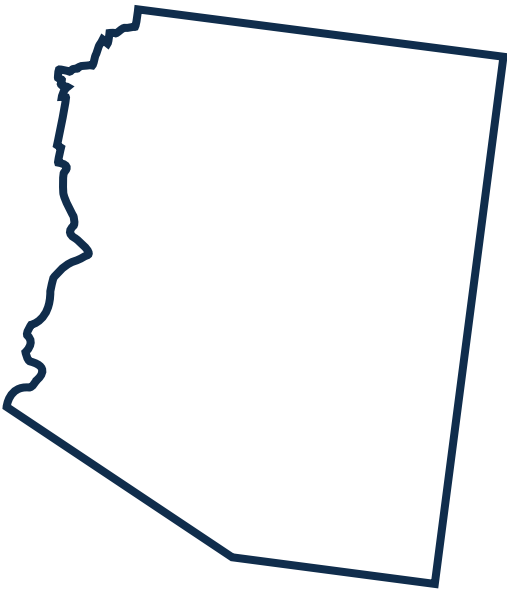


A Legal Resource
Guide for Immigrants Living in
Arizona



LAW OFFICES OF
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IMMIGRATION | CRIMINAL DEFENSE





CONTENTS

KNOWING YOUR IMMIGRATION STATUS	1
KNOWING YOUR RIGHTS AND OBLIGATIONS	3
UNITED STATES CITIZENSHIP	5
ARIZONA’S SB1070 LAW	7
KNOW YOUR RIGHTS!	9
DEPORTATION	11
ADOPTION & IMMIGRATION	12
HELPING FAMILY MEMBERS IMMIGRATE TO THE UNITED STATES	13
IMMIGRATION & THE U.S. MILITARY	14
VOTING	15
SOCIAL SECURITY NUMBERS	15
WORKING IN THE UNITED STATES	17
PAYING TAXES	19
HOW TO GET AN ID OR DRIVER’S LICENSE	21
BANKING AND CREDIT CARDS	22
GOING TO COLLEGE IN THE ARIZONA	23
STATESIDE PROVISIONAL WAIVER	25
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)	27

KNOWING YOUR IMMIGRATION STATUS

Most people living in the United States fall into one of three main immigration status categories: U.S. citizens (generally people born in the United States), Legal Permanent Residents (LPRs or green card holders), and those who are undocumented (have no permission to be living in the United States). There are also other limited categories like refugees/asylees, temporary protected status (TPS), Deferred Action for Childhood Arrivals (DACA), Special Immigrant Juvenile Status (SIJS), and others.

Your immigration status can impact your ability to remain in the country, travel and obtain benefits. Below is an overview of some of the main differences between the categories.



	Citizen	LPR	Undocumented
How immigration status is attained?	Born in the U.S. Child of U.S. citizen Naturalization	Adjustment of Status (AOS) Family-based petition Employer-based petition	Entering the U.S. without permission Remaining in the U.S. beyond the permission allowed
Documents to prove immigration status?	U.S. passport, birth certificate, or naturalization certificate	Permanent Resident Card, also called “green card” issued by U.S. government	No documents or expired documents issued by the U.S. government
Can you be deported?	No	Yes, if you break certain laws or if you leave the U.S. for an extended period of time	Yes, at any time
Can you vote?	Yes, if registered	No	No
Can you legally work?	Yes	Yes	Only under limited circumstances
Can you get a social security number?	Yes	Yes	Only under limited circumstances
Can you get a driver’s license?	Yes	Yes	Probably not
Can you travel outside the U.S.?	Yes	Yes, but not for long periods. You may not be able to return if you’ve committed certain crimes.	You can leave, but you may not be able to legally return
Can you help your family members migrate or obtain a legal immigration status?	Yes	Yes—you can help some family members, but the waits are longer.	No
Educational rights?	Free education through high school and eligible for governmental financial aid for college	Free education through high school and eligible for governmental financial aid for college	Free education through high school, but not eligible for government’s financial aid and may have to pay out-of-state tuition

KNOWING YOUR RIGHTS AND OBLIGATIONS

Information for LPRS and Undocumented Immigrants

- 1. Stay out of trouble with the law.** Some crimes, even minor offenses, can lead to your deportation. If you're undocumented, the police may alert immigration authorities of your name and check your status. If you commit a crime, it will make it harder for you to keep or obtain legal status in the future.
- 2. If you are charged with a crime, make sure your lawyer knows your immigration status.** Certain crimes, even minor offenses, could impact your ability to obtain or keep your immigration status.
- 3.** If approached by the police or immigration authorities, **do not sign any papers** and do not talk to them about your immigration status until you check with a lawyer first. See “Know your rights” section.
- 4.** If you're a male, you must **register for the “Selective Service”** when you turn 18. This will make it easier for you to receive certain benefits like financial aid for college and U.S. citizenship.
- 5.** If you are working, you must **pay taxes** if you owe them.
- 6. Never say you are a U.S. citizen when you are not**—doing so could get you deported!

