

English Transcription of Immigration Forum
SDCOE - May 2, 2017

Hi, I'm Elizabeth Zamora-Mejia (EZM). Thank you for joining us on this immigration law briefing for parents of students in San Diego County. I am general counsel for the San Diego County Office of Education. I'm also a partner at Atkinson, Andelson, Loya, Ruud & Romo, a statewide law firm specializing in education law. I've been with the firm for 20 years and throughout that time I have focused on providing advice and counsel to California public school districts, community colleges, universities, and county offices of education. We are here today because the current rhetoric on immigration by the Trump administration has resulted in a great deal of fear for the immigrant community in San Diego County, in the state, and across the country; fear from undocumented students or by students whose parents or family members are undocumented. In California, we know that one out of eight students has a parent who is undocumented.

Now more than ever it's important for parents to know and understand their rights. This is why the San Diego County Office of Education is committed to providing informational sessions for parents like this one. Today's session will focus on information for parents concerning immigration enforcement.

Joining me today is a panel of knowledgeable and committed individuals who will share this important information with you.

Gabriel Sandoval (GS). Gabriel is a partner in the Pasadena and Cerritos offices of Atkinson, Andelson, Loya, Ruud & Romo. He also represents universities, community colleges, school districts, charter schools, and represents public agencies in a wide range of matters including education and employment law and compliance with state civil rights laws. Prior to joining Atkinson, Andelson, Gabriel served in President Barack Obama's administration as senior adviser and director of policy at the White House Initiative on Educational Excellence for Hispanics. While in the Obama Administration, Gabriel also served as senior counsel at the Office of Civil Rights at the U.S. Department of Education. Gabriel is a graduate of Columbia University School of Law and completed his undergraduate studies at Stanford University.

Next we have Katelyn Brazer (KB). Katelyn is the Orange County regional coordinator of CHIRLA, Coalition for Humane Immigrant Rights. Katelyn is from Costa Mesa, a diverse city in Orange County with a history of immigrant rights struggles. She studied international studies and sociology, receiving her B.A in Liberal Arts from Soka University. Continuing her research, she received a master's degree in ethnic conflict studies at Queen's University, Belfast in 2012. In 2013, Katelyn joined CHIRLA to lead its community education and outreach efforts in the O.C. region.

Next we have Elizabeth Camarena (EC). Elizabeth is an attorney and she is the associate director at Casa Cornelia Law Center in San Diego, California. CCLC is a non-profit law firm which provides quality, pro bono legal services and representation to approximately 2,000

victims of human and civil rights violations each year. Elizabeth oversees its legal programs, which include an asylum program, victims of crime program, children's program, and pro bono program. Throughout her association with CCLC, Elizabeth has provided direct representation to clients as well as supervised, trained, and mentored attorneys in each area of CCLC's practice. She speaks on immigration law and policy and participates in community education presentations throughout San Diego County. Before joining CCLC, Elizabeth worked in the private sector providing counsel and representation on family and employment visas. Prior to private practice, she worked at the U.S. Department of Justice Asylum Office in San Francisco, California. Elizabeth is a graduate of the University of Hastings College of Law and completed her undergraduate studies at Fresno State University.

EZM: Now let's get started with our program. First up, we have Gabriel Sandoval with his presentation.

GS: Thank you Elizabeth Zamora-Mejia, and thank you to the San Diego County Office of Education for providing this session on such an important issue. My presentation focuses on the need to reaffirm support of all students and the new presidential administration, irrespective of their immigration status or the immigration status of their families. I want to emphasize also the right of students to attend public elementary and secondary schools under a landmark Supreme Court case, *Plyler v. Doe*, which is a Supreme Court decision that was decided back in 1982 and that ensures that students are in fact receiving education to which they are entitled under federal law. Next, I will speak on key privacy protections provided to students under federal law and state law, specifically under the Family Educational Rights and Privacy Act. And finally I will speak specifically to issues related to federal immigration enforcement policy as it relates to sensitive locations, such as schools within this district.

Under federal law - Supreme Court law - each student, irrespective of immigration status, is entitled to receive an education. Not only under federal law, *Plyler v. Doe*, which is a Supreme Court case, but also state law, which I'll get into more detail as my presentation proceeds. Under the landmark U.S. Supreme Court case, no state may deny access to a public elementary and secondary education to any child based on immigration status, under the equal protection clause of the Fourteenth Amendment. That is a decision that was decided back in 1982 and continues to remain the law of the land. All students, again, irrespective of immigration status, are entitled to receive an elementary and secondary education in our public schools. Not only in the state of California, but throughout the United States. The federal government has issued guidance on this with regards to student enrollment procedures which was issued by the U.S. Department of Education and the U.S. Department of Justice, which specifically states that no individual should be asked for their immigration status if in fact they are bona fide residents in the particular school district. We also know that there are federal anti-discrimination laws that protect individuals based on race, color, national origin, from being discriminated against, bullied for matters that we are increasingly seeing, again based on national origin, race, and indeed, immigration status. There's also some guidance issued by the federal government, including the Office for Civil Rights of the U.S. Department of Education, that provides additional information on what is in fact going on and what is prohibited under our federal laws.

In addition to federal law, California law is emphatic that education is a fundamental right under the California Constitution. It is also ensuring that all students between the ages of six and 18 are mandated to attend school pursuant to the compulsory attendance laws under California Education Code section 48-200. All students have a right to be in public school, learning in an environment free from discrimination, bullying, violence, and intimidation under state law. So, under both federal and state law, no student should be discriminated against based on race, color, national origin, and indeed, immigration status. Under California law however, there are some requirements to establish bona fide residency in the district in which a student attends. However, again as I made clear, a student's immigration status or citizenship status is not relevant to satisfy bona fide residency requirements. No family should be asked to verify their citizenship status or their immigration status to enroll their son or their daughter in our schools. Now, reasonable evidence can be asked by the district to establish residency, and that includes showing the name and the address of the parent or the guardian. Such documents include information that is included in property tax receipts, rental property leases, pay stubs, and declarations of residency. It also can be established by a caregiver affidavit. Under California law, a district may also require and request documentation to show that a student falls within the minimum and maximum age requirements under the California Education Code and relevant regulations. Acceptable documents include the following: A birth record, a baptism certificate duly attested, a passport, and in certain circumstances, an affidavit of the parent or previously verified school records. Remember, under the current law a district or its schools should not inquire into the immigration or citizenship status for establishing bona fide residency.

An affirmative duty also does not exist for district school personnel to assist U.S. Immigration and Customs Enforcement or any other federal immigration enforcement official to enforce our immigration laws. And finally, district school personnel should not release student records unless there is parental consent or there is a lawful court order or subpoena.

There are key privacy protections that are afforded under our federal law. The main protection that we are going to address today is related to the Family Educational Rights and Privacy Act. This is an act that has been established to protect the education records of students. Education records are records that are directly related to a student and are maintained by an educational agency or institution or party acting for or on behalf of the educational agency or institution. In this case, it includes the school district where your son or your daughter attends. School records include but are not limited to grades, transcripts, class lists, student course schedules, health care records, and student discipline files. Information may be recorded in any way, including but not limited to, handwriting, computer media, video tape, audio tape, film, microfilm, microfiche, and email. Under the Family Educational Rights and Privacy Act, we also must understand that consent must be provided to disclose education records. Parental consent must be provided and the consent must be in writing, it must be signed and dated, it must specify the records that need to be disclosed and state the purpose of the disclosure. This is to ensure that you are advised of any records relating to your son or daughter are provided only when consent is provided. Now, questions come up: May schools comply with a subpoena or court order for education records without the consent of the parent or eligible student? And the answer is yes.

