

Questionnaires

Alien's Name	
Address	
Date & Location of first arrival in the U.S.?	
Telephone	
Date and Country of Birth	
I-94 And Exp Date (if applicable)	
SS#: (if applicable)	
Alien No, or A#: (if applicable)	
Your Marital Status: <i>Circle one</i>	Single Married Divorced Widowed <i>If never married, skip down to children</i>
Spouse's Name: (if applicable)	
Date and Country of Birth (if applicable)	
Is this your first marriage?	<i>Circle one</i> Yes No <i>If no, please answer next question.</i>

Information of Former Spouses/Marriages (use back of page if more space needed):

Full Name	Date/Born	Date/Place of Marriage	Date/Place of Termination

Your Children (use back of page if more space needed):

Full Name	Sex	Married?	Date of Birth	Place of Birth	Present Address	U.S. Status

Your Parents:

Full Name	Sex	Married?	Date of Birth	Place of Birth	Present Address	U.S. Status

Your Siblings (use back of page if more space needed):

Full Name	Sex	Married?	Date of Birth	Place of Birth	Present Address	U.S. Status

List **ALL** of your Addresses where you lived in the USA since your 15th birthday (use separate blank sheet if you need more space):

Address	From:	To:

Last Five Years of Employment:

Address	From:	To:

Please answer the following questions: *Circle one*

Have you ever filed your income tax return listing dependents who do not live with you?	Yes	No
Do you pay child support? If so, have you ever failed to comply?	Yes	No
Have you ever applied for a voter registration card or voted in the U.S.?	Yes	No
Have you signed up for or served in the military?	Yes	No
Have you ever had a final order of deportation entered against you or actually have been deported before?	Yes	No
Have you ever had any contact with INS/USCIS/CBP before?	Yes	No
Have you committed any crimes, ever been arrested, cited, charged, fined, indicted, imprisoned or detained anywhere in the world? Regardless if pardoned, dismissed, sealed, expunged canceled discharged or vacated or even if a minor traffic offense, please list it below?	Yes	No
Have you ever used a social security card that was not yours?	Yes	No
Have you ever falsely represented yourself to be a U.S. citizen, for example on an I-9 Employment Form?	Yes	No
Do you <u>fear</u> returning to your native country?	Yes	No
Have you been the victim of a crime?	Yes	No
Were you ever turned away at the border or refused admission?	Yes	No

STATEMENT OF TRUTHFULNESS

I certify that all of the information contained in this form is true and correct to the best of my knowledge

By: _____ Date: _____

For potential client to take home. The following are items that can be used to help your case.

Please provide as much of the following as possible going as far back as possible, minimum 5 years or since your 16th birthday (submit only copies unless it says specifically ORIGINAL)

- Birth certificate with translation
- Passport
- 6 passport type photos (obtain at CVS or Walgreens)
- School or military ID
- Original certified School records, report cards, progress reports, honor roll, AP or IB participation
- Diploma, GED, vocational school, home school, online schooling, tutoring, SAT/ACT registration
- Any college records, scholarship application, Bright Futures, etc.
- Original certified Transcripts. Awards or certificate
- Vaccination records, Medical records, prescriptions
- Day care, after school or summer camp records
- If you played sports, proof of participation
- If you have a driver's license an Original certified transcript from motor vehicles
- Copies of leases of where you have lived but it must list YOUR name
- Proof of any volunteer work
- Letter from church or membership, baptism, confirmation, etc.
- Blood donor or organ donor card
- Pictures with date stamps
- Bank statements, cell phone bills, or any other statements with YOUR name on it
- Print out of facebook or twitter page showing location and date where you were
- Money exchange receipts
- Copies of envelopes showing postmark date stamp sent to your or from you
- Car insurance or health insurance
- Junk mail sent to YOU showing date and address in the USA

NOTE: In all these documents, YOUR name and the name of the organization issuing the documents must appear on the form or letter, as well as relevant dates. Letters must include: YOUR address(es) at the time of the period in of time covered and the document must be signed or otherwise certified/notarized, with a contact telephone number.

Please provide copies in an orderly fashion. We will not organize your papers for you or make the copies. All non-English documents must be translated.

If you have ever been arrested or stopped by law enforcement at anytime even if as a juvenile, had it expunged/sealed, etc., you must obtain the following:

Go to the clerk of court where it occurred and ask the clerk for certified copies for all your cases including the criminal arrest affidavit, charging/information document, judgment and conviction, successful completion of any probation, pti or mip. If no record exists because it has been destroyed, ask for a certified letter stating such.

Eligibility and Due Diligence Checklist One

After questionnaires are complete, the attorney needs to be sure the person is really eligible and doesn't have any red flags. The following is for instructional purposes, but also a checklist so the attorney can carefully go over this particular case. Given the importance of this step there will be a list of red flags that can be identified early on in the representation, e.g. criminal history, prior marriage to different USC, etc. There will be some instructions on what to do if certain red flags come up, including backing out of the case if warranted.

