



GENERAL SCREENING FOR LEGAL SERVICE PROVIDERS

By ILRC Attorneys

General Screening Overview

Screening has long served as a vital tool for immigration attorneys and most importantly, for clients to assess risk and determine eligibility for relief—and today, its importance is greater than ever. In an increasingly complex legal landscape, a thorough screening process is essential to uncover potential issues, identify viable options, and craft a strategic path forward for each client based on their unique circumstances.

In this resource, is a sample client intake form that can be modified to serve your organization or firm. Each intake form must ask general questions to assess eligibility for potential relief and to identify any red flags. After the screening, the legal practitioner should explain to the potential client processes they may be eligible for, any potential risks or red flags, whether the organization or firm can take the case, and any fees involved. The potential client should also receive a mini Know Your Rights (KYR) training or be provided with KYRs materials. Finally, the legal practitioner may discuss next steps with the potential client.

Note: This sample client intake form does not go into detail on all the elements of a particular form of relief. The goal at the screening stage is not to make a final determination of eligibility but to assess pathways for relief. For example, if your client is a lawful permanent resident (LPR) and they are wanting to naturalize, a naturalization screening questionnaire would be better suited for that purpose. This sample client intake form is generic, to screen for general relief.

The best defense is always United States citizenship and part of the screening is to assess whether the potential client may already be a United States citizen. For an outline of the different requirements for acquiring and deriving citizenship, see our Acquisition and Derivation Quick Reference Charts at <https://www.ilrc.org/resources/acquisition-derivation-quick-reference-charts>. This questionnaire includes questions to help assess acquisition or derivation of United States citizenship.

KYRs:

Every screening is an opportunity to conduct a mini KYRs training. Do not assume that a potential client knows their rights or has been advised of their rights. Always provide valuable KYR information to every potential client during the screening.

- You can find KYR tools at <https://www.ilrc.me/protect>
- You can find our free, downloadable, Red Cards at: <https://www.ilrc.org/red-cards-tarjetas-rojas>.

Remind potential clients that they have the right to remain silent. At home, they do not have to open the door or answer questions, unless ICE (and cooperating federal agencies) has a valid judicial warrant (one that is issued by a court, signed by a judge, and accurately lists the person and/or address to be searched).

- For a sample valid judicial warrants visit the National Immigration Law Center's (NILC) Judicial Warrants v. Immigration Warrants at <https://www.nilc.org/wp-content/uploads/2020/09/Warrants-v-Subpoena-Slides.pdf>.

Screen for Relief Before the Immigration Court:

Especially under the current administration, each potential client needs to be screened for relief before the Immigration Court. This questionnaire elicits information on relief before the Immigration Court without sections being labeled as such. You do not have to be a removal defense practitioner to screen for relief before the Immigration Court. The last three pages of this document provide a summary of common forms of relief. Note that the sample intake form also includes questions to elicit information on whether someone may be possibly subject to mandatory detention under the current government's interpretation.

NTA Memo:

As a legal service provider, you should also be familiar with the Department of Homeland Security's (DHS) new NTA memo, found at https://www.uscis.gov/sites/default/files/document/policy-alerts/NTA_Policy_FINAL_2.28.25_FINAL.pdf, which lists the circumstances under which the United States Citizenship and Immigration Service (USCIS) will issue a Notice to Appear.

- For guidance on the new NTA Memo, see the Catholic Legal Immigration Network, Inc.'s (CLINIC) guidance at <https://www.cliniclegal.org/file-download/download/public/77257>. This guidance includes a draft informed consent form (in English and Spanish) that can be adopted to organization or firm's your needs.

Thank you! Thank you for everything you are doing! We know you are practicing under unprecedented, stressful, and cruel policies under this administration. We stand in solidarity with you!