FERPA permits disclosure of education records without consent in compliance with a lawfully issued subpoena or judicial order. However, as a general matter, a school must make a reasonable effort to notify the parent or eligible student of the subpoena or judicial order before complying with it in order to allow the parent or eligible student the opportunity to seek protective action, unless certain exceptions apply. Exceptions to the requirement of prior notification apply to a federal grand jury subpoena or other subpoena issued for a law enforcement purpose if the court or other issuing agency has ordered in the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. An ex parte order obtained by the United States Attorney General or designee not lower than Assistant Attorney General concerning investigations or prosecution of an act of terrorism or other specified offences these are limited exceptions and otherwise as a general rule prior consent must be provided by the parent.

Another important topic relates to the enforcement of our immigration laws at sensitive locations including school districts. The federal government has issued a memorandum dealing specifically with the issue of sensitive locations and is guided by the memorandum on enforcement options at or focused on sensitive locations issued on October 24th, 2011 by the U.S. Immigration and Customs Enforcement and memorandum on enforcement actions at or near community locations issued on January 18th, 2013 by U.S. Customs and Border Protection. The sensitive location memoranda of ICE and CBP remain in effect and provide that enforcement actions at locations such as schools should generally be avoided and require either prior approval from appropriate supervisory official or exigent circumstances necessitating immediate action.

What enforcement actions are covered? The enforcement actions that are covered include arrests, interviews, searches, and for purposes of immigration enforcement only, surveillance. However, it's important to understand that ICE may carry out enforcement actions under the sensitive locations memorandum when one of the following exigent circumstances exists: The enforcement action involves a national security or terrorism matter; there's an eminent risk of death, violence, or physical harm to any person or property; the enforcement action involves an immediate arrest or pursuit of a dangerous felon terrorist suspect or any other individuals and presented an imminent danger to public safety; or there's a risk of obstruction of evidence material to an ongoing criminal case. It is important to highlight once again that, like DACA which will be addressed by my colleague from CHIRLA, sensitive location memoranda are not governing law. However, the principles set forth in the sensitive location memoranda have been followed by past Democratic and Republican administrations and recent statements made by the Trump administration have indicated that the sensitive location memoranda remain in effect. However, note that the sensitive location memoranda can be rescinded or amended at any time by the Trump administration. Locations covered by these policies would include but not be limited to: schools such as known and licensed daycares, preschools and other early learning programs, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, as well as scholastic or education related activities or events, and school bus stops that are marked and/or known to the officer during periods when school

children are present at the stop. For more information, please click on the link set forth below dealing with sensitive locations, FAQ.

What does sanctuary campus or safe-haven mean? The term sanctuary campus or safe haven has been used increasingly to describe efforts have been undertaken by elementary, secondary, postsecondary, and other educational institutions to support students; particularly those who are undocumented and fear being removed or deported from this country or otherwise discriminated against based on religion, such as members of the Muslim community. Note that the term sanctuary campus or safe-haven does not have a single meaning. Some educational institutions have decided to avoid the term when describing their affirmative efforts to support their undocumented students, including DACA beneficiaries, because the term is subject to multiple interpretations. The focal point is the efforts made on behalf of undocumented students, not the title assigned to a given board resolution or policy. As a result, to understand what is meant by the term sanctuary campus or safe haven by your school district or by any other school district, one needs to review for example a specific board resolution and/or policy adopted by a district board or other educational institution to determine the scope and breadth of actions that the educational institution has decided to undertake to support its undocumented students, including DACA recipients or other students.

EZM: Our next presenter is Katelyn Brazer, who is the Orange County regional coordinator for CHIRLA, the Coalition for Humane Immigrant Rights.

KB: Hi everyone, my name is Katie Brazer and I'm the Orange County Regional Coordinator for CHIRLA, the Coalition for Humane Immigrant Rights. It's a pleasure to be here in San Diego County working with your school board and we're looking forward to reaching many of the families here in San Diego with this presentation today, so thank you.

Today we're going to talk a little bit about who we are as an organization; a little bit about the policy changes that we're experiencing in our communities, across the state, and across the country at this time. Also, we're going to talk about how we can empower our own families and our community at this time through knowing our rights and having a family plan, and then we're also going to discuss updates on the DACA program as well as next steps.

So CHIRLA, the Coalition for Humane Immigrant Rights, was founded in 1986 in Los Angeles to advocate for immigrant rights. We advocate, we organize as communities to change public policy locally at the state level and also nationally, to advance immigrant rights so that we can have a society fully inclusive of all immigrants irregardless [sic] of immigration status, country of origin, ethnicity, religion, and especially at times like this we are coming together with all immigrant communities and allies to advance immigration rights. So we're definitely seeing policy changes under this new administration. We are seeing changes in the way the immigration policy is being enforced, we're seeing a change in Immigration not using their discretion when detaining family members, people who have been here for more than 20 years, and so on, leaving all undocumented community members vulnerable to being detained. It is a very difficult time and the fear that our communities are experiencing is valid, and at the same

time we want to focus on the fact that we do have rights irregardless [sic] of my immigration status, we all have certain rights under the Constitution here in the United States. It's up to us to enforce those rights, so we have this presentation today so that we can practice and really feel confident in case of an emergency. So, worst-case situation that I find myself in contact with immigration or ICE, I can enforce my rights and I can be confident regardless of this emergency situation that I feel that I'm in.

So firstly, we want everyone to know that we always have the right to remain silent and it will be best to remain silent if I am approached by an ICE agent. So if an ICE agent approaches me, I will try to avoid the situation, I will stay calm, I will continue with whatever activity I was already doing as best as possible. We understand it's going to be a very tense moment and I'm going to be nervous, right? But I'm going to continue calmly because so far, they do not have any evidence against me most likely and they need probable cause or sufficient evidence to be able to detain me. And so I'm going to continue and act as confident as possible in this moment. If they continue to try to engage me in conversation and insist in asking me questions, I'm going to ask them, "Am I free to continue with my activity? I need to continue. I need to get my kids ready for school, I need to continue with my work, or I need to continue on my way." If they insist that I am detained or that they need to talk to me, I'm going to ask, "Am I being detained for some reason?" If they say yes, I cannot run or continue to try to avoid the situation if it becomes apparent that I am being detained. Then, in that moment, I'm going to begin enforcing my rights, and that is when my legal process to stay in this country, to fight to remain, is going to begin. So, what I'm going to do at that moment is either verbally state that I have the right to remain silent and to speak to an attorney, or I can choose to show a "know your rights" card which we have at CHIRLA, and many other organizations can provide as well. In this "know your rights" card, it gives that information. So if I'm too nervous to speak I can take out that card and present that to the ICE agent, but I need to either say my rights or show the card to be able to enforce it.