Special Obligations for Legal Permanent Residents

- 1.** If you change your address, tell the immigration authorities immediately. You have 10 days from the date of your move. You can change your address online at www.uscis.gov.
- 2.** You need to renew your green card every 10 years. Your status will not change, but you will need to replace your card and pay the appropriate renewal fees. Look at your card for the expiration date.
- 3.** To travel outside the United States, you will need a valid passport from your home country. Make sure to update your passport after it expires in case you need to travel.
- 4.** You cannot leave the United States for long periods of time. If you are gone for more than six months, the government could accuse you of abandoning your LPR status and you may not be able to reenter the United States. If you have a good reason to be gone, you can ask for permission, ideally before your trip.
- 5.** Apply for U.S. citizenship when you are eligible! Most people are eligible after five years of LPR status. Spouses of U.S. citizens and members of the military can apply sooner.

UNITED STATES
POST OFFICE



UNITED STATES CITIZENSHIP

If you are eligible to apply for U.S. citizenship, you should apply! The benefits of U.S. citizenship include:

Avoiding deportation. Once you're a U.S. citizen, you cannot be deported. If you are undocumented or a LPR, you may be deported if you commit certain crimes.

Helping family members migrate. As a U.S. citizen, you can help more family members migrate and the waits for some family members are less than the waits for LPRs helping their family members migrate.

The right to vote! With the power to vote, you can help make more changes in your community and elect this country's leaders.

Government jobs which are only available to U.S. citizens!

Government benefits only available to U.S. citizens.

Steps and requirements to become a U.S. Citizen

Requirements:

- Be at least 18 years old
- Maintain LPR status and live in the U.S. for at least 5 years (physical presence and continuous residence requirements) (less if you marry a U.S. citizen or join the military)
- Pay all your taxes and child support, if you owe them
- Stay out of trouble with the law—have good moral character
- Register for selective service if you are a male over the age of 18
- File the application and pay the appropriate fees
- Pass an interview and take an oath of allegiance to the United States (you'll need to show understanding of English and Civics and Attachment to the principles of the U.S. Constitution)

Consult with an immigration attorney before applying for citizenship if you:

Have committed certain crimes, including minor offenses

Have left the United States for long periods of time, like over six months

Are a “habitual drunkard”—someone who is either drunk or who uses illegal drugs very often.

Are married to more than one person at the same time.

Have ever lied to get public benefits.

Helped someone else enter the U.S. illegally (even if it was family and you were not paid).



You may already be a U.S. citizen...

If you were born in the United States, you are automatically a U.S. citizen regardless of your parents’ immigration status.

If you were born in another country, you may be a U.S. citizen if one of your parents was a U.S. citizen.

If your parent became a U.S. citizen when you had a green card and were under the age of 18, you are probably a U.S. citizen.

If you’re not sure, talk to a lawyer. The laws can be complicated.

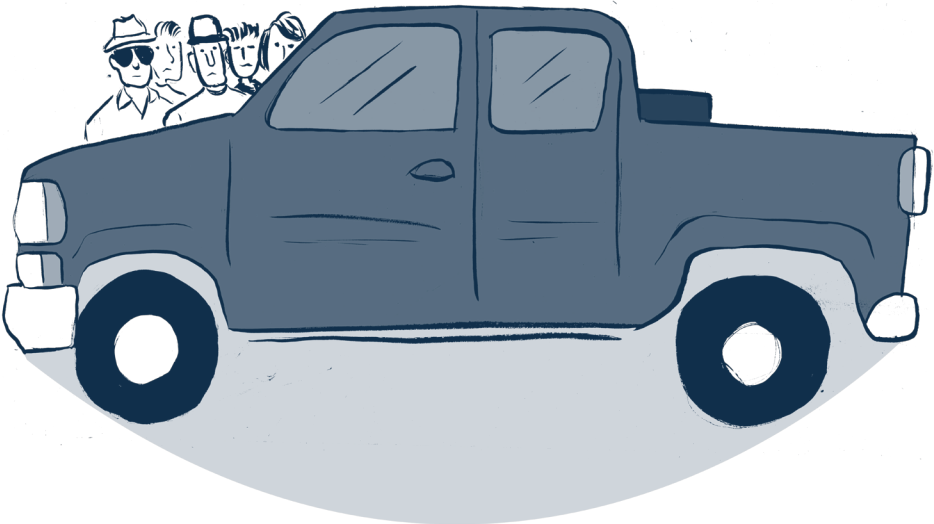
ARIZONA'S SB1070 LAW

Introduction: Governor Brewer signed Arizona's Support Our Law Enforcement and Safe Neighborhoods Act, better known as SB1070 law, in April 2010. The law was designed to promote the attrition of undocumented immigrants in the state by making it a crime to work or be in the state illegally and mandating local authorities verify the immigration status of those stopped for things like traffic infractions. Portions of SB1070 went into effect in July of 2010, but the U.S. Department of Justice and other groups challenged some other provisions of the law in federal court. Below are important facts to know regarding the law.

Important portions of the law that remain:

Under SB1070, it is considered unlawful to hire undocumented workers. Employers have a duty to verify the immigration status of their workers.

Section 2(B) of the law went into effect on September 18, 2012 and allows, under certain circumstances, for local and state authorities to verify the immigration status of those whom they stop or arrest.



