



A GUIDE:

HOW TO PREPARE FOR AND EXERCISE YOUR RIGHTS IN THE EVENT OF AN IMMIGRATION EMERGENCY

UPDATED FEBRUARY OF 2025



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#1

WARNING: The information shared here is of a general nature. Although it is useful and will help guide you, **IT DOES NOT CONSTITUTE LEGAL ADVICE.** Every immigration case is different. Consult your attorney for legal advice on your immigration matter. If you do not have an attorney, we have included a list of legal service providers in Idaho. You can find this information in the second packet.

The purpose of this guide is to share important information about:

- (a) your legal rights before immigration authorities, and
- (b) preliminary measures to take to prepare for a possible immigration emergency.

In addition to providing, you with useful information, the main idea behind this packet is to underscore the importance of being prepared so you do not panic.

With reference to any translation other than in Spanish or English, The Alliance of Idaho is not responsible for its quality or accuracy.

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#2

THE U.S. CONSTITUTION GIVES YOU LEGAL RIGHTS

The U.S. Constitution grants legal rights to every person on U.S. soil, regardless of their immigration status.

Essential Rights:

- The right to due process (a set of essential formalities that the authorities have to respect and observe in any legal procedure, to ensure the rights and freedoms of any accused person. For example, it protects against arbitrary and unlawful detentions, expulsions/deportations.)
- The right to protect yourself and your home against unreasonable searches, seizures, or arbitrary seizure/arrests.
- The right to video record enforcement operations, as long as you maintain a reasonable distance and do not impede or interfere with the enforcement activities of officers.
- The right to stay silent and not answer questions posed by officers.



#3

YOUR RIGHTS IN YOUR HOME

If authorities (such as ICE agents or police) come to your home and ask if they may enter your home or ask for information about you or someone they are looking for, you have the following rights:

- The right not to open the door or answer questions.
- From behind the door, you have the right to ask them to show you their badge or professional identification card, through the window or peephole.
- If they insist on entering your home, you have the right to demand a warrant for the search of your home – a legal document signed by a judge authorizing the search and entry of your home. Having a judicial warrant is the only way they can enter your home without your authorization.
- You have the right to check the search warrant or court order. You can ask that they show you the order through the window or ask them to pass it under the door.

[Important: A search warrant or court order must contain the correct address where you live and a judge's signature. Before the judge's name, the following may appear: "Judge," "Honorable," "Hon," "Justice," or "Magistrate." It usually identifies the court as well.]

- If officers lack a search warrant or court order, you have the right to say, "I don't want to talk to you." And you can ask them to leave their business card or contact details. You can say in English, "Please leave your contact information."
- Do not sign any documents without first consulting an attorney, despite the pressure imposed on you by officers.
- Although you should assert your rights, avoid confrontations with officers.

If ICE manages to enter your home without your authorization and without a search warrant or court order, you have the right to declare, "I do not consent to you being in my home. Please leave." And, if applicable, you have the right to say that there are children or other vulnerable residents in your home: "There are children or vulnerable people in my home." And don't forget persons not being interrogated may video record officers' activities from a distance, as long as you do not interfere in their enforcement operations.



#4

YOUR RIGHTS IN A PUBLIC PLACE

If ICE or police stop or detain you for questioning, you have the following rights:

- You have a right to ask, "Am I free to leave"?
- If they say that you are free to leave, you have the right to say, "I do not want to answer your questions" and to leave.
- If you are told that you are not free to leave, you have the right to say, "I want to remain silent."
- If they try to search you or your pockets or your belongings, you have the right to say, "I do not authorize a search of my body or of my things."
- Do not sign any documents without first consulting an attorney, despite the pressure potentially imposed on you by officers.

[Important Update: Consider carrying documentation proving that you have been in the United States for more than 2 years.]

[Important Update: To the extent you have immigration documents (such as copies of applications, permits, etc.), carry these to show them to the officer – only if you are not allowed to leave the scene.]

[Video recordings: If someone is with you, the person with you has the right to take a video, but at a comfortable distance so that the officer does not interpret it as interference or obstruction of his or her work.]

[Confrontations: It is extremely important to remain calm and exercise your rights. It is never wise to confront an officer aggressively, either verbally or physically.]



#5

YOUR RIGHTS IN YOUR PLACE OF EMPLOYMENT

If ICE officers approach you at your place of employment, you have the following rights:

- The right not to answer their questions, and the right to direct them to your employer. ("I do not want to answer your questions. Please talk to my employer.")
- The right not to consent to an unreasonable search of you or of your clothing or belongings ("I do not authorize a search of my body or of my belongings.")—unless officers hold a judicial warrant which authorizes this search.
- Do not sign any documents without first consulting an attorney, despite the pressure imposed on you by officers.

At a worksite, ICE has the right to enter public spaces in any area of the job. ICE does not have the right to enter private spaces without the employer's authorization or without a search warrant or court order.

[Important Update: Consider carrying documentation proving that you have been in the United States for more than 2 years.]

[Important Update: To the extent you have immigration documents (such as copies of applications, permits, etc.), carry these to show them to the officer – only if you are not allowed to leave the scene.]



#6

RIGHTS IN SCHOOL SPACES

Federal law ensures the right of all minors living in U.S. territory to receive a public education, regardless of the child's immigration status. In addition, there is no law specifically requiring ICE to enter a school site.

HOWEVER, ...

Although we believe that schools will not be the main target of ICE operations, the Department of Homeland Security has already declared that sensitive areas like schools, hospitals, and churches may be searched without limitation.

FOR THIS REASON,...

We are in communication with the Blaine County School District administration with the goal of receiving assurance that ICE agents will not be allowed into schools in this county. Our preliminary discussions indicate that the school district will not allow an immigration enforcement operation on school grounds, absent a judicial warrant mandating it.

IMPORTANT: Parents have the legal right to restrict any information about their children that may be publicly accessed through school district databases. FERPA gives them this right to control information. To secure your child's data so the public cannot access it, you will need to contact the school where your child is enrolled.



#7

RIGHTS TO WHICH YOU ARE ENTITLED ONCE SUBJECT TO IMMIGRATION DETENTION

If ICE agents subject you to detention, what are your rights? You have the following rights:

- To ask for an interpreter if the agents do not speak your language.
- To refuse to sign any documents or answer any questions before consulting an attorney.
- To make calls to your family, friends, community leaders, or attorney.
- To receive visits from family, friends, community leaders, and attorneys.

People wishing to communicate with or visit a detainee should review the second packet that has been provided to you. There you will find information on how to locate a detainee. Each detention center has a website where its rules and policies can be found. It is important to carefully review the website, because each detention center may