

# KNOW YOUR RIGHTS

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## A CALIFORNIA TRAIN THE TRAINER TOOLKIT

### ARMING THE COMMUNITY WITH EDUCATION

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# SECTION I

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# INTRODUCTION

# INTRODUCTION

## WHY DO KNOW YOUR RIGHTS (KYR) PRESENTATIONS MATTER?

In the face of the hate speech dominating many national conversations around immigration, it is crucial that people know that **the US Constitution provides certain rights for everyone, regardless of immigration status.** Additionally, there are steps that immigrants can take to decrease their chances of detection, to protect themselves in the event of contact with Immigration and Customs Enforcement (ICE), and to prepare in the event that a loved one is placed in removal (deportation) proceedings. KYR presentations respond to these threats with education and empowerment.

## WHAT IS THE PURPOSE OF THIS TOOLKIT?

This Toolkit is aimed at providing you—the advocate—with the tools to stand in solidarity with the immigrant community by being a conduit of valuable KYR information. This Toolkit will increase and bolster nonprofit organizations' capacity to provide KYR presentations, as many have been unable to respond to the surge of requests for KYR presentations. We hope that increased KYR presentations will create a ripple effect, with attendees sharing the KYR information with their families, friends, and neighbors so that the entire immigrant community is armed with education, not fear.

This toolkit is aimed at California audiences and contains advice that is California-specific.

This toolkit frequently refers to ICE agents though the advice is generally applicable to Customs and Border Patrol (CBP) as well.

## HOW ARE PEOPLE PLACED IN REMOVAL (DEPORTATION)<sup>1</sup> PROCEEDINGS?

Immigrants can encounter ICE in a variety of ways and for a variety of reasons. Being undocumented is reason enough to be placed in removal proceedings. However, even immigrants with lawful immigration status can be placed in proceedings. For example, lawful permanent residents (green card holders) can be placed in proceedings for reasons ranging from criminal offenses (even a petty theft from many years ago), to staying out of the country for too long. Removal proceedings are civil, rather than criminal, but people can still be incarcerated while they fight their case. Unlike criminal court, there is no right to government-appointed counsel (i.e. no public defenders). Most people will not have an attorney because they cannot afford a private attorney or there is no nonprofit available to take their case.

The manner in which individuals are identified and apprehended by ICE varies. ICE might apprehend someone after they apply for an immigration benefit (e.g. green card or US citizenship), when they attempt to enter the United States at the border, through home or workplace "raids" (discussed further below), through contact with the criminal justice system, or through other means. The criminal justice system, however, is the number one way that individuals encounter ICE. This is because of frequent and voluntary cooperation between local law enforcement and ICE.

To learn more about the problematic entanglement between ICE and local law enforcement, and how you can help fight back, see [www.ilrc.org/enforcement](http://www.ilrc.org/enforcement).

<sup>1</sup>Note that for the purposes of this toolkit, we use the terms "removal" and "deportation" interchangeably, favoring "deportation" because that is a more familiar term to most people. However, technically speaking, the proper legal term is "removal."

**While our immigration laws have long made many people subject to removal, the manner in which our laws are enforced has varied greatly over time.** The federal government does not have limitless resources to identify and deport everyone subject to removal. However, the Trump administration's efforts to invest more resources into this already heavily funded area, coupled with threats to engage unsavory enforcement tactics, make this Administration a greater threat to immigrants than any other in recent history.

### WHAT IS A "RAID"?

A "raid" generally refers to a more large-scale immigration enforcement action, such as when ICE officers go to a workplace—or other space where many people happen to be—with the intention of apprehending anyone who is deportable. Some advocates try to avoid using the word "raid," as it can create widespread, and often unwarranted, panic.

In contrast, when ICE agents go to a person's home they are often looking for just one or two specific people. ICE refers to this practice as "targeted enforcement action." Even so, ICE will often arrest other people in the home or bystanders they encounter, who are not one of their "targets." This is referred to as "collateral arrests."

Knowing one's rights during an encounter with ICE is crucial. **If people assert their rights, they may be able to prevent ICE apprehension.** If an individual asserts their constitutional rights and ICE nonetheless violates these rights, that person may have a way to fight their deportation case through something called a Motion to Suppress, which prevents evidence obtained in an illegal way from being used against a person. It is also important for people to assert their rights to keep ICE accountable for their bad practices.



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### WHAT IS THE LIKELIHOOD THAT ICE WILL COME TO A PERSON'S HOME?

In the broad scheme of things, the likelihood that ICE will actually come to a given individual's home is low. There are certain people who are at higher (but not certain) risk that ICE will come to their home. In particular, those with prior removal orders and/or people who have had prior contact with the criminal justice system. **Even if the likelihood is low, it is important to take preventative steps now.** As the presenter, it is crucial that you lead with education and information while not increasing fear. For more information on how to talk to people about the level of risk, see our section *Presenter Frequently Asked Questions (and Answers)* at page 42.



## **SECTION II**

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# **HOW TO USE THIS TOOLKIT**

# HOW TO USE THIS TOOLKIT

## WHO SHOULD USE THIS TOOLKIT?

- **Individuals who want to informally share Know Your Rights information.** Many people are simply interested in sharing helpful and accurate KYR information. If this describes you, this Toolkit covers basic information regarding constitutional rights that you can share with others, including handouts you can distribute.
- **Individuals hoping to become Know Your Rights presenters.** Others are interested in going out into the community and conducting KYR presentations. If this describes you, this Toolkit will teach you how to do a KYR presentation, including everything from the logistics of organizing an event to the substantive topics you should cover. A KYR presentation should be conducted in tandem with a local nonprofit or legal service provider.

## NAVIGATING THIS TOOLKIT

If all you want to do is learn how to put together a KYR presentation, you can review just the section *Nuts & Bolts: Putting Together a KYR Presentation*, starting at page 9, which can also be used as a standalone guide.

Some particular sections that may be helpful:

- Planning & Initial Preparation (1 month out) Checklist
- Final Preparation (1-2 weeks out) Checklist
- Day of the KYR Event Checklist
- Sample KYR Agenda With Starter Script
- Links to sample KYR Skits

If you have done a KYR presentation before and already have a system for organizing an event, you may find it helpful to skip to page 23 for our *KYR Cheat Sheet* (basic KYR content) and page 22 for our *KYR Outline* (sample presentation outline).

**KYR topics.** Apart from the logistics of planning a KYR event, a presenter must decide what substantive information to present. At a minimum, you should cover the basic **"defensive" rights**, meaning the rights we need when encountering ICE agents. See *KYR Cheat Sheet*. If you have time, you may also cover **"affirmative" rights**, meaning things people can do proactively to prepare for an ICE encounter, such as family preparedness plans, immigration "check ups," and so forth. See *Offensive Strategy: What people can do proactively to prepare for an interaction with ICE* at page 28.



**Sometimes people want to dig deeper into KYR topics.**

For example, if you have time to cover more topics or if you want an answer to a more nuanced question. For those people, we created the *Deep Dive: KYR Substantive Topics* section. For ease, we start each section with a brief “takeaway,” followed by deeper discussion. It is not necessary for everyone to review this section.

- To jump to a discussion of the **Fourth Amendment**, go to page 32
- To jump to a discussion of **Warrants and the Fourth Amendment**, go to page 33
- To jump to a discussion of the **Fourth Amendment in specific contexts (homes, cars, schools, churches, etc.)**, go to page 34
- To jump to a discussion of the **Fifth Amendment**, go to page 31
- To jump to a discussion of **rights in the criminal justice system**, go to page 36
- To jump to a discussion of **rights in removal (deportation) proceedings**, go to page 37

**Optional, additional sections that may be helpful include:**

- **Presenter Frequently Asked Questions (and Answers)**, a non-exhaustive list of FAQs to help you field questions at the end of your presentation, at page 42
- **A Note on Protecting Against Immigration Provider Fraud** to educate immigrants about smart consumer practices when seeking immigration legal services, at page 39
- **Addendum of other resources**, split into resources for presenters, immigrants, employers, and allies.

**This toolkit is aimed at California audiences and contains advice that is California-specific.**



## SECTION III

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# NUTS & BOLTS: PUTTING TOGETHER A KYR PRESENTATION

In this section:

■ **Things to know** as a Kyr presenter

Roles and goals for presenters  
Presentation tips and best practices

■ **How to plan** a Kyr presentation

Tear out checklists of "to do" items in the weeks and days leading up to your Kyr presentation

■ **What to say** during your Kyr presentation

Sample agenda, script, and outline for your Kyr presentation  
Kyr "Cheat Sheet" for easy reference of key Kyr points  
Links to helpful resources to incorporate into your Kyr presentation

# NUTS & BOLTS: PUTTING TOGETHER A KYR PRESENTATION

## ROLE AND GOALS AS A PRESENTER

- ▶ Your role as a presenter is to stand in solidarity with the **immigrant community** by ensuring they are **empowered** with the **knowledge** to be their own first line of defense.
- ▶ Emphasize community empowerment and **accurate information**. Community fear is made worse by unverified rumors. As a presenter, people will place more value on what you say, so it is especially important that you do not spread information about ICE activity unless it has been verified (e.g. by a local nonprofit).
- ▶ It is important to understand what is outside your role as a presenter. **It is not your job to know everything!** You may be asked questions to which you don't know the answers. In that case, it is perfectly OK to say that you don't know. It can be more harmful to give inaccurate information than not to provide information at all. We have included *Presenter Frequently Asked Questions (and Answers)*, at page 42, to help you field some questions that may come up, but for more in-depth advice you may need to refer people to a legal representative.
- ▶ It is especially important **never to advise someone on their immigration case unless you are an attorney or DOJ-accredited representative**. Doing so could result in the unauthorized practice of law, for which there are civil and criminal penalties. Further, immigration law is extremely complex and the wrong information can result in dire consequences. Instead, distribute a list of reliable legal service providers to help connect people with appropriate advice. See the *Addendum* for a directory of free and low cost legal service providers in the United States.

## PRESENTATION TIPS AND BEST PRACTICES

### 1. Be Clear on Expectations and Takeaway Points

Start your presentation with a clear set of goals and takeaway points ("Here is what we're going to cover today... Here is what we are not going to cover today..."). This is to prepare the audience and ensure they walk away with the information they need.

### 2. Identify Key Advice and Information to Cover

At a minimum, your KYR presentation should clearly advise people of three critical rights during an ICE encounter: **1)** the right to remain silent, **2)** the right against unreasonable search and seizure in your home (i.e. do not

open your door to ICE agents), and **3)** the right to not sign anything before speaking with an attorney. You should teach your audience how to exercise these rights. (See **KYR Sample Skit** at page 20)

### 3. The Advice in this Guide Applies to Encounters with Immigration Agents and Agencies

This is important because KYR advice can differ between local law enforcement and ICE. This begs the question—how can you tell the difference? Local law enforcement—such as police officers or sheriff deputies—will often be easier to identify. They are often dressed in local uniform and will likely show you their badge. ICE can be harder to

identify. Many ICE officers will be in plainclothes or will have gear that says "police" on it. They may even identify themselves as police (despite a new law—AB 1440—that says they are not allowed to).

### 4. Practice Makes Perfect.

This applies to both the presenter and audience. Before your first presentation, practice in front of a friend and ask for feedback. Similarly, **any good KYR presentation should include a live skit of how rights are exercised** (see **KYR Sample Skit** at page 20). Remind audience members to go home and practice these rights with all members of their household.

**5. Less is More—Repetition is Key!**

Your goal is to ensure that your audience walks away knowing a few key rights and how to exercise those rights. The best presentations are simple and repeat just a few critical pieces of information.

**6. Additional Tools**

Remember that you are not alone on that KYR stage—you have other tools at your disposal! Feel free to include other teaching aids and multimedia. For example, you can incorporate

a video or skit (see **Additional KYR Presentation Tools** at page 25 for some links and ideas). Handouts are a great way to give out more information without including it in your presentation (see **Addendum** for some written materials you can distribute).

**7. Lead with Power, not Panic**

We echo this point because it is an important one. The purpose of a KYR presentation is to educate and empower the community, not stoke panic. Remember, the likelihood that

ICE will actually come to a given individual's home is generally low.<sup>3</sup> In some cases, the level of panic has resulted in parents being too fearful to send their kids to school and mental health effects such as anxiety and depression. Your goal is to minimize, rather than add to, people's fear.

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<sup>3</sup> There are certain people who are at higher (but not certain) risk of ICE coming to their home. In particular, those with prior orders of removal and/or with prior contact with the criminal justice system.

## STEP-BY-STEP INSTRUCTIONS FOR PUTTING TOGETHER A KYR PRESENTATION

### In this section:

- Checklists to help organize tasks leading up to your KYR presentation
- Sample agenda, outline, and script for your KYR presentation
- KYR "Cheat Sheet" for an at-a-glance summary of the key KYR points
- Link to sample KYR skit
- Links to KYR resources and multimedia you can incorporate into your KYR presentation

Before you plan a KYR presentation, make sure you understand the needs of your audience and consider how to present the information. For example, do you envision a small group in an informal setting, with a lot of audience participation and interaction? Will you try to break out into groups and have participants practice a script illustrating what to say and how to respond if an ICE officer shows up at their home? Or, do you want to have the audience remain seated, while you show a video and/or have a few volunteers come up to perform a skit showing the script in action?

We will return to these questions after we go over the main considerations in planning and organizing a KYR event. We have laid out the steps in a series of checklists for easy reference, with suggestions for the timing at each point in the process.

→ **Checklist One: Planning and Initial Preparation for Your KYR Event**

*Pro Tip: Try to complete these steps no later than one month before your KYR event*

→ **Checklist Two: Final Preparation for the KYR Event**

*Pro Tip: Try to complete these steps in the last 1-2 weeks before your KYR event*

→ **Checklist Three: Day of the KYR Event (includes sample agenda, outline, and script)**

## INITIAL PREPARATION FOR YOUR KYR EVENT (1 MONTH OUT)

For a shorter summary of the considerations below, skip ahead and see *Checklist One*. Print this out and use as a “to do” list as you plan.

### 1. Partner with a local nonprofit, trusted legal service provider, community based, or community-serving organization

This helps combat fear of attending and increases turnout. Local allies, like housing clinics and health services organizations, also have the best sense of the community’s needs and the information that would be most helpful to the particular community.

### 2. Invite Presenters (optional)

If you decide to invite other presenters, remember to extend invites early. Doing a KYR presentation on your own is fine, but we recommend you incorporate multimedia and/or skits to keep the audience engaged.

### 3. Pick a date, time, and location

Venues familiar to the community such as churches, schools, or community centers are good locations because they often can help publicize the event and make sure community members feel safe attending. Arrange for a site that will be able to accommodate the number of attendees expected. Be sure to have enough seating—does the venue already have chairs, or will you need to bring your own? Confirm the venue is accessible. Book the space for several hours to allow for any set up or clean up.

Consider tacking your presentation onto another event. This provides you a ready audience and saves you from planning an event on your own!

### 4. Advertise the event.

Draft a flyer<sup>4</sup> for distribution. Consider how you frame the event so that people are not afraid to attend. While noncitizens will benefit most from this information, make sure that advertising makes clear that the event is open to all. **Depending on the audience, you may want to prepare flyers in other languages.**

#### THE FLYER SHOULD INCLUDE

- Location, date, and start time
- Topics to be covered, e.g. KYR in the workplace, KYR in the home, etc.
- The names of presenters (if you think this will draw more participants)
- Other services offered if any (e.g. free consultations by immigration attorneys)
- Consider adding logos, clip art, or other images to make the flyer more appealing

<sup>4</sup> For a sample flyer, see <https://iibayarea.org/workshops/5360/5360/>

**CHECKLIST ONE:****PLANNING AND INITIAL PREPARATION FOR YOUR KYR EVENT (1 MONTH OUT)**

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- Partner with a local organization**
  
- Invite presenters (optional)**
  
- Pick a date and time, and reserve a site**
  - Consider venues familiar to the community, such as churches, schools, or community centers
  - Consider the number of attendees expected so you choose a location that can accommodate the size audience you anticipate
  - Be sure to have enough seating
  - Confirm the venue is accessible
  - Book venue for at least two hours
  
- Advertise the event!**

The flyer should include:

  - Location, date, and start time
  - Topics to be covered, e.g. KYR in the workplace, KYR in the home, etc.
  - The names of presenters (if you think this will draw more participants)
  - Other services offered if any (e.g. free consultations by immigration attorneys)
  - Consider adding logos, clip art, or other images to make the flyer more appealing
  
- Keep copies of your work (flyers, handout materials, etc.) for future use**

## FINAL PREPARATION FOR THE KYR EVENT (1-2 WEEKS OUT)

For a shorter summary of the considerations below, skip ahead and see Checklist Two. Print this out and use as a “to do” list as you plan.

### 1. Create an agenda

An agenda is helpful for structure and timing. Most likely, the agenda will be just for you and any co-presenters. As you draft your agenda, consider the KYR topics you want to cover.

- See **Sample KYR Agenda with Starter Script** at page 20 for a very basic agenda you can use or adapt for your own presentation.
- See **below** for a menu of KYR topics (choose just a few of these). “Defensive” refers to instances where a person is confronted by immigration authorities and must figure out how to respond. “Offensive” refers to what a person can do proactively now, to prepare for a future encounter. For more, see **Offensive Strategy** at page 28, and **Defensive Strategy** at page 30.

#### **Defensive: What to do when confronted by immigration authorities**

- in your home
- at your workplace
- while walking on the street or in a public place
- while driving your car
- while in jail
- while in removal proceedings
- while at the airport

#### **Offensive: What you can do to prepare proactively for an interaction with immigration authorities**

- make a child care or family preparedness plan
- figure out which documents you should carry with you and which you should not
- talk to an immigration attorney now to assess your options (get an immigration “checkup”)

### 2. Prepare the presentations

If you have co-presenters, discuss what each person is going to cover and how long they are going to speak. Communicate to co-presenters regarding how many people you expect will be attending and anything they should know regarding community needs.

### 3. Prepare and copy handouts

Depending on the topics you plan to cover, you may wish to distribute reference materials. Examples of material to distribute include:

- Flyers with the main points discussed in the KYR presentation, such as people’s key rights in “defensive” interactions;<sup>5</sup>
- Materials about the “offensive” steps people can take to prepare and protect themselves and their families.<sup>6</sup>
- ILRC’s Red Cards, designed to help people assert their rights and defend against constitutional violations of their rights;<sup>7</sup>
- ILRC’s Family Preparedness Plan;<sup>8</sup>
- Any local rapid response numbers or information;
- For additional resources to provide, see the Addendum.

*How do I order Red Cards?*

Check out [www.ilrc.org/red-cards](http://www.ilrc.org/red-cards)

### 4. Translation, if applicable

Whether your presenter is bilingual (ideal) or whether you have translation available on site, you should ensure that the information is accessible to the community you are serving. This means ensuring that both written and verbal information is available in relevant languages. Consider using translation equipment for simultaneous translation and conduct sound checks immediately prior to the event.

<sup>5</sup> Know Your Rights and What Immigrant Families Should Do Now, at <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>

<sup>6</sup> Know Your Rights and What Immigrant Families Should Do Now, at <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>

<sup>7</sup> Available at <https://www.ilrc.org/red-cards>

<sup>8</sup> Available at <https://www.ilrc.org/family-preparedness-plan>



## 5. Press release (optional)

You might want to alert the press about your KYR event.

The most important press is generally ethnic press for the community you are inviting (for example, Spanish-language TV and radio).

## 6. Other items to have ready for the event, if relevant:

- Tech: A good sound system, laptop, or PowerPoint
- Chairs
- Childcare
- Parking or transit instructions
- Water and other refreshments for attendees

## **CHECKLIST TWO: FINAL PREPARATION FOR THE KYR EVENT (1-2 WEEKS OUT)**

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- Create agenda (optional)**
  - See **Sample KYR Agenda with Starter Script** at page 20
  
- Prepare the presenters (if applicable)**
  - Discuss what each presenter is going to cover and how long she is going to speak
  - Let other presenters know how many people you expect will be coming and anything in particular they should know regarding needs specific to the community
  
- Prepare and copy handouts** Examples of material to distribute include: *See the Addendum for sample materials*
  - Flyers with the key points discussed in the KYR presentation
  - ILRC's Red Cards
  - *Puntos de Protección*, AKA "Community Protection Points"
  - ILRC's Family Preparedness Plan
  - List of local legal service referrals
  - Any local rapid response numbers or information
  
- Arrange for translation**
  
- Prepare press release (optional)**
  
- Other items to have ready for the event (some optional):**
  - A good sound system
  - Laptop, projector, and screen for a PowerPoint presentation or video, if applicable
  - Chairs for attendees
  - Table and chairs or podium for presenters
  - Water, other refreshments for presenters/attendees
  - Parking and public transit instructions
  - Check for accessibility
  - Childcare

## DAY OF THE KYR EVENT

For a shorter summary of the considerations below, skip ahead and see Checklist Three.

Print this out and use as a “to do” list as you plan.

### 1. Registration and check-in

Depending how many people you expect, you may consider a registration or check-in. At a minimum, you may want to have someone near the door or entrance to greet people and let them know that they have arrived at the right place. If you are short-staffed, signs work too. If the venue is in a room that may not be visible from the street, consider signs, balloons, or arrows to direct people to the event space (don't forget to bring tape or other adhesive to put up your signs).

### 2. Press

If you invite press, designate certain people at the event to speak with the press.

### 3. Introductions

Begin by introducing your organization(s) and presenters. Consider starting the presentation by asking questions to give the audience an opportunity to contribute and inform the discussion.

### 4. Keep track of time

Even if you are the only presenter, you will want to keep track of time to make sure you have enough time to cover everything you want to cover (and for questions).



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#### Sample Audience Questions at the Start of the Presentation

- *How many people know someone who has been deported or who has been affected by deportation? Don't be afraid to raise your own hand so that the audience doesn't feel alone.*
- *If the group is small: What do you hope to get out of today? How are people being picked up by ICE locally?*

### **CHECKLIST THREE: DAY OF THE KYR EVENT**

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- Registration and check-in (optional)**
    - Have someone near the door or entrance to greet people and let them know they have arrived at the right place
    - Use signs, balloons, or arrows to direct people to the event space if not visible from street (don't forget to bring tape to put up your signs!)
  
  - Press (if applicable)**
    - Designate who will talk with the press
  
  - Introductions**
    - Introduce your organization, presenters
    - Consider asking questions of the audience-- See below for question ideas
- Sample Questions to ask the Audience at Start of Presentation**
- *How many people know someone who has been deported or who has been affected by deportation? Don't be afraid to raise your own hand so that the audience doesn't feel alone.*
  - **If the group is small:** *What do you hope to get out of today? Are people being picked up by ICE locally? If so, how?*
- 
- Do your KYR presentation**
    - See **Sample KYR Agenda with Starter Script**, **Sample KYR Outline**, and **KYR "Cheat Sheet"** for the presentation itself
  
  - DON'T FORGET to keep track of time!**

## SAMPLE KYR AGENDA WITH STARTER SCRIPT

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This is a basic agenda for a KYR presentation. Use as a starting point or feel free to personalize. As an alternative, see an even more streamlined Sample KYR Outline at page 22.

### I. Introductions & Opening

Introduce yourself and have others do the same if the group is small

Opening questions (e.g. *"How many people know someone who has been affected by deportation?" "What do you hope to get out of today?"* )

*"Most immigrants will not have an encounter with ICE. However, it's always important to know our rights!"*

***"Everyone in the United States has rights, no matter what their immigration status is. Today we are going to explain these rights and practice them."***

### II. State presentation goals

To learn and practice your rights so that you can prepare for an ICE encounter. Also, to learn helpful steps you can take now in advance of an ICE encounter (optional). These rights and steps are also in the handout (if applicable).

### III. Explain "defensive" rights:

*"You have: 1) the right to remain silent, 2) the right not to open your door to ICE (unless they have a warrant, but they rarely do), and 3) the right to not sign anything before speaking with an attorney (you have a right to an attorney, although the government will not provide one for free). If you're outside or at a workplace, stay calm and don't run."*

Explain why these rights are important (you can avoid ICE arrest, or if arrested, asserting your rights might give you an extra way to fight a deportation case).

\* Note that people who have had contact with the criminal justice system should speak with their criminal defense attorney, as they may require special advice in their case<sup>9\*</sup>

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<sup>9</sup> For example, certain people might be required to open their door to certain law enforcement (not ICE!) as a condition of probation. Criminal defense attorneys are in the best position to advise here.

#### IV. PRACTICE!

This is important—get volunteers from the audience to act out a skit so that people can see rights in action! Remember to use your ILRC Red Card (or similar KYR card)!

→ See Sample KYR Skit.<sup>10</sup>

→ Red Card Pro Tip: The Red Card has two sides—one side is community-facing (Spanish or other language) which explains a person's rights, the other side (English) expresses those rights to ICE so the person wielding the Red Card does not have to say anything at all, just present the card.

#### V. EXPLAIN "offensive" rights:

*"Even before any ICE contact, there are steps that we can take right now in order to be better prepared. For example, DO carry valid documents showing lawful status (if you have them), DON'T carry false documents, DO make a family plan, DO get an immigration 'check-up.'"*

Explain that, even if someone is detained, you should not lose hope. Many people will be able to fight their cases outside of detention and some people may win their cases and be able to stay in the United States. Finally, cases can take years to resolve (which means more time with family and friends and the possibility of favorable changes in immigration laws that could benefit a person's case).

→ See **Offensive Strategy** at page 28 for more information on these points.

#### VI. RECAP key defensive rights and how to exercise them.

This can be short, for example:

*"Let's join in a commitment to practice what to say if you are stopped by ICE because it can be hard, and takes practice! When confronted with ICE—what are our rights? [ask for audience participation] Answers: Assert your right to remain silent, never open your door to ICE, and never sign anything without first speaking to an attorney!"*

#### VII. Closing & Questions

→ See our list of **Presenter Frequently Asked Questions** at page 42 for help answering questions that may come up at the end of the KYR presentation.

→ Highlight any additional printed resources that people can take home (E.g., Red cards,

illustration on how to use a red card, ILRC family preparedness plan).<sup>11</sup>

<sup>10</sup> <https://www.ilrc.org/know-your-rights-script-skit>.

<sup>11</sup> See **Addendum** for this and other resources.

## **SAMPLE KYR OUTLINE**

Those who prefer just the basic key points may use this simpler KYR Outline. These Puntos de Protección (Community Protection Points) were created by Comité Latino and the ILRC.

### **PUNTOS DE PROTECCIÓN**

- 1. Mantener silencio**
- 2. No abrir la puerta**
- 3. Hablar con un/a abogado/a**
- 4. No firmar nada**
- 5. Mostrar la tarjeta roja**
- 6. No mostrar documentos**
- 7. Mantengase tranquilo/a, no correr**
- 8. Hacer un plan familiar**
- 9. Es su decisión**

### **COMMUNITY PROTECTION POINTS**

- 1. Remain silent**
- 2. Don't open the door**
- 3. Speak with an attorney**
- 4. Don't sign anything**
- 5. Show Red Card**
- 6. Don't show false documents**
- 7. Stay calm, don't run**
- 8. Make a family plan**
- 9. It's your decision**



## KYR "CHEAT SHEET"

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At a minimum, you should cover the Fourth and Fifth Amendment rights below. If you have time or if requested by the audience, you can cover the additional KYR topics. These rights are already incorporated in the script and outline above. However, this can be a helpful "cheat sheet" as you prepare, or to have as an at-a-glance reference (if you print this page and the next double-sided, you will have a single sheet of paper to use as your "cheat sheet").

### ► FOURTH AMENDMENT

- Do not open your door to ICE agents.
- ICE officers are required to have judicial warrants (that is, a warrant signed by a judge or magistrate) in order to enter your home and they rarely—if ever—have them (ICE warrants are not judicial warrants).
- You can ask them to slip any document that they have under the door or through the window, but never open the door (not even a little to see a document) and never sign anything without first speaking to an attorney.

### ► FIFTH AMENDMENT

- If ICE comes to your home, you do not have to answer ICE's questions.
- If ICE stops you while on the street or at work, you do not have to answer ICE's questions.
- Do not sign anything without first speaking with your attorney.
- You can tell ICE you are using your Fifth Amendment right to remain silent (or just show the Red Card) and ask if you are free to leave.

### ► CARS AND AUTOMOBILES

- If *local* law enforcement stops you—for example, police or state highway patrol—the driver must show their driver's license, registration, and proof of insurance upon request. For additional advice when stopped by local law enforcement, point people to KYR tools geared toward this context such as those available at [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights).
- If ICE stops you—drivers and passengers have the right to remain silent. You can tell ICE you are using your Fifth Amendment right to remain silent and ask if you are free to leave. People should never provide any information about immigration status.
  - For additional information about being stopped at or near the border, see [www.aclusandiego.org/wp-content/uploads/2014/10/KYR-2-pg-flyer-final.pdf](http://www.aclusandiego.org/wp-content/uploads/2014/10/KYR-2-pg-flyer-final.pdf)
- How can you tell the difference between local law enforcement and ICE?
  - Ask—local law enforcement should identify themselves as such. In California, the local police, county sheriff, or state highway patrol might pull you over. They will often be wearing uniforms.
  - ICE will often be in plainclothes (not in uniform) but may be wearing some clothing that states "ICE" or "ICE police."

