

IMMIGRATION ENFORCEMENT: Know Your Rights at Home and at Work

July 2004

When may Immigration enter my home?

Immigration officers *may NOT* 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 for when they are coming to *arrest* you, and



another for when they have permission from a judge to *search* your home. Most immigration warrants are arrest warrants.

- ☑ 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 “U.S. 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 the warrant by slipping it 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 you have trouble reading it or understanding it, get someone else in your house to help you read it or translate it, if possible.

- ☑ If the warrant the Immigration officer shows you looks valid, you should go outside to talk to the officer. You have the right not to let the officer enter your house. This is especially important if you live with other people who might have immigration problems, because once you allow the officer into your house, he can ask questions of anyone else who is there, too.



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- ☑ 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 you want to talk to a lawyer before you say anything. Do not provide any kind of identification documents that say 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 legally (besides if he has a valid warrant) is if you give the officer permission to enter. This is called giving the officer your “*consent*” to enter your home.

- ☑ If you open your door, or if the officer asks if he can come in and you say “yes,” you are probably consenting to his entering your home.
- ☑ The best thing to do is to keep the door closed and ask the officer to identify himself. Then ask to see a warrant. **DO NOT OPEN THE DOOR IF HE CANNOT SHOW YOU A WARRANT.**
- ☑ An officer *is NOT ALLOWED to force you* to consent to his entering your home. For example, if your house is surrounded by Border Patrol or Immigration cars with their lights flashing, and the officer is holding his gun as he asks for permission (your consent) to enter your home, and you say “yes” because you’re afraid, a court would probably not consider this to be valid consent.

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

If you hear that Immigration has been asking questions about you at your job, it is possible that officers may show up at your house. If this is the case, try to find a way not to 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—for example, emergency contact information—you filled out for work).
- ☑ Make sure that someone you trust knows where you are, and that you know how to reach them in 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 the home of a friend or relative whom you trust and can call in case you are detained.

What should I do if Immigration comes to my workplace?

Immigration officers are not allowed to enter your workplace—whether it is a factory, store, farm, or orchard—without permission from the owner or manager. If an officer does get permission, the officer is free to ask you questions about your immigration status.

- You have a right to keep silent. You don't even have to tell the agent your name.
- You also have the right to talk to a lawyer before you answer any questions. You can tell the officer, "I wish to talk to a lawyer" in response to any question the officer asks you.
- Do *not* tell the immigration officer where you were born or what your immigration status is.
- Do not show the officer your papers or any immigration documents. If the officer asks you for your papers, tell the officer, "I wish to talk to a lawyer."

What can my union do?

If you belong to a labor union, there are ways it can help you. You should talk to your union representative about your concerns. If it would make you feel more comfortable, ask some of your co-workers to go with you to talk to your representative. Your union contract might have language that protects union members, such as an agreement with the employer that has one or more of the following provisions:

- The employer will not allow any Immigration officers 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 provide employees' I-9 employment eligibility verification forms to Immigration officers for inspection only if they have a search warrant or a 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 will not participate in any computer verification of employees' immigration or work authorization status.