



## PUBLIC AFFAIRS AND RELIGIOUS LIBERTY

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Seventh-day Adventist' Church  
SOUTHERN UNION CONFERENCE

November 2024

### RE: Immigration and Customs Enforcement

Dear Pastor and Church Members:

The material compiled in this digital handout is for informational purposes only. It is a composite of information taken from many different internet sources on the issue of immigration and customs enforcement currently available in the United States. ***This document should not be considered as legal advice.***

During a time when our church members in North America are living in fear of being torn apart from a life and family they have made in this place, the church seeks to bring comfort and information where we can.

There is no policy on creating “sanctuary” within any American church. Members should be advised that the government does not promise to stay out of churches where immigrants may have sought sanctuary. Instead, the emphasis by the government is that they will do what they can to avoid entering a church, but they are not strictly prohibited from coming into the church where an illegal person may be sheltered. Currently policy states that they must first obtain permission to come into the church from their supervisor or another government official.

We ask our members to act according to Christian values and principals. Please never lie to ICE. You can refuse to talk to ICE, but do not lie. Find a good immigration attorney and work with the individual. As always, we encourage migrants to find a way towards naturalization as citizens in the country in which they live and work.

We pray that this information will be useful and help bring comfort to those who need it. We have this HOPE that one day we will all be citizens in heaven together.

Yours in Christ's service,

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# **SIMPLE GUIDE FOR IMMIGRANT CLIENTS**

## **Before a raid**

- Be prepared and plan ahead.
- Contact an immigrant advocate, attorney, or qualified community agency and be well-informed about your rights.
- Know what documents you should carry with you at all times. It is advisable to carry a state ID or a driver's license. These documents contain information about you and contain no information at all about your immigration status or your country of origin.
- Do not carry any documentation brought from your country of origin.
- Do not carry false documents with you.
- If possible, carry a card that states you wish to exercise your right to remain silent for use in case you are interrogated by immigration/police officers. These cards are usually available from immigrant-rights organizations in your area.
- Always carry the name and the phone number of any immigration advocate, a lawyer, and/or an agency who will provide you with advice and other help in case the immigration/police detains you.
- Inform your neighbors and co-workers, regardless of their immigration status, of their right to remain silent if immigration/police comes to your neighborhood or workplace.

## **During a raid**

- Do not let any immigration official or public officer into your home/house/apartment without a court warrant. If they do not have one, they need your authorization in order to go inside. Ask them to put the warrant under the door. The warrant has specific names of people that he agents are looking for and should be signed by a judge. You should not open the door if the agents do not have a warrant or if it does not meet these requirements.
- If immigration officials or police officers enter without proper authorization, ask for their names and/or write down their badge numbers.
- Obtain the names and phone numbers of any witnesses.
- Remain calm and do not try to run away. If you do so, immigration/police may use that against you.
- Refuse to answer any questions regarding your birthplace and your legal status, unless your lawyer is present.
- If you lie about your name, your relatives will have difficulty trying to find you.
- If you have children in school who will not have someone to watch them while you are detained, say so, and ask to make arrangements.
- Share information about the raid with your co-workers. If there is a union in your workplace, contact a union official.



**Call for Assistance**

اتصل للمساعدة

如需帮助请致电

Appel à l'assistance  
clientèle

Rele pou asistans

Telefone para obter auxílio

Gọi vào nhờ giúp đỡ

Llame para obtener ayuda

# ICE Detention Reporting and Information Line

## 1-888-351-4024

ICE stakeholders, including the public, family members, attorneys, faith-based leaders, and non-governmental organizations, can contact the ICE Detention Reporting and Information Line for:

- General inquiries about **immigration enforcement and detention**.
- Questions on **basic immigration case information**. For information on an individual's immigration court date please call 1-800-898-7180.
- Reporting an incident of **sexual or physical assault or abuse** in detention.
- Reporting **serious or unresolved problems in detention**.
- Reporting that someone in detention is a **victim of human trafficking or other crimes**.
- Reporting that someone in detention was separated from a **minor child or other dependent**, or they have **other parental related issues**.
- Reporting that someone in detention has a **serious mental disorder or condition**. If the disorder or condition may impact the individual's ability to represent themselves or participate in an immigration court case, you should also notify the immigration judge.

**ICE is committed to maintaining a collaborative and transparent dialogue with the public over the agency's mission and core values.**

Language assistance, including Spanish-speaking operators, is available.





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## Línea de información y denuncias del Centro de Detenciones del ICE 1-888-351-4024

Todas las partes relacionadas de alguna manera con el ICE, incluido el público, los familiares, los abogados, los líderes religiosos y las organizaciones no gubernamentales, pueden comunicarse con la Línea de información y denuncias del Centro de Detenciones del ICE para:

- Realizar preguntas generales sobre **control de inmigraciones y detenciones**.
- Averiguar **información básica sobre un caso de inmigración**. Para informarse sobre la fecha de presentación ante los tribunales de una persona, llame al 1-800-898-7180.
- Denunciar abuso o **agresión sexual o física** durante el período de detención.
- Denunciar **problemas de detención graves o sin resolver**.
- Denunciar que una persona detenida es **víctima de trata de personas u otros delitos**.
- Denunciar que a una persona detenida la separaron de un **hijo menor u otro dependiente**, o que tiene otros **problemas parentales**.
- Denunciar que un detenido padece de una **enfermedad o trastorno mental grave**. Si dicha enfermedad o trastorno afectaran la capacidad de dicho individuo de representarse a sí mismo o de participar en una causa judicial sobre inmigración, también deberá notificarle el hecho al juez de inmigración.

**El ICE está comprometido a mantener un diálogo colaborativo y transparente con el público acerca de la misión y los valores centrales de la agencia.**

Tiene a su disposición ayuda con el idioma, que incluye operadores de habla hispana.



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_

Date: \_\_\_\_\_

**To any immigration officer of the United States Department of Homeland Security:**

\_\_\_\_\_  
(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

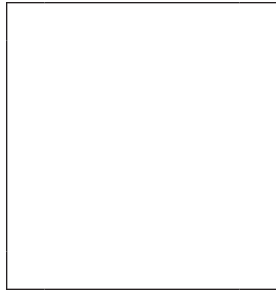
\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

Departure Verified by:

(Signature and title of immigration officer)



El Proyecto de Defensa al Inmigrante (Immigrant Defense Project — IDP) ha estado observando los arrestos por parte del ICE en la comunidad.

