

**KNOW
YOUR
RIGHTS**

**A POCKET GUIDE
FOR
HOMELESS INDIVIDUALS**

Courtesy of
**GIRLS
THINK
TANK**



KNOW YOUR RIGHTS

- MTS offers discounted fares for seniors (60+), disabled (proof of Medicare, SSI, SSDI, or a doctor's statement of eligibility), and Medicare recipients (must show current card).
 - Application available at: 1255 Imperial Ave., Suite 1000, San Diego, CA 92101.
 - Discount day pass: \$1.25
 - Discount passes can be purchased at*:
 - MTS Transit Store, 102 Broadway
 - NCTD Customer Service Centers
 - Albertson's Stores
- * Once purchased, a discounted pass can be reloaded at any ticket vending machine.*

KNOW YOUR RIGHTS

Punishable by a \$250 fine, 48 hours community service:

- Eating or drinking (with exception of non-alcoholic beverages in spill-proof containers)
- Loud or unreasonable noise
- Smoking on buses or trolleys
- Spitting
- Skateboarding, roller skating, bicycle riding, roller blading, motorized scooters, similar devices
- Sale or peddling of any goods or services without authorization

Other Prohibited Conduct:

- Placing feet on the seats
- Transporting animals unless (a) service animal, (b) enclosed and secured cage small enough to fit on your lap
- Soliciting money
- Discarding litter

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Solicitation is defined as someone who asks for money or goods as charity.

- ▶ Solicitation can be through the use of words, gestures, signs, or other means.
- ▶ Aggressive solicitation in any place open to the public is illegal in San Diego.
- ▶ Aggressive solicitation means coerce, threaten, hound, harass, or intimidate someone.
- ▶ It is illegal to stand or sit in a road or along a curb if the solicitation interferes with traffic.

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It is a misdemeanor to lodge in any building, structure, vehicle, or place, whether public or private, without the permission of the owner.

- If you are cited for illegal lodging, you should appear at your court hearing to avoid fines and/or bench warrants.
- Citywide in San Diego, illegal lodging will not be enforced between the hours of 9pm-5:30am EXCEPT for in the Central District.
- In the Central District, including downtown, illegal lodging can be enforced between the hours of 9pm-5:30am IF:
 - 1) there is a bed available in a shelter;
 - 2) the officer first offers a bed to the individual; and
 - 3) the individual declines the bed.Then a citation may be issued.

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The Family Law Facilitator's Office is available to help unrepresented parties with family law issues.

Walk-in assistance can be found at:

Central Courthouse 220 W.
Broadway, Room 4001, San Diego
7:30 a.m., M-F

South County Courthouse 500
Third Ave., Room 300, Chula Vista
7:30 a.m., M-F

Family Court Building 1555 Sixth
Avenue, San Diego
8 a.m., M-F

North County Courthouse 325
Melrose Drive, Vista
7:30 a.m., M-F

East County Courthouse 250 East
Main St, 2nd Floor, El Cajon
7:30 a.m., M-F

KNOW YOUR RIGHTS

Infractions are not punishable by imprisonment.

- If you are cited with an infraction, you do not have the right to a public defender unless you are arrested and not released on bail.
- If an officer gives you a citation, your ticket will have a “promise to appear” date.

What to do:

- You may have to appear in person.
- A courtesy notice may be sent to the address listed on your ticket.
- If you do not receive a notice, you must call or mail the court or appear in person.

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A misdemeanor is punishable by no more than one year in county jail.

- ▶ If you are charged with a misdemeanor, you have the right to a court appointed public defender.
- ▶ If you are charged with a misdemeanor, you will receive a written notice to appear.

What to do:

- ▶ You must appear by the date on the notice to appear.
- ▶ If you do not appear, a warrant will be issued for your arrest.

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San Diego provides court access for misdemeanor and infraction citations by holding special court sessions at homeless shelters. You must be referred to Homeless Court by a referring agency such as:

- Rescue Mission, Salvation Army, Vet Center, PATH, Friend to Friend, St. Vincent de Paul.

Requirements:

- Meet with your defense attorney from the Public Defender's Office, and;
- Meet with your caseworker: create a life plan, work a program, bring evidence of your accomplishments.

KNOW YOUR RIGHTS

What to do if you are taken into custody:

- ▶ You are not required to provide any information to law enforcement or immigration.
- ▶ Do not lie about your immigration status. You have the right to SPEAK to an ATTORNEY or CONSULATE.
- ▶ Do not sign any documents without first speaking to an attorney.
- ▶ Make sure your family knows how to search the ICE website or hotline if you fail to check in with them. **ICE Headquarters: (202)305-2734 OR www.ice.gov.**
- ▶ If arrested by local police or sheriff, the arresting agency has 48 hours to either charge you with a crime OR transfer you to Immigration.
- ▶ If the arresting agency has done neither within 48 hours, call an attorney or community organization immediately.

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How to obtain U.S. citizenship:

Generally, application for U.S. citizenship may be made if:

1. You are at least 18 years of age AND
2. Have been a resident of the U.S.:
 - a. for at least 5 years; OR
 - b. for at least 3 years, having been married to and living with a U.S. citizen spouse OR
3. Have history of honorable service in the U.S. military AND
4. Are a person of good moral character (certain criminal convictions can be disqualifying). To obtain a Naturalization Application, visit WWW.USCIS.GOV or call 800-375-5283. If you immigrated to the U.S. before you reached 16 years of age, you may also qualify under Deferred Action Childhood Arrivals (DACA). To see if you or a family member qualifies, visit www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca or call 800-375-5283.

KNOW YOUR RIGHTS

Right to Remain in the United States:

Cancellation of Removal: If you are arrested by immigration authorities, you may be able to avoid removal if you can prove:

- ▶ You have been physically present in the United States for at least ten years; AND
- ▶ You have been a person of good moral character during those ten years; AND
- ▶ Removal from the U.S. would result in exceptional and extremely unusual hardship to your spouse, parent, or child who is a U.S. citizen or lawful permanent resident; AND
- ▶ You are not disqualified from cancellation for a variety of reasons, such as certain criminal convictions.

You **MUST** seek legal help to apply for cancellation of removal, and it is only available if you are already in immigration court proceedings.

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Asylum: If you can prove you have been persecuted or fear future persecution, in your home country, based on your race, religion, nationality, political opinion, or membership in a particular social group, you can apply for asylum. The process involves submitting an application along with detailed documentation of your membership in the group that you claim to be a member, and the persecution that you faced or fear.

Temporary Protected Status: If you come from a country that has recently had a civil war, environmental or natural disaster, or other trouble that makes it unsafe for its citizens to return there, you may be eligible for Temporary Protected Status, which would allow you to stay in the United States legally for a set amount of time (maximum 18 months), and to receive a work permit while here.

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For legal help or questions, please call **Girls Think Tank: 619-537-8736, or come to one of our Legal Referral and Advocacy Clinics:**

- Every Thursday, except for the 1st Thursday of the month, from 6-7 pm at **St. Vincent de Paul Village**, 1501 Imperial Ave., San Diego, CA 92101.
- Third Wednesday of the month, from 1-2 pm at the **Downtown Library**, 330 Park Blvd., San Diego, CA 92101.

