

Will a Family Court Case Affect My Immigration Status? Issues to Consider for Immigrant Clients in Family Court

Immigration agencies might use information in Family Court cases to make decisions that negatively affect a person's immigration status or options. It is important for you to speak with an immigration attorney if you have a Family Court case that is pending or results in certain negative outcomes, especially an order of protection.

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COMPLY WITH THE CONDITIONS OF ANY ORDER OF PROTECTION

- If a court issues an order of protection against you, it is important to comply with all of the conditions. This includes orders of protection from criminal courts and family courts, both temporary and final.
- An immigration officer can access a database that shows all current orders of protection against you and any orders issued in the last five years. Immigration officers may ask you about an order of protection when you:
 - submit an application to an immigration agency,
 - travel outside of the United States and return, or
 - are arrested by local police and transferred to immigration custody.
- If a family or criminal court decides that you have VIOLATED an Order of Protection, immigration agencies might use this information against you:
 - If you have a green card, the government could use this as a reason to place you in deportation proceedings.
 - If you are applying for an immigration benefit, including U.S. citizenship, the government could use the violation as a reason to deny your application.
- You should talk to an immigration attorney if you have any concerns about how an order of protection might affect your immigration situation.

CONSIDER AVOIDING TRAVEL ABROAD

- Everyone who returns to the United States after traveling to another country has to be screened by Customs and Border Protection (CBP). CBP will take fingerprints of people who are not U.S. citizens and use them to look for any pending criminal cases and active or expired Orders of Protection.
- Depending on your situation, you may be questioned by CBP officers when you return. An officer may ask you questions about the events that caused your pending Family Court case or your order of protection, especially if you are traveling with a child that is the subject of an order of protection against you. If CBP believes you are in violation of the order of protection, they may call the police.

Immigration agencies could use your answers to try to take away your current immigration status or to prevent you from getting an immigration benefit in the future.

- It is important to talk to your Family Court attorney before travelling outside the United States. You may also need to talk to an immigration attorney so you can understand your personal risks.

DELAY SUBMITTING APPLICATIONS TO IMMIGRATION AGENCIES, IF POSSIBLE

- Immigration agencies can ask you about a case in Family Court when deciding an application for an immigration benefit. This includes applications for a green card (legal permanent residence) or for U.S. citizenship (naturalization).
- If you already filed an immigration application and it is pending, make sure your immigration attorney and Family Court attorneys are coordinating with each other. Your immigration attorney can help you decide how best to explain your Family Court case to immigration officers. Your Family Court attorney can incorporate your immigration goals into the strategy for your Family Court case.
- It is important to talk to an immigration attorney before submitting any application to an immigration agency, even if your Family Court case is completed or your order of protection has ended.

TALK TO YOUR ATTORNEY ABOUT YOUR IMMIGRATION SITUATION!

Every person's immigration situation is unique. If you are concerned about any of these issues, it is important to speak with your Family Court attorney and a trusted immigration attorney or accredited representative to get advice specific to your immigration situation.