

# UACCNJ: Know Your Rights



May 21, 2023

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# Disclaimer

- The information being provided today is **NOT legal advice**. We are providing this information so you have a better understanding of your status and what potential options could be available to you. Please do not act on anything mentioned in this presentation without advice from a legal service provider. **Finally, please note that the legal department of Church World Service Jersey City is not someone's legal representative until a representation agreement has been signed.**

# Key Immigration Terms to Know

**United States Citizenship and Immigration Services (USCIS):** US government agency that processes applications for most immigration benefits

**Employment authorization document (EAD/ “work permit”):** Card that serves as proof of authorization to work in the United States

**Adjustment of status (AOS):** Application process to obtain green card while in US

**Form G-28:** Form signed by applicant and their legal representative that is submitted to USCIS

**Lawful Permanent Resident/Residency (“green card”):** Permanent status in the United States with certain limitations; creates path to citizenship after a few years

**Department of Homeland Security (DHS):** US government department that oversees USCIS and ICE

**I-94:** Arrival record that shows your entry and current status

**AR-11:** USCIS form that must be submitted any time you move (within 10 days)

# Uniting For Ukraine (U4U)

- Uniting for Ukraine provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a two-year period of parole.
  - Ukrainians participating in Uniting for Ukraine must have a supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States.
  - Individuals who are present in the United States are not eligible for the Uniting for Ukraine program.
- **Eligibility**
  - Must have resided in Ukraine immediately before the Russian invasion (Feb. 11, 2022) and were displaced
  - Are a Ukrainian citizen with a valid Ukrainian passport
  - Or an immediate family member of a Ukrainian citizen
  - Have a supporter who filed a Form I-134 on your behalf
  - Clear biographic and biometric security checks; and
  - Current reside outside of the United States

# Humanitarian Parole

- Temporary status to live in the US for a specific amount of time (usually 2 years)
  - Expiration date is on I-94
- Provides eligibility for work authorization
- Can obtain public benefits
- Protected from deportation during set timeframe

# Temporary Protected Status (TPS)

- Temporary and does NOT lead to any permanent status
- TPS granted until October 19, 2023
- Registration opened on April 19, 2022
- Requires:
  - Continuous Residence in US since April 11, 2022
  - Continuous Physical Presence since April 19, 2022
- Potential Bars to TPS
  - Felony conviction or 2+ Misdemeanor convictions
  - Inadmissibility on certain grounds
  - Being subject to any mandatory asylum bars

# Potential Paths to Lawful Permanent Residency

# Asylum

- Eligibility
  - Must meet legal definition of a refugee
    - “Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of **persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion**” (INA § 101(a)(42))
  - Must already be in the US or seeking to be admitted at port of entry in the US
  - Must apply within one year of arrival in the United States (known as one year filing deadline)
- To be granted asylum, applicant also has to show:
  - that they cannot safely relocate to another part of the country of origin;
  - And the government cannot and will not provide any protection
- Application process
  - Submit Form I-589, Application for Asylum and Withholding of Removal along with supporting documents
  - Attend asylum interview
  - Receive decision from asylum officer. If approved, asylee can apply for AOS in 1 year.

# Family-based petitions

- If you have family in the United States with green cards or US citizenship, they might be able to file a petition for you.
- US Citizens can petition for their:
  - Spouse; Children; Parents; Siblings
- US Green Card holders can petition for their:
  - Spouse and unmarried children
- Eligibility and process vary based on who petitioner is.
- Petitioner has to first file Form I-130, Petition for Alien Relative, and then application process for green card will take place through Adjustment of Status or Consular Processing depending on circumstances.

# If ICE comes to your door, you have rights

- (1) DO NOT lie or show false identification documents
- (2) DO NOT show foreign identify documents unless they have a warrant with your name on it and that is signed by a judge
- (3) DO NOT flee or physically resist arrest.
- (4) You have the right to refuse entry into your home
  - **Do not open the door** unless they provide a warrant with your name on it and that is **signed by a judge**.
  - Ask for the warrant to be slid under the door or put against the window
  - If they do not have a warrant tell them you cannot let them in without a warrant.

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- (5) Remain silent and repeat the following sentence:
  - “I do not consent to this search. I plead the Fifth Amendment and wish to remain silent and speak with an attorney”
  - Keep saying it if they ignore you.
- (6) Refuse search of your person and property unless they provide a warrant with your name on it and that is signed by a judge.
- (7) Refuse to sign any documents
  - Do not sign anything without first speaking to an attorney
- (8) Document your interaction
  - You are allowed to document your interaction or someone else’s interaction with ICE with photographs or video recording.

# If ICE stops you in the street, you have rights

- (1) Before you even give you name, ask if you are free to go
  - If they say yes, tell them you don't want to answer their questions and walk away.
  - If they say no, tell them "I plead the Fifth Amendment and have the right to remain silent."
- (2) Do not consent to a search of your belongings or pockets.
  - Tell them "I do not consent to this search"
- (3) Do not answer questions about your immigration status or where you are from.
  - Tell them you have the right to remain silent.

# Continued...

- (4) Do not show documents. Do not give them any identity documents to show who you are or that you are from a different country.