



Know Your Rights

Sarang Sekhavat
Federal Policy Director
Massachusetts Immigrant and Refugee Advocacy Coalition

Agencies and Laws

- ▶ US Department of Homeland Security
 - US Citizenship and Immigration Services (USCIS)
 - US Immigration and Customs Enforcement (ICE)
 - US Customs and Border Protection (CBP)
- ▶ US Department of Justice
 - Executive Office for Immigration Review (EOIR)
 - Board of Immigration Appeals (BIA)
- ▶ Immigration and Nationality Act (INA)
- ▶ 8 Code of Federal Regulations (8 CFR)

Non-immigrants

- ▶ Persons seeking entry into the U.S. for a limited period of time and for a specific purpose
- ▶ 22 nonimmigrant visa categories: A–V
 - B–2 visitors for pleasure
 - F–1 students
 - H–1B professional workers
 - H–2A short-term agricultural workers
 - H–2B temporary non-agricultural workers
 - J–1 exchange students or trainees
 - K–1 fiancé visa
- ▶ Various humanitarian categories
 - TPS, DED, DACA

Current EAD

UNITED STATES OF AMERICA **EMPLOYMENT AUTHORIZATION CARD**

SPECIMEN TEST V 01 JAN 1920

Surname
SPECIMEN

Given Name
TEST V

USCIS# **000-000-773** **Category Card#** **C09 SRC0000000773**

Country of Birth
Ethiopia



Terms and Conditions
None

Date of Birth **01 JAN 1920** **Sex** **M**

Valid From: **01/01/80**

Card Expires: **05/10/11**

NOT VALID FOR REENTRY TO U.S.



Test V Specimen

Immigrants

- ▶ Lawful Permanent Residence (LPR) – the status of being lawfully accorded the privilege of permanently residing in the U.S. as an immigrant
 - May engage in almost all types of employment
 - After requisite period of residence – may apply for U.S. citizenship
 - Can be deported if subject to a ground of deportation
 - May lose status if deemed abandoned

Older Greencards

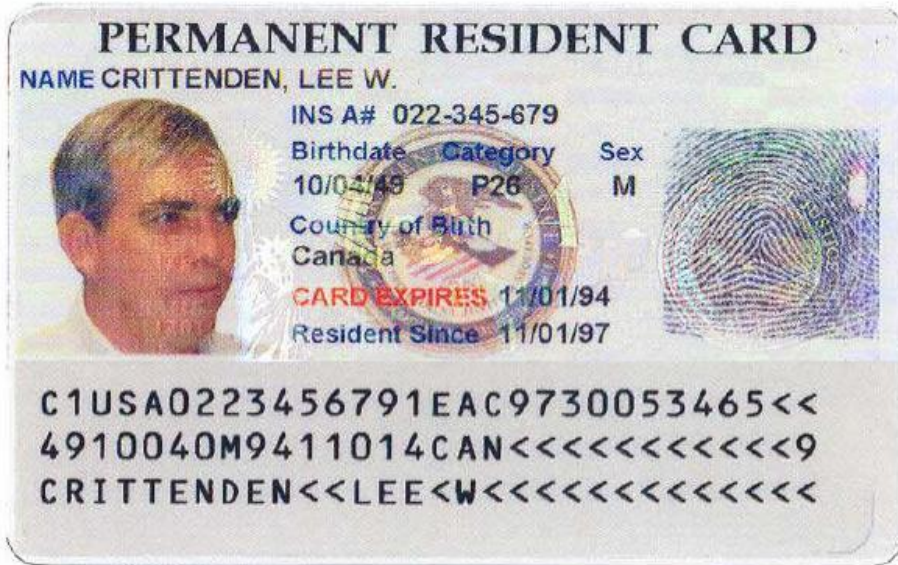


PHOTO SIDE



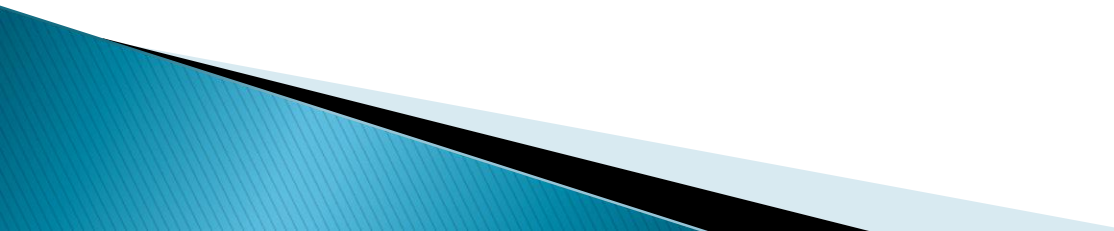
Current Greencard




Undocumented Immigrant

- ▶ A person who is present in the US without the permission of the US government
 - Illegal entry without being inspected by an immigration officer (EWI), or by using false documents
 - Legal entry on a temporary visa and violating the terms of that visa, usually by remaining in the US beyond the expiration date of the visa (4 out of 10 enter legally)

The Current Landscape

- ▶ No matter who is president, everyone living in the U.S. has certain basic rights under the U.S. Constitution.
 - ▶ Immigrants with status, pending status, and undocumented immigrants have Constitutional rights.
 - ▶ It is important to assert these rights and protect our basic rights.
- 

