

KNOW YOUR RIGHTS IN CALIFORNIA

If You Come into Contact
with Immigration Agents



State of California
Department of
Industrial Relations



**EVERYONE HAS
RIGHTS IN THE
UNITED STATES
REGARDLESS OF
IMMIGRATION
STATUS**

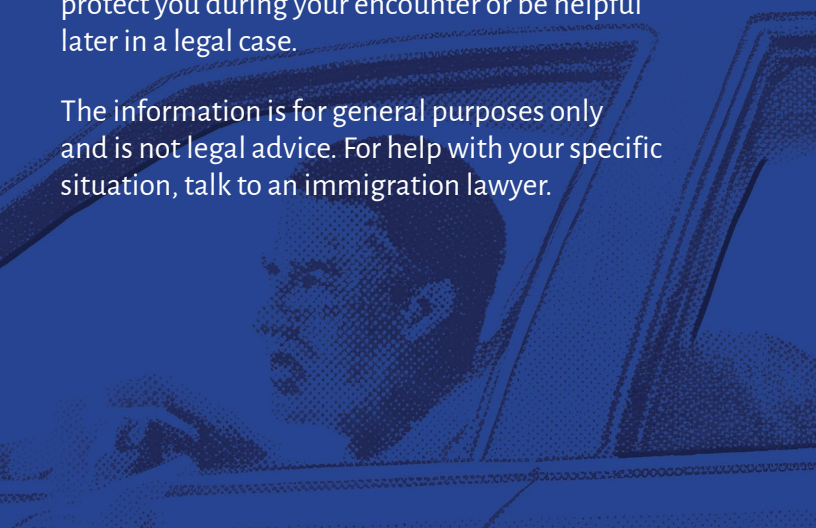


ICE

This booklet is a tool to help you understand your rights and what to do if you come in contact with immigration agents.

We acknowledge that immigration enforcement officers have been violating the law and people's constitutional rights. If this happens to you, **STAY CALM, DO NOT RUN, and DO NOT RESIST**. If you don't stay calm or you run or resist, this could give agents a reason to detain you. Even if your rights are violated, you can **continue to assert them!** Be prepared to do this throughout the entire length of your encounter, which may be long. Doing so may protect you during your encounter or be helpful later in a legal case.

The information is for general purposes only and is not legal advice. For help with your specific situation, talk to an immigration lawyer.



Overview of Your Rights

You **ALWAYS** have the right to:



Remain silent

You can tell immigration agents that you are exercising your right to stay silent and refuse to answer questions.



Refuse a search

You do not have to give immigration agents consent to search your belongings. Generally, agents cannot search you or your belongings without your consent or a judicial warrant. However, do not resist if agents search you even if you did not give consent.

If you are arrested, you have the right to:



A lawyer

You do not have to answer questions or sign anything without a lawyer.



A phone call

You can contact your family, get legal assistance, or call your consulate.

How to Prepare

Make an Emergency Plan with Your Family. Have the phone numbers for who you will call on you and share them with your co-workers. Decide who will pick up and care for your children, pets, and relatives (if needed). Write down your A-number and share with family and friends.

Organize Your Important Documents. Keep copies of important documents in a safe place and ensure a loved one or friend knows where they are located.

Create a Childcare Plan. You can sign a Caregiver Authorization Form so that someone can enroll your child in school and make medical decisions in your absence. You may also want to write down important information related to your child's care, like medications. More information can be found here: <https://bit.ly/3M7CVvT>.

Have a Financial Plan. You may want to give someone you trust Power of Attorney for your financial decisions while you're absent.

Speak to a Lawyer. Consult an immigration attorney and have a signed G-28 form if you are concerned about being detained (G-28 Form: <http://bit.ly/4aAOJ2t>)

Private vs. Public Areas

As you read through this book, you'll notice that you have different rights when you encounter immigration agents, depending on whether the encounter happens in a public or a private space. If you are in an unfamiliar situation, remember that you have more rights in a private area.

