YOUR RIGHTS BEFORE THE INS

These information sheets contain information about your rights during an encounter with the INS. It is very important that everyone know this information, whether documented or undocumented. If we do not know our rights and the INS finds us, we can lose some very important opportunities to remain in the United States. The first part of this paper discusses the places where the INS may find you what you and what you can do to defend yourselves and your families, neighbors, co-workers, and friends. The second part discusses the rights you have if the INS arrests you. The third part has information about what one can do if the INS violates your rights.

I. What one can do during an encounter with the INS.

This information about our rights is very important, but we have to remember that each situation is different. When people encounter the INS, they have to make their own decision about what they are going to do. For example, if an INS official is beating or threatening someone, maybe the person will not want to remain silent. In any case, when people know their rights, they will feel more confident and be able to make a more informed decision.

In the Home

If the INS arrives at your house and knocks on your door, you do not have to open the door. Usually the INS needs a search or arrest warrant with your name and address in order to enter your house. A search warrant is an order from a judge giving the INS permission to enter your home. An arrest warrant is an order from a judge giving the INS permission to arrest someone. If they do not have a warrant, you do not have to let them enter. Even if they have a warrant and enter your home, you have the right to remain silent. This means that you do not have to give any information to INS officials. You can say simply that you do not want to speak or that you want to talk to a lawyer. NOTE: The INS also can enter your home if you give them permission. If you do not give them permission, they need a warrant unless they think there is presently a crime being committed in your home.

On the Street

If an INS official begins to ask you questions while you are walking down the street or in another public place such as a park, you can continue walking. The INS has to let you keep walking if they do not have a good reason to continue asking you questions. An example of a good reason is if you are leaving a place where they have previously found many undocumented workers. They cannot stop you just because you are Latino or because you have an accent. These are not good reasons. Remember that you have the right to remain silent. Do not run! If you run, you are giving them a good reason to arrest you.
At Work

The INS can enter areas open to the public at workplaces. This means that they can enter places such as the reception area. In order to enter places that are not open to the public, they need a warrant or permission from the boss or owner. If the INS enters your workplace with or without a warrant, you always have the right to remain silent. They should only ask you questions if they have a good reason to believe that you are not a U.S. citizen. If all workers, documented or undocumented, behave in the same way or do the same thing (for example, remain silent and continue working), the INS will not have any good reason to arrest any workers.

In the Car

The INS needs a good reason to stop you and search your car. If the INS has a good reason for stopping you (for example, they see drugs in your car), they can search your car without a search warrant. They are allowed to do this because the car could be moved before they had a chance to get a search warrant. Usually it is very important not to give them permission to search your car. If the police stop you, you do not have to show them any papers apart from your driver's license and the car's registration. The police should not ask you any questions about your legal status in this country.

At the Border

Your rights at the border are different. The "border" includes not only the line between the U.S. and Mexico or Canada, but also airports and areas close to the border. For example, there is a border checkpoint near San Clemente, California. In these places, you have to prove that you have legal permission to be in the U.S. or the INS can detain you to ask more questions. They can also search you or your bags without a search warrant. Remember that you always have the right to remain silent.

II. What Happens if the INS Arrests You?

In any of the situations discussed above, it is possible that the INS will arrest you. If this happens, you must not forget that you have rights to protect you. However, it is very likely that the INS will not tell you about those rights. Usually, the INS will ask you questions about your legal status in this country. If the INS gets this information legally, they can use this information to deport you. Usually the INS gets the necessary information to deport people by asking the people themselves. It is very important to remain silent until you have spoken with a lawyer, because there might be some possibilities for you to remain in the United States or rights that you do not know about. Please note, however, that recently there have been some changes to the immigration laws that could affect how remaining silent will help you. As of now, no one is sure how the new laws will change things, if at all. Thus, for now, you should continue to remain silent if the INS arrests you and you are not in the U.S. legally.

Often the INS tells you to sign an order of "Voluntary Departure." Usually signing this paper means that you must leave the United States immediately. An Order of Voluntary Departure does not have as severe consequences as an Order of Deportation or a Removal Order. The INS might even threaten to put you in jail for a long time if you do not sign an Order of Voluntary
Departure. The INS should not make these threats. Even if the INS arrests you, you have certain rights to protect yourself.

The INS also might try to convince you to sign a paper admitting that you were using fake documents such as a fake green card, passport, birth certificate, certificate of U.S. citizenship, or social security card. Do not sign this paper without speaking with a lawyer first. Signing the paper will result in extreme consequences and you may be deported from the U.S. without the possibility of returning.

If the INS arrests you, you can:

Remain silent. You do not have to answer any question. Above all, you do not have to tell them where you were born or how you entered the U.S., or what your immigration status is (whether or not you have papers). With this information, the INS can use it to try to deport you if you are in the U.S. illegally.

Insist on talking with a legal representative. If you do not have a legal representative, you can ask the INS for a list of free or low-cost lawyers.

Refuse to sign any paper, above all an "Order of Voluntary Departure" and an admission that you were using fake documents, without talking first with a lawyer. If you sign the Order of Voluntary Departure or the admission that you used fake documents, you may lose the possibility of remaining in the United States.

The Right to a Hearing before an Immigration Judge

Most people the INS arrests inside the United States have the right to ask for a hearing before an Immigration Judge. In most cases, the INS cannot deport someone without having the opportunity to go before an Immigration Judge. A hearing is very important for any person who may have the possibility of remaining in the United States. For example, a person may qualify for Family Unity, "Cancellation of Removal" if he or she has lived in the United States for 10 years, or for political asylum.

The Right to be Released after 24 Hours

The INS cannot detain you for more than 24 hours without issuing a "Notice To Appear" against you. A "Notice To Appear" is a paper that explains why the INS wants to deport you. If you remain silent and do not give them any information, the INS might not have any proof that you are here illegally, might not have any reason to deport, and may be forced to release you.

The Right to a Reasonable Bond

In many cases, the INS must set a reasonable bond so that a person can go free while awaiting a hearing with a judge. If you think that your bond is very high, you can ask for a hearing with a judge to lower or eliminate the bond.

Prepared by the Immigrant Legal Resource Center – January 1998
SUS DERECHOS ANTE LA INMIGRACION

En estas hojas informativas, hemos escrito algunos detalles con respeto a sus derechos ante la Inmigración. Es muy importante que todos sepan esta información aunque uno tenga documentos o no. Si no sabemos nuestros derechos y nos encontramos con la Inmigración, podemos perder algunas oportunidades muy importantes para poder calificar a quedarnos en los Estados Unidos. La primera parte de esta información toma en cuenta donde son los lugares donde se pueda encontrar con la Inmigración, y que puede hacer uno para defenderse. La segunda parte se trata de sus derechos si esta detenido por la Inmigración. Y la tercera parte ofrece información acerca de lo que puede hacer si la Inmigración trata de violar sus derechos.

I.

QUE PUEDE HACER SI SE ENCUENTRA ANTE LA INMIGRACION

Esta información con respeto a los derechos es muy importante, pero hay que entender que cada situación es diferente. Cuando una persona se encuentra ante la Inmigración, el o ella va a tener que hacer su propia decisión de como va a responder. Por ejemplo, si un oficial de la Inmigración esta pegandole o le amenaze con una pistola, tal vez no va a querer quedarse callado. Sin embargo, cuando una persona conoce sus derechos, va a tener más confianza y podrá tomar una decisión más segura.

En La Casa

Si la Inmigración llega a su casa y esta tocando en su puerta, no esta obligado abrir la puerta. Por lo regular, la Inmigración necesita "un orden de cateo" o "un orden de arresto" con su nombre y dirección escrito encima para tener el derecho de entrar a su casa. Un "orden de cateo" es un orden de un juez que les da permiso para entrar a su casa. Un orden de arresto es un orden de un juez que les da permiso para arrestar alguien. Si no tienen un orden, Ud. no tiene que dejarlos entrar. Si tienen el orden y entran a su casa, Ud. todavía tiene el derecho de permanecer callado. Esto quiere decir que no esta obligado a contestar las preguntas de los oficiales de la Inmigración. Puede decir solamente que no quiere hablar o que quiere hablar con su abogado.

NOTE: La Inmigración puede entrar si Ud. o alguien en la casa les da permiso. Si nadie les da permiso, necesitan un orden de cateo, a menos que se den cuenta que un crimen esta ocurriendo en ese momento.

En La Calle

Si un oficial de Inmigración empieza hacerle preguntas en la calle, o en otro lugar público como en un parque, Ud.no se tiene que parar y puede seguir caminando. La Inmigración no tiene el derecho de detenerlo sin darle una buena razón. Un ejemplo de una buena razón es si Ud. esta saliendo de un lugar donde anteriormente han encontrado muchos trabajadores indocumentados. Afuera de eso, no pueden detenerlo solamente por su aspecto latino o porque uno tiene acento. Estas no son buenas razones. Recuérdese que Ud. tiene el derecho de quedarse callado. ¡No corra! Si Ud. corre, les da una buena razón para detenerlo.
En El Trabajo

La Inmigración puede entrar a las areas abiertas al público de su trabajo. Esto quiere decir que puede entrar a lugares como el area de recepción. Para poder entrar a lugares que no estan abiertos al público, necesitan traer un orden de cateo o el permiso del patron/dueño. Si la Inmigración entra a su trabajo con o sin un orden, usted siempre tiene el derecho de no hablar. Solo le deben hacer preguntas si tienen una buena razon para pensar que no es ciudadano. Si todos los trabajadores, se componen de la misma manera (por ejemplo, siguen trabajando y mantienen el silencio), la Inmigración no va a tener ninguna razon para detenerlos.

