

Sample chapters:

Part I: Discovering America Chapter 1: Culture and American society

Through the mass media, the entire world watches Americans and has a chance to observe

- Americans' style of dress
- The inside of American homes and public buildings
- American restaurants and their food varieties
- How Americans act at home and in public
- American business
- Americans' political orientations
- How some Americans treat immigrants
- How Americans treat money, both their own and someone else's

But you can't believe everything you see on television or in the movies. So what are we Americans really like? What unites all of us, regardless of our race, ethnicity or religion?

We are different. For example, many of us

- Are open-minded and curious
- Are uninhibited and fun-loving
- Like to make fun of ourselves and tease others gently, without hurting their feelings
- Like to express ourselves directly while looking others straight in the eye
- Take things literally at times
- Believe we are the exception to the rule
- Are taught from an early age to be self-reliant and responsible for our actions
- Are taught our self-worth and self-respect from a young age
- Have ancestors from other lands and proudly announce that we are German, Irish, Russian, Greek or...
- Have our own, invariably optimistic, attitudes toward life
- Try to solve our problems on our own
- Have one answer to the question, "How are you?" and that's "Fine, Thanks!"
- Prefer shallow relationships and conversations about general topics that end well... with everyone except our very close friends
- Don't get involved in other people's personal affairs
- Are proud of ourselves and our country, which we believe is the best in the world
- Are psychologically prepared to conquer our weaknesses, diseases, financial problems and difficulties
- Love to win in any form, be it the championship game of our favorite team, the lottery, scoring the best bargain or hitting the jackpot at a casino
- Love things big and roomy, whether it's a multi-acre ranch, the huge bathroom off the master suite, giant closets, massive malls or endless freeways
- Are not sure anymore that we work more than anyone else in the world
- Think that someone who doesn't have a job is a bit strange or suspicious
- Are tolerant of illegal and legal immigrants. In each state this situation is different.
- Love children and animals
- Spoil our children very much
- Don't necessarily see a family as a life-long commitment
- Dream of having a happy marriage
- Believe in democracy and strive to keep our society free
- Believe that everyone is equal before the law

So, we are different. At the same time we respect each other's points of view and ideas even if they are different from our own. However, we are common in one thing: we want and strive to have happy lives.

Part III: Staying longer or living in the U.S.

Chapter 19: Extending your stay and changing your immigration status

America can be a pretty exciting place. What if you want to stay longer? You may be able to, but you'll need to act before your visa expires.

When you arrived in the United States on your non-immigrant visa, you received an I-94 card from an immigration official, which shows how long you are permitted to stay in the U.S. (see Chapter 6). If you want or need to extend your stay, you should submit an I-539 Form (Application To Extend/Change Non-immigrant Status) to immigration authorities before your I-94 expires. On the form, give the latest date you would like to be in the U.S. After submitting your application, you have certain rights and obligations according U.S. immigration law:

- You have the right to remain in the U.S. after your I-94 expires while your application is being considered. This includes all hearings at various levels and any appeals.
- You will receive a response by mail.
- You must leave the U.S. immediately if your application is rejected.
- You must leave the U.S. by the date stated on your application if you do not receive an answer from the immigration service.

☀ Foreigners who are in the U.S. for not more than six months after their I-94s have expired lose the right to apply for another visa or for a Green Card for a three-year period beginning the day they leave the United States. Foreigners in the States for more than six months after their I-94 expires lose this right for ten years. The only exceptions are for people who have applied for asylum or who have married a U.S. citizen.

If you have applied for asylum, you have the right, starting from the moment your case is received by the immigration authorities, to remain in the U.S. legally for the entire time your case is being considered by the U.S. government. This includes all hearings at various levels and any appeals.

If you've gotten married to an American citizen, congratulations! Having started this new chapter of your life, you have the right – no matter how long you've been in the U.S. without the proper legal status – to apply to the USCIS for a temporary and then a permanent Green Card.

☀ There's one condition to this exception. You have to have crossed the U.S. border legally. And remember that you do not have to leave the country while you're waiting for the government to make a decision about your temporary Green Card.

