

KNOW YOUR RIGHTS



IMMIGRANTS' RIGHTS

ACLU San Diego and
FOUNDATION Imperial Counties

LAND ACKNOWLEDGEMENT

We are gathered today in unceded territory that carries the footsteps of countless Kumeyaay people, stewards of this land for more than 10,000 years.

The Kumeyaay people were forcibly dispossessed of their ancestral land by colonialism, broken promises, violence, and cultural and actual genocide.

Despite historic and ongoing displacement, “San Diego” is Indigenous land and always will be. This acknowledgement is how we show gratitude and respect for the land and its First Peoples and give humble recognition of the true history.

For more info: native-land.ca

For opportunities to support local Indigenous Justice work, check out the [Strong Hearted Native Women's Coalition](http://strongheartednativewomen.org) at: strongheartednativewomen.org

LEGAL DISCLAIMER

This information is not intended to be legal advice.

Every person's situation is different. You should have a private conversation with an attorney if you need advice.

AGENDA

- The ACLU
- Your Basic Rights
- Law Enforcement Agencies
- Your Rights: Encounters With Each Law Enforcement Agency
- Immigration Raids
- Detention & Family Preparedness
- Know Your Rights & Supplemental Resources
- Q&A





- Defends rights and freedoms enshrined in the U.S. Constitution.
- Fights both government and non-government abuse, and defends individual freedoms including speech and religion, the right to reproductive choice, the right to due process, the right to privacy and much more.
- Advocates for these rights even when the cause is unpopular, and sometimes when nobody else will.

YOUR BASIC RIGHTS



BASIC RIGHTS

Regardless of a person's immigration status, law enforcement officers should **NOT perform searches nor detain people based on:**

- Religion
- Political beliefs
- National origin
- Sexual orientation
- Gender or gender expression
- Race or ethnicity

These rights apply everywhere within the U.S. (including at borders).



CIVIL RIGHTS & IMMIGRATION

Certain rights guaranteed in the U.S. Constitution **apply to people who are undocumented too**, including **the right to:**