## ¡Entérate de tus derechos!



### ¿Quién está en riesgo de ser arrestado por el ICE?

La ley permite al gobierno federal deportar a ciertas inmigrantes, incluyendo:

- Cualquier persona que está indocumentada
- Personas con estatus legal (p.ej. residentes permanentes legales (en inglés, lawful permanent residents), refugiados y visa tenedores) que tienen ciertas condenas o infracciones penales

Las personas que, según la administración del Presidente Trump, son el enfoque inicial del ICE para deportación incluyen personas:

- con casos criminales abiertos o/y aquellos que han sido condenados de ofensas anteriores
- con órdenes de deportación finales
- quienes han cometido fraude o la falsificación en solicitudes al gobierno
- quienes el gobierno crea representan una amenaza a la seguridad pública o nacional

#### Para personas con estatus legal y condenas o infracciones anteriores:

**Tenga cuidado:** Ud. puede estar en riesgo aunque:

- Su condena es de hace muchos años;
- No tuvo que cumplir una sentencia en la cárcel;
- El caso era relacionado a un delito u ofensa menor;
- Es Residente permanente legal desde hace mucho tiempo;
- Los demás miembros de su familia son ciudadanos estadounidenses

El Servicio de Inmigración y Control de Aduanas (Immigration and Customs Enforcement, o “ICE”) es una de las agencias federales responsables por deportar a personas en los Estados Unidos. El ICE es parte del Departamento de Seguridad Nacional de los Estados Unidos (U.S. Department of Homeland Security).

### ¿El ICE se está acercando a todo aquel que le parece deportable?

Los agentes del ICE normalmente identifican con anticipación a la persona que desean arrestar. Después visitan a las casas, juzgados, refugios, y hasta sitios de trabajo en busca de esta persona. A veces esperan en la calle para hacer el arresto.

### Si se que estoy en riesgo de ser deportado, ¿qué puedo hacer?

- **Haz un plan** de antemano con tu familia por si te detiene ICE.
- **Evita el contacto con la Inmigración** — no apliques por un ajuste de estatus, la ciudadanía o para renovar tu tarjeta de residencia, y no viajes afuera de los Estados Unidos sin hablar con un abogado primero.
- **¡Evita el contacto con el Sistema Penal** (la policía comparte tus huellas digitales con la Inmigración)!

### ¿Cómo sabré si los oficiales son de inmigración?

No siempre se puede saber a primera vista. **Mucho cuidado:** Por lo regular, los agentes del ICE se presentan como “policías.” A veces, actúan como si fueran policías regulares que están llevando a cabo una investigación.

Para reportar una redada de ICE que ocurren adentro de NY, comuníquese con el Proyecto de Defensa al Inmigrante (IDP) al 212-725-6422.

Para reportar redadas que ocurren afuera de NY, comuníquese con United We Dream (Unidos Soñamos) al 1-844-363-1423.

¡Ten cuidado! Ejercer tus derechos puede ser difícil. Para más información acerca de los arrestos comunitarios de ICE, favor de consultar nuestro panfleto aquí: [immdefense.org/ice-arrests](http://immdefense.org/ice-arrests) o envíanos un correo electrónico en [KYR@immdefense.org](mailto:KYR@immdefense.org).

## ¿Cuáles son mis derechos si el ICE me detiene en la calle o en la corte criminal?

Tienes menos protecciones legales si ICE te encuentra en la calle o en la corte que en tu casa. Las interacciones ocurren rápidamente y quizás te llamarán por nombre y pedirán que confirmes tu nombre o identidad para luego arrestarte.

- Antes de dar tu nombre o contestar a preguntas, pregunta: **“¿Soy libre de irme?”**
  - **Si dicen que sí**, entonces deberías irte y respetuosamente decir, “No quiero responder a ninguna pregunta.”
  - **Si dicen que no**, ejerce tu derecho de permanecer callado! Di, “No quiero responderle a ninguna pregunta,” y luego, “Quiero hablar con un abogado.”
- **Si te examinan los bolsillos o pertenencias, di, “No tiene mi permiso para hacer esta búsqueda.”**
- **NO MIENTAS y no le des ninguna documentación extranjera o falsa.** No te huyas. No te resistas al arresto.
- No contestes preguntas sobre tu estatus migratorio o donde naciste. Cualquier información que proporciones será usada en tu contra. No entregues ningún documento extranjero, tales como un pasaporte, identificación consular, o visas expiradas.
- Si estas en la Corte Criminal para una cita, pidele al ICE que te dejara hablar con tu abogado penal antes del arresto.



## ¿Pueden entrar los agentes del ICE a mi casa para arrestarme?

Si los agentes del ICE no tienen una orden firmada por un juez, no pueden entrar a la casa sin el permiso de un residente que es mayor de edad. Abrir la puerta cuando tocan no significa concederles el derecho de entrar.

## Entonces, ¿qué puedo hacer si agentes del ICE están en la puerta de mi casa?

- Pregúntales si trabajan por el DHS o el ICE (Inmigración).
- Trata de mantenerte tranquilo y respetuoso. No mientas. Diles, **“No quiero hablar con ustedes ahora.”**
- Pídeles que te muestren una orden judicial y que la pasen por debajo de la puerta. Si no la tienen, diles, **“No les doy permiso de entrar.”**
- Si buscan a otra persona, pídeles que dejen su información de contacto. No tienes que decirles como localizar a la persona que desean arrestar. **No mientas.**

## ¿Qué puedo hacer si el ICE está en mi casa para hacer un arresto?

- Diles de inmediato si hay niños o ancianos presentes.
- Si no tienen una orden firmada por un juez, pídeles que salgan de la casa.
- Si entraron sin tu permiso, diles, **“No les doy permiso de estar en mi casa. Favor de irse.”**
- Si empiezan a tocar cosas o caminar por la casa, diles, **“No consiento a esta búsqueda.”**
- Si el ICE te arresta, diles si tienes una condición médica o si necesitas coordinar cuidado de niños.



## Si el ICE me arresta en la casa, ¿cuales son mis derechos?

- Tienes el derecho de permanecer callado. Tienes el derecho de hablar con un abogado.
- **NO MIENTAS.** Sólo te puede hacer daño.
- **No tienes que dar ningún tipo de información** sobre tu lugar de nacimiento, tu estatus migratorio, o tu record criminal. De hecho, si te lo das, puede dañar tu caso.
- **No tienes que entregarle al ICE tus documentos consulares o pasaporte** a menos que tienen una orden firmada por un juez.
- **No tienes que firmar ningún documento.**



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) arrests in the community.

# KNOW YOUR RIGHTS with ICE

## Who is at risk of being arrested by ICE?

The law allows the federal government to deport certain immigrants, including:

- Anyone without lawful immigration status
- People with status (e.g., lawful permanent residents, refugees and visa holders) who have certain criminal convictions



The people the Trump Administration announced ICE will initially focus on deporting include:

- people with pending criminal cases and/or prior criminal convictions;
- people with final orders of removal;
- people who have committed fraud or misrepresentation in applications to the government;
- people they believe pose a threat to public safety or national security

### People with legal status and prior convictions

**Be aware:** You may be a target even if:

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

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

## Are ICE agents approaching anyone they think they can deport?

ICE agents usually identify the person they want to arrest ahead of time. Then, they go to homes, courthouses, shelters and even workplaces to look for that person. Sometimes they wait on the street to make the arrest.

## If I know I'm at risk, what can I do?

- **Make a plan** with your loved ones in case you are picked up by ICE!
- **Avoid contact with Immigration** – don't apply to change your immigration status or to renew your green card and don't travel outside of the United States without talking to a lawyer first!
- **Avoid contact with the Criminal Justice System** (the police share your fingerprints with Immigration)!

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

Knowing which rights you have and exercising them is complicated. For more information on ICE community arrests, please see IDP's longer booklet at [immigrantdefenseproject.org/ice-arrests](http://immigrantdefenseproject.org/ice-arrests) or contact [KYR@immdefense.org](mailto:KYR@immdefense.org)

If you want to report a raid within NYC, call IDP at 212-725-6422

If you want to report a raid outside of NYC, contact United We Dream at 1-844-363-1423

## What should I do if ICE agents approach me on the street or in public?

When ICE agents arrest someone in public, it typically happens quickly. They may call your name out loud and ask you to confirm your name and then detain you.

- Before you say your name or anything else, **ask, “AM I FREE TO GO?”**
  - **If they say YES:** Say, “I don’t want to answer your questions” or “I’d rather not speak with you right now.” Walk away.
  - **If they say NO:** Use your right to remain silent! Say, “I want to use my right not to answer questions” and then “I want to speak to a lawyer.”
- If ICE starts to search inside your pockets or belongings, say, **“I do not consent to a search.”**
- **DON’T LIE or show false documents. Don’t flee or resist arrest.**
- Don’t answer questions about your immigration status or where you were born. They will use any information you provide against you. Do not hand over any foreign documents such as a passport, consular IDs, or expired visas.
- If you are in Criminal Court for a court date, ask to speak to your defender before they take you away.

## If officers come to my home, will I know they are from ICE?

Not always! Beware: ICE agents often pretend to be police and say they want to talk to you about identity theft or an ongoing investigation.

## Can ICE agents enter my home to arrest me?

If ICE agents do not have a warrant signed by a judge, they cannot enter the home without permission from an adult. Opening the door when they knock does not give them permission to enter your home.



## So, what do I do if officers are at my door?

- Find out if they are from DHS or ICE.
- Try to stay calm. Be polite. Don’t lie. Say **“I don’t want to talk to you right now.”**
- Politely ask to see a warrant signed by a judge and to slip it under the door. If they don’t have one, decline to let them in.
- If they are looking for someone else, **ask them to leave contact information.** You don’t have to tell them where to find the person and you should **not** lie.

## What can I do if ICE is inside my home to make an arrest?

- Tell them if there are children or other vulnerable residents at home.
- Ask them to step outside unless they have a warrant signed by a judge.
- If they came inside without your permission, tell them **“I do not consent to you being in my home. Please leave.”**
- If they start to search rooms or items in your home, tell them **“I do not consent to your search.”**
- If ICE is arresting you, tell them if you have medical issues or need to arrange for childcare.

## What are my rights if I am being arrested by ICE?

- You have the right to **remain silent.** You have the **right to speak to a lawyer.**
- **DO NOT LIE.** It can only hurt you in the future.
- You do **NOT have to share any information** about where you were born, what your immigration status is, or your criminal record. Ask to speak to a lawyer instead of answering questions.
- You do **NOT have to give them your consular documents or passport** unless they have a warrant from a judge.
- You do **not have to sign anything.**

IDP updated this information in January 2017 with the legal support of the Center for Constitutional Rights. For more info, please see IDP’s longer booklet at [immigrantdefenseproject.org/ice-arrests](http://immigrantdefenseproject.org/ice-arrests)

# IF YOU HAVE THE RIGHT TO WORK



Don't let anyone take it away.

There are laws to protect you from discrimination in the workplace.

## You should know that...

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.

## Contact IER

For assistance in your own language  
Phone: 1-800-255-7688  
TTY: 1-800-237-2515

Email us  
[IER@usdoj.gov](mailto:IER@usdoj.gov)

Or write to  
U.S. Department of Justice – CRT  
Immigrant and Employee Rights – NYA  
950 Pennsylvania Ave., NW  
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).



— DEPARTMENT OF JUSTICE —  
IMMIGRANT & EMPLOYEE RIGHTS SECTION  
— CIVIL RIGHTS DIVISION —

# Immigrant and Employee Rights Section

U.S. Department of Justice, Civil Rights Division

[www.justice.gov/ier](http://www.justice.gov/ier)

One key issue: many people fear attending such a program, for fear of being under government surveillance. To the best of our knowledge, this is not a reasonable fear. The government appears to be staying away from churches.

3. Distribution of Immigration Rights materials. I recently attended an Immigration program geared for employment lawyers. We were provided with a variety of resources which we regard as reliable. We are taking the liberty to include those we feel are most relevant and appropriate for distribution to our churches and to our members. We leave it to the discretion of local conference officials to determine whether and the manner of distribution. These are attached to this email.
4. Links to Immigration Rights Online: There are many fine resources online. We will list here just a few:

<http://lawhelpca.org/issues/immigration> -- this is a service of the California Courts, thanks to our Chief Justice, Tani Cantil-Sakauye, a woman of Filipina descent who has been outspoken critic of Federal immigration policy.

The U.S. Department of Justice Immigrant and Employee Rights Section (IER) enforces the anti-discrimination provision of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324b. See <https://www.justice.gov/crt/immigrant-and-employee-rights-section>

EDD policy is that undocumented workers can receive disability benefits, if they paid into the system through paycheck deductions,  
[http://www.edd.ca.gov/uibdg/Miscellaneous\\_MI\\_50.htm](http://www.edd.ca.gov/uibdg/Miscellaneous_MI_50.htm)


The Immigrant Defense Project maintains resources for individuals and lawyers alike: <https://www.immigrantdefenseproject.org>

The ACLU also has an immigration rights project, with lots of resources:  
<https://www.aclu.org/issues/immigrants-rights>

5. Inservice for Pastors. Church State Council staff are ready to provide inservicing at workers' meetings, and at local conference request, would recruit immigration rights specialists to provide current information on immigration policy. Council staff can provide general information on rights and responsibilities, including as related to employment, as well as address ministry opportunities for reaching unreached peoples.
6. Immigration and Sabbath Discrimination: Please be aware that immigration status is not admissible in employment discrimination cases. In other words, those who suffer religious discrimination on account of Sabbath observance are entitled to pursue their legal remedies in court. The Council serves all Seventh-day Adventist Church members who suffer religious discrimination, regardless of immigration status.

Remember that in cases involving workers lacking documentation, both the employer and the employee have broken the law. The employer is not permitted to hire the undocumented worker, while the worker is not authorized to work. So there is a level playing field, of sorts. Moreover, we have inquired of immigration specialists whether employer retaliation is a risk, and the answer we have obtained repeatedly is that employers rarely retaliate by reporting undocumented workers to immigration. After all, if they do report, they are admitting that they themselves broke the law in hiring the workers in the first place.

