



Bienvenidos a

The Latin American Legal Defense and Education Fund



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Know Your Rights

Disclaimer

Please note that this presentation is not a means of legal advice or should not be treated as such.

Legal advice can only be given by a licensed attorney or an accredited Department of Justice Representative.



Under the constitution, all people have certain rights and protections regardless of immigration status.





Customs & Border Protection (CBP)

US Citizen & Immigration Services (USCIS)

Immigration & Customs Enforcement (ICE)

Enforcement & Removal Operations (ERO)

Homeland Security Investigations (HSI)

Under the Law, Who Can Be Deported?

People without lawful immigration status	<ul style="list-style-type: none">• Overstayed a Visa• Walked Across a Border• Arrived By Boat
People present in the U.S. after being ordered removed	<ul style="list-style-type: none">• Post final Order (PFO)
People with lawful immigration status who have certain criminal convictions	<ul style="list-style-type: none">• Green Card Holder (LPRs)• Asylees• Individuals on Valid Visas such as student, work, or U/T Visas• TPS holders• DACA
People whose protections have been (or are being) terminated	<ul style="list-style-type: none">• Parole Programs for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV Parole Programs)• Anyone paroled in under the Biden Administration with a 212(d)(5) parole stamp.• Family Reunification Parole Processes

Judicial Warrants

- A judicial warrant is issued by a court and signed by a judge (but not an immigration judge) or a magistrate.
- It allows law enforcement to arrest somebody, take something, or search for something or someone.
- It allows officers to go into private areas, like parts of a home or business that aren't open to the public.
- **They can only search the places listed on the warrant, and only take the items listed on the warrant.**
- **REMEMBER: without a judicial warrant, officers need permission (also called consent) to enter a home, business, or any other private place.**

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

)
)
)
)
)

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

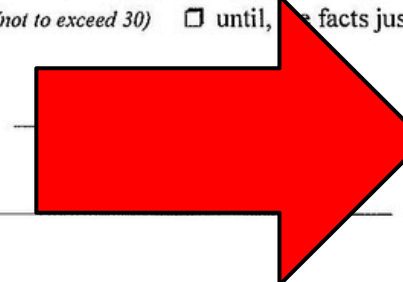
for _____ days *(not to exceed 30)* until, _____, the facts justifying, the later specific date of _____.

Date and time issued: _____

City and state: _____

Judge's signature

Printed name and title



Immigration Warrant ≠ Entry to Private Spaces

- Often, ICE does not have a warrant signed by a judge, but rather an administrative warrant issued by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP).
- An administrative warrant does not allow officers to enter private places, such as a home. However, it may allow them to arrest a person in public or private places if they are given permission to enter.
- If you know that the person named in the warrant is inside and you deny it and refuse to let them in, you could face a charge called "harboring."
- **REMEMBER: ICE ADMINISTRATIVE WARRANTS DO NOT ALLOW ICE TO ENTER OR SEARCH YOUR HOME.**

This is issued by DHS, NOT a court

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.

Signed by an immigration officer, NOT a judge

(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 _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

This is an ICE administrative warrant. It does NOT allow ICE to enter your home.

ICE-425 (Rev. 07/14)

Rights Inside Your House

Home includes curtilage: the area immediately surrounding a home where home-related activities take place

Examples:

- Area just outside the home: doorstep
- Garage/Driveway
- Space or yard INSIDE of a closed PROPERTY FENCE or GATE
- Hallways inside of apartment buildings

