

What to do in the event of a Raid



Every person, regardless of their legal status, has human and civil rights. Nevertheless, it's not enough to simply know them; you must know how to exercise them.



Remember...

- You are obligated to give your name to an Immigration officer when asked.
- After giving your name you have the right to remain silent. **You are not obligated to say anything else, or show your documents** until you call a lawyer.
- Memorize or carry with you the phone number of an immigration lawyer, a community service organization, and your country's consulate.
- Never carry false documentation. Do not lie to an immigration officer or to the police.
- Make an emergency plan with your loved ones.

Participants in the creation of this pamphlet include:

National Day Laborer Organizing Network, Legal Aid Justice Center – Immigrant Advocacy Project, Tenants and Workers United, Central American Resource Center (CARECEN), Catholic Charities Hogar Hispano, Virginia Organizing Project, Immigration & Human Rights Law Group, PLLC., El Pueblo Unido

You have the right to remain Silent

- In the state of Virginia the law says that you must provide your first and last name to the police if they ask for it.
- If Immigration agents ask you to identify yourself, give your first and last name. It is not necessary to give any other information.
- You **have the right to remain silent and refrain from signing any document or agreement** before speaking with your lawyer.
- You may exercise your right to remain silent even if you have already spoken with Immigration officials. You may remain silent if you are under arrest, or already in jail.
- You have the right to call a lawyer or a community service organization, your family, and your consulate; **HOWEVER** you must **ASK** to exercise this right.
- Do not be intimidated! Remaining silent is to your benefit because **whatever** you say may be used against you.
- Do not be pressured into signing documents without the counsel of your lawyer! You could be consenting to waive your right to bail or to have an audience with a judge.



If Immigration or the Police come to your home...

- Immigration agents or the Police *need a warrant* from a judge in order to enter your home.
- You have the right to see this warrant. Ask the official to pass the warrant under the door. If you open the door it could be considered giving them permission to enter and to perform a search of your home.
- A warrant that gives an Immigration agent authorization to enter your home must be signed by a judge.

The warrant should say in detail which areas and places the agent is authorized to search.
- If the agent or the police officer does not have a warrant you have the right not to let them enter and ask them to leave.
- If the police officer or Immigration agent has a signed warrant, you cannot stop them from entering your home. *However, you can tell them that you don't consent to being searched. This will limit the search to the areas specified on the warrant.*
- Read the warrant closely to determine who they are looking for. If that person is present, he or she must go with the agents. *Everyone else in the residence has the right to remain silent.*





If Immigration or the Police confront you in the street or in a public area...

- If they approach you with questions, ask if you may go. If they say yes, walk away slowly. If they say no, do not go. You are only required to give your name and nothing else. *Remain silent and ask to speak with a lawyer.*
- Police and Immigration have the right to search you to make sure you are not carrying weapons or illegal materials. Do not resist this inspection.
- They cannot arrest you without the necessary warrant or proof that you do not have legal status.
- If you show documentation from your home country it could be used as evidence of your nationality and give officials reason to question your legal status.
- **Never** carry false documents.

If Immigration or the Police come to your workplace...

- If Immigration or the Police want to enter your workplace they *need* a warrant *or* the authorization of your employer.
- If your employer gives them permission, the agents do *not* need a warrant.
- Try to stay calm. If you try to run, the agents could interpret this as admission of guilt. This type of suspicious act is enough evidence for them to detain you.
- Identify yourself by giving your name. You have the right to remain silent.
- Never physically interfere with the agents. Even though the search may be illegal you could still be detained.



What to do if you are detained by Immigration



- **If** you have a work permit, present it. Adults over the age of 18 should always carry their work authorization documentation with them. Not carrying this document puts you at risk!
- **Immigration** officials are not obligated to provide you with free legal counsel, only a list of lawyer contact information.
- **Take** advantage of your right to call a lawyer and your consulate. Memorize the telephone number of a lawyer or an organization that provides legal services. Also, make sure that your family will have these numbers at hand when you call them.
- **Some** detention centers will charge you for the calls that you make, however the Capital Area Immigrants' Rights (CAIR) Coalition has a toll-free number that you can call to be connected with a lawyer or your consulate. You can contact CAIR Coalition at (202) 331-3320.
- **In** order to protect your rights, do not answer any question that Immigration officials ask you. Do not sign any documents without the presence of your lawyer.
- **Ask** for a copy of all your immigration documents (like your Notice to Appear).
- **Contact** your family immediately. Give them all the details of your arrest and the place where you are being detained. Also give them the name of the Immigration official who is in charge of your case.

