

Legal and Cultural Resources For Rhode Island Immigrants

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The needs of immigrants and refugees are complex. Providing medical care for this population is paramount, but the global needs of the immigrant population also encompass legal, cultural, translation and social services.

This article will focus on the non-medical and legal issues facing Rhode Island immigrants and the resources in RI. To help his/her patients, the health care provider should understand these issues.

LEGAL NEEDS AND RESOURCES

Immigrants are classified as refugees, asylees, documented immigrants, or undocumented immigrants. The **Department of Homeland Security (DHS)** determines refugee status before a person resettles in the US. Once classified as a refugee, an immigrant has legal resident status. Asylees are a special subcategory of immigrants who apply for refugee status within 90 days of arrival. This application process is difficult and not always granted. Documented immigrants usually have close ties to the US, and have access to our social support and healthcare system. Refugees and immigrants who are highly skilled professionals or closely related to a US citizen can apply for **Legal Permanent Resident (LPR)** status. If ineligible for LPR status, they must apply through the “green card” lottery system, which grants 50,000 immigrants LPR status annually.¹

CITIZENSHIP PROCESS

By virtue of refugee status, an immigrant faces a simpler process of citizen applications, avoiding many of the challenges faced by other legal categories of immigrants. Refugees arrive with legal documentation of their status and are eligible to apply for **Legal Permanent Resident status (LPR)** after one year, from within the US. LPRs are commonly known as “green card” holders. Refugees, arriving with legal resident status, and are entitled to all of the rights and responsibilities of legal US residents.

After being granted LPR status, legal aliens are eligible for citizenship after residing in the US for five years. Obtaining citizenship costs approximately \$1000 per person, and requires that the immigrant submit application materials including photographs, fingerprints, and pass a US Citizenship and Immigration Services written exam. Many factors can make green card holders ineligible for citizenship, including felony convictions, leaving the country for greater than 30 months in any five year period, and an inability to speak or write basic English. This last requirement may be waived if the immigrant is older than 55 and has held a green card for longer than 15 years.²

Undocumented immigrants face a more complicated path to LPR status.³ The most difficult requirement is that they cannot apply for a green card from within the US. They must return to their country of origin and submit their application through a US embassy. Immigrants who have been in the US without documentation for 6 months or greater are not eligible to return to the US for three years; if they are undocumented for more than one year, they cannot return to the US for ten years. This presents an often insurmountable obstacle for many undocumented immigrants.

LPR status is not guaranteed, even if immigrants meet all the requirements and apply from their own countries. There are some exceptions to these rules. Close family members (e.g. a spouse or child under 21 years of age) of a US citizen can be forgiven their undocumented time and apply for LPR status from within the US. Additionally, any immigrant who had started the legal proceeding for LPR status prior to April 30, 2001, is eligible to restart that process by paying an additional fee. Changing this date to a later one allows tens of thousands of illegal immigrants in the US to begin applying for citizenship, paying taxes, and working in jobs that provides them and their communities with greater income and support.

The fourth category of immigrants are asylees, who often arrive as undocumented immigrants and then make either affirmative or defensive requests for asylum.⁴ Affirmative requests are made when an undocumented immigrant comes to an immigration office requesting asylum. Defensive requests are made when these immigrants are brought in front of immigration officials unwillingly, and make the request during deportation procedures. All asylum requests must be made prior to residing in the US for one year; after one year, undocumented immigrants are not allowed to make the claim. The government generally decides all asylum cases within six months. During the time that an asylum seeker awaits this decision she/he is not authorized to work in the US.

Immigrants from certain countries are *de facto* asylees without going through these legal proceedings. Liberian immigrants, who represent a large proportion of the immigrant population, have been offered temporary protection for the last twenty years (with an exception for those who arrived between 1991 and 1996, who were required to apply for asylum). Immigrants from El Salvador have had special protection for the last ten years. Cuban immigrants fall under their own special category. Cubans are eligible for LPR status after one year in the US, though they must be inspected and paroled. All immigrants who reach dry land (under the colloquially known “wet foot, dry foot” policy) are paroled, while those undocumented immigrants who have not reached dry land are returned to Cuba.

Four sites in the state are accredited to offer legal counseling for citizenship and represent their clients in court: the International Institute, the Diocese of Providence, Progreso Latino, and the Roger Williams Law Clinic. These groups collaborate, referring cases to the most appropriate and convenient site for the applicant, and teaching immigration workshops. Scattered private attorneys also practice immigration law.

International Institute

The International Institute, one of the oldest immigration organizations in Rhode Island,⁵ works closely with both refugees and documented and undocumented immigrants. Their broad range of services is free to the refugee community and available to any immigrants who apply. Their seven-person legal department facilitates the immigration process for thousands of immigrants annually. The bulk of their consultations are walk-in visits, comprising between 50 and 100 people daily. They charge nominal fees. A citizenship application with accompaniment to the interview costs an immigrant \$200. Refugees are managed through a different office, and are not charged for processing their LPR or citizenship applications by either the International Institute or the government; applicants often pay only a nominal fee of \$80 for fingerprint processing.

The International Institute also provides community outreach and education in immigration law and social services to which individuals are legally entitled.

Progreso Latino

Progreso Latino, a non-profit organization working primarily with the Spanish speaking and Hispanic international community,⁶ has on-site legal providers and offers free citizenship consultations the last Thursday of every month at 6 pm, seeing people on a first-come first-serve basis. Often the same attorneys and staff who provide assistance at the International Institute work at Progress Latino. Progreso Latino also offers translation and legal representation at citizenship hearings, as well as other resources including a Notary Public and passport photos.

