#### TRAIN THE TRAINER: **KNOW YOUR RIGHTS**

#### ICE RAIDS IN THE COMMUNITY







Immigrant Defense Project promotes fundamental fairness for immigrants accused or convicted of crimes.

We have been monitoring Immigration and Customs Enforcement (ICE) community arrests for over three years.



The CLEAR (Creating Law Enforcement Accountability & Responsibility) aims to meet the needs of NYC-area communities particularly affected by law enforcement's deployment of counterterrorism policy.







We are here today because many immigrants fear being arrested by ICE or profiled by law enforcement in their own communities.

#### **AGENDA**





- 1. CONTEXT
- 2. WHAT IS ICE?
- 3. WHO IS AT RISK OF BEING PICKED UP BY ICE?
- 4. WHERE HAVE WE SEEN ICE PICK PEOPLE UP?
- 5. HOW HAS ICE BEEN CONDUCTING RAIDS?

Use this information to tailor and inform your presentation

- 6. WHAT ARE YOUR RIGHTS?
- 7. STRATEGIES
  - a. WHEN ICE IS AT YOUR DOOR
  - b. WHEN ICE IS INSIDE YOUR HOME
  - c. WHEN ICE APPROACHES YOU IN PUBLIC
- 8. FAQS & NOTES ON TRAINING

Convey these rights and strategies to your community



1.

#### **CONTEXT**

Over the years, immigration authorities have shifted amongst different groups of people to target for deportation.



#### One recent focus is deporting "criminal aliens."

The federal government continually redefines who should be deemed a "criminal" and justifies its actions by citing vague public safety concerns.



## The federal government has targeted Muslim, Arab, and South Asian communities.

It justifies indiscriminate profiling and harassment of these communities with unspecified claims about counterterrorism and national security.





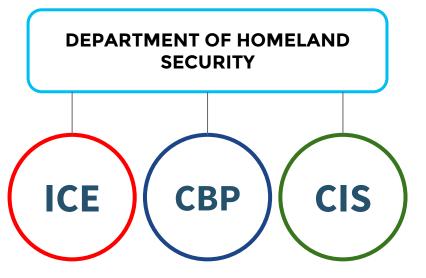
The federal government has used dehumanizing terms like "criminal" or "illegal" to justify the detention & deportation of millions of people.



2.

**WHAT IS ICE?** 

#### ICE = IMMIGRATION AND CUSTOMS ENFORCEMENT



SINCE 2003,
ICE ENFORCES U.S.
IMMIGRATION LAWS BY
ARRESTING PEOPLE
THE FEDERAL
GOVERNMENT
WANTS TO DEPORT





3.

## WHO IS AT RISK OF BEING PICKED UP BY ICE?



# PEOPLE WHO ARE "REMOVABLE" UNDER IMMIGRATION LAW



### PEOPLE WHO ARE REMOVABLE UNDER IMMIGRATION LAW

People without lawful immigration status

People with lawful immigration status who have certain criminal priors



## PEOPLE WHO ARE UNDOCUMENTED\*

\*This includes people who overstay a visa or enter without permission.



# PEOPLE WHO HAVE BEEN ORDERED DEPORTED\*

\*and have final orders of deportation



# ANYONE WHO IS NOT A U.S. CITIZEN & HAS HAD CONTACT WITH THE CRIMINAL JUSTICE SYSTEM\*

\*This could include cases that were resolved with non-criminal violations, sealed cases, misdemeanor or felony convictions, and cases where there was no jail time.



4.

### WHERE HAVE WE SEEN ICE PICK PEOPLE UP?



#### **SOME JAILS**

This depends on local policy.

Arrests can trigger action by ICE.



## AIRPORTS & PORTS OF ENTRY

If someone removable tries to reenter the U.S. from abroad, it can trigger action by immigration authorities.

#### HOMES

**Private houses** 

**Apartments** 

**Shelters** 

**Supportive housing** 



#### IN THE COMMUNITY

On the street

At criminal courthouses

At probation/parole

At checkpoints



#### **WORKPLACES?**

- There have been some "targeted" arrests at and around workplaces
- Advocates anticipate that there could be a return of general workplace raids







## Schools Religious institutions & funerals Hospitals Protests/public demonstrations

**Note:** This is current ICE policy and may change. See ICE memo on sensitive locations at ice.gov.



## Today we will focus on home & community arrests.

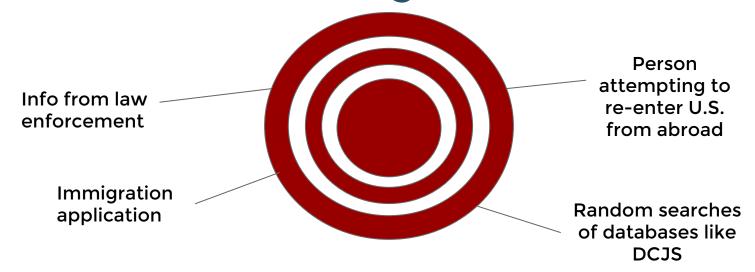


5.

### HOW HAS ICE BEEN CONDUCTING RAIDS?

## They identify a person to target.







## ICE uses database info & surveillance to identify possible location of person.

ICE agents look for the person in the community.



If ICE agents see the person in a public space, they confirm identity & detain them.

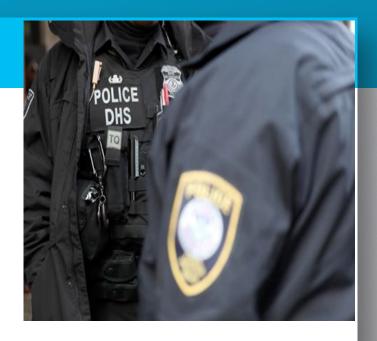




ICE also goes to & enters residences to find and detain the person they've targeted.

#### ICE HOME RAIDS

- Come in the early morning (5-8 am)
- Multiple armed officers
- Dressed like police, in bulletproof vests that say "police" or in plainclothes
- May state that are "police" or "federal police"





#### TO ENTER OR SEARCH A HOME



- ICE needs a warrant signed by a judge
   OR
  - 2. They need permission from a resident to enter



## ICE typically doesn't have warrants signed by a judge.

They usually have a document signed by an ICE supervisor which has the word "warrant" written on it.

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## SAMPLE ICE "WARRANT" DOCUMENT

This does not permit ICE to enter or search a home

### Where ICE doesn't have a proper warrant...

...they can't just enter a home without permission from someone who lives there.





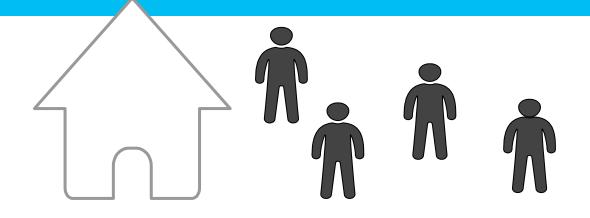
If ICE has a proper judicial warrant, they will enter the home regardless of whether they've been given permission to do so.

## IF ICE DOESN'T HAVE A WARRANT, WHY WOULD SOMEONE LET ICE INTO THEIR HOUSE?

ICE uses lies, tricks and intimidation to get residents' permission to enter the home.



### So how does it play out when ICE comes to the home?







## ICE AGENTS OFTEN LIE AND PRETEND TO BE THE **POLICE** TO GET PERMISSION TO ENTER A HOME.

Even if they lied to get inside, if they see the person they want to deport, they will arrest them.

### SOME LIES ICE HAS TOLD TO GET PERMISSION TO ENTER A HOME

- » We need help w/criminal investigation
  - » Looking for a criminal suspect/fugitive
  - » Want you to review photographs of criminal suspect
  - » Criminal suspect using your name
- » We're trying to help the victim of identity theft/fraud
- » We need to talk to you about potential criminal issue
  - » Need to look at your car b/c reported in an accident
  - » Need to look at your body b/c reported in a fight
  - » Need to talk to you about compliance with court case

### Once inside, ICE looks for the person they want to arrest.

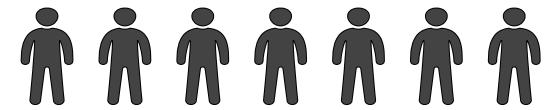
Pretending to be police, they try to get info on where the person is or phone #. If the person is not there, ICE often contacts the person to arrange a meeting while acting like police.





# Inside the home, if ICE sees the person they are looking for, agents detain him or her.

### Once inside, sometimes the agents search the home.\*



\*without a proper search warrant, officers need permission to search <u>unless it's for officer safety</u>



#### TAKEAWAYS ABOUT ICE CONDUCT DURING RAIDS

In order for individuals to exercise their rights, they have to understand what is happening in the moment.

Tell your audiences that ICE agents may lie about who they are and what they are doing there.



### "National Security" Context





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**CONTEXT** 

# REMINDER! The federal government has targeted Muslim, Arab, and South Asian communities.

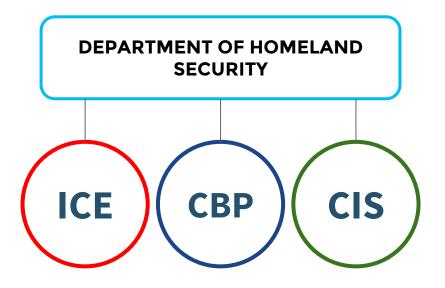
It justifies indiscriminate profiling and harassment of these communities with unspecified claims about counterterrorism and national security.



2a.

WHO IS LAW ENFORCEMENT?

#### WHO IS LAW ENFORCEMENT?







#### **BUT ALSO...**









(est. 1980)





3a.

WHO IS TARGETED, AND WHAT ARE THE CONSEQUENCES?





The Washington Post

**Morning Mix** 

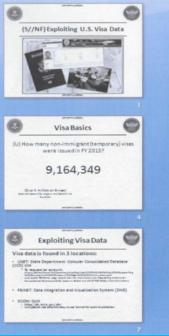
FBI questioned American Muslims in 8 states over weekend about possible preelection terrorism, says civil rights group

By Katie Mettler November 7

A civil rights organization for American Muslims says the FBI questioned Muslims in at least eight states over the weekend seeking information about a possible threat from al-Qaeda to carry out pre-election terrorist attacks.

#### AT RISK OF BEING QUESTIONED BY LAW ENFORCEMENT









Slides from an FBI/CBP training on exploiting U.S. Immigrants' visa data.

The Intercept.

#### WHAT ARE THE RISKS OF LAW ENFORCEMENT CONTACT?

- CRIMINAL CONSEQUENCES
  - FALSE STATEMENT CHARGES (18 USC □§1001)
  - MATERIAL SUPPORT CHARGES (18 USC §2339)
  - WEIGHT OF 302 FORMS
- IMMIGRATION CONSEQUENCES
  - AS YOU'VE ALREADY HEARD!
- UNKNOWN CONSEQUENCES
  - THEY KEEP COMING BACK!
  - IMPACT ON THE COMMUNITY





4a.

WHERE?
WE'LL ALSO FOCUS ON HOME
ENCOUNTERS.



### 5a.

HOW HAS LAW ENFORCEMENT BEEN CONDUCTING THESE ENCOUNTERS? Law Enforcement rarely has a CLASS warrant to enter a home to conduct a 'voluntary interview.'

They instead rely on communities' lack of familiarity with their rights.



# Tell your audiences: If Law Enforcement is asking for your permission...

That means they need it!

#### TAKEAWAYS ABOUT LAW ENFORCEMENT CONTACT

Acknowledge to your audiences: This is not easy! It takes practice. Law enforcement will put pressure on you, but...

YOU HAVE THE POWER!





6.

