

Psychological Evaluations for Immigration Court: The 7 Cases When You Might Need an Evaluation

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Immigration has become a hot button topic in the United States over the past several years.

There are more and more people every year applying for various waivers and petitions in order to stay in the United States and build a better life for themselves and their families.

There are dozens of different waivers and petitions that you can apply for. This whole process can be very confusing, overwhelming, and intimidating.

We are not attorneys so we can't go over all the different waivers and petitions in this article. We recommend you consult with an immigration attorney so they can represent you and help you through this process.

For some waivers or petitions, your attorney might request a psychological evaluation in order to help build a stronger case.

The goal of this article is to provide you with an overview of the seven different situations when your attorney might request a psychological evaluation and how an evaluation is typically completed.

The 7 Cases When You Might Need a Psychological Evaluation

1: Extreme Psychological Hardship

In an extreme psychological hardship case, a citizen or resident of the United States applies for the immigration waiver because the deportation of a family member will cause extreme hardship for themselves or their family.

It's important to remember that that deportation will cause hardship to the family (e.g. spouse, children, or parents) rather than to the individual that may be deported.

The negative impact of deportation such as job loss or separation of parents from small children are considered "typical" hardships in the eyes of the court.

The court considers a hardship to be "extreme" only if the impact on the family is unusual or beyond what would be normally expected from deportation.

Here are some examples of situations that are considered "extreme":

- A family member has a major medical issue and can't safely travel abroad, making it necessary for the individual to remain in the U.S. to care for the family member.
- An individual's parents are aging and require the person to stay in the U.S. to care for them.
- An individual is a primary breadwinner in the family and their deportation will cause extreme financial hardship for the family.
- The individual's children are far along in their education in the U.S. and are unable to speak, read, or write in the language of the foreign country. Leaving the U.S. might permanently prevent them from completing their education.
- If one parent has to leave the U.S., it can cause the child that is left behind to develop separation anxiety. In some cases, young children who lack the emotional maturity to understand why a parent might have to leave the U.S. might also develop a depressive disorder.

If the court finds that there will be extreme or exceptional hardship on the U.S. citizen or resident, the deportation order may be canceled and legal permanent residence granted.

2: Political Asylum

In political asylum cases, an individual has been subjected to mistreatment and abuse in their country of origin due to their political beliefs, religious affiliation, ethnic identity, or gender.

In these cases, they are seeking asylum or safety from their country of origin within the U.S.

It is not uncommon for individuals to develop depressive disorders or Post-Traumatic Stress Disorder as a result of the abuse or mistreatment they endured in their country.

A psychological evaluation will establish the mental health consequences of prior abuse or persecution. An evaluation will also help determine how the abuse or will continue to impact the individual in the future.

3: Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) provides for immigration benefits to men and women who have been physically and/or mentally abused by their U.S. citizen spouse.

If an individual is undocumented, married to a U.S. citizen, and they are victims of domestic abuse, they may be eligible for permanent residency in the U.S.

A psychological evaluation will help establish the psychological impact that the verbal, physical, or sexual abuse had on the individual.

4: Citizenship Examination Waiver (N-648)

In these cases, an individual is requested to be waived from taking the U.S. citizenship examination due to cognitive deficits.

Conditions that can cause cognitive deficits include dementia, traumatic brain injury, learning disabilities, or an intellectual disability.

An individual can be evaluated to determine if their claims are valid and the extent to which their cognitive impairment will impact their ability to take the examination.

5: Deferred Action for Childhood Arrivals (DACA)

Individuals petitioning for a waiver under DACA can be denied if they have a serious criminal conviction (e.g. domestic violence).

A psychological evaluation can help determine if their actions and behavior were due to a mental disorder, abuse, or other cognitive deficit.

6: U-Visa

A U-Visa may be granted to an undocumented individual living in the U.S. if the individual can demonstrate that they have experienced substantial mental or physical abuse due to being a victim of a serious crime that occurred in the U.S.

Examples of serious crimes include but are not limited to the following: domestic violence, sexual abuse, rape, murder, torture, kidnapping, and stalking.

The individual must also be willing to help law enforcement and provide information that assists with the prosecution of the individual that committed the crime.

It is not uncommon for victims to develop a depressive disorder or Post-Traumatic Stress Disorder. A psychological evaluation can help establish how the crime mentally impacted an individual.

7: T-Visa

A T-Visa can be granted to victims of human trafficking and their immediate families if they agree to assist law enforcement in testifying against their perpetrators.

In order to be eligible for a T-Visa, an individual must demonstrate that they will endure unusual or severe harm if they were deported from the U.S.

Unusual or severe harm **does not include** current or future financial detriment or lack of social and economic opportunities.

Unusual or severe harm can include the following:

- Age and personal circumstances of the T-Visa applicant.

- Serious physical or mental illness of the T-Visa applicant because treatment is not available in their home country.
- High likelihood of re-victimization.
- Reasonable expectation of punishment by the trafficker or related individuals upon return to their country.

A psychological evaluation can be helpful in highlighting the specific hardship issues related to the case. It is also not uncommon for individuals to develop depressive disorders or Post-Traumatic Stress Disorder as a result of their experiences.

A psychological evaluation will establish the mental health consequences of the physical or sexual abuse they endured while they were being trafficked.

What Can I Expect During an Immigration Evaluation?

We get a lot of questions from clients regarding what they can expect when they meet with a psychologist for an immigration evaluation.

This process can be very anxiety-provoking, especially for someone that has never met with a psychologist.

We want to ease some of your anxiety so we've included a quick overview of what to expect during an evaluation.

A typical immigration evaluation includes the following:

- An interview with you and close members of your family. The interview will help us understand important psychological, medical, and social background information, and your current level of cognitive and psychological functioning.
- Consultation with your attorney to determine the type of waiver that will be best suited for your case.
- A review of medical, psychological, and other supporting documents that help us have a better understanding of your psychological and emotional functioning.
- If necessary, we will administer psychological tests and questionnaires to help us figure out specific areas where you are having psychological difficulty.
- If your attorney requests to have you evaluated for cognitive problems such as a learning disability, dementia, or traumatic brain injury, we will also administer neuropsychological tests.
- After we complete the evaluation, we will write a comprehensive report that integrates our findings and give it to your attorney.

Conclusion

Immigration will continue to be a hot button topic in the United States for the next several

years.

More and more people are trying to come to the United States in order to build a better life for themselves and their families.

There are dozens of different waivers and petitions that you can apply for. We highly recommend consulting with an attorney so they can represent your best interests during this process.

It is very likely that your attorney will request a psychological evaluation if you are applying for one of the seven waivers or petitions that we went over in this article.

We're hoping that this overview helped ease your anxiety by explaining what you can expect when meeting with a psychologist for an immigration evaluation.

[You can read more about how we conduct immigration evaluations and the benefits of retaining an expert to complete an evaluation here.](#)