



DON'T GET SCAMMED!

What You Need to Know About Recent DHS Announcements

In August, the Department of Homeland Security (DHS) announced that it would be reviewing all cases pending in immigration court and temporarily closing low priority cases. In November, it announced that it had begun the case review process and issued three documents explaining the review: [Memo on Case Review Process](#); [Guidance to ICE Attorneys](#); and [ICE Next Steps](#). For more information, visit www.aila.org/pd.

This case review is NOT an amnesty and it is NOT about giving people work permits or legal status. You should NOT turn yourself into the immigration authorities because of these announcements.

- Do NOT believe anyone who tells you they can get you a work permit (Employment Authorization Document or “EAD”) or legal status based on this case review process! Anyone who says this or makes other guarantees is not to be trusted!
- There is NO “safe” way to turn yourself in to immigration and there is NO guarantee that your case will be considered “low priority.” ANY person who comes into contact with immigration authorities may be arrested, detained or even removed.
- Only a QUALIFIED IMMIGRATION LAWYER can evaluate your case and tell you about your rights.
- Do NOT seek legal advice from a notario or immigration consultant.
- For more information about avoiding immigration scams, visit www.StopNotarioFraud.org.

Why Is the Government Conducting This Review?

Law enforcement agencies, including immigration, have the authority to decide which cases to prosecute and which cases to put on hold or dismiss. This authority is called “prosecutorial discretion.” Immigration and Customs Enforcement (ICE)—the agency that prosecutes immigration cases—has decided to use its prosecutorial discretion authority to put some low priority cases temporarily on hold so that it can speed up higher priority cases.

Which Cases Are Being Reviewed?

Right now, two reviews are taking place. The first review is occurring nationwide and includes: (1) new cases; (2) all cases with hearings on or before January 13, 2012; and (3) some cases with hearings on or before June 15, 2012. For individuals in detention, it is unclear whether or not your case will be part of this review.

The second review is taking place in only Baltimore and Denver. ALL cases currently pending before the immigration court are being reviewed. For individuals in detention, your case is NOT part of this review.

If you have never come to the attention of immigration authorities, do NOT turn yourself in. Your case is NOT part of either of these reviews.

What Will Happen if My Case Is Chosen for Prosecutorial Discretion?

The government has said that it will be offering *administrative closure* to individuals with low priority cases. Administrative closure means that your immigration court case will be halted temporarily. You will not be given a new court date, but your case has not ended and can be restarted *at any time*.

For some people, administrative closure is helpful because it means that no decision about whether or not they should be deported from the U.S. will be made while the case is closed. However, for others, administrative closure may NOT be helpful. For example, if you have applied for legal status, the immigration judge cannot make a decision on your application if your case is closed.

If your case is chosen for administrative closure, someone from the government will contact you. You will need to choose whether or not you want your case to be closed. If you have questions about what is best in your situation, you should consult a reputable immigration attorney.

Will I Get a Work Permit if My Case Is Chosen for Prosecutorial Discretion?

The government has said that you will not be able to apply for a work permit just because your case has been administratively closed. If you do not have a work permit now, you will probably NOT be able to get a work permit once your case is closed.

What Will Happen if My Case Is NOT Chosen for Prosecutorial Discretion?

If your case is not chosen for prosecutorial discretion, nothing will change for you.

What Is a “Low Priority” Case?

Only the government can decide whether or not your case is a low priority case. The cases that ICE considers low priority are listed in the [Guidance to ICE Attorneys](#). These include cases involving members of the Armed Forces or their family members, people who came to the U.S. when they were very young, victims of serious crimes, those with serious medical conditions, and people who have been in the U.S. for a very long time and have many ties to this country, among others. However, just because a case seems to fall into one or more of those categories does NOT automatically mean that it will be considered “low priority.”

What Is a “High Priority” Case?

The cases that ICE considers high priority are listed in the [Guidance to ICE Attorneys](#). They include cases of individuals with criminal convictions, gang members, those who entered the U.S. within the last three years, suspected terrorists, and those who have previously been removed from the U.S.

Do I Need a Lawyer?

Immigration law is complex and if you have questions about your immigration case, you may want to speak with a qualified immigration attorney about your situation. REMEMBER, it is important that you speak with an attorney you can trust and who will give you accurate advice. *It is unlawful for an immigration consultant, notary public or “notario publico” to provide legal advice.* For more information on protecting yourself from immigration scams, visit www.stopnotariofraud.org.

What Do I Need to Do Now?

You do not need to do anything to have your case reviewed. This will happen automatically if your case is part of the review process. However, if you would like your case to be administratively closed, you may want to give the government more information about your case to show why you should get prosecutorial discretion. Remember that any information you provide will become part of your immigration file and can be used against you. If you would like to give the government additional information, we strongly encourage you to contact a qualified immigration attorney for assistance.