

RIGHTS OF IMMIGRANTS

June 1, 2020



Massachusetts
Immigrant & Refugee
Advocacy Coalition



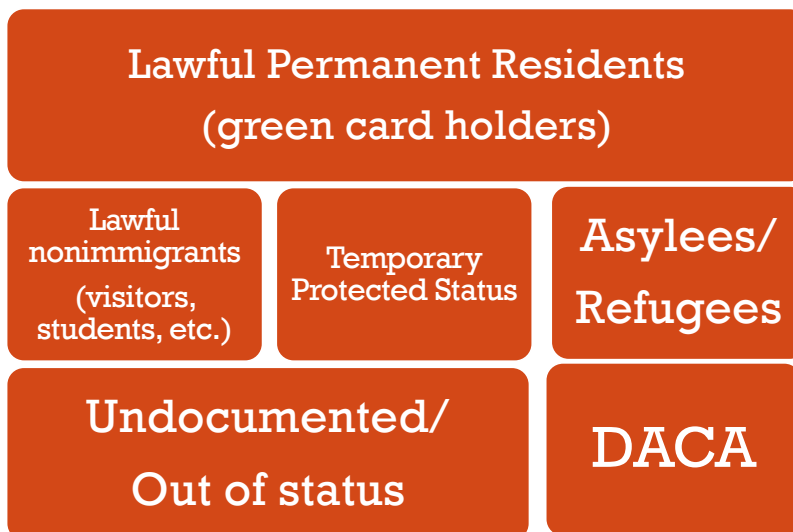
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QUICK ABC'S OF IMMIGRATION

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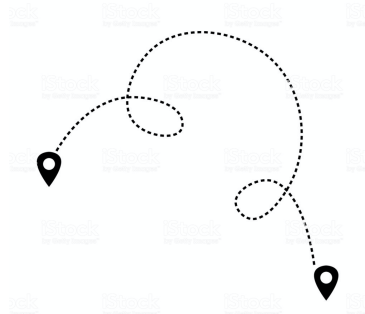
MAIN TYPES OF IMMIGRATION STATUS



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COMMON PATHS TO A GREEN CARD

- Family Sponsored
- Employment Based
- Humanitarian Relief
- Diversity Visa Program



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IMMIGRANTS IN MASSACHUSETTS

- Immigrants in the state: 1,095,953
- Immigrant households pay \$6.5 billion in federal taxes
- Amount of state and local taxes paid by undocumented immigrants: \$184.6 million
- One in five workers is an immigrant

Source: American Immigration Council,

<https://www.americanimmigrationcouncil.org/research/immigrants-in-massachusetts>




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KNOW YOUR RIGHTS


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BASIC RIGHTS

- Everyone living in the U.S. has certain basic rights under the U.S. Constitution, regardless of immigration status
 - It is important to assert these rights and protect our basic rights
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RIGHT TO REMAIN SILENT

- You can exercise this right by telling immigration agents/police that you want to speak to a lawyer before answering any questions.
 - You may exercise this right to remain silent even if you have already spoken with immigration agents or the police. Also, you may remain silent if you are under arrest or already in jail.
 - Remaining silent is to your benefit because whatever you say may be used against you.
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RIGHTS CARD



<https://www.ilrc.org/red-cards>

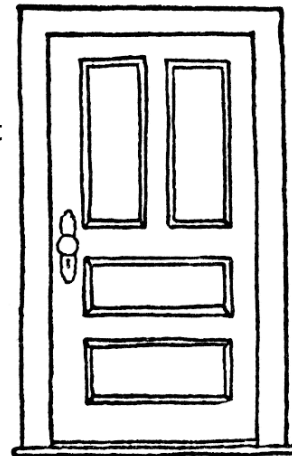
- Asserting the right to remain silent can be difficult.
- It's helpful for people to have a rights card in their wallets that they can pull out and give to immigration agents or police.



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WHAT TO DO WHEN LAW ENFORCEMENT COMES TO YOUR HOME

- **Do not open the door:** you do not need to open the door unless the officer provides you with a judicial warrant signed by a judge.
- Ask for ID (name, agency) and ask to see a signed warrant from a judge.
- Slide a "Know Your Rights" card under the door.
- You have the right to remain silent – you do not have to answer questions about immigration status or when you entered the country
- Call a US citizen friend or family.
- Call an attorney.



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WHAT TO DO WHEN LAW ENFORCEMENT COMES TO YOUR HOME

- If the agents or police present a search warrant, it should state the address and say in detail which areas and places the agents are authorized to search.
- If the agents or police have a signed search warrant, you cannot stop them from entering your home. However, you can tell them that you don't consent to being searched. This will limit the search.
- If the agents or police have a signed arrest warrant, read it closely to determine who they are looking for. If that person is present, have him go outside to meet with the agents or police. If that person is not present, tell them so and do not open the door.



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JUDICIAL WARRANT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

In the Matter of the Search of _____
(Name, address or brief description of person, property or premises to be searched)
 Agrprocessors, Incorporated and/or Nevel Properties,
 Corporation with complete description of premises to be
 searched incorporated in Attachment 1

APPLICATION AND AFFIDAVIT
 FOR SEARCH WARRANT
 Case Number: 08-MJ-110

RECEIVED
 MAY 12 AM 9:00
 CLERK OF DISTRICT COURT
 NORTHERN DISTRICT OF IOWA
 CEDAR RAPIDS, IOWA

I, Senior Special Agent David Hoagland being duly sworn and being
 I am a(n) Senior Special Agent and have reason to believe
Official Title

that on the person of or on the property or premises known as (name, description and/or location)
 Agrprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be searched
 incorporated in Attachment 1

in the Northern District of Iowa
 there is now concealed a certain person or property, namely (describe the person or property to be seized)
 See Attachment 2

which (is case one of nine types for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
 contraband, property that constitutes evidence of the commission of a criminal offense, and property designed or intended
 for use or which is or has been used as the means of committing a criminal offense.

concerning a violation of Title 8 & 18 & 42, United States code, Section(s) 1324, 1326 & 1546, 1015, 1028A&408
 The facts to support a finding of probable cause are as follows:
 See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes No

Signature of Affiant [Signature]

Sworn to before me and subscribed in my presence,
 Date May 9, 2009 at Cedar Rapids IA
 City State

Jon Stuart Scoles Magistrate
Name of Judge Title of Judge Signature [Signature]



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IMMIGRATION ARREST WARRANT

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: 02/24/2017

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.