A veces la Inmigración entra a una fábrica para revisar los papeles que los trabajadores ya han firmado — los "1-9's." "1-9's" son los papeles que los trabajadores firman cuando entran a trabajar, jurando que tienen un permiso para trabajar. Si la Inmigración se da cuenta que un documento es falso, o que un numero de seguro social es falso, pueden hacerle preguntas a solo ese trabajador. Sin embargo, este trabajador todavía tiene el derecho de no hablar y no contestar las preguntas.

En Su Carro

La Inmigración necesita una buena razon para detenerlo y buscar dentro de su carro. Si la Inmigración tiene una buena razon (por ejemplo, si se fijan que hay drogas en el carro), pueden investigar su carro sin un orden de cateo oficial. Pueden hacerlo porque el carro puede moverse antes de que puedan obtener la orden. Aparte de tal caso, es muy importante nunca darles permiso para investigar su carro. Si esta detenido por la policía, no tiene que enseñar ningún documento afuera de su licencia y el registro del carro. La policía, no debe hacerles preguntas acerca su residencia legal en este país. Acuerdese que siempre tiene el derecho de no decir nada.

En La Frontera

Sus derechos en la frontera son distintos. "La frontera" incluye no solamente la línea entre Los EEUU y Mexico, pero también los aeropuertos y las areas que estan cerca de la frontera. Por ejemplo, hay un punto de investigación cerca de San Clemente, California. En estos lugares, tiene que comprobar que tiene permiso de estar en los Estados Unidos, o la Inmigración puede detenerlo para hacerle mas preguntas. También pueden cachearlo o investigar sus bolsas sin un orden pero todavía usted tiene el derecho de no hablar.

II. QUE SUCEDEN SI LA INMIGRACION LO DETIENE

En cualquiera de estas situaciones, es posible que la Inmigración pueda detenerlo. Si esto ocurre, no debe olvidar que usted tiene derechos para protegerse. Sin embargo, es muy probable que la Inmigración no le dará información con respecto a sus derechos. Casi siempre, la Inmigración le hace preguntas para obtener información acerca de su residencia legal. Si la Inmigración puede conseguir esta información de una manera legal, la pueden usar para deportarlo. En el mayor de los casos, la Inmigración consigue la información necesaria para deportar a la gente por medio de ellos mismos cuando contestan las preguntas. Por eso es muy importante no contestar las preguntas hasta después de hablar con un abogado. Puede ser que haya varias posibilidades de conseguir la residencia en los EEUU o pueden haber derechos legales que uno no reconoce.
Ponga atención, que recientemente ocurrieron cambios a las leyes de la Inmigración que pueden afectar como su silencio le ayudará. Por lo tanto nadie está muy seguro de las consecuencias de estos cambios y por eso, todos deben mantener el silencio si están detenidos por la Inmigración y no tiene residencia legal.

Muchas veces la Inmigración le manda que firma un orden de "salida voluntaria." Por lo regular, firmando este papel lo deja obligado salir de los EEUU inmediatamente. Una salida voluntaria no tiene tan malas consecuencias como una deportación. Es posible que la Inmigración le amenazca con encarcelarlo por mucho tiempo si usted no firma este orden, pero la Inmigración no debe hacer esto. Aunque este detenido por la Inmigración, Ud. tiene derechos para protegerse.

Es posible que la Inmigración trate de convencerlo que firme una confesión diciendo que estaba usando documentos falsificados, como una falsa tarjeta verde, un pasaporte, una partida de nacimiento, un certificado de ciudadanía, o tarjeta de seguro social. No debe firmar nada sin primero hablar con un abogado. Firmando puede tener consecuencias graves y puede resultar en su expulsión de los EEUU sin recursos ningunos para poder volver.

**En el caso que uno esta detenido por la Inmigración, Ud. puede:**

- Mantener su silencio. No tiene que contestar ninguna pregunta. Sobre todo, no tiene que decirles donde nació ni como entró a los EEUU, o cual es su estado inmigratorio (si tiene papeles o no). Con esta información, la Inmigración lo puede deportar si esta aquí sin papeles.

- Insiste hablar con un representante legal. Si no tiene un representante, puede pedirle a la Inmigración por una lista de abogados que no cobran o que cobran muy poco.

- Tiene el derecho de rehusar firmar cualquier papel, sobre todo un orden de "salida voluntaria," y tampoco una confesión diciendo que usó documentos falsificados sin primero hablar con un abogado. Si usted firma el orden de "salida voluntaria," o una confesión que usó documentos falsificados, es posible que pueda perder la oportunidad de calificar para quedarse en los EEUU.

**Derecho de Tener una Audiencia ante un Juez**

La mayoría de las personas que estan detenidas por la Inmigración dentro de los EEUU tienen el derecho de pedir una audiencia ante un juez. En la mayor parte de los casos, la Inmigración no puede deportarlo sin ceder esta oportunidad de recibir la audiencia ante un juez. Una audiencia es muy importante para una persona que tenga cualquiera posibilidad de calificar para quedarse en los EEUU. Por ejemplo, quizás una persona puede calificar por la Unificación de la Familia, o por la "Cessation of Removal" si ha vivido en los EEUU más de 10 años, o por el asilo político.
Derecho de Salir Después de 24 Horas

La Inmigración no puede mantenerlo detenido por más de 24 horas sin un "Aviso Para Aparecer," ("Notice to Appear"). Este orden es un papel que explica por qué la Inmigración quiere deportar a una persona. Si Ud. se queda callado y no les da ninguna información, es posible que la Inmigración no pueda tener razones para deportarlo y lo tienen que dejar salir.

Derecho de Tener una Fianza Razonable

Por lo regular, la Inmigración tiene que establecer una fianza razonable para que una persona pueda salir libre antes de la fecha de su audiencia ante el juez. Si a usted le parece que su fianza es demasiado, puede pedir una audiencia para rebajarla o para descartar la fianza completamente.

Preparado por el Centro de Recursos para el Inmigrante (Immigrant Legal Resource Center) en marzo, 1998

Preparado por el ILRC -- enero, 1998
KNOW YOUR RIGHTS WORKSHOP: SKIT 1

Actors: One woman (Teresa), two children (optional), one INS agent (Officer Smith), and a narrator.

The Scene: An apartment (Teresa is reading, the children are playing). To one side of the "stage," there should be a sign marked "Detention Area," where those people arrested in the skits will be led. The same scene can be used for all three skits.

Narrator: The INS is in the process of raiding an apartment building. Let's see what happens. We hear a knock on the door (knock knock knock); the woman inside opens the door and asks:

Teresa: Who is it?

INS: My name is Officer Smith. I am an INS officer. I want to ask you some questions.

Teresa: Okay. What do you want to ask me?

INS: What is your name?

Teresa: My name is Teresa.

INS: Where were you born?

Teresa: I was born in Aguililla, Michoacan, Mexico.

INS: How did you enter the U.S.? Do you have papers? Are you here illegally?

Teresa: Well, I ... well ... no, I snuck in.

INS: You must come with me. You are violating the law. You are here under an illegal status.

Teresa: But my children! I want to bring them, but they were born in the United States.

INS: I don't care about your kids. They are United States citizens. They can't come with you. They can't be deported.

Teresa: I can't leave them alone. Their father doesn't live here. Who will take care of them?

INS: That's life. I don't care about your kids. You are violating the law and that's what I care about.

(The INS officer takes her to the detention area.)
KNOW YOUR RIGHTS WORKSHOP – SKIT 2

Actors: Two INS officials, one grandmother, two women, two kids (optional), one young person, two other kids (optional), and a narrator. Total: 11 people.

(Note: This can be done with one INS official, one woman, one young person (grandson), and one grandmother. Total: 4 people.)

Narrator: The family is sitting at home in their apartment one day. Suddenly someone arrives and knocks at the door. The woman goes to the door and asks:

Maria: Who is it?

INS: I am from the INS and I want to ask you some questions. Please open the door.

Maria: I can’t open the door and I don’t want to answer your questions.

INS: I only want to ask you some little questions. I’m not going to bother you. I’m not going to deport you. Please open the door and everything will go fine.

Maria: I’m sorry, sir, but I can’t open the door to a stranger, and I’m not used to talking to just any person that I don’t even know.

INS: Look, if you don’t open the door, I’m going to break it down. You’d better open up right now.

Maria: If you don’t have a search warrant, I won’t open the door.

Grandmother (aside, to her grandson):
Hey sonny – call the neighbors and tell them that the INS is here. Tell them not to leave and not to open the door to the INS people. Hurry!

Grandson goes to the telephone and dials the neighbors’ number. We hear the "brrring, brrring" of the telephone.

Neighbor: Hello?

Grandson: Hello. I’m calling to tell you that the INS people are here. Don’t open the door, whatever you do. And call your other neighbors. Tell them the same thing. We have to warn everybody in the building.

INS: Okay lady. I’m not going to play your games anymore. This is your last chance. If you don’t open the door right now, I’m going to put you in jail for a long long time and you’ll never see your kids or the rest of your family for a long time. I can make a lot of problems for you and your family, you know.

Maria: I’m not going to open the door. I don’t believe that you can do this because I know my rights.

(Finally the INS official just shrugs and says – ‘T’ll be back.” He walks away.)

KNOW YOUR RIGHTS WORKSHOP – SKIT 3

Actors: One INS officer, one person running (Jose), two young people and their father, one other young person (Emilio), and a narrator.
Narrator: The INS officials are rushing around looking for undocumented people. Everything is quiet. Suddenly they see a man named Jose who looks Latino.

