

IMMIGRATION: WHAT TEENS NEED TO KNOW

(Excerpts from Public Counsel Law Center Booklet.

Available online <http://www.futuros-california.org/resources/immigration.pdf>)

This booklet discusses some immigration laws in a general way. It may give you preliminary answers to immigration questions. You should note that just because you meet certain requirements does not mean you automatically can become a Lawful Permanent Resident (LPR) or citizen. The process of becoming an LPR can be complicated and lengthy. Depending on your individual case, it may take anywhere from 1 to 15 years to become an LPR.

DO NOT GUESS ABOUT IMMIGRATION LAW

If you have questions:

- Do not go to or call the Immigration and Naturalization Service (INS) (now called CIS).
- Contact an immigration lawyer or a community organization that provides free or low-cost immigration service.
- Be careful of anyone who promises that you qualify to become an LPR or citizen. It is against the law to make such promises or to claim a special relationship with CIS.

WHAT IF I'M STOPPED BY AN IMMIGRATION OFFICER?

1. You have the right to remain silent.
2. Be polite. Don't run away and don't make any false statements.
3. Provide your "green card" or other immigration papers. Do not provide any false papers.
4. If you are arrested, ask to make a telephone call to a family member. Speak to an immigration lawyer before answering any questions or signing any forms. The immigration officer must give you a list of free or low-cost legal services.

HOW DO I BECOME A LAWFUL PERMANENT RESIDENT?

This section describes how to become a lawful permanent resident (LPR) through a family member. The procedure and time frame depend on many different factors, including whether your family member is a citizen or LPR, your family relationship (husband or wife, mom/stepmom or dad/stepdad, child, brother or sister), the country where you were born, your age and whether you are married. The amount of time you will have to wait to get your green card depends on all of these factors.

IF I ENTERED THE U.S. UNLAWFULLY, DO I HAVE TO LEAVE THE U.S. TO OBTAIN MY GREEN CARD?

- If you apply for residency on or before April 30, 2001, you may be eligible to "adjust status" in the U.S. That means you do not have to leave the U.S. to obtain your green card. If you are

eligible to “adjust status” in the U.S., you must pay a \$1,000 penalty (unless you are not married and under 17 years old).

- If you applied for residency between January 14, 1998 and April 30, 2001 you must prove you were in the U.S. on December 21, 2000.
- If you applied for residency after April 30, 2001, you are not eligible to “adjust status” in the U.S. That means you have to leave the U.S. for your green card interview. You must return to your country of origin and go through “consular processing” at the U.S. consulate. That means a representative of the U.S. consulate will interview you and determine whether you will be granted permanent residency. And:
- If, after the age of 18, you have been unlawfully present in the U.S. for more than 180 days (but less than 1 year), you are barred (or inadmissible) from returning to the U.S. for 3 years. There are exceptions.
- If, after the age of 18, you have been unlawfully present in the U.S. for more than 1 year, you are barred (or inadmissible) from returning to the U.S. for 10 years. There are exceptions.
- Consult an immigration attorney before leaving the U.S. for your interview at the U.S. consulate.

MY MOM, SISTERS AND I WALKED ACROSS THE BORDER 5 YEARS AGO. WE WERE NEVER STOPPED BY THE INS OR THE POLICE. DOES THAT MEAN I HAVE BEEN “UNLAWFULLY PRESENT” IN THE U.S.?

- ❖ If you entered the U.S. without papers (you didn’t have a visa or overstayed your visa), you are unlawfully present. The period of “unlawful presence” starts to run when you turn 18.
- ❖ Unlawfully present” means, among other things, that you entered the U.S. without a visa, overstayed a visa, violated a term of your visa, arrived without papers, or were not otherwise admitted or paroled. There are some exceptions.
- ❖ Unlawful presence” may be waived if you are the husband, wife, son or daughter of a citizen or LPR and you prove that the bar would result in extreme hardship to your citizen or LPR husband, wife or parent. You cannot ask for a waiver simply because you are the parent of a citizen child.

QUESTION: I’M UNDOCUMENTED. CAN I GO TO COLLEGE? ANSWER: YES!

- You cannot be rejected from a college or university just because you are undocumented.
- If you are undocumented, you may qualify for in-state tuition at a California State University (CSU), a University of California (UC) and a community college. To be eligible, you must (1) attend a California high school for at least 3 years, (2) graduate from a California high school or get your GED, (3) file a **California Nonresident Tuition Exemption Request** form with the university or college stating that you have applied to be a Lawful Permanent Resident (“green card” holder) or will apply as soon as you are eligible. The form is filed with the college or university and not with INS (now called CIS).
- Ask your college or university for a **California Nonresident Tuition Exemption Request** form. Check with the Admissions Office or Office of the Registrar. The form is also available on the Public Counsel website at www.publiccounsel.org.