

Immigration Law: Know Your Rights

Question: Do undocumented people in the United States have legal rights?



How can we defend our legal rights?

Educate

- Learn about your rights, no matter what your immigration status is!
- Learn/memorize basic vocabulary to defend your rights in English!

Prepare

- Consult - An attorney/DOJ recognized organization
- Create an Action/ Safety Plan.

Report

- Learn to identify and report hate crimes, notarios, scammers, ICE raids, incidents with law enforcement
- Identify a local immigrant rights organization in your community.

National Immigrant Justice Center's Approach



ADVOCACY

- Expose violations of human and constitutional rights
- Collaborate with community organizations
- Provide actionable recommendations to policy makers

LITIGATION

- Challenge laws, policies, and practices that violate the Constitution or U.S. immigration laws through federal litigation

LEGAL SERVICES

- Serve 10,000 immigrants annually by:
 - Providing rights education
 - Providing low-cost or free legal representation to immigrants

Educate

- Know your rights when interacting with law enforcement officials at home, at work, and in public
- Practice key vocabulary
- Know what to do if you or someone you know is detained by ICE

Know Your Rights!

Right to Remain Silent

- Clearly say “I wish to remain silent.”

Right to Walk Away

- Ask “Am I free to go?”
- Walk away calmly

Right to Due Process

- The right to speak to and be represented by a lawyer
- The right to make a local phone call

Right to Privacy

- The right to demand a judicial warrant for a law enforcement official to enter your property
- The right not to consent to a search

Right not to Sign/ Give Fingerprints

- The right not to sign anything you don't understand
- You can say “I do not consent to be fingerprinted”

Rights with Police versus ICE

POLICE

- Police in Illinois should not ask you about your **immigration status** (such as where you were born)
 - Passengers in vehicles do not need to carry identification



ICE

- ICE can ask about your immigration status, but you can and should **remain silent.**

- **AN ATTORNEY** at no expense
 - Say “I want an attorney”



- **AN ATTORNEY** at YOUR expense.

****NOTE: It can sometimes be difficult to determine if law enforcement officials are police officers or ICE officers.****

What to do if ICE comes to your home:

- Do NOT open the door – teach children not to open the door!
- You are NOT required to open the door *unless* ICE has a warrant **signed by a judge (and they usually don't!)**
- **Exercise your rights** – ICE uses tricky tactics to convince people to open the door. Stay calm and assert your rights.

SAMPLE JUDICIAL WARRANT

Name & Address →

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,
Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700
Highway 60 NE, Worthington,
Minnesota, and all its
appurtenances, parking areas,
and outdoor working areas

Defendant.

CIVIL NO. 06mj457 JSm

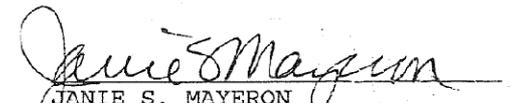
ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America, having filed an application to authorize officers of United States Immigration and Customs without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006

DATE


JANIE S. MAYERON
United States Magistrate Judge

JUDGE

Sample Administrative Warrant

U.S. Department of Justice

Immigration and Customs Enforcement

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Customs Enforcement:

(Full name of alien)

Who entered the United States at _____ on _____
(Place of entry) (Date of entry)

Is subject to removal/deportation from the United States, based upon a final order by:

- An immigration judge in exclusion, deportation, or removal proceedings
- A district director or district director's designated official
- The Board of Immigration Appeals
- A United States District or Magistrate Court Judge

And pursuant to the following provisions of the Immigration and Nationality Act:
Section 241 (a) (5) of the Immigration and Nationality Act (Ace), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction command you to take into custody and remove from the United States the above-named alien, pursuant to law at the expense of the appropriation. "Salaries and Expenses Immigration and Customs Enforcement" including the expense of an attendant if necessary.

