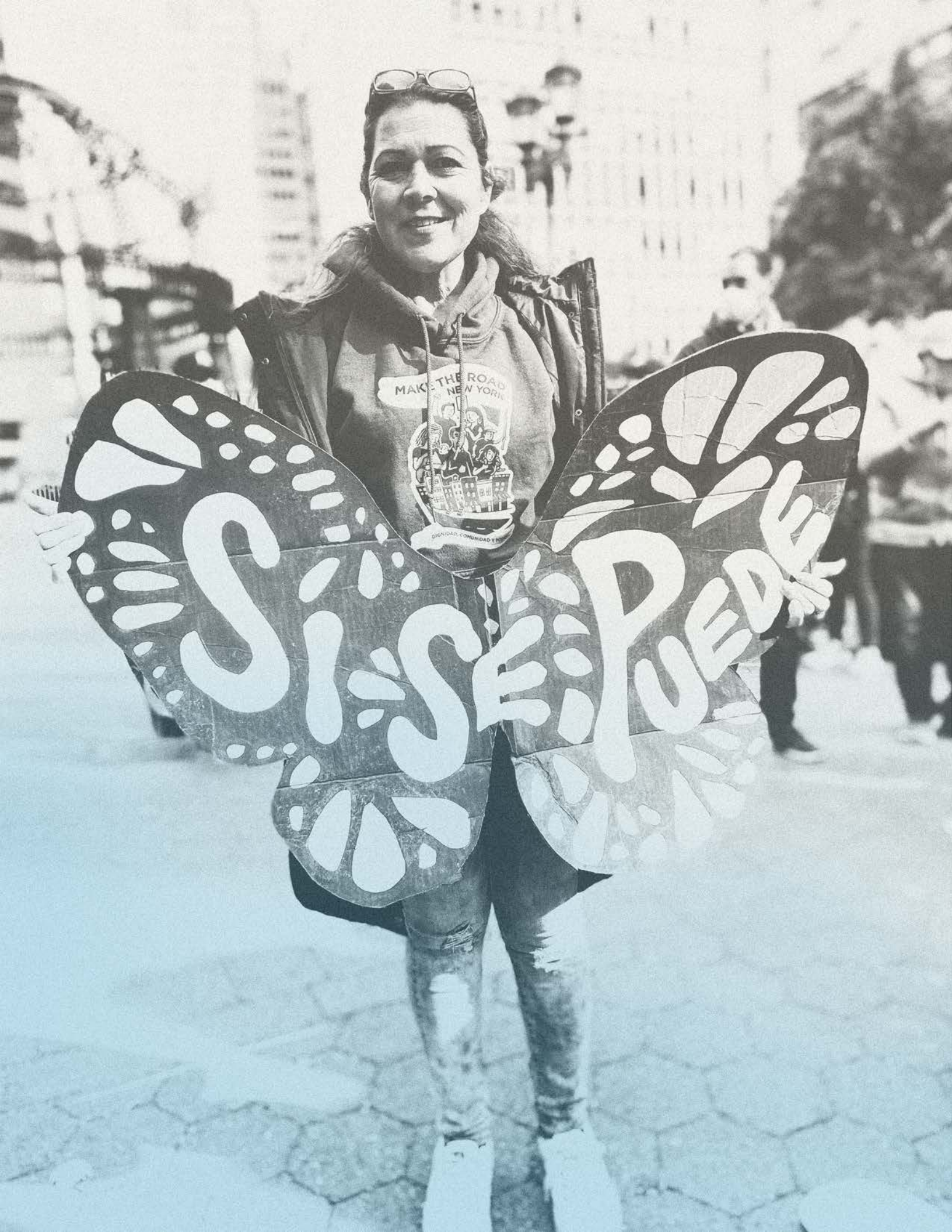


DEPORTATION DEFENSE MANUAL

#AbolishICE
#citizenship4all





ACKNOWLEDGEMENTS

This manual is a collaboration between Make the Road New York's organizing and legal teams, and its aim is to make resources accessible to our broader community as we fight senseless immigration enforcement. We thank our allied organizations, such as the Immigrant Defense Project, who have worked with us in the last couple of years to make sure that we can adequately support our communities during times of crisis. We hope this manual helps educate and transform our communities as we defend against ICE enforcement and fight for a world where all immigrants live with dignity and free of deportation.

Thank you to Luba Cortes, Yaritza Mendez, Natalia Aristizabal, Paige Austin, Rachel Levenson, Harold Solis, Jackie Pearce, Emmy Cantos, and Jiyeon Kim for working on this manual.

Designed by Gisela Ochoa of Gisela.co Creative

DEPORTATION DEFENSE MANUAL

The information in this manual is for educational purposes only. It does not, and is not intended to, constitute legal advice. In addition, the manual was developed for use within New York City, meaning– some of the information included does not apply to people elsewhere.

When our communities are under attack, what do we do? Stand up, Fight Back!

Make the Road New York (MRNY) is a member-led community organization with more than 24, 000 members that builds the power of immigrant and working communities to achieve dignity and justice by using four core strategies: community organizing, policy innovation, transformative education and provision of survival services. MRNY has storefront community centers in the immigrant enclaves of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island, Brentwood, Long Island and White Plains, Westchester, and its members and participants come from across New York City, Long Island and Westchester. The purpose of this manual is to provide information, resources and a guide to create a plan of action to protect targeted communities against hyper enforcement perpetuated by ICE (“la Migra”). It is important to remember when we act together, we have the power to protect one another even when immigration laws and agents do not respect our community.

This manual contains three different sections that address: (1) your rights when dealing with the U.S. Immigration and Customs Enforcement (ICE) and how to get prepared; (2) steps to take and information to know when supporting an individual or family after an ICE raid, and (3) strategies for organization around an individual case in your community. The first part, “Know Your Rights” will focus on your rights at home and in public spaces when interacting with ICE agents. This section also includes information and resources on how to prepare yourself in case you, or a family member, is detained by ICE. Second, “Rapid Response to Raids” is a guide on how to support someone who has been detained. This includes information on how to locate a person, how to visit them, how to ensure their loved ones know what steps to take, and how to assess options for legal representation. Lastly, “Deportation Defense” will focus on how to fight deportation cases through organizing and community participation, how to organize a campaign, fundraise and how to become involved in the movement to end the separation of our families.

This manual is a resource for individuals who are being impacted by the escalation of immigration enforcement activity, and for individuals who are interested in becoming a support person for those affected. However, this is a supplement to, not a substitute for, legal counsel. If you are facing deportation or have a previous deportation order, you should reach out to an immigration attorney.

To change this system that continuously represses our community, **Join us in the fight for immigrant justice, fight back, resist and organize!** Visit maketheroadny.org for more information.

TABLE OF CONTENTS

Part One: Know Your Rights

Part Two: Rapid Response to Raids

Part Three: Deportation Defense

Appendix



PART ONE:

KNOW YOUR RIGHTS

If ICE Comes to Your Home

ICE is known to go to individuals' homes to arrest them. They often use ruses, including pretending to be police or being dishonest about why they are at your home. For example, they can say they are looking for a “fugitive” under a different name but really are there to arrest someone completely different.

To protect yourself it is imperative that you:

Do not open the door

ICE cannot enter your home unless they have a warrant signed by a judge (please refer to page 16 and 17 for sample warrants). Most of the time ICE agents will only have warrants signed by ICE officers, and those warrants do not give them permission to enter your home. If they say they have a warrant, ask them to slip it under the door. If you open the door, you are giving them permission to enter your home. This is why it is important to keep your door closed during the entire interaction with ICE. If ICE has a valid warrant, they will come in.

Remain calm and silent

Anything you say or do can be used against you. Remain calm (do not yell, fight, or try to run) and remain silent. Do not answer any questions, and ask for an interpreter if you do not understand the language. *Under the Fifth Amendment of the U.S. Constitution, you have the right to remain silent and not incriminate yourself.*



Do not sign anything

Do not sign anything that ICE gives to you without an immigration attorney reviewing. Ask to have documents translated.

Record and report

If you witness someone being detained by ICE, take photos, and write down other relevant information from a safe distance. Immediately after, call the Immigrant Defense Project’s hotline at 212-725-6422 to report the raid and find out if the person/s will be eligible for an attorney. Please refer to page 58 for best practices when recording ICE.

If ICE Stops You in a Public Space

ICE can only arrest you if they have a reason to believe that you are in the U.S. without a lawful status or are deportable. You have the right to remain silent and not answer any questions that could give immigration probable cause (a reason) to detain you; this includes sharing your nationality, immigration status, or how you entered the U.S.

Here is what you can do protect yourself:

If you are stopped, ask “Am I free to go?”

If YES

Clearly state: “I don’t want to answer your questions” or “I’d rather not speak with you right now” and slowly walk away.

If NO

Ask “Am I being detained?”

→ If NO: clearly state “I don’t want to answer your questions” or “I’d rather not speak with you right now” slowly walk away.

→ If YES: clearly state “I want to exercise my right to remain silent” and then say “I would like to speak to an immigration attorney.”

The 4th Amendment of the Constitution protects you against unreasonable searches and seizures. This means they cannot search you unless they have probable cause. If they have probable cause, they can technically search you for weapons, drugs, etc. Continuously say “I do not consent to this search” if you feel that the search is illegal.

Do not run: if you do, this could be considered as a good reason for ICE to stop you or use excessive force.

Remember, you cannot lie to an ICE officer. Do not share any information that is untrue and do not present or share any documents that are false, as that can worsen the situation. Do not carry your foreign passport with you.



Know Your Rights in the Workplace

If ICE comes to a workplace...

Can agents enter a workplace without a warrant?

- If you work in a place open to the public, like a restaurant or car wash, ICE agents may enter the public space of your workplace as they please (i.e. waiting area or lobby).
- However, ICE cannot enter the non-public space of your workplace (eg kitchen) unless they have either:
 - The voluntary consent of your employer
 - A valid warrant
- If you feel comfortable, remind your employer that they can deny ICE consent to enter the workplace absent a warrant. *If ICE enters without a warrant and the employer did not give consent, this could be challenged later in court.*

What should workers do if ICE agents enter a workplace?

- Try to stay calm, do not run, and do not resist arrest.
- Say aloud “I do not consent to a search” and encourage others to do the same. If ICE agents try to search property, bags, or the pockets of someone at the work site, this could be challenged later in court.
- Do not *voluntarily* give ICE any identity document – especially not a foreign passport, as this can be used against a non-citizen in court.
- Document exactly what happened as soon as it is safe to do so.

In addition to being prepared for possible contact with U.S. Immigration and Customs Enforcement (ICE) at home or on the street, it is important to also prepare for the possibility of ICE coming to your workplace.

- Do not give any false information to ICE – a person may face criminal or civil charges for use of false documents such as social security cards.

What if agents want to question workers?

- Just as they would on the street, workers should say “am I free to go?”
- If the agents says yes, the worker should walk away.
- If the agents say *no*, the worker should say: “I want to remain silent and want to speak with an immigration lawyer.”
- Workers should not answer *any* questions about where they were born, immigration status, or immigration or criminal history.
- Workers *should not* sign anything that ICE presents without consulting your immigration attorney.

Do I have to tell an ICE agent my name?

- In New York, you cannot be detained or arrested for only refusing to give your name to police.
- But, law enforcement officials do not always follow

the law, and refusing to give your name to ICE agents may make them suspicious and lead to your arrest, so use your judgment.

