

Immigrant Tenant Protection Act

Summary: According to California's Immigrant Tenant Protection Act, landlords cannot threaten tenants with eviction or worse living conditions based on their immigration status.

In California, the Immigrant Tenant Protection Act is intended to protect residents of all immigration statuses from landlord intimidation or mistreatment. This manifests in the use of immigration status to blackmail tenants into excusing their refusal to repair basic facilities, threats to evict paying renters, or other forms of intimidation. These actions have since been illegalized.

Additionally, since the establishment of California as a "sanctuary state" (a state that protects its immigrants of all statuses from deportation by preventing local authorities from cooperating with federal immigration officers - SB 54), landlords cannot threaten to expose your status.

If a landlord exposes your status/threatens to expose you status, you can sue for 6-12 times their monthly rent (consult legal professionals in advance).

What Landlords Cannot Do:

- Require that tenants or prospective tenants disclose their immigration status
- Disclose/ threaten to expose the immigration status of a tenant/ prospective tenant
- Evict/ threaten to evict a tenant based on their immigration status

What Landlords Can Do:

- Request information to verify financial qualifications of the tenant
- Request information to verify the identity of the tenant

For more information regarding your specific rights and prohibitions, consult this document: [KTS Law - AB 291 and AP 299 \(2018\)](#)

To report an Immigrant Tenant Protection Act violation, you should contact a housing lawyer immediately.

Sources:

[Boston Globe - CA Lawmakers Approve Bill Protecting Undocumented Immigrant Tenants from Landlord Harassment](#)
[The Sacramento Bee - Rent Increases, Evictions up in Immigrant Communities under Trump, Housing Lawyers Sayt](#) .

Fair Housing Act / California Fair Employment and Housing Act

Summary: The Fair Housing Act is a federal law that prohibits housing discrimination based on race, religion, gender identity, sexuality, disability, marital status, nationality, and ethnic origin. The Fair Employment and Housing Act protects the same people, but also includes undocumented immigrants.

The Fair Housing Act, passed in 1968, was originally meant to be passed alongside the Civil Rights Act of 1964, but couldn't due to the majority voting against its passage. However, the assassination of Martin Luther King Jr. in 1968 acted as a catalyst for its approval, as he had been a staunch advocate for fair housing and riots broke out to avenge his cause. Lyndon B. Johnson signed it into action, one of the first steps taken to treat the housing disparities among US residents.

The California Fair Employment and Housing Act, passed in 1959 (preceding the Fair Housing Act) was originally intended to prohibit sexual harassment and other discrimination in employment and housing, but over time came to adopt similar measures to the Fair Housing Act, only including undocumented immigrants as well.

These acts illegalized the role of discrimination to:

- Refuse to sell/rent/negotiate housing
- Impose different costs for the same dwelling
- Limit access to facilities or services
- Advertise to limited demographics with intent to separate
- Falsely deny that the housing is available for inspection, sale, or rental
- Assign the tenant to a specific part or section of a neighborhood/building
- Refuse/discriminate in the conditions of homeowners insurance or membership in the real estate brokers' organization
- More found here: [HUD - FHEO/FHA](#)

For more information regarding your specific rights and prohibitions, consult the following documents:

[HUD - FHA](#)

[CalCivilRights - FEHA](#)

To report a Fair Housing violation, you may contact the US Department of Housing and Urban Development at [HUD - File a Complaint](#)

Sources:

[FC Law - Legal Protections for Undocumented Tenants in the US](#)

[US Dept. of Justice - FHA](#)

[HUD - FHA](#)

[PubMed - Legacy of 1968 Fair Housing Act.](#)

Minimum Wage Laws and the Workday

Summary: The minimum wage rate of California is \$16.00 per hour. This varies with the number of hours you work, and where.

As a worker, your rights are protected by the California Labor Commissioner (Division of Labor Standards Enforcement). The Division of Labor Standards Enforcement (DLSE) receives complaints about intimidation, wages, child labor, and unfair working hours/conditions. Both undocumented and documented workers are protected by state laws, and the DLSE cannot request your immigration status.

Different regions of the US have different minimum wages. While the federal (US-wide) minimum wage is \$7.25, the California-specific wage is \$16.00 per hour during regular working hours. For fast-food workers, minimum wage has increased to \$20.00 per hour.

Payment by Hours Worked (California Labor Code Section 510):

- Within 8-Hour Workday: You will be paid your regular wages.
- Greater than 8 Hours (Overtime): You will be paid 1.5x your regular wages.
- Greater than 12 Hours: You will be paid 2x your regular rate of pay

Your Rights:

- To be paid minimum wage or greater
- To a 10 minute rest period for every 4 hours (the 10 minutes can be distributed, but a net amount of 10 minutes is required).
 - If they don't do this, they must pay you 1 additional hour of pay at your regular rate for each workday the rest period was not granted.
- To a meal period of at least 30 minutes for every 5 hours.
 - The same rule of additional pay is applied here.

For select cities, the minimum wage may vary *:

- Berkeley: \$18.07
- Los Angeles: \$16.78
- Oakland: \$16.50
- San Francisco: \$18.07
- San Jose: \$17.55

* Higher minimum wage may correlate to higher housing prices.

For more information, you can consult these documents/articles:

[DLSE - Laws and Regulations](#)

[LA County Office of Immigrant Affairs](#)

To report a minimum wage or work hours violation, you may file a wage claim here:

[Department of Industrial Relations: How to File a Wage Claim](#)

Workplace Discrimination Laws

Summary: In the workplace, you cannot be discriminated against because of race, color, religion, sex, origin, age, or disability.

In the US, the Equal Employment Opportunity Commission protects all residents from discrimination in employment (both during and after hiring). All employees, applicants, and union members are protected from discriminatory practices, many of which are detailed below. If you feel that you have been discriminated against in a way that hasn't been enumerated below, you may refer to other resources or connect to a legal professional.

Discrimination can arise from:

- Race
- Color
- Religion
- National origin
- Sex (pregnancy, sexual orientation, or gender identity)
- Age (over 40)
- Disability
- Genetic information (request of disclosure of genetic tests or family medical history)
- Retaliation (after an employee files/threatens to file a complaint, they discriminate as punishment)

Discrimination can be found as unfair/unequal:

- Discharge/firing
- Harassment (verbal and physical)
- Hiring/promotion/benefits
- Unequal pay (discrimination-based)
- Failure to accommodate a disability (pregnancy/medical condition/belief or practice)
 - Accommodations such as unpaid, but job-protected leave, longer/additional breaks, food/drink policy flexibility
- Intimidation or coercion

For more information regarding discrimination complaints, you may access the following website:

[Filing a Complaint](#).

To report discriminatory policies, you can file a complaint here: [Complaint Process](#)

California Compulsory Education Laws

While parents can choose what districts or type of schools they would like their children to attend, there are regulations about how long their children's education can go on. In California, children must gain an education of some sort from the ages of 6-18.

This education can come in various forms, such as:

- Public Schools
- Private Schools
- Home Schools
 - Tutors with state credentials for the grade being taught
 - Parents with appropriate teaching credentials
 - Home study programs

Parents who do not comply with these laws will face increasing consequences with each offense:

- 1st: fine up to \$100
- 2nd: fine up to \$250
- 3rd+: fine up to \$500, and parents may be placed in parent education/counseling program

California Corporal Punishment in Education

Corporal punishment is the intentional use of physical force, such as slapping or hitting, as a means of discipline. While many states in the USA still allow corporal punishment in public education, California is fortunately not one of them, and even doesn't allow corporal punishment when consented to by parents. (In short, physical force in a classroom is unconditionally illegal).

Intentional physical force is only allowed in these circumstances (still limited):

- Breaking up fights between students
- Preventing damage to property
- Forcefully taking an object away from a student
- Self defense

If a teacher or school employee uses corporal punishment, you can sue them through a personal injury lawsuit, and they can be charged for assault and battery (threatening a person through physical contact). You should contact either school administration or law enforcement in this situation.

Religion in Public Schools

In the US, the education system has aimed to remain secular in most of its practices. While other states have begun to transition away from this goal, California will likely maintain its secularity for years to come.

While public and charter schools are unable to clearly denote a denomination (a religion), private schools are able to determine the extent to which they instruct on religion doctrine. It is illegal for California public schools to offer any religious education, and teaching/funding of faith-based programs is specifically prohibited.

It is important to understand the distinction between teaching *about* religion and influencing, or guiding one's religious beliefs. For example, if a teacher were giving a lesson about the role of Christianity during the Renaissance period, they would be teaching about religion. Conversely, if one were to claim that one religion is superior to another, they would be infringing on the students' rights to choose a religion.

If you would like to read more about what California public schools can or cannot do, you may access this document: [Appendix F of California's Public History and Social Science Framework](#)

Reproductive Rights in California

In California, women's rights are heavily protected by state laws and regulations, primarily regarding equality and freedom from discrimination. All forms of sex-based discrimination are banned, including in circumstances such as pregnancy, childbirth, and other medical conditions. Other conditions may include postpartum depression, abortion, miscarriage, or those undergoing fertility treatments.

In the Workplace:

- You are entitled to:
 - Job-protected leave for up to 4 months of pregnancy disability leave in any 12 month period
 - One's job is not guaranteed from layoffs or extraneous employment actions
 - Reasonable accommodations, the same that are offered to temporarily/ permanently disabled employees
 - Temporary modifications to work duties, additional/longer breaks, less strenuous work, and time/place to breastfeed in private
 - The same level of health insurance coverage that you had before taking leave
 - They are not required to pay you during this time, but you can apply for disability insurance benefits, which could partially cover your wages for up to 3 months

Abortion Rights:

- Abortions are defined as an intentional termination of a pregnancy. Miscarriages are the naturally occurring counterpart to abortions, typically due to genetic or health factors.
 - Abortions are a safe and common way of terminating a pregnancy if an individual isn't capable or willing (financially or otherwise) to raise a child.
- In California, abortion rights are fundamental rights, and individuals can obtain abortions regardless of age, immigration status, gender identity, or whether or not they live in California.

For more information on abortion rights, you can access the following document:

[2024 Laws on Reproductive Rights](#)

Additionally, if you need to obtain an abortion or other forms of reproductive healthcare, you can contact your local Planned Parenthood clinic. You can find more information about this organization here:

<https://www.plannedparenthood.org/>

LGBTQ Rights in California

As one of the most liberal states in America, California has done much to further the rights of LGBTQ people (Lesbian, Gay, Bisexual, Transgender, and Queer).

LGBTQ people in California are entitled to:

- Discrimination protections regarding sexual orientation and gender identity/expression
 - Verbal harassment/threats
 - Protections against hate crimes/violent crimes fueled by perceived/actual identity
- Protections against conversion therapy for minors
- Ability to change legal gender on official documents without medical intervention
- Same-sex marriage/adoption
- Announce their sexuality/identity any way/time they wish to
- Be referred to by their preferred pronouns
- Receive all forms of medical care and health insurance
- Gender-neutral public restrooms in spaces with single-occupancy public restrooms
- Learn about LGBTQ health during sexual education classes in school

If you believe you are the victim or witness of a hate crime, report to the police or an authority figure. You may consult this guide as well: <https://www.justice.gov/hatecrimes/report-a-hate-crime>

More information can be found below:

<https://www.amnesty.org/en/what-we-do/discrimination/lgbti-rights/>

<https://www.aclunc.org/our-work/know-your-rights/california-lgbtq-employment-rights>

Types of Immigration Status

Naturalized US Citizen:

- A naturalized citizen is someone who, despite being born outside of the United States, applied for and successfully completed the naturalization process. This (US citizen) is the highest legal status in the US, and this status offers full rights and privileges.
- Requirements for naturalization:
 - Must be 18 years or older
 - Must have been lawfully admitted for permanent residence (visas, greencards, etc)
 - Must have lived in the US for at least 5 years (or 3 years if married to a US citizen)
 - Must have little to no criminal offense history, or naturalization applications may be rejected

Lawful Permanent Resident (LPR):

- LPR status allows for people to live and work in the US permanently. These are granted through green cards (form I-551), which is a physical card that indicates that the holder is allowed to work and travel anywhere within the US.
 - Green cards are granted to those who already have an immigrant visa, and apply to the US Citizenship and Immigration Services for permanent resident status.
 - Types of green cards:
 - Family-based: close relatives of current US citizens or green card holders may apply
 - Employment-based: certain workers and their immediate family may be given green cards that are tied to their work
 - Humanitarian-based: refugees, asylum seekers, and victims of human trafficking or abuse are eligible
 - Green card "lottery winners": up to 50,000 people from a pool of entries from Africa, Asia, and Oceania are selected for green card holding
 - Green cards must be renewed every 10 years, but are only revoked if major crimes are committed.
- Immigrant Visa → LPR Pipeline
 - Immigrant visa holders can apply for LPR status if they hold the following visas:
 - Family-based visas: These visas are for relatives of U.S. citizens and lawful permanent residents (Green Card holders):
 - F1 visas: For unmarried children 21 or older
 - F2A visas: For spouses and unmarried children under 21 of Green Card holders
 - F2B visas: For unmarried children 21 or older of Green Card holders
 - F3 visas: For married children
 - F4 visas: For siblings
 - K-1 visas: For fiancés(e)s of U.S. citizens
 - K-3 visas: For spouses of U.S. citizens
 - Employment-based visas: These visas are for employment-based immigrants, including priority workers, professionals, and investors:
 - H-1B visas: For temporary workers
 - H-2B visas: For temporary non-agricultural workers
 - L-1 visas: For intracompany transferees

- O visas: For people with extraordinary ability, such as artists, athletes, and scientists
- P visas: For artists, athletes, entertainers, and group performers
- R visas: For religious workers
- Diversity visas

Conditional Permanent Resident:

- People with a qualifying marriage or relationship to an LPR or citizen. This is a conditional status, which expires the second year of obtaining conditional status unless they apply for LPR before then.

