

KNOW YOUR RIGHTS TO DEFEND YOUR RIGHTS



COPYRIGHT MIJENTE - 2017

DEVELOPED WITH PUENTE ARIZONA,
NATIONAL IMMIGRATION PROJECT OF THE
NATIONAL LAWYERS GUILD,
GEORGIA LATINO ALLIANCE FOR HUMAN RIGHTS

TEXT BY: JACINTA GONZALEZ
EDITED BY: B LOEWE
ILLUSTRATIONS BY: TOUCH TOUCH STUDIO
WWW.MIJENTE.NET

WE ONLY HAVE THE RIGHTS THAT WE DEFEND

All of us are worried about the safety of our families, friends, and loved ones under the new President.

IN OUR EXPERIENCE, THE ONLY SECURE COMMUNITY IS AN ORGANIZED ONE.



TO DEFEND OURSELVES AND OUR LOVED ONES IN THESE TIMES, IT TAKES:

- KNOWING OUR RIGHTS
- HAVING A PLAN
- JOINING AN ORGANIZATION OR FORMING A NEIGHBORHOOD COMMITTEE



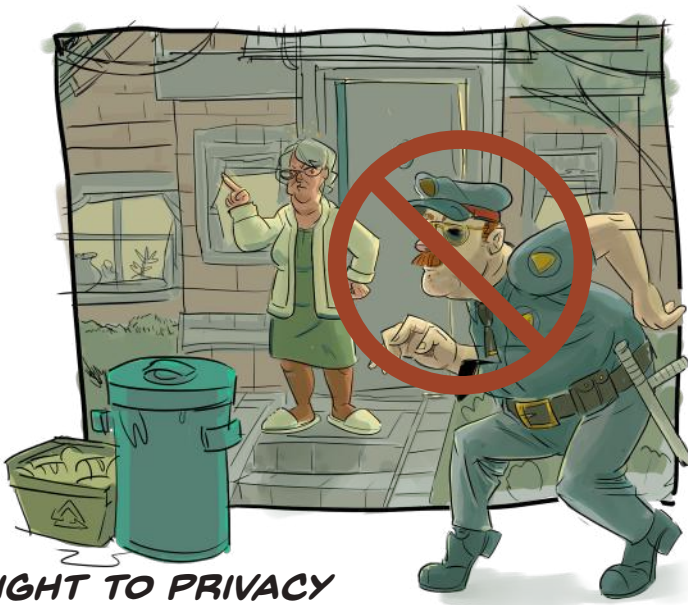
Organizing is the process of coming together with others to assert our rights when they're being violated.

We've seen cases where even the best lawyers hit limits on a case that organizing together can help overcome.

This book will introduce you to the rights you have if you're undocumented or have papers when interacting with authorities. Reading it will help to get prepared in case of raids at home, in the street, or at work.



EVERYONE HAS RIGHTS!



