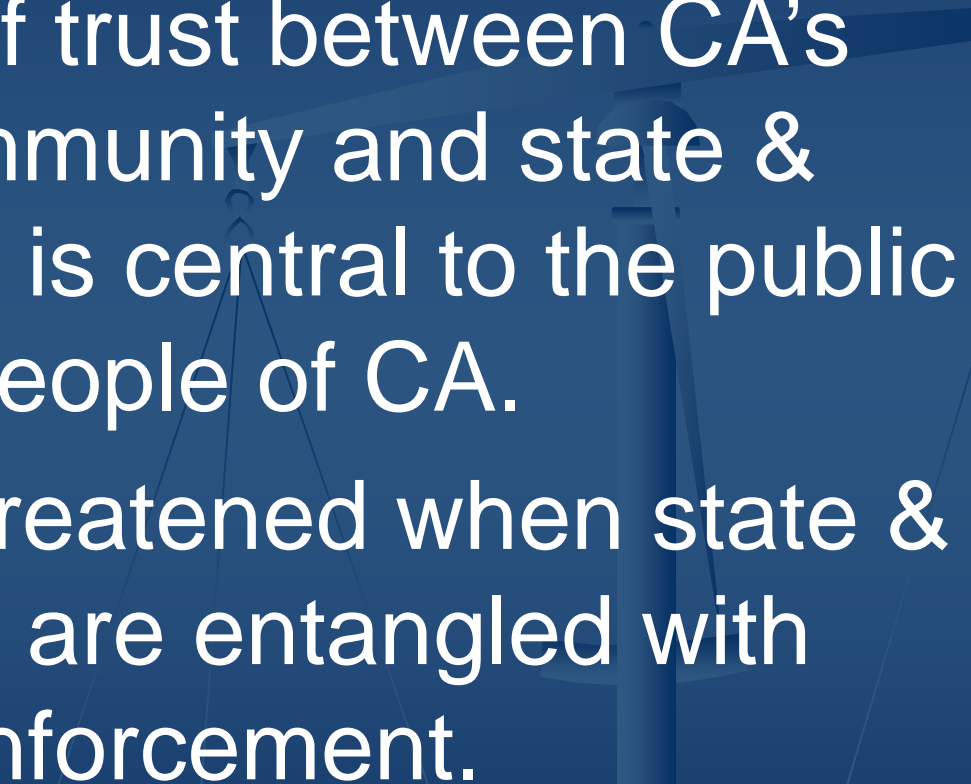


# California Law and Immigration

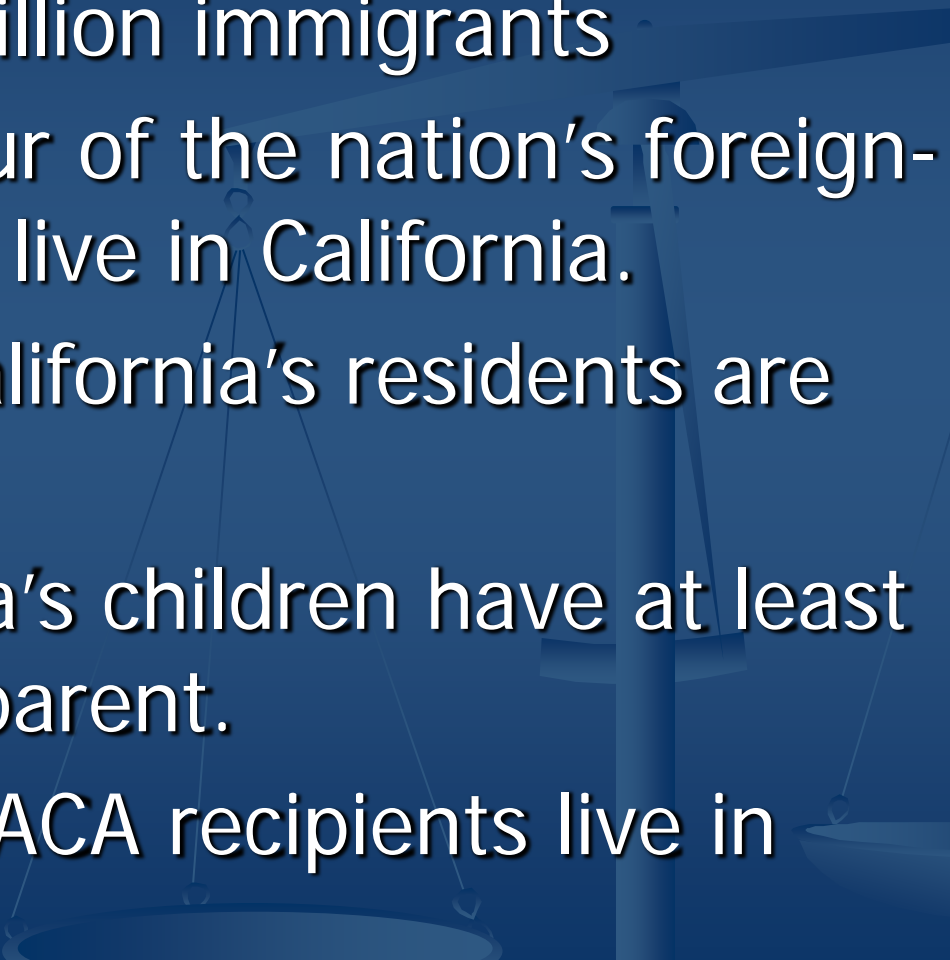
Taking matters into our  
own hands –  
one bill at a time!



