

CONTACT INFORMATION

National Lawyers Guild

National office: (212) 627-2656

www.nlg.org

NLG National Immigration Project

(617) 227-9727

Immigration Law Center

Immigration law information is available on

<http://www.nilc.org/>

American Arab Anti-Discrimination Committee

Report hate crimes and harassment against

Arab Americans and Muslims to (202) 244-2990

KNOW YOUR RIGHTS!



What rights do I have?

The Right to Advocate for Change. The First Amendment to the U.S. Constitution protects the rights of groups and individuals who advocate changes in laws, government practices, and even the form of government.

The Right to Remain Silent. The Fifth Amendment of the Constitution provides that every person has the right to remain silent in the face of questions posed by any police officer or government agent.

The Right to be Free from “Unreasonable Searches and Seizures.” The Fourth Amendment is supposed to protect your privacy. Without a warrant, no government agent is allowed to search your home or office and you can refuse to let them in. Know, however, that it is easy for the government to monitor your telephone calls, conversations in your office, home, car, or meeting place, as well as mail. *E-mail is particularly insecure.* The government has already begun stepping up its monitoring of e-mails.

CONSTITUTIONAL RIGHTS CANNOT BE SUSPENDED—EVEN DURING A STATE OF EMERGENCY OR WARTIME.

What should I do if agents come to question me?

1. YOU DO NOT HAVE TO TALK TO THE POLICE, FBI, INS, OR ANY OTHER LAW ENFORCEMENT AGENT OR INVESTIGATOR.

Other than providing your name and address to a police officer who is investigating a crime, you are not legally obligated to talk to anyone: on the street, at your home or office, if you've been arrested, or even if you're in jail. *Only a judge has the legal authority to order you to answer questions.*

2. YOU DO NOT HAVE TO LET POLICE OR OTHER LAW ENFORCEMENT AGENTS INTO YOUR HOME OR OFFICE UNLESS THEY HAVE A SEARCH WARRANT OR ARREST WARRANT.

Demand to see the warrant. The warrant must specifically describe the place to be searched and the things to be seized. If they have a warrant, you cannot stop them from entering and searching, but *you should still tell them that you do not consent to a search.* This will limit them to the scope of the search authorized by the warrant.

3. IF THEY DO PRESENT A WARRANT, YOU HAVE THE RIGHT TO MONITOR THEIR SEARCH AND ACTIVITIES.

You have the right to observe what they do. You have the right to ask them for their names and titles. Take written notes including their names, badge numbers, and what agency they are from. Have your friends who are present act as witnesses. Give this information to your lawyer. A warrant does not give the government the right to question, nor does it obligate you to answer questions.

4. IF THE POLICE OR FBI OR INS OR ANYONE ELSE TRIES TO QUESTION YOU OR TRIES TO ENTER YOUR HOME WITHOUT A WARRANT, JUST SAY NO!

Police and other law enforcement agents are very skilled at getting information from people. **Many people are afraid that if they refuse to cooperate, it will appear as if they have something to hide. Don't be fooled.** The police are allowed to (and do) lie to you. Although agents may seem nice and pretend to be on your side, they are likely to be intent on learning about the habits, opinions, and affiliations of people not suspected of wrongdoing, with the end goal of stopping political activity with which the government disagrees. Trying to answer agents' questions, or trying to "educate them" about your cause can be very dangerous. You can never tell how a seemingly harmless bit of information that you give them might be used and misconstrued to hurt you or someone else. And keep in mind that lying to a federal agent is a crime.

5. IF YOU ARE STOPPED ON THE STREET, ASK IF YOU ARE FREE TO GO.

If you are stopped by the police, ask them why. If they do not have a good reason for stopping you, or if you find yourself chatting for more than about a minute, ask "Am I under arrest, or am I free to go." If they do not state that you are under arrest, tell them that you do not wish to continue speaking with them and that you are going to go about your business. Then do so.

