

Immigrant Defense Project Fall 2020



Know Your Rights: ICE Raids

About Us



Immigrant Defense Project fights to protect and expand the rights of all immigrants, with a particular focus on immigrants accused or convicted of crimes.

We have been monitoring Immigration and Customs Enforcement (ICE) raids and community arrests—with a focus on the New York City area—since 2013.

Agenda



1. Who can be deported?
2. How does ICE find people?
3. What are our rights in public?
4. What are our rights at home?
5. FAQs and Resources

Terms & definitions



Customs & Border Protection (CBP):

uniformed officers within 100 mi of border and at ports of entry, can refer cases to ICE

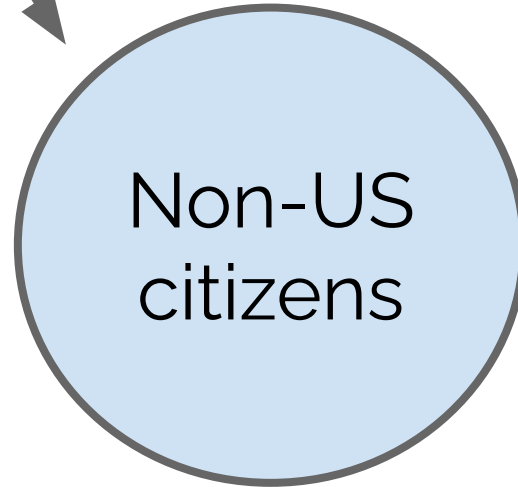
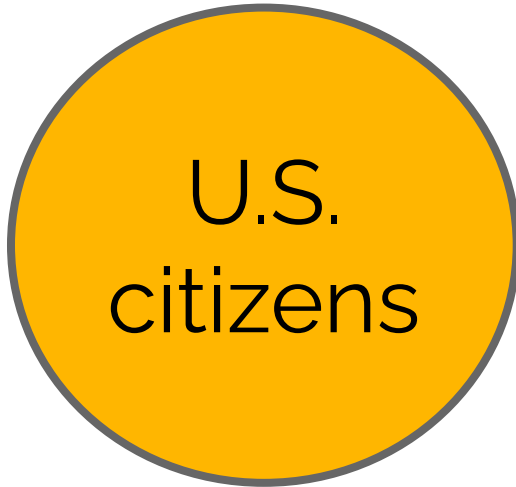
Immigration & Customs Enforcement

(ICE): interior enforcement, detainers and detention



**Who can be
deported?**

Who can legally be deported?



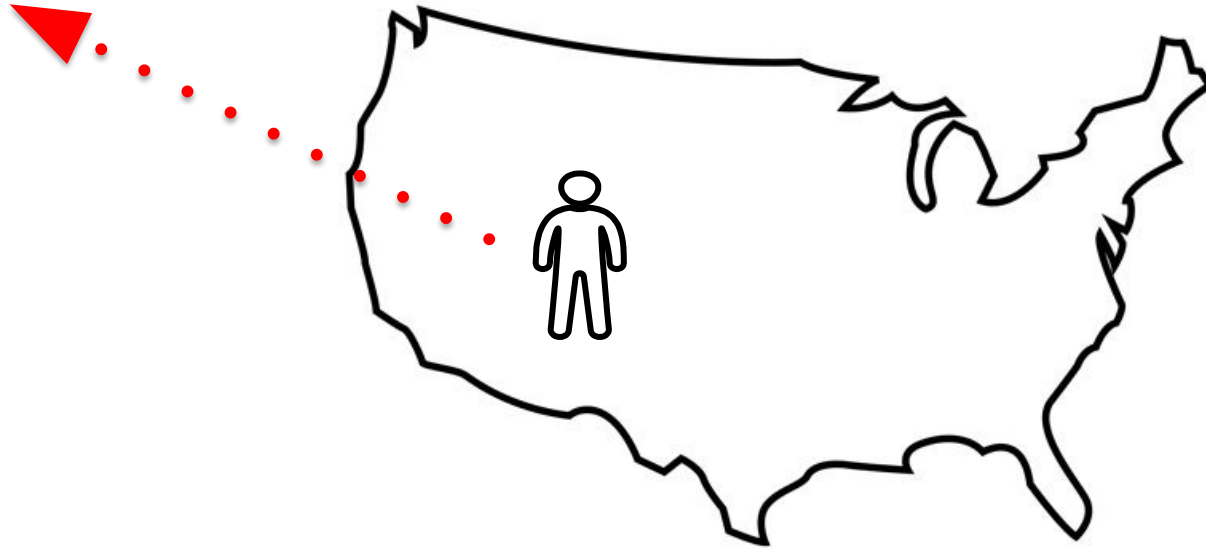
U.S. citizens cannot be deported.*

A large, solid orange circle with a thin grey border, containing the text 'U.S. citizens' in a black, sans-serif font.

