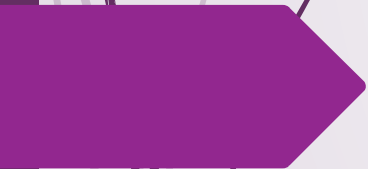




JUSTICE AND **MERCY**
LEGAL AID CENTER





How is US immigration law created?

- ▶ United States Constitution
- ▶ Immigration and Nationality Act (“INA”) (8 US Code)
- ▶ Regulations (mostly 8 Code of Federal Regulations)
- ▶ Executive Orders
- ▶ Agency Memorandum

What Agencies are Involved?

INS



United States Citizenship and Immigration Services (CIS)



United States Immigration and Custom Enforcement (ICE)



United States Custom Border Patrol (CBP)





Regardless of your immigration status, you have constitutional rights

- ▶ If you are arrested, you have the right to an attorney.
- ▶ You have the right to remain silent. If you wish to exercise this right, say it out loud (5th Amendment)
- ▶ You have the right to deny permission for a search of your person, vehicle, or home without a written court order from a judge (4th Amendment)
- ▶ If you are not under arrest, you have the right to calmly leave.

What should I do if ICE comes to my house?



Ask if they have an arrest warrant signed by a judge.

What should I do if ICE comes to my house?

- ▶ Do not open the door.
- ▶ **Ask** why they are there.
- ▶ Request an interpreter.
- ▶ If ICE forces their way in, **do not resist**. Stay calm and remain silent.
- ▶ If you are arrested, stay silent and **DO NOT SIGN** anything until you speak with a lawyer.
- ▶ **DO NOT LIE!**
- ▶ If they ask to enter, **ask if they have an arrest warrant signed by a judge**. If so, request to see the warrant.
- ▶ If they DO NOT have an arrest warrant signed by a judge, you can refuse to let them enter.
- ▶ An ICE administrative arrest warrant (Forms I-200, I-205) **is NOT** valid to enter your home unless you consent.

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

Since a charging document is also prepared and issued by ICE agents, its existence does not show that any neutral party has found probable cause that the person is subject to deportation.

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

None of these checkboxes indicate that there is probable cause of a crime for which a person could be arrested by local law enforcement officers.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

No judge or neutral magistrate is involved in the issuance of an ICE warrant. This warrant does not meet the basic constitutional standard for being a warrant, which is review by a judge.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

FORM NO. 761-8 — WARRANT

SEARCH WARRANT

ISSUED BY: 712th Nonjudicial District Court

DATE: 1-29-2009
CASE NUMBER: PT 04-9881 G-05
In the Matter of the search of
(Premises or property to be searched)



S. Moe Queeds house

TO: Any Authorized Officer of the Court

Affidavit(s) having been made before me by

F. L. Aysheeo

who has reason to believe that on the premises described above there is now concealed property, specifically

Mary jane plants

and other property that constitutes evidence of the commission of a criminal offense, contraband, the fruits of crime or things otherwise criminally possessed or property designed, intended for use or which is or has been used as the means of committing a criminal offense, specifically, the conspiracy to commit, or the commission of knowingly presenting a false and fictitious claim upon or against any federal department or agency in violation of Title 319, General Penal Code, sections 7, 28, 72 and Title 601, General Penal Code, sections 13 and 22 (incorporating 88 IFR 1092.26 and 127).

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the property so described is now concealed on the premises or property above-described and establish lawful grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search the premises or property above within 10 days of the date of this warrant at any time in the day or night for the concealed property specified, and if the property is found to seize same, leaving a copy of this warrant as a receipt for the property taken as required by law.

WITNESS: Clerk of the 712th Nonjudicial District Court
Given under the Seal of said Court.

[Signature]

FILE

By _____
DEPUTY


If they stop you for questioning?



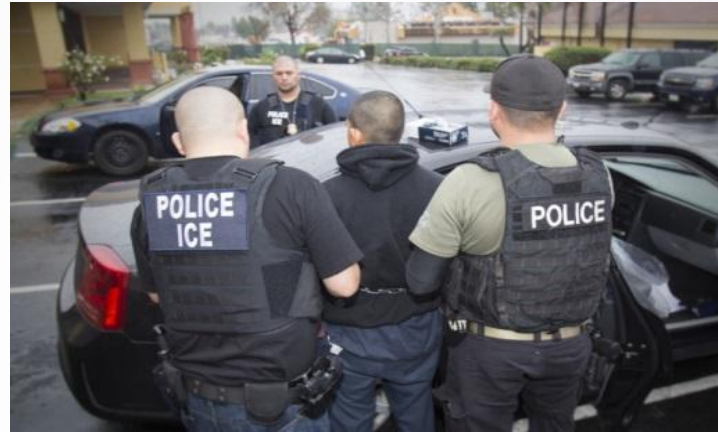
You have the right to remain silent



If they stop you for questioning?