INS: Hey you there! Come here!
The man (Jose) recognizes that the men are from the INS. He is very worried and starts to run. The INS officials run after him and catch him.

INS: Hey, you can't run away from us. You can't escape the law of the United States. Now we know that you are here illegally because otherwise you wouldn't have run away. What is your name?

Jose: My name is Jose Delgado.

INS: Where were you born?

Jose: I was born in Aguillilla, Michoacan, Mexico.

INS: How did you come to the United States? Do you have papers?

Jose: I got here by foot. I don't have papers.

INS: Okay, get over here. Wait with these other illegals.

Two young people watch what is going on. They slowly walk back to their apartments and tell their parents that the INS is doing a raid. The father calls the neighbors to tell them that INS people are in the building. He tells them not to leave their apartments and not to open the door. Then he calls the "Immigration Assistance Hotline."

The INS people see another man named Emilio, who is walking calmly.

INS: Come here! Hey you, come here!

Emilio keeps walking calmly.

INS: Come here right now. Are you dumb or just deaf? Hey you, listen to me.

The INS official grabs Emilio by the arm and says,"

Hey, I'm talking to you. What is your name? Where were you born? Do you have papers?"

Emilio shows the "immigrant's rights" card to the INS people and does not talk to them. The INS people put him in the detention area.

Narrator: Emilio is going to have better possibilities of getting released by the INS when he has a hearing because he didn't say where he was from, and the INS will have trouble proving he is undocumented (unless he tells them later on). It is the responsibility of the INS to prove that you are not from the U.S. If you don't say where you are from, like Emilio, it will be difficult to prove you're not from the United States.

///
EXPLANATION OF WAYS OF IMMIGRATING TO THE UNITED STATES

Note: We encourage legal workers to translate and give this to clients and other community members so they will be informed about possible immigration remedies.

WAYS TO OBTAIN LEGAL STATUS IN THE U.S.

If you or any of your family members do not have any immigration papers there may be another way to get legal status in the U.S. Reading this summary may help you see if any of these other ways to legalise apply to you or to anyone you know. If you believe that any of these ways apply, you should talk to a legal worker at a community agency that handles immigration cases or to a lawyer that specializes in immigration law. Together you and a legal worker can determine whether or not you have a way to get legal status in the United States.

You May Already Be a United States Citizen Without Knowing It

If you are a U.S. citizen, you cannot be removed from the United States. Anyone born in the U.S. is a U.S. citizen. Even if you were born outside of the U.S., it is possible that you are a U.S. citizen if your mother, father, grandmother, or grandfather was a U.S. citizen. If either of your parents, or even one of your grandparents, was born in the U.S. or was or is a U.S. citizen, you should talk to a legal worker at a community agency specializing in immigration law or to an immigration lawyer. They should be able to help you figure out whether or not you inherited U.S. citizenship.

Getting Permanent Residence Through a Close Relative

A family member who has a green card or who is a U.S. citizen may be able to help you get legal status by filing a visa petition for you. Some relatives call file petitions for visas that do not require a waiting period. You may be able to get one of these visas if you have any of these relatives: (1) a spouse who is a U.S. citizen; (2) a parent who is a U.S. citizen, as long as you are under the age of 21 and are not married; or (3) a son or daughter who is a U.S. citizen and is over the age of 21.

Other relatives can file petitions for visas that do have a waiting period. You may be able to get one of these visas if you have any of these relatives: (1) a parent who is a U.S. citizen (if you are older than age 21); (2) a parent who is a lawful permanent resident (if you are not married); (3) a spouse who is a lawful permanent resident; or (4) a brother or sister who is a U.S. citizen.

If one of your relatives fits any of these categories, ask him or her to file a "petition for an immigrant visa" as soon as possible. You may, however, have to wait a very long time to get the green card. The person who helps your relative file the petition can tell you approximately how long your wait will be. During this wait, you will not be able to stay in the U.S. legally. If you remain in the United States illegally for over six months, you run the risk of having to leave the U.S. for a number of years before you can legalize your status. You must see a legal worker to discuss your case before you legalize your status. There are several exceptions to this rule. Therefore, see a legal worker before you make any decisions.
Getting Permanent Residence Status Through a Spouse or Parent
If you are a Battered or Abused Spouse or Child

If your spouse or parent is a permanent resident or a U.S. citizen and batters or abuses you and refuses to file an immigrant visa petition for you, you may file an immigrant visa petition for yourself without even living with your spouse or parent. You must see a legal worker to discuss this option.

Asylum: For Persons Who Fear Returning to Their Home Country

If you fear returning to your home country because you believe that the government or some other group would harm you, you may qualify for asylum. Even if you have not yet been directly persecuted, you may be eligible to apply if you come from a country where people are persecuted because of their political opinion, race, religion, nationality, or because they are members of a certain social group (for example, members of a prominent family that is persecuted). You have one year from the time that you enter the United States or until April 1, 1998, whichever is later to apply for asylum.

If you fear returning to your home country, tell this to the INS if they arrest you. State that you want to see a judge and to stay in the U.S. legally. You may qualify for free legal help. CAUTION: If you have never been arrested by the INS, talk to a lawyer or a community agency before you apply for asylum. Find out what the risks and benefits are before making your decision.

Cancellation of Removal: If You have Lived in the U.S. for More than 10 Years

If the INS tries to remove you from the U.S. because you are in the U.S. unlawfully, you can ask the judge hearing your case for "cancellation of removal." You can get cancellation of removal for non-permanent residents if: (1) you have lived in the U.S. more than ten (10) years; (2) you do not have a serious criminal record, and you can show good moral character; and (3) you can show that being removed would create exceptional and extremely unusual hardship for your spouse, parents, or children who are U.S. citizens or permanent residents. Once you are put in removal proceeding, time stops, so you must have lived in the U.S. for more than ten years before the INS puts you in removal proceedings.

Suspension of Deportation for Certain Guatemalans, Salvadorans, and Certain Nationals of the Former Soviet Union, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

Under a new law called "NACARA," people who are from any of the countries listed above may be able to apply for cancellation of removal under the more generous suspension of deportation rules which used to be in effect. The more generous form of cancellation of removal allows people to get a green card easier. Whether or not someone from one of these countries can apply for cancellation of removal using the easier and older suspension of deportation rules depends on several factors including the fact that he or she had to have been living in the United States prior to specific dates in 1990. The benefit of applying for cancellation of removal under the old suspension of deportation rules is that one only needs to show that (1) s/he has been living in the United States for at least seven years, (2) s/he has good moral character, and (3)
deport him/her would cause extreme hardship (rather than “exceptional and extremely unusual hardship”) to the applicant or his/her permanent resident or United States citizen parent, spouse, or child. If one loses and loses the appeals for the case, s/he could be deported. To get more information on this way of getting a green card, please speak with a reputable community based agency or lawyer specializing in immigration law.

Cancellation of Removal for Battered or Abused Spouses and Children

If a U.S. citizen or a permanent resident spouse or parent batters or abuses an undocumented immigrant spouse or child, the undocumented immigrant may apply for cancellation of removal if: (1) s/he has been living in the United States for three years (before being put in removal proceedings); (2) s/he is a person of good moral character; and (3) it would cause the immigrant, the immigrant’s child or the immigrant’s parent extreme hardship if s/he were removed from the United States.

Family Unity or Family Fairness

A spouse or parent who qualified for amnesty can apply to have you receive "family unity" status. If you qualify for family fairness you will be permitted to stay in the U.S. and you can receive a work permit. But, this program is not a way to get permanent resident status. Your parent or spouse must also file a petition for an immigrant visa for you in order to get permanent residence.

Getting Permanent Residence Through Your Employer

It may be possible to get permanent resident status by having your employer file a visa petition for you. This process is very complicated. Your employer must cooperate, and you will need the help of an immigration lawyer. You may have to wait a long time to get an employment visa. People who may qualify for employment visas include: (1) ministers and religious workers; (2) professionals; (3) exceptional artists, scientists, and athletes; and (4) people hired to fill jobs for which there is a shortage of U.S. workers. Examples of workers in this category include chefs and live-in health attendants.

Registry: For Persons Who have Lived in the U.S. Since Before 1972

People who have lived in the U.S. since before 1972 might qualify for "registry." If you qualify for registry, their you can become a lawful permanent resident and get a "green card."

Legalization Program for Cubans and Nicaraguans

Nicaraguans and Cubans who have been living in the United States since December 1, 1995 can apply to become permanent residents through a special amnesty program that is part of the NACARA law. Although they will not need to have been present in the United States every day since December 1, 1995, they will have to show (with a few exceptions) they have lived in the United States since December 1, 1995 without having been outside for more than 180 days in total. Additionally, people wishing to apply for this program must submit their applications before April 1, 2000.

(Prepared by the Immigrant Legal Resource Center - January 2000)
ACLARACION DE LAS OPCIONES PARA INMIGRARSE

Observación: Le sugerimos al servidor legal darle una copia de esta aclaración al cliente y a miembros de la comunidad para mantenerlos al tanto de las posibilidades que existen en cuanto a remedios de inmigración.

COMO OBTENER ESTADO LEGAL EN LOS EE.UU.

