

Defendant Immigration Questionnaire: Basic Information

This information is confidential and protected by attorney-client privilege

| | | |
|---------------------------|--------------|---------------|
| Interviewer's name | Phone number | Email address |
| | | |

| | | |
|-------------------------|---------------------|-------------------|
| Defendant's Name | A# (if possible) | Next hearing date |
| | | |
| Def's Country of Birth | Def's Date of Birth | Immigration Hold: |
| | | __Yes __No |

1. ENTRY:

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

2. IMMIGRATION STATUS:

| | |
|---|---|
| Lawful permanent resident? | Other Current Immigration status? (check one) |
| __Yes __No Date Obtained? _____ On what basis (e.g. family visa, refugee): | __ Undocumented __ Doesn't know __ Has work permit (is there a pending application for status or relief?) __ Refugee __ Asylee __ Temporary Protected Status __ Deferred Action for Childhood Arrivals (DACA) |
| Screen for possible US citizenship if: | Other: _____ |
| __ Grandparent or parents were US citizen at time of Def's birth; OR __ Parent(s) became naturalized US citizens while Def was under age 18; Def became LPR while under age 18 | |
| <i>Photocopy <u>all</u> immigration documents!</i> | |

3. PRIOR REMOVAL/DEPORTATION/VOLUNTARY DEPARTURE:

| | | |
|------------------------------|--|--------------|
| Was Defendant ever deported? | Describe what happened, to extent possible (e.g., saw an imm. judge, just signed form before leaving U.S., etc.) | Where? When? |
| __Yes __No | | |

4. DEFENSE GOALS & CRIMINAL HISTORY

| | |
|--|--|
| Defendant's Goals Re: Immigration Consequences | Criminal History & Current Charges |
| __ Avoid conviction that triggers deportation __ Preserve eligibility to apply for immigration status or relief from removal (see <i>Questionnaire</i> on next page for all undocumented or otherwise deportable defendants) __ Get out of jail ASAP __ Immigration consequences/deportation not a priority __ Other goals re: imm consequences: | <i>Fill out on page 2:</i> List Criminal History (include offense name and cite, date of conviction, sentence even if suspended for each conviction. Include expunged convictions, juvie, and other resolutions) List Current Charge/s, Plea Offer/s |

List Criminal History

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

Defendant Immigration Questionnaire: Possible Relief

(If answer to any question is “yes,” the client might be eligible for the relief indicated.
Circle the relief and **get more details**. Additional research will be needed to confirm eligibility.)

1. **Might client be a U.S. citizen?** If the answer to *either* question is yes, investigate whether client is a USC. (1) At time of birth, did client have a USC parent or grandparent? (2) Before age of 18, did client become an LPR, and did one of client’s parents naturalize to U.S. citizenship?
2. **LPR with seven years in U.S.** Client is an LPR now (has a green card) and has lived in the U.S. for at least seven years since he or she was admitted at the U.S. border in any status (e.g. as a tourist, LPR). No aggravated felony conviction. *Consider LPR cancellation of removal.*
3. **Close family member who is USC or LPR.** Client has a USC: spouse; child who is over 21; or parent if the client is unmarried and under age 21. *Consider “immediate relative” visa petition.*
Client has an LPR spouse; an LPR parent if Client is unmarried; or a USC parent if the Client is age 21 or older and/or married. *Consider less beneficial “preference” visa petition.*
4. **Abused by USC or LPR spouse or parent.** Client, or his or her child or parent, has been battered or abused by a USC or LPR spouse or parent. *Consider VAWA relief.*
5. **Domestic Violence Waiver.** Client is LPR who is deportable for a DV conviction, but in fact client is the victim of DV in the relationship. *Consider Domestic Violence Waiver.*
6. **Ten years in U.S.** Client has lived in U.S. at least ten years since entry, and has a USC or LPR parent, spouse or child. Very minor criminal record. *Consider Non-LPR cancellation.*
7. **Terrible events in home country.** Client is from a country with recent significant human rights violations or natural disaster. *Consider asylum, withholding or the Convention Against Torture. Consider Temporary Protected Status.*
8. **Victim/witness of crime.** Client was victim of a crime and is or was willing to cooperate in the investigation or prosecution of the crime, if crime is, e.g., rape, incest, DV, assault, kidnapping, false imprisonment, extortion, obstruction of justice, or sexual assault, abuse. *Consider U Visa.*
9. **Victim of “severe” alien trafficking.** Client is victim of (a) sex trafficking of persons under age 18, or (b) trafficking persons by use of force, fraud, or coercion “for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” *Consider T Visa.*
10. **Juvenile victim of abuse, neglect, abandonment.** Client is under the jurisdiction of a delinquency, dependency, or probate court and can’t be returned to a parent (here or in home country) due to abuse, neglect or abandonment. *Consider Special Immigrant Juvenile.*
11. **DACA (DREAM) for young persons.** Client entered U.S. while under 16 and before 6.15.2007, and was under 31 as of 6.15.2012. Strict crime bars. *Consider Deferred Action for Childhood Arrivals.*
12. **Waiver under INA § 212(h).** Client is an LPR now, or is eligible to apply for LPR on a family or VAWA visa (see #3, 4 above) and is inadmissible for: CIMTs, prostitution, and/or possessing 30 gms or less marijuana – and no “dangerous or violent” crimes. *Consider the § 212(h) waiver. (Non-LPRs, and some LPRs, may qualify even with a non-drug aggravated felony.)*