



Library podcast

Immigration 101 for Allies and Service Providers - Part 2

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[00:00:20] This podcast is being presented in two parts. You are listening to part 2

[00:00:27] So let's talk about some protections for certain vulnerable populations. And again I want to emphasize that these protections don't apply to a large number of people. But I still want to make sure I see vulnerable is not spelled correctly Oh boy. All right. So now there's protections under OVW under the Violence Against Women Act. And you know a one situation that we have if you think about it you know we talked a lot about how family relationships are one way that people are one of the main ways that people can get immigration status.

[00:01:02] And one of the problems that developed over time and still continues to be a problem is that a particularly in spousal relationships that becomes a big problem if there is any kind of domestic violence or abuse because let's say I'm the U.S. citizen and my wife is is undocumented or only has temporary status and I can petition for her to get a green card right.

[00:01:27] But let's say I'm abusive towards her and then it's my petition right. I I decide whether I file a petition. She can't just do it on her own. Most of the time I mean the normal rule is that they can't do that and so I have total control over the petition and I can tell her if you call the police I'll file for you or if I filed something for you I'll withdraw it and I'll call immigration and get you deported.

[00:01:52] And so unfortunately that's the situation that happened and it continues to happen. And so Congress decided to create a protection to try to counter that kind of situation as called it by self petition. What it says is that if you are in one of those relationships where you could petition for somebody if you are it's mostly most of the time we've seen the spouses but it also applies for children that the person who would be eligible to get a green card can apply on their own if they can demonstrate that the person would normally petition for them is abusive.

[00:02:29] So if the spouse is being abusive and you can demonstrate that then the person can just self petition to get a green card. That way they can leave the abusive relationship and not have to depend on that person.

[00:02:41] Now the key thing is that it needs to be then a relationship that would have normally qualify to get petitioning so that people need to be married and need to be the person who is the abuser needs to have been a U.S. citizen or a permanent resident.

[00:02:55] But one of the things about this protection is that you do not it's not required that the person have reported the incident to the police. If if police have been involved that could be good evidence for the case but it's not a requirement. And if you get a proof for that you can obtain green card status you can get lawful arrests. Now there's another for her protection that is known as the U visa and before you start trying to figure out why is the you. It's just that our our immigration laws where it categorizes all the visas it goes by you know the paragraphs. And so started with A's and B's and by time the career of the movie so we were down to the use. So don't don't try to figure anything out it's not it's not anything important it's just that it's it's down at the end of the alphabet. I can tell you the next visa that gets created where we're down to V so the next one for sure is going to be W. All right. So U visa is a form of protection that Congress created 2000 to protect people who are victims of serious crimes here in the United States.

[00:03:57] There's a number of crimes that are listed it includes two things that we see most frequently are domestic violence sexual assault kidnapping felony assault. There's a number of different things that could qualify and the person he says shown they suffered substantial physical or mental abuse. So sometimes people say like somebody stole my car I'm a victim of crime can it qualify for the visa. No you are a victim of crime but that's not one of the one not one of the categories. So you need to have suffered a substantial physical or mental abuse and then the other key thing and sometimes can be the difficult thing is that the person needs to have to be able to show that they were helpful or have been helpful or will be helpful in the investigation or prosecution of a criminal offense. And in order to do that they need to be able to get a certification from a law enforcement or prosecuting agency. In the case and that is sometimes challenging because there are sometimes situations where the law enforcement agency does not want to give that certification.

[00:04:59] And without that certification you can not move forward with a U visa case unfortunately.

[00:05:04] And so that is a very important. So there does need to be some sort of investigation or prosecution. Now it doesn't mean that the person who should have been convicted the person who did the crime it could be it could be that there was an investigation and the person did all they could but there was no conviction. That's ok as long as the law enforcement agency is willing to certify that there isn't. The difference here is that you don't have to have a relationship with the person who committed the abuse or anything like that. Like there is in the other context but you do need that certification. And one thing that I do want to flag. There are ways there are some. Most of the time the person who suffered the direct victim is the person who can qualify. But there are situations where somebody who is not the direct victim can qualify most frequently what we see as a situation for

example where there's a victim who is a small child or a U.S. citizen child and the parents undocumented if the parent has information that they are providing to the local law enforcement even though they themselves were not the direct victim of say child abuse or are child sex abuse they could be eligible for a U visa in that situation. So it's a pretty with a lot of these things. Our goal here is not to try to get you to like be doing the intake and screening which I'm hope hope to is not what you are thinking you are you're here to do it just so that if you hear situations like that you know that there is protection for folks in this in these circumstances.

[00:06:34] All right. I talked about a Solomon with holding over asylum before. Again this is a protection for people who are or a danger in their home countries for one of the reasons that we talked about. One of the key things is that asylum generally is only a eligible is only available for people who came who who can apply in the first year of being in the United States. So it's really important that people who think that they want to pursue asylum that they do. Soon after they arrive because the window may close afterwards after that year there are some exceptions to the one year rule. Like for children under 18 and when circumstances have changed. If people haven't applied for asylum and they're in a deportation process that they are not eligible for asylum. They could apply for something called withholding of removal which is similar to asylum a little bit harder to get and doesn't give you permanent status. So that's a form of protection and that's also a form of protection of the convention against torture if the person is likely to be tortured when they get back. There's also protection for children who've been abused abandoned and neglected it's known as Special Immigrant Juvenile status if you have anybody who's under 18 and undocumented and who has been abused him and or neglected it's something important to consider for somebody in that situation.

[00:07:56] And then there are other forms of protection there's a protection for victims of human trafficking. The T visa that wouldn't just happen to match up to T visa happen to match up with trafficking but it's also just happens to be in the T. There's also a program called Temporary Protected Status that some of those people have heard about and they tell me I've heard that some people from certain countries are able to stay in the United States and yes there's a grain of truth to that. So this temporary protected status is a program that is in the immigration laws that say that the president and the secretary DOMA Homeland Security can designate countries where there's been kind of a humanitarian crisis. And basically what it means is that the people who are already in the United States at a certain moment are allowed to stay temporarily because we don't want to deport people to that country. Well it's in a difficult situation. So as a good example Haiti when they had their earthquake we designated that you know the Homeless Security designated Haiti for temporary protected status and that meant that the people who were from Haiti who are here who maybe were undocumented or were here on temporary status only they were allowed to apply for this temporary protected status so that they could stay here and we wouldn't be sending back to a place that is in unstable.

