

TO WHOM IT MAY CONCERN:

Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.

Thank you.

If you are detained by immigration or the police, pass this card to the agent and remain silent. The card explains that you are exercising your right not to answer questions before consulting your lawyer.

CONTACT A LOCAL ORGANIZATION FOR MORE INFORMATION



ABOUT THIS GUIDE

This booklet was produced by the American Friends Service Committee (AFSC) and FaithAction International House in August 2011.

Thank you very much to the following people and organization for their help in preparing this guide: North Carolina Justice Center, Southern Coalition for Social Justice, Casa de Maryland, The Center for New North Carolinians, NC Immigrant Rights Project

Design and Drawings by Eric Francisco Jonas



American Friends Service Committee

Area Office of the Carolinas

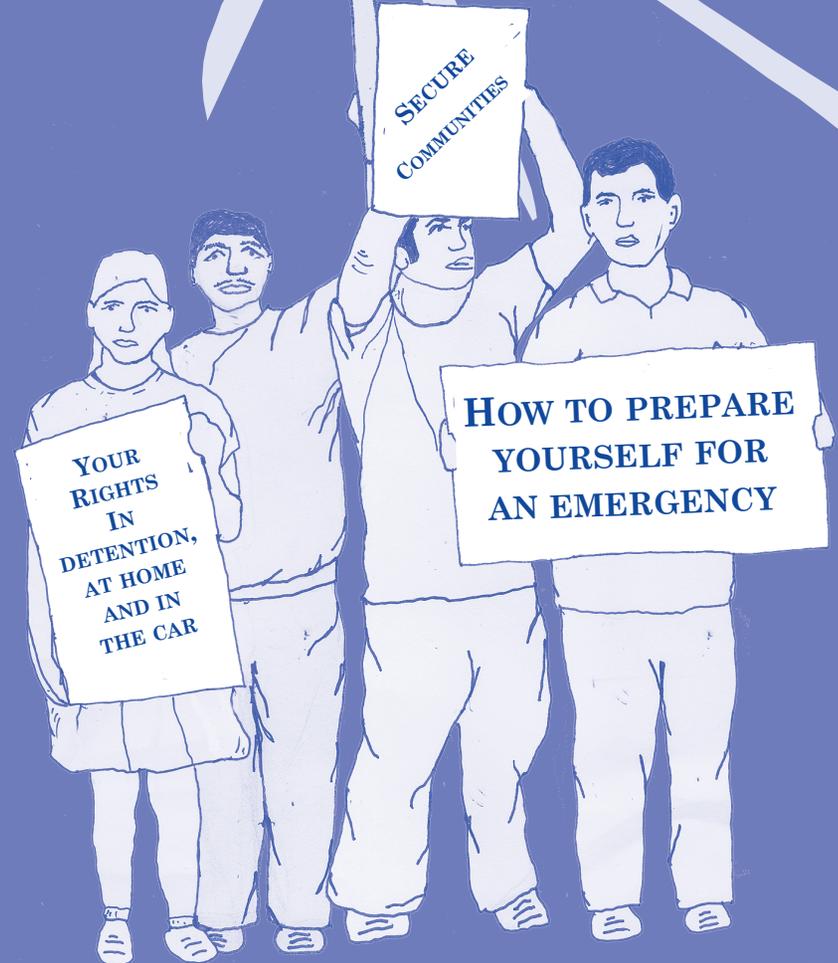


FAITHACTION INTERNATIONAL HOUSE

A Center For Cross-Cultural Learning, Service & Advocacy

The information contained in this booklet should not be in any way considered legal advice. For information and advice about specific cases, you should consult with an immigration attorney.

YOUR RIGHTS AS AN IMMIGRANT



The information contained in this booklet should not be in any way considered legal advice. For information and advice about specific cases, you should consult with an immigration attorney.

This booklet is by the American Friends Service Committee & FaithAction Intl.House

KNOW YOUR RIGHTS!