The Possibility of Being Released on Bail

- If you are detained by Immigration, you have the right to request your release with bail. To exercise this right you must demonstrate that you are not at risk of fleeing and that you are not a danger to society.
- If you have been detained by Immigration before or if you already have a deportation order, it is very likely that they will not release you on bail.

Deportation

- You have the right to a hearing before being deported *unless* you have been convicted of an aggravated felony, are detained at the border, have entered the U.S. under a visa renunciation program, have been deported in the past, or have a deportation order.
- If you have an old deportation order it is possible that you could be deported without a hearing.
- Obtain a copy of your *Notice to Appear* (NTA).
- Contact your consulate.



How to help a person who has been detained by Immigration

- **How to locate a detainee:**
 - **You can call** the Deportation office of Virginia at (703) 285-6200. You can also contact the central office of Deportation and Customs in Washington D.C. at Washington DC at (202) 305-2734.
 - **Call Detention Centers in the region.** Ask for information regarding the detained person.
 - **Call the Consulate.** Immigration frequently notifies a consulate when it detains one of their country's nationals. Many consulates have assistants who can help with deportation cases.
 - **Call the CAIR Coalition.** They visit Detention Centers and in some cases are able to tell you if they have seen the person you are looking for. Contact CAIR Coalition at (202) 331-3320.
 - **Wait for a phone call from the detainee.** Make sure you remove any call blocks from your phone so that you are able to receive collect calls.

- **Information you need to locate a detainee:**
 - **First and last names and alias (if applicable), date of birth, and *Alien Registration Number* (A#).** This is the number that is on all immigration documents such as resident cards or work authorizations.

- **Important Documents and Information you will need:**
 - **The migratory status of the detainee** and whether he/she has an old deportation order. If the detainee has a deportation order, verify when and why he/she received it.
 - **Date of entry to the U.S. and how they entered** (with visa, crossing the border without inspection, etc.)
 - **The detainee's next court date.** If you don't know that information, call the Immigration Court Information System at 1-800-898-7180 to verify. Press #2 for Spanish. (You can also find out if the person has a deportation order.) Obtain a copy of the detainee's *Notice to Appear* (NTA).
 - **Information about the detainee's previous offenses.** Compile the dates and locations of all arrests, the specific charges, the dates of the charges and the resulting penalties. You can obtain a certified copy of the case disposition in the office of the court which processed the case.
 - **The location of the detainee** (jail, Detention Center, etc.)
 - **The detainee's passport.**

- **What you should consider in looking for a lawyer:**
 - Hire someone who specializes in deportation cases.
 - If your deportation is related to a crime, consult a lawyer who specializes in criminal immigration cases.
 - Always obtain a written service contract before paying and make sure that it specifies what promises the lawyer makes. Keep a copy of the contract for your records.
 - Keep copies of all documents that the lawyer submits in your name.
 - Avoid *notarios* (notaries). They are not licensed to practice law.

Form an Emergency Plan with Your Family

- Share information about your rights in case of a raid with your family, friends and neighbors.
- Emphasize that everyone, even those who are undocumented, has the right to remain silent.
- Memorize the telephone numbers for your lawyer, if you have one, or for organizations that can help you. Share this information with your family.
- Give written authorization to someone who will take care of your children in case you are detained.
- Designate a person you trust to make decisions in case you are detained. Teach this person how to withdraw money from your bank account to cover lawyer or deportation expenses.
- Give copies of all your documents to a family member you trust. Tell this person where you keep your important documents such as birth certificates, marriage licenses and passports.
- Remember that only people who have legal status should visit a detention center.
- Always carry your rights card. This card can be found on page 8.



With Your Coworkers

- Share the information in this pamphlet with your coworkers.
- You could make an agreement that you will remain silent during a raid and not share information with Immigration agents about your migratory status or your country of origin.
- If no one gives information, it might help the group to be less vulnerable before immigration officials.



Do you think that Immigration or the Police have violated your Civil Rights?

○ *How do you identify a violation of your civil rights?*

- Physical violence; Refusal to grant you your right to speak with a lawyer; Detention or registration of your identity without authorization; Entering with use of force into private areas; Physical or psychological abuse used to force someone to sign a document or give testimony; Giving false information (for example, telling someone that they are signing a “voluntary departure” form when it’s really a “deportation order”)

What should you document?

- You should record everything that happened: the badge numbers and names of officials, dates and locations where the abuses occurred, and the names and contact information of potential witnesses. Try to take very detailed notes.

○ *Where can you make a complaint?*

- Present your complaints to the detention center and to the regional ICE (Immigration and Customs Enforcement) office.
- If this doesn’t work, notify the central ICE office in Washington D.C.
- You can file additional complaints to the Office of Civil Rights of the Department of Homeland Security and the Office of the Inspector General of the Department of Homeland Security.



If a raid occurs...

- Take notes on the incident
 - Names of the agents
 - Which departments did agents belong to: ICE or the police?
 - What time the raid occurred
 - Place of the raid
 - How many people were detained
 - Why they came: Did someone have a deportation order? Did someone have a criminal case pending? Was someone arrested during the raid for committing an offense?
- Gather the immigration documents of the people who were detained.
- Note the personal information of the detainees
 - Date of Birth
 - Nationality
 - Dates of entry to the U.S.
 - The person’s A#

Checklist of information that you should always have on hand or memorized

- First and last name(s)
- Date of Birth
- A# (Immigration registration number)
- Telephone number
- Current address
- Date of entry to the U.S.
- Your migratory status upon entry to the U.S.
- Your current migratory status
- If you have ever been arrested, you need information about your previous convictions
 - Dates of all previous convictions
 - Court verdicts

Your Rights Card

<p>Conozca sus derechos:</p> <p>Si Inmigración o la policía lo detiene:</p> <ul style="list-style-type: none"> • Pase la tarjeta al agente y guarde silencio. • La tarjeta explica que usted quiere ejercer su derecho a no contestar preguntas sin consultar con un abogado. 	<p>Know your rights:</p> <p>If you are detained by immigration or the police:</p> <ul style="list-style-type: none"> • Hand the card to the official, and remain silent. • The card explains that you are exercising the right to refuse to answer any questions until you have consulted with a lawyer.
<p>Estimados Señores:</p> <p>Deseo ejercer mi derecho a guardar silencio y no contestar preguntas. Si me detienen, solicito comunicarme de inmediato con un abogado. Quisiera ejercer, además, mi derecho a no firmar nada sin consultar con mi abogado.</p> <p>Quiero contactar un abogado en este número de teléfono: _____</p> <p style="text-align: right;">Gracias.</p>	<p>To whom it may concern:</p> <p>Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney. I would like to contact a lawyer at this number: _____</p> <p style="text-align: right;">Thank you.</p>

Glossary of Terms Used in the Immigration System

Absconder: *Fugitive with a deportation order.* Term used to refer to an immigrant who has a deportation order in his/her name and has not left the country. Frequently absconders are people who did not appear at their immigration court hearing and a deportation order was given in their absence. If an absconder is detained, he/she could be deported immediately and generally will not have the opportunity to present their case to an Immigration Judge.

Alien: *Foreigner.* A foreigner; immigrant. Any person who is not an American citizen.

Alien Registration Number(A#): *Immigration registry number.* Each person who enters the immigration system is assigned an Alien Registration Number. This number is different for every individual. The *A number* is found on each of a person's immigration documents and is used to identify that individual.

Department of Homeland Security (DHS): This department of the United States Government is in charge of protecting the country from terrorist attacks and responding to natural disaster. The department was created after the attacks of September 11, 2001. It consists of 22 federal agencies, including the Citizenship and Immigration Services (USCIS) and the U.S. Customs and Border Protection (USCBP),

Deportation/Removal: The expulsion of an immigrant (who is not a citizen) from the United States. Individuals who may be deported include Legal Permanent Residents with felony charges, immigrants who overstayed their visas, those who seek refuge or political asylum, and undocumented immigrants.

Deportation Officer: When an individual is detained, his/her case is automatically assigned to a deportation official. This official should maintain contact with the detained person and inform him/her of developments in his/her case. It is the deportation officer who issues a notice to appear and receives notice when a detainee is going to be transferred to a different detention center.

Immigration Customs and Enforcement (ICE): This is the agency designated to issue detention orders and notices to appear (NTA's). ICE also presses charges of violation of federal immigration law against a detained person. Essentially, this agency has the discretion to detain immigrants.

Immigration Detainer: Can be ordered by the Department of Homeland Security against an individual who was detained on criminal charges. Even if the person has not yet been charged or found guilty, DHS can decide to keep the individual in detention until Immigration agents come for him/her or until charges in violation of federal immigration law are pressed against that person.