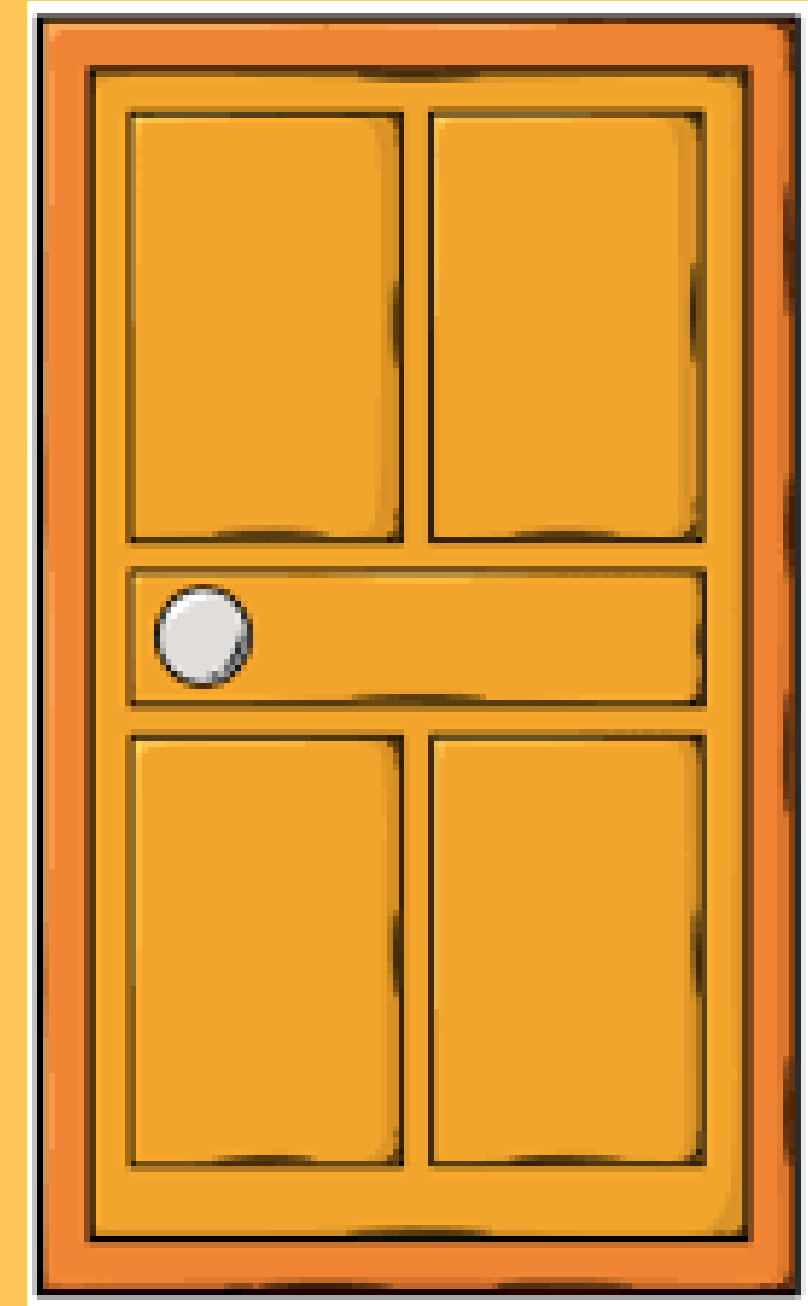
What To Do if ICE is at your Home

- Don't open the door. Ask ICE to leave.
- Identify who you are talking to: ask for ID and a warrant.
- If officers are inside, ask ICE to leave.
- Don't give ICE documents or information.
- Tell them you don't want them to search.



REMEMBER: You have the Right to NOT Open the Door

- All conversations can be had with a closed door
- If you open your door a crack, ICE may push their way in even though this is **NOT** consent for them to enter
- Identify who is at your door **BEFORE** opening it or answering questions
- Ask to see their badge
- Ask them for their name and to slide a card under the door
- Ask if they are the local police
- Ask if they have a warrant and to slide it under the door. **TAKE A PHOTO OF IT!**



If ICE does not have a warrant that gives permission to enter....

You can repeat these phrases the best you can in your preferred language:

- **I DO NOT WANT TO TALK TO YOU**
- **I DO NOT WANT TO ANSWER ANY QUESTIONS**
- **I DO NOT GIVE YOU PERMISSION TO COME INSIDE**
- **PLEASE LEAVE A CARD WITH YOUR NAME AND NUMBER**
- **I DO NOT WANT TO SPEAK TO YOU; PLEASE LEAVE**

If ICE Ignores your Rights

If ICE agents force their way into your home or search without consent, you can still say that you don't consent.

Everyone can repeat these phrases in their best language:

- **I DO NOT CONSENT TO YOU BEING IN MY HOME. PLEASE LEAVE.**
- **I DO NOT CONSENT TO THIS SEARCH.**
- **I DO NOT WANT TO GIVE YOU ANY DOCUMENTS**

In Public Spaces

- ICE does not need a judicial warrant to arrest someone in public or to stop a car.
 - However, they may have an **administrative warrant**.
- ICE DOES need reasonable suspicion to believe people are here in violation of immigration law—which is why silence is important.
- ICE usually knows the person they are targeting—but others nearby may be at risk at the same time
- ICE sometimes collects information or fingerprints from other people who are near an arrest.

Your Rights in Public

- Ask if you are free to go.
- Stay Silent
- Don't give false or foreign documents.
- Don't give permission to search



If ICE asks for your Name in Public

- Identify who is questioning you (ICE, local police, FBI, etc.)
- Assess whether refusing to give your name will be used by ICE to escalate the situation
- Assert your right to remain silent if that feels the safest in the moment
 - **SAY: I AM INVOKING MY RIGHT TO REMAIN SILENT. I DO NOT WANT TO ANSWER QUESTIONS**
- **REMEMBER: Do not** lie to law enforcement or give false documents

If ICE asks for your ID in public

- Ask if you are free to go. If they say yes, LEAVE.
- If they say no, invoke your right to remain silent.
- You can refuse to give your ID to ICE. HOWEVER, some states require you to show ID to LOCAL police.
- **SAY: I DO NOT WANT TO GIVE YOU MY DOCUMENTS**
- **ASSESS** your safety. If you feel forced to show ID, consider whether you have a valid ID that does not say your place of birth or immigration status.
- **REMEMBER: NEVER GIVE FALSE DOCUMENTS**

If ICE stops you while driving

- Show them your license
- If they ask, show them your registration and insurance
- Then **REMAIN SILENT**
- If a police officer or an immigration officer wants to search your car, you can deny consent to the search
- **HOWEVER**, if the police believe your car contains evidence of a crime, they **DO NOT** need your consent to do the search



If ICE asks for your fingerprints in public

- ICE is only allowed to take fingerprints if they have reasonable suspicion that you violated an immigration law or after they have arrested you
- If you are not under arrest by ICE and they ask to take fingerprints, ask: **Why am I being fingerprinted?**
- If they start to fingerprint you and you don't want them to, **SAY:**

I DO NOT CONSENT TO GIVING MY FINGERPRINTS



If ICE wants to search your belongings in public

- ICE needs a judicial warrant or your consent to search your bag, inside your pockets, or the glove box and trunk of your car
- ICE cannot search without your consent
- **SAY:**
 - **I DON'T CONSENT TO YOU SEARCHING ME**
 - **I DON'T CONSENT TO YOU SEARCHING MY BELONGINGS**
 - **I DON'T CONSENT TO YOU SEARCHING MY CAR**

You have the right to record in public spaces

You can record:

- Badges and Uniforms
- Vehicles and Weapons
- Paperwork
- What officers say
- Landmarks, street signs, clocks, anything that show time and place

DO NOT record:

- Faces of the individual being questioned or arrested
- Identifying clothes, tattoos, piercings, etc.
- Anything that exposes the individual

SAY: I AM PULLING OUT MY PHONE TO RECORD

Remember

- Stay calm
- Don't Run
- You have the right to a lawyer
- You have the right to remain silent
- Don't open the door
- Don't sign anything



Emergency Preparedness

Document and Information Checklist

- **Make sure you have a copy of each of these documents and share them with families and friends to use in case of an emergency.**
 - Driver's License and/or Identification Card
 - Birth Certificate
 - Passport
 - Social Security/ITIN
 - Marriage License and/or Divorce Papers (if applicable)
 - Arrest and Conviction History Records (if applicable)
 - Income Tax Returns
 - Pay Stubs
 - Caregiver's Authorization Affidavit or Power of Attorney Letter
 - Letters of Support from Community Members
 - Identify emergency contacts and share them with your family.
 - Know your Alien Number (A-number) and share it with your emergency contacts.
 - Memorize phone numbers you may need in an emergency.



Power of Attorney for Temporary Child Custody

What is a power of attorney?

- A power of attorney is a document that allows a parent or legal guardian to give another person authority to care for and make decisions about their children. This person, referred to as the “attorney-in-fact,” can make educational, health care, travel, financial, and/or other decisions as directed by the parent or legal guardian. To ensure the validity of this document, it must be notarized.

What do I need to complete the power of attorney?

- Both parents or legal guardians must provide valid government identification.
- The names, addresses and telephone numbers of the legal representative will be required.
- Information such as health insurance policy name and number, school name, family doctor name and number, and names of the child's allergies or medications will be needed.

Who needs to be present?

- Both parents or legal guardians must be present.
- The guardians to be appointed do not have to be present, but it is recommended.

