

# 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 10-12a (Rev. 04-09-01)

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of California

In the Matter of the Search:  
Address: \_\_\_\_\_  
\_\_\_\_\_  
2943 Raymond Avenue  
San Diego, California  
\_\_\_\_\_

Case No. '14-cv-0396

**SEARCH AND SEIZURE/ WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an agency for the government requests the search of the following person or property located in the \_\_\_\_\_ Department \_\_\_\_\_ District of \_\_\_\_\_ California  
Persons or persons or describe the property to be searched and place to be secured  
See Attachment A-2

The person or property to be searched, described above, is believed to conceal evidence the person or describe the property to be seized.  
See Attachment B-2

I find that the subject(s), or any associated territory, establish probable cause to search and seize the person or property

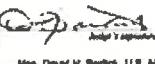
**YOU ARE COMMANDED to execute this warrant as or before** *10:00 a.m. on 10/05/2014*  
 at any time on the day or nights if final reasonable cause has been established

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person that owns, 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 the warrant and inventory to United States Magistrate Judge  
Hon. David H. Berlitz, \_\_\_\_\_

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2745 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who owns, or whose property, will be searched or seized until the appropriate time. (For \_\_\_\_\_ days from or around the \_\_\_\_\_)

On this, the date justifying the later specific date of \_\_\_\_\_

Date and time issued: *10/04/2014 0539*   
 Judge's signature  
 Hon. David H. Berlitz, U.S. Magistrate Judge  
 Printed name and title

City and state: San Diego, California

 JUDICIAL WARRANTS ARE SIGNED BY A JUDGE!

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

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

Date: \_\_\_\_\_

**ADMIN WARRANT ISSUED BY DHS NOT A COURT!**

Te: 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 record check of federal databases that affirmatively indicate, by themselves or in conjunction with other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; or

statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate that 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)

**ADMIN WARRANT SIGNED BY AN IMMIGRATION OFFICER NOT A JUDGE!**

**Certificate of Service**

arrest for Arrest of Alien was served by me at \_\_\_\_\_ (Location)

on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service) and the contents of this notice were read to him or her in the \_\_\_\_\_ language

Name and Signature of Officer \_\_\_\_\_ Name or Number of Interpreter (if applicable) \_\_\_\_\_

Form I-365 (Rev. 09/04)