



What Teens Need to Know

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Employment Authorization: A temporary work permit issued by CIS. A person who has a work permit may temporarily work in the U.S. under the terms on the card, and may work until the expiration date on the card.

"Green Card": A resident alien card issued by CIS to a lawful permanent resident. A person who has a resident alien card may live and work in the U.S. and serve in the military. Resident alien cards are not green (although many people call them "green cards").

Immigrant: A noncitizen who intends to live permanently in the U.S.

U.S. Citizenship & Immigration Services (CIS): The federal government agency that enforces immigration laws and is part of the Department of Homeland Security (DHS).

Immigration Consultants, Notaries Public, notarios publico and Notarios: Persons who are not lawyers and cannot give legal advice. Before going to a notario, consult with a community organization that provides free or low-cost service. See the agency list at the end of this booklet.

Lawful Permanent Resident (LPR): A person who has a "green card" and may live permanently in the U.S. An LPR may work in the U.S. and may serve in the military, but cannot vote. An LPR may be deported for certain criminal convictions or other serious problems. An LPR may become a U.S. citizen after a certain period of time.

Lawyer/Attorney: A person who may give legal advice. This person has studied law, has a law degree and is licensed by the State to practice law.

Non-immigrant: A noncitizen who is permitted to enter the U.S. for a limited period of time, and is given a temporary visa (e.g., students, tourists, diplomats).

Undocumented: A noncitizen who is living in the U.S. without legal immigration status. An undocumented person does not have employment authorization (cannot work lawfully) and may be deported if discovered by CIS. He/she is not eligible for financial aid for college, but may be eligible for private scholarships.

U.S. Citizen: A person born in the United States or a person who naturalized. A U.S. citizen may not be deported, may petition to immigrate family members more easily and quickly than an LPR, and may vote in elections.

Naturalization: The process of applying for citizenship in the United States. Usually, a person must have been an LPR for 5 years before applying for naturalization. A person who is an LPR and is married to a U.S. citizen may be eligible for citizenship after 3 years.

Child Citizenship Act of 2000: An LPR child under the age of 18 may automatically become a U.S. citizen if his/her parent is a U.S. citizen or becomes a U.S. citizen. The child must reside in the U.S. in the legal and physical custody of the U.S. citizen parent.

Visa: A document or stamp placed in a person's passport issued by a U.S. consulate to a noncitizen to allow that person to enter the U.S. Visas are either nonimmigrant or immigrant.

This booklet discusses some immigration laws in a general way. It may give you preliminary answers to immigration questions. You should note that just because you meet certain requirements does not mean you automatically can become a Lawful Permanent Resident (LPR) or citizen.

The process of becoming an LPR can be complicated and lengthy. Depending on your individual case, it may take anywhere from 1 to 15 years to become an LPR. See Charts 1 and 2.

DO NOT GUESS ABOUT IMMIGRATION LAW

If you have questions:

- ◊ Do not go to or call the U.S. Citizenship & Immigration Services (CIS).
- Contact an immigration lawyer or a community organization that provides free or low-cost immigration service.
- Be careful of anyone who promises that you qualify to become an LPR or citizen. It is against the law to make such promises or to claim a special relationship with CIS.
- If you believe you have been cheated by someone, call one of the agencies listed at the end of this booklet.

WHAT IF I'M STOPPED BY AN IMMIGRATION OFFICER?

- ♦ You have the right to remain silent.
- ♦ Be polite. Don't run away and don't make any false statements.
- Provide your "green card" or other immigration papers. Do not provide any false papers.
- If you are arrested, ask to make a telephone call to a family member. Speak to an immigration lawyer before answering any questions or signing any forms. The immigration officer must give you a list of free or low-cost legal services.

Petition By Family Members



How Do I Become A Lawful Permanent Resident?

This section describes how to become a lawful permanent resident (LPR) through a family member. The procedure and time frame depend on many different factors, including whether your family member is a citizen or LPR, your family relationship (husband or wife, mom/stepmom or dad/stepdad, child, brother or sister), the country where you were born, your age and whether you are married. The amount of time you will have to wait to get your green card depends on all of these factors. Charts 1 and 2 list the current approximate waiting periods for family based petitions.