- If you fear that your name may be incriminating, you can assert your right to remain silent. Do not give a false name.
- If you are arrested, however, and you refuse to produce an ID or tell officers who you are, the police may detain you until you can be positively identified.

What if ICE agents press me for information or threaten me?

- Continue to assert your right to remain silent and speak with an immigration lawyer – even if they do not respect this, it is important to do it because their conduct could be challenged later in court.
- If an agent threatens the use of force, it is important to do what feels safe, even if that means complying. Do not argue with an agent, touch them, or interfere with a search.

What should workers do if an employer asks to fill out an I-9 or verify work authorization?

- Employers are legally obligated to verify that their employees are authorized to work in the U.S., and usually must do this within three business days from the date of hire.
- However, an employer can ask to *reverify* a worker’s work authorization under some circumstances, such as when an employment authorization document is expiring, or the employer is being audited by the Department of Homeland Security (DHS).
- If your employer chooses to reverify only *some* employees rather than all of them, this *may* be in violation of anti-discrimination laws. If you believe you are being discriminated against, you should consult with an employment attorney.

- If an employer asks to see a work permit, keep in mind that you can request time to get your documents, but do *not* provide false documents, such as a false identification or social security number, as this could be used against you.
- Remember: If you are exercising your legal rights – such as that to a minimum wage, overtime, or a workplace free of discrimination, or your right to organize, it is illegal for your employer to retaliate against you by reporting you to ICE or threatening to do so. If this happens, you should consult with an employment attorney.

How do I prepare my workplace?

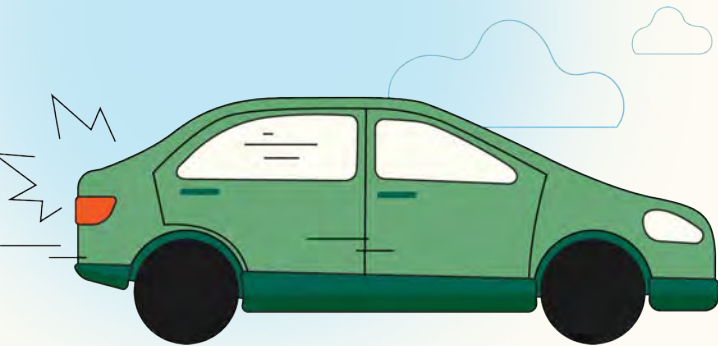
If possible, talk with your coworkers and inform them of their rights –especially their right to remain silent if questioned.

Make sure everyone knows how to react if ICE shows up at work

Just as after any raid, it is critical to **document exactly what happened** in as much detail as possible. Complete the intake form in *Appendix D*.



Know Your Rights when Driving.



If you are detained while driving, it will likely be by a police officer rather than U.S. Immigration and Customs Enforcement (ICE) agents. However, if you are driving along border states, you may be pulled over by Border Patrol and could encounter Border Patrol checkpoints. If you are pulled over by police, receiving a ticket is better than having to go to a police precinct, since going to a precinct may increase the chance you are referred to ICE. While we provide some guidelines below, each person must do what feels safest to them at the moment.

What should I do if I am pulled over by the police?

- Stop your vehicle and turn on the emergency lights. Slowly lower the window and place your hands in a visible location.
- Show your license*, registration and proof of insurance upon an officer’s request.
- If you don’t have a driver’s license do not show any false documents.
- Do not answer any questions related to your immigration status or about your country of origin.
- You have the right to remain silent if you choose to. You may say: **“I want to exercise my right to remain silent”** and **“I want to speak with a lawyer.”**
- If the officer asks for permission to search your vehicle, you have the right to not consent to any search. Say: **“I do not consent to any search.”** The officer cannot search your vehicle without a proper warrant, unless there is *reasonable suspicion*.

What if I am pulled over by Border Patrol?

- Border Patrol can pull you over if they have *reasonable suspicion* of an immigration violation or a crime, and they may ask questions about your immigration status.
- They are *not* supposed to use race or ethnicity as a reason to stop you, so if you believe this is happening, make sure you document it. (Refer to appendix G, page 68 for best practices when filming ICE).
- Border Patrol can continue to detain you to inquire about your immigration status, but they cannot force you to speak or to sign anything.
- While Border Patrol checkpoints may exist within 100 miles of any U.S. border, including at airports, in New York they are mostly found near the northern border with Canada.

*Thanks to advocacy by organizations such as Make the Road NY that participated in the Greenlight Campaign, we were able to win access to drivers licenses for undocumented individuals in New York State. These licenses allow individuals to drive and serve as a form of identification.

There are three tiers of drivers license, standard, Real ID, and enhanced. A **standard license** serves to show your identity and as a proof of address, but after Real ID goes into effect for domestic flights (currently scheduled for May 3, 2023), it will not serve to board domestic flights or enter federal buildings. A **Real ID** on top of being an identification document, serves to enter federal buildings (green card holders can have access to this tier of ID). An **Enhanced** driver’s license, serves to cross US/ Mexico/Canada borders and enter federal buildings (only U.S. citizens can have an enhanced driver’s license).

Refer to page 72 and 73 on appendix G for a flyer to keep in your car from our partners at IDP.

JUDICIAL WARRANT vs. ADMINISTRATIVE WARRANT

The 4th Amendment of the Constitution protects against search, seizure and arrest without probable cause and does not permit police or Immigration & Customs Enforcement (ICE) agents to enter homes without judicial warrants or consent. Judicial warrants can include arrest warrants (to arrest a specific person) or search warrants (to search a home, for example).

WARNING: It is *very rare* that ICE would be able to obtain a valid judicial warrant. ICE agents sometimes present a document that says “warrant” on it but is *not* a judicial warrant. In order to be prepared, here’s how to know the difference!

Judicial Warrant

- ▶ Allows ICE to enter the home
- ▶ Signed by a Judge
- ▶ Will have name of a state or federal court at the top such as “Supreme Court of the State of New York”

Administrative Warrant

- ▶ Does not allow ICE entrance
- ▶ Signed by an ICE supervisor and *not* by a Judge
- ▶ May have “U.S. Department of Homeland Security” at top

Administrative Warrant

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. (b)(6), (b)(7)(C)

Event No. (b)(7)(e)

DATE: October 20, 2010

PINS # (b)(6), (b)(7)(C)

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
(b)(6), (b)(7)(C)
(Full name of alien)
an alien who entered the United States at or near EAGLE PASS, TEXAS on
(Port)
March 1, 2003 is within the country in violation of the immigration laws and is
(Date)
therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(b)(6), (b)(7)(C)
(Signature of Designated Immigration Officer)

(b)(6), (b)(7)(C)
(Print name of Designated Immigration Officer)

SDDO
(Title)

Certificate of Service

Served by me at NASHVILLE, TENNESSEE on October 20, 2010 at 12:00 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

(b)(6), (b)(7)(C)
(Signature of officer serving warrant)

SENIOR SPECIAL AGENT
(Title of officer serving warrant)

Form 1-200 (Rev. 02/01/07)

SAMPLE ARREST WARRANT

COURT
COUNTY OF STATE OF PART

[Use Caption as Per
Mandate of Commitment, *supra*] WARRANT OF ARREST
PURSUANT TO
JUDICIARY LAW § 2-b(3)

TO ANY PEACE OFFICER OF THE STATE OF NEW YORK:
GREETINGS:

An order to show cause having been personally served on [Name of Contemnor] commanding his/ her appearance before the court on the day of , 20 , and said person having failed to appear,

YOU ARE HEREBY COMMANDED to arrest said person and bring said person directly before [Name of Judge], a Justice/Judge of the Court, Part thereof, held at the courthouse located at , New York, on the day of , 20 , at o'clock in the noon, to answer for his/her disobedience to the order to show cause, and also the charges contained therein, issued by [Name of Judge] and duly served on said person on the day of , 20 , and pursuant to Judiciary Law § 2-b(3) you have this warrant, and it is

So Ordered

Justice/Judge of the Court

Dated this day of , 20 .

Judicial Warrant

Access to Health Care: Know Your Rights!



Will my information be shared with U.S. Immigration and Customs Enforcement (ICE) if I go to the hospital or clinic?

Private health care information is protected by New York and federal laws. This means that health care providers **cannot** share patient information without patient approval, unless required to do so by law. Healthcare workers therefore have no duty to report your immigration status to law enforcement or federal immigration officials.

Health centers and hospitals run by NYC Health + Hospitals (H+H) have a policy of not asking about immigration status, unless they are asking for benefit eligibility purposes. If you are being treated at a clinic that does ask your immigration status, you are not required to provide this information, unless you are applying for benefits or coverage options.

Hospitals or doctors may ask for photo ID, but not for purposes of immigration enforcement. Photo ID may be needed to show that the person getting care is the person whose name is on the medical record or on the prescription. No one should be refused treatment because they do not have a photo ID.

Will ICE detain me at a hospital or clinic?

The current and longstanding policy of immigration enforcement officials at ICE is to refrain from enforcement activity (such as arresting, searching, or interviewing individuals) in hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities. However, in certain circumstances, ICE may take enforcement action in a health care setting. This includes where ICE has identified a "national security threat" or an "imminent risk of death, violence, or physical harm to a person."

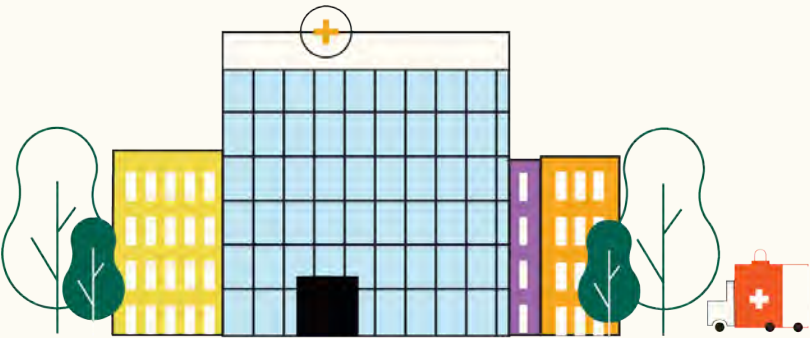
Can I go to the doctor even if I am undocumented?

Everyone has the right to seek primary and preventative health care regardless of whether they are insured, or their immigration status. You do not need to share any information about your immigration status, unless you apply for Medicaid, Emergency Medicaid, or other health coverage for yourself.

Many federally qualified health centers and clinics offer services on a sliding fee scale. The amount you pay will be determined by your household size and income, and will vary by facility. Hospitals with emergency rooms must screen and treat people who need emergency medical services regardless of whether they have insurance, their ability to pay, how much money they have, or their immigration status. Financial Assistance, sometimes known as "Charity Care" is available for those who are uninsured, regardless of immigration status.

It is safe and smart to seek care at public hospitals, emergency rooms, COVID-19 testing and vaccination sites, free clinics, and community health centers if you need it.

- You can still see a doctor without medical insurance.
- Call Make the Road New York at 866-365-2724, to find free or low cost health care services near you, regardless of your immigration status.





Will I be able to receive services in Spanish at the hospital or when applying for health insurance?

Regardless of your immigration status, you have a right to an interpreter at no cost, whether you are applying for health insurance or seeking care at a hospital, community health center, or visiting a chain pharmacy in New York State. Children should not be asked to translate for their parents or other adults, especially in a healthcare setting. Hospitals and community health centers may use bilingual staff, telephone interpretation services, or qualified in-person interpreters to provide language assistance services for patients. Exercise your right and request interpretation services, if it's not provided.