▶ **RIGHTS IF CONFRONTED BY ICE IN THE CALIFORNIA CRIMINAL JUSTICE SYSTEM**

- Right to remain silent
- Right not to sign anything
- California has various additional state protections including the Truth Act and CA Values Act<sup>12</sup>

▶ **RIGHTS IN REMOVAL (DEPORTATION) PROCEEDINGS**

- Right to remain silent
- Right not to sign anything
- Right to court interpreter/best language
- Right to see an immigration judge (for many people)
- Right to an attorney
- Right to contact your consulate
- Preparing yourself/family for immigration proceedings

<sup>12</sup> <http://www.iceoutofca.org/>

## ADDITIONAL KYR PRESENTATION TOOLS

The best KYR presentations are interactive and use skits, videos, and/or other activities to keep people engaged and interested. Below are sample tools.

### ► KYR SKITS

The ILRC has a KYR script that can be performed in English and Spanish (and other languages if the actors will translate the script) to demonstrate how individuals can assert their constitutional rights when ICE comes to a home, and in other contexts—see [Sample KYR Skit](#)<sup>13</sup>. This skit can be done with volunteers acting out the skit in front of the rest of the audience or exclusively acted out by the presenters.

It can be helpful to do the skit in front of the audience, then have the audience members break up into smaller groups. In smaller groups they can practice a version of the same skit but participants can improvise a little once they have seen the basic skit and have been given an overview of their rights.

If you decide to have the audience break into groups and role-play (i.e. one person is the ICE officer and another is the individual asserting their rights) have people pair up. Make sure each pair switches roles, so they both get to practice asserting their rights. After the exercise, debrief with the group: *“What methods did you use to get the information?”*; *“How did you respond?”*; and *“How did it feel?”* Explain to the group that it may feel awkward at first to assert your rights, which is why it’s important to practice. In a real-life situation you may feel nervous, anxious or uncomfortable, but if you’ve practiced what to say it will be easier.

### ► KYR VIDEOS

Below are some links to videos, of varying lengths, showing people exercising their rights when interacting with ICE agents. You can incorporate these KYR videos into your presentation, for example you could show one of these videos in the beginning before opening the discussion, or midway through after you have covered some of the basics in order to show KYR in action.

If you show a video, have some questions afterwards to discuss issues raised in the video, such as *“What was something that [one of the characters from the video] did that was effective?”*; *“What was something [one of the characters from the video] did that helped his situation?”*; and *“What was something [one of the characters from the video] could have done better?”*

<sup>13</sup> <https://www.ilrc.org/know-your-rights-script-skit>.

- **CHILRA videos**

[https://www.youtube.com/watch?v=5\\_Z\\_Z5tSsUs&t=94s](https://www.youtube.com/watch?v=5_Z_Z5tSsUs&t=94s) (9 minutes, shows rights in the context of ICE coming to the home and workplace)

<https://www.youtube.com/watch?v=-IUWPEnsq9Q> (20 minutes, shows what it can be like to be detained by ICE)

- **Catholic Charities videos**

[www.youtube.com/playlist?list=PLIOioaWjC0YhpikWuQAYwI8Ju7R91xTd5](http://www.youtube.com/playlist?list=PLIOioaWjC0YhpikWuQAYwI8Ju7R91xTd5) (multiple videos, all between 1.5 to 2.5 minutes, total of eight different videos, in English and Spanish, in different contexts such as ICE at someone's front door, traffic stop, workplace, etc.)

- **NBC News video**

[www.nbcnews.com/news/latino/ground-ice-where-marching-orders-meet-immigrant-reality-n749506](http://www.nbcnews.com/news/latino/ground-ice-where-marching-orders-meet-immigrant-reality-n749506) (less than 2 minutes, shows a woman effectively using the ILRC's Red Cards when ICE officers came to her house)

- ▶ **KEY PHRASES**

If you are short on time, another effective yet quick exercise is to go over key phrases, *such as* "Am I free to go?" "I am asserting my right to remain silent," "I do not consent to a search," and "I want to talk to my lawyer," and have people practice saying them out loud. If it is a big group or time does not permit exercises in smaller breakout groups, it can still be helpful to have the audience repeat key phrases aloud as a group.

# SECTION IV

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## DEEP DIVE: KYR SUBSTANTIVE TOPICS

In this section:

■ **“Offensive” strategy**

What people can do proactively to prepare for an interaction with ICE, such as Family Preparedness Plans, getting an “immigration check-up,” etc.

■ **“Defensive” strategy**

Fifth Amendment right to remain silent and to due process of law  
Fourth Amendment searches, with special discussion on warrants  
Fourth Amendment rights in specific contexts, such as homes, cars, courthouses, etc.  
Rights in criminal justice system  
Rights in removal (deportation) proceedings

## OFFENSIVE STRATEGY: WHAT PEOPLE CAN DO PROACTIVELY TO PREPARE FOR AN INTERACTION WITH ICE

There are a variety of steps that people can take right now, in order to prepare for any future ICE contact. Time permitting, it can be helpful to cover some of these topics at your KYR presentation.

For more information, go to [www.ilrc.org/family-preparedness-plan](http://www.ilrc.org/family-preparedness-plan).

### 1. Get an immigration “check-up”

It’s a good idea for people to meet with an immigration attorney to get a “check-up” (as they would get a health check-up), to find out what options they may have to obtain lawful status or possibly protect themselves from deportation. Immigration law changes frequently, and it may be that they have options they are not aware of, even if they talked to a lawyer a long time ago. It is also possible that they may have simply received bad advice, or perhaps it was a quick consultation and the attorney was not aware of a crucial fact that would have made a difference.

See **A Note on Protecting Against Fraud**, for advice to people who are considering contacting an immigration attorney.

### 2. Have the name and number of a trustworthy immigration attorney

If someone is placed in removal proceedings, it is ideal to have the name and number of a reliable immigration attorney ready to go. This does not mean that people should place a deposit or “retainer” on an attorney. It just means that folks should have a few good references ready, just in case. These should be attorneys who practice “removal defense” (defend people in deportation proceedings).

### 3. Already a lawful permanent resident? Apply for US citizenship

After an immigration attorney has screened them to make sure there are no issues in their case, so that they have a more secure status themselves and no longer need to worry about deportation. A US citizen is also better positioned to help family members without immigration status, and can vote! For naturalization information, visit <http://newamericascampaign.org/>.

### 4. Know which documents to carry, and which to leave at home

People should carry a valid green card or work permit, if they have one. If not, it is generally advisable to carry a state or municipal ID, or state driver’s license, if it was issued in the United States and contains no information about a person’s immigration status or country of origin. People should not carry any documentation about their country of origin, should not carry any false identity or false immigration documents, and should not carry documents that are not theirs. Everyone can carry a Red Card.

- **What about AB 60 Licenses?** In California, individuals should carry any valid municipal or state form of identification, including California AB 60 driver’s licenses. Note, however, that California residents with AB 60 driver’s licenses should not carry or show their AB 60 driver’s license outside California or to federal officials. While there are protections that AB 60 licenses cannot be used by state officials as proof of someone’s lack of immigration status, these laws do not apply outside California, nor do they apply federally. Within California, however, carrying a valid AB 60 driver’s license can help an individual avoid arrest or citation for driving without a license, and thereby help them avoid any contact with the criminal system that could lead to ICE apprehension.

<sup>14</sup> US citizens cannot be placed in removal proceedings (hearings in Immigration Court) or deported unless they are first stripped of their US citizenship in a process called de-naturalization, which is relatively uncommon.

## 5. Create a family preparedness plan

“Family preparedness planning” includes the steps that people can take right now, to prepare their family (including child-care issues) in the event of ICE contact. This includes putting together a file of important documents to have on-hand and creating a child care plan detailing what should happen to children if parents are detained. People should think through items such as who they’d want to pick up their children from school, any forms needed by the school in order to allow for pickup by another adult, etc. See the ILRC’s “Family Preparedness Plan” in the **Addendum** for more information. Even if you do not review this during your KYR presentation, consider distributing copies for participants.

## 6. Make sure children have passports if they were born in the US

Parents may consider registering their children’s births with the parent’s home country. This may confer certain benefits to the children should they relocate to their parents’ home country.

## 7. Explore options for post-conviction relief, if applicable

Those with criminal records may be able to eliminate a conviction that hurts their immigration case. This can be done with the assistance of “clean slate” clinics in California, but anyone considering pursuing such relief should also consult with an immigration attorney because not all options will work for an immigration case.



## DEFENSIVE STRATEGY: WHAT RIGHTS PEOPLE HAVE DURING AN INTERACTION WITH ICE

The information below is not a substitute for legal advice. If you believe your rights have been violated, consult with an attorney.

User tip: Each section starts with the key “takeaway” to share during a KYR presentation, followed by a deeper discussion.

### I. OVERVIEW OF CONSTITUTIONAL RIGHTS

Every person within the United States has certain basic rights. These rights apply to everyone, regardless of immigration status. No law, practice, or regulation enforced by the government can unreasonably interfere with a person’s constitutional rights. This rule applies to Department of Homeland Security (DHS), including ICE and CBP, as well to state and local police officers.

If someone’s constitutional rights are violated, in the moment there may not be much they can do. But afterwards, they can file a motion to suppress with the immigration court. If granted, then evidence that was unconstitutionally collected against the person cannot be used in court. Without the illegally obtained evidence, the government has a weaker (or no) case against that person. In practice, this can result in the person being allowed to stay in the United States<sup>15</sup>.

Additionally, if a person knows and exercises their constitutional rights, this helps hold ICE accountable. ICE relies on people being unaware of or waiving their rights. This makes their jobs easier since they are not held accountable to constitutional protections. This is why your role, educating people about their rights, is so important.

We will discuss key constitutional rights in the following sections.

**WARNING!** These rights are based on the US Constitution and statutes (laws). Courts in different parts of the country, however, may interpret the meaning of these rights in slightly different ways. **The advice in this Toolkit is for California. If you are using this Toolkit outside California, research what is required in your state, or speak to a local expert.**

#### REMINDER: Immigration Agents v. Local Law Enforcement Officers

This Toolkit generally applies to ICE and other immigration agents. Much of the advice is similar for both ICE and local law enforcement, but there are some differences. For advice specific to law enforcement, visit the ACLU’s Know Your Rights: What to do if You’re Stopped by Police, Immigration Agents or the FBI available at: <https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi>, or CLINIC’s Know Your Rights: A Guide to Your Rights When Interacting with Law Enforcement available at: <https://cliniclegal.org/resources/know-your-rights-law-enforcement>.

