What should community organizations and service providers know?

Goals for this session:

- Overview of the general state of immigration enforcement
- Know Your Rights and the rights of your clients/patients/constituents and your agency
- Know about resources to refer clients
- Know about family preparedness

Changes to Immigration Policy

- President Trump has changed immigration policies by:
  1) Executive orders
  2) Agency directives
  3) Reversal of Case law at the Board of Immigration Appeals
“External Enforcement”

- Building a wall on the U.S.-Mexico border
- Blocking entrance of asylum seekers at U.S.-Mexico border
- A ban on immigrants from certain countries a/k/a the “Muslim Travel Ban”
- Halt to refugee admissions
- Lowering of total admissions of refugees
- Closing offices abroad

“Internal” Enforcement

- Deportation priorities for people in the U.S.
- Detention policies for people in the U.S.
- Increased prosecutions of federal immigration crimes

- Request for cooperation from local officials
- Defunding “sanctuary” cities and jurisdictions
- Repeal of DACA
- Ending of TPS for some countries
- Reversing judge’s rulings favoring domestic violence victims in asylum proceedings
Executive Order internal enforcement

Anyone who is undocumented in the U.S. is at risk of being detained and deported.

Know Your Rights

• All individuals have certain constitutional rights regardless of immigration status
Resources

- Know your rights materials
  - Casa de Maryland: http://wearecasa.org/derechos/
  - NILC: https://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/
  - ILRC: https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now

- For videos about know your rights: http://www.chirla.org/

Rights in different locations
In person with an official

What to Do if A Person Meets an Immigration Officer

Everyone Has Rights

People who have immigration status (green card, TPS, asylum applicant), may wish to show identification to prove they are here legally.

People who do not have status, may wish to remain silent and not present identity documents

People should not lie or show false documents.
It is better to say, “I would like to remain silent.”
General Advice

**DO’S**
- Remain silent
- Ask to speak to an attorney

**DON’TS**
- Do not run away
- Do not lie to any officials
- Do not give false documents
- Do not sign documents without talking to a lawyer

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Everyone Has Rights

No matter who is president, everyone living in the U.S. has basic rights under the U.S. Constitution. These rights include:

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

**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.
Red Cards

If ICE Comes to a Person’s Home

A person has the right to:

- Not open the door unless ICE has a warrant signed by a Judge
- Slide a “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

To order or make your own red cards: https://www.ilrc.org/red-cards
Warrants

Role Play: ICE in the Home

This is one of the activities that you can use with community members that you work with. 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 ICE Comes to a Person’s Work

People have the right to:

• Not answer
• Stand silently in the middle of the room
• Not give the officials any information about themselves

A person has the right **not** to communicate information in any way.
A person has the right to not line up.

If Stopped While Driving & ICE Comes

A person has the right to remain silent. Remaining silent does **not** mean that a person will not be arrested, but helps to not give ICE information that will be used against them.

• Unless you are within 100 mile of a border and subject to an immigration “check-point”, you cannot be pulled over without “reasonable suspicion” of a crime or immigration violation, nor can your vehicle be searched without “probable cause”
• You have the right to ask if you are under arrest or if you are free to leave.
• If free to leave, you should state that you are leaving.
• It is important to stay calm and not run or resist arrest. People should keep their hands where the officer can see them.
Nearby States

• CBP can set up check points on roads and highways within 100 miles of the U.S. border
• States such as CT, Del., Fla, Maine, Mass., New Hampshire, NJ, NY, Rhode Island and VT lie entirely or almost entirely w/in this area.
• People without immigration status may want to avoid traveling to states within 100 miles of a border
• Nearly 2 out of 3 people live within a 100-mile border zone

The Need: For Pro Bono Counsel

In immigration court there is no right to a free attorney – (you have a right to have an attorney at your own expense)

• Immigrants in detention without legal representation are only 11% likely to be released versus 44% for those who have an attorney*
• 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

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Free Legal Clinics

There are several free immigration clinics in the Boston area. Please see the box labeled “Free Legal Clinics” on the back of the handout titled “Referral..."
Family preparedness plan

- Know your rights
- Keep copies of important documents somewhere safe
- Talk to family and friends about a plan
- Authorize someone trustworthy to pick up school age children
- Apply for passports/register births
- Memorize the phone number of family, friends, and/or an immigration attorney

Be Prepared – Family Preparations

There are different temporary custody forms which people may want to consider filling out now in case they 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
Family Preparedness Plan

- Caregiver Authorization Affidavit
  - Valid for up to 2 years
  - Valid for educational and medical decisions

- Temporary Agent Appointment
  - Valid for up to 60 days
  - Valid for all decisions a parent can make, except adoption or marriage

- Guardianship

Be Prepared – Family Preparations

- A person can fill out both of these forms 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
Family Preparedness Resources

- MassLegalHelp online: https://www.masslegalhelp.org/immigration/family-emergency
- Attorney General’s guide for families: https://www.mass.gov/emergency-planning-guide-for-families
- Boston Medical Center Family Preparedness: https://www.bmc.org/programs/center-family-navigation-and-community-health-promotion/resources

Immigration Enforcement at Your Organization

- Have a training for the staff
- Ask for the organization to designate individuals to deal with immigration officials
- Learn which are public v. private spaces
- Warrants
- Sensitive locations memo
Requests for Information

- No affirmative reporting to immigration required, unless mandated by law
- Be aware of any privacy laws governing your organization (i.e. HIPAA, FERPA, etc)
- Create policies to protect clients’ personal information
- Warrants and subpoenas
- Consult with general counsel or outside counsel about requests

Legal Resources

- Schedule a Know Your Rights training for your clients: contact PAIR Project - pairproject.org
- Schedule an immigration training for your staff
- Find legal assistance: see list of legal services providers in handout
Questions