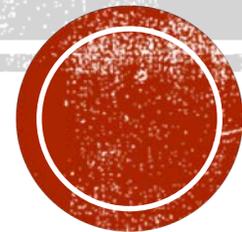


IMMIGRANTS, LAWYERS AND BIAS



TOP FIVE CONSIDERATIONS WHEN WORKING WITH FOREIGN NATIONALS

- 1) Just because a person is not a citizen, doesn't mean they are out of status
- 2) The 14th Amendment guarantees all "persons", not "citizens" rights guaranteed by the Constitution.
- 3) Immigration laws are federal and thus consistent throughout the nation
- 4) California laws regarding standing make no reference to a person's immigration status
- 5) California laws provide further protections and access to legal documentation and processes beyond that of the federal government or most other states

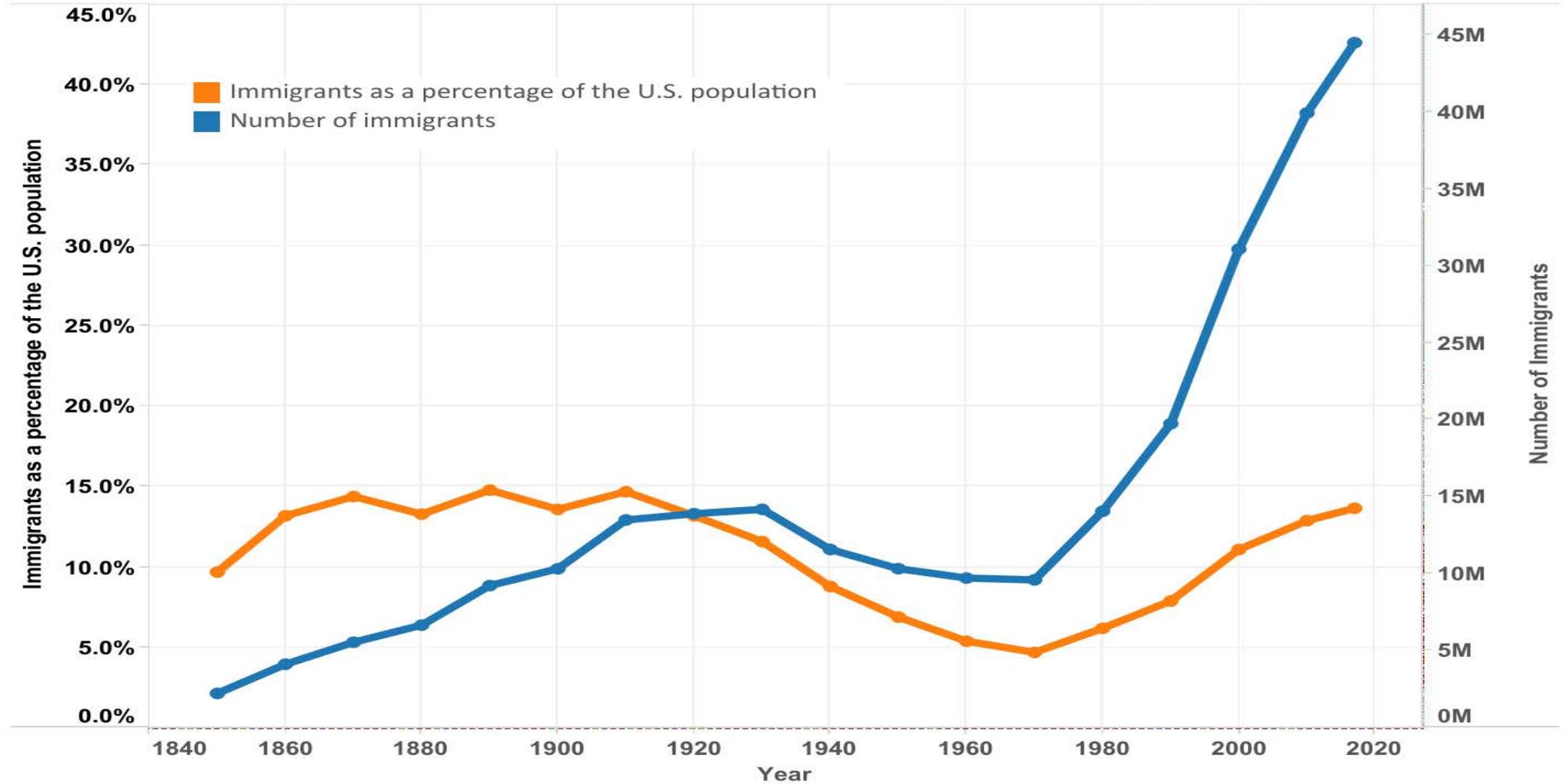


WHO ARE IMMIGRANTS? WHAT IS AN IMMIGRANT?

- Immigrants are foreign nationals who seek to permanently work, study, and live in another country.
- Immigration & Nationality Act of 1952, as amended. (8 U.S.C. §1101 et seq.)

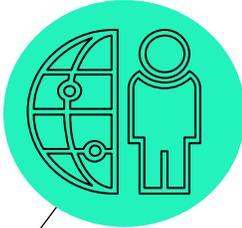
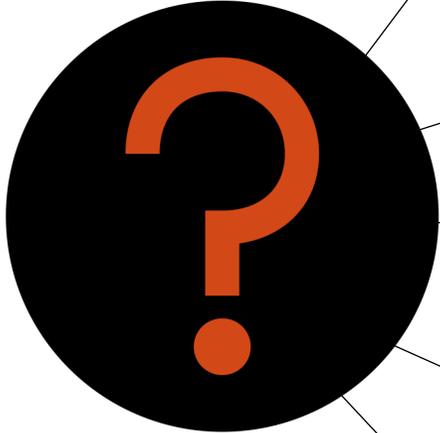


Number of Immigrants and Their Share of the Total U.S. Population, 1850-2017



WHAT'S THE DIFFERENCE?

Some commonly used terms in immigration law



Citizen

A citizen is a legally recognized member of a state. In the United States, anyone who is born in the country is a citizen. People can also gain citizenship through the lengthy and complex naturalization process. Only citizens can vote in federal elections and be elected to national office. Citizenship is generally permanent and irrevocable.



