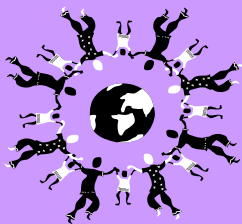


# IMMIGRANT RIGHTS, RESPONSIBILITIES & RESOURCES IN SANTA CLARA COUNTY

A GUIDEBOOK TO  
HEALTH & WELL-BEING  
FOR IMMIGRANTS & THEIR FAMILIES  
IN  
SANTA CLARA COUNTY

SECOND EDITION



PRODUCED BY THE  
LACES COLLABORATIVE  
WITH FUNDING  
PROVIDED BY THE  
COUNTY OF SANTA CLARA

SEPTEMBER 2002



**Language Access & Community Education Services (LACES) Collaborative  
&  
Santa Clara County Office of Human Relations –  
Immigrant Action Network  
Chairperson: Honorable Pete McHugh**

# **Immigrant Rights, Responsibilities & Resources in Santa Clara County**

**A Guidebook to Health & Well-Being  
For Immigrants and their Families  
In Santa Clara County**

**Second Edition  
September 2002**

**First Edition  
December 2000**

Santa Clara County Board of Supervisors

Honorable Donald Gage – District 1  
Honorable Blanca Alvarado – District 2  
Honorable Pete McHugh – District 3  
Honorable Jim Beall – District 4  
Honorable Liz Kniss – District 5

The LACES (Language Access and Community Education Services) project is made up of a collaborative of organizations that include Asian Law Alliance, Resources for Families & Communities, Services, Immigrant Rights and Education Network (SIREN), in addition to many other community-based organizations that are dedicated to fostering immigrant community empowerment and access to programs and services. The *Immigrant Rights, Responsibilities & Resources in Santa Clara County*, supplemented by the *Immigrant Rights, Responsibilities & Resources Facilitators Curriculum* and community education materials, are a product of the LACES Collaborative.

For additional copies of *Immigrant Rights, Responsibilities & Resources in Santa Clara County*, this curriculum and supplemental material, look online at [www.immigrantinfo.org](http://www.immigrantinfo.org). To request a presentation for your organization, update contact information or learn more about the LACES Collaborative, contact the LACES Project Coordinator.

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This curriculum has been created as a supplemental tool to the Immigrant Guide to Rights, Responsibilities & Resources in Santa Clara County, which is a product of the Summit on Immigrant Needs and Contributions sponsored by the Santa Clara County Office of Human Relations in December 2000.

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Special thanks to the Santa Clara County Office Board of Supervisors and the Office of the County Executive for their ongoing support of immigrant community education. This book may be reproduced in its entirety.



# Language Access & Community Education Services of Santa Clara County

*~Building Community Through Knowledge & Embracing Diversity Through Collaboration~*

September 2002

Dear Friend,

Welcome to the new *Immigrant Rights, Responsibilities and Resources Guidebook for Santa Clara County*!! This guidebook represents a culmination of work, commitment and dedication fostered by the Summit on Immigrant Needs and Contributions of Santa Clara County in December 2000; this same work continues with Santa Clara County's ongoing commitment to address the needs of our diverse communities and acknowledgement of the leadership within immigrant communities.

Whether you are a direct-service provider or belong to a group that reaches out to the community, we feel that this guide can serve as an instrumental tool in bridging the gap of knowledge among service providers and communities alike, as well as fostering understanding of our diverse county. Here are some of what the LACES Project has to offer to you:

- Presentations to staff and/or community groups on how to utilize the guidebook and on substantive issues contained in the guidebook, including Facilitators' Train the Trainers Workshops, a facilitators' guide and supplemental material.
- Multi-lingual Community Education material, including the guidebook and educational flyers, in 11 languages that cover Health, Education, Legal Issues, Employment, Family Support and Community Building & Civic Action.
- Community presentations in 11 languages and speakers bureau. You may request a presentation by contacting the LACES Project Coordinator.
- Technical Assistance to organizations and/or community groups interested in organizing community presentations, such as trainings on outreach, media, cultural sensitivity and public speaking;
- Opportunities to meet with other community educator's as part of a LACES Community Educator's Network.

We are hopeful that you will become part of the LACES Network; your interest in and use of this guide is the first step. Thank you for your ongoing interest to inform and empower our diverse immigrant communities about their rights, responsibilities and resources in Santa Clara County. Please do not hesitate to contact us if you have questions regarding this guidebook, or if you are interested in any of the services offered by the LACES Project.

Sincerely,

The LACES Collaborative:

Asian Law Alliance  
Resources for Families and Communities  
Services, Immigrant Rights and Education Network

# Table of Contents

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---

## **Welcome.....7**

How Will Using Public Benefits Affect my Immigration Status?.....8
Emergency & Urgent Hotlines.....10

## **Section One: Community Building & Civic Action**

Community Education for a Stronger Community.....12
Getting Involved: How Does Local Government Work?.....14
Voting Rights & Civic Action: Making Your Voice Heard.....17

## **Section Two: Health & Well-Being**

Individual & Family Health Care.....22
Food & Nutrition.....25
Stress & Mental Health.....26

## **Section Three: Family Support**

Child & Youth Care.....29
Senior & Elder Care.....31
Care for Persons with Disabilities.....33
Housing & Tenant Rights.....35
Cash Aid.....37

## **Section Four: Legal Issues**

Civil Rights.....41
Finding a Lawyer.....44
How do I Apply for U.S. Citizenship.....45
Finding Help for Immigration Problems.....48
Domestic & Family Violence.....49
Child Abuse & Discipline in the United States.....51
What Happens When You Are Arrested?.....52
Hate Crimes & Incidents.....54

# Table of Contents

---

---

## **Section Five: Education**

English as a Second Language.....	57
Child & Youth Education.....	58
Higher Education.....	59
Employment Training.....	60

## **Section Six: Employment Issues**

Wages & Workers Rights.....	63
Starting a Small Business.....	66

## **Know Your Rights!.....69**



## Welcome to the Immigrant Rights, Responsibilities & Resources in Santa Clara County Guidebook!

The purpose of this guide is to help newly arrived and established immigrants **LEARN** about their **RIGHTS**, as well as **UNDERSTAND** their **RESPONSIBILITIES**. The goal of this guidebook is to **ENCOURAGE** families to **ACCESS** services and to continue to **INFORM** themselves about institutions, laws and their rights.

**This guide is divided into 6 sections.**

- ☞ Community Building & Civic Action
- ☞ Health Care & Well-Being
- ☞ Family Support
- ☞ Legal Issues & Rights
- ☞ Education Rights
- ☞ Employment Issues & Workers Rights

**Each section is divided by topics.**

For example, the Health Care & Well-Being Section includes Health Care, Stress/Mental Health, and Food & Nutrition.

Each section offers contact information for agencies and community organizations that provide a wide range of services and programs for immigrants and their families.



### Terms Used in This Book.....

This book is written for all immigrants, **regardless of immigration status**. However, certain benefit programs require persons to be "Qualified Immigrants" to receive benefits. A "Qualified Immigrant" is a person who is a/an:

**U.S citizen** - persons born in the U.S. or abroad to U.S. citizen parents, persons who naturalized, and children under 18 whose parents naturalize.

**Lawful permanent resident** - person granted an immigrant visa to live in the U.S. (green card)

**Refugees** - noncitizens who, while outside the U.S. and their home country, were granted permission to enter and live in the U.S. because they fear persecution in their home country.

**Asylees** - noncitizens who, while in the U.S., were granted permission to live in the U.S. because they fear persecution in their home country.

**Persons granted withholding of deportation or removal** - noncitizens granted permission to remain in the U.S. because their life or freedom would be threatened on return to their home country. This status is similar to, but separate from asylum.

**Cuban/Haitian entrants** - national of Cuba or Haiti granted permission to enter the U.S. (or "paroled") either with the understanding that they will remain in the U.S. permanently or for a temporary stay. These individuals are eligible for refugee assistance and many other public benefits.

**Amerasians** - persons granted lawful permanent resident status under a special law for persons born in Vietnam. To be granted this status, the individual either must have been born in Vietnam after Jan. 1, 1962, and before Jan. 1, 1976, with a U.S. citizen father, or must have been the spouse or minor child of such an individual.

# How will using Public Benefits affect my immigration status?

Will using benefits hurt my chances of getting a Green Card or becoming a U.S. Citizen?



**Good  
News!  
INS says:**

**If you DO NOT have a green card...**



**It will NOT hurt your chances of getting a green card:**

**If YOU, your CHILDREN, or other Family Members use...**

- HEALTH CARE, such as: Medi-Cal, Healthy Families, WIC, prenatal care, other free or low-cost medical care
- Food Programs, such as: Food Stamps, WIC, school Meals and other food assistance

Other programs that do not give cash, such as: public housing, disaster relief, childcare services, job training, transportation vouchers

**You MIGHT have a problem getting your green card later:**



**ONLY IF...**

- You use CASH WELFARE, such as: CalWORKs, Supplemental Security Income (SSI) General Assistance (GA), Cash Assistance Program for Immigrants (CAPI)
- OR your family's only source of support is cash welfare received by your CHILDREN or other FAMILY MEMBERS
- Or you are in a nursing home or other LONG-TERM CARE paid for by Medi-Cal or other government funds

Call one of the phone numbers listed on the following page for more information.

**If you are a VICTIM OF ABUSE**

Who has filed a self-petition under the Violence Against Women Act (VAWA), use of cash welfare and other programs will NOT count against you.

**If you are a REFUGEE or ASYLEE**

You can use ANY benefits, including cash welfare, health care, food programs and non-cash programs, without hurting your chances of getting a green card.

# How will using Public Benefits affect my immigration status?

## If you already HAVE a green card



### You **CANNOT** lose your green card:

If YOU, your CHILDREN, or other Family Members use:

- HEALTH CARE, FOOD programs and other NON-CASH programs
- CASH WELFARE
- LONG-TERM CARE



### But You **MIGHT** have a problem:

If you...

- Leave the U.S. for **more than 6 months** continuously and you have used cash welfare or long-term care
- OR in **extremely rare cases**, if you use cash welfare or long-term care during your first 5 years in the U.S., for reasons (such as illness or disability) that existed before you entered the country

## If you are applying for U.S. citizenship

You **CANNOT** be denied U.S. citizenship for lawfully receiving benefits, including cash welfare, health care, food programs and non-cash programs.

## If you want to sponsor your relative

Using benefits, including cash welfare, health care, food programs, and non-cash programs should not prevent you from sponsoring your relative. But you will need to show that you or your co-sponsor earn enough income to support your relative.

### *FOR MORE INFORMATION, CALL:* **IN NORTHERN CALIFORNIA**

Services Immigrant Rights & Education Network  
Immigrant Assistance & Information Line

(408) 286-1698	Spanish
(408) 286-1448	Vietnamese
(408) 286-5680x108	Farsi
(408) 286-5680x109	Chinese

### **IN SOUTHERN CALIFORNIA**

Coalition for Humane Immigrant  
Rights of Los Angeles

(888) 6-CHIRLA Spanish

Asian Pacific American Legal Center

(800) 520-2356	Mandarin/Cantonese
(800) 267-7395	Vietnamese

*Adapted from a flyer developed by the Asian Pacific American Legal Center for the California Immigrant Welfare Collaborative, a joint project of:*

Coalition for Humane Immigrant Rights of Los Angeles  
❖ National Immigration Law Center ❖ Services  
Immigrant Rights & Education Network ❖ Asian Pacific  
American Legal Center

# Hotlines for Urgent Situations

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**H**otlines are special telephone numbers to help you and your family in the case of an emergency. Hotlines and help-lines are available at the county, state and national levels. The local yellow pages also offer many hotline and crisis help-line numbers.

Use 911 only in cases of extreme emergency, such as when someone is injured or in danger or property has been damaged.

## **AIDS**

24-hour CDC National AIDS/HIV hotline:  
(800) 342-AIDS

**ARIS of SCC County: (408) 293-2747**

## **Anti-Hate:**

24-hour Anti-Hate/CONTACT hotline:  
(408) 279-0111

## **Chemical Dependency:**

24-hour Narcotics Anonymous: (408) 998-4200  
24-hour Alcoholic Anonymous: (408) 374-8511

## **Children's Help**

24 hour CONTACT Warm Line: (408) 279-0303  
24-7 Youth Hotline: (888) 247-7717

## **24-Hour Child Abuse Reporting Lines**

Palo Alto to Sunnyvale: (650) 493-1186  
San Jose Area: (408) 299-2071  
Gilroy to Morgan Hill: (408) 683-0601

## **Domestic Violence :**

Community Solutions 24-hour La Isla Pacifica Crisis  
Line: (408) 683-4118

24 hour Community Solutions Crisis Line: (408)  
683-4118

24-hour Next Door Crisis Line- San Jose Area:  
(408) 279-2962

24-hour Support Network for Battered Women-  
Palo Alto, MountainView, Los Altos Women Crisis  
Line: (800) 572-2782

Family Violence Center: (408) 277-3700

**Elder Abuse Hotline: (800)414-2002**

**Emergency: 911 (Police, Fire dept., Ambulance)**  
**Non Emergency: 311**

**Emergency Disaster Relief 24-hour** American  
Red Cross: (800) 660-4272

**Food Connection: (800) 984-3663**

**Handicapped 24-hour crisis: (800) 426-4263**

**Housing Discrimination, Gay/Lesbian/Bisexual:**  
(408) 293-2429

**24 hr Missing Child Hotline: (800) 222 FIND**

## **Parental Stress**

24-hour Community Solutions, Inc: (408) 683-4118  
24-hour CONTACT Hotline: (408) 279-8228

**Poison Control 24-hour CA Poison Control  
Center Public Hotline: All of California**  
(800) 876-4766 and TDD: (800) 972-3323

**Rape 24-hour Community Solutions Crisis  
Line: (408) 779-2115**

**Shelter-Bed Hotline-24 hours: 800 SHELTER**

## **Stress/Mental Health**

24 hour ACCESS Crisis: (800) 704-0900

## **Suicide Crisis: 24 hour Hotline**

Palo Alto to Mountain View:  
(650) 494-8420

Santa Clara County: (408) 279-3312  
Morgan Hill to Gilroy: (408) 683-2482



# Community Building & Civic Action

Look in this section for information on:

- ☞ Community Education for a Stronger Community
- ☞ Getting Involved: How our Local Governments Work
- ☞ Voting Rights & Civic Action: Making Your Voice Heard

# Community Education for a Stronger Community

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## **Community education is very important.**

Community education can be useful to you, your family and your community. Community education can help you learn:

- How to use health care programs,
- How to advocate for the rights of your child in school,
- How to understand the laws in the U.S.
- How to make community changes that will improve the quality of life for you and your community.