The following chart lists the current approximate waiting period for family petitions. The waiting period changes every few months.

Chart 1

If You Are	IF YOU ARE FROM				
Under 21 And Your Relative is:	All Other Countries	Mexico	PHILIPPINES	China	India
Your USC husband or Wife	No Wait	No Wait	No Wait	No Wait	No Wait
Your LPR husband or Wife	4½ Years	5½ Years	4½ Years	4½ Years	4½ Years
Your USC parent (if you are not married)	No Wait	No Wait	No Wait	No Wait	No Wait
Your LPR Parent (if you are not married)	4½ Years	5½ Years	4½ Years	4½ Years	4½ Years
Your USC Brother or sister who is 21 or older	11 Years	11 Years	20 Years	11 Years	13 Years

If you are under 21

Definition of terms: USC = U.S. Citizen; LPR = Lawful Permanent Resident

To find the waiting period that applies in your case, check your **"Priority Date"** on your CIS "Approval Notice." For current "Priority Dates," visit the U.S. Department of State web site at www.travel.state.gov/visa_bulletin.html and check the most recent Visa Bulletin. You may also call the Department of State recorded message at (202) 663-1541. The following chart lists the current approximate waiting period for family petitions. The waiting period changes every few months.

Chart 2

If You Are	IF YOU ARE FROM				
21 or over And Your Relative is:	All Other Countries	Mexico	Philippines	China	India
Your USC husband or Wife	No Wait	No Wait	No Wait	No Wait	No Wait
Your LPR husband or Wife	4½ Years	5½ Years	4½ Years	4½ Years	4½ Years
Your USC parent (if you are not married)	1½ Years	6 Years	12 Years	1½ Years	1½ Years
Your USC Parent (if you are married)	4 Years	8½ Years	12½ Years	4 Years	4 Years
Your LPR Parent (if you are not married)	7 Years	8½ Years	7 Years	7 Years	7 Years
Your USC child who is 21or older	No Wait	No Wait	No Wait	No Wait	No Wait
Your USC brother or sister who is 21 or older	11 Years	11 Years	20 Years	11 Years	13 Years

If you are 21 or over

Definition of terms: USC = U.S. Citizen; LPR = Lawful Permanent Resident

Can My Mom Or Dad Help Me Become A Permanent Resident?

You may be able to qualify to become a Lawful Permanent Resident (LPR) through your husband or wife, mom, dad, brother, sister, son or daughter.

- To qualify through your parent, he/she must be a citizen or LPR. If your parent is a citizen, you are eligible if you are married or not married. If your parent is an LPR, you must not be married.
- To qualify if you were adopted:
 - Your adoption must have been finalized before you turned 16 and you must live with your adoptive parents for 2 years prior to applying for your residency; or
 - Your adoption must have been finalized before you turned 18 as long as you are accompanying a brother or sister younger than age 16 who is also immigrating as an adopted child; and
 - Your adoptive parent must be a citizen or LPR.
- To qualify through your child, he/she must be a citizen and be at least 21 years old.
- To qualify through your brother or sister, he/she must be a citizen and be at least 21 years old. The waiting period is very long. See Charts 1 and 2.

Can My Stepdad Help Me Become A Permanent Resident?

If your stepdad is a U.S. citizen or LPR, he may petition for you as long as your mom married your stepdad before you turned 18. Your stepdad does not need to adopt you. And, you do not need to have the same last name as your stepdad.

What If My Mom Never Married Her Citizen Boyfriend. Can He Help Me With My Papers?

 If your mom is not married to her boyfriend, he cannot petition for you because he is not "legally" your stepdad.

My Mom Applied For My Residency. When Do I Get My Work Permit?

- If your mom is an LPR, you are not immediately eligible to apply for a work permit unless:
 - You are eligible under "Family Unity." (See page 14) Or
 - You are eligible for a temporary "V" non-immigrant visa.

A temporary "V" visa allows the husband, wife and children (under 21 and not married) of LPRs to apply for a work permit while they wait for their green card if they filed a family-based petition with the CIS on or before December 21, 2000 and at least 3 years have passed since the petition was filed.

