



Zulma Muñoz-Ryan _____
MUÑOZ LAW, P.C.



Cynthia Santiago _____
ABOGADA SANTIAGO,
A PROFESSIONAL LAW CORPORATION

Legal advocacy in a detain-till-deportation pipeline

IMMIGRATION POLICY, ENFORCEMENT AND DEPORTATIONS

In 2025, immigration enforcement once again moved to the forefront of national attention. Reports highlighted not only the fragility of the immigration legal system, but also the scale and evolving intensity of enforcement efforts across the United States. Recent data reflects a significant shift in federal priorities: Border crossings have sharply declined, while Immigration and Customs Enforcement (ICE) arrests have doubled and detention levels have reached historic highs.

Although the administration has emphasized a focus on individuals with criminal convictions, publicly available and internal agency data suggest that enforcement efforts have extended broadly, with comparatively limited progress in targeting the most serious offenders. NBC News analysis of ICE and Customs and Border Protection data underscores these trends, noting both the expansion of detention and the lack of consistent public reporting on deportation figures. (See Jiachuan Wu et al., *U.S. Immigration Tracker: Arrests, Detentions, Border Crossings* (updated Apr. 10, 2026).)

In Southern California and other major urban centers, immigration enforcement actions increasingly occur in everyday settings – car washes, Home Depot parking lots, and public streets – where immigrant workers commonly seek employment or congregate. Federal authorities have conducted targeted operations in these locations, including day-labor sites and small businesses, reflecting a broader shift toward worksite and community-based enforcement. These raids have been widely reported to generate panic, deter individuals from seeking work, and contribute to a pervasive climate of fear within immigrant communities (see American Immigration Council, *Understanding ICE Worksite Raids*, <https://www.americanimmigrationcouncil.org/fact-sheet/understanding-ice-worksite-raids>). Once individuals

are placed into immigration custody, policy shifts often leave them with a stark choice: accept removal or face prolonged detention with limited access to bond.

At the same time, expanded worksite-enforcement strategies – frequently targeting low-wage labor sectors – have reinforced the perception that immigration enforcement is embedded in daily life rather than confined to the border. Immigration courts and field offices, traditionally venues for adjudication, have increasingly become associated with enforcement rather than access to relief.

Undocumented workers face unique and devastating risks in the workplace, from retaliation and harassment to threats tied to their immigration status. While these risks are not new, current enforcement patterns have intensified their immediacy and visibility. With social media and TV outlets constantly highlighting mass deportations, travel bans, and raids, we are more exposed to these issues than ever. Workplace threats can escalate rapidly, including employer retaliation through reports to immigration authorities. For a worker, this can mean being uprooted from their home, separated from their children and family, losing their job, and having their life in the United States upended. For detained immigrant clients, who are often the primary breadwinners in their families, this means prolonged detention, in many cases lasting more than six months, combined with sudden loss of income and family instability.

Proactive strategies for identifying immigration risk in civil cases

Even attorneys who do not practice immigration law are well-positioned to identify issues that intersect with immigration concerns, particularly in employment and civil rights matters. During intake, counsel should take care to listen for indicators that a client may be expe-

riencing threats, coercion, or harassment tied to their immigration status. These concerns should not be overlooked simply because they fall outside an attorney's primary area of practice.

Although these conversations may feel uncomfortable, it is important to address immigration-related considerations early. Practitioners should develop a basic understanding of the client's immigration posture by asking threshold questions: Is the client currently in immigration proceedings? Have they had prior contact with immigration authorities? Is there a prior removal or deportation order? This preliminary information allows counsel to conduct an initial risk assessment and determine whether referral or collaboration with immigration counsel is necessary. Taking these steps not only protects the client but also strengthens the attorney-client relationship by demonstrating attentiveness and trust.

Attorneys should be particularly alert to retaliation in the form of threats to contact immigration authorities. Clients may report statements such as: "My employer said they will call ICE if I don't comply," or "If I complain, they will report me." These threats are often used as a means of coercion and can constitute actionable misconduct.

Similarly, practitioners should recognize the intersection between workplace violations and immigration-related vulnerabilities. For example, conduct that constitutes harassment or discrimination under California's Fair Employment and Housing Act (FEHA) may be compounded by an employer's attempt to silence the worker through threats tied to immigration status. In such cases, immigration status is not merely incidental – it is being actively weaponized to perpetuate unlawful conduct.

Finally, attorneys should remain mindful that certain fact patterns may give rise to potential immigration relief.

Cases involving workplace violence, coercion, or serious harassment may render a client eligible for protections such as a U visa or, in some circumstances, a T visa. For instance, a client who presents with documentation of a workplace assault or credible threats may have both civil claims and immigration remedies available. Identifying these issues at the outset allows counsel to coordinate effectively with immigration practitioners and ensure that the client can pursue all available forms of relief.

Refer clients to reliable immigration attorneys

If a client may be eligible for immigration relief, such as asylum (for individuals who fear persecution in their home country based on protected grounds), U visas (for victims of certain crimes who have suffered substantial abuse and assist law enforcement), T visas (for survivors of human trafficking), or Violence Against Women Act (VAWA) protections (for certain abused spouses, children, or parents of U.S. citizens or lawful permanent residents), connect them with trusted immigration attorneys.

Take the time to verify that the attorney is licensed and has real experience handling immigration matters. Use reputable resources such as the American Immigration Lawyers Association (AILA) to identify qualified and ethical professionals. Because immigration is governed by federal law, it is important to rely on national, professionally vetted, and disciplinary-backed sources rather than state-bar listings alone. Knowing who to turn to ensures that individuals receive accurate guidance and can access the protections they deserve.

Build a trusted referral network for removal defense

When a client arrives in distress – reporting that a family member has been detained – or when a previously responsive client becomes unreachable and is later discovered to be in immigration custody, prompt referral to experienced removal defense counsel is critical. Attorneys who specialize in removal proceedings can assess whether viable defenses to

deportation exist, including relief based on family ties, long-term residence in the United States, or other equitable factors. For example, individuals with U.S.-citizen or lawful permanent resident spouses or children, or those with significant community ties, may have avenues for relief that warrant immediate evaluation.

Removal proceedings can also create practical and legal complications beyond the immigration case itself. Detention often restricts communication with family members and counsel, and the pace of proceedings may vary significantly depending on whether the individual remains in custody. In many instances, detained individuals are transferred across state lines within days due to lack of bed space availability, making coordination more difficult and increasing the urgency of securing qualified representation.

Maintaining a trusted network of immigration attorneys allows practitioners to respond effectively in these high-pressure situations. Even where an attorney does not have the expertise to advise on the immigration consequences directly, providing a reliable referral offers clients and their families a clear and immediate next step. In moments of crisis, that guidance can be critical to preserving potential defenses and ensuring that the detained individual receives timely and competent representation.

Prepare an emergency deportation plan

The “Red Card” has become a well-known tool used to educate individuals about their basic rights, including the right to remain silent, the right to speak with an attorney, and the importance of not signing documents they do not understand. However, this is not a one-size-fits-all mechanism to stop detention and deportation. By encouraging clients to obtain a consultation with a trusted attorney, individuals and their families can better develop a plan in the event of ICE detention.

Questions to ask: Will the person qualify to see the immigration judge? What forms of relief will they be able to pursue? What will those costs look like? What will that process look like? If they

have a prior order of removal, what legal authorizations should we prepare in anticipation? What documents should the family have ready? Provide the client and family agency to decide whether they will fight their case or sign a voluntary deportation if that option is presented.

Lastly, considerations for families of mixed legal status involves creating a family plan for temporary caregiver authorization for the minor children. Having these conversations sooner rather than later is critical because ICE officials often do not give individuals an opportunity to contact loved ones, speak with an attorney, or thoughtfully assess their options until after they have already been processed, and in many cases, after deportation documents have already been signed.

Legal tools to argue in civil cases involving an undocumented plaintiff

Undocumented workers are facing rising discrimination, and too often their immigration status is used as a weapon against them. As attorneys, we have to call this out and frame our cases in a way that reflects reality. The current administration’s policies and broader societal biases put our clients at a disadvantage before they even consider pursuing a legal claim. We must also remain vigilant during depositions to ensure our clients are protected from irrelevant, harassing, or threatening questioning about their immigration status. This is the work that matters. Making sure our clients are not pushed out of their rights before they even get to assert them. If we are not actively protecting them at every stage, no one else will.

