

Immigration Law Basics

Frequently Asked Questions

What Is Immigration Law?

Immigration law determines who is and is not eligible to enter or remain in the U.S. legally.

Immigration law is always changing. History shows that, even if you cannot become legal now, if you work in the U.S. for a long time without any major trouble, you may become eligible for a "green card" when an "amnesty" program occurs. The last amnesty program ended on April 30, 2001.

How Can I Avoid Being Deported?

Immigration agents aren't always out hunting illegals. More often, they simply wait for illegals to come to them via the criminal justice system. To avoid deportation, you should avoid being arrested. Here are some tips:

- **If you do have contact with the police, never give a fake name or false identity documents.** You will be charged with a felony crime, such as "Criminal Impersonation" or "Forgery," or at least a misdemeanor called "False Reporting." You will be arrested and reported to immigration authorities. Show the police your Mexican driver's license or matricula consular card rather than showing a fake ID.
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- **Never, ever, drink and drive.** If a police officer suspects that you have been driving drunk, the officer will almost always arrest you rather than giving you a summons to go to court.

- **Do not drive while revoked or suspended.** It is a traffic misdemeanor to drive without a valid Colorado driver's license. Most police officers will just give you a ticket for this offense, directing you to go to court. On the other hand, if you keep getting traffic tickets, you will eventually have your driving privilege suspended or revoked by the Colorado Department of Revenue, even if you never had a driver's license in the first place. If you are caught driving after your privileges have been suspended or revoked, then you must be arrested.
- **Stay away from cocaine and other illegal drugs.** Even a simple traffic stop can turn into an arrest if the officer finds out you have illegal drugs. Even a tiny amount found in your pocket or vehicle will result in an arrest, a felony prosecution, and potentially deportation.
- **Always show up for court appearances, even for minor traffic matters.** The courts will not turn you over to immigration authorities if you show up for court. On the other hand, if you don't show up for court, the judge will issue an arrest warrant. The next time you have any contact with law enforcement, you will be arrested. Law enforcement will then report you to immigration authorities, and you may be placed in deportation proceedings—a big price for not taking care of a traffic ticket.
- **Avoid fighting with your family and friends.** If a police officer has to respond to a disturbance at your house, he may be required to arrest whomever he believes started the fight or argument. There doesn't even have to be any physical altercation. For example, even if the police believe that someone was only yelling at his spouse, then the officer can make an arrest under the domestic violence laws in Colorado.



How Can I Become Legal?

Unless the law allows it, there is nothing you can do to obtain legal status in the United States. In order to determine if you can benefit from one or more immigration laws, you need to consult an immigration attorney. The following are examples of ways that he might help:

"Section 245(i)" Eligibility. You filed an immigrant petition or labor certification before 1 May 2001.

Marriage to a U.S. citizen. If you marry a U.S. citizen, you can get a green card. If you entered the U.S. legally, you can get the green card without having to leave the U.S. But, if you entered illegally, then you must return to your country. Returning to your country usually triggers a 10-year bar to admission to the U.S.. You can request a waiver of the bar if you are married to a U.S. citizen.

U Visa. You are a victim of domestic violence, sexual assault, or felonious assault and have cooperated with law enforcement. You do not have to reject your husband or boyfriend if this is the person who assaulted or abused you.

Violence against Women Act ("VAWA") Application. Your citizen or resident spouse has physically abused you or engaged in extreme mental cruelty.

Employment-based benefits. Unless you filed an immigrant petition or labor certification before 1 May 2001, it is almost impossible to get a Green Card through your employer if you are in the U.S. illegally. Have your employer contact us for information about employment-based visas.

Can I Fight Deportation?

If you are placed in deportation proceedings, you can fight back. If you have been in the U.S. continuously for 10 years, you can petition to cancel your removal if it would cause "exceptional and extremely unusual hardship" to either your citizen or resident spouse, a U.S. born child, or both.

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I already have a green card– why should I become a citizen?

After you have had a green card for four years and nine months, you can apply for citizenship. The benefits of becoming a citizen are:

1-You cannot be deported. (If you only have a green card and are convicted of a crime, you can be deported.)

2-You can sponsor immediate relatives, including your parents without a long wait.

3-You can vote—and one day change U.S. immigration policy.

Don't Be Afraid!

According to recent studies, Mexican residents are slow to become citizens. This is a big mistake. Many worry about losing their Mexican citizenship. Not true. Mexicans can keep their Mexican citizenship even if they become U.S. citizens. Others worry that they cannot pass the English language test. We recommend that you study English and apply for citizenship. There is no limit on the number of times you can apply.

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