



Library podcast

Immigration 101 Training with NWIRP

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[00:00:35] Nurse Family Services Unit in Seattle. McGlew has also worked in north eastern Washington offices and cares deeply about providing services to clients throughout Washington state. So please welcome Lulu and Jorge

[00:00:55] Thank you so much everybody. So I want to just start we have a lot to cover so we're going to be moving fairly quickly.

[00:01:01] But I wanted to first of all welcome all of you. So I want to thank all of you for taking the time to learn more about immigration.

[00:01:09] One of the things that we tell people all the time is that this is one of those subjects sometimes that is you know controversial complex for sure and that oftentimes means that people may now want to engage as much because they're afraid to even know tip their toes in the water. So we're really appreciative that you want to learn more about this topic and want to commend you for taking the time to learn more.

[00:01:35] So I want to start just you know Muldoon's around and so you'll get to see her soon.

[00:01:43] But we are going to start just by telling you a little bit about organization to make sure because I know some of you might be familiar but Northwest the rice project has been around for about 34 years now and where the provider on on a statewide basis of comprehensive immigration legal services here in Washington state. Most of our work is focused on providing direct legal services to individuals going through the immigration system. You'll get to see how that how that works. And then the are two big components of our work are systemic advocacy where we're trying to challenge immigration policies primarily through impact litigation as well as legislative advocacy. And then our community education work which is part of what we're doing today. We have four offices here in the state.

[00:02:26] We have two offices in eastern Washington and Granger and Wenatchee and then we have an office in Tacoma that is focused pretty heavily on working with people had the Northwest Detention Center that we'll be talking about later.

[00:02:39] And then our main office here in Seattle and before I jump in further I also want to say that we really appreciate the partnership with the Seattle Public Library. This is this is we have a long history of partnerships and we really appreciate the team here for all the work they've done to help put this event together.

[00:02:56] And I also appreciate our sign language interpreters who are going to try to keep up with somebody who speaks really fast.

[00:03:02] So I appreciate that as well. All right.

[00:03:06] So let's do a quick overview of what we will be talking about today. And so we're going to try to tackle the following topics.

[00:03:16] I'm going to be tackling just a very quick and so those I bring as a prop the Book of our immigration laws which is like a thing volume this thick and I tell people like I'm going to try to distill down in about 45 minutes a basic overview of the immigration system.

[00:03:32] Then we're going to be talking about the deportation and detention system specifically and how that affects people. Then we're going to be focusing on some particular protections that are available for certain populations within the immigrant and refugee community that we think it's important for people to know about. And then we're going to focus on some of the newer developments that have happened under the Trump administration and finish up with a couple of units on empowering communities and providing information to community members and then track will tackle some of the frequently asked questions before we open it up to all of your questions. And I want to save it from the beginning that the goal of these sessions what we've tried to do with these sessions is not worked and we're not trying to train people to be immigration attorneys. And I hope some of you will be relieved by that. You know our goal is that we understand that in this area there's a lot of misinformation. There's a lot of misunderstanding. There's a lot of lack of clarity and so we were trying to do is to empower all of you to understand the challenges that are posed by the immigration system and so that you can provide better information to people who you come across with. And you can be better advocates better community members and better allies of the community members as well as you know of course understanding the policy that our country has put in place.

[00:04:55] So with that let's get started to talk about the overview of the immigration system.

[00:05:02] And one of the things that we think it's really important to do to start off in immigration law. We love acronyms and a lot of other areas I acknowledge but I think it's particularly bad in the immigration field. And so before we get started with talking about immigration system we want to talk about some agencies and some names and acronyms that you might hear me talk about during the

presentation I want to make sure that people understand what we're talking about. So the main agency that's involved with immigration matters.

[00:05:35] Post 9/11 is the Department of Homeland Security. Some of you who are might still remember the old Immigration and Naturalization Service the INS and people still sometimes refer to the INS. That agency that used to cover all of the immigration issues has been this was disbanded after 9/11 and since 2003 the Pentagon or Holleman security has been the primary agency dealing with immigration.

[00:06:03] So the federal homeland security covers a ton of different things not just the ones that are listed here.

[00:06:08] You have Secret Service TSA at the airports all kinds of things but the three agencies that are primarily involved with immigration matters that we'll talk about are USCIS which is U.S. Citizenship and Immigration Service and that agency is the one that people go to apply for any immigration benefit. Right. So they're the ones like you when you're applying for naturalization or for a green card. We'll talk about today. That's the agency they generally go to. Ice is probably the one that's most in the news that's Immigration and Customs Enforcement. I refer to that as essentially kind of like the police force in immigration right. I mean they're the ones that are in charge of enforcing immigration laws that deal with deportation.

[00:06:53] And they're the ones that run the immigration detention system and then Customs and Border Protection and CBP is in charge of the Border Patrol as well as another component called field operations which are the agents when you travel internationally and you come back into the country. Those are the folks that are you know stamp in your passport and checking your documents when you come in from the country.

[00:07:14] So those are part of the Department of Homeland Security or DHS.

[00:07:18] And I'll note that that's sometimes even a source of confusion for community members because people say you know DHS and sometimes people hear something like DSA chess and they think it's the same thing.

[00:07:28] And you know obviously I want to make sure that people understand there's a very two very different agencies right our Department of Social and Health Services this is very different from the federal Department of Homeland Security. The other two big federal agencies that deal with immigration are the Department of Justice the Department of Justice covers the immigration court system which is run by an agency called the Executive Office for Immigration Review that runs both the immigration court and the Board of Immigration Appeals which is kind of an administrative agency that gets appeals from decisions from immigration judges and then we'll talk a little bit about more in detail later about that and then the final thing that we wanted to cover is the Department of State Department of State of course runs our embassies and consulates abroad and there are some

situations where people are applying for benefits outside the United States of course including sometimes people having to leave the country and we'll talk about that in a little bit more detail.

[00:08:26] So those are the the agencies in the immigration field so to understand our immigration system. I want to acknowledge and try to emphasize who we're going to be talking about today. During our training so when we talk about immigration law we're going to be focusing most of our conversation on people who are not yet U.S. citizens right. So let's just quickly you know remind ourselves that people who are U.S. citizens or people who are either born in the United States or people who have been naturalized and have gone through the process that we'll talk about today and they've achieved U.S. citizenship. There are also ways that people can achieve U.S. citizenship because they were born abroad for example but they their parents were U.S. citizens at the time. Right. And so we're not going to spend a lot of time on those rules. We're going to sort of say if you're a U.S. citizen that they relate because you know we're going to talk about you know U.S. citizens petitioning for people. But most of our conversation is going to be focusing on people who are already in the United States and who are not yet U.S. citizens. And so we've been talk about that group of people I know if I showed you some Sondos I actually pull up this chart of all the types of immigration status that somebody could have who's not yet a U.S.

[00:09:42] citizen but who's in the United States. And it's a laundry list right. Which would be very complex and hard to understand. So generally I tell people that I think of people being in one of three big categories. So the first category is something that immigration law is known as lawful permanent residents often referred to as green card holders and people in this category. We're going to talk about it in more detail. Are people who have been and will talk about how people can get to the status who have been given permission by the United States to be able to live and work here in the United States indefinitely. Now I oftentimes sometimes when I list the permanent residents I put what I put the word permanent in quotation marks because permanence suggests the like you know you're here and you're never going to get kicked out. And I think it's important to note that even lawful permanent residents can't be deported.

[00:10:36] And that primarily happens there because you've been convicted or of those even just accused of a criminal offense and sometimes things that are relatively minor or because you've abandoned your residence by living and reciting outside the United States and the government could decide that you've abandoned your permanent residence. So keep that in mind in terms of that category. But otherwise you're going to be able to stay in the country and we'll talk about in more detail.

[00:11:01] This is the stage that would then make you eligible for U.S. citizenship right to get to that to the citizenship status through the naturalization process. I put in that category. I put a note about asylum and refugees and we're going to talk about those categories in a few minutes because they are going to be in a pathway to be able to get lawful permanent residence OK.

[00:11:24] Now the second group of people who are here who are not U.S. citizens are people who are in some sort of temporary status. And that's where there is no big list of different types of

immigration status. You could have that includes people who come here for a visit on a tourist visa. They're just going to Disneyland first period time or students who come on student visas or people who work who come on temporary work visas that you might have heard about like H1 b workers. Right. So all of those people are some sort of temporary status. But the key thing is it's temporary. Right. So it's not permanent. And there's there's also a very specific purpose for which they have been allowed to to to come in. So if you come in on a student visa or on a tourist visa you're not going to be. You're generally not allowed to work. And so that's a temporary category and we'll take a little bit more later about some other types of temporary statuses like CPS and the visas that will cover in more detail later.

[00:12:22] But some people could be in that category where they have some status but they don't necessarily are going to be able to stay here in the country permanently. And then the final group and probably the one that gets the most attention of course are people who are undocumented and people who are undocumented we're referring to people who either came to the United States without permission initially who crossed the border you know primarily on their border. But we do get people who came across from the northern border as well. And then. So that's one group. And people went through without permission. But also what are often referred to as people were visa overstays so people who came in in that second category that came in on a visa and they had status initially but their temporary status has now either expired or they've now for some reason have you know completed their stay and they've since stayed in the country. Now a lot of times one of the questions that people ask me and I want to acknowledge that sometimes in the immigration debate and even in some of the mainstream media channels you might hear people in that last category being referred to by the word illegal immigrant.

[00:13:33] And I want to explain why we don't use that term. So first of all as a human rights organization we don't believe any human being is illegal. Right. Everybody has basic this country was founded on the idea even though we never quite lived up to the value of human rights that everybody is entitled to basic dignity and so we don't think that the term illegals should be used to refer to an individual.

[00:13:55] But we also think that is you know kind of also legally not accurate because as we'll talk about there are a lot of people who are current don't currently have immigration status who actually do qualify for a way to be able to stay in the United States. So for both of those reasons we encourage people not to use the term illegal immigrant in referring to people and really encourage people to use the term undocumented immigrant.

[00:14:21] So now so we talked about that the green card stage is one of those statuses where that's the path to be able to become a U.S. citizen.

[00:14:30] Right. So one of the questions that a lot of people come to our office asking us and that a lot of people want to know and the community is if I don't have you know if I have temporary status or I'm undocumented how is it that I can get a green card. Right. And so how do we get this document. And I'm kind of one of the first questions that people ask me it's like well wait I mean you know this

green card document is actually not green. There can be a green card. It's kind of like pink and. And you know what happened the history of this term of the green card was that back in the 40s and 50s when they started issuing these documents something that they called quote unquote alien registration card which is a terrible name. The documents actually like a little green card. And so people started calling it the green card. And later in the 70s the immigration agencies the INS at the time decided well we're going to we're going to re issue it and do this a little more like a driver's license type document with this color pink. But the term has stuck. So people keep calling it the green card. But then a few years ago immigration decided to do another redesign of the of the Green Card document and they said you know like people keep calling it green. So now we're going to like make it green again. So the new green cards really are green but there are still some green cards out there that are pink.

[00:15:50] See how immigration gets really complicated anyway. So how do people get this green card. So if you look at the statistics over the last few years of what the percentages are if you look at like the whole everybody who gets a green card in the United States in an average year you will see that about two thirds of them get green cards through a family member. That that that most of it is going to be through a family relationship a good two thirds of those green cards are given that way. And then the other categories that are significant are through employment visas around 14 percent and are Solomon and refugee program at about 14 percent or so. And these numbers kind of vary but roughly on an average year you can expect these numbers. And and I'm I'm going to talk in more detail about each of those categories in a minute. I'm just giving you the fall here. And then you know for those of you that are quick at math you'll realize quickly that that doesn't quite up to 100 percent. There's another five or six percent that will that will go to other categories of humanitarian protections that we'll talk about and a little bit more detail in the second half of our of our session. So this is the overview of how people get greencard. So let's get a little bit more in depth about these pathways to be able to get in. And so we talked about that one of the main ways is through a family member. And we want to first of all make clear that we understand that it's not any kind of family relationship that will will make you eligible to obtain a green card. It is some very fairly immediate and I've you know particularly in the last few months when there's been this whole debate about about family immigration system people say look you know if you like your third cousin can get you a green card. Not not the case. A lot of people would wish that it was that easy. But that's not true.

