

REAL ID Act: Restricting Immigrants' Access to Driver's Licenses

The REAL ID Act, signed into law by President Bush as Part of the Emergency Appropriations Act on May 11, 2005, establishes a set a minimum standards for any state-issued identification card or driver's license in order for the state-issued ID card or driver's license to be accepted at a federal agency for any "official purpose." Official purposes would include accessing federal facilities, boarding federally regulated commercial aircrafts, etc.

According to the new law, applicants must prove that they are U.S. citizens or nationals, or that they have lawful immigration status in the United States. However, not every immigration status is included in the list of immigration statuses that establish eligibility for a license. Aliens admitted as legal permanent residents, conditional permanent residents, asylees and refugees may receive a driver's license. The following categories of persons may only receive a temporary driver's license: those with a valid, unexpired non-immigrant visa or nonimmigrant status, a pending application for asylum, a pending or approved application for temporary protected status, approved deferred action status, or a pending application for adjustment of status to lawful permanent resident or conditional resident status.

The validity period of a temporary driver's license or ID card may not exceed the period of authorized stay, i.e., the date on the I-94 card. For those eligible for a temporary license, but whose stay does not have an expiration date (for example, F-1 Students admitted for D/S), the validity period of the driver's license will not exceed one year.

This law requires the states to verify the validity and completeness of each document that the applicant presents. States may not accept foreign documents other than passports to satisfy the minimum issuance standards, including proof of identity, legal name, and date of birth. Thus, applicants may not present foreign birth certificates, foreign driver's licenses, national identification cards, etc. in order to prove their identity. In addition, by September 11, 2005, states must agree to verify the legal presence of all noncitizen driver's license applicants. If the states don't or can't comply with requirements of the new law, they must issue documents that have a unique design or color indicator and clearly state on their face that they may not be accepted by any federal agency.

The section of the REAL ID Act pertaining to driver's licenses becomes effective three years from the date of enactment.

Justice for Immigrants: A Journey of Hope **The Catholic Campaign for Immigration Reform**

A record high of more than 34 million foreign-born persons resides in the United States. Just in the past 20 years, about 23 million newcomers have arrived. This immigration growth has had a profound impact on the Church, with as many as 300,000 Catholics arriving each year from all regions of the world.

At the same time, U.S. immigration laws and policies have become increasingly restrictive and even harmful to some immigrants and asylum seekers. Between 8 and 10 million people in the U.S. live on the margins of our society for lack of proper immigration documentation. U.S. residents who want to reunite with close family members must often wait 10, 15, and even more years before visas for their relatives become available. Border enforcement strategies employed along our southern border have resulted in thousands of deaths. And, asylum seekers who flee persecution in their home countries and look for safe haven in the U.S., instead find themselves detained as criminals for lengthy periods.

On May 10, 2005, the U.S. Conference of Catholic Bishops and leaders of a diverse group of Catholic organizations announced the official launch of the Justice for Immigrants Campaign. Comprehensive immigration reform – including a broad legalization program – is the goal of the national campaign. The goals of the multi-year campaign are four-fold: to educate Catholics and others of good will about the benefits of immigration and the benefits to the nation; to strengthen public opinion about the positive contributions of immigrants; to advocate for just immigration laws which promote legal status and legal pathways for migrant workers and their families; and to organize Catholic legal service networks to assist immigrants to access the benefits of reforms.

For more information about the Justice for Immigrants Campaign visit www.justiceforimmigrants.org or contact Julie McFarland at jmcfarland@usccb.org or [202-541-3224](tel:202-541-3224).

CLINIC's 8th Annual Convening ***Immigration Reform: Not When, But How***

Each year, CLINIC's network of diocesan and Catholic Charities immigration programs comes together for an annual convening to hear about and discuss immigration issues. This year's Convening, entitled "Immigration Reform: Not When, But How," offered a closer look at what is likely to be an increasingly important issue in the coming short term. In a climate of continued concern with national security, immigration reform remains a key issue when initiatives for legalization and naturalization are proposed. Workshops, plenary sessions and roundtables at this Convening offered valuable training and discussion opportunities for immigration services practitioners. Held this year in Portland, Oregon, this annual meeting brought together representatives from over 150 affiliate diocesan and Catholic Charities' immigration programs, members of the non-profit community, law firms and other organizations that provide immigration services, with experts both from within the network as well as from independent organizations.

Time for Summer Vacation: Traveling Outside of the U.S.

With the arrival of summer, and the yearn to journey in so many of us, we thought it a good time to remind you of pointers to keep in mind regarding traveling and the immigration status of your priests and seminarians or members of your religious institutes.