### WHAT ARE YOUR RIGHTS DURING AN ICE INTERACTION OR ARREST?

### **EVERYONE HAS THE RIGHT TO...**

- » REFUSE ENTRY TO YOUR HOME.
- » REFUSE A SEARCH OF YOUR HOME.
- » REMAIN SILENT.
- » REFUSE TO GIVE INFORMATION ABOUT YOUR IMMIGRATION OR CRIMINAL HISTORY
- » NOT SIGN ANYTHING.



### **HOW TO INVOKE YOUR RIGHTS?**

SAY:

I DON'T WANT TO ANSWER ANY QUESTIONS WITHOUT A LAWYER.

REMAIN SILENT EVEN IF THEY KEEP ASKING YOU QUESTIONS.





### **ICE THEM OUT**

### **!**THINK:

- NO INFO
- NO ENTRY
- NO SEARCH

### **REPEAT OUT LOUD:**

- I don't want to talk to you.
- I don't want you in my home.
- I don't want you to search.



If ICE is arresting you,
the only thing you
should tell them about is
if you have medical or
childcare needs.



### DON'T SIGN ANYTHING.

Keep any papers ICE gives you. They will have important information to give to loved ones or a lawyer.



### ALSO REMEMBER...

- → Don't lie to ICE.
- → Don't physically interfere with an arrest.
  Doing this can harm you & loved ones.



# 7. STRATEGIES AROUND CONTACT WITH ICE



### 7-a.

### STRATEGIES: IF ICE IS AT YOUR DOOR

### **GENERAL RULE**

People at risk have less protection against arrest once ICE sees them.

So, if someone in a home is at risk of deportation, keep ICE out of the home.

Best chance of this is to verbally deny ICE permission to enter.

### ICE AT YOUR DOOR: THE BASICS



THINK:

- NO INFO
- NO ENTRY
- NO SEARCH

DO NOT OPEN THE DOOR.

- IDENTIFY WHO IS THERE: ASK FOR ID & WARRANT.
- 3. DON'T ANSWER QUESTIONS ABOUT YOURSELF OR LOVED ONES.





### especially if you don't know who it is.

#### **Important because:**

- It keeps ICE out if they don't have a judicial warrant.
- It prevents them from seeing anyone they can arrest and detain.

#### 2a. IF UNSURE WHO IS AT THE DOOR



### TRY TO FIGURE OUT WHO THEY ARE BEFORE ANSWERING ANY QUESTIONS.

- → Ask to see ID.
- → Ask them to slide a card under the door.
   → Ask, "Are you NYPD\*?"
  - \* or from your local police department

#### 2b. IF UNSURE WHO IS AT THE DOOR

- → Ask if they have a warrant
- → Ask to slip the warrant under the door

Take a photo of anything they slip under the door.



#### ICE "WARRANT" = NO ENTRY



Remember: ICE usually doesn't have a warrant signed by a judge.

This means they can't come in when you say no.

...and if they do enter, it may help you in court.

#### A NOTE ABOUT TRAINING ON WARRANTS

It can be hard to identify the type of warrant ICE may show.

Decide whether to train to ID an ICE warrant & deny entry *or* just to keep the door closed and deny entry.

Remember, if it's a proper warrant, ICE is coming in regardless.



#### 3a. DO NOT GIVE ANY INFO



#### **ESPECIALLY ABOUT:**

- Who is home
- Who lives there
- Where loved ones are
- Where you were born
- Immigration/criminal history

IF ICE IS ASKING QUESTIONS OR LOOKING FOR A LOVED ONE, DON'T LIE.

**SAY:** 

I DON'T WANT TO TALK TO YOU. PLEASE LEAVE.

You can ask them to leave their contact info.



#### WITH THE DOOR CLOSED

(or even if you have unintentionally opened the door)

**SAY:** 

I DON'T WANT YOU TO COME IN. PLEASE LEAVE.



### 7-b.

### STRATEGIES: IF ICE IS INSIDE YOUR HOME

#### ICE IN YOUR HOME: THE BASICS



1. ASK THEM TO LEAVE THE HOME.

#### THINK:

- NO INFO
- NO ENTRY
- NO SEARCH

- DON'T ANSWER QUESTIONS ABOUT YOURSELF OR LOVED ONES.
- DON'T GIVE THEM PERMISSION TO SEARCH.
- 4. DON'T GIVE THEM DOCUMENTS.



