

# Know Your Rights!

## LEARN HOW TO PROTECT YOU AND YOUR FAMILY DURING IMMIGRATION RAIDS



Some people who are not United States citizens have been arrested or detained by the U.S. government.

Learn how to protect yourself so this does not happen to you!

*\*The contents of this booklet do not constitute legal advice. Consult an immigration attorney for legal advice.*

# IF YOU ARE QUESTIONED BY THE POLICE...

## IF YOU ARE QUESTIONED BY THE POLICE

You have the right to ask the officer if you are being arrested or detained.

1. If the officer says, “NO, you are not being arrested or detained,” ask the officer if you may leave. When the officer says that you may leave, slowly and calmly walk away.
2. If the officer says, “YES, you are being arrested or detained”...

### YOU HAVE THE RIGHT TO REMAIN SILENT!

#### IF YOU ARE UNDOCUMENTED...

- ✓ Do not answer any questions or say only “I need to speak to my lawyer.”
- ✓ If you have a valid immigration status documents, show it. Always carry it with you.
- ✓ Do not say anything about where you were born or how you entered the United States.
- ✓ Do not carry papers from another country. (If you do, the government can use this information in a deportation proceeding).
- ✓ Show them the **Know Your Rights Card** attached.

*Above all, do not show any false documents and do not lie!*



In Pennsylvania, you are not required to give your name or show your ID to law enforcement. You are not required to answer any questions. Stay calm and in control of your words, body, language, and emotions. NEVER run. The best course of action is to say nothing except to ask politely if you are free to leave. If you have a RIGHTS CARD, show it to ICE or police. If you are detained or arrested, you may choose to show your legal U.S. ID to police, but NEVER lie or show false ID. If you are an undocumented immigrant, don't give any ID. EXCEPTION: If you are driving, you MUST show your ID and proof of insurance.

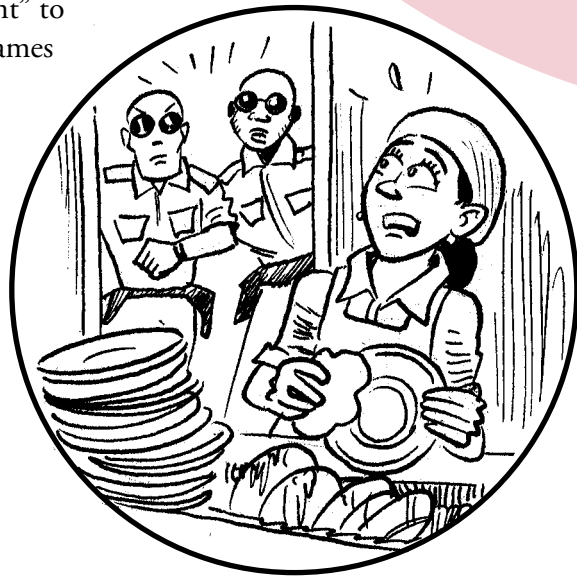
# IF IMMIGRATION COMES TO YOUR HOME ...

## IF POLICE OR IMMIGRATION COMES TO YOUR HOME:

You have the right to see a warrant if the Police Department, FBI, Immigration or other government official tries to enter your home. A warrant is a paper signed by a judge giving the officer to enter permission your home. The warrant will specify the areas that the official has the right to search.

Do not open the door. Ask the officer to slip the warrant underneath the door. If you open the door and allow the official to come into the house, this may be considered giving him/her “consent” to enter. If s/he enters without a warrant, request the names and badge numbers of the officers and say that you did not “consent” to a search. Also, write down the names, addresses and phone numbers of anyone who witnessed the incident.

If the officer has a warrant, observe whether the official searches any other areas that are not listed in the warrant. Get a receipt for any property taken by the official.



## IF POLICE OR IMMIGRATION COMES TO YOUR WORKPLACE:

Immigration must have a warrant signed by a judge or the employer’s permission to enter your workplace. If it is a public place, they do not need a warrant.

Stay calm. Do not run. This may be viewed as an admission that you have something to hide.

