

# **A Jailhouse Lawyer's Manual**

**Immigration and Consular Access  
Supplement to the Seventh Edition**

**Columbia Human Rights Law Review**

**2007**

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# A Jailhouse Lawyer's Manual

## Immigration and Consular Access Supplement to the Seventh Edition

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## PREFACE & ACKNOWLEDGEMENTS

Historically, chapters about the immigration consequences of criminal convictions and the right to consular access have been published alongside the rest of the material in *A Jailhouse Lawyer's Manual*. This year, to meet the needs of the growing number of prisoners seeking information about immigration laws and policy, this material is being published as a separate supplement to the Seventh Edition of the *JLM*. This supplement includes the information previously contained in *JLM* Volume II, Chapter 14, "Immigration: The Immigration Consequences of Criminal Activity," and *JLM* Volume II, Chapter 15, "The Right to Consular Access." We hope that publishing this information separately will increase the material's availability, accuracy, and utility.

Immigration law has changed significantly in recent years and continues to change constantly. Our hope is that publishing this information as a supplement will allow us to update the material more frequently, thereby better serving the needs of our readers. The *JLM* aims to be a responsive publication; accordingly, we appreciate any feedback regarding either the content or format of the *JLM*. The responses and feedback we receive from prisoners throughout the country are our most valuable resource for improving and developing the *JLM*.

Special thanks is due to Maria Navarro, Esq. of the Immigration Law Unit of the Legal Aid Society of New York, and Cristina Quintero, a law student, whose hard work and expertise made this Supplement possible. We would also like to thank the members of the 2005-2006 Columbia Human Rights Law Review Board, and the many students who contributed hours of proofreading and research toward this project.

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Many alumni, practitioners, organizations, friends, and family have given us financial, moral, and legal support to make the Seventh Edition possible. We extend our heartfelt thanks and regret that we cannot recognize them all by name.

March 9, 2007

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## FOREWORD

*A Jailhouse Lawyer's Manual* is an important and impressive work. Although it is well-established that prisoners have a constitutional right to affirmative governmental assistance in the preparation and filing of legal papers, see *Bounds v. Smith*, 430 U.S. 817 (1976), state and federal prisoners often still lack the necessary information and resources to obtain effective and adequate judicial review. This manual will help alleviate that problem. Written in a clear, readable fashion, the manual provides an easy, step-by-step guide to assist prisoners in understanding and maneuvering their way through an increasingly complex legal system. By making difficult and sensitive legal issues accessible to the lay person, the manual helps to empower prisoners to exercise a right we, as a society, hold dear—the right to speak for oneself. I commend Columbia's law students for publishing so comprehensive and insightful a manual. *A Jailhouse Lawyer's Manual* should be read by everyone involved in, or concerned about, prisoners' rights.

Justice Thurgood Marshall  
February, 1992

## LEGAL DISCLAIMER

*A Jailhouse Lawyer's Manual* is written and updated by members of the *Columbia Human Rights Law Review*. The law prohibits us from providing any legal advice to prisoners. This information is not intended as legal advice or representation nor should you consider or rely upon it as such. Neither the *JLM* nor any information contained herein is intended to or shall constitute a contract between the *JLM* and any reader, and the *JLM* does not guarantee the accuracy of the information contained herein. Additionally, your use of the *JLM* should not be construed as creating an attorney-client relationship with the *JLM* staff or anyone at Columbia Law School. Finally, while we have attempted to provide information that is up-to-date and useful, because the law changes frequently, we cannot guarantee that all information is current.

## TABLE OF CONTENTS

Preface and Acknowledgements .....	iv
Foreword by Justice Thurgood Marshall.....	v
Legal Disclaimer .....	vii
Table of Contents .....	ix

### SECTION I: IMMIGRATION

#### Chapter I The Immigration Consequences of Criminal Activity

A. Introduction .....	1
B. Status .....	3
C. How the Government Places You in Removal Proceedings.....	6
D. Inadmissibility and Deportability .....	8
E. Removal Proceedings .....	16
F. Forms of Relief.....	21
G. Decision and Appeals.....	37
H. Detention.....	41
I. Failure to Depart from the U.S. and Returning to the U.S. After Deportation.....	45
Appendix A: Glossary.....	47
Appendix B: Forms.....	55
Appendix C: Resources .....	57
Appendix D: List of Legal Service Providers: New York.....	59
Appendix E: Determining Whether Children Born Outside the U.S. Acquired Citizenship at Birth .....	64
Appendix F: Determining if Children Born Outside the U.S. and Born Out of Wedlock Acquired U.S. Citizenship at Birth.....	67
Appendix G: Derivative Citizenship—Lawful Permanent Resident Children Gaining Citizenship Through Parents' Citizenship.....	70

### SECTION II: CONSULAR ACCESS

#### Chapter II The Right to Consular Access

A. Introduction .....	79
B. The Right to Consular Access.....	79
C. Why Contact the Consulate? .....	83
D. When and How to Contact Your Consulate.....	86
E. Conclusion.....	87
Appendix A: List of Consulates, Embassies, Missions, and Private Organizations.....	88

# CHAPTER I

## THE IMMIGRATION CONSEQUENCES OF CRIMINAL ACTIVITY\*

### A. Introduction

Immigration law has changed significantly in recent years and continues to change constantly. Therefore, you should not assume that everything you read in this Chapter is up-to-date or accurate. Instead, you should always verify the laws mentioned here by referring to the sources listed in **Appendices A–D** at the end of the Chapter. Because each immigration court case is different, it is always best to consult with an attorney who may better understand your particular situation, possibilities for relief and assist you with your case. If you do not have access to an attorney, you should ask a family member or trusted friend to consult one of the agencies listed in **Appendix D** at the end of the Chapter to obtain an attorney or someone who might be able to assist you with your immigration case. Many of the agencies listed provide free or low-cost legal services. This Chapter and its contents are not meant to replace the advice of an attorney.

Some of you may be prisoners who are still serving prison sentences for criminal convictions or you may be detained<sup>1</sup> by the *Department of Homeland Security* (“*DHS*”).<sup>2</sup> If you are a non-United States Citizen (“non-USC”) currently serving a prison sentence and you have not yet been approached by the United States (“U.S.”) government regarding your *immigration status*, this does not mean that it will not happen at a later time. You will very likely be approached by an immigration officer and you should read this Chapter to prepare yourself for when that day comes.

There are many reasons why the government might place someone in immigration court proceedings. While we may mention some of them within this Chapter, the Chapter’s primary focus will be prisoners who are facing or will face *removal proceedings*<sup>3</sup> because of criminal convictions. It is important to realize that even if you are a *legal permanent resident* (“*LPR*”)<sup>4</sup> or have other legal status in the United States, you can still face *deportation*. Even if you have *United States Citizen* (“*USC*”)

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\* This Chapter was written by Cristina Quintero, with contribution from Kanika Chander and Laboni Rahman. Special thanks to Maria E. Navarro, Esq., The Legal Aid Society, Immigration Law Unit.

1. Immigration detention is not the same as imprisonment. Imprisonment is a criminal punishment, whereas immigration detention is considered a civil matter even though some immigration detainees are detained in prisons. Because immigration detention is a civil matter, immigration detainees do not have the same rights as criminal prisoners. See Part H of this Chapter, which describes detention in detail.

2. In March 2003, the U.S. Immigration and Naturalization Services (“INS”), which used to be part of the U.S. Department of Justice, was restructured. As a result, INS no longer exists. In 2003, the Department of Homeland Security (“DHS”) was created, as well as three new agencies within it. These agencies took over the functions of the former INS. The United States Citizenship and Immigration Services (“CIS”) is responsible for the administration of immigration services, including permanent residence, naturalization, asylum, and other duties. U.S. Immigration and Customs Enforcement (“ICE”) was created to serve the investigative and enforcement functions of the former INS (including investigations, deportation, and intelligence). The attorneys that represent the government in immigration court proceedings are part of ICE and are referred to as assistant chief counsel. U.S. Customs investigators, the Federal Protective Service, and the Federal Air Marshal Service are all also part of ICE. The U.S. Customs and Border Protection (“CBP”) was created and took over the border functions of the INS, including border patrol and customs inspection.

3. This Chapter was written for people who have been or may be placed in removal proceedings, which were referred to as “exclusion” or “deportation” proceedings before April 1, 1997. Removal is the process by which the government forces a non-USC to leave the U.S. For ease of reference, we will use the word “deportation” instead of “removal” throughout the text, but the legal proceedings are technically referred to as “removal proceedings” and we will refer to them as such. Keep in mind, therefore, that if you face deportation, you will be placed in “removal proceedings.”

4. We will also refer to people who have LPR status as “LPR” or “LPRs.”



children, have been in the U.S. for many years, have worked legally and paid federal income taxes, you can still face *deportation* if you have one or more criminal convictions. The only people in the U.S. that cannot be deported are *USCs* or nationals.<sup>5</sup>

For the purposes of this Chapter, all citations that begin with “INA” refer to the Immigration and Nationality Act (“INA”)<sup>6</sup>; the corresponding U.S.C. citations are also placed in the footnotes. All cases are followed by their appropriate citation. **Part B** of this Chapter explains how to determine your *immigration status* in the U.S. and how this status may affect your ability to stay in the U.S. **Part C** describes how the government places non-USCs in *removal proceedings*. **Part D** discusses the differences between *inadmissibility* and *deportability* and includes information about criminal convictions and their effect on your *immigration status* in the U.S. **Part E** details the process of *removal proceedings* from start to finish, including how the government initiates proceedings and what you can expect throughout. **Part F** outlines *forms of relief* from *deportation (forms of relief)*, including the applications and eligibility requirements for each *form of relief*, as well as the standards and the corresponding discretionary factors you must meet to obtain them. **Part F** will also explain what types of evidence you should be ready to present to meet both the standards and the discretionary factors. **Part G** explains how the immigration judge makes his final decision in your immigration case and what you can do to appeal or reopen your immigration case if you are dissatisfied with the result and meet the legal requirements to do so. **Part H** describes immigration detention, including information about non-USCs who are subject to *mandatory detention*. **Part H** also illustrates the *bond* hearing process for those who are not subject to *mandatory detention* and are otherwise eligible for *bond*. **Part I** provides an outline for applying for reentry into the U.S. after you have been ordered deported, and describes the serious consequences that result from *illegal reentry* into the U.S.

**Appendix A** provides a glossary that defines all the words in *bold and italics* found within this text. **Appendix B** has a list of various immigration forms and applications that you may have to fill out at some point in this process. **Appendix C** contains a list of useful websites that will help you research your particular immigration case further. **Appendix D** is a list of providers of legal services (some free and others for a fee) in and around the New York area.<sup>7</sup> **Appendix E** consists of three charts, which explain *derivative* and *acquired* U.S. Citizenship that we mention briefly in Part B of this Chapter.<sup>8</sup> **Appendix F** is a Practice Advisory, created by the New York State Defenders Association (“NYSDA”) Immigrant Defense Project in December 2006, entitled “Removal Defense of Immigrants in Drug Possession Cases—The Impact of *Lopez v. Gonzales*.”<sup>9</sup>

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5. U.S. nationals are people born in American Samoa or Swains Islands.

6. Immigration and Nationality Act (“INA”), ch. 477, 66 Stat. 163 (1952) (codified as amended at 8 U.S.C. §§ 1101–1537 (2000)).

7. A list of free or low-cost legal service providers can also be found on the U.S. Department of Justice Executive Office for Immigration Review (“EOIR”) website at <http://www.usdoj.gov/eoir/probono/states.htm> (last visited Feb. 15, 2007).

8. Appendix E at the end of this Chapter was created by the Immigrant Legal Resource Center (“ILRC”) and is comprised of the following charts—Chart A: Determining Whether Children Born Outside the U.S. Acquired Citizenship at Birth; Chart B: Acquisition of Citizenship Determining if Children Born Outside the U.S. and Born Out of Wedlock Acquired U.S. Citizenship at Birth and Chart C: Derivative Citizenship—Lawful Permanent Resident Children Gaining Citizenship Through Parents’ Citizenship. These charts are expected to be redone at some point in 2007. For the latest versions, visit <http://www.ilrc.org/> or contact ILRC directly. ILRC generously allowed the *JLM* to reproduce these charts for inclusion in this Chapter.

9. Because the state of drug trafficking law for the purposes of removal proceedings is still in flux, you should refer to recent cases that have made determinations on the immigration consequences of drug convictions. For updates on this advisory, visit the New York State Defenders Association (“NYSDA”)

## B. Status

The first step in your immigration court proceedings is determining your *immigration status* in the U.S. If you already know what your *immigration status* is, you can skip this Part and move on to Part C of this Chapter, which describes how the government places you in *removal proceedings*.

### 1. United States Citizenship<sup>10</sup>

There are several kinds of U.S. citizenship including citizenship by birth, citizenship by naturalization, *derivative citizenship*, and *acquired citizenship*.

The following questions may help you determine whether you are a *USC*:<sup>11</sup>

- Were you born in the U.S. or one of its possessions?<sup>12</sup>
- Was either of your parents born in the U.S.?
- Were any of your grandparents born in the U.S.?
- Was either of your parents a *USC* before you turned 18 years old?

#### Derivative Citizenship

- *Derivative citizenship* means you “derive” citizenship through your parent(s) who have naturalized. The laws regarding *derivative citizenship* are complex and a lot depends on when you were born and when your parent(s) became *USCs*.
- You can obtain *derivative citizenship* if all of the following occurred on or after February 27, 2001:<sup>13</sup> you turned 18 years old, you entered the U.S. as an *LPR* and one of your parents<sup>14</sup> became a naturalized *USC*.

#### Acquired Citizenship

- If you were born outside of the U.S. and either of your parents was a *USC* when you were born, then you may have acquired U.S. citizenship at the time of your birth.<sup>15</sup>

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Immigrant Defense Project website at <http://www.nysda.org/idp/webPages/LvGPressroom.htm> (last visited Feb. 15, 2007). NYSDA generously allowed the *JLM* to reproduce this advisory for inclusion in this Chapter.

10. The law regarding U.S. citizenship can be complicated. You should definitely consult an attorney if you believe you might be a *USC*. If you were born in the U.S. (and you are not the child of a foreign diplomat), you are most likely a *USC*.

11. You are not necessarily a *USC* if you answer “yes” to any of these questions, but you should investigate each of the possibilities before making any assumptions about your immigration status.

12. You may also be a *USC* if you were born on a ship or vessel while at a U.S. port, harbor, bay or sea, or if you were born within a certain number of miles from the U.S. in U.S. territorial waters or within U.S. airspace.

13. If you turned 18 years old before February 27, 2001, the new law does not apply to you. The law applies prospectively only. This means that the new law only applies in the future for people who turned 18 years old after the laws went into effect. Before February 27, 2001, the laws regarding derivative citizenship are much more complicated and you may have to meet many more requirements. You should consult an attorney if you turned 18 years old before February 27, 2001 and believe you might be a *USC*. See Appendix E at the end of this Chapter, which discusses derivative and acquired citizenship in greater detail.

14. This parent must also live with and have legal custody of you.

15. This may still be true if neither of your parents was born in the U.S., but at least one of your grandparents was. This is a complicated area of immigration law. You should discuss the possibility that you have acquired citizenship with an immigration attorney if you suspect that any of this applies to you.

If any of the above applies to you or if you think you might be a **USC**, you should tell your immigration judge during your immigration court proceedings that you think you might be a **USC**. You should also consult with an attorney or someone who may be able to assist you with your citizenship claim and help you obtain the necessary evidence you will need to prove that you are a **USC**.<sup>16</sup> This is very important for immigration court proceedings because **USCs** cannot be deported by the U.S. government.<sup>17</sup> If none of the above applies to you, then you are probably not a **USC** and you should determine whether you are an **LPR** or have another kind of legal status in the U.S.<sup>18</sup>

## 2. LPR Status

If you possess a **green card**<sup>19</sup> or a **resident alien card**, then you most likely have **LPR** status.<sup>20</sup> If you did not enter the U.S. as an **LPR** but have, at some point during your time in the U.S., adjusted your status to **LPR** status, you are now considered an **LPR** and this Part applies to you.

People with **LPR** status have the right to live and work in the U.S. indefinitely and can **petition** certain family members (such as spouses and children) to live in the U.S. **LPRs** can also travel to and from the U.S. without permission, but must apply for a reentry permit for trips that last longer than one year.<sup>21</sup> An **LPR** is entitled to apply to become a **USC** after five years.<sup>22</sup> You can prove that you are an **LPR** by showing any of the following: **green card/resident alien card**, I-551 stamp in foreign passport or Form I-94 Arrival/Departure Record with a photo and stamp of “Temporary Evidence of Permanent Resident Status, I-551.”

If you have **LPR** status, your status is indefinite even if the green card expires.<sup>23</sup> Even though your rights do not expire, your **LPR** status can be taken away. In other words, if you are an **LPR** and never violate the law, then you always have the right to live, work and travel in and out of the U.S. If, however, you are an **LPR** and commit (or have committed) certain types of crimes, you may face

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16. If you are not yet in removal proceedings, you should contact your deportation officer and tell him/her you think you might be a USC.

17. Even if you make a claim that you are a USC, you should still apply for other forms of relief. Just because you think you have a strong claim for citizenship, it does not mean that a judge will agree and decide in your favor. See Part F of this Chapter to determine the forms of relief for which you should apply.

18. According to the INA, everyone present in the U.S. is either a “national” as defined in INA § 101(a)(22); 8 U.S.C. § 1101(a)(22) (2000) or an “alien” as defined in INA § 101(a)(3); 8 U.S.C. § 1101(a)(3) (2000).

19. Green cards are not actually green. They have been issued in many different colors in the past. It does not make a difference what color your green card is.

20. One exception applies to some non-USCs who obtained their green card through marriage. If your marriage to a USC occurred less than two years before you applied for your green card, you received a green card for conditional permanent residency, which was valid for only two years from the date it was issued. If you have one of these kinds of green cards and you never lifted the condition, then you do not have LPR status and this section does not apply to you.

21. If you are an LPR and leave the U.S. for more than a year, however, you may be deemed to have abandoned your immigration status.

22. If you obtained your LPR status through marriage to a USC and were married for three years at the time your spouse petitioned for you, you may be eligible to apply for naturalization three years after obtaining your LPR status. Therefore, the waiting period may be shorter for LPRs who obtained their status through marriage.

23. In the past, green cards did not have expiration dates on them, but now they do. The expiration date is usually 10 years after the card is issued. Even after the card expires, your status as an LPR does not expire. If your green card has expired, you can file an application to renew it. However, if you have any criminal convictions, you should consult an attorney *before* you file the application to find out about any consequences you may face by filing the application. See Section C(3) of this Chapter, which explains the consequences of filling out immigration applications if you have criminal convictions.

*deportation* and your *LPR* status may be taken away.<sup>24</sup> Even if you do face *deportation* because of a criminal conviction, you may be eligible for a *form of relief* and, as a result, may be allowed to remain in the U.S.<sup>25</sup>

### 3. Asylee/Refugee Status

*Asylee* or *refugee* status is a status given by the U.S. government to you if you apply for it and show likelihood that you will be harmed or persecuted in your *home country* “because of . . . race, religion, nationality, membership in a particular social group, or political opinion.”<sup>26</sup> If you applied for admission *before* entering the U.S., were granted a visa and then admitted into the U.S. you are a *refugee*. An *asylee*, by contrast, first enters the U.S. either legally or illegally and is later granted *asylum*.<sup>27</sup> Both *refugees* and *asylees* can apply for *adjustment of status* to *LPR* status after they have lived in the U.S. for one year.<sup>28</sup>

### 4. Parolee Status

The U.S. government allows *parolees*<sup>29</sup> to physically enter the country for different reasons, such as humanitarian reasons including, but not limited to, illness or because of *home country conditions*. Sometimes the government sets a specific time for *parolees* to remain in the U.S. Other times, the government allows *parolees* to stay in the U.S. indefinitely.<sup>30</sup> Some *parolees* can apply for *adjustment of status* after one year.<sup>31</sup>

### 5. Temporary Protected Status (“TPS”)<sup>32</sup>

*TPS* is a form of temporary lawful status granted by the President of the U.S. (“President”) to people from certain countries<sup>33</sup> to which it would be very dangerous to return. Some of the situations for which *TPS* is granted are armed conflict, environmental disasters or other extraordinary and temporary conditions. The President reviews the conditions for which *TPS* was granted on a yearly

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24. Criminal convictions are not the only way to lose your LPR status. For example, extended periods of time outside of the U.S. may constitute abandonment of status. Assisting other immigrants to enter the U.S., using false documents or pretending to be a USC are some of the other ways in which you can lose your LPR status.

25. See Part F of this Chapter for more information about applying for and obtaining forms of relief from deportation.

26. INA § 241(b)(3)(A); 8 U.S.C. § 1231(b)(3)(A) (2000).

27. Asylum is granted under INA § 208; 8 U.S.C. § 1158 (2000).

28. INA § 209(a)(2); U.S.C. § 1159(a)(2) (2000); Adjustment of status will be discussed as a form of relief from deportation in Part F of this Chapter but, for the purposes of this Part, it means that refugees and asylees can apply for permanent status in the U.S. after one year. If you were once considered a refugee or asylee but have already adjusted your status to LPR status, you are now considered an LPR and should read the Part about LPR status.

29. The most common example of parolees is Mariel Cubans.

30. In this case, therefore, a parolee’s status would not expire, much like LPR status. However, parolee status can be taken away for a variety of reasons, including criminal convictions.

31. Adjustment of status will be discussed as a form of relief from deportation in Part F of this Chapter but, for the purposes of this Part, it means that a parolee can apply for permanent status in the U.S. after one year. If you were once considered a parolee but have already adjusted your status to LPR status, you are now considered an LPR and should read the Part about LPR status.

32. INA § 244; 8 U.S.C. § 1254a (2000).

33. Some nationalities with TPS include, but are not limited to, El Salvadorans, Nicaraguans, Hondurans, Guatemalans, Somalis, Montserratians, Liberians, and Sudanese.

basis. If he determines that the basis for TPS no longer applies, the TPS of that country expires and those of you who have *TPS* for that particular country may face *deportation*.

## 6. Visas<sup>34</sup>

*Visas* are granted to non-USCs by a U.S. consul, authorizing a person to come to a U.S. port or *inspection point* to apply to be admitted to the U.S.<sup>35</sup> Visas are given for a specific purpose and a specific period of time.<sup>36</sup> For example, non-USCs who come into the U.S. with a nonimmigrant visa may have a student or visitor visa for a specific period of time. Once either the purpose or time of your visa expires, you have overstayed your visa and no longer have legal status in the U.S.<sup>37</sup> For example, if you come to the U.S. with a student visa and you are no longer a student, then your status has expired and you are now illegally present in the U.S. You have no legal right to remain in the U.S., which is enough of a reason to put you in *removal proceedings*. Therefore, if you are a *visa overstayer*, it does not matter whether you have been convicted of any crimes; the government can still deport you.<sup>38</sup>

## 7. Entering without Inspection (“EWI”)<sup>39</sup>

If you have *not* been legally admitted into the U.S., you are in the U.S. illegally and may be detained at one of the U.S. borders or other inspection points at any time. Some examples of *EWI* include crossing one of the U.S. borders without being detected or using someone else's passport or documentation to enter the U.S. Like *visa overstays*, *EWIs* can be deported simply because they have no legal status in the U.S.<sup>40</sup>

At this point, you should know your *immigration status* in the U.S. Next, you should determine how the government placed you in *removal proceedings*. Even if you have not yet been placed in *removal proceedings*, you should read the next Part, Part C. If you are serving a criminal prison sentence and are a non-USC, you will most likely face *removal proceedings* at some point in the near future.

## C. How the Government Places You in Removal Proceedings

The government has the right to place non-USCs in *removal proceedings* because of criminal convictions, even if the non-USC is in the U.S. legally, has worked, paid taxes, and has *USC* family

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34. Immigrant visas are defined in INA § 101(a)(16); 8 U.S.C. § 1101(a)(16) (2000).

35. INA § 221(a); 8 U.S.C. § 1201(a) (2000) discusses the issuance of visas. Visas do not necessarily constitute permission to come into the U.S. Instead, they actually give a person permission to travel to the U.S. and apply for admission at the border. An immigration officer at the border who disagrees with the consular's determination that the visa-holder should be allowed into the U.S. can deny this person entrance into the U.S. This rarely happens, but is nevertheless important.

36. INA § 221(c); 8 U.S.C. § 1201(c) (2000) discusses the period of validity for visas.

37. Under INA § 222(g); 8 U.S.C. § 1202(g) (2000), a nonimmigrant visa is void as soon as the nonimmigrant alien “remain[s] in the United States beyond the period of stay authorized by the Attorney General.” Aliens affected by this provision are precluded from seeking a new nonimmigrant visa at any post other than in their country of nationality, except under certain “extraordinary circumstances.” For the purposes of this Chapter, we will refer to these people as “visa overstays.”

38. However, your conviction or deportation can affect your ability to return to the U.S. in the future.

39. EWI is not actually an immigration status and therefore, it is slightly misleading to include it in this Part. Many people who face removal proceedings, however, have entered the U.S. without inspection and are therefore removable on that fact alone.

40. One difference between EWIs and visa overstays, however, is that EWIs were never legally admitted into the U.S., whereas visa overstays had legal status at some point.

members (including children). You may wonder how the government finds out about the non-USCs who have criminal convictions and places them in *removal proceedings*. There are four main ways that people are placed in *removal proceedings*: (1) stopped at the airport after traveling abroad; (2) interviewed while in jail/prison; (3) immigration applications; and (4) prior orders of deportation.

### 1. Stopped at the Airport after Traveling Abroad

If you are a non-USC and you travel abroad, you must go through a customs inspection conducted by *DHS* and attempt to reenter the U.S. In the past, many non-USCs traveled to their *home countries* and returned to the U.S. without facing any immigration problems. However, *DHS* is now enforcing the laws much more strictly. The government now regularly updates its computers at inspection points, especially airports. These computers have access to criminal records and *prior deportation orders*, among other things. Therefore, if a *DHS* officer at the airport or other inspection point finds that you have a criminal conviction or *prior deportation orders*, you may be *detained* or given a *deferred inspection appointment*.<sup>41</sup> *DHS* will then likely start *removal proceedings* against you.<sup>42</sup>

Because there is no *statute of limitations* under immigration laws, you may face serious immigration consequences for your criminal convictions or *prior deportation orders*, even if they occurred many years ago. If you are a non-USC and have a criminal conviction, you should consult an attorney before traveling abroad to make sure that you will be able to reenter the U.S. without facing any immigration consequences.

### 2. Interviewed While in Jail or Prison

There are *DHS* officers at most jails and state prisons. If you are a non-USC serving a criminal sentence in a jail or state prison, you will likely be interviewed at some point during your imprisonment by a *DHS* officer who will ask you about your *immigration status*. You may not even realize that it is a *DHS* officer that is interviewing you. On the basis of this interview and other information they collect, the *DHS* officers may find a reason to place you in *removal proceedings*.

Once a *DHS* officer interviews you, he/she will place a *detainer* on you. Basically, a *detainer* is a hold that the government places on you. Because this *detainer* has been placed on you, you will not be released once your bail is paid or your prison sentence is complete, as would be the case if you were a *USC*. Instead, the government will detain you (sometimes beyond your criminal prison sentence) for immigration purposes.<sup>43</sup> In other words, you will either (a) complete your criminal sentence in a jail or prison, then be moved to a *DHS detention center* or a jail or prison contracting

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41. Basically, if an immigration officer at a U.S. inspection point finds that you have criminal convictions and are likely to face removal proceedings, he/she may give you a deferred inspection appointment. This means that you will be allowed to enter the U.S. and are expected to appear at your immigration court date, which will be set at a later time. You will eventually receive your Notice to Appear (“NTA”). The NTA is discussed in greater detail in Section E(1) of this Chapter. If you do not receive the NTA, you should call 1-800-898-7180 and enter your Alien Registration Number to see if your court date has been set.

42. If you were in prison after October 1998 for your conviction, you may be subject to mandatory detention. This means you may be detained at the airport or point of inspection and be forced to defend your immigration case from inside the DHS detention center or a prison or jail contracting with DHS. See Part H of this Chapter which discusses detention in greater detail.

43. State and local law enforcement authorities may only hold persons on immigration detainers for 48 hours after the completion of their jail time. This means that once you have completed your criminal sentence, DHS must take you into custody for immigration purposes within two days. DHS frequently violates this provision. Therefore, if DHS does not take you into custody within 48 hours after the completion of your prison sentence, you should contact your criminal defense attorney and ask him/her to file a writ of habeas corpus with the state court demanding your release from immigration detention.

with *DHS*<sup>44</sup> where you will face *deportation* or (b) you will have to defend your *removal proceedings* while you are completing your criminal sentence in a jail or prison. If you win your immigration case, you will then be released at the end of your criminal prison sentence, but if you lose your immigration case, *DHS* will detain you until they can deport you to your *home country*.

### 3. Immigration Applications

Another way in which the government can place you in *removal proceedings* is when you file any immigration application. Most, if not all, applications<sup>45</sup> to the *United States Citizenship and Immigration Services* (“*CIS*”) now require security clearances and/or fingerprints as part of the application process. Once *CIS* has received your immigration application, it determines whether you have any criminal convictions that occurred anywhere in the U.S., even if they occurred a long time ago. In other words, when you submit an application and your fingerprints to *CIS*, they are able to obtain a list of all your criminal convictions, regardless of when or where they occurred. If you have a criminal conviction that makes you *deportable* or *inadmissible*<sup>46</sup>, your application will likely be denied and you may be placed in *removal proceedings*.

### 4. Prior Orders of Deportation

*DHS* also apprehends people who live in the U.S. and have *prior deportation orders*. Even if you do not know that you have been ordered deported in the past or your *deportation order* was entered many years ago, it is still a problem. If you were ever in immigration court proceedings and you did not appear for your scheduled court date, you may have been ordered deported in your absence.<sup>47</sup> Persons with *prior deportation orders* have been entered onto a *national absconder list*. Local law enforcement (such as police officers) helps immigration officers catch the people on this list. This can happen anywhere, even if you are stopped for a traffic violation.

Now that you have determined your *immigration status* and how you were placed in *removal proceedings*, you should find out whether you are removable under *inadmissibility* or *deportability* grounds.

## D. Inadmissibility and Deportability

Depending on the facts of your case, you may face *removal proceedings* under *inadmissibility* grounds or *deportability* grounds.<sup>48</sup> This means that you will either be “*inadmissible*” or “*deportable*.” Basically, you are *deportable* if you are lawfully present in the U.S. when *DHS* starts *removal proceedings* against you. You may be *inadmissible* if you are found to be unlawfully present in the U.S. or if you are stopped while attempting to enter the U.S. (at a border, port or *inspection point*).

People without any legal status (“*EWIs*”) are considered *inadmissible*. Although *LPRs* have legal status, they too can be considered *inadmissible* if they are stopped while attempting to reenter the

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44. At this point, you are no longer considered a prisoner. You are an immigration detainee. Although some detainees are held in regular prisons, immigration detainees have fewer rights than prisoners.

45. These include, but are not limited to, applications for U.S. citizenship, renewal of green cards, employment authorizations and petitions for family members.

46. Grounds for deportability and inadmissibility will be discussed in greater detail in Part D of this Chapter.

47. Part E of this Chapter describes the consequences of not appearing for your scheduled immigration court hearings. Part G of this Chapter explains how you may be able to file a motion to reopen your immigration case due to failure to appear.

48. The difference between deportability and inadmissibility may seem trivial, but the category you fall into will determine which forms of relief are available to you.

U.S. after a trip abroad.<sup>49</sup> If you have been given a *deferred inspection appointment*<sup>50</sup> or are in a *DHS detention center* after attempting to enter the U.S. illegally (or reenter the U.S. if you are an *LPR*), you may be *inadmissible*. Because most of the readers of this Chapter are prisoners, however, it is more likely than not that you are *deportable* not only because you were legally present in the U.S. at the time *DHS* began *removal proceedings* against you, but also because of your criminal convictions.

Before we move on to discuss *deportability* and *inadmissibility*, you should understand how a conviction is defined for immigration purposes. The definition of “conviction” for immigration purposes is different from the definition in criminal law. In fact, the immigration definition is much broader and many more criminal acts may be considered convictions under immigration law even though they are not considered convictions in criminal law.

## 1. Convictions

### (a) What Is a Criminal Conviction?

For the purposes of *removal proceedings*, the term conviction means that a formal judgment of guilt has been entered by a court in your case. If a formal judgment has not yet been entered, you may still be “convicted” if (i) a judge or a jury has found you guilty or you have entered a plea of guilty or *nolo contendere*<sup>51</sup> or you have admitted sufficient facts to warrant a finding of guilt and (ii) the judge has ordered some form of punishment, penalty, fine, community service or restraint on your liberty to be imposed.<sup>52</sup> In other words, if you were found guilty or you admitted sufficient facts of your guilt and you have somehow been punished for your actions, you probably have a conviction for the purposes of your immigration court proceedings.

Since the definition of conviction changed in 1996, the courts have been determining which criminal convictions are considered convictions for immigration purposes. Some convictions are no longer considered convictions in criminal court, but are still considered convictions for the purposes of *removal proceedings*. For example:

- *Deferred adjudications* are convictions that are given in “specialized courts” (*i.e.*, drug courts, domestic violence courts) whereby a judge accepts the defendant’s plea and orders treatment. Upon completion of this treatment, the judge vacates or reduces the defendant’s original plea. Therefore, the conviction is vacated or reduced for criminal purposes. However, the initial plea combined with the judge’s order to attend a program is still considered a conviction for immigration purposes.<sup>53</sup>

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49. This may seem confusing, but every time you travel abroad and attempt to reenter the U.S., you are essentially asking the government for permission to be readmitted into the U.S.

50. A deferred inspection appointment is an appointment at your local DHS office in which DHS will continue the interview they began at the airport or inspection point. DHS usually takes your green card and passport from you in anticipation of your removal proceedings. At the deferred inspection appointment, DHS will generally give you the Notice to Appear (“NTA”) that will begin the removal proceedings against you. See Section E(1) of this Chapter which discusses the NTA in greater detail.

51. *Nolo contendere* literally means “no contest.” This plea is technically not an admission of guilt, but it is enough of an admission to subject the defendant to criminal punishment and to warrant immigration consequences. Black’s Law Dictionary 1074 (8th ed. 2004)

52. INA § 101(a)(48); 8 U.S.C. § 1101(a)(48) (2000).

53. *In re Salazar-Regino*, 23 I. & N. Dec. 223 (BIA 2002).



- The Second Circuit has held that an *expungement* of a non-drug offense may be a conviction for immigration purposes.<sup>54</sup>
- Convictions that are vacated for reasons solely related to rehabilitation or immigration hardships, rather than because of procedural or substantive defects in the underlying criminal proceedings, may still be considered convictions for immigration purposes.<sup>55</sup>

The following are not considered convictions for the purposes of *removal proceedings*:

- Youthful offender adjudications are not convictions for immigration purposes.<sup>56</sup>
- A conviction that a trial or appeals court vacates because it was *legally* defective is not a conviction for immigration purposes.<sup>57</sup>
- A disorderly conduct violation is not considered a conviction for immigration purposes.

(b) How Do I Know if I Have any Criminal Convictions?

It is important that you know when and how many times you have been arrested because any arrest in your record needs to be analyzed to determine if it is a conviction according to the immigration definition of conviction set forth above. You, your attorney, or a friend should obtain *certificates of disposition*<sup>58</sup> or a comprehensive *rap sheet*.<sup>59</sup> You can obtain *certificates of disposition* from the criminal courts in which you were convicted. These documents will give you information about what happened in your criminal court proceedings and will indicate what your convictions and punishments were. Once you know and understand this information, you can determine what immigration consequences you might face.

Your *rap sheet* and *certificates of disposition* will not only help you determine what immigration consequences you may face, but also what *forms of relief* may be available to you because some criminal convictions bar (or stop) you from getting certain *forms of relief*. The following may also play a role in determining the *forms of relief* available to you: your particular criminal sentence or punishment (how much jail time the judge ordered you to serve, even if it was suspended); the *maximum penalty* possible for your conviction (how much jail time the judge *could have* ordered you to serve, even if you received less); and whether you were given a *suspended sentence* or *parole*.

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54. *Mugalli v. Ashcroft*, 258 F.3d 52 (2d Cir. 2001) (examining New York State Certificate of Relief from Disabilities provision).

55. *In re Christopher Pickering*, 23 I. & N. Dec. 621 (BIA 2003).

56. *In re Devison*, 22 I. & N. Dec. 1362 (BIA 2000); *In re Ramirez-Rivero*, 18 I. & N. Dec. 135 (BIA 1981).

57. *In re Rodriguez-Ruiz*, 22 I. & N. Dec. 1378 (BIA 2000); *In re Sirhan*, 13 I. & N. Dec. 592 (BIA 1970).

58. In New York, a certificate of disposition is an official court document that contains the Court Seal and indicates the disposition (or what determination the judge made) of the case. This document may have a different name in other states. If your criminal court case occurred in a state outside of New York, you should obtain the equivalent court documents that indicates the result of your case.

59. The Legal Action Center, <http://www.lac.org/> (last visited Feb. 15, 2007), can help you obtain your rap sheet if you are unable to do so on your own. Although this is only applicable to people in New York, the following website describes the process of obtaining and cleaning up a rap sheet: [http://www.hirenetwork.org/pdfs/NYS\\_Rap\\_Sheet\\_Final.pdf](http://www.hirenetwork.org/pdfs/NYS_Rap_Sheet_Final.pdf) (last visited Feb. 15, 2007). Also, this website describes the process of obtaining all kinds of documentation, such as marriage certificates, social security cards, etc: <http://www.hirenetwork.org/pdfs/How%20to%20obtain%20important%20docu%209-11-03.pdf> (last visited Feb. 15, 2007). Appendix D at the end of this Chapter includes more resources and websites, most of which will be helpful nationwide.

If your criminal case is still pending, you should discuss the immigration consequences that may result from it with your criminal defense attorney. Make sure that he/she understands how the result of your criminal court case may affect your ability to remain in the U.S. Because criminal law is different from immigration law, some criminal defense attorneys are unaware of the severe consequences of criminal convictions on immigration court hearings.<sup>60</sup>

## 2. Deportability<sup>61</sup>

The following crimes make you *deportable*, although you may avoid *deportation* if you qualify for one of the *forms of relief* described in Part F of this Chapter:

### (a) Aggravated Felony

This is the worst category of crimes because being convicted of an *aggravated felony* (1) makes you ineligible for most *forms of relief* and (2) subjects you to *mandatory detention*.<sup>62</sup> The term *aggravated felony* is a term created for the purposes of immigration law and has no connection to the definition of “felony” in state or federal criminal law. Therefore, even if your criminal conviction was not called a “felony” under state law, it may still be considered an *aggravated felony* for the purposes of your immigration court proceedings. For example, some state misdemeanor convictions can be considered *aggravated felonies*.<sup>63</sup> However, sometimes a state felony conviction is *not* considered an *aggravated felony*. Furthermore, many crimes become *aggravated felonies* if the sentence imposed is for one year or more (even if it is a suspended sentence). This is why it is important to know not only what your convictions are but also how long your sentence was. Other crimes are *aggravated felonies* regardless of what the sentence was.

#### (i) What is an aggravated felony?

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60. It is also important for you to realize that anything you say during your immigration court proceedings can be used against you in your pending criminal case. Therefore, if you are in immigration court and your criminal court proceedings are not complete, you should discuss your case with your criminal defense attorney before making any admissions of guilt. If, however, you have already been convicted of a crime, you should not deny your guilt during your immigration court proceedings. Judges are more likely to grant relief to people who admit that they have done wrong in the past, but have improved their lives or have been rehabilitated. Part F of this Chapter discusses the importance of rehabilitation for obtaining certain forms of relief.

61. The burden is on the government to prove deportability. If you are facing removal as a lawful resident who has been admitted into the U.S., the burden is on the government to show “by clear and convincing evidence” that you are deportable. This is not a very difficult burden for the government to overcome, however. To establish deportability, the government can use any official criminal court records to prove that you have been convicted of criminal violations. See *In re Sweetser*, 22 I. & N. Dec. 709 (BIA 1999) for a list of documents that can be used as a record of conviction for analysis. If these crimes fall in the group of deportable crimes, the government will begin removal proceedings. For more information about the procedural steps of immigration court proceedings (especially removal proceedings), see Part E of this Chapter, which goes through the process from beginning to end.

62. Mandatory detention will be discussed in greater detail in Part H of this Chapter.

63. An example is *United States v. Graham*, 169 F.3d 787 (3d Cir. 1999), which held that a state misdemeanor conviction constituted an aggravated felony under INA § 101(a)(43)(G); 8 U.S.C. § 1101(a)(43)(G) (2000).

An *aggravated felony* is defined in the INA.<sup>64</sup> Examples of *aggravated felonies* are:

- *crimes of violence* for which the penalty was at least one year;<sup>65</sup>
  - If physical force was used or most likely *could have* been used in committing the crime, the crime may be considered a crime of violence, and therefore, an *aggravated felony*.
- murder;
- rape;
- sexual abuse of a minor;<sup>66</sup>
- drug trafficking;
  - The state of drug trafficking is still in flux. A felony drug sale or a felony drug possession with intent to sell are both considered *aggravated felonies*. The Supreme Court recently held that a first-time state felony drug possession is not an *aggravated felony*.<sup>67</sup> A first-time misdemeanor possession is also not an *aggravated felony*.<sup>68</sup> The law is not clear yet on whether two or more misdemeanor possessions or misdemeanor sales can be considered *aggravated felonies*.<sup>69</sup>
- firearms trafficking;<sup>70</sup>
- theft or burglary for which the penalty imposed is imprisonment for at least one year;<sup>71</sup>
- child pornography;
- prostitution business;<sup>72</sup>
- crime of fraud or deceit or tax evasion if the loss to the victim<sup>73</sup> exceeds \$10,000;<sup>74</sup>
- some types of money laundering in excess of \$10,000;
- failure to appear for service of sentence;<sup>75</sup>

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64. INA § 101 (a)(43)(A) through INA § 101(a)(43)(U); 8 U.S.C. § 1101(a)(43)(A) through 8 U.S.C. § 1101(a)(43)(U) (2000).

65. Crimes of violence are offenses that have as an element the use, attempted use, or threatened use of physical force against another person or property of another. A crime of violence can also be any other offense that is a felony and by its nature involves a risk that physical force may be used against the person or property of another in the process of committing the offense.

66. Sexual abuse of a minor can be a felony or class A misdemeanor. Either one is defined as an aggravated felony for immigration purposes. State sex offenses involving a minor may not be considered “sexual abuse of a minor” if they do not contain the same elements as the federal offense of sexual abuse of a minor.

67. United States v. Gonzalez-Lopez, 548 U.S. \_\_\_, 126 S. Ct. 2557, 165 L. Ed. 2d 409 (2006).

68. You should research recent cases on this matter to determine the current law.

69. See Appendix F at the end of this Chapter for a practice advisory on the current law, generously provided to the *JLM* by New York State Defenders Association (“NYSDA”) Immigrant Defense Project. The advisement can also be found on the NYSDA website at [http://www.nysda.org/idp/docs/06\\_PostLopezAdvisoryforRemovalDefense%2012%207%2006.pdf](http://www.nysda.org/idp/docs/06_PostLopezAdvisoryforRemovalDefense%2012%207%2006.pdf) (last visited Feb. 15, 2007).

70. Both the sale and distribution of firearms are considered aggravated felonies.

71. Regardless of whether the conviction was a misdemeanor or a felony, both types of theft or burglary are considered aggravated felonies as long as the penalty imposed was at least one year of prison time.

72. Prostitution business constitutes any crime related to owning, controlling, managing or supervising a prostitution business.

73. For the purposes of tax evasion, the “victim” is the government.

74. An offense may not be fraud or deceit unless fraud or deceit is a necessary or proven element of the crime.

- crime related to commercial bribery;<sup>76</sup>
- crime relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, where the penalty imposed is one year or more in prison (felony or misdemeanor);
- smuggling aliens;<sup>77</sup>
- conviction related to failure to appear before a court on a felony charge that could result in a sentence of two or more years; or
- an attempt or conspiracy to commit any of the above.

