BEHAVIORAL HEALTH & HOMELESSNESS STATEWIDE UNIFIED RESPONSE GROUP (BHHSURG)

COVID-19 UPDATE

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Presenters

- **Catherine Chen, Esq., Liman Law Fellow / Immigration Attorney**
  Medical-Legal Partnership for Children Hawai‘i

- **Aphirak Bamrungruan, JD, Executive Director**
  State of Hawai‘i – Office of Language Access

Note: This presentation will be recorded and posted along with a copy of the slide deck to the BHHSURG website at http://BHHSURG.hawaii.gov.

Catherine Chen, Esq., Immigration Attorney

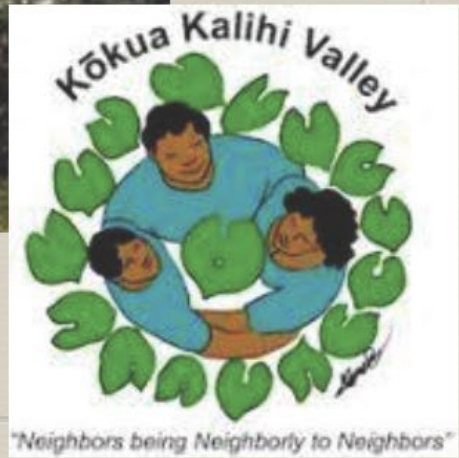
Medical-Legal Partnership for Children Hawai‘i

Immigration and Key Documents: An Overview

A presentation to the Behavioral Health & Homelessness Statewide Unified Response Group (BHHSURG)
11/30/2020

Catherine Chen, Esq.
Medical-Legal Partnership Clinic

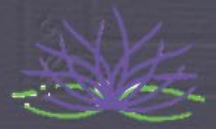
Medical-Legal Partnership Clinic



Agenda

- Immigration 101
- COFA and the I-94
- Lawful Permanent Residents and the "Green Card"
- Employment Authorization Card

Immigration 101



The Agencies

Department of Homeland Security (DHS)

- U.S. Citizenship and Immigration Services (USCIS)
- Customs and Border Protection (CBP)
- Immigration and Customs Enforcement (ICE)

Immigration and Naturalization Service (INS)

- *Ended in 2002 and became DHS*

Department of Justice (DOJ)

- Executive Office of Immigration Review (EOIR)

Immigration Statuses Overview

- Undocumented (EWI, visa overstay)
- "Non-immigrant" status (tourist, student, temporary agricultural worker, COFA)
- "Temporary status" (DACA, TPS)

- Asylum/ Refugee
- SIJ Status
- U-visa / T-visa / VAWA

- Family visa/"adjustment of status"
- Job visa/ "adjustment of status"

Lawful Permanent Resident (Green Card Holder)

Naturalization

U.S. Citizen

COFA and the I-94

What is COFA "status"?

- The Compact of Free Association treaty creates a special way for individuals from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau **to enter, live, and work** in the United States **indefinitely**.
- All you need is your **passport and I-94**
- Can get **employment, driver's license**, and benefits like **housing** and **Unemployment Insurance**
- COFA does not provide a pathway to a green card or citizenship

What is COFA "status"?

- Otherwise, all the other laws of immigration apply.
- If children are born in the U.S., then they are U.S. citizens
- They can switch to different "statuses" just like any other non-citizen
  - E.g. Their U.S. citizen child turns 21-years-old and can sponsor them for a green card
  - E.g. They are a victim of a crime and get a U-visa
- Subject to the same grounds of "deportability" and "inadmissibility" as other immigrants (e.g., criminal convictions– including what you might consider very minor crimes!)

I-94: What is an I-94?

- A record of your arrival into the United States
- Has the I-94 number (aka admissions number)
- For individuals here through COFA, this is the document you need to access many things, like **employment, driver's license**, and benefits like **housing** and **Unemployment Insurance**
- Does not expire!

3 Ways to Get Your I-94

For COFA immigrants, this is your immigration document for jobs, licenses, housing and more!
The I-94 number is also the "admission number."