[00:09:11] Now it doesn't mean that the people who are who are not in the United States at that moment get to stay. If somebody comes they can still be deported because they weren't here at the time that it was designated or if they didn't apply at the time.

[00:09:23] So you see a few of the dates for certain countries that currently have that designation right now. All right.

[00:09:32] So let's talk about so much stuff that you probably came through here. Developments under the new administration makes it sound so pleasant. All right. Unfortunately for most of us it's not pleasant. Let me start talking.

[00:09:46] One of the first questions that a lot of people asked this after the election was about what's going to happen to this Deferred Action for Childhood Arrivals for the doctor program. And I want to just quickly I bet a lot of you know about this program. So but I just quickly want to give some background about what it is I mentioned it is a program that President Obama launched in 2012 to provide protection it was after the last big attempt for the DREAM Act failed in 2010 and Congress.

[00:10:13] And so there's a lot of pressure put on President Obama. And in June 2012 he announced this program and he said that people who meet certain criteria can then apply to get granted this this immigration status quasa immigration status that allows him to get a work permit and a social security number.

[00:10:32] And basically the government is saying to them we know you're here we're not going to deport you. And and the qualifications that you see on the screen are the person must have entered the U.S. before the age of 16 they've lived in the United States since June 15 2007. And then they have all the requirements that they have to meet. And you know at the time this is not again this is not a law. It was an executive action that the president took. And and one of the questions that we had at the time was you know are people going to pursue this because this actually happened right before the 2012 election. And there's certainly a lot of people applied. I can show you the numbers nationally as of September of last year which is the latest figures that are available. There were over seven hundred fifty two thousand people in the country who have been approved for the DACA program and here Washington was over 17000 people. And so the question that people have been asking us is like what could happen.

[00:11:32] And so there were kind of four different scenarios that could happen the program could be terminated completely and the work permits taken away the program could be maintained. The program could be terminated but the work permits would just be allowed to expire. The program could be you know people could be grandfathered in people who had already applied could be kept in or the program could just continue running without any problem. That's kind of where we are right now.

[00:11:59] So it's been a month and a half but for those who are watching recording it's March 2nd. And as of this moment the DACA program continues there. They're still approving applications.

[00:12:12] They're still approving renewal applications but the administration had said and you know the president during his campaign said that he was going to terminate this program and there has not been any clear indication that they're definitely going to keep it.

[00:12:28] So there is still a lot of uncertainty about it. So what what people have asked us is like well you know are they going to come out after the people apply for DACA. I think that you know there's not even if the administration ultimately decides to terminate the program. I don't think that there's going to be a broad broad sweep of people who have DACA. Because I mean and I hope many of you understand that the reason that people were afraid of that is because unlike a lot of undocumented people this was people who applied and gave their address their fingerprints at all their information. And so. So there was a lot of there's a lot of reasons why people have been afraid of this happening because they had so much information about them. I still think that even if they do decide at some point to terminate the program that the risk of them trying to pick everybody up who had DACA is is relatively low. Now there are gonna be some people who are going to be at greater risk. People who had prior deportations people have criminal convictions.

[00:13:39] And anybody who comes into contact with the criminal justice system and as I'm sure you all of you know there's a local case where exactly that situation happened and immigration in my opinion has taken a very have has looked at somebody who has a tattoo and decided there are a danger to the community.

[00:13:56] And so we're going to go after them. So clearly Dhaka is not as protective as it was you know six weeks ago and there are some problems that we're having right now.

[00:14:08] But I also want to sort of reassure people who have DACA that we don't necessarily see that case as an indication that they're going to come out after everybody. So what are we telling people right now for folks who have DACA status or who are considering applying. It's a little tricky but our general message has been that people who already are in the program they've already provided their information they've already come out and tell told the government who they are and given their permission. So if they haven't had problems with the criminal justice system if they haven't traveled without permission if they don't have any of their other issues then we do think that they should continue renewing or pursuing a renewal of their DACA status. Ok. It gets a little bit more complicated for the people who never apply for DACA right because they are not in the system. Immigration does not know they're here. And so for them it's a little bit of a work of a risky proposition because they may be putting themselves out there and the program could be ended really any time. And so we are encouraging people to talk to an attorney to assess their situation and make and for them to make a decision as to whether they should pursue it or not based on their individual situation at this point until we get a clear message from the administration on which way they want to go. So that's DACA. Now there are things so that when nothing has happened in a sense there's other things that have happened with regard to administration and that has been a number of executive orders that the president has announced the first sort of round of executive orders happened on January 25th.

[00:15:45] And the president and House one that had to do with interior enforcement and one that had to do with border security and then since then a couple weeks ago DHS Department of Homeland Security issued memos regarding those things. And this might be one of those slides that might not be proper in your in your thing. So I want to flag that. This is where some of your printed

materials may not match up with what we have here. Sorry about that. So the January 25th basically you know there's a lot to talk about with those executive orders the signatures by themselves did not change the law but what they did is they changed the way that immigration was approaching enforcement. And President Obama it took a while but President Obama eventually had placed some limits on the people who would be subjected to immigration enforcement and detained and placed in deportation proceedings. And so towards the tail end of his administration a lot of people who didn't have criminal records and who have not arrived recently had been at relatively low risk of being placed in deportation proceedings because they just were not considered priorities. Now in these executive orders the president.

[00:17:05] President Trump said you know we're going to expand the priorities. And in my opinion he's expanded them in such a way that effectively everybody's priority because he has said you know people have any kind of criminal conviction who've been arrested and charged with a criminal conviction. Anybody who in the judgment of an immigration officer could be a threat to public safety and then anybody who has committed any acts which could be considered a criminal conviction and you know for example crossing the border without permission is technically a misdemeanor. And so anybody who did that is a priority which is majority of undocumented people. So really anybody end at the same time he said. And even if you're a priority even if you're not a priority you could still you know we're not putting anybody outside the scope of deportation.

[00:18:01] So the way that that's playing out on the ground level is that basically any encounters that anybody has with immigration could lead to them being in deportation proceedings which is a significant change from what we're seeing a few weeks ago before January 20th.

