

# Immigration Know Your Rights and Advocate Training

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**IMMIGRANT LEGAL RESOURCE CENTER**

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# Presenters



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# During the Webinar

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# Immigrant Legal Resource Center



# Agenda

**1:00 PM – 1:25 PM**

- **Know Your Rights:  
Sample Virtual  
Presentation**

**1:25 PM – 2:00 PM**

- **Planning a Know Your  
Rights Training**

# Overview of Rights

# Who Has Rights in the United States?


Every person within the U.S.  
has certain basic rights,  
regardless of immigration  
status!

# What Rights Do We Have?

- **Fifth Amendment**

- Right to remain silent and due process of law
- Can refuse to sign documents
- Can refuse to give documents

- **Fourth Amendment**

- Right against unreasonable searches and seizures
- ICE and law enforcement cannot enter a person's home or search a person's belongings without permission
  - **They virtually never have a judicial warrant. DO NOT GIVE THEM PERMISSION!** 

- **Sixth Amendment**

- Right to legal counsel on criminal (but not immigration)
- Right to be advised on crim/imm consequences



# Why do we remain silent?



**ICE can only deport you if they have proof you are not a citizen**

- **DO NOT** give them proof by answering questions or providing documents
- Especially don't say where you are from, where you were born, or your nationality.

**Key is to assert your Fifth Amendment right before ICE**

- Where are you from? "I assert my right to remain silent"
- Where were you born? "I assert my right to remain silent"
- What is your nationality? "I assert my right to remain silent"

**Goal:** Avoid arrest entirely! But even if ICE illegally arrests you, asserting your right preserves valuable defense in deportation proceedings!

# 1) Before ICE arrest

Silence is golden!



## 2) IF arrested

### DO:

- Tell ICE if you fear return to your home country
- Respond honestly to questions about name, address, and date of birth
  - But do not say anything to anyone about your status, except to your attorney!
- Otherwise, assert your right to remain silent

### DO NOT:

- Resist arrest, do not run
- Sign anything or make any decisions without a lawyer
- Answer questions about your immigration status or country of origin when ICE comes to question you at the detention center

Rights in deportation proceedings:

See a judge (many people), Atty (but no PDs), interpreter

# What documents to carry

## DO carry:

- Red cards
- State and local forms of identification – State driver's license, state identification card, City Identification card, Library card, etc.
  - You *do* need to show driver's license to law enforcement if you are driving
- Copies (not original) of immigration documents showing lawful status
- Contacts: Legal service provider, emergency contact

## DO NOT carry:

- Consular identification card or other document identifying you as a citizen of another country



# What if ICE comes to my home?



- Assert your right to remain silent
- Do not sign anything
- Remain calm
- Do not give ICE permission to enter your home
- Do not open the door
- Slide your red card under the door; Ask for a warrant signed by a judge (under the door only – do NOT open door to see any documents)
- State clearly that you are asserting your 5<sup>th</sup> amendment right to remain silent (and remain silent)
- Call a lawyer
- Have a family emergency plan

# What if I encounter ICE in the community?



Walking, driving, and other public spaces:

- **Assert your right to remain silent**
- **Do not sign anything**
- **Remain calm**
- **Do not consent to a search of your person or your property**
- **Do this even if you have status! Everyone should assert their rights!**
- **If driving, driver should show driver's license**
- **Do ask if you are free to go**
- **Do not run; do not speed away**
- **Do not provide any false documents**

# What if ICE comes your work?

## Are you the **business owner**?

- Have a process in place, practice
  - ✓ For example: Train staff not to talk to ICE. *They can say* “You are not allowed to enter. You must speak with my employer”
- Public areas: Anyone may enter a public area, including ICE
  - ✓ Being in a public area does not give ICE authority to stop, question, or arrest just anyone
  - ✓ **Everyone has right to remain silent**
  - ✓ Business owner and employees can ask ICE to leave
- Private spaces remain private, even for ICE
  - ICE cannot walk into those areas without permission or a judicial warrant. **DO NOT give them permission. Ask for and inspect a warrant** (or call your attorney)
- If ICE enters without permission, don’t interfere but take notes



Pro tip: Mark private areas “private” with a sign!

What about I-9 Audits?

See National Immigrant Law Center (NILC) guide for more!

# What if ICE comes your work?

## Are you an employee?

- Assert your right to remain silent
- Do not sign anything
- Remain calm
- Do not consent to a search of your person or your property
- Do not get into a line as they will interrogate you about your immigration status
- Ask to speak to an attorney





# What if ICE comes to a jail?

- Assert your right to remain silent
- Do not sign anything
- In **California**: Law says that before ICE can interview someone in jail/prison, law enforcement must provide a written consent form which allows you to:
  - ✓ Decline the interview
  - ✓ Proceed with the interview, but only with an atty present; OR
  - ✓ Proceed with the interview (w/out an atty)
- You should always decline the interview!

**Courthouse Arrests:** Talk to your attorney who can advise you.



# Witnessing ICE activity: Can I Record?

- First Amendment right to record law enforcement activity in public view
  - But do not interfere!
- Consider you may be subject to further questioning
- Prime role for U.S. citizen allies!



