

Public Charge

- Public charge is a ground of inadmissibility that could bar an individual from being admitted to the US or adjusting his/her status to lawful permanent resident if “at the time of application for admission or adjustment of status, is likely at any time to become a public charge” INA §212(a)(4)
- New definition includes more programs than cash assistance and long term care at the government expense including cash assistance for income maintenance, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), state and local cash assistance programs, federally-funded Medicaid, Supplemental Nutrition Assistance Program (SNAP), and Section 8 housing assistance and federally subsidized housing
- Totality of Circumstances Test
 - o Age
 - o Health
 - o Family status
 - o Assets, Resources, and Financial Status
 - o Education and Skills
- Affidavit of Support

Removal Proceedings

- Notice to Appear (NTA) – document initiating removal proceedings against an individual
- Venue – location of immigration court
- Master Calendar Hearing – first hearing in front of immigration judge
- Pleadings – Review allegations and charge(s) of removability
- Individual Hearing – final hearing to determine removability
- Conviction – formal finding of guilt entered by a court or where a judge or jury has found the alien guilty, or the alien has entered a plea of guilty or *nolo contendere*, or admitted sufficient facts to warrant a finding of guilt, and the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed
- Criminal Grounds of Deportability
 - o Aggravated felony (murder, rape, sexual abuse of a minor, drug trafficking, firearm trafficking, crime of fraud or deceit of more than \$10000, etc)
 - o Crime Involving Moral Turpitude (CIMT) committed within 5 years of the date of your admission for which a sentence of one year or longer may be imposed
 - CIMT – crimes which are inherently base, vile, or depraved, and contrary to the accepted rules of morality and duties owed between persons or to society in general (steal or defraud, caused or threatened bodily harm, or sex offenses)
 - o Two CIMTs at any time after your admission
 - o Controlled substance offense
 - o Certain firearm offenses

- Crime of domestic violence (including violation of an order for protection)
- Criminal Grounds of Inadmissibility – entered without inspection or applying for admission
 - Controlled substance offense
 - CIMT subject to the petty offense exception
 - Petty offense – 1 CIMT where maximum penalty for the crime does not exceed one year in prison and not sentenced to a term of imprisonment of more than 6 months OR committed offense under 18 and five years before application for admission
- Forms of Relief
 - Cancellation of removal for lawful permanent residents (LPR)
 - Cancellation of removal for Non-LPRs
 - 212(c) Waiver
 - Adjustment of Status
 - 212(h) waiver
 - Asylum
 - Withholding
 - Convention against Torture (CAT)
- Final Order of Removal
 - Appeal
 - Motion to Reopen
 - Change in Law
 - Post Conviction relief
 - Pardon
- Request for Immigration Court Record
 - Office of the General Counsel
 - Attn: FOIA Service Center
 - Executive Office for Immigration Review
 - 5107 Leesburg Pike, Suite 2150
 - Falls Church, VA 22041

Eoir.foiarequests@usdoj.gov