



### CLIENT INTAKE FORM

Date: \_\_\_\_\_ Referred by: \_\_\_\_\_

Name: \_\_\_\_\_ Tel:(cell) \_\_\_\_\_ (other): \_\_\_\_\_

Address: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Email: \_\_\_\_\_

Nationality: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

#### Immigration History

1. When did you first enter the U.S.? \_\_\_\_\_ When was the last time? \_\_\_\_\_

2. How did you enter the last time?

- Visa: \_\_\_\_\_
- No papers, but at a check point: \_\_\_\_\_
- Not inspected/other: \_\_\_\_\_

3. List all entries to and exits from the U.S. (Give dates, and whether or not you went through an immigration inspection upon those entries.)

Entry	Exit	Inspected by Imm Authorities?	If yes, what status (visa) did you have on entry?	When did authorized stay expire?

*(Make a copy of any visas and I-94s)*

4. What problems have brought you here to this office? What do you hope that the advocate can do about those problems?

\_\_\_\_\_

5. Have you ever been ordered removed or deported from the U.S.? Yes/No

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

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

If yes to any of above, describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Have you ever applied for any immigration benefit? (Permanent residency, asylum, amnesty, TPS, cancellation, suspension, Family Unity, Deferred Action for Childhood Arrivals [DACA], visa petition, or any other immigration benefit)

If so, please tell us when and what types of paperwork: \_\_\_\_\_

What was the result? \_\_\_\_\_

9. Any paperwork filed on your behalf? (Visa petition by family?) Yes/No

**Family**

10. Were your parent(s) or your grandparents U.S. citizens? Yes/No

11. Are you married? Yes/No When and where? \_\_\_\_\_

Name of spouse, status, date married: \_\_\_\_\_

Name of previous spouse, status, and date marriage ended: \_\_\_\_\_

12. Do you have children? Yes/No

If so, provide the following information:

Children	Date and Place of Birth	Immigration status	In U.S. now?

13. Do you have any other family members in the U.S.? Yes/No

Name	Relation	Immigration status	In U.S. now?

14. Employment in U.S. -- Dates and types of employment, name & address of employer:

Name of Employer	Address of Employer	Type of Employment	Period of Employment	Work authorized?

15. Have you ever had trouble with the police or been arrested in the U.S.? If so when and for what? What sentence did you receive? \_\_\_\_\_  
\_\_\_\_\_

16. Do you have any reason to fear going back to your country? Who do you fear and why?  
\_\_\_\_\_  
\_\_\_\_\_

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

18. Have you ever been threatened or harmed by a spouse, parent or child? Yes/No

If so, did your spouse, parent or child have U.S. citizenship status or lawful permanent residency? Yes/No  
\_\_\_\_\_  
\_\_\_\_\_

19. Have you ever been the victim of a crime? If so, what crime? Yes/No  
\_\_\_\_\_

If so, did you report it to the police or help with the criminal investigation or prosecution? Yes/No  
\_\_\_\_\_  
\_\_\_\_\_

20. Did anyone recruit you in your home country to work in the United States? Yes/No  
Did you feel forced to work or tricked into working? Yes/No  
Were you required to work without pay? (or less pay than allowed or expected)? Yes/No

21. Have you been abandoned, abused, or neglected by a parent? Are you currently under the jurisdiction of a juvenile court (dependency, delinquency or probate guardianship)? Yes/No  
\_\_\_\_\_  
\_\_\_\_\_

**Additional Notes**

## Screening Reminders for the Advocate

### If Undocumented:

- If **under 16 when entered**, screen for possible DACA.
- If **parent is 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.
- If **harmed** in home country, screen for asylum and related relief.
- If **harmed** in the U.S., screen for VAWA and U non-immigrant status.
- If a **victim of a crime**, screen for VAWA and U non-immigrant status.
- If family member **military**, screen for parole-in-place and naturalization for military.
- If **under 21**, screen for possible SIJS.
- If **brought to work** in US or forced into commercial sex act, screen for T visa.
- If **TPS country**, check list here: [www.uscis.gov/humanitarian/temporary-protected-status#Countries%20Currently%20Designated%20for%20TPS](http://www.uscis.gov/humanitarian/temporary-protected-status#Countries%20Currently%20Designated%20for%20TPS), screen for possible TPS or late registration.
- 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 if parents entered by the above dates.

### For LPRs:

- 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, screen for acquisition
- If potential deportation:
  - Cancellation of removal; and prior 212(c)
  - If fear of harm in home country, screen for asylum, CAT, withholding
  - If any family members in status, screen for possible re-adjustment as defense

## Common Forms of Relief

**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; must establish good moral character and should not be deportable. But some current and former military personnel can naturalize without being LPRs and while in removal proceedings.

**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?

**LPR Cancellation:** Client must be a **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, 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. **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 & under age 21 ("immediate relative"); 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"). To immigrate through family the person must be "admissible." *See Unit 3.* 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). One can consular process outside the U.S. or "adjust status" if within the U.S. and meets the requirements at INA §245. *Adjustment can be a defense for LPRs facing deportation, as well as for those that 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 (depending on a pending lawsuit, this date may become 1/1/2010), and is in or could enroll in certain educational programs or military.

**DAPA- Deferred Action for Parents of Americans and Lawful Permanent Residents:** Program is not available for the foreseeable future. The program was intended for a client who (a) has continuously resided in the U.S. since January 1, 2010 and (b) as of November 20, 2014 was undocumented, and had a USC or LPR son or daughter of any age, married or unmarried.

**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 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. The court used the same reliance analysis on eligibility for suspension that the U.S. Supreme Court used in considering the former §212(c) relief, in *INS v. St. Cyr*, 533 U.S. 289, 316 (2001). See *Lopez-Castellanos v. Gonzales*, 437 F.3d 848, 853 (9th Cir. 2006), *Hernandez De Anderson v. Gonzales*, 497 F.3d 927, 935 (9th Cir. 2007).

**VAWA Relief:** Your client, or certain family member/s, have been abused (including emotional abuse) by a USC or LPR spouse, parent, or adult child. See §17.8 *VAWA Relief*. (If abuser is not a USC/LPR, consider U Visa, below.)

**Special Immigrant Juvenile Status:** For juveniles, and must be able to file immigration process by age 21. Client must be in delinquency, dependency, probate, family court, etc. proceedings and can't be returned to at least one parent due to abuse, neglect or abandonment.

**U Visa:** Client must have been a victim of a crime such as incest, DV, assault, false imprisonment, extortion, obstruction of justice, 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, 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. INA §209(b), 8 USC § 1159(b). 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). There are various bars to asylum and withholding.

**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). See [www.uscis.gov/humanitarian/temporary-protected-status-for-list-of-countries-and-requirements](http://www.uscis.gov/humanitarian/temporary-protected-status-for-list-of-countries-and-requirements). There are certain bars, including any two misdemeanors or one felony.

**NACARA:** Your client might be eligible for a program 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 dependent 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 are eligible to apply for lawful permanent resident status (a greencard) 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 (see §17.15), except that an aggravated felony conviction is an absolute bar to NACARA. See 8 CFR §§ 240.60-61, 65. Family members of these persons also may be eligible to apply.