# Great language in California Values Act

- Relationship of trust between CA's immigrant community and state & local agencies is central to the public safety of the people of CA.
  - This trust is threatened when state & local agencies are entangled with federal imm enforcement.
- 
- A faint, stylized illustration of a balance scale is visible in the background. The scale is tilted, with the right pan being higher than the left. The entire image has a dark blue background with a subtle gradient.

# California and immigrants

- More than 10 million immigrants
  - About one in four of the nation's foreign-born population live in California.
  - Nearly 1/3 of California's residents are foreign-born.
  - Half of California's children have at least one immigrant parent.
  - Over 220,000 DACA recipients live in California.
- 

# Areas of recent California pro-immigrant legislation and policy

- Criminal law
- Immigration detention
- Removal defense
- Vulnerable populations
- Worker's rights
- Education
- Public benefits



A faint, stylized graphic of a balance scale is visible in the background, positioned on the right side of the slide. The scale is tilted, with the right pan being higher than the left pan. The entire image has a dark blue background.

# **CHANGES TO CALIFORNIA CRIMINAL LAW & PROCEDURE**

# Problem: removal based on one year sentences

- Response:
- Reduce 6 low-level felonies to misdemeanors (simple drug possession & 5 theft offenses < \$950)
- Reduce max sentence of misdemeanors to 364 days. Retroactive.

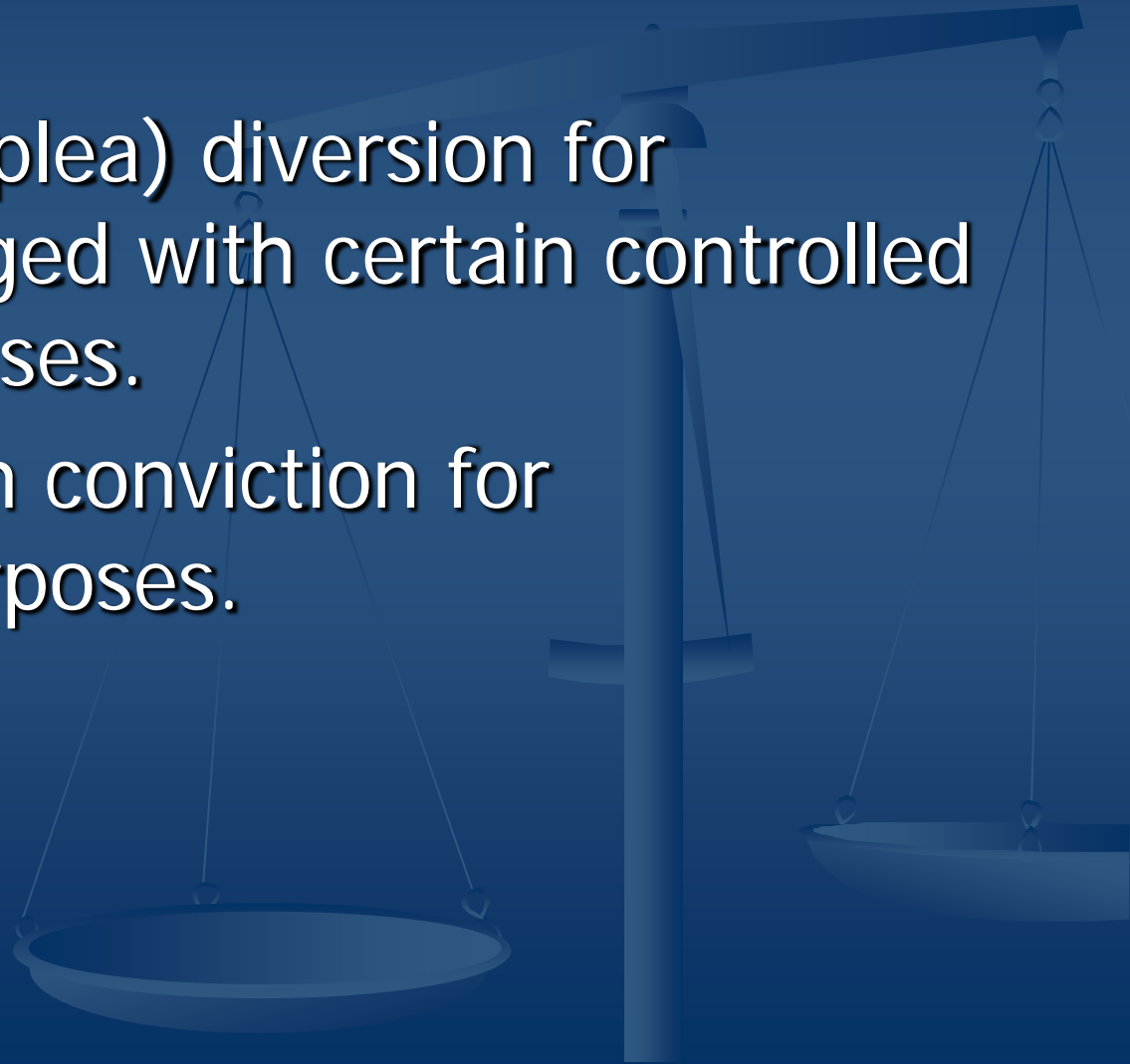


# Problem: removal resulting from unknowing pleas

- Responses:
- Motions to vacate old Cal. DEJ because statutory language was misleading and thus plea invalid.
- New Cal. post-conviction relief; motion to vacate, even if out of custody, if (1) conviction legally invalid for lack of understanding immigration consequences OR (2) based on newly discovered evidence of actual innocence.

# Problem: controlled substance convictions lead to removal

- Response:
- Pretrial (or pre-plea) diversion for defendant charged with certain controlled substance offenses.
- Will not result in conviction for immigration purposes.



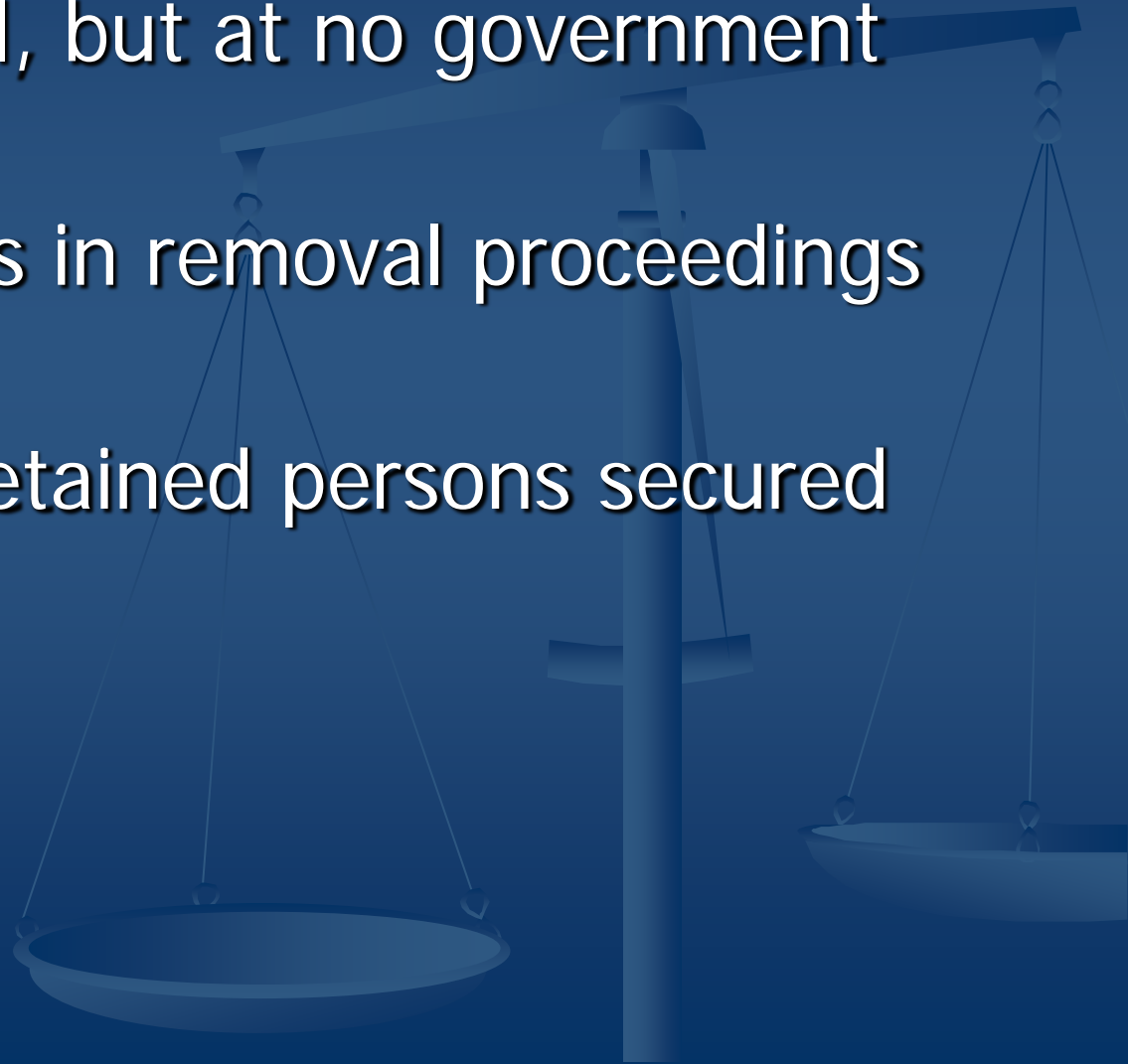


# REMOVAL DEFENSE



# Removal and representation

- Right to counsel, but at no government expense.
- 37 % of persons in removal proceedings secure counsel.
- Only 14 % of detained persons secured counsel.

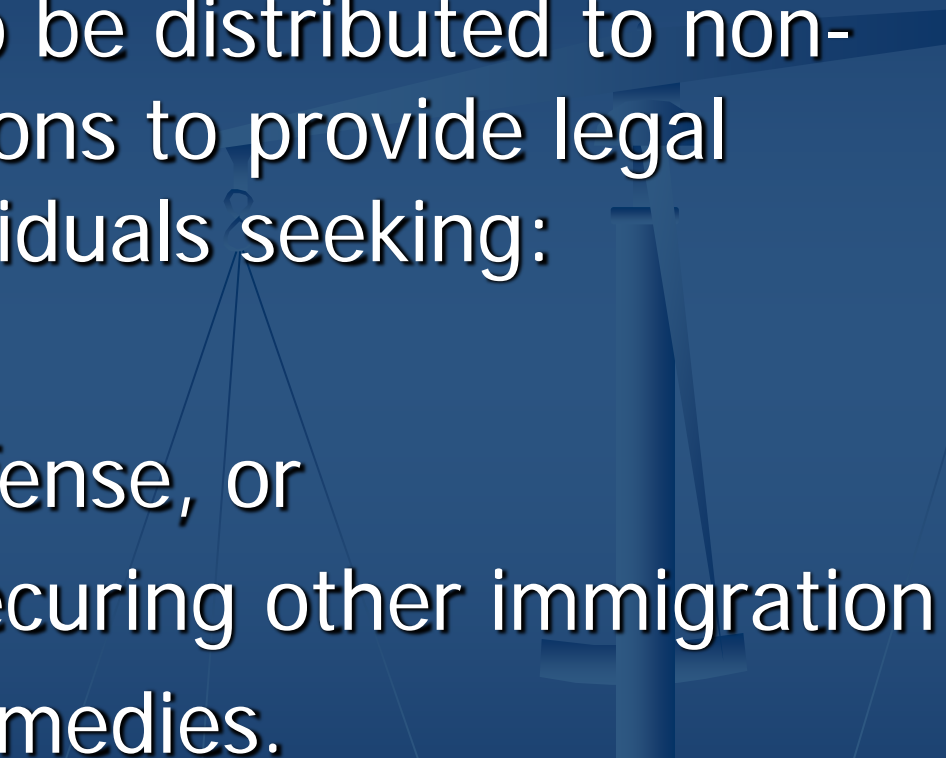


# The difference a lawyer can make

- 44 % released from detention with counsel; 11 % without counsel.
- Represented detained persons twice as likely to obtain relief as unrepresented (49% v. 23 %).
- Represented non-detained persons 5 times more likely to obtain relief than unrepresented nondetained (63 percent with counsel versus 13 percent without).