# Video

# Family Preparedness Plan

# Family Preparedness Plan

- Helps identify the wants you have as a parent in your absence
- Creates an organized plan of action with access to important information
- Generally, includes:
  - Child Care plan
  - Important documents

# Get a Legal Consultation and Learn About Your Options

# Immigration Screening

- Schedule appointment to speak with a trusted legal service provider
- Discuss:
  - Eligibility for you or your family members for lawful immigration status or a more permanent form of relief
  - Understanding your options, benefits, or risk when applying for immigration relief
- Prepare a list of questions ahead of time
- **Beware** of Immigration Fraud
- Search **reputable** non-profit legal service providers by zip code at [www.immigrationlawhelp.org](http://www.immigrationlawhelp.org)



# In summary...



## Know Your Rights!

- ✓ Remain silent
- ✓ Stay calm (don't run)
- ✓ Don't open the door
- ✓ Don't sign anything

## Prepare:

- ✓ Speak with an attorney
- ✓ Make a family plan
- ✓ Stay informed



# Resources

- Follow us on social media:
  - Instagram → @the\_ilrc
  - Facebook → @Immigrant Legal Resource Center
  - X → @the\_ILRC).
- Red Cards (Know Your Rights Cards) in 9 languages: <https://www.ilrc.org/red-cards>
- Family Preparedness plan (English and Spanish): <https://www.ilrc.org/resources/step-step-family-preparedness-plan>
- Know Your Rights Videos: <https://www.wehaverights.us>
- Know Your Rights for Employers: <https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>
- 10 Things Noncitizen Protestors Need to Know: <https://www.ilrc.org/resources/10-things-noncitizen-protestors-need-know>

# Community Presentation Pointers

# Your role as a presenter



- Empower the community with knowledge of their rights
- Give accurate information
- It's not your job to know everything
- Do not advise someone on their individual case unless you are an attorney or DOJ accredited rep

# Community Presentation Pointers

## 1. Be clear on overall learning expectations

**State these expectations & take aways at the beginning:**

- **E.g. Expectations are, “Today, you will learn how to assert your rights when confronted by Immigration agents”**
- **E.g. Take away: “1) You have the right to remain silent, etc.”**

# Community Presentation Pointers

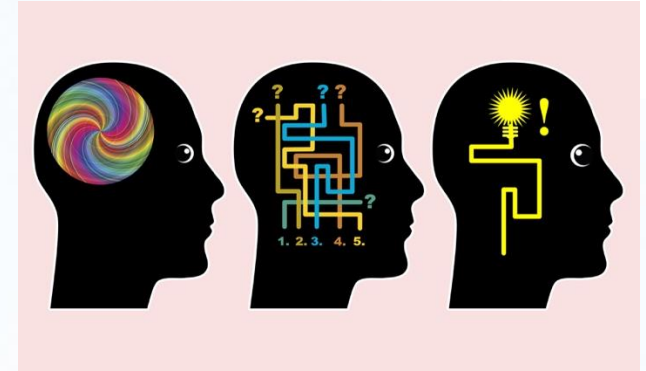
## 2. Identify key advice and information to cover

- At a minimum, KYR should advise people of:
  - The right to remain silent
  - Right against unreasonable search and seizure
  - Right not to sign anything
- Remember skits are a great way to teach people how to exercise these rights

# Community Presentation Pointers

## 3. Consider different learning styles

- Visuals
- Videos
- Lecturing
- Handouts
- Group practice breakouts and discussions
- Skits and Role-play – A great way to *show* the skills that people are expected to learn!
  - <https://www.ilrc.org/resources/know-your-rights-script-skit>



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# Community Presentation Pointers

## 4. Advice applies to encounters with immigration

- This is important to differentiate because KYR advice for interactions with police and local law enforcement can be different
- How can you tell who is ICE or police?



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# Community Presentation Pointers

## 5. Practice Makes Perfect

- This applies to presenter and audience
- Practice in front of a friend or colleague and ask for feedback
- Your presentation should include a live skit of how rights are exercised and/or an opportunity for audience members to practice exercising their rights



# Community Presentation Pointers

## 6. **Less is More – Repetition is Key!**

- Goal is to make sure audience walks away with key rights
- The best presentations are simple and repeat a few critical pieces of information
- The audience may ask you questions that you're not sure of. That's okay! Better to say you're not sure than give wrong information.

# Community Presentation Pointers

## 7. Lead with Power, not Panic

- Goal is to educate and empower our community
- We do not want to stoke panic, remember the likelihood that ICE will actually come to any given individual home remains low



# Planning a Community Presentation

# Planning and Initial Preparation (1 month out)

1. Who is your audience? What are their needs?
2. Partner with a local nonprofit, trusted legal service provider, community-based, or community-serving organization
3. Invite Presenters (optional)
4. Pick a date, time, and location
5. Advertise the event

# Discussing Risk when Asserting One's Right to Remain Silent

- You can always remain silent. **But will it always help?**
- Think about it in terms of **Rights v. Risk**
- I have the RIGHT not to say anything, but will exercising that right frustrate the police and make it worse for me? *This is a judgment call you have to make.*
- Even so, **never talk about your immigration status or your nationality.** This is nearly always irrelevant to a criminal investigation and will always be used against you by ICE.

# Event Flyer Should Include



Location, date, and start time

Topics to be covered, e.g. KYR in the home

The names of presenters (if it will draw more participants)

Other services offered, e.g. “free consultations by immigration attorneys”

Consider adding logos, or other images to make the flyer more appealing

# Final Preparation for the KYR Event (1-2 weeks out)

- Create an agenda
- Prepare the presentation
- Prepare and copy handouts
- Translation? (Both written and verbal)
- Press? (Optional)
- Other?
  - Tech, childcare, chairs, parking etc.

## 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).



#### 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>33</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,

# Day of the KYR Event

- Registration and Check-in/Greeter/Signs
- Press Liaisons (if applicable)
- Introductions
- Keep Track of time



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# **Thank you for attending!**

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