[00:17:37] So in immigration for this this go through family member. We have two groups of family relationships that determine how quickly you are eligible to be able to get a green card. And so we first have this group that I put in petition marches called immediate category and they immediate category are people who are not are not subject to a waitlist to be able to get a green card status. And so it doesn't necessarily refer to like immediate family member the way that many of us think about it because for example I think of my siblings as being part of my immediate family. But that's not how immigration law looks that is so immediate in this context is that there's no waitlist now immediate in immigration law. I say I tell people means like nine to 12 months. So it's not like you get it right away. It's just that you don't have the wait list that we're going to talk about in a minute.

[00:18:33] So the people who are in that in that category what we call immediate are if your spouse is a U.S. citizen they can petition for their noncitizen spouse a U.S. citizen parent.

[00:18:46] And I hope that people understand that on these flights the USC means US citizen so U.S. citizen spouse can petition for their noncitizen spouse the U.S. citizen parent can petition for for a noncitizen minor child and then if you are over 21.

[00:19:02] So if you're older 21 or older you if you're a U.S. citizen you can petition for your parent to get a green card. That's the basic rule for that for a bad category. Now there's another group that's called OTEC of the immigration laws called the preference category but preference suggests that it's actually like better like a good priority somehow. And that's actually not the case if you're in the preference group you actually are subject to waitlists and. And those are relationships that could that you could still start a process are if you're the spouse or unmarried children of somebody who's a green card holder or somebody who hasn't yet a you know tan U.S. citizenship byde who is a lawful permanent resident. And then if you're if you're the child but if you are over 21 oven of a U.S. citizen or your have married children or your sibling of a U.S. citizen then you are also eligible to have this petition filed on your behalf. But again it's going to be subject to a waitlist. We'll talk a little bit more about that in detail. Now that's the list of relationships right. So a lot of people come to us and say like you know my my uncle is a U.S. citizen. Can they petition for me.

[00:20:23] No my grandmother is a U.S. citizen and she basically raised me right now.

[00:20:31] All the relationships that I listed are the ones that are eligible to even begin a process for somebody to do that. Now the other question is that sometimes this issue of who is eligible to petition for somebody gets conflated with another issue an immigration law known as sponsorship. Right. So people will come to us and say well but I've heard that you just need to get somebody who will sign a document saying that they're going to they're going to support you financially and that's going to be sufficient. And the problem is that in immigration mom through the family process you not only need this relationship but in addition to that you need somebody who's willing to submit this sponsorship affidavit of support that says that you're basically committing to the fact that you are going to financially support this individual who's going to be getting the green card. Now frequently it's the same person who is petitioning for the person. So if I'm the U.S. citizen and it's my my my wife for example I I would be the sponsor in that in that situation. But there are situations where the person who's petitioning doesn't meet the requirements doesn't meet the income and requirements which is generally 125 percent of the federal poverty line. So there's an option by which they can get a cosponsor or a joint sponsor to submit a that that document. Right. But it doesn't mean that that person can just do it on their own. There still has to be this family relationship in order to do it. So that's something that oftentimes causes a lot of confusion. Now the last thing I want to say on this on this topic is that you know it used to be that there was some debate as to whether there was a period of time when some states to recognize same sex marriage but it wasn't clear whether the feds were going to recognize them. And thankfully because of the Supreme Court decisions that issue has now been resolved. And so same sex relationships same sex marriages are treated the same as as opposite sex marriage in any federal law.

[00:22:35] So that's not that's not an issue that we have to worry about at this point. At least under the current Supreme Court. All right.

[00:22:43] So we talked about this waitlist right. So we talk about how long the wait list will be about by the fact that some people have this witless category. And I want to share with you some some details of how long that can be because this helps illustrate some of the challenges that people experience even when they're eligible to do this. So let's say that you come into my office and you say you know I've heard you know I heard you talk about the fact that you know the sibling of a U.S. citizen wants to file it eligible to try to get a green card for them and I have my sister's lives in the Philippines. She's from the Philippines. And so I'd like to start the process to be able to get that green card for them.

[00:23:22] And so say OK yes it's true you can start the petitioning but one of the things that I have to let you know is that it's subject to this waitlist and they'll say well how long is the waitlist. How long is it going. Is it going to be. I have to tell you well I can't tell you exactly how long it's going to be for you. OK. But what I can tell you is that right now if I look at this document that's called the the visa bulletin that's issued by the State Department. Right now they're giving green cards to people who filed petitions for their siblings from the from the Philippines in June of 1995.

[00:24:00] So 23 years is how long people have been waiting.

[00:24:04] Now that doesn't mean that the person who files today is going to wait 23 years. It could actually be longer. Right. Because that's just how long the backlog has been in the past. But that does give you a sense of how much you might be expecting at least potentially to wait between now and then. And you can see some of the other dates that you know can be pretty significant at least at least two to three years and in many cases well over two decades. And so this is part of the barrier and a lot of people say like well it's just that immigration is is really slow in processing these things. And immigration is slow in other areas. But that's not why there's such a backlog. The reason for this is because we're limiting the number of visas that are issued each year. So the way I try to explain it to people is like you know imagine the session was so popular that there was this long line outside. Right. And we only led a certain number of people you know every year. Right. And so the line kept getting longer and longer and longer people kept waiting. Right. And so this number basically tells you if you go to the person who just finally get made it through the door you'd ask them how long have you been waiting.

[00:25:14] And that's what this tells you. Right. How long they have had to wait in the line now they could have gotten longer and so the person is at the end of the line might end up even waiting even longer time. Right. That's that's the problem with the backlog. And so when a lot of people talk about you might hear people say you know a family visa backlog or you know that we need reform on the on the on the family visa system. This is part of what they're talking about the fact that the waits have become so long that as a practical matter right I mean if you're having to wait you know 25 years like you know for four people it's just too long. People are not able to really use the system the way it is

right now. So what happens is that and this is one of the other sources of confusion because the way that the system works is that people have to file this petition to start the process some form called i 130. Right. So you filed this form and you get some toast. You get a response from immigration where they say like your petition has been approved right for your sister from from the Philippines. So you're all excited that you think that that means the like you're going to be able to bring your your sibling over and then you know they come in and they say like hey my petition has been approved.

[00:26:23] And they're like yeah what that means is that you basically have a spot in the line right. But now you have to wait until the date on your aunt that you are filed is the same date that shows up in this visa bulletin. So that's part of the process. That's what you have to wait until your visa numbers current. And that's a huge barrier right now for a lot of people to be able to get it. So the fact that like the visa has been the visa petition has been approved doesn't mean that person has immigration status or if the person is already in the United States. That doesn't mean that they're going to be able to stay there. They're still subject to deportation. All right. So that's about the wait list. Now we talked about so we talked about family visas. Let me just quickly touch on an employment visa. So I talked about how there's about 14 percent of green cards that are issued through employment. So we get we do get a lot of questions from people about that. I will tell you that our organization doesn't do employment visas because most of those visas are issued by are done through a system where the employer is the one that's required to petition they have to file something a labor certification where they basically have to show the Government that there aren't qualified workers who could fill that that employment role.

[00:27:34] And so that's that's something that basically you know kind of disqualifies them from our services because it's the employer that has to do that. And the reality in practical terms you know those visas are limited to people who have advanced degrees who have certain professional skills are still people you know if you have a fear for baseball player you know a basketball player like you can get a visa if you're some fashion models can get visas that way. I'm not talking about anybody in particular but but that's those are the kind of visas that where people can get green cards right so a lot of people come to us and say you know I'm into construction service or I'm in the hospitality industry or I'm in in the in these areas where there's a lot of immigrant workers and they say you know can I get a visa through employment. And the reality is as a practical matter there's not going to be visas that way. And and particularly if the person is already undocumented there is a lot of other barriers that we're not going to try to get into too much detail here.

[00:28:36] And it's not that people shouldn't explore those options but just as a practical matter it is very very rare that somebody is going to be able to get a green card through employment unless they have some of these higher formal education or particular skills. So so let's move to the next big bucket of ways that people get asylum and have to get that get green card and that's the asylum and refugee status provisions. And so I want to explain that this asylum and refugee status is basically comes from the same concept. Right. And that is that our country has made a decision that comes from our obligations under international law and the UN convention on refugees that we're gonna provide protection to people who are fleeing persecution. And so the way we do that is through the refugee and asylum program. And so the refugee program is a program that provides status to people

when they are outside the United States. Right. And as some of you may know there is right now the U.N. estimates it's over 60 million people who have been displaced out of their homes to meet the criteria of being a refugee under international law which means that they are to have a legitimate fear of persecution in their home countries.

[00:29:57] And so any of them really could qualify under our law to come here.

[00:30:03] But there's a limit and the limit is that Congress has said in the Refugee Act says that the precedent gets to decide how many people are going to be allowed each year. And so some of you may have been reading this past week about the fact that the president just issued his decision on how many refugees are going to be allowed in this next federal fiscal year that starts October 1st. And the number that he has said as a cap as a ceiling is 30000 which is the lowest number that has been set at us as the refugee program started in 1980. And so each year the president says like we were going to Mitt you know most this number. And then you know the process will go on and people will might be able to pursue. But it's almost I mean it's almost like a lucky lottery right because there's 60 million people. You know the vast majority of whom would love to be resettled in the United States but we're only selecting a very small percentage of that. So those who when they arrive they do when those folks do get refugee status they are given permission to now come to the United States with something that's called refugee status. And then after a year of being in the United States they can apply for a green card.

[00:31:21] Right. And so that's an important way that people are able to get status. But again now the numbers are being reduced from what they were before. Just to give you a sense the last federal fiscal year under the Obama administration I believe the number was 100000 for the ceiling. I'm not quite sure that we totally met that but it's it's it's been a significant reduction in the last two years. So that's refugees. Now there's another pathway to be able to get protection here and that is a solid program and the asylum program is based on the same idea the same concept of protecting people who would suffer persecution in their home countries. But asylum is for people who are already in the United States. And so that could mean people who just came to the United States and physically present themselves at the border or who came on a visa for example or a tourist visa or even are here undocumented and the way and then and then they apply for asylum. Potentially even before there is any kind of deportation hearing pending against them. And so that's that's the difference with asylum. It happens or when the person is already here.

[00:32:31] Ok. Now one important thing about both asylum and refugee status but particularly for asylum is that I think there is you know this notion that if you're in danger in your home country that's enough. That's going to qualify you to get protection. And unfortunately even though that's actually how I would like the program to be because frankly I don't think it really matters if you're going to be killed for one reason or the other. If you're in danger of being killed you know we should be given protection but that's not what the law currently says. The law says that we're only going to give people protection if the reason they're going to be subject to persecution is one of these five things that are listed here. Race religion nationality political opinion or membership in a particular social group.

[00:33:21] Now I think the first four things on this list kind of are more self-evident. The last one is where there's a lot more. Debate as to exactly what that phrase means membership in a particular social group.

[00:33:34] And so you know to be clear you know if your claim of harm is simply there's a lot of violence in my in where I live you know and I'm at risk. And you could even demonstrate to the judge like there's a higher risk that I'm going to be killed you know because there's just a lot of violence in my in my community that's not going to qualify you for asylum or for refugee protection for that matter.

[00:34:00] You have to be able to establish the reason that you're going to be harmed is because of one of these things. Right.

