



Michigan Immigrant Rights Center



KNOW YOUR RIGHTS

[www.MichiganImmigrant.org](http://www.MichiganImmigrant.org)

Find us on   @MichImmigrant

# Yes, you have rights!



- ☞ Although you are not a citizen, you still have important rights
- ☞ The purpose of this presentation is to educate you about your rights so that you can **protect yourself and your family.**
- ☞ If you do not have papers, it is even more important that you know your rights in the event of an encounter
- ☞ We are going to educate you about preventative measures you can take to for yourself and family

# Part I



## Prevention

# Avoiding encounters



- ☞ Stay away from the Ambassador Bridge or Bluewater Bridge
  - ☞ There are some roads near the bridge where you cannot turn around. Please be careful and avoid these roads. You may not be able to come back.
- ☞ If you find yourself here, it is very likely that the border patrol will interrogate you.







# Be ready



- ❧ Keep a copy of your immigration documents in your house and with someone who you trust
- ❧ Memorize your A# (if you have one) and share it with your family
- ❧ If you are a permanent resident, the best way to be prepared is to naturalize because the greatest benefit of U.S. citizenship is the peace of mind knowing that you cannot be deported.

# Avoid notarios



- ❧ Be careful with *notarios* or *immigration consultants*: they are not permitted to prepare immigration filings
  - ❧ **In fact**, it is illegal for them to do so.
- ❧ Be careful with attorneys who guarantee or promise specific results.
- ❧ Keep your receipts and representation agreements.
- ❧ Do not buy international driver's licenses: **they are not valid**
  - ❧ It is legal to drive in Michigan if you have a valid license from one of several countries. Ask me about yours.

# Prepare your children



- ❧ Make a plan for your children in case you are detained.
- ❧ Be ready with your children's passports.
- ❧ If possible, try to obtain dual citizenship for your children
- ❧ Register with the consulate



# Children (cont'd)



- ❧ When you pay your taxes, declare all of your children.
- ❧ Don't buy other's Social Security numbers
- ❧ Additionally, don't sell/share your children's numbers with someone else



# Part II



## Encounters with Immigration

# General information



- ❧ **Don't lie** or give false names or documents to any employer or U.S. government agent.
- ❧ Don't give any information about your immigration status or situation to any government agent.
  - ❧ Well, your name is probably a good idea though!



# General information (cont'd)



- ❧ **Do not tell** the government agents what country you come from.
  
- ❧ Make sure to **use your full name** with the government agents
  - ❧ For example: Ana María Martínez González
  - ❧ If you use false names, your family will be unable to find you.

# In your house (cont'd)



- ❧ The police cannot enter your house unless they have a warrant **signed by a judge** OR you give them permission to enter.
  - ❧ If you open the door, ICE may claim you gave permission to enter.
- ❧ You may want to choose to not open the door because they usually do not have a proper warrant
- ❧ An ICE administrative warrant ( form 1-200, 1-205) does *not* allow them to enter your home without consent

# In your house (cont'd)



- ❧ If an ICE or police officer enters your property without a warrant, do not oppose with physical resistance.
- ❧ Ask for names and identification numbers from the officers and tell that they do not have your permission to enter.
  - ❧ Write down names, addresses, and phone numbers of any person that was a witness to the incident.
- ❧ Ask for permission to observe while the search is ongoing
  - ❧ Take note of the things you see and the things that are taken





# In your car



- ❧ Stop your vehicle in a safe place as soon as possible.
  - ❧ Stay in your car, turn on your interior lights, open the window, and place your hands on the wheel.
- ❧ Show your license, registration, and insurance if you have them.
  - ❧ **Do not show false documents**
- ❧ The driver, along with the passengers, has the right to remain silent.

# In your car (cont'd)



- ❧ The police cannot search your car without a warrant
  - ❧ Do not consent to the police searching the vehicle
  
- ❧ If you have documents that show your right to be in the United States, always keep them with you and show the officer.
  - ❧ Failure to show those documents could result in your arrest

# On the street



- ☞ Ask if you have the right to leave
  - ☞ If s/he says yes, walk away calmly
- ☞ You can tell the officer that you decline to continue answering questions at any point



# At work



- ❧ If an ICE agent is at your office, remember that you have the right to remain silent
  - ❧ Do not give information about your immigration status or where you were born
  
- ❧ **Never say** that you are an American citizen unless you are.
  
- ❧ You do not have to line up according to your immigration status.

# At work (cont'd)



- ☞ Ask to be let go, but do not run
  - ☞ The agents might think that you don't have papers and could chase after you
- ☞ Do not sign any paperwork (that you do not understand)
- ☞ Do not show false documents





# Part III



After being detained

# In detention



- ☞ You have the right to remain silent. This is your right under the Fifth Amendment
- ☞ Feel free to show the card about your rights
- ☞ Contact/consult an immigration attorney



# In detention (cont'd)



- ❧ You do not have to answer questions about:
  - ❧ your country of birth, your nationality, nor the manner in which you entered the United States
  
- ❧ Of course, never say that you are an American citizen unless you are

# In detention (cont'd)



- ❧ **Do not sign any paper** until you have consulted with an attorney
  
- ❧ Obtain the name, agency, ID#, and telephone number of any officer detaining you
  - ❧ You have the right to ask for this information.
  
- ❧ **Ask for bond** so that your family can help you be released

# In detention (cont'd)



- ❧ You have the right to an attorney
  - ❧ Talk to an attorney because immigration law is quite complex and it is important that you understand all of your options
  
- ❧ You have the right to contact your embassy/consulate
  - ❧ Ask the agent to notify your embassy/consulate
  
- ❧ If you are arrested, you have the right to know why



# In detention (cont'd)



- ❧ Tell the officer **and** your attorney that you are scared to return to your home country, if that is true.
- ❧ Do not make any deal or sign any papers without understanding the consequences
- ❧ The system to find detainees online is <http://locator.ice.gov> or by phone at (313) 568-6049 in Michigan

# In detention (cont'd)



- ⌘ According to federal guidance, a person should be released by local law enforcement within 48 hours after paying bond or being allowed to go.
- ⌘ If detained longer, contact an attorney right away to be released
- ⌘ **It is unlawful** to be detained for longer than 48 hours after being otherwise allowed to leave by local law enforcement

# If you are charged with a crime



- ❧ Some penalties for criminal acts and some deals made with the police or prosecutor can have **significant immigration consequences**
  - ❧ including deportation or an inability to return to the United States, ever.
  - ❧ even if the police officer, prosecutor, or judge says that it will disappear from your record
- ❧ An immigration attorneys can advise you fully about what the immigration consequences can be and could help you minimize these



# Detention and your kids



- ❧ Find someone who you trust and is able to care for your kids
- ❧ If you are detained and your children are in school and nobody will be home, the State of Michigan, through Child Protective Services (CPS), can take temporary custody of them.
- ❧ You can ask a friend or family member to care for them
- ❧ If possible, write a Power of Attorney
  - ❧ Note: Power of Attorney expires after 6 months.



# Part V



## Conclusion



# Remember your rights



- ☞ You have the right to remain silent
- ☞ You have the right to review an arrest or search warrant
- ☞ You have the right to talk to an attorney
- ☞ You have the right to make a phone call
- ☞ You have the right to notify your embassy/consulate

# Our information



Michigan Immigrant Rights Center

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