

American Civil Liberties Union



WHAT IS THE ACLU?



The ACLU was founded in 1920. It is a nonprofit, nonpartisan organization. Its mission is simply to protect everyone's fundamental rights and liberties.

The ACLU works daily with the courts, legislators and communities to defend and preserve the rights and liberties guaranteed by the Constitution and the laws of the United States.

It's the organization that appears the most before the United States Supreme Court.

Executive Order



An Executive Order is a signed directive, written and emitted by the President of the United States, who oversees the operations of the federal government.

Executive orders are not laws; they don't require approval from Congress, and Congress cannot simply revoke them. Congress could approve legislation that would make it difficult, if not impossible, to follow through with the order.

It can not be contrary to what is established in the Constitution nor the laws that have been approved by Congress.

If an Executive Order is unconstitutional, it can be invalidated by the court.

Executive Orders



1. Improve Border Security and Immigration Enforcement
2. Enhance United States Homeland Security
3. Protect the Nation from Foreign Terrorist Entry into the United States

Border Security and Immigration Control

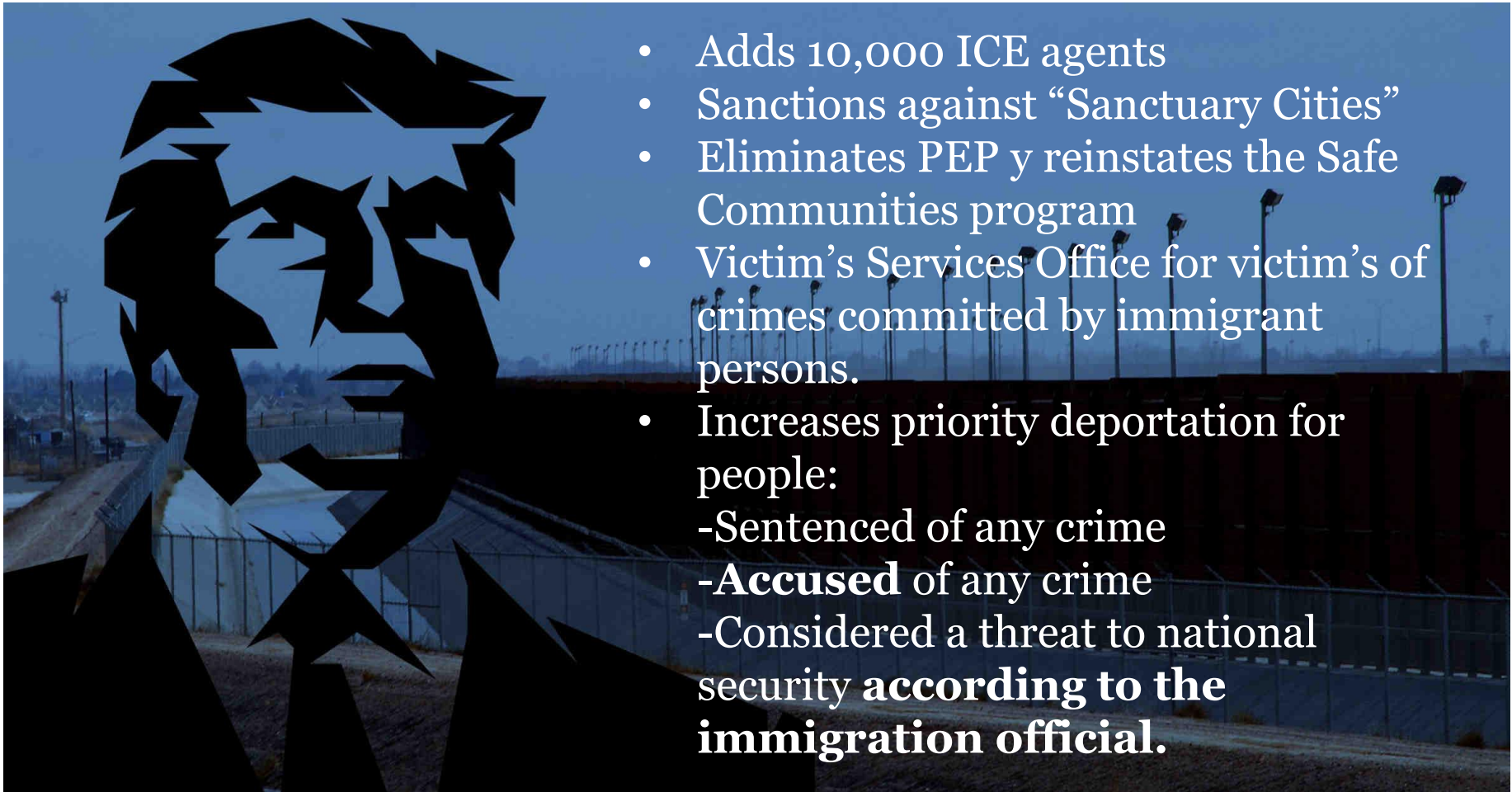


- Builds a wall at the southern U.S. border
- Ends the “catch and release” policy
- Adds 5,000 Border Patrol agents
- Reports on funds and resources provided to Mexico
- Brings back the 287g program
- Stops asylum application fraud

Increase United States Homeland Security



- Adds 10,000 ICE agents
- Sanctions against “Sanctuary Cities”
- Eliminates PEP y reinstates the Safe Communities program
- Victim’s Services Office for victim’s of crimes committed by immigrant persons.
- Increases priority deportation for people:
 - Sentenced of any crime
 - Accused** of any crime
 - Considered a threat to national security **according to the immigration official.**



What can we expect?



1. Greater collaboration between state and local public safety agencies with federal immigration agencies.

2. Increase in raids at job sites.

3. Greater ICE presence in jails.

4. Increase in ICE Fugitive Operations.

5. Increase in expedited deportations.

6. Increase in the ability to detain.

