

MY CLIENT HAS BEEN GRANTED WITHHOLDING OF REMOVAL... NOW WHAT?

Congratulations on obtaining withholding for your client, she can now safely remain in this country. However, an order of withholding of removal prohibits removal only to the designated country of removal; it does not prohibit removal to a non-risk country. In reality, the United States government almost never locates a country willing to accept the client; however, it is technically a possibility. Now that the application has been approved, you and your client likely have many questions about the benefits that withholding confers and the rights and responsibilities of an individual granted withholding of removal. The following is a brief overview of issues that may arise:

DOCUMENTATION

Your client will receive only the final order issued by the Immigration Judge once her application for withholding of removal is approved. That original order will serve as proof of her ability to remain in the United States legally. It will also allow her to apply for employment authorization.

WORK AUTHORIZATION

Your client may apply for an Employment Authorization Document by using the form I-765 available on the USCIS website (www.uscis.gov). Her Employment Authorization Document will then be sent to her most recent address on file with USCIS. It is therefore important to make sure that not only the court but also USCIS is informed of any changes in her address through use of the form AR-11 (also available on the USCIS website). The EAD is only issued for one year at a time and should be renewed with ample time (at least three months) to allow for processing.

DERIVATIVES IN THE UNITED STATES & OVERSEAS

Unfortunately, individuals granted withholding of removal are not allowed to petition for any family members. Family members in the United States may be eligible for independent applications for asylum or withholding of removal. Please consult with your Tahirih mentor attorney about this possibility.

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PUBLIC BENEFITS

Individuals granted withholding of removal are eligible for some public benefits. They are eligible for a social security card once they obtain a work permit. ¹They will need to take their work permit and additional identification to their local Social Security office to apply for a social security card (the office locations can be found via: www.socialsecurity.gov/locator).

Additionally, they can obtain Food Stamps, Temporary Assistance for Needy Families (TANF), Emergency Medicaid and full-stop Medicaid as well as Children's Health Insurance Program (CHIP) benefits.

TRAVEL

A grant of withholding of removal includes a removal order and therefore clients **CANNOT** travel.

ADJUSTMENT TO PERMANENT RESIDENT STATUS

Individuals granted withholding of removal are not eligible to adjust their status (i.e., obtain a Green Card) based on that form of immigration relief. Should your client have any relatives who are United States citizens or lawful permanent residents, she should consult with an immigration attorney in order to explore other avenues for obtaining permanent resident status.

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¹ Individuals granted Withholding of removal are eligible for a Social Security card for the first 7 years of their grant of withholding of removal.