[00:18:14] So that's a significant change and we could talk a little bit more about that in a minute about what we can do regarding that. The other executive order that probably got even more attention a couple of days later and that maybe overshadowed the other two was the executive order that the president issued on January 27 which imposed a travel ban and some suspension of the refugee program. So he suspended refugee program for 120 days for some countries indefinitely for Syria reduced the.

[00:18:52] The refugee program for this fiscal year. And then he placed this temporary ban on travel from people who are from seven countries predominantly Muslim countries at the time. And of course many of you know that then chaos ensued that weekend people were caught in the middle literally while they were flying to the US when this order was imposed and where to turn around and they tried to deport them. Some of them were deported when they arrived. And then a week later thanks to some litigation that was filed by our State Attorney General Bob Ferguson.

[00:19:36] That's right.

[00:19:39] A federal judge right. A few blocks from here blocked that program at that executive order. Most of that executive order did not block the suspend the the lowering of the refugee limits but it placed that travel ban and the most of the executive order on on hold. And so that's been suspended

since since that time. That was appealed the court of appeals upheld that decision and what the administration has said is that they're no longer going to fight that case but that they are going to issue a new executive order that is going to have probably similar impact or attempt to have a similar impact. And as of right now March 2nd it hasn't been issued yet so I can't tell you what it's going to say. I have a suspicion that it will actually happen tomorrow. So we will have to wait to see what happens with that. I am fairly confident that there will be litigation around whatever the president announces. And so we'll have to see how those developments happen. What are we telling people so people from those countries. Our message has been difficult to sort of explain because things have been moving so fast.

[00:20:50] I will tell you that even now without the new travel ban we have been telling people who are from those seven countries that if they have if they're not U.S. citizens or permanent residents of the United States if they're on some sort of temporary visa for example and they're in the United States that we are discouraging them from leaving the United States at least until they've talked to an attorney and figure out what they're you know what the risks are and have really considered that decision because they may not be allowed back in in the future.

[00:21:26] People have asked me if I'm a naturalized citizen from one of those seven countries. You know should I worry. I you know I won't put anything I won't put past this administration trying to do anything but a U.S. citizen cannot be prevented from coming back to United States. So they might hassle you at the airport.

[00:21:48] You might get a questioning but you should not. We do not think that people should not travel.

[00:21:55] I would say the same thing to a permanent resident from one of those seven countries except that for all permanent residents I will say that you have to be careful. Understand that if you have certain if you've had certain problems for example if you had problems with the criminal justice system or you are since you became a perm resident you lived outside the United States for longer than six months. You should talk to an attorney before you travel. That goes for any country not just the people in the travel ban but certainly if you're one of those seven countries you're definitely going to get questions so you definitely want to talk to somebody before you travel to make sure there's no risks in your situation. So that's where we are with the executive orders. I'm sure we might will take some questions on those. People have asked us Well you know are they going to be changes to all these other protections like can. Can the person take away asylum. Can they take out you visas. Can they do other things. No the president can't undo those protections because they're written into the law.

[00:22:54] Only Congress can take those away. So the president can't undo that but. But there are some things that people need to consider when they're applying. There's going to be there will be an increase there is going to be and there already is an increased risk if you apply for something that if you get denied you might be placed in deportation proceedings because if you're without status and you apply for a benefit you are putting yourself out there and that might lead to a higher risk.

[00:23:22] You know if you get denied then you might be pleasantly partition proceedings. Now that doesn't mean that people shouldn't pursue these protections. I would emphasize because understand that there's risk. There's

[00:23:31] Also heightened risk of doing nothing right.

[00:23:34] If you're undocumented you're now at a higher risk of being placed in deportation proceedings even if you don't do anything because you could get caught up in an immigration raid and you might be placed in deportation proceedings.

[00:23:45] So I think the key thing is that we want people to have gotten a good screening about their options before they try to pursue something because that's what could change.

[00:23:56] I mentioned about how the president does have authority to change certain things like the temporary protected status program that the president can can can decide whether to continue that designation for some of those countries or to make decisions about the refugee admissions.

[00:24:10] So those are things that the president could do on his own. There's also going to be issues about whether people who apply are going to be granted protection in the form of discretion so sometimes for some applications that the immigration agency has has authority or discretion to decide whether to grant a benefit. People are not necessarily entitled to get it. And I think some of those discretionary decisions are going to get tougher over time with this new administration in terms of immigration enforcement.

[00:24:42] I mean as we talked about there's increasing emphasis on the criminal justice system. So I think people have interactions with the criminal justice system are going to be a greater risk than they were before.

[00:24:53] We're seeing I talked about earlier about people immigration going after people who have prior deportations. Immigration calls them the fugitive operations teams that are looking for people have prior deportations and they're there you know detaining people who they encounter along the way. Increased activity by the Border Patrol we've seen that before. Previously Border Patrol going after people in places like the Skagti whatcom, the northern counties, work at the Olympic Peninsula in the San Juan Islands.

[00:25:23] I think there's increased risk that people are going to be questioned in those areas.

[00:25:28] We are also anticipating a return of a tactic that we've seen in the past which is the work the large scale workplace raids.

[00:25:35] So this is something that we've seen a lot during the Bush administration but that was not happening during the Obama administration where immigration will get maybe a tip or some

information about undocumented workers at a certain location and they will sweep in and they will bring a ton of agents and will detain everybody who's there and start questioning them and those who disclose information about the fact that they're undocumented would be detained. And it's a you know it's always you know a difficult situation when somebody gets detained by immigration but those workplace raids are particularly from a humanitarian perspective particularly damaging. All the I mean I had the experience of being in Tacoma when we had a workplace raid in the Portland area and we had one hundred and sixty seven people detained. A lot of them like many of us had dropped off their kids in the morning to school. Then they went to work and the next thing they knew they were detained and sent to the detention center.

[00:26:29] Kids were left behind without anybody who would pick them up. It was really a traumatic situation. And so we'll talk a little bit about what we can do regarding that. President Obama had allowed immigration to have to use prosecutorial discretion to close some cases when the people were in priorities. That's now no longer happening.

[00:26:51] And then we're just going to see more and more people end up in immigration detention than we did before. So that's that's just the new reality of of our new administration.