(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

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WHAT TO DO WHEN LAW ENFORCEMENT STOPS YOU IN PUBLIC

- Stay calm - Do not run or resist arrest!
- Ask if you are under arrest or free to leave.
- You have the right to remain silent. **Say you want to remain silent.**
- You have the right not to be fingerprinted unless you're being arrested.
- Police can search you if they have a reasonable suspicion that you are armed and dangerous.
- If you have valid immigration documents and are over the age of 18, the law requires you to carry those documents on you.
 - **Never provide false documents!**



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WHAT TO DO WHEN STOPPED WHILE DRIVING

- Police can search your car if they have probable cause to believe you have been involved in a crime
 - STATE CLEARLY THAT YOU DO NOT CONSENT TO THE SEARCH
- You do not need to answer any questions but driver must provide name and address
- Do not provide false documents



*Remember: It is **ILLEGAL** to target people based on personal characteristics like race, gender, age or religion*

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HOW TO BE PREPARED

- Know your rights in case an officer asks you questions or comes to your home.
- Memorize phone numbers for your family members and/or an attorney/organization that you trust. **You might only be able to make one phone call while detained!**
- Think of a U.S. citizen or someone with immigration status that you trust who can pay bond if you are granted one by an immigration judge.

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IMMIGRATION ENFORCEMENT & DETENTION

- ICE will not carry out enforcement operations at or near health care facilities except in the most extraordinary of circumstances:
 - hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities
- Individuals should not avoid seeking medical care because they fear civil immigration enforcement
- ICE is still deporting people
- Number of people in detention has dropped but there are still many concerns



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ARREST AND DETENTION

- If you are arrested or detained, DO NOT:
 - Sign anything without the guidance of a lawyer
 - Take “voluntary departure” from the U.S. (which means no hearing and being barred from U.S. indefinitely) unless counseled by lawyer.
 - Rely on immigration agents to furnish you with information about your rights; ask a lawyer for facts.
- You have a right to:
 - Remain silent.
 - Call a lawyer or family member
 - Be visited in detention by a lawyer
 - Contact your consulate



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RIGHTS IN EDUCATION



- Undocumented children have same right to basic education as US citizen children (Plyler v. Doe, 457 U.S. 202 (1982))
- Generally, schools should not collect or maintain information relating to the immigration status of students or parents.
- Public schools CANNOT:
 - Require parents to disclose immigration status
 - Provide any outside agency (including DHS) with information that could expose a student's status without parental permission
 - Enforce immigration law
- If student has no SSN, school should assign an ID number → do not use a false number in any situation!
- All students can apply for free meal applications (leave SSN blank or write N/A)



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ACCESSING BENEFITS



- **Accessing benefits**
 - Undocumented immigrants are very limited in what public benefits they may receive
 - However, children of undocumented immigrants born in U.S. are eligible for all benefits because they are U.S. citizens
 - If benefit received by child, only the child's status has to be verified – not parents
- All non-English or LEP speakers have a right to interpreter, free of charge, in health centers, hospitals, and benefits agencies
 - You are not required to use children or other relatives as interpreters



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ACCESS TO HEALTHCARE



- Protected Health Information is protected by federal and state law.
- Emergency departments must provide screening and stabilization services regardless of an ability to pay or immigration status.
- AGO recommends that healthcare providers collect only as much information on immigration status as is necessary for treatment or regulatory compliance purposes.



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WORKERS' RIGHTS – REGARDLESS OF IMMIGRATION STATUS



- To be paid a legal rate of pay, in full and on time, including:
 - Minimum wage
 - Overtime
 - Prevailing wage on public works projects
- To be free from sexual harassment and other forms of discrimination on the job
- To a safe and healthy workplace
- To organize & to be classified properly as an employee
- To be protected from employer retaliation for asserting these rights
- Sick Time:
 - Most MA employees earn sick time (up to 40 hours a year)
 - If employer has 11 or more employees, must provide paid sick time



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UNEMPLOYMENT

- Both regular Unemployment compensation and the PUA (Pandemic Unemployment Assistance) require that the applicant have work authorization
- Undocumented immigrants are not eligible for unemployment
- PRUCOL – “permanently residing under the color of law”
 - Many times they will have a work permit document
 - Sometimes proof of “PRUCOL” is the receipt that shows they are in process

For assistance with filing an online Unemployment Insurance claim, call (617) 603-1530 (Spanish) or (617) 603-1639 (all other languages)



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WHAT TO DO IF ANY OF THESE RIGHTS ARE VIOLATED

- If children have been discriminated against at school, contact the US Dep. Of Education - Office of Civil Rights to register a complaint at 617-289-0111
- The MA Commission Against Discrimination handles civil cases regardless of immigration status – contact 617-994-6000
- AGO Fair Labor Division hotline - (617) 727-3465 or visit www.mass.gov/ago/fairlabor



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