Build immigration-safe litigation into your cases

Protecting a client from unnecessary exposure is essential to effective representation. Counsel should ensure that the focus of the case remains on the underlying legal violations – such as harassment, discrimination, and retaliation – rather than allowing litigation to shift toward the client’s immigration status. Every aspect of the case, from pleadings to deposition questioning, should be structured to

emphasize the concrete harms at issue and to prevent the opposing party from attempting to weaponize immigration status as a distraction or litigation tactic.

Attorneys must also be prepared to respond promptly when defense counsel seeks to introduce immigration-related inquiries during discovery or depositions. Such efforts should be met with appropriate objections and, where necessary, meet-and-confer efforts to limit improper questioning. California courts have consistently recognized that immigration status is generally irrelevant to the merits of employment and civil rights claims and cannot be used as leverage in litigation.

Finally, practitioners should anticipate attempts to raise immigration status as a pressure point and address those risks proactively at the outset of the case. By incorporating these considerations into the litigation strategy from the beginning, counsel can minimize unnecessary exposure, maintain control over the narrative, and ensure that the case remains focused on the legal violations and injuries suffered by the client.

Relevant statutes and authorities

Under the Fair Employment and Housing Act (FEHA) and California law, a person's immigration status cannot justify discrimination, harassment, or retaliation. The relevant authorities are clear. California Labor Code section 1171.5, Civil Code section 3339, and Government Code section 7285 all make immigration status legally irrelevant in workplace protections. Employees also retain their right to privacy regarding immigration status under Article I, section 1 of the California Constitution. Employers may not request additional or different work authorization documents beyond what the law requires as a way to intimidate, retaliate, or discriminate against an employee based on immigration status. (Lab. Code, § 1019.)

Courts have consistently reinforced these protections. While some reinstatement remedies may be limited by federal law, the core protections against discrimination, harassment, and retaliation remain fully enforceable.

Threats or inquiries about an em-

ployee's immigration status are frequently impermissible and can constitute actionable misconduct. Labor Code section 244 explicitly recognizes that reporting, or threatening to report, an employee's immigration status may be an adverse action when tied to labor complaints. Retaliation for asserting workplace rights is similarly prohibited under Labor Code sections 98.6 and 1102.5, including when an employee complains about unpaid wages, missed meal or rest breaks, or other violations of workplace laws.

Employers cannot demand re-verification after hire nor terminate employees for updating their Social Security number or Employment Authorization Document (work permit). (Lab. Code, §§ 1109.2, 1024.6.) A common example arises when a U visa applicant receives a new Social Security number during the pendency of their U visa application – often following a bona fide determination or grant of work authorization – and updates their records with their employer.

That update cannot be used as a pretext for termination, discipline, or re-verification beyond what the law allows. California law prohibits employers from discharging, retaliating against, or otherwise taking adverse action against employees who update or attempt to update personal information, including a legal name, Social Security number, or federal work authorization document.

This concern is consistent with the Ninth Circuit's recognition that employers may have incentives to ignore immigration status at the time of hire but later rely on it when it becomes convenient for adverse action. As the court explained in *Rivera v. NIBCO, Inc.* (9th Cir. 2004) 364 F.3d 1057, 1072, "[m]any employers turn a blind eye to immigration status during the hiring process; their aim is to assemble a workforce that is both cheap to employ and that minimizes their risk of being reported for violations of statutory rights. Therefore, employers have a perverse incentive to ignore immigration laws at the time of hiring but insist upon their enforcement when their employees complain."

Rivera recognized that the use of immigration status in employment litigation may have a chilling effect on the assertion of workplace rights and must be carefully limited where it is irrelevant to the claims at issue. The court emphasized the real-world power imbalance in the workplace and the resulting risk that fear of immigration consequences may deter employees from asserting statutory protections. The decision makes clear that immigrant workers may not be penalized, intimidated, or discouraged from asserting their rights, and that protections against discrimination, retaliation, and harassment apply equally regardless of immigration status.