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**Community education empowers people to address their needs and to help improve their lives and the lives of people in their community.**

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The role of *community educators* is to assist in providing information to communities.

Many programs or agencies have community educators that give information to the public. These agencies are also helpful in directing individuals or families to other information and resources. In many ways, community educators assist families and communities in reaching their goals of health and well being.

However, community educators need feedback from the communities that they serve to ensure that they are providing useful and accurate information.

**As individuals we can also encourage education.** We can do this by participating with community organizations, groups or events. Through your interest in learning about the issues that affect your community and sharing information, you become an active community member and educator.

Participating in:

- Parent groups at your child's school,
- Community action groups
- At your church, temple, mosque or synagogue,
- As a volunteer at a community organization
- Leadership trainings,
- Local elections (voting or helping to register people to vote)\*
- Membership in neighborhood associations and organizations
- Circulating letters, post cards or petitions to law-makers.

These are some ways that you can promote education and involvement in your community.

By learning about the issues that affect your community and actively taking part in finding solutions to community problems, **you too can be a community educator!**

## **What do community centers in Santa Clara County offer?**

Community centers offer a variety of programs for all members of the community, including programs for adults, youth and seniors.

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\*Only U.S. Citizens can vote in elections.

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**Community Centers & Libraries  
are places of learning and  
enrichment for YOU and  
YOUR family.**

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## **What kind of programs do Community Centers offer?**

Programs may vary from center to center. These programs may include: food/meal programs, tutoring, recreational activities for adults, seniors and youth, education workshops and forums, computer workshops, ESL, art and music, exercise and sports. Programs are usually free or very low cost.

## **Who runs the community center in my neighborhood?**

Generally, cities are responsible for operating and programming activities for the community, but many times, community members can volunteer. Community centers are usually very open to sharing the facilities with other groups in the community if arrangements are made ahead of time.

**Below are the contact information for most  
community centers and libraries in San José and  
surrounding cities in Santa Clara County.**



# Getting Involved: How our Local Governments Work



**L**ocal governments systems- such as school districts, cities and counties- exist to serve residents in your community, regardless of whether you are a citizen or not. Although decisions that affect you and your community are made at the state and federal level, local governments make decisions that in many cases affect you and your community more directly. By understanding how local government works, communities can work together to address issues and problems, and have an impact on how local decisions are made.

Below are some questions and answers to help you begin to understand how local governments work in the U.S.

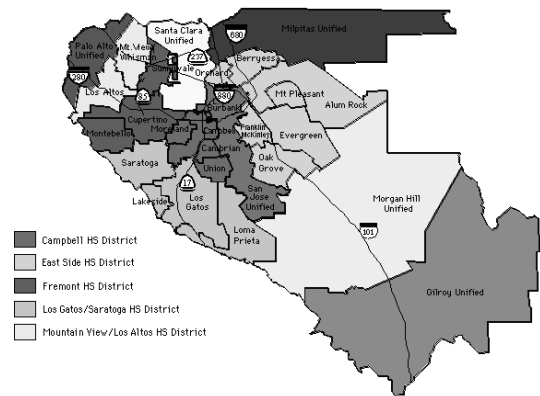


## Who makes up local government?

Local government is made up of many elected and appointed officials and agencies. These officials and agencies are responsible for addressing many different issues faced by the community, and their offices are open to the public. Local governments depend on community civic participation in order to accomplish their goals addressing the needs of the community. Therefore, community is an important part of local government.

## How often and for how long can elected officials hold office?

Term limits (how often a person can run for an elected position and for how long they can hold that position) are different depending on the type of government. For example, in Santa Clara County, County Supervisors can run for office and hold that position 3 times, each term lasting 4 years (total of 12 years.) In San José, City Council Members can run for office and hold that position 2 times, each term lasting 4 years (total of 8 years.)



## School Districts in Santa Clara County

## How are School Districts governed?

School districts are made up of schools in a particular geographic area, and are governed by a committee of elected officials called the Board of Education. They are called school board members, and in many cases, represent neighborhoods within a school district. The board of education is responsible for overseeing the school district, which is responsible making sure that schools are functioning properly. The head of the School District is called the Superintendent, who in many cases is hired by the Board of Education. For a listing of the school districts within Santa Clara County, see the Education Section on page 132.

# Getting Involved: How our Local Governments Work

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## **I am concerned about problems at my child's school, what can I do?**

Parents have a great deal of power when it comes to the education of their child. There are several things a parent can do to advocate for their child, as well as for greater changes that affect the students of the entire school or the school district. Parents can contact their elected official to discuss concerns and ideas about how the district or a particular school can do a better job. To find out who your elected school board member is, contact your child's school.

## **What is meeting with our elected school board member doesn't improve the situation at our child's school?**

If you feel that speaking directly to the School Board is necessary to address the issue you are concerned with, you can contact the community relation's representative in the Superintendents office. Another option is for parents to bring their issues directly to the School Board meetings. School Board meetings are meetings that are open to the public, usually happen once a month, and address many issues affecting schools and education in that particular school district. Parents can get together with other parents to bring up issues at School Board meetings in order to make the changes they think are necessary.

## **What does the Parent's Club do at my child's school?**

Parents' Clubs or PTA's (Parent-Teacher Associations) are one way for parents to have a direct role about their child's school. PTA's are committees of parents who work together with teachers and principals to make the school better. Creating after school programs, special workshops and presentations for parents and representing students' interests in disputes with teachers and school officials are some activities of PTA's. If your school doesn't have a PTA, there are county

and state PTA offices that can help you start a PTA at your school. More information can be found at [www.pta.org](http://www.pta.org). You do not need to speak English to be part of the PTA.

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## **Parents can have a powerful impact on their child's education by getting involved with their PTA.**

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## **City Governments**

### **How are Cities governed?**

Most cities are governed by an elected committee called the City Council. These elected officials may represent certain districts or neighborhoods in the city, or they may represent the entire city. They also pass laws and make other major decisions that affect the lives of all of us. A city is headed by one elected official, the Mayor. The Mayor is the executive official of the city, like the President is to the country.

### **How do I let the city know of a problem?**

If there is a big problem that affects many and needs immediate action, you and your neighbors can

# Getting Involved: How our Local Governments Work

talk directly with your City Council member. In addition, you may also organize your neighbors to bring the issue up to the city council at a City Council Meeting. These meetings are open to the public and are where issues are presented and decisions made.

## How do city agencies help my community?

City agencies and departments assist residents in addressing problems related to the city, such as issues with water and power, police, fire and parks.



## County Government

### What is a county and how is it governed?

A county is larger than a city, and usually has many cities in it. Santa Clara County has 15 cities within its boundaries. An elected Board of Supervisors is governs the County. The elected officials, or Supervisors of a county can represent districts within the county or the entire county. Santa Clara County Supervisors represent districts from throughout the county that include all the cities.

### What are counties responsible for?

County governments oversee issues that are important to the well-being of its residents, such as health and welfare, the courts, libraries, sheriff's and taxes.

## How can I get involved in County government?

There are many ways to get involved. Counties, like cities, have special offices and commissions that specialize in specific issues, such as tenants' rights, children and youth, and the elderly. County residents, **regardless of immigration status**, can get involved with the agencies and commissions. In addition, attending Board of Supervisor meetings, knowing who your elected official is within the county, and attending hearings on issues that are important to you are other ways of getting involved in county government.

## How can I learn more about how my local governments work so that I can participate?

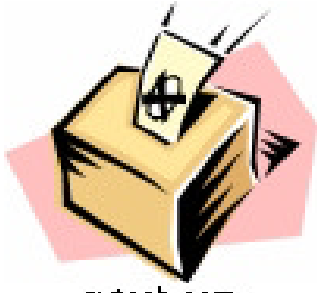
School districts, cities and counties many times offer workshops, classes and leadership seminars to teach residents how their governments work in hopes that people will get involved. Anyone can attend these programs, regardless of whether they are a citizen or not. Contact your local government to find out about these programs.

There are also civic and community groups also offer classes and workshops to help community members learn how to exercise their right to demand change and be heard.



# Voting Rights & Civic Action: Making Your Voice Heard

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**V**oting in elections is a powerful way to make your voice heard. Voting has not always been a right for everyone in the U.S. For this reason, it is especially important for ALL CITIZEN'S to exercise their right to vote in all elections. It is free, and it is a responsibility of citizenship.

However, non-citizens can also participate in elections - by helping other people register to vote, organizing forums and workshops in their church or child's school, learning about the issues and discussing them with their family members or neighbors who are eligible to vote, and by getting involved as much as they can during the elections.



## Who can vote?

In order to vote, you must be:

- A U.S. Citizen
- At least 18 years old
- Not in prison or on parole for a felony
- Must register to vote 15 days before the election.
- New citizen's can register to vote **at the Office of the Registrar of Voter's office** up to **7 days before an election.**

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**Even if you can't vote, you can get involved in many voting activities. It is your RIGHT!**

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## How can I register to vote?

You can register to vote by filling out a voter registration form in person or by requesting an application by mail or online through the internet.

You can get a voter registration from at your:

- Local post office,
- Community agencies,
- Local library,
- Social Services offices,
- WIC offices,
- DMV office,
- County Registrar of Voter's office located at 1555 Berger Dr., Bldg. 2 in San Jose. You can go in person to get a form or you can call to order one by calling (408) 299-VOTE (8683.)

You can also download the form from the internet at [www.sccvote.org](http://www.sccvote.org) or California Secretary of State office at [www.ss.ca.gov](http://www.ss.ca.gov). However, you will need to sign and mail in the form to your local registrar's office.

*Remember:*

- Forms are available in many languages.
- Someone can help you fill out a form if you want.
- The form can be mailed- no stamp is necessary.

# Voting Rights & Civic Action: Making Your Voice Heard

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## What happens after I register to vote?

Three weeks before an election, you will get information from the Office of the Registrar of Voters called a "Sample Ballot," which has summaries of the ballot issues and statements from the candidates who are running for office. Your sample ballot will tell you the exact location of where you should vote.

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## Voting is an important way to exercise your right to be heard!!

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## Where can I find information on how to vote on issues and candidates on election day?

You can become a well informed voter using a variety of materials in your community. Which ever sources you choose, make sure you vote on issues and candidates that you understand and know about.

You can learn more about issues and candidates by using the following sources:

- Talking with your family and neighbors,
- **The Easy Reading Voting Guide**- a guide written by the League of Women Voters that is easy to read and understand. You can find these at public libraries, community organizations or the Registrar of Voters offices.
- Listening to the radio,
- Speeches and public appearances,
- Campaign literature- flyers, letters and brochures you will receive by mail,
- Televised Debates,
- Magazines,

- Reading the newspaper and watching T.V. News
- Contact an official or candidate directly and ask them their position.
- Contact the headquarters of a political party that you are interested in and ask them to send you information,
- Recommendations by organizations ou belong to or whose values you agree with, such as the PTA, or a community group.
- *Project Vote Smart* is also a good resource to learning about issues and candidates. It is a non-partisan (not affiliated with any political party) organization that analyzes information across the country regarding officials and candidates, voting records and much more. You can contact them at 1-888-VOTESMART (1-888-868-3762) or go online at [www.vote-smart.org](http://www.vote-smart.org).

## I would like to vote by mail, how do I do that?

Voting by mail, or "Absentee Ballot" is an option for any citizen; you need not have a special reason. Many people like the "Absentee Ballot" because they can vote in the privacy of their own home, and they can vote with their family or with a larger group.

## When can I request an Absentee Ballot?

You can request an absentee ballot 29 days before an election by writing a letter the Office of the Registrar of Voters or by downloading a letter for the California Secretary of State's website ([www.ss.ca.gov](http://www.ss.ca.gov).) Your ballot will be mailed directly to your home.

The final day to request an absentee ballot is no less than 7 days prior to the election. You must include the following information in your request:

- Title and date of the election
- Your registered address

# Voting Rights & Civic Action: Making Your Voice Heard

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- The address to which the absentee voter ballot is to be sent.
- Your written signature (as registered)
- Telephone number and birth date (optional).

## When do I send in my absentee ballot?

Your absentee ballot must be received on or before election day. You can also deliver your absentee ballot in person to any polling station no later than 8:00 pm on election day.

## I am disabled and cannot make it to the polling place to deliver my absentee ballot, what can I do?

You can designate a close relative to deliver your absentee ballot on your behalf. In Santa Clara County, you can also request to receive an absentee ballot status for future elections if you are disabled or severely ill. Contact the Office of the Registrar of Voters for more information.

## I have become a citizen after the deadline to register to vote, what can I do?

If you have become a U.S. Citizen after the deadline to register, you can register to vote up to 7 days before an election. If you register to vote at the Office of the Registrar of Voter's, you may vote on that day. You must bring:

- Your naturalization certificate
- Identification

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**Absentee Voting is convenient and can be done in a group. Organize an "Absentee Voting Day" in your community!!**

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## It is voting day, what is my first step?

Your first step is to get to the polls!!! Check your sample ballot you received in the mail to find out where in your community you should go. Polls are open from 7am to 8pm.

Voting takes place in different parts of your community:

- Churches
- Schools
- Community Centers
- Businesses
- Garages, etc.,...

## On Election Day...

1. You must first check in with the polling volunteers. They will:
  - Ask you your name,
  - Check for it on the list of registered voters,
  - Ask you to sign your name on the list,
  - Hand you a ballot. (Remember, you can take a person with you or notes on how you want to vote with you.)
2. You mark your ballot.
  - You go into a small, private booth,
  - You mark your ballot with your choices.
3. You put your ballot in a sealed box when you have finished voting.

# Voting Rights & Civic Action: Making Your Voice Heard

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## **Can I vote even if I am not familiar with all the issues on the ballot?**

**Yes.** You can vote on as little or as many issues as you like. The most important thing is to be informed about what or who you are voting on.

## **What if I make a mistake on my voting ballot the day of the election?**

If you make a mistake on your ballot, simply let the poll worker know and they will give you a new ballot.

## **What if I feel I am being intimidated on Election Day at my polling place?**

It is a right of every citizen who is eligible to vote to do so in an environment free of intimidation or discrimination. If you feel you have been intimidated on while voting, you may contact the Office of the Registrar of Voters or the Office of the Secretary of State. If you feel you have been a victim of a hate incident or crime, contact the 24 Hr Anti-Hate Hotline at (408) 279-0111. or the Immigrant Q & A Information Line. (See the bottom page for telephone numbers.)

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**Everyone has a right to vote in an environment free of intimidation!!**

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## **Things to Remember when voting:**

- You **CAN** ask for help.
- You **CAN** take a friend.
- You **CAN** take notes with you.
- You **DON'T** have to vote on everything in order to vote.
- If you make a mistake, you **CAN** ask for another ballot!!





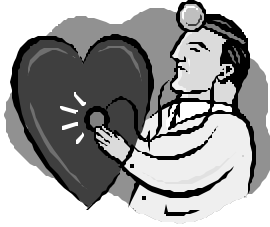
# Health & Well-Being

Look here for information about:

- ∞ Individual & Family Health Care
- ∞ Food & Nutrition
- ∞ Stress & Mental Health Care

# Individual & Family Health Care

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Having good health is important for you and your family. Health benefit programs may be federal, state or local programs. Many immigrants avoid going to the doctor because:

- They do not understand the health care system in the U.S., or
- They are not eligible for health insurance programs or
- They are worried about how to afford medical services.
- They are worried how using health care will affect their immigration status.

Below are some common questions to help you begin to understand how you and your family can access health care in order to prevent or treat illness and handle medical emergencies.



## **Will using government health benefit programs, such as Medi-Cal or Healthy Families, affect my immigration status?**

**No.** Using health care programs, whether they are federal, state or local programs, will not affect your immigration status or your ability to apply for a green card in the future, unless you are receiving Medi-Cal to pay for long-term medical care in a hospital, such as a mental institution or nursing home. (See pg. 5 for more information on how using benefits may or may not affect your status.)

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**Using health programs and benefits WILL NOT affect your immigration status.**

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## **Which programs require legal status in order to use them?**

In some cases, certain programs require information about your immigration status to make sure you are a "Qualified immigrant." \* If you are the person directly receiving the benefit, the following programs will require you be a "qualified immigrant":

- **Healthy Families for Children-** Full health, vision and dental care for children.
- **Healthy Families for Parents** (in the near future eligible parents of children who receive Healthy Families may also be eligible for health coverage. Eligible parents will need to be citizens or have a green card)
- **Full Medi-Cal** - doctor visits, hospital nursing care, prescription drugs, emergency care, prosthetic/orthopedic devices, pregnancy-related care, and some dental.
- **In-Home Supportive Services** for persons who are blind, disabled or elderly - personal care, meal preparation, and transportation to medical appointments.
- **Medicare for Seniors** - free hospital insurance (Part A) and opportunity to buy medical insurance (Part B).

To find out if you are eligible, contact your local welfare office or an agency listed below.

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\*See page 3 for definitions of "qualified immigrant."

# Individual & Family Health Care

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## Is it true that if I am undocumented, I am not eligible for any health benefit programs?

No. There are many programs that do not require U.S. Citizenship or legal status in order to participate.

The following programs are available to ALL persons, regardless of immigration status:

### For everyone (Adults, children, seniors, disabled persons):

- Community or Free Clinics and County Medical Services- including immunizations for children and adolescents, HIV/AIDS-related care and treatment, tuberculosis screening, diagnosis, and treatment.
- ROTACARE - mobile health unit
- Mental Health Services
- Medi-Cal - Breast & Cervical Cancer Treatment Program
- Restricted Medi-Cal for emergency hospital care, and Long Term Care.

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## ALL CHILDREN, regardless of immigration status, can apply for health insurance in Santa Clara County.

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### For children:

- Healthy Kids in Santa Clara County - full health, vision and dental. Similar to Healthy Families.
- Community or Free Clinics and County Medical services.
- Restricted Medi-Cal for emergency hospital care, Minor Consent Services and Long Term Care.

- Women, Infants and Children (WIC) - food vouchers for children under 6 and referrals to doctors and clinics.
- Child Health and Disability Prevention Program (CHDP) - free check ups, diagnosis and medications.
- California Children's Services - assistance with payment for specialized health care for children under 22.
- Minor Consent Services - free and confidential medical treatment without parent consent for youth between 12-21 years old. Pregnancy-related care, family planning, counseling for victims of sexual assault, drug/alcohol abuse recovery, treatment of sexually transmitted diseases, mental health care.
- Mental Health Services - Free/ low cost mental health services.

### For Pregnant Women:

- Community or Free Clinics and County Medical services.
- Medi-Cal Services for pregnancy related care, labor and delivery of your baby.
- Women, Infants and Children (WIC) - while you are pregnant you can get food vouchers, health care referrals, nutrition education and counseling.
- Access for Infants and Mothers (AIM) - low-cost health care, including labor and delivery up to 60 days after your child's birth. If your child was born while you were on AIM, you can get full health care for your child up to 2 years of age.



# Individual & Family Health Care

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## For Seniors:

- Restricted Medi-Cal for emergency hospital care, and Long Term Care.
- Long- Term Care - helps pay for care in an institution such as a nursing home or convalescent home regardless of immigration status.
- HICAP - Counsels seniors on Medicare, supplemental, long-term care and managed care

## For Persons who are blind or have Disabilities:

- California Children's Services - assistance with payment for specialized health care for children under 22.
- Long- Term Care - helps pay for care in an institution such as a nursing home or convalescent home regardless of immigration status.
- Restricted Medi-Cal for emergency hospital care, Minor Consent Services and Long Term Care.
- Regional Center Services - assistance to pay for specialized health care, regardless of status. Includes personal care, specialized medical and dental care, physical therapy and equipment. To apply call (415) 546-9222.

To find out if you are eligible for any of these programs, contact your local welfare office or an agency listed below.

## **I have no insurance and I am undocumented. Will the hospital turn me away?**

In 1986, the government passed a law that prevents hospital emergency rooms from refusing to treat people who need emergency medical assistance, but have no health insurance or other ways to pay.

## **How will I pay for my medical bills if I have no insurance?**

To pay for emergency room visits, hospitals offer a program called **Ability to Pay Program**, but you must request this program within 2 calendar months of your hospital/medical visit. You may also try to apply for Restricted Medi-Cal to help pay for part of the medical costs. Applying for Restricted emergency Medi-cal will not affect your immigration opportunities in the future. (See pg. 5 for more information on how using benefits may or may not affect your status.)





**P**roper nutrition and access to food are important for good health and a happy life. No person should go hungry. Programs providing food resources in Santa Clara County include public and private organizations. Most programs have eligibility requirements for participation related to income (targeting low-income households), location of residence and age.



## **What are food stamps and who is eligible for them?**

Food Stamps are coupons that can be used towards buying food at authorized stores. Many families are eligible to receive Food Stamps, but are not aware of the program or know they are eligible. In order to apply, you must be a citizen or "qualified immigrant"\* or PRUCOL\*\*. You must apply for Food Stamps at Social Services.

## **I am undocumented and I am not eligible for Food Stamps. What programs are there for me or my family?**

Most programs, except for food stamps, **DO NOT** require U.S. citizenship or legal status for participation. Children born in the United States may be eligible for Food Stamps even if the parents/guardian are not citizens. Participating in food programs does not affect immigration status.

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\*\*PRUCOL OR "permanently residing in the U.S. under color of law" is not an immigration status but a benefits term that includes several types of immigrants. It means the INS knows that you are here and does not plan to deport you.

## **What are the different kinds of food programs?**

These programs are available to all persons regardless of immigration status:

### **For everyone:**

- Food stamps- you can get food stamps for eligible members of your family (such as your citizen child) even if your immigration status makes you ineligible to receive them.
- Food Connection - Second Harvest Food Bank's phone referral hotline for those seeking food assistance.
- Emergency Box/Pantry Program - Provides a 3-5 day supply of food for an individual
- Second Harvest Food Bank - Works with feeding organizations and offers direct service programs.
- SHARE - food buying program in exchange for volunteer work and a small fee.

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## **Children born in the United States may be eligible for Food Stamps even if the parents ARE NOT citizens.**

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### **For children and families:**

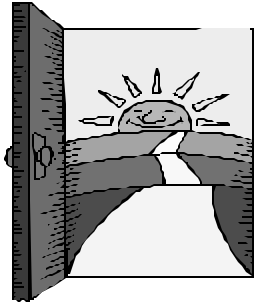
- School Breakfast /Lunch program - provides children with nutritious meals at their school.
- Summer Food Program - free meals during the summer at community centers. No application required.
- Family Harvest - Monthly food program for families with minor dependent children.

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\*See page 3 for definitions of "qualified immigrant."

# Stress & Mental Health Care

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Good mental health means feeling good about oneself and feeling at ease with others. The Mental Health Department of Santa Clara County provides services and administers programs for adults, older adults, families and children, including seriously mentally ill adults and children. Below are common questions you may have about mental health and services.



## What is mental health?

Mental health, like physical health, must be taken care of to ensure a healthy and productive life.

Indicators of good mental health include:

- The ability to adjust to changes,
- the ability to recognize and to deal positively with reality, and
- the ability to develop and to maintain satisfying relationships with people

## What is mental stress?

Stress is a natural part of life. However, when we have too much stress, this can cause problems at work and at home. Causes of mental stress could include:

- Refugee experiences,
- Language barriers,
- Cultural conflicts,
- Intergenerational differences,
- Marital or family problems, homesickness,
- Loneliness,

- Poverty,
- Unemployment, and
- Career change.

Signs of mental stress include loss of appetite and trouble sleeping, excessive fatigue, difficulty concentrating, excessive anger, suspiciousness, physical complaints without organic causes, helplessness and hopelessness, excessive anxiety, hallucinations and delusions, alcohol and drug abuse, and suicidal or homicidal ideas.

## What does Santa Clara County offer for mental health care?

Multiple programs range from outpatient to residential care. There is also a limited screening and referral services that are provided through the Call Center, a centralized information service in operation 24 hours a day, 7 days a week. The Call Center also maintains a volunteer suicide and crisis line. The Call Center toll free number is 1-800-704-0900 in Spanish, English and Vietnamese.

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**Santa Clara County offers services, support and programs to help you and your family be healthy, both mentally and physically.**

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Other types of services that are available are clinical intake assessment, psychiatric evaluation, psychotherapy, case management, individual and group counseling, marriage and family counseling, child and adolescent counseling, medication supervision, crisis intervention, mental health consultation, mental health education, geriatric services(seniors), referral services, and psychiatric hospitalization.

## **What mental health services are provided for youth?**

Services are provided for seriously emotionally disturbed children and adolescents through a system of county and contract programs and include mobile crisis, outpatient, day treatment, residential, intensive in-home and comprehensive services.

## **How do I pay for Mental Health services?**

Fees are based on how much you can pay based on your income (ability to pay.) Medi-Cal and Medicare are accepted.





# Family Support

Look here for information about:

- ☞ Child & Youth Care
- ☞ Senior & Elder Care
- ☞ Care for Persons with Disabilities
- ☞ Housing & Tenant Rights
- ☞ Cash Aid
- ☞ Transportation



**M**any immigrant youth and children of immigrants experience normal stress as teenagers, in addition to adjusting to a new cultural and social environment. In addition, many immigrant families must find child care for their young children while they work or are in a training program.

