

Know Your Immigration Rights



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Since 2003, there have been a number of new policing initiatives that have given county, state, and local law enforcement agencies power to act as federal immigration authorities and supplement tougher overall federal enforcement efforts.

These policies have led to reports of racial profiling and human rights viola-

tions. In 2010 alone, the U.S. government deported a total of 392,862 immigrant workers, students, women, and youth—many of whom were long-time residents of the United States. In addition to those actually removed from the United States, untold numbers of family members were separated, children left hopeless, and neighborhoods and workplaces disrupted.

These enforcement-only strategies rely heavily on racial profiling, which undermines community safety and makes immigrants more vulnerable to abuse and exploitation. In light of these programs, immigrants and non-immigrants alike need to take necessary precautions to protect their rights. Regardless of their immigration status, undocumented immigrants have rights, too, some of which are detailed below:

IF YOU ARE STOPPED FOR QUESTIONING

Stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where officers can see them.

Ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud. In some states, you must give your name if asked to identify yourself.

You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

IF YOU ARE STOPPED IN YOUR CAR

Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way and place your hands on the wheel. Upon request, **show police your driver's license, registration and proof of insurance.** If you do not have a valid driver's license it is more likely that you will be arrested. Please refer to our suggested actions below.

If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.

Both drivers and passengers have the right to remain silent. You can ask the officer if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.

If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry

your immigration documents with you at all times. If you do not have immigration papers, cooperate to the extent you feel comfortable. It is important to be cordial and cooperative to a point, but you should ask to contact a lawyer and request to see an Immigration Judge. If you refuse to answer all questions you will likely be arrested.

Do not lie about your citizenship status or provide fake documents.

IF THE POLICE OR IMMIGRATION AGENTS COME TO YOUR HOME

You do not have to let them in unless they have specific warrants.

Ask the officer to slip the warrant under the door or hold it up to the window so you can inspect it. A search warrant allows police to enter the address listed on the warrant, but officers can only search in the specified areas and for the items listed. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside. A warrant of removal/deportation (ICE warrant) does not allow officers to enter a home without consent. Even if officers have a warrant, **you have the right to remain silent.** If you choose to speak to the officers, **step outside and close the door.**

IF YOU ARE CONTACTED BY THE FBI

If an FBI agent comes to your home or workplace, **you do not have to answer any questions.** Tell the agent you want to **speak to a lawyer first.**

If you are asked to meet with FBI agents for an interview, **have a lawyer present.**

IF YOU ARE ARRESTED

Do not resist arrest, even if you believe the arrest is unfair.

Say you wish to remain silent and ask for a lawyer immediately. Don't give any explanations or excuses. If you can't pay for a lawyer, you have the right to a free one. Don't say anything, sign anything or make any decisions without a lawyer.

You have the right to make a local phone call. The police cannot listen if you call a lawyer.

Prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication.

Special considerations for non-citizens:

- Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.

- Don't discuss your immigration status with anyone but your lawyer.

- While you are in jail, an immigration agent may visit you. Do not answer questions or sign anything before talking to a lawyer.

- Read all papers fully. If you do not understand or cannot read the papers, tell the officer you need an interpreter and do not sign anything unless you completely understand the contents.

IF YOU ARE TAKEN INTO IMMIGRATION (OR "ICE") CUSTODY

You have the right to a lawyer, but the government does not have to provide one for you. If you do not have a lawyer, ask for a list of free or low-cost legal services.

You have the right to **contact your consulate** or have an officer inform the consulate of your arrest.

Tell the ICE agent you wish to see an Immigration Judge. Do not discuss your immigration status with anyone but your lawyer.

Do not sign anything, such as a voluntary return or stipulated removal, without talking to a lawyer. If you sign, you may be giving up your opportunity to apply for any relief to stop deportation.

Remember your immigration number ("A" number), if you have one, and give it to your family. It will help family members locate you.

Keep a copy of your immigration documents with someone you trust.

For more information about how to protect your rights, or if you feel that your rights have been violated, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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