

Immigration Relief Options beyond DAPA and DACA expanded

While DAPA and DACA expanded unfortunately are not available due to the U.S. Supreme Court's decision, you may be eligible for other immigration relief. In fact, did you know that about 14% of those eligible for the 2012 DACA program were also eligible for other forms of immigration relief?

Here are some of the most common forms of immigration relief. Each form of immigration relief has its own requirements. Many of these forms of relief provide a path to lawful permanent residence (a "green card"). If you believe you may be eligible for any of these forms of relief, consult a trusted legal service provider for a full evaluation of your eligibility.

Asylum: Persons who have left their home country and fear returning may qualify for asylum. They must show a fear of harm based on their race, religion, nationality, membership of a particular social group or political opinion. Children and spouses may be included in the application.

VAWA (or Violence Against Women Act): Spouses and children of U.S. citizens or legal permanent residents and parents of U.S. citizens who have been battered or abused may qualify for permanent residence. They can apply on their own and do not need the cooperation of their spouse, parent or son or daughter. Children may be included in the application.

U Nonimmigrant Status: Persons who have been the victim of serious crimes (e.g. domestic violence, kidnapping, torture, and many other crimes) may be eligible to apply to receive a work permit and later for lawful permanent residence. Close family relatives may be included in the application.

T Nonimmigrant Status: Victims of severe forms of human trafficking may be eligible for a T visa and later for lawful permanent residence. Close family relatives may be included in the application.

Family-Based Immigration: Relatives of a U.S. citizen or lawful permanent resident may be able to get lawful permanent residence. Spouses, parents, siblings, and children of U.S. citizens may be eligible to immigrate through their U.S. citizen family member. Spouses and unmarried children of lawful permanent residents may also be eligible to immigrate through their family member.

Temporary Protected Status (TPS): Persons from certain countries that the U.S. government has designated may be eligible to remain in the U.S. temporarily. They would be entitled to work authorization, permission to travel, and protection from deportation. The U.S. has designated countries such as El Salvador, Haiti, South Sudan, and Syria where it is unsafe to return. TPS does not provide a path to citizenship. For a complete list of designated countries visit:

<https://www.uscis.gov/humanitarian/temporary-protected-status>

Parole-in-Place: Spouses, parents and children of active duty members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and veterans can apply for a temporary status. This is called Parole-in-Place and it allows the person to receive work authorization.

Special Immigrant Juvenile Status (SIJS): Youths who are under 21 years of age, unmarried, under the jurisdiction of a juvenile court (e.g., juvenile, family, dependency, delinquency, or probate court) or a state agency may be eligible for work authorization. They need to prove that they cannot be reunified with one or both parents and that they have suffered abuse, neglect or abandonment. They may also be eligible for permanent residency.

Deferred Action for Childhood Arrivals (2012): Although expanded DACA announced in 2014 is not available, original DACA is. Persons who came to the United States before their 16th birthday and have lived in the United States since at least June 15, 2007, have graduated from a U.S. high school or received an equivalent degree (e.g. GED) or are enrolled in school (e.g., adult education, literacy, vocational training, other job training program), may be eligible for the DACA program announced in 2012. Through DACA a person can get a work permit and protection from deportation, and limited permission to travel abroad.

U.S. Citizenship: Some persons who believed they were immigrants because they were born abroad may be U.S. citizens. If one or both of their parents was a U.S. citizen when they were born or became a citizen before that person turned 18 years of age, they may be a U.S. citizen.

Cancellation of Removal for Non-Permanent Residents: Persons in removal (deportation) proceedings that have lived in the U.S. for at least 10 years may qualify for lawful permanent residence. This is a benefit that is available to person with good moral character and who have a U.S. citizen or lawful permanent resident spouse, child or parent. If the person is granted cancellation of removal, he or she will be able to get lawful permanent residence. Unlike the other forms of relief listed above, this is a defense to removal and can only be requested in removal (deportation) proceedings.

Contact a legal service provider if you believe you may be eligible for any of these forms of immigration relief. Visit: <http://www.adminrelief.org/legalhelp/>

TIP: When visiting a legal services representative make sure you to take with you to your appointment any documents and information that will help the legal services provider better evaluate your immigration options. These documents could include the following;

- ✓ Immigration court records;
- ✓ Passport, visa or work permits that have been issued to you;
- ✓ Other immigration document (e.g. documents filed by your or someone else on your behalf, such as an employer or family member);
- ✓ Arrest records and other documents from criminal court;
- ✓ On a piece of paper write down information about your immigration history, such as:
 - Date you first arrived in the U.S.,
 - Whether you came to the U.S. with a visa, other permit or without permission,
 - Dates of all the times you left the United States since first arriving and the date you returned to the United States after each trip.