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OUTLINE: IMMIGRATION LAW

HELPFUL LINKS

FEDERAL IMMIGRATION AGENCIES

U.S. Citizenship and Immigration Services (USCIS)

660 South 200 East, Suite 400, Salt Lake City, UT 84111
<http://www.uscis.gov>

Resources: Free forms, links to eligibility requirements for immigration benefits, tools to help clients check status on cases, call immigration for information and make appointments to see a local immigration officer.

Immigration and Customs Enforcement (ICE) 2975 Decker Lake Drive, Suite 100, W. Valley City, UT 84119-6096, Phone: (801) 886-7400

The local office will assign an Enforcement and Removal Officer to each detainee. **An ICE hold is not the same as detention**, but it does indicate that ICE has obtained information about the individual (usually by interviewing the individual in a jail or detention facility) and believes that the person may be removable and subject to detention. An ICE hold does not convert to ICE detention until the individual is 'released' from state custody i.e. the individual has completed a court mandated sentence OR the state judge has granted bond or 'released' the individual. The ICE hold will prevent the jail or detention facility from releasing the individual for 48 hours after 'release.' This allows ICE time to file paperwork necessary to initiate removal proceedings. It is during this time that ICE makes a big push to get the client to accept 'voluntary return' i.e. deportation without due process. ICE must either permit the individual to be released pursuant to the order of the state judge OR take physical custody of the individual at the end of the 48 period. THE ONLY ICE detention facility in Utah is the Cache County Adult Jail. ICE does not have a juvenile facility in Utah BUT they do have facilities in other states and they can transfer the minor to one of those facilities. ICE is required to find the 'least restrictive' custody placement for a minor UNLESS the minor is believed to be 'a danger to self or others or charged with a delinquent act which is not isolated or a petty offense; the child was alleged or found to have committed a violent act against a person or carried a weapon; the child committed or made threats to commit a violent or malicious act towards others while in custody; the child is an escape risk. ICE has a website: www.ICE.gov and they also have a detainee locator tool available at: <https://locator.ice.gov/odls/homePage.do>

Executive Office of Immigration Review

2975 Decker Lake Drive, Suite 100, W. Valley City, UT 84119
<http://www.justice.gov/eoir>

Immigration court where individuals who have been placed into removal (deportation) proceedings must appear before a judge. There is due process review for those who have been accused of entering or remaining in the US unlawfully and the Immigration Court is where this

review occurs. Clients who do NOT show up for a hearing will be removed/deported in absentia i.e. the judge will order them removed in their absence and then they would become fugitives who are subject to arrest. Just because someone is placed into removal proceedings they will not necessarily be removed because they have the right to petition to remain in the U.S. Common forms of relief from removal will be granted when the individual:

1. Asylum/Withholding of Removal: Asserts a fear of persecution in his/her home country on account of a protected grounds (race, religion, ethnicity, political opinion, social group status). The applicant has the burden to prove that his fear is credible and he is required to provide corroborating evidence that helps establish the credibility of his fear.
2. Cancellation of removal:
 - a. If the applicant has no legal status in the U.S. he may be able to apply to assert a defense to removal by showing he qualifies to cancel his proceedings. This requires that the Applicant have 10 years of residence in the U.S., be a person of good moral character, not have a criminal conviction that makes her ineligible, and be able to prove with evidence that a U.S. citizen or Legal Permanent Resident relative will have an exceptional and extremely unusual hardship if the applicant is removed/deported.
 - b. Cancellation for permanent residents. Sometimes Legal Permanent residents who have been convicted of crimes are detained and put into removal proceedings. These individuals can apply to stay in the U.S. if they prove the conviction was not classified as a felony under immigration law and they have held LPR/green card status for 5 years, resided in the U.S. for at least 7 years and proves that despite the criminal conviction he/she has more positive factors than negative factors.
3. Eligible to apply for an immigration benefit:
 - a. U visa (see below)
 - b. T visa (see below)
 - c. Legal permanent resident status i.e. green card: Individuals who are immediate relatives of a U.S. citizen (parent, spouse, unmarried child under 21) can apply for a LPR/green card status as a defense to deportation if they are eligible to apply for that status in the U.S. (usually they entered the U.S. with inspection on a visa or parole). Other relatives may also apply, even if they entered unlawfully, if they have a previously approved relative visa filed on a date which permits the individual to apply for a green card inside the U.S.
 - d. US Citizenship: Children can acquire and derive citizenship from a parent. This is usually automatic as of the date of a qualifying event, but the USCIS may not know that the event occurred. If the individual can prove that he is a citizen his removal/deportation proceedings are automatically cancelled.
 - e. DACA: Because DACA is a defense to removal/deportation, the court will permit an applicant who is eligible to apply for this benefit if he is qualified.

