

THE IMMIGRANT ADVOCATE

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979



Dear reader,

As many of you know, the current administration rescinded Deferred Action for Childhood Arrivals (DACA) on September 5th. As of October 5th, United States Citizenship and Immigration Services offices are no longer accepting new or renewal applications for eligible applicants. If you are like us here at the ILRC, you find this move disheartening, unjust, and downright cruel—not only because there is overwhelming evidence that DACA produced positive results for city, state, and federal communities and provided countless industries with hungry talent, but because it is a decision that goes against the values and promises of this country.

However, since the official announcement of this decision, **something has happened** that the Trump administration likely did not anticipate.

Americans all over the country became activated in a way that we have not seen since May Day of 2006—"A Day without Immigrants." People from all over this nation—like blue- and white-collared workers, families, students, teachers, artists, business owners, and future investors—rose up and exclaimed in one voice, "**Not one more!**"

Those who were comfortable with organizing began to organize. Those with social capital and influence used their voices responsibly. Those with the means to make financial contributions did so generously. It truly has been reinvigorating, for there are few morale boosters as inspiring as seeing solidarity in spaces that had not held it before.

While the immigrant rights landscape has shifted, the ILRC is ramping up its efforts to stand for immigrants and their families. There are presently almost 800,000 young undocumented immigrants that need us now more than ever. We hope that you will add your voice to ours and advocate for a clean permanent legislative solution so that these fearless young people—as well as immigrant families, workers, students, and neighbors—may soon wake up from a painful nightmare and continue to pursue their dreams instead.


We fight on,

The Immigrant Legal Resource Center

Message from the ILRC Executive Director, Eric Cohen

As a runner, I believe that planning and training prepare me to undertake obstacles never-before imagined. I believe the same about the work of the ILRC. For 38 years, the ILRC has been planning and implementing strategies to defend the rights of immigrants and their families. We have been training the legal sector to understand and interpret immigration law to better defend clients and nonprofits to understand how to educate immigrant communities about their rights.



With the increased attacks on immigrants and immigration policies, the ILRC is committed to rising to meet the challenge. As you can see from the new staff section of this newsletter, we have hired extraordinary talent onto our team. With staff on both coasts, the ILRC refuses to let unjust laws and policies go unchecked. Our strategy is to work with coalition partners, legislators, the legal sector, and the community to stand up to despotism. I am grateful to have you as a partner and supporter through these times, but together our voices combine to rise above the threats to immigrants, their families, and our shared values, to sing the sweet song of liberty for all. 

IMMIGRANT YOUTH & DACA RECIPIENTS

- LEGISLATIVE PROPOSALS -

When Trump took office in January, we anticipated significant attacks on immigrant communities. In September, Trump eliminated the Deferred Action for Childhood Arrivals (DACA) program which, since 2012, had allowed close to 800,000 young people to obtain work authorization and relief from deportation. Several members of Congress have proposed legislation to address the uncertain future of DACA recipients and immigrant youth. Predictably, the approaches vary.

Here is a brief overview of some of the key aspects of these proposals:

SUCCEED ACT

Led by Senator Tillis (R-NC), this bill proposes a minimum 15 year period before eligible applicants can apply for U.S. citizenship. This bill also has very narrow age limits and strict exclusions for minor crimes.

Aspects to Note: The SUCCEED Act goes beyond the scope of other bills to address the needs of DACA recipients and immigrant youth by including provisions on immigration enforcement and restrictions on legal immigration. Applicants are required to give up the opportunity to apply for other forms of immigration relief and agree to be subject to expedited removal if certain criteria are not met (expedited removal prevents an individual from challenging their deportation before an immigration judge). Additionally, the SUCCEED Act prevents applicants from sponsoring their family members for immigration.

BORDER SECURITY AND DEFERRED ACTION RECIPIENT RELIEF ACT

Introduced by Senator Flake (R-AZ), this bill allows eligible immigrant youth to apply for conditional residence with an eventual path to U.S. citizenship.

Aspects to Note: This bill extends beyond the scope of protections for DACA recipients and immigrant youth by including provisions that would further militarize the U.S. border and increase funding for Customs and Border Protection (CBP). Further, the bill contains dangerous provisions on criminal gangs that would allow for gang designations that have serious legal and immigration consequences without due process, based on stereotypes and racial profiling.

The ILRC has joined other partners in the immigrant rights movement in campaigning for the passage of a **clean DREAM Act**. We champion legislative protections for DACA recipients and immigrant youth. We stand against any efforts to tie protections for immigrant youth to harmful proposals that hurt immigrant families, communities, and the country. For example, we oppose proposals like the **RAISE Act** that radically undercut the existing family-based immigration system by shifting to a so-called merit-based system; increasing border militarization; attacks on sanctuary policies; further criminalizing immigrants; and dismantling protections for unaccompanied youth.

DREAM ACT 2017

Led by Senators Graham (R-SC) and Durbin (D-IL) and Rep. Roybal-Allard (D-CA), this new iteration of the DREAM Act grants DACA recipients conditional permanent residency (CPR) and allows Temporary Protected Status (TPS) beneficiaries, undocumented immigrant youth, and individuals with final orders of removal to apply for CPR. This conditional status creates a pathway to U.S. citizenship.

Aspects to Note: Previous versions of the DREAM Act required immigrant youth to either complete two years of higher education or join the military. In this version, applicants can also obtain CPR through an employment track. This bill also includes a more generous age requirement and addresses college affordability for immigrant youth.

BRIDGE ACT

Sponsored by Rep. Coffman (R-CO), this bill allows DACA recipients and other eligible individuals to obtain provisional protected presence (PPP) and work authorization that is valid for three years.

Aspects to Note: This bill does not create a pathway to U.S. citizenship and offers only temporary protection to applicants.

RAC ACT

Led by Rep. Curbelo (R-FL), this proposal allows eligible individuals to apply for CPR status for an initial five year period with an eventual pathway to citizenship.

Aspects to Note: Certain waivers for criminal history and grounds of inadmissibility apply.

AMERICAN HOPE ACT

Introduced by Rep. Gutierrez (D-IL) and co-sponsored by over 100 Democrats, this bill allows eligible immigrant youth to apply for an eight year CPR status. After three years with CPR, individuals can apply for LPR status and eventual U.S. citizenship if they meet other criteria.


Aspects to Note: This bill creates clear confidentiality provisions to ensure that applicants' information is not shared for immigration enforcement purposes and allows more recently arrived immigrant youth to apply.

The ILRC Covers Ground in D.C.

The ILRC in D.C. is hard at work promoting our vision for a just and inclusive society that values the lives of all immigrants and their families. We strive to share the experience, expertise, and voices of the ILRC with policy makers in D.C. and innovate strategies to resist the Trump agenda of mass deportation and criminalization of immigrants.

Our D.C. office is led by Sameera Hafiz, Senior Policy Strategist, who started in October and brings years of experience supporting immigrant rights and racial justice campaigns. Amanda Baran, Policy Consultant, has also supported our efforts since March. Amanda, an expert on immigration policy pertaining to women and youth, brings years of valuable experience as a former official in the Department of Homeland Security during the Obama Administration.

In recent weeks, we have focused on: advocating for a clean DREAM Act, protecting the rights of unaccompanied immigrant children, campaigning for the preservation of temporary protected status designations, fighting harsh immigration enforcement policies, and developing a strategy to prevent further criminalization of immigrant youth through misguided gang prevention proposals.

Our federal policy advocacy in D.C. involves close collaboration with partners in the immigrant rights, criminal justice, and civil rights movements. Our goal is to ensure that we bring the ILRC's deep expertise—developed through our capacity-building work and supporting local campaigns around the country—to influence immigration policy and politics in D.C. We hope to be a resource to our local partners and allies. 



Legislative Victories: A Cause for Cautious Celebration

The signing of California Senate Bills 29 and 54, Assembly Bill 208, and the blocking of Texas' Senate Bill 4 gave the ILRC and its allies reason to celebrate. A great deal of work by a unified coalition of community voices went into making this a reality. Although some of that celebration was undercut by the reality that federal immigration authorities may find new avenues to detain community members with clean criminal records, the ILRC is hopeful that these legislative advancements will lay the groundwork for states and localities across the country to follow suit.

SIGNED: SB 29 | Dignity Not Detention Act

SB 29 brings much needed accountability to private immigration prisons. The signage of this bill effectively freezes the growth of private, for-profit immigration detention facilities in the state of California. The ILRC co-sponsored this bill alongside Assembly Member Gipson, Assembly Member Gonzalez Fletcher, and Community Initiatives for Visiting Immigrants in Confinement (CIVIC).

READ THE STORY HERE: <https://goo.gl/38bjjr>

SIGNED: SB 54 | California Values Act

Statewide bill designed to curb the influence of Immigration and Customs Enforcement (ICE) and disentangle local law enforcement from the business of deportations by prohibiting local resources from being used for immigration enforcement. The ILRC helped draft the language for this bill and was a member of the coalition which supported the passage of this bill.


READ THE STORY HERE: <https://goo.gl/2AAFoF>

SIGNED: AB 208

AB 208 amends current California law so that immigrants can safely access drug rehabilitation programs for misdemeanor drug offenses without the fear of being exposed to deportation. The new law allows individuals to enroll in pre-trial diversion programs instead of requiring them to plead guilty first and then seek dismissal of their case once they have completed the program.

READ THE STORY HERE: <https://goo.gl/EezMSz>

BLOCKED: SB 4 of Texas

This law, in its original form as passed, sought to punish cities, counties, and universities that prohibited local law enforcement officers from asking about a person's immigration status or enforcing immigration law, including holding someone for ICE in violation of their constitutional rights. 

READ THE STORY HERE: <https://goo.gl/zfaECp>



The Wall – A Symbol of Inhumanity


By: Bill Ong Hing, ILRC Founder and General Counsel

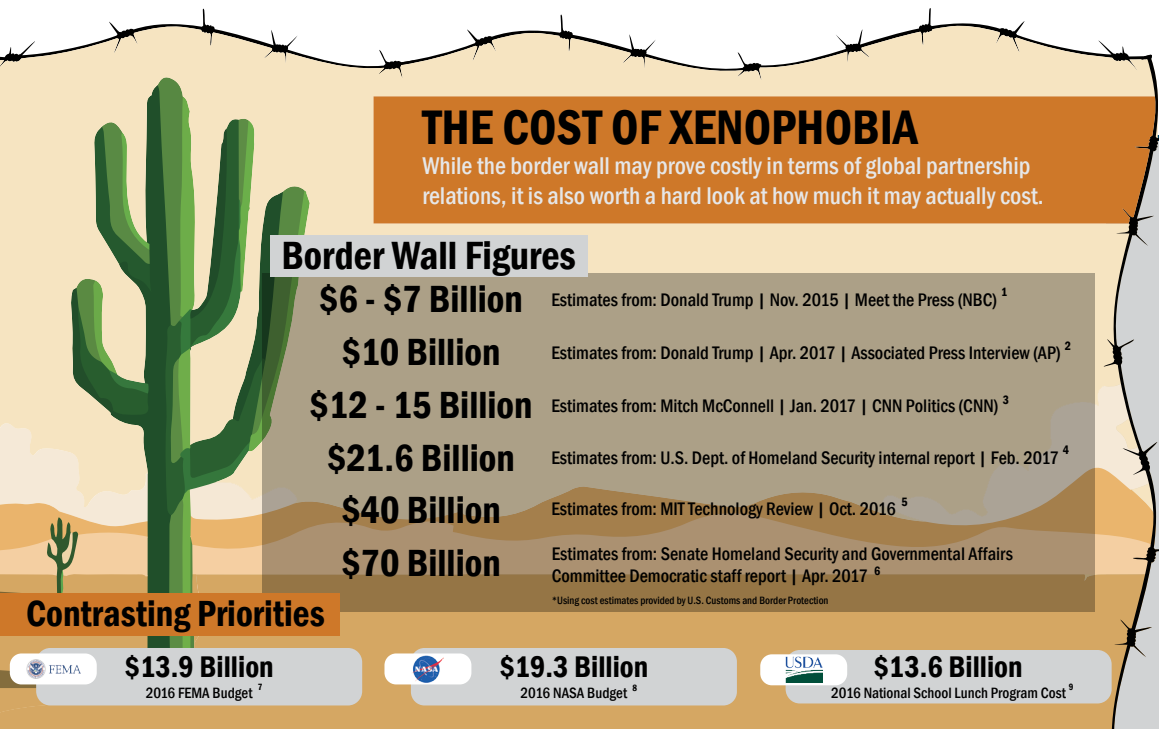
Donald Trump launched his presidential campaign promising to build a “great, great wall . . . a big, beautiful wall” on the U.S. southern border—and make Mexico pay for it—while labeling undocumented Mexican immigrants as criminals and rapists. Soon after his inauguration, a request for proposals to build The Wall was issued by DHS. Then, in October, the White House made clear that in order to sign the Dream Act, the administration wants funding for The Wall, elimination of most family immigration categories, more ICE officers, and tougher stances on unaccompanied minors and sanctuary cities.

Beyond the fiscal costs (at least \$20 billion by DHS’ own estimate), The Wall will do nothing to address the violence in Central America that continues to drive tens of thousands of El Salvadoran, Guatemalan, and Honduran women and children to the United States annually. The Wall will do nothing for the thousands of Mexicans fleeing drug cartel violence or who have lost their farm jobs because of NAFTA.

The Wall is a direct challenge of the Statue of Liberty’s “Give me your tired, your poor, Your huddled masses” inspirational sentiment. George Washington, motivated to establish a nation that was the antithesis of the cruelty demonstrated by the British military during the Revolutionary War, sought to establish in America a “policy of humanity.” With this foundation in mind, the United States has sought to be a champion of human rights throughout the world. But when it comes to Trump, we have forsaken this policy of humanity. Instead, he is installing a regime that literally and figuratively criminalizes and punishes noncitizens, migrants, and refugees, in pursuit of what is essentially a policy of inhumanity.

Trump’s Wall would symbolize his demonization of immigrants and refugees as a group that takes jobs, abuses public coffers, commits crimes, fails to share our values, and constitutes a threat to national security. The Wall plays well to Trump’s base that looks around, sees people of color with accents working, and facetiously claims that immigrants must be taking jobs or committing crimes. This brand of xenophobia is recycled from the worst nativist periods of the nation’s history—eras that respectable people look back upon with shame.

The experiment that we call America is a test of our character and willingness to believe that we can have a strong country that is caring and diverse. As in previous generations, there is much to admire about individuals who come to our shores seeking freedom, fleeing violence, and looking for a better life. As in previous anti-immigrant eras, we need to be the folks who stand up to the nativists like Trump. We need to stop The Wall and fight for a renewed commitment to a policy of humanity. 



Bill Ong Hing founded the Immigrant Legal Resource Center in 1979 and served as volunteer Executive Director for its first two decades. A Professor at the University of San Francisco, School of Law, he is the author of *Departing Our Souls—Values, Morality, and Immigration Policy*; *Defining America through Immigration Policy*; *Handling Immigration Cases*; *Making and Remaking Asian America through Immigration Policy*; *To Be an American*; and co-author of numerous ILRC publications. He has extensive experience in working with immigrants of varied nationalities and is a nationally recognized expert in immigration and naturalization law. Bill has volunteered on several Boards, including the Southeast Asian Resource Action Center and the ILRC.


1. <https://www.nbcnews.com/meet-the-press/meet-press-transcript-november-8-2015-n459476> 2. <https://apnews.com/c810d7de280a47e8848b0ac74690c83> 3. http://www.cnn.com/2017/01/26/politics/border-wall-costs-republican-retreat/?utm_source=huffingtonpost.com&utm_medium=referral&utm_campaign=pubexchange_article 4. <http://www.reuters.com/article/us-usa-trump-immigration-wall-exclusive/exclusive-trump-border-wall-to-cost-21-6-billion-take-3-5-years-to-build-internal-report-idUSKBN15022N> 5. <https://www.technologyreview.com/s/602494/bad-math-props-up-trumps-border-wall/> 6. <https://www.hsgac.senate.gov/border-wall-report> 7. http://www.nola.com/politics/index.ssf/2016/08/11_years_after_katrina_fema_na.html 8. <https://www.theatlantic.com/science/archive/2015/12/nasa-budget-2016-mars-rover-europa-mission-planetary-science/420912/> 9. <https://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/national-school-lunch-program/>



The ILRC Helps Support Santa Clara County Immigrant Outreach Day

On October 21, attorneys from the ILRC collaborated with Silicon Valley De-Bug, a community advocacy organization, and other legal advocates to provide individualized case consultations and Know-Your-Rights guidance to immigrant community members in the San Jose region.

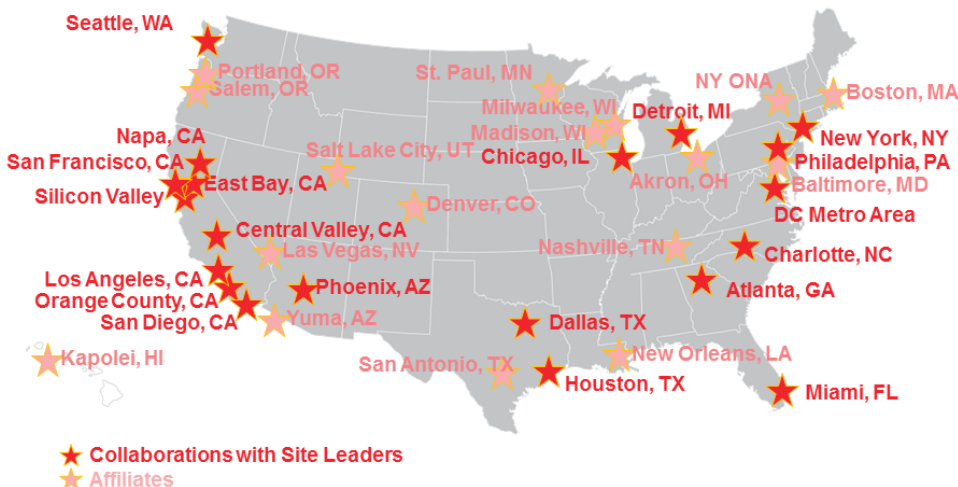
The organizers at De-Bug reached out to the ILRC after the election to strategize about ways to serve community members who were feeling increased anxiety about being targeted under the new presidential administration. The ILRC has long embraced a “rebellious lawyering model,” grounded in the belief that lawyers are at their best when following the lead of the directly impacted community members and leaders. The ILRC helped bring together legal volunteers from organizations throughout Santa Clara County, including Asian Law Alliance, Center for Employment Opportunity, CLARO, Community Legal Services of East Palo Alto, Pangea, Services, Immigrant Rights and Education Network (SIREN), students from the Stanford Law School Immigrant Rights Clinic, and private attorneys from the local AILA chapter for a rich, productive, and inspiring day.

In an era in which all immigrants are feeling increasingly threatened and targeted, attorneys and organizers joined forces to provide post-conviction relief consultations and legal guidance to ensure that all immigrants have equal access to legal services and are reminded that they have the full support of their communities. 



GROWTH UPDATES

The *New Americans Campaign* has developed since 2011 from 50 partners working in structured collaborations in eight metropolitan areas to a national network of over 180 local partners in 20+ sites and myriad affiliate locations. This year, thanks to new foundation partners including the John S. and James L. Knight Foundation, the Open Society Foundations, and the California Wellness Foundation, revenue for the Campaign **increased by 15%** over last year.



 **25** NEW PARTNERS & AFFILIATES

ORGANIZATIONS NOW IN CAMPAIGN 180+

SINCE THE CAMPAIGN'S LAUNCH, SITES AND AFFILIATED COLLABORATIONS HAVE:

- ✓ Completed over **300,000** naturalization applications
- ✓ Saved aspiring citizens and their families over **\$271 million** in legal & application fees
- ✓ Processed over **92,000** Fee Waivers & Reduced Fee Requests

New locations for NAC partners include:

- Akron, OH
- Saint Paul, MN
- Philadelphia, PA (new site)
- Phoenix, AZ (new site)
- Las Vegas, NV



www.newamericanscampaign.org

Led by the Immigrant Legal Resource Center, the *New Americans Campaign* is a diverse nonpartisan national network of respected immigration organizations, legal services providers, faith-based organizations, immigrant rights groups, foundations, and community leaders. The Campaign transforms the way aspiring citizens navigate the path to becoming new Americans. It is committed to connecting lawful permanent residents (LPRs) to trusted legal assistance and critical information that simplifies the naturalization process.



THANK YOU, FROM THE ILRC

As we come to the close of 2017, the staff of the ILRC would like to thank you—our donors and allies. It is because of your unprecedented and unwavering support that the ILRC was able to respond quickly to the rapidly changing immigrant rights landscape. Your contributions allowed the ILRC to fight unjust policies in California and across the country. It allowed us to help to author and advocate for local, state, and national legislation to protect the rights of immigrants and their families, like California Senate Bill 54, the California Values Act, that declared California a sanctuary state.

The donations that the ILRC received in 2017 were nothing short of amazing. We exceeded our fundraising goal by **over \$2 million**, and the funds raised went into fighting the cruel and unjust policies of the current administration. Our successes for immigrants and their families are yours, too. **We could not have done it without you.**

Last year, we **doubled** the number of new donors to the ILRC. **Will you stand with us again and consider making a year-end gift to the ILRC?** You can use the enclosed envelope or visit our website at www.ilrc.org/donate-now. You may even make a gift of appreciated securities. Each gift prepares the ILRC to meet the challenges ahead in 2018 and beyond.

If you have any questions, I would be happy to answer them. You may reach me at chousel@ilrc.org.

Thank you again for your support!

