Week 6 Study Guide

6.1 B & F Visas

- Intent: A person's purpose or motive for coming to the U.S.
    - When applying for a B or F visa, an individual states the reasons they are requesting entry.
    - Failure to act consistently with stated intent is immigration fraud, which is grounds for both inadmissibility and deportability (see lesson 3.6)
- B-visas
    - Tourist visas: for people visiting the U.S. for either vacation or business.
        - Required for visitors unless they are: visiting from Canada, have a Border Crossing Card, or are eligible for a visa waiver.
    - Do not allow tourists to work in the U.S.
    - Last 10 years, but tourists must leave and come back each time their I-94 expires.
    - B-1 visas are for business trips.
    - B-2 visas are for non-business trips, such as vacations.
    - B-1/B-2 visas are for trips that combine business and nonbusiness.
- F-visas
    - Student visas; for non-citizens accepted by a U.S. school.
    - F-1 Visas:
        - School must be approved by ICE
        - Students applying for an F-1 visa must speak or be studying English.
        - Students generally are only allowed to work 20 hours ON CAMPUS
        - NOMAS does not represent individuals on student visa applications.
    - F-2 Visas:
        - For dependents of students with F-1 visas.
        - Dependents include:
            - Spouses & unmarried children under 21

Resources and References

- [USCIS website: B-1 Temporary Business Visitor]
- [USCIS website: Visit the United States]

6.2 K, U, & T Visas

- K-visas:
    - Fiancé(e) visas; submitted by U.S. citizens on behalf of their foreign fiancé(e)s
    - 90-day non-immigrant visas
- U-visas:

- Nonimmigrant visas for victims of certain criminal activity in the U.S. who suffered substantial mental or physical abuse due to the criminal activity and who help law enforcement in the investigation or prosecution of the criminal activity
- Allow the victim and certain qualifying family members to apply to remain in the United States for 4 years (initially).

- T-visas:
  - Nonimmigrant visas reserved for certain victims of human trafficking who help law enforcement in the detection, investigation, or prosecution of human trafficking
  - Allow the victim and certain qualifying family members to remain in the United States for 4 years (initially),

Resources and References

- USCIS website: Visas for Fiancé(e)s of US Citizens
- USCIS website: Victims of Criminal Activity: U Nonimmigrant Status
- USCIS website: Victims of Human Trafficking: T Nonimmigrant Status

6.3 Change of Status vs Adjustment of Status

- Adjustment of Status (AOS) is a change from a nonimmigrant visa to an immigrant visa.
- Change of Status (COS) is a change from one nonimmigrant visa to another nonimmigrant visa.
- Intent is especially important in AOS and COS cases. Applicants may need to prove that their original visa and intent were aligned.

6.4 Preparing Family-Sponsored Adjustment of Status Cases

- The Clinic Fellow and Clinic Lawyer are both available to take questions during an intake interview, even virtually.
  - Ask procedural questions to the clinic fellow
    - Arrive in the clinic session over Zoom 30 minutes early to receive instructions and training from the clinic fellow
  - Ask legal questions to the clinic lawyer
- After a prospective client's case is accepted by NOMAS, you will continue working with the client through the Clio Portal
  - A link will be sent to your NOMAS email
  - The Clio portal functions as a secure chat or email thread where you can communicate with the client and upload important documents.
  - Remember that sensitive and personal information should only be sent via the Clio Portal - not through email or other communication channels

Virtual Intake Interview Steps

1. Arrive in the clinic Zoom session 30 minutes early for instructions and training from the clinic fellow, and to check your computer set-up.
2. Wait in your assigned Zoom room until a prospective client is directed to join you.
3. Help the prospective client feel welcomed and comfortable.
4. Introduce yourself by name and title (Volunteer Legal Representative).
5. Help the prospective client understand the purpose of the intake interview and your role as a volunteer legal representative.
6. Wait for the clinic fellow to send you the intake form. While you wait:
    - Ask for and take note of the prospective client's name and contact information
        - You may not be able to access this information from the intake form after it is submitted, so make sure you record it somewhere you can access it later.
    - Ask the prospective client to begin telling you their story
        - Taking notes might be helpful for filling out the form later and for asking them follow up questions.
7. Once you have received the intake form (sent to your NOMAS email), open the form on your computer and review each field with the prospective client.
    - Some fields will already be filled in. Make sure you confirm pre-filled field information with the prospective client.
8. After the form is completely filled out, take a moment to reflect on whether you have a good enough understanding of the prospective client's case to review it with the lawyer. If not, ask follow up questions (preferably open-ended) until you do.
9. Review the completed form with the prospective client. Make sure every field is filled out correctly and completely.
10. Before submitting the form,
    - Confirm the prospective client's contact information (making sure you have it recorded separately from the form itself).
    - Confirm that the prospective client has your contact information.
    - Remind the prospective client that they will be hearing from NOMAS and you in about a week with a decision about whether NOMAS can take their case.
    - Thank the prospective client for coming and sharing their story with you.
11. At the end of the intake interview, submit the form, notify the clinic fellow you have finished and that you are ready for another prospective client.
12. At the end of the clinic, meet with the clinic lawyer to review all of your cases.
13. Return home and wait for an email from NOMAS notifying you and the prospective client if NOMAS can take the prospective client's case.

