

What to do in the event of a Raid



Every person, regardless of their legal status, has human and civil rights. Nevertheless, it's not enough to simply know them; you must know how to exercise them.

Remember ...

- It is recommended that you tell an immigration or police officer your name if they ask you for it.
- After giving your name you do not have to give them any other information. **Tell the officer that you wish to remain silent and speak to an attorney before talking with them.**
- Memorize or carry with you the phone number of an immigration lawyer, a community service organization, and your country's consulate.
- NEVER carry false documentation. Do not lie to an immigration officer or to the police.
- Make an emergency plan with your loved ones.

Participants in the creation of this pamphlet include:

National Day Laborer Organizing Network, Central American Resource Center (CARECEN), Catholic Charities—Hogar Immigrant Services, American Civil Liberties Union of Virginia (ACLU-VA), Legal Aid Justice Center – Immigrant Advocacy Program

You have the right to remain *silent*

- In the state of Virginia, if you refuse to give an officer your name when asked, they can use that as a reason to search or detain you. We recommend giving your name, but no other information.
- You ***have the right to remain silent and refrain from signing any document or agreement*** before speaking with your lawyer. Tell officers you are asserting that right.
- You may exercise your right to remain silent even if you have already spoken with Immigration officials. You may remain silent if you are under arrest, or already in jail.
- You have the right to call a lawyer or a community service organization, your family, and your consulate; **HOWEVER** you must demand your rights.
- Do not be intimidated! Remaining silent is to your benefit because whatever you say may be used against you.
- Do not be pressured into signing documents or showing your documents without the counsel of your lawyer! You could be consenting to waive your right to bail or to have an audience with a judge.



If Immigration or the Police come to your home...

- Do not open your door!
- Immigration agents or the Police need a warrant from a judge in order to enter your home, whether owned or rented, unless the police think a crime is being committed.
- You have the right to see this warrant. Ask the official to pass the warrant under the door. If you open the door it could be treated as permission to enter and to perform a search of your home.
- A warrant that gives an Immigration agent authorization to enter your home must be signed by a magistrate. The warrant should say in detail which areas and places the agent is authorized to search.
- If the agent or the police officer does not have a warrant you have the right to deny them entry and may ask them to leave.
- If the police or Immigration has a search warrant signed by a judge, you cannot stop them from entering your home. However, you can tell them that you don't consent to being searched or being questioned.
- If they have an arrest warrant signed by a judge, read it closely to determine who they are looking for. If that person is present, he or she must go with the agents. Everyone else in the residence has the right to remain silent.



Example of a warrant signed by a judge.

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Eastern 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)) Case No.)
540 Oak Avenue)
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

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 EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

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, ATTACHED HERETO AND INCORPORATED BY REFERENCE

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 5-9-2011
(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 _____
(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: 4-25-2011
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA



EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

ADDRESS TO BE SEARCHED

EXPIRATION DATE FOR THE WARRANT

NAME & SIGNATURE OF JUDGE



If Immigration or the Police come to your workplace ...

- If Immigration or the Police want to enter your workplace they need a warrant or the authorization of your employer.
- If your employer gives them permission, the agents do not need a warrant.
- Try to stay calm. If you try to run, the agents could interpret this as admission of guilt. This type of suspicious act is enough evidence for them to detain you.
- Identify yourself by giving your name, if asked. Otherwise, you have the right to remain silent.
- You have the right to see the warrant for the workplace. Ask to see it. If law enforcement cannot present it, you should ask for permission to leave.
- Never physically interfere with the agents. Even though the search may be illegal you could still be detained

If Immigration or the Police confront you in the street or in a public area

- If they approach you with questions, ask if you may go. If they say yes, walk away slowly. If they say no, do not go. You are only required to give your name and nothing else. **Remain silent and ask to speak with a lawyer.**
- Police and Immigration have the right to search you to make sure you are not carrying weapons or illegal materials. Do not resist this inspection.
- They cannot arrest you without the necessary warrant or proof that you do not have legal status.
- **Do not show documentation from your home country.** If you show documentation from your home country it could be used as evidence of your nationality and give officials reason to question your legal status.
- **Never** carry false documents.





What to do if you are detained by Immigration

- If you have a work permit, present it. Adults over the age of 18 should always carry their work authorization documentation with them. Not carrying this document puts you at risk!
- Immigration officials are not obligated to provide you with free legal counsel, only a list of lawyer contact information.
- Take advantage of your right to call a lawyer and your consulate.

Memorize the lawyer or an organization that provides legal services. Also, make sure that your family will have these numbers at hand when you call them.