For more information about statuses such as special immigrant juvenile status, VAWA self-petitioner, refugee/asylees, and crime victims, you can access this document: [Overview of Types of Immigration Status](#)

Your Rights and Responsibilities by Immigration Status

Conditional Resident (non-green card holders):

- Rights:
 - Reside within the US for the duration of your visa or permit
 - Own property (depending on local/state regulations)
 - Apply for a driver's license in your state/territory
 - Work in specific jobs or sectors based on visa conditions
 - Enroll in primary, secondary, and higher education institutions
 - Receive medical care, though coverage and conditions may vary
 - Receive protection under local laws, including protection from discrimination
 - Apply for extensions or renewals of your visa or permit
 - Leave and re-enter the country within the terms of your visa or permit
- Responsibilities:
 - Follow all federal, state, and local laws
 - Adhere to the conditions in your visa or permit, including work restrictions, study requirements, or other terms
 - Fulfill tax obligations on income earned within the country.
 - Ensure your visa or permit remains valid and meet all renewal/extension deadlines
 - Notify immigration authorities of any significant changes in your circumstances (address, employment)
 - Carry proof of your visa or permit status at all times

Non-Citizen Permanent Resident:

- Rights (in addition to those of a conditional/temporary resident):
 - Live or work anywhere in the US
 - Own property in the US
 - Join certain branches of the US armed forces
 - Receive Social Security, Supplemental Security Income, and Medicare benefits (if eligible)
 - Apply for US citizenship (once eligible)
 - Request US visas for spouse and close relatives
- Responsibilities (in addition to those of a conditional/temporary resident):
 - Register with the U.S. armed forces if you are a male between ages 18 and 26
 - Carry proof of your permanent resident status at all times
 - Change your address each time you move
 - Submit it online or provide it in writing to US Citizenship & Immigration Services

US Citizen:

- Rights (in addition to those of a non-citizen permanent resident):
 - Vote in federal, state, and local elections
 - Run for public office
 - Serve on a jury
 - Apply for a US passport
- Responsibilities (in addition to those of a non-citizen permanent resident):
 - Serve on a jury
 - Participate in the democratic process

Rights and Protections within the Criminal Justice System

The US criminal justice system is a structure designed to enforce laws and ensure justice, with an end goal of maintaining social order. While all US residents, documented or not, will have their unalienable rights upheld (right to fair trial, etc), undocumented immigrants face greater challenges and consequences than documented.

Rights and Protections

- Documented Immigrants:
 - Entitled to full constitutional protections, including the right to a fair trial, legal representation, and protection against unreasonable searches and seizures
 - These rights extend to both criminal and immigration proceedings, providing them with clear ways to fight back against criminal charges and deportation orders
 - Access to legal counsel
 - Appeal decisions in both criminal and immigration courts without immediate risk of deportation
- Undocumented Immigrants:
 - Also protected by rights such as due process, fair trial, and protection against unreasonable searches
 - Challenges unique to undocumented immigrants:
 - Greater/definite risk of deportation, especially ones of higher severity
 - Government-funded legal counsel is not allowed for immigration cases, but non-profit organizations can offer assistance or the individual can hire private attorneys
 - May be detained by ICE (Immigration and Customs Enforcement) during/after criminal proceedings

If you believe your rights and protections have been violated by law enforcement or otherwise, you can consult this website: [Police Misconduct](#).

Finding Legal Help

In California, there are many ways to get access to legal information at low costs (or for free). Aside from the internet alone, the following sources may prove helpful:

Law Library Programs:

- Many public law libraries, such as the Alameda County Law Library (among others that can be found at this link: <https://www.mylawlibrary.org/law-libraries.htm>), have free legal consultation programs.
- Additionally, legal books and resources can be found easily at law libraries.

Law Schools:

- Some law schools offer free legal clinics, and your local court/bar association may be able to refer you to such institutions.

Government Agencies:

- If you are being tried for a crime, local public defenders can often offer legal consultation – if a defender cannot take your case, the court will appoint another lawyer for you.

Legal Aid Agencies:

- If your income and legal issue qualifies, you may be able to access free or low-cost help from legal services programs, which can be found here: <https://www.lawhelpca.org/find-legal-help>

Low-Cost Referral Services:

- These are services that can tell you about free or low-cost legal services in your area, if you qualify. They offer lawyers for you to have consultations with, typically for a small fee.
- These services can be found here: <https://www.calbar.ca.gov/Public/LawyerReferralServicesLRS>

Court-Based Self-Help Services:

- California superior courts all have free legal self-help programs, which provide you with legal information if you do not have a lawyer. They will tell you how to do things, but not what you should do, which is what would be provided by a lawyer.
- These services can be found here: <https://selfhelp.courts.ca.gov/court-based-self-help-services>