



# Office for Refugees and Immigrants (ORI) Know Your Rights (Updated)

Q&A on Immigration

# Overview of Department of Homeland Security



## Immigration & Customs Enforcement

Immigration Police / Enforcement, Detention & Deportation, representing the DHS in immigration proceedings.

## Customs & Border Protection

Enforcement at the border and within 100 miles of the border, checkpoints, and ports of entries.

## U.S. Citizenship & Immigration Services

Adjudicates petitions for immigration benefits (asylum, green cards, citizenship, special visas).



# Interactions with Immigration Enforcement



# Overview of ICE Authority

*ICE is subject to different, but similar, rules as other Law Enforcement.*

ICE is a federal law enforcement agency.



ICE's authority is generally limited to immigration related enforcement, unless acting in concert with federal or state law enforcement, or investigating crimes through ICE criminal investigative units.

- When carrying out its enforcement activities, ICE officers must follow different, but similar rules as other law enforcement agencies.
- ICE officers must adhere to constitutional restrictions, as well as restrictions set by statutes, regulations and policies.
- Individuals engaging with ICE have rights including: (i) the right to remain silent; and (ii) the right to an attorney – though ICE is not required to provide one.



# Basic Rules Surrounding ICE Authority

## *ICE can demand identification:*

- Immigrants often must carry identification on them, including copies of a green card and/or proof of registration.
- Depending on the facts and circumstances, ICE officers, when they have probable cause to believe a person is here unlawfully, can ask for identification.

## *ICE can interrogate:*

- ICE officers may interrogate a noncitizen or person believed to be a noncitizen as to their “right to be, or to remain in the United States” without a warrant. (*NOTE: individuals have a right to remain silent and to a lawyer even if undocumented*).
- ICE cannot approach any individual based on race or nationality alone. However, ICE can approach a person based on factors unknown to the interrogated person.



# Rules Surrounding ICE warrants

Rules differ depending on location of arrest  
ICE has warrant requirements and warrant exceptions

# ICE Warrant Requirements – Basic Rules



*This presentation is for informational purposes only. For legal advice, please contact an attorney.*

## 01

ICE need only have reasonable suspicion to stop a car where they believe the driver or the passenger is a person present unlawfully.

## 02

ICE must have a judicial warrant to enter a home.  
\*NOTE – the administration is currently challenging this rule in the context of final orders of removal\*

## 03

ICE must have an administrative warrant to arrest someone on the streets if they do not have evidence to believe the person is a flight risk.

# Judicial Warrants versus ICE Administrative Warrants



EXAMPLE OF WARRANT SIGNED BY A JUDGE

EXAMPLE OF ICE ADMINISTRATIVE WARRANT: SHOULD NOT GIVE IMMIGRATION PERMISSION TO ENTER HOME

AO 93 (Rev. 01/09) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of California

In the Matter of the Search of \_\_\_\_\_ )  
(Briefly )  
or Ident. as \_\_\_\_\_ and )  
\_\_\_\_\_ ) Case No. **'14 MJ 0396**  
2943 Reynard Avenue )  
San Diego, California )

**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 \_\_\_\_\_ Southern District of \_\_\_\_\_ California  
(Identify the person or describe the property to be searched and give its location).  
See Attachment A-2.

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-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before February 14, 2014  
(not to exceed 10 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 Hon. David H. Bartick  
(Name)

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: 1/24/2014 5:14 [Signature]  
Judge's signature

City and state: San Diego, California \_\_\_\_\_ Hon. David H. Bartick, U.S. Magistrate Judge  
Printed name and title

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.

\_\_\_\_\_  
(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)



# State Judicial Warrants

State Judicial Warrants can be “arrest” or “search”.

## Issued by State Courts:

- **Boston Municipal Court**
- **District Court**
  - (ex: Waltham, Wareham)
- **Superior Court**
  - (ex: Middlesex, Suffolk)
- **NOTE** Subpoena & Summons are very different!

APPLICATION FOR SEARCH WARRANT G.L. c. 276, §§ 1-7	TRIAL COURT OF MASSACHUSETTS	
NAME OF APPLICANT [REDACTED]	SUPERIOR ESSEX	COURT DEPT. DIVISION
POSITION OF APPLICANT Trooper, Massachusetts State Police	SEARCH WARRANT DOCKET NUMBER	

I, the undersigned APPLICANT, being duly sworn, depose and say that:

- I have the following information based upon the attached affidavit(s), consisting of a total of 77 pages, which is (are) incorporated herein by reference.
- Based upon this information, there is PROBABLE CAUSE to believe that the property described below:
  - has been stolen, embezzled, or obtained by false pretenses.
  - is intended for use or has been used as the means of committing a crime.
  - has been concealed to prevent a crime from being discovered.
  - is unlawfully possessed or concealed for an unlawful purpose.
  - is evidence of a crime or is evidence of criminal activity.
  - other (specify):
- I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):  
See Addendum A, which is incorporated herein by reference.
- Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):
  - at (identify the exact location or description of the place(s) to be searched):



