



# Know Your Rights

Presented by:

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Kids in Need of Defense (Los Angeles)  
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[www.supportkind.org](http://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 your 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 RECEIPT
- 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



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# RIGHTS DURING AN IMMIGRATION (ICE) RAID

- **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

# RIGHTS DURING AN IMMIGRATION (ICE) RAID


- This is what an **ARREST WARRANT** may look like:

Correct and Specific name



**SUPERIOR COURT OF CALIFORNIA**  
County of Stanislaus

**ARREST WARRANT**\*  
Probable Cause Arrest Warrant  
Ramey Warrant  
[Penal Code § 817]




THE PEOPLE OF THE STATE OF CALIFORNIA  
To any California peace officer Warrant No. \_\_\_\_\_

Arrestee's name: Frank Clifford Carson, hereinafter "Arrestee"  
Declarant's name and agency: Detective Cory Brown - Stanislaus County Sheriff's Department, hereinafter "Declarant"

**ORDER:** Proof by Declaration of Probable Cause having been made to me on this date by Declarant, I find there is probable cause to believe that Arrestee committed the crime(s) listed below. You are therefore ordered to execute this warrant and bring Arrestee before any magistrate in this county pursuant to Penal Code §§ 821, 825, 826, and 848.  
Crime(s): 187(A) California Penal Code to wit; First Degree Murder; 190.2(a)(15) California Penal Code to wit; Special Circumstances (Lying in Wait); 12022 (d) California Penal Code to wit; Firearm Enhancement; 182(A)(5) California Penal Code to wit; Conspiracy to Commit a Crime; 236 California Penal Code to wit; False Imprisonment; Two Counts of 653F(A) California Penal Code to wit: Solicitation to Commit.

Night service authorization [If checked]  
 **Felony:** This felony warrant may be executed at any hour of the day or night.  
 **Misdemeanor:** Good cause for night service having been established in the supporting declaration, this misdemeanor warrant may be executed at any hour of the day or night.

Bail:  \$ \_\_\_\_\_  No bail  
Aug. 13, 2015 11:18 am.   
Date and time warrant issued Judge of the Superior Court

◆ Arrestee Information ◆

*For identification purposes only*

Name: Frank Clifford Carson DOB: [REDACTED] AKA's: N/A  
Last known address: [REDACTED]  
Sex: [REDACTED] Race: [REDACTED] DOB: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Color of hair: [REDACTED]  
Color of eyes: [REDACTED]  
Scars, marks, tattoos: [REDACTED]  
Other information: [REDACTED]

1

Correct and Specific name



Judge's Signature



Correct Address



# RIGHTS DURING AN IMMIGRATION (ICE) RAID

- **This IS NOT A JUDICALLY ISSUED WARRANT – Do NOT let ICE/Police in if they show you this document:**

US. 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 \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

# RIGHTS DURING AN IMMIGRATION (ICE) RAID

- 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



# RIGHTS DURING AN IMMIGRATION (ICE) RAID

- 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.

# *Priorities – Executive Orders*

- 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:
  - Only **INITIAL** applications accepted by USCIS as of September 5<sup>th</sup>, 2017 would be processed
    - All other INITIAL applications would be rejected
  - USCIS would only process **RENEWAL** applications received before or by October 5, 2017 for applicants whose DACA expired between September 5, 2017 and March 5, 2018
  - If your DACA/Work Authorization expires after March 5, 2018 – are no longer able to renew but your DACA is valid until the expiration date



# *Disclaimer*

- This document is current as of October 14, 2017
- 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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