We encourage you to let us know if there is something more we can do to assist with these issues.



**I do not wish to speak with you or answer your questions. I am exercising my constitutional right under the 5<sup>th</sup> Amendment of the United States Constitution to remain silent.**

**I want to speak to a lawyer before answering any of your questions.**

**I do not give you permission to enter my home.**

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# KNOW YOUR RIGHTS CARD ONE-SHEET

**Print and cut out these cards. Carry these cards with you. These cards can protect you if immigration or the police come to your house or question you. The card will tell immigration or the police that you are exercising your constitutional rights. You can share these cards with family and friends.**

Imprima y recorte estas tarjetas. Lleve estas tarjetas con usted. Estas tarjetas pueden protegerle si inmigración o la policía llegan a su casa o le interrogan. La tarjeta le dirá a inmigración o a la policía que usted está ejerciendo sus derechos constitucionales. Puede compartir estas tarjetas con sus familiares y amigos.

- 1. I do not wish to speak with you or answer your questions. I am exercising my constitutional right under the 5<sup>th</sup> Amendment of the United States Constitution to remain silent.** No deseo hablar con usted o contestar sus preguntas. Estoy ejerciendo mi derecho constitucional bajo la 5ta Enmienda de la Constitución de los Estados Unidos de permanecer en silencio.
- 2. I want to speak to a lawyer before answering any of your questions.** Quiero hablar con un abogado antes de contestar alguna de sus preguntas.
- 3. I do not give you permission to enter my home.** No le doy autorización de entrar en mi casa.

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- 2. I want to speak to a lawyer before answering any of your questions.** Quiero hablar con un abogado antes de contestar alguna de sus preguntas.
- 3. I do not give you permission to enter my home.** No le doy autorización de entrar en mi casa.

- 1. I do not wish to speak with you or answer your questions. I am exercising my constitutional right under the 5<sup>th</sup> Amendment of the United States Constitution to remain silent.** No deseo hablar con usted o contestar sus preguntas. Estoy ejerciendo mi derecho constitucional bajo la 5ta Enmienda de la Constitución de los Estados Unidos de permanecer en silencio.
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- 3. I do not give you permission to enter my home.** No le doy autorización de entrar en mi casa.



## APPLYING FOR OTHER TYPES OF IMMIGRATION STATUS AFTER TPS

**TEMPORARY PROTECTED STATUS (TPS)** allows people from certain countries to live and work in the United States for a temporary period of time. TPS does not lead to permanent immigration status in the United States. In the past, people granted TPS often have been allowed to extend their TPS status every 18 months. However, the Trump administration has voiced its intent to limit TPS extensions.

While we continue to fight for TPS extensions, it's important to consider whether you might qualify for another type of immigration status. **Now is the time to look into whether you qualify.**

**It is important that you consult with a reputable legal services provider as soon as possible.** iAmerica has a list of legal services providers. *Make sure you find a trustworthy legal services provider.* **VISIT [IAMERICA.ORG/LEGALHELP](https://www.iAmerica.org/legalhelp)** for a list of legal services providers by zip code.



**VISIT [IAMERICA.ORG](https://www.iAmerica.org) FOR MORE INFO**



## Lista De Verificación De Opciones Migratorias Para Los Titulares De TPS

Esta lista de verificación es una lista parcial de posibles opciones migratorias.

Usted pudiera ser elegible para beneficios migratorios que le permitirían permanecer en los EE.UU.

Marque todas las casillas que apliquen a usted y después contacte a un proveedor de servicios legales

### 1. INMIGRACIÓN EN BASE A LA FAMILIA

- ¿Tiene usted a un padre/madre que sea ciudadano de EE.UU.?
- ¿Tiene un hijo estadounidense de más de 21 años de edad?
- ¿Tiene a un esposo o esposa que sea ciudadano estadounidense?
- ¿Tiene un esposo o esposa que sea residente permanente legal?
- ¿Tiene a un padre que sea residente permanente legal?
- ¿Tiene a un hermano o hermana ciudadano estadounidense que ya haya solicitado una petición de visa para usted?
- ¿Los padres de su esposo o esposa son ciudadanos estadounidenses?
- ¿Es usted el viudo o viuda de un ciudadano estadounidense?

### 2. ASILO

- ¿Ha participado alguna vez en una manifestación, marcha o protesta en su país de origen?
- ¿Alguna vez ha tenido problemas con la policía en su país de origen?
- ¿Alguna vez ha tenido problemas con otras organizaciones, grupos o pandillas en su país de origen?
- ¿Alguna vez el gobierno la quitó tierras en su país de origen?
- ¿Alguna vez ha tenido problemas con el gobierno de su país de origen debido a una actividad sindical?
- ¿Alguna vez tuvo problemas en su país de origen debido a sus creencias religiosas?
- ¿Alguna vez ha tenido problemas en su país de origen debido a que trabajó en una campaña política electoral?
- ¿Ha habido algún grupo u organización en su país de origen que le haya intentado extorsionar por dinero?
- ¿Alguna vez ha dado información a la policía o ha sido testigo en contra de pandillas en su país de origen?
- ¿Alguna vez ha sido abusado por su esposo o pareja en su país de origen?
- ¿Alguna vez las personas en su familia han sido abusadas, arrestadas o detenidas por el gobierno?
- ¿Alguna vez ha sido arrestado, detenido o abusado por el gobierno?
- ¿Alguna vez ha sido abusado, arrestado o detenido por grupos, organizaciones o pandillas en su país de origen?
- ¿Tiene usted algún problema médico especial?
- ¿Tiene miedo de regresar a su país de origen?

### 3. VISA U

- ¿Ha sido usted víctima de un crimen en los EE.UU.?
- ¿Alguna vez ha sido víctima de violencia doméstica?
- ¿Ha sido su cónyuge, hijo, pariente, hermano o hermana víctima de un crimen?
- ¿Alguna vez ha sido acosado/a sexualmente en el trabajo? (¿chistes sexuales o comentarios, solicitudes de favores sexuales, tocamientos inapropiados?)
- ¿Alguna vez su empleador le ha amenazado con reportarle a inmigración o le ha amenazado con violencia para obligarlo a hacer algo que usted no quería hacer?



## Lista De Verificación De Opciones Migratorias Para Los Titulares De TPS

- ¿Alguna vez alguien le ha quitado su pasaporte o sus documentos de identificación para obligarle a trabajar?
- ¿Le trajo alguien a los EE.UU. con el propósito de trabajar?
- ¿Alguna vez su empleador le cambió sus documentos o le amenazó para impedirle dar evidencia en una audiencia?