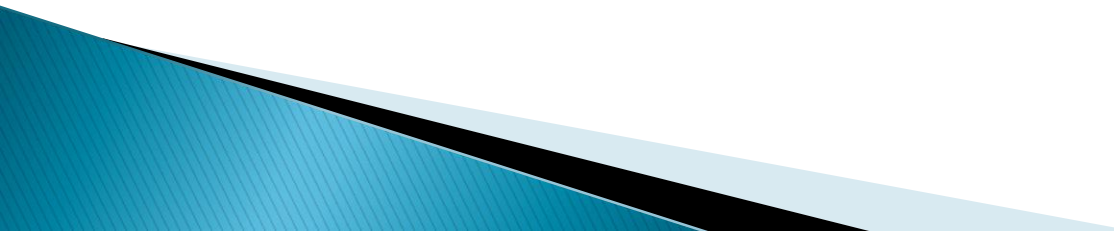
The Big Money Items

- ▶ Build a wall
 - ▶ Increase CBP by 5,000 officers
 - ▶ Increase ICE by 10,000 officers
 - ▶ Increase in detention bed space near the border for the detention of all immigrants caught
- 

New Enforcement Priorities

- ▶ Convicted of any criminal offense
- ▶ Charged with any criminal offense
- ▶ Committed an act that constitutes a criminal offense
- ▶ Engaged in fraud or willful misrepresentation
- ▶ Abused a public benefits program
- ▶ Subject to a deportation order
- ▶ Risk to public safety or national security
- ▶ Eliminates categories for Prosecutorial Discretion!

Local Law Enforcement

- ▶ Calls for expanding use of 287(g) agreements
 - ▶ Calls for expanding use of Criminal Alien Program (CAP)
 - ▶ Brings back “Secure Communities”
- 

Due Process

- ▶ Drastic expansion of the use of expedited removal
 - Previously: within 2 weeks of entry and caught within 100 miles of the border.
- ▶ Makes it harder for new entrants to pass a “Credible Fear Interview”

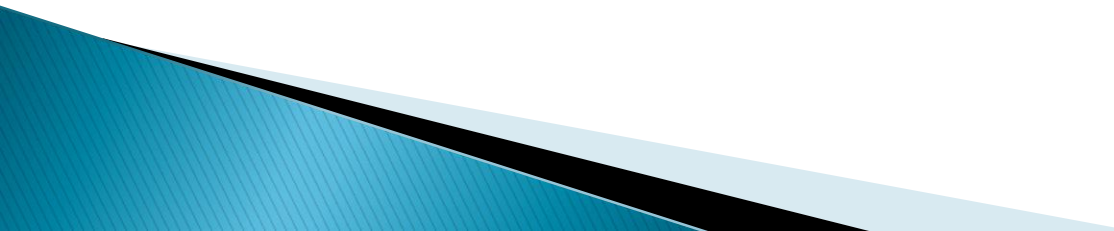
Unaccompanied Minors

- ▶ Redefine “Unaccompanied Minors” to remove protections from many children entering the country alone
 - Takes away the right to an affirmative asylum claim;
 - Takes away right to be placed with family rather than detained;
 - Makes them subject to expedited removal.
- ▶ Criminalize parents who help their children escape extreme violence


Travel Ban

Country	Prohibited
Chad	<ul style="list-style-type: none">•Immigrant•B1 /Bs Non-Immigrant
Iran	<ul style="list-style-type: none">•Immigrant•Non-Immigrant – Except F, M, J
Libya	<ul style="list-style-type: none">•Immigrant•B1 /Bs Non-Immigrant
N Korea	<ul style="list-style-type: none">•All
Syria	<ul style="list-style-type: none">•All
Venezuela	<ul style="list-style-type: none">•B1 /B2 Non-Immigrant for gov't officials and their families
Yemen	<ul style="list-style-type: none">•Immigrant•B1 /Bs Non-Immigrant
Somalia	<ul style="list-style-type: none">•Immigrant

Travel Ban – Exceptions

- ▶ LPRs
 - ▶ Admitted or paroled
 - ▶ Diplomats
 - ▶ Already granted asylum
- 

Travel Ban – Waivers

- ▶ Previously admitted for continuous work, study, or other reason
 - ▶ Previously established significant contacts
 - ▶ Significant business or professional obligations
 - ▶ Close family member (spouse, child, or parent) and undue hardship
 - ▶ Infant, adoptee, or medical necessity
 - ▶ Employed by or on behalf of the US
 - ▶ Canadian permanent resident applying in Canada
 - ▶ International organization
 - ▶ US-sponsored exchange visitor
 - ▶ Traveling at the request of the US
- 

Deferred Action

Benefits

Protection from
deportation

Work authorization

Social security number

Driver's license

May request permission
to travel abroad

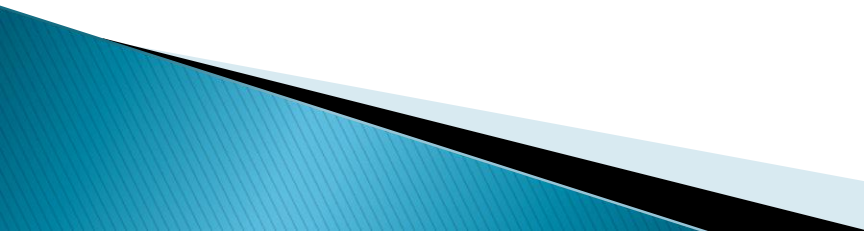
Limitations

Not a green card or visa

Not a path to citizenship

Discretionary case-by-case
decision based on DHS
enforcement priorities

DACA

- ▶ Entry before June 15, 2007
 - ▶ Entry before turning 16 years old
 - ▶ Born after June 15, 1981
 - ▶ Undocumented on June 15, 2012
 - ▶ Be in school or have graduated from high school
 - ▶ Have no felony convictions, no more than 2 misdemeanor convictions, and no convictions for a “significant misdemeanor”
- 

DACA – Where are we?