Public Areas

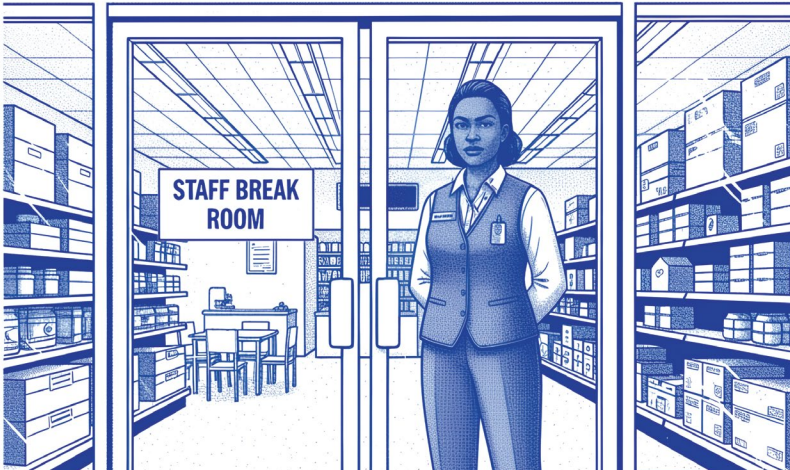
Immigration agents CAN always enter public areas, such as waiting areas and lobbies open to the general public, car wash tunnels, and parking lots.



Private Areas

Immigration agents CANNOT enter private areas without a valid judicial warrant or permission.

Examples: Break rooms, kitchens, equipment/supply rooms, and orchards.



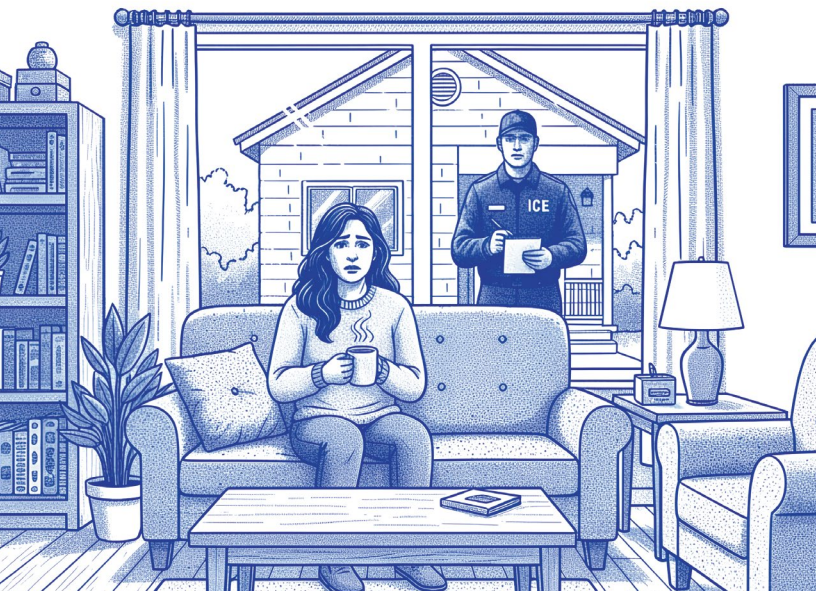
Encounters at Home

- 1 Stay calm, and you can keep the door closed.**
- 2 You can ask if they are immigration agents and why they are at your home.**
- 3 You can ask the agent or officer to show you a badge or identification through the window or peephole.**
- 4 You can ask if they have a warrant signed by a judge.**
If they say they do, you can ask them to slide it under the door or hold it up to a window so you can inspect it.
YOU DO NOT NEED TO OPEN THE DOOR FOR AN AGENT TO SHOW YOU THE WARRANT.
- 5 You do not need to open your door unless an agent shows you a judicial warrant or an arrest warrant naming a person in your home and/or areas to be searched at your address with the correct date.**
 - If they don't produce a valid judicial warrant, you can keep the door closed and decline to give consent for them to search your house.
 - The agent may have an administrative warrant for removal or deportation of a person. This does not give them the right to enter your home.

6 If agents force their way in, **DO NOT resist.** You can say that you do not consent to their entry or to their search of your home.

7 You can remain silent and decline to answer any questions.

8 Record or take notes if it's safe to do so and you are not getting in the way of the agents.



SOME QUESTIONS YOU MAY HAVE

If Immigration Agents Come to Your Home

When can immigration agents search my home?

Agents **CAN** search your home if they have a warrant signed by a judge, with your home address, a description of the area to be searched, and the correct date.

Agents **CANNOT** enter your home without consent if they have a warrant signed by an immigration official, such as a warrant of removal/deportation (Form I-205).

What if immigration agents enter my home without a judicial warrant or consent?

Do not resist. You can continue to reassert your rights and record or take notes (if it's safe to do so). This may be helpful later in a legal case.

How and when should I use the red card?

You can slide a red card under the door if immigration agents begin to ask questions. Red cards are printed with your constitutional rights, and a statement that you are exercising your right to remain silent. You have these constitutional rights regardless of immigration status.

What You Can Say

If agents arrive outside of your door, you can ask:



**“Are you immigration agents?
What are you here for?”**

If they say that they are immigration agents, you can ask:



**“Please show me a badge or identification
through the window or peephole.”**

If they don't produce a warrant, keep the door closed,
and you can say:



“I do not consent to your entry.”

If agents force their way in, do not resist.
You can re-assert your rights by saying:



**“I do not consent to your entry or to your
search of these premises. I am exercising
my right to remain silent.”**

Encounters in a Car

If you're stopped or questioned by immigration agents:

- 1 Stay calm.**
- 2 Keep your hands visible** on the steering wheel or dashboard. Let the agent know if you need to reach for something.
- 3 You can ask who they are.** If it's immigration enforcement, you do not have to show your driver's license, even if it's an AB 60 license.
- 4 You can ask, "Am I free to go?"**
- 5 Open your window only as much as needed** to pass documents or communicate.
- 6 You can assert your right to remain silent if agents ask you questions,** even if they are about your status. If agents request your documents, you can show them or remain silent if you do not have them.

7 You do not need to agree to a search.

- You may ask if the agent has a judicial warrant to conduct a search and can refuse a search if they do not have a valid one.
- If agents conduct a search, do not resist. You can continue to assert that you do not consent.

8 Record or take notes if it's safe to do so and you are not getting in the way of the agents.



SOME QUESTIONS YOU MAY HAVE

If Stopped in a Car

What should I do if I am a passenger in a car that is pulled over by immigration agents?

You can remain silent. When you are a passenger, you are not required to show any ID or papers if stopped.

What if agents search the car or detain me without a judicial warrant?

Do not resist or run. This can give the agents a reason to detain you. If possible, you or a bystander can try to record or document what is happening. This may be helpful later in a legal case.

Why should I remain silent if asked about my immigration status?

Anything you say can be used against you in your immigration case. Staying silent can protect you from saying something that may harm your legal case.

What You Can Say

When pulled over, you can ask:



“Are you an immigration agent or a police officer?”

If pulled over by an immigration agent, you can ask:



“Am I free to go?”

If an agent asks you a question, you can say:



“I choose to remain silent.”

If an agent asks to search your car, you can say:



“I do not give you permission to search.”

REMEMBER

Even if your rights are being violated, you can continue to assert them! This may be helpful during the encounter or later in a legal case.

Encounters in Public

If you encounter immigration agents in public, such as at the grocery store, on public transportation, or on the street walking to work:

- 1 Stay calm, do not run, and do not resist.**
- 2 You can ask, "Am I free to go?"**
- 3 You can remain silent and decline to answer any questions.** You may hand the agent a red card, if you have one.
- 4 You do not need to agree to a search.** However, if agents conduct a search, do not resist. You can continue to assert that you do not consent.
- 5 Record or take notes** if safe to do so and you are not getting in the way of the agents.



ICE



SOME QUESTIONS YOU MAY HAVE

If Stopped in Public

Do immigration agents need a judicial warrant to arrest me in public?

No. Agents don't need a judge-signed warrant to arrest or detain someone in public.

What if immigration agents don't respect my rights?

STAY CALM, DO NOT RUN, and DO NOT RESIST.