status or Deferred Action will have to have a work permit. Refugees and asylees are required to obtain and hold valid work permits in order to be employed in the U.S. and the Utah Driver's License Division will also require them to have the work permit before they will issue a license or ID. The duration of the license will normally be tied to the expiration of a work permit.



B. REFUGEE/ASYLEE

The only difference between a refugee and an asylee is where the individual applied asserted his/her fear of persecution. Refugees apply OUTSIDE the US and if the case is approved they can be resettled in the US or another country (like Australia, Sweden etc). Refugee I-94 documents are also now electronic and can be downloaded at this website: <https://www.cbp.gov/travel/international-visitors/i-94-instructions>

Admission Number
244009710 02

Immigration and Naturalization Service
I-94
Arrival Record

ADMITTED AS A REFUGEE PURSUANT TO SEC. 207 OF THE INA ACT. IF YOU DEPART THE U.S., YOU WILL NEED PRIOR PERMISSION FROM INS TO RETURN. EMPLOYMENT AUTHORIZED

PORT	DATE	IMM. OFF.
1. Family Name		
2. First (Given) Name		3. Birth Date (Day/Mo/Yr)
4. Country of Citizenship		5. Sex (Male or Female)
6. Passport Number		7. Airline and Flight Number
8. Country Where Issued		9. City Where You Boarded
10. City Where Card Was Issued		11. Date Issued (Day/Mo/Yr)
12. Address While in the United States (Number and Street)		
13. City and State		

An asylee is an individual who enters the US or appears at a US border and asserts that he has a fear of persecution on account of a protected grounds. The asylee has to endure a long process before his case is approved, but once he has been approved the type of status is nearly identical to a refugee. Neither a refugee nor asylee automatically becomes a Legal Permanent Resident or a US citizen, they have to make applications to upgrade status just like everyone else. Even though asylees and refugees are granted status in the US under international and national law, they can be deported if they are found to have committed fraud when they applied for status or if they commit crimes which make them a public safety threat. The practical reality is that many refugees hail from countries which have no functioning governments (Somalia), from governments with no diplomatic relations with

III: COMMON FORMS OF IMMIGRATION BENEFITS

A. Special Visa for Victims of Trafficking

Eligibility for T Visa(8 U.S.C. 1101(a)(15)(T))

- T Visa Applicants must prove that he/she is or has been a victim of a severe form of trafficking in persons; Is physically present in the United States on account of such trafficking; has complied with any reasonable request for assistance in the investigation or prosecution of act of trafficking; Would suffer extreme hardship involving unusual and severe harm upon removal.
- Must demonstrate that the individual was a victim of severe forms of trafficking in persons as defined in VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000, PUBLIC LAW 106-386—OCT. 28, 2000 114 STAT. 1471, Section 103: SEVERE FORMS OF TRAFFICKING IN PERSONS. This definition includes:
 - (A) Sex trafficking is a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. *Commercial sex act* means any sex act on account of which anything of value is given to or received by any person.
 - (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (This can include forcing an individual to engage in drug trafficking but it can also include domestic servitude akin to domestic violence).
- Must be physically present in the United States.
- Has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime. Unless the victim is unable to cooperate due to physical or psychological trauma OR he/she **has not attained the age of 18. i.e. USCIS will be looking for a certification from law enforcement which identifies the T visa applicant as a victim of trafficking and asserts that the victim has cooperated with a law enforcement investigation.** Certification is not strictly required, but it makes the case go much faster. Even if the facts of the trafficking set forth facts related to international crimes (like drug smuggling) an interview with and certification from local law enforcement can really help a T visa case.
- The T Visa applicant has to show that he/she would suffer extreme hardship involving unusual and severe harm upon removal.

