



**KNOW YOUR RIGHTS:
INTERACTIONS WITH ICE, CBP, AND POLICE**

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Given the nature of events with other attendees in attendance, comments you make during this presentation may not remain private.



ATTENTION

Immigration laws can be complicated, and this presentation is not a substitute for legal advice in any particular case. To find free legal assistance and advice for your particular situation, contact an attorney or a reliable immigration service provider.

Immigration enforcement priorities can change suddenly. The content of this presentation is up to date as of today and is subject to change as the immigration landscape evolves.



About Beacon Immigration



- New York-licensed attorney since 2013 focusing 100% on immigration
- 6 Eliza Street, Beacon, NY
- Se habla español





Who May Be at Risk of Removal (Deportation)



People WITHOUT lawful immigration status	People WITH lawful immigration status
<ul style="list-style-type: none">• People who overstay a visa	<ul style="list-style-type: none">• Anyone who is not a U.S. Citizen AND has a criminal conviction
<ul style="list-style-type: none">• People who enter the U.S. without permission; i.e. walked across the border or arrived by boat	<ul style="list-style-type: none">• People who violate lawful non-immigrant status (e.g. F-1 visa student working off campus without authorization)
<ul style="list-style-type: none">• People who have been ordered deported, who have final orders of deportation, or are in removal proceedings	





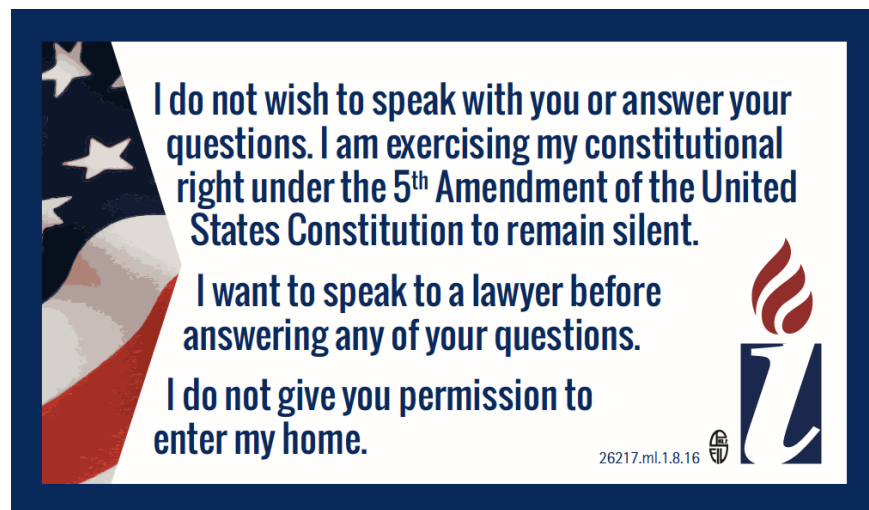
Who Else May Be At Risk of Removal (Deportation)



- Those who are out of status, after entering with inspection
- Parents who facilitate (directly or indirectly) the illegal smuggling or trafficking of an alien child into the U.S.



Our Rights During Any ICE Interaction



Everyone has the right to:

1. REFUSE ENTRY TO YOUR HOME, unless ICE has a judicial warrant
2. REFUSE A SEARCH OF YOUR HOME, unless ICE has a judicial warrant
3. REMAIN SILENT
4. REFUSE TO GIVE INFORMATION ABOUT IMMIGRATION OR CRIMINAL HISTORY
5. NOT TO SIGN ANYTHING





Nationwide Expedited Removal



The Trump administration has expanded expedited removal, which means that ICE can remove or deport people without allowing them to see an Immigration Judge or apply for any kind of relief.

You CANNOT be expeditiously removed if you:

1. Entered the United States and overstayed
2. You passed a fear interview (credible or reasonable fear)
3. You can show that you have been in the U.S. for more than two years
4. You are a child who entered the U.S. as an unaccompanied minor or if you were in an Office of Refugee Resettlement (ORR) shelter

100 Mile Border Zone



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KNOW YOUR RIGHTS

100 Mile Border Zone

The Fourth Amendment of the U.S. Constitution protects people from random and arbitrary stops and searches. Although the federal government claims the power to conduct certain kinds of warrantless stops within 100 miles of the U.S. border, important Fourth Amendment protections still apply. This helps you understand your rights within the 100-mile border zone.

Share this issue:     

Stay informed about our latest work in Immigrants' Rights.

First name	Last name	Email	ZIP code	Sign up
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By completing this form, I agree to receive occasional emails per the terms of the ACLU's [privacy statement](#).

Select a scenario

Are immigration officials allowed to stop people in places wholly inside the U.S.?

What is a "reasonable distance"?

Are there limitations to immigration officials' power?

How does this work in real life?: CBP on Buses and Trains

How does this work in real life?: CBP at Immigration Checkpoints

How does this work in real life?: CBP





YOU HAVE RIGHTS:

ICE Home & Public Arrests



To enter or search a home:

1. ICE needs a warrant signed by a **FEDERAL JUDGE**
or
2. Permission from a resident to enter.

You have the right to:

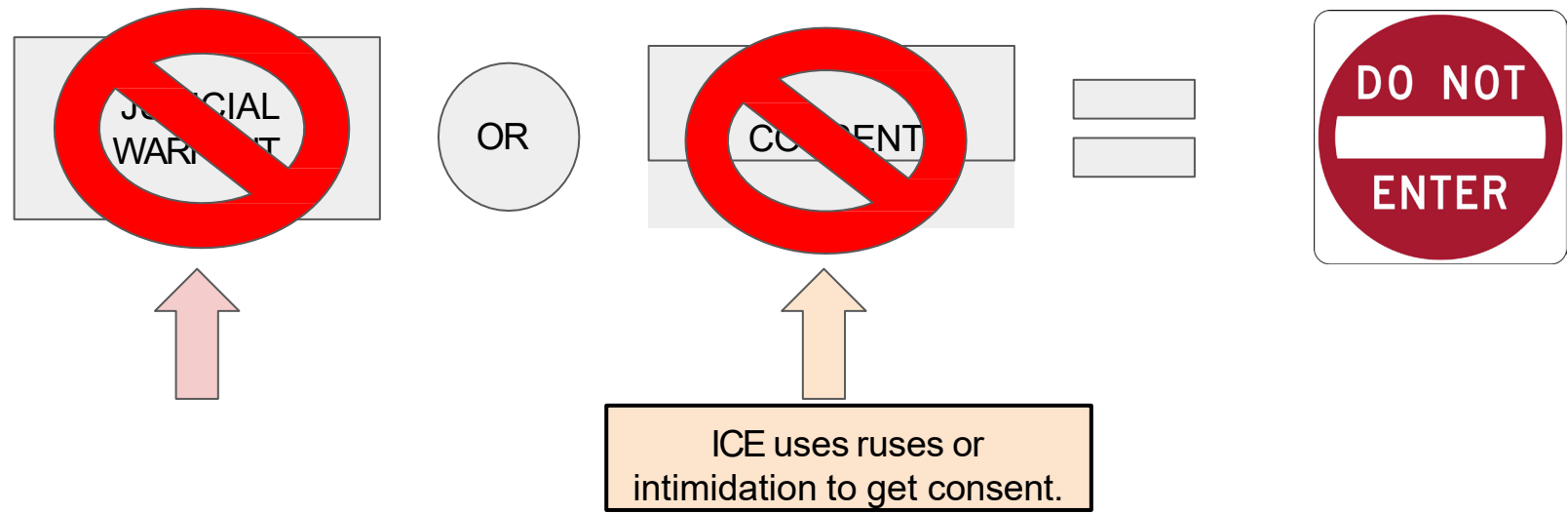
1. Ask if you are free to go
2. Remain silent
3. Do not give the officer permission to search you or your belongings.



