

APPENDIX L

Immigration and Labor Issues Intake (Before a Workplace Raid)

This form only should be completed by an immigration attorney who represents the individual worker in this case.

- A. Contact Details of Person Screened
- B. Primary Issues of Concern
- C. Details of Person with Immigration Issues
- D. Immigration History
- E. Currently in Immigration Proceedings
- F. Asylum Screening
- G. U or T Visa Screening—Survivors of Crime or Domestic Violence
- H. Workplace Violations—Including U/T Visa Screening in Workplace Context
- I. Law Enforcement History
- J. Family History
- K. Other Information
- L. Follow-up

PERSON DOING INTAKE	
Full Name	
Contact Information	
Institution	
CONTACT DETAILS OF PERSON SCREENED <i>(if family member, may be different from person with immigration issues)</i>	
Full Name	
Phone	
Email	
Languages	
PRIMARY ISSUES OF CONCERN <i>(write short explanation; go to relevant sections only)</i>	
Are you in immigration proceedings? (Are you in custody? Have you interacted with immigration enforcement?)	
Are you afraid to return to a home country?	
Have you ever been a crime victim <i>(which might entitle you to U or T visa)?</i>	
Did you ever face any labor violations while at work <i>(which might entitle you to U or T visa)?</i>	

<p>Do you have family members who have any lawful immigration status in the United States <i>(which might entitle you to adjustment of status, e.g., son(s), daughter(s), parent(s), spouse, etc.)?</i></p>	
<p>Do you have U.S. citizen children or family members who would face significant hardship if you were deported <i>(which might entitle you to cancellation of removal)?</i></p>	
<p>Have you ever been arrested, charged or convicted of a crime? Have you interacted with law enforcement <i>(this includes police or immigration agents)?</i></p>	
<p>Do you have other concerns not mentioned here?</p>	

DETAILS OF PERSON WITH IMMIGRATION ISSUES

<p>Full name and any other name(s) used</p>	
<p>A Number (if known)</p>	
<p>Contact Information (phone number, email address)</p>	
<p>Address</p>	
<p>Current Location</p>	
<p>Date of Birth</p>	
<p>Place of Birth</p>	
<p>Country of Citizenship</p>	
<p>If detained, whom should be notified (family or friend)? <i>Please provide contact info.</i></p>	
<p>Are you a union member? <ul style="list-style-type: none"> • If yes: what union? • Who is your union representative? Please provide contact info. • Who is your union steward? Please provide contact info. </p>	

<p>Do you have (have you had) an immigration attorney?</p> <ul style="list-style-type: none"> • If yes: name, contact info • Can you afford a private immigration attorney? 	
<p>Have you ever had an attorney?</p> <ul style="list-style-type: none"> • For what purpose (civil, immigration or criminal)? • When? • Experience with them? 	

IMMIGRATION HISTORY

<p>When and how did you first enter the United States?</p> <ul style="list-style-type: none"> • Date (month and year)? • Where? • How did you first enter? (With/without papers?) • How old were you when you first entered? 	
<p>Did you have any interaction with immigration authorities when you first entered the United States?</p> <ul style="list-style-type: none"> • Describe the interaction. • Did you try to enter the United States more than once? • Did you sign any papers at the border? 	
<p>Have you ever left the United States since you first entered?</p> <ul style="list-style-type: none"> • How many times did you leave since you first entered? • For each instance: • When did you leave? • Why did you leave? • How long were you outside the country? • When did you return to the United States? • Did you have any contact with immigration at the border? 	
<p>Have you ever had any prior contact with ICE (immigration authorities)?</p>	

<p>Have you ever been deported (or been ordered deported)?</p> <ul style="list-style-type: none"> • When? • Circumstances? • Were you actually deported/ removed? 	
<p>Have you ever left the United States with a “voluntary departure” or otherwise as a result of interaction with immigration authorities?</p>	
<p>Do you currently have any legal immigration status?</p> <ul style="list-style-type: none"> • What’s your status? • How did you obtain this status? • When does it expire? 	
<p>Have you ever tried to change your status?</p> <ul style="list-style-type: none"> • When? • How? • What was the result? 	
<p>Has a relative ever filed a petition for you or your parents?</p> <ul style="list-style-type: none"> • If so, who was the petitioner? • When was the petition filed (exact date)? • What was the reason for filing the petition? • What was the result of the petition (rejected or approved)? 	
<p>Has an employer ever filed a petition for you or your parents or spouse?</p> <ul style="list-style-type: none"> • If so, answer the same questions above. 	

