



Know your rights in an immigration raid!



Local 32BJ, SEIU
www.seiu32bj.org

If Immigration comes to your workplace

Know your rights in an immigration raid!

Raids by the U.S. government at workplaces and homes have become increasingly more common. Recent experience has shown that workers with proper immigration status have been arrested by the U.S. government in such raids, and some have even faced deportation. Learn your rights to protect yourself from immigration raids!

The union is providing you this general information about your rights. This is not a substitute for legal advice for your particular case, and it does not cover every possible situation. You should talk to a licensed attorney for specific legal advice.



Immigration must have a warrant signed by a judge, or the employer's permission, to enter your workplace. If it is a public place, they do not need a warrant.

If Immigration comes to your workplace, stay calm. Do not run. This may be viewed as an admission that you have something to hide and may be used to detain or deport you.

You have the right to remain silent.

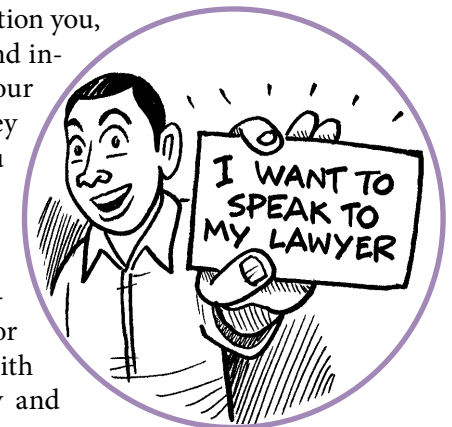
If you are questioned, it is your right to remain silent and refuse to answer any questions. Immigration will try to get you to talk and to reveal your immigration status, but you do not have to tell them what country you came from, your immigration status, or anything at all. If you choose to answer questions, anything you say can and very likely will be used by Immigration officials to deport you. If you lie, you could face criminal charges, and your immigration status could be affected.

If you want to exercise your right to remain silent, an easy way to do that is by showing Immigration a card that says that you are exercising your right to remain silent.

You have the right to speak to an attorney.

If an Immigration officer tries to question you, you can refuse to answer questions and instead say that you want to speak to your attorney. By speaking to an attorney before you answer any questions, you can make an informed decision about what you are going to say and do.

You should carry the name and telephone numbers (particularly his or her cell phone number) with you with at all times so that you can quickly and easily reach your attorney in the event you are detained as part of an immigration raid.



Do I have to give Immigration my documents?

If Immigration demands your documents, you can insist on speaking to your attorney first before showing Immigration any documents. If you carry or provide papers from another country, this may give Immigration a reason to question you more or even to detain or deport you.

If you provide false papers or papers that are valid but belong to someone else, you are at serious risk of deportation and criminal prosecution.

You have the right not to sign anything before speaking with an attorney.

You have a right to consult with an attorney before signing anything. Immigration may try to coerce or trick you into signing documents that give your permission to deport you without a hearing before a judge, or that confess to breaking the law. If you sign, you will be deported immediately without a hearing and you may face significant restrictions on being able to return to the U.S. again. Recent experience has shown that many people mistakenly sign documents agreeing to be deported immediately and waiving their rights to a hearing before an immigration judge.



Call for help.

If you have the opportunity, immediately call your attorney and then the union to tell them what is happening. The workers at your worksite may want to designate one worker, such as the shop steward, to be responsible for calling the union when a raid happens.

If Immigration comes to your home

You have the right to demand to see a warrant.

If Immigration or police come to your home, you have the right to refuse to let them enter your home unless they show you a warrant. A search warrant is a paper signed by a judge giving the officer the right to enter and search certain areas in your home. The officer may also have a warrant that permits the officer to arrest the person listed on the warrant. An arrest warrant gives the officer the right to arrest the individual listed in the warrant but **not** the right to search your house.



If Immigration comes to your home, you do not have to open the door. You may ask the officer to slip the warrant underneath the door. If you open the door and allow the officer to come into the house, you may be assumed to have given your permission for the officer to enter your home.

Object and take notes.

