



AIDS
LEGAL
REFERRAL
PANEL





IMMIGRATION PRESENTATION

Disclaimer: We will give you basic tools but the workshop is not meant to make participants experts. It is not a good idea to provide legal advice to your clients.



IMMIGRATION WORKSHOP ROADMAP

- 
- **What is ALRP? Services, Eligibility Requirements**
 - **ALRP Staff & Panel Attorneys**

- 
- **How can the HIV Service Provider support the client?**

- 
- **New Immigration Policies, including the proposed change to the Public Charge Determination Rule**

What is ALRP?

Free and low cost legal assistance and education for persons living with HIV/AIDS

10 Staff Attorneys providing representation in the following matters: Housing, Consumer Advocacy, SSDI, SSI, overpayments, AHCD, Wills, POA and Notary Services

Over 700 pro bono panel attorneys in the San Francisco Bay area

Representation in civil law matters including:

Personal Injury, Credit & Debt, Bankruptcy, Taxes, Insurance, Employment Discrimination, Wage claims, Family Law, Wills, Trusts and Immigration

Last year, we provided services to 1,500 individual clients

Our Staff



For more info please visit our website at
www.alrp.org

Address: 1663 Mission St, Suite 500, San Francisco,
CA 94103

Phone: 415-701-1200 ext. 321

ALRP MAIN POINT OF ENTRY FOR IMMIGRANTS



Able to address other civil law matters

Serving immigrants for the last 14 years

Provide trainings for HIV Service Providers and clients

Panel attorneys who are certified immigration specialists

Staff attorneys experienced with HIV+ and LGBTQ clients

If ineligible for our services, ALRP can refer client to other legal services organizations & pro-bono immigration services

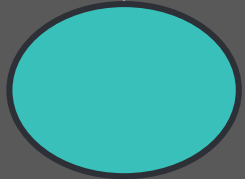
HOW MANY OF YOU ...

Identify whether a client is an immigrant?

Have a procedure in place to identify and refer clients with immigration needs?

Are able to accompany clients to their first meeting with immigration attorney?

Support a client's relationship with attorney from beginning to end?



SP identifies a client with immigration needs,
how can the HIV SP support the client?



INTRODUCTION – NEXT STEPS

1. Understand which paths to lawful status are available to our clients
2. Learn the ALRP referral process
3. Understand the Service Provider's role in the process



