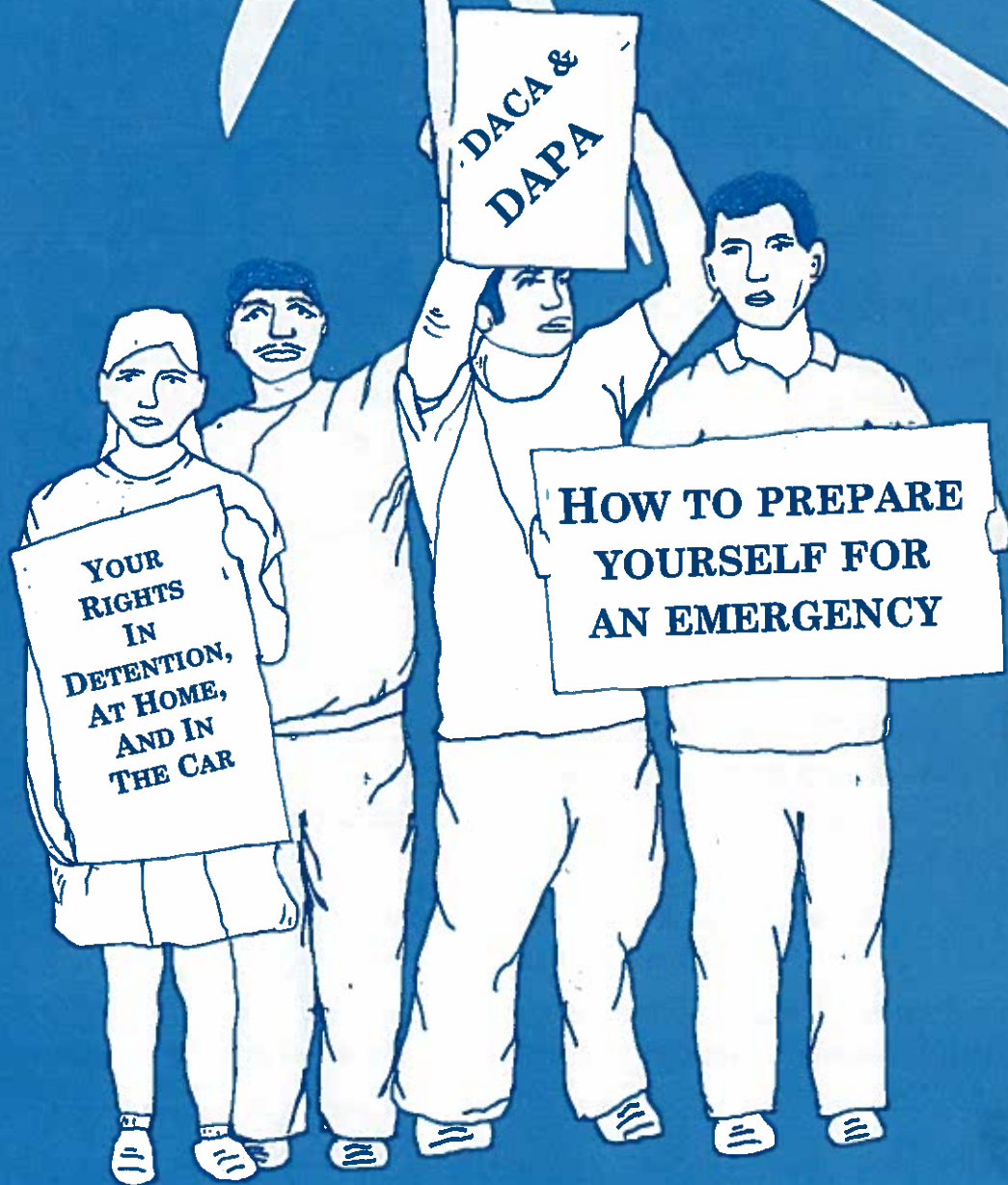


YOUR RIGHTS AS AN IMMIGRANT



**American Friends
Service Committee**

Area Office of the Carolinas

The information contained in this booklet should not be in any way considered legal advice. For information and advice about specific cases, you should consult with an immigration attorney.

INTRODUCTION

These are difficult times. As immigrants, we face a lot of discrimination in this country. But we all deserve to be treated with dignity and respect, and it is more important than ever to know our rights and fight for justice.



None of the information in this booklet should be considered legal advice.

Please speak to an immigration attorney or BIA Accredited Representative about your particular case.

