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**EL
OTRO
LADO**

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**UNA GUIA
PARA LOS INDOCUMENTADOS**



Este folleto es para ayudarle a usted, el trabajador indocumentado.

Trabajadores indocumentados entran a los Estados Unidos a buscar trabajo, sin haber recibido papeles correctos del gobierno de los Estados Unidos. Los que reciben papeles correctos, pero prolongan su permiso en los EEUU son tambien llamados indocumentados.

La mayoría de los indocumentados que entran en los EEUU vienen de México. El gobierno de los Estados Unidos llama los indocumentados "extranjeros ilegales." La gente mexicana no debe sentirse como extranjera en los EEUU. Mucha gente en los EEUU tiene las mismas costumbres, el mismo idioma, y la misma comida como la gente de México. Nueve por ciento de residentes de los EEUU hablan español. Lo que está ahora el suroeste de los EEUU fue una vez parte de México, antes de que el gobierno de los EEUU se lo quitara en 1846.

Trabajadores mexicanos ayudaron a construir la economía de los EEUU a trabajar en fábricas y ranchos del país. Sin inmigrantes mexicanos los negocios de los EEUU no se hubieran extendido tan rapidamente durante este siglo.

Pero ahora el gobierno dice que hay mucha gente sin trabajo en los EEUU y que este país no necesita más trabajadores. El gobierno quiere excluir a los mexicanos indocumentados de los EEUU. En 1965, el gobierno federal limitó el número de mexicanos permitidos a inmigrarse a los EEUU.

¿Que piensa los EEUU de los trabajadores indocumentados?

Hay sentimientos distintos acerca de los indocumentados en los EEUU.

El gobierno quiere excluir a los mexicanos de los EEUU usando La Migra, pero muchos patrones quieren emplear mexicanos. El gobierno dice que mexicanos indocumentados quitan trabajos a trabajadores legales, pero muchos patrones dicen que ellos no pueden encontrar bastantes trabajadores legales de los EEUU para que trabajen en sus ranchos y fábricas.

En el pasado, muchos trabajadores de los EEUU dijeron que los indocumentados rebajaban los salarios en los EEUU trabajando por sueldos bajos y rompiendo huelgas. Pero ahora trabajadores y uniones están empezando a reconocer que los trabajadores indocumentados se pueden organizar y pueden asociarse con las uniones. Cuando los trabajadores documentados y indocumentados se unen, el sueldo y las condiciones de trabajo mejoraran.

Algunos de los residentes de los EEUU dicen que ellos no quieren que indocumentados estén en los EEUU porque los indocumentados se aprovechan de los servicios del gobierno que son pagados por pagadores de impuestos de los EEUU. Estudios de indocumentados, sin embargo, han descubierto que aunque la mayoría de indocumentados de México pagan impuestos federales y seguro social, menos de un por ciento de indocumentados benefician de estampillas de comida y servicios que ellos no pueden recibir.

Muchos investigadores quienes han estudiado la situación de los indocumentados dicen que indocumentados deberian admitirse a los EEUU porque corporaciones de los EEUU se admiten en México. Como 35 por ciento de la agricultura en México es controlada por companias de los EEUU.

Los trabajadores indocumentados son empujados y jalados al mismo tiempo. La Migra trata de empujarlos fuera de los EEUU, mientras que duenos de negocios tratan de jalarlos adentro. Es una posición muy difícil para usted. Esperamos que este folleto le dé información que le ayude, y le deje controlar mejor su propia vida.

Le contestaremos algunas preguntas que tiene, y le recomendamos que busque más ayuda de las organizaciones que están indicadas atras de este folleto.



¿Son los chicanos diferentes que los mexicanos?

Los chicanos y los mexicanos son de la misma raza, solamente la frontera entre los EEUU by Mexico los separa. Entonces uno de los mejores amigos que puede tener el mexicano indocumentado es el chicano.

Pero el chicano o el mexicano ya establecido aquí, muchas veces ha sido el que entrega al indocumentado a la migra. Para evitar este situación, es necesario que el indocumentado estudie los modos de la comunidad mexicana de Estados Unidos Norte Americana y se adapte a ella para poder vivir con el pueblo. A la vez, el pueblo llegará a sentir que es parte de la comunidad y estará dispuesto a proteger al indocumentado como uno de los suyos, y que no lo reporte como forastero. Es necesario que usted cultive amistades aquí con la gente, porque la agrupación de los mexicanos establece unas situaciones en las cuales se ve la cosa como un caso de "nosotros" contra "ellos."

Tenemos que funcionar como un mismo pueblo de hermanos, de lo cual somos, desde los EEUU hasta America del Sur.

¿Que es La Migra?

La Migra es El Servicio de Inmigración y Naturalización de los EEUU. Una de las tareas del Servicio de Inmigración y Naturalización es el ayudarles a extranjeros a entrar a los EEUU legalmente. El Servicio de Inmigración y Naturalización tambien tiene un cuerpo de policía llamados Border Patrol (patrulla de la frontera), quienes tratan de prohibir la entrada ilegal a los EEUU. El nombre La Migra usualmente se refiere a este policía. La Migra is la **única** policía que tiene el derecho de tener indocumentados por violaciones de las leyes de inmigración.



¿Como parece La Migra?

Usualmente, La Migra viaja en carros de verde claro, en camiones o autobuses y se visten de uniformes verde oscuro. Pero La Migra puede estar vestida en ropa civil.

¿Donde busca La Migra indocumentados?

La Migra obra en cada estado de los EEUU, pero se concentran en la frontera. La Migra registran vehículos, ranchos, fábricas, restaurantes, y vecindades donde ellos creen que hay alta concentración de indocumentados. Como 60 por ciento de la gente que es detenida son encontrados dentro de 72 horas después que entran a los EEUU.

¿Que clase de gente busca La Migra?

Algunas características que La Migra busca incluyen: la manera de vestir, si una persona viste más de una capa de ropa, el estilo de peinado, el color de su piel, la incapacidad de hablar inglés, si una persona carga articulos hechos extranjeramente, y si una persona corre y se esconde o hace algo sospechoso.

¿Que puede hacer La Migra?

- Buscar y aterrizar dentro de 41 kilometros (25 millas) de la frontera.
- Registrar vehiculos dentro de 162 kilometros (100 millas) de la frontera.
- Interrogar a personas quienes ellos peinsan que son in-documentados.

¿Que no puede hacer La Migra?

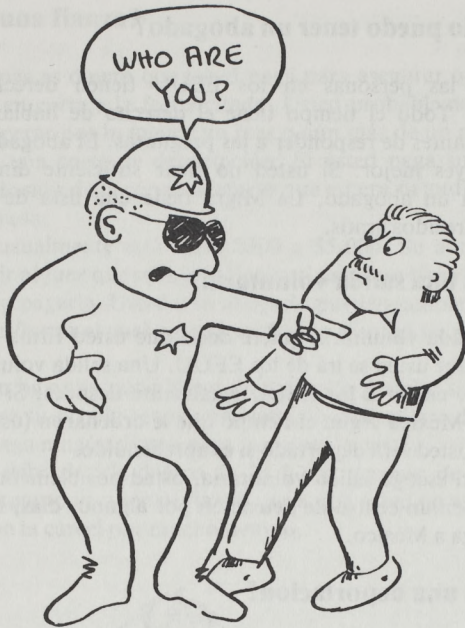
- Entrar a edificios privados sin tener autorización para buscar (una autorización para buscar es un permiso del juez para entrar y buscar en propiedades privadas) o el permiso del dueno.
- Forzarle a contestar preguntas hasta que tenga un abogado. (Es mejor darles su nombre, pero no otra información.)
- Interrogarle simplemente porque parece mexicano.
- Estas son las leyes de La Migra, pero eso no es decir que va a observarlas.

¿Que pasa si La Migra me detiene?

RECUERDE:

1. Usted no tiene que contestar ninguna pregunta hasta que tenga un abogado. Si le preguntan donde nació, **no conteste**.
2. Si usted no tiene dinero para un abogado, el juez de inmigración tiene que darle una lista de servicios legales disponibles en la región. Estos servicios son gratis. Usted puede llamar y puede recibir servicios legales sin tener que pagar.
3. Usted no tiene que darles dinero por ninguna razón.





¿Porque no debo responder a las preguntas de La Migra?

Antes de que se le pueda deportar, La Migra tiene que comprobar que usted esta en los EEUU ilegalmente. Normalmente tienen la prueba de las respuestas que usted da a sus preguntas. Si no da respuesta a las preguntas, quizás no tendrán la prueba que necesitan para deportarle.

¿Que alternativas tengo si estoy aprehendido?

Generalmente, usted tiene 2 alternativas: Salida Voluntaria o Deportacion. Usted puede pedir que la traigan a un abogado para que el le ayude a entender mejor, y usted pueda escoger su alternativa preferida.

La Migra probablemente tratará de decirle que debe firmar papel de salida voluntaria. A veces ellos le dice que si no firman esos papeles, tendrán que quedarse en la carcel. O le pueden decir que si pide a un abogado, tendrá que quedarse en la cárcel por largo tiempo.

¿Cuándo puedo tener un abogado?

Todas las personas en los EEUU tienen derecho a un abogado. Todo el tiempo tiene el derecho de hablar con un abogado antes de responder a las preguntas. El abogado entiende las leyes mejor. Si usted no tiene suficiente dinero para pagarle a un abogado, La Migra tiene una lista de servicios legales ofrecidos gratis.

¿Que es una salida voluntaria?

Una salida voluntaria quiere decir que usted firma un papel que dice que usted se irá de los EEUU. Una salida voluntaria no le prohíbe entrar a los EEUU legalmente después. Si usted no regresa a México según el tiempo que le ordenaron (usualmente 30 días), usted será deportado si es aprehendido.

Si usted escoge salida voluntaria, usted posiblemente tendría quedarse en un centro de detención por algunos días, hasta que usted salga a México.

¿Que es una deportacion?

En un proceso de deportacion usted comparece ante un juez para probar que usted tiene razones legales para quedarse en los EEUU. Antes de que solicite una audiencia, usted debe hablar con un abogado. Si usted no tiene suficiente dinero para pagarle a un abogado, el juez le dará una lista de servicios legales gratis, en su area y usted puede llamar y pedir un abogado gratis de pago. Si usted decide ir a corte una fianza debe ser fijada dentro de 24 horas para que le permitan salir de la cárcel.



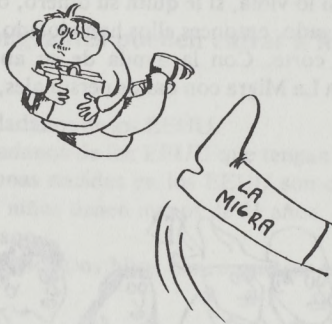
¿Que es una fianza?

Una fianza es dinero que usted paga para asegurar que usted aparecerá en corte a la fecha citada. Usted probablemente tendrá que esperar por lo menos un mes o aún más de un mes para que tenga una corte de deportación. Si usted paga su fianza, usted puede salir de la cárcel mientras que espera su audiencia en la fecha fijada.

Fianza usualmente está entre \$500 a \$5,000. Su abogado le puede pedir al juez que rebaje la fianza si usted no tiene bastante dinero para pagarla. Usted o su abogado pueden tambien ir a un negocio de fianza el cual pagará su fianza si usted les paga una cuota.

También hay una posibilidad de que se le permita salir de la cárcel sobre su propio reconocimiento, lo cual quiere decir que usted no paga ningún dinero pero jura ante la corte.

El juez debe decirle dentro de 24 horas despues de que fue arrestado cuanto va a ser su fianza, para que usted no tenga que quedarse en la cárcel por mucho tiempo.



¿Cuales son los resultados posibles de una Departura de Audiencia?

1. El juez puede deportarle (le puede ordenar que se vaya a México). Esto se registra y será difícil que usted los EEUU legalmente. Si usted es detenido después en los EEUU, sin papeles, usted probablemente será puesto en la cárcel.

2. El juez puede decidir que usted tenga que irse de los EEUU pero aún le puede conceder que usted salga voluntariamente. Una salida voluntaria quiere decir que usted probablemente no será puesto en la cárcel si usted está aprehendido en los EEUU después sin papeles.

3. Para quedarse en los EEUU legalmente, tendrá que comprobar una de las condiciones siguientes:

- Usted tiene padres, hermanos, o hijos que tienen más que 21 años, quienes son ciudadanos.

- Usted ha estado en los EEUU 7 años o tiene residencia legal, y le causaría grandes apuros si es deportado.

- Usted tiene habilidad para trabajos específicos en los EEUU.

- Usted ha estado en los EEUU desde 1942.

- Usted tiene buenas razones de tener miedo de persecución si regresa a México.