If the officer enters without a warrant or without permission, request the names and badge numbers of the officers and say that you did not “consent” to a search. Request and write down the officer’s badge numbers, and the names, addresses, and phone numbers of anyone who witnessed the incident. If the officer has a warrant, observe whether the official searches any other areas that are not listed in the warrant. Get a receipt for any property taken by the official.

You have the right to remain silent and right to speak to your attorney.

If you do let officers into your home, or they have a warrant, you have the right not to answer any questions, and the right to speak to your attorney before you do. By speaking to an attorney before you answer any questions, you can make an informed decision about what you are going to say and do.

You have the right not to sign anything unless and until your attorney has reviewed it.

You have a right to consult with an attorney before signing anything. Immigration may try to coerce or trick you into signing documents that give your permission to deport you without a hearing before a judge, or that confess to breaking the law. If you sign, you will be deported immediately without a hearing and may face significant restrictions on being able to return to the U.S. again. Recent experience has shown that many people mistakenly sign documents agreeing to be deported immediately and waiving their rights to a hearing before an immigration judge.

If you are arrested

You have the right to remain silent.

If you are questioned, it is your right to remain silent and refuse to answer any questions. Immigration will try very hard to get you to talk and to reveal your immigration status, but you do not have to tell them what country you came from, your immigration status, or even your name. If you choose to answer questions, anything you say can and very likely will be used by Immigration officials to deport you. If you lie, you can face criminal charges, and your immigration status could be affected.

If you want to exercise your right to remain silent, an easy way to do that is by showing Immigration a card that says that you are exercising your right to remain silent.

You have the right to contact your attorney.

If you are arrested and Immigration agents try to question you, you can refuse to answer questions and instead say that you want to speak to your attorney before you answer any questions. By speaking to an attorney before you answer any questions, you can make an informed decision about what you are going to say and do.



Don't sign any documents before speaking with a lawyer.

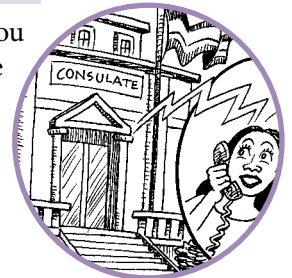
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Find out who has arrested you.

Write down the name of the officers and their agency (Police Dept., FBI, Immigration), along with their identification numbers and license plate numbers. You can find this information on their uniform or their cars.

You have the right to contact your consulate.

If you are a foreign national arrested in the U.S., you have the right to call your consulate or have the deportation officer inform the consulate of your arrest. Ask the deportation officer to see a list of embassies and write down the phone number. The consul may assist you in finding a lawyer or offer to contact your family.



Ask for a bond.

Once you are in Immigration custody, ask to be released on a bond (even if Immigration says you are not eligible). Bond means that the Immigration official would release you until the date of your hearing based upon your promise (and usually a monetary payment to a bondsman) that you will appear at the hearing. To qualify for bond, you have to show that you are not a flight risk or a danger to the community. If Immigration refuses to set the amount of bond for your release, you can go before a judge who will decide if you can be released and how much your bond will be.

Get a copy of the "Notice to Appear."

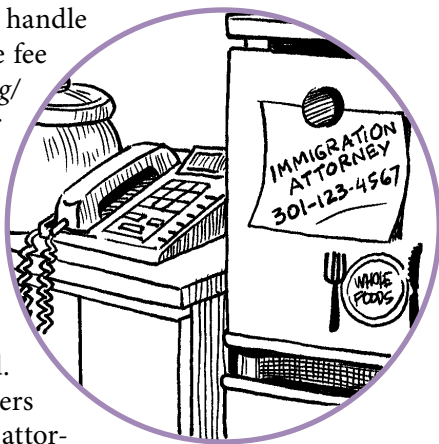
This is a document that contains the immigration charges against you. It is important that you get and keep a copy of the "Notice to Appear" and show it to your attorney.

Some tips to prepare for possible immigration raids

Talk to an attorney.