1. **Within five years** of entering the U.S., **print your I-94** at:
   https://i94.cbp.dhs.gov/I94/#/recent-search
   Fill in name, birthday, passport number, and country. **That's it!**

2. **After five years,** submit a **free** "FOIA" request. Go to:
   https://foiaonline.gov/foiaonline/action/public/request
   You need an **email address.**
   Fill in: "*CBP FOIA Division*" for "Agency" and "*I-94*" for "Type of Records Requested." Put down any number for "Will Pay Up To," but don't worry, it is free.
   The government will email the I-94. It may take over a month.

3. **After five years,** for $445, you can request a formal I-94. Go to: **https://www.uscis.gov/i-102**

MLPC Hawai'i Last Updated: May 12, 2020

3 Wewin ko ñan Bõk I-94 Eo

Ñan COFA immigrant ro, pepa in immigration eo am in ñan jerbal, kõmman license, kabbok imõn jokwe im ebar lõñ wewin ko jet! I-94 nõmba eo ej bareinwõt "admission number" eo am ak nõmba in dreloñtok eo am.

1. **Ilowaan iio ko lalem** kwar dreloñtok ilo U.S., **print-i I-94** eo ilo **https://i94.cbp.dhs.gov/I94/#/recent-search**
   Je etam, raan in lõtak, passport nõmba eo, im lal eo kwõj itok jene. **Edre kein melele.**

2. **Elkin lalem iiõ,** kõmmane juõn **free** "FOIA" request. (Ejjelok wõnen) Etal ñan:
   https://foiaonline.gov/foiaonline/action/public/request
   Aikuj in wõr am **email address**. Kanne "CPB FOIA Division" ñan "Agency" im "I-94" ñan "Type of Records Requested." Likit jabdrewõt nõmba ñan "Will Pay Up To," akõ jab inebata, ejjelok wõnen. Kien enaj email e I-94 eo. Emaroñ bõk lok ñan juõn allõn.

3. **Elkin lalem iiõ,** ñan $445, kwõmaroñ kajjitok formal I-94 eo. Etal ñan: **https://www.uscis.gov/i-102**

MLPC Hawai'i May 12, 2020

Marshallese

3 Ifa Usun Kopwe Angei Noumw I-94

Ngeni ekkewe wasona seni COFA, iei noumw we taropwen ami wasona won ei fénú fan itan angang, naisen, imweimw me pwan ekkóóch

1. **Non nimu ierin omw tonong non U.S., a tongeni printini noumw I-91** won: **https://i94.cbp.dhs.gov/I94/#/recent-search** Makkenong itomw, upwutiwomw, nampan noumw passport, me fénúomw (country). **Ina chok!**

2. **Mwirin nimu ier,** wanong ew tungor ika "FOIA" ese kamé. Nó ngeni: **https://foiaonline.gov/foiaonline/action/public/request** Epwe wor omw **email address**. Makkenong: "CBP FOIA Division" ren "Agency" me "I-94" ren "Type of Records Requested" (Sokkun Taropwe Ke Tungor). Watiw ese nifinifin nampa ren "Will Pay Up To" (Upwe Mééni Naponón Won), nge kosapw pwan ani osukosuk, ese kamé. Mwun epwe emailini ewe I-94. Mi tongeni epwe napeseni ew maram taman.

3. **Mwirin nimu ier, ren $445,** ka tongeni tungor eché formal I-94. Nó ngeni: **https://www.uscis.gov/i-102**

MLPC Hawai'i A Saiongon Siwini: May 12, 2020

Chuukese

Iet Wiepe 3, ong ni Duwen Omwi Pahn Alehdi Noumw I-94

Ong tohn COFA me kin seiloak kan, doaropwe wet ihme ke pahn doadoahngki ong audehda doaropwehn doadoahk kan, laisens kan, wasahn kouson kan oh pi ong ire me tohto! Nempehn I-94 wet pil ieite nempe me kahdaneki "admission number."