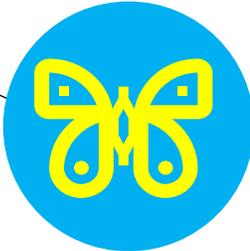
Green Card

This term refers to the plastic, credit-card sized card issued to Lawful Permanent Residents (“LPR’s”) of the United States. LPR’s are non-citizens who are permitted to live and work indefinitely in the United States. LPR’s may join the military, apply for federal financial aid and travel internationally as Residents of the USA. Being an LPR is generally a required prerequisite for applying for US Citizenship.



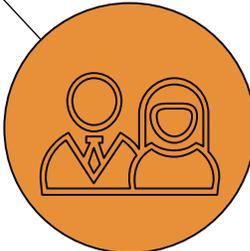
Asylum

Protection granted by a nation to someone who has left their home country in fear that their country’s government cannot or will not protect them violence on the basis of their race, religion, nationality, membership in a particular social group or political opinion. From outside a nation, a person may apply to the United Nations for Refugee status. Once at the border or from within a new country, an individual may apply for Asylee status.



Deferred Action for Childhood Arrivals (DACA)

A program introduced in 2012 under President Obama administration which grants certain individuals present without status in the United States a temporary protection from removal and lawful permission to work. The program was terminated on September 5, 2017 by subsequent President Trump, but a web of lawsuits currently permits those who have had DACA to continue to renew. New applications are NOT permitted. Many DACA recipients arrived in the United States as children and have lived here for most of their lives.