Immigration Judge/Magistrate: The judge is in charge of immigration court. Judges have the power to authorize warrants and deportation orders, or to stay the deportation. In court the Immigration Judge makes the decision about the case of an individual under deportation proceedings, determining the case outcome of the individual.

Notice to Appear (NTA): The document on which immigration charges against an individual are noted. The NTA includes the date on which the individual must appear in court so that the judge can make a decision about his/her case.

Voluntary Departure: A type of self-deportation, it is when a person under deportation proceedings promises before the court to leave the country of their own will before the deadline ordered by the judge.

Warrant: A warrant is permission given by an immigration judge authorizing the search of an individual's home or workplace if that individual is undocumented or already has a deportation order in his/her name.

Some phrases that you may find in a warrant include:

Authorized to enter

Premise: the place, location

Search

Subject to removal proceedings: can possibly be deported

Without legal authority: illegally

Example of a Warrant

*This is a copy of a warrant signed by an immigration judge.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700
Highway 60 NE, Worthington,
Minnesota, and all its
appurtenances, parking areas,
and outdoor working areas

Defendant.

CIVIL NO. 06mj457JSM

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America, having filed an application to authorize officers of United States Immigration and Customs Enforcement to enter the building on the premises described above in order to search for persons who are aliens in the United States without legal authority, together with an Affidavit and memorandum of Points and Authorities in support of the application, and the Court finding on the basis of the affidavit that there is probable cause to believe that located within the business premises described above are persons who are aliens in the United States without legal authority and subject to removal proceedings pursuant to Section 240 of the Immigration and Nationality Act, 8 U.S.C. § 1229a (1996).

IT IS THEREFORE ORDERED that the officers of U.S. Immigration and Customs Enforcement are authorized to enter the building and

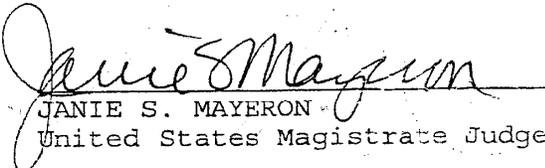
Example of a warrant

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areas on the premises described herein and to make such search as is necessary to locate aliens present in the United States illegally and counterfeit, altered, or imposter documents possessed and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift, Inc. (See Attachment B). In making this search, the agents of ICE are authorized to enter any locked room on the premises in order to locate persons who may be such aliens in the United States without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006


JANIE S. MAYERON
United States Magistrate Judge

General Durable Power of Attorney

****SAMPLE****

I, _____ (*Name*), (referred to as petitioner) a resident of _____ (*Address, county, state*), designate _____ (*Agent name*), as my attorney in fact, to execute in their name any and all documents that they deem to be necessary on behalf of myself, the petitioner. By way of example, this power includes, but is not limited to:

1. The purchase, ownership, management, administration, and sale of properties of any nature and kind;
2. The borrowing of money on a secured or unsecured basis;
3. The mortgaging, pledging, or collateralization, or encumbrancing of property of the petitioner;
4. The lending of money on a secured or unsecured bases;
5. The establishment of bank depository accounts for the petitioner;
6. The deposit and withdrawal of funds from any such bank depository or any depository currently existing.
7. And the execution of any instrument necessary to carry out and perform any of the powers stated above, and to do any other acts requisite to carrying out such powers.

This power of attorney shall not terminate on disability of the principal

(*Date*)

(*Signature*)

NOTARY

Sworn and subscribed before me this _____ day of _____, 20__.

Witness my hand and official seal.

Notary Public

Registration Number:

My Commission Expires _____

Special Power of Attorney

****Sample****

I, (Name) , (referred to as petitioner) a resident of (Address, county, state) , designate (Agent name) , as my attorney in fact, to execute in their name any and all documents necessary to exercise the powers given herein. I give the attorney in fact the following powers:

8. To take temporary custody of my daughter/ son, (name) , until such time as I request the return of full custody to me.
9. To provide for the education instruction , medical care, and all other care of my daughter/ son, (name) , as is appropriate for a child of his/ her age.
10. I grant to said attorney in fact full power and authority to do, take, and perform all acts required for my son/ daughter as I might or could do if personally present and not under disability.

This power of attorney shall not terminate on disability of the principal.

(Date)

(Signature)

NOTARY

Sworn and subscribed before me this _____ day of _____, 20__.
Witness my hand and official seal.

Notary Public

Registration Number:

My Commission Expires _____