Si Ud. o algún miembro de su familia no tiene papeles de inmigración, existe la posibilidad de obtener estado legal en los EE.UU. por otros medios. Este resumen le ayudará a determinar si existe alguna otra forma de legalizarse, ya sea Ud. o alguien que Ud. conozca. Si cree que le aplica cualquiera de las formas aquí mencionadas, consulte con un servidor legal en alguna agencia comunitaria que haga trabajo de inmigración o con un abogado especializado en la ley de inmigración para poder determinar si Ud. tiene la oportunidad de hacerse ciudadano.

- Es posible que Ud. sea ciudadano estadounidense sin saberlo

Al ciudadano estaounidense no se le puede deportar de los EE.UU. Toda persona nacida en los EE.UU. es ciudadanía estadounidense. Si Ud. nació fuera de los EE.UU., es posible que sea ciudadano estadounidense si su madre, o su padre, o su abuela, o su abuelo era ciudadano estadounidense. Si uno de sus padres, o uno de sus abuelos nació en los EE.UU., es o fue ciudadano estadounidense. Ud. debe consultar con un servidor legal de agencia comunitaria dedicada a casos de inmigración o con un abogado de inmigración. Ellos le pueden ayudar a decidir si en efecto se trata de haber heredado la ciudadanía estadounidense.

- Residencia permanente por medio de pariente alegado

Cualquier miembro de la familia que tenga tarjeta verde o sea ciudadano estadounidense le puede ayudar a obtener estado legal peticionando una visa para Ud. Ciertos parientes pueden hacer petición de visa que no requiere plazo de espera. Ud. puede obtener dicha visa a través de los siguientes parientes: (1) cónyuge ciudadano estadounidense; (2) madre/padre ciudadano estadounidense siempre y cuando Ud. no sea mayor de 21 años y sea soltero; (3) hijo/a ciudadano estadounidense mayor de 21 años.

Parientes de otra índole pueden peticionar visa para Ud. que requiere plazo de espera. Ud. puede obtener dicha visa a través de los siguientes parientes: (1) madre/padre ciudadano estadounidense si Ud. es mayor de 21 años; (2) madre/padre residente legal permanente si Ud. no está casado; (3) cónyuge residente legal permanente; o (4) hermano/a ciudadano estadounidense.

Si alguno de sus familiares pertenece a cualquier categoría antes mencionada, pídale presentar "petición de visa de inmigrante" cuanto antes. Es posible que le toque esperar largo plazo para obtener la tarjeta verde. El empleado que ayude a su pariente a hacer los trámites le

Appendix 8-C
puede dar una idea de qué tan larga será la espera. Durante el plazo de espera Ud. no puede permanecer legalmente en los EE.UU. Si permanece ilegalmente in los EE.UU. por más de 6 meses corre el riesgo de tener que permanecer fuera de los EE.UU. por varios años antes de poder legalizarse. Es importante consultar con algún servidor legal y plantearle su caso antes de solicitar legalización de su estado migratorio. Existen excepciones. Por eso es esencial consultar con un servidor legal antes de tomar una decisión.

- Residencia permanente por medio de cónyuge o madre/padre al tratarse de maltrato/abuso cónyugal o paternal/maternal

Si Ud. es víctima de maltrato o abuso por parte de su cónyuge o padre/madre de Ud. ciudadano/a estadounidense el/la cual se rehusa a peticionarle la visa de inmigrante, Ud. puede hacer tal petición por su propia cuenta aunque no se encuentre bajo el mismo techo de su cónyuge o padre/madre. Es esencial consultar con un servidor legal y plantearle su caso. Puede ser que Ud. consiga su visa.

- Asilo: para quienes temen volver a su país de origen

Si Ud teme regresar a su país porque cree que el gobierno o alguna otra entidad le causará daños, tiene la posibilidad de calificar asilo. Aunque no haya sido víctima directa de persecución, puede ser elegible a solicitar si viene de un país donde se busca y se maltrata a gente por su preferencia política, su raza, religión, nacionalidad o por pertenecer a cierto grupo social (por ejemplo, miembros de familias notables que sufren persecución). Se le concede un plazo de un año a partir de haber entrado a los EE.UU. o hasta el 1ero. de abril de 1998, cualquiera de las dos fechas que le dé más tiempo para solicitar asilo.

Si Ud. tiene miedo regresar a su país, al ser aprendido, hágaselo saber al agente del INS. Declare que desea presentarse ante un juez y comunicarse con un abogado. Ud. tiene derecho de presentarle su caso al juez y permanecer legalmente en los EE.UU. Quizás también califique para servicios legales gratuitos. ADVERTENCIA: Si no es aprendido por el INS, consulte con un abogado o agencia comunitaria de inmigración antes de solicitar asilo. Entérese de los riesgos y los beneficios antes de tomar una decisión.

- Cancelación de expulsión: si ha vivido en los EE.UU. por más de 10 años

Si el INS quiere expulsarlo de los EE.UU. por haber permanecido ilegalmente, al presentarse ante el juez Ud. tiene derecho a pedirle que se le cancele la expulsión. Ud. puede obtener cancelación de expulsión si: (1) ha vivido en los EE.UU. por más de 10 años; (2) no tiene antecedentes de delitos serios y puede comprobar que tiene buen carácter moral; (3) puede comprobar que el expulsarlo causaría complicaciones serias en extremo a su cónyuge, padres, o hijos siendo ellos ciudadanos estadounidenses o residentes legales permanentes. El tiempo después de entrar en trámites de expulsión no cuenta. Así es que necesita haber vivido más de 10 años antes de entrar en trámites de expulsión.
• Suspensión de Expulsión para ciertos Guatemaltecos, y Salvadoreños y ciertos nativos de la Unión Soviética Anterior, Estonia, Latvia, Lithuania, Polonia, Checoslovakia, Romania, Hungría, Bulgaria, Albania, Alemania del Este, Yugoslavia o cualquier estado de la Yugoslavia Anterior

Por medio de la nueva ley "NACARA," algunas personas que vienen de cualquiera de los países indicados arriba, podrán solicitar para cancelar el orden de expulsión bajo los reglamentos anteriores. Esos reglamentos contienen procesos más generosos con respecto a la cancelación de la orden de expulsión y para conseguir la tarjeta verde. La calificación de cada persona para usar los reglamentos anteriores que eran más fácil depende de varias condiciones, incluyendo el requisito que uno tendría que haber permanecido en los Estados unidos antes de ciertas fechas en 1990. El beneficio de solicitar para cancelar el orden de expulsión bajo los reglamentos anteriores es que uno solo tiene que mostrar lo siguiente: (1) uno ha permanecido en los Estados Unidos por lo menos siete años, (2) que uno tiene buen carácter moral, y (3) que la expulsión resultará en mucho daño (en contraste a "daño excepcional y extremamente extraordinario") al aplicante o a sus padres, a su esposa/a, o a sus hijos, si ellos son residentes o ciudadanos de los Estados Unidos. Si el Servicio de Inmigración le niega la solicitud y también la apelación, el aplicante podrá llegar a ser deportado. Para más información acerca de esta manera de conseguir la tarjeta verde, debería hablar con un abogado que se especializa en la ley de inmigración o hacer contacto con una agencia de servicios en la comunidad que le puedan informar con respecto a la inmigración.

• Cancelación de expulsión para víctimas de maltrato o abuso

Si Ud. no tiene papeles y es víctima de maltrato o abuso por parte de su cónyuge o padres siendo estos ciudadanos estadounidenses o residentes legales permanentes, Ud. tiene derecho a pedir cancelación de expulsión si le aplica lo siguiente: (1) lleva tres años viviendo en los EE.UU. antes de ser llamado a expulsión; (2) es persona de buen carácter moral; y (3) la expulsión le causaría complicaciones serias en extremo a Ud., a sus hijos, o sus padres.

• Estado migratorio bajo Unificación Familiar o Derecho de Familia

El cónyuge o madre/padre que haya calificado amnistía le puede solicitar estado migratorio bajo Unificación Familiar. Si Ud. califica Derecho de Familia se le permite permanecer en los EE.UU. y recibir permiso para trabajar. Sin embargo, este programa no lo lleva a lograr residencia permanente. Su cónyuge o padre/madre necesita peticionar una visa de inmigrante para Ud. si quiere llegar a ser residente permanente.

• La Residencia permanente por medio de su patrón

Existe la posibilidad de adquirir residencia permanente si su patrón presenta petición de visa para Ud. Este trámite es algo complicado. Necesita el apoyo de su patrón y la ayuda de un abogado de inmigración. El plazo de espera para adquirir visa por empleo puede ser bastante largo. Las siguientes personas tienen derecho a solicitar visa de empleo: (1) ministros y

Appendix 8-C
evangelizadores; (2) profesionistas; (3) personas que se destacan en artes, en ciencias o en deportes; y (4) aquellos empleados para trabajos que sufren escasez de obreros estadounidenses - por ejemplo: cocineros, enfermeras de casa, niñeras de casa.

- **Registro: para personas que han vivido en los EE.UU. desde antes de 1972**

Las personas que han residido en los EE.UU. desde antes de 1972 pueden calificar "registro." Si Ud cree calificar en esta categoría, puede lograr su residencia legal permanente and recibir su "tarjeta verde."

- **Programa de legalización para Cubanos y Nicaragüenses**

Cubanos y Nicaragüenses que han permanecido en los EE.UU. desde el primer día de diciembre, 1995, pueden solicitar para conseguir la residencia permanente por medio de un programa especial de amnistía que es parte de la ley, NACARA. A pesar que no es necesario que permanecieron en los EE.UU. cada día desde el primer día de diciembre, 1995, sí es necesario que puedan mostrar (con pocas excepciones) que permanecieron en los EE.UU. desde el primer día de diciembre, 1995, sin estar afuera por más de 180 días en total. Además, las personas que esperan hacer la solicitud por medio de este programa tienen que entregar las peticiones antes del primer día de abril, 2000.