Sample Client Intake Form

A-Number: _____

Date: _____ Referred by: _____

Name: _____ Date of Birth: _____ Age: _____

Nationality: _____ Place of Birth: _____

Address: _____ Phone No.: _____

_____ Other Phone #: _____

Immigration History

1. What is your current immigration status?

☐ No Status ☐ Visa Overstay ☐ DACA ☐ TPS ☐ LPR ☐ USC ☐ Other: _____

If LPR, when and how did you become an LPR (*check and copy LPR card*)? _____

Note: If interested in naturalization, consider a naturalization questionnaire. For a red flag checklist for screeners visit: https://www.ilrc.org/sites/default/files/resources/naturalization_field_guide-20181221.pdf

2. When did you first enter the U.S.? _____ When was the last time? _____

3. How did you enter the last time?

☐ Visa/Parole: _____

☐ No papers, but at a checkpoint: _____

☐ No papers, between a checkpoint: _____

☐ Not inspected/other: _____

4. List all entries to and exits from the U.S. (give dates and whether you went through an immigration inspection upon those entries):

Entry Date	Exit Date	Inspected by immigration authorities?	If yes, what status (visa/parole) did you have on entry?	If authorized say – when did it expire?

(Copy any visas, I-94s, I-20s; check <https://i94.cbp.dhs.gov/home> for I-94 and travel history)

5. What brings you in today? What questions are you seeking an answer for?

(If answers yes to #6, #7, or #8 provide explanation in #8 below)

6. Have you ever been ordered removed or deported from the United States? Yes/No

7. Have you ever been in immigration court? Yes/No

8. Have you ever been given paperwork to go to immigration court (such as a Notice to Appear)? Yes/No

9. Have you ever been stopped by immigration officials? Yes/No

If yes to #6, #7, #8, or #9, please describe:

10. Ever applied for any immigration benefit? (Ex: permanent residency, asylum, amnesty, TPS, cancellation, suspension, Family Unity, DACA, visa petition, U visa, T visa, SIJS, or any other immigration benefit). If so, please tell us when and what types of paperwork:

What was the result?

11. Has any paperwork been filed on your behalf or for your parent (ex: visa petition by family)? Yes/No

If yes, please describe:

12. Have you ever been treated for a medical or mental health condition? Yes/No

If yes, please describe:

13. Are you currently on any medications or have you ever been prescribed Medications for anything? Yes/No

If yes, please describe:

14. Have you ever seen a psychologist, psychiatrist, therapist, social worker or case worker? Yes/No

If yes, please describe:

Family History

15. Were your parent(s) or grandparents U.S. citizens (USC), even if now deceased?

Yes/No

If yes, who:

☐ Mother

When did they become a USC: _____

☐ Father

When did they become a USC: _____

☐ Maternal Grandmother

When did they become a USC: _____

☐ Maternal Grandfather

When did they become a USC: _____

☐ Paternal Grandmother

When did they become a USC: _____

☐ Paternal Grandfather

When did they become a USC: _____

16. Are you married? Yes/No

When and where? _____

Date of marriage: _____

Spouse's name: _____

Spouse's status: ☐ USC ☐ LPR ☐ No status ☐ Other: _____

Previously married: Yes/No

Name of prior spouse: _____

Prior spouse's status:

☐ USC

☐ LPR

☐ No status

☐ Other: _____

How and when did marriage end: _____

17. Do you have children?

Yes/No

If yes, provide info about all children (living anywhere, born outside of marriage and stepchildren):

Child's name	Date and Place of Birth	Immigration Status	In U.S. now?
			Yes/No
			Yes/No
			Yes/No
			Yes/No

18. Do you have any other family members in the United States?

Yes/No

If yes, provide the following information:

Relative's Name	Relation	Immigration Status	In U.S. now?
			Yes/No
			Yes/No
			Yes/No
			Yes/No

General Screening

19. Have you ever been a victim of domestic abuse by a spouse, parent, or child? Yes/No

If yes:

By whom and when? _____

Was that person a USC or LPR? ☐ USC ☐ LPR ☐ Unknown

Was this incident(s) reported to the police? Yes/No

Did you cooperate with the investigation/prosecution? Yes/No

20. Have you ever been threatened or harmed or made to feel bad by a spouse, parent, or child?

(consider showing client the power & control wheel)