These are difficult times. As immigrants, we face a lot of discrimination in this country. But we all deserve to be treated with dignity and respect. Here in the United States, we all have rights regardless of our immigration status. This booklet attempts to help the immigrant community learn some of those rights.

None of this information should be considered legal advice, by any means. You need to speak to a lawyer about your particular case.



SECURE COMMUNITIES

As of March 2011, all 100 North Carolina counties are participating in "Secure Communities," a program of ICE, Immigration and Customs Enforcement.

This program takes digital copies of the fingerprints of every person arrested and uses them to search in a national database for criminal record history and immigration history—whether or not that person has been convicted of a crime.

Under this program, anyone arrested runs the risk of being placed in deportation proceedings, because his/her fingerprints will be automatically checked upon being arrested.

Even though this program was supposedly designed to focus on dangerous criminals, the majority of the people affected have not committed any serious offense.

Because of this, it is more important to ever to know your rights and fight for justice.

IMPORTANT NUMBERS

TO FIND PEOPLE IN DETENTION

ICE Offices

ICE Charlotte (704) 672-6995

ICE Atlanta (404) 331-2765

ICE Washington DC (202) 305-2734

ICE Cary (919) 678-8807

Online Detainee Locator System:

<https://locator.ice.gov>

You must know the "A Number," the Alien Registration number, assigned to all immigrants.

Immigration Court
Phone Number

1 800-898-7180

*You must know the
"A" Number.*



Other Jails and Detention Centers:

Alamance County Jail (336) 570-6300

Mecklenburg County Jail (704) 336-8100

Atlanta Municipal Detention Center (Georgia) (404) 865-8010

Stewart Detention Center (Lumpkin, Georgia) (229) 838-5000

Etowah County Correctional Facility (Alabama) (256) 439-6035

PREPARE YOURSELF

IN CASE OF AN IMMIGRATION EMERGENCY

Develop a Family Plan

Talk with your friends and family and make a plan of what to do in case you are detained. Write down important information about your children (their schools, doctors, medicine, etc.).



Designate a Power of Attorney

Designate a person who will be in charge of your property and accounts in case you are detained. Choose only a very well-known and trusted individual. You can give this person the power to sell your car or land and manage money in your bank accounts, if it becomes necessary to do so. You can also give someone the power to enroll your children in school and make certain medical decisions for them.



Obtain a Passport from your country of origin

If you do not have one, you could spend a lot of time in jail waiting for your deportation to finalize, while your Consulate verifies your identity. Your children will need a passport or visa if they are going to return with you to your country of origin.

Find an immigration attorney

Find a lawyer (or a few lawyers) that you trust BEFORE you need one, and carry their numbers with you. Make sure that your family members also have the phone number. Find one that specializes in deportation cases.

YOUR RIGHTS IN GENERAL

You have the right to remain silent.

You do not have to answer any questions, but there is a risk in not giving your name; it may seem suspicious.

You do not have to reveal your immigration status to government officials, but you cannot lie either. You have the right to remain silent.

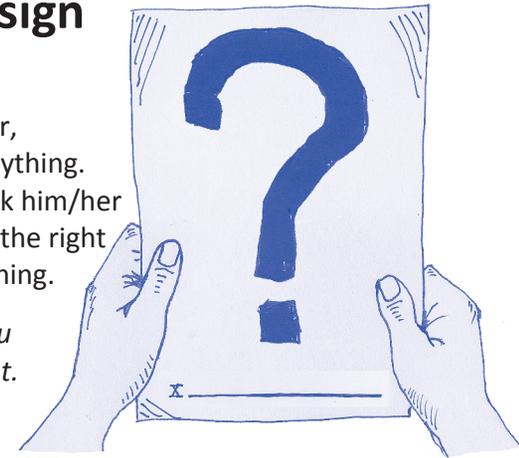
You can refuse to sign any document.

Even if you do not have a lawyer, you are not obligated to sign anything. If you have a lawyer, you can ask him/her to be present. You always have the right to understand what you are signing.

If you have been mistreated, you have the right to file a complaint.

Remember that knowing your rights does not necessarily

mean that the authorities will follow the law or respect your rights.



Key Points

- Always be polite and stay calm.
- Never lie or give false information to an immigration agent or police officer.
- Do not carry false identifications with you.
- Do not reveal your immigration status.
- Keep with you the name and phone number of an immigration attorney who will accept your calls.
- Show the attached "Know Your Rights" card."
- Make a family preparation plan in case of emergency.

YOUR RIGHTS AT HOME

You do not have to open the door to any immigration agent or to the police unless they have a valid arrest or search warrant.

- If you open the door, the officials will consider that you are giving them permission to enter. Once they are inside, ICE will likely ask for documents of everyone inside.



- You can ask the agent to pass the warrant under the door. You do not have to sign it if it is not valid.

What is a Warrant?

A warrant is a document signed by a judge that authorizes officials to enter your house.

To be valid, an arrest warrant must have:

- 1) The name of the person they are looking for
- 2) That person must live at the address listed on the warrant
- 3) That person must be present in the home

A valid search warrant must specify:

- 1) The address they are going to search
- 2) Which places, in detail, they are going to search
- 3) What they are looking for

- If the agents have a warrant, review it to determine if they have searched an area that is not authorized in the warrant.
- If the agents enter the house without a valid warrant, ask for the names and badge numbers of the agents. You can state that you do not consent to the search.

**You have the right to a lawyer...
but you have to find one and pay for it.**

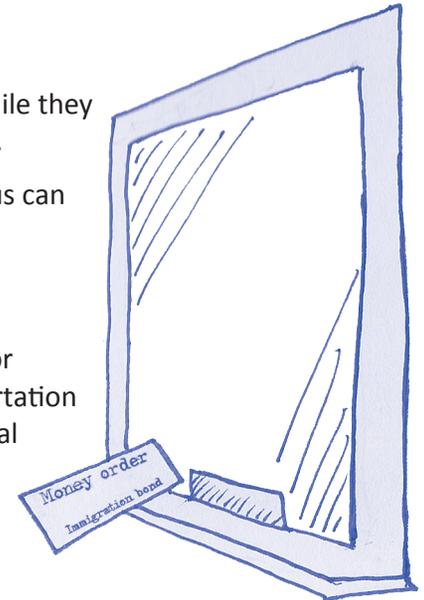
- The government will NOT provide a lawyer for immigration cases. You must find your own lawyer.
- It is important to find an immigration lawyer who specializes in deportation cases. You should not trust anyone who is not authorized to take immigration cases.

ATTENTION FAMILIES!

**If you do not have legal status, don't take the risk.
Do Not Go to the Jail.
You should not give out your name or your address
to ICE by phone.**

Immigration Bonds

- Some people can get out of jail while they wait for their immigration hearing.
- A friend or relative with legal status can pay a bond to the government to guarantee that you will attend your hearing.
- You probably will not be eligible for a bond if you already have a deportation order or if you have certain criminal convictions, or if the government thinks you are a threat.
- An immigration bond is different from a criminal bond. If you pay a criminal bond, it does not guarantee your release from jail, especially if you have an ICE Hold.



YOUR RIGHTS IN DETENTION

You have the right to remain silent

- You do not have to respond to questions about where you were born, where you are from, or your legal status, but you should never lie.
- Once you are detained, you will have to give your name, address, and birthdate, but you do not have to answer other questions.

You have the right to refuse to sign

- You can refuse to sign any paper until you consult with a lawyer.
- Do not sign anything you do not understand.



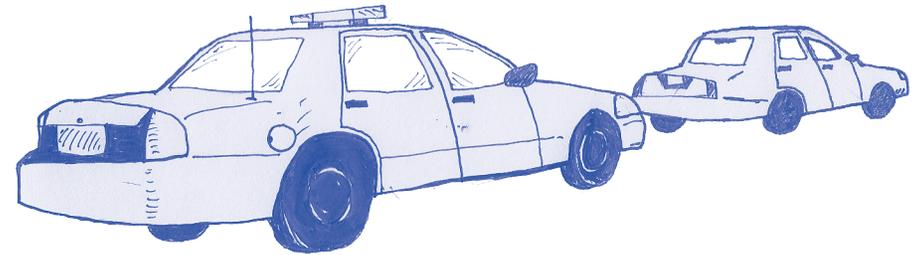
You have the right to make a phone call.

- You have the right to call a family member, a lawyer or your country's consulate.
- When you call your family, tell them the name of the jail where you are detained and your Alien Registration Number, or "A" number. This number should appear in all immigration or detention documents. It is 9 digits and starts with the letter "A".
- Most of the time, the person in detention cannot receive phone calls. But, the person can make collect calls. You should check with your cell phone company to see if your phone can receive collect calls. Most cell phones do NOT accept collect calls.

YOUR RIGHTS IN THE CAR

If immigration agents or the police signal you to stop your car, you should do so.

Immigration officials and the police can ask for your name, drivers license, registration and insurance. You should show these documents if you have them.



You have the right to remain silent.

If they stop you while you are driving, you must give your name. You do not have to answer any other question.

If an official questions a passenger, that person has the right not to answer.

You can refuse consent to search your car.

If an official wants to search your car, you have the right to give or refuse permission, but you should not interfere with their actions.

You can ask if you are free to go or if you are under arrest. If they tell you that you are under arrest, remember you always have the right to remain silent.

Identifications

It is important to always carry with you some form of valid photo ID from the US, even if you are not eligible for a drivers' license. For example:

- ✓ A student ID
- ✓ A bank card,
- ✓ Costco card, etc..

YOUR RIGHTS ON THE JOB

If immigration officials or the police come to your work:

DO NOT RUN! DO NOT LIE!

YOU HAVE THE RIGHT TO REMAIN SILENT!

You have the right to refuse to sign any document.

You are not obligated to sign anything from immigration or from your employer. You have the right to understand anything they give you and ask you to sign.

You can refuse to sign any document.



Officials do not always need a search warrant

If you are working in a public place (like in a park or on the street) a search warrant is not needed. In addition, if the authorities have the permission of the employer, that is considered sufficient.

PROGRAMS AND POLICIES THAT CAN PUT YOUR JOB AT RISK

“NO-MATCH” LETTERS FROM THE SOCIAL SECURITY ADMINISTRATION

The SSA sends letters to employers if the social security number is not valid for work, or if it does not correspond with the name of the employee. If this is the case, they will give some time for the employee to prove that he/she is eligible to work in the US.

E-VERIFY

Many employers are using this program to verify if someone is eligible to work. It uses information that an employee provides to verify eligibility with the Social Security Administration and the Department of Homeland Security.

Everyone has certain labor rights

in the United States. You cannot be deported simply for exercising your rights under the law. Some of the se rights are:

Minimum Wage

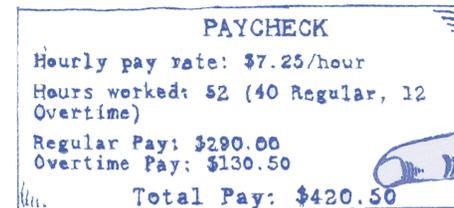
Everyone deserves at least the minimum wage under the law, \$7.25 per hour. Some states have a higher minimum wage.

Exceptions: Workers who earn tips. But the wages plus the tips must equal at least \$7.25 per hour.

Overtime

If you work more than 40 hours per week, you should receive overtime pay for every hour you work over 40. That should be 1.5 times your normal wages.

Exceptions: Many agricultural and domestic workers, and some professional or management jobs.



Workers' Compensation

If a worker is injured or gets sick because of work, he/she has a right to medical treatment and in some cases lost wages due to illness.

Exceptions: It depends on how many employees the company has.

For help and information:

Wage & Hour Division

1-866-487-9243

Occupational Safety & Health Administration

1-800-321-6742

Safe & Healthy Job

Everyone deserves a work place that is healthy and safe. You shouldn't have to work in dangerous conditions. For specialized jobs, the employer should provide protective clothing and equipment.