

Arizona's Proposition 314



What Does It Mean for Me and My Family?

Proposition 314 passed in the November 2024 election. Some parts of the law apply now. But the part that allows Arizona officials to arrest and order deportations is still on hold. This guide has information about what parts of Proposition 314 can affect you and your family right now and what parts cannot. This guide also has information about how you and your family can prepare yourselves for the future if all of Proposition 314 is in effect and during the Trump Administration.

There are three main parts of Proposition 314:

- 1. Entering Arizona without legal status is a crime:** Proposition 314 makes it a crime for anyone without legal immigration status to enter Arizona without permission. Arrests can happen anywhere in the state, even in schools, hospitals and churches. This part of the law can even apply to people seeking asylum who have been allowed into the country by the federal government. Arizona police and judges could order deportations under this law.

It is important for you to know that the law only will apply to people who enter without permission in the future. If people entered without permission before the law goes into effect, they cannot be charged with a crime under Proposition 314.

The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org. This guide is not intended to provide legal advice. It is not a substitute for legal counsel. This guide is copyright protected but you can share and distribute it widely to help immigrants around the country. If you adapt the information in this guide into your own publication, please credit the Florence Project.

2. **Noncitizens who apply for public benefits can be reported and punished:** Under Proposition 314, state and local government offices that provide benefits like Medicaid (AHCCSS), food stamps, and unemployment must check that the people receiving the benefits have legal immigration status.

Proposition 314 also makes it a crime for people without immigration status to give government agencies false information to get government benefits. People who submit fake identification to their employer can also be punished under this law.



3. **Higher criminal sentences for selling fentanyl:** Proposition 314 adds strict new punishments for selling fentanyl in Arizona made outside the U.S.

What parts of Proposition 314 cannot affect me now?

Right now, the part of Proposition 314 that allows Arizona police to arrest people without legal immigration status is on hold. That means that police in Arizona cannot arrest people without legal status just for crossing the border right now.

This part of the law can only go forward if a court decides that similar laws from other states like Texas, Oklahoma, or Iowa are legal. Those laws are waiting for courts to make decisions about them. This could take months. We recommend that you check back to these resources regularly for updates.



- ACLU of Arizona: updated information about Proposition 314 can be found [here](#).
- ACLU of Texas: updated information on S.B. 4, one of the laws that is currently being challenged in court, can be found [here](#).



What parts of Proposition 314 can affect me now?

The parts of law that can affect you are:

- The part that makes it a crime for people who are in the U.S. without authorization to lie to get government benefits.
- The part that creates strict new punishments for selling fentanyl in Arizona.
- The part that requires Arizona agencies to check the immigration status of anyone applying for benefits like Medicaid or unemployment. If someone is found to have submitted false documents when applying for a job on or after November 25, 2024, they could be charged for a class one misdemeanor for a first offense and a class six felony for any further offenses.

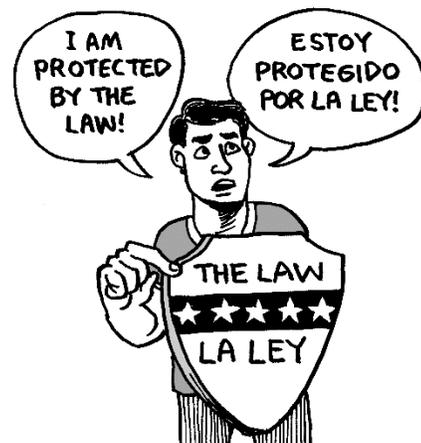
Does this mean I can live without worrying about an arrest?

Even though the immigration enforcement part of Proposition 314 will not affect you right now, President-elect Trump takes office in January 2025. He has promised to deport many people without legal status and to increase arrests at work and in the community. Now is the time to prepare yourself. If the law changes and the immigration enforcement part of Proposition 314 goes forward, you could be arrested by federal or by Arizona agents.

How can I prepare myself and my family?

Right now, the immigration enforcement part of Proposition 314 that allows Arizona state police to arrest people without legal status is on hold. It will likely be on hold for months. However, President-elect Trump has also promised to increase deportations. . The suggestions here will also help you prepare in case you or someone you love is stopped by state or federal law enforcement.

1. **First, Know Your Rights!** Understand your rights when talking with law enforcement. In general, you have the right to remain silent if you are questioned by a police officer. You are not required to disclose your immigration status to local police or federal officers unless you are in certain situations. Here are some links to helpful materials to help you know what to do if you are stopped by the police.



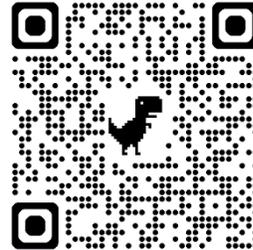
The American Civil Liberties Union of Arizona has a helpful page of resources here:

ACLU of Arizona: [Know Your Rights with Police and Immigration Agents](#)



2. **Organize your documents and keep them safe.** If you or people in your family have legal status, make sure you know where to find birth certificates, lawful permanent resident cards, and passports.
3. **Make a plan for your family.** If a member of your family is detained or deported, they may not be able to care for their children or decide what happens with their property. In those situations, having legal documents that give power to a trusted family member or friend are important. You can learn more about how to make a family plan at the link below. Having a plan in place can help all members of your family what to expect, even though you may never need it.

Here is the [Florence Project guide](#) for how to make a family plan.



Here is the [Appleseed Network guide](#) on how to protect your family and property after arrest or removal.



4. **Get Good Legal Advice.** Now is the time to talk with a qualified immigration attorney about any options you and your family might have to get legal status. Watch out for “notarios” or other businesses that promise they can get legal status for you for a high fee. Those are often frauds.

5. **Engage with Community Resources.** Local organizations that support immigrant communities often provide resources, support, and updates for noncitizens who are affected by these changes. Learn more about them here:

<https://www.alientoaz.org/>

<https://cplc.org/>

<https://www.firrp.org/resources/prose>

6. **Stay Informed:** Keep an eye on news about what is happening with Proposition 314 and similar laws in other states. Check back to the Florence Project’s website and social media for updates.
7. **Exercise your rights if immigration agents come to your home.** President-elect Trump has promised to increase immigration arrest and deportations. Remember that immigration agents are different than police. They usually do not have a warrant, or legal permission, to enter your home. If immigration agents come to your home, **refuse to open the door** unless they show you a **valid** search warrant. There is a text below that explains to them why you don’t want to talk to them. This is one of your constitutional rights. You can cut out the text below and slide it under the door or show it to them through the window. You can also cut out it and put in your wallet. You can find more copies [here](#).

You have constitutional rights:

- DO NOT OPEN THE DOOR if an immigration agent is knocking on the door.
- DO NOT ANSWER ANY QUESTIONS from an immigration agent if they try to talk to you. You have the right to remain silent.
- DO NOT SIGN ANYTHING without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- GIVE THIS CARD TO THE AGENT. If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

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