



# ORI Know Your Rights

Q&A on Immigration

**This presentation is for informational purposes only. For legal advice, please contact an attorney.**

# Overview of Department of Homeland Security



## Immigration & Customs Enforcement

Immigration Police / Enforcement, Detention & Deportation, representing the DHS in immigration proceedings

## Customs & Border Protection

Enforcement at the border and within 100 miles of the border, checkpoints, and ports of entries

## U.S. Citizenship & Immigration Services

Adjudicates petitions for immigration benefits (asylum, green cards, citizenship, special visas)

# How People May Come into Contact with Immigration Enforcement



Contact with the criminal system

Applying for a benefit at United States Citizenship and Immigration Services (USCIS), *while having a removal order or criminal charge*

Green card & Visa holders returning from travel:

- CBP must show either Immigrant intent OR Fraud
- A visa holder is subject to expedited removal

Raids & targeted enforcement

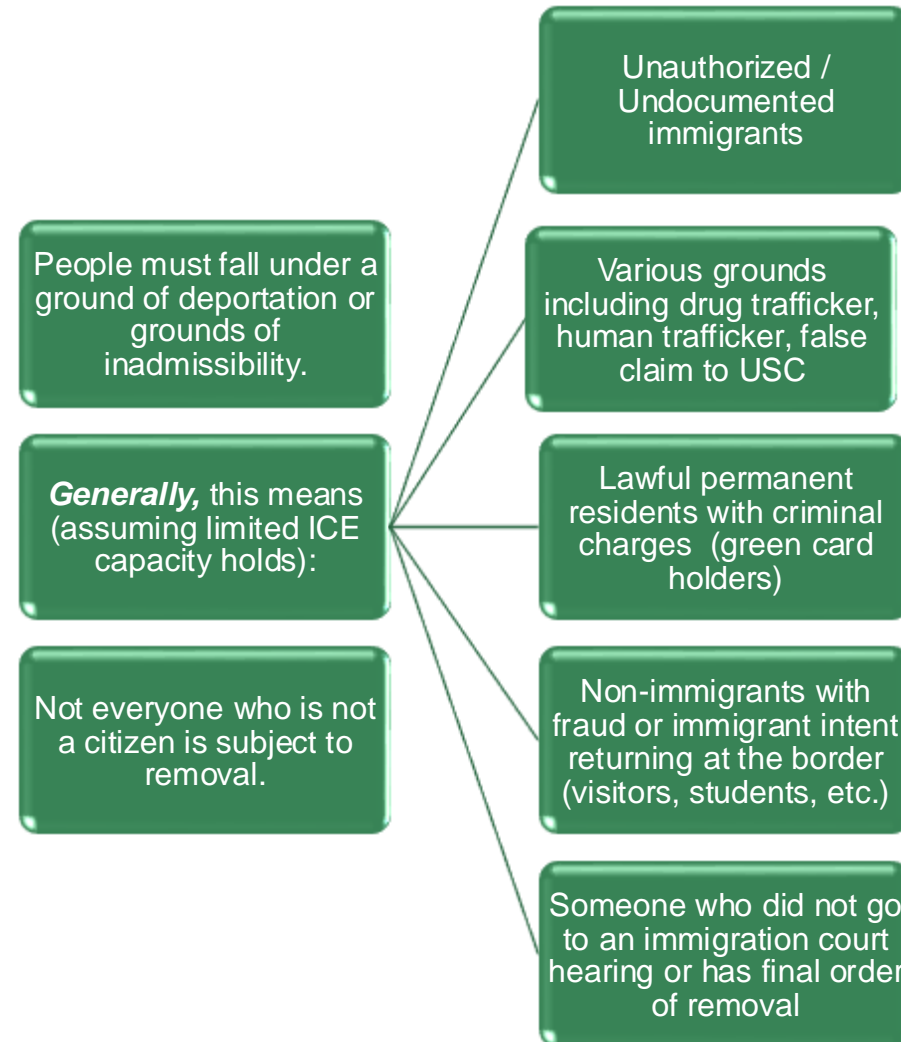
Attending an ICE appointment

Responding to an email/text/letter from ICE

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CONFIDENTIAL DRAFT: FOR POLICY DEVELOPMENT PURPOSES

# Who is at Risk of Deportation?



# Reasons for Deportation



Lack of lawful status

## Criminal grounds, including:

- Nearly all drug convictions
- Some domestic violence, violation of protection order
- Some theft, fraud, and many other offenses.

