KNOW YOUR RIGHTS

Yuliana Wiser-León for HUSD

Eden CHURCH

ACILEP
ALAMEDA COUNTY
IMMIGRATION
LEGAL EDUCATION
PARTNERSHIP





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ACILEP

Rapid Response Hotline

(510) 241-4011

Visit ACILEP.org for

- KYR information & materials







TOPICS WE WILL COVER TODAY:

- Understanding the US Immigration System
- Distinguishing Law Enforcement & Their Respective Powers
- KNOW YOUR RIGHTS:
  - California: What is Meant by Sanctuary and How Does it Protect Us?
  - Constitutional rights: What to Do if You Come Into Contact with ICE

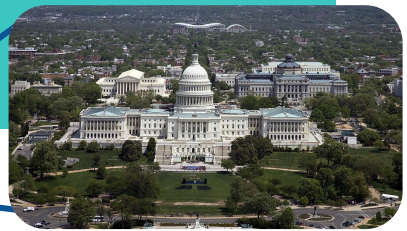

Understanding the U.S. Immigration System

Immigration Law & Policy = Federal Government

Immigration status is granted by federal law,

passed by the U.S. Congress
(legislative branch of federal gov)







Understanding the Immigration System

The U.S. President (executive branch) cannot pass immigration laws; and executive orders issued by POTUS cannot grant immigration status

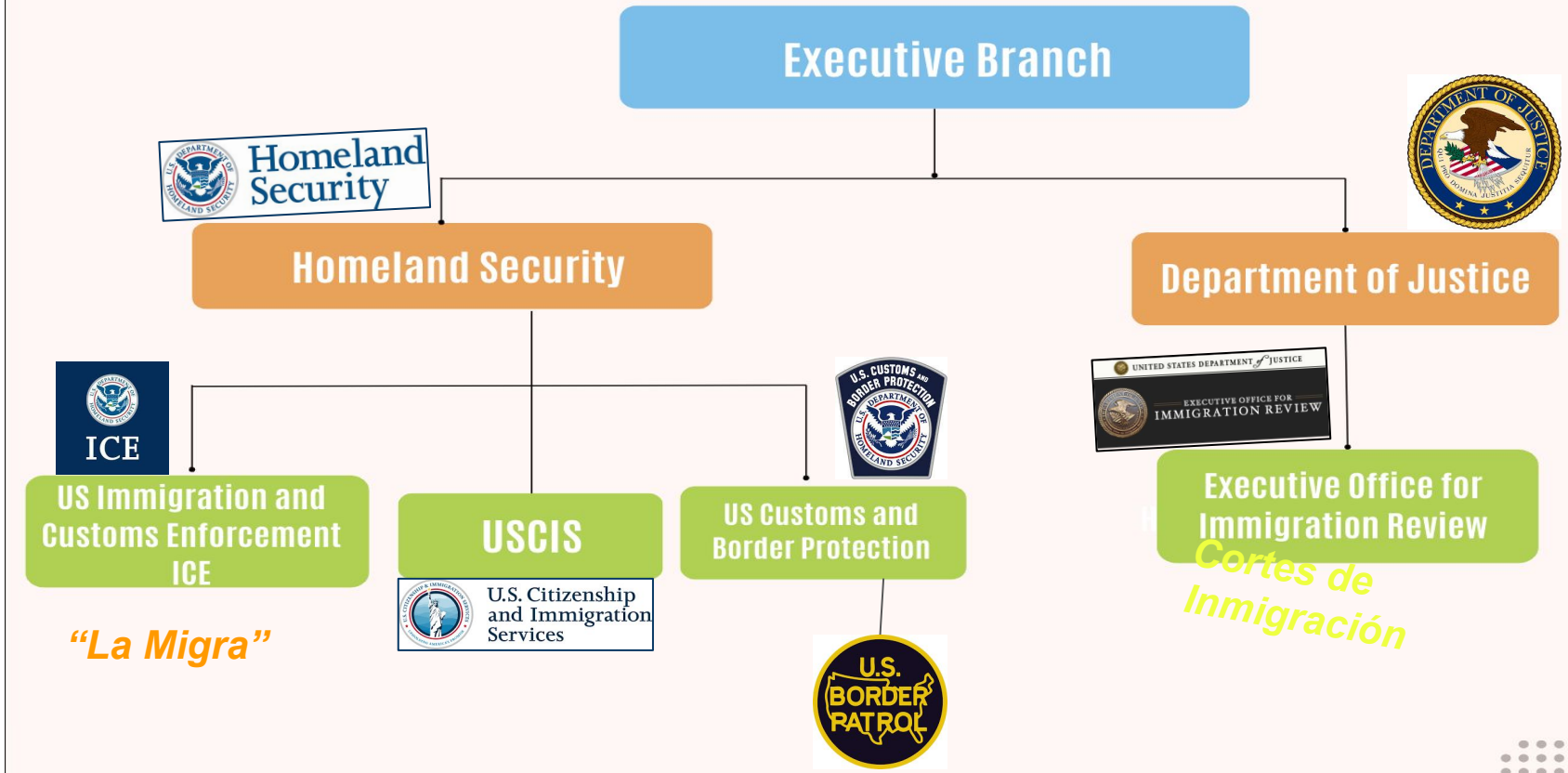
But the **US President is the boss** of the agencies that administer the benefits granted by immigration law; and that are in charge of deporting those to whom the law does not grant status or protection







