



NYLAG
NEW YORK LEGAL ASSISTANCE GROUP

Immigration: Know Your Rights Up to date as of 6/22/2017



This information is not legal advice.

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- Every individual's case is different. Please consult with an immigration attorney or a BIA-accredited representative to determine your specific options!
- Objective:
 - This presentation provides an overview of recent changes in immigration policy and what that may mean for City employees or their family members.

Agenda

- **Introduction**
- **Recent changes in immigration policy**
 - **The President's Executive Orders**
 - **How might these changes affect you?**
- **Updates on: DACA, TPS, Lawful Permanent Residents, and Naturalization**
- **The Importance of Legal Screenings**
- **Resources**
- **Questions & Answers**

Introduction

- Many individuals have heard about changes in immigration policy and are wondering how such changes may affect them and the people close to them.
- The impact that changes in immigration policy will have is case specific for each individual, because each individual has their own unique immigration history, goals and options.
- This presentation will give you an overview of information to consider.

The President's Executive Orders

- The President has signed several Executive Orders related to immigration which have led to:
 - Broader immigration enforcement priorities
 - Increased enforcement of current immigration laws
- Some parts of the President's Executive Orders about “sanctuary jurisdictions” and the travel ban for certain immigrants are on hold in the courts.
- For more information:
 - <https://www.dhs.gov/executive-orders-protecting-homeland>

Executive Orders continued ...

- **How might the Executive Orders affect you?**

- 1. Increased immigration enforcement**

- The new priorities signal increased immigration enforcement against all immigrants, documented or undocumented.
- The government has the authority to start deportation proceedings against you if your status lapses.
 - This has always been the case. If you are detained, you should ask to speak to a lawyer
- If you have criminal charges pending against you, an open warrant, or have been convicted of or pled guilty to any offense, you should speak to a lawyer.
- If you have an old removal order, you should speak to a lawyer.

Executive Orders continued ...

- **How might the Executive Orders affect you?**

2. Travel Advisory

- Domestic travel – If you have prior immigration violations or a criminal history, be aware that NYC rules and laws protecting immigrants don't apply if you travel outside of NYC.
- International travel – You should speak with a lawyer before you travel outside of the U.S., especially if you have prior immigration violations or criminal history.

Executive Orders continued ...

- **How might the Executive Orders affect you?**

3. Additional Vetting for Visa Applicants

- Trump administration will ask visa applicants new, in-depth vetting questions:
 - Asking for more information about past residence
 - Asking for more information about past travel
 - Asking about social media
- Visa delays and denials may increase, and certain applicants may need to do extra preparation
- For more information:
 - <https://travel.state.gov/content/visas/en.html>
- Anyone applying for a visa should consult with a lawyer.

Updates on:

- Deferred Action for Childhood Arrivals (DACA)
- Temporary Protected Status (TPS)
- Lawful Permanent Residents (Green Card holders) and
- Citizenship and Naturalization

Deferred Action for Childhood Arrivals (DACA)

- Program created by President Obama through Executive Order to provide temporary relief for certain people who came to the U.S. as children.

Update on Deferred Action for Childhood Arrivals (DACA)

- No changes on DACA – currently still available for first-time applicants and renewals
- We recommend consulting with a lawyer before deciding to apply for or to renew DACA.
- For more information: <https://www.uscis.gov/DACA>

Temporary Protected Status (TPS)

- TPS is a non-permanent immigration status, which the U.S. grants to eligible nationals of designated countries.
- During the period of TPS, people who receive TPS status are not required to leave the United States and may receive work authorization and access to certain public benefits.

Update on Temporary Protected Status (TPS)

- Temporary Protected Status recently ended for Liberia, Sierra Leone and Guinea.
- Temporary Protected Status was recently extended for Haiti for a period of 6 months.

Designated Country	Most Recent Designation Date	Current Expiration Date
Sudan	5/3/2013	11/2/2017
South Sudan	5/3/2016	11/2/2017
Honduras	1/5/1999	1/5/2018
Nicaragua	1/5/1999	1/5/2018
Haiti	7/23/2011	1/22/2018
El Salvador	3/9/2001	3/9/2018
Syria	10/1/2016	3/31/2018
Nepal	6/24/2015	6/24/2018
Yemen	3/4/2017	9/3/2018
Somalia	9/18/2012	9/17/2018

- For more information: <https://www.uscis.gov/TPS>

Lawful Permanent Residents (LPRs) a.k.a. Green Card Holders

Who is a Green Card Holder (Permanent Resident)?

