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Immigration 101: A training for community allies

Immigration Counseling Service

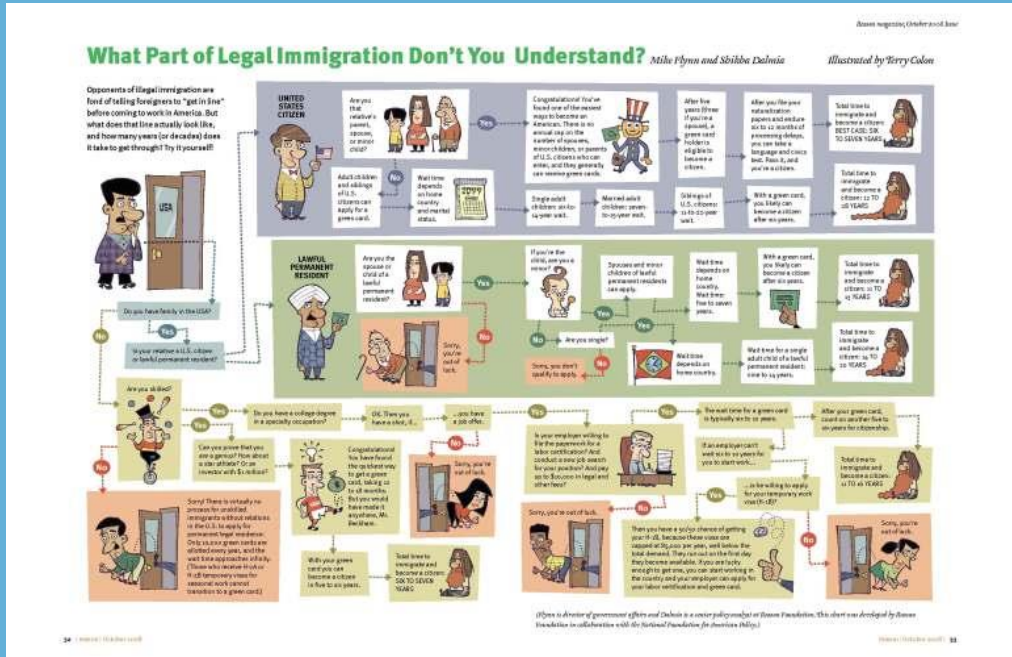


- ❑ Non-profit immigration legal firm
- ❑ Serving Oregon and SW Washington communities since 1978
- ❑ Focus primarily on direct legal services
- ❑ Also engage in: community education, social services for survivors of trafficking, support for unaccompanied minors
- ❑ Two offices: Portland & Hood River

Today's Training: What We Will Cover



- Basic Overview of Immigration System
- How to Get Legal Status
- Removal (Deportation) Proceedings and Detention
- Protections for Vulnerable Populations
- Developments Under the New Administration
- Empowering Communities
- Frequently Asked Questions by Providers / Allies
 - Q&A at the end



Basic Overview of the Immigration System

Terminology of Immigration Agencies



- Department of Homeland Security (DHS)
 - US Citizenship and Immigration Services (USCIS)
 - Immigration and Customs Enforcement (ICE)
 - Customs and Border Protection (CBP)
- Department of Justice
 - Immigration Court, Board of Immigration Appeals
- Department of State
 - Embassies / Consulates
- Department of Labor
- INS no longer with us !!!

Citizens and Non-Citizens



- U.S. Citizens (USC):
 - Born, Naturalized, Acquired/Derived
- Lawful Permanent Residents (LPR) = Green Card Holders
- Temporary Legal Status:
 - Students
 - Temporary Workers
 - Visitors/Tourists
- Lawful Presence:
 - DACA
 - TPS
- Undocumented: Visa Overstays/Entered w/o permission



How to Get Legal Status

How to Get a Green Card?