# State Judicial Warrants - (continued)

*Must be signed by Judge, Clerk Magistrate or Assistant Clerk.*

<p><b>PRINTED NAME OF APPLICANT</b></p> <p>██████████</p>	<p><b>SIGNED UNDER THE PENALTIES OF PERJURY</b></p> <p>X _____</p> <p>Signature of Applicant</p>
<p><b>SWORN AND SUBSCRIBED TO BEFORE ME</b></p> <p>_____</p> <p>Signature of Justice, Clerk-Magistrate or Assistant Clerk</p>	<p>_____</p> <p>Date</p>

# If Immigration Comes to Your Home



## Stay calm, take a deep breath

Legally, you do not need to open the door unless the officer provides you with a warrant signed by a judge.

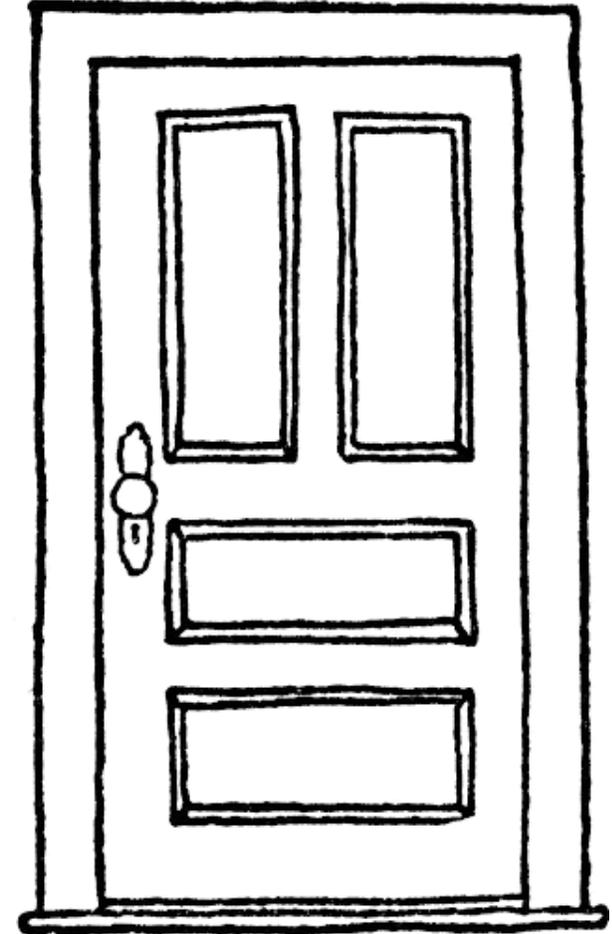
You may ask officers to identify themselves (agency, name, ID).

You may ask if they have a **warrant** signed by a judge.

You may assert your right to remain silent and to an attorney, including if arrested by ICE. If you choose to invoke that right, state to officers “I request my right to silence and to an attorney”.

One way to assert these rights is to slide a “Know Your Rights” card under the door.

For help, call a US citizen friend, family member or an attorney.





# General Rules & Requirements of ICE

*The rules differ based on where ICE is trying to arrest the person.*

## ***ICE Car Stops With an Administrative Warrant:***

- ICE officers are only required to have “reasonable suspicion” of an immigration violation to initiate a car stop.

## ***ICE Arrests With an Administrative Warrant (NOT IN A HOME):***

- ICE must have probable cause to believe the person is here in violation of the laws of the United States.

## ***Wearing a Mask:***

- No known prohibitions.

## ***Showing a Badge:***

- As soon as practicable and safe to do so during arrest.
- Interpreted often as at end of arrest.



# ICE arrests Outside a Home, Without a Warrant

*ICE may make arrests outside the home, in certain circumstances, without a warrant.*

***NOTE: ICE sometimes has a warrant, even if they will not show it to a bystander.***

- ***The Right to Arrest Without a Warrant (NOT IN A HOME):***
  - To arrest a person on the streets or in a car, without a warrant, ICE must have “reason to believe” the individual is
    - (i) in the US in violation of immigration laws and
    - (ii) “likely to escape before an arrest warrant can be obtained.”



# Does ICE have to show an administrative warrant?

Regulations refer to ICE “serving” the administrative warrant on the immigrant, but do not directly order the service. 8 C.F.R. sec. 236.1(b).