Power of Attorney: Frequently Asked Questions

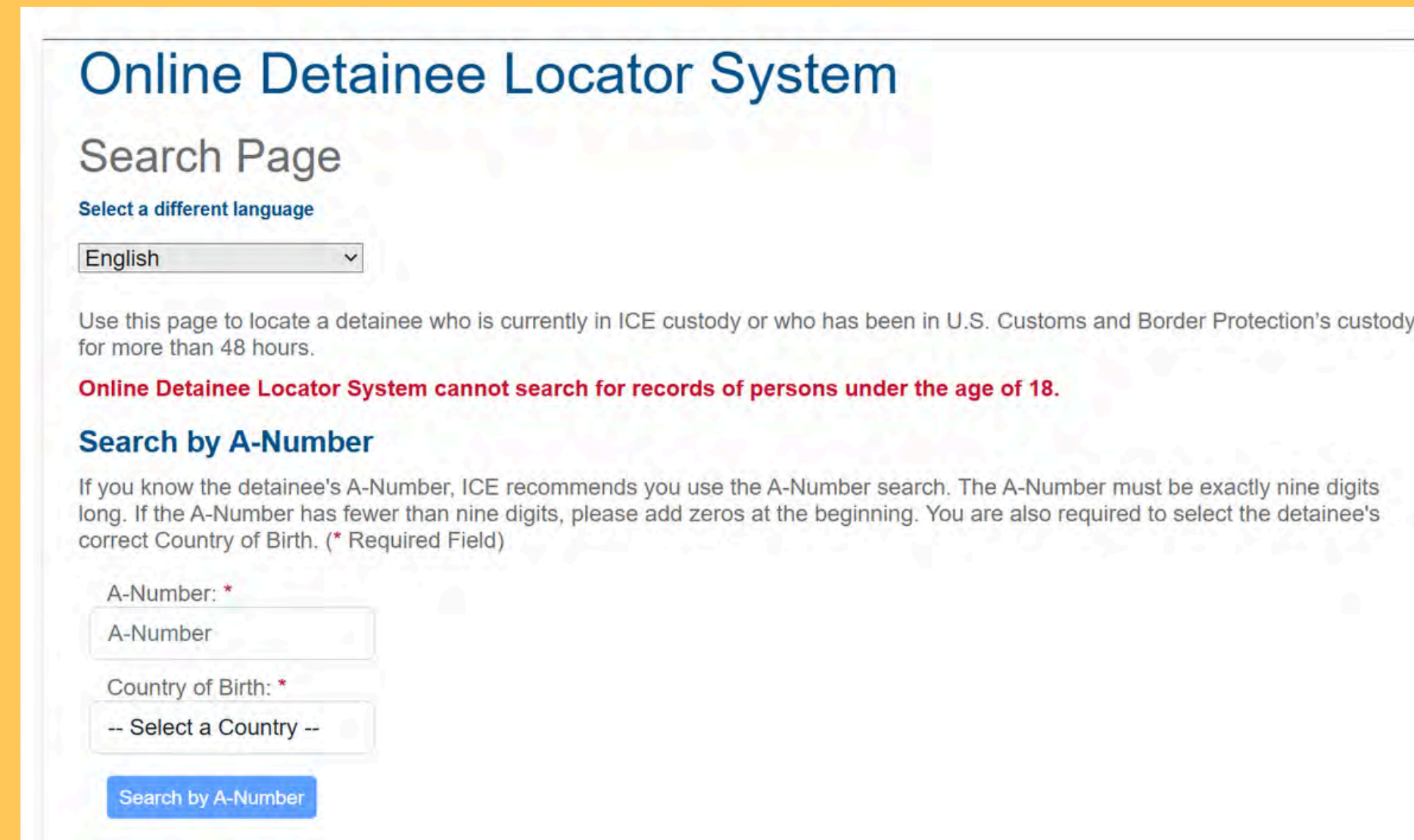
- **Does the "Attorney-in-fact" have to be a person with legal immigration status?**
 - NO – An “Attorney-in-Fact” does not have to be an attorney. You can appoint any adult (18 years of age or over) whom you trust and with whom your child or children would feel comfortable. It is preferable to appoint someone with legal immigration status, but it is not necessary.
- **Does the Power of Attorney have to be signed by both parents?**
 - It is best if The Power of Attorney is signed by both parents. However, if that is not possible, you should still complete the form to the best of your ability. The form includes a section where one parent can explain why the other is not signing.
- **Does the Power of Attorney have to be witnessed?**
 - In order to ensure the validity of the Power of Attorney, it should be witnessed by two people. The person used to notarize the document cannot count as a witness. These people do not have to have any immigration status, but they should be over 18 years old. However, if you cannot find any adult to witness your signature, or can only find one adult, you should still complete the form to the best of your ability.