Important portions of the law that were ruled unconstitutional—in other words, it is not unlawful to:

- Solicit or maintain employment without work authorization
- Board a vehicle on the street to be hired
- Stop a vehicle on the street to contract workers
- Not carry your immigration documents allowing for lawful presence in the U.S.
- Transport or shelter undocumented individuals

Take note of other Arizona laws that signal that:

- When you enter a jail or a detention facility, the authorities can investigate your immigration status.

School authorities can legally ask for proof of your address to verify you are within the school district. However, they cannot ask you about your or your child’s immigration status.

Helpful facts!

- No state authority has the right to stop you solely on the suspicion that you may be undocumented or to ask you for documents to verify your immigration status. You can choose not to answer questions regarding your or your family’s immigration status and ask to speak with an attorney.
- If you must present identification to Arizona authorities, present documents provided to you by agencies of the State of Arizona or the United States government.
- Maintain your car in working condition to avoid being stopped for broken lights or cracked windshields!
- Do not drive without a driver’s license, vehicle registration and proof of insurance.
- You should NEVER drive under the influence of drugs or alcohol.

KNOW YOUR RIGHTS!

What to do if local authorities stop you:

- Know that no state authority has the right to stop you solely on the suspicion that you may be undocumented or to ask you for documents to verify your immigration status. You can choose not to answer questions regarding your or your family's immigration status and ask to speak with an attorney.
- Don't try to run if you see the authorities. If the authorities stop you, politely tell them you don't want to speak to them and ask if you are free to leave.
- If the authorities say you are free to leave, calmly walk away and do not run.
- If you are not free to leave, you may be detained or arrested. In either case, you have the right to remain silent. Note, you may be required to provide your full name and date of birth and should do so.
- Anything else you say to the authorities can and will be used against you. You should never answer questions about where you were born, you or your family's immigration status—speak to a lawyer first.
- You have the right to not sign any documents you don't understand—either because of language or content. Note, if you receive a fine, sign it—if you refuse, you may be arrested.
- You have the right to speak to an attorney and to contact the consulate of your country.
- Do not present false documents or lie to the authorities! Simply stay quiet and ask for an attorney!



What to do if the immigration service or local authorities comes to your home:

- Don't open the door. Ask to see a warrant first. If the official does not show you one, you do not have to open the door.
- If they have a search warrant, they have permission to search your house. If they have an arrest warrant, they have permission from a judge to arrest you, but do not have the right to search your home. Come outside.
- Do not voluntarily give consent for the officials to search you or your home. If you consent, you lose some of your rights.

What to do if the immigration service comes to your workplace:

- Do not run! It is better to remain calm. If you can, calmly leave the area where the immigration service has come.
- If you are arrested in your workplace, make sure you let someone know of your whereabouts. Have a plan about who will take care of your children, etc.

What to do if immigration service arrests you:

- Do not answer any questions. Do not say anything about where you (or your family members) were born or how you entered the United States.
- Do not show any documents. Do not show any false documents!
- Do not sign anything! Do not sign an Order for Voluntary Departure without first talking to a lawyer!
- Ask the immigration official for a hearing before an immigration judge in the city closest to where you live where there is an immigration court!

DEPORTATION

What is deportation?

Deportation, also called removal, is a process where the United States government forces someone to leave the United States and return to his or her home country.

Who can get deported?

Anyone who is not a U.S. citizen can get deported. Even legal permanent residents or those who have been here since they were babies can get deported. It does not matter if you have lived here your whole life, if your entire family is here, or if you cannot speak the language in your home country or do not know anyone there. If you are not a U.S. citizen, then you can be deported.

Why do people get deported?

There are a lot of reasons why people may be deported. Some of these are:

- Being in the United States without permission—not having papers or staying past the date you were allowed to be here (overstaying your visa or permit)
- Saying you are a U.S. citizen when you are not (to vote, to enter the United States, to get a job, or for almost any other reason for claiming U.S. citizenship when you don't have it)
- Marrying someone just to help them get a green card (LPR status) or to obtain LPR status. This is immigration fraud and can lead to a lifetime bar from ever coming to the U.S. legally
- Criminal convictions for drug crimes, gun crimes, theft, fraud, assault, murder, rape (including having sex with minors), domestic violence or violating a protection order or prostitution.

What can I do to possibly prevent deportation?

- Stay out of trouble with the law and know your rights if the authorities question or arrest you.
- If you are ever arrested for a crime and required to go to court, you need to let your attorney know that you are not a U.S. citizen! They may be able to help you avoid deportation, even if you go to jail.
- Become a U.S. citizen. Note that sometimes if you commit certain crimes, it can be difficult for you to become a citizen in the future.

ADOPTION & IMMIGRATION

U.S. citizens and LPRs who adopt undocumented children may be able to help them change their immigration status. The laws are very complicated, so speak with an immigration attorney.

Here is some basic information:

Once adopted by a U.S. citizen or LPR parents, the parents can petition for an undocumented child to become a LPR (get a green card). If one or both of the adoptive parents is U.S. citizen, the process is much faster. If the parents are LPRs, the process can take years.