U.S. IMMIGRATION SYSTEM

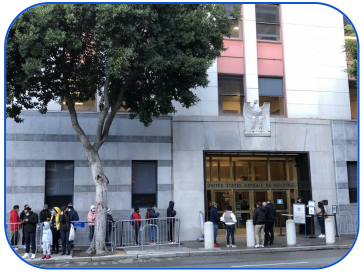


Federal "Immigration System" presence in the Bay Area



ICE U.S. Immigration and Customs Enforcement

Control de Inmigración y Aduanas
"La Migra"



630 Sansome St
San Francisco

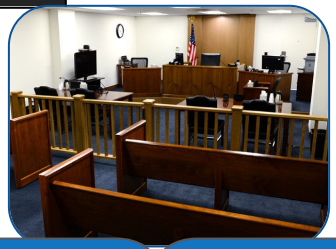
U.S. Citizenship and Immigration Services

Servicio de Inmigración y Ciudadanía
"Agencia de Inmigración"



Cortes de Inmigración

UNITED STATES DEPARTMENT of JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



San Francisco | Concord

ISAP Check-ins with ICE

- "Intensive Supervision" : ICE's monitoring program
- Not a venue for making a claim to relief
- In person, by phone or by app.

Interviews with USCIS

- In connection with an affirmative application for an immigration benefit, such as a green card application or naturalization

Court Hearings

- Where removal proceedings happen
- Individuals present their defense against removal
- Courts can order a person removed in absentia


Distinguishing Law Enforcement & Their Respective Powers

Law Enforcement



Control de Inmigración y Aduanas
"La Migra"





- ICE Officers are required to identify themselves when interacting with individuals
- Must show their badge
- Must state that they are ICE if they approach you to ask you questions
- *When in doubt, verify!*



Law Enforcement



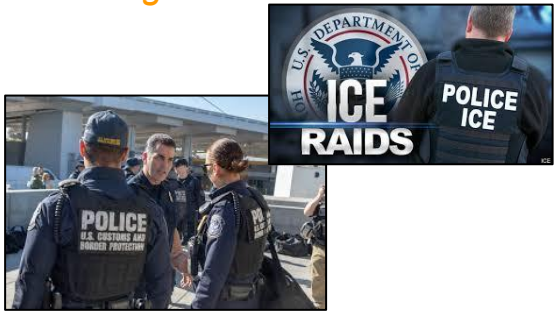
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Control de Inmigración y Aduanas

"La Migra"











Law Enforcement





CA Law Enforcement Agencies

Such as the Alameda County Sheriff's Office or municipal police departments, such as the Oakland Police Department