PATHS TO LAWFUL STATUS
FOR PEOPLE LIVING WITH
HIV/AIDS

PATHS TO LAWFUL STATUS
FOR PEOPLE LIVING WITH HIV/AIDS

Family-Based Petition

Political Asylum

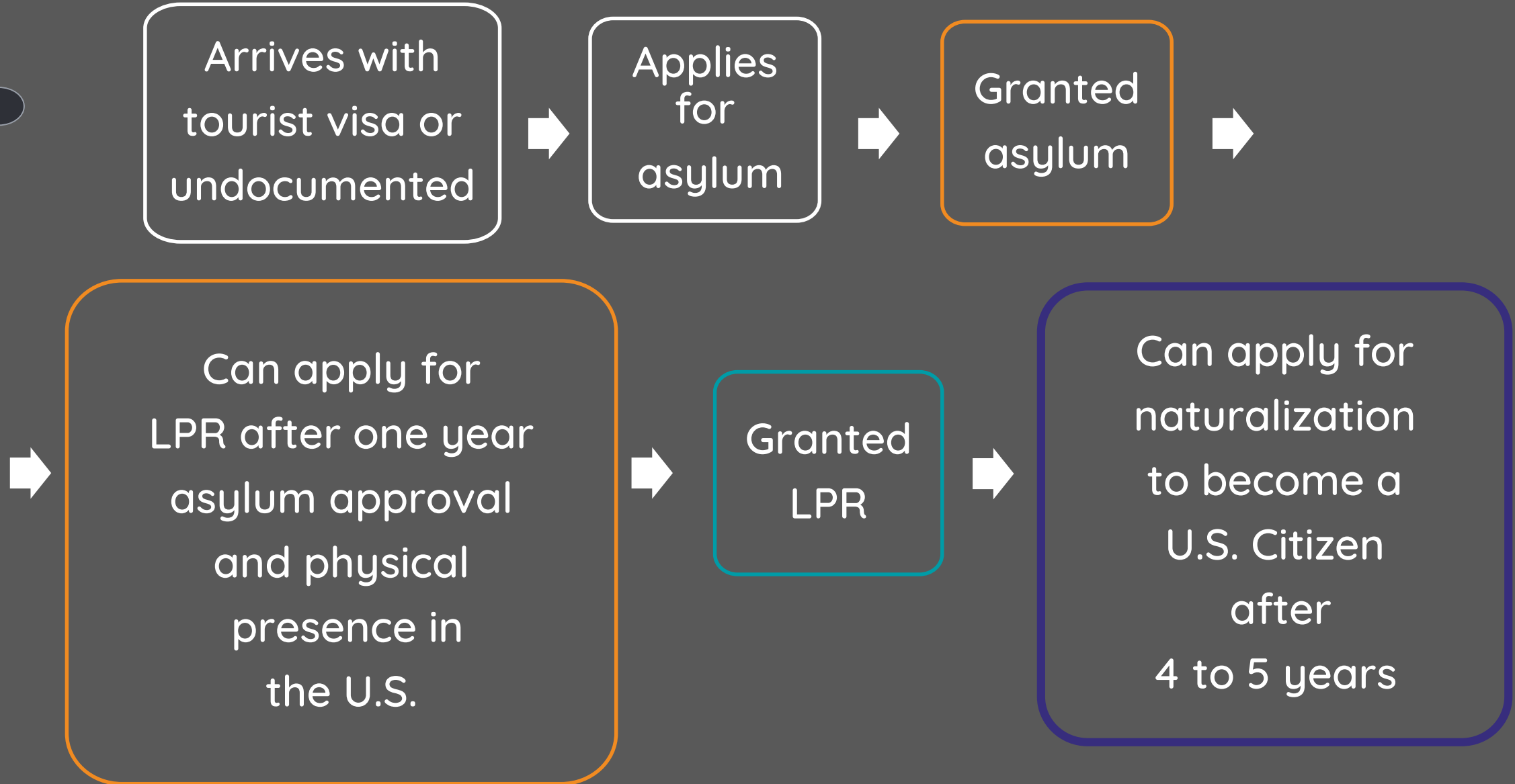
U visa

VAWA

Marriage

Concern: criminal arrests

ADJUSTING TO ANOTHER STATUS STEPS TO CITIZENSHIP FOR ASYLEES



Political Asylum

Unable or unwilling to return home due to past persecution or fear of future persecution on account of his or her ...

- Race
- Religion
- Nationality
- Political Opinion
- Membership in a particular social group

Persecution is a form of significant harm beyond discrimination or harassment

Examples of Persecution

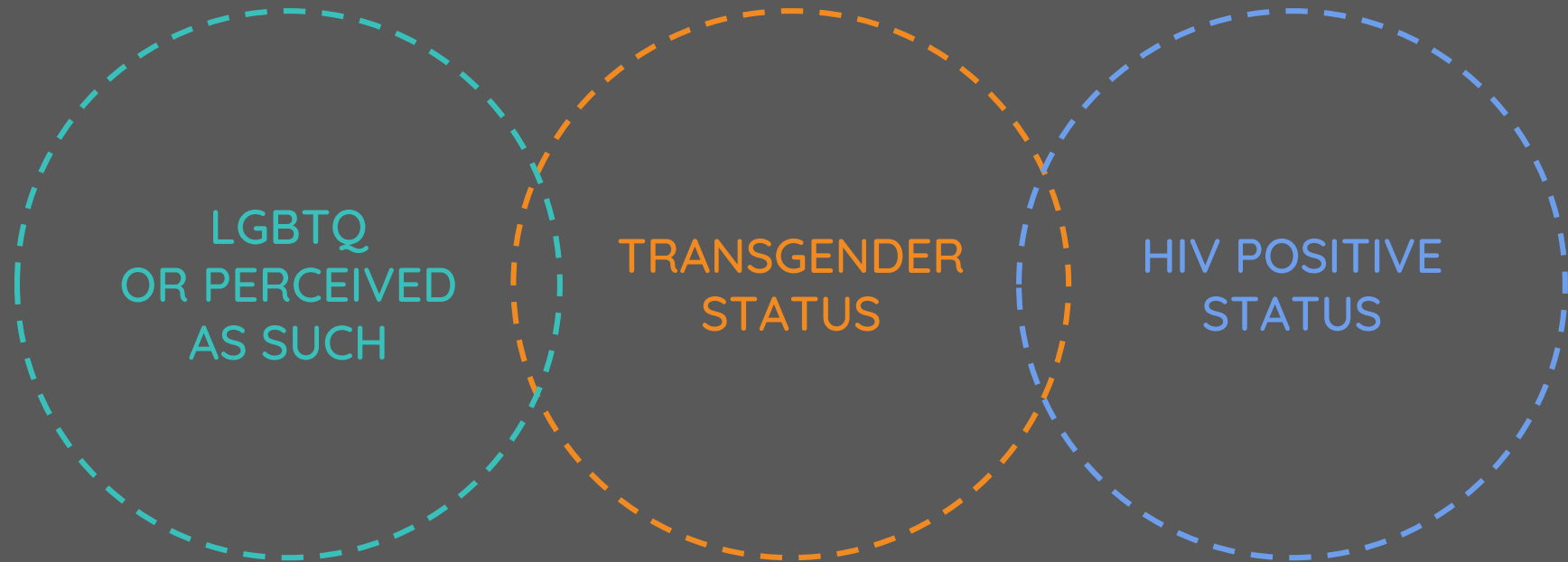
- Serious physical harm
- Disproportionate punishment for crime
- Severe discrimination
- Economic persecution

