>
8. Mariposa Legal (Indy) <https://mariposalegal.org/>
9. The Welcome Network (Hammond) <https://www.thewelcomenet.org>

See the full list here:

<https://www.immigrationadvocates.org/legaldirectory/search?state=IN>

# IMMIGRATION NONPROFITS – USA

1. Immigrant Advocates Network [www.immigrantadvocates.org](http://www.immigrantadvocates.org)
2. Catholic Legal Immigration Network [www.cliniclegal.org](http://www.cliniclegal.org)
3. World Relief [www.worldrelief.org](http://www.worldrelief.org)
4. Immigrant Legal Resource Center [www.ilrc.org](http://www.ilrc.org)
5. National Immigration Forum [www.immigrationforum.org](http://www.immigrationforum.org)
6. American Immigration Council [www.americanimmigrationcouncil.org](http://www.americanimmigrationcouncil.org)
7. National Immigration Law Center [www.nilc.org](http://www.nilc.org)
8. United We Dream [www.unitedwedream.org](http://www.unitedwedream.org)

**Q&A**

**THANK  
YOU!**

[www.pontiuslaw.com](http://www.pontiuslaw.com)

