

The Roads Not (Yet) Taken

Supporting Access to Immigration Protection and Citizenship



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A successful application for immigration protection or citizenship can be transformative—financially and psychologically—for immigrants and their families. Access to specific immigration remedies can free individuals from workplace exploitation and the constant threat of deportation and family separation, while also raising wages and expanding career options. Yet the complexity of U.S. immigration law and limited access to affordable, qualified legal service providers are formidable obstacles to those seeking information and services. This document outlines the barriers eligible immigrants face in obtaining legal services, the importance of those services, and the possible forms of immigration protection.

What portion of unauthorized immigrants in the U.S. could be eligible for immigration protection? Nearly a quarter of immigrants in the United States lack authorization to live and work here legally, yet some are unknowingly eligible to apply for immigration protection. Estimates vary, but one [recent analysis](#) determined that among unauthorized immigrants who were screened for [Deferred Action for Childhood Arrival \(DACA\)](#), 1 in 7 was found to be eligible for other, more permanent forms of immigration protection.

Why don't immigrants know if they are eligible for immigration protection? Immigration law is often compared to tax law as the most complex in the United States. Most immigrants only seek out legal services if they *already believe* they are eligible for some form of relief. Lack of access to reliable information, language barriers, fear, and misinformation in immigrant communities are among the significant hurdles individuals face in seeking screening and counsel from qualified practitioners. Given these challenges, support for outreach and public education is paramount.

Why is access to legal services important? Legal screenings and successful applications for immigration protection and citizenship can literally [transform](#) immigrants' lives. According to [one study](#), immigrants with access to high-quality legal representation are as much as 12 times more likely to win a successful outcome in immigration court cases as those without. [Multiple analyses](#) have also found that naturalized citizens earn five to 11 percent more than before they gained U.S. citizenship, even after adjusting for differences in education, language ability, and work experience. Yet in many parts of the country, there is a dearth of qualified, affordable immigration legal service providers, leaving immigrants at risk of falling prey to exploitation by fraudulent practitioners, often referred to as *notarios*. *Notarios* present themselves as immigration experts and charge exorbitant fees for immigration paperwork they never file or file fraudulently causing irreparable harm, including deportation, family separation, and financial hardship.

What forms of protection are available to immigrants who lack legal status in the United States? There is a range of programs available to qualified immigrants outlined on the following page. However, all of the pathways detailed in the chart require applicants to have access to reliable information, legal assistance, and financial resources for the application process and legal fees, which can range from hundreds to thousands of dollars. A recent change in federal regulations has streamlined how non-profit religious, charitable, social service, or similar organizations can become accredited to assist immigrants with legal immigration services, which will help to increase the available pool of providers nationwide.

What can funders do?

A diverse range of local, state, and national funders have been pivotal in increasing access to immigration legal services, expanding outreach and education programs—including fraud prevention efforts—and supporting technology solutions that help reach underserved communities.

For further information or assistance with relevant grantmaking strategies, contact [Aryah Somers \(aryah@gcir.org\)](mailto:aryah@gcir.org), director of programs at Grantmakers Concerned with Immigrants and Refugees (GCIR).

To learn more about GCIR, visit gcir.org.



Attendees at a Self-Help for the Elderly naturalization clinic. Molly DeCoudreaux/Evelyn & Walter Haas, Jr. Fund.

Paths to Immigration Protection and Citizenship*

Pathways to Permanent Forms of Protection

Form of Relief	Eligibility	Key Requirements	Timeline to Green Card	Main Challenges	Path to Citizenship?
Family-Based Petitions	Spouses, children, and siblings of U.S. citizens or lawful permanent residents or “green card” holders.	Prove family relationship	Varies widely depending on petition filing date, who the petitioner is (i.e., lawful permanent resident spouse or U.S. citizen sibling), and the petitioner’s country of origin (wait times vary greatly by country)	Beneficiary’s unlawful presence in the United States may impact the petition; families may have to wait up to a decade or more to enter lawfully	Yes
Asylum	Persons fleeing country of origin based on persecution	Reasonable fear based on past or future persecution on account of race, religion, nationality/ethnicity, political opinion, or social group	Up to 5 years depending on whether you need to go to immigration court	Providing evidence of the persecution; overcoming fear and trauma to share details of persecution	Yes
U Visa	Victims of certain crimes, including violent and sexual crimes	Demonstrate mental or physical abuse; certification of cooperation from government agency	Up to 4 years	Government agencies may be unaware of visa or unwilling to provide the needed certification	Yes
T Visa	Victims of human trafficking	Present in the U.S. on account of sex or labor trafficking; cooperating with law enforcement in investigation of traffickers	Up to 4 years	Victims coming forward due to fear of consequences of reporting their traffickers	Yes
Violence Against Women’s Act (VAWA)	Victims of domestic violence committed by a U.S. citizen or lawful permanent resident	Spouse, child, or parent of a U.S. citizen or lawful permanent resident who is battered or suffered extreme cruelty	Up to 4 years	Victims coming forward due to emotional and financial dependency on abuser	Yes
Special Immigrant Juvenile (SIJ) Visa	Abused, neglected, or abandoned children (under age 21)	State court judge must make ‘special findings’ on abuse, abandonment, and/or neglect by parents	Up to 3 years	Must begin process before age 18 or 21 in state juvenile court; children as young as 2 appearing alone in courts	Yes

Temporary Forms of Protection

Form of Relief	Eligibility	Key Requirements	Timeline to Green Card	Main Challenges	Path to Citizenship?
Temporary Protected Status (TPS)	Citizen or national of a country designated for TPS due to conditions in their home country (e.g., natural disaster, civil unrest, etc.)	Must be physically present in the U.S. when TPS is designated through an announcement by the U.S. Department of Homeland Security	Not available	TPS has to be renewed or can be revoked every 18 months	No
Deferred Action for Childhood Arrivals (DACA)	Children who entered before a certain age who have lived in the U.S. continuously	Entered the U.S. before 16th birthday and under 31 as of June 5, 2012; completed educational requirements or honorable discharge from military	Not available	Completion of educational requirements; proof of physical presence in the U.S.	No
Humanitarian Parolees	Certain individuals admitted to the U.S. based on urgent humanitarian reasons or because they are of special interest/importance to the U.S.	Person must not be eligible for any other type of visa; documentary evidence of humanitarian need or interest/importance to the U.S. must be provided	Not available	Parole can be revoked at any time and is at the sole discretion of the U.S. Department of Homeland Security	No

Pathways to U.S. Citizenship

Pathway	Eligibility	Key Requirements	Main Challenges
Naturalization	Green card holders for at least 5 years (or 3 years if married to a U.S. citizen or VAWA case)	Be at least 18; a green card holder for 3 or 5 years; able to read, write, and speak basic English; of good moral character; knowledgeable about U.S. civics	English language proficiency; cost of application process
Derivative Citizenship	Child becomes a citizen through a parent before age 18 on the basis of having one U.S. citizen parent	Parent must be a U.S. citizen at birth or have naturalized before the child’s 18th birthday and the child must have resided with the parent at the time that the parent naturalized	Child must be able to provide proof that parent is a U.S. citizen or naturalized
Acquisition of U.S. Citizenship	Child is born outside of the U.S. or its territories, but acquires citizenship at birth through a U.S. citizen parent	Eligibility requirements are complex based on the parents’ marital status, what year the child was born, when the parents resided in the U.S.	Child may need to provide proof of parent’s citizenship status, residency, and marital status, which may be difficult to document

* This does not constitute legal advice and does not contain all requirements and challenges associated with applying for the forms of relief listed.