

Immigration and Agricultural Workers

Who enforces immigration laws in the U.S.?

The federal agencies responsible for administering immigration laws in the United States are now under the Department of Homeland Security. US Citizenship and Immigration Services (USCIS) is responsible for the processing of applications for those seeking legal status in the United States. The Bureau of Immigration and Customs Enforcement (ICE) is responsible for the enforcement of immigration laws on the borders and in the interior of the country. This includes work to remove or deport undocumented persons or persons who are accused of violating their legal status.



ICE has its own police force called the Border Patrol, as well as other investigative and enforcement officers. Their responsibility is to remove from the U.S. undocumented persons and other people who are accused of violating their legal status. The Border Patrol, as well as other police agencies, may search for smugglers of undocumented people or arrest undocumented people whether or not they've committed any other crimes or infractions. Typically, Border Patrol agents can be recognized by their light green cars, vans or buses and their dark green uniforms.

If any person is stopped by an immigration official, **REMEMBER:**

The person doesn't have to answer any questions. Rather, they should ask to speak to a lawyer.

If they don't have any money for legal representation, they may contact one of the

Immigration Resources listed at the end of this publication.

What should I know about deportation/removal?

Before any person can be deported, now called "removal," immigration officials must prove the person isn't a citizen of the United States. For this reason, it's important not to answer any questions about where the person was born or if they have immigration papers. Without this information, immigration officials are usually unable to remove a person from the country. If the person is taken into custody and can't prove s/he is in the U.S. legally, the government usually will give the individual two choices: to leave the country on their own within a certain time (Voluntary Departure) or to have a Removal Hearing. It always is advisable to contact and consult one of the organizations listed below to determine what option is best for the person.

How can I obtain legal status in the U.S.?

People wishing to enter or remain in the United States legally must possess a valid visa or lawful permanent residency card ("green card"). There are two types of people who are permitted to enter the United States legally: immigrants (people coming to the U.S. permanently) and Non-immigrants (people coming to the U.S. for a limited time).

The most common way that farm workers legally enter the country is through the petition of a family member. The following people can submit petitions for their family members:

- U.S. citizens may petition for spouses, children, parents, brothers and sisters.
- Lawful permanent residents may petition for spouses and unmarried children.
- Certain categories of persons are given

preference for visas. It can take many years for a lawful permanent resident to help a brother or sister to immigrate, but a U.S. citizen can help a spouse or unmarried child under 21 to immediately process their papers for immigration without being placed on any waiting list.

If you help someone to immigrate, you or another family member must complete an “Affidavit of Support.” This is a legally binding document which states that the person signing it has sufficient resources to maintain the sponsored individual or family at least 125 percent of the U.S. poverty level. The person signing the document may be legally responsible to repay the federal government for any future public benefits paid to the new legal immigrant(s) they promise to support over a certain period of time. If the petitioner doesn’t have sufficient income to fulfill the requirements on the “Affidavit of support” they may obtain a “co-sponsor” who is also willing to file an “Affidavit of Support.”

Also, there are special rules for certain victims of domestic violence. Domestic violence victims who are married to or are children of an abusive U.S. Citizen or Lawful Permanent Resident can “self-petition” to obtain status without the help of their abusers. The Violence Against Women Act (VAWA) provides a process for victims of domestic violence to qualify for permanent residence without the assistance of the abusive spouse or parent. This is a confidential process so the victim can file the “self-petition” without fear of the abuser seeking retribution. One example of abuse may be refusing to participate in assisting the abused spouse with an immigration petition. For more information, contact one of the organizations below.

Other ways to obtain lawful permanent resident status include:

1. political asylum (if a person has a fear of persecution in their country of origin);

2. the diversity visa process which allows immigration from countries where there haven’t been a large number of immigrants in recent years (unfortunately, this isn’t available for people from Mexico); and
3. cancellation of removal, which involves convincing an immigration judge that a person is eligible for a defense to removal.

What are the requirements to become a U.S. citizen?

The requirements to become a United States Citizen are that a person:

- Be at least 18 years old;
- Have been a legal permanent resident for at least the last five years, or three years if married to a U.S. citizen;
- Have been present in the U.S. for 2 ½ of the past five years (or 1 ½ of the past three if married to a U.S. citizen);
- Be able to speak, read and write ordinary English (some exceptions are made; see below);
- Be able to pass a U.S. history and government exam (some exceptions are made; see below);
- Intend to live permanently in the U.S.;
- Be a person of “good moral character (hard to establish if you’ve failed to pay child support, taxes or have been convicted of certain crimes); and,
- Take an oath of loyalty to the U.S.

A person doesn’t have to demonstrate an ability to speak, read and write ordinary English if they’ve been a lawful permanent resident for at least fifteen years and are at least fifty-five years old, or if they’ve been a lawful permanent resident for at least twenty years and are at least fifty years old. Also, persons who suffer long-term or permanent disabilities which limit their ability to learn or memorize new information

may be eligible for an exemption from tests on English and U.S. history and government.

To **apply for naturalization**, you must submit a Form N-400, application for Naturalization, two photos and a check or money order to the Immigration and Naturalization Service.

Several months after submitting these documents you'll be notified by the INS about your fingerprint appointment, and then, an interview date. At the interview you'll be questioned about the information on your application, tested for English ability, knowledge of U.S. history and government. If the application is approved, you'll be notified to appear at a swearing in ceremony and get your certificate of naturalization.

If you can't take the standard English and civics tests required for citizenship due to a disability, you must also file form N-648, which requires the assistance of a licensed physician. For more information on this process, contact one of the organizations listed below.



Where can I call for help?

For immigration help (Private, non-profit):

Northwest Immigrant Rights Project (NWIRP)

Western Washington

909 Eighth Avenue
Seattle, WA 98104
tel. 206-587-4009
1-800-445-5771

Eastern Washington

121 Sunnyside Ave.
Granger, WA 98932
(509) 854-2100
1-888-756-3641

If you are detained in the Northwest Detention Center please call:

253.383.0519

For immigration enforcement problems:

Call Hate Free Zone

(206) 723-2203 ext. 205 or

Washington Community Action Network:

(206) 389-0050 ext. 106

For information from the government:

<http://www.uscis.gov/portal/site/uscis>

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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