# KNOW YOUR RIGHTS

## IF YOU SUSPECT ICE IS AT YOUR DOOR: WHAT CAN YOU DO?

### DO NOT OPEN THE DOOR

Ask ICE if they have an arrest warrant **SIGNED BY A JUDGE** and to slide it under the door.

### REMAIN SILENT

You have the right to remain silent. If an immigration agent confronts you, tell him: "I use my right under the fifth amendment, I have the right to remain silent."

### DO NOT SIGN ANYTHING

Do not sign anything that the immigration agents give you, or hand over your personal documents (especially your passport.)

### NOTIFY SOMEONE

Call a loved one or a trusted lawyer immediately. You can also call 311 to report it to the city of New York. When you do so, ask to speak to a representative, **do NOT call 911.**

### RECORD IT

You or someone present should take photos and / or record videos of everything you see or hear EXCEPT the people at risk. Send footage to yourself, a loved one, or text it to the hotline at (229) 304-8720.

### MAKE A PLAN

Memorize the phone number of a trusted lawyer or a loved one, give them copies of your identification, and make plans for someone to take care of your children. You can fight your deportation case with a trusted lawyer and maybe get bail. Talk to friends and neighbors and educate them about their rights. Post this by your door and refer to it if needed. (adapted from United We Dream and Make the Road NY)

**Informative Videos: WeHaveRights.us**

**Learn how to defend your rights during encounters with ICE.**

# JUDICIAL WARRANT VS. ADMINISTRATIVE WARRANT

**ICE cannot enter your home without a warrant signed by a judge.**

The 4th Amendment of the Constitution protects against search, seizure, and arrest without probable cause and does not permit police or Immigration & Customs Enforcement (ICE) agents to enter homes without judicial warrants or consent. Judicial warrants can include arrest warrants (to arrest a specific person) or search warrants (to search a home, for example).

⚠ **WARNING**: It is very rare that ICE would be able to obtain a judicial warrant. ICE agents sometimes present a document that says "warrant" on it but is not a judicial warrant. In order to be prepared, here's how to know the difference!

**ADMINISTRATIVE WARRANT**
DOES **NOT** ALLOW ICE ENTRY

**1.** May have "U.S. Department of Homeland Security" at the top
**2.** Signed by an ICE agent or supervisor NOT by a judge

**JUDICIAL WARRANT**
DOES ALLOW ICE ENTRY

**3.** Issued by a court
**4.** Must have your name and address spelled correctly
**5.** Must be signed by a JUDGE

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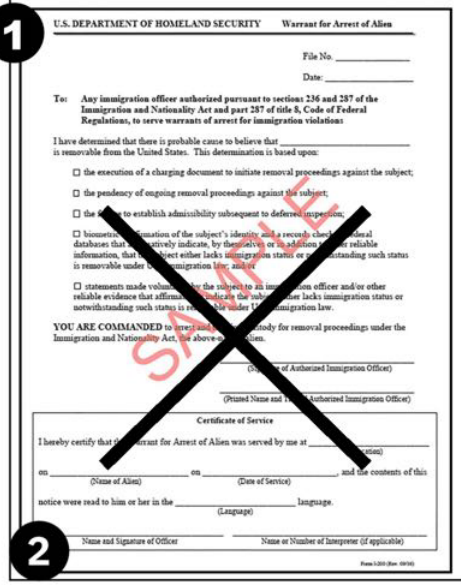
U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

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

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 [illegible] to establish admissibility subsequent to deferred inspection;

☐ biometric [illegible] of the subject's identity and a record check [illegible] federal databases that [illegible] indicate, by themselves or in addition [illegible] reliable information, that the subject either lacks immigration status or [illegible] notwithstanding such status is removable under the 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 the immigration law.

YOU ARE COMMANDED to investigate and take into custody for removal proceedings under the Immigration and Nationality Act, the above-[illegible] alien.

_____ (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)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

SAMPLE

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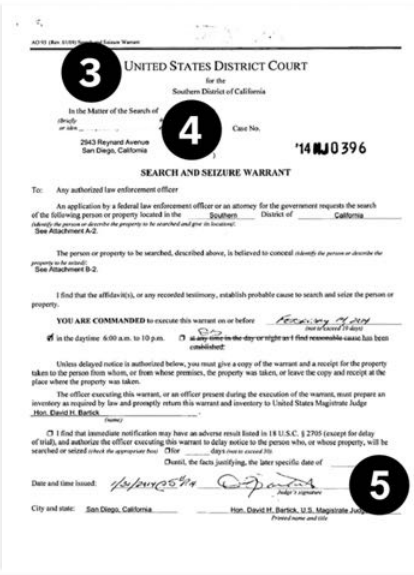
AO 93 (Rev. 11/97) Search Warrant

UNITED STATES DISTRICT COURT

for the

Southern District of California

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address)

2943 Reynard 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 Southern District of California (identify the person or describe the property to be searched and give its location):
See Attachment A-2.

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

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

YOU ARE COMMANDED to execute this warrant on or before February 14, 2014 (not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ ~~at any time in the day or night as 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. Bartick.
(name)

☐ 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: 1/31/2014 5:14 pm

Judge's signature

City and state: San Diego, California

Hon. David H. Bartick, U.S. Magistrate Judge
Printed name and title

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**Detailed Guides: OurCityOurRights.org**

**Seeing ICE in our communities can be alarming, but remember: you have rights! Be prepared.**

# INFORMATE SOBRE TUS DERECHOS

## SI SOSPECHAS QUE ICE ESTA EN TU PUERTA QUE PUEDES HACER?

### NO ABRAS LA PUERTA

Pregúntale a la migra si tienen una orden de arresto **FIRMADA POR UN JUEZ** y que te la pasen por debajo de la puerta.

### GUARDA SILENCIO

Tienes derecho a permanecer callado/a. Si un agente de migración te confronta, dile: "Uso mi derecho bajo la quinta enmienda, tengo derecho a permanecer callado/a. I use my right under the fifth amendment, I have the right to remain silent."

### NO FIRMES NADA

No firmes nada que te den los agentes de inmigración ni entregues tus documentos personales (pasaporte, etc.)

### AVISALE A ALGUIEN

Llama a un ser querido inmediatamente o a un abogado de confianza. También puedes llamar al 311 y pedir que un representante lo reporte a la ciudad de Nueva York, **NO llames al 911.**

### GRABA

Tu o alguien presente debe tomar fotos y / o grabar videos de todo lo que vea o escuche EXCEPTO las personas en riesgo. Envíate por correo tu grabación y/ o envíala a (229) 304-8720.

### HAZ UN PLAN Y DEFIENDETE

Busca un abogado de confianza y haz planes para que alguien cuide a tus hijos. Puedes pelear tu caso de deportación con un abogado de confianza y tal vez obtener una fianza. Habla con tus amigos y vecinos y edúcalos sobre sus derechos. **Publica esto en tu puerta y consúltala si es que lo necesitas.**

**Videos Informativos: WeHaveRights.us**

**Aprenda a defender sus derechos durante encuentros con ICE.**

# ORDEN JUDICIAL VERSUS ORDEN ADMINISTRATIVA

La 4ta. Enmienda de la Constitución protege contra el registro, la incautación y el arresto sin causa probable y no permite que lxs agentes de la policía o de ICE entren a hogares sin órdenes judiciales o sin consentimiento. Las órdenes judiciales pueden incluir órdenes de arresto (para arrestar a una persona en específico) u órdenes de búsqueda (para registrar un hogar, por ejemplo).

⚠ **ADVERTENCIA:** Es muy raro que ICE pueda obtener una orden judicial. Los agentes de ICE a veces presentan un documento que dice "orden" ("warrant") pero no es una orden judicial. Para que usted este preparadx, aqui le explicamos como conocer la diferencia!

**ORDEN ADMINISTRATIVA**

¡**NO** PERMITE LA ENTRADA DE ICE!

**1.** Puede decir "Departamento de Seguridad Nacional de Estados Unidos" ("U.S. Department of Homeland Security") en la parte superior

**2.** Firmada por un supervisor de ICE y no por un juez

**ORDEN JUDICIAL**

PERMITE QUE ICE ENTRE AL HOGAR

**3.**Tiene el nombre de un tribunal estatal o federal en la parte superior como "Tribunial Supremo del Estado de Nueva York"

**4.** Debe tener su nombre y toda la información precisa y escrita correctamente

5.Firmada por un juez

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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**

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 [illegible] to establish admissibility subsequent to deferred inspection;

☐ biometric [illegible]mation of the subject's identity and a records check of federal databases that [illegible]tively indicate, by their delivery or in addition [illegible] reliable information, that the subject either lacks immigration status or [illegible]standing such status is removable under [illegible] 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 the immigration law.

**YOU ARE COMMANDED** to arrest and [illegible] into custody for removal proceedings under the Immigration and Nationality Act, the above-[illegible]ion.

_____ (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)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer — _____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

SAMPLE

2

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UNITED STATES DISTRICT COURT
for the
Southern District of California

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

2943 Reynard Avenue
San Diego, California

4

Case No. '14MJ0396

**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 Southern District of California (identify the person or describe the property to be searched and give its location): See Attachment A-2.

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

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

**YOU ARE COMMANDED** to execute this warrant on or before February 9, 2014 (not to exceed 14 days)

☑ in the daytime 6:00 a.m. to 10 p.m. ☐ ~~at any time in the day or night as 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. Bartick (name).

☐ 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: 1/29/2014 5:14 pm — Judge's signature

City and state: San Diego, California — Hon. David H. Bartick, U.S. Magistrate Judge — Printed name and title

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**Guías Detalladas: OurCityOurRights.org**

**Ver a ICE en nuestras comunidades puede ser alarmante, pero recuerde: ¡tiene derechos! Esté preparado.**