U.S.
citizens

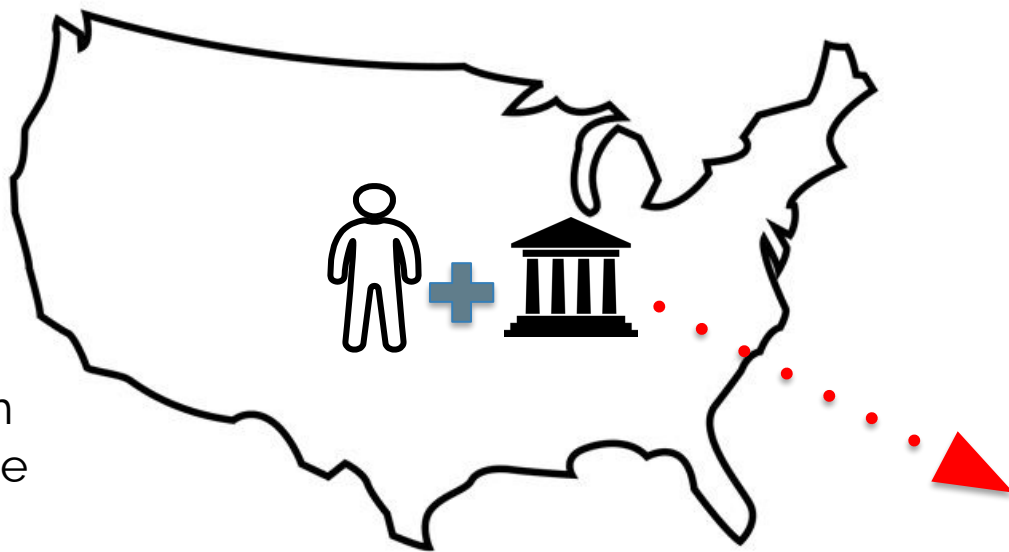
*unless there was certain
kinds of fraud in their
application to become a
U.S. citizen (naturalization)

Some people can be deported simply because they do not have lawful status...





Some people, like green card holders or asylees, could **become** deportable because of what happened in a Family or Criminal Court case.



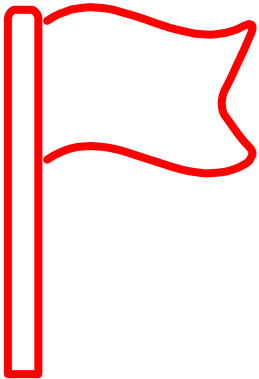
Note: Even cases from years or decades in the past can do this.

Who is at risk of being detained & deported now?



The government can try to deport anyone who is vulnerable to deportation, but in recent years ICE has targeted non-citizens who:

- ☐ have previously been ordered deported
- ☐ are undocumented and have had criminal contact (even pending charges)
- ☐ have overstayed their visa
- ☐ have status (e.g. green card holder, TPS, asylee) and certain criminal *convictions*



Immigration is complicated!



Many people do not understand their status or if they have immigration options:

I applied for something with an attorney but I don't know what happened.

I was caught at the border and the officer gave me paperwork I couldn't understand.

I came to the US as a child. I thought I got status through my parents but I don't know.

If you have questions about whether you could be at risk, talk to a trusted legal representative!

*NY residents can get a free immigration consult by calling the **New Americans Hotline: 1-800-566-7636**.*

**How does ICE find
people?**

How can ICE find where I live or work?