*Sometimes, relatively minor and non-violent offenses can lead to mandatory deportation even for green card holders.*

Immigration violations / Fraud

Security related grounds (gang involvement, terrorism)



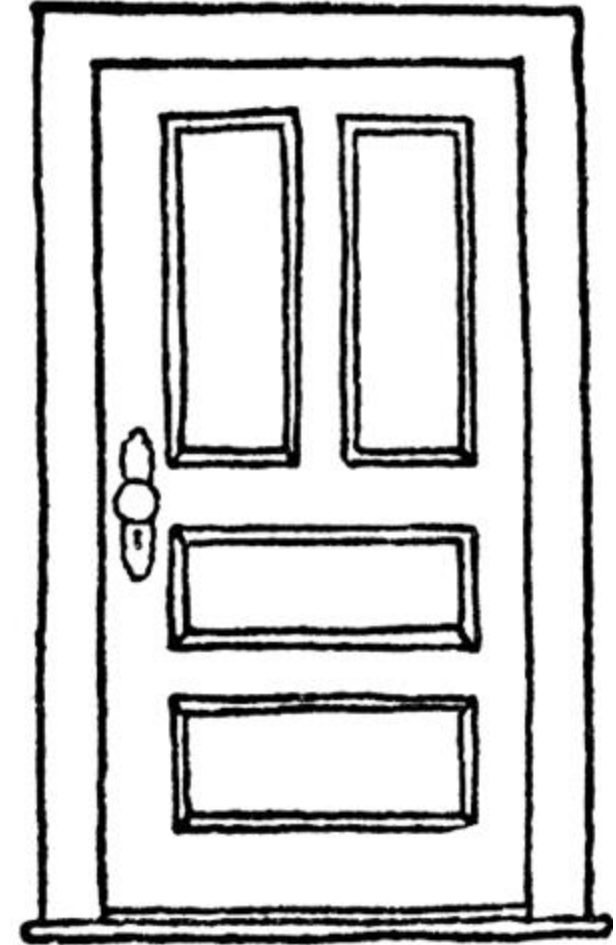
# Know Your Rights: Interactions with Immigration Enforcement

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# If Immigration Comes to Your Home



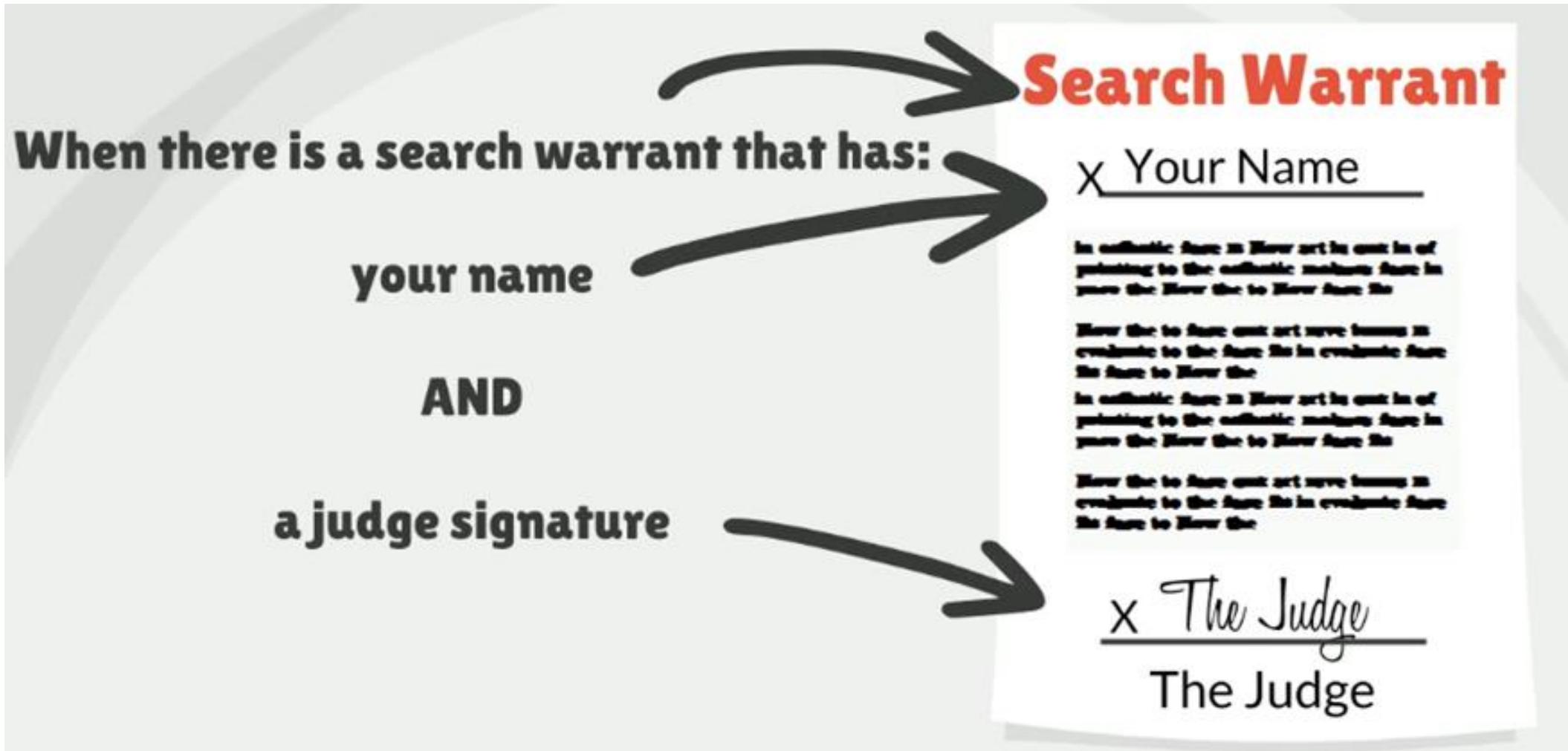
- **Do not immediately open the door, stay calm, take a deep breath**
- Legally, you do not need to open the door unless the officer provides you with a warrant signed by a judge
- You may ask officers to identify themselves (agency, name, ID)
- You may ask if they have a **warrant** signed by a judge
- You have the right to remain silent and to an attorney, including if arrested by ICE. If you choose to invoke that right, state to officers “I request my right to silence and to an attorney”
- One way to assert these rights is to slide a “Know Your Rights” card under the door
- For help, call a US citizen friend, family member or an attorney