Knowing the authorities that protect employees is essential for effective advocacy. Our clients have rights, and their immigration status cannot, and should not, be used against them. Now more than ever, it is our responsibility as attorneys to know these protections and remain vigilant against the weaponization of immigration status as a tool to evade accountability. In a time when threats, retaliation, and violent and unlawful targeting of immigrant workers remain a concern under current immigration enforcement, understanding and applying the relevant statutes is not optional, it is critical. Our vigilance can mean the difference between safety and exploitation for the clients we represent.

Distribution of settlement funds for clients facing immigration risks

Settlement planning requires careful consideration when representing undocumented clients, particularly where there is a realistic possibility of detention or removal during the pendency of a case. Counsel should evaluate settlement strategy early and consider whether expedited resolution may reduce exposure to unnecessary risk. Early settlement can, in appropriate cases, protect clients from forced disclosure of sensitive information, prolonged litigation stress, and potential retaliation or immigration enforcement triggered by ongoing proceedings.

It is important to speak to a struc-

tured-settlement expert who has experience in advising those with immigration concerns and being culturally aware of the circumstances when individuals relocate abroad.

Where relocation outside the United States is anticipated – whether voluntary or as a result of deportation – attorneys should take proactive steps to ensure that settlement funds remain accessible and secure. While an attorney cannot advise the client what options to pursue, a settlement planner may suggest structured settlements as a viable option, particularly where periodic payments can be directed to a client residing abroad.

Counsel must, however, carefully evaluate whether a lump sum or annuity structure is more appropriate based on the client's circumstances, including financial stability, family obligations, and long-term accessibility of funds. It is also crucial to take into consideration the safety risks the client will face if they were to take a large lump sum of money to a foreign country, where many financial institutions lack confidentiality.

Practical barriers often arise in the distribution of settlement proceeds. For example, obtaining an Individual Taxpayer Identification Number (ITIN) can be difficult, yet it is frequently necessary to open or maintain financial accounts in the United States. Some clients may already have bank accounts that can remain active after departure, particularly where the institution has international affiliates or “sister banks” that facilitate cross-border access. In other cases, attorneys may explore the use of managed disbursement accounts or trust-based financial products designed for non-resident recipients, which allow clients to access funds via

debit cards or online systems after leaving the country.

At the same time, counsel should advise clients regarding the risks associated with informal financial arrangements. Reliance on friends or family members to receive or manage settlement funds can expose clients to potential misuse or loss of funds, particularly where documentation and oversight are limited. These risks should be clearly explained so that clients can make informed decisions about safeguarding their recovery.

Additional considerations arise in cases involving clients with limited family structure or documentation. For example, where a client has no immediate heirs in the United States and limited verifiable connections abroad, attorneys should consider how settlement proceeds will be distributed in the event of death. Establishing clear documentation of intended beneficiaries and, where possible, identifying and verifying family members in advance can help prevent future disputes and ensure that funds are distributed according to the client's wishes.

Ultimately, effective settlement planning in this context requires a combination of legal strategy and practical foresight. By anticipating immigration-related disruptions and structuring settlements accordingly, counsel can help ensure that clients retain meaningful access to the compensation they have obtained, regardless of where they ultimately reside.

How to join the fight for immigrant workers (even if you're not an immigration attorney)

Even if you are not an immigration attorney, there are concrete ways to help protect and empower these communities.

Get involved with mutual aid and local rapid response networks that mobilize when undocumented individuals face raids or threats. Even small actions, such as donating, volunteering your time, or providing resources, can make a real difference in helping families navigate emergencies and reduce harm.

You do not need to practice immigration law to make an impact. Your vigilance, collaboration, and referrals can change lives and help keep families together. By recognizing how civil and employment issues and immigration status intersect, you are not just supporting your clients, you are helping build safer workplaces and stronger communities.



Zulma Alejandra Muñoz-Ryan is a first-generation Latina attorney from East Oakland and a proud UC Berkeley and USF Law alumna. Her practice focuses on fighting for the rights of immigrant workers, women, mothers, and elders who have been tort victims. Zulma now runs her own firm, Muñoz Law, P.C., in Oakland.

Cynthia Santiago is the founder of Abo-gada Santiago, a Professional Law Corporation. She is the daughter of immigrants from Mexico and Guatemala. She has represented hundreds of individuals in criminal and immigration cases since 2012. A community advocate, she hosts “know your rights” events, volunteers with non profits and mentors first generation students in pursuing law. She is licensed in California and Nevada.