

Know Your Rights

Presented by:



**Immigration Institute
of the Bay Area**

Serving Immigrants and Refugees Since 1918





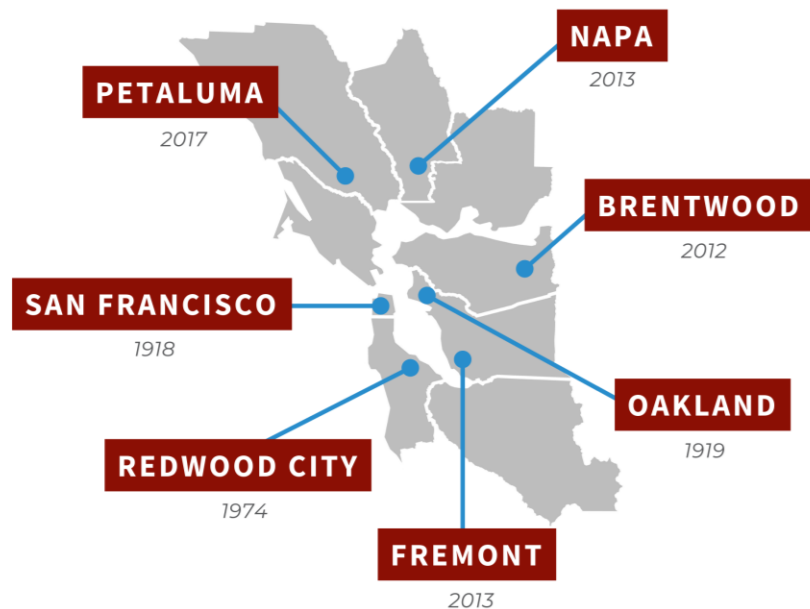
Immigration Institute of the Bay Area



SERVING IMMIGRANTS & REFUGEES SINCE 1918

<https://iibayarea.org/contact-us/>

THE LARGEST NONPROFIT PROVIDER OF
IMMIGRATION LEGAL SERVICES IN
NORTHERN CALIFORNIA



Community College Immigration Services

- In 2018, CA Assembly Bill 1809 passed appropriating \$10 million for the State to contract with qualified legal non-profit organizations to provide immigration legal services and support CA community college campuses.
- The State of CA selected IIBA as 1 of 10 legal providers to provide immigration services to ALL CCC students, staff, and faculty through the Community College Immigration Services Program.
- Consultations are free, confidential, and translators are available.

LOS MEDANOS
COLLEGE



FOOTHILL
COLLEGE



DVC
DIABLO VALLEY COLLEGE

Dept of Homeland Security

- ICE: Immigration Customs Enforcement – *identifies and apprehends removable undocumented individuals*
- CBP: Custom & Border Protections – *secure borders*
- USCIS: U.S. Citizenship & Immigration Services – *processes immigration applications and sets policies for services*
- HSI: Homeland Security Investigations – *largest investigative arm of DHS*

Dept of Homeland Security



CBP: Customs & Border Protection



ICE: Immigration & Customs Enforcement

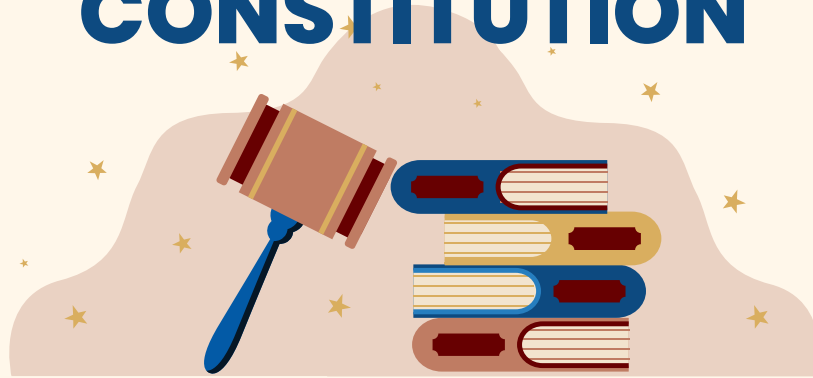


HSI: Homeland Security Investigations

These are different from local law enforcement. Local law enforcement: SFPD, Highway Patrol, Sheriff's Office.



EVERYONE
– *documented or*
***undocumented* –**
HAS RIGHTS UNDER THE U.S.
CONSTITUTION



Your Rights



To Remain Silent & NOT Disclose

Your immigration status, where
you were born or how you
entered the U.S.



To Have an Attorney



To NOT open the door

ICE needs a warrant signed by
a judge to enter. Do not open!



To NOT sign

Never sign documents without
first speaking to a lawyer

KNOW YOUR RIGHTS!

- In your home
- On the street
- In your car
- In detention



IF ICE COMES TO YOUR HOME:

- Don't Open the Door! Speak to agents through the door. Everyone inside can remain silent. If agents don't speak your language, ask for an interpreter
- Ask to see warrant. ICE can only enter with force with a warrant with the name of someone who lives there and signed by a judge (but that's very rare). Your best protection is to **NOT OPEN THE DOOR**

IF STOPPED BY POLICE OR ICE OUTSIDE THE HOME:

- Stay calm. Don't run. Don't argue. Don't resist. Ask if you are free to leave. If yes, walk away.
- **You have a right to remain silent.** You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country
- You can refuse to let them search yourself or your belongings

The Red Card reminds you of your rights, and tells you what you can say to an ICE OFFICER.

Usted tiene derechos constitucionales.

- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA.
- NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado.
- ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

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.

Red cards available for printing and in different languages @

ilrc.org

Practice Saying Your Rights Out Loud

**I wish to exercise my
right to remain
silent.**

**I want to speak to
an attorney.**

**I don't agree to this
search.**

**I refuse to sign anything
or show any document
until I speak to a lawyer.**

KNOW YOUR RIGHTS!

- In your home
- On the street
- In your car
- In detention



IF ICE DETAINS YOU:

- Remain silent. Do not lie about your citizenship status or show any false documents.
- If needed, assert your right to speak to a lawyer and make a phone call. Refuse to sign any papers before you talk to a lawyer.
- If needed, ask for an interpreter.

IF ICE DETAINS YOUR FAMILY MEMBER:

- Call your County's Rapid Response Line immediately to report detention and seek assistance
 - San Francisco County: (415) 200-1548
 - Sonoma and Napa Counties: (707) 800-4544
 - Santa Clara County: (408) 290-1144
 - San Mateo County: (203) 666-4472
- Use the ICE online detainee locator:
<https://locator.ice.gov/> (requires name, birthdate, and country of origin)

KNOW YOUR RIGHTS!

ICE TELLS LIES

ICE uses tricks and lies to get people to give them information or come outside: they pretend to be local police; they pretend they are investigating something; they pretend you are the victim of a crime; they don't wear uniforms

DON'T FALL FOR THEIR TRICKS!



Types of Warrants

Arrest Warrant

Identifies a person by name or description to be arrested

Search Warrants

Identifies address to be searched and items to be taken into custody

ICE Warrant of removal/deportation

NOT a judicial warrant

Remember, do not open the door to your home or private areas to ICE unless ICE has a judicial warrant.

Enforceable Legally Binding Warrant

AO 93 (Rev. 6/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the Search of)
(Briefly)
or later))
2943 Raynard Avenue)
San Diego, California))

Case No. **14 MJ0396**

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of California
(Identify the person or describe the property to be searched and give its location):
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
See Attachment B-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before February 14, 2014
(not to exceed 10 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established:

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Hon. David H. Barlick
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (select the appropriate box) ☐ for day's time to exceed 10.
☐ Until, the facts justifying the later specific date of .

