

Attorney Name: \_\_\_\_\_ Contact No: \_\_\_\_\_ Email Address: \_\_\_\_\_

## IMMIGRANT DEFENDANT QUESTIONNAIRE (Re: Padilla Counsel Consultation)

Please answer every question. Leave NO blanks. You may write "Unknown" or "N/A" if necessary.  
"USC" stands for U.S. Citizen and "LPR" stands for Lawful Permanent Resident (green card-holder)

### A. BASIC CLIENT INFORMATION

Defendant's Name	Defendant's Case Number	Defendant's Alien # if applicable

### B. BRIEF FACTUAL SUMMARY: \_\_\_\_\_

\_\_\_\_\_

### C. CURRENT CASE INFORMATION

Code Section(s)	F/M, Strike, Etc.	Offense Date	Other Relevant Information (e.g. Domestic violence, \$ lost for fraud)

### D. CURRENT PLEA OFFERS (IF ANY):

Code Section(s)	F/M, Strike, allegations / enhancements	Sentence	Other Info (e.g., DA flexibility, priorities, comments)

**E. OPEN CASES & PRIOR CONVICTIONS FROM ANY JURISDICTION:**

Code Section(s) (F/M/strike/allegations/enhancements)	Offense Date	Conviction Date	Sentence/Time actually served	Post-Con Relief (e.g., 17(b), 1203.4)

**F. IMMIGRATION STATUS**

Lawful Permanent Resident (“green card”)	Other Current Immigration Status
<p>Is Client a Lawful Permanent Resident (“LPR”)?</p> <p><input type="checkbox"/> Yes; Date obtained _____ (attach copy of green card if available)</p> <p><input type="checkbox"/> No</p> <p>To obtain LPR status, did Clt (check one):</p> <p><input type="checkbox"/> Go to an interview in the home country</p> <p><input type="checkbox"/> Get processed (“adjusted status”) in the U.S.</p>	<p><input type="checkbox"/> Doesn’t know</p> <p><input type="checkbox"/> Undocumented</p> <p><input type="checkbox"/> Work permit but unsure of status</p> <p><input type="checkbox"/> Refugee</p> <p><input type="checkbox"/> Asylee</p> <p><input type="checkbox"/> Temporary Protected Status</p> <p><input type="checkbox"/> Deferred Entry of Children Act (DACA)</p>

Biographical Information	Client	Spouse/partner
Last Name		
First Name		
Middle Name		
Maiden Name		
Gender		
Preferred Language		
Ethnic Background		
Birthdate		
Place of Birth (City, State, Country)		
Country(ies) of Citizenship		
Alien No.		

Biographical Information	Client	Spouse/partner
Marital Status Marriage Date/Place		
Prior Marriages? To Whom? How Ended?		
Ever Entered U.S. with visa? When? If not, when and how first entered U.S.? Any other immigration contact?		
Has anyone ever petitioned for client, e.g parents, sibling, spouse or employer? Year petitioned?		
Ever had lawful status?		
Current status		
Employment Authorization Document (EAD) Expiration Date		
Info Online (e.g., Facebook?)		
Parents' Status (and Naturalization Dates)		
Parents Marital Status at time of Client's birth		
Grandparents' Status (and Naturalization Dates)		

Children (Dependents) Names (First, Middle, Last)	Gender	Birthdate and Place	Immig. Status	Marital Status	Place of Residence	When Turns 21

**G. PRIOR REMOVAL/ DETENTION BY ICE**

Was client ever deported or got "voluntarily" departure?	Was Client detained by immigration?	Did Client see an immigration judge?	Where? When? For each deport / voluntary departure.
<input type="checkbox"/> Yes Year: _____ <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	

**H. OTHER QUESTIONS TO DETERMINE POTENTIAL RELIEF FROM DEPORTATION**

If the answer to any question is "yes," the client might be eligible for the relief indicated. References are to the *Relief Toolkit for Defenders*, available free online at [www.ilrc.org/chart](http://www.ilrc.org/chart).