Can I qualify for health insurance if I am uninsured and undocumented?

There are limited options for individuals who are uninsured.

- Medicaid for pregnant women offers comprehensive health insurance during pregnancy, regardless of immigration status.
- Child Health Plus offers comprehensive health insurance to children under age 19, regardless of immigration status.
- Emergency Medicaid provides coverage through Medicaid in case of a medical emergency. Undocumented adults may qualify for this benefit if they are income eligible.
- In 2023, undocumented immigrants over the age of 65 will be eligible for Medicaid, if they meet the income requirements. Also, undocumented individuals will receive 12 months of post pregnancy coverage regardless of immigration status.

To find out more, call Make the Road New York at 866-365-2724. Free enrollment assistance is safely available. Your information will not be shared with ICE and only used to enroll you into benefits.

Can I apply for or renew my health insurance if I am an immigrant and is my information protected?

Yes! You should apply for and renew health insurance if you are eligible. Strong privacy rules protect families applying for health insurance, including families whose members have different immigration statuses. Any information provided while applying for insurance may only be used to determine the individual's eligibility for the program, not for immigration enforcement purposes.

If you don't have a SSN, you are not required to provide one. Only people who have a valid SSN are required to provide one.

What are my health care options if I am uninsured and undocumented?

- Emergency room care
- Community health centers, public and safety-net hospitals
- Public health services (immunizations, mental health, screening and treatment for communicable diseases such as HIV, sexually transmitted infections)
- Programs providing health services necessary to protect life or safety (emergency medical, food/shelter, mental health crisis, domestic violence, crime victim assistance, disaster relief)
- Treatment for an emergency medical condition under "Emergency Medicaid"
- Financial assistance or "charity care" programs at community health centers and most hospitals (including Health +Hospitals)
- Child Health Plus insurance for children under 19
- Medicaid for Pregnant Women
- Family Planning Extension Program
- Aids Drug Assistance Program (ADAP)
- Big Apple Rx
- NYC Care, a health access program in New York



COVID-19 testing and vaccinations

In October 2021, DHS issued a "Protected Areas" memo (previously called sensitive locations) designating areas that require special protection where ICE arrest, searches or detention should not generally take place. This includes medical and mental health facilities, including vaccine and testing sites. If you need to get tested or vaccinated, please do regardless of your immigration status.

COVID-19 vaccines are also available to everyone, regardless of immigration status. ICE or any other law enforcement agency CANNOT access the information you provide when you get tested or vaccinated. Immigration authorities will not consider testing, treatment, nor preventative care related to COVID-19 for Public Charge purposes.

To find a COVID-19 testing site near you, call New York State COVID-19 Hotline at 1-888-364-3065 or visit the [NYSDOH website](https://nysdoh.org). A limited number of free rapid tests are also available by mail order by visiting <https://special.usps.com/testkits>. Each address can place orders up to 3 times.

To find a COVID-19 vaccination site near you, visit vaccines.gov or text your zip code to 438829 or call 1-800-232-0233 to find locations near you.

Family Planning: Designation of Person in Parental Relationship

Some parents may want to make plans for their children’s care in case of detention. It is a smart idea to have a plan for your children. Having a plan may help reduce trauma in the event you are detained

Documents such as a copy of the childcare designation form, birth certificates, passports, social security cards, health care, medical, and benefit information should all be kept in one place.

In addition, parents can authorize a specific temporary caretaker for their children in case they are detained. They can do this by filling out Form OCFS 4940, “Parental Designation Form”, which is available through New York State Office of Child and Family Services (OCFS). Information about the form and a copy of it in English and Spanish is available here: <https://www.immigrantdefenseproject.org/wp-content/uploads/FAQ-Parental-Designation-Form-1.pdf>. This form can be signed and kept with other important documents and written so it goes into effect in the event of a parent’s detention. It allows a parent to designate an adult over 18 as a “person in parental relation” and empowers that person to make health and education decisions for the child for periods up to twelve months. You do not need to go to court to do this. It must be signed by the parents and the caretaker who will be appointed. It must also be notarized.

The 12-month period can be set to begin immediately, on a specific future date, or on a particular event. If you are filling this out in the case of your detention, we recommend the following answer to question 4d:

- **commencing upon:** the detention by Immigration and Customs Enforcement (ICE) of [name of parent(s)]
- **continuing until:** 12 months later, or the revocation.

Also, once the 12 months is over, the parent can always sign a new form for the next 12 months.

Both parents are required to sign the form if they are/were married and no court order exists regarding custody or if there is an existing order of joint custody. Otherwise, one parent can sign the form if the parents were never married or the parent has been granted sole custody. *A single parent who has not gotten legal custody in the United States may want to consider going to Family Court to obtain custody so they can make decisions for their child without limitation. However it is important to remember that parents seeking custody in court will be asked about past convictions and abuse or neglect charges.*

Form OCFS 4940 gives the caretaker these powers over health care and education:

- Review school, medical, and other records;
- Enroll in school;
- Excuse absences from school;
- Consent to participation in school program and/or school-sponsored activity;
- Consent to school-related medical care;
- Enroll in health plans;
- Consent to immunizations;
- Consent to general health care;
- Consent to medical procedures;
- Consent to dental care;
- Consent to developmental screening; and/or
- Consent to mental health examination and/or treatment.

The parent can remove any of these powers, but there are limits on what this form can do. This form does *not* allow the caretaker to consent to a “major medical treatment” (surgery) for the child, nor consent to international travel. The requirements for consenting to a child to travel internationally vary from country to country and airline to airline, and a separate document from both parents may be necessary.

Only one caretaker designation form can be in effect at once. If the parent signs two different forms, only the most recent form will be in effect.

Signing a childcare designation form does *not* limit the parent’s own powers of custody in any way.

The caretaker does NOT take on financial responsibility for the children by signing the form, and the caretaker’s income is NOT counted in determining whether the children may be eligible for / continue to receive public benefits. The children do NOT have to change schools to the area where the caretaker lives.

Before filling out this form, you should talk to the person you would like to appoint as caretaker and make sure they are able and willing to do this. You should also talk to your children about the plan if they are old enough to understand.

After you sign this form, you can always change your mind. You can always sign a new one with a new plan.



PART TWO: RAPID RESPONSE TO RAIDS

*Raid: We use “raid” to mean any U.S. Immigration and Customs Enforcement (ICE) arrest in the community, regardless of whether ICE is targeting one individual for arrest or whether they are questioning anyone in a given place. By calling either one a “raid,” we recognize the trauma that ICE actions inflict on not only an individual arrested but also to witnesses, family members and communities. We often use the term “raid” interchangeably with “arrest.”

A loved one was picked up by ICE. What do we do now?

First, report the raid!

Contact your local community organization if you have one and share the raid information. If you do not know of any organizations, you can report the raid to the Immigrant Defense Project (IDP) at 212-725-6422. Be ready to provide details about the raid. You can use the raids questionnaire in the appendix to prepare the information you will provide. Please be sure to provide where the raid happened, when, how many people were detained, ICE tactics, and any alarming details, for example NYPD was on the scene.

Second, retrieve your loved one's information.

Second, retrieve your loved one's information. It is important to have your loved one's complete name, date of birth, country of origin, and their A-Number if possible. An A-Number begins with an "A" and is followed by eight or nine digits. This is an identifying number issued by the Department of Homeland Security for anyone who has had contact with any immigration agency. The A-Number will allow you to follow up on your loved one's case and whereabouts.

Q: WHAT HAPPENS IMMEDIATELY AFTER ICE DETAINS MY LOVED ONE?

A: If ICE arrests your loved one, they will first be taken to an ICE office for processing and then to a jail where they will be detained. Families will often get a call from their loved one a few hours after the arrest. Families should ask for the **A-Number** during that call, which begins with an "A" and is followed by eight or nine digits. You should also get their full legal name (including how ICE has it), date of birth, and country of origin. Once the loved one is transferred to a detention center, you can find out where they are detained in the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>. It may take up to twenty-four hours for the loved one to appear in the locator. You will need their A-Number and country of origin or Full Name, Date of Birth, and Country of Origin to search on the ICE detainee locator. The locator will allow you to know where your loved one is being held.

Q: HOW DO WE KNOW WHEN THE FIRST COURT DATE WILL BE?


A: If your loved one does NOT have an order of removal, in most cases they will be placed in removal proceedings, which means they can fight their case in front of an immigration judge while detained. You can find out when and where the court date will be by calling the Executive Office for Immigration Review (EOIR) Automated System at 1-800-898-7180 or by visiting EOIR's automated website: <https://acis.eoir.justice.gov/en/>. Please have the A-Number and follow the instructions. You should be able to find out the time, place and date of your loved one's next court hearing. The EOIR automated system is not quickly updated, so there will be a delay before the information appears in the system. Every time the immigration judge provides your loved one with a new court date, it will appear in the EOIR automated system. You will also find the immigration judge's decision in this system related to the immigration court. Please note while your loved one has an open case with the immigration judge, ICE cannot deport them until the immigration judge issues an order of removal.

Q: HOW WILL THEY GET A LAWYER?

A: Most detained people are unrepresented, because the U.S. government does not provide an immigration lawyer, even if the person cannot afford one. In New York, some detained non-citizens will be appointed an immigration attorney through the New York Immigrant Family Unity Project (NYIFUP) after their first court date but before their second court date. This program provides a free attorney to individuals who are detained and do NOT have a prior order of removal (see the information sheet on NYIFUP included on page 27). **Important: if you hire a private attorney before the first court date, you will be disqualified from NYIFUP**, even if you cannot afford to pay that attorney in the future

Q. SHOULD WE TALK TO AN IMMIGRATION ATTORNEY NOW?

A: If a loved one has an order of removal you should consult with an immigration attorney right away. It is important to determine whether the loved one already has a prior order of deportation because they will be at imminent risk of deportation and might need immediate attorney intervention.

 **NOTE:** * If a loved one is being transferred to a detention facility outside of New York or New Jersey, or if they entered through the visa waiver program (which allows some people to enter the United States lawfully without a visa) they should also consult an immigration attorney quickly.*

Q: HOW DO I KNOW IF MY LOVED ONE HAS AN ORDER OF REMOVAL?

A: It is possible that the EOIR automated system says that an immigration judge issued an order of removal for your loved one in the past. Your loved one might have missed their court hearing or an immigration judge might have already denied them relief, which results in an order of removal. If they do not appear in the system, it is also possible that your loved one already has a prior order of removal issued by Customs and Border Patrol or by ICE. If your loved one has a prior order of removal, it means their case is closed and they will not get a new court hearing to see an immigration judge while detained. This also means they can be deported immediately without having to see an immigration judge. If your loved one is afraid of being deported to their country of origin they must express that fear to ICE and should also consult with an immigration attorney fast to understand their options for reopening their immigration case.

Q: HOW LONG WILL THEY BE DETAINED?

A: If a loved one qualifies for a way to legally stop the deportation in court, they may be detained for many months and sometimes years, all while fighting their case. Under immigration law, some people qualify for a “bond hearing” within the first few months to try and fight their case from the outside while other people are not eligible. Even with a “bond hearing” many people will not be released or they may not be able to afford the bond amount set. Families should make financial plans in order to have money ready for bond and support themselves, for a potentially long period of time, without their loved one’s income.

Q: HOW CAN I VISIT THEM AND SEND THEM MONEY?

