

Immigration Basics

Judge Tamila E. Ipema, San Diego Superior Court

Judge Frank Birchak, San Diego Superior Court

Judge Renee Renner, US Immigration Court (ret.)

Key players

- **DHS:** Department of Homeland Security is a cabinet agency that also contains most of the immigration agencies; it absorbed the former I.N.S.
- **ICE:** Immigration Customs **Enforcement** enforces immigration laws within the U.S.
- **CIS:** Citizenship and Immigration **Services**; processes immigration applications.
- **CBP:** Customs and Border Protection (**Border Patrol**) **enforces** immigration laws at the Border.
- **Local Police and Sheriffs:** They may turn over unauthorized immigrant in its custody to ICE.

ICE on-line Detainee Locator System

<https://locator.ice.gov/odls/homePage.do>

The screenshot shows a web browser window with the URL <https://locator.ice.gov/odls/homePage.do>. The page title is "Online Detainee Locator System".

Select a different language:
English [dropdown arrow]

Use this page to locate a detainee who is currently in ICE custody, or who was released from ICE custody for any reason within the last 60 days.

NOTE: Online Detainee Locator System cannot search for records of persons under the age of 18.

Search by A-Number

If you know the detainee's A-Number, ICE recommends you use the A-Number search. The A-Number must be exactly nine digits long. If the A-Number has fewer than nine digits, please add zeros at the beginning. You are also required to select the detainee's correct Country of Birth.

* A-Number: [text input] (e.g., 012345678)

* Country of Birth: -- Select a Country -- [dropdown arrow]

[Search by A-Number] [Clear]

Search by Biographical Information

When searching by name, a detainee's first and last names are required and must be an exact match (e.g., John Doe will not find Jon Doe or John Doe-Smith). You are also required to select the detainee's

Related Information

Quick Links

Search [arrow icon]

Helpful Info

- Status of a Case [arrow icon]
- About the Detainee Locator / FAQs [arrow icon]
- Brochure [arrow icon]
- ICE ERO Field Offices [arrow icon]
- ICE Detention Facilities [arrow icon]
- Privacy Notice [arrow icon]
- Community and Detainee [arrow icon]

Internet | Protected Mode: Off 100%

Reliefs from Removal

- **Cancellation of removal:** A noncitizen may be qualified to obtain relief from removal and obtain a green card by meeting certain requirements:
- Continuous physical presence for 10 years
- Good moral character
- Exceptional hardship to a U.S. citizen or lawful permanent resident relative
- Not convicted of certain crimes and not violated certain laws

Family-based Immigration Petitions

Spousal Petitions

- Both U.S. Citizens and Green-Card Holders (Permanent Legal Residents) may petition Spouses (and their children) for visas to permanently immigrate them to the U.S. as long as Marriage is in good faith and certain financial and health requirements are met.

Immigration Self-Petitions under VAWA Violence Against Women Act

- Legally married to the abuser and marriage is terminated or divorce is pending within the prior 2 years in connection with Domestic Violence.
- Abusive spouse is either a U.S. Citizen or LPR.
- Lived with the abuser
- Good Faith Marriage
- Good Moral Character
- Subjected to battery or extreme cruelty in the hands of the abuser (must be well documented)

“U” Visas for Victims of Crimes

- If Victim of a Crime and assist in investigation and prosecution of that crime, a non-citizen may be able to qualify for U Visa and get LPR.
- Victim of qualifying criminal activity
- Suffered substantial physical or emotional abuse
- Helpful to law enforcement in providing information about the criminal activity to investigate and prosecute the crime
- Crime occurred in the U.S. or violated the U.S. laws
- Victim is admissible to the United States

How Can You Help?

- “Notarios” or “Public Notaries”
- Emotional support and “know your rights” flyers
- List of resources for legal assistance
- How to discover the whereabouts of a detained person or get information about a case pending in immigration court

Clergy Assistance (continued)

- Declarations about Good Moral Character or Hardship
- Keep copies of important papers and keep records of continuous residence in the U.S.
- Be aware of the various issues that can effect a person's immigration status and be prepared to refer them to the appropriate services for assistance; arrests criminal convictions, substance abuse, domestic violence etc.

Asylum

- Available to those persecuted by the government, or by those the government is unable or willing to control, on account of race, religion, nationality, membership in a particular social group or political opinion
- Asylum is unavailable to: (1) those convicted of an aggravated felony or particularly serious offense; (2) persecutors; (3) firmly resettled in another country; or (4) failed to apply within one year of last arrival, unless there are changed conditions
- Withholding of removal or relief under the Convention Against Torture are similar reliefs that might be available to those ineligible for asylum, but do not lead to lawful permanent residence or allow for family derivative applications

Asylum Process

- If grounds for removal are established and a fear of harm is asserted, asylum processing begins with Credible Fear or Reasonable Fear interview by asylum officer, which can take days/weeks
- If Credible/Reasonable fear is found, removal proceedings are initiated, case goes before an Immigration Judge for hearing on asylum/withholding claim, which can take months/years to process (Detained cases are expedited)
- If Credible/Reasonable fear not found, petitioner can elect a review of this decision before an Immigration Judge, must be done within 7 days
- If Immigration Judge finds requisite fear, case is process for removal/withholding proceedings. If not individual is removed from the United States. No appeal of denial.

While Awaiting Decision on Asylum

- Those persons presenting themselves at the border and are not lawful residents of the United States are considered “arriving aliens”, and may be subject to civil detention for the duration of the processing of their asylum claim, including any appeals, at any detention facility DHS utilizes
- Bail is statutorily unavailable to “arriving aliens”, but DHS may parole these individuals into the United States for the duration of the removal process; or DHS may require non-Mexican nationals to await processing in Mexico
- Those in the United States who apply for asylum are usually eligible for a bond, if there is no prior criminal or immigration history

Asylum Decisions

- If granted asylum, one is admitted as an asylee, and may apply for immediate family members to also receive asylum status. After one year as asylee, one can apply for lawful permanent residence; and after five years as a resident, for U.S. citizenship. DHS can appeal a grant of asylum.
- If asylum is denied, lesser forms of relief of withholding or Convention Against Torture can be granted. The petitioner can file an appeal of the Immigration Judge's decision to the Board of Immigration Appeals, and appeal an adverse BIA decision to the U.S. Circuit Court of Appeals, and ultimately to the U.S. Supreme Court.

Immigration Consequences and Criminal Cases

Types of Convictions that trigger removal

- Aggravated Felonies
- Drug offenses
- Crimes of Moral Turpitude
- Firearms Offenses
- Domestic Violence and Child Abuse
- Violations of restraining or protective orders

Conviction not required for some consequences

- Denial of re-entry
- Denial of status
- Exclusion from US

#1 priority

Make sure the person's attorney is made aware of the immigration status.

Thank you!

You Make a Difference