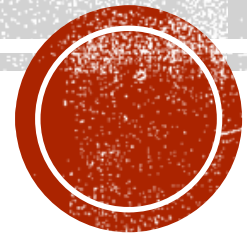


**IMMIGRANT RIGHTS, IMMIGRATION CONSEQUENCES OF
CRIME, & ATTORNEY-CLIENT RELATIONS:
INSIGHTS FROM THE FIELD**

OLUFEMI ADISA & MARIAM BASSOMA



INTRODUCTION / OVERVIEW



IMMIGRANTS RIGHTS

Public Benefits

Drivers License

Employment

4TH & 5TH Amendments



IMMIGRATION CONSEQUENCES OF CRIME/OFFENSE

Present Consequence of Past Record

Risk Of Removal

Delay/Denial of Citizenship



ATTORNEY-CLIENT RELATIONS

Novelty

Power Dynamics



IMMIGRANTS RIGHTS



PUBLIC BENEFITS/DRIVER
LICENSE



EMPLOYMENT



4TH & 5TH AMENDMENTS



PUBLIC BENEFITS

WHO QUALIFIES?

- Refugees and asylees
- Aliens adjusting as self-petitioners under the Violence Against Women Act
- Applicants for U nonimmigrant status
- Applicants for T nonimmigrant status
- Special immigrant juveniles applying for adjustment of status
- Applicants for cancellation of removal

WHO QUALIFIES?

- Family-based immigrants and 5-year wait
- Income-based



PUBLIC BENEFITS

❑ Inadmissibility

- Whether foreign national should be issued a visa/entry, if overseas?
- Whether foreign national is able to adjust status in the U.S.?

❑ Deportability

- Whether a permanent resident or one in legal status should be removed from U.S.?

❑ Proposed Rules

- Criminalizes receipt of public benefits
- Expands list of benefits that could render individual inadmissible/deportable
- Rule yet to be finalized



NDCC 39-06-18.

Substitute operator's license. If an operator's license or nondriver photo identification card issued under this chapter is **lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason**, the individual to whom the operator's license or identification card was issued **may obtain a substitute, by providing documentation that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number** and proof of residence address, if not previously completed or if there are changes to the information already on file, and upon payment of a fee listed in section 39-06-49.

DRIVER LICENSE



Establish Both Identity and Employment Authorization

- **U.S. Passport or U.S. Passport Card**
- **I-551 (Permanent Resident aka “Green” Card**
- **Employment Authorization Document Card (Form I-766)**
- **Foreign passport with Form I-94 or Form I-94A with Arrival-Departure Record, and containing an endorsement to work**
 - same name as the passport and containing an endorsement of the individual’s nonimmigrant status and authorization to work for a specific employer based on this status.
 - may only be used if the period of endorsement has not yet expired and the proposed employment does not conflict with any restrictions or limitations listed on Form I-94 or I-94A, Arrival-Departure Record
- **Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A.**
 - Passport must be presented with Form I-94 or Form I-94A showing nonimmigrant admission under the Compact of Free Association Between the U.S. and the FSM or RMI.