**WARNING!** If someone has a criminal case, they should talk to their criminal defense attorney for additional advice. There may be certain requirements or conditions related to their case or probation. For example, a person may have to allow local law enforcement into their home according to the conditions of their probation. However, they never have to allow ICE into their home unless ICE has a judicial warrant.

#### How do I know if it is ICE or local law enforcement?

Sometimes ICE and immigration agents will be wearing jackets or carrying other items that say “ICE Police” or “Police.” This can make it difficult to tell apart ICE and local law enforcement. Local law enforcement may be easier to identify--they often wear a local uniform and carry a badge that indicates their agency. Additionally, local law enforcement should identify themselves if you ask who they are.

<sup>15</sup> This type of motion, however, does not confer any lawful status on the person.

## II. FIFTH AMENDMENT: RIGHT TO REMAIN SILENT AND TO DUE PROCESS OF LAW

### For Your KYR Presentation: Rights in Practice

- If ICE comes to a person's home, they do not have to answer ICE's questions.
- If ICE stops someone while on the street or at work, they do not have to answer ICE's questions.
- A person should not sign anything without first speaking with their attorney.
- People can tell ICE they are exercising their Fifth Amendment right to remain silent and ask if they are free to leave.

### The Text

Fifth Amendment of the US Constitution

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; **nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

### The Takeaway

Under the Fifth Amendment, you have the right to remain silent. A person does not have to answer questions that ICE or other law enforcement officers ask because people cannot be required to provide self-incriminating testimony.

### More In-Depth

Fifth Amendment protection only applies when someone could be subject to criminal penalties. However, it can also be applied within the civil immigration context because there are criminal penalties for some immigration offenses, such as entry into the US without inspection or without a proper visa. So, an immigrant can invoke their Fifth Amendment rights and refuse to answer questions, sign documents, or give over documents in response to interactions with ICE.

### Why Is this Important?

The right to remain silent is significant because it gives people the right not to have their testimony used against them to establish removability. Frequently, ICE has no other way to establish that a person is deportable except by that person's own statements. Courts have ruled that a person's silence, without other evidence, cannot be used to prove that they are not a US citizen. **Without proof that someone is a noncitizen, ICE cannot place them in removal proceedings.**

### Exercising Your Right

If a person is stopped or detained by ICE or other immigration officials, that person should not give their name. They should ask for a lawyer and they should tell the officer they wish to remain silent. Of course, they have to speak just enough to say they are asserting their right to remain silent before they stop talking, but should not say anything else. **KYR cards (such as the ILRC Red Card) are helpful because a person can hand over a card that says "I am asserting my Fifth Amendment right to remain silent" without having to say anything at all.**

A person's right to remain silent applies **everywhere**.

An unfortunate truth is that ICE officers often do not respect the right to remain silent, and people who assert this right should be prepared for a bad reaction from ICE. This may result in the ICE agent arresting the person or trying to convince the person to talk. Refusing to answer may result in violent and abusive behavior by ICE. Immigrants should be prepared as to what to do in case of abuse or violence. It is of course everyone's personal choice how to respond in these scenarios, taking into consideration personal safety.

### Remember, Do Not Sign Anything without First Speaking with an Attorney!

At no time does a person have to sign anything. The person could be signing a "stipulated order of removal" (essentially, a deportation order). This gives up the right to see a judge, fight a case, or get bond. Once this document has been signed, it is very hard to "undo." Just as a person is not required to answer questions, they are not required to sign anything.

**WARNING! Providing your name to law enforcement.**

It is important to note that *some* states have *stop and identify* laws (also called *Hiibel* laws after the US Supreme Court case on this issue).<sup>16</sup> These laws allow law enforcement to obtain the identification of someone suspected of committing a *crime*. If a person is detained by police (the person is not free to leave), they may be required to provide identification which includes giving the officer their name.

**III. FOURTH AMENDMENT: SEARCHES****For Your KYR Presentation: Rights in Practice**

- Do not open your door to ICE agents.
- ICE officers may not enter your home without either
  - 1) your consent (don't give it!) or 2) a judicial warrant (signed by a judge or magistrate) which they rarely have (ICE warrants are not real judicial warrants).
- You can ask them to slip any document that they have under the door or through the window, but never open the door (not even just a little to see a document)

**The Text**

Fourth Amendment of the US Constitution

“ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. ”

**The Takeaway**

Under the Fourth Amendment, ICE (and police in general) cannot enter a person's home or search a person's belongings without permission from the person or a warrant signed by a judge or magistrate.

If ICE comes to a person's home, the person should not open the door. ICE very rarely has a judicial warrant and the person should never provide consent. The person should never open the door to review any alleged warrant. Instead, they should direct ICE to slip any document under the door or perhaps through a small window. If this is not an option,

simply keep the door shut. The lead takeaway in any KYR presentations should be to keep the door shut! If ICE breaks down a door without a warrant, this can lead to a Motion to Suppress which can help in a deportation case.

Because assessing the authenticity of a judicial warrant is nuanced, which people may not be able to do under stress, we generally do not advise that you teach people how to assess a real warrant. Instead, advise them to keep the door closed.

**More In-Depth**

The Fourth Amendment requires that all searches be based on “probable cause” and that the person or thing to be searched be described with specificity in a search warrant. A search warrant is different from an arrest warrant. All searches require a search warrant, with a few exceptions. The major exceptions are as follows:

- Searches that are part of an inspection for entry at the border, airport, or seaport;
- Searches of cars (see below);
- Searches connected to a lawful arrest, but only of the area within reach of the arrested person;
- Searches with the consent of the person;
- Searches of items that are in plain view;
- Searches to get items or evidence that might be immediately destroyed; and
- Searches when an officer is chasing a suspect.

While these are exceptions to the warrant requirement, remember that all searches must be based on “probable cause” that a crime has occurred and that the search will uncover some evidence of that crime—except for searches at the border or ports of entry.

<sup>16</sup> For a national Chart of Stop-and-Identify State Statutes see <https://www.ilrc.org/chart-stop-and-identify-state-statutes>. For more on California specifically, see <https://www.aclusocal.org/en/news/can-you-be-arrested-california-refusing-provide-id-police-when-detained>

### Why Is this Important?

Most ICE and CBP searches are done without a warrant because people give permission, or consent, to being searched. **Many people are not aware that they can say “no” to a search request if there is no search warrant. It is important for immigrants and all people living in the United States to know that they can and should say “no” when asked by ICE, CBP, and law enforcement in general to search their belongings, assuming there is no search warrant issued by a judge.** It is illegal for ICE or CBP to threaten or otherwise coerce a person to give permission. If ICE or CBP gathers evidence in this way, by coercing a person to agree to a search, then the immigration judge could decide to throw out the evidence and terminate (end) the deportation proceedings.

### A Note on Warrants

There are several types of warrants—some grant law enforcement legal authority to enter a person’s private space without permission, while others do not. ICE agents almost never have a warrant to enter your home. When ICE claims they have a warrant to enter a home, they likely just have an administrative warrant (“ICE warrant”) which does not give them authority to enter.

Below is a brief description of the different types of warrants. Although it is important for the presenter to have this information, we recommend you do not teach people how to read a warrant because it can be overly complicated. **Instead, we recommend you tell community members to simply not open the door to ICE.**

### Exercising Your Right

If ICE or law enforcement insists on searching a person or their property, they should not try to stop the agent. Rather, the individual should repeat “I do not consent to this search under my Fourth Amendment right.” This may not stop the search from happening, but the individual can challenge the evidence collected in court.

The person should also ask to see a search warrant authorizing the search. Most of the time ICE will not have a warrant or, if they do, it will not be a valid search warrant and thus they cannot force the individual to agree to the search. See below for a discussion of the features of a valid search warrant.



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- 1. Arrest Warrant** This is the only warrant that gives law enforcement valid legal authority to *arrest* a specific person. An arrest warrant is signed and issued by a judge or magistrate. This is a type of warrant that police often use. Even if law enforcement has an arrest warrant, a person still has the right to remain silent under the Fifth Amendment.
- 2. Search Warrant** A search warrant is a warrant signed by a judge or magistrate and it gives law enforcement authority to *enter* a private address (as identified in the warrant) to question people and inspect the premises. This is a type of warrant that police often use. If officers show up with a search warrant, an individual still has the right to remain silent when questioned.
- 3. Administrative Warrant, also called an “ICE Warrant”<sup>17</sup>** This is the most common kind of warrant that ICE carries, which they sign themselves. A judge does not sign an administrative or ICE warrant. This type of warrant gives ICE agents authority to arrest a person for civil immigration purposes. It does not give ICE legal authority to enter a home.

<sup>17</sup> For more information, see ICE Warrants Basics <https://www.ilrc.org/ice-warrants-basics>

## IV. FOURTH AMENDMENT: RIGHTS IN OTHER CONTEXTS

The Fourth Amendment means ICE or law enforcement cannot enter a person's home without permission or a warrant. But what about a person's car? A restaurant? A public park?

**If you think about your Fourth Amendment rights on a spectrum, in your home your Fourth Amendment protections are the strongest. Meanwhile, in public spaces those protections are weakest.** If you think of the different spaces and places you enter throughout the day, many have some combination of public and private space. We'll take a look at some of these locations in this next section to see where on the spectrum they lie and what Fourth Amendment protections apply.

### Homes and Other Private Places

#### **For Your KYR Presentation: Rights in Practice**

- Do not open your door to ICE agents.
- You have the right to remain silent.
- You can ask ICE to slip any document that they have under the door or through the window, but never open the door (not even just a little to see a document) and never sign anything without first speaking to an attorney.

