

# Spotlight: Immigration

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## Inside Issue 1

- Long time no see! LSI decided to begin a new series of quarterly based newsletters for 2016. We will continue to provide accurate, up-to-date information on all immigration matters, but will now do so on a quarterly basis. For any previous newsletters, please visit: <http://ccmke.org/get-educated/children/legal-services>.

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## Cancellation of Removal

Many people know that they cannot get a green card from immigration. What lots many people do not know is that there are different rules at the immigration court. People who can never get a green card from immigration can sometimes get them from an immigration judge. The big risk, however, is that only people who are in deportation can get a green card from an immigration judge. This means that you either win your lawful permanent residency or you are deported from the United States. Reentering the United States after a deportation can have very serious consequences.

Cancellation of Removal is a way to become a lawful permanent resident before an immigration judge. Just like all immigration it can be complicated. The requirements are that someone (1) has been in the United States for ten years, (2) does not have a bad criminal record and (3) has a parent, spouse or child who is either a United States citizen or lawful permanent resident who would suffer extreme hardship, then you might be able to get lawful permanent residence from a judge.

One of the most common reasons that people cannot get a green card from immigration is that they were in the United States without permission for a long time and then crossed the border too often. But with Cancellation of removal, as long as you were not out of the United States for more than 90 days at any one time or 180 days all together,



you still might be able to get a green card from an immigration judge.

It is very important that if immigration arrests you, you do not just assume that there is nothing that you can do. If you know that you are at risk of being deported, always try to be proactive. Speak to a competent immigration attorney who can help you gather documentation so that if you are arrested, you know what your options are and can get through the process as painlessly as possible.

It is important to know that persons who have lived in the United States for ten continuous years without breaking the 90 or 180 day physical presence standard are not automatically eligible for Cancellation of Removal. Additionally, while a child with developmental disabilities can make a strong case for someone applying for Cancellation of Removal; having a child with developmental disabilities does not in itself make you eligible for an immigration benefit. ***You must be in immigration proceedings to apply for Cancellation of Removal.***

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*The information presented in this newsletter should not be considered legal advice. Please remember that immigration laws and regulations can change at any time. If you have a question about immigration law, you should speak with an immigration attorney. To schedule an intake appointment at Catholic Charities, please call (414) 643 8570 x. 4418.*

## By the Way...

1. We would like to remind everyone that DAPA and the extended DACA are not in effect. The Supreme Court just heard oral arguments on April 18, 2016 and hopes to have a decision sometime late summer. Since a justice has not been appointed, it seems likely that DAPA and the extended DACA will not pass. We will of course keep you updated as we hear additional information.
2. The processing of U-Nonimmigrant Status Applications continues to be delayed. USCIS has not issued any new approval notices for persons who applied after May 14, 2014. We are unable to determine when USCIS will resume processing applications or how long it will take for you to receive U-Nonimmigrant Status. Some estimate that there are over 90,000 persons on the waiting list for U-Nonimmigrant Status, even though there is an annual cap of 10,000. We will continue to keep you informed.

## Temporary Protected Status (TPS)

Temporary Protected Status gives eligible applicants the ability to work lawfully in the United States. In order to qualify you must: (1) be a national of one of the named countries, (2) file during the open registration period, (3) have been continuously present in the US since the date of designation for your country, and (4) have been physically present in the US since the most recent date of designation for your country. You are not eligible for TPS if you have been convicted of a felony, are inadmissible under certain provisions of the Immigration Nationality Act, or have engaged in terrorist activity. If you are able to renew your Temporary Protected Status, then you will renew your TPS status and work permit at the same time. Make sure to send **both** applications to receive a work permit. For more information, please visit: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

We will specifically address temporary protected status for Salvadorans in this issue. TPS for El Salvador came into effect on March 9, 2001 after a 7.7 earthquake destroyed many parts of El Salvador on January 13, 2001. Persons must have been present in the United States on March 9, 2001 and must have remained physically present since that time to continue to qualify for the program. TPS is given for a period of eighteen months, after which it is continuously renewed for a period of eighteen months.

Under TPS, persons are not able to leave the United States as they will not be able to re-enter. You are not granted lawful permanent residency nor are you granted any other type of lawful status. You are also not able to apply for family members, except in the case of a spouse that you married prior to filing for TPS. There is a program entitled the Central American Minors Refugee/Parole Program that gives TPS parents the ability to apply for children in their home country. However, the United States Citizen-



ship and Immigration Services Office has yet to approve a single case.

TPS for Salvadorans expires on September 9, 2016. The registration period for renewal has not yet been released, so if you currently have TPS please be on the lookout. If you have any more questions concerning TPS, please contact an immigration attorney.

**Countries with TPS:** El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan,