

Tip of the Month – June 2018

“Legal Check-ups,” Family Preparedness and Transmitting Hope

By Colleen Beebe Purisaca, Program Manager/Resource Attorney, Immigrant Legal Services Program

In the world of disaster relief, experts advise us to “have a plan in case of an emergency.” In our world of “legal relief” having an emergency plan has become very important when working with noncitizen clients. Over the last year and a half we have faced significant changes in immigration policies and the interpretation of immigration laws, the impending end of certain temporary relief from deportation (DACA, TPS, DED), the disregard for long-held legal standards regarding refugee and asylum laws, and increased enforcement. There appears to be no end in sight to the dismantling of a U.S. immigration system meant to provide an orderly process to keep families together, protect people seeking humanitarian relief, and support the U.S. economy. All of these changes make it imperative that noncitizens, in particular, mixed immigration status families, know their legal rights and immigration options, and have a plan in case a family member faces arrest, detention or deportation. It is also important for practitioners to empower clients and transmit hope in such uncertain times. How can we do that?

Beginning in 2017, VLN’s Immigrant Legal Services Program began bolstering its programming to ensure that Minnesota immigrants and their families:

- Have ready and meaningful access to accurate legal immigration-related services offered by competent providers in safe spaces;
- Are equipped to protect and pursue immigration and other legal benefits available to them under the law;
- Are prepared for emergencies in uncertain times to protect immigration options, children and assets; and,
- Do not become prey to fraud.

All lawyers who work with noncitizen clients can help in this process by:

1. Encouraging Legal Check-Ups

Encourage clients to get regular “Legal Check-ups” with a competent immigration lawyer. VLN has a network of free walk-in legal clinics staffed by immigration lawyers who provide comprehensive immigration screenings and consultations. (Visit www.vlnmn.org for a list of clinics). Regular immigration legal check-ups are important because laws and policies change, personal situations change, and an application or relief may not be timely but may be possible in the future. An experienced immigration lawyer can quickly assess and explain what the client’s options are, when to pursue them and how, and where to get help.

An immigration lawyer will assess issues such as:

- Moving from being undocumented or out of status to applying for a temporary or permanent legal status. Immigration laws allow for certain unaccompanied minors, victims of crime and trafficking in the U.S., victims of domestic violence or natural disasters, and those fleeing persecution to obtain relief. Certain family members of U.S.

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citizens and lawful permanent resident (LPR) may be eligible to immigrate now or in the future.

- Upgrading from one legal status to another. For example, moving from a temporary (TPS, DED, DACA, refugee/asylee, or U-Visa holder) to a permanent status.
- Applying for legal relief from removal/deportation in immigration court proceedings, such as asylum or cancellation of removal. These types of relief may be available for undocumented persons or for those who are risk of losing lawful immigration status.
- Identifying whether someone is actually a U.S. citizen and may not know it.
- Helping family members who are LPR’s to apply for U.S. citizenship.
- Determining whether a person may be subject to inadmissibility or deportation, even if they are eligible for relief or are a lawful permanent resident, and whether the issue may be remedied or not.

2. Encouraging Family Emergency Planning

Encourage clients to develop a plan in the event a parent or member of the family is arrested, detained or deported. VLN developed the Family Emergency Preparedness Toolkit in English and Spanish for this purpose (available at www.vlnmn.org/la-planeacion-de-emergencia-familiar-un-kit-de-herramientas-importantes). This toolkit contains basic information and checklists of things to know or do to create a family emergency plan. Important things to know and do include:

- Know one’s legal rights, what immigration options exist and when and how to apply them, where to seek competent legal help—including free legal resources, etc.
- Know what documents a person should gather and keep in a safe but accessible place and who should have access to them. Know what documents they should carry on their person.
- Have a plan in place to care for minor children and access or dispose of assets. Parents may designate third parties to care for and make legal decisions for their children while they are not available. Persons may want to figure out sensible ways to access funds to pay immigration bonds or fees or access their money overseas. Determine ahead of time what to do with rental or real property.

3. Making Good Immigration Referrals

People who need help in immigration matters are susceptible to fraud. To prevent this, legal practitioners must work with others to ensure refugee and immigrant communities know where to seek competent legal services. There are different ways to get help with immigration matters in Minnesota.

- **Free immigration providers.** There are many free immigration service providers in Minnesota, including VLN. Generally, persons will be screened by a free legal service provider for eligibility based on income, place of residence, type of case and other

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factors. Persons may call VLN’s intake line by phone or may visit one of VLN’s walk-in legal clinics to speak with an immigration lawyer. Each provider has its own intake system and provides different services ranging from advice and brief service, pro se help, to full representation.

- **Accredited Representatives working with Department of Justice (DOJ) recognized nonprofits that charge nominal fees.** The immigration system in the U.S. allows certain accredited non-lawyers to represent persons in certain immigration matters. These agencies may be good options in limited types of cases.
- **Private Attorneys.** For those ineligible for free legal services there is a large immigration bar of competent private attorneys and law firms. The Minnesota State Bar Association lawyer referral line (LRIS) or the American Immigration Lawyers Association have referral lists.

4. Empowering Clients and Transmitting Hope

Being a “Counselor” of Law has taken on a whole new meaning in the above context.

Many of the people we work with may feel uncertain or hopeless about what is going to happen in the future. Many families may face separation and relocation, including loss of home, family, and livelihood. In working with clients and families facing such challenges, it is important to listen, empathize, empower, make appropriate referrals, not offer false hope, and discuss what a successful future looks like—with or without family and whether in the USA or elsewhere.

VLN needs volunteers to help carry out this work. We need lawyers to staff phone lines and walk-in legal clinics, help mentor and train lawyers, and provide full representation in different types of immigration matters including U-Visa, naturalization applications, and humanitarian parole cases. We need you! Contact Colleen Beebe Purisaca at colleen.beebe@vlmn.org for more information.