### 4. CANCELACIÓN DE EXTRACCIÓN

- ¿Ha vivido usted en EE.UU. durante los últimos 10 años?
- ¿Tiene usted a un padre/madre, hijo, esposo o esposa que sea ciudadano estadounidense o residente permanente legal?
- ¿Alguna vez ha sido condenado por un delito?

### 5. LEY DE LA VIOLENCIA CONTRA LA MUJER (VAWA)

- ¿Tiene usted a un esposo o esposa que sea ciudadano estadounidense o residente legal?
- ¿Tiene usted un exesposo o exesposa que sea ciudadano estadounidense o residente legal?
- ¿Ha abusado de usted su esposo o esposa actual o su exesposo o exesposa?
- ¿Tiene usted a un padre/madre que sea ciudadano estadounidense o residente legal?
- ¿Alguna vez han abusado de usted sus padres?
- ¿Tiene un hijo o hija estadounidense o residente legal de más de 21 años de edad?
- ¿Alguna vez ha abusado de usted su hijo o hija?

### 6. PAROLE-IN-PLACE (PERDÓN EN LUGAR)

- ¿Tiene un esposo o esposa que está o estuvo en el ejército de EE.UU. o en las reservas?
- ¿Tiene un padre/madre que está o estuvo en el ejército de EE.UU. o en las reservas?
- ¿Tiene un hijo o hija que está o estuvo en el ejército de EE.UU. o en las reservas?

### 7. OTRAS VISAS

- ¿Alguna vez ha sido ordenado como ministro en su religión?
- ¿Trabajó para su iglesia o comunidad religiosa durante los últimos dos años?

VISITE [iAMERICA.ORG](http://iAMERICA.ORG) PARA MÁS INFORMACIÓN.



# KNOW YOUR RIGHTS:

## WHAT TO DO IF YOU ARE ARRESTED



### REMAIN SILENT

You have the right to remain silent. Immigration can use anything you say against you.

---



### STAY CALM AND DO NOT RUN

Use your phone to take photos and notes about the stop, but stay calm and do not run.

---



### ASK TO SPEAK TO YOUR ATTORNEY AND THINK TWICE BEFORE SIGNING ANYTHING

Don't sign forms you don't understand or don't want to sign. You have the right to speak with an attorney.

---



### LEGAL HELP

iAmerica has a list of legal service providers if you need a lawyer.

\*This information is not intended as legal advice.



# KNOW YOUR RIGHTS:

## WHAT TO DO IF IMMIGRATION OR THE POLICE COME TO YOUR DOOR



### STOP AND THINK TWICE WHEN SOMEONE COMES TO YOUR DOOR

You're not normally required to open the door to anyone. Immigration and the police can't come into your home without a warrant signed by a judge.



### REMAIN SILENT

You have the right to remain silent. Immigration can use anything you say against you.



### STAY CALM AND DO NOT RUN

Use your phone to take photos and notes about the raid, but stay calm and do not run.



### ASK TO SPEAK TO YOUR ATTORNEY AND THINK TWICE BEFORE SIGNING ANYTHING

Do not sign forms you don't understand or don't want to sign. A lawyer who knows deportation defense may be able to help you fight your case.

\*This information is not intended as legal advice.



iAmerica has a list of legal services if you need a lawyer.  
Visit iAmerica at: [iAmerica.org/LegalHelp](http://iAmerica.org/LegalHelp)

# CONOZCA SUS DERECHOS

## QUÉ HACER SI INMIGRACIÓN O LA POLICÍA TOCAN A SU PUERTA



### DETÉNGASE UN MOMENTO Y PIENSE DOS VECES CUANDO ALGUIEN LLEGUE A SU PUERTA

Normalmente usted no tiene la obligación de abrirle la puerta a nadie. Ni inmigración ni la policía pueden entrar a su hogar sin una orden judicial firmada por un juez.



### PERMANEZCA CALLADO(A)

Usted tiene el derecho de permanecer en silencio. Inmigración puede utilizar cualquier cosa que usted diga en contra suya.



### PERMANEZCA TRANQUILO(A) Y NO CORRA.

Utilice su teléfono para tomar fotos y notas sobre la redada, pero permanezca tranquilo(a) y no corra.



### PIDA HABLAR CON SU ABOGADO Y PIENSE DOS VECES ANTES DE FIRMAR CUALQUIER COSA.

No firme documentos que no entienda o no quiera firmar. Un abogado especializado en defensa de deportaciones tal vez pueda ayudarle a pelear su caso.

iAmerica cuenta con una lista de servicios legales en caso de que usted necesite un abogado. Para obtener más información y recursos sobre inmigración, visite [iAmerica.org](http://iAmerica.org).

\*Esto no pretende ser un asesoramiento legal.

# KNOW YOUR RIGHTS:

## WHAT TO DO IF IMMIGRATION OR THE POLICE STOP YOU WHILE DRIVING YOUR CAR



### REMAIN SILENT

Show the police your drivers' license. If asked, show your car registration and proof of insurance. But you still have the right to remain silent about everything else.

Immigration can use anything you say against you. You have the right to refuse to give your consent for a search of yourself or your car.

---



### STAY CALM AND DO NOT RUN

Use your phone to take photos and notes about the stop, but stay calm and do not run.

---



### ASK TO SPEAK TO YOUR ATTORNEY AND THINK TWICE BEFORE SIGNING ANYTHING

Don't sign forms you don't understand or don't want to sign. You have the right to speak with an attorney.

---



### LEGAL HELP

iAmerica has a list of legal service providers if you need a lawyer

\*This information is not intended as legal advice.



# KNOW YOUR RIGHTS:

## WHAT TO DO IF YOU ARE IN JAIL



### REMAIN SILENT

You have the right to remain silent and the right to speak to your public defender. The information about your immigration status can be used against you in your criminal or immigration case.

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### ASK TO SPEAK TO YOUR ATTORNEY

Remember to speak to your public defender before answering any questions from a police or immigration officer.

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### THINK TWICE BEFORE SIGNING ANYTHING

Don't sign forms you don't understand or don't want to sign. You have the right to speak with an attorney.

---



### LEGAL HELP

iAmerica has a list of legal service providers if you need a lawyer.

\*This information is not intended as legal advice.



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# CONOZCA SUS DERECHOS: QUÉ HACER SI ESTÁ EN LA CÁRCEL



## PERMANEZCA EN SILENCIO

Usted tiene derecho a permanecer en silencio y el derecho de hablar a un abogado de oficio. La información acerca de su estatus migratorio puede ser utilizada en su contra en su caso penal o de inmigración.



## PIDA HABLAR CON SU ABOGADO

No firme ningún documento que no entienda o no quiera firmar. Tiene el derecho de hablar con un abogado.



## PIENSE DOS VECES ANTES DE FIRMAR ALGO

No firme ningún documento que no entienda o no quiera firmar. Tiene el derecho de hablar con un abogado.



## AYUDA LEGAL

iAmerica tiene una lista de proveedores de servicios legales por si necesita un abogado.