Roger Williams Law Clinic

The Roger Williams Law Clinic is a new entity affiliated with the Roger Williams University School of Law.⁷ Law students represent clients under the direction of a supervising attorney. Much of their work is referred by the International Institute, though they also accept walk-in applicants. They represent immigrants before the Boston Immigration Court in deportation hearings, as well as prepare documentation and applications for citizenship and other benefits. The Law Clinic offers community outreach services,

educating immigrants on their rights in immigration law. The Law Clinic also works with undocumented immigrants who have been detained by **Immigration and Customs Enforcement (ICE)**.

CRIMINAL AND CIVIL PROCEEDINGS

Immigrants who commit crimes are subject to criminal proceedings as citizens, but face much more serious consequences for their transgressions. ICE has no discretion in prosecuting cases of undocumented immigrants for deportation, so any person who is brought before a court for any reason is at risk of detainment by immigration officials. Even those with LPR status may be stripped of their green card and deported, if they are convicted of a crime of violence or theft (including shoplifting) and sentenced to a term of greater than one year, even if the sentence is suspended. Once convicted, these immigrants are deportable with no hope of release.

In criminal proceedings every person, whether documented or not, has a right to due process and will be defended by the **Public Defender (PD)**. PDs work closely with the International Institute and other groups who specialize in immigration law to ameliorate the risks to LPR status faced by immigrants. In civil proceedings, undocumented immigrants have the right to counsel, but are required to pay out of their own pocket. Traffic violations such as driving without a license are common criminal proceedings often faced by undocumented immigrants. LPRs face the same set of criminal and civil proceedings that apply to US citizens

CULTURAL NEEDS AND RESOURCES

The needs of refugees and immigrants in Rhode Island originating from different countries may differ between individuals, but the broad categories are similar. For this reason the two groups will be addressed as one, though some services are more easily available to those who arrive here via legal means.

The International Institute serves as an excellent starting point for many immigrants and refugees. It focuses more on the approximately two hundred refugees who arrive annually, but some of its services are open to other immigrants, documented and undocumented.

Translation

Translators help immigrants interact with government agencies, seek legal services, prepare for job training and interviews, and receive health care. The International Institute reports that the largest portion of their translation work is with medical interpretation.⁸ The hospitals that most often require translating services are Miriam Hospital, Memorial Hospital, and Women and Infants Hospital. The languages most often needed are Spanish, Portuguese and the South East Asian languages.

The International Institute provides a significant proportion of the interpreter services in Rhode Island, with translators available in over 50 languages. Their translators undergo a rigorous testing process with only a 30% pass rate. Those who do not pass are referred to a course at the Community College of Rhode Island which trains people in the social and physical setting in which most professional translation occurs.

After completing the testing and training process, translators at the International Institute are contracted to work with refugees and immigrants through the Institute. There is a fee to the immigrant for translating to help cover the Institute's basic operating costs.

For clients who cannot pay, an attempt is made to find a cost-free alternative through local churches and temples or by using Brown University foreign students and volunteers. The Ronald McDonald House frequently has Spanish-speaking staff who can serve as interpreters. Family members are often used in the medical setting, though this is ethically and medically questionable, violating patient confidentiality and risking misinterpretation or misinformation.

Lifespan, the Rhode Island Free Clinic, Care New England and other health care systems offer interpreter services for every patient in their system, via a contract with a professional translating service for on-site interpreting, most often Spanish and Portuguese, with access to telephone interpreting services for almost any other language. Under Federal law, all hospitals are required to provide interpreter services for non-English speaking patients. For those without interpreter services on site, telephone interpreter services are frequently used.

English Language Training

To help immigrants assimilate to life in Rhode Island and become self-sufficient, several places in the community offer **English as a Second Language (ESL)** classes. Teachers ideally know the immigrant's language of origin, so immigrants from different origins must go to different sites where their language is known. Some of the sites include the International Institute, Progreso Latino, the Center for Hispanic Policy and Advocacy, Capital City Community Centers, and the African Alliance of Rhode Island.

Housing Needs

Refugees and immigrants often arrive unaccustomed to the objects and daily activities that US residents take for granted—such as hot water heaters, refrigerators and stoves. Such new devices can be dangerous (e.g., high settings on a water heater may lead to burns; improper use of stoves and heating units can result in carbon monoxide poisoning). Refugees and immigrants often need instruction in the basics of life in the US.

The International Institute manages the refugees who are resettled in Rhode Island. They receive approximately \$400 per person for housing costs in the eight month resettlement period. For large families this may cover adequate housing, but it is more difficult for single individu-

als to find placement with this stipend. The International Institute works with certain landlords and communities with whom they have developed relationships, and attempts to place the bulk of their clients in those sites.

Immigrants

Immigrants often settle without the assistance that refugees may be provided. Initial housing often occurs without any education in the basics, and people rely on other immigrants to teach them. This often leads to misinformation and both short and long term problems. Immigrants, documented and undocumented, often must live with friends and family while searching for work. Apartments catering to these populations are often overcrowded with poor oversight for repairs, safety, and basic needs like heat.

There are few resources to assist this community in finding sustainable housing, though community centers and the larger organizations of the International Institute and Progreso Latino attempt to help.

CONCLUSION

Immigrants in Rhode Island are presented with a range of helpful services though established organizations. While access to these services is rarely simple, the barriers can be overcome if providers and those who have access to information make a commitment to advocate for this population.

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