Who can enforce Immigration law?

In most places across the country, local law enforcement can easily share information with Immigration and Customs Enforcement (ICE). If you are arrested, your fingerprints could be run through national immigration and criminal databases. Local jails may let ICE know when someone is released that ICE wants to deport.

The Priority Enforcement Program (PEP) was announced by President Obama on November 20, 2014. ICE set priorities of who they want to deport. All undocumented people are still at risk of deportation, but people most at risk include those who:

- 1) Are a threat to national security; convicted of a felony or gang crime; or apprehended at the border.
- 2) Have 3+ misdemeanors or a significant misdemeanor (like DUI, domestic violence, illegal guns, drug charges or a 90+ day sentence);
- 3) Entered the US on or after Jan. 1, 2014 without papers or received a deportation order after Jan. 1, 2014 but have not left the country yet.



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PREPARE YOURSELF

IN CASE OF AN IMMIGRATION EMERGENCY

Develop a Family Plan.

Talk with your friends and family and make a plan of what to do in case you are detained. Write down important information about your children (their schools, doctors, medicine, etc.).

Designate a Power of Attorney.

Designate a person who will be in charge of your property and accounts in case you are detained. Choose only a very well-known and trusted individual. You can give this person the power to sell your car or land and manage money in your bank accounts, if it becomes necessary to do so. You can also give someone the power to enroll your children in school and make certain medical decisions for them.

Obtain a Passport from your country of origin.



If you do not have one, you could spend a lot of time in jail waiting for your deportation to finalize, while your Consulate verifies your identity. Your children will need a passport or visa if they are going to return with you to your country of origin.

TO FIND PEOPLE IN DETENTION

<https://locator.ice.gov>

1-800-898-7180

These are the Online Detainee Locator System and the Immigration Court Phone Number. But, you must know the Alien Registration number, or "A" number, assigned to the detainee.

Local ICE Field/ Sub-Office:



YOUR RIGHTS AT HOME

You do not have to open the door to any immigration agent or to the police unless they have a valid arrest or search warrant.

- If you open the door, the officials will consider that you are giving them permission to enter. Once they are inside, ICE will likely ask for documents of everyone inside.



- You can ask the agent to pass the warrant under the door. You do not have to sign it if it is not valid.

What is a Warrant?

A warrant is a document signed by a judge that authorizes officials to enter your house.

To be valid, an arrest warrant must have:

- 1) The name of the person they are looking for;
- 2) That person must live at the address listed on the warrant; and
- 3) That person must be present in the home.

A valid search warrant must specify:

- 1) The address they are going to search;
- 2) Which places, in detail, they are going to search; and
- 3) What they are looking for.

- If the agents have a warrant, review it to determine if they have searched an area that is not authorized in the warrant.
- If the agents enter the house without a valid warrant, ask for the names and badge numbers of the agents. You can state that you do not consent to the search.

YOUR RIGHTS IN THE CAR

If immigration agents or the police signal you to stop your car, you should do so.

Immigration officials and the police can ask for your name, drivers' license, registration and insurance. You should show these documents if you have them.



You have the right to remain silent.

- If they stop you while you are driving, you must give your name. You do not have to answer any other question.
- If an official questions a passenger, that person has the right not to answer. But you might want to give your name or it will seem suspicious.

You can refuse consent to search your car.

- If an official wants to search your car, you have the right to give or refuse permission, but you should not interfere with their actions.
- You can ask if you are free to go or if you are under arrest. If they tell you that you are under arrest, remember you always have the right to remain silent.

Identification

Always carry with you a valid photo ID from the US, even if you are not eligible for a drivers' license, like:

- ✓ *A student ID,*
- ✓ *A bank card,*
- ✓ *A Costco card, etc.*

Some cities have begun issuing IDs to residents regardless of legal status.

Do not carry false identifications with you!

YOUR RIGHTS ON THE JOB



At work you have certain rights. You can protect yourself from immigration officials coming to your workplace and from employers who may abuse or not know the law.

E-Verify and your rights at work

E-Verify is an internet-based system that compares information from an employee's I-9 Form against data from the Department of Homeland Security and the Social Security Administration to confirm employment eligibility. More and more employers are required to use this system in many states.

You have the right to refuse to sign any document. You are not obligated to sign anything from immigration or from your employer. You have the right to understand anything they give you or ask you to sign.