[00:34:06] And so it could be you know because you're a member of a political party and that's what you're going to be targeted for for persecution or you know that you're of a particular race or religion or ethnicity or or or a member of a particular national group.

[00:34:22] The harder question right now is about what constitutes membership in a particular social group. There's there's still there's a lot of development of case law about that and some of the things that you're reading in the news have to do with that because the attorney general Jeff Sessions right now is trying to limit what that category means that courts have so far decided that things like sexual identity or sexual orientation. Right. Your LGBT status can qualify as being part of membership in a particular social group. There's also there was a ruling during the Obama administration that said women who have been subjected to domestic violence could qualify for protection if they if they're able to establish that they can't be can be protected in their home countries. Right. But that's those are the kind of rulings that the attorney general right now is trying to challenge and to say that that doesn't meet the criteria. In his opinion are asylum laws should only cover really government persecution where the government is coming after you and not where private actors should be threatening somebody. Now we think that that's a too narrow of an interpretation of asylum law. But that's what's being debated right now and that is something that I think over the next few years is going to be heavily litigated in the immigration and the court system and the federal courts as to which interpretation is correct. But right now that's a challenge and it's one of the things that I think for community members when people are coming to ask us Well you know I'm fleeing domestic violence in my home country.

[00:36:03] We need to explain to them that we think that they actually Eido qualify under our immigration laws and that we think that they should be granted protection but that it's not certain that they're going to be granted protection right now at least in the initial phase and that it may take a lot of appeals for them to be able to obtain that protection. So this is one of those areas that's really in debate right now.

[00:36:27] And then you know I want to make sure that people understand that if you are granted asylum or refugee status then you are able to petition for your spouse and unmarried children to be part of that application. So you are. That is part of the process there.

[00:36:42] All right. So we've covered those three big ways to be able to get a green card status but I want to explain that the eligibility what we've talked about so far and particularly with regard to family visas is about who could potentially start a process who could petition for somebody. Right. And there's another question of whether you can actually get the green card here. And this is something that is a big big issue that affects a lot of people on the undocumented community. Right. And I think to illustrate let me explain a couple that I had that I met recently.

[00:37:26] They came to me and I talked to them recently and the reason that they came to me was actually because they had been they had been fired from their job because immigration came and audited their workplace and find out find out that they didn't have permission to work. And when I met them they had been at this job for over 20 years. Believe it or not and they had been in the United States for the they have been in the USA for over 30 years. They came to the United States without permission.

[00:37:53] Over 30 years ago they have U.S. citizen children and grandchildren by this point. And so when I was interviewing them to try to figure out what options they had asked them about their family relationships. Right because that's one of the ways that people can get the green card. Right. And so they told me Well our daughter is 24. Right. And so if you remember a couple of slides back right. That looks good right. A U.S. citizen child over the age of 21. And so that would be somebody who can petition for them. And so and that's that's correct. They could be that their daughter could petition for them to be able to get immigration status. But here's the problem. The question is now they are here in the United States. And so as for immigration attorneys the question is can they now adjust their status. That's the term the term of art and immigration law which means like adjustment of status means adjusting your status to become a green card holder to become a permanent resident. Right. And the problem for them is that they came to the United States without permission. And if you come to United States without permission the general rule is you cannot adjust your status here that you're not eligible to get the green card here you have to leave the country to be able to get your green card.

[00:39:14] There are some exceptions to that rule and we kind of listed them here like if you've been able to obtain programs et cetera. But but this couple did not have those those those exceptions and frankly the significant majority of people who are undocumented don't have those exceptions. And so for this couple they had to leave the country to be able to do that. And the problem then was and so you know I told them like you had to leave the country in order to give your green card and said Well that's a you know it's a barrier for us to leave. But OK. But we could do that. And they said Yeah but here's the other problem. The moment you leave your country because you've been in the United States for more than a year without permission you know this. At this point it's more than three decades without permission. The moment you step outside the United States you are barred from returning to the United States for 10 years. You are subject to something immigration law known as the ten year bar which says that if you've been here in the country without permission for over a year and then you leave you can't come back legally for at least 10 years.

[00:40:19] And and now there's a way that you can in some situations you can ask for a waiver so that you can come back before the ten year period. Right. But there is no waiver in this situation that I mention because it's the the U.S. citizen daughter that's applying for them. And so they could. So there's no way for them so they wouldn't have to wait 10 years outside the United States. So when I told this couple who's now in their 50s you know OK. Yes. You have a way to get your green card. But here's what you have to do. You have to leave the country and wait 10 years. Guess what they told me. Get it. I mean it's not surprising right. I mean they were like the whole point that we were trying to figure out if there's a way for us to stay here with our family and our children and grandchildren and we're not going to do it.

[00:41:10] And so that's what this point is about. There are tons of people who are in that situation who do have that pathway right. That we had that we talked about because they have that family relationship. But who are now effectively blocked if not legally blocked. As a practical matter they're not going to pursue it because we have this barrier that they have to leave outside the United States. And I think it's important to understand that this is this is relatively new in immigration law right.

[00:41:38] So this all happened because of a change of law in 1996 that added this provision. Right. And so this is you know when people ask me why has the undocumented population grown so much. This is a big reason why because it used to be before 96 that that couple yes they would have had to leave the country but they would have left and they would come back with their green cards now and they would have had legal status. And so that couple now is going to continue to be in the country undocumented. Because our law made it effectively impossible for them to legalize their status. Right. And that this kind of situation replicates itself so many times there as I mentioned that there is some waivers so the other relationship that we talked of a lot about is the marriage to a U.S. citizen. Right. And so again that same situation can impact somebody in that situation. Now there is a way to get a waiver in that situation of the 10 year bar. And there is no work that is that is being done but it but it's not you know not everybody is going to get the waiver. And and there is some level of risk when you're leaving the country. Right. Particularly under this administration. And so it's something that people that is a big barrier for people to be able to get immigration status. So that's an important component for people to realize of why we have the challenges that we have right now.

[00:43:04] And again I want to say that that's the general rule. And to explain the key thing about that was that the person that people came to United States without permission. So if that couple had come to United States on a tourist visa or student visa they would have that barrier they wouldn't have to leave the country to go get their green card even if they overstayed that visa and they've overstayed their visas for 30 years. They would that the same rule would not apply. And and they think it's important to note from sort of an equity perspective or a social justice perspective how this plays out because who gets tourist visas who gets to get visas in order to get a tourist visa or student visa to get into this country you have to show that you have enough resources that you're not going to be you know that you have a lot of wealth frankly in the country you're from. The reality is that's what it is. And I mean I've literally talked to people who worked as consular officers in Mexico and they told me they had 60 seconds to make a decision and they just basically looked at the person how they were dressed and if they were you know lighter skinned and came on a suit they're more likely to get

the visa. People who don't look like that they just will get denied the visa. And so the people who say like well I can't get a visa and they come across the border then even if they develop a family relationship they're barred by the they get this additional barrier whereas the people who came on a tourist visa even if they also violated the immigration law by overstaying they still have an easier path to be able to correct that and legalize their status.

[00:44:44] And so this creates a huge imbalance in a number of ways that I think a lot of people don't quite appreciate how that creates this you know for people who have very sympathetic situation is very compelling circumstances.

[00:44:59] A lot of people to come to us and they're like well they they didn't mean and frankly the couple that I mentioned the person who refer them to them they said like No they they they just they must be kind of lazy they need to get the paperwork in order and I know as soon as they told me that I was like I'm sure that's not the case. And when I talk to them I of course found out like no and they actually kind of knew that this was happening they had talked to people before and they had told them same thing that unfortunately I had to tell them which is that you have to leave the country for 10 years. And so they you know understandably decided not to do that.

[00:45:30] And so that's a huge barrier for people that I hope I sincerely hope our country will sometimes fix because I think if we want to create a pathway for people this is a big barrier that's preventing people from legalizing their status.

[00:45:46] So so we've talked about all the ways that people get to this green stage. So what happens when you get a green card.

[00:45:53] Now one of the things is that when you get to this lawful permanent resident stage there's some countries where actually the kind of like require you to then become citizen after a certain point. And it's important to note that we don't do that. So if you get to lawful permanent residence you could stay as a lawful permanent resident for the rest of your life. There's no there's no timeline. You do have to renew your green card generally after every 10 years. But you know as long as you're still in the United States and you don't do anything that would make you subject to deportation you could stay here indefinitely in that status. However and this is something that we of course would like people to do is after a certain period of time generally five years. But if you're married to a U.S. citizen the timeline goes down to three years. You become eligible for applying for citizenship. Right. And there are some other requirements that I'm not going to totally get into but those are the kind of the general rules. And so then people go through another process called the naturalization process to be able to get U.S. citizenship. Now it's important to people to be careful and one of the things that we do advise people is to make sure that you know for a while for a lot of people the naturalization process is going to be relatively simple. It's really important that people get good legal advice while going through that process because during that process immigration does another set of background checks and another you know very tough screening of people and they sometimes will identify issues that were not uncovered before or things that have happened since the person didn't think were a big deal.

[00:47:37] And so you know and just to give you an example like smoking marijuana hey it's legal here Washington State right. Great. No problem. It's not illegal. Not according to the feds. OK. So that could be an issue that like the person legitimately may think like I didn't do anything wrong. Right. But that could be an issue in the naturalization process. Right.

[00:47:59] And so it's really important for people to get you know good legal advice in those situations to understand what the risks are about going forward with their naturalization application because sometimes it may not be to their benefit because that might actually a may be a situation where that may make them deportable and subject to deportation from the country and they might end up. And we've had situations where people after many decades they go apply for citizenship. Being a lawful permanent resident and not only do they not get their citizenship but they are now subject to deportation that put into deportation proceeding in immigration court. And again this is not to discourage people from applying for citizenship. We do want people to apply for citizenship because you know until you become a citizen you are subject to potential deportation. But you know just that people get a good screening before they take that step.

[00:48:51] And the other thing that I wanted to mention here just quickly because I know people have asked us a lot of questions about this. There's been a lot of things in news about the fact that you know the administration is moving to actually try to take away citizenship from people and they want to say yes there is a process by which people can be had their citizenship taken away even after they've completed the process and they become U.S. citizens. It's called the naturalization process. And so yes that could happen. But as a practical matter I will say it generally only happens in more serious cases of fraud. Now we have seen some cases where the administration is going after people for things that I think are relatively minor. But I want to so it's one of those situations where I don't want to sort of say like it's not happening. But I also I think there's been a level of concern that I think it's a little bit of unwarranted from U.S. citizens who are naturalized because I think that they that's not a common occurrence.

[00:49:55] I guess I would say that people that the government code for for the naturalization process something certainly for people to keep an eye out because we think the administration is being as in many other areas very aggressive. But I also don't want people to think that if you are a naturalized U.S. citizen that there's a high risk that that's going to happen in your situation.

[00:50:16] So the other thing that I wanted to quickly mention is a lot of people say well you know this person doesn't have a green card but they've got a work permit and a lot of people say like you know maybe I don't qualify for the green card but all I want is a work permit. That's really what I want because I want to be able to to work. So how can I just get a work permit. And the thing about it is that so first of all you know if you're a lawful permanent resident you know you have work authorization you can work and live here and you can move around. But if you're not then there's all these categories of people that I mention. Remember we talked about the three categories of lawful residence. And then people in temporary statuses. So there is some people in the temporary status category or people who are applying for permanent residence who may be able to get a work permit

temporarily and that's tied it to whatever immigration status they're pursuing Muldoon's going to be talking about the Dokka program later. So that would be one avenue that you can get a work permit. Right. And so that's the key thing about that as we talked about before is that it's temporary.