YOU HAVE RIGHTS: ICE Will Use Tricks & Deception



ICE officers will use tricks to gain entry into homes without a judicial warrant.





Examples of Tricks ICE May Use



- ICE officers may lie in order to get people to open their door or to sign documents giving up their rights.
- ICE may pretend to be police officers or say that they want to investigate a crime just to convince you to open the door
- ICE may also be undercover and lie about who they are (such as a super or a repairman) to get inside your home





YOU HAVE RIGHTS: Don't Open the Door!



Unless ICE has a **judicial warrant**:

- You DO NOT have to open the door to speak to the immigration agent(s). If you open the door, it is much harder to refuse to speak to them.
- If ICE does not have a proper warrant, they CANNOT enter the home without permission from someone who lives there.
- ICE agents usually do NOT have this type of warrant!





YOU HAVE RIGHTS: Don't Open the Door!



- Ask ICE agent to show you the warrant through the window or pass it under the door so you can check if it is signed by a federal judge
- You should also ask the agent to show you their official ID in the same way
- To be valid, the judicial warrant (remember, signed by a federal judge) must have your correct name and address



YOU HAVE RIGHTS: Don't Open the Door!



SOURCE: "Know Your Rights: What To Do If Immigration Agents (Ice) Are At Your Door" - ACLU





YOU HAVE RIGHTS

If ICE is at your Door



If you identify ICE at your door and they don't have a warrant that gives them permission to enter, you can ask them to leave **without opening the door.**

Everyone can repeat these phrases in their best language:

- **I DO NOT WANT TO TALK TO YOU**
- **I DO NOT WANT TO ANSWER ANY QUESTIONS**
- **I DO NOT GIVE YOU PERMISSION TO COME INSIDE**
- **PLEASE LEAVE A CARD WITH YOUR NAME AND NUMBER**
- **I DO NOT WANT TO SPEAK TO YOU; PLEASE LEAVE**



Judicial Warrants vs. ICE Warrants



AO 93 (Rev. 11/13) Search and Seizure Warrant

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:

City and state:

Judge's signature

Printed name and title

Has a Judge's Signature

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-200 (Rev. 09/16)

If ICE uses this warrant, assume a judicial warrant was not issued

NOT signed by a judge. In fact, no judge or neutral magistrate is involved in issuing this warrant.





If ICE Has a Judicial Warrant or if ICE Has Gained Entry to the Home



- They will enter the home whether or not they have permission to do so
If they ask for permission, assume they don't have a Judicial Warrant
- Once inside, ICE will look for the person they want to arrest
- If they see the person, agents will detain them
- Once inside, agents are free to search the home and arrest others in the home

