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## Immigration Issues and Resources

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*The complex system of rules and laws relating to United States immigration can be frightening and difficult for anyone to navigate—even more so for lesbian, gay, bisexual and transgender immigrants and people with HIV. LGBT and HIV-positive people may experience harassment or persecution in their home countries. GLAD has developed this fact sheet to answer some of the most common questions. However, **the following is only intended to provide legal information, not legal advice, and you should consult with an immigration expert to discuss your specific situation.** You can call GLAD for a referral to an immigration attorney sensitive to the needs of LGBT and HIV-positive people. In addition, please see the list of resources at the end of this publication for a listing of legal services, and local, national, and international advocacy groups.*

### Legal Status

#### ***How can an immigrant get a legal status to stay in the U.S.?***

An immigrant can apply for legal permanent residency (LPR). This is the same thing as a “green card” or Alien Registration Card.

#### ***How can an immigrant obtain a green card?***

There are various ways of obtaining legal permanent residency. Here are some of the most common:

- *Family-sponsored immigration*—if you are a spouse, parent, or unmarried child of a U.S. citizen.
- *Employment-based immigration*—if there is a demonstrated lack of U.S. workers for a specific position, generally a professional position requiring a university degree.
- *Diversity visa lottery*—there are only a limited number of these immigrant visas, and they are only available to immigrants from certain countries.
- *Asylum*—for people who fear persecution in their home countries and seek protection in the U.S.
- Other options may be available in unusual circumstances. To learn more about any of these options, you should consult with an immigration expert.

## **Same-Sex Partners**

***What if my same-sex partner and I legally marry? Will that allow me to sponsor my spouse for U.S. immigration?***

In most cases, the marriage should allow you to sponsor your foreign national spouse for a green card, regardless of where you are living in the United States. However, this was not always the case. On June 26, 2013, The United States Supreme Court in the *Windsor* case ruled that the 1996 federal Defense of Marriage Act (DOMA) was unconstitutional. Prior to this ruling, a U.S. citizen was not able to sponsor a same-sex spouse for a green card.

However, even though it may be possible now for marriage to help improve the immigration status of a foreign national, the process of applying for a green card is very complex, and it requires that many conditions be met; so *before marrying, and certainly before sponsoring a spouse for the green card, the couple should meet with an experienced immigration expert.*

For more detailed information about this, go to the following links:

<http://immigrationequality.org/issues/couples-and-families/faqs-for-binational-couples/>  
<http://www.glad.org/doma/topics/c/immigration-poc-rule>

## **HIV/AIDS**

***Can I visit the US or get a green card if I am HIV positive?***

On January 4, 2010, the United States lifted the long-standing ban that for the most part prevented people with HIV from both entering the country and receiving Legal Permanent Resident status (a green card). Also, people who apply for a green card are no longer required to take an HIV test as part of the medical examination.

***Does this mean that HIV status is completely irrelevant to immigration to the United States?***

No. All applicants for lawful permanent residence must demonstrate that they are not likely to become a “public charge.” If you are in relatively good health, being HIV+ should not be an obstacle to getting a green card. However, if you have been in a nursing home or are not able to work, it is possible that you would be considered likely to become a “public charge.”

***How does the government determine if you are a “public charge”?***

The government may determine you are a “public charge” and deny you legal permanent residency or re-entry into the U.S. if you leave for a period of time. A “public charge” is a

person who cannot support him- or herself without cash benefits such as Social Security Income (SSI). Public charge is not a barrier to obtaining citizenship, nor is it an issue for people granted asylum. To determine whether a person will become a public charge, the government looks at a number of factors including age, health, income, family size and education and skills.

For more details about the implications of lifting the HIV ban, go the following link on Immigration Equality's website: <http://immigratonequality.org/issues/hiv/hiv-based-immigration-applications/>.

## **Asylum Based on Sexual Orientation or HIV/AIDS Status**

Some immigrants have been granted asylum in the U.S. based on extreme persecution in their home countries. In such cases, the government of that home country is usually either the perpetrator of the persecution, or unwilling or unable to stop the persecution.

In order to qualify for asylum, you must be physically present in the U.S. or at an airport or border crossing of the U.S. You must prove you either cannot or will not return to your country because you have a "well founded fear of persecution" based on your race, religion, nationality, political opinion, or membership in a particular group (such as LGBT or HIV-positive people). Although you may apply for asylum regardless of your immigration status, if you entered the country illegally, you have just one year to apply. There are also some risks involved in applying for asylum if you are undocumented: the application may be used as evidence in removal proceedings. To prove your claim for asylum, you must provide corroborating evidence of the specific conditions in your country for gays and lesbians, or people with HIV/AIDS. Documentation may take a variety of forms including expert witness testimony, reports by human rights organizations and academic research papers.