- A Green Card holder (permanent resident) is someone who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "Green Card."
- There are many benefits to being a permanent resident, including, for example, the ability to travel freely between the United States and abroad, own property, or apply for a state driver license; and the possibility of being eligible for citizenship at a future date through the naturalization process.

How to become a Lawful Permanent Resident?

- Family-based
- Employment
- Humanitarian
 - Refugee status
 - Asylum
 - VAWA, U, T, S visas
 - SIJS
- Diversity Visa (Lottery)

Update on Lawful Permanent Residents (LPRs)

- It does not matter how long an LPR has lived in the U.S., or how many U.S. citizen/ LPR relatives they have in their family. Until becoming a U.S. citizen, LPRs remain under the jurisdiction of the federal immigration authorities!
- Therefore, any **current or prior police contact** – no matter how seemingly insignificant or how long ago it occurred – should be discussed with an attorney or accredited representative before filing any application with USCIS or traveling internationally
- Therefore, any **prior immigration violation** – no matter how seemingly insignificant or how long ago it occurred – should be discussed with an attorney or accredited representative before filing any application with USCIS or traveling internationally

Update on Lawful Permanent Residents (LPRs)

- The new priorities signal increased immigration enforcement against documented and undocumented immigrants
- The following actions all trigger a full federal (FBI) background check:
 - Being arrested for allegedly committing a crime
 - Filing any type of case with USCIS, including:
 - Applying to Renew a Green Card
 - Filing a relative petition
 - Applying for a Re-Entry Permit for extended travel (more than 1 year)
 - Applying for Naturalization
 - Leaving and re-entering the U.S.
 - Immigration violations and/or if DHS suspects any type of immigration fraud

Update on Lawful Permanent Residents (LPRs)

- All Lawful Permanent Residents have certain rights and duties they must comply with to avoid violating the law and to preserve their immigration status. (ex: paying taxes, valid passport)
- For more information:
 - Please review this guide that was made specifically for LPRs and is available in multiple languages, titled “*Welcome to the United States: A Guide for New Immigrants*”
 - <https://www.uscis.gov/sites/default/files/files/nativedocuments/M-618.pdf>

Citizenship & Naturalization

- Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA).
- **Benefits of Citizenship:**
 - Economic benefits: increased job opportunities
 - Family reunification: file relative petitions for foreign-born relatives
 - Civic engagement: voting rights and increased political participation
 - Protection from deportation

Update on Naturalization

- **Consult a lawyer if you are interested in citizenship:**
 - Keep in mind that applying for naturalization subjects the immigrant to a complete and total review of their immigration history.
 - If you are eligible for naturalization, it is usually best to have an attorney represent you through the naturalization process.
 - Naturalization is beneficial for most permanent residents, but may be risky for others.
 - For some permanent residents, they are better off remaining permanent residents if they are not truly eligible for naturalization
 - Filing a naturalization case may be risky if the lawful permanent resident is not eligible for naturalization, particularly if the immigrant is inadmissible or deportable.

The Importance of Legal Screenings

There are many benefits to consulting with a lawyer about your immigration options:

- **Each individual needs an individual screening:** families often have members with different immigration histories and statuses. Each adult should have an individual screening to best analyze their unique situation.
- **Learning your options:** some immigrants may have temporary statuses but be eligible for a different or more permanent immigration status.
- **Learning your risks:** an immigration screening can give you a better sense of what risks you should be aware of and how to plan accordingly.
- **Help with requesting immigration relief:** Although immigration forms and cases may appear to be straightforward, they are complex and nuanced. It is best to have professional assistance with your immigration processes.

How to Avoid Immigration Fraud

- **Who can help you?**

- Licensed lawyers or their paralegals and law students trained in immigration law.
 - Lawyers work for YOU. They do not work for the government.
- DOJ Accredited Representatives (people who have been given permission by the government to practice immigration law).

- **Who cannot help you?**

- BE CAREFUL – in the U.S., not every “notario,” or notary, is a lawyer! Just because someone is a “notario,” does NOT mean they are a lawyer!
- Be very wary of getting legal help from notaries (“notarios”), real estate brokers, independent paralegals, non-profits who do not have DOJ (formerly BIA) Accreditation, religious laypeople, and anyone who is not in the list above.