- Main avenues of obtaining Lawful Permanent Residence (LPR) or “Green Card” Status:
 - Through a Family Member (around 65%)
 - Through Employment Visa (around 14%)
 - Asylum / Refugee Status (14%)
 - Others (Diversity Visa, Other Humanitarian Protections, etc)

Note: Living in the US a long time, being a good person, having US citizen kids under 21, are NOT ways to get a green card!!!!

How to Get a Green Card - Part 2

Green Cards through Family

- “Immediate Relatives”
 - Spouse, child under 21 or parent of a USC
 - No Waitlist
- Waitlist Categories
 - Spouse, child of LPR
 - Adult child of USC, sibling of USC

Green Cards through Employment

- Holders of advanced degrees, certain professionals, investors:
 - Agricultural work is considered “unskilled labor” and generally doesn’t qualify
- As a practical matter, individuals who are undocumented in the U.S. and without family ties are not going to be able to secure green cards through employment

Note: No aunt/uncles, grandparents, grandchildren, married children of LPR

How Long is the Waitlist?



- Now (May 2017) Processing Petitions For:
 - Spouse of LPR from Mexico filed in July 2015
 - Unmarried Son of USC from Philippines filed April 2006
 - Married Daughter of USC from Mexico filed Feb 1995
- Process:
 - File Petition (I-130)
 - Wait Until It is “Current” - Visa Bulletin
 - Person does not have status while they are in waitlist (even if petition has been “approved”)

Employment Authorization



- Green-Card Holders authorized to work (green card is enough)
- Certain temporary status (asylee, U visa, DACA, etc...) generally come with a “work permit” card (“Employment Authorization Document” (EAD)
 - Valid for a certain period of time
- Sometimes can get EAD while application pending
- If you have EAD, can get Social Security Number
- No stand-alone EAD’s: If no status or application = no EAD



Removal (deportation) proceedings and immigration detention

Removal (Deportation) Proceedings



- Process to determine if an individual should be deported from the United States;
- Two questions:
 - Is the individual deportable?
 - If so, do they have a defense to deportation?
 - Asylum, cancellation, family visa petition, etc...
- How do people end up in removal proceedings?
 - Interaction with Criminal Justice System
 - Filing an application that is denied
 - Interactions with ICE or CBP
- Can be detained or non-detained: Default now is to detain

Immigration Detention



- Immigration detention is civil, not criminal
- Detention can be prolonged – average case time in Tacoma court is 138 days and it is longer for those who choose to fight their case
- Some people are detained for years
- In the Pacific NW people are sent to the NWDC in Tacoma
- From the NWDC they can be sent to other detention facilities, including NORCOR
- **Important: There is NO right to an appointed attorney in immigration court if the person cannot afford private attorney.**

NORCOR



- ❑ Public local jail for Hood River, Wasco, Sherman and Gilliam
- ❑ Voluntarily agrees to lock up immigrants for ICE in exchange for money to subsidize the local jail
- ❑ 2017-2018 budget expects over \$1million from ICE with an average of 40 people locked up per day
- ❑ Also detains juveniles in ICE custody
- ❑ People detained by ICE find conditions at NORCOR much worse than at NWDC



Immigration Protections for Vulnerable Populations

Violence Against Women Act (VAWA)



- Self-Petition: Protection for Spouses and Children of Abusive U.S. Citizens and Lawful Permanent Residents (Green Card Holders)
- U Visa: Protection for victims of certain crimes, including domestic violence and sexual assault
- T Visa: Protection for victims of human trafficking (sex or labor trafficking)
- SIJS: Protection for children who have been abused, abandoned or neglected

Asylum / Withholding of Removal



- Protection for individuals who fear being persecuted in home country b/c of their **race, religion, nationality, political opinion or membership in a particular social group**
- To qualify for asylum: Must apply within 1 year of arrival; after, eligible for withholding, but much tougher
- Also Convention Against Torture: if likely to be tortured



