

The Immigrant Advocate

Summer 2014



Leading the DREAM

Gaby Pacheco has been instrumental in supporting the DREAMer movement, bringing national attention to the plight of undocumented immigrants and the need for immigration reform. While in high school, Gaby made a life altering decision to publicly share her undocumented status. Despite the consequences, she refused to hide, embracing the fight for the civil rights of DREAMers across the nation.

As Gaby's activism grew, so did her recognition as a leader in the DREAMer movement. In college, she raised awareness about the need for in-state tuition for undocumented students and founded Students Working for Equal Rights. Her efforts led to political change and a climate of acceptance in many colleges throughout Florida. In 2010, Gaby and three friends trekked 1,500 miles from Miami to Washington, D.C. on a "Trail of Dreams." The walk has been hailed as a milestone in the struggle for reform and legal status for the nation's undocumented immigrants.

As Gaby delved deeper into advocating for immigration reform, she regularly encountered resources from the Immigrant Legal Resource Center (ILRC). Fellow DREAMers told her, "You must meet Mark Silverman from ILRC." Mark, an ILRC Staff Attorney, had long been providing community education and empowering DREAMers to organize and advocate on their own behalf. In collaboration with DREAMer groups, Mark was also providing legal analysis to undocumented youth and advocating for deferred action in individual DREAMer deportation cases.

In 2012 Gaby helped persuade President Obama to implement Deferred Action for Childhood Arrivals (DACA), building on Mark's work. According to Gaby, "It was because of Mark that I started the Education Not Deportation campaign in 2011. That year we worked on over 200 cases nationally and stopped hundreds of deportations. The Obama administration had said they

were just deporting people that had committed crimes, but with Mark's help we were able to prove that they were deporting DREAMers. That work was the foundation for asking the Obama administration to give deferred action for DREAMers." ILRC's efforts in promoting deferred action for individual cases for DREAMers helped build the legal basis for DACA.

"It has been inspirational to work with Gaby," said Mark Silverman. "She shows a strong commitment to immigrant rights and an innate ability to analyze and formulate effective strategy. **Gaby is one of the most effective DREAMer voices today, and I commend her for her successful role in helping to win DACA.**" Gaby and ILRC are partnering to advocate for immigrant rights and combat harsh immigration enforcement. We are proud to honor her with the 2014 Phillip Burton Award for Immigration and Civil Rights Advocacy.



Gaby Pacheco with ILRC Staff Attorney, Mark Silverman at the 2014 Phillip Burton Immigration & Civil Rights Awards.

Gaby continues to work towards immigration reform as founder and co-director of the Bridge Project. As the program director of TheDream.US, a national multimillion dollar scholarship fund for DREAMers, Gaby has accomplished one of her longtime dreams of assisting undocumented students interested in pursuing a college education.

Message from ILRC Director of Programs, Melissa Rodgers

When my grandmother arrived in New York in 1941, she had been stateless for most of her life. She traveled from Russia through Europe and eventually to France with only a Nansen Passport. She, like other refugees, left everything behind. In France, her family avoided assignment to a prewar detention camp by claiming they could support themselves. My grandparents managed to secure a visa for the United States after they married. As a Jewish family, they luckily escaped before the South of France fell under Nazi control.



I grew up with my grandmother’s stories about docking at Ellis Island, finding old friends through sheer luck on the subway, and landing a job within two days of their arrival as new immigrants. My grandparents built their life in New York and became U.S. citizens. My grandmother vividly recalls a moment from her first vacation outside the U.S. when she was clearing Immigration & Customs at the end of the trip. “The officer handed me my passport and said, ‘Welcome home.’ I had never heard that before,” she said, “and I will never forget it.”

After I was born, my parents moved from New York to France. I went to school in France and spent summers

in the U.S. At 18, I applied to become a French citizen and now have dual citizenship, which even today feels like dual protection. I attended college, graduate school, and law school in the U.S., and became a legal services attorney, practicing health law. Almost all my clients were immigrants and many undocumented. I learned Spanish as I learned about the intersection between health care and immigration status. It was engaging and rewarding work.

Citizenship is precious. For the last eighteen years, ILRC has pushed for naturalization to help protect immigrants from harsh laws and as a path to self-determination.

I will never forget my grandmother’s story, arriving as a new immigrant and finding a home to call her own. In 2013, I joined the ILRC to direct the New Americans Campaign, helping aspiring Americans obtain citizenship. Across the nation the Campaign is making a tremendous impact and I am proud to work for ILRC, the lead agency in this effort.

