

# APRIL MD06 McCLAIN DELANEY

## Know Your Rights: ICE and Immigration

*Compiled by the  
Office of Congresswoman April McClain Delaney*

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## **Before any Interaction With ICE**

In the event that you are detained by ICE, having a pre-prepared action plan can help keep you and your family safe:

- Make copies of all your important documents and keep the originals in a safe place.
- Speak with an attorney about transferring power of attorney to a trusted individual in the event of your detention.
- Set up a child care plan and identified an emergency caretaker for your children. Families may designate a trusted individual as a standby guardian to serve as a caregiver in the event they become unable or unavailable to care for their children. The Maryland Judiciary has a form to designate a standby guardian.
- Memorize at least one emergency phone number, preferably that of your lawyer.
- Know who your elected officials are and keep a signed privacy release form (PRF) in a safe place. With a signed PRF, they can advocate on your behalf if you are detained by ICE. You can find a sample privacy release form for USCIS here.
- ICE requires its own specific form to be filled out in order for Congressional offices to request information from the agency. Having one of these filled out and ready to submit can help. The form can be found here.
- To ensure compliance with ICE requirements, the detainee should pre-sign this form. Please include our office's contact details on the document if you wish for us to receive relevant information regarding the case.
- If applicable, carry documentation proving that you have lived in the US for at least two years, such as an apartment lease, utility bills, tax returns, or other documents of that nature. Keep this on you at all times.
- It is not recommended that you keep your passport on you as it may speed up ICE's deportation process.

## **Interaction with ICE**

Know your rights and use them. Everyone in the United States is protected by the Constitution, including immigrants — regardless of legal status.

1. Under the Fifth Amendment to the U.S. Constitution, you have the right to remain silent. Do not answer any questions without speaking to a lawyer first.
2. You have the right to an attorney. ICE will not provide you with a lawyer, which is why it is important to contact one in advance and have their phone number ready.
3. ICE cannot enter your home without your express permission or a **signed judicial warrant**. A legitimate judicial warrant will have the court's name and a case number and will be signed and dated by a judge. You can ask ICE agents to pass the warrant under your door, or to press it up against your window so you can read it and take a photo.
  - a. If you are unsure if their warrant is legitimate, you can follow the directions above and send a photo of the warrant to your lawyer for verification..
  - b. ICE has been known to rely on "**administrative warrants**" to conduct operations, but these orders do not authorize ICE to enter or search your home or workplace without your consent.
  - c. If ICE conducts a raid at a workplace, agents must have a valid warrant to enter non-public, "**employees-only**" areas. They may only access areas that are open to the general public without a warrant.

### **What happens if you are taken by ICE?**

If you are taken into ICE custody, try to remain calm. ICE agents may try to pressure you to self-deport. If that is the case, do not sign any agreements and limit what you say to the following:

- Ask to contact your lawyer
- You or your family can call your congress member to help connect you to legal services
- You have the right to remain silent and refuse to sign any documents without advice from an attorney

### **What to do if you are arrested?**

If you are told that you do not have the right to see an immigration judge, ask to speak with a lawyer immediately. While there are limited situations in which

someone may not have the right to a hearing, immigration officers do not always explain—or may not be aware of—exceptions that could apply to your case. A lawyer can help determine whether you are eligible to see a judge or challenge your removal.

#### **Have you been arrested and need to challenge a deportation order?**

- You have the right to a hearing to challenge a deportation order, unless you waive your right to a hearing, sign something called a “Stipulated Removal Order,” or take “voluntary departure.”
- **You have the right to an attorney, but the government does not have to provide one for you. Ask for a list of free or low-cost alternatives. If you have no lawyer, ask the court to allow you time to find one.**

ICE may attempt to quickly transfer you out of Maryland, limit your access from your lawyer, and obstruct the potential help of your local representatives. For this reason, it is essential to have a plan, documentation, and your lawyer's number memorized before you can be taken to a processing center.

#### **Are you being detained while your immigration case is underway?**

Most people who are detained while their immigration case is pending may be eligible for release on bond or under other reporting conditions.

While in detention, you have important rights. You have the right to call a lawyer or your family, and you have the right to be visited by a lawyer while detained. You also have the right to have your attorney present at any hearing before an immigration judge.

If you are detained and denied release, your lawyer may ask for a bond hearing before an immigration judge. In many cases, an immigration judge has the authority to order your release or lower the amount of your bond.

#### **Office of April McClain Delaney**

Your Member of Congress' office has the power to request information and check up on the status of open cases with any federal agency. Our office can be reached at 301-926-0300 and our official website is <https://mcclaindelaney.house.gov/>

If you or anyone you know is experiencing problems with a federal agency do not hesitate to have them fill out a privacy release form [here](#) and a caseworker will reach out to them as soon as possible.

## **Legal resources**

Please note that the information contained in this document is not meant or interpreted to be legal advice. Families seeking legal assistance or information about immigration issues can access the following resources:

[Maryland Immigrant Legal Assistance Project \(MILAP\) pro bono](#)

[Immigration Legal Services – The Maryland People's Law Library](#)

[Montgomery County Maryland – Immigration Legal Services](#)

[Resources for the Maryland Immigration Community](#)

[CASA Rapid Tip Hotline](#)