Below are some common questions and answers parents may have about childcare and programs and services offered for youth in Santa Clara County.



## **My husband and I work, where can we find affordable childcare for my young child?**

Accessing affordable childcare programs can be difficult. Many parents will rely on family and friends to help them. However, childcare programs and services are available at daycare centers, at some schools that have after school programs and by private or community organizations and agencies dedicated to caring for children and youth. The cost of these programs and services will vary, and in some cases, low-income families may be eligible for financial assistance to pay childcare fees. You should always ask to see if you may be eligible to receive financial assistance.

## **Where can my 14yr. old child go after school while I'm at work?**

There are programs throughout the county where immigrant youth can make meaningful use of their time. These programs help youth create a sense of belonging through participating in programs designed to enhance their lives. You can find these programs and resources through a variety of after school programs that exist for immigrant youth. Some locations include youth centers, sports programs, homework centers and community centers. Most youth programs are free, however, it is always a good idea to ask if there is a cost. Sports programs offered by cities and organizations often require a fee. In some cases, they may offer scholarships to help families pay for fees.

## **I am a working single mother. Where can my child get help with homework afterschool?**

Libraries, schools and community centers may offer tutoring and homework assistance for school-age children. While these may not be child or youth care programs, they are useful resources in helping parents help their children make better use of their time afterschool.

## **I'm interested in caring for children in my home, how do I start?**

Immigrants can start a home-based child care center. They must be approved for a license in order to do this. Because of the lack of the county's childcare services, immigrants who are interested in opening a childcare center are encouraged to enter this field so that there can be more culturally relevant places for children. Persons interested in opening a home-based child care center can call 1-800-616-2242 for more information. Community colleges, adult education and some vocational training programs offer preparation for adults interested in the field of caring for children and youth.

### **Are their educational programs for children under 5 years?**

Yes. Santa Clara County Head Start Program provides half to full day preschool for low income, at-risk children. Head Start preschools are funded by the state, and are FREE. Participating does not affect your immigration status. Preschools prepare young children for kindergarten and are a childcare alternative for many families.





**I**mmigrant seniors are a very vulnerable population. Centers with bilingual or multilingual staff are most suited for elderly immigrants.



## What services do senior programs offer?

Senior centers that offer a wide variety of services are more desirable for senior immigrants because they can receive comprehensive services in one place. This includes:

- Recreational activities
- Nutritional programs and meals
- Health services and counseling

## My elderly parent needs food.

### What programs exist?

Almost all senior centers have nutritional services and serve some ethnic foods, but most transportation services to these centers are limited. Contact the organizations listed below to find out what is offered in your community.

Also, the Santa Clara County Food Bank has a special programs for Seniors. See the Food Section on pg. 27 for more information on Food & Nutrition for Seniors.

## Do senior centers offer health services too?

Some senior centers offer health services. However, older immigrants who need health services need to obtain current and correct information about eligibility to use these services through senior centers. Contact the senior center to find out what is available. See the Health Care Section on pg. 9 for more information on health services for Seniors.

## What kind of services are available for seniors who can't leave their home?

Immigrant seniors who are homebound can call In-Home Supportive Services (IHSS) for information about services provided. See the Health care section on pg. 9 for more information.

## What services does the Council on Aging offer?

The Council on Aging offers many services to the senior community. These services include:

- Health and supportive services in the areas of health insurance counseling,
- Emergency home response,
- Employment,
- Visiting advocates,
- Information and assistance,
- Meals on wheels and
- Case management services.

### **I am confused about paying my medical bills, who can help me?**

Seniors may need help with understanding how to pay their medical bills and how to use health services. The Council on Aging offers a program called Health Insurance and Counseling Advocacy Program (HICAP) to assist seniors with their bill payment needs. Call (408) for more information.

### **I take care of my mother and I am so overwhelmed. Who can help me?**

Caregivers of seniors (including spouses, adult children of seniors or friends) often need support in order to keep caring for their loved one. Respite programs help caregivers get the support they need. See the list below for more information.





**D**isabled children and adults have a need for special programs, yet there are not enough schools and centers to meet their needs. It is extremely important for disabled immigrants and their families to get information about their educational, employment and legal rights.



## **How can I find out about my disabled rights?**

Immigrants who have disabilities and need information about their rights and how to get accustomed to the new environment can call Protection and Advocacy Inc. at 1-800-776-5746 or the Bay Area (Oakland) office at (510) 839-0811 or visit their website [www.pai-ca.org](http://www.pai-ca.org).

## **How can community organizations help people with disabilities?**

Some organizations serving the disabled have staff who speak different languages and can help the disabled immigrant obtain information and services.

## **If I am disabled and need help with skills or to find a job, where do I go?**

Some organizations can provide job training and/or assistance in finding a job. The help may depend upon the type of disability that you have. These organizations include:

- Alliance Vocational Services

- California State Department of Rehabilitation
- Catholic Charities Focus on Work
- Vision Impaired-Sensory Access Foundation
- Deaf Counseling Advocacy and Referral Agency
- Gavilan College
- DeAnza Community College Special Education Division.

## **What if my child needs special education services?**

Your school should provide many services for your child to succeed in school. **But it is very important that you actively seek the support and services your child needs.** Also, depending upon the age of the children and the type of disability they have, there are special education programs such as Achieve Intake, Children's Health Council, Community Association for Rehabilitation, Greater Opportunities for the Developmentally Disabled, and Parents Helping Parents special education advocacy program (408-727-5775) among others.

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## **Parents of children with special needs have many rights and should advocate for their child's well-being.**

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## **If I am disabled and have no money, can I receive financial help from the government?**

There are some government programs that provide cash assistance to people who are disabled and are low-income. These programs depend upon your immigration status and whether you have worked in the United States. If you have a green card, using cash aid as your only source of income will not affect your immigration status, unless you decide to leave the country for more than 180 days. See the Cash Aid Section on pg. 62 for more

# Care for People with Disabilities

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information on cash aid programs and pg. 5 to learn more about how using benefits may affect your immigration status.

## **Is there free medical help for children and adults with disabilities?**

If you are low-income and have limited resources, you may be eligible for Medi-Cal, a state medical insurance program. See the Individual & Family Health Care Section on pg. 9 for more information.

## **Is there housing assistance for people with disabilities?**

Green Pastures and Tri-Aegis Residential Services provide residential homes for children and/or adults with developmental disabilities. In some circumstances, there are federally subsidized housing projects that help disabled persons by providing apartments with reduced rents. A federally subsidized housing list may be available through the Housing Authority of Santa Clara County. In addition, the Housing Authority has a Section 8 housing list. See the Housing Section on pg. 53 for more information.

## **Are their cash aid programs for people with disabilities?**

Some of these programs include

- Supplemental Security Income (SSI),
- Cash Assistance Program for Immigrants (CAPI),
- Social Security Disability Insurance,
- State Disability Insurance,
- Workers Compensation,
- Cal Works.

See the Cash Aid section on pg. 62 and the Wages & Workers Rights section on pg. 123 for more information.

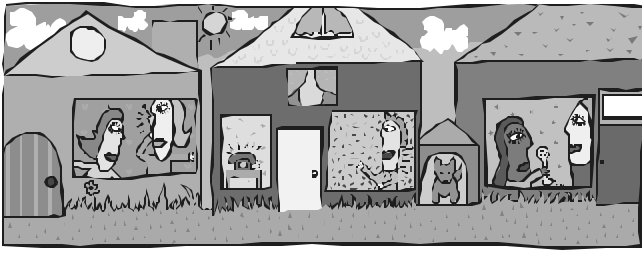
## **Where do I call if my child is out of control?**

Depending upon the type of disability, counseling services are provided by Crisis Line for the Handicapped, Children's Health Council, Greater Opportunities for the Developmentally Disabled as well as other agencies. See the Stress/ Mental Health Section on pg. 19 or call 24 hour ACCESS Crisis: (800) 704-0900 for assistance.



# Housing & Tenant's Rights

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**F**inding housing can be challenging for immigrant families. The different types of housing in most communities include: apartment buildings, homes, trailer homes and rooms for rent in a house or an apartment.



## How can I find a place to live?

There are different ways to find housing. You can find housing through friends, co-workers, resettlement agency's, looking for "For Rent" signs on or near buildings, rental offices in apartment buildings, newspaper "Classified" sections and real estate agencies (which may charge a fee for service.)

## What are my rights as a renter?

Renters (or tenants) have certain rights they can expect when they rent a place to live. These include:

- The right to habitable or livable conditions,
- The right to privacy and under most circumstances, to get 24 hour notice before the landlord accesses the housing;
- The right to protection from eviction and rent increases during the period of the lease (as opposed to a month-to-month rent).
- The right to be free from illegal discrimination or retaliation for exercising one's legal rights.

## How often can landlords raise rent?

If you have a lease, your rent cannot be raised until the end of the lease. If you have a month-to-

month agreement, and the rent control law applies, your rent can only be raised once a year.

## What is rent control and how does it work?

The rent control law in San Jose applies to apartments built before 1979.

It limits landlords to raising rent by 8% in any given calendar year, or by up to 21% in a calendar year if the rent was not raised the year before.

If your rent is increased above these limits, you have 30 days to appeal this increase by contacting the Advisory Commission on Rents, part of the City of San Jose Rental Dispute Program.

## Can my landlord evict me if I stand up for my rights?

No. Landlords may not evict tenants for discriminatory reasons or in retaliation for tenants exercising their rights, such as complaining to a housing inspector, filing a discrimination claim, or paying and deducting for repair. Contact a legal services organization for assistance if you believe you are being wrongfully evicted.

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**Landlords may not evict tenants for discriminatory reasons or in retaliation for tenants exercising their rights.**

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# Housing & Tenant's Rights

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## What eviction rights do tenants have?

For the moment, landlords do not need to show just cause (have a reason to evict tenants). If they do not state a particular reason for evicting you and you are on a month-to-month lease, they need to give you 30 days written notice of termination.

## What if I don't pay my rent?

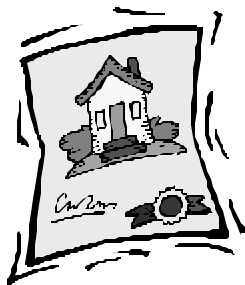
If you fail to pay the rent on time, or are otherwise breaking the lease, the landlord can serve a three day notice of termination. During this time, you have three days to pay or stop breaking the lease.

## I am worried about housing discrimination. What are my rights?

Providers of housing and housing-related services are obligated by law not to discriminate against anyone on the basis of their sex, race, religion, ethnicity, disability, gender, age, sexual orientation, or whether or not you have children.

Areas where discrimination is illegal include application selection, rent increases, evictions, deposits, and other terms of rental agreements.

If you believe you have been discriminated against, contact your local fair housing legal services organizations who can send testers in to determine if discrimination is taking place.



## What if I am low income and need housing or shelter?

Non-profit housing providers have services for emergency, transitional and permanent housing.

CalWORKs Homeless Assistance is provided to CalWORKs clientele in need of a home. These clients usually live in transitional emergency shelter or motels. This program assists with motel vouchers and monetary funds for affordable housing.

## How can I apply for Section 8 housing?

Section 8 is a program that provides rental subsidies to low income families. The waiting list is currently closed, but opens up for new applications from time to time. Contact the Housing Authority of Santa Clara County. You must be a qualified immigrant or citizen to receive this benefit.

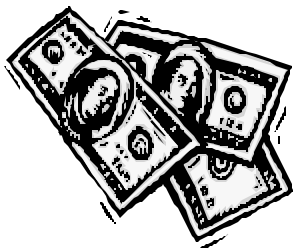
## What services does the Housing Authority of Santa Clara County provide?

The Housing Authority of Santa Clara County provides low income housing and subsidies for eligible families, seniors aged 62 and over and persons with disabilities.

## What is Project Sentinel and how will they help me?

Project Sentinel is a non-profit agency that investigates housing discrimination and enforces housing laws. It offers tenant-landlord counseling and mediation when there are problems between tenants and landlords/owners. Project Sentinel conducts educational seminars on housing issues and provides legal counseling. All services are free.





**The** Social Services Agency of Santa Clara County provides life protecting, life sustaining, and life enhancing services to "qualified immigrant"\* adults, children, families, elders and economically dependent individuals. This is accomplished by helping participants achieve self-sufficiency through employment and providing public benefit programs.



## **What cash aid programs does Social Services offer and who is eligible for them?**

For newly resettling immigrants these programs include:

- CalWORKs
- General Assistance,
- SSI
- CAPI,
- Refugee Cash Assistance
- Foster Care,
- Kin-GAP, and
- Refugee Resettlement Program (RRP)

## **How does using cash aid affect my immigration status?**

Receiving cash aid might affect your immigration status if cash aid is your only source of income. If you don't have a green card, using cash aid as your only income may affect your opportunities of getting a green card. If you have a green card,

using cash aid will not affect your status unless you leave the country for more than 180 days. If you arrived after August 22, 1996, you may have problems if you use cash aid during the first 5 years as a green card holder.

## **What is CalWORKS?**

CalWORKs stands for California Work Opportunity and Responsibility to Kids, the name of California's federal welfare program. It is available when an eligible child is deprived of parental support because one or both of the child's parents are absent, deceased, incapacitated or unemployed. This program helps parents prepare for work and find jobs.