[00:51:21] So it's limited in the time that you can have it. And it doesn't convey whether it means that you do have some permission to work. It doesn't mean that you have permanent status. And a lot of times people confuse the two because they see the card that looks like it might be kind of like a green card but that doesn't mean the person is going to be able to stay here. And it just depends on the categories and we'll get into more detail about that. Now if you do get a temporary work permit then you can get a Social Security card from the Social Security Administration and that will usually have a designation that says you know this is only valid with a work or work permit. So that's how people are able to get employment and be able to complete their taxes using that social security number that they were issued.

[00:52:13] But if you don't have you know if you don't qualify for some of those temporary protections that we're going to talk about in more detail you know they're not just giving away work permits because. So you always have to have some status tied to the fact that you have that work permit.

[00:52:28] That's that's the story on the Employment Authorization Document as is often referred to or work permit.

[00:52:36] Ok so I want to kind of review and talk a little bit about this this idea of of how to get a green card just illustrate a little bit in a in a graphic says so again when people are coming to ask can they qualify for a green card. There's like a couple of steps. Right. So the first step is you have one of these ways to be eligible for a green card.

[00:53:02] Right. Do you even meet the criteria.

[00:53:05] Do you have a family relationship do you have unemployment you have an employment relationship that you have asylum or do you qualify for one of the protections. Right. So that's the first question then.

[00:53:18] So let's say the answer yes. You have a family relationship. But then you have to find out is this subject to a waitlist because you could start the process but you're not eligible to get the green card right away. You're going to have to wait for long time. So let's say the answer is Well it's an immediate family relationship right.

[00:53:35] So you don't have a wait list so you can you can you can pursue this. So then the next question is it depends a little bit on whether you're in the United States or not. Because it's possible that you could be outside the United States. And so then you are going to do the processing at the consulate.

[00:53:55] But if you're in the United States then the question is are you eligible to get the green card here. Right. And so we go back to the example that I gave you about the family. The couple whose child could petition for them. Right. So they are in that in that category above and so they're in the eligible to adjust. And what we've decided is that because they came here to the United States without permission they're not eligible to adjust. So they're going to have to like you know we had to examine whether they were subject to one of the bars and they were. And so that's part of the problem. Even if there were not subject to the bar they would have to do the processing of the U.S. consulate so they had to leave the country. Right. If the person is eligible to adjust them they can do the application and they can do the interview and the processing here in the United States. And that's that's the process to be able to get to the green card. But you can see all the different places where they could be an obstacle for people to be able to get status.

[00:54:54] Many people you know don't even have the can't even get past the first stage of being eligible to petition. And that's part of the next slide which is what are not ways to get a green card. So you know people ask us you know we talk a lot about the ways that people can get green cards but here are some issues that people raise to us all the time and they say you know you know I think the person who has this criteria so they must be eligible. Right. So probably the most frequent question is like I can't. United States at a young age. I came to United States when I was 2 years old and I've lived here my entire life. And so this is the issue that often gets referred to in the news about the situation for dreamers. Right. And this is people who came to the United States at a very young age have lived your entire life but still have no legal permanent status.

[00:55:47] And so and there's been proposals in Congress and the term sort of dreamer comes from the law or the proposal the proposal that was introduced that that that's known as the Dream Act that's been pending in Congress since at least 2001 and that would provide a pathway right so that when I talk about those categories for immigration status like that would be one for four be able to get green card status. So that has been pending before Congress and it has not passed as there's been multiple attempts. There's been places where he's got pretty close but it never passed Congress. And so that's still just a proposal. And so as we speak there's still no way for somebody in that situation just because they came at a young age to get a green card. Now later we'll be talking about the dakka program and the protection that President Obama enacted and the people who got Dokka status. But that does not entitle them to a green card. OK. Just by themselves. So that's one thing. Having lived in the United States for a long time. So again going back to make sample of the couple has lived here for 30 years.

[00:56:55] I think the person referred them said there must be some way right like if you've been here for 30 years there must be a way that you just can apply for a green card.

[00:57:03] I certainly wish that was the case. But that is not the case. There's an old provision called registry that's if you lived here since since before 1972. But that's not applying to a lot of people these days. So generally speaking just the fact that you live here for a long time doesn't doesn't qualify having children under 21.

[00:57:26] So if you have a child under 21 a lot of people think like oh people come to United States to have a child. And that's going to allow them to be able to stay in the United States.

[00:57:36] Not the case.

[00:57:38] So you know I tell people it's it's just a very inefficient way to get a green card because you have to wait until the child is 21 years old and then they can petition for you. But then as we talked about it with the couple that I mentioned then they have to wait the additional 10 years outside. So it's you know if that's the way that people are going to try to get in the courts it's not going to doesn't work that way. So that is not an option for people who have children who are U.S. citizens in the United States who are under the age of 21 having a very good committed workers so a lot of people will come to us and say you know I'm an employer I have somebody who just got the Taine who is the key person in my business can I.

[00:58:15] Is that enough. No I mean there's the employment of visas that we talked about but again as we mentioned as a practical matter that only covers a very narrow group of people. And so that's not going to be sufficient. And then the other question a lot of people ask us is like well this person has serious medical issues. Is there some way that that qualifies them to be able to stay here. And unfortunately the answer is No.

[00:58:38] And that generally applies also to the two to the children. That by itself is not sufficient. Now is going to be talking later about there are Purt.

[00:58:49] There is a protection when you're already in immigration court where that might be that might be an avenue.

[00:58:55] But it's only for people who are ready in deportation proceedings as from deportation not something that people can apply for affirmatively. All right.

[00:59:04] So now we have talked about the different ways to get immigration status.

[00:59:12] Let's talk a little bit about the process of deportation and what that looks like.

[00:59:19] And so when we talk and the reason by the way well we'll you'll you'll see this term removal. Well like what does that removal what does that mean. Well the immigration statutes when they changed the law back in 1986 they used to be called deportation proceedings formally in the law but then they changed it to removal to try to make it sound nicer. They were not deporting you or removing you from that country. But of course it's the same thing so I usually just turn to refer to the same as deportation just because I think that that really conveys what this means that you're you're being taken out of the United States involuntarily. So when Woodfox and end this removal process and this deportation proceedings. The question is you know that is being asked this Should this person be deported from the United States. And you know a lot of times people think that that's like a

simple thing but it's not. And there's there's two big things that need to be resolved in the deportation proceedings.

[01:00:15] So the first question is is this person actually subject to deportation. And you'd be surprised because you might think that that's kind of simple again but but it's not. We have had many many U.S. citizens who have been put into the deportation system.

[01:00:33] I I I represent somebody who is in the Northwest attention or Tacoma who spent seven months in detention who had been not a U.S. citizen but had served in the U.S. Army. And he was still he was actually ordered deported by the immigration judge because immigration had the wrong file. And they thought he was undocumented and when he was in fact a naturalized U.S. citizen. So that's you know obviously you should not be deported if you're a U.S. citizen. There's also questions when you're a permanent resident and you and the government saying that are subject to deportation because you committed a criminal offense and you know there may be questions as to whether that conviction even if you do have a conviction actually qualifies as one that merits you being deported. So there's questions there in that first stage right. But let's say that you get past that first stage that you are undocumented you don't have legal status. So you technically are subject to deportation right now. But then the question is are you eligible for some way to obtain status that would allow you to stay in the United States or to or for defense from deportation. And so there's there's kind of a long list of things that could possibly meet that criteria. It could be asylum that you could ask the judge to grant for asylum through the deportation process especially if you're somebody who recently arrived the United States.

[01:01:58] One of the things that I had mentioned earlier is that asylum and we'll tackle I think a little bit more about detail about the one year deadline for asylum that we'll cover later. It could be a family visa process. So it could be that you're married to a U.S. citizen and you could go through the family visa process during the deportation process. And so there's different ways that you might be able to pursue immigration status even during the deportation process. And so you know that first question of whose removal we talked about you know people with no status right now and then and then the green card holders who you know primarily because of a criminal conviction may be subject to deportation. Now one of the things that I want to explain is that we're going to be talking a little bit about the process for the immigration court system. There are some people who are not put through the full deportation process. Generally people who for example. And this is something that we see more more frequently people who have been deported previously and come back are not necessarily they could but are generally not going to be put through the whole deportation process again. And getting a hearing before the judge. And there's other situations some people who have recently arrived who may not automatically get a hearing before the immigration judge.

[01:03:21] So that's also important to keep in mind. Now how do people end up in this process. That's the question people ask is How do people end up in a deportation hearing. One of the main ways is through interaction with the criminal justice system. They were arrested or they were sometimes just detained by a local law enforcement official and they called ice you as some of you may have seen in the news the case and we're actually still litigating this case in tequilla where Klein called 911

because he thought somebody was breaking into his house and the police when they came they read his name in the database and they saw some notice and wasn't really a criminal weren't it was something from immigration and they because of that they went and actually drove him to immigration. So what I say interactions with the criminal justice is and I don't necessarily even mean like the person is being arrested. We've seen situations where somebody was trying to get help from the criminal justice system. It ends up in this process. But you know primarily is because there's been this been an arrest and people have been brought. And I will say that sometimes so sometimes there's things that like we believe the justice system is doing wrong in terms of reporting people to immigration as the case that I just mentioned.

[01:04:39] But there's also the fact that the information when people are arrested and fingerprinted is shared with the feds and this happens even in places like King County and Seattle that have tried to adopt policies again. Take a guess. And the reason is simply because the way the system is set up when when we run people's fingerprints meaning the county at the county jail runs the fingerprints to check with the FBI database for criminal issues right for whether somebody has a warrant or has a prior history. The FBI then shares that with ice. And so it's a little bit out of our control. Once the information gets shared with the feds what happens once that once that happens and that's been happening for many years already. So that triggers a lot of times. Ice becoming aware that somebody is in the King County jail even if they even if the county itself has not acted you know telling them that system means that a lot of people are identified that way if they've had a prior contact with immigration in the past. Other ways that people get up in the deportation process. Somebody goes to file an application. So I mentioned a situation before where somebody goes to a lawful permanent resident and they go to apply for naturalization.

[01:05:55] Finally when you become a U.S. citizen because they want to vote and you know in their application they ask about have they had any criminal convictions and they said well yeah I was arrested for pot possession or know possession 20 years ago and it wasn't a big deal. I didn't. I just got probation. Well that could make somebody subject to deportation. Right. And so that they may end up in the deport Taishan process that way. And of course we're increasingly seeing and this happened before but I think there's even more of this where people are getting detained by immigration put in deportation proceedings just because of increased ice and border patrol activity. So one situation that we see frequently mentioned somebody who might have a prior deportation order. So let's say that it's me Jorge has a prior deportation order ISIS looking for me. They're trying to track them down and they find my address. Right. And so they go and look for me. They usually try to do it early in the morning and because they generally they frequently don't have an actual warrant that they can go into somebody's house. They might wait outside and what a situation is that we see frequently is that the person maybe is with other people so let's say that they happen to be giving a ride to work to three other people to you know to my worksite.

[01:07:09] And so I pull off from my in my car I'm driving and ice pulls me over because they're coming after me to arrest me based on the prior deportation order. But I have three friends in the car and then the ice officers start questioning everybody else is in the car and if the people say when they when they get asked you know do you have papers. And they say no they're going to be put into the

deportation system and likely the detention system. So that's that's something and that's like sometimes you'll hear like this issue where people say like well there was a sweep of people and the ice people said like No no no we're never doing that. We're just two in targeted enforcement. Well the problem is that yes they might have been going after that one individual but you went ahead and picked up all of these other people. And so and so the other folks you know where just happen to be there are the wrong time essentially and they ended up in the deportation process as well.

