



RELIEF FROM --- REMOVAL

Ritu Goswamy
Supervising Attorney
ASIAN LAW ALLIANCE



Our Mission

Asian Law Alliance, established in 1977, is a non-profit organization providing equal access to the justice system for Asian, Pacific Islander and low-income populations in the Silicon Valley.

Our mission is through providing legal counseling, community education and community organizing, we promote self-sufficiency, self-reliance, and a better quality of life for all.

991 West Hedding St. Suite 202

San Jose, CA 95126

(408)287-9710

<https://asianlawalliance.org/>



WHAT WE DO:

•Housing

- Landlord-Tenant (Assistance for Tenants)
- Security deposits, evictions, habitability issues, lease violations, filing small claims

•Public Benefits

- Social Security, Supplemental Security Income, Food Stamps or Medi-Cal
- Disability Benefits (not unemployment benefits)



WHAT WE DO (continued):

- Immigration (full and limited scope, range of matters)
 - Naturalizations
 - Deferred Action for Childhood Arrivals (DACA)
 - Renewal
 - Advance Parole
 - Humanitarian Relief for victims of crimes and/or domestic violence
 - U Visa
 - VAWA
 - Asylum
 - Removal/Deportation proceedings
- Family Law (DVROs, divorce, custody)
- Fed Pro Se (Limited-scope assistance for self-represented litigants in federal court)
- Local Advocacy on Important Issues within the Community (the Census, Voting Rights, Advancing Racial and Economic Justice)



We offer services in Mandarin, Cantonese, Spanish, Vietnamese, Tagalog, Korean and other languages as needed.

Call 408-287-9710

Intake Schedule

- Monday 1:00pm – 3:30pm
- Tuesday: 9:00am – 11:30am, 1:00pm – 3:30pm
- Wednesday: 9:00am – 11:30am
- Thursday: 9:00am – 11:30am, 1:00pm-3:30pm
- Friday: 9:00am – 11:30am

Relief from Removal

- Agencies involved
- Removal proceedings
- Immigration Detention
- Bond
- Cancellation of Removal
- Affirmative Relief
- Prosecutorial Discretion

Department of Homeland Security

- United States Citizenship & Immigration Services (USCIS)
- Customs & Border Protection (CBP)
- Immigration & Customs Enforcement (ICE)
- Executive Office of Immigration Review (EOIR)

USCIS

Affirmative applications:

- Family Petitions
- Employment Petitions
- Humanitarian: Asylum, U visa, VAWA, T-visa, DACA, Special Immigrant Juvenile Status, Unaccompanied Alien Child (UAC)

CBP

- Enforces customs, immigration and agricultural laws
- Ports of entry and preclearance locations
- Border Patrol

ICE

- Immigration Police
- Immigration Prosecution Attorneys for deportation/removal cases in court

EOIR

- Immigration Court
- Removal Proceedings

How to be put in removal proceedings

- Caught at border, or stopped inside the U.S. by ICE
- Arrested by the police and referred to ICE
- Referred to ICE after having an application denied by USCIS

Removal Proceedings

- There is no right to appointed counsel (public defenders) in deportation proceedings.
- Most immigrants face the ICE prosecutor and Immigration Judge (IJ) without an attorney.

Detained

- Once a person is detained by ICE, they will most likely be placed in removal proceedings.
- They may or may not remain detained.

Detained

- Some immigrants have their removal proceedings while they are detained.

Detained

- Get person's "A number," name, and date of birth
- Call an attorney or organization that you may know
- If you do not know a lawyer, call Rapid Response number: Santa Clara County: 408-290-1144

Detained

- ICE Detainee Locator:
<https://locator.ice.gov/odls/#/index>
- Search by:
A-Number and country of birth, or
Biographical Information (name, birthday,
country)
- Key information: A-Number, Booking
Number

Bond

- Some immigrants in detention can request bond from an immigration judge. The factors to decide bond are: Flight Risk and Danger to the Community
- Bonds issued by the immigration judge are \$1500 at a minimum and have no maximum.
- Some immigrants may also be granted bond from ICE.

Bond

- Gather documents to help release person on bond
- Identity documents
Immigration and criminal documents
Letters of support from family and community members
- Gather money for bond

Removal Proceedings

- ICE serves the person with a **Notice to Appear (NTA)**, which is the charging document that initiates the proceedings.
- In some cases, the NTA is served by mail, or at an appointment with ICE or CBP.

Removal Proceedings

- If you receive an NTA, you have an obligation to appear in Immigration Court hearings and defend yourself by proving you have lawful means to remain in the U.S. (you are eligible for immigration relief).
- If you miss a hearing, you will be ordered deported in your absence.

Relief from Removal

- Visas or designations that halt the deportation process and allow for legal presence in the US

Cancellation of Removal LPR

- Legal Permanent Resident for at least five years
- Not been convicted of an “aggravated felony”
- Seven years of continuous residence in the US

Cancellation of Removal Non-LPR

- Physically present in the United States continuously for at least 10 years
- Good moral character for 10 years
- Not convicted of certain crimes
- Removal would cause exceptional and extremely unusual hardship to LPR or USC spouse, child, or parent

Relief from Removal

- **Asylum** for those who fear persecution in their home country
- **U-visa** for victims of crime
- **T-visa** for trafficking victims
- **VAWA** (Violence Against Women Act) for victims of abuse by LPR or USC
- **Special Immigrant Juvenile Status** for children (and young adults) abused/neglected/abandoned
- **Family** Petitions/Adjustment of Status

Prosecutorial Discretion

- As the executive in chief, the president has authority to use executive action to create “administrative relief.”
- Administrative relief are programs made by the president that decide how to enforce the immigration laws that have been enacted by Congress, or when to use **prosecutorial discretion**.

Prosecutorial Discretion

- April 3, 2022 Memo on Exercise of Prosecutorial Discretion, Guidance to ICE Attorneys
- Enforcement Priorities: Threat to National Security, Threat to Public Safety, Threat to Border Security
- Nonpriority cases: NTA, Dismissal of Proceedings, Administrative Closure, Stipulation of Relief, Continuances, Appeals, Motions to Reopen, Bond Proceedings

Do You Have Any Questions?





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