

KNOW YOUR RIGHTS & SAFETY PLANNING

Last updated January 22, 2025.



DISCLAIMER

This information is provided for educational purposes only and is intended to be shared as prepared. It is not a substitute for legal advice. Only qualified immigration attorneys or Department of Justice Accredited Representatives are authorized to address case-specific questions or provide immigration legal advice. For any case-specific inquiries, please consult a qualified legal professional.



GOAL

The information we are about to provide is intended solely for educational purposes, designed to inform you about your rights and offer practical steps you can take to safeguard yourself, your loved ones, and your possessions in the event of an emergency.

Our goal to empower you with knowledge and resources that will help you navigate this new Administration with confidence.

By being prepared, you can take an active role in making informed decisions and exercising as much agency as possible in what happens with what you value most in case you are detained by immigration.

Some of this information may feel dense, and we are continuously trying our best to make this information as accessible as possible. However, we will try our best to be clear when we have no option but use specific, legal language to describe something important.



Grounding Exercise

Take a moment in collective silence to ground yourself.

- In this space, and in this moment, you are safe.
- You may feel vulnerable, but you are strong, and you are not alone.
- You may feel angry, but you are surrounded by compassion.
- You may feel helpless, but this is a space to gain knowledge.



Agenda

Fundamental Rights Under the U.S. Constitution
Regardless of Immigration Status

Legal Remedies Under Current Law

New Executive Orders Under President Trump

Safety Planning



Constitutional Rights



Constitutional Rights

All people in the U.S. have some basic constitutional rights, regardless of immigration status.

- Right to remain silent.
- Right to talk to an attorney.
- Right to be free of unreasonable search and seizures.
- Due process rights.**



What can you do if you are stopped by ICE:



WHILE IN PUBLIC



WHILE AT HOME



WHILE DRIVING



WHILE AT WORK

Public Stop



- You have the right to remain silent.
- You can ask if you are free to leave.
- If you are asked where you were born or manner of entry, you can refuse to answer the question.
- If the officer approaching you is a police officer vs. ICE, in Nebraska, you have to identify yourself and provide your address, if requested.
- However, you do not need to provide identification documents, especially if they are from your home country.
- Do not lie or give false documents.

At Home



Remember the Knock and Announce Rule

- Do NOT open the door.
- An ICE warrant is not the same thing as a judicial warrant.
 - An ICE warrant does not give ICE the right to enter your home.
 - A valid judicial warrant signed by a judge does.
- If officers say they have a warrant, ask that the warrant be passed to you under the door*
- Review the warrant:
 - Name
 - Address
 - Signature of a judge
 - Date
- If any of the things above is incorrect or missing, do not let the officers in.
- If the warrant is a valid judicial warrant:
 - Right to remain silent.
 - Right to speak to an attorney.



ICE WARRANT FOR ARREST

File No. _____

Date: _____

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

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

Since a charging document is also prepared and issued by ICE agents, its existence does not show that any neutral party has found probable cause that the person is subject to deportation.

- 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.

None of these checkboxes indicate that there is probable cause of a crime for which a person could be arrested by local law enforcement officers.

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)

No judge or neutral magistrate is involved in the issuance of an ICE warrant. This warrant does not meet the basic constitutional standard for being a warrant, which is review by a judge.

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
 notice were read to him or her in the _____ (Language) language.
 _____ Name and Signature of Officer _____ Name or Number of Interpreter (if applicable)



JUDICIAL SEARCH WARRANT

AO 93 (Rev. 12/09) Search and Seizure Warrant

This is a judicial search warrant. It DOES authorize agents to enter your home.

UNITED STATES DISTRICT COURT - Issued by a COURT.
for the
Eastern District of California

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No.
540 Oak Avenue)
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161EFB**

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.
YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 Date for warrant, not to exceed 14 days
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge _____
(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) for _____ days (not to exceed 30)
 until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM  Signed by a JUDGE.

City and state: SACRAMENTO CALIFORNIA EDMUNDO F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title



While Driving



- License, registration, proof of insurance.
- Driving without a license is an arrestable offence in Nebraska. *See* Neb. Rev. Stat. 60-484.
- Right to remain silent.
- Right to speak to an attorney.
- Right to get a public defender appointed if facing criminal charges and cannot afford a defense attorney.
- **Passengers have the same rights as a person during a public stop.**

Other ways to reduce risk of arrest due to a traffic stop:

- **Maintain current vehicle registration;**
- **Have plates in front and back of your vehicle;**
- **Maintain car insurance (even if it is liability only);**
- **Use traffic signals;**
- **Do not speed;**
- **Do not have tinted windows that reduce the clear view of the driver;**
- **DO NOT drive if you have been drinking;**
- **DO NOT use any drugs, including medical marijuana;**
- **DO NOT give false information or present a false identity document that doesn't belong to you; and**
- **Consider presenting photo identification, even if it's a foreign document.**



While at work



- Public spaces at a worksite require no permission for ICE to approach.
- Private areas require a judicial warrant or the employer's permission.
- Spokesperson – either the employer or a designated employee should act to protect the rights of the employees.
 - Ask to see a judicial warrant signed by a judge.
 - If there is a valid judicial warrant, the spokesperson should allow ICE to execute the warrant but otherwise should not help ICE with the arrest.

While at work



Try to remain calm and remember that you have basic rights:

- The right to remain silent;
- The right to talk to an attorney;
- The right to due process.

Do not:

- Run; or
- Self-select. If possible, get away from the raid slowly.

If you are not allowed to leave, remember that you have the right to remain silent. Exercise that right by telling the officer you do not want to answer any questions.

