



IMMIGRATION

Newer Laws and Places to Get Help

Hotlines

(415) 543-6767 Spanish/English
(415) 543-6769 Chinese/English
(415) 543-6797 Vietnamese/English

Legal Aid Society of Santa Clara

480 North First Street
San Jose, CA 95112
(408) 998-5200 x221

Immigration Rights Clinic

1765 Alum Rock Avenue
San Jose, CA 95116
(408) 254-0444

Immigration and Naturalization Office

1887 Monterey Highway
San Jose, CA
(North of Curtner)

Catholic Charities

2625 Zanker Rd. #201
San Jose, CA 95134
(408) 994-0634

Lawyer Referral of Santa Clara County Bar

4 North Second Street, Suite 400
San Jose, CA 95113
(408) 771-5322

What makes you a U.S. citizen?

There are various ways to become a U.S. Citizen:

- Anyone who is born in the United States or born in a territory (for example, Puerto Rico or Guam). Even if both of your parents are undocumented, birth in the U.S. (or U.S. territories) makes you a citizen.
- If you go through the application and procedures to become a Naturalized Citizen you will get full citizenship rights.
- If one or both of your parents was a U.S. citizen when you were born, even if you were born outside of the U.S., you are probably a citizen. Your parents may have to meet a requirement that they lived in the U.S. for 10 years before you were born. There are some additional requirements, so you need to check into it (call one of the organizations listed at the beginning of this section).
- If you were a legal permanent resident and your parents became citizens before you turned 18, you can get citizenship because your parents did. Again, there may be additional restrictions, so check into it at an immigration resource center like the ones listed in this section.

Can I still get residence through "seven-year amnesty"?

No, the law has changed and you no longer can. In the past, some immigrants in deportation proceedings or that were going to be deported were able to use the defense of Suspension of Deportation if they had lived here more than seven years. Today we have CANCELLATION OF REMOVAL, which is more difficult.

My baby was born here in the United States but I was born in another country and I don't have legal papers. What does that mean for me and my baby?

An undocumented parent can get deported, even if his or her baby is a U.S. citizen. However, if that person is in deportation proceedings, they may have a defense to deportation (which means they may be allowed to remain in the U.S. and avoid deportation). Of course, this is only a defense to deportation. The person can still be deported, but a young parent with a child born in the United States has a chance with this defense. The defense is called CANCELLATION OF REMOVAL and it is not an application but a defense used in a deportation/removal proceeding before the Judge which is hearing your case as to whether you should leave the country or not. In order to use this defense the parent must meet these requirements: (NOTE: this does not mean you qualify for residency or that you will win the case and no one can guarantee that you will qualify for residency through these means.)



1. The young person must prove with good documentation that they have lived in the United States continuously for over 10 years. The ten years stop if you have had proceeding with the Immigration Court, been previously deported or have committed certain crimes.



2. You must show good moral character during your life in the United States. That means that you have not had problems with the police, the DMV or Immigration as well as being a productive person assimilated into society who has not depended upon Public Assistance.
3. You must have a qualifying relative; in this case, your U. S. born child will do; but Legal parents and/or a spouse will do also.
4. You must show that the parent's removal would be an exceptional and extremely unusual hardship, not to the parent, but to the qualifying relative.

I am undocumented and my relative has petitioned for me to get a green card. Do I have to leave the country to get my green card?

Having filed an application does not in and of itself give you the right to stay in the United States. If you have applied for a green card but haven't heard yet, you may not have to leave. You need to check it out. If you don't have a pending application (with no lawful status to be here otherwise), then you will have to leave the U.S. and get your immigrant visa in your home country. But if an immigrant who has been in the U.S. without status for more than 180 days leaves the country, they will not be able to obtain legal status for three years (10 years if they were without status for over a year) unless the application was filed before January 14, 1998.

What will happen if I stay in the U.S. after my visa expires?

Anyone who remains in the U.S. unlawfully for 180 days after April 1, 1997 and leaves the U.S. will not be allowed to legally come back for 3 years. Anyone who remains in the U.S. unlawfully for one year after April 1, 1997, and leaves the U.S. can't come back for 10 years. Anyone who has been deported and who later tries to come back without papers, can't ever return legally. There are few exceptions and waivers to these rules. Any unlawful stay *before* April 1, 1997 will not be counted. The Immigration Law does provide for ways to get different types of permits to stay but the process is very complicated. These include NACARA, Family Unity, Political Asylum, Special Juvenile Visas, Labor Certificates and a Student Visa to name a few. You should seek the advise of a competent Immigration Attorney or Legal Services Agency as the ones listed on the first page of this fact sheet.

Fact Sheets for Teen Parents can be found on-line at: <http://www.teenparents.org>