***For legal advice about a specific situation, you must consult an immigration attorney or a legal clinic, such as those on the following list of resources. For a referral to an immigration attorney in New England, please call GLAD Answers at 800-455-GLAD (4523) from 1:30-4:30 pm Monday-Friday or by email or live chat at [www.GLADAnswers.org](http://www.GLADAnswers.org).***

# Immigration Resources

## Local Resources

### Legal Clinics/Representation

*These organizations have attorneys on staff and can provide comprehensive services, including advice about immigration options, execution of a variety of applications, representation in asylum and deportation proceedings, consultations on complex cases.*

#### **Greater Boston Legal Services (GBLS)**

*Hotline: 800-323-3205 (Mon. – Fri. 9:00am-1:00pm)*

*Main Office: (617) 371-1234, 197 Friend St., Boston, MA 02114*

*Cambridge/Somerville Office: (617) 603-2700, 60 Gore Street, Suite 203, Cambridge, MA, 02141*

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

Immigration clinic that focuses on political asylum proceedings, cases involving battered women, unaccompanied minors, and language access issues. They have experience with same-sex immigration issues. Attorneys will represent people in deportation/removal proceedings. GBLS's immigration unit includes a Battered Immigrant Women's Project. GBLS also has a Health & Disabilities unit that can help people navigate public benefits and an Asian Outreach Program. Services are provided in several languages. Free.

#### **PAIR Project (Political Asylum Immigration Representation)**

*(617) 742-9296, 98 North Washington Street, Suite 106, Boston, MA 02114*

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

Pro-bono representation in political asylum claims and for people convicted of crimes and facing deportation proceedings as a result. Also provide information and referrals for low-income legal permanent residents with criminal records in deportation proceedings. Services provided in a variety of languages.

#### **Immigration Law Center**

*(781) 598-4886, 145 Munroe St., Suite 300, Lynn, MA 01901*

Represents individuals in a variety of immigration processes. They handle deportation and asylum cases. Fees vary depending on application, and pro bono work may be considered.

### **Catholic Charities of Boston**

*Refugee and Immigration Services: (617) 464-8110, 275 West Broadway, South Boston, MA 02127*

*Haitian Multi-Service Center: (617) 506-6600, 185 Columbia Road, Dorchester, MA 02125*

*www.ccab.org*

Handles immigration applications & asylum screening; represents clients before the Citizenship and Immigration Services and the Immigration Court. Staff and attorneys speak Spanish. Also provides refugee resettlement services and community interpreter services of hearings. They are able to refer people to other support services in the area. Call for an appointment for legal services; interpreter, resettlement, employment and other services can be addressed through a call or walk-in.

Catholic Charities is the parent organization of the Haitian Multi-Service Center, in Dorchester, whose services including HIV services and naturalization assistance, as well as day care, a food pantry, English classes, and assistance with rent.

### **Consultation/Application Assistance**

*These organizations may or may not have attorneys on staff. However, they do not provide direct legal services, such as representation in immigration proceedings or filing applications for new immigration status. They consult with people about existing applications, advise individuals about their immigration options, assist with supplementary paperwork, and make referrals to legal clinics and immigration lawyers.*

### **Centro Presente**

*(617) 629-4731, 17 Inner Belt Road, Somerville, MA 02143*

*www.cpresente.org*

Centro Presente is a community cultural center working with Central Americans in Massachusetts. Their legal immigration services focus on special safe haven programs for Central Americans (ABC, NACARA), assistance with deportation/removal hearings, family visas, and work authorization. They will also refer clients to private attorneys.

### **Irish International Immigration Center (IIC)**

*(617) 542-7654, 100 Franklin Street, Boston, MA 02108*

*Email: immigration@iicenter.org*

*www.iicenter.org*

IIC provides confidential counseling, support, immigration assistance, and referral services to ALL immigrants. They also provide information and referrals over the phone, at the Drop-In Center, or by appointment. They focus on the following areas: visa

applications, applications for adjustment of status, spousal petitions, and criminal/deportation proceedings. Can help people determine what public assistance and health care is available to them and safe to access. IIC also operates a Legal Advice Clinic.