- Don't say where you were born;
- Don't sign anything;
- Don't present false documents.

What can you do if, despite following all the advice given, you are arrested by ICE?

- Don't forget about your constitutional rights to:
 - Remain silent; and
 - Speak to an attorney.
- Remember that you also have the right to fight your case in court.**
 - Unless you are subject to expedited removal.



Enforcement Generally

Setting and enforcing immigration law and policy is the responsibility of the federal government.

- Customs & Border Protection (CBP) patrols U.S. land and sea borders and ports of entry.
- Immigration & Custom Enforcement (ICE) patrols the interior of the U.S.
- However, collaboration between federal authorities and state and local law enforcement can occur.

Individuals who are apprehended at a border or in the interior of the U.S. may be placed in removal proceedings before an immigration judge.

The judge must determine whether they are noncitizens who are removable under the law and, if so, whether they qualify:

- To be released on bond; and
- For a form of relief from removal.



Administrative Removal



U.S. Immigration
and Customs
Enforcement



U.S. Customs and
Border Protection

In some cases, CBP or ICE can quickly deport certain people without a hearing before an immigration judge.

- **Outstanding Order of Removal:** may have been issued at the border or by an immigration judge; noncitizen may or may not be aware of it
- **Reinstatement of Removal:** previously deported and reentered the U.S.
- **Expedited Removal:** not admitted to the U.S. & no valid immigration documents, and present in the U.S. for fewer than 2 years

Challenging Administrative Removal: Those who can show a sufficient fear of persecution or torture in their country of return may have the opportunity to have their fear-of-return claim heard by an immigration judge.

Relief from Removal



Relief from Removal in Immigration Court:

Cancellation of Removal

Family-based AOS Petition

Humanitarian Relief:

- Asylum; Withholding; CAT
- SIJS
- U Visa/VAWA
- T Visa
- Temporary Protected Status (TPS)

Employment-based Petition



Non-LPR Cancellation of Removal:

You have lived in the United States continuously for 10 years or more;

You have a spouse, parent, or child (unmarried, under 21), who is a Lawful Permanent Resident or USC;

You can show that your qualifying LPR or USC family member will suffer “exceptional” and “extremely unusual” hardship if you are removed from the United States;

You can show that you have “good moral character”; and

You have not been convicted of certain crimes or violated certain laws, i.e., CIMTs, drug-related crimes, aggravated felonies, etc.



LPR Cancellation of Removal:

You have been a LPR for at least five years;

You have continuously resided in the U.S. for **at least seven years** after being admitted in any status and before the “stop-time rule” is triggered;

You have not been convicted of an aggravated felony;

You have not received cancellation of removal or 212(c) relief in the past; and

As a matter of discretion, you deserve to win your case.



New Executive Orders Under President Trump



Executive Orders Under President Trump 2.0

- Ending birthright citizenship for children born to non-citizen or non-LPR parents after February 20, 2025
 - Currently blocked by court order.
- Expansion of expedited removal, especially against those who entered under a parole program under the Biden Presidency
 - Unsure how this will be applied.
- Pressure on state and local police to collaborate with ICE
 - Nebraska Governor Jim Pillen has signed a state executive order asking for Nebraska agencies to cooperate to the extent allowed by law. Unclear how this will be applied.



Safety Planning

Steps you can take to protect yourself, your loved ones, and what is yours.



Preparedness comes in different forms

YOURSELF

Collect all important documents and keep them in a safe place. Make sure that at least one other person (preferably someone with status) knows where those documents are.

CHILDREN

If you have children, make sure that you have important documents about your children gathered in a safe place, as well.

PROPERTY/ACCOUNTS

Durable power of attorney. Necessary to have someone else sell, rent, or do whatever you want them to do with your property in case of deportation. This will hopefully prevent you from losing what you've worked so hard for.



Important Documents

- Copies of the birth certificates for all of your family members.
- Passports: If you have U.S. citizen children, consider registering them with the consulate of your home country and obtaining a passport from that country. This will make travel and transition easier in the event of a deportation. **Caution, however, for asylum seekers!**
- Any identification document.
- If you are a lawful permanent resident, proof of status.
- Any other immigration document, including a copy of your file if you have had a case in immigration court or have filed a FOIA and received results regarding encounters with immigration agencies.
- Any medical information (i.e., list of doctors and contact info, list of medications, allergies, etc.)
- Proof of presence in the United States the last two years.



Steps you can take if you have children

Make sure there is an identified person you trust who can pick up your children from daycare or school (Preferably someone who has immigration status);

- **Consider executing a Temporary Delegation of Parental Powers:**
 - no need for an attorney, valid for 6 months, just needs notarized signature.
 - needs renewal every six months.
 - the person with the delegated powers should have the original and copies.
 - you should have copies too.
- **Child's passport;**
- **Child's birth certificate;**
- **Child's proof of residency;**
- **Child's immigration documents, if applicable; and**
- **Child's medical information (doctors, medication, etc.).**



Important Documents if You Own Property

Durable Power of Attorney

- Give a copy of your deed or lease to your designated agent;
- Give a spare set of keys to your designated agent.

Vehicles

- The DMV has its own Power of Attorney for Vehicle/Motorboat Only.
 - Give a copy of your title to your DMV Power of Attorney
 - Give a spare set of keys to your Power of Attorney

If you have a bank account, talk to your banker to ask if they have a specific Power of Attorney, they prefer you to use or if a durable power of attorney would suffice.

- Give the original to your designated agent and keep copies for yourself.



QUESTIONS?



Additional Resources

ciraconnect.org/know-your-rights

NILAH

1.855.307.6730

ciraconnect.org/legal-representation