[01:08:00] So when they do end up in the system in the immigration ward they end up in and in our state we have two generally two courts in our region although I'll talk in a minute that we've had some temporary courts. So generally people are either going to go into detention when they're put into deportation system and I'll talk about detention in a minute and then they're going to go before the Tacoma immigration court or they're going to have a notice to appear at a hearing later on in the Seattle immigration court which is the one that handles non detain cases. And one of the key things that I want people to understand is that when you get put into the system and I'll just show you quickly here this is what it looks like in the Tacoma immigration court. And so it looks like any other courtroom right or you have the judge with a black robe and the desk at the front. You have a government prosecutor called the trial attorney from Immigration and Customs Enforcement that's making the case of why the person should be deported. And then you have know people sitting in the middle who are a person who's facing deportation.

[01:09:07] And now if the person can afford to hire a private attorney they can bring the attorney to them with court. But if they can't afford an attorney they're not entitled to appointed attorneys in immigration court. Right. So there is no public defender system like there is in our criminal court system in the immigration court system.

[01:09:27] And so you can see here that the statistics that are around in the Seattle accord around 35 percent of the cases go through without somebody representing the individual. But even more distressing for people who are in detention are a 92 percent. The numbers may be a little better but it's between at least 85 and 90 percent now who are unrepresented. This is the statistics from a few from the latest official statistics. We think the numbers may have improved slightly but not significantly.

[01:09:56] We still have more than four to five people going through the immigration court system without representation in detention. So what people are given is they are given a list of pro bono legal services and I realized that's kind of small print there.

[01:10:12] But you see that there is a limited resources in that area and that that's why a lot of people end up going to have to go unrepresented. So I mentioned that there's a lot of people who when people are put into this deportation system immigration generally has some discretion as to whether they're going to be detained or not pending the immigration court hearing. And the problem now is that you know because the detention system has expanded it used to be that detention was kind of the exception rather than the normal. Most people would not be detained and they would just detain people who they really considered a high risk or a possibility of of of danger public safety. But now it's

kind of the opposite. Right now it's that most people get detained. And it's almost like the exception that people get released and not have to go through the detention system. So people that end up at the Northwest Detention Center in our region there. It's a privately run facility so it's not it's not owned by ice. The building is owned by the contractor and they operated under contract with Immigration and Customs Enforcement. It began in 2004 and then has steadily sort of expanded until its current capacity of a thousand 575 people at a time. And and generally right now we're close to capacity.

[01:11:34] And you know so there's that as I mentioned the government agencies on site or the immigration court system the our agency as well as ice that has both the deportation officers and the trial attorneys there and and the people who are there are both people who came to who were detained here local police local community members and we've also seen over the years many times asylum seekers who are detained at the southern border and then who are brought up here so that they can go through their proceedings here on as many of you may know recently the government now transferred another group of 200 people were transferred or earlier this summer in to the Federal Detention Center which is a different detention center which is a federal prison run by the Bureau of Prisons. So folks were there and they were actually going through. I mentioned a temporary immigration court. They actually had kind of a it's it's hard to describe it as a temporary immigration court because it is basically just one of the visitation rooms that they were using as a temporary court. And and people have been going through the purchase procedure there although we've recently learned that apparently most people now are going to be transferred if they haven't been already to the Northwest Detention Center.

[01:12:49] But I think it's because our Northwest Detention Center is basically a capacity. I'm concerned that we're going to continue to see this kind of use of other facilities to detain people. Both the local folks as well as people from from the are being brought up here. This is a little bit of what it looks like inside the facility and we could talk more about this. I think you know there's a lot of concerns I mean you know overall you know we're concerned about the fact that people should not be in the system in the first place. But there's been a lot of concerns about medical conditions about treatment. You know even just basic sort of privacy issues when so many people are detained in a place like the Northwest Detention Center. And then how people sort of end this system and get out of the system so you know a lot of people ultimately you know either either because they've gone through the process or because they didn't have any defense they end up in deportation day. They are ultimately deported to their their home country. So that's one way that detention ends. There's people who can pursue something called voluntary departure which means that you don't get a formal deportation order. So on paper it looks different. But the reality is that you're still being sent back to your country and so that that's also had happens people some people are eligible to ask the immigration judge to you know you can ask immigration to release you on bond. But you know ice doesn't do that frequently. So then you could ask in some cases you then are able able to ask ice ice or the immigration judge to grant you bond and set a bond amount.

[01:14:26] So that's when you know similar to one in the criminal justice system would be bail. One of the differences that you have to pay the full amount. And so that's a big barrier for people because one of the things that we've recently gotten forced physics honors the Tacoma immigration court. It's

ted for first in the country has the highest level of bond amounts in the nation. And so the average bond amount for somebody in Tacoma is fifteen thousand dollars. And so imagine having to pay fifteen thousand dollars to be able to get a detention. A lot of people make me get bond but they just can't pay it. So that's a huge barrier for people but some people are able to get released. And keep in mind if you do get a release some bond that doesn't mean you're able to stay in the United States right. That just means that your case is going to continue in the Nahm detain docket in the Seattle immigration court. You know parole is something that again immigration could give you to let you out without having to go through an immigration judge. And then you know the other way that people could get really some attention is if they go through the deportation process and they are granted a form of protection and they're eligible to stay in the United States with one one of these protections some of which we will turn to now. I'm going to turn it over to my colleague Maloof who's going to be doing the rest of the presentation. Thank you for this. And we'll be tackling questions later.

[01:15:47] Good morning everyone. Thank you for being here and being interested in learning more about how we can work with our communities and just remembering that sharing information and correct information is important. Hood had mentioned a lot of relief or different options for people who are not in removal.

[01:16:10] Earlier when we talked about what type of benefits can someone apply for or petition for this part of the presentation is related to the removal of Defense options for people who are undergoing removal proceedings. And when someone as mentioned as mentioned earlier when someone is placed in removal proceedings they are being charged they're issued a notice to appear and then they're given a notice of hearing and the notice of appear to appear it shows that charges that the person has. And so if someone was admitted to the U.S. either on a visa immigrant visa nonimmigrant visa like a visitor's visa or they are a lawful permanent resident they would be subject to portability grounds.

[01:17:04] If someone has not had immigration status so they enter with permission. For example they would be subject to an end disability grounds and wants to under going through those proceedings when they show up to the court. And you saw the picture earlier. They show up to the court. They have to go and represent themselves because again there is no right to counsel in immigration proceedings. They go before the judge. There's an expert prosecutor next to them the government trial attorney and they have to tell the judge whether they accept the pleadings or the plea how they plead to the charges so whether they accept or deny and then they'll have to tell the judge what they are would be seeking what relief they would be seeking.

[01:17:56] And if you're not familiar with what relief options I have for example it's going to be difficult for someone to say I would like to pursue cancellation or removal for example or adjustment of status. And so the judges have to go through reading the rights at the beginning and making sure that the person understands why they're in removal proceedings and they ask questions do you have any. Are you married. Do you have any family who are lawful permanent residents are U.S. citizens for example.

[01:18:28] And then that's how ultimately the person who is not represented is able to tell the judge I have a U.S. citizen spouse and then the judge may say you might be eligible for adjustment of status or there is cancellation or removal possibility. And that's how a lot of people learn especially in areas where there are no services available across the country.

[01:18:55] And we'll talk now about what cancellation or removal is.

[01:19:00] And this is a defense heard mentioned earlier that you know there might be situations when people think I have a child who is really ill with would that help me stay in the U.S.. And he said we're going to talk about how in certain situations this might help. And it's very unfortunate that you know having a family member who is ill might help you stay in the US as opposed to having a child period. So it's available it's the defense and the person.

[01:19:35] There are two types. So remember we talked about whether someone is admissible or deportable if someone is currently a lawful permanent resident there is an option for a cancellation of removal for lawful permanent residence if someone is not a lawful permanent resident then there's something called cancellation rule for non life on Earth. And if you're not a lawful permanent resident defending your status you're going to going to have to show that you have been in the U.S. continuously and physically present in the U.S. for ten years from the time of entry. You also have to show for example how you've contributed and if you have a family member who is a qualifying member qualifying family member it would be a spouse child or parent who are U.S. citizens or lawful permanent resident. If your child is now over 21 that's going to be difficult because you would have to show that they would suffer extreme and unusual hardship without you in the U.S..

[01:20:43] If this grant is if this relief is not granted and within the 10 year period you have to show that you also have good moral character. And so then that means that if the reason you're in removal proceedings is because of a criminal charge or a conviction you have to show how that particular conviction does not break the good moral character eligibility. And if granted

[01:21:15] The judge will tell you. OK. There are certain visas available. So these pieces become available in October. We had a hearing for someone in July. We still don't have a decision. And you can see how someone can be waiting for a while. Now let's talk about lawful permanent residence instead of showing 10 years. They have to show seven years of continuous physical presence. And again they have to show that they have a qualifying relative that they meet the more character eligibility.

[01:21:51] And and again just to emphasize this is only as a form of defense.

[01:21:58] And at the end just a reminder that if you have any questions about this feel free to ask another protection that people are eligible for is the Violence Against Women Act or self petition process that protects spouses and children of abusive citizens and lawful permanent residents.

[01:22:20] Parents can also be protected through this self petition if they have an abusive child who's over 21 and as a U.S. citizen or lawful permanent resident if it's abuse through a spouse they must show that they were married in good faith and that if they are now divorced that the marriage hasn't ended more than two years ago. So it's a very limited window when people are able to to petition for themselves. If it's through an abusive spouse and the abuser here in this situation the person who self petitioning must demonstrate that the abuser is a U.S. citizen or a lawful permanent resident and sometimes we have situations when they believe their spouse is a US citizen or a lawful permanent resident.

[01:23:12] But there's no proof. That's why it's important to work with immigration advocates or representatives so that we can try to find ways to demonstrate the eligibility and this particular relief does not require to have a police certification.

[01:23:32] And some of you are familiar with the visa process and we'll talk a little bit more about that later. But here in the context of a self petition because someone has suffered abuse or extreme cruelty there is no certification required and there does not need to be any police. Report or record that the person has been cooperative in any investigation. Their declaration is the most important part

[01:24:01] Of this form of relief. And again if for proof they would be granted lawful permanent residence status so green card status.

[01:24:11] Sorry. Before we continue you'll see that Viola or self petition is available in both affirmative petitions so when the person is not in remote proceedings but this part of the presentation is for removal proceedings purposes and the VCM. How many of you are familiar with the visa for survivors of crime.

[01:24:33] So this has been in existence since the year 2001 or was first enacted through the voucher act. But there were no regulations as to how someone could apply to get a visa until 2007. So it's kind of recent relief. But what this relief would do is that if someone can demonstrate that they were a victim of a crime in the U.S. or that the crime violated U.S. laws they would also have to show that they cooperated with the investigation or prosecution no prosecution is required necessarily so they have to show some sort of cooperation with the investigation identifying identification of the crime or the prosecution. So a judge for example can sign certifications. And earlier I mentioned a certification is not needed for self petitions here in the U.S. context.

[01:25:33] It is needed and what is the certification. This is a law enforcement Certification form I 918 be some of you are familiar where you would have to ask the law enforcement agency who conducted the investigation to certify and say that the person applying for the SO or the person who who suffer the crime was helpful in the investigation is currently being helpful or will be helpful.

[01:26:05] And of course that's discretionary. And so if you live in certain parts of the state or the country for example you may never get access to this relief because you would probably not get a

certification. And the good thing about this visa is relief if you are able to file a petition for yourself if you're married you can petition for your spouse and your children under 21 can be petitioned for.

[01:26:33] If you're under 21 your siblings who are under 18 can be petitioned for and it's a really interesting form of relief because the reason why it was enacted particularly was to encourage cooperation with reporting of crimes because we saw communities being targeted and afraid especially in the domestic violence context and suffering assaults or crimes that people felt afraid to report. And this is why the whole concept of introducing the visas was where it was a dual intent. So for the person to benefit and also for law enforcement cooperation within the communities and there are 10000 visas each year.