(Questions For LPR Clients (green card-holders) Only:)

- 1. Has your LPR client lived in the U.S. for at least seven years?**  Yes  No

To apply for this waiver in deportation proceedings, Client must be LPR with (a) no aggravated felony conviction, (b) been an LPR for at least 5 years, (c) lived in the U.S. for at least 7 years since being admitted in any status (e.g. tourist, LPR, etc.), and (d) does not have a disqualifying conviction with 7 years of being admitted in any status. See §17.5 *LPR Cancellation*.
- 2. Has your LPR client ever been granted Cancellation of Removal, 212(c) or suspension of removal in the past?**  Yes  No

An LPR may only apply for relief from deportation through Cancellation of Removal, 212(c), or Suspension from removal once.
- 3. Can your LPR client apply for U.S. Citizenship?**  Yes  No

An LPR can apply for U.S. citizenship after 5 years LPR status, or 3 years of marriage to a USC while an LPR; must establish good moral character and should not be deportable. More beneficial rules apply to some current and former military personnel. See §17.4 *Naturalization*
- 4. Did your LPR client adjust his status in the United States and has since been convicted of an aggravated felony?**  Yes  No

You client may be eligible for a 212(h) waiver, either standalone or through readjustment of status. Complex area of law.

{Questions for All Immigrant Clients, Including Undocumented Persons and LPRS)

- 5. Has your client been abused by a USC or LPR relative?**  Yes  No  
Your client or certain family members have been abused (including emotional abuse) by a USC or LPR spouse, parent, or adult child. What relative and what immigration status? See §17.8 VAWA.
- 6. Is your client a juvenile and a victim of abuse, neglect, or abandonment?**  Yes  No  
Client can't be returned to at least one parent due to abuse, neglect or abandonment. See §17.9 *Special Immigrant Juvenile*.
- 7. Is your client a victim of abuse but was also convicted of DV?**  Yes  No  
Client was convicted of a deportable DV or stalking offense but in fact is the primary victim in the relationship. A waiver of the DV deportation ground, or the DV bar to non-LPR cancellation, might be available. See §17.11 *Domestic Violence Waiver*.
- 8. Did your client enter the U.S. before his or her 16<sup>th</sup> birthday?**  Yes  No  
Your client may be eligible for DACA if entered U.S. before turning 16 and before 6/15/2007. See §17.12 *DACA*.
- 9. Has your client lived in the U.S. for at least ten years?**  Yes  No  
To be eligible for this defense in removal proceedings, Client must have lived in U.S. at least 10 years and has a USC or LPR parent, spouse or child (see §17.14 *Non-LPR Cancellation of Removal*) or lived here at least 10 years and all deportable convictions occurred before April 1, 1997. See § 17.15 *Suspension of Deportation, available in Ninth Circuit states*.
- 10. Has Client been a victim of a crime?**  Yes  No  
Client was a victim of a crime such as DV, assault, false imprisonment, extortion, stalking, or sexual abuse, and be or have been willing to cooperate in investigation or prosecution of the crime. See §17.16 *The "U" Visa*.
- 11. Is Client charged with prostitution/related offenses or/victim of human trafficking?**  Yes  No  
Client may be a victim of sex trafficking which could be a possible defense and a means to obtain immigration status. Client must have been victim of (a) sex trafficking of persons (if under age 18, could have been consensual), o (b) labor trafficking, including being made to work by force, fraud. See §17.17 *"T" Visa*.
- 12. Is Client afraid to return to his or her home country for any reason?**  Yes  No  
Mark "yes" if (a) Client fears persecution or torture if returned to the home country, see §§ 17.19 *Asylum and Withholding and 17.20. Convention Against Torture*; or (b) Client already is an asylee or refugee, see §17.21 *Refugees and Asylees*; or (c) Client is from a country that the U.S. designated TPS status based on natural disaster, civil war, or the like. See §17.22 *Temporary Protected Status (TPS)*.

- 13. Is Client from former Soviet Bloc, El Salvador, Guatemala, or Haiti?**  Yes  No  
Your client might be eligible for a program if he/she from these areas and applied for asylum or similar relief in the 1990's -- or is a dependent of such a person. *See §17.23 NACARA for Central Americans, and see §17.24 HRIFA for Haitians and Dependents.*
- 14. Does Client, parent or spouse, have a 1980 amnesty?"?**  Yes  No  
The application still might be pending and viable. *See §17.25*