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Know Your Rights

Presented by:

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Kids in Need of Defense (Los Angeles)
888 W. 6th Street Suite 900, Los Angeles, CA
www.supportkind.org
Overview

- Kids In Need of Defense
- Notario Fraud
- Know Your Rights
- Update on DACA
- Q & A
Kids In Need of Defense

- Representing Unaccompanied Children in Immigration Matters
  - Place cases with Staff Attorneys
  - Place cases with volunteer attorneys
Immigration Court:

- There is no right to appointed counsel in immigration proceedings

- Adversarial hearings opposite a trained government lawyer, before an Immigration Judge

- Pleading to allegations set forth in a charging document

- Requesting relief under U.S. immigration laws

- Testifying under oath, including about traumatic events.
Notario Fraud

- In the United States, a “Notario Publico” (Notary Public) is not an attorney.
  - A notary public in the United States is authorized only to witness the signature of forms
  - Problem is that a notary public in many Latin American/ European countries a Notary has usually received the equivalent of a law license and is authorized to represent others before the government.
- Be aware that there are a lot of notarios will tell you they can take your case, submit applications, and get you a work card
- Many times people who use notarios end up paying double or triple what they would have paid an attorney to fix the mistakes notarios made on their cases
  - Sometimes – the mistakes notarios make bar people from relief
Notario Fraud Continued

• Do not pay money to someone to refer you to an immigration lawyer
• Always ask to see the attorney’s state bar license
  ➢ If they do not have one – WALK AWAY!
• Never sign an application that is blank, has false information, or that you have not reviewed in the language you understand the best
• Always ask for proof that you papers have been filed - ask for a copy of anything filed and ask for a copy of the government filing receipt
• Get a copy of any contract that you sign and ensure that it spells out all fees and expenses
• If you are paying cash – GET A RECIPIENT
• Do not let anyone “find” you a sponsor/spouse to get you a green card – IT IS ILLEGAL
RIGHTS DURING AN IMMIGRATION (ICE) RAID

- You have the right to REMAIN SILENT
  - You can refuse to speak to an ICE agent
  - Do NOT answer questions – especially about your birth place, immigration status or how you entered into the U.S.
  - Say that you want to remain silent until you speak with a lawyer
  - IF YOU START SPEAKING/ANSWERING THEIR QUESTIONS, you have waived your right to remain silent and will have to REINSTATE IT again
You have the right to **DEMAND A WARRANT** before letting ICE/POLICE inside of your home

- Do NOT open your door to authorities without a warrant
  - The only way you MUST open the door is if ICE/POLICE has a warrant that is (1) Signed by a Judge and (2) Has your specific and correct name and address on it

- If ICE/Police say they have a warrant – ask them to show it to you BUT **DO NOT OPEN THE DOOR TO GET IT** – **have them** slip it under the door or through a window

- The moment you open the door – you are allowing them to enter your home
RIGHTS DURING AN IMMIGRATION (ICE) RAID

- AGAIN - You have the right to DEMAND A WARRANT before letting ICE/POLICE inside of your home
  - If the Warrant that ICE/Police show you DOES NOT have any of the following DO NOT OPEN THE DOOR:
    - (1) your correct name or
    - (2) the correct address or
    - (3) the correct name of a currently inside of your home or
    - (4) Judge’s signature
This is what an ARREST WARRANT may look like:

- Correct and Specific name
- Judge’s Signature
- Correct Address
This IS NOT A JUDICALLY ISSUED WARRANT – Do NOT let ICE/Police in if they show you this document:

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: ________________
Date: ________________

To any officer of the United States Immigration and Naturalization Service:

(Full name of alien)

who entered the United States at __________________ on __________________ is subject to removal/deportation from the United States, based upon a final order by:
You have the RIGHT to:

- (1) SPEAK TO A LAWYER and make a PHONE CALL
- (2) REFUSE TO SIGN ANYTHING before you talk to a lawyer

DO NOT SIGN ANYTHING before talking to a lawyer because the documents you sign could:

- eliminate your right to:
  - Speak to a lawyer OR
  - Have a hearing in front of a judge OR
- Have you deported immediately without a hearing

You have the right to refuse to show any documents before speaking with a lawyer
Most importantly and the most difficult thing to do:
- Remain calm and do not try to run away.
- If you do, ICE or the police may use that against you.
What can you do now to prepare in case you or a loved one is detained by ICE/Police?

1. TALK TO AN IMMIGRATION ATTORNEY OR IMMIGRATION SERVICES PROVIDER ABOUT YOUR IMMIGRATION OPTIONS
   - Knowledge is power! Find out what your options are
   - If you have a green card, see if you can become a U.S. citizen
   - If you are here on a visa, see if you can get a green card
   - If you do not have immigration status – find out if you are eligible for a visa or work permit
   - If you have a criminal record – **ANY TYPE OF OFFENSE** – find out how it will affect your options OR see if you can have it erased from your record
   - Under this new administration – the word “criminal” has broader meaning
What can you do now to prepare in case you or a loved one is detained by ICE/Police?

2. Make a child care and family preparedness plan
   - Have emergency contacts updated at school your children are attending including who can and cannot pick up your children
   - Identify a person who will be your point of contact
   - Have a list of emergency numbers and contact information including an immigration attorney that you have identified and/or consulted with
   - Have a folder/file with important documents that you, your family or emergency contact person can access
   - Complete a caregiver’s authorization affidavit so another adult can care for your children temporarily (available in CA)
   - Register your child’s birth certificate with your country’s government (consulate) if your child was born in the U.S.
What documents should I have with me?

- A valid green card or work permit
- Only carry a valid State ID, Driver’s License or City ID that was issued in the United States and contains NO INFORMATION AT ALL about your immigration status or country of origin
- If you have an immigration attorney - their business card
- DO NOT CARRY:
  - Any document about your country of origin
  - False identity documents (it is a crime)
  - False immigration documents (it is a crime)
What else can I or witnesses do?

- Report and Record
  - Take photos, videos, notes of badge numbers, type of car, and exactly what happened
  - Unless on Federal Government Property

- Do NOT give ICE any documents unless it’s a letter from a lawyer

- Do NOT provide false documents.
Under President Obama:
- Priorities of who to deport
- Focused mainly on immigrants with criminal records

Under the New Administration:
- Stated they will focus on immigrants with criminal records but seem to be targeting anyone that has had some contact with law enforcement
Update on DACA

- On September 5, 2017 – President Trump ended DACA:
  - Court cases revived DACA but ultimately Case is at Supreme Court and the Status of DACA to be decided later this year.
Disclaimer

- This document is current as of October 26, 2019
- This document does not create an attorney-client relationship and should be used for general informational purposes only
- This document should not substitute for an individualized assessment of a given case by an expert
- Please consult with an immigration attorney about your case
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