

PROTECTING YOURSELF AGAINST IMMIGRATION ENFORCEMENT

April 2004

When can immigration enter my home?

Immigration officers *cannot* enter your home unless they have a “*warrant*.” A warrant is a piece of paper signed by a judge giving the officer permission specifically to enter your home. There are two types of warrants: one where they are coming to arrest you, and another where they have authorization from the judge to search your home. Most immigration warrants are going to be for an arrest warrant.



If an officer knocks on your door, do not open it. Ask the officer through the closed door to identify himself. You can say, “Who are you with,” or “What agency are you with?”

The officer might say that he is with “Department of Homeland Security,” or “US Immigration and Customs Enforcement.” The officer might name another agency. No matter what, keep the door closed. Through the closed door, ask the officer if he has a warrant.

If he says yes, still do not open the door—ask him to show you by slipping the warrant under the door.

When examining the warrant, look for your name, your address, and a signature. This can help you decide whether or not the warrant is valid (true). The warrant will be in English—if possible have someone in

your house translate it for you if you have trouble reading it or understanding it.

If the Immigration officer has a warrant that looks valid, you should go outside to talk to the agent. You have the right not to let the agents enter your house. This is especially important if you live with other people who might have immigration problems, because once you allow the officers in your house, they can ask questions of the others there as well.

If you do talk to the officer (again, outside your house—do not let him in), do not answer any questions. Do not sign any papers. Tell the officer that you want to talk to a lawyer before you say anything. Do not provide any kind of identification documents that state



what country you are from. Make sure not to carry any false documents with you at any time.

Another way an immigration officer can enter your home is if you “**consent**,” meaning if you give permission to the officer to enter your home.

If you open the door, or if the officer asks if he can come in and you say “yes,” you are probably consenting.

The best thing to do is to keep the door closed and ask the officer to identify himself. Then ask for a warrant. ***Do not open the door if he cannot show you a warrant.***

An officer ***cannot force you*** to consent. For example, if there are Border Patrol or Immigration agents’ cars surrounding your house with lights flashing, and the officer asks for your consent with his gun out and you say yes, this probably will not be valid consent.

How can I protect myself from immigration coming to my house?

If you hear that immigration has been asking questions at your job, there is a possibility that officers may show up at your house. If this is the case, try to find a way to not be at your home for a couple of days.

Stay with a friend or a relative whose address you know your employer does not have (an address not listed in any papers you filled out for work, for example emergency contact information).

Make sure that someone you trust knows where you are, and that you know how to reach them in the case of an emergency (if you have been detained by immigration).

You and your family or close friends should have the names and phone numbers of good immigration attorneys posted near the telephone at home so that they can call the attorney in case you are detained.

In general, it is also a good idea to keep a copy of your important papers (birth certificate, any immigration papers, etc.) at a friend or relative’s home who you trust and can call in case you are detained.

What should I do if immigration comes to my workplace?

Immigration agents cannot come into your workplace—whether it is a factory, store, farm, or orchard—without permission from the owner or manager. If an agent does get permission, the agent is free to ask you questions about your immigration status.

You have the right to remain silent. Do not tell the immigration officer where you were born or what your immigration status is.

NATIONAL IMMIGRATION LAW CENTER

- You also have the right to talk to a lawyer before you answer any questions. You can tell the agent, “I wish to talk to a lawyer” in response to any question the agent asks you.
- Do not show the agent your papers or any immigration documents. If the agent asks you for your papers, tell the agent, “I wish to talk to a lawyer.”

What can my union do?

If you have a union, there are ways it can help you. You should talk to your union representative about your concerns. If you feel more comfortable, ask some of your co-workers to go with you to talk to your representative. Your union might have contract language that protects its members, such as an agreement with the company that:

- The employer will not allow any immigration agents to enter the workplace without a valid warrant signed by a federal judge or magistrate.
- The employer will immediately notify the Union if the immigration authorities contact the employer for any purpose so that the union can take steps to protect the rights of its members.
- The employer will only provide the I-9 forms to the agents for inspection unless they have a search warrant or court order signed by a federal judge or magistrate.
- The employer will allow lawyers or community advocates brought by the union to interview employees in as private a setting as possible in the workplace. The union might also have a legal plan, which provides workers with immigration attorneys.
- The employer agrees not to reveal the names, addresses or immigration status of any employees to immigration.
- The employer shall not participate in any computer verification of immigration or work authorization status.