(b) Not Aggravated Felonies, But Deportable Offenses

The following are other crimes that could make you *deportable*, although they are not *aggravated felonies*:<sup>78</sup>

(i) Controlled Substance Offenses

If you have been convicted of a *controlled substance offense*, other than a single offense involving possession of thirty grams or less of marijuana for your own use,<sup>79</sup> you may be *deportable*.<sup>80</sup> Conviction for a conspiracy or an attempt to possess, distribute, or manufacture a controlled substance is also a *deportable* offense.<sup>81</sup>

(ii) Crime Involving Moral Turpitude (“CIMT”)<sup>82</sup>

*CIMTs* are not defined by statute but have been defined by case law (in the courts) as “inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general.”<sup>83</sup>

There are various categories of *CIMTs*, which include, but are not limited to: crimes in which an intent to steal or defraud is an element; crimes in which bodily harm is caused or threatened by an intentional or willful act; crimes in which serious bodily harm is caused or threatened by a reckless act; and sex offenses. To determine whether or not you have been convicted of a *CIMT*, the judge

75. This is an aggravated felony if the underlying offense is punishable for a term of five years or more.

76. Some examples of this include counterfeiting, forgery or trafficking in cars with altered vehicle identification numbers, where the penalty imposed is imprisonment for one year or more (felony or misdemeanor).

77. You can be placed in removal proceedings for smuggling non-USCs even if you have not been criminally convicted of smuggling. In that case, it is probably not considered an aggravated felony for immigration purposes. You might be eligible for a waiver if it is your first offense and you assisted your spouse, child or parent.

78. Other crimes besides the ones listed can make you deportable, such as failure to register and falsification of documents, INA § 237 (a)(3)(A); 8 U.S.C. § 1227(a)(3)(A) (2000), security and related grounds, INA § 237 (a)(4); 8 U.S.C. § 1227(a)(4) (2000), and being a public charge or an unlawful voter. INA § 237 (a)(5), (6); 8 U.S.C. § 1227(a)(5), (6) (2000).

79. If you are currently in criminal proceedings and are able to prove that you possessed 30 grams or less of marijuana for your own use and this is your only crime, you should tell your criminal defense attorney that this should be reflected in the criminal court record. Otherwise, even if you prove in your criminal proceedings that you possessed 30 grams or less for your personal use, it will not automatically be reflected in the record and you may still face immigration consequences for the conviction.

80. INA § 237(a)(2)(B)(i); 8 U.S.C. § 1227(a)(2)(B)(i) (2000).

81. INA § 237(a)(2)(B)(i) 8 U.S.C. § 1227(a)(2)(B)(i) (2000).

82. INA § 237(a)(2)(A)(i); 8 U.S.C. § 1227(a)(2)(A)(i) (2000).

83. Rodriguez v. Gonzales, 451 F.3d 60, 63 (2d. Cir. 2006).

will look at the elements of the crime of which you have been convicted (your crime). These elements are found in the statute that defines the crime. If certain elements (such as the intent to steal or defraud mentioned above) are included in the definition of your crime, the judge will consider your crime a *CIMT*. Therefore, courts will not necessarily look to the particular facts of your case to determine whether you have been convicted of a *CIMT*, but to the statute that defines the crime and its elements.

Some examples of *CIMTs* are voluntary manslaughter, involuntary manslaughter, tax evasion, aggravated assault, sexual abuse, spousal abuse, breaking and entering, kidnapping and arson, involving either theft or fraud (including welfare fraud and student loan fraud). Because *CIMTs* have been defined by case law, it is important to consult with your criminal defense attorney before taking a *plea bargain*. Remember that if you take a plea and confess to committing a crime that can be defined as a *CIMT*, you may face serious immigration consequences. By speaking to your attorney, you may be able to change your plea and avoid *deportation* in the future.

If you have been convicted of one *CIMT* within five years of the date of your admission to the U.S. and the judge *could have* sentenced you based on your crime to a prison term of one year or more, you may be *deportable*.<sup>84</sup> It does not matter what your actual sentence was, as long as the judge *could have* sentenced you to one year or more. If you are convicted of only one *CIMT* but *more* than five years have passed since you were admitted to the U.S., you cannot be deported. If, however, you have been convicted of *two CIMTs* that do not arise out of a single scheme *any time* after you were admitted into the U.S., you may also be *deportable*.<sup>85</sup>

#### (iii) Certain Firearms Offenses

If you have been convicted of certain firearms offenses, you may be *deportable*.<sup>86</sup>

#### (iv) Domestic Violence Crimes

If you have been convicted of domestic violence crimes, including a violation of an order of protection, stalking or crimes against children, you may be *deportable*.<sup>87</sup>

#### (v) High Speed Flight

If you are convicted of *high speed flight* from an immigration checkpoint or inspection point, you are *deportable*.<sup>88</sup>

### 3. Inadmissibility<sup>89</sup>

You are *inadmissible* if you do not have permission to enter the U.S. or if you entered the U.S. illegally at some point and are currently unlawfully present in the U.S. You may also be found to be *inadmissible* any time you seek permission to enter the U.S., even if you are an *LPR* returning from a trip abroad. Thus, *inadmissibility* can apply without criminal convictions. The focus, however, of

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84. INA § 237 (a)(2)(A)(i)(I), INA § 237(a)(2)(A)(i)(II); 8 U.S.C. § 1227(a)(2)(A)(i)(I), 8 U.S.C. § 1227(a)(2)(A)(i)(II) (2000).

85. INA § 237 (a)(2)(A)(ii); 8 U.S.C. § 1227(a)(2)(A)(ii) (2000).

86. INA § 237 (a)(2)(C); 8 U.S.C. § 1227(a)(2)(C) (2000).

87. INA § 237 (a)(2)(E); 8 U.S.C. § 1227(a)(2)(E) (2000).

88. INA § 237(a)(2)(A)(iv); 8 U.S.C. § 1227(a)(2)(A)(iv) (2000).

89. INA § 212; 8 U.S.C. § 1182 (2000).

this Section will be individuals who are *inadmissible* because of criminal convictions. The following Subsection describes the criminal grounds (or reasons) for *inadmissibility*.

(a) Criminal Grounds for Inadmissibility

There are many grounds of *inadmissibility*.<sup>90</sup> Criminal grounds for *inadmissibility* are usually raised when an *LPR* with criminal convictions travels abroad and is stopped at U.S. customs upon return. This individual would have been *deportable* if already in the U.S. but attempting to reenter the U.S. subjects him/her to *inadmissibility*. Basically, if you are an *LPR* with criminal convictions who is stopped at an inspection point after a trip abroad, you are probably facing *inadmissibility* grounds in your *removal proceedings*.

The criminal grounds for *inadmissibility* are similar to those for *deportability*, although the *forms of relief* available to those who are subject to *inadmissibility* may be different. The following criminal convictions will make you subject to *inadmissibility*:

(i) CIMTs

For the purposes of *inadmissibility*, CIMTs are defined in the same way they are defined for *deportability*. (Read Subsection D(2)(b)(ii), above.) However, if you have only been convicted of one CIMT, you may qualify for one of the following exceptions and you may not be *inadmissible*:

- *petty offense exception 1*: you must have only been convicted of one *CIMT* and the maximum possible penalty for the crime (the maximum amount of time the judge *could have* sentenced you to) cannot exceed one year in prison and you must not have actually been sentenced to more than six months in prison.
- *petty offense exception 2*: If the crime was committed when you were under 18 years old and you were only convicted of one *CIMT* and the crime was committed more than five years before your application for admission,<sup>91</sup> then you may qualify for to the second exception.

(ii) Two or More Criminal Convictions

Two or more criminal convictions (regardless of whether the crimes arose from a single scheme and regardless of whether the crimes were CIMTs or not) with an aggregate prison sentence of five years or more;

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90. INA § 212(a); 8 U.S.C. § 1182(a) (2000); you might not be admissible if you have been convicted of certain crimes or acts (either outside or inside the U.S.) as discussed further in this Part. Here are some of the other reasons why you may be inadmissible: you have certain communicable diseases—like tuberculosis (“TB”) or human immunodeficiency virus (“HIV”); you have a controlled substance addiction; you have a mental illness; you have immigration violations such as unlawful presence in the U.S.; you lied about a material fact in order to obtain an immigration benefit (you lied on your application for example); you have a past deportation order or entered the U.S. without valid documents; you are a public charge, meaning that you are likely to become dependent on public benefits as your main source of income. In other words, if you are likely to request government (public) assistance, you are probably going to be considered a public charge for these purposes.

91. See also INA § 212(a); 8 U.S.C. § 1182(a) (2000) (listing grounds of inadmissibility).

(iii) Any Controlled Substance Offense

There is *no* exception for a single offense for thirty grams or less of marijuana for personal use, as there was under *deportability*.

(iv) Detained by Customs Officials During Your First Attempt to Enter the U.S.

(v) You Have Ever Entered the U.S. Without Inspection.

When *removal proceedings* take place under *inadmissibility*, the burden is on you to show, if applying to enter the U.S., that you are “clearly and without doubt entitled to be admitted” and not *inadmissible* or, if already present in the U.S., “by clear and convincing evidence” that you were lawfully admitted.

Now that you know your *immigration status*, how you were placed in *removal proceedings* and under which grounds—*deportability* or *inadmissibility*, you should read the following Part to get an idea of what actually happens in immigration court, or the chronological process of *removal proceedings*.

## E. Removal Proceedings

This Part covers the step-by-step process of your actual *removal proceedings*. Your case will be heard in an *administrative court* with authority to hear only immigration cases, called an immigration court.<sup>92</sup> *Removal proceedings* must be conducted by an immigration judge,<sup>93</sup> except in the case of *expedited removal*.<sup>94</sup> An attorney from ICE, referred to as *assistant chief counsel*, will represent the government in your *removal proceedings*. These attorneys take immigration cases that involve criminal convictions very seriously and will generally vigorously fight these cases on the government's behalf.

### 1. Notice to Appear (“NTA”)

*Removal proceedings* begin with an *NTA*, a document that the government gives both to you and to the court. The *NTA* explains why you should be deported from the U.S. and usually provides you with your first court date.<sup>95</sup> The *NTA* is sent to your last known address, even if you no longer live there. If you are placed in a *DHS detention center*, *DHS* is supposed to give you the *NTA* within seventy-two hours of your detention.

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92. If you are still serving your prison sentence, the Institutional Hearing Program (“IHP”) may apply to you. The IHP was designed in order to expedite the deportation of non-USCs with criminal convictions. Therefore, the IHP enables the government to ensure your deportation as soon as you are released from prison by conducting its investigations and hearings and even order you deported while you are still incarcerated. You can find a list of the various immigration courts (including their addresses and phone numbers) throughout the U.S. on the EOIR website at <http://www.usdoj.gov/eoir/sibpages/ICadr.htm> (last visited Feb. 2007).

93. INA § 240(a)(1); 8 U.S.C. § 1229a(a)(1) (2000). Note “immigration judge” is defined in INA § 101(b)(4); 8 U.S.C. § 1101(b)(4) (2000).

94. If you attempt to enter the U.S. by using fraud or without valid documentation, you may be deported without having a hearing (expedited removal), unless you claim asylum, have a fear of persecution, or claim to be an LPR. INA § 235(b)(1)(B)(iii)(I); 8 U.S.C. § 1225(b)(1)(B)(iii)(I) (2000).

95. Sometimes, you will be served with an *NTA* that says “to be calendared.” This means that you will get a Notice of Hearing in the near future giving you a court date. You can also call 1-800-898-7180 and enter your Alien Registration Number to see if your court date has been set.

The *NTA* is divided into two parts. The first part is called “Allegations” and includes your name, your *home country*, the date you entered the U.S. and how you entered the U.S. Here, the government gives the factual reasons for wanting to deport you from the U.S. The second part of the *NTA* is called “Charges” and gives the legal reasons for your removal. In the *NTA*, the government must tell you all of the following:<sup>96</sup>

- the nature of the *removal proceedings* against you;
- the laws that you allegedly violated;
- what you did to violate the law(s);
- the consequences of not appearing at your hearing; and
- the time and place of your court proceeding.

Make sure to check the *NTA* carefully for accuracy. For example, you should make sure that all of the names, dates and addresses are correct. You should also verify that your criminal convictions have been listed correctly. These may seem like unimportant details, but they can make significant differences in your *removal proceedings*, including whether you are subject to *mandatory detention* and the *forms of relief* for which you may be eligible.<sup>97</sup> If any of the facts in the *NTA* are not true, you should deny the charges or allegations and demand that the government provide proof of them.

## 2. Immigration Court

It is extremely important that you appear at all of your immigration court dates. You cannot send someone (even your attorney) to appear in your place. If you do not appear at your scheduled hearing, the hearing will be held *in absentia* (in your absence) and you will likely be ordered deported. In this situation, all the government has to do is prove: (1) that the *NTA* was properly served on you;<sup>98</sup> and (2) that you are *removable*.<sup>99</sup> If you miss your court hearing, you may move to reopen the case, but only if you: (1) show “exceptional circumstances” for being absent; (2) prove that you did not receive notice; or (3) prove that you were in state or federal custody.<sup>100</sup>

## 3. Master Calendar Hearing

*Removal proceedings* begin with a *master calendar hearing*, which is similar to an arraignment in criminal court. The *master calendar hearing*, which can take place in person, through video conference, or even on the telephone,<sup>101</sup> is the first time you appear in front of the judge in immigration court (although you may appear at several *master calendar hearings*). In the *master calendar hearing*, the basic facts of your case will be reviewed briefly. The judge will *take the pleadings*

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96. INA § 239(a)(1); 8 U.S.C. § 1229 (2000).

97. Mandatory detention is discussed in greater detail in Part H of this Chapter. Forms of relief are discussed in Part F of this Chapter.

98. According to INA § 239(a)(1); 8 U.S.C. § 1229(a)(1) (2000), “notice shall be given ... in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien’s counsel of record ...).”

99. INA § 240(b)(5)(A); 8 U.S.C. § 1229a(b)(5)(A) (2000).

100. INA § 240(b)(5)(C); 8 U.S.C. § 1229a(b)(5)(C) (2000); Also see Part G of this Chapter for more information about motions to reopen. Motions to reopen are not necessarily easy to obtain, especially since “exceptional circumstances” usually mean serious illness that caused emergency hospitalization or death of a family member.

101. INA § 240(b)(2)(A); 8 U.S.C. § 1229a(b)(2)(A) (2000).



(discussed below), confirm that you are subject to **deportation** as the government has claimed<sup>102</sup> and identify the **forms of relief** for which you are eligible to apply, if any. If the judge determines that you are not eligible for any **form of relief**, the judge may order you deported at a **master calendar hearing**.

The judge will hear anywhere from a few to over fifty cases at the **master calendar hearing**. Therefore, these hearings are not usually very long. There are several reasons why a judge might adjourn the hearing for another **master calendar hearing**. If you are eligible for a **form of relief**, the next court date after all of your **master calendar hearings** is the **individual hearing**, which will be discussed in more detail below.

(a) Reasons for Adjournment

(i) You Need Time to Find an Attorney

Although you are entitled to have an attorney represent you for your immigration court proceedings, you do not have the right to a free attorney provided by the government.<sup>103</sup> Instead, you must obtain an attorney on your own. You should ask the court for a list of organizations that provide low- or no- cost legal services.<sup>104</sup> The judge will **adjourn** your first **master calendar hearing** for another date to give you time to find an attorney. If you have not found an attorney by the second **master calendar hearing**, the judge may allow you more time to find an attorney or he/she may proceed with your case and you may have to represent yourself. If you are ineligible for any **forms of relief**, the judge may order you deported at this second **master calendar hearing**.

(ii) You Need Time to Fill Out Your Application for Relief

At the **master calendar hearing**, the judge may tell you the **forms of relief** for which you may be eligible, but you should be ready to state which one of the **forms of relief** you are seeking and bring its corresponding application with you, if possible.<sup>105</sup> Otherwise, you should ask for an adjournment, which will give you more time to fill out the application. The judge should **adjourn** your case for another **master calendar hearing**.

(iii) You Need Time to Appeal a Criminal Conviction

If you are currently appealing your criminal conviction, you should notify the immigration judge. In general, a conviction that is pending on direct appeal is not a final conviction.<sup>106</sup> This is important because the government can only rely on final convictions when it uses criminal convictions as the basis for deporting non-USCs from the U.S. You must have exhausted all of your direct appeal rights for a criminal conviction before the U.S. government can deport you.

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102. This does not mean that the judge will decide whether you will be deported. She/He will just confirm that you are eligible for deportation. If, however, the judge finds that you are not eligible for any forms of relief, she/he may order you deported right at the master calendar hearing.

103. Unlike criminal court proceedings, the government will not assign a free attorney to you. If you cannot find one on your own you will have to proceed without one.

104. Appendix D at the end of this Chapter includes a list of providers of legal services.

105. See Part F of this Chapter for more information regarding forms of relief and which applications correspond to the forms of relief you are seeking.

106. If your case is on direct appeal, you should notify the immigration judge immediately and request that the immigration case against you be terminated.

#### (iv) You Want a Change of Venue

If you are facing *removal proceedings* outside of your home state, you may apply for a *change of venue* to move your *removal proceedings* to a more convenient location. You can apply for a *change of venue* at any time during your case, but the judge is more likely to grant you your request if you apply early. If you plan to request a *change of venue*, you should do so at the *master calendar hearing*.

You may want to request a *change of venue* if moving to a court closer to your home would lessen hardships. Distance can be difficult if you are seeking a *form of relief* and would like to bring witnesses to testify in the court hearing on your behalf. Official records are also harder to obtain at great distances. The judge will consider these and other factors in determining whether to move your case. If you are detained by the government and subject to *mandatory detention*, it is very unlikely that you will be transferred to another state unless the government agrees. The courts have given great weight to the government's right to detain you wherever they have detention space available, which may not be in or near your home state. Therefore, if you are detained, it is highly unlikely that your request for a *change of venue* will be granted.<sup>107</sup>

Whether or not you have an attorney, the judge can still *take the pleadings*, which is the next step in the *master calendar hearing*.

#### 4. Pleadings

At the beginning of your *master calendar hearing*, the judge will *take the pleadings*, or review the *NTA* with you. The judge will ask you if the facts in the *NTA* are true, if you admit that you are removable and whether you will be applying for any *forms of relief*. If, in reviewing the *NTA*, you found any mistakes and/or discrepancies you should mention it at this point and deny false or incorrect allegations.

The government, however, must first prove two facts: (1) that you are an alien, meaning that you are a non-USC;<sup>108</sup> and (2) if you are an *LPR* or were otherwise lawfully admitted into the U.S., that you are *removable*. This means that the government must show that you have done something to violate immigration law which permits the government to send you back to your *home country*.<sup>109</sup>

If the judge finds that you are not eligible for any of the *forms of relief* discussed in Part F of this Chapter, the immigration judge will likely make a decision at your *master calendar hearing* and order you deported. Both the *chief counsel* and you can reserve the right to appeal this decision. See Part G of this Chapter, which discusses decisions and appeals. If you have applied for a *form of relief* and the immigration judge has found that you are eligible for that *form of relief*, he/she will schedule an *individual hearing* at the end of your final master calendar hearing. The *individual hearing* is discussed in greater detail below.

#### 5. Individual Hearing

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107. In fact, many immigration detainees are moved around the country more than once if DHS determines it needs to do so because of space concerns.

108. If you are an *LPR*, the government can do this by showing the judge a copy of your “visa face sheet”—the document which you received when you first entered into the U.S. If you entered without inspection, they may rely on any statements you made or any other evidence showing that you were not lawfully admitted into the United States. If the government cannot prove that you are an alien, then the case must be terminated.

109. For example, if the *NTA* states that you are removable due to a conviction for a crime, the government will need to produce a certificate of disposition or some other court record to verify that you were convicted of the crime. The government will also have to show that the crime you were convicted of is one that allows the government to deport you. It is generally fairly easy for the government to meet this burden by producing criminal records from the criminal court.

At the *individual hearing*, it is your burden to prove why you deserve the *form of relief* for which you have applied, which means you must convince the judge that you deserve to stay in the U.S. At this hearing, you (and your witnesses, if you have them<sup>110</sup>) will *testify*. The immigration judge and *assistant chief counsel* will also most likely question both you and your witnesses. A foreign language interpreter will be provided, if necessary.

(a) Evidence at the Individual Hearing

The federal *rules of evidence* are loosely applied in immigration court proceedings. For example, in criminal trials, there are very strict rules of evidence. In immigration court proceedings, however, the government may be able to use evidence against you that would not be allowed in criminal court.

(b) Supporting Documents at the Individual Hearing

*Supporting documents* are any documents that you bring to your *removal proceedings* for the purpose of helping you prove that you should not be deported. Part F of this Chapter discusses what kinds of documents you may want to present to the court, which vary depending on which *form of relief* you are seeking. Before you read that Part, however, you should know that there are some expectations of the way in which you present evidence in immigration court:

- You should make three copies of all documents: one for the judge, one for the *assistant chief counsel* and an extra set for you.
- You should request to keep the originals for your own records.
- You should punch two holes (using a “two-hole puncher”) at the top and center of all of the documents you submit so that they can easily be inserted in the judge’s and *assistant chief counsel*’s files.
- Affidavits or letters of support should be notarized to prove that they were done under oath and contain only truthful information.
- You and your witnesses should dress in a clean and professional manner.
- Refer to the immigration judge as “Your Honor” and always maintain a respectful tone.

(c) Witnesses at the Individual Hearing

You are allowed and should present *witnesses* to support your case at your *individual hearing*. These witnesses may include your spouse, children, siblings, friends, clergy, doctor(s), boss, co-worker(s), and neighbor(s). Your witnesses should have legal *immigration status* in the U.S.<sup>111</sup> If they do not, they risk being placed in *removal proceedings* as well. Your witnesses should try to attend your *removal proceedings* in person. If that is not possible, they should write notarized letters or *affidavits* on your behalf.

Depending on which *form of relief* you are seeking, you will want to make sure your witnesses are prepared to discuss the discretionary factors that correspond to that *form of relief*.<sup>112</sup> Generally,

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110. Part F of this Chapter discusses who should come to your individual hearing and what evidence you will need to present in order to convince the judge that you deserve to remain in the U.S.

111. Part B of this Chapter can help you determine whether your witnesses have legal immigration status in the U.S.

112. Part F of this Chapter will discuss these discretionary factors in more detail.

your witnesses should be prepared to discuss your life in the U.S., your *good moral character*,<sup>113</sup> the nature of your relationship with them and why they do not want you to be deported, especially if they will be directly adversely affected by your *deportation*. They should be prepared to discuss any financial or emotional support you provide for them. If your witnesses know anything about your criminal history, they should be prepared to discuss that as well.

Your attorney, *assistant chief counsel* and the immigration judge may ask your witnesses questions during the *individual hearing*. You or your attorney should prepare your witnesses by asking them some of the questions you anticipate the judge or *assistant chief counsel* will ask. While it may seem easy for a friend or family member to discuss your life, your witnesses should still be thoroughly prepared because the judge and/or *assistant chief counsel* may ask questions that are more difficult than anticipated. If your witnesses are unprepared, they are more likely to say something that inadvertently hurts your case.

## F. Forms of Relief

A *form of relief* is a method by which you may be able to apply for a waiver to be able to remain in the U.S. even though you are removable because of criminal convictions. It generally consists of an application you can file with the immigration court requesting that the judge cancel or suspend your *deportation*. If the judge grants you the *form of relief* you are seeking, you will not be deported and you will be permitted to resume your life in the U.S.<sup>114</sup> In order to receive one of the *forms of relief* listed below, you need to: (1) be eligible for that *form of relief*, (2) fill out the required application and (3) convince the judge that you deserve to stay in the U.S. based on the standards and discretionary factors required for each *form of relief*. Each of these requirements will be discussed in turn.

### 1. Eligibility for Forms of Relief

You should ask the judge at the *master calendar hearing* if you are eligible for any *forms of relief*. There are several *forms of relief* available for people facing *deportation*, and you may qualify for one or several of them depending on a variety of factors. If you are, the judge will give you the appropriate application materials. The judge will then set another court date to give you time to complete the application materials. You should bring the application and other *supporting documents* with you to this subsequent court date, which will either be another *master calendar hearing* or an *individual hearing* (discussed below).

### 2. Applications for Forms of Relief

You must fill out an application for each of the *forms of relief* you seek. In the descriptions of each *form of relief*, we include its corresponding requisite application.<sup>115</sup> Most applications also ask

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113. These are some of the reasons why an immigration judge would think you do not have good moral character: you are a habitual drunkard; you committed a crime involving moral turpitude (“CIMT”); you engaged in prostitution. There are other characteristics that defeat a finding of good moral character. Some exceptions may also apply. See INA § 101(f); 8 U.S.C. § 1101(f) (2000) (stating what bars a finding of good moral character).

114. The exception to this is voluntary departure. With voluntary departure, you must still leave the U.S.

115. For each application, read all of the questions carefully and answer each of them as honestly as you can. If you do not know the answer to a question, write “I don’t know.” If a question does not apply to you (for example, if you are not married and there is a question about your spouse), write “N/A,” or not applicable.

you to pay a fee. If you cannot afford this fee, you may request a *fee waiver* from the court.<sup>116</sup> To do this, you must explain in writing how much money you receive through income, government assistance (such as public assistance or disability benefits) and/or other sources and why you cannot afford to pay the fee.

### 3. Standard and Discretionary Factors

In addition to the eligibility and applications requirements, each *form of relief* also has discretionary factors you must meet in order to convince the immigration judge to allow you to remain in the U.S. Therefore, even if you meet all of the eligibility requirements for a particular *form of relief*, you will *not* automatically be permitted to stay in the U.S. because the final decision is at the judge's discretion. Some *forms of relief* are more difficult to obtain than others because of the higher discretionary standards. The *supporting documents* you present to the immigration judge are therefore extremely important because you will use them to convince the judge that you deserve to stay in the U.S.

### 4. Forms of Relief

#### (a) Cancellation of Removal for Certain Permanent Residents<sup>117</sup>

The application that you must fill out to apply for cancellation of removal for certain permanent residents is called a Form EOIR-42A and can be found online at: <http://www.usdoj.gov/eoir/eoirforms/eoir42a.pdf> (last visited Feb. 15, 2007).

##### (i) Eligibility

You qualify for this *form of relief* if you meet all of the following requirements:

- you are an *LPR* and have been for at least five years;<sup>118</sup>
- you have resided in the U.S. continuously<sup>119</sup> for seven years after having been legally admitted to the U.S. under any *immigration status*;<sup>120</sup>
- you have not been convicted of an *aggravated felony*;
- you have had NO prior 212(c) waivers granted; and<sup>121</sup>
- you are NOT a terrorist, crewman, or exchange visitor.<sup>122</sup>

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116. You must complete a Fee Waiver Request Form EOIR-26A to request a fee waiver, *available at* <http://www.usdoj.gov/eoir/eoirforms/eoir26a.pdf> (last visited Feb. 15, 2007).

117. INA § 240A(a); 8 U.S.C. § 1229b(a) (2000).

118. This means that at least five years have passed since your green card was issued.

119. According to INA § 240A(d)(1); 8 U.S.C. § 1229b(d)(1) (2000), continuous residence or continuous presence in the U.S. ends either when you were served with the NTA or on the day you committed crimes that either make you inadmissible under INA § 212(a)(2); 8 U.S.C. § 1182(a)(2) (2000) or deportable under INA § 237(a)(2) or INA § 237(a)(4); 8 U.S.C. § 1227(a)(2) (2000) or 8 U.S.C. § 1227(a)(4) (2000), whichever is earlier. An example of this “clock-stopping” provision is if you entered as an LPR in 1992 and committed a drug crime in 1995. The clock stops in 1995. Therefore, your continuous presence in the U.S. would only be three years and you would not be eligible for this form of relief.

120. The seven years' continuous residence accrues if you were admitted to the U.S. under any lawful immigration status, including admission through a visa or parole, even if your legal status expired. However, it is clear that continuance residence would not accrue if you entered the U.S. illegally or without lawful immigration status. Section D(3)(a)(v) of this Chapter discusses what it means to enter the U.S. without inspection.

121. INA § 240A(c)(6); 8 U.S.C. § 1229b(c)(6) (2000).

## (ii) Standard

To obtain this waiver, you must convince the immigration judge that the positive factors in your life outweigh negative factors.

(iii) Discretionary Factors<sup>123</sup>

- Proof that Positive Factors Outweigh Negative Factors<sup>124</sup>
  - You can prove **long-term residence in the U.S.**<sup>125</sup> by showing some or all of the following: apartment leases or mortgages, letters from neighbors, utility bills (including telephone, cable and electric bills).
  - You can prove a **history of legal employment**<sup>126</sup> by presenting letters from your employer, pay stubs, W-2 forms and social security earnings.
  - You can prove **ownership of property in the U.S.** by providing copies of your mortgages and bank statements or property deeds.
  - You can prove **payment of federal income taxes**<sup>127</sup> by presenting copies of your yearly tax returns and/or a print-out of your tax records from the Internal Revenue Service. If you have never paid taxes or did not pay for a particular year, you can remedy this by paying back taxes.<sup>128</sup>
  - If you are a member of a church group, religious or civic organization, or perform some sort of **community service**, you should obtain letters from other members of the group, attesting to your contributions and humanity.
  - Close **family ties** are also an indication that the positive factors in your life outweigh the negative ones. For all of your family members in the

122. See INA § 240A(c); 8 U.S.C. § 1229b(c) (2000) for a complete list of aliens who are not eligible for this form of relief. “Terrorist”, as defined in INA § 501, is any alien described in § 241(a)(4)(B); 8 U.S.C. § 1231(a)(4)(B) (2000). “Crewman” is defined in INA § 101(a)(10); 8 U.S.C. § 1101(a)(10) (2000) and “exchange visitor” is defined in INA § 101(a)(15)(J); 8 U.S.C. § 1101(a)(15)(J) (2000).

123. The standards you must meet to obtain the forms of relief mentioned above are defined by statute. The discretionary factors (or how you prove these standards to the judge), however, are defined by case law. The following cases describe the discretionary factors needed for cancellation of removal for certain permanent residents: *In re C-V-T*, Int. Dec. 3342 (BIA 1998); *see also In re Edwards*, 20 I. & N. Dec. 191, 195–96 (BIA 1990); *In re Arreguin*, 21 I. & N. Dec. 38 (BIA 1995); *In re Burbano*, 20 I. & N. Dec. 872 (BIA 1994); *In re Roberts*, 20 I. & N. Dec. 294 (BIA 1991); *In re Buscemi*, 19 I. & N. Dec. 628 (BIA 1988); *In re Martin*, 16 I. & N. Dec. 581 (BIA 1978).

124. This is not an exhaustive list; you, your witnesses and/or your attorney should discuss any other positive factors you can think of that would be helpful to your case.

125. There are several issues related to time in immigration proceedings. It is important that you have a clear understanding of the chronology (timeline) of your history in the U.S.—when you arrived, how many trips you have taken outside of the U.S. and to your home country, etc.

126. The concept of a public charge is important in immigration proceedings. You may be deemed a public charge if you depend on the government for your income (in the form of public benefits). Immigration judges are more likely to grant relief to you if you have contributed to the U.S. economy and have been able to support yourself and your family. On the other hand, if you have received any public benefits or welfare, you should be honest about it because this is not the only factor that the judge will consider.

127. Immigration judges look favorably on people who have paid taxes because the person has not been a public charge, but has contributed to society as a whole.

128. If you did not file taxes in the past, it is not too late to pay your back-taxes. You will have to pay a fine, interest and the taxes you owe, but the filing of taxes from previous years can seriously help your immigration case. Visit this website for more information on how to file back taxes: <http://www.irs.gov/formspubs/article/0,,id=98339,00.html> (last visited Feb. 15, 2007).

U.S. who have legal status (*LPR* or *USC*), you should obtain and make copies of their documentation including birth certificates, family photos, *green cards*, U.S. passports, or naturalization certificates and notarized letters or *affidavits* from family members.

(b) Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents<sup>129</sup>

The application that you must fill out to apply for cancellation of removal and *adjustment of status* for certain nonpermanent residents is called a Form EOIR-42B and can be found online at <http://www.usdoj.gov/eoir/eoirforms/eoir42b.pdf> (last visited Feb. 15, 2007). If the immigration judge approves your application, he/she may also *adjust your status* to that of an *LPR*.

(i) Eligibility

If you have no legal status in the U.S., you may qualify for this *form of relief* if you meet all of the following requirements:

- you are not an *LPR*;
- you have been physically present in the U.S. for a continuous period<sup>130</sup> of at least ten years before your application and you have been a person of good moral character<sup>131</sup> during those ten years; and
- you have not been convicted of any crimes under INA §§ 212(a)(2); 8 U.S.C. § 1182(a)(2) (2000), INA § 237(a)(2); 8 U.S.C. 1227(a)(2) (2000), or INA § 237(a)(3); 8 U.S.C. § 1227(a)(3) (2000) (these include *CIMTs*, *controlled substance violations*, multiple convictions for which all of the sentences imposed add up to five years or more, prostitution, and *commercialized vice* offenses, but do not include petty offenses).<sup>132</sup>

(ii) Standard

You must establish that your *deportation* will result in “exceptional and extremely unusual hardship” on your *USC* or *LPR* spouse, parent, child or children.<sup>133</sup>

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129. INA § 240A(b)(1); 8 U.S.C. § 1229b(b)(1) (2000).

130. According to INA § 240A(d)(1); 8 U.S.C. § 1229b(d)(1) (2000), continuous residence or continuous presence in the U.S. ends either when you were served with the NTA or on the day you committed crimes that either make you inadmissible under INA § 212(a)(2); 8 U.S.C. § 1182(a)(2) (2000) or deportable under INA § 237(a)(2) or INA § 237(a)(4); 8 U.S.C. § 1227(a)(2) or 8 U.S.C. § 1227(a)(4) (2000), whichever is early. An example of this “clock-stopping” provision is if you entered as an LPR in 1992 and committed a drug crime in 1995. The clock stops in 1995. Therefore, your continuous presence in the U.S. would only be three years and you would not be eligible for this form of relief.

131. The immigration judge uses his discretion to decide whether you are a person of good moral character. He/she can deny you LPR status even though you otherwise qualify. See footnote 113 above, which lists what may bar a finding of good moral character.

132. See INA § 212(a)(2); 8 U.S.C. § 1182(a)(2) (2000), INA § 237(a)(2); 8 U.S.C. § 1227(a)(2) (2000) and INA § 237(a)(3); 8 U.S.C. § 1227(a)(3) (2000) for a complete list of offenses which make you ineligible for this form of relief.

133. INA § 240A(b)(1)(D); 8 U.S.C. § 1229b(b)(1)(D) (2000).

(iii) Discretionary Factors<sup>134</sup>

- Proof of Spouse, Parent, Child or Children in the U.S.<sup>135</sup>
  - Obtain and make copies of documentation that proves your spouse's, parent's, child's or children's legal status in the U.S. These documents include, but are not limited to, birth certificates, family photos, *green cards*, U.S. passports or naturalization certificates and letters from family members.
- Proof of Hardship to Spouse, Parent, Child or Children
  - Remember, it is your *USC* or *LPR* family members, not *you*, who must suffer this hardship. This type of hardship must be "exceptional and extremely unusual" and, therefore, greater than what would normally be suffered by the family members of those who face *deportation*.
  - You should obtain records of any medical, psychiatric or educational disabilities of family members who depend on you, especially elderly parents, children or spouses.
  - You can also document financial and emotional support through the use of the following: letters, affidavits and financial records (including bank statements).<sup>136</sup>

(c) Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents: Special Rule for Battered Spouses and Children (Violence Against Women's Act, also known as "VAWA")<sup>137</sup>

The form that you must fill out to apply for cancellation of removal and *adjustment of status* under the special rule for battered spouses and children is called a Form EOIR-42B and can be found online at <http://www.usdoj.gov/eoir/eoirforms/eoir42b.pdf> (last visited Feb. 15, 2007). If the immigration judge approves your application, he/she will also *adjust your status* to that of an *LPR*.

## (i) Eligibility

You qualify for this *form of relief* if you meet all of the following requirements:

- you are not an *LPR*;
- *either* you have been "battered or subject to extreme cruelty" in the U.S. by a spouse or parent who is a *USC* or *LPR*; *or* you are the parent of a child who has

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134. The standards you must meet to obtain the forms of relief mentioned above are defined by statute. The discretionary factors (or how you prove these standards to the judge), however, are defined by case law. The following cases describe the discretionary factors needed for cancellation of removal and adjustment of status for certain nonpermanent residents: *In re Monreal*, I. & N. Dec. 56 (BIA 2001); *In re Recinas*, 23 I. & N. Dec. 467 (BIA 2002); *In re Andazola-Rivas*, 23 I. & N. Dec. 319 (BIA 2002).

135. One of the reasons family ties in the U.S. are important for your case is because the judge and the government are reluctant to separate families. In other words, the judge would be more sympathetic to you if you have a lot of family members (especially if they are *LPRs* and/or *USCs*) in the U.S. and have fewer family members in your home country.

136. Even if you are divorced, you should obtain any proof of child support or alimony payments. This will show the judge that you are not only reliable, but also that someone is dependent upon your financial (and possibly emotional) support.

137. INA § 240A(b)(2); 8 U.S.C. § 1229b(b)(2) (2000).



been “battered or subject to extreme cruelty” in the U.S. by his/her *USC* or *LPR* parent;

- you have been physically present in the U.S. for a continuous period<sup>138</sup> of at least three years and you have been a person of good moral character<sup>139</sup> during those three years;
- you have not been convicted of an offense under INA §§ 212(a)(2); 8 U.S.C. 1182(a)(2) or INA § 212(a)(3); 8 U.S.C. § 1182(a)(3) (2000);
- you have not been convicted of marriage fraud<sup>140</sup> or any offenses under INA §§ 237(a)(2) through 237(a)(4); 8 U.S.C. §§ 1227(a)(2)–(4) (2000);<sup>141</sup> and
- you have NOT been convicted of an *aggravated felony*.<sup>142</sup>

(ii) Standard

You must show that you or your child are battered and/or subject to “extreme cruelty.”<sup>143</sup>

(iii) Discretionary Factors

- Proof of Child in the U.S.<sup>144</sup>
  - Obtain and make copies of documentation that proves your child’s legal status in the U.S. These documents include, but are not limited to, birth certificates, family photos, *green cards*, U.S. passports or naturalization certificates and letters from family members.
- Proof of Extreme Cruelty to Yourself or Your Child
  - You can prove that you or your child have been battered or subject to extreme cruelty by submitting any evidence of abuse, acts of violence or threats of physical or mental abuse. These submissions can include, but are not limited to, reports or affidavits from police, judges and other court officials, medical personnel, school officials, clergy, Child Protective Services’ staff, or a counseling or mental health professional. You can also show any police reports or order of protection to prove that there have been incidents of abuse in the past. If you have ever sought shelter

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138. The clock-stopping provision discussed in footnotes 118, 119, and 129 above does not apply to this form of relief under the Special Rule for Battered Spouses and Children. See INA § 240A(d)(1); 8 U.S.C. § 1229b(d)(1) (2000).

139. See footnote 113 above, which lists what may bar a finding of good moral character.

140. INA § 237(a)(1)(G); 8 U.S.C. § 1227(a)(1)(G) (2000).

141. These include, but are not limited to, CIMT, multiple CIMTs, an aggravated felony, high speed flight, a controlled substance offense, certain firearms offenses, crimes of domestic violence, stalking, crimes against children, violation of orders of protection, failure to register or falsification of documents, document fraud, falsely claiming citizenship, terrorist activities, and torture.

142. See INA § 240A(c); 8 U.S.C. § 1229b(c) (2000) for a list of aliens who are ineligible for this form of relief.

143. “Battered or subject to extreme cruelty includes, but is not limited to, any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution are considered acts of violence. Other acts may also be considered acts of violence under certain circumstances.” See 8 C.F.R. § 204.2(c)(1)(vi) (2006).

144. One of the reasons family ties in the U.S. are important for your case is because the judge and the government are reluctant to separate families. In other words, the judge would be more sympathetic to you if you have a lot of family members (especially if they are LPRs and/or USCs) in the U.S. and have fewer family members in your home country.

in a safe haven for battered individuals and you have proof that you have done so, you should also submit that proof. Lastly, you can submit letters from people who know and can document evidence of abuse, including particular incidents.

(d) 212(c) Waiver<sup>145</sup>

The form that you must fill out to apply for a 212(c) waiver is called a Form I-191 and can be found online at [www.uscis.gov](http://www.uscis.gov).

(i) Eligibility

You qualify for this *form of relief* if you meet all of the following requirements:

- you are an *LPR*;
- you pled guilty to a crime before April 24, 1996;<sup>146</sup>
- you have lived in the U.S. for seven years; and
- you have NOT served a prison sentence of five years or more for one or more *aggravated felony* convictions.

(ii) Standard

To obtain this waiver, you must convince the immigration judge that the positive factors in your life outweigh negative factors.<sup>147</sup>

(iii) Discretionary Factors

- Proof that Positive Factors Outweigh Negative Factors<sup>148</sup>
  - You can prove **long-term residence in the U.S.**<sup>149</sup> by showing some or all of the following: apartment leases or mortgages, letters from neighbors, utility bills (including telephone, cable, and electric bills).
  - You can prove a **history of legal employment**<sup>150</sup> by presenting letters from your employer, pay stubs, W-2 forms and social security earnings.

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145. Former INA § 212(c).

146. This crime can be an aggravated felony, but it cannot be a firearms offense.

147. The BIA decided in *Matter of Buscemi*, 19 I. & N. Dec. 628 (BIA 1988) that a non-USC who is convicted of a serious criminal offense must demonstrate “unusual or outstanding equities” in order to obtain relief under 212(c). This is a higher standard to meet. This means that if you are eligible for a 212(c) waiver and have a very serious conviction or a number of serious convictions, simply showing that the positive factors in your life outweigh the negative factors may not be enough. Instead, you need to show that the positive factors in your life *greatly* outweigh the negative factors in your life.

148. This is not an exhaustive list; you, your witnesses and/or your attorney should discuss any other positive factors you can think of that would be helpful to your case.

149. There are several issues related to time in immigration proceedings. It is important that you have a clear understanding of the chronology (timeline) of your history in the U.S.—when you arrived, how many trips you have taken outside of the U.S. and to your home country, etc.

150. The concept of a public charge is important in immigration proceedings. You may be deemed a public charge if you depend on the government for your income (in the form of public benefits). Immigration judges are more likely to grant relief to you if you have contributed to the U.S. economy and have been able to support yourself and your family. On the other hand, if you have received any public benefits or welfare, you should be honest about it because this is not the only factor that the judge will consider.

- You can prove **ownership of property in the U.S.** by providing copies of your mortgages and bank statements or property deeds.
- You can prove **payment of federal income taxes**<sup>151</sup> by presenting copies of your yearly tax returns and/or a print-out of your tax records from the Internal Revenue Service. If you have never paid taxes or did not pay for a particular year, you can remedy this by paying back taxes.<sup>152</sup>
- If you are a member of a church group, religious or civic organization, or perform some sort of **community service**, you should obtain letters from other members of the group, attesting to your contributions and humanity.
- Close **family ties** are also an indication that the positive factors in your life outweigh the negative ones. For all of your family members in the U.S. who have legal status (*LPR* or *USC*), you should obtain and make copies of their documentation including birth certificates, family photos, *green cards*, U.S. passports or naturalization certificates and notarized letters or *affidavits* from family members.

(e) 212(h) Waiver (“Waiver of Inadmissibility”)<sup>153</sup>

Under INA § 212(h); 8 U.S.C. § 1182(h) (2000), the Attorney General may waive certain types of crimes, including CIMTs; a single possession of thirty grams or less of marijuana for one’s own personal use; two or more offenses for which the aggregate sentence were five years or more; and prostitution or commercialized vice.<sup>154</sup> There are three different ways to obtain this kind of waiver, which are defined in three subsections of the INA: §§ 212(h)(1)(A), 212(h)(1)(B), and 212(h)(1)(C); 8 U.S.C. §§ 1182(h)(1)(A), 1182(h)(1)(B), and 1182(h)(1)(C) (2000). The form that you must fill out to apply for any of the three subsections of the INA § 212(h); 8 U.S.C. § 1182(h) (2000) waiver is called an I-601 form and can be found online at [www.uscis.gov](http://www.uscis.gov).