Citizenship is precious. For the last eighteen years, ILRC has pushed for naturalization to help protect immigrants from harsh laws and as a path to self-determination. I am privileged to be able to lend a hand.

Navigating Changes to the Naturalization Process

Starting May 5, 2014, the U.S. Citizenship and Immigration Services (USCIS) requires the use of a new Application for Naturalization (Form N-400), lengthening it from 10 to 21 pages and including new, undefined terminology. ILRC anticipates the length and new language of the form will present significant challenges for applicants and legal services providers.

With our community partners and allies, we are mitigating the impact of changes to the N-400, so that aspiring Americans can achieve the goal of citizenship. ILRC and our partners seek to collaborate with USCIS and provide greater clarity and guidance on the issues raised by the new form.

Challenges in the N-400 Update	ILRC is responding by
Immigration advocates will require additional time for naturalization applications, reducing the number of people they are able to assist.	Issuing a free webinar for advocates providing analysis of the changes to the naturalization application.
Aspiring Americans will need more assistance understanding new, undefined terminology.	Preparing a step-by-step guide on how to complete the new application, including an annotated N-400 form with tips and legal issues to consider.
Legal services providers and applicants will require interpreters because USCIS does not provide translated versions of the new form.	Translating the updated N-400 into Chinese, Spanish, and Vietnamese.

For more information about changes to the N-400 and ILRC’s naturalization work, visit www.ilrc.org/naturalization.

ICE Detainer Update

Recent years have seen a dramatic increase in immigration enforcement. Immigration and Customs Enforcement's (ICE) use of immigration detainers or ICE holds, which enlist local law enforcement officers to arrest and detain immigrants for ICE to deport, was a driving force behind this increase. ILRC is working to prevent deportations and keep families together by advocating for policy changes, educating local law enforcement agencies, and empowering community members. We are monitoring policy changes and helping shape legal developments.

ILRC advocates for policy changes to combat immigration enforcement, including the San Francisco Due Process for All Ordinance and the Trust Act in California. The Trust Act, written by ILRC's 2014 Nancy Pelosi Policy Award recipient, Assemblymember Tom Ammiano, limits the circumstances in which California law enforcement can comply with ICE holds. The Act allows local governments to enact more generous policies, already existing in several counties.

Just this year, the groundbreaking decision in *Miranda-Olivares v. Clackamas County* ruled that enforcing ICE holds is unconstitutional, violating the Fourth Amendment. As a result of that decision, approximately 100 sheriffs in California, Oregon, Washington, Colorado, Kansas, and Minnesota announced they will no longer hold individuals on ICE detainers.

ILRC is collaborating with law enforcement agencies, local advocates, and criminal defense attorneys to ensure cooperation with these laws and to encourage the adoption of no-holds policies. By providing education and resources, ILRC is empowering the community in preparation for immigration reform. According to Grisel Ruiz, ILRC Law Fellow/Attorney, "When we create educational tools, we do so for attorneys, but also for advocates and community organizers. It is important for everybody to be informed on these issues." Through our partnerships and network of legal advocates across the country, ILRC is working to keep immigrant families together.

ICE Detainer Policy Map

Blue

State Law

Green

County Law or Policy



This map shows the states in which a statewide or county policy exists to limit cooperation between law enforcement and ICE.

Visit www.ilrc.org/enforcement for more information on the most recent ICE detainer policy changes.

The New Americans Campaign has helped over

100,000

people complete naturalization applications, saving lawful permanent residents an estimated

88 Million Dollars

The **New Americans Campaign** is a national initiative, led by the ILRC, to increase naturalization among eligible lawful permanent residents. Utilizing innovative practices and a vast network of service providers and funders, the Campaign is revolutionizing the naturalization process.



www.newamericanscampaign.org

United for Citizenship Conference

At the *United for Citizenship Conference*, organized by ILRC, 150 members of the **New Americans Campaign** from across the country gathered for an annual peer-to-peer conference this past May in New York City. Partners shared ways to increase outreach, improve efficiency, and other best practices for helping aspiring Americans navigate the naturalization process. The conference featured a one-day group processing workshop, where volunteers helped over 250 lawful permanent residents complete their citizenship applications. Visit www.newamericanscampaign.org/news for more information and video from the event.

DACA Update

Deferred Action for Childhood Arrivals (DACA) is an important step towards reform, providing deportation relief, work permits, and other benefits to young undocumented immigrants who qualify. Since the policy was announced, ILRC has spread information and awareness about this important change. Our recently updated publication, *DACA: The Essential Legal Guide*, is the first comprehensive guide for practitioners. As DACA renewals begin this year, ILRC continues to update and produce resources like the DACA guide, training events, podcasts, and videos to share best practices and changes.

Our national DACA work includes providing up-to-date resources, hosting an active listserv for immigration attorneys to discuss cases, and offering webinars for practitioners. ILRC and our partners advised U.S. Citizenship and Immigration Services (USCIS) on improving the renewal process by providing critical input

on draft forms. We are advocating for improvements and expansions to DACA across the country.

In addition to our work at the national level, ILRC is serving areas with limited resources. As the leader of the **Central Valley DACA Collaborative** we are working to bring resources and information to the area. The Collaborative has helped thousands of local residents with the DACA application process and organized scores of workshops, covering a territory extending from Stockton to Bakersfield. These workshops recruit volunteers to expand the capacity of local organizations and include media outreach to ensure maximum participation.

For more information...

Our report, *Preparing California's Central Valley for Immigration Reform: Lessons from the Central Valley DACA Collaborative*, is available at www.ilrc.org/cvdaca.

Ready California: Preparing for Reform

ILRC is working at the local, state, and national levels to ensure immigration reform has the biggest impact possible. Through a national coalition, ILRC is helping prepare for comprehensive immigration reform. Our immigration policy attorney is working in Washington, D.C. to ensure the immigrant voices of California are represented. On the state level, ILRC is leading Ready California, a campaign to ensure the greatest number of Californians benefit from immigration reform by:

- Increasing legal immigration services throughout the state;
- Providing services in underserved communities such as the Inland Empire, Central Valley, and the Central Coast that have limited access to resources; and
- Developing relationships with partners and stakeholders including foreign consulates, unions, libraries, and churches to reach more immigrants in California.

With over 35 years of experience in navigating ever-changing immigration law, the Immigrant Legal Resource Center's nationwide efforts will ensure we are as prepared as possible for immigration reform.

Cosmopolitan Latina Recognizes Grisel Ruiz

Grisel Ruiz, ILRC Law Fellow/ Attorney, was awarded the Cosmopolitan Fun, Fearless Latina Award in recognition of her tremendous service with the ILRC and previous work as an advocate for immigrant and human rights. The award recognizes game-changing politicians, entrepreneurs, and powerful Latina women who are transforming their community. Grisel was featured in Cosmopolitan Latina and recognized at the Awards Gala on June 4, 2014 in New York City. The ILRC commends Grisel for her dedication to immigrant rights.



Sally Kinoshita Named 2014 Gerbode Fellow

ILRC Deputy Directory, Sally Kinoshita recently received a 2014 Gerbode Professional Development Fellowship. The fellowship, sponsored by the Wallace Alexander Gerbode Foundation, recognizes nonprofit leaders "whose outstanding achievements are highly regarded by their peers." The award supports professional development for nonprofit leaders in the San Francisco Bay Area. The ILRC recognizes Sally's commitment to immigrant rights and leadership.



Updated Publications

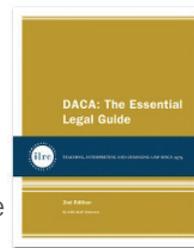
In 1984, ILRC published its first manual. Since then, ILRC has been providing essential practical guides for legal practitioners. All publications are produced by ILRC's expert immigration attorneys. Revenue from ILRC publications helps support critical programs in the community.

DACA: The Essential Legal Guide, 2nd Edition

The second edition of *DACA: The Essential Legal Guide* is a practice-oriented overview of Deferred Action for Childhood Arrivals (DACA). This manual is based on more than two decades of community education, outreach, training, and technical assistance on issues impacting immigrant youth. We have also leveraged new information and experience gleaned over the course of the DACA program thus far.

New updates to this edition include:

- Clarifications and tips on DACA eligibility, particularly meeting educational requirements and evading the criminal bars;
- New appendices and sample materials such as new policy guidance from USCIS, sample documents for applications, and resources on how to organize DACA workshops; and
- A new chapter on what applicants can do after they receive DACA, including obtaining a social security number and traveling abroad under Advance Parole.



