

Know Your Rights

Private Sector: Businesses and Nonprofits

This presentation is for informational purposes—it is not legal advice. Always consult with a lawyer if you are arrested or in removal proceedings. Under the current administration, policies and practices are changing quickly. Even if you know and exercise your rights, officers might not honor them.



Agenda

1. Who enforces immigration law

2. Our basic rights

3. I-9 audits

4. ICE actions & preparation

5. Witnessing arrests

6. Enforcement in Vermont

Who enforces immigration law



Definitions

DHS: U.S. Department of Homeland Security, parent agency of:

- **ICE:** U.S. Immigration & Customs Enforcement, the immigration police inside the U.S.
- **CBP:** U.S. Customs & Border Protection or Border Patrol, the immigration police at the border (+100 miles)

State & Local Law Enforcement	Federal Immigration Enforcement
CANNOT ask about immigration status	CAN ask about immigration status
Includes local police, sheriffs, state troopers	Includes CBP, ICE, and subdivisions <ul style="list-style-type: none">• ICE-Homeland Security Investigations (HSI)• ICE-Enforcement and Removal Operations (ERO)
Limited by the Vermont Fair and Impartial Policing Policy (FIPP)	Expanded by President Trump to include: <ul style="list-style-type: none">• FBI, DEA, ATF• US Marshals• Bureau of Prisons

Our basic rights



The president **does not**
have unlimited power
over immigration.

Constitutional Rights Held by All

Regardless of our citizenship status, we all have the right to...

- Freedom of speech
- Peaceful assembly
- Remain silent
- Not be detained or arrested without a valid reason
- Refuse to consent to a search of your body, home, and belongings
- Request a lawyer if you're arrested or detained

How to Assert Your Rights

Make a statement

Follow through

At any time

What About Whistles?

Using whistles to alert others to nearby law enforcement activity may be useful to draw attention, but this choice comes with risks—there hasn't been a whistling case yet, so we don't know what a court will do

Under the First Amendment:

- You have the right to report and share information about where officers are operating and what they're doing
- You have the right to peacefully protest law enforcement activity, silently or through communication you want heard
- You do NOT have the right to interfere with or obstruct law enforcement duties or help someone actively evade immigration enforcement if you know or recklessly disregard their undocumented status

Based on these principles:

- Whistles, when used to help communicate to alert others to lawfully record or document enforcement operations, are more likely to be viewed as protected First Amendment activity
- Whistles, when used to interfere with law enforcement operations, are not likely to be viewed by courts as a protected First Amendment right

I-9 audits



What is a Form I-9?

Required document that confirms a worker's identity and authorization to work in the U.S.

Employers must:

- Complete an I-9 form for all new employees; and
- Keep I-9 forms on file for 3 years after date of hiring or 1 year after worker's last day, whichever is later

Employers need NOT:

- Ask workers to fill out an I-9 more than once unless their work permit is about to expire or you have another valid, legal reason; or
- Keep copies of a worker's ID or work authorization documents

I-9 Audits

When ICE comes to your business to check if you followed the I-9 rules

- You have 3 business days to produce your I-9 forms
- You can speak with a lawyer before the audit, answering questions, or signing docs
- You can notify workers and their union rep about the audit

If the audit does not go well:

- You have 10 days to provide valid work authorization
- You may request more time
- If you can't provide the documents, you will be told to end that worker's employment
- You may be issued an order to stop hiring people without valid work permits
- You may face civil and criminal fines and penalties

[USCIS Handbook for Employers](#) contains more I-9 instructions

ICE actions & preparation



Wherever you encounter law enforcement

Remember that law enforcement has a lot of power in these interactions!

Do:

- Be calm and polite
- Keep your hands visible
- Ask if you are free to go
- Answer few questions or remain silent

Do not:

- Lose your cool
- Walk (or run) away without asking
- Consent to be searched
- Lie or provide fake documents
- Touch the officers
- Physically resist

While Driving

If you're being pulled over:

- Stop the car in a safe place
- Turn off the car and turn on emergency lights
- Open or crack the window
- Place your hands on the wheel

Upon request: if you are the driver, show your driver's license or driver's privilege card, registration, and proof of insurance

You still generally have the right to remain silent and/or can show a KYR card, and have the right to refuse a search—**BUT if immigration asks:**

- If you have valid immigration documents and are 18+, you are legally required to carry those documents with you and produce them if asked
- If you are an immigrant without documents, you can decline the officer's request, although an agent may then ask you more questions

At the Door

If ICE knocks:

- They may say they are “police”
- They may not be wearing uniforms
- They may be wearing a badge that says “Immigration & Customs Enforcement”

Ask for identification

Ask to see a warrant

You do not have to open the door unless officers have a valid warrant

Warrants

A valid warrant must have:

- Judge's name and signature
- Person's name and/or address
- Date and time frame (not expired)
- Name of agency conducting search or arrest

A search warrant also requires a description of items being searched

Administrative subpoenas are not valid warrants (e.g., ICE warrant)

- Issued by DHS: look for DHS seal or form number
- Signed by immigration officer or immigration judge
- Might state the authority comes from immigration law, not a court

Valid for Search

Issued by Court

Name & address
MUST be correct

Information about
the person or areas
of property to be
searched

Date & time of search
MUST be correct

MUST be signed and
dated by a judge

UNITED STATES DISTRICT COURT
for the
District of Alaska

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

Case No. 3:17-mj-00135-DMS

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 search of the following person or property located in the _____ District of _____ Alaska
(Identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated here by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(Identify the person or describe the property to be seized):*
See Attachment B, incorporated here by reference.

YOU ARE COMMANDED to execute this warrant on or before **Date of search** *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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 Hon. Timothy M. Burgess
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), 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 7 days *(not to exceed 30)* until, the facts justifying, the later specific date of _____

Date and time issued: 5 p.m. 4/5/17

/s/ DEBORAH M. SMITH
CHIEF U.S. MAGISTRATE JUDGE
SIGNATURE REDACTED

City and state: Anchorage, Alaska Hon. Deborah M. Smith, United States Magistrate Judge
Printed name and title

NOT Valid for Search

NOT Issued by Court

NOT for search
and seizure

NOT signed by
a judge

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 Name of person to be arrested 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 immigration officer

(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)

UNITED STATES DISTRICT COURT

for the District of Alaska Issued by Court

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

Case No. 3:17-mj-00135-DMS

Name/address MUST be correct

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 search of the following person or property located in the District of Alaska (Identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated here by reference.

Information about the person or areas of property to be searched

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

See Attachment B, incorporated here by reference.

Date/time of search must be correct

YOU ARE COMMANDED to execute this warrant on or before Date of search (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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 Hon. Timothy M. Burgess (United States Magistrate Judge)

MUST be signed by a judge

Valid for Search

/s/ DEBORAH M. SMITH CHIEF U.S. MAGISTRATE JUDGE SIGNATURE REDACTED

Date and City and state: Anchorage, Alaska

Hon. Deborah M. Smith, United States Magistrate Judge Printed name and title

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

NOT Issued by Court

NOT for search and seizure

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the pendency of ongoing removal proceedings against the subject;
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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 immigration officer

(Signature of Authorized Immigration Officer) NOT signed by judge

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for ... was served by me at (Location) and the contents of this (Date of Service) language. (Language)

NOT Valid for Search

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Warrants

If ICE has a warrant, you don't need to open the door to see it

- They can slide it under the door or hold it up to a window
- Check the name, address, time frame, and signature
- If the warrant isn't valid, you don't have to open the door
- If you decide to speak with the officers, you can do so through the door or step outside and close the door behind you

Whether or not ICE has a warrant:

- You still have the right to remain silent
- You can refuse to answer questions about where you were born or how you entered the U.S. and can refuse to show documents
- If you don't want to speak, you can say, "I choose to remain silent" or give ICE a KYR card

If ICE forces their way in, **think like a lawyer**

- Do not physically resist; you can say, "I do not consent to your entry"
- You can ask a family member or friend to record the interaction
- Do not lie or provide false documents
- You can ask for a lawyer

At an Office or Workplace: Planning ahead

Know what's private

Every area of a business is not open to the public

Generally, ICE can access public areas

ICE can access private areas only with a judicial warrant or consent

Businesses can generally deny entry and service to anyone, as long as that denial isn't based on a protected ground (like race, sex, or disability)

Create a protocol

1. Do not collect information that you do not need
2. Place signs indicating what areas are private
3. Designate the point person if ICE arrives or requests information
4. Train staff
5. Practice!

Phrases for Workers

“May I please see your ID?”

“Do you have a warrant?”

“I can’t give you permission to enter. You must speak with my employer.”

At an Office or Workplace: During a Raid

- Stay calm and do not run away
- If ICE shows you an administrative warrant for a specific worker, you do not need to tell them if the employee is working that day or bring the agents to the worker
- You do not need to help ICE sort people by citizenship status or country of origin
- If agents are going beyond the warrant, note your objection
- If the worker wants your assistance, you can record the interaction
- Save any surveillance footage

Five Key Phrases

1. Am I free to go?
2. I wish to remain silent.
3. I do not consent to this search.
4. Am I under arrest?
5. I want to speak to a lawyer.

What is harboring?

Harboring: federal criminal law making it illegal to conceal, harbor, or shield undocumented immigrants from detection

Essentially, harboring is:

sheltering and/or assisting an undocumented immigrant to remain unlawfully in the U.S. with knowledge or reckless disregard of their unlawful status

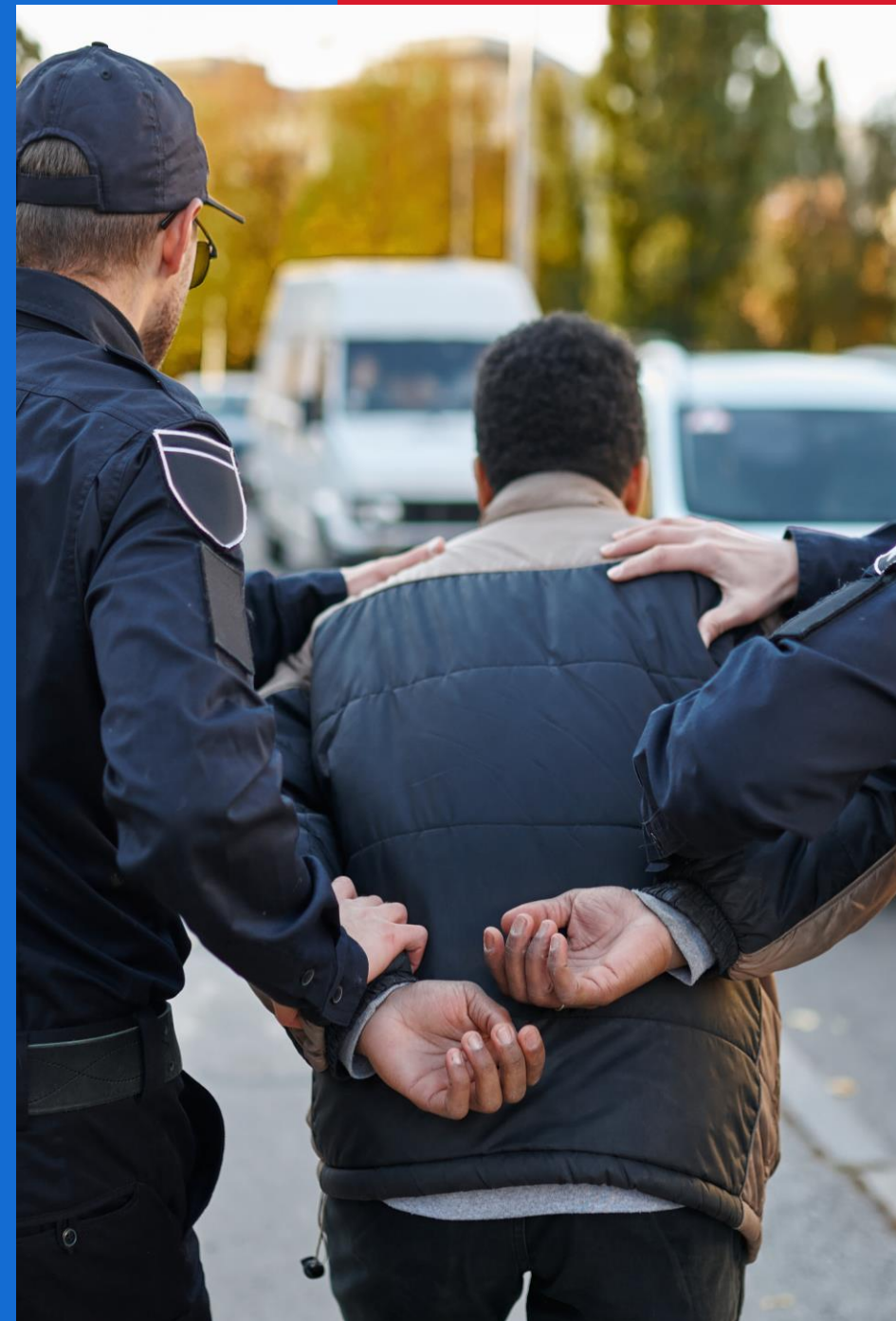
Harboring examples

- Concealing someone from ICE or other LEO
- Providing transport or shelter specifically to help someone evade detection
- Providing false information to ICE or other law enforcement to protect someone
- Smuggling someone into the U.S.

NOT harboring

- Providing basic needs (food, shelter, transport) without knowing the recipient's immigration status, or if they aren't actively fleeing immigration enforcement
- Providing education or information about legal rights to someone who is undocumented
- Nondiscrimination policies that welcome and help people in need, regardless of immigration status, race, ethnicity, gender identity, or sexual orientation
- Speaking out for immigrants' rights and law reform
- Refusing to consent to a search and demanding to see a lawful warrant signed by a federal judge
- Accompanying a person to an ICE check-in or immigration court

Witnessing arrests



Witnessing an Arrest

Take note of:

- Person's name
- DOB
- Emergency contact
- Medical conditions
- Gender identity

Inform their emergency contact

Potentially record the arrest

You can alert local rapid response networks about ICE activity, including:

- Location
- Number
- Clothing
- Vehicles
- Activity
- Weapons
- Any collaboration with police

Recording an Arrest

When you are in public space, you have the right to photograph/record anything in plain view, so long as you don't interfere with law enforcement actions.

You have the right to film an arrest, as long as you don't interfere

- Film openly and from a safe distance
- Follow safety instructions
- Focus on police or ICE, not on the person being arrested

Law enforcement does not have the right to confiscate your camera without a warrant or delete your footage.

If You Couldn't Record

e.g., private property, safety concerns, etc.

You can take notes after the arrest instead:

- Location
- Date/time
- Agency
- Number of officials
- Clothing, weapons
- Documentation
- Potential witnesses
- Injuries and damages

Enforcement in Vermont



What to expect if arrested *by police*

You have the right to remain silent and refuse a search

They'll likely search you for a weapon anyway.

You have the right to see a judge

Within 24-48 hours of your arrest, you should see a judge to hear what you're charged with and whether you'll be released or have to pay bail.

You have the right to a lawyer

You'll be assigned a criminal defense attorney who you'll probably meet just before the hearing.

If you are a noncitizen:

- Find an immigration attorney as soon as possible
- Do not plead guilty to anything without having your criminal defense attorney consult with an immigration attorney first.

What to expect if arrested *by ICE*

You have the right to remain silent and refuse a search

- You do not have to provide your country of birth or citizenship or immigration status to any police or jail official
- You do not need sign anything

You have the right to request a lawyer and contact your consulate

- If you are being charged with an immigration violation, the government does not have to provide a free lawyer
- Call your contacts to request legal assistance, but do not talk about the arrest

You have the right to *some* process before automatic deportation

- The process depends on how long you've been in the country
- If ICE knows you are a noncitizen and you are afraid of returning to your home country, you should say so!

ICE Raids and ICE Custody

Risk of collateral arrest

Immigrant detainees are typically held:

- Chittenden Regional Correctional Facility (women)
- Northwest State Correctional Facility (men)

Next steps:

1. Transfer
2. Release on bond or habeas
3. Deportation

Reporting ICE activity

If you witness an **active** ICE enforcement (e.g., roadside stop, home or workplace entry, arrest): **Migrant Justice**

- 802-881-7229
- Trained community defenders coordinate real-time response and documentation consistent with national best practices

If you have secondhand or retrospective information, photos, or testimony about ICE activity that is **not currently unfolding**: **Vermont Asylum Assistance Project (VAAP)**

- www.vaapvt.org/icetracker
- This keeps the Migrant Justice Rapid Response line free and allows organizers verify information, identify patterns, and prevent rumors from spreading through social media or text chains later

How to find a lawyer

Vermont Asylum Assistance Project (VAAP): direct immigration legal services

- www.vaapvt.org/help
- Includes coordination among VAAP, AALV, VT Afghan Alliance, WISE, Vermont Legal Aid's immigration team, and the law school's Center for Justice Reform Clinic

American Immigration Lawyers Association (AILA): national immigration lawyers directory

- www.ailalawyer.com/
- Allows user to search for immigration lawyer, specifying language and type of service needed

Ideally...

Connect with a lawyer now

Have a G-28 and safety plan

Potentially prepare a privacy release

How to Find a Detainee

For specific individuals	For general trends
<p><u>Vermont DOC JailTracker</u> This DOC tool reports all individuals currently and formerly in Vermont custody and care, including people detained in civil immigration custody on behalf of the U.S. Marshals.</p> <p>Note there is often a lag between when a Vermont-bound immigrant is detained and when their data appears; individuals booked and immediately moved out of Vermont will not appear in the JailTracker.</p>	<p><u>Vermont ICE Detainee Tracker</u> Data displayed on this website has been collected from public sources and analyzed by Vermont community members, with help from friends based in other New England States. The two main sources are the Vermont Department of Corrections Jail Tracker website and federal immigration enforcement data, attained and compiled by the Deportation Data Project, updated daily.</p>
<p><u>ICE Detainee Locator</u> This DHS system reports all individuals currently detained by ICE in an ICE or subcontracted facility.</p> <p>Note there is often a lag between when ICE takes someone into custody and when they appear in the Locator, as well as a lag when ICE relocates detainees between facilities. Names are frequently misspelled and a person’s “A-number” yields the most accurate search results.</p>	<p><u>Vermont DOC Immigration Detainee Dashboard</u> This resource provides longitudinal information on individuals lodged in a Vermont correctional facility on an I-203 on behalf of Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) since January 1, 2023. Information is updated weekly on Wednesdays.</p>

ICE Actions Summary

Before

- Find an immigration lawyer
- Make a written response plan
- Practice
- Share know your rights trainings with staff
- Train staff

During

- You can ask ICE to leave
- You can ask for a judicial warrant
- You can remain silent
- Take photos and videos
- Remind workers they can remain silent and ask for a lawyer

After

- Record or write down everything you saw
- Save surveillance footage
- Notify the worker's emergency contact
- Contact local resources
- Offer leave and separation pay

When choosing whether to exercise your rights, consider:

- Can I exercise my rights safely?
- How will me exercising my rights affect others' safety?
- If I'm not being targeted, does the person who's at risk want my help?
- In this situation, can I use my power, privilege, and identity to help others?

If you think your rights have been violated

- Write down what happened
- Include specific details like names, badge numbers, dates, and times
- Make a list of any potential witnesses
- You can report the violation to a lawyer or civil rights organization
- You can share your story with the ACLU

Thank you

aclvt.org

ACLU