

**KNOW YOUR RIGHTS
CONOZCA SUS
DERECHOS**

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Public Law Center



SERVICE AREAS/AREAS DE SERVICIO:

Immigration Law/ Ley de Inmigración

Housing Law/ Ley de Vivienda

Family Law/ Derecho Familiar

Consumer Law / Ley del Consumidor

Health Law / Ley de Salud

Federal Tax Clinic/ Clínica de Impuestos Federales

Veterans Advocacy Project/Proyecto de Defensa de Los y Las Veteranos/Veteranas

Small Business & Nonprofit

Project/Proyecto de Pequeña Empresa y Sin Fines de Lucro

AGENDA

- (1) Enforcement Priorities/ Prioridades de Deportación
- (2) Expedited Removal/ Deportación Inmediata
- (3) Protected Areas / Áreas Protegidas
- (4) Sanctuary Jurisdictions / Santuarios
- (5) Your Constitutional Rights / Derechos Constitucionales
- (6) Emergency Planning / Planificación de Emergencia

ENFORCEMENT PRIORITIES

PRIORIDADES DE DEPORTACION

- **Before** = prior administration prioritized enforcement of (1) noncitizens who pose a threat to national security, (2) noncitizens who pose a threat to public safety, and (3) noncitizens who pose a threat to border security
- **Antes** = la administración previa dio prioridad de deportación a (1) no ciudadanos que eran amenazas a la seguridad nacional, (2) no ciudadanos que eran amenazas a la seguridad pública, y (3) no ciudadanos que eran amenazas a la seguridad fronteriza
- **Now** = President Trump issued an order directing ICE to prioritize enforcement against all immigrants who have violated immigration or criminal laws, especially those who “threaten the safety or security of the American people”
 - Individuals who are arrested for violating immigration law(s) will be detained pending the outcome of removal proceedings or removal from the U.S.
 - Will also prioritize criminal prosecution of individuals who get caught entering the U.S. without permission/authorization
- **Ahora** = Presidente Trump ha ordenado a ICE que den prioridad de deportación a todos los inmigrantes que han violado las leyes de inmigración o penales, especialmente a los que “amenazan el bienestar o seguridad del pueblo estadounidense”
 - Las personas arrestadas por violar las leyes de inmigración permanecerán detenidas durante el proceso de deportación o hasta que la deportación suceda
 - También se está dando prioridad al proceso penal en contra de personas que entran a Estados Unidos sin permiso o autorización

EXPEDITED REMOVAL

DEPORTACION

INMEDIATA

- Allows ICE/CBP to quickly deport someone they believe is undocumented without ever seeing a judge UNLESS the person says they're afraid to return to their country of origin & passes a screening interview
- Permite a ICE/CBP que deporten a un no ciudadano sin presentarse ante un juez AL MENOS que la persona diga que tiene miedo de regresar a su país de origen y pasar una entrevista
- Before it only applied against people within 100 miles of the border & within 14 days of their arrival in the U.S.
- Antes solo se aplicaba a personas dentro de 100 millas de la frontera y dentro de 14 días de su llegada a los EE.UU.
- **Now, it can apply anywhere in the country against any undocumented person who entered the country without admission or parole & who can't prove they have been in the U.S. for 2 years**
 - Carry evidence that you have been in the U.S. for 2 years (e.g., mail with your home address, school records, lease agreement etc.) and share it with ICE/CBP *if/after* you have been taken into custody
 - Carry evidence that you lawfully entered the U.S. (visa, parole)
 - If you have a fear of returning to your country of origin, express that!
 - Ahora, aplica en todo el país contra cualquier no ciudadano que entró sin permiso a EE.UU. y no puede comprobar que ha permanecido en el país dos años
 - Deben llevar evidencia de haber permanecido en E.E.U.U. por 2 años (correo con su dirección, registros escolares, contratos de alquiler, etc.) y mostrar a ICE o CBP SI lo han detenido
 - Deben llevar evidencia de su entrada legal a EE.UU. (visa, parole)
 - Si tiene miedo de regresar a su país de origen, ¡debe decírselo al oficial!

PROTECTED AREAS/AREAS PROTEGIDAS

BEFORE/ANTES

- Schools (all levels)/Escuelas
- Hospitals, medical or mental health facilities/clinics/Hospitales, instalaciones médicas o de salud mental/clínicas
- Religious institutions/Centros religiosos
- Places where children gather (childcare centers, bus stop)/Lugares donde se congregan los niños/niñas (guarderías, paradas de autobuses)
- Social services establishments/Establecimientos de servicios sociales
- Funerals, weddings/ Funerales, bodas
- Public demonstrations (parades, rallies, demonstrations)/ Manifestaciones públicas (desfiles, mítines, manifestaciones)
- Courthouses (limited)/Cortes

NOW/AHORA

- President Trump has rescinded the policies that protected these areas
- Presidente Trump ha eliminado las directivas que protegían estas áreas
- ICE issued a memo allowing enforcement at courthouses (generally excludes non-criminal courts like family or small claims court)
- ICE decretó una directiva permitiendo arrestos en las cortes (excluye cortes que no son penales como cortes familiares o reclamos menores)

SANCTUARY JURISDICTIONS/ SANTUARIOS

- Trump administration will be challenging sanctuary jurisdictions
- El gobierno de Trump va a retar los santuarios
- Sanctuary jurisdictions limit local law enforcement cooperation with ICE
- Estados, ciudades que se denominan como santuarios limitan la colaboración entre agencias del orden público locales y ICE
- The State of California became a sanctuary state in 2017/ El estado de California ha sido un santuario desde 2017
 - California Values Act (SB 54), prohibits the use of state and local resources to assist in federal immigration enforcement
 - La ley SB 54 prohíbe el uso de recursos estatales y locales para ayudar en aplicación de la ley federal de inmigración
 - **This law is still in effect! Esta ley sigue vigente!**

CALIFORNIA VALUES ACT (SB 54)

- Prohibits the police & sheriffs from/Prohíbe a la policía y los sheriffs:
 - Asking about your immigration status/preguntar su estatus de inmigración
 - Arresting you for having a deportation order or immigration violation/detenerlo por tener una orden de deportación o una violación de inmigración
 - Sharing your personal information with ICE unless it's publicly available/Compartir su información personal con ICE al menos que sea públicamente disponible
 - Holding you in jail for extra time so ICE can arrest you/Detenerlo en la cárcel por tiempo extra para que ICE pueda arrestarlo
 - Allowing ICE to interview you without your consent (YOU HAVE THE RIGHT TO REFUSE)/Permitir a ICE entrevistarlo sin su consentimiento (TIENE DERECHO DE NEGARSE)
 - Telling ICE when you will be released or transferred from custody/ Decirle a ICE cuando lo van a soltar o transferir de custodia
 - Exception: they *may* inform ICE if you have certain convictions like a felony or higher-level misdemeanor conviction within 5 years ; or if the date is already public. If they choose to notify ICE, they must give you advance written notice/Excepción: tienen la opción de informarle a ICE si tiene ciertas condenas como felonías o delitos menores más serios dentro de los últimos 5 años, o la información ya es pública. Si deciden informarle a ICE, deben de informarle por escrito con anticipación

CONSTITUTIONAL RIGHTS/DERECHOS CONSTITUCIONALES

Right to remain silent/Derecho a permanecer en silencio

Right to refuse to sign documents/Derecho a negarse a firmar documentos

Right to refuse to give documents/Derecho a negarse a dar documentos

Right to deny access to your home (unless they have a valid warrant)/Derecho de negar la entrada a su hogar (al menos que tengan una orden judicial)

Right to an attorney (but at your cost)/Derecho a un abogado (pero tienen que pagar)

GENERAL TIPS/CONSEJOS GENERALES

- Make sure you know whether the officers are police/sheriff's *or* ICE officers/Compruebe si los oficiales son policías/sheriffs u oficiales de ICE
- Never provide fake documents or lie to ICE officers/Nunca entregue documentos falsos o les mienta a los oficiales de ICE
- Do not provide foreign identification documents/No entregue documentos de identificación del extranjero
- Do not provide them with information about your immigration status or place of birth/No les den información de su estatus de inmigración o su lugar de nacimiento
- Do not provide them with proof of a pending immigration application or work permit right away/No les de comprobantes de una petición pendiente de inmigración o un permiso de trabajo de inmediato
- Ask ICE if they have a warrant/Pregunten si ICE tiene una orden judicial
- Provide ICE officers with a red card/Entreguen la carta roja a los de ICE
- Remember details about the encounter/Trate de grabar o memorizar detalles del encuentro

WARRANTS/ORDEN DE DETENCIÓN

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

AO 93 (Rev. USM Search and Seizure Warrant)

UNITED STATES DISTRICT COURT
for the
Eastern District of California

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

Case No. _____

[Redacted]
Davis, California 95616

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **211-SW-0161EFB**

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 EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(Date to execute (if date)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable 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 _____ (name)

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 alien or whose property, will be searched or seized (check the appropriate box) for _____ days (not to exceed 30)
Or until the first justifying, the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

[Signature]
DOMINGO F. BRENNAN, U.S. MAGISTRATE JUDGE
(Print name and title)

Is this the right address?

Is it still current?

Note: only the person, property, & areas specified may be searched

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien) _____
who entered the United States at _____ on _____
(Place of entry) (Date of entry)

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

an immigration judge in exclusion, deportation, or removal proceedings
 a 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:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security 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:

[Signature]
(Signature of immigration officer)

(Title of immigration officer)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

SAMPLE

RED CARDS/TARJETAS ROJAS

Usted tiene derechos constitucionales.

- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA.
- NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado.
- ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.



I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

IF ICE STOPS YOU IN PUBLIC

SI ICE LO DETIENE EN PÚBLICO

- Remember, they cannot arrest you unless they have a valid warrant or evidence that you do not have immigration status.
- **Recuerde, no lo pueden arrestar al menos que tengan una orden judicial o evidencia DE que no tiene estatus de inmigración**
- **What can you do?/Que puede hacer?**
 - Ask the officer, “Do you have a warrant?”/Preguntarle al oficial, “Tiene una orden judicial?”
 - If they say yes, ask to see it & confirm whether it is valid./Si dicen sí, pida verla y confirme que sea válida.
 - If it is invalid, ask if you can walk away. If they say yes, walk away slowly & do not answer any questions./Si es inválida, pregunte si se puede ir. Si dicen que sí, váyase normalmente y no responda a preguntas.
 - If it is valid, remain silent and/or give the officers your red card./Si es válida, permanezca en silencio y/o entréguele la carta rojo al oficial.
 - If they say no, ask “Am I being arrested?”/Si dicen no, pregunte, “Me están deteniendo/arrestando?”
 - If they say no, ask if you can walk away. If they say yes, walk away slowly & do not answer any questions/Si dicen no, pregunte si se puede ir. Si dicen que sí, váyase normalmente y no responda a preguntas.
 - If they say yes, remain silent and/or give the officers your red card./Si dicen si, permanezca en silencio y/o entréguele la tarjeta roja al oficial.