Must apply within 1 year

- Sample exceptions to one year bar**
- Recent coming out
 - HIV/AIDS new diagnosis or medical complications
 - Gender transitioning
 - Country recent crackdown on LGBTQ rights
 - Family or community isolation

IMMIGRATION BASICS – POLITICAL ASYLUM

Membership in a particular group can include:



IMMIGRATION BASICS – HOW LONG DOES IT TAKE?

CASES FILED
BEFORE

JAN. 29, 2018

Length of process:
up to 3 years

Immigration court:
regular process

VS

CASES FILED AFTER
JAN. 29, 2018

Length of process:
6 months

Interview scheduled
within 21 days

Immigration court:
expedited process



ISSUE SPOTTING FOR ASYLUM

CLIENT IS A RECENT ARRIVAL

CLIENT IS HIV+ AND LGBTQ

CLIENT FEARS GOING BACK TO HIS OR
HER HOME COUNTRY

IMMIGRATION BASICS – U VISA

U Visa

- Very important relief for our HIV+ clients who have been victims of criminal activity.
- Must meet **all** requirements
 - ✓ Crime
 - ✓ Helpfulness
 - ✓ Harm

U Visa criminal acts

- Most common criminal acts: abusive sexual contact, domestic violence, felonious assault, rape, sexual assault, sexual exploitation, stalking, false imprisonment, and other similar crimes or offences.

Crimes in the workplace

- Crimes in the workplace: sexual harassment, sexual assault, or abusive sexual contact at work or similar acts.
- Obtain U visa certification from CA Dept. of Fair Employment & Housing.



ISSUE SPOTTING FOR U VISA

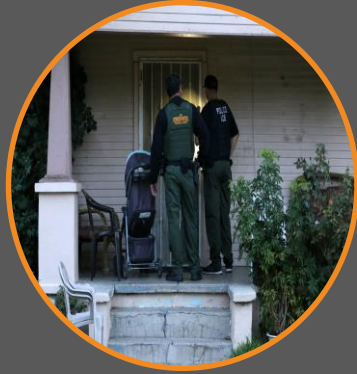
CLIENT IS A VICTIM OF A CRIME

CLIENT IS A VICTIM OF DOMESTIC VIOLENCE

CLIENT IS SEXUALLY HARRASSED AT WORK

DEPORTATION/REMOVAL

Client is in deportation proceedings because ...



During home, community, & workplace raids



During routine police stops or during an arrest



When applying for permanent residency or citizenship

concern: criminal arrests



WITHHOLDING OF REMOVAL (WOD)

Many of our clients have WOD

Special type of order issued by an immigration judge

However, WOD is inferior to asylum in several important ways

Must demonstrate more than 50% chance that will be persecuted in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion.

No pathway to a green card or U.S. citizenship

FAMILY PREPAREDNESS PLAN



Child Care Plan

- * Designate a Caregiver. Sign an Authorization Affidavit:
 - Enroll child in school
 - Medical decisions
 - Other imp decisions
- * Instructions if child has medical conditions
- * Passports
- * Emergency contacts



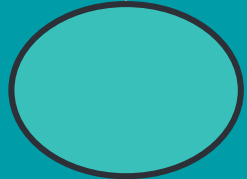
Find Out Options

- * Call your Immigration attorney
- * Administratively closed cases are being reopened
- * Collect evidence
- * Update address with Imm. Court
- * Temporary Protected Status (TPS)



Know Your Rights

- * Right to Remain Silent
- * Right to refuse to sign document you don't understand or agree with
- * Right to speak to a lawyer and make a phone call



THE ALRP REFERRAL PROCESS



REFERRAL PROCESS

STEP 1

SP identifies client with immigration needs

STEP 2

Client signs release of confidential information

STEP 3

SP calls ALRP to set appointment for intake with client or client calls ALRP directly

STEP 4

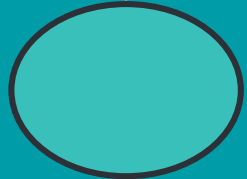
ALRP makes referral to pro bono panel attorney

STEP 5

SP & client make appointment with attorney (SP should accompany client to 1st meeting)

STEP 6

SP calls ALRP to confirm successful referral !!!