Deferred Action for Parents (DAPA) for Parents of US Citizens and Lawful Permanent Residents/Green Card Holders will be eligible to apply for deferred action for 3 years

- Effective Date 5/20/2015.
- By USCIS website
- Parents of U.S. citizens and lawful permanent residents
 - of any age
 - who have been continuously present in the US since 1/1/10,
 - who pass background checks
 - who have paid all their taxes

Mayra's Take

- USCIS will more than likely revamp the I-821D to provide for the expansion of DACA and to include using the form for DAPA as well
- The requirement regarding paying taxes will pose the biggest issue for some people.
- Attorneys will have to work with trusted, experienced CPA's or bookkeepers.
- RED FLAG: Attorneys must review taxes already filed to check for errors. Many tax preparers fraudulently list dependents, list credits or deductibles that do not truly apply just to get the taxpayer a bigger refund to reduce the amount of taxes owed. If this is the case, those taxes MUST BE amended!
- Applicants who have not filed taxes can back file through an experienced CPA or bookkeeper by getting a Tax Payer Identification Number (ITIN)
- Note that they will be using their new term of art for those with a criminal background. Those with a *significant misdemeanor* will be denied. Needless to say, those with felonies need not apply at all.
- A significant misdemeanor is defined by USCIS as:
 - For the purposes of this process, a significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment

authorized is one year or less but greater than five days) and that meets the following criteria:

1. Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or,
2. If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.

The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by U.S. Immigration and Customs Enforcement (ICE). Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. DHS retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

- In addition to the probable I821D, applicants will also need to file an I765 and the I765WS. USCIS may tag on to the C33 for purposes of Question 16 the EAD Eligibility Category
- Red Flag: Attorneys should use the questionnaire to vet out those who may have had proceedings in the past or who have ever filed for benefits that somehow produced an A# to avoid duplicate A# creation which slows down the application process.
- Red Flag: Those with removal orders can apply so long as they weren't actually removed and returned after removal since USCIS has determined that such scenarios breaks the period of continuous physical presence. Note that applicants can apply even if they have removal orders, those who were given voluntary departure but never left and those who were subject to expedited removal at the border or refused entry prior to 2001.

Pending Proceedings: There will be a review of cases currently under proceedings to see who is prima facie eligible for the relief stated in this program, and those cases will be closed.

- Effective Date Unknown
- Via Unknown
- Attorneys with clients in removal proceedings should review each case to vet those who may be eligible. If so, a Motion to Continue may be warranted citing attorney prep time for the moment. This will help the Court while they scramble to do their own review
- Once the application process begins, Attorneys can file a Motion to Terminate or Admin Close (it is unclear which will apply. At the moment, there is no consistency on which courts terminate and which admin close. We are hoping that this will change and that there will be a clear rule to be applied in all courts)
- Practice Pointer: For those that do get terminated, if there are later placed back in proceedings, a new Notice to Appear ("NTA") must be issued. This is called "repapering" Attorneys can analyze which cases can later be "repapered" in order to recommence proceedings for those

that have a good cancellation case but did not have the time in with their prior case. For example, if your client was placed in proceedings but on the date the NTA was issued, your client only had 7 years of continuous physical presence, but now has 10 years (and otherwise qualifies for cancellation), a new Notice to Appear would help that client now apply for cancellation.

- Practice Pointer: the courts will be reviewing for all cases that can be closed under the Executive Order which includes those who can now apply for an PIP, I601A, not just DACA and DAPA.

Immigration Court Reforms. There will be a package of immigration court reforms that will include qualification of accredited representatives and ineffective assistance of counsel issues.

- Effective Date Unknown
- Via Unknown
- EOIR has been more aggressive lately in investigating accredited representatives and claims of ineffective assistance of counsel
- Expect those on the List of Free or Low Cost Legal Services to get requests for proof that they are in fact providing those services.
- Many consults reports that they have called everyone on the list only to be told that no free or low cost services are being provided at all.

Parole in Place. PIP will be expanded to include families of individuals trying to enlist in the armed forces.

- Effective Date Unknown
- Via Unknown
- Our Super Genius Margaret Stock has reported that this is the simplest of all! The US citizen need only apply and by showing proof the PIP process can commence for family members.
- Simply applying means they can register to take the ASVAB at any MEP. Those in this scenario should contact a recruiter immediately.
- While encouraging enlistment in the military, notice the rule only requires an application. The citizen need not follow through and actually enlist.
- Some may apply and later be denied entry for various reasons such as failure to pass the ASVAB, criminal , medical or mental issues. But their families will still benefit from PIP