Each jail has different rules. Specific updated information can be found here: <https://www.ice.gov/detention-facilities>. In the following page you can find information for the most common detention centers.

Q: CAN WE PREPARE NOW WHILE WAITING FOR COURT?

Yes. There are documents that the family can start to collect that may help. In addition, if the loved one had an ongoing obligation to report (maybe to criminal court to pay a fee, probation, a rehabilitative program, etc.), it is important to let the point of contact for that reporting know that your loved one is detained. This can be a long to do list– and a great way for organizers or community members to support the family through this process.



VISITING A LOVED ONE IN DETENTION

Community members arrested by ICE in the greater New York City area and Long Island were historically most often detained at jails and detention centers in New York and New Jersey. However, following jail closures, state legislation, and changes in ICE practices and contracts, detained immigrant New Yorkers are now often transferred out of state, although some continue to be detained locally as of the date of publication of this manual. With ICE detention locations constantly changing, it is always important to find out current practices and check the ICE locator. To learn about visitation, commissary, and mail, you should call the facility where your loved one is held to ask for this information, as policies and practices vary.

General Information

- Jails and detention centers are often too difficult to access by public transportation. It is important to plan ahead and find out how to best travel there. If driving, each facility listed has free parking at the facility and you can ask when you arrive where to park.
- Cell phones or electronic devices are not permitted. No knives or tools. You cannot bring any items into your visit, including money.
- Dress code: No tights or shorts more than 4 inches above the knee, no sleeveless shirts, no bare shoulders, no low neckline, and no flip flops.
- Visitors are subject to search, scanned through metal detector.
- People who are undocumented often visit their loved ones in detention centers without any issues. Technically, the immigration status of

visitors should not be flagged. That said, it is important to review each facility’s requirements for identification and whether background checks are required. You should be careful about disclosing any information that is not required. In general, Orange County Jail and Essex County Correctional Facility (all government operated) are safer to visit than the Elizabeth Detention Center (a private facility).

- If you are worried that an issue with your own case puts you at risk by going to visit, you should consult an immigration attorney.
- If you have a warrant for arrest for an ongoing criminal case, you should reconsider or talk with your attorney.



Requirements by Detention Center

Orange County Jail

Phone number: 845-291-7715 (Visitation) and 845-291-4033 (Sheriff’s Office)

Address:110 Wells Farm Road, Goshen, NY, 1092

Visitation days: Thursday through Monday. Visiting is closed on Tuesdays, Wednesdays, and legal holidays. Throughout the visiting days there are four sessions for visitation, two in the morning and two in the afternoon. You must pre schedule your visit.

*Please visit the jail’s website for most up to date information on visitation at <https://www.orangecountygov.com/>. Once you are on the website look for more information on the Sheriff’s Office which will lead you to the jail’s website.

Visitation Times:

- Session 1: Check In 7-7:30am, Visit 8-9am
- Session 2: Check In 8:15-8:45am, Visit 9:20 - 10:20am
- Session 3: Check In 11-11:30am Visit 11:50am -12:50pm
- Session 4: Check In 12:15-12:45pm Visit 1:10- 2:10pm

To schedule a visit in advance: Call the Sheriff’s Office at 845-291-4033 or visit <https://ocjailvisit.orangecountygov.com/app> one day before, up to 7 days before. Check in at least 50 minutes before your visit.

ID requirements: Passport or License
Important: Visits are 1 hour max. Limit of 3 people per visit. Visitors may only attend 1 visiting session per day. Person detained may only attend 2 sessions per day. Visiting sessions are limited to 50 minutes.

Children under 18 must be accompanied by an adult guardian and must bring their either proof of legal guardianship and an original or certified copy of birth certificate. If the person accompanying them is not their legal guardian, they must have a notarized letter stating that the minor’s legal guardian has authorized them to bring the minor to the facility.

Elizabeth Detention Center

*Note that this is a private prison run by CCA/ CoreCivic

Phone number: 908-282-5700 (8am-4pm)

Visitation hours: Mon-Fri. 5-10pm and Sat/Sun/ Holiday 9am-5pm

ID requirements: Non- Expired Foreign Passport, License, or Green Card

Important: Contact visits are limited to 30 minutes. You will not be asked what your immigration status is or to provide proof of status. However, as you must present an ID present ID, it is possible the information will be recorded in CCA’s system. We cannot be sure how that information is used or stored. We do know that undocumented family members regularly visit their loved ones at Elizabeth.

Sending Mail

To send mail, use the addresses listed in the table above. Make sure that the letter includes the detained person’s name as ICE has it and the last four digits of their A number. The letter must also include your name and address. Packages can only contain items needed for release or travel. Contents

of letters and packages are subject to screening for contraband. To request permission to send a package call:
Orange County Jail, 212-863-3401 (ICE Field Office)
Elizabeth Detention Center: 908-659-3104

Sending an Urgent Message

Call the number listed for the facility below and leave the detained person’s full name, A number, and your name and telephone number where you can be reached:
Orange County Jail: 212-863-3401
Elizabeth Detention Center: 908-282-5700

Sending Money

You can deposit money to a loved ones commissary account through the <https://www.gettingout.com/> system. You will need to create an account and have a debit or credit card available to make a deposit. You can use the application on your phone or a desktop. You can also deposit money in person at the main lobby. The jail only accepts cash in the exact amount. They will not give you change. You can no longer call to deposit money into your loved one’s commissary.



NEW YORK IMMIGRANT FAMILY UNITY PROJECT (NYIFUP)

WHAT IS NYIFUP?

A program funded by New York City to provide high-quality, experienced lawyers for free to immigrant New Yorkers detained by U.S. Immigration and Customs Enforcement (ICE).

WHO EXACTLY CAN GET A LAWYER THROUGH NYIFUP ?

To be eligible for a NYIFUP lawyer, a detained person must:

- Be a New York City resident and have their first immigration court hearing scheduled to take place at 201 Varick Street;
- Be below 200% of the federal poverty guidelines;
- Have NO prior order of removal;
 - *Note: anyone who has ever been detained by immigration should speak to a lawyer; they may have a prior order of deportation and not know it!
- Not have hired a private lawyer to represent them before their first court date.

HOW CAN A DETAINED PERSON SPEAK TO A NYIFUP LAWYER?

- A NYIFUP lawyer will contact the detained person after their first court hearing, but before the second court hearing, to complete an intake.
- We know that it can be very worrisome for your loved one not to have legal representation at their first hearing. Please inform your loved one that they can and should ask the immigration judge for more time to find an attorney during



their first court hearing. The immigration judge will typically set the next hearing date for two weeks from the first hearing, which gives the NYIFUP lawyer time to contact with your loved one and confirm representation.

WHAT IF SOMEONE DOES NOT QUALIFY FOR A NYIFUP ATTORNEY?

- If your loved one is ineligible for a NYIFUP lawyer because they have a removal order, the attorney will most likely refer your loved one to the Rapid Response Legal Collaborative (RRLC). The RRLC provides screenings for all individuals that have orders of removal and are at imminent risk of deportation. Unfortunately, a screening does not guarantee a free immigration attorney so you should continue to look for legal help until you receive confirmation.

- If your loved one is unable to obtain a free immigration lawyer from an organization, they should make sure to ask the Immigration Judge for another court date to give them a chance to find an immigration lawyer. They will continue to be detained until their next court date.

Documents to Start Collecting

In New York City, people who are detained by ICE currently wait approximately two to three weeks before they see an immigration judge for the first time. During that time, you can support your detained loved one by starting to collect the documents that they may need for their deportation case. Keep these documents safe and give them directly to your loved one and/or their immigration attorney. Do NOT give these documents directly to ICE. For an idea of what documents to collect on their behalf, see Appendix C.

What Happens if there is a Final Order of Removal?

HOW DO YOU KNOW IF YOUR LOVED ONE HAS A FINAL ORDER OF REMOVAL?

If you believe your loved one has a final order of removal, you should call the EOIR Automated system 1-800-898-7180 or visit EOIR's automated website: <https://acis.eoir.justice.gov/en/> and input their A# information (immigration identification number) to see if an Immigration Judge issued an order of removal. Not everyone who has a final order of removal will show up in the EOIR system. Here are some other ways to figure out if someone has final order of removal:

- If your loved one was stopped at the border and they were told they could not come back and consequently deported, it's possible that they have an expedited order of removal. Individuals who receive an expedited order of removal at

the border do not get an opportunity to see an immigration judge, which is why the order does not show up in the system.

- If your loved one went to Immigration Court, accepted voluntary departure but never left, they probably have an order of removal.
- If your loved one was convicted of a serious felony, ICE might have issued an administrative order of removal without notifying your loved one. If ICE issues an administrative order of removal for your loved one, he or she will not have the opportunity to see an immigration judge, which is why the order will not show up on the EOIR system.

HOW FAST CAN MY LOVED ONE BE DEPORTED IF THEY HAVE A FINAL ORDER OF DEPORTATION?

- When someone has a final order of deportation, they can be deported immediately without ever seeing an immigration judge. Consult an immigration attorney right away.
- If your loved one is afraid to return to their country of origin, they should immediately let their deportation officer know and request a reasonable fear interview. They have the right to ask for more time to speak to an attorney before the reasonable fear interview takes place.
- One resource for people with final orders of removal is the Rapid Response Legal Collaborative (RRLC). The RRLC provides screenings for individuals that have orders of removal and are at imminent risk of deportation. While a screening does not guarantee a free immigration attorney, contact the RRLC through this form: <https://airtable.com/shrjW9kZFQIjdEJtl>. The form should be filled out only for people who already have a final order of removal.



PART THREE:

DEPORTATION

DEFENSE

Deportation Basics

Who makes up the immigration system in the U.S.?

The Department of Homeland Security (DHS) is an agency that reports to the President. It was created in 2002 by President George W. Bush II as part of the “War on Terror” and replaced the now dissolved Immigration and Naturalization Service (INS). DHS is divided into three separate parts:

1. U.S. Immigration and Customs Enforcement (ICE) can enforce immigration laws throughout the USA. ICE is the policing arm of DHS. ICE can...
 - Detain people
 - Bring deportation proceedings against them
 - Deport people who do not have the right to see an Immigration Judge
 - Deport people who have been ordered deported by an Immigration Judge
 - Supervise people by requiring them to attend regular appointments and comply with other onerous conditions such as wearing ankle monitors
2. U.S. Customs and Border Protection (CBP) can enforce immigration laws within 100 miles of any land or sea border. CBP can...
 - Detain people
 - Deport people who do not have a right to see an immigration judge
 - Send people’s information to ICE to start a deportation proceeding

3. U.S. Citizenship and Immigration Services (USCIS) processes applications for immigration benefits. In terms of enforcement, USCIS can...
 - In certain circumstances, send a person’s information to ICE to start a deportation proceeding against them



Who can these agencies try to deport?

Anyone who is “removable” under the Immigration and Nationality Act (INA) - the federal immigration laws. This includes:

- Undocumented people - both (1) individuals who entered unlawfully over a border or on a boat and do not have lawful status & (2) individuals who entered lawfully on a visa and overstayed the time the border official allowed them to stay in the US or violated the terms of their visa in another way;
- Documented non-citizens (including lawful permanent residents or “green card holders”) who have been convicted of certain crimes, committed certain types of fraud, or violated the terms of their status;

👉 Note: Citizens CANNOT be deported. However, if the government finds that someone obtained citizenship through fraud, they can try to take away their United States citizenship.

