

New policy leads to confusion, concerns of legal fraud

With few details available on Obama's new directive, speculation runs rampant

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When President Barack Obama announced his new policy of deferred action for a select group of young immigrants who entered the country illegally, the move was met in Southern Nevada with an outburst of elation and excitement from those who qualify.

A group gathered at the downtown Las Vegas offices of the [Progressive Leadership Alliance of Nevada](#) huddled around a small television to watch Obama's news conference, then cheered and embraced at the welcome news.

Two weeks later, that enthusiasm has been tempered by unanswered questions, speculation, rumors and misinformation running rampant through the immigrant community.

On Wednesday, local immigration attorneys, school officials, immigrants eligible for the deferred action, politicians and community advocates were all back at the PLAN offices to discuss what is, and is not, known about the new policy. The overall message: Many of the details have yet to be released and everyone should sit tight while the Department of Homeland Security, U.S. Citizenship and Immigration Services and Immigration and Customs Enforcement work out the specifics.

"Everyone is getting such different information depending on whom they talk to," said Astrid Silva, head of [Dream Big Vegas](#), an organization representing immigrants without a legal residency status. "Some attorneys are promising things they can't deliver or scaring people off from applying. We want to gather reliable information and make sure the community is not panicking because of rumors."

Some attorneys already are running ads in Spanish-language publications offering consultations on the new policy. At the meeting, several attorneys, including representatives from the Las Vegas chapter of the [American Immigration Lawyers Association](#) and the [Nevada Immigrant Resource Project at UNLV](#), said it would be a good idea to consult a lawyer for the application. Yet, the consensus was that it is too soon for an attorney to be of much use and potential applicants should save their money for the time being.

The federal government has until Aug. 13 to issue the application and final details for the process. Until then, attorneys can only speculate as to what will be required. According to the [Migration Policy Institute](#), approximately 1.4 million people in the country are eligible for the deferred action — 30,000 in Nevada.

“There is no application yet,” said Angela Morrison, legal director for the Nevada Immigrant Resource Project. “This is not an amnesty. It is a discretionary form of relief given by the grace of the government. It is not permanent and does not confer any sort of immigration status. Basically, it’s an agreement that the government will not deport them for a period of two years.”

For a certain group of immigrants with no legal residency status, the process should be relatively straightforward, and once their application for deferred action is accepted, they may apply for a two-year work permit.

Each case will be reviewed individually by immigration officials, and the final decision will be at the discretion of the reviewing agent. There is no appeal process.

Those who were under age 31 on June 15, 2012; have been in the country continuously for five years; entered the country before age 16; are currently in school; hold a General Educational Development or high school diploma or have been honorarily discharged from the U.S. armed forces; and have no criminal history should qualify.

For everyone else, the waters get muddy very quickly.

Anyone convicted of a felony or any crime punishable by more than a year in prison is ineligible. Those with three or more misdemeanors not stemming from the same incident will be disqualified. Convictions for “significant” misdemeanors — such as driving under the influence of drugs or alcohol, domestic violence, larceny, fraud and drug convictions — can be grounds for denial.

“If you’ve been arrested, then you definitely should check with an attorney before filing,” Morrison said. “It would make me nervous to submit an application for someone who has been convicted of a crime. They could be denied and then brought to the attention of immigration enforcement.”

Individuals whose applications are denied and are found to have submitted fraudulent documents or have had criminal convictions will be referred to Immigration and Customs Enforcement, according to an informational release from U.S. Citizenship and Immigration Services.

The inclusion of fraud caught the eye of many attorneys.

No doubt numerous immigrants who are eligible will have worked at some time, and the chances are many of them used fraudulent documents to get the job.

Those who dropped out of school, or finished high school without passing the necessary proficiency exams to earn a diploma, may be left out.

Several of those in attendance voiced concerns about attorneys and “notarios” who are already offering consultations on the policy. In the United States, notaries can do little more than witness the signing of official documents, but in many Central and South American countries, a “notario” can practice law.

“I’m out in the community every day, and I’m hearing wild stories,” said Leo Murrieta of [Mi Familia Vota](#), a civic engagement organization. “People are making appointments with attorneys who are

already taking money even though they don't know what the filing fee will be yet. There are notarios saying they can get you to the front of the line or enter an application now. Some are scared for their parents. Everyone needs to calm down and not rush to self-exclude themselves."

Some in the immigrant community have raised concerns that an applicant may lead immigration officials to parents who also lack a legal residency status. Asked to clarify if the parents of applicants would be in jeopardy of deportation, the Department of Homeland Security's media relations personnel referred the Sun to [statements made by Secretary of Homeland Security Janet Napolitano to CNN](#) on the day of Obama's announcement, June 15.

"We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action," Napolitano said in the interview. "However, the parents are not qualified for deferred action. This is for the young people who meet the criteria that we've set forth."

Other requests for clarification were left unanswered.

Adding to the general atmosphere of confusion, even several attorneys at the meeting argued over some of the finer points of the new policy. For example, there was debate over what would happen to those who are granted a deferral if Obama or a different president decide to rescind the directive. The conclusion: No one knows.

For now, the best move a potential applicant can make is to start collecting school records and the necessary documentation to prove his or her date of entry and continuous presence in the country, such as financial, medical, employment and military records. The majority of immigration lawyers at the meeting seemed to be cautiously optimistic that the policy change is an honest attempt to find a temporary solution for the more than 1 million immigrants with no legal status and a first step toward permanent reform.

"I think we've reached an unprecedented point in history in terms of the way people feel about immigration," said Peter Ashman, immigration attorney and spokesman for the Las Vegas chapter of the American Immigration Lawyers Association. "I think we've seen the worst of this. I think people will see that the sky won't fall and the Earth won't spin into the sun and burn up because of deferred action."

Hermandad Mexicana, 1722 W. Bonanza Road, Suite 100, a nonprofit legal services agency that specializes in immigration procedures, will have a community meeting 10 a.m. Saturday to answer questions about the new policy.

<http://www.lasvegassun.com/news/2012/jun/29/new-immigration-policy-leads-confusion-concerns-le/>