**East Boston Ecumenical Community Council (EBECC)**

*(617) 567-2750, 50 Meridian St., Suite B1, East Boston, MA 02128*

*www.ebecc.org*

EBECC is a community social service organization. They are unable to do direct legal work, but can consult on immigration issues and assist in preparing a variety of supporting documentation for asylum applications and suspension of deportation/cancellation of removal. Can assist with family petitions, temporary protected status (ABC, NACARA), work authorization, applications for legal permanent residency, Freedom of Information Act requests. Services are provided in Spanish and Portuguese.

**Community Legal Services and Counseling Center (CLSACC)**

*(617) 661-1010, One West St., Cambridge, MA 02139*

*www.clsacc.org*

CLSACC consults with individuals about political asylum and naturalization issues, and assists battered immigrant women under the Violence Against Women Act. Services also provided in Spanish, Haitian Creole, and Portuguese.

**Wilmer Hale Legal Services Center (Jamaica Plain) (CHECK BOTH NUMBERS)**

*(617) 522-3003, 122 Boylston St., Jamaica Plain, MA 02130*

*www.law.harvard.edu/academics/clinical/lsc/*

Can help HIV-positive undocumented immigrants assess their ability to access benefits. Fee for service.

**Asian American Civic Association (AACA)**

*(617) 426-9492, 87 Tyler St., 5<sup>th</sup> floor, Boston, MA 02111*

*http://aaca-boston.org/site/*

The AACA is a community cultural organization that provides education and assistance in a variety of areas. Their immigration services include consultation with individuals about their immigration options, assistance with adjustment of status, affidavits of support, visas, naturalization paperwork, and translation services. Fees for additional services. Can discuss asylum as an option and refer to attorneys for representation.

## **Other Services**

### **Boston Center for Refugee Health & Human Rights**

*(617) 414-4794 771 Albany Street, Boston, MA 02118*

<http://www.bcrhhr.org/>

Mission is to provide holistic health care coordinated with social services and legal aid for asylum seekers, refugees, survivors of torture, and their families.

### **Refugee & Immigrant Assistance Center**

## **New England/Outside Greater Boston**

### **International Institute of Greater Lawrence**

*(978) 687-0981, 125 Amesbury St., Lawrence, MA 01840*

*iigfcol@verizon.com*

They provide educational services to immigrants (literacy, ESL, job skills, citizenship classes), interpreter and translation services, and fee-based help with preparation of immigration paperwork (citizenship, affidavits of support, spousal petitions, and other documents). Also provides services in Spanish.

### **International Institute of New England**

*Lowell: (978) 459-9031, 155 Merrimack St., 5<sup>th</sup> Floor, Lowell, MA 01852*

*Boston: (617) 695-9990, 1 Milk Street, 4<sup>th</sup> Floor, Boston, MA 02109*

*New Hampshire: (603) 647-1500, 1850 Elm Street, Manchester, NH 02104*

They provide assistance with citizenship, applications for employment, translation or preparation of documents, applications for adjustment of status, affidavits of support, re-entry permits, and family reunification. Consultation fee. Services provided in English, Spanish, and Portuguese.

### **Catholic Charities of Worcester--Refugee Resettlement Program**

*(508) 798-0191, 10 Hammond St., Worcester, MA 01610  
www.ccworc.org*

They provide assistance with asylum applications, naturalization education, and paperwork for sponsorship, work authorization, adjustment of status. Donation requested. Services provided in Spanish, Vietnamese, and Polish. They also have locations in Athol, Leominster, Milford, Southbridge, and Whitinsville, as well as other locations in Worcester.

**Dorcas International Institute of Rhode Island**

*(401) 461-5940*

*North Campus: 220 Elmwood Avenue, Providence, RI 02907*

*South Campus: 645 Elmwood Ave., Providence, RI 02907*

*www.diiri.org*

Accredited to represent immigrants in asylum proceedings and provides referrals to attorneys. Fee for service. Provides services in a variety of languages and can get access to interpreters.

**Immigrants' Assistance Center (IAC)**

*(508) 996-8113, 58 Crapo St., New Bedford, MA 02740*

*www.immigrantsassistancecenter.com*

The IAC provides translation, interpretation, naturalization, referral, counseling and advocacy services to immigrants in the New Bedford area. They also run an HIV educational program, provide testing and counseling, and are familiar with the concerns particular to HIV-positive immigrants. Services provided in Spanish and Portuguese Creole.