If you don't stay calm or you run or resist, this could give immigration agents a reason to detain you. Even if your rights are violated, you can continue to assert them. Be prepared to do this for the entire encounter, even if it's long.

Should I carry my documents with me?

If you have current immigration status, you must carry your lawful permanent resident card or other immigration papers. If you applied for status or have an open case, have a copy of your immigration papers. You may want to carry copies, instead of originals, of any documents related to your status to avoid losing them.

What You Can Say

If you are stopped by an immigration agent, you can ask:



“Am I being arrested or detained?”

If the officer says “no,” then you can ask:



“Am I free to leave?”

If they say “yes,” you can calmly walk away.

If asked about your immigration status, you can say:



“I choose to remain silent.”

If agents ask to search you or your belongings, you can say:



“I refuse to consent to a search.”

Encounters at Work

If immigration agents come to your workplace, you can follow these steps. Remember that immigration agents **cannot enter a private area without a judicial warrant or permission**, but they **can** enter public areas. California law prohibits employers from voluntarily consenting to immigration agents entering non-public areas of the workplace.

- 1 Stay calm. Do not run.**
- 2 You DO NOT need to answer questions. Do not consent to immigration agents entering non-public work areas without a judicial warrant. You can offer to find a supervisor.**
- 3 If you are in a private area when agents enter the worksite, you can remain in that area.**
- 4 If agents stop you, you can ask if you are free to go.**
- 5 You can remain silent and decline to answer any questions.** If agents request your documents, you can show them if you have them or remain silent.

6 You are not obligated to help agents sort people by immigration status or country of origin. If pressed, you can reassert your right to remain silent.

7 Do not resist immigration agents. Even if the agents violate your rights, continue to stay calm, and you can reassert your rights.

8 Record or take notes if it's safe to do so and you are not getting in the way of the agents.



SOME QUESTIONS YOU MAY HAVE

If Immigration Agents Come to Your Work

What should I do if immigration agents enter a private area without a judicial warrant?

Do not run or resist. This can give agents a reason to detain you. You can continue to assert that you do not consent. You can record or take notes if it's safe to do so and doesn't get in the way of the agents. This may be helpful during your encounter or later in a legal case.

Why should I not line up or help agents sort people?

Immigration agents may use any information you give, including your name, country of origin, or how you arrived in the U.S., against you or your co-workers. You do not need to share any information without a lawyer present.

Should I carry my documents to work?

See thoughts on page 18.

What You Can Say

If immigration agents ask your permission to enter a private area of the worksite, you can say:



“I am not authorized to speak with you or give you permission to enter. I can find someone who is.”

If they stop you, you can say:



**“Why are you stopping me?
Am I free to leave?”**

If they ask you questions about your immigration status, you can say:



“I choose to remain silent.”

Judicial Warrant

A judicial warrant is a written order from a judge that gives immigration agents authority to make an arrest or to search and seize your property. However, the warrant is valid only for the specific people, locations, or items listed on the warrant. If any of the information on the warrant is incorrect, it is invalid, and you do not need to comply with it.

What you'll want to check for:

- 1 Names.** Lists the person or business the warrant applies to.
- 2 Address or Property.** Lists the property or items that can be searched.
- 3 Person, Property and Areas Searched.** Person, property and areas searched must be specifically described (may refer to an attachment).
- 4 Date.** Shows the date(s) when the warrant is valid.
- 5 Signature.** Must be signed by a judge to be valid.

UNITED STATES DISTRICT COURT

for the

1

In the Matter of the Search of _____)
 (Briefly describe the property to be searched)
 or identify the person by name and address))

Case No. _____)

2

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 _____ District of _____

(Identify the person or describe the property to be searched and give its location):

3

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

4

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for 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 (check the appropriate box)

for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____

Date and time issued: _____

5

Judge's signature

City and state: _____

Printed name and title

Administrative Warrant

An administrative warrant is a written document issued by a federal agency, such as the Department of Homeland Security. It **DOES NOT** give immigration agents permission to search private property, a car, or personal belongings. It **DOES** give immigration agents authority to arrest or detain in a public area.