Eligibility for a Green Card? Not right away! A T visa is not eligible to apply for permanent residence until he/she has held the T visa for 3 years. This makes the T visa far less preferable than SIJ BUT a T visa applicant is NOT SUBJECT to inadmissibility for drug trafficking AND he/she can give T derivative status to family members (including parents and unmarried minor brothers and sisters IF the T visa holder is younger than 21).

B. Special U Visa for Victim of Crime

Background: “Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women’s Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.”

BACKLOG!!

The Immigration and Nationality Act limits the number of U visas that can be issued to U principal petitioners each fiscal year to 10,000. Once that cap is reached, petitioners are placed on a waiting list until new visas become available. For the past several years, the number of U principal petitioners each year has exceeded the available number of visas. This has resulted in an ever-growing “U visa waiting list.” At a recent Vermont Service Center (VSC) stakeholders meeting, the VSC reported that there are currently 24,000 people on the waiting list with deferred action. This number includes both principals and derivatives. There are 140,000 petitions pending for people waiting to be placed on the waiting list and receive deferred action (if the application for the U visa is deemed to be eligible but there is no visa available the USCIS will grant a temporary benefit and work authorization by deferring the action on the individual’s removal for one or two year increments).

Eligibility for U Visa (8 U.S.C. 1101(a)(15)(T))

- Applicant was the victim of qualifying criminal activity.
- Applicant suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.
- The Applicant has information about the criminal activity. If the applicant is under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may possess the information about the crime on your behalf.
- The Applicant used the information to be helpful or is willing to be helpful to law enforcement in the future so that law enforcement could use the information to investigate or prosecute a crime. If the child is under 16 or unable to provide information due to a disability, a parent, guardian, or next friend may assist law enforcement on your behalf.
- The crime occurred in the United States or violated U.S. laws and classified as one of the following:

<ul style="list-style-type: none">• Abduction• Abusive Sexual Content• Blackmail• Domestic Violence• Extortion• False Imprisonment• Female Genital Mutilation• Felonious Assault• Fraud in Foreign Labor Contracting	<ul style="list-style-type: none">• Hostage• Incest• Involuntary Servitude• Kidnapping• Manslaughter• Murder• Obstruction of Justice• Peonage• Perjury	<ul style="list-style-type: none">• Sexual Assault• Sexual Exploitation• Slave Trade• Stalking• Torture• Trafficking• Witness Tampering• Unlawful Criminal Restraint• Other Related Crimes
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	<ul style="list-style-type: none"> • Prostitution • Rape 	
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Eligibility for a Green Card? Not right away! A U visa holder is not eligible to apply for permanent residence until he/she has held the U visa for 3 years. This makes the U visa far less preferable than SIJ. Also, if the client is inadmissible (because of an unlawful entry or even a public safety threat) he will have to apply for a waiver BEFORE he is eligible for the U visa. This waiver is discretionary. While waivers for unlawful entry are routinely granted, waivers for more serious issues (like criminal activity even as a juvenile) are more difficult to obtain but there are NO grounds which cannot be waived. Like the T visa, the U visa process makes it possible for a victim to sponsor family members. A child who is under 21 and granted a U visa can obtain apply for a spouse, children, parents and unmarried siblings under age 18. There is a limit on the number of U visas granted every year (10,000) and for FY 2014 USCIS has already reached the limit. This trend means that someone who demonstrates his/her eligibility for the U will receive interim benefits while he waits for a visa number (right to remain in the US and work legally) but this could delay the applicant's green card and ability to help family members.

C. RELIEF FOR CHILDREN IN STATE CUSTODY WHO HAVE BEEN ABANDONED, ABUSED OR NEGLECTED BY ONE OR BOTH PARENTS =Special Immigrant Juvenile Status (SIJ).