The Fourth Amendment protections apply depending on whether there is a "reasonable expectation of privacy." If it is a location where any member of the public can go, so can ICE. If the location is not open to the public, then there is a reasonable expectation of privacy and there are limits on ICE being able to enter that space as well.

We have the most protection in private places—especially in homes. The definition of a private home is broad, and includes all places where people live, including, for example, migrant farmworker housing. **No police or immigration officer can enter a private house to conduct a search unless they have either the consent of the occupants, or a judicial warrant.** A warrant must be signed and issued by a judge or magistrate who has determined that the

law enforcement agency requesting the warrant has demonstrated "probable cause" that a specific person in the home has broken the law. A landlord cannot give police or immigration officers permission to enter the immigrant tenant's dwelling to perform a warrantless search (unless the landlord lives there too).

The only time that a warrantless entry into a home or a private section of the workplace is permitted is when there are "exigent circumstances." An exigent circumstance is one where a reasonable officer believes that entry is necessary to prevent *imminent* physical harm to the officers or other persons. For example, when officers are in "hot pursuit" of an armed suspect. If the suspect flees into his or another person's home, law enforcement officers may enter the home based on such "exigent circumstances."

During a targeted enforcement action, ICE agents may display one of several types of "warrants." See **A Note on Warrants** above. Because ICE officers very rarely have a valid warrant to enter a private residence or property, it is advised to keep the door closed whether or not a document is presented.

### Public Spaces

#### **For Your KYR Presentation: Rights in Practice**

- You have the right to remain silent.
- You can ask if you are free to go, and if you are, you have the right to walk away.
- Do not sign anything without talking to an attorney.

ICE and CBP are legally allowed to go anywhere that is a "public place," and to question people in public spaces without a warrant. This includes all kinds of places such as parks and streets. They can question anyone in a public area, as long as they have a "reasonable suspicion" that the person is an immigrant. The courts agree that the race or ethnic appearance of a person alone is not a basis for justifying a stop or arrest. **When Immigration officials question a person in a public space, the person does not have to answer the questions and should be allowed to walk away.**



ICE (and sometimes CBP) do some of their questioning and arrests on streets and in public places in order to avoid having to get either permission or a warrant.

The important thing to remember is that people should clarify whether they are free to go by asking “Am I free to go?” and if they are, they have the right to walk away. Regardless, people should never answer questions.

It is always good to show a Red Card whenever ICE or CBP asks questions.

## Cars

### For Your KYR Presentation: Rights in Practice

- **If local law enforcement stops you**—For example, police, state highway patrol, etc.—the driver must show their driver’s license, registration, and proof of insurance upon request. For additional advice in this situation, presenters should point people to other KYR tools.<sup>18</sup>
- If ICE stops you—drivers and passengers have the right to remain silent. You can tell ICE you are using your Fifth Amendment rights to remain silent and ask if you are free to leave. If the officer says yes, calmly leave. If they say no, you still have the right to remain silent. People should never provide any information about immigration status. If the agents try to search the car, people should calmly state that they do not consent to the search, but should not attempt to physically stop the agents.
  - For information about being stopped at or near the border, see [www.aclusandiego.org/wp-content/uploads/2014/10/KYR-2-pg-flyer-final.pdf](http://www.aclusandiego.org/wp-content/uploads/2014/10/KYR-2-pg-flyer-final.pdf)
- How can you tell the difference between local law enforcement and ICE? Ask—local law enforcement should identify themselves as such. In California the local police, county sheriff, or state highway patrol might pull you over. They will often be wearing local uniforms. ICE will often be in plainclothes (not wearing a uniform) but may be wearing some clothing that states “ICE” or “ICE police.”

As individuals become better about asserting their rights in their home, we may see an increase in ICE waiting for people to leave their homes and instead detaining them as they’ve entered their cars and started to drive away.

Additionally, especially in border regions, Immigration agents may stop a car. An immigration agent can stop a vehicle without a warrant only if they have a “reasonable suspicion” of an immigration violation or a crime. The key question is what factors create “reasonable suspicion,” for example, of an immigration violation. An immigration agent must be able to point to specific, “articulable facts.” In the Ninth Circuit where California is located, ethnic appearance is not a relevant factor in justifying a general investigatory stop.<sup>19</sup>

## Stores, Businesses, and Other Workplaces

### For Your KYR Presentation: Rights in Practice

- You have the right to remain silent. If it is a public area, ICE may enter and ask you questions. You do not have to answer and can ask if you are free to go. If they say yes, calmly walk away. If they say no, you still have the right to remain silent.
- Do not sign anything without talking to an attorney.
- **A new law, CA AB 450**, provides additional protections. An employer may not provide consent for Immigration agents to enter non-public areas of the workplace. Immigration agents must have a judicial warrant. AB 450 also provides certain protections around I-9 audits.<sup>20</sup>

Many stores, businesses, and workplaces are located on private property but are open to the public for business. For example, public waiting rooms or restaurant dining areas.<sup>21</sup> During business hours, when these locations are open to the public, they are considered “public areas” by ICE and CBP. In public areas, the standards for both questioning and seizure during ICE raids are generally the same as discussed for public spaces. **However, employers can ask ICE and CBP to leave (as they can any other patron).**

<sup>18</sup> For additional advice when stopped by local law enforcement, see <https://www.aclunc.org/our-work/know-your-rights/your-rights-and-police>.

<sup>19</sup> *United States v. Montero-Camargo*, 208 F.3d 1122, 1135 (9th Cir. 2000) (Hispanic appearance is, in general, of such little probative value that it may not be considered as a relevant factor in determining whether reasonable suspicion exists to justify an investigatory stop.)

<sup>20</sup> For more on AB 450, see *Know Your Rights: A Guide for California Employers*, link at the Addendum.

<sup>21</sup> Some businesses will have signs indicating which areas are public or non-public.

Many stores, businesses, and workplaces also have private or non-public areas. These are places where the public is not ordinarily allowed to go. For example, private offices, restaurant kitchens, or workshops. Under AB 450, employers may not provide consent to enter nonpublic areas of the workplace. Immigration agents need a judicial warrant to enter these spaces.<sup>22</sup> Employers and their representatives are also prohibited from allowing immigration agents to access employee records, without a subpoena or judicial warrant (excluding I-9 audits). AB 450 also provides certain protections around I-9 audits.

For more information, see also *Know Your Rights: A Guide for California Employers* at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources).

## Courthouses

### For Your KYR Presentation: Rights in Practice

- You have the right to remain silent.
- You can ask if you are free to go. If the agent says yes, walk away calmly.
- Do not sign anything without talking to an attorney.
- If you are in court for your own case, consult with your attorney as soon as possible.

In January 2018, ICE issued a memo providing guidance around courthouse enforcement, affirming a practice advocates have seen off and on for years.<sup>23</sup> This guidance provides, among other things, that enforcement should not occur at non-criminal courthouses (e.g. family court) and should not result in certain collateral arrests (e.g. witnesses, accompanying family members). Nevertheless, this is not binding law and advocates should not rely on ICE following its own memo.

Regardless of where ICE is in a courthouse, people retain the right to remain silent. In public areas, the standards for both questioning and seizure are generally the same as discussed for public spaces. If there is a public defender's office in the courthouse, this is a safe place to go and ask for help.

**Pending Update:** Under CA SB 54, the California Attorney General is required to create a binding model policy for all

California courthouses by October 2018. Refer to this policy for further guidance when it is issued.<sup>24</sup>

## Sensitive Locations: Schools, Places of Worship, Hospitals, and at Public Demonstrations

ICE and CBP consider parts of schools, churches, and hospitals that are open to the public, as well as public demonstrations, to be public areas. However, over time and in response to public pressure they have generally avoided enforcement activities in these locations. In 2011, after significant media fallout from ICE operations outside of Detroit elementary schools, **ICE issued a "sensitive locations" memo directing ICE agents to avoid enforcement activities at schools, places of worship, and hospitals.** In January 2013, CBP issued a similar memo.

While the current administration has reaffirmed its commitment to these memos, it nonetheless continues enforcement activities near these places (for example, right outside of a school or hospital).<sup>25</sup> It is important to note that these memos are internal policies and not the law and could change. Advocates must continue pushing the administration to adhere to this policy.

A copy of ICE's sensitive locations memo is available at: [www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf](http://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf); Related FAQs available at [www.ice.gov/ero/enforcement/sensitive-loc](http://www.ice.gov/ero/enforcement/sensitive-loc)

## V. RIGHTS IN THE CRIMINAL JUSTICE SYSTEM

### For Your KYR Presentation: Rights in Practice

- Right to remain silent.
- Right not to sign anything without first speaking to an attorney.
- Certain protections under the California TRUTH Act and California Values Act (SB 54).
- If you are in court for your own case, consult with your attorney as soon as possible.

<sup>22</sup> Law enforcement officers, including ICE, may enter non-public areas if there are exigent circumstances—situations where they need to enter to prevent the destruction of evidence or to prevent imminent physical harm to other people.

<sup>23</sup> Memo available at, <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>

<sup>24</sup> Check the California Attorney General's website for updates, at [www.oag.ca.gov](http://www.oag.ca.gov)

<sup>25</sup> ICE clarified that they are still following the sensitive locations memo, but that it's their interpretation it's only applicable AT the location, not NEAR it. See 9 American Immigration Lawyers Association, "AILA/ICE Liaison Meeting Minutes" (Oct. 26, 2017), AILA InfoNet Doc. No. 18011132.



In California, we have the TRUTH Act and the California Values Act, which provide certain additional protections to immigrants in the criminal justice system. *For additional resources on these laws including KYR cards in various languages see [www.iceoutofca.org](http://www.iceoutofca.org).*

### Deeper Discussion:

The number one way that most immigrants will find themselves in removal proceedings is because of contact with the criminal justice system. Most California jails cooperate to some degree with ICE. This includes everything from allowing ICE agents into jails, to providing ICE with a person's release date so that ICE can apprehend that person upon release. It can be helpful to know to what extent your local jail cooperates with ICE, in order to determine if this should be a focal point in your presentation. At a minimum, you should note that people still have rights when confronting ICE agents in criminal jails.