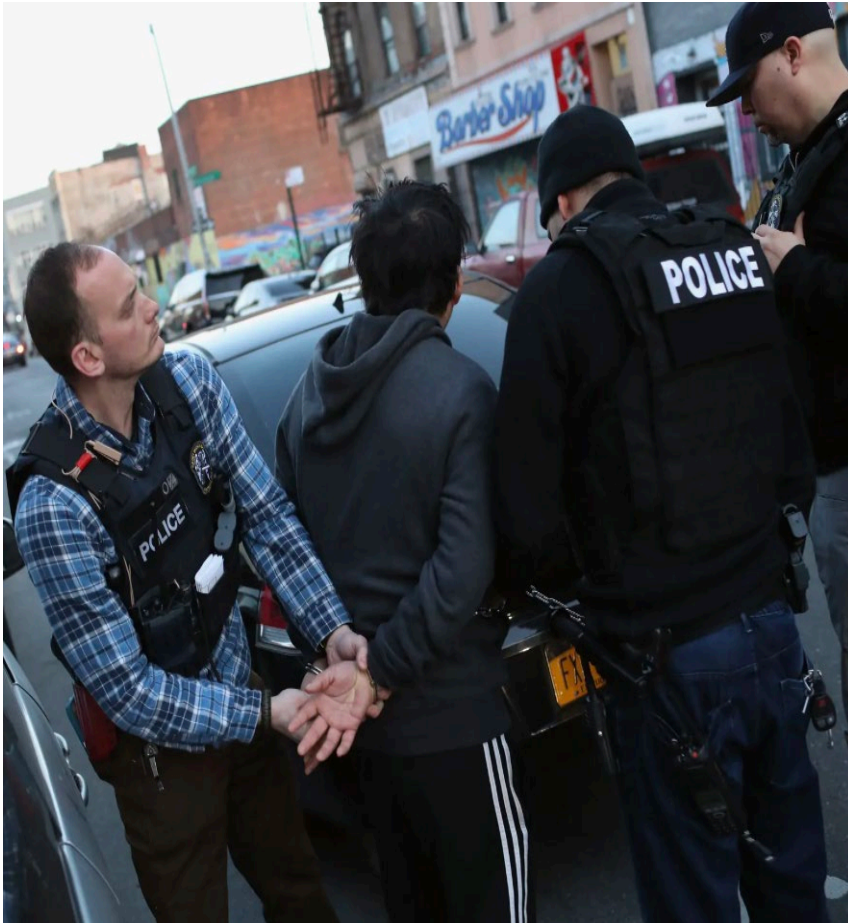
YOU HAVE RIGHTS Beyond Home: Where Else You May Be At Risk



- Churches, Schools, and Courts **(Updated)**
- Rallies & Demonstrations
- Ethnic celebrations; parades; gatherings
- Traffic Checkpoints

YOU HAVE RIGHTS:

Encounters with ICE Outside



- ICE officers often do not wear uniforms and don't identify themselves
- They often find a person to arrest by calling out their name
- Remain silent. Don't say your name or answer any questions
- If you are stopped by ICE on the street, ask if you are free to leave. If they say "no", tell them only that you want to speak to a lawyer. Then, try to remain silent

YOU HAVE RIGHTS:

Encounters with ICE Outside (cont.)



- If the officer searches your pockets or belongings, you can say: “I do not consent to this search. I want to speak to a lawyer”.
- Stay as calm as possible and don’t obstruct the agents or officers
- Do not lie about your status or give them any fake or false documents
- Keep your hands where ICE can see them



YOU HAVE RIGHTS:

Encounters with ICE at Work

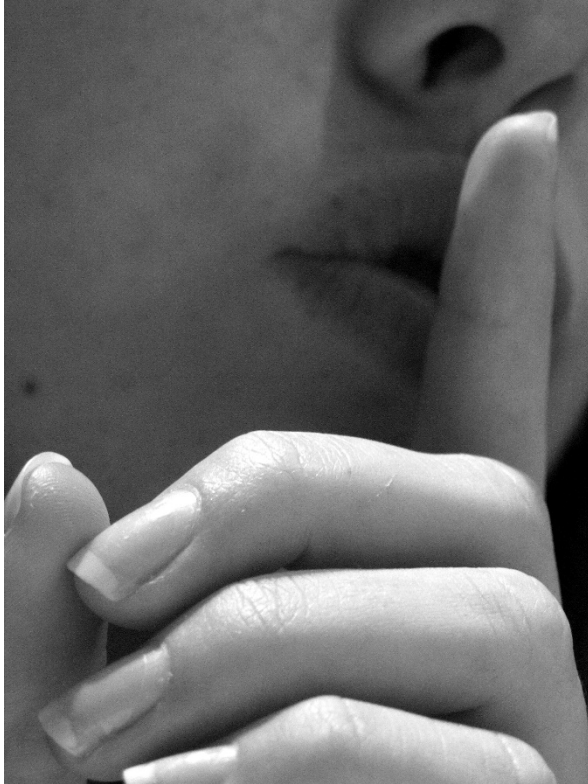


- ICE can enter any public area of your place of employment without permission
- ICE cannot stop, question or arrest anyone without cause
- ICE cannot enter a private area of a business without permission or a judicial warrant
- Private areas must be marked private, the door must be closed or locked, and there must be a policy that visitors and the public need permission to enter the private area.





