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April 21, 2017

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# Discussion Points

- Overview of Immigration
- Your Role & Things You Can Do
- Know Your Rights & Explain to Others



**One out of two children in California lives in a household headed by at least one foreign-born person.**

California laws protect immigrants

-AB 60 (January 1, 2015)

-Dream Act

- Employment (SB 1001, January 1, 2017)



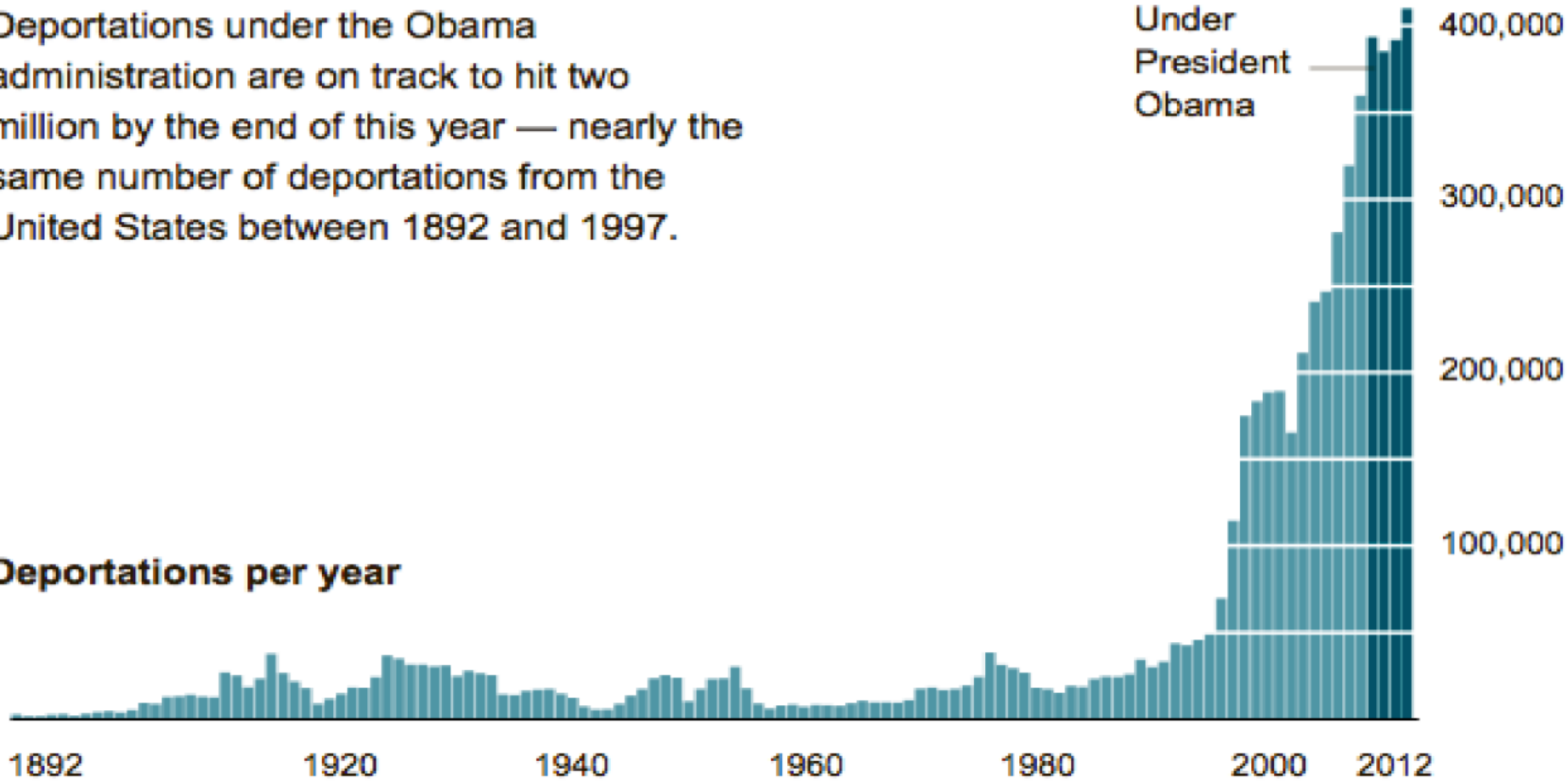
Published: February 22, 2013

# Growth in Deportations

[Related Article »](#)

Deportations under the Obama administration are on track to hit two million by the end of this year — nearly the same number of deportations from the United States between 1892 and 1997.

Deportations per year



# DHS Memos – February 24, 2017

## Change in enforcement priorities:

- Anyone without status = subject to deportation
- Any minor thing = deportable
- Even lawful permanent residents are deportable
- Conviction not required. Arrest.