To learn more about local jail/ICE collusion, see [www.ilrc.org/enforcement](http://www.ilrc.org/enforcement)

**Right to remain silent:** This right to remain silent applies here as in other contexts. Immigrants are most likely to need this right when ICE agents enter local jails in order to conduct interviews (e.g. asking questions about an individual's place of birth and immigration status). Prior to any ICE interview, under the TRUTH Act local law enforcement must provide the individual with a consent form which tells the person that they have the right to decline the interview, proceed with an attorney, or proceed without an attorney. Individuals should always decline the interview.

### Below are select additional protections that people in California have under the TRUTH Act and CA Values Act (SB 54):

- The right to a written consent form (in various languages) allowing people to decline any ICE interview
- The right to a copy of certain ICE requests about an individual
- The right to notice (to an individual and his/her attorney or designee) if local law enforcement intends to

cooperate with certain ICE requests

- Protection against detainers, meaning detention beyond criminal release for an ICE arrest
- Protection against transfer or notification requests, meaning requests from ICE to local law enforcement to facilitate an ICE arrest, e.g. by sharing jail release dates (with exceptions)
- Protection against local law enforcement asking about immigration status, using ICE or CBP as interpreters, and sharing certain personal information with ICE (with exceptions)

To learn more about these laws: [www.iceoutofca.org](http://www.iceoutofca.org)

## Rights in Removal (Deportation) Proceedings

### For Your KYR Presentation: Rights in Practice

- Right to remain silent
- Right not to sign anything without consulting with an attorney
- Right to a Court interpreter if needed
- Right to see an immigration judge
- Right to an attorney
- Right to contact one's consulate
- Preparing yourself/family for immigration proceedings

### Deeper Discussion:

The right to remain silent and right not to sign anything apply equally in this context although their utility may change depending on the case (an immigration attorney can advise here).

**Court interpreter:** In removal proceedings, immigrants have a right to have a court interpreter provided at no cost in their best language. Individuals should ask for translation of any written and spoken communication in court.

**Right to see an immigration judge:** Many immigrants will have the right to appear in front of an immigration judge to try to fight their removal case. This is crucial because it means that **even if detained by ICE, many immigrants still have an opportunity to fight their case and remain with their family**. One exception is if someone has a prior order of removal; in these situations, ICE can remove the individual without an immigration court hearing (this is called “reinstatement of removal”). However, if an individual expresses fear of returning to their home country, even if they have a prior removal order, they must be given a special interview (called a “reasonable fear interview”) to assess their potential claim for asylum or other asylum-type relief.

**Right to an attorney: In removal proceedings, individuals have the right to an attorney, but not at the government’s expense.** What this means is that there are no “public defenders” in the immigration court context. Instead, individuals must hire their own attorney or find a nonprofit organization to take the case. Here, it is crucial to find a *trustworthy* attorney. See the **Addendum** for resources for reliable legal service providers. One exception to this rule is that the government will provide a free attorney to people deemed mentally incompetent. To learn more about this, go to [www.vera.org/projects/national-qualified-representative-program](http://www.vera.org/projects/national-qualified-representative-program).

**Right to contact one’s consulate:** If someone is detained by ICE, they have the right to contact their country’s consulate. Depending on the consulate, they will offer different services to their citizens, but at a minimum most will at least help notify family if an individual is detained by ICE. Some consulates have limited funds for legal representation. Consulates can also provide resources to ease the transition back to home countries.

# SECTION V

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## A NOTE ON PROTECTING AGAINST FRAUD

In this section:

- **Advice for people seeking immigration legal representation.**

Many immigrants fall victim to fraud. This can result in everything from the victim losing hard-earned money to even being deported.

- **You do not have to address this subject as part of your KYR presentation,**

but it can be helpful to talk about if you have time or if the community requests this information.

# A NOTE ON PROTECTING AGAINST FRAUD

## NOTE FOR KYR PRESENTER:

You do not have to cover this information in your presentation but we provide the following in case it is requested.

Otherwise, it can be enough to provide educational fraud flyers (available in the **Addendum**) and a list of reliable legal service providers.

At any time, but especially in times of heightened fear, people can fall prey to fraud by “notarios” or immigration consultants, who are not licensed and are not attorneys. These people hold themselves out as immigration experts and take advantage of the fact that people are often desperate for help, may not be familiar with US laws, and may be afraid to approach traditional legal service providers.

People who are victims of immigration service provider fraud may lose thousands of dollars in legal fees and, even worse, may be deported.

In general, we suggest that people only seek help from licensed attorneys or accredited representatives (called “DOJ-accredited,” formerly “BIA-accredited,” representatives). However, immigrants still need to be vigilant when seeking immigration legal services from these actors because they too, may commit fraud against clients.

## GENERALLY, WE RECOMMEND THAT PEOPLE DO NOT HIRE ANYONE WHO:

- Will not provide a written contract;
- Charges for blank immigration forms (these are available online for free);
- Promises a good result because they have “contacts” or “know someone” with Immigration;
- Pretends to be a qualified lawyer or bonded immigration consultant (see tips below to learn how to research a person before hiring them and check their credentials);
- Asks the client to lie on a form or sign a blank document that the consultant will fill out later;
- Refuses to provide a copy of the documents they prepared for the client;
- Charges the client to “get on a wait list” or to “put your application in line.” There is no list or line that a person must pay simply to get added to.

<sup>3</sup>There are certain people who are at higher (but not certain) risk of ICE coming to their home. In particular, those with prior orders of removal and/or with prior contact with the criminal justice system.

## OTHER TIPS TO BE A SMART CONSUMER OF IMMIGRATION LEGAL SERVICES (FOR IMMIGRANTS):

**Reliable referrals:** Start with reliable local nonprofits. If a local nonprofit cannot take your case, or if you can afford an attorney, ask a nonprofit for a list of trustworthy private attorneys. Nonprofits often keep lists of private attorneys for such referrals.

- **Research your legal service provider:** You should feel empowered to choose a legal service provider who will give you the service you deserve. Research the person you are thinking of hiring! If they are a licensed attorney, ask which state they are licensed in and confirm that they are in good standing.
  - Immigration attorneys can be licensed in any state. For example, someone could be licensed in Pennsylvania but work as an immigration attorney in California. To confirm someone's California law license and if they have had any disciplinary actions against them, look them up at [www.calbar.ca.gov](http://www.calbar.ca.gov).<sup>26</sup>
- **Review all documents carefully:** Read any forms carefully before you sign and submit them to Immigration. If you think something is wrong, let your attorney know and refuse to sign until they correct it. These forms and others will be a part of your permanent immigration record. Keep copies of all the documents submitted (your attorney should give you copies). Any good legal service provider will review any application with you and will answer your questions about the documents and process. If they don't, this is a red flag.
- **Switching legal service providers:** If at any time you are dissatisfied, keep in mind that you are the consumer and you can always go to another attorney. Dissatisfaction can come from all sorts of reasons, including simply that you have a bad feeling about your service provider.
- **Getting a copy of your file:** You have a right to a copy of your file. You may be charged for reasonable copy and mailing charges if you ask that files be mailed to you.

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<sup>26</sup> Other states may have similar systems to look up licensed attorneys.

## SECTION VI

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# PRESENTER FREQUENTLY ASKED QUESTIONS (AND ANSWERS)

In this section:

### **FAQS**

A non-exhaustive list of potential questions (and answers)  
that may come up at a KYR presentation

# PRESENTER FREQUENTLY ASKED QUESTIONS (AND ANSWERS)

## LEVEL OF RISK

### 1. Is the risk as high as it seems on the TV or radio?

No. The likelihood that ICE will pick up an average person at their home, is low. Those with prior orders of removal and/or contact with the criminal justice system may be at higher risk but even so, it is important to lead with empowerment and not fear. Those who have ICE “check-ins” should consult with a legal service provider. Immigrants in the criminal justice system should get advice from their criminal defender. However, the overall message is that for most people, the risk remains small.<sup>27</sup> It is important to keep this in mind (and as a KYR trainer, to emphasize this, to help defuse some of the fear in the immigrant community).

ICE officers may not confiscate or demand to view your photograph or video without a warrant. They may not delete your photographs or video. They may order you to stop if you are truly interfering with their enforcement operations. Even though it is your right to document ICE, you should evaluate the situation and decide whether you feel safe doing so, since this can draw additional attention to yourself.

**5. How do I know if it is ICE or the police?** Local law enforcement—such as police officers or sheriff deputies—will often be easier to identify. They should carry a badge and are often dressed in local uniform. ICE can be harder to identify. Many ICE officers will be in plain clothes or will have gear that also says “police” on it. They may even identify themselves as police (despite a new law in California—AB 1440—that says they are not allowed to do this in California). They may use other coercive practices, including lying, to convince someone to speak or open their door.

It is crucial not to open the door to one’s home for ICE. Even if ICE lies to get someone to open a door, a person’s “consent” (in opening the door) may overcome the fact that ICE lied and otherwise had no right to enter.

**6. What does a warrant look like? How will I recognize if it is a valid warrant?** Teaching community members how to identify a valid warrant is not a typical part of a KYR presentation nor is it advised. Assessing a valid warrant is complex and can be confusing since warrants can look very different. We do not want to create miscommunication where a community member accidentally opens a door in order to assess a warrant. Finally, ICE very rarely has a valid warrant. ICE does have something called an “ICE warrant” (titled as such), but for legal reasons this is not an enforceable judicial warrant.

What can be helpful to say is “Never open your door.” ICE is required to have a valid warrant but they hardly ever have one.

## INTERACTIONS WITH ICE

**2. Do I have to give my name?** No. This varies by state, but in California you do not have to give your name to ICE. For other states, check with an immigration nonprofit or civil rights organization, such as the ACLU.<sup>28</sup>

**3. What kind of law enforcement officers might try to ask me questions?** Different types of law enforcement officers could question you for different reasons. **This Toolkit only addresses rights in front of immigration officials**—for example ICE agents or CBP agents. This matters because advice and obligations can vary depending on what type of official is asking the question. **If someone has a criminal case, they should consult with their criminal defender for any case-specific advice.** For example, if they have to open their door to local law enforcement as a term of probation.