1. **Nin doken de mwohn sounpar limau** sang rahn me ke pidolong nan U.S., **wiahda koapi en de pirindi noumw I-94** sang nan wepsaid wet: **https://i94.cbp.dhs.gov/I94/#/recent-search** Ni omwi pahn audehda onlain pworm wet, kihdi edomw, sounpwong, rahn, oh sounpar en omwi ipwidi, nempehn noumw pahspord, oh eden wehi lap me ke sang ie (FSM). **Ihte duwehn me!**

2. **Mwurin sounpar limau,** kapidolong pekipek en "FOIA" **met sohte isaispe de ke sohte pahn pwain**. Kohla nan wepsaid wet: **https://foiaonline.gov/foiaonline/action/public/request** Ke pahn anahne noumw **ihmeil adires**. Audehda de kihdi: "*CBP FOIA Division*" ong "Agency" oh "*I-94*" ong "Type of Records Requested." Kihdi nempe sohte lipilipil ong de nan "Will Pay Up To," ahpw ke dehr periki de suwediki kihdi, pwe sohte isaispe de eh sohte pweipwei. Kopwormend pahn ihmeil wei noumw nempehn I-94 wet. Doaropwe me nempe wet pahn kileldi loale kakete lelewei mwurin sounpwong ehu.

3. **Mwurin sounpar limau,** ke pahn pil kak pekihda I-94 me kapw ni wen tala $445. Kohla nan wepsaid wet: **https://www.uscis.gov/i-102**

MLPC Hawai'i irehkat kapw sang ireh kan me kileldi ni: Mei 12, 2020

Pohnpeian

What does the I-94 look like?

Below 2013: Paper Copy

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB No. 1651-0111

Departure Record

Admission Number
442415050 21

DEPARTMENT OF HOMELAND SECURITY • U.S. CUSTOMS AND BORDER PROTECTION
ADMITTED
NYC
JUL 15 2009
10
3383

Class
Until

18. Family Name
SMITH

19. First (Given) Name
MARY

20. Birth Date (DD/MM/YY)
130579

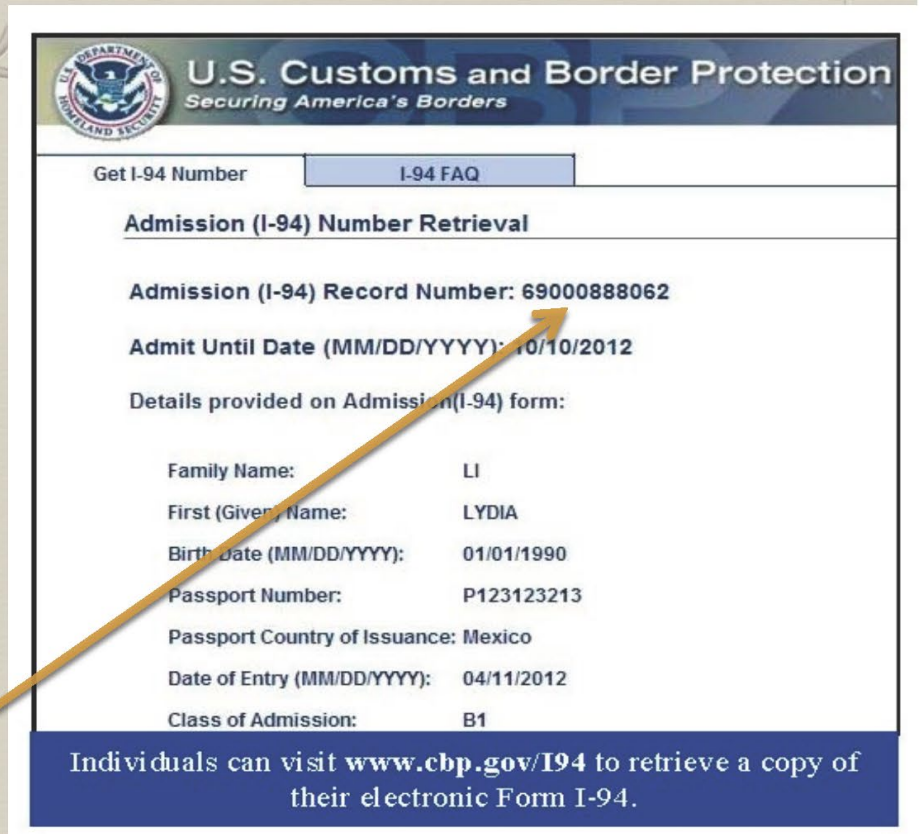
21. Country of Citizenship
PHILIPPINES

See Other Side

CBP Form I-94 (05/08)

STAPLE HERE

After 2013: Online Copy
Print out within 5 years!


U.S. Customs and Border Protection
Securing America's Borders

Get I-94 Number | I-94 FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission (I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

Individuals can visit **www.cbp.gov/I94** to retrieve a copy of their electronic Form I-94.

