

WHAT TO DO IF YOU ENCOUNTER IMMIGRATION AGENTS IN SAN DIEGO COUNTY

1. AT ALL TIMES, YOU HAVE THE RIGHT TO REMAIN SILENT: Stay calm. If agents ask you questions, you can say, “I am exercising my right to remain silent.” Never lie or present false documents.

2. WHO HAS TO SHOW THEIR IMMIGRATION DOCUMENTS:

- U.S. citizens are not required to carry proof of citizenship inside the country.
- If you have valid immigration documents (like a visa or green card) and are over age 18, federal law requires you to carry those documents and show them if asked by immigration agents.
- If you are not required to show documents or have already shown them and are still being held, ask, “Am I being detained?” If so, ask why. If not, then ask, “Am I free to go?” If yes, then leave. Repeat until you are free to go.

3. IF YOU ARE WALKING or IN A CAR, BUS, BOAT, TRAIN, TROLLEY, OR PLANE:

Within 100 miles of the land and sea borders (all of San Diego and most of CA), immigration agents have the authority to stop you. Stay calm and show documents only if required (see above). Agents might ask to search you, but they must have a warrant or your consent. Ask, “Do you have a warrant? I do not consent.” If they search you without consent, do not interfere – that could make things worse. Memorize what the agents look like so you can try to challenge it later.

4. IF AN AGENT COMES TO YOUR HOME: Within 25 miles of the land and sea borders (all of San Diego), immigration agents have the authority to enter onto your private property (driveway, yard, patio), but cannot enter your home without a judicial warrant. Do not open the door. First, ask if they have a judicial warrant from a court signed by a judge. If they say yes, ask them to show it to you by sliding it under the door or through a window. A valid judicial warrant must include these details:

- Say “Court” at the top, not “Department of Homeland Security”.
- Signed by a judge, not an immigration official.
- Must state your address, not your neighbors or left blank.
- Agents can only search for the people or items stated on the warrant, unless they have probable cause to extend the search.

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and) Case No.)
)
)
)
)

SEARCH AND SEIZURE WARRANT

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized by the Department of Homeland Security to sections 236 and 287 of the Immigration and Nationality Act, or any other officer of title 8, Code of Federal Regulations, to serve warrants for arrest of immigration violations

5. IF AN AGENT COMES TO YOUR WORK, SCHOOL, or OTHER PLACE:

In the border region, immigration agents are seen throughout the community and can enter public spaces (restaurants, reception areas, anywhere the public can go). But they cannot go into private spaces where the public cannot go (back office, classroom, or any private rooms) without a judicial warrant or consent. They can only search for people at the address on the warrant. Make a plan for a designated person to ask, “Do you have a warrant? I do not consent to a search.” Post a sign on all non-public spaces that says PRIVATE.

6. IF YOU ARE ARRESTED: You have the right to make a phone call, to talk to your attorney, and to speak with someone from your consulate. You have the right to remain silent. Do not sign anything you do not understand. You will be given an “A” number if you don’t already have one. Be sure to tell your family, attorney, and consulate what that is so they can help you. If you have a medical condition, tell everyone you come into contact with after your arrest.

7. HOW TO FIND AND HELP SOMEONE ARRESTED:

- Locate someone who is detained by immigration agents at locator.ice.gov. It will help to know the ‘A’ number of the person detained. It may take a few days for someone to show up on the site, especially over the weekend.
- If an immigration court case is open, you can get information about the status of the case using the ‘A’ number by calling: **800-898-7180** or go to acis.eoir.justice.gov.
- To fight your deportation, contact San Diego County Immigrant Legal Defense Program (619-446-2883) or a trusted legal service provider: <https://cdss.ca.gov/inforesources/immigration/contractor-contact-information>.
- Mexican Consulate: 520-623-7874, <https://www.gob.mx/ciam>. Other consulates: bit.ly/embassycontacts.

8. IF YOU HAVE BEEN HERE LESS THAN TWO YEARS: Undocumented individuals who have been in the U.S. less than two years can be deported without access to a judge unless they state they are afraid to return to their country and pass a credible fear interview. In the border region, deportation can happen quickly, within a day. If you have been here longer than two years, it is important to carry evidence like a CA license or ID with an issue date older than two years.

9. IF YOU WITNESS A LAW ENFORCEMENT ACTION: You have the right to record it. Agents cannot search you, your phone or your belongings without a judicial warrant or probable cause. You have a right to decline being searched: say, “I do not consent to a search.” If they search you without consent, do not interfere — that could make things worse. You can challenge the unlawful search later. Share your recordings to get the word out about what is happening. Do not interfere with an arrest – that could make things worse for the person being detained or could lead to your own arrest and federal charges against you. It will also draw attention and resources away from the people who need it. You help the most by practicing nonviolence, recording what’s happening, and sharing it to alert others.

10. MAKE AN EMERGENCY PLAN NOW: Do not wait to make a plan. Prepare for any emergency now:

- Put all your important documents together, like birth certificates, passports, and other identity documents, and make sure your family and emergency contacts know where they are.
- Identify someone who can care for your children, elderly or loved ones with special needs if you are not available and prepare a Caregiver’s Authorization Affidavit: <https://www4.courts.ca.gov/documents/caregiver.pdf>.
- Set up your phone and other devices with number password protection (not face, fingerprint or pattern ID) to protect your private data. This will also make it easier for someone you trust to access it if needed.
- Give your family and emergency contacts this link, locator.ice.gov, to find you if you are detained by immigration officials and be sure to give them your ‘A’ number if you have one already.
- Find out about your legal options now from a trusted source and carry with you their contact information. These are trusted sources: <https://cdss.ca.gov/inforesources/immigration/contractor-contact-information>.
- Talk to your family about your plan so they know what to do. Talking about a plan helps everyone stay calm.