What’s the difference between being removable and being a priority for deportation?

- Someone is “removable” if immigration can deport them under the law.
- Since immigration does not have the resources to deport all removable people, sometimes they focus on certain people, who are considered “priorities” for enforcement.
 - Under the Biden administration, priorities for enforcement generally fall into three groups: people defined by DHS to be “national security threats,” people defined by DHS to be “border security threats” for having entered after November 1, 2020, and people defined by DHS to be “public safety” threats based on a biased and racist criminal legal system. While the Biden Administration updates these guidelines periodically, the most recent example can be found here: <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>

How does ICE find people?

- ICE can find people in various ways. Some common ways are:
- Fingerprints taken by local or state police after arrest
 - Filing an application with USCIS in some circumstances
 - Travel (reentering the U.S.)
 - Using data and technology to increase surveillance

What happens if someone is arrested by CBP/ICE?

ICE often detains people after they are transferred into ICE custody from criminal custody. In some situations, ICE also conducts arrests in the community, which more commonly take place at a person’s home, on the street, on public roads, or in

workplaces, among other locations. Sometimes they try to come in by pretending to be the police among other tricks they use to gain entry into a person’s home. Other times they wait outside of the home or follow people to work.

Who can be deported without ever seeing an Immigration Judge?

- People who already have a deportation order, including because:
 - An immigration judge ordered them deported and they either did not appeal or they lost their appeal
 - § If someone did not go to immigration court when they were supposed to, they probably were ordered deported in their absence
 - They were ordered deported by other immigration officials in the past
- Undocumented people with certain criminal convictions called “aggravated felonies”
- Undocumented people who have been in the U.S. for less than 2 weeks and are arrested within 100 miles of the border.
- People who entered the U.S. under the Visa Waiver Program and have overstayed or violated the terms of their visa.

What happens to the people who have a right to see an Immigration Judge?

- ICE will bring charges against them, and start deportation proceedings, which can last for months or even years
- ICE can choose to detain someone while the deportation proceedings are pending, or release them to continue fighting against their deportation from the outside

Can people be released while they are fighting their case in court?

- Some people may be eligible for bond (money paid to ICE for release) and some people may not. This depends on a number of factors, including how someone entered the country, where they are detained, and whether they have certain types of convictions.
 - Mandatory detention is the practice of incarcerating immigrants during the entire time their immigration case is ongoing, with no chance at bond. This applies to certain categories of people, and has increased along with the growth of mass incarceration generally. About 70% of immigrants who are detained are *mandatorily detained*.
- **If** eligible for bond, a person may be able to ask for a bond hearing in front of an Immigration Judge within a few weeks, whereas others may not be allowed to ask for a hearing for many months. Each case is different.
- If the judge grants bond, a specific amount of money will be set and must be paid in order for the person to be released.

What happens during removal proceedings before the Immigration Court?

- Immigration Judges oversee these hearings. They are employees of the Department of Justice—so they report to the Attorney General and the President.
- ICE will be represented by an ICE attorney, but the federal government does not give lawyers to immigrants who cannot afford them.
 - Some people who are detained and have immigration court in New York City will qualify for a free lawyer through the New York Immigrant Family Unity Project (NYIFUP).
- The ICE attorney first needs to prove that the immigrant is removable by proving that the person is not a U.S. citizen, among other requirements. This will usually happen during short hearings called “master calendar hearings.”
- If the judge agrees that the immigrant is removable, the immigrant has the chance to present all of their *defenses* to removal, or reasons why they should be allowed to stay in the US. There are different kinds of defenses under the law, each with its own set of requirements. If an immigrant applies for a form of legal status, they will present their arguments to the judge on why it should be granted during a hearing known as an “individual hearing.”
- People who do not want to fight their case, or do not qualify for a defense, **might** be eligible for voluntary departure rather than a deportation order.
 - In some cases, voluntary departure can reduce the amount of time someone is not allowed back into the country; however, a person must have a passport and pay for their own flight out of the United States.
 - If a person wants and qualifies for voluntary departure, they can ask to have their first court hearing sooner.
- If an immigration judge denies the immigrant’s defense or request for voluntary departure, or if the immigrant does not come to court or does not leave the US after getting voluntary departure, the immigrant will get a deportation order.
- Furthermore, if the person in removal proceedings does not appear in immigration court, they can be ordered removed “*in absentia*”. For this reason it is always important to go to immigration court, even if you do not yet have a lawyer.

What happens if the Immigration Judge orders the person deported?

- Unless he or she waives the right to appeal, the immigrant will have 30 days to appeal the decision to the Board of Immigration Appeals.
 - If they do not appeal in time, ICE can deport the person.
 - If they do not appeal or lose that appeal, ICE can then deport the person. If the immigrant is detained, ICE will start that process, although in certain circumstances they will release that person under supervision. If the person is outside of detention, sometimes ICE sends a letter telling the immigrant to show up for deportation; but they can also come to someone’s home to take them into custody and deport them.
- People can ask ICE to let them stay, even though they have a deportation order. In some cases, there are ways to reopen the deportation case so that the immigrant can go back in front of an Immigration Judge.
- Note: A person who re enters the country without permission, after being ordered deported, can be prosecuted for a felony crime. They also are permanently barred from receiving lawful permanent residency through an employer or a family member.



Defending Our Communities: Community Support, Organizing and Escalation

Although legal strategies are key in fighting deportation, community support and organizing is critical to keep our communities safe from deportation. Communities can organize themselves by launching strategic campaigns, creating pressure on Immigration and Customs Enforcement (ICE) and other governmental agencies, and using social media or other media to uplift their stories.



Community Fundraising

In the event of an U.S. Immigration and Customs Enforcement (ICE) raid, a person may have little time to make financial arrangements, and may need to raise money quickly. Learn what to be prepared for, and how to raise money!

- **Amount of bond:** Only some people are eligible to apply for release on bond. If a judge sets bond, the minimum amount they may set is \$1,500 but a person with criminal convictions or past immigration violations will likely have to pay more. The actual bond can depend on a lot of factors, but we have seen bonds be set from \$5,000 - \$20,000 depending on the case. The person who goes to ICE to pay the bond must be a U.S. citizen or green card holder. Once bond is paid, it will not be repaid until the person either wins their case or is deported and is repaid directly to the person who posted bond, not the immigrant (so make sure you trust them!). *Envision Freedom Fund is a local organization that provides support with bond payments. For more information please visit: <https://envisionfreedom.org>.*
- **Loss of income:** Even if someone can request bond, their request may still be denied by the immigration judge. In New York, some individuals, such as those with a prior order of deportation or with certain criminal convictions,

may not be eligible for bond for at least 5 to 6 months. During this time, the family will need to depend on savings or alternate arrangements to make up for the loss in income.

- **Wages:** They are entitled to all wages already earned! Notify the detained person's employer about where to send their last check. Ideally, it is sent to a loved one with a power of attorney. Otherwise, it can go to the person in detention, but they cannot cash it; it will be given to them either upon release or deportation.

HOW DO WE RAISE MONEY AS PART OF DEPORTATION DEFENSE?

- **Fundraisers:** Parties, yard sales, community potlucks, help raise funds for defense work and also serve as spaces where community members can share space and feel safe.
- **Crowdfunding:** Crowdfunding sites like GoFundMe can be used to help raise bonds. Crowdfunding means using an online platform to get money via donations by sharing your own or someone else's story or cause. For example, if you need to get a bond for a loved one, you can use one of these platforms to get community members or allies to help support you financially. This can also be used in addition to a fundraiser or events.
 - Note that sometimes there are restrictions and GoFundMe does deduct a fee once the money is raised.

Campaign Plan

CAMPAIGN STRATEGIES CAN LOOK LIKE:

- Community calls to the Deportation Officer to ask that they grant a Stay of Removal
- Petitions to the head of the U.S. Immigration and Customs Enforcement (ICE)'s Enforcement and Removal Operations (ERO). In New York, the ERO head is currently Thomas Decker.
- Different actions whether online or in person.
- Influx of calls made daily to deportation officers.

Impacted individuals must decide the best course of action for their case. They must provide approval if they want their campaign to go public. Any campaign strategy must be consulted with their immigration attorney to make sure everything is okay.

CREATE AN ORGANIZING STRATEGY

When you take on someone's case you must be clear on what the demands are and what is the moral crisis. Why is this particular case important to highlight? Not every case will be granted a stay of removal, not every person qualifies for relief, but we know that our people do not belong in detention centers and so we tap into community power for the liberation of our people. This is not a legal strategy, meaning that an immigration lawyer should not be running a campaign plan but be working alongside someone who can. Is the person detained part of an organization, and do they have community support? Can people be mobilized? If so, reach out to that organization and ask for support.

BUILD A CAMPAIGN PLAN

First you must gather all the details of the person you are working with and check if they have any previous records. If the impacted individual authorizes the attorney to share information with community organizers, they can work in

collaboration with the immigration lawyer that represents the person detained.

UNDERSTAND THE TIMELINE

How long has this person been detained? Are they about to be detained? Is there enough time to create pressure on their case, can an effective campaign be drafted? Is there an immediate need that asks for quick escalation? These questions can help you create a plan of action.

Media Plan

SHOULD WE GO TO THE PRESS?

Going to the press can be a powerful tool for organizing but can also pose challenges and come with risks. Is it important to think carefully with the community member and their family--as well as the organizer and lawyer, if applicable--about what is best for them.

DISCUSSING THE RISKS

- Sharing personal information about a case may be risky as it can be used against them later on (for example, information about their immigration, including something as simple as admitting that they were born in another country, or criminal history), so it's important to be thoughtful about what is shared.
- ICE could choose to respond publicly about a case in the press - this means being prepared for the possibility that information not shared by us in the media could come out publicly from ICE.

GETTING CONSENT

It is important to have consent from the affected community member about what you will share in the press so that it is their decision and so they feel comfortable with the message. If they are detained,

you can visit them to have this conversation and get approval. Once you agree with them on the message and talking points, it is important that their “inner circle” all be on the same page - such as their family and community members, who may also wish to or be asked to talk to the press.

TIMING

Based on the level of urgency, timing is important. If someone has a hearing in three months, it gives time to create petitions, videos, and push allies to support. If someone is about to be deported the following day, there is not much time to create all these things. The shorter the time span, the more rapid the likely level of escalation. Generating calls to detention officers is one of the most effective ways to get ICE to know community members are aware a member is detained and takes very little planning. This is an example of a strategy when there is very little time.



DECIDE ON THE TYPE OF CAMPAIGN

- **Fully Public (Online & Local TV): Person / family is** willing to have photos of themselves and their loved ones on TV and social media, including information about the case. News articles can be drafted, petitions will be shared on social media. Politicians can be contacted to draft letters of support or share petitions. This creates high level visibility, and the family and person affected should speak with both a lawyer and organizer on messaging.
- **Public/Private (Online & DHS Outreach):** Person / family is willing to share petitions online with a photo, but will not go on television or have any of their family members be interviewed. Their story can be broadcast on social media via infographics, etc. An immigration attorney and organizer would be contacting the Department of Homeland Security (DHS) or the local ICE office for discretion on case. For example, a letter is drafted to the Secretary of DHS, calls are generated to local ICE office. This creates a medium-level visibility; family and the person affected should speak with lawyer and organizer on messaging. Note: putting things on line does make it possible that a reporter or news outlet will take notice and try to write an article about it, which could include asking DHS/ICE for more information about the case. Targeting elected officials to show support for a particular case can help or reaching out to embassies to prevent them from giving out the person's passport.
- **Fully Private (DHS/ICE Outreach or Legal Action):** No social media is shared in this case, and no photos are distributed. Lawyers are pushing for relief and the organizer is drafting letters to the ICE field director and DHS for discretion. Internal campaign with no visibility for persons affected.

