

COURT-CLERGY CONFERENCE 2019

Topic: Immigration

Speakers: Hon. Tamila E. Ipema

Hon. Frank Birchak

Hon. Renee Renner, Immigration Court Judge, Ret.

Who are the main actors?

DHS: In 2003, Department of Homeland Security absorbed the former Immigration and Naturalization Service (INS) and assumed its duties. It divided the enforcement and services functions into two separate and new agencies: ICE (enforcement) and CIS (Citizenship and Immigration Services). Additionally, the border enforcement functions of the former INS were all consolidated into a new agency under DHS called CBP.

ICE: Immigration Customs Enforcement enforces immigration laws within the U.S.

CBP: Customs and Border Protection, commonly known as Border Patrol, enforces immigration laws at U.S. Border.

Local Police and Sheriffs: Do not enforce immigration laws, but may turn over unauthorized immigrants in their custody to ICE.

What are three main points that the clergy should know about this subject?

- 1) An Immigration officer cannot force anyone to answer questions or sign documents. Every individual has the right to speak to an attorney.
- 2) Immigration officers may not enter a person's home unless they have a warrant or they are allowed in by consent of the resident. A warrant is a government-issued document allowing the officer to enter a home, search or arrest. Only a court/judge can issue a search warrant.
- 3) If a person is arrested by an immigration officer he/she should
 - a) Find out who made the arrest (i.e., what agency)
 - b) Not sign any documents without talking to a lawyer
 - c) Contact his/her attorney or family member
 - d) Contact his/her consulate

- e) Ask for a bond

What are some of the ways in which clergy can help their congregants?

- 1) Remind the congregants to keep copies of their important papers (birth certificate, immigration papers, record of proof of continuous residency in the U.S. such as: school, rental, medical records) in a safe place, where a family member could retrieve them if necessary.
- 2) If a member of your congregation has suffered substantial physical, emotional, or medical abuse because of a crime (examples: rape, torture, trafficking, incest, sexual assault, prostitution, kidnapping, false imprisonment, blackmail, etc.), that member and their children may be able to receive permission to work and live in the U.S. through the “U Visa.”
- 3) The Violence Against Women Act (VAWA): If a person’s spouse is a U.S. Citizen or has a green card and that spouse has abused the person or that person’s child during the marriage in the U.S. (threaten, hit, punch, slap, kick, hurt, or emotional harm), the person may be able to receive permission to work and live in the United States without the spouse’s help. To qualify for the VAWA exception, the abused spouse must submit a “VAWA Self-Petition.”
- 4) You may assist your parishioners in determining the location of a detained friend or loved one using the ICE online detainee locator system: <http://www.locator.ice.gov/odls/homePage.do>, or www.locator.ice.gov/odls/homepage.do
It takes 1-3 days for the detained person to be processed and logged into the ICE system. You can search by name. If the parishioner has an Alien Number (“A” Number), he/she should keep it handy and provide it to the immigration attorney to investigate the status of the immigrant.

Also, if one wants to know the status of the case in immigration court or Board of Immigration Appeals (BIA), they could go to the following site. <https://locator.ice.gov/odls/case-status.jsp>

He/she also could call EOIR Case Information Line to find out about immigration court dates: 1-800-898-7180.

- 5) Proof of Good Moral Character plays an important role in getting immigration relief. Also, proof of hardship to family members who are U.S. Citizens in case the immigrant is deported becomes extremely important. Clergy members who are familiar with their parishioners might be able to provide declarations to be included in the application for relief or testify in court on behalf of the immigrant and encourage him/her to be diligent in getting documentation together to prove the case, particularly if self-represented.
- 6) Clergy members should urge non-U.S. citizen parishioners of the importance of seeking immigration assistance as quickly as possible if they are arrested facing criminal convictions, substance abuse, and domestic violence, etc., since this might negatively affect their immigration status.

Websites/phone numbers where clergy can go to learn more or provide them as additional resources to their parishioners:

ACLU's "Know Your Rights" pamphlet for Citizens and Non-Citizens with a special section for non-citizens. Excellent resource!
https://www.aclu.org/files/kyr/kyr_english.pdf

For VAWA Information: National Domestic Violence Hotline:
 1-800-799-SAFE (7233)

National Immigration Law Center: 213-639-3900

U Visa Information and Forms: <http://www.uscis.gov/i-918>

Casa Cornelia Law Center: <http://www.casacornelia.org/>

Legal Aid Society of San Diego (LASSD):
http://www.lassd.org/about_pro_bono.htm

ABA Immigration Justice Project (IJP) of San Diego:

http://www.americanbar.org/groups/public_services/immigration/projects_initiatives/immigration_justice_project_ijp_of_san_diego.html

Jewish Family Service of San Diego (JFSSD):

http://www.jfssd.org/site/Page.Server?pagename=programs_refugee-immigration

Catholic Charities-Diocese of San Diego (CCDSD):

<http://www.ccdsd.org/programs/immigrant-services/>

Employee Rights Center:

<http://weberc.net/programs/immigration-program/>

For Asylum Seekers/Survivors of torture: <http://notorture.org/>

ACCESS, Inc.:

http://wwwimmigrationadvocates.org/nonprofit/legaldirectory/organization.392667-Access_Inc_Immigration_Services

The Executive Office for Immigration Review also maintains a list of legal service providers for the various states. A list of providers in California can be found at:

<http://www.justice.gov/eoir/probono/freelglchtCA.pdf>