Everyone's immigration, work, and home situation is different. You should contact an attorney to get advice about how you should respond to a possible immigration raid. A list of attorneys providing free legal services to detained individuals is at <http://www.usdoj.gov/eoir/probono/states.htm>. The National Lawyers Guild also maintains a list of immigration attorneys willing to handle these cases for free or for a reasonable fee at www.nationalimmigrationproject.org/ReferralPage/ReferralPage.html. Your union may also have a list of attorneys that provide low- or no-cost legal representation.

Find an attorney who specializes in deportation defense who may be able to represent you if you are detained. Have the names and phone numbers (preferably cell phone number) of the attorney with you (in your wallet or purse) and post the name and number of the attorney near your telephone at home so family members know who to call if you are detained.

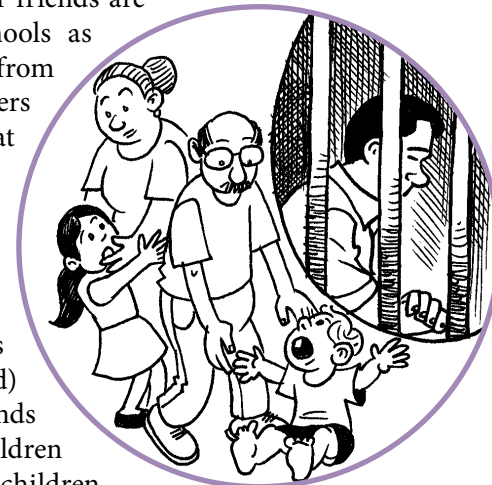


Know what documents you should carry with you.

Carry a card with the contact information of your immigration attorney and your union representative. Carry this card to help remind you of your rights during an immigration raid and the name and number of any attorney who has agreed to represent you in the case you are detained. If you are not a U.S. citizen, you should carry a copy of any work authorization documents with you. It is better to leave the original copies of work authorization papers in a safe place at home so that you do not lose them.

Make a plan to care for your family.

If you have children or elderly relatives, make arrangements in advance for a family member or friend to care for them if you are detained. Also, make sure that these family members or friends are identified to your children's schools as people who may retrieve them from school. Have the telephone numbers of this relative or friend with you at all times and make sure other people know of these plans.



Also, be sure to discuss any medical issues or concerns regarding your children or elderly dependents (e.g., daily medication required) with the family members or friends who will be taking care of your children during any detention. If you have children in school or day care, you should make arrangements with the school or day care center to have someone else pick up your children in the event that you are detained as part of an immigration raid. You can sign a caregiver affidavit which is a form that a parent fills out providing authorization to a caregiver to care for a child, authorizes medical treatment and authorizes the person to enroll the child in a school.

Make sure you designate individuals you trust to make decisions for you if you are detained. To prevent any extreme financial problems from resulting from a detention, remember that these people will need to help you withdraw money from your accounts for deportation expenses, to care for your children, or to make rental or mortgage payments. You can sign a power of attorney agreement to give this power to someone if you are arrested.

Make sure your family has your Alien number ("A number") if you have one and your full name and date of birth as that information appears on your immigration documents. You will find the A number on your work permission, your residency card ("green card") or on any receipts you have gotten from Immigration if you have been in the immigration system at any point in the past. The number begins with an "A."

Make sure your family knows how to contact you if you are detained. Family members should contact the local office of Immigration and Customs

Enforcement's Detention and Removal Branch if they do not know where you are detained. They should ask to speak with the supervisory deportation officer and give your full name, date of birth, and "A" number. If you have an immigration lawyer, he or she may also do this. The deportation officer should be able to advise your family and/or lawyer where you are being detained. If you do not have the contact information for your local field office, contact the Washington, D.C. headquarters at 202-305-2734. A list of immigration detention centers is available at www.ice.gov/pi/dro/facilities.htm. The Detention Watch Network has compiled a more complete mapped list of places where immigrants may be detained, available at http://detentionwatchnetwork.org/dwn_map.

Designate a co-worker to contact the union.

You should designate a co-worker at the building, perhaps the shop steward, to contact the union if there is a workplace raid.



Make sure your family has a copy of your immigration documents.

In addition to your immigration papers, make sure your family knows where to locate other important papers, such as birth certificates, marriage certificates, and passports.