- ▶ **Stay calm. Don't run. Don't argue, resist, or obstruct the police**, even if you're innocent and police are violating your rights. Always keep your hands where police can see them.
 - ▶ **Ask if you're free to go.** If the officer says yes, calmly and quietly walk away. If arrested, you have the right to know why.
 - ▶ **You have the right to remain silent** and cannot be punished for refusing to answer questions.
 - ▶ **You are not required to consent to a search of yourself or your belongings**, but police may pat down your clothing if they suspect a weapon. Don't physically resist, but you have the right to refuse permission for further searches
- 

If they stop you in your vehicle?



If a police officer or immigration agent asks to search the inside of your car, you can deny permission.



If they stop you in your vehicle?

- ▶ **Stop your vehicle in a safe place as soon as possible.** Turn off the car, turn on the interior light, open the window slightly, and place your hands on the steering wheel.
- ▶ If requested, **show police your driver's license, registration, and proof of insurance.**
- ▶ **If a police or immigration officer asks to search the inside of your car, you can deny permission.** However, if police believe your car contains evidence of a crime, they can search it without your permission.
- ▶ **Both drivers and passengers have the right to remain silent.** If you're a passenger, you can ask if you're free to go. If the officer says yes, remain seated silently or leave calmly




If they place you in immigration (ICE) custody?

- ▶ **You have the right to an attorney**, but the government does not have to provide one for you.
- ▶ You have the right to **contact your consulate** or to have an officer notify the consulate of your arrest.
- ▶ **Tell the immigration agent that you wish to remain silent.** Do not discuss your immigration status with anyone other than your attorney.
- ▶ **Do not sign anything**, such as a voluntary departure application or a stipulated removal order, without speaking to an attorney first.
- ▶ **Remember your immigration number ("A number") and give it to your family.** This will help your family locate you



In all situations

- ▶ **Do not lie about your citizenship status or provide false documents.**
 - ▶ **Remain silent. Stay calm**
- 



Be aware of the following

- ▶ **Do not commit any crimes.**
- ▶ **Pay all your traffic tickets.**
- ▶ **Get your driver's license.**
- ▶ **Avoid driving near the border.**
- ▶ **Avoid driving without a driver's license.**
- ▶ **If you drive, maintain insurance coverage for your car.**
- ▶ **Remember that marijuana is illegal under Federal and Immigration law. Marijuana is illegal for anyone under 21 years old, just like alcohol.**



Be aware of the following

- ▶ **Do not sign any documents giving up your permanent residence, especially at ports of entry.**
- ▶ **Never claim to be an American citizen, verbally or in writing.**
- ▶ **Pay all your taxes.**
- ▶ **If you have a pending criminal case, get good legal advice from an attorney. Some minor violations have serious consequences for your immigration status and can lead to deportation or denial of any application to the immigration department.**
- ▶ **Consult with an immigration attorney before leaving the United States.**

My Family Protection Plan



- Why is it important to prepare?
- How?
- When?
- Where?
- With whom?
- Who in the family should prepare?

DOCUMENTS

Prepare



File of Important Documents: Keep a file of all of these documents or a copy of these documents in a safe place. Tell your children, family members, and emergency caregiver where to find this file in an emergency (make sure their location is known to a trusted adult):

NOTE

- **DO NOT GIVE ICE YOUR PASSPORT! Instruct your family not to give your passport to ICE!**
- **NEVER GIVE ORIGINAL DOCUMENTS TO ICE-YOU WILL NOT GET THEM BACK!**
- **GET ALL NON-ENGLISH DOCUMENTS TRANSLATED TO ENGLISH BY A CERTIFIED TRANSLATOR.**