[01:27:24] When I started working at Nyrop in 2000 8 as a volunteer we would file he says and we'd get a decision in two three months. In 2010 we would file a visa for a family member a family of five and we'd get the visa status in like three months. And it was really interesting to see because once you got the visa as mentioned before you also got work authorization and this work authorization is valid for four years. Now it created a lot of access for our clients.

[01:28:05] If you're in removal proceedings right now and you want to file for a visa guess how long it's going to take for you to even get through the wait list. About four or five years that's how long it's taking. And it's not just waiting because potentially there will be requests for evidence that you would have to respond to if you are given deferred action.

[01:28:38] It's a protection while you wait for a decision on the visa. You can qualify for a work permit before you get the four year work permit and it's it's a good thing but it's also this is when he mentioned the wait lists are valid wait lists are pretty long. And the thing now if you're detained and your only relief is a visa.

[01:29:05] Think about what that would mean especially now when judges are being encouraged to deny continuances of removal proceedings so someone goes to their court hearing the very first day when they're telling the judge OK I accept the charges against me and I want to apply for a visa. The judge is going to say well this is going to take four years because the judge himself or herself can't adjudicate the visa the visa has to be decided by USCIS. And remember all the agencies earlier. So you are working with multiple agencies and the judge is going to say well that's going to take too long. What relief do you have before the court and then they're going to ask Do you have asylum claim. Do you have consultation or and will claim that they're going to start asking down the list what relief do you have. And if the person only has a visa potential most likely the judge will likely order them removed or voluntary departure voluntary departure. I'm not I can't remember if it was mentioned. It's a relief where someone can get it. And there are two types of voluntary departure this pretty conclusion at the beginning before the end of the trial or at the end of the trial.

[01:30:22] But if you are at the end of the trial asking for voluntary departure you must also show that you've been before you were placed in removal proceedings. You were in the U.S. for a year at least a year. And so a lot of the recent arrivals so people coming in don't have that one year. And if they

don't have relief or if they get denied asylum for example they can't get voluntary departure. They will have to get a removal order. And so this is just an idea of what people are going through while in detention and also in removal proceedings because if you're not detained you're still going through the same conversation or discussion with the judge. This is my only relief and most likely even now actually before the visa granted we were able to terminate removal proceedings and say OK the person now has status lawful status they can work in three years. They would be able to apply for to become a lawful permanent resident five years down the line. They'll be able to become a apply to become a U.S. citizen potentially.

[01:31:29] Now what we're seeing is even a grant of visa status is being challenged by the government and the judges are even now having less discretion to terminate removal proceedings. And I don't know how familiar you are with the immigration law but there are there are a lot of cases that the U.S. attorney general is referring to himself and that's changing case law and the way things are in our practice as immigrant rights advocates. And we'll talk a little bit later about what those changes are.

[01:32:08] Now asylum and withholding of removal. What if you're not in removal proceedings you can apply for asylum right. But if you're in removal proceedings you could also apply for something called withholding of removal and protection against the convention.

[01:32:25] Sorry protection under the Convention Against Torture CAT. So there are three things. When you file an application for asylum you can tell the judge actually I want to be consider for three different things cat convention against torture protection withholding of removal and asylum and remember asylum you have to file within a year of your entry to the U.S.. And a lot of people in our communities may not be eligible for that asylum process where they've been in the U.S. longer than a year and they never apply for asylum in the U.S. And so they may get granted withholding a removal or Venton against torture protection.

[01:33:12] And again they have to demonstrate that they would be persecuted in their home country because of race religion nationality political opinion or membership in a particular social group. And you heard how things are changing like the definition of what being a member of a particular social group is changing. And one of them the cases that heard him mention about domestic violence and the definition of whether someone who's been a victim of domestic violence in their home country could be protected for asylum.

[01:33:45] Potential relief is one of the cases that we're seeing the U.S. attorney general like you know looking into and changing things OK. I'm seeing we're also seeing a lot of people placed in removal proceedings who are youth.

[01:34:08] And if they don't qualify for a family petition for example or you visa you know all these other different protections that we've talked about there's something called special immigrant juvenile status. And in 2013 if you guys remember we started hearing about unaccompanied youth coming in through the borders.

[01:34:32] And we saw a rise of youth coming and without adults. Right.

[01:34:40] And a lot of them were becoming eligible for this protection special immigrant juvenile status. And what it is is that. The youth has to go through two different in order to get lawful permanent residence status they have to go through two different process. The first process is first go through a state court to get a predicate order that dad has to find for example that the that the use cannot be reunified with one or both parents because they've either been abused neglected or abandoned and that it's not in the best interest of the child to be returned to the parent. And so if the wants the court finds that they also have to determine whether the child becomes dependent of the state or there might be a third party custody

[01:35:35] Because the child cannot be reunified with one or both parents. And so once the child the youth gets that order then they can apply for the immigration benefit part which is the same concept of a self petition.

[01:35:51] They're petitioning for themselves and but they're also subject to the Visa Bulletin. If you remember there was mentioning.

[01:36:01] If I am a U.S. citizen and I want to petition for my sister from the Philippines remember those numbers in those states that the eligibility or availability of visas for SJS are also subject to that Visa Bulletin and that Visa Bulletin changes every month. And so here for the SJS the federal law says that the youth must be under 21. But then if we're working with state courts you also have to follow that. And here in Washington it says the youth in order to be found dependent has to be under 18. And so there's a time Rush because if someone comes into our office and says I'm you know I don't have any parents for example or my parent abuse me back home the country where I recently immigrated from. Then you have. And they're 17 then you have to hurry up and try to get the state court order done. And you know we're seeing a lot of that in our in our work more recently here in Washington because of this discrepancy between the 21 and the 18 year old cap for for relief. There was a recent law signed in 2017 and this is called the vulnerable youth guardianship and this allows 18 to 20 year olds to qualify for us IJA.

[01:37:30] So it's the same concept they still have to demonstrate the eligibility. But now we were able to see more youth be protected under this relief. However we're also seeing a lot of pushback from the benefits agency of the Department of Homeland Security USCIS who would be adjudicating this form this self petition and they're pushing back and they're saying that there's a

[01:38:01] There's a disconnect because state law says that they have to be under 18 but they were saying but there's this new law that says that they can be under 21 and it's in compliance with federal law. And that's the kind of pushback that we're also getting and go home. You'll hear me say that a lot. Like it's our clients but it's also our clients are going through a lot of attacks. And the advocates are trying to figure out best ways to try to. Respond to that and try to continue to work within this

system which is as you know very complex. But it's also difficult to try to be the best advocate when laws and practices are changing constantly.

[01:38:48] Other protections so TV set for victims of trafficking and this can be human trafficking or forced labor for example or sex late sex trafficking. We do see this also in the context of removal proceedings as a defense. And these are kind of like the Eubie so where you would have to have suffered a crime. You don't need a certification. Right. Unlike the visa.

[01:39:22] And at first we used to also see that TV sets were being processed quickly. Now they're also taking Awilo other protections include us. And as you know there have been announcements of termination. And I think September 20 18 is the first country that is going to have a termination.

[01:39:46] I can't remember which exactly but we let me see if it's here. I don't think it's here.

[01:39:56] We know that a lot of communities who have benefited from CPS have been here for decades. And as you see they were first issued us protection back in 1999. Right. So you can imagine if this goes away and the person doesn't have eligibility for relief like the parents for example that hoto was talking about that had been here for 30 years and they had over 24 child.

[01:40:29] Imagine if they had CPS then they would be able to live and able to work in and be somehow protected.

[01:40:38] So if CPS goes away we're going to see a lot of communities impacted.

[01:40:43] There is one case that nerv worked on and in that at the beginning in the introduction we talked about how our work is not just directly legal services but we also provide impact litigation so systemic advocacy through our litigation. And one of the cases that was recently decided I think in 2016 allows for people in status who live in the 9th Circuit so around here like the states around here to figure out if they can be petitioned for if they have TPA so that they have current TPF status and they have a U.S. citizen child for example like in the case of the of the parents who have been here for 30 years if their 24 year old daughter petitions for them and they're in TPF status.

[01:41:42] They can potentially adjust in the U.S. without having to do the consular process.

[01:41:49] And this is in the Ninth Circuit and then the 6th Circuit if you're familiar with anyone who has CPS again please refer them to have a consultation or an intake with either our organization or someone who is experienced in immigration law.

[01:42:07] All right so Daco what have you guys heard about duck Yeah.

[01:42:14] So it was first introduced in 2012 and we know that it benefited people who entered the U.S. before they were turned 16 years old and they had to prove so many different other eligibility factors in order to get Dokka. And when it was first announced announced it was made clear that this

is this does not provide lawful immigration status. Like for example getting a green card right. This is not it was a temporary status. And you know it was a work permit for two years. And that it could be renewed. And in order to get that you had to prove that you had been in the U.S. since at least June 15 2007 and that you had continuously lived in the U.S.. Since that date. You also had to show that you either graduated from high school obtain your GED or they you were enrolled in school. And you did not you could not apply for Dokka if you had certain disqualifying criminal convictions. Like for example DUI. This is the first time in 2012 when we when we saw certain categories of crimes.

[01:43:33] I forget what it was the particular.

[01:43:36] I can't remember the name of the crimes but DUIs domestic violence for example would make you ineligible for Duncombe but then 2012 13 14 15 16 17 September 2017 the current administration said OK we're going to announce that Dokka is now going to terminate.

[01:43:57] And you have one month to do to apply if you wanted to to renew and then we saw lawsuits happening more recently there was that Texas decision.

[01:44:11] I don't know if you guys are following or are familiar with but there had been an argument that there had been reliability right reliance on this and that the states who were suing could not necessarily argue that they would suffer an impact if this had been in existence since 2012. Why didn't you think about this before and now you had been relying on this protection and actually not so young people also.

[01:44:44] Right.

[01:44:45] And now I think we're seeing that renewals are possible. We have organizations saying if your Dhaka's is going to expire before 2020 renew now. But if the person renews now we're seeing that they're being adjudicated in within three months. So it's a quick turnaround. So they have a plumbing and other station document through Dokka that expires in 2020.

[01:45:15] And you know it's up to the person to submit the renewal now and potentially lose that time or wait to see what happens and then file. And you know the lawsuits are still pending and we don't know what might happen.

[01:45:37] But we want to encourage those who are eligible for Dokka to continue renewing if that's a possibility and if that's what they want to do. And again if there's any subsequent arrests or convictions that someone has said it's important that they consult with an immigration attorney or representative so we when it was announced that was terminated we weren't sure necessarily what that would mean.

[01:46:05] A lot of people were thinking well is immigration going to go after everyone who file for Dokka. What about the family members because addresses were listed and it was it was just a really uncertain real uncertainty when that was announced. We know that now six specially with executive

orders. That happened in January 2017 around enforcement. Anyone who is undocumented unfortunately is at risk.

[01:46:35] Before we had this list of priorities where we knew that the Department of Homeland Security would not go after someone for example who had a final order of removal before January 2014. We knew that if someone was a survivor of violence or a single parent they would be some positive discretion where they would not be necessarily detained.

[01:46:58] And as you heard earlier detention has now become common very common and the norm of when someone who is undocumented is apprehended by the government.

[01:47:11] And of course having Dokka again does not mean that the person has lawful immigration status. And so they they remain to be at risk. And we definitely remind the community to to be careful with any arrest that if there is a prior deportation order that they talk to legal representatives who know about whether there could be any other option for them and if they do come into contact with the justice system to seek out immigration advice.

[01:47:43] Also one of those executive orders in January 2017. We saw the enforcement part orders but it also included this Muslim ban and it was.

[01:47:56] And as you remember I don't know if you were there but you know the airports. We saw a lot of community members there saying let them in.