Keep in mind:

- **An employer should only ask you for your documents once they offer you a job, not before.**
- **If you are authorized to work but your employer says that your documents do not match, you can appeal. You have eight business days to appeal to the Social Security Administration. The employer cannot fire you while you are appealing. You should also correct your records with US Citizenship and immigration Services.**
- **If your employer refuses to accept your documents even though they match or asks you to produce more documents than required, contact a lawyer.**

EVERYONE HAS CERTAIN LABOR RIGHTS.

You cannot be fired or deported simply for exercising your rights under the law, regardless of your immigration status. Some of those rights are:

Minimum Wage

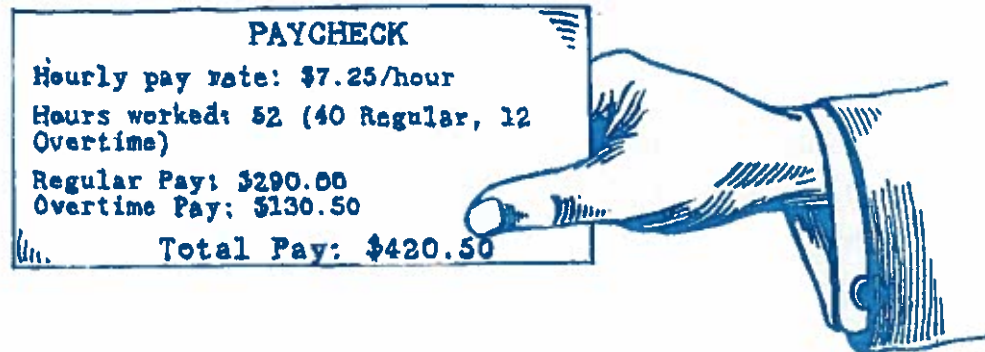
Everyone deserves at least the minimum wage under the law, \$7.25 per hour. Some states have a higher minimum wage.

Exceptions: Workers who earn tips. But the wages plus the tips must equal at least \$7.25 per hour.

Overtime

If you work more than 40 hours per week, you should receive overtime pay for every hour you work over 40. That should be 1.5 times your normal wages.

Exceptions: Many agricultural and domestic workers, and some professional or management jobs.



Workers' Compensation

If a worker is injured or gets sick because of work, he/she has a right to medical treatment and in some cases lost wages due to illness.

Exceptions: It depends on how many employees the company has.

Safe & Healthy Job

Everyone deserves a work place that is healthy and safe. You should not have to work in dangerous conditions. For specialized jobs, the employer should provide protective clothing and equipment.

YOUR RIGHTS IN DETENTION

You have the right to remain silent.

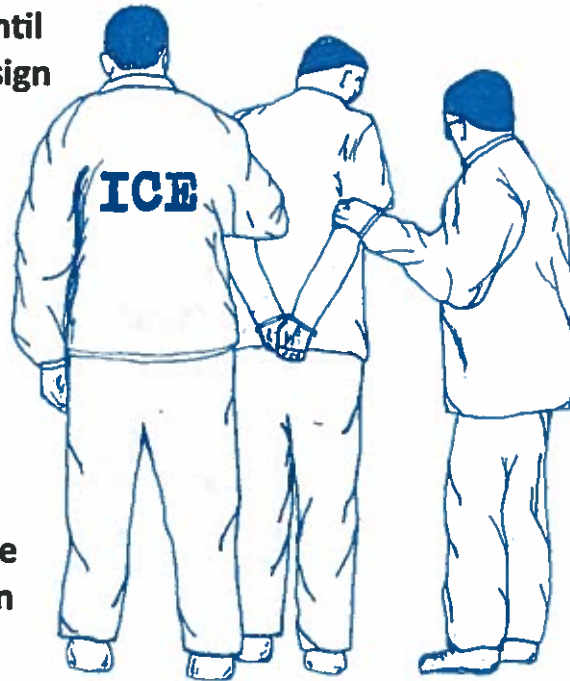
You do not have to respond to questions about where you were born, where you are from, or your legal status, but you should never lie. Once you are detained, you will have to give your name, address, and birthdate, but you do not have to answer other questions.

You have the right to refuse to sign.

You can refuse to sign any paper until you consult with a lawyer. Do not sign anything you do not understand.

You have the right to make a phone call.

- **You have the right to call a family member, a lawyer, or your country's consulate.**
- **When you call your family, tell them the name of the jail where you are detained and your Alien Registration Number, or "A" number. This number should appear in all immigration or detention documents. It is 9 digits and starts with the letter "A".**



You have the right to a lawyer... but you have to find one and pay for it.

