

15th Annual Latino/a Advocacy Day



Immigrant Justice Bills 2021

[\(Versión en español aquí\)](#)

SUPPORT [HB21-1194](#) LEGAL DEFENSE FUND

Bill Sponsors: Reps. Tipper & Ricks, Sen. Moreno

Background: Individuals in immigration court proceedings have limited access to legal representation or guidance when facing deportation proceedings. Consequently, an estimated 70 percent of immigrants in detention face trial alone. This makes it harder for individuals to be released on bond and to win their cases. Immigrants who have a lawyer are up to 10 times more likely to win their case and 3.5 times more likely to be released on bond.

Why we support: We are advocating for universal access to legal representation through a statewide legal defense fund.

- Due process for all - The United States Constitution guarantees the right to equal protection when navigating the legal system and ensures due process for all; that right should be extended to people in immigration proceedings and those who are detained.
- Deportation proceedings are costly - Going through the immigration process has extreme emotional impacts, is expensive for people and their families, and can end in family separation.
- Everyone has the right to a fair trial - The legal system is hard to navigate and in order for it to truly administer justice, we have to ensure everyone has access to a lawyer, whether or not they can afford one.
- Universal representation is key to addressing Anti-Blackness in immigration enforcement: The compounding forces of systemic racism, over-policing in Black communities, and entanglement between law enforcement and ICE have created an immigration system that disproportionately detains, deports, and harms Black immigrants. A universal representation approach to providing legal representation in immigration courts is an important step to ensuring equal access to justice for all Colorado families and communities.
- Immigrants are an integral part of Colorado - Immigrants are assets to the state and are integral parts of our community; they are our neighbors, peers, fellow workers, and faith

community members. Separating families causes harm, insecurity, and trauma and is felt throughout our communities. Clients served through RMIAN and the Denver Legal Defense Fund had been residents of Colorado for an average of 16 years.

- Valid claims to stay go unheard - The immigration legal process is complex and having no representation in court only complicates their situation. Without access to legal expertise, many immigrants are left without the opportunity to fairly present their valid claims to stay.

SUPPORT [SB21-131](#) DATA PRIVACY

Bill Sponsors: Sen. Gonzales & Rep. Gonzales Gutierrez

Background: In 2013, SB251 was passed by the Colorado State Legislature. The bill ensured all Coloradans, regardless of status, could apply for driver's licenses. The Colorado Department of Motor Vehicles received the necessary information and documentation from 150,000 undocumented immigrants. However, after a lengthy investigation community organizations received evidence of a pervasive culture of informational exchange and collaboration between the DMV and federal immigration enforcement. We have since put administrative measures in place to stop this information sharing through Guidance issued by the Governor's office and by working with the DMV. However, legislation is still needed to make the Governor's guidance into law, close loopholes in the guidance, create additional requirements for state databases, and create strong mechanisms of accountability.

Why we support: We believe every Coloradan should be able to access state services and benefits without fear that their information could be used against them for immigration enforcement. We need the state to rebuild trust with Colorado's immigrant communities by ensuring that state agencies do not share personal information with ICE, violating an individual's privacy and trust.

- Secure the right to privacy for all Coloradans - It is essential that all Coloradans' data is protected and not shared with outside third parties.
- Ensure everyone feels safe accessing services available to them - Many individuals and families don't apply for state services for fear of their information being shared and used against them. This fear stops parents from applying for health care services for their U.S. citizen children. It prevents individuals of all statuses from obtaining a driver's license and increasing the number of drivers that are trained, licensed, and insured. Strengthening privacy protections for state programs ensures all individuals access the services they need and are eligible for.
- Rebuild trust - The breaches in data privacy at the DMV broke Coloradans' trust in our state government. It is past time for Colorado to protect its residents — particularly those who place their confidence in Colorado government agencies by sharing their personal

information in good faith. This bill will rebuild the broken trust between immigrant communities and state agencies.

- Maintain consistency - This bill reinforces “good government” practices. Modeled on the Governor’s guidance on data privacy and federal guidelines, like HIPAA, the bill sets strong data privacy standards by prohibiting information distribution for purposes other than administering programs or complying with a judicial warrant, order, or subpoena.

SUPPORT [SB21-087](#) AGRICULTURAL WORKERS’ RIGHTS

Bill Sponsors: Sen. Danielson, Reps. McCormick & Caraveo

Background: Historically, agricultural workers have been exempt from labor protections and have been victims of numerous work violations. Farmworkers have had limited access to overtime protection, meal and rest breaks, guaranteed minimum wage pay, and have been prohibited from collective action. This bill would ensure legal protections and an established legal framework to hold employers accountable for violations.

Why we support: We champion labor protections for all workers regardless of sector, job, or the size of their employer. Everyone deserves the right to protection from workplace violations.

- Protecting agricultural workers is long overdue - Labor protections set for workers have consistently excluded farmworkers and perpetuated an environment where labor violations go unheard or reported. Overtime, rest and meal breaks, as well as overwork protections, are necessary and should be offered to all.
- Farmworkers deserve the same access to minimum wage - regardless of the size of their employer or their job sector.
- More appropriately addressing public health crises such as COVID-19 - Farmworkers have been essential workers during the pandemic as they kept Colorado’s agricultural systems operating safely and successfully. The work they are providing during this pandemic has only heightened the lack of protections available to them. Agricultural workers have not had access to protective equipment, have suffered from non-enforcement of social distancing protocols and other health guidelines, and have endured unsafe or unsanitary housing conditions.
- Enforcing labor violations - Employers should be held accountable for their lack of enforcement of labor protections and should be responsible for ensuring the safety of their employees.
- Every worker should have the right to organize - No worker should be excluded from the ability to unionize and fight for their labor rights. This bill would expand the right to organize to farmworkers.