This is a special status for children who need to 'self petition' because they have been abused, abandoned or neglected by one or both parents. The key element required to petition for SIJ status is a juvenile court or family court finding which asserts jurisdiction over the minor and:

1. Declares that the minor is a dependent of the court or that the court finds it necessary to legally place the minor with a state agency, private agency, or a private person because...
2. The minor cannot be reunited with a parent because of ANY of the following:
 - o Abuse
 - o Abandonment
 - o Neglect
 - o Similar reason under state law
3. It is not in the best interest of the minor to return to his country of birth or country of last residence.

SIJ Eligibility Requirements- STATUTE 8 U.S.C. 1101(a)(27)(J)

(J) ^{4c} an immigrant who is present in the United States--

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, **or** placed under the custody of, an agency or department of a State, **or** an individual or entity appointed by a State or juvenile court located in the United States, **and** whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law; ²⁴

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that--

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; (See USCIS memo about the consent-but basically there are 2 prongs: 1) physical custody which is usually met before you will meet your client unless your client is still in DHS detention-this custodial release is reflected in ORR Verification of Release Form. 2) DHS consent to SIJ grant of status i.e. USCIS thinks they have the right to 'consent' by making sure that the court order was sought "to obtain relief from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit." They think this means that the court order should have 'sufficient factual basis' i.e. not a straight template pointing to statutory language, to show abuse, abandonment or neglect.)

and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;

Additional requirements from TVPRA and prior reg not superseded by TVPRA at 8 CFR §204.11.

1. Child must be unmarried.
2. Child must file the I-360 prior to age 21 (Utah juvenile court is fine retaining jurisdiction over a child between ages 18-21 as long as it assumed jurisdiction prior to age 18).* There is a current question as to whether the juvenile court assumes jurisdiction from the date the petition is filed or from the date it has adjudicated the petition.* Be sure to attend Sheleigh Harding's presentation 12/17/2014
3. The child's court order must not have been **vacated, terminated or ended**. This means that USCIS will look carefully at the order to make sure that the court which has issued the order has retained jurisdiction over the child.

Regulation? There is no regulation-a proposed regulation was published in 2011 but it has not been finalized. The regulation @8CFR §214.11 do not reflect 2008 TVPRA changes so they are not reliable. For the proposed regulation See: <http://www.gpo.gov/fdsys/pkg/FR-2011-09-06/html/2011-22625.htm>

SIJ PETITION: I-360

4. There is **NO FILING FEE** for this form.
5. USCIS is required to adjudicate the petition within 180 days from the date it is filed. See TVPRA PL 110-457 §235(d)(2).
6. What goes into my I-360 packet?
 - i. I-360
 - ii. G-325A
 - iii. Copy of birth certificate with translation (i.e. you are required to prove that the child is age eligible even if DHS released custody of child and designated him/her as unaccompanied minor).
 - iv. Certified copy of juvenile court order. **Make sure you file ONLY after you receive a final order DO NOT use temporary order of custody or order granting Ex Parte motion-USCIS interprets requires that you have a final order.** If you file on the basis of the temporary order your I-360 will be denied, they treat the 360 adjudication like I-130 i.e. applicant

must be eligible on date of filing and even if he becomes eligible after it was filed USCIS will not grant the benefit because he was not eligible on the date the 360 was filed. (Sheleigh will cover what a 'final order' looks like in the juvenile court).

7. USCIS may fingerprint the applicant prior to adjudication.
8. USCIS will likely interview the applicant prior to adjudication.
 - i. Bring the original birth certificate to the interview.
 - ii. ID- try to obtain identification for the child prior to the interview-**but if you cannot obtain country id then bring birth certificate and the ORR Verification of Release form has a photo of the minor as proof of id-this works for interview and the biometrics but you will need to tell your client to have guard ask for supervisor if they try to enter building without you.**
 - iii. Bring any subsequent orders from the juvenile court especially if your 'final order' mentioned a custody/dispositional hearing which was set for a date which has already passed by the date you appear for the interview.

