

IMMIGRANT DEFENDANT QUESTIONNAIRE

Your name	Defendant's case number (from your office, court, etc.)	Defendant's A# (if possible)

Def's Country of Birth	Def's Date of Birth	ICE Detainer/Hold/Notification <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know

1. ENTRY:

Date first entered U.S.	Visa Type (or 'none')	Departures from U.S. (approximate OK; append list)
		Date/s: Length of departure/s:

2. IMMIGRATION STATUS:

<p>Lawful permanent resident ("green card")</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Date Obtained? ____</p> <p>On what basis (e.g. family visa, refugee): ____</p> <p>Check one. To obtain LPR status, D:</p> <p>--Went to an interview in the home country <input type="checkbox"/></p> <p>--Processed ("adjusted status") here in U.S. <input type="checkbox"/></p> <hr/> <p>Screen for possible US citizenship:</p> <p><input type="checkbox"/> Grandparent or parents were US citizen at time of D's birth; OR</p> <p><input type="checkbox"/> Parent/s were USCs while D was under age 18;</p> <p>(Mark even if parents or grandparents now are deceased. Stepparents do not qualify here)</p> <p><input type="checkbox"/> Neither of the above</p>	<p>Other Current Immigration status</p> <p><input type="checkbox"/> Undocumented <input type="checkbox"/> Doesn't know</p> <p><input type="checkbox"/> Has work permit but unsure of status</p> <p><input type="checkbox"/> Refugee <input type="checkbox"/> Asylee</p> <p><input type="checkbox"/> Temporary Protected Status</p> <p><input type="checkbox"/> Deferred Action Childhood Arrivals (DACA)</p> <p>Other:</p> <hr/> <p>USC or LPR Parent, Spouse, Child</p> <p>List each relative and whether the person is an LPR or a USC. Include age of each child.</p>
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3. PRIOR REMOVAL/DEPORTATION/VOLUNTARY DEPARTURE:

<p>Was D ever deported or got "voluntary" departure?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Don't know</p>	<p>Describe what happened, to extent possible (e.g., Saw immigration judge? Just signed form before leaving U.S.? Caught at the border?)</p> <p style="text-align: center;">-</p>	<p>Where? When? For each deport/voluntary departure</p>

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Your name:

Client case number:

Information on Prior Conviction/s from any jurisdiction:

Include additional page if needed				
Code section, F/M	Offense Date	Conviction Date	Sentence	Post-Con relief (PC 17 etc)

Information on Current Charges

Include additional page if needed			
Code sec.	F/M, strike, etc.	Date committed	Other info

Current Plea Offer/s if any

Include additional page if needed			
Code sec	F/M, strike, etc	Sentence	Other info: DA flexibility, priorities; Your comments

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Your name:

Client case number:

Eligible to Apply for Lawful Status or Relief from Deportation

If the answer to any question is “yes,” the client might be eligible for the relief indicated. References are to the *Relief Toolkit for Defenders*, available free online at www.ilrc.org/chart.

“USC” stands for U.S. Citizen and “LPR” stands for lawful permanent resident (green card-holder)

Questions for LPR Clients (green card-holders) Only:

1. **Has your LPR client lived in the U.S. for at least seven years?** Yes No

To apply for this waiver in deportation proceedings, client must be an LPR who (a) is not convicted of an aggravated felony; (b) has been a LPR for at least five years; and (c) has lived in the U.S. for at least seven years since being admitted in any status (e.g. as a tourist, LPR, etc.). See §17.5 LPR Cancellation.

2. **Can your LPR client apply for U.S. Citizenship?** Yes No

An LPR can apply for U.S. citizenship after five years LPR status, or three years of marriage to a USC while an LPR; must establish good moral character and should not be deportable. More beneficial rules apply to some current and former military personnel. See §17.4 Naturalization

Questions for All Immigrant Clients, Including Undocumented Persons and LPRS

3. **Has your client been abused by a USC or LPR relative?** Yes No

Your client, or certain family member/s, have been abused (including emotional abuse) by a USC or LPR spouse, parent, or adult child. What relative and what immigration status? _ _
See §17.8 VAWA. (If abuser does not fit this profile, consider U Visa, below.)

4. **Is your client a juvenile and a victim of abuse, neglect, or abandonment?** Yes No

Client can't be returned to at least one parent, due to abuse, neglect or abandonment. See §17.9 Special Immigrant Juvenile.

5. **Is your client a victim of abuse who also was convicted of domestic violence?** Yes No

Client was convicted of a deportable DV or stalking offense, but in fact client is the primary victim in the relationship. A waiver of the DV deportation ground, or the DV bar to non-LPR cancellation, might be available. See §17.11 Domestic Violence Waiver.

6. **Did your client enter the U.S. before his or her 16th birthday?** Yes No

Client entered U.S. before turning 16 and before 6/15/2007. See §17.12 DACA.

7. **Has your client lived in the U.S. for at least ten years?** Yes No

To be eligible for this defense in removal proceedings, client must have lived in U.S. at least ten years and have a USC or LPR parent, spouse or child (see §17.14 Non-LPR Cancellation of Removal) or lived here at least ten years and all deportable convictions occurred before April 1, 1997 (see § 17.15 Suspension of Deportation, available in Ninth Circuit states).

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Your name:

Client case number:

8. Has your client been a victim of a crime?

Yes No

Client must have been a victim of a crime such as DV, assault, false imprisonment, extortion, stalking, or sexual abuse, and be or have been willing to cooperate in investigation or prosecution of the crime. See §17.16 *The “U” Visa*.

9. Has your client been a victim of human trafficking?

Yes No

Client must have been victim of (a) sex trafficking of persons (if under age 18, could have been consensual), or (b) labor trafficking, including being made to work by force, fraud, etc. See §17.17 *“T” Visa*.

10. Is your client afraid to return to his or her home country for any reason?

Yes No

Mark “yes” if (a) Client fears persecution or even torture if returned to the home country, see §§ 17.19 *Asylum and Withholding* and 17.20. *Convention Against Torture*; or (b) Client already is an asylee or refugee, see §17.21 *Refugees and Asylees*; or (c) Client is from a country that the U.S. designated for TPS status, based on natural disaster, civil war, or the like, see §17.22 *Temporary Protected Status (TPS)*.

11. Is your client from the former Soviet Bloc, El Salvador, Guatemala, or Haiti?

Yes No

Your client might be eligible for a program if he/she from these areas *and* applied for asylum or similar relief in the 1990’s -- or is a dependent of such a person. See §17.23 *NACARA for Central Americans*, and see §17.24 *HRIFA for Haitians and Dependents*.

12. Does your client, or parent or spouse, have an imm case from 1980’s “amnesty”?

Yes No

The application still might be pending and viable. See §17.25.