

Be Empowered & “Know Your Rights”

2018



Goals For Today

1. Understanding the current situation on the ground
2. Understanding a person's rights when encountered by immigration officers
3. Understanding what a person can do to prepare him/herself and his/her family
4. Understanding where a person can go for help

**KNOW
YOUR
RIGHTS**

empower yourself

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?
- 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 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



Department of Homeland Security Memos

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



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, Chad 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

If a person is from one of the eight affected countries and wishes to travel, and is not a U.S. citizen, that person should talk to a lawyer to discuss the risks of traveling outside of the United States.

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 are now able to renew their DACA**
 - But DACA recipients will no longer be allowed to return to the U.S. if they leave the country

April 25, 2018: A federal judge in DC ordered the Trump administration to reopen DACA for new applicants by **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 or a person you know 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 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.

- Ten countries and **435,000** people from El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen are currently in the program.
- In Massachusetts there are **12,326** residents with TPS

The Trump Administration terminated TPS for many of these countries.

HOWEVER:

- **October 4, 2018 – U.S. District Judge Edward Chen granted a preliminary injunction temporarily preventing the federal government from ending TPS for immigrants from Sudan, El Salvador, Haiti and Nicaragua. For updates, please visit: <http://miracoalition.org/>**

Any person who currently has TPS from ANY COUNTRY should talk with an experienced attorney to see if he/she has a more permanent form of immigration relief.

Temporary Protected Status (TPS): for the Haitian, Salvadoran, Nicaraguan and Honduran Communities

TPS is set to end for these countries. **HOWEVER, there is currently a preliminary injunction temporarily preventing the termination of TPS 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
 - There are about 27,000 U.S.-born children of parents with TPS from Haiti
 - About 20% of Haitian TPS holders own homes
- **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
 - 96% of Salvadoran TPS holders are employed
 - Over 4,200 U.S.-born children in MA have Salvadoran parents who are TPS holders
- **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 for 5,300 Nicaraguans is set to end 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 A Person Meets 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.

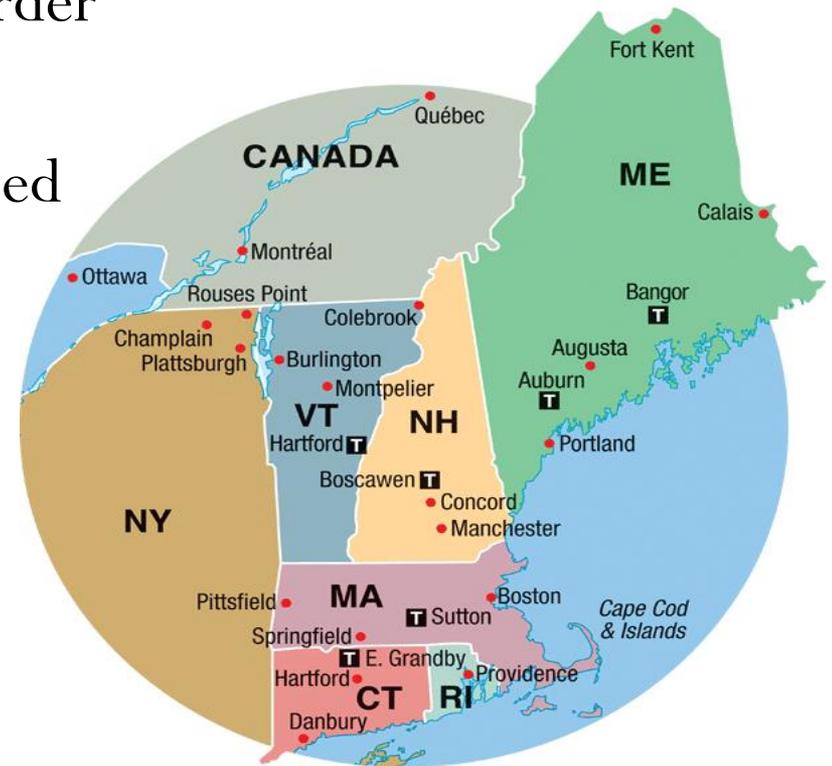


If you do not have status, you may wish to remain silent and not present identity documents until you have spoken to an attorney



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 a Person

Remember these basic rights

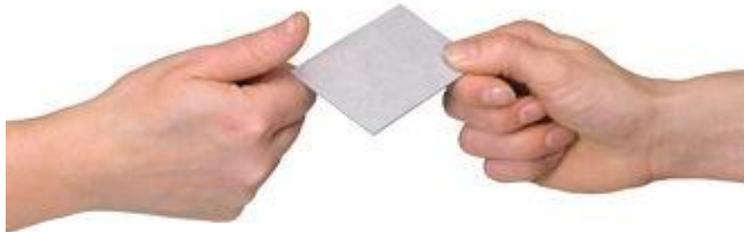
- A person has the right to remain silent.
 - This means that a person has the right not to answer any questions
- A person has the right to see an arrest warrant
- A person has the right to speak to a lawyer
- A person has the right to make a phone call

ONLY US Citizens Cannot Be Deported

Rights if an Immigration Officer Confronts a Person

- If a person's rights are violated, he/she may be able to use that in his/her favor later on if he/she is arrested (to suppress evidence)
- A person should not lie
- A person should not fraudulent documents
- A person 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 a Person's Home

A person has the right to:

- Not open the door
- Slide his/her “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



Ask ICE to slip a warrant under the door if they have a warrant

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 HEADQTS. 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)

(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 _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

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: Do you have a 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]

VIDEO: https://youtu.be/pW4uixi4b_E

If Stopped While Driving

A person has the right to remain silent.

