

IMMIGRATION ARRESTS IN THE COMMUNITY

WHAT YOU NEED TO KNOW TO PROTECT YOUR RIGHTS



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) community arrests. Learn about the trends and know your rights!

WHAT ARE THE CURRENT TRENDS?

Who is at risk of being arrested by ICE?

Common targets for deportation include:

Legal Permanent Residents (LPRs) with prior convictions, even if:

- Your conviction is from years ago;
- You didn't serve time in jail; or your case was a misdemeanor/minor;
- You've been an LPR for a long time; and/or
- All the other members of your family are US citizens.

Undocumented people with prior infractions or convictions, especially if:

- Your case involved DUI ("driving under the influence"), drugs, domestic violence, gun possession, or child endangerment; and/or
- You entered the U.S. on or after January 2, 2014 and/or you have been ordered deported since January 1, 2014



Immigration and Customs Enforcement (ICE) is one of the federal agencies responsible for deporting people. ICE is part of the U.S. Department of Homeland Security (DHS).

IF YOU OR A LOVED ONE IS AT RISK OF DEPORTATION, HAVE A PLAN!

For advice, call the Immigrant Defense Project's free legal helpline at 212-725-6422

Knowing which rights you have and exercising them can be complicated. For information or training on what to do if you encounter ICE or how to be prepared if you are put into ICE detention and deportation proceedings, contact IDP at KYR@immdefense.org or <http://immigrantdefenseproject.org/community-trainings>

What are some of the ways ICE might know about you?

If you have sent an application to immigration (for a green card, naturalization, work authorization or any type of lawful status);

If you have been arrested and the police took your fingerprints;

If you have a pending criminal case;

If you are on probation or parole;

If you have applied for a driver's license.

Where is ICE
arresting people?



At or outside:

Home

Work

**Criminal courthouses
(usually after a court date,
but sometimes before)**

Homeless shelters

**And pulling people over
while driving**

Will it be clear the officers are from Immigration (ICE)?

Not always. ICE agents often present themselves as “police.” They may be dressed like police in bulletproof vests or plainclothes. Sometimes they may even act like regular police conducting an investigation.

If ICE is at your home, the only way to know is to ask where they work before letting any officers in. If they say “police,” ask them if they are from Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE). And look for DHS or ICE anywhere on their cars, uniforms or paperwork.

WHAT TO KNOW AND EXPECT IF ICE COMES TO YOUR HOME

What time of day does ICE come to people's homes?

Usually early in the morning when people are most likely asleep or getting ready for work/school. However, they may come at any time or multiple times to look for the person they want to arrest.

What have you heard about how ICE agents enter people's homes?

- They often lie and pretend to be police to get consent to enter or to learn the whereabouts of the person they want to arrest.
- Sometimes, they will use force or intimidation to get consent to enter.
- They usually do not have a judge-signed warrant allowing them to enter without consent. So, they often use lies, force or intimidation to get permission to enter.



What kind of lies does ICE tell to get people to let them in?

ICE agents often act as if they are police on an investigation. So, people let the officers in thinking they are helping NYPD. ICE agents have told people the following lies:

- **“We believe Mr. X’s identity was stolen and need your help.”** The person who answers the door gets their loved one, Mr. X, or tells ICE where to find him, and then ICE arrests Mr. X.
- **“We are investigating a crime and want to see if you know the person we are looking for.”** The person lets agents in to look at the photos, which are of random strangers, and says they don’t recognize anyone. ICE agents show a photo of Mr. X or ask for him. Thinking there is a mistake or a criminal warrant, the loved one locates Mr. X and then ICE agents arrest him.
- **“Is Mr. X here? We just need him to step into the hallway to talk to him.”** Mr. X steps into the hallway, thinking they are from NYPD and he has nothing to hide. Multiple ICE agents appear and arrest him.



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I've heard ICE enters homes without warrants using force or intimidation. How do they do this?

- They might **knock loudly or make noise** outside of the door or with many officers so people let them in to avoid attention from neighbors;
- When asked if the agents have a warrant, **threaten to come back with a warrant and “rip the house apart”**;
- **Push through the door** without warning when someone opens it or when the person who opened turns their back to the door;
- **Show their weapons** or having their weapons drawn; or
- **Show up multiple times** to intimidate a loved one into giving agents the location of the person ICE wants to arrest.

Do I have to let ICE into my home?

Not unless they have a **warrant signed by a judge** giving them authorization to search or arrest someone at your address. A warrant signed by ICE is not enough to allow them to enter without your permission. **In most cases, they will not have the right type of warrant and are only supposed to enter if you consent.**

NOTE: Opening the door when they knock is NOT consent to enter your home. However, they may interpret it as consent if you step back from the open door or gesture them inside. If ICE enters your home without your consent, say “I do not consent to your entering my home,” even if they are already inside.

What can I do if ICE officers are at my door?

Try to stay calm and be polite. DO NOT LIE.

Before you open:

- **Ask officers for ID and where** they work to see if they are from Immigration. If they say “police,” ask them if they are from DHS or ICE.
- Politely **ask them to show you a warrant** by slipping it under the door. →

If ICE is looking for your loved one, do not lie about where the person is. Say, **“I do not want to answer any questions,”** and ask agents to **leave their contact information** instead of telling them where to find the person. You do not have to tell ICE how to find the person they want to arrest.



If they show you paperwork, **make sure any warrant is signed by a judge** (not someone from ICE) and has the correct name/address before allowing them in.

If they do not have a warrant, calmly say “I do not want to answer any questions or let you in.” You can tell them you will contact them if they leave information.

If ICE agents are inside my home, can I ask them to leave?

If ICE agents cannot show you a warrant signed by a judge giving them permission to search or arrest someone at your address, you can tell them you do not consent to them being in your home and ask them to leave at any point in time.

If they see the person they want to detain, they will likely arrest the person at the home anyway. Otherwise, if you withdraw consent and tell them to leave, they should leave. Even if they do not listen to you, do not physically interfere. Tell your lawyer afterwards. It may help the immigration case.

If ICE is in my home, can they walk through all rooms and search the home for specific people or items?

Even if you let ICE agents into your home, they are not supposed to search your home or belongings without your permission unless they have a judge-signed warrant giving them authority to do so. They may claim it is necessary for their safety. Often, they look in rooms for other people and go into drawers or closets to pick up documents or clothing.

If ICE agents start walking around your home or touching belongings, even if you feel you have nothing to hide, say, “I do not consent to this. Please leave the house.” Keep saying it, especially if they search for, take or try to photograph documents. They may not listen but it is important for you to exercise this right and tell a lawyer later. It may help you or a loved one in the future.

Do I have to give ICE my passport or consular documents?

No, unless they have a search warrant signed by a judge listing those items. ICE agents often ask people to gather up their travel documents during an arrest. They are only doing this to help the government try to deport you. **Say, “I don’t want to bring my documents” or “I don’t want to give anything over.”**

It will not hurt you to bring valid U.S.-issued documents like a drivers’ license or green card. **DO NOT** give them false or invalid documentation (e.g. fake Social Security card or expired immigration visa). If you exercise your rights and they take your documents or photograph them, tell your lawyer.

What should I remember if ICE agents are inside my home?

- Stay calm. **Don't lie, give false documents** or physically resist arrest. This could hurt you and your case. **Sometimes, lying can lead to criminal prosecution.**
- Tell them right away if:
 - There are **children or the elderly present.**
 - You are **ill, on medication, nursing or pregnant.**
 - You are the **primary caretaker** for a loved one and need to arrange care.
 - This information can make a difference in how they conduct the arrest and any decisions about whether to detain you.
- They may say they need to walk around your home for safety reasons but if they do not have a search warrant signed by a judge, you can say, **“I deny consent to search my home.”**
- Try to **remember how ICE agents acted** (see **“What kind of information is important to remember”** below). It may impact your case if ICE did something they weren't supposed to do.

What are my rights if ICE arrests me at home?

- You have the **right to remain silent.** You have the **right to speak to a lawyer.**
- You **do NOT have to share any information** about where you were born, your immigration history, or your criminal record. In fact, if you do share, it may hurt your case.
- You **do NOT have to give them your passports or consular documents** unless they have a warrant signed by a judge.
- You **do NOT have to sign anything.**

It is a good idea to not answer questions or sign anything without a lawyer present.



If ICE is arresting me, will they take my loved ones who are at risk of deportation?

When ICE is targeting one person, we have not heard any recent stories of them arresting other people in the home who may be vulnerable to deportation. ICE agents sometimes ask people in the home for identification and may try to pressure the person answering the door to tell them where the targeted person is.



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What can I do if I am a witness to a home arrest?

You can politely **reinforce that you do not consent** to them being in the home or searching unless they have a judge-signed warrant.

You can **request the names and badge numbers of the ICE agents** as well as a **copy of any warrants**.

If you are an adult, you can ask to go **comfort any children** or other vulnerable residents.

ICE agents often won't let the person they arrest move around freely and will go to search for documents and/or clothes. You can **offer to get clothes, medication or personal items**, like a wallet, instead of letting agents move through the home.

You can **record the details of the home arrest** that may be useful for the immigration case (see below).

You can help **initiate the emergency plan**.

What kind of information is important to remember about the interaction with ICE at home?

It is important for you or a loved one to observe how ICE agents acted at your home and to tell a lawyer. It may make a difference in the immigration case!

Try to remember:

- **How ICE agents presented themselves at the door**, including how many officers there were, whether they were armed, how they were dressed and whether they told you they were from ICE
- **What ICE agents said/did to get into the house**, especially if they lied (such as they said they had authority to enter), intimidated anyone or if they used verbal/physical force
- Who was present during the arrest, especially if there were children
- How ICE agents acted inside the house
 - For example: Did they yell at anyone? Did they draw weapons? Did they keep residents from moving around freely? Did they ignore you when you said children were present? Did they walk through the house? Did they go through belongings without permission? Did they handcuff anyone in front of children?
- **How they reacted if anyone said they denied consent** to enter/search
- How they reacted when you exercised your rights
- How they reacted if you brought up any concerns like the need for childcare or medical issues

WHAT TO KNOW AND EXPECT ABOUT ICE ARRESTS ON THE STREET AND IN CRIMINAL COURT

What do ICE agents usually do at courthouses?

ICE sometimes tracks the court dates of deportable people who have open criminal cases. Agents usually wait inside or outside of the courtroom, although we have also heard of them waiting outside of the courthouse building to arrest someone on the street. They often are in plainclothes with an emblem on their shirt.



What are my rights if ICE stops me on the street or at a criminal courthouse?

If ICE locates you on the street or at court, you have less legal protections than if you were inside your home. The interactions are often quick; they might call out your name or ask you to confirm your name or identity and then arrest you.

- You have the **right to remain silent.**
- You have the **right to speak to a lawyer.**
- You **do not have to sign** anything without a lawyer present.

It is best not to sign anything or answer questions about your criminal or immigration history without a lawyer present.



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So what should I do if ICE stops me in public?

Before saying your name or answering questions, ask, **“Am I free to go?”**

- **If they say yes**, then you should leave and politely say, “I do not want to answer any questions.”
- **If they say you are not free to go**, say, “I do not want to answer any questions. I want to speak to a lawyer.” They already intend to detain you; what you say about your criminal or immigration history will not change that and anything you say will be used against you.
- If ICE arrests you and you have medical issues or need to arrange for childcare, you should inform them of this.

If they search inside of your pockets or belongings, say, **“I do not consent to you searching me. I want to speak to a lawyer.”** It may not change what they do but it may help your lawyer fight your case.

While you may show valid U.S.-issued documents like a drivers’ license or green card, **DO NOT LIE** or give them foreign identification or false/invalid documentation (e.g. fake Social Security card or expired immigration visa). Do not flee or resist arrest.

Is there anything I should remember if ICE agents are at my criminal court date?

If ICE agents approach you at a court date, ask to speak to your criminal lawyer and to appear in front of the Criminal Court judge before they take you into custody. Your criminal lawyer may be able to help you exercise your rights and also can explain to the Criminal Court judge why you are not present if your criminal case has not yet been called.

If ICE arrests you before you see the judge or your criminal lawyer, you or a loved one should contact your criminal lawyer as soon as possible to let him or her know where you are. A Criminal Court judge may improperly issue a warrant for your arrest for your failure to show up and if your criminal lawyer does not know that you have been arrested by ICE, they may not be able to prevent this. Once they learn, however, they may be able to get the warrant vacated.



WHAT IF MY LOVED ONE HAS BEEN ARRESTED BY ICE?

How do I find out where my loved one is detained?

To locate a family member in ICE detention, you can go online to locator.ice.gov or you can find a phone number for a particular facility at www.ice.gov/detention-facilities. The facility's website will tell you what information you need to provide when calling.



How can I find out if my loved one has a court date?

You need to have their “Alien number,” also known as a “case number” or “A number.” It begins with the letter “A” and is followed by 8 or 9 digits (ex: 123-456-789 or 098-765-432). It is on all immigration documents including green cards, work permits, and immigration receipt notices. Once the deportation case begins against your loved one, their case can be tracked by the A number. If they did not have one previously, they will be assigned one.

Once you have their A number, you can call the Immigration Court’s automated hotline, which is in English and Spanish, and enter their A number to find out when and where their next court date will be. The number is: 1-800-898-7180. It can take a few days for their A number to be processed into the system.

If ICE arrests my loved one in NYC, will they get assigned a lawyer?

If you are detained and your removal hearings are at Varick Street in NYC, you may be eligible for a free attorney through the New York Immigrant Family Unity Project (NYIFUP). If you are eligible to have your case heard in front of an immigration judge, you will be screened by legal service providers from the NYIFUP program on your first court date and will receive free representation if the providers’ criteria is met. Depending on the court calendar, you may have to wait about two to three weeks before you see an immigration judge for the first time.

Be aware: In some cases, you may not be eligible to see an immigration judge (for example, if you returned to the U.S. without permission from Immigration after being previously deported).

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Hotline: 212-725-6422

Email: KYR@immdefense.org

<http://immigrantdefenseproject.org/community-trainings>

Illustrations: Lao Giraudo laugirardo.net

Print layout support: Betania Garcia



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