

# Be Empowered & “Know Your Rights”

2017



# Goals For Today

1. Learn about immigration in 2017
2. Learn your rights in case you encounter immigration officials
3. Learn how to best prepare yourself and your family
4. Learn where to go to for help



# Executive Orders

*The President can make rules called executive orders*

Who has heard about President Trump's executive orders on Immigration?  
Does anyone remember what they said?



# Executive Orders - DACA

- September 5, 2017: President Trump announced that immigrants can no longer apply for DACA. Individuals who have DACA, once it expires, are considered to be in the country illegally and are at risk of deportation
- This program had been started under President Obama and had helped 800,000 young immigrants by providing them with work permits and relief from deportation

Massachusetts has  
7,934 people who  
have received DACA  
and will be impacted



# Executive Orders - DACA

## If you are a DACA recipient:

- Current DACA recipients will be permitted to retain both the period of deferred action and their employment authorization documents –EADs (work permits) until they expire, unless terminated or revoked. DACA benefits are generally valid for two years from the date of issuance.
- USCIS (United States Citizenship and Immigration Services) will reject all requests to renew DACA and associated applications for EADs filed after October 5, 2017
- If your DACA or work permit (EAD) are scheduled to expire between September 5, 2017 and March 5, 2018, you may be eligible to renew these permits as long as you do so before October 5, 2017
- After October 5, 2017, USCIS will no longer accept any applications pertaining to DACA or employment authorization renewals

Congress can pass still legislation to reinstate DACA or other immigration reforms.

# Executive Orders - DACA

## **If you are a DACA recipient:**

- You have the right to work legally until your work permit's expiration date
- Your Social Security Number (SSN) is valid for life, even once your work permit and DACA approval expires
- If you have not already done so, apply for a SSN while your DACA and work permit are still valid. You can use your SSN for education, banking, housing and other purposes but not for employment purposes
- Effective September 5, 2017, USCIS will no longer approve any new applications for advance parole under standards associated with the DACA program. If you currently have advanced parole approved, talk to an attorney to discuss the risks of traveling outside of the United States
- Follow the news carefully and go to reliable sources for information. Don't fall for scams about new fees or false information about DACA



# Executive Orders by President Trump:

## January 2017

- Build a wall between Mexico and USA
- More border police and ICE
- More police working with ICE



# Department of Homeland Security Memos

Some people are priorities for deportation:

- Undocumented people with prior deportation orders
  - This means people who were arrested by ICE and released, but missed a court, even if it was years ago
- People who seem a risk to public safety
- People with criminal offenses or even charges
- People who have “abused” public benefits or engaged in fraud with a governmental agency such as a driver’s license





# Executive Orders by President Trump:

- Ban immigrants from 6 mostly Muslim countries for at least 90 days
- No refugees can come to the U.S.A. from **any country** for at least 120 days



# Protests and Lawsuits



# Executive Orders

## June 29, 2017 – Decision by the Supreme Court

People from the 6 most Muslim countries and all refugees are **not allowed to enter the United States** 90 and 120 days **UNLESS**:

- they have a close relationship with a family member in the U.S.
- they are going to university, have a job offer, or have an invitation to give a lecture

We do not know what will happen after these time periods, **so please stay informed.**



# Executive Orders

Talk to a lawyer if you want to travel and are from one of the 6 countries (Sudan, Syria, Yemen, Iran, Somalia, Libya)



# What to Do if You Meet an Immigration Officer





# Everyone Has Rights

Todo el mundo en América tiene derechos.

Todos os Estados Unidos têm direitos.

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美國的每個人都有權利。

Tout moun nan Amerik gen dwa.

لكل شخص في أمريكا حقوق.

Qof kasta oo ku nool Mareykanka wuxuu leeyahay xuquuq.

Tout le monde en Amérique a des droits.



# Everyone Has Rights

What do I do if I meet an immigration officer?



It depends on your immigration status.



# Everyone Has Rights

If you have immigration status (green card, TPS, asylum applicant) you may wish to show your ID to prove you are here legally.