 If your mom is a citizen and you are eligible to "adjust your status" in the U.S. you may be eligible to apply for a work permit.

If I entered the U.S. *Unlawfully*, Do I have to leave the U.S. to obtain my green card?

- If you applied for residency on or before April 30, 2001, you may be eligible to "adjust status" in the U.S. That means you do not have to leave the U.S. to obtain your green card. If you are eligible to "adjust status" in the U.S., you must pay a \$1,000 penalty (unless you are not married and under 17 years old).
- If you applied for residency between January 14, 1998 and April 30, 2001 you must prove you were in the U.S. on December 21, 2000.
- If you applied for residency after April 30, 2001, you are not eligible to "adjust status" in the U.S. That means you have to leave the U.S. for your green card interview. You must return to your country of origin and go through "consular processing" at the U.S. consulate. That means a representative of the U.S. consulate will interview you and determine whether you will be granted permanent residency. And:
 - If, after the age of 18, you have been unlawfully present in the U.S. for more than 180 days (but less than 1 year), you are barred (or inadmissible) from returning to the U.S. for 3 years. There are exceptions.
 - If, after the age of 18, you have been unlawfully present in the U.S. for more than 1 year, you are barred (or inadmissible) from returning to the U.S. for 10 years. There are exceptions.
 - Consult an immigration attorney before leaving the U.S. for your interview at the U.S. consulate. See the agency list at the end of this booklet.



If I Entered The U.S. Lawfully, Do I Have To Leave The Country For 10 Years Before Obtaining My Green Card?

- If you entered the U.S. lawfully and are the husband, wife, parent or child (not married and under 21) of a U.S. citizen, you may be eligible to "adjust status" in the U.S. even if you applied after January 14, 1998 and even if you have not maintained lawful nonimmigrant status. That means you might not have to leave the U.S. to obtain your green card.
- If you entered the U.S. lawfully and have maintained lawful nonimmigrant status, and you are the husband, wife or child of an LPR, you may be eligible to "adjust status" in the U.S. even if you applied after January 14, 1998. That means you may not have to leave the U.S. to obtain your green card.

My Dad Applied For His Green Card A Few Years Ago, But He Has Not Received It. He Did Not Include Me In His Application. Can He Apply For Me Now?

As long as your dad is alive and applied for his green card, and you are under 21 and not married, you may be eligible to apply for your green card as a "derivative beneficiary".

My Mom, Sisters And I Walked Across The Border 5 Years Ago. We Were Never Stopped By The CIS Or The Police. Does That Mean I Have Been "Unlawfully Present" In The U.S.?

- If you entered the U.S. without papers (you didn't have a visa or overstayed your visa), you are unlawfully present. The period of "unlawful presence" starts to run when you turn 18.
- "Unlawfully present" means, among other things, that you entered the U.S. without a visa, overstayed a visa, violated a term of your visa, arrived without papers, or were not otherwise admitted or paroled. There are some exceptions.
- "Unlawful presence" may be waived if you are the husband, wife, son or daughter of a citizen or LPR and you prove that the bar would result in extreme hardship to your citizen or LPR husband, wife or parent. You cannot ask for a waiver simply because you are the parent of a citizen child.

I've Been Receiving Welfare For My U.S. Citizen Baby. Can My Mom Help Me Become A Resident? Will I be Denied A Green Card?

If your mom is a citizen or LPR, she can petition for you even if you are receiving welfare for your baby. If you rely solely on cash benefits such as CalWORKs, Supplemental Security Income (SSI), CAPI, or General Assistance/ General Relief (GR) you may be denied residency. That means the CIS can refuse to give you a green card.

You must show that you will not become dependent on government benefits or become a "public charge." CIS will consider your age, health, family size, income, education, and job skills.

• CIS has said it is ok if you or your baby use the following benefits:

Medi-Cal, Healthy Families, County Health Programs, testing and treatment of communicable diseases, immunizations, prenatal care, emergency medical assistance, short-term rehabilitation services, Food Stamps, WIC (Women, Infants and Children), School Meals, Emergency Food Assistance Programs, Head Start, Child Care Services, Foster Care and Adoption Assistance, job training programs and transportation vouchers.