\*Esto no pretende ser un asesoramiento legal.

# KNOW YOUR RIGHTS:

## I'M A U.S. CITIZEN, WHAT SHOULD I DO IF ICE QUESTIONS, DETAINS OR ARRESTS ME?

### DOES ICE HAVE THE RIGHT TO DETAIN OR ARREST U.S. CITIZENS BASED ON IMMIGRATION STATUS?



**NO.** The immigration law and its rules do not apply to U.S. citizens. ICE agents have deportation authority over non-citizens only.

I am a U.S. citizen



ICE agents violate the 4th and 5th Amendment of the Constitution if they question, detain or arrest U.S. citizen based on the citizen's race.

Tell ICE that you are a U.S. citizen and ICE does not have the authority to detain or arrest you.



Ask to speak to your lawyer. You have the right to speak to your lawyer.



Ask for the ICE agent's name and badge number and save that information.



Consult a lawyer about filing a lawsuit if you are questioned, detained and arrested. ICE and local police that assist ICE may be liable to pay fines and monetary damages for unlawful, questioning, detention and arrest of U.S. citizens.

Go to [iAmerica.org](http://iAmerica.org) for a list of legal service providers.

\*This information is not intended as legal advice.



# CONOZCA SUS DERECHOS:

SOY UN CIUDADANO ESTADOUNIDENSE,  
¿QUÉ DEBO HACER SI ICE ME  
INTERROGA, ME DETIENE O ME ARRESTA?

## ¿TIENE ICE EL DERECHO DE DETENER O ARRESTAR CIUDADANOS ESTADOUNIDENSES EN BASE AL ESTATUS MIGRATORIO?



Soy ciudadano  
estadounidense



**NO.** La ley de inmigración y sus normas no aplican a ciudadanos estadounidenses. Los agentes de ICE solamente tienen autoridad de deportación sobre los no ciudadanos.

Los agentes de ICE violan la 4ta y la 5ta Enmienda de la Constitución si interrogan, detienen o arrestan a un ciudadano estadounidense basándose en la raza del ciudadano.

Dígale a ICE que usted es un ciudadano estadounidense y ICE no tiene la autoridad de detenerle o arrestarle.



Pida hablar con su abogado. Usted tiene el derecho de hablar con su abogado.



Pida el nombre del agente de ICE y su número de identificación y guarde esa información.



Consulte con un abogado acerca de presentar una demanda si usted es interrogado, detenido y arrestado. ICE y la policía que asiste a ICE pueden ser responsables de pagar multas y daños monetarios por interrogar, detener y arrestar ilegalmente a ciudadanos estadounidenses.

Visite a [iAmerica.org](http://iAmerica.org) para obtener una lista de proveedores de servicios legales.

\*Esto no pretende ser un asesoramiento legal.



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# YOU HAVE RIGHTS

**You have rights under the U.S. Constitution and other laws**

All people in the U.S., whether citizen or non-citizen, have certain rights under the U.S. Constitution and other laws.



**STOP**

You have the right to refuse consent for immigration or the police to search yourself, your car or your home.

You have the right to speak to an attorney before answering any questions. You may say, "I will remain silent until I speak to an attorney."

I will remain silent until I speak to an attorney.



I have the right to remain silent



You have the right to remain silent. If you want to exercise that right, you should say it out loud.



You do not have to sign anything that you do not understand.

If you are not a U.S. citizen, you have the right to call the consulate of your home country. Immigration and police must let your consulate visit or speak with you.



You have the right to a copy of all your immigration papers.



This is not intended as legal advice.



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[www.facebook.com/iAmericaorg](http://www.facebook.com/iAmericaorg)

Usted cuenta con derechos otorgados bajo la Constitución de los EE.UU. y otras leyes.

# USTED TIENE DERECHOS

Todas las personas que se encuentran en los EE.UU., sean ciudadanos o no, cuentan con ciertos derechos bajo la Constitución de los EE.UU. y otras leyes.



**STOP**

Tiene el derecho de rehusarse a dar consentimiento a inmigración o a la policía para que le registren a usted, a su carro o a su casa.

Tiene derecho de permanecer en silencio.



Tiene derecho de permanecer en silencio. Si quiere ejercer ese derecho, debe decirlo en voz alta.



Permaneceré en silencio hasta que hable con un abogado

Tiene el derecho de hablar con un abogado antes de contestar cualquier pregunta. Puede decir, "Permaneceré en silencio hasta que hable con un abogado."



No tiene que firmar nada que no entienda.

Si usted no es ciudadano Americano, tiene derecho a llamar al consulado de su país de origen. Inmigración y la policía deben de permitirle a su consulado que le visite o hable con usted.



You have the right to a copy of all your immigration papers.



Esto no pretende ser un asesoramiento legal.



Visit [iAmerica.org/es](http://iAmerica.org/es)



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[www.facebook.com/iAmericaorg](http://www.facebook.com/iAmericaorg)

# KNOW YOUR RIGHTS:

## WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE



### DON'T RUN

Stay calm and don't run. Running may be seen as an admission of guilt.

---



### DON'T CARRY FALSE DOCUMENTS

Providing false documents to ICE may result in deportation and criminal charges.

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### DON'T INTERFERE WITH ICE AGENTS

Interfering with ICE agents during a workplace raid may expose you to criminal charges.

---



### DON'T SIGN ANYTHING YOU DON'T WANT TO SIGN OR DON'T UNDERSTAND

Think twice before signing anything without talking to a lawyer. Signing a paper may end up being an agreement to voluntarily leave the United States. Consulting with a lawyer before signing anything is the best way to protect your rights.

---



### THE RIGHT TO REMAIN SILENT

You have the constitutional right to remain silent and to refuse to answer questions. If you want to exercise your right to remain silent, show ICE your Know Your Rights card.

---



### KEEP IMPORTANT PHONE NUMBERS WITH YOU

Keep the phone number of your union and legal services provider with you.

Go to [iAmerica.org](http://iAmerica.org) to download the Know Your Rights card and for a list of legal services provider.

\*This information is not intended as legal advice.



# KNOW YOUR RIGHTS

## WHAT TO DO IF IMMIGRATION (ICE) SHOWS UP AT YOUR WORKPLACE



Generally speaking, unless you work in a public space, ICE cannot enter your workplace without a warrant signed by a judge or permission from your employer or someone else who is authorized to use and let others into your workplace.

- ➡ If you feel comfortable, talk to your employer and co-workers in advance to make sure they know they should not let ICE into your workplace without a warrant.
- ➡ Stay calm. Do not run. ICE can use that as a reason to arrest you.

### IF ICE DOES NOT HAVE A WARRANT:

- ➡ Do not let them in! Calmly ask them to leave.
- ➡ Your employer or someone else with authority should also not let them in! If the employer or someone with authority lets them in, ICE no longer needs a warrant.