So something else I want to keep in mind in case this happens, in case I'm stopped and detained, I do not want to have any false documents on me. I don't want to have false documents such as a fake social security number or a fake social security card, or a fake green card. Any fake document, I don't want to have it in my wallet or in my purse because if I'm stopped by an ICE agent I'm not going to give them permission to search me and I'm not going to provide any identification or documents, but if they searched me without my permission, I do not want them to find a fake document because they can use that against me as fraud, a case of fraud, and it's very serious. So, I also need to keep in mind that I cannot lie to an ICE agent. So, if they ask me, very commonly they may ask me, if I'm a U.S. citizen I cannot say, "yes" if I'm not a U.S. citizen because that would actually be a very serious case of fraud as well. And if I remember that I am remaining silent and enforcing my right to remain silent, I don't need to worry about answering any questions or lying. So if they ask me if I'm a U.S. citizen, I'm going to remain silent and let them ask me. If I am detained I have the right to be silent and I'm not answering any questions without my attorney.

So, another area that I will avoid conversing with them about is my immigration status. So I'm not going to answer any questions regarding my immigration status: How did I enter the

country? Am I undocumented? What country am I from? But again, if I'm remaining silent and upholding my right to remain silent, I don't have to worry about answering any of those questions. I also have the right to speak to an attorney, but it is not the same as criminal law, where an attorney is provided. So this is where a family plan will come in and we will need to have an attorney ready, we have the number written on our "know your rights" card. If we can, memorize the number. That attorney is going to be the first person that we begin to contact if we're detained, and also our family is going to begin to contact so that they can respond immediately and get to the detention center to locate us, find out what detention center I'm at, and begin to stop the process immediately.

And lastly, I have the right not to sign any document without my attorney present. So it does not matter what ICE tactics are being used, they must have many tactics, this is something they do every day; this is their job. After hours of being in a detention center and being questioned, being almost forced to sign, being told that it will be better for me in the long run if I sign or answer questions - maybe they might say they want to help me but they need some information first - whatever they say, we have to be confident that they are not our immigration attorney and that we have a right to speak to an actual immigration attorney. Before that, we are not answering any questions or signing any documents.

So, if ICE comes to my door, to my house, this is very common. Many times they are coming for someone who might have lived there before, so I'm not going to open the door. Firstly and most importantly, I'm not opening the door. What I'm going to do is I'm going to ask them if they have a warrant signed by a judge for someone that lives at this address, and if they say they do, which many times they do not have, I'm going to ask them to slip it under the door or show it to me in the window. I need to see that and verify that that's correct. I'm going to be looking at this document for the name of someone who lives at our location, our address, and the signature of a judge and the words "U.S. magistrate judge" below the signature. Many times they may arrive at our house with a document such as the one displayed here that looks very official and it may be an official document but it is not a warrant signed by the judge. It is possibly a signed document warrant of removal from their very own agency, from ICE, or from U.S. Customs and Immigration Enforcement. We do not have to open our door just because they have something that looks official. Again, we're looking for our name, address, and a signature of a judge, not an officer or agent. If they have something that has all of those three items: our name, our address, and we're sure that it's a signature from a judge and says judge underneath the signature, then it is possible that they do have a search warrant or a warrant for someone in our home at that moment we want to consider, and this is actually part of our family plan. So we'll consider this just in case of emergency if this is the case.

If that's my name on the warrant, I am going to exit the house as quickly as possible so that ICE doesn't attempt to enter my house and speak to every individual in the house. If I don't exit, it is possible that they may wait for me outside, they may come back, or they may try to enter by force and at that point, they will probably not be using discretion and they will talk to each individual, putting everyone at risk. So that's the risk that we have at this moment, then what we would want to do is decide: Am I going to exit the house and are they going to detain me? Right

at that moment I'm going to enforce my rights. I'm going to walk out of the house with my "know your rights" card prepared to share that I am not going to answer any questions and I have the right to contact my attorney. My family or whoever is inside the house is going to start the process of contacting our immigration attorney immediately. But if I'm going to exit the house, what I need to do is to do it very quickly, shutting the door behind me and my family, shutting the door and locking the door behind me because we do not want ICE to say that that was an invitation to enter the home, and they will try to enter.

So we have the same rights no matter where we are — if we're at the workplace or on the street walking, driving. In the workplace if ICE were to show up, our employer actually has the right to inform them that they cannot enter the premises, that this is a private space or place of business, and that we need to continue as normal. If they do not have a warrant signed by a judge, we can turn them away. We actually want to make sure that our agencies have a policy and an action plan in place so that we can do this and we can respect the legal process. Just because we see federal agents arriving at any space or a workplace, we don't have to give them permission to do what they say they're there to do. We need to follow the legal process and make sure there's an actual warrant for someone that works there with our address and signature from a judge, otherwise we need to ask them to leave. Worst case scenario that they enter without permission, we have an open space working place for some reason we encounter them in the workplace, I'm going to implement my rights in the same manner. I'm going to continue calmly with whatever activity I was already doing, I'm not going to run because they're going to use that as evidence to detain me. I'm going to continue calmly and try to avoid the situation if I'm an ally, if I'm a citizen or permanent resident, or have a legal status. I'm also not going to participate and do their job for them if they ask us to separate folks who have a status and who don't. I'm not going to move, I'm going to continue with what I'm doing, or I'm going to stay still because that it is not our job and that is not our role and we have a legal right and that is our right to remain silent and not responding without an attorney. So that's what I would do in the workplace, and as well in a public space.

So they most likely do not know anything of my immigration status when they arrive. They may be looking for one person specifically and that person may or may not even be in this area anymore, so I can be very confident that they don't have evidence to detain me, but if they're going to choose to racially profile and detain me anyways without evidence, I cannot control that. What I can do is implement my rights. Avoid the situation the best I can, ask if I'm free to go. If I'm not free to go and I am detained, I'm going to say I'm implementing my right to remain silent and I want to speak to my attorney. I also want to think about not carrying documents for my home country because if they ask me for identification, I'm not going to provide it. I'm going to ask them if I'm free to go, but if they searched me without my permission and they find a passport or consular ID card, they may try to use that as evidence that I am not from this country. We just want to make sure to remember to be careful on how we proceed and making sure not to give any evidence or documents, and to make sure to enforce the rights that we have, and be very confident. These are things that we want to practice with our family on a regular basis because we can imagine how intimidating it would be, and these are agents who do this every day, so they have many tactics and we can expect that we will feel nervous. But

irregardless [sic] if we feel nervous or not, we have these rights and we can be confident in them and we can practice them in advance.

We also want to make sure to prepare a family plan. Now that we are very confident in our rights, we want to go home and share this with our family members and our roommates so that we know that in our household we feel empowered, our children feel empowered. They are hearing about ICE activity, they're hearing what's being said on the news, right? So we want to have these safe spaces and conversations with our children, and we want them to feel empowered and know that we have rights. We are part of the community, we're here to stay, and we're leaders here in our community. Then we also want to take leadership and share this information with at least two other families, because when our communities are informed, we're all safer. We can help one another and we can also make sure to bring this workshop to other community spaces where we feel that people could need this information so we can take leadership on that. We all can.

