



KNOW YOUR RIGHTS IMMIGRANTS' RIGHTS

ACLU
Colorado

Know Your Rights: Everyone has Constitutional Rights

Why? No one will sit you down and tell you your rights.

You have an individual responsibility to know them.

Why? Knowing your rights can empower you.

Rights to Remember

1. Under the 5th Amendment you have the right to remain silent. You do not have to answer questions other than your name and date of birth.
2. You have the right to be represented by an attorney, but in immigration court an attorney will not be provided to you.
3. Under the 4th Amendment you have the right to know what charges are being held against you.
Say: "Have I done anything wrong?"
4. You have the right to a translator.
5. Do not consent to searches without a warrant*.

Know the Difference Between ICE and Police

ICE agents aren't police but they can legally introduce themselves as police officers.

ICE	Police
<ul style="list-style-type: none">• Enforce federal immigration law• Funded by congress• Found at: Courts, probation offices, and jails• Often comes to knock at doors• Not always in uniform, may be in every-day clothing	<ul style="list-style-type: none">• Enforce local law and are funded by state taxes• <u>Don't</u> have the power to enforce immigration law• Can be found on public streets, state highways, schools, courts, and probation offices• The people who answer when you call 911

What To Do When Stopped

Wherever you are stopped remember these things:

1. Always remain polite to officers or agents and do not resist - never run away from police officers.
2. Do not answer any questions about your country of origin or immigration status.
3. Do not give ICE your passport, a non-valid ID, or fake identification.
4. Do not sign anything without speaking to your lawyer.
5. Always remember your right to remain silent.
6. Always carry any valid immigration documents you have with you.

If You Are Stopped In Public - Don't Run

ICE officers may be dressed in plain clothing or introduce themselves as police.

WHEN ICE STOPS YOU they will either call out your name or ask you your name.

*BEFORE YOU TELL THEM YOUR NAME

Ask: "Have I done anything wrong? Am I free to go?"

IF YOU'RE FREE TO GO:

"Okay, have a good day."

+

WALK AWAY SLOWLY

IF NOT:

"I want to use my right to remain silent and not answer questions."

AND

"I want to speak to a lawyer"

If they begin to search you...

Say: "I do not consent to a search"

Remember your right to remain silent and do not answer questions about your immigration status.

[Tell them only your legal name and date of birth]

If ICE Comes to Your Place of Work

What is ICE allowed to do? ICE agents are allowed to enter public places of work like a restaurant or store.

However, they may not enter private areas of a workplace without consent of an employer or a valid warrant.

If agents begin to search belongings...

Say: "I do not consent to a search"

If agents ask workers questions...

Ask: "Have I done anything wrong? Am I free to go?"

IF YES:

"Okay, have a good day."

+

WALK AWAY SLOWLY

IF NO:

"Am I being detained?"

→ If you are

"I wish to remain silent and speak to a lawyer."

Plan with employees

1. Inform other workers of their rights.
2. Tell co-workers what to do if ICE shows up.
3. STICK TOGETHER: they may try to divide the group into citizens and non-citizens.

What to do? If they ask you to stand in groups you do not have to move. Tell other employees to stick together.

Remember: Do not answer questions about country of origin or immigration status.

Remember: Do not give any false information or documents to ICE.

If ICE Shows Up at Your Door - Do not open the door

DO NOT OPEN THE DOOR it's safer to speak to ICE through the door. Letting ICE Agents into your home means they no longer need a warrant to search your home.

Ask: "Do you have a warrant signed by a judge"

IF YES

Ask: "Can you please slide it Under the door?"

IF NO

Say: "I do not consent to a search."

Know the difference between an ICE administrative warrant and a Search Warrant signed by a judge. A VALID WARRANT MUST BE SIGNED BY A JUDGE.

ICE Administrative Warrant	Search Warrant
<ul style="list-style-type: none">• Will be signed by an ICE official not a judge• Will say "immigration officer" below the signature line• Does not give officers search rights under the 4th Amendment	<ul style="list-style-type: none">• Will say "Judge" in their printed name• Gives legal permission for authorities to search your home

After you have determined that it is a valid search warrant signed by a Judge...

