

PROTECT YOUR RIGHTS

What to do and what not to do

Immigrants have many of the same rights as those who are American citizens. To protect your rights, follow these recommendations on how to behave if you are questioned or arrested by immigration agents or another law enforcement agency. We recommend that people at risk of deportation make plans in advance and have an immigration lawyer to advise them. Ask yourself what would happen to your family if you were arrested tomorrow and think about who could take care of your possessions, bank accounts, bills and other matters. It is advisable to have a written custody of minor children and to sign a power of attorney so that a person of trust can temporarily take care of their affairs in their absence.

WHAT TO DO

To check if you can be searched by immigration agents, call the immigration court automatic service 800-898-7180 (press 2 for instructions in Spanish) and type in your 9-digit "A" number assigned by the Immigration Service. Immigration and Citizenship (USCIS) and that should appear in your documents. You will hear a recording of the status of your case if you have a hearing in immigration court. and if there is a deportation order for you. Seek advice from a lawyer if so.

Carry a card with the name, address and telephone number of an emergency contact, such as an immigration lawyer, religious minister, or community organization to whom you can call in case of arrest. Contact someone, as soon as possible, if you think you are in danger of being arrested. If you are arrested you have the right to make a phone call to a lawyer, relative or friend, but you must insist on it and demand it.

Bring some type of legal documentation issued in the United States (Social Security card, "green" card, driver's license, identification of your workplace, or school institution, Mercer County community card, or taxpayer's card). IRS). It is not advisable to carry documentation that identifies you as a citizen of another country and that may cause an immigration agent to ask you more questions about your status.

Ask for identification and write the names of law enforcement officers who enter your home, with or

without a court order, as well as the name of the department or agency to which they belong (police, sheriff, immigration). Write down the names and phone numbers of any witness. Report the search of your home to a lawyer, or to a community organization, such as LALDEF, as soon as possible, or ask a witness to report it.

If a police officer stops you on the street, without reason, you do not have to show documentation. You only have to give your real name, if you are asked, except if you fear that this could incriminate you, in which case you can say that you exercise your right to remain silent and that you want to speak with your lawyer before answering. You do not have to answer any questions, such as your nationality, address, place of work, if you have a green card or are in this country legally. It also has no obligation to provide information on the whereabouts of another person. Keep calm. Ask for permission to leave and move away.

If they tell you that you are arrested, ask where they are taking you and that information to relatives or friends who are present. If you have children, ask that they allow you to make arrangements for someone to take care of them. Keep insisting on calling your lawyer.

If you are in the process of deportation. Ask a family member, or friend, who is a citizen or legal resident, to keep a copy of all documents you have received or sent to the immigration service in a secure place, along with your passport, birth certificate, marriage, etc. and the name, address and telephone number of the lawyer assisting you. Or keep these documents in the safe of a bank that has access to someone you trust. It is not advisable that you have these documents at home because they can be confiscated if you are arrested. If you have a pending case with the immigration service, it is very important that you and your loved ones know the case number assigned to you (a number preceded by the letter A). If you are arrested, you can be helped more quickly if you have this number.

WHAT NOT TO DO

Never ignore correspondence sent by the immigration service. Show it and get advice from your lawyer, or check with a community agency that helps immigrants.

Do not let immigration agents or any other police force enter your home without a warrant of arrest or search. A warrant ("warrant" in English) is a written document, signed by a judge, that allows the arrest of certain people, or the registration of a specific place. Ask the person (s) mentioned in the arrest warrant to leave the house and surrender to the agents, but do not authorize them to enter the house. If they enter, they can interrogate anyone inside. If the person (s) you are looking for are not in your home, and the agents do not have a search warrant, you can ask the agents to leave. If you open the door without a prior agreement that law enforcement agents do not enter, this can be considered as giving consent to entering. Talk to them through a closed door or window.

Do not offer any physical resistance to law enforcement officers if you are arrested, or enter your home, even if they have no warrant.

Never carry or show false documentation, do not carry documentation from another country, do not try to flee, hide or show nervousness. Do not give a false name or lie to an agent of the law as it would be committing a criminal act. Remember, it is your right to remain silent.

Do not sign any document that you do not understand well without the approval of your lawyer. You may be asked to sign a "Petition for Stipulated Expulsion Order and Waiver of Hearing" which would facilitate your deportation without a court hearing. Do not be intimidated by threats of long stay in jail, or high bail. If you do not have a prior deportation order, you have the right to a hearing with a judge to ask to be released, with or without bail, and to seek a lawyer to represent you. If you had already received a deportation order before, you would no longer be entitled to a hearing. However, if you believe your circumstances warrant it, you may ask for time to seek a lawyer who requests to stop the deportation. Keep in mind that immigration agents have no obligation to inform you of your rights.

These general recommendations do not replace the specialized advice of a lawyer who can advise you on your particular case.

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