RIGHT TO PRIVACY



RIGHT TO DUE PROCESS



RIGHT TO REMAIN SILENT



FREEDOM FROM DISCRIMINATION



FREEDOM OF SPEECH



RIGHT TO ASSEMBLE

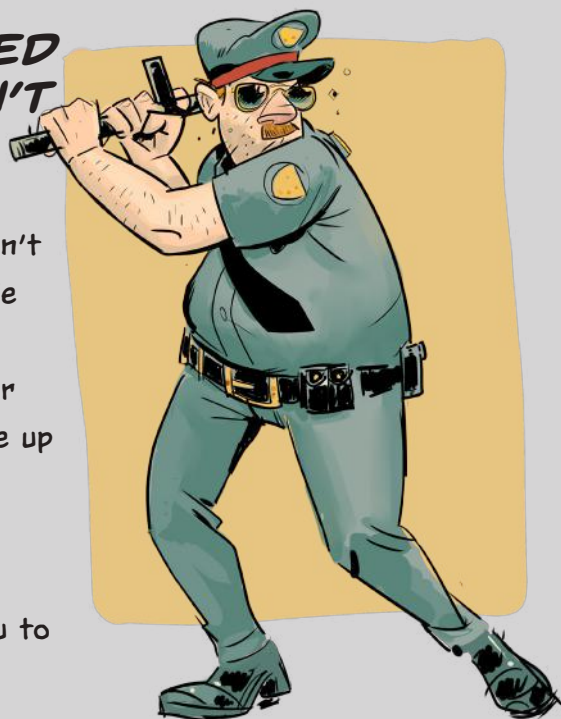
POLICE & ICE VIOLATE YOUR RIGHTS

Even though your constitutional rights are protected, law enforcement officers can and will say and do things to get you to give up those rights.

WE KNOW THAT WHAT IS SUPPOSED TO HAPPEN WITH THE POLICE ISN'T ALWAYS WHAT HAPPENS.

Even when we've done nothing wrong, the authorities don't have our best interests at heart. Police are allowed to lie to get you to confess and often do. They make false promises to get you to cooperate. They may act like your best friend or try to intimidate and threaten you to give up your rights.

ICE agents lie too. They regularly pretend to be local police looking for someone else as a way to get you to open your door during a home raid.



WHEN YOUR RIGHTS ARE BEING VIOLATED, YOU MAY HAVE OPTIONS LATER IF YOU COLLECT EVIDENCE.

Getting names and badge numbers, filming with a cell phone camera, and documenting what happened can help your case if you end up in court.

OJO: THE GOAL OF THIS GUIDE IS TO KEEP READERS SAFE, TO MAKE ANY INTERACTION WITH AUTHORITIES AS BRIEF AS POSSIBLE, AND TO BE BEST PREPARED FOR WORST CASE SCENARIOS. POLICE AND ICE CAN BE DANGEROUS. IN EVERY MOMENT, USE COMMON SENSE TO PROTECT YOUR SAFETY IN APPLYING THESE LESSONS. NONE OF THIS INFORMATION SHOULD BE TAKEN AS LEGAL ADVICE. CONSULT AN ATTORNEY FOR SPECIFICS ON YOUR CASE.

GETTING STOPPED BY POLICE ON THE STREET OR IN YOUR CAR

Whenever you are stopped by a police officer you have the obligation to identify yourself by telling them your full legal name. In some states you might have to show an ID, or provide an address.

The type of ID that you carry with you matters. Using an ID that comes from a country other than the US can be used as evidence that you are not from this country at the point of arrest or later in immigration court.

That is why we always recommend using an ID that does not have country of origin information on it.



EXAMPLES OF ID CARDS TO CARRY:

- SCHOOL ID
- LIBRARY CARD
- MEMBER ID OF AN ORGANIZATION
- CITY-ISSUED ID CARD
- BANK ID CARD

Even though you have to provide the police with your legal name, you have the right to tell the police officer what name you want to be called and what pronouns they should use when they talk to you. Transgender activists have won policies that instruct officers to do this in some cities. In others, we still need to organize to make it happen.

"AM I FREE TO GO?"

You can always ask a law enforcement officer if you are free to go. If they say that you are, slowly walk away. Police use running away as an excuse to arrest or assault people.

"I DO NOT CONSENT TO A SEARCH"

During a stop, a police officer might say they need to search your pockets or if you're driving. They may ask if they can search your vehicle.



YOU HAVE THE RIGHT TO REFUSE TO CONSENT TO THE SEARCH.

However, if the police officer has 'probable cause' – which means they have some evidence or suspicion that something illegal has happened – they might search you or your vehicle anyway.

It is important to tell the officer very clearly 'I do not consent to a search of my vehicle,' but do not try and intervene if the officer searches it. It can be dangerous and could be considered obstructing an investigation.



If you are driving without a licence, police may give you a ticket, may arrest you, may tow your car, and may charge extra fines to be able to get it back.

It is important to always stay calm in this situation. If possible try to have someone with a driver's licence come take the vehicle.

"I CHOOSE TO REMAIN SILENT AND WILL NOT ANSWER ANY QUESTIONS WITHOUT AN ATTORNEY PRESENT."

DO NOT REVEAL YOUR IMMIGRATION STATUS OR COUNTRY OF ORIGIN.

Remember that you do not have to answer questions about your immigration status or country of birth.



Whether police have a formal agreement like 287g with ICE or not, they may share information. Any admittance of your status can result in deportation proceedings. If

asked about your immigration status you can say 'I want to exercise my right to remain silent and will not answer any questions without an attorney present.'

IF YOU'RE ARRESTED AND HELD IN JAIL

Even in jail, you ALWAYS have the right to remain silent.

Police may threaten you if you don't talk or promise to let you go if you do. You may be nervous and want to talk to cell mates or call a friend. But any details you share about your case with anyone can and will be used against you. Phone calls and cells are often recorded.



THE BEST PROTECTION IS TO REFUSE TO ANSWER QUESTIONS AND NOT TO SHARE INFORMATION UNLESS YOU HAVE A LAWYER PRESENT.

If you are charged with a crime, say "Not Guilty" when you first appear in front of a judge. In criminal court, you have the right to an attorney to fight your case. You may be pressured to plead guilty right away. Your charge can lead to deportation, even if you are a legal permanent resident or have a visa.



ICE agents may go inside the jails and interrogate you about your place of birth, immigration status, or immigration history. Some people may want to tell an agent about reasons to not keep you in detention like how many kids you have, if you take care of a sick or elderly family member, if you have a serious illness, or if you fear that your life is in real danger if you are deported. But you'll be able to defend yourself better by remaining silent and waiting to talk to a lawyer.

If you are told that you are being held on a detainer, you have the right to demand a copy of the form. ICE only has 48 hours to come get you after you are ordered released or have paid your bond.

If you are released from jail it is still possible that ICE will come to find you at the court, the probation office, your work, or your home.



WHEN ICE RAIDS YOUR HOME



You have the right to NOT open the door and let them in.

ICE or police can only enter if they have a judicial warrant, that has correct information, and is actually signed by a judge.

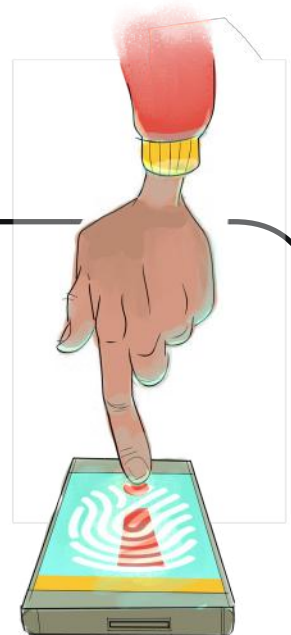
To be safe, you can still refuse to open the door even if they show you a warrant. If they have a real judicial warrant they will throw down the door to search the parts of the house listed or look for the person indicated, regardless of whether you open or not.



Be careful! Because ICE agents need you to let them in, they frequently use tricks and lies to get people to open the door. They might show you a picture of someone else, ask for information, or show you a paper and pretend it is a judicial warrant. They may pretend to be police. If they can't get in your home, they may lurk nearby and stop you on the street.

OTO!: TECHNOLOGY IS CHANGING. AGENTS NOW MAY USE MOBILE FINGERPRINTING DEVICES DURING RAIDS.

YOU HAVE THE CONSTITUTIONAL RIGHT TO REFUSE BUT THEY MAY STILL FORCE YOU TO. SAY OUTLOUD: "I DO NOT CONSENT TO BE FINGERPRINTED." DO NOT RESIST BUT DO COLLECT THEIR INFORMATION SO YOU CAN CHALLENGE IT IN COURT.



IF ICE RAIDS YOUR WORKPLACE

Because workplace raids are based on in-depth investigations, there is a risk of both deportation proceedings and criminal charges.

Agents will either play friendly or be threatening. No matter what, you have the right to remain silent and demand to talk to an attorney.



