

- I. Immigration Law Enforcement (↔ Criminal Law Enforcement)
 - a. There is a hierarchy of power in immigration law: Congress > President > Immigration Courts.
 - b. Only Congress can create new programs for permanent residency. The President can create temporary programs and set enforcement priorities. Immigration Courts mostly decide individual cases, but can change policy if cases are appealed.
 - c. DHS has 3 immigration agencies: USCIS, CBP, and ICE.
 - d. Non-citizens can be found “deportable” because of immigration violations, but also because of criminal convictions.
 - e. Deportable crimes include drug offenses, domestic violence, child abuse, firearms offenses, national security concerns like gang membership, DUI.
 - f. Current enforcement priorities are broader than ever, and administrative programs (like DACA, TPS, and parole) are subject to change with the new presidential administration.

- II. Immigration Relief for Undocumented Immigrants
 - a. Pathways to permanent relief are blood (family), sweat (employment visas) and tears (humanitarian programs). Employment visas are not available to undocumented immigrants.
 - b. Family petitions:
 - i. Immediate family members
 - ii. Preference categories
 - iii. Warnings about consular processing: 3- and 10-year bars, permanent bar. Waivers are available but only in certain cases.
 - c. Humanitarian programs
 - i. U visa
 - ii. VAWA visa
 - iii. T visa
 - iv. Asylum (1 year bar)
 - v. SIJS
 - vi. Cancellation of Removal
 - vii. TPS
 - viii. DACA (no longer available, final renewals due 10/05/2017)

- III. California State Programs Available to Undocumented Immigrants
 - a. AB60 – driver’s licenses for undocumented CA residents. May be wise to hold off on applying in case the DMV shares information with DHS.
 - b. AB540 and California DREAM Act – in-state tuition and financial aid for undocumented immigrants living in California and applying to California public colleges and universities.
 - c. SB 1159 – allows undocumented immigrants to receive professional licenses (attorneys, doctors, nurses, etc.)
 - d. SB75 – Full-scope Medi-Cal for undocumented youth age 19 or under, emergency Medi-Cal for undocumented adults over 19 years old.

IV. Know Your Rights and Protecting Yourself from Law Enforcement

- a. Your Rights When Confronted By Law Enforcement:
 - i. 4th Amendment: Right Against Unreasonable Search and Seizure
 - ii. 5th Amendment: Right to Due Process of Law; Right Against Self-Incrimination (AKA Right to remain silent)
 - iii. 6th Amendment: Right to Legal Counsel, or an Attorney
- b. If you are questioned by police, do not voluntarily give your information. You have the right to ask the officer if you are being arrested or detained. If you are, then you should say that you are invoking your right to remain silent, and that you need to speak to a lawyer.
 - i. There are three main stages of police/law enforcement interaction:
 1. Conversation – no obligation to officer, free to leave.
 2. Detention – a stop, but not an arrest. May be required to provide identifying information, but not ID document (depends on state). Police need “probable cause” to arrest, but only “reasonable suspicion” to stop and question you.
 3. Arrest – you are being booked on suspicion for a specific crime or immigration violation. Police have evidence or “probable cause.” You have the right to remain silent.
- c. If immigration (or the police) comes to your home or your work, do not open the door. They do not have the right to enter without a search warrant (arrest warrant not enough) but, if someone lets them in then they can stay.
- d. You have the right to remain silent and to refuse a search. Must affirmatively assert these rights. Law enforcement can only search you if you are arrested or detained, and they cannot lawfully detain you unless they have a reason to believe that you broke the law (a “reasonable suspicion,” for auto and street encounters).
- e. If you are arrested, find out who arrested you, do not sign any documents, and contact your attorney, family, and/or consulate for help.
- f. Develop a safety plan with your work, family, school, neighbors.
 - i. Carry the contact information for family, attorneys, coworkers, etc., with you.
 - ii. Carry a Know Your Rights card with you so that you can hand it to a law enforcement officer (ILRC, NILC, and other organizations).

- *For individual legal help:* www.ailalawyer.com, (800) 954-0254; free immigration consultations and application assistance for most immigration remedies are available at AAAJ-LA. The intake number for English/Spanish is (888) 349-9695.
- *For low-cost or free services:*
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- *For more information about DACA and the fight to protect it:*
<http://unitedwedream.org/>
- *To report an immigration raid:* Contact United We Dream’s hotline at 1-844-363-1423 or text 877877.