

## Chapter 2

# Determining Your Client's Citizenship and Immigration Status

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When representing any new client in criminal court proceedings, a criminal defense attorney should as a preliminary matter determine whether or not the client is a U.S. citizen. If the client is *not* a U.S. citizen, the disposition of the criminal case may subject the client to adverse immigration consequences.

Do *not* make the mistake of assuming that your client is a U.S. citizen. Many noncitizens have lived in the United States their entire lives and do not exhibit an accent. Thus, it is paramount to ask every client about his or her citizenship, not just those clients with discernible accents or who

appear “foreign.” If the person was born in the U.S., the inquiry need go no further. Only if the person was not born in the U.S. will further questions be necessary.

## 2.1 Determining Whether Your Client Is a U.S. Citizen

### A. Generally

If your client is a U.S. citizen or a U.S. national, he or she is not subject to removal or most other adverse immigration consequences (unless, in the case of a naturalized citizen, citizenship has been revoked because naturalization was obtained through some type of misrepresentation).<sup>1</sup>

A “national” is a broader term that not only refers to any person who is a U.S. citizen, but also covers a person born in “outlying possessions of the United States.” *See* INA § 101(a)(22)(A), 8 U.S.C. § 1101(a)(22)(A); INA § 308, 8 U.S.C. § 1408. The outlying possessions of the United States are American Samoa and Swains Island. *See* INA § 101(a)(29), 8 U.S.C. § 1101(a)(29). Because “nationals” who are not U.S. citizens comprise such a small group, and because they are treated no differently than citizens for immigration purposes, this manual uses the term “citizen” to cover both U.S. citizens and noncitizen nationals.

### B. Obstacles to Understanding Your Client's Status

Generally, identifying whether your client is not a U.S. citizen is a straightforward task. There are a few caveats, however. Criminal defendant clients do not always trust appointed attorneys, especially at the first meeting. They may fear that informing you of their noncitizen status could actually trigger immigration consequences.

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**Practice Note:** Your client may have no familiarity with the adversarial process that is part of the U.S. criminal justice system—he or she may not understand that appointed counsel is independent of the government. When interviewing a client for the first time, it is helpful to reassure the client about confidentiality and that you have no association with U.S. Immigration and Customs Enforcement (ICE).

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Other times, noncitizen clients may simply be unaware that they are not U.S. citizens, particularly those who came to the U.S. at a young age. They may mistakenly assume that they are citizens because they have lived in the United States for so long. Or, some

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1. U.S. citizens can lose the ability, however, to submit a family visa petition for a noncitizen relative. The Adam Walsh Act, passed in 2006, imposes immigration penalties on U.S. citizens and permanent residents who are convicted of specified crimes relating to minors, including sex and kidnapping offenses. Certain convictions would prevent them from filing a visa petition on behalf of a close family member. *See* Section 402 of the Adam Walsh Act; INA § 204(a)(1)(A)(viii), (B)(i), 8 U.S.C. § 1154(a)(1)(A)(viii), (B)(i). For example, if your U.S. citizen client pleads guilty to indecent liberties, he may not be permitted to file a visa petition for a noncitizen relative.

noncitizens may interpret the question, “Are you a citizen,” to be the same as “Are you here legally?” Thus, they may erroneously answer yes simply because they have a green card (for a discussion of people with green cards, see *infra* § 2.2B, Lawful Permanent Resident Status). It therefore may be necessary to clarify an affirmative response with follow-up questions.

Occasionally you will encounter a client who may be a citizen without realizing it, as in the case of someone who automatically derived citizenship from a family member without ever having taken any affirmative step. Therefore, some cases may require investigation beyond simply asking your client whether he or she is a citizen.

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**Practice Note:** It is helpful to begin the citizenship inquiry by asking your client where he or she was born. If the person was not born in the U.S., then ask follow-up questions about citizenship and how, if at all, it was obtained. See *infra* § 2.4, Sample Questions to Identify Client's Immigration Status and Eligibility for Relief.

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### C. Who Are U.S. Citizens

Generally, your client is a U.S. citizen if he or she is within one of the following categories.