All of these requirements must be met:

- The child must be adopted before his/her 16th birthday. (There is an exception that allows for the adopted child to be 18 years old if the same family adopted siblings).
- The child must live with his/her adopted parent(s) for 2 years (before or after the adoption).
- The adoptive parent(s) must have legal custody of the child for 2 years (before or after the adoption).

Notes:

- An adoption severs the parental ties to biological parents and biological siblings; once a child is adopted, they may not file a family or relative petition for their biological parents or siblings who were not also adopted. There is one exception to this, if you never received the immigration benefit from your adoptive parents, legally separated from your adoptive parents and reunited with your biological parents.
- Adopted children over the age of 21 or who are married may not be eligible or may have to wait much longer to become LPRs.
- If the child was adopted by LPRs who later became U.S. citizens, the child may have automatically become a U.S. citizen as well. If not, the child may apply for U.S. citizenship when s/he meets the requirements to apply.

HELPING FAMILY MEMBERS IMMIGRATE TO THE UNITED STATES

Only U.S. citizens and LPRs can help their family members get immigration status.

Both U.S. citizens and LPRs can help their spouse and unmarried children under the age of 21.

U.S. citizens over the age of 21 can also help their married children, parents, and brothers and sisters.

U.S. citizens can bring their spouse and children under the age of 21 fairly quickly.

All the other relatives might have to wait for years. The number of years depends on the person's country and the relationship to the person helping them.

The waits for China, India, Mexico and the Philippines are usually longer than those of other countries.

Some types of immigration status like asylum, the U visa, the T visa or VAWA self-petition can also provide certain family members get status along with the qualifying immigrant.

Those with SIJS status cannot help their birth parents immigrate.

Having a child in the United States will not help you immigrate. U.S. citizens can petition for their parents, but only if you are over the age of 21. If you have a child in the United States, s/he will not be able to help you obtain status until s/he reaches the age of 21!

The process to help family members already in the United States obtain legal status is complicated and you could possibly hurt the person you are trying to help. Be sure to speak with a lawyer before beginning any application.



IMMIGRATION & THE U.S. MILITARY

Do I have to register for the military in the United States?

No. You do not have to register for the military, but ALL males living in the United States between the ages of 18 and 26 MUST register for the Selective Service System—this includes U.S. citizens, LPRs & undocumented males. Women do not have to register. Men who are only temporarily living in the United States on a valid visa (like a student visa or temporary work visa) are not required to register.

What is the Selective Service?

The Selective Service is a government system to keep information about men who could be recruited to the military in the case of war or other national emergency—it does not mean you actually register to serve in the military. The U.S. government has not required men to serve in the military or used the service since 1973.

How do I register for the Selective Service?

You can register by filling out a form at any U.S. Post Office or on the Selective Service System website at www.sss.gov. You do not need a social security number and the system will not collect information about your immigration status.

What happens if I don't register for the Selective Service?

If you don't register for the selective service, it could affect your chances of becoming a LPR or becoming a U.S. citizen. It could also lead to prison time or a large monetary fine, although these are very rare. Those who do not register for the Selective Service can be withheld from obtaining financial aid for college, federal jobs and federal job training.

Can I join the military if I am not a U.S. citizen?

LPRs can join the military if they have a residence in the United States. However, jobs in the military are more limited for LPRs than for U.S. citizens because LPRs cannot be commissioned officers or get jobs that require a security clearance.

Undocumented immigrants cannot join the military. There are instances where undocumented immigrants who tried to join the military were reported to immigration authorities. If you do not know your immigration status, speak with an attorney before you enlist.

Are there immigration benefits to LPRs who join the military?

Yes. LPRs who served honorably in the military for at least one year can apply for citizenship before meeting the five-year requirement.

VOTING

Who can vote?

Only United States citizens who are at least 18 years old and registered may vote. This is true everywhere in the United States.

There are other state rules that vary from state to state. Most states, like Arizona, do not allow people in prison or parole to vote. Some people with felony convictions must petition a court to reinstate their right to vote.

LPRs and undocumented individuals should never attempt to register to vote or vote accidentally as doing so can have serious immigration consequences.

If you are not a U.S. citizen, registering to vote is a serious crime and can lead to your deportation!

Tip: Beware of DMV forms that ask if you want to register to vote when you apply to get a driver's license. Until you are a U.S. citizen—you should always say no!

If you are a U.S. citizen over the age of 18 and meet your state's requirements—you should register!

Voter registration forms are available in libraries, post offices, and on the Internet. You can register to vote online at <https://servicearizona.com/webapp/evoter/selectLanguage>.

When you register to vote, you can support any political party, or none at all.

Almost all voter registration forms will ask if you are a Democrat, Republican, or member of another registered party. You can choose one of the listed parties, or choose the box which says you have “No Party Preference.” You can change your party designation if you change your mind at anytime. During a general election, you may vote for the candidate of any party.

SOCIAL SECURITY NUMBERS

What is a Social Security Number (SSN)?

Your SSN is a nine-digit number issued by the United States government's agency, the Social Security Administration (SSA). This number is necessary to work legally in the United States and is also used as identifying information by many other governmental and private entities like banks.