## Examples:

- *1<sup>st</sup> time DUI*
- *Suspended license or driving without a license*
- *Possession of marijuana – EVEN WITH A MEDICAL CARD*





# Who is At Risk?

**Both documented and undocumented immigrants are at risk of deportation**

**Only US Citizens can't be deported**



# Who Is At Risk?

## ***DOCUMENTED IMMIGRANTS***

- Green card holders who have past convictions
- Asylees, refugees, people with TPS
- Visa holders who do not follow the terms of the visa:  
For example, because they were convicted of a crime

## ***UNDOCUMENTED IMMIGRANTS***

- People might be undocumented if:
  - They crossed the border or with false documents
  - Their visa or immigration status expired
  - They were ordered deported in the past





# Key Definitions

## “DACA”

Deferred Action for Childhood Arrivals was announced in 2012 – covers 750,000 people

- 2 year stay, SSN, employment authorization docs
- Does not grant a legal status
- Not a path to permanent residency or citizenship
- Reflects enforcement priorities (2014, 2011 memos)
- Usually for those without other immigration options
- Database of DACA recipients and Transition Memo (available 1/4/17)



# DACA Eligibility

- Physically present in the United States on June 15, 2012;
- Under the age of 31 as of June 15, 2012;
- Come to the U.S. before reaching their 16th birthday;
- Have continuously resided in the U.S since June 15, 2007;
- Currently be in school, or have graduated or obtained a certificate of completion from high school, or have obtained a general education development (GED) certificate, or have been honorably discharged from the Coast Guard or the Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.



# Status of those on Campus

- DACA students (2 years)
- DACA applications pending
  - New and renewals (180 days from end of status)
  - Delays in processing 2-3 months
  - Filing fee
- Undocumented



# Possible Actions by ICE

- Phase out DACA approvals over the next two years
- Immediate revocation of DACA status
- Change in enforcement priorities



# Key Definitions

## “Dreamers”

Development, Relief and Education for Alien Minors Act - pathway to permanent residency

- Introduced in 2001 by Durbin/Hatch, failed to pass several times



# Key Definitions

## “Dreamers” under CA state law

- Not a pathway to permanent residency
- State financial aid



# Enforcement on Campus?

## *“Enforcement Actions at or Focused on Sensitive Locations”* ICE Memo (Oct. 2011)

- Immigration enforcement actions may only take place at a school when:
  - (a) prior approval is obtained from an appropriate supervisory official, or
  - (b) there are exigent circumstances necessitating immediate action without supervisor approval.



# Trigger sites

- Airports and borders
- Trying to apply for immigration benefits – such as green cards, citizenship
- Amtrak and Greyhound
- **“Raids”** at home, work, on the street
- **Through the criminal justice system:**
  - Getting stopped by police on the streets and while driving
  - Prosecutors and judges
  - Before, during, and after criminal sentence





# Key Definitions

## “Sanctuary Campus”

- Provision of information to ICE
  - Sworn officers
- Access for enforcement purposes
- Access to records
- Resources



# Understanding Enforcement Actions

## People

- Arrest/detention action
- Interviews
- Searches/raid action

## Records

- FERPA requires subpoena.
  - Exception for SEVP and for judicial order based on assertion of terrorist activities



# Understanding Enforcement Actions

## Searches for People on Campus

Need a warrant or consent of owner or person in control to enter non-public area of business or residence (**DHS Regs**)

- Removal warrant = administrative warrant cannot be executed where REP
- Removal warrant is NOT a judicial warrant requiring probable cause which can be executed where REP



# YOUR ROLE

- Standing in solidarity and support with immigrant community
- Spreading knowledge and empowerment, not fear
- Sharing accurate information about rights in front of ICE





# YOUR ROLE

**Support State Legislation** aimed to protect immigrants in California, such as **SB54**, **AB6**, and **SB3** <http://acluscv.org/take-action-support-sb-54-to-prevent-avoidable-deportations-in-california/>

**Demand accountability** from elected officials at the local and state level: find out if their positions on healthcare, education and criminal justice, truly support our immigrant community.



# YOUR ROLE

Learn about the **programs and services**, including education programs for youth and adults that support the empowerment of our immigrant community.

Check out **Canal Alliance's opportunities for engagement** by visiting our website here <http://canalalliance.org/how-you-can-help/>



# YOUR ROLE

Be ready to **document civil rights violations**: you can download the ACLU's new app Mobile Justice CA, <https://www.mobilejusticeca.org/>, to learn your rights as an observer during potential ICE enforcement actions in your community.





# YOUR ROLE

To learn more about **rapid response**: the California Immigrant Youth Justice Alliance offers a guide to ICE raids:

<http://www.ciyja.org/fighticeraidswithpowernotpanic>.

## STOP RUMORS WHEN THEY GET STARTED



# QUIZ

- **Do you have to let ICE in your home?**
- **Do you have to answer ICE's questions while walking?**
- **Are the rules different at the border?**
- **Do you have the right to an attorney if detained or arrested?**
- **Do you have the right to an attorney in court?**



# Quiz?

**Does ICE want to help you?**

**Can ICE lie?**

**Can you lie?**

**Does ICE have to follow the rules?**





# Rights When Dealing with ICE

- **Rights at Home/School**
  - **Warrant or Consent**
- **Rights Outside Your Home**
  - **Right to silence, right to invoke attorney**
- **Rights While In a Car**
  - **Right to silence, ID, insurance & registration**
- **Rights at the Border**
- **Rights When Detained**



# IF IMMIGRATION AGENTS SHOW UP AT YOUR DOOR:

DON'T OPEN THE DOOR.  
BE CALM.  
YOU HAVE RIGHTS.



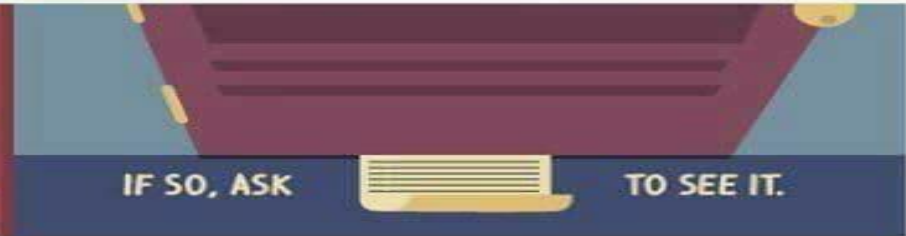
IF THEY ASK TO ENTER,  
ASK IF THEY HAVE A  
WARRANT SIGNED BY  
A JUDGE



IF SO, ASK



TO SEE IT.



AN ICE  
ADMINISTRATIVE WARRANT  
(FORM 1-200, 1-205)  
DOES NOT ALLOW THEM  
TO ENTER YOUR HOME  
WITHOUT YOUR CONSENT



IF THEY DO NOT HAVE  
A WARRANT SIGNED BY  
A JUDGE, YOU MAY  
REFUSE TO LET  
THEM IN.



IF THEY FORCE THEIR  
WAY IN, DON'T RESIST.  
TELL EVERYONE IN THE  
RESIDENCE TO REMAIN  
SILENT.



IF YOU ARE ARRESTED, REMAIN SILENT  
AND DO NOT SIGN ANYTHING UNTIL  
YOU SPEAK TO A LAWYER.

# SI AGENTES MIGRATORIOS LLEGAN A TU PUERTA:

**NO ABRAS LA PUERTA.  
MANTÉN LA CALMA,  
TIENES DERECHOS.**



**SI PIDEN ENTRAR A TU  
CASA, PREGUNTA SI TIENEN  
UNA ORDEN FIRMADA  
POR UN JUEZ.**



**Y QUE TE LA**



**MUESTREN.**

**UNA ORDEN  
ADMINISTRATIVA DEL ICE  
(FORMA 1-200, 1-205)  
NO LES DA AUTORIZACIÓN  
PARA ENTRAR A TU CASA  
SIN TU CONSENTIMIENTO.**



**SI NO TIENEN  
UNA ORDEN FIRMADA  
POR UN JUEZ, PUEDES  
NEGARTE A DEJARLOS  
PASAR.**



**SI ENTRAN A LA FUERZA,  
NO TE RESISTAS. DILE A  
TODOS LOS QUE ESTÉN EN LA  
CASA QUE PERMANEZCAN  
EN SILENCIO.**



**SI ERES ARRESTADO, PERMANECE  
EN SILENCIO Y NO FIRMS NADA  
HASTA HABLAR CON UN ABOGADO.**





# Special Situations: When do I have to show an ID?

Border/airport - yes

Driving – driver's license

Walking – ICE vs. Law Enforcement – CALIFORNIA DOES NOT HAVE A STOP AND IDENTIFY LAW.

## Which ID?

Driving in California = driver's license (AB-60 licenses)

NOTE: caution use with TSA or ICE or in other states

CAUTION Passport

CAUTION Consular Card

- *Consider what papers you will carry i.e. DACA papers.*
- *Consider if you will carry an AB-60 license.*
- *Consider if you will carry a Red Card.*
- *Make a decision that is right for you.*



# Exiting & Entering the Country

## Different rights.

- Can search anything. Can request private screening and bring a witness.
- No immediate right to a lawyer.
- Right to ID.
- Right to ask certain questions.
  - *Where are you coming from?*
  - *Where are you going?*
  - *Who are you traveling with?*
  - *What is your status?*

## NOT:

- *Religion*
- *Place of worship*
- *Associations*

If you have green card, you have a right to an immigration judge.  
Otherwise, may be denied re-entry.







# Top 10 Things to Remember:

- 6. Have an attorney's number memorized or a contact plan. Don't open phone.**
- 7. Don't open the door without a warrant unless you choose to.**
- 8. Watch out for state vs. federal law crimes.**
- 9. Have an ID plan**
- 10. Have an emergency plan, including a guardianship plan. Make sure those around you know the rules and risks.**

