

# Immigration Law 101: Working with Immigrants & Undocumented Populations

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## Legal Status

- 1) U.S. Citizens
- 2) Lawful Permanent Residents (“LPR” green card holder)
- 3) Nonimmigrant Visa Holders
- 4) Refugees/Asylees
- 5) Misc. temporary provisions
- 6) Undocumented

## Where's the Line?

- Family based
  - USC/LPR family member
  - Wait times
  - Bars to fixing papers
- Employment based
  - Demand vs supply
- Diversity Lottery Visa
  - 50K visas/year
  - Country limitations
  - High school equivalent degree/min two years professional experience
- Humanitarian provisions
  - Certain victims of violent crimes, asylee/refugee

## Provisions for Immigrant Victims of Violent Crimes

- U Visa
- T Visa
- Violence Against Women Act “VAWA”
- Humanitarian parole
- Asylum
- Special Immigrant Juvenile Status

## DACA's End?

- Deferred Action for Childhood Arrivals – c. 800,000 recipients
- Executive order June 15, 2012
- Program terminated by current administration September 5, 2017
- Litigation resulted in temporary injunction January 9<sup>th</sup>, renewal window reopened
- Additional suits brought since then – renewals only
- Judge Hanen's decision in Texas
- Legislative fix needed

## Unlawful Practice of Law (“UPL”)

- Who can practice immigration law?
  - Attorneys and DOJ Accredited Representatives
  - Immigration attorneys: AILA – [www.ailalawyer.com](http://www.ailalawyer.com)
  - DOJ Representatives: [www.justice.gov/eoir/ra/raroster.html](http://www.justice.gov/eoir/ra/raroster.html)
- Vulnerability to the Unlawful Practice of Law
- Who is unlawfully practicing law?
- Potential consequences of the unlawful practice of law

## What does it mean to be undocumented?

- Reality of mixed-status families
- Increased barriers to services and opportunities
- Psychological effects of living in fear and insecurity
- Common impact on identity/self-esteem
- Heightened vulnerability to predators

## Best Practices for Working with People without Papers

- Don't assume status
- Don't ask about immigration status if you're not required to do so
- Beware of the consequences of a false claim to citizenship (don't inadvertently falsely claim citizenship for someone!)
- Be educated about the common psycho-social effects of living in a mixed-status family
- Understand basic "Know Your Rights" information
- Be prepared to refer people to legal services providers



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For more information  
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