This is not the entire list of safe programs. If you have questions about benefits and "public charge," call one of the agencies listed at the end of this booklet.

- If your mom petitions for you, she must file an "Affidavit of Support." Your mom must meet the Federal poverty guidelines and agree to support you for a certain period of time. If your mom does not meet the income requirement, she may ask a joint sponsor who meets the requirements and agrees to support you.
- Once you have your green card, CIS cannot deport you for using public benefits that you qualify to receive. CIS can deport you if you lied to get benefits (committed fraud). For example, if you lied about your income or immigration status.
 - ▲ If you leave the U.S. for more than 6 months, you can be questioned about public charge when you return to the U.S.

Public Charge does not apply to a person who is applying to become a U.S. citizen.

Public Charge does not apply to refugees and people granted asylum.

REMEMBER

If your child was born in the U.S., she is a U.S. citizen and may qualify for welfare even if you are undocumented. When you apply for welfare, tell your worker that you are "not eligible." Because you are not applying for yourself, you do not need to give any information about your immigration status and you do not need a social security number. Your worker may only ask about your child's immigration status and social security number.

Family Unity



My Parents Obtained Their Green Cards Through Amnesty, But They Never Applied For Me. Can They Help Me?

- You may be eligible for Family Unity if you are the husband/wife or unmarried child of persons granted residency under amnesty, or of persons who registered for class membership in one of the three late amnesty cases: CSS, LULAC, or Zambrano. The relationship (1) must have existed on or before May 5, 1988 (under the general amnesty) or December 1, 1988 (under the late amnesty or agricultural amnesty, also known as "SAW") and (2) must not have ended through death or divorce.
- You must have entered the U.S. before May 5, 1988 (under general amnesty) or before December 1, 1988 (under late amnesty or SAW) and must have lived in the U.S. continuously since that date.
- Family Unity gives you an automatic stay of deportation and a work permit.
- If you are under 18, or if you do not have 180 days or 1 year of "unlawful presence," Family Unity might protect you from the 3 and 10 year bars on admissibility. See page 11 for definition of "unlawful presence."

Cancellation of Removal

I've Been Living In The U.S. For 12 Years. My Parents And Brother Are Undocumented, But My Baby Is A U.S. Citizen. Can I Get My Green Card?

- You might be eligible for "cancellation of removal." Cancellation of removal is a defense to deportation. To be eligible, you must be in deportation proceedings or you must turn yourself in to CIS and be placed in deportation proceedings (now called "removal" proceedings).
- Once you are in deportation proceedings, you may apply to an immigration judge to "cancel" your deportation through "cancellation of removal."
- You must prove that you have lived in the U.S. continuously for at least 10 years, that deportation will result in "exceptional and extremely unusual hardship" to your citizen or LPR husband, wife, child or parent and that you are a person of "good moral character." Hardship to you is not important to the immigration judge. In your case, the judge will consider whether deportation will cause an "exceptional and extremely unusual hardship" to your U.S. citizen baby.
- You need a lawyer to apply for "cancellation of removal." You will be questioned by a judge during a long and complicated hearing. The judge will not grant you cancellation of removal simply because you have lived in the U.S. for 10 years. This law is very different from suspension of deportation (also known as the "7 year" law).

Political Asylum

My Dad Was A Leader Of A Group That Was Opposed To The Government In Ethiopia. He Was Taken From Our Home One Night And Tortured. I Was So Scared For My Dad And Family. We Finally Fled Ethiopia And Came To The U.S. Can We File For Political Asylum?

- You may file for political asylum if you have a "well-founded" fear of persecution or have been persecuted in your home country based on religion, nationality, race, political opinion, or membership in a particular social group.
- In most cases, you must file within one year of entering the U.S. There are exceptions. Consult with a lawyer about your individual situation.
- If your application for political asylum is granted, you are an "asylee." You are eligible to apply to adjust to LPR status one year after your application is granted.
- If your father files for political asylum, he can include your mom and his children who are under 21.
- If your father or mother has already been granted asylum, you can apply for asylum as a "derivative" if you are under 21.