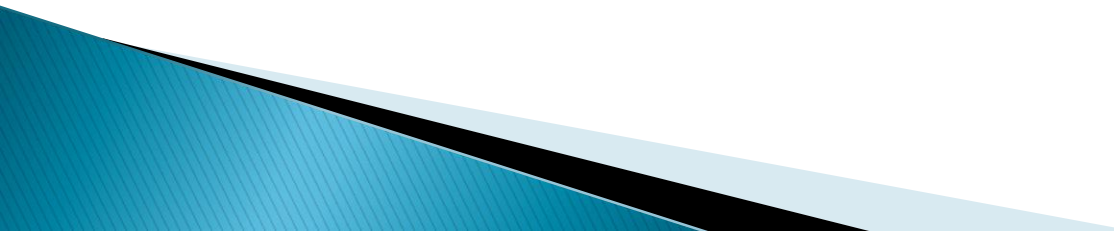
- ▶ For those who have DACA, their status will continue as before.
 - Except – Can no longer apply for permission to travel.
- ▶ As of September 5, USCIS stopped accepting initial DACA applications.
- ▶ As of October 5, USCIS stopped accepting renewal DACA application.

Possible Actions

- ▶ New President has made statements in the past that make us believe he will:
 - Increase deportations;
 - Try to require certain individuals to register with the federal government.
 - Changes to “Public Charge”

Public Charge

An individual who is likely to become **primarily dependent** on the government for subsistence, as demonstrated by either the receipt of

- (1) Public cash assistance for income maintenance, or
 - (2) Institutionalization for long-term care at government expense
- 

Public Cash Assistance

Temporary Assistance for Needy Families (TANF)

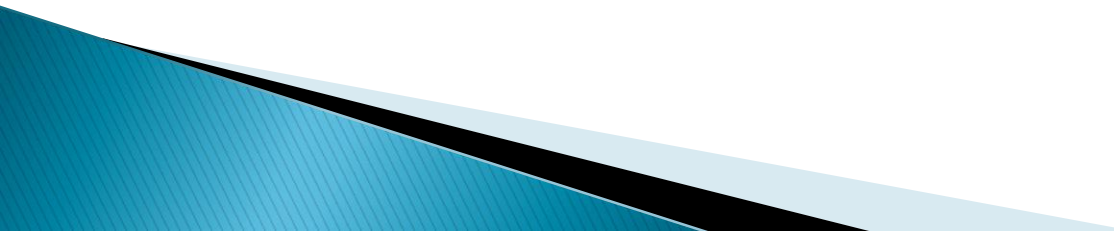
Supplemental Security Income (SSI)

State and local cash assistance programs



Medicaid

Only counts if used to support
immigrants who reside in an
institution for **long-term care**

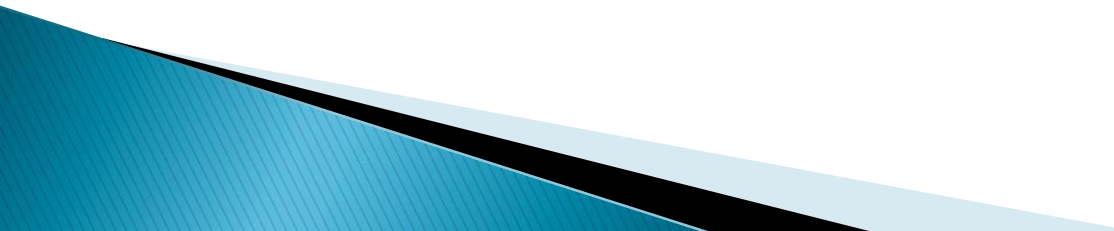


Factors They Will Consider

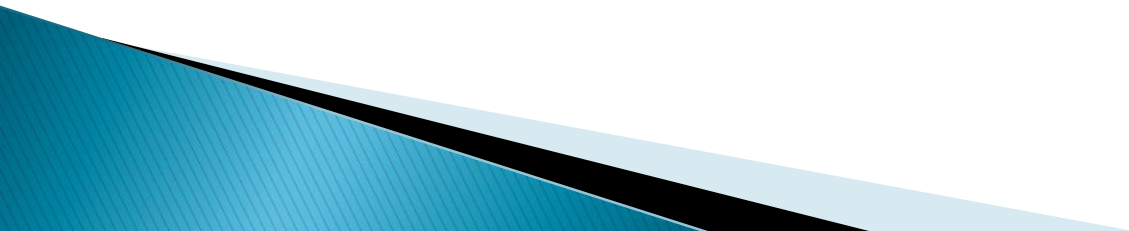
- ▶ Age
- ▶ Health
- ▶ Family Status
- ▶ Assets
- ▶ Resources
- ▶ Financial Status
- ▶ Education
- ▶ Skills