1. Check that your name is on the warrant.
2. Check that the warrant is valid through that day's date.
3. Only let the person named on the warrant go outside and talk to the officers. DO NOT LET OFFICERS INTO THE HOME.

Why? Immigration officers may try to take other family members into custody* if they are non-citizens.

Example of a Valid Warrant Signed by a Judge:

EJEMPLO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2017 JUN 29 PM 2:14

UNITED STATES DISTRICT COURT for the District of Colorado

JEFFREY P. COLWELL
CLERK

BY _____ DEP. CLK

United States of America
v.

Case No.

Defendant

ARREST WARRANT

TO: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) _____ who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

Illegal Re-entry After Deportation, In Violation of Title 8 U.S.C. § 1326(a), (b)(1).

Date: June 27, 2017

Firma de juez
indica que el
documento
es oficial



Issuing officer's signature

City and state: Denver, Colorado

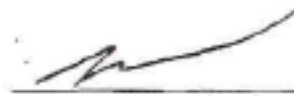
Scott T. Varholak, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 6-27-2017, and the person was arrested on (date) 6-28-2017
at (city and state) Denver, Colorado

Date: 6-28-2017



Arresting officer's signature

Tara Heines, Detention Officer

Printed name and title

Example of a non-valid Warrant Signed by an ICE Official:

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

EJEMPLO DE ORDEN FALSA

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.

Se necesita marcar por lo menos una caja para ser legitimo

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

Firma de oficial de inmigración no es igual a una firma de juez. No tienes que cumplir con el orden.

(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)

If ICE Does Come Into Your Home

Remember: Your right to remain silent

→ make sure family members especially children know to remain silent.

IF agents force their way in AND do not have a search warrant signed by a judge DON'T RESIST.

Say: "I do not consent to your entry or your search"

* Even if ICE ignores this request, saying you do not consent to a search will help you in legal proceedings.

IF agents do have a valid search warrant...

Say: "I am exercising my right to remain silent"

Say: "I wish to speak with my lawyer as soon as possible"

If You Are Detained by ICE - Do not sign anything

Say: "I would like to speak with an attorney before signing anything"

Even if they say "this will make this all go away" DO NOT sign anything without speaking to an attorney.

Why? You could be signing a self-deportation order.

You have the right to call a lawyer and family members or be visited by a lawyer or family.

Say: "I want a bond hearing"

What is a bond hearing?

→ If you're picked up by ICE and you're offered a bond hearing, a judge will decide if you need to be detained or if you can be released on bond and go home.

What happens if you are released on bond?

→ A family member will need to pay a certain amount of money.

→ You are at least allowed to go home with your family.

Identification: What to provide and what not to provide if you're stopped.

ONLY present valid identification to authorities

This can be a...

- Valid green card or special permit card
- Work Permit
- Municipal ID
- State ID
- Colorado SB 251 Drivers License

- Make sure these documents were issued in the US and contain no information about immigration status or country of origin.

NEVER provide or carry false identification or fake immigration documents.

NEVER present an agent with or carry a foreign passport or any documentation about your country of origin.

ALWAYS carry your immigration documents with you

Planning: Be Prepared Before There's an Emergency

Find an Immigration Attorney

Have a legal consultation*

Why? this will help you be aware of your Immigration status and know what steps to take.

Write the name of your lawyer here _____ .

Plan with Family

Discuss the possibility of an ICE official coming to your home or stopping you in public.

Remind children that they must remain silent in the event of an ICE search as they may blurt out information.

Discuss with family and children that they should not open the door for an ICE agent.

Choose a Family Member to Care for Your Children

Have discussions with family members now and decide who you would want to take care of your children if you are detained.

Why? If you are detained and your children are with family members the chance of them being picked up by child services is much lower.

What to do?

1. Choose a family member who has legal status.
2. Plan with the chosen family member to pick your children up from school or your home in the event that you are detained.
3. Make sure the chosen family member is an emergency contact* number with your child's school.
4. Make sure both you and your children have the family member's phone number memorized.
5. Have a lawyer's contact number in the case that you are detained to discuss the possibility of making this family member a legal guardian*.

Write the name of your designated family member here _____ .

Memorize Phone Numbers

- Memorize both your lawyer's phone number and the phone number of your emergency contact.

Why? If you are detained by ICE, you will not be able to use your cellphone.

What is your lawyers phone number? _____ .

Emergency contact's phone number? _____ .

If Possible - Put Money Aside

Why? In the case that you are detained, you will need to pay for an attorney* and pay for bail.

Create a Box With Your Important Documents

Why? In the event that you are detained, you will ask for a bond hearing with a judge. Providing the judge in your bond hearing with proof of identification, employment, tax payments, or work accomplishments will help to prove that you are not dangerous and that you should be released on bond.

What to put in it?

Driver's license/ passport / birth certificate / visas / childrens' birth certificates / marriage certificate / childrens' report cards / tax forms / proof of career achievements / rental agreements / utility bills

Make sure that your emergency contact has access to these items.

Build a Network

Get to know the people in your community that you trust.

Make sure the people you trust know your full name, country of origin and A-number.

Why? In the event that you are detained and they need to find you they will need your full name and country of origin or your A-number.

What's your A-number? A nine-digit number which can be found on your immigration documents under USCIS # or A#.

Legal Resources

Catholic Charities Denver

Services Provided:

- Family Visa Processing
- U Visas/VAWA
- Deportation Defense
- Deferred Action for Childhood Arrivals/DACA
- Naturalization/Citizenship

Consultation Fee: \$35

6240 Smith Road

Denver, CO 80216

(303) 742-4971

<https://ccdenvr.org/immigration-services/>

San Luis Valley Immigrant Resource Center

Services Provided:

- Immigration legal advice for US citizens, immigrants and undocumented people needing assistance.
- Prepare immigration and naturalization forms.
- Translate, certify, notarize, and copy documents.

225 6th Street, Suite B

Alamosa, CO 81101

(719)-587-3225

<https://www.slvirc.org/services.php>

Rocky Mountain Immigrants' Rights Network

Services Provided:

- Legal services for those who are detained
- Immigrant children's legal services
- Services for detained survivors of human trafficking
- DACA renewal Requests
- Services for mentally or physically disabled detained individuals

3489 W. 72nd Ave Suite 211

Westminster, CO 80030

(303) 433-2812

HOTLINE FOR DETAINED INDIVIDUALS: (303) 866-9308

Meyer Law Office - Individual Attorney's Office

Services Provided:

- Deportation defense
- Applications for family-based immigration status

- VAWA petitions, U visa applications, asylum, and other immigration benefits

Consultation Fee: \$150

Emergency Detainment Consultation Fee: \$350

901 W 10th Ave Suite 2A

Denver, CO 80204

(303)-831-0817

<http://themeyerlawoffice.com/>

Casa De Paz

Services:

- Free shelter, meals, phone use, and transportation for up to three days
- Hosts families whose loved ones are being detained
- Hosts individuals who have been recently released.

<https://www.casadepazcolorado.org/stay-with-us>

American Immigration Lawyers Association

→ Immigration Lawyer search

- Find the type of lawyer you need.
- Find lawyers who speak the language you need.

<https://www.aialawyer.com/>

Additional Resources:

Colorado Immigrants' Rights Coalition- Rapid Response Network: 1-(844)-864-8341

Rocky Mountain Immigrant Advocacy Network - Hotline for Detained Individuals: (303)-866-9308

ICE Locator Page: <https://locator.ice.gov/odls/#/index>

***Glossary - Words to Know**

Consultation: a meeting with a lawyer to discuss your immigration status and needs before they take on your case or provide their services.

Emergency Contact: Workplaces, schools, and hospitals require you to list someone that you would like to be contacted in an emergency.

Legal Guardian: someone who legally takes on parental responsibilities for a child in the event that the parent can't.

Attorney: another word for a lawyer

Warrant: a document issued by a legal or government official authorizing the police or some ICE to make an arrest or search your home, car, or person.