In addition to extending your stay, you can also apply for a change in your immigration status while your I-94 is still valid.

It's easy to be fooled by the seemingly simple and happy-go-lucky lifestyle of many Americans into thinking that life in the U.S. is all fun and games. But most Americans believe religiously in hard work. People usually work long hours five or six days a week and sometimes have more than one job. Americans rarely take a day off and have extremely short vacations, usually only seven to twenty days a year. Often Americans use their vacation time to extend holidays or weekends. Competition in the labor market can be fierce. Jobs that pay a living wage, enough to support a family comfortably, are rare. To make matters worse, some employers hire undocumented workers or export jobs overseas in order to keep

wages low. Millions of Americans are afraid that they may lose their jobs and their income, and this makes them to work extremely hard.

Because life in the U.S. is not as easy as it seems, you may want to think seriously about whether you really want to change your immigration status. Ask yourself these questions:

- How much do you really want to stay in the U.S.?
- How realistic are your goals?
- Are these goals worth the intense study, constant hard work and sacrifices you will have to endure if you decide to leave your homeland, family and friends for several years?
- Do you have the strength and will to withstand the intense competition to obtain a good job?

☀ Changing your immigration status is always a drawn-out and psychologically stressful process.

Basically, there are three ways people can immigrate legally to the U.S.:

- Through their status as refugees or asylees
- Through their employment
- Through their relatives

Foreign citizens are granted refugee or asylee status when they can prove they have been persecuted by their home government for

- Their political opinions
- Their religion
- Their race
- Their ethnicity or their status as a national minority
- Their membership in a social group or public organization whose activities are being repressed by their government

Unfortunately, state discrimination alone is not enough to gain you refugee status in the U.S. While it's terrible that you have been denied a job unjustly, say, or fired without cause, that's still not grounds enough to gain asylum in America.

So when does the U.S. grant people asylum? It does so only when you can prove that you are being persecuted by your government and that you are in direct, personal danger, for example

- You were jailed illegally on trumped-up charges.
- You were a victim of violence on the part of your government, violence that threatened to destroy your health and possibly end your life.

☀ If a policeman hits you with a truncheon, he potentially could have killed you.

The U.S. defines the government as any official at any level of the government system, even people such as

- Police officers
- Postal employees
- Officials working for social ministries or welfare agencies
- Directors of state enterprises where you are employed

What if you were kidnapped by the mob and subjected to torture? Unfortunately, you would not be able to ask for refugee status because you were the victim of a criminal incident. However, if you

asked repeatedly for help from the local police or procurator's office and they refused to do anything or demanded bribes, the incident becomes political and possible grounds for requesting asylum.

☀ According to U.S. law, a government is required to protect its citizens, and every official or officer is a government representative.

Many people don't realize that they have the right to apply for refugee status. Let's say, for instance, that someone was unjustly detained by the police and then beaten in jail. Later, this person goes to the police to register an official complaint and is told that he will rot in jail if he doesn't stop his social activism. These facts could easily form the basis for an asylum case, as the person's rights were clearly violated by government representatives.

Here are some activities that are considered political activism:

- Strikes at state-owned companies when, for example, wages go unpaid
- Demonstrations protesting a government's economic or political policies, such as limiting retirement benefits or cutting state pensions

This kind of protest may seem like a normal part of economic debate. But if the government uses force against peaceful protestors and strikers such as beating or arresting them, it becomes a case of political persecution.

Freedom of religion is protected by U.S. law and supported by American society. However, some countries allow citizens to practice only the religion condoned by the state. They refuse to provide land or space for religious gatherings. They prohibit believers from opening their own churches, mosques or temples. This kind of religious repression on the part of a government can serve as the basis for asylum.

You wouldn't think of Russia as a place where religious believers are persecuted. In 1997, a law declared several official religions – Russian Orthodoxy, Islam, Judaism and Catholicism. However, these are only a fraction of the many faiths practiced in Russia. Buddhism, for instance, is the main faith of many Kalmyks and Buriats, and the Russian government has refused on several occasions to grant the Dalai Lama a visa to visit the faithful. Protestants and evangelical Christians are often persecuted, driven out of churches they built or bought, and arrested. Some Muslims in Russia's North Caucasus have also claimed that they were arrested and tortured because of their beliefs.

In addition to limiting religious freedoms, governments may also persecute people because of their ethnic or racial backgrounds. Historically, government persecution based on ethnicity occurs in countries where many different ethnic groups live side by side. To use Russia as an example again, at certain times during the Soviet era, Jews – who are considered an ethnic group in Russia – were victims of political persecution, while at other times, people from the Caucasus – Armenians, Azeris, Chechens and Georgians, among others – were treated unjustly. On the other hand, many Russians are now mistreated as national minorities in countries like Uzbekistan, Turkmenistan and the Baltic states.

Finally, it's no secret that many governments put undue pressure on certain social movements, organizations and social groups. Members of these movements or groups may face persecution at the workplace or even in their homes. People who are often victims of government persecution include

- Gays
- Lesbians
- Union members
- Human rights activists
- Environmental activists
- Activists calling for the release of political prisoners
- Opposition party members

The moment your government responds to your legal demands with violence, you may be able to seek asylum. To do so, you will need to document your charges of government persecution – not just mere discrimination – with evidence. Of course, the procurator, prosecutor or local police chief will not be helpful in your quest to document their illegal actions and abuses. For this reason, you will have to gather secondary evidence that you were persecuted, such as

- Reports or complaints submitted to the police, courts or procurator’s office
- Medical records from the hospital that treated you for wounds or injuries you received due to police violence or abuse
- Photographs proving your participation in strikes or protests
- Photographs documenting intimidating vandalism, such as swastikas carved in your front door or a burned-out car
- Membership documents showing that you were a member in a certain organization or party

☀ If someone living in the U.S. witnessed to the events you plan to describe to immigration officers, ask that person for help. Testimony given in person by an eyewitness is a significant piece of evidence in the U.S.

If you decide to request asylum from the U.S. government and already entered the States, you’ll need to submit a petition in writing within one year of crossing the U.S. border, regardless of how long your non-immigrant visa is valid or whether you crossed the border legally. If you crossed the border illegally, you need to prove that you were in a neighboring country not far from the U.S. border no later than a year from the date of your USCIS interview. You can do this by showing the immigration officer tickets, hotel bills or other documents.

If you submit your petition after a year has passed, you will need to explain to the USCIS official why you couldn’t submit it earlier. There are several substantial reasons you might have been delayed, such as

- Physical illness
- Mental illness, such as depression, which was confirmed by a U.S. psychologist or psychiatrist
- You did not plan to ask for asylum earlier because you were married to U.S. citizen, but that marriage later ended in divorce.
- You had a long-term visa, such as a student visa, and political changes have swept across your home country. For example, fellow members of a particular organization have been arrested, or you have received notice in your home country from the police that they have a warrant out for your arrest as a deserter.

☀ Once you’ve entered the U.S. on a nonimmigrant visa, you can ask for asylum immediately. You are not required by law to tell the consular official who interviews you in your home country that you plan to request asylum once in the States.

And don’t forget there are two different terms in U.S. immigration law related to asylum and refugee status. If you are granted asylum while you are already in the U.S., you’ll be an “asylee.” If you are granted this status abroad, you will be a “refugee.” You’ll notice, however, that in everyday English, “refugee” is used more frequently.

But say you are not under any political pressure back home. You just want a great education. If you decide to go to school in the U.S., you’ll need to change your visitor’s B1/B2 status for a student F1 visa by filling out Forms I-20 (Certificate of Eligibility for Non-immigrant (F-1) Student Status) and I-539 (Application To Extend/Change Non-immigrant Status) and sending them to the nearest regional office of the immigration service (see Appendix 3).

☀ It's not a very good idea to leave the U.S. while you are enrolled at a college or university once you change your status. Just because you have student status in the U.S., it does not mean that an overseas U.S. consulate will issue you a student visa.