CURRENTLY IN IMMIGRATION PROCEEDINGS

<p>If detained, when, where and how were you placed into ICE custody?</p>	
<p>Where are you currently held, if detained? Since when?</p>	
<p>Have you seen an immigration judge? (Date, purpose, results)</p> <ul style="list-style-type: none">• Were you given a copy of the Notice to Appear or any other documents? (If yes, write factual and legal allegations on NTA or copy document(s).)• Do you have a final order?	
<p>Do you have a scheduled court date or deadline?</p> <ul style="list-style-type: none">• What type of hearing is it?• What is the date or deadline?	

ASYLUM SCREENING

<p>Have you ever applied for asylum or refugee status?</p> <ul style="list-style-type: none">• When?• Where?• Affirmative or defensive?• Did you have a credible fear interview? If so, When? What was the outcome?	
<p>Have you been in the United States for less than a year?</p> <ul style="list-style-type: none">• If not, screen for eligibility for an exemption to the one-year bar? (Changed or extraordinary circumstances, including mental health issues.)	

<p>Have you suffered/do you fear harm (persecution) if returned to your home country?</p>	
<p>Who are you afraid will harm you?</p>	
<p>Why do you think they would harm you?</p> <p>Is your fear of harm (persecution/ fear of persecution) because of a “protected ground” recognized by asylum law—race, religion, nationality, political opinion, membership in particular social group? Which?</p> <p>Consider, for example, gender, sexual orientation/identity, domestic violence, gang-based claims (i.e., taking steps to resist gang recruitment, testified against gang members, former gang members, family members of...).</p>	
<p>Have you ever gone to the police or law enforcement authority in your home country to seek help?</p> <ul style="list-style-type: none"> • Did they help you? • Do you think they would help you? Why or why not? 	
<p>Since you left your country of origin, have you lived in any other country?</p> <ul style="list-style-type: none"> • For how long? • Did you have/apply for any legal status there? 	
<p>Have you been convicted of a crime? (Certain serious crimes may be a bar from asylum; in some cases, may still qualify for “withholding.”)</p> <p>Other bars: persecuted others; terrorism; security danger. See more detailed criminal history questions below.)</p>	

U OR T VISA SCREENING—SURVIVORS OF CRIME OR DOMESTIC VIOLENCE

U visa for crime victims:

Have you ever been a victim of a crime in the United States?

- What crime were you a victim of?
- Where and when?
- Did you report it to the police or any law enforcement agency?
Where and when did you report?
- If not, would you report it to the police or any law enforcement agency?
- Did the crime cause you harm?
What kind of harm?

Derivative U visa:

Have either of your parents been victims of a crime?

- Which parent?
- What crime?
- Where and when?
- Did they report it to the police or any law enforcement agency?
Where and when?
- If not, would they report it to the police or any law enforcement agency?
- Did the crime cause you harm?
What kind of harm?

Have any of your siblings been victims of a crime? [Same follow-up questions as above. Also, who was the sibling? How old was the sibling at the time of the crime?]

Have any of your children been victims of a crime? [Same follow-up questions as above. Also, which child? How old was the child at the time of the crime?]

U visa for domestic violence:

Are you a survivor of domestic violence?

- When?
- By whom?
- Were you married to your abuser?
- What is the immigration status of the abuser?
- Did you report the domestic violence to the police?
- If you reported, what happened when you reported?

<p>Derivative U visa for domestic violence:</p> <p>Has your parent, child, spouse or sibling been a victim of domestic violence?</p> <ul style="list-style-type: none"> • When? • By whom? • Was the survivor married to her/his abuser? • What is the immigration status of the abuser? • Did the survivor report the domestic violence to the police? • If they reported, what happened when they reported? 	
<p>WORKPLACE VIOLATIONS—INCLUDING U/T VISA SCREENING IN WORKPLACE CONTEXT</p>	
<p>Current/Most Recent Employer Details</p> <ul style="list-style-type: none"> • Industry where you work? • Name of employer • Name of supervisor • Worksite address • Dates of employment • Position/title • Work you do? • When did you start working there? 	
<p>Wage and Hour Violations</p> <ul style="list-style-type: none"> • Status (full-time, part-time, temporary, seasonal, multiple jobs) • Salary • Form of payment • Is the salary you are paid the salary you were promised when you started? • What are your hours? • How many hours do you work per week? • How are your hours monitored? • Do you get breaks? How long? How often? Paid? • Were you ever sent home without being given work? Were you paid for that day? • Were you ever not paid in full or in part? Did a paycheck ever bounce? 	
<p>Health and Safety Violations</p> <ul style="list-style-type: none"> • Did you ever feel unsafe or in danger at the workplace? How? Please describe. • Did your supervisor or employer ever make you feel unsafe? How? Please describe. • How do you feel about your working conditions? 	

