




Understanding Your Rights and Protecting Your Community Under the New Administration

Presented on:
January 29, 2025

**NATIONAL
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Lawyers for the Movement

Interpretation & Language Justice



What are we hoping to get out of today?

- Changes to immigration policies since last week
- Fourth Amendment refresher & the importance of KYRs
- Making a family preparedness plan



Recent Changes to Immigration Policies under the Trump Administration

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COMMUNITY EXPLAINER

LAKEN RILEY ACT

In the next few days, President Trump is expected to sign the Laken Riley Act into law after the bill received bipartisan support from Democrats and Republicans in Congress. The Act exploits a tragic murder to criminalize immigrant populations, vastly expand immigration detention, and encourage anti-immigrant states to file lawsuits against the federal government for certain immigration decisions it makes. This explainer breaks down what the Laken Riley Act means for our communities and how we can protect each other.

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WEEK 1 UNDER DONALD TRUMP 2.0

On the first day of his presidency, President Trump signed dozens of Executive Orders ("EO"), including at least twelve that relate directly to immigration. These EOs are filled with racist, xenophobic, and hateful rhetoric. They speak to Trump's campaign promises of closing the border, increasing the detention of immigrants, and mass deportation.

Most of these EOs have yet to be implemented – but we now know the blueprint. Over the last week, Trump's administration has started implementing some of these EOs, and one of them has already been put on pause by the courts. In the next few weeks and months, we will learn the details of how they plan to implement these EOs. What we can do now is organize, prepare, and protect our communities. This explainer gives an overview of what's happened in week 1 and what we can expect next.

<https://nipnlg.org/work/resources>



Know Your Rights Presentations

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Agenda

- Why do we do know your rights (KYR) presentations?
- Fourth Amendment refresher
 - In the home
 - At work
 - In the car
 - At school (K-12)
 - In a place of worship
 - In a hospital
 - In public

Why KYR?



Why do we do KYR?

- Prevent arrests
- Hold government accountable for violations
- Help people understand and navigate risks
- Build power

Fourth Amendment refresher

Only talking about Fourth Amendment rights with immigration agencies!

The Department of Homeland Security (DHS) has several agencies that work in different components of our immigration system. Two immigration agencies under DHS that arrest people: **ICE & CBP**

The rules for immigration agencies differ from the rules for police, because ICE & CBP are **administrative agencies enforcing civil law**.

But it's the same Fourth Amendment that limits the power to search and arrest in both contexts.

People have Fourth Amendment protections where they have a **"reasonable expectation of privacy."** The degree of protection **varies depending on the person's location.**

— What happens if ICE/CBP violate the Fourth Amendment?

- Sometimes **can be helpful** in a person's immigration case, especially if there is a record of the violation
 - Record can include a declaration!
- If ICE/CBP violate the Fourth Amendment enough in a specific way, can sometimes get a court to say that ICE/CBP can't do that anymore.
 - Southern California ruse arrests example
- Can **raise awareness** of ICE/CBP tactics and of ICE/CBP abuses, which can **build power**



In the home

Without a warrant, ICE/CBP can't do anything that any other person couldn't do.

Can your neighbor knock on your door? **Yes.**

Can your neighbor ask to come in? **Yes.**

Can your neighbor come in without your permission? **NO!**

** CBP **can** enter private lands within 25 feet of border/coastline but **cannot** enter homes without a warrant*

The **home** has the greatest Fourth Amendment protections.

ICE/CBP **cannot** enter your home without a **judicial warrant** or **your consent**.*

ICE/CBP will **almost never** have a judicial warrant (a warrant signed by a judge)!

The key is to **avoid giving your consent**.

What will ICE say to get your consent?

ICE/CBP will **LIE!** We have examples of ICE pretending to be the police, FBI, even the IRS.

ICE/CBP will tell you they have a warrant, but it will almost always be an **administrative warrant**, which **DOES NOT** give them permission to enter your home.

They will wait for you to open the door and then step inside.

They will enter even if children answer the door.

What does an administrative warrant look like?

This is issued by DHS, NOT a court

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 failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. 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 U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Signed by an immigration officer, NOT a judge

(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)

This is an ICE administrative warrant. It does NOT authorize immigration agents to enter your home!

Form I-200 (Rev. 09/16)

Another example

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

A number _____

File No: _____

Date: _____

This is a warrant for an immigration violation, a civil offense, not a crime. This does not give ICE the right to enter your home

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

This order is directed at federal immigration officers, not local police. Federal regulations only give ICE agents the authority to execute an immigration warrant.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above named alien, pursuant to law, at the expense of:

Many removal orders are issued by ICE or CBP agents without a hearing before a judge. These include expedited removal orders or administrative removal orders.

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

— Key components of an administrative warrant

U.S. DEPARTMENT OF HOMELAND SECURITY	Warrant for Arrest of Alien
File No. _____	
Date: _____	

Name of **agency**; says warrant for arrest of “alien”

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
--

Authorizes **immigration officer** under the INA

Signed by an officer! **NOT a judge!**

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.
Signed by an immigration officer, NOT a judge
_____ (Signature of Authorized Immigration Officer)
_____ (Printed Name and Title of Authorized Immigration Officer)

What does a judicial warrant look like?