# Response:

## \$45 million 2017-2018

- Distributed or to be distributed to non-profit organizations to provide legal services to individuals seeking:
    - naturalization,
    - deportation defense, or
    - assistance in securing other immigration services and remedies.
- 
- A faint, stylized image of a balance scale is visible in the background, positioned on the right side of the slide. The scale has two pans hanging from a central beam, and its base is a thick vertical column. The image is semi-transparent and serves as a decorative element.

# IMMIGRATION DETENTION

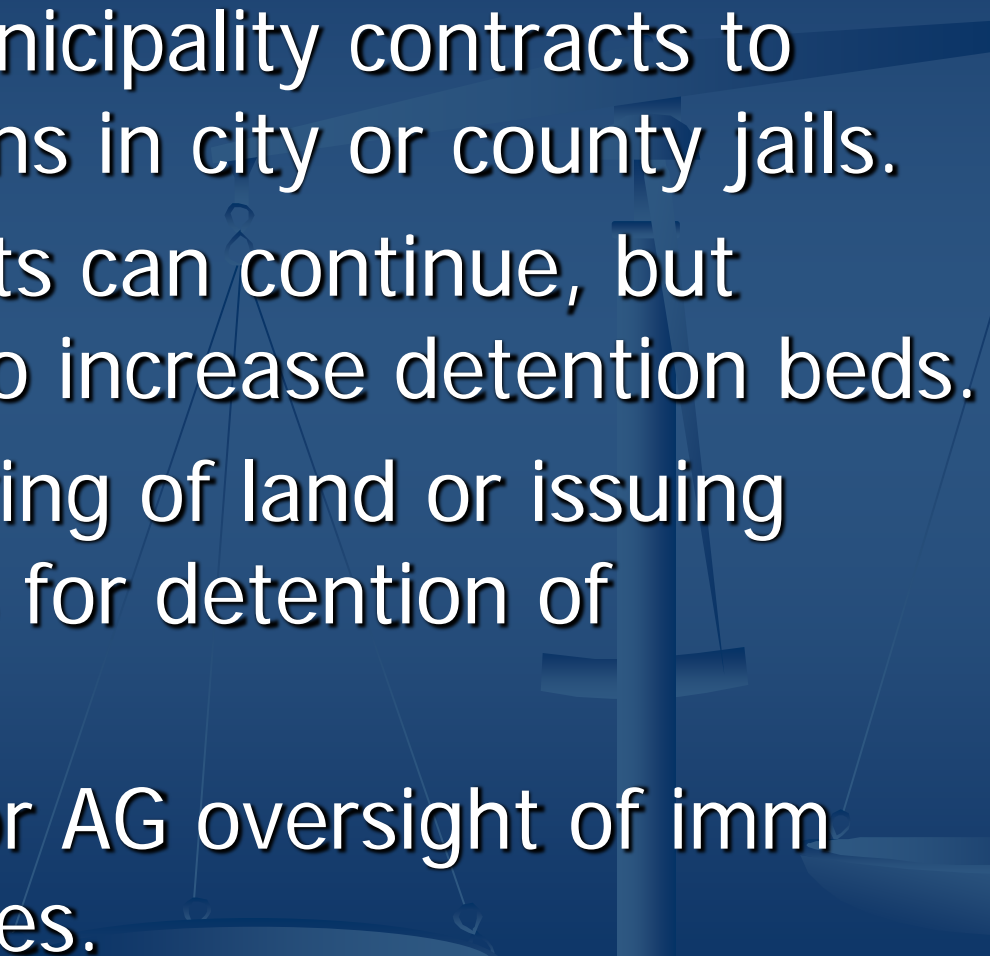
A faint, stylized illustration of a balance scale, symbolizing justice or law, is visible in the background. The scale is tilted slightly to the right, with the left pan hanging lower than the right pan. The entire image has a dark blue background.