Who can issue an administrative warrant? The list is long, but includes:

- Supervisory deportation officers;
- Supervisory detention and deportation officers;
- Immigration Enforcement Agents; or
- Other duly authorized officers or employees of the Department of Homeland Security or the United States who are delegated the authority as provided in 8 CFR 2.1 to issue warrants of arrest, and who have successfully completed any required immigration law enforcement training.



# Massachusetts State Executive Orders on Civil ICE Enforcement

*The Governor signed Executive Order 650 on Thursday, January 29<sup>th</sup>, guidance will follow.*

Prohibits warrantless immigration arrests in nonpublic areas of state Executive Agency facilities.

Prohibits use of state resources to stage civil enforcement efforts.

Prohibits future “287g” agreements with state agencies without approval and showing of public safety need.



# Key Definitions

***Recent ICE memos indicated an intent to enter into private spaces without a warrant. EO650 limits that authority in Executive State facilities.***

- **State facility:** “any building, or part thereof, owned, leased, occupied, controlled by, or used for business by an office or agency of the Executive Department, either directly or indirectly, including but not limited to entities providing direct services on behalf of offices or agencies, but not including state-owned property leased to a federal entity.”
  - **Key factors**
    - Used by an agency of the Executive Department or providing direct services on behalf of Executive offices or agencies.
    - “owned, leased occupied, controlled by or used for business...either directly or indirectly” is quite broad but still limited to Executive Agencies.
    - Does not include sheriffs, locally controlled facilities.
  - **Non-public areas of state facilities:**
    - private offices;
    - internal areas of administrative offices;
    - places where employees must swipe a badge to enter;
    - patient rooms and admitted hospital floors, and
    - areas where access is limited to clients, patients or other visitors of the agency or office.

# *Rights and Responsibilities of Bystanders*



You may bear witness to a public arrest.

Physically interfering with ICE could have adverse consequences.

## Rights and Assistance of Bystanders.

- You can help by keeping calm and promoting calm.
- Massachusetts law allows for videotaping, if using sound must be open and obvious.
- You can offer to help remaining family members by preparing bond packet, offering support.



# Helpful Bystander Actions

*Think: Who, What, Where, Why, When, How, Describe*

## **Bystander first amendment rights:**

### **Videotaping:**

- Car license plates (Victim & Police)
- Vests of Officers (FBI? ATF? HSI?)
- Arrest & Placement in car
- Any audio
- Bystanders' impressions (after they leave)

### **Notetaking after the fact:**

- Who was there
- How many people, How long
- Describe the officers
- Describe number of cars
- Any damage to cars/people

## **If you Choose to help the person arrested:**

- Ask the person being arrested: Who can we call.
- Ask if they have an Attorney, get name and number.
- Ask if they have a spouse or child, can you call them, get name and number.
- Ask them what the language is of the person you are calling and have a translator.
- PERMISSIONS are important: do I have your permission to call your spouse, your lawyer, can the video be shared?
- REMIND people they have rights, read Red cards to the person.
- TIME is very important. Tell them you want to call someone fast.



# See Something, Say Something

*Lawyers and media outlets need specific, verified information.*



## WHAT ARE THEY LOOKING FOR?

- Random stops, non-targeted enforcement
- Violence against immigrant
- Harm, mistreatment to children
- Harm, mistreatment to pregnant women
- Long term residents, green card holders, those without any criminal record
- Demeaning or outrageous behavior
- Violence against bystanders.

## REPORTS:

- ACLU: 617-482-3170
- AG: <https://www.mass.gov/forms/federal-action-story-collection-form>
- LUCE: 617-370-5023

# Know Your Rights Cards

Multilingual Infographic for Using Rights Card.  
Asserting the right to remain silent can be difficult.  
It is helpful for people to have a rights card in their wallets that they can pull out and give to immigration agents or police.

***The Right to Remain Silent and an Attorney applies to ALL law enforcement encounters.***

Visit: [Red Cards](http://www.RedCards.com)





# ORI Legal Services

# Habeas Background



## What is the Process when a family files for Habeas?

- Habeas is filed in Federal Court
- Venue & Jurisdiction required
- All individuals concerned about status should: (a) consult with an immigration lawyer now, and (b) if pursuing legal representation, have a signed G28 on file with a lawyer
- Mass Specific 48 hour hold rule
  - Should prevent removal “from jurisdiction” for 48 hours.





# Habeas Project

*The Habeas Project allows for expedited filing of Habeas petitions in Federal Court.*

## What?

Provides support for immigrants facing unlawful detention.

## Who?

- Office for Refugees and Immigrants (ORI).
- MA Law Reform Institute (MLRI).
- Over 300 Volunteer Federal Litigators.

## How?

Email: [immigrationhabeasproject@gmail.com](mailto:immigrationhabeasproject@gmail.com)

A secure intake form will follow.

This inbox is monitored Monday thru Friday, 9am to 9pm (excluding holidays).

