

DOCUMENT RESUME

ED 416 345

CE 075 765

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TITLE Issues Relating to Women's Immigration Status. Tierra de Oportunidad Module 8. LAES: Latino Adult Education Services Project.  
INSTITUTION Hacienda La Puente Unified School District, City of Industry, CA.; California State Univ. Inst., Long Beach.  
SPONS AGENCY California State Dept. of Education, Sacramento. Youth, Adult and Alternative Educational Services Div.  
PUB DATE 1997-00-00  
NOTE 40p.; For related modules, see CE 075 757-787.  
PUB TYPE Guides - Classroom - Teacher (052)  
EDRS PRICE MF01/PC02 Plus Postage.  
DESCRIPTORS Adult Basic Education; \*Adult Literacy; English (Second Language); Federal Legislation; Functional Literacy; \*Immigrants; \*Immigration; Integrated Curriculum; Learning Modules; Lesson Plans; \*Literacy Education; Nonprofit Organizations; Problem Solving; Resource Materials; \*Womens Education; World Wide Web  
IDENTIFIERS \*California; \*Immigration Law; 353 Project

ABSTRACT

This module, which may be used as the basis for a workshop or as a special topic unit in adult basic education or English-as-a-Second-Language (ESL) courses, focuses on issues related to women's immigration status. The following items are included: module overview; list of basic, thinking, interpersonal, information utilization, and other skills addressed in the module; teaching points (points regarding immigration law and married women, immigration law and battered women, and immigration status and access to education and health care); sample learning activities; list of World Wide Web and organizational resources; sample lesson plan; transparency masters; student activities; excerpts from U.S. immigration law; pre- and postmodule student surveys; and scoring directions. The following objectives are addressed in the module lesson: research immigration law language; discuss family unity provision, analyze women's immigration issues; verify information on immigration issues; review potential effects of immigration status; and find solutions to a problem. Included in the sample lesson are the following: objectives, description of the module's target audience and context, room setup guidelines, list of items needed and media used, and detailed instructions for completing the steps involved in conducting the lesson. (MN)

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# Tierra de Oportunidad

## MODULE 8

### Issues Relating to Women's Immigration Status

**Ed Kissam and Holda Dorsey**

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CALIFORNIA STATE UNIVERSITY INSTITUTE & HACIENDA LA PUENTE ADULT EDUCATION

CE 015 765

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continue to seek legal immigration status even if her husband does not cooperate (e.g., by refusing to file a joint petition).

Some women who are not legally authorized to live and work in the United States have been afraid even to go to a hospital or to their children's school out of fear that their unauthorized legal status might be found out and they would be deported. While some human service providers are obliged to deny services to undocumented persons, they do not report people who seek service to the Immigration and Naturalization Service (INS). Even though the public has become more concerned about undocumented immigrants, applicants without documents who seek service, can expect respectful treatment from service providers.

### Basic Skills Development

Basic Skills

relatively advanced literacy skills, distinguishing legal terms from ordinary language;

Thinking Skills

analyzing one's legal situation, acquiring relevant and accurate information, and seeking expert advice before acting;

Personal Qualities

self-esteem discussions of the tensions between ethical and legal considerations (family responsibilities vs. immigration law), self-management, assessing the personal and family consequences of different courses of action;

Uses Resources Effectively

using available print, and Internet resources to secure information on immigration law and sources of help

Uses Information

a strong emphasis here is on assuring that the information one gets is accurate and up-to-date

Works with Systems

this module provides a basis for understanding several key aspects of immigration law

Uses Technology

using the WWW to secure crucial legal information, forms, analyses, updated information and either simplified summaries, or in-depth detailed analyses



The legal definition of "cruelty" that is the basis for alleging that a woman is a battered spouse may be broader than many women believe and a woman should consider seeking expert legal advice if she feels she is being mistreated -- either mentally or physically. Threats of physical cruelty as well as documented cases of physical cruelty can provide a basis for a "battered spouse waiver" but the issue of mental cruelty is more complex legally and a woman should be sure to get legal advice.

5. **The information submitted in a woman's petition to INS for a "battered spouse waiver" is supposed to be confidential, but it would be wise for a woman who fears her husband will injure her to use only the address of her legal counsel.** There are currently no legal sanctions for such confidential information being released inadvertently so caution is the wisest course.

6. **Even those women who are not authorized to reside and work in the U.S. can go about their lives without fear of being reported to the INS by schools, hospitals, or other service agencies.** Seeking help is not likely to result in being reported to the INS and being deported but it may lead to hostile and unpleasant treatment by the staff of some programs. Also women should be aware that false statements made in order to secure benefits from a public program may jeopardize their ability to secure legal status in the future. Even unauthorized women may be entitled to receive free emergency medical care and WIC (Women, Infants, and Children) vouchers for food if they are pregnant or nursing mothers.