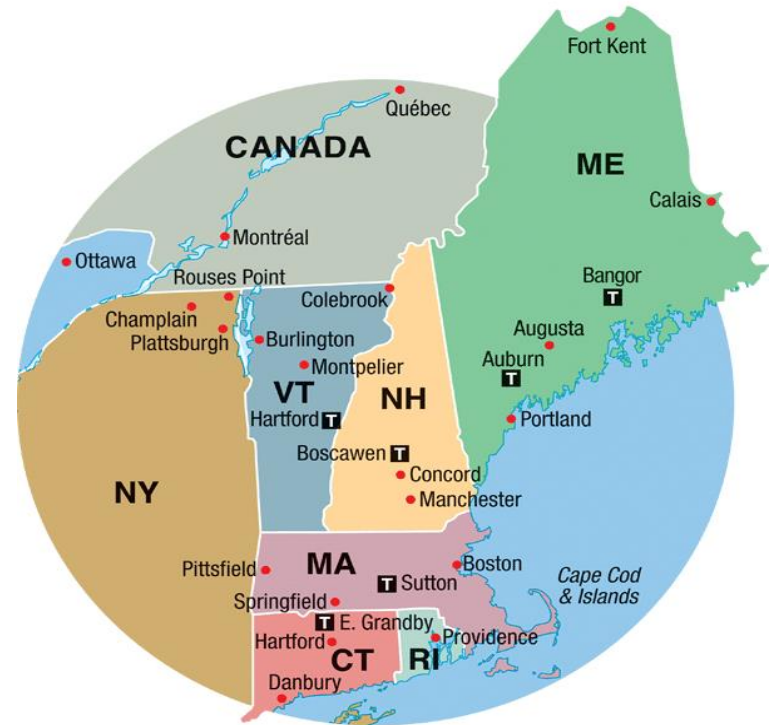


If you do not have immigration status, you can be quiet and not show ID until you talk to a lawyer.



# Nearby States

- ICE often stops cars on roads and within 100 miles of the United States border with Mexico and with Canada
- This means that you may be stopped by Immigration in New York, Vermont, Maine and **New Hampshire**
- If you do not have immigration status, you may not want to go to these states



# If you meet an immigration officer, remember:

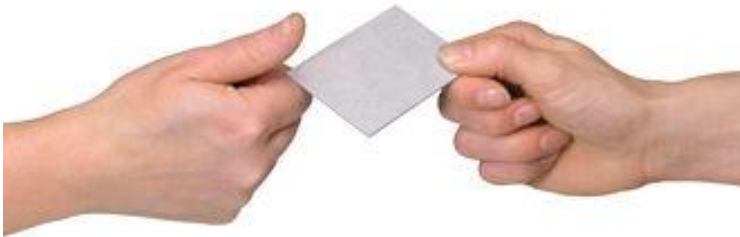
- You have the right to remain silent.
  - This means that you have the right not to answer any questions
- You have the right to see an arrest warrant
- You have the right to speak to a lawyer
- You have the right to make a phone call


**ONLY US Citizens Cannot Be Deported**

# Rights if you Meet an Immigration Officer

- If your rights are violated, you may be able to use this to help your case later. Talk to an attorney.
- Do not lie
- Do not show fake papers
- It is better to say “I would like to be silent” than to lie

Show your Know Your Rights card



 **KNOW YOUR RIGHTS!**

If you are stopped by immigration or the police:

- ✓ Hand this card to the officer, and remain silent.
- ✓ The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

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**To: Immigration or Other Officer**

Right now I am choosing to exercise my legal rights.

- I will remain **silent**, and I refuse to answer your questions.
- If I am detained, I have the right to contact an attorney **immediately**.
- I refuse to sign anything without advice from an attorney.

Thank you.