(Preparado por el Centro de Recursos Legales para Inmigrantes - Febrero 2000)
A. General Preparation

1. Choose a place.
2. Distribute information about the meeting.
3. Prepare materials
   a. Information
   b. Paper and pens
4. Find out who will be coming so you know your audience.
5. Research and write your presentation.
6. Practice with:
   a. family
   b. friends
   c. a mirror
7. Make sure you know how long the presentation will take.

B. The Presentation

1. Introduction
   a. Welcome
   b. Introduce yourself and your organization.
   c. Summarize the parts of your presentation.
   d. State the reason for the presentation (why the topic is important and why we are
gathered to talk about it).
   e. Questions -- when you will permit them.

2. Body (The Meat of the Presentation)
   a. The Meat
   b. The most important information, such as the requirements for naturalization, your
rights during an encounter with the INS, or myths about immigrants.
   c. Video, skit, or other ways of presenting the information.

3. Conclusion
   a. Summarize the information.
   b. Go over next steps, such as giving the audience a phone number for more
information, passing a list for each person to sign in, explaining how they can get
more information, announcing a next meeting.
   c. Answer questions from the audience.
   d. Thank the audience.

Points to Remember While Giving a Presentation

1. Pause and smile.
2. Always try to maintain eye contact.
4. Use personal experiences.
5. Your speech should be short, simple, and interesting.
6. Arrive and start on time.
7. Involve the audience.
8. Motivate the people attending your presentation.
PASOS PARA PREPARAR UN DISCURSO

A. Preparación General

1. Escoger un lugar
2. Distribuir la información sobre la junta
3. Llevar materiales
   a. Información
   b. Papel y plumas
4. Investigar la audiencia para que sepa su audiencia
5. Investigar y escribir su discurso
6. Practicar con:
   a. Familia
   b. Amigos
   c. Espejo
7. Fijarse en el tiempo que dura el discurso

B. El Discurso

1. Introducción
   a. Bienvenidos
   b. Presentar sí mismo y su organización
   
   d. Resumen de las partes del discurso.
   e. Presentar la razón por el discurso (porque este tema es importante y porque estamos aquí hoy)
   f. Preguntas – Cuando va a permitirlas

2. Cuerpo (La carne del discurso)
   a. La carne
   b. La información más importante como los requisitos de la ciudadanía, los derechos en frente de inmigración o los mitos en contra de los inmigrantes
   c. Video/teatros/otros instrumentos de presentar la información

3. Conclusión
   a. Resumen de la información
   b. Revisar los pasos que siguen como: dar la audiencia el número de teléfono del Centro Bilingüe, pasar una lista para que ellos la firmen, explicarles cómo pueden sacar más información
c. Contestar preguntas de la audiencia
d. Dar gracias a la audiencia

**Puntos Para Recordar Mientras Está Dando El Discurso**

1. Pausa y dar una sonrisa
2. Siempre trata de mantener contacto con los ojos
3. Hablar en voz muy alta
4. Usar experiencias personales
5. Hablar simple, corta, y interesante
6. Llegar y empieza a tiempo
7. Involucrar la audiencia
8. Motivar la gente
SOME TIPS ON SETTING UP AND HOLDING A PRESS CONFERENCE

By Mark Silverman, ILRC, January 6, 1994

A. Decide Whether and How a Press Conference Will be Helpful

B. Timing and Location of the Press Conference

You should hold the press conference at a time when something significant is happening related to the issue you are discussing. This creates a news event or "hook" around which a press conference can be built. A press conference could be centered around any of the following events: a governmental announcement of new policy; an announcement by community groups of a new program; an actual current case or situation involving an individual or family which illustrates the problem or issue you are raising.

The ideal time to hold a press conference is in the morning, before 11 a.m. if possible, because doing so gives reporters plenty of time to meet their deadlines for that evening's newscasts or the next morning's newspapers.

C. Writing a Press Release

Once you have organized the press conference, you need to write a press release informing the media that it will be taking place. The press release can be as short as a single page.¹ The heading and first paragraph should state the subject of the press conference and should contain a "hook" of some sort, something that convinces the press and public that they should be interested in the subject. The second paragraph can go into more details, and should include a brief quote from someone from the community. Contact names and phone numbers should be listed at the end of the release. See Appendix A for a sample press release, and Appendix B for a sample boilerplate press release format.

D. Contacting the Press

After writing the press release, send out copies to the press by fax, then follow them up with phone calls. There is no set rule for how this process should be handled but the following suggestions might be helpful.

- If you know of a particular correspondent you think might be especially interested in your story, contact him before contacting the rest of the press. Offer him earlier access to your story in exchange for his agreement to write a more in-depth story on the story.

¹ In addition to being succinct, one page press releases are easier to fax.
• Fax the press release about two days before the press conference. If there is a news service in your area which provides media sources with a calendar of local events (such as Bay Area News Service in San Francisco), you might want to fax them a copy of the release 4-5 days before the press conference and then fax them a second copy 2-3 days later when the other releases are being sent.\(^3\)

• Call the press the morning before the press conference to remind them that it will be taking place.

E. Day of the Press Conference

On the morning of the press conference, make some more phone calls to the press if possible. You should prepare a press packet for each reporter (based on your own rough estimate of the number of reporters likely to attend). The packet should include background material on the story and can be anywhere from three to ten pages in length. You should also have additional copies of the press release ready to distribute.

F. The Press Conference Itself

Once the press conference begins, don’t forget that if you have any person or family affected by the problem or issue, they are the stars of the show. The press will be most interested in talking with them, not with you. After your speakers make brief presentations, the press can ask questions. Leave lots of time for questions. Some additional points to keep in mind during the press conference are:

• Stay focused on a key point you want to raise concerning the issue and keep repeating it as often as possible. Reporters will ask many questions during a press conference but only brief sound bites will actually appear in their stories. This is especially true of TV and radio coverage.

• Start on time.

• Get a list (or collect the cards) of the reporters attending. They may be interested in doing follow-up stories.

A number of organizations have useful information about press packets and press conferences on immigration issues. If you or your organization is interested in obtaining such information, please contact the media coordinator at the National Forum at (202) 544-0004.

1-lay.mat

\(^2\) If you don’t have access to a fax machine, mail the press releases so that they arrive at least two days before the event.

\(^3\) If you are likely to hold a number of similar press conferences in the future, it may be worthwhile to program your fax machine with press lists to make the process of faxing releases more efficient.
Algunos Consejos Sobre Como Organizar una Conferencia de Prensa (los Medios de Comunicación).

La decisión de organizar una conferencia de prensa tiene que ser bien considerada. Una conferencia de prensa tiene que ser bien planeada. Los que están organizándola tienen que ser convencidos de que la conferencia va a llevar un cambio positivo. Si no están seguros que la conferencia de prensa es buena idea o si no están suficientes preparados, es mejor no hacerlo. También una conferencia de prensa puede tener efectos negativos.

1. Decidir si y cómo este contacto con la prensa va a ayudar.

a. ¿Va a ayudar una conferencia de prensa? ¿A quién? ¿Porqué? ¿A quién más puede afectar? ¿Podría hacer daño a nuestro grupo o a otras personas o grupos que son nuestros aliados?

Ejemplo: Una mujer tiene problemas en su trabajo. La mujer no tiene papeles. Una agencia que está tratando de ayudarle tiene que decidir si quieren hacer una conferencia de prensa para ayudarle, o si es un riesgo demasiado grande porque podría notificar a la Inmigración que está aquí sin papeles.

b. Decidir cuál va a ser el asunto principal, y cuál ejemplo se va a usar para ilustrar el asunto?

Ejemplo: Una niña de 4 años puede ser una historia más conmovedora y más compasiva que una historia de un adulto con problemas criminales.

c. ¿La prensa va a tener interés en el asunto? Una manera de averiguar es llamar a un periodista y hacerle la pregunta, sobre todo un contacto que ya tiene en la prensa.

Ejemplo: Eric acaba de comprar un nuevo par de zapatos. ¿Les va a interesar a la prensa? A lo mejor, no, pero ¿quién sabe!

d. Si organiza una conferencia de prensa, ¿le va a ofrecer a alguien que podría ayudarles a obtener lo que quieren? También, ¿hay una razón de guardar el asunto como un secreto?

Ejemplo: Una agencia tiene que decidir si quieren hacer una conferencia de prensa para criticar la principal de una escuela que expulsó a un alumno. Es una principal muy delicada. Tienen que pensar en si la publicidad puede hacerla más intractable o si le va a animar a cambiar de opinión.

e. Decidir se tienen los recursos suficientes para organizar una conferencia de prensa. Por ejemplo, hay alguien que puede participar en la conferencia a quien este asunto tiene un efecto directo? También, ¿quién va a poder contestar las llamadas después de la conferencia?

f. Decidir si la conferencia de prensa debe incluir los medios de comunicación en otros idiomas. Si va a incluir a estos medios de comunicación, tiene que decidir si van a hacer la conferencia en inglés y en otro idioma y quién va a traducir, o si van a tener dos conferencias separadas.
2. **La hora y el lugar de la conferencia de prensa.**

Es mejor planear su conferencia de prensa al mismo tiempo que está pasando algo significativo relacionado con su asunto. (Se dice que éste es un “ganchito”.) Por ejemplo, podría planear una conferencia: cuando se anuncia un nuevo programa de inmigración; cuando una agencia va a implementar un nuevo programa; o cuando hay una familia o una persona que ilustra un problema que quiere publicar.