The second thing we would want to do is we would want to make sure to prepare a caregiver affidavit if we have children who are minors under the age of 18. Under the state of California, it's as simple as writing it out, writing our names as the parents or legal guardians, that we have these children under the age of 18 in case of any emergency, any emergency — that we're detained by ICE or any other emergency — that this person that we list has our permission to take care of our children for a temporary period of time and if they're not available we list a second option. The people that we list to be temporary caregivers of our children do not have to have an immigration status in this country. They can be undocumented. Under the state law it is not relevant, but one thing we might want to consider since we have two options that we're writing down: If this is someone we're very close with and we spend a lot of time with, what would happen if we were detained together? So in the worst case scenario, we'd be together and we were both detained, then maybe that second option — that second person — that we're giving authority to take our kids has permanent residency or some kind of immigration status. So that worst-case scenario they would not be detained. So we want to prepare that letter, we want to sign it and date it now and we do not have to get it notarized but if we choose to notarize it, it should not cost more than \$15. That's just a seal saying that we signed it, that the notary saw that as parents we signed this document.

We also want to make sure, very importantly, to begin accessing legal services about our immigration case. So we want every individual, every family, to understand very clearly what is our immigration status, and why? There's a lot of *notario* fraud, notary fraud, and also immigration attorney fraud. A lot of times we hear families paid many thousands of dollars and nothing happened, or they were entered into a process that actually resulted in a deportation order. We want to be very careful, but we also want to be proactive in seeking out these services. There are many nonprofit legal service agencies in San Diego, we also have a legal clinic in Los Angeles that everyone is welcome to access. Definitely reach out to legal services in your area that are accredited nonprofits, and you can also call our hotline which we will share at the end of the presentation for referrals. So you want to start with this legal service provider and you want to get a full consultation. In this consultation you'll be screened for all the details

of your case, and then the attorney can let you know if you qualify for something affirmatively like a family petition, citizenship, DACA, or some kind of immigration relief right now that you can apply for that maybe you didn't realize, or maybe you just didn't know how to go about it. Secondly, if that's not the case, they can explain why I don't qualify, for example, and what my situation looks like.

They can also help me apply for any records with immigration that I've had in the past, which will be very important to have access to in case I'm detained. So any time that I may have been stopped at the border, in immigration court, before a judge, or in a detention center, I want apply for those records and we have the right under the Freedom of Information Act. We have that right to access those records and these attorneys and nonprofits can help us apply for those. So we'd also like to think back and reflect, maybe 20 years ago. If we've had any criminal charge in the past, we want to ask for help getting those records as well and so we would ask this legal service provider, this nonprofit: In case I am detained what should I do? What is the attorney that I can call that actually does deportation defense cases? Because this is a different type of case, once someone is detained they need a deportation defense attorney and many times the nonprofits may not have capacity or ability to assist with those types of cases, so we're going to need referrals for private attorneys who we know we can be confident in and that we can trust. So we want to get a list of referrals in advance and start building those relationships, especially if we've had any criminal record in the past.

We also want to begin collecting all our important documents for every individual in the family keeping them in a safe space in the house where everyone knows where they're located and can access them easily in case of emergency. We want to think of document such as birth certificates, marriage certificates, passports, IDs. We also might want to keep a list of attorneys in that space and also a list of each individual with our full name and our date of birth, because if I'm detained, the way my attorney is going to locate me to find out which detention center I've been taken to is by my name and my date of birth, so I want to make sure that it's written down so that in that moment, that emergency, my family can clearly communicate to my attorney what my full legal name is and my date of birth. Many times we go by different names, or we might not remember the date of birth exactly, so that's why this is important. If we've had an alien number assigned to us in the past, it's an A-number about eight or nine numbers, we can also include that. Or when I'm detained, I will receive one in a bracelet and when I'm detained I can call my attorney or family and I can share that number with them as well.

We also need to prepare for unexpected costs if possible, to save some money because for example, the immigration bond to be released from the detention center while I fight my case is minimum \$1,500 and can be much more. If I had a deportation defense case and I need a private attorney, it's very likely going to be a very costly case. Again, we'd like to apply for our records in advance so we have those in our hands. Any records with immigration or any criminal records from the past.

Then we have information on how to locate someone if they believe they've been detained or we saw them get detained. ICE does not let us know where they're taking our family member,

whoever is being detained, so we will first as family members contact the attorneys because they're going to be able to do this in the quickest way and we want them to find our family member and get to the detention center and stop the process, but we can also use this number, this online site to find our family member. Often times they may have been moved or maybe will be moved in the future, so we may need to use it again to locate them. Again, the information needed to locate someone is name and date of birth and, if possible, an A-number. Without name and date of birth, it's possible it will be very difficult to locate someone. As well, our consulates often have direct access to being able to locate someone so we can also contact our local consulate if we need assistance.

We want to share updates on DACA. The DACA program, Deferred Action for Childhood Arrivals, is a two-year program that includes a work permit, a driver's license, and protection to stay in the country. It's not a legal status but a legal presence, and it can be renewed every two years, but it is an executive action, which means it's under the discretion of the president. Many of our agencies and organizations expected that this program may be cancelled when we learned that the new administration was very anti-immigrant, but what we've seen is that the program has been upheld and so far we have not had any changes to this program. We recommend that anyone that wants to apply for the first time, if they meet the requirements, that they seek legal counsel to make sure that they actually do meet the legal requirements before applying and also to think about the risks and the benefits. This would mean that we would for the first time be giving our information to an immigration attorney but we would also be receiving a work permit which could offer us a lot of opportunity. So we recommend speaking to an attorney for more details and thinking about our specific case. For renewal, for those who have already had DACA and need to renew, we can help at our legal clinic. There are many other agencies that are helping, free of cost, to do the application and to screen to make sure that we have not had any issues with the police or any criminal issues that might hurt our renewal process. Other than that, the DACA program is still in effect and still strong. There are around 800,000 youth who have this program and we just recommend that you speak to an attorney when applying or renewing.

We definitely want to share about the California Dream Act. A lot of times we hear the name Dream Act and we think, "DACA." Dream Act and DACA are completely different programs. The Dream Act is a very powerful state law that undocumented students part of CHIRLA, part of our history, was fighting and winning these programs here in California. In the state of California, undocumented students with three or more years of high school, or combined school years elementary through high school, who graduate or go back and get a GED are actually eligible for in-state tuition. In the past, before 2001, undocumented students were paying three to five times as more as other students to access higher education. So if someone qualifies for AB540 or AB2000 with those requirements, they also now, since 2011, qualify for the California Dream Act, which not only allows undocumented students to get in-state tuition but also to apply in the Dream Act website each year for financial aid, many times receiving money from the state or from local schools that will cover the complete tuition cost. So, something to really look into if your students are interested in going to college and are undocumented students. You can call us for more information. We also want to make it very clear that DACA and the California Dream

Act are two completely different programs, although sometimes the same youth or person may qualify for both programs.

We want to share that permanent residents also want to proceed with caution at this time. If you travel outside of the country and when you come back in, you're getting questioned intensely at the border. Just know that you have the right also to remain silent and to ask for your attorney and to not sign away any rights, whether you're being pressured or given information by enforcement agents. Just know that you have rights and that you can enforce them if you feel uncomfortable. For that reason, with everything that's going on, with ICE and Immigration using their discretion to look for ways to strip people of their status and to deport more people, we are highly recommending applying for citizenship, naturalizing to U.S. citizenship, if eligible. We had our campaign, "100 Days of Citizenship," an ongoing effort to help permanent residents apply for U.S. citizenship. There are many agencies who are providing this service for free or low cost and can support you in this. We want people to know that even if you feel because of the language barrier or studying for the exam, there are many free programs to help you study for the exam and we can support you in that process.

