

IMMIGRANT PROTESTERS - KNOW YOUR RIGHTS!

THIS IS GENERAL INFORMATION – IT IS NOT LEGAL ADVICE

CAUTION If you were previously ordered deported, have an outstanding criminal warrant, entered the United States without documents, or your legal status has expired or been terminated, any interaction with law enforcement could subject you to deportation.

THE RIGHT TO REMAIN SILENT – Police cannot lawfully require that you identify yourself or produce identification if they don't reasonably suspect you are involved in a crime. If they do suspect you of criminal activity they can ask for your name. The law is unclear about the consequences of refusing to provide your name. If questioned by police, you have two choices, each with different risks. You can refuse to speak at all, or you can provide your name and possibly your address, but refuse to say anything more.

“My name is X. I will not answer any other questions. I want to speak to a lawyer.”

Risk of stating your name: The police could run your name in a federal database (NCIC) to learn your immigration status and could detain you and turn you over to immigration enforcement if your name is listed in the database. If you have an outstanding criminal warrant, a final order of deportation, did not comply with Special Registration, or you have a felony and were previously deported, it is likely your name is in this database.

“I am going to remain silent. I want to speak to a lawyer.”

Risk of not stating your name: It is possible that you could be charged with a criminal offense for not complying with a demand to provide your name and address. This could be a crime that is a deportable offense or one that an immigration officer could consider in the future when determining if you should be granted an immigration benefit, such as a green card or U.S. citizenship. Even if you are not charged with a criminal offense, the police may detain and fingerprint you. The police could run your fingerprints in the NCIC database to learn your immigration status.

Risk of giving a false name, date of birth or address: You could be charged with a criminal offense if you give a false name, date of birth or address to the police. This could also be a crime that is a deportable offense or one that an immigration officer could consider in the future when determining if you should be granted an immigration benefit, such as a green card or U.S. citizenship.

THE RIGHT NOT TO BE ASKED ABOUT YOUR IMMIGRATION STATUS – On September 17, 2003 Mayor Bloomberg issued Executive Order 41, which forbids police officers from asking you about your immigration status, unless they are investigating illegal activity beyond simply being undocumented. The executive order also forbids police officers from asking about the immigration status of crime victims, witnesses, or others who seek help from the police.

THE RIGHT TO SPEAK WITH AN ATTORNEY – If you are arrested by police or immigration agents, you have the right to speak to an attorney. It is extremely important to remember to ask to speak with an attorney before you answer any questions or sign any papers.

THE RIGHT TO SPEAK WITH IMMIGRATION AGENTS IN YOUR OWN LANGUAGE – If you don't speak or understand English well, you have the right to be spoken to in your native language.

THE RIGHT TO HAVE THE FORMS EXPLAINED TO YOU – If an immigration agent gives you forms to sign, you have the right to have them fully explained to you before you sign. ***Speak to a lawyer before signing any paper.*** Do not sign any paper you do not completely understand.

THE RIGHT TO A BOND HEARING – If you are detained by immigration, you have the right to ask for release from detention by paying a bond, or to ask for a bond hearing before an immigration judge.

THE RIGHT TO A HEARING – If you are arrested by immigration, you have the right to a hearing before an immigration judge. Don't let an immigration agent push you into signing a document for “voluntary departure” or agreeing to return to your country. If this happens, you may never be allowed to enter the United States legally again or get legal immigration status for a very long time. You have the right to a hearing to determine if you have any remedies that would allow you to remain in the United States. Thus, unless you clearly understand and accept the consequences of returning to your country, do not sign any papers agreeing to leave the United States.

If you have ever been ordered deported in the past, you may not get a hearing. However, you may be able to ask the immigration court to reopen your case. You should contact an immigration attorney immediately to check for this possibility.

THE RIGHT TO CALL YOUR CONSULATE – If you are a foreign national arrested in the United States, you have the right to call your consulate. Both the police and immigration must allow your consul to visit or speak with you.

Prepared by the New York Immigration Coalition 212-627-2227

**IF YOU ARE ARRESTED OR DETAINED DURING THE RNC
CALL 212-679-6018**