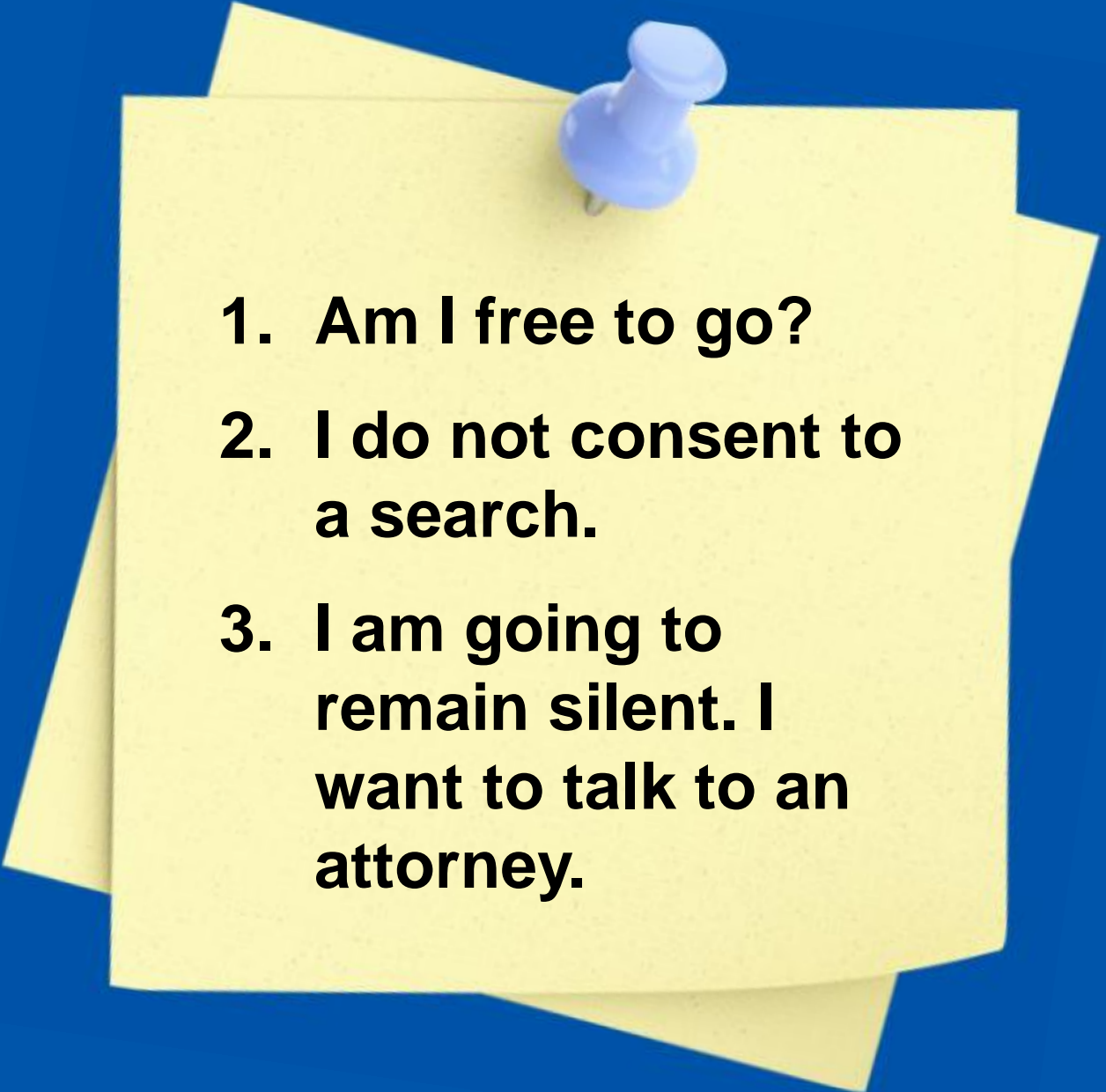
- Be treated fairly in court;
- Free speech;
- Religious freedom;
- Remain silent; and
- Legal counsel in *criminal* cases.

KNOW

YOUR

RIGHTS!

**REMEMBER
THESE
THREE
PHRASES:**

- 
1. Am I free to go?
 2. I do not consent to a search.
 3. I am going to remain silent. I want to talk to an attorney.

AM I FREE TO GO?

Ask “Am I free to go?” when approached by law enforcement.

- If they say yes, you may calmly leave.
- If they get in your way or keep asking you questions, you may ask again.
- If they say no or a **reasonable person** would not feel free to end the encounter, then you are being detained. Ask why you are being detained.

“Can you tell me why you are stopping me?”

I DO NOT CONSENT TO A SEARCH

If officers/agents do not have a warrant to search you or your property, you may **verbally** refuse if you are asked to consent to a search of you or your property.

- If you **physically** resist, **you could be charged with assaulting an officer.**
- Instead, repeat that you do not consent to any searches.

Any search you consent to is a legal search.

- If you want to deny consent, you must do so **clearly and irrefutably**. Saying, **“I do not consent to a search,”** loudly enough for people around you to hear could be important in case you need witnesses later.

Shaking your head can be misunderstood by the police, and a court might not see it as a denial.

Officers **DO NOT** need your consent to search if contraband is in **plain view**.

I AM GOING TO REMAIN SILENT. I WANT TO TALK TO AN ATTORNEY.

- State this right when you are stopped or if you are asked questions that you feel are not in your best interest to answer.
- **Be clear** in your invocation, do **NOT** say “I think...” or “Maybe...”
- After you invoke the right to remain silent, **you must remain silent**, or you risk waiving this right.

MIRANDA RIGHTS

Police: You **ARE** entitled to have *Miranda* rights read.

Immigration Officials: You **ARE NOT** entitled to have your *Miranda* rights read.