# Some background

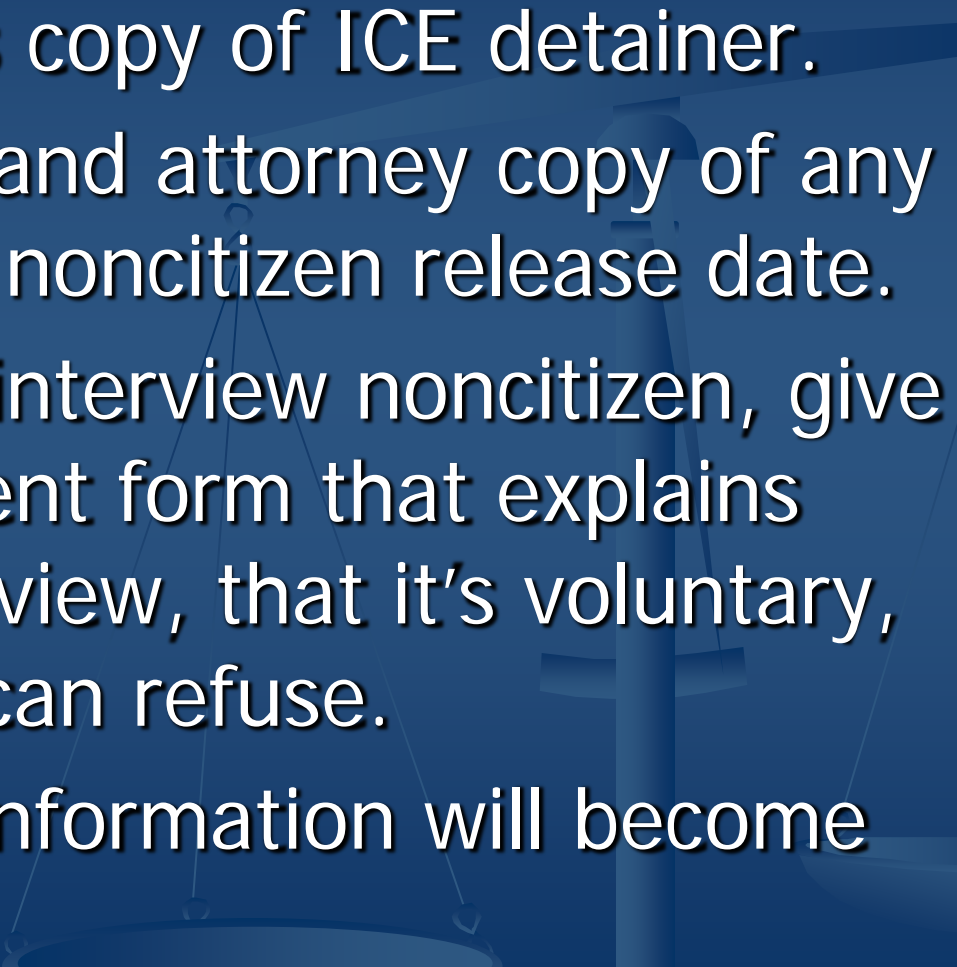
- U.S. maintains the largest immigration detention infrastructure in the world.
- Detains c. 380,000 - 442,000 persons per year.
- 30,000 detained in immigration detention on any given day.
- Over 60 % held in privately-run detention facilities, like GEO Group and Corrections Corporation of America (CCA).

# Reducing immigration detention

## – A.B. 103 & S.B. 29

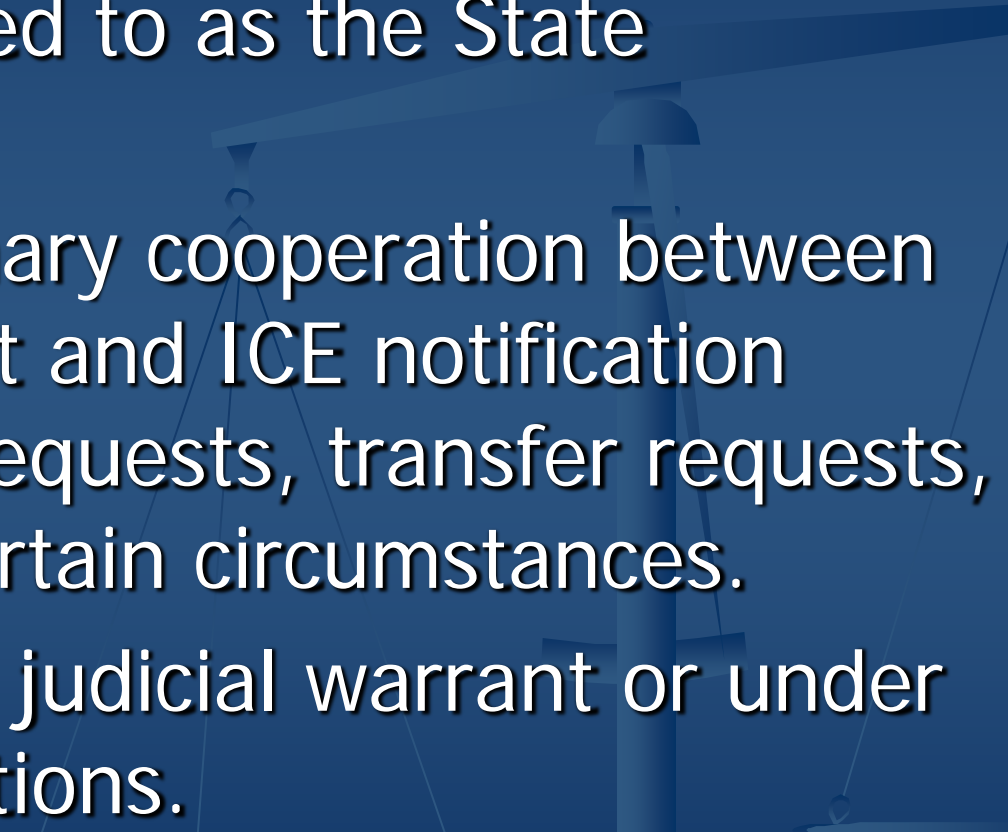
- No new Cal. municipality contracts to detain noncitizens in city or county jails.
  - Existing contracts can continue, but cannot modify to increase detention beds.
  - No state conveying of land or issuing building permits for detention of noncitizens.
  - State-funding for AG oversight of imm detention facilities.
- 