You Have The Right to Remain Silent!



- You have the right to remain silent, even if ICE agents keep asking questions
- You have the right not to speak to an immigration official
- Do not answer any questions. Instead, you can say you wish to remain silent. Say this loudly so everyone around you can hear!
- Don't give ANY information about where you were born or how you entered the United States.



You have the Right to Speak to An Attorney!



- You can say, “I need to speak to my lawyer!”
- ICE agents may pressure you to sign documents where you give up your right to consult a lawyer or appear before an immigration judge.
- **Before you sign ANY document, speak to a lawyer!**
- Make sure you understand exactly what the document says before your sign it.
- Keep any papers ICE gives you! They will have important information to give your family or your lawyer.





If ICE Is Arresting You:



- PLEASE TRY TO STAY CALM
- You should tell ICE agents of any childcare or medical needs you have
- DO NOT physically interfere with an arrest
- DO NOT LIE
- DO NOT give false or any foreign documents

Documents to Show ICE:

- Photo ID, such as a Municipal ID Card (NYCID), library card, U.S. driver's license, U.S. green card.
- If you do not have a New York City ID, get one.





Carry Documents to Avoid Expedited Removal



Carry documentation that shows that you've been in the U.S. **for at least 2 years:**

- Tax Returns (if filed with ITIN)
- Bills
- Children's school records
- Birth certificates of children born in the United States
- Lease(s)
- Bank statement(s)





Always Carry Copies of Any Valid Immigration Documents



- If you have a work permit or lawful permanent resident card (“green card”), make sure to carry a COPY with you in case you’re asked for ID.
- You may also carry proof of any pending or terminated immigration cases; ex: USCIS receipt notices or immigration court papers
- Carry with you evidence of living in the U.S. for longer than two years



YOU HAVE RIGHTS: DO NOT SHOW THESE DOCUMENTS TO ICE!



- Foreign Passport
- Consular ID
- Matrícula Consular (Mexico)
- National ID
- Foreign ID
- Expired visa
- Fake documents
- Documents that belong to someone else

These documents may be used against you in removal (deportation) **proceedings.**



YOU HAVE RIGHTS

If you are stopped by POLICE:



- Police may stop and briefly detain you only if there is reasonable suspicion that you committed, are committing, or are about to commit a crime.
- You should ask if you are under arrest or free to leave.
- You have the right not to speak. To exercise this right, you should tell the police, “I would like to remain silent.”



YOU HAVE RIGHTS

If you are stopped by POLICE:



- You never have to consent to a search of yourself, your belongings, your car, or your house. If the police say they have a search warrant, ask to see it. If they don't, say "I do not consent to this search." Police cannot arrest or ticket you simply for refusing to consent to a search.
- In New York, **unless you are driving a vehicle**, you are not required to carry ID, and you don't have to show ID to a police officer.
- If you are issued a summons or arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.





Make an Emergency Plan



- ✓ Keep important documents like birth certificates and immigration documents in a safe place where a friend or family member can find them.
- ✓ Begin collecting documentation that shows that you've been in the U.S. for at least 2 years, Ex: bills, children's school records, taxes, birth certificates of children born in the United States.
- ✓ Memorize the number of a friend, family member, or attorney you can call if you're arrested.
- ✓ Have money available for bond
- ✓ Setup a bank account you can access outside of the U.S.
- ✓ Make sure your family members know your Alien Number (A Number), if you have one
- ✓ If you care for children, have a plan for someone else to care for them by completing New York State Office of Children and Family Services Designation of Person In Parental Relationship Form (OCFS-4940)
- ✓ Planning resources for parents:
<https://planningwithparents.commonsgc.cuny.edu/>





Designation of Standby Guardian in the Event of Administrative Separation



DESIGNATION OF STANDBY GUARDIAN
IN THE EVENT OF ADMINISTRATIVE SEPARATION
Pursuant to section 1726 of the Surrogate's Court Procedure Act

(NOTE: As used in this form, the term "parent" shall include a parent, a court-appointed guardian of an infant's person or property, a legal custodian, or a primary caretaker. The term "child(ren)" means persons under 18 years of age and an "infant." The term "child(ren)" includes those of a court-appointed guardian, legal custodian or primary caretaker).