**Place of Birth.** Any person born in the United States is a U.S. citizen, except for certain children of foreign diplomats. See INA § 301(a), (b), 8 U.S.C. § 1401(a), (b). A person is also a U.S. citizen if he or she was born in Puerto Rico, the U.S. Virgin Islands, Guam, or American Samoa and Swains Island, as well as those born in the Northern Mariana Islands after November 4, 1988 and in many cases before. See INA §§ 301(a), (b), 302, 304–07, 8 U.S.C. §§ 1401(a), (b), 1402, 1404–07 (citizen by birth in the U.S., Puerto Rico, U.S. Virgin Islands, Guam, or Commonwealth of the Northern Mariana Islands); INA § 308, U.S.C. § 1408 (noncitizen national by birth in American Samoa and Swains Island).

**Naturalization.** A person who is born outside the United States may become a U.S. citizen by petitioning for and being granted citizenship through the “naturalization” process. This process generally involves passing a civics and English test, establishing “good moral character” for a specific period, and participating in a swearing-in ceremony. See INA §§ 310–319, 8 U.S.C. §§ 1410–1430.

**“Acquired” Citizenship from U.S. Citizen Parent.** A person is a U.S. citizen if he or she was born outside the United States but “acquired” U.S. citizenship at birth by having been born to a U.S. citizen parent or parents. The current law on “acquired” citizenship is contained in INA §§ 301(c), (d), (e), (g), (h), 303, 8 U.S.C. §§ 1401(c), (d), (e), (g), (h), 1403; and INA § 309, 8 U.S.C. § 1409 (child born out of wedlock). Thus, your client might be a U.S. citizen and not know it. Many people born in other countries unknowingly inherit U.S. citizenship from their parents under these provisions.

**“Derivative” Citizenship from Naturalized U.S. Parent.** A person is a U.S. citizen if he or she was born outside the United States but “derived” U.S. citizenship as a minor when one or both of his or her parents became a naturalized citizen. The current law on “derivative” citizenship is contained in INA § 320, 8 U.S.C. § 1431. Again, your client might be a U.S. citizen and not know it.

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**Practice Note:** You should ask your client whether any of his or her parents or grandparents were born in the United States or at any point obtained U.S. citizenship, which could give your client “acquired” or “derivative” citizenship even if he or she was not born in the U.S. or U.S. territories. The rules surrounding “acquired” and “derivative” citizenship are complicated, however, and depend on several factors, including an ever-changing set of laws that are not retroactive. Because this is a particularly difficult area of law, if there is any question regarding your client’s citizenship, you should contact an immigration expert for further assistance.

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**Documentation of U.S. Citizenship.** U.S. citizens may have one of the following:

- U.S. Passport
- U.S. Birth Certificate
- U.S. Certificate of Citizenship
- U.S. Certificate of Naturalization

*Sample images of some of these documents appear at the end of this chapter.*

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## 2.2 Determining Your Noncitizen Client's Particular Immigration Status

### A. General Considerations

If you conclude that your client is not a citizen, you then must determine your client's particular immigration status. The immigration consequences will vary significantly depending on the client's particular immigration status. Many of your clients will have documentation indicating their immigration status. If possible, you should make arrangements to photocopy any such documents, especially in situations where your client is uncertain of his or her status. Also, have the client complete an immigration intake form. *See infra* Appendix 2-2, Sample Intake Form. Even if the client is not able or willing to answer all of the questions, any information that you gain will be helpful.

You are also likely to encounter clients without any immigration status who are unlawfully present in the U.S. Some of these clients may be able to gain lawful status in the future. Many avenues for status would be foreclosed, however, by certain types of criminal convictions. Additionally, criminal convictions can have other serious consequences, such as mandatory detention pending removal from the U.S. and enhanced criminal sentences for illegal reentry. Consequently, the immigration consequences of conviction may matter to some of these individuals as well.

The discussion below divides noncitizens into four broad categories of immigration status:

- Lawful permanent resident status
- Refugee and asylee status
- Individuals with temporary lawful status or pending applications for status
- Individuals with no status

This list focuses on the immigration statuses you are most likely to encounter, but it is not exhaustive. The immigration consequences of a criminal conviction for each of these categories are discussed *infra* in Chapter 5, Determining Possible Immigration Consequences Based on Your Client's Immigration Status.