[01:48:05] And we were there was a lot of chaos. It had been announced on a Friday I believe and then Saturday morning we were there at the airport trying to figure out what was happening and who would be let in and who was subject to this ban. And again lawsuits were filed. There seems to be a lot of lawsuits going on right. We know that the first of all was introduced in January and then subsequently there was a second version in March and then the third version in September. Unfortunately the U.S. Supreme Court upheld the third version and the proclamation. And we know that seven members or citizens of seven countries remain banned. Let me see if I listed them at all. I don't have them here but not theirs. You know North Korea and Venezuela. Not all citizens are certain citizens. But then we know that the remaining five countries a lot of them are Muslim majority countries and this is why it's called the Muslim ban. We have a client who was our plaintiff in the lawsuit that we filed. Miss Ali and she still remains separated from her son who is 9 years old and and there's nothing necessarily that we can do.

[01:49:37] So at the beginning when the when the new administration was elected we were like the president cannot change the laws but at least I didn't think oh what about the U.S. attorney general report on these cases doing stuff and how things are changing.

[01:49:53] I didn't think of that. But here you go.

[01:49:57] And that red check means that all of this that we were talking about before if you were here at the last immigration 101 we have these.

[01:50:07] And I just kind of added the rhetoric because this is what we're seeing.

[01:50:13] We talked about the refugee admissions ceiling being reduced to 30000 now I believe is the number programs ending that were for family reunification like the Central American minors program where they were the parent for example didn't have lawful permanent residence or U.S. citizenship to petition for that child. But they had CPS or they had some other protection where we saw announcements of ending temporary protected status an increased risk if applications are submitted and denied where people are being referred to removal proceedings. And a lot of protections fortunately are still going strong where there's a there's a lot of support community support and you know contacting Congress responding and saying you know your support for this possibility for our immigrant communities is important. Once you hear something it's important that we act as community. Now we have likely changes to immigration enforcement. But again this has been happening. It was it was something that we were thinking might happen. And there goes the red check again because we're seeing it we're seeing workplace raids in Balli him recently by the coast. And again I talked about like the enforcement priorities in 2014 those memos were all rescinded. And we know that now everyone is at risk and and detention again has become the norm. So what can we do to support our communities and and especially for communities who are undocumented. It's important that we share what you started saying at the beginning that we share information but the information also has to be correct information. Know your rights. We'll have a little slide about that later. But creating a safety safety plan keeping you informed of developments. Beware of scams because there is a lot of fraud out there and we're seeing people taking advantage especially when when community members are vulnerable or scared or living in fear. And again consulting with immigration representatives who are familiar with the law.

[01:53:01] And then of saving money. I attended a conference not long ago and someone suggested think about it as if you're throwing a party and you have to save all that money because you might need and then get collecting documents or something that shows residents in the U.S. because as we mentioned earlier the cancellation or removal if you need to prove you've been here in the U.S. for 10 years if you're a lawful permanent resident and you need to prove that you've been here for seven years in order to apply for this or yet apply for this relief you're going to need to prove this right.

[01:53:42] So saving documents. There's been a lotta encouraging communities to scan e-mail documents because if someone is for example arrested detained they're not going to have the opportunity to go back inside their house and say Let me get these documents right now. But sometimes there is access to electronic or someone can access the account for example and get those documents so knowing your rights all people regardless of immigration status documents or undocumented have basic constitutional rights and this includes the right to remain silent right to be safe in their homes and right to labor protection. It also includes the right to due process. So if someone is not allowed a fair and full hearing that's going to be a violation of their due process rights for example. So it's important that we communicate these rights to our communities and the right to

remain silent. It's especially important because the government is just looking for some sort of proof to say that this person is not a U.S. citizen of the U.S. right. Yes. And so if they ask where were you born or where are you from. And you answer that's sufficient proof to then arrest you and place with proceedings. And then it becomes the burden of the person defending their status to say no I'm actually a U.S. citizen. Right. We thought we heard about one of the examples that I heard him mention the right to be safe in their homes. We know that if someone comes knocking on the door you do not need to open especially their immigration so you do not open the door unless they have a warrant and that it needs to be signed by a judge. And then right to labor protections if someone is not getting paid there is that protection where they should seek that information.

[01:56:01] The family safety plan if you think we have a template here but also the legal counsel for youth and children.

[01:56:09] There are though the organization that hosts this.

[01:56:13] There's a family safety plan that's very useful and it includes a power of attorney in case something happens. And it's not to create even more fear in our communities but it's to be prepared and say Have you thought about updating the numbers at your children's school for example who is the emergency contact and because it can happen in a lot of families are mixed status families where either the parents or you are not in lawful status and the children are U.S. citizens for example or there's a mix where you have both U.S. students and law Perner permanent residence Dokka. As you know there's so many different status that a person can have. And when families are not all in one status where they have lawful immigration status then it becomes even more square if there's a lot more fear that someone in their family or that one person who lacks immigration status will be detained. And how that's going to impact the rest of the family. And again one of the things that this safety plan includes or addresses is that you need to have those documents for your children. If if they're if you're a citizen for example of Mexico and you have U.S. born children maybe one option can be to also get Mexican passports right to register or both have U.S. citizen I'm sorry U.S. passports and Mexican passports in the event that you need to travel with your children.

[01:58:03] And again bank accounts home loans like all of these different things that as you know you're living your life you're not thinking about this but this is a reality. And unfortunately we want our communities to be ready.

[01:58:19] So what to do if detained by ICE remember the right to remain silent.

[01:58:26] One thing. And also sometimes we tell we have to remind communities do not run away. Right. Because that creates some sort of oh there's there must be something.

[01:58:39] But at the moment you can't control what's happening. There's that fear that comes and you fly. But the important thing is to not sign any documents without getting first legal

[01:58:54] Assistance as to what document you're signing. And we're seeing a lot of language barriers to all the documents that you get from the government are in English. Everything that they ask you to sign is in English when you're in removal proceedings. You're asked to submit any evidence or you're going to submit must be translated. If it's not in English we had someone call from the Federal Detention Center telling us that that she had her fine no hearing. It's called the individual hearing the next day. And it. And I just received three letters from my family but they're all in Spanish.

[01:59:33] Can someone come help me. And of course we're trying to do everything we can.

[01:59:40] But it was like the next day and the federal detention center closes at 6:00 on Wednesdays. The hearing was going to be at 10:00. And I think it was like 2:00 p.m. I can't remember the time and words like emailing everyone who is available to go to the FTC the Federal Detention Center and we had someone volunteer who went you know and helped translate these documents and we don't know what happened with her. She was not represented in her hearing. But I bet that if she had submitted those documents all in Spanish without the translation that they would not have been considered. And maybe that made a difference for her. Contact legal services organization or an attorney. Some clients like to carry the cards. There are no red cards I don't know if you've seen them with information. Are NRB cards have information in the back and I say I will not allow you to register my person or my documents. Before I speak to an immigration attorney and if someone does get apprehended and they're in a county jail for example they may be released before they even get transferred to Tacoma.

[02:00:55] And again one. One suggestion is to think about that safety plan. If someone gets detained and you and your family member first.

[02:01:05] But also we'll talk a little bit more about what services we can provide if there is opportunity or a you know income where you can actually pay a private attorney that's encouraged because that may be the fastest thing.

[02:01:25] If you're witnessing a raid or a whole bunch of Department of Homeland Security vehicles where a lot of people are being arrested or detained we ask that you please call the hotline.

[02:01:38] This is the Washington immigrant solidarity Network's hotline so that we can track when this is happening and we also have plans for responding and sending attorneys legal representatives to go and try to talk to members as this is happening so that we can prevent detention. Or people being placed in removal proceedings if there are ready. If the person is already in Tacoma we ask that they communicate with our Tacoma office inside the detention center. We also have legal orientation program where everyone can get information about the different relief options what the process looks like. So if you are in contact with a family member or friend who is detained I think assuring them that that there will be information or that you can share that information makes a difference because when you're going through this process or when the person has gone through this process they are definitely feeling scared and it's a very again complex system that if they don't know the information access then they will become even more difficult. And I'll go through this real quick.

There are frequently asked questions. One of them as well is Washington for example a sanctuary state can't shouldn't ice not be able to access or contact anyone or arrest anyone. It's true. Washington became a sanctuary state in 2017. We have sanctuary cities. King County has passed ordinances that are you know making clear that resources will not be used in order to support federal immigration enforcement. But sanctuary does not mean that ice as the federal government can't come in and arrest someone some of the locations sensitive locations protected locations include schools and churches.

[02:03:52] But we also see that outside of that if you're driving I can pull you over for example and you can still be there inside the school or the church. They should not be pressin. Courts are not protected as you probably have heard in the news. So what will this administration and impact actually what it's impacting right now because we're seeing this. We know that it's attacking a lot of our communities but we don't we don't believe that it's going to impact for example state funded financial aid to undocumented students here in Washington or Dokka but we don't know at the bottom there something access to public benefits. I don't know if you are familiar but there is a leaked rule proposed rule to change the public charge grant of an admissibility. And this is when someone is applying to become a green card holder they are subject to that and then Mr. playground's from where we talked about that one ground as the public charge. So if someone has received financial assistance from the government when they submit their application for adjustment of status a green card application the immigration officer is going to look at the application and say whoa has this person receive no benefits. Are they likely to receive benefits. But they're only looking at financial

[02:05:26] Types of benefits that they're not eligible for the leap to rule which is not in effect is just a proposed rule would say that any benefit that the person receives including utility assistance and not just them their children too even if they're a U.S. citizen would fall under this test of the totality of circumstances that the government looks at and says.

[02:05:54] Should this person be subject to public charge and potentially they can be denied lawful permanent residency. Yesterday we got it. Actually yeah yesterday we got an e-mail that it's expected that it's that this leaked rule is going to come out soon. They were thinking at the end of this week who knows.

[02:06:18] But not necessarily as a rule but more of an executive order. And you know what executive orders to the message however is to make sure that we tell communities continue accessing those those benefits that you are eligible for. Right. Food food stamps for example medical needs. Any like preschool lunch at school. All of those are needs that. Who's going to be impacted if they go away or if they're considered part of the public charge communities who have low income who are poor.

[02:07:00] Right. Before I start with this if that does happen because it may happen soon right after this immigration one to one make sure that you're in touch with Northwest Immigrant Rights Project.

[02:07:12] There are so many other organizations in the state working against this.

[02:07:17] If there is a rule that is published we ask that you please comment on it because there is going to be a period to comment. I think about 60 days where you can submit what this how this would impact and it's not just going to be an economic impact. Right. Financial costs but how are communities are going to be just stabilize so how do you get legal advice.

[02:07:42] You'll have the slide show later right.

[02:07:46] It's going to be shared. So I'll skip some of this too that we can answer some of your questions and we also include some of the resources that you can access.

[02:07:57] I'll talk a little bit quickly about how we do intake.

[02:08:01] There are three offices right now that you see here the Seattle office Wenatchee and Granger. Anyone who lives around those areas can contact directly or Tacoma office however doesn't currently have a number they can reach if the person is not detained. If the person is detained you have the number. But if the person is not detained beginning October 1st so soon we're going to be able to provide some of those services for non detained people who are in removal proceedings in particular. So you'll hear about it if you are signed up on our on our website to receive information or news updates. You will probably hear about this to resources. It's important that that we can guide our community to resources anytime there's news or updates. There's also a news and events page that you can access.

[02:09:01] All right. Should we start asking questions.

[02:09:05] And feel free to let us know if you have any questions I have a question regarding CPS involvement and how connected it is to ice. Do therapy working with children and families on the peninsula of teachers who are mandated reporters and very concerned about CPS involving their families who are undocumented.

[02:09:31] Yes. So the question is around CPS and involvement with ice and how they're connected. Or when someone is a mandatory reporter before I answer that I want to say that any question that you ask. Keep it General.