Undocumented

A person who is present in the United States without currently valid immigration status. Undocumented people cannot vote and are not eligible to receive aid from most government programs. Legislation over the past 30 years has imposed ever-more stringent penalties for this behavior, precluding most undocumented people from ever securing lawful status in the United States.



HOW DO PEOPLE COME IN LEGALLY?

- Immigrant or Nonimmigrant
- Alphabet Soup
- Limitations:
 - Duration of Stay
 - Work Authorization
 - Eligibility to Study
 - Eligibility of family accompaniment



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HOW ARE PEOPLE HERE UNLAWFULLY?

- Lawful visas which lapse
- Fraud at border
- Covert entries at border



WHAT ARE THE LAWYER'S OBLIGATIONS TOWARDS A NON-CITIZEN CLIENT?

- Does client have lawful status or no?
- If they have status, what are the conditions of that status?
- If no status, work with immigration attorney to determine
 - Potential avenues for status
 - Potential immigration consequences of present legal representation/outcomes of matter



WHAT IF MY CLIENT DID NOT ENTER LAWFULLY OR THEIR STATUS HAS EXPIRED?

- Duty of loyalty and confidentiality to client
- Rule 3.3b: A lawyer who represents a client in a proceeding before a tribunal and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct **related to the proceeding** shall take reasonable remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.
- Rule 1.1: Duty of Competence: associate with or consult an expert, acquire sufficient learning and skill or refer to competent outside counsel.
- Refer to immigration counsel to determine potential avenues for status



| | U.S. Citizens | Lawful Permanent Residents | DACA Recipients | Undocumented People |
|--|----------------------|-----------------------------------|------------------------|----------------------------|
| Work Authorization | X | X | X | |
| Free Public K-12 Education | X | X | X | X |
| Federal Financial Aid | X | X | | |
| Come and go from the U.S. | X | X* | | |
| Petition family members for immigration | X | X | | |
| Eligible for public assistance | X | X* | | |
| May reside in the U.S. permanently | X | X | | |
| Not subject to deportation or detention by ICE | X | | | |
| May vote in elections/serve on juries | X | | | |
| Social Security | X | X | X** | |
| Pathway to Citizenship | | X | | |

* With restrictions

** While DACA recipients may obtain a Social Security number for employment purposes, they are not eligible to receive Social Security benefits.



POSSIBLE WAYS TO GET A GREEN CARD

John Oliver's 4-Fold Path to Lawful Permanent Residency*:

- 1) Family
- 2) Employment
- 3) Good Luck
- 4) Bad Luck

* "Last Week Tonight," original air date
09/15/2019



What Part of Legal Immigration Don't You Understand?

Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

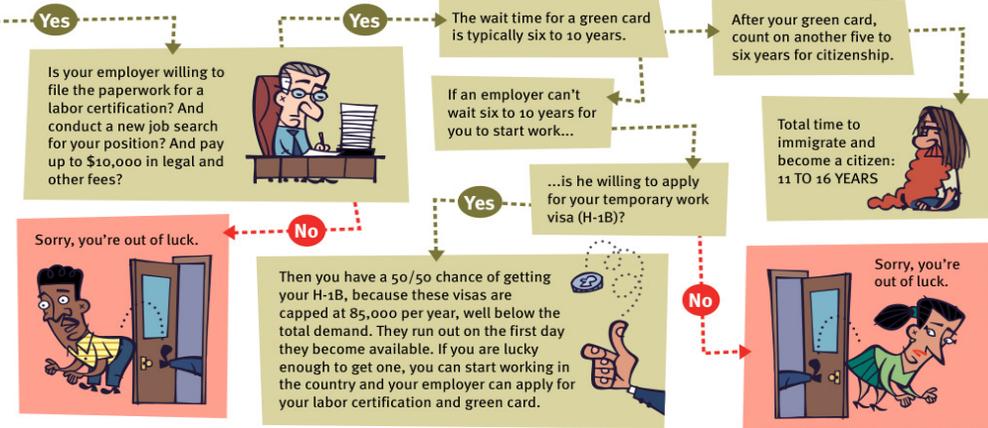
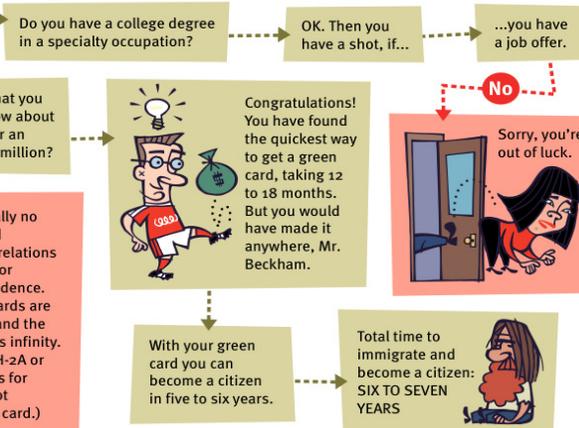
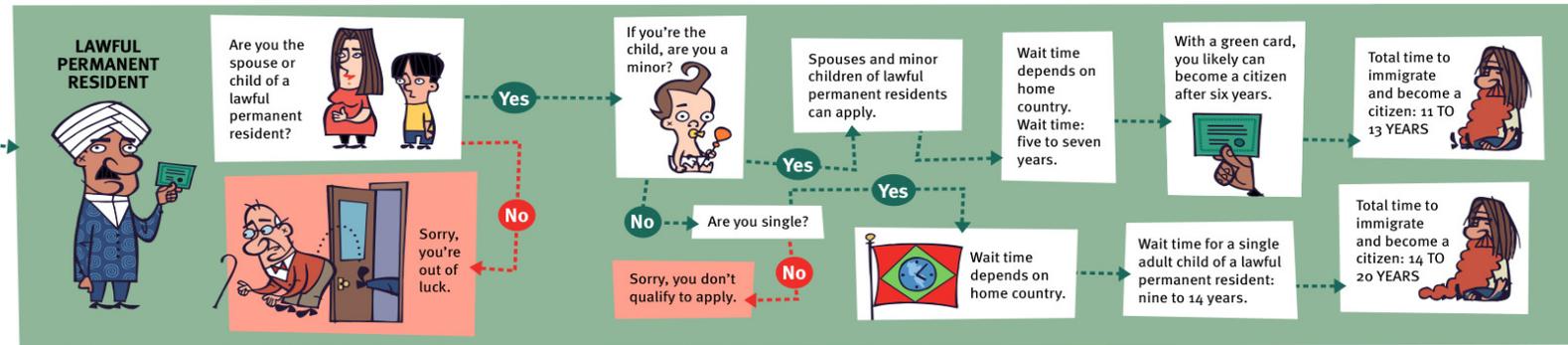
Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



Do you have family in the USA?
 No
 Yes
 Is your relative a U.S. citizen or lawful permanent resident?

Are you skilled?
 No
 Yes
 Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?

Sorry! There is virtually no process for unskilled immigrants without relations in the U.S. to apply for permanent legal residence. Only 10,000 green cards are allotted every year, and the wait time approaches infinity. (Those who receive H-2A or H-2B temporary visas for seasonal work cannot transition to a green card.)



(Flynn is director of government affairs and Dalmia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)

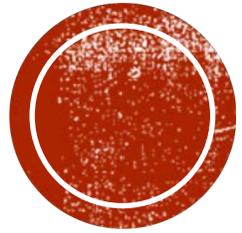
REQUIREMENTS FOR NATURALIZATION

- Lawful Permanent Resident over 18
- Lawful Permanent Resident for 3 or 5 years, and physically present in the United States for at least half of that time
- Read, write, and speak English
- Pass a test on U.S. history and civics
- Demonstrate “good moral character”



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WHAT IS DEPORTATION?