# 1. ASK THEM TO LEAVE, EVEN IF THEY ARE ALREADY INSIDE.

#### **SAY:**

I DON'T WANT YOU IN MY HOME. PLEASE LEAVE.



### If they have a judicial warrant, they may stay. Otherwise, they should leave.

**Note:** If they already see the person they want to deport, they will detain that person.

If you say this & they don't leave, it may help in court.

#### 2. DO NOT GIVE ANY INFO.



#### **ESPECIALLY ABOUT:**

- Who is home or who lives there
- Where loved ones are
- Where you were born
- Immigration/criminal history

SAY: I DON'T WANT TO TALK.
PLEASE LEAVE.



## 3. DON'T LET THEM SEARCH YOUR HOME

# SAY: I DON'T WANT YOU TO SEARCH MY HOME. PLEASE LEAVE.



#### They may search anyway if they have a judicial warrant or claim it is for "officer safety."

Otherwise, they should stop.

If you say don't search & they do, it may help in court.

# 4a. DON'T GIVE THEM FOREIGN (OR FALSE DOCUMENTS



ICE often asks people in the home to bring them the identity documents of the person they want to arrest.

Don't give them foreign or false documents. ICE wants documents to deport the person.





#### Okay:

Municipal ID card, library card, U.S. driver's license, U.S. green card

#### Not okay:

Passport, consular ID, matricula, expired visa, anything fake or not yours



### 7-c.

### STRATEGIES: WHEN ICE APPROACHES YOU IN PUBLIC

#### ICE ARREST IN PUBLIC: THE BASICS



1. ASK IF YOU ARE FREE TO GO

#### THINK:

- NO INFO
- NO SEARCH
- NO DOCS

- 2. STAY SILENT
- 3. DON'T GIVE THEM FOREIGN/FALSE DOCUMENTS
- 4. DON'T GIVE THEM PERMISSION TO SEARCH



# 1. IF ICE APPROACHES YOU IN PUBLIC, IMMEDIATELY ASK: AM I FREE TO GO?

IF YES, WALK AWAY!

#### 2. REMAIN SILENT.



## IF OFFICERS SAY NO, YOU ARE BEING DETAINED,

SAY: I DON'T WANT TO TALK WITHOUT LAWYER.

THEN, STAY SILENT OR REPEAT THIS PHRASE TO ANSWER ALL THEIR QUESTIONS.

## 3. DON'T GIVE THEM FOREIGN OR FALSE DOCUMENTS



#### Okay:

Municipal ID card, library card, U.S. driver's license, U.S. green card

#### Not okay:

Passport, consular ID, matricula, expired visa, anything fake or not yours



# 4. DON'T GIVE THEM PERMISSION TO SEARCH YOU OR YOUR BELONGINGS.

IF THEY SEARCH YOU, SAY:
I DON'T CONSENT TO YOU
SEARCHING ME.



# They may search anyway (& claim it is for officer safety), but you should still say you don't consent.

It may help you in court.

#### **5 GOLDEN RULES IN LAW ENFORCEMENT CONTACT**



- 1. Don't Let Them In.
- 2. Don't Speak to Them Without an Attorney Present.
- 3. Ask for ID.
- 4. Tell Them Your Lawyer Will Call Them.
- 5. Don't Let Them Search Your Home.

8.

# FREQUENTLY ASKED QUESTIONS

# What can I do if I witnessed a raid?

- Document what happened & tell a lawyer <u>even if you are not</u> <u>a family member.</u>
- If you witness ICE violating your rights or the rights of anyone else, it may help the person facing deportation.
- For training: reminder that no one should interrupt an ICE arrest, it could escalate the situation. If person being arrested has medical or childcare needs, witnesses should inform ICE.