[02:09:47] We can't answer any personal case questions especially because we are being recorded but feel free to reach out to us for a legal and take or send your friend that number. So when the CPS worker is a mandatory reporter for example and the case of an abuse of a child we see communities go through the same process. You know CPS will come to their home and do an investigation and see whether it's the claim is founded or unfounded but that if if the parent is the one that's being investigated whenever there's immigration forms there will be a question. Have you ever been under arrest investigation. And that could come out that way. If we're talking about how the the parent could be impacted another way is that if the child is removed from the home there is that risk of parental rights being eventually terminated. If the person becomes incarcerated that's even more difficult. But I don't believe that there's a direct connection or contact where CPS is calling ICE about any particular

case. At least I have not seen them. And and we shouldn't. Right. Because again what is this sanctuary state. We have to hold Washington accountable and if you do hear about any of that please let us know.

[02:11:21] Any other questions I'm a family resource coordinator for Skagit County. We've got lots of migrant workers and we've heard about rates I in particular work with families that have young children with special needs. And one of the questions that some of the parents have asked me if I do get approached by immigration and if they asked me about my status what should I say. And I saw your slide here that you can use your right to not answer that. But at that moment parents feel intimidated or frightened. What is your recommendation. What should they answer at that precise moment.

[02:12:02] Yes so the question is about what should someone say or respond to when ice approaches them and ask about their immigration status.

[02:12:13] And and you pointed out to the keep silent raid remains silent. I think carrying that card of a representative or if someone is around to two for the other person to call the rep you know like a friend or a legal service provider to say like ice is prescient and keeping that Weiss and hotline number is important. It's it's OK to report when one person for example is being questioned by ice.

[02:12:50] But most likely that's not going to create a movement where a lot of attorneys are going to show up to this site right. But I would say to remain calm and to say I don't have to answer that question. And you've seen I don't know if you've seen on Facebook or YouTube like at at a checkpoint. I think it was a teacher. She's like why would I have to answer whether I am a U.S. citizen.

[02:13:15] So definitely challenge and just remain calm and say why are you asking that question right because it could also be that is racially targeted like I know your rights card. Even our organization card we don't have we're sorry. But in our office we have some cross. I'm I'm sure different organizations have it and we can you can also e-mail us and we can send a few cards.

[02:13:50] If I can. There's so much know your rights cards right outside of the auditorium. Yes they are. And in five languages I believe.

[02:13:59] And the ACLU also has a good website on that.

[02:14:05] What access do you have to people that are already detained.

[02:14:10] So what access do we have to people who are already detained if they're detained in that Tacoma detention center. We have our office who conducts legal orientation program services so we can find out if they're detained. Also you online can go through the ice locator website. A government DHS website where if you know the person's name a number and country you can locate where that person is.

[02:14:41] There's also phone numbers they can call and figure out like where is my relative or my friend. But our office when someone says our our relative is detained then we could schedule a time to go.

[02:14:56] Viscid we first determine whether they're detained and we try to go visit. But again everyone goes through and orientation information session whoever is detained they have the option to attend that. And it happens multiple times a week both in Spanish and English so that so that we're able to know who is there who needs services. And we also have a pro bono referral system where if there's a case we share some other cases so that pro bono volunteer attorneys can take take on if we're not already taking it in-house.

[02:15:34] Question With although thank you so much for speaking. Thank you.

[02:15:39] I have a question about the employment visas and in the slide about it said the that there that they had to show that there is no minimally qualified U.S. worker available. So is that minimally qualified Apple can do the job. And then also would it be area. So you were in a rural area. Would that make a difference as you're in Seattle.

[02:16:06] Yeah. So the question is employment he says where one of the criteria is that you have to show that no other U.S. worker would be able to do that job or qualify for the job. Do rural areas for example have an impact on whether someone who's undocumented potentially can get that employment visa as opposed to a U.S. worker. We see now where the skills are needed. But the difference here is that if you're undocumented that means that you would have the consular process and then those bar supply the 10 year bar. And then it's definitely very hard to prove that nobody else in the U.S. can do that job unless you have really high skills technical for example skills. But we also know that someone who enters on a visa for example remains in status does not let it expire or overstay can eventually get an employment visa because they don't have to leave for the Consul process they can adjust here in the U.S. but it's very difficult.

[02:17:17] Hey I was wondering if there's any opportunity for volunteering organization.

[02:17:22] We don't have like legal knowledge.

[02:17:25] Yeah. Any opportunity to volunteer if there's no specific knowledge about immigration for example.

[02:17:31] Yeah yeah definitely. We see if you have language skills for example it's definitely important mental health.

[02:17:40] We do.

[02:17:42] We need volunteers doing mental health evaluations for example.

[02:17:49] If you want to help us like scanning closed files there is a list on our website of volunteer opportunities and you can send a request or e-mail saying this is what I can provide. I can volunteer five hours a week for example and then that gets sent out to everyone and we get asked like do you need a volunteer for this amount of time. There's so much that you can do.

[02:18:19] Eight more Northwest has a volunteer group. So there are volunteer visitors with eight Northwests. Yeah.

[02:18:24] And that doesn't necessarily have to be nerve Brait or Northwest Immigrant Rights Project can be so many other organizations that are doing great work.

[02:18:32] A question here of. You and T visas I guess could apply to people who were say sexually exploited by their employers.

[02:18:44] Or something like the TV set. Here you go.

[02:18:49] Yeah definitely so T.N. you protect survivors of crimes. TI is focused on definitely labor related exploitations including sex trafficking. Right. Or working for sex. Yeah definitely so you VSS where he would require certification. An investigation was conducted on the TV so were no certification is required but there needs to be some information about the crime that happened.

[02:19:20] Anybody else I'm a mental health counselor and I work with you know mainly children but their families come from a mixed status homes. And so I have difficulty getting parents or caregivers to access like DSH says or DDX first serve for services for their child especially if their child is a U.S. citizen for fear they're going to be asked about their documented status. Is there legal protections for them. Like people can't ask them that kind of question or forms. That doesn't ask those kind of questions.

[02:20:03] I believe Washington state is looking at all the forms that they use to determine where it is required that that a question like that be asked whether a person is a U.S. citizen or not.

[02:20:14] But in terms of benefits I think it is a question that is asked. It has to be a question that is asked especially because remember we talked about the public charge part.

[02:20:27] But if the benefit is for a U.S. citizen child the let's say it's for money food stamps.

[02:20:36] It would go in the parent's name because the child is a minor but the benefits the person receiving the benefit is the child. So there would not be any impact as of now. Right. That rule doesn't change. But I think that people should continue accessing those and there's a lot of education happening around DSH house also where there are wanting to know how do we support the community. And if there is anything that does happen any violation. Also there are groups making sure that that doesn't happen. So feel free to also let us know.

[02:21:18] Thank you for being here. Thank you.

[02:21:21] I have a question about the asylum process. I work with Premier HIV positive women and their families. And so we've had a number of women. I mean recently and are going through the same process as wondering about the line of membership in a particular social group. And if that would ever be applied to HIV given stigma or the medical side of treatment if their home country doesn't offer adequate care.

[02:21:46] Can you ask about that about that again if it would be what would be applied if when the asylum process. The line about membership in a particular social group. I don't know if HIV positive folks will be included in that yet due to stigma and or lack of access to medical care. So the question is what for example someone someone with HIV for example. Would that be a protected ground under a particular social group. Yes. And that's definitely something that can be because you have to show that it's not that it's very particular right like in if everyone in this room is wearing blue.

[02:22:33] And it would be particular. But if I'm wearing there's like three of us wearing blue then it's very limited. And that's why we would be targeted for example.

[02:22:45] Question Would you mind explaining humanitarian parole. What is that. Yes.

[02:22:51] So humanitarian parole parole has in the context that it was explained here today is if someone is detained and they are seeking parole to be released.

[02:23:04] Right. So that could be parole. Parole can also be for military service family members of military service who are currently serving or veterans. And you are the immediate relative for example a parent child or spouse of that of the person in the service that can be another pearl. But then there's this other thing of humanitarian parole. It can be at the time of entry where someone seeking asylum is parole for humanitarian purposes.

[02:23:38] We don't see it more recently anymore but we have seen no where parents were coming in with minor children and instead of detaining them they would give everyone parole humanitarian parole and that didn't happen recently right. But there is this other thing called parole emplace humanitarian parole in place and as for people who have a certain situation or circumstance where the U.S. citizen petitioner would suffer extreme hardship without the immigrant the undocumented family member. If this parole in place is not granted to them and those are very very difficult to get. But we see it in situations where the U.S. citizen is extremely ill for example or there is a circumstance that would prevent both of them or or the undocumented relative to travel in order to get a green card outside in the in the consular process contex. So were you referring to the humanitarian parole in place or in place. Yeah and that's six or eight is when the memo was issued and it's a very it's not that common. We've got an A few humanitarian parole in place but it's very very very difficult.

[02:25:08] Hello. Thank you. I think I'm wondering about. I know people in immigration court don't have a right to representation. Do they have a right to language services. And is that something that you guys provide or have access to. And do you provide it in indigenous languages like Mixtec dialects and Triki.

[02:25:30] Yes. So the question is is language access provided in court proceedings and removal proceedings. So the government is required to provide that. And of course we see it in the context for example people who were in the federal detention center where that's not typically an immigration jail. There was no access to two non Spanish for example because we could have a Spanish interpreter. The government could have a Spanish interpreter Their press and physically pressin that there was no access to calling an interpretation service for the other language. But yeah the government is the one that's required to provide that anybody else.

[02:26:18] I have a question. There's a lot of NGO folks here are non-governmental organization folks. Do you have any general advice for specific advice for those organizations to be better advocates for folks who are undocumented. Yes so. I think I keep saying this but correct information where you

[02:26:40] Have mentioned this we're not expecting that you become experts in immigration law so it's ok to not know the answers and to say this is the organization potentially like refer among each other because you probably know each other a lot better than you might know me for example but you feel free to refer people to Nourse or something and rice project if you do not know the answer definitely do not give legal advice because we do see situations where I have this presentation and PowerPoint presentation and it says here that this is it. But again things are changing. This is not the law and specifically is not listed in the PowerPoint presentation. And then just being present like you are today learning how to better support your communities and when it's needed the higher numbers we have. We have rallies said the federal detention center. Thousands of people showed up when you can show up for your community. Call the Y send number. If you're seeing a raid just becoming engaged continue to think you hello.

[02:27:52] So I have a question. I am a case manager. You know we have a lot of questions. We have a lot of asylum seeker and a lot of question is asking if they already applied for asylum at the same time the community so which they prefer which case they go yep I'm offering that question because I don't answer their questions send them there. Thank you.

[02:28:17] Thank you. So the question is if we have someone already applied for asylum and then they get married should they be pursuing a family based petition now.

[02:28:28] It depends.

[02:28:29] A person can have multiple applications. Petitions happening at the same time. So it's OK in terms of having my asylum application and then I just got married and my spouse is going to petition for me.

[02:28:42] It's fine to do that.

[02:28:43] But that difference might be how that person entered the country and who the petitioner is. So if the person is in removal proceedings and let's say it's me if I'm in removal proceedings and the spouse my spouse who is married is a lawful permanent resident. That's not going to be an immediate relief. My asylum case might be decided first. But it's a good idea to file a petition if my spouse is a U.S. citizen and I enter with permission. I can go through the process because I can do a One-Step application petition where my husband petitions for me and I apply for my green card. At the same time because I enter with permission and my husband for example or my wife is a U.S. citizen.

[02:29:32] And if but then again remember are there are bars. And so says not just are they U.S. citizen. And did you enter with permission is like what other things would bar you. And also if someone enters with an immigrant visa I'm sorry with the nonimmigrant visa so visitor's visa student visa and there was fraud at the time of entry. That could impact the family petition case. So seek let them know to contact either Nerkh Border and Immigration representative right.

[02:30:10] Anybody. OK. Thank you so much. And we encourage you to continue

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