[00:27:02] So that's kind of the bad news. And in the next phase I just want to talk about what people can do and how we hope you will help people empower empower communities here.

[00:27:20] And I want to be known you just take a moment. I want to I want to talk quickly. I love to ask you. Tell us a little bit about yourself. Tell me where you're from or where you were born.

[00:27:31] I was born in Manila Philip means and we fled the Marcos regime in the 70s because of instability and violence thank you Wakeem.

[00:27:42] You just told me you were born outside the United States. So now you need to show me proof that you're here legally and I'm joking about that. But it's because I want to illustrate how a simple question that seems very friendly can have very profound consequences. And I want to illustrate and I didn't put this slide before because you might catch on to what I was doing. I was going to test you to see if you would actually disclose information you did. So what can people do. What can people do to prepare. So a few things and we're going to get into some of these and more details. We want people to know their rights.

[00:28:23] We want people to make sure that everybody knows about their constitutional rights. We want people to have a family safety plan and we'll talk more about those in detail. We it's really important that people can keep informed of developments. I mean this is things are changing so fast that it's really important for people to be getting information because as we talk here today literally tomorrow there could be a change right with this new executive order. So things are happening very quickly and people need to be continue updated about things we do want to be very worried about scams. I saw today somebody forward me somebody who is I can't even think of what kind of person decides to do this.

[00:29:10] They created a fake deportation order and they started mailing it to people to scare them and they you know they they had enough sort of skill to like get the logo of ice and put and it put some title and they put the person's name and their address and they said deportation order to Africa. And it's just like you know I hereby find that this person needs to leave the country and blah blah blah blah. And they signed actually got the name of the field operations director here although they misspelled his name. So it was easy to tell that it was not official. And but they mailed that to people and this person was like freaking out because also they got in the mail this notice that they had a deportation order. That stuff is happening.

[00:29:55] I mean it's happening here in our local community so people have to be very wary and sometimes if people are trying to take advantage of them and saying like pay this money to be protected or whatever some people have to be concerned about that we're asking people to make sure if they're undocumented to consult with an attorney or an accredited representative to figure out if there are options for them to be able to legalize their status to figure out if there is a path for them because if there continue to be undocumented then there's risk.

[00:30:25] We're asking people and I realize that this is not possible for a lot of families.

[00:30:29] But if they can save money to be prepared for a situation somebody could be detained.

[00:30:35] We feel that that could be important to pay legal fees or a bond and then collecting and saving documents that show that the person has been in the United States for for a long time.

[00:30:48] Important thing is collecting a saving not sending them to anybody but by collecting them and the reason that that might be important is because sometimes when you're if you do get caught up in a deportation proceeding in many cases that is important to establish through the judge that you've had long ties here in the community and they're not just gonna take your word for it that you've lived here for 15 20 years you're going to show evidence of that. And so saving those documents can be very important that case when there is a situation like that.

[00:31:17] So let me let me just get a little deeper at some of these topics. Knowing your rights what of the things that bothers me the most is when people say well if somebody is here undocumented. They don't have any rights right. They don't have the right to be arrested so they don't have any rights. That's not true. The U.S. Constitution if you look at the U.S. Constitution and you look at the Bill of Rights the Bill of Rights talks about the rights of persons. And while there are some people out there who think that undocumented people are not people thankfully the courts have made it very clear that persons means every person regardless of their immigration status. So everybody in the United States has certain basic constitutional rights. One of the most important

[00:31:56] For somebody is undocumented can be the right to remain silent because in a number of situations the only way that an immigration agent knows that the person is undocumented is because the person disclosed that information so if so and then sometimes they can be kind of friendly you

know and they think you know they ask where you were born. And like happened when Mr. Castillo. Once you say that you were born outside the United States it becomes your burden to show you that you're here legally.

[00:32:30] And so even the friendly question is like Hey where are you from that can lead to a lot of problems that might not you know often doesn't say hey you got papers. And they say no. That gives them authority to detain that person.

[00:32:44] And so very important for people not to disclose information.

[00:32:49] Now it's not always going to protect people because if they already have a record with immigration then immigration may be able to detain them anyway if their fingerprints are in the system. If they have a prior deportation order they may already have information. So even if the person remains silent they may still be able to detain them. But there's a lot of people who are not in the system who came across the border without permission and who are were without status and never had any record of immigration.

[00:33:16] So for those people it's particularly important that they don't provide any information about where they were born or their their immigration status to be protected from adverse consequences that immigration might might have.

[00:33:31] The people also regardless of their immigration status have the right to remain safely in their homes. But what I mean by that is that immigration officers like any other law enforcement agency cannot come into a residence or home or a private place without a judicial warrant. And oftentimes and I've got to tell you most of the time immigration does not have a judicial warrant when they're looking for somebody they may have administrative documents or they have some records but they don't have a judicial warrant.

[00:34:05] And so oftentimes they'll come to people's houses and they'll ask to come in and if the person allows them to come in and they've been that they've been granted consent and then they can they can come in. And so it's very important for people understand that they can say no.

[00:34:21] Even if it's a law enforcement agency they can say no I do not give you permission to come into my house I do not want you to come into my house and unless you have a warrant and if you have a warrant you can slip it under the door and I can look at it.

[00:34:35] And if it's not a warrant that's signed by a judge or a magistrate then they don't have to open the door. Ok.

[00:34:43] And I understand that for people it might be hard especially for people who are not we don't speak English to distinguish between those two. And there's not an easy way for people to do that. But I want to make sure that people understand that they have the right because most of the time when we're talking about immigration agencies they're just not going to have anything to slip

under the door. And so they will easily just leave at that point. They might they might wait for the person outside their home. That does happen but but it might be a way for people to be protected from being detained.

[00:35:16] The there is also I also just want to emphasize that people who are undocumented also have the right to labor protections.

[00:35:22] So this is something that a lot of times people also tell me oh you know they're undocumented. They don't do they don't qualify for minimum wage or they don't qualify. They can. They don't have to be given any protection. Absolutely wrong.

[00:35:34] People are entitled to labor protections minimum wage all of the Seattle ordinances protections at the state level regardless of immigration status. The challenge is that employers often take try to take advantage of the situation and say you know if you report this I will call Immigration.

[00:35:52] So we need to sort of counter that by making sure people know that they can they can report. And certainly here in our region there is a lot of agencies that are prepared to help and and help protect them.

