

RIAC2



CRIMINAL LAW
LAW

FAMILY



IMMIGRATION LAW

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The Regional Immigration Assistance Center provides legal support for attorneys who represent indigent noncitizen clients in criminal and family court. Founded in the wake of Padilla v. Kentucky, there are six centers located in New York State. Region 2 covers sixteen counties in the central part of the state.

**RIAC2 is administered by the Criminal Division of the Oneida County Public Defender.*

IS MY CLIENT A UNITED STATES CITIZEN?

The RIAC gets referrals from defender agencies and assigned counsel because someone has correctly asked their client where he or she was born, and the answer given was anywhere but the U.S., Puerto Rico or other US territory (e.g. Guam). Many times, however, your client, although born elsewhere, will tell you he or she is a US citizen, by naturalization or otherwise. (See below.) This is great news for two reasons: 1) they cannot be deported and 2) you don't have to deal with the RIAC! Nevertheless, when you tell the RIAC that your client is a USC, we will insist on getting proof of your client's US citizenship, if possible. (Okay, so you will have to deal with the RIAC a little bit.)

Why are we so concerned with getting your client's proof of US citizenship?

While those of us who were born in the US tend to take citizenship for granted, this is a complicated issue in the field of immigration law. There are severe consequences for those who incorrectly assume, and therefore claim, that they are US citizens when in fact they are not. **INA §237(a)(3)(D)(i)** states: **(i) IN GENERAL- Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any Federal or State law is deportable.** There is only one exception to this rule and that is for anyone whose biological or adoptive parents (BOTH PARENTS) are or were USCs; the person permanently resided in the US prior to the age of 16; and the person reasonably believed at the time of such representation that he or she was a USC. **INA §237(a)(3)(D)(ii)**. Conversely, your client could be detained by ICE when in fact he or she is a USC and not removable from the U.S. (Yes, this has happened.) The consequences of

In This Issue: ***IS MY CLIENT A U.S. CITIZEN?***

UPCOMING EVENTS

Oneida County Bar Association CLE:
May 19, 2019
9:00 am – 12:00 pm
Mohawk Valley Community College

Tompkins/Cortland County CLE: May 30,
2018 Ithaca Public Library
12:00 – 2:30 pm
Immigration Issues in Criminal and
Family Court
Email dstrange@ocgov.net to register!

Sharon and Tina will be conducting an Immigration training for the members of the judiciary in the 6th Judicial District on May 10, 2018, in Watkins Glen. If you practice in the 6th Judicial District and have any concerns about judicial practices or policies in any of the City, County and /or Family courts, please let us know so that we can address these issues in our training.