## **B. Lawful Permanent Resident Status**

**Definition.** A lawful permanent resident (LPR) is a noncitizen who has been lawfully admitted to the United States to live and work permanently (though an individual can lose this status). LPRs may travel in and out of the country. An LPR may apply to be naturalized as a U.S. citizen after meeting certain requirements, including a residency requirement. For most individuals, five years of lawful permanent residence is required. See INA § 316(a), 8 U.S.C. § 1427(a). Regardless of numbers of years in the U.S. or U.S. citizen family relationships, an LPR can be removed or face other immigration consequences because of a criminal conviction (for further discussion of impact of conviction on LPRs, see *infra* § 5.1, Lawful Permanent Resident).

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**Documentation of Status.** An LPR will generally have one of the following:

- A “green card”, which is the colloquial name for Form I-551. In May of 2017, USCIS began to issue a new version of the card. The new version states “PERMANENT RESIDENT” on the top left of the front of the card. The card is personalized with the bearer’s photo on both sides, name, alien registration number (“A” number), date of birth, and laser-engraved fingerprint, as well as the card expiration date. Green cards now expire every ten years, and a replacement must be sought. An LPR does not lose legal status because the card expires or is misplaced. Conditional permanent residents (usually individuals who received their LPR status through a marriage less than two years old) are issued cards that are coded “CR” and that expire after two years.
- An I-551 stamp indicating “temporary evidence of lawful admission for permanent residence,” and accompanying expiration date in a foreign passport.
- Foreign passport with a machine-readable immigrant visa. The machine-readable immigrant visa demonstrates permanent resident status for one year from the date of admission found in the foreign passport.

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*Sample images of some of these documents appear at the end of this chapter.*

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### C. Refugee or Asylee Status

**Definition.** A refugee or a person granted asylum is a noncitizen who has been admitted conditionally to the U.S. due to a threat of persecution in his or her country of nationality. *See generally* INA §§ 207, 208, 8 U.S.C. §§ 1157, 1158. Refugee status is granted to an individual who applied from outside the United States. Upon application, he or she is granted a visa and then is allowed to come to the U.S. as a refugee. Asylum is granted to an individual *after* entry into the U.S. Thus, the person entered the U.S. in some other status or unlawfully, but then applied for and was granted asylum. Both refugees and asylees are allowed to work in the U.S. Refugees can apply to become lawful permanent residents after being present continuously for one year in the U.S., and asylees are eligible one year after being granted asylum. *See* INA §§ 209(a)(1), (b), 8 U.S.C. §§ 1159(a)(1), (b). Both refugees and asylees can be removed or face other immigration consequences because of a criminal conviction. *See infra* § 5.2, Refugee (who has not yet obtained LPR status), § 5.3, Person Granted Asylum (who has not yet obtained LPR status).

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**Documentation of Status.** Refugees and asylees will generally have one of the following:

- Refugees should have an I-94 Arrival/Departure Record stating that they have been “admitted as a refugee pursuant to section 207 of the INA.”<sup>2</sup> Some refugees may also have a Refugee Travel Document.
- Asylees will generally have a letter or other document from U.S. Citizenship and Immigration Services or the U.S. Department of Justice stating that the person has been granted asylum. They may also have a stamp in their I-94 document.
- Additionally, your client may have an employment authorization document indicating that he or she is in category A-3 (refugee) or A-5 (asylee). (Codes on the front of the card indicate the person's immigration status by referring to the applicable subsection of 8 C.F.R. § 274A.12, the regulation authorizing employment.)

*Sample images of some of these documents appear at the end of this chapter.*

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**Practice Note:** If your client has merely *applied* for asylum, as opposed to having been *granted* asylum, refer to the discussion *infra* in § 2.2D, Individuals with Temporary Lawful Status or Pending Application for Status. Like a person granted asylum, an asylum applicant may also have an employment authorization document, but his or her card will be coded C-8 rather than A-3 or A-5.

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2. The I-94 document used to be issued to almost all noncitizens on entry to the U.S. In April 2013, paper I-94 documents were no longer issued at airports and seaports; instead, they are maintained and can be accessed through the website of the U.S. Customs and Border Protection.