DISCLAIMER

You cannot assume officers will:

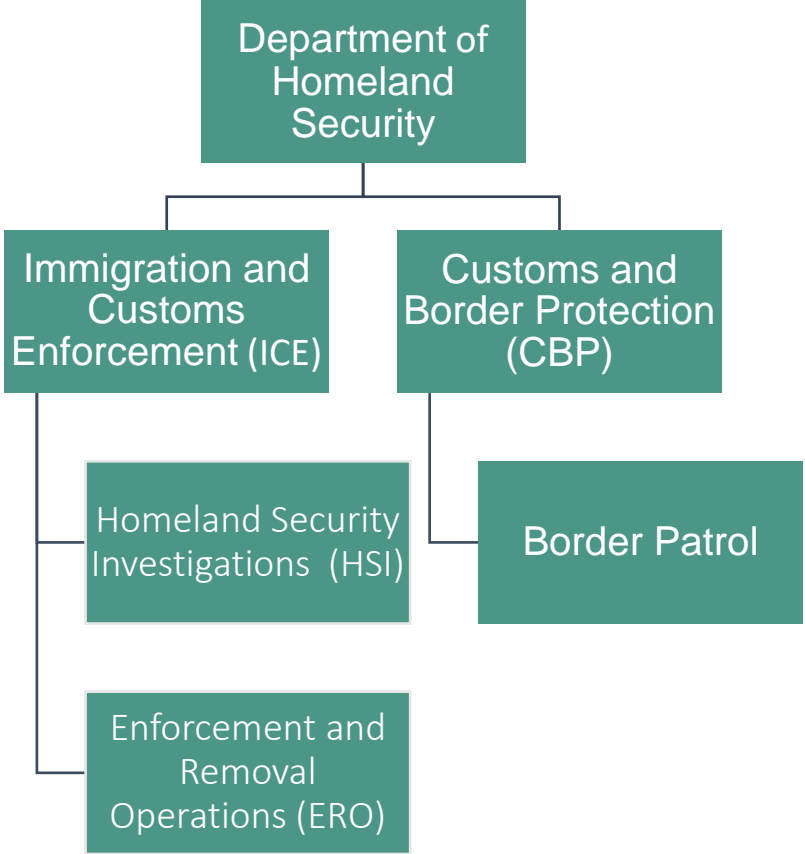
- Behave in a way that protects your safety; or
- Respect your rights even after you assert them.



LAW ENFORCEMENT AGENCIES

LAW ENFORCEMENT AGENCIES

Immigration Enforcement



Local Law Enforcement

San Diego County Sheriff's Department

San Diego Police Department

Imperial County Sheriff's Department

El Centro Police Department

RECOGNIZING EACH AGENCY- Department of Homeland Security (DHS)



Immigration and Customs Enforcement (ICE)



Customs and Border Protection (CBP)



Border Patrol



Homeland Security Investigations (HSI)



Enforcement and Removal Operations (ERO)

RECOGNIZING EACH AGENCY

(San Diego and Imperial Counties)



San Diego County Sheriff's Dept.



Imperial County Sheriff's Dept.



San Diego Police Dept.



El Centro Police Dept.

**YOUR RIGHTS:
ENCOUNTERS
WITH EACH LAW
ENFORCEMENT
AGENCY**



But first, here are some
KEY TERMS

REASONABLE SUSPICION:

- **Sheriffs & police** must have facts that create a **reasonable belief** (a little more than a hunch) that you **are committing or have committed a crime.**
- **Immigration agents** must have facts that create a **reasonable belief** (a little more than a hunch) that you **are committing or have committed a violation of immigration law.**

PROBABLE CAUSE (a higher standard):

- **Sheriffs & police** must have facts that make it **probable that you are committing or have committed a crime.**
- **Immigration agents** must have facts that make it **probable that you are committing or have committed a violation of immigration or federal law, such as unlawful status.**

YOUR RIGHTS: Any Law Enforcement Agency

Regardless of immigration status:

- You have the right to remain silent.
 - This means you **ARE NOT** required to answer any questions or sign any documents.
 - State: **“I am going to remain silent. I want to talk to an attorney.”**
- Officers **MAY NOT** use excessive, unreasonable or unnecessary force against you.