CERTIFICATE OF TRANSLATION

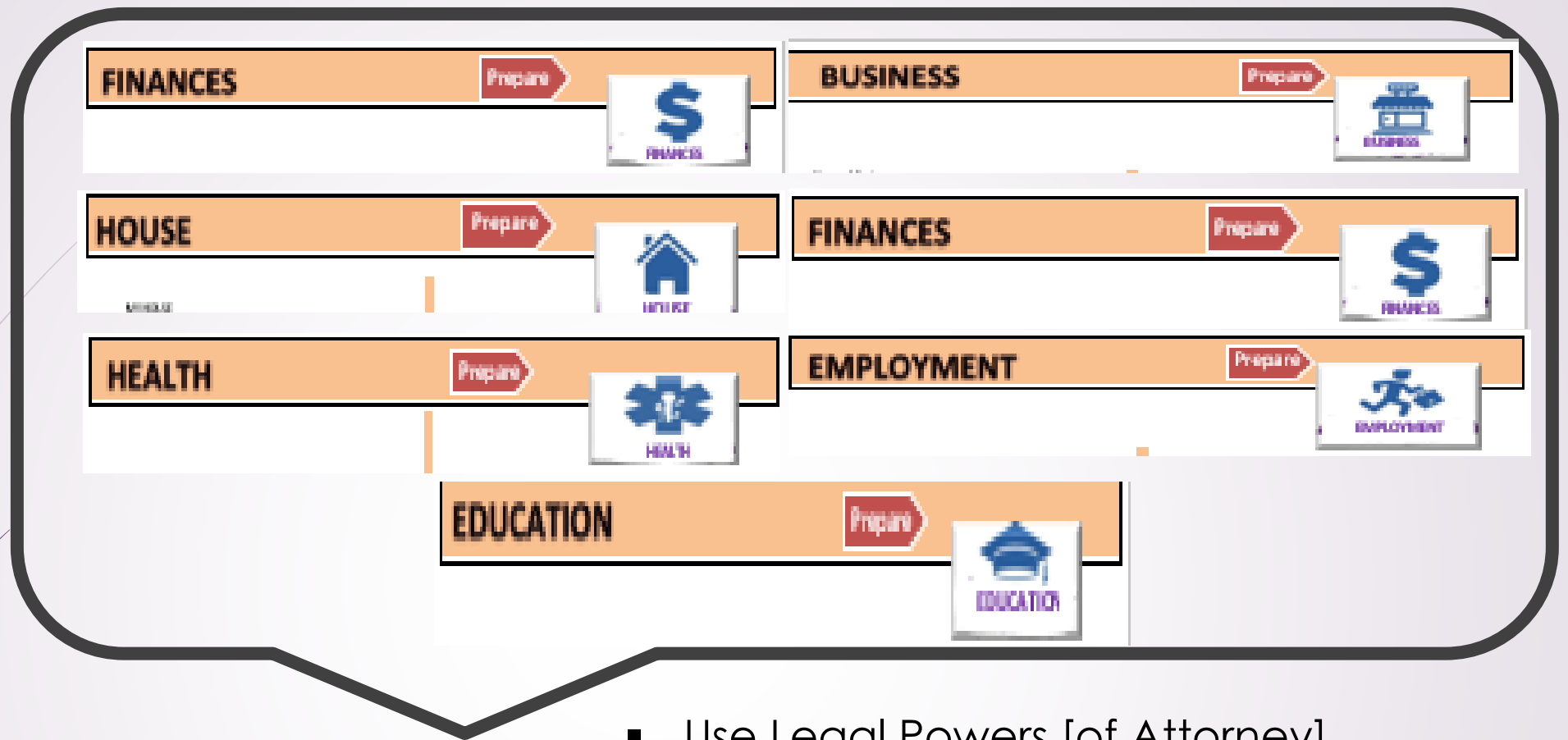
I, _____, am competent to translate from _____ (language) into English, and I certify that my translation of the _____ (document) on _____ (date) is true and accurate to the best of my abilities.

Signature of translator

Printed Name of translator

Address of Translator

Phone Number of Translator



- Use Legal Powers [of Attorney]
- Always maintain a record of your employment with company names, dates, addresses and phone numbers
- Maintain files/records
- Subject/Course revalidation [academic credit validation]

**DELEGATION OF POWER BY PARENT OR GUARDIAN
PURSUANT TO §15-14-105, C.R.S.**

I, _____ (full name), parent or guardian of the minor child(ren) or incapacitated person(s) named below:

Full Name of Child or Incapacitated Person	Date of Birth	Relationship

I hereby authorize and appoint _____ (name of person), as Attorney in Fact for me with full authority to act in my place as follows:

1. To perform any and all acts necessary for the day-to-day care, custody, education, recreation, and property of the above-named minor child or incapacitated person, consistent with the provision of §15-14-105, C.R.S.
2. To authorize any and all medical and dental care for the health and well being of the minor child(ren) or incapacitated person(s). This care includes, but is not limited to medical and dental exams and tests, x-rays, surgeries, anesthesia, and hospital care.

This Special Power of Attorney does not give the Attorney in Fact the power to consent to the marriage or adoption of the child or incapacitated person.

This Special Power of Attorney shall be effective until _____ unless revoked earlier by the parent or guardian in writing. In any case, the authority granted herein shall not be valid for more than 12 months from the date of this document.

Date: _____
Parent/Guardian Signature _____

Subscribed and affirmed, or sworn to before me in the County of _____
State of _____, this _____ day of _____, 20____.



Justice and Mercy Legal Aid Center
913 N Wyandot Street
Denver, Colorado 80204
(303) 839-1008
www.jamlac.org

Questions?