If ICE enters your workplace by force:

- ➡ State that you do not consent to a search.
- ➡ Write down the agents' names and badge numbers.
- ➡ Document any violence or abuse.
- ➡ Document the details of the search, and persons or property taken.



### IF ICE HAS A SEARCH WARRANT (signed by a judge):

- ➡ A search warrant, signed by a judge, authorizes ICE to search a location and retrieve certain items, but it does not typically authorize the arrest of individuals.
- ➡ Before letting the agents in:
  - ➡ Make sure the warrant has the correct address for your workplace. If the address is incorrect, do not let the agents in.
  - ➡ Review the warrant to see what areas and things ICE is authorized to search. Do not let ICE into any place that is not described in the warrant.



### IF ICE HAS AN ARREST WARRANT (signed by a judge):

- ➡ An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.
- ➡ An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.
- ➡ Do not speak to ICE or allow ICE agents to enter. Speak to a supervisor or a manager, who should consult with a lawyer before turning anyone over to the custody of ICE.



### IF ICE ARRESTS OR DETAINS YOU:

- ➡ Do not speak with ICE. Exercise your right to remain silent.
- ➡ Ask to speak to your attorney. DO NOT ANSWER ANY QUESTIONS OR SIGN ANYTHING YOU DO NOT UNDERSTAND WITHOUT YOUR ATTORNEY!
- ➡ Contact your attorney or family member immediately.

- ➡ Ask for bond and a hearing before a judge even if ICE says you are not eligible.
- ➡ Ask for copies of all your immigration documents.

### BE PREPARED! CREATE A SAFETY PLAN IN CASE OF ARREST.

- ➡ Consider whether your workplace has a policy to limit ICE entry into a workplace. If you have a union, consider raising this with the union.
- ➡ Carry a Know-Your-Rights card to show to ICE if they stop you. The card should, at the very least, state that you will remain silent and wish to speak with an attorney.
- ➡ Do not carry any documents from your country of origin or any false documents.
- ➡ Memorize the phone number of a friend, family member, or attorney to call if you are arrested.
- ➡ Make arrangements for the care of your children or other loved ones in the event of an arrest.



- ➡ Designate trusted friends or family members to make decisions
- ➡ Keep copies of immigration documents, criminal records, and other important documents in a safe place where a trusted friend or family member can access them if necessary.
- ➡ Make sure your loved ones know your immigration number (A number) and how to find you if you are detained by Immigration. Contact the local ICE office or search the online detainee locator: <https://locator.ice.gov/odls/homePage.do>.

### A DAY WORKED IS A DAY PAID!

- ➡ DO NOT ALLOW YOUR EMPLOYER TO USE YOUR IMMIGRATION STATUS AGAINST YOU. Every worker has rights and protections, regardless of whether one has legal status or not.
- ➡ Basic rights for EVERY employee:
  - ➡ Receive full payment of at least the minimum wage.
  - ➡ Get paid for time and a half when you work more than 40 hours in a week.
  - ➡ The right to a safe workplace, and to file a complaint with OSHA at the website [https://www.osha.gov/workers/file\\_complaint.html](https://www.osha.gov/workers/file_complaint.html)



HAVE A PLAN TO DOCUMENT AND EXERCISE YOUR RIGHTS. It is important for you and your co-workers to be alert and prepared to make your rights count.



- ➡ Documentation in support of your case:
  - ➡ Full name of the employer and company address.
  - ➡ Address and/or streets where you worked.
  - ➡ Dates worked and hours worked. Promised payment and payment received.
- ➡ TAKE ACTION AND MAKE YOUR RIGHTS COUNT. If your employer wants to take advantage of you, it is important that you do not let them get away with it. You are not only protecting your rights, but those of your friends and family.
- ➡ Collect your documentation and evidence.
- ➡ Seek help from a worker center to help you negotiate and file a claim.
- ➡ If negotiating with the employer does not work, you can go to the department of labor file a complaint.

DO NOT ALLOW THE USE OF THREATS TO INTIMIDATE YOU AND STOP YOU FROM DEMANDING YOUR RIGHTS. If your employer threatens you with calling immigration or other authorities, do not worry. If possible, make sure to get the information you need to make a claim and leave the site as soon as possible.

- ➡ Documentation in support of your case:
  - ➡ Federal agencies that protect workers seek to protect the rights of all employees, even if they do not have legal status in the country.
  - ➡ There are laws against retaliation for asserting your rights.

NOTE: The content of this handout does not constitute legal advice. Please consult an immigration attorney for legal advice.



# WHY ADMINISTRATIVE WARRANTS SHOULD NOT BE HONORED IN COLORADO

## What are ICE Administrative Warrants?

"Administrative warrant" as used in the RESPECT policy and in this document, means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document issued by federal immigration officials that can form the basis for an individual's arrest or detention for a *civil* immigration purpose.

ICE sometimes issues administrative "warrants" when it asks sheriffs to hold prisoners on the basis of an ICE detainer. Colorado peace officers have no authority, however, to deprive persons of liberty on the basis of ICE administrative warrants. The authority of Colorado peace officers to deprive persons of liberty on the basis of a warrant derives from Colorado statutes. Those statutes generally assume a warrant that complies with the provisions of the Fourth Amendment and Article II, Section 7 of the Colorado Constitution. These constitutionally sufficient warrants are issued only upon oath or affirmation of facts submitted to a judicial officer, one who is "neutral and detached" from enforcement activities, *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971), and only if the judicial officer determines that the facts demonstrate probable cause.

In contrast, ICE administrative warrants are not issued by judges or judicial officers. Indeed, ICE regulations allow some of these administrative warrants to be issued by ICE enforcement officers themselves. Because of these deficiencies, a federal district court ruled that an arrest made on the basis of an ICE administrative warrant issued by an immigration enforcement agent was, essentially, a warrantless arrest. See *El Badrawi v. DHS*, 579 F. Supp. 2d 249, 276 (D. Conn. 2008); see also *United States v. Toledo*, 615 F. Supp. 2d 453, 455, 457 n.2 (S.D. W. Va. 2009) (treating ICE warrant as an invalid warrant because it could not be executed by local law enforcement officials).

## Why should ICE Administrative Warrants not be honored in Colorado?

There is simply no Colorado authority for state/local officers to engage in immigration enforcement. This is true regardless of whether one is discussing detainers, I-200 administrative warrants, or any other piece of paper in support of civil immigration enforcement.

- **State/local officials generally cannot engage in civil immigration enforcement.**

*Arizona v. United States* (U.S. Supreme Court, 2012) established the basic principle that state/local officials generally cannot engage in civil immigration enforcement. As the Supreme Court said in *Arizona v. United States*, "Federal law specifies limited circumstances in which state officers may perform the functions of an immigration officer." *Arizona v. United States*, 132 S. Ct. 2492, 2506 (2012). And federal law does not authorize state officers to make an arrest based on an "administrative warrant" that ICE officials issue. See also *United States v. Toledo*, 615 F. Supp. 2d 453, 455, 459–60 (S.D. W. Va. 2009) (citing immigration officer's testimony that he advised local sheriff that sheriff had no authority to execute administrative warrant). *Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012), a post-*Arizona* decision, established that this means prolonged detention cannot be justified by suspected *civil* violations but must be based on suspicion of a *crime*.