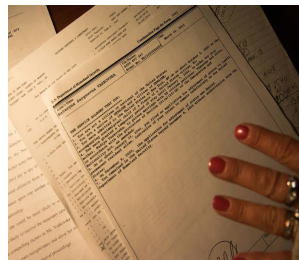


ICE can learn about person from different databases:

Department of Motor Vehicles (DMV)



Police and court records



Immigration applications



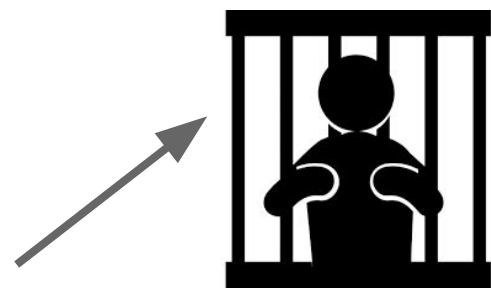
**Data brokers
(Thomson Reuters CLEAR)
and ICE databases (PALANTIR)**

Information Sharing Makes it Easy

When someone is arrested, fingerprints will be automatically sent to DHS via the FBI databases.



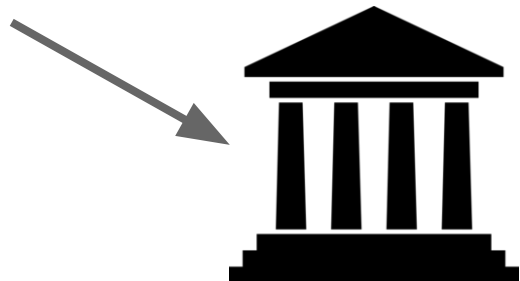
When ICE receives this information, they decide if they want to try to deport the person and where to find them



Some jails turn people over to ICE if there's a detainer or "hold"



ICE looks for people in the community and arrests them.



ICE may use info from police booking to learn about a person's future court hearings

Border Patrol Databases



CBP has fingerprinted all non-citizens who attempt to enter the U.S. on the border in recent years.

ICE uses this information to target a person who was arrested by CBP and try to deport them.





International Travel - US-VISIT

The U.S. collects biometrics and photographs of everyone applying for a visa. CBP fingerprints all non-citizens who attempt to enter the U.S. to identify people who they can deport, or who have open criminal cases or orders of protection against them.

CBP refers people to ICE





Immigration Applications

When people apply for status, green cards, or citizenship, USCIS asks about police or court contacts and takes fingerprints.

USCIS refers people to ICE



**U.S. Citizenship
and Immigration
Services**

License Plate Images



- In recent years, ICE increasingly relied on information from **Automated License Plate Readers** to monitor people for arrest.
- ICE uses information from state and private license plate databases to find out the registered owner of a vehicle.

How can ICE find where I live or work?



ICE officers conduct **surveillance** in some communities to look for people to deport.

Sometimes the officers **act like local police** who are investigating a crime.

They ask **family members** and **neighbors** for a person's **phone number, address, or their place of work**. Sometimes they take fingerprints of people who are questioned.



Why assert your rights?

IDP

It could help **build a defense in immigration court** for you or another person.

You can help **fight back against culture of fear** that ICE and CBP use to terrorize communities.

Because you have rights!



**What are our rights
in public?**



Know Your Rights: In Public Places

On the street

In public places in workplaces

At probation/parole

At courthouses

Driving or riding in a car

Know Your Rights: In Public Places



Important Points:

- ICE **doesn't need a judicial warrant** to arrest someone in public or to stop a car.
- ICE **usually knows the person** they are targeting and relies less on racial profiling.
- ICE sometimes **collects information or fingerprints** from other people who are nearby during an arrest. ICE might arrest those people at the same time or come back to arrest them later.

What about CBP?



The same rights apply to CBP and ICE, except:

- CBP has **special authority** in the “border” area:
 - Within 25 miles of border, CBP can stop and question people without a warrant **on private and agricultural land** (but not homes!)
 - Within 100 miles of the border, CBP can:
 - stop every car that passes through a **checkpoint**
 - pull over cars with “reasonable suspicion” during **roving patrols**
 - question everyone on **buses or trains and in stations** (if the driver or conductor consents)
- CBP and ICE cannot stop someone just because of their perceived race, but **CBP often violates this**.

Key Points: ICE or CBP Arrest in Public



THINK:

- NO INFO
- NO SEARCH

1. Ask if you are free to go.
2. Stay silent.
3. Don't give false or foreign documents.
4. Don't give them permission to search.

★ These rights apply to everyone regardless of your immigration status.

If ICE or CBP approaches you in public



- Immediately ASK: **AM I FREE TO GO?**
 - If yes, WALK AWAY!
- If the officers say **NO**
 - **REMAIN SILENT** or SAY: **I DON'T WANT TO TALK WITHOUT A LAWYER.**
 - Then, stay silent or repeat this for all questions.

Do I have to give my name?