Officers may say, "we aren't interested in you, we are interested in your boss," or "if you cooperate with us we can get you a visa."

They may try to intimidate you and say "If you do not cooperate you will get more charges and a longer sentence."

WHETHER THEY ARE MAKING YOU AN OFFER OR PROSECUTING YOU, AN ATTORNEY CAN HELP MAKE SURE YOU GET THE RIGHT BENEFITS OR DEFEND YOU IF NEEDED.

If you run during a workplace raid, this can be used as an excuse to use force against you or as evidence against you.

Never carry fake documents with you. It can lead to more charges and a permanent ban from the US.

**EN BOCA
CERRADA, NO
ENTRAN MOSCAS**



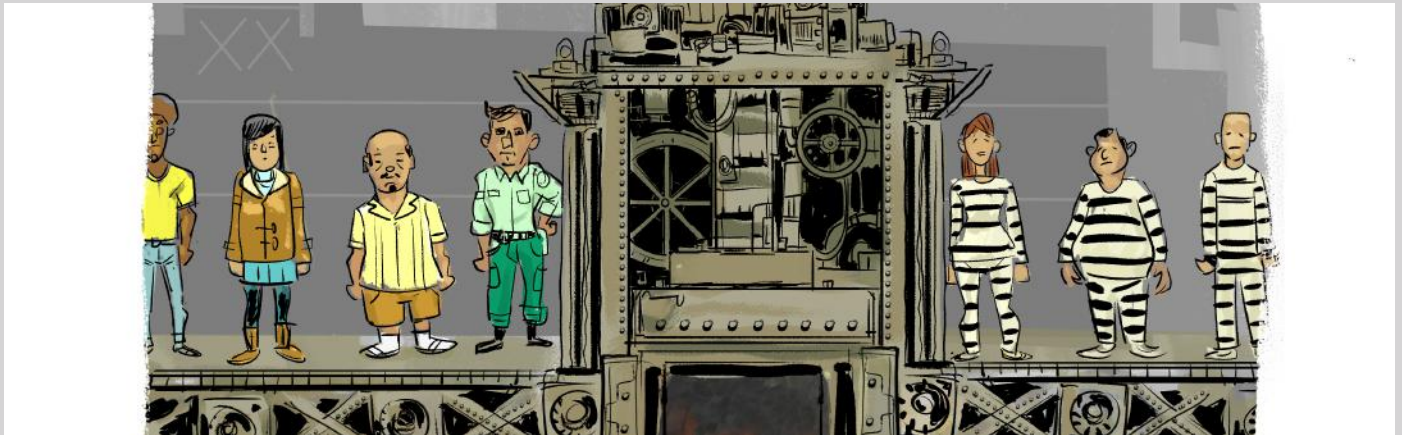
**FOR MORE TOOLS ON WORKPLACE DEFENSE VISIT:
[HTTPS://AFLCIO.ORG/REPORTS/WE-WILL-DEFEND-AND-RESIST](https://aflcio.org/reports/we-will-defend-and-resist)**

OJO: NOW THEY'RE MAKING IMMIGRATION A CRIME

The government looks for ways to criminalize our communities. The stigma of being a "criminal" makes it harder to defend someone against deportation. Businesses make big money off of putting people in jail and detention. And they can make the punishment even harsher if they add criminal charges to your record.

That means that the government sometimes is treating being undocumented as a crime.

ESPECIALLY IF YOU'VE BEEN DEPORTED BEFORE, ICE COULD TRY TO PRESS FEDERAL CHARGES AGAINST YOU FOR "FEDERAL RE-ENTRY."



It's a tactic agents use to get a warrant, enter your home, keep you in jail, justify your deportation, or to intimidate you.

When someone faces federal charges, first they go to federal court for trial. In these proceedings the person charged has a right to a public defender and to due process before the deportation process begins. If found guilty, they may be sent to prison first. After or during their sentence, they are transferred to ICE custody for deportation proceedings.

It's hard to fight these cases, but there are creative ways to push back.

Prosecutors and their bosses, local U.S. Attorneys, are the people who decide whether to press charges or not and they can be the focus of campaigns where ICE refuses to grant relief.

*This is why it's important to not speak to the police without an attorney present and to have an organized community willing to help you in a public campaign.

IMMIGRATION COURT IS DIFFERENT THAN CRIMINAL COURT

GET YOUR A#

The Department of Homeland Security uses "Alien" numbers or an "A#" to identify someone. It is a nine digit number that is on all immigration paperwork. If you are detained make sure to share this number with your family so that they can locate where you are and get information from the authorities. If you have been detained or deported in the past, you already have an A#. This number remains the same if you are detained again.

To locate someone who is detained by ICE you can go to locator.ice.gov and search by their A# and country of birth.

GET A LAWYER

If you've never been deported before or don't have a deportation order, you will have the opportunity to fight your case in court.

You still have the right to a lawyer but you have to hire one. A lawyer will not be provided to you.

Never sign documents that you don't understand or haven't been reviewed by your attorney.

*If this isn't your first time being in deportation proceedings, authorities may deport you without any access to attorneys or time in front of a judge.

GET A BOND HEARING

If you're being detained, you can request a bond hearing. If you're granted bond, you'll have to pay a certain amount of money to be released. It doesn't close your case. It just gets you out of detention in the time before your court date. Your family or community members can help by providing you with letters of support or other evidence that could help you lower or secure a bond.

CREATE YOUR DEFENSE PLAN



TO BE ABLE TO DEFEND OUR RIGHTS,
WE HAVE TO BE PREPARED.

We have to have hard talks with all members of the family and loved ones so people know what to do.

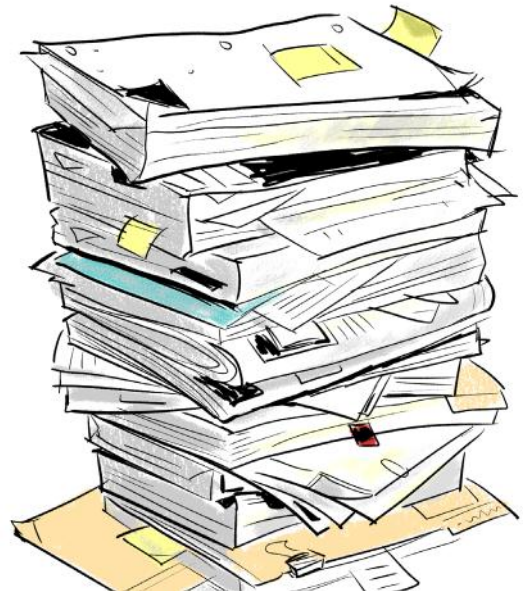
If you are a parent and taken into custody, who will pick up your kids from school? Where will they take them? Who will be ready to take care of them?



If you get arrested right before pay day, that can be almost two weeks of salary that you'll need for your defense. Who will be the person you trust to go pick up your pay?



Defending yourself from deportation will be easier if you have specific paperwork already in place. The next page contains a check list for you to gather and keep in a safe place. Who will be the person that knows where this is and can access it if needed?



YOUR DEPORTATION DEFENSE MATERIALS CHECKLIST

☐

NOTARIZED LETTER OF "POWER OF ATTORNEY" FOR:

[] YOUR HOME
[] YOUR PAY
[] YOUR CAR

[] YOUR CHILDREN
[] YOUR BANK ACCOUNTS

☐

SIGNED G-28 TO BE USED BY AN IMMIGRATION ATTORNEY;

☐

A SIGNED DHS PRIVACY WAIVER AUTHORIZING DISCLOSURE TO A THIRD PARTY TO GIVE SOMEONE WHO IS NOT AN ATTORNEY ACCESS TO INFORMATION ABOUT YOU

☐

BIRTH CERTIFICATES FOR YOUR CHILDREN IF YOU'RE A PARENT;