Who can get a SSN?

U.S. citizens and immigrants who can legally work in the United States can obtain a SSN. If you cannot legally work in the United States, you can still apply for an SSN to obtain certain government benefits.

When do people get their SSNs?

Most people born in the United States are issued a social security number shortly after they are born. Parents register their newborns with the SSA by presenting a birth certificate.

Immigrants generally obtain their social security number after they have been granted legal status, also by presenting their documents to the SSA.

Tip: Never carry your SSN in your wallet. Keep it in a safe place and only take it out when necessary.

What do I need to apply to get an SSN?

To apply for an SSN, you must provide at least two documents to prove age, identity, and U.S. citizenship or current lawful, work-authorized immigration status. If you are not a U.S. citizen and do not have DHS work authorization, you must prove that you have a valid non-work reason for requesting a card.

Your passport and birth certificate will usually suffice. For a list of approved documents, go to www.ssa.gov.

You do not need an SSN for:

*Bank accounts *Most Educational Program *Private health insurance *Certain government benefits

If asked for a SSN and you don't have one, ask if you can be issued another ID number.

If you cannot obtain an SSN, you should request an Individual Taxpayer Identification Number (ITIN):

An ITIN is another type of identification number used in the United States. It is issued by the Internal Revenue Service (IRS). Having an ITIN will allow you to open a bank account and pay your taxes each year. Applying for an ITIN will NOT get you in trouble with immigration authorities.

To obtain an ITIN, download a form W-7 available at: <http://www.irs.gov/pub/irs-pdf/fw7.pdf>

Tip: Filing your taxes each year (and paying, if required) can help you when applying for immigration benefits

WORKING IN THE UNITED STATES

What do I need to work legally in the United States?

To work legally in the United States, you must be old enough to work that type of job, have some kind of identifying document and have proof that you are eligible to work in the United States.

Almost everyone over the age of 18 can hold any job. Some jobs have higher age requirements and some jobs allow for people as young as 14 to work.

Most employers will require photo identification (like your passport) and your SSN card. See USCIS Form I-9 for a list of approved documents. <http://www.uscis.gov/files/form/i-9.pdf>

Note: In Arizona, employers must verify the immigration status of each of their employees and may not knowingly hire unauthorized workers if they want to maintain their employer licenses and avoid fines.

What is the minimum wage in the United States?

The national minimum wage in the United States (the amount your employer must pay you) is set at \$7.25 per hour. However, some states require employers pay you more than the federal minimum wage.

Tip: Some occupations that receive tips, like servers at restaurants, may be paid less than the hourly minimum wage by their employers so long as their tips meet the minimum hourly age requirements.

National law also requires that certain employees be paid overtime for employees working more than forty hours per week. Visit <http://www.dol.gov/compliance/guide/minwage.htm> for information on federal wage law.

What is the minimum wage in Arizona?

In Arizona, the minimum wage requirement in 2013 is \$7.80 per hour. Each year, the Arizona Industrial Commission's Labor Department adjusts the number based on increases to the state's Consumer Price Index.

Tip: If your employer is not paying you the minimum wage, look to see if there are free legal services that can provide information or assistance on how you recover your unpaid wages.

Federal and state laws protect your rights as a worker:

Employers are not allowed to discriminate against you based on your race, color, national origin, sex, religion, age (if you're over the age of 40), physical/mental disability, pregnancy or in retaliation for whistle-blowing. For more information visit, <https://www.azag.gov/discrimination/employment>.

Employers must provide a safe work environment in accordance with federal and state laws. If you feel that your workplace is unsafe, you go to <https://www.osha.gov/dcsp/osp/stateprogs/arizona.html> to see if you can file a complaint.



PAYING TAXES

What are taxes?

Taxes are money paid by people living and working in the United States to federal, state, and local governments. Taxes pay for services provided by the government like highways, and government benefits. There are different types of taxes, such as income tax, sales tax, and property tax.



Income tax is paid to federal, most state, and some local governments. “Taxable income” is money that you get from working. Most people pay income taxes by having money withheld from every paycheck. The amount of income tax you must pay depends on how much you earn. Income tax rates are lower for people who make less money. Anyone who earns income, resides in the United States, and meets certain requirements needs to file a tax return and pay any taxes they owe.

Social Security and Medicare taxes are federal taxes withheld from your paycheck. Social Security provides benefits for certain retired workers and their families; certain disabled workers and their families; and certain family members of deceased workers. Medicare taxes pay for medical services for most people over age 65. In most cases, you must work a total of 10 years (or 40 quarters) over the course of your life to get Social Security retirement benefits and Medicare benefits. You may need fewer than 10 years of work to get disability benefits or for your family to get survivors’ benefits based on your earnings.

Sales taxes are state and local taxes added to the cost of buying certain things. Sales taxes help pay for services provided by state and local government, such as roads, police, and firemen.

Property taxes are state and local taxes on your house and land, if you own them. In most places, property taxes help support local public schools and other services.

Who collects taxes?