If Stopped In Your Car

- Stop the car as safely and quickly as possible;
- Turn off the car;
- Turn on the internal light;
- Partially open the window; and
- Place your hands on the steering wheel.

YOUR RIGHTS: If Stopped by POLICE or SHERIFF'S DEPT in Your Vehicle

- Drivers and passengers have the right to remain silent.
- You **do not** have to answer questions about your citizenship status.
- When asked, show your driver's license, registration and proof of insurance.
- You **do not** have to consent to a search.
- Drivers and passengers can ask if they are free to leave. If yes, silently leave.

AVOID THE TRAPS...KNOW THE TRUTH WHEN BEING QUESTIONED BY **POLICE**

TRAPS

“Do you know what you did?”



“Tell us your side of the story.”



“You’re not in trouble. We’re only interested in another incident.”



You are offered a cigarette or beverage.



TRUTHS

Invitation to incriminate yourself.

Police are there to gather evidence against you.

Police are legally allowed to lie, bluff and intimidate you.

Can be used to collect your DNA.

YOUR RIGHTS: When Encountering ICE

- You have a right to remain silent.
 - You DO NOT have to answer ICE's questions.
- If you don't speak English, you may request an interpreter.
- Say that you will not answer any questions without your attorney.
- ICE needs probable cause to make an arrest.

Exercising your rights is not a reason for deportation.

Doing so may be helpful in certain situations.

ICE: Collateral Arrests

What is a collateral arrest?

When a person is arrested even though they were not the target of a law enforcement agency.

ICE needs **probable cause** that the person is in violation of immigration laws to make a collateral arrest.

Stay calm, do not run. Otherwise, ICE may arrest you.

Exercising your right to remain silent and to speak to an attorney may buy you time to assess your legal options.

YOUR RIGHTS: ICE Searches & Arrests

Without a warrant, **probable cause** is needed for searches and arrests.

CAN ICE SEARCH MY BELONGINGS?

Typically, not without consent or probable cause.

State: **“I do not consent to a search,”** if an agent asks if they can search you or your belongings.

WHAT IS A LAWFUL ARREST?

A **warrantless arrest** requires **probable cause** (facts that make it probable that you are committing or have committed a violation of federal law). Whereas, a brief stop, only requires reasonable suspicion.

If you are arrested or detained, ask the officer why they arrested or stopped you.

CBP argues it has special authority within a “reasonable distance” from any **external** boundary of the United States—up to 100 miles away from the border zone.

CBP & BORDER PATROL: At or Near the Border

CBP officers and Border Patrol agents work for the U.S. Customs and Border Protection agency.

- CBP officers work at ports of entry and inspect individuals and goods that enter in the U.S.
- Border Patrol is the law enforcement arm of CBP. It patrols the U.S. border.

WHAT DOES THIS MEAN?

Your rights will vary depending on if you are at the border or within the 100-mile border zone.

We will discuss possible situations and your rights when you encounter Border Patrol agents and CBP officers.



YOUR RIGHTS: **CBP** or **Border Patrol** asks for Immigration Documents

- If you are 18 or older and have valid immigration documents (such as a valid student visa), you should carry them on you.
 - **You should share them** if an officer/agent asks to see them.
- If you are an immigrant without documents, you can decline a request. This may lead to more questions and possible detention.
 - Remember that you have **the right to remain silent**. State, **“I am going to remain silent. I want to talk to an attorney.”**
- Never lie or provide false documents to immigration officials.
- Avoid carrying foreign documents such as foreign identity documents, consular IDs, and voting cards.
- Don't sign anything without consulting your lawyer.

ENCOUNTERING **BORDER PATROL**

Border Patrol agents can stop, question and detain you within the 100-mile border zone.

