

## BE PREPARED

- If you are concerned about your immigration status, you should speak as soon as possible to an experienced immigration attorney
- Do not apply for citizenship or renew a green card until you have spoken to an experienced immigration attorney
- You should go to any ICE check-ins or court dates, but never go alone. Alert MN8 or bring your attorney with you
- You may have a stronger case if you have things to your name, good community standing, etc.
- Have a personal and family emergency plan ready

## INFORMATION TO CARRY AROUND

- Red Cards
- Attorney Contact Info
- Direct Contact Info (loved ones, immigration advocates in your region, etc.)

## INFORMATION YOU SHOULD NOT CARRY AROUND

- Consular ID
- Alien Card
- Country of Origin Passport
- Social Security Card

## SAFETY PLANNING CONSIDERATIONS

- Talk to your loved ones about your case, discuss important people your support network should contact if you are detained. Examples include legal aid and immigration advocates.
- Identify your emergency contacts and memorize their phone numbers. Let them know they are your emergency contacts and walk them through what to do.
- Identify any direct dependents that need to be cared for such as children, pets, elderly parents, or family members with disabilities or other health needs.
- Provide your child's school or day care with an emergency contact to pick up your child.
- Provide authorization in writing for your emergency contact to make medical and legal decisions for your child.
- Provide an extra key for your home to your emergency contact if you have pets.
- Tell your loved ones that if you are detained by ICE, they can try to use ICE's online detainee locator to find you: <https://locator.ice.gov/odls/#/search>
- Request your immigration and criminal records using "Freedom of Information Act" (FOIA). FOIA is a law that says you have a right to get copies of government records about you. It is safe and free to request your immigration records. This information can help your lawyer or your family work with a lawyer if you're unable to.
- Gather and compile important documents and put it in a safe place.

## ABOUT MN8

MN8 fights for the liberation of Southeast Asian communities. We fight to keep families together by ending detention and deportation. We are a political home for Southeast Asians to build collective power, create systemic change, and work towards a liberated future.

### CONTACT MN8

 [minnesota8.org](https://minnesota8.org)

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  MN8

# WE HAVE RIGHTS

KNOW YOUR RIGHTS   REQUEST RECORDS   DIRECT SERVICES



Compiled by:  MN8

*The content provided on this brochure is for informational purposes only and should not be relied on as legal advice. If you have questions about the content, please consult with a licensed attorney.*

# KNOW YOUR RIGHTS

Sources: Mai N. Moua Law Office, Immigrant Defense Project, and ACLU

**Safety Reminders:** This information is to help you if ICE approaches you. ICE can often be in disguise and use tricks to detain you or get information. In all scenarios, you have rights that can protect you. Knowing your rights can help to deter ICE from unjust arrests.

**Know-Your-Rights** to prepare yourself and your loved ones. Familiarize yourself and have this document on hand so that it is easy to access.

- Oftentimes people unintentionally allow ICE into their homes or ICE will pretend to be local law enforcement and trick you to open your door. Knowing your rights can prepare and protect you.
- Have a copy of Know-Your-Rights on your phone, in your car, next to your front door, and anywhere that it might come in handy

**Talk to your loved ones,** friends, and trusted allies about what is going on – create a safety plan together.

**Do NOT go to an ICE check-in alone.** If you have an upcoming check-in or if ICE has moved your check-in up, this is a red flag – ICE has been actively detaining people at routine check-ins.

**Reach out** to immigrant rights organizations and legal services for proactive support.

## YOU HAVE THE RIGHT TO:

- Remain silent
- Not to answer any questions
  - You do not answer any questions about your immigration status
- See an arrest warrant
- Speak to a lawyer
- Make a phone call

## UNDERSTAND YOUR PROTECTIONS IN PUBLIC VS PRIVATE

**PUBLIC:** ICE can approach you in any public space and can detain you without a warrant in public if they have “probable cause”

**PRIVATE:** ICE cannot enter private spaces without an arrest or search warrant or consent. This includes your home, certain areas in your workplace, or university.

## AT HOME

- **Do not open the door.** If you open the door, it could be considered voluntary consent to allow them to enter your home.
- **Ask the individual(s) to identify themselves** and their agency
- **Ask if they have a warrant.** In order to enter, they will need to show you a warrant (either for arrest from ICE or to search your house from a court). Ask for the warrant to be passed under the door.

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A valid warrant must **(1)** be signed by a judge or government agency **and (2)** indicate the individual being sought after and/or the place(s) to be searched

If the police or immigration officers **do NOT** have a valid warrant, you have the right to ask them to leave. Remain calm and adamant about your rights. Call a lawyer or advocacy organization to alert them.

If the police or immigration officers **do** have a valid warrant, carefully read the order to know who they are looking for and where they can search. Take photos of the warrants, record badge numbers, and get as much information as you can.

## OUTSIDE OF YOUR HOME, IN YOUR CAR, & AT WORK

- **Ask the officers** why they stopped you and if they have an arrest warrant. Ask them to identify themselves and what agency they’re with. Ask these questions before showing any ID or answering any of their questions.
- **Utilize your right to remain silent.** Refuse to answer any questions about your criminal and immigration history. If asked, you must identify yourself with the officer.
- If authorities begin searching your car or belongings, you should state “**I do not consent to this search**”. ICE cannot search you, your car, or anything else without a judicial warrant or your consent.
- ICE can demand for you to get out of your car and may arrest you. **Before doing so, ask:**
  - Am I free to go?
  - Who are you?
  - Why am I being stopped?

## DO NOT:

- Lie or give false documents or information
- Resist officers if they plan to arrest you as it may hurt your immigration case
- Sign any papers before speaking with an experienced immigration attorney
- Answer any questions – always ask for a lawyer

## IF YOU’RE DETAINED

- **Do not** answer any questions from an immigration officer
- **Do not** sign any documents without first consulting a lawyer
- **Always ask** for a copy of your immigration documents
- **Call your family members** to let them know where you are detained and provide them with your full name, any other names that you have used, date of birth, and A# number (immigration registration number).

## ICE WATCH & WITNESS SUPPORT

Whether you’re a friend, family member, stranger, or the person being subject to interacting with ICE, you have the right to take videos and photos. **This action can support the impacted person in their immigration case to gather key evidence.**

- Witnesses can record interactions as long as they are not interrupting and are transparent that they are filming.
- Witnesses can ask for identification & badge numbers
- Witnesses should share this and report this to the family, attorney, or immigration advocacy organization

## IN DETENTION

Some people who are detained while their case is underway are eligible to be released on bond or with other reporting conditions. However, this is a rare case for Southeast Asians. **You do NOT have the right to bond if (1)** you already have a final order of removal or **(2)** you have been convicted of:

- Two or more crimes involving moral turpitude
- An aggravated felony
- A drug crime (unless you only have one conviction for simple possession for less than 30 grams of marijuana)
- Firearms crimes

**You have the right to call a lawyer or your family if you are detained**

- You have the right to be visited by a lawyer in detention
- Call your family members to let them know where you are, your full name, all alias names, date of birth, and A# number (immigration registration number)
- You have the right to have your attorney with you at any hearing before an immigration judge

## ORGANIZE & FIGHT BACK!

We do not have to silently witness or endure this. Join the immigrant rights movement to change policies, tell refugee stories, and advocate for change!

**VISIT THE MN8 WEBSITE FOR ADDITIONAL RESOURCES ABOUT YOUR RIGHTS, FIND LEGAL SUPPORT, AND MORE: [MINNESOTA8.ORG/RESOURCES/](https://minnesota8.org/resources/)**