In order to qualify for any of the three subsections of the INA § 212(h); 8 U.S.C. § 1182(h) (2000) waiver, you must meet the following threshold requirements:

- the crime for which you are facing *deportation* is not murder, a criminal act involving torture, or an attempt or conspiracy to commit either murder or a criminal act involving torture; and
- if you are an *LPR*:
  - you must have resided continuously in the U.S. for a period of at least seven years immediately preceding the date of initiation of your removal proceedings; and
  - you have not been convicted of an *aggravated felony*.

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151. Immigration judges look favorably on people who have paid taxes, again probably because the person has not been a public charge, but has contributed to society as a whole.

152. If you did not file taxes in the past, it is not too late to pay your back-taxes. You will have to pay a fine, interest and the taxes you owe but the filing of taxes from previous years can seriously help your immigration case. Visit this website for more information on how to file back taxes: <http://www.irs.gov/formspubs/article/0,,id=98339,00.html> (last visited Feb. 15, 2007).

153. INA § 212(h)(1); 8 U.S.C. § 1182(h)(1) (2000).

154. This list is not exhaustive. The Attorney General can waive any offenses listed in INA § 212(a)(2)(A)(i)(I); 8 U.S.C. § 1182(a)(2)(A)(i)(I) (2000), INA § 212(a)(2)(A)(i)(II); 8 U.S.C. § 1182(a)(2)(A)(i)(II) (2000) insofar as it relates to a single possession of 30 grams or less of marijuana; INA §§ 212(a)(2)(B), (D), and (E); 8 U.S.C. §§ 1182(a)(2)(B), (D), and (E) (2000).

In addition to these threshold requirements, you will also have to meet specific individual eligibility requirements listed below. The requirements vary depending on which subsection of the statute you fall under.

(i) 212(h)(1)(A) Waiver

(1) Eligibility

You qualify for this *form of relief* under this subsection 212(h)(1)(A) if you meet all of the following requirements:

- you are ***inadmissible only*** under INA § 212(a)(2)(D)(i) or (ii); 8 U.S.C. § 1182(a)(2)(D)(i) or (ii)<sup>155</sup> (2000) or if the activities for which you are ***inadmissible***<sup>156</sup> occurred more than fifteen years before the date of your application for a visa, admission, or adjustment of status;
- allowing you to enter the U.S. would not be against the national welfare, safety, or security of the U.S.; and
- you have been rehabilitated.

(2) Standard

You must convince the immigration judge that you have been ***rehabilitated***. This means that while you realize you made mistakes in the past, you have improved your life and are no longer likely to make the same or similar mistakes.

(3) Discretionary Factors

**Proof of Rehabilitation**

- You can prove that you have been ***rehabilitated*** by providing the judge with copies of certificates of attendance at drug or alcohol rehabilitation programs, letters from your counselors, therapists, or sponsors. Sometimes, proof of involvement in a religious or civic organization or church group may also prove that you have been ***rehabilitated***. You should obtain letters or ***affidavits*** from other members of the group, who can attest to your good moral character.<sup>157</sup>

(ii) 212(h)(1)(B) Waiver

(1) Eligibility

You qualify for this *form of relief* under this subsection 212(h)(1)(B) if you meet all of the following requirements:

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155. Basically, these include crimes relating to engaging in or soliciting prostitution.

156. For the purposes of this form of relief, you may be inadmissible for any of the activities listed in INA § 212(a)(2)(A)(i)(I); 8 U.S.C. § 1182(a)(2)(A)(i)(I) (2000), INA § 212(a)(2)(A)(i)(II); 8 U.S.C. § 1182(a)(2)(A)(i)(II) (2000) insofar as it relates to a single possession of 30 grams or less of marijuana; INA §§ 212(a)(2)(B), (D), and (E); 8 U.S.C. §§ 1182(a)(2)(B), (D), and (E) (2000). These include but are not limited to CIMTs; a single possession of 30 grams or less of marijuana for one's own personal use; two or more offenses for which the aggregate sentence were five years or more; and prostitution or commercialized vice.

157. See footnote 113 above, which lists what may bar a finding of good moral character.

- you are the spouse, parent, son or daughter of an *LPR* or *USC*;
- and that your *deportation* from the U.S. would result in extreme hardship to that *USC* or *LPR*.

## (2) Standard

You must show the immigration judge that you have a *USC* or *LPR* spouse, parent, child or children. You must further convince the judge that your *deportation* from the U.S. would result in “extreme hardship” to that *USC* or *LPR* spouse, parent, child, or children.

## (3) Discretionary Factors

- Proof of USC or LPR Spouse, Parent, Child or Children in the U.S.<sup>158</sup>
  - Obtain and make copies of documentation that proves your spouse’s, parent’s, child’s or children’s legal status in the U.S. These documents include, but are not limited to, birth certificates, family photos, *green cards*, U.S. passports, or naturalization certificates and letters from family members.
- Proof of Extreme Hardship to USC or LPR Spouse, Parent, Child or Children
  - Mere inconvenience or sadness will probably not qualify for the kind of hardship that is required. You must show that your relatives will suffer more than the average family would because of your *deportation*. Obtain your children’s medical, psychiatric or educational records that show proof of disabilities. You can document financial and emotional support through the use of the following: letters, affidavits and/or medical, financial records (including bank statements).<sup>159</sup>

## (iii) 212(h)(1)(C) Waiver

### (1) Eligibility

You qualify for this *form of relief* under this subsection **212(h)(1)(C)** if you meet all of the following requirements:

- you qualify for classification under INA § 204(a)(1)(A)(iii) or (iv) or INA § 204(a)(1)(B)(ii) or (iii); 8 U.S.C. § 1154(a)(1)(A)(iii) or (iv) or 8 U.S.C. § 1154(a)(1)(B)(ii) or (iii) (2000).<sup>160</sup>

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158. One of the reasons family ties in the U.S. are important for your case is because the government is reluctant to separate families. In other words, the judge would be more sympathetic to you if you have a lot of family members (especially if they are LPRs and/or USCs) in the U.S. and have fewer family members in your home country.

159. Even if you are divorced, you should obtain any proof of child support/alimony payments. This will show the judge that you are not only reliable, but also that someone is dependent upon your financial or emotional support.

160. Basically, you must be a victim (and/or child of a victim) of domestic violence and/or someone who has been battered or subject to extreme cruelty.

(f) Adjustment of Status to Permanent Resident<sup>161</sup>

Another way to avoid *deportation* is by adjusting your *immigration status* to that of an *LPR*.<sup>162</sup> *Adjustment of status* may be used on its own, for example, if you have one gun possession for which you are inadmissible. Frequently, however, when *adjustment of status* is used as a *form of relief*, it is used in conjunction with another *form of relief* (or waiver). This may apply to you if you have more than one criminal conviction. For example, if you have a gun possession and one *CIMT*, these *forms of relief* alone may not prevent your *deportation*. In that case, in order to avoid *deportation*, you would have to apply for both the 212(c) waiver and *adjustment of status*. This is because the 212(c) waiver waives the *CIMT* and the *adjustment of status* waives the gun possession. Courts have allowed the simultaneous use of two *forms of relief* or waivers.<sup>163</sup>

To begin the process of *adjustment of status*, you will generally need a sponsor (family member or employer) to petition for a visa on your behalf. Depending on whether your sponsor is a family member or employer, your sponsor will be required to complete a Form I-130 (“Petition for Alien Relative”) or a Form I-140 (“Immigrant Petition for Alien Worker”) and you will have to submit proof of your relationship. These applications can be found online at <http://www.uscis.gov/files/form/i-130.pdf> and <http://www.uscis.gov/files/form/i-140.pdf>. You must also submit an *affidavit of support* with your application. The *affidavit of support* application is called a Form I-864 and can be found online at <http://www.uscis.gov/files/form/I-864.pdf>.<sup>164</sup> In this *affidavit of support*, your family member proves that he/she is capable of financially supporting himself/herself and you and promises to do so if it becomes financially necessary.<sup>165</sup> If you are eligible for this *form of relief*, you will be required to complete a Form I-485 (“Application to Register Permanent Residence or Adjust Status”), which you can find online at <http://www.uscis.gov/files/form/i-485.pdf>.

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161. INA § 245(a); 8 U.S.C. § 1255(a) (2000); There are also other ways in which non-USCs can adjust their status. Some examples are the Cuban Adjustment Act, Pub. L. No. 89-732, 80 Stat. 1161 (1966), NACARA, and Registry. See the Notes for INA § 245; 8 U.S.C. § 1255 (2000) for more information about these alternative methods of adjusting your immigration status.

162. You can even use this form of relief if you already *are* an LPR.

163. *In re Gabryelsky*, 20 I. & N. Dec. 750 (BIA 1993) held that a waiver under § 212(c) may be used in conjunction with an application for adjustment of status by an alien who is deportable for both drug and weapons offenses and that 8 C.F.R. § 245.1(e) (1993) permitted an alien to concurrently apply for adjustment of status and § 212(c) relief.

164. Your sponsor may instead be eligible to apply for the Form I-864EZ or the Form I-864W, which can be found online at <http://www.uscis.gov/files/form/I-864EZ.pdf> and <http://www.uscis.gov/files/form/I-864W.pdf>, respectively. Also, the Form I-864P (“Poverty Guidelines”) does not need to be filed, but is used to assist people in completing their Form I-864. The Form I-864P can be found online at <http://www.uscis.gov/files/form/I-864p.pdf>. For more information about who qualifies for these alternatives to Form I-864, you can refer to the USCIS website at [www.uscis.gov](http://www.uscis.gov) or contact USCIS’ forms line at 1-800-870-3676 or the National Customer Service Center (“NCSC”) telephone line at 1-800-375-5283; TTY: 1-800-767-1833. A family member or attorney can also contact your local USCIS office by using Infopass, a web-based system which allows you to schedule appointments at USCIS offices.

165. The purpose of an affidavit of support is to prove that you will not become a public charge if lawfully admitted with permanent immigration status in the U.S. Your sponsor must maintain you at an annual income that is not less than 125% of the Federal poverty line during the period in which the affidavit is enforceable. For more information about the eligibility, terms and enforceability period for the affidavit of support, you should refer to INA § 213A; 8 U.S.C. § 1183a (2000) for the full text of the statute.

### (i) Eligibility

In order to obtain this *form of relief* in immigration court, you must either (1) be an *immediate relative*<sup>166</sup> of a *USC* or (2) qualify for one of the family- or employment- based preferences (have an approved I-130) with a current *priority date*<sup>167</sup> (*i.e.*, your *visa* is immediately available). Because immigration court proceedings move so quickly, if your family member or employer has not yet petitioned for you (completed, filed and received approval of the I-130) and your *visa* is not immediately available, the process may take too long and the immigration judge will probably not be willing to wait.

- You qualify for this *form of relief* if you meet all of the following requirements:<sup>168</sup>
  - you are an *LPR* or a *visa overstayer*;<sup>169</sup> and
  - you are the spouse or unmarried child under 21 years old of a *USC* or you are the parent of a *USC* who is over 21 years old.

### (ii) Standard

The statute does not define standards or discretionary factors required for *adjustment of status*, but the immigration judge may use some of the same or similar discretionary factors used for other *forms of relief* to determine whether you deserve to *adjust your status* and remain in the U.S. Therefore, you should be prepared to prove the following discretionary factors.

### (iii) Discretionary Factors

- Proof that Positive Factors Outweigh Negative Factors<sup>170</sup>
  - You can prove **long-term residence in the U.S.**<sup>171</sup> by showing some or all of the following: apartment leases or mortgages, letters from neighbors, utility bills (including telephone, cable and electric bills).

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166. Immediate relatives of USCs, which include spouses, unmarried children under 21 years old and parents (if the USC is over 21 years old) have no quota or waiting time for approval of their visa. The government, however, does have quotas for all family- and employment-based petitions. Therefore, if you are an immediate relative of a USC who has completed an I-130 on your behalf, your visa would be immediately available to you and you would be eligible for this form of relief.

167. The priority date is the date on which the visa petition (for family-based petitions) is filed with USCIS or the labor certification (for employment-based petitions) is filed with the Department of Labor. In other words, it is the date in which your sponsor initiated the adjustment of status process on your behalf. The priority date is important because it is the date in which you are placed on the waiting line for your visa. Because the government has quotas for family- and employment-based petitions, there are many more applicants for these visas than there are available visas. This creates a backlog for these categories. If there is a backlog, your visa is not immediately available and you will not be eligible to obtain this form of relief in immigration court.

168. See INA § 245(a) for a complete list of aliens who are ineligible for adjustment of status.

169. If you are a non-LPR who entered the U.S. without inspection (EWI, for example), the only way you can adjust your status is if you have filed an approvable I-130 petition under INA § 245(i); 8 U.S.C. § 1255(i) (2000) on or before April 30, 2001.

170. This is not an exhaustive list; you, your witnesses and/or your attorney should discuss any other positive factors you can think of that would be helpful to your case.

171. There are several issues related to time in immigration proceedings. It is important that you have a clear understanding of the chronology (timeline) of your history in the U.S.—when you arrived, how many trips you have taken outside of the U.S. and to your home country, etc.

- You can prove a **history of legal employment**<sup>172</sup> by presenting letters from your employer, pay stubs, W-2 forms and social security earnings.
- You can prove **ownership of property in the U.S.** by providing copies of your mortgages and bank statements or property deeds.
- You can prove **payment of federal income taxes**<sup>173</sup> by presenting copies of your yearly tax returns and/or a print-out of your tax records from the Internal Revenue Service. If you have never paid taxes or did not pay for a particular year, you can remedy this by paying back taxes.<sup>174</sup>
- If you are a member of a church group, religious or civic organization, or perform some sort of **community service**, you should obtain letters from other members of the group, attesting to your contributions and humanity.
- Close **family ties** are also an indication that the positive factors in your life outweigh the negative ones. For all of your family members in the U.S. who have legal status (*LPR* or *USC*), you should obtain and make copies of their documentation including birth certificates, family photos, *green cards*, U.S. passports or naturalization certificates and notarized letters or *affidavits* from family members.

(g) Asylum, Withholding of Removal and Protection under the CAT

If you apply for asylum, *withholding of removal* or protection under the *CAT*, you should apply for the others as alternative *forms of relief*. This way, even if the judge does not grant you your first choice, you may still be eligible for one of the others. While the standards differ slightly for each one of these *forms of relief*, the discretionary factors are the same and you will likely be submitting the same kinds of evidence for all three *forms of relief*. The discretionary factors and evidence will be described only once at the end of this Section.

Not only do the standards differ for each, but also the consequences of each of these *forms of relief* differ. If the judge grants you asylum, you will not be ordered deported and you will be able to apply to *adjust your status* within a year to that of an *LPR*. If the judge grants you *withholding of removal*, however, you will be ordered deported and that *deportation order* will be withheld or stopped. As a result, you will not be eligible to *adjust your status*, but you will be able to get employment authorization. There are two possible outcomes in your immigration case if the judge grants you protection under the *CAT*—withholding and deferral. Particularly serious crimes are bars to withholding under the *CAT*, but they are not bars to deferral. You will not be eligible to adjust your status under either withholding or deferral, but you will be able to stay in the U.S.

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172. The concept of a public charge is important in immigration proceedings. You may be deemed a public charge if you depend on the government for your income (in the form of public benefits). Immigration judges are more likely to grant relief to you if you have contributed to the U.S. economy and have been able to support yourself and your family. On the other hand, if you have received any public benefits or welfare, you should be honest about it because this is not the only factor that the judge will consider.

173. Immigration judges look favorably on people who have paid taxes, again probably because the person has not been a public charge, but has contributed to society as a whole.

174. If you did not file taxes in the past, it is not too late to pay your back-taxes. You will have to pay a fine, interest and the taxes you owe but the filing of taxes from previous years can seriously help your immigration case. Visit this website for more information on how to file back taxes: <http://www.irs.gov/formspubs/article/0,,id=98339,00.html> (last visited Feb. 15, 2007).



(i) Asylum<sup>175</sup>

The application that you must fill out to apply for asylum is called a Form I-589 and can be found online at <http://www.uscis.gov/files/form/I-589.pdf> (last visited Feb. 15, 2007). *Asylum* is a *form of relief* available to people who are unable to return to their *home countries* for certain reasons.

## (1) Eligibility

You qualify for this *form of relief* if you meet ALL of the following requirements:

- you apply for asylum within one year of your arrival in the U.S.;<sup>176</sup>
- you have **not** been convicted of a *particularly serious crime*; and
- you have **not** been convicted of an *aggravated felony*.

## (2) Standard

You must prove to the immigration judge that you are unable or unwilling to return to your country because you have been persecuted there or because you have a well founded fear that you will be persecuted there because of your race, religion, nationality, membership in a particular social group, or political opinion.<sup>177</sup> Additionally, this persecution must either be done by part of your *home country's* government or by a group that is sanctioned (allowed or encouraged) by your *home country's* government. For an immigration judge to grant you *asylum*, he/she must be convinced that there is a *possibility*<sup>178</sup> that you will be persecuted.

It is not enough that your *home country* is in general political or social turmoil. You must show how this will directly affect you or how you will be specifically targeted by this turmoil.

(ii) Withholding of Removal<sup>179</sup>

The application that you must fill out to apply for this *form of relief* is called a Form I-589 and can be found online at <http://www.uscis.gov/files/form/I-589.pdf> (last visited Feb. 15, 2007).

## (1) Eligibility

You qualify for this *form of relief* if you meet ALL of the following requirements:

- you have **not** been convicted of a *particularly serious crime*; and
- you have **not** been convicted of an *aggravated felony* for which you received a sentence of five or more years in prison.<sup>180</sup>

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175. INA § 208; 8 U.S.C. § 1158 (2000).

176. See INA § 208; 8 U.S.C. § 1158 for a few, limited exceptions to this rule.

177. INA § 241(b)(3)(A); 8 U.S.C. § 1231(b)(3)(A) (2000).

178. Recent court decisions have held that an applicant seeking asylum does not have to show that persecution is highly probable; instead, the applicant only needs to show but only a 10% probability of persecution if he/she is sent back. See *Karaj v. Gonzales*, 462 F.3d 113, 116 (2d Cir.2006).

179. INA § 241(b)(3)(A); 8 U.S.C. § 1231(b)(3)(A) (2000).

180. If you were convicted of an aggravated felony and were sentenced to less than five years in prison, the government still has the discretion to classify it as a particularly serious crime.

## (2) Standard

*Withholding of removal* is very similar to *asylum*, but it is more difficult to obtain *withholding of removal*. You must prove to the immigration judge that you are unable or unwilling to return to your country because your life or freedom would be threatened because of your race, religion, nationality, membership in a particular social group, or political opinion. For a judge to grant you *withholding of removal*, he/she must be convinced that there is a *probability*<sup>181</sup> that you will be persecuted. If you are granted *withholding of removal*, the judge will still order you deported, but you will not have to return to your *home country* until it is safe for you to do so.

### (iii) Convention Against Torture (“CAT”)<sup>182</sup>

*CAT* is an *international treaty* that prohibits the U.S. government from returning anyone to a *home country* where they may be subjected to torture.

## (1) Eligibility

You may seek protection under *CAT* as withholding or deferral. You may not be eligible for withholding under *CAT* if you are found to have been convicted of a particularly serious crime.

## (2) Standard

You must prove to the immigration judge that if you were to return to your *home country*, you would suffer severe pain and suffering that is intentionally inflicted for an illicit (illegal) purpose. This pain and suffering must be caused or sanctioned by a public official who has custody and control over you, and it must **not** arise out of a lawful sanction. For an immigration judge to grant you protection under the *CAT*, he/she must be convinced that it is *more likely than not* that you would suffer severe pain and suffering.<sup>183</sup>

## (3) Discretionary Factors

- Proof of Home Country Conditions
  - If you are applying for asylum, withholding of removal, or protection under the *CAT*, you will need to present evidence about the current conditions in your *home country* and why you are afraid to return. This evidence may include country reports written by the U.S. Department of State and/or human rights organizations such as Amnesty International and Human Rights Watch.<sup>184</sup> You can also use newspaper or magazine articles about the conditions in your *home country* related to human rights

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181. This “probability” standard is higher than the “possibility” standard required of asylum. Once you prove the possibility in asylum, however, the judge still has the discretion not to grant you asylum. If you prove the probability standard, however, for withholding, the judge no longer has discretion and must grant you that form of relief. Therefore, withholding is more difficult to prove than asylum, but once you prove it, the judge is required to grant you that form of relief. It is also important to note that you cannot adjust your status with withholding but you can with asylum.

182. As was the case with withholding, you cannot apply to adjust your status after obtaining CAT as you would be able to do after obtaining asylum as a form of relief.

183. *In re J-E-*, 23 I. & N. Dec. 291, 302 (BIA 2002); this is a higher standard than is required for asylum.

184. See Appendix E at the end of this Chapter, which includes various websites and resources that provide descriptions and explanations of country conditions.

violations, economy or healthcare, if any of these apply to your situation.<sup>185</sup> Witness testimonies may also support your claims.<sup>186</sup>

(h) Voluntary Departure<sup>187</sup>

*Voluntary departure* gives you the option of volunteering to leave the U.S. and return to your *home country* instead of being deported by the U.S. government. If you do not leave the U.S. by the date set by the immigration judge, the voluntary departure order automatically becomes a *deportation order*.<sup>188</sup> With *voluntary departure*, you may be able to return much sooner than you would be able to if you were deported from the U.S.<sup>189</sup> There are other consequences, however, in that a *voluntary departure* order is much harder to reopen than a *deportation order*.<sup>190</sup> Because *voluntary departure* is irreversible, you should consider all the consequences before requesting it.

(i) Eligibility

You cannot get *voluntary departure* if you are an arriving alien, you have been convicted of an *aggravated felony*, or you have a *prior deportation order*.

(ii) Standard

The standards you must meet to obtain *voluntary departure* vary depending on when you request it. In other words, if you request *voluntary departure* at the master calendar hearing, you will need to show the judge: (1) that you have a valid travel document, and (2) the means to buy a *one-way open ticket* (a ticket without a departure date) to your *home country*. If you wait until the individual hearing to request voluntary departure,<sup>191</sup> in addition to showing (1) and (2) above, you will also have to show that you were physically present in the U.S. for one year before the *NTA* was filed and that you have good moral character.<sup>192</sup> If the judge grants you *voluntary departure*, he/she will give

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185. Some countries treat deportees like criminals, making their lives extremely difficult when they return to their home countries. See Appendix E at this end of this Chapter for a list of websites that might help you prove any situations in your home country that may be relevant to your case. Some of the information you obtain may also be helpful in proving extreme hardship to you if you were deported.

186. Although immigration judges are aware of country conditions worldwide, do not assume that your particular judge knows anything about your home country. Part of convincing the judge that you should remain in the U.S. is educating him/her on the effect of your deportation to your home country. You should not, of course, exaggerate conditions, but be honest about what your life would be like and how you would be affected if you were to return to your home country.

187. There is actually no formal application for voluntary departure, as there are for the other forms of relief.

188. INA § 240B(d); 8 U.S.C. § 1229c(d) (2000); If you have a ticket and travel document to leave by the date the judge sets and the only reason you do not leave the U.S. is because you are detained and DHS does not release you by that date, you should contact your immigration judge to inform him/her or the district director to extend your voluntary departure date.

189. See Part I of this Chapter, which discusses both legal and illegal reentry into the U.S.

190. Sometimes, at the time of your removal proceedings, you do not qualify for any forms of relief. You may anticipate, however, that you will qualify for a form of relief (such as adjustment of status) at a later date. At that later date, you may wish to reopen your immigration court proceedings. Also see Part G of this Chapter, which describes the process of reopening immigration cases.

191. Sometimes those requesting other forms of relief listed in this Part will request voluntary departure as an alternative to those other forms of relief. This way, if they lose their case, they can still obtain voluntary departure.

192. See footnote 113 above, which lists what may bar a finding of good moral character.

you a certain period of time to get your documents and ticket. If you request voluntary departure before the end of the immigration court proceedings, the judge can give you a maximum of 120 days to leave. If you make your request at the end of proceedings the judge can grant you a maximum of sixty days to depart. Thus, the earlier you request *voluntary departure*, the greater the chance the judge will grant it.

## G. Decision and Appeals

### 1. Decision

The immigration judge will decide your case based on the evidence both you and the government present to the court. If the judge orders you deported, the judge must notify you of the consequences of failure to depart.<sup>193</sup> At the end of the hearing, the judge will ask both you and *assistant chief counsel* whether you expect to appeal the decision. If either you or *assistant chief counsel* decides to appeal, the immigration judge will issue a long decision to preserve the record for the next stage. If you win your case and *assistant chief counsel* does not reserve appeal, your case is final. You are now allowed to remain in the U.S. and retain your lawful *immigration status*. If your *resident alien card*, passport or other documents were taken from you, they may be returned at the end of the hearing, but it is more likely that these documents will be returned at a later time.

If, however, you win your case and *assistant chief counsel* appeals the judge's decision or you lose your case and you decide to appeal, your case is not final and you will have to wait until the appeal is decided to determine whether you will be able to remain in the U.S. If you lose and you appeal, you cannot leave the country while your case is pending because your case will be deemed to be abandoned.

### 2. Appeals

#### (a) Appeals to the Board of Immigration Appeals ("BIA")

After the immigration judge gives his/her decision, both you and the government have the right to appeal the decision to the *BIA*,<sup>194</sup> another type of administrative court. Because the *BIA* is located in Virginia, immigration appeals are essentially done on paper and you do not have to be present at the time of your appeal. The *BIA* has very strict rules about how you file and prepare an appeal. Failure to follow these rules may result in your appeal being dismissed.

#### (b) Filing Deadlines and BIA Addresses

To appeal, you must file a *Notice of Appeal* with the *BIA*. The notice must be received by the *BIA* within thirty days of the judge's decision. Please note that it is not good enough to mail the Notice of Appeal by the thirtieth day; the notice must actually be in the clerk's office of the BIA by that day.<sup>195</sup> If it arrives even one day late, the appeal will be dismissed and you will not have another opportunity to appeal the immigration judge's decision.

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193. INA § 240(c)(4); 8 U.S.C. § 1229a(c)(4) (2000).

194. 8 C.F.R. § 1003.1(b) (2006); The BIA is the highest administrative body for interpreting and applying immigration laws. It is composed of 11 members and is located at EOIR headquarters in Falls Church, Virginia. Generally, the Board does not conduct courtroom proceedings but has heard oral arguments of appealed cases in rare instances.

195. At the end of your individual hearing, the judge will give you his/her decision on a piece of paper which contains date by which you must file your appeal.

The notice can be sent by **regular first class mail** to this address:<sup>196</sup>

Board of Immigration Appeals  
Clerk's Office  
P.O. Box 8530  
Falls Church, VA 22041

The notice can also be sent by **courier or overnight delivery** to this address:

Board of Immigration Appeals  
Clerk's Office  
5201 Leesburg Pike, Suite 1300  
Falls Church, VA 22041

### (c) Notice of Appeal

At the end of your hearing, the immigration judge should provide you with a Notice of Appeal, on which you will state the reason for your appeal, giving all the legal claims you want to make. You must also indicate whether you plan on filing a *legal brief*.<sup>197</sup> There is also currently a fee required of \$110.<sup>198</sup> Once the BIA receives your Notice of Appeal, the BIA will notify you by sending you a receipt. If you said that you wanted to file a *legal brief*, you will later receive a transcript of the immigration hearing and a *briefing schedule*. The *briefing schedule* is a schedule that tells you and the government when your *legal briefs* are due. You can ask for an extension for more time, but generally the *BIA* only grants the first request and gives you an additional twenty-one days to file your *legal brief*. Generally, any additional requests for more time are denied. You may request oral argument, which is the chance to explain in person why your case was improperly decided by the immigration judge.<sup>199</sup> If you say you are going to file a *legal brief* and you do not, your appeal may be dismissed.

### (d) Legal Brief

Writing a *legal brief* is not easy, even for immigration attorneys. When writing a brief, you should start with a statement of facts, which outlines the following: the essential facts of the case, including when and how you came to the U.S., when the government began *removal proceedings* against you, and the specific charges the government made against you. You should then briefly state the evidence that you presented to the immigration court during your hearings. If you have any new evidence that you did not previously present to the court, you cannot refer to it in your brief. You can only refer to evidence that was shown or presented to the immigration judge during one of your hearings. After your statement of facts, you should then state your specific legal claim or claims. The *BIA* knows that you are not an attorney so it does not expect you to use legal terms in

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196. Before sending anything to this address, or any addresses within the context of this Chapter or the appendices that follow it, be sure to confirm that it has not changed. BIA addresses have definitely changed in the past.

197. The legal brief is your written account of your immigration court proceedings, including why you believe the case should have been decided in your favor. The purpose of the legal brief is to persuade the BIA that you should have won your immigration case.

198. You should always check what the current fee is. If you cannot afford to pay the fee, you can request a fee waiver. In order to do so, you must complete Fee Waiver Request Form EOIR-26A, available at <http://www.usdoj.gov/eoir/eoirforms/eoir26a.pdf> (last visited Feb. 15, 2007).

199. Requests for oral argument are rarely granted.

the writing of your *legal brief*. You should, however, refer to cases that support your argument. If, in your original Notice of Appeal, you claim that you will file a *legal brief* and later fail to do so, the *BIA* may dismiss your appeal on that basis alone.

(e) BIA Decision

The *BIA* can take several months or even years to make an ultimate decision on your immigration case. Appeals involving detainees tend to move more quickly than the appeals of non-USCs who are not currently detained. Once the *BIA* has made a decision on your appeal, it sometimes issues a brief summary of the case along with its decision. The *BIA* recently adopted a policy of issuing summary affirmances, which are one-page and usually one-line decisions simply stating that the immigration judge was correct without any discussion of the individual facts and circumstances of a case. With the use of summary affirmances, the *BIA* does not actually indicate why they are making their decision.<sup>200</sup>

### 3. Motion to Reopen or Reconsider

Under certain circumstances you may ask the immigration judge or the *BIA* to review your case again. There are two types of motions that accomplish this and both must be filed with the court that last decided your case. The motion to reconsider is based on legal claims or changes in the law that are favorable to your case. The motion to reopen is based on factual claims.

(a) Motion to Reopen

You can file one<sup>201</sup> motion to reopen<sup>202</sup>, which asks the court to reopen your immigration court proceedings. This motion must be filed within ninety days of the date of entry of the final administrative *deportation order*. If the basis is failure to appear in court due to exceptional circumstances and/or ineffective assistance of counsel, the deadline for filing this motion is 180 days from the date of the final *deportation order*. If you do not file within 180 days, the judge may reopen as a matter of discretion.<sup>203</sup> If the *deportation order* was issued in *removal proceedings* that occurred before June 13, 1992, there is no deadline. There is also no deadline if you are applying on the basis of relief under asylum.<sup>204</sup>

Motions to reopen based on lack of notice or failure to attend your hearing due to exceptional circumstances will automatically stay your *deportation*. Motions based on new evidence or changed

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200. Within another 30 days, you may have the right to appeal the *BIA* decision to one final court, the circuit Court of Appeals in your district. This court is part of the federal court system. Not everyone has the right to appeal their *BIA* decision. Most cases involving criminal convictions cannot be appealed to the Court of Appeals. This will be discussed in greater detail below.

201. There is one exception, which falls under the special rule for battered spouses, children and parents. INA §240(c)(7)(C)(iv); 8 U.S.C. § 1229a(c)(7)(C)(iv) (2000).

202. INA § 240(c)(7); 8 U.S.C. § 1229a(c)(7) (2000).

203. In *Lopez v. INS*, 184 F.3d 1097 (9th Cir. 1999), the court found that the 180-day deadline for motions to reopen for cases in which deportation was ordered in your absence tolled due to ineffective assistance of counsel. In other words, although you have 180 days to file the motion to reopen based on ineffective assistance of counsel, the clock may not start running until you know or could have known that you were a victim of ineffective assistance of counsel.

204. According to INA § 240(c)(7)(C)(ii); 8 U.S.C. § 1229a(c)(7)(C)(ii) (2000), “there is no time limit on the filing of a motion to reopen if the basis of the motion is to apply for relief under sections 208 or 241(b)(3) and is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceedings.”

circumstances in your *home country* do not automatically stay your *deportation*.<sup>205</sup> If you do not request a stay or your request is denied, you may be deported before you receive a decision on your motion. If you are deported, the *BIA* will automatically dismiss your motion.

(i) New Evidence

The motion to reopen must state the new facts that will be proven at the hearing if the motion is granted and shall be supported with evidence or affidavits. You must show why this evidence was not available at the time of your prior hearing.<sup>206</sup> If the basis of the motion is failure to appear due to exceptional circumstances or new facts or evidence, a filing fee of \$110 is required.<sup>207</sup>

(ii) Lack of Notice/Failure to Attend Hearing

If you were ordered deported in your absence, you may file a motion to reopen if there were exceptional circumstances which prevented you from appearing at your immigration court date or if you can prove that you did not receive your *NTA*.<sup>208</sup> If the motion to reopen or motion to reconsider is based on a lack of notice, no fee is required.

(iii) Ineffective Assistance of Counsel<sup>209</sup>

The requirements for a claim of ineffective assistance of counsel are as follows:<sup>210</sup>

- The motion must be supported by an affidavit, a sworn statement in which you attest the relevant facts, including a statement of agreement between you and your attorney with respect to representation. In other words, you must explain the situation and how you developed a relationship with your former attorney, including any proof that you had an attorney-client relationship. Some of these may include any payments you made to your attorney, receipts or a *retainer agreement*.

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205. You must request a stay from the BIA in order to obtain one in this situation.

206. There is a very important difference between (a) evidence that you were unable to get despite your best efforts because it did not exist or was unavailable and (b) evidence that you could have gotten, but you neither obtained it nor presented it to the court for some reason. For the purposes of your motion to reopen, (a) would probably constitute a valid reason for reopening your immigration case whereas (b) would probably not be enough.

207. You should always check what the current fee is. If you cannot afford to pay the fee, you can request a fee waiver. In order to do so, you must complete Fee Waiver Request Form EOIR-26A, available at <http://www.usdoj.gov/eoir/eoirforms/eoir26a.pdf> (last visited Feb. 15, 2007).

208. INA § 240(c)(7); 8 U.S.C. § 1229a(c)(7) (2000); “Exceptional circumstances,” for the purpose of motions to reopen, is defined in INA § 240(e)(1); 8 U.S.C. § 1229a(e)(1) (2000) as “exceptional circumstances such as battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien, or serious illness or death of the spouse, child or parent of the alien, but not including less compelling circumstances) beyond the control of the alien.”

209. There is generally a fee of \$110 associated with filing a motion to reopen based on ineffective assistance of counsel. You should always check whether there is an applicable fee. If there is and you cannot afford to pay the fee, you can request a fee waiver. In order to do so, you must complete Fee Waiver Request Form EOIR-26A, available at <http://www.usdoj.gov/eoir/eoirforms/eoir26a.pdf> (last visited Feb. 15, 2007).

210. These requirements were set forth in *In re Lozada*, 19 I. & N. Dec. 637 (BIA 1988), *aff'd* 857 F.2d 10 (1st Cir. 1988); *In re Rivera-Claros*, 21 I. & N. Dec. 599 (BIA 1996) and *In re Grijalva*, 21 I. & N. Dec. 472 (BIA 1996).

- Before you file the motion to reopen, you must inform your former attorney of the claims you are going to make and allow him/her the opportunity to respond to you first. If you do receive a response from your former attorney, you should include that in the motion as well.
- The court may not consider a claim of ineffective assistance of counsel unless you also file a formal complaint against your former attorney with the bar association in the state where your attorney practices, or another disciplinary authority. Each state has different requirements on how to file a complaint. Your motion should include any attempt you made to report this attorney and if you have not done so, your motion should include the reasons for not doing so.
- You must also show that you were prejudiced (that you were hurt) because of your former attorney's actions. If, however, your attorney's incompetence actually resulted in a *deportation order* in your absence, you do not need to show prejudice.

#### (b) Motion to Reconsider

You can file one motion to reconsider, which asks the court to reconsider the decision that you are *deportable* in light of new case law or changes in the law. This motion must be filed within thirty days of the date of entry of the final administrative *deportation order*. It must specify the errors of law or fact in the previous order.<sup>211</sup>

#### 4. Appeal to the Court of Appeals<sup>212</sup>

The REAL ID Act of 2005 (“REAL ID Act”)<sup>213</sup>, which was passed in May 2005, purports to eliminate all reviews of final deportation orders and direct appeals by habeas corpus. This means that the REAL ID Act would prevent you from filing an appeal with the federal district court.<sup>214</sup> Instead, you may still file a *petition for review* if your claim is a question of law or a constitutional claim, which includes a claim that your criminal conviction is not a *deportable* offense<sup>215</sup> or that the government did not prove your alienage. If your case concerned *asylum*, *withholding of removal* or protection under the *CAT*, you must file a *petition for review* with the Federal Circuit Court in the judicial district where your immigration court decision was made. Your *petition for review* must be filed within thirty days of the *BIA* decision you are appealing. It is not enough to mail your *petition for review* by the thirtieth day; it must be received by the thirtieth day. The REAL ID Act, however, does contain bars to judicial review, including bars of certain discretionary decisions.

### H. Detention

Non-USCs who are subject to *deportation* are now much more likely to be detained by ICE. You may be held in immigration detention while your case is pending or until your *deportation* is arranged. Immigration detention is not the same as criminal imprisonment. Although a criminal conviction may have started your immigration court proceedings, immigration law is considered

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211. INA § 240(c)(6); 8 U.S.C. § 1229a(c)(6) (2000).

212. The rules regarding review in federal courts are very complicated and are still evolving. You should consult an attorney when filing anything with a federal court.

213. REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005) (codified as amended in scattered sections of 8 U.S.C.).

214. There are some cases still challenging the Constitutionality of that Act.

215. See Part D of this Chapter, which discusses grounds of deportability. *See also* INA § 237(a)(2); 8 U.S.C. § 1227(a)(2) (2000) (listing deportable offenses).



civil, as opposed to criminal, law. Further, immigration detention might seem harsh, but it is technically not considered punishment. Ironically, both of these facts result in you having fewer rights as an immigration detainee than you do as a criminal prisoner. You do have the right, however, to contact the consulate of your *home country* and the ICE arresting agent must inform you of this right when he/she takes you into custody.

Immigration detention is an administrative necessity, a way in which the government can temporarily “hold” you while your case and future are determined. The government’s primary reason for detaining you is to ensure your deportation if the judge orders you deported.

## 1. Mandatory Detention

Depending on your *immigration status* and/or criminal record, you may be subject to *mandatory detention*. This means you will not be eligible for the *bond* discussed below. If you are in *mandatory detention*, you will have to fight your *removal proceedings* from inside the *DHS* detention center or the jail or prison contracting with *DHS*. You will not be released from the *detention center* until your *removal proceedings* are completed. If you win your immigration case, then you will be released. If, however, you lose and are ordered deported, you will remain in the *detention center* until you depart from the U.S.

Non-USCs who are *deportable* for certain crimes (including possession of a firearm) must be detained.<sup>216</sup> In 2000, the BIA held that if you were released from physical custody after criminal arrest (regardless of whether you were sentenced to incarceration) after October of 1998, you are subject to *mandatory detention*.<sup>217</sup> The Supreme Court in 2003 decided that the government is allowed to hold non-USCs who have been convicted of any of the crimes listed below in *mandatory detention* without a *bond* hearing.<sup>218</sup> Therefore, if you were convicted for the crimes listed below and released from physical custody after October of 1998, you are subject to *mandatory detention* and are ineligible for *bond*.<sup>219</sup> Therefore, you will have to defend your *removal proceedings* from within the *detention center*.

If you are an *inadmissible* non-USC, you may be subject to *mandatory detention* if you have committed any offense listed in INA § 212(c)(2); 8 U.S.C. § 1182(c)(2) (2000) or INA § 212(a)(3)(B); 8 U.S.C. § 1182(a)(3)(B) (2000).<sup>220</sup>

If you are a *deportable* non-USC, you may be subject to *mandatory detention* if you have committed any offense listed in INA § 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) or 237(a)(2)(A)(i); 8 U.S.C. § 1227(a)(2)(A)(ii), (A)(iii), (B), (C) or (D) (2000) or 8 U.S.C. § 1227(a)(2)(A)(i) (2000) if your prison sentence was at least one year and INA § 237(a)(4)(B); 8 U.S.C. § 1227(a)(4)(B) (2000).<sup>221</sup>

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216. INA § 236(c); 8 U.S.C. § 1226(c) (2000).

217. *In re West*, 22 I. & N. Dec. 1405 (BIA 2000).

218. *Demore v. Kim*, 538 U.S. 510, 123 S. Ct. 1708, 155 L. Ed. 2d 724 (2003).

219. However, if DHS does not pick you up and detain you immediately upon release, you may be able to argue that you are no longer subject to mandatory detention. *See Boonkue v. Ridge*, 2004 U.S. Dist. LEXIS 9648 (D. Or. 2004).

220 INA § 236(c)(1)(A) and INA § 236(c)(1)(D); 8 U.S.C. § 1226(c)(1)(A) and 8 U.S.C. § 1226(c)(1)(D) (2000); Some of the grounds for inadmissibility that make you subject to mandatory detention include, but are not limited to, one CIMT, although the petty offense exceptions apply; controlled substance offense; drug trafficking offense; two or more offenses with aggregate sentence of five years; prostitution; or domestic violence or violation of an order of protection.

221. INA § 236(c)(1)(B) and INA § 236(c)(1)(C); 8 U.S.C. § 1226(c)(1)(B) (2000) and 8 U.S.C. § 1226(c)(1)(C) (2000); Some of the grounds for deportability that make you subject to mandatory detention include, but are not limited to, two CIMTs at any time; an aggravated felony; a controlled substance offense, with the exception of possession of 30 grams of marijuana for personal use; and a firearms offense.

You may also be subject to *mandatory detention* if you are a suspected terrorist.<sup>222</sup>

## 2. Bond<sup>223</sup>

If you are not subject to *mandatory detention*, but you are being detained in an immigration detention center (*not* the same as serving your criminal prison sentence), you may be able to request a *bond hearing*, sometimes referred to in immigration court as a “Joseph Hearing.”<sup>224</sup> A *bond* is similar to paying bail for your release from prison. If you are released on an immigration *bond*, you may be able to defend your *removal proceedings* outside of the detention center.<sup>225</sup>

### (a) Eligibility

You must prove eligibility for *bond* by demonstrating that you do not meet the requirements of *mandatory detention* and that you are not an arriving alien.

If you think you may be eligible for one of the *forms of relief* listed in Part F of this Chapter, then you should present evidence of why you think you may be granted that particular *form of relief*. A judge is less likely to release you from detention if there is little chance that you will be able to obtain a *form of relief*.

### (b) Standard<sup>226</sup>

A *bond hearing* is a completely different hearing from both the *master calendar hearing* and the *individual hearing* discussed in Part E of this Chapter in that you are trying to persuade the immigration judge that you are not a *flight risk* or a *danger to society*. A flight risk is someone who is likely to disappear and never return to immigration court to face his/her *removal proceedings*. A danger to society is someone who is likely to commit crimes if released. Therefore, in order to prove that you are not a flight risk or a danger to society, you must show that you are responsible and that the government will be able to find you if it needs to.<sup>227</sup>

### (c) Discretionary Factors

- Proof that you are not a Flight Risk or a Danger to Society
  - You should first show the judge where you will be living if you are released on an immigration *bond*. Leases, mortgages and property deeds

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222. INA § 236A; 8 U.S.C. § 1226a (Supp. II 2002).

223. INA § 236(a)(2); 8 U.S.C. § 1226(a)(2) (2000) states that an immigration judge is not allowed to set a bond below \$1,500 but can release you on “conditional parole,” which means the judge can let you go without any bond. This may also be referred to as “released on your own recognizance.”

224. See *In re Joseph*, 22 I. & N. Dec. 799 (BIA 1999).

225. Bond is an agreement you make with the government whereby the government releases you with the condition that you agree to appear for all of your hearings and will obey the judge’s order at the end of your case. To secure this agreement, you must give the government a sum of money that will be returned at the end of the proceedings. A friend or family member may pay the bond for you. If your family pays the bond directly to the government, the bond money will be returned to your family only when your court case is completed and only if you have complied with the court’s order, even if that order is to leave the country. If you are ordered deported and you do not comply with the order, you or your family member will not receive your bond money back.