How to Avoid Immigration Fraud

continued...

- Beware of fraudulent or unlicensed immigration service providers who promise help but instead seek to take advantage of their customers.
- If you have questions about immigration fraud, call the **New Americans Hotline** at **1-800-566-7636** between 9AM-8PM Monday to Friday.

Removal Proceedings and Safety Planning

- Most immigrants cannot legally be deported without an Order of Removal from a Judge in Immigration Court.
- Keep all important documents in a safe place and consider telling a trusted person where to find them.
- If you have concerns, reach out to a lawyer.

Questions and Answers

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ADDITIONAL BACKGROUND INFORMATION

Executive Orders

- **Refugees/Muslim Ban**

- Indefinitely bars all Syrian refugees
- Suspends the refugee program for 120 days
- No entry for any immigrants or valid visa-holders from Iraq, Iran, Sudan, Libya, Yemen, and Somalia for a period of 90 days
- DHS may create a list of countries whose nationals will be banned
- Right now, this is being challenged in the courts. Customs and Border Patrol (CBP) is currently NOT enforcing the order. If you have family or loved ones outside of the United States who may be affected, they should return to the United States immediately.

Executive Orders continued ...

- **The Border**

- Construction of the wall and new detention facilities
- Hiring 5,000 new border agents
- Empowering state and local law enforcement to act like immigration agents

- **Enforcement in the US**

- 10,000 new ICE agents
- Less prosecutorial discretion
- Focus on those with criminal convictions, prior removal orders, and visa overstays
- Weekly list of crimes committed by immigrants
- Attempting to stop federal funding for “Sanctuary Jurisdictions”

Executive Orders continued ...

- **How might the Executive Orders affect you?**
- If you are currently under an order of supervision, you should speak to a lawyer before you go to your next check-in.
 - They can help you sign an Application for a Stay of Removal and keep it on file.

Deferred Action for Childhood Arrivals (DACA)

- Program created by President Obama through Executive Order

Requirements:

- Came to the U.S. under the age of 16;
- Have continuously resided in the U.S. for at least five years preceding June 15, 2012 and present in the U.S. on that date;
- Currently in school**, graduated from high school, obtained a general education development certificate, or honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.
 - **includes certain GED and ESL programs
- Have not been convicted of a felony, a significant misdemeanor, multiple misdemeanors, or otherwise poses a threat to national security or public safety; and
- Was under age of 31 on June 15, 2012

Temporary Protected Status (TPS)

- The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.

Examples:

- An ongoing armed conflict, which would pose a serious threat to people returned to the country
- A natural disaster (like earthquake or flood) occurs and the government requests TPS designation because country is unable to handle returning nationals
- Extraordinary and temporary conditions in the foreign state that prevent return of nationals to their countries

Countries Currently Designated for TPS

- Honduras (1999)
- Nicaragua (1999)
- El Salvador (2001)
- Haiti (2011)
- Somalia (2012)
- Sudan (2013)
- Nepal (2015)
- South Sudan (2016)
- Syria (2016)
- Yemen (2017)

Update on Temporary Protected Status (TPS)

- For more information:
 - <https://www.uscis.gov/humanitarian/temporary-protected-status#Countries%20Currently%20Designated%20for%20TPS>

Naturalization

- Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA).
- **You May Qualify for Naturalization if:**
- You have been a permanent resident for at least 5 years and meet all other eligibility requirements.
- You have been a permanent resident for 3 years or more and meet all eligibility requirements to file as a spouse of a U.S. citizen.
- You have qualifying service in the U.S. armed forces and meet all other eligibility requirements.
- Your child may qualify for naturalization if you are a U.S. citizen, the child was born outside the U.S., the child is currently residing outside the U.S., and all other eligibility requirements are met.

Naturalization continued...

- **Other eligibility requirements include:**
 - 18 years of age or older
 - Are a person of “good moral character”
 - Avoiding immigration violations and criminal misconduct
 - Physically present in the U.S. for over half of last 3 years (spouses of U.S. citizens) or 5 years
 - Have not abandoned permanent residence
 - Took a trip outside of U.S. for over 1 year
 - Able to speak English and answer questions about U.S. history and civics.
 - Test will be done in your native language if you are:
 - 50 years old with 20 years of residency
 - 55 years old with 15 years of residency
 - 65 years old with 20 years of residency (simplified exam)

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Resources for NYC Residents

Presented by the Mayor's Office of Immigrant Affairs

Know Your Rights



- The City's policies have not changed:
 - Most city services still available, regardless of status
 - IDNYC
 - Education
 - Health Care
 - Emergency food and shelter
 - Personal information still kept confidential
 - Still can report crimes
 - If you have valid work authorization, you can still work
 - Discrimination can be reported

Report Discrimination



- Hate crimes are a crime. Anyone who has been the victim of a crime, or is not sure, should contact the NYPD. In an emergency, call 911. To contact the NYPD Hate Crimes Task Force directly, call (646) 610-5267.
- New Yorkers also have the right to be free from unlawful discrimination, retaliation, and harassment in the workplace, housing, and public places.
- Call the New York City Commission on Human Rights to file a complaint or to learn more by calling 311 and asking about “human rights”

Legal Resources

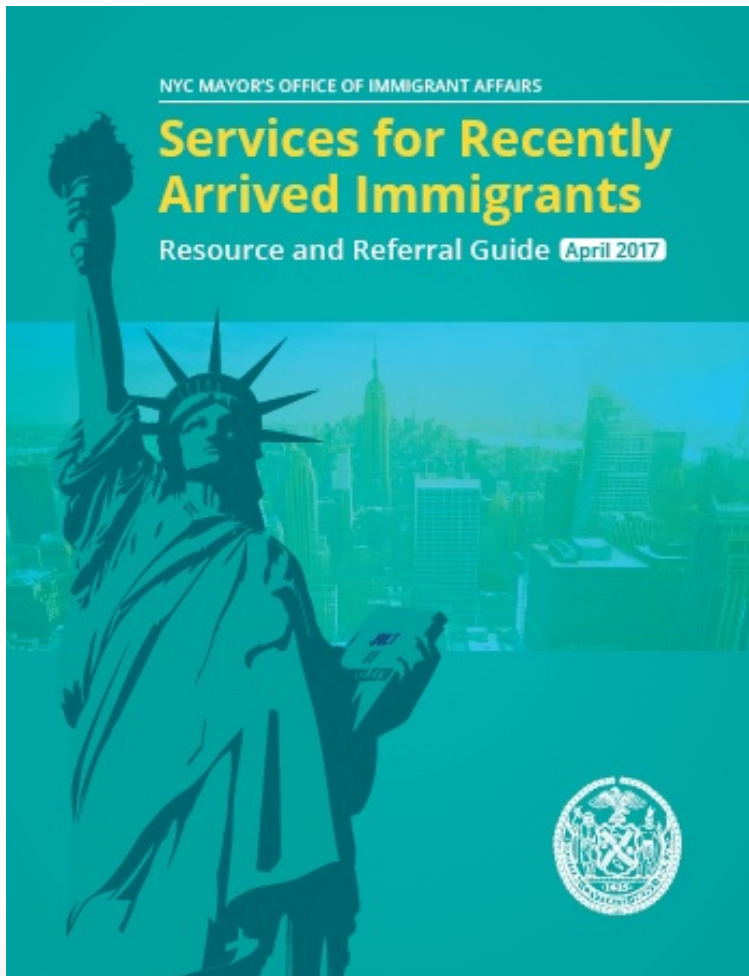


- Citizenship
 - **NYCitizenship** – Free legal help with your citizenship application. Call 311 and say “citizenship.”
 - **DC 37** provides legal services in citizenship matters for union members, their dependents and retirees. The telephone number to reach DC 37 legal services is (212) 815-1111.
- For other immigration legal help:
 - **ActionNYC** – Free, safe immigration legal help. Call 311 and say “ActionNYC”
 - **The NYC Bar Legal Referral Service** – Get referred to a private lawyer in NYC. Call (212) 626-7373 (English); (212) 626-7374 (Spanish).
 - **American Immigration Lawyers Association (AILA)** – www.ailalawyer.com.

NYC Services



**Mayor's Office of
Immigrant Affairs**



Services for Recently Arrived Immigrants: Resource and Referral Guide

Learn about NYC services available to all New Yorkers, regardless of immigration status.

Download the guide at
www.nyc.gov/immigrants.

- [English](#)
- [Arabic | العَرَبِيَّة](#)
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