

IMMIGRANT RIGHTS

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FREEDOM OF SPEECH

FREEDOM OF SPEECH UNDER THE 1ST AMENDMENT

THIS INCLUDES:

- USING THE COURTS (E.G., SUING SOMEONE)
- EXPRESSING POLITICAL OPINIONS TO GOVERNMENT OFFICIALS
- POLITICAL PROTEST

EXCEPTIONS

- IF AN INDIVIDUAL IS UNDOCUMENTED AND THEY GET ARRESTED AT A PROTEST (E.G., FOR FAILURE TO DISPERSE; TRESPASS; DISORDERLY CONDUCT; ETC.), EVEN IF THE CHARGES ARE LATER DROPPED, IT CAN NEGATIVELY IMPACT THEIR ABILITY TO GET DACA, TPS LEGAL PERMANENT RESIDENCE, NATURALIZED OR ANOTHER IMMIGRATION BENEFIT.
- IF AN INDIVIDUAL IS UNDOCUMENTED, THEY DON'T HAVE THE RIGHT TO VOTE.

WORKPLACE DISCRIMINATION

FREEDOM TO BE FREE FROM
DISCRIMINATION AND RETALIATION IN THE
WORKPLACE

- WORKPLACE/EMPLOYMENT: BOTH FEDERAL AND STATE LAWS PREVENT DISCRIMINATION AND RETALIATION AGAINST UNDOCUMENTED PEOPLE.
 - WORKERS WHO ARE UNDOCUMENTED CAN STILL USE THE COURTS TO SUE, AND CERTAIN VISAS ARE AVAILABLE THAT MAY HELP WITH STATUS, TOO.
- EVEN IF UNDOCUMENTED IMMIGRANTS DO NOT HAVE THE RIGHT TO WORK, IF AN EMPLOYER HIRES THEM, THEY CAN BE SUBJECT TO LIABILITY IF THEY DON'T PAY LEGAL WAGES, GIVE BREAKS, ETC.

WORKPLACE DISCRIMINATION (CONT.)

FREEDOM TO BE FREE FROM
DISCRIMINATION AND RETALIATION IN THE
WORKPLACE

- AN EMPLOYER CANNOT TREAT NON-US CITIZEN EMPLOYEES WORSE THAN US CITIZENS EMPLOYEES
- A JOB MAY NOT REQUIRE CITIZENSHIP AS A PRETEXT TO DISCRIMINATE AGAINST IMMIGRANTS ON THE BASIS OF NATIONAL ORIGIN OR ANCESTRY, UNLESS THEY HAVE A PERMISSIBLE REASON TO DO SO.
- REGARDLESS OF AN INDIVIDUAL'S IMMIGRATION STATUS, THEY MAY CONTACT THE DEPARTMENT OF LABOR TO MAKE SURE THEY ARE RECEIVING FAIR, SAFE, AND HEALTHY WORKING CONDITIONS.

PUBLIC ACCOMMODATIONS PROTECTIONS

FREEDOM TO BE FREE FROM
DISCRIMINATION AND RETALIATION IN
PUBLIC ACCOMMODATIONS

- IT IS ILLEGAL TO DISCRIMINATE AGAINST SOMEONE BASED ON RACE, RELIGION, ETHNIC BACKGROUND, DISABILITY, NATIONAL ORIGIN, ETC.)
 - RESTAURANTS
 - PARKS
 - BANKS
 - RECREATIONAL FACILITIES
 - EXAMPLES:
 - A HOSPITAL CANNOT MAKE AN INDIVIDUAL WAIT LONGER BECAUSE OF THEIR IMMIGRATION STATUS.
 - A RESTAURANT CANNOT REFUSE SERVICE BECAUSE YOU ARE NOT FROM THE UNITED STATES.

HOUSING DISCRIMINATION

FREEDOM TO BE FREE FROM
DISCRIMINATION AND RETALIATION IN
HOUSING

- THERE ARE PROHIBITIONS AGAINST DISCRIMINATION AND RETALIATION IN HOUSING
 - BUYING PROPERTY, RENTING PROPERTY
 - LANDLORD MAY NOT ASK ABOUT IMMIGRATION STATUS; CAN'T THREATEN TO REPORT TENANTS OR GUESTS TO ICE IN ORDER TO SCARE THEM INTO MOVING OUT.

HOUSING DISCRIMINATION

FREEDOM TO BE FREE FROM
DISCRIMINATION AND RETALIATION IN
HOUSING

- IF AN INDIVIDUAL'S LANDLORD/HOUSING PROVIDER QUALIFIES AS A BUSINESS, THEY ARE PROTECTED FROM BEING EVICTED, DENIED AN APARTMENT, CHARGED HIGHER RENT, DENIED REPAIRS
 - EXAMPLES
 - CANNOT THREATEN TO REPORT AN IMMIGRANT TO IMMIGRATION AUTHORITIES TO MAKE THAT PERSON MOVE OUT.
 - A COMPLEX CANNOT REFUSE AN APPLICATION FOR PURCHASE BECAUSE OF NON-US CITIZENSHIP.
 - A REALTOR CANNOT REFUSE TO SHOW PROPERTIES BECAUSE THE INDIVIDUAL WAS NOT US BORN.

WHO TO CONTACT

- IF AN INDIVIDUAL THINKS THEY HAVE BEEN A VICTIM OF IMMIGRATION BASED DISCRIMINATION, CONTACT:
 - DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
 - DFEH.CA.GOV
 - TOLL FREE: 800-884-1684

FREEDOM TO REPORT A CRIME AGAINST
YOU (INCLUDING DOMESTIC VIOLENCE);
FREEDOM TO BE A WITNESS TO A CRIME

- PROTECTIONS FOR PEOPLE WHO REPORT CRIMES TO
LAW ENFORCEMENT
- VAWA AND OTHER PROTECTIONS REGARDING STATUS
ETC.

US CONSTITUTIONAL PROTECTIONS

AS DEFENDANTS IN CRIMINAL CASES

- 4TH AMENDMENT
 - PROTECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES.
- 5TH AMENDMENT
 - RIGHT AGAINST SELF-INCRIMINATION (TO REMAIN SILENT)
 - RIGHT TO DUE PROCESS (NOTICE, OPPORTUNITY FOR A FAIR HEARING)

US CONSTITUTIONAL PROTECTIONS

AS DEFENDANTS IN CRIMINAL CASES
CONTINUED . . .

- 6TH AMENDMENT
 - RIGHT TO A SPEEDY TRIAL
 - RIGHT TO AN IMPARTIAL JURY
 - RIGHT TO COUNSEL
- 8TH AMENDMENT
 - NO CRUEL OR UNUSUAL PUNISHMENT
- CONSTITUTIONAL PROTECTIONS UNDER THE 4TH, 5TH, 6TH, AND 8TH AMENDMENT ONLY PROTECT IN CRIMINAL COURTS.
 - CRIMINAL CONVICTIONS AND ACTIONS CAN AFFECT YOUR IMMIGRATION STATUS/CLAIMS

WHAT DOES THIS MEAN?

DEALING WITH LAW ENFORCEMENT

AN INDIVIDUAL RETAINS THEIR RIGHTS
WHEN DEALING WITH LAW ENFORCEMENT

- DO NO LIE.
- INDIVIDUALS CONTINUE TO HAVE THE RIGHT TO REMAIN SILENT WHEN DEALING WITH LAW ENFORCEMENT.
- IF AN IMMIGRATION OFFICER REQUESTS DOCUMENTATION, INDIVIDUALS ARE REQUIRED TO COMPLY.
- IF AN INDIVIDUAL IS ABOUT TO BE SEARCHED, THEY HAVE THE RIGHT TO DECLINE CONSENT. LAW ENFORCEMENT NEEDS EITHER CONSENT OR PROBABLE CAUSE TO SEARCH.

DEALING WITH IMMIGRATION ENFORCEMENT

ICE, CBP

- INDIVIDUALS SHOULD NOT LIE TO THE IMMIGRATION OFFICERS
- INDIVIDUALS NEED TO PREPARE THEMSELVES AND THEIR FAMILIES, AND MEMORIZE THEIR ATTORNEY'S NUMBER.
- INDIVIDUALS HAVE THE RIGHT TO REMAIN SILENT.
 - THEY DO NOT HAVE TO ANSWER QUESTIONS ABOUT WHERE YOU WERE BORN AND WHETHER THEY ARE A US CITIZEN, OR HOW THEY ENTERED INTO THE COUNTRY.
- IF AN INDIVIDUALS IS DETAINED BY ICE, THEY HAVE A RIGHT TO CONSULT AN ATTORNEY BUT ICE WILL NOT PROVIDE ONE TO THEM.
 - THEY ALSO HAVE A RIGHT TO CONTACT THEIR CONSULATE.

DEALING WITH POLICE

- AN IMMIGRANT MAY ASSERT THE RIGHT TO REMAIN SILENT IF THEY WANT TO.
 - THEY HAVE TO STATE THAT THEY WANT TO INVOKE THAT RIGHT.
- UNLESS THE POLICE HAVE A SEARCH WARRANT, IMMIGRANTS DO NOT HAVE TO CONSENT TO A SEARCH.
 - MAKE SURE THAT THEY SPECIFICALLY STATE THAT THEY DO NOT CONSENT TO A SEARCH.
- THE POLICE MAY PAT INDIVIDUALS DOWN FOR WEAPONS WITHOUT CONSENT.
- IF IMMIGRANTS ARE ARRESTED BY THE POLICE, THEY HAVE A RIGHT TO A GOVERNMENT-APPOINTED ATTORNEY.

IF AN IMMIGRANT IS ARRESTED FOR THE POSSIBLE COMMISSION OF A CRIME...

- BE AWARE THAT THE ARREST MUST BE DISCLOSED IN ANY IMMIGRATION APPLICATION.
- ANY POSSIBLE CONVICTION AND PLEA DEAL MAY HAVE AN EFFECT ON A FUTURE IMMIGRATION PETITION.

ANY QUESTIONS?

SOURCES

- IMMIGRANT'S RIGHTS, KNOW YOUR RIGHTS (AUG. 30, 2023, 4:55 PM), [HTTPS://WWW.ACLU.ORG/KNOW-YOUR-RIGHTS/IMMIGRANT-RIGHTS](https://www.aclu.org/KNOW-YOUR-RIGHTS/IMMIGRANT-RIGHTS).
- THE RIGHTS OF IMMIGRANTS – ACLU POSITION PAPER (AUG. 30, 2023, 4:55 PM), [HTTPS://WWW.ACLU.ORG/DOCUMENTS/RIGHTS-IMMIGRANTS-ACLU-POSITION-PAPER#:~:TEXT=BUT%20ONCE%20HERE%20C%20EVEN%20UNDOCUMENTED,LEGALLY%20ARE%20SUBJECT%20TO%20DEPORTATION](https://www.aclu.org/documents/rights-immigrants-aclu-position-paper#:~:text=but%20once%20here%20c%20even%20undocumented,legally%20are%20subject%20to%20deportation).
- CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS: FACT SHEET (OCT. 8, 2023, 10:40 PM), [HTTPS://CALCIVILRIGHTS.CA.GOV/WP-CONTENT/UPLOADS/SITES/32/2020/10/IMMIGRATION-RIGHTS-FACT-SHEET_ENG.PDF](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2020/10/immigration-rights-fact-sheet_eng.pdf).