¿Que pasa si La Migra viola la ley?

Si La Migra busca en su residencia sin permiso de búsqueda, si lo golpea, si lo viola, si le quita su dinero, o si no lo deja hablar con un abogado, entonces ellos han violado la ley, y usted puede llevarlos a corte. Con la ayuda de su abogado, usted puede demandar a La Migra con daños personales, y recibir dinero.

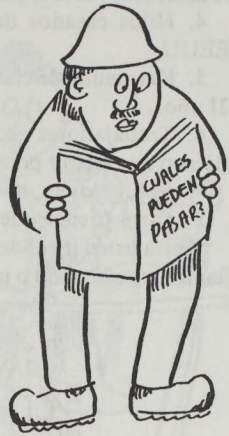


¿Puedo entrar a los EEUU legalmente?

Es difícil. Hay 2 categorías de gente quienes son permitidos a entrar a los EEUU legalmente: Inmigrantes (gente que quiere venir a los EEUU permanente) y los que no son inmigrantes (gente que viene a los EEUU por tiempo limitado).

¿Como puedo llegar a ser inmigrante legal?

Si usted nació en México, usted puede solicitar una mica o visa al Consulado de los EEUU mas cercano a su domicilio en México, para llegar a ser residente legal de los EEUU. Usted también puede solicitar residencia a los Servicios de Inmigracion de los EEUU.



¿Que clase de inmigrantes pueden entrar a los EEUU sin limite?

- Esposos de ciudadanos de los EEUU.
- Padres de ciudadanos de los EEUU que tengan más de 21 años (todas las personas nacidas en los EEUU son ciudadanos de los EEUU). Si sus niños tienen menos de 21 años, no podrán ayudarle a ser ciudadano.
- Hijos de ciudadanos (los hijos tienen que ser menores de 21 años).

¿Que clase de inmigrantes son limitados a 20,000 cada ano?

En orden de preferencia, las 20,000 personas de México permitidas a entrar a los EEUU cada año son las siguientes:

1. Hijas e hijos de ciudadanos que no están casados y tienen más de 21 años.
2. Esposos e hijos de residentes legales (los hijos no deben estar casados).
3. Trabajadores en ciertas trabajos preferidos, especialmen-

te la ciencia y el arte (tienen que recibir permiso de trabajo).

4. Hijos casados de cualquier edad, de ciudadanos de los EEUU.

5. Hermanos de ciudadanos de los EEUU que tengan más de 21 años.

6. Trabajadores necesarios para ciertas áreas de la economía (tienen que recibir permiso de trabajo).

7. Refugidos.

8. Otros (tienen que recibir permiso de trabajo).

Si está usted incluido en una de las categorías ya mencionadas, llame a un abogado o una organización social.



¿Que es permiso de trabajo?

Es difícil que trabajadores sin especialidades necesitadas en los EEUU obtengan un permiso de trabajo. Tienen que ser aprobados por el Departamento de Labor y del Estado, el Consulado puede expedir la visa

¿Puedo yo entrar a los EEUU temporalmente sin ser inmigrante?

Personas que quieren entrar a los EEUU temporalmente pueden solicitar en diferentes categorías. Las más comunes son: trabajadores, estudiantes, o visitantes. En general, el trabajador no puede solicitar un empleo temporal. Para entrar como visitante tendrá que comprobar al Consulado de los EEUU en México que tiene bastante para vacacionar en los EEUU.

¿Donde estan los Consulados de los EEUU en Mexico?

Los Consulados de los EEUU están en: la Ciudad México, Monterrey, Ciudad Juarez, y Tijuana.

¿Que clase de gobierno tiene los EEUU?

Los EEUU tiene cuatro diferentes niveles de gobierno: Federal, Condado, y Ciudad. Cada nivel de gobierno tiene su propia policía, propias cortes y leyes. La Migra es un tipo de policía federal. Es el único tipo de policía que legalmente puede buscar indocumentados y regresarlos a México.



No se permite sobornar (pagar mordida) a los oficiales del gobierno de los EEUU. No es costumbre aceptada. Es un crimen.

¿Que pasa si me para una policia que no es La Migra?

Legalmente, usted no tiene que responder a ninguna pregunta hasta que usted haya hablado con su abogado. Es mejor decirles solo su nombre. La policía puede examinarle para buscar armas. La policía solamente puede palmearle ligeramente sobre su ropa.

No resista arresto, aunque usted sea inocente. Es un crimen resistir arresto.

¿Que pasa si soy arrestado?

Será llevado a la cárcel. La policía escribirá su nombre y dirección. Tomará sus posesiones personales y debe darle una nota de las cosas que le quitó.

Le permite una llamada telefónica. Tiene que llamar desde la estación de policía. Usted debe llamar un abogado, o un amigo que le pueda traer a un abogado. Debe permitirse le ver a un abogado inmediatamente. Si usted no puede pagarle a un abogado, el juez debe darle una lista de servicios legales ofrecidos gratis en la area.

En la mayoría de los casos, usted puede aplazar la fianza. El dinero que da de fianza, asegura que usted regresará al corte. La suma de fianza debe ser determinada entre los 24 horas después de ser detenido.

La policía tiene que llevarlo ante la corte, o tiene que soltarlo entre las 48 horas después de su arresto (a menos que sea un fin de semana, o día de fiesta).

Si la policía no lo acusa de violar la ley, no pueden legalmente detenerlo hasta que llegue La Migra sobre su estado.

La policía no puede hacerle ningunas preguntas de inmigración. Si le preguntan, usted no tiene que contestar bajo ningunas circunstancias. Usted no tiene que firmar ningún papel para la policía o decirles nada. Lo único que tiene que decir es su nombre. Tenga cuidado de no decirle nada a la policía. Todo lo que usted dice puede ser usado contra usted después.

¿Cuales leyes protegen mis derechos humanos y civiles?

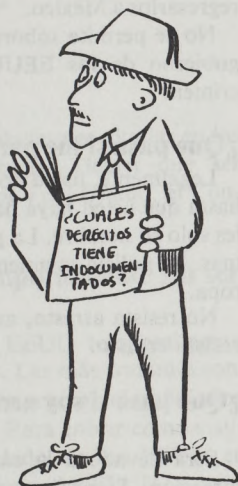
1. La Constitución de los EEUU dice que toda persona tiene derecho de reunirse y hablar libremente. Este derecho le permite hablar claro por sus derechos y organizar en el trabajo.

2. Nadie supone ser discriminado por su raza, pero de todos modos hay mucho racismo en los EEUU contra la gente que no es blanca.

3. Usted puede demandar contra su patrón si no le paga su sueldo.

4. Usted tiene derecho contra busquedas sin razón por la policía o La Migra.

5. El derecho a proceso legal. Usted tiene que ser comprobado culpable, antes de que le puedan castigar. Esto quiere decir que usted tiene derecho a ser tratado justamente por la policía. Si le han acusado con un crimen, usted tiene el derecho a una audiencia. Usted también tiene el derecho de tener a un abogado y la corte debe ayudarle obtener a un abogado gratis.



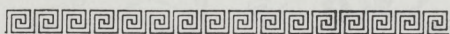
¿Que es el sueldo minimo?

El gobierno federal dice que todos los trabajadores tienen que recibir por lo menos \$3.10 por hora que trabajan. Esto incluye a los trabajadores que trabajan por porcentaje. Algunos ranchos que emplean menos de 10 trabajadores tal vez no estén sujetos a la ley de sueldo mínimo.

¿Que es la compensacion de los trabajadores?

Si usted ha sido herido durante su trabajo, usted puede recibir atención médica gratis, y pago por el tiempo de trabajo que perdió por su herida.

Digale al doctor y las personas del hospital como y cuando fue lesionado. Usted tiene que solicitar a la oficina de empleos del estado para recibir el dinero de recompensa por su heridas.



¿Que quiere decir que tengo el derecho de organizar?

Los trabajadores en los EEUU, documentados e indocumentados, pueden organizarse para recibir mejores condiciones de trabajo y recibir mejor sueldo. Los trabajadores pueden ponerse en huelga, hacer trato colectivo, y juntarse en una unión.

Más uniones en los EEUU están tratando de conseguir que a los indocumentados se unan a la union, y que sean miembros. Cuando los trabajadores se organizan, tienen más poder y pueden tratar de mejorar sus vidas.

¿Puede un indocumentado luchar por sus derechos?

Sí. Hay varios ejemplos de trabajadores indocumentados que demandaron y ganaron sus derechos y mejores condiciones. Hasta recientemente, la mayoría de indocumentados tenían miedo de ser deportados a México si defendían sus derechos. Esto es todavía un problema. Pero cuando trabajadores defienden su derecho juntos, y con la ayuda de grupos compasivos, tienen más poder en los EEUU.



¿Cuales son algunas de las victorias de los indocumentados?

En Arizona, trabajadores indocumentados que estaban piscando limones, se juntaron con la ayuda de una organización llamada Maricopa County Organizing Project. Los trabajadores se pusieron en huelga y demandaron que el patrón les diera más sueldo y mejores condiciones de trabajo. Visto que el patrón quería sus limones se piscaran, él accedió a reconocer las demandas de los indocumentados.

En California, las uniones han estado organizando a los indocumentados que trabajan en fábricas. La Unión de Trabajadores de Automobiles, La Union de Prendas de Vestir de Mujer, y La Union Internacional de "Longshoremen" han estado luchando en conjunto con indocumentados para proteger sus derechos de organizar y tener huelgas.

En various lugares a través de los EEUU, los indocumentados han llevado a patrones al tribunal cuando no les pagaron por su trabajo. En Arizona, cuatro hombres trabajaron limpiando patios por 10 días, su patrón no quería pagarles. Llevaron su patrón al tribunal. El patron tuvo que pagarles a cada uno, el sueldo triple.

¿Que es el Seguro Social?

La ley federal requiere que los trabajadores tengan un numero de seguro social, para obtener trabajo. El trabajador y el patrón ponen la misma cantidad de dinero en la cuenta federal que tenga este mismo numero. Los trabajadores y sus familias pueden después recibir beneficios cuando se enfermen o cuando estén demasiados ancianos para trabajar.

La ley federal también requiere que indocumentados no reciban numero de seguro social. Para sacarle vuelta a la ley, varias veces algunos patrones pagan a indocumentados dinero contante, o les dicen que den un numero falso de seguro social.

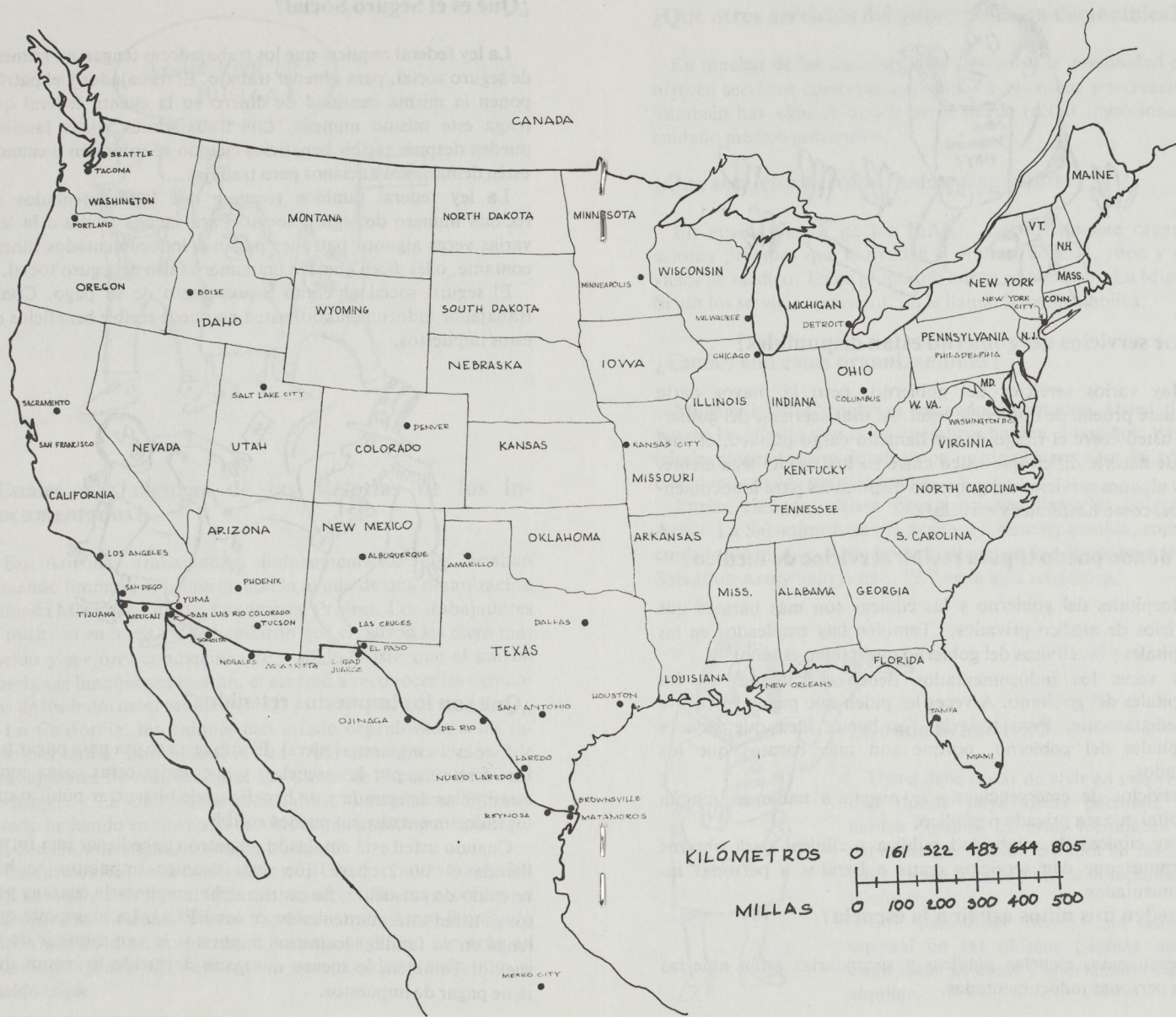
El seguro social es como 6 por ciento de su pago. Como trabajador indocumentado, usted no puede recibir beneficios de estos impuestos.



¿Que son los impuestos retenidos?

Este es un impuesto federal. El impuesto se usa para pagar por las carreteras, por las escuelas, y por varias otras cosas como estampillas de comida y de beneficios de bienestar público que los indocumentados no pueden recibir.

Cuando usted está empleado, el patrón debe llenar una forma llamada el W- 2, para que sepa cuantos impuestos se han retenido de su sueldo. Su patrón debe preguntarle cuantas personas usted está manteniendo en los EEUU. La mas gente que tenga en su familia, lo menos impuestos le van a quitar de su sueldo. También, lo menos que gana de sueldo lo menos que tiene pagar de impuestos.



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MEXICO CITY



¿Que servicios del gobierno estan disponibles?

Hay varios servicios del gobierno, pero la mayor parte requiere prueba de residencia legal. Al usar servicios del gobierno, usted corre el riesgo de ser llamado cargo público, el cual puede hacerle difícil que usted entre en los EEUU legalmente. Hay algunos servicios del gobierno disponibles para indocumentados, como hospitales y escuelas.

¿A donde puedo ir para recibir servicios de medico?

Hospitales del gobierno y las clinicas son más baratas que servicios de médico privados. También hay empleados en las hospitales y las clinicas del gobierno que hablan español.

A veces los indocumentados tienen dificultades en los hospitales del gobierno. A veces les piden que pague su cuenta inmediatamente. Pero todavía es buena idea que vaya a hospitales del gobierno, porque son más baratos que los privados.

Servicios de emergencia no se niegan a nadie en ningún hospital que sea privado o público.

Hay clinicas de salubridad pública y clinicas para obreros migrantes que dan servicios gratis o baratos a personas indocumentadas.

¿Pueden mis ninos asistir a la escuela?

Legalmente, escuelas públicas y secundarias están abiertas para personas indocumentadas.

¿Que otros servicios del gobierno estan disponibles?

En muchas de las ciudades, hay centros de la comunidad que ofrecen servicios como pueden cuidar a sus niños y recreación. También hay clínicas donde usted puede recibir inyecciones y cuidado medico preventivo.

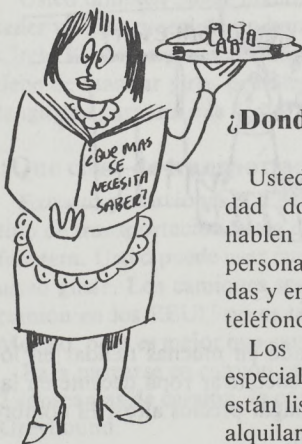
¿Que servicios privados estan disponibles?

En muchas areas de los EEUU, hay usualmente organizaciones privadas que le ayuden a obtener comida, ropa y servicios de médico. Estos grupos no darán su nombre a La Migra. Si usa los servicios privados, no le llamarán carga pública.

¿Cuales son estas organizaciones?

Muchas iglesias ayudan a los indocumentados. Usted debe buscar las iglesias donde los miembros hablan el español. Varias iglesias tienen lugares donde usted puede obtener comida, ropa, o en donde puede pasar la noche.

Varias ciudades tienen organizaciones llamadas Salvation Army. La Salvation Army le ayudará a obtener comida, ropa, y cuidado de médico. Usted puede encontrar las direcciones de la Salvation Army bajo la letra "S" en la guía telefónica.



¿Donde debo vivir?

Usted debe tratar de vivir en una vecindad donde haya otras personas que hablen español. En estas vecindades hay personas que hablan español en las tiendas y en los bancos y en las compañías de teléfono.

Los periódicos tienen una sección especial en las últimas páginas donde están listas de casas y apartamentos para alquilar.

¿Que sistema de dinero tiene los EEUU?

El dinero de los EEUU está basado en el dolar. Hay 5 monedas diferentes:

Penny (centavo)	100 hacen un dolar
Nickel (5 centavos)	20 hacen un dolar
Dime (10 centavos)	10 hacen un dolar
Quarter (25 centavos)	4 hacen un dolar
Half Dollar (50 centavos)	2 hacen un dolar

El cambio del dólar a pesos es como 23 pesos por cada dólar. El porcentaje cambia frecuentemente, dependiendo en el valor del peso y del dólar.

¿Donde debo de comprar comida?

La mayoría de las tiendas en los EEUU pertenecen a grandes compañías y no a los individuales. Hay mucha diferencia en los precios de las tiendas. Tiendas pequeñas, como la Circle K y la 7-11 usualmente tienen precios mucho más altos que en los supermercados como Safeway o Foodway.

Las tiendas pequeñas están más convenientes, porque hay muchas, pero cuando le sea posible vaya a tiendas mas grandes y paguen el precio más bajo. Los EEUU no tiene muchos mercados al aire libre.



¿Donde debo comprar ropa?

Usted puede comprar ropa usada en muchas tiendas en los EEUU. Usted puede usualmente encontrar ropa decente en las tiendas de segunda sin tener que pagar precios altos. El nombre de una de estas tiendas es Goodwill.

¿Como puedo hacer una llamada telefonica?

Usted puede hacer una llamada local, o puede llamar larga distancia hasta México. Puede llamar a México de cualquier teléfono público. Usted puede encontrar teléfonos de paga en las estaciones de gasolina o cerca de varias tiendas.

Cada teléfono debe tener un guía telefónico de esa ciudad. En frente de la guía telefónica hay direcciones en español que le dicen como hacer una llamada telefónica.

Para hacer una llamada local cuesta cerca de 20 centavos (el precio de una llamada es diferente in cada ciudad). Usted deposita el dinero en la abertura de dinero del teléfono.

Para hacer una llamada de larga distancia, usted puede pagar el dinero y depositarlo en la abertura del teléfono (tendrá que tener mucho cambio) o puede decir al operadorio que quiere llamar por cobrar y la persona que habla con usted, tiene que pagar por la llamada.

No todos los operadorios hablan español, pero en ciudades donde hay mucha gente que habla español, usted probablemente puede preguntar que pongan a un operador que hable español.

¿Como puedo mandar dinero?

El mayor servicio de telegrama en los EEUU es el Western Union. No le garantizan que su telegrama llegue a México. Para mandar mensajes le cuesta \$5 por cada 15 palabras. Para mandar dinero, le cuesta como \$10 cuando manda \$200 a México.

Usted también puede mandar dinero por correo. Necesita obtener un giro postal de un banco, del correo, o de tiendas como Circle K. Giros postales cuestan menos que telegramas. Usted debe de mandar giros postales por correo certificado, para que tenga una garantía que llegue a la persona a la que se lo envió.

¿Que clase de transportaciones puedo usar?

Excepto por aviones, La Migra raramente busca en cualquier tipo de transportación fuera de 161 kilometros (100 millas) de la frontera. Usted puede usar cualquier clase de transportación que usted guste. Los camiones son los más comunes. El servicio de camión en los EEUU no es tan barato o tan eficiente como en México, pero es mejor que caminar.

Para pasearse en camión entre las ciudades y los estados, hay 2 companias de camión, la compania Continental Trailways y la Greyhound.

¿Puedo recibir licencia de manejar?

En muchos estados usted puede recibir licencia de manejar, aunque no tenga residencia legal. En todos los estados, usted tiene que comprobar su identidad para recibir su licencia. Esto quiere decir que tiene que traer su acta de nacimiento (su acta puede ser de México), o licencia de manejar vieja.

Usted tendrá que tomar exámenes de los ojos, una prueba escrita y una prueba de manejar.

En muchos estados, hay pruebas obtenibles en español.

Licencias de manejar son útiles, porque le dejan manejar, y porque es una de las formas más aceptadas de identificación en los EEUU.

¿Donde puedo guardar mi dinero?

Los indocumentados están muchas veces son víctimas de robo porque tienen miedo de reportar crímenes a la policía. Usted puede poner su dinero en un banco. Algunos bancos le pedirán su número de seguro social.

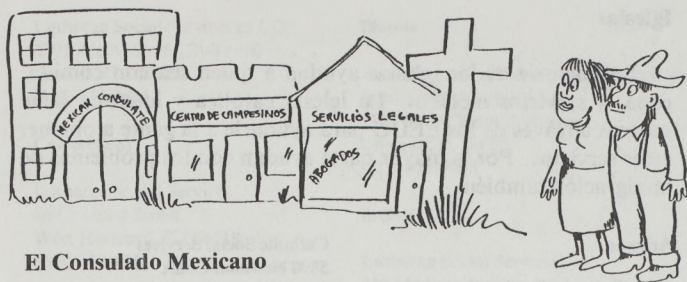


¿Donde puedo aprender ingles?

Muchas escuelas públicas tienen clases de educación para los adultos, donde usted puede aprender el inglés, sin tener que pagar.

¿Que es un notario publico?

En los Estados Unidos, un notario público no es necesariamente un abogado. Tenga cuidado al emplear a esta gente, para que le ayuden con papeles de inmigración, o problemas legales. Muchas veces no están calificados para hacer estos trabajos. Mire al final de este folleto y busque una lista de oficinas legales que le puedan ayudar.



El Consulado Mexicano

El trabajo del consulado mexicano es de proteger los derechos de ciudadanos mexicanos. Hay varios consulados mexicanos a través de los EEUU, pero solo algunos están anotados aquí. Usted puede buscar las direcciones y los números de teléfono en la guía telefonica bajo la letra "M".

Arizona

515 10th Street
Douglas, AZ 85607
(602) 364-2275

137 Terrace Avenue
Nogales, AZ 85621
(602) 287-2521

California

640 Imperial Avenue
Calexico, CA 92231
(714) 357-3863

125 Paseo de la Plaza
Los Angeles, CA 90012
(213) 624-3261

225 Broadway Street
San Diego, CA 92111
(714) 231-8414

Colorado

1050 17th Street Suite 2500
Prudential Plaza Building
Denver, CO 80202
(303) 623-1824

Florida

444 Brickel Avenue
Rivergate Plaza
Miami, FL 33131
(305) 371-5444

Illinois

201 N. Wells Street
21st Floor
Chicago, IL 60606
(312) 372-6190
New Mexico

1020 Tijeras NE
Albuquerque, NM 87106
(505) 247-2139

New York

8 East 41st Street
New York, NY 10017
(212) 689-0456

Texas

1010 S. Main
Del Rio, TX 78840
(512) 775-2352

601 North Mesa Street
Continental Bank Building
El Paso, TX 79901
(915) 533-3644

1612 Farragut Street
Laredo, TX 78040
(512) 723-0990

1418 Beech Street
McAllen, TX 78501
(512) 686-0243

Iglesias

La mayoría de las iglesias ayudan a quién sea con comida, ropa, y servicios médicos. La iglesia católica y luterana tiene centros a través de los EEUU para ayudarle a la gente a obtener estos servicios. Por la mayor parte ayudan con los problemas de inmigración también.

Arizona

Catholic Social Services
1600 E. Tonto
Phoenix, AZ 85034
(602) 252-2311

Catholic Social Services
1825 W. Northern Avenue
Phoenix, AZ 85021
(602) 943-7231

Lutheran Social Ministry of Arizona
1500 West Maryland Avenue
Phoenix, AZ 85015
(602) 249-3812

Catholic Community Services
64 W. Ochoa Street
Tucson, AZ 85705
(602) 623-0344

California

Catholic Welfare Bureau
1400 West 9th Street
Los Angeles, CA 90015
(213) 385-7211

Lutheran Social Services of So. Ca.
2468 West Pico Blvd.
Los Angeles, CA 90006
(213) 385-2191

Catholic Social Services
5890 Newman Court
Sacramento, CA 95859
(916) 452-7481

Catholic Social Services
349 Cedar
San Diego, CA 92101
(714) 231-2828

Lutheran Social Services of Ca.
1101 O'Farrel Street
San Francisco, CA 94109
(415) 474-8400

Immigration Counseling Center
Corner of S. 2nd and E. Reed
San Jose, CA 95109
(408) 293-5374

Immigration Services
2110 E. First Street, Suite 113
Santa Ana, CA 92705
(714) 547-6549

Western Social Services
919 S. Stanislaus Street
Stockton, CA 95206
(209) 464-8011

Colorado

Catholic Community Services
2508 W. Colorado Avenue
Colorado Springs, CO 80904
(303) 636-2345

Denver Catholic Community Services
2844 Lawrence
Denver, CO 80205
(303) 573-5666

(iglesias continuado)

Lutheran Social Services of CO
2701 Alcott Street, Suite 460
Denver, CO 80211
(303) 433-8811

Connecticut

Lutheran Social Services
66 Concord Street
West Hartford, CT 06119
(203) 523-1151

District of Columbia

U.S. Catholic Conference
1312 Massachusetts Avenue N.W.
Washington D.C. 20005
(202) 659-6600

Spanish Catholic Center
3055 Mt. Pleasant N.W.
Washington D.C. 20009
(202) 483-1520

**Lutheran Social Services of the
National Capitol Area**
2635 16th Street N.W.
Washington D.C. 20009
(202) 232-6373

Florida

Sisters of Notre Dame
S. Central Avenue
Apopka, FL 32703
(305) 886-5151

Office of Immigration Services
130 N.E. 2nd Street
Miami, FL 33132
(305) 371-3790

Lutheran Immigration Service
3838 West Cypress Street
Tampa, FL, 33607
(813) 870-0144

Illinois

**Archdiocese Latin American Committee
Immigration Services**
1300 South Wabash Avenue
Chicago, IL 60605
(312) 427-7078

Indiana

Lutheran Social Services
330 Madison Street
Fort Wayne, IN 46802
(219) 743-3347

Lutheran Social Services
1525 North Ritter Avenue
Indianapolis, IN 46219
(317) 359-5467

Iowa

Diocesan Immigration Office
2706 Gaines Street
Davenport, IA 52804
(319) 324-1911

Lutheran Social Services of Iowa
3116 University Avenue
Des Moines, IA 50311
(515) 277-4476

Kansas

Catholic Social Service
617 North Main Street
Garden City, KS 67846
(316) 276-8211

Lutheran Social Services
1855 North Hillside Avenue
Wichita, KS 67214
(316) 686-6645

Louisiana

Archdiocese of New Orleans
7887 Walmsley Avenue
New Orleans, LA 70118
(504) 861-9521

(iglesias continuado)

Massachusetts

Catholic Charitable Bureau
10 Derne Street
Boston, MA 02114
(617) 523-5165

Michigan

Lutheran Social Services of Michigan
484 East Grand Blvd.
Detroit, MI 48207
(313) 579-0333

Catholic Human Development
117 Maple SE
Grand Rapids, MI 49503
(616) 459-8223

Latin American Affairs
716 N. Michigan Avenue
Saginaw, MI 48602
(517) 755-4477

Minnesota

Lutheran Social Services of Minnesota
2414 Park Avenue
Minneapolis, MN 55404
(612) 871-0221

Missouri

Lutheran Family and Children Services
4625 Lindell Suite 501
St. Louis, MO 63108
(314) 361-2121

Nebraska

Lutheran Family and Social Services
120 South 24th Street
Omaha, NE 68102
(402) 342-7007

Nevada

Franciscan Center
704 W. McWilliams Avenue
Las Vegas, NV 89106
(702) 647-3610

New Jersey

Catholic Community Services
One Summer Avenue
Newark, NJ 07104
(201) 482-0100

Lutheran Social Services
489 W. State Street
Trenton, NJ 08601
(609) 393-3440

New Mexico

Catholic Social Services
801 Mountain Road NE
Albuquerque, NM 87102
(505) 247-9521

New York

Catholic Charities
143 Schleige Blvd.
Amityville, NY 11701
(516) 842-1400

Catholic Charities
191 Joralemon
Brooklyn, NY 11238
(212) 596-5500

Catholic Charities of Buffalo
525 Washington Street
Buffalo, NY 14203
(716) 856-4494

The Catholic Relief
1011 First Avenue
New York, NY 10022
(212) 838-4700

Migration and Refugee Services
1250 Broadway
New York, NY 10001
(212) 563-4300

Ohio

Catholic Resettlement Council
3409 Woodland Avenue
Cleveland, OH 43215
(216) 881-1600

(iglesias continuado)

Lutheran Social Services of Central Ohio
57 East Main
Columbus, OH 43215
(614) 228-5209

Catholic Social Services
1933 Spielbusch
Toledo, OH 43624
(419) 244-6711

Oklahoma

Diocese of Tulsa
739 N. Denver Street
Tulsa, OK 74106
(918) 585-8167

Oregon

Catholic Resettlement Service
319 S.W. Washington Street, Rm 814
Portland, OR 97204
(503) 228-6531

Pennsylvania

Migration and Refugee Resettlement
222 North 17th Street
Philadelphia, PA 19103
(215) 587-3500

South Carolina

Lutheran Social Ministry Agency
of Greater Columbia
1003 Richland Street
Columbia, SC 29201
(803) 252-1187 o 787-8057

South Dakota

Lutheran Social Services
of South Dakota
600 West 12th Street
Sioux Falls, SD 57104
(605) 336-3387 o 336-3347

Texas

Social Services
1522 S. Van Buren
Amarillo, TX 79102
(806) 376-4571

Catholic Community Services
3845 Oak Lawn Avenue
Dallas, TX 75219
(214) 528-4870

U.S. Catholic Conference
Migration and Refugee Service
700 South Santa Fe Street
El Paso, TX 79901
(915) 533-3971

Catholic Charities
1404 Hemphill
Fort Worth, TX 76104
(817) 921-5381

Southern Texas Immigration Council
613 W. Fillmore Street
Harlingen, TX 78550
(512) 425-6987

Immigration Counseling Center
515 Rusk
Houston, TX 77002
(713) 226-4251

Catholic Services for Immigrants
833 Bandera Road, Suite 208
San Antonio, TX 78228
(512) 432-6091

Mexican American Ministries Office
224 N. 14th Street
Waco, TX 76703
(817) 753-0329

(iglesias continuado)

Virginia

Migration and Refugee Services
3838 North Cathedral Lane
Arlington, VA 22203
(703) 841-2547

Wisconsin

Lutheran Social Services of Wisconsin
3200 West Highland Blvd.
Milwaukee, WI 53208
(414) 342-7175

Servicios legales

Los indocumentados tienen problemas legales, y muchos indocumentados son abusados y explotados porque ellos tienen miedo de usar sus derechos. En los EEUU hay abogados que ayudan a indocumentados. Abogados privados usualmente cuestan mucho, pero un abogado de Legal Aid (ayuda legal) le puede ayudar gratis. Hay muchas oficinas de Legal Aid a través de los EEUU. La mayoría de las ciudades tienen más de una oficina. Algunos están anotadas aquí. Usted puede encontrar las direcciones de Legal Aid buscando por todas las letras "L," en la guía telefónica.

Arizona

Legal Aid Society
12221 Grand Avenue
El Mirage, AZ 85335
(602) 974-5858

Legal Aid Society
155 E. Alameda
Tucson, AZ 85701
(602) 623-9461



(servicios legales continuado)

California

National Center for
Immigrants Rights
1550 West 8th Street
Los Angeles, CA 90017
(213) 487-2531

California Rural Legal
Assistance
1100 Kansas Avenue
Modesto, CA 95351
(209) 577-3811

California Rural Legal
Assistance
1900 K Street
Sacramento, CA 95814
(916) 446-7901

Legal Aid Society
400 Granger Building
964 Fifth Avenue
San Diego, CA 92101
(714) 232-2214

Colorado

Colorado Rural Legal Services
626 1/2 Main
Alamosa, CO 81101
(303) 589-4993

Al Frente de Lucha
919 A Street
Greely, CO 80631
(303) 356-9951

Florida

Florida Rural Legal Services
107 Main Street
Immokalee, FL 33934
(813) 657-3681

Legal Services of Greater Miami
Northside Shopping Center
Miami, FL 33135
(305) 638-6666

Orlando Legal Services
128 W. Central
Orlando, FL 32802
(305) 841-7777

Servicios Legales de la Comunidad
19 E Cypress Street
Wintergarden, FL 32787
(305) 656-5515

Idaho

Migrant Farmworkers Law Unit
109 N. Kimbel Apt. L
Caldwell, ID 83605
(208) 454-2591

Illinois

Legal Services Center
for Immigrants
1661 S. Blue Island Avenue
Chicago, IL 60608
(312) 226-0173

Michigan

Michigan Migrant Legal Assistance
102 South Mechanic Street
Berrien Springs, MI 49103
(616) 471-2819

Legal Services
4122 West Vernon
Detroit, MI 48209
(313) 554-3474

Michigan Migrant Legal Assistance
103 Mt. Vernon
Grand Rapids, MI 49504
(616) 454-5055

Minnesota

La Oficina Legal
530 Andrew
St. Paul, MN 55107
(612) 291-2579

Organizaciones de la comunidad y de labor

Muchos grupos de la comunidad y de labor se interesan por los problemas de los indocumentados. Estos grupos son muy importantes. Le ayudan mucho al indocumentado. No hay muchos nombres en esta lista, pero se los recomendamos sumamente.

Arizona

Arizona Farmworkers Union
12221 W. Grand Avenue
El Mirage, AZ 85335
(602) 974-5961

Centro Adelante Campesino
12227 W. Grand Avenue
El Mirage, AZ 85335
(602) 977-7054

El Concilio Manzo
7110 S. 12th Avenue
Tucson, AZ 85705
(602) 746-1416

The Friendly House
802 South 1st Avenue
Phoenix, AZ 85003
(602) 257-1870

California

La Raza Unida
14609 Sauder Street
La Puente, CA 91744
(213) 333-8353

Rebel Worker Organization
3364 26th
San Francisco, CA 94110
(415) 285-3553

National Committee to Unionize
Immigrant Workers
8601 Lankershim Blvd.
Sun Valley, CA 91352
(213) 768-1171

Colorado

Colorado Migrant Council
7905 W. 44th
Wheatridge, CO 80033
(303) 425-1532

Florida

National Organizing and
Training Project, Box 416
Immokalee, FL

Idaho

Idaho Migrant Council
715 South Capital Blvd.
Boise, ID 83706
(208) 345-9761

New Jersey

American Civil Liberties Union
30 E. High Street
Glassboro, NJ 08028
(609) 881-2507 o 696-3564
Pida el Sr. Angel Dominguez

New Mexico

La Raza Unida
1204 Copper NE, Apt. 102
Albuquerque, NM 87106
(505) 842-1508

Ohio

Farm Labor Organizing Committee
714 South St. Clare
Toledo, OH 43609
(419) 243-3456

(organizaciones de la comunidad y de labor continuado)

Texas

La Raza Unida
4500 Highland Terrace
Austin, TX 78731
(512) 453-1391

Texas Farmworkers Union
203 S. Bridge Street
Hidalgo, TX 78557
(512) 843-8381

Chicanos Unidos Campesinos
216 E. Avenue D
Muleshoe, TX 79347
(806) 272-4233

Texas Farmworkers Union
N. Jackson
San Juan, TX 78589
(512) 787-5984

Wisconsin

Spanish Center
614 West National
Milwaukee WI
(414) 384-3700

Organizacion Nacional de Campesinos (NAFO)

NAFO tiene un número de teléfono para ayudar campesinos. Usted puede sintonizar este número gratismente. En este numero hablan español y conocen muchos organizaciones quienes pueden ayudarle. Ellos lo refirirán a un lugar cerca donde usted puede recibir ayuda que usted necesite.

1-800-424-5100

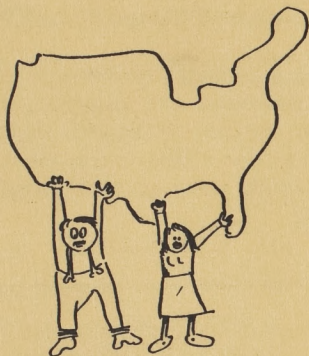
Producido por empleados de New Mexico People and Energy:
Deb Preusch y Tom Barry

La Primavera, 1980

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Mi Pueblo Typography

Recuerde usted:

- Tiene el derecho de no responder a preguntas.
- La Migra tiene que comprobar que usted ha estado aquí ilegalmente. Muchas veces obtienen esta prueba utilizando lo que responde a sus preguntas. Entonces no responda a las preguntas de la Migra.
- Tiene el derecho de tener un abogado, gratis si no tiene bastante dinero para pagarlo.
- Tiene el derecho de organizarse en su trabajo para obtener mejor sueldo y mejores condiciones de trabajo.



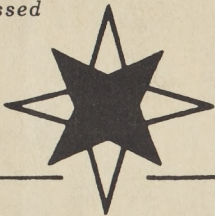
Por mas guías, llame o escriba al:

NMPE
P.O. Box 4726
Albuquerque, NM 87196
(505) 266-5009

Las guías cuestan 25¢ cada una mas estampillas:

1-15	25¢ cada una
16-50	12¢ cada una
51-100	8¢ cada una
101 y mas	5¢ cada una

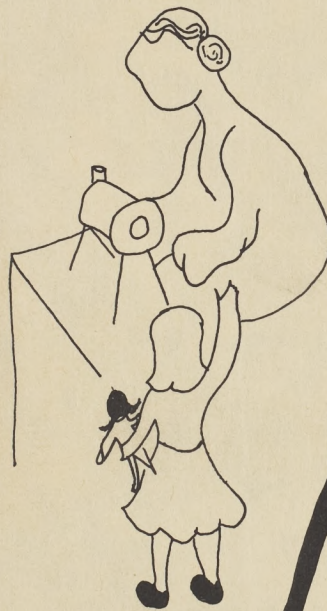
Founded in 1917, the American Friends Service Committee has long been known for its work among the victims of war. In addition, it organizes international conferences and seminars and works within the United States to provide a voice for the oppressed and to educate the public on issues of war and peace.



C.A.M.

AN ECUMENICAL PROJECT

Working Rights of Undocumented Workers



We are all aware of the plight of our brothers and sisters who have come from Mexico and other parts of Latin America in search of work. As members of the religious community, we possess a tradition of concern for the oppressed. We need to be better aware of the conditions that undocumented workers face and the public policies that affect them.

The American Friends Service Committee and the Centro de Asuntos Migratorios wish to extend an invitation to religious leaders and concerned parishioners of San Diego to come together to discuss in particular the conditions and public policies related to the work that the undocumented are engaged in. This seminar for religious denominational representatives will be held on **Saturday, Sept. 22, 1979, at 9:00 a.m.** at **Christ the King Catholic Church**, at the corner of **32nd and Imperial** in San Diego. The presentations will be conducted in both Spanish and English.

These conferences are made possible through a grant from the National Endowment for the Humanities through the California Council for the Humanities in Public Policy and private contributions to the American Friends Service Committee. There is no fee required to attend.

Todos nosotros estamos conscientes de la dificultosa situación en que se encuentran nuestros hermanos y hermanas que han venido de México y de otras partes de América Latina en búsqueda de trabajo. Como miembros de la comunidad religiosa, poseemos una preocupación tradicional por los oprimidos. Necesitamos de ser más conscientes de las condiciones que enfrentan los indocumentados y las políticas públicas que les afectan.

*El American Friends Service Committee y el Centro de Asuntos Migratorios desean extender una invitación al liderato religioso y los feligreses de San Diego que participen en unas discusiones sobre las condiciones laborales y políticas públicas que afectan a los indocumentados. Este seminario para representantes de sectas religiosas se va a llevar a cabo en el **sábado 22 de septiembre 1979, a las nueve de la mañana, en la iglesia católica de Cristo Rey, en la esquina de las calles 32 e Imperial en San Diego. Se facilitará traducción simultánea.***

Agradecemos el patrocinio económico del California Council for the Humanities in Public Policy. La asistencia a la conferencia es gratuita.

**Working Rights of Undocumented Workers:
An Ethical and Moral Perspective
Saturday, Sept. 22, 1979**

**Los Derechos Laborales de los Indocumentados:
Una Perspectiva Etica y Moral
Sábado, 22 Septiembre 1979**

**Christ the King Church
(La Iglesia de Cristo Rey)
32nd and Imperial, San Diego
(231-8906)**

- 9:00 Registration (*Matriculación*).
- 9:30 Welcome (*Bienvenida*), **Marco Antonio Rodríguez**, American Friends Service Committee.
- 9:35 "Religious and Ethical Perspectives on Migration," ("*Perspectivas Religiosas y Eticas sobre la Migración*"), **Daniel Rhoades**, Methodist minister and Professor of Christian Ethics, Claremont Graduate School of Theology.
- 9:55 Questions (*Preguntas*).
- 0:05 "Restrictionism vs. Non-Restrictionism in Immigration Policy: A Discussion of Worker Displacement and the General Impact of Undocumented Workers in the Labor Market," ("*El Restriccionismo vs. el No Restriccionismo en cuanto a las Políticas de la Inmigración: Una Discusión sobre el Desplazamiento en el Trabajo y el Impacto General de los Indocumentados*"), **Sheldon Maram**, Professor of History, California State University, Fullerton; and **David North**, author of "The Characteristics and Role of Illegal Aliens in the U.S. Labor Market" and "Manpower and Immigration Policies in the U.S."
- 0:35 Questions (*Preguntas*).
- 1:00 "Impact Upon Present Working Conditions of Undocumented Workers of a Temporary Guest Worker Agreement Between the U.S. and Mexico," ("*El Impacto en las Condiciones Actuales del trabajo de los Indocumentados de un Acuerdo entre los Estados Unidos y México acerca de Trabajadores Temporales*"), **Ricardo Romo**, Professor of History, University of California, San Diego; and **Supervisor Roger Hedgecock**, San Diego County Board of Supervisors.
- 1:30 Questions (*Preguntas*).
- 2:00 Lunch (*Comida*).
- 2:45 "Working Conditions and General Impact of Undocumented Workers in San Diego," ("*Las Condiciones del Trabajo de los Indocumentados y Su Impacto General en San Diego*"), **Joe Razo**, Director, Concentrated Enforcement Program, California State Division of Labor Standards Enforcement; **Vic Villalpando**, author of "The Impact of Illegal Aliens on the County of San Diego"; **Lawrence Hinman**, Professor of Philosophy, University of San Diego.
- 1:30 Questions (*Preguntas*).
- 2:00 Conclusion.

Registration form
Detach and mail to:

Hoja de matriculación
Conte y envíe por correo a:

Marco Antonio Rodríguez
Centro de Asuntos Migratorios
835 D Avenue
National City, California 92050
(714) 474-6678

Name (*nombre*) _____ Telephone (*teléfono*) _____
Address (*dirección*) _____
City (*ciudad*) _____ State (*estado*) _____ Zip _____
Organization (*organización*) _____
Religious denomination (*secta religiosa*) _____
Check language (marce su lenguaje): Spanish (*español*) _____ English (*inglés*) _____ Both (*ambos*) _____

El proposito de este folleto es de avisarte de tus derechos respecto a la **Immigración**.

Sin embargo, deberias de estar consiente que la migra no siempre respeta los derechos.

HAY QUE SEGUIR CON MUCHO CUIDADO

1. ¿Que pasa si yo voy andando por la calle y un oficial de la migra o un policia me para y me pregunta en donde naci o si soy ciudadano de los Estados Unidos?

Nada. Legalmente, el servicio de inmigración solo te puede parar si tiene una razón justificada de pensar que estas en el país sin documentos o que has cometido algún crimen.

2. ¿Es bastante que yo tenga el aspecto Mexicano?

No, legalmente no te pueden parar sólo esa es la única razón. Pero eso es lo que hace la migra. Paran a toda persona que parezca Mexicana o Latina.

3. ¿Entonces, que hago si me paran?

Las dos reglas para seguir son NO DIGAS NADA Y NO CORRAS No estas bajo ninguna obligación de contestar a las preguntas de nadie. Sigue andando y no digas nada.

4. ¿Que hago si me paran y me detienen?

Nada, sigue las dos reglas. No corras y no digas nada.

5. ¿Pero, que hago si me amenazan con la carcel o deportación?

Nada, sigue las reglas. No corras y no digas nada. La migra no puede hacer nada si no saben quien eres y de donde eres. No digas nada y tendran que dejarte libre.

6. ¿Pero no tengo yo una obligación de contestar a las preguntas de los oficiales?

NINGUNA OBLIGACIÓN. TIENES EL DERECHO ABSOLUTO DE NO DECIR NADA A NADIE.

7. ¿Personas que estan aqui "ilegalmente", sin documentos tambien tienen estos mismos derechos?

Si. No hay ninguna diferencia si tienes documentos o no los tienes. Cualquiera persona tiene el derecho de quedarse callada.

8. ¿Que pasa si digo que soy Mexicano o que soy extranjero?

Entonces, la migra te puede arrestar si no tienes los propios documentos contigo.

9. ¿Que pasa si corro y me pescan?

Entonces te pueden detener por un rato. Pero no tienes que responder a ninguna de las preguntas que te hagan. Si no corres, no te pueden detener, si corres, entonces tienen bastante causa para pararte. Nomás con que NO CORRAS.

10. ¿Que pasa si le pego al oficial de la migra o le grito maldiciones?

Entonces, te puede arrestar. Nomás con que no grites maldiciones y no resistas. Trata de continuar andando y no digas nada.

11. ¿Que hago si estóy trabajando en un restaurante o otro sitio y la migra viene y pregunta de donde soy o donde están mis documentos?

Nada. Sigue las mismas reglas. No corras y no digas nada.

12. ¿Que hago si tengo preguntas o necesito ayuda por causa de un incidente?

Llama y pide ayuda a un centro legal de la comunidad o alguna agencia que preste ayuda en estas situaciones.

LEGAL ANALYSIS OF AN INDIVIDUALS RIGHT TO REMAIN SILENT

The right of a person to remain silent in the face of questions or accusations is protected by the Fifth Amendment to the Constitution, applicable equally to aliens as well as citizens.

So strong is this right that the Supreme Court, in *Miranda vs Arizona*, 384 U.S. 436 (1966), required that all criminal suspects, once in custody, must be warned that they have an absolute right to remain silent. The Supreme Court has gone on to rule that at trial, the prosecutor can not even tell the jury that a suspect remained silent. *United States vs Hale*, 95 S.Ct. 2133 (1975).

In the street stop context, Supreme Court Justice Byron White, concurring in *Terry vs Ohio*, 392 U.S. 1,34 (1968) outlined the law: "Of course, the person stopped is not obliged to answer (the police officer's questions), answers may not be compelled, and refusal to answer furnished no basis for an arrest". A recent Supreme Court case dealt directly with a person's right to avoid responding to the inquiry of a police officer. In *Norwell vs City of Cincinnati*, 414 U.S. 13 (1973), a police officer approached a man on the street and asked if he lived in the area. The man looked at him and then turned around and walked away. The officer twice attempted to stop him, but each time the man threw off his arm, saying, "I don't tell you people anything." The officer arrested the man on charges of disorderly conduct. The Supreme Court unanimously held that the man could not be convicted for not cooperating and for verbally protesting the police officers conduct.

This right to remain silent and not answer questions has long been acknowledged by Federal Courts. As long ago as 1938, the United States Court of Appeals for the Ninth Circuit, which hears appeals from Federal Courts in California, Arizona and other Western States, stated that a person can refuse to answer a police officer's question and no adverse inference may be drawn from a refusal to answer. *Poulas vs U.S.*, 95 F.2d 412,413 (9th Cir.1938). Similarly, the United States Court of Appeals in the District of Columbia stated that: "Had (the suspect) remained standing where he was first accosted, or had he merely refused to talk, the police would have lacked probable cause either to arrest or to search him. The officers would

have had no justifiable reason to lay hands upon him". *Green vs United States*, 259 F.2d 180 (D.C. Cir. 1958).

These rights are clearly applicable when an individual is questioned by immigration officers. Immigration officials, in testimony before Congress, have openly acknowledged that a person does not have to answer, an INS officers's question and that if a person refuses to answer, he/she must be let go. Donald Williams, former District Director of INS in Los Angeles, testified in response to questions by Congressman Joshua Eilberg: Mr. Eilberg: "Do you mean to say that if he (person suspected of being undocumented) remains mute that you would simply allow him to go without any further questioning? ". Mr. Williams: "We would not have any choice". Hearings before the Subcommittee on Immigration, Citizenship and Inter-national law of the House Committee on the Judiciary, 93rd Congress, 1st Session, July 23, 1973.

New York District Director Sol Marks also admitted that INS officials could do nothing if a person refused to respond to their demands. He testified in response to questions by Congresswoman Holtzman, Ms Holtzman: "If somebody refuses to answer an immigration officer who flashes his badge and says, what country are you a citizen of, what happens then? Mr. Marks: "That ends it". Ms. Holtzman: "That ends it. And that person is permitted just to go ahead? " Mr. Marks: "That is correct". Hearings, supra at 44.

CENTRO DE INMIGRACION
GEORGETOWN UNIVERSITY LAW CENTER
600 New Jersey ave., N.W.
Washington, D.C 20001



SUS DERECHOS CONTRA LA MIGRA O POLICIA

"When an alien settles with you in your land, you shall not oppress him. He shall be treated as a native born among you, and you shall love him as a man like yourself, because you were once aliens in Egypt."

(Leviticus 19:33,34)

"Cuando un extranjero viva junto a ti en tu tierra, no lo molestes. Al extranjero que viva con ustedes lo mirarán como a uno de ustedes y lo amarás como a ti mismo, pues ustedes también fueron extranjeros en Egipto."

(Levítico 19:33,34)

When the seminar concludes at 2 p.m., the American Friends Service Committee and the Centro de Asuntos Migratorios will conduct a session to determine what specific activities may be undertaken by the religious community of San Diego to improve the working conditions of undocumented workers in this area. The session will be led by Fr. Frank Riley, O.S.A., director of the Centro de Asuntos Migratorios, and will last until 3:30 p.m.

Cuando termine el seminario, el American Friends Service Committee y el Centro de Asuntos Migratorios organizarán una sesión para determinar las actividades específicas que podría tomar la comunidad religiosa de San Diego para mejorar las condiciones laborales de los indocumentados desta área. Esta sesión será dirigida por el Padre Frank Riley, O.S.A., director del Centro de Asuntos Migratorios. La sesión terminará a las tres y media de la tarde.



RIGHTS

OF

ALIENS

SELAC

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IMPORTANT: THE INFORMATION THAT FOLLOWS IS GENERAL. IF YOU ENCOUNTER PERSONS WHO FIND THEMSELVES IN ANY OF THE DESCRIBED CIRCUMSTANCES, DIRECT THEM TO OBTAIN LEGAL ADVICE AS SOON AS POSSIBLE.

SELAC

SOUTHEAST LEGAL AID CENTER
2007 E. COMPTON BLVD.
COMPTON, CALIF. 90221

THE RIGHTS OF ALIENS

INTRODUCTION:

The Constitution and the Civil Rights Act assure all persons equal protection of the laws, protection against arbitrary government action or unfair legal processes. Nevertheless, the alien still does not enjoy co-equal status in some respects. These differences in treatment will be described in the subsequent sections of our pamphlet.

The analysis is informal and attempts to help the aliens in understanding their rights and privileges.

I. THE RIGHTS OF ALIENS TO ENTER THE UNITED STATES.

The Congress of the United States has sovereign and plenary power to determine which aliens shall enter into the country.

The following categories of aliens may enter as immigrants without limit as to the number of aliens admitted:

1. Children of U.S. citizens (if the child is under 21 years of age and unmarried).
2. Parents of U.S. citizens (if the child is 21 years of age or older).
3. Spouses of U.S. citizens.

Congress has established an annual quota of 290,000 persons that can immigrate into the United States during any fiscal year. The annual quota is subdivided so that 20,000 people from each independent country can immigrate annually into the United States. These 20,000 people have to fall within one of the following categories and within the numerical limitation created for each category.

- | | |
|---------------------------|---|
| <u>FIRST PREFERENCE:</u> | Unmarried sons and daughters of U.S. citizens; 20% of quota for country of origin. |
| <u>SECOND PREFERENCE:</u> | Spouses and unmarried sons and daughters of aliens lawfully admitted for Permanent Residence. 20% of quota for country of origin. |
| <u>THIRD PREFERENCE:</u> | Members of the professions or persons of exceptional ability in the sciences and arts; 10% of quota for country of origin. |
| <u>FOURTH PREFERENCE:</u> | Married sons and daughters of U.S. citizens; 10% of quota for country of origin. |

- FIFTH PREFERENCE: Brothers and sisters of U.S. citizens over 21 years of age 24% of quota for country of origin.
- SIXTH PREFERENCE: Skilled and unskilled workers in short supply in U.S., with Labor Certifications; 10% of quota for country of origin.
- SEVENTH PREFERENCE: Refugees; 6% of quota for country of origin.
- NON-PREFERENCE: Other immigrants visa numbers not used by Seven Preferences above; available for investors and retirees.

Even if an alien meets the requirements for an immigrant visa under the preference or non preference requirements of the law, he may be refused a visa by an American Consul abroad or be denied admission to the United States by the Immigration and Naturalization Service (hereinafter referred to as INS) at a port of entry if he is found to be excludable.

Thirty-two (32) separate categories of aliens are barred from entry into the United States. These various categories include physical or mental defects, criminal conduct, advocacy of proscribed political doctrines, poverty and improper documents. However, waivers of grounds for exclusion are available depending upon the purpose for which the alien seeks to come to the United States and the personal circumstances of the alien.

II. THE RIGHTS OF ALIENS TO REMAIN IN THE UNITED STATES.

An important consideration is the difference between the situation of aliens admitted temporarily (non-immigrants) and those admitted for permanent residence (immigrants).

The non-immigrant is admitted for a limited time and purpose. Consequently, he has no right to remain in the United States beyond the period of his authorized entry (unless he acquires permanent residence through some law process) and he cannot engage in activities inconsistent with the purpose and conditions of his temporary admission (such as accepting employment without permission).

The length of time that one may remain a non-immigrant in the United States depends on the immigration inspector who makes the decision when the alien arrives in the United States. If the alien wishes to remain longer than the time specified, he may apply for an extension of time at the INS office in the area where the alien is residing.

Often non-immigrant aliens remain in the United States beyond the time authorized by the INS. Of course, he is subject to expulsion for breaching the time limits of his entry. As a result, the alien could be placed under deportation proceedings, or could be granted the opportunity to voluntarily depart the United States.

A non-immigrant may also apply for a change of status to permanent resident by a procedure called adjustment of status. The applicant must qualify under the existing laws and regulations in order to receive an immigrant visa. Persons who are not eligible for adjustment of status to permanent residents are those who entered the United States surreptitiously or without inspection; crewmen; exchange visitors; transit visitors without a visa; those who have been admitted into the United States but have accepted or continue unauthorized employment after January 1, 1977, unless the alien is an immediate relative of a U.S. citizen.

Unlike the nonimmigrant alien, the immigrant is admitted for permanent residence. This means that he can stay as long as he wishes and can apply for naturalization to become an American citizen. He can engage in any employment or activities permitted by law. But, on the other hand, the alien may be subject to deportation for certain designated types of misconduct (criminal, subversive, immoral, narcotic or smuggling activities), for violations of registration and reporting requirements, and for becoming a public charge within five years after entry.

Despite the many grounds the government has for refusing persons to remain in the United States, by far the greatest number of aliens who are required to leave are those who have entered the country surreptitiously. This class of aliens have the right to remain in the United States until the lawfulness of their presence has been decided. The issue of the lawfulness of an alien's presence in the United States will be further dealt with in the section on the Rights of Aliens in Deportation Proceedings.

III. THE RIGHTS OF ALIENS IN DEPORTATION PROCEEDINGS.

The Constitution is silent in regard to any direct recognition of the power to deport, but the courts declared that this is a power inherent in sovereignty, essential for the national safety and identified with the conduct of foreign affairs. However, the Supreme Court has held that not even Congress may expel an alien without allowing him a fair opportunity to be heard and that any expulsion must be executed with due process.

Only an alien who has been admitted to the United States as a crewman on a conditional landing permit, or an alien who has been previously deported but who has re-entered the United States undocumented may be deported without a hearing.

Due process in a deportation hearing includes the right of the alien: To a notice of the charges against him, to have an attorney not at government expense, to be notified that free legal services are available, to examine the evidence against him, to cross-examine adverse witnesses, to present evidence on his own behalf, and to a decision by an unbiased judge based solely on the evidence presented in the hearing.

In acting to protect his right of privacy the alien may refuse to permit any officers to enter his premises without a warrant. He

may refuse to speak to the officer until he has an opportunity to consult an attorney and may decline to give any information.

If the alien has been arrested, he has the right to refuse to answer any questions, the right to make a telephone call, the right to refuse to sign a voluntary departure, and the right to apply for release from custody on bond. When the alien is unable to obtain a release on bond, he has the right to a hearing before an immigration judge on his eligibility for release.

It is the duty of the immigration judge to inform the alien about the relief that may be appropriate to his case, as follows:

VOLUNTARY DEPARTURE: The permission to leave the United States voluntarily under an order of voluntary departure.

APPLICATION FOR PERMANENT RESIDENCE: If the alien meets the requirements for obtaining an immigrant visa and if visa is currently available.

SUSPENSION OF DEPORTATION: If the alien has been in the U.S. for at least seven years, has been a person of good character, and if his deportation would result in an exceptional and extremely unusual hardship to himself or to members of his family if they are citizens or permanent residents; If the alien is deportable on criminal, subversive, immoral, and certain other grounds, he must show that he has been present in the United States and has been a person of good moral character for a period of ten years following the commission of the act that made him subject to deportation.

REGISTRY: The application for registration as a permanent resident if the alien has resided in the United States continuously since 1948 and meets certain other conditions.

APPLICATION FOR REFUGEE STATUS: If the alien meets the prescribed requirements for refugees.

WAIVER OF DEPORTABILITY: Granted to aliens who have been lawfully admitted to the U.S., have had seven years consecutive residence, but who left the country temporarily and are deportable for insanity, narcotics addiction or convictions, criminal offenses, or avoidance of military service.

The unfavorable decisions regarding deportability or relief from deportation may be appealed by the alien to the Board of Immigration Appeals. He also has the right to a review by the United States Court of Appeals of any deportation order, as well as any decisions made in deportation proceedings regarding discretionary relief from deportation.

The country to which the alien will be deported depends on his citizenship, birth, or last residence. The alien has the opportunity to designate a country of his own choice and the right to request a stay of deportation to any country in which he would be subject to persecution on racial, religious or political grounds.

IV. THE RIGHTS OF ALIENS TO WORK AND TO RECEIVE UNEMPLOYMENT COMPENSATION.

Aliens lawfully admitted to the U.S. as immigrants have the right to earn a livelihood.

If the aliens become permanent residents upon the basis of an Alien Employment Certification to work for a specific employer or upon a petition to give them a preference because of their occupation, they must perform the work upon which their permanent residence is based.

The situation is different for the non-immigrant aliens whose temporary admittance precludes the acceptance of employment without special permission, unless the purpose of their presence in the U.S. is to engage in specific employment. Generally, the non-immigrant aliens who work without obtaining permission from INS are subject to deportation for violating their status in the U.S.

There is no law that makes it a crime for an undocumented alien to be employed without the approval of the INS. Thus, an alien who is undocumented can be deported for having entered or for being in this country unlawfully. Employment by such an alien, in itself, does not result in any additional penalty or make the alien more deportable.

If the alien is in the U.S. without documents, he has no rights under the Constitution of the United States to equal opportunity of employment as enjoyed by lawful resident aliens. Further, the undocumented alien is not entitled to unemployment compensation benefits by reason of not being available for work because of the fact that he is subject to immediate arrest and deportation.

V. THE RIGHTS OF ALIENS TO OWN PROPERTY.

In general, an alien who lives in the United States has the same right as a citizen to own property. Nevertheless, distinctions have been made between the right of aliens and citizens to own property. State prohibitions against land purchase by aliens are still existing. Seven states place limitations on the period of time an alien may own land, on the amount of land that may be owned, and occasionally on the type of land: Illinois, Indiana, Kentucky, Minnesota, Nebraska, Pennsylvania and South Carolina. On the other hand, federal statutes still restrict the ownership of land by aliens in territories of U.S. and District of Columbia. In regard to the aliens' right to inherit land, there are some restrictions against inheritance of land by nonresident or enemy aliens. However, treaty provisions with many countries assure the right of their nationals to purchase and inherit real property, and any contradictory state statutes are superseded by the superior authority of the treaty.

VI. THE RIGHTS OF ALIENS TO RECEIVE GOVERNMENT BENEFITS.

Generally, aliens are eligible to receive federal, state and local benefits. Yet, the requirements vary from one type of benefit to another.

It is important to note that many times an undocumented person may not be eligible for a specific governmental benefit, but his or her citizen children will be eligible. However, the fact that an undocumented person receives these benefits for the children may be used at a later time to deny status as a permanent resident. For example, INS may deny an application for permanent residence because the applicant will become a public charge based upon the fact that the applicant in the past has received governmental assistance.

AFDC, MEDI-CAL, SSI: In order to be eligible for Aid To Families With Dependent Children, Medical and Supplemental Security Income, the alien must be lawfully admitted for permanent residence or otherwise be permanently residing in the United States under "color of law" (refugees, parolees and aliens who have been granted indefinite voluntary departure or an indefinite stay of deportation).

GENERAL RELIEF: The eligibility criteria for General Relief Benefits requires that the applicant be a lawful permanent resident, refugee, or a parolee. There are some exceptions for aged, undocumented persons who are eligible only under certain conditions.

SOCIAL SECURITY INSURANCE: The Social Security Insurance (for disability, retirement and survivors) is available for any alien who meets the eligibility requirements for the benefits, regardless of whether he is in the United States legally or without documentation, or a permanent or temporary resident....(the deported alien is not eligible for benefits during the period of deportation). However, the opportunity of an alien to become eligible for benefits is determined by his ability to engage in employment covered by Social Security Insurance.

MEDICARE: Medicare benefits for hospital costs are available for all aliens in the United States if they have been in covered employment. Nevertheless, if the aliens were not covered, the regulations require 5 years of continued lawful permanent residence in the United States.

The same condition of 5 years permanent residence is required for any alien who applies for Medicare insurance which pays for the costs of physicians, nursing care, laboratory work and medical appliances.

VII. THE RIGHTS OF ALIENS TO BECOME CITIZENS.

Naturalization is a privilege that is granted, withheld, or qualified in the discretion of Congress. The statute gives the alien the right to submit his naturalization petition and his supporting evidence. When an applicant for naturalization has established his compliance with the terms fixed by statute, the privilege of naturalization develops into a right and he becomes entitled to the right of admission.

A person born outside the geographical limits of the United States and its outlying possessions, of parents both of whom are citizens or one of whom is an alien, is a citizen at birth upon certain conditions of residence in the United States regarding the parents and the child.

An alien is eligible to become a citizen if he is a lawful permanent resident and has resided in the United States for 5 years as a permanent resident. For a person who has migrated through a citizen spouse, the regulations require 3 years of residency in the United States. The applicant must have knowledge of the English language, an understanding of the American form of government, good moral character, and attachment to the principles of the Constitution.

IMMIGRATION SEMINAR

HANDOUT

CONSTITUTIONAL RIGHTS OF UNDOCUMENTED PERSONS AND LEGAL RESIDENTS

I. Introductory Overview

Immigration law and its procedure is unique in that its quasi-administrative and quasi-criminal aspects are often more closely related to criminal judicial proceedings than anything else, but all the constitutional rights afforded persons in a criminal proceeding do not apply in Immigration law. Furthermore, undocumented persons are not guaranteed the same rights as citizens under the Constitution, yet are guaranteed all rights granted to "persons" under the law. Finally, the Courts have upheld laws relating to immigration which would be certainly held to be unconstitutional if applied to citizens. For example, undocumented persons are guaranteed very little due process in the immigration procedural structure. These reasons compel a discussion, even though brief, of the constitutional rights of undocumented and documented persons. An understanding of these rights, will enable all of us to better deal with "La Migra" and other INS officials.

II. Arrests for Immigration Violations

Legal residents and undocumented persons are both protected by the Fourth Amendment to the United States Constitution which prohibits "unreasonable searches and seizures" (including arrests) and random interrogations. All "people" are protected to the same degree by the Fourth Amendment. Thus, a person charged with an immigration offense and another charged with a criminal offense are both guaranteed the same degree of protection.

The law is clear that INS agents, as well as local police, must conform to the terms of the Fourth Amendment when interrogating or arresting a person for an immigration offense.

The following mainly applies to arrests by "La Migra" for immigration violations. A discussion of the rights of local police to arrest persons for being in the country without documents will be briefly discussed. Special attention will be given to the rights a person has after being apprehended because of the harsh consequences of being found guilty of residing in the country without documents: Forced departure from the country.

A. Arrests, Searches and Powers Without Warrants

Any immigration officer anywhere in the United States has the authorization to investigate suspected violations of the immigration laws and are empowered to make warrantless arrests of suspects. They may perform the following functions

without the necessity of obtaining a warrant:

1. To require any person coming into the U.S. to state under oath the purpose or purposes for which he or she is coming, the length of time he or she intends to remain in the U.S. and whether he or she intends to remain in the U.S. permanently.
2. To interrogate any alien or person believed to be an alien as to his or her right to remain in the U.S. The interrogation may only be for the purpose of determining whether he or she has a right to be or remain in the U.S. It does not authorize interrogation concerning criminal matters nor does it condone harassment. Interrogation may take two forms: mere questioning or forcible detention for interrogation. Mere questioning is allowed when the immigration reasonably believes that the person is illegally in the U.S. The person must be permitted to walk away at any time. Forcible Detention on the other hand falls short of an arrest. But, there must be reasonable suspicion that the person detained is illegally in the U.S. before such intrusion may take place. What is reasonable suspicion is determined on a case by case basis because of the present lack of clear standards.
3. To arrest any alien who is in his presence or view is entering or attempting to enter the U.S. in violation of any law or regulation governing the admission, exclusion or deportation of aliens, or to arrest any alien in the U.S., if he has reason to believe that the alien so arrested is in the U.S. in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his or her arrest.
4. To board and search for aliens on any vessel within the territorial waters of the U.S., or in any railroad car or aircraft, conveyance, or vehicle within a reasonable distance from an external boundary. (Such a reasonable distance shall not exceed 100 miles from the border unless the district director having jurisdiction over the matter has requested and received a determination from the Commissioner that a reasonable distance might exceed 100 air miles due to unusual circumstances.)
5. To have access to private lands, but not dwellings, within a distance of 25 miles from an external boundary for the purpose of patrolling the border to prevent the illegal entry of aliens into the U.S.
6. To patrol the border to prevent the illegal entry of aliens by conducting such activities as are customary, or reasonable and necessary, to prevent such illegal entry.

7. To arrest persons who bring in, transport, or harbor certain aliens, or who induce such aliens to enter.
8. To investigate all pertinent facts and circumstances and to take such action as the result of such investigation warrants in the case where the district director of chief patrol agent has reason to believe that there has been a violation punishable under any criminal provision of the laws administered and enforced by the INS.
9. To make arrests for felonies which have been committed and which are cognizable under any law of the U.S. regulating the admission, exclusion, or deportation of aliens, if the INS officer has reason to believe the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for the arrest.

Furthermore, an INS officer is authorized to make a warrantless search of a person and of his or her personal effects in the possession of any person seeking admission into the U.S. if he has reasonable cause to suspect that grounds exist for exclusion from the U.S. which would be disclosed by the search.

B. Powers With a Warrant

At the time of the commencement of INS action, or at any time thereafter, or within a six month period following a deportation order, the district director, acting district director, or deputy district director, may issue a warrant of arrest. Such a warrant may only be issued by the above-named persons and only then, whenever, in their discretion, it appears that the arrest is necessary or desirable. The INS arrest officers, with the warrant, obviously have the unlimited power to effect the arrest of persons named in the warrant.

The INS issues warrants in two ways. In one way, the INS, believing that a person may be in the U.S. illegally, issues a warrant of arrest. Then the INS officer serves the person named in the arrest warrant. In the second type, a person is arrested without a warrant and is issued an order to show cause (OSC). This OSC contains the arrest warrant, signed by the issuing officer. The warrant does not become effective until it is served on the person named in the warrant.

If the warrant or its execution is defective in any respect, this should be challenged at the subsequent deportation proceedings. In practice the warrants are actually issued (stamped with the district director's signature) after a warrantless arrest has been accomplished pursuant to broad powers given to INS officials for arrest without warrants.

C. Rights When Arrested

Once the deportation process formally begins, with the service upon an alien of an "Order to Show Cause and Notice of Hearing" or arrest by INS agents, certain constitutional rights arise.

1. Miranda Warnings

Some courts have recognized that undocumented people have the right to counsel and thus have held that Miranda warnings do apply in deportation proceedings

Immigration's own regulations require the giving of Miranda warnings in certain circumstances. Therefore, although a court may determine that Miranda applies only to criminal proceedings, it must also find that the exact warnings below are compelled in the following situations:

a. Arrest without warrant.

An alien arrested without warrant of arrest shall be advised of the reason for his arrest and his right to be represented by counsel of his own choice, at no expense to the Government. He shall also be advised that any statement he makes may be used against him in a subsequent proceeding

b. Service of the order to show cause.

When personal delivery of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government.

c. Arrest by warrant.

Whenever a person is arrested by an arrest warrant, the respondent shall have explained to him/her the right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him.

2. Remedy for Miranda Violations

A Motion to Suppress Evidence unlawfully obtained is the proper remedy. However, although the Fourth Amendment and other constitutional provisions apply equally to all people, in reality those facing deportation have a lesser degree of protection at the hearing than do others because the Immigration and Nationality Act makes no provision for prehearing Motions to Suppress Evidence. Despite this, a motion to

suppress unlawfully obtained evidence, should always be made whenever such evidence is introduced, otherwise the right to suppress is waived.

3. Bail

Once a person has been taken into custody, he or she is entitled to notification of the INS' decision to retain him or her in custody. If such a person poses no risk to the national security and no bail risk, he or she should be released on his or her own recognizance and no bond issued. In the usual case, however, the person may be released on bond. The bail is generally set for an amount of \$1,000.00 to \$2,000.00. Sometimes the facts in a case may call for the reduction of the amount of bail through the Officer in Charge of the Detention Section of INS, District Director, or Immigration Judge. An appeal to the Board of Immigration Appeals is proper if the Judge denies request regarding bail. Furthermore, a denial of bail or the setting of an unreasonably high bail can be challenged through a Writ of Habeas Corpus in the federal court.

4. Appeal Rights

Many decisions of an Immigration Judge are appealable to the Board of Immigration Appeals and to federal court.

III. Right of Local Police to Apprehend Suspected Undocumented Persons.

The Office of the Attorney General of the State of California on August 2, 1977, forwarded a letter to Michael O'Day, Chief of Police, City of Covina, concerning the right of local police to arrest individual suspected of being in the United States in violation of the Immigration and Nationality Act. The letter states in part:

". . .in the typical situation removed from the border area or its functional equivalent, it may be a rare case in which a California peace officer, largely unfamiliar with immigration law enforcement, would be aware of specific articulable facts which would lead him to a 'reasonable suspicion' that a person is illegally in the country.

". . .a difficult problem arises in regard to the length and scope of the detention. . .

". . .to justify a 'further detention' in order to contact and secure the presence of Immigration and Naturalization Service officers, state and local peace officers may not rely solely on the factors which justify the initial detention. Additionally, decisions by the courts of this state make it clear that a prolonged 'temporary detention' may very well be viewed as an illegal arrest . . .

"in summary, only in rare circumstances where a California peace officer in the typical situation removed from the immediate border area or its functionally equivalent be justified in making an arrest for a violation of 8 USC Section 1325, further it may be difficult to justify initiating a detention and prolonging it for a sufficient amount of time to introduce immigration officers into the case."

In addition, U.S. Attorney General Griffin B. Bell in June 23, 1978, issued a press release setting forth generally the Department of Justice policy regarding the issue of whether local police officers have the authority to enforce immigration laws.

"Attorney General Griffin B. Bell today reaffirmed Department of Justice policy that the responsibility for enforcement of the immigration laws rests with the Immigration and Naturalization Service (INS), and not with state and local police.

INS officers are uniquely prepared for this law enforcement responsibility because of their special training and because of the complexities and fine distinctions of immigration laws, Mr. Bell said.

The Attorney General stated that the Department would continue to urge state and local police forces to observe the following guidelines:

1. do not stop and question, detain, arrest, or place an 'immigration hold' on any persons not suspected of crime, solely on the ground that they may be deportable alines;

- a. upon arresting an individual for a nonimmigration criminal violation, notify the Service immediately if it is suspected that the person may be an undocumented alien, so that the Service may respond appropriately.

INS officials will continue to work with state and local law enforcement officials to carry out this policy."

Despite the issuance of these policy statements, many local law enforcement agencies are not complying and continue to arrest undocumented persons solely for being in the country without documents. In the process of conducting such arrests, many legal residents have been victims of unlawful police conduct (detained and interrogated for purposes of ascertaining their immigration status).

The undocumented person who is a victim of such unlawful police practice virtually has no avenue from which to seek relief because in most instances he or she is deported or forced to leave the country. The legal resident, however, may utilize the courts to obtain declaratory and injunctive relief, and for money damages for the harm suffered. Before an action can be filed in court in many instances, a person must exhaust certain administrative remedies under state and federal law.