Enforce California law as well as local policies

They DO NOT enforce immigration law

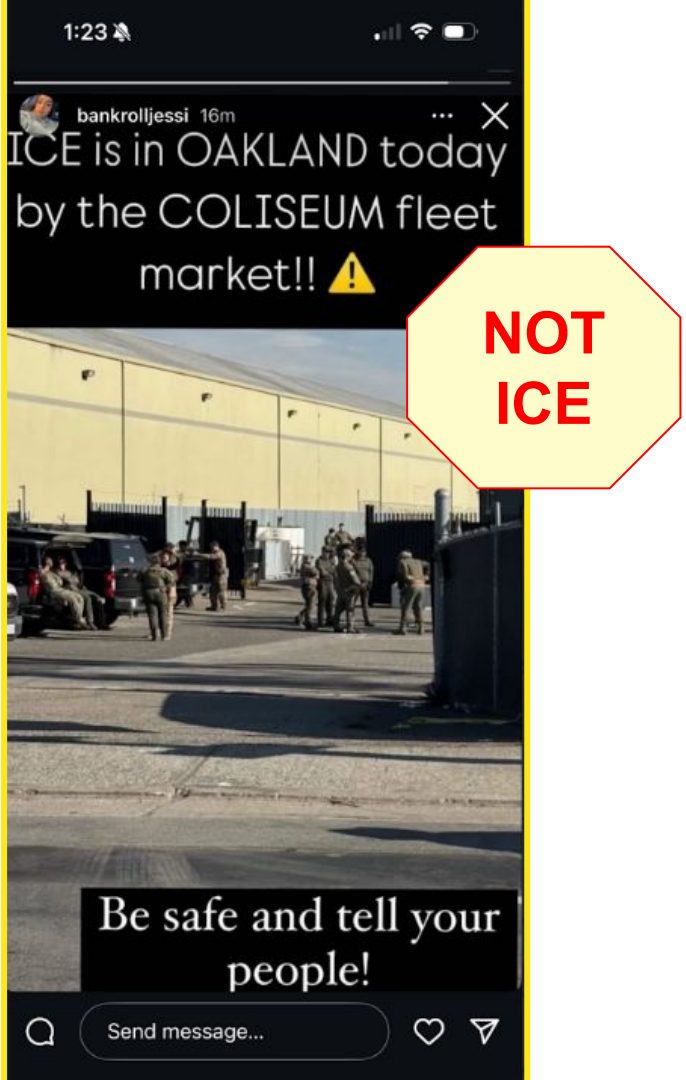








- Avoid FALSE reports
- Take photos and verify before spreading rumors
- Call the ACILEP Hotline

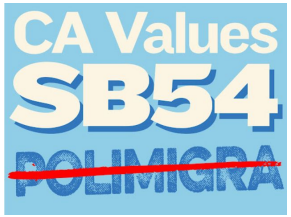



What is Meant by “Sanctuary”
and
How Does it Protect Us?

What is Meant by “Sanctuary” and How Does it Protect Us?







The CA Values Act
is CA’s Sanctuary Law
Signed into law on October 5, 2017 and went into effect January 1, 2018.





★ California cannot prevent federal immigration agents, such as ICE or CBP, from entering California and its communities, BUT

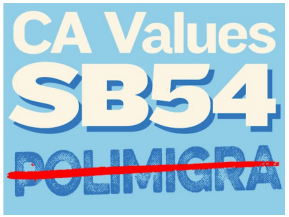
- With some exceptions, no state and local resources are used to assist federal immigration enforcement, prohibiting cooperation with ICE by CA law enforcement agencies



What is Meant by “Sanctuary” and How Does it Protect Us?







The CA Values Act
is CA’s Sanctuary Law





CA Law Enforcement CANNOT

- ➔ Ask about your immigration status.
- ➔ Arrest you only for having a deportation order or for most other immigration violations.
- ➔ Share your personal information, like your home address, with ICE or CBP, unless it's publicly available.
- ➔ Limits on other collaboration with ICE or CBP




Know Your Rights:
What to Do if
You Come Into Contact with ICE



Knowledge is Power!
Information is Power!
We’ve got us!