(Signature of ICE Official)

(Title of ICE Official)

(Date and Office Location)

**ICE
CANNOT
COME INTO
YOUR
HOME**



<https://www.youtube.com/watch?v=8z7HkHVP6oU>

What to do if ICE comes to your work:

- ICE must have a warrant signed by a judge **or** permission from your employer to enter your work place
- You **do not** have to answer any questions and should remain silent and demand to speak to an attorney
- Do not carry false documents with you or lie

What to do if ICE approaches you in public:

- ICE does not need a warrant to search public places
- If ICE stops you on the street, ask if you are under arrest. If not, ask if you are free to go and walk away calmly
- Try not to use identification that shows your country of origin
- Allies, you can record interactions but don't disrupt an arrest

Basic Vocabulary to Exercise your Rights:

Do you have a warrant?

¿Tiene una orden de arresto?

Are you Chicago police or ICE?

¿Es parte de la policía de Chicago o de ICE?

Am I under Arrest?

¿Estoy bajo arresto?

Am I free to leave?

¿Puedo irme?

I wish to remain silent

Quiero permanecer en silencio

I want to make a phone call

Quiero hacer una llamada

I want to speak to my lawyer

Quiero hablar con mi abogado

I want to see a judge

Quiero ver un juez

I will not sign; I don't understand

No voy a firmar; no entiendo

If You Are Detained by ICE

ONLY PROVIDE YOUR NAME AND DATE OF BIRTH

- You are NOT required to give this information but that may help your family members locate you

MEMORIZE YOUR 9 DIGIT A NUMBER

ASK TO TALK TO AN ATTORNEY

- All detention centers should let you make a call – there will be a charge
- ONLY inform your lawyer about your immigration status

ALWAYS ASK TO SEE A JUDGE & DON'T SIGN ANYTHING YOU DON'T UNDERSTAND

If a Family Member is Detained by ICE

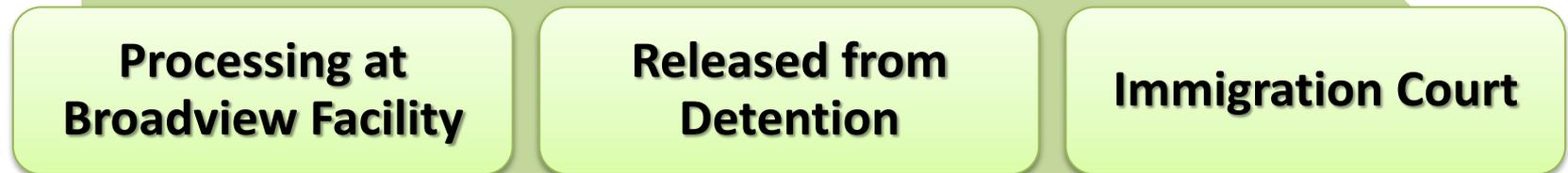
- Locate them: LOCATOR.ICE.GOV
- Call your consulate's emergency # México: (855)463-6395
- The person who pays bond must have legal status
- Call your attorney
- Call ICIRR family support hotline at 1-855-HELP-MY-FAMILY (1-855-435-7693)

If You Are Detained by ICE

Detained Individuals



Non-Detained Individuals



**** IF YOU ARE AFRAID TO RETURN TO YOUR COUNTRY, SAY SO TO THE IMMIGRATION OFFICER DURING PROCESSING ****

Court and Bond: Immigration

Court:

If you have court and you do not go, you will have an order of DEPORTATION. If you have an ICE or ISAP check-in and do not go, ICE may issue an administrative warrant for your arrest.

Bond:

- You must pay 100%
- The person who pays must be a U.S. Citizen or Legal Permanent Resident.
- Bond is reimbursed at the end of your case (if you fully comply with the bond)

Prepare

- Know your legal options
- Put a safety plan in place
- Avoid common events that place individuals at risk of contact with ICE
- Identify a local immigrant rights organization in your community.

Legal consultations are critical!

Non-citizens do not have the right to appointed counsel, even when they are

- Facing deportation
- Asylum seekers
- Mentally ill
- Detained
- Children



Know your immigration options!