## IF THE POLICE OR IMMIGRATION STOPS YOU ON THE STREET OR IN A PUBLIC PLACE :

If the police or an immigration officer stops you on the street and does not have a warrant, s/he may not arrest you unless s/he has evidence that you are a non-citizen. Remember you have the right to remain silent and to refuse a search. Do not say anything about your immigration status or where you were born. Also, do not carry with you any documents from your country of origin or false documents. If you have valid immigration status documents, show them.

# IF YOU ARE ARRESTED YOU SHOULD...

## 1. FIND OUT WHO HAS ARRESTED YOU

Write down the name of the officers and their agency (Police Dept., FBI, Immigration, County Sheriff), along with their identification numbers and license plate numbers. You can find this information on their uniform or their cars.

## 2. DON'T SIGN ANY DOCUMENTS BEFORE SPEAKING WITH A LAWYER.

You always have the right to speak with a lawyer. Government officials may try to intimidate you or trick you into signing. Don't let yourself be tricked! You may be signing away your right to a hearing before an immigration judge.



## 3. CONTACT YOUR ATTORNEY OR A FAMILY MEMBER

You have the right to make a telephone call after you are arrested. Memorize the telephone number of your attorney, family member, friend or union spokesperson, and contact him/her immediately.

## 4. CONTACT YOUR CONSULATE

If you are a foreign national arrested in the U.S., you have the right to call your consulate or to have the deportation officer inform the consulate of your arrest. Ask the deportation officer to see a list of embassies and write down the phone number. The consul may assist you in finding a lawyer or offer to contact your family.



## 5. ASK FOR BOND

Once you are in immigration custody, ask for bond (even if immigration says you are not eligible). You have to show that you are not a flight risk or a danger to the community. Also, get a copy of the "Notice to Appear," a document that contains the immigration charges against you.

# IF YOU ARE ACCUSED OF A CRIME...

## ASK YOUR ATTORNEY TO HELP YOU GET RELEASED FROM POLICE CUSTODY

If you are arrested by local police, they must charge you with a crime in court within 48 hours (not counting weekends and holidays), or else release you. If police do file criminal charges, then you must still be released if (1) the charges are dropped, (2) you are granted and post bail, (3) you win your criminal case, or (4) you complete your sentence.

The police may contact Immigration to learn more about your immigration status. For example, if you have an outstanding deportation order, the police may inform Immigration that you are in police custody.

Immigration may then place a “detainer” on you, which gives Immigration an additional 48 hours to pick you up. If Immigration fails to pick you up within this time, the police must release you.

If the police don't file criminal charges AND if immigration does not file a detainer, call an attorney or community organization to help you get released from police custody. They can write a demand letter to the jail or the sheriff.

## WHAT SHOULD YOU DO IF YOU HAVE BEEN ACCUSED OF A CRIME?

Consult with an immigration attorney to make sure that the crime will not affect your immigration status. If you want to apply for citizenship or a permanent residency card (green card), talk to your lawyer.



## WHAT SHOULD YOU DO IF YOU ARE FACING DEPORTATION AND YOU NEED AN ATTORNEY?

Find an attorney who specializes in deportation defense. Always keep with you the complete name and contact information of your attorney. Request a written contract from your attorney before paying him/her. Make sure your attorney looks at the NTA (Notice to Appear) or your immigration papers before making promises. Don't be tricked by people who are only after your money!

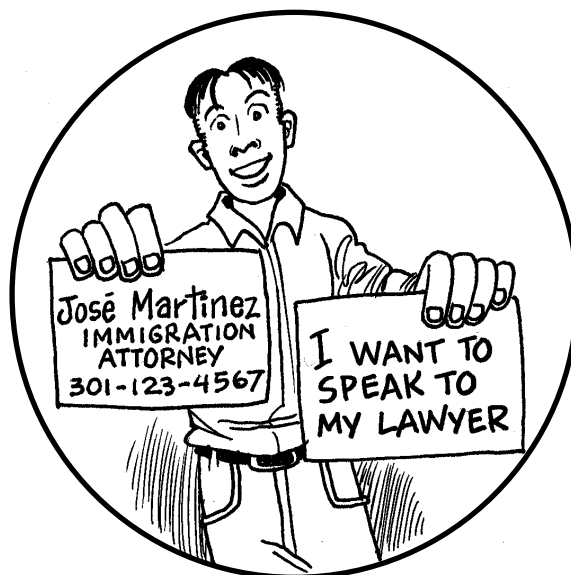
# DEVELOP A SAFETY PLAN

## 1. MAKE A PLAN OF ACTION WITH YOUR CO-WORKERS

- ✓ Talk with your co-workers to see if they are willing to make a collective decision that everyone - regardless of their immigration status - will remain silent and ask to speak with an attorney in the event of a workplace raid.
- ✓ Tell co-workers not to run and to remain calm if there is a raid.
- ✓ If there is a union at your workplace, contact your union spokesperson to find out more about preparing for a raid.

## 2. KNOW WHAT DOCUMENTS YOU SHOULD CARRY WITH YOU

- ✓ Carry a card with the contact information of your immigration attorney and/or union representative.
- ✓ Carry a card, indicating that you wish to remain silent. A sample card is attached.



## 3. MAKE A PLAN TO CARE FOR YOUR FAMILY:

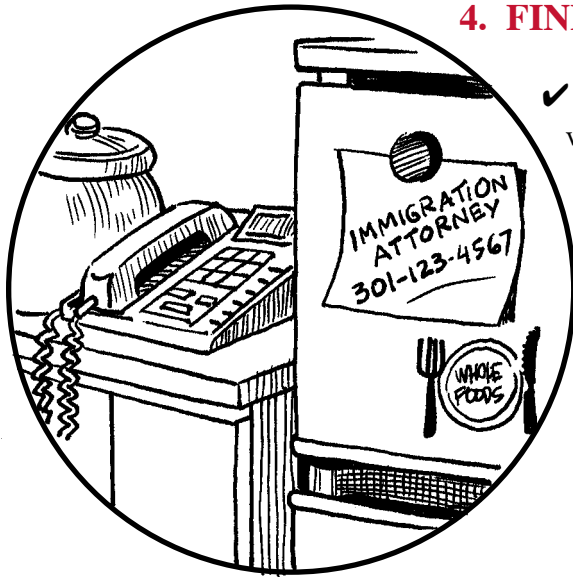


- ✓ If you have children or elderly relatives, make arrangements in advance for a family member or friend to care for them if you are detained. Have the telephone numbers of this relative or friend with you at all times and make sure other people know of these plans.
- ✓ Make sure you designate individuals you trust to make decisions for you if you are detained. They can help you withdraw money for deportation expenses or pay a mortgage. You can sign a power of attorney agreement to give this power to someone if you are arrested.

# DEVELOP A SAFETY PLAN

- ✓ Make sure your family has your immigration number (if you have one) and your full name and your date of birth. You will find this number on your work permission or your residency card. The number begins with an “A.”
- ✓ Make sure your family knows how to contact you if you are detained. Family members should contact the local office of Immigration and Customs Enforcement’s Detention and Removal Branch if they do not know where you are detained. Ask to speak with the supervisory deportation officer, and give the full name and A# of the detainee. If you do not have the contact information for your local field office, contact the Washington DC Headquarters at 202-305-2734.

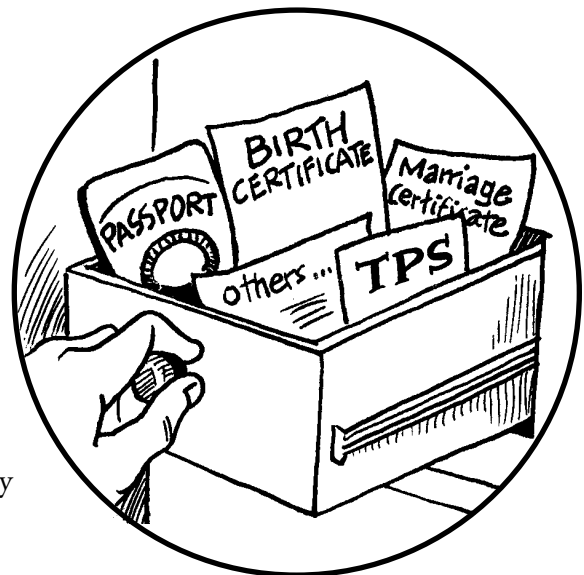
## 4. FIND AN IMMIGRATION ATTORNEY:



- ✓ Find an attorney who specializes in deportation defense who may be able to represent you if you are detained. Memorize the name and phone number of your immigration attorney.
- ✓ Have the names and phone numbers of several good immigration attorneys posted near the telephone at home so family members can call an attorney if you are detained.

## 5. HAVE A COPY OF ALL IMMIGRATION DOCUMENTS:

- ✓ Keep a copy of all immigration documents that have been filed with immigration with a friend or family member who you trust. Also, collect important papers, such as birth certificates, marriage certificates and passports. Place these documents in a secure, easy to find location so that your family can get access to these materials easily.
- ✓ Make a list of the names and contact information of any lawyer who has ever represented you.





## Family Preparedness Plan

Every family should have a Family Preparedness Plan. While it is our hope that you never have to use your plan, it is a good practice to have one in place to help reduce the stress of the unexpected. This packet will help everyone create a Family Preparedness Plan, regardless of immigration status. However, because of the additional challenges immigrant and mixed status families face, we also have additional advice for immigrants.

### ➔ Make a Child Care Plan

Have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information and a file with important documents. This packet includes templates to put together these documents. Whether you want your child to accompany you to your home country in the event you face deportation, or wish for your child to stay in the United States in the care of another trusted adult, you should begin planning to make these arrangements.

### ➔ Find Out About Your Immigration Options

Information and resources to find good immigration legal help is included in this packet.

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a green card, visa or work permit.
- If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.
- If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.

### ➔ Know Your Rights

Everyone – both documented and undocumented persons – have rights in this country. Make sure you, your family members (even children), housemates, neighbors, and co-workers, regardless of their immigration status, know of their right to remain silent and all of their other rights if ICE or the police come to your home, neighborhood or workplace. A list of these rights, and a card asserting these rights, are included in this packet.

Immigrant Legal Resource Center ▪ [www.ilrc.org](http://www.ilrc.org)



# Child Care Plan

## ➔ Talk to Your Children About Your Plan

Without worrying them, assure your children that they will be taken care of if for some reason you are unable to care for them, even for a short period of time. Let them know who will care for them until you can.

## ➔ Decide Who Can Care for Your Children if You Are Unable To

Ideally, the person you designate to care for your children is a U.S. citizen or someone with immigration status who does not also face the threat of detention or deportation. Make sure that person knows they will be listed as an emergency contact and knows how to access all of your important documents and information. Memorize that person's phone numbers and have your children memorize them too.

Make sure your children know who can pick them from up school, who cannot pick them up from school, and who will care for them.

Your child's school may only release your child to adults you designate. Therefore, make sure to regularly update all school, afterschool, day care, summer camp, and other programs' emergency contact sheets and release forms to include the names of those who can and cannot pick up your children. If you have a restraining order against anyone, make sure to give a copy of it to the school.

Make sure the people who can pick up and care for your children are up to date on your child's location and school. Provide them with all of the **Important Children's Information** contained in the sample form in this packet.

## ➔ Write Down Instructions if Your Child Has Any Medical Conditions and /or Takes Any Medications

Make sure to write down any medical conditions or allergies your child has, any medications that your child takes, as well as doctor and health insurance information. Keep a copy of this information in your important documents file. Give a copy to your child's school and the adult you designate to care for your children. Let your child know where to find this information if you are not around.

## ➔ Decide What Kind of a Child Care Plan You Want to Put in Place

If you plan for your children to remain in the United States with another caretaker if you are detained or deported, decide whether to prepare a formal or informal child care plan.