WORKING ONLY WITH TRUSTED SOURCES

Do not share your story with any reporters that you do not know or cannot verify (this is usually easy with a simple Google search), or with reporters that do not come with verified media outlets. Telemundo, Univision, CNN, NBC, are examples of reputable TV sources. Telesur, The Guardian, Al Jazeera, NPR, are other media platforms that are also reputable. Always ask for information to research the reporter and media outlet before sharing important information. And be sure to talk to your lawyer before you talk to any media outlets.

Example of messaging: For examples of messaging and petitions from past campaigns, check out Make the Road NY's past examples on **Appendix E**.

To Do list When Creating an Organizing & Media Plan:

- Petitions should be drafted and ready to circulate if a person gave consent to a public case.
- Letters to DHS and ICE must be drafted and reviewed by a lawyer.
- Photos are essential to show who the person is, there is also a better public response when there is face to a case. If the person is detained and there are no pictures, artwork can be powerful to highlight that. Look into volunteers who can help create a video of a case to share, more visibility, more power to the case.
- Having community support, people power gets our people free. Be ready to mobilize large contingents in case there is need.
- Understand that some levels of escalation can get community members arrested, always put your safety and that of the participants first. Do not engage in any arrestable actions if you are not a U.S. citizen.

Create a timeline of what your campaign plan looks like and execute, note what worked and what could improve! Remember above all the community has the power.



APPENDIX



To report raids, call:

United We Dream (if outside NYC) 1-844-363-1423

Immigrant Defense Project (if in NYC)
212-725-6422

APPENDIX A

KNOW YOUR RIGHTS - CARD

*Read the following instructions

If a U.S. Immigration and Customs Enforcement (ICE) agent frisks you on the street or in another public place:

Ask “Am I free to leave?” ICE is not allowed to keep asking you questions without reason. Before giving them your name or any information, ask if you are free to go. If they say "yes," stay away from the place. If they say "no" tell them you do not want to answer any questions and you want to talk to a lawyer.

NO AUTHORIZATION REQUIREMENTS. If ICE is searching you or your belongings, say "I do not agree to this search."

DO NOT RUN. If you run, ICE may go after you.

Cut out the dotted line of this card. The card can be delivered to any ICE agent you meet to let them know that you do not want to answer questions.

.....

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

APPENDIX B

IMMIGRATION RAIDS - KNOW YOUR RIGHTS

*Read the following instructions

In any encounter with U.S. Immigration and Customs Enforcement (ICE):

If you are arrested by ICE, **YOU MUST ONLY TELL YOUR LEGAL NAME.** Be sure NOT to give any other information. Everything you tell them can be used against you before the court.

DO NOT RESIST THE ARREST. Even if ICE is holding you unfairly, do not resist arrest.

DO NOT LIE OR SHOW FALSE DOCUMENTS. Lying to ICE in any instance will complicate your immigration case.

DO NOT SIGN. ICE agents can tell you that you have to sign some documents. That is not true. Do not sign anything without consulting a lawyer.

Cut out the dotted line of this card. The card can be delivered to any ICE agent you meet to let them know that you do not want to answer questions.

.....

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.



To report raids, call:

(if outside NYC) 1-844-363-1423

Immigrant Defense Project (if in NYC)
212-725-6422

APPENDIX C

FAMILY PREPAREDNESS CHECKLIST

The following pages will help you organize all the necessary information in case of an emergency. Please, be sure to be as detailed as possible.

PERSONAL

Full name: _____

Date of Birth: _____

Address: _____

Phone: _____

Employer: _____

Employer Phone: _____

HEALTH

Doctor’s name: _____

Doctor’s Phone number: _____

Doctor’s address: _____

Allergies: _____

Medicaid information: _____

Additional information (i.e. _____

SPOUSE (IF APPLICABLE)

Full name: _____

Date of Birth: _____

Address: _____

Phone: _____

Employer: _____

Employer Phone: _____

HEALTH

Doctor’s name:

Doctor’s Phone number:

Doctor’s address:

Allergies:

Medicaid information:

Additional information (i.e. criminal history, etc...)

CHILD(REN)

Full name:

Phone (if applicable):

Social Security (if applicable):

CHILD SCHOOL

Name:

Address:

School Phone:

Name of Teacher:

Additional information: (i.e. extracurricular activities/programs, etc...)

CHILD HEALTH

Doctor’s name:

Doctor’s Phone number:

Doctor’s address:

Allergies:

Medicaid information:

Additional information (i.e. criminal history, etc...)

CHILD #2

Full name:

Phone (if applicable):

Social Security (if applicable):

CHILD #2 SCHOOL

Name:

Address:

School Phone:

Name of Teacher:

Additional information: (i.e. extracurricular activities/programs, etc...)

CHILD #2 HEALTH

Doctor’s name:

Doctor’s Phone number:

Doctor’s address:

Allergies:

Medicaid information:

Additional information (i.e. criminal history, etc...)

CHILD #3

Full name:

Phone (if applicable):

Social Security (if applicable):

CHILD #3 SCHOOL

Name:

Address:

School Phone:

Name of Teacher:

Additional information: (i.e. extracurricular activities/programs, etc...)

CHILD #3 HEALTH

Doctor’s name:

Doctor’s Phone number:

Doctor’s address:

Allergies:

Medicaid information:

Additional information (i.e. criminal history, etc...)

EMERGENCY CONTACT (INDIVIDUAL WHO WILL BE RESPONSIBLE TO TAKE CARE OF YOUR FAMILY)

Full name:

Relationship:

Phone:

Email (if applicable):

Address:

This person has my basic information (full name, date of birth, etc...)
This person has the temporary guardianship form
This person knows where I have saved my documents

FINANCES

I have the following goods (Check what applies):

☐ **Bank account**
If so, name of bank: _____

Note: Might be worth sharing your account number with the person you’ve assigned to manage your finances.

☐ **Lease**
There’s a copy of the lease with my other documents

Yes / No

I have asked my landlord if someone else can take over my lease

Yes / No

a. If yes, who will it be? _____

☐ **Car**
There’s copy of all the important documents regarding my vehicle with my other documents (i.e. insurance policy, registration, etc…)

Yes / No

☐ **House**
There’s copy of all the important documents regarding my property with my other documents (i.e. act of sale, mortgage, etc…)

Yes / No

☐ **Business**
There’s copy of all the important documents regarding my business with my other documents

Yes / No

I have talked to my lawyer about the future of my business

Yes / No

a. If yes, name of lawyer: _____
Phone: _____

This person has my basic information (full name, date of birth, etc…)

Yes / No

This person has the temporary guardianship form

Yes / No

This person knows where I have saved my documents

Yes / No

EMERGENCY CONTACT (INDIVIDUAL WHO WILL BE RESPONSIBLE TO

Full name: _____

Relationship: _____

Phone: _____

Email (if applicable): _____

Address: _____

This person has my basic information (full name, date of birth, etc…)

Yes / No

This person has a power of attorney to manage my finances

Yes / No

This person knows where I have saved my documents

Yes / No

FAMILY PREPAREDNESS CHECKLIST

Each family situation and deportation case will require different documents, but the following is a non-exhaustive list of some basic documents that are likely to be helpful. In general, you should not give any documents to ICE without first consulting with an attorney.

CRIMINAL:

- ☐ If applicable, a Certificate of Disposition for EACH time you were arrested[1]
- ☐ If applicable, proof of your assistance in investigating a crime when you, your child, or spouse was the victim (e.g. police report, order of protection, etc.)

IMMIGRATION:

- ☐ If applicable, proof that you have an application currently pending with immigration
- ☐ If applicable, proof of work authorization
- ☐ If applicable, proof of immigration status (e.g., asylee, U Nonimmigrant Status, lawful permanent residency, etc.)

FAMILY MEMBERS:

- ☐ If applicable, your family members’ proof of U.S. citizenship (U.S. birth certificate, U.S. passport, or naturalization certificate)
- ☐ If applicable, your family members’ proof of lawful immigration status (e.g. asylee, U Nonimmigrant Status, lawful permanent residency, etc.)
- ☐ Proof of relationship between you and your family members (e.g. birth certificates and/or marriage certificates)

MEDICAL (mental and physical):

- ☐ If applicable, proof of any special medical issues that you have
- ☐ If applicable, proof of any special medical issues that your family members have

REHABILITATION:

- ☐ If applicable, proof that you have successfully completed any rehabilitation programs (e.g. alcohol, drugs, violence, etc.)

[1] If the arrest was in NYC, you will need to go to the criminal court for each case, bring identification, pay \$10, and ask for the “Certificate of Disposition” (COD). If someone else is collecting a certificate of disposition on your behalf and the record has been sealed, the court will not provide them a COD without a notarized authorization from you.

COMMUNITY CONNECTIONS/SUPPORT:

- If your loved one has been detained, names and phone numbers of people (family, friends, community organizations or faith-based groups) who might be willing to write letters of support
- If applicable, proof of education in the U.S.
- If applicable, proof of participation in community organizations or faith-based groups
- If applicable, proof of consistent employment
- If applicable, lease
- If applicable, copies of important documents regarding your vehicle (e.g. insurance policy)
- If applicable, copies of important documents relating to purchase of your home
- If applicable, copies of important documents regarding your business

DANGER IN HOME COUNTRY:

- If applicable, newspaper articles, reports, or photos demonstrating why you would face harm if you were forced to return to the country where you were born

OTHER: The following documents might not be used in a deportation case, but are worth saving in a safe place in case you need them for other reasons.

- Passport
- Birth certificate
- If applicable, social security card
- If applicable, proof of ITIN
- If applicable, completed designation of person in parental relationship form
- Authorization for release of health information pursuant to HIPAA
- Power of attorney for the person responsible for managing your finances

APPENDIX D

RAIDS -NOTES: DOCUMENT WHAT ICE DID !

If you have confirmed an U.S. Immigration & Customs Enforcement (ICE) raid in New York, complete this intake and share the information with the Immigrant Defense Project by calling them at (212) 725-6422

BASICS

Date: _____

Time of day: _____

Type of raid (home, street, workplace, etc.): _____

Location and zip code of raid: _____

How was ICE dressed? _____

How many agents? _____

Did the agents have their guns drawn or weapons visible? _____

What language did they speak? _____

IF HOME RAID:

How did ICE make its presence known? (ie. Banging, yelling “police!”) _____

Who answered the door (if answered)? _____

What happened at the door? _____

Did ICE use a trick to get in? _____

Did ICE use physical force to enter? _____

If so, explain: _____

If ICE entered the home, how did they get inside? _____

What happened once ICE was inside the home? _____

How did they respond to any medical or childcare issues? _____

IF ON THE STREET, OUTSIDE OF COURT, AT WORK, OR ELSEWHERE:

How did ICE locate the person?
What were they doing when ICE approached them?
What happened?

APPENDIX E

SAMPLE CAMPAIGN MESSAGING

Sample 1.



Sample 2.



Sample 3.



APPENDIX F

CREATE DEFENSE COMMITTEES

What is a Defense Committee?


