

# Legal Rights of Persons Without Proper Documentation

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# Important

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- ❑ This is not a substitute for legal advice.
- ❑ Talk to a lawyer about your specific situation.
- ❑ Do not go to a notario. They are not lawyers in the United States.

# Particularly Likely to Be Deported

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- ❑ Any undocumented person who has a previous order of deportation.
- ❑ Any undocumented person who is working without work authorization when ICE “raids” the workplace.
- ❑ Any undocumented person who commits certain types of crimes.
- ❑ Any person with legal status (not citizenship) who commits certain types of crimes.

# What Should I Do?

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- ❑ Develop plan for you and your family
- ❑ Gather important documents
- ❑ Have important phone numbers readily available:
  - Your attorney's number or number for attorney referral service
  - Number for your country's consulate
  - Numbers for your spouse's work, children's school or daycare, your church, your neighbors...

# Important Documents

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- ❑ Birth certificates for you and your children
- ❑ Passports
- ❑ Copies of photo identification cards and work permits
- ❑ Bank records
- ❑ Mortgage or lease records
- ❑ Any papers from Immigration

# Questions to Consider in Advance

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- ❑ What will your family do if you are deported?
- ❑ What about your children?
- ❑ What will happen to any property that you own?
- ❑ Do you have an immigration case? If so, what do you need to do for your case?

# Children

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- ❑ ICE does not have the right to “take your children away” from you.
- ❑ You should decide in advance whether your children stay in the U.S. or go with you, if you are deported.
- ❑ Consider child custody ramifications if you are estranged from your child’s other parent.

# Property That You Own

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- Do you own a car? A House? Will you need to sell these assets? Will you need to access bank accounts?
- If so, you may wish to designate someone to act as your power of attorney.



# Immigration Case Pending

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- ❑ Assemble all of your important and immigration related documents.
- ❑ Contact your attorney and get these documents to your attorney, if you have one.
- ❑ Alternatively, give your important documents to a family member or a friend, whom you trust and who has legal status in the U.S. Ask this person to get in touch with an immigration attorney if you end up in detention.

# What Rights Do I Have If I Am Approached or Picked Up By ICE?

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- ❑ You have the right to remain silent.
- ❑ You have the right to speak with an attorney.
- ❑ You may exercise your rights at any time.
- ❑ You have the right to NOT be threatened, interrogated, or verbally/physically abused.
- ❑ You have the right to NOT sign any documents.

# ***Who Can Help Me If I Am Picked Up By ICE or Law Enforcement?***

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- You have the right to visits and contacts from your country's consular officials.
- An attorney may also be able to assist you

# What If My Spouse Or Child Is Not Picked Up By ICE With Me?

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- ❑ You do not have to tell ICE about them.
- ❑ Do not volunteer information to ICE.
- ❑ The only information you are required to share is your name.
- ❑ You may ask to speak with an attorney before answering any questions.
- ❑ If you choose to answer a question, you should always tell the truth.

# What If ICE Agents Come to My House?

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- ❑ You DO NOT have to permit ICE agents or the police to enter your home, unless:
  - They have a search warrant signed by a Judge; or
  - You or someone in your household have/has a prior deportation order.
- ❑ Always act calm – do not run from ICE! If you run, they will think you have something to hide.

# What If ICE Agents Come to My Job?

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- ❑ Always act calm and polite – do not run from ICE!
- ❑ They can only arrest you if they have “probable cause” to believe that an immigration violation has been committed.
- ❑ You must, if asked, tell any law enforcement official your name.
- ❑ You might wish for your boss to have your family’s contact information in case you are arrested by ICE.

# *What If ICE Asks To See My Papers and My Papers Are Fake?*

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- ❑ Never give or show false papers to ICE.
- ❑ You have the right to NOT tell ICE your country of origin.
- ❑ You MUST show ICE your legal papers which you are required to have in your possession.

# ***Do I Have the Right to a Phone Call While in ICE Detention?***

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- You have the right to one phone call.



# *May People Visit Me While I Am in Detention?*

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- Generally, only a family member or an attorney may visit.
  
- Any visitor should have legal status in the U.S.
  - ICE has the right to request to see the photo ID of anyone who visits a detainee.
  - If a visitor to the detainee is undocumented, ICE has the right to detain the visitor.

# *What If I Am Arrested By the Police?*

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- ❑ The police may contact ICE.
- ❑ The police may check to see if you have a previous criminal history or any previous deportation orders.
- ❑ If you have a previous deportation order, the police may arrest you and may place an immigration “detainer” on you.
- ❑ If there is any “detainer” on you, ICE may deport you after you have served your criminal sentence.

# *If ICE Puts Me in Jail, Do I Have the Right to Get Out on Bond?*

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- For some, there is a possibility of being released on bond or a conditional parole.
  - Bonds are \$1,500.00 or more.
- People with criminal histories or who are deemed to be national security threats may be held without the possibility of a bond.
- If you have a prior deportation order ICE is unlikely to grant release on bond.

# *If ICE Returns Me to My Country, Can I Come Back Later?*

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- Generally, if you are deported you are subject to a 10 year bar.
  - Some are subject to permanent bar, and
  - Some may return before 10 years if eligible for a special waiver.
- Be sure to keep a copy of ALL papers you have signed for ICE.
- These papers should be given to an immigration attorney.

## *Is there anything else I should know?*

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- ❑ DO NOT ever present false documents.
- ❑ DO NOT LIE.
- ❑ DO NOT ever claim to be a U.S. Citizen if you are not.
- ❑ ALWAYS be calm when confronted by ICE
  - Do not run away.