

Immigration Forum  
November 28, 2017

Responses to the questions asked of Andrea Swenson, Immigration Attorney with Catholic Charities of the East Bay (CCEB). Notes below were taken by an audience member.

### Sanctuary

1/2. A designation of a jurisdiction as “sanctuary” is statement of political intent, not a legal status. It can however come with certain concrete commitments:

- Not to collect certain types of information from individuals;
- To refuse the special authority that may be granted to state and local law enforcement to aid the federal government in immigration law enforcement;
- To refuse requests from Immigration and Customs Enforcement (ICE) to hold people in detention longer than local public safety considerations would dictate.

3. Does federal law override sanctuary designation? In a word, yes. (Cf. responses above.) Anyone refusing to comply with a legitimate judicial warrant can be held in contempt of court and penalized accordingly, including with possible jail time.

That said, if ICE comes to the door of a private residence, they may only enter if permitted by the owner or with a warrant signed by a judge. We are advised to insist on seeing a signed warrant before opening a door to a private residence and to confirm its validity (by contacting a lawyer or the Rapid Response Network<sup>1</sup>) before assenting to entry. It would be appropriate for a U.S. citizen in a home to handle the interaction through the closed door.

In the work place, ICE needs a warrant or permission of an employee to enter.

A street or a car is a public space, and a person in a public space may be approached and questioned by an ICE agent. If driving a car, you must provide license, registration, and proof of insurance. If approached on the street, a person may ask if they are free to go (and if assent is given, to terminate the interaction) and to assert that they do not consent to being searched (in absence of warrant).

On a campus, the jurisprudence has not clearly demarcated public from private spaces in this sense, but spaces which are usually locked and / or perceived as private – such as faculty offices or residence halls – are most likely to be deemed private by a court. One can attempt to assert that they are private spaces.

As a campus community, we are advised to designate a person who would interact with ICE were they to come to campus. The rest of us would agree only to summon that person if approached by ICE.

There is a federal statute making it a crime to *harbor* undocumented immigrants. The original intent of

---

1 Any number may be contacted, but in-person response will be quicker from the home county:  
Alameda – 510-241-4011  
San Francisco – 415-200-1548  
Contra Costa – coming soon  
Full list to be posted.

the law was to penalize people picking up undocumented immigrants near the border and offering them transport. The statute is written quite broadly. Acts *in furtherance* of an undocumented person's immigration to the U.S. can be deemed harboring under the statute. Offering to drive someone out of state to avoid an impending ICE raid may constitute harboring in this sense.

### At Port of Entry

1. If detained, one has a right to make a phone call and to contact one's consulate. (It was unclear if consular contact is an additional right beyond the phone call.) As a practical matter we are advised to call a close friend or family member who can then activate relevant resources, including contacting a lawyer. (Also: Have that person's phone number memorized!) In this phone call it is critical to tell the friend or family member:

- Your full name of record;
- Where you are detained;
- Your alien registration number (A-#) if you have one.

In addition we are advised to make the following preparations ahead of time:

- To open a bank or credit union account with an Individual Tax Identification Number (ITIN). Having an ITIN and regularly paying taxes is advised even for undocumented immigrants, as it can help prove residence and good moral character during court proceedings and generally does not prompt immigration enforcement.
- To have sufficient funds available to post bond. A typically bond could be \$1500 but as high as \$10000 - \$15000.

3. In crossing the border, a U.S. citizen has a right to enter but Customs and Border Patrol (CBP) can search and confiscate anything accompanying you, including a computer or cellphone. They may even go so far as to ask you to open your email or re-download an app that had been deleted. You can try to reason with them. Logins and encryption may slow and eventually exhaust a search.

Permanent residents have a right to re-enter unless investigation reveals cause for deportation.

Visa holders can be denied re-entry.

We are advised to respond truthfully to questions from CBP but not to offer unnecessary information and to plan ahead for possible lines of questioning, e.g.:

First question: Did you have fun in Costa Rica?

Answer: Yes, I had a great time.

Follow up question: Did you do drugs while you were there?

Saying yes to the second question can constitute evidence of drug use. Any record of any use or possession (e.g. a medical marijuana card) can prevent a person from receiving any future immigration benefit.