Remaining silent does not mean that a person will not be arrested, but it is his/her right not to give ICE any information that could be used against him/her.

It is important to stay calm and do not run or resist arrest. A person should keep his/her hands where the officer can see them.



A person has the right to ask if he/she is under arrest or free to leave.

If a person is free to leave, he/she should say that he/she is leaving

A person has the right to refuse to be fingerprinted by ICE



Work Place Raid

What are a Person's Rights if Asked to Line Up by Immigration Status?



A person has the right to:

- Not answer
- Stand silently in the middle of the room
- Not give the officials any information about him/herself
- Not to line up because he/she has the right to remain silent

A person has 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 – Just in Case

- Memorize important phone numbers friends or family members and an attorney to call
- If a person does not have status, he/she should consider where to keep any foreign identification documents including passport, driver's license, national identification card, etc.
 - A person's passport is enough evidence for ICE to prove identity and alienage -- who that person is and where he/she is from

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 a person's children's school(s), including who can and cannot pick up his/her children
- A person may want to register the birth of any U.S. born children with your own Consulate
- A person may also want to consider getting U.S. passports if his/her children were born here or a passport from their country of birth. A person may want to talk to your Consulate office to get assistance with this

Be Prepared – Family Preparations

There are different temporary custody forms which a person 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

A person can fill out both of these form for his/her 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.

A person may also want to meet with a lawyer to designate and document someone he/she trusts with Power of Attorney to make financial, legal or childcare decisions in his/her absence

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

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, a person 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 a person has to pay in order to be released until he/she needs to report to court
- Things that make a bond case stronger are strong family ties and community ties. Examples of ways to demonstrate this are letters from bosses, religious institutions, friends, family members, etc.

Post-Arrest: Bond

- It is important for a person to think of someone with immigration status that he/she trusts who can pay a bond
- It is important that someone has money saved in case the individual will be eligible for bond. Bond can start at \$1500 but is typically more \$4000 - \$10,000
- It is important that the person paying bond knows how to access the money

Right to See an Immigration Judge

If a person is arrested, he/she needs to see a judge to try to stop his/her deportation. Talk to an immigration lawyer.

BUT:

- If a person has already been ordered deported by an immigration judge or at the border, he/she will not automatically be able to see a judge again

Immigration Court

Getting a Court Date in the Mail

- If a person was caught by ICE and then released, he/she will get a court date in the mail
- A person can also call 1-800-898-7180 and type in his/her A# to find out his/her next court date and location of court
- It is important that a person keeps the Department of Homeland Security and the Immigration Court updated on any change in address that he/she makes

Immigration Court

- **Go to Court!** Failure to go to a scheduled hearing could result in an **in absentia removal order**
 - This means that if a person doesn't go to court, he/she will be ordered deported and a warrant will be issued for his/her arrest. He/she will not be eligible for bond
- Being ordered deported is something that will always be connected to a person, even if his/her court date was more than 20 years ago
- If a person doesn't have a lawyer at his/her first court hearing he/she 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**

Where Can a Person Go For Help?

What Could Be Harmful?

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



Immigration - Defense to Removal

It is important for a person to meet with an attorney or attend a legal screening and make sure that he/she knows his/her own immigration status

- There is a chance that a person may have a pathway to an immigration status that he/she may not know about
- If a person has TPS or DACA or are undocumented, there may be a chance that he/she is eligible for permanent immigration status

Who is eligible to apply for what form of immigration relief?

- 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

Avoiding Scams

- Being a notary or “notario público” is NOT the same thing as an attorney and does not authorize someone to provide legal advice
- Only an attorney or an Accredited Representative can give legal advice
- If a person has a criminal history, make sure his/her attorney has specialized knowledge/experience in the immigration consequences of crimes

The 10 Year Law

How many of you have ever heard of the 10 year law?

- This is a complex form of relief
- A person needs to see an experienced immigration attorney

There is **not** a law that says that simply because a person has been in the U.S. for 10 years he/she has 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

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 a person 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

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

- Anyone except a US citizen can be deported
- A person born abroad is not likely to have status unless they applied for it
- Many immigrants are not eligible for ANY forms of relief
- **Assess & Refer:**
 - Does a person 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