Threats, Intimidation, Retaliation

Did you ever complain to your boss or to any government agency about your pay or working conditions (i.e., was there retaliation)?

- If so, describe what happened.
- If you complained to a government agency, did your boss (or anyone else) try to discourage you or influence your testimony in any way?
- If not, did you want to complain but decided not to because you were scared?
- What were you scared of? Why?
- Did any of your co-workers ever complain to your boss or to any government agency about pay or working conditions?
- If so, describe what happened. If they complained to a government agency, did your boss (or anyone else) try to discourage them or influence any of the workers' testimony?

Did you think you would suffer any negative consequences if you complained about your pay or working conditions? Why/why not?

Did your employer or supervisors ever threaten you in any way (e.g., threats of physical violence, threats to report you to immigration)?

Did you feel free to leave your job?

- Did your employer ever threaten any consequences for leaving?
- Did your employer keep any of your personal identification or documents under his/her control (i.e., passport, work authorization, etc.)?

Were you hired for your job here or in your home country?

- If in your home country, were any promises made to you about that job?
- Did they turn out to be true or false?

Discrimination

- Does your employer treat everyone the same?
- Did you ever feel discriminated against for any reason? How? When?

Prior Employers

Were you unpaid or underpaid in any prior employment? Were your workplaces unsafe? Did you ever suffer any threats? Did you ever file any complaints about the treatment you received?

If so, answer the questions above regarding prior employment—including who the employer is, when you worked there, wage and hour violations, health and safety violations, discrimination, and threats/retaliation.

T Visa:

Have you ever been forced to work against your will in the United States?

- If so, who tried to force you to work against your will?

Please describe how you were forced to work against your will.

- How were you recruited?
- What pay and conditions were you promised?
- What were the actual pay and conditions?
- Were your documents taken from you?
- What type of work did you perform? (Domestic labor? Commercial sex work?)
- How did you get paid?
- Were you ever threatened that you or someone else would be harmed if you didn't work? If yes, describe what you were told.
- How were you able to escape?
- Do you know the identity of those who forced you to work (traffickers)?
- Did you report this to authorities?
- Would you report this?

LAW ENFORCEMENT HISTORY

Have you ever had any contact with the local police, the courts or a probation office?

- Please describe.

Have you ever been arrested?

For each arrest:

- When were you arrested?
- Where were you arrested?
- Who arrested you?
- Were you charged with a crime?
- Were you convicted of a crime?
- Did you reach a plea agreement?
- Did you have a sentence? What was the sentence?
- Did you serve any time in jail? How much time?
- Did you have a probation?
- Did you serve the terms of your probation?

Have you ever been stopped while you were driving?

For each stop:

- When?
- Where?
- Did you receive any penalty for any of these stops? What penalty? When?
- Do you have any traffic offenses?
- Were you ever stopped for driving under the influence of alcohol?

Do you have any outstanding warrants?

Have you completed all the requirements of your probation (fines, classes, community service, etc.)?

Were you aware of the immigration consequences of your criminal convictions?

- Did you plea guilty?
- Did your lawyer or the judge tell you that there were immigration consequences for your plea?

FAMILY HISTORY

What is the immigration status of your parents? (Please provide name, location, immigration status of each.)	
What is the immigration status of your siblings? (Please provide name, location, immigration status of each.)	
Are you married? Is your partner/spouse a U.S. citizen or resident? Where does s/he live?	
Do you have a boyfriend/girlfriend (or domestic partner)? What his his/her immigration status? Where does s/he live?	
Do you have any children? <ul style="list-style-type: none">• How many?• Ages?• Immigration status?• Do they live with you?• Do you support them?	
Do you have any other relatives who are citizens or residents? <ul style="list-style-type: none">• Who? What is your relationship to them?• Location?• Immigration status?	
Are you responsible for others? <ul style="list-style-type: none">• What is your relationship to them?• Age?• How are you responsible?	
Do your children or other close relatives have medical or special needs that you are responsible for? Do any of your family members rely heavily upon you to survive physically? Economically? If yes, please describe.	

OTHER INFORMATION	
Do you suffer from any medical illnesses that may be relevant?	
Do you have any mental health issues? Have you ever been diagnosed with a mental illness? Do you suffer from trauma?	
Are you a member of/volunteer with any local community organization, group, activist organization, sport club or church? Which groups? How do you participate?	
Are you a member of the LGBTQ community?	
Have you ever been to/are you currently in school in the United States? What was the highest level school you attended? Did you earn a GED?	
FOLLOW-UP	
Interest in public advocacy in connection with your case?	
Recommendations for next steps.	
Follow-up promised?	