THE HIV SERVICE PROVIDER'S ROLE IN THE PROCESS

UNDERSTAND THE CHALLENGES THAT CLIENTS FACE



First time the client shares story

Sharing the story is difficult

Developing trust with Service Provider takes time

Immigration process is very complex and takes long

Clients face limited access to housing, healthcare, food, employment, etc.

Other barriers: economic, cultural, discrimination, racism, etc.

WHAT CAN HIV SERVICE PROVIDERS DO FOR CLIENTS?



KNOWLEDGE

HIV Service Providers have knowledge about client's cultural, socio-economic and family background, familiarity with immigration basics, with ALRP and other legal service providers, and knowledge of protocols for ICE interaction.



REPORTS

HIV Service Providers refer client to mental health professional for mental health assessment report to support client's application for Asylum, U visa, VAWA, etc. and is key to the success of application.



BUILD TRUST

Develop and build trust with client so that client is able to share story with ALRP and our panel attorneys. SPs should accompany client to first meeting with panel attorney.



FORMS

HIV Service Providers assist in filling out intake forms required by some attorneys for initial meeting with client. SP can assist with immigration application forms after case has been accepted by panel attorney. Please note that every form should be reviewed by the immigration attorney.



REFERRALS

SP Identifies clients with immigration needs and refers clients to ALRP. If client does not qualify for our services, SP refers client to appropriate service provider.



MONITORING

HIV Service Providers should prepare the client for meeting with panel attorney, monitor the relationship with attorney, assist in finding MIA clients, gather information for cases, and give comfort and support to client.

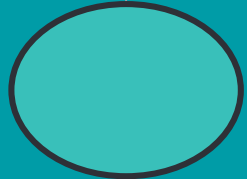
How much should you help clients?

Do NOT
mail forms

Forms trigger
a background
checks for
arrests and
convictions



Do NOT give
immigration
legal advice



CONCLUSION

ADVANTAGES TO LEGALIZING STATUS

Sense of security and stability

Adherence to medical treatment

Legalize client status as quickly as possible

Necessary for success of SF DPH *Getting To Zero* initiative

Opens doors to getting employment

Eligibility for public benefits is based on status

Undocumented

Medical Care
 No Medicare
 Medi-Cal, adults emergency only
 Healthy SF (intent to reside permanently)
 ADAP (drug assistance)

Housing
 Not eligible for BMR
 No public housing
 Section 8 – Restricted
 Mainly, homelessness assistance, emergency shelter, short term & transitional housing.

Cash Assistance
 No Cal-Fresh
 No RCA (Refugee Cash Assistance)
 CAAP/GA, only if catastrophic illness
 CAPI, only if disabled, 65 years or older & PRUCOL
 Yes, AIDS Emergency Funds

**Asylee,
 U Visa Holders
 DACA
 TPS**

Medical Care
 Yes, full Medi-Cal
 Medicare (insured only)
 Healthy SF
 ADAP

Housing
 Yes Section 8
 Yes public housing
 Yes including BMR

Cash Assistance
 Yes CAAP/GA
 Yes CAPI
 Yes RCA (Refugee Cash Assistance)
 Yes Cal-Fresh
 Yes AIDS Emergency Funds
 SSI, SSDI (insured only)

*** Each individual must meet specific eligibility requirements for each of the programs.

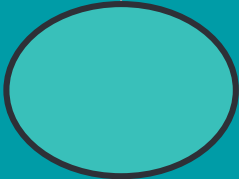
Legal Permanent Residents, U.S. Citizens

Medical Care
 Full Medi-Cal
 Full Medicare
 Healthy SF
 ADAP

Housing
 Yes, full access

Cash Assistance
 Yes, including Cal-Fresh
 SSI, SSDI (insured only)

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) declared that programs necessary to protect life and safety were to remain open to all persons regardless of immigration status.