- **Detaining** you means that the agent or officer may briefly stop you if they have reasonable suspicion.
- An **arrest** typically needs to be based on probable cause.

At all times, you have the right to remain silent.

State, “I am going to remain silent. I want to talk to an attorney.”

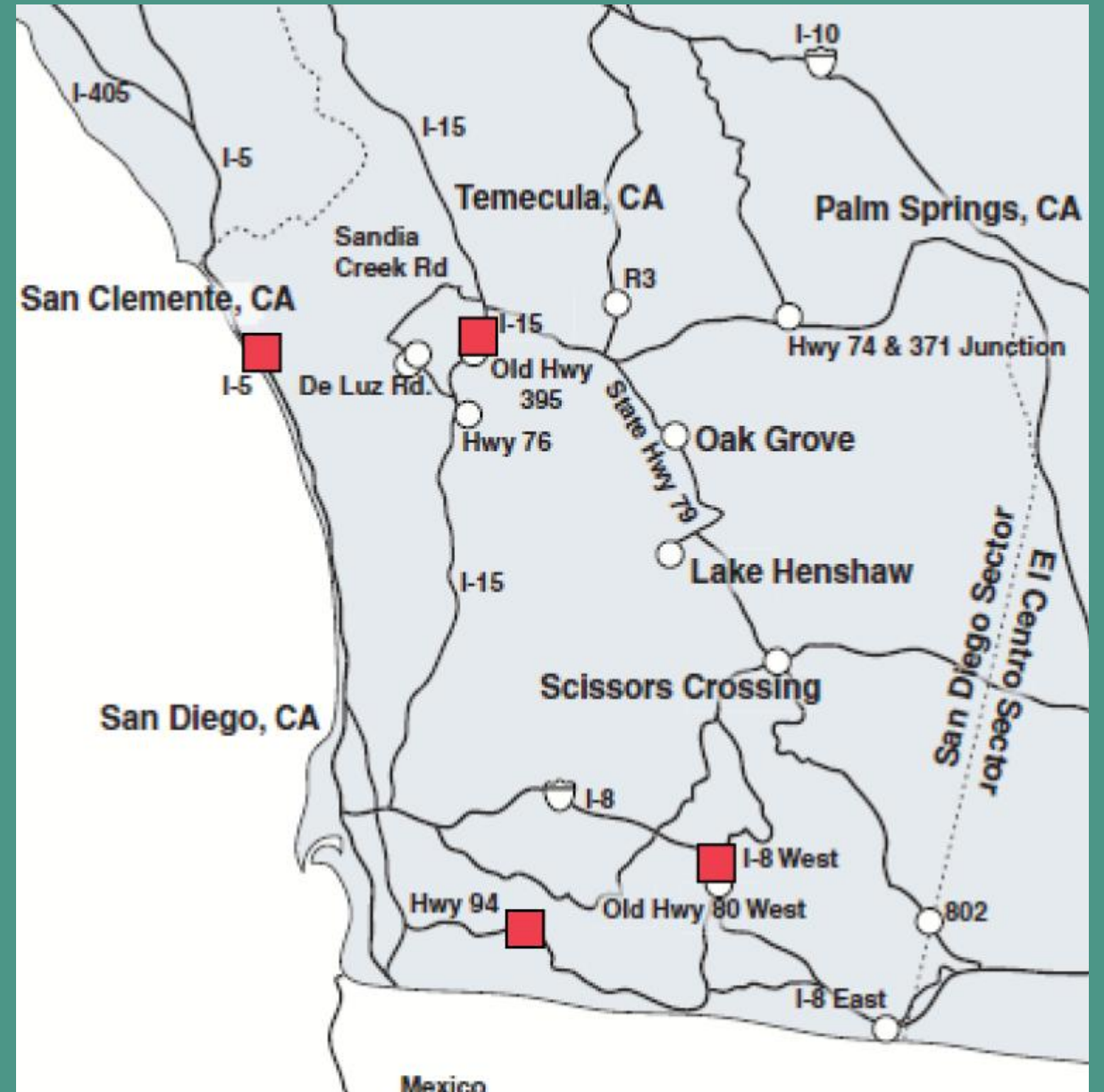
BORDER PATROL: Vehicle Stops & Searches

- **Border Patrol** can pull you over if they have **reasonable suspicion**.
- A prolonged stop requires **probable cause**.
- To search your vehicle, **your consent** or **probable cause** is required.
- Agents should always be able to explain the reason for a stop.