- Some detention centers will charge you for the calls that you make, however the CAIR Coalition has a toll-free number that you can call to be connected with a lawyer. You can contact help at: 202-331-3320.
- In order to protect your rights, do not answer any question that Immigration officials ask you. Do not sign any documents without the presence of your lawyer.
- Ask for a copy of all your immigration documents (like your Notice to Appear).
- Contact your family immediately. Give them all the details of your arrest and the place where you are being detained. Also give them your A# and the name of the Immigration official who is in charge of your case.
- If you or a family member (especially a child) has a medical condition to which you must attend, please speak up and tell immigration.

The Possibility of Being Released on Bail

- If you are detained by Immigration, you have the right to request your release with bail. To exercise this right you must demonstrate that you are not at risk of fleeing and that you are not a danger to society.
- If you have been detained by Immigration before or if you already have a deportation order, it is very likely that they will NOT release you on bail.

Deportation

- You have the right to a hearing before being deported unless you have been convicted of an aggravated felony, are detained at the border, have entered the U.S. under a Visa Waiver program, have been deported in the past, or have a deportation order.
- If you have an old deportation order it is possible that you could be deported without a hearing.
- Obtain a copy of your Notice to Appear (NTA).
- Contact your consulate.



How to help a person who has been detained by Immigration

How to locate a detainee:

- **Call ICE** at 1-888-351-4024. Ask for information regarding the detained person.
- **Call Detention Centers in the region.** Ask for information regarding the detained person
- **Call the Consulate.** Immigration frequently notifies a consulate when it detains one of their country's nationals. Many consulates have assistants who can help with deportation cases
- **Call the CAIR Coalition.** They visit Detention Centers and in some cases are able to tell you if they have seen the person you are looking for. Contact 202-331-3320.
- **Wait for a phone call from the detainee.** Make sure you remove any call blocks from your phone so that you are able to receive collect calls.

Information you need to locate a detainee:

- First and last names and alias (if applicable), date of birth, and *Alien Registration Number* (A#). This is the number that is on all immigration documents such as resident cards or work authorizations. Also important are your Legal Permanent Residence Card and employment background.

Important documents and information you will need:

- The migratory status of the detainee and whether he/she has an old deportation order. If the detainee has a deportation order, verify when and why he/she received it.
- Date of entry to the U.S. and how they entered (with visa, crossing the border without inspection, etc.)
- The detainee's next court date. If you don't know that information, call the Immigration Court Information System at 1-800-898-7180 to verify. You will need to know the A#. (You can also find out if the person has a deportation order.) Obtain a copy of the detainee's Notice to Appear (NTA).
- Information about the detainee's previous offenses. Compile the dates and locations of all arrests, the specific charges, the dates of the charges and the resulting penalties. You can obtain a certified copy of the case disposition in the office of the court which processed the case or by contacting the attorney or public defender of the case.
- The location of the detainee and which court ordered the individual deported (jail, Detention Center, etc.)
- The detainee's UPDATED passport.

What you should consider in looking for a lawyer:

- Hire someone who specializes in deportation cases.
- If your deportation is related to a crime, consult a lawyer who specializes in criminal immigration cases.
- Always obtain a written service contract before paying and make sure that it specifies what promises the lawyer makes. Keep a copy of the contract for your records.
- Keep copies of all documents that the lawyer submits in your name.
- Avoid *notarios* (notaries). They are not licensed to practice law.

Form an Emergency Plan with Your Family

- Share information about your rights in case of a raid with your family, friends and neighbors.
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- Memorize the telephone numbers for your lawyer, if you have one, or for organizations that can help you. Share this information with your family.
- Give written authorization to someone who will take care of your children in case you are detained.
- Designate a person you trust to make decisions in case you are detained. Teach this person how to withdraw money from your bank account to cover lawyer or deportation expenses.
- Give copies of all your documents to a family member you trust. Tell this person where you keep your important documents such as birth certificates, marriage licenses and passports.
- Remember that only people who have legal status should visit a detention center.
- Always carry your rights card. This card can be found in this packet.
- Update your passport and make sure that it remains current and truthful.



With Your Coworkers

- Share the information in this pamphlet with your coworkers.
- You could make an agreement that you will remain silent during a raid and not share information with Immigration agents about your migratory status or your country of origin.
- If no one gives information, it might help the group to be less vulnerable before immigration officials.

Do you think that Immigration or the Police have violated your Civil Rights?

How do you identify a violation of your civil rights?

