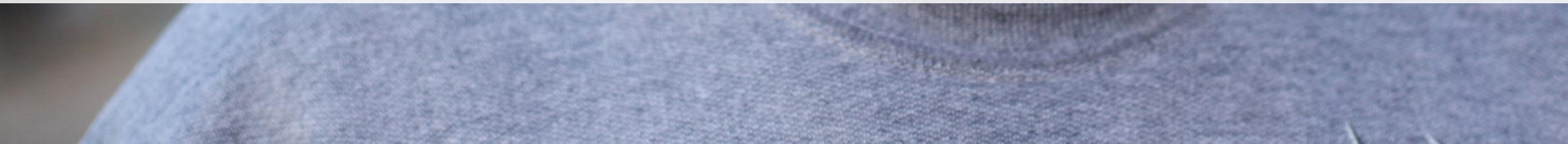
CONTRA COSTA PUBLIC DEFENDERS

STAND TOGETHER CONTRA COSTA



KNOW YOUR RIGHTS

By Ali Saidi



YOU HAVE RIGHTS

regardless of your immigration status

To protect yourself and your family, you must know your rights.

ACT NOW.

Knowledge Is Power.
Do Not Wait.
Be Prepared.

STAND TOGETHER CONTRA COSTA
KNOW YOUR RIGHTS CARD



ALWAYS REMEMBER THREE THINGS!

- You have the right to remain silent!
- Say you DO NOT consent to a search!
- Say you want to speak to an attorney!

TALK TO AN IMMIGRATION SERVICES PROVIDER ABOUT YOUR IMMIGRATION OPTIONS

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get lawful status.
- If you have a criminal arrest or conviction, find out how it might affect your case, or if there is a way to erase it from your record.

THE WRONG HELP CAN HURT
BEWARE OF IMMIGRATION FRAUD

- Don't become a victim of dishonest immigration consultants often known as "notarios." Immigration consultants, notaries public, and notarios cannot represent you in the immigration process. These people—especially notarios—prey on immigrants, often from the same ethnic community as the notarios themselves.
- If you need legal advice on immigration matters, make sure the person helping you is authorized to give legal advice.
- Only an attorney or an accredited representative working for a Department of Justice (DOJ)'s Executive Office for Immigration Review (EOIR) recognized organization can give you legal advice.



WHERE:

Your Home

- Two ways to enter your home:
  - valid warrant
  - your permission
- DO NOT OPEN THE DOOR
- ALWAYS ASK FOR IDENTIFICATION
- ASK TO SEE A WARRANT
- You have the right to remain silent
- ICE officers Lie to gain entry!

A Valid Search Warrant

- Must be signed by a judge, justice of the peace or magistrate
- Must contain the address of the home to be searched
- Must describe the area to be searched
- If officers enter your home, say "I DO NOT CONSENT TO YOU SEARCHING MY HOME."

A Valid Arrest Warrant

- Must be signed by a judge, justice of the peace or magistrate
- Must state the name of the person to be arrested
- Must describe the person to be arrested

AO 442 (Rev. 11/11) Arrest Warrant

ISSUED

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America
v.
[redacted]

Case No. 1: 17 MJ 00058 SKO

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) [redacted]
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☑ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Reentry of a Previously Deported Alien, in violation of 8 U.S.C. 1326(a) and (b)(2)

Date: April 7, 2017

Issuing officer's signature

City and state: Fresno, California

Hon. Sheila K. Oberto, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____

Date: _____

Arresting officer's signature

Printed name and title

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

UNITED STATES DISTRICT 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)

540 Oak Avenue
Davis, California 95616

Case No. 2:11-SW-0161 EFB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

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

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized)*:
SEE ATTACHEMNT 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
(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 at 10:00 AM

Judge's signature

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

A warrant of removal/deportation (immigration warrant)

≠

The right to enter your home.

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

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**

I have determined that there is probable cause to believe that _____ 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 _____ (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)

Form I-200 (Rev. 09/16)

SAMPLE

If officers enter your home

- Inform them if there are children, elderly, or sick people in the house
- Say that you do not consent!
- Pay attention to where officers search
- Write down what happens as soon as they have left

Twelve things for you and your family to remember in ANY situation

1. Anything you say can be used against you.
2. You have the right to remain silent.



3. If you wish to remain silent, say it out loud or show your Know Your Rights card.

Get one on page 13!



4. Always carry U.S. identification and copies of immigration documents.
5. Never carry false documents or documents from another country.
6. Never lie to officers.
7. You have the right to speak with your attorney.
8. Never run in a raid or if you are approached by officers.



9. Never physically fight back if you are being arrested or detained.



10. You have the right to refuse to sign anything before speaking with your attorney.



11. If you are in police custody or detention, do not discuss your immigration information or criminal history with ANYONE other than your attorney.
12. If you are questioned or in a raid, write down what happened in detail as soon as it is safe to do so. Tell your attorney and your support groups right away.

Location Quick Guide



Home

- DO NOT OPEN THE DOOR. Ask for ID (look through a window).
- Officers can only enter with a valid warrant or with your permission.
- Ask to see a warrant. If it is not valid, ask the officers to leave.
- If officers enter (with or without a valid warrant) say you do not consent. Tell them if there are children, elderly or sick people in the house.



Street/Public Place

- Do not run.
- Before saying anything (including your name) ask, "Am I free to go?"
- If yes, walk away slowly. If no, do not walk away.
- In some states, you must give your name.
- If you are searched, stay calm and say "I do not consent to this search."



Work

- Officers can only enter with a valid warrant or with permission from your employer.
- Have an emergency plan with your co-workers (see p. 18).
- If your employer is not available or has given permission to officers to enter, know who will speak to officers. The person should ask for identification and a warrant.
- If you are searched, stay calm and say, "I do not consent to this search."



Car

- Pull over, turn the car off and put your hands on the steering wheel.
- Follow all instructions, including providing license, registration and insurance. Do not give fake documents.
- If officer searches your car, stay calm and say, "I do not consent to this search."



Jail/Police Custody

- Request a phone call to your attorney or other emergency contact.
- Use your Know Your Rights card. Remember your right to remain silent and say you willl not sign anything before speaking with your attorney.
- Request a copy of all papers your attorney submits to the judge as part of your case.



Immigration Detention Center

- Request a phone call to your attorney or other emergency contact and your consulate.
- Use your Know Your Rights card. Remember your rights to remain silent and to refuse to sign anything before speaking with your attorney.
- Request a copy of all papers in your case.
- Request to be released on bond.

This resource provided by the **Catholic Legal Immigration Network, Inc.** For more resources, visit cliniclegal.org.

WHERE:

The Street or Public Area

- DO NOT RUN
- Before saying anything, ask "AM I FREE TO GO?"
- You have the right to remain silent
- In some states, you may have to give your name; In CA you do not!
- If searched, say "I DO NOT CONSENT TO THIS SEARCH."





WHERE:

Your Workplace

- Two ways to enter
  - a valid warrant
  - permission from your employer
- DO NOT RUN
- You have the right to remain silent
- Make a plan with your coworkers!

Your Workplace Checklist

- Having a plan will help protect you and your co-workers
- Make sure everyone knows their rights
- Make sure everyone knows the plan
- Elect at least one workplace representative
- If you are a member of a union, speak to your representative

WHERE:

Your Car

- Different laws apply when you are in your car
- You must provide your license, registration, proof of insurance
- Do not lie or provide false documents
- If officers search your car, say "I DO NOT CONSENT TO A SEARCH."
- You have the right to remain silent





WHERE:

In Another Person's Car Or Home

- DO NOT RUN
- Ask if you are free to leave
- You have the right to remain silent
- Say I do not consent to a search!

WHERE:

Jail Or Police Custody

- Arrests, charges, and convictions can affect your immigration status
- You have the right to remain silent
- You have the right to a phone call
- You have the right to an attorney
- DO NOT DISCUSS YOUR IMMIGRATION INFORMATION WITH ANYONE OTHER THAN YOUR ATTORNEY
- You have the right to refuse to sign anything before speaking with your attorney





WHERE:

Immigration Detention Center

- You have the right to a phone call
- You have the right to call your consulate
- You have the right to remain silent
- You have the right to speak to an attorney/accredited representative
- You have the right to refuse to sign anything before speaking with your attorney
- DO NOT DISCUSS YOUR IMMIGRATION INFORMATION WITH ANYONE OTHER THAN YOUR ATTORNEY
- Request a copy of all documents in your case, including your NOTICE TO APPEAR

If someone calls you from detention or police custody

- Do you need medical attention?
- What law enforcement agency arrested or detained you?
- Where are you?
- What is the largest city or town near you?
- What is your A number?
- What papers have you been given and what do the papers say?
- Do you have any court date or hearing scheduled?
- Have you spoken with your attorney/accredited representative?

