



# KNOW YOUR RIGHTS

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IN TODAY'S CLIMATE

# ABOUT CAIR

- Mission
  - To enhance understanding of Islam, encourage dialogue, protect civil rights, and empower American Muslims.
- Vision
  - To be a **leading advocate** for justice and mutual understanding.
- Our Areas of Impact
  - Protect Civil Rights & Immigrants' Rights
  - Advancing Policy & Advocacy
  - Programs & Education
  - Engaging with the Media
- Local Team
  - Oldest CAIR office in the country, **right here** in Santa Clara



CAIR  
CALIFORNIA

## DISCLAIMER

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The information shared in this presentation is intended for **educational purposes only** and does not constitute legal advice. While we strive to ensure the material is accurate and up-to-date, laws can and do change, and their application may vary depending on individual circumstances.

Please consult with a **licensed attorney or a DOJ-accredited representative** before making any decisions or taking any actions based on this presentation. Receiving this information does not create an attorney-client relationship.

# WHAT IT MEANS TO KNOW YOUR RIGHTS

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- You have rights under the Constitution, regardless of your immigration status
- Knowing your rights helps you protect yourself along with your family, friends, and community
- Exercising your rights is not only legal – it's powerful



# YOUR RIGHTS WITH LAW ENFORCEMENT



## Right to Remain Silent

Verbalize this by saying, “I am exercising my right to remain silent.” You can also say, “I do not consent to a search.”



## Right to an Attorney

Do not say or sign anything without consulting with a lawyer



## At Home

Officers need a warrant or your consent to enter (unless there is an emergency) in which case you should never physically obstruct them



## On the Street

Ask if you are free to leave. If they say yes, walk away calmly. If they say no, assert your rights

# WHAT DOES LAW ENFORCEMENT NEED?



Law enforcement  
needs a valid judicial  
warrant.

or



Law enforcement uses  
tricks, lies and/or  
intimidation to get consent.

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## What to Do:

- Ask to see their ID and judicial warrant through a window or to slide it under the door
- If there is no valid judicial warrant:
  - Do not open the door
  - Do not answer any questions or show any false documents
  - Do not consent to a search: “I do not give your permission to enter my home and I do not wish to speak to you. Please leave.”

# ICE WARRANT VS. JUDICIAL WARRANT

Alien Copy

U.S. Department of Homeland Security

**Warrant for Arrest of Alien**

File No. \_\_\_\_\_  
Event No. \_\_\_\_\_  
Date: August 14, 2017

FINS #: \_\_\_\_\_

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

(Full name of alien) \_\_\_\_\_  
an alien who entered the United States at or near Seattle, Washington on \_\_\_\_\_  
(Date) \_\_\_\_\_ is within the country in violation of the immigration laws and is  
(Place) \_\_\_\_\_ therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of Delegated Immigration Officer)  
**T 6471 AVALO**  
(Print name of Delegated Immigration Officer)

SDDO  
(Title)

**Certificate of Service**

Served by me at Seattle, N.C. on 7/27/18 at 1:00 PM.  
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

(Signature of U.S. Marshals Service agent)  
**D.O.**  
(Print name and title)

Form I-204 (Rev. 08-01-07)

ICE Warrant

This is a judicial search warrant. It DOES authorize agents to enter your home.

AO 93 (Rev. 12-09) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT** Issued by a COURT.

for the  
Eastern District of California

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the parties by name and address)

540 Oak Avenue  
Davis, California 95616

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer **2:11-SW-0161 EFB**

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 EASTERN District of CALIFORNIA.  
(Identify the person or describe the property to be searched and give the location)  
**SEE ATTACHMENT A ATTACHED HERETO AND INCORPORATED BY REFERENCE**

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.  
The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be searched)  
**SEE ATTACHMENT B ATTACHED HERETO AND INCORPORATED BY REFERENCE**

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 5-9-2011  
(Date for warrant, not to exceed 14 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 \_\_\_\_\_.

(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 \_\_\_\_\_ day(s) (not to exceed 14 days)  
☐ Until the facts justifying the later specific date of \_\_\_\_\_

Date and time issued: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA EDMUNDO F. BRENNAN, U.S. MAGISTRATE JUDGE  
(Printed name and title)

Source 1 National Immigration Law Center <https://twitter.com/NILC/status/1149755946081538049?w=20>

Judicial Warrant

# IF YOU ARE ARRESTED



Remain Calm &  
Stay Silent

It is in your best  
interest to  
exercise your  
right to remain  
silent



Ask for a Lawyer

If you don't have a  
lawyer, call CAIR  
at 408.986.9874



Find Out Who  
Arrested You

Which agency  
are they with?  
SJPD, ICE, etc.



Ask For Your  
Phone Calls

Call your  
emergency contact;  
memorize this  
number



Inform Them of  
Any Health  
Conditions

Immediately



# YOUR RIGHTS WHEN TRAVELING

## Generally

- U.S. Citizens have an absolute right to re-enter the country
- You may be subject to **secondary screening**
- You can be questioned about your travel history, destination, and possessions
  - You **do not have to answer** questions about your political beliefs, religious beliefs or social media activity

## Non-Citizens

- You have the right to remain silent, but Customs & Border Protection (CBP) **may delay or deny entry** if you don't answer certain questions
- **Do not sign anything** without understanding it fully. Ask to speak to an attorney
- If detained, **ask why and make note** of the agency and location



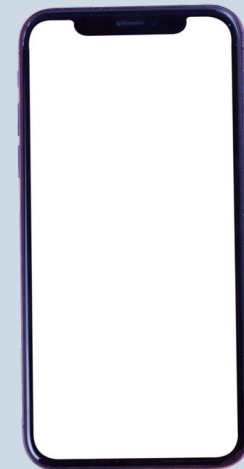
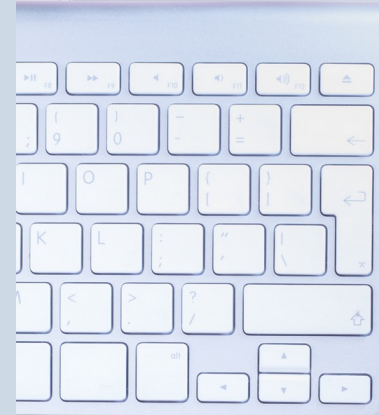
# SECURING YOUR DEVICES

## In General

- Use strong passwords
  - Disable touch and/or face ID
- Avoid storing sensitive information
- If your device is taken, request a receipt and write down the agent's name and badge number

## When Travelling

- Log out of your social media accounts
- CBP can inspect your electronic devices, but you can say you do not consent to a search without a warrant
  - Non-citizens should understand the risk of asserting this right



# SAFETY PLANNING

- Know Your Rights
- Identify a **Trusted Contact Person**
  - Keep emergency contacts written down & accessible
- Have **Legal Aid** Contact Information
- Carry **Proof** of Your Immigration Status
  - e.g. work permit, green card, etc.
- **Prepare** with Your Family
  - Plan for potential childcare needs
  - Share plans to travel or attend actions



# COMMUNITY SAFETY AND SOLIDARITY

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- Know Local Legal Organizations
  - CAIR, ACLU, SIREN, etc.
- Create a **Buddy System** for Travel and Events
  - Share location with someone you trust
- Support Others Facing Surveillance or Repression
  - **Record injustice if you see it, safely** and from a distance
- Show Up for Each Other, In Person and Online
- Get Involved in Your Local Community
  - Attend city council meetings
  - Know your neighbors



## FINAL REMINDERS

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- Your rights are **real**, even if they're challenged
- You are not alone. **We keep each other safe**
- Being prepared is an act of faith and resistance
- Stay informed, stay connected, and **support trusted organizations**

# THANK YOU!

## Stay in Touch

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@cair\_sfba

## Leave Us a Review



**CAIR**  
CALIFORNIA