**International Institute of Connecticut (IIC)**

*Main Office: (203) 336-0141, 670 Clinton Ave., Bridgeport, CT 06605*

*Stamford: (203) 965-7190, 34 Woodland Avenue, Stamford, CT 06902*

*Hartford: (860) 692-3085, 175 Main St., Hartford, CT 06106*

*Derby: (203) 751-8696, 30 Elizabeth Street, Derby, CT 06418*

*www.iiconn.org*

IIC provides a variety of educational programming and technical assistance to immigrants. They will assist in the preparation and filing of applications for adjustment of status. Represents immigrants in exclusion, deportation, or asylum proceedings, and refers to local attorneys. Fee for service. Does not represent immigrants with criminal histories, but can consult and refer to other attorneys. Services are available in all major world languages.



**Jerome N. Frank Legal Services--Yale University Law School**

*(203) 432-4800, P.O. Box 209090, New Haven, CT 06520-9090*

*<http://www.law.yale.edu/academics/JeromeNFrankLSO.htm>*

Attorneys and students work together to provide assistance to asylum seekers, by preparing applications for work authorization and asylum, preparing clients for INS asylum interviews, presenting cases before judges. Also represent clients in deportation proceedings. Provide referrals to other attorneys when unable to represent clients themselves. Services are provided in a wide variety of languages.

<b>Massachusetts (Policy/Education/Advocacy)</b>
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**Massachusetts Immigrant & Refugee Advocacy Coalition (MIRA)**

*(617) 350-5480, 105 Chauncy St., Suite 901, Boston, MA 02111*

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

Education and advocacy (lobbying) organization, focused on Massachusetts immigration and public assistance policy. A good resource for local providers who want help understanding what benefits their clients can safely access, and for all immigrant activists.

**Massachusetts Law Reform Institute (MLRI)**

*(617) 357-0700, 99 Chauncy St., Suite 500, Boston, MA 02111*

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

Immigration is only one component of MLRI's education and policy work. MLRI's lawyers work on legislative issues and class action suits of importance to low income people, and rarely represent individuals. MLRI can provide advice for legal advocates and providers on immigration and benefits issues, though it is not their primary focus.

**Health Care For All/Health Law Advocates (HCFA)**

*(617) 350-7279, 30 Winter St. 10<sup>th</sup> Floor, Boston, MA 02108*

*Helpline: (800) 272-4232*

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

HCFA is an health care consumer advocacy organization that can provide immigrants and providers with information about eligibility for public health care programs, assistance in accessing services, resolution of conflicts with providers, advocacy/representation. Initial contact can be made through HCFA's helpline and further assistance may be provided by Health Law Advocates, HCFA's internal public interest law project. In partnership with MIRA, HCFA spearheads the Mass Immigrant Health Access Coalition, a policy-oriented task force comprised of health care institutions, social service agencies, and individuals.

## National and International (LGBT/HIV Advocacy)

### **Immigration Equality**

*(212) 714-2904, 40 Exchange Place, Suite 1300, New York, NY 10005*

*Email: [info@immigrationequality.org](mailto:info@immigrationequality.org)*

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

Immigration Equality (formerly Lesbian and Gay Immigration Rights Task Force) provides information, support, and advocacy regarding equal immigration rights for lesbian and gay people.

### **LGBT Immigrant Rights Initiative**

*208 South LaSalle Street, Suite 300, Chicago, IL 60604*

*(733) 672-6551*

*[lgbtimmigrants@heartlandalliance.org](mailto:lgbtimmigrants@heartlandalliance.org)*

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

The LGBT Immigrant Rights Initiative helps protect people seeking immigration status in response to persecution based on sexual orientation, gender identity, or HIV status. They provide documentation for asylum claims and legal support services to asylum-seekers and their advocates. For individuals in the Chicago area, they can offer additional legal services, such as assistance with visas, removal proceedings, and family based immigration services.

**National Immigration Project of the National Lawyers Guild**

*(617) 227-9727, 14 Beacon St., Suite 602, Boston, MA 02108,  
www.nationalimmigrationproject.org*

The Project works to help clarify the intersection of HIV and immigration law. They have produced a comprehensive manual for service providers. They can assist AIDS service providers, but not individual clients.

**Lambda Legal Defense and Education Fund**

*(212) 809-8585, 120 Wall St., 19<sup>th</sup> Floor, New York, NY 10005-3904,  
Email: [lambda@lambdalegal.org](mailto:lambda@lambdalegal.org)  
www.lambdalegal.org*

Lambda is a legal organization working to protect the rights of gay men, lesbians, bisexuals, and people with HIV on many fronts. Lambda initially founded Immigration Equality, which is now an independent organization. Lambda has five regional offices around the U.S. and can serve as a referral source for immigrants in various locations.