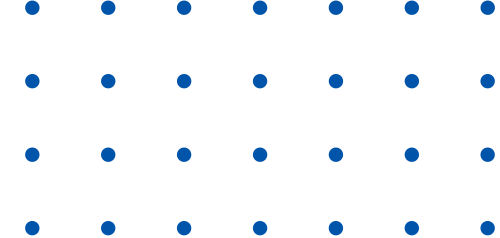


Protecting Your Community and Yourselves

Know Your Rights with Immigration
Enforcement and when Protesting

ACLU
Michigan





HOUSE KEEPING

This presentation contains information regarding constitutional rights and **is not meant to be legal advice for any audience member.** Please consult a lawyer regarding your individual legal issues.

*We will share a list of legal service providers for reference



ACLU of Michigan

Who are we?

The ACLU of Michigan is a non-profit and non-partisan civil rights organization. Our mission is to protect and expand constitutional rights through an integrated advocacy approach by using:

- Litigation
- Legislation
- Advocacy
- Community Education



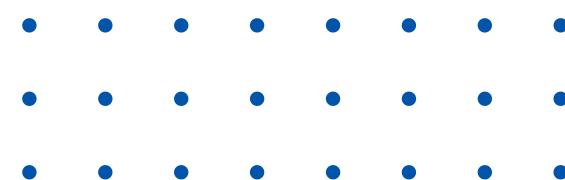
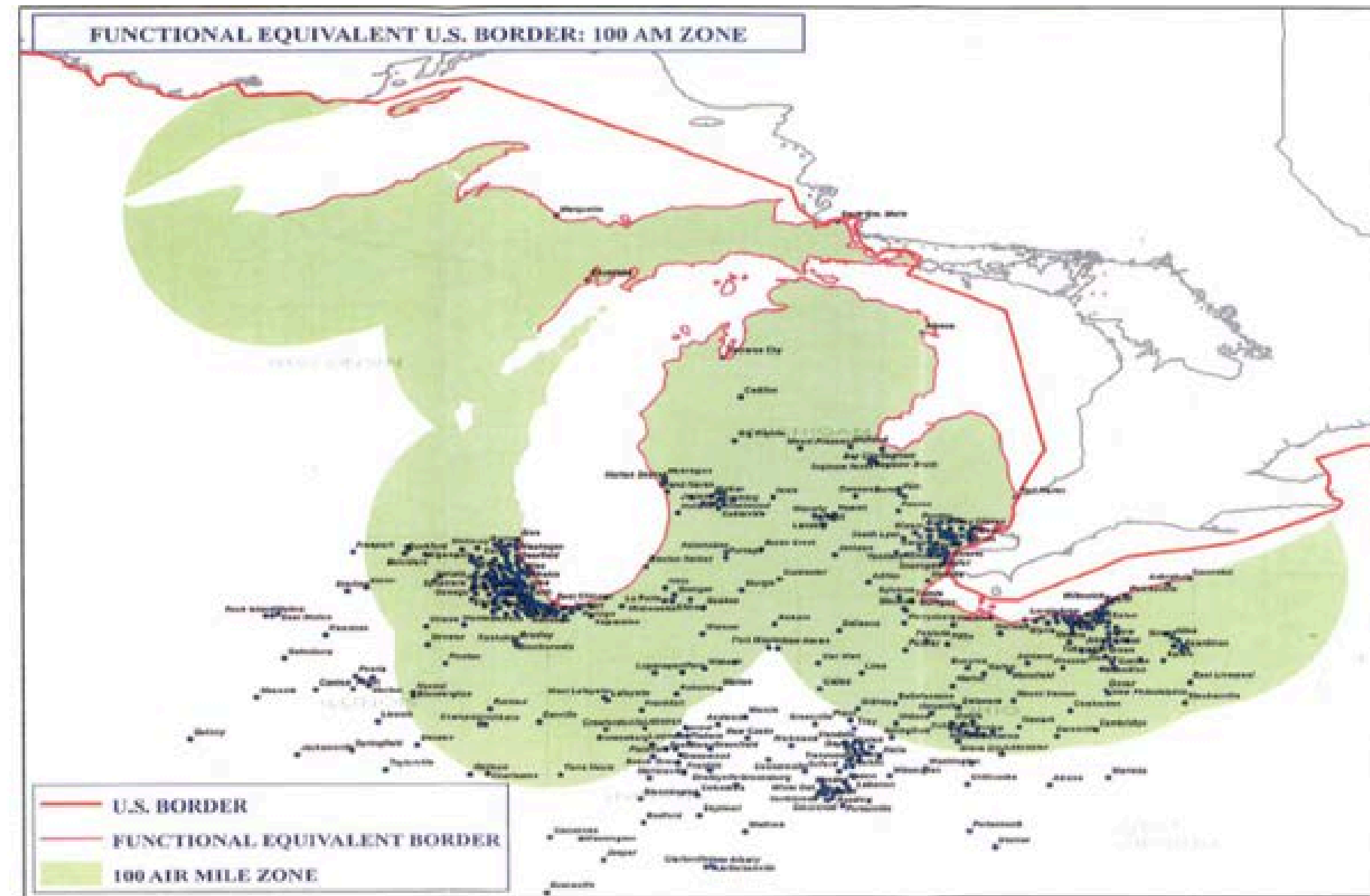
Training Objectives

Today we will...

- Understand immigration enforcement in Michigan
- Provide information to help you safely and effectively navigate encounters with immigration enforcement
- Know your rights when filming/photographing or reporting incidents or encounters with immigration agents, and when protesting
- Learn how to tell the difference between ICE, border patrol, and local police, and why that matters

Who Should I Be Looking Out For?

- In Michigan, we have **ICE and Border Patrol**
- **Border Patrol** claims authority to make stops and arrests anywhere and everywhere in the state of Michigan
- Many people in Michigan do not know they live in a “border state”

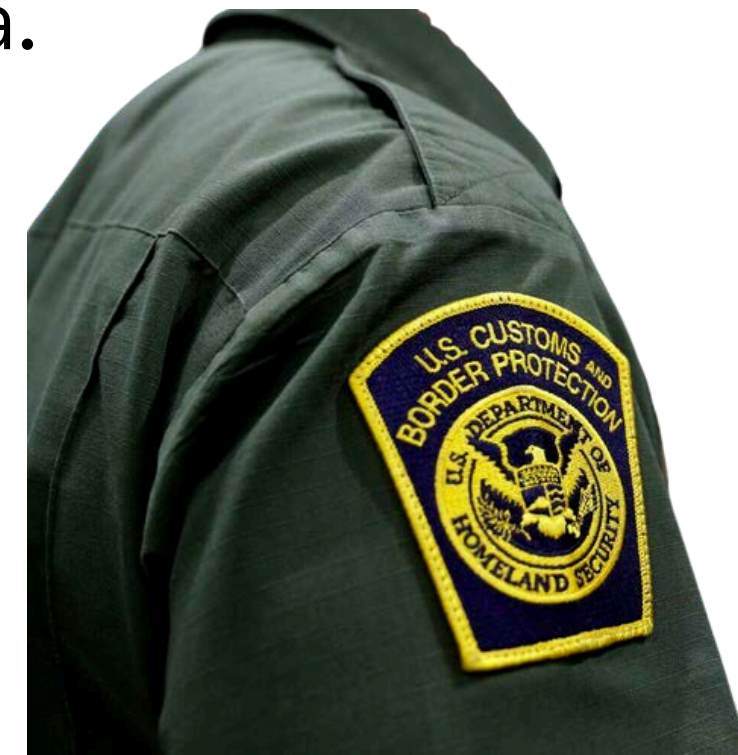


Racial Profiling in Michigan by Border Patrol

- Border Patrol engages in racial profiling-96% of people apprehended are recorded as being “Black,” “Dark Brown,” “Dark,” “Light Brown,” “Medium Brown,” “Medium,” or “Yellow.”
- 85% of noncitizens apprehended were from Latin America
- 1/3 of individuals stopped are U.S. citizens
- This happens in cities/townships that are not near the border

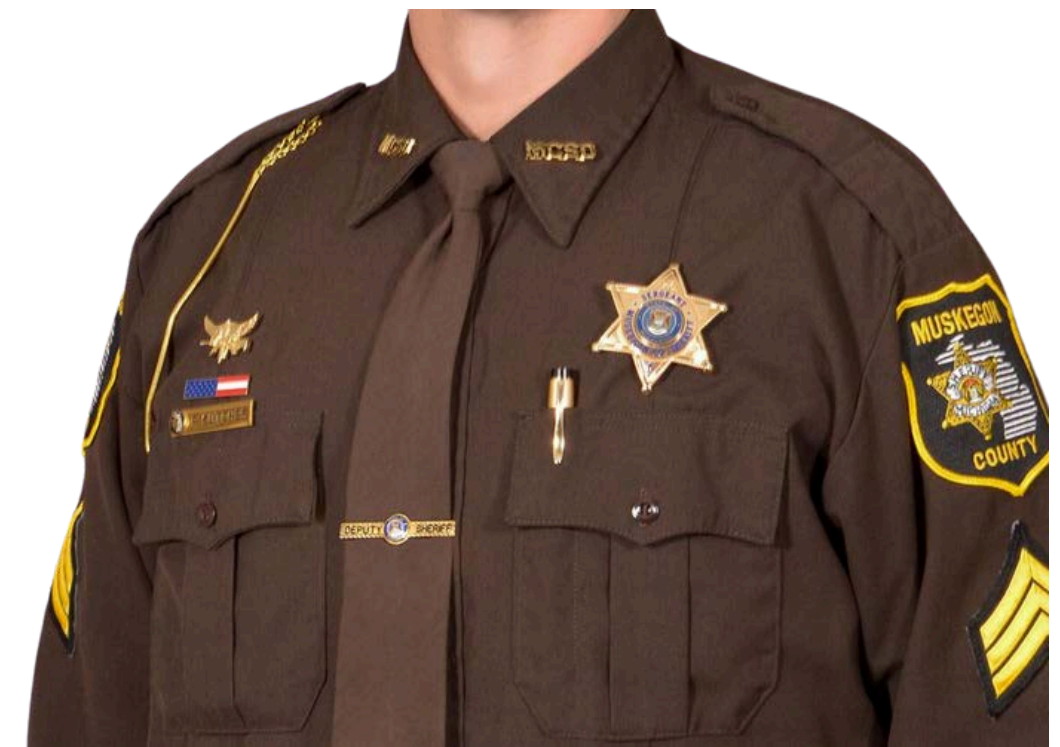
Telling the Difference Between Immigration Agents

- **ICE officers** are responsible for arresting people they think are in the country without authorization. They conduct community raids and arrest people in various places, like in courthouses.
 - They are normally in plain clothes, sometimes wearing a vest or jacket with the word "POLICE" on it.
- **Border Patrol agents** are responsible for patrolling the border with Canada. However, because of the 100-mile zone, you can find them anywhere in Michigan—just like ICE.
 - They are normally wearing green uniforms.



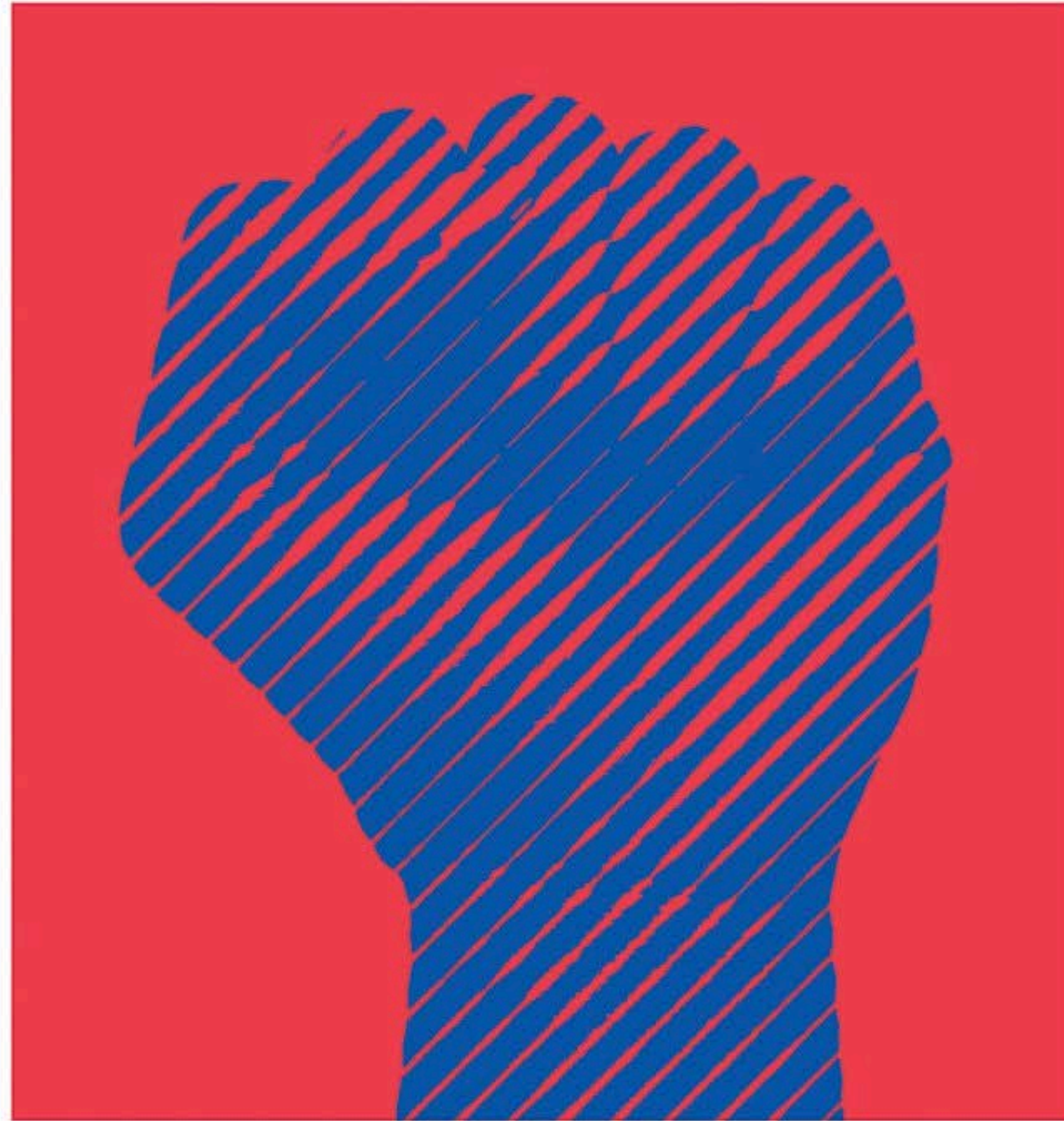
Telling the Difference Between Immigration Agents Cont.

- **Local and state police officers** may stop you for traffic violations like speeding. However, we have observed that even if a local police officer stops you, they might call the border patrol or ICE to get involved. By expressing your right to remain silent, you can avoid giving them a reason to call immigration.
 - Their uniforms depend on what city they are from. Usually dark blue or light brown.



ACLU

KNOW YOUR RIGHTS



ACLU
Michigan

Know Your Rights

When You Are At Home

- **You have the right** to refuse to open the door for immigration agents. Instead, you can first have a conversation through the closed door or through a cracked window.
- If they tell you they must come in, ask them to show you a warrant **SIGNED BY A JUDGE**. An order signed by border patrol, ICE, or the Department of Homeland Security is not enough to enter your home.
- You can tell the officers to pass it under the door or, if that is not possible, show it through a window.
- If they have a valid warrant signed by a judge, you should comply. If they do not, you can respectfully ask that they leave.

Judicial Warrants

vs. Administrative Warrants

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

United States of America
v.

)
) Case No. _____
)
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) _____

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____

Issuing officer's signature

City and state: _____

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
(city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

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 _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) *(Date of Service)*

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Know Your Rights

When You Are Driving

- If a police or immigration car tries to stop you, pull over as quickly and safely as possible. Stay calm and be polite.
- You and your passengers **have the right to remain silent**, but if you want to keep quiet, each of **you must say out loud that you wish to stay silent.**
- If you have valid paperwork, you can provide it, but do not lie about your status or provide false paperwork. You are better off invoking your right to remain silent.
- You do not have to consent to a search. You are allowed to refuse if an officer asks to search your car UNLESS the officer has "probable cause" to believe your car contains evidence of a crime. You can ask if they have probable cause.

Know Your Rights

While You Are On the Street/in Public

- If an officer tries to stop you, you can ask if you are under arrest or if you are free to go. If they say you are not under arrest, you can politely decline to talk and walk away.
- If you are under arrest, you have the right to remain silent, but if you want to keep quiet, **you must say out loud that you wish to stay silent.**
- If you have valid paperwork, you can provide it, but do not lie about your status or provide false paperwork. You are better off invoking your right to remain silent.
- You are allowed to refuse if an officer asks to search you. However, the officer can pat down your clothing. If the officer tries to do anything more, you can politely refuse.

Know Your Rights

While You Are At Work

- If immigration comes to your workplace, you have the right to remain silent, but if you want to keep quiet, you must say out loud that you wish to stay silent.
- If you have valid paperwork, you can provide it, but do not lie about your status or provide false paperwork. You are better off invoking your right to remain silent.
- If an officer tries to detain you, you can ask if you are being detained or if you are free to go. If they say you are not under arrest, you can politely decline to talk and walk away.
- You are allowed to refuse if an officer asks to search you. However, the officer can pat down your clothing. If the officer tries to do anything more, you can politely refuse.

Know Your Rights

If You Are Within 25 Miles from the Border

- Within 25 miles from Michigan's land borders, immigration officers do NOT need a warrant to enter private land (e.g., yards).
 - **But they still need a valid warrant to enter your home.**
- Be careful if you are in this 25-mile zone. Cities in this zone include: Detroit and most of its suburbs, Dearborn/Dearborn Heights, Hamtramck.

For business owners:

- Immigration officers may enter publicly occupied spaces
 - Ex: aisles of a store, lobby of waiting room, seating in a restaurant, etc.
- In these spaces, officers may question patrons
- To access private areas (kitchen, behind a counter, etc.) the officer would need to present a signed warrant or permission from employer

Know Your Rights

Electronic Devices

- The government claims the authority to search all electronic devices at the border, no matter your legal status in the country.
- Since 2018, CBP is not required to return your device before you leave the airport or other port of entry. They may choose to send it off for a more thorough search.
- If you leave the airport or other border checkpoint without your device, make sure to get a receipt, which should include information about your device and contact information allowing you to follow up.



Know Your Rights

Electronic Devices

- Your legal status in the country may inform what you decide to do if you're asked for a password to unlock your device.
- If you are a citizen, you cannot be denied entry into the country if you refuse to comply with a request to unlock your device or to provide a password.
- If you are a lawful permanent resident, your status cannot be revoked without a hearing before an immigration judge.
- If you are not a citizen, you should consult with an immigration lawyer about your particular circumstances before traveling.



Know Your Rights

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Know Your Rights

Filming Officers

- **You have the right to openly film** immigration agents or police officers with your phone or a camera if you are in a public place. DO NOT record on federal property, such as an immigration court.
- If you film them, do so openly and do NOT interfere with their actions. Stay back and out of their way. Follow requests to move back or away.



Know Your Rights

In Public vs. Private Spaces

- Your rights are strongest in what are known as “traditional public forums” such as streets, sidewalks, and parks.
- **Private property owners can set rules for speech on their property.** The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.
- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and police. On private property, the owner may set rules related to photography and video.

Know Your Rights

Permits

- You don't need a permit to march in the streets or on sidewalks, as long as marchers **don't obstruct car or pedestrian traffic**. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass or for safety reasons.
- Certain types of events may require permits. These include a march or parade that requires blocking traffic or street closure; a large rally requiring the use of sound amplifying devices; or a rally over a certain size at most parks or plazas.
- A permit **cannot be denied because the event is controversial** or will express unpopular views.

Know Your Rights

If Police Issue a Dispersal Order

- Shutting down a protest through a dispersal order must be law enforcement's last resort. **Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.**
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path. The dispersal order must include when people must disperse by and the consequences for not dispersing.

Know Your Rights

If You Are Stopped By Police

- Always remain calm and never physically resist a police officer.
- Police cannot detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.
- If you are stopped, **ask the officer if you are free to leave.** If the answer is yes, calmly walk away.

Know Your Rights

If You Are Placed Under Arrest

- You have a right to ask why you are being arrested.
- You have a right to **not sign or agree to anything without an attorney.**
- If you are under arrest, you have the right to remain silent, but **you must tell the officer you are exercising that right.**
- You have the right to make a local phone call, and if you're calling your lawyer, police are not allowed to listen.
- You never have to consent to a search of yourself or your belongings.
- Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest.

Know Your Rights

If Your Rights Have Been Violated

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

Know Your Rights

If You Have Been a Victim of Physical Harm or Racism

- Remember the details of your encounter as much as possible. If you can, write the details down after the encounter:
 - What happened? What did the officer say/do?
 - What was the officer's name? Badge number?
 - What was the officer wearing? Was it a uniform? What did it look like?
 - Anything else you can recall: location, date, how many officers were involved, etc.
- Reminder: you are allowed to film immigration and police officers in public, as long as you don't interfere with their actions.
 - Did they try to stop you from recording?
- Call the ACLU Hotline: 313-208-7048

Know Your Rights: Summarize

- You always have the right to remain silent. You don't have to answer questions about your immigration status. But if you have valid ID, show it upon request.
- You always have the right to refuse to open your home's front door until the officer shows you a warrant signed by a judge.
- You always have the right to refuse a search of your home without a warrant.
- You have the right to film police in public spaces as long as you do not interfere with the officers. Remain calm when doing so.
- If you were a victim of physical abuse or racism, write down the details if you can and call the ACLU.



Making a Plan

There are no magic words to prevent a violation of your rights. People's rights are violated every day. Make a plan in case you or a loved one are arrested by an immigration agent.

Collect your important documents in one place. Give copies to a trusted person.

Memorize and have the phone number of an immigration attorney.

Consult with an immigration attorney to learn if you have options for legalization.

RESOURCES

Preparing Your Family Guide



English



Spanish



Quick Guides

Visit our website



**IMMIGRANTS'
RIGHTS**

IMMIGRANTS' RIGHTS

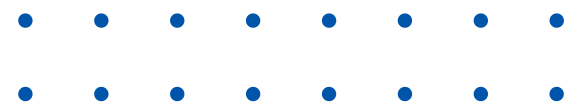


Have you been harassed by immigration enforcement or local police?



Call our hotline. (313) 208-7048

Languages provided: English, Spanish, Arabic, Bangla



Get Involved

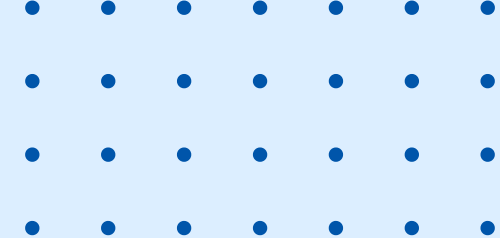
[Join us as a volunteer](#)

Sign up to join us as a
volunteer!



QUESTIONS?



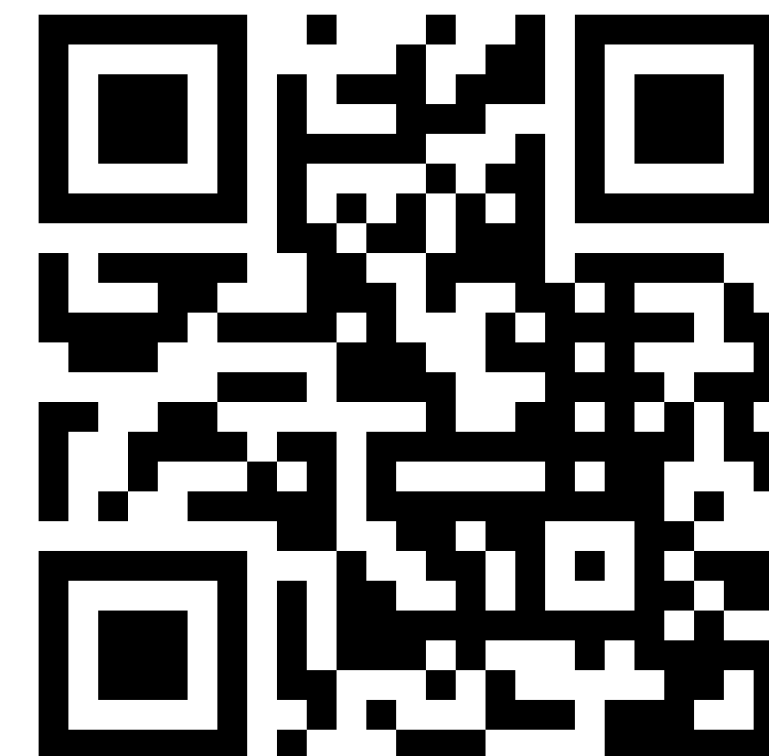


For more information:

aclumich.org

gdresner@aclumich.org

**Join our email
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