

## TEN REASONS TO ASK CLIENTS ABOUT CITIZENSHIP

### 10. Ethical Obligations

It is your ethical duty under *Padilla v. Kentucky* to counsel your client about the immigration consequences of juvenile delinquency behavior and adjudications.

### 9. Client Counseling

Counseling your client on whether to take the case to trial or resolve the case through a plea agreement must involve an understanding of the immigration consequences of each option.

### 8. Immigration and Customs Enforcement (ICE) Holds

Your client may not get out of jail if there is an ICE hold. This is important for your client to understand going into any detention or sentencing hearing, or even if you were to win at trial.

### 7. Family Issues

Your client's family may be too afraid to come forward and appear at court. Or, your client may not have family locally. She may be living with non-relatives and you may have to convince the court this is safe and appropriate. These factors make preparing for the detention hearing take on whole new dimensions.

### 6. Access to Services

Your client may not be able to comply with a basic probation plan because he doesn't qualify for health insurance. This can severely impact the kinds of treatment options you seek for your client, since there may be no way to pay for it. Worse yet, probation or other stakeholders may take the position that removing the child from his family is the only way to ensure treatment and you will need to find ways to counter that.

### 5. Employment

You may have to object to any part of the probation plan that requires your client look for and maintain employment. Your client may be unable to get a job if he doesn't qualify for a work permit.

### 4. Driver's Licenses

Where having the client obtain a driver's license can make a difference in the case, this might not be an option if non-citizens are ineligible for licenses in your state.

### 3. Staying in the Country

You may be instrumental in helping your client qualify for immigration relief! Defenders are sometimes the only ones in a position to help their non-citizen clients obtain permanent status, such as seeking visas for victims of trafficking and other crime, or where clients are abandoned, abused, or neglected by their parents. If you can't help directly, you can help find them an immigration specialist who can.

### 2. Negotiating the Charges

You will want to get language in the petition about drugs or gang participation stricken from the record if possible. It can have major immigration implications.

### 1. Because knowing your client's immigration status WILL change the entire direction of your case!

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