The Internal Revenue Service (IRS) is the federal agency that collects income tax. In Arizona, the Department of Revenue (DOR) is the state agency that collects income taxes. Taxpayers file both federal and state “income tax return” forms with each agency each year. Your tax return tells the government how much you earned and how much in taxes was taken out of your paycheck. If you had too much taken out of your paycheck, you will get a refund. If you did not have enough taken out of your paycheck, you must send a payment to each agency.

Do I have to file my taxes?

Yes. Generally, if you are working in the United States, you will have to pay taxes and every year you will be required to file paperwork, called an income tax return, with the federal and state governments.

Even if you are undocumented, you must pay taxes like everyone else. Paying taxes will NOT get you in trouble with immigration authorities. In fact, paying taxes could make it easier for you to get immigration benefits like legal status or citizenship in the future.

How do I pay taxes if I am undocumented?

If you do not have a social security number, you should request an Individual Tax Payer Identification Number (ITIN) from the Internal Revenue Service (IRS). An ITIN is an identification number that you can use to pay your taxes and open a bank account. You do not need legal immigration status to get one and the IRS will NOT report you to immigration authorities. The number does not give you permission to work in the United States or provide you with Social Security Benefits or other tax-related benefits. For more information on the ITIN visit, <http://www.irs.gov/uac/Form-W-7,-Application-for-IRS-Individual-Taxpayer-Identification-Number>.

What happens if I don't file my taxes?

If you don't file a tax return or pay your taxes, the government could charge you more money in fines and interest, you could go to jail and it could negatively affect your immigration status when applying to become a LPR or U.S. citizen.

If you have been working, but have not paid taxes—you should file a tax return as soon as you can. You will find out if you owe money or if you are owed a refund.

How do I file my taxes?

Each year your employer(s) will provide you with copies of a W-2. The W-2 is a federal form that lists your earnings and the taxes you paid for the last tax year. Employers are required by law to provide you with a W-2 form by January 31 of the following tax year. A tax year is from January 1 to December 31 of each year. You will receive a W-2 form for each job you have. If you are self-employed, you will need to determine your own earnings and may need to hire an accountant. Your W-2(s) will help you determine how much you owe in taxes. You must send a copy of your W-2 form with your federal and state income tax return.

Income taxes for the preceding year are generally due around April 15 of the following calendar year. The federal and state governments provide forms at libraries, certain government offices and the Internet.

You can do your taxes yourself, hire an accountant or tax service provider, or use a software program to file your taxes.

For more information on taxes, you can visit www.irs.gov and <http://www.azdor.gov/>.

HOW TO GET AN ID OR DRIVER'S LICENSE

The state of Arizona allows for U.S. citizens and immigrants with legal status to obtain driver's licenses or identification cards. Those without legal immigration status should not apply for either.

Note: The State of Arizona will not grant IDs or driver licenses to those granted Deferred Action for Childhood Arrivals (DACA). While DACA grants permission to be in the U.S., it does not have legal immigrant status.

Driver's licenses and IDs provide you with an additional form of identification, which can be helpful if you want to open a bank account, get on an airplane for domestic flights, test drive a vehicle, see an apartment, etc.

If you do not have an ID or license on you, the police may take you to the police station—even if you've done nothing wrong.

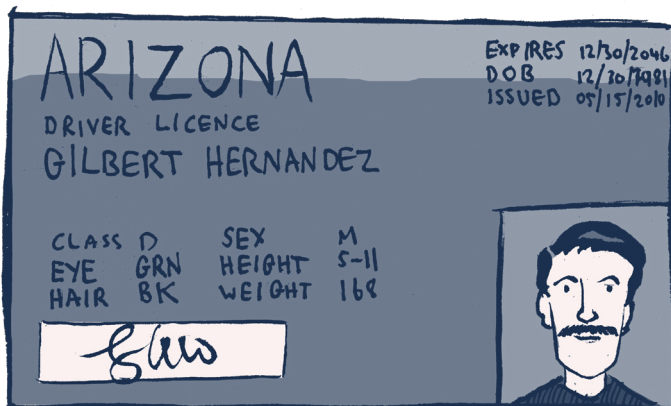
Where can I get an ID/license?

The Arizona Motor Vehicle Division (MVD) has various locations throughout the state. You must go to the MVD in person to obtain your first ID or driver's license, but can renew or obtain duplicates online (for a fee). Visit www.azdot.gov to find the location nearest to you.

The fee for either a driver's license or an ID is \$12. The MVD will need at least two documents from their approved lists in order to grant someone a driver's license or ID—generally a document proving your legal immigration status and a second document like your SSN. For the list, visit: <http://www.azdot.gov/docs/mvd-forms-pubs/96-0155.pdf?sfvrsn=0>

There is no age limit and there are no additional requirements for obtaining an ID. To obtain a driver's license, you must be at least 16 years old and have parental permission or 18 years old. You must also pass a written (multiple choice) test and a road test in order to obtain your driver's license.

Tip: Most applications for a driver's license will ask if you want to register to vote. Do not register if you are not a U.S. citizen! It is a crime for non-citizens to vote and it can have serious immigration consequences!



If you are undocumented or a LPR, you can consider obtaining a Matricula Consular.

