

KNOW YOUR RIGHTS IF ICE VISITS YOUR HOME

All people living in the United States, including undocumented immigrants, have certain U.S. Constitutional rights. If Immigration and Customs Enforcement (ICE) agents or law enforcement knock on your door, know that you have the following rights:

DO NOT OPEN THE DOOR FOR ICE WITHOUT A WARRANT SIGNED BY A JUDGE

- You do not have to open the door or let the officers into your home unless they have a valid search warrant signed by a judge.
- An ICE administrative warrant is not the same as a search warrant.
- A judicial warrant will:
 - List the specific address to be searched
 - List the time period during which the search must take place
 - Describe the place and/or person to be searched and things to be seized
 - Be issued by a court
 - Be signed by a Judge or Magistrate

An ICE administrative warrant will be on:

- DHS/ICE Form I-200 “Warrant for Arrest of Alien”; or
- DHS/ICE Form I-205 “Warrant of Removal/Deportation”.
- This document does not allow them to come into your home without your consent.
- If the officers say they have a search warrant signed by a judge, ask them to slide it under the door or hold it up to a window so you can see it.
- If the warrant does not have the correct name and address of someone living in your home and is not signed by a judge you do not have to open the door or let them inside.
- If you decide to speak with the officers, you do not need to open the door to do so. You can speak to them through the door or step outside and close the door.

YOU HAVE THE RIGHT TO REMAIN SILENT

- You do not need to speak to the immigration officers or answer any questions.
- If you are asked where you were born or how you entered the United States, you may refuse to answer or remain silent.
- If you choose to remain silent, say so out loud.
- You may show a “Know-Your-Rights” card to the officer that explains that you will remain silent and wish to speak to a lawyer.

- You may refuse to show identity documents that say what country you are from.
- Do not show any false documents and do not lie.

YOU HAVE THE RIGHT TO SPEAK TO A LAWYER

You have a right to speak to a lawyer before you sign anything.

- You can refuse to sign any/all paperwork until you have had the opportunity to speak to a lawyer.
- Even if you do not have a lawyer, you may tell the immigration officers that you want to speak to one.
- If you have a lawyer, you have the right to talk to them. If you have a signed Form G-28, which shows you have a lawyer, give it to an officer.
- If you do not have a lawyer, ask an immigration officer for a list of pro bono lawyers.
- You also have the right to contact your consulate. The consulate may be able to assist you in locating a lawyer.
- If you choose to sign something without speaking to a lawyer, be sure you understand exactly what the document says and means before you sign it.

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The contents of this document do not constitute legal advice.

EXAMPLE OF A JUDICIAL WARRANT:

AO 93 (Rev. 12/09) Search and Seizure Warrant **This is a judicial search warrant. It DOES authorize agents to enter your home.**

UNITED STATES DISTRICT COURT - Issued by a COURT.

for the Eastern District of California

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) Case No. 540 Oak Avenue Davis, California 95616

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

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 EASTERN Districts of CALIFORNIA

SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):

SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Date for warrant, not to exceed 14 days

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 (not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable 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

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: 4-25-2011 9:10:00 AM Signed by a JUDGE.

City and state: SACRAMENTO CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE

Source 1 National Immigration Law Center https://twitter.com/NILC/status/1149755946081538049?s=20

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EXAMPLE OF ICE WARRANT FOR ARREST/DEPORTATION WHICH IS NOT VALID TO ENTER YOUR HOME:

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

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

Since a charging document is also prepared and issued by ICE agents, its existence does not show that any neutral party has found probable cause that the person is subject to deportation.

- 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.

None of these checkboxes indicate that there is probable cause of a crime for which a person could be arrested by local law enforcement officers.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

No judge or neutral magistrate is involved in the issuance of an ICE warrant. This warrant does not meet the basic constitutional standard for being a warrant, which is review by 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)

Form I-200 (Rev. 09/16)