

Week 8 Study Guide

8.1 Temporary Protected Statuses

- Those who receive Temporary Protected Status (TPS) will not be deported from the U.S., even if they should be according to the law.
- TPS is granted to all individuals who:
 - are from a TPS-designated country and
 - are in the U.S. at the time their country is designated for TPS.
- Countries are designated for TPS by the executive branch, not by Congress.
- Countries with current TPS designation can be found on the USCIS website.
- Those with TPS **can** apply for a temporary work permit.
- TPS does **not** do the following for immigrants:
 - Grant them an immigrant visa.
 - Grant them a nonimmigrant visa.
 - Create a path to Lawful Permanent Residence.

Resources and References

- [USCIS website: Temporary Protected Status \(includes list of countries with current TPS designations\)](#)

8.2 Deferred Enforced Departures

- Deferred enforced departure (DED) is *deferred action*.
 - *Deferred action* means that the executive branch promises not to deport a person, even if they should be deported according to the law.
- Deferred Enforced Departure is often designated to all of the citizens or nationals of a specific country for two reasons:
 - The U.S. considers that country dangerous.
 - The U.S. is unable to deport people to that country.
- Countries with current DED status can be found on the USCIS website.
- In order to qualify for DED, a person must:
 - be from a country with a DED designation
 - have been living in the U.S. when the country was designated for DED.
- There is no application for DED. A person from a DED country will not be deported, even if a judge issues a removal order (see Lesson 7.6).
- Individuals who receive Deferred Enforced Departure can often get a work permit. They must submit an application to receive a work permit under DED.
- DED does ****NOT**** do the following for immigrants:
 - Give them any type of legal status.
 - Grant them an immigrant visa.

- Grant them a nonimmigrant visa.

Resources and References

- [USCIS website: Deferred Enforced Departure \(includes list of countries with current DED designations\)](#)

8.3 DACA

- Deferred Action for Childhood Arrivals (DACA) is deferred action for some individuals who were brought to the U.S. as children
- Deferred Action means the executive branch will defer or delay a deportation even when the law says you should be deported. (see lesson 8.2)
- DACA recipients receive a work permit and deferred action for two years at a time.
- DACA is NOT:
 - A permanent protection
 - An immigrant or nonimmigrant visa
 - A pathway to lawful permanent residence
 - A pathway to citizenship
- DACA is not in the Immigration and Nationality Act (INA).
 - Congress failed to pass the DREAM Act to provide legal status to individuals brought to the U.S. as children.
 - The DACA program was created by the Obama Administration, ended by the Trump administration, and reinstated by the courts.
 - Currently, previous DACA recipients can renew their DACA status and work permits, but no new DACA applications can be submitted.
 - Pending lawsuits and administrative actions will probably continue to make changes to the DACA program.

Resources and References

- [USCIS DACA Toolkit/Informational Booklet](#)
- [Form I-821D: Consideration of Deferred Action for Childhood Arrivals](#)
- [USCIS website: Deferred Action for Childhood Arrivals \(DACA\)](#)

Asylum Intake Interview Steps

1. Arrive at the clinic 30 minutes early for instructions and training from the clinic fellow, and to set up your computer and note-taking device.
2. Wait in your assigned room until a prospective client is directed to join you.
3. Help the prospective client feel welcomed and comfortable.
4. Introduce yourself by name and title (Volunteer Legal Representative).

5. Help the prospective client understand the purpose of the intake interview and your role as a volunteer legal representative.
6. Wait for the clinic fellow to send you the intake form. While you wait:
 - Ask for and take note of the prospective client's name and contact information
 - You may not be able to access this information from the intake form after it is submitted, so make sure you record it somewhere you can access it later.
 - Ask the prospective client to begin telling you their story
 - Taking notes might be helpful for filling out the form later and for asking them follow up questions.
 - Help the client understand they need to be completely honest and open. Building rapport and trust is important from the very first interaction.
 - Understand and acknowledge that the client has experienced trauma, and it's hard to talk about.
 - Give the client space; be willing to just listen and be present for the client.
 - Enable the client to communicate all the details of their experience with you so we can represent them properly.
7. Once you have received the intake form (sent to your NOMAS email), open the form on your computer and review each field with the prospective client.
 - Some fields will already be filled in. Make sure you confirm pre-filled field information with the prospective client.
8. After the form is completely filled out, take a moment to reflect on whether you have a good enough understanding of the prospective client's case to review it with the lawyer. If not, ask follow up questions (preferably open-ended) until you do.
9. Review the completed form with the prospective client. Make sure every field is filled out correctly and completely.
10. Before submitting the form,
 - Confirm the prospective client's contact information (making sure you have it recorded separately from the form itself).
 - Confirm that the prospective client has your contact information.
 - Remind the prospective client that they will be hearing from NOMAS and you in about a week with a decision about whether NOMAS can take their case.
 - Thank the prospective client for coming and sharing their story with you.
11. At the end of the intake interview, submit the form, notify the clinic fellow you have finished and are ready for another intake.
12. At the end of the clinic, meet with the clinic lawyer to review all of your cases.
13. Return home and wait for an email from NOMAS notifying you and the prospective clients if NOMAS could take the prospective client's case.