# If ICE Comes to Your Home

You have the right to:

- Not open the door
- Slide your “Know Your Rights” card under the door or show it at a window
- Call a U.S. citizen friend or family member to let them know what is happening
- Call an immigration attorney



# Drama: Ana's Story

Ana is an undocumented woman from El Salvador. She hears a knock on her door at home.

**Ana:** Who is there?

**Officers:** We are officers. We are looking for Maria Martinez.

**Ana:** I do not know Maria.

**Officers:** What is your name? Please open the door so we can see if you are Maria Martinez.

- What are Ana's rights?
- Are the officers allowed to enter into Ana's home?

[https://www.youtube.com/watch?v=z\\_ckcdtQ95w](https://www.youtube.com/watch?v=z_ckcdtQ95w)

# Search Warrant

# When can ICE enter my home?

## When there is a search warrant that has:

**your name**

# AND

**a judge signature**

# Search Warrant

x Your Name

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x The Judge  
The Judge

# Judicial Warrant - Signed by a Judge

UNITED STATES DISTRICT COURT		
NORTHERN	DISTRICT OF	IOWA
<p>In the Matter of the Search of <small>(Name, address or brief description of person, property or premises to be searched)</small> Agriprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be searched incorporated in Attachment 1</p>	<p>APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT</p> <p>Case Number: 08-MJ-110</p> <p>RECEIVED U.S. DISTRICT COURT NORTHERN DISTRICT OF IOWA CEDAR RAPIDS HOOTRS. OFFICE MAY 12 AM 9:00</p>	
<p>I, <u>Senior Special Agent David Hoagland</u> being duly sworn, depose and say I am a(n) <u>Senior Special Agent</u> and have reason to believe <small>Official Title</small></p>		
<p>that <input type="checkbox"/> on the person of or <input checked="" type="checkbox"/> 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</p>		
<p>in the <u>Northern</u> District of <u>Iowa</u> there is now concealed a certain person or property, namely (describe the person or property to be seized) <u>See Attachment 2</u></p>		
<p>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.</p>		
<p>concerning a violation of Title <u>8 &amp; 18 &amp; 42</u> United States code, Section(s) <u>1324, 1326 &amp; 1546, 1015, 1028A &amp; 408</u> The facts to support a finding of probable cause are as follows: <u>See attached Affidavit</u></p>		
<p>Continued on the attached sheet and made a part hereof: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>Sworn to before me and subscribed in my presence, <u>May 9, 2008</u> Date</p>		<p><u>[Signature]</u> Signature of Affiant</p>
<p><u>Jon Stuart Scoles</u> Name of Judge</p>	<p><u>Magistrate</u> Title of Judge</p>	<p>at <u>Cedar Rapids</u> <u>IA</u> City State <u>[Signature]</u> Signature of Judge</p>

# Arrest Warrant- Not Signed by a Judge

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

File No. [REDACTED]  
Date: 02/24/2017

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

I have determined that there is probable cause to believe that [REDACTED] 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; and/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)  
[REDACTED]  
(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

# Role Play: ICE in the Home

- **ICE:** [knocks] Open the door – we need to speak to you!
- **Person:** Warrant?
- **ICE:** We just need to ask you a few questions. Please open the door, it's important that we talk to you.
- **Person:** If you do not have a warrant, I am not opening the door
- **ICE:** Look, we just need to ask you some questions. What is your name please?
- **Person:** I will not open the door without a signed warrant from a judge. [Slides red card under door]



# If Stopped While Driving



**You have the right to remain silent.**

**Remaining silent does not mean that you will not be arrested, but it is your right not to give ICE any information that could be used against you.**

Stay calm and do not run or resist arrest. Keep your hands where the officer can see them.

You have the right to ask if you are under arrest or free to leave.

If you are free to leave, you should say you are leaving

**You have the right to refuse to be fingerprinted by ICE**



# Work Place Raid

What are Your Rights if Asked to Line Up by Immigration Status?



You have the right to:

- Not answer
- Stand silently in the middle of the room
- Not give the officials any information about you
- Not to line up because you have the right to remain silent

**You have the right *not* to communicate information in any way.**

# Drama: Miguel's Story

Miguel is undocumented. One day, he is stopped by an ICE officer while waiting for the bus.