Protecting the Nation from Terrorists Entering the United States



Suspends the Refugee Admission Program for 120 days and reduces the quota from 110,000 to 50,000.

Indefinitely prohibits Syrian refugees from entering.

Prohibits individuals from 7 mainly Muslim countries from entering:

Yemen – Libya – Somalia- Sudan – Iran-
Iraq – Syria

People have rights no matter who is President



The right to equality in the eyes of the law, in other words, the right to be treated equally, regardless of race, national origin, religion, gender or sexual orientation.

The right to due process, in other words, the right to be treated in a fair way by the government when the loss of freedom (arrest, detainment, or interrogation) or property (search) is at risk.

The right to privacy, in other words, the right to freedom from government intrusion into personal and professional privacy.

The right to freedom of expression, association, and assembly, in other words, the right to speak your mind, to meet with whomever, and to a change of government officials, publicly if you wish, if you have an issue.

Know Your Rights



Living in a Border Community



Frequently Asked Questions after the 2016 Elections



1. The rights of foreign people in the United States
2. Renewal of DACA
3. Informational resources

Local and Federal Police

ICE:

United States Immigration and Customs Enforcement (ICE) is the National Security Department's largest investigative agency. It is responsible for enforcing the nation's immigration and customs laws.



Police:

Reduce crime through the prevention, identification and criminals arrests.

Prioritize response to emergency calls.

Ensure effective fulfillment of community priorities.



Local and Federal Police

CBP:

These officers work at international airports, seaports or land border crossings.



Local and Federal Police

Border Patrol:

Their mission is to detect and prevent terrorist illegally entering the United States, as well as preventing human trafficking and contraband. It is an agency within Customs and Border Protection (CBP), which, in turn, is part of the United States Department of Homeland Security (DHS).



Sheriff:

Provides police patrol, investigations and traffic control. Also provides professional correctional service facilities, as well as security services for the San Diego Superior Court.



¿What should you do if you are detained by the police, ICE, Border Patrol or the FBI?



You have the right to remain silent. To exercise this right, you have to inform the police – “**I would like to remain silent.**”

You never have to give your consent for them to search you, your property, your vehicle or your home.

You should ask “**Am I under arrest or free to go?**”.

You have the right to an attorney if you are arrested. Ask for one immediately. If you are detained by ICE or CBP an attorney will **NOT** be provided, but you have the right to retain one on your own.

Regardless of your immigration status, you have constitutional rights.

¿What should you do if you are detained by the police, ICE, Border Patrol or FBI?



- Remain calm.

Do not interfere with the police or obstruct their work.

Do not lie or provide false documents.

Prepare yourself and your family in case you are arrested.

Remember the details of the incident.

Prepare a summary of the facts in writing or call your local **ACLU** if you think that your rights were violated.

Know Your Rights!



IF IMMIGRATION AGENTS SHOW UP AT YOUR DOOR:

DON'T OPEN THE DOOR.
BE CALM.
YOU HAVE RIGHTS.



IF THEY ASK TO ENTER,
ASK IF THEY HAVE A
WARRANT SIGNED BY
A JUDGE



IF SO, ASK TO SEE IT.

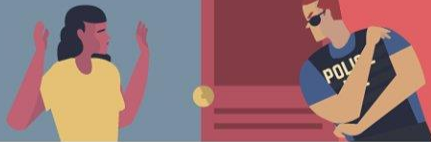
AN ICE
ADMINISTRATIVE WARRANT
(FORM I-200, I-205)
DOES NOT ALLOW THEM
TO ENTER YOUR HOME
WITHOUT YOUR CONSENT



IF THEY DO NOT HAVE
A WARRANT SIGNED BY
A JUDGE, YOU MAY
REFUSE TO LET
THEM IN.



IF THEY FORCE THEIR
WAY IN, DON'T RESIST.
TELL EVERYONE IN THE
RESIDENCE TO REMAIN
SILENT.



IF YOU ARE ARRESTED, REMAIN SILENT
AND DO NOT SIGN ANYTHING UNTIL
YOU SPEAK TO A LAWYER.



SOURCE: "Know Your Rights: What To Do If Immigration Agents (Ice) Are At Your Door" - ACLU



If ICE Agents Show Up At Your Door:

- Don't open the door, but be calm. You have rights.
- Ask what they are there for, (and ask for an interpreter if you need one).
- If they ask to enter, ask if they have a warrant signed by a judge* and if so, ask to see it (through a window or slipped under the door).
- If they do NOT have a warrant signed by a judge*, you may refuse to let them in. Ask them to leave any information at your door.
- If they force their way in, don't resist. Tell everyone in the residence to remain silent.
- If you are arrested, remain silent and do not sign anything until you speak to a lawyer.

*An ICE administrative warrant (form I-200, I-205) does not allow them to enter your home without your consent.

ACLU KNOW YOUR RIGHTS

IMMIGRATION AND CUSTOMS
ENFORCEMENT

Permanent Checkpoints



Permanent Checkpoints:

- I-5 North in San Clemente
- I-15 North close to Temecula
- I-8 West in Pine Valley, between El Centro and San Diego
- I-94 East close to Jamul

You can be stopped for two reasons:

- 1.) Border Patrol can ask the driver as well as the passenger(s) a few limited questions to verify citizenship or immigration status.
- 2.) Border Patrol can visually inspect the interior of the vehicle.

DACA



Initial Applications – Not recommended

If you have not applied to the DACA program already, now is not the time to do it.