Appendix B - Sample Judicial Search Warrant

COPY

AO 93 (Rev. 12/09) Search and Seizure Warrant (USAO CDCA Rev. 01/2013)

Name of the court → **UNITED STATES DISTRICT COURT**
for the
Central District of California

Case number, note that it does not start with A → **13-2895M**

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
LG (VX9100) cellular telephone

Case No. CR 13-2895M

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 of the following person or property located in the Central District of California
(Identify the person or describe the property to be searched and give its location):
See Attachment A

See Attachment B → The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property):
Read the attachment to make sure address/information is correct

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Such affidavit(s) or testimony are incorporated herein by reference and attached hereto.

YOU ARE COMMANDED to execute this warrant on or before 14 days from the date of its issuance
(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 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 on duty at the time of the return through a filing with the Clerk's Office.

☐ 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 14 days (not to exceed 30) ☐ until the facts justifying the later specific date of 11-4-13

Date and time issued: 11-4-13 11:30 am

City and state: Los Angeles, California

ALICIA G. ROSENBERG
Judge's signature
Alicia G. Rosenberg, U.S. Magistrate Judge
Printed name and title

USA: Patrick R. Fitzgerald
PRF

Name and signature of the judge

Key components of a judicial warrant

AO 93 (Rev. 12/09) Search and Seizure Warrant (USAO CDCA Rev. 01/2013)

UNITED STATES DISTRICT COURT
for the
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In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
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Case No. CR-13-**13-2895M**

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

Indicates that this is a warrant to "search/seize" and also specific — the warrant must state what they are looking for. It may

Has the name of a **COURT**; the case number, and says what kind of warrant it is

Very specific date and time and **SIGNED BY A JUDGE**

☒ until the facts justifying the later specific date of _____

Date and time issued: **11-4-13 11:30 am**

City and state: **Los Angeles, California**

ALICIA G. ROSENBERG
Judge's signature

Alicia G. Rosenberg, U.S. Magistrate Judge
Printed name and title

What should I say when ICE/CBP is at my door?

- DO NOT OPEN THE DOOR
- Ask for warrant (slide UNDER THE DOOR)
- Ask to see badge (show through the window)
- Say “I do not give my consent to enter,” or “You do not have my permission to enter.”
 - Say this even if ICE/CBP has already entered!
- Do not give consent to search
- Ask to speak with your lawyer
- SAY NOTHING ELSE - You have the right to remain silent
- DO NOT show an ID from your country of origin



At work

Without a judicial warrant
or employer consent,
ICE/CBP can only do what
other members of the
public can do in the
workplace!

- Most workplaces have both **public and private spaces**. A private space is anywhere the public cannot enter without permission
 - Break room
 - “Employees only”
- ICE/CBP need a judicial warrant **or the employer’s permission** to enter any private work spaces
- ICE/CBP can enter any public spaces without a warrant of any kind



Public vs. Private

- **Starbucks**
 - What about the break room?
- **Wal-Mart**
 - Where would still be private?
- **Family-owned store**
- **Hotel**
- **Amazon warehouse**
- **Factory**
- **Packing plant**
- **Someone else's home**



What should I do...

Before ICE/CBP comes to work

- Organize!
- Educate your employer

If ICE/CBP is already at work

- If ICE/CBP does not have a warrant for your arrest (even an admin warrant) they have **evidence** to back up their suspicion in order to arrest you
 - **Do not run**
 - **Do not say anything**



Specific Home/Work Situations

Remember: ICE/CBP cannot enter private areas without permission

Apartment Buildings

- ICE/CBP can access **public areas** (lobby, etc.) but protections for **home** apply to **your apartment**
- Landlord **cannot** allow ICE/CBP to enter apartment without the renter's permission

Construction/Agricultural Jobs

- ICE/CBP can access an **open field** or a **public street** without a warrant
- But not **factories** or **private job sites** not open to public
- Do not run and do not answer any questions



In the car

ICE most often targets people they have already identified and already have an administrative warrant for. **This is what the administrative warrant is for: allowing them to make arrests in public places.**

If they do not have the administrative warrant, they can only make arrests based on **evidence** that they can explain.

- ICE/CBP are allowed to **pull people over** if they have reasonable suspicion
- Often ICE pulls people over if they already have an **administrative warrant** for their arrest
- ICE/CBP still **cannot search** your car without a judicial warrant or your consent.
- Do not run



What if ICE/CBP pulls me over?