IF ICE STOPS YOU IN YOUR CAR/ SI ICE LO DETIENE EN SU AUTOMOVIL

- Remember, they cannot arrest you unless they have a valid warrant or evidence that you do not have immigration status. Recuerde, no lo pueden arrestar al menos que tengan una orden judicial o evidencia que no tiene estatus de inmigración
- You should not drive without a valid Driver's License, insurance, & registration/No debe manejar sin una licencia de conducir vigente, aseguranza, y registraci3n del auto
- If you are pulled over, remain in the car & put your hands on the steering wheel so that the officer can see them/Si lo detienen, permanezca en el auto y ponga sus manos en el volante para que el oficial pueda ver sus manos
- You can provide the officer with a valid Driver's License or State ID if asked /Puede mostrar su licencia de conducir vigente o identificaci3n estatal
 - Remember, do not provide foreign identification documents or proof of a pending immigration application or work permit/Recuerde, no entregue documentos de identificaci3n del extranjero o comprobante de una petici3n de inmigraci3n o permiso de trabajo
 - Passengers do not need to provide identification. They can say something like "I am a passenger & do not wish to give my ID" and/or give the officers a red card/Los pasajeros no tienen que dar identificaci3n. Ellos pueden decir, "Soy un pasajero y no quiero dar mi identificaci3n y/o den una tarjeta roja
- **What can you do?/Que puede hacer?**
 - Ask "Why am I being stopped?"/Preguntar, "¿por qu3 me est3n deteniendo?"
 - Ask "Am I free to go?"/Preguntar "Me puedo ir?"
 - If ICE says yes, leave calmly/Si dicen que s3, vayase tranquilo
 - If ICE says no/Si dicen que no
 - You should remain silent and/or give the officers your red card/Permanezca en silencio y entregue una tarjeta roja
 - Ask if they have a warrant if they try to arrest you, search you, or search your car/Pregunten si tienen orden judicial si quieren detenerlo, buscarlo a usted o a su auto
 - You can refuse a search if ICE does not have a valid warrant/Puede negarse a una examinaci3n si no tienen orden judicial
 - If they ask you to get out of the car, you should ask them why but comply/Si le piden salir del auto, pregunte porque pero siga la orden
 - Remain silent and/or give the officers your red card whether you are arrested or not/Permanezca en silencio y/o entregue la tarjeta roja

IF ICE GOES TO YOUR WORK/SI ICE VA SU TRABAJO

Remember, they can only enter private areas with a valid warrant or permission from your employer/Solo pueden entrar en áreas privadas con orden judicial o consentimiento de su empleador/patrón

- Remember, they cannot arrest you unless they have a valid warrant or evidence that you do not have immigration status.
- Recuerde, no pueden arrestarlo al menos que tengan orden judicial y/o evidencia que no tiene estatus migratorio
- **What can you do?/¿Qué hacer?**
 - Try to remain calm & do not run away/Mantenerse calmado y no correr
 - If an officer approaches you, remain silent and/or give the officers your red card/Si un oficial se le acerca, permanezca en silencio y/o entregue la tarjeta roja

IF ICE GOES TO YOUR HOME/EN EL HOGAR

- Remember, if they do not have a valid warrant, they cannot arrest you or enter your home
- Recuerde, si no tienen orden judicial, no pueden arrestarlo o entrar a su domicilio
- **What can you do?/Que hacer?**
 - DO NOT OPEN THE DOOR. If you do, they can interpret this as permission to enter your home./NO ABRA LA PUERTA. Si la abre, ellos pueden tomarlo como consentimiento para entrar.
 - Through the door, ask the officer, “Do you have a warrant?”/Por la puerta, pregunte, “¿tienen orden judicial?”
 - If they say yes, ask to see it & confirm whether it is valid. Ask them to slip it under the door or show it through the window./Si dicen que sí, pida verla y confirme que está vigente. Pida que la pasen por debajo de la Puerta o por una Ventana.
 - If it is invalid, say you do not consent to their entry & ask them to leave. Then remain silent and/or slip the red card under the door./ Si no es vigente, diga que no da su consentimiento para entrar y pídale que se vayan. Luego permanezca en silencio y pase la tarjeta roja por debajo la Puerta.
 - If it is a valid *arrest* warrant/Si la orden judicial es vigente
 - That individual should exit the home & remain silent and/or give the officers a red card./Esa persona debe salir del hogar y permanecer en silencio y/o dar la tarjeta roja.
 - If it is a valid *search* warrant/Si la orden judicial de buscar es vigente
 - They can search only the areas indicated on the warrant. /Solo pueden buscar las áreas indicadas en la orden
 - This doesn't mean you have to speak to them. Remain silent and/or give the officers a red card. NO HABLE CON LOS OFICIALES. Permanezca en silencio y/o entregue la tarjeta roja.