Asylum Case Denial

- If NOMAS cannot represent the prospective client, you and the prospective client will receive an email notification.

- Reach out to the prospective client to ensure that they received the email and are aware of the resources and references that NOMAS included in the email of other sources they can look to for help.

Asylum Case Acceptance

1. If NOMAS can represent the prospective client, you and the prospective client will receive an email notification and an electronic letter of acceptance to sign.
2. Open the letter of acceptance and fill out the indicated fields with your information.
3. Reach out to the prospective client to ensure that they received the email and are able to fill out the letter of acceptance.
4. Once you and the client have both signed the letter of acceptance, you will each receive an invitation to a secure Clio Portal through your email.
 - Use the Clio Portal for future communication between you and the client.
5. The Clio Portal should have a message from the clinic fellow with an attached evidence list.
6. Help the client collect the evidence by suggesting a few documents at a time that the client can collect and upload. Guide the client at a pace that they feel comfortable with.
 - You may need to help the client gather the necessary evidence. Clients occasionally will need help translating, scanning, and uploading documents.
 - Asylum cases are especially nuanced in the type of evidence that needs to be collected. Work closely with the clinic fellow to make sure the evidence being collected is correct and sufficient.
7. Asylum cases contain a few pieces of unique evidence that will need to be compiled:
 - Personal Declarations: The client's opportunity to report the details of their case and explain why they qualify for asylum in the United States.
 - Can be drafted by anyone (the client, the volunteer, a close friend or family member of the client, etc.), but should be written by someone who understands the basic requirements of asylum so the declaration can cover how the client's situation meets each one.
 - Must be in the client's voice.
 - U.S. Country Condition Reports: The Department of State's record of conditions within the asylee's home country. The report from the year the asylum seeker left the country, the current year, and the year that the asylum seeker began fearing to return home may all be relevant.
 - Download the report and highlight the most relevant details
 - News Articles: Reputable news articles that support the details of the client's case can be included in the client's application to add rapport to the client's story.
 - News articles highlighting the asylum seeker's fear to return to their home country can be found from both U.S. news sources and news sources from the home country.
8. Once most of the evidence has been uploaded, the clinic fellow will add a link to the Asylum Questionnaire to the Clio Portal.

9. Fill out the questionnaire with the client. In-person meetings can be scheduled during the next clinic session near you or in another public location OR you can meet through a video conference call. Do not meet in a private location, such as one of your homes.
 - For Asylum cases, you should meet with the client more than once to gather the details of their story. Be sure to take notes throughout the process, and be sensitive as you ask the client to repeat a personal story multiple times. This repetition will help you collect all the details of the client's case. Follow these steps to help put the client's story in chronological order:
 - First, let them tell the whole story
 - Clarify names/dates/places, make sure you understand the chronology
 - Match the evidence to the pieces of the story; this may solicit new details
10. Once the questionnaire is finished and all of the necessary evidence is uploaded, notify the clinic fellow that the case is ready.
11. The clinic fellow will review the documents collected so far and notify you if there is any information that is missing or documents that need to be reuploaded.
12. Work with the client to address any concerns brought up by the clinic fellow.
13. Arrange a final in-person meeting with yourself, the client, and an interpreter (if necessary). Coordinate with the clinic fellow to bring a copy of the client's file. Ensure that the client knows to bring the following to the meeting:
 - Any physical documents that need to be added to the case file, including printed passport photos
14. At the meeting, review the entire case with the client (through the interpreter, if necessary).
 - Ensure the information is correct. Mark any corrections that need to be made on the case files and bring them to the attention of the clinic fellow.
 - Show the client where physical signatures and dates (MM/DD/YYYY) are necessary (use BLACK ink ONLY)
 - If necessary, have the interpreter also sign and date where appropriate
15. Collect physical documents from the client
 - Passport pictures, notarized official documents, etc. as needed
16. Give the completed case file to the clinic fellow

Asylum Case: After Submission

- After the case is filed, it is still your responsibility to guide the client through the immigration process.
- Answer questions that the client may ask you. If you are unsure about the answer, ask the clinic fellow or clinic lawyer for clarification.
- Help the client understand that the immigration process is long and that there will be times that you are just waiting until USCIS reaches out.
 - The client can check the status of their case (They need their receipt number).
 - The client can check case processing times (They need their I-797C receipt notice)

- When USCIS does contact the client, the clinic secretary will forward a copy of the notice to the client and to you.
 - Read the notice that the clinic secretary sent.
 - Reach out to the client to ensure that they received the paper notice and the scanned copy sent by the clinic secretary.
 - Do not summarize the contents of the notice for the client.
- Continue to correspond between NOMAS and the client for the duration of the immigration process.

Change of Address

- If the applicant moves while their case is being processed, they need to file a change of address with USCIS.
 - You may need to help a client complete this form.
 - Failure to change their official address could result in delays and even denial of their application.
- Instructions for filing out the USCIS form AR-11 (Alien's Change of Address Card) can be found on the USCIS website.
 - In most cases, the form can be filled out online

Resources and References

- [Revisit Week 8 Case Walk-through](#)
- [U.S. Department of State: Country Reports on Human Rights Practices](#)
- [Checking the Status of a Case](#)
- [Checking Case Processing Times](#)
- [Form AR-11: Alien's Change of Address Card](#)