



FOR IMMEDIATE RELEASE

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VICTORY: California Supreme Court Rules in Favor of Immigrants' Right to Effective Counsel

SAN FRANCISCO, CA – This Monday, the California Supreme Court reached a favorable decision in *People v. Patterson*, reaffirming the right of an immigrant defendant to withdraw his plea of guilty if unaware of the immigration consequences of the conviction at the time of plea. Patterson, a nurse and lawful permanent resident who has resided in the U.S. for 21 years, learned only after he pled guilty to a one-time drug possession charge that the plea carried with it mandatory deportation. His request to withdraw the plea was denied, ultimately to end up before the state's Supreme Court. This significant ruling upholds the right to effective counsel for noncitizens and citizens alike, a basic right equally afforded to all by the U.S. Constitution.

Rose Cahn, Criminal and Immigrant Justice Attorney at the Immigrant Legal Resource Center, issued the following statement:

"For noncitizens, immigration consequences often loom larger than any criminal ones; custody may not last, but deportation is forever."

"Too many noncitizens are essentially advised to blindly plead to their own deportation due to ineffective assistance of counsel in the criminal legal system, where many convictions carry dire immigration consequences. These consequences can put noncitizens, including green card holders, at risk of detention, deportation, bar them from future entry into the United States, or revoke their eligibility from immigration benefits such as naturalization."

"This week's decision reaffirms that a criminal court's general advisement of *potential* immigration consequences is no substitute for defense counsel's unique legal duty to provide case-specific advice about, and defense from, the immigration consequences of a conviction. Post-conviction relief is crucial to uphold the constitutional rights of immigrant defendants who were deprived the legally mandated right to effective assistance of counsel. A different plea can single-handedly alter the course of an immigrant's life and that of their loved ones."

For over 35 years, mitigating the immigration consequences of interactions by noncitizens with the criminal legal system has been a crucial component of the work of the Immigrant Legal Resource Center. We believe this work is an important and often overlooked aspect of keeping immigrants together with their loved ones in the United States.

To support this work, the ILRC operates the only pro bono post-conviction relief project in the country, which seeks to afford noncitizens who lacked effective assistance of counsel during their trial an opportunity to erase and re-plead to an immigration-safe alternative conviction. We maintain a [quick-reference chart](#) that defense attorneys have used to advise thousands of noncitizen clients across the country, and operate an "[Attorney of the Day](#)" case support service to legal practitioners to improve their chances of successful defense of their noncitizen clients. Through the Defending Immigrants Project, a collaboration with the Immigrant Defense Project and the National Immigration Project of the National Lawyers Guild, we provide training to public defenders across the country on how to effectively advise their noncitizen clients. Our three groups also collaboratively form the [Immigrant Justice Network](#), which works to address the many needs of immigrants trapped in the intersection of the immigrant and criminal legal systems.

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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities. www.ilrc.org