In CA, it is illegal for Border Patrol to rely solely on the race or ethnicity of a driver or passenger to justify a stop.

PERMANENT BORDER PATROL CHECKPOINTS

- I-5 North in San Clemente
- I-15 North near Temecula
- I-8 West in Pine Valley
- Hwy 94 East near Jamul



BORDER PATROL ON PRIVATE LAND

- Agents may enter onto private land **without a warrant within 25 miles** of the border.
 - A **warrant or consent is needed** to go on private land **more than 25 miles from the border**.
- Border Patrol should not cause physical damage to private property.
- Agents **should not** ask questions unrelated to verifying citizenship or immigration status, nor can they hold you for an extended time without cause.

YOUR RIGHTS: When Seeking to Enter the U.S.

People seeking to enter the U.S. at customs or ports of entry **have fewer rights than people within the U.S.** and may be questioned about:

- Citizenship, Visa, Green Card status;
- Items being brought into the country;
- Purpose of trip; and
- Length of stay.

Federal authorities **can search** your vehicle and ALL passenger belongings **without a warrant, suspicion or consent.**

They **SHOULD NOT** ask about religious affiliation or political views.



KEY POINTS

Interacting with:

**Sheriffs and
Police**



1. Remain silent and calm.
2. Follow orders. Ask if you're free to go.
3. Officers **ARE NOT** allowed to ask about immigration status.
4. Drivers and passengers **DO NOT** have to consent to a search.
5. *Miranda* rights will be read if arrested.
6. You **DO** have a right to an appointed attorney if you cannot afford one.

KEY POINTS

Interacting with:

ICE, CBP or **Border Patrol**

Outside of Checkpoints & the Border



1. Remain silent and calm. You may state that you will not answer questions without an attorney and then retain your own attorney.
2. You **DO NOT** have to answer questions about your immigration status. If you are a citizen or have lawful status, you may answer questions about your status and provide appropriate documentation to avoid being detained for a longer period.
3. You **ARE NOT** entitled to have an attorney appointed to you.
4. You **ARE NOT** entitled to be read your *Miranda* rights.
5. Do not sign anything without consulting your attorney.



IMMIGRATION AT YOUR DOOR & RAIDS

IF IMMIGRATION AGENTS COME TO YOUR HOME

- **ALL law enforcement agencies** are required to have a **signed Judicial Search Warrant** to enter your home.
- **Inspect** the search warrant to confirm that it is signed by a judge and that it identifies the places and items that ICE wishes to inspect.

Valid Warrant


(signed by a judge)

Search Warrant
UNITED STATES DISTRICT COURT
DISTRICT OF IOWA

In the Matter of the Search of
(Name, address or brief description of person, property or premises to be searched)
Agriprocessors, Incorporated and/or Nevel Properties,
Corporation with complete description of premises to be
sought incorporated in Attachment 1

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**
2008 MAY
CEDAR RAPIDS
NORTHERN

I am a(n) Senior Special Agent and have reason to believe
that on the person of or on the property or premises known as (name, description and/or location)
Agriprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be searched
incorporated in Attachment 1
in the Northern District of Iowa
there is now concealed a certain person or property, namely (describe the person or property to be seized)
See Attachment 2
which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
contraband; property that constitutes evidence of the commission of a criminal offense; and property designed or intended
for use or which is or has been used as the means of committing a criminal offense.
concerning a violation of Title 8 & 18 & 42 United States code, Section(s) 1324,1326 &1546,1015,1028A&408
The facts to support a finding of probable cause are as follows:
See attached Affidavit