Traveling as a Nonimmigrant Individual has an Expired Visa

- Individual CANNOT travel abroad and re-enter with an expired R-1 visa. Appointment should be made at U.S. Consulate well in advance of travel.
- If the individual is outside the U.S. with an expired visa and s/he has failed to make an appointment:
 - Investigate possibilities for “emergency” appointments;
 - If s/he has traveled *solely* to Mexico/Canada for *less than 30 days* and has *not applied for a new visa*, s/he can seek readmission using her expired visa and valid I-94 Arrival/Departure Record pursuant to a specific Department of State regulation.

Traveling as a Nonimmigrant Petition for a Change of Status is Pending

- Individual CANNOT travel abroad while I-129 Petition for a *change of status* is pending. If s/he does, s/he will abandon the petition and it will be denied.
- Plan ahead! If you know the individual needs to travel, check Service Center processing times at www.uscis.gov *before* filing for a change of status. It may make more sense to have the individual apply for an R-1 visa abroad.

Traveling as an Nonimmigrant Individual is in Step 1 of 2 of the Permanent Residency Process

- Traveling outside the United States while an I-360 *immigrant* petition is pending is inadvisable, particularly when an individual will have to apply for a new *nonimmigrant* visa to return to the United States.
- Emergencies do arise. If travel is necessary, the individual should be prepared to answer questions about the I-360 petition at the U.S. Consulate, if applying for a new visa, or at the U.S. port-of-entry.

Traveling as an Immigrant Individual has Filed an Application to Adjust Status to Permanent Resident

- Individual CANNOT travel outside the U.S. once the I-485 application has been filed, *unless* s/he has an approved Advance Parole (travel document).
- If individual leaves U.S. without approved Advance Parole while I-485 is pending, the I-485 will be considered abandoned and will be denied. Consequently, the individual may have to “consular process” for his/her immigrant visa.
- If individual has not received approved Advance Parole and an emergency requires that the individual travel abroad, the individual may be eligible for an “emergency Advance Parole,” which is applied for at the local USCIS District Office.

If you have any questions regarding any of these situations, please call one of the attorneys at CLINIC at 202-756-5549.

Frequently Asked Questions: R-1 Visas

The Division of Religious Immigration Services now has available a twelve-page booklet covering myriad topics for the nonimmigrant Religious Worker visa applicant from the application process and arrival in the United States to maintaining one's status and applying for a Social Security number. Please contact us at 202-756-5549 for more information or in order to obtain copies for your arch/diocese or religious institutes.

USCIS/ICE Field Visits and Interviews

It appears that the USCIS may again be conducting field visits to some religious institutes who have filed employment-based applications for immigration benefits on behalf of their members. These interviews generally involve unannounced visits by a joint team of CIS-ICE anti-fraud officers to organizations that file the applications, and/or the beneficiaries of those applications.

In the event that you or your organization receives such a visit, or if you are called in for an interview, keep in mind that the CIS-ICE investigation should be based on an application filed by a religious organization on behalf of a specific individual. Thus, you can ask the CIS-ICE investigators to state the specific purpose of their visit. (You may also ask them to schedule an appointment to come back at another time.) Also bear in mind that the investigators may only gather information regarding the organization itself, or the specific individual. While the investigators may obtain information from the individual's personnel file, they cannot look through all of the organization's personnel files. The investigators do not have the right to gather information on individuals who are not applying for immigration benefits.

Finally, please be sure to contact us if you are contacted by CIS-ICE investigators regarding an applicant or an application for an immigration benefit.

Upcoming DRIS Trainings

Basic Religious Immigration Training

When: Friday, September 30
Where: Chicago, IL (The St. Vincent Center, 721 N. La Salle)
For Whom: Staff of Catholic Charities immigration programs, nonprofit organizations, religious institutes and arch/dioceses
Topics: Basic concepts in immigration law; applicable laws and regulations; R-1 nonimmigrant visas; special immigrant visas for religious workers; adjustment of status to lawful permanent resident; practice pointers
Fee: \$100.00 before August 5, 2005, or \$125.00 before September 9, 2005.

Basic Religious Immigration Training

When: October 2005, Date TBA
Where: Southwestern U.S.
Topics: Basic concepts in immigration law; applicable laws and regulations; R-1 nonimmigrant visas; special immigrant visas for religious workers; adjustment of status to lawful permanent resident; practice pointers.
Fee: TBA Fee will depend on location.

Contact Angelia Amaya at (202) 756-5549 or aamaya@cliniclegal.org for more information