Es mejor planear la conferencia en la mañana, antes de las 11:00 a.m., si es posible, para que los periodistas tengan el tiempo de preparar la historia antes del fin de plazo.

Es mejor que la conferencia se lleve a cabo en un lugar donde los periodistas pueden entender mejor el asunto, sobre todo si quieren que haya fotos o si van a invitar a la televisión. Por ejemplo, un conferencia de prensa sobre apartamentos arruinados va a ser mejor si se lleva a cabo en los apartamentos que en una oficina de una agencia.

3. **Escribir una informe a la prensa.**

Un informe a la prensa es para invitarles que vengan a su conferencia. Puede ser nada más una página. El título y el primer párrafo debe declarar el asunto de la conferencia y debe incluir el “ganchito” que los va a atraer. El segundo párrafo debe incluir más detalles y una declaración breve de alguien de la comunidad. Hay que escribir los nombres y números de teléfonos de las personas que pueden ser contactos para la prensa al principio o al fin del informe.

4. **Ponerse en contacto con la prensa.**

Hay que mandar copias de su informe a la prensa por correo o por “FAX.” Luego puede llamarles unos dos días después.

- Si conoce a un periodista que tendría interés especial en su cuento, puede contactarlo antes de los demás. Es posible que él quiera escribir una historia más detallada si él puede tener la información antes que demás.

- Hay que mandar por FAX el informe 2 días antes de la conferencia. Si hay un servicio de prensa que da los informes a todos los medios locales de comunicación (como por ejemplo el “Bay Area News Service” en San Francisco), es buena idea mandarles su informe con 4-5 días de anterioridad y luego otra vez 2 días antes.

5. **El día de la Conferencia**

Hay que llamarles por teléfono el día de la conferencia para recordarles. También debe preparar un paquete con información más detallada para cada periodista. Este paquete debe incluir información y otros materiales para los periodistas, para usar en la historia. Puede ser entre 3 y 10 páginas. Debe preparar unas copias extras en el caso de que vengan más periodistas.

6. **La Conferencia de Prensa.**

Al momento que empiece la conferencia, no se olvide que si una persona o familia afectada por el suceso está participando, ellos son los que deben hablar. Los periodistas quieren hablar con ellos, no con usted. Después de que la persona o la familia hagan sus presentaciones, los periodistas pueden hacerles preguntas. Deje mucho tiempo para preguntas. Puede usar este momento para clarificar información y repetir los puntos más importantes.
Enfóquese en los puntos principales. Repita los puntos principales lo más posible. Los periodistas hacen muchas preguntas pero nada más usan 2 o 3 cosas breves que dicen los participantes.

- Empiece a la hora que dice. Hay que ser puntual.

- Obtenga todas las tarjetas de los periodistas que vienen (o haga una lista si mismo). Tal vez tendrán interés en escribir otra historia.

Muchas organizaciones tienen información útil sobre paquetes para la prensa o conferencias de prensa sobre asuntos de la inmigración. Si usted o su organización tiene interés en obtener esta información, póngase en contacto con el coordinador de prensa para el Foro Nacional al (202) 544-0004.
COMMUNITY MEMBERS AND ATTORNEYS PROTEST BORDER PATROL ABUSIVE ACTION IN ILLEGALLY ENTERING AND SEARCHING HOME OF LAWFUL RESIDENT

PRESS CONFERENCE

DATE: TUESDAY JANUARY 26, 1993
TIME: 10:00 A.M.
PLACE: IMMIGRANT LEGAL RESOURCE CENTER
1663 Mission St., Suite 602 (between 12th St. and Duboce)
San Francisco, CA 94103

For Further Information Please Contact: Eric Cohen (415) 853-1600.

Immigrant rights' organizations join with Ms. Norma Valle, a lawful permanent resident, to condemn the abusive and unlawful tactics used by the Border Patrol on Latino residents like Ms. Valle.

On Monday January 11, 1993, Border Patrol officers illegally entered and searched Ms. Norma Valle’s home in Hayward. Ms. Valle, who is Latino and a lawful permanent resident of the United States, was illegally stopped and interrogated by the officers on the street in Hayward after she took her daughter to Longwood Elementary School. Because Ms. Valle had left her purse and "Green Card" at home, the officers forced her to take them to her house. When they arrived there and she unlocked the door, the Border Patrol officers barged in and illegally searched the house without her permission.

While Ms. Valle, bewildered, looked through her purse one of the Border Patrol officers ran upstairs and found Ms. Valle’s sister (also a lawful permanent resident) in bed asleep. He woke her up, entered her room without permission, and demanded that she show him her papers. Thinking it was a bad joke, she protested at first, then got up and complied with his demand. Even after proving to the officers that they were in the United States legally, the officers continued to interrogate the two women in their home.

Nelly Reyes, a community activist with the Spanish Speaking Citizens Foundation who is helping Ms. Valle, stated, "These actions by the Border Patrol will not be tolerated by the community. We cannot let the INS get away with the continued abuse of members of the immigrant and Hispanic communities. For the INS to apprehend innocent people near a school and enter someone's house without permission reeks of injustice. Parents may be frightened by such action and keep their children out of school in fear of encountering abuse by the Border Patrol. We demand an apology by the Border Patrol and a promise that they will not violate our rights any longer."

Eric Cohen, an attorney with the Immigrant Legal Resource Center, stated, "This is a gross violation of Ms. Valle's constitutional rights. The Border Patrol had no right to enter Ms. Valle's house without permission. Ms. Valle is planning to lodge an official complaint with the INS and is currently investigating a lawsuit against the Border Patrol."
FOR IMMEDIATE RELEASE

IMMIGRANT RIGHTS ADVOCATES CALL FOR RELEASE OF CHINESE CHILDREN WHO WERE DROPPED OFF BY FREIGHTER (PAI SHENG)

PRESS CONFERENCE

DATE: TUESDAY (TODAY) MAY 25, 1992
TIME: 4 P.M.
PLACE: IMMIGRANT LEGAL RESOURCE CENTER
1663 Mission Street, Ste. 602 (between 12th St. and Duboce)
San Francisco, CA 94103

Attorneys at the Immigrant Legal Resource Center are calling for the release of more than 35 children who were among the 250 passengers on the freighter Pai Sheng who were dropped off near the Presidio yesterday.

Attorney Susan Lydon will be available to speak with the press at 4 p.m. today after returning from interviewing the children in INS detention in San Francisco. (She is doing this now.)

"We think that these children have suffered enough," stated ILRC attorney Mark Silverman. "We agree with the INS that this smuggling ring is a terrible thing, but it doesn’t help to make life more intolerable for its victims."

For more information, please call: Claudia Melgar, ILRC (415-255-9499)
DECLARACION PARA EMISION INMEDIATA TRAS LOS RESULTADOS
SOBRE LA PROPUESTA 187
NOVIEMBRE 9, 1994 O NOVIEMBRE 8, PASADAS LAS 10:00 PM
SI SE CONOCEN LOS RESULTADOS
(VA DIRIGIDA A LA COMUNIDAD DE INMIGRADOS)

El endoso de la Propuesta 187 marca un día de luto para TODOS los californianos. Necesitamos enviar dos mensajes a la comunidad de inmigrantes en particular.

Primeramente, les suplicamos que no haya panico ni temor. Sus niños, aun sin documentos, PUEDEN PERMANECER EN LA ESCUELA. La provision de la Propuesta 187 de excluir or expulsar a los niños de la escuela es inconstitucional. Creemos que las cortes, basadas en la litigacion que retara la legalidad de la 187, IMPEDIRAN LA IMPLEMENTACION DE LA PROVISIÓN REFERENTE A LAS ESCUELAS, la cual no rige hasta enero de 1995. REPETIMOS: NO TENGAN MIEDO. SUS NINOS NO SERAN EXPULSADOS POR LA ESCUELA.

Segundamente, la lucha por un plan sensato que reconozca las contribuciones de todos los californianos apenas empieza. Urge que los residentes legales saquen su ciudadanía lo mas pronto posible para obtener derecho a voto en las elecciones de 1996.
Centro Bilingue, a small non-profit grassroots immigrants rights organization in East Palo Alto, California, is about to kick off its big naturalization campaign. The first informational meeting about naturalization is coming up on Saturday, May 7, at 10:00 a.m. in Centro Bilingue (2450 Ralmar Avenue in East Palo Alto). After that, there will be a meeting on naturalization on the first Saturday of every month at 10:00 a.m. For more information, people can call 325-3161. In the weeks following that meeting, workshops will begin where people can prepare their application packets for naturalization at a low cost. You are doing excellent jobs volunteering with Centro Bilingue to help do outreach and workshops on naturalization. You want to tell people how they can naturalize, why it is important, and let them know about the meeting so that they can get started in the process. You decide to hold a press conference as one way of getting your message out to the public.
THE LEGAL REQUIREMENTS NECESSARY TO
BECOME A U.S. CITIZEN THROUGH THE
NATURALIZATION PROCESS

An Applicant Needs to:

1. Be at least 18 years old (there are some exceptions).

2. Have lived in the United States as a lawful permanent resident for at least 5 years.
   Exception: Applicants who are married to United States citizens, often only have to have lived in the United States for 3 years as lawful permanent residents.

3. Have Good Moral Character for the 5 year period while she has been a lawful permanent resident (or 3 year period if she is married to a United States citizen).

4. Have lived in the INS district where she is applying for naturalization for at least 3 months prior to applying for naturalization.

