



EDUCATING OSY ABOUT US LAWS AND RIGHTS

Kemberly Gil-Gachancipa- NYIC

Emily Callaghan- NYS Migrant Education



LAWS IN THE UNITED STATES MINI-LESSON

- In addition to educating OSY about their rights, it is also important that they receive other information that can help them navigate life in the United States.
- The “Laws in the United States” mini-lesson is a great resource that can be used to help students learn about basic laws in the US that may be different than the laws in their home countries.
- Knowing about these laws is essential to keeping our students safe and knowledgeable about life in a new country, and can help them to minimize interactions with law enforcement.

Alcohol & Drugs

In the United States, you must be 21 years old to legally drink alcohol. If you are old enough and decide to drink, you **cannot** operate a motor vehicle while under the influence of alcohol. This also includes operating farm machinery like tractors or skid steers. Even riding a bike while drunk can be dangerous. If you are caught doing this by the police, there will be consequences.

OTHER RIGHTS AND LAWS THAT OSY SHOULD KNOW ABOUT

- All individuals, up to age 22 in the United States, have the right to a free public education, regardless of immigration status.
- Green Light Law- In New York State, all individuals (age 16 and up) can receive their driver's permit/license, regardless of immigration status.
- When operating a motor vehicle in the United States, it is essential to understand and abide by all traffic laws.
- Laws related to drugs and alcohol purchase and consumption.
- Age of consent in New York State.



RIGHT TO A FREE PUBLIC EDUCATION

- All individuals, up to age 22 in the United States, have the right to a free public education, regardless of immigration status.
- All children in New York State are required to attend school until age 16. This means that they must attend until the last day of the school year in which they turn 16.
- Going to school is sometimes required for students who are older than 16 who have an open immigration case.
- Attending school or receiving free services from federally funded educational programs (like Migrant Education!) is a RIGHT. Educational services do not count as public charge. In fact, investing in one's education is often beneficial to immigration cases!



GREEN LIGHT LAW

- In New York State, you can be arrested and/or receive a ticket for driving without a license.
- The Green Light Law allows any individual 16 or older to apply for a driver's license in NYS, regardless of immigration status.
- If a driver is pulled over by a law enforcement officer, they will be asked to show a drivers license and insurance. If this happens, the driver should only present a document issued by the US Government (like a NYS license). Passengers are not required to show an ID or give any personal information.

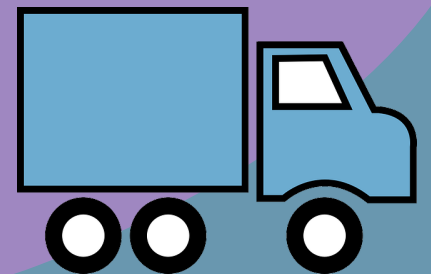
Want to learn more about the Green Light Law? Invite your OSY and parents to attend the WJCNY Green Light Law workshop on Tuesday, April 1st at 7:30pm.

