

Becoming Water

Exploring some of the strange ways practitioners can advance clients' cases

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Exploring some (but not all) of the special programs

- Western Hemisphere Priority Dates
- 245(i)
- Parole in Place
- Child Status Protection Act
- Some of the other laws that are out there

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Western Hemisphere Priority Dates

- Once you find one, you tend to find more
 - Often, multiple siblings qualify
 - Often, cousins have similar family histories

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WHPD—Simplified background

- Before 1977, there were two immigration systems
 - One for Independent Western Hemisphere Countries
 - One for everybody else
- On January 1, 1977, the Western Hemisphere system was eliminated, BUT
 - Registered Western Hemisphere immigrants could use their priority date in conjunction with a new petition under the new system

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WHPD—How does someone have one?

- Direct registration
 - Beneficiary of an I-130/I-140/Labor Certification or direct registration with the Consulate
 - Very few of these are likely to walk into your office
- Family registration
 - Family members who existed at the time of principal's registration have an independent WHPD registration
 - Children born to a marriage that existed at the time of registration also count—even if born after 1977

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After-acquired spouse and children

Principal WHPD immigrant (usually immigrated single)

Married outside the US

Returned to a residence in the US

Spouse gets date of marriage as Priority Date

Children born to the marriage get their date of birth as the priority date
marriage probably needs to be before 1/1/1977; date of birth
can be after

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"Pulling an Adjustment Out of Your Hat"