

A Quick Guide: Upholding Due Process for All

Last month, our city took an important stand for immigrant rights – and against hate.

After years of community organizing, the FREE SF Coalition successfully updated both the Due Process for All and Sanctuary City Ordinances, which protect immigrants from deportation. The updates, authored by Supervisor John Avalos, will protect the basic right to due process for all people in San Francisco and keep the Sheriff and Police almost entirely *out* of the business of deportations.



Members of the Free SF coalition at City Hall after passing the updates to the Due Process for All and Sanctuary Ordinances.

How will this work? How can you protect your rights? Read on to learn more!

Summary

Under the new laws, except in extremely limited circumstances, local law enforcement:

- CANNOT notify Immigration and Customs Enforcement (ICE) about a person's release date and time from jail.
- CANNOT share personal information, including a person's home or work address, with ICE.

If you or a loved one gets picked up by ICE after coming into contact with SF police or sheriff's deputies, please report this abuse by contacting the toll-free **ICE Out of California hotline at (844) 878-7801**.

Knowledge is power

Understanding ICE's shady tactics helps us fight back.

ICE holds = ICE used to send "holds" or "detainers," asking local jails to hold someone for extra time until ICE could come and arrest them. We pretty much stopped these holds in SF in 2013 with the Due Process for All Ordinance. Then, a federal court found they were unconstitutional! But ICE deceptively shifted its tactics, so we had to update our local laws.

ICE notification requests = When ICE wants to deport someone, it now asks local law enforcement to tell them when someone is about to be freed from jail, so ICE can pick that person up.



At a press conference, car theft victim Pedro Figueroa's eight-year-old daughter recounts witnessing an ICE van take her father away.

Criminalization = ICE often claims it focuses on people with convictions. We need to remember that many people who are arrested or convicted suffer from intense discrimination, racial profiling, and abuse. And people who make mistakes should have the opportunity to transform their lives. To truly build healthy communities, we need to provide opportunity for redemption, not deportation.

The “Upholding Due Process legislation”

The updates to our pro-immigrant legislation offer very strong protections against deportation. However, the legislation does *allow* notification to ICE in the following limited and narrow circumstances.

1. The person either:
 - a. Has been convicted of a **violent felony** in the 7 years just before the date of the notification request; OR
 - b. Has been convicted of a **serious felony** in the 5 years just before to the date of the notification request; OR
 - c. Has been convicted of **three felonies**, that come from three separate incidents, in the 5 years just before the notification request;

AND

2. A judge has determined that there is **probable cause** that the person is guilty of a felony.

However, even in these cases, the Sheriff must consider other factors, like community ties and rehabilitation.

If these criteria could affect you, please contact one of legal services providers of the San Francisco Immigrant Legal & Education Network (www.sfilen.org or 415-282-2826).

Deportations tear apart communities, undermine civil rights, and violate our common humanity. We will continue to fight for #Not1More deportation – and for real solutions to build true community safety.

Questions? Contact the Free SF coalition at FreeSFCoalition@gmail.com, through Facebook (Free SF), or through our website (www.freesf.squarespace.com).