Not always! Some states have “stop and identify” laws that require a person to provide their name if law enforcement asks. **In New York, you cannot be arrested just for refusing to give your name!**

Don't give ICE or CBP your name! Your name could be incriminating and used against you. You have the right to **REMAIN SILENT.**

→ SAY: **I DON'T WANT TO TALK WITHOUT A LAWYER.**

Do I have to give my ID or passport?



You don't have to show any ID if ICE or CBP does NOT ask!

- If an officer asks you for ID:
 - You can refuse to give your ID or passport. Say: **I DO NOT WANT TO GIVE YOU MY DOCUMENTS.**
 - Before you give an ID, ask questions to figure out whether the officer is ICE/CBP or from another law enforcement agency.
 - If you can, show a valid ID that does not say your place of birth or immigration status.

If ICE or CBP forces you to show ID, you can still say that you do not consent! **REMEMBER: Never give foreign or false documents!**



ACTIVITY!

**Look at the ID documents that you have with you right now.
What documents could ICE or CBP use against you?**

Okay:

- Municipal ID card
- Library card
- U.S. driver's license
- Student ID
- U.S. Passport

Not okay:

- non-U.S. Passport
- Consular ID or Matricula
- Fake ID
- Someone else's ID

Can ICE or CBP search me or my belongings?



NO! Not without your consent.

If the officers start to search you or your belongings, SAY:

I DON'T CONSENT TO YOU SEARCHING ME.

They may still search you & claim it is for officer safety. You should repeat that you don't consent. It may help you in court.

To protect private information on your phone, use a numerical passcode and do not consent to unlocking your phone. Turn off Touch ID or Face ID.

Car Stops



ICE and CBP usually **pull over a car** on the road when they are monitoring someone in the car who they think has violated an immigration law.

ICE and CBP do **not need a judicial warrant** to stop a car.

CBP also uses **temporary and permanent checkpoints in the 100-mile border area**, where officers can stop any car.

★ Checkpoints have special rules, but everyone still has the right to remain silent!!





What should I do if ICE or CBP stops my car on the road?

It is safest to **pull over** and then **ask questions** to find out if the officers are ICE or CBP and why they stopped you.

ASK:

- **"ARE YOU THE POLICE?"**
- **"ARE YOU HIGHWAY PATROL?"**
- **"ARE YOU IMMIGRATION?"**
- **"WHY AM I BEING STOPPED?"**

What if the officer asks for my ID?



- If you are **the driver**: ICE and CBP can ask to see a driver's license. But you still have the right to **remain silent**.
- If you are **a passenger**: You have the right to **remain silent** AND can **refuse to give an ID** if asked for it.
 - SAY: **I DO NOT CONSENT TO GIVING YOU MY DOCUMENTS.**

IMPORTANT: DON'T lie or show false or foreign documents. Don't answer any questions about your criminal or immigration history.



What if the officer tells me to get out of the car?

- ICE and CBP **can** demand that everyone get out of the car.
- Assess the situation: It might be safest to follow orders.
 - BUT keep asking: **WHY ARE YOU STOPPING ME?** or **STAY SILENT**
- **REMEMBER!** ICE and CBP **cannot** search your pockets without a warrant or your consent.
 - SAY: **I DON'T CONSENT TO YOU SEARCHING ME.**

The officers may still search you & claim it is for officer safety. You should repeat that you don't consent. It may help you in court.

Can ICE or CBP search my belongings or my car?



NO! All officers need a judicial warrant or your consent to search anything!

If officers search your belongings or your car, including your trunk or glove compartment, **SAY:**

- **I DON'T CONSENT TO YOU SEARCHING MY BELONGINGS.**
- **I DON'T CONSENT TO YOU SEARCHING MY CAR.**

The officers may still search & claim it is for officer safety. You should repeat that you don't consent. It may help you in court.

What are my rights at CBP checkpoints?



CBP can set up checkpoints within 100 miles of the border

- Officers can ask brief questions about a person's immigration status and inspect the outside of the vehicle
- Officers can send a vehicle to a "secondary inspection"
- CBP must still have "probable cause" to arrest someone

REMEMBER: YOU HAVE THE RIGHT TO REMAIN SILENT!

The officers might keep you at the checkpoint longer, but they cannot arrest anyone or search the car just because you refuse to answer questions.

→ ASK: **AM I FREE TO GO?**

→ If the officer says you cannot leave, **STAY SILENT** or SAY: **I DON'T WANT TO TALK WITHOUT A LAWYER.**

Where can CBP go in the border area?



