

Your Right To Know

“HOW WE INFORM OUR CLIENTS ON
THEIR RIGHTS IN THE UNITED STATES”

Introduction



How does knowing ones rights help!

Relevant Constitutional Amendments

Fourth Amendment (Search and Seizure)

Fifth Amendment (Due Process by Federal Government)

Fourteenth Amendment (Equal Protection/Due Process by State Government)

How does knowing ones rights help!

Knowing your rights can help prepare for:

What to do if you are a victim of or witness to an ICE or other DHS bureau abuse, how to defend oneself during an ICE enforcement action of what to-do if you are a witness to such an action or what to do in case of arrest, and what family members or friends of someone who is arrested by them can do. One real life example may help describe its purpose.

Understanding The Immigrant/Non-Citizen Population

Citizen: Anyone who is born in the United States, including Puerto Rico, is a U.S. citizen. (The only exception is the child of a foreign diplomat.) In addition, many people who are born outside the United States acquire U.S. citizenship from their parents.

Non-citizen: Anyone who is not a U.S. citizen is an “alien.”

Example:

Asmeer was born in New York. She has been a U.S. citizen since the moment she was born. The fact that her parents are here without papers does not hurt her status as a U.S. citizen.



Understanding The Immigrant/Non-Citizen Population

Immigrant: Is someone who has been granted lawful permanent residence. Generally intend to make the U.S. their home

Non-immigrant: Is someone how has been granted visas for a temporary period and a specific purpose (not to make the U.S. their home.)

Example:

- Sarwan has had a green card for twenty years.
- Marta is here temporarily on a tourist visa.
- Laura entered the U.S. without papers and has no lawful immigration status.

All of them are **aliens**, and subject to the immigration laws.



Deferred Action For Childhood Arrival

DACA

This special program began in 2012 for certain undocumented people that came illegally to the U.S. as a children and met other criteria, would be considered for temporary lawful status with work authorization.

To establish eligibility , an undocumented alien had to show that he or she:

- Was under the age of 31 as of June 15, 2012;
- Came to the United States before reaching the age of 16;
- Had continuously resided in the United States since June 15, 2007;
- Was physically present in the United States on June 15, 2012, and at the time of making the DACA request;
- Had no lawful status on June 15, 2012;
- Was currently in school, had graduated or obtained a certificate of completion from high school, had obtained a general education development (GED) certificate, or was an honorably discharged veteran of the Armed Forces of the United States; and
- Had not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and did not otherwise pose a threat to national security or public safety.

The Dream Act

The Dream Act of 2017 provides that, “Notwithstanding any other provision of law, the DHS Secretary shall ” grant lawful permanent resident status on a conditional basis to an undocumented alien who:

- Has been continuously physically present in the United States for four years preceding the bill's enactment;
- Was younger than 18 years of age on the initial date of U.S. entry;
- Is not inadmissible on specified criminal, security, terrorism, or other grounds;
- Has not participated in persecution;
- Has not been convicted of specified federal or state offenses; and
- Has fulfilled specified educational requirements

Who Is At Risk and Why?

An inadmissible alien & a deportable alien

- **The grounds of Inadmissibility and deportability**

The list of grounds of **inadmissibility** found at INA § 212(a) in which punish many different kinds of behavior and status.

An alien is inadmissible for having “bad” behavior if he or she:

- has been convicted of certain crimes;
- is a terrorist;
- helped smuggle other aliens into the U.S.;
- has committed immigration fraud;
- has certain contagious diseases;



Grounds of Inadmissibility

An alien is also inadmissible as a potential threat to the U.S. public, if he or she:

- will probably go on welfare in the U.S.;
- does not have a valid visa or legal permission to enter the U.S.;
- has entered the U.S. without permission

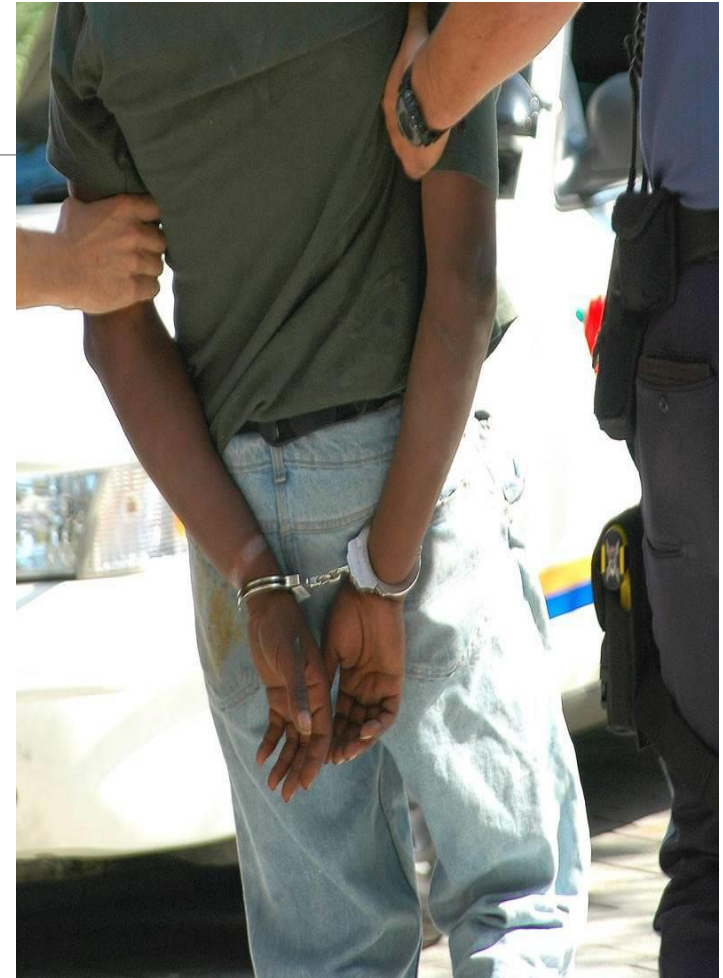


Grounds of Deportability

The list is found in the INA, at § 237.

An alien can be removed if he or she:

- has been convicted of certain crimes;
- is a terrorist;
- obtained legal status by committing marriage fraud;
- helped smuggle aliens into the U.S.;
- falsely claimed to be a U.S. citizen in order to get a benefit from the government;
- was really inadmissible at the time he or she was admitted to the U.S.



How To Overcome Legal Status Barriers

Resources:

World Relief worldreliefgardengrove.org

AAA Justice advancingjustice-la.org

CAIR www.cair.com

Centro CHA www.centrocha.org

ILRC www.ilrc.org

IRC www.irc.org



Your right to know

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