Interacting with ICE: In General

- **Stay calm, breathe**
- Do **NOT**:
  - Say immigration status
  - Say country of origin
  - Sign documents
- If arrested, ASK for attorney
- Remain **SILENT**
- Announce BEFORE film/record
- **Call Rapid Response hotline!**



Interactions at Home

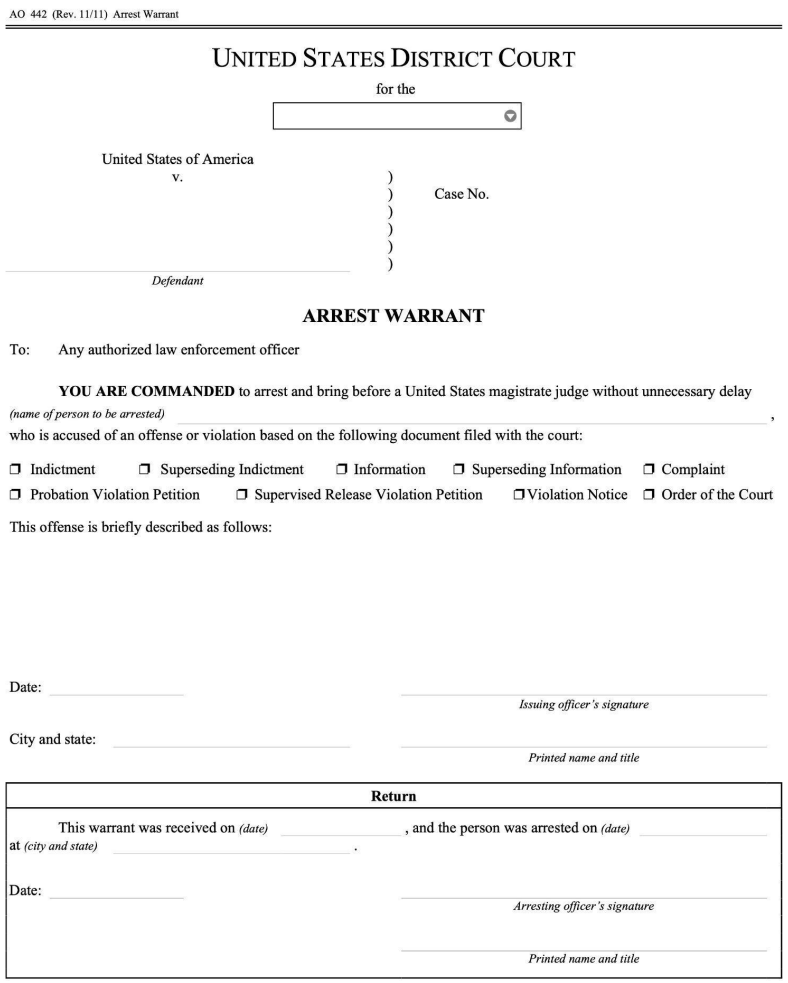
You have Constitutional Rights!



- Do NOT open door
- Ask officer to slide documents under door
- SAY: I will not open without a **JUDICIAL** warrant
- If no judicial warrant: Remain SILENT
- Call Rapid Response hotline

What is a judicial warrant?

- "UNITED STATES DISTRICT COURT" appears at top
- MUST be signed by a judge
- MUST contain your correct name



AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America
v.

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ,
who is accused of an offense or violation based on the following document filed with the court:

❒ Indictment ❒ Superseding Indictment ❒ Information ❒ Superseding Information ❒ Complaint
❒ Probation Violation Petition ❒ Supervised Release Violation Petition ❒ Violation Notice ❒ Order of the Court

This offense is briefly described as follows:

Date:

Issuing officer's signature

City and state:

Printed name and title

Return

This warrant was received on *(date)* , and the person was arrested on *(date)*
at *(city and state)* .