IDP

Within 100 miles	Within 25 miles**
Buses and trains	Private land
Stations and terminals	Agricultural areas

****Homes are different! We'll talk about this next.**

- CBP **does not need a judicial warrant** to enter if the landowner or driver consents.
- Officers **can** ask anyone about their immigration status and ask for ID.
- But CBP **cannot** search you or your belonging without your consent!

YOU HAVE THE RIGHT TO REMAIN SILENT:

- ASK: **AM I FREE TO GO?**
- If officer says you cannot leave, **STAY SILENT** or SAY: **I DON'T WANT TO TALK WITHOUT A LAWYER.**

**What are our rights
at home?**

Know Your Rights: Residences



Private houses

Apartments

Shelters

Supportive housing

Know Your Rights: Residences



Important Points:

- ICE needs a **judicial warrant** or **consent** to enter a home.
- ICE needs a **judicial warrant** or **consent** to search a home.
- ICE uses **intimidation and ruses** to prevent people from invoking their rights and to get inside the home.
- Some areas **just outside the home** are protected from ICE.

Key Points: ICE AT YOUR HOME



THINK:

- **NO INFO**
- **NO ENTRY**
- **NO SEARCH**

1. Identify who you are talking to: ask for ID and a warrant.
2. Don't open the door. Ask ICE to leave.
3. If agents are inside, ask ICE to leave.
4. Don't give ICE documents or information.
5. Tell them you don't want them to search.

★ These rights apply to everyone regardless of your immigration status.

What is a home?



→ The space where someone **lives**

Examples:

- ❑ **House**
- ❑ **Apartment**
- ❑ **Bedroom** in shared housing
- ❑ **Exclusive space** in a shelter





What is a home?

Includes the area immediately outside a home where home activities happen.**

Examples:

- ❑ Area just **outside a home entrance** (such as a doorstep)
- ❑ **Garage** or driveway
- ❑ Space or yard **inside** of a closed **property fence or gate** (especially if locked!)
- ❑ **Hallways** inside of apartment buildings

ICE can be in these places if the **public can be there, but **they must leave if they don't have a warrant AND you tell them they can't be there.**



Warrant or Consent

The only way ICE can enter a home is with:

- a **warrant** signed by a judge
- OR
- **consent**

If ICE has a proper judicial warrant, they will enter the home even if they don't have permission.

Immigration warrant = no entry



U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [REDACTED]
Event No. [REDACTED]
Date: October 20, 2010

PTNO # [REDACTED]

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
[REDACTED] (if case of wife)
an alien who entered the United States at or near [REDACTED] on
March 1, 2003 is within the country in violation of the immigration laws and is
therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Certificate of Service

Served by me at NASHVILLE, TENNESSEE on October 20, 2010 at 12:00 AM
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

[REDACTED]
(Signature of officer serving warrant)
SENIOR SPECIAL AGENT
(Title of officer serving warrant)

Form 520 (Rev. 06/03/07)

ICE Rule 26 00145
ICE 2014-FOIA-01576-000250

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ICE typically doesn't have a warrant signed by a judge.

They usually have a document signed by an ICE supervisor that has the word "warrant" written on it.

Administrative ICE warrants do not permit ICE to enter or search a home.

CAUTION: ICE pretends to be local police



ICE agents often pretend to be **local police officers** and do not say that they are actually ICE.

They might:

- Wear vests that say "POLICE"
- Wear similar colors as local law enforcement
- Call themselves "detective"
- Say they are from a real police precinct or from the "warrant squad" or "narcotics squad"
- Pretend to conduct investigations or ask who is in the home

Ask to see an officer's ID before opening the door or answering questions!

Identifying officers at the door



Figure out who the officers are **BEFORE** opening the door or answering any questions

- Ask to see ID.
- Ask them to slide a card under the door.
- ASK: **ARE YOU THE POLICE?**
 - **NOTE:** It is helpful to include the name of the local police department or sheriff's office - ICE officers are not supposed to pretend to be part of a police agency.
- Ask them to slide a warrant under the door. Take a photo of it!

Identifying officers at the door



If you can't figure out who the officers are and don't want to open the door, you can SAY:

- **"I DON'T WANT YOU IN MY HOME AND I DON'T WANT TO SPEAK TO YOU."**
- **"I DON'T GIVE YOU PERMISSION TO BE IN FRONT OF MY DOOR. PLEASE LEAVE."**

If ICE is inside the home



You can still assert your rights!

