

Know your Rights

Don't be afraid, Be prepared!

Proposition 314 - Proposition 314 (much like AZ SB1070) passed in the November 2024 election, the policies are as follows:

Not yet in effect:	In effect since 11/25/24:
Entering Arizona without legal immigration status would become a state crime*	Document verification for public benefits and state agencies, e.g. Medicaid
It is important to know that the law will only apply to people who enter without permission in the future. If people have entered without permission before the law goes into effect, they cannot be charged with a crime under prop 314	Crime to apply for government benefits with false information
	Additional penalties for the sale of foreign-made fentanyl

*This part of Proposition 314 would allow local police and sheriffs to make arrests, in addition to federal immigration agents already enforcing federal law. These arrests could be made anywhere in the state, including schools, hospitals, and churches. This section of the law could also apply to people who are seeking asylum and have been admitted to the country by the federal government. Arizona police and judges could order deportations based on this law

Additional Notes:

- It is important to know that the police **cannot arrest you just because they think you are undocumented.**
- Immigration enforcement will not go into effect until another court upholds a similar law for at least 60 days
- Even if you are undocumented, **you still have the right to fill out a form for public benefits for your children if they are citizens,** report any abuse to the Legal Services Clinic of Northern Arizona (NAILS) 928-440-5513

Still in effect since law SB 1070:

For any lawful stop, detention, or arrest by a law enforcement officer, where there is reasonable suspicion that the person is an alien and is unlawfully present (without documents) in the United States, a reasonable attempt shall be made, when possible, to determine the person's immigration status

The following is **Flagstaff's current law enforcement policy:** When there is reasonable suspicion to believe that a detainee is an alien and is unlawfully present in the U.S., but there are no state or local criminal violations, **the officer will contact ICE/CBP**

Expected deportations with Trump:

- This president can start very quickly
- People at high risk are people **who have previously been deported** and people with **criminal records** (including misdemeanors), but all undocumented folks will be vulnerable
- The administration is likely to try to use **expedited removal** as its primary tool. Previously, the administration expanded those subject to expedited removal to anyone undocumented in the U.S. who has lived here **for less than two years**
- As of May 2024, 1,400 children remain separated from their families
- Under Trump (2017-2020) Coconino County held approximately 234 people until **ICE arrived to take them and most had no prior criminal convictions**

Now is the time to prepare in case you are stopped!

<https://www.wehaverights.us/spanish>



First, know your rights, and practice them:

You have rights regardless of your immigration status, if you are stopped by law enforcement or immigration:

1. **Stay calm.** Don't run, don't argue, and don't resist. Do not lie or provide false documents either. Say, **"I want to use my right to remain silent."**
2. In Arizona, you must provide your name to authorities if you are stopped and asked to identify yourself but **DO NOT give information about your immigration status, where you were born, or how you entered the country. DO NOT SIGN ANYTHING**
3. Ask **"Am I being arrested?"** and if they say no, ask, **"Am I free to go?"**
4. Express loudly, clearly, and respectfully: **"I know my rights and I don't want to answer until I speak with an attorney, I want to remain silent."**
5. If you feel safe **you can record or call someone else** to listen to the conversation
6. **THE RED CARD** - If they don't speak Spanish and you don't speak English, you can present the card

If immigration or the police knock on your door:

1. **DO NOT OPEN the door** if an immigration agent or police are knocking on the door
2. Educate your children, that agents do not always have black/blue/green uniforms, they can come in normal/civilian clothes
3. If they say they are from immigration or ICE, ask them if they have a **warrant signed by a judge**, if they say yes, they must pass it under the door or hold it to the window so that you can review it
4. If someone who is not undocumented wants to leave to talk to them, have them leave through another door so that the police or ICE does not enter through the front door

Second, organize your documents:

To protect yourself, make sure you carry the correct documentation:

- **Proof (with your name written on) that you have been in the U.S. for at least two years:** rent receipt, water bill, electric bill, etc., paycheck; Keep one proof for each quarter
- If you have a valid work permit or a green card, carry them with you at all times
- **DO NOT CARRY any false identification** or immigration documents with you
- Social Security cards (only if issued in the United States by a U.S. government agency) or ITIN number
- Keep at home: Passports, Birth and Marriage Certificates, Medical and Health Insurance Information, Power of Attorney for Delegation of Parental Rights, Alien Number (A-Number) and any other immigration documents

Third, make a plan for your family:

Everyone needs a plan. If you have children, make sure you have a plan to care for them. If both parents and/or caregivers in the home are undocumented, it is recommended that you obtain a Power of Attorney for Delegation of Parental Rights. This is a temporary measure to ensure that your children are not left in state custody if all of their caregivers are detained, but it is not permanent.

- **If ICE detains you; if your children are with you at the time** – tell them that you must make a call right away so that a caregiver can come and take care of your children so they don't leave with DCS; **If your children are not there** – tell the officer right away that you have children and that you need to make a call to make sure they are safe and well cared for
- If your deportation is ordered, **you will NOT be able to take your children with you** at the time of deportation and will not have time to make arrangements for them. That's why it's so important to plan ahead
- We will have volunteers available if you would like assistance completing your family plan on Wednesdays from 5:00 - 6:30 pm at Northern Arizona Immigration Legal Services (NAIS)