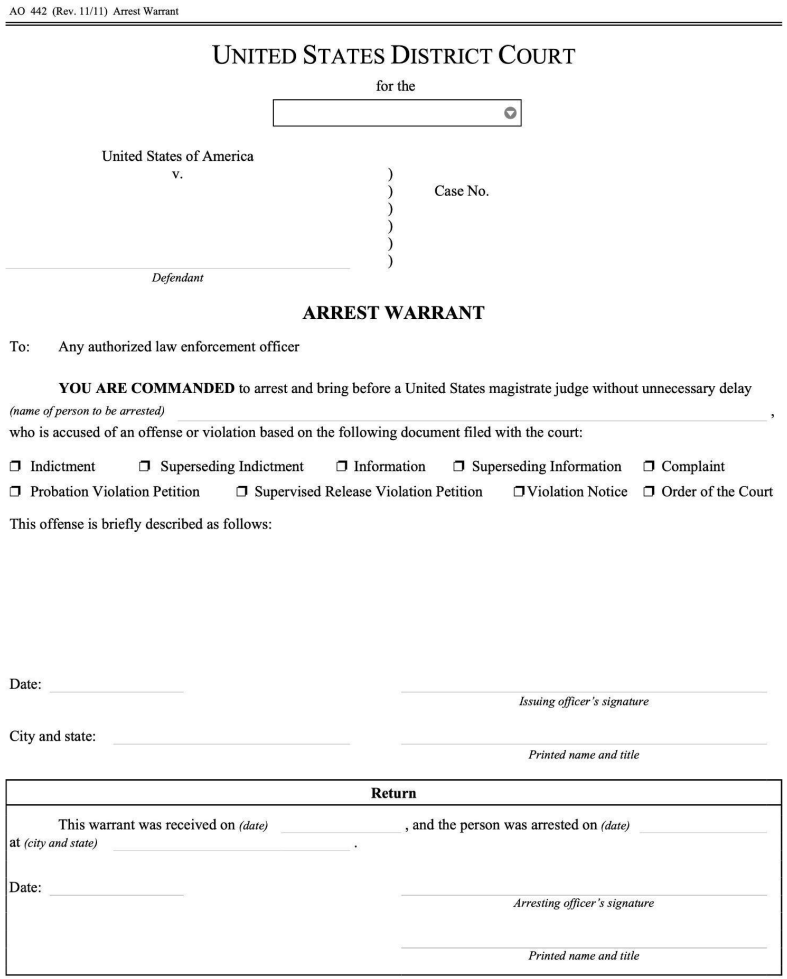
Date:

Arresting officer's signature

Printed name and title

If **there is** a judicial warrant, the officers may enter:

- Breathe, stay calm
- Remain silent
- Ask for an attorney



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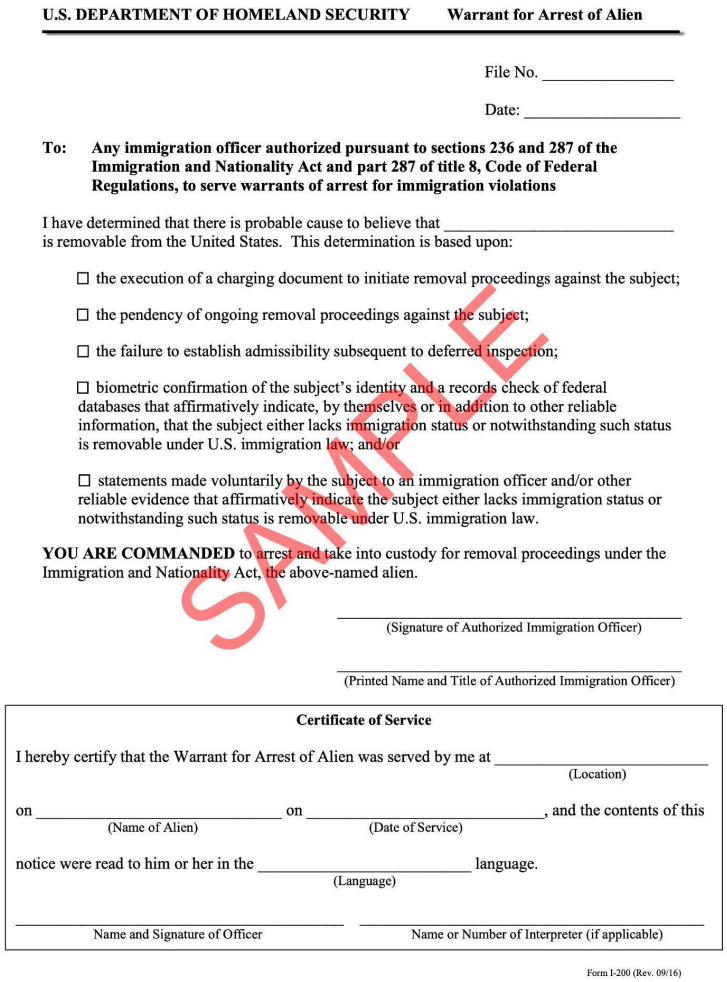
Date:

Arresting officer's signature

Printed name and title

What is an administrative warrant?

