

Be Empowered & “Know Your Rights”

2017



Goals For Today

1. Understanding the current situation on the ground
2. Understanding your rights when encountered by immigration officers
3. Understanding what you can do to prepare yourself and your family
4. Understanding where to go for help

Executive Orders

The President has the power to issue Executive Orders at any time.

Who has heard about President Trump's executive orders on immigration?

What have you heard is included?

Is it possible that there will be new executive orders?

Executive Orders

There were 2 Orders on January 25, 2017. One order focused on border security (on the border) and the other on interior security (within the United States.)

- Build a wall along the southern border
- Increase border patrol by 5,000 officers
- Increase ICE by 10,000 officers
- Expand expedited removal to anyone in the United States for two years or less (removal without the chance to see a judge)
- Expand cooperation with local police, known as the 287(g) program – although many Massachusetts police departments have promised not to do this, such as Boston, Cambridge, Somerville, and others

DHS memos

On February 20, DHS issued 2 memoranda. Many more **immigrants without documents** are now a priority for detention and removal including those who:

- (1) have committed acts which are considered to be a criminal offense (even if they have not been charged);
- (2) have been charged with a criminal offense (even if they have not been convicted);
- (3) have been convicted of a criminal offense;
- (4) have engaged in fraud in connection with any official matter before a governmental agency such as in a driver's license application;
- (5) have abused any program related to receipt of public benefits;
- (6) have a deportation order, no matter how old;
- (7) in the judgment of an immigration officer, pose a risk to public safety or national security.

Executive Orders

- On January 27th, the President issued an Executive Order that tried to stop people from mostly Muslim countries from entering the United States
- Nationwide protests took place in airports around the country and lawsuits were filed in five states resulting in stopping the Executive Order that banned immigrants and refugees from seven countries
- On March 6, a new Executive Order was issued restricting travel for nationals from six mostly Muslim countries (same as the January 27th ban, minus Iraq)

Executive Orders

FOLLOWING PART IS ON HOLD DUE TO A NATIONWIDE TEMPORARY ORDER FROM FEDERAL COURTS OF HAWAII AND MARYLAND

Foreign nationals from **Sudan, Syria, Yemen, Iran, Somalia and Libya** who are outside of the United States and who do not have a valid visa as of January 27, 2017 will not be allowed to enter the United States for at least 90 days.

- National of these countries with visas will not be revoked as a result of the order
- Greencard holders, individuals with asylum or refugee status and individuals with TPS should not be affected
- Nationals from Iraq are no longer affected
- DHS can add additional countries to the ban list

Executive Orders

FOLLOWING PART IS ON HOLD DUE TO A NATIONWIDE TEMPORARY ORDER FROM FEDERAL COURTS OF HAWAII AND MARYLAND

The United States Refugee Admissions Program is temporarily suspended for the next 120 days.

- Individuals already granted refugee status will not be affected
- The total refugee number for fiscal year 2017 will be 50,000
- We do not know what will happen after the 120 day period and it may differ based on the country so please stay informed

Executive Orders

If you are from one of the six affected countries and wish to travel, no matter your status, talk to a lawyer to discuss the risks of traveling outside of the United States.

Executive Orders

* No action on DACA (Deferred Action for Childhood Arrivals) for now.

- DACA was created by executive action under President Obama **for** certain persons age 16 or older who were in school or had graduated and came to the U.S. before June 15, 2007
- Criminal convictions can either bar DACA or prevent renewal
- Noncitizens should not apply for DACA for the first time or apply to renew DACA status without consulting with an immigration attorney