We just want to send this message that we are not alone. We don't want anyone to feel isolated or alone at this time. We don't want to stay at home and neglect our daily lives. We all belong here, we are all here to stay, and we are here together. We can't control where ICE shows up, but now that we know our rights and we can be confident in them, and we can create a family plan, we don't have to feel alone and we can continue with our daily lives as best as possible, we can feel empowered, and we can share this message with others. So you are always welcome to become a CHIRLA member, and we will welcome you at any time.

We also want to share this hotline. The Mexican government has this hotline that you can call 24 hours a day to receive information about a family member, friend that you think may be detained or was crossing the border and can't be found. Or perhaps you just want to know about different events about immigrant rights, events, and resources in your area. You can give this number a call and get more information

I just want to thank you so much for taking the leadership to get informed and feel empowered. Share this with your community, and you're always welcome to contact us. This is our contact information. You can contact our main hotline if the information and referral specialists don't answer right away, please leave a message with your name and number and they'll get back to you. It can be about anything; workers' rights, accessing public benefits and legal resources in your area. This also includes my contact information so if you have any community spaces in the Orange County region and surrounding regions you can let us know and we'd be happy to provide our free workshop and meet with you. Wherever, whenever people are gathered talking about immigrant rights, that's CHIRLA. *Somos CHIRLA* and we're very happy to meet all of you, thank you.

EZM: Thank you, Katie. Our next presenter is Elizabeth Camarena from Casa Cornelia. Elizabeth is an immigration attorney.

EC: Hello, my name is Elizabeth Camarena and I am from Casa Cornelia Law Center and I would like to thank the San Diego County Board of Education for inviting us and having me here to speak with you on this very important topic. I think it is very important for the entire San Diego community to make sure that they know who's talking to them about these immigration issues because I know around the county there has been a lot of presentations by different agencies, different organizations and different attorneys.

I want to make sure that you know who I am and where I am coming from to speak with you. I am from Casa Cornelia Law Center. The law center is a nonprofit law firm here in San Diego County and we provide legal services. We have been in San Diego County for the past 25 years. Our legal team works within three different programs: one is the victims of crime, two is the children's program and three, asylum. Through these programs, we deliver services on a daily basis to the immigrants in our community, and our services are completely free.

I want to make sure that you know what this presentation is and what the presentation is not. The presentation that I'm about to give you does not constitute legal advice. It is extremely important for each and every one of you who wants to know how the immigration policies and laws of the United States affect them personally, to consult with an immigration attorney. If you want to explore your personal experience, it is extremely important that you do so in a private setting with an immigration attorney, and it is very important to share those personal details in a private setting and not in a public forum. Neither yours nor the facts of any family member that you might want to protect should be disclosed in a public forum. And I say this because I have been around the county speaking and a lot of times, individuals, because they want to receive information that is so critical to their livelihood, tend to start asking questions. So I want to make sure that within the immigration context, or in fact any legal concern of yours, you really need to speak to an attorney in a private setting to make sure that you protect the attorney-client privilege.

Now, why are we here today? It is important to know why we're here today. We are here today because implementation of our immigration laws has changed. However, it is equally important to understand what has not changed. So, what has changed is the fact that we have a new president, and with this new administration come new policies and how this new administration wants to implement the immigration laws of the United States. The president has issued three executive orders that are very relevant to immigration law and policy. The immigration orders that I will be speaking to you about directly impact immigrants that are inside the United States, the immigrants that are approaching our borders, or are at a port of entry.

It is important to know that the immigration policies that impact every immigrant entering the country are of special concern for those of us living near the port of entry. San Diego County is the area within the United States with the busiest land port in the world and therefore every immigration policy, every immigration law that relates to people coming and going — commerce, individuals — impacts our daily lives.

The third executive order that has been issued by the new administration that directly impacts immigration law and policy is the one that refers to refugees and certain individuals from certain countries. Now the third one that I have mentioned, I'm not going to touch upon because that specific order is not in effect right now. It is held up in the courts because it is being challenged as unconstitutional. That third order is not in effect at the moment, so therefore I will put that aside and my entire presentation will actually be talking about how the first two orders that I spoke about or that I'm going to highlight will impact the daily lives of our immigrant community.

These are the numbers. It is important to know that any executive sign has a number so that we can refer back to it. Now, what do these orders mean? I'm talking about order 13767 and 13768; 767 is called "Enhancing Public Safety in the Interior of the United States," and 768 is speaking to the "Border Security and Immigration Enforcement Improvements." Now these two orders speak to a collaboration between law enforcement agencies, both federal and state. These orders also talk about the increasing of the numbers of officers that are charged with enforcing our immigration laws and the policy of the new administration. It also speaks about priorities; how and who is going to be prioritized for removal from the United States. The use of expedited removal is also very important and I will speak to what that means. Again, it is especially important because we do live in an area where there is very busy port of entry and expedited removal certainly goes on every minute of the day during the 24-hour cycle of our lives, and that is an important issue that we need to discuss as well. The fact that officers have been directed by this administration to use their discretion as to who can bond out, who can be released or paroled into the country, is also included in these two orders.

Inspection. Inspection means not only the time that you initially enter the United States and you were inspected by officers at the border. Inspection pertains to every single time you exit the country and make another entry. And this is relevant at the border because there is a lot of individuals who hold lawful permanent residency status who enter the country on multiple times, not only maybe once a week, a month, and therefore this is important. It is extremely important to know that a lawful permanent resident has agreed to be reinspected each time they cross that border. So that lawful permanent residency card, even though it says permanent residency, is not necessarily a permanent visa. Each time you enter the country, the inspectors at the port of entry have a duty to inspect you top to bottom, whether you indeed continue to meet all the requirements of that visa. So it is extremely important for you to know that every time you exit, upon entry you will be reinspected. In particular these orders have given, and actually indeed have ordered, the inspectors at the port of entry to have heightened scrutiny of everyone entering at our port of entry. We also have an airport. Same applies at the airport, every time you enter through one of the — and I do know that the San Diego airport does have international flights — which means that when you fly into the San Diego airport from a different country you will be inspected by Customs and Border Protection.

Finally, these two orders do speak of a wall to be built at the southern border between the United States and Mexico. These two orders also speak to the fact that this administration has in mind to build a wall in order to enforce its immigration law and policy.

Now, what has not changed? It is important to remember and actually remind ourselves, and remind the community, that immigration law as it is in the books has not changed. Executive orders are the administration's way of letting its agency know how that particular administration wants them to implement law that is already in the books. In order to be able to change immigration law, the Immigration and Nationality Act, that would take an act of Congress. As of this moment - today - there has been no such thing. Congress has not acted to change our immigration laws. It is only our executive who has acted, essentially giving guidance to its enforcement agency as to how that administration intends to implement what is already in the books. So having said that, it is important for us to know that humanitarian laws which continue to protect victims of crime, torture, or persecution remain the same and continue to be implemented every day in the United States.

Laws relating to family petitions and related immigration into the United States remain unchanged. If you were able to petition for a family member in the past before this administration took office, the same rules apply. If you were a lawful permanent resident and now you want to become a U.S. citizen, same rules apply; the same requirements. None of that has changed. So I think it is important to remind ourselves, in the storm of information that is hitting every community with executive orders, to remind ourselves that not everything has changed and actually an act of Congress would be required to change our fundamental immigration laws.