[00:36:08] The family safety plan this is you know this is a tough subject to talk about but a lot of families we have a lot of families where parents are undocumented. And and we have U.S. citizen children or even if they don't have status to have children who may get left behind if parents are detained.

[00:36:27] And so we do ask parents to particularly parents to be concerned about who is going to take care of their children if they do end up detained by immigration and that they you know know who's authorized to pick children up from school and not just you know not like I know that somebody is going to go pick them up because the schools and the childcare places can't just release people to anybody who shows up and says like I'm here to pick up Jorge. No they need to be on the list.

[00:36:58] And so we want to make sure that people have checked and reviewed that to make sure that somebody is who they trust is going to be able to do that. There's also they're sexually family safety plan and as you can see on the screen on our website that was created by partners that

[00:37:21] Has a lot of the documents that people can fill out.

[00:37:25] It's translated into I know right now it's turned translated in English Spanish and another language that I'm forgetting right now and and we're trying to update that and get those in more languages available for people.

[00:37:38] The forms should be filled out in English obviously the English form but the other languages are just so that people understand what they're what they're filling out.

[00:37:46] And but it's important for people to have a plan and then of course there have been maybe other things beyond family property and other things that people need to be prepared and that may need to fill out documents to prepare for that. So those are just a few of the things that we want people to be prepared about.

[00:38:02] Now people ask us like What do we tell people what what should they do if they do get detained by by by ice.

[00:38:10] We asked people not to sign documents don't sign documents that ice presents to you.

[00:38:16] Sometimes ICE is trying to get them to sign off on a deportation voluntary deportation waive their right to a hearing and that is very problematic because they could be giving up an opportunity sorry an opportunity to be able to stay in the United States contact an attorney or a legal service organization to get help.

[00:38:37] Some people may be eligible to ask for release on bond and ask the judge to grant them and then to grant them the opportunity to be released on bond and so they can fight their case but not be detained and then we want people obviously to implement the safety plan that they hopefully had prepared before.

[00:38:56] If someone is detained by ICE who can they call you know what we tell people is if the family or relatives or friends are in a position to hire a private immigration attorney we really encourage them to do that because that's the only way that you're going to guarantee that the person is going to have an attorney representing them in their case. But if they cannot do that then they should contact article office the numbers up on the screen and they can leave a message there about the name of the individual what our office can do is provide we provide legal orientation and consultation sessions for people who are detained to try to figure out their options and then people who have a way to contest or deportation we who cannot afford an attorney. We will try to place volunteer attorneys or with our staff but there is just far too much demand for people who have even for that group of people who have an ability to fight.

[00:39:51] So so a lot of people unfortunately end up going unrepresented despite our best efforts.

[00:39:57] So that's why we say to people if they can't afford a private attorney please please do that.

[00:40:03] Let me turn to some frequently asked questions before we open it up. Some things that come up frequently that people have asked us and I want to just try to address ahead of time. So the first thing that people have asked this lot is about sanctuary policies and locations and we're very proud of the city of Seattle and a number of jurisdictions in the state are have adopted the sanctuary label and have enacted policies to protect to help protect our communities. I do want to. It's important for people to understand what that means.

[00:40:39] So generally there's no there's no there's no legal definition to the term sanctuary or welcoming but generally it's. It's referred to jurisdictions that have said that they're not going to use local resources that their local law enforcement or their local agencies are not going to ask questions about immigration status. They're not going to hold people on behalf of immigration or they may not contact immigration agencies to report people on the.

[00:41:11] But that does not mean that immigration agencies themselves you know immigration agencies can still act and operate with their own resources within that location. So let's take the city of Seattle. You know Seattle Police Department is not going to ask questions about immigration status. It's not going to hold people because of immigration violations. But despite the fact that Seattle is a sanctuary jurisdiction immigration agencies ICE can still come into the city of Seattle and conduct raids and detain people at homes or at other locations within the city.

[00:41:50] So that's an important thing that people need to understand because sometimes people feel that they that ICE a somehow is not allowed to pursue in those jurisdictions.

[00:42:01] The other questions that we get in this in this area is what is the situation with certain locations like schools or churches. So ICE has a memo called the sensitive locations memo which talks about the fact that ICE discourages or tries to avoid enforcement actions in those locations. Ok. One of the big questions that we had was is this memo going to survive the new administration.

[00:42:31] The good news is that in the implementation memo that they issued some of the frequently asked questions that they issued on February 20th. ICE did say that that memo continues to be in place as of now. So it appears that memo will continue to be in place. Now it's important I understand that memo does not say that ICE will not conduct operations in those locations that they will never go into a church or they will never go into a school.

[00:42:59] It just says that they will try to avoid it and that it has to go through the supervisory process for them to engage in that kind of situation. So unfortunately I can't give people assurances that it won't happen.

[00:43:11] But just some reassurance that at least it is areas that they recognized as you know areas of concern where they need to be operating in a different manner than in other areas.

[00:43:28] Now other questions that we've gotten is will be will this new administration how will this impact a number of things.

[00:43:34] How will it impact state funded financial aid for undocumented or documented student. So there's been a number of programs that have developed over the last few years like the bill that it passed a few years ago that was labeled a Washington state Dream Act or the Real Hope Act that provide it's open up opportunities for some state financial aid to be provided to undocumented students for the most part most of those programs are not going to be impacted by federal policies

because they're a matter of state law. There are some narrow situations where a program called College Bound Scholarship for example was it tied the benefits to DACA status.

[00:44:19] And so for example the DACA program goes away. That might impact some of the coverage of this program. So there are some situations where it could end up affecting people. But for the most part the answer is no. The other question is like can't can they use some of those data. Can they use data against people. I think that there's risks of that. But I do want people to be somewhat reassured I mean I've been asked questions like for example if I apply for federal financial aid using the FAFSA form you know I'm a U.S. citizen I'm applying for for federal financial aid but my parents are undocumented. They ask questions about my parents information there and and so could that put them at risk. The first thing I would say is that there are some federal protections federal privacy protections with regard to some of that data. And so they're pretty you know there are some protections that that don't allow for that to be shared without search warrants and other protections. But I also would say you know that. You know and so therefore I can't guarantee that that information will never come to light. But I think the risk of that is so low and the benefits that we're talking about are so important that in my consideration I would never discourage people from applying for those benefits based on that on that risk. I've also been asked about people who use who file taxes with with individual tax identification numbers for example. So a lot of undocumented people are filing for taxes and they're worried about that. On that point I will tell you that there is an actual separate privacy protection under our tax laws that say that that information is also confidential so it can not be used except in a criminal investigation. And and so I don't think that is going to be used for general immigration enforcement.

