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KNOW YOUR RIGHTS IMMIGRATION ENFORCEMENT

People in the United States without documentation, or who could be suspected of lacking documentation, *including individuals whose period of Deferred Action for Childhood Arrivals (DACA) has recently expired*, should be aware of increased immigration enforcement and risk of detention by Immigration and Customs Enforcement (ICE).

These people should be prepared to demonstrate either lawful status in the USA or that they have been continuously present in the USA for at least two (2) years in order to avoid being subject to expedited removal.

1) Know your legal rights. Documented and undocumented immigrants have LEGAL RIGHTS in the USA. ICE may tell you that you do not have rights in the USA, but you DO have legal rights regardless of your immigration status or lack thereof. If you are questioned or detained by ICE, please be sure that you are aware of and exercise your legal rights in the USA:

- **Remain Silent.** You do not have to answer ICE's questions. Do not provide any information about your identity, place of birth, or how you entered the USA.
- **DO NOT open your door** unless ICE/Police show you a warrant signed by a Judge. ICE needs a warrant signed by a Judge to enter your home.
- **Ask to speak to your attorney.** Say, "I want to speak with my attorney."
- **DO NOT sign any documents.** DO NOT sign any documents unless your lawyer is present with you.

2) Carry documents that show legal status or permission to remain in the USA on your person.

- If you have a pending immigration case, carry the receipt notice with you.
- DO NOT carry a foreign passport or identity document on your person.

3) Create a file of documents that show your continuous presence in the USA for the last 2 years. If you have been in the USA for at least 2 years, you are not subject to Expedited Removal. You must have a hearing with an Immigration Judge before you can be removed from the USA.

- Suggested evidence includes: Driver's license/State ID; Tax Returns; Paystubs; School ID/Records; Medical Records; Utility Bills; Insurance Records; Mortgage /Lease Agreements; USCIS Receipt or Approval Notices, current/expired EADs, etc.

4) Have a plan if you are detained by ICE.

- Know the telephone number of a friend/family member/attorney to call if you are detained.
- Keep all important documents: Birth Certificates, Passports, Marriage Certificates, evidence of your presence in the USA for 2 years in a safe place that is easy to access.
- If you have children, make a plan for their care in case you are detained.

**This handout is intended to serve as general information. For legal advice and counsel regarding your particular case, your legal rights, or your options to defend yourself against removal, you should consult with an immigration attorney as soon as possible.*