I-94 Number (aka Admission Number)

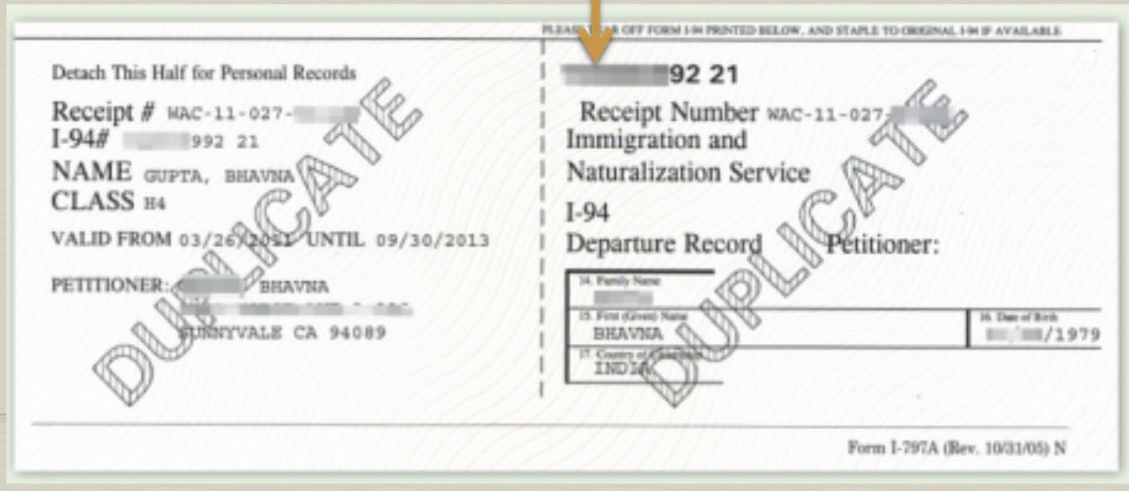
What does the I-94 look like?

From the free CBP FOIA

Admission Code	Admission Number	AFI - Document Type	Arrival Port	Arrival Date	Citizenship - Country Name	Date of Birth	Departure Date	Flight Number	First Name	Last Name	Passport Number	Student Indicator
[redacted]	[redacted]	I94	HONOLULU, HI, POE	[redacted]		[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	I94	HONOLULU, HI, POE	[redacted]		[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	

I-94 Number (aka Admission Number)

From the USCIS Application


PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # WAC-11-027-[redacted]
I-94# [redacted]992 21
NAME GUPTA, BHAVNA
CLASS H4
VALID FROM 03/26/2011 UNTIL 09/30/2013

PETITIONER: [redacted] BHAVNA
[redacted]
SUNNYVALE CA 94089

DUPLICATE

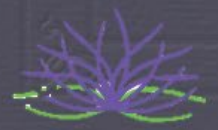
[redacted]92 21
Receipt Number WAC-11-027-[redacted]
Immigration and
Naturalization Service
I-94
Departure Record
Petitioner:

14. Family Name
[redacted]
15. First (Given) Name
BHAVNA
16. Date of Birth
[redacted]/1979
17. Country of Citizenship
IND[redacted]

DUPLICATE

Form I-797A (Rev. 10/31/05) N

Lawful Permanent Residents and the "Green Card"



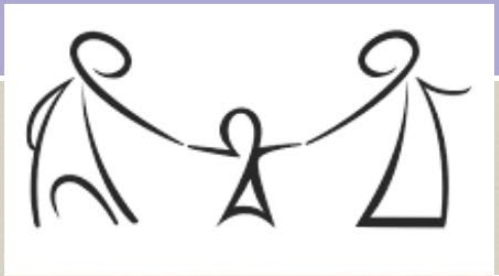
What is LPR status?

- An individual with Lawful Permanent Resident Status (aka LPR, green card holder) can **live and work** in the United States without restrictions.
- The **LPR status does not expire**, even if the card itself is expired.
- Still subject to "deportability" (e.g., criminal convictions—including what you might consider very minor crimes!)

A-number (aka alien registration number, USCIS number)

How do you become a legal permanent resident?