- Even though DACA is still available, applying now could be risky. Initial applications take a few months to be processed, so the new applications might not be approved before any changes to or the termination of the DACA program. Therefore, you would use the application fee, which is \$495. Also, you run the risk of being exposed to immigration authorities by giving your personal information.
- If you have had previous contact with immigration authorities, or have a criminal record, you should consult an immigration attorney or an accredited experienced representative before applying. A DACA application could be particularly risky if you have had:
 - Previous **criminal arrests or charges (even if you were not sentenced)**
 - **Any type of criminal conviction (including misdemeanors and felonies);**
 - Any history of **defrauding a government official (such as using a false social security number)**
 - Deportation or order of deportation from the United States.

DACA



DACA Renewals – Only recommended for certain people

If you currently have DACA and you want to renew it, you should renew it immediately after consulting with an immigration attorney or an accredited, experienced representative.

- Currently (February 2017), DACA renewal applications are still being accepted and approved; which means that you can still receive a valid work permit for another two years. The major risk is that the program could change or be terminated unexpectedly, therefore, you could lose the application fee, which is \$495.
- **If you have any criminal or immigration history, we do not recommend that you apply for DACA renewal unless you have a trusted service provider assess your case. Certain criminal and migratory history could hurt your renewal, even if your case was previously approved.**

DACA



Travel Permits – Not recommended

Currently, do not apply for nor travel with a travel permit under the DACA program.

If you have a travel permit under the DACA program to travel outside of the United States or if you need to begin the process for a travel permit due to an emergency (in person at United States Customs and Immigration Services (USCIS)), do it only after having consulted with an immigration attorney or an accredited, experienced representative.

You should not travel with *any type* of travel permit *if any of the following apply to you:*

- **Previous charges or arrests (even if you were not sentenced)**
- **Any type of conviction (including misdemeanors and felonies)**
- **Any history of defrauding a government official (for example, using a false social security number)**
- **Past deportation or order of deportation**

Resources



ACLU KNOW YOUR RIGHTS WITH BORDER PATROL

U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) are the agencies responsible for enforcing federal immigration laws at the border.

<p>IN YOUR PROPERTY</p> <p>Border Patrol cannot enter your property without a warrant or without a search of the border vehicle. Agents may enter your property only if you consent. If you do not consent, agents will not enter your property.</p>	<p>IN THE CAR</p> <p>Border Patrol may stop vehicles at the border and search them. Agents may search your vehicle if you consent. If you do not consent, agents will not search your vehicle.</p>	<p>AT CHECKPOINTS</p> <p>Border Patrol may stop vehicles at checkpoints. If you do not consent, agents will not search your vehicle.</p>	<p>AT BORDER CROSSINGS</p> <p>Agents at ports of entry may search your vehicle and your driver. Agents may search you and your driver if you do not consent. Agents may search you and your driver if you do not consent.</p>	<p>IN AIL OF DETENTION</p> <p>If you are detained you have the right to contact a lawyer and the right to be held in an attorney's custody. Agents may not detain you without a warrant.</p>
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NEVER IN A CHECKPOINT!

Agents at ports of entry may search your vehicle and your driver. Agents may search you and your driver if you do not consent. Agents may search you and your driver if you do not consent.

CONTACT THE ACLU

CALL US AT (602) 459-1854

WWW.ACLU.ORG

What To Do If You're Stopped By The Police

KEEP THIS CARD HANDY! IF YOU HAVE A POLICE ENCOUNTER, YOU CAN PROTECT YOURSELF.

NYCLU

www.nyclu.org



Deportation Preparedness Kit

What to Do, Who to Call, How to Safeguard your Family

ACLU

AMERICAN CIVIL LIBERTIES UNION
SAN DIEGO & IMPERIAL COUNTIES

Guide to Direct & Emergency Services in San Diego

ACLU

AMERICAN CIVIL LIBERTIES UNION
SAN DIEGO & IMPERIAL COUNTIES

Questions?



Please keep in mind that this presentation is not legal advice. Each person's situation is different, and you should speak to a qualified immigration attorney or a representative accredited by the Board of Immigration Appeals (BIA).

THANK YOU



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