## Eligibility

The initiative serves unlawfully detained migrants who reside in or are detained in MA, NH and ME.

Assistance for those detained throughout New England, including VT, ME, NH, RI and some CT.



# Legal Representation Fund

*The Legal Representation Fund is used for emergency detention cases.*

## What?

Initiative to help fund free legal representation to detained immigrants who are eligible to request an immigration bond.

## Who?

- Greater Boston Accompaniment Network (BIJAN).
- Attorney General's Office.
- Office for Refugees and Immigrants.

## How?

- Detained Hotline: (617) 637-8195
- Family & Friends Hotline: (617) 396-7143

## Eligibility

- Individuals who are:
  - Detained
  - Eligible for bond without significant criminal charges
  - Have ties to MA



# MA Access to Counsel Initiative (MACI)

*The Legislature appropriated funds for Immigrant Legal Services in FY 2026.*

## What?

Initiative to support detained and non-detained individuals in Massachusetts facing immigration court proceedings by providing full legal representation.

## Who?

- MA Immigrant and Refugee Advocacy Coalition (MIRA).
- Network of Legal Providers.

## How?

Call the MACI intake line at (508) 505-4588.

## Eligibility

- Individuals who:
- Live, work or study in Mass.
  - In Removal Proceedings.
  - Meet Income Guidelines.
  - Do not have serious criminal convictions.

# For Families at risk of Homelessness or Homeless: Virtual Legal Consultations



*Virtual Legal Consultations may also include assistance with application filing.*

## What?

- Virtual legal consultations and assistance with legal service providers.

## Who?

- Immigration Legal Service Providers contracted by ORI.

## How?

- Eligible individuals need to fill out this form: [Immigration Legal Helpdesk Screening](#).

## Eligibility

- Current Emergency Assistance Family Shelter Resident;
- Left Emergency Assistance Family Shelter in the last 12 months; or
- Current enrollment in the HomeBASE program.



# Other Questions

*Locating Family members can take 36-48 hours.*

## How do I locate my family member?

- Go to Google
- Type “ICE online detainee locator”
- You will see this website: [Online Detainee Location System](#)
- Put in family members name, country of origin and A number.

NOTE: Maine is different

NOTE: Wrong spelling, etc can delay

# Protecting your assets: Homes, Bank Accounts and Businesses



*A Limited Power of Attorney gives someone power to act on your behalf.*

## **1. What is a Limited Power of Attorney?**

- It gives a trusted person that you choose the power to access your bank accounts, sell your home, rent your home, engage other employees and generally manage your affairs if you are deported.

## **2. Can I have a Limited Power of Attorney drafted overseas?**

- You can use delivery services such as DHL to send the original document back to the agent.
- You can use a notary overseas, however you need an apostle and it is very complicated.

## **3. What if I want to revoke the POA?**

- That can be written into the language of the document.

## **4. What about my bank accounts?**

- You can allow a co-signer to access your bank accounts.
- Alternatively, allow the agent of the POA.

# At risk? Make A Safety Plan

## Consider giving to relevant people:

- “Sharing” your location
- Name & cell of your lawyer, close family members and G28
- Permission to Represent.

## Airport Pickup (if you must travel)

- Have LPR or US citizen pick you up @ airport
- Text when you land, make sure lawyer is on call
- Have copies of your G28 and make sure family does.



# Basics of Family Preparedness

## Consider:

- Obtaining a Caregiver Affidavit
- Deciding who can care for your children if you are unable to
- Ensuring school pickup lists are updated
- Obtaining passports for all children (especially US or your home country)

Write down instructions if your child has any medical conditions and/or takes any medications.

***Keep Important documents in one area (including but not limited to):***

Passports, birth certificates, work history, taxes, immigration paperwork, legal documents, marriage certificates and divorce decrees.



# Resources

*Many family planning documents can be done without an attorney.*

**Family Planning:** [Resources for Immigrants in Massachusetts | Mass.gov](#) – MA AGO’s office website about family planning and non-discrimination, including worker’s rights.

**ORI’s toolkit:** [Community Resource Toolkit | Mass.gov](#) – Spanish, Haitian Creole, Portuguese family planning forms.

**Community Support Initiative:** Schedule a meeting between the community members you support, ORI and pro bono probate and immigration lawyers by clicking the link that says “Request a Meeting” [Community Resource Toolkit | Mass.gov](#)





# Additional Immigration Legal Resources

*It may take time to find a provider, please use trusted providers and check references.*

## Legal Services Directory in Massachusetts:

- [Massachusetts Legal Resource Finder](#)
- [City of Boston free consultations](#)
- [MIRA immigration helpline](#)

## Legal Services Directory Outside of Massachusetts:

- [Immigration Advocates Network Legal Directory](#)



# Thank you