### Sample Classroom Activities

*Note: In discussing these issues an other immigration issues which may deal with a person's possible violation of legal provisions: a) urge the class to agree to keep all information from these discussions confidential, b) urge persons in class not to talk about their personal situation but to talk freely and research carefully the situation of hypothetical persons facing different sorts of immigration problems.*

1. Ask the students to locate immigrant advocacy organizations in the area, in the phone book or in the newspaper ads. Students may contact the organization to find out what services they offer. Students prepare a mini phone book of organizations to share with students in other classes. Students may wish to rate each organization on how helpful it is, what languages its staff speak, and what it charges for providing assistance. (Even non-profit service providers now charge for some of their services.) Students can prepare a mini phone book of organizations to share with students in other classes.

2. Invite a representative from INS or from an advocacy organization to visit the class and respond to students questions.
3. Discuss with the class whether the provisions in the 1996 immigration law which prohibit persons who have lived illegally in the United States from being legally admitted for a number of years are fair or not. (Many believe these provisions violate international standards of human rights. Others argue that these provisions are necessary to avoid rewarding people for illegal behavior).
4. Discuss with the class whether any have heard of offers from immigration assistance providers which seem "too good to believe". (Most of such offers usually are). Discuss the consequences of seeking assistance of this sort.
5. Discuss with the class whether the provisions in the 1996 immigration law which prohibit persons who have lived illegally in the United States from being legally admitted are discriminatory to women or not. (Many believe these provisions are particularly unfair to women. Others argue that the law does not specifically refer to gender).
6. Role play effective ways to deal with service providers who are hostile to immigrants.
7. Research on Internet, the provisions of immigration laws, including the conditions on admittance as a result of the 1996 immigration law, various kinds of U.S. immigrant visas, the process for applying or petitions for waivers. Include a discussion of terms such as ("entered without inspection", i.e. by illegally crossing the border).
8. Students in teams can look up and discuss the terms they did not understand.



## California Immigrant and Immigration-related Organizations

- **Mujeres Unidas y Activas**  
San Francisco Women's Building  
3543 18th St.  
San Francisco, CA 94110  
(415) 621-8140  
(An immigrant women's support and advocacy group)
- **Coalition for Immigrant and Refugee Rights and Services**  
995 Market St., Suite 1108, San Francisco, CA 94103  
(Multi-lingual immigration assistance hotline)
- **National Immigration Law Center**  
1636 West 8th St., Suite 215, Los Angeles, CA 90017  
(213) 487-3531.  
(A leading public interest law firm dealing with immigration issues)
- **Family Violence Prevention Fund**  
(415) 821-4553  
(Excellent handout pamphlets)
- **International Institute of Los Angeles**  
435 South Boyle Avenue, Los Angeles, CA 90033  
(213) 264-6217  
( A leading Southern California non-profit organization dealing with immigrant and refugee issues and providing support services)

**08. ISSUES RELATED TO WOMEN'S IMMIGRANT STATUS****OBJECTIVES**

- research immigration law language;
- discuss Family Unity provision;
- analyze Women's immigration issues
- verify information on immigration issues;
- review potential effects;
- find solutions to a problem.

**LEARNERS & CONTEXT**

Adult students. Average ability of the group is medium. The range of ability is wide. Motivation is high. Group size is between 11 and 30. There are many learners whose English is limited.

**ROOM SETUP**

Chairs and small tables to facilitate small group activities

**TO BRING**

Transparencies and handouts.  
flip chart, 3 x 5 cards

**TO DO AHEAD**

Check with community organizations that assist immigrant women.  
Get information about battered women shelters.

**MEDIA USED**

Overhead, flip chart.

**STEPS**

Warm Up  
Objectives  
Research  
Comprehension  
Discussion  
Problems  
Solutions  
Break  
Alternatives  
Role Play  
Presentation  
Reflection  
Closure









## OBJECTIVES

You will be able to:

- research immigration law language;
- discuss Family Unity provision;
- analyze women's immigration issues.