WHILE IN CALIFORNIA CRIMINAL CUSTODY (JAIL OR PRISON)/EN LA CARCEL O PRISION

- **What can you do?/¿Qué hacer?**
 - Remain silent & do not sign anything
 - Permanecer en silencio y no firmar nada.
- If ICE wants to interview someone in jail or prison, local law enforcement must provide you a written consent form which allows you to/Si ICE lo quiere entrevistar, usted debe contar con una forma escrita dando su consentimiento:
 - Decline the interview/No acepte ser entrevistado
 - Proceed with the interview, but only with an attorney present, /Siga con la entrevista pero con abogado presente O/OR
 - Proceed with the interview without an attorney/Hacer la entrevista sin abogado

You should ALWAYS decline the interview/SIEMPRE debe negarse a la entrevista

ICE ARRESTED ME, WHAT DO I DO?/ME ARRESTARON, ¿QUÉ HAGO?

- To avoid an expedited removal/Para evitar la deportación inmediata:
 - If applicable, provide proof that you have been in the U.S. for at least 2 years /Si puede, compruebe que ha estado en EE.UU. por los últimos dos años
 - If applicable, provide proof that you lawfully entered the U.S. /Si puede, muestre entró legalmente a EE.UU.
 - If applicable, state that you have a fear of returning to your country of origin/Si puede, diga que tiene miedo de regresar a su país de origen
- To avoid further enforcement/Para evitar otros esfuerzos de deportación:
 - Provide proof of a pending immigration application or work permit to hopefully be released and/or avoid detention /Muestre una solicitud pendiente o permiso de trabajo
- Ask to contact your attorney and/or to have your attorney present during any questioning/Pida hablar con un abogado y/o que esté presente durante su entrevista
- Do not sign anything without consulting with an attorney /No firme nada sin consultar con un abogado
- Ask to make a phone call & contact a family/friend to inform them that you've been arrested so that they can support you/ Pida hacer una llamada y contactar a un amigo/pariente para informarles que ha sido arrestado
- If transferred to ICE detention, ask for a bond hearing with a judge /Si lo transfieren a detención con ICE, pida una audiencia de fianza con un juez

WHAT CAN I DO NOW TO PREPARE FOR AN EMERGENCY?/¿CÓMO PREPARARSE AHORITA?

- Consult with an immigration attorney to discuss your options now & if you were to be placed in deportation proceedings. If you have an attorney, carry their contact information with you so you can call them if arrested/detained/Consulte con un abogado de inmigración para hablar de sus opciones. Si tiene un abogado, mantenga con usted la información de su abogado.
 - If you have criminal history, determine with an immigration attorney whether you have a conviction that has immigration consequences & whether you can get it vacated (have it voided) /Si tiene antecedentes penales, hable con un abogado de inmigración para ver cómo le afecta y si puede anular la condena
- Have a “point of contact” like a trusted family member or friend you will contact if arrested/detained who can offer support (like making phone calls to attorney, collecting documents, etc.)./Tener a alguien que puede llamar si lo detienen/arrestan
- Always carry your red card with you. /Mantenga su tarjeta roja con usted
- If applicable, also carry proof of a pending application, work permit, & any grants of deferred action. Do NOT carry any foreign ID documents (like passport, consulate card, etc)/Si aplica, mantenga copias de sus peticiones, permiso de trabajo o la acción diferida. NO cargue documentos del extranjero
- Prepare a folder or envelope with important documents & information you may need for your case and/or bond hearing. Your point of contact should know where this is./Prepare una carpeta con sus documentos y que su contacto esté informado de cómo ubicarlo.
- Discuss your rights with your family & have a plan Everyone in the home should know what to do if ICE comes to your home & that they should not open the door for ICE./Hable con su familia de sus derechos y un plan. Todos en el hogar deben saber que hacer si ICE llega a la casa y que no abran la Puerta.
- Make a childcare plan / Plan de cuidado de menores de edad



HELPFUL RESOURCES/RECURSOS ADICIONALES

Orange County Rapid Response Network

(714) 881-1558

ICE Detainee Locator

<https://locator.ice.gov/odls/#/search>

Immigration Advocates Website <https://www.immigrationadvocates.org/legaldirectory/>

Public Law Center

(714) 541-1010 ext. 332

QUESTIONS?