

KNOW YOUR RIGHTS

Immigration under the
New Administration

Overview

- Post-Election Update
 - What We Know
 - What We Don't Know
- Very Brief Overview of Immigration Law
- Enforcement Priorities
- Safety Plan
- Know Your Rights
- Speak Up!

Post-Election Update

- What do we know?
 - The incoming administration ran on a campaign platform that included many anti-immigrant proposals:
 - Increasing Deportations, Eliminating DACA, Construction of a Huge Border Wall
 - He has also stated that he opposes same-sex marriage
 - Some local governments (including the state of California and the city and county of Los Angeles) are evaluating what steps they can take to protect immigrant communities

Post-Election Update

- What Do We Not Know?
 - We do not know which campaign promises the new administration will seek to keep
 - For example, recent comments on DACA
 - We do not know if the new administration will reverse name and gender policies
 - We do not know what legal barriers any new anti-immigrant or anti-LGBTQ policies would face in court

We still have the Constitution!

- The new government does not exist in a vacuum.
- Checks and Balances.

Very Brief Immigration Law Overview

- Generally, non-US citizens can receive immigration status through:
 - Family-based petitions (spouse, parent, children, siblings)
 - Employment-based petitions
 - Humanitarian Benefits
 - Asylum, withholding of removal, Convention Against Torture
 - U- and T-Visa, VAWA, Special Immigrant Juvenile Status
 - Cancellation of Removal (only in immigration court)
- Other forms of temporary relief
 - Deferred Action for Childhood Arrivals (DACA)
 - Prosecutorial Discretion
 - Temporary Protected Status (TPS)

Very Brief Immigration Law Overview :

LGBTQ Immigrants

- LGBTQ non-citizens have the same rights as all other non-citizens
- End of DOMA
 - Legal Marriage = Legal Marriage
- Marriage Equality under the Constitution
 - Same-Sex Marriage = Legal in Every State
 - [Can this be overturned?]

Consult an Immigration Lawyer,

Especially Noncitizens Who Are:

- Married to U.S. citizens or permanent residents
- Crime Victims
 - Assault, Domestic Violence, Kidnapping, Trafficking, Blackmail, Extortion, Perjury, Stalking, and more
 - Cooperation with police may be required
- Afraid of Harm in Home Country

Enforcement Priorities

- Currently:
 - Individuals who entered without inspection since 2014
 - Individuals with alleged gang affiliation
 - Individuals with certain criminal histories
 - Individuals with removal orders finalized since 2014
- Post-Inauguration:
 - It is possible priorities will be expanded, especially in relation to criminal histories.
- Individuals at risk should consult with an immigration lawyer, and possibly also with a criminal defense attorney for post-conviction relief.
 - If you are charged with a crime, it is critical that your defense attorney consider immigration consequences of the charges and/or plea.

Know Your Rights

- If Immigration or Police come to your door:
 - Do not open the door
 - Unless presented with a signed warrant including your name and address
 - Do not answer questions
 - You have a right to remain silent, and a right to consult an attorney. You do not have to answer questions, sign documents, give your name, or turn over documents without a warrant.
- If you have a valid immigration document, carry it with you and show it upon request.
 - NEVER carry or present false documents.
 - Carrying identity documents from another country might be a risk.

Know Your Rights

- If you (or a loved one) are not a U.S. citizen, create a safety plan.
 - Identify location of important documents
 - Memorize important phone numbers
 - Prepare affidavits designated caregivers for children
 - Have an immigration attorney's contact information on hand
- To find a loved one in detention, use ICE's online detainee locator (<https://locator.ice.gov/odls/homePage.do>) or call the Los Angeles Field Office, (213) 830-7911
 - Automated immigration hearing information is available by calling 1-800-898-7180 and entering the person's nine digit A-number

Speak Up!

“There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.” *Elie Wiesel*

- Call your LA County Supervisor in support of pro-immigrant policies, including the LA Justice Fund.
 - Hilda Solis: [FirstDistrict@ bos.lacounty.gov](mailto:FirstDistrict@bos.lacounty.gov) ; (213) 974-4111
 - Mark Ridley Thomas: [MarkRidley-Thomas@ bos.lacounty.gov](mailto:MarkRidley-Thomas@bos.lacounty.gov) ; (213) 974-2222
 - Sheila Kuehl: [Sheila@ bos.lacounty.gov](mailto:Sheila@bos.lacounty.gov) ; (213) 974-3333
 - Janice Hahn: [FourthDistrict@ bos.lacounty.gov](mailto:FourthDistrict@bos.lacounty.gov) ; (213) 974-4444
 - Kathryn Barger: Kathryn@bos.lacounty.gov ; (213) 974-5555