

RAIDS AND RIGHTS: *How to Protect Yourself in the Event of an Ice Raid*

by Jerry Grzeca and John Sesini, April 2010

Methods of intimidation and coercion have become a staple in our country's attempt to increase deportation rates of undocumented immigrants who have settled in our nation. One of the most daunting tactics used by Immigration and Customs Enforcement (ICE) pertains to the use of neighborhood and work place raids which attempt to suppress individual rights and threaten communities.

ICE raids have become more flagrant and frequent within recent years. The Obama administration claims to refocus immigration reform from widespread sweeps to the individual arrests of the most dangerous undocumented immigrants; however, ICE raids continue to target many average American neighborhoods and places of employment.

The most controversial aspect of these ICE raids is the use of illegal tactics during these invasions. Peter Markowitz, Director of the Immigration Justice Clinic at Cardozo School of Law, coauthored a recent study on ICE raids in private homes. Markowitz reports that it is typical behavior for federal immigration officials to break into homes and bedrooms in predawn hours, pushing their way past individuals, and using aggressive and illegal tactics of apprehension. In this study, Markowitz examined 700 arrests made in Long Island, New York and New Jersey. Markowitz found that 86% of law enforcement officials did not have permission to enter homes in the Long Island sample, and 24% did not have legal permission in the New Jersey sample.

The increase in these types of illegal mass arrests often stems from the use of dangerous quotas set by law enforcement officials. Due to the pressure to meet deportation quotas, many agents are willing to break the law in order to receive an "excellent" rating, thus making quick arrests which violate the rights of both citizens and non-citizens. Joan Friedland, Immigration Policy Director at the National Immigration Law Center, explains that quotas encourage agents to target easy cases, not the ones who pose the greatest safety risk.

Immigrants, despite their status, must understand that they have many rights and protections under the law, which can protect them from becoming a target of an ICE raid. Understanding these rights can help people make informed decisions when faced with a raid or asked questions about their immigration status.

Some of the most essential legal rights include: the right to NOT let government agents into the home unless officials have a warrant, the right to stay silent, the right to contact their consulate and the right to a hearing before an immigration judge. These rights are just a few among the many that immigrants and non-immigrants alike need to be aware of in order to protect their individual wellbeing and the wellbeing of their families.



In addition to understanding one's general rights, the following are points to consider before, during and after an ICE raid:

Before:

- Do not carry false documents.
- Carry a "know your rights" card (see www.nilc.org/ce/nilc/rightscard_2007-03-15.pdf).
- Find out the name and phone number of a reliable immigration attorney and keep this information on hand at all times.
- Know your "alien registration number" ("A" number), if one exists, and write it down somewhere at home where family members can access it.
- Prepare a form or document that authorizes another adult that is a U.S. citizen or resident to care for your minor children.

During and After:

- Remain silent, or tell the ICE agent of intent to remain silent.
- Ask to speak with a lawyer.
- Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
- Do not sign any documents without first speaking with an immigration lawyer who specializes in removal or deportation cases.

In order to protect our neighborhoods, schools, places of worship and employment, we must educate and prepare our community members in order to prevent them from becoming the victims of illegal ICE tactics. For more information on how to protect yourself or someone you know in the event of an ICE raid, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com. Know your rights.