A Guide For Immigration Advocates, 19th Edition

A Guide for Immigration Advocates is a practical and essential tool for beginning immigration attorneys, immigration law firms employing paralegals, and nonprofit community based organizations. The Guide is unique among immigration law manuals because it provides a comprehensive detailed overview of the law that is both practical and easy to use. More than a compilation of immigration law topic articles, the Guide is a how-to manual containing clearly worded explanations of each subject and includes sample applications, charts, and practical advice on working with your clients to elicit the information you need to assist them efficiently and accurately.

A Guide for Immigration Advocates is a two volume, practical guide for advocates to use in their everyday practice. This book is a real time saver for attorneys and paralegals, whether working for a community organization or in private practice!



On Demand Recorded Webinars Now Available

ILRC recorded webinars are a great way to view sessions that you could not attend due to a conflict in your schedule. We're pleased to announce that we now offer Recorded Webinars On Demand! This new offering provides quick, convenient access to our recorded webinars and completely eliminates shipping charges. To learn more or view our complete list of recorded webinars, visit us at www.ilrc.org/trainings-webinars/recorded-webinars.

Fall 2014 Training Events Calendar

Look for our Fall 2014 Training Events Calendar, coming your way in mid-August. We will host several training sessions on a variety of immigration law topics including: U visa, waivers and hardship, asylum, criminal immigration, DACA, family-based immigration, and citizenship. Check the "Trainings & Seminars" section of our website for updates.

Upcoming Conference

Look for ILRC at the American Association of Law Libraries 107th Annual Meeting & Conference in San Antonio, TX on July 12 - 15.

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Immigrant Legal Resource Center 35th Anniversary

2014 Phillip Burton Immigration & Civil Rights Awards

On Friday, May 16, 2014, ILRC celebrated 35 years of keeping families together at the Phillip Burton Immigration & Civil Rights Awards. ILRC annually honors those whose work has significantly impacted and advanced the civil rights of immigrants.

Assemblymember Tom Ammiano



Assemblymember Tom Ammiano is presented with the Nancy Pelosi Award for Immigration & Civil Rights Policy in recognition of his outstanding commitment to ensuring equality and civil rights for all. To help keep families united, Ammiano introduced and advocated

strongly for the Transparency and Responsibility Using State Tools (TRUST) Act. The TRUST Act helps minimize deportations, limiting state cooperation with Immigration & Customs Enforcement. He was also an important supporter of the Domestic Workers' Bill of Rights (AB 241) and AB 60, providing a form of California drivers' licenses to undocumented immigrants.

Ammiano has used his influence to help improve the lives of diverse communities that call San Francisco home, much like Democratic Leader Nancy Pelosi and the late Phillip Burton. According to the Bay Area Reporter, "Just about every piece of historic legislation we've seen in the last decade in San Francisco has Ammiano's fingerprints all over it." Among Ammiano's many accomplishments are:

- The School Success and Opportunity Act (AB 1266), providing transgender youth the opportunity to fully participate and succeed in California schools;
- Landmark domestic partners legislation, making San Francisco the first city in the nation to provide these benefits; and
- Prohibiting discrimination by stopping insurance companies from withholding infertility treatments to same-sex or unmarried couples.

Gaby Pacheco



In 2010, Gaby Pacheco wrote an open letter to President Obama in support of the Development, Relief, and Education for Alien Minors (DREAM) Act. In it, she made an impassioned plea on behalf of all DREAMers: "This is the only country we know as our home, Mr. President, and we're

not leaving. We are Americans in every sense except for the piece of paper that recognizes us as such." Pacheco is an exemplary leader in the struggle for immigrant rights and the ILRC is proud to recognize her accomplishments with the 2014 Phillip Burton Award for Immigration & Civil Rights Advocacy.

Pacheco is a courageous advocate whose work has helped bring increased attention to the plight of undocumented young people. She gained national recognition while on the Trail of Dreams – a 1,500 mile walk from Miami to Washington, D.C. where she and other activists pressured Congress and the President to pass the DREAM Act.

While in high school, Pacheco realized that her undocumented status would make her future look very different from her peers, regardless of how hard she worked. In 10th grade, she made the brave decision to break her silence and publicly reveal her immigration status, leading to an ICE raid at her home and constant fear of deportation. In spite of the consequences and risk, she continues to fight for the rights of all undocumented Americans.

For more on the Phillip Burton Awards, visit www.ilrc.org/35.

Celebrating ILRC's 35 Years of Advocating for Immigrant Families

1979 Golden Gate University's Immigration Law Clinic is established, which would later become the ILRC. During the Iranian Hostage Crisis, ILRC and other organizations file a successful lawsuit against the U.S. government for its treatment of Iranian students.

1984 ILRC publishes its first manual, called: *Mexican Suspension Cases – A Practitioner's Guide to Using Conditions in Mexico to Support Extreme Hardship*.

1986 ILRC pushes for the passage of IRCA and responds by providing training, technical assistance, and advocacy to practitioners and immigrant communities.

1987 ILRC helps win *INS v. Cardoza-Fonseca* at the Supreme Court, establishing a more generous standard for asylum. In the same year, ILRC begins creating resources on the intersection of the immigration and criminal justice systems.

1988 ILRC works with local immigrant communities to form El Comité de Padres Unidos, a grassroots immigrant led advocacy organization.

1992 ILRC begins the Community Immigrant Leadership Training Project designed to help immigrants raise their voices on issues of concern to their communities.

1996 ILRC responds to the passage of anti-immigrant laws by pushing for naturalization across the country. We publish *Naturalization: A Guide for Legal Practitioners*, provide technical assistance, and encourage an innovative group processing method of assisting citizenship applicants.



Lisa Spiegel, ILRC Board Chair, with Gaby Pacheco, recipient of the Phillip Burton Advocacy Award.



Supervisor John Avalos presenting Assemblymember Tom Ammiano with the Nancy Pelosi Policy Award.



Julio Navarrete and Akiko Aspillaga, from Educators for Fair Consideration, shared the struggles they and their families have faced as DREAMers.



Guest Speaker Jose Antonio Vargas presented the Phillip Burton Advocacy Award to Gaby Pacheco.



Founding ILRC Board Member, Drucilla Stender Ramey & ILRC Founder, Bill Hing.



Bill Hing with ILRC Board Member, Guadalupe Siordia-Ortiz, Judge Dana Leigh Marks, and members of El Comité de Padres Unidos.

1999 ILRC is co-counsel with Donald Ungar, Marc Van Der Hout, and Robert Jobe in the Ninth Circuit case *Lujan-Armendariz/Roldan v. INS*. Kathy Brady, ILRC Staff Attorney, argues the case, where the Ninth Circuit agrees that a first, minor drug offense will not make a noncitizen deportable or inadmissible if it has been expunged.

2002 ILRC co-founds the Defending Immigrants Partnership (DIP), an unprecedented national initiative to ensure every indigent immigrant defendant receives constitutionally effective criminal defense.

2007 In response to ICE Raids, ILRC provides technical assistance, training, and publishes, *Motions to Suppress: Protecting the Constitutional Rights of Immigrants in Removal Proceedings*. ILRC distributes Know Your Rights flyers and Red Cards, empowering immigrants to assert constitutional rights during ICE Raids.

2009 ILRC begins work on the Community Leadership Project to help minority led immigrant and grassroots organizations build their capacity.

2010 ILRC helps provide a basis for the Supreme Court decision in *Padilla v. Kentucky*, where the Court held that the Sixth Amendment requires criminal defense counsel to advise noncitizen defendants of, and defend them against, adverse immigration consequences of a conviction.

2011 The New Americans Campaign launches nationwide, transforming the way legally qualified immigrants navigate the path to becoming citizens.

2013 ILRC publishes *DACA: The Essential Legal Guide*, the first ever DACA practitioners guide. The TRUST Act, written by Assemblymember Tom Ammiano, also passes in California. ILRC monitors these policy changes and helps shape legal developments.

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2014 Phillip Burton Immigration & Civil Rights Awards



Left to right: Eric Cohen, ILRC Executive Director; Lisa Spiegel, ILRC Board Chair; Gaby Pacheco, Phillip Burton Advocacy Award recipient; Mark Silverman, ILRC Staff Attorney; and Bill Hing, ILRC Founder and Board Member.

ILRC has been woven, and is part of my DNA and who I am as an activist and an advocate.
- Gaby Pacheco

Support Immigrant Families

Your gift provides vital assistance to immigrant families and the lawyers, advocates and other allies working on their behalf. This year holds immense opportunities for change. With your help we will continue fighting for immigrant rights, and for fair and just reform.

Support immigrant families and ILRC today by:

- Making a gift at www.ilrc.org/donate.
- Including ILRC in your estate plans.
- Volunteering your time.

Thank you for your commitment to our work and to immigrant families.

Contact Edith Hong, Director of Development at ehong@ilrc.org or (415) 321-8536 for more information.