Mexico, and a number of other countries, provide a form of identification called a “matricula consular” to their citizens living in the United States. Most consular offices require proof that you were born in that country, like a birth certificate or passport. You do not need to show any United States immigration documents!

Call the consulate from your home country closest to where you live to find out the details of what you need and if there are any fees associated.

The matricula consular can be a helpful form of photo identification when you cannot obtain another. Some banks, businesses and government agencies recognize the matricula as a valid ID.

The matricula consular is also helpful to those returning to their home countries, like Mexico as proof of citizenship for that country, in order to avoid paying tourism fees.

BANKING AND CREDIT CARDS

In the United States, you are likely to need a checking account and/or a debit card or credit card. Some businesses do not accept cash payments (like rent payments) and others (like places that do business online or over the telephone only) require you pay with a debit or credit card to place an order.

What do I need to open a checking account?

The requirements to open a bank account vary at each bank or credit union. Almost all banks will require two things—a Social Security Number (SSN) or an Individual Taxpayer Identification Number (ITIN) AND another identification document, like a passport or state-issued identification card.

Warning —You should NEVER use a false social security number! If you do, the bank will likely find out, close your account, return your money, and not let you open another account. Further, they can also report you to the police if they suspect any fraud.

Most banks will also require that you deposit a minimum amount of money to open the account. Different banks offer different types of promotions and checking account—some are free for students or people who have their paychecks go directly to the bank (direct deposit). Banks may charge different fees for having the account or if you overdraw your account. You should compare your options when deciding where to open an account.

Can I apply for a credit card without a social security number?

It depends on the credit card company. Some companies will accept an ITIN, and others offer prepaid options in which you deposit the money first and use it as your credit limit.

GOING TO COLLEGE IN THE ARIZONA

The United States provides free elementary and high school educations for all children regardless of immigration status. However, if you would like to continue your education beyond the 12th grade, you will likely have to pay tuition to attend the college or university of your choice.

Who can go to college?

U.S. citizens, LPRs and undocumented immigrants can all go to college. However, the admissions, costs and types of financial aid available will vary depending on the immigration status and on the state where the university or college is located.

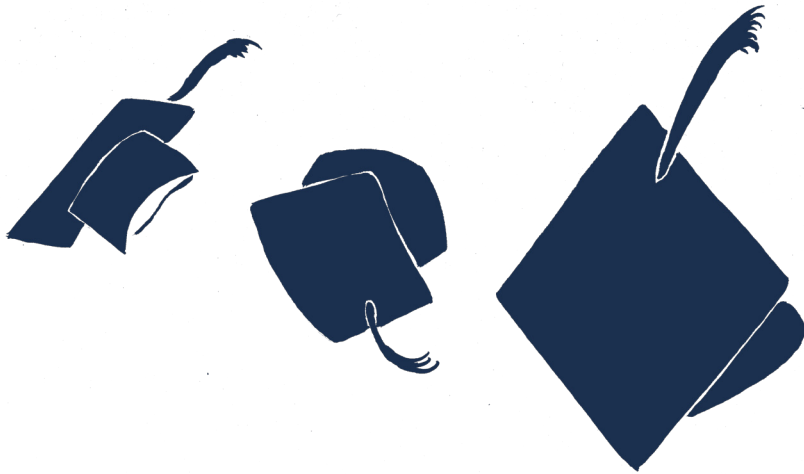
What is required to be admitted to college?

Most colleges and universities will require that you have graduated from high school or obtained a graduation equivalent diploma (GED). If you did not go to school in the United States, you may need to obtain a GED or meet the school's requirements for coursework completed abroad and English-language tests. Each university will have their own applications and requirements.

Does Arizona have specific immigration law regarding college?

Yes. Arizona law requires that colleges and universities obtain proof of legal immigration status from every student in order to charge in-state-tuition or to offer any type of financial aid to students. Private universities will generally charge the same tuition rates for in-state and out-of-state students, but publicly-funded schools must charge out-of-state tuition to undocumented students. Neither private nor public schools can provide financial aid to undocumented students.





What is financial aid and who can receive it?

Financial aid includes grants, work-study programs, and government loans to cover the costs of college.

U.S. citizens, LPRs, refugees/asylees, persons with U/T/SIJS status may apply for financial aid.

In Arizona, DACA recipients are not eligible for financial aid.

What do I need to apply for financial aid?

You will need a valid social security number, be enrolled or accepted for enrollment as a regular student working toward a degree certificate, be able to show financial need, NOT have been convicted of certain drug crimes, registered with the Selective Service, if you are a male between the ages of 18 and 26, and have a high school diploma or a GED or have passed an “ability-to-benefit” (ATB) test.

Most colleges and universities will require you fill out the Federal Application for Student Financial Aid (FAFSA). You can find the application and information on how to file it at www.fafsa.ed.gov.

Remember: You should never claim you are a U.S. citizen if you are not—even on a college application!

STATESIDE PROVISIONAL WAIVER

Unlawful Presence Bars

In 1996, Congress passed a law that bars certain persons who have accumulated a certain period of “unlawful presence” in the U.S. becoming legal permanent residents for a period of time unless they first obtain a waiver.