☐

DOCUMENTATION PROVING HOW LONG YOU HAVE BEEN IN THE USA (ESPECIALLY IF YOU HAVE BEEN HERE FOR MORE THAN 2 OR 10 YEARS);

☐

PROOF OF EDUCATION (IF YOU STUDIED IN THE US);

☐

MEDICAL INFORMATION FOR YOU, YOUR CHILDREN, OR ANY OTHER DEPENDENTS, INCLUDING A HIPPA AGREEMENT TO GET MEDICAL RECORDS;

☐

AWARDS OR DOCUMENTATION THAT SHOWS INVOLVEMENT IN YOUR COMMUNITY;

☐

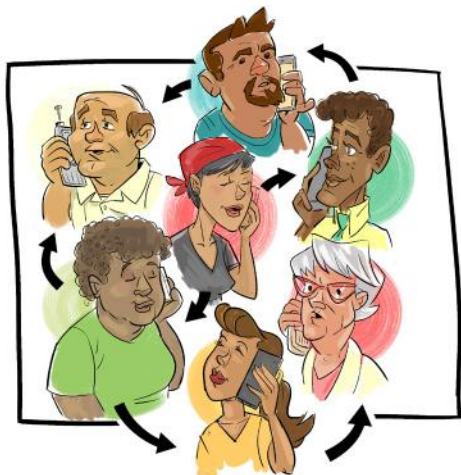
YOUR PASSPORT OR OTHER IDENTIFICATIONS;

☐

ANY OTHER IMMIGRATION OR LEGAL DOCUMENTS

THE BEST DEFENSE IS TO JOIN AN ORGANIZATION

Waiting to find support until we need it is too late. The best defense is to join an organization – or create a committee with your neighbors – before a crisis happens.



Neighbors need to talk to each other and know what to do to support each other. Having a phone tree for your block or apartment building can activate rapid response if there is a raid or other crisis.

And if it's needed, community groups can help launch a campaign to defend their members and connect you to other trusted organizations and lawyers.

DEFENDING OUR RIGHTS TAKES MORE THAN READING A BOOKLET - IT MEANS GETTING TOGETHER TO SHOW THAT WE HAVE POWER IN NUMBERS.

People do that through collecting signatures on petitions, making calls or visits to elected officials asking for their support. They get the attention of the media and friends on facebook. We even plan rallies, protests, and direct action to make our power felt.



It's easier to defend ourselves when we're part of a group who has experience defending others.

THE ONLY SECURE COMMUNITY, IS AN ORGANIZED ONE.

NOTICE to LAW ENFORCEMENT

This is our Home
and in this house everyone knows
their constitutional rights.

Come Back with a Warrant.

This home does not open the door for immigration agents or
other law enforcement.

We have the right to ask for a warrant signed by a judge, and ask to see the
warrant through the mail slip or under
the door without opening the door.

If law enforcement agents
enter this home without a
valid warrant, we have the
right to ask for names and
badge numbers of the agents
or officers and to challenge
the constitutionality of their
entrance and search. We
have the right to refuse to be
searched, to refuse to provide identification documents, and
to refuse to be fingerprinted. We have a right to remain
silent and not answer any questions about ourselves or
members of our families and communities.



TO BE PLACED ON THE OUTSIDE OF YOUR DOOR

WARNING

DON'T LET THE POLICE OR ICE ENTER YOUR
HOUSE WITHOUT PERMISSION

BEFORE ENTERING YOUR HOME, LAW
ENFORCEMENT IS REQUIRED TO PRESENT
A WARRANT SIGNED BY A JUDGE WITH THE
CORRECT ADDRESS AND NAMES OF PEOPLE
THEY SEEK.

DON'T OPEN THE DOOR!

OPENING THE DOOR AUTHORIZES AGENTS TO
ENTER.

STOP!
YOU HAVE THE
RIGHT NOT TO
OPEN YOUR
DOOR AND TO
STAY INSIDE.



FOR THE INSIDE OF YOUR DOOR