No single factor will be determinative

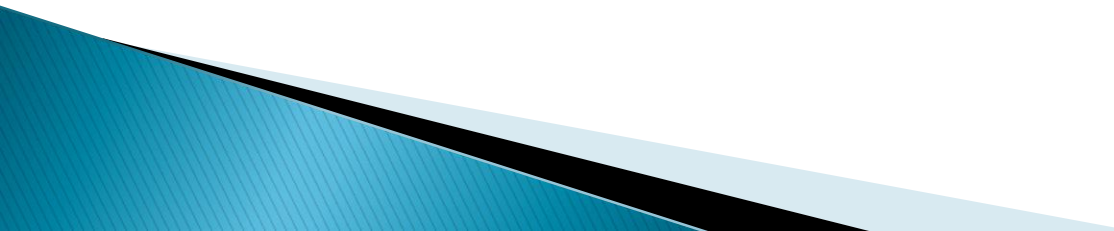
Proposed Changes

- ▶ Expand “public charge” to include any benefits for which eligibility is determined by income, resources, or financial need.
 - ▶ Develop standards for determining deportability due to being a “public charge”
 - ▶ Defines “means–tested public benefit” for purposes of the Affidavit of Support
- 

What To Do When Confronted By Law Enforcement



What are My Rights if Law Enforcement Confronts Me

- ▶ Regardless of whether you have status or not, you have basic rights under the U.S. Constitution, no matter who is President of the United States.
 - ▶ Be familiar with these rights and be comfortable asserting them so that your rights can be protected.
- 

What if Law Enforcement Comes to my Home?

- ▶ You do not need to open the door unless the officer provides you with a **court warrant**.
 - Do not open the door.
 - Slide your “Know Your Rights” card under the door.
 - Ask to see a signed warrant from a **judge**.
 - Look at the warrant carefully to make sure it is signed by a judge.
 - Call an attorney.

Judicial Warrant – Signed by a Judge

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

In the Matter of the Search of
(Name, address or brief description of person, property or premises to be searched)
 Agriprocessors, Incorporated and/or Nevel Properties,
 Corporation with complete description of premises to be
 searched incorporated in Attachment 1

APPLICATION AND AFFIDAVIT
 FOR SEARCH WARRANT

Case Number: 08-MJ-110

RECEIVED
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF IOWA
 CEDAR RAPIDS HOADRMS. OFFICE
 2008 MAY 12 AM 9:00

I, Senior Special Agent David Hoagland being duly sworn, depose and say
 I am a(n) Senior Special Agent and have reason to believe
Official Title

that on the person of or on the property or premises known as (name, description and/or location)
 Agriprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be searched
 incorporated in Attachment 1

in the Northern District of Iowa
 there is now concealed a certain person or property, namely (describe the person or property to be seized)
 See Attachment 2

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
 contraband; property that constitutes evidence of the commission of a criminal offense; and property designed or intended
 for use or which is or has been used as the means of committing a criminal offense.

concerning a violation of Title 8 & 18 & 42 United States code, Section(s) 1324,1326 & 1546,1015,1028A&408
 The facts to support a finding of probable cause are as follows:
 See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes No

Sworn to before me and subscribed in my presence,
 Date May 9, 2008

at Cedar Rapids IA
City State

Jon Stuart Scoles Magistrate
Name of Judge Title of Judge

[Signature]
 Signature of Affiant

[Signature]
 Signature of Judge

Arrest Warrant– Not Signed by a Judge

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. [REDACTED]

Date: 02/24/2017

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

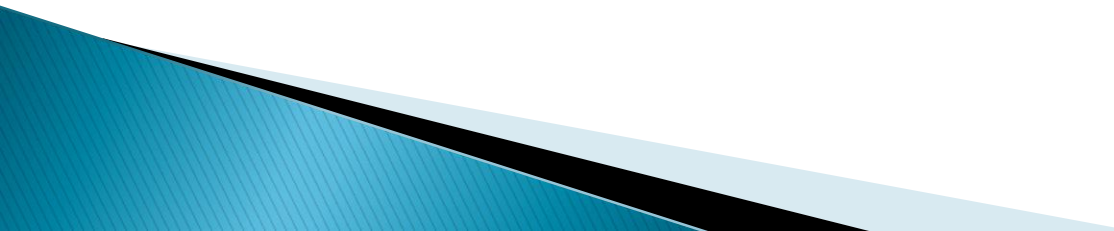
[REDACTED] - [REDACTED]
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

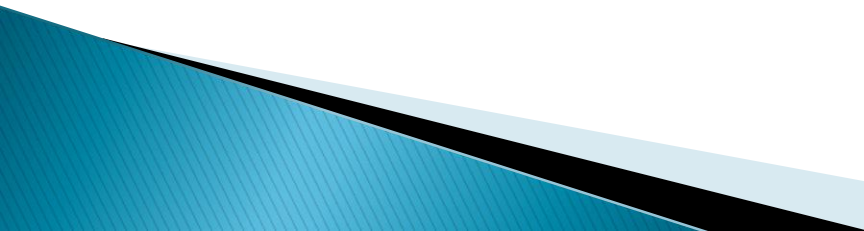
I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

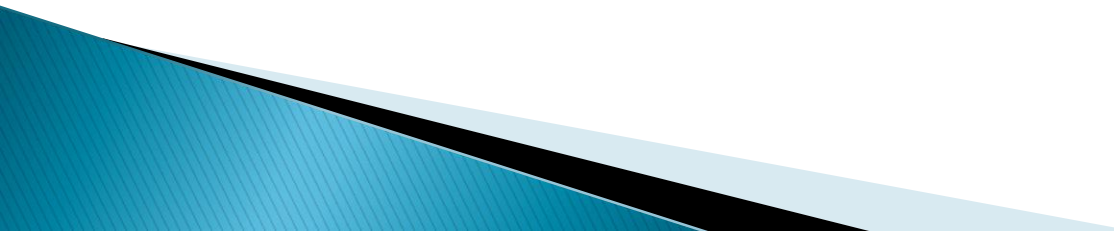
What if Law Enforcement Comes to my Home?