For KYR resources when confronted by **local law enforcement**, please see the **Addendum** or tell people to consult with a criminal defense attorney.

**4. If I see someone else being arrested by ICE, can I record, film, photograph ICE?**<sup>29</sup> Yes. You can film and photograph in public spaces where you are lawfully present.

<sup>27</sup> Certain things, such as contact with the criminal justice system, increase this risk.

<sup>28</sup> For a national Chart of Stop-and-Identify State Statutes see <https://www.ilrc.org/chart-stop-and-identify-state-statutes>. For more on California specifically, see <https://www.aclusocal.org/en/news/can-you-be-arrested-california-refusing-provide-id-police-when-detained>

<sup>29</sup> For more guidance, see <https://www.aclu.org/know-your-rights/photographers-what-do-if-you-are-stopped-or-detained-taking-photographs>

## WHAT PEOPLE CAN DO NOW

**7. What can I do right now to protect myself and my family?** There are many things you can do now. (Refer to **Offensive Strategy** at page 28 for advice on the types of things people can do now.)

**8. Do I need to get a signed power of attorney for my kids?** No, and in California it is not recommended. Parents may consider making a short-term or long-term childcare plan in the event that parents are detained and/or deported. In California, there are a spectrum of options with different levels of formality, including a verbal or other informal agreement,<sup>30</sup> a Caregiver's Authorization Affidavit (CAA), and Nomination of Guardian. There is no one size fits all recommendation and families should decide which option is best for them. If families decide to designate a caretaker for any period of time, they should fill out Important *Children's Information* (available in ILRC's family preparedness plan), listing important information regarding a child's care (e.g. medications, allergies, etc.). One good practice for all families is to have a completed emergency card on file with the child's school (e.g. allowing other trusted individuals to pick up children if parents are unavailable). Finally, remember to discuss this issue delicately as family separation is often a parent's worst fear. Emphasize that the risk for most families is very low and this is just a preventative step, which families may decide to take. For more information, see ILRC's family preparedness plan<sup>31</sup> and related free webinar.<sup>32</sup>

## ICE DETENTION

**9. Is it true that you get one phone call if ICE arrests you?** No. There is no guaranteed number of phone calls that someone gets if ICE detains them. If ICE places someone in a detention facility, however, each facility has its own internal telephone rules and limitations. In theory, the individual should be able to call certain legal service providers for free. However, phone access in immigration detention is a problem. There was a recent settlement agreement (*Lyon v. ICE*),<sup>33</sup> to improve detained people's phone access in Northern California detention centers.

**10. How do you find out where someone is when ICE detains them?** If you have the individual's "alien registration number" also called their "A-number" and country of birth, or in the alternative their full name, country of birth, and date of birth, you can look them up online: [locator.ice.gov/odls/homePage.do](https://locator.ice.gov/odls/homePage.do). However, sometimes an individual's name is entered incorrectly so you may not be able to find them. Also, minors (under age 18) are not listed in the ICE detainee locator system. An immigration attorney or DOJ representative may be able to help locate an individual.

<sup>30</sup> There is nothing illegal about an informal agreement to have a child live with a non-parent.

<sup>31</sup> <https://www.ilrc.org/family-preparedness-plan>

<sup>32</sup> <https://www.ilrc.org/family-preparedness-planning-california-0>

<sup>33</sup> <https://www.aclunc.org/our-work/legal-docket/lyon-v-ice-telephone-access-immigration-detainees>



## **SECTION VII**

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# **ADDENDUM ADDITIONAL RESOURCES**

# RESOURCES FOR IMMIGRANTS

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## ▶ LIST OF FREE/LOW-COST LEGAL SERVICE PROVIDERS.

- For California, see Community Resources for Immigrants, at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)
- Nationwide, see [www.immigrationadvocates.org/nonprofit/legaldirectory](http://www.immigrationadvocates.org/nonprofit/legaldirectory) <https://ready-california.org/legal-service-directory/>
- For a national list of organizations specifically for removal (deportation) defense, see the Department of Justice List of Pro Bono Legal Service providers at [www.justice.gov/eoir/list-pro-bono-legal-service-providers](http://www.justice.gov/eoir/list-pro-bono-legal-service-providers).

## ▶ ILRC “RED CARDS” AND CARTOON DISPLAYING HOW TO USE THE RED CARDS.

- On one side, the Red Card reminds the cardholder (in Spanish and select other languages), what their rights are when confronted by ICE officials.
- The other side (in English), states things the cardholder may wish to communicate to ICE such as “I do not wish to speak to you. I want to talk to an attorney first. I am asserting my constitutional rights...” The cardholder can give this to the agent to read, or can use this side as a script for what to say. People should never open their doors in order to give this card to ICE.
- ILRC Red Cards and related resources are available at [www.ilrc.org/red-cards](http://www.ilrc.org/red-cards)

## ▶ ILRC POST-ELECTION MATERIALS. THE ILRC UPDATES THIS REGULARLY. IN PARTICULAR, SEE:

- Know Your Rights and What Immigrant Families Should Do Now
- Family Preparedness Plan
- Plan de Protección Familiar
- All available at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)

## ▶ KNOW YOUR RIGHTS, LEARN HOW TO PROTECT YOU AND YOUR FAMILY DURING IMMIGRATION RAIDS, CASA

- A great resource available in various languages and with illustrations, regarding rights in various contexts.
- Available at <http://wearecasa.org/resources/know-your-rights>

## ▶ KNOW YOUR RIGHTS: WHAT TO DO IF YOU’RE STOPPED BY POLICE, IMMIGRATION AGENTS OR THE FBI, AMERICAN CIVIL LIBERTIES UNION (ACLU)

- These are excellent resources for community members seeking advice regarding what to do if stopped by local law enforcement as well as immigration agents.
- Available at <https://www.aclu.org/know-your-rights>

# CONTINUED.

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▶ **KNOW YOUR RIGHTS IF QUESTIONED ABOUT IMMIGRATION STATUS, ACLU**

- Available at [www.aclu.org/know-your-rights/what-do-if-questioned-about-your-immigration-status](http://www.aclu.org/know-your-rights/what-do-if-questioned-about-your-immigration-status)

▶ **KNOW YOUR RIGHTS, A GUIDE TO YOUR RIGHTS WHEN INTERACTING WITH LAW ENFORCEMENT, CATHOLIC LEGAL IMMIGRATION NETWORK**

- Available at [www.cliniclegal.org](http://www.cliniclegal.org)

▶ **WHAT TO DO IF YOU OR A LOVED ONE IS ARRESTED, NATIONAL DAY LABOR ORGANIZING NETWORK (NDLON)**

- Available at <http://altotrump.com/resources/know-your-rights/>

# RESOURCES FOR EMPLOYERS AND ORGANIZATIONS:

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▶ **KNOW YOUR RIGHTS: A GUIDE FOR CALIFORNIA EMPLOYERS, IMMIGRANT LEGAL RESOURCE CENTER**

- Available at [www.ilrc.org/know-your-rights-guide-california-employers](http://www.ilrc.org/know-your-rights-guide-california-employers)

▶ **WORKPLACE RAIDS, EMPLOYER RIGHTS AND RESPONSIBILITIES, LEGAL AID AT WORK**

- Available at <https://ready-california.org/#1>

▶ **KNOW YOUR RIGHTS: A GUIDE TO WORKPLACE RIGHTS FOR IMMIGRANTS, CATHOLIC LEGAL IMMIGRATION NETWORK, INC.**

- Available at <https://ready-california.org/#1>

▶ **HEALTH CARE PROVIDERS AND IMMIGRATION ENFORCEMENT: KNOW YOUR RIGHTS, KNOW YOUR PATIENTS' RIGHT, NATIONAL IMMIGRANT LAW CENTER (NILC)**

- Available at <https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>

▶ **WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE, NATIONAL EMPLOYMENT LAW PROJECT, NATIONAL IMMIGRATION LAW CENTER**

- Available at <https://ready-california.org/#1>

▶ **5 WAYS TO FIGHT RAIDS WITH POWER NOT PANIC, CALIFORNIA IMMIGRANT YOUTH JUSTICE ALLIANCE (CIJYA)**

- Available at [www.cijya.org/fighticeraidswithpowernotpanic](http://www.cijya.org/fighticeraidswithpowernotpanic)

▶ **PROTECTING UNDOCUMENTED AND VULNERABLE STUDENTS, CALIFORNIA CHARTER SCHOOL ASSOCIATION**

- Available at [www-cdn.law.stanford.edu/wp-content/uploads/2017/06/CCSA-YELP-SLS-Policy-Lab-Protecting-Undocumented-Students.pdf](http://www-cdn.law.stanford.edu/wp-content/uploads/2017/06/CCSA-YELP-SLS-Policy-Lab-Protecting-Undocumented-Students.pdf)

## RESOURCES FOR ALLIES

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▶ **FILMING ICE TIP SHEET, WITNESS AND THE IMMIGRANT DEFENSE PROJECT (ILRC)**

- Available at <https://witness.org/filming-ice/>

▶ **ICE RAIDS TOOLKIT, DEFEND AGAINST ICE RAIDS AND COMMUNITY ARRESTS, IMMIGRANT DEFENSE**

- Available at [www.immigrantdefenseproject.org/raids-toolkit/](http://www.immigrantdefenseproject.org/raids-toolkit/)

## RESOURCES FOR PRESENTERS

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▶ **COPY OF ICE'S SENSITIVE LOCATIONS MEMO**

- Available at [www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf](http://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf)

▶ **ICE WARRANTS BASICS, ILRC PROJECT**

- Available at [www.ilrc.org/ice-warrants-basics](http://www.ilrc.org/ice-warrants-basics)

▶ **FREE WEBINAR ON FAMILY PREPAREDNESS PLANNING IN CALIFORNIA, ILRC**

- Available at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)