



QUESTIONS FOR PROSECUTORS ABOUT IMMIGRATION

By Rose Cahn

Advocates across the country have been organizing town halls and community meetings to demand transparency and accountability from elected prosecutors and prosecutorial candidates. We offer the below sample questions for advocates who want to know about a prosecutor's approach to immigration.

1. The U.S. Supreme Court in *Padilla v. Kentucky* suggested that when prosecutors consider immigration consequences, more just outcomes can be obtained for all parties. When even a low level criminal offense can lead to mandatory immigration detention and mandatory deportation for even a longtime greencard holder, how do you plan to ensure that immigrants are not subjected to double punishment and forced to suffer immigration consequences that flow from a criminal conviction?
2. Do you believe in equal protection, due process, and access to justice for all residents regardless of immigration status? What does this look like to you?
3. What will be your stance if Immigration and Customs Enforcement (ICE) enters courtrooms to enforce civil immigration laws?
4. For those cases that have resulted in immigration-damaging convictions due to legal and constitutional errors for non-citizen defendants, what will you do to ensure that the DA's office implements a cooperative and accessible post-conviction relief process for the immigrant community?
5. What is your plan to involve the immigrant community and advocates when evaluating and exploring policies that affect them?
6. We all know that high bails disproportionately impact communities of color, including and immigrants. What is your plan for bail reform?
7. What is your plan to increase access to pre-plea diversion programs that provide treatment and rehabilitative services rather than incarceration and deportation?

If you want to learn more about the prosecutor's role in immigration, see our resources available at www.ilrc.org/prosecutors; or reach out to Rose Cahn, rcahn@ilrc.org.