Yes/No

If yes:

By whom and when? _____

Was the person that did this a USC or LPR? ☐ USC ☐ LPR ☐ Unknown

Was this incident(s) reported to the police? Yes/No

Did you cooperate with the investigation/prosecution? Yes/No

21. Have you ever worked in the United States? Yes/No

If yes, provide the following information:

Employer's Name	Employer's Address	Employment Type	Period of Employment	Work Authorized?
				Yes/No
				Yes/No
				Yes/No
				Yes/No

22. Have you ever had trouble with the police (including parking tickets) or been arrested in the United States, even if you didn't have to go to court? Yes/No

If yes, enter information in chart below:

Date of Incident	Alleged Charge(s)	Go to Court?	Disposition	Other Notes
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

23. Have you ever had trouble with the police or been arrested in any other country? Yes/No
If yes, when? What for? Did you go to court? What sentence did you receive? _____

24. Do you have any reason to fear going back to your country? Who do you fear and why? _____

25. If you are seeking asylum:
- | | |
|---|--------|
| Do you have a hearing scheduled with the immigration court? | Yes/No |
| <i>If yes, when and where?</i> _____ | |
| Have you filed your asylum application? | Yes/No |
| <i>If yes, when?</i> _____ | |
| Do you have a copy of the application? | Yes/No |
26. Have you ever been the victim of a crime in the United States? Yes/No
If yes:
- | | |
|---|--------|
| What crime? _____ | |
| Was the crime reported to the police? | Yes/No |
| Did you help with the investigation or prosecution? | Yes/No |
27. Did anyone recruit you in your home country to work in the United States? Yes/No
- | | |
|--|--------|
| Have you ever felt forced to work or tricked into working? | Yes/No |
| Have you been required to work overtime without overtime pay or work without pay (or less pay than allowed/expected)? | Yes/No |
| Has your employer told you not to report an injury, to work with an injury, work without proper safety equipment, threatened to call Immigration or done anything else that did not feel right to you or your coworkers? | Yes/No |
| Were you required to perform sexual acts by force, fraud or coercion or asked to perform sexual acts when you were under 18? | Yes/No |
28. [ASK ONLY IF INDIVIDUAL UNDER 21]
- | | |
|--|--------|
| Do you live with both parents? | Yes/No |
| Do you have regular contact with your parent(s)? | Yes/No |
| Have you ever had a problem with either of your parents? | Yes/No |
| <i>If yes, please explain:</i> _____ | |
| Parents always able to provide for your basic needs (food/shelter/clothes)? | Yes/No |
| <i>If you know, are you currently under the jurisdiction of a juvenile court (for example, are you in dependency, delinquency, or probate guardianship)?</i> | Yes/No |
29. Is there anything else you'd like to share with us today? _____

Screening Reminders for the Advocate

If Undocumented:

- If **parent or grandparent is or was a USC**, screen for possible derivative or acquired citizenship
- If **LPR or USC parent, spouse, child, sibling**, screen for possible adjustment or consular process options, including petitions filed for client or for client's parent for 245(i) eligibility
- If **harmed** in home country, screen for asylum and related relief
- If **harmed** in the U.S., screen for VAWA, U visa, and T visa. Note, depending on jurisdiction, an immigration judge (IJ) may be able to adjudicate an I-192 waiver in the U visa context.
- If a **victim of a crime**, screen for VAWA, U visa, and T visa. Note, depending on jurisdiction, an immigration judge (IJ) may be able to adjudicate an I-192 waiver in the U visa context.
- If family member is in the **military**, screen for parole-in-place and naturalization for military.
- If **under 21**, screen for possible SIJS
- If **brought to work** in U.S. or otherwise arrived in the U.S. and suffered labor violations of any kind while working in the U.S. or forced into commercial sex act, screen for T visa
- If **TPS country**, check list here: <https://www.uscis.gov/humanitarian/temporary-protected-status>, screen for possible TPS or late registration. Note: in removal proceedings, an immigration judge provides *de novo* review of a TPS application that was previously denied by USCIS. An immigration judge also has jurisdiction to adjudicate a TPS application, only if the basis for the charges in the NTA would render the noncitizen ineligible for TPS.
- If **been here at least 10 years** and has LPR or USC spouse, child, or parent, screen for cancellation of removal for non- LPRs (and suspension if only conviction before April 1, 1997)
- If from **El Salvador** and entered the U.S. by Sept. 19, 1990, or **Guatemala** and entered by Oct. 1, 1990, screen for NACARA. Screen children and spouses if parents or spouse entered by the above dates
- If **applied previously for Special Agricultural Worker (SAW)** status via the "amnesty" program of the 1980s and 1990s, screen for possible LPR status already or travel with SAW EAD and adjustment eligibility
- If **parent or spouse was granted amnesty** and client entered U.S. by 5/5/88 if parent or spouse received "legalization" status, or by 12/1/88 if parent received Special Agricultural Worker status, screen for Family Unity eligibility
- If entered U.S. and remained before **1/1/72**, screen for registry
- If from Diversity Visa lottery country, screen for eligibility here: <https://www.usa.gov/dv-lottery-eligibility>
- If might be eligible for employment-based visa or has unexpired non-immigrant visa status, refer timely to employment immigration attorney

For LPRs:

- Screen for derivation and acquisition
- Screen for naturalization
- If parent is a USC or can become a USC by the time client turns 18, screen for derivation
- If parent or grandparent a USC when client was born, screen for acquisition
- If potential deportation:
 - Cancellation of removal, VAWA cancellation, prior 212(c), 212(h), 212(k) and 237(a)(1)(H)
 - If any family members in status, screen for possible re-adjustment as defense
 - If fear of harm in home country, screen for asylum, CAT, withholding.

Common Forms of Relief

Acquisition or Derivation of U.S. Citizenship: If the answer to any question is yes, client could be a USC or national:

- Was the client born in the United States or its territories? Or,
- At time of his or her birth abroad, did client have a USC parent or grandparent? Or,
- Before age of 18, in either order: did client become an LPR, and did one of client's parents naturalize to U.S. citizenship? Or, was the client adopted by a USC before the age of 16 and became an LPR before age 18?

U.S. Citizenship: An LPR can apply for U.S. citizenship after five years LPR status, or three years of marriage to a USC while an LPR; or possibly after one year or none if in the military or a veteran; and must establish good moral character and should usually not be deportable. But some current and former military personnel can naturalize without being LPRs and with a showing of at least one year of good moral character prior to the filing of the application for naturalization.

LPR Cancellation: Client must be an LPR who (a) does not have an aggravated felony conviction; (b) has been an 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, border crossing card).

Former 212(c): An LPR whose convictions pre-date April 24, 1996, might be eligible for the former 8 USC § 1182(c), INA § 212(c), even if the conviction(s) are aggravated felonies or is not eligible for cancellation due to the “stop-time” rule. Screen for this relief if client is an LPR who is deportable based on one or more convictions for an aggravated felony, or other deportable offense, that occurred before April 24, 1996. Section 212(c) might be available for a conviction occurring between April 24, 1996 and April 1, 1997.

Immigrating Through Family: Client might apply for a green card if has: (a) USC spouse; USC child at least age 21; or USC parent if client is unmarried and under age 21 (“immediate relative categories”); or (b) LPR spouse; LPR parent if client is unmarried; USC parent if client is at least age 21 and/or married; or USC sibling (“preference categories”). To immigrate through family the person must be “admissible.” That means either she must not come within any of the grounds of inadmissibility at INA § 212(a), or if she comes within one or more inadmissibility grounds, she must qualify for and be granted a waiver of the ground(s) if a waiver is available. One can consular process outside the U.S. or “adjust status” if within the U.S. and meets the requirements at INA §245 for adjustment. *Adjustment can be a defense for certain LPRs facing deportation, as well as for some people who are undocumented and are seeking LPR status.*

DACA-Deferred Action for Childhood Arrivals: Client entered U.S. before turning 16 and before 6/15/2007 and graduated from or is in or could enroll in certain educational programs or military. At the time of this writing, DACA initial applications are being accepted but not processed. DACA recipients with current DACA can continue to renew DACA. The ILRC does not recommend filing initial DACA

applications or applying for those whose DACA has expired for over a year. For the latest updates and bars to DACA/DACA renewal, visit: www.ilrc.org/DACA.