Cynthia Housel
Director of Leadership Giving

DID YOU KNOW? There are multiple ways to support the ILRC!

- Visit ilrc.org/donate-now to make a gift online
- Call 415-321-8500 to join our Monthly Giving Club
- Make a gift of stock or other appreciated securities; you can download a DTC form on our website
- Designate the ILRC as the beneficiary of a workplace giving campaign (like the United Way)
- Include the ILRC in your estate plans

Don't forget to check with your human resources department to see if your company has a matching gift program. Your gift could have double or triple the impact if your employer matches gifts.

WATCH

Criminal & Immigrant Justice Attorney, Rose Cahn, shares moving remarks on accepting the **2017 Emil Gumpert Award** from the American College of Trial Lawyers on behalf of the Immigrant Legal Resource Center's Pro Bono Immigrant Post-Conviction Relief Project.



Joining the ILRC Family



Krsna Avila | Andy Grove Immigrants Rights Law Fellow

Krsna is the inaugural Andy Groves Immigrants Rights Legal Fellow. Prior to joining the ILRC, Krsna worked closely with the ILRC to establish a legal services program at Educators for Fair Consideration to provide legal support to undocumented youth like himself. During law school, he worked at the United Nations High Commissioner for Refugees in Washington D.C. and the American Civil Liberties Union of Northern California. Krsna also volunteered with the European Council on Refugees and Exiles and was an editorial member for the Cornell Legal Information Institute U.S. Supreme Court Bulletin. Krsna earned his undergraduate degree from the University of California, Davis, and his law degree from Cornell Law School where he received the 2017 Freeman Award for Civil-Human Rights for his commitment to civil rights and public service.



Magaly Garcia | Administrative Assistant

Magaly García joined the ILRC as Administrative Assistant in October 2017. Prior to working at the ILRC, she worked with immigrant communities at CARECEN D.C. and the International Institute of the Bay Area in Redwood City. She is a proud Gael, graduating from Saint Mary's College of California with a B.S. in Psychology. Being a daughter of Mexican immigrants, she has always been passionate about advocating for immigrant rights and underserved communities.



Sameera Hafiz | Senior Policy Strategist

Sameera Hafiz joined the ILRC in October 2017 as the Senior Policy Strategist based in Washington, D.C. Sameera brings nearly two decades of experience supporting campaigns and coalitions focused on racial justice, fighting harsh immigration enforcement policies, and ending violence against women. Prior to joining the ILRC, Sameera was the Advocacy Director for the National Domestic Workers Alliance where she led the organization's anti-trafficking and immigration policy work, as well as the legal team. Sameera earned her law degree from the Georgetown University Law Center and her undergraduate degree from the University of Pennsylvania where she double-majored in English and sociology.

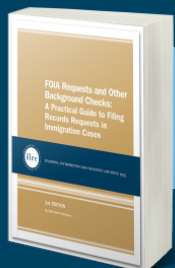


Amy Righter | Criminal and Immigration Law Attorney

Amy Righter joined the ILRC as a criminal and immigration law attorney. Before coming to the ILRC, Amy was the lead Attorney Editor with Continuing Education of the Bar (CEB), on criminal, immigration, and evidence titles. Prior to that, she was a Criminal Law Legal Specialist with the American Bar Association's Rule of Law Initiative in the Republic of Armenia where she helped to establish the Office of the Public Defender for the Republic of Armenia. She was a felony trial attorney with the Office of the Public Defender in San Joaquin County after starting her career as a public defender in Contra Costa County. Amy received her B.A. in Peace and Conflict Studies from the University of California, Berkeley and her J.D. from Northeastern University School of Law. She will focus on providing training and technical assistance to ILRC's public defender partners.

Updated & New Publications

In 1984, the ILRC published its first manual. Since then, the ILRC has been providing essential practical guides for legal practitioners. All publications are produced by the ILRC's expert immigration attorneys. Revenue from the ILRC publications helps support critical programs in the community.



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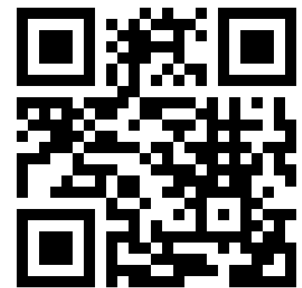


Civic Engagement

Engaging immigrants in mobilizing and raising their voices on issues critical to their communities.



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ILRC.ORG/DONATE-NOW

Questions? Contact Cynthia Tirado Housel, Director of Leadership Giving, at (415) 321-8570.
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