## **Who is eligible for CalWORKS?**

If you are taking care of children under 19, you may be able to get cash aid through CalWORKS. You must be a qualified immigrant\* or PRUCOL\*\*and:

- Under 19 years old, or
- A teen parent, or
- Pregnant, or
- Parent or caretaker of a child under 19 years old.

## **I am undocumented and not eligible for CalWORKS, but my children are U.S. born.**

CalWORKs requires that the person receiving the benefit be a qualified immigrant or citizen. In some households, children or another family member may be eligible for benefits if they are born in the U.S. even if the parents/guardian are not eligible. Participation in CalWORKS may affect your immigration status.

## How long will receive benefits?

Currently there is a 60-month lifetime limit to participate in CalWORKS. Exceptions to the time limit, such as in situations of domestic violence, are granted and stop the "time clock."

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**Ask your worker about exemptions that may stop the "time clock" for you within the CalWORKS program.**

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## If I have a sponsor, can I still apply for CalWORKS?

If you have a sponsor, your sponsor's income may be added to your income to determine your eligibility. Contact one of the organizations below to learn more about how you or your sponsor may be affected if you receive CalWORKS.

## What benefits does CalWORKS offer?

CalWORKS offers cash assistance to adults so that they may participate in job searching activities, education, and job training activities.

Exceptions to these activities are given to victims of domestic violence, pregnant women, and adults caring for a young child under the age of 1 year old.

CalWORKS families also generally receive Medi-Cal and may qualify for Food Stamps. Other support services include:

- childcare,
- domestic violence services,
- mental health counseling,
- substance abuse counseling,
- education assistance to purchase books, tools, transportation and uniforms.



## I am self-petitioning under VAWA as a victim of domestic violence. Can I be eligible for CalWORKS?

Economic self-sufficiency is critical in helping a victim of domestic violence escape their abuser. For this reason, undocumented immigrants who are married (and in some cases already divorced) or whose parent is a citizen or permanent resident abuser, may be eligible to self-petition themselves for a green card and be eligible for CalWORKS, even before they are granted their legal status. See the Domestic Violence and Abuse Section on pg. 87 for more information. **Get help TODAY!**

## I am a teen parent, can I get cash aid?

If you are a teen parent, you may qualify for CalWORKS, but you must take part in Cal-Learn educational program in order to get your diploma or GED.

# Cash Aid

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## What are other cash aid programs and who is eligible for them?

### For adults and couples without children:

- *General Assistance (GA)*- is a county-funded cash assistance loan program designed to help individuals and couples who do not qualify for any other aid programs. All *GA* applicants must sign an agreement to reimburse the county for cash aid received. People are limited to receiving *General Assistance* up to a maximum of 3 months in one year.

### For Seniors & persons with disabilities

If you are 65 years or older, blind, or have a disability, and are a qualified immigrant, you may be able to get the following cash aid:

- **Supplemental Security Income (SSI)** - a federally-funded program for aged, blind, and disabled individuals who are been lawfully in the U.S. on Aug. 22, 1996. SSI recipients automatically get Medi-Cal and may qualify for In-Home Supportive Services.
- **Cash Assistance Program for Immigrants (CAPI)** - a state-funded program for seniors, blind, and disabled individuals that do not qualify for Supplemental Security Income or SSI/SSP because of their immigration status. CAPI recipients are also eligible for Medi-Cal and Food Stamps. Separate applications are required for Food Stamps and Medi-Cal.

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**In order to qualify for CAPI, you must have applied for SSI and been denied. You can apply for CAPI and SSI at the same time to receive CAPI benefits sooner.**

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### For Children in Foster Care:

- **Foster Care Program** - a federal and/or state aid program provided on behalf of needy children whose own families are unable or unwilling to care for them.
- **Kinship Guardian Assistance (Kin-GAP) Program** - serves children exiting the foster care system that enter a guardianship with a relative. The program is intended to offer relative caregivers of dependent children financial support.

### For Refugees:

- **Refugee Resettlement Program (RRP)** - a federally funded program of cash and medical assistance for refugees. RRP also funds employment and training services through Targeted Assistance Program (TAP) and the Refugee Employment Social Services (RESS) programs.
  - **Adult Refugees** with children meeting income requirements may be eligible for CalWORKs.
  - **Adult refugees without families** may be eligible to receive Refugee Cash Assistance (RCA) during their first 8 months in the U.S. Adults not eligible for RCA may be eligible for General Assistance.

# Legal Issues



Look in this section for information on:

- ∞ Civil Rights
- ∞ Finding a Lawyer
- ∞ How do I Apply for U.S. Citizenship?
- ∞ Finding Help for Immigration Problems
- ∞ Domestic & Family Violence
- ∞ Child Abuse & Discipline in the United States
- ∞ What Happens When You Are Arrested?
- ∞ Hate Crimes & Incidents

***Note:***

***The purpose of the information in this section is to provide general information about the law. If you have a specific legal problem, you should consult with an attorney.***



**T**he United States Constitution protects the Civil Rights of all people living in the U.S. However, these rights must be protected and fought for to make sure that all people are treated equally.



## What basic Civil Rights do I have as an immigrant?

The following rights protect all people, regardless of immigration status - undocumented, lawful residents, or citizens.

- **The right to advocate for change** - The First Amendment to the U.S. Constitution protects the rights of groups and individuals who advocate changes in the laws, government practices, and even the form of government.
- **The right to remain silent** - The Fifth Amendment to the Constitution gives every person the right to remain silent in the face of questions posed by any police officer or government agent.
- **The right to be free from "Unreasonable Searches and Seizures"** - The Fourth Amendment prohibits any government agent from searching your home or office without a warrant.

## What should I do if government agents come to question me?

Anything you say to the police, FBI, or INS can be used against you and others in court. Other than providing your *name* and *address* to a police officer who is investigating a crime, you **ARE NOT** legally obligated to talk to the police, FBI, INS, or any other law enforcement agent or investigator, on the street at your home or office, if you've been arrested, or even if you're in jail.

## What if I speak to the police anyway?

Anything you say to the police can be used against you and others. Keep in mind that lying to the government is a crime.

## What if the officer or agent has a search warrant?

Even if the agent has a search warrant, you are not obligated to answer questions. Only a judge has the legal authority to order you to answer questions.

If you are nervous about simply refusing to talk, tell them to contact your lawyer. If you do not already have a lawyer, you can contact SIREN's Immigrant Assistance and Information hotline or the Santa Clara County Lawyer Referral Line for help getting one.

## What if I am stopped on the street?

Ask the police why you have been stopped. Ask "Am I under arrest, or am I free to go?" If they do not state that you are under arrest, tell them that you do not wish to continue speaking with them and that you are going to go about your business. Then do so.

# Civil Rights

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## What if the police stop me in my car?

You should show police your license, registration, and proof of insurance. You do not have to consent to a search. But in some cases your car can be searched without your consent if the police have probable cause.

## I've been arrested. Do I have to answer questions now?

No. If you are arrested, you do not have to give a statement or answer any questions. If you are arrested and do not want to answer any questions, you should ask for a lawyer right away. You have a right not to answer any questions until you have talked to your lawyer.

## What should I do if government agents ask to search my home?

You do not have to let police or other law enforcement agents into your home or office unless they have a search warrant or arrest warrant. If you are presented with a search warrant:

- **You should demand to see the warrant.** The warrant must specifically describe the place to be searched and the things to be seized. If they have a warrant, you cannot stop them from entering and searching.
- **You should tell them that you do not consent to a search.** This will limit them to the scope of the search authorized by the warrant.
- **You have a right to observe them searching and should write down their names, badge numbers, and what agency they are from.** Have your friends who are present act as witnesses. Give this information to your lawyer. A warrant does not give them the right to question you.

## What if I receive threats or I am the victim of a hate crime?

The law protects people from hate crimes and hate incidents. Take immediate action to report the incident/crime to one of the following numbers:

**The Immigrant Q & A Information Line:**

(408) 286-1698 (Spanish/English),  
(408) 286-1448 (Vietnamese/English),

Also, the Anti-Hate Hotline: 408-279-0111 or  
Hate Free Communities: (408) 792-2304.

## What if I am not a citizen?

- You do not have to reveal your immigration status or what country you were born in to INS or the police. Remain silent.
- If you are a foreign national and are arrested in the U.S. you have the right to call your consulate or to have the police inform your consulate of your arrest. The police must allow your consul to visit or speak with you. Your consul might assist you in finding a lawyer or offer other help, such as contacting your family. You also have the right to refuse help from your consulate.

**Do not talk to the INS, even on the phone, before talking to an immigration lawyer.** You can find these experts by calling the National Lawyers Guild (number below) or by calling the Immigrant Q & A Information Line.

## What is Racial Profiling?

Racial profiling is when police, FBI or other law enforcement stop, question, search or investigate you because of your race, ethnicity, or religion. If you believe you have been the victim of racial profiling, call the ACLU's toll free hotline at 1(877) 6-PROFILE to order a complaint form.

## Know and assert your rights!

All non-citizens have the following rights:

- The right to speak to an attorney before answering any questions or signing any documents
- The right to a hearing with an Immigration Judge
- The right to have an attorney at that hearing and in any interview with INS (however you do not have the right to a free, government paid lawyer)
- The right to request release from detention, by paying bond if necessary.

You **must** assert these rights. If you do not demand these rights, you can be deported without seeing either an attorney or a judge. Leaving the U.S. in this way may have serious consequences for your ability to later enter or gain legal immigration status in the U.S. You should talk to an immigration lawyer before leaving the U.S. Please contact the numbers below for the latest updates and changes in the law that affects civil liberties.



# Finding a Lawyer



**T**he United States legal system has many private attorneys or lawyers and very few non-profit attorneys who help people of low or moderate income. Finding a lawyer in any area of law can be frustrating for immigrants who have the additional barriers of

- a) Understanding a complicated new legal system,
- b) Living in a new country,
- c) Learning a new language.

Below are some tips on how to gain access to a free or affordable lawyer.



## How can I find an attorney who will help me for free?

There are legal services organization listed in this guide that may be able to help you depending upon the type of legal issue that you have and the eligibility requirements of the organization.

Usually there is no fee to receive help by these organizations.

Some of the areas of law offered by organizations include:

- Immigration
- Citizenship
- Employment
- Landlord/tenant
- Public Benefits
- Domestic violence and other areas.

See the specific listings for areas of law and eligibility requirements.

## What if I am low-income and need help with a criminal matter?

If you are very low income and have a problem in the area of criminal law, you may qualify for the Public Defenders Office. Ask the Judge to refer you to the Public Defenders Office at your first court date.

## What if the legal services organizations do not practice the area of law that I need help with?

The Modest Means Panel of the Santa Clara County Bar Association may be able to help you if your legal problem falls into one of seven areas of law - Bankruptcy, Consumer, Criminal Law, Family, Immigration, Juvenile and Landlord/Tenant. If you meet the income eligibility requirements, you will be matched with an attorney and charged an administrative fee of \$25 for a 30 minute consultation. If your legal problem requires further legal assistance and you choose to hire the attorney, you will be charged reduced hourly fees that have been established by the Modest Means Panel.

## What if I earn too much to qualify for the Modest Means Panel?

You may call the Lawyer Referral Service for assistance. You will have to explain your problem. A half-hour consultation will be arranged for you with a lawyer who is experienced in that area of law. The Lawyer Referral Service will charge you a \$30 administrative fee. The attorney will not charge you for the first 30 minutes of the consultation. You and the attorney are not obligated to go beyond consultation. If you require further legal assistance, you can negotiate an arrangement for attorney's fees during the consultation.

# How to Apply for U.S. Citizenship

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There are several benefits to becoming an American citizen. Benefits include the following:

- The right to vote.
- The right to serve on a jury.
- The right to travel with a United States passport.
- The right to help relatives immigrate more quickly to the United States.
- The right to hold public office and obtain government jobs.
- You do not need to renew your green card every ten years.

In addition to choosing to go to an attorney to help you apply for citizenship, there are many community organizations that can assist you at very low or no cost.



## Do I qualify to apply for citizenship?

To be eligible to apply for citizenship, you must meet the following requirements:

1. Must be a permanent resident and not on probation at the time of your naturalization interview.
2. Must be at least 18 years of age at the time of submitting the application.
3. Must have been a resident of the state or district where applying for citizenship for at least 3 months.

4. Must demonstrate good moral character primarily (but not exclusively) for the five years prior to applying for citizenship, and continuing up to the time of swearing in.
5. Must be able to read, write, and speak Basic English, with some exceptions (please see section "Do I need to speak English during my naturalization interview?")
6. Must have been a permanent resident for the last five years, or the last three years if married to a U.S. citizen. If applying for citizenship as the spouse of an American citizen, must continue to be married and continue to live with that spouse until the time of swearing in.
7. Must have not disrupted permanent residence for any of the last five years (or three years if married to an American citizen).
8. Must have been physically present in the United States for at least one-half of the five (or three) years of residency (30 months if not married to a U.S. citizen or 18 months if married to a U.S. citizen).
9. Must be able to pass a test in basic United States history and government.
10. Must be able to take a loyalty oath.

## When do I apply for citizenship?

If you are married to an American citizen, and your spouse sponsored you to become a permanent resident, you can apply for citizenship after 2 years and 9 months as a permanent resident. If you are not married to an American citizen, you can apply for citizenship after 4 years and 9 months as a permanent resident.