[00:46:23] We've been asked about our what about driver's licenses for undocumented people. Well the new administration is not necessarily changing that. But there may be some changes with regard to a federal law known as Real I.D. that actually was passed in 2005 but has not been implemented.

[00:46:39] And so one of the things that you might start seeing is that there's some talk about the fact that our driver's licenses are no longer going to be accepted at the airport for TSA because they don't comply with this federal requirement. And one of the reasons that it doesn't comply is because we allow people who are undocumented to receive licenses. So there are some proposals right now in the legislature to change our licensing system. I can't tell you where that's going to end up but I can tell you that people are working very hard to make sure that undocumented people will continue to be able to have the ability to get driver's licenses and if that's something that's important to you.

[00:47:16] I certainly would encourage you to talk to your legislators about that access to public benefits for undocumented individuals and their families.

[00:47:24] I think there's there's going to be some legislative proposals certainly that could impact this and budgetary issues but there are also some there's been some leaks about potential federal executive orders that could cause some concern in the community about the use of public benefits. So that's something that we're monitoring. I'm not going to get into it right now because it's very

uncertain right now. But it's something that I think people need to get a lot of information because it depends on what the announcement is.

[00:47:58] And and we'll need to get more information in the community on that point.

[00:48:02] Other questions that people ask us is how do how do people access good legal advice in terms of immigration. And I'd say to people you know it is challenging there. This area is a very complicated area of law. And you know people tell us well private immigration attorneys are expensive. Yes getting good legal services is an expensive matter. It takes training. The cases particularly in immigration take a long time. And so you know lawyers are people too and they have to pay for their costs. And so that's that that can be a challenge. And so people need to understand that a you know attorneys are not magicians. So they're operating in a tough environment with the law and they can't always succeed. And they need to talk to the attorney about. Be realistic about their chances. There are some people out there who are trying to take advantage of the community sometimes it's bad attorneys sometimes it's it's consultants immigration consultants some cities in the Latino community that referred to us as notorious who are trying to take advantage of people and we're not authorized to practice immigration law. People need to be very careful about that. There are nonprofit organizations that are recognized by the Board of Immigration Appeals to provide different types of immigration services. I'll tell you a little bit about more of those in a second. And those agencies can have people that are designated as accredited representatives that are not attorneys but they're authorized to practice immigration law. So that is one resource that can provide help. This is a quick resource of different organizations and entities.

[00:49:43] There is a national immigration legal services directory that people can access. There's a list that the government keeps of the recognized agencies. And then there's a referral source for a private immigration attorneys that's run by the American Immigration Lawyers Association.

[00:49:58] And then there's a great Web site for non immigration legal questions called Washington law help dawg that we encourage people to check out because you get a lot of information. A quick point about our intake process if people are trying to refer cases to Northwest Immigrant Rights Project. I've put up here on the screen our numbers for our western Washington and eastern Washington offices.

[00:50:21] We ask people to call us that come to our office because the way that we have it set up we were not set up so that people will be able to talk to an attorney immediately. They have to call to make an appointment.

[00:50:34] Right now we're getting a very large volume of calls so unfortunately people are going to have to be patient and sometimes we'll have to wait to be able to speak to somebody. And we're trying to work on that. But it's it's the reality we're facing right now. And if people do understand the issue that they're dealing with then it's important for them to tell us what they're looking for if they are calling about a U visa situation or they're calling about citizenship if they can specify that quickly that would be would be great.

[00:51:03] And of course we're confidential as a legal service organization all the information they provide is confidential. Finally in our website I know this may not be easy to read but on the Resources tab of our Web site we have a lot of information. Know your rights information updates about what's happening that is important for people to share and we encourage you to share with the community. And as I mentioned before it is on that page on the resources they know your rights that we will have the updated copy of the PowerPoint that we're we're talking tonight.

[00:51:36] So there you see it. And and you know please try to stay up to date and if you want to be on our list on our e-mail list you can sign up on the website as well. And with that we have come to that point and oh sorry.

[00:51:50] One more thing before I turn to the questions.

[00:51:52] There's also a network of local organizations that has that is working on right now and that we just launched the website for which is called Washington immigrant solidarity network. The website link is right up right now.

[00:52:08] And that is a group of entities and individuals who are working on working to respond. So if you're interested in volunteering and getting plugged into efforts broadly about responding and addressing the needs of immigrant refugee communities I'd encourage you to visit the Web site and there's a way to sign up to volunteer and to be plugged into the to the e-mail list. So that's another resource.

[00:52:34] And with that I am going to open it up for questions as I see a number of questions I just want to let you know the order we're going to go in.

[00:52:52] We're going to start from the back of the auditorium and work our way to the front and at the very end if there happens to be anybody who's watching on our Facebook Live channel we'll have space to take some questions at the end from Facebook Live just one or two sound like a plan.

[00:53:09] So again we're starting from the back and we'll work our way to the front so we're going to wait until the microphone gets up there and then we will go.

[00:53:20] Who's got the first question. Okay. The person with the microphone gets the question.

[00:53:24] So this is on. Thank you. What information do you have for business owners and managers about what to expect in the workplace. What kind of communication to expect from ICE and how to act.

[00:53:41] Thank you for the question. I want to make sure I'm going to repeat the question just to make sure it's clear for the people who are watching on the Facebook Live.

[00:53:47] So the question is about resources for employers in responding to immigration raids so I can tell you that our colleagues at the American Immigration Lawyers Association are currently working on a resource that I don't think it's available quite this moment but I expect to be available in the next few weeks in the next few days hopefully and we will as soon as that's available we'll put that in the Resources page of our website. I will tell you just quickly that. You know. Employers have rights to keep immigration agents out of locations that are not public. Right so it's like any other like immigration you just have the same right to enter that you know anybody else in the community has.

[00:54:37] So if it's a public space they can enter but if it's a private space and the general public is not authorized to come in they can't come in unless they have a warrant.