- ▶ You do not have to let ICE or other law enforcement into your home without a signed warrant from a judge.
 - ▶ If you allow ICE into your home, they can look for your passport as evidence that you are not a U.S. citizen.
 - ▶ If ICE officers find evidence in your home, they can use the evidence against you.
- 

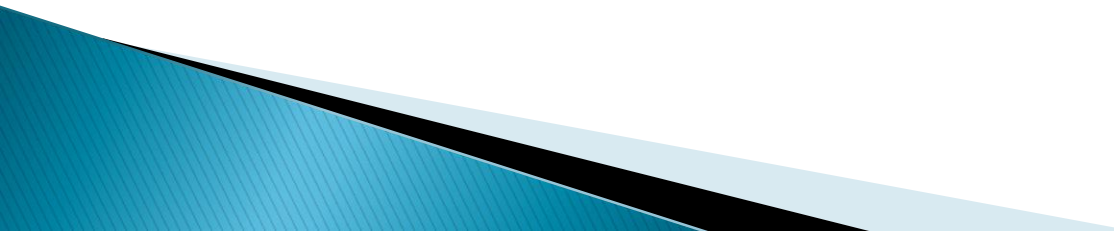
What if Law Enforcement Confronts me in Public?

- ▶ Stay calm. Do not run or resist arrest.
 - ▶ Keep your hands where they officer can see them. Do not get upset or agitated.
 - ▶ Ask if you are under arrest or free to leave. If you are free to leave, **ask to leave.**
 - ▶ You have the right to remain silent. **Say you want to remain silent.**
 - ▶ You have a right to an attorney. Ask to call a lawyer.
- 

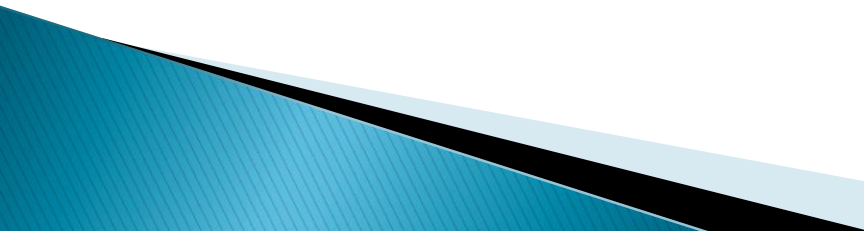
You have the Right to Remain Silent!

- ▶ You **DO NOT** have to answer questions, even simple ones about where you are from.
 - ▶ Say you want to remain silent.
 - ▶ Ask to call a lawyer.
- 

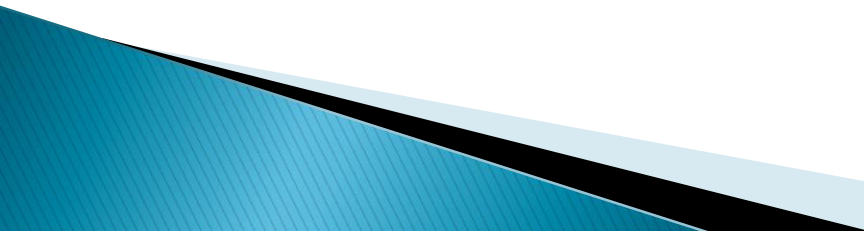
Can I be Deported?

- ▶ The only people who **cannot** ever be deported are U.S. citizens.
 - ▶ People with immigration status can lose that status if they commit certain crimes or violate their status.
 - ▶ ICE needs information about where you were born and where you are a citizen in order to place you into immigration court.
- 

How can I be Prepared?

- ▶ Know your rights in case an officer asks you questions or comes to your home.
 - ▶ Memorize phone numbers for your family members and/or an attorney/organization that you trust. **You might only be able to make one phone call while detained!**
 - ▶ Think of a U.S. citizen or someone with immigration status that you trust who can pay bond if you are granted one by an immigration judge.
- 

How can I be Prepared?

- ▶ Make sure all information and emergency contacts are up to date at your children's school(s), including who can and cannot pick up your children.
 - ▶ Create a sheet of emergency numbers and contact information and a file of important documents so that you, your family or your emergency contact person can easily access them.
 - ▶ Complete a caregiver's authorization affidavit so another adult can care for your children.
 - ▶ Designate and document someone you trust with Power of Attorney to make financial, legal or childcare decisions in your absence.
- 

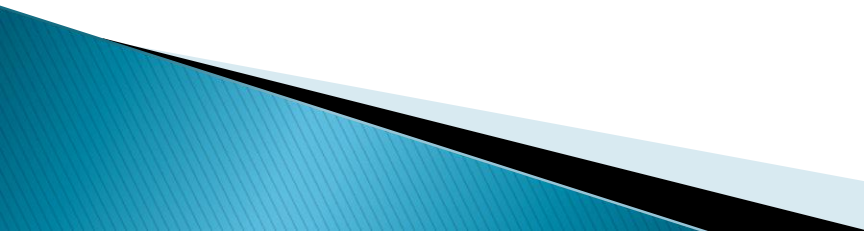
What About My Children?