226. See *In re Ellis*, 20 I. & N. Dec. 641 (BIA 1993).

227. Although you may submit the same or similar evidence for your bond hearing as you would for your individual hearing (if you are applying for one of the forms of relief discussed in Part F of this Chapter), you must resubmit all relevant evidence for each of your hearings.

will prove that you own a home or have long-term residence in the same place. A letter from someone who agrees to let you stay with them can also be submitted. In any case, you should give the court the address of where it can reach you. A complete address has a street number and name, apartment number, city, state, and zip code.

- If you have an employer that is willing to hire you once you are released from immigration detention, you should show the judge proof that you will be employed by this person. If you were enrolled or plan on enrolling in educational courses, you can also submit evidence of that.
  - If in the past you have always appeared for your scheduled court dates and complied with court orders, you should present evidence of past court records. If, however, there has ever been a warrant issued for your arrest, you should be prepared to explain why you failed to appear in court.
  - If you are married or have children, you should show proof of these relationships by presenting marriage or birth certificates.
- Proof of Rehabilitation
    - You can prove that you have been *rehabilitated* by providing the judge with copies of certificates of attendance at drug or alcohol rehabilitation programs, letters from your counselors, therapists, or sponsors. Sometimes, proof of involvement in a religious or civic organization or church group may also prove that you have been *rehabilitated*. You should obtain letters or *affidavits* from other members of the group, who can attest to your good moral character.<sup>228</sup>
    - The immigration judge will also look to your criminal convictions, especially to determine whether you are a danger to society. If you have any convictions including, but not limited to, violent crimes or acts in which you put someone else's life or well-being in danger, you should be prepared to prove that you would no longer commit such acts.

### 3. Bond Appeal

If you disagree with the judge's determination of your *bond* request, you may file a *bond* appeal with the *BIA*.<sup>229</sup> The government may also appeal the judge's decision if *assistant chief counsel* believes that the judge should not have set *bond* or set the *bond* too low.<sup>230</sup> In certain circumstances, when *assistant chief counsel* appeals the bond, he/she invokes an automatic stay of your release,

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228. See footnote 113 above, which lists what may bar a finding of good moral character.

229. When the judge decides your appeal, she will give you a form known as a Notice of Appeal. You must complete and file the Notice of Appeal with the BIA within 30 days of the judge's decision. The BIA may take several months to decide your bond appeal and the immigration judge may order you removed before you receive a decision from the BIA. You will be held in detention while your appeal is being decided.

230. The government also has a limited time to file the appeal. If they do not file an appeal, the judge's bond decision becomes final. Again, the immigration judge may decide to order you deported before you receive a decision from the BIA on the question of your bond.

which prevents you from being released from detention even though the judge granted your request for *bond*.<sup>231</sup> This stay could last until the *BIA* has made its decision on the *bond* appeal.

## I. Failure to Depart from the U.S. and Returning to the U.S. after Deportation

### 1. Departure

If you are ordered deported, you will most likely have to leave the U.S. within ninety days. These ninety days are referred to as your *removal period*. The *removal period* begins either the moment your *deportation order* becomes administratively final or when you are released from detention, whichever occurs later. The government has the right to extend this ninety-day period and to detain you during your *removal period*. If you have not departed within ninety days and your *deportation* is still pending, the government can also release you under an order of supervision.<sup>232</sup>

If you have been ordered deported and do any of the following: (1) fail to depart within your removal period, (2) fail to make timely applications for travel or other documents necessary to depart the U.S., (3) attempt to prevent your departure from the U.S. or (4) fail to present yourself at the designated time and place pursuant to your *deportation order*, then you may be fined and be imprisoned for up to four years. Classes of aliens who fall under INA §§ 237(a)(1)(E), 237(a)(2), 237(a)(3), or 237(a)(4); 8 U.S.C. §§ 1227(a)(1)(E), 1227(a)(2), 1227(a)(3), or 1227(a)(4) (2000) may face imprisonment of up to ten years for failure to depart after a final order of removal.<sup>233</sup>

### 2. Bars To Reentry

If you are deported from the U.S., you will be prohibited from returning to the U.S. Depending on the reasons why you were deported, you may be able to apply for reentry into the U.S. after a designated time period. The time periods listed below refer to how long you must wait before you *apply* for reentry to the U.S. Even if you wait the required amount of time, this does not mean that your application to reenter the U.S. will be approved. Therefore, everyone who is deported from the U.S. faces the possibility of never being able to return.

- **Failure to Appear.** If you were deported because of **failure to appear at your removal proceedings**, you can apply for reentry to the U.S. after five years.
- **Inadmissibility.** If you were deported based on **inadmissibility grounds** (except controlled substance offenses), you can apply for reentry to the U.S. after five years.
- **Deportability.** If you were deported based on **deportability grounds** (except aggravated felonies), you can apply for reentry to the U.S. after ten years.
- **Laws Prior to 1996.** If you were deported based on the immigration laws prior to 1996, you can apply for reentry to the U.S. after ten years.
- **Two Deportation Orders** If you were ordered deported because of two deportation orders, you must wait twenty years before applying for reentry into the U.S.

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231. There is at least one district court case that says this automatic stay (applicable under 8 C.F.R. § 1003.19(i)(2) (2006)) is unconstitutional. *See Zabadi v. Chertoff*, No. C 05-1796, 2005 WL 1514122 (N.D. Cal. June 17, 2005).

232. The terms of supervision after 90-day period are outlined in INA § 241(a)(3); 8 U.S.C. § 1231(a)(3) (2000).

233. For the full statute, see INA § 243(a); 8 U.S.C. § 1253(a) (2000).

- **Controlled Substance Offense/Aggravated Felony.** If you were deported because of a *controlled substance offense* or *aggravated felony*, you will never be allowed to reenter the U.S.<sup>234</sup>

You should discuss your possibilities for reentry with your attorney before attempting to reenter the U.S. because the consequences for *illegal reentry* are very serious.

### 3. Illegal Reentry

If you enter or attempt to reenter the U.S. illegally after being deported from the U.S., you may be fined or imprisoned in a federal prison for up to twenty years.<sup>235</sup>

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234. If you have unlawful presence in the U.S., you may face additional bars to reentry. If you have been unlawfully present in the U.S. between 180 days and one year, you must wait three years before applying for reentry. If you were unlawfully present for one or more years, you must wait 10 years before applying for reentry into the U.S.

235. For the full statute, see INA § 276; 8 U.S.C. § 1326 (2000); the fines are determined according to Title 18 of the U.S.C. The length and terms of imprisonment are determined according to the basis for your original deportation order from the U.S.

## APPENDIX A

### GLOSSARY

#### **Acquired Citizenship**

Children born abroad to parents who are already citizens (by birth or naturalization) are said to have “acquired” citizenship.

#### **Adjustment of Status**

This is the process by which an alien already in the U.S. may apply to adjust his/her status to a lawful immigration status. Aliens admitted as a non-immigrants, refugees, or parolees may adjust to become lawful permanent residents if the alien meets the requirements as defined in INA § 245; 8 U.S.C. § 1255 (2000). See Part F of this Chapter, which discusses adjustment of status as a form of relief from deportation in greater detail.

#### **Affidavit**

An affidavit is a written declaration made upon oath and notarized by an authorized official.

#### **Aggravated felony**

The term ‘aggravated felony’ applies to a broad category of crimes. A conviction for an aggravated felony will bar you from most forms of relief. The list of crimes that are considered to be aggravated felonies is defined found at INA § 101(a)(43); 8 U.S.C. § 1101(a)(43) (2000) and includes murder, rape, sexual abuse of a minor, illegal drug trafficking, illegal trafficking in firearms or explosive material, theft or burglary if the punishment was a prison sentence of more than one year, child pornography, owning or managing prostitutes, some types of money laundering in excess of \$10,000, fraud or tax evasion where the loss to the victim(s) is over \$10,000, smuggling aliens, crimes of violence that receive a sentence of imprisonment for one or more years and an attempt or conspiracy to commit any of the above.

#### **Alien Registration Number (also known as “A number”)**

Your “A number” is an eight or nine digit number preceded by the letter A (for example, “A00000000”), which can be found on your resident alien card (if you are an LPR) or other governmental documents relating to immigration. Your “A number” will also appear on the top of your NTA and is used to identify you in immigration court proceedings.

#### **Assistant Chief Counsel**

See Chief Counsel.

#### **Asylum (Asylee)**

A person who entered the U.S. either legally or illegally may seek asylum if he/she fears returning to his/her country of origin due to past persecution or a well-founded fear of being persecuted based upon race, religion, nationality, political opinion, or membership in a particular social group. A person who has been granted asylum is called an “asylee.” *See* INA § 208; 8 U.S.C. § 1158 (2000).

#### **Board of Immigration Appeals (“BIA”)**

The BIA is the highest administrative body for interpreting and applying immigration laws. It is composed of 11 members and is located at EOIR headquarters in Falls Church, Virginia. Generally, the Board does not conduct courtroom proceedings but has heard oral arguments of appealed cases in rare instances.

**Bond**

Bond is a payment you or a family member makes to the government which seals an agreement that you will be released from immigration detention with the condition that you will appear to all court proceedings and comply with the immigration judge's final order. Paying an immigration bond is like paying bail in criminal law.

**Bond Hearing**

A bond hearing is a one of several immigration court proceedings (different from a master calendar and individual hearing) in which you request bond and attempt to convince the judge that you are not a flight risk or danger to society. You may present some of the same or similar evidence in your bond hearing as you would in other immigration court proceedings.

**Briefing Schedule**

The briefing schedule is a schedule that tells you and the government when your briefs are due.

**Cancellation of Removal**

Cancellation of removal is a form of relief from deportation available to LPRs under INA § 240A(a); 8 U.S.C. § 1229b(a) (2000) and to non-LPRs under INA § 240A(b); 8 U.S.C. § 1229b(b) (2000). See Part F of this Chapter which discusses forms of relief in greater detail.

**Certificate of Disposition**

A certificate of disposition is an official court document stating the final disposition of the criminal court proceeding. This is useful for proving if and how a prior criminal case against you was resolved.

**Chief Counsel**

The office of chief counsel is the office of attorneys from ICE that represent the government in immigration court proceedings. An attorney from ICE, referred to as assistant chief counsel, will represent the government in your removal proceedings. These attorneys take immigration cases that involve criminal convictions very seriously and will generally vigorously fight these cases on the government's behalf.

**Commercialized Vice**

"Prostitution and commercialized vice" refers to the unlawful promotion of or participation in sexual activities for profit. It is a grounds for inadmissibility under INA § 212(a)(2)(D); 8 U.S.C. § 1182(a)(2)(D) (2000).

**Controlled Substance Offense**

A controlled substance is anything the government has prohibited from common sale and usage in society, usually including illegal drugs and weapons. A controlled substance offense is crime involving possession or use of these substances.

**Convention Against Torture ("CAT")**

Pursuant to an international treaty known as the Convention Against Torture, the U.S. is prohibited from returning anyone to a country where they may be subject to torture. Therefore, you can seek protection under the CAT as a form of relief from deportation.

**Conviction**

With respect to aliens and for the purposes of removal proceedings, the term conviction means a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld,

where—(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or *nolo contendere* or has admitted sufficient facts to warrant a finding a guilt, and (ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed according to INA § 101(a)(48); 8 U.S.C. § 1101(a)(48) (2000).

### **Crime Involving Moral Turpitude (“CIMT”)**

CIMTs are crimes that are “inherently immoral” and reflect “conduct that shocks the public conscience as being inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general.” *See Rodriguez v. Gonzales*, 451 F.3d 60, 63 (2d. Cir. 2006).

### **Crime(s) of Violence**

Crimes of violence are offenses that have as an element the use, attempted use, or threatened use of physical force against another person or property of another. A crime of violence can also be any other offense that is a felony and by its nature involves a risk that physical force may be used against the person or property of another in the process of committing the offense.

### **Danger to Society**

Danger to society is applicable for bond hearings. In order for the judge to grant you an immigration bond, which will release you from immigration detention, you must prove that you will not be a danger to society (or a flight risk) if you are released. A danger to society poses a violent or dangerous threat to the well-being of others or society as a whole. *See also* “flight risk.”

### **Deferred Inspection Appointment**

A deferred inspection appointment may be given to you if you are interviewed by U.S. customs officers at a U.S. inspection point. At this deferred inspection appointment, which will most likely take place at your local DHS office, DHS officers will continue this interview and may place you in removal proceedings as a result.

### **Department of Homeland Security (“DHS”)**

In March 2003, the U.S. Immigration and Naturalization Services (“INS”), which used to be part of the U.S. Department of Justice, was restructured. As a result, INS no longer exists. In 2003, the Department of Homeland Security (“DHS”) was created, as well as three new agencies within it. These agencies took over the functions of the former INS. The United States Citizenship and Immigration Services (“CIS”) is responsible for the administration of immigration services, including permanent residence, naturalization, asylum, and other duties. U.S. Immigration and Customs Enforcement (“ICE”) was created to serve the investigative and enforcement functions of the former INS (including investigations, deportation, and intelligence). The attorneys that represent the government in immigration court proceedings are part of ICE and are referred to as assistant chief counsel. U.S. Customs investigators, the Federal Protective Service, and the Federal Air Marshal Service are all also part of ICE. The U.S. Customs and Border Protection (“CBP”) was created and took over the border functions of the INS, including border patrol and customs inspection.

### **Deportation**

Deportation is the process by which the government removes non-USCs from the U.S. Deportation is now referred to as removal proceedings in immigration court. *See also* “removal proceedings.”



**Deportation Order (now known as “removal order”)**

A deportation order is now technically referred to as a removal order (after 1997). It is an order from an immigration judge in which you are ordered to be removed from the U.S. A final removal order is one in which the BIA has either affirmed the immigration judge's removal order against you or reversed the immigration judge's grant of relief and issued a removal order against you instead. A prior deportation order is a deportation order that was issued in the past.

**Derivative Citizenship**

Derivative citizenship means you “derive” citizenship through your parent(s) who have naturalized. See Appendix E for an explanation of derivative citizenship laws.

**Detention**

The government has the right to detain you in a DHS detention center or a prison or jail contracting with DHS while your immigration case is pending. You may be eligible to request bond to be released from detention. Because immigration detention is a civil matter, immigration detention is different from criminal imprisonment. Therefore, if you are a detainee in a DHS detention center, you do not have the same rights as someone who is in prison serving a criminal sentence. *See also* “mandatory detention.”

**Detention center (DHS detention center)**

An immigration detention center is the place where non-citizens are held until their immigration court proceedings are complete. It is different from a prison or jail, although some immigration detainees are held in prisons or jails that contract with DHS.

**Discretionary**

Left to or regulated by one's own judgment. An immigration judge exercises discretion in removal proceedings when deciding whether to grant you the forms of relief for which you have applied. Therefore, even if you meet the eligibility requirements and complete the application for that form of relief, a judge can still deny you relief from deportation.

**Entry without Inspection (“EWI”)**

EWI is a term applied to people who come into the U.S. without proper authorization by the U.S. government. Examples include: crossing a border without inspection or presenting false documents to border officials.

**Expungement**

Expungement generally means the sealing of a criminal record so it is not publicly available.

**Flight Risk**

Flight risk is applicable for bond hearings. In order for the judge to grant you an immigration bond, which will release you from immigration detention, you must prove that you will not be a flight risk (or a danger to society) if you are released. A flight risk poses the threat of running from the law and/or not appearing for future scheduled court dates. *See also* “danger to society.”

**Forms of relief (from deportation)**

Forms of relief provide someone facing removal proceedings with a legal excuse or a waiver. If the form of relief is granted by an immigration judge, the non-USC will not be deported and will be allowed to remain in the U.S.

**Green card (“Resident Alien Card”)**

A green card is a US CIS I-551 Permanent Resident Card which is issued to non-USCs who have permission to permanently live and work in the U.S. *See also* “Lawful Permanent Resident (“LPR”).”

**Home Country**

For the purposes of this Chapter, your home country is the country in which you were born or the country to which you would be deported.

**Home Country Conditions**

Some forms of relief require you to show your current home country conditions or the current state of political, social, economic affairs or healthcare conditions in your home country.

**Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”)**

IIRIRA is a set of changes to U.S. immigration laws that tightened immigration laws by expanding grounds for deportation, instituting mandatory deportation and detention, lifetime bars to reentry, and removing judicial discretion in a lot of cases. These laws have been in effect since April 1, 1997.

**Illegal Reentry**

Illegal reentry occurs when you attempt to reenter the U.S. after you have been deported. There are serious consequences associated with illegal reentry.

**Immediate Relative**

For the purpose of adjustment of status, immediate relatives are spouses and unmarried children under 21 years old of USCs and parents (if the USC is over 21 years old). Immediate relatives have no quota or waiting time for approval of their visa.

**Immigration status**

Immigration status is the legal or illegal status you have in the U.S. Part B of this Chapter discusses how you determine your immigration status in the U.S.

**Inadmissibility (Inadmissible)**

You are inadmissible if you do not have permission to enter the U.S. or are currently unlawfully present in the U.S. You may be found to be inadmissible any time you seek permission to enter the U.S., even if you are an LPR returning from a trip abroad. You may also be inadmissible if you are found to be in present in the U.S. without permission. Inadmissibility can apply to you even if you do not have any without criminal convictions. See INA § 212; 8 U.S.C. § 1182 (2000) for more information about inadmissibility.

**International Treaty**

An international treaty is a formal agreement between two or more states (nations) in reference to some aspect of international relations including, but not limited to, peace and commerce.

**Legal Brief**

For the purposes of this Chapter, a legal brief is your written account of your immigration court proceedings, including why you believe the case should have been decided in your favor. The purpose of the legal brief is to persuade the BIA that you should have won your immigration case.

**Legal (or Lawful) Permanent Resident Status (“LPR”)**

If you possess a green card or a resident alien card, then you most likely have LPR status. The exception is that some green cards are issued for conditional permanent residency and are valid for

only two years. If you have one of these kinds of green cards and you never obtained permanent residency, then you do not have LPR status. (Footnote 20 in Part B(2) of this Chapter explains conditional permanent residency in greater detail.) All other green cards are valid indefinitely, even if they have an expiration date printed on them. LPR also refers to the people who have LPR status.

### **Mandatory Detention**

The terms and conditions of mandatory detention are outlined in INA § 236(c); 8 U.S.C. § 1226(c) (2000) and § 236a; 8 U.S.C. § 1226a (Supp. II 2002) (mandatory detention of suspected terrorists). *See also* “detention.”

### **Master Calendar Hearing**

The first date scheduled before an immigration judge in immigration court is known as the master calendar hearing. You may have more than one master calendar hearing and if a judge finds that you are not eligible for any form of relief, he/she can order you deported at the master calendar hearing.

### **Nicaraguan Adjustment and Central American Relief Act (“NACARA”)**

NACARA (also called “NACARA 203”) is a law passed in 1997 that provides various forms of immigration benefits and relief from deportation to certain Nicaraguans, Cubans, Salvadorans, Guatemalans, nationals of former Soviet bloc countries, and their dependents. Individuals granted relief under NACARA will become LPRs and will be issued a green card. If you’d like to apply for relief under NACARA, you must complete and file Form I-881, which can be found online at <http://www.visapro.com/Download/Suspension-of-Deportation-Form.pdf> (last visited Feb. 15, 2007).

### **Notice to Appear (“NTA”)**

The NTA is a government document that begins the removal proceedings against you. The NTA will have basic information about you, including your name, country of origin, and how you entered the U.S., as well as the grounds for your deportability and/or inadmissibility. *See* INA § 239(a); 8 U.S.C. § 1229(a) (2000).

### **Parolee Status**

Parolees are people who the U.S. government has allowed to physically enter the country for different reasons, such as humanitarian reasons including, but not limited to, illness or because of *home country conditions*. Sometimes the government sets a specific time for parolees to remain in the U.S. Other times, the government allows parolees to stay in the U.S. indefinitely. Some *parolees* can adjust their status after one year. The most common parolees are Mariel Cubans.

### **Petition for Review**

For the purposes of appeals to the Court of Appeals, this is a document that asserts your legal claim. It should include your name, the reason you are requesting the Court to review your case, why the Court has jurisdiction and that you have timely filed.

### **Petty Offense Exception**

A single CIMT is grounds for inadmissibility but it cannot be used against you if you fall within one of the exceptions described in INA § 212(a)(2)(A)(ii); 8 U.S.C. § 1182(a)(2)(A)(ii) (2000): either because the non-USC committed only one CIMT when he/she was under 18 years old and the crime was committed more than five years before the date of application for admission into the U.S. or the non-USC committed one crime and the maximum sentence of that crime does not exceed one year of imprisonment and the non-USC was not sentenced to more than 6 months of imprisonment.

**Prior Deportation Order**

A prior deportation order is a deportation order that was issued against you in the past.

**Public charge**

You may be considered a public charge if you depend upon public benefits as your main source of income. Officials may consider age, health, family status, assets, education and whether you receive (or have ever received) public benefits in the past to determine whether you are or will be a public charge.

**Rap Sheet**

A rap sheet is the unofficial term for the record of a person's criminal history.

**Refugee**

A refugee is a person who seeks entry and resettlement in the U.S. due to past persecution or a well-founded fear of being persecuted based upon race, religion, nationality, political opinion, or membership in a particular social group. *See* INA § 101(a)(42); 8 U.S.C. § 1101(a)(42) (2000).

**Rehabilitation (Rehabilitated)**

If you have undergone rehabilitation, or been rehabilitated, you have changed your life for the better. Rehabilitation is a positive discretionary factor that a judge may consider when evaluating certain applications for relief from removal.

**Removal Period**

The 90 days following your final deportation order or your release from detention. The government has the right to extend this 90-day period and to detain you during your removal period. If you have not departed within 90 days and your deportation is still pending, the government can also place you under an order of supervision, as defined in INA § 241(a)(3); 8 U.S.C. § 1231(a)(3) (2000).

**Removal proceedings**

Removal proceedings refer to the process by which non-USCs may be forced to leave the U.S. (formerly known as "exclusion" or "deportation" proceedings).

**Retainer Agreement**

A retainer agreement is a written contract for legal services between an attorney and client, which may or may not include an hourly rate or predetermined fee.

**Supporting Documents**

Supporting documents are any documents you present to the court, immigration judge and assistant chief counsel for the purposes of your immigration court proceedings (removal proceedings, master calendar hearing, individual hearing and bond hearing). Supporting documents may also be referred to as documentary evidence.

**Temporary Protected Status ("TPS")**

The President of the U.S. will sometimes extend TPS to non-USCs from certain countries if the government finds that armed conflict, environmental dangers, or other extraordinary and temporary conditions in that country prevent people from returning there. The President reviews the conditions of the country on an annual basis to determine whether the TPS status is still necessary. If it is not, the TPS status will expire for the non-USCs from that particular country.

**United States Citizen (“USC”)**

A USC has the right to live, work, and travel in the U.S. without restrictions, participate in the U.S. political system and be represented and protected abroad through U.S. embassies and consulates. *See also* “acquired citizenship;” “derivative citizenship”.

**Unlawful presence**

INA § 212(a)(9)(B)(ii); 8 U.S.C. § 1182(a)(9)(B)(ii) (2000) (“[A]n alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.”).

**Visa**

Visas are granted to non-USCs by a U.S. consul, authorizing a person to come to a U.S. port or inspection point to apply to be admitted to the U.S. Visas are given for a specific purpose. For example, non-USCs who come into the U.S. with a nonimmigrant visa may have a student or visitor visa. Visas are not only given for a specific purpose, but also for a specific period of time. Once either the purpose or time of your visa expires, you have overstayed your visa and no longer have legal status in the U.S. For example, if you come to the U.S. with a student visa and you are no longer a student, then your status has expired and you are now illegally present in the U.S. You have no legal right to remain in the U.S., which is enough of a reason to put you in removal proceedings. Therefore, if you are a visa overstay, it does not matter whether you have been convicted of any crimes; the government can still deport you.

**Visa Overstay**

See explanation under Visa (above).

**Voluntary Departure**

Voluntary departure is an option available to some non-USCs facing deportation in which the alien agrees to leave the U.S. within a specified period of time (usually 30 days) instead of being ordered deported by the U.S. government. Persons convicted of aggravated felonies and individuals who may pose security risks to the U.S. are not eligible for voluntary departure.

**Withholding of Removal**

Withholding of removal is a form of relief from deportation that is very similar to asylum, but more difficult to obtain. You must prove to the immigration judge that you are unable or unwilling to return to your country because your life or freedom would be threatened because of your race, religion, nationality, membership in a particular social group, or political opinion. For a judge to grant you withholding of removal, he/she must be convinced that there is a probability that you will be persecuted. If you are granted withholding of removal, the judge will still order you deported, but you will not have to return to your home country until it is safe for you to do so.

**Witness**

A witness is a person who can verify the truth of an event or story. In immigration court, it is helpful to have witnesses appear to confirm the evidence you submit. Witnesses can include, but are not limited to, family members, co-workers, neighbors, and community members. At a hearing, the judge and/or assistant chief counsel may question your witnesses.

## **APPENDIX B**

### **FORMS**

- AR-11: Change of Address Form
- G-28: Notice of Entry of Attorney (filed when dealing with DHS, not with the court)
- G-325A: Biographic Information Form (this form is submitted with most applications and contains specific personal information about you)
- I-90: Application to Replace Permanent Resident Card
- I-94: Arrival-Departure Record
- I-130: Petition for Alien Relative (completed by the sponsoring relative in an adjustment of status application)
- I-140: Immigrant Petition for Alien Worker (completed by the sponsoring employer in an adjustment of status application)
- I-864: Affidavit of Support (Alternatives to the affidavit of support are the Form I-864EZ and Form I-864W)
- I-864P: Poverty Guidelines (not filed, but used only for assistance in completing I-864 forms)
- I-191: Application for Advanced Permission to Return to Unrelinquished Domicile (used in 212(c) applications)
- I-485: Application to Register Permanent Residence or Adjust Status (submitted by the individual wishing to obtain permanent residence). It is usually filed with supporting evidence and may be filed with other petitions or applications.
- I-601: Application for Waiver of Ground of Excludability
- I-765: Application for Employment Authorization
- I-881: Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to § 203 of Pub. L. No. 105-100, 111 Stat. 2160 (1997) (“NACARA”))
- I-246: Application for Stay of Deportation or Removal
- I-589: Application for Asylum and Withholding of Removal (can also be used to seek relief under CAT)
- N-400: Application for Naturalization
- N-600: Certificate of Citizenship (used for those who acquire or derive U.S. citizenship)

**These forms are found on the EOIR website:**

EOIR-33/IC: Alien's Change of Address

EOIR-26: Notice of Appeal to the BIA

EOIR-26A: Fee Waiver Request

EOIR-27: Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals

EOIR-28: Notice of Entry of Appearance as Attorney or Representative before the Immigration Court

EOIR-42A: Application for Cancellation of Removal for Certain Permanent Residents

EOIR-42B: Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents (including VAWA)

## APPENDIX C

### RESOURCES

#### **Immigration and Legal Resources**

American Immigration Lawyers Association (“AILA”)

[www.aila.org](http://www.aila.org)

#### **Amnesty International**

[www.amnesty.org](http://www.amnesty.org)

#### **Asylum Law**

[www.asylumlaw.org](http://www.asylumlaw.org)

#### **Benders Immigration Bulletin**

[www.bibdaily.com](http://www.bibdaily.com)

#### **Cornell Legal Information Institute**

<http://www.law.cornell.edu/wex/index.php/Immigration>

#### **Department of Homeland Security**

[www.dhs.gov](http://www.dhs.gov)

#### **Department of Justice**

[www.usdoj.gov](http://www.usdoj.gov)

#### **Department of State**

[www.state.gov](http://www.state.gov)

#### **Department of State—Human Rights**

<http://www.state.gov/g/drl/hr/>

#### **Detention facilities of ICE**

[www.ice.gov](http://www.ice.gov)

#### **Executive Office for Immigration Review**

[www.usdoj.gov/eoir](http://www.usdoj.gov/eoir)

#### **FindLaw**

[www.findlaw.com](http://www.findlaw.com)

#### **Foreign Consular Offices in the U.S.**

[www.state.gov/s/cpr/rls/fco](http://www.state.gov/s/cpr/rls/fco)

#### **Human Rights Watch**

<http://www.hrw.org/>

#### **International Gay and Lesbian Human Rights Commission**

<http://www.iglhrc.org/site/iglhrc>

#### **New York State Defenders Association: Immigrant Defense Project**

[www.nysda.org/idp/index.htm](http://www.nysda.org/idp/index.htm)



**National Immigration Forum**

[www.immigrationforum.org](http://www.immigrationforum.org)

**National Legal Aid and Defenders Association**

[www.nlada.org/Defender/Defender\\_Immigrants](http://www.nlada.org/Defender/Defender_Immigrants)

**Summary of Resources for Home Country Conditions**

<http://www.law.yale.edu/library/research/immigration/country.html>

**U.S. Attorneys Contact Information**

[www.usdoj.gov/usao/offices](http://www.usdoj.gov/usao/offices)

**U.S. Citizenship and Immigration Services**

<http://uscis.gov/>

To order USCIS forms, you can contact USCIS' forms line at 1-800-870-3676. For information on immigration laws, regulations and procedures or for information about any forms or applications, you can call the National Customer Service Center ("NCSC") telephone line at 1-800-375-5283; TTY: 1-800-767-1833. A family member or attorney can also contact your local USCIS office by using Infopass, a web-based system which allows you to schedule appointments at USCIS offices. The website for Infopass is <http://infopass.uscis.gov/>.

**U.S. Courts**

[www.uscourts.gov](http://www.uscourts.gov)

**U.S. Customs and Border Protection**

[www.cbp.gov](http://www.cbp.gov)

**U.S. Embassies and Missions Abroad**

<http://usembassy.state.gov>

**U.S. Immigration and Customs Enforcement ("ICE")**

[www.ice.gov](http://www.ice.gov)

**United States Court of Appeals Second Circuit**

[www.ca2.uscourts.gov](http://www.ca2.uscourts.gov)

**United States Visas**

[www.unitedstatesvisas.gov](http://www.unitedstatesvisas.gov)

## APPENDIX D

### LIST OF LEGAL SERVICES PROVIDERS: NEW YORK

#### Buffalo Area

Michael Berger, Esq.  
Berger & Berger, Attorneys  
555 International Drive, Ste. 800  
Buffalo, NY 14221  
(716) 634-6500

Anne E. Doebler, P.C.  
Statler Towers, Ste. 1480  
107 Delaware Avenue  
Buffalo, NY 14202

Erie County Bar Association  
Volunteer Lawyers Project  
700 Statler Towers  
Buffalo, NY 14202  
(716) 847-0752, ext. 37  
will ONLY represent persons who are detained

Allen W. Farabee, Esq.  
Immigration and Citizenship Law  
310 Norwood Avenue  
Buffalo, NY 14222  
(716) 882-4981  
(716) 882-4982, fax

F. Alejandro Gutiérrez, Esq.  
1201 Collin Blvd., Ste. 5  
Buffalo, NY 14223-1936  
(716) 877-4276

International Institute of Buffalo  
864 Delaware Avenue  
Buffalo, NY 14209  
(716) 883-1900

- may charge a nominal fee
- will NOT represent Canadian citizens who do not have family ties in the United States

Legal Aid Society of Rochester, Inc.  
One West Main Street, Room 800  
Rochester, NY 14614  
(585) 295-5745 (within Monroe County)  
(800) 963-5604 (outside Monroe County)

- represents aliens seeking asylum

- representation limited to persons residing in Allegheny, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Steuben, Wayne, Wyoming, and Yates Counties
- Will NOT represent detained aliens

Parmanand L. Prashad, Esq.  
259 Traders Blvd. East, Unit 13  
Mississauga, Ontario  
Canada L4Z2E5  
(905) 712-1680  
(416) 410-8721

Robert Kolken, Esq.  
Gordon Sacks, Esq.  
Eric Schultz, Esq.  
Matthew Kolken, Esq.  
Sacks & Kolken, Attorneys at Law  
107 Delaware Avenue, Ste. 1320  
Buffalo, NY 14202-2993  
(716) 854-1541

Stephen K. Tills, Esq.  
P.O. Box 635  
6413 West Quaker Road  
Orchard Park, NY 14127  
(716) 662-5080

#### New York City Area

Catholic Charities of New York  
Department of Immigrant and Refugee Services  
1011 First Avenue, 12th Floor  
New York, NY 10022-4134  
(212) 419-3700

- Languages: Spanish, Haitian-Creole, Mandarin, Cantonese, French, Russian, Polish, Albanian, Greek, Macedonian, Serbo-Croatian, Arabic, Turkish, Bosnian, Amharic, Italian, Hindi, Urdu, Punjabi, Vietnamese, Portuguese, Thai
- Asylum cases accepted
- May charge nominal fee

Central American Legal Assistance  
240 Hooper Street  
Brooklyn, NY 11211  
(718) 486-6800

- Language: Spanish
- Asylum cases accepted

City Bar Fund  
42 West 44th Street  
New York, NY 10036  
(212) 382-6710

- Languages: Spanish, French
- Limited to individuals seeking asylum, domestic violence survivors seeking legal status, and human trafficking victims

Comite Nuestra Señora de Loreto Sobre Asuntos de Inmigración  
856 Pacific Street  
Brooklyn, NY 11238-3142  
(718) 783-4500

- Languages: Spanish, French, Italian
- Asylum cases accepted

Gay Men's Health Crisis, Inc.  
119 West 24th Street  
New York, NY 10011  
(212) 367-1040

- Languages: Spanish, French, Creole
- Asylum cases accepted
- Limited to HIV-positive individuals only

Hebrew Immigrant AIDS Society ("HIAS")  
333 7th Avenue  
New York, NY 10001  
(212) 613-1419

- (212) 613-1420 (for Wackenhut Detainees only)
- Languages: Spanish, French, Russian, Polish
  - Asylum cases accepted
  - May charge nominal fee

Human Rights First (formerly Lawyers Committee for Human Rights)  
333 7th Avenue, 13th Floor  
New York, NY 10001

(212) 845-5200 (detainees only)  
(212) 845-5299 (fax)

- Languages: Spanish, French
- Limited to asylum cases
- Detained cases from Wackenhut only

Caribbean Women's Health Association—Immigrant Service Center  
123 Linden Blvd.  
Brooklyn, NY 11226  
(718) 826-2942

- Languages: Spanish, French, Creole
- Asylum cases accepted
- May charge nominal fee

Bhanu B. Ilindra, Esq.  
Pasricha & Patel, LLC  
1794 Oak Tree Road  
Edison, NJ 08820  
(732) 539-6200  
(732) 593-6201 (fax)

The Legal Aid Society—Immigration Law Unit  
199 Water Street, 3rd Floor  
New York, NY 10038  
(212) 577-3300

(212) 577-3456—Immigration detention hotline (will accept collect calls from detention facilities)

- Languages: Spanish, French, Russian, Italian, Mandarin
- Represents detained and non-detained cases before New York City immigration courts (except Wackenhut), including persons with criminal convictions
- Also coordinates the Juvenile Immigration Representation Project for persons aged 18 and under in removal proceedings
- Asylum cases accepted
- Immigration detention hotline open Wednesdays and Fridays from 1:00pm to 5:00pm

Nassau County Hispanic Foundation, Inc.  
Immigration Law Service  
233 7th Street, 3rd Floor  
Garden City, NY 11530  
(516) 742-0067

- Language: Spanish
- Asylum cases accepted
- May charge nominal fee

New York Association for New Americans  
17 Battery Place, 9th Floor North  
New York, NY 10004-1102  
(212) 898-4180

- Languages: Spanish, French, Haitian-Creole, Cantonese, Mandarin, Russian, Romanian, Tibetan
- Asylum cases accepted
- May charge nominal fee
- Priority given to survivors of domestic abuse, persecution, and/or torture

Northern Manhattan Coalition for Immigrant Rights  
665 West 182nd Street  
New York, NY 10033  
(212) 781-0648  
(212) 781-0943 (fax)

- Language: Spanish
- No asylum cases accepted
- May charge nominal fee
- Limited to non-detained cases

Safe Horizon (victim services/travelers' aid)

Immigration Legal Services

74-09 37th Avenue, Room 308

Jackson Heights, NY 11372

(718) 899-1233, ext. 129 (lawyers)

- Languages: Spanish, Russian
- Asylum cases accepted
- Priority given to survivors of domestic abuse, persecution, and/or torture
- Can represent people with non-violent criminal offenses
- May charge nominal fee

Carmelia Taylor, Esq.

100 Broadhollow Road, Ste. 206

Farmingdale, NY 11735

(631) 293-8300

For a list of legal services providers outside of the New York area, you or someone you know with internet access should visit the EOIR website at <http://www.usdoj.gov/eoir/probono/states.htm>:

**Arizona:** <http://www.usdoj.gov/eoir/probono/freelglchtAZ.htm>

**California:** <http://www.usdoj.gov/eoir/probono/freelglchtCA.htm>

**Colorado:** <http://www.usdoj.gov/eoir/probono/freelglchtCO.htm>

**Connecticut:** <http://www.usdoj.gov/eoir/probono/freelglchtCT.htm>

**Florida:** <http://www.usdoj.gov/eoir/probono/freelglchtFL.htm>

**Georgia:** <http://www.usdoj.gov/eoir/probono/freelglchtGA.htm>

**Hawaii:** <http://www.usdoj.gov/eoir/probono/freelglchtHI.htm>

**Illinois:** <http://www.usdoj.gov/eoir/probono/freelglchtIL.htm>

**Louisiana:** <http://www.usdoj.gov/eoir/probono/freelglchtLA.htm>

**Maryland:** <http://www.usdoj.gov/eoir/probono/freelglchtMD.htm>

**Massachusetts:** <http://www.usdoj.gov/eoir/probono/freelglchtMA.htm>

**Michigan:** <http://www.usdoj.gov/eoir/probono/freelglchtMI.htm>

**Minnesota:** <http://www.usdoj.gov/eoir/probono/freelglchtMN.htm>

**Missouri:** <http://www.usdoj.gov/eoir/probono/freelglchtMO.htm>

**Montana:** <http://www.usdoj.gov/eoir/probono/freelglchtMT.htm>

**Nebraska:** <http://www.usdoj.gov/eoir/probono/freelglchtNE.htm>

**Nevada:** <http://www.usdoj.gov/eoir/probono/freelglchtNV.htm>

**New Jersey:** <http://www.usdoj.gov/eoir/probono/freelglchtNJ.htm>

**Ohio:** <http://www.usdoj.gov/eoir/probono/freelglchtOH.htm>

**Oklahoma:** <http://www.usdoj.gov/eoir/probono/freelglchtOK.htm>

**Oregon:** <http://www.usdoj.gov/eoir/probono/freelglchtOR.htm>

**Pennsylvania:** <http://www.usdoj.gov/eoir/probono/freelglchtPA.htm>

**Tennessee:** <http://www.usdoj.gov/eoir/probono/freelglchtTN.htm>

**Texas:** <http://www.usdoj.gov/eoir/probono/freelglchtTX.htm>

**Utah:** <http://www.usdoj.gov/eoir/probono/freelglchtUT.htm>

**Virginia:** <http://www.usdoj.gov/eoir/probono/freelglchtVA.htm>

**Washington:** <http://www.usdoj.gov/eoir/probono/freelglchtWA.htm>

## APPENDIX E

### DETERMINING WHETHER CHILDREN BORN OUTSIDE THE U.S. ACQUIRED CITIZENSHIP AT BIRTH

**Chart A:** Determining Whether Children Born Outside the U.S. Acquired Citizenship at Birth (if child born out of wedlock see Chart B)—**Please Note: A child cannot acquire citizenship at birth through an adoption.**<sup>1</sup>

<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>
Select period in which child was born	Select applicable Parentage	Measure citizen parent's residence <b><u>before</u></b> the child's birth against the requirements for the period in which child was born. (The child acquired U.S. citizenship at birth if, at time of child's birth, citizen parent had already met applicable residence requirements.)	Determine whether child has since lost U.S. citizenship. (Citizenship was lost on the date it became impossible to meet necessary requirements—never before age 26.) People who did not meet the retention requirement can now regain citizenship by taking an oath of allegiance.

<b>PERIOD</b>	<b>PARENTS</b>	<b>RESIDENCE REQUIRED OF USC PARENT</b>	<b>RESIDENCE REQUIRED OF CHILD</b>
Prior to May 24, 1934	Father or mother citizen	Citizen father or mother had resided in the U.S.	None
On/after May 24, 1934 and prior to January 14, 1941	Both parents citizens	One had resided in the U.S.	None
	One citizen and one alien parent	Citizen had resided in the U.S.	Five years residence in U.S. or its outlying possessions between the ages 13 and 21 if begun before December 24, 1952, or two years continuous physical presence between ages 14 and 28, or five years continuous physical presence <sup>2</sup> between ages 14 and 28 if begun before October 27, 1972. <sup>3</sup> No retention requirements if either alien parent naturalized and child began to reside permanently in U.S. while under age 18, or if parent employed in certain occupations such as the U.S. Government. <i>See</i> U.S. Dep't. of State Foreign Affairs Manual (citing § 302(g) of the Nationality Act of 1940). <sup>4</sup>

On/after January 14, 1941 and prior to December 24, 1952	One citizen and one alien parent	Citizen had resided in U.S. or its outlying possessions 10 years, at least five of which were after age 16. If citizen parent served honorably in U.S. Armed Forces between December 7, 1941 and December 31, 1946, five of the required 10 years may have been after age 12. <sup>5</sup> If the citizen parent served honorably in U.S. Armed Services between January 1, 1947 and December 24, 1952, parent needed 10 years physical presence, at least five of which were after age 14. <sup>6</sup>	Two years continuous physical presence between ages 14 and 28, or five years continuous physical presence <sup>7</sup> between ages 14 and 28 if begun before October 27, 1972. <sup>8</sup> No retention requirements if either alien parent naturalized and child began to reside permanently in U.S. while under age 18, or if parent employed in certain occupations such as the U.S. Government. <i>See</i> Volume 7 of the Foreign Affairs Manual (citing § 302(g) of the Nationality Act of 1940). (This exemption is not applicable if parent transmitted under the Armed Services exceptions.) People born on or after October 10, 1952 have no retention requirements. <sup>9</sup>
	Both parents citizens; or one citizen and one national <sup>10</sup>	One had resided in the U.S. or its outlying possessions.	None
On/after December 24, 1952 and prior to November 14, 1986	Both parents citizens	One had resided in the U.S. or its outlying possession.	None
	One citizen, one national parent <sup>11</sup>	Citizen had been physically present in U.S. or its outlying possessions for a continuous period of one year.	None
	One citizen and one alien parent	Citizen had been physically present in U.S. or its outlying possessions 10 years, at least five of which were after age 14. <sup>12</sup>	None
On/after November 14, 1986	Both parents Citizens	One had resided in the U.S. or its outlying possessions.	None
	One citizen and one national parent <sup>13</sup>	Citizen had been physically present in U.S. or its outlying possessions for continuous period of one year.	None
	One citizen and one alien parent	Citizen had been physically present in U.S. or its outlying possessions five years, at least two of which were after age 14. <sup>14</sup>	None

Produced by the Immigrant Legal Resource Center (September 2006)—Adapted from the INS Chart  
**Please Note: This Chart is intended as a general reference guide. You should research the applicable laws and INS Interpretations for additional information. Please see notes on next page.**

1. *See* Marquez-Marquez v. Gonzalez, 455 F.3d 548 (5th Cir. 2006).
2. For a discussion of continuous physical presence related to these provisions of the law, please see INS Interpretations 301.1(b)(6).
3. If a person did not learn of the claim to U.S. citizenship before reaching age 23 or 26, whichever age was applicable, the two-year retention requirement might be deemed to have been constructively met (in other words, it may be waived). *See* INS Interpretations 301.1(b)(5)(iii) and 301.1(b)(6)(iii).



4. People who have not fulfilled the residence requirement now are permitted to regain their citizenship by taking an oath of allegiance to the United States. *See* Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 103(a), 108 Stat. 4305 (1994) and INA § 324(d)(1), 8 U.S.C. § 1435(d)(1) (2000). It is the ILRC's position that the definition of "prior to the 18th birthday" or "prior to the 21st birthday" means prior to or on the date of the birthday. *See In re L-M- and C-Y-C-*, 4 I. & N. Dec. 617 (1952). *But see* INS Interpretations 320.2. Yet, CIS officers (United States Citizenship and Immigration Services officials) may not agree.