Immigrant Legal Resource Center ▪ [www.ilrc.org](http://www.ilrc.org)

There are various ways to plan for another adult to care for your child if you are unable to do so.

**Verbal Agreement.** The most informal arrangement is to let another adult know of your wishes for your child and to **verbally agree with that adult that they will carry out your wishes and care for your child** if you cannot. The benefit of this is that it is informal and easy – you need not complete any forms or legal documents, and such an agreement will not affect your parental rights. The downside of this informal arrangement is that the other adult who you choose to care for your child will not have legal authority to make medical or school-related decisions on behalf of your child, which would be problematic if you were deported and unable to care for your child for an extended period of time.

### Want to Do Even More?

You can also **register your child's birth** with your country's government (for example, with your country's consulate) if your child was born in the United States. This may grant your child benefits, including citizenship in your home country in some cases.

### ➔ Make Sure Your Children All Have Passports

If your child was born in the United States, visit [www.travel.state.gov](http://www.travel.state.gov) for more information on obtaining a U.S. passport.

If your child was born in your home country, check with your embassy or consulate for more information on obtaining a passport.

### ➔ Inform Your Family and Emergency Contacts About How to Find You if You Are Detained by ICE

Family members can use the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>. Be sure your family and emergency contacts have a copy of your A-Number (your alien registration number found on your immigration documents from ICE) if you have one.

Immigrant Legal Resource Center ■ [www.ilrc.org](http://www.ilrc.org)

## File of Important Documents

*Keep a file of all of these documents or a copy of these documents in a safe place. Tell your children, family members and emergency caregiver where to find this file in an emergency.*

- Passports
- Birth Certificates
- Marriage License (if applicable)
- Caregiver's Authorization Affidavit
- Any Restraining Orders you may have against anyone (if applicable)
- A-Number and any immigration documents (work permit, green card, visa, etc.)
- Documents demonstrating your residence in the United States and amount of time you have been physically present in the United States
- Driver's License and/or Other Identification Cards
- Social Security Card or ITIN number
- Registry of birth (for U.S. born children registered in parent's home country)(if applicable)
- Important Children's Information
- Emergency Numbers and Important Contact Information
- Children(s)' Medical Information, including health insurance, medication list, and doctor's contact information
- Any other documents you would want to be able to quickly find

Immigrant Legal Resource Center ■ [www.ilrc.org](http://www.ilrc.org)

# PLACE THIS NOTICE INSIDE YOUR FRONT DOOR

## What to do if Immigration Agents (I.C.E) Comes to Your Door



### 1. DO NOT OPEN DOORS

Immigration & Customs Enforcement (I.C.E) cannot come in without a signed warrant by a criminal court judge. They can only come in if you let them.



### 2. REMAIN SILENT

I.C.E can use anything you say against you in your immigration case, so claim your right to remain silent!

Say: "I plead the fifth amendment and choose to remain silent".



### DO NOT SIGN ANYTHING

Do not sign anything that I.C.E gives you without talking to an attorney.



### REPORT & RECORD

Report immediately: UWD MigraWatch Hotline 1-844-363-1423

Take pictures and videos unless you are on federal government property. Take notes on badge numbers, number of agents, time, type of car, and exactly what happened.



### GET LEGAL HELP!

Get a lawyer & explore all options to fight your case. If detained, you may be able to get bail - don't give up hope.

**EJEMPLO DE UNA  
ORDEN VALIDA  
(PUEDEN ENTRAR A SU CASA)**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PENNSYLVANIA**

**SEARCH WARRANT**

In the Matter of the Search of  
(Name, address or brief description of person or property to be searched)

**123 MAIN STREET  
EVERYTOWN, PA 12345**

**CASE NUMBER: 01-1111 ABC**

TO: ICE SPECIAL AGENT JOHN SMITH and any Authorized Ofcer of the United States  
Afdavit(s) having been made before me by ICE SPECIAL AGENT JOHN SMITH who has reason to believe  
that  on the person or  on the premises known as (name, description and or location)

FOR DETAILED DESCRIPTION, **SEE ATTACHMENT "A"** TO THE AFFIDAVIT WHICH IS ATTACHED HERE TO AND  
INCORPORATED HEREIN BY REFERENCE

in the District of Maryland, there is now concealed a certain person or property , namely (describe the person or  
property)

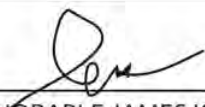
**SEE ATTACHMENT "B"** TO THE AFFIDAVIT WHICH IS ATTACHED HERE TO AND INCORPORATED HEREIN BY  
REFERENCE.

