Immigration Institute of the Bay Area
476 3rd Street
Oakland, CA 94607
510-451-2846 x 301

Drop In Consults Every Thursday 9-12 and 1-4 ($30)
Or call to make an appointment ($60)
Immigration Institute of the Bay Area
39055 Hastings Street, Suite 202
Fremont, CA 94538
510-894-3639

Drop In Consults Every Thursday 9:15-1 ($30)
Or call to make an appointment ($60)
Immigration Institute of the Bay Area

Additional Offices located in:

Fremont, Redwood City, San Francisco, Sonoma, Napa, Brentwood

www.iibayarea.org
WHAT WE DO:
- Family immigration
- DACA
- U visa (victims of crime)
- Citizenship
- Waivers
- Limited deportation defense

Oakland office:
- Consultations every Thursday
- No appointment necessary
What’s going on?

I. IMMIGRATION OVERVIEW
   (the really really short version)

II. UPDATES ON IMMIGRATION POLICIES

III. PUBLIC CHARGE & COVID
Anyone here in U.S. is either a:

- U.S. citizen (by birth or naturalization)
- Legal Permanent Resident ("Green Card" holder)
- Non-immigrant visitor (student, tourist, temporary worker etc.)
- Humanitarian immigrant (asylum seeker, refugee etc.)
- Undocumented (entered without inspection or overstayed a visa)
Immigration Overview
(the really really short version)

- **U.S. citizen:**
  - Can vote in elections
  - Can travel & live outside the U.S. for extended periods
  - Can’t be deported
  - Can sponsor certain relatives for “green cards”
    - Spouses, children, parents, siblings
  - Eligible for public benefits, government jobs, dual citizenship
Immigration Overview
(the really really short version)

- Permanent Residents (“Green Card” holders) can:
  - Work and live lawfully and permanently in the U.S.
  - Can remain in the U.S. even if unemployed
  - Can sponsor certain family members for green cards
  - Can become U.S. citizens
Immigration Overview
(the really really short version)

- **Non-immigrants (students, tourists, temporary workers)**
  - Cannot stay permanently
  - Cannot apply for citizenship
  - Can’t sponsor relatives (but may be able to bring spouses and children as non-immigrants)

- **Undocumented**
  - No permission to be in U.S., but still have rights
  - May be able to convert to permanent resident or other authorized status
CITIZENSHIP THROUGH NATURALIZATION

Eligibility:
- > 18 years of age
- Lawful Permanent Resident for 5 years (3 if married to citizen)
- Physically present in the U.S. for 30 months in the last 5 years (if married to citizen: 18 months in the last 3 years)
- Not abandoned residence in the U.S. *
- Good moral character
- Speak, read and write basic English, and pass the U.S. History and Civics exam
  - Language Exception – To take exam in native language: 50/20, 55/15, 65/20
    - Age 50 + Permanent Resident 20 year = 100 questions
    - Age 55 and Permanent Resident 15+ yrs = 100 question
    - Age 65 and Permanent Resident 20+ yrs = 20 question
  - Other Exception: Disability – will need USCIS Form N648
- Take Oath of Allegiance
Citizens may petition for:

- Immediate Relatives (no wait list): Spouse, Children who are unmarried and under age 21, and Parents (if the citizen is over age 21)
- Other Relatives: Married or unmarried sons and daughters of any age, Siblings

Lawful Permanent Residents may petition for:

- Spouse
- Children under age 21 (unmarried)
- Son/Daughter over age 21 (unmarried)
Common Problems with Family Applications:

- Long waitlist
- If travel to complete the second step, might face bars to re-entry
  - EX: Live in the U.S. more than 1 year without lawful status = 10 year bar
- Waivers to some bars for re-entry, but not everyone will qualify
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Benefits:
- Work Authorization
- Social Security Number
- Driver’s License/State ID
- Temporary protection from deportation
- No path to permanent residency for now
DACA CONTINUED

• Soon, the Supreme Court will decide if the government an end DACA.
• If you have DACA you should renew now
• If you’ve never had DACA, cannot apply now
• DACA= authorized to work legally = eligible for Unemployment Insurance
• Social security numbers will remain valid even if DACA ends
TPS

Temporary Protected Status (TPS) for persons from El Salvador, Nicaragua, Honduras, Haiti, Nepal, and Sudan has been extended automatically by a court injunction until January of 2021. It is not necessary to take any action for now. Other countries with TPS are Liberia, South Sudan, Syria, Yemen, and Somalia.
PROTECTION FOR VICTIMS OF CRIME

VAWA:
- Self-petition done by spouse, child, or parent of Abusive Permanent Resident or Citizen. Eligible for Lawful Permanent Residency.

