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Immigration 101 for Social Service Providers

Immigration Paperwork and Statuses

Immigrant Rights

And How to Help

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Catholic Social Services of Fall River



SO YOU HAVE AN IMMIGRANT CLIENT

WHAT DOES THEIR PAPERWORK MEAN?


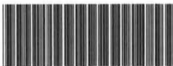
WHAT SUPPORTS ARE THEY ELIGIBLE FOR?

HOW CAN THEY GET BETTER IMMIGRATION
STATUS?

WHO CAN HELP?



What are these papers?

Department of Homeland Security U.S. Citizenship and Immigration Services		Form I-797C, Notice of Action	
THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.			
	Receipt Number [Redacted] ← Your Receipt Number	Case Type 1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL	
Received Date [Redacted]	Priority Date [Redacted]	Applicant [Redacted] ← Your A number	
Notice Date [Redacted]	Page 1 of 1		
[Redacted]			Notice Type: Receipt Notice
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>Arlington Asylum Office U. S. CITIZENSHIP & IMMIGRATION SVC 1525 Wilson Boulevard, Suite 300 MS 2500 Arlington VA 20598-2500 USCIS Contact Center: www.uscis.gov/contactcenter</p> 			
If this is an interview or biometrics appointment notice, please see the back of this notice for important information. Form I-797C 04/01/19			

**PERSON HAS FILED AN
IMMIGRATION
APPLICATION**

What are these papers?

U.S. Department of Homeland Security **Notice to Appear**

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: _____ FIN #: _____ File No: A
SIGMA Event: _____ DOB: _____ Event No: ZHO

In the Matter of: _____ currently residing at:
Respondent: _____
(Number, street, city and ZIP code) (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States.
 3. You have been admitted to the United States.

The Department of Homeland Security alleges:
1. You are not a citizen or national of the United States.
2. You are a native of Venezuela.
3. On or about September 30, 2011, you were a permanent resident alien (R10).
4. On or about _____ 2011, you were in Houston, Texas for the offense of _____.
5. On or about December 25, 2011, you were in Houston, Texas and applied for permanent resident alien.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
See Continuation Page Made a Part Hereof

This notice is being issued after an arrest or torture.
 Section 235(b)(1) order was vacated.

YOU ARE ORDERED to appear before an immigration judge at _____
1861 SMITH STREET 5TH FLOOR Houston, TX _____

(Complete)
On _____ a date to be set at _____ a time to be set _____ to show why you should not be removed from the United States based on the charges set forth above.
Date: December 26, 2018 HOUSTON, TX
(Signature and Title of Issuing Officer) _____
(City and State)

See reverse for important information

Form I-862 (Rev. 08)

PERSON MUST GO TO IMMIGRATION COURT

Free Legal Orientation Program
In person at court: Tues & Thurs
Hotline: 617-464-8000

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
525 W. VAN BUREN, SUITE 500
CHICAGO, IL 60607

RE: _____
FILE: _____
DATE: Jul 18, 2012

TO: _____

... scheduled for a hearing at 09:00 A.M. at: _____
8
... use to the ...
... ized and qualified ...
... ing date has not ...
... of the Notice to ...
... ttorney or ...
... y or representative ...
... can request an ...
... l circumstances ...
... may be taken into ...
... custody by the Department of Homeland Security and held for further ...
... action. OR (2) Your hearing may be held in your absence under section 240(b)(5) ...
... ll be entered ...
... by ...
... ttorney has ...
... IF IT IS NOT ...
... IMMIGRATION ...
... ND/OR ...
... PROCEEDINGS. ...
... MUST INFORM THE ...
... OF THE CHANGE ...
... OBTAINED FROM ...
... RE UNABLE TO ...
... YOUR NEW ...
... VELOPE "CHANGE ...
... OTICES, WILL BE ...
... CONSIDERED ...
... SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE. ...
... A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir. ...
... CERTIFICATE OF SERVICE ...
... THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) ...
... TO: [M] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/RBP [M] DHS ...
... DATE: 7/18/12 BY: COURT STAFF JM V3 ...
... Attachments: [X] EOIR-33 [] EOIR-28 [] Legal Services List [] Other ...

What are these papers?

**PERSON MUST
CONTACT ICE**

icebostonreporting@ice.dhs.gov

**Provide the person's full name, A number, check-in date,
current address, and current phone number**

Why do they have these
papers?

“Immigration Status”

The **rights** and **obligations** a non-citizen has
while in the country.

Lawful Permanent Residency (Green Card)

Benefits

- Permanent right to live in, work in, travel from/to US
- Petition for family to become LPRs later
- Apply for citizenship in 3-5 years
- After 5 years, eligible for all public benefits



Criteria

- Spouse, parent, child, or sibling is US citizen (or maybe LPR)
- Minimal criminal / immigration violation history

ASYLUM/REFUGEE

Criteria:

- **Afraid to return to home country because did/could face harm on account of something they cannot change:
race, religion, nationality, political opinion or
“membership in a particular social-group”**
- Women and other family members who faced domestic violence can sometimes qualify

Benefits:

- Permanent right to live, work, travel from/to US, public benefits
 - Can bring family members
- If application pending 6 months+, work permit available



Work Permit (EAD)

Criteria:

- **Temporary status granted,**
 - Visa (depends on the visa)
 - Parole
 - TPS

OR

- **Bona fide application for longer/permanent status pending**
 - Green Card
 - Asylum
 - U-visa



Benefits:

- Work and live lawfully in US for one or two years
- Eligible for driver license, sometimes public benefits

Parole Status

Benefits

- Live and work in the U.S. for specified period (usu. 1-2 yrs)
- Safe from deportation
- No path to citizenship

Criteria

- Humanitarian need to be in the U.S.
- Lack of criminal history or negative immigration history compared with need
- Financial sponsor



U Nonimmigrant Status (U visa)

Criteria:

- Victim of serious crime that occurred in U.S.
 - Violent crime (assault, domestic violence, sexual assault, child abuse)
 - Forced to work (employer uses threats, takes immigration documents, deprives of wages/food/housing promised)
- Suffered substantial physical or mental harm because of crime
- Reported crime, helped law enforcement investigate



Benefits:

- Four years to live, work, drive, get public benefits in U.S.
 - Can bring family members
- Can become Lawful Permanent Resident (and eventually citizen)



Part II:

IMMIGRANT RIGHTS AND ELIGIBILITY FOR SUPPORTS





Immigrant Rights

Everyone has rights!

- Right to be treated for **medical emergencies**, and potentially to receive MassHealth Limited
- Right to be free from workplace discrimination
- Right to have a lawyer if accused of a crime, and to remain silent and insist on warrants
- Right to attend public school (<18)
- Right to travel domestically, own property, have a family, etc.

Immigrant Rights

MASSHEALTH AND OTHER BENEFITS



MassHealth options vary by income, status

- **Standard: “Qualified Noncitizen”**
 - Green card (LPR) for 5+ years
 - Asylum/refugee granted
 - Any status/Undocumented, if pregnant or <21 years old
- **Connector Care: “Qualified Noncitizen Barred”/“Lawfully Present”**
 - Green card (LPR) for <5 years
 - Asylum pending
 - Work Permit/Temporary Status
- **Limited: Anyone**
 - Undocumented

Immigrant Rights

MASSHEALTH AND OTHER BENEFITS



Housing options may be restricted by status

- **Federal Housing Programs: Only citizens or lawful permanent residents**
 - BUT Mixed Status families can stay together: find one eligible member!
 - **Section 8**
 - **Federal Public Housing**
 - **Federal Subsidized Housing**
- **State or Local Housing Programs: Anyone**
 - Immigration status irrelevant
 - **MRVP/AHVP**
 - **State or Local Public Housing**
 - **State Subsidized Housing**
- **Many federal grant-funded/HUD homeless assistance: Anyone**
 - Check the eligibility criteria for the program

Rule of thumb: State/Local housing options are open to all.

Immigrant Rights

MASSHEALTH AND OTHER BENEFITS



Food assistance turns on status or age/pregnancy

- **SNAP:** Depends on status
 - Green card (LPR), usually for 5+ years
 - Asylum/refugee granted
 - Trafficking victim or victim of domestic violence (VAWA)
 - Cuban/Haitian Entrant
- **WIC:** Anyone who meets normal WIC criteria
- **Food Pantry:** Anyone
- **Free School Lunch:** Anyone

U.S. citizen children of immigrants can receive any benefits!

Immigrant Rights

MASSHEALTH AND OTHER BENEFITS



Check eligibility online for other benefits.

- **Obama Phone (Lifeline):** Anyone
- **Affordable Connectivity Program:** Anyone
- **Child Tax Credit:** Anyone
 - Child must have SSN
 - Parent must file taxes (but can use an ITIN)
- **Driver License:** “Lawful Presence” required
 - Green card (LPR)
 - Asylum/refugee granted OR pending
 - Work Permit
 - Visitor Visa



For help proving lawful status to an employer or government entity, call the **DOJ Immigrant & Employee Rights Division:**

1-800-255-7688



“Public Charge” Rule: The Rule

THE RULE: Immigrants who are deemed a “public charge” can be denied a green card or visa when their family member petitions for them.

“Public charge” definition was temporarily expanded in 2019 -2020, but is now back to its historic meaning:

- **A person is a public charge only** if they receive cash assistance (TANF/SSI/state \$) or public-paid long-term institutionalized care
- **No immigration consequences** to receive MassHealth, housing, or other non-cash benefits (if eligible)
- **No immigration consequences** for a person’s children or other family member to receive any benefits (if eligible)

Part III:

HOW TO GET A BETTER IMMIGRATION STATUS



You can't just apply and “GET IN LINE.”

- **4 big lines (application categories)**, often years long, with many mini lines within
 - **Family members** of US citizens or lawful permanent residents
 - **Highly skilled workers** or business **investors**
 - **Painful past** (asylum, crime victims, other humanitarian)
 - Worldwide Visa **Lottery**



There's not a line
(application category)
for everyone.
Some people may have
no route to lawful
immigration status.

It's a Long Road!

YEARS TO WAIT	IMMIGRATION BENEFIT
2-3 YEARS	US Citizen requests spouse, child, or parent to join her (I-130)
8 YEARS	Victim of crime in the US to gain status (U-visa)
13 YEARS 25 YEARS (MEX.)	US Citizen request married adult child to join her
?? (6+ YEARS)	Person fleeing persecution requests asylum or is put in immigration court

*If your client needs to apply for a new status, it is best to hire a **lawyer** so that it is **done right the first time!***

*(If your client suggests a travel agent or "notario" could help, tell them to **run the other way!**)*

Part IV:

WHO CAN HELP?



CSS Immigration Department

Providing free & low-cost legal services to people of all faiths in English, Spanish, Portuguese, French, and Khmer

Four attorneys, five paralegals.

Home base in Fall River, but serving clients remotely and through offices in New Bedford and Hyannis.

Immigrant Victims Representation Project (IVRP)

- Free legal assistance for immigrant survivors of:
 - Domestic abuse
 - Human trafficking
 - Other serious crimes



Immigration Law Education & Advocacy Project (ILEAP)

- Practice areas include:
 - Deportation defense
 - Family Green Cards
 - Asylum
 - Citizenship
 - (Many other statuses too)

CSS Immigration Department

Providing free & low-cost legal services to people of all faiths in English, Spanish, Portuguese, French and Khmer

Unfortunately we cannot assist with:

- Student Visas
- Highly-skilled Worker Visas
- Visa Lottery
- Non-Legal Services, such as immigrant support services (job training, English classes, therapy, leadership classes, etc.)

But we may be able to help with referrals!



CSS Immigration Department

ELIGIBILITY, INTAKE PROCESS, COSTS

- Eligibility
 - Geographic
 - Financial (<200% FPL)
 - Case type we are accepting
- Intake Process: Phone/Online
 - Initial Intake: eligibility
 - From there, referral or
Secondary Intake: case background
 - *Confidential!*
- Costs
 - IVRP clients – **Free!**
 - <125% FPL – \$50 or less
 - >125% FPL – By case type, about 10% of private attorney fees



CSS - Service Area

Bristol, Barnstable, Nantucket, and Dukes County, and towns of
Mattapoisett, Marion, and Wareham in Plymouth County



A map of the Fall River Diocese service area, showing the coastline of Massachusetts. The service area is highlighted in yellow, covering Bristol, Barnstable, Dukes, and Nantucket counties, as well as parts of Plymouth County. A legend in the top right corner shows a yellow square next to the text "Fall River Diocese".

Fall River Diocese

For other areas, try:
Massachusetts Legal Resource Finder
www.masslrf.org



A map of the service area counties, showing the coastline of Massachusetts. The counties are highlighted in yellow: Bristol County, Barnstable County, Dukes County, and Nantucket County. The rest of the map is blue with wavy lines representing water.

Bristol County

Barnstable
County

Dukes County

Nantucket
County

We'd Love to Help!



IF YOU THINK YOUR CLIENT MIGHT QUALIFY

- Direct your client to call us and leave a voicemail for “immigration intake” (can leave message in foreign language)
- 508-674-4681
- Call returned within 5 days

IF YOU HAVE YOUR OWN QUESTIONS

- Technical advice/answers for a particular client’s situation
- Presentations/In-service trainings
- Call me or email me (see final slide)

Follow [Catholic Social Services of Fall River, Inc](#) on Facebook

When we can’t help, we strive to provide [referrals](#).





Helpful Housing Links

- “Immigrants and Affordable Housing Programs” - Powerpoint by MLRI:
<https://www.masslegalservices.org/system/files/library/Slides%200-%20%20Immigrants%20and%20Housing%20-%202021%20%283%29%20%282%29.pdf>
- “Immigrants and Housing: Eligibility” - Detailed list of Mass. and federal programs by name, with eligibility descriptions, by MLRI:
<https://www.masslegalhelp.org/housing/finding/eligibility>
- “Rental Housing Programs” – Easy-to-skim list and chart of qualifications for federal programs by Nat’l Imm. Law Ctr.:
https://www.nilc.org/wp-content/uploads/2016/03/rental_housing_1005.pdf

Questions?



Thank you!

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