# TRUTH Act notice provisions – jailor must:

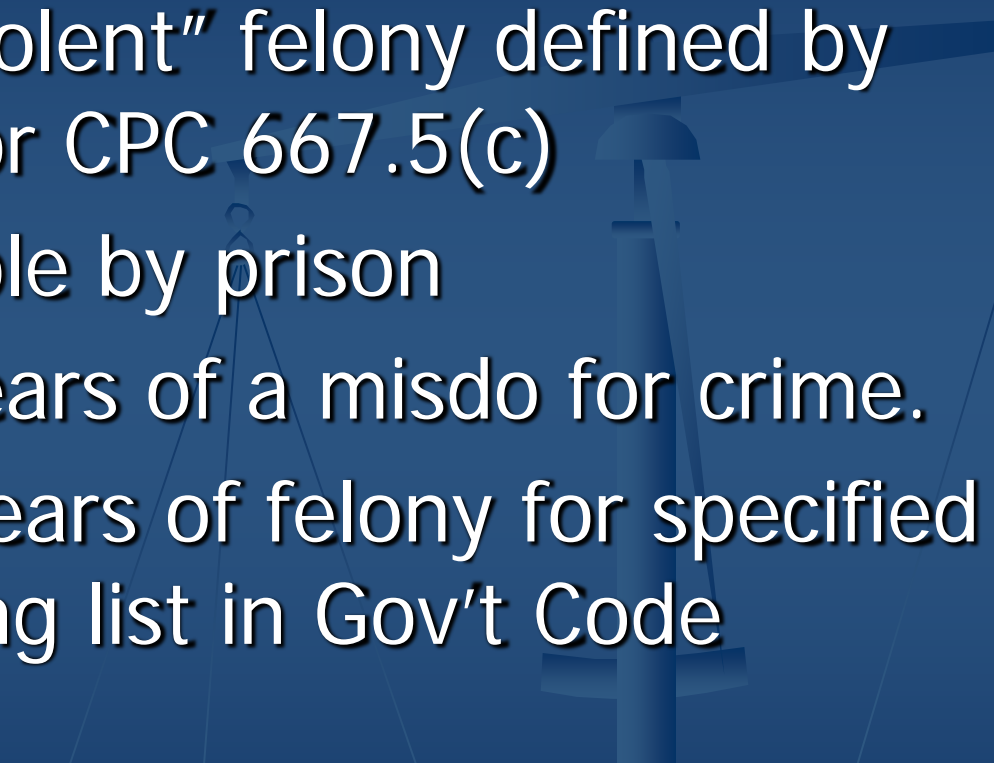
- Give noncitizens copy of ICE detainer.
  - Give noncitizen and attorney copy of any notice to ICE of noncitizen release date.
  - If ICE wants to interview noncitizen, give noncitizen consent form that explains purpose of interview, that it's voluntary, that noncitizen can refuse.
  - ICE Jail access information will become public record.
- 



# SB 54 – California Values Act

- Popularly referred to as the State Sanctuary Bill.
  - Limits discretionary cooperation between law enforcement and ICE notification requests, hold requests, transfer requests, and other, to certain circumstances.
  - Exceptions here judicial warrant or under qualifying conditions.
- 
- A faint, stylized illustration of a balance scale is visible in the background of the slide. The scale is positioned on the right side, with its beam extending towards the center. The pans are visible, and the overall image is rendered in a light blue tone that blends with the dark blue background.