## D. Individuals with Temporary Lawful Status or Pending Application for Status

The following discussion addresses people who have temporary lawful status in the U.S. or who have a pending application for status. Temporary status authorizes a person to remain in the U.S. for a discrete period, while having a pending application for status does not give a person any permission to remain in the U.S. either temporarily or permanently. All of these individuals can be removed or face other immigration consequences because of certain criminal convictions.

**Nonimmigrant Visa Holders.** Nonimmigrant visa holders are admitted to the United States on a time-limited temporary visa for a specific purpose (such as tourism, study, or temporary work). They are restricted to activity consistent with their visas. The visas are issued before entry by a U.S. consulate or embassy. It is possible for an individual to enter the U.S. as a temporary visa holder and eventually obtain another temporary or permanent status.

For example, an individual may come to the United States as a student, change to an employment-related temporary visa after graduation, and eventually obtain lawful permanent resident status based on an employment opportunity or a family relationship if he or she has the appropriate U.S. sponsor.

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### Documentation of Status

- Evidence of nonimmigrant status is documented on an I-94 document (paper or electronic). The expiration date on an I-94 document supersedes the visa expiration date. For example, an individual may have a tourist visa valid for ten years, but periods of stay in the U.S. are usually granted for no more than six months at a time (as indicated on the I-94 document).

*Sample images of some of these documents appear at the end of this chapter*

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**Temporary Protected Status.** Temporary Protected Status (TPS) establishes a safe haven for and is conferred on an entire nationality based on dire situations such as civil wars, natural disasters, or other extraordinary conditions in their home country. *See* INA § 244, 8 U.S.C. § 1254a. Nationals of that country will not be forced to return there from the U.S. for a designated period of time, can travel outside the U.S. with special permission, and will receive employment authorization.

To acquire TPS status, the applicant must have been in the United States on or before the date of TPS country designation and must have properly registered within the period provided by the U.S. Attorney General. *See* INA § 244(c), 8 U.S.C. § 1254a(c). TPS is usually granted for only a year or 18 months at a time, but is often renewed several times. Since TPS is a temporary designation, the list of designated countries changes frequently. For information about which countries currently are designated for TPS, go to [www.uscis.gov](http://www.uscis.gov) and click on Temporary Protected Status in the “Humanitarian” box. As of August 16, 2017, the countries designated for TPS were El Salvador, Haiti, Honduras,

Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen. However, designation for some of these countries has changed recently and may be discontinued in the near future so it is imperative to review USCIS's website for the most current information.

**Individuals with Pending Applications for Status.** This category includes individuals with pending applications for status, such as an asylum petition or an application for adjustment of status to a lawful permanent resident. It is important to note that a pending application does not constitute permission to remain in the U.S. Individuals with a pending application may, however, have a temporary employment authorization document and, as a result, erroneously assume that they have lawful status. While a pending application does not confer status, ICE may have more lenient policies with respect to removing such people.

#### **E. Individuals without Immigration Status**

These individuals do not have authorization to be present in the United States. This category includes undocumented people who entered the U.S. without inspection (crossed the border without permission), as well as individuals who entered the U.S. on a valid visa but remained past their authorized period of stay (a "visa overstay"). If your client is here unlawfully, he or she may be removed on that basis alone. The immigration consequences of conviction may still matter to some of these individuals because they may be eligible now or in the future to obtain lawful resident status, asylum, deferred action, or other protection from removal.

Certain convictions, such as an aggravated felony, can also result in enhanced criminal penalties should your client reenter the U.S. unlawfully after being removed. Many people who are removed re-enter the U.S. unlawfully after removal to join family members here. If the re-entrant is caught at the border, or picked up for any reason once inside, it is very likely that he or she will be prosecuted for a federal immigration offense. Illegal re-entry following removal is one of the most commonly prosecuted federal offenses today, comprising roughly 26% of all federal convictions in 2012 and resulting in an average sentence of two years. *See* Pew Hispanic Center, [\*The Rise of Federal Immigration Crimes\*](#) (Mar. 18, 2014).