# How to Apply for U.S. Citizenship

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## Warning:

**Arrests, criminal records or other immigration problems may have serious consequences on your Immigration status.**

**Always speak with an immigration specialist before you contact the INS.**

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## What is the process to become an American citizen?

To apply for citizenship, you must submit an N-400 application with INS. Thereafter, you will be required to submit your fingerprints for FBI investigation, successfully complete an interview with INS and participate in US. Oath Ceremony. When you receive your certificate of Naturalization, you are a citizen and can immediately register to vote, begin petitioning for family members and receive the benefits of U.S. citizens.

## Should I drop off my application at the local INS office?

No. All applications must go to a special facility, and not to your local INS office. If you are a resident of California, Nevada, Arizona, Hawaii or Guam, send your application to:

USINS California Service Center  
Attention: N-400 Unit  
P.O. Box 10400  
Laguna Niguel, CA 92607-400

## How long does the naturalization process take?

At the current time, it takes approximately 12-15 months to complete the citizenship process. After submitting the N-400 application, you will receive a receipt notice after approximately 1-3 months. You will then receive an appointment for fingerprints after another 1-3 months. The interview is approximately 6-8 months after submitting the application and is determined by INS processing time. The oath ceremony will be approximately 2-4 months after your naturalization interview.

## How much does it cost for me to apply for citizenship?

The cost for the N-400 is currently \$260. All applicants under the age of 75 also need to pay for fingerprinting services. Fingerprinting costs an additional \$50.

## Can I take a written U.S. History and Civics test?

Not at the present time. Citizen applicants used to be able to take a written U.S. History and Civics exam before going to their naturalization interview, but this policy ended on August 30, 1998. In the future, the INS may have a new written test that applicants can take before the interview. Until a new written test is in place, applicants will be tested orally at their naturalization interview.

## Do I need to speak English during my citizenship interview?

# How to Apply for U.S. Citizenship

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Most applicants are required to speak, read, and write in English during their citizenship interview. However, there are a few exceptions:

- a. If you are 50 years of age and have been a permanent resident for 20 years at the time of submitting your N-400 application. You must still study 100 questions of history and government in your native language.
- b. If you are 55 years of age and have been a permanent resident for 15 years at the time of submitting your N-400 application. You must still study 100 questions of history and government in your native language.
- c. If you are 65 years of age and have been a permanent resident for 20 years at the time of submitting your N-400 application. You must study 25 questions of history and government in your native language.
- d. If you have a medical disability that prevents you from learning English, you may not have to speak English during your citizenship interview. Your doctor must complete an N-648 in addition to the N-400, and INS must approve the N-648. If the N-648 is approved, you can be exempted from the English requirement and you may also be exempted from the history and government requirement as well.

## **If I didn't register for the Selective Service, am I still eligible to apply for citizenship?**

All males living in the United States between the ages of 18-26 years old are required to register with the Selective Service (military service), even if undocumented or out of status at that time. A male who did not register with the Selective Service who is still between the ages of 18-26 years old must register in order to be eligible for citizenship. A male who is between the ages of 26-31 and did not register with the Selective Service

may be denied citizenship if he received reminder notices to register for the Selective Service and disregarded the notices. If he did not register for the Selective Service because he did not know that he was required to, he may still be able to become a citizen if he can explain to INS why he did not register. A male who is over the age of 31 years old and did not register for the Selective Service should be able to become an American citizen if he meets all of the other requirements.

## **If I become a U.S. citizen, does my child automatically become a citizen too?**

If you are a citizen and your child is under 18, you may be able to apply for your child's citizenship by filing an N-600. Your child must be a legal permanent resident, and you must fulfill other requirements. Speak with an immigration or citizenship specialist for more information.

## **How would a criminal record or previous immigration problem affect my eligibility for citizenship?**

If you have a criminal record or have had previous immigration problems such as a deportation or voluntary departure, you need to speak with an attorney to determine if you are eligible to apply for citizenship.



# Finding help for Immigration Problems

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Immigrants in Santa Clara County often need to work with an immigration attorney or specialist to help them understand complicated immigration laws and requirements. Below are some questions and answers about immigration specialists and how to get the best immigration legal assistance available to you and your family.



## What is an attorney in the U.S.?

An attorney or lawyer in the U.S. is someone who attended a graduate program in law and received a Juris Doctor (J.D.) degree. In order to practice law in the U.S. the attorney must be a member of the State Bar Association and must pass an exam given by the State Bar Association.

A licensed attorney can:

- give legal advice to his or her clients and
- can represent them in court.

Usually an attorney is knowledgeable in only a few areas of law. For example, an attorney who can help someone with a criminal problem may not know immigration law.

## Are attorneys the only people who can help me in my immigration problem?

No. Non-attorney's may be able to assist you in some cases. Non-attorneys can gain the legal knowledge and experience necessary to practice immigration law.

Non-attorneys may help you by:

- Working with an accredited agency by the Board of Immigration Appeals (BIA) in Washington, D.C.
- An independent accredited representative of the Board of Immigration Appeals (BIA.)
- Immigration Consultants can help you as long as they don't give you advise. The primary job is to give you information about the law.

## Are there accredited agencies in Santa Clara County?

The accredited agencies in Santa Clara County are Catholic Charities, SIREN, the Center for Employment Training (CET), Asian Law Alliance, and the International Rescue Committee.

## My friend told me of a notary or "notario" that did work cheaply and quickly.

An immigration consultant (also called Notaries or Notario) without formal training or connection to an attorney or accredited representative can help someone fill out an immigration form but cannot give legal advice. They typically do not have any formal legal training. For this reason, they may not know how to resolve a question, concern or problem with an application because they have no formal legal training.

# Domestic & Family Violence

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In the United States and in Santa Clara County, all people- men, women and children- have the right to live free of harm, assault or abuse by any other person. This is true regardless of the relationship that two people have, such as spouse or former spouse, person who is living (or lived) in the same house or apartment, person with whom one is having a dating relationship, person with whom one has had a child, or close relatives or friends. When there is abuse, it is called Domestic Violence.



## What is Domestic Violence?

Domestic Violence is the term used to describe abusive and harmful behavior between persons in a close or intimate relationship.

## What is considered abusive and harmful?

Abuse means intentionally causing or attempting to cause physical, emotional, verbal, spiritual or financial harm. Abuse includes using:

- Intimidation
- Emotional Abuse
- Isolation
- Blame
- Manipulation
- Power and control for everyday decisions
- Economic deprivation
- Threats and coercion.

## What will happen to me if I hit my spouse?

The law does not excuse your action because the person you hit is your spouse. Hitting a spouse is against the law. Your action could lead to your arrest and serious criminal penalties.

## How would this affect my immigration status?

Domestic Violence crimes and violations of court-issued restraining orders are crimes that could cause you to lose your immigration status. Anyone with a domestic violence record should not present himself or herself to INS or apply for any immigration benefit without first consulting with an immigration attorney.

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**All people- men, women and children- have the right to live free of harm, assault or abuse by any other person**

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## If my partner or parent beats me, where can I go for help?

If your partner is beating you, you need to consider the safety of yourself and your children. Depending upon your particular circumstances, you may seek help from a friend, a family member, a co-worker or member of the religious community. Listed below are other options where you can get help.



## 24 Hour Hotlines / Shelters / Counseling Centers

**Hotlines** are phone numbers you can call anytime of the day or night to speak with someone about your situation. You do not have to identify yourself to the person. The person is there to listen to you, support you and answer your questions. They can help you with safety planning in the event that you want to leave your home and direct you to services or resources you might need.

**Shelters** are houses where battered women and children can stay if they need to leave their home due to domestic violence. The location of these shelters is kept confidential to protect the persons living there. Shelters can also assist you in finding appropriate programs for counseling, emergency financial assistance, public benefits and other resources.

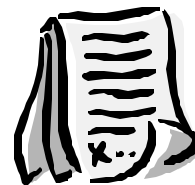
**Counseling Centers** may be able to provide individual counseling, support groups or classes related to domestic violence for women, men and youth.

## Police and local Authorities

The police are required to provide immediate response to "911" domestic violence matters - without consideration of a person's immigration status. If someone's safety is at risk, you should consider contacting the police for immediate assistance. The officer has the ability to make an arrest, request for an emergency protective order, make a written report, take photos and arrange for getting medical attention to any injured individuals as necessary.

## **What is a Temporary Restraining Order?**

A Temporary Restraining Order is issued by the Family Court and can order the abusive person to cease all contact with you and stay away from you. A violation of this order could subject that person to criminal penalties. A Domestic Violence Restraining Order can also include many other protective orders, as well as orders regarding custody and financial support if the parties have children together.



## **Who can help me apply for a Temporary Restraining Order?**

The Family Court houses a Clinic that provides the necessary forms and some assistance in obtaining a restraining order. Several shelters and legal services agencies also provide assistance in preparing restraining orders.

## **My spouse/parent is a citizen (or has a green card,) and they refuse to legalize my immigration status, what can I do?**

The Violence Against Women Act (VAWA) helps spouses and children who find themselves in abusive relationship apply for a green card. Under VAWA, an undocumented person who is in a domestic violence situation may be able to "self-petition" for permanent residence or a green card. In some cases, you can either be married or already divorced from your abuser. Contact an agency below to find out what options may exist for you and to get help.

## **I want to leave my abuser, but I don't have a job. What can I do?**

Undocumented women (or men) who are eligible for VAWA and can petition themselves for a green card can apply for cash assistance (Cal WORKS)- in some cases even before they receive their green card. Women (or men) who receive cash aid will not hurt their chances for a green card in the future. See the Cash Aid section on pg. 62 for more information.



# Child Abuse & Discipline in the U.S.

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**I**n the Santa Clara County and in the U.S., there are laws about how parents can discipline their children that may be different from other countries. In the U.S., everyone has the right to not be harmed, assaulted or abused by any other person. Children share this right to not be abused by anyone, including by their parents.



## **In my country, it is ok to spank my kids. Why can't I spank them here?**

It is illegal for parents or any adult to abuse a child. For some, spanking, hitting and other punishments that are hurtful, are ways of disciplining their children. In the U.S. and in Santa Clara County, it is illegal and can cause legal problems, arrest, jail, and family separations.

## **What will happen if I abuse my children?**

Legal action, including arrest, jail and having children taken out of the home are some things that Child Protective Services, the police and the courts can do. Child Abuse is considered Domestic Violence and in some cases can lead to deportation.

## **What is considered child abuse?**

Child abuse is considered Domestic Violence (see pg.) It includes:

- Physical punishment
- Sexual abuse
- Emotional abuse
- Neglect

Many professionals that work with schools, city and county programs are required by law to report suspected child abuse to the Santa Clara County Child Protective Services.

## **What kind of help can I find to learn how to work with my child better?**

There are classes and support groups for parents to help them with their children so that they don't abuse them. If you are stressed out or angry, it is important to seek assistance and not take it out on your children.



# What Happens when You are Arrested?

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The criminal justice system in the United States is different than that of many other countries. Here are some basic questions and answers to give you an idea of how it works in the U.S. and in Santa Clara County.



## What are the Law Enforcement Agencies in Santa Clara County?

Ten city Police Departments serve most cities in Santa Clara County. They patrol the boundaries of particular cities. The areas not incorporated into cities are protected by the Santa Clara County Sheriff's Office. The Department of Corrections runs the Jail. The California Highway Patrol (CHP) patrols major highways. The Immigration and Naturalization Service (INS) has an office in San Jose including an enforcement branch and temporary detention cells.

## What should I do if I am a victim of a crime or have witnessed a crime?

If you are a victim of a crime or have witnessed a crime, you must report it to the police. To report a crime, dial 911.

## What is an arrest?

When you are arrested, you are not free to leave the scene (taken into custody). The criminal process begins when a person is arrested for a crime they have allegedly committed. A person can be arrested by a citizen, a law enforcement agent or because an arrest warrant was obtained. For an arrest warrant to be valid it must be based on "probable cause."

## What is "Probable Cause?"

Probable cause is defined as facts in support of the officer's reasonable belief that a person has committed a crime.

## What are my rights if I am arrested or taken to a police station?

Whether you are an adult citizen or non-citizen, you have rights when you are arrested. Before the police officer questions you, he should tell you that:

- You have the right to remain silent.
- Anything you may say may be used against you.
- You have a right to have a lawyer present while you are questioned.
- If you cannot afford a lawyer, one will be appointed for you.

If a person invokes his or her right to have an attorney, the officer cannot continue asking questions. If the officer does in fact continue asking questions, then it is important to insist on an attorney. In most situations, the officer will stop the questioning.

## What happens when I go to court?

After your arrest, you will be arraigned. At the arraignment, you will appear before a judge who will tell you officially of the charges against you. Here you will enter a guilty, not guilty or no contest plea. If you plea "not guilty," you will go to trial.

## What if I can not afford to hire an attorney?

You may qualify to be represented by the Public Defender's office. Ask the Judge for refer you to the Public Defender's office.

## Can I request an interpreter?

Every person has the right to have an interpreter present at all critical stages of criminal court proceedings.

# What Happens when You are Arrested?

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## **What happens during a Trial?**

At the trial the accused person has the right to appointed counsel by an attorney from the public defender's office. The public defender is an independent attorney whose job is to protect the rights of the accused.

If the district attorney fails to present evidence against the accused that proves guilt beyond a reasonable doubt, or the accused is found not guilty beyond a reasonable doubt, then the charges are dismissed.

