

NACARA (Form I-881)

You can apply for NACARA if you are from El Salvador, Guatemala or Honduras and you can show that you are an individual who entered the U.S. by certain dates, or registered for the ABC class or TPS status before certain dates in 1991. You must also show: 1) You have lived in the U.S. for at least seven years, 2) you have not had certain criminal problems and (3) If you are the spouse or unmarried child of a person who is NACARA eligible, that you would suffer extreme hardship if removed.

Temporary Protected Status (TPS) (Form I-821)

Certain nationals are eligible to live and work in the U.S. temporarily. If you are eligible for TPS, you can temporarily close your removal proceedings. For most countries, you must already have TPS to be eligible to renew unless you qualify under the exceptions for late registration. Certain convictions make you ineligible. Eligible countries include El Salvador, Nicaragua, Somalia, Burundi, Liberia, Sudan, Haiti.

Voluntary Departure

If you are not eligible for any of the forms of relief from removal but you want to return to the U.S. legally in the future, you should consider asking for voluntary departure. You will not be eligible for voluntary departure if you have been convicted of certain crimes, if you have been granted voluntary departure in the past, or if you have previous deportations. If you are granted Voluntary Departure you must leave U.S.A

Re-Entry Charges

It is a crime to re-enter the U.S. without permission after you have been removed from the country. If you are found guilty in federal court, you can be sentenced to prison for up to twenty years.

This pamphlet was not prepared by the Department of Homeland Security (DHS) the Department of Justice (DOJ) nor by any other part of the United States government, nor is the government responsible for the contents of this material.

DMRS is a non-profit organization, it is not part of the government.

This pamphlet only provides general information and should not be considered specific legal advice for your case.

It also contains information to help you decide whether you might apply for relief from removal.

If you feel you may qualify for something listed here, contact DMRS for more detailed information about that type of relief.

If you do not have an attorney, you can call:

DIOCESAN MIGRANT AND REFUGEE SERVICES, INC.

2400 E. Yandell

El Paso, TX 79903

Phone: (915) 532-3975 x 246

Fax: (915) 532-4071

E-mail: info@dmrs-ep.org



GUIDE FOR DETAINED IMMIGRANTS

Your First Hearing

Your first hearing will be a “Master Calendar” hearing. The Judge will explain the charges brought against you and will inform you of your rights. The Judge will then ask whether you agree or disagree with each charge in the Notice to Appear. You have the right to a lawyer, but the Government will not provide a lawyer. You may ask the Judge for more time to find a lawyer.

Applying for Relief

If you decide to apply for one of the forms of relief, you will have to submit an application to the judge who will then set an Individual Hearing to decide your case.

Appeal

If the Judge does not grant your application for relief and orders you removed, you can reserve your right to appeal the Judge’s decision. If you reserve your right to appeal, the Board of Immigration Appeals must receive a “Notice of Appeal” filed by you within 30 days of the judge’s decision.

Bonds

Bond is money paid to the government in return for your release from detention as a guarantee that you will attend all of your Court hearings and comply with the Judge’s final order. It does not end your immigration case. If you have a bond, but cannot afford to pay it, you may ask the Judge to consider reducing the bond. You may also ask the judge for a bond if you do not already have one. If you have a bond, it will remain valid until you have a final order from the judge. If you have certain criminal convictions, you may be subject to “mandatory detention”

Relief From Removal

(this is not a complete list)

Citizenship

You may be a citizen if you :

1. Were you born in the United States?
2. Do you have a parent or grandparent who was born in the United States or who became a U.S. citizen before you turned 18?

Adjustment of Status: Family Visa (Form I-485)

Some family members can petition the CIS to give you legal permanent residence. One group is for immediate relatives, if you have:

- * A U.S. citizen spouse
- * A U.S. citizen parent (if you are unmarried, and under 21)
- * A U.S. citizen child 21 years or older

One of these individuals, can file a Form I-130 with the CIS. You may be eligible to finish the adjustment process with the Judge if you originally came to the U.S. legally with a visa or parole. If you came illegally, your family member must have filed a petition on your behalf before April 30, 2001. Otherwise, you cannot adjust your status in the United States will have to finish the process through the US Consulate in your country.

212(c) Suspension of Deportation for Lawful Permanent Residents (Form I-191)

If you are a lawful permanent resident facing removal due to a criminal conviction from before April 1, 1997, you may be eligible to apply for 212(c). 212(c) is an application that if approved would forgive you for your conviction and allow you to stay in the United States.

Cancellation of Removal: LPR (Form EOIR 42-A)

If you are a legal permanent resident who violated certain immigration laws or committed certain crimes, you could lose your residency status. You may apply for a waiver if

- 1) you have been a legal permanent resident for at least five years;
- 2) you have lived in the U.S. continuously for at least seven years after being legally admitted and
- 3) you have not had certain criminal convictions.

Cancellation of Removal: "10-year" (Form EOIR 42-B)

If you are not a legal permanent resident, you may be able to apply for your legal permanent residency if

- 1) you have lived in the U.S. continuously for at least the last 10 years;
- 2) you have a spouse, parent or child who is a U.S. citizen or legal permanent resident who would suffer exceptional and extremely unusual hardship if you were removed;
- 3) you have not had certain criminal convictions

Adjustment of Status: Registry (Form I-485)

You may be eligible to apply for registry if you have resided in the U.S continuously since January 1, 1972 and you can show that you are a person of good moral character.

VAWA Relief for Victims of Domestic Violence (Form EOIR 42B or Form I-360)

If you, or your child, have been physically or psychologically abused by a spouse or parent who is a U.S. citizen or legal permanent resident, you may qualify for cancellation of removal or adjustment of status without the assistance of your abusive spouse or parent (even if you are divorced or widowed).

T & U Visas

If you have been the victim of a crime while in the U.S. or if you were a victim of trafficking into the U.S., you may be eligible for temporary permission to live and work in the U.S. You will need to show that you are willing to cooperate, are already cooperating or have in the past cooperated with law enforcement to investigate or prosecute the person who committed the crime against you.

Asylum, Withholding of Removal & Convention Against Torture (CAT) Form I-589

You may qualify for **Asylum, Withholding of Removal or protection under the Convention Against Torture** if you fear you will be harmed if you return to your own country. The threat or harm must come from the government or someone the government cannot or will not control. For asylum and withholding of removal, you must show that the threat or harm is because of your **race, religion, nationality, political beliefs, or your membership in a particular social group.**