

2.4 Sample Questions to Identify Client's Immigration Status and Eligibility for Relief

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*Be sure to request copies of immigration documents to verify the information your client provides you. For a sample check-the-box intake form that gathers similar information, see *infra* Appendix 2-2, Sample Intake Form.*

1. Where were you born? (if answer is U.S. or other U.S. territory such as Puerto Rico, end of inquiry; otherwise, continue)
2. Are you a United States citizen?
 - a. If yes, how and when did you become a citizen? Do you have a U.S. passport? (to clarify whether the individual is in fact a citizen)
 - b. If no, continue to #3
3. Were your parents or grandparents born in the United States? If not, did they ever become U.S. citizens?
 - a. If your parents naturalized, were you under the age of 18 when they did? (If your client's parents or grandparents were born in the U.S. or your client's parents naturalized, you may have an acquired or derivative citizenship issue and should consult an immigration expert for further assistance in the case.)
4. When and how did you first enter the U.S. for the first time (unlawfully or through a visa)?
5. What is your current immigration status? When did you obtain it?
 - a. Lawful permanent resident? Date obtained? On what basis (family visa, refugee, other)?
 - b. Refugee?
 - c. Asylee?
 - d. Temporary protected status?
 - e. Temporary visa, such as student visa?
 - f. Deferred Action for Childhood Arrivals (DACA)?
 - g. Valid work authorization card? Is there a pending application for status or relief? (Individuals with a pending application for status, such as an asylum petition, may have a temporary employment authorization card. A pending application, however, does not confer a lawful status.)
 - h. Undocumented?
 - i. Other?

6. Have you left the U.S. since your first arrived? If yes, list all dates left and returned.
7. Do you have any pending applications with immigration? If yes, what kind?
8. Have you been previously deported or ordered deported?¹ Have you ever had an encounter with immigration officials? What happened?
9. Do you have a prior criminal history? (Clients are not always aware of their entire criminal record; it is therefore important for counsel to separately obtain the client's criminal record.)
10. Do you have family here (including parents, children, spouse, and siblings)? What is their citizenship or immigration status?
11. Do you fear returning to your country? Why?
12. Have you been the victim of a violent crime? If yes, did you cooperate with the police?

1. If your client thinks that he or she may have been previously removed or is currently in removal proceedings but is not sure, you can call the U.S. Department of Justice Executive Office for Immigration Review (EOIR) automated information system (1.800.898.7180) to verify whether removal proceedings have commenced against your client or whether there is an outstanding removal order against your client. You will need your client's Alien Registration Number (also known as an "A Number," beginning with the letter A and followed by an 8 or 9 digit number). The Alien Registration Number may be found in your client's passport or other immigration documents. It will be printed on all Department of Homeland Security (DHS) and EOIR correspondence.