A defense committee is an alternative to a racist system where undocumented, Black and people of color are often persecuted to the point of massive incarceration, detention and deportation and creates an alternative for community members to protect and defend each other.

This is an alternative that aims to provide protection and support to immigrant communities that have continuously been under attack. Entities such as the Police and la Migra (officially, U.S. Immigration and Customs Enforcement (ICE)) have benefited from the isolation and fear instilled by their actions in our communities. Therefore, the time is now to be intentional and build safer spaces with our neighbors, to fight together with the system and find solutions as a community.

The defense committee is composed of a group of people who are living within the same geographical area, and host community meetings to inform and educate each other about their rights, develop a plan of action in case there is strange ICE and/or police activity. The members of the committee are connected by a safe network of group messaging, such as “Whatsapp” or “Signal,” to exchange information and to set up plans for immediate response. Furthermore, the Defense committee could be the place where community members find safety and support. They can come up with creative solutions in case la Migra knocks on your door, support a person if they are detained and by going to their first court appearance, or creating a fundraiser. Above all, the goal is to respond quickly, fight back as a community and provide a network of support where we can rely on each other and defend our families and neighbors.

- Priorities:**
- Educate the community about their rights when interacting with ICE.
 - Take action to protect our community and defend our rights.
 - Respond quickly to situations such as raids.
 - Provide support for community members in the aftermath of a raid
 - Create alternative systems of safety that don’t include law enforcement.
- Structure:**
1. Invite neighbors, friends or relatives who live near your home to a community meeting
 2. Review your rights as a collective. Teams can use the defense manual or obtain information from other organizations.
 3. Create a messaging group to remain connected and informed. You can use “WhatsApp” or “Signal”
 4. Create a plan to be ready to respond in case ICE arrives at your block or neighborhood.
 - This includes identifying schedules in which some people can walk around the neighborhood and observe neighborhood police and/or ICE activity.
 - Create a list of what that the group needs in terms of materials, resources and who to reach out for broader support.
 5. Be ready to support and defend themselves and the community.

It’s encouraged to think about the purpose of the meeting and prepare for it well in advance. Preparation will force you to think about the location of the meeting, food cost and topics of discussion. Once the location has been determined, take note of the amount of participants the space will be able to accommodate. Upon attendees’ confirmation, encourage your group to bring a snack item. If your group prefers to have a home cooked meal, then ask participants to contribute with the cost of the groceries. It’s important to ask your group about the topics of discussion they would like to cover during the meeting (*Know Your Rights workshops are a good option, but make sure your group also thinks about family planning and fundraising to cover any rapid response needs in the community*). Once finalized, create an agenda and think about who might be willing to facilitate a session and delegate! If you decide to cover the Designation of Tutorship, invite a notary to the meeting to provide participants with the support they might need.

-  Tip: If your host insists on cooking, make sure he/she is not facilitating. Remind everyone about the importance of contributing to the space.
- **The best plan is:** when we take the time to create one and we are intentional about how we want our time together, so take the time to prepare and create an agenda, practice how the meeting will go and role play if needed. (TAKE OUT)
 - **Make a plan:** This works if people are willing to open their homes and engage in the capacity they can. This means it is possible that while someone may open their home, maybe someone else is leading the agenda. Also, it is important to be super respectful of people’s homes.
 - When we bring people we should aim to provide light food or snacks. Folks can have coffee and bread together, there is no need to provide full

- meals, but food is a good way to encourage folks to participate and be present. Potlucks are a great way to have individuals contribute with the meetings, every little thing counts. If someone ultimately wants to cook we should try to raise some funds for food and also accept that for some of our community members hosting means they want/can feed us.
- It’s important to confirm how many people will attend for space purposes, agenda and food. This is not a meeting about a lot of people but rather the right people in the room. This means people who want to be there and are willing to learn and interact with others.
 - We have created a list of expectations for participants and for host/captains, these are all suggestions and of course changed as you need, it is important tho that people are clear about their contribution for the group.
 - People can create a plan to figure out what they need & what makes them feel safe. Know your rights are important, but there are other things that can bring community together. People can meet for cafecito and fill out their power of attorneys together with notaries that volunteer to notarize them at their gathering. People can fundraise and create a community fund that gets used in emergencies if a community members is taken away. There are many important reasons to meet.
- Participant:**
- The people in the community who join the Committee and are willing to work together to create the base of the Committee.
- Communicate with your Captain and neighbors to see if they know of a raid in your neighborhood, share information and be open to collaborate.

- If it is safe, take action by documenting what is going on, preferably in a notebook on video if you are in a safe location.
- Communicate key information to your neighbors regularly.

Host/Captain:

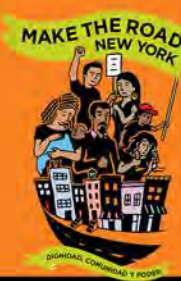
Each Participant is connected to a “Captain.” The Captains are the leaders of the Defense Committees. Each Captain commits himself to:

- This can be one or two people. One person can host and a person should lead the meeting and agenda. If the person who is leading the meeting is also the person opening their home there should be a person to support.
- Person leading the meeting should ask for a person to take notes and keep time to make sure time is being used the best way possible.
- We also always wanna create group agreements when working with community members.
- Make sure the meeting ends with a time you will all meet again and clear roles for people in the space i.e: who will host? Are you getting a presenter? Do you need to invite other people? Do you need to plan for a community event to collect money?

APPENDIX G

Please use the following flyers as tools to protect yourself. Feel free to make copies of them and share with your communities.

If ICE stops you on the street, you have rights!



1. ICE can only arrest you if they have probable cause that you are in the U.S. without lawful status or are deportable



If ICE approaches you on the street and says your name, before you say anything else, ask **"am I free to go?"**. If ICE says yes but still tries to ask you questions, clearly state: **"I don't want to answer your questions"** and slowly walk away.

If ICE says you are not free to leave, remember that you have the right to remain silent and not answer any questions about your nationality or immigration status. Clearly state: **"I want to exercise my right to remain silent"** and then say **"I would like to speak to an immigration attorney."** **Remember to remain calm, do not attempt to resist arrest, and most importantly do not give false information to ICE.**



2. Do not give ICE any foreign nationality identity documents unless ICE presents a warrant signed by a judge (this is very rare).

You are not required to present your identification to immigration officials. However if you do decide to show identification, it is best to show identification that does not state your immigration status or country of origin, such as a New York City Identification Card (NYCID) or a New York Driver's License. **If ICE demands your passport or national ID card, you do not have to provide it unless ICE has a judicial warrant.** If possible, it is best not to carry foreign nationality documents on you.



3. Do not consent to searches.

The 4th Amendment of the Constitution protects you against unreasonable searches and seizures. Sometimes, ICE tries to get around this rule by asking for your consent to search you or your belongings. **Remember: if ICE asks for your permission to search or starts searching you without asking, you have the right to say "I do not consent to this search."**



4. You have the right to record.

If you are accompanied by someone, ask them to safely record the incident. Make sure that the person recording maintains a safe distance, does not interfere with the arrest, keeps the camera steady and does not talk while recording in order to get clear audio. Do not edit the original copy of the video. If it is not safe to record, make sure to take detailed notes.



5. Plan ahead.

If you are at risk of being stopped by ICE, it is important to create a plan for yourself and your loved ones in advance. Memorize the number of a contact (partner, friend, relative) that you can call in case of an emergency. If you have an immigration attorney, memorize their number. Have a list ready of your medications, allergies, and other important details that your emergency contact can have access to in case you are arrested.



Make the Road NY x Emulsify | maketheroadny.org

IF ICE SHOWS UP, KNOW YOUR RIGHTS!

If immigration (ICE) comes to your door or stops you in the streets, you have rights!

1. DO NOT OPEN THE DOOR

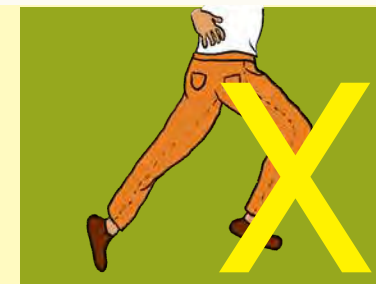
ICE does not have the right to enter your home without a valid warrant signed by a judge.



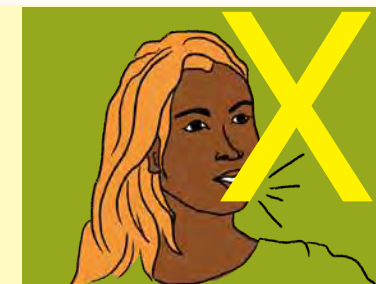
ICE will not always identify themselves as ICE. If there is a knock at your door and they say "Police" it could very well be ICE. ICE will often say they are police to gain access to homes. If at any point they try to enter, or do enter, continue to say

"I DO NOT CONSENT".

If they insist they have a warrant ask them to slip it under the door.



Don't run and most importantly do not lie about your name, age, immigration status, etc. **Anything you say or do can be used against you.**



If ICE questions you, under the 5th Amendment, you have the right to remain silent and to not incriminate yourself.



If you are detained, ask for an immigration attorney immediately. Although immigration does not provide attorneys, once you ask for an attorney they should no longer question you.

3. DO NOT SIGN ANYTHING



Ask to have documents translated. If you do not speak English ask for an interpreter.

Have an attorney look over any documents that ICE gives you.

4. RECORD



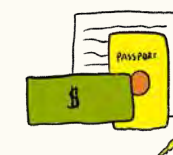
If you witness someone being detained by ICE, **you have the right to record as long as you do not interfere with the arrest.**

Pictures, videos, and any information you can gather, can help verify an immigration raid and also help someone's immigration case.

5. MAKE A FAMILY PLAN



If you have children, identify a caretaker.



Make sure your family is prepared if ICE arrives at your home. Have all your personal documents and finances secure.



Make sure you have at least one number memorized in case of an emergency.



maketheroadny.org

USING YOUR #RightToRecord IMMIGRATION ENFORCEMENT

DO I HAVE THE RIGHT TO FILM?

You have the right to film immigration enforcements in public, no matter what your citizenship status is, as long as you don't interfere. Comply with orders like "back up."



HOW DO I STAY SAFE?

Remain calm and quiet! Be transparent that you are filming and don't make sudden movements.

Lock your phone with at least a 6 digit passcode instead of face or touch ID, and consider automatically backing up footage with cloud services.

WHAT SHOULD I FILM?

Stay focused on agents instead of civilians.

Film details like badges/uniforms, license plates, weapons, warrants, property damage, what agents say, and context (street signs, landmarks, buildings).

If it's not safe to film, then take detailed notes.

WHAT SHOULD I DO AFTER I FILM?

Don't share right away!

Never edit original footage.

Make copies.

Share with a trusted journalist, lawyer or advocacy organization to make a plan.



WITNESS
SEE IT FILM IT
CHANGE IT

BE AWARE ←

If you have legal status in the U.S. and prior criminal convictions, you could be at risk, even if:

- *Your conviction is from years ago;*
- *You didn't serve time in jail;*
- *Your case was minor or a misdemeanor;*
- *You have had your green card for a long time; and/or*
- *Your family members are US citizens*

If you or a loved one could be at risk of an ICE arrest, speak to an attorney for individualized advice.





Know your rights during travel within the U.S. and U.S. Territories

MRNY has created this know your rights document to provide guidance for individuals who want to travel by plane within the U.S. and to U.S. territories such as Puerto Rico and the Virgin Islands. Use this document to make the best decision for yourself, but remember that this document does not constitute legal advice.

