



- AIDS  
LEGAL  
REFERRAL  
PANEL

# WHAT IS ALRP?

## SERVICES

- 35 years of service
- Free and low cost legal assistance and education for persons living with HIV/AIDS

## ELIGIBILITY

1. Living with HIV/AIDS
2. Resident of greater Bay Area counties
3. Need assistance with a civil legal issue



For more info please visit our website at [www.alrp.org](http://www.alrp.org)

Address: 1663 Mission St, Suite 500, San Francisco, CA 94103

Phone: 415-701-1200 ext. 321



## OUR STAFF AT ALRP



### IN-HOUSE REPRESENTATION

10 Staff Attorneys

Housing

Consumer Advocacy

SSDI, SSI,

overpayments

AHCD, Wills, POA

Notary Services

## OKAN SENGUN AND SHAWN MATLOOB



Over 700 panel attorneys in the San Francisco Bay area.

Last year, we provided services to 1,500 individual clients.




Areas: Personal Injury, Credit & Debt, Bankruptcy, Taxes, Insurance, Employment Discrimination, Wage claims, Family Law, Wills, Trusts and Immigration.



# IMMIGRATION WORKSHOP

KEY TOOLS FOR HIV SERVICE PROVIDERS TO IDENTIFY AND SUPPORT THE IMMIGRATION NEEDS OF THEIR CLIENTS



For HIV Service Providers (“SPs”) including but not limited to Social Workers, Health Care Navigators, Medical Doctors, Nurses, Case Managers, Health Educators and Attorneys.

Disclaimer: We will give you basic tools but the workshop is not meant to make participants experts. It is not a good idea to provide legal advice to your clients.



SP identifies a client with immigration needs,  
how can the HIV SP support the client?



## ● INTRODUCTION - NEXT STEPS

1. Understand the paths to lawful immigration status available to people living with HIV/AIDS, and the challenges and advantages to legalizing status.

2. Learn the ALRP referral process

3. Understand the SP's role in the process



## IMMIGRATION BASICS

### PATHS TO “LEGAL STATUS” AVAILABLE TO OUR CLIENTS

#### Affirmative Steps

- Through marriage
- Young U.S. Citizen adult petitions parents
- Political Asylum
- VAWA
- U visa
- Forms are filed with the USCIS
- Concern: criminal arrests

#### Defensive Steps

Client in deportation proceedings because was caught:

- In a home or community raid
- During routine police stop or arrest
- At the border
- Employer informed ICE
- While applying for legal immigration status
- Concern: criminal arrests

# THE ICE CHALLENGE

- SF DPH implemented a protocol which HIV SP's should be familiar with
- Official ICE policy is that medical treatment and healthcare facilities are considered "sensitive locations" not subject to ICE raids
- Patient records at very low risk of being subject to ICE raid since need a warrant to search patient records and are also protected by the physician-patient privilege and HIPAA law
- Consult with the San Francisco City Attorney's office to verify whether there is a SF DPH policy in place on how to handle sensitive information or if you have any additional concerns
- SFAF has a sign which HIV SP's may consider posting



## PUBLIC CHARGE: Is Ryan White public charge?

- Ground of Inadmissibility.
- Must show that they are not likely to rely on public benefits in the future.
- If have green card, not an issue.
- Humanitarian immigrants **NO PUBLIC CHARGE.**
- Asylees, U visa are **NOT PUBLIC CHARGE**
- Treatment of communicable diseases **NOT PUBLIC CHARGE**
- Ryan White funds **NOT PUBLIC CHARGE**
- Global public policy to treat communicable diseases, HIV, AIDS, etc.
- Even with new proposed changes to public charge definition by current administration



## ALRP MAIN POINT OF ENTRY FOR IMMIGRANTS



- Serving immigrants for the last 14 years
- Bilingual staff attorneys experienced with HIV+ LGBTQ clients
- Panel attorneys who are certified immigration specialists
- Ability to address other civil law matters
- Can provide trainings for HIV Service Providers and clients
- If not eligible for our services, ALRP can refer client to other legal service organizations and other pro bono immigration services.



# ALRP Immigration Referral Process

# REFERRAL PROCESS

## STEP 1

SP identifies client with immigration needs.

## STEP 2

SP gets release of confidential information from client to discuss case with ALRP Immigration Attorney.

## STEP 3

SP calls ALRP to set appointment for intake with client or client calls us directly.

# REFERRAL PROCESS

## STEP 4

ALRP makes referral to pro bono panel attorney and panel attorney accepts referral.

## STEP 5

SP and client call panel attorney to schedule meeting and SP accompanies client to first meeting with panel attorney.

## STEP 6

SP calls ALRP to confirm successful referral.

## How long does the referral process take?



- Pro Bono panel attorneys so timing of when they can accept a pro bono case is uncertain
- Law Firm Attorneys have to conduct and clear a “conflicts check”
- Large law firms have their own internal procedure for assigning pro bono cases
- Once we have a volunteer attorney, you and client should contact him or her right away
- You are welcome to check-in with us to check on pro bono attorney requests



## WHAT CAN HIV SERVICE PROVIDERS DO FOR CLIENTS?



### KNOWLEDGE

HIV Service Providers have knowledge about client's cultural, socio-economic and family background, familiarity with immigration basics, with ALRP and other legal service providers, and knowledge of protocols for ICE interaction.



### REPORTS

HIV Service Providers refer client to mental health professional for mental health assessment report to support client's application for Asylum, U visa, VAWA, etc. and is key to the success of application.



### BUILD TRUST

Develop and build trust with client so that client is able to share story with ALRP and our panel attorneys. SPs should accompany client to first meeting with panel attorney.



### FORMS

HIV Service Providers assist in filling out intake forms required by some attorneys for initial meeting with client. SP can assist with immigration application forms after case has been accepted by panel attorney. Please note that every form should be reviewed by the immigration attorney.



### REFERRALS

SP Identifies clients with immigration needs and refers clients to ALRP. If client does not qualify for our services, SP refers client to appropriate service provider.



### MONITORING

HIV Service Providers should prepare the client for meeting with panel attorney, monitor the relationship with attorney, assist in finding MIA clients, gather information for cases, and give comfort and support to client.



## IMPORTANT

1. We can help undocumented, Asylees, Withholding of Deportation and EAD holders, Legal Permanent Residents, etc.
2. We can even help HIV+ U.S. Citizens legalize the status of their spouses, children and parents.
3. Always refer the client to ALRP for a pro bono consultation even if you think the client and family members do not have a case.



Do you have any questions about how HIV Service Providers can better serve their clients throughout the immigration process?

Please let us know of other types of trainings you will like to receive such as: hardship waivers, ICE interaction, VAWA, etc.



To report any ICE activity, please call the SF 24 hour Rapid Response HOTLINE at:

**SF: 415-200-1548**

**Ala: 510-241-4011**

- Only one dispatcher so if line is busy, call again.
- Use line ONLY to report ICE activity
- Raid verification
- Attorney activation
- Please note that we can provide immigration training on what to do if ICE comes to your organization.



Thanks!

**For assistance, please call:**

**Carmen Ramirez, Immigration Attorney**

**(415) 701-1200 x 321**

**1663 Mission Street, STE 500**

**San Francisco, CA 94103**

**carmen@alrp.org**

**[www.alrp.org](http://www.alrp.org)**

**Se habla Español**



## **DISCLAIMER:**

Please note that the presentation is provided for general informational purposes only. Information presented does not constitute legal advice. Although we strive to keep our information current, it may not be up-to-date and is subject to change without notice. Individuals should always consult with an attorney about their specific case.



END OF WORKSHOP