Through a family member who is a US citizen (or in some cases LPR):



- Spouse
- Parent
- Children over age the age 21
- Siblings

Through a job that will "sponsor" you for a visa

Other special circumstances

Renewing your green card

- "Form I-90" application to U.S. Citizenship and Immigration Services: https://www.uscis.gov/i-90
- There is a **still** a fee waiver for those who cannot afford the fee: https://www.uscis.gov/i-912

How do you qualify for a fee waiver?

Three ways:

1. A "means-tested" benefit (e.g. SNAP, TANF) received by you, your spouse, or head of household, OR
2. Household income is at or below 150% of Federal Poverty Guidelines, OR
3. Financial Hardship.

Need to submit documents for whichever category you fall under!

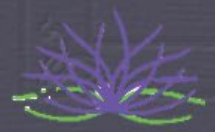
LPR: The step before citizenship

Lawful permanent resident (LPR) (green card holder)

US Citizen

- "N-400" application to U.S. Citizenship and Immigration Services: https://www.uscis.gov/n-400
- There is a **still** a fee waiver for those who cannot afford the fee: https://www.uscis.gov/i-912

EAD: Employment Authorization Document



What is the Employment Authorization Document?

- A document from US Citizenship and Immigration Services (USCIS) that **shows that you are allowed you work in the US**
- NOT required for employment if you are from FSM or RMI (through COFA)
- Can be used as a form of ID

A-number (aka alien registration number, USCIS number)

Thank you!

Aphirak Bamrungruan, JD, Executive Director

State of Hawai‘i – Office of Language Access

An Overview of Language Access

Aphirak Bamrungruan, J.D.
Executive Director
Phone: (808) 586-8730
Email: doh.ola@doh.hawaii.gov

Hawaii Residents

- Hawaii is one of the most culturally diverse states.
- Hawaii has one of the highest proportions of non-English speakers in the nation.
- Out of Hawaii's total estimate population 5 years and over of 1,331,641; more than 26% or 348,139 speak a language other than English at home.
- Out of those who speak a language other than English at home, 161,055 or 12.1% are LEP who speak English less than "Very Well."

[the 2019 State of Hawaii Data Book, Department of Business, Economic Development & Tourism]

Top 10 Languages Spoken by LEP in Hawaii

- 1. Ilocano
- 2. Japanese
- 3. Tagalog
- 4. Korean
- 5. Cantonese
- 6. Spanish
- 7. Vietnamese
- 8. Chuukese
- 9. Mandarin
- 10. Marshallese

[the 2019 State of Hawaii Data Book
Dept. of Business, Economic Development & Tourism]

What is Language Access?

What is Language Access?

- **Language access** – is a CIVIL RIGHT. It is the provision of language services (interpretation and translation) to limited English proficient (LEP) individuals to ensure meaningful access to government services, programs and activities.

- **"Limited English Proficient (LEP) Person"** – an individual whose primary language is not English and who self-identifies as having difficulty speaking, reading, writing or understanding English.

What is the "Meaningful Access"

- Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.

- For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.

[US Department of Justice's Language Access Plan]

Why Language Access?

Why Language Access?

- Language for LEP persons can be a **barrier** to accessing important benefits or services, understanding and exercising important **rights**, complying with applicable **responsibilities**, or understanding other information provided by government and government-funded programs and activities.

Language Access Laws

Federal and State Law

- Title VI, Civil Rights Act of 1964

- Executive Order 13166 (2000) & Related Regulations/Guidance

- Hawaii's Language Access Law (2006), Chapter 321C, Hawaii Revised Statutes

Title VI - Civil Rights Act of 1964

- No person in the United States shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity **receiving Federal financial assistance**.

Executive Order 13166 (2000)

- Purpose: To provide meaningful access to Limited English proficiency (LEP) individuals
- Sets plan for federally conducted services for LEP individuals
- Issues guidance describing the language service obligation for federal grantees

Hawaii Revised Statute (HRS) 321C

- Purpose is to affirmatively address, on account of national origin, the language access needs of LEP persons to ensure meaningful access to *state* services, programs and activities

- Applies to all state agencies (executive, legislative and judicial branches) and covered entities (receive state funding and provide services to the public – counties, non-profits)

Who is Covered?

- All recipients of Federal Financial Assistance and State Financial Assistance, either directly or indirectly, through a grant, contract or subcontract.