Source : <https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents>



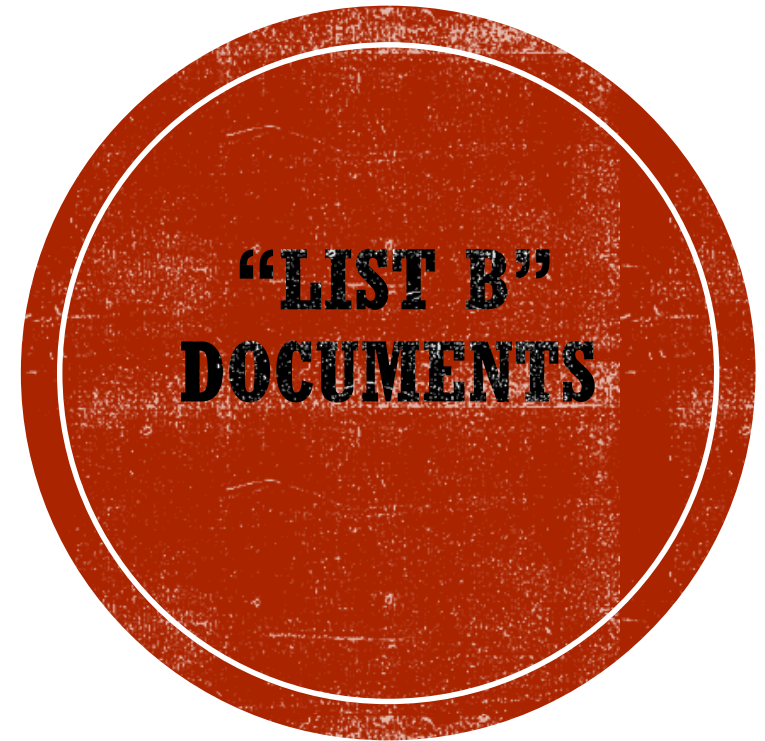


Establish Identity: must also present a document from List C

- Driver's License
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- School ID card with a photograph
- Voter registration card
- U.S. military card or draft record
- Military dependent's ID card
- U.S.Coast Guard Merchant Mariner Document (MMD) card
- Native American tribal document
- Driver's license issued by a Canadian government authority

under the age of 18 :

- School record or report card
- Clinic, doctor or hospital record
- Day care or nursery school record
- **For minors under the age of 18 and certain individuals with disabilities who are unable to produce any of the listed identity documents, special notations may be used in place of a List B document.**



Establish employment authorization: must also provide a document from List B for Section 2

- Unrestricted U.S. Social Security account number card
 - NOT VALID FOR EMPLOYMENT
 - VALID FOR WORK ONLY WITH INS AUTHORIZATION
 - VALID FOR WORK ONLY WITH DHS AUTHORIZATION
- Consular Report of Birth Abroad (FS240)
- Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)
- Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying territory of the United States bearing an official seal
- Native American tribal document
- U.S. Citizen ID Card (Form I-197)
- Identification Card for Use of Resident Citizen in the United States (Form I-179)



Employment authorization document issued by the Department of Homeland Security (DHS)

- Form I-94 Arrival-Departure Record issued to asylees or work-authorized nonimmigrants (for example, H-1B nonimmigrants)
- the unexpired Reentry Permit (Form I-327)
- the Certificate of U.S. Citizenship (Form N-560), Replacement Certificate of Citizenship (Form N-561) (PDF, 40 KB), or the Certificate of Naturalization (Form N-550) or N-570
- Form I-797 issued to a conditional resident may be an acceptable List C document in combination with his or her expired Form I-551



4TH AMENDMENT

*The right of the **people** to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized*



5TH AMENDMENT

*No **person** shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any **person** be subject for the same offence to be twice put in jeopardy of life or limb; **nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*



- <https://www.immigrationlawhelp.org/> - Access to legal services in states
- <https://www.youtube.com/watch?v=Us2RrCBjM9Q&list=PLlOioaWjC0YhpikWuQAywI8Ju7R91xTd5&index=8> – ICE AT DOOR
- <https://www.youtube.com/watch?v=NTUDOLSh1o&list=PLlOioaWjC0YhpikWuQAywI8Ju7R91xTd5&index=2> - ICE AT WORKPLACE
- <https://www.youtube.com/watch?v=O8iCAIYXvDc&list=PLlOioaWjC0YhpikWuQAywI8Ju7R91xTd5&index=1> AGENCY PROTOCOL
- <https://www.youtube.com/watch?v=6NDZH9JmjsE&list=PLlOioaWjC0YhpikWuQAywI8Ju7R91xTd5&index=3> – AUTO STOP
- <https://www.bing.com/videos/search?q=resisting+ice+arrest&&view=detail&mid=FA713E85F00218D7C738FA713E85F00218D7C738&rvsmid=24C0CE840207E71BF3E824C0CE840207E71BF3E8&FORM=VDQVAP> – ACTUAL ICE ARREST
- <https://www.nbcnews.com/news/latino/ground-ice-where-marching-orders-meet-immigrant-reality-n749506> - RED CARD IN USE ACTUAL ICE ARREST



4TH & 5TH AMENDMENT TAKEAWAYS

- ❑ Exist on a spectrum
 - Home to Public Space
- ❑ Assert but don't resist
 - Likely recourse on back end



IMMIGRATION CONSEQUENCES OF CRIME/OFFENSE

- ❑ Present Consequence of Past Record
 - Effect of “conviction,” Admission of sufficient facts, or a guilty plea
- ❑ Risk Of Removal
- ❑ Delay/Denial of Citizenship



ATTORNEY-CLIENT RELATIONS

- ❑ Novelty
- ❑ Power Dynamics



COMING TO A COMMUNITY NEAR YOU

IMMIGRANT RIGHTS OUTREACH

- ❑ Seeking partners
- ❑ 3 locations: Fargo, Grand Forks, and Bismarck
- ❑ Feedback-driven community education

Call : 701-271-1615 if interested to host, partner, participate or for questions

