

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 giving additional details to the executive actions.

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 – Travel Ban Timeline

January 27, 2017

- President Trump issued an Executive Order stating that nationals from **Sudan, Syria, Yemen, Iran, Somalia, Iraq and Libya** who were outside of the United States would not be allowed to enter the United States for at least **90 days**
- The executive order also temporarily suspended the United States Refugee Admissions Program for all countries for 120 days and admission for Syrians indefinitely
- Nationwide protests took place in airports around the country and lawsuits were filed in five states **resulting in temporarily stopping the Executive Order**

Executive Orders – Travel Ban Timeline

March 6, 2017: A revised Executive Order was issued restricting travel for nationals from 6 mostly Muslim countries (same as the January 27th ban, minus Iraq,) but no restrictions for: individuals with valid visas, greencard holders, individuals with asylum or refugee status or individuals with TPS.

Also Syrian refugees were no longer barred indefinitely but were subject to the same 120 ban period as all other refugees.

March 15, 2017: Courts in Maryland and Hawaii put the revised March Executive Order on hold nationwide, preventing it from going into effect

June 26, 2017: The United States Supreme Court decided on a *partial hold* on the executive order, meaning that it was to be implemented on June 29, 2017, but nationals from the 6 countries and all refugees who have a **credible claim of a bona fide relationship** with a person or entity in the United States will not be subject to the ban

Executive Orders – Travel Ban

What does this mean?

Nationals of the 6 countries (**Sudan, Syria, Yemen, Iran, Somalia, Libya**) who have “any bona fide relationship with a person or entity in the United States” are not banned from entry to the United States during the 90 day period.

This may include individuals who have:

- a close relationship with a family member including parents, spouse, children, son-in-law, daughter-in-law, and stepchildren. On **July 17, 2017**, the State Department has also expanded this list to include: grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts and uncles, nephews and nieces and first cousins
- been admitted to a U.S. university, an offer of employment, or an invitation to give a lecture

Executive Orders - Refugees

The executive order also temporarily suspended the United States Refugee Admissions Program for all countries for 120 days, (also beginning on June 29, 2017.)

HOWEVER, just as with the Travel Ban, individuals who have “any bona fide relationship with a person or entity in the United States” are not subject to the ban

ALSO, individuals already granted refugee status will not be affected

- The total refugee number for fiscal year 2017 will be reduced from 110,000 to 50,000
 - In fiscal 2016, the U.S. admitted 85,000 refugees
- 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 - DACA

DACA (Deferred Action for Childhood Arrivals)

- September 5, 2017: President Trump announced that the government will stop processing new applications under President Barack Obama's Deferred Action for Childhood Arrivals, or DACA, program, which has provided nearly 800,000 young immigrants a reprieve from deportation and the ability to work legally in the U.S.
- The administration is giving Congress six months to come up with a legislative fix before the government stops renewing permits **for people already covered by the program**
- Massachusetts has 7,934 people who have received DACA

Executive Orders - DACA

DACA Facts

- Your DACA is valid until the expiration date (including work cards)
- If you do not have DACA or a pending DACA application, you cannot apply. The program has been terminated
- If you have DACA that expires on or before March 5, 2018, you can renew DACA, but **MUST** do it so that your renewal application is **RECEIVED on or before October 5, 2017**
- If you have DACA or a work card that expires after March 5, 2018, you are not eligible to renew. Your deferred action will end on the expiration date.

Executive Orders - DACA

DACA Facts

- If you have a DACA application that is currently pending, it will continue to be processed.
- Advanced Parole to travel abroad is no longer available. If you have a currently valid travel document, you may use it as long as you return BEFORE it expires.
- It is risky to travel because CBP can refuse to let you enter the U.S.
- DACA can be terminated at any time if the government thinks you are no longer eligible.

Executive Orders - DACA

- If you have any questions about DACA, speak to an experienced immigration attorney or a local nonprofit. Protect yourself by talking to a qualified attorney who can help you make legal decisions, including other forms of relief.

Don't give up. Congress can still pass a bill that will offer a permanent way for those with DACA to stay in the U.S.

Make your voice heard and tell Congress to pass the DREAM Act.

Temporary Protective Status (TPS)

For the Haitian Community

- TPS designation was granted to Haitians after the January 2010 earthquake that took over 200,000 lives and displaced more than 1.5 million people
- On July 22, 2017, TPS was extended for for 6 months, expiring on January 22, 2018

We do not have any information if USCIS will extend TPS for Haitians after this.

- There are 58,000 Haitians in the United States with TPS
- Massachusetts has the third largest population of Haitians in the United States behind Florida and New York

If you currently have TPS from ANY COUNTRY you should talk with an experienced attorney to see if you have a more permanent form of immigration relief.

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



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 identification to prove you are here legally.