- ▶ Having a U.S. citizen child will not protect you from deportation.
- ▶ ICE does detain entire families together in special detention facilities.
- ▶ Undocumented children have a right to public education. The school should not be asking about immigration status.
 - If the school asks for a social security number when registering your child, leave the information blank. **Do not provide a fake number.**

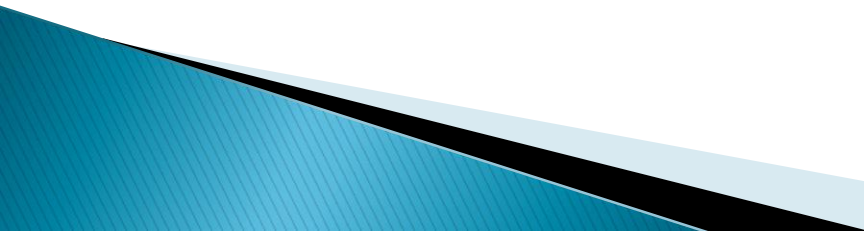
What Happens if I am Detained?



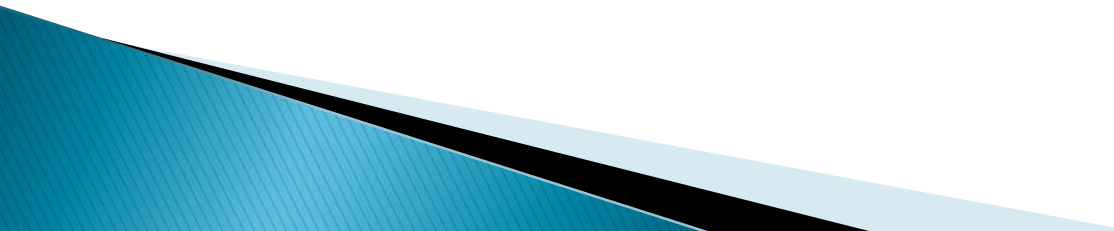
What Immigration Status do I Have?

- ▶ It is important to understand whether you have immigration status or not.
 - ▶ Have you ever filed an application with immigration before?
 - ▶ Do you have a work card or a green card?
 - ▶ Have you ever been caught by immigration before? At the border?
 - ▶ Do you have an open court case?
 - ▶ Did you ever miss a court hearing?
 - ▶ Did you miss a scheduled interview?
 - ▶ Have you ever had any contact with immigration?
- 

Do I Have the Right to See an Immigration Judge?

- ▶ If you have never seen an immigration judge before or have never been ordered deported at the border before, **you probably have a right to see an immigration judge.**
 - ▶ In immigration court, you have the right to have an attorney represent you, but the attorney is not free.
 - ▶ Ask for the legal services list of attorneys.
 - ▶ You have a right to apply for any forms of immigration relief that you qualify for.
- 

Do I Have the Right to See an Immigration Judge?

- ▶ If you have already been ordered deported by an immigration judge or at the border, you will not automatically be able to see a judge.
 - ▶ You should speak with an experienced immigration attorney to get advice on your case or make an appointment for an immigration consultation at a local legal clinic.
- 

Can I Ask for Bond if I am Detained?

- ▶ Not everyone is eligible for a bond.
- ▶ If you are granted bond, you cannot miss a court appointment or you will be ordered deported.
- ▶ Things that an immigration judge will look at in determining whether to grant a bond:
 - Family/community ties
 - Danger to the community
- ▶ Bond is difficult, get assistance from an experienced attorney.
- ▶ Start thinking of who you would ask to write letters supporting your request for bond.

Immigration Released Me – Now What?

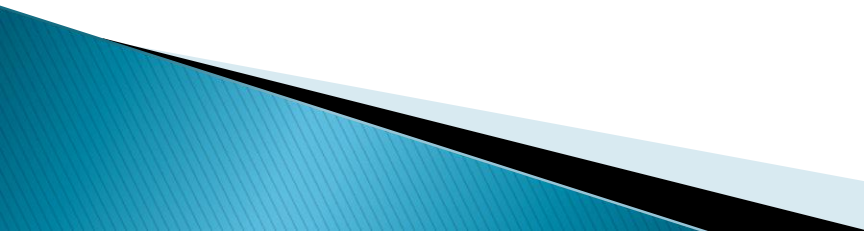
▶ **Wait for a court date**

- In western MA, people could have court in either Boston, MA or Hartford, CT.
- Some might have court dates in Texas or elsewhere, you can request to have the location of your case changed.
- Call 1-800-898-7180 to check court date and location.
- If you move, comply with requirements for the court and DHS.

▶ **Do NOT miss a court date. Missing a court date usually results in a deportation order.**

Immigration Released Me – Now What?

▶ Reporting

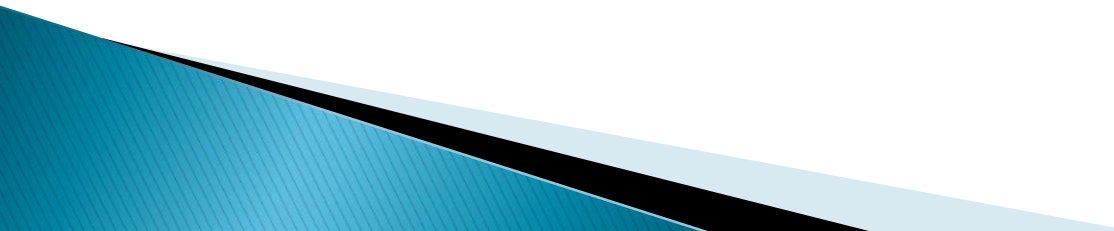
- Some people released by immigration will be required to report to ICE in person.
 - Those with a bracelet might have regular check-ins at their home.
-
- ▶ Someone with reporting requirements or a bracelet should speak to a lawyer as soon as possible.
-
- ▶ Anyone in immigration proceedings should consult with an attorney as soon as possible.
- 

Other Rights

Education Rights

- ▶ All students have a right to education free from unlawful discrimination and harassment, regardless of immigration status.
- ▶ Federal law prohibits schools from disclosing a student's personally identifiable information without written consent.
 - Exception for "directory information" (opt out).
- ▶ Generally, schools should not collect or maintain information relating to the immigration status of students or parents.

