

ATTORNEY REVIEW – ISSUES AND INSTRUCTIONS

The purpose of the Attorney Review station is to ensure that the volunteers have accurately completed the forms, that all potential problem and risk factors have been addressed, and to ensure uniformity in completing the applications.

To that end, please review the **Intake Form** and **Volunteer Checklist** as you go over the applications and the documents. Please also fill out the **Pink Attorney Review Sheet**.

I. SOCIAL SECURITY NUMBER

USCIS has clarified that only valid social security numbers need to be listed on the applications. The questions regarding social security numbers should be left blank unless the applicant has a validly issued social security number in his name.

We are discouraging using employment documents with fake social security numbers to document presence in U.S. unless that is all the applicant has or when other documentation presents significant gaps. If necessary, consider redacting social security numbers before submitting.

II. STATUS AT LAST ENTRY (I-765) and STATUS ON JUNE 15, 2012 (I-821D)

Please reconfirm how the applicant entered the U.S. and check the response on the I-821D, Part 3, Item 4 (status on June 15, 2012) and I-765, Item 14 (status at last entry into the U.S.)

- **Visitor, student etc.** - refers to applicants who enter the U.S. with valid permission. They are issued an I-94 document or other immigration document which normally provides an expiration date. On the I-821D – status on June 15, 2012 should be “**Status Expired.**” On the I-765 – status at last entry should list their visa type and any additional description—i.e. “**B-2 Visitor.**” This includes those who entered on a Border Crossing Card (“la mica”).
- **No lawful status** – some applicants may have entered the U.S. at the bridge or a port of entry with someone else’s U.S. birth certificate or immigration document, or have made a false claim to U.S. citizenship, or entered without inspection (“EWI”). “No lawful status” includes these circumstances, and cases in which another person, for example, the driver of the vehicle, made a false representation on behalf of the applicant. For these types of entries, we are answering “no lawful status” as the status at last entry on the I-765 and as the status on June 15, 2012 on the I-821D.

III. CURRENT STATUS on I-765

Question 15 on the I-765 application, regarding current immigration status should be answered “DACA applicant” for initial applicants and “DACA recipient” for renewal applicants whose current DACA has not yet expired. If already expired, then answer “DACA renewal applicant”.

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IV. CRIMINAL ISSUES

If the applicant has been arrested, charged or convicted for a misdemeanor for which the minimum sentence is more than five days, he or she must answer “YES” the I-821D, Part 4, Question 1 (except for minor traffic violations that did not involve drugs or alcohol). Note that the applicant does NOT need to answer “yes” for Class C misdemeanors in Texas (**unless drugs and alcohol are involved**) because the penalty is only a fine.

We do, however, (for charges other than minor traffic violations not involving drugs and alcohol) add a statement in Part 8 – Additional Information disclosing the charge/citation and explaining that it is not a misdemeanor under the DACA guidelines because only a fine and no imprisonment may be imposed.

Even if the offense or juvenile adjudication does not disqualify the applicant, we are recommending on a case by case basis (depending on the charge and number of offenses/tickets) that the applicant include evidence of good moral character. We are recommending this also for conduct or offenses that might be considered a public safety or security risk. USCIS has stated that it may consider non-disqualifying convictions, juvenile adjudications, public safety and security risks in its exercise of discretion to grant or deny the application. We have developed a list of Positive Discretionary documents that an applicant may submit. This document is available at the Volunteer Resources Station.

VI. STUDENTS CURRENTLY IN SCHOOL

For students currently in school, list the last date they were in attendance at school, per the USCIS instructions.

VII. ECONOMIC NEED

For applicants who are supported by their parents or family and do not work, put \$0 for income. Then add a statement that the applicant needs to work to save money for college, pay tuition, parents’ income is insufficient, need to help parents out, etc.

We have a form in the Applicant Packet (also available at the Volunteer Resources Station) to help applicants calculate their expenses.

VIII. AFFIDAVITS

Applicants can use affidavits to fill in gaps in physical presence. Two affidavits are required.

Applicants may use their parent’s documents to show physical presence if they include an affidavit from the parent. Sample affidavits are available at the Volunteer Resources Station.

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IX. STATEMENT OF UNDERSTANDING

Make sure that the applicant and his/her parent are clear about the limitations of the program, the risks, and our limited role as a clinic.

X. REVIEW INTAKE FOR OTHER FORMS OF IMMIGRATION RELIEF

We have added questions on our intake form to screen for citizenship, family-based, and other forms of immigration relief, including VAWA, SIJS, U visas and T visas. Please review the intake form to see if the applicant may be eligible for another form of immigration relief. If applicable, review with the applicant the handout on “Certain Forms of Immigration Relief” that is included in the Applicant Packet. Extra copies of the handout are available at the Volunteer Resources Station.

XI. NEXT STEPS

- If the application is complete, advise clients of next steps on the PINK Attorney Review sheet. **Please fill out the Pink Attorney Review sheet completely.**
- Documents should be arranged in the order shown on the USCIS cover letter, in reverse chronological order for each category of proof. The applicant’s name, date, and address should be highlighted on the submitted copies of documents to facilitate adjudication.
- If the application is not complete, review the documents that are lacking to make sure the applicant understands what else is needed.
- Based on our experience at prior clinics, and because of our limited capacity, we have decided not to re-schedule most applicants who are missing some documents and instead try to explain what additional documents to obtain. If it is necessary for the applicant to be scheduled for another clinic or referred to an attorney, mark the Pink Attorney Review Sheet accordingly.

XII. SELECTIVE SERVICE

Tell male applicants that they are required to register for the selective service after their 18th birthday even though they (generally) cannot enlist in the military. Applicants should register as soon as possible. Advise these applicants to register either at a U.S. post office or online at www.sss.gov. Applicants over age 26 cannot register.

XIII. SEND TO CHECK-OUT

Once you have finished review the applicant’s packet and filled out the Pink Attorney Review Sheet, please send the applicant to the Check-out table so we can collect the documents we keep, and give the applicant mailing materials, etc.