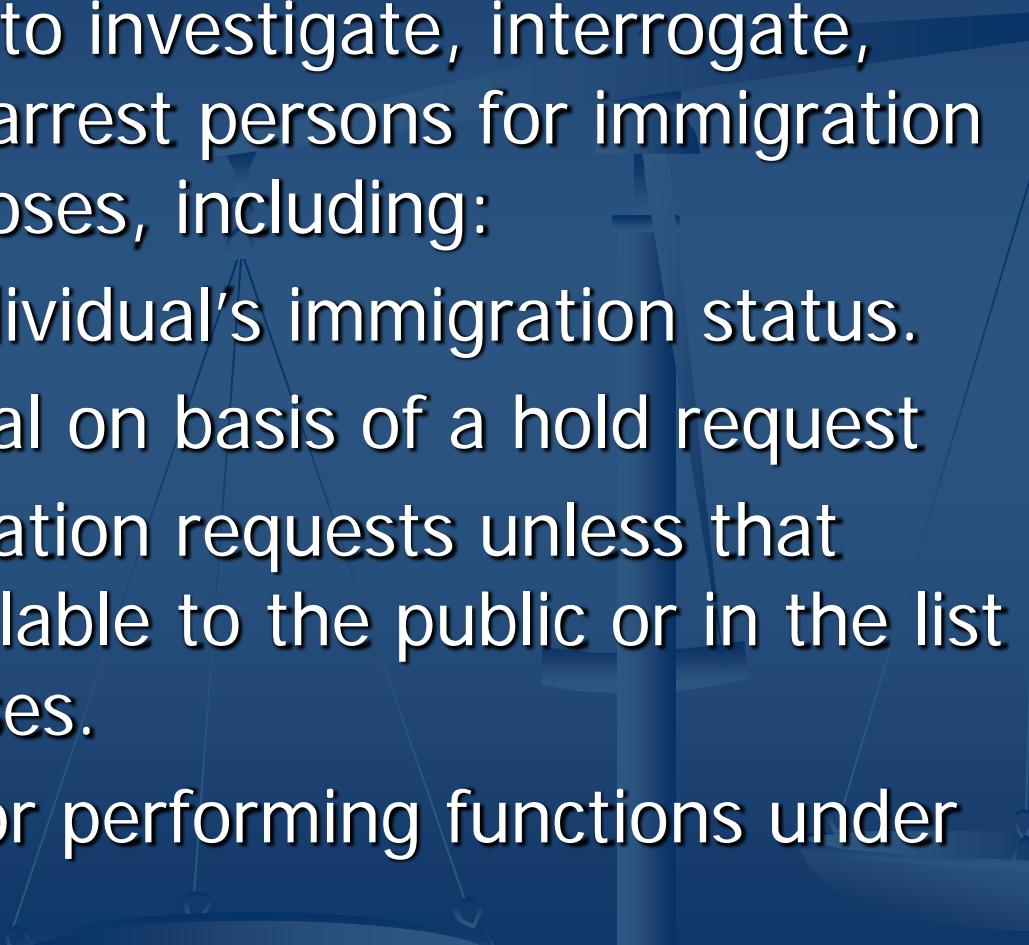
# Cooperation permitted if convicted of certain offenses

- “Serious” or “violent” felony defined by CPC 1192.7(c) or CPC 667.5(c)
  - Felony punishable by prison
  - Within past 5 years of a misdo for crime.
  - Within last 15 years of felony for specified offenses in a long list in Gov’t Code 7282.5(a)(3).
- 

# Cooperation also permitted it:

- Person is a current registrant on the California Sex and Arson Registry
- Person convicted of a federal crime that meets the definition of an aggravated felony as set forth in INA 101(a)(43)(A)-(P).
- DHS identifies person as subject of outstanding federal felony arrest warrant

# Law enforcement agencies cannot:

- Use public money to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including:
    - Inquire into an individual's immigration status.
    - Detain an individual on basis of a hold request
    - Respond to notification requests unless that information is available to the public or in the list of excepted offenses.
  - Make imm arrest or performing functions under INA 287(g).
- 

# Cal. LEAs also cannot:

- Use immigration authorities as interpreters for law enforcement matters
- Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility
- Contract with federal government for use of LEA facilities to house individuals as federal detainees.

# But LEAs can:

- Investigate, detain, and arrest for a violation of, 8 USC 1326 (reentry of removed aliens) under certain circumstances.
- Respond to ICE requests for information about a specific person's criminal history, accessed through CLETS (California Law Enforcement Telecommunications System).
- Conduct enforcement or investigation for joint law enforcement task force, as long as the primary purpose of is not immigration enforcement.

# California

Protecting its noncitizen people  
one bill at a time!