- **Many of ICE's administrative warrants are not signed by a judge - not even an immigration judge.**

They are not like criminal warrants at all. Like detainers, many ICE administrative warrants are issued by immigration enforcement agents. There is no standard of proof for their issuance. An arrest by state/local officials on the basis of such an ICE administrative warrant would be treated like a warrantless arrest by a court.

- **The law sets forth no standard for the issuance of many such warrants.**  
As with detainers, there is no legal standard set forth for the issuance of many ICE administrative warrants. *See* 8 U.S.C. § 1226(a) and 8 CFR § 287.5(e)(3) (mentioning warrants but specifying no standard for their issuance).
- **There is no requirement that such warrants be based upon sworn testimony, or issued by a neutral magistrate.**  
ICE administrative warrants issued by immigration agents are not based upon sworn testimony. *See El Badrawi v. Dept. of Homeland Sec.*, 579 F. Supp. 2d 249, 275–76 (D. Conn. 2008) (treating arrest pursuant to administrative warrant as warrantless arrest under Connecticut tort law and federal constitutional law for purposes of false arrest claim); *El Badrawi v. United States*, 787 F. Supp. 2d 204, 230 & n.17 (D. Conn. 2011) (granting summary judgment on false arrest claim to plaintiff who had been subject of administrative warrant).
- **ICE administrative warrants are directed to ICE officers for execution.**  
There is no authority for state/local officers to execute ICE administrative warrants. Instead, federal law authorizes only federal officials to make arrests based on these warrants. As the Supreme Court noted in *Arizona v. United States*, “the warrants are executed by federal officers who have received training in the enforcement of immigration law.” 132 S.Ct. at 2506 (citing 8 C.F.R. §§ 241.2(b), 287.5(e)(3)). Federal law allows federal officers to make arrests based on these warrants, but it does not permit state officers to do so.
- **A Notice to Appear relates to civil violations and is not based on probable cause.**  
A Notice to Appear in immigration proceedings simply charges an immigrant with being removable. It does not establish probable cause even of removability; the burden of proof remains on the federal government to demonstrate this in removal proceedings. Most importantly, it relates to a potential *civil* immigration violation only and cannot provide state/local officials with any authority for prolonged detention for that reason.
- **Orders of Removal also relate to civil immigration violations.**  
Similarly, Orders of Removal also relate to civil immigration violations and cannot provide state/local officials with any authority for prolonged detention for that reason. Federal law is explicit as to when state officials may make immigration arrests and this situation is not included.

### **Do ICE administrative warrants differ from warrants for Parole violations?**

Parole is regarded as only conditional liberty, and a parolee remains in the Department of Corrections' legal custody, C.R.S. § 17–2–207(3), and can be sent back to prison for violating parole conditions. Accordingly, the Fourth Amendment's procedural requirements are not as strict when it comes to parolees.

Colorado statutes provide that a parole officer may seek a warrant for the arrest of a parolee by filing a complaint with the parole board. If the parole board finds the fact in the complaint show probable cause, it can issue the warrant. C.R.S. § 17-2-103(3)(b). When the parolee is arrested on a parole warrant, the statute provides that the parolee may be confined in a county jail. C.R.S. § 17-2-103(4)(a). Thus, Colorado statutes authorize jailers to hold persons who are arrested on parole warrants. There is no similar authority for Colorado sheriffs to hold prisoners who are the subject of ICE administrative warrants.

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700  
Highway 60 NE, Worthington,  
Minnesota, and all its  
appurtenances, parking areas,  
and outdoor working areas

Defendant.

CIVIL NO. 06mj457 JSM

ORDER  
FOR WARRANT FOR  
ENTRY ON PREMISES TO  
SEARCH FOR ALIENS  
WHO ARE IN THE UNITED  
STATES WITHOUT LEGAL  
AUTHORITY

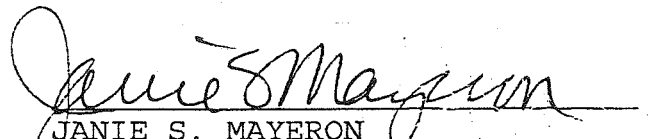
The United States of America, having filed an application to authorize officers of United States Immigration and Customs Enforcement to enter the building on the premises described above in order to search for persons who are aliens in the United States without legal authority, together with an Affidavit and memorandum of Points and Authorities in support of the application, and the Court finding on the basis of the affidavit that there is probable cause to believe that located within the business premises described above are persons who are aliens in the United States without legal authority and subject to removal proceedings pursuant to Section 240 of the Immigration and Nationality Act, 8 U.S.C. § 1229a (1996).

IT IS THEREFORE ORDERED that the officers of U.S. Immigration and Customs Enforcement are authorized to enter the building and

areas on the premises described herein and to make such search as is necessary to locate aliens present in the United States illegally and counterfeit, altered, or imposter documents possessed and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift, Inc. (See Attachment B). In making this search, the agents of ICE are authorized to enter any locked room on the premises in order to locate persons who may be such aliens in the United States without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006

  
JANIE S. MAYERON  
United States Magistrate Judge

**ATTACHMENT A**  
**LOCATION OF PROPERTY TO BE SEARCHED**

The entire premises and vehicles within the cartilage located at Swift & Company, located at 1700 Highway 60 NE, Worthington, Minnesota, further described as:

Parcel Number 31-3787-000 and Parcel Number 31-3790-000 in the county of Nobles, in the state of Minnesota. A commercial industrial meat processing plant with one main building and several out buildings on the property.

Directly to the north of the facility is Interstate 90 and to the west of the facility is Highway 60. The facility has one main vehicle gate. A chain link fence surrounds the facility on three sides with barbed wire on top. Security personnel housed in an access control booth man the main gate.

ATTACHMENT B  
DESCRIPTION OF ITEMS TO BE SEARCHED FOR

1. Aliens who are not lawfully entitled to reside within the United States who are employed at present within Swift & Company; and
2. Counterfeit, altered or imposter documents possesses and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift & Company.

RETURN

Date Warrant Received

8  
12-18-06

Date and Time Executed

12-12-06  
0733

Copy of Warrant and Receipt for Items Left with

G.M. WACHER  
V.P. GENERAL MANAGER  
SWIFT & COMPANY

Inventory Made in the Presence of

GERALD COYLE

Inventory of Person or Property Taken Pursuant to the Warrant

SEE ATTACHED LIST OF PERSONS DISCOVERED AND ARRESTED.

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this 15<sup>th</sup> day of December, 2006.

Affiant

United States Magistrate Judge