Date May 9, 2008 at Cedar Rapids IA
City State
Jon Stuart Scoles Magistrate
Name of Judge Title of Judge
 Signature of Judge

Invalid Warrant

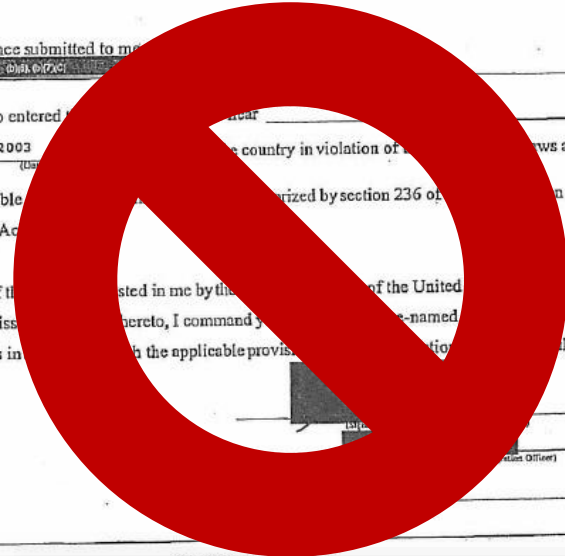
(signed by an ICE agent)

U.S. Department of Homeland Security

Warrant for Arrest of Alien
File No. 0308 (D-7)(C)

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

From evidence submitted to me
an alien who entered near
March 1, 2003 the country in violation of laws and is
therefore liable as provided by section 236 of the Immigration and
Nationality Act
By virtue of the trust vested in me by the laws of the United States and the regulations issued in my name, I command you to execute this warrant and to report the proceedings in accordance with the applicable provisions of the regulations.



Certificate of Service
(Signature of officer serving warrant)
SENIOR SPECIAL AGENT
(Title of officer serving warrant)
Form I-260 (Rev. 08-01-07)

WHAT TO DO IF **AN IMMIGRATION AGENT IS AT YOUR DOOR**

- **DO NOT** open the door. Talk to officers through a closed door.
- Ask them to show identification through a window or peephole.
- **ASK OFFICERS TO SHOW YOU A VALID WARRANT.**
 - Have them slide it under the door or show it through a window.
 - **CONFIRM** it has the correct name and address and a judge's signature.
 - You **must and only should** let them in if they have a **valid warrant**.

WHAT TO DO IF **AN IMMIGRATION AGENT IS AT YOUR DOOR** (cont'd)

- If officers do not produce a warrant, keep the door closed.
- If agents force their way in, do not resist.
- **YOU ALWAYS HAVE THE RIGHT TO REMAIN SILENT.**

State: "I do not consent to your entry."

State: "I do not consent to your entry or search of these premises. I am exercising my right to remain silent. I won't answer questions without a lawyer."

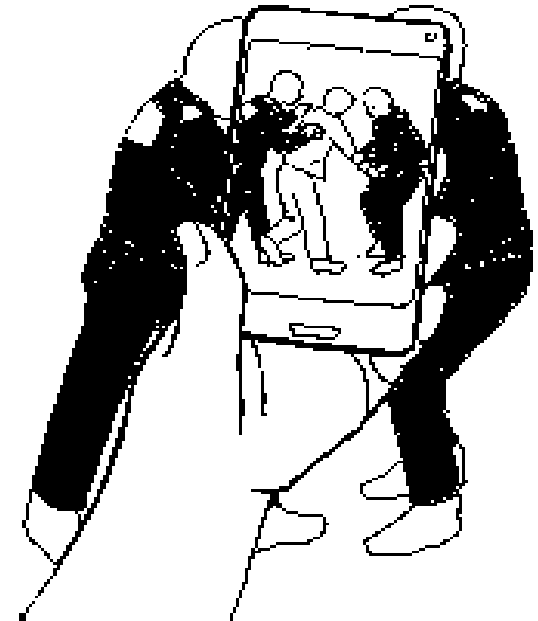
ICE and Border Patrol in Public Areas & Private Businesses

- Immigration agents **may enter** areas open to the **general public**.
 - In CA, **SB 54** designates schools, hospitals and courthouses as safe spaces where mass deportations should not be carried out.
- Immigration agents **cannot search or enter non-public areas** such as private businesses without:
 - A valid search warrant signed by a judge;
 - The owner's consent; or
 - Exigent circumstances.

