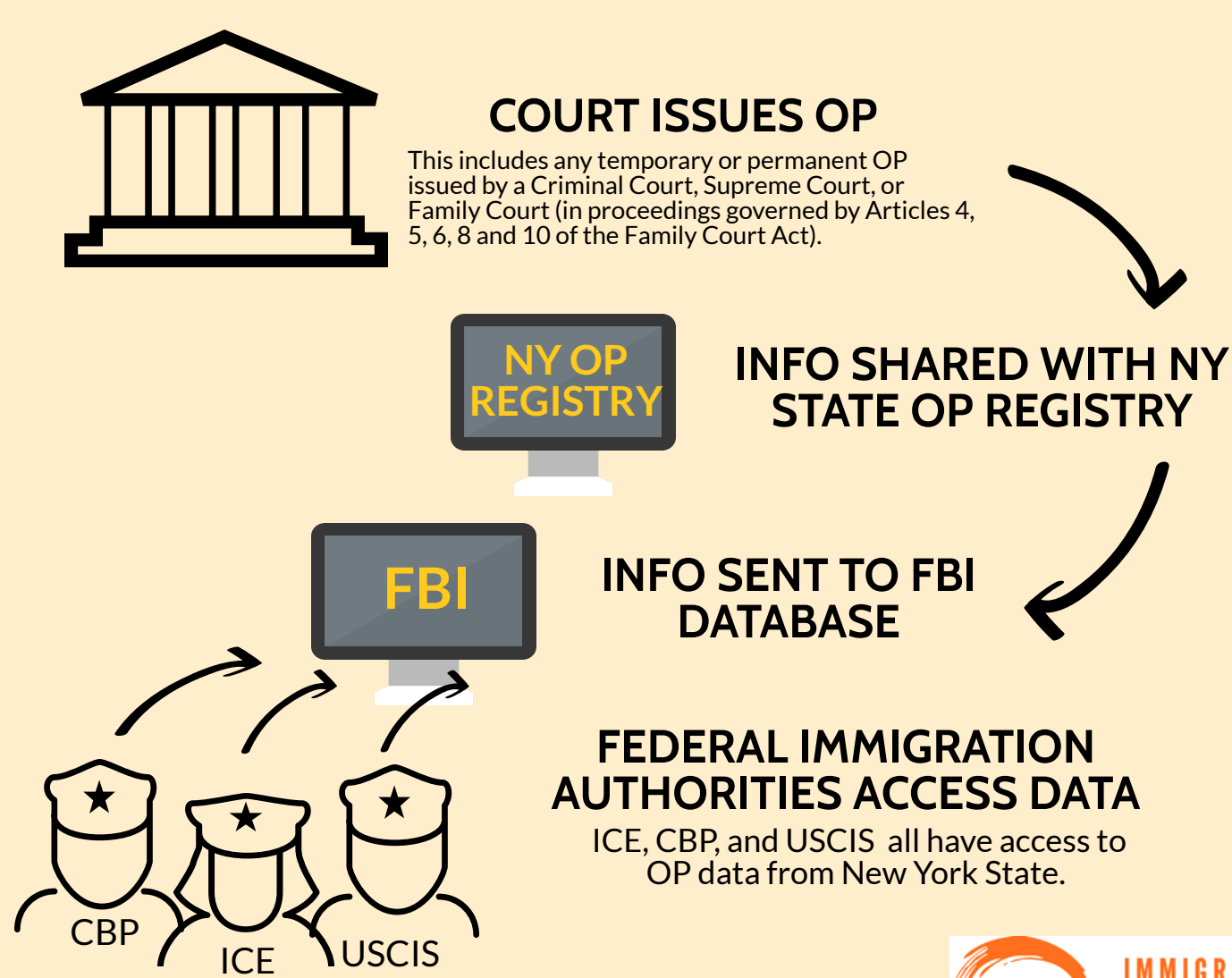


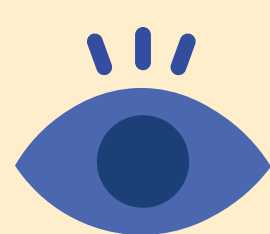
Immigration & Orders of Protection

When a New York State criminal court, family court, or supreme court issues an order of protection (OP), information about protected parties and the party against whom the OP is issued is automatically shared with immigration authorities. This advisory explains how this information-sharing can trigger a range of harmful immigration consequences for the parties involved.