I am satisfied that the afdavit(s) and any recorded testimony establish probable cause to believe that the  
person or property so described is now concealed on the person or premises above-described and establish  
grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before the 4th DAY OF JULY, 2008,

(not to exceed 10 days) the person or place named above for the person or property specified, serving this  
warrant and making the search  (in the daytime 6:00 A.M. to 10:00 P.M.)  and if the person or  
property be found there to seize same, leaving a copy of this warrant and receipt for the person or property  
taken, and prepare a written inventory of the person or property seized and promptly return this warrant to  
the Honorable James K. Bredar, United States Magistrate Judge, as required by law.

\_\_\_\_\_ Baltimore, Maryland

  
\_\_\_\_\_  
THE HONORABLE JAMES K. BREDAR  
UNITED STATES MAGISTRATE JUDGE

**FIRMADO  
POR UN JUEZ**

**SIGNED BY A JUDGE**

*El contenido de este folleto no es un consejo legal. Sírvase consultar a un abogado de inmigración para consejería legal.*

*\*The contents of this booklet do not constitute legal advice. Consult an immigration attorney for legal advice.*



SI USTED ES MEXICANO Y ES ARRESTADO POR LA POLICÍA DE PENSILVANIA, DELAWARE O DEL SUR DE NUEVA JERSEY, TIENE DERECHO A CONTACTAR AL CONSULADO DE MÉXICO.

**PIDA LA NOTIFICACIÓN CONSULAR**

IF YOU ARE A MEXICAN NATIONAL ARRESTED BY THE POLICE IN PENNSYLVANIA, DELAWARE OR SOUTHERN NEW JERSEY, YOU HAVE THE RIGHT TO CONTACT THE CONSULATE OF MEXICO.

**REQUEST THE CONSULAR NOTIFICATION**

**EJEMPLO DE NOTIFICACIÓN CONSULAR - EXAMPLE OF CONSULAR NOTIFICATION:**

(EL FORMATO PUEDE VARIAR - FORMAT MAY VARY)

**Consular Notification Form**  
**MEXICO**

---

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

To: **Consulate of Mexico in Philadelphia**  
**111 S Independence Mall E #310, Philadelphia, PA. 19106.**  
**Fax: (215) 923 7281**

From: \_\_\_\_\_

On: \_\_\_\_/\_\_\_\_/\_\_\_\_ we arrested the following foreign national whom we understand to be a national of your country.

Full legal name: \_\_\_\_\_

Record number: \_\_\_\_\_

Place and date of birth: \_\_\_\_\_

-----

Do you wish that we notify your Consulate to receive assistance?  
Yes:  No:

¿Desea que se contacte a su Consulado para recibir asistencia?  
Sí:  No:

\_\_\_\_\_  
Firma (Signature of the detainee)                      Fecha (Date)

YES: Please contact officer \_\_\_\_\_ at \_\_\_\_\_ (telephone number and extension to coordinate the call interview with the detainee).

SI DESEA QUE EL CONSULADO LO CONTACTE, USTED DEBE MARCAR EL RECUADRO QUE DICE "SÍ" EN LA HOJA DE NOTIFICACIÓN, TAL COMO SE INDICA EN LA PARTE SUPERIOR, EN CUALQUIER MOMENTO DE SU DETENCIÓN

IF YOU WANT THE CONSULATE TO CONTACT YOU, YOU MUST CHECK "YES" ON THE NOTIFICATION FORM, AS SHOWN ABOVE, DURING ANY MOMENT OF YOUR DETENTION