If you'd like to work or conduct business in the States, you'll need to fill out Form I-129 (Petition for a Non-immigrant Worker) and include a letter stating why you are applying for a change of status, as well as other documentation supporting your reasons.

If you've come to America on a tourist visa and found work through an employment agency, here's what you need to do to protect yourself:

- Never give your passport to your employer or the employment agency.
- Ask for documents from your employer allowing you to apply for a work permit.
- Don't rely on promises from your employer or the agency that they will take care of the USCIS paperwork some time in the future. This could lead to you losing your legal immigration status in the U.S.
- If the employer or agency refuses to give you the necessary documents, this means they are hiring you illegally.

☀ If you do end up giving your passport to an employer or agency, you may wind up working as a virtual slave for years.

If you ask for a change of status shortly after arriving in the U.S. (within two months or less), the immigration service may decide that you planned to do so from the start. They will accuse you of giving false information to consular officials about your purpose in coming to the country. The only exception to this strict rule is if you are asking for asylum, as above.

☀ You are responsible for proving to immigration officials that unforeseen circumstances have forced you to request a change of status.

Regardless of your reason for changing status and no matter what your American friends and relatives argue, it's a really good idea to hire a lawyer or to get advice from a specialized consulting company. An immigration lawyer or consultant will help you avoid problems with your application and the review process.

Naturally, talking to an immigration lawyer sounds reasonable in theory. However, in practice, it can be difficult sometimes for foreigners working with American lawyers to explain what they need. Moreover, all the legal information, which often can be hard to understand even in translation, and all the confusing legal terminology can sometimes make it difficult to make the right choice. This is why it's often a good idea to talk to someone at a consulting company who can help you understand what's what and find the right way to solve your immigration problem.

☀ Not all American lawyers will have a clear idea of the political situation in your country. For example, some of them may see only the criminal and not the political aspect of your mistreatment by the mafia. They may not understand that organized crime in many countries is closely allied to government power.

As every person and situation is different, choosing the right lawyer can play a major role in the success of your application. For this reason, you should try to avoid picking the wrong lawyer by

- Studying reference books on the U.S. Citizenship and Immigration Service (USCIS, formerly called the Immigration and Naturalization Service or INS) at your local library
- Looking for books on immigration issues in your native language at the library

- Searching for information online at your local library
- Reading handbooks and guides to immigration issues at a local bookstore, many of which have café's and armchairs where you can sit comfortably and read a book without having to buy one
- Visiting stores that sell goods from your home country. They will also sell books and magazines in your language, where you will likely find a lot of information about immigration and changing your immigration status.

Here are a few helpful phone numbers and websites to get you started:

- www.uscis.gov or call 1-800-375-5283 (1-800-767-1833 for the hearing impaired) – the U.S. Citizenship and Immigration Service
- www.aiala.org or call 1-202-216-2400 – the American Immigration Lawyers Association
- www.us-immigration.com – the American Immigration Center
- www.usaia.org – the Immigration Association

Because the first appointment with a lawyer is almost always free, make a couple appointments with different immigration lawyers and see whom you like and who seems the most helpful. Based on this information, you should be able to pick the person right for you.

☀ When you meet, make sure to ask lawyers about their licenses and when they expire, as well as what services they offer, how long certain procedures will take, and how much they will charge.

When signing an agreement with a lawyer, you should discuss how you'll pay for his services. Usually, lawyers prefer to get an advance of 30% to 50% of the agreed fees, and the rest is paid before the last stage of the work.

☀ In practically every contract you'll see, the advance will not be returned if the contract is terminated.

When she returned to Europe from the U.S. in 1997, Tanya brought a whole stack of American newspapers home with her. A few months later, she needed some advice from a lawyer familiar with the legal situation in the U.S.

Because she didn't know how to find someone specializing in American law in Russia, Tanya decided to call a lawyer from California whose article she had read in one of the papers she'd brought home from America. After a free consultation that helped solve her initial problem, Tanya kept the lawyer's number, just in case.