Now for practical and general advice for those people who are interested in this immigration topic. It is important that it doesn't just apply to individuals who are before an immigration judge, in immigration court. The new administration's policies impact those indeed who are in front of an immigration judge in immigration court, it impacts those who have already filed an application with immigration authorities and are waiting to hear what the result of that application is; whether it's a family petition, whether it's a citizenship application, whether it's a petition based on a crime on having been trafficked or having been married to a U.S. citizen or a lawful permanent resident and you are so petitioning, whether you are a lawful permanent resident or you are a student in one of our universities or schools, you should still be very much aware of how this new administration's policies are going to impact your petitions. Those with orders of removal, or deportation as it's also called, should also be very aware of how this administration intends to implement immigration law. The people without documents, those who have absolutely no documents in place and maybe have already consulted an immigration attorney and are aware that they might not have any options at this moment, it is extremely important for those individuals to remain vigilant as to how these policies with this new administration are going to impact their lives.

People who have a criminal history, they are also indeed very much warned that they should consult with an immigration attorney. Specifically, those individuals who may have been living in the United States for a very long time - let's say about 25 years - with a lawful permanent residency card and their criminal history, let's say a negative encounter with law enforcement, occurred 15 years ago. It is important at this time to go back and revisit that particular incident, conviction, arrest, whatever that negative contact with law enforcement happened, when it

happened. Go and speak with an attorney about how that might impact not only moving forward if you want to become a U.S. citizen, actually, what if you want to travel and then come back? Remember, every time you enter the country the inspectors at the port of entry, whether it's an airport or a land port, their job is to make sure that you continue to qualify for that particular visa, and they can indeed look back twenty years from when you first were issued that visa. So it is extremely important if you have criminal history, which up until this time has not come back and affected you in any way, it's important if you're a lawful permanent resident to revisit that particular point in time of your personal history and consult with an attorney.

It is very important to know, be aware, that there's a lot of information - misinformation - in the community. We are hearing about Facebook postings, videos in YouTube, Instagram — people from all walks of life, not necessarily those who walk around with a license to practice, but anyone. Now we are in the information age that you can turn your phone on and receive a lot of types of information. There's a lot of misinformation and what we are finding is that people who do not have the qualifications to give advice are posting on sites that are very, very easily accessed by the members of the community. Please, it is important for you to differentiate what is quality, timely information and what is not. What I have on this slide is a link that I have found is very useful and it is something that I would trust to give my clients or those people who come to Casa Cornelia. We share those videos with them because we find that that video in particular - and actually it is from Catholic Charities - has put out a series of videos in English and Spanish that we find are very accurate and is useful information. So beware of where your information is coming from, be vigilant and be very judicious as to who you are going to listen and to whom you are not going to listen.

Now a lot of times after I speak or clients come in and are in need of more advice, they ask: "Well, what do I do?" Well, first and foremost, obey all laws in the United States. It seems like such an easy thing, or way too easy, but indeed a lot of individuals are finding themselves in contact with ICE or immigration authorities because they fail to observe sometimes even the simplest of what you would consider a law, such as driving without a license. Do not drive without a license if you don't have one. Do not park in a red zone because that's illegal. Sometimes it just seems so basic but I do need to say it. Obey laws, don't lie to law enforcement officers, do not use false documents. Actually, within the immigration laws that we have now and we've had four decades, lying to an immigration officer about your immigration status, for example, citizenship, can bar you from ever immigrating to the United States. We have seen time and again individuals who were born in the United States, I'm sorry, born abroad, and because we are so close to the border a lot of those individuals cross the border and then want to come back and for whatever reason they think they can just say, "I'm a U.S. citizen because I speak English really well, because I have been raised in the United States." Those tend to be the younger individuals who want to go across the border to attend a party, attend a celebration. Upon return, they say they are U.S. citizens. That act alone can bar them for the rest of their lives because that is within our immigration law and it has been for a long time. Again, sometimes it just seems so basic to say, "obey all laws," but as insignificant as that may be, sometimes that is what is going to get you in front of an immigration officer. Avoid problems with law enforcement. If you need to move because you're driving and the law

enforcement officer tells you to move in the other direction, or in the opposite direction, or not where you wanted to go, do it. Move.

Katie already spoke extensively about a family plan. Indeed, I do recommend that you come up with a family plan. However, I do want to emphasize that not every plan is going to be a carbon copy of everybody else's plan. Your family needs a plan of their own that is specifically to the needs of your family. It's important for you to consult not only with an immigration attorney, consult with a family law attorney, maybe a guardianship attorney, who will be able to tell you what the implication of those guardianship orders, or guardianship process, or a power of attorney means for you. We tend to think of immigration terms in a very short period of time. Immigration and having to deal in front of an immigration judge can last anywhere from six months to six years, so in order for you to know what is the best plan for your family, you need to speak to an attorney to know what are very different scenarios for your family, for yourself. What you think might be a scenario that is going to work for you because you will be detained for, you know, three months, might end up being you are not only detained for three months, but then you are deported without setting foot again at your house. You need to find out what is the best plan for your family and your circumstances. So, I do encourage you to not only attend the immigration sessions, preparation, and presentation; also, seek the advice of guardianship and family law attorneys so that you can confirm what is the best plan for you.

Another item that I really wish to emphasize is that you need to have a conversation with your children about what may or may not happen in your house within this context. I have found many children within even our own families that parents have not had that conversation with their children, and they only find out about the parent not being documented or not being a citizen until the parent is deported. That should be the very first step in your family plan; to inform the entire family who will be impacted, or is impacted by immigration law and policy, to have that very serious, but very necessary, conversation. If you have difficulty engaging your children with that very serious conversation, seek the assistance of your counselor at school. Right now I am speaking at the behest of the San Diego County Office of Education. They are very open to assisting you with this issue. I would encourage you to go speak to the principal or to the counselors at your children's school and ask them to facilitate the conversation with your child. That is an extremely important conversation to have before you even start in what the best family plan is for you.

Again, keep informed using trusted sources of information. The time to do so is right now. Identify who out there in the community you can go to to obtain reliable, timely information. At this time is the best time, as opposed to when you are in crisis. Do not wait to be detained, do not wait for the call that your loved one has been detained to try to get information. Do it right now when you have the opportunity to calmly go over those issues. So like I said, I have already given you one link to one of the sources of information that I find to be very accessible and very timely.

At this time, there is a lot of concern in the immigrant community, and there is a lot of individuals who are very willing to take advantage of this community. Historically, the undocumented

immigrant community has been very vulnerable to individuals who want to take advantage of that vulnerability, that fear. Even more so during this time since January, when these orders were issued by the new administration, we have been seeing a lot of individuals that have been hearing, “go speak to someone, talk to someone about your immigration status.” However, not everyone who offers to fill papers for you or to file papers for you is a trusted individual.