If any of the information in a warrant is incorrect, the warrant is **NOT valid** and you can refuse to comply (for example, if the date or name is incorrect).

What you'll want to check for:

- 1 Who issued the warrant.** It will say U.S. Department of Homeland Security or another federal agency.
- 2 Type of warrant.** May include "Warrant for Arrest of Alien" or "Warrant of Removal/Deportation."
- 3 Names.** Lists the person the warrant applies to.
- 4 Signature.** Signed by immigration official, not a judge.

1

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

2

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

I have determined that there is probable cause to believe that _____ **3** 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/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.

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)**4**_____
(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)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer_____
Name or Number of Interpreter (if applicable)

If You Are Detained

- 1 You can ask a co-worker to contact your family.**
- 2 Request a lawyer.** If you do not have one, you can use the resources on the following pages to find one.
- 3 You do not need to sign anything** or answer any questions without a lawyer present.
- 4 You have a right to a phone call.**
 - You can call a family member, a lawyer, Rapid Response Network, or your home country's consulate.
 - You may also call **2150#** from an immigration detention center for help finding a local lawyer or nonprofit.



Resources

Find a Rapid Response Network near you.

They can help you prepare in case you or a loved one is detained and provide support if someone is already detained, including finding a lawyer, locating a detained person, and accessing other resources. If you have any questions, call them.

If you think your rights have been violated by immigration agents, you can also reach out to a Local Rapid Response Network for legal assistance or contact a partnership organization, such as the ACLU.

You'll find phone numbers on the next pages, or you can scan the QR code or visit www.ccijustice.org/carrn.



Rapid Response Network

BAY AREA

| | |
|---------------------------------|--------------|
| Alameda County | 510-241-4011 |
| Marin | 415-991-4545 |
| West Marin | 415-755-3622 |
| Contra Costa | 925-900-5151 |
| San Francisco | 415-200-1548 |
| San Mateo | 203-666-4472 |
| Santa Clara County | 408-290-1144 |

OTHER NORTHERN & CENTRAL CALIFORNIA

| | |
|---|--------------|
| Humboldt County | 707-200-8091 |
| Kern County | 661-432-2230 |
| Sonoma, Napa & Solano Counties | 707-800-4544 |
| Sacramento, Yolo, Placer, El Dorado, Nevada, Yuba, Sutter, Colusa, Butte and rural areas | 916-382-0256 |
| Fresno, San Joaquin, Merced, Stanislaus, and Kern Counties | 559-206-0151 |

CENTRAL COAST

| | |
|---|---------------------|
| Santa Barbara, Ventura & San Luis Obispo Counties..... | 805-870-8855 |
| Monterey & San Benito Counties..... | 831-204-8082 |
| Santa Cruz County & Pajaro Valley..... | 831-239-4289 |
| Ventura County..... | 805-296-1119 |

LOS ANGELES, ORANGE COUNTY, INLAND EMPIRE

| | |
|--|---------------------|
| Los Angeles..... | 888-624-4752 |
| Boyle Heights, East L.A., Lincoln Heights, Commerce, Montebello, El Sereno, City Terrace, Vernon..... | 323-805-1049 |
| Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial Counties... | 213-833-8283 |
| San Bernardino & Riverside Counties..... | 909-361-4588 |
| Long Beach..... | 562-245-9575 |
| Orange County..... | 714-881-1558 |

SAN DIEGO

| | |
|-----------------------|--------------------------------------|
| San Diego..... | 858-751-7553 and 213-833-8283 |
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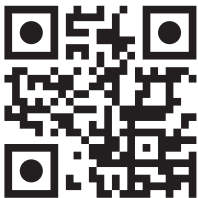
Additional Resources

Find a loved one who has been arrested by immigration agents:



Scan QR code or go to
<https://rb.gy/c9a212>

Find a Lawyer:



Scan QR code or go to
<https://rb.gy/zkf98n>

Prepare

FILL IN THE INFORMATION:

Rapid Response Network: _____

Phone #: _____

Lawyer's Name: _____

Phone #: _____

Emergency Contact: _____

Phone #: _____