U-Visa:
- 4 year humanitarian visa for survivors of a qualifying crime. Must demonstrate that they assisted with investigation. Eligible for Lawful Permanent Residency in the future.

T-Visa:

http://www.thehotline.org/ 1-800-799-7233 | 1-800-787-3224

https://polarisproject.org
OTHER OPTIONS

CANCELLATION OF REMOVAL:
Relief for individuals who are in removal proceedings (deportation).
- Must have lived continuously in the U.S. for 10 years
- Show good moral character
- Prove “exceptional and extremely unusual hardship” to spouse, child, or parent who is USC or LPR

ASYLUM:
Protection for those who fear return to their home country and are already in the U.S. or are seeking admission at a port of entry. Generally must submit the application within a year after entry even if still waiting for your court date. Have to show fear of return to the home country on account of race, religion, nationality, political opinion, or membership in a particular social group. Every case is different and it is important to consult with an attorney or accredited representative. Can apply for permanent residence a year after asylum is granted.

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)
- For unmarried children under age 21 who have been declared dependent on a juvenile court or placed in custody of individual or entity appointed by court
- Must show that reunification with one or both parents is not viable due to abuse, neglect or abandonment
Immigration update:
NEW RULES ABOUT “PUBLIC CHARGE”

- What is public charge
- Which immigration applications are and are not affected
- Which benefits affect the case
- What can hurt or help an application
What is it?

“Public Charge” is a ground of inadmissibility that can bar a person’s admission to the United States, or prevent someone from obtaining legal permanent residence (“green card”).

Under the Immigration & Nationality Act (INA), a person is inadmissible (and ineligible for a green card) if they are likely to become a public charge.

New, stricter rule on public charge took effect on February 24, 2020.
“PUBLIC CHARGE”

- Considered only when someone is applying to become a permanent resident
  - Does not apply when applying to become a U.S. Citizen
  - Mostly impacts when immigrating through a family member

- It is a prospective test: is the applicant likely to become a public charge in the future?

- Test looks at “totality of the circumstances” (positive and negative factors)
SOME APPLICANTS ARE EXEMPT:

- Refugees and asylees
- Other humanitarian residency applicants:
  - U or T Visa holder
  - SIJS (Special Immigrant Juvenile Status) applicants
  - VAWA recipients
  - Cancellation of Removal
- Doesn’t apply to:
  - Citizenship applications
  - DACA, TPS
  - green card renewal or replacement
New Definition of Public Charge:

- someone likely to use 12 months of benefits in a 36 month period
  - if the applicant has received more than one benefit type in a month, each one counts as a month. So if an applicant received regular MediCal, food stamps, and cash assistance one month that counts as three months of benefits.
- Expansion of types of benefits that can be used against an applicant
- New list of positive and negative factors in determining if someone likely to become a public charge
New Definition of Public Charge:

Which benefits count against applicants?

- Cash assistance that the applicant for residency receives or has received (even before this new rule goes into effect) such as CalWorks, General Assistance, or SSI
- Regular MediCal that the applicant for residency receives
- Food stamps that the applicant for residency receives
- Section 8 or subsidized housing assistance
New Definition of Public Charge:

Benefits that WON’T affect residency applications:

- MediCal for children under 21
- Emergency MediCal
- Prenatal MediCal
- School services such as free lunch and Head Start
- Food stamps received by your children or other family members
- Unemployment Insurance
THINGS THAT CAN HELP YOUR CASE

- A history of working
- Being healthy and between the ages of 18 and 61
- An affidavit of support showing your sponsor earns over 250% of the poverty guidelines
- Speaking English
- Education
- Having private health insurance
- Having private health insurance
THINGS THAT CAN HURT YOUR CASE

- Limited work history if applicant is not a fulltime student or caregiver.
- The applicant has received 12 months of benefits in the last 36 months
- Serious medical condition
- Lack of medical insurance
Public Charge and Immigrant Fathers

- Fathers who will be applying for a green card should:
  - Pay taxes even if they are working without authorization
  - Document child support payments, even if they are informal
  - Get the benefits and services they need for their families, and discuss strategies with an immigration lawyer
New Forms for green card applicants:

- Form I-944 for applicants in the U.S.
- Form DS-5540 for applicants living abroad
- Asks for assets, education and work history
- Asks for credit report and credit score
- Unclear at this point how this information will be used
COVID 19 and Public Charge

Good News:

- Unemployment benefits will not affect public charge issue
- California Disaster Relief Assistance for Immigrants will not affect public charge
- Healthcare for COVID-19 will not affect public charge issue
All noncitizens should get the care they need.