Access to Healthcare

- ▶ Protected Health Information is protected by federal and state law.
 - ▶ Emergency departments must provide screening and stabilization services regardless of an ability to pay or immigration status.
 - ▶ AGO recommends that healthcare providers collect only as much information on immigration status as is necessary to for treatment or regulatory compliance purposes.
- 

Employment Rights

- ▶ All workers, regardless of immigration status, are protected by labor and employment laws.
- ▶ Rights:
 - To be paid a legal rate of pay, including minimum wage and overtime.
 - Free from sexual harassment and other forms of discrimination in the workplace.
 - Safe and healthy workplace.
- ▶ AGO will not tolerate retaliation against a work asserting their legal rights.

OBTAINING A GREEN CARD

Some Paths to a Green Card

- ▶ Family Sponsored
- ▶ Employment Based
- ▶ Special Immigrants (battered spouses and children, religious workers, juveniles)
- ▶ Diversity Immigrants
- ▶ Refugees and Asylees

Family-Based Process

- ▶ **First step:** US citizen or LPR relative (petitioner) files petition for foreign family member (beneficiary)
- ▶ **Second step:** Beneficiary applies to immigrate either in the U.S. through adjustment of status or at a U.S. consulate in home country through consular processing

Who can apply for whom?

- ▶ US citizen may petition for: spouse, parents, children (any age, married or unmarried), siblings
- ▶ LPR may petition for: spouse and children (any age, unmarried)
- ▶ Divided into:
 - immediate relatives (no annual limit)
 - preference system (under annual quota)

Immediate Relative

- ▶ Spouse of U.S. Citizen
- ▶ Parent of U.S. Citizen
- ▶ Unmarried Child under 21 of U.S. Citizen

Preference Categories

- ▶ First: Unmarried Sons and Daughters of U.S. Citizens. *23,400 plus any numbers not required for fourth preference.*

Preference Categories

- ▶ Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents. *114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers*
 - Spouses and Children of Permanent Residents. *77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.*
 - Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents. *23% of the overall second preference limitation.*

Preference Categories

- ▶ Third: Married Sons and Daughters of U.S. Citizens. *23,400, plus any numbers not required by first and second preferences.*
- ▶ Fourth: Brothers and Sisters of Adult U.S. Citizens. *65,000, plus any numbers not required by first three preferences.*

Family-sponsored Immigration

Category	All Except...	China	India	Mexico	Philippines
1 st	12/22/10	12/22/10	12/22/10	03/01/96	01/01/07
2A	10/22/15	10/22/15	10/22/15	10/15/15	10/22/15
2B	11/08/10	11/08/10	11/08/10	07/15/96	01/01/07
3 rd	07/22/05	07/22/05	07/22/05	04/22/95	02/22/95
4 th	05/08/04	05/08/04	10/01/03	10/01/97	06/01/94

Violence Against Women Act (VAWA)

- ▶ Passed by Congress in 1994
- ▶ Spouses and children of US citizens or lawful permanent residents (LPR) may **self-petition to obtain** lawful permanent residency
- ▶ Certain battered immigrants may file for immigration relief without the abuser's assistance or knowledge, in order to seek safety and independence from the abuser

Who is eligible to self-petition?

1. Battered Spouse married to a US Citizen or LPR
2. Battered Child of an US Citizen or LPR
3. Non-abusive parent of a battered child of a US Citizen or LPR
4. Elder parent of a US Citizen over 21

Employer Sponsored Immigration

- ▶ US employer can sponsor someone for a specific position where there is a demonstrated absence of US workers
- ▶ Most employment based–aliens must obtain a Labor Certification (US Dept of Labor verifies that no American worker is available, qualified, and willing to take the job at the prevailing wage)

5 Different Categories

- ▶ **1st Preference:** People of extraordinary ability in science, art, education, business, or athletics, and outstanding professors, researchers, and multinational executives and managers (40,000)
- ▶ **2nd Preference:** Professionals with advance degrees or people of exceptional ability in science, arts, or business (40,000)

5 Categories (cont.)

- ▶ **3rd Preference:** Skilled and unskilled workers, recently graduated professionals, and those with a bachelor's degree (40,000)
- ▶ **4th Preference:** Certain special immigrants, including ministers, religious workers, and others (10,000)

5 Categories (cont.)

- ▶ **5th Preference:** People who have between \$500,000 and \$3 Million dollars to invest in a job-creating enterprise in the US. At least 10 US workers must be employed by each investor. The Amount of money can vary depending on which area of the country will benefit from the investment (10,000)

Employer Sponsored Immigration

Category	All Except...	China	India	Mexico	Philippines
1 st	Current	Current	Current	Current	Current
2 nd	Current	05/22/13	09/15/08	Current	Current
3 rd	Current	01/01/14	10/15/06	Current	12/01/15
4 th	Current	Current	Current	03/01/16	Current
5 th	Current	06/22/14	Current	Current	Current

Diversity Immigrant

- ▶ Permits additional opportunities for persons from countries with low admissions during the previous five years.
- ▶ 55,000/year divided into 6 geographic regions:
 - Africa
 - Europe
 - North America
 - Oceania
 - South America and the Caribbean

What is a Refugee?