Violence Against Women Act (VAWA)

My Mom Always Kicks And Slaps Me And Calls Me Nasty Names. She Threatens To Call Immigration If I Tell Anyone At School. I Need Her Help To Become A Resident, But I Can't Take The Abuse Any Longer. What Can I Do?

- You may be eligible to apply for residency without your mom's help under a law called VAWA. CIS will not notify your mom about your application.
- If you are abused by (1) your LPR or U.S. citizen husband or wife, or (2) LPR or U.S. citizen parent or stepparent, you may be eligible to file a VAWA petition. To apply as an abused child, you must be under 21 and not married.
- You must prove that you have suffered physical, sexual or emotional abuse. Start collecting documents such as police reports, medical records and photographs (which show you were injured), criminal court documents and counseling records.
- If you are considering a divorce, or if the abuser is facing deportation (removal), speak with an immigration attorney as soon as possible.
- If the abuser is undocumented, you might be eligible to apply for U-visa relief. Eligibility requirements include having been a victim of certain crimes and cooperating with law enforcement.

Special Immigrant Juvenile Status

My Dad Never Took Care Of Me And My Little Sister. He Barely Bought Food For Us And Sometimes Hit Us. We Ended Up In Foster Care. Can Someone Help Us Apply For Residency?

- If you are in foster care, you may be eligible for residency as a "special immigrant juvenile." Children in Juvenile Court (delinquency) and Probate Court (under a permanent guardianship) may also be eligible.
- To qualify:
 - ► You must be under 21 years old and not married.
 - You must be a "dependent" of the juvenile court, or the court must have placed you in the custody of a state agency or department.
 - You must be eligible for "long-term foster care" as a result of abuse, neglect or abandonment. That means family reunification is no longer an option in your case.
 - It must be in your "best interest" to stay in the U.S. and not return to your home country.
- If you are a foster child, call the Department of Children & Family Services (DCFS) Special Immigrant Status Unit at 323/725-4464.

Employment-Based Application

I've Been Volunteering For Several Months And My Employers Really Like Me. My Boss Said She Would Help Me Apply For Residency, Including Sponsoring Me. Can I file an employment-based petition?

- To file an employment-based petition, you must have a job offer in a field that has a shortage of workers because it requires unique skills. You may qualify if you show that there are not enough workers in the U.S. to do the work that you do and you will not take the job away from other workers in the U.S.
- This process is very long and very difficult to prove. Talk to an immigration attorney before filing any application.

- How do I apply for a social security card? To get a social security card, you must be a U.S. citizen, Lawful Permanent Resident, or have been lawfully admitted to the U.S. You must complete an application, and prove your age, identity and lawful status. There is no charge for a social security card. It usually takes about two weeks to receive your card.
- My parents use a number for their tax returns. Is this a social security number? Your parents probably have an Individual Tax Identification Number (ITIN). This number is issued by the Internal Revenue Service (IRS) to persons who are not eligible for a social security number. It does not provide you with the right to work and does not grant you any immigration status. To apply for an ITIN, you must file a Form W-7 or W-7SP (in Spanish) with the IRS.
- How do I get a California driver's license or ID? To get a California driver's licence or ID, you must have a social security number and meet other requirements.

If you are not eligible for a driver's license or ID, you should apply for some other form of photo identification. For example:

- Apply for a passport at your local consulate office.
 If you are from Mexico, you can apply for a Matricula Consular or Consular Identification Card at the Mexican Consulate. In Los Angeles, you can use the card to get a library card, public utilities and to open a bank account. The card does not provide you with the right to work and does not grant you any immigration status.
- See page 25 for Social Security, IRS and consulate contact information.

Can I Buy A Ticket For The Visa Lottery?

