

PAG-ASA LAW CLINIC SERVICES

DACA

On June 15, 2012, via an executive branch memorandum, President Barack Obama announced a policy called “Deferred Action for Childhood Arrivals” (DACA). Under this policy, individuals brought to the United States as children may receive a renewable two-year period of deferred action from removal and are eligible for a work permit. If you believe you are eligible for DACA, or currently have DACA and have questions on renewing your status, please contact Pag-asa directly.

Adjustment of Status

Lawful permanent residence status, or commonly known as “green card”, can be obtained in a variety of ways. Individuals can qualify through a petition/sponsor from an immediate family member, through employment, or as part of an adjustment from an already existing status. If you, your spouse, your children, or your parents are U.S citizens or lawful permanent residents, you may have the ability to acquire lawful permanent resident status. Applications and petitions can be time sensitive so if you believe you are eligible for lawful permanent residence or a “green card” please contact Pag-asa as soon as possible.

Citizenship

Becoming a citizen of the United States is a privilege that comes with rights and responsibilities unavailable to lawful permanent residents, non-immigrants, and undocumented individuals. Citizenship is a destination that has many different paths. If you are currently a lawful permanent resident, you may already qualify to begin the citizenship process. If your parents or grandparents were or are U.S citizens, you may already be a U.S citizen. Proof of U.S citizenship can save someone from deportation or removal which can mean safe and secure immigration to the United States for your immediate family members. If you have any questions about your citizenship, our attorneys at Pag-asa can answer them.

Removal Defense and Removal Proceedings

Any non-citizen in the United States can be placed in removal proceedings - proceedings that occur in an immigration court before an immigration judge. At the conclusion of removal proceedings, a person may be removed or deported from the United States. If you, or anyone you know, are in removal proceedings, it is of the utmost importance that they consult with an attorney with adequate knowledge on immigration. Cases can be lost or won in the very first hearing. Winning a removal proceeding can lead to lawful permanent residence, and even, citizenship. Our attorneys at Pag-asa are experienced in representing individuals in removal proceedings.

Cancellation of Removal

One form of relief available to individuals in removal proceedings is “Cancellation of Removal.” This form of relief is available to both lawful permanent residents and non-lawful permanent residents (everybody else). In order to have their removal cancelled, and their lawful permanent resident status restored, lawful permanent residents must prove: (1) lawful permanent resident status for the past 5 years; (2) 7 years of continuous residence in the U.S in any status; and (3) no conviction of any aggravated felony.

Other individuals who wish to apply for cancellation of removal must prove:

- (1) physical presence in the U.S for at least ten years;
- (2) good moral character for ten years;
- (3) no convictions of certain offenses; and
- (4) deportation/removal would cause exceptional and extremely unusual hardship to a lawful permanent resident or U.S citizen spouse, child or parent.

Submitting an application for cancellation of removal to an immigration judge requires extensive planning and preparation. Compiling evidence, recruiting witnesses, and analyzing applicable law may require the assistance of a knowledgeable and informed attorney. Non-lawful permanent residents who win their cancellation of removal case are granted lawful permanent resident status (green card). Contact Pag-asa as soon as possible if you are in removal proceedings and would like to apply for this form of relief.

Asylum, Withholding, CAT

Do you have a fear of returning to your home country? Is the fear based on one of the following grounds: (1) race, (2) religion, (3) nationality, (4) membership in a particular social group, and/or (5) political opinion? If so, then you may be eligible to apply for Asylum, Withholding of Removal, or relief through the Convention Against Torture (CAT). If you are a survivor of a particular atrocity committed by your home government or by those your home government is unable to control, then you should contact Pag-asa immediately to discuss what options are available to you. Individuals who present a successful application for the types of relief described above can receive work permits and some may even be granted lawful permanent resident status (green card) and may ultimately become a U.S citizen.

T-Visa

Congress created this status (commonly referred to as a T visa) in October 2000 as part of the Victims of Trafficking and Violence Protection Act. Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers use force, fraud, or coercion to compel individuals to provide labor or services, including commercial sex. Traffickers often take advantage of vulnerable individuals, including those lacking lawful

immigration status. T visas offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking.

T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T nonimmigrant status is also available for certain qualifying family members of trafficking victims. T nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents, (obtain a green card).

U-Visa: Victims of a Crime

If you are a victim of a certain type of crime and you are assisting the authorities in the investigation or prosecution of the perpetrator(s), you and your immediate family may be eligible for a U-Visa. The U-Visa allows eligible individuals to live and work legally in the United States for four years. At the end of your third year, you can apply for lawful permanent resident status, which will put you on the path to citizenship.

If you would like to discuss your eligibility for a U-Visa, please contact Pag-asa Law Clinic today and set up a consultation with one of our attorneys/volunteers.

VAWA: The Violence Against Women Act

In an effort to address the systemic and wholesale degradation and oppression perpetrated against women, U.S Congress enacted the Violence Against Women Act of 1994 (VAWA). Under VAWA, you may be eligible to become a lawful permanent resident if you are the victim of battery or extreme cruelty committed by: (1) a U.S. citizen spouse or former spouse (2) a U.S. citizen parent (3) a U.S. citizen son or daughter (4) a lawful permanent resident (LPR) spouse or former spouse (5) an LPR parent.

If you would like to discuss your eligibility for relief through VAWA, please contact Pag-asa Law Clinic today and set up a consultation with one of our attorneys/volunteers.

OTHER LEGAL ISSUES

At Pag-asa Law Clinic we strive to serve all of our community's needs. In addition to our immigration work, we also provide the following legal services. If your issue is not covered, please contact us directly and we will do our best to serve you or put you in contact with a person or organization that can.

Unlawful Detainer - Landlord/Tenant Disputes

Understanding the legal relationship between landlords and tenants requires an in-depth knowledge of the complex obligations owed to each party codified by state and federal law. Often times, the landlord-tenant relationship can become fraught and strained. This can lead to costly ramifications for both parties and can include a lawsuit, trial and even eviction. If you are a tenant and you believe your landlord is violating your rights then contact Pag-asa as soon as possible to ensure that your voice is heard.

Restraining Orders

A restraining order or protective order is an order used by a court to protect a person, business, company, establishment, or entity, and the general public, in a situation involving alleged domestic violence, assault, harassment, stalking, or sexual assault. The restraining order can include preventing personal conduct by the harasser, order the harasser to stay away from the victim, the victim's family, the victim's home/work and/or children's school, and other miscellaneous orders. Restraining orders can also protect senior citizens and elders from elder and dependent abuse. If you have questions regarding restraining orders, please contact Pag-asa as soon as possible.