ICE IN OUR COMMUNITIES

CAIR NEW JERSEY

The 4th Amendment of the U.S. Constitution protects everyone regardless of status, documented or undocumented, against unreasonable searches and seizures, but it doesn't guarantee against all searches and seizures.

YOUR RIGHTS IF DETAINED

You have the constitutional right to remain silent. Anything you do and say can be held against you, even if you lie about your status. Don't say anything before you speak with your attorney.

- You have a right to a phone call.
- You have the right to contact your country's consulate to tell them you have been detained. If you are a detained American citizen, you should call the consulate, or have any officer inform the consulate of your detention.
- You have the **right to an interpreter**.
- You have the **right to contact an attorney**. It is advised to **memorize and carry your immigration lawyer's number** with you.
- You have the **right to request to speak with an attorney**.
- If you **do not have an attorney**, you have the right to hire one because there is no equivalent of a public defender system in the immigration courts.
- You do not have to answer any questions w/o an attorney present. You do not have to make any statements, decisions or sign any document before speaking with your attorney.
- You have a right to seek humanitarian protection to remain in the U.S. by applying for withholding of removal or relief under the United Nations Convention Against Torture. You must tell the ICE officer about your fear of returning to your home country.
- Do not sign anything without an attorney present.
- Do not lie to ICE agents. That will not help. It's best not to say anything.
- To contact the U.S. consulate for immigration, call 800-375-5283 or the National Visa Center 877-487-2778.

VERIFY IDENTIFICATION

- You may ask the officers/agents why they are present and who they want. You are not required to disclose any additional information without an attorney present.
- Ask to see identification, specifically ask what agency they represent.
- If an agent asks for your identification, you do not have to turn it over. They have no right to obtain anything unless you voluntarily give it to them.
- Do not provide false information or fake paperwork.

school

ICE agents can **detain students on a student visa** at schools. If a student on visa is detained by ICE, they may face **removal proceedings**. Schools can demand the agent show a **judicial warrant** to enter the building. However, they cannot stop ICE agents from detaining students in schools. Legally, **there are fewer safe spaces now**. Always be prepared with an **emergency deportation plan** and memorize your immigration attorney's number.

3rd party

Any **statements made to any 3rd party pertaining to your immigration status or any crime** can be used against you. Be mindful and careful about who knows your immigration status because **anyone who you've told about your illegal status or has heard that you have illegal status** can share your status information with federal immigration officials.

What is ICE? *ICE refers to the Immigration and Customs Enforcement, a branch of the U.S. Department of Homeland Security. ICE enforces immigration laws within the U.S. and engages in arrests, raids, detentions, deportations, and removal proceedings. ICE can work with other law enforcement agencies, including the police.*

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For additional information about the Foundation's other law-related activities, visit njsbf.org.

NJSBF Informed Citizens Are Better Citizens

ICE IN OUR MASAJID

1. Know Who Is At Risk

Certain groups are at higher risk from ICE agents, including noncitizens without immigration status and noncitizens who have violated the terms of their immigration status.

Generally, ICE prioritizes people who:
- have certain types of criminal convictions
- have prior orders for deportation
- are believed to be a threat to national security

2. Do Not Give ICE Agents Consent To Enter

There is a possibility that ICE could enter the masjid as it has functions open to the public. ICE does not have the right to enter a private space, **without consent or a valid judicial warrant.** If a place of worship is open to the public, law enforcement can enter when the property is open, unlike a home. ICE agents may argue that certain spaces of the masjid are open to the public and therefore no warrant is required.

Masajid should designate certain areas as private such as the prayer area, washrooms and any event or meeting areas that the masjid has. Masajid should consider putting up **signs clearly that it wishes to designate as private areas.** If ICE agents show up, do not allow them entry to these spaces. Make it clear that the spaces and/or gathering is private. Consider saying "I do not give you permission to enter this private space of the masjid, and I do not wish to speak to you. Please leave."

Masajid should designate one or two authorized individuals to deal with any ICE agents if they show up.

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3. Look Out For Tricks or Intimidation

ICE **rarely has a judicial warrant** necessary to enter private spaces. Be wary of ICE agents tricking, lying, or intimidating you into giving consent to enter the masjid. Agents may try to use internal documents titled "Warrant" from the Department of Homeland Security as proof of a warrant, but this does not grant them access. Only **judicial warrants from a courthouse with a judge's signature** allow ICE agents to enter your home or private areas of the masjid.

4. Review All Warrants Carefully

If ICE does have a signed judicial warrant to enter, ask the agents to **provide identification and review the warrant**. Carefully review the warrant to see where officials are allowed to search and what can be seized.

The masjid should also arrange for someone to accompany ICE agents at all times while they are on the premises to ensure they are abiding by the parameters of the warrant.

Remember, you have the **right to document and record interactions with ICE** agents.

5. Know Your Rights as an Individual

As an individual, you have the right to the following during ICE interactions:
- ***Remain silent***. You do not have to answer any questions, including about your immigration status.
- ***Speak to a lawyer***. You have the right to consult an attorney before speaking to ICE agents. You should never sign anything without first speaking to a lawyer.
- ***Request a phone call.*** You may contact your country's consulate if you are a foreign national.

Scan the QR code or visit bit.ly/warrant-types to view the different documents, courtesy of the National Immigration Law Center.