- Estimated 183,000 undocumented in the City of Chicago, most live in mixed-status families
 - 2014 survey by Rob Paral and Associates
- 14.3% of individuals screened for DACA eligibility were found to be potentially eligible for a more permanent form of relief
 - 2014 survey by The Center for Migration Studies
- Even if you have consulted with an attorney in the past, it is good to have another review...
 - Laws change, policies/procedures change, your life changes

Make sure you are getting trusted legal advice

Who can give immigration legal advice?

- Licensed Attorney
- DOJ Accredited Representative
- Law students under supervision by an attorney

Beware of Notary Fraud

Notary publics are not also licensed attorneys and cannot give legal advice

Tips & Strategies to Avoid Fraud

1. Get a recommendation
2. Check for credentials
3. Check for past disciplinary actions
4. Identify areas of expertise
5. Stay informed
6. Get a written contract
7. Keep copies
8. If it sounds too good to be true...get a second opinion!

Common Immigration Benefits

Citizenship and
Naturalization

Family Based
Immigration

Protection for
Survivors of Crimes
and Domestic
Violence

Relief in Removal
(deportation)
Proceedings

Asylum

Special Immigrant
Juvenile Visas

Other: Temporary
Protected Status,
Parole-in-Place

DACA Renewal

Information about ICE

Do I have a deportation order?

- Call 1-800-898-7180 (Executive Office of Immigration Review – the immigration court) and enter your 9-digit A-number
- A deportation order may not show up on the 1-800# - you may have to request your file from the immigration agencies in order to verify if you have a removal order
- We **STRONGLY** recommend that you contact an immigration attorney if you have a deportation order or if you live with someone who has a deportation order!

Common Events That May Lead To Detention and/or Deportation

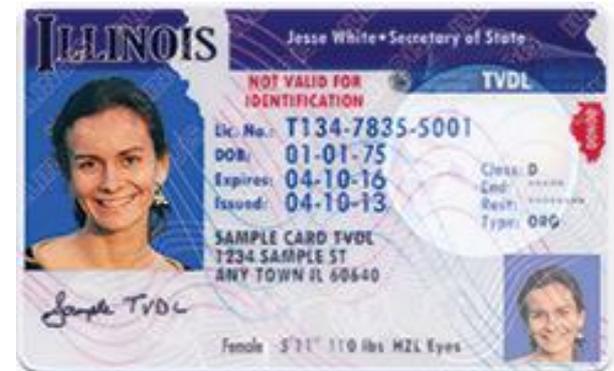
- Driving under the influence (DUI)
- Traffic violations (in some areas)
- Arrests
- Filing immigration applications when not eligible
- Having prior deportation orders

Avoid Common Pitfalls

- Avoid false claims to U.S. citizenship
 - Do not register to vote or vote if you are not a citizen
 - Never say or write that you are a citizen (if you are not) in any documents
- Do not seal your criminal record without consulting an immigration attorney first
- Avoid traffic violations
 - Only drive if you have a license and insurance
 - Follow the speed limit
 - Obey all traffic signs/lights
 - Pay all traffic fines
- File Income Taxes if you are employed
- Males between 18 and 26 must register for selective service

Options for Identification

- Chicago City Key
 - Government-issued identification card for individuals who live in Chicago, Ventra card, and library card
 - Information about how to apply at <http://www.chicityclerk.com/chicagocitykey/how-apply>
- Temporary Visitor Driver's License (TVDL)
 - This is only a driver's license, not an identification card
 - Information about how to apply at <http://www.cyberdriveillinois.com/>



Begin Preparing Your Emergency Plan

1. Identify who will take care of your children and assets and have a meeting about it.
2. Update your emergency contact information at your children's school and doctor.
3. Apply for your children's double nationality and their passport and verify your options with your consulate.
4. Gather important documents in a safe place and make sure your emergency contact is aware of it.
5. Save money. Make sure your bank account is connected to a debit card so you can access it in another country and make sure you have access to online banking.