Requirements

State agencies and covered entities are required to assess the need for providing language services and take **"reasonable steps"** to ensure **"meaningful"** access to state services, programs and activities.

Key Principles for Providing Language Services

- Agencies must provide **Notice** of Language Assistance Services.
- Agencies must provide Language Access Services in a "**timely**" and **competent**" manner to LEP persons, free of charge.

Timeliness

- When language assistance is needed, it should be provided at a time and place that avoids the effective denial or delay of the service, or benefit.

Competency

- Demonstrate proficiency in both English and in the target language
- Demonstrate knowledge of specialized terms or vocabularies
- Demonstrate an understanding of the need for confidentiality and impartiality
- Understand the role of interpreter

What types of language access services are provided?

Questions to consider:

- When to respond to LEP callers?
- How to respond to LEP callers?
- How to respond to LEP persons who have in-person contact with staff?
- How to respond to written communications from LEP persons?

Types of Language Access Services

Oral language services (Interpretation Service)

- converting spoken or sign languages into other spoken languages.
  - In-person interpreters
  - Telephone interpreters

Written language services (Translation Service)

- converting written text from one language into the written text of another language.
  - Translated documents
  - Translated webpages

Options for Providing Language Assistance Services?

Agencies have flexibility in determining the appropriate mix of language assistance services provided but must ensure the quality and accuracy of such services.

- Bilingual staff
- Staff interpreters
- Contractors/ Language Services Companies
- Community volunteers

Strategies for Language Provision

Assess Whether Your Client Who Speaks In English Needs Interpretation

- Is English a second language?
- Is it easier to talk about stressful or traumatic events in native language?
- Assess your client's level of education in their native language.
- If you client has a limited ability to read, write or speak in English an interpreter is needed. Keep in mind that that communication through a qualified interpreter may be more accurate.

How Do I Know When an Interpreter is Needed?

- You are unable to effectively communicate with the client.
- The client cannot communicate to you the facts of the incident.
- The client cannot understand the terminology, resources, or relief available.
- The client cannot understand the brochures, forms, pleadings, letters or other essential documents.
- The client cannot understand the procedures and processes of the agency, court, or other entity.

Do's and Don'ts

- Do use in-person, qualified language services.
- Do use bilingual staff with language proficiency.
- Do use qualified interpreters.
- Do use telephonic or video-remote interpreting from qualified providers.
- Do use Translated written materials.
- Do use Pre-recorded materials.

Do's and Don'ts

- Don't use informal or unreliable methods of communication such as:
  - Computer translation applications
  - Family members, friends, children, bystanders.
  - Staff with limited proficiency in the target language.

Factors To Be Aware of When Securing Interpreters

- If living in small community, be aware of conflict issues and confidentiality.
- Where possible, be sure to get the interpreter's name before meeting with a client. We do not know if they are from same community or if the interpreter knows the family. This is particularly important if your client has confidentiality concerns.
- Some words may be difficult to translate because words may not exist in that language, i.e. Quest, Medicaid, Unemployment Insurance, Domestic Violence. Be prepared to describe these benefits, services, or situations to enhance your client's understanding.

Bilingual Staff v. Interpreters: Avoiding Role Confusion

- An interpreter is a conduit for communication, not an advocate or cultural broker.
- An interpreter must transmit exactly what the client and other parties say, at all times.
- Interpreting is a skill. Someone who is bilingual may not have skills or training to be an interpreter.
- For bilingual staff, serving as an interpreter undermines their main role as an advocate for their client.

What else can we do to ensure meaningful language access?

- Educate your LEP clients of their right to free language services.
- Educate the agency: if they receive federal or state funding, they are required to provide language access services. Appeal to agencies to be accessible and responsive to the community.
- Appeal to agencies to be accessible and responsive to the community.
- If an agency denies language access services, the language services provided are sub-standard, or acts unprofessionally you or your LEP client have the right to file a compliant either with the US Department of Justice or OLA.

QUESTIONS ?

Aphirak Bamrungruan, J.D.
Executive Director
Phone: (808) 586-8730
Email: doh.ola@doh.hawaii.gov

Questions?

Mahalo

@BHHSURG

#HealthyWeLiveHawaii #SocialDistancing
#FlattenTheCurve #TogetherWeCan

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