Deportation: the lawful expulsion of a person from a state

DEPORTATION: THE ELEPHANT IN THE ROOM

- Since 1996, this process is now called “Removal”
- Lawful expulsion of a person from a state
- Cancellation of Removal



STORIES FROM THE FRONT LINES

- Current surge of asylum-seekers
- California grants of professional licenses
- California Dream Act
- DACA litigation
- Crimmigration: DUI's
- Special Immigrant Juvenile Status



Volunteer Opportunities

In the Ventura County Immigrant Community

MICOP

Volunteer at the monthly Community Meetings, where food and information is shared, and items like diapers and school supplies are distributed

www.Mixteco.org
(805) 483-1166

CAUSE

Contribute to grassroots organizing that is meant to invoke social, economic, and environmental justice for all people living along California's Central Coast

www.CAUSENow.org
(805) 658-0810

LAW ENFORCEMENT ACCOUNTABILITY

Participate in regular accountability sessions with Sheriff to end collaboration with ICE in Ventura County. Advocate for just law enforcement for all.

<https://www.indivisibleconejo.org/casaartearch@att.net>

El Concilio Family Services

Provides direct assistance and educational programs to the underserved Latino community. Contribute to educational programs and organizing.

www.ElConcilioFS.org
(805) 486-9777

SWAP MEET JUSTICE

Volunteer on the last Sunday of every month at Oxnard College Swap Meet anytime from 8am-3pm to help prepare Citizenship, green card and DACA applications for free.

www.indivisible.org/events

CLUE-Ventura County

Coalition of advocates from diverse religious traditions raising awareness of congregations on issues of economic justice and the moral imperative to act.

www.cluevc.org
clue@cluevc.org

SWAP MEET JUSTICE: GET INVOLVED, MAKE A DIFFERENCE

SWAP MEET JUSTICE!  **¡JUSTICIA TIANGUERA!**
Free Citizenship Fair *Feria de Ciudadanía Gratuita*

ABOGADOS GRATIS!

- * Renovar su DACA o MICA
- * Registrar para votar
- * Aplicar para Ciudadanía.
- * Registrar para Servicios Selectivos

EVERY LAST SUNDAY - EL ÚLTIMO DOMINGO DE CADA MES

Dates in 2020/fechas en 2020:

1/26, 2/23, 3/29, 4/26, 5/31, 6/28, 7/26, 8/30, 9/27, 10/25, 11/29, 12/27

8:00 am - 3:00 pm

Oxnard College Community Marketplace

Mercado Comunitario en Oxnard College

(Next to the bookstore/Junta a la librería) 4000 S. Rose Ave., Oxnard

- ★ **Free assistance on filling out your citizenship application (N-400), DACA & green card renewal, Selective Service, voter registration forms.**
Ayuda de forma gratuita en llenar la solicitud de ciudadanía (N-400), renovar su DACA o MICA, registrar para Servicios Selectivos y para votar.
- ★ **No appointment needed/No se requiere cita**
- ★ **Volunteer Training /Entrenamiento para Voluntarios**
8:30 am at each fair/ a las 8:30 en cada feria
Teens welcome/Estudiantes son bienvenidos
We need bilingual speakers, but "English-only" welcome & necessary too!
However, we reserve the right to refuse services from any volunteer.
- ★ **To obtain more information, call (805) 486-9777, Ext. 227**
Para más información: (805) 486-9777, Ext. 227 (Hablamos español)

What information to bring - Qué información aportar

Please see other side/ Por favor vea el otro lado 



Ventura County
Legal Aid
VCLA, INC.



143 Figueroa Street
Ventura, CA 93001
www.vanessafranklaw.com
(805) 641-9300
vanessa@vanessafranklaw.com