Connect to local organizations

- Many local organizations are already working to keep immigrants safe
- Connect to an organization near you to
 - Stay up to date on the latest policy changes
 - Have a network to contact in case of an emergency

Report

- Learn to identify and report hate crimes, notarios, scammers, ICE raids, incidents with law enforcement

What to do if your rights are violated

- Record badge numbers and names of law enforcement officials and as much information as possible about the interaction
- Report
 - Fraudulent legal advice- The Office of the Attorney General of Illinois : 1-800-386-5438
 - Complaints about licensed attorneys- Illinois Attorney and Registration Committee: www.iardc.org

SELF-CARE

SAMHSA

Substance Abuse and Mental Health Services Administration

1-800-662-HELP (4357)

24 Hours

NAMI

National Alliance for Mental Health

800-950-NAMI (6264)

Monday-Friday 10AM-6PM

Text "NAMI" to 741-741

24 Hours

NIJC's LEGAL SERVICES

- Household income must be at or below 200% of the federal poverty line
 - Family of 4 must have income less than \$50,200
- Services available in English and Spanish; other languages may be available
- Help desk at Chicago Immigration Court
- Legal orientation programs for detained adults and minors

NIJC's LEGAL SERVICES

- **NIJC provides representation for:**
 - Removal (deportation) proceedings
 - Family-based immigration, including consular processing with waivers
 - DACA renewals
 - Protection based immigration (U visa, T visa, VAWA, Special Immigrant Juvenile Status, Asylum)
 - Naturalization/Citizenship
 - Renewal of green cards
 - Temporary Protected Status
- **NIJC does NOT provide representation for:**
 - Employment-based immigration petitions
 - Student visas, including F or J visas
 - Tourist visas
 - Non-immigration legal services

IMPORTANT NIJC INFORMATION

GENERAL IMMIGRATION CONSULTATIONS:

Call 312-660-1370 or
email nijcild@heartlandalliance.org
to schedule a consultation

INFORMATION FOR ASYLUM SEEKERS:

Thursday 9:00 a.m. (CT) – until
appointments are full
773/672-6555

INFORMATION FOR LGBT IMMIGRANTS (including LGBT ASYLUM SEEKERS):

Wednesday & Friday 10:00 a.m. – 12:00
p.m. (CT)
773/672-6551

INFORMATION FOR UNACCOMPANIED IMMIGRANT CHILDREN:

Thursday 2:00 p.m. – 4:30 p.m. (CT)
773/672-6550

INFORMATION FOR DETAINED IMMIGRANTS:

Tuesday 11:00 a.m. – 2:00 p.m. (CT)
773/672-6599
312/263-0901 for collect calls

City of Chicago Legal Protection Fund

Free Legal Consultations for Chicago Residents

CALL 312-660-1370

E-mail nijcild@heartlandalliance.org

INTAKE LOCATIONS (by appointment only)

National Immigrant Justice Center

224 S Michigan Ave

Suite 600

Chicago, Illinois



**ONE
CHICAGO**

Heartland Human Care Services

5715 West Belmont Ave

Chicago, Illinois

Know Your Rights Trainings

- NIJC and its partner organizations provide free Know Your Rights trainings and information sessions about immigration law to schools, community groups, religious groups, etc.
- Request a training or information session online at:
<http://immigrantjustice.org/infosessions>

Connect with NIJC

www.immigrantjustice.org



[/ImmigrantJustice](https://www.facebook.com/ImmigrantJustice)



[@nijc](https://twitter.com/nijc)



[National Immigrant
Justice Center](https://www.linkedin.com/company/national-immigrant-justice-center)



[Immigrantjustice.org/action](https://www.immigrantjustice.org/action)



[/ImmigrantJustice](https://www.instagram.com/ImmigrantJustice)



[Immigrantjustice.org/donate](https://www.immigrantjustice.org/donate)

Questions...



NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

224 S Michigan Ave, Suite 600
Chicago, Illinois 60604
(312) 660-1370

www.immigrantjustice.org

Thank you!