<https://www.nysmigrant.org/events/OSY-spring-workshops-2025>



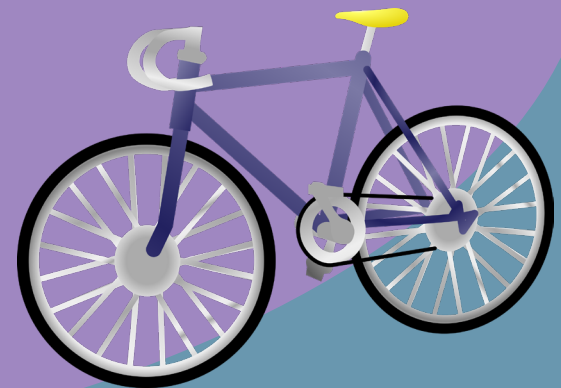
FOLLOWING NYS TRAFFIC LAWS

- In New York State, if you are a driver, you must pull over if stopped by a law enforcement officer, even if you don't think you did anything wrong. To be prepared for a traffic stop, our students should know their rights (remember what Kemberly shared with us earlier in the presentation!)
- Law enforcement officers, including ICE officers, can pull a driver over for any traffic infraction, including speeding, failure to stop at a stop sign or stop light, failure to use turn signal, outdated registration, dirty license plates, and more.
- Drivers should understand and follow all traffic laws.
- Make sure your students know that it is against the law to drive without a license in New York State.
- Even if your student has a license, if there is another licensed individual in the vehicle who is documented, it is always safest for the documented individual to drive.
- Never drive under the influence of drugs or alcohol!



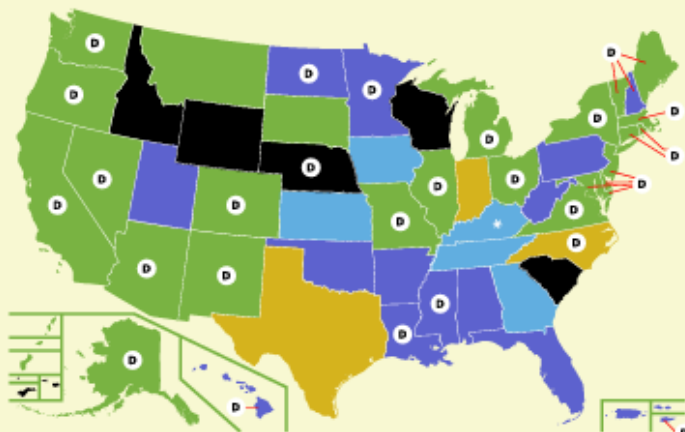
RIDING A BICYCLE ON PUBLIC ROADS

- If your student uses a bicycle instead of a vehicle to get around, they still must follow vehicle and traffic law. Failure to follow laws could result in possible law enforcement interactions.
- Make sure to follow the direction of traffic. Bicyclists must stop at red lights and stop signs just like motor vehicles.
- Use proper hand signals when turning.
- You must wear a helmet while bicycling on public roads.
- Bicycles must have front and rear lights if being used in the dark. All bicycles must have bells and functioning brakes.
- Although you cannot receive a DUI from biking while under the influence, it is not safe or advisable to ride a bike while intoxicated.



DRUG AND ALCOHOL LAWS

- Alcohol may only be purchased and consumed by individuals 21 and older in New York State.
- It is not legal to be in possession of recreational drugs in New York State, except for a small amount of marijuana (up to 3 ounces) for personal use by adults 21 and older. It is also not legal to be in possession of prescription drugs that were not prescribed to you. **Cannabis recommendations may be different for non-citizens.*
- It is against the law to operate a motor vehicle under the influence of drugs or alcohol (including certain prescription drugs).
- It is also against the law to operate a motor vehicle with an open container of alcohol or open marijuana products in the vehicle, even if the driver is not the one consuming the alcohol or marijuana.
- Do not allow anyone to consume alcohol or smoke marijuana in your vehicle at any time. The smell of marijuana itself is no longer enough sufficient cause for an officer to search your vehicle, and you are allowed to say no if they ask for your consent to search. However, if you or your vehicle smell like alcohol or marijuana, an officer will be more likely to submit you to field sobriety tests.



*Effective as of January 1, 2025



- Legalized
- Recreational (CBD only)
- Medical Only
- Medical Only (CBD only)
- Fully prohibited
- Decriminalized (Full or partial)

Info above as of March 2024.

For up-to-date details and more on cannabis laws by state, head to: <https://www.ncsl.org/civil-and-criminal-justice/cannabis-overview>



Immigration officials are known to ask individuals if they have ever possessed or used marijuana. If they answer yes, **they can be found inadmissible, denied entry into the United States, or have their application for lawful status or naturalization denied.** Depending on the circumstances, **it can even make a lawful permanent resident deportable.**



Recreational use of cannabis is **legalized** in

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states, D.C., the Northern Mariana Islands, and Guam. Additionally, **39 states, D.C., and 2 U.S. territories** currently have medical marijuana laws.