- You do not buy tickets for the visa lottery. In fact, it costs nothing to enter! If you win, you must pay a fee for an immigrant visa.
- To be eligible, you must have a high school diploma or 2 years work experience in a field that requires at least 2 years of training. If your parents apply, they must include you in their application, and you must be under 21 and not married. For more information, visit the U.S. State Department website at www.travel.state.gov. or www.dvlottery.state.gov.
- Only about 55,000 people from under represented countries are chosen each year through the lottery.
- Residents of "high admission" countries cannot enter the lottery because their countries already send many people to the U.S. For the year 2009 lottery, **excluded** countries include: China, India, the Philippines, Vietnam, South Korea, Poland, United Kingdom, Canada, Mexico, Haiti, Jamaica, El Salvador, Guatemala, Colombia, the Dominican Republic and Pakistan.

Question: I'm undocumented. Can I go to College? Answer: YES!

- You cannot be rejected from a college or university just because you are undocumented.
- If you are undocumented, you may qualify for in-state tuition at a California State University (CSU), a University of California (UC) and a community college. To be eligible, you must (1) attend a California high school for at least 3 years, (2) graduate from a California high school or get your GED, (3) file a California Nonresident Tuition Exemption Request form with the university or college stating that you have applied to be a Lawful Permanent Resident ("green card" holder) or will apply as soon as you are eligible. The form is filed with the college or university and not with CIS.
- Ask your college or university for a California Nonresident Tuition Exemption Request form. Check with the Admissions Office or Office of the Registrar. The form is also available on the Public Counsel website at www.publiccounsel.org.



Immigration Legal Services

Citizenship, deportation defense, NACARA, FOIA, Late Amnesty, cancellation of removal, political asylum, work permit renewal, "green card" renewal, family-based petition. Fees for services based on income; services provided for Central Americans.

CHIRLA	
2533 W. Third St., Suite 101	
Los Angeles CA 90057	
El Rescate (www.elrescate.org)	
1501 W. 8th St., Suite 100	
Los Angeles, CA 90017	

Cancellation of removal, citizenship, deportation defense, family-based petition, NACARA, political asylum, release from detention, TPS,VAWA. Donations accepted; client must first attend a talk to receive service.

International Institute

Los Angeles	224-3800
El Monte	\$52-9421
Van Nuys	88-1332

Cancellation of removal, Citizenship, family-based petition, political asylum, VAWA. Consultation \$30; other fees based on income. Legal advice, counseling and referrals, citizenship, family-based petition, lost "green card," visa packets. Consultation \$20; fees depends on service.

Political asylum, VAWA, Special Immigrant Juvenile Status, T and U-visa applications. Free, if meets low-income guidelines.

ADDITIONAL RESOURCES

See also <u>www.uscis.gov/graphics/serivces/natz/guide.htm</u> for a helpful guide to the naturalization (citizenship) process.

U.S. Department of State:

Official government site: www.travel.state.gov Information about visas, current priority dates, passport services, travel tips, etc.

Questions about visas and the application process: .	202/663-1225
National Visa Center:	.603/334-0700

Department of Motor Vehicles: Official government site: www.dmv.ca.gov
Information about obtaining a driver's license, etc.
Social Security Administration: Official government site: www.socialsecurity.gov
Information about how to get a social security card, replace your card, applications, etc.
Spanish: www.socialsecurity.gov./espanol Information for noncitizens: www.socialsecurity.gov/immigration
Internal Revenue Service: Official government site: www.irs.gov
Information about how to apply for an Individual Taxpayer Identi- fication Number, taxes, etc.
Mexican Consulate: Official government site: www.sre.gob.mx/losangeles
2401 West 6th Street Los Angeles, California 90057

To find the embassy of your home country, visit www.embassy.org.

You may find this booklet and other Public Counsel booklets at www.publiccounsel.org (first, click on "Resources"; second, click on "Publications"; third, click on "Children's Rights Project"). While this publication is designed to provide accurate and current information about the law, readers should contact an attorney or other expert for advice in particular cases, and should also consult the relevant statutes and court decisions when relying on cited material.

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Public Counsel P.O. Box 76900 610 South Ardmore Avenue Los Angeles, CA 90005

213/385-2977 ext. 500

or 800/870-8090 Adoptions: 323/526-6360 www.publiccounsel.org