Developments under the Current Administration

Executive Orders



- January 25 Executive Orders:
 - Interior Enforcement
 - Border Security
 - DHS Implementation Memos issued February 20
- Rescinded past memos including prosecutorial discretion and enforcement priorities
- New priorities
 - Everyone is a priority “convicted, charged or committed acts”
 - In officer’s judgement is a priority
 - Collateral arrests

Travel Ban



- January 27 Executive Order - Travel Ban:
 - Reduced refugee admissions to 50,000 for FY 2017
 - Suspension of Refugee program for 120 days (indef. For Syria)
 - Temporary ban on travel from 7 countries for 90 days
- March 6 Executive Order - Travel Ban Take Two:
 - Banned new visas for 6 countries (Iraq removed from list)
 - Removed reference to minority religious groups and exempted
- Legal Actions:
 - Travel ban currently partially on hold but will be partially in effect
 - Case will be heard by the US Supreme Court in fall 2017

What Will Happen to DACA?



- **DACA:** Executive action by Obama in 2012 to defer deportation and provide work permits to “Dreamers”
 - National: 752,000+ DACA recipients as of September 2016
- **DAPA:** Executive action by Obama in 2014 to protect parents of USC and LPR kids
 - Never went into affect - was challenged and stayed by the courts
 - Trump administration officially rescinded DAPA on June 15, 2017
- **Possible scenarios:**
 - DACA and all work permits eliminated immediately
 - DACA ended people allowed to keep work permits until they expire
 - No new DACAs but those who have it can keep and continue to renew
 - DACA continues as before (what is currently happening)



Empowering Communities

ICS
A Non-Profit
Immigration Law Firm

Know Your Rights



- All people (regardless of immigration status) have basic constitutional rights
- Right to remain silent
 - Critically important: in most instances, voluntary disclosure is how immigration knows someone is undocumented
- Right to be safe in their homes
 - Immigration/law enforcement generally must have a judicial warrant in order to enter a home
- Right to labor protections

Family Safety Plan



- Important: Detention may not happen to most families but important to be prepared
- Care of children if parent(s) detained:
 - Who is authorized to pick up child from school?
 - Powers of attorney/medical authorizations
 - Documents for children (i.e. passport if US citizen)
- Template at: <http://www.latnet.org/community-resources/?locale=en>
- Contingency planning for property (i.e. car, home, business, other assets)

What To Do If Detained by ICE?



- Do NOT sign documents without legal help
 - Could waive important rights
- Contact attorney/legal services organization as soon as possible
 - ICS Hood River (541) 399-8029
- Some people may be eligible to ask for release on bond
- Implement safety plan



Frequently Asked Questions

“Sanctuary” Localities / Policies



- “Sanctuary” term generally refers to policies that prevent a local jurisdiction (i.e. city) from using its own resources to help with immigration enforcement
- However, these policies do NOT mean that ICE agents cannot, on their own, engage in enforcement activity in that jurisdiction or location
- Trump has made threats to take federal \$\$ but he cannot do that
- ICE currently has policy restricting enforcement in “sensitive locations” but unclear if this will continue

How to Get Good Legal Advice



- Private Attorneys:
 - Good Advice is Expensive
 - Cases Often Take a Long Time
 - Law is Bad: Attorneys are not Magicians
 - Important to Be Realistic About Chances
- Bad Attorneys / Consultants / Notarios:
 - Important to Get Things In Writing
 - If it sounds too good to be true...
 - Unauthorized Practice of Law: Big Problem
- BIA-Recognized Agencies
 - Accredited representatives: authorized to practice imm law

ICS Intake Process



- Request Consult:
 - Download request form from our website www.ics-law.org
 - Call (541) 399-8029 and press 3
 - Come by our office at 216 Columbia St in Hood River
- Consult:
 - \$50
 - 45 min - 1 hour
- Please let clients know that they must leave a message with their name and phone number, and that we cannot take every case;
- ICS protects confidentiality