## **My family member is in jail, what can I do?**

Depending on what your family member is arrested for, you may have the opportunity to request bail to get them out until their court date. Bail Bonds offices can be found in the yellow pages of the telephone directory.

## **How does being convicted affect my immigration status?**

Depending on the offense, your conviction may affect your immigration status by affecting your ability to apply for U.S. Citizenship or may lead to deportation.

## **Can I pay the police officer in order to not get arrested?**

You cannot avoid an arrest or conviction by offering money or bribing a police officer or others involved with the criminal justice system. It is illegal to do this and it may get you into more trouble.



# Hate Crimes & Incidents

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In Santa Clara County, there is a commitment between our governments and local authorities against intolerance. We are a diverse county and celebrate the richness every culture brings. For this reason, hate crimes and acts of hate are against the law. The following answers a few basic questions about hate crimes.



## What is a Hate Crime?

Hate crimes are those attacks on an individual or his or her property in which the victim is intentionally selected because of his or her race, ethnic background, religion, national origin, gender, sexual orientation, age or disability. The types of violence and prejudice that can be prosecuted by the local District Attorney or by the California Attorney General are:

- Damage to a person's property,
- Vandalism,
- Assault,
- Intimidation,
- Violence,
- Harassment,
- Slander,
- Arson,
- Murder,
- Injury and
- Threats.

## What is a hate incident?

Hate incidents are activities that are non-criminal in nature, such as

- Name calling,
- Speech making,
- Demonstrations,
- Distribution of printed materials that are intentionally designed to defame individuals of a groups because of their race, ethnic background, religion, national origin, gender, sexual orientation, age or disability.

## What should I do if I believe that I am a victim of a hate crime?

If you believe you are a victim of a hate crime or you have witnessed a hate incident:

- Call the police
- Contact one of the other organizations listed in this section
- Seek medical attention for injuries
- Document the exact words spoken to you by the attacker as soon as practical
- Photograph property damage
- Save any evidence that might aid in catching your attacker

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**All people have the HUMAN  
RIGHT to live in a society  
free of hate.**

**Report HATE CRIMES &  
HATE INCIDENTS.**

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### **Will the police help me if I am the victim of a hate crime?**

Most police departments train their officers to recognize hate incidents and hate crimes and to respond in a sensitive manner. Ask the police officers for additional law enforcement patrols during the next few weeks following the attack.

### **Is there anything else that I can do if I am the victim of a hate crime?**

One of your other options would be to contact a lawyer to sue the person who attacked you. You can also file a complaint with the California Department of Fair Employment and Housing by contacting them at: 1-800-884-1684. \*

*The purpose of this information is to provide general information about the law. If you have a specific legal problem, you should consult with an attorney.*





# Education & Training

Look in this section for information on:

- ☞ English as a Second Language
- ☞ Child & Youth Education
- ☞ Higher Education
- ☞ Employment Training

# English as a Second Language

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**F**or many immigrants, learning English is important and necessary to take full advantage of life in the United States. Most communities offer English classes open to the general public, and this is one way of learning U.S. culture and customs. Men and women of different ages, education, ethnicities and backgrounds study together. In addition to taking classes, you can study with a volunteer tutor. In addition to English classes, many of the centers listed here also offer a variety of classes, such as job training, classes for personal growth and higher education. Your learning and education can continue even after you have learned English.



## Where can I take English Classes?

English as a Second Language (ESL) instruction is available at various locations such as:

- Community colleges,
- Adult education centers
- Vocational instruction centers and
- Community-based and religious organizations. Below are some descriptions of ESL programs offered in your community.

## When can I enroll in ESL classes?

### How much do they cost?

If you attend a community college, you must enroll at the beginning of the semester or quarter. Students must pay a tuition fee and pay for other

expenses including books, transportation, etc. There may be financial assistance available for these expenses. Contact the Financial Aid office at your community college, or speak with one of the college counselors.

At community centers or organizations, you may enroll in these ESL classes at any time during the year and classes are FREE. Classes are offered day and evening in many locations in the community.

Other centers located in the community focus on vocational instruction -specific job training- these programs may have specific requirements in order to enroll, and you may need to pay fees in order to enroll. Contact your center for more information.

## I have no car, how can I find an ESL class close to my home?

You can contact any of the resources listed in this section to find out if any classes are offered in your neighborhood. Also, some centers may offer transportation. Please contact these organizations for more information about schedules and the services they provide.

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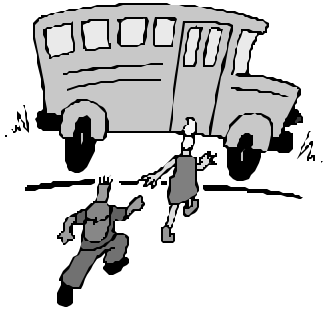
If you are familiar with the Internet, you can look up [www.ImmigrantInfo.org](http://www.ImmigrantInfo.org) and locate a class close to your home.

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## Who can care for my 3 year old daughter so that I can take an English class?

Some locations may offer TRANSPORTATION OR CHILDCARE; you should always ASK to see if these services could be provided at low or no cost.





The education system in the United States is complex, but it is possible to learn and understand how to make it work for you and your child. In the U.S. it is required that children between the ages of 5 to 18 years attend public school. You are part of your child's school community. You and your child's school together can provide support and resources for your child's future success.



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**By law in the United States K-12 education is free and open to anyone regardless of income or immigration status.**

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## **What do I need to do to register my child in public schools?**

To register your child, you do not need a green card or a social security number, but most school districts do require some proof that the child lives within the school district boundaries. Proof of this requirement can be met through a driver's license, telephone bill, light bill or any other pre-printed bill. Before a child is allowed to enroll into a public school, proof of vaccinations also must be submitted.

## **Are there food programs for children in public schools?**

All public school and school districts provide free lunch and breakfast programs to eligible families. By filling out a school application form, some students may qualify for free or reduced fee lunches. Soon, you will be able to access health insurance for your child through this process as well.

## **What is my role as a parent in the United States?**

In the U.S., the role of the parent is to be vigilant with regard to the education of their child. It is expected that a parent will be involved with their child's education. Involvement in this context means:

- Ensuring homework is done, and assisting where appropriate
- Helping to access available resources
- Finding additional assistance if needed
- Knowing and interacting with the child's teacher

## **My son has been getting into trouble at school. What rights do I have as a parent to advocate for my child?**

If an immigrant parent feels that his or her child's needs are not being met, the parent has the right to insist that the local school address the issue. An immigrant parent has the right to speak to a principal, a school board member or a teacher at any moment. Parents have the right to request to meet with their child's teacher, school specialists, or the principal to address concerns they have with their child.

## **My child needs help with homework, but I don't speak English. How can I help my child?**

Many schools, local libraries, and community centers have after school homework programs or centers in which tutors or volunteers assist children with their homework. Most teachers, teacher aides and principals are open to parents asking questions about the school or expectations.

## **What kinds of educational programs exist for my son/daughter?**

There are many different types of educational options for children. It is important that parents know what educational options are available to their children. Some educational options include:

- Bilingual education
- Immersion programs
- Special education programs
- Programs for children with learning disabilities
- Programs for gifted children.

## **What other kinds of services are available at my child's school?**

Many schools have counselors, speech therapists and psychologists on staff. Many schools also offer services that are not school-oriented services.

Some schools offer the following services:

- Healthy Start
- Tutoring
- Homework centers
- After school activities
- Counseling
- Health programs
- School lunch and breakfast programs
- On-site childcare

# Higher Education

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**E**arning a degree or certificate from a college or university is an opportunity that is available for all immigrants, regardless of immigration status. Recently, California has passed a law that allows undocumented youth who have graduated from high school to pay in-state tuition in order to attend a college or university.



## **My daughter is undocumented and will be graduating from high school and wants to go to college. Can she go?**

There are specific requirements to enter the higher education system. Ask your child's teacher or principal if you want more information. However, anyone can enroll in community colleges, and they are very inexpensive in California.

As of January 1, 2002, undocumented students who have completed certain requirements can attend college and pay in-state tuition fees. Prior to this, undocumented students were considered "out of state" students and were required to pay very high fees to acquire a higher level of education. These requirements are:

- The student must have attended and graduated from a California high school for at least 3 years (or received a G.E.D. equivalent)

- Must be attending or enrolling in college as of January 1, 2002.

The student must submit in writing that he or she will apply for their green card when the opportunity for legalization of their status is available. Some international students may be able to benefit from this law. Currently, colleges and universities may have different ways to fulfill this requirement. Contact the office of admissions of your college or university for more information.

## **How can I pay for school?**

You can find many sources of financial support to pay for your education. These include federal financial aid programs, work study programs, scholarships and student loans. Visit the Financial Aid office at your college or university.





**S**anta Clara County is rich in opportunities for education and training. The level of education, training and language skills of a person is an important indicator in determining economic self-sufficiency and success in finding good employment.

Many immigrants need to make important decisions about improving their language and job skills. Some of the training programs that have been of particular interest to immigrants are listed in this guide.



## **The job training school in my community says I must apply for financial aid to participate. What should I do?**

Beware of student loans that have to be paid back by the student whether or not they complete and pass the course work. Many programs will help prepare you for a good career and/job. However, be cautious. Student loans must be repayed, many times with high interest.

## **What other institutions offer job training?**

Community Colleges and Adult Education programs in Santa Clara County offer job training programs. These programs tend to be less expensive than private institutions.

Adult education programs provide a wide variety of job preparation and employment training classes, literacy, and ESL for any immigrant. Employment training classes may require a fee.

## **How do I know if a program will help me find a job?**

The best way to find out if a job training program will lead to employment is to get enough information and ask questions about the program you are interested in. Some ways you can find out are:

- **Check with the seven community colleges and Adult Education programs in Santa Clara County.** If similar programs are not offered at community colleges, perhaps there is no demand for graduates.
- **Call potential employers.** Find out what types of training they recommend in your particular case.
- **Contact an organization listed in this guide.** Get as much information as possible so that you can make the best educational and financial decisions about job training programs.

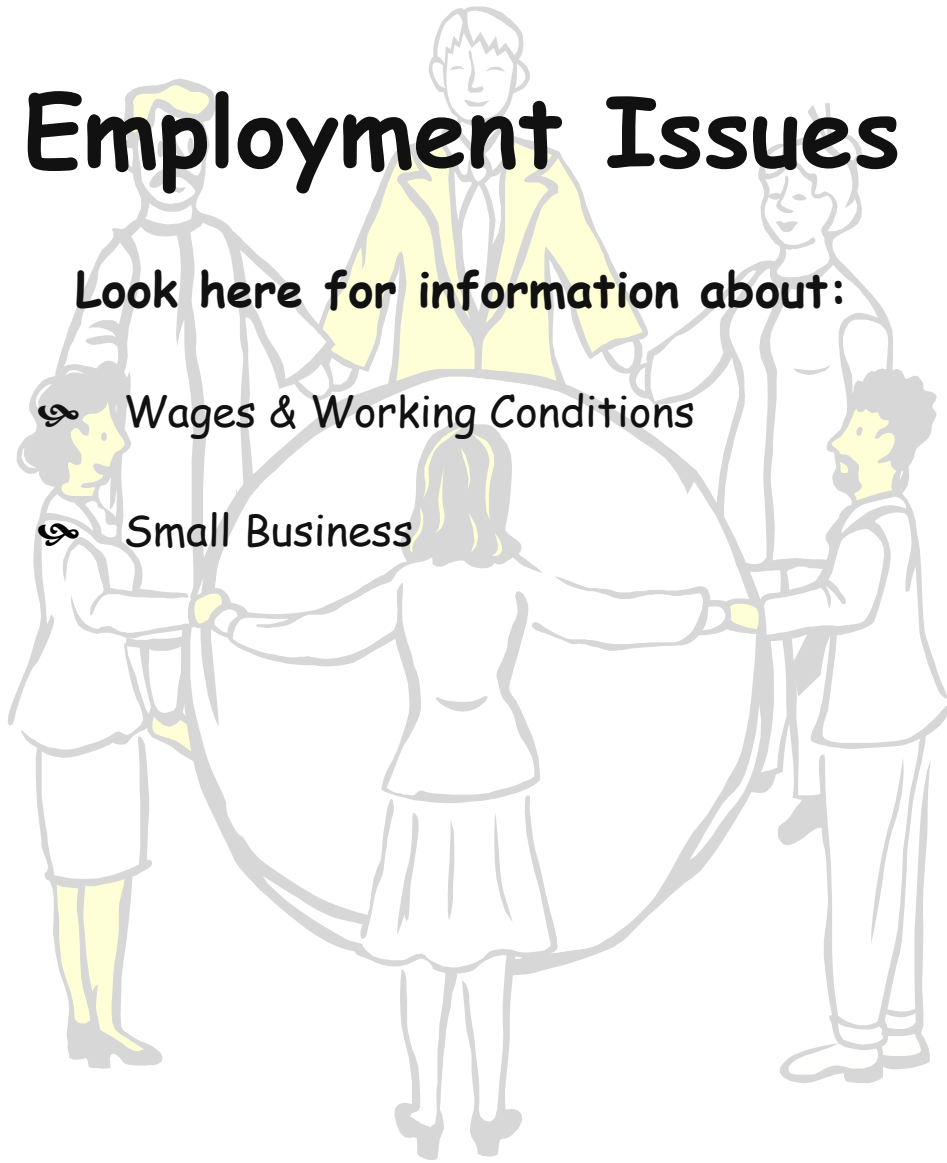


# Employment Issues

Look here for information about:

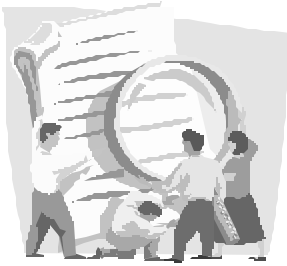
∞ Wages & Working Conditions

∞ Small Business



# Wages & Workers Rights

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**C**alifornia workers have many rights regarding wages and working conditions. Protections and benefits are available to workers in California that do not exist in many other countries or even in other states in the United States.

