

Know Your Rights – Immigration Raids

The White House has announced a plan for increased immigration raids this weekend. In the event you encounter immigration authorities, here is some information about important rights. These rights apply to all U.S. Citizens, legal immigrants, and undocumented immigrants.

NO SEARCH WITHOUT A WARRANT

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Immigration authorities cannot enter or search your home or other private areas such as your car, personal belongings, or non-public areas of your work place without a warrant signed by a judge. If officers are at the door, ask them to pass the warrant under the door before you open it. Do not agree to allow an officer to enter your home if they do not have a valid warrant to search. An arrest warrant or “administrative warrant for removal” is NOT enough to allow officers to enter a private home. To enter a home or non-public work area (in California) officers must have a valid search warrant that says the officers have a right to enter or search that particular address. Look at the warrant carefully to see if it was issued by a court and signed by a judge. A warrant issued by the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE) does NOT give immigration agents the right to enter a private home or non-public area of a workplace. Make sure the address on the warrant matches the address of the location searched. If officers do enter your home or car without your consent or by force, do not resist. You should say out loud “I do not consent to your search.”

RIGHT TO REMAIN SILENT

When being questioned by a law enforcement officer, you have the right to remain silent. This means if officers contact you at your home, at work, in your car or on the street, you have the right to remain silent. You should tell the officer out loud “I want to speak to my lawyer and I choose to remain silent.” You are not required to answer questions about your immigration status or related questions. Anything you say can be used against you later in any court case or immigration case.

RIGHT TO AN ATTORNEY

If you are arrested, you have the right to an attorney. When being questioned by an officer, you can ask if you are being arrested. If the officer says you are being arrested, you may remain silent and demand to speak to your attorney immediately.

RIGHT TO A PHONE CALL

If you are arrested, you have the right to make a phone call. Think about who you would call and memorize the phone number.

RIGHT TO A HEARING

Under most circumstances, you have the right to argue your case before an immigration judge. This may not apply if you have certain criminal convictions or a prior removal order.

Be Prepared:

- If you have an “A-number” (alien registration number), make sure you and your family members know it at all times. If you are arrested by ICE, your family can locate you with your A-number at <https://locator.ice.gov/odls/#/index>.
- Keep important documents such as birth certificates, your A-number, passports, visas, or other immigration documents in a safe place at home, and make sure your family members know where to locate them.
- If you have children, make a plan for their care in the event you are detained. One good example is https://www.ilrc.org/sites/default/files/resources/kyr_two_pager.pdf.
- Carry the contact information of a trusted resource for immigration legal advice with you at all times. You can find an immigration lawyer near you here: <https://www.aialawyer.com>. If you already have an attorney, carry copies of the G-28 form (“Notice of Entry of Appearance as Attorney”) that you can present to law enforcement.

If you encounter law enforcement regarding your immigration status:

- DO:**
- Say that you wish to remain silent.
 - Say you wish to speak with an attorney.
 - Report law enforcement activity – Call a rapid response network in your community. In Alameda County this is (510) 421-4011.
 - Document the encounter – If you are stopped, searched, or arrested, find out who the officers are. Request their names and badge numbers and write down the information. The information may also be visible on their uniform. Take photographs, videos, or notes of what happened.
- DO NOT:**
- Sign documents – ICE may ask you to sign forms agreeing to be deported. You have the right to refuse to sign any documents and you should do so until you have consulted with an attorney.
 - Resist officers with violence or force, do not run away.
 - Carry false documents or give false information. This includes false foreign identification documents, such as a Mexican Consular Identification Card or “Matricula.”
 - Answer questions – You have the right to remain silent!