

WHEN A JUVENILE IS NOT A U.S. CITIZEN . . .

. . . they face a host of additional **risks** in State Court proceedings, and a few additional **opportunities**.

RISKS may include:

- Loss of legal immigration status
- Deportation
- Ineligibility for benefits like legal status, green cards or U.S. citizenship
- Immigration enforcement (ICE) attention and involvement, including to their parents

IT IS YOUR JOB TO UNDERSTAND AND AVOID THESE DANGERS

The U.S. Supreme Court has **tasked DEFENSE ATTORNEYS** with the job of giving accurate, and specific information to non-citizen criminal defendants on the immigration consequences they face, AND the job of mitigating or eliminating those consequences.

DEFENSE ATTORNEYS **are NOT tasked** with gaining expertise in Immigration law. That law is complicated, changes regularly, and is often harsh and irrational. You should always use the expertise of an immigration practitioner. MCILS provides all court-appointed defense attorneys with access to immigration law assistance when they defend non-citizens. That assistance requires no paperwork or permission and is currently provided by immigration lawyer Barbara Taylor, at:

mecrimmigration@gmail.com

But You Must:

Know (or learn) from the beginning if your client is an immigrant. This is not always obvious. Many immigrants in Maine are from Canada. Ask every client “Where were you born?”

Know (or learn) from the beginning your client’s particular immigration status or lack of status. This status determines which immigration laws apply to them and which immigration consequences they face. MCILS immigration law support (above) includes help with determining your client’s status.

Understand from the beginning that immigration consequences can be tied to both **convictions AND to conduct**, even without a conviction. Some findings or court records regarding conduct can be as dangerous to juveniles as convictions. These consequences need to be avoided and mitigated throughout the life of the case.

Understand from the beginning that your client may be able to use some special immigration laws either to gain the protection of U.S. citizenship or legal permanent residence. You can play a key role in communicating these opportunities, adding special findings in juvenile court orders to make them possible, and connecting the client and/or parent to immigrant legal services

OPPORTUNITIES

State Court proceedings provide an opportunity for juveniles who have no or a fragile immigration status to **use special laws** that protect non-citizen children (under 21) if they are victims of crime, trafficking, abuse or neglect, and domestic violence. It is important to know about a child’s eligibility **early on, before a final resolution** of their case. An immigration lawyer or ILAP (Immigrant Legal Advocacy Project) will gladly help.

A juvenile’s parents may be able to help. Some juveniles under 18 can be protected from ALL immigration consequences, including for conduct, by gaining U.S. citizenship **through their parent becoming a U.S. citizen**. An immigration lawyer or ILAP can help you determine a juvenile’s and parent’s eligibility.

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