



Kelley Kronenberg's Immigration Practice Group focuses on the complex immigration and naturalization laws of the United States.

Our immigration attorneys represent individuals with nationality law issues and immigration matters in DACA (Deferred Action for Childhood Arrivals), Green Cards, Citizenship and Naturalization, Consular Processing, Immigrant Visa, Fiancé Visa (K-1; K-3), Adjustment of Status, and Waivers.

Citizenship and Naturalization

Lawful permanent residents of the United States may be eligible to become citizens through the naturalization process after:

- They had maintained a continuous period of physical presence and lawful permanent residency in the U.S.
- They establish good moral character for the “statutory period” of time
- Show sufficient knowledge of the English language and American history, civics, and geography

In addition, some permanent residents will become U.S. citizens automatically by the operation of law without the necessity of naturalization.

Family Petitions/ Adjustment of Status/ Green Card

Almost all aliens emigrate to the U.S. as a beneficiary of a family-based immigrant visa petition. U.S. citizens may petition for spouses and parents, as well as siblings, married and unmarried children. Lawful permanent residents (“green card” holders) are only allowed to petition for spouses and unmarried children.

There are technical issues and rules in filing family-based petitions. For instance, the U.S. citizen or lawful permanent resident must be able to establish the ability to financially support the immigrant so that the person does not become a public charge. Also, there are times when the lawful permanent resident status is conditional, and there are rules and statutes that must be followed to remove these conditions.

Let Kelley Kronenberg educate you and your family members on the many aspects of the immigration process, and guide you through the complexities involved in becoming a lawful permanent resident.

Deferred Action for Childhood Arrivals (DACA)

On June 15, 2012, the Department of Homeland Security (DHS) issued a memorandum explaining how prosecutorial discretion should be used concerning individuals who came to the U.S. as children. The memorandum directs that certain young people who do not present a risk to national security or public safety and meet specified criteria will be eligible to receive deferred action for two years, subject to renewal, and apply for work authorization. Applicants must pass a background check before they receive deferred action.

To establish eligibility for deferred action, individuals must provide “verifiable documents” showing that they:

1. Were under the age of 31 on June 15, 2012;
2. Arrived in the U.S. when they were under the age of 16. This applies to individuals who were “inspected and admitted” at a port of entry and remained in the U.S. beyond the period of authorized stay or violated their immigration status, in addition to those who

entered without being admitted or paroled;

3. Have continuously resided in the U.S. for at least 5 years before June 15, 2012, and were present in the U.S. on June 15, 2012;
4. Are currently in school, have graduated from high school, have obtained a general education development (GED) certificate, or honorably discharged veterans of the U.S. Coast Guard or U.S. Armed Forces;
5. Have not been convicted of the following crimes, or otherwise pose a threat to national security or public safety:

- Felony offense;
- A significant misdemeanor is a crime for which the maximum term of imprisonment is 1 year or less but more than 5 days.
 - DHS considers the following to be “significant misdemeanors”: an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; driving under the influence (these offenses are considered significant misdemeanors regardless of the length of the sentence that is imposed).
 - For offenses not listed above a misdemeanor is one for which you were sentenced to more than 90 days in custody. This does not include a suspended sentence.
- Three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct.
 - Any misdemeanor not listed under “significant misdemeanors” for which you were sentenced to fewer than 90 days in custody counts towards the “three or more misdemeanor offenses.”
 - DHS will not count minor traffic offenses as misdemeanors. DHS will not count immigration-related offenses created by state immigration laws as being misdemeanors or felonies.

President Biden has issued an Executive Order continuing this program for new applicants as well as renewals.