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ENTRY INTO THE UNITED STATES

The Immigration and Naturalization Services (INS) recognizes four classes of aliens that enter or attempt to enter the United States. The four classes of persons are:

1. The excludable alien;
2. The uninspected alien;
3. The non-immigrant alien; and
4. Immigrant alien.

The excludable alien is any alien deemed by the INS to be excludable as defined by Section 212(a) of 8 USC 1182 The Immigration and Naturalization Act. Generally the most common grounds for exclusion are, 1) The alien that formerly obtained a temporary or permanent visa to enter the United States by fraud; 2) the alien is likely to become a public charge; 3) the alien has committed a crime; 4) the alien has previously been deported from the United States.

The uninspected alien is one who enters the United States without informing the INS of his/her presence in the United States. The uninspected alien is deemed to be an immigrant. Therefore, the alien is subject to deportation proceedings for reasons to be discussed later in this seminar.

The non-immigrant is the alien who enters the United States temporarily with the intention of returning to the country of his/her allegiance. Non-immigrants fall into 12 categories. The categories are as follows:

1. Officials of Foreign Government;
2. Temporary visitors for pleasure or business;
3. Alien in transit through the United States;
4. Alien crewmen;
5. Treaty Aliens;
6. Alien students;
7. International organization aliens;
8. Temporary workers;
9. Representatives of foreign information media;

10. Exchange visitors;
11. Fiancee and fiance of citizens;
12. Intra-company transfers.

The immigrant alien is that person who enters the United States with the intention to remain in the United States. To become an immigrant alien, the alien must first hurdle the exclusionary Section of the Immigrant and Naturalization Act. as cited above. Although only the four most common grounds were listed above, there exists thirty-one grounds for exclusion. All of which can be found in Section 212 of the Immigration and Naturalization Act. 8 USCA 1182.

After hurdling the exclusionary section, the next step is to determine the immigrant status of the alien.

Presently, there are two types of immigrant aliens:

1. The immediate relative immigrant
2. The immigrant.

The immediate relative immigrant is the spouse, child or parent of a United States Citizen. The parent of a United States citizen must be the parent of a United States Citizen over the age of 21.

The immigrant alien is the alien that falls into one of the seven preference categories. The seven preference categories are:

1. First preference: Unmarried sons and daughters of United States citizens;
2. Second Preference: Sons and daughters of lawfully resident aliens;
3. Third Preference: Professionals, scientists and artists;
4. Fourth Preference: Married sons and daughters of United States citizens;
5. Fifth Preference: Brothers and sisters of United States citizens;
6. Sixth Preference: Immigrants coming to perform labor;
7. Seventh Preference: Refugees

IMMIGRATION SEMINAR

I. WHO CAN OBTAIN GOVERNMENT BENEFITS?

A. Generally aliens are eligible to receive federal, state, and local governmental benefits, to the same extent as citizens.

The concept of supremacy must be understood in order to deal with the subject of immigration. Federal law, i.e. any treaty, regulation, and obviously the United States Constitution will always supercede state, and local laws whenever a conflict exists, e.g. any state or local law or regulation thwarting federal objectives will be overruled by the federal law.

Further the entire area of immigration law deals with and directly affects international relations. Consequently, the federal government preempts the area and dictates that aliens may not be discriminated against by state or local governments.

The United States Supreme Court has declared unconstitutional state legislation denying Welfare benefits to aliens. The grounds relied on were those of equal protection of the law guaranteed to both citizen and aliens, and that the state legislation was infringing on the exclusive federal authority to control the immigration of aliens.

The Court further noted that state classifications based on alienage, i.e. benefits being dispensed solely to those who are citizens, are inherently suspect and could be upheld only if supported by "compelling need".

In short, only the federal government can discriminate in applying laws or dispensing benefits to people based on whether they are citizens or permanent residents.

B. Distinction between permanent residents and those here under color of law.

One must start out with the premise that INS is the only agency with the authority or expertise to determine the legality or illegality of an alien's status in the United States.

Until INS decides that a person is "deportable", that person retains the right to remain in the United States.

*8 U.S.C. Section 1105(A), 1242, 8 C.F.R. Section 316 Heikkila v. Barber 345 U.S. 229(1953) Shaughnessy v. Pedreirs 349 U.S. 48(1955).

An alien who has had "contact" with INS (i.e., INS is aware of his presence in the United States) and against whom INS has determined not to institute deportation proceedings, may qualify as being "permanently residing in the United States under color of Law." "Color of Law" appears to be the term used to decide eligibility of aliens other than permanent residents. Gloss was given on it by HEW in 1973 relying on California Welfare and Institutions Code Section 11104 which permits aid to persons who certify that:

- 1) he is in the United States legally or is entitled to remain indefinitely; or
- 2) is not under an order of deportation; or
- 3) is married to an individual not under an order of deportation.

But HEW noted that nothing precludes a state from using the process adopted in California; certification followed by verification with INS to determine alien status. Until INS says that status is unlawful, the person is here under "color of law".

Therefore, an approach allowing persons not under order of deportation to receive benefits appears to prudent, lawful and workable. Holly v. Lavine Docket #76-7588 (4/27/77). (issue AFDC denial, Mother entered 1954, overstayed visa, 6 children denied AFDC on basis of DPSS determination that Mother here illegally.)

C. Can government discriminate.

The law is in a constant state of flux. But again, the United States Supreme Court has upheld the right of lawful aliens, and those here under "color of law" to receive certain types of benefits.

Yet, the Supreme Court has retained residual power in the government to refuse benefits to aliens "where compelling public interest is established to justify the denial."

The right to receive benefits differs with the provider, i.e. federal, state or local government. But keep in mind the original premise of preemption of federal law and purpose, over state or local law and purpose.

State and local governments are prohibited by the equal protection clause of the United States Constitution from imposing laws which deny Welfare benefits to resident aliens or aliens who haven't specified number of years. (durational residency requirements)

States have argued that a "rational relation" existed in safeguarding Welfare benefits by limiting them to United State citizens. The Court answered that since alien residents also paid taxes to support the system, the state had no special interest in protecting sums which came out of alien resident's pockets also.

Aliens undocumented:

Also may avail themselves of Welfare benefits using the "color of law" definition.

II. SPECIFIC PROGRAMS

A. Preliminarily one must discuss the issue of obtaining a Social Security Card.

The Social Security card is the preliminary barrier in obtaining

eligibility for programs such as, unemployment benefits and Medi-Cal. As such, it becomes something of a Catch-22 for the undocumented alien.

In 1972 the law with regard to obtaining a Social Security card tightened. Upon receiving an application, the local Social Security Administration office will require that the applicant furnish evidence of his: age, identification, alien or citizen status. Cards are only given to:

- 1) Permanent residents.
- 2) Nonimmigrant aliens who have permission to work.
- 3) Nonimmigrant aliens who do not have permission to work, but who need the Social Security card for a non-work purpose, i.e. bank account, school I.D., taxes.

If the alien needs the card for a non-work purpose, his records are so annotated and INS is notified if subsequent employment is posted to the Social Security number.

When the alien does not submit the required proof, INS is notified. In short, before the alien may even be considered for eligibility purposes, he must first hurdle the obstacle of obtaining the Social Security card, running up a red flag for INS if the Social Security Administration is not satisfied with the proof submitted.

Assuming the foregoing is achieved, we then move to individual programs.

Social Security: Disability/Retirement/Survivors benefits.

These programs are available to any alien who meets eligibility requirements regardless if the alien is here legally or illegally. But, eligibility is controlled by the aliens ability to engage in employment, covered by Social Security Insurance.

Again, the seeming open arms policy is a trap for the unwary. To be engaged in employment covered by Social Security Insurance, one must have a Social Security Card.

A revision of the law forbade issuance of a Social Security card after March 1974 to an alien who is not a permanent resident, or who has not been given permission to work by INS.

Therefore, unless SSA taxes are paid by employer and employee to the aliens account, benefits are non-existent.

Public Assistance:

Varies widely among state and local government until 1972 the Social Security Act (SSA) which authorized funds for state and local programs, contained no requirement with regard to citizenship or alien status in the United States for the purpose of receiving

public assistance.

SSI: Section 1614 of SSA, 42 USC Section 1382 A(1) (B)

Following the Supreme Court decision of Graham v. Richardson where the Court struck down requirements that welfare recipients be either citizens or aliens who had lived in the United States for a prescribed period of time, Congress amended a Section of the Social Security Act with regard to SSI.

For persons who are blind, disabled or over 65 assistance was limited to citizens and to aliens admitted as permanent residents or who were permanently residing in the United States under "color of law".

In 1973 HEW adopted regulations which applied this restriction to programs for families with dependent children and for persons who are medically needy or eligible for hospital insurance benefits.

No durational requirement exists for Supplemental Security Income. Proof of residence under "color of law" can be established by correspondence from INS showing grant of "indefinite voluntary departure 'or' in definite stay of deportation.

Further one can prove "color" status by verification that one entered prior to June 30, 1948 and has resided continuously in the United States since entry. Claims Manual Section A2106. But if a doubt exists INS will be contacted.

Aid For Dependent Children:

Social Security Administration again was subjected to more restriction, by the 1974 Adoption that the recipient present a Social Security card or apply for one as an eligibility factor, for child support programs i.e., Aid For Dependent Children.

Aid can not be denied pending application for the social security card but since only legal residents can obtain one, it effectively precludes undocumented persons.

Medi-care- Hospital Benefits:

Benefits for hospital costs are available for all persons over age 65, covered by disability, retirement, survivors insurance, or Railroad Retirement Insurance.

All aliens in the United States are eligible regardless of status if they have been in covered employment, (Remember the catch to covered employment).

But payment of hospital costs for certain persons over 65 and over 72 who don't have the required United States insurance coverage is limited to citizens or aliens who have been lawfully admitted for permanent residence and have resided in the United States continuously for 5 years immediately preceding the month in which they apply for enrollment under the Hospital Insurance Benefit Program.

Medi-care- Doctor, Nursing, Lab Work, Medical Appliances.
42 USC Section 1395 42 USC Section 426 A(4), Section 428 (A)3.

This too is limited to citizens and lawful permanent resident aliens who have had 5 years continuous residence. This requirement was challenged in 1972 with a Federal District Court ruling against it.

The Supreme Court reversed saying, "It is obvious that Congress has no constitutional duty to provide all aliens with the welfare benefits provided to citizens." Diaz v. Weinberger, 36 F. Supp. (1973).

Medi-Caid- (Medi-cal) Section 50187 (Social Security Card) Section 50259 Medi-cal Eligibility Manual 45 CFR Section 248.50.

Unlike medi-care no durational residence requirement is imposed yet, Section 50187 effectively precludes all those who lack a social security i.e., undocumented. Further those who are unknowing and apply for the card may not be around long enough to apply for medi-cal since INS will have received information from the Social Security Administration re their lack of adequate proof in regard to status.

Family Planning, Maternal, Child Health Care and Crippled Childrens Services- 42 USC Section 701

are available to any alien, regardless of status in the United States who otherwise meet the requirements for health, medical and dental care for low income pregnant women, mothers, infants, children and crippled children.

Food Stamps 42 USC 1755, Food Stamp Regulations Section 63-2200.3

are limited to citizens, permanent residents, and those "under color of law." Again, Section 63-2200.3 of the regulations require residence in the United States, citizenship or permanent alien status.

Unemployment Insurance Benefits (UIB) 26 USC Section 3306(C)

Federally funded UIB must be paid to covered employees "irrespective of citizenship or residence" of either employer or employee.

But beginning January 1, 1978, no UIB under federal funded programs may be paid to aliens who are not permanent residents, authorized to work as non immigrants, or in the United States "under color of law."

A California Court has held that aliens are required to submit verification from INS that they are "available to work" in order to qualify for UIB benefits. Alonso v. State Department of Human Resources, 123 Cal.Rptr. 536 (1976).

Pitfalls:

The listener will note from this some what repetitious exercise that the undocumented alien will never get to point one with respect

to availing themselves of public benefits.

Assuming the respective program doesn't require a social security card as an eligibility factor, the proof required re residence or "color" will force the agency to refer at least in California to INS for verification. Once this is done, the alien is no longer a problem to anyone but INS which must decide which is the fastest way to ship the alien out.

If on the other hand, the alien has been able to receive benefits he will have effectively black balled himself, out of the realm of the future immigrant. The INS will consider the person a potential "public charge" and void entry on that basis.

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LEGAL RIGHTS OF UNDOC.

"RIGHTS OF ALIENS"

IMMIGRATION SEMINAR

LEGAL RECORD