**Officer:** What is your name? Please show me your ID.

**Miguel:** I would like to remain silent.

**Officer:** I need to take your fingerprints.

**Miguel:** I have the right to not give you my fingerprints. Am I under arrest?

**Officer:** No, you are not.

**Miguel:** Then I am going to leave. [walks away calmly]

# Be Prepared - Just In Case

- Memorize important phone numbers friends or family members and an attorney to call
- If you do not have status, consider where to keep any foreign identification documents including passport, driver's license, national identification card, etc.
  - Your passport is enough evidence for ICE to prove identity and alienage -- who you are and where you are from
- Talk to a friend or family member who has legal status in the United States about how to access money to pay for an immigration bond for you if you are arrested

# Be Prepared – Just In Case

- Keep important documents such as children's birth certificate(s), medical records, paystubs, and utility bills in a safe place at home
- Make sure all information and emergency contacts are up to date at your children's school(s), including who can and cannot pick up your children
- You may want to register the birth of any U.S. born children with your own Consulate
- You may also want to consider getting U.S. passports if your children were born here or a passport from their country of birth. You may want to talk to your Consulate office to get assistance with this

# Be Prepared – Family Preparations

There are different temporary custody forms which you may want to consider filling out now in case you are detained.

- **Caregiver Affidavit Authorization**

- Gives the person you choose the right to make decisions about your child's health and education for up to two years

- **Temporary Agent Authorization**

- Gives the person you choose any power that a parent has, (except permission to marry or adopt,) for up to 60 days

You can fill out both of these forms for your child(ren) and they can be ended at any time. Both must be signed in the presence of two witnesses and in front of a notary.

You may also want to meet with a lawyer to designate and document someone you trust with Power of Attorney to make financial, legal or childcare decisions in your absence



# Post-Arrest – Just In Case

- You have the right to not give any information to ICE agents (country you are from or where you were born)
- Remind your family not to give ICE any information, because they may ask your family members questions too

IMPORTANT: If you have any undocumented family members, advise them *not* to come to the jail or detention center to visit you; they could end up detained too

# Post-Arrest – Just In Case

## Bond

If arrested by ICE, you may or may not be eligible to ask an immigration judge for a bond.

- Being granted a bond means that a judge will set an amount of money that you have to pay in order to be released until you need to report to court
- Things that make your bond case stronger are strong family ties and community ties. Think of who you would ask to write you letters if you needed a bond. Your boss? Your family?

# Post-Arrest – Just In Case

## Bond

- Think of someone with immigration status that you trust who can pay a bond
- Make sure you have money saved in case you will be eligible for bond. Bond can start at \$1500 but is typically more \$4000 - \$10,000
- Make sure you tell the person who will pay your bond how to get the money

# Post- Arrest – Just In Case

## Right to See an Immigration Judge

If you are arrested, you need to see a judge to try to stop your deportation. Talk to an immigration lawyer.

### **BUT:**

- If you have already been ordered deported by an immigration judge or at the border, you will not automatically be able to see a judge again
- Anyone who has been in the country for two years or less, regardless of where you're arrested, could be subjected to expedited removal which means you do not have the right to see an immigration judge

# Immigration Process



# Immigration Court

## Getting a Court Date in the Mail

- If you were caught by ICE and then released, you will get a court date in the mail
- You can also call 1-800-898-7180 and type in you're A# to find out your next court date and location of court
- Make sure that you keep the Department of Homeland Security and the Immigration Court updated on any change in address that you make have



# Immigration Court

- **Go to Court!** Failure to go to a scheduled hearing could result in an **in absentia removal order**
  - This means that if you don't go to court, you will be ordered deported and a warrant will be issued for your arrest. You will not be eligible for bond
- Being ordered deported is something that will always be connected to you, even if your court date was more than 20 years ago
- If you don't have a lawyer at your first court hearing you can ask for more time to find one. Ask for the legal services list of attorneys