- ▶ Person outside of the US who seeks protection on the grounds that he or she fears persecution in his or her homeland
- ▶ To attain refugee status, proof of “well-founded fear of persecution on the basis of five internationally recognized grounds:
 1. Race
 2. Religion
 3. Membership in a particular social group
 4. Political opinion
 5. National origin

What is an Asylee?

- ▶ A person who has already entered the US, and who fears persecution if sent back to his/own country
- ▶ Must prove the same “well-founded fear of persecution” on the same grounds as a refugee

Withholding of Removal or Deportation:

- ▶ Individuals must meet higher substantive standard than for asylum
 - Life or freedom would be threatened
- ▶ Unlike asylum because it is non-discretionary
- ▶ No basis to apply for LPR status
- ▶ May receive employment authorization

What is a U Visa?

- ▶ The U Visa was created by the Victims of Trafficking and Violence prevention Act, enacted in October 2000. It is available to non-citizens who:
 1. Have suffered substantial physical or mental abuse resulting from qualifying criminal activity,
 2. Have information concerning that criminal activity,
 3. Have been helpful, are being helpful, or are likely to be helpful with the investigation or prosecution of the crime, and
 4. The criminal activity must have violated the laws of the United States or occurred in the U.S.
- ▶ The U Visa provides eligible immigrants with authorized stay in the US and employment authorization. They can eventually become eligible for lawful permanent residency and citizenship.

Victims of Human Trafficking

- At least 50,000 women and children and an undetermined number of men are trafficked into the US every year
- Congress allotted 5,000 “T” visas for victims of these crimes (can apply for green card after 3 years)
- To be eligible for benefits:
 - Must be certified by ORR
 - Must have filed a ‘bona fide’ application for a “T” visa that has not been denied, or presence necessary for prosecution of traffickers
- Benefits agencies must accept ORR certification letter in place of CIS documentation
- Technically not “qualified,” but eligible for all federal benefits, and all state benefits administered by federal agency or funded with federal funds to the same extent as refugees
- Also eligible for refugee programs

Requirements for a T-visa

A T-visa is a non-immigrant category for victims of trafficking for illicit sexual purposes and slavery

1. Be physically present in the US, American Samoa, the Commonwealth of the Northern Mariana Islands, or a US port of entry because of such trafficking
2. Have complied with any reasonable request for assistance to law enforcement in the investigation or prosecution of acts of trafficking, or be under the age of 15; and
3. Be likely to suffer extreme hardship involving unusual and severe harm upon removal

The Attorney General may, in order to avoid extreme hardship, permit the spouse, children and parents of an alien under 21, and the spouse and children of an alien over 21 to accompany or follow to join the principal alien

Special Immigrant Juvenile

- ▶ Requires finding of abuse, abandonment, or neglect in state court
- ▶ Eligible for LPR status up to age 21
- ▶ MA state courts only have jurisdiction up to age 18
 - SJC decision in *Rivera Recinos*, Probate and Family Court has jurisdiction under equity power
- ▶ Visas backlog: Nov 1, 2015 for El Salvador, Guatemala, and Honduras

NON-IMMIGRANT CATEGORIES

Non-immigrant Categories

- ▶ Aliens with temporary status: Congress or Department of Homeland Security will on occasion, grant temporary permission to live and work in the U.S. to certain groups of aliens

Temporary Protected Status (TPS)

- ▶ Granted to nationals of countries in crisis who are presently in the U.S.
 - On-going armed conflict
 - Natural disaster
 - Extraordinary temporary conditions
- ▶ May last for 6, 12 or 18 months
- ▶ Cannot apply for TPS from home country

Temporary Protected Status (cont.)

Country	Designated	Expires
El Salvador	2001	March 9, 2018
Haiti	2010 (2011)	January 22, 2018
Honduras	1999	January 5, 2018
Nepal	2014	June 24, 2018
Nicaragua	1999	January 5, 2018
Somalia	2001	September 17, 2018
Sudan	2004	November 2, 2018
South Sudan	2011	May 2, 2019
Syria	2012	March 31, 2018
Yemen	2015	September 3, 2018

Where Can People Get Help?



What Resources Are Available?

Mayor's Office for Immigrant Advancement

Free consultations every first and third Wednesdays,
noon – 2pm

1 City Hall Square, Room 806
Boston, MA 02201

Greater Boston Legal Services

(617) 371-1234

Please understand that there are not sufficient non-profit services available and you may need to pay for representation.

What Resources Are Available?

Irish International Immigrant Center

(617) 542-7654

www.iiicenter.org

Catholic Charities

(617) 464-8100

PAIR Project

- ▶ Helps with detained immigration cases and asylum

(617) 742-9296

What Resources Are Available?

Kids In Need of Defense (KIND)

- ▶ SIJS and other relief for children
(617) 207-4138

Committee for Public Counsel Services

- ▶ Call for information to see if you qualify for free services for your criminal case (pending or post-conviction relief)
- ▶ If you have a criminal case, do not submit anything to immigration unless you have spoken to an experienced attorney.
(617) 207-4138

What Resources Are Available?

Office of the Attorney General

- ▶ To report the unauthorized practice of immigration law/immigration fraud)

Civil Rights Division
One Ashburton Place
Boston, MA 02108
(617) 963-2917

- ▶ To report a hate crime: Any Massachusetts resident who has witnessed or experienced bias-motivated threats, harassment or violence may call the Attorney General's Hotline at **(800) 994-3228**.



Sarang Sekhavat
Federal Policy Director
Massachusetts Immigrant and
Refugee Advocacy Coalition
(617) 350-5480 x212
ssekhavat@miracoalition.org



@MIRACoalition