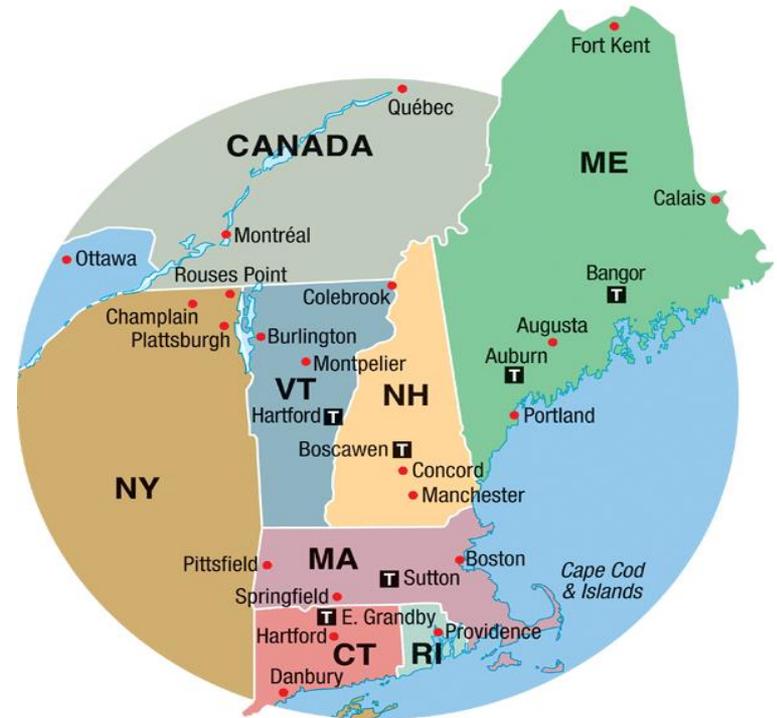


If you do not have status, you may wish to remain silent and not present identity documents until you have spoken to an attorney



Nearby States

- ICE often sets up regular check points on roads and highways 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 want to avoid traveling to these states



Rights if an Immigration Officer Confronts Me

Remember these basic rights

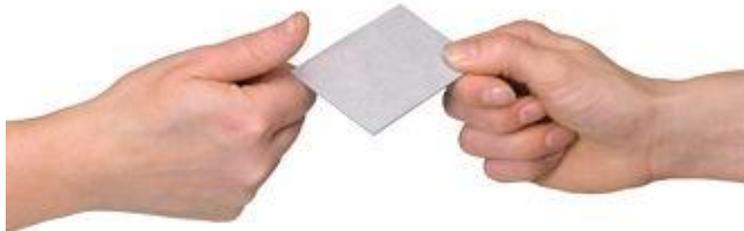
- You have the right to remain silent.
 - This means that you have the right not to answer any questions
- You have the right to see an arrest warrant
- You have the right to speak to a lawyer
- You have the right to make a phone call

ONLY US Citizens Cannot Be Deported

Rights if an Immigration Officer Confronts Me

- If your rights are violated, you may be able to use that in your favor later on if you are arrested (to suppress evidence)
- Do not lie
- Do not show fraudulent documents
- You may choose to say nothing. 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.

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 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

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

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 HEADQUARTERS 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. _____
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 _____ 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)

(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

(explain that this is done when we present to immigrant communities)

Invite someone from the audience to act as if they are at home when ICE arrives and to practice exerting their rights.

- 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.

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 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 – Family Preparations

- 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 form 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

Immigration Law Basics



The Need: For Pro Bono Counsel

In immigration court there is no right to appointed counsel

- Immigrants in detention without legal representation are only 11% likely to be released versus 44% for those who have an attorney*

Children:

- At least **60%** of children fleeing Central America interviewed in 2014 qualified for international protection**
- **More than 60%** of children are forced to appear in court alone
- **9 out of 10** children without attorneys are ordered deported

•* <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

•**United Nations

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 \$4000 - \$10,000
- 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 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

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**

Immigration - Defense to Removal

- Minors who have been abandoned, abused or neglected by one or both of their parents
- 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
- Trafficking victims
- Green card/lawful permanent residence through a family member or based on employment

Other options exist!

What Could Be Harmful?

- Posting on Social Media
- Gang Involvement
- Rep'ing
- Self-Presentation:
 - Tattoos
 - Cut eyebrows
 - Wearing signs or colors



Where Can I Go For Help?

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

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



Free Immigration Consultations with Volunteer Attorneys

2017 SCHEDULE



1 CITY HALL SQUARE, BOSTON, MA 02201

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 5th and 19th
August 9th and 23rd
September 6th and 20th
October 4th and 18th
November 1st and 15th
December 6th and 20th

- 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 | RAUL M. GAZDAR

Legal Resources:

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

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

Irish International Immigrant Center:

Free intake clinics in different Boston neighborhoods.

Call: (617) 542-7654

Catholic Charities:

Call Mondays at 9am

(617) 464-8100

Greater Boston Legal Services

(617) 371-1234

MIRA Coalition

(617) 350-5480

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

A Note about College Applications

- Federal financial aid requires permanent residency (green card)
- In-state tuition eligibility requires that students be “residing under the color of law”
 - Practically speaking, a student who has applied for status but does not yet have a social security number may require extra advocacy
 - Mass. Law Reform Institute: <http://www.mlri.org/>
- **Student Immigrant Movement guide for undocumented students applying to college:**
http://media.wix.com/ugd/4be913_bbd556dea5894354836d8d981ba223a0.pdf
- **Mayor’s Office for Immigrant Advancement** has college scholarship guide regardless of immigration status:
<file:///C:/Users/User3/Downloads/Immigrant%20Scholarship%20Guide.pdf>
- Go to **Boston Public Schools We Dream Together** site for more resources for students: <http://bit.ly/2x5iTd9>

A Few Big Ideas

- Immigration is not a taboo subject
 - It is part of every day life
- Anyone except a US citizen can be deported
- A person born abroad is not likely to have status unless they applied for it
- Certain behavior can be detrimental to immigration process
 - But rehabilitation can improve chances
- Assess & Refer:
 - Do you have a lawyer?
 - If not, refer to services before age 18 if at all possible, absolutely before 21

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