YOUR RIGHTS: If You Witness An Arrest Or Raid

DO NOT interfere. Comply with orders.

- You have the right to remain silent.
- You have the right to record in your own home.
- You have the right to record in public:
 - Vehicle stops, checkpoints, streets, school, public transportation, etc.
- **NOTE THAT** CBP prohibits recording anything on government property at a port of entry.



**DETENTION &
FAMILY
PREPAREDNESS**



WHAT TO DO IF YOU ARE DETAINED OR ARRESTED BY IMMIGRATION OFFICIALS

- **KNOW YOUR RIGHTS!**
- Note agents' names, badge numbers or other identifying characteristics and details of the incident.
- **DO NOT say or sign anything without speaking with a lawyer.**
- If you are taken to Otay Mesa Detention Center or Imperial Regional Detention Facility – ask for the **FREE Legal Orientation Program (LOP).**

WHAT TO DO IF YOU ARE DETAINED OR ARRESTED... (cont'd)

Request to **make a call to your family or a friend** to:

- Share arrest details and where you are being detained.
- Share your Alien Registration Number or “A” Number.
- **Ask them to contact an attorney** and provide the attorney with this information.

Memorize the phone number of a reliable relative or friend. You will not have access to your cell phone.

WHAT TO EXPECT AT THE DETENTION CENTER

You may ask to speak to your Consulate

Immigration officers:

- Will ask you if you agree to self-deport;
- Will prepare documents with the immigration charges;
- MAY give you a court date if you are eligible; and
- Will determine if you are eligible for bond.

If you agree to self-deport, you give up the possibility for future relief.

Do not sign anything you have not reviewed with an attorney.

Ask for documents in your language.

WHAT TO EXPECT AT THE DETENTION CENTER (cont'd)

Note: You will be **ineligible for bond** if you have a **prior deportation order**. If so, speak to an attorney.

Tell immigration officials if you have a **fear of returning** to your home country. It may be your only chance to fight your case.

FAMILY PREPAREDNESS

A prepared family has a much better chance of staying together!

DETERMINE:

- Childcare, school arrangements and long-term plans
- Caregivers (Authorization Forms)



For a detailed plan: <https://www.ilrc.org/family-preparedness-plan>

WHAT CAN FAMILY AND FRIENDS DO?

Find out where the person is detained:

- **Call ICE**
 - 619-671-8700 (San Diego)
 - 760-618-7200 (Imperial)
 - 1-888-351-4024 (National)
- Use the **ICE Online Detainee Locator**:
<https://locator.ice.gov>
- **Unblock your phone lines to receive collect calls** in case the person tries to call you.

You should visit the detention facility ONLY if you have legal status.

WHAT CAN FAMILY AND FRIENDS DO? (cont'd)

- **Immediately contact an immigration attorney.** You can find licensed attorneys by searching the California State Bar's website or your county's Legal Referral Service.
- Call the **Immigrant Rights Legal Defense Program: (619) 446-2883** (Monday-Friday, 8am-5pm)
- Call the **San Diego Rapid Response Network:**
 - **Phone Number: (619)536-0823**



Thank You | QUESTIONS?

For more information, contact:

Legal@aclu-sdic.org

Stay connected!

aclu-sdic.org

[@sdicaclu](https://www.facebook.com/sdicaclu) (Facebook & Instagram)

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FOUNDATION Imperial Counties