## **2.3 Additional Interview Objectives for a Noncitizen Client**

### **A. Gather Additional Information from Your Client**

You should use the initial and later interviews to gather additional details about your client's immigration history, including length of residence in the U.S., any U.S. citizen family relationships, and potential fear of returning to his or her country of nationality. This information will help you determine the immigration consequences of the potential conviction and whether your client will be eligible for any form of relief from deportation. *See infra* §3.2B, Relief from Removal.



**B. Gather Your Client's Criminal Record**

You will also need to gather your client's entire criminal record. A record of past convictions will be necessary to determine the immigration consequences of any potential conviction and whether your client will be eligible for any form of relief from removal.

**C. Assess Your Client's Goals in the Case**

After obtaining information to determine your client's immigration status, you should discuss with your client the relative importance of any immigration consequences of conviction. It may be that the traditional criminal defense goals of minimizing the severity of the conviction and sentence will conflict with the immigration-related goal of minimizing adverse immigration consequences. For example, in certain situations, your client may be able to plead guilty to a non-deportable offense in exchange for a longer sentence. Thus, it is necessary to gauge the immigration goals of the case, as it will inform your ultimate strategy in the criminal proceeding.

**D. Advise Your Clients of Their Rights**

U.S. Immigration and Customs Enforcement (ICE) prioritizes the removal of noncitizens who are in jails and prisons. ICE and cooperating law enforcement agents identify, question, and detain individuals who may be subject to removal based on criminal grounds or lack of immigration status. Admissions by noncitizen defendants may be used as evidence against them in deportation or criminal proceedings.

The client's Fifth Amendment privilege against self-incrimination covers immigration status if that information could lead to a criminal prosecution (certain immigration violations, including entering the U.S. without inspection, may carry criminal penalties). You should therefore advise all noncitizen clients not to discuss their immigration status, birthplace, or manner of entry into the U.S. with federal immigration agents or other law enforcement officers, except with the advice of counsel. You should also advise your noncitizen clients not to sign any documents while in custody, which could contain a stipulation that they are removable, except with the advice of counsel. If questioned by an immigration agent, your client may remain silent or ask for an attorney.

You should also advise your noncitizen clients not to lie or misrepresent their status, as they can be criminally prosecuted for making a false statement. *See* 18 U.S.C. § 1001 (false statements), § 911 (false claim to citizenship).

In addition, immigration agents may ask your clients to waive the opportunity for a removal hearing before an immigration judge. You should advise your clients not to waive their rights to a hearing ("stipulation of removal") until all of their options are fully evaluated.

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

*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?<sup>3</sup> 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?

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3. 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.

## Appendix 2-1

### Sample Images of Immigration Documents

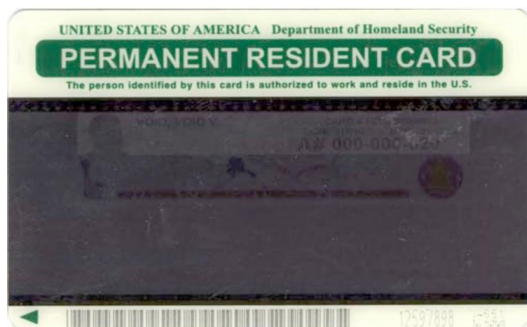
#### Form N-560 or N-561—Certificate of United States Citizenship



#### Form N-550 or N-570—Certificate of Naturalization



## Revised 1997



UNITED STATES OF AMERICA PERMANENT RESIDENT

SURINAME

GIVEN NAME

TEST V

USCIS#

000-000-001

COUNTRY OF BIRTH

UTOPIA

DATE OF BIRTH

01 JAN 1920

CARD EXPIRES

08/21/07

RESIDENT SINCE

08/21/07

SEX

F

CATEGORY

RE8

TEST V, SPECIMEN





*Revised 2017*



Foreign Passport with Temporary “Processed for I-551” Stamp (indicating “temporary evidence of lawful admission for permanent residence” and accompanying expiration date)





[illegible]

## Revised 2017



Form I-94 – Arrival/Departure Record (this particular sample is for a nonimmigrant visa holder—note expiration date of April 23, 2009)

Departure Number OMB No. 1651-0111

**626633123 12**

**I-94**  
Departure Record



14 Family Name **SAMPLE**

15 First (Given) Name **JANE**

16 Birth Date (Day/Mo/Yr) **23 03 68**

17 Country of Citizenship **NEW ZEALAND**

CBP Form I-94 (10/04)

**See Other Side** **STAPLE HERE**

**Warning** - A nonimmigrant who accepts unauthorized employment is subject to deportation.

**Important** - Retain this permit in your possession; *you must surrender it when you leave the U.S.* Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from Department of Homeland Security authorities, is a violation of the law.