You will also practice:

- \* verifying information;
- \* reviewing potential effects;
- \* finding solutions to problems;

## IMMIGRATION CLASSIFICATIONS

| Type of Visa | Who? | Permanency? |
|--------------|------|-------------|
| A            |      |             |
| B            |      |             |
| C            |      |             |
| E            |      |             |
| F            |      |             |
| G            |      |             |
| H            |      |             |
| I            |      |             |
| J            |      |             |
| K            |      |             |
| L            |      |             |
| M            |      |             |
| N            |      |             |
| O            |      |             |
| P            |      |             |
| Q            |      |             |
| R            |      |             |

  
IMMIGRATIONESE

Student please clarify these terms:

- "ineligible to citizenship"
- "lawfully admitted for permanent residence"
- "naturalization"
- "nonimmigrant visa"
- "passport"
- "unmarried"
- "refugee"
- "extraordinary ability"
- "child"
- "parent"
- "good moral character"
- "family unity"
- "battered spouse waiver"
- "good faith waiver"

Select the solution you think is best and list it as your personal first choice. Continue ranking your choices.

| Choice | Personal | Group Record |
|--------|----------|--------------|
| First  |          |              |
| Second |          |              |
| Third  |          |              |
| Fourth |          |              |
| Fifth  |          |              |



- (i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; or
  - (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital;
- (F)
- (i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each non immigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and
  - (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;
- (G)
- (i) a designated principal resident representative of a foreign government recognized by the United States, which foreign government is a member of an international organization, accredited resident members of the staff of such representatives, and members of his or their immediate family;
  - (ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;
  - (iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized the United States; and the members of his immediate family;
  - (iv) officers, or employees of such international organizations, and the members of their immediate families;
  - (v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

H) an alien--

- (i) (a) who is coming temporarily to the United States to perform services as a registered nurse,
  - (b) who is coming temporarily to the United States to perform services (other than services described in subclause (a) or, in the case of a fashion model, is of distinguished merit and ability), and with respect to whom the secretary of labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application; or
- (ii) (a) having a residence in a foreign country that he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor of a temporary or seasonal nature, or
  - (b) having a residence in a foreign country that he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or
- (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;
- (I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;
- (J) an alien having residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

- (K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him;
- (L) an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;
- (M)
- (i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each non immigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, and
  - (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;
- (N)
- (i) the parent of an alien accorded the status of special immigrant, but only if and while the alien is a child, or
  - (ii) a child of such parent or of an alien accorded the status of a special immigrant.
- (O) an alien who:
- (i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

- (ii)
  - (I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific events or events,
  - (II) is an integral part of such actual performance,
  - (III) (a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing long-standing working relationship or, with respect to the specific production, because significant production (including pre- and post -production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and
  - (IV) has a foreign residence which the alien has no intention of abandoning; or (iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;
- (P) an alien having a foreign residence which the alien has no intention of abandoning who -
  - (i) (a) is described in section 1184(c) (4) (A) of this title (relating to athletes), or (b) is described in section 1184 (c) (4) (B) of this title (relating to entertainment groups);
  - (ii)
    - (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and
    - (II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;
  - (iii)
    - (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

- (II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or non commercial program that is culturally unique; or
- (IV) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;
- (Q)an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers; or
- (R)an alien, and the spouse and children of the alien if accompanying or following to join the alien, who -
  - (i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and
  - (ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27) (C) (ii).

**Terms used in these laws:**

- (16) The term **"immigrant visa"** means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.
- (17) The term **"immigration laws"** includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.
- (18) The term **"immigration officer"** means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.
- (19) The term **"ineligible to citizenship,"** when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States.
- (20) The term **"lawfully admitted for permanent residence"** means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.
- (21) The term **"national"** means a person owing permanent allegiance to a state.
- (22) The term **"national of the United States"** means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.
- (23) The term **"naturalization"** means the conferring of nationality of a state upon a person after birth, by any means whatsoever.
- (25) The term **"in combatant service"** shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.
- (26) The term **"non immigrant visa"** means a visa properly issued to an alien as an eligible non immigrant by a competent officer as provided in this chapter.

- (30) The term “**passport**” means any travel document issued by competent authority showing the bearer’s origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.
- (31) The term “**permanent**” means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.
- (32) The term “**profession**” shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.
- (33) The term “**residence**” means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in act, without regard to intent.
- (34) The term “**Service**” means the Immigration and Naturalization Service of the Department of Justice.
- (35) The term “**spouse**”, “**wife**”, or “**husband**” do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.
- (38) The term “**United States**”, except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.
- (39) The term “**unmarried**”, when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.
- (40) The term “**world communism**” means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.
- (41) The term “**graduates of a medical school**” means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.







- (B) under section 1184(d) of this title as the fiancée or fiancé of a citizen of the United States, or
  - (C) under section 1153(a)(2) of this title as the spouse of an alien lawfully admitted for permanent residence, by virtue of a marriage which was entered into less than 24 months before the date the alien obtains such status by virtue of such marriage, but does not include such an alien who only obtains such status as a result of section 1153(d) of this title.
- (2) The term “alien son or daughter” means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the son or daughter of an individual through a qualifying marriage.
- (3) The term “qualifying marriage” means the marriage described to in paragraph (1).
- (4) The term “petitioning spouse” means the spouse of a qualifying marriage, other than the alien.

