Information you should MEMORIZE

- The phone number of your attorney/accredited representative
- The phone number of your consulate
- The phone numbers of family members
- Your Alien Registration Number/ A # (the number on your immigration documents)
- Your date of entry into the United States
- Your immigration status when you entered the United States
- Your current immigration status
- Your criminal history

What to Carry

- If a Lawful Permanent Resident (LPR), carry a copy of your LPR Card.
- If in removal proceedings or have other immigration relief pending, carry copy of filing receipt, work permit, or hearing notice.
- If you have had NO CONTACT with ICE, DO NOT carry any identification from another country!
- Carry proof that you have been in the US longer than 2 years (i.e. rental agreement, utility bills, etc.)

PREPARE YOURSELF AND YOUR FAMILY

- Have a plan for your family in case anyone is detained by ICE agents
- Have an emergency contact to pick up your children from school or at home
- Have the number of attorney or organization that can help you and your family
- If you take care of a family member that has to take daily medication, have prescription ready
- Have money saved in case you have to pay an immigration bond to be released from immigration custody
- Prepare a Caregivers Affidavit for your children: Guide available at https://www.ilrc.org/resources/step-step-family-preparedness-plan

What is Registration?

- Registration is a process to notify the government of your presence in the U.S. as a foreign national. The requirement to "register" is in our immigration laws, but has been infrequently enforced.
- President Trump announced that he will apply this requirement to all foreign nationals. Be screened for immigration options.

What is Registration?

- The law requires all aliens over the age of 14 who stay in the U.S. for 30 days or more to register. (The law requires parents to register children under the age of 14).
- The law requires individuals to register before the end of the 30-day period.
- The government posted a new form on the USCIS website for those who have not yet registered: Form G-325R.

If I register, will I be allowed to stay in the U.S.?

- NO.

- Registration does not grant permission to stay in the United States. Once you register, the government will know you are here.

- If you do not have permission to stay, the government says it will take action to deport you.

I am registered?

- They may be. Many people who have had contact with immigration officials or filed applications are already registered.
- The following documents are considered registration:
  - La Mica. A permanent resident card.
  - A work permit, even if it is expired.
  - An I-94. If you obtained an I-94 document or received it electronically when you entered the United States.
  - An NTA. If you were issued a Notice to Appear in immigration court.
  - A Border Crossing Card.
  - A Disembarkation Permit as a crewmember.
  - If you have applied for lawful permanent residence or temporary residence, even if your application was denied (Forms I-485, I-687, I-691, I-698, I-700).

I am not registered yet, should I register now?

- Filing the new Form G-325R carries many risks.

- If you have any questions, consult with an immigration attorney. The best option for you will depend on your situation.

What are the risks of registering?

- The registration form asks for your address, information about you, your family, and your immigration status, among other information. If you do not have immigration status, the immigration authorities will know you are in the U.S. and the government says it will take steps to deport you. You could be detained.
- The form also requires information about whether you have committed a crime. You could be charged with a crime based on the information you provide. This includes charges for illegal entry, criminal conduct such as using controlled substances (including marijuana), and other crimes.

What are the risks if I do NOT register?

- If you apply for an immigration benefit and have not registered, the government may use the lack of registration as a negative factor in deciding your case.

- If you fail to register, the government may charge you with a misdemeanor if you did it intentionally (i.e., on purpose). This could result in a fine or being detained for up to 6 months.

I received an email saying I should self-deport. What should I do?

- The federal government is sending emails to migrants who entered the U.S. through the CBP Uno application urging them to self-deport.

- These emails, which inform them of the cancellation of their parole, are also being sent to people in error, such as U.S. citizens and immigration attorneys.

- The emails warn of possible action by federal authorities if they do not leave the country immediately.

I received an email saying I should self-deport. What should I do?

- Talk to a lawyer about your situation.
- If you have a USCIS proceeding, follow that proceeding.
- If you have an immigration court hearing, go to your hearing. If you do not attend your hearing, you will be ordered deported in your absence.

TAKE ACTION NOW

- Find an attorney or accredited representative
- Get screened for immigration options
- Register with your consulate, church, other community or religious center
- Make a family plan
- Make copies of all immigration and other important documents
- Make a childcare plan
- Save money
- MAKE SURE EVERYONE IN YOUR FAMILY KNOWS THEIR RIGHTS

QUESTIONS?

Rapid Response Hotline:
925-900-5151