5. *See* INS Interpretations 301.1(b)(3)(ii) for a discussion of the residence requirements for parents who served in the Armed Forces between December 7, 1941 and December 31, 1946.

6. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West) (citing INS Interpretations 301.1(b)(4)(iii) & (iv) and Pub. L. No. 84-430, 70 Stat. 50 (1956)).

7. For a discussion of continuous physical presence related to these provisions of the law, please see INS Interpretations 301.1(b)(6).

8. For a discussion of continuous physical presence related to these provisions of the law, please see INS Interpretations 301.1(b)(6).

9. The retention requirement was repealed by Act of October 10, 1978, Pub. L. No. 95-432, 92 Stat. 1046 (1978). People who have not fulfilled the residence requirement now are permitted to regain their citizenship by taking an oath of allegiance to the United States *See* Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 103(a), 108 Stat. 4305 (1994) and INA § 324(d)(1), 8 U.S.C. § 1435(d)(1) (2000). For information on the status of people who had on October 10, 1978 failed to remain in the U.S., see INS Interpretations 301.1(b)(6)(ix).

People who have not fulfilled the residence requirement now are permitted to regain their citizenship by taking an oath of allegiance to the United States. *See* Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 103(a), 108 Stat. 4305 (1994) and INA § 324(d)(1), 8 U.S.C. § 1435(d)(1) (2000). Immigration advocates argue that "prior to the 18th birthday" or "prior to the 21st birthday" means prior to or on the date of the birthday. *See* INS Interpretations 320.2 and *In re L-M- and C-Y-C-*, 4 I. & N. Dec. 617 (1952 BIA). Yet, CIS officers (United States Citizenship and Immigration Services officials) may not agree.

10. For a definition of "National," see INA §§ 308, 101(a)(29), 8 U.S.C. §§ 1408, 1101(a)(29) (2000); Immigrant Legal Resource Center, *Naturalization: A Guide for Legal Practitioners and Other Community Advocates* Chapter 7-5 (2002), *available at* <http://www.ilrc.org/resources/ccp/A%20Guide%20for%20Legal%20Practitioners%20and%20Other%20Community%20Advocates.pdf> (last visited Feb. 15, 2007).

11. *See* endnote 10.

12. *See* INA § 301(g), 8 U.S.C. § 1401(g) (2000) for exceptions to the physical presence requirements for people who served honorably in the U.S. military; were employed with the U.S. Government or with an intergovernmental international organization; or who were the dependent unmarried sons or daughters and member of the household of a parent in such military service or employment.

13. *See* endnote 10.

14. *See* endnote 12.

## APPENDIX F

### DETERMINING IF CHILDREN BORN OUTSIDE THE U.S. AND BORN OUT OF WEDLOCK ACQUIRED U.S. CITIZENSHIP AT BIRTH

PART 1—Mother was a U.S. citizen at the time of the child’s birth.

PART 2—Mother was not a U.S. citizen at the time of the child’s birth and the child was legitimated or acknowledged by a U.S. citizen father.

**Please Note: A child cannot acquire citizenship at birth through an adoption.<sup>1</sup>**

#### PART 1: MOTHER IS A U.S. CITIZEN AT THE TIME OF THE CHILD’S BIRTH

Date of Child’s Birth:	Requirements:
Prior to Dec. 24, 1952:	<p>Mother was a U.S. citizen who had resided in the U.S. or its outlying possessions at some point prior to birth of child. A child whose alien father legitimated him/her did not acquire U.S. citizenship through his/her U.S. citizen mother if:</p> <ol style="list-style-type: none"> <li>1. The child was born before May 24, 1934;</li> <li>2. The child was legitimated before turning 21; <u>AND</u></li> <li>3. The legitimation occurred before January 1, 1941.</li> </ol> <p><b>NOTE:</b> A child born before May 24, 1934 acquired U.S. citizenship when the Nationality Act of 1940, ch. 876, 54 Stat. 1137 (1940), effective January 13, 1941, bestowed citizenship upon the child retroactively to the date of birth.</p>
On/after Dec. 24, 1952:	<p>Mother was U.S. citizen physically present in the U.S. or its outlying possessions for a continuous period of one year at some point prior to birth of child.</p>

#### PART 2: MOTHER WAS NOT A U.S. CITIZEN AT THE TIME OF THE CHILD’S BIRTH AND THE CHILD HAS BEEN LEGITIMATED OR ACKNOWLEDGED BY A U.S. CITIZEN FATHER<sup>2</sup>

Date of Child’s Birth:	Requirements:
Prior to January 13, 1941:	<ol style="list-style-type: none"> <li>1. Child legitimated at any time after birth, including adulthood, under law of father’s domicile.</li> <li>2. Use CHART A to determine if child acquired citizenship at birth.</li> </ol>
On/after January 13, 1941 and prior to December 24, 1952: <sup>3</sup>	<ol style="list-style-type: none"> <li>1. Child legitimated before age 21 under law of father’s domicile, or paternity established through court proceedings before December 24, 1952.<sup>3</sup></li> <li>2. Use CHART A to determine if child acquired citizenship at birth.</li> </ol>
On/after December 24, 1952 and prior to 11/15/68:	<ol style="list-style-type: none"> <li>1. Child legitimated before age 21 under law of father or child’s domicile.</li> <li>2. Use CHART A to determine if child acquired citizenship at birth.</li> </ol>

On/after November 15, 1968 and prior to November 15, 1971:	<ol style="list-style-type: none"> <li>1. Child legitimated before age 21 under law of father or child's domicile.</li> <li>2. Use CHART A to determine if child acquired citizenship at birth.</li> </ol> <p style="text-align: center;"><b>-- OR --</b></p> <ol style="list-style-type: none"> <li>1. Child/father blood relationship established by clear and convincing evidence;<sup>4</sup></li> <li>2. Father must have been a U.S. citizen at the time of child's birth;</li> <li>3. Father, unless deceased, must provide written statement under oath that he will provide financial support for child until s/he reaches 18; and</li> <li>4. While child is under age 18, child must be legitimated under law of child's residence or domicile, <u>or</u> father must acknowledge paternity of child in writing under oath, <u>or</u> paternity must be established by competent court.</li> <li>5. Use CHART A to determine if child acquired citizenship at birth.</li> </ol>
On/after November 15, 1971: <sup>5</sup>	<ol style="list-style-type: none"> <li>1. Child/father blood relationship established by clear and convincing evidence;<sup>6</sup></li> <li>2. Father must have been a U.S. citizen at the time of child's birth;</li> <li>3. Father, unless deceased, must provide written statement under oath that he will provide financial support for child until s/he reaches 18; and</li> <li>4. While child is under age 18, child must be legitimated under law of child's residence or domicile, <u>or</u> father must acknowledge paternity of child in writing under oath, <u>or</u> paternity must be established by competent court.</li> <li>5. Use CHART A to determine if child acquired citizenship at birth.</li> </ol>

Produced by the Immigrant Legal Resource Center (September 2006)

**Please Note: This Chart is intended as a general reference guide. You should research the applicable laws and INS Interpretations for additional information.**

1. *See* Marquez-Marquez v. Gonzalez, 455 F.3d 548 (5th Cir. 2006).

2. If the child did not acquire citizenship through the mother, but was legitimated by a U.S. citizen father under the following conditions, apply the acquisition law pertinent to legitimate children born in a foreign country. (CHART A) Please note that the U.S. Supreme Court ruled that even though the laws treat children born out of wedlock to U.S. citizen fathers differently than the laws treat children born out of wedlock to U.S. citizen mothers, those laws are constitutional and do not violate equal protection. *See* Tuan Anh Nguyen v. INS, 533 U.S. 53, 121 S. Ct. 2053, 150 L. Ed. 2d 115 (2001).

3. If legitimated before age 21, U.S. Citizen father must comply with residence requirements of the Nationality Act of 1940. *See* CHART A, period January 13, 1941 to December 24, 1952.

4. *See* Miller v. Albright, 523 U.S. 420, 437, 118 S. Ct. 1428, 1439, 140 L. Ed. 2d 575, 591 (1998) (determining that a clear and convincing standard of proof of paternity does not require DNA evidence). Before the 1986 amendment requiring proof of blood relation by clear and convincing evidence, Act of Nov. 14, 1986, Pub. L. No. 99-653, paternity could be shown by birth certificates, school records, or hospital records. However, under State Department guidelines, an actual blood relationship must be shown; being born in wedlock is not enough, even if it is assumed that the child is the issue (offspring) of the parents' marriage according to the law of the jurisdiction where the child was born. *See* U.S. Dep't of State, 7 Foreign Affairs Manual 1131.4(a) (Sept. 3, 2004). *Miller v. Albright* indicated that DNA evidence is unnecessary, but that was

only dictum in a plurality opinion joined by only one justice, so it does not carry the force of law. Certainly DNA evidence would be enough, but it is unclear how much less convincing evidence could be and still overcome the “clear and convincing” hurdle. DNA testing should be conducted if possible. *But see* *Scales v. INS*, 232 F.3d 1159 (9th Cir. 2000).

5. If legitimated before age 21, US. Citizen father must comply with residence requirements of the Nationality Act of 1940. *See* CHART A, period January 13, 1941 to December 24, 1952. Note that if the child was born on or after November 15, 1986, the residence requirement for the U.S. citizen father under CHART A changes.

6. *See* endnote 4.

## APPENDIX G

### DERIVATIVE CITIZENSHIP—LAWFUL PERMANENT RESIDENT CHILDREN GAINING CITIZENSHIP THROUGH PARENTS’ CITIZENSHIP

<p><b>Date of Last Act</b></p>	<p><b>Requirements</b>—[Please note that it is the Immigrant Legal Resource Center’s position that all advocates should argue that the definition of “prior to the 18th birthday” or “prior to the 21st birthday” means before or on the date of the birthday. <i>See In re L-M- and C-Y-C-</i>, 4 I. &amp; N. Dec. 617 (1952) which supports this proposition with respect to retention requirements for acquisition of citizenship; INS Interpretations 320.2. Yet, CIS officers (United States Citizenship and Immigration officials) may not agree with the ILRC’s position that the definition of “prior to the 18th birthday” or “prior to the 21st birthday” means “prior to or on the 18th birthday” or “prior to or on the 21st birthday.”] Note that in at least one federal district court case, the court held that a child derived citizenship automatically even though his mother naturalized after his 18th birthday because due to factors beyond his mother’s control, the mother’s citizenship interview had been rescheduled to a date past the child’s 18th birthday. <i>Rivas v Ashcroft</i>, 2002 U.S. Dist. Lexis 16254, 2002 WL 2005797 (S.D.N.Y. 2002); <i>see also Harriott v. Ashcroft</i>, 277 F. Supp. 2d 538 (E.D. Pa. 2003).</p>
<p>Prior to May 24, 1934:<sup>1</sup></p>	<ul style="list-style-type: none"> <li>a. Either one or both parents must have been naturalized before the child’s 21st birthday;<sup>2</sup></li> <li>b. Child must be lawful permanent resident before the 21st birthday;<sup>3</sup></li> <li>c. Illegitimate child may derive through mother’s naturalization only;</li> <li>d. A legitimated child must have been legitimated according to the laws of the father’s domicile;<sup>4</sup></li> <li>e. Adopted child and stepchild cannot derive citizenship.</li> </ul>
<p>May 24, 1934 to January 12, 1941:</p>	<ul style="list-style-type: none"> <li>a. Both parents must have been naturalized and begun lawful permanent residence in the U.S. before the child’s 21st birthday;</li> <li>b. If only one parent is being naturalized and s/he is not widowed or separated, the child must have five years lawful permanent residence in the U.S. commencing during minority, unless the other parent is already a U.S. citizen;<sup>5</sup></li> <li>c. Child must be lawful permanent resident before the 21st birthday;</li> <li>d. Illegitimate child may derive through mother’s naturalization only, in which case the status of the other parent is irrelevant;</li> <li>e. Legitimated child must have been legitimated according to the laws of the father’s domicile;<sup>6</sup></li> <li>f. Adopted child and stepchild cannot derive citizenship.</li> </ul>

<p>January 12, 1941 to December 23, 1952:</p>	<ul style="list-style-type: none"> <li>a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a U.S. citizen at the time of the child's birth and remain a U.S. citizen, or, be deceased, or the parents must be legally separated<sup>7</sup> and the naturalizing parent must have legal custody;<sup>8</sup></li> <li>b. Parent or parents must have been naturalized before the child's 18th birthday;</li> <li>c. Child must have been lawfully admitted for permanent residence before the 18th birthday;</li> <li>d. Illegitimate child can only derive if while s/he was under 16, s/he became a lawful permanent resident and his/her mother naturalized and both of those events (naturalization of mother and permanent residence status of child) occurred on or after 1/13/41 and before 12/24/52;<sup>9</sup></li> <li>e. Legitimated child must be legitimated under the law of the child's residence or place of domicile before turning 16 and be in the legal custody of the legitimating parent;<sup>10</sup></li> <li>f. Adopted child and stepchild cannot derive citizenship.<sup>11</sup></li> </ul>
<p>December 24, 1952 to October 4, 1978:<sup>12</sup></p>	<ul style="list-style-type: none"> <li>a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a U.S. citizen at the time of the child's birth and remain a U.S. citizen,<sup>13</sup> or be deceased, or the parents must be legally separated<sup>14</sup> and the naturalizing parent must have custody.<sup>15</sup></li> <li>b. In the case of a child who was illegitimate at birth, the child must <u>not</u> be legitimated, and it must be the mother who naturalizes.<sup>16</sup> If the child is legitimated, s/he can derive only if both parents naturalize, or the non-naturalizing parent is dead.<sup>17</sup></li> <li>c. Parent or parents must have been naturalized before the child's 18th birthday;<sup>18</sup></li> <li>d. Child must have been lawfully admitted for permanent residence before the 18th birthday;<sup>19</sup></li> <li>e. Child must be unmarried;<sup>20</sup></li> <li>f. Adopted child and stepchild cannot derive citizenship<sup>21</sup></li> </ul>
<p>October 5, 1978 to February 26, 2001:</p>	<ul style="list-style-type: none"> <li>a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a U.S. citizen at the time of the child's birth and remain a U.S. citizen,<sup>22</sup> or be deceased, or the parents must be legally separated<sup>23</sup> and the naturalizing parent must have legal custody.<sup>24</sup></li> <li>b. In the case of a child who was illegitimate at birth, the child must <u>not</u> be legitimated, and it must be the mother who naturalizes. If the child is legitimated, s/he can derive only if both parents naturalize, or the non-naturalizing parent is dead.<sup>25</sup></li> <li>c. Parent or parents must have been naturalized before the child's 18th birthday;<sup>26</sup></li> <li>d. Child must have been lawfully admitted for permanent residence before the 18th birthday;<sup>27</sup></li> <li>e. Child must be unmarried;<sup>28</sup></li> <li>f. Adopted child may derive citizenship if the child is residing in the U.S. at the time of the adoptive parent(s)'s naturalization,<sup>29</sup> is In the legal custody of the adoptive parent(s), is a lawful permanent resident and adoption occurred before s/he turned 18.<sup>30</sup> Stepchild cannot derive citizenship.</li> </ul>

<p>Anyone who, on or after February 27, 2001, meets the following requirements, is a U.S. citizen:<sup>31</sup></p>	<ul style="list-style-type: none"> <li>a. At least one parent is a U.S. citizen either by birth or naturalization.<sup>32</sup></li> <li>b. In the case of a child who was born out of wedlock, the mother must be the one who is or becomes a citizen and the father must not have legitimated the child,<sup>33</sup> OR, if the father is a U.S. citizen through naturalization or other means then the child must have been legitimated by the father under either the law of the child's residence or domicile or the law of the father's residence or domicile and the legitimation must take place before the child reaches the age of 16.<sup>34</sup></li> <li>c. Child is under 18 years old.<sup>35</sup></li> <li>d. Child must be unmarried.<sup>36</sup></li> <li>e. Child is a lawful permanent resident.<sup>37</sup></li> <li>f. Child is residing in the U.S. in the legal and physical custody of the citizen parent.<sup>38</sup></li> <li>g. Adopted children qualify so long as s/he was adopted before the age of 16 and has been in the legal custody of, and has resided with, the adopting parent(s) for at least two years.<sup>39</sup> An adopted child who qualifies as an orphan under INA § 101(b)(1)(F) also will qualify for derivation.</li> </ul>
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Produced by Immigrant Legal Resource Center (October 2006)—This Chart is intended as a general reference guide. You should research the applicable law.

**Endnotes for Chart C:**

1. Prior to 1907 a mother could transmit citizenship only if she was divorced or widowed. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West).
2. It is the ILRC's position, and the ILRC believes that all advocates should argue, that the definition of "prior to the 18th birthday" or "prior to the 21st birthday" means prior to (before) or on the date of the birthday. *See In re L-M- and C-Y-C-*, 4 I. & N. Dec. 617 (1952) (supporting this proposition with respect to retention requirements for acquisition of citizenship). *But see* INS Interpretations 320.2. Yet, CIS officers may not agree.
3. Prior to 1907 the child could take up residence in the U.S. after turning 21 years of age. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West) (citing Sec. 5, Act of March 2, 1907).
4. Legitimation could take place before or after the child turns 21. The child derives citizenship upon the naturalization of the parent(s) or upon the child taking up residence in the U.S. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West) (citing Sec. 4, Act of 1802 as supplemented by Sec. 5, Act of 1907); *see also* INS Interpretations 320.1.
5. The five-year period can begin before or after the naturalization of the parent and can last until after the child turns 21 and until after 1941. *See* Sec. 5, Act of March 2, 1907 as amended by Sec. 2, Act of May 24, 1934 and INS Interpretations 320.1(a)(3).
6. Legitimation could take place before or after the child turns 21. The child derives citizenship upon the naturalization of the parent(s) or upon the child taking up residence in the U.S. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West) (citing Sec. 4, Act of 1802 as supplemented by Sec. 5, Act of 1907); *see also* INS Interpretations 320.1.
7. "Legal separation" of the parents can be a complicated topic. In *In re H*, 3 I. & N. Dec. 742 (BIA 1949), the BIA found that "Legal Separation" as used in the context of derivation of citizenship means some sort limited or absolute divorce through judicial proceedings. Several appeals courts have weighed in on the issue as well. *See Afeta v. Gonzalez*, 467 F.3d 402 (4th Cir. 2006); *Wedderburn v. INS*, 215 F.3d 795, 799 (7th Cir. 2000); *Nehme v. INS*, 252 F.3d 415, 422 (5th Cir. 2001); *Bagot v Ashcroft*, 398 F.3d 252 (3d Cir. 2005).
8. *See* U.S. Dep't of State, 7 Foreign Affairs Manual 1153.4-3 (Sept. 3, 2004). Until recently, the general rule was that if the parents have a joint custody decree (legal document), then both parents have legal custody for purposes of derivative citizenship. *See* Daniel Levy, U.S. Citizenship and Naturalization Handbook (2007 & Thomson West) (citing Passport Bulletin 96-18 (Nov. 6, 1996)). But the 5th Circuit Court of Appeals recently ruled that the naturalizing parent must have sole legal custody for the child to derive citizenship and thus, at least in the 5th Circuit, a joint legal custody decree will not be sufficient to allow a child to derive citizenship. *See Bustamante-Barrera v Gonzalez*, 447 F.3d 388 (5th Cir.2006).

When the parents have divorced or separated and the decree does not say who has custody of the child and the U.S. citizen parent has physical custody (meaning the child lives with that parent), the child can derive citizenship through that parent provided all the other conditions are met. *See* U.S. Dep't of State, New Interpretation of Claims to Citizenship Under Section 321(a) of the INA, Passport Bulletin 96-18 (Nov. 6, 1996) (citing Passport Bulletin 93-2 (Jan. 8, 1993)).

According to INS Interpretations 320.1, in the absence of a state law or adjudication of a court dealing with the issue of legal custody, the parent having actual uncontested custody of the child is regarded as having the requisite legal custody for "derivation purposes," provided the required "legal separation" of the parents has taken place. *See* INS Interpretations 320.1(b); *In re M-* 3 I. & N. Dec. 850 (BIA 1950). Where the actual "parents" of the child were never lawfully married, there can be no legal separation. *See* INS Interpretations 320.1(a)(6) (citing *In re H-*, 3 I. & N. Dec. 742 (1949)). Thus, illegitimate children cannot derive citizenship through a father's naturalization



unless the father has legitimated the child, the child is in the father's legal custody, and the mother was either a citizen (by birth or naturalization) or the mother has died. Where the actual "parents" of the child were never lawfully married, there could be no legal separation. *See* Bagot v. Ashcroft, 398 F.3d 252 (3d Cir. 2005); Nehme v. INS, 252 F.3d 415 (5th Cir. 2001).

Citizenship derived through the mother by a child who was illegitimate at birth will not be lost due to a subsequent legitimation. *See* 7 Charles Gordon, Stanley Mailman, & Stephen Yale-Loehr, *Immigration Law and Procedure* § 98.03[4](e).

9. *See* INS Interpretations 320.1(c).

10. *See* INS Interpretations 320.1(a)(6) (explaining that in the absence of a state law or adjudication of a court dealing with the issue of legal custody, the parent having actual uncontested custody of the child is regarded as having the requisite legal custody for "derivation purposes," provided the required "legal separation" of the parents has taken place); *see In re M-*, 3 I. & N. Dec. (BIA 1950); INS Interpretations 320.1(b); endnote 8 above. **Please note**, the only way that an illegitimate child can derive citizenship through a father's naturalization is if 1) the father legitimates the child, and 2) both parents naturalize (unless the mother is already a citizen, or the mother is dead). Under any other circumstances, an illegitimate child never derives from a father's naturalization. The definition of "child" in INA § 101(c)(1); 8 U.S.C. § 1101(c)(1) (2000) requires that the legitimated child be legitimated under the law of the father's or child's domicile before turning age 16.

11. Although both the CIS and the State Department take the position that adopted children during this period could not derive citizenship, an argument can be made that children who were adopted before turning 16 and who were in the custody of the adopting parent(s) could derive citizenship. *See* Daniel Levy, *U.S. Citizenship and Naturalization Handbook* (2007 & Thomson West).

12. Traditionally, the view has been that as long as all the conditions in this section are met before the child's 18th birthday, the child derived citizenship regardless of the order in which the event occurred. *See* U.S. Dep't of State, Passport Bulletin 96-18, issued November 6, 1996, entitled "New Interpretation of Claims to Citizenship Under Section 321(a) of the INA." The BIA cited this Passport Bulletin in *In re Julio Augusto Fuentes-Martínez*, Interim Decision 3316 (BIA, April 25, 1997). But in *Jordan v. Attorney General*, 424 F.3d 320 (3d Cir. 2005), the 3d Circuit Court came out with a different position by finding that where the separation occurred after the parent naturalized, the child did not derive citizenship. Hopefully, the CIS and most circuit courts will not follow the 3d Circuit's decision in *Jordan*.

13. *See* U.S. Dep't of State, 7 Foreign Affairs Manual 1153.4-4 (Sept. 3, 2004) for a general description of the law.

14. "Legal separation" of the parents can be a complicated topic. In *In re H*, 3 I. & N. Dec. 742 (BIA 1949), the BIA found that "Legal Separation" as used in the context of derivation of citizenship means some sort limited or absolute divorce through judicial proceedings. Several appeals courts have weighed in on the issue as well. *See* Afeta v. Gonzalez, 467 F.3d 402 (4th Cir. 2006); Wedderburn v. INS, 215 F.3d 795, 799 (7th Cir. 2000); Nehme v. INS, 252 F.3d 415, 422 (5th Cir. 2001); Bagot v Ashcroft, 398 F.3d 252 (3d Cir. 2005).

15. *See* endnote 8 above.

16. In order for an illegitimate child to derive citizenship through her mother s/he must not have been legitimated prior to obtaining derivation of citizenship. *See* INA § 321(a)(3) as amended by Pub. L. No. 95-417, 92 Stat. 917 (1978). However, if the father legitimated the child before derivation, then both parents must naturalize in order for the child to qualify unless one parent is a U.S. citizen or is deceased. *See* INA § 321(a)(1) as amended by Pub. L. No. 95-417, 92 Stat. 917 (1978). If legitimation occurs after the child has derived citizenship, the child remains a U.S. citizen

even if the father did not naturalize. *See* Charles Gordon, Stanley Mailman, & Stephen Yale-Loehr, *Immigration Law and Procedure*, Volume 7, Chapter 98, § 98.03[4](e).

17. *See* INS Interpretations 320.1(c).

18. The law from 1952 to 1978 law stated prior to “16th birthday.” The new law stating prior to the “18th birthday” is retroactively applied to 12/24/52. *See In re Julio Augusto Fuentes-Martínez*, Interim Decision 3316 (BIA, April 25, 1997) (citing *Passport Bulletin 96-18*).

19. A small minority of practitioners believes that a strict reading of INA § 321(a)(5) (formerly codified at 8 U.S.C. § 1432(a)(5), repealed 2000) would allow a child to derive citizenship if both parents naturalized while the child was still under 18 years old and was unmarried even if the child was not a lawful permanent resident—but only if the child began to reside permanently in the United States while under the age of 18 and after his or her parents naturalized. The argument is that there is a difference between being a lawful permanent resident and to “reside permanently.” The CIS and most practitioners, however, are of the opinion that the child must be a lawful permanent resident to derive citizenship no matter the circumstances. Although there is no authoritative case law on a national level, there is some case law agreeing with the CIS’ opinion on this issue. *See* Charles Gordon, Stanley Mailman, & Stephen Yale-Loehr, *Immigration Law and Procedure*, Volume 7, Chapter 98, § 98.03(3)(f).

20. *See* INA § 101(c)(1), 8 U.S.C. § 1101(c)(1) (2000).

21. Although both the CIS and the State Department take the position that adopted children during this period could not derive citizenship, an argument can be made that children who were adopted before turning 16 and who were in the custody of the adopting parent(s) could derive citizenship. *See* Daniel Levy, *U.S. Citizenship and Naturalization Handbook* (2007 & Thomson West).

22. *See* U.S. Dep’t of State, 7 Foreign Affairs Manual 1153.4-4 (Sept. 3, 2004) for a general description of the law.

23. “Legal separation” of the parents can be a complicated topic. In *In re H*, 3 I. & N. Dec. 742 (BIA 1949), the BIA found that “Legal Separation” as used in the context of derivation of citizenship means some sort limited or absolute divorce through judicial proceedings. Several appeals courts have weighed in on the issue as well. *See Afeta v. Gonzalez*, 467 F.3d 402 (4th Cir. 2006); *Wedderburn v. INS*, 215 F.3d 795, 799 (7th Cir. 2000); *Nehme v. INS*, 252 F.3d 415, 422 (5th Cir. 2001); *Bagot v Ashcroft*, 398 F.3d 252 (3d Cir. 2005).

24. *See* endnote 8 above.

25. *See* endnote 10 above.

26. The law from 1952 to 1978 stated prior to “16th birthday.” The new law stating prior to the “18th birthday” is retroactively applied to 12/24/52. *See In re Fuentes-Martínez*, Interim Decision 3316 (BIA, April 25, 1997) (citing U.S. Dep’t of State, Passport Bulletin 96-18).

27. *See* endnote 19 above.

28. *See* INA § 101(c)(1), 8 U.S.C. § 1101(c)(1) (2000).

29. Adopted children must be residing in the U.S. pursuant to a lawful admission for permanent residence at the time of the adoptive parent(s)’ naturalization. *See* *Passport Bulletin 96-18*. Thus, in derivation cases for adopted children, the sequence of events can be important. This is different than the practice in derivation cases for biological children. Although both the CIS and the State Department take the position that adopted children during this period could not derive citizenship, an argument can be made that children who were adopted before turning 16 and who were in the custody of the adopting parent(s) could derive citizenship. *See* Daniel Levy, *U.S. Citizenship and Naturalization Handbook* (2007 & Thomson West).

30. Between October 5, 1978 and December 29, 1981, adopted children could only derive citizenship if adoption occurred before the child turned 16. *See* INS Interp.320.1 (d)(2).

31. People born between February 27, 1983 and February 26, 2001 may derive citizenship by satisfying the requirements of either this row or the “10/5/78 to 2/26/01” row.

32. INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33).

33. See U.S. Dep’t of Homeland Sec., Bureau of Citizenship & Immigration Servs., *Eligibility of Children Born out of Wedlock for Derivative Citizenship*, Memo No. HQ 70/34.2-P (Sept. 26, 2003). Although immigration advocates believe this Bureau of Citizenship and Immigration memo should apply to mothers who naturalized or who became U.S. citizens by birth in the U.S., derivation, or acquisition of citizenship, the CIS may successfully argue that it only applies to naturalized mothers because the memo specifically states “Assuming an alien child meets all other requirements of Section 320 and 322, an alien child who was born out of wedlock and has not been legitimated is eligible for derivative citizenship when the mother of such a child becomes a naturalized citizen.”

34. The text of INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33) does not mention illegitimacy, but INA § 101(c)(1) excludes illegitimate children from the definition of “child,” unless legitimated by the father under either the law of the child’s domicile or the law of the father’s domicile. The legitimation requirement will be a hurdle for some people for two reasons. First, the legitimation must take place before the child turns 16. Once s/he turns 16, it is too late for the legitimation to count for § 320 citizenship purposes. Please note that neither INA § 320 nor 8 C.F.R. § 320.1 (2006) state the legitimation must occur before the 16th birthday. Thus, some argue that such a legitimation could take place even between the 16th and 18th birthdays. This argument appears weak because of the definition of child found in INA §101(c), which applies to the citizenship and naturalization contexts. Second, many people do not think about or know about the legitimation process. It is important to note that according to the U.S. Dep’t of Homeland Sec., Bureau of Citizenship & Immigration Servs., *Eligibility of Children Born out of Wedlock for Derivative Citizenship*, Memo No. HQ 70/34.2-P (Sept. 26, 2003), only naturalized mothers can confer citizenship upon their unlegitimated children born of wedlock under INA § 320, 8 U.S.C. § 1431 (2000). The Immigrant Legal Resource Center assumes that mothers who are U.S. citizens by other means such as birth in the U.S. also can confer citizenship under INA § 320 to such children.

35. INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33).

36. INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33).

37. INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33).

38. INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33). It is the ILRC’s interpretation that for purposes of the Child Citizenship Act of 2000, the CIS will presume that a child who was born out of wedlock and has not been legitimated and whose mother has naturalized or is a U.S. citizen through any other means (i.e., birth in U.S, acquisition or derivation) would be considered to be in the legal custody of the mother for § 320 citizenship. See U.S. Dep’t of Homeland Sec., Bureau of Citizenship & Immigration Servs., *Eligibility of Children Born out of Wedlock for Derivative Citizenship*, Memo No. HQ 70/34.2-P (Sept. 26, 2003). Additionally, 8 C.F.R. § 320.1 (2006) sets forth several different scenarios in which the CIS presumes, absent evidence to the contrary, that the parent has the necessary legal custody to apply for § 320 citizenship for his/her child:

(1) The CIS will presume, absent evidence to the contrary, that both parents have legal custody for purposes of § 320 citizenship where their biological child currently resides with them and the parents are married, living in marital union, and not separated.

(2) The CIS will presume, absent evidence to the contrary, that a parent has legal custody for purposes of § 320 citizenship where his/her biological child lives with him/her and the child's other parent is dead.

(3) The CIS will presume, absent evidence to the contrary, that a parent has legal custody for purposes of § 320 citizenship if the child was born out of wedlock, the parent lives with the child, and the parent has legitimated the child while the child was under 16 and according to the laws of the legitimating parent or child's domicile.

(4) Where the child's parents are legally separated or divorced and a court or other appropriate governmental entity has legally awarded that the parents have joint custody of the child, the CIS will presume, absent evidence to the contrary, that such joint custody means that both parents have legal custody of the child for purposes of § 320 citizenship.

(5) Where the parents of the child have divorced or legally separated, the CIS will find that for the purposes of citizenship under INA § 320 a parent has legal custody of the child where there has been an award of primary care, control, and maintenance of a minor child to a parent by a court or other appropriate government agency pursuant to the laws of the state or county of residence.

(6) The regulations state there may be other factual circumstances under which the CIS will find that a U.S. citizen parent has legal custody for purposes of § 320 citizenship. Advocates and their clients should be creative in thinking of other ways to prove that the CIS should determine that a U.S. citizen parent has legal custody if the parent-child relationship does not fit into one of the categories listed above.

39 INA § 320 as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (codified at 8 U.S.C. §§ 1431–33) and INA §101(b)(1).

## CHAPTER II

### THE RIGHT TO CONSULAR ACCESS\*

#### A. Introduction

This Chapter is of special interest to you if you are a citizen<sup>1</sup> of a country other than the United States. Part B explains your right to consular access. Part C discusses the reasons why you may want to contact your consulate and reasons why you may not want to do so. Consular officers may be able to help you in criminal cases—for example, they can gather mitigating evidence in death penalty cases. They may also help you if your rights have been violated, and they will often help in deportation proceedings. Part D gives some practical advice on when and how to contact your consulate. The Appendix to this Chapter lists contact information for certain countries, organized by your country of nationality.

#### B. The Right to Consular Access

If you are a foreign national, you have the right to consular access. You are a foreign national if you are a citizen of a country other than the United States of America, or a dual citizen. Consular access means that you have the right to contact your local consulate or embassy as well as the right to have regular communications with consular officers from your native country.

##### 1. The Vienna Convention on Consular Relations

The right to consular access is guaranteed under the Vienna Convention on Consular Relations,<sup>2</sup> a multilateral treaty signed by over 100 nations, including the United States. You may also have this right under a bilateral (two-party) treaty between the United States and your country of nationality. Article 36(1) of the Vienna Convention reads as follows:

With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

- (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;
- (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

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\* This Chapter was revised by Manfred Gabriel based in part on a previous version written by Lara A. Ballard.

1. See *JLM Supplement* Chapter I, “Immigration Law: The Immigration Consequences of Criminal Activity” for a definition of a citizen as well as some of the other terms used throughout this chapter.

2. Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 (entered into force Mar. 19, 1967). See generally Logene L. Foster and Stephen Doggett, *Vienna Convention: New Tool for Representing Foreign Nationals in the Criminal Justice System*, 21-MAR *Champion* 6 (1997) (describing the rights and obligations of consulates and domestic authorities under Article 36 of the Vienna Convention on Consular Relations and discussing the impact of the treaty on arrested foreign nationals); Mark J. Kadish, *Article 36 of the Vienna Convention on Consular Relations: A Search for the Right to Consul*, 18 *Mich. J. Int’l L.* 565 (1997) (discussing the implications of the treaty and United States case law relating to the issue).

- (c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.<sup>3</sup>

This treaty is the equivalent of a federal statute and it is therefore binding on federal, state, and local law enforcement authorities (meaning that all police must comply with it).<sup>4</sup> United States Department of Homeland Security officials are further bound by federal statute.<sup>5</sup>

If you are a foreign national, this means that: (1) the police must inform you of your right to consular access (just like they *must* inform you of your *Miranda* rights); and (2) if you want to talk to a consular officer, the consular officer must be allowed to call, write, or visit you in prison in order to answer your questions and may offer you whatever assistance he wishes. Also, if you request it, the official who is holding you in custody must ensure that the nearest consulate or embassy is notified of your arrest without delay. In some cases, depending on what country you are from, the nearest consular officials *must* be notified of your arrest or detention, even if you do not wish that to happen.<sup>6</sup>

## 2. Suing for Violations of the Right to Consular Access

IF THE POLICE DENY YOU ACCESS TO A CONSULAR OFFICER, THEY ARE VIOLATING FEDERAL LAW.<sup>7</sup> However, it is unclear whether individuals can sue law enforcement agencies for violating their consular rights.

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3. Vienna Convention on Consular Relations, art. 36, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 (entered into force Mar. 19, 1967).

4. The U.S. Department of State regularly sends letters to law enforcement agencies reminding them of these obligations, and provides them with the phone numbers of consulates throughout the United States. *See, e.g.*, U.S. Dep't of State, Notice for Law Enforcement Officials on Detention of Foreign Nationals (Oct. 1, 1992). This is updated every two to five years. The most recent notice of this kind is U.S. Dep't of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007).

5. "Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of the country of his or her nationality in the United States." 8 C.F.R. § 236.1(e) (2006). This is a regulation of the Bureau of Citizenship and Immigration Services in the Department of Homeland Security. The regulation is also followed by the FBI, DEA, U.S. Marshals Office, and all other Department of Justice agents. For more information on the legal grounds for consular notification, see U.S. Dep't of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007).

There is some disagreement in the courts over the binding nature of international agreements when Congress has not passed laws to enforce them. In addition, it is not clear to what extent federal law can require state officials to take action; *see* *Printz v. United States*, 521 U.S. 898, 935, 117 S. Ct. 2365, 2384, 138 L. Ed. 2d 914, 944–45 (1997). Some courts, therefore, may not recognize the Vienna Convention as binding law. However, these rights have been recognized by the U.S. Supreme Court in *Argentine Republic v. Amerasia Shipping Corp.*, 488 U.S. 428, 442, 109 S. Ct. 683, 692, 102 L. Ed. 2d 818, 833 (1989).

6. *See* Part B(3) below for a list of these countries.

7. The Vienna Convention and other consular treaties to which the United States is a party "have the status of treaties for purposes of international law and Article VI, clause 2 of the Constitution of the United States ('all treaties made ... shall be the supreme law of the land')." These treaties "are binding on federal, state, and local government officials to the extent that they pertain to matters within such officials' competence." U.S. Dep't of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007).

Some federal courts have held that there is a private right of action<sup>8</sup> for violations of the Vienna Convention on Consular Relations.<sup>9</sup> For example, in *Standt v. City of New York*, a German citizen was arrested in New York for driving while intoxicated and without a license, and for failing to wear a seatbelt. Not only did the police fail to notify the German citizen of his right to contact the consulate, but the police also did not permit him to contact the German consulate when he repeatedly asked if he could. The German citizen filed an action against the City of New York and the police officers who arrested him for violating his rights under Article 36 of the Vienna Convention. The defendants alleged that the German citizen did not have standing to bring suit for the violations, claiming that the treaty did not provide a private right of action. However, the Second Circuit held that Article 36 of the Vienna Convention “was intended to provide a private right of action to individuals detained by foreign officials.”<sup>10</sup>

Other courts have refused to recognize a private right of action for violations of the Vienna Convention on Consular Relations. In *United States v. Jimenez-Nava*, a Mexican citizen was arrested in Texas for making fraudulent immigration documents.<sup>11</sup> He was informed of his right to consular access only after he was questioned about the crime. The Fifth Circuit rejected Jimenez-Nava’s arguments that Article 36 of the Vienna Convention creates “judicially enforceable rights.”<sup>12</sup> Instead, the court held that the presumption that international treaties do not create rights that are enforceable by private individuals in courts applies to the Vienna Convention.

The Supreme Court has not directly resolved this disagreement among courts regarding whether there is a private right of action for Vienna Convention violations. The Court has stated that the Convention “arguably confers on an individual the right to consular assistance following arrest,”<sup>13</sup> but has not gone so far as to rule that the Vienna Convention does in fact create an individual right enforceable by the federal courts.

### 3. The Effect of Violations of Rights to Consular Access on Convictions

What happens if your right to consular access is denied and you do not have access to your consulate until after you are convicted? In some capital cases, foreign countries have tried to stay (delay or stop) an execution order because the defendant’s right to consular access was violated before conviction. They argue that if the consul had been able to get in touch with the defendant, the consulate might have been able to help the defendant to avoid the death penalty.<sup>14</sup> In the past, this argument has generally *not* worked in convincing a court to stay an execution.<sup>15</sup>

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8. A private right of action means that individual citizens can sue for violations. Generally, only nations can sue for violations of the treaties that they sign.

9. *See, e.g.*, *Standt v. City of New York*, 153 F. Supp. 2d 417, 427 (S.D.N.Y. 2001); *Ulmann v. Anderson*, No. 02-405-JD, 2003 D.N.H. 12, 2003 U.S. Dist. LEXIS 874, at \*15 (D.N.H. 2003) (acknowledging that the 1st Circuit has not decided whether there is a private right of action, but holding that an individual’s claim that he was improperly denied sufficient consular access could go forward).

10. *Standt v. City of New York*, 153 F. Supp. 2d 417, 427 (S.D.N.Y. 2001).

11. *United States v. Jimenez-Nava*, 243 F.3d 192 (5th Cir. 2001).

12. *United States v. Jimenez-Nava*, 243 F.3d 192, 198 (5th Cir. 2001).

13. *Breard v. Greene*, 523 U.S. 371, 376, 118 S. Ct. 1352, 1355, 140 L. Ed. 2d 529, 538 (1998).

14. *See Breard v. Greene*, 523 U.S. 371, 377, 118 S. Ct. 1352, 1355, 140 L. Ed. 2d 529, 538 (1998) (consul’s advice might have led defendant to elect plea bargaining and avoid death penalty, although it did not in this case).

15. *See, e.g.*, *LaGrand v. Stewart*, 133 F.3d 1253, 1261 (9th Cir. 1998) (denying claim based on lack of consular notification on grounds of procedural default because the claim was not raised in state proceedings); *Fed. Republic of Germany v. United States*, 526 U.S. 111, 111–12, 119 S. Ct. 1016, 1017, 143 L. Ed. 2d 192, 194 (1999) (denying enforcement of an order to stay execution of German citizens issued by the International Court of Justice partly because according to the 11th Amendment, which codifies the idea of state sovereign immunity, the federal courts do not have jurisdiction to enforce a claim against a state that did not consent to jurisdiction). *But see Torres v. State*, 120 P.3d 1184, 1186–87 (holding that defendant was prejudiced because he was not informed that he had the right to contact his country’s consulate; in this case, the court did not grant the defendant any relief, because the governor had already granted clemency to the defendant by changing his sentence to life without parole).

Although courts have been unwilling to stay an execution, the International Court of Justice (“ICJ”) has ordered courts to re-examine decisions in which a defendant’s right to consular access has been violated. In *Mexico v. United States (Avena)*, the ICJ ordered the United States to review the death sentences of fifty-one Mexican prisoners because their right to speak with Mexican consular officials after their arrests had been violated.<sup>16</sup> Although the ICJ refused Mexico’s demand that the United States annul all fifty-one convictions, the court did order that the United States re-examine each case in order to determine if the defendant suffered legal prejudice by not having early access to a diplomat. The ICJ held that such re-examination must be conducted by a court, rather than in a clemency proceeding before a state governor.<sup>17</sup> The ICJ suggested that the ruling applied to “other foreign nationals finding themselves in similar situations in the United States.”<sup>18</sup>

The ICJ’s determination that reexamination must be conducted by a court is an important qualification to the court’s earlier holding in the *LaGrand* case.<sup>19</sup> In *LaGrand*, the International Court of Justice held that the United States doctrine of procedural default, which prohibits defendants from raising issues on appeal if they did not raise such issues at trial, could not apply to Vienna Convention violations. However, the *LaGrand* court left the decision of how and where defendants could bring up Convention violations to the United States. The ICJ decision in *Avena* narrows this ruling, holding that the manner in which defendants bring up Convention violations is not entirely up to the United States; re-examination must be conducted by a court, rather than in a clemency proceeding. The Supreme Court, however, has specifically rejected the ICJ’s *LaGrand* holding. In a recent pair of cases, *Sanchez-Llamas v. Oregon* and *Bustillo v. Johnson*, the Supreme Court held that state procedural default rules can be applied to Vienna Convention violations.<sup>20</sup>

In the past, in addition to being a party to the 1963 Vienna Convention on Consular Relations (“VCCR”), the United States ratified the VCCR Optional Protocol Concerning the Compulsory Settlement of Disputes, which gave the ICJ the power (jurisdiction) to settle disputes between the United States and other nations regarding alleged violations of the Convention. On March 7, 2005, however, the United States decided to withdraw from this Optional Protocol, meaning that the ICJ no longer has the power to settle disputes between the United States and other nations regarding the Convention as it did in the *Avena* case.<sup>21</sup>

The ICJ, even when it had power to hear cases, never had the power to enforce its decisions in the United States. On February 28, 2005, President Bush issued a Memorandum directing state courts to give effect to the ICJ’s ruling in *Avena* and to review the cases of the Mexican citizens on death row in the United States.<sup>22</sup> The President issued this Memorandum because the courts had continued to enforce the rights afforded by the VCCR inconsistently. The Memorandum directed the

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16. *Avena and Other Mexican Nationals (Mex. v. U.S.)*, 2004 I.C.J. 128 (Mar. 31), available at <http://www.icj-cij.org/icjwww/idecisions.htm>.