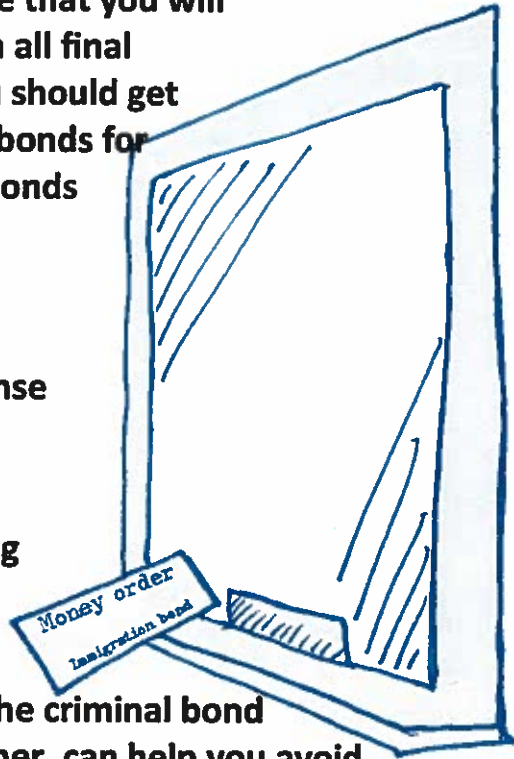
- **The government will NOT provide a lawyer for immigration cases. You must find your own lawyer.**
- **It is important to find an immigration lawyer who specializes in deportation cases. You should not trust anyone who is not authorized to represent you in your immigration case.**

BONDS

A bond is what you pay the court to ensure that you will show up to your hearings and comply with all final orders of your case. If you do comply, you should get your money back. There are immigration bonds for immigration cases and separate criminal bonds for criminal offenses.

Criminal Bonds

- If you are charged with a criminal offense and are undocumented, chances are you will end up in ICE custody.
- If you are already in ICE custody, paying the criminal bond will not allow you to leave.
- Some people have found that paying the criminal bond immediately, before ICE issues a detainer, can help you avoid being transferred into immigration custody and facing deportation.



Immigration Bonds

- If you are eligible for a bond, a bond may be set automatically. If no bond has been set for you or if you can't afford the bond that was set, then you can request a bond hearing.
- At the bond hearing, the immigration judge makes a decision to give you a bond or not, or to lower the amount of your current bond.
- You probably will not be eligible for a bond if you already have a deportation order, or if you have certain criminal convictions, or if the government thinks you are a threat.

At a bond hearing the judge will consider things like:

- the seriousness of your crimes
- if you will attend your hearings
- whether or not you are likely to win your case.

*If it seems that you are eligible to stay in the country,
you are more likely to get a lower bond.*

RELIEF AND REFORM

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

was announced by President Obama in 2012. It protects eligible young people from deportation for two years, authorizes work in the US, and can be renewed.

You may eligible for DACA if you:



1. Came to the US before your 16th birthday;
2. Have continuously resided in the US since June 15, 2007;
3. Are currently in school, have graduated high school or obtained a GED, or are an honorably discharged veteran;
5. Have not been convicted of a felony, significant misdemeanor, 3 or more other misdemeanors, and do not pose a security threat;
6. Were born on or after June 16, 1981;
7. Are present in the US on June 15, 2012 and when you submit your application;
8. Are at least 15 years old at time of application, unless you have been issued a final order of removal; and
7. Do not have a lawful immigration status at the time of application or on June 15, 2012.

If you have been deported, ordered removed, or left the US between June 15, 2007 and the present time, discuss with an immigration attorney.

DACA (& DAPA, if implemented) is not a permanent status and does not grant a pathway to permanent residency or citizenship. Only Congress can do that. We must keep pushing for fair and humane immigration reform.

DEFERRED ACTION FOR PARENTS OF AMERICANS (DAPA) [THERE IS NO DAPA NOW.]

DAPA was announced by President Obama on Nov. 20, 2014, but is NOT IN EFFECT at this time. It was intended to protect parents of US citizens and lawful permanent residents for three years and to authorize work in the US.

If DAPA is eventually implemented, to be considered, you would have to:

- ✓ Be the parent of a US citizen or lawful permanent resident child born on or before Nov. 20, 2014.
- ✓ Have continuously resided in the US since Jan. 1, 2010.
- ✓ Be present in the US on Nov. 20, 2014 and when you submitted your application.
- ✓ Have not been convicted of a felony, significant misdemeanor, 3 or more other misdemeanors, and not pose a security threat.

Due to a federal lawsuit, DAPA is NOT IN EFFECT at this time.

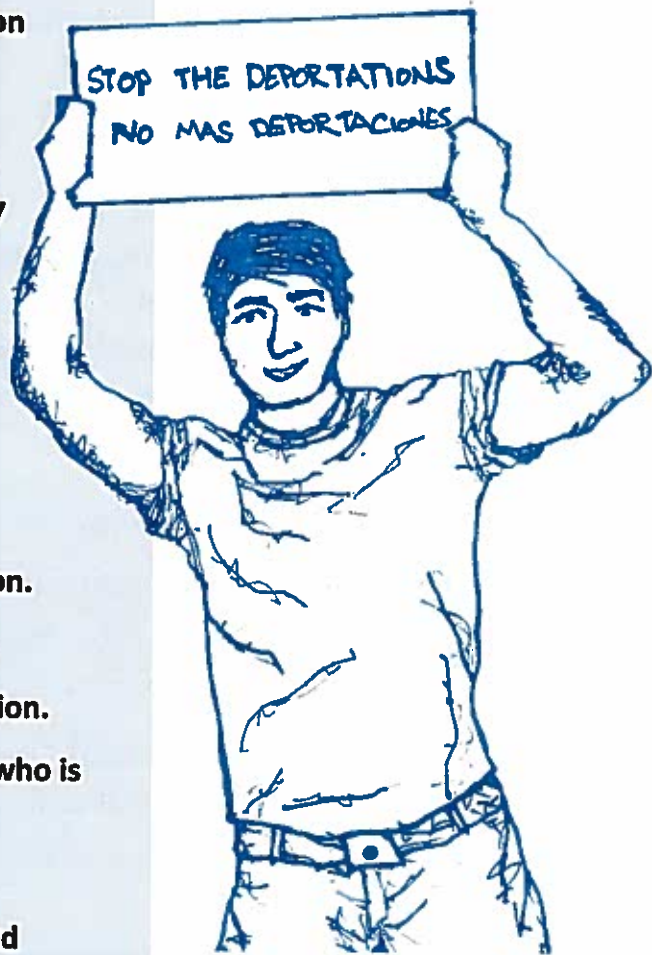
For up-to-date information, check www.uscis.gov/immigrationaction.

FIGHTING YOUR DEPORTATION

If you have exhausted all other possibilities of relief from deportation, your lawyer might suggest you appeal for “Prosecutorial Discretion” (PD). This means the immigration court can decide how and when they will enforce the law in a particular case. Since 2011, ICE has begun considering many more factors in order to decide whether or not to deport someone.

You might be eligible for PD if you:

- **Have no negative immigration history; have never been deported or detained.**
- **Have been a resident of the US for a long time, especially since you were a child.**
- **Have no history of violent crime or felony convictions.**
- **Are pregnant or nursing.**
- **Have children or a spouse that are US citizens.**
- **Are pursuing higher education.**
- **Have served in the Military.**
- **Have a serious health condition.**
- **Are a caregiver of someone who is disabled or seriously sick.**
- **Are a minor or are elderly.**
- **Have strong ties to the United States, including your role in your community.**



**Gathering public support around
an individual case can
raise awareness and can even
help stop deportations, in some cases.**

KNOW YOUR RIGHTS!

You have the right to remain silent.

You do not have to answer any questions, but there is a risk in not giving your name; it may seem suspicious.

You do not have to reveal your immigration status

to government officials, but you cannot lie either.

You can refuse to sign any document.

Even if you do not have a lawyer, you are not obligated to sign anything.

If you have a lawyer, you can ask him/her to be present. You always have the right to understand what you are signing.



- **Always be polite and stay calm.**
- **Never lie or give false information to an immigration agent or police officer; do not carry false identification with you.**
- **Do not reveal your immigration status.**
- **Keep with you the name and phone number of an immigration attorney who will accept your call.**
- **Make a family preparation plan in case of an immigration emergency.**

If you have been mistreated, you have the right to file a complaint. Remember that knowing your rights does not necessarily mean that the authorities will follow the law or respect your rights.

The information contained in this booklet should not be in any way considered legal advice. For information and advice about specific cases, you should consult with an immigration attorney.

Local Advocates/Services: