

MARKETPLACE

JOURNAL

IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

Dear Atty. Gurfinkel: I just received a jury summons from the County Courthouse, but I am in illegal status (TNT). How did they get my name and address? Do I have to serve on a jury? Will Immigration be able to track me down? Will I be reported to Immigration? How can I get out of serving on a jury? Should I just ignore or throw away the jury summons?

I am really worried about this, and have not been able to sleep since I received the jury summons in the mail.

Very truly yours,

Jury duty for illegal aliens?

Dear A.S.,
County Courthouses (or the County Office of Jury Commissioner) typically select potential jurors from voter registration lists or DMV records. Since you have not registered to vote (and cannot vote since you are not a US Citizen), it is likely that your name was selected from DMV records. Therefore, as long as a person has driver's license, his name will be listed on DMV records and his name could come up for jury selection.

In order to be eligible to serve as a juror, a person must be at least 18 years of age or older, and a US citizen. Non-citizens

(including green card holders, non-immigrants, and TNTs) would therefore not be eligible to serve as a juror. Typically, the jury summons typically would not pursue the matter further.

Some of the questionnaires also ask that if the person is not a US citizen, that the person

Typically, the jury summons has a number of questions about a person's eligibility to serve as a juror. One of the questions is, 'Are you a US citizen?' Obviously, you would have to answer that question as 'no.'

has a number of questions about a person's eligibility to serve as a juror. One of the questions is, "Are you a US citizen?" Obviously, you would have to answer that question as "No." Once the Jury Commissioner's office sees that response, they

provide his "alien number." If the person is a non-immigrant or is in illegal status, that person may not have an alien number. So, you should probably write "not applicable" or "none".

I have seen some situations where the Jury Commissioner's

Office wants even more "proof" that a person truly is not a citizen (i.e. they want to make sure that a citizen is not trying to get out of jury duty, by claiming that he is not a citizen). So even if the "No" box is checked (that the person is not a citizen), the clerk still wants more proof. In that situation, you may want to include the picture-page of your Philippine passport, which

would indicate that you are still a Philippine citizen.

Furthermore, the Office of Jury Commissioner does not report anyone to the Department of Homeland Security. The Office of Jury Commissioner is a county office, not a "federal" agency, and all they're interested in is getting enough U.S. citizens to sit on juries. They are not in the business of enforcing immigration laws.

Under no circumstance should you ignore a jury summons, because if you do so, you could

face possible fines and penalties through the county court system.

But, the bottom line is if you are in illegal status, you should really think about doing something so that you could get in legal status, get a green card, eventually become a U.S. citizen, and then you could possibly serve on a jury.

Michael J. Gurfinkel is licensed, and an active member of the State Bar of California and New York. All immigration services are provided by, or under the supervision of, an active member of the State Bar of California. Each case is different. The information contained herein (including testimonials, "Success Stories", endorsements and re-enactments) is of a general nature, and is not intended to apply to any particular case, and does not constitute a prediction, warranty, guarantee or legal advice regarding the outcome of your legal matter. No attorney-client relationship is, or shall be, established with any reader.

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