ADJUSTMENT OF STATUS: GREEN CARDS FOR SIJ

If the SIJ petition is granted the child the child can apply for a green card if a visa is available. The recent influx of Central American minors has led to significant waiting times for minors from Honduras, El Salvador, Guatemala and Mexico. Now we must wait for a visa to be available before filing for the green card or even the work permit. SIJ grantees are deemed paroled for 245(c) and specifically exempt from several grounds of inadmissibility per 8 CFR §245.1(e)(2)(vi)(B)(3):

- a. Public charge and labor certification grounds.
 - b. Present without inspection 212(a)(6)(A).
 - c. Unlawful presence 212(a)(9)(B) (3/10 year bar but not permanent bar).
 - d. Stowaways and applicants without a visa 212(a)(6)(D) and (7)
 - e. Misrepresentation 212(a)(6)(C)
2. Liberal Waiver, even for permanent bar under 8 CFR 245.1(e)(2)(vi)(B)(3). The standard for the waiver is "humanitarian purposes, family unity or when in the public interest." **BUT no waiver is authorized for:**
- a. 212(a)(2)(A) CIMT and controlled substance violation except for less than 30 grams marijuana.
 - b. 212(a)(2)(B) 2 + offenses w/ 5 yr aggregate sentence to confinement
 - c. 212(a)(2)(C) drug trafficking except for less than 30 grams of marijuana.
 - d. 212(a)(3)(A)security grounds including reason to believe applicant will engage in unlawful activity i.e. gang activity.
 - e. 212(a)(3)(B) Terrorism grounds
 - f. 212(a)(3)(C) Serious Adverse to foreign policy grounds
 - g. REMEMBER: Juvenile adjudications are not criminal convictions for immigration purposes, but **may trigger conduct-based grounds of inadmissibility if DHS only needs a 'reason to believe' the disqualifying activity has or will occur (i.e., drug use/drug possession with intent to distribute/significant association with gangs on either side of the border). If this happens investigate T visa eligibility.**

1. **Important Note:** A child who receives a green card as an SIJ **will not ever** be able to petition for the legal status of a parent. This needs to be something the child considers before he/she moves forward.
2. **Time Frame:** Once the findings are made by the juvenile judge, a child can actually petition for SIJ status and a green card at the same time and have the card within 6 months of filing. There is a filing fee for the green card but the child can petition for a waiver of the fee.
3. **Financial Note for State Agencies:** SIJ status is defined by federal immigration law but a recent act of Congress helped set forth better rights and benefits for SIJ kids. I have not seen it used before but this act (William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457, 122 Stat. 5044 (2008) at §235(d)(4)(B)) states that "Subject to the availability of appropriations, if State foster care funds are expended on behalf of a child who is not described in subparagraph (A) and has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), the Federal Government shall reimburse the State in which the child resides for such expenditures by the State." This means that it could be in the interest of the state to pursue this SIJ because not only would it benefit the child but the state could be reimbursed for the care of the child.

D. DEFERRED ACTION FOR CHILDHOOD ARRIVALS

This is not a statutory immigration benefit. It is an administrative policy akin to prosecutorial discretion. This means that there is **no track to a green card or to US citizenship** like the benefits described above. It is hoped that this is a precursor to the DREAM act which would put childhood arrivals on a path to citizenship, but this piece of legislation has been stuck in congress for years. But because this policy grants eligible applicants the right to work legally in the U.S. for 2 year increments, it is an extremely popular program.

Eligibility for DACA

1. Must have arrived in the United States before the age of 16.
2. Must have been 30 or younger on June 15, 2012 when the policy was announced.
3. Must have been physically present in the United States on June 15, 2012.
4. Must have been physically present in the United States on June 15, 2007.
5. Must not have taken any trips between June 15, 2007 and August 15, 2012 which 'disrupted' a continuous residence.
 - a. This requires that an applicant provide documentation of physical residence from the June 15, 2007 up until the date of application.
 - b. Trips between June 15, 2007 and August 15, 2012:
 - i. There is no rule about how long a trip from June 15, 2007-August 15, 2012 can be before it disqualifies the applicant, only that the CIS believes that the trip must be 'brief, casual and innocent (i.e. the applicant did not leave after being ordered removed.)'
 - c. The individual cannot have traveled outside the country at all from August 15, 2012 until the date he/she actually receives DACA. AFTER the DACA grant, the individual can apply for 'advance parole' after the DACA award which permits short trips for educational or employment opportunities and family emergencies.

6. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012 (i.e. cannot have a student visa which is valid for 'duration of status' because applicant)
7. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- 8. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.**
 - a. Felony is defined as: "a federal, state or local criminal offense punishable by imprisonment for a term exceeding one year."
 - b. Significant Misdemeanor is defined as: a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and:
 - i. Regardless of the sentence imposed, is an offense of:
 1. domestic violence;
 2. sexual abuse or exploitation;
 3. burglary;
 4. unlawful possession or use of a firearm;
 5. drug distribution or trafficking; d
 6. driving under the influence; or,
 - ii. If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.
 - c. Non-significant Misdemeanor: A crime is considered a non-significant misdemeanor (maximum term of imprisonment is one year or less but greater than five days) if it:
 - i. Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and
 - ii. Is one for which the individual was sentenced to time in custody of 90 days or less.
 - d. Threat to public safety:** "If the background check or other information uncovered during the review of a request for deferred action indicates that the individual's presence in the United States threatens public safety or national security, he/she will not be able to receive consideration for an exercise of prosecutorial discretion except where DHS determines there are exceptional circumstances. Indicators that an individual poses such a threat include, but are not limited to, **gang membership, participation in criminal activities, or participation in activities that threaten the United States.**
 - e. Juvenile Convictions for DACA:** Expunged convictions and juvenile convictions will not automatically disqualify an applicant **BUT are considered in the adjudication of the DACA application.** All DACA requests are assessed on a case-by-case basis to determine whether, under the particular circumstances, a favorable exercise of prosecutorial

discretion is warranted. Juvenile convictions can adversely affect the application, especially if the delinquency record establishes that the applicant committed 'significant misdemeanor' which would have disqualified him had he been an adult.

III: WHAT AM I SUPPOSED TO DO WITH ALL THIS IF I AM NOT AN IMMIGRATION LAWYER

- 1. First Do No Harm.** The individual you encounter is never required to disclose his/her immigration status or country of origin for any reason. They even have the right to remain silent when questioned by ICE. In fact, the only real evidence that ICE usually has when they place an individual into removal proceedings is the person's own admission that he/she was not born in the U.S. and has no lawful status in the U.S. So we actually encourage individuals in our presentations to refuse to disclose this information to law enforcement. This is because the only real source of power that an undocumented individual holds is that ICE has no real knowledge or database that reveals that they are here. They have no access to state databases like the Utah Driver License/Driver Privilege database unless they already have an individual warrant to search for an individual they already know is here unlawfully. So if they disclose their status and address in an application filed to USCIS and they are not eligible for the benefit, this information can be used against them in a deportation proceeding.

When someone who thinks that he/she is helping by encouraging an individual to 'file the paperwork to get legal' this 'helper' person is usually treading on thin ice. First, it is not as easy as you may assume to obtain status. The tragic reality is that most individuals who are living here with no status do not qualify to apply for anything. They often know they do not qualify and so if pressured they may say they've applied for something just to try to end the inquiry. Second, because most people are desperate to obtain status and would love to apply for even just a temporary work authorization, they may believe you if you say that you can help them or you know someone who can. The undocumented and even the documented immigrant community has been ravaged by unscrupulous individuals who use the desperation of these communities to make money through fraud and false promises. Even if you have the best intentions, you too could lead an individual into applying for a benefit that he/she may not be eligible for and in the process waste their money and even make them susceptible to deportation.

Direct the client to an authorized service provider for help.

Catholic Community Services of Utah
745 East 300 South
Salt Lake City, UT 84102
Phone: 801-977-9119
www.ccsutah.org
Free consultations every Wednesday

Holy Cross Ministries
860 East 4500 south, Suite 204
Salt Lake City, UT 84107
Phone: 801-261-3440
www.holycrossministries.org
Primary service provider for victims
of crimes.

Immigrant Legal Services
4055 South 700 East, Suite 200
Salt Lake City, UT 84107
Phone: (801) 888-9186
www.immigrantlegalservices.org

Comunidades Unidas
1750 W Research Way (2770 S) Suite 102
West Valley City, Utah 84119
Tel. (801) 487-4143
www.cuutah.org

International Rescue Committee
PO Box 3988 | 221 South 400 West, Salt Lake
City, UT 84110
Phone: (801) 328-1091
Rescue.org/slc