Say: **I DON'T CONSENT TO YOU BEING IN MY HOME. I DON'T CONSENT TO YOU SEARCHING MY HOME.**

Keep asserting your rights, even if the officers aren't listening to you or you told the officers they could come in and then you changed your mind.

★ **REMEMBER!** ICE officers are armed. Never try to physically interfere with an arrest. Keep asserting your rights verbally!

REMEMBER: Don't give ICE an ID!



- People can be prosecuted for using **false documents**.
- ICE can use **foreign documents** to try to deport you.
- **An ID** can help ICE find out who you are or your immigration status.

If ICE asks for your ID or to bring them someone else's ID, SAY:

- ➔ **I DON'T WANT TO GIVE YOU MY DOCUMENTS.**
- ➔ **I DON'T WANT TO GIVE YOU ANOTHER PERSON'S DOCUMENTS.**

FAQs and Resources

If I witness a raid, can ICE take my fingerprints?



- If ICE has arrested you, it is legal for them to take your fingerprints as part of the booking process
- If you are **not** under arrest by ICE, you may refuse fingerprinting but ICE may decide to arrest you if you refuse.
- **SAY:**
 - ➔ **I DO NOT CONSENT TO HAVING YOU TAKE MY FINGERPRINTS.**

Do not physically resist if ICE fingerprints you. Repeat that you do not consent.

If I'm not under arrest, do I have to show ICE my ID or documents?



- **NO.** If ICE asks for your documents **SAY: I DO NOT CONSENT TO GIVING YOU MY DOCUMENTS.**
- Do not physically resist if ICE takes your documents. **Repeat** that you do not consent

Why should I document an ICE raid?



- If you witness ICE violating your rights or the rights of anyone else, it may help the person who is facing deportation.
- You can help the person's legal case by video recording or writing down details, even if you are not a family member. Share this info with an attorney or advocate.



What do I need to document?

- **Where and when was the encounter with ICE?**
- **How did ICE officers present themselves?**
 - Pretend to be police? Refused to identify themselves?
- **What did the ICE agents say?**
 - Lied to enter the home, intimidated anyone, or used verbal/physical force?
- **Was consent was given?**
 - ICE officers' reaction if not given consent to enter/search

Be safe while recording a raid



- You can film ICE as long as you don't "interfere" with their "duties" and don't do it in secret.
- **REMEMBER:** ICE agents are armed. It could be dangerous to run to get a phone or reach into your pocket, just like when interacting with police. Be aware of the physical safety of everyone involved.
- You can document a raid by taking a photo (if safe) or by writing down what you witnessed after the fact.

Be safe while recording a raid



If you decide to record a raid on your phone and ICE officers ask you to hand over your phone, don't physically resist them.

SAY:

- ➔ **I DON'T CONSENT TO GIVING YOU MY PHONE.**
- ➔ **I DON'T CONSENT TO A SEARCH OF MY PHONE.**

To protect private information on your phone, use a numerical passcode and do not consent to unlocking your phone. Turn off Touch ID or Face ID.

IDP Know Your Rights Resources



- **Know Your Rights with ICE materials:**
KYR flyers, booklets, home raid poster, car stop flyer, common police ruses flyer, webinars and tips of filming ICE
- **Infographics** that communicate ICE's deceptive methods
- **Guide** on when someone in detention has a right to see an immigration judge and what their rights are during the process.
- **ICEwatch**, an interactive map with over a thousand raids reports



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) arrests in the community.

KNOW YOUR RIGHTS with ICE

Am I at risk of being arrested by ICE?

If you are potentially deportable, but ICE has common targets including:

Legal Permanent Residents (LPRs) with prior convictions Be aware: You may be a target even if: <ul style="list-style-type: none">• Your conviction is from years ago;• You didn't serve time in jail;	Undocumented people with violations or convictions: Be aware: You may be a key target if you: <ul style="list-style-type: none">• are undocumented and have a
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immdefense.org/kyr

IDP KYR Website



<https://knowyourrights.immdefense.org/>

- Best saved on a smartphone
- Easily accessible KYR information in English and Spanish
- Topics include:
 - ❑ How to prepare for a possible ICE raid
 - ❑ What to do if ICE is at your home
 - ❑ What to do if ICE stops someone on the street, at a courthouse, or in a car,
 - ❑ What to do if someone is detained