Traveling to Puerto Rico, the Virgin Islands, Guam, American Samoa or the Northern Mariana Islands?

Even though these islands are part of the United States, immigrant travelers to these places can be put through the same review process by immigration officers as international travelers.

Customs and Border Protection (“CBP”) has the authority to conduct “preinspection” at the airport in Puerto Rico and other U.S. territories, where they can review if you are allowed to re-enter the mainland U.S. before you board the flight back. This “preinspection” process is generally done in a very informal manner and sometimes not done at all. This may involve CBP officers asking if you are a citizen of the U.S. and asking you about your immigration status or to see your passport. In some instances, CBP officers may take you to a separate area for more questioning.

Please be aware that travel to Puerto Rico and other U.S. territories can be risky for both (1) undocumented individuals; and (2) individuals with lawful status who are deportable or inadmissible due to criminal convictions or other bars to reentry. **If you are in these categories, it is important that you consult with an attorney or legal service provider before traveling by plane to Puerto Rico or any of the other U.S. territories.**

Traveling Within the Continental United States, Hawaii and Alaska

If you are a non-citizen planning to travel within the continental United States (48 states), Hawaii and Alaska, it is important to know your rights and what identification is required.

Starting May 3, 2023 everyone who travels on an airplane within the 50 states must present a REAL ID or passport. Unfortunately, New York licenses issued under the new Green Light law, for people without social security numbers, are not REAL IDs. Valid work authorization cards with a photo are REAL IDs.

Even if you are not flying internationally, immigration authorities have the power to inspect travelers in and around international airports. **Because CBP is present in all major airports, there is a risk of being stopped and questioned by immigration authorities in the airport and, if you do not have status, of being placed in removal proceedings or detained.** Some people do not need to be concerned about flying. For people with valid work permits, DACA or TPS status, or people who are already in removal proceedings, flying does not carry the same risks because immigration authorities already know that these individuals are here.

Ways that ICE pretends to be local police

When Immigration & Customs Enforcement (ICE) agents go to homes or in the community to arrest non-citizens, they often tell lies or “ruses” about who they are and what they are doing. ICE agents use ruses to get into homes without judicial warrants, to obtain information, or to arrest people outside of their homes. A common ICE ruse is that agents pretend they are local law enforcement. ICE agents will say they are “police” and purposefully not identify themselves as ICE agents. This can be confusing as they are often dressed in plain-clothes or in uniforms that do not indicate that they are ICE. ICE police ruses can also happen over the phone.

Ruse (In Person)



"Can we come inside?"

"Can you come outside?"

Ruse (By Phone)

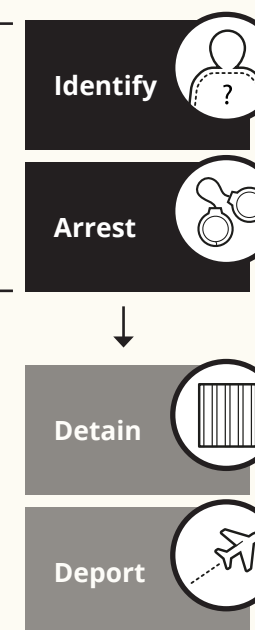


"Can we come to you?"

"Can you come to us?"

"POLICE, open up"
"I'm Detective [name]"
"We are the warrant squad"
"We are from the XYZ precinct"
"I'm calling from [local court name] to confirm your address"
"I'm calling from the District Attorney's office"
"We are looking for X, who is a victim of identity theft"

Goal



For more information on ICE ruses and raids and for IDP's Know Your Rights materials, go to immdefense.org/raids
To report a raid where ICE has used a ruse, contact IDP's hotline at 212-725-6422 (c) Immigrant Defense Project 2020



KEEP THIS PAGE IN YOUR CAR!

ICE pulled over my car? WHAT ARE MY RIGHTS?

Your rights in a car stop by ICE are similar to your rights in public. You should assert your rights even if ICE officers ignore you. Using these rights could help you fight a legal case!



You have the right to **REMAIN SILENT** and to not answer questions about your criminal or immigration history. **DON'T** lie or show false documents. **DON'T** run or resist arrest, because this could escalate the situation.

“I want to use my right not to answer questions.”



You have the right to **LEAVE IF YOU ARE NOT UNDER ARREST.**

“Am I free to go?”

If ICE says **NO**, use your right to **remain silent!**

“I want to use my right to not answer questions.”

“I want to speak to a lawyer.”

If ICE says **YES**,

“I don't want to answer your questions.”

Wait until the officer is a safe distance to drive or walk away.



You have the right to **ASK QUESTIONS** to find out who the officers are and why they stopped your car.

“Are you the police?” • “Are you highway patrol?”

“Are you immigration?” • “Why am I being stopped?”



If you are the **PASSENGER**, you have the right to **REFUSE TO GIVE AN ID** to the officer or to give any personal information, including your name, address, or place of birth.

“Am I free to go?”

“I don't consent to give you ID or answer your questions.”

KEEP THIS PAGE IN YOUR CAR!



You have the right to **ASK IF THE OFFICERS HAVE A WARRANT** and to read that warrant. Although ICE doesn't need a warrant to stop the car, they should not arrest someone unless they have a warrant for the person or the person tells the officer that they have no immigration status.

“Do you have a warrant?”

If ICE says **NO**, use your right to **remain silent!**

“I want to use my rights to not answer any questions.”

“Why are you stopping me?”

“Am I free to go?”

If ICE says **YES**,

“I don't want to answer your questions. I would like to see the warrant.”



You have the right to **REFUSE A SEARCH OF YOUR POCKETS** beyond a pat-down for “officer safety.” Remember, a pat-down does not include officers searching your pockets or your belongings.

“I don't consent to this search.”

“I don't want you to search my pockets.”



You have the right to **REFUSE A SEARCH OF YOUR CAR**, including your trunk and glove compartment.

“I don't consent to this search.”

“I don't want you to search my car.”



You have the right to **REFUSE TO BE FINGERPRINTED** by ICE, unless you are under arrest. If the officers force you to take fingerprints, you have the right to **ASK QUESTIONS** about why you are being fingerprinted.

“Why am I being fingerprinted?”

“I don't consent to being fingerprinted.”



IF YOU ARE DETAINED BY ICE - HOW TO KNOW WHAT TYPE OF CASE YOU HAVE

The below chart helps identify the type of immigration case that you could have if you are detained by ICE, based on your past experience as well as the documents that ICE should give you if you are detained.

TYPE OF CASE	HOW DO I KNOW?	DOCUMENTS ICE SHOULD HAVE GIVEN ME*
Regular removal proceedings	<ul style="list-style-type: none">You crossed the border without authorization and you have not had any contact with immigration until your current detention; orYou entered on a temporary visa that you obtained at a US embassy (for example, a tourist visa) that has expired and you have not had any contact with immigration until your current detention; orYou entered with someone else's documents; orYou have lawful immigration status and have had contact with the criminal legal system.	Form I-862: Notice to Appear
Reinstatement	<ul style="list-style-type: none">You re-entered the United States without permission after being deported or the government knows you left after being ordered deported.	Form I-871: Notice of Intent/Decision to Reinstate Prior Order
Old deportation order and you have not left the U.S.	<ul style="list-style-type: none">You were stopped at the border and told you couldn't come back for five years; orYou were stopped at the border and told you would be sent a notice with a court date for you to appear in front of an immigration judge but you never got it (in this case, the court <i>most likely</i> ordered you deported); orYou received a notice saying you needed to appear in front of an immigration judge but you did not go to the hearing; orYou appeared before an immigration judge who ordered you deported or gave you voluntary departure but you did not leave; orAn immigration judge ordered you deported, but you had been "checking in" with immigration from time to time.	Form I-205: Warrant of Removal/Deportation NOTE: If you believe you have been ordered deported by a judge, you can confirm by calling the Immigration Court number at 1-800-898-7180, putting in your "A number," and hitting "3" for past decisions.
Expedited removal proceedings	<ul style="list-style-type: none">This should not apply to you if you have been living in the United States for more than fourteen days and were not detained near the border. These are the types of proceedings most people who are detained close to the border or at the airport soon after they come in are placed in.	Form I-860: Notice and Order of Expedited Removal
Administrative removal proceedings for visa waiver program entrants	<ul style="list-style-type: none">You entered the United States under the visa waiver program, also known as ESTA (if you entered lawfully with your country's passport without needing to get a visa from the embassy).	Form 71-058: Visa Waiver Program (VWP) Notice of Intent to Issue a Final Administrative Removal Order
Administrative removal proceedings	<ul style="list-style-type: none">You do not have a green card and ICE claims you have an "aggravated felony" conviction.	Form I-851, Notice of Intent to Issue a Final Administrative Removal Order (Notice of Intent)

*Look for the form number on the top and bottom of any papers that immigration gives you.



YOUR RIGHTS DEPENDING ON YOUR TYPE OF CASE



If you are in REGULAR REMOVAL PROCEEDINGS (see back) you have an automatic right to see a judge and may be eligible for a free attorney through the New York Immigrant Family Unity Project (NYIFUP).

However - if you are NOT in regular removal proceedings (and you have another type of case on the back), it is important you read below because you will not have an automatic right to see an immigration judge and could be deported quickly if you do not take legal action.

If you are in REINSTATEMENT proceedings, have an EXPEDITED removal order (not from a judge), are in ADMINISTRATIVE proceedings or entered on VISA WAIVER —

You have rights if you are afraid to go back to your home country!

WHAT YOU CAN DO:

Request a Fear Interview

If you are afraid of going back to your home country, and you are NOT in regular removal proceedings, you must ask to speak to your deportation officer and ask for a fear interview. An asylum officer will interview you about your fear of returning to your home country. If you do not pass your interview, you can request an immigration judge review the denial. If you pass your interview, you will be able to fight your case in front of an immigration judge.

If you have an OLD DEPORTATION ORDER because you didn't show up in court or because you lost your case and didn't leave—

You may make a request to reopen your old case

WHAT YOU CAN DO: If an immigration judge ordered you deported in the past, either because you lost an old case or because you did not appear in court, you must meet with an attorney to see if you are eligible to make a request that the court *reopen or reconsider* your case (called a "motion to reopen" or "motion to reconsider"). There are specific legal requirements about when this is or isn't possible that must be discussed with an attorney.

If you believe you have been ordered deported by a judge, you can confirm by calling the Immigration Court number at 1-800-898-7180, putting in your "A number," and hitting "3" for past decisions.

This information is current as of 07/11/2022. Changes in law and practices after that date could affect the accuracy of the information.
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To find out your options for obtaining legal representation, call the Office of New Americans hotline at 1-800-566-7636.

TYPE OF CASES WHERE YOU **CAN** REQUEST A FEAR INTERVIEW

- ✓ Reinstatement
- ✓ Expedited removal order (not from judge)
- ✓ Administrative removal proceedings for visa waiver program entrants
- ✓ Administrative removal proceedings

TYPE OF CASES WHERE YOU **CAN'T** REQUEST A FEAR INTERVIEW

- ✗ Regular removal proceedings (apply for asylum instead)
- ✗ Old deportation order and you have not left U.S.

*Not being able to request a fear interview doesn't mean you can't fight your case!



RESPECT & DIGNITY
FOR ALL
RESPECTO Y DIGNIDAD
PARA TODOS