5. Pass a test on English, history and government. There are some exceptions for the English test only.

6. Attend a swearing in ceremony and take an oath of allegiance to the United States.

Prepared by the Immigrant Legal Resource Center

September, 1994
APPENDIX 12-1

Outline for a Sample Small Group Report

(Group is researching the availability of services available to local youth.)

I. Introduction (5 minutes)
   Discussion of the group's objectives and reasons for forming. Plans for the future, including visits to service providers in town and outreach/sharing information to others in the community.

II. Visit to Local Service Organizations (7 minutes)
   Report of visit to at least two local service providers. Summary of conversations with their directors or representatives. Description of the services offered, distribution of fliers and other information.

III. Brainstorm On Future Activities (8 minutes)
   Ask the larger group for help in planning future activities. What other local service providers do you know about? Where and how could we best circulate the information we gather among the community?
APPENDIX 13-1

I. Lecture - Legal Requirements for Naturalization: (2 Hours).

A. As preparation for this lecture, the trainer should have already prepared a list of the basic requirements for display on an overhead, a chalkboard, or butcher paper. Additionally, the advocates should each be given a note taking guide in their native language which lists the basic requirements. The basic requirements are as follows:

1. Lawful permanent residence.
2. At least 18 years old.
3. Continuous residence in the U.S. as a lawful permanent resident for the five years before applying for naturalization.
4. Physical presence in the U.S. for at least half the five year residence requirement.
5. Good moral character.
6. Be able to pass a fairly simple test in English.
7. Be able to pass a fairly simple test in U.S. history and government.
8. Take an oath of allegiance to the U.S.

B. Warning to Advocates: Explain to the advocates that although you are going to go over the general requirements for naturalization, they will not become immediate experts. Thus, they shouldn't hold themselves out as experts. We will provide enough information so that they will be able to help with the group processing of naturalization applications and give general information. But most importantly, all the advocates should be able to recognize a possible "problem" case; that is, a case where the applicant could have legal problems.

C. It is usually best to first quickly review the list of the eight basic requirements that a lawful permanent resident must meet in order to become a U.S. citizen and then go back over them one by one, so the details can be explained.

1. One good teaching strategy, especially if one or several of the participants have gone through the process of applying for naturalization, is to ask if anyone knows any of the requirements. The trainer might also ask one of the participants to describe the process he or she went through. The personal experiences of previous applicants can help calm fears about the English and History Exam.

---

1 For a very detailed description of the requirements, agencies may purchase the Immigrant Legal Resource Center's manual entitled Naturalization: A Guide for Legal Practitioners and Other Community Advocates.

app 13-1
2. The trainer may wish to add the following as well:

a. Lay advocates may wish to take notes on the outline which has been provided (See Appendix 2-B of the Basic Curriculum).

b. One key point is to be able to identify applicants who need to seek "expert" help from either a community agency or a lawyer.

c. Another key teaching point is to constantly reinforce that the trainers do not wish any applicants to be deported because of information they supplied on their naturalization applications when they should not have applied. As will be discussed in detail later during the session, someone applying for naturalization could end up being denied naturalization, put in removal proceedings, have her green card taken away, and be deported. Thus helping someone figure out whether or not she should apply for naturalization is an extremely important decision.

d. The lay advocates must recognize the "Red Flags" or Danger Issues so that they can refer these potential applicants to community agency experts or lawyers.

If the Immigration and Naturalization Service (INS) finds out that an applicant for naturalization is deportable, or for some reason was not really eligible for her green card even though she still got it, the INS could deny the naturalization application, take away the applicant's green card, and place her in removal proceedings to try and deport her. Except for people who have been convicted of certain crimes, the person should not be arrested at the naturalization interview. All applicants would be able to have a hearing in front of a judge if the INS tried to deport them.

To avoid increased risks, please make sure to refer applicants to an experienced attorney or community agency if the applicant might fall into one of the categories listed below. The applicant may have no problems, or may have problems with the naturalization application but not be in danger of losing her green card. But, because the risks are so high, anyone who falls within any of these categories must check with an expert in immigration law before applying for naturalization. The redflag categories include:

1. Anyone who has been arrested for, convicted of, or admitted to having committed any crime.
2. Anyone who was absent from the U.S. for more than six months at a time.
3. Anyone who claimed she was a U.S. citizen but was not.
4. Anyone who moved to live in another country while still a permanent resident of the U.S.
5. Anyone who has ever been ordered deported or is now in deportation or removal proceedings.
6. Anyone who committed fraud or lied to get his green card or other immigration benefit.
7. Anyone who is now on probation or parole for having been convicted of a crime.
8. Anyone who has helped smuggle someone into the U.S., even if it was a relative.
9. Anyone who has violated a protection order which was issued by a court to protect against violent or threatening acts of domestic violence.
10. Anyone who is or has been an habitual drunkard, drug addict or drug abuser.
11. Anyone who committed fraud to receive or continue to receive welfare or other public benefits.
12. Anyone who did not pay his taxes.
13. Anyone who has not paid child support.

D. The Legal Requirements

1. Lawful Permanent Residence:

a. The applicant must presently be a lawful permanent resident (LPR); that is, s/he must have a green card. They are no longer green but can also be white, light blue, or pink. Legalization (amnesty) applicants who only have temporary residence (the "first phase") are not eligible.

b. The green card must be valid, which means that it was not obtained fraudulently. Some people may have lied to get their green cards (amnesty, agricultural workers, second preference petitions, or others). If this lie is discovered during the naturalization application process, the person could be denied naturalization, placed in removal proceedings, and deported. WARNING: IF YOU KNOW ANYONE THAT IS APPLYING FOR NATURALIZATION WHO WASN'T REALLY ELIGIBLE FOR A GREEN CARD, SHE SHOULD BE TOLD ABOUT THE RISKS AND REFERRING TO A LAWYER OR COMMUNITY AGENCY IMMEDIATELY. IT MAY BE BEST IF SOMEONE IN SUCH A SITUATION NOT APPLY FOR NATURALIZATION BECAUSE OF THE RISK INVOLVED.

Example: Graciela got married in 1985. In 1986 her father filed a visa petition on her behalf as his unmarried daughter. In 1989 she immigrated to the U.S. as the unmarried daughter of a LPR even though she was
actually married. When she applied for naturalization in 1994, the INS discovered that she was not eligible for her green card in 1989 because she was married at that time. The INS placed her in removal proceedings to try to deport her.

c. The LPR must not have abandoned her U.S. residence at any time. If an LPR left the U.S. to live in another country and intended to stop living in the U.S. (i.e., abandon her residence), the INS may place her in removal proceedings to determine if she did indeed abandon her residence. If a judge decides the applicant did indeed abandon her residence, then the judge could take away her green card and deport her. This is a very serious situation. Although the INS may get suspicious about any absences of six months or more and especially about absences of one year or more, the length of the absence is the only significant issue. Additionally, all absences from the U.S. must be reported on the naturalization application. Although many people live in another country and return to the U.S. once a year, this is not enough. **It is not sufficient for abandonment purposes to live in another country and merely return to the U.S. for a one or two month visit every year.**

**Example:** After receiving his green card, Sur left the U.S. to live in Korea permanently and run the family business. Every year Sur would return to the U.S. for a month vacation. Now, after having been a LPR for over five years, Sur wants to naturalize. If the INS finds out about his absences and the fact that he's been living in Korea, they could deny his naturalization application, place him in removal proceedings, try to take away his green card, and try to deport him from the U.S.

**Example:** Yet if Sur had merely returned to Korea after getting his green card for a ten month visit to help start a company while keeping his apartment, clothes, and work in the U.S., the INS would have a much more difficult time trying to deport him for having "abandoned" his residence.

d. The LPR must not be deportable or removable. If the LPR has received a final order of deportation or is presently in removal proceedings, she cannot naturalize until she cleans up the situation. Additionally, if she has committed an act making her deportable, she may have to divulge this during the application process. She could be placed in removal proceedings, possibly get her green card taken away, and possibly be actually deported. The most common grounds of deportation are also discussed on Part 7 of the N-400, Naturalization Application. The most common grounds must be reviewed with the advocates until they understand them. Some of the most common ones include:
* Certain crimes;
* Alien smuggling; and
* Entry without inspection.

Example: While applying for naturalization, the INS discovered that Sarah had been convicted of selling a small amount of drugs. The INS can deny her naturalization application and start removal proceedings against her.

2. **18 years or Older**

   a. All applicants for naturalization must be at least 18 years old.

   b. Sometimes U.S. citizens can apply for naturalization for their minor children who are LPRs and sometimes minor children who are LPRs automatically became U.S. citizens when their parents naturalized through derivation of citizenship.

3. **Continuous Residence as a LPR in the U.S. for Five Years (applicants actually can submit their applications three months before they are eligible)**

   Example: Gustavo became a permanent resident in November 1996. He is eligible to naturalize in November 2001 but he can submit his application in August 2001.

   a. Exceptions to the residence rules:

      * A person who has honorably served in the military for three years will not be required to have lived in the United States for the last five years.

      * A LPR has to have only three years of continuous residence if she has been married to a U.S. citizen for that entire three years, has been living with that U.S. citizen for at least three years, and the U.S. citizen has been a citizen for at least three years.

      * A minor LPR child whose parents are applying for him does not need any continuous residence.

   b. Absences can affect the continuous residence rule. (See Appendix 2-A of the Basic Curriculum.) If the applicant was absent from the U.S. for a year or more at a time, the absence will disrupt the continuous residence and the applicant will have to wait to apply for naturalization. Of course, the applicant could also be deportable for having abandoned her residence if she was absent for a year or longer. Thus, please stress that everyone
who has an absence of six months or more, or ever left the U.S. to live in another country while a permanent resident must see an expert for more advice. One of our most important tasks is to make sure people do not submit an application for naturalization that will lead the INS to seek his/her deportation.

Please Note: The difference between abandonment and breaking the continuous residence is often hard to understand and explain to advocates. If they don't understand the difference, it is usually best to just get the idea across that any applicant who has an absence of six months or more at one time or who left the U.S. to live in another country must be referred to an expert attorney or community agency for specialized attention.

4. Physical Presence in the U.S. for at Least Half of the Five Year Period

a. An applicant must have been actually physically present in the U.S. for at least half of the five year residence period; that is a total of at least two and a half years or 30 out of the last 60 months.

Example: Gila became a LPR six years ago. She wants to apply for naturalization but during each of the last five years she left the U.S. for seven months to go on vacation. Gila has only been physically present in the U.S. for 25 of the last 60 months and thus will not qualify for naturalization. She'll have to wait until she accumulates more time in the U.S. and then she can apply.

b. Exceptions:

* If the applicant is married to a U.S. citizen, she only needs to be physically present for half of the three year period; that is only one and a half years or 18 out of the 36 months.

* Unmarried LPR children under 18 years of age, who reside with their U.S. citizen parents who are applying for them, do not need any physical presence in the U.S.

c. The INS will add up all of the absences which are noted on the application to see if they add up to more than two and a half years (one and a half years if married to a U.S. citizen), and if they do, the applicant will have to wait to apply for naturalization.

5. Good Moral Character for the Five Year Period Prior to Applying for Naturalization (GMC) (See Appendix 2-A of the Basic Curriculum.)
a. The trainer should begin by asking the participants what would be some examples that might show a person does not have good moral character. The trainer should use the common sense notions given by the participants to explain there are certain bars to good moral character.

b. Most people don't have to worry about GMC. Usually it means that someone will have problems showing good moral character if he has committed certain crimes such as certain violent crimes, murder, rape, child molestation, drug crimes, stealing, fraud crimes and others that show one is dishonest. These crimes can be a problem even if he wasn't convicted of them; just admitting them can be enough to disqualify one from becoming a citizen. If one has sold drugs she doesn't even have to be convicted of it nor even ever admitted it. The INS can deny an application merely if it has reason to believe the applicant has sold drugs. Thus, anyone who has ever been arrested should seek immediate expert advice before applying for naturalization.

**PLEASE REMEMBER THAT THE INS WILL HAVE AN APPLICANT'S FINGERPRINT AND FBI CRIMINAL HISTORY. THUS, THE INS WILL HAVE A RECORD OF ALL THE TIMES THE APPLICANT HAS BEEN ARRESTED FOR ANY CRIME. CRIMES DO NOT GET ERASED OR DISAPPEAR EVER!**

Other activities can affect one's application like: making a living off of gambling or being involved in prostitution; being a drunk all the time; coming to the United States to have more than one spouse at a time; failing to serve in the U.S. military if one was called to serve; failing to register for the draft if you were supposed to; lying or committing fraud to get immigration benefits; helping people, even relatives, cross the border illegally; having a deportation order against one when applying for naturalization; being on probation or parole for a crime when applying for naturalization; not paying your taxes; failing to pay child support; voting in an election when your were not legally allowed to; falsely claiming to be a U.S. citizen; lying or committing fraud to get welfare; violating a domestic violence restraining order; and being involved in certain political activities within the last ten years before applying for naturalization like being a part of the Communist Party, or advocating on behalf of totalitarianism or anarchy.

c. If anyone falls within any of these categories, please help this person contact a lawyer or community agency with expertise in immigration law **before** applying for naturalization. Some of these activities, especially committing any type of crime or helping anyone enter the U.S. illegally, could cause serious problems for one's application, or possibly even cause the applicant to be deported and lose her green card. On the other hand, they might not be much of a problem because one
might be able to explain them, or be able to get a pardon or to get one's criminal record erased.

d. Discuss the Selective Service requirements in your jurisdiction. In most INS jurisdictions it is as follows: Since 1980, men between the ages of 18 and 26 are required to register with the Selective Service (the "Draft"). Yet any male who entered the U.S. after the age of 26 is not required to have registered. Most, if not all, INS districts have a policy of denying naturalization to men 26 or over who knowingly and willfully did not register with the Selective Service when they were required to do register. Men between 18 and 26 who have not registered are usually given the opportunity to register before naturalization is denied. Anyone who did not register, but should have, must see an expert in immigration law before applying to help him qualify for naturalization.

e. Discuss the rules in your jurisdiction concerning how the local INS handles drunk driving convictions. Some important information might include the following: A conviction for drunk driving or driving under the influence of alcohol can affect a naturalization case depending on the sentence the applicant receives and how many convictions he has. Usually, if the applicant only has one conviction and he has completed probation for the conviction, he should not have any trouble naturalizing. If, however, he is still on probation at the time of his naturalization interview, he has served 180 days or more in jail for the crime, or he has been convicted of drunk driving several times and could be considered a "habitual drunkard," the INS might deny his application. Furthermore, if he was sentenced to a year or more in jail for drunk driving or driving under the influence, the INS could deny his application and possibly even try to place him in removal proceedings.

f. Sometimes it may help to show the INS some of the good things an applicant has done such as: a steady job, membership in a church, devotion to one's family, and volunteering in one's community.

6. Pass a Fairly Simple Test of English

a. An applicant must be able to have a fairly simple conversation in English and be able to write a sentence in English.

b. This will usually be tested during the interview one has with the INS. Generally they'll expect the applicant to be able to answer the questions on the application in English.

c. Exceptions: Anyone who is over 50 years old and has been a LPR for at least 20 years, over 55 years old and have been a LPR for at least 15 years, or is unable to
comply with the English requirement because he has a physical or developmental disability or a mental impairment, doesn't have to speak English during the interview. People in these categories can have a translator during the interview.

**Example:** John was born with mental retardation which makes it impossible to learn English. John does not need to pass the English requirement for naturalization.

d. The trainer should tell advocates to encourage naturalization applicants to take an English class (if the applicants do not already speak English) and a citizenship class before their naturalization interviews. This will provide a confidence booster for the applicants and aid them in passing the exam.

7. **Pass a Test on U.S. History and Government**

a. There are three ways to pass this test.

* First, one can answer questions during the naturalization interview.

* Second, one can take a test prior to going to the naturalization interview. These tests are available at different locations in the community. They are called the ETS and CASAS tests. They are written tests and one can take them as many times as he wants until he passes. For some people they create less pressure than the naturalization interview test.

* Third, some people passed the test during the amnesty program. Although there were several types of tests during amnesty, the only ones which count for naturalization were the ETS test and the test taken during the INS interview.

b. There are also some brand new exceptions for a few categories of people who do not even have to take the U.S. history and government test. Anyone who is unable to pass a test of history and government of the U.S. because of physical or development disability or mental impairment does not have to take the test. Additionally, the INS is supposed to give "special consideration" concerning the test for anyone over 65 years old and has been living in the U.S. as a lawful permanent resident for at least 20 years. The INS has 25 questions on history and civics, which will be used for this age group. See Appendix 2-C of the Basic Curriculum for the list of 25 questions in English and Spanish.

c. The trainer should distribute a list of the 100 questions and answers which the U.S. history and government test covers. See Appendix 2-C of the Basic Curriculum for these questions and answers.
8. **Take an oath of allegiance to the U.S.**
   
a. Done at naturalization swearing in ceremony or immediately after the interview in some cases.
   
b. Not a U.S. citizen unless "sworn in."
   
c. U.S. doesn't require that one give up one's other citizenship. A U.S. citizen can keep other citizenship if the other country allows her to do so.

**D. The Red Flag or Danger Area List**

1. All advocates must be trained so that anyone they know who might fall within any of these "Red Flag" or "Danger" areas must be directed to a community agency or trusted lawyer with expertise in immigration law. It is too risky for someone falling within one of these areas to apply for naturalization without expert advice. Applicants falling into some of these categories could lose their green cards and be deported. Yet, it also is important not to discourage anyone in these categories from applying for naturalization until she or he gets the advice of an expert in naturalization such as a paralegal or a lawyer. Please review the Redflags with the group very quickly again and make sure they know and understand them.

**II. The Application Process**

1. Complete the N-400, Application for Naturalization. (See Appendix 2-E of the Basic Curriculum for English and Spanish versions of the N-400). Submit it to the INS with two photos, a $95.00 money order payable to the "INS", and any other documents which are necessary. Of course anything sent to the INS must be sent certified mail and "return receipt requested." Copies of everything should be maintained by the applicant in a file for future reference. As of December 1997, the INS will not accept fingerprints with the naturalization application. Instead, the INS will send the applicant notice of an appointment at an Application Service Center to have the fingerprints taken and submitted to the FBI.

2. The INS interview will take place several months after submitting the naturalization application. In San Francisco the wait is from 8 to 12 months.² If applicants don't already have enough English skills to pass the English and U.S. history and government exam then they should either wait to apply for naturalization until they do have such skills or enroll in a class to help them acquire the necessary skills.

² The trainers should be aware of how long the wait is in their area.
3. The swearing in ceremony will take place sometime after the naturalization interview if the application is granted. In San Francisco, for instance, the swearing in ceremony will take place approximately one to four months after the interview.

app 13-11