

Employment Authorization Card for those in Removal Proceedings

Written by U.S Immigration News
Friday, 06 May 2011 20:10 -



Two weeks ago, I was at the Federal Plaza, New York, NY for a removal proceedings action before one of the many good immigration Judges in New York. At the end of the hearing, my client was shocked to hear the Judge postpone the case to November 2013 for final hearing.

Due to the chronic congestion in New York courts since the clamp down on immigrants by the Obama administration to satisfy Republicans' call for tightening the noose on illegal immigration to the United States, more and more immigrants are being sent to Immigration Courts on a daily basis for removal proceedings. Many of these immigrants end up being deported why some of them get rescued through application for relief and the kindness of some of the fair-minded Judges.

Majority of these immigrants facing these long adjournments will not be eligible for employment authorization card during their long wait. Some of them will have to survive working off the books as slaves to Americans who wants to risk employing them.

In these days of high unemployment in the United States, survival without proper legal documents is very difficult. Some elderly immigrants, I was told are being denied Social Security benefits because their work permits had expired. I was told by one of such immigrant recently that she got Social Security benefit for only 1 month, the last month before the expiration of her employment authorization card. It is wickedness of the highest order for an immigrant to work for many years, contribute to social security, only to be denied benefit at retirement because he or she has no paper.

Many immigrants currently in removal proceedings could do something to get employment authorization cards while their cases are pending. These cards will enable them work and obtain drivers' licenses to drive in the U.S.

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Some of my clients in removal proceedings were able to get employment authorization cards. They were issued two years work permit to enable them work and survive before the final hearing of their cases.

If you are in removal proceedings and you are applying for adjustment of status through marriage or any other means, tell your attorney to request that the Judge stamp his file copy on the day he files the document with the Court. Usually the adjustment forms for immigrants in proceedings are filed in a different location from immigrants who are not in removal proceedings. Usually, if an immigrant applying for adjustment of status is not in proceedings, application for employment authorization is filed with the adjustment application, but when an immigrant is in proceedings, the procedure is different.

The application for adjustment of status has to be filed first and submitted to the Court before such an immigrant could become eligible for employment authorization. Once the application is eventually filed, the immigrant will be issued employment authorization that is valid for two years.

As for immigrants applying for asylum before the court, the process of obtaining employment authorization card is very different. For these immigrants, there is a clock. The clock must be running for 150days before the immigrant could apply and obtain employment authorization card.

Usually, an immigrant applying for asylum or withholding of removal should not be in a haste to have the clock running. At times the long adjournment might be beneficial for the immigrant if the case is very weak. During the long adjournment, new relief could become available to the immigrant. An immigrant in this position cannot eat his cake and have it. It's either you go for a work permit or you let the case drag without a work permit while you look into other means to survive without it.

It is important that all immigrants in removal proceedings applying for asylum should discuss these options with their attorneys so they can choose the route that is more beneficial to their clients.

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immigration attorney after evaluating your case. If you are in removal proceedings and you need legal assistance, please feel free to contact Attorney Famuyide immediately at 718-647-6767 or send email to jfamuyide@aol.com .

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