- Hand over driver's license if you have it, registration, and proof of insurance and stay calm
- Do not lower the window any more than necessary to pass the documents
- Say you are remaining silent and want to speak to a lawyer
- Some people have chosen to remain in their vehicles and wait for ICE to leave – can be risky but can work
- Say you do not consent to a search



Immigration Checkpoints

CBP operates “**checkpoints**” within **100 miles of a US border**

Everyone driving through a checkpoint is stopped

At checkpoints, CBP can ask about immigration status, request documentation to verify citizenship, and inspect the car from the outside **without any reason**

If CBP has **no reason to believe** that an immigration violation/crime has occurred:

- CBP **cannot** ask questions unrelated to verifying citizenship
- CBP **cannot** keep you for an extended period
- CBP **cannot** search your car or belongings
- You always have the **right to remain silent**
- **Never flee** from a checkpoint
- **Never lie** or give fake documents



At school

Focusing here on K-12 schools, because they are more often **closed campuses**, meaning the school regulates who can come on campus and where they can go.

This is key, because that means that at least some of the school will be a **private**, as opposed to a **public space**.

Colleges and universities tend to have more public campuses.

- Without a judicial warrant – which ICE/CBP rarely has – **ICE/CBP can't enter non-public areas of a school without consent.**
- Most schools at least have visitor policies that apply to the general public
- During the first Trump Administration, many schools developed policies related to ICE/CBP. Key parts were:
 - **Identifying and limiting** who has the authority to permit ICE/CBP to enter (often the Superintendent with the General Counsel's advice)
 - **Limiting entry to times when it is legally required** (i.e., a judicial warrant)
- **Drop-off and pick-up** areas may be more vulnerable



Places of worship

Places of worship (like churches or mosques) are **largely open to the public**, but will usually have some portion that is private, such as an **office, prep room, or even housing** for personnel.

- Same rules apply – without a judicial warrant, **ICE/CBP can only access public areas** of a place of worship
- Establish a protocol for **who has authority to consent** to enter private areas of the place of worship & for **refusing consent**
- Establish a protocol for **asking ICE/CBP officers to leave**



In a hospital

Hospitals/clinics also have **both public and private areas**.

For example, a waiting room may be open to the public, but individuals must be invited to enter **examination rooms, certain offices, and medical records areas**.

- Again – ICE/CBP need a **judicial warrant or consent** to enter any **private areas**
- Consider **visually separating areas** where patients receive treatment from public areas
- Establish a protocol for **how to respond** to ICE/CBP entering hospital
- **Patients** – you **do not have to give your immigration status** to get medical care



In public

Again, ICE/CBP rarely targets people in public. But if they do, they have to have a reason based on evidence.

Is speaking Spanish in public is good enough evidence for ICE/CBP to arrest someone? NO!

ICE/CBP also cannot make an arrest based solely on someone's race or ethnicity.

- ICE/CBP can approach anyone on the street and ask questions. Before you answer any question, ask **"Am I free to go?"** and, if they say yes, walk away calmly.
- If they say no, do not answer any questions; say you are remaining silent and ask for a lawyer.
- Do not run
- Do not resist arrest
- Do not lie



If you are arrested by ICE/CBP...

- DO NOT lie or give a false name or document
- DO NOT sign anything
- REMAIN SILENT except to ask for a lawyer.
- If the arrest takes place in the home, let the officer know of any children and anyone who has a medical condition requiring care.



Rapid Response and Emergency Preparedness

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Agenda

- What is rapid response and how can I prepare?
- How can I prepare myself and my family?



What is rapid response?

“Rapid response” broadly refers to organizing and advocacy practices intended to mobilize the community to help individuals or groups of people who have been arrested by immigration.

Talk to people in your community and start making plans now!

Think through the needs in your community & make a plan

How can I prepare rapid response?

- How would this work in your community?
- Common Rapid Response elements:
 - Reporting raids
 - Locating loved ones who have been detained
 - Responding to community needs
 - Finding legal support for individuals in detention
 - Advocating for release of individuals in detention
 - Coordinating larger advocacy efforts



Emergency Preparedness

How can I get myself
ready for what's to come?

For yourself

For your family



How can I prepare myself?

- Keep medications and assistive devices handy
- Have an emergency contact outside of your household
- Gather important documents (medical, work, rent, immigration) and store them securely in a single place
- Memorize important numbers
 - Family member(s), lawyer, community contact/organization

How can I prepare my family?

- Talk to your family members about a plan
- If you have minor children – arrange for their care
 - Limited power of attorney forms can be helpful (state specific)
 - Have emergency contact/caretaker aware of medications or medical needs of children
 - Communication with school about alternate caretaker
 - Collect important documents for children
- Have family members memorize important phone numbers

Thank you!

Upcoming Seminars



February 20, 2025

Removal Defense Webinar: Understanding and Overcoming Bars to Relief Triggered by a Prior Removal Order
(presented in English)

February 25, 2025

Community Defender Training on Expedited Removal
(presented in English, Spanish, and additional languages upon request)

March 5, 2025 through March 19, 2025

March Mandamus (presented in English)

March 4, 2025 through April 15, 2025

6 week, 12 webinar Removal Defense Course
(presented in English)

Visit our website to learn more and join today:

www.nipnlg.org/seminars.html