HOW IS INFORMATION SHARED?



WHAT INFO CAN IMMIGRATION SEE?



Using a name, date of birth, and other identifying information, immigration authorities can determine whether an individual has an active OP. They can also access OPs that have expired or been vacated within the last 5 years.

INFORMATION IMMIGRATION CAN ACCESS

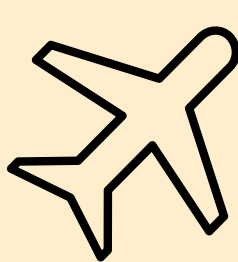
- Name, race, and sex of the party against whom OP is issued
- Date of Birth of the party against (or, alternatively, Social Security Number, NYSID, License Plate #, VIN)
- Name of the party who requested the OP
- Name of other protected parties
- Whether parties have child in common
- Conditions of the OP
- Whether OP is Temporary or Final
- Date OP Issued
- Date OP Expired/Vacated
- Court Type (may include docket # and Judge's name)

WHAT TRIGGERS A SEARCH FOR OP INFO?



IMMIGRATION APPLICATIONS

Any time an individual applies for an immigration benefit or relief (e.g. Special Immigrant Juvenile Status, U Visa, Green Card, cancellation of removal) USCIS will check for active or expired OPs.



INTERNATIONAL TRAVEL

CBP will run the fingerprints of every noncitizen traveler and check for active or expired OPs.



ARREST & INCARCERATION

Every time a person is booked, their fingerprints are automatically shared with the FBI and compared with immigration databases. When ICE gets a "match" with a record in its databases, ICE will see the individual's active or expired OPs.

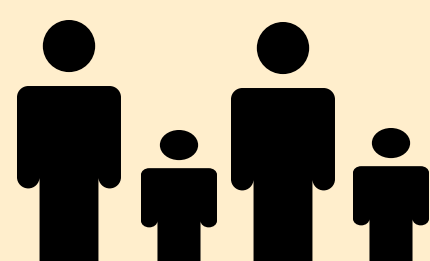


REMOVAL PROCEEDINGS

DHS will check the FBI records of any individual placed into removal proceedings. This will include a check for active or expired OPs.

WHAT ARE THE IMMIGRATION CONSEQUENCES?

The sharing of OP information with federal immigration authorities can have harmful immigration consequences for the individual against whom the OP is issued. It can also lead to unintended consequences for protected parties and families.



CONSEQUENCES FOR PROTECTED PARTY

If the protected party has a pending immigration application that depends on their spousal relationship to a party against whom an OP is issued, USCIS will not schedule an interview for the application.

CONSEQUENCES FOR PERSON AGAINST WHOM OP IS ISSUED

When immigration authorities find out an individual has an active or expired OP, there are two types of consequences that can follow that depend on whether a court has found that the individual violated an OP. In every case, however, consequences will hinge on an individual's immigration and criminal history.

IF a court has determined that the individual VIOLATED an OP:

- The government can try to deport the individual if they are in lawful status-- including if they have a green card.
- This applies to violations of both temporary and final OPs issued by a criminal or family court.
- The government can use any reliable evidence from the court to prove that the individual is deportable.
- There is no statute of limitations so the government can start deportation at any time after the OP violation.

IF there is an active or expired OP but NO finding of a violation:

- The existence of an active or expired OP may be a negative factor that could cause USCIS to deny applications for immigration relief.
- USCIS routinely requests additional evidence and questions individuals about OPs.
- During international travel, individuals may be interrogated about the underlying conduct.
- During removal proceedings, the government and Immigration Judge may also question individuals about OPs.



Undocumented individuals are always at risk of being targeted for detention and deportation because of their lack of immigration status. Contact with the criminal legal system and issuance of an order of protection can increase their risk.