I, _____ hereby state that I am the parent/legal guardian/ legal custodian /primary caretaker of the child(ren) named below.

1. The child(ren) covered by this designation are:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. My address, and phone number are:

Address, Apt #: _____

City, State, Zip Code: _____ Tel # _____

3. I hereby designate the following person to act as standby guardian of the person and property of the child(ren) named above:

Name: _____

Address, Apt #: _____

City, State, Zip Code: _____ Tel # _____

Date of birth: _____ Interest/Relationship to the child(ren) _____

1

- Non judicial agreement between parent and designated person
- Developed by NYLAG
- Can commence upon the occurrence of a specified event
- Can be revoked orally or in writing
- Designee does not have to have legal status in the U.S.
- No duty of support placed on designee
- At this link, developed by NYLAG:
<https://planningwithparents.commons.gc.cuny.edu/wp-content/blogs.dir/3143/files/2018/07/Standby-Guardian-Designation-Form-Admin-Separation.pdf>





Locating Adults Detained by ICE



- Use the ICE detention locator to find adults in ICE custody:
<https://locator.ice.gov/odls/#/search>
- If that doesn't work, contact the local ICE field office.
- New York – Enforcement & Removal Office (ERO):
(212) 436-9315





Locating Minors (Under 18) Detained by ICE



Office of Refugee
Resettlement (ORR)
maintains a hotline to
locate children detained
without parents:

1-800-203-7001





Beware of Immigration Fraud



Use Only These Authorized Immigration Law Providers:

1. Immigration Lawyers
2. Non-profit organizations with DOJ Accredited Representatives (The government of the United States authorizes accredited representatives to help with immigration matters).

- **DO NOT** go to any provider for immigration services that advertises themselves as a notary public or "Notario".
- In the United States, notary publics are not lawyers.
- Notarios are not allowed to give legal advice, although they say they can help you.





Warning!

Do Not Give Money to Anyone Who...



- Refuses to give you a written contract.
- Charges you for blank immigration forms. Forms are free at: www.uscis.gov/forms
- Charges to place you on a “waitlist” or promises to put on a “fast track” for immigration reform. There is no such thing!
- Guarantees you a work permit or results in your favor based on their special immigration contacts.
- Asks you to lie on a form or asks that you sign a blank form.
- Keeps your original documents, or charges unreasonable fees to give you copies of your file.





Immigration Fraud Complaints



- NY State Attorney General's Offices: (800) 771-7755
- New York City District Attorneys:
 - Manhattan: (212) 335-3600
 - Bronx: (844) 590-7226
 - Brooklyn: (718) 250-3333
 - Queens: (718) 286-6690



Get Legal Help



ImmigrationLawHelp.org

Helping low-income immigrants find legal help



- You can find organizations that provide legal help either free or low cost at:
www.immigrationlawhelp.org
- The immigration court maintains a list of lawyers and organizations that provide free legal services:
<https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
- You can also find an attorney using the American Immigration Lawyers Association (AILA) search:
<http://www.ailalawyer.org>

OR

- Call the New York City Bar Referral Service:
(212) 626-7373 (English)
OR
(212) 626-7374 (Spanish)





More Helpful Resources



- **Office of New Americans (ONA)**
Hotline:
(212) 419-3737 / (800) 566-7636
- **To Report a Raid in NY:**
Immigrant Defense Project
(212) 725-6422
- **New York City**
Call 311- say “immigration”





Contact us for
more
information

- Call or Text: 845-288-2435
- Email: info@beaconimmigration.net