Anyone who guarantees that they will be able to withhold your deportation or removal should be somebody that you should question, because no one can guarantee that you will not be removed or deported. Not even the best immigration practitioner is able to guarantee that they will be able to prevent your removal or deportation. Also, we are finding that you shouldn't trust someone who says, “pay me now so that I can provide representation in the future.” Make sure that when you are interviewing an immigration attorney, you are interviewing that immigration attorney as if you were interviewing a doctor who is going to be taking care of a very sensitive issue for you. If you are not comfortable with that attorney, seek a second opinion. There will be a lot of individuals who will be very willing to hear you, but also very willing to charge you a lot of money for it. So beware that this is happening in the community. Beware and be advised that there's also other agencies, such as the San Diego County Board of Education, CHIRLA, Casa Cornelia Law Center — we are here to be able to provide information for you without asking anything of you. We find, and we're finding right now, that actually the need for immigration advice, counsel, representation, is much more than the immigration bar or the immigration attorneys or organizations can actually respond to. So, go now before you are in immigration crisis to seek the advice and counsel of someone that you can trust, that has your best interest, and before you are in crisis. I will be happy to answer questions as we move forward in the presentation. I thank you.

EZM: So, I just want to thank our panelists for those excellent and informative sessions that you just gave. I wanted to just ask you some of the questions that we have been getting from parents and individuals that are concerned about the issues that are occurring right now in light of the political climate that is occurring. There's a lot of questions about immigration and how it impacts students.

So, I want to start off first with you, Gabriel. I want to ask you this question. Do the executive orders issued by President Trump affect the rights of the undocumented students to attend public schools?

GS: No. All students irrespective of immigration status as I've mentioned before, have the right to attend elementary and secondary public schools irrespective of their citizenship or immigration status, or the citizenship or immigration status of their families. Often times, we hear a lot of pronouncements from the Trump administration that causes some concerns and confusions in the community, unfortunately, but *Plyler v. Doe*, which is the Supreme Court case, is still the law of the land. Everybody should feel free to continue to attend their schools in the district, and ensure that they also understand that they have a right to be free from discrimination or bullying or harassment because of the race, color, national origin. The law remains the same and so parents should feel confident to send their children to school.

EZM: So Elizabeth, as the resident immigration lawyer on this panel this is a question that comes up very often for Gabriel and I who are education lawyers, and it pertains to student field trips. Sometimes there are trips where students need to get on an airplane - field trips to Sacramento, to the Capitol, field trips to D.C. The question that we're getting is, what would you recommend to an undocumented student who is wanting to go on such a trip?

EC: First and foremost, when you are about to board a plane, the airlines have to ask for a government-issued identification card or document of some sort. So, just that alone, if you do not have one, will put you in a group of individuals and it might not be the best choice to get on that trip or go to the airport to try to get on a plane because you will not be let on unless you have that form of identification, and it has to be government-issued. There are some individuals who have let's say, a foreign, their own nationality, their government has issued them a passport. That is a government-issued document. So is a *matrícula*, which the Mexican consulate gives out those documents also. It's government-issued. However, that does not give you permission to travel or to actually stay in the United States. So if that is your only form of government-issued identification card, you might be putting yourself at risk because the airports are a public venue that ICE officers, either uniformed or un-uniformed, are patrolling and are free to patrol and ask individuals for their documentation.

EZM: And I think you mentioned earlier that there's heightened security, heightened inspections at airports?

EC: All the executive orders have essentially ordered all immigration officers, whether they are from Customs and Border Protection, Customs and Border Protection means the folks at the border port of entry, the airport, or the ones that patrol, the highway patrol, to patrol within a hundred miles of either our coast or our land border. They are free to patrol, that is their job. So you will find those officers being able to patrol anywhere within a hundred miles, and as well at any port of entry, so you will have that presence there. So again, something that parents certainly should consider, give great consideration to, and determine whether or not, I mean it's a risk, ultimately, whether or not to take that risk. Also the administration, they need to ensure that once you have that child with you and you are their charge, you will be asked for documentation. Are you prepared with this child to offer that documentation? Whether it is from an ICE officer who is patrolling the airport, or whether it is a government-issued identification card by the airline, which is their job to make sure that everybody who boards a plane has a government-issued ID because they want to identify everyone who is on that plane.

EZM: Thank you for that. I want to follow up on another important question that comes up very often since we're talking about the information and documentation that can be asked. Do individuals need to carry certain information or documents on them?

EC: That is the question that is probably best answered with the assistance of your attorney. However, in very general terms, very general terms, the executive order indicates that anyone who has been here less than two years does not have a right to go in front of an immigration

judge. So some people are saying, “well should I carry something with me that lets the officer know that I have been here over two years?” It depends, and it is a very personal decision. Do you want already to put yourself out there saying essentially, “I have no documents but I have been here for two years and therefore I want to go before an immigration judge.” Very personal decision. Those that have maybe a petition pending with the advice of your attorney, might want to determine whether you want to carry documents that indicate you have a petition pending. However, the petition itself does not give you a right to remain in the United States. So you might be able to show those documents, the officer might accept them but might still detain you. So be prepared for that as well.

The individual who chooses to say nothing and who chooses to exercise their right to remain silent, they need to be also prepared to be detained if they are talking to an ICE officer or a border patrol agent. The fact that you remain silent will not just simply allow them to say, “all right, see you later, thank you for your time and be on your way.” Some of those officers will detain you because they might have a reasonable suspicion to detain you, so therefore they will be retaining you, and be prepared that that brings about a consequence and what that consequence is going to be. I will remind them, individuals who even have a lawful permanent residency card. Lawful permanent residents are required to bring with them at all times their proof of their lawful permanent residency, so they do have to carry it with them.

EZM: They have to carry it with them at all times?

EC: Yes, definitely, because that is a requirement when they were issued that residency status. That is a requirement, you have to carry it with you at all times.

EZM: What about a change of address? Is that something that they need to report?

EC: Absolutely. Anyone who is in removal proceedings who is a lawful permanent resident, needs to tell the immigration authorities, whether it is immigration court, deportation officers, or the immigration service, when they have changed their permanent address.

EZM: Thank you. Katie, in the work that you do with CHIRLA, have you encountered that there's been a great deal of *notario* fraud?

KB: Yes, definitely. We see cases of *notario* fraud on a daily basis when we're out doing our workshops in the community or having community meetings. In the past we've done campaigns against *notario* fraud and so we definitely want folks to recognize if there's a difference between a *notario* and an immigration attorney; an accredited attorney.

An attorney should have a license number or a bar number for the State of California to practice law here in the state. And so anytime we seek legal services, we should ask for that bar number and we can actually do our investigation with that number. We can look them up, we can verify that they actually do practice immigration law, because there are attorneys who practice other forms of law but will offer to help us with our complicated immigration case. We can also see

their history, if there's been complaints, or any fraudulent cases against them. We want to make sure that people definitely seek services that are low-cost or free in their area and start there, and try to get a referral so that they can guarantee that where they're going has their best interest in mind

EZM: And does your organization have a list of referrals of reputable immigration attorneys that people can hire for fees?

KB: Yes. So folks can call our hotline. It's 888-6CHIRLA and our information and referral specialists can work with them to see what referrals we have in their area, whether that's nonprofit or private attorneys, and then they can start there and ask those other agencies as well if they need more referrals.

EZM: Okay, and I'll ask that same question to you, Elizabeth. I know that you mentioned earlier that Casa Cornelia is a nonprofit law firm that provides free legal services, but I'm assuming that there's way more need than you have capacity for. Do you have a list of referrals of reputable attorneys that if people come and say, "I need to hire somebody," you have a list that you can provide?