[00:54:47] Now sometimes immigration agents may have may be authorized to do audits of things like the i9 form etc. And again some of that information will be in this in this in this guide. But I just I do want to emphasize that even employers have rights as to their private property with regard to allowing people in. So I think we would encourage employers to understand the rights that they have to sometimes say no and not allow immigration agents to enter the premises unless the again the agents have a warrant as would be the case in a private home.

[00:55:23] But we'll make that resource available as soon as as soon as it's a so I guess my question is once we removed the immigrant to another country how does that country know that that immigrant belongs to them. And how does that process work.

[00:55:45] Yeah. So the question is about when. When we're actually what somebody gets deported how does that country know that person is a citizen that they're from that area and actually that can be an interesting question.

[00:55:58] Sometimes they don't know. So when immigration detains somebody they usually have to work and there and somebody is actually ordered deported. So sometimes the person does have documentation right they already have a passport or some document that establishes their identity and the fact that they're citizen from that country but oftentimes they do not.

[00:56:19] And so then they have to work with the consulate or the embassy from that country to try to determine and to get them to issue travel documents. And I will say that sometimes the country for a variety of reasons maybe because they can't establish they will not.

[00:56:35] And or in some cases some countries like for example Cuba for a long time has refused to accept people from being sent back. And so they have not issued documentation they've not issued. They're

[00:56:48] not allowed permission to have people returned. And what ended up happening was that sometimes people where people were detained for a long time because there would be in this limbo they couldn't be sent back they go in and release them. Eventually there were some Supreme Court decisions that said you can't detain people indefinitely after a certain period time you have to provide

them an opportunity for a bond hearing to release them and so now immigration generally if the person cannot be returned to the home country they will release him here under something they call an order of supervision. And there you know here they might be eligible to apply for a work permit in that situation. And it's until that country decides to take them back.

[00:57:28] So that's a little bit of how that process works.

[00:57:36] There's been some reports of customs officials or security officials at airports detaining people looking at their cell phones and laptops. And I was wondering if you could speak a little bit about that. And give some advice for visa holders who have to travel during this time sure.

[00:57:57] So the question was about searches and things at airports and I'll just say more broadly the border where people are entering the country. So a couple of things. So one thing actually let me your question made me remember about a situation that happened at JFK that some of you may have read about where immigration agents were checking documents as people were leaving a plane on a domestic flight. And a lot of people have asked us about that situation and I want to emphasize that we believe that immigration agents have no authority to require people to provide documentation when people are leaving an airplane. It's different. They may not allow you on the plane but if you're leaving the plane you have every right to refuse to provide documentation when when you're leaving a plane with regard to the question about it like when you're entering the United States.

[00:58:48] So you know the Supreme Court has said that when people are coming into the United States including U.S. citizens that you have lesser rights and that you know the government has more authority to search you than they would normally just when you're inside the United States because they they can check to see if you have things that are potentially dangerous or contraband right drugs. So you know the fact that they can search you is something that is established. But I think the we at least for us we believe that that right is that there's still protections and so that them getting into without any kind of other evidence that there's some problem trying to get into your laptop or your personal information. We do not believe they have the authority to require you to do that. But I will tell you that it's still an issue some of these things are still being litigated about the limits that they can have. In my opinion my advice to people is that they don't need to provide passwords or to do that. But if they refuse that they authorities may place you in secondary may convenience to you. So you need to consider that you should certainly assert if there is confidential information. The reason that you don't want to disclose it. I mean I have my phone I have my e-mail with lots of confidential information in there that is protected by attorney client privilege. So I would certainly assert that in my case and.

[01:00:23] But it's a it's an area where things are still developing in terms of the case law of what's what's authorized and what is not with regards to the provisional waiver is that program at risk by the new administration particularly if the waiver has been approved. And my second question is can you give an update on the DACA plus after the Supreme Court turned it down.

[01:00:52] Thank you.

[01:00:53] So the first question was about the provisional waiver and just to remind those of you that this is kind of the middle of presentation so this is the way that you can apply for the waiver to waive the 10 year bar so that you can you know go outside of the United States get your green card and be able to come back without having to wait 10 years outside.

[01:01:11] So that program was created by President Obama through something called a federal regulation. So it wasn't an executive order. It was a federal regulation that had to go through like a more significant process that has to go through a notice and comment period. And it took some time to put it on the books so that's now a regulation in there. It's not a statute it's not a law that Congress passed. So President Trump can't just come in and say I'm going to get rid of this regulation. He can propose to end it. So he would have to go through a similar process of notice and comment of repealing don't and. And he has the authority to start that process but he can't do it as quickly as he can and do other things like the DACA program for example. Right. And so for people who are currently applying for that and or who have been approved that still remains in place they can't take it away now. Now I think they're going to be tougher on some of those cases that they're going to look at those more closely that might deny more. That's kind of a discretionary decision right. And so so it still may get tougher to get the actual waiver granted than it did under the Obama administration but they can't repeal the program as quickly as they could. Other things. The second question that you asked was about and I I I didn't talk about this but some of you may remember that President Obama after he launched the DACA program which started running. He did another announcement in November 2014 that would have expanded DACA program to include more people and created this other program that was called DAPA Deferred Action for Parents of Americans that would have protected parents of U.S. citizens. That program was put on hold by litigation in Texas and ultimately it got blocked it went up to the Supreme Court and ended up in a tie. And so the program remained blocked until the end of the Obama administration.

[01:03:22] That part has not officially the memo has not been withdrawn by the current administration yet but they've indicated to the court that put that program on hold that they'll know that there's going to be some changes to it. And I don't have much hope that that expansion or the DAPA program. I don't think anybody has any hope that that's going to be implemented. And it's likely that we're going to see that be withdrawn at some point soon.

[01:03:51] Unfortunatly. Depending on the folks with the mikes Who's got next I can't see. There you go. There's a few feet folks in the front that I also want to be sure we don't miss. Go ahead I was wondering what

[01:04:08] Human service provider like a nonprofit could do for its clients if they maybe wanted to establish themselves or if it was even possible to be considered a sensitive location. Also if their workplace is in a public place and ICE does show up what items do they absolutely have to give over what do they not have to give what is protecting them as well so let me make sure I got the question correctly so a Human Services a nonprofit entity.