**Surrender this permit when you leave the U.S.:**

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 **prior to surrendering this permit.**

**Record of Changes**

Electronic Copy of I-94


**U.S. Customs and Border Protection**  
 Securing America's Borders

Get I-94 Number I-94 FAQ

**Admission (I-94) Number Retrieval**

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

## **Appendix 2-2**

### **Sample Intake Form**

It is recommended that you use an intake form like this sample form for all noncitizen clients. The form will help you capture much of the information you (or an expert) will need to assess the immigration consequences of the criminal charges in a consistent and systematic way. This sample form was developed by the Immigrant Law Resource Center in California; it was modified slightly by the authors for the purpose of this manual.



## Immigrant Defendant Questionnaire

*This information is confidential and protected by attorney-client privilege.*

<b>Client's Name</b>	<b>A# (if possible)</b>	<b>Client's criminal case #</b>
<b>Client's Country of Birth</b>	<b>Client's Date of Birth</b>	<b>ICE Detainer/Hold</b>
		___Yes ___No ___Don't know

### 1. ENTRY:

<b>Date first entered U.S.</b>	<b>Visa Type (or 'none')</b>	<b>Significant Departures (approximate OK; append list)</b>
		Dates: Length of departures:

### 2. IMMIGRATION STATUS:

<b>Lawful permanent resident?</b> ___Yes ___No Date Obtained? _____ On what basis (e.g. family visa, refugee): Check one. To obtain green card, client: - Went to an interview in home country ___ - Processed ("adjusted status") in U.S. ___ <hr/> <b>Screen for possible US citizenship if:</b> ___ Grandparent or parents were US citizens at time of client's birth; OR ___ Parent(s) were US citizens while client was under age 18 (Mark even if parents or grandparents are deceased).	<b>Other Current Immigration status? (check one)</b> ___ Undocumented ___ Doesn't know ___ Has work permit but unsure of status (is there a pending application for status or relief?) ___ Refugee ___ Asylee ___ Temporary Protected Status ___ Deferred Action for Childhood Arrivals (DACA) Other: _____
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### 3. PRIOR REMOVAL/DEPORTATION/VOLUNTARY DEPARTURE:

<b>Was Defendant ever deported?</b>	<b>Describe what happened to extent possible (e.g., saw an immigration judge? just signed form before leaving US? caught at the border?)</b>	<b>Where? When? (for each deportation)</b>
___Yes ___No		

### 4. FAMILY TIES & RELIEF

<b>Family in U.S., including parents, spouses, children, siblings, or fiancé(e) (please list relationship to client, age, and immigration status):</b>    Is your client afraid to return to his/her home country for any reason? Does he or she fear persecution or torture if removed from the U.S.? ___Yes ___No  Has the defendant been a victim of crime? ___Yes ___No If yes, what type of crime?
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**5. DEFENSE GOALS & CRIMINAL HISTORY**

Defendant's Goals Re: Immigration Consequences	Criminal History & Current Charges
<input type="checkbox"/> Avoid conviction that triggers deportation <input type="checkbox"/> Preserve eligibility to apply for immigration status or relief from removal <input type="checkbox"/> Get out of jail ASAP <input type="checkbox"/> Immigration consequences/deportation not a priority <input type="checkbox"/> Other goals re: imm consequences:	<i>Fill out below:</i>  <u><b>List Prior Conviction/s from any jurisdiction</b></u>  <u><b>List Current Charge/s and Plea Offer/s if any</b></u>

**List Prior Convictions**

(include statute section, date of conviction, and sentence)

**List Current Charge(s), Plea Offer(s)**