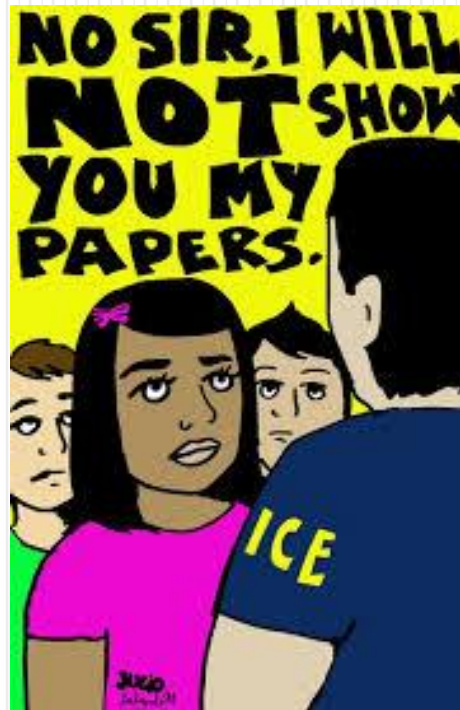
Stay Informed

- Expect new executive orders to be issued soon.

<https://www.whitehouse.gov/briefing-room/presidential-actions/>

- For current information & fact sheets, go to:
www.masslegalhelp.org/immigration

What to Do if You Meet an Immigration Officer



Everyone Has Rights

- No matter who is president, everyone living in the United States has certain **basic rights under the United States Constitution**
- It is important to know these rights so that you can protect them
- How you respond or react to meeting an immigration officer may depend on your immigration status

Everyone Has Rights

- If you have immigration status (green card, TPS, asylum applicant, among others), you may wish to show your identification to prove you are here legally
- If you do not have status, you may wish to remain silent and not present identity documents until you have spoken to an attorney

Rights if an Immigration Officer Confronts Me

Remember these basic rights

- 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

Rights if an Immigration Officer Confronts Me

- If you assert your rights and they are violated, you may be able to use that in your favor later on if you are arrested (to suppress evidence)
- Do not lie to an officer
- Do not show fraudulent documents
- You may choose to say nothing. It is better to say “I would like to remain silent” than to lie

At 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
- Ask them if they have a warrant and to slide it **under the door**
- Look at the warrant carefully to make sure it is **signed by a judge**
- Call a U.S. citizen friend or family member to let them know what is happening
- Call an experienced immigration attorney

Hypothetical: Ana's Story

Ana is an undocumented woman from El Salvador. A few minutes after she came home from work, she heard a knock on her door. She peeked through the peek hole and asked “Who is there?” A man and a woman answered saying that they were officers. She asked what they wanted and they said they were looking for a woman named Maria Martinez. She said that she did not know Maria. Then they asked her for her name and told her to open the door because they needed to see her identification to make sure that she wasn't Maria Martinez.

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

Hypothetical: Ana's Story

- Since Ana is undocumented, she may choose not to open the door since under the new executive orders, anyone without papers is considered to be a priority for detention
- Ana has the right to remain silent
- Ana has the right to show her Right to Remain Silent red card under the door or through a window
- Ana has the right to ask to see a warrant under the door and to check if the warrant is signed by judge

Judicial Warrant - Signed by a Judge

UNITED STATES DISTRICT COURT

NORTHERN 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
 searched incorporated in Attachment 1

APPLICATION AND AFFIDAVIT
 FOR SEARCH WARRANT

Case Number: 08-MJ-110

RECEIVED
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF IOWA
 CEDAR RAPIDS HOODS. OFFICE
 2008 MAY 12 AM 9:10

I, Senior Special Agent David Hoagland being duly sworn, depose and say
 I am a(n) Senior Special Agent and have reason to believe
Official Title

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

Continued on the attached sheet and made a part hereof:

Yes No

[Signature]
 Signature of Affiant

Sworn to before me and subscribed in my presence,

May 9, 2008
 Date

at Cedar Rapids IA
 City State

Jon Stuart Scoles Magistrate
 Name of Judge Title of Judge

[Signature]
 Signature of Judge

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] - [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

Arrest Warrant

- In order to have the right to enter your home, ICE needs to show a warrant with your name or address that is:

SIGNED BY A JUDGE

- ICE may try to show you an ICE arrest warrant, but this does not have a judge's signature and therefore does not give them the right to enter your home

If Stopped While Driving

- If an officer stops you while driving you have the right to remain silent.
- Remember to 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
- You have the right to ask for an attorney

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

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.

