



CARECEN

Culver City
Appointment Line:
213-225-8056

IMMIGRATION OVERVIEW

1. Family
2. Work
3. Cancelation
4. Asylum
5. Humanitarian (VAWA, U Visa, T Visa, SIJS)
6. DACA Update
7. TPS Update
8. Know Your Rights

FAMILY



A citizen may petition for his/her

- **Parents** (Immediate Relative)
- **Children** (Unmarried children under 21 are Immediate Relatives)
- **Siblings**
- **Spouse** (Immediate Relative)

FAMILY



A resident can petition for his/
her:

- Unmarried children
- Spouse

PROBLEMS IF YOU ENTERED THE UNITED STATES WITHOUT LEGAL DOCUMENTS:

- A person who entered illegally cannot adjust status in the US.
- They must leave the US to get their residency.
- When they leave, they are subject to a 10 year bar if they were in the US for more than 1 year without legal status (3 year bar for 6 months - 1 year without legal status)

EXCEPTION TO THE 10 YEAR BAR

- People who were beneficiaries of a family or work petition submitted before April 30, 2001, qualify for 245(i) that permits the beneficiary to pay a \$1000 fine and adjust status in the US.
- People who entered the US legally and are petitioned as immediate relatives of a US citizen.

WAIVER OF THE 10 YEAR BAR

- You must prove that your US citizen/Legal Permanent Resident spouse or parent would experience extreme hardship if the petition isn't approved
- Hardship to the immigrant is not considered, nor to the immigrant's children.
- Prior to 2013 this waiver had to be requested from abroad and the immigrant could not return to the US if it was denied.

PROVISIONAL WAIVER



- Program of President Obama for beneficiaries of family petitions who entered illegally. (Available only to US citizen's spouses since 2013 and recently opened up to all beneficiaries of immigrant petitions in August 2016).
- Must show that a US citizen/LPR spouse or parent would experience extreme hardship if the petition isn't approved. You may apply for the waiver from the US and only have to leave the country to consular process if your petition is approved.
- This waiver only pardons one illegal entry. It does not waive other immigration offenses. (crimes, deportation, entering multiple times, etc.)

WORK



- Must be present legally in the US.
- Must hold a degree.

CANCELATION OF REMOVAL

Requirements:

- 10 years of presence in the US before the case began;
- Good moral character;
- Family member (spouse, parent or child who is a US citizen or LPR) that would experience extreme hardship if the petition is denied

CANCELATION OF REMOVAL

- You may only petition for Cancellation before an immigration judge (this means that you must be in the removal proceedings)
- You need the assistance of a good immigration attorney.

ASYLUM



- For people who have been persecuted or fear persecution because of:
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Social Group (example: homosexuals, domestic violence victims).

ASYLUM

- You have to petition within your first year in the United States, unless you have a very good excuse as to why you didn't apply sooner.
- CAREFUL with "notarios".
 - Before - asylum petition = work permit
 - Now - asylum petition = interview with immigration & you are placed in removal proceedings if your petition is denied.
- It is very hard to win an asylum case.

VIOLENCE AGAINST WOMEN ACT (VAWA)

- The important thing is the relationship between the Applicant and the US Citizen or resident.
- Applicant can be the spouse, parent or child of an abusive US citizen or resident.
- **Must prove in order to qualify:**
 - Marriage was valid and in good faith
 - There was abuse (can be emotional)
 - Applicant is of good moral character.

U VISA



To qualify one must:

- Be the victim of a crime investigated by the police, the prosecutor, DCFS, a judge or other agency that investigates crimes;
- Obtain a certification of cooperation from the law enforcement agency; and
- Suffer substantial abuse as a result of being the victim of the crime

TVISA

- To qualify one must:
- Be a victim of human trafficking (normally when someone works under conditions of slavery for the smugglers who brought them to the US)
- Report the crime to the police or assist in the investigation conducted by the police, ICE, FBI or other agency.
- Demonstrate that they would suffer extreme hardship if forced to leave the US

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

It is possible for minors to qualify if...

- Abused, neglected, or abandoned by **one** or **both** parents.
 - If living with one parent, must be under the age of 18
 - If not living with any parent, must be under the age of 21
- It is a path to residency and citizenship.

VAWA / U VISA / T VISA / SIJS

- These applications are submitted by mail (not in court).
- Waivers available for people who entered the US illegally or have other immigration violations.
- Very small risk of being placed in removal proceedings if the application is denied.
- Fee waivers are available for low income people.
- All applications submitted are confidential.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

- Only DACA RENEWALS are being accepted due to temporary injunction while law suit to determine whether Trump Administration was legally able to revoke DACA makes its way through the courts.
- People who have previously held DACA can reapply right now, even if their DACA expired or if it does not expire for more than 150 days.
- People who never had DACA or whose DACA was terminated by USCIS cannot reapply.

TPS UPDATE

- Trump has terminated Temporary Protected Status for Nicaraguans, Salvadorans and Sudanese. Decision is still pending for Hondurans.
- One final reregistration period:
 - Salvadorans must reregister before March 19, 2018
 - Nicaraguans and Hondurans must reregister before February 13, 2018
- New 9th Circuit case holds that TPS grant is an admission for purposes of legalizing in the United States through a family member.

WHAT UNDOCUMENTED IMMIGRANTS CAN DO IN LIGHT OF TRUMP

- 1) Consult with quality immigration service provider or attorney to see if they can qualify for legal status
- 2) Avoid negative interaction with law enforcement. Keep car in working order. Do not drink and drive. Trump administration intends to start by quickly deporting people who are arrested. Can still call the police if you are the victim of crime.
- 3) Know Your Rights when contacted by ICE
- 4) Know Your Plan if the worst happens

KNOW YOUR RIGHTS

- **You have the right to remain silent.**
 - Don't answer any questions. You may also say that you want to remain silent.
 - You are not required to answer questions about where you were born or how you entered the U.S.
- **Do not open your door.**
 - To be allowed to enter your home, ICE must have a warrant.
 - Do not open your door unless an ICE agent shows you a warrant.
 - If an ICE agent wants to show you a warrant, you can ask that they hold it against a window or slide it under the door.
 - To be valid, the warrant must have your correct name and address on it and be signed by a judge.
- **You have the right to speak to an attorney.**
 - Tell the ICE agent you want to speak to an attorney before answering any questions or signing any documents.



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- **Free Immigration Consultations**
- **Free Immigration Legal Services**
 - **DACA Filing Fee Assistance**