AOS Case Denial

- If NOMAS cannot represent the prospective client, you and the prospective client will receive an email notification.

- Reach out to the prospective client to ensure that they received the email and are aware of the resources and references that NOMAS included in the email that they can look to for help.

AOS Acceptance

1. If NOMAS can represent the prospective client, you and the prospective client will receive an email notification and an electronic letter of acceptance to sign.
2. Open the letter of acceptance and fill out the indicated fields with your information.
3. Reach out to the prospective client to ensure that they received the email and are able to fill out the letter of acceptance.
4. Once you and the client have both signed the letter of acceptance, you will each receive an invitation to a secure Clio Portal through your email.
    a. Use the Clio Portal for future communication between you and the client.
5. The Clio Portal will have a message from the clinic fellow with an attached evidence list.
6. Help the client collect the evidence by suggesting a few documents at a time that the client can collect and upload. Guide the client at a pace that they feel comfortable with.
    a. You may need to help the client gather the necessary evidence. Clients may need help scanning, and uploading documents. (See Evidence Collection)
7. You can continue to meet with the client during clinics to help them scan documents or set deadlines for uploading documents.

Evidence Collection & Questionnaire

1. Decide with the client how to complete the AOS questionnaire.
    a. The client can work on it or you can help them complete it.
    b. You can schedule an in-person meeting during the next clinic session near you or in another public location OR you can meet through a video conference call. Do not meet in a private location, such as one of your homes.
2. Check that any evidence uploaded by the client, or that you've helped the client upload, is readable, translated, or otherwise prepared to submit
3. Continue to check that the questionnaire is completed accurately and dates are correct and names are spelled correctly.
4. Once the questionnaire is finished and all of the necessary evidence is uploaded, notify the clinic fellow that the case is ready for review.
5. The clinic fellow will review the documents collected so far and notify you if there is any information that is missing or documents that need to be reuploaded.
6. Work with the client to address any concerns brought up by the clinic fellow.
7. Tell the virtual client that they will be receiving a packet from NOMAS with instructions for
    a. A money order or cashier's check
        i. Made out to "U.S. Department of Homeland Security" **exactly.**
    b. Passport photos needed to attach to the application
    c. Documents for the client to sign

   d. Mailing them back to NOMAS
8. Set up a virtual meeting to review digital copies of the completed forms with the client (through an interpreter, if needed).
   a. Ensure all of the information on the forms is correct. Mark any corrections that need to be made on the case files and bring them to the attention of the clinic fellow.
   b. Show the client where physical signatures and dates (MM/DD/YYYY) are necessary (use BLACK ink ONLY)

AOS Case: After Submission

- After the case is filed, it is still your responsibility to guide the client through the immigration process.
- Answer questions that the client may email you. If you are unsure about the answer, ask the clinic fellow or clinic lawyer for clarification.
- Help the client understand that the immigration process is long and that there will be times that you are just waiting until USCIS reaches out.
   - The client can check the status of their case (They need their receipt number).
   - The client can check case processing times (They need their I-797C receipt notice)
- When USCIS does contact the client, the clinic secretary will forward a copy of the notice to the client and to you.
   - Read the notice that the clinic secretary sent.
   - Reach out to the client to ensure that they received the paper notice and the scanned copy sent by the clinic secretary.
   - Do not summarize the contents of the notice for the client.
- Continue to correspond between NOMAS and the client for the duration of the immigration process.
- When the client has an interview with USCIS finally scheduled they may have questions.

Resources and References

- Revisit Week 6 Case Walk-through
- “Wet” Signatures - USCIS Information on Document Submissions