Whether help is needed for payment for work done, requesting unemployment benefits, or asking for Worker's Compensation benefits because of injury on the job, resources are available to help employees through this process. Here are a few important facts regarding employee rights in California.



## Where can I learn about my rights as a worker?

Many organizations can help immigrant workers learn about their rights concerning wages and working conditions in Santa Clara County. These organizations are:

- Government offices
- Legal services organizations
- Community based organizations
- Unions (also help workers work together to obtain higher wages and better working conditions.)

## What should I know when I am hired?

It is important to be clear about the pay rate, the work hours and the job duties. If possible, information on pay rates, work hours and job duties should be obtained in writing. Potential employees also should not sign papers they do not fully understand nor should they sign blank documents that an employer may fill in later. The employee should ask for copies of papers that he or she signs.

## What kind of information can my employer ask me to provide?

All employees, citizens and non-citizens hired after November 6, 1986, must complete INS form I-9 at the time of hire. When filling out the I-9 form, an employer cannot:

- ask for specific documents, or refuse to accept documents that look valid on their face
- ask only foreign-looking or sounding individuals to fill out the I-9 form
- refuse to accept documents with a future expiration date
- refuse to accept receipts of valid documents

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**It is illegal to discriminate against an employee who has reported an unsafe working condition to a government agency.**

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# Wages & Workers Rights

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## **I am having trouble finding a job. I feel that I have been discriminated against, what can I do?**

Employees have the right to challenge the employer if they are not being hired or are fired because of looking or sounding foreign, because of immigration status, or because it is required that the employee know English when it is not a business necessity.

## **What are my rights in the workplace?**

Employees must be paid at least \$8.00 per hour in California. The minimum wage may increase in future years. Most employees must be paid overtime when they work more than 8 hours in a day or 40 hours in a week.

## **What are my employers responsibilities to me?**

Most employers are required to pay at least twice a month. However certain government agencies are only required to pay employees once a month.

Your employer should provide you the following:

**Pay Stubs:** The employer is required to give a written wage statement (pay stub) whether the payment is by check or cash.

**Breaks and Meal Periods:** For most jobs, the employer is required to give a paid 10-minute rest period (break) for every 4 hours of work and an unpaid 1/2 hour meal period for every 5 hours of work.

**Vacation:** California employers are not required to provide paid vacation benefits. However, if the employer has a vacation policy, all accrued vacation must be paid when your job ends.

**Safety:** Employees have the right to work in a safe place. Employees have the right to ask questions or to complain if it is believed that the workplace is not safe. If the employer does not correct the

unsafe condition, the employees should report it to one of the offices listed below which handles safety issues.



**Injury/Illness:** If injured on the job, employees may be entitled to Workers' Compensation benefits, including the payment of doctors' bills and a limited income while recovering. If an employee cannot work due to a non-work injury or illness, entitlement to State Disability Insurance benefits should be looked into.

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**All workers, regardless of immigration status, have the RIGHT to a work environment free of discrimination based on race, gender, national origin, religion, and sexual orientation.**

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## **What other rights do I have as a worker in the United States?**

**Public Works:** Work on any construction jobs in buildings, parks, or roads that involve public money and serve the public may entitle employees to be paid the prevailing wage.

**Concerted (Joint) Activity:** Employees have the right to protest unsafe working conditions in unity with other workers without fear of retaliation.

# Wages & Workers Rights

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**National Labor Relations Board:** Workers have the right to join and organize co-workers to join a union without fear of retaliation.



## **I am a farm worker, what rights do I have?**

Farm workers have the right to join a union and organize co-workers to join a union without fear of retaliation. Contact one of the organizations below to learn more or contact your union.

## **My family member is ill and I need to take care of them, but I am afraid to lose my job. What can I do?**

Under certain circumstances, the employee may be able to take a leave from the job to care for a family member who is ill. Contact one of the organizations below to find out more.

## **I am disabled and need a job. What can I do?**

If an employee has a disability that prevents him or her from doing a certain type of work, a request can be made from the employer that the employee be reasonably accommodated in order to continue working.

## **What am I entitled to when my job ends?**

You are entitled to final pay when a job ends. If an employee is fired or has quit with at least 72 hours notice, there should be payment on the last

day of work. If the employee quits with less than 72 hours notice, the final wages are due 72 hours later.

## **I was released from work (laid-off) because work is slow, what can I do?**

If you are laid off, you may be entitled to unemployment benefits, which will pay a limited income while looking for a new job. Contact an organization to find out about your eligibility for these benefits.

## **What rights do I have if I am an undocumented resident?**

Regardless of immigration status, you are entitled to be paid for the time you actually worked. Undocumented workers are covered under the federal minimum wage and overtime law and a whole host of state wage and hour laws.

Undocumented workers are still entitled to recover any amount that employers have underpaid them, and state and federal agencies will enforce those rights.

You are also entitled to workers compensation if you are injured on the job.

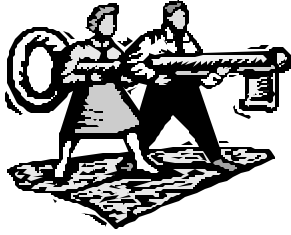
You also have the right to organize a union or to sign up with union if you wish, regardless of your immigration status.

## **What should I do if my employer has not paid me for all the time I worked?**

You should contact the Labor Commissioner Division of the Labor Standards Enforcement to file a wage claim. If you need assistance, contact your union or one of the organizations listed in this section.

# Starting a Small Business

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**O**wning a small business (also called a micro-business) in the United States involves several things, including filing for a business license, paying taxes, and abiding by laws. Understanding the legal requirements is important when starting a business, even if this is a one-person operation.



## I want to open my own business.

### How do I start?

When planning a small or micro-business, it is important to think about what type of business to start based on skills and experience. The following are the considerations that should be taken into account:

- where the business will be conducted,
- what equipment will be necessary,
- how many people will work on the business,
- licenses and permits,
- marketing,
- service agreements between owner and customers,
- management training,
- financing, and
- legal requirements.

## Who can help me get started?

There are some organizations in Santa Clara County that assist and provide training for individuals who wish to start a small or micro-business. Some of these include:

- chambers of commerce,
- ethnic chambers of commerce,
- Small Business Administration and
- The East San Jose Community Law Center.

Some organizations provide one-to-one counseling at low or no cost, according to income levels.

## Are there any requirements that small businesses must follow?

Small or Micro Businesses in the United States must meet the following requirements:

- **Business Name:** If a non-fictitious name (a name other than your own) is being used it is necessary to provide the full name. If a fictitious name is chosen, that name should be registered with the County Clerk's office in San Jose.
  - **Business Address:** This is the location of the business. If the business is being operated out of one's home, using the home address is important. It is important to include a physical location and not a P.O. Box.
  - **Start Date:** The date a business starts contacting clients or advertising is considered the start date of business. Preparation time is not considered the start date of the business. If there is a change of ownership including the change of partners or corporate entity, the effective date of change is the start date.
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## Many successful small businesses are owned by immigrants in Santa Clara County

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- **Federal Identification Number:** A number is obtained from the Internal Revenue Service. A social security number must be entered if a Federal Identification Number is not available.
- **State Contractor Number:** A number is required if the business is in the building trades.
- **Owner's Name:** This is the name of the owner and of all the partners. If this is a corporation, the corporate name.
- **Type of Ownership:**
  - Sole proprietor: the business is owned by one person including the spouse
  - Partnership: the business is owned by more than one person
  - Corporation: articles of incorporation have been filed with the Secretary of State
  - Nature of Business: The type of work you will be doing: selling clothing, gardening, etc.
  - Number of Employees: Taxes are based on the number of full-time equivalent individuals in the business. This must include owners, corporate officers and employees.
  - State Resale Number: This Seller's Permit must be obtained from the State Board of Equalization.
  - County Health Permit Number: For some businesses, for example, the food businesses, the law requires a health permit.



# Know Your Rights!!!

Here you will find information about:

Language Access Rights Card

Civil Rights Card

# Know Your Rights!!!

**E**very person has basic rights in the United States. You must always remember that you have certain rights - regardless of your immigration status.

The following section talks about your basic rights when you are applying or seeking programs and services for you or your family, as well as your basic civil rights when dealing with authorities, such as the police or INS officials.



## When you APPLY for benefit programs at Social Services, you have the right...

- To submit an application for benefits, even if you are told that you are not eligible. (Sometimes information the eligibility workers have is wrong or outdated)
- To file for an appeal or a fair hearing if you think you were unfairly denied benefits.
- To have your application or hearing done by phone if you have a disability or you are homebound.

## If you do not speak English...

...and you are applying for benefits or seeking services for health care, or other benefits...

- you have the right to be provided with a FREE interpreter.

- you may also have the right to have the clinic, hospital, or welfare office give you written materials translated in your own language, depending on the number of people who speak your language in Santa Clara County.
- If you cannot get written materials in your language, you still have a right to have materials explaining the program to you in your own language for free.

## If you are undocumented...

- You may still be eligible for certain benefits
- You can apply for benefits for other members of your family who may be eligible.
- You do not have to tell anyone your immigration status. If you apply for benefits for someone else in your family, you do not need to show your immigration documents. If you are asked, simply respond by saying, "I am not an eligible immigrant."

## When dealing with authorities, such as the police or INS officials you have...

- The right to speak to an attorney before answering any questions or signing any documents
- The right to a hearing with an Immigration Judge
- The right to have an attorney at that hearing and in any interview with INS (however you do not have the right to a free, government paid lawyer)
- The right to request release from detention, by paying bond if necessary.

# Know Your Rights!!!

## You must assert these rights.

If you do not demand these rights, keep in mind that:

- you can be deported without seeing either an attorney or a judge.
- leaving the U.S. in this way may have serious consequences for your ability to later enter or gain legal immigration status in the U.S.
- you should talk to an immigration lawyer before leaving the U.S.



**Exercise your  
Rights!!!**

Here are two cards that you can cut out and carry with you. The are:

1. **Language Access Rights Card.** You can present to service providers, such as health care workers, DMV, Social Services or when applying for benefits.
2. **Civil Rights Card.** You can present this card to local police authorities or INS officials when exercising your right to remain silent and request an attorney.

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**All people, regardless of  
immigration status, deserve to  
be treated with Respect &  
Dignity.**

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**Cut out these convenient cards and  
carry them in your wallet or purse.**

### Immigrant Language Access Rights Card

#### If you do not speak English :

- Present this card to an eligibility worker, health care worker or agency where you are accessing a service.
- This card explains to the worker that you exercise your right to an interpreter and request information in your native language before signing anything.
- California law states that you have this right.

#### To Whom It May Concern:

I am handing you this card because I need to access a service here, and I do not speak English well enough to understand you. Please be informed that I am exercising my right to an interpreter and that I wish to have one as soon as possible. I am also requesting written information and forms in \_\_\_\_\_.

(please fill in the language here)

I will refuse to sign anything or undergo any procedure without full explanation of what I am signing or undergoing.

Thank You.

### Immigrant Civil Rights Card *Know Your Rights!!*

#### If you are detained by the INS or the police and you do not speak English:

- Hand this to the official, state your name and remain silent.
- This card explains to the agent or official that you exercise your right to refuse to answer any questions until you have spoken with an attorney.

#### To Whom It May Concern:

I am handing you this card because I do not wish to speak with you or have any further contact with you. Please be informed that I choose to exercise my right to remain silent and to refuse to answer your questions. If I am detained I request that I immediately be allowed to contact an attorney. I will exercise my right to refuse to sign anything until I am allowed to speak to my attorney.

Thank you.

# Immigrant Language Access Rights Card



*Created by the Language Access and Community Education Services (LACES) Project  
of Santa Clara County*

## Use this card when you are dealing with:

- Social Services when applying for and receiving public benefits, such as food stamps, medi-cal, cash aid or employment training.
- Clinics, hospitals and health centers or offices
- Highway patrol officers
- Police, Sheriffs and Jails
- Services and programs for seniors and the elderly
- Department of Motor Vehicles (DMV)
- Department of Housing and Community Development
- Unemployment Insurance Appeals Board
- Department of Toxic Substances

*Exercising your rights helps protect them for you and others.*

# Immigrant Civil Rights Card



*Created by the Language Access and Community Education Services (LACES) Project  
of Santa Clara County*

## ***Know and assert your rights!***

### All non-citizens have the following rights:

- The right to speak to an attorney before answering any questions or signing any documents
- The right to a hearing with an Immigration Judge
- The right to have an attorney at that hearing and in any interview with INS
- The right to request release from detention, by paying a bond if necessary.

You do not have to let police or other law enforcement agents into your home or office unless they have a search warrant or arrest warrant.

### If you are presented with a search warrant:

- You should demand to see the warrant.
- You should tell them that you do not consent to a search.
- You have a right to observe them searching and should write down their names, badge numbers, and what agency they are from.