#### WHAT DO I NEED TO DOCUMENT?

- Where/when was encounter with ICE
- How did ICE officers present themselves
  - Pretend to be police? Refused to identify themselves?
- What ICE agents said
  - Lied to enter the home, intimidated anyone, or used verbal/physical force?
- Whether consent was given
  - How they reacted if no consent to enter/search

#### WHERE DO I REPORT A RAID?

In New York, call IDP: 212-725-6422

In California, call TRUST hotline:

844-878-7801

In other states, call United We Dream:

844-363-1423 or find local hotlines



# If I don't speak English, should I still invoke my rights?

Yes! Invoke your rights *out loud* in whatever language you feel most comfortable.



#### **ICE Raids & Language Issues**



- At least one ICE officer is supposed to speak the known language of the individual they are targeting.
- For training: this is where practice and role play may be helpful. Practice various scenarios where individuals need to invoke their rights.

# If I open the door to see who is there, does this give ICE permission to enter?

NO. Generally, opening the door itself is not permission for ICE to enter the home. If they push the door open, invoke your rights and tell them you don't want them to enter.



#### Interacting w/ICE at the door

For training: remember, if ICE sees the person they are targeting, they will arrest them regardless of whether they had permission to enter the home.

# If ICE asks me, do I have to give my name?

Depends on the state. Investigate whether your state has "stop and identify" laws requiring individuals to provide their name to law enforcement.





### Telling ICE your name: Considerations

- Before giving your name, identify who is questioning you (ICE, police, FBI, etc).
- Your name could be incriminating and you can use your right to remain silent.

# If ICE asks for it, do I have to give my ID/passport?

No. You have a right to refuse to give your ID/passport. You can also say you don't consent to ICE searching your home or your person (if they are searching for ID). But consider...





### Giving ICE ID: Considerations

- Before giving ID, identify who is asking you for it.
- For training: important to assess the situation. Will refusal escalate the situation? If you have a valid ID that does not show place of birth, better to give this than a foreign-issued document.

# Should I carry proof of my immigration status on me?

If you have valid status, best to carry proof. This includes green card holders.

For training: assess importance of carrying around impt docs against risk of violating laws requiring it.



### Can I videotape ICE during an arrest?

Depends on the state. Investigate the laws of your state before training since this is a common question.

Also, consider...





#### Videotaping ICE: Considerations

ICE agents care mainly about their safety. Running to get a phone or reaching into your pocket could escalate the situation & be dangerous.

For training: train people to <u>assess a situation before filming</u> & about different ways to document a raid.

## If ICE asks to fingerprint me, do I have to let them?

If you are under arrest, it is legal for ICE to fingerprint you as part of the booking process.

## If ICE asks to fingerprint me, do I have to let them?

If you encounter ICE & are not under arrest (e.g. a witness to a raid): You may refuse to submit to fingerprinting but should be aware that refusing may result in an ICE arrest.



# Won't it appear suspicious if I don't answer their questions? I have nothing to hide!



# Will we be retaliated against if we don't speak with law enforcement?



## Can I refuse to be searched when I go into the subway?



#### Do I have to show my ID?



### STRATEGIES FOR TRAINING COMMUNITY MEMBERS p. I

- Tailor it to your audience.
- Create audience-participation role plays.\*
- Practice invoking rights and refusing to give information.
- Crowdsource responses to questions.

\*think through how to do this ahead of time without triggering audience

### STRATEGIES FOR TRAINING COMMUNITY MEMBERS p. II

- Discuss community defense strategies
- Create a list of resources Incorporate materials on emergency planning (child care, medical, financial)
- Encourage people who may be at risk to get screened by trusted agencies/advocates

#### **OTHER QUESTIONS?**

#### MORE QUESTIONS WHILE PREPARING A KYR TRAINING?

**IDP Hotline: 212-725-6422** 

Email: KYR@immdefense.org

For updated training/community education resources:

immdefense.org/ice-arrests



@immdefense



@immdefense

#### MORE QUESTIONS WHILE PREPARING A LAW ENFORCEMENT CONTACT TRAINING?

**CUNY CLEAR: 718-340-4558** 

Email: cunyclear@law.cuny.edu

For updated training/community education resources:

cunyclear.org/links-materials/