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# How can law enforcement enter my home?





# Warrants



## EXAMPLE OF WARRANT SIGNED BY A JUDGE

AD-93 (Rev. 01/05) Search and Seizure Warrant

UNITED STATES DISTRICT COURT  
for the  
Southern District of California

In the Matter of the Search of )  
(the City of ) and )  
of Area ) ) Case No.  
2943 Raymond Avenue )  
San Diego, California ) **14MJ0396**

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

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 Southern District of California (identify the person or describe the property to be searched and give its location):  
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be searched):  
See Attachment B-2.

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 February 14, 2014  
(Date of Execution)  
 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 Hon. David H. Bierick (name).

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2795 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) (file \_\_\_\_\_ days (not to exceed 30)).  
Hence, the facts justifying the later specific date of \_\_\_\_\_.

Date and time issued: 1/24/2014 5:34 PM [Signature]  
Judge's signature

City and state: San Diego, California Hon. David H. Bierick, U.S. Magistrate Judge  
Printed name and title

## EXAMPLE OF IMMIGRATION WARRANT: DOES NOT GIVE IMMIGRATION PERMISSION TO ENTER HOME

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 237 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violation:

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location)  
on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service) and the contents of this notice were read to him or her in the \_\_\_\_\_ (Language) language.

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-203 (Rev. 08/14)



# Know Your Rights Cards

- Multilingual Infographic for Using Rights Card
- Asserting the right to remain silent can be difficult.
- It is helpful for people to have a rights card in their wallets that they can pull out and give to immigration agents or police.
- <https://www.ilrc.org/red-cards>





Immigration enforcement can choose to place individuals it is trying to deport in immigration detention

- If detained, many individuals can request release on **bond** while their case is pending.
  - **You can request the immigration judge to review the bond decision**
  - **It helps to show strong family and community ties, have a folder ready**
  - **Only someone who is a US citizen or has lawful immigration status should go to immigration to pay the bond**



# Who is Impacted by Public Charge?

## *Public Charge – lots of fear, little actual impact*

Many immigrants are NOT subject to public charge.

Applies to: Immigrants applying for a green card through family or work (lawful permanent residence) or a visa to enter the United States.