Cannabis & Immigration

Even though states are legalizing cannabis, under federal law cannabis remains a "dangerous" **Schedule I** controlled substance – treated just like heroin or PCP. This is why using recreational or medical marijuana, or even working in the industry, can be so **dangerous for noncitizens.**

Tips for Noncitizens:

- If possible, **avoid cannabis in any form until you are a U.S. citizen.** This might seem unfairly restrictive, but it is the best guarantee against immigration consequences. Remember, **it doesn't matter that marijuana is permitted under state law** – it's still dangerous for immigrants.
- **Do not work in the marijuana industry.** Although business is booming in this area, it may not be worth it if you are looking to qualify for some benefit in the future, which includes gaining your citizenship.
- If you have a medical need and there is no good substitute for medical cannabis, **seek a legal consult first.** This will help to at least weigh your options against your risks.
- **Never leave your house carrying:** marijuana, a medical marijuana card, paraphernalia (like pipe or marijuana vape pen), or accessories like marijuana apparel.
- **Do not have marijuana-related photos on your phone or share any on social media.** With the growing Homeland Security surveillance apparatus, this content is best kept off the internet.
- Never discuss marijuana use or possession **with any immigration or border official**, unless you receive expert legal advice that this is ok. If an officer presses you on it, say that you do not want to talk to them, and you want to speak to a lawyer. Remember, you always have the right to remain silent. **Once you admit to anything, you cannot take it back.**



TEACHING, INTERPRETING,
& CHANGING LAW SINCE 1979

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AGE OF CONSENT IN NYS

- The age of consent is different from country to country, and even from state to state within the US.
- The age of consent in New York State is 17. This means that individuals who are 16 or under are not legally able to consent to sexual activity. Having sexual contact with someone who is 16 or younger, even with their consent, can result in statutory rape or child sexual abuse charges.
- OSY who are 18 or older need to know that they should never date or have sexual contact with anyone who is 16 or younger. This includes "sexting," or sending texts or messages including sexual content.
- Even if both individuals are under the age of 17 when the sexual contact occurs, it could still result in a misdemeanor charge for one or both individuals.
- No matter what age your partner is, it is important to ask for consent before engaging in any sexual contact.
- Educating your OSY on how to prevent STIs and unplanned pregnancy is another life skills lesson that can be extremely beneficial.



COMMUNICATING WITH OSY

Now more than ever, we need to work hard to earn the trust of our OSY. We can do this by building strong relationships with students! Here are some tips:

- **Break the Ice-** Share your interests with your students, and ask them to share theirs with you.
- **Be Honest-** Your students may be open and honest with you if you are open and honest with them. Create an environment with open communication, but also be sure to set boundaries. Be honest with your students about a time that you have struggled to achieve a goal.
- **Be Authentic-** Learn about your student outside of your studies. Ask them about their likes and dislikes, their families, their backgrounds, etc.



COMMUNICATING WITH OSY

- **Communicate Like Your Students-** What is your student's preferred method of communication? Do they prefer an in-person visit, a phone call, a Whatsapp message, a Zoom? Try to meet them where they are at.
- **Build Trust-** Let your student know you are here for them. Make sure you don't make any promises you can't follow through with.
- **Be Flexible and Committed-** Our students have hectic schedules. Try to see them when it is convenient for them. If you can't provide in-person or virtual services on a regular basis, checking in regularly by Whatsapp, text, etc. can still make them feel valued.



FOR MORE INFORMATION

To learn more about building relationships with OSY, access this iSOSY resource:

<https://www.osymigrant.org/professional-learning-isosy>

At this link you will find several resources related to building relationships and delivering instruction to Out-of-School Youth.

QUESTIONS?



NYIC



NEW YORK STATE
MIGRANT EDUCATION PROGRAM