

Be Empowered & “Know Your Rights”

2018



Goals For Today

1. Learn about immigration in 2018
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 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, meaning ICE may be looking for them:

- Undocumented people with prior deportation orders
 - This means people who were arrested by ICE and released, but missed a court date, even if it was years ago
- People with criminal offenses or even charges
- People who have “abused” public benefits or engaged in fraud with a governmental agency



BUT anyone undocumented is at risk of being detained and deported.

Executive Orders by President Trump:

January, 2017

- Immigrants from 6 mostly Muslim countries are not allowed to come to the United States 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

September 24, 2017: New Travel Ban

- **Most people from** Iran, Libya, Syria, Yemen, Somalia and North Korea are not allowed to come to the U.S.
- People from the government of Venezuela and their families are not allowed either
- New rules do not apply to Greencard holders or people with visas until their visa expires

June 26, 2018: The Supreme Court decided in a 5-4 vote in favor of the New Travel Ban allowing the ban to continue to be implemented.



NO
REFUGEES

WELCOME

Executive Orders

Talk to a lawyer if you are not a U.S. citizen and you want to travel outside of the U.S. and are from one of these countries (Syria, Yemen, Iran, Somalia, Libya, North Korea, Venezuela.)

Executive Orders - DACA

DACA (Deferred Action for Childhood Arrivals) began under President Obama in 2012. It has helped 800,000 immigrants.

- Arrived in the U.S. before age 16; before July 15, 2007
- Must be at least 15 years old to apply
- Provides work permits and relief from deportation
- Not a pathway to citizenship; must pay (\$465) to renew every 2 years

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



Executive Orders - DACA

HOWEVER

January 9, 2018: A federal judge ordered the Trump administration to continue the DACA program across the country

- **Those with DACA can renew their DACA;** but those who do not currently have DACA could not apply

April 25, 2018: A federal judge in DC ordered the Trump administration to reopen DACA for new applicants in July, 2018, if they cannot explain why they terminated the program. This means that individuals who age into the program or those who never applied but who meet the criteria may be able to apply.

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 could still pass a bill to offer 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 Protected Status (TPS)

TPS is an immigration program that allows people from a certain country living in the US to remain and work here while their home countries recover from the aftermath of war, natural disasters, or other humanitarian crises.

- On October 3, 2018, a Federal Judge temporarily stopped the termination of the TPS program for immigrants from Sudan, El Salvador, Haiti and Nicaragua. For updates, please visit: <http://miracoalition.org/> and <https://www.uscis.gov/>

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.

Temporary Protected Status (TPS)

For Haitians, Salvadorans, Hondurans, and Nicaraguans

Over the past year, the Trump Administration has said that TPS will end for these countries. On October 3, 2018, a Federal Judge temporarily stopped the termination of the TPS program for immigrants from Sudan, El Salvador, Haiti and Nicaragua.

- **HAITI**: TPS was granted after the January 2010 earthquake.
 - On **July 22, 2019**, TPS is set to end for 60,000 Haitians, 5,000 in MA
- **EL SALVADOR**: TPS was granted after the earthquake on January 13, 2001.
 - On **September 9, 2019**, TPS is set to end for 260,000 Salvadorans, 6,000 in MA
- **HONDURAS**: TPS was granted after hurricane Mitch in 1998.
 - In **January, 2020**, TPS will end for 86,000 Hondurans, 1,000 in MA
- **NICARAGUA**: TPS was granted after hurricane Mitch in 1998
 - TPS is set to end for 5,300 Nicaraguans in **January, 2019**

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

- For information on TPS:
<http://miracoalition.org/> &
<https://www.uscis.gov/>

What to Do if You Meet an Immigration Officer



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.

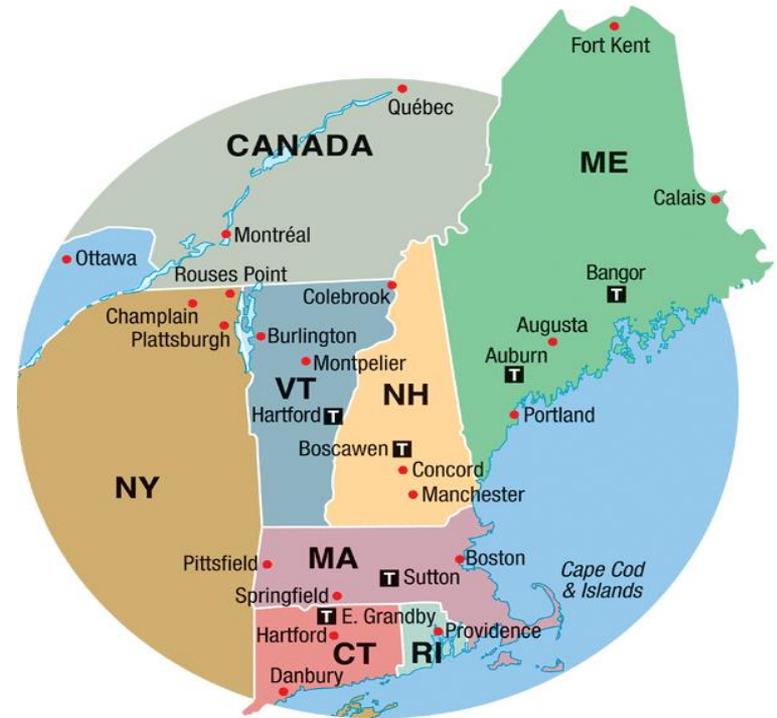


If you do not have immigration status, you can be quiet and not show ID until you talk to a lawyer.



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:

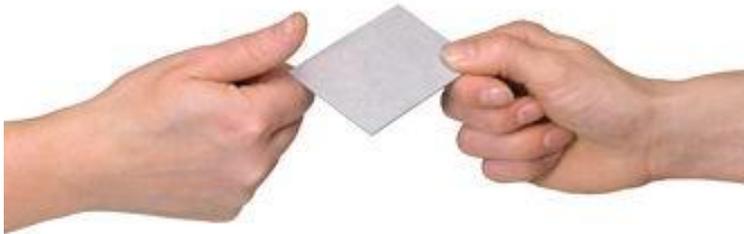
- You have the right to remain silent.
 - This means that you have the right not to answer any questions
- You have the right to see an arrest warrant
- You have the right to speak to a lawyer
- You have the right to make a phone call

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.

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 it?

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?

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 HOIDTNS. OFFICE
 2008 MAY 12 AM 9:00

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]

(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:** Can you show me a warrant under the door?
- **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]

VIDEO: https://youtu.be/pW4uixi4b_E

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 who you are and where you are from

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

You can fill out one or both of these form for your child(ren) and they can be ended at any time. You do not need an attorney to fill these out but both must be signed in the presence of two witnesses and in front of a notary.

- **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 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

For more information visit: www.masslegalhelp.org/immigration

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

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.
 - Make sure that you keep the Department of Homeland Security and the Immigration Court updated on any change in address that you make have
- 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

Go to Court!

If you don't go to court, you will be ordered deported and a warrant will be issued for your arrest.

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

In immigration court you are not given a court appointed attorney.

- If you don't have a lawyer at your first court hearing you can ask for more time to find one.

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

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

What Am I Eligible To Apply For?

- 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

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



Free Immigration Consultations with Volunteer Attorneys

2018 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 11th and 18th

August 1st and 15th

September 5th and 19th

October 3rd and 17th

November 7th and 21st

December 5th and 19th

- 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



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

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 | 谢谢 | obrigado
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