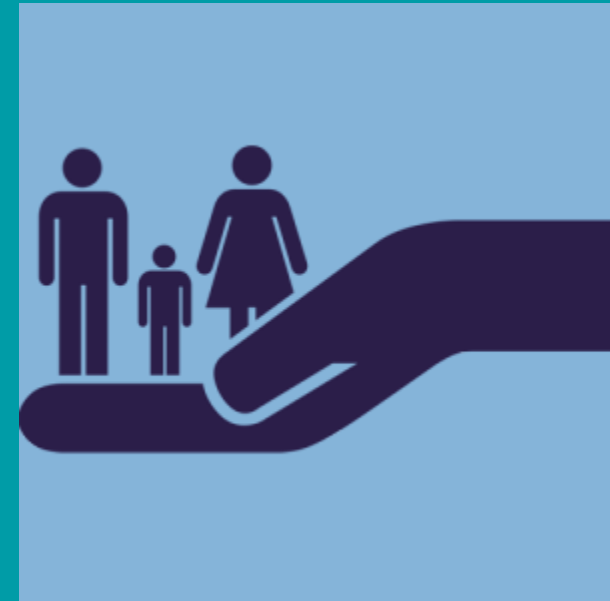


NEW IMMIGRATION POLICIES
THE PUBLIC CHARGE
DETERMINATION

What is public charge?

Ground of inadmissibility: An individual who is likely at any time to become a public charge (or dependent on government support) is inadmissible to the United States and ineligible to become a legal permanent resident.

- Humanitarian immigrants are exempt from a public charge determination (Asylees, TPS, etc.)
- Undocumented immigrants not impacted because they are not eligible for federally funded services and not permitted to apply for a green card.



Current Test: Currently, only very specific types of benefits, such as cash assistance or long-term care, are considered when making a public charge determination.

Proposed Test: Additional benefits would be considered when evaluating whether someone is a likely to be a public charge.

Public Charge – Important to know

Use of public benefits does not automatically generate public charge determination.

Green Card Holders cannot be denied U.S. citizenship for lawfully receiving any public benefits.

Humanitarian Immigrants are not subject to public charge test. (i.e. refugees, asylees, survivors of trafficking, domestic violence and other serious crimes)

Ryan White Funds, not subject to public charge. Treatment of HIV, AIDS, etc. NOT public charge.

State and local programs are NOT included (i.e. Healthy San Francisco)



Keep client informed of potential consequences of accepting cash and medical benefits.
Call ALRP if you have Any questions

Public Charge – Important to know

Proposed additional programs:

Medi-Cal/Medicaid (except Emergency and State only)

Food Stamps/SNAP/CalFresh

Housing Assistance

Medicare Part D

Pharmaceutical Discounts

IN addition, an individual's income, education and health status will also be considered, whether or not they have used public benefits.



Keep client informed of potential consequences of accepting cash and medical benefits.
Call ALRP if you have Any questions

What can we do?

Submit comments explaining how the rule would harm you, your family, patients or the community.

Quantity matters, unique comments matter

You may submit comments on this proposed rule by any the following methods:

1. Visit ProtectingImmigrantFamilies.org to submit comments

2. *Federal eRulemaking Portal (preferred)*: www.regulations.gov. Follow the website instructions for submitting comments.

3. *Mail*: Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529-2140. To ensure proper handling, please reference DHS Docket No. USCIS-2010-0012 in your correspondence. Mail must be postmarked by the comment submission deadline.



IMPORTANT

We can help undocumented immigrants, asylees, withholding of deportation and EAD holders, and Lawful Permanent Residents, etc.

We can even help U.S. Citizens legalize the status of their spouses, children and parents.

Always refer the client to ALRP for a pro bono consultation, even if you think that the client and family members do not have a case.

To report any ICE activity, please call the SF 24 hour Rapid Response HOTLINE at:

SF: 415-200-1548

Ala: 510-241-4011

- Only one dispatcher so if line is busy, call again.
- Use line ONLY to report ICE activity
- Raid verification
- Attorney activation
- Please note that we can provide immigration training on what to do if ICE comes to your organization.



Do you have any questions?



Thanks!

For assistance, please call:

Carmen Ramirez, Immigration Attorney

(415) 701-1200 x 321

1663 Mission Street, STE 500

San Francisco, CA 94103

carmen@alrp.org

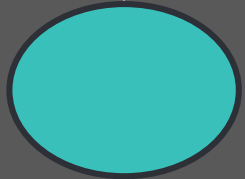
www.alrp.org

Se habla Español



DISCLAIMER:

Please note that the presentation is provided for general informational purposes only. Information presented does not constitute legal advice. Although we strive to keep our information current, it may not be up-to-date and is subject to change without notice. Individuals should always consult with an attorney about their specific case.



END OF WORKSHOP