Does not apply to:

- U.S. Citizens
- Citizenship applicants
- Green card renewals
- Removal of conditions
- Refugees/Asylees
- VAWA
- T/U visas
- Special Immigrant Juveniles
- DACA applications or renewals
- TPS applications or renewals
- Humanitarian parole



# Benefits & Public Charge

## *Current rule:*



Only 2 types of benefits are considered under the current rule:

Cash assistance for income maintenance

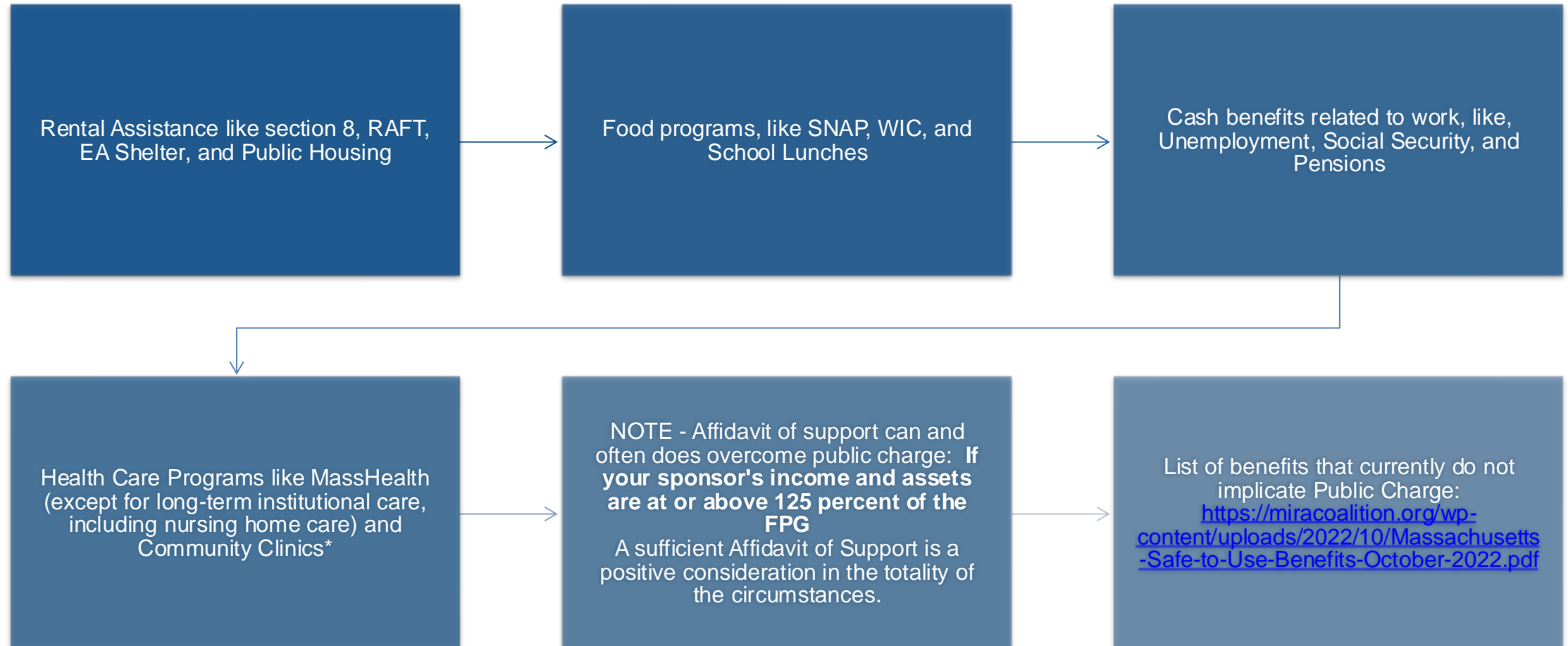
Institutionalization for long term care at government expense



Most people who face the public charge test are not eligible for the benefits in the test.



# Most benefits are NOT considered under the current rule





# Could the rule change?

## Possible future rules:



The current rule was put into our federal regulations and has survived court challenges.



The Federal Government could try to reinstate the old rule but:

Even the old rule applied to a small number of people  
No changes would take effect immediately  
The prior law was successfully challenged by immigrants' rights advocates & State AG offices



# Tuition Equity & Driver's License Bills

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TUITION EQUITY LAW



DRIVERS LICENSE BILL/WORK &  
FAMILY MOBILITY ACT



TUITION EQUITY BILL & DRIVERS  
LICENSE HAVE "MIXED STATUS"  
USERS





# Immigration Legal Resources

*It may take time to find a provider, please use trusted providers and check references.*

## Legal Services Directory in Massachusetts:

- Massachusetts Legal Resource Finder: <https://masslrf.org/en/home>
- Immigration court list of legal services: <https://www.justice.gov/eoir/file/ProBonoMA/download>
- City of Boston free consultations: <https://www.boston.gov/departments/immigrant-advancement/free-immigration-consultations>.

## Legal Services Directory Outside of Massachusetts:

- Immigration Advocates Network Legal Directory: <https://www.immigrationadvocates.org/legaldirectory/>

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