

Know Your Rights

Interactions with Law Enforcement, DACA, and Family Preparedness

Agenda

1. Interactions with ICE and Law Enforcement
2. Preparedness Planning – What Can We Do Now?
3. Questions

All people in the U.S. have
Constitutional Rights and
protections.

You are not alone.

What should I do if I'm stopped by ICE?

4th Amendment: No Unlawful Searches

At Home

- ▶ Without a **search warrant** signed by a **judge**, ICE does not have a right to enter your home.
- ▶ If ICE knocks, ask them to slide "a search warrant signed by a judge" under the door or show you one. Look for:
 - ☑ Correct Name
 - ☑ Correct Address
 - ☑ Judge's signature (NOT immigration officer's)
- ▶ No warrant, no entry. "I do not give you permission to enter, based on my 4th Amendment right."

In Public Spaces

- ▶ Same rules apply. ICE cannot search your belongings without a warrant unless they have probable cause.
- ▶ If ICE approaches you, **stay calm** and ask, "Am I free to leave?"
- ▶ If they ask to search your belongings, you can say, "I do not consent to a search, based on my 4th Amendment rights."

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Case No.

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 _____ District of _____
(Identify the person or describe the property to be searched and give its location).

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(Identify the person or describe the property to be seized).*

YOU ARE COMMANDED to execute this warrant on or before _____ *(Not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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)

Pursuant to 18 U.S.C. § 3103a(b), 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 *(check the appropriate box)*

for _____ days *(not to exceed 30)* until, the facts justifying, the later specific date of _____

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

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 _____ on _____ and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

What should I do if I'm stopped by ICE?

5th Amendment: Right to Remain Silent

- ▶ You have the **right** to remain silent.
- ▶ If ICE asks you immigration questions, you **do not have to answer**.
 - ▶ In Colorado, if you are stopped by law enforcement, you should state your name, *but you do not need to identify your immigration status*. (C.R.S. 16-3-102 ("A peace officer may stop any person who he reasonably suspects is . . . about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions."))
- ▶ You can ask, "Am I free to go?"
- ▶ You can say, "I'm exercising my right to be silent."

6th Amendment: Right to Counsel

- ▶ You have the **right** to seek legal advice.
- ▶ If ICE asks you questions, you can tell them you do not wish to answer without talking to a lawyer.
- ▶ **DO NOT** sign anything without talking to your lawyer.

What should I do if I'm stopped by ICE?



Home

- ▶ Ask for a search warrant signed by a judge. No warrant, no entry.
- ▶ Do not share any information, except your name.
- ▶ Do not sign any documents without talking to a lawyer.



School

- ▶ If stopped, ask, "Am I free to leave?"
- ▶ Do not share any information, except your name.
- ▶ Do not sign any documents without talking to a lawyer.
- ▶ Do not permit search of your belongings without a search warrant.



Car

- ▶ You can be required to show your license, registration, and proof of insurance.
 - ▶ Carry your work permit or green card, if you have one, but not foreign documents.
- ▶ Do not answer immigration questions.
- ▶ Do not sign any documents without talking to a lawyer.



Airport

- ▶ If you're at a border (e.g., DIA), you may encounter a customs officer, who can ask you about your immigration status.
- ▶ Context depends on your legal status. If you are an LPR, show your green card. If you have a visa, show your visa.

Remember: ICE Should NOT...



**... be at
Courthouses.**

- ▶ Under Colorado law, ICE cannot make arrests in or around courthouses or when someone is on their way to or from court.



**... have gotten
your info from the
DMV.**

- ▶ State agencies (including probation officers) cannot share personal identifying information with ICE unless ICE provides a warrant or subpoena.
- ▶ All Coloradans, regardless of immigration status, can get a license.



**... rely on the
state to detain
people.**

- ▶ Police departments cannot hold someone for ICE beyond their scheduled release date.
- ▶ Colorado police cannot arrest someone based solely on their immigration status.

What if I, or someone I know, is picked up?



You are entitled to a **hearing** before an immigration judge before you can be deported. You are **not** entitled to a free lawyer, but can contact a lawyer of your choosing.



A person could be **detained** while waiting for their immigration court hearing. Many people are eligible for **release** on bond. Contact a **lawyer** to help.

CAUTION! Some state-court convictions can carry immigration consequences. **Do not** take a plea bargain without talking to an attorney who knows the immigration law.

Preparedness Planning: Finding Loved Ones

ICE Detainee Locator:

<https://locator.ice.gov/odls/homepage.do>

ICE Denver Field Office:

(720) 873-2899

EOIR Hotline:

1-800-898-7180

Preparedness Planning

Preparedness Checklist

- ❑ Memorize key phone numbers
 - ❑ Family
 - ❑ Friends
 - ❑ Attorneys / Community Organizations
- ❑ Keep important documents safe, but make sure a friend or family member knows how to access them.
 - ❑ Birth Certificates / Passports
 - ❑ Immigration Paperwork
 - ❑ Medical Records
 - ❑ Lease Agreements / Mortgage Documents
- ❑ If you have children, consider assigning a trusted individual to care for them if you are unable to. *Options incl. guardianship, power of att'y.*
- ❑ Consider contacting an attorney to discuss immigration options.

GUIDE TO CREATING A FAMILY PREPAREDNESS PLAN

Regardless of immigration status, every family should have a Family Preparedness Plan to protect your children, finances and home.

While our hope is that you never have to use your plan, in a time of elevated immigration enforcement and risk, it is good practice to have a plan like this.

Know Your Rights
Everybody – both documented and undocumented – has a set of basic rights under the U.S. Constitution. You have the right to remain silent, speak with an attorney, and deny any ICE or law enforcement officer entry into your home, unless they have a *valid* warrant with your correct name and address on it.

CREATING YOUR FAMILY PREPAREDNESS PLAN

Step 1: Make a Child Care Plan

- Find a responsible person that you trust and that your child knows and is comfortable around. Ideally, this will be someone with lawful immigration status.
- Make sure this person knows they will be listed as an emergency contact and knows how to access all of your important documents and information.
- Memorize and have your child memorize this person's phone number.

Step 2: Put a Child Care Plan in Place

- Once you have identified and come to an agreement with the person who would care for your child, begin to put a plan in place.
- Create a legal arrangement for your child to be taken care of by your designated caregiver, in case you are no longer able to.

Step 3: Create a file of Important Documents

- Gather important documents that your designated caregiver would need to care for your child in your absence. This includes documents about your child's school, medical history, and contact information. (See the "Important Documents" list below)

NPNA
NATIONAL PARTNERSHIP
FOR NEW AMERICANS

Produced with information from the Immigration Legal Resource Center (ILRC): [bit.ly/4FOj1P6](https://www.ilrc.org/) and the Tennessee Immigrant & Refugee Rights Coalition: [bit.ly/4RkuNB](https://www.tirrc.org/)

Preparedness Planning: Reporting ICE

Colorado Rapid Response Network:

1-844-864-8341

United We Dream Hotline to Report a Raid:

1-844-363-1423

Questions?

Contact Us

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