



episcopal community services of long island

www.ecslongisland.org

(516) 248-4800 EXT. 15

DISCLAIMER: The following information is not legal advice. It is for educational and informational purposes only. If you need legal advice, consult a licensed immigration attorney or an accredited representative from a Board of Immigration Appeals (BIA) recognized agency. An undocumented immigrant should not seek legal advice from a notario or an "immigration consultant" who is not accredited by the BIA

HOW TO PREPARE FOR LEGALIZATION NOW

Many proposals are currently pending in Congress and many more will likely be introduced that would allow certain undocumented persons to earn legal status in the United States.

These proposals have not yet been passed, and it may take a long time for any of them to become law. Still, Immigration service-providers are advised to begin considering what implementation of legalization would require.

What is Legalization?

Legalization would allow undocumented immigrants to file an application for legal immigration status in the United States.

Earned legalization is being considered by Congress currently. If it passes into law, undocumented immigrants might be able to apply for temporary legal status in the United States. Then after a certain period of time in temporary legal status, they could apply for lawful permanent residence.

Or, legislation might permit an undocumented person to apply to adjust from undocumented status directly to lawful permanent residence. Because there is not yet a law on legalization, the exact pathway to permanent residence in the United States is currently unknown.

Lawful Permanent Residents are "green card" holders. A green card permits an immigrant to work and reside legally in the United States. It also allows travel to and from the United States. After receiving a green card, an immigrant can apply to become a U.S. citizen.

How Should An Undocumented Foreign National Prepare NOW for Legalization?

Although no one knows if or when Congress will pass a legalization bill, the Episcopal Community Services believes that in order to gain lawful status under any legislation that passes, an undocumented immigrant will have to prove at least three things:

- (1) Identity
- (2) Good moral character
- (3) Physical presence or residency in the United States

Therefore, the Episcopal Church in the United States recommends that undocumented immigrants start gathering valid documentation NOW to prove their identity, that they have been living and working in the United States, and that they have not been involved in certain criminal conduct while living in the United States.

Gather all documentation and keep it in one secure location. It is a good idea to make clear copies of all documents.

IDENTITY

Valid proof of their identity might include:

- 1) An expired or un-expired valid passport from your home country.
- 2) An original birth certificate (or a certified copy) from your home country.
- 3) Other valid photo identification issued by the home country, such as a matricula consular or other document issued by any federal, state, or local government of the United States. [NOTE: Because an undocumented immigrant runs the risk of being placed in removal (i.e., “deportation”) proceedings if s/he comes to the attention of the U.S. government, undocumented immigrants should seek advice from a licensed immigration attorney or a BIA-recognized agency before approaching a government agency to seek documentation of identification].

BEWARE of people or agencies that offer to get immigration “papers” or “identification” for undocumented immigrants. They might be obtaining fake identification documents and use of such documents could lead to deportation! Obtain photo identification only through lawful methods, such as through your home government.

GOOD MORAL CHARACTER

It is very important that undocumented immigrants prove that they are people of good moral character.

Undocumented immigrants should gather documents proving that they have demonstrated “good moral character” while living in the United States. While U.S. immigration law has no clear definition of “good moral character,” the law does state that a person who has been involved in certain types of bad or criminal conduct cannot be considered a person of good moral character. If a foreign national cannot prove that s/he has been a person of good moral character, then it is unlikely that s/he would be able to obtain a green card through a legalization program.

How does someone prove that they are a person of “good moral character”?

An undocumented immigrant can prove good moral character by showing:

- parental involvement in children’s schooling;
- payment of income taxes;
- emotional and financial support of family, and
- involvement in community, religious, and/or volunteer organizations.

Immigrant men who are at least 18 years of age and who have not yet reached their 26th birthday should register with the U.S. Selective Service System. The U.S. government will look at whether the men registered with the U.S. Selective Service System in order to determine their good moral character.

Involvement with the community, a church, congregation, mosque, or synagogue are additional examples of good moral character. For example, undocumented immigrants should register at their local church.

PHYSICAL PRESENCE OR RESIDENCY IN THE UNITED STATES

Undocumented immigrants should start gathering documentation to prove when and how they physically arrived in the United States and that they have lived in the United States as their primary home since arrival. They should also start gathering documentation to prove that they have worked in the United States.

Some documentation to prove their arrival in the United States might be the bus or plane tickets used to travel to the United States or the receipts for such tickets.

Undocumented immigrants should write out in chronological order, starting from the date they first entered the United States:

- each address/place of residence in the United States and the dates of residence at each address;
- the name and address of each employer and the beginning and ending dates of employment at each job.

For example:

1234 Main Street, Any City, State, 12345	January 1998-March 2002
2345 Michigan Ave., Washington DC 20020	April 2002-present

-or-

ABC Employer, 110 First Street, Washington DC 20000	January 1998-March 2002
The Good Company, 230 Second Street, Arlington, VA 22222	April 2002-August 2005

Use the list that you create to begin to gather documentation to prove residence and employment for those time periods.

Below is a list of documents that help prove residency in the United States. Make sure that they have your name on them. You should gather as many of these documents as possible, make clear photocopies of them, and store them in a safe place.

-Paycheck stubs and payroll records

-Lease/Rental agreements/ /or proof of security deposit payment

-Birth certificates of children born in the United States

-Marriage certificates if married in the United States

-Divorce decrees if divorced in the United States

-Dental, hospital, medical vaccination records and bills, and proof of payment

-School records, awards, certifications, diplomas, pictures, yearbooks, etc. (from schools attended in the United States)

-Religious records such as baptism, confirmation and registration certificates

-Immigration and Naturalization Service/Department of Homeland Security Form I-94, arrival/departure record (if applicable)

-Valid (expired or un-expired) passport with stamped date of admission into the United States

-Proof of ownership of real estate (e.g., a home)

Proof of application for home loan and proof of paying-off home loan

-

-Proof of purchase of an automobile and payments for automobile and car insurance

-Automobile registration, car title, license receipts and Department of Motor Vehicle records

-Insurance invoices, claims, policies and payment of insurance

-Utility bills such as electricity, gas, heat, sewer, water, etc. and telephone bills

-Credit card history in the United States (e.g., Sears card, etc.)

-Social Security records

-Record of payment of federal, state, and/or local taxes with W-2 forms

-Union records

-Bank records such as statements, cancelled checks and money order receipts

-Selective Service registration card

-Postmarked envelopes addressed to the foreign national here in the United States

-Photographs of celebrations in the United States, preferably with dates marked on them

Beware of *Notarios* and Immigration Consultants who offer help filing applications with the government. Many of these consultants have taken advantage of undocumented immigrants by filing applications on behalf of undocumented foreign nationals without verifying whether the individual is actually eligible for the immigration benefit. Congress has not yet passed any law that authorizes the legalization of undocumented people!! If a person or business offers to file an application for legalization on behalf of an undocumented foreign national, they may be putting that foreign national in danger of deportation.

We strongly suggest foreign nationals seek legal assistance only from a Board of Immigration Appeals (BIA) recognized non-profit organization or from a licensed attorney.

If a *notario* or immigration consultant advertises himself or herself as providing immigration legal services, then request proof of their authorization under federal law to practice immigration law and verify whether the consultant's organization is recognized by the BIA.

To verify whether the BIA recognizes an organization and to verify whether the BIA accredited the staff of an organization to practice immigration law, view the rosters of BIA-recognized agencies and accredited staff. The BIA updates these rosters periodically. If an individual or an organization is not listed on the BIA roster of recognized agencies and accredited staff, then the foreign national should take caution in seeking their legal services.