- "U.S. DEPARTMENT OF HOMELAND SECURITY"
- at the top
- Title: "Warrant for Arrest of Alien"
- Signed by ICE or other officer (NOT a judge)
- NO court seal



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

File No. _____

Date: _____

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 _____ 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.

SAMPLE

_____
(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.

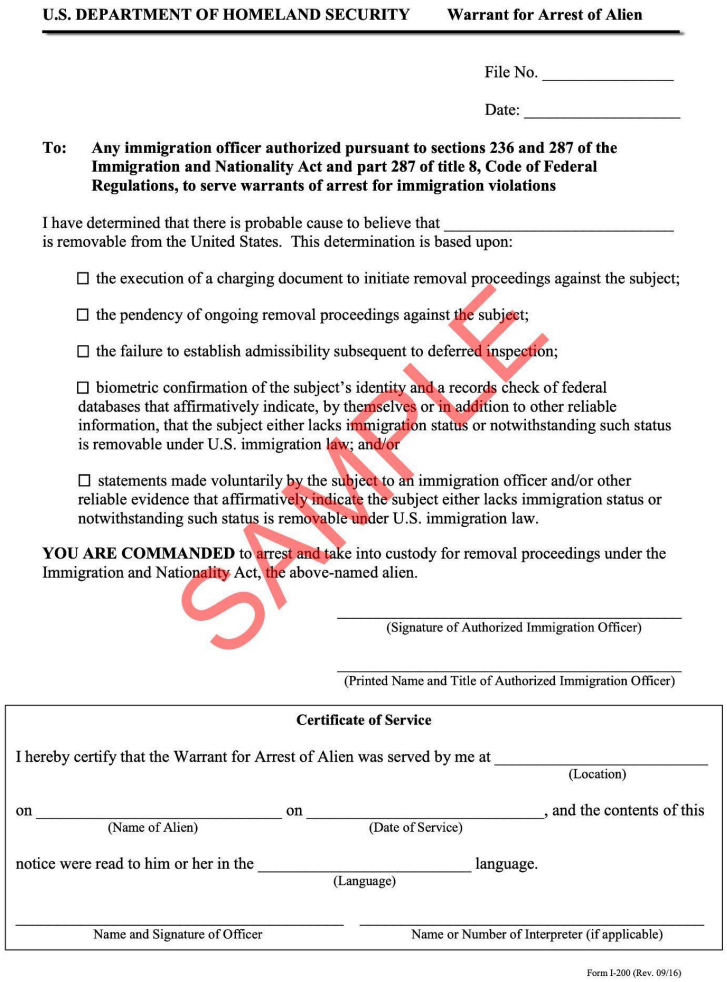
_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

CAUTION!

- Administrative Warrant NOT enough
- Do NOT let ICE in
- **SAY**: “This is an administrative warrant and you do not have the right to enter.”



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

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Date: _____

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_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

What to do if
ICE comes to your **work**

Interactions at Work

- If safe, move to private/employee-only area
- ICE can ONLY enter with JUDICIAL warrant
- Staff can deny ICE entry into business



What to do if
ICE comes to you **in public**

Interactions in Public

- Do NOT say your status or origin
- ASK “Am I being detained?”
- If not being detained, SAY “may I leave?”
- REQUEST reasons and evidence for arrest
- Announce BEFORE film/record



What to do if:
ICE comes to your **school**

Interactions at School

- Sensitive Locations / Protected Areas
- School may deny ICE entry without JUDICIAL warrant
- School CANNOT share student information



What to do if
ICE comes to your **car**

Interactions in Your Car

- If safe, do NOT exit vehicle
- Do NOT say status or origin: ONLY show US ID
- Announce BEFORE film/record
- Ask WHY you were stopped
- SAY “May I leave?”





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THANK YOU / GRACIAS







Questions?