Power of Attorney: Frequently Asked Questions

- **How long is the Power of Attorney valid for?**
 - The Power of Attorney is valid for one year, but can be renewed. It can be extended up to six months in extenuating circumstances that make it impossible for the caregiver to renew.
- **Can the Power of Attorney prevent the Division of Child Protection and Permanence (“DCPP”) Child Welfare Officers from taking custody of my child?**
 - The Power of Attorney shows that you made a plan for someone else to care for your child if you are unable to do so. However, if DCPP has concerns about the welfare of the child, it may still act to protect the child and take custody.
- **How can I cancel a Power of Attorney?**
 - You can end (“revoke”) the Power of Attorney at any time. To revoke, you simply put in writing that you are revoking the Power of Attorney. It is best if the revocation is witnessed and notarized just like the Power of Attorney, but this is not necessary. You should give a copy of the revocation to the person you appointed as Attorney-in-Fact and try to get the original Power of Attorney back.

If Your Loved One is Detained

- You can use **ICE's Online Detainee Locator System**:
<https://locator.ice.gov/odls/#/search>
 - Try using their A-number and country of birth **OR** typing in the name the same way it was entered
 - Cannot search for children under 18 years old
- If you cannot find them, you need to contact the **ICE Enforcement and Removal Operations Office (ERO)**. In **New Jersey**, it's:
Newark Field Office
970 Broad St. 11th Floor, Newark, NJ, 07102
(862) 445-9200



The screenshot shows the 'Online Detainee Locator System' search page. At the top, it says 'Search Page' and offers a link to 'Select a different language', with 'English' selected in a dropdown menu. Below this is a paragraph explaining the system's purpose: 'Use this page to locate a detainee who is currently in ICE custody or who has been in U.S. Customs and Border Protection's custody for more than 48 hours.' A red warning message states: 'Online Detainee Locator System cannot search for records of persons under the age of 18.' The 'Search by A-Number' section provides instructions: 'If you know the detainee's A-Number, ICE recommends you use the A-Number search. The A-Number must be exactly nine digits long. If the A-Number has fewer than nine digits, please add zeros at the beginning. You are also required to select the detainee's correct Country of Birth. (* Required Field)'. The form includes an 'A-Number' input field, a 'Country of Birth' dropdown menu currently showing '-- Select a Country --', and a blue 'Search by A-Number' button.

Legal Resources for Detained Individuals:

- **National Immigration Legal Services Directory**
 - Lists non-profit organizations that provide free or low-cost immigration legal services nationwide.
 - Website: <https://www.immigrationadvocates.org/legaldirectory/>
- **American Friends Service Committee (AFSC)**
 - Call to request a telephonic consult for detention-related calls: [973-474-9861](tel:973-474-9861)
 - Website: <https://afsc.org/>
- **Legal Services of New Jersey (LSNJ)**
 - For detained individuals or other detention-related calls: [1-888-894-0612](tel:1-888-894-0612)
 - Website: <https://www.lsnj.org/>
- **The Executive Office for Immigration Review (EOIR) List of Pro Bono Legal Service Providers**
 - Website: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Local Resources for Other Immigration Matters

El Centro de Recursos para Familias of Catholic Charities

- **Address:** 327 S. Broad St, Trenton, NJ 08608
- **Phone Number:** (609) 394-2056
- **Email:** <http://www.catholiccharitiestrenton.org>

Lutheran Social Ministries of New Jersey

- **Address:** 189 S. Broad St, PO Box 30, Trenton, NJ 08608
- **Phone Number:** (609) 393-4900
- **Email:** <http://www.lsmnj.org>

Legal Services of New Jersey

- **Address:** P.O. Box 1357, Edison, NJ 08818-1357
- **Phone Number:** (732) 572-9100
- **Website:** <https://lsnjlawhotline.org/intake/1008/language/1>

Sources | Fuentes de Informacion

- Immigrant Defense Project: Train-the-Trainer Workshop, Community Slides and KYR Presentations / Presentación Comunitaria. 2025. [URL](#).
- “Know Your Rights: Warrants.” <https://www.nilc.org>, National Immigration Law Center, 22 Dec. 2025, [URL](#).
- “Office of New Americans.” Office of New Americans | Legal Services, [URL](#).
- “What to Do If You Are Arrested or Detained by Immigration.” National Immigration Law Center, 9 Apr. 2025, [URL](#).
- “[2025] NJAIJ: Your Family, Your Plan.” Google Docs, Google, 2025, [URL](#).



¡GRACIAS!

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