# Immigration Court

- If you have a court date, you should speak to an immigration attorney about your case
- You may be eligible for one of the many possible forms of immigration relief but immigration law is complicated
- Do not fill out forms or immigration paperwork without speaking to an experienced attorney

# ICE Check-Ins

## Reporting

- Some people released by immigration may have to report to ICE in Burlington, MA
- This is separate from going to court
- **Someone with reporting requirements or an ankle bracelet should speak to a lawyer as soon as possible**

# Where Can I Go For Help?

# Immigration - Defense to Removal

- Victims of crimes in the U.S. including domestic violence
- People afraid to return to their home countries due to persecution or torture, including individuals who identify as LGBT or who have suffered domestic violence in their home country
- Minors who have been abandoned, abused or neglected by one or both of their parents
- Trafficking victims
- Green card/lawful permanent residence through a family member or based on employment

Other options exist!

# The 10 Year Law

How many of you have ever heard of the 10 year law?

- This is a complex for of relief
- **See an experienced immigration attorney**

There is **not** a law that says that simply because you have been in the U.S. for 10 years you have the right to a pathway to citizenship

## **Do not become a victim of fraud**

- Must be in deportation proceedings already in order to apply  
AND
- Must show that a U.S. citizen or green-card holding spouse/parent/child would suffer “exceptional and extremely unusual hardship” if you were deported - such as they have a serious disease and are dependent on you and only you for care



# Avoiding Scams

- Being a notary or “notario público” is NOT the same thing as an attorney and does not authorize someone to provide you with legal advice
- Only an attorney or an Accredited Representative can give you legal advice
- If you have a criminal history, make sure your attorney has specialized knowledge/experience in the immigration consequences of crimes

# What Am I Eligible To Apply For?

Meet with an attorney or attend a legal screening and make sure you know your own immigration status

- There is a chance that you may have a pathway to an immigration status that you may not know about
- If you have TPS or DACA or are undocumented, there may be a chance that you are eligible for permanent immigration status



# Free Immigration Consultations with Volunteer Attorneys

2017 SCHEDULE



**MBTA Stations:**  
Government Center: Blue and Green lines  
State Street: Blue and Orange lines

**BOSTON CITY HALL ROOM  
806**

**12:00 NOON – 2:00 PM  
FIRST AND THIRD WEDNESDAYS OF  
EVERY MONTH**

July 5<sup>th</sup> and 19<sup>th</sup>  
August 9<sup>th</sup> and 23<sup>rd</sup>  
September 6<sup>th</sup> and 20<sup>th</sup>  
October 4<sup>th</sup> and 18<sup>th</sup>  
November 1<sup>st</sup> and 15<sup>th</sup>  
December 6<sup>th</sup> and 20<sup>th</sup>

- First-come, first-served (no appointments)
- Please call at least 1 week in advance for interpretations (other than Spanish) and/or disability accommodations
- Consultations are a maximum of 15 minutes

For more information, call (617) 635-2980  
Facebook.com/BOSimmigrants  
Twitter @BOSimmigrants  
boston.gov/immigrants



**MAYOR'S OFFICE  
FOR IMMIGRANT  
ADVANCEMENT**  
MAYOR J. WALSH, Mayor of Boston



# LAWYERS

**PAIR Project:**

**Helps with detained immigration cases and asylum. Call between 1pm – 3pm to make an appointment, 617-742-9296**

**Irish International Immigrant Center:**

**Free intake clinics in different Boston neighborhoods.**

**Call: (617) 542-7654**

**Greater Boston Legal Services**

**(617) 371-1234**

**MIRA Coalition**

**(617) 350-5480**

**Catholic Charities:**

**Call Mondays at 9am**

**(617) 464-8100**

**Project Citizenship (for assistance with citizenship)**

**(617) 694-5949**

**Committee for Public Counsel Services (for criminal matters)**

**617-482-6212**

thank you | gracias | merci | 谢谢 |  
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