6. ANYTHING YOU SAY TO THE POLICE, FBI, INS, ETC. WILL BE USED AGAINST YOU AND OTHERS.

Once you've been arrested, you cannot talk your way out of it! Don't try to engage the cops in dialogue or respond to their accusations.

7. THE FBI MAY THREATEN YOU WITH A GRAND JURY SUBPOENA IF YOU DON'T TALK TO THEM.

They may give you a subpoena anyway, so anything you tell them may permit them to ask you more detailed questions later. You may also have legal grounds to refuse to answer questions before a grand jury. If you are given a grand jury subpoena, you should call a lawyer immediately (see contact information at the end). Tell your friends and movement groups about the subpoena and discuss how to respond. Do not try to deal with this alone.

8. IF YOU ARE NERVOUS ABOUT SIMPLY REFUSING TO TALK, TELL THEM TO CONTACT YOUR LAWYER.

They should stop trying to question you once you announce your desire to consult a lawyer. **You do not have to already have one.** Remember to get the name, agency, and telephone number of any investigator who visits you, and contact the National Lawyers Guild for help getting a lawyer.

How should I respond to threatening letters or calls?

If your home or office is broken into, or threats have been made against you, your organization, or someone you work with, share this information with everyone affected. Take immediate steps to increase personal and office security. You should discuss with your organization and with a lawyer whether and how to report such incidents to the police and the advisability of taking other legal action. If you decide to make a report, do not do so without a lawyer present.

What if I suspect surveillance?

Prudence is the best course, no matter who you suspect, or what the basis of your suspicion. Do not hesitate to confront suspected agents politely, in public, with at least one other person present, and inquire about their business. If the suspect declines to answer, he or she at least now knows that you are aware of the surveillance. If you suspect government agents are monitoring you, or are harassing you, report this to the National Lawyers Guild.

What if I am not a citizen?

1. YOU DO NOT HAVE TO REVEAL YOUR IMMIGRATION STATUS.

We cannot count on the police to honor local sanctuary ordinances, and the fact that the INS obtained your name in violation of a sanctuary ordinance will NOT prevent you from being deported.

2. FOREIGN NATIONALS WHO ARE ARRESTED IN THE U.S. HAVE THE RIGHT TO CALL YOUR CONSULATE

Or to have the police inform your consulate of your arrest. The police must allow your consul to visit or speak with you. Your consul might assist you in finding a lawyer or offer other help, such as contacting your family. You also have the right to refuse help from your consulate.

3. DO NOT TALK TO THE INS, EVEN ON THE PHONE

before talking to an immigration lawyer. Many INS officers view "enforcement," meaning deporting people, as their primary job. They do not believe that explaining immigration options is part of their job, and most will readily admit this. (Noncitizens who are victims of domestic abuse should speak

with an expert in both immigration law and domestic violence.) A noncitizen should *always* speak with an immigration law expert before speaking to the INS either in person or by telephone.

4. KNOW AND ASSERT YOUR RIGHTS!

All noncitizens have the following rights, regardless of your immigration status:

- a. The right to speak to an attorney before answering any questions or signing any documents;
- b. The right to a hearing with an Immigration Judge;
- c. The right to have an attorney at that hearing and in any interview with INS (however you do not have the right to a free, government-paid lawyer); and
- d. The right to request release from detention, by paying a bond if necessary.

Noncitizens must assert these rights. If you do not demand these rights, you can be deported without seeing either an attorney or a judge. Leaving the U.S. in this way may have serious consequences for your ability to later enter or to gain legal immigration status in the U.S.

5. TALK TO AN IMMIGRATION LAWYER BEFORE LEAVING THE U.S.

Anyone not a U.S. citizen may be barred from coming back to the U.S. if they fall into certain categories of people barred from entering. This includes some lawful permanent residents and applicants for green cards. Some noncitizens that have been in the U.S. without INS permission may be permanently barred from re-entering. In addition, some noncitizens that leave the US and return with INS permission may be swiftly removed from the U.S. if they end up in immigration proceedings.