Date and time issued: 1/24/2014 05:44 [Signature]
Judge's signature

City and state: San Diego, California Hon. David H. Barlick, U.S. Magistrate Judge
Printed name and title

Non-binding ICE Warrant

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves, or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-209 (Rev. 09/16)

Prepare For an ICE Encounter

- Do not panic or run. Remain as calm as possible.
- Know your rights (remain silent, speak to an attorney, do not agree to any search without a judicial warrant)
- If you are home, do not open the door to an ICE agent unless they have a judicial warrant.
- What documents should you carry?
 - Valid work permit, green card, CA state ID or driver's license
 - Red cards
 - DO NOT CARRY:
 - Passport or birth certificate showing country of origin
 - False identity documents or false immigration documents

STEPS TO TAKE NOW TO PROTECT YOURSELF



Book an immigration consultation

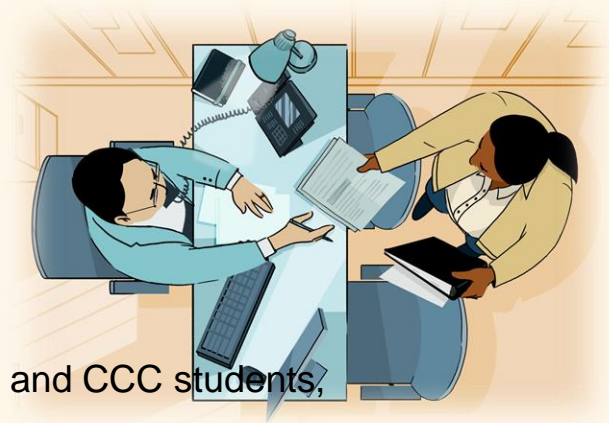
Know your immigration options.

- Become a U.S. citizen or a resident

Book **FREE legal immigration consultations** for LMC, DVC, and CCC students, faculty, and staff.

- LMC and DVC: [Findyourally.com](https://findyourally.com)
- CCC: <https://calendar.app.google/C3kBRHkGgzouC9qh8>

Consultations can be in person, virtual [Zoom], or telephonic



STEPS TO TAKE NOW TO PROTECT YOURSELF



Make a Child Care and Family Preparedness Plan

Who will care for your children?

- List of emergency contacts, including family and attorneys
- Complete a Caregiver's Authorization Affidavit (only in CA)



Website: ilrc.org/resources/step-step-family-preparedness-plan

STEPS TO PROTECT YOURSELF

Collect documentation

Make sure you have documentation ready showing that you have lived in the U.S. for at least 2 years.

Proof of lawful entry
Proof you have a pending application

Expanded use of “expedited removal”

- Previously- against people apprehended within 100 miles of the border and within 14 days of their arrival.
- Now- against any undocumented person who did not enter on parole or with a visa and who cannot prove they have been in the U.S. continuously for two years before the arrest.
- Exceptions: unaccompanied minors and undocumented persons who states fear of return

STEPS TO TAKE NOW TO PROTECT YOURSELF



Save Money

Save money for a bond or attorney, should you need it.



Do Not Commit Crimes

Including DUIs or using/possessing marijuana (it is a federal offense under U.S. immigration law).

AVOID IMMIGRATION FRAUD!



- In the U.S. only **attorneys** and **accredited representatives** can give **legal immigration advice**, NOT NOTARIES.
- Verify if you are working with a real attorney. In CA, visit [calbar.org](https://www.calbar.org).
- If someone promises you something that is too good to be true, it probably is a lie.

What Can Allies Do During an ICE Encounter



- Video record, take photos and document the ICE activity, if you can safely do so. Don't interfere with ICE.
- Write down names or badge numbers of ICE agents.
- Call Rapid Response Network in your area.
- If someone is detained, they can be found at locator.ice.gov

Report ICE activity

Network Name	Contact Information
Stand Together Contra Costa (STCC)	Hotline: 925-900-5151 Website: https://standtogethercontracosta.org
San Francisco Rapid Response Network	Hotline: 415-200-1548 Website: http://sfilen.org
San Mateo County Rapid Response Network	Hotline: 203-666-4472
Santa Clara County Rapid Response Network	Hotline: 408-290-1144 Website: https://amigoscenter.com/rapid-respon
Alameda County (hotline coming soon)	Can use for now: Centro Legal de la Raza Phone No.: 510-437-1554
Marin Response Network	Hotline: 415-991-4545

Information from: ccijustice.org/find-your-local-rr-hotline

QUESTIONS???



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Make an appointment online at:

<https://www.findyourally.com>

CCC: <https://calendar.app.google/C3kBRHkGgzouC9qh8>

epadilla@iibayarea.org