Cancellation of Removal for Nonpermanent Residents: 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, and not have a conviction for a deportable or inadmissible crime. The client must show that the family member(s) will suffer exceptional and extremely unusual hardship. The client must also be able to show good moral character for the ten years prior to decision and warrant cancellation in discretion.

Suspension of Deportation: This relief might permit an undocumented person with old convictions—even old drug convictions—to become a lawful permanent resident. This is a defense under pre-1997 deportation proceedings that can be applied for in removal proceedings arising in the Ninth Circuit Court of Appeals; other circuit courts of appeals may not have considered the issue. The Ninth Circuit indicated that a noncitizen still may apply for suspension of deportation today in removal proceedings, if he was convicted of a deportable offense before April 1, 1997.

VAWA Relief: Your client, or certain family member/s, have been abused (including emotional abuse) by a USC or LPR spouse, USC or LPR parent, or adult USC child. (If abuser is not a USC/LPR, consider U Visa, below.)

Special Immigrant Juvenile Status: This relief is for juveniles only, and the petition must be filed by age 21. Client must obtain a state court order (from delinquency, dependency, probate, family court, etc. proceedings) that they can't be reunited with at least one of their parents due to abuse, neglect, or abandonment.

U Visa: Client must have been a victim of a serious crime, such as DV, felonious assault, false imprisonment, extortion, obstruction of justice, perjury, or sexual abuse, and be or have been willing to cooperate in investigation or prosecution of the crime.

T Visa: 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, experienced labor violations, etc.

Asylum, Withholding of Removal and Convention Against Torture: If client fears harm that amounts to persecution or even torture if returned to the home country, consider all above forms of humanitarian protection. Asylum is preferable, because after one year the person can apply for lawful permanent residence. An asylum applicant (a) must submit the application within one year of entering the U.S., absent extraordinary or changed circumstances, (b) faces stricter bars based upon criminal convictions, (c) can be denied asylum as a matter of discretion, and (d) only needs to prove a “well-founded fear” of persecution (interpreted as a 10% likelihood) or past persecution on the basis of political opinion (actual or imputed), social group, nationality, race or religion. There are various bars to asylum and withholding. “Humanitarian” asylum is also possible for past persecution, such as being severely abused as a child.

TPS: Noncitizens from certain countries that have experienced a devastating natural disaster, civil war or other unstable circumstances may be able to obtain Temporary Protected Status (TPS). The current administration is terminating TPS status for various countries, but litigation is also pending to preserve TPS for those countries being terminated. Visit <https://www.uscis.gov/humanitarian/temporary-protected-status> for a list of countries currently eligible for TPS and requirements. There are certain bars to TPS including any two misdemeanors or one felony conviction.

NACARA: Your client might be eligible if he/she (a) is from the former Soviet bloc, El Salvador, Guatemala, or Haiti; and (b) applied for asylum or similar relief in the 1990's or is a child or spouse of such a person. Certain nationals from El Salvador, Guatemala, or former Soviet bloc countries who applied for asylum or similar relief in the early 1990's or submitted an "ABC" settlement postcard and (c) entered the U.S. by a specific date, are eligible to apply for lawful permanent resident status (a green card) under the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA). See 8 CFR §240.60-65. They can apply for a special form of suspension or cancellation of removal now, under the more lenient suspension of deportation standards that were in effect before April 1, 1997. Persons who became deportable or inadmissible for a criminal offense more than ten years before applying for NACARA can apply under the lenient rules governing the former "ten-year" suspension, except that an aggravated felony conviction is an absolute bar to NACARA. Spouses and children of these persons also may be eligible to apply, regardless of when they entered the U.S. once they have seven years residing here.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.

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