



# Joseph Law Firm<sup>PC</sup>

## Immigration Law Specialists

Newsletter

April/May 2017

### IMMIGRATION NEWS

## New York City Reports Success of Public Defender Program for Detainees in Immigration Removal Proceedings

*Contributed by Alex McShiras, Associate Attorney in Colorado Springs*

Although people in immigration detention face similar deprivations of liberty as criminal detainees, there is a key difference regarding how their cases are treated in court. While criminal detainees have the right to a public defender if they cannot afford one, immigration detainees do not. However, New York City changed this reality at the New York Immigration Court when the New York Immigrant Family Unit Program began to provide publicly funded legal representation to all detainees who could not afford an attorney. This program is making a huge difference in the case outcomes of detained immigrants in New York City in a system where the government is always represented by counsel at tax-payer expense. In 2012 (the year before the program was implemented), 1202 people were ordered removed. In 2016, this number was cut by more than half- to 535 people. The program is the first of its kind and highlights the difference having an attorney makes in the outcome of your immigration removal case. In a study conducted by the University of Pennsylvania Law Review, between 2007 and 2012 the study measured successful outcomes (termination of the charges or a grant of relief) and negative outcomes (all others) to compare the impact of legal representation across three different categories: detained, people detained at one time but now released, and never detained. For detained, 2% of people without a lawyer had successful outcomes. For people with a lawyer, the percentage jumped to 21%. Similarly, for people detained at one time but now released, 7% of people without a lawyer had successful outcomes. For people with a lawyer, the percentage jumped to 39%. Finally, for never detained, 17% of people without a lawyer had successful outcomes. For people with a lawyer, the percentage jumped to 60%.

In addition to being a huge success, the program costs taxpayers less than keeping immigrants behind bars and then deporting them. The program works within New York City and has recently expanded to Buffalo, NY. In addition to using taxpayer dollars, the programs are funded by the Immigrant Justice Corps, a fellowship that recruits recent law graduates. Overall, the program evens the playing field and helps the courts to ensure that cases are decided fairly.

## Calls from “U.S. Immigration” are a Scam

*Contributed by Courtney Sommer, Associate Attorney*

The Department of Homeland Security has released a notice stating that scammers are changing their caller-ID to say they are calling from “U.S. Immigration” and using the Department of Homeland Security’s hotline number (1-800-323-8603) to trick people into giving away personal information. The Department of Homeland Security said it NEVER makes outgoing calls from that phone number and any call from that number or from “U.S. Immigration” is a scam. If someone calls you or someone you know from that number and asks you for personal information, do not give it to them. They are not immigration officials and they are likely trying to steal your identity.

There were also reports in the last several years of scammers using the information of local USCIS offices to scam people. USCIS NEVER asks for personal information or payment information over the phone. If you ever get a phone call from a number that looks like it is USCIS and the person asks you for your personal information, do not give it to them. They are not immigration officials and they are trying to scam you into giving away personal information.

If you are concerned about a phone call you received from someone claiming to be an immigration official, do not give them your information. Instead, you can file a complaint with the Department of Homeland Security’s Office of Inspector General or the Federal Trade Commission. You can also contact an immigration attorney to discuss your immigration options and whether someone from the government would be contacting you and what you should do.

If you are already a client of Joseph Law Firm and you are concerned about a phone call or document you have received related to your immigration case, contact your attorney to discuss your particular case. If you are not represented by Joseph Law Firm and have questions about your immigration case or status, contact our office to schedule a consultation so we can review your case and your options.



# No Path for SSNs: Measure to Extend Colorado Driving Privileges to Undocumented Residents Stalled in Senate Committee Vote — Again

*Contributed by Jennifer M. Howard, Associate Attorney*

Under current state law, a Colorado resident who cannot provide proof of lawful presence in the United States can make an appointment with the state Department of Motor Vehicles (DMV) to obtain a “special” Colorado driver’s license, permit, or identification (ID) card. These licenses, permits, and ID cards are not valid for federal identification purposes or for obtaining any voting rights or public benefits conferred by the government, and they must be renewed every 3 years.

However, whether by lack of foresight or by intent, the statute contains no language regarding SSNs. Thus, the law as written has the effect of preventing residents who cannot prove lawful presence but who also hold valid Social Security Numbers (SSNs) from obtaining any type of license or permit to drive in the state of Colorado. Colorado residents impacted by this loophole may include, but are not limited to, certain out-of-status temporary workers, international students, recipients of Temporary Protected Status (TPS), and those formerly in non-immigrant status who have previously been issued work authorization and an SSN by the Department of Homeland Security (DHS), as well as certain immigrants who received SSNs prior to the 1996 Personal Responsibility and Work Opportunity Act and, if the program is ever terminated, recipients of Deferred Action for Childhood Arrival (DACA) status.

As written, the law requires undocumented residents to provide Individual Taxpayer Identification Numbers (ITINs) issued by the U.S. Internal Revenue Service (IRS) to obtain this special license. Under this law, the DMV also requires applicants to provide:

- Proof of identity, in English,
- Proof of Colorado residency; and
- A signed affidavit confirming a pending application or intent to apply for lawful status or U.S. citizenship.

This directly affects tens of thousands of Coloradans, and there is nothing that we as attorneys can do to help out clients caught in this loophole until the law is changed by the legislature.

Currently, only 3 DMV offices in the state—Lakewood, Grand Junction, and Colorado Springs—accept a total of 90 appointments per day for those who hold valid ITINs and cannot prove lawful presence. If no legislative action is taken to allocate additional funding, this number will likely be reduced to 1 after the number of licenses issued reaches the statutory threshold. Notably, funding for these licenses and for the administrative support needed to issue them at state DMVs comes from the already higher-priced application fees paid for the special licenses, not from Colorado taxpayers.

In an interview with the Denver Post earlier this year, supporters of the special license and the related proposal to expand the window to include persons with SSNs argued that extending driving privileges and the ability to purchase automobile insurance to the tens of thousands of residents who fall under this category:

- Ensures greater safety and accountability among undocumented drivers by requiring a comprehensive driver’s test and Colorado car insurance;
- Prevents routine traffic stops from escalating gratuitously into deportation proceedings;
- Allows newly licensed drivers to complete tasks like driving to work or taking their kids to school without fear ; and
- Makes the roads safer for all drivers throughout the state.

In the same interview, Republican legislators who oppose the measures argued that the law allows people who are here illegally to obtain government identification that they should not be allowed to possess. However, current law already allows licenses, permits, and IDs for undocumented residents, and the only significant change to the law would be the expansion of that eligibility to those holding valid SSNs.

If you are eligible for a special Colorado license, permit, or ID card, you may make an appointment with the DMV by following the instructions on their website. If you need an ITIN number, visit the IRS website to obtain the Form W-7 and for more information; if you already have a valid SSN, then you are not eligible for an ITIN and you will not be able to obtain a Colorado driver’s license, permit, or ID card at this time. Joseph Law Firm, PC, intends to post a follow-up if and when the law changes to extend driving and ID privileges to persons with SSNs.



12203 East Second Avenue  
Aurora, CO. 80011

Aurora  
303-297-9171

Colorado Springs  
719-434-3678

Frisco  
970-446-7884