EC: Casa Cornelia has a referral list of other nonprofits that offer immigration services within San Diego County, and we also refer them to the San Diego County Bar referral system, as well as the American Immigration Lawyers Association website. Those are the referrals that we make.

And if I may follow up as to the difference between a *notario* and an attorney. A *notario* in the United States is simply someone who can confirm that the person who signed that document presented themselves with the proper identification. That is all they can do, they can confirm signatures. They are not licensed to practice law, unless of course they are separately a licensed attorney. Within the immigration context, someone who is licensed in other states can also practice immigration law, because immigration law is federal. However, you can ask, and you must ask, for a license because wherever that individual is licensed they will have a history. So you can check on their history; whether they have any complaints. So just to confirm, someone who is an attorney who is licensed in any of the 50 states in the United States can practice immigration law even in California. That is a very tricky scenario because sometimes the individual attorney is not licensed in California, yet is practicing in California. So it's very difficult for someone who is not familiar to be able to check indeed whether this, that person have any complaints within their own bar. Let's say they are barred in Nebraska. So those are the distinctions within the immigration system that most people, even those that have been actually already have already petitioned, have had experience with the immigration system, will not know about those distinctions, and those are very, very important to know.

There is a difference between an immigration lawyer who practices strictly business immigration versus someone who practices removal defense — completely different and most of the time one attorney will not practice both, it's too complicated. So, when you interview an immigration

attorney you need to interview them as well for that: Do you do immigration removal defense, or do you do family petitions, or do you do citizenship, or do you do business? There's a very distinct buffet even within the immigration context.

EZM: Thank you for that, I think that is very informative.

KB: I will just add as well that we want to make sure whenever we're getting a service from a legal service provider to ask for a copy of any agreement in English, as well as our own language that we feel most comfortable, and that we should keep that copy and we should also never leave any original documents with that legal service provider. In fact, that would be a red flag if they're asking you to leave any original documents. They should take a copy and give them back immediately.

GS: And that's incredibly important. When I was city attorney for the city of Los Angeles, we had concerns with *notarios*, and they would do exactly that: ask for money in advance, ask for an original document. That's why it's incredibly important for members of the community to work with trusted stakeholders like CHIRLA, like Casa Cornelia, to really determine who in the community can serve as a legal representative for such critical issues like these.

EZM: Absolutely, Thank you for that. So Elizabeth, I'm going to ask you a question that I'm sure is coming up fairly often in these times. Many parents have asked Gabriel and I for information about the petition process for obtaining immigration status. What information can you provide to us? I know that this is certainly fact-specific and you need to discuss this with your attorney, certainly, but what general information can you share with us today?

EC: In very general terms, a U.S. citizen or a permanent resident has the right to ask for certain members of their family to be admitted into United States as an immigrant. The U.S. citizen or the permanent resident has that right. The U.S. citizen has the right to file a petition, what we call a family petition, for parents, spouses, children. Period. That's it. Parents, spouses and children; whether the children are adults, married, etc. They have that right to petition for this individual. Lawful permanent residents have a right to petition only for spouses and for children who are not married. Period. No one else. Not your cousin, not your grandmother, not the niece, nephew, no. That's it.

However, that's not the end of immigration. The first, the initial, petition is made by the U.S. citizen or the permanent resident. The second step, once that relationship has been confirmed by the immigration authorities, then the individual wanting to come, the beneficiary of that petition, needs to prove to immigration authorities that they are admissible as immigrants.

There's a lot of confusion about that step. They say, "well, my U.S. citizen spouse petitioned for me and I have a petition that's been approved." The second step is upon the beneficiary to prove that they are admissible and there's a series of inadmissibility grounds that someone could not qualify to immigrate to the U.S. So, you need to make sure that when somebody is

talking to you about a family petition, that you ensure that you can meet both parts of the process.

EZM: Thank you, and I wanted to also ask you a question that comes up as well is: Can an undocumented child apply for a student visa if he or she is going to school?

EC: That is also a question that I'm also asked a lot. It is highly unlikely that someone who has already been in the United States undocumented be able to change their status to a student status. Why? A student visa is what you call a non-immigrant visa. A non-immigrant visa is, per se, someone who does not intend to immigrate; who is just here to be a student and then return to the country of origin, and who has the means to pay for that education without having to work. Strictly student. Someone who has been living here for 10, five, even five years, even two years, is living and going to school without documents is going to find it extremely hard to meet the burden of those requirements. So it's highly unlikely that they would be able to qualify for that type of visa.

EZM: Katie, in your presentation you discussed the types of documentation that you may need to provide upon the request of an immigration official. Can you tell us what the differences are between identification that you would provide to police versus the documentation that you would provide to an immigration official?

KB: Sure. So if someone is stopped by police, they would want to be able to show some form of photo ID to not have further complications. They want to be able to identify themselves because they don't want to be taken into the police department for their fingerprints to be taken if the police feel that that's necessary. The police should not be looking into anyone's immigration status, and so we should be able to show them our driver's license, even if it's an AB 60 driver's license while driving. That's the driver's license for our undocumented community here in California. Even though it is marked and it says that it's not for identification purposes, they may be able to use that. We also recommend that folks may try using maybe less official forms of documentation; thinks like school IDs, CHIRLA - we also have IDs for our members - and so definitely we don't want to escalate the situation with the police because they need to ID us. But if we have those forms of ID in our wallet, we don't have to offer that to an immigration agent. We don't want to offer that because that would be giving them extra information or evidence in our case that we have the right not to provide that.

EZM: Elizabeth, another question that gets raised quite often is: When there is a single parent, undocumented parent, of a child who is a U.S. citizen, can that undocumented parent get a special permit?

EC: Like I indicated in my presentation, the immigration laws haven't changed, they remain the same. So I'm asked actually two questions that I can probably bundle together with my answer: One, can an undocumented parent take the child with them if they should be deported or they should just not want to deal with the situation and they want to take their whole family to their country of origin? Indeed. That child is yours, you have physical and legal custody to that child.

As long as you're not fighting over custody over that U.S. citizen child, you can take that child with you. I would advise you to go and talk to a family law attorney.

The simple fact that you are a single parent and there's no one else, there's no partner to take care of that child should you be deported, will not give you sufficient facts to allow you to remain in the United States. That alone is just not sufficient, you need to qualify for something. The immigration laws are very clear, who can and cannot qualify for a visa to remain to work, or to study, in the United States. If you don't qualify with that, the simple fact that, "I'm a single parent and I'm the sole provider for this child" does not qualify for any of the immigration sections that we have right now.

KB: I would just add that if folks are hearing any such advice or information in the community, that there are some kind of simple processes. Very commonly people think that because they have a child here for 21 years, or have so many years here in the country, that it's very easy for them to apply at that point, but those are red flags for *notario* fraud.

EZM: Ok, Someone who says it's easy to get that fixed?

KB: Right, just because you have this basic situation, without knowing the details of your case and knowing that those programs are probably, if they do exist, are very specific. That would be a red flag. They probably just want you to pay them, and they don't even know the details.

EZM: Well, I just want to thank you all for being here and participating in this very important presentation that was sponsored by the San Diego County Office of Education. Thank you so much for your time and for the information that you were able to share with us and with the community here in San Diego County.

This will bring our presentation to an end. Thank you again so much, Gabriel, Katie, and Elizabeth.