- Physical violence;
- Refusal to grant you your right to speak with a lawyer;
- Detention or registration of your identity without authorization;
- Entering with use of force into private areas;
- Physical or psychological abuse used to force someone to sign a document or give testimony;
- Giving false information (for example, telling someone that they are signing a “voluntary departure” form when it’s really a “deportation order”).

What should you document?

- You should record everything that happened: the badge numbers and names of officials, dates and locations where the abuses occurred, whether you were presented with documents without translation and the names and contact information of potential witnesses. Try to take very detailed notes.

Where can you make a complaint?

- Present your complaints to the detention center and to the regional ICE office.
- If this doesn’t work, notify the central ICE office in Washington D.C.
- You can file additional complaints to the Office of Civil Rights of the Department of Homeland Security and the Office of the Inspector General of the Department of Homeland Security. The contact phone number there is (202) 401-1474.
- Contact the American Civil Liberties Union of VA, Office of Racial Justice & Immigrants’ Rights, by phone at 804-644-8022.



Si presencia una Redada...

- Take notes on the incident:
 - Names of the agents
 - Which departments did agents belong to: ICE or the police?
 - What time the raid occurred
 - Place of the raid
 - How many people were detained
 - Why they came: Did someone have a deportation order? Did someone have a criminal case pending? Was someone arrested during the raid for committing an offense?
- Gather the immigration documents of the people who were detained.
- Note the personal information of the detainees:
 - Date of Birth
 - Nationality
 - Dates of entry to the U.S.
 - The person’s A#

Tener a la mano o memorizado

- First and last name(s)
- Date of Birth
- A# (Immigration registration number)
- Telephone number
- Current address
- Date of entry to the U.S.
- Your migratory status upon entry to the U.S.
- Your current migratory status
- If you have ever been arrested, you need information about your previous convictions
- Dates of all previous convictions
- Court verdicts
- Your lawyer's phone number
- Your consulate's phone number

Immigration Detention Centers:

Farmville Detention Center
508 Waterworks Rd
Farmville, VA 23901
(434) 395-8114

Virginia Peninsula Regional Jail
9320 Merrimac Trail
Williamsburg, VA, 23185
(757) 820-3900



Your Rights Card

If you are detained by immigration or the police, hand the card to the official and remain silent. The card explains that you are exercising the right to refuse to answer any questions until you have consulted with a lawyer.

Estimados Señores:

Deseo ejercer mi derecho a guardar silencio y no contestar preguntas. Si me detienen, solicito comunicarme de inmediato con un abogado. Quisiera ejercer, además, mi derecho a no firmar nada sin consultar con mi abogado.

Quiero contactar un abogado en este número de teléfono:

Gracias.

To whom it may concern:

Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.

I would like to contact a lawyer at this number:

Thank you.

List of Community Based Organizations that Provide Immigration Legal Services

**Virginia Hispanic Chamber of Commerce
Immigration Clinic**
10700 Midlothian Turnpike, Suite 200
Richmond, VA 23235
Tel: (804) 378-4099

**American Civil Liberties Union of Virginia
State Headquarters (for civil rights
violations)**
530 E. Franklin St., Suite 1412
Richmond, VA 23219
Tel: (804) 644-8022

AYUDA
2755 Hartland Rd., Suite 100
Falls Church, VA 22043
Tel: (703) 444-7009
and
6925 B Willow St., NW,
Washington, DC 20012
Tel: 202-387-4848

**CAIR Coalition (Capital Area
Immigrants' Rights Coalition)**
1612 K St. NW, Suite 204
Washington, D.C. 20006
Tel: (202) 331-3320

**CARECEN (Central American Resource
Center of Washington)**
1460 Columbia Rd. NW, Suite C-1
Washington, D.C. 20009
Tel: (202) 328-9799
Fax: (202) 328-7894

Detention Watch Network
333 14th St. NW, Suite 205
Washington, D.C. 20010
Tel: (202) 393-1044 ext. 227

**Just Neighbors
Immigration Legal Service**
5827 Columbia Pike, Suite 320
Falls Church, VA 22041
Tel: (703) 979-1240

Kids In Need of Defense (KIND)
1300 L St. NW, Suite 1100
Washington, D.C. 20005
Tel: (202) 824-8680
Email: info@supportkind.org

Human Rights First
805 15th St. NW, Suite 900
Washington, D.C. 20005
Tel: (202) 547-5692
Fax: (202) 543-5999

**Northern Virginia Family Service
Legal Service**
10455 White Granite Dr., #100
Oakton, Va 22124
Tel: (571) 748-2806
Email: info@nvfs.org