

## **YOUR RIGHTS:**

In the United States, every person—whether documented or undocumented—has the constitutional right to remain silent and to refuse to answer questions of the police, Federal Bureau of Investigation (FBI), or the Bureau of Immigration and Customs Enforcement (ICE), whether on the street, in a car, or at home.

Under the law, ICE agents must have proof you are not from the United States to deport you. They can use the following information against you:

- 1) If you run and ICE agents catch you.
- 2) If you tell ICE agents where you were born outside of the U.S. or that you don't have papers.
- 3) If you carry false documents.
- 4) If you carry papers from your home country.

**\*Note: If you are questioned by ICE agents, you are NOT required to reveal any information, such as your name, address, or home country. If you are questioned or detained, however, it usually is a good idea to give your name so that friends, family, or your attorney can locate you.**

## **IF IMMIGRATION ARRESTS YOU-YOU HAVE THE RIGHT:**

- 1) To remain silent and refuse to answer questions. Anything you say may be used against you.
- 2) To understand the charges against you. If you need an interpreter, ICE agents must provide one.
- 3) To be represented by an attorney (at your own expense) and to receive a list of agencies offering free legal services before answering ANY questions.
- 4) To refuse to sign documents, such as for voluntary departure. It is particularly important to consult with an attorney before signing for voluntary departure if:
  - You are afraid to return to your home country;
  - You have lived in the U.S. for at least 10 years;
  - Your family members have amnesty or other papers;
  - You already have a pending ICE case; or you are accused of using false documents.

- 5) To make a telephone call to an attorney, family member, consulate of your home nation, friend, or the union (memorize their telephone numbers).
- 6) To be released on bond and to have a hearing to reduce your bond if you cannot afford it.
- 7) To have a hearing before an immigration judge and to appeal any adverse decision by the judge. You have the right to stay in the U.S. while you appeal.

## **IF IMMIGRATION COMES TO YOUR HOME:**

- 1) Ask the officers to show you the search or arrest warrant. If they do not have a warrant, you do not have to allow them to enter your home.
- 2) If the officers enter without a warrant, ask for their names and badge numbers. If they refuse, write down the identification numbers visible on their badges.
- 3) Get the names, addresses, and telephone numbers of witnesses.
- 4) Get a receipt for any property taken by ICE agents.
- 5) A search warrant does not require you to answer questions.

**\*Note: If an ICE agent wants to show you a warrant, they can hold it against a window or slide it under the door. You are not required to open the door before seeing the signed warrant. REMEMBER! To be valid, the warrant must have your CORRECT name and address on it. It also must be signed by a judge.**

## **TRAVEL OUTSIDE U.S.**

If you are a Legal Permanent Resident and have been arrested or had any problem with the law, consult your lawyer before you leave the country.

## **WHAT IS FORM I-407?**

Form I-407 is used to renounce your legal permanent status. If you sign it, you are giving up your green card.

**Under no circumstance should anyone be forced to fill out or sign this form. If you are asked to fill Form I-407, remember to ask to be represented by a lawyer.**

## **FAMILY REUNIFICATION:**

### **Deferred Action for Childhood arrival (DACA)**

If you or someone you know is in the United States under DACA, as of now, you or they are exempt from removal, unless you commit a crime.

## **FAMILY PREPAREDNESS**

### **PLAN:**

Every family should have a family preparedness plan. While it is our hope that you never have to use your plan, it is a good practice to have one in place to help reduce the stress of the unexpected.

### **MAKE A CHILD CARE PLAN:**

Have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information, a signed caregiver's authorization affidavit, and a file with important documents.

- 1) Talk to your children about your plan.
- 2) Decide who can care for your children if you are unable to.
- 3) Write down instructions if your child has any medical conditions and /or takes any medications.
- 4) Make sure your children all have passports
- 5) Inform your family and emergency contacts about how to find you if you are detained by ICE.

## **WARNING: PROTECT YOURSELF FROM FRAUD**

Only a licensed attorney or accredited representative is authorized and qualified to assist you with your immigration case.

**If you suspect fraud** - Report it to your consulate or the police, or contact the Federal Trade Commission to file a complaint in English or Spanish at (877) FTC-HELP (877) 382-4357.

**For more information and resources visit:**  
[www.stopnotariofraud.org](http://www.stopnotariofraud.org)

## DOCUMENTS YOU SHOULD CARRY WITH YOU

At all times, carry a valid work permit or green card, if you have one. If you do not have one, generally it is advisable to carry a municipal ID, state ID or driver's license if it was issued in the United States and contains no information at all about your immigration status or your country of origin. Ask a local immigration advocate about what kind of documents are safe to carry in your area.

- 1) At all times, carry a red card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- 2) At all times, carry the telephone number of an immigration lawyer, advocate or nonprofit immigration legal services provider you will call in an emergency.
- 3) Do not carry any documentation about your country of origin.
- 4) Do not carry any false identity documents or false immigration documents.

## WHAT TO DO? – REMAIN SILENT

- 1) Hand the red card below to the official, and remain silent.
- 2) The card explains that you are exercising your right to refuse to answer any questions until you have consulted with a lawyer.

### **TO WHOM IT MAY CONCERN:**

**Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney. Thank you.**

## ICE PRIORITY WHEN IT COMES TO DEPORTATION:

If you think you may fall within one of these categories, speak with a lawyer to ensure you and your family know your rights:

- Have a criminal record or an open case
- Are a convicted Felon or have misdemeanors
- Have a DUI charge or conviction
- Have been arrested for domestic violence or possession of drugs
- Are accused of being a gang member or terrorist
- Are detained at the border
- Have overstayed your visa
- Have an outstanding deportation order from or after January 1, 2014

**Note: This may change under the Trump administration. We will update you as more information becomes available on our website [www.rwdsu.org](http://www.rwdsu.org)**

**Free legal services can be found here:**

**[http://www.americanbar.org/directories/probono-directory/pb\\_directory\\_map.html](http://www.americanbar.org/directories/probono-directory/pb_directory_map.html)**

*If you have any questions, please call your union rep or the numbers below:*

**RWDSU**

**370 7<sup>th</sup> Ave. Suite 501  
New York, NY 10001**

**(212) 684-5300**

**(866) 781-4430**

**Fax: (212) 779-2809**

# RWDSU

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