Testing, treatment and preventive care (including a vaccine if one becomes available) for COVID-19 will not be considered in the public charge test.

These services will have no negative impact, even if treatment is provided or paid for by one or more public benefits (e.g. federally funded Medicaid).

These services also will not impact nonimmigrants seeking an extension of stay or change of status.
California COVID-19 Disaster Relief for Immigrants

- California is providing one-time assistance to undocumented adults who don’t qualify for CARES Act assistance
- an undocumented adult can receive $500, with a maximum of $1000 per household.
- Starting May 18, 2020, individuals can apply through local non-profit groups
California COVID-19 Disaster Relief for Immigrants

- Applicants must show:
  - (1) they are an undocumented adult (>18)
  - (2) are not eligible for federal COVID-19 related assistance, like the CARES Act tax stimulus payments or pandemic unemployment benefits
  - (3) have experienced a hardship as a result of COVID-19
California COVID-19 Disaster Relief for Immigrants

- Undocumented Bay Area residents will apply through Catholic Charities of California:
  - Alameda and Contra Costa: [www.cceb.org](http://www.cceb.org)
  - Santa Clara: [www.catholiccharitiesscc.org/](http://www.catholiccharitiesscc.org/)

- Hotline Number: TBD
Know Your Rights

Immigration Institute of the Bay Area

www.iceoutofca.org

https://www.youtube.com/watch?v=IX_XOnesuVl
EVE RYONE HAS RIGHTS UNDER THE CONSTITUTION

- **Not to disclose** — do not need to give information about where you were born or how you entered the U.S.
- **Not to open the door** — to enter your home by force, ICE must have a warrant signed by a judge. They almost never have a warrant signed by a judge. Your best protection is to not open the door.
- **Do not sign documents** — Do not sign any documents without first speaking with an attorney. Ask for a hearing with an immigration judge.
Updated ICE statement on COVID-19

ICE will focus enforcement on public safety risks and individuals with serious criminal histories.

For those individuals who do not fall into those categories, ICE will delay enforcement actions until after the crisis or utilize alternatives to detention.

ICE will not carry out enforcement operations at or near health care facilities, such as hospitals, doctors' offices, accredited health clinics, etc.
WHAT CAN YOUR CLIENTS DO TO PROTECT THEMSELVES?

Prepare an immigration file:
- Store important documents in a folder, let a family member or close friend know where it is and memorize that person’s phone number.
- Gather records relating to any arrests or convictions.
- Talk to an immigration lawyer or accredited representative to find out whether you are eligible for any immigration remedies.

Make a plan:
- Decide who will take care of your children if you are not able to. Talk to that person and make sure he or she is willing to help you.
- Without worrying them, assure your children they will be taken care of if you are not available to care for them.
- Make sure they know who will take care of them. Have your children memorize that person’s phone number.
- Save money for a bond.
Avoid Being a Victim of Fraud

- Only get legal advice from attorneys and accredited representatives, NOT NOTARIES. An attorney will not be offended if you ask for their license number. To look up if a person is an attorney licensed to practice law in CA, visit calbar.org.
- If something is too good to be true, it probably is.
- Be careful about traveling outside of the U.S. Depending on your circumstances, it could affect your immigration case and you may not be able to return.
In the United States, every 10 years a census is done to determine how many people live in each community.

The next Census will occur in March-April 2020.

The results of the Census will determine how much federal money our community will receive for housing, health care, roads, school lunch programs.

Census information is strictly confidential, by law.

Your response matters!

No-one can take away our voice!
International Institute of the Bay Area Services

• Free confidential immigration consults
• **Representation** in deportation matters (limited)
• **Legal assistance** for naturalization, U-visa, family petitions, DACA, TPS, Green card renewal/replacement, etc.
• Citizenship **workshops**
• **Classes** to study for your citizenship interview
QUESTIONS?

THANK YOU!