Six years later, she was glad she did. Tanya found herself waiting to meet with the very helpful lawyer she'd found in the newspaper back in 1997. She has since turned to the lawyer several times over the years for help over the phone.

Some people choose not to hire a lawyer because they think they can put together all the necessary USCIS paperwork and forms by themselves. Experience shows that all too often, they are wrong. However, if you do decide to do everything yourself, you can order any immigration-related form from the USCIS by calling 1-800-870-3676.

Keep in mind that the USCIS will not send you a list of the documents you need to prove that you need to change your immigration status or extend your stay in the U.S. Instead, you need to request the specific forms you desire.

Immigration officials examine every application on a case-by-case basis and ask applicants to submit many extremely important documents. For this reason, correspondence with the USCIS can take months and your case may not be opened or considered if certain necessary documents are missing. Unfortunately, you will have to leave the country if this happens.

☀ **Remember that the immigration service, as well as other government agencies, has a huge workload and has to process a large amount of paperwork. Officials prefer documents that are sent in promptly and filled out properly.**

Immigration lawyers have a lot of experience working with government agencies. For a reasonable fee, they'll work scrupulously and try to anticipate what documents will make a difference in your application.

If you can't afford a lawyer, you can get help from

- An organization recognized by the Board of Immigration Appeals (BIA)
- An accredited representative of a BIA-recognized organization. You can find a list of representatives and organizations that are officially recognized by the BIA at www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf.
- A legal firm or lawyer who offers free, or "pro bono," immigration services. You can find a list of such firms at www.usdoj.gov/eoir/probono/states.htm.
- A legal firm that participates in programs offering free legal services for immigration issues. You can get a list of these firms from your local USCIS office.

These lawyers and organizations will either help you free of charge or for a very small fee.

It can take from one to several months for officials to review an application to extend your visa. Requests to change immigration status take considerably longer and can drag on for months and sometimes years. There have even been cases when someone has waited for a decision from the immigration service for more than a decade.

In recent years, one of the most common ways to change your immigration status has been to marry a U.S. citizen. This is seen as particularly suspect by immigration authorities because there are many ways to arrange a fake marriage, as you learned back in Chapter 6. Each application related to marriage is examined carefully by the USCIS. Even though waiting for a change in your status is frustrating, do your best to be patient and understanding of the authorities' thoroughness if you have found true love in America.

If you weren't scared by the possible consequences you saw in Part II and still think a fake marriage is the answer to your immigration problems, think again. Here are just a few reasons and risks related to Green Card marriages:

- They violate U.S. law.
- You are putting yourself at risk and at the mercy of con men.
- Your fictive spouse may keep demanding more and more money from you.
- You will be completely dependent on your fictive spouse.
- You may be pressured to have a sexual relationship with your fictive spouse even though it was not part of your original agreement.
- You could be directly blackmailed by your fictive spouse.
- Your fictive spouse can easily refuse to go with you to the couples' interview that allows you to replace your temporary Green Card with a permanent one.

☀ **It bears repeating: If you marry to get a Green Card, you put yourself at the mercy of your fictive spouse and other shady characters. Also, if you are caught you will not be allowed any immigration benefit for life.**

If your I-94 has already expired, you cannot apply to have your stay extended or to change your status because you are now in the country illegally. The only exceptions are if you are asking for asylum or legitimately married to a citizen. You can only legally reside in the U.S. as long as your I-94 is valid.

Some foreigners who don't have a legal basis for changing their immigration status stay in the U.S. anyway. They seem unfazed by the fact that once their I-94s have expired, they are living outside the law. These illegal immigrants have heard and seen how many people live and work in the U.S. without legal status, and they decide to forge ahead and explore their own, illegal America. With time, they manage to buy a car or a house, and sometimes even to open their own business, all without understanding that if they are caught by the police, they could wind up in an immigration detention center for an extended period of time (at least a year). Neither their business nor their assets will help them then.

The millions of foreigners who don't have legal status in the U.S. are all afraid of the same thing: a run-in with the police. Don't be one of them.