“Unlawful presence” is accrued when a person, other than an LPR or U.S. citizen, is present in the United States without having been admitted or paroled, or after the expiration of the period of stay authorized by DHS.

- Persons who have accumulated 180 days (~6 months) but less than one year of unlawful presence after April 1, 1997, and have then voluntarily left the country, are barred from returning to the U.S. (even legally) for 3 years.
- Persons who have accumulated one year or more of unlawful presence after April 1, 1997, and have then voluntarily left the country, are barred from returning to the U.S. for 10 years.

Generally, people subject to the 3 and 10 year bars must wait outside the United States until they are granted a waiver for their unlawful presence grounds of inadmissibility, even if they become eligible for LPR status through a family member. Waivers can take a long time to be processed, and families are often separated while waiting for the waivers.

Stateside Provisional Waiver

In 2012, the Obama administration announced a new “stateside” provisional waiver process for certain immediate relatives (spouses, children and parents) of U.S. citizens who are already present in the United States and whose only grounds for inadmissibility are the unlawful presence bars. The waiver will lessen the time families spend apart while waiting for waiver approval. If a person meets the requirements (set forth below), they can apply for the waiver while in the U.S. and before departing for the immigrant visa interview abroad.

If the waiver is approved, a person can depart the U.S. and attend their interview knowing that the consular office or embassy will issue them an immigrant visa. A pending or approved provisional unlawful presence waiver will not allow a person to receive interim benefits while in the United States, protect a person from removal or grant them lawful status. Approval does not guarantee visa issuance or admission into the U.S.

Who is eligible? Persons who meet ALL of the requirements set forth below:

- Persons over the age of 17 at the time of filing
- Persons physically present in the U.S. (to file application and to provide biometrics)
- Beneficiaries of an approved immigrant visa petition classifying them as immediate relatives of a U.S. citizen
- Must have an immigrant visa case pending with the Department of State (DOS), for the approved immediate relative petition and have already paid the DOS immigrant visa processing fee
- Must only be inadmissible to the U.S. based on unlawful presence and no other reason!

Filing the provisional stateside waiver form I-601A can be tricky and invites immigration to review your case. Hire a qualified attorney to help you file the appropriate forms available at <http://www.uscis.gov>.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

On June 15, 2012, the Obama administration announced a new policy called Deferred Action for Childhood Arrivals (DACA). Under this policy, the U.S. Department of Homeland Security (DHS) has the discretion to defer (suspend or postpone) the deportation of certain young undocumented people, granting them permission to remain and work in the U.S. without accruing unlawful presence. The program is structured to grant deferred action (permission to stay) and an Employment Authorization Document (EAD) for two years, but does not provide lawful immigration status or a pathway to become a LPR or U.S. citizenship. Recipients of the policy have the option to renew their deferred status and employment authorization.

Who is eligible for DACA consideration? Individuals who:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching their 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Applicants must fill out the appropriate application available at www.uscis.gov, provide the required documents of proof and pay the appropriate fees. You should consult an immigration attorney if you have any questions.

Important facts about DACA

- DACA is one type of prosecutorial discretion. You can apply for DACA if you are currently in removal proceedings, have a final removal order or have a voluntary departure order as long as you meet all of the requirements.
- Some states allow DACA recipients to obtain driver's licenses and IDs. The State of Arizona does not.
- If your case is deferred, you will not accrue unlawful presence (for admissibility purposes) and will be considered lawfully present in the U.S., but you will not have lawful immigration status.

- DACA will not make you eligible for benefits such as financial aid, tax credits or the Affordable Insurance Exchanges.
- All of the information you provide in your DACA request is protected from disclosure to U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to U.S. Immigration and Customs Enforcement under the criteria set forth in USCIS's Notice to Appear guidance (www.uscis.gov/NTA).
- If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians.
- All of the information you provide in your DACA application, including information about your family members, may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy may be modified, superseded, or rescinded at any time without notice.
- You cannot request consideration of deferred action for childhood arrivals if you currently have a visitor or student visa and were not in unlawful status on June 15, 2012.



Important facts about DACA continued..

- DACA relief does not allow you to travel outside of the United States for vacation or leisure. If you must travel, you must apply for advance parole before you leave. USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

- You should contact an attorney before leaving the country if you think you might apply for DACA or have been granted DACA status.

- You should contact an attorney if you have any felonies or if you believe you might have committed a “significant misdemeanor.” There are legal definitions for these, which may be complicated to understand. If you apply without knowing, you could trigger deportation proceedings to begin.

- Minor traffic offenses will not be considered a misdemeanor for purposes of this process. However, your entire offense history can be considered along with other facts to determine whether, under the totality of the circumstances, you warrant an exercise of prosecutorial discretion. Driving under the influence is a significant misdemeanor regardless of the sentence imposed.

- There is no appeal process if you are denied DACA relief. For this reason, it is very important that you consult with an immigration attorney before you mail in your application.

- For more information about DACA, you can visit, www.uscis.gov.





IMPORTANT DISCLAIMER

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The law is constantly changing and evolving. We cannot guarantee that all information contained in this informational booklet is up to date at all times. Therefore, we recommend that you contact an experienced attorney in your area to guide you through your legal matter.

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