Hypothetical: Miguel's Story

Miguel is undocumented. One day, he is stopped by an ICE officer while waiting for the bus. The officer asks him for his name and to see identification. The officer is wearing an electronic fingerprint machine and asks Miguel for his fingerprints.

What are Miguel's rights?

- Right to remain silent
- Right to refuse fingerprints
- Right to ask if he is under arrest. If the officer answers no, he has the right to say that he is going to walk away

Be Prepared

- Memorize an important phone number of a friend or family member 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

Be Prepared

- Consider whether you and your family need a “family plan”
- 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

Be Prepared

- Meet with your lawyer to designate and document someone you trust with Power of Attorney to make financial, legal or childcare decisions in your absence
- Talk to a friend or family member who has legal status in the United States about how access money to pay for an immigration bond for you if you are arrested

Post-Arrest

- You might only be able to make one phone call while detained – but memorize all important phone numbers
- When you make your phone call, make sure to tell the person:
 - Which jail you are being held in
 - Your ID#
 - Your A#
 - Your birthdate
- Ask the person you call to call your attorney

Post-Arrest

- 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
- 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
- Ask to call your immigration attorney immediately

ICE Detainee Locator

To find someone who has been arrested, call the local ICE office or use the online locator.

The screenshot shows the official website of the Department of Homeland Security, U.S. Immigration and Customs Enforcement. The header includes the agency logo and name, along with a contact number for reporting crimes. A navigation menu is visible with 'What We Do' highlighted. The main content area is titled 'ERO' and contains a language selection dropdown set to 'English'. Below this is a brief instruction on how to use the locator and a note that the system cannot search for records of persons under the age of 18. Two search methods are provided: 'Search by A-Number' and 'Search by Biographical Information'. The 'Search by A-Number' section includes input fields for the A-Number and Country of Birth, with a search button and a 'Clear' button. The 'Search by Biographical Information' section includes input fields for First Name, Last Name, Country of Birth, and Date of Birth (with month, day, and year dropdowns). A right-hand sidebar contains 'Related Information' with links for 'Quick Links' (Search), 'Helpful Info' (Status of a Case, About the Detainee Locator / FAQs, Brochure, ICE ERO Field Offices, ICE Detention Facilities, Privacy Notice, Community and Detainee Helpline), and 'External Links' (Bureau of Prisons Inmate Locator).

Official Website of the Department of Homeland Security

U.S. Immigration and Customs Enforcement

Report Crimes: Email or Call 1-866-DHS-2-ICE

Home Who We Are **What We Do** Newsroom Information Library Contact ICE

ERO

Select a different language:
English →

Use this page to locate a detainee who is currently in ICE custody, or who was released from ICE custody for any reason within the last 60 days.

NOTE: Online Detainee Locator System cannot search for records of persons under the age of 18.

Search by A-Number

If you know the detainee's A-Number, ICE recommends you use the A-Number search. The A-Number must be exactly nine digits long. If the A-Number has fewer than nine digits, please add zeros at the beginning. You are also required to select the detainee's correct Country of Birth.

* A-Number: (e.g., 012345678)

* Country of Birth: -- Select a Country --

Search by A-Number Clear

Search by Biographical Information

When searching by name, a detainee's first and last names are required and must be an exact match (e.g., John Doe will not find Jon Doe or John Doe-Smith). You are also required to select the detainee's Country of Birth. It is optional to enter the detainee's Date of Birth to further narrow the search. Note that all value input below are evaluated for exact matches.

* First Name:

* Last Name:

* Country of Birth: -- Select a Country --

Date of Birth: Month Day Year

Related Information

Quick Links
Search →

Helpful Info
Status of a Case →
About the Detainee Locator / FAQs →
Brochure →
ICE ERO Field Offices →
ICE Detention Facilities →
Privacy Notice →
Community and Detainee Helpline →

External Links
Bureau of Prisons Inmate Locator →

Post-Arrest: 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: 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 \$8000 - \$15,000
- Make sure you tell the person who will pay your bond how to get the money

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



Agencies Involved in Enforcement

There are many agencies within immigration. It is important to know what agency has been communicating with you.

- **Department of Homeland Security (DHS)**
 - Immigration and Customs Enforcement (ICE) “ICE”
 - *Enforcement and Removal Operations (ERO)*
 - U.S. Citizenship and Immigration Services (USCIS) “Immigration”
 - Customs and Border Patrol (CBP) “Border Patrol”
 - Office of Chief Counsel (ICE, government attorney)
 - Asylum Office
- **Department of Justice (DOJ)**
 - Executive Office for Immigration Review (EOIR)
 - *Immigration Court (Boston Immigration Court)*
 - *Board of Immigration Appeals (Falls Church, VA)*
- **Others (e.g. Sheriff’s Departments, Municipal and State Police)**

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.
- 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 in MA always at:
JFK Federal Building, 15 New Sudbury Street, 3rd floor, Boston, MA 02203 (next to Haymarket & Govt Center)

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
- 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
- Being ordered deported is something that will always be connected to you, even if your court date was more than 20 years ago

Immigration Court

- If you were caught by immigration in another part of the country – you need to ask the court to move your case to Massachusetts. It won't happen automatically
- Call 1-800-898-7180 to check dates and location of court
- If you move, bring new change of address form to court (EOIR-33)

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

Immigration - Defense to Removal

- ▶ Fear-based relief
 - ▶ Asylum, Withholding of Removal, Relief under the Convention Against Torture
- ▶ Crime-based relief
 - ▶ U visa
 - ▶ T visa
- ▶ Family-based relief
 - ▶ Relative petition
 - ▶ VAWA
- ▶ Relief based on length of time in US
 - ▶ LPR Cancellation
 - ▶ Non-LPR Cancellation
- ▶ Adjustment of Status (AOS) and applicable waivers
 - ▶ 209(c)
 - ▶ 212(h)
 - ▶ 212(c)
- ▶ Termination/Suppression
- ▶ Special Cases:
 - ▶ Haitian Refugee Immigration Fairness Act (HRIFA)
 - ▶ Nicaraguan Adjustment and Central American Relief Act (NACARA)
- ▶ Youth: SIJS/DACA
- ▶ TPS
- ▶ USC?
- ▶ Motion to Reopen

***You may be eligible for other forms of relief**

Immigration - Defense to Removal

- Victims of crimes
- 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
- Minors who have been abandoned, abused or neglected by one or both of their parents
- Trafficking victims
- Victims of domestic violence
- 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
 - 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

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?

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



BOSTON CITY HALL, ROOM 806
12:00 NOON – 2:00 PM

FIRST AND THIRD WEDNESDAYS OF EVERY MONTH

February 1st and 15th

March 1st and 15th

April 5th and 19th

May 3rd and 17th

June 7th and 21st

- 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**

Martin J. Walsh, Mayor of Boston

Legal Resources:

Please understand that there are not sufficient non-profit services available and you may need to pay for representation:

Irish International Immigrant Center:

Free intake clinics in different Boston neighborhoods.

Call: (617) 542-7654

Catholic Charities:

Call Mondays at 9am

(617) 464-8100

MIRA Coalition

(617) 350-5480

Legal Resources:

PAIR Project:

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

Kids In Need of Defense (KIND):

Represents kids under age 17.5, (617) 207-4138

Greater Boston Legal Services

(617) 371-1234

Project Citizenship (for assistance with citizenship)

(617) 694-5949

Committee for Public Counsel Services (for criminal matters), 617-482-6212

Legal Resources:

- **Office of the Attorney General**
Civil Rights (617) 963-2917, to report the unauthorized practice of law/immigration fraud)
- **To report a hate crime: 1-800-994-3228**
Any Massachusetts resident who has witnessed or experienced bias-motivated threats, harassment or violence may call the Attorney General's Hotline or fill out a civil rights complaint form online
- **Massachusetts ACLU:** (617) 482-3170,
For questions about your constitutional rights

thank you | gracias | merci | xie xie |
obrigado | shukran | asante