[01:04:44] What rights do they have what they can do to protect people who are accessing services.

[01:04:49] So I do think it's an important conversation for people for nonprofit agencies to have we're serving immigrant and refugee communities to understand what their policies are what the response is going to be. I think one of the questions that you asked was whether you could sort of self designate as a sensitive location.

[01:05:08] I think you can you can say that but you know the ice may not respect that. So ICE a list of things that are considered sensitive locations that includes things like churches and schools and public events childcare places. So if you're entity if your organization has one of those then you know then I would certainly emphasize that and say that you should be considered as some sort of location because of that. But I think the the the thing is you know that I think I think organizations should have

[01:05:43] Training and policies about what you're going to do make it very clear that parts of your area that are not open to public access to not give permission to make sure that people are informed if they if the immigration is just come in that they have the right to remain silent.

[01:05:59] You do not have to disclose information about your the people you're serving unless people have a search warrant until those immigration agents or a law enforcement agency has an actual search warrant or a subpoena. And so so you should know you don't have to just because an agent asks for something you absolutely do not have to disclose any of that information. And in some cases you may be covered by confidentiality provisions that prevent you from doing that. That's certainly the case for us as a legal services organization we're covered by attorney client privilege and confidentiality rules so we cannot disclose that information and we promptly would fight any kind of subpoena for it for that information. And so so you do not have voluntarily disclose information in those situations.

[01:06:45] Hey this question is from Facebook Live it's been asked by Megan. The question is are there any protections for undocumented Washington licence holders that are pulled over for moving violations and then detained. So it sounds like a Washington driver's license so people have like a driver's Washington the driver's license pulled over and and detained.

[01:07:10] So if you know we do have situations and we have seen situations where the people were in prior who have prior deportations may come up in a system that the law enforcement agency that may trigger some information to ICE. So I do want to sort of reassure people that it doesn't happen all the time that a simple traffic stop will lead to somebody being turned over to ICE. But unfortunately sometimes it could lead to that. And one of the situations where that's a greater risk is if the person has a prior deportation order. I think the important thing in a traffic stop situation is that we inform community members and that we help them know that they don't have to disclose additional information so people have to obviously turn notes show their driver's license and their registration but that driver's license does not you know does not show anything about immigration status. Right. Your driver's licenses do not have any information about where we're born or what our immigration status is. So that in itself the fact that you have a washing driver's license does not mean that you're

undocumented right. Because we all carry them. Right. But but if a law enforcement agency. And this would likely happen outside of Seattle. Well outside of Seattle and and and not likely in some other jurisdictions. But if they ask you know what's your status. You don't have to answer those questions right. You don't besides providing your driver's license and your insurance information your vehicle registration you don't have to make additional disclosures. So I think the protection that we have is again the right to remain silent in those other sort of the contexts.

[01:08:57] All right go ahead.

[01:09:04] Hi. I have this question. If somebody had some process in the immigration and.

[01:09:14] ICE that thing. That person was having it and they asked.

[01:09:20] Repeat the first part of your questions are some somebody had process or we immigration and what happened. We the people is red tape for a price so if somebody is detained for another crime and then they get referred to immigration. He's like somebody has processing immigration. Consequently what happened with the people is waiting for.

[01:09:50] Well so if if some it depends on where the process they are. So I mean some of the processes can take a long time.

[01:09:57] And so if the person has just initiated a case to try to get immigration status right but they haven't actually completed the process and they get flagged by ICE for some other reason if they were detained they were arrested for a criminal offence.

[01:10:13] Unfortunately ICE likely to put that person into it is likely to have them detained and be placed in deportation proceedings despite the fact that they have something pending they don't have discretion not to do it but they could still end up being detained by immigration. So unfortunately having something pending is not always a protection.

[01:10:35] I mean it might have been more of a protection during the Obama administration but I wouldn't count on it under the current administration we have time for one more thank you.

[01:10:51] So how can you support. Well I would like to think that it's supporting you know the entire community. It's not just about organization. There's a lot of groups that are doing it so people who want to get involved in the effort. I would encourage people to join the Washington Immigrant Solidarity Network. That is the place where we're having a lot of these conversations and there's different working groups. Some people are working on education issues for example that are working with youth about how to work on the issues that affect them. Some folks are working rate response how to respond to like big immigration or small immigration raids.

[01:11:25] Other folks are working on communication and getting online tools and information out to the community. So I think that's I think that's the place right now where we're trying to encourage

organizations and people to get plugged in to do that. I think one of the things that we are encouraging for for certainly for our organization we're trying to do these kind of series of events to try to provide information to our nonprofit partners so that they know how to refer people they know what information they can provide.

[01:11:55] They can try to provide and share the resources that are developed. I I know and we appreciate we're getting a lot of requests for people to to get more information and we're trying to process those as quickly as we can.

[01:12:10] But I think we're trying to also encourage people to attend the big events to share.

[01:12:13] You know there's gonna be a video of this recorded to share that with your staff with your your colleagues so that they're also getting this information because not everybody can come downtown at 6:00 p.m. right and that you know we're we're talking to other people I mean I think the other thing is that we want to make sure that we're talking about this and that's why I said at the beginning you know congratulations and thank you because I think a lot of people are may may not have the information may not know what's happening and it's affecting all of us in the community and so sharing the resources is really important. Obviously I would say a lot of the nonprofit agencies that are working on this you know need financial support so that people who you know helping spread the word about that is important but I think more than anything else is it's sharing the information about resources plugging into the different work through the network that is that is happening connecting with entities like the city Seattle's Office of Refugee Affairs that is doing great work and you know being ready. Be doing proactive steps of you know educating each other as service providers and helping to share information with the community I can do there's things that we're working on for example like a hotline to report to report immigration raids. So once we get that information out we need people to help us get that information out to the community. And again a lot of this is happening so fast and changing so quickly that when we get those you know new information that we're sharing it with the community as new information develops. So hopefully that's part of the answer and I think

[01:13:56] And again we are so grateful to all of you.

[01:13:59] I'm happy to stick around here for a couple of minutes another a few of you that didn't get to ask your questions but for those of you that are watching live. Thank you so much for participating tonight. And thank you to all of you for being involved and energized by this by this important topic.
Thank you

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