

Practical Immigration Information for Undocumented Immigrants

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Who we are

- A nonprofit organization that provides legal services in the field of immigration since 1981
- Our services empower immigrants, primarily Latinos, to improve their political and economic wellbeing to promote their full participation as citizens
- Located in SPA 4, near downtown LA
 - 1605 W Olympic Blvd, Suite 516, Los Angeles, CA 90015



Services El Rescate offers

- Representation in court cases
 - Deportation
- Assistance with filing applications with USCIS (United States Citizenship and Immigration Services)
 - Family-based petitions
 - VAWA
 - Citizenship applications, etc.
- Citizenship clinics

What should I be aware of?

Public Charge

- What is Public Charge?
 - set of rules and criteria that determine whether an immigrant is likely to become dependent on government assistance after gaining permanent resident status in the United States
 - applies to people applying for a visa to enter to U.S. or applying for a green card
- Certain noncitizens are exempt from the public charge grounds of inadmissibility:
 - Asylees and refugees
 - Special Immigrant Juveniles
 - Temporary Protective Status (TPS) holders
 - U visa holder
 - Special petitioners under Violence Against Women Act (VAWA)

Does accepting **state** benefits affect my immigration case?

- Signing up for Medi-cal and other important health, nutrition, and housing benefits, does not count as a public charge!
 - **WILL NOT impact the person's immigration case!**
 - Safety Net Services
 - WIC (Women, Infants, Children)
 - AIDS Drugs Assistance Program
 - State-Funded Breast and Cervical Cancer Treatment Program
 - Private Insurance
- If you are receiving SSI, TANF, or Medicaid for long-term institutionalization, you may have your past or current benefit use considered in public charge assessments
 - Discuss this further with your lawyer and/or case worker

Benefits and Services available to undocumented individuals

Human Services and Legal Assistance

- Immigration Services
 - Usually can gain access to these through a CBO or non-profit organization
- Legal Services to Unaccompanied Undocumented Minors (UMMs)
- Trafficking and Crime Victims Assistance Program (TCVAP)
- Supplemental Security Income/State Supplemental Payment (SSI/SSP)
- Cash Assistance Program for Immigrants
- California Food Assistance Program

Worker's Rights and Education

- All workers are protected by labor laws, such as laws prohibiting retaliation, discrimination, and wage theft.
 - Reporting serious labor violations may lead to deferred action
- K-12 Education
 - Free public education **cannot be denied** to undocumented children (Plyler v Doe, 1982)
- Higher Education
 - Undocumented students do not qualify do not qualify for Federal Financial Aid

Available forms of Identification

- Driver's license (AB 60)
 - DMV is required to issue them to people who are ineligible for an SSN if additional documentation is provided
 - acceptable documentation: valid unexpired consular ID or passport, home utility bill, lease or rental agreement, school records etc.
- California IDs for ALL (AB 1766)
 - All undocumented immigrants now have a chance to obtain a California state ID card
 - May be required to bring proof of identity and residence in CA

What is Deferred Action?

- Grants temporary relief from deportation but does not grant them lawful status (citizenship)
- Individuals granted deferred action are considered lawfully present in the US and may be eligible for employment authorization
- Deferred status is **temporary** and subject to policy changes

Different forms of Deferred Action

- **DACA – Deferred Action for Childhood Arrivals**

- Eligibility: must be under 31 as of June 15, 2012
 - came to the US before their 16th birthday
 - continuously resided in the US since June 15, 2007
 - no lawful status on or before June 15, 2012
 - Currently in school or graduated from high school or completed GED certificate
- Currently, **USCIS is not accepting initial DACA requests** due to a court injunction
 - **Existing DACA applications can be renewed**

Different forms of Deferred Action

- **TPS – Temporary Protected Status**

- Provides temporary immigration status for people from certain countries where it's unsafe or difficult to send them back to
- Countries currently designated for TPS*:
 - Afghanistan, Burma, Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, Yemen
- Eligibility: you must be a national of a country designated for TPS
 - applied for the open initial registration or re-registration period
 - the person has been living in the US since their country was last officially named for this immigration status, without any long breaks away

*TPS-designated countries are subject to policy change

Different forms of Deferred Action

- Undocumented workers who **report labor violations** to a labor agency, or cooperate in an agency investigation can seek deferred action from removal
- How do I do this?
 - Make a complaint to the Equal Employment Opportunity Commission (EEOC), the Department of Labor, or another labor agency
 - The agency issues a statement of interest, which will be submitted to USCIS
 - The statement will support the deferred action request made by the undocumented person
 - This could lead to a work permit for them and will protect the person from removal
- The overall goal is to encourage workers to report labor violations

Pathways to Legal Permanent Residence

- Family-Based Petition
- Special Immigrant Juvenile Status (SIJS)
 - available to undocumented immigrants under 21 who have been abused, neglected, or abandoned by one or both parents.
 - must be under 21 years old **at the time of filing** the SIJS petition
 - must be currently living in the United States, unmarried, and have a valid juvenile court order issued by a state court
- Violence Against Women Act (VAWA)
 - must be a victim of battery or extreme cruelty committed by one of the following
 - US Citizen (USC) spouse
 - USC parent
 - USC child
 - Lawful Permanent Resident (LPR) spouse
 - an LPR parent

Pathways to Legal Permanent Residence

- U Visa
 - Non-immigrant visa that provides protection and relief for victims of certain crimes where the person suffered significant mental and physical abuse in the US
 - Examples:
 - Domestic violence
 - Sexual assault
 - Human trafficking
 - Abduction
 - Kidnapping
 - The person must be willing to assist law enforcement and government officials in the investigation or prosecution of criminal activity

Pathways to Legal Permanent Residence

- T Visa
 - available to undocumented individuals who were victims of human trafficking
 - includes both sex trafficking and labor trafficking
- Asylum
 - A type of protection for people who were harmed or fear harm in their home country because of their race, religion, nationality, political beliefs, or being part of a certain social group.
- Trafficking Victims Protection Reauthorization Act (TVPRA)
 - An asylum application filed by a minor who entered unaccompanied

Referring through One Degree

CBO Landing Page

The screenshot shows the One Degree interface for El Rescate. At the top, there is a navigation bar with the One Degree logo, a menu, and search options. The main content area features a header for El Rescate, including its location (Los Angeles, CA), a verified information badge, and an ACEs-LA Network affiliation. Below this is a brief description of the organization's services. The page is divided into three main sections: Opportunities, Reviews, and Notes. The Opportunities section lists several services with 'Refer' and 'Bookmark' buttons. The Reviews section includes a 'Review this service' button and a prompt for user feedback. The Notes section has an 'Add a note' button and a description of the feature. A blue 'Ask 1Degree' button is located at the bottom right.

Clinic Collection Categories

Three Clinic Collection Category cards are displayed. The top-left card is titled 'Legal Services' and shows '14 Resources'. The top-right card is titled 'Immigration Services' and shows '8 Resources'. The bottom card is titled 'ACEs-LA Closed-Loop Referral Partners and Services'. Each card has a gear icon in the top right corner, indicating settings or configuration options.

Thank You!