

KNOW YOUR RIGHTS!

The Fourth Amendment of the Constitution still applies to all of us under the Trump administration regardless of immigration status. How these rights are applied with Immigration & Customs Enforcement (ICE) agents are as follows:



Stopped on the Street?

Ask "Am I free to leave?"

ICE is not allowed to keep asking you questions without reason. Before giving them your name or any information, ask if you are free to go. If they say "yes," stay away from the place. If they say "no" tell them you do not want to answer any questions and you want to talk to a lawyer. In some states, you may have to share your name but that's it!



If ICE is searching you or your belongings, you have the right to say "I do not agree to this search."



DO NOT RUN. If you run, ICE may go after you. It will make the encounter worse.



Stopped in the Car?

If you are detained while driving, it will likely be by police not ICE. When pulled over by police, receiving a ticket is better than having to go to a police precinct, since going to one increases the chance you are referred to ICE.

If you don't have a driver's license do not show any false documents.

Do not answer any questions related to your immigration status or your country of origin. Say: "I want to exercise my right to remain silent" and "I want to speak with a lawyer." If the officer asks to search your vehicle, you have the right to not consent to any search. They cannot do it without a proper warrant, unless there is reasonable suspicion.



If you are driving along border states, you may be pulled over by Border Patrol and could encounter checkpoints. They can pull you over if they have reasonable suspicion of an immigration violation or a crime, and they may ask questions about your status. They can continue to detain you to inquire about your status, **but they cannot force you to speak or to sign anything.**



ICE at your Home or Facility?

Do not open the door. ICE cannot enter your home or facility without a judicial warrant. Also beware of sneaky tactics. ICE often uses tricks to get you to open the door, so be weary of anything they say.



You have the right to ask to see the warrant.

If the agents say they have a warrant, tell them to pass it under the door before opening it. If you are at a facility, you can ask to review the warrant while waiting outside the front entrance.

Check the warrant thoroughly.

Confirm the name and address on the order to make sure it is precise to your location. Also verify that it is signed by a judge. An ICE warrant is not the same as a court mandated, judicial warrant. **During raids, agents often say they have a "warrant" when all they have is an ICE warrant.**

If in a facility, designate "private spaces" with closed doors. If ICE comes to your facility, people inside have stronger privacy rights when out of "public spaces" like waiting rooms, kitchens, sanctuaries, etc.

JUDICIAL WARRANT VS. ADMINISTRATIVE WARRANT

When ICE shows up at your home, facility or business you DO NOT have to let them in. Ask to see their warrant. If they slip you or hand you an Administrative Warrant, be brave! Say "I do not consent to a search" and ask them to leave.

JUDICIAL WARRANTS ARE ISSUED BY A COURT!

AD-10 (Rev. 08-01) Search Warrant

UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the State of California)
vs.)
2043 Raymond Avenue)
San Diego, California)

Case No. **'14 MJ 0396**

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the (City/Town) District of California

The person or property to be searched, described above, is believed to contain evidence of the crime(s) described in the attached Affidavit B-2

I find that the affidavit(s), or any supporting testimony, establish probable cause to search and seize the person or property

YOU ARE COMMANDED to execute this warrant on or before 11/11/2014
(1) in the daytime 6:00 a.m. to 10 p.m. (2) at any time on the day or night if I find reasonable cause has been established

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Hon. David H. Berlich

(*) I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for the delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized until the appropriate time. (If the delay is less than 30 days, the facts justifying the delay specify the date of

Date and time issued: 11/11/2014 5:00 PM [Signature]
City and state: San Diego, California Hon. David H. Berlich, U.S. Magistrate Judge
Printed name and title

JUDICIAL WARRANTS ARE SIGNED BY A JUDGE!

THIS SORT OF TITLE IS A GIVE AWAY THAT IT IS AN ADMIN WARRANT!

ADMIN WARRANT ISSUED BY DHS NOT A COURT!

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

Title: _____
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

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

- ☐ 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
- ☐ 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.

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

(Signature of Authorized Immigration Officer)
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

A warrant for Arrest of Alien was served by me at _____ (Location)
on _____ (Name of Alien) on _____ (Date of Service) and the contents of that notice were read to him or her in the _____ (Language) language(s)
Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

Form I-860 (Rev. 09/04)

ADMIN WARRANT SIGNED BY AN IMMIGRATION OFFICER NOT A JUDGE!