## Detention

1. See “At Port of Entry,” point 1, above.
3. CCEB provided a list of organizations providing non-profit immigration legal services, including CCEB itself, along with a list of licensed private attorneys.

## General

1. Suggestions for the campus included:
  - Having a financial aid officer with relevant (e.g. DACA) specialist knowledge.
  - Creating an undocumented student resource center or other known safe space, signaling support in signage and lapel buttons, and facilitating ally training sessions.
2. See “Sanctuary,” point 3, above.



**Catholic  
Charities**  
*of the East Bay*

**BY APPOINTMENT ONLY:**

The first step to opening a case is the initial consultation. This consult determines if your case qualifies for our legal services.

Call us to make an appointment in one of our offices listed below:

**RICHMOND**

217 Harbour Way  
Tel: 510.234.5110

Consultation Hours:  
Tuesdays 1 pm to 4 pm

**CONCORD**

3540 Chestnut Avenue  
Tel: 925.825.3099

Consultation Hours:  
Wednesdays 1:30 pm to 4:30 pm

**OAKLAND**

433 Jefferson Street  
Tel: 510.768.3100

Consultation Hours:  
Thursdays 9am to 12 pm

**INITIAL CONSULTATION:**

\$40 Consultation Fee. We accept cash, money orders or checks.



**IMMIGRATION IS COMPLICATED  
WE CAN HELP!**

Don't be a victim of Notario fraud! Catholic Charities of the East Bay offers low-cost immigration services provided by Board of Immigration Appeals accredited representatives and licensed immigration attorneys.

**LEGAL IMMIGRATION SERVICES**

- Legal Consultations
- Family-Based Visa Petitions
- Fiancé Visas
- Consular Processing
- Inadmissibility Waivers
- Remove Conditions on Residency
- Permanent Residency (Green Card) Application and Renewal
- Naturalization/U.S. Citizenship
- Deferred Action for Childhood Arrivals (DACA)
- Unaccompanied Minors\*
- Victims of Domestic Abuse (VAWA)
- Victims of Violent Crimes (U-VISA)
- Temporary Protected Status (TPS)
- Request of Immigration Records (FOIA)
- Travel Documents (Advance Parole)

*\*Offered in Richmond and Oakland only*



Catholic  
Charities  
of the East Bay

Catholic Charities of the East Bay  
Oakland — Richmond — Concord

<i>Non-profit Immigration Legal Services — Organizaciones sin fines de lucro</i>	
Catholic Charities of the East Bay 433 Jefferson Street Oakland, CA 94612 510-768-3100 <a href="http://www.cceb.org">www.cceb.org</a> Consults Thursday 9am-12pm	Catholic Charities of the East Bay 3540 Chestnut Ave Concord, CA 94519 925-825-3099 <a href="http://www.cceb.org">www.cceb.org</a> Consults Wednesday 1pm-4pm
API Legal Outreach 1305 Franklin Street, Suite 410, Oakland, CA 94612 (510) 251-2846 <a href="http://www.apilegaloutreach.org">www.apilegaloutreach.org</a>	Catholic Charities of the East Bay 217 Harbour Way Richmond, CA 94801 (510) 439-4265 <a href="http://www.cceb.org">www.cceb.org</a> Consults Tuesday 1-4 pm
East Bay Sanctuary Covenant 2362 Bancroft Way Berkeley, CA 94704 510-540-5296 <a href="http://eastbaysanctuary.org/">http://eastbaysanctuary.org/</a>	East Bay Community Law Center 2921 Adeline Street Berkeley, CA 94703 510-548-4040 <a href="http://www.ebclc.org/">http://www.ebclc.org/</a>
International Institute of the Bay Area 405 14th Street, Suite 500 Oakland, CA 94612 510.451.2846 <a href="http://iibayarea.org/">http://iibayarea.org/</a>	International Institute of the Bay Area 3240 Lonetree Way, Suite 202 Antioch, CA 925-237-8581 <a href="http://iibayarea.org/">http://iibayarea.org/</a>
Centro Legal De La Raza 3400 East 12th Street Oakland, CA 94601 510-437-1554 <a href="http://www.centrolegal.org">www.centrolegal.org</a>	Korean Community Center of the East Bay 1700 Broadway, Suite 400 Oakland, CA 94612 510-547-2662 <a href="http://www.kcceb.org">www.kcceb.org</a>
International Rescue Committee 405 14th Street Ste 1415 Oakland, CA 94612 510-452-8222 <a href="http://www.rescue.org">www.rescue.org</a>	Pangea Legal Services 350 Sansome Street, Ste 650 San Francisco, CA 94104 415-254-0475 <a href="http://www.pangealegal.org">www.pangealegal.org</a>
Bay Area Legal Aid 1025 Macdonald Ave Richmond, CA 94801 510-250-5270 <a href="http://baylegal.org/">http://baylegal.org/</a>	Central American Resource Center (CARECEN) 3101 Mission Street, Suite 101 San Francisco, CA 94110 415-642-4400 <a href="http://www.carecensf.org">http://www.carecensf.org</a>
Lawyers' Committee for Civil Rights 131 Steuart Street, Suite 400 San Francisco, CA 94105 415-543-9444 <a href="http://www.lcrr.com/">http://www.lcrr.com/</a>	Immigrant Center for Women and Children (ICWC) 1440 Broadway, Suite 402 Oakland, CA 94612 510- 251-0150 <a href="http://www.icwclaw.org/">http://www.icwclaw.org/</a>
Legal Services for Children (LSC) 1254 Market Street 3rd Floor San Francisco, CA 94102 415-863-3762 <a href="http://www.lsc-sf.org/">http://www.lsc-sf.org/</a>	Canal Alliance 91 Larkspur Street San Rafael, CA 94901 415-454-2640 <a href="http://www.canalalliance.org">http://www.canalalliance.org</a>



Catholic  
Charities  
of the East Bay

Catholic Charities of the East Bay  
Oakland — Richmond — Concord

<i>Licensed Private Attorneys Abogados Licenciados</i>	
Landerholm Law Office 1624 Franklin Street, Suite 310 Oakland, CA 94612 (415) 322-3850	Cynthia Tyler 125 12 <sup>th</sup> Street, Suite 100 Oakland, CA 94607 (415)574-0494
Erich Keefe 1840 Alcatraz Avenue, Suite D1 Berkeley, CA 94702 (510) 717-5996	Laura Craig 2039 Shattuck Ave, Suite 403 Berkeley, CA (510) 599-5100
Maria Rivera 5715 Alpine Road San Pablo, CA 49806 (510) 237-5666	Mary Bosworth 28 Second St. #300 San Francisco, CA 94105 (415) 326-3922
Law Office of Jonathan M. Kaufman 220 Montgomery Street, Suite 689 San Francisco, CA 94104 (415)956-4765	Shawn Matloob 55 New Montgomery St. Suite 308 San Francisco, CA 94105 (415) 391-6298
Mary Beth Kaufman 400 Montgomery Street, Ste. 810 San Francisco, CA 94104 (415) 392-6161	Law Office of Irma Perez 24326 Mission Blvd., Ste. 8, Hayward, CA 94544 (510)314-0225
Christine Stouffer 2000 Hearst Avenue #401 Berkeley, CA 94709 (510) 540-4149	Law Office of Liz Pellegrin 436 14th Street #716 Oakland, CA 94612 (510) 722-9094
Heather Wolf 11720 San Pablo Ave. Suite C El Cerrito, CA 94530 (510) 408-6397	Bean & Lloyd LLP 110 11th Street Oakland, CA 94706 (510) 433-1900
Law Office of Peggy J. Bristol 111 Fairmont Ave. Oakland, CA 94611 (510) 858-5275	Law Office of Helen Lawrence 436 14th Street, Suite 801 Oakland, CA 94612 (510) 922-0261

**ONLY LICENSED ATTORNEYS AND ACCREDITED REPRESENTATIVES CAN GIVE YOU LEGAL ADVICE.**  
Don't be fooled by "immigration consultants" or "legal experts." This list is not an endorsement or referral to any individual office. CCEB does not take any responsibility for services received from any attorney on this list. If you have complaints about services from any attorney you have the right to file a complaint with the California State Bar at 1-800-843-9053

**SOLAMENTE LOS ABOGADOS LICENCIADOS Y LOS REPRESENTANTES ACREDITADOS PUEDEN DARLE CONSEJOS LEGALES.** Esta lista no es un endoso o referencia a ninguna oficina individual. CCEB no asume ninguna responsabilidad por los servicios recibidos de cualquier abogado en esta lista. Si tiene quejas sobre los servicios de cualquier abogado, tiene derecho a presentar una queja ante la Barra Estatal de California al 1-800-843-9053

# Twelve things for you and your family to remember in ANY situation

**1** Anything you say can be used against you.

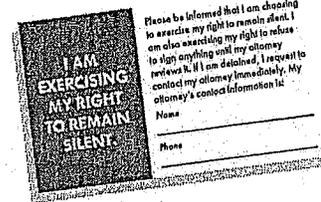
**2** You have the right to remain silent.



**3**

If you wish to remain silent, say it out loud or show your Know Your Rights card.

Get one on page 13!



**4** Always carry U.S. identification and copies of immigration documents.

**5** Never carry false documents or documents from another country.

**6** Never lie to officers.

**7** You have the right to speak with your attorney.

**8**

Never run in a raid or if you are approached by officers.



**9**

Never physically fight back if you are being arrested or detained.



**10**

You have the right to refuse to sign anything before speaking with your attorney.



**11**

If you are in police custody or detention, do not discuss your immigration information or criminal history with ANYONE other than your attorney.

**12**

If you are questioned or in a raid, write down what happened in detail as soon as it is safe to do so. Tell your attorney and your support groups right away.

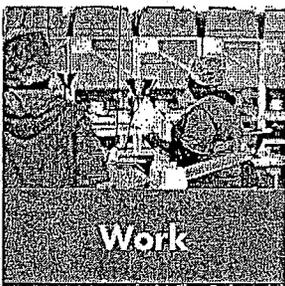
## Location Quick Guide



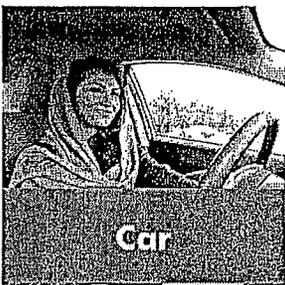
- **DO NOT OPEN THE DOOR.** Ask for ID (look through a window).
- Officers can only enter with a valid warrant or with your permission.
- Ask to see a warrant. If it is not valid, ask the officers to leave.
- If officers enter (with or without a valid warrant) say you do not consent. Tell them if there are children, elderly or sick people in the house.



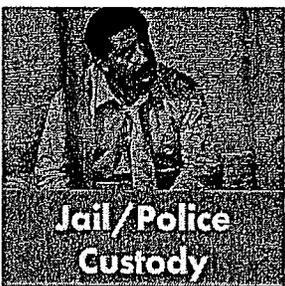
- Do not run.
- Before saying anything (including your name) ask, "Am I free to go?"
- If yes, walk away slowly. If no, do not walk away.
- In some states, you must give your name.
- If you are searched, stay calm and say "I do not consent to this search."



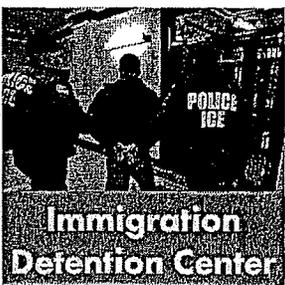
- Officers can only enter with a valid warrant or with permission from your employer.
- Have an emergency plan with your co-workers (see p. 18).
- If your employer is not available or has given permission to officers to enter, know who will speak to officers. The person should ask for identification and a warrant.
- If you are searched, stay calm and say, "I do not consent to this search."



- Pull over, turn the car off and put your hands on the steering wheel.
- Follow all instructions, including providing license, registration and insurance. Do not give fake documents.
- If officer searches your car, stay calm and say, "I do not consent to this search."



- Request a phone call to your attorney or other emergency contact.
- Use your Know Your Rights card. Remember your right to remain silent and say you will not sign anything before speaking with your attorney.
- Request a copy of all papers your attorney submits to the judge as part of your case.



- Request a phone call to your attorney or other emergency contact and your consulate.
- Use your Know Your Rights card. Remember your rights to remain silent and to refuse to sign anything before speaking with your attorney.
- Request a copy of all papers in your case.
- Request to be released on bond.