17. *Avena and Other Mexican Nationals (Mex. v. U.S.)*, 2004 I.C.J. 128 (Mar. 31), available at <http://www.icj-cij.org/icjwww/idecisions.htm>.

18. *Avena and Other Mexican Nationals (Mex. v. U.S.)*, 2004 I.C.J. 128, 57 (Mar. 31), available at <http://www.icj-cij.org/icjwww/idecisions.htm>.

19. *LaGrand Case (F.R.G. v. U.S.)*, 2001 I.C.J. 104 (June 27), available at <http://www.icj-cij.org/icjwww/idecisions.htm>.

20. *Sanchez-Llamas v. Oregon, Bustillo v. Johnson*, 126 S. Ct. 2669, 2685–86, 165 L. Ed. 2d 557, 582–83 (2006).

21. U.S. Secretary of State Condoleezza Rice sent a letter to the U.N. Secretary General Kofi Annan, informing him that the United States “hereby withdraws” from the Optional Protocol. See Charles Lane, *U.S. Quits Pact Used in Capital Cases*, Wash. Post, Mar. 10, 2005, at A01. The letter stated in part: “This letter constitutes notification by the United States of America that it hereby withdraws from [Optional Protocol to the Vienna Convention on Consular Relations Concerning the Compulsory Settlement of Disputes]. As a consequence of this withdrawal, the United States will no longer recognize the jurisdiction of the International Court of Justice reflected in that Protocol.” See Frederick L. Kirgis, *Addendum to ASIL Insight, President Bush’s Determination Regarding Mexican Nationals and Consular Convention Rights*, Am. Soc’y of Int’l L., Mar. 2005, available at <http://www.asil.org/insights/2005/03/insights050309a.html>.

22. See Memorandum from George W. Bush to the Attorney General, Compliance with the Decision of the International Court of Justice in *Avena* (Feb. 28, 2005), available at <http://www.whitehouse.gov/news/releases/2005/02/20050228-18.html>.



state courts to review and give effect to the *Avena* decision “in accordance with the general principles of comity in cases filed by the fifty-one Mexican nationals addressed in that decision.”<sup>23</sup> As one scholar put it, “[b]efore *Avena* was issued, the U.S. Supreme Court had already denied post-conviction relief for some of the Mexican nationals, which effectively meant these individuals were out of court. The Presidential Memorandum, at a minimum, re-opened the state court doors for these inmates.” Recently, without deciding whether the VCCR gave defendants a judicially enforceable right to consular access, the Supreme Court announced that a state court may apply its regular procedural default rules to consular claims.<sup>24</sup>

If you or the police have any questions about consular rights and obligations under the Vienna Convention, you or they should contact:

Office of Public Affairs and Policy Coordination for Consular Affairs  
CA/P Room 4800  
Bureau of Consular Affairs  
U.S. Department of State  
Washington, D.C. 20520  
(202) 647-4415 (during business hours)

After business hours, you can reach the State Department Operations Center at (202) 647-1512. If you ask to speak with your consulate and your request is denied, make sure to write down the date, time, and the name of the person who denied your request.

### C. Why Contact the Consulate?

Under the Vienna Convention, it is up to you to decide whether or not you want to contact your consulate. You are not required to contact your home government. However, many countries have signed treaties with the United States requiring U.S. officials to automatically contact them if their citizens are arrested in the United States.<sup>25</sup> This means that even if you do not want your consulate

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23. See Memorandum from George W. Bush to the Attorney General, Compliance with the Decision of the International Court of Justice in *Avena* (Feb. 28, 2005), *available at* <http://www.whitehouse.gov/news/releases/2005/02/20050228-18.html>.

24. *Sanchez-Llamas v. Oregon, Bustillo v. Johnson*, 126 S. Ct. 2669, 2685, 165 L. Ed. 2d 557, 582–83 (2006).

25. As of May 2006, these countries, which should receive notification immediately upon your arrest, included: Algeria, Antigua and Barbuda, Armenia, Azerbaijan, the Bahamas, Barbados, Belarus, Belize, Brunei, Bulgaria, China (People’s Republic), Costa Rica, Cyprus, Czech Republic, Dominica, Fiji, Gambia, Georgia, Ghana, Grenada, Guyana, Hong Kong, Hungary, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Malaysia, Malta, Mauritius, Moldova, Mongolia, Nigeria, Philippines, Poland (non-permanent residents only), Romania, Russia, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Slovakia, Tajikistan, Tanzania, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uzbekistan, Zambia, and Zimbabwe. All successor states to the Soviet Union are still covered by an agreement the United States had with the U.S.S.R. British dependencies are covered by the agreement with the United Kingdom. They include Anguilla, the British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. For the most recent list of mandatory notification states, see U.S. Dep’t of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007). The Department of State can provide more specific guidance in particular cases. “Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to the mandatory notification requirement. Thus, for example, the foreign national should be informed that notification has been made and advised that he/she may also specifically request consular assistance from his or her consular officials.” U.S. Dep’t of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007). The State Department adds “Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may

to know that you have been arrested, the police might tell them anyway. However, the police often forget or do not bother to call the consulate. If you want to talk to your consulate, you should always tell the police.

You should think carefully about whether or not you want to contact your consulate. Some consulates are more helpful than others. Based on what you know about your own government, you may already know whether it would be willing and able to help you. Some consulates will send someone to visit you immediately, contact your family, and help you find a lawyer. Others have only limited office hours and resources and cannot or will not visit prisoners at all. Some governments have allegedly used their consular officers to locate their political opponents.<sup>26</sup> If you are in the United States because you were fleeing persecution in your home country, contacting your home government could be a bad idea.

At the very least, you should try to discuss the idea of contacting your consulate with a lawyer. Many criminal defense lawyers do not know about the Vienna Convention, and they might not know that consular assistance is available. Your lawyer may not even know that you are a foreign citizen unless you specifically tell him. If you choose not to contact the consulate, you may want to contact a private organization instead. Some organizations that you may want to contact are listed in Appendix IV.

### 1. Consulate Assistance with Legal and Non-Legal Matters in Criminal Cases

Good consular officers will visit you in prison (or even at the police precinct), explain to you what is going on, explain to you how the U.S. legal system works, contact your family members for you, help you find a lawyer, help locate your medical, military, or school records, provide you with emergency financial assistance, and make sure that you are being treated well in prison. They will put pressure on the local government to see that your rights are not violated and will provide your lawyer with interpreters, consultants, or investigators.<sup>27</sup> Your consulate may be a good place to call if your lawyer tells you things that you do not understand, if you are not sure that your lawyer is good or trustworthy, or if you are trying to make an important decision such as whether to accept a plea

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not be necessary to provide information about why a foreign national is in detention.” Most importantly, “*under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person’s government.*” U.S. Dep’t of State, Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/CNA\\_book.pdf](http://travel.state.gov/pdf/CNA_book.pdf) (last visited Feb. 28, 2007). The Department of State can provide more specific guidance in particular cases.

26. United Nations Conference on Consular Relations, Official Records at 334, UN Doc. A/Conf. 25/16 (1962) (remark of a delegate from the United Kingdom).

27. For example, when a U.S. citizen is arrested abroad, U.S. consular officers are expected to visit that person as soon as possible. U.S. Dep’t of State, 7 Foreign Affairs Manual 422-1.1 (Sept. 3, 2004). This visit provides an opportunity for the consular officer “to explain the legal and judicial procedures of the host government and the detainee’s rights under that government at a time when such information is most useful.” 7 Foreign Affairs Manual 422(f) (Sept. 3, 2004). The U.S. Embassy may also get local U.S. citizens to volunteer to visit the U.S. citizen in prison. 7 Foreign Affairs Manual 422-1.4 (Sept. 3, 2004). Each U.S. consular post is also required to maintain a list of defense attorneys, 7 Foreign Affairs Manual 990 (Aug. 30, 1994), and to exclude attorneys with bad reputations from the list. U.S. Dep’t of State, 7 Foreign Affairs Manual 993 (Aug. 30, 1994). If the U.S. citizen’s rights are being violated in the prison or in court, the U.S. consulate will make protests to the host government at the local level, and if necessary, at the state or federal level as well. 7 U.S. Dep’t of State, Foreign Affairs Manual 426.3 (Sept. 3, 2004). Throughout the pretrial period, the consular officer is expected to visit the prisoner regularly as a sort of case worker or “case officer.” The manual states that the consular officer should become “thoroughly familiar with the specific facts and problems of the prisoner’s situation.” U.S. Dep’t of State, 7 Foreign Affairs Manual 436 (Aug. 26, 2004). This familiarity should help the officer to “become more efficient and responsive to the prisoner’s needs” and a “more effective liaison with attorneys, court and prison officials, and prosecutors.” U.S. Dep’t of State, 7 Foreign Affairs Manual 436 (Aug. 26, 2004). Again, some consulates are better than others, and how your consular officer behaves will depend upon your home country’s laws, not U.S. laws. Some countries do not have a foreign affairs manual like the one used by the U.S. State Department, and some have so few consular officers compared to the number of its nationals in the United States that it is impossible to visit all prisoners.

bargain or whether to testify. For example, if you are not familiar with the plea bargaining system in the United States, your consulate may be able to explain how it differs from the legal system in your home country. If you are suspected of having committed a crime in the United States, the consulate cannot prevent you from being tried for it, but it can help to make sure that you receive a fair trial.

It is usually better to call the consulate with specific questions or simple requests than to call and say “I need help” or “I’m in trouble.” Consular officers are not lawyers. They usually cannot give you money for a lawyer and may not take an interest in your case at all unless you are facing very serious charges. However, if you have a specific request—such as “Can you help me contact my mother back home?”, “Can you recommend a good attorney?”, “Can you help me get my medical records from my home city?”, or “Can you find a priest who will visit me in prison?”—the consulate may be able to help you even if you are facing only minor charges.

## 2. Gathering Mitigating Evidence in Death Penalty Cases

Not all consulates can help all criminal defendants, but many of them are willing to help with death penalty cases. Many countries, particularly Latin American countries, have taken a strong stance against the death penalty and will assist your defense attorney considerably if you are facing a possible death sentence. One of the main services consulates can provide to your lawyer is help gathering mitigating evidence, especially in your country of origin. This Chapter will help explain the concept of mitigating evidence, which applies in every state.

When an Argentine citizen living in Texas was accused of capital murder, for example, he and his defense attorney called the Argentine Consulate before his trial. The consulate helped get the defendant’s school records, birth certificate, criminal history, and military records from Argentina; sent a government official from the Consulate in Houston to meet the defendant in prison; sent a high-ranking official to watch the defendant’s trial; helped pay for the defendant’s mother to stay in Texas to observe and participate in the trial; accompanied the defendant’s mother when she visited him in prison; provided a translator to help the defense attorney communicate with the defendant and others; and sent an official from the Consulate in Houston to verify the authenticity of the Argentine documents at trial.<sup>28</sup> Mexico, Ecuador, Canada, Paraguay, Honduras, the Dominican Republic, and Germany have also shown a particular interest in death penalty cases and have all tried to assist defendants facing the death penalty during appeals in cases in which the police failed to contact the consulate before trial.<sup>29</sup>

## 3. Assistance When Your Rights Have Been Violated

Most consulates will help you if your rights are being seriously violated. For example, if you are beaten by the police or prison guards, most consulates will step in to assist you. When Abner Louima, a Haitian immigrant, was beaten and tortured by New York City police on August 9, 1997,

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28. Sworn Affidavit of Tim W. Avery, *Breard v. Netherland*, 949 F. Supp. 1255 (E.D. Va. 1996) (No. 3:96 CV 366) (affidavit submitted in federal habeas petition).

29. *See, e.g.*, *LaGrand v. Stewart*, 133 F.3d 1253 (9th Cir. 1998) (German nationals who were not given consular access before their convictions for murder assisted in their post-conviction appeals by German consulate); *Murphy v. Netherland*, 116 F.3d 97 (4th Cir. 1997) (in which Mexico filed an amicus curiae brief on behalf of Mario Murphy); *Faulder v. Johnson*, 81 F.3d 515 (5th Cir. 1996) (in which Canada submitted a brief on behalf of Joseph Stanley Faulder); *Republic of Paraguay v. Allen*, 134 F.3d 622 (4th Cir. 1998), *cert. denied*; *Breard v. Greene*, 523 U.S. 371, 118 S. Ct. 1352, 140 L. Ed. 2d 529 (1998) (a separate civil suit brought by the Republic of Paraguay to overturn the conviction of Angel Francisco Breard, which was then joined with Breard’s habeas petition in the U.S. Supreme Court). In the death penalty case of Carlos Santana, a citizen of the Dominican Republic who was sentenced to death in Texas, the ambassador from the Dominican Republic attempted to meet with the governor of Texas to stop the execution. Ronan Doherty, Note, *Foreign Affairs v. Federalism: How State Control of Criminal Law Implicates Federal Responsibility Under International Law*, 82 Va. L. Rev. 1281, 1328 (1996).

the Haitian Consulate helped bring public attention to his situation and helped put pressure on governmental authorities to bring charges against the police officers who were allegedly involved.<sup>30</sup>

#### 4. Assistance with Deportation Proceedings

If you are to be “removed” (deported)<sup>31</sup> from the United States, consulates are usually notified of your status after the removal order becomes final so that they can process your travel papers.<sup>32</sup> If you are facing removal proceedings, you should be notified of your right to consular access and should be allowed to communicate with your consulate *before* your hearing. This right is guaranteed not only by treaties, but also by a U.S. Department of Homeland Security (“DHS”) regulation that implements the Vienna Convention and other treaties.<sup>33</sup> If the DHS fails to inform you of this right prior to the removal hearing, some federal courts will find the order of removal invalid. In a case of criminal conviction for illegal reentry into the United States, courts might even reverse the conviction if the initial removal hearing was conducted in violation of these regulations due to prejudice—i.e., that having access to your consulate could have made a difference in your decision.<sup>34</sup> When you appeal a removal decision, you should always raise this claim if your right to consular access was violated. If you do raise the claim, however, you will again probably have to show prejudice—i.e., that having access to your consulate could have made a difference in your removal proceeding.<sup>35</sup>

#### D. When and How to Contact Your Consulate

It is better to contact your consulate before you receive a criminal conviction because the consulate probably will not be able to help you as much if you contact it after you have already been convicted. Several countries have tried to get convictions reversed based on Vienna Convention violations, arguing that the Vienna Convention should work exactly like *Miranda*. So far, none of these attempts has succeeded. In 1998, a dual Paraguayan-Argentine national, who was convicted of capital murder in 1993, was executed in Virginia despite Virginia's open admission that it had failed to inform the defendant of his rights under the treaty when he was arrested.<sup>36</sup> This situation demonstrates that you should call your consulate sooner rather than later if you think that they can help you. After your conviction, the consulate may still be able to help you in small ways and ensure that your rights are not being further violated, but it probably will not be able to get your conviction reversed. However, it may be better to contact your consulate late rather than not at all.

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30. Interview with consular officer at the Haitian Consulate in New York City (Apr. 7, 1998).

31. See *JLM Supplement* Chapter I, “Immigration Law: The Immigration Consequences of Criminal Activity” for an explanation of these terms and of immigration law and procedure in general.

32. Interview with Jamaican Deputy Consul-General (Apr. 7, 1998).

33. DHS Immigration agents are required to comply with 8 C.F.R. § 236.1 (2005), which states, “Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of his or her nationality in the United States.” It adds, “When notifying consular or diplomatic officials, Service officers shall not reveal the fact that any detained alien has applied for asylum or withholding of removal.” 8 C.F.R. § 236.1(e) (2005). For information on similar regulations governing FBI, DEA, U.S. Marshals, and other Department of Justice officials, see footnote 2 of this Chapter.

34. See, e.g., *United States v. Rangel-Gonzales*, 617 F.2d 529, 533 (9th Cir. 1980) (finding prejudice resulting from the failure of the United States to advise appellant of his right to consult the Mexican consulate).

35. See, e.g., *Waldron v. INS*, 17 F.3d 511, 518–19 (2d Cir. 1994) (holding that though the INS had not followed its own regulations regarding the petitioner's right to communicate with diplomatic officers of his native country, this failure had not resulted in prejudice to the rights that the regulations were meant to protect); *United States v. Calderon-Medina*, 591 F.2d 529, 532 (9th Cir. 1979) (holding that a regulatory violation by the INS would render a deportation unlawful only if the violation prejudiced the rights of the aliens who were protected by the regulation).

36. *Breard v. Greene*, 523 U.S. 371, 376, 118 S. Ct. 1352, 1355, 140 L. Ed. 2d 529, 538 (1998).

If you cannot reach a consular office in an emergency, you might want to try your country's Permanent Mission to the United Nations in New York City, though it is not technically the job of a UN Permanent Mission to provide consular assistance. Not all countries listed below are signatories to the Vienna Convention or any other consular treaty with the United States, although most of them are.

All phone numbers and addresses listed refer to consulates and/or embassies (unless noted otherwise). Mail should be addressed to: "Consulate [or Embassy] of [Your Country]," followed by the street address. If you decide to contact your consulate, it usually will not make a difference whether you contact the embassy or the consulate; diplomats and consular officers will usually share information and assist each other, especially in emergencies.

Most countries maintain an embassy with both diplomatic and consular officers in Washington, D.C. in addition to the Consul General's main office (usually located in New York City) and your country's permanent mission to the UN. Some countries that have a large number of nationals living in the United States—for example Mexico—may also have regional consular offices in other cities. Some very small countries, such as Belize, may only have an embassy in Washington, with no other offices at all (except for the Permanent Mission to the UN). Other countries—namely Iran and Cuba—do not carry on diplomatic relations with the United States and, therefore, neither have an embassy nor a consulate. However, most do maintain a Permanent Mission to the UN.

There are also many private organizations that help people of particular nationalities, perhaps even more than your consulate. You should keep in mind, however, that these private organizations (unlike your consulate) do not have any particular right to communicate with you or visit you under the Vienna Convention. They can certainly communicate with you in prison, just like any friend or relative, but they will probably not be able to visit you at the police station and they will not have the same right of access as your lawyer. For further information about your right to communicate while in prison, see Chapter 21 of the *JLM*. For additional information about such organizations, check Appendix IV to the *JLM*.

### **E. Conclusion**

If you are a foreign national, you have the right to contact your local consulate or embassy as well as the right to have regular communications with consular officers from your native country. Under the Vienna Convention, the police must inform you of your right to consular access. Also, if you request it, the official who is holding you in custody must ensure that the nearest consulate or embassy is notified of your arrest without delay and the consular officer must be allowed to call, write, or visit you in prison in order to answer your questions and offer you whatever assistance he wishes. If you chose to contact your consulate, you should do so as soon as possible. A list of embassies, consulates and private organizations which assist foreign nationals can be found in Appendix A of this Chapter.

## APPENDIX A

### LIST OF CONSULATES, EMBASSIES, MISSIONS, AND PRIVATE ORGANIZATIONS

#### AFGHANISTAN

- Embassy: 2341 Wyoming Avenue NW, Washington, D.C. 20008; (202) 483-6410; FAX (202) 483-6488
- Permanent Mission to the UN: 360 Lexington Ave., 11<sup>th</sup> Floor, New York, NY (212) 972-1212/1213; FAX (212) 972-1216
- Islamic Assoc. of Afghan Students: P.O. Box 1946, Los Angeles, CA 90078

#### ALBANIA

- Embassy: 2100 S St. NW, Washington, D.C. 20008; (202) 223-4942; FAX (202) 628-7342
- Permanent Mission to the UN: 320 E. 79th St. New York, NY 10021; (212) 249-2059/5654/5631/0842; FAX (212) 535-2917

#### ALGERIA

- Embassy: 2118 Kalorama Rd. NW, Washington, D.C. 20008; (202) 265-2800; FAX (202) 667-2174
- Permanent Mission to the UN: 326 E. 48th St., New York, NY, 10017; (212) 750-1960/1962/1965/1966; FAX (212) 759-5274/9538

#### ANGOLA

- Embassy: 1615 M. St. NW, Suite 900, Washington, D.C. 20036; (202) 785-1156; FAX (202) 785-1258
- Permanent Mission to the UN: 125 E. 73rd St., New York, NY 10021; (212) 861-5656/5787/5788/5789; FAX (212) 861-9295

#### ANTIGUA AND BARBUDA

- Embassy: 3216 New Mexico Avenue NW, Washington, D.C. 20016; (202) 362-5122; FAX (202) 362-5225
- Consulate – Miami: Ingraham Building, 25 Southeast 2nd Ave., Suite 300, Miami, FL 33131; (305) 381-6762; FAX (305) 381-7908
- Permanent Mission to the UN: 610 5th Avenue, Suite 311, New York, NY 10020; (212) 541-4117; FAX (212) 757-1607

#### ARGENTINA

- Embassy: 1600 New Hampshire Avenue, NW, Washington, D.C. 20009; (202) 238-6400; FAX (202) 332-3171
- Consulate – New York: 12 West 56th St., New York NY 10019; (212) 603-0400; FAX (212) 541-7746
- Consulate – Los Angeles: 5055 Wilshire Blvd., Suite 210, Los Angeles, CA 90036; (323) 954-9155; FAX (323) 934-9076
- Consulate – Miami: 800 Brickell Avenue, Penthouse 1, Miami, FL 33131; (305) 373-1889/4705/7794; FAX (305) 371-7108 and (305) 373-1598
- Consulate – Atlanta: 245 Peachtree Center Avenue, Suite 2101, Atlanta, GA 30303; (404) 880-0805; FAX (404) 880-0806
- Consulate – Chicago: 205 N. Michigan Avenue, Suite 4209, Chicago, IL 60601-5914; (312) 819-2610; FAX (312) 819-2612
- Consulate – Houston: 1090 S. Post Oak Blvd., Suite 770, Houston, TX 77056; (713) 871-8935; FAX (713) 871-063

- Permanent Mission to the UN: One United Nations Plaza, 25th Floor, New York, NY 10017; (212) 688-6300; FAX (212) 980-8395

## ARMENIA

- Embassy: 2225 R St. NW, Washington, D.C. 20008; (202) 319-1976; FAX (202) 319-2982
- Consulate – Los Angeles: 50 N. La Cienega Blvd., Suite 210, Beverly Hills, CA 90211; (310) 657-6102; FAX (310) 657-7419
- Permanent Mission to the UN: 119 E. 36th St., New York, NY 10016; (212) 686-9079; FAX (212) 686-3934

## AUSTRALIA

- Embassy: 1601 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 797-3000; FAX (202) 797-3168
- Consulate General: 150 E. 42nd St., 34th Floor, New York, NY 10017; (212) 351-6500; FAX (212) 351-6501
- Consulate – Los Angeles: Century Plaza Towers, 2049 Century Park East, 19th Floor, Los Angeles, CA 90067; (310) 229-4800; FAX (310) 277-5746
- Consulate – San Francisco: 575 Market Street, Suite 1800, San Francisco, CA 94105; (415) 536-1970; FAX (415) 536-1982
- Consulate – Boston: 22 Thompson Place, Boston, MA 02210; (617) 261-5555; FAX (617) 426-9236
- Consulate – Denver: 9200 West Cross Drive, Suite 100, Denver, CO 80123; (303) 321-2234; FAX (303) 973-9938
- Consulate – Honolulu: 1000 Bishop St., Penthouse, Honolulu, HI 96813; (808) 524-5050; FAX (808) 531-5142
- Permanent Mission to the UN: 150 E. 42nd St., 33rd floor, New York, NY, 10017; (212) 351-6600; FAX (212) 351-6610

## AUSTRIA

- Embassy: 3524 International Court NW, Washington, D.C. 20008-3035; (202) 895-6700; FAX (202) 895-6750
- Consulate – Los Angeles: 11859 Wilshire Blvd., Suite # 501, Los Angeles, CA 90025; (310) 444-9310; FAX (310) 477-9897
- Consulate – Chicago: Wrigley Building, Suite 707, 400 North Michigan Ave., Chicago, IL 60611; (312) 222-1515; FAX (312) 222-4113
- Consulate – New York: 31 E. 69th St., New York, NY 10021; (212) 737-6400 FAX (212) 772-8926
- Permanent Mission to the UN: 823 United Nations Plaza, 8th Floor, New York, NY, 10017; (212) 949-1840; FAX (212) 953-1302

## AZERBAIJAN

- Embassy: 2741 34th Street NW, Washington, D.C. 20008; (202) 337-5912; FAX (202) 337-5913
- Permanent Mission to the UN: 866 UN Plaza, Suite 560, New York, NY 10017; (212) 371-2559/2832/2721; FAX (212) 371-2784/2672

## BAHAMAS

- Embassy: 2220 Massachusetts Ave. NW, Washington, D.C. 20008 (202) 319-2660; FAX (202) 319-2668
- Consulate – Miami: 25 Southeast 2nd Ave., Ingrahm Building, Suite 818, Miami, FL 33131; (305) 373-6295; FAX (305) 373-6312
- Consulate – New York: 231 E. 46th St., New York, NY 10017; (212) 421-6420/6422; FAX (212) 688-5926

- Permanent Mission to the UN: 231 E. 46<sup>th</sup> St., New York, NY 10017; (212) 421-6925/6926/6929; FAX (212) 759-2135
- The Bahamian consulate, if notified of your arrest, will immediately visit you at the police precinct, take down your name, contact your family back home, if desired, and provide you with other assistance if needed. The consulate encourages you to register with them and to notify them if you are in trouble.

#### BAHRAIN

- Embassy: 3502 International Drive NW, Washington, D.C. 20008; (202) 342-1111; FAX (202) 362-2192
- Permanent Mission to the UN: 866 2nd Ave., 14th and 15th floors, New York, NY 10017; (212) 223-6200; FAX (212) 319-0687

#### BANGLADESH

- Embassy: 3510 International Drive NW, Washington, D.C. 20008; (202) 244-0183; FAX (202) 244-5366
- Consulate – New York: 211 E. 43rd St., Suite 502, New York, NY 10017; (212) 599-6767; FAX (212) 682-9211
- Consulate – Los Angeles: 10850 Wilshire Blvd., Suite 1250, Los Angeles, CA 90024; (310) 441-9399; FAX (310) 441-4458
- Permanent Mission to the UN: 821 United Nations Plaza, 8th floor, New York, NY 10017; (212) 867-3434; FAX (212) 972-4038

#### BARBADOS

- Embassy: 2144 Wyoming Ave. NW, Washington, D.C. 20008; (202) 939-9200; FAX (202) 332-7467
- Consulate – Los Angeles: 3440 Wilshire Blvd., Suite 1207, Los Angeles, CA 90010; (213) 380-2198; FAX (213) 384-2763
- Consulate – San Francisco: 442 Post St., Suite 800, San Francisco, CA 94102; (415) 421-8789
- Consulate – New York: 800 2nd Ave., New York, NY 10017; (212) 867-8435; FAX (212) 986-1030
- Permanent Mission to the UN: 800 2nd Ave., 2nd floor, New York, NY 10017; (212) 867-8431, 8432, 8433, 8434, 8435; FAX (212) 986-1030

#### BELARUS, REPUBLIC OF

- Embassy: 1619 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 986-1604; FAX (202) 986-1805
- Consulate – New York: 708 3rd Ave., 21<sup>st</sup> Floor, New York, NY 10017; (212) 682-5392; FAX (212) 682-5491
- Permanent Mission to the UN: 136 E. 67th St., New York, NY 10021; (212) 535-3420; FAX (212) 734-4810

#### BELGIUM

- Embassy: 3330 Garfield St. NW, Washington, D.C. 20008; (202) 333-6900; FAX (202) 338-4960
- Consulate – New York: 1330 Avenue of the Americas, 26<sup>th</sup> Floor, New York, NY 10019-5422; (212) 586-5110; FAX (212) 582-9657
- Consulate – Los Angeles: 6100 Wilshire Blvd., Suite 1200, Los Angeles, CA 90048; (323) 857-1244; FAX (323) 936-2564
- Permanent Mission to the UN: 823 United Nations Plaza, 345 E. 46th St., 4<sup>th</sup> Floor, New York, NY 10017; (212) 378-6300; FAX (212) 681-7618, 7619



## BELIZE

- Embassy: 2535 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 332-9636; FAX (202) 332-6888
- Permanent Mission to the UN: 800 2nd Ave., Suite 400G; New York, NY 10017; (212) 593-0999; FAX (212) 593-0932

## BENIN, PEOPLE'S REPUBLIC OF

- Embassy: 2737 Cathedral Ave., Washington, D.C. 20008; (202) 232-6656; FAX (202) 265-1996
- Consulate: 9111 S. LaCienega Blvd., Suite 204, Inglewood, CA 90301; (310) 641-3688; FAX (212) 988-3714
- Permanent Mission to the UN: 4 E. 73rd St. New York, NY 10021; (212) 249-6014/6025; (212) 826-2998

## BHUTAN, THE KINGDOM OF

- Permanent Mission to the UN: 2 UN Plaza, 27th Floor, New York, NY 10017; (212) 826-1919; FAX (212) 826-1919

## BOLIVIA

- Embassy: 3014 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 483-4410/4411; FAX (202) 328-3712
- Consulate – Los Angeles: 483 South Spring Street, Suite 1212, Los Angeles, CA 90013; (213) 680-0190
- Consulate – New York: 211 E. 43<sup>rd</sup> St., Suite 702, New York, NY 10017; (212) 499-7401 or (212) 687-0530; FAX (212) 687-0532
- Consulate – San Francisco: 870 Market Street, Suite 575, San Francisco, CA 94102; (415) 495-5173
- Consulate – Miami: 700 Ingraham Bldg., 25 SE 2<sup>nd</sup> Ave., Suite 545, Miami, FL 33131; (305) 670-0709
- Permanent Mission to the UN: 211 E. 43rd St., 8th floor, Rm. 802, New York, NY, 10017; (212) 687-0530; FAX (212) 687-4642

## BOSNIA AND HERZEGOVINA

- Embassy: 2109 E St. NW, Washington, D.C. 20037; (202) 337-1500; FAX (202) 337-1502
- Consulate – Chicago: 737 N. Michigan Ave., Suite 820, Chicago, IL 60611; (312) 951-1245; FAX (312) 951-1043
- Permanent Mission to the UN: United Nations Plaza, Suite 585, New York, NY 10017; (212) 751-9015; FAX (212) 751-9019

## BOTSWANA, REPUBLIC OF

- Embassy: 1531-3 New Hampshire Ave. NW, Washington, D.C. 20036; (202) 244 4990; FAX (202) 244-4164
- Permanent Mission to the UN: 103 E. 37th St., New York, NY 10016; (212) 889-2277/2331/2491/2772; FAX (212) 725-5061

## BRAZIL

- Embassy: 3006 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 238-2700; FAX (202) 238-2827
- Consulate – Los Angeles: 8484 Wilshire Blvd., Beverly Hills, CA 90211; (323) 651-2664; FAX (323) 651-1274
- Consulate – San Francisco: 300 Montgomery Street, Suite 1160, San Francisco, CA 94104; (415) 981-8170; FAX 415-981-3628
- Consulate – Miami: 80 SW 8th street, 26th floor, Miami, FL 33130; (305) 285-6200; FAX (305) 285-6240

- Consulate – Boston: The Stattler Building, 20 Park Plaza, Suite 810, Boston, MA 02116; (617) 542-4000; FAX (617) 542-4318
- Consulate – New York: 1185 Avenue of the Americas, 21st Floor, New York, NY 10036; (212) 827-0976; FAX (212) 827-9225
- Consulate – Houston: 1700 W. Loop South, Suite 1150, Houston, TX 77027; (713) 961-3063; FAX (713) 961-3070
- Permanent Mission to the UN: 747 3rd Avenue, 9th Floor, New York, NY, 10017; (212) 372-2600; FAX (212) 371-5716

**BRUNEI**

- Embassy: 3520 International Court, NW, Washington D.C. 20008; (202) 237-1838; FAX (202) 885-0560
- Permanent Mission to the UN: 771 United Nations Plaza, New York, NY 10017; (212) 697-3465; FAX (212) 697-9889

**BULGARIA, PEOPLE'S REPUBLIC OF**

- Embassy: 1621 22nd St. NW, Washington, D.C. 20008; (202) 387-0174; FAX (202) 234-7973
- Permanent Mission to the UN: 11 E. 84th St., New York, NY 10028; (212) 737-4790, (212) 737-4790/4791, 327-4180/4181; FAX (212) 472-9865

**BURKINA FASO**

- Embassy: 2340 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 332-5577/6895; FAX (202) 667-1882
- Permanent Mission to the UN: 115 E. 73rd St., New York, NY 10021; (212) 288-7515/7527; FAX (212) 772-3562

**BURMA [SEE MYANMAR]****BURUNDI, REPUBLIC OF**

- Embassy: 2233 Wisconsin Ave. NW Suite 212, Washington, D.C. 20007; (202) 342-2574; FAX (202) 342-2578
- Permanent Mission to the UN: 336 E. 45th St., 12th Floor, New York, NY 10017; (212) 499-0001/0002; FAX (212) 499-0006

**CAMBODIA**

- Embassy: 4530 16th St. NW, Washington, D.C. 20011; (202) 726-7742; FAX (202) 726-8381
- Permanent Mission to the UN: 866 United Nations Plaza, Suite 420, New York, NY, 10017; (212) 223-0676/0435/0530; FAX (212) 223-0425

**CAMEROON, UNITED REPUBLIC OF**

- Embassy: 2349 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 265-8790; FAX (202) 387-3826
- Permanent Mission to the UN: 22 E. 73rd St., New York, NY, 10021; (212) 794-2295/2296/2297/2298/2299; FAX (212) 249-0533

**CANADA**

- Embassy: 501 Pennsylvania Ave. NW, Washington, D.C. 20001; (202) 682-1740; FAX (202) 682-7701
- Consulate – Los Angeles: 550 S. Hope St., 9th Floor, Los Angeles, CA 90071; (213) 346-2700; FAX (213) 346-2767
- Consulate – Atlanta: 100 Colony Square, 1175 Peachtree St., Suite 1700, Atlanta, GA 30361; (404) 532-2000; FAX (404) 532-2050
- Consulate – Chicago: Two Prudential Plaza, 180 North Stetson Ave., Suite 2400, Chicago, IL 60601; (312) 616-1860; FAX (312) 616-1878

- Consulate – Boston: 3 Copley Place, Suite 400, Boston, MA 02116; (617) 262-3760; FAX (617) 262-3415
- Consulate – Denver: 1625 Broadway, Suite 2600, Denver, CO 80202; (303) 626-0640; FAX (303) 572-1158
- Consulate – Detroit: 600 Renaissance Ctr., Suite 1100, Detroit, MI 48243-1798; (313) 567-2340; FAX (313) 567-2164
- Consulate – Minneapolis: 701 4th Ave. S., Suite 901, Minneapolis, MN 55415-1899; (612) 332-7486; FAX (612) 332-4061
- Consulate – Buffalo: HSBC Center, Suite 3000, Buffalo, NY 14203-2884; (716) 858-9500; FAX (716) 852-4340
- Consulate – New York: 1251 Ave. of the Americas, New York, NY 10020; (212) 596-1628; FAX (212) 596-1793
- Consulate – Dallas: 750 N. St. Paul St., Suite 1700, Dallas, TX 75201; (214) 922-9806; FAX (214) 922-9815
- Consulate – Seattle: 412 Plaza 600 Bldg., 6th Avenue and Stewarts St., Seattle, WA 98101; (206) 443-1777; FAX (206) 443-9735
- Consulate – Miami: First Union Financial Centre, 200 S. Biscayne Blvd., Suite 1600, Miami, FL 33131; (305) 579-1600; FAX (305) 374-6774
- Consulate – San Francisco: 580 California St., 14th Floor, San Francisco, CA 94104; (415) 834-3180; FAX (415) 834-3189
- Permanent Mission to the UN: 885 2nd Avenue, 14th Floor, New York, NY 10017; (212) 848-1100; FAX (212) 848-1192
- John Howard Society of Canada, 809 Blackburn Mews, Kingston, ON Canada K7P 2N6; (613) 384-6272; FAX (613) 384-1847
- The John Howard Society of Canada is a support group that provides social services for prisoners in Canada and ex-offenders returning to Canada from U.S. prisons. Although they do not provide legal services, they will provide referrals.
- Canadian Association of Elizabeth Fry Societies, 151 Slater St., Suite 701, K1P5H3, Ottawa, Ontario Canada; (613) 238-2422; FAX (613) 232-7130
- The Canadian Association of Elizabeth Fry Societies is a nonprofit social service agency that provides a wide range of programs including direct services for and about women in conflict with the law.

#### CAPE VERDE, REPUBLIC OF

- Embassy: 3415 Massachusetts Ave. NW, Washington, D.C. 20007; (202) 965-6820; FAX (202) 965-1207
- Cape Verde American Community Development, 120 High St., Pawtucket, RI 02860; (401) 726-8729; FAX (401) 723-2098
- Consulate – Boston: 535 Boylston St., Boston, MA 02116; (617) 353-0014
- Permanent Mission to the UN: 27 E. 69th St., New York, NY 10021; (212) 472-0333; FAX (212) 794-1398

#### CENTRAL AFRICAN REPUBLIC

- Embassy: 1618 22nd St. NW, Washington, D.C. 20008; (202) 483-7800/7801; FAX (202) 332-9893
- Permanent Mission to the UN: 51 Clifton Ave., Suite 2008, Newark, NJ 07104; (973) 482-9161; FAX (973) 350-1174

#### CHAD, REPUBLIC OF

- Embassy: 2002 R St. NW, Washington, D.C. 20009; (202) 462-4009; FAX (202) 265-1937

- Permanent Mission to the UN: 211 E. 43rd St., Suite 1703, New York, NY 10017; (212) 986-0980; FAX (212) 986-0152

#### CHILE

- Embassy: 1732 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 530-4104/4106/4107
- Consulate – Los Angeles: 6100 Wilshire Blvd., Suite 1240, Los Angeles, CA 90048; (323) 933-3697/0187/0831/1348; FAX (323) 933-3842
- Consulate – San Francisco: 870 Market St., Suite 1058, San Francisco, CA 94102; (415) 982-7662; (415) 982-2384
- Consulate – Miami: 800 Brickell Ave., Suite 1230, Miami, FL 33131; (305) 373-8623/8624; FAX (305) 379-6613
- Consulate – Houston: 1300 Post Oak Blvd., Suite 1130, Houston, TX 77056; (713) 621-5853, (713) 963-9066; FAX (713) 621 8672
- Permanent Mission to the UN: 305 E.47th St., 10<sup>th</sup>/11<sup>th</sup> Floors, New York, NY 10017; (212) 832-3323; FAX (212) 832-8714

#### CHINA, PEOPLE'S REPUBLIC OF

- Embassy: 2300 Connecticut Ave. NW, Washington, D.C. 20007; (202) 338-6688, (202) 588-9760; FAX (202) 588-9760
- Consulate – Los Angeles: 443 Shatto Pl., Los Angeles, CA 90020; (213) 807-8088; FAX (213) 380-1961
- Consulate – San Francisco: 1450 Laguna St., San Francisco, CA 94115; (415) 674-2900; FAX (415) 563-0494
- Consulate – Chicago: 100 W. Erie St., Chicago, IL 60610; (202) 338-6688, (202) 588-9760; FAX (202) 588-9760
- Consulate – New York: 520 12th Ave., New York, NY 10036; (212) 868-7752; FAX (212) 502-0245
- Consulate – Houston: 3417 Montrose Blvd., Houston, TX 77006; (713) 524-4311; FAX (713) 524-7656
- Permanent Mission to the UN: 350 E. 35th St., New York, NY, 10016; (212) 665-6100; FAX (212) 634-7626

#### COLOMBIA

- Embassy: 2118 Leroy Pl. NW, Washington, D.C. 20008; (202) 387-8338; FAX (202) 232-8643
- Consulate – Los Angeles: 8383 Wilshire Blvd., Suite 420, Beverly Hills, CA 90211; (323) 653-9863/4299; FAX (323) 653-2964
- Consulate – San Francisco: 595 Market Street, Suite 2130, San Francisco, CA 94105; (415) 495-7195/96; FAX (415) 777-3731
- Consulate – Miami: 280 Aragon Avenue, Coral Gables, FL 33134; (305) 448-5558/4179, (305) 441-1235; FAX (305) 441-9537
- Consulate – Atlanta: 5901 C Peachtree Dunwoody Road, Suite 375, Atlanta, GA 30328; (404) 237-1045, (770) 668-0451/0512/0552; FAX (770) 668-0763
- Consulate – Boston: 535 Boylston Street, 11<sup>th</sup> Floor, Boston, MA 02116; (617) 536-6222; FAX (617)536-9372
- Consulate – New York: 10 E. 46th St. New York, NY 10017; (212) 949-9898/370-0004; FAX (212) 972-1725
- Consulate – Houston: 5851 San Felipe, Suite 300, Houston, TX 77057; (713) 527-8919/9093; FAX (713) 529-3395
- Permanent Mission to the UN: 140 E. 57th St., New York, NY 10022; (212) 355-7776; FAX (212) 371-2813

## COMOROS, FEDERAL AND ISLAMIC REPUBLIC OF

- Embassy: 420 E. 50th Street, New York, NY 10022; (212) 972-8010; FAX (212) 983-4712
- Permanent Mission to the UN: 866 United Nations Plaza, Suite 418, New York, NY 10017; (212) 750-1637; FAX (212) 750-1657, 715-0699

## CONGO, DEMOCRATIC REPUBLIC OF

- Embassy: 1800 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 234-7690; FAX (202) 234-2609
- Permanent Mission to the UN: 866 United Nations Plaza, Suite 511, New York, NY 10017; (212) 319-8061; FAX (212) 319-8232

## CONGO, REPUBLIC OF [CONGO-BRAZZAVILLE]

- Embassy: 4891 Colorado Ave. NW, Washington, D.C. 20011; (202) 726-5500; FAX (202) 726-1860
- Permanent Mission to the UN: 14 E. 65th St., New York, NY 10021; (212) 750-1637; FAX (212) 750-1657, 715-0699

## COSTA RICA

- Embassy: 2114 S St. NW, Washington, D.C. 20008; (202) 234-2945/2946; FAX (202) 265-4795
- Consulate – Los Angeles: 1605 West Olympic Blvd. Suite 400, Los Angeles, CA 90015; (213) 380-7915/6031; FAX (213) 380-5639. Los Angeles, CA; (213) 380-7915
- Consulate – San Francisco: P. O. Box 7643, Fremont, CA 94537; (510) 790-0785; FAX (510) 792-5249
- Consulate – Miami: 1101 Brickell Avenue, Suite 704-S, Miami, Florida 33131; (305) 871-7487/7485; FAX (305) 871-0860.
- Consulate – Chicago: 203 N. Wabash Ave., Suite 1312, Chicago, IL 60601; (312) 263-2772
- Consulate – New York: 80 Wall Street, Suite 717, New York, NY 10005; (212) 509-3066/3067; FAX (212) 509-3068
- Consulate – Puerto Rico: 1413 Avenida Fernández Junco, Suite 2-D, San Juan, Puerto Rico 00909; (787) 723-6227; FAX (787) 723-6226
- Consulate – Houston: 3000 Wilcrest, Suite 112, Houston Texas, TX 77042; (713) 266-0484; FAX (713) 266-1527
- Consulate – Atlanta: 1870 The Exchange, Suite 100, Atlanta, GA 30339; (770) 951-7025; FAX (770) 951-7073
- Permanent Mission to the UN: 211 E. 43rd St., Room 903, New York, NY 10017; (212) 986-6373; FAX (212) 986-6842

## CÔTE D'IVOIRE

- Embassy: 2424 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 797-0300
- Permanent Mission to the UN: 46 E. 74th St., New York, NY 10021; (212) 717-5555; FAX (212) 717-4492.

## CROATIA

- Embassy: 2343 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 588-5899; FAX (202) 588-8937
- Consulate – New York: 369 Lexington Ave., New York, NY 10017; (212) 599-3066; FAX (212) 599-3106
- Croatia Center, 502 W. 41st St., New York, NY 10036; (212) 563-3395
- Permanent Mission to the UN: 820 2nd Avenue, 19th Floor, New York, NY 10017; (212) 986-1585; FAX (212) 986-2011

## CUBAN INTERESTS SECTION

- Embassy: 2639 16th St. NW, Washington, D.C. 20009; (202) 797-8518/8507/8609/8610; FAX (202) 797-8521
- Permanent Mission to the UN: 315 Lexington Avenue, New York, NY, 10016; (212) 689-7215, (212) 689-7215/7216/7217; FAX (212) 779-1697

## CYPRUS, REPUBLIC OF

- Embassy: 2211 R. St. NW Washington, D.C. 20008; (202) 462-5772/0873; FAX (202) 483-6710
- Consulate – New York: 13 E. 40th St., 5<sup>th</sup> New York, NY 10016; (212) 686-6016/6017; FAX (212) 447-1988
- Permanent Mission to the UN: 13 E. 40th St. New York, NY 10016; (212) 481-6023/6024/6025; FAX (212) 685-7316

## CZECH REPUBLIC

- Embassy: 3900 Spring of Freedom St. NW, Washington, D.C. 20008; (202) 274-9100; FAX (202) 966-8540
- Permanent Mission to the UN: 1109 Madison Avenue, New York, NY 10028; (212) 535-8814/ 8815/ 8818; FAX (212) 772-0586

## DENMARK

- Embassy: 3200 Whitehaven St. NW, Washington, D.C. 20008; (202) 234-4300; FAX (202) 328-1470
- Consulate – Los Angeles: 12444 Ventura Blvd., Suite 204, Studio City, CA 91604; (818) 766-0003; FAX (818) 766-0302
- Consulate – Chicago: 211 East Ontario, Chicago, IL 60611; (312) 787-8780; FAX (213) 787-8744
- Permanent Mission to the UN: 1 Dag Hammarskjold Plaza, 885 2nd Avenue, 18th Floor, New York, NY 10017; (212) 308-7009; FAX (212) 308-3384

## DJIBOUTI, REPUBLIC OF

- Embassy: 1156 15th St. Suite 515, Washington, D.C. 20005; (202) 331-0270; FAX (202) 331-0302
- Permanent Mission to the UN: 866 United Nations Plaza, Suite 4011, New York, NY 10017; (212) 753-3163; FAX (212) 223-1276

## DOMINICAN REPUBLIC

- Embassy: 1715 22nd Street NW, Washington, D.C. 20008; (202) 332-6280; FAX (202) 265-8057
- Consulate – San Francisco: 1516 Oak St., Suite 321, Alameda, California 94501; (510) 864-7777; FAX (510) 864-2222
- Consulate – Miami: 1038 Brickell Avenue, Miami, FL 33131; (305) 358-3220; FAX (305) 358-2318
- Consulate – Chicago: 1 Northfield Plaza, Suite 300, Northfield, Illinois 60093; (847) 441-1863/1831; FAX (847) 441-1833
- Consulate – New Orleans: World Trade Center, 2 Canal Street, Suite 2100, New Orleans, LA 70130; (504) 522-1843; FAX (504) 522-1007
- Consulate – Boston: The Statler Building, 20 Park Plaza, Suite 601, Boston, MA 02116; (617) 482-2101; FAX (617) 482-8133
- Consulate – New York: 1501 Broadway, Suite 410, New York, NY 10036; (212) 768-2480/81/82/83; FAX (212) 768-2677
- Consulate – Philadelphia: 437 Chestnut St., Suite 216, Philadelphia, PA 19106; (215) 923-3006; FAX (215) 923-3007

- Consulate – Puerto Rico: Avianca Building, 1612 Ponce De Leon Ave., Rm. 7, Santurce, San Juan, PR 00907; (787) 725-9550/9554; FAX (787) 721-7820
- Permanent Mission to the UN: 144 E. 44th Street, 4th Floor, New York, NY, 10017; (212) 867-0833; FAX (212) 986-4694

## EAST TIMOR

- Embassy: 4201 Connecticut Ave. NW, Washington, D.C. 20008; (202) 966-3202
- Permanent Mission to the UN: 866 2nd Avenue, 9th Floor, New York, NY, 10017; (212) 759-3675; FAX (212) 759-4196

## ECUADOR

- Embassy: 2535 15th Street, NW Washington, D.C. 20009; (202) 234-7166, 202) 234-7166/7200; FAX (202) 667-3482
- Consulate – Beverly Hills: 8484 Wilshire Blvd., Suite 540, Beverly Hills, CA 90211; (323) 658-6020
- Consulate – San Francisco: 235 Montgomery St., Suite 944, San Francisco, CA 94104; (415) 982-1819/1833
- Consulate – Miami: 1101 Brickell Ave., Suite M-102, BIV Tower, Miami, FL 33131; (305) 539-8214/8313.
- Consulate – Chicago: 30 S. Michigan Ave. Suite 204, Chicago, IL 60603; (312) 338-1002/1004
- Consulate – New Orleans: World Trade Center, 2 Canal Street, Suite 2338, New Orleans, LA 70130; (504) 523-3229, 522-9675
- Consulate – New York: 800 2nd Avenue, Suite 600, New York, NY 10017; (212) 808-0211
- Consulate – Houston: 4200 Westheimer Road, Suite 218, Houston, TX 77027; (713) 572-8731/8732
- Permanent Mission to the UN: 866 United Nations Plaza, Room 516, New York, NY 10017; (212) 935-1680/1681; FAX (212) 935-1835

## EGYPT, ARAB REPUBLIC OF

- Embassy: 3521 International Ct., NW, Washington, D.C. 20008; (202) 895-5400; FAX (202) 244-5131
- Consulate – San Francisco: 3001 Pacific Avenue, San Francisco, CA 94115; (415) 346-9700/9702/7352; FAX (415) 346-9480
- Consulate – New York: 1110 2nd Avenue, Suite 201, New York, NY 10022; (212) 759-7120
- Consulate – Houston: 1990 Post Oak Bl., Suite 2180, Houston, TX 77056; (713) 961-4915
- Permanent Mission to the UN: 304 E. 44th St, New York, NY 10017; (212) 503-0300; FAX (212) 949-5999

## EL SALVADOR

- Embassy: 2308 California St. NW, Washington, D.C. 20008; (202) 265-9671/9672/9675; FAX (202) 234-3834
- Consulate – Los Angeles: 3450 Wilshire Blvd., Suite 250, Los Angeles, CA 90010; (213) 383-5776/8580/8364/6134; FAX (213) 383-8599
- Consulate – San Francisco: 870 Market St., Suite 508, San Francisco, CA 94102; (415) 781-7924; FAX (415) 781-1136
- Consulate – Miami: 2600 Douglas Road, Suite 104 (Douglas Centre), Coral Gables, FL 33134; (305) 774-0840; FAX (305) 774-0850
- Consulate – New York: 46 Park Avenue, New York, NY 10016; (212) 889-3608; FAX (212) 679-2835

- Consulate – Houston: 1702 Hillendahl Blvd., Houston, TX 77055; (713) 270-6239/9683; FAX (713) 270-9683
- Permanent Mission to the UN: 46 Park Ave., New York, NY 10016; (212) 679-1616/1617; FAX (212) 725-3467

#### EQUATORIAL GUINEA

- Embassy: 2020 16th Street NW, Washington, D.C. 20009; (202) 518-5700; FAX (202) 518-5252
- Permanent Mission to the UN: 57 Magnolia Avenue, Mount Vernon, NY 10553; (914) 667-8999; FAX (914) 667-8778

#### ERITREA

- Embassy: 1708 New Hampshire Avenue NW, Washington, D.C. 20009; (202) 319-1991; FAX (202) 319-1304
- Permanent Mission to the UN: 800 2nd Avenue, 18th Floor, New York, NY, 10017; (212) 687-3390; FAX (212) 687-3138

#### ESTONIA

- Embassy: 2131 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 588-0101; FAX (202) 588-0108
- Consulate – New York: 600 3rd Avenue, 26th Floor, New York, NY 10016; (212) 883-0636
- Permanent Mission to the UN: 600 Third Avenue, 26th Floor, New York, NY 10016; (212) 883-0640; FAX (212) 883-0648

#### ETHIOPIA

- Embassy: 3506 International Dr. NW, Washington, D.C. 20008; (202) 364-1200; FAX (202) 587-0195
- Permanent Mission to the UN: 866 2<sup>nd</sup> Ave., Third Floor, New York, NY 10017; (212) 421-1830; FAX (212) 754-0360

#### FIJI

- Embassy: 2233 Wisconsin Ave., NW, Suite 240, Washington, D.C. 20007; (202) 337-8320; FAX (202) 337-1996
- Permanent Mission to the UN; 630 Third Ave., 7<sup>th</sup> Floor, New York, NY 10017; (212) 687-4130; FAX (212) 687-3963

#### FINLAND

- Embassy: 3301 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 298-5800; FAX (202) 298-6030
- Consulate – Los Angeles: 1801 Century Park East, Suite 2100, Los Angeles, CA 90067; (310) 203-9903; FAX (310) 203-9186
- Consulate – Chicago: 362 E. Burlington St., Riverside, IL 60546; (708) 442-0635; FAX (708) 442-6884
- Consulate – Houston: 14 Greenway Plaza, Suite 22R, Houston, TX 77046; (713) 552-1722; FAX (713) 522-1676
- Permanent Mission to the UN: 866 UN Plaza, Suite 222, New York, NY, 10017; (212) 750-4400; FAX (212) 750-4418

#### FRANCE

- Embassy: 4101 Reservoir Rd. NW, Washington, D.C. 20007; (202) 944-6195; FAX (202) 944-6148
- Consulate – Los Angeles: 10990 Wilshire Blvd., Suite 300, Los Angeles, CA 90024; (310) 235-3200; FAX (310) 479-4813
- Consulate – San Francisco: 540 Bush Street, San Francisco, CA 94108; (415) 397-4330; FAX (415) 433-8357



- Consulate – Miami: Espirito Santo Plaza, Suite 1050, 1395 Brickell Ave., Miami, FL 33131; (305) 403-4150; FAX (305) 403-4151
- Consulate – Atlanta: 3475 Piedmont Road NE, Suite 1840, Atlanta, GA 30305; (404) 495-1660; FAX (404) 495-1661
- Consulate – Chicago: 205 North Michigan Ave., Suite 3700, Chicago, IL 60601; (312) 327-5200; FAX (312) 327-5201
- Consulate – Boston: 31 St. James Ave., Park Square Building, Suite 750, Boston, MA 02116; (617) 832-4400; FAX (617) 542-8054
- Consulate – New York: 934 5th Avenue, New York, NY 10021; (212) 606-3600; FAX (212) 606-3620
- Consulate – Houston: 777 Post Oak Blvd., Suite 600, Houston, TX 77056; (713) 572-2799; FAX (713) 572-2911
- Permanent Mission to the UN: 245 E. 47th St., New York, NY, 10017; (212) 308-5700; FAX (212) 421-6889

## GABON

- Embassy: 2034 20th St. NW, Washington, D.C. 20009; (202) 797-1000; FAX (202) 332-0668
- Permanent Mission to the UN: 18 E. 41st St., 9th Floor, New York, NY, 10017; (212) 686-9720; FAX (212) 689-5769

## GAMBIA

- Embassy: 1155 15th St. NW, Suite 1000, Washington, D.C. 20005; (202) 785-1399; FAX (202) 785-1430
- Permanent Mission to the UN: 800 2<sup>nd</sup> Ave., Suite 400F, New York, NY 10017; (212) 949-6640; FAX (212) 856-9820

## GEORGIA

- Embassy: 1101 - 15th St. NW Suite 602, Washington D.C. 20005; (202) 387-2390; FAX (202) 393-4537
- Consulate – Boston: 17 Berkeley Street, Boston, MA 02138; (617) 492-0727
- Consulate – Puerto Rico: 400 Ponce De Leon Ave., Suite 2, San Juan, PR 00901; (787) 724-8070
- Consulate – Houston: 3040 Post Oak Blvd., Suite 700, Houston, TX 77056; (281) 633-3500
- Permanent Mission to the UN: One United Nations Plaza, 26th Floor, New York, NY 10017; (212) 759-1949; FAX (212) 759-1832

## GERMANY

- Embassy: 4645 Reservoir Rd. NW, Washington, D.C. 20007-1998; (202) 298-4000
- Consulate – Los Angeles: 6222 Wilshire Blvd., Suite 500, Los Angeles, CA 90048; (323) 930-2703; FAX (323) 930-2805
- Consulate – San Francisco: 1960 Jackson Street, San Francisco, CA 94109; (415) 775-1061; FAX (415) 775-0187
- Consulate – Miami: 100 N. Biscayne Blvd. #2200, Miami, FL 33132; (305) 358-0290; FAX (305) 358-0307
- Consulate – Atlanta: Marquis Two Tower-Suite 901, 285 Peachtree Center Ave., NE, Atlanta, GA 30303; (404) 659-4760; FAX (404) 577-2719
- Consulate – Chicago: 676 N. Michigan Ave., Suite 3200, Chicago, IL 60611; (404) 577-2719; FAX (312) 202-0466
- Consulate – Boston: 3 Copley Place, Suite 500, Boston, MA 02116; (617) 369-4900; FAX (617) 369-4940

- Consulate – Houston: 1330 Post Oak Blvd., Suite 1850, Houston, TX 77056; (713) 627-7770; FAX (713) 627-0506
- Permanent Mission to the UN: 871 UN Plaza, New York, NY 10017; (212) 940-0400; FAX (212) 940-0402

## GHANA

- Embassy: 3512 International Drive, NW, Washington, D.C. 20008; (202) 686-4520/21/22/23/24/25/26; FAX (202) 686-4527
- Permanent Mission to the UN: 19 E. 47th Street, New York, NY 10017; (212) 832-1300; FAX (212) 751-6743

## GREECE

- Embassy: 2221 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 232-8222; FAX (202) 939-5824
- Consulate – New York: 69 E. 79th Street, New York, NY 10021; (212) 988-5500; FAX (212) 734-8492
- Consulate – Chicago: 650 North St. Clair St., Chicago, IL 60611; (312) 335-3915; FAX (312) 335-3958
- Consulate – Los Angeles: 12424 Wilshire Blvd., Suite 800, Los Angeles, CA 90025; (310) 826-5555; FAX (310) 826-8670
- Consulate - San Francisco: 2441 Gough St. San Francisco, CA 94123; (415)775-2102; FAX (415) 776-6815
- Consulate – Atlanta: Tower Place, Suite 1670 3340, Peachtree Rd., N.E., Atlanta, GA 30326; (404) 261-3313; FAX (404) 262-2798
- Consulate – Boston: 86 Beacon St. Boston, MA 02108; (617) 523-0100; FAX (617) 523-0511
- Consulate – Houston: 520 Post Oak Blvd., Suite 450, Houston, TX 77027; (713) 840-7522; (713) 840-0614
- Permanent Mission to the UN: 866 2nd Avenue, 13th Floor, New York, NY, 10017; (212) 888-6900; (212) 479-1300; FAX (212) 888-4440

## GRENADA

- Embassy: 1701 New Hampshire Ave., NW, Washington, D.C. 20009; (202) 265-2561; FAX (202) 265-2468
- Permanent Mission to the UN: 800 2nd Avenue, Suite 400-K, New York, NY 10017; (212) 599-0301

## GUATEMALA

- Embassy: 2220 R St., NW, Washington, D.C. 20008; (202) 745-4952; FAX (202) 745-1908
- Consulate - Los Angeles: 1625 W. Olympic Blvd., #1000, Los Angeles, CA 90015; (213) 365-9251, 9252, 1886; FAX (213) 365-9245
- Consulate – San Francisco: 870 Market St. #667, San Francisco, CA 94102; (415) 788-5651 ext. 23, 24, 25; FAX (415) 788-5653
- Consulate – Miami: 1101 Brickell Ave. #1003S, Miami, FL 33131; (305) 679-9945, 9946, 9947, 9948 ext. 10, 14, 15; FAX (305) 679-9983
- Consulate – Chicago: 203 N. Wabash Ave. #910, Chicago, IL 60601; (312) 332-1587; FAX (312) 332-4256
- Consulate – New York: 57 Park Avenue, New York, NY 10016; (212) 679-4760; FAX (212) 685-8741
- Consulate – Houston: 3013 Fountain View Suite 210, Houston, TX 77057; (713) 953-9531; FAX (713) 953-9383

## GUINEA, REPUBLIC OF

- Permanent Mission to the UN: 57 Park Ave., New York, NY, 10016; (212) 679-4760; FAX (212) 685-8741

## GUINEA, REPUBLIC OF

- Embassy: 2112 Leroy Pl., NW, Washington, D.C. 20008; (202) 986-4300; FAX (202) 478-3010
- Permanent Mission to the UN: 140 E. 39th St., New York, NY, 10016; (212) 687-8115/8116/8117; FAX (212) 687-8248

## GUINEA-BISSAU, REPUBLIC OF

- Embassy: 15929 Yukon Lane, Rockville, MD 20855; (301) 947-3958
- Permanent Mission to the UN: 211 East 43rd Street, Room 704, New York, NY 10017; FAX (914) 636-3007

## GUYANA

- Embassy: 2490 Tracy Place, NW, Washington, D.C. 20008; (202) 265-6900/6901; FAX (202) 232-1297
- Permanent Mission to the UN: 801 2nd Ave., Suite 501, New York, NY 10017; (212) 527-5828; FAX (212) 573-6225

## HAITI

- Embassy: 2311 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 332-4090; FAX (202) 745-7215
- Consulate – Miami: 259 S.W. 13th St., Miami, FL 33131; (305) 859-2003, FAX (305) 854-7441
- Consulate – Chicago: 220 State St. Suite 2110, Chicago, IL 60604; (312) 922-4004, FAX (312) 922-7122
- Consulate – Boston: 545 Boylston St. Suite 201, Boston, MA 02116; (617) 266-3660, FAX (617) 266 4060
- Consulate – New York: 271 Madison Ave., 5th Fl., New York, NY 10016; (212) 697-9767, FAX (212) 681-6991
- Permanent Mission to the UN: 801 2nd Ave., 6th Floor, New York, NY 10017; (212) 370-4840, FAX (212) 661-8698
- Haitian Lawyers Association: 151 South Miami PHI, Miami, FL 33130; (305) 373-7400
- Haiti Diaspo: 2135 Caton Ave., Brooklyn, NY 11226; (718) 856-1856
- Haiti Diaspo, a private organization run by several Haitians who have been in this country helping fellow Haitians for many years, may be in a better position to help you in some circumstances than the Haitian Consulate. They will explain legal documents to you, help you find a lawyer, and may help you and your lawyer in a variety of small ways.

## HOLY SEE

- Consulate – Washington, D.C.: 3339 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 333-7121; FAX (202) 337-4036

## HONDURAS

- Embassy: 3007 Tilden St. NW, Suite 4M, Washington, D.C. 20008; (202) 966-7702; FAX (202) 966-9751
- Consulate – Los Angeles: 3550 Wilshire Blvd., Suite 410, Los Angeles, CA 90010; (213) 383-9244, FAX (213) 383-9306
- Consulate – San Francisco: 870 Market St. Suite 449, San Francisco, CA 94102; (415) 392-0076, FAX (415) 392-6726
- Consulate – Chicago: 4506 Fullerton Ave., Chicago, IL 60639; (773) 342-8281, 8289; FAX (773) 342-8293

- Consulate – New Orleans: 2 Canal Street, Suite 1641, New Orleans, LA 70130; (504) 522-3118, 3119, FAX (504) 523-0544
- Consulate – Miami: 7171 Coral Way, Suite 309, Miami, FL 33155; (305) 269-9399, 9345, 9322, FAX (305) 269-9445
- Permanent Mission to the UN: 866 United Nations Plaza, Suite 417, New York, NY 10017; (212) 752-3370/3371; FAX (212) 223-0498/751-0403

#### HUNGARY

- Embassy: 3910 Shoemaker St., NW, Washington, D.C. 20008; (202) 362-6730; FAX (202) 686-6412
- Consulate – Los Angeles: 11766 Wilshire Blvd., Suite 410, Los Angeles, CA 90025; (310) 473-9344
- Consulate – New York: 223 E. 52nd Street, New York, NY 10022; (212) 838-4348, (212) 752-0669; FAX (212) 755-5986
- Permanent Mission to the UN: 227 E. 52nd St., New York, NY, 10022; (212) 752-0209, 755-5419/4594/6290; FAX (212) 755-5395

#### ICELAND

- Embassy: 1156 15th St. NW, Suite 1200, Washington, D.C. 20005; (202) 265-6653; FAX (202) 265-6656
- Permanent Mission to the UN: 800 3rd Ave., 36th Floor, New York, NY, 10022; (212) 593-2700; FAX (212) 593-6269

#### INDIA

- Embassy: 2107 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 939-7000; FAX (202) 265-4351
- Consulate – San Francisco: 540 Arguello Blvd., San Francisco, CA 94118; (415) 668-0662; FAX (415) 668-9764
- Consulate – New York: 3 East 64th Street, New York, NY 10021; (212) 774-0600; FAX (212) 861-3788
- Consulate – Chicago: 455 N. Cityfront Plaza Dr., Suite 850, Chicago, IL 60611; (312) 595-0405; FAX (312) 595-0416
- Consulate – Houston: 1990 Post Oak Blvd., Suite 600 3 Post Oak Central, Houston, TX 77056; (713) 626-2148, 2149; FAX (713) 626-2450
- Permanent Mission to the UN: 235 E. 43rd St., New York, NY, 10017; (212) 490-9660; FAX (212) 490-9656

#### INDONESIA, REPUBLIC OF

- Embassy: 2020 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 775-5200; FAX (202) 775-5365
- Consulate – Los Angeles: 3457 Wilshire Blvd., Los Angeles, CA 90010; (213) 383-5126; FAX (213) 487-3971
- Consulate – San Francisco: 1111 Columbus Ave. San Francisco, CA 94133; (415) 474-9571; FAX (415) 441-4320
- Consulate – Chicago: Two Illinois Center 233 North Michigan Ave., Suite 1422, Chicago, IL 60601; (312) 938-0101; FAX (312) 938-3148
- Consulate – New York: 5 East 68th Street, New York, NY 10021; (212) 879-0600
- Consulate – Houston: 10900 Richmond Ave., Houston, TX 77042; (713) 785-1691; FAX (713) 780-9644
- Permanent Mission to the UN: 325 E. 38th St., New York, NY, 10016; (212) 972-8333; FAX (212) 972-9780

## IRAN

- Iranian Interests Section: 2209 Wisconsin Ave. NW, Washington, D.C. 20007; (202) 965-4990; FAX (202) 965-1073
- Permanent Mission to the UN: 622 3rd Avenue, New York, NY, 10017; (212) 687-2020; FAX (212) 867-7086

## IRAQ

- Iraqi Interests Section: 1801 P St. NW, Washington, D.C. 20036; (202) 483-7500; FAX (202) 462-5066
- Permanent Mission to the UN: 14 East 79th Street, New York, NY 10021; (212) 737-4433, FAX (212) 772-1794

## IRELAND

- Embassy: 2234 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 462-3939; FAX (202) 232-5993
- Consulate – San Francisco: 100 Pine St., 33rd Floor, San Francisco, CA 94111; (415) 392-4214; FAX (415) 392-0885
- Consulate – Chicago: 400 N. Michigan Avenue, Suite 911, Chicago, IL 60611; (312) 337-1868; FAX (312) 337-1954
- Consulate – Boston: Chase Building, 535 Boylston St., Boston, MA 02116; (617) 267-9330; FAX (617) 267-6375
- Consulate – New York: 345 Park Ave., New York, NY 10154; (212) 319-2555; FAX (212) 980-9475
- Permanent Mission to the UN: 1 Dag Hammarskjold Plaza, 885 2nd Avenue, 19th Floor, New York, NY 10017; (212) 421-6934; FAX (212) 752-4726

## ISRAEL

- Embassy: 3514 International Drive NW, Washington, D.C. 20008; (202) 364-5500; FAX (202) 364-5423
- Consulate – Los Angeles: 6380 Wilshire Blvd., Suite 1700, Los Angeles, CA 90048; (323) 852-5500; FAX (323) 852-5555
- Consulate – San Francisco: 456 Montgomery St. Suite 2100, San Francisco, CA 94104; (415) 844-7500; FAX (415) 844-7555
- Consulate – Miami: 100 North Biscayne (Yitzhak Rabin) Blvd., Suite 1800, Miami, FL; (305) 358-8111; FAX (305) 371-5034
- Consulate – Atlanta: 1100 Spring St. NW Suite 440, Atlanta, GA 30309; (404) 487-6500; FAX (404) 487-6555
- Consulate – Chicago: 111 East Wacker Drive, Suite 1308, Chicago, IL 60601; (312) 297-4800; FAX (312) 297-4855/4865
- Consulate – Boston: 21 Park Plaza, Suite 1020, Boston, MA 02116; (617) 542-0200; FAX (617) 535-0255
- Consulate – Houston: 24 Greenway Plaza, Suite 1500, Houston, TX 77046; (713) 627-3780; FAX (713) 627-0149
- Permanent Mission to the UN: 800 2nd Avenue, New York, NY 10017; (212) 499-5510; FAX (212) 499-5516

## ITALY

- Embassy: 3000 Whitehaven St. NW, Washington, D.C. 20008; (202) 612-4400; FAX (202) 518-2154
- Consulate – Los Angeles: 12400 Wilshire Blvd. Suite 300, Los Angeles, CA 90025; (310) 820-0622, 826-6207; FAX (310) 820-0727
- Consulate – San Francisco: 2590 Webster St., San Francisco, CA 94115; (415) 931-4924/292-9210; FAX (415) 931-7205

- Consulate – Miami: 4000 Ponce de Leon, Suite 590, Coral Gables, FL; (305) 374-6322; FAX (305) 374-7945
- Consulate – Chicago: 500 North Michigan Ave. Suite 1850, Chicago, IL 60611; (312) 467-1550/51/52; FAX (312) 467-1335
- Consulate – Boston: 100 Boylston St. Suite 900, Boston, MA 02116; (617) 542-0483/84; FAX (617) 542-3998
- Consulate – Detroit: Buhl Building, 535 Griswold, Suite 1840, Detroit, MI 48226; (313) 963-8560; FAX (313) 963-8180
- Consulate – New York: 690 Park Avenue, New York, NY 10021; (212) 737-9100; FAX (212) 249-4945
- Consulate – Philadelphia: 1026 Public Ledger Building, 100 South 6<sup>th</sup> St., Philadelphia, PA 19106; (215) 592-7329; FAX (215) 592-9808
- Consulate – Houston: 1300 Post Oak Blvd., Suite 660, Houston, TX 77056; (713) 850-7520; FAX (713) 850-9113
- Permanent Mission to the UN: 2 UN Plaza, 24th Floor, New York, NY, 10017; (212) 486-9191; FAX (212) 486-1036

#### IVORY COAST (SEE COTE D'IVOIRE)

#### JAMAICA

- Embassy: 1520 New Hampshire Ave. NW, Washington, D.C. 20036; (202) 452-0660; FAX (202) 452-0081
- Consulate – Miami: 842 Ingraham Building, 25 South East Second Ave. Miami, FL 33131; (305) 374-8431; FAX (305) 577-4970
- Consulate – New York and Permanent Mission to the UN: 767 3rd Avenue, New York, NY, 10017; (212) 935-7509; FAX (212) 935-7607
- The Jamaican Consulate in New York will make phone calls to Jamaica for you if you are in prison and cannot make the calls yourself. They will probably also assist you if you are being mistreated in prison or if your rights are in some way being violated.

#### JAPAN

- Embassy: 2520 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 238-6700; FAX (202) 328-2187
- Consulate – Anchorage: 3601 C St. Suite 1300, Anchorage, AK 99503; (907) 562-8424; FAX (907) 562-8434
- Consulate – Los Angeles: 350 South Grand Ave. Suite 1700, Los Angeles, CA 90071; (213) 617-6700; FAX (213) 617-6727
- Consulate in San Francisco: 50 Fremont St. Suite 2300, San Francisco, CA 94105; (415) 777-3533; FAX (415) 777-0518
- Consulate – Atlanta: One Alliance Center, Suite 1600, 3500 Lenox Rd., Atlanta, GA 30326; (404) 240-4300; FAX (404) 240-4311
- Consulate in Honolulu: 1742 Nuuanu Ave. Honolulu, HI 96817; (808) 536-2226
- Consulate – Chicago: Olympia Centre, Suite 1100, 737 North Michigan Ave. Chicago, IL 60611; (312) 280-0400; FAX (312) 280-9568
- Consulate – New Orleans: 639 Loyola Ave. Suite 2050, New Orleans, LA 70113; (504) 529-2101; FAX (504) 568-9847
- Consulate – Boston: Federal Reserve Plaza, 14th Floor, 600 Atlantic Ave., Boston, MA 02210; (617) 973-9772/9773/9774; FAX (617) 542-1329
- Consulate – New York: 299 Park Avenue, 18th Floor, New York, NY 10017; (212) 371-8222; FAX (212) 319-6357
- Consulate – Portland: Wells Fargo Center, Suite 2700, 1300 SW 5<sup>th</sup> Ave. Portland, OR 97201; (503) 221-1811; FAX (503) 224-8936

- Consulate – Houston: 1000 Louisiana St. Suite 2300, Houston, TX 77002; (713) 652-2977; FAX (713) 651-7822
- Consulate – Seattle: 601 Union St. Suite 500, Seattle, WA 98101; (206) 682-9107; FAX (206) 624-9097
- Permanent Mission to the UN: 866 United Nations Plaza, New York, NY 10017; (212) 223-4300; FAX (212) 751-1966

## JORDAN, HASHEMITE KINGDOM OF

- Embassy: 3504 International Drive, NW, Washington, D.C. 20008; (202) 966-2664; FAX (202) 966-3110
- Permanent Mission to UN: 866 2nd Avenue, 4th Fl., New York, NY 10017; (212) 832-9553; FAX (212) 832-5346

## KAZAKHSTAN

- Embassy: 1401 16<sup>th</sup> St., NW, Washington, D.C. 20036; (202) 232-5488; FAX (212) 232-5845
- Permanent Mission to UN: 866 UN Plaza, Suite 586A, New York, NY 10017; (212) 230-1900/1972; FAX (212) 230-1172

## KENYA

- Embassy: 2249 R Street NW, Washington, D.C. 20008; (202) 387-6101; FAX (202) 462-3829
- Consulate – Los Angeles: 4801 Wilshire Blvd. Mezzanine Floor, Los Angeles, CA 90010; (323) 939-2408; FAX (323) 939-2412
- Consulate – New York: 424 Madison Avenue, 14th Fl., New York, NY 10017; (212) 486-1300; FAX (212) 688-0911
- Permanent Mission to the UN: 866 UN Plaza, Suite 486, New York, NY 10017; (212) 421-4740; FAX (212) 486-1985

## KIRIBATI

- Consulate – Honolulu: 850 Richards St., Suite 503, Honolulu, HI 96813; (808) 521-7703

## KOREA, REPUBLIC OF

- Embassy: 2450 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 939-5600; FAX (202) 797-0595
- Consulate – Los Angeles: 3242 Wilshire Blvd. Los Angeles, CA 90019; (213) 385-9300; FAX (213) 385-1849
- Consulate – San Francisco: 3500 Clay St. San Francisco, CA 90010; (415) 921-2251; FAX (415) 921-5946
- Consulate – Atlanta: 229 Peachtree St. Suite 500, International Tower, Atlanta, GA 30303; (404) 522-1611; FAX (404) 521-3169
- Consulate – Guam: 125C Tun Jose Camacho St. Tamuning, Guam 96913; (671) 647-6488; FAX (671) 649-1336
- Consulate – Honolulu: 2756 Pali Highway, Honolulu, HI 96817; (808) 595-6109; FAX (808) 595-3046
- Consulate – New York: 335 E. 45th St. 4th Floor, New York, NY 10017; (646) 674-6000, (212) 692-9120; FAX (212) 888-6320
- Consulate – Chicago: NBC Tower, Suite 2700, 455 North City Front Plaza Dr., Chicago, IL 60611; (312) 822-9485; FAX (312) 822-9849
- Consulate – Houston: 1990 Post Oak Blvd., Suite 1250 Houston, TX 77056; (713) 961-0186; FAX (713) 961-3340
- Consulate – Seattle: 2033 Sixth Ave. Suite 1125, Seattle, WA 98121; (206) 441-1011; FAX (206) 441-7912

- Permanent Mission to the UN: 335 E. 45th St., New York, NY 10017; (212) 439-4000; FAX (212) 986-1083

## KUWAIT, STATE OF

- Embassy: 2940 Tilden St., NW, Washington, D.C. 20008; (202) 966-0702; FAX (202) 364-2868
- Permanent Mission to the UN: 321 E. 44th St., New York, NY 10017; (212) 973-4300; FAX (212) 370-1733

## KYRGYZSTAN (KYRGYZ REPUBLIC)

- Embassy: 1001 Pennsylvania Ave., Suite 600, NW, Washington, D.C. 20004; (202) 338-5141; FAX (202) 742-6501

## LAO PEOPLE'S DEMOCRATIC REPUBLIC

- Embassy: 2222 S Street NW, Washington, D.C. 20008; (202) 332-6416/6417; FAX (202) 332-4923
- Permanent Mission to the UN: 317 E. 51st St., New York, NY, 10022; (212) 832-2734/0095; FAX (212) 750-0039

## LATVIA

- Embassy: 2306 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 328-2830; FAX (202) 328-2860
- Permanent Mission to the UN: 333 East 50<sup>th</sup> St., New York, NY 10022; (212) 838-8877; FAX (212) 838-8920

## LEBANON

- Embassy: 2560 28th St., Washington, D.C. 20008; (202) 939-6300; FAX (202) 939-6324
- Consulate – New York: 9 East 76th Street, New York, NY 10021; (212) 744-7905; FAX (212) 794-1510
- Consulate – Detroit: New Center One Building, 3031 West Grand Blvd., Suite 560, Detroit, MI 48202; (313) 758-0753/0754/0755; FAX (313) 758-0756
- Consulate – Los Angeles: 660 South Figueroa St., Suite 1050, Los Angeles, CA 90017; (213) 243-0999/0990; FAX (213) 838-2819/6756
- Permanent Mission to the UN: 866 United Nations Plaza, Rm. 531-533, New York, NY 10017; (212) 355-5460/ 5461; FAX (212) 838-2819/6756

## LESOTHO, KINGDOM OF

- Embassy: 2511 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 797-5533/5334; FAX (202) 234-6815
- Permanent Mission to the UN: 204 E. 39th St., New York, NY, 10016; (212) 661-1690/1691/1692; FAX (212) 682-4388

## LIBERIA, REPUBLIC OF

- Embassy: 5201 16<sup>th</sup> St. NW, Washington, D.C. 20011; (202) 723-0437; FAX (202) 723-0436
- Permanent Mission to the UN: 820 2nd Avenue, New York, NY 10017; (212) 687-1033/1034; FAX (212) 687-1035/1846

## LIBYA

- Permanent Mission to the UN: 309-315 East 48th St., New York, NY 10017; (212) 752-5775; FAX (212) 593-4787

## LIECHTENSTEIN

- Embassy: 888 17th Street NW, Suite 1250, Washington, D.C. 20006; (202) 331-0590; FAX (202) 331-3221
- Permanent Mission to the UN: 633 3rd Avenue, 27th Floor, New York, NY, 10017; (212) 599-0220; FAX (212) 599-0064



## LITHUANIA

- Embassy: 4590 MacArthur Blvd., NW, Suite 200, Washington, D.C. 20007; (202) 234-5860, 2639; FAX (202) 328-0466
- Permanent Mission to the UN: 420 5th Ave., 3rd Fl., New York, NY 10018; (212) 354-7820; FAX (212) 354-7833

## LUXEMBOURG

- Embassy: 2200 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 265-4171; FAX (202) 328-8270
- Consulate – New York: 17 Beekman Plaza, New York, NY 10022; (212) 935-3589; FAX (212) 935-5896
- Consulate – San Francisco: 1 Sansome Street, Suite 830 San Francisco, CA 94014; (415) 788-0816; FAX (415) 788-0985
- Permanent Mission to the UN: 17 Beekman Plaza, New York, NY 10022; (212) 935-3589; FAX (212) 935-5896

## MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

- Embassy: 3050 K St., NW, Suite 210, Washington, D.C. 20007; (202) 337-3063; FAX (202) 337-3093
- Permanent Mission to the UN: 866 UN Plaza, Suite 517, New York, NY 10017; (212) 308-8504/8723; FAX (212) 308-8724

## MADAGASCAR, DEMOCRATIC REPUBLIC OF

- Embassy: 2374 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 265-5525/5526; FAX (202) 483-7603
- Permanent Mission to the UN: 820 2nd Avenue, Room 800, New York, NY 10017; (212) 986-9491/9492/2827; FAX (212) 986-6271

## MALAWI

- Embassy: 1156 15th St. NW, Suite 515 Washington, D.C. 20008; (202) 721-0270
- Permanent Mission to the UN: 600 Third Ave., 21st Floor New York, NY 10016; (212) 949-0180/0181/0182; FAX (212) 599-5021

## MALAYSIA

- Embassy: 3516 International Court, NW, Washington, D.C. 20008; (202) 572-9700; FAX (202) 483-7661
- Consulate – New York: 313 E. 43rd St., New York, NY 10017; (212) 490-2722
- Permanent Mission to the UN: 313 E. 43rd St., New York, NY, 10017; (212) 986-6310; FAX (212) 490-8576

## MALDIVES, REPUBLIC OF

- Permanent Mission to the UN: 800 2nd Avenue, Suite 400E, New York, NY 10017; (212) 599-6194/6195; FAX (212) 661-6405

## MALI, REPUBLIC OF

- Embassy: 2130 R St. NW, Washington, D.C. 20008; (202) 332-2249; FAX (202) 332-6603
- Permanent Mission to the UN: 111 E. 69th St., New York, NY 10021; (212) 737-4150/794-1131; FAX (212) 472-3778

## MALTA

- Embassy: 2017 Connecticut Ave. NW, Washington, D.C. 20008; (202) 462-3611; FAX (202) 387-5470
- Permanent Mission to the UN: 249 East 35th Street, New York, NY 10016; (212) 725-2345; FAX (212) 779-7097

## MARSHALL ISLANDS

- Embassy: 2433 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 234-5414; FAX (202) 232-3236
- Permanent Mission to the UN: 800 2nd Avenue, 18th Floor, New York, NY 10017; (212) 983-3040; FAX (212) 983-3202

## MAURITANIA, ISLAMIC REPUBLIC OF

- Embassy: 2129 Leroy Place NW, Washington, D.C. 20008; (202) 232-5700; FAX (202) 319-2623
- Permanent Mission to the UN: 116 East 38th St., New York, NY 10016; (212) 252-0113/0141; FAX (212) 252-0175

## MAURITIUS

- Embassy: 4301 Connecticut Ave, NW, Suite 441 Washington, D.C.; (202) 244-1491/1492; FAX (202) 966-0983
- Permanent Mission to the UN: 211 East 43rd St., 15th Floor, New York, NY 10017; (212) 949-0190/0191; FAX (212) 697-3829 / 953-1233

## MEXICO

- Embassy: 1911 Pennsylvania Ave. NW, Washington, D.C. 20006; (202) 728-1600; FAX (202) 728-1698
- Consulate – Albuquerque: 1610-4th Street, NW Albuquerque, NM 87102; (505) 247-2147/4177; FAX (505) 842-9490
- Consulate – Atlanta: 2600 Apple Valley Rd., Atlanta, GA 30319; (404) 266-2233; FAX (404) 266-2309/2302
- Consulate – Austin: 800 Brazos Street, Suite 330, Austin, TX 78701; (512) 478-2866; FAX (512) 478-8008
- Consulate – Boston: 20 Park Plaza, Suite 506, Boston MA 02116; (617) 426-4181, 350-5263/64/66/2250/8782; FAX (617) 695-1957
- Consulate – Brownsville: 301 Mexico Blvd. Suite F-2 Brownsville TX 78520; (956) 542-4431/2051/5182; FAX (956) 542-7267
- Consulate – Calexico: 408 Heber Ave. Calexico, CA 92231; (760) 357-3863/4132; FAX (760) 357-6284
- Consulate – Chicago: 204 S. Ashland Ave, Chicago, IL 60607; (312) 738-2383; FAX (312) 491-9072
- Consulate – Dallas: 8855 N. Stemmons Freeway, Dallas TX 75247; (214) 252-9250/52/53; FAX (214) 630-3511
- Consulate – Denver: 5350 Leetsdale Drive, Suite 100, Denver, CO 80246; (303) 331-1110/1112; FAX (303) 331-1872
- Consulate – Detroit: The Penobscot Building, 645 Griswold Avenue, 17th. Floor, Suite 830 Detroit MI 48226; (313) 964-4515/4532/4534; FAX (313) 964-4522
- Consulate – Douglas: 1201 "F" Avenue, Douglas, AZ 85607; (520) 364-3107/42; FAX (520) 364-1379
- Consulate – El Paso: 910 East San Antonio Avenue, El Paso TX 79901, P.O. Box 812; (915) 533-5714 544-6177; FAX (915) 532-7163
- Consulate – Fresno: 2409 Merced Street, Fresno, CA 93721; (559) 233-3065; FAX (559) 233-6156
- Consulate – Houston: 4507 San Jacinto Street Houston TX 77004; (713) 271-6800/ 995-1225-0218; FAX (713) 271-3201, 772-1229
- Consulate – Indianapolis: 39 West Jackson Place, Suite 103 Indianapolis, IN 46225; (317) 951-0005/4174/1044; FAX (317) 951-0006/4176

- Consulate – Los Angeles: 2401 West 6th Street, Los Angeles, CA 90057; (213) 351-6800; FAX (213) 383-7306
- Consulate – Laredo: 1612 Farragut St., Laredo, TX 78040; P.O. Box 659; (956) 723-6369/0990; FAX (956) 723-1741
- Consulate – Miami: 5975 SW 72 Street, Suite 101, Miami, FL 33143; (786) 268-4900; FAX (786) 268-4895
- Consulate – Nogales: 571 N. Grand Avenue, Nogales, AZ 85621; (520) 287-2521, 0287-3381, 287-3386; FAX (520) 287-3175
- Consulate – New York: 27 East 39th. Street, New York, NY 10016; (212) 217-6400; FAX (212) 217-6493
- Consulate – Omaha: 3552 Dodge Street, Omaha, NE 68131-3210; (402) 595-1841; FAX (402) 595-1845
- Consulate – Orlando: 100 West Washington Street Orlando, FL 32801-2315; (407) 422-0514; FAX (407) 422-9633
- Consulate – Oxnard: 3151 West Fifth Street E-100, Oxnard, CA 93030; (805) 984-8738/2162/2673/4105; FAX (805) 984-8747
- Consulate – Philadelphia: 111 South Independence Mall East, Suite 310, Philadelphia, PA 19106; (215) 922-4262; FAX (215) 923-7281
- Consulate – Phoenix: 1990 West Camelback Rd Suite 110, Phoenix, AZ 85015; (602) 242-7398, 249-2363, 433-2294, 242-8569; FAX (602) 242-2957
- Consulate – Portland: 1234 South West Morrison Street, Portland, OR 97205; (503) 274-1442/ 478-0435; FAX (503) 274-1540
- Consulate – Raleigh: 336 E Six Forks Rd, Raleigh, NC 27609; (919) 754-0046; FAX (919) 754-1729
- Consulate – Sacramento: 1010 8th. Street, Sacramento, CA 95814; (916) 441-3287/3065; FAX (916) 441-3147
- Consulate – San Antonio: 127 Navarro Street, San Antonio, TX 78205; (210) 227-9145/9156; FAX (210) 227-1817
- Consulate – San Bernardino: 293 North "D" Street, San Bernardino, CA 92401; (909) 889-9836-9837/889-9808; FAX (909) 889-8285
- Consulate – San Diego: 1549 India St., San Diego, CA 92101; (619) 231-8414; FAX (619) 231-4802/3561
- Consulate – Seattle: 2132 Third Avenue, Seattle, WA 98121; (206) 448-3526/6819/8971; FAX (206) 448-4771
- Consulate – San Francisco: 532 Folsom Street San Francisco, CA 94105; (415) 354-1700/ 354-1701; FAX (415) 495-3971
- Consulate – San Jose: 540 North First Street, San José, CA 95112; (408) 294-3414/15; FAX (408) 294-4506
- Consulate – Santa Ana: 828 N. Broadway St. Santa Ana, CA 92701-3424; (714) 835-3069; FAX (714) 835-3472
- Consulate – St. Paul: 797 East 7th Street, Saint Paul, MN 55106; (651) 771-5494; FAX (651) 772-4419
- Consulate – Yuma: 600 W. 16th. Street, Yuma, AZ 85364; (928) 343-0066/9600/9699; FAX (928) 343-0077
- Permanent Mission to the UN: Two United Nations Plaza, 28th Floor, New York, NY 10017; (212) 752-0220; FAX (212) 688-8862

## MICRONESIA, FEDERATED STATES OF

- Embassy: 1725 N St. NW, Washington, D.C. 20036; (202) 223-4383; FAX (202) 233-4391

- Consulate – Guam: Old Hakubotan Bldg., 973 S. Marine Dr., Suite 201, Tamuning, Guam 96911; (671) 646-9154; FAX (671) 649-6320
- Consulate – Hawaii: 3049 Ualena St., Honolulu, HI 96819; (808) 836-4775; FAX (808) 836-6869
- Permanent Mission to the UN: 820 2nd Ave., Suite 17A, New York, NY 10017; (212) 697-8370; FAX (212) 697-8295

#### MOLDOVA, REPUBLIC OF

- Embassy: 2101 S St. NW, Washington, D.C. 20008; (202) 667-1130; FAX (202) 667-1204
- Permanent Mission to the UN: 573-577 3rd Ave., New York, NY 10016 (212) 682-3523; FAX (212) 682-6274

#### MONACO

- Embassy: 565 5<sup>th</sup> Ave, 23<sup>rd</sup> Floor, New York, NY 10017; (212) 286-0500; FAX (212) 286-1574
- Permanent Mission to the UN: 866 UN Plaza, Suite 520, New York, NY 10017; (212) 832-0721; FAX (212) 832-5358

#### MONGOLIA

- Embassy: 2833 M St. NW, Washington, D.C. 20007; (202) 333-7117/ 6214; FAX (202) 298-9227
- Permanent Mission to the UN: 6 E. 77th St., New York, NY 10021; (212) 861-9460/737-3874/472-6517; FAX (212) 861-9464

#### MOROCCO, KINGDOM OF

- Embassy: 1601 21st St. NW, Washington, D.C. 20009; (202) 462-7979
- Consulate – New York: 10 E. 40th St., 24th Floor, New York, NY 10016; (212) 758-2625; FAX (212) 779-7441
- Permanent Mission to the UN: 866 2nd Ave., 6th and 7th Floors, New York, NY, 10017; (212) 421-1580; FAX (212) 980-1512/412-7826

#### MOZAMBIQUE, REPUBLIC OF

- Embassy: 1990 M St. NW, Suite 570, Washington, D.C. 20036; (202) 293-7146/7149; FAX (202) 835-0245
- Permanent Mission to the UN: 135 E. 36th St., New York, NY 10022; (212) 644-5965/6800; FAX (212) 644-5972/0528

#### MYANMAR, THE UNION OF

- Embassy: 2300 S St. NW, Washington, D.C. 20008; (202) 332-3344/4350/4352; FAX (202) 332-4351
- Permanent Mission to the UN: 10 E. 77th St., New York, NY 10021; (212) 535-1310/1311; FAX (212) 737-2421

#### NAMIBIA, REPUBLIC OF

- Embassy: 1605 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 986-0540; FAX (202) 986-0433
- Permanent Mission to the UN: 135 E. 36th St., New York, NY 10016; (212) 685-2003; FAX (212) 685-1561

#### NAURU, REPUBLIC OF

- Consulate – Guam: Ada Professional Bldg., Marine Drive, 1st Floor, Agana, Guam 96910; (671) 649-7106/7107
- Consulate – Hawaii: 841 Bishop St., Suite 506, Honolulu, HI 96813; (808) 523-7821
- Permanent Mission to the UN: 800 Second Avenue, Suite 400D, New York, NY 10017; (212) 937-0074; FAX (212) 937-0079

## NEPAL, KINGDOM OF

- Embassy: 2131 Leroy Pl. NW, Washington, D.C. 20008; (202) 667-4550; FAX (202) 667-5534
- Permanent Mission to the UN: 820 2nd Ave., Suite 17B, New York, NY 10017; (212) 370-3988/3989; FAX (212) 953-2038

## NETHERLANDS, THE

- Embassy: 4200 Linnean Ave. NW, Washington, D.C. 20008; (202) 244-5300; FAX (202) 362-3430
- Consulate – Chicago: 303 E. Wacker Dr., Suite 2600, Chicago, IL 60601; (312) 856-0110; FAX (312) 856-9218
- Consulate – Los Angeles: 11766 Wilshire Blvd., Suite 1150, Los Angeles, CA 90025; (310) 268-1598; FAX (310) 312-0989
- Consulate – Miami: 701 Brickell Av., 5th Floor, Miami, FL 33131; (786) 866-0480; FAX (786) 866-0497
- Consulate – New York: 1 Rockefeller Plaza, 11th Fl., New York, NY 10020; (212) 246-1429; FAX (212) 333-3603
- Permanent Mission to the UN: 235 E. 45th St., 16th Floor, New York, NY 10017 (212) 697-5547; FAX (212) 370-1954

## NEW ZEALAND

- Embassy: 37 Observatory Circle, NW, Washington, D.C. 20008; (202) 328-4800; FAX (202) 667-5227
- Consulate – Los Angeles: 2425 Olympic Blvd., Suite 600E Santa Monica, CA 90404; (310) 566-6555; FAX (310) 566-6556
- Consulate – New York: 222 East 41st St., Suite 2510, New York, NY 10017; (212) 832-4038; FAX (212) 832-7602
- Permanent Mission to the UN: One UN Plaza, 25th Floor, New York, NY 10017; (212) 826-1960; FAX (212) 758-0827

## NICARAGUA

- Embassy: 1627 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 939-6570; FAX (202) 939-6542
- Consulate – Los Angeles: 33550 Wilshire Bl., Suite 200, Los Angeles, CA 90010; (213) 252-1170/1171/1174; FAX (213) 252-1177
- Consulate – San Francisco: 870 Market St., Suite 1050, San Francisco, CA 94102; (415) 765-6821; FAX (415) 765-6826
- Consulate – Miami: 8532 S.W. 8 Street, Suite 270 Miami, FL 33144; (305) 265-1415; FAX (305) 265-1780
- Consulate – New York: 820 2nd Ave., Suite 802, New York, NY 10017; (212) 983-1981; FAX (212) 989-5528
- Consulate – Houston: 6300 Hillcroft, Suite 250, Houston, TX 77081; (713) 272-9628/9629; FAX (713) 272-7131
- Permanent Mission to the UN: 820 2nd Ave., 8th Floor, New York, NY 10017; (212) 490-7997; FAX (212) 286-0815

## NIGER, REPUBLIC OF

- Embassy: 2204 R St. NW, Washington, D.C. 20008; (202) 483-4224; FAX (202) 483-3169
- Permanent Mission to the UN: 417 E. 50th St., New York, NY 10022; (212) 421-3260/3261/3286; FAX (212) 753-6931

## NIGERIA, FEDERAL REPUBLIC OF

- Embassy: 1333 16th St. NW, Washington, D.C. 20036; (202) 986-8400

- Consulate – Atlanta: 8060 Roswell Rd, Atlanta, GA 30350; (770)394-6261
- Consulate – New York City: 828 2nd Ave., New York, NY 10017; (212) 808-0301
- Permanent Mission to the UN: 828 Second Avenue, New York, NY 10017 (212) 953-9130; FAX (212) 697-1970

#### NORWAY

- Embassy: 2720 34th St. NW, Washington, D.C. 20008; (202) 944-8939; FAX (202) 337-0870
- Consulate – San Francisco: 20 California St., 6th Floor, San Francisco, CA 94111; (415) 986-0766
- Consulate – Houston: 2777 Allen Pkwy., Suite 1185, Houston, TX 77019; (713) 521-2900
- Permanent Mission to the UN: 825 3rd Ave., 39th Fl., New York, NY 10022; (212) 421-0280/0281/0282/0283/0284; FAX (212) 688-0554

#### OMAN, SULTANATE OF

- Embassy: 2535 Belmont Road NW, Washington, D.C. 20008; (202) 387-1980/1981/1982; FAX (202) 387-2186
- Permanent Mission to the UN: 866 UN Plaza, Suite 540, New York, NY 10017; (212) 355-3505/3506/3507; FAX (212) 644-0070

#### PAKISTAN

- Embassy: 2315 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 939-6209; FAX (202) 387-0484
- Consulate – Los Angeles: 10850 Wilshire Bl., Suite 1100, Los Angeles, CA 90024; (310) 441-5114; FAX (310)-441-9256
- Consulate – Boston: 393 Commonwealth Ave., Boston, MA 02115; (617) 267-9000; FAX (617) 266-6666
- Consulate – Chicago: 333 North Michigan Avenue, Suite 728, Chicago, Illinois 60601; (312) 781-1831, (312)-781-1833; FAX (312) 781-1839
- Consulate – New York: 12 E. 65th St., New York, NY 10021; (212) 879-5800; FAX (202) 387-0484
- Permanent Mission to the UN: Pakistan House, 8 E. 65th St., New York, NY 10021; (212) 879-8600; FAX (212) 744-7348

#### PALAU, REPUBLIC OF

- Embassy: 1700 Pennsylvania Ave. NW, Suite 400, Washington, D.C. 20006; (202) 452-6814

#### PALESTINE

- Permanent Observer Mission to the UN: 115 E. 65th St., New York, N.Y. 10021; (212) 288-8500; FAX (212) 517-2377

#### PANAMA

- Embassy: 2862 McGill Terrace NW, Washington, D.C. 20008; (202) 483-1407; FAX (202) 483-8416
- Consulate – Miami: Rivergate Plaza, 444 Brickell Ave., Suite 729, Miami, FL 33131; (305) 371-7031; FAX (305) 371-2907
- Consulate – Tampa: Galleria Office Building, 4326 El Prado Bl., Suite 4, Tampa, FL 33629; (813) 251-0316; FAX (813) 831-6685
- Consulate – Honolulu: 1568 Uluhaku Pl., Kailua, Honolulu, HI 96734; (808) 521-5043
- Consulate – New Orleans: 1324 World Trade Center, 2 Canal St., New Orleans, LA 70130; (504) 525-3458; FAX (504) 424-8960
- Consulate – New York: 1212 Ave. of the Americas, 6th Floor, New York, NY 10036; (212) 840-2450; FAX (212) 840-2451

- Consulate – Philadelphia: 124 Chestnut St., Philadelphia, PA 19106; (215) 574-2994; FAX (215) 625-4876
- Consulate – Houston: 24 Greenway Plaza, Suite 1307, Houston, TX 77046; (713) 622-4451; FAX (713) 622-4468
- Permanent Mission to the UN: 866 UN Plaza, Suite 4030, New York, NY 10017; (212) 421-5420/5421; FAX (212) 421-2694

## PAPUA NEW GUINEA

- Embassy: 1779 Massachusetts Ave. NW, Suite 805, Washington, D.C. 20036; (202) 745-3680
- Consulate – Los Angeles: 1308 Banyan Dr., Fallbrook, CA 92028; (760) 731-0436; FAX (760) 731-0472
- Permanent Mission to the UN: 201 East 42nd St., Suite 405, New York, NY 10017 (212) 557-5001; FAX (212) 557-5009

## PARAGUAY

- Embassy: 2400 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 483-6960/6961/6962; FAX (202) 234-4508
- Consulate – Los Angeles: 2121 Avenue of the Stars, Suite 1560, Los Angeles, CA 90067; (310) 553-8081; FAX 553-8745
- Consulate – Miami: 300 Biscayne Blvd., Suite 907, Miami, FL 33131; (305) 374-9090; FAX (305) 374-5522
- Permanent Mission to the UN: 211 East 43rd Street, Suite 400, New York, NY 10017; (212) 687-3490/3491; FAX (212) 818-1282

## PERU

- Embassy: 1700 Massachusetts Ave. NW, Washington D.C. 20036; (202) 833-9868; FAX (202) 659-8124
- Consulate – Atlanta: 4360 Chamblee Dunwoody Rd., Suite 580, Atlanta, GA 30341; (678) 336-7010 or (800) 701-3919; FAX (678) 990-1920
- Consulate – Los Angeles: 3460 Wilshire Bl., Suite 1005, Los Angeles, CA 90036; (213) 651-0296/0297; FAX (213) 651-1264
- Consulate – San Francisco: 870 Market St., Suite 579, San Francisco, CA 94102; (415) 362-7136; FAX (415) 362-3262
- Consulate – Miami: 444 Brickell Ave., Suite M135, Miami, FL 33131; (305) 374-8935; FAX (305) 381-6027
- Consulate – Chicago: 180 N. Michigan Av., Suite 1830, Chicago, IL 60601; (312) 853-6173; FAX (312) 704-6969
- Consulate – Boston: 535 Boylston St., Boston, MA 02116; (617) 338-1144; FAX (617) 338-2742
- Consulate – New York: 215 Lexington Ave., 21st Floor, New York, NY 10016; (212) 481-7410; FAX (212) 481-8606
- Consulate – Houston: 5177 Richmond Av., Suite 695, Houston, TX 77056; (713) 355-9571; FAX (713) 355-9377
- Permanent Mission to the UN: 820 2nd Ave., Suite 1600, New York, NY 10017; (212) 687-3336; FAX (212) 972-6975

## PHILIPPINES, REPUBLIC OF

- Embassy: 1600 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 467-9300; FAX (202) 328-7614
- Consulate – Los Angeles: 3600 Wilshire Bl., Suite 500, Los Angeles, CA 90010; (213) 639-0980, FAX (213) 639-0990

- Consulate – San Francisco: Philippine Center Bldg., 447 Sutter St., 6th Fl., San Francisco, CA 94108; (415) 433-6666; FAX (415) 421-2641
- Consulate – Agana: Guam Int'l Ctr., Marine Drive, Suite 406, P.O. Box 9880, Tamuning, Guam 96911; (671) 646-4620
- Consulate – Honolulu: 2433 Pali Hwy., Honolulu, HI 96817; (808) 595-6316; FAX (808) 595-2581
- Consulate – Chicago: 30 N. Michigan Ave., Suite 2100, Chicago, IL 60602; (312) 332-6458; FAX (312) 332-3657
- Consulate – New York: Philippine Ctr., 556 5th Ave., New York, NY 10036; (212) 764-1330; FAX (212) 382-1146
- Consulate – Saipan: Nauru Building, 5th Floor, P.O. BOX 500731CK SAIPAN; MP 96950 CNMI; (670) 234-1848/235-8360; FAX (670)234-1849
- Permanent Mission to the UN: 556 5th Ave., 5th Floor, New York, NY 10036; (212) 764-1300/1301/1302/1303/1304 or (212) 704-7322; FAX (212) 840-8602

#### POLAND, REPUBLIC OF

- Embassy: 2640 16th St. NW, Washington, D.C. 20009; (202) 234-3800; FAX (202) 328-6271
- Permanent Mission to the UN: 9 E. 66th St., New York, NY, 10021; (212) 744-2506; FAX (212) 517-6771
- Consulate – Los Angeles: 12400 Wilshire Blvd., Suite 555, Los Angeles, CA 90025; (310) 442-8500; FAX (310) 442-8515
- Consulate – Chicago: 1530 N. Lake Shore Dr., Chicago, IL 60610; (312) 337-8166
- Consulate – New York: 233 Madison Ave., New York, NY 10016; (646) 237-2100; FAX (646) 237-2105
- Permanent Mission to the UN: 9 E. 66th Street, New York, NY 10021; (212) 744-2506; FAX (212) 517-6771
- Polish American Immigration & Relief Comm. Inc.: 180 2nd Ave., New York, NY 10003; (212) 254-2240; FAX (212) 254-2240

#### PORTUGAL

- Embassy: 2125 Kalorama Rd. NW, Washington, D.C. 20008; (202) 328-8610; FAX (202) 462-3726
- Consulate – Los Angeles: 1801 Avenue of the Stars, Suite 400, Los Angeles, CA 90067; (310) 277-1491
- Consulate – San Francisco: 3298 Washington St., San Francisco, CA 94115; (415) 346-3400
- Consulate – Boston: 1 Exeter Place, Floor 7, Boston, MA 02116; (617) 536-8740
- Consulate – New Bedford: 628 Pleasant St., Rm. 218/225, New Bedford, MA 02740; (508) 997-6151
- Consulate – Newark Main Floor, The Legal Ctr., One Riverfront Plaza, Newark, NJ 07102; (973) 643-4200
- Consulate – New York: 630 5th Ave., Suite 310, New York, NY 10111; (212) 246-4580; FAX (212) 459-0190
- Consulate – Providence: 56 Pine St., 6th Floor, Providence, RI 02903; (401) 272-2003
- Permanent Mission to the UN: 866 2nd Avenue, 9th Floor, New York, NY 10017; (212) 759-9444; FAX (212) 355-1124

#### QATAR

- Embassy: 4200 Wisconsin Ave. NW, Washington, D.C. 20016; (202) 274-1600; FAX (202) 237-0061



- Consulate – Houston: 1900 Post Oak Blvd., Suite 810, Houston, TX; (713) 355-8221; FAX (713) 968-9841
- Permanent Mission to the UN: 747 Third Ave., 22nd Fl., New York, NY 10017; (212) 486-9335/9336; FAX (212) 758-4952 or (212) 308-5630

## ROMANIA

- Embassy: 1607 23rd St. NW, Washington, D.C. 20008; (202) 332-4848 or 387-6901; FAX (202) 232-4748
- Consulate – Los Angeles: 11766 Wilshire Bl., Suite 560, Los Angeles, CA 90025; (310) 444-0043
- Consulate – Chicago: 737 N. Michigan Ave., Suite 1170, Chicago, IL 60611
- Consulate – New York: 200 E. 38th St., 3rd Floor, New York, NY 10016; (212) 682-9120; FAX (212) 972-8463
- Permanent Mission to the UN: 573-577 3rd Ave., New York, NY 10016 (212) 682-3273/3274; FAX (212) 682-9746

## RUSSIAN FEDERATION

- Embassy: 2650 Wisconsin Ave. NW, Washington, D.C. 20007; (202) 298-5700 FAX (202) 298-5735
- Consulate – Anchorage: 3581 Kachemak Ci., Anchorage, AK 99515; (907) 349-5481
- Consulate – San Francisco: 2790 Green St., San Francisco, CA 94123; (415) 202-9800; FAX (415) 929-0306
- Consulate – Honolulu: 3030 Pualei Ci., Apartment 302, Honolulu, HI 96815; (808) 926-6921
- Consulate – New York: 9 E. 91st St., New York, NY 10128; (212) 348-0626
- Permanent Mission to the UN: 136 East 67th St., New York, NY 10021 (212) 861-4900/4901/4902; FAX (212) 628-0252

## RWANDA, REPUBLIC OF

- Embassy: 1714 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 232-2882; FAX (202) 232-4544
- Consulate – Chicago: 666 Dundee Rd., Suite 1401, Northbrook, IL 60062; (708) 205-1188
- Permanent Mission to the UN: 124 East 39th St., New York, NY, 10016 (212) 679-9010/9023/9024; FAX (212) 679-9133

## SAINT KITTS AND NEVIS

- Embassy: 3216 New Mexico Ave. NW, Washington, D.C. 20016; (202) 686-2636; FAX (202) 686-5740
- Consulate – Atlanta: 644 Antone St., NW, Atlanta, GA 30318
- Permanent Mission to the UN: 414 East 75th Street, 5th Floor, New York, NY 10021; (212) 535-1234; FAX (212) 535-6854

## SAINT LUCIA

- Embassy: 3216 New Mexico Ave. NW, Washington, D.C. 20016; (202) 364-6792/6793/6794/6795; FAX (202) 364-6725
- Consulate – Los Angeles: 2250 Century Hill, Los Angeles, CA 90067; (310) 557-9000
- Consulate – New York: 800 2nd Ave., Suite 900E, New York, NY 10017; (212) 697-9360; FAX (212) 697-4993
- Permanent Mission to the UN: 800 2nd Ave., Suite 400J, New York, NY 10017 (212) 697-9360/9361; FAX (212) 697-4993

## SAINT VINCENT &amp; THE GRENADINES

- Embassy: 3216 New Mexico Ave. NW, Washington, D.C. 20016; (202) 364-6730; (202) 364-6736; FAX (202) 364-6736

- Permanent Mission to the UN: 801 2nd Ave., 21st Fl., New York, NY 10017; (212) 687-4490/4491; FAX (212) 949-5946

**SAMOA**

- Embassy: 800 Second Avenue, Suite 400D, New York NY 10017; (212) 599-6196/6197; FAX (212) 599-0797
- Permanent Mission to the UN: 800 Second Avenue, Suite 400J, New York, NY 10017; (212) 599-6196/6197; (212) 599-0797

**SAO TOME AND PRINCIPE**

- Embassy and Permanent Mission to the UN: 400 Park Ave., 7th Floor, New York, NY 10022; (212) 317-0533; FAX (212) 317-0580

**SAUDI ARABIA**

- Embassy: 601 New Hampshire Ave. NW, Washington, D.C. 20037; (202) 342-3800; FAX (202) 337-4134
- Consulate – Los Angeles: 2045 Sawtelle Blvd., Los Angeles, CA 90025; (310) 479-6000; FAX (310) 479-2752
- Consulate – New York: 866 United Nations Plaza, Ste 840, New York, NY 10017; (212) 752-2740; FAX (212) 983-4895
- Consulate – Houston: 5718 Westheimer, Suite 1500, Houston, TX 77057; (713) 785-5577; FAX (713) 785-1163
- Permanent Mission to the UN: 405 Lexington Ave., 56th Fl., New York, NY 10017; (212) 697-4830; FAX (212) 983-4895

**SENÉGAL**

- Embassy: 2112 Wyoming Ave. NW, Washington, D.C. 20008; (202) 234-0540/0541; FAX (202) 332-6315
- Consulate – New York: 271 West 125<sup>th</sup> St., Suite 412, New York, NY 10027; (917) 493-8950; FAX (917) 493-8953
- Consulate – New Orleans: International Trade, Suite 1803, New Orleans, LA 70561; (504) 529-7561
- Consulate – Boston: 381 Dudley Rd., Newton, MA 02159; (617) 244-3605
- Consulate – Houston: Stone Crest International, 3602 S. McGregor Wa..., Houston, TX 77021; (713) 748-5016
- Permanent Mission to the UN: 238 E. 68th St., New York, NY 10021; (212) 517-9030/9031/9032; FAX (212) 517-3032.
- If you are near New York and have an emergency, contact the UN Permanent Mission. They can provide you with interpreters and other assistance on the scene.

**SERBIA AND MONTENEGRO**

- Embassy: 2134 Kalorama Rd., NW, Washington, D.C. 20008; (202) 332-0333; FAX (202) 332-3933
- Consulate – Chicago: 201 East Ohio St., Suite 200, Chicago, IL 60611; (312) 670-6707
- Permanent Mission to the UN: 854 5th Avenue, New York, NY, 10021; (212) 879-8700; FAX (212) 879-8705

**SEYCHELLES, REPUBLIC OF**

- Embassy: 800 2nd Ave., Suite 400C, New York, NY 10017; (212) 972-1785; FAX (212) 972-1786
- Consulate – Seattle: 3620 S.W. 309th St., Federal Way, Seattle, WA 98023; (206) 874-4579; FAX (206) 838-2787
- Permanent Mission to the UN: 800 2nd Ave., Suite 400C, New York, NY 10017; (212) 972-1785; FAX (212) 972-1786

## SIERRA LEONE, REPUBLIC OF

- Embassy: 1701 19th St. NW, Washington, D.C. 20009; (202) 939-9261; FAX (202) 483-1793
- Permanent Mission to the UN: 245 E. 49th St., New York, NY 10017; (212) 688-1656/4985; FAX (212) 688-4924

## SINGAPORE, REPUBLIC OF

- Embassy: 3501 International Pl. NW, Washington, D.C. 20008; (202) 537-3100; FAX (202) 537-0876
- Consulate – San Francisco: 595 Market St., Suite 2450, San Francisco, CA 94105; (415) 543-0474; FAX (415) 543-4788
- Consulate – New York: 231 E. 51st St., New York, NY 10022-6520; (212) 223-3331; FAX (212) 826-5028
- Permanent Mission to the UN: 231 East 51st St., New York, NY 10022; (212) 826-0840/0841/0842/0843/0844; FAX (212) 826-2964

## SLOVAKIA (REPUBLIC OF SLOVAK)

- Embassy: 3523 International Court NW, Washington D.C., 20008; (202) 237-1054; FAX (202) 237-6438
- Consulate – Washington D.C.: 3525 International Court NW, Washington D.C. 20008; (202) 237-1054; FAX (202) 237-6438
- Consulate – New York: 801 2<sup>nd</sup> Ave., 12<sup>th</sup> Floor, New York, NY 10017; (212) 286-8434; FAX (212) 286-8439
- Consulate – Los Angeles: 10940 Wilshire Blvd., Suite 2030, Los Angeles, CA 90024; (310) 209-1253; FAX (310) 209-1261
- Permanent Mission to the UN: 801 2nd Ave., 12th Floor, New York, NY 10017; (212) 286-8880/8401/8418/8452; FAX (212) 286-8419

## SLOVENIA

- Embassy: 1525 New Hampshire Ave. NW, Washington, D.C. 20036; (202) 667-5363; FAX (202) 667-4563
- Consulate – New York: 600 3rd Ave., 21st Fl., New York, NY 10016; (212) 370-3006; FAX (212) 370-3581
- Consulate – Cleveland: 1111 Chester Ave., Suite 520, Cleveland, OH 44114; (216) 589-9220; FAX (216) 589-9210
- Permanent Mission to the UN: 600 3rd Ave., 24th Floor, New York, NY 10016; (212) 370-3007/1831; FAX (212) 370-1824

## SOMALI DEMOCRATIC REPUBLIC

- Permanent Mission to the UN: 425 East 61st St., Suite 702, New York, NY 10021; (212) 688-941/5046; FAX (212) 759-0651

## SOUTH AFRICA

- Embassy: 3051 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 232-4400; FAX (202) 265-1607
- Consulate – Washington D.C.: 3051 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 274-7991; FAX (202) 244-9417
- Consulate – Chicago: 200 South Michigan Ave., 6th Fl., Chicago, IL 60604; (312) 939-7929; FAX (312) 939-2588
- Consulate – New York: 333 East 38th St., 9th Fl., New York, NY 10016; (212) 213-4880; FAX (212) 213-0102
- Consulate – Los Angeles: 6300 Wilshire Blvd., Suite 600, Los Angeles, CA 90048; (323) 651-0902; FAX (323) 651-5969

- Permanent Mission to the UN: 333 East 38th St., 9th Fl., New York, NY 10016 (212) 213-5583; FAX (212) 692-2498

## SPAIN

- Embassy: 2375 Pennsylvania Ave. NW, Washington, D.C. 20037; (202) 728-2330; FAX (202) 728-2302
- Consulate – Los Angeles: 5055 Wilshire Blvd., Suite 860, Los Angeles, CA 90036; (323) 938-0158/0166; FAX (323) 938-2502
- Consulate – San Francisco: 1405 Sutter St., San Francisco, CA 94109; (415) 922-2995/2996; FAX (415) 931-9706
- Consulate – Miami: 2655 Le Jeune Rd., Suite 203, Coral Gables, FL 33134; (305) 446-5511/5512/5513; FAX (305) 446-0585
- Consulate – Chicago: 180 N. Michigan Ave., Suite 1500, Chicago, IL 60601; (312) 782-4588/4589; FAX (312) 728-1635
- Consulate – New Orleans: 2102 World Trade Ctr., 2 Canal St., New Orleans, LA 70130; (504) 525-4951/7920; FAX (504) 525-4955
- Consulate – Boston: 545 Boylston St., Suite 803, Boston, MA 02116; (617) 536-2506/2527; FAX (617) 536-8512
- Consulate – New York: 150 East 58th St., Floors 30-31, New York, NY 10155; (212) 355-4080/4081/4082/4085/4090; FAX (212) 644-3751
- Consulate – Houston: 1800 Bering Dr., Suite 660, Houston, TX 77057; (713) 783-6200/6205/6214; FAX (713) 783-6166
- Consulate – Puerto Rico: Apartado Postal 9243, Santurce, PR 9243; (787) 758-6090/6142/6279
- Permanent Mission to the UN: 823 UN Plaza, 345 East 46<sup>th</sup> St., 9th Floor, New York, NY 10017; (212) 661-1050; FAX (212) 949-7247

## SRI LANKA

- Embassy: 2148 Wyoming Ave. NW, Washington, D.C. 20008; (202) 483-4025/4028; FAX (202) 232-7181
- Consulate – Los Angeles: 3250 Wilshire Blvd., Suite 1405, Los Angeles, CA 90010; (213) 387-0210; FAX (213) 387-0216
- Consulate – New York: 630 3rd Ave., 20th Fl., New York, NY 10017; (212) 986-7040; FAX (212) 986-1838
- Permanent Mission to the UN: 630 3rd Ave., 20th Fl., New York, NY 10017; (212) 986-7040/7041/7042/7043; FAX (212) 986-1838

## SUDAN, REPUBLIC OF

- Embassy: 2210 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 338-8565; FAX (202) 667-2406
- Consulate – Washington, D.C.: 1729 Wisconsin Ave. NW, Washington D.C. 20007; (202) 333-4735
- Permanent Mission to the UN: 655 3rd Ave., Suite 500-510, New York, NY 10017; (212) 573-6033; FAX (212) 573-6160

## SURINAME, REPUBLIC OF

- Embassy: 4301 Connecticut Ave. NW, Suite 460, Washington, D.C. 20008; (202) 244-7488/7590/7591/7592; FAX (202) 244-5878
- Consulate – Miami: 7235 NW 19th St., Suite A, Miami, FL 33126; (305) 593-2697
- Permanent Mission to the UN: 866 UN Plaza, Suite 320, New York, NY 10017; (212) 826-0660/0661/0662/0663; FAX (212) 980-7029

## SWAZILAND, KINGDOM OF

- Embassy: 1712 New Hampshire Ave., Washington, D.C. 20009; (202) 234-5002

- Permanent Mission to the UN: 408 East 50th St., New York, NY 10022; (212) 371-8910; FAX (212) 754-2755

## SWEDEN

- Embassy: 1501 M St. NW, Suite 900, Washington, D.C. 20005; (202) 467-2600; FAX (202) 467-2699
- Consulate – Los Angeles: 10940 Wilshire Blvd., Suite 700, Los Angeles, CA 90024; (310) 473-3350; FAX (310) 473-2229
- Consulate – New York: 1 Dag Hammarskjöld Plaza, 885 2nd Ave., 45th Fl., New York, NY 10017; (212) 583-2550/2569; FAX (212) 755-2732
- Consulate – San Juan: P.O. Box 9022748, San Juan, Puerto Rico, 00902; (787) 778-2377; FAX (787) 778-278
- Permanent Mission to the UN: One Dag Hammarskjöld Plaza, 885 2nd Ave., 46th Floor, New York, NY 10017; (212) 583-2500; FAX (212) 832-0389

## SWITZERLAND

- Embassy: 2900 Cathedral Ave. NW, Washington, D.C. 20008; (202) 745-7900; FAX (202) 387-2564
- Consulate – Los Angeles: 11766 Wilshire Blvd., Suite 1400, Los Angeles, CA 90025; (310) 575-1145
- Consulate – San Francisco: 456 Montgomery St., Suite 1500, San Francisco, CA 94104; (415) 788-2272; FAX (415) 788-1402
- Consulate – Atlanta: 1275 Peachtree St., N.E., Suite 425, Atlanta, GA 30309; (404) 870-2000; FAX (404) 870-2011
- Consulate – Chicago: 737 N. Michigan Ave., Suite 2301, Chicago, IL 60611; (312) 915-0061; FAX (312) 915-0388
- Consulate – Boston: 420 Broadway, Cambridge, MA 02138; (617) 876-3076; FAX (617) 876-3079
- Consulate – New York: 633 3rd Ave., 30th Floor, New York, NY 10017; (212) 599-5700; FAX (212) 599-4266
- Consulate – Houston: Two Allen Center, 1200 Smith St., Suite 1040, Houston, TX 77002; (713) 650-0000; FAX (713) 650-1321
- Permanent Mission to the UN: 633 3rd Ave., 29th Fl., New York, NY 10017; (212) 286-1540; FAX (212) 286-1555

## SYRIA (SYRIAN ARAB REPUBLIC)

- Embassy: 2215 Wyoming Ave. NW, Washington, D.C. 20008; (202) 232-6313; FAX (202) 234-4585
- Permanent Mission to the UN: 820 Second Ave., 15th Floor, New York, NY 10017; (212) 661-1313; FAX (212) 983-4439

## TAIWAN

- Taipei Economic and Cultural Representative Office: 4201 Wisconsin Ave. NW, Washington, D.C. 20016; (202) 895-1800
- Taipei Economic and Cultural Office in New York, 1 E. 42<sup>nd</sup> Street, 4<sup>th</sup> Fl., New York, NY 10017; (212) 486-0088; FAX (212) 421-7866

## TAJIKISTAN, REPUBLIC OF

- Embassy: 1005 New Hampshire Ave. NW, Washington, D.C. 20037; (202) 223-6090; FAX (202) 223-6091
- Permanent Mission to the UN: 136 E. 67th St., New York, NY 10021; (212) 744-2196; FAX (212) 472-7645

## TANZANIA, UNITED REPUBLIC OF

- Embassy: 2139 R St. NW, Washington, D.C. 20008; (202) 939-6125/7; FAX (202) 797-7408
- Permanent Mission to the UN: 201 East 42nd St., Suite 1700, New York, NY 10017; (212) 972-9160; FAX (212) 682-5232

## THAILAND

- Embassy: 1024 Wisconsin Ave. NW, Suite 401, Washington, D.C. 20007; (202) 944-3600; FAX (202) 944-3611
- Consulate – Los Angeles: 611 N. Larchmont Bl., Los Angeles, CA 90004; (213) 962-9574-77; FAX (323) 962-2128
- Consulate – New York: 351 E. 52nd St., New York, NY 10022; (212) 754-1770; FAX (212) 754-1917
- Consulate – Chicago: 700 North Rush Street, Chicago, IL 60611; (312) 664-3129; FAX (312) 664-3230
- Permanent Mission to the UN: 351 East 52nd St., New York, NY 10022; (212) 754-2230; FAX (212) 688-3029

## TOGO, REPUBLIC OF

- Embassy: 2208 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 234-4212/4213; FAX (202) 232-3190
- Permanent Mission to the UN: 112 East 40th St., New York, NY 10016; (212) 490-3455/3456; FAX (212) 983-6684

## TONGA, KINGDOM OF

- Consulate – San Francisco: 360 Post St., Suite 604, San Francisco, CA 94108; (415) 781-0365; FAX (415) 781-3964
- Permanent Mission to the UN: 250 East 51st Street, New York, NY 10022; (917) 369-1025; FAX (917) 369-1024

## TRINIDAD AND TOBAGO

- Embassy: 1708 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 467-6490; FAX (202) 785-3130
- Consulate – Miami: 1000 Brickell Av., Suite 800, Miami, FL 33131; (305) 374-2199
- Consulate – New York: 733 3rd Ave., Suite 1716, New York, NY 10017-3204; (212) 682-7272; FAX (212) 986-2146
- Permanent Mission to the UN: 820 Second Ave., 5th Floor, New York, NY 10017; (212) 697-7620/7621/7622/7623; FAX (212) 682-3580

## TUNISIA

- Embassy: 1515 Massachusetts Ave. NW, Washington, D.C. 20005; (202) 862-1850; FAX (202) 862-1858
- Permanent Mission to the UN: 31 Beekman Place, New York, NY 10022; (212) 751-7503/7534/5069; FAX (212) 751-0569

## TURKEY, REPUBLIC OF

- Embassy: 1714 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 659-8200; FAX (202) 659-0744
- Consulate – Los Angeles: 4801 Wilshire Blvd., Los Angeles, CA 90010; (213) 937-0118; FAX (213) 932-0061
- Consulate – San Francisco: 3401 Sacramento Street, San Francisco, CA 94102; (415) 922-9222
- Consulate – Chicago: 360 N. Michigan Ave., Suite 1405, Chicago, IL 60601; (312) 263-0644; FAX (312) 263 1295

- Permanent Mission to the UN: 821 UN Plaza, 10th Fl., New York, NY 10017; (212) 949-0150; FAX (212) 949-0086

## TURKMENISTAN

- Embassy: 2207 Massachusetts Ave., NW, Washington, D.C. 20008; (202) 588-1500; FAX (202) 588-0697
- Permanent Mission to the UN: 866 UN Plaza, Suite 424, New York, NY 10017; (212) 486-8908; FAX (212) 486-2521

## UGANDA, REPUBLIC OF

- Embassy: 5911 16th St. NW, Washington, D.C. 20011; (202) 726-7100/7101/7012; FAX (202) 726-1727
- Permanent Mission to the UN: 336 East 45th St., New York, NY 10017; (212) 949-0110/0111/0112/0113; FAX (212) 687-4517

## UKRAINE

- Embassy: 3350 M St. NW, Washington, D.C. 20007; (202) 333-0606; FAX (202) 333-0817
- Consulate – Chicago: 10 E. Huron St., Chicago, IL 60611; (312) 642-4388; FAX (312) 642-4385
- Consulate – New York: 240 E. 49th St., New York, NY 10017; (212) 371-5690; FAX (212) 371-5547
- Permanent Mission to the UN: 220 East 51st Street, New York, NY 10022; (212) 759-7003; FAX (212) 355-9455

## UNITED ARAB EMIRATES

- Embassy: 1255 22nd St. NW, Suite 700, Washington, D.C. 20037; (202) 243-2400; FAX (202) 243-2432
- Permanent Mission to the UN: 305 East 47th St., 7th Floor, New York, NY 10017; (212) 371-0480; FAX (212) 371-4923

## UNITED KINGDOM OF GREAT BRITAIN &amp; NORTHERN IRELAND

- Embassy: 3100 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 588-6500; FAX (202) 588-7870
- Consulate – Los Angeles: 11766 Wilshire Bl., Suite 1200, Los Angeles, CA 90025; (310) 481-0031; FAX (310) 481-2960
- Consulate – San Francisco: 1 Sansome St., Suite 850, San Francisco, CA 94104; (415) 617-1300; FAX 415-434-2018
- Consulate – Denver: Suite 1030, World Trade Center, 1675 Broadway, Denver, CO 80202; (303) 592-5200
- Consulate – Miami: Brickell Bay Office, 1001 Brickell Bay Drive, Suite 2800, Miami, FL 33131; (305) 374-1522; FAX (305) 374-8196
- Consulate – Atlanta: Georgia Pacific Centre, 133 Peachtree St. N.E., Atlanta, GA 30303; (404) 954-7700; FAX (404) 954-7702
- Consulate – Chicago: 400 N. Michigan Av., 13th Floor, Chicago, IL 60611; (312) 970-3800; FAX (312) 970-3852
- Consulate – New York: 845 3rd Ave., New York, NY 10022; (212) 745-0200; FAX (212) 754-3062
- Consulate – Seattle: 900 4th Ave., Suite 3001, Seattle, WA 98164; (206) 622-9255
- Permanent Mission to the UN: One Dag Hammarskjöld Plaza, 885 2nd Ave., New York, NY 10017; (212) 745-9200; FAX (212) 745-9316
- Prisoners Abroad: 82 Rosebery Ave. London EC1R 4RR, 011-44-20-7561 6820; FAX 011-44-20-7561-6821
- Prisoners Abroad cares for the interests and welfare of British citizens detained overseas.

## URUGUAY

- Embassy: 1913 I St. NW, Washington, D.C. 20007; (202) 331-1313; FAX (202) 331-8645; Consular Section: (202) 331-4219
- Consulate – Santa Monica: 429 Santa Monica Blvd., Suite 400, Santa Monica, CA 90401; (310) 394-5777; FAX (310) 394 5140
- Consulate – Miami: 1077 Pone De Leon Bldg., Coral Gables, FL 33134; (305) 443-9764/7453; FAX (305) 443-7802
- Consulate – New York: 420 Madison Ave, 6<sup>th</sup> Fl., New York, NY 10017; (212) 753 8191/8192; FAX (212) 753 1603
- Permanent Mission to the UN: 886 UN Plaza, Suite 322, New York, NY 10017; (212) 752-8240; FAX (212) 593-0935

## UZBEKISTAN, REPUBLIC OF

- Embassy: 1746 Massachusetts Ave. NW, Washington, D.C. 20036; (202) 887-5300; FAX (202) 293-6804
- Consulate – New York: 801 Second Ave, 20<sup>th</sup> Floor, New York, NY 10017; (212) 754-7403; FAX (212) 838-9812
- Permanent Mission to the UN: 866 UN Plaza, Suite 326, New York, NY 10017-7671; (212) 486-4242; FAX (212) 486-7998

## VENEZUELA

- Embassy: 1099 30th St. NW, Washington, D.C. 20007; (202) 342-2214; FAX (202) 342-6820
- Consulate – San Francisco: 311 California Street, Suite 620, San Francisco, CA 94104; (415) 955-1982/1987/1989/1970
- Consulate – Chicago: 20 N. Wacker Dr., Suite 1925, 19<sup>th</sup> fl., Chicago, IL 60606; (312) 236-9655/9659/7122
- Consulate – New Orleans: World Trade Center, 2 Canal St., Suite 2300, New Orleans, LA 70130; (504) 524-6700/3284; (504) 522-7092
- Consulate – Boston: 545 Boylston St., 3rd Floor, Boston, MA 02116; (617) 266-9475/9368; FAX (617) 266-2350
- Consulate – New York: 7 E. 51st St., New York, NY 10022; (212) 826-1660; FAX (212) 644-7471
- Consulate – Puerto Rico: Edf. Mercantil Plaza, PISO 6 Ponce De Leon Av., Suite 601, Hato Rey, San Juan, Puerto Rico 00918; (787) 766-4250/4251/4255
- Consulate – Houston: 2925 Briar Park Dr., Suite 900, Houston, TX 77027; (713) 974-0028/9002; FAX (713) 974-1413
- Permanent Mission to the UN: 335 East 46th St., New York, NY 10017; (212) 557-2055; FAX (212) 557-3528

## VIETNAM, SOCIALIST REPUBLIC OF

- Embassy: 1233 20th St. NW, Suite 400, Washington, D.C. 20036; (202) 861-0737; FAX (202) 861-0917
- Consulate – San Francisco: 1700 California St., Suite 430, San Francisco, CA 94109; (415) 922-1707; FAX (415) 922-1848
- Permanent Mission to the UN: 866 UN Plaza, Suite 435, New York, NY 10017; (212) 644-0594; (212) 644-5732

## WESTERN SAMOA [SEE SAMOA]

## YEMEN

- Embassy: 2600 Wyoming Ave, NW, Washington, D.C. 20008; (202) 965-4760; FAX (202) 337-2017



- Permanent Mission to the UN: 413 East 51st St., New York, NY 10022; (212) 355-1730/1731; FAX (212) 750-9613

YUGOSLAVIA, FORMER S.F. REPUBLIC OF [SEE SERBIA AND MONTENEGRO]

ZAIRE (SEE DEMOCRATIC REPUBLIC OF CONGO)

ZAMBIA, REPUBLIC OF

- Embassy: 2419 Massachusetts Ave. NW, Washington, D.C. 20008; (202) 265-9717/9721
- Permanent Mission to the UN: 237 East 52<sup>nd</sup> Street, New York, NY 10022; (212) 888-5770; FAX (212) 888-5213

ZIMBABWE, REPUBLIC OF

- Embassy: 1608 New Hampshire Ave. NW, Washington, D.C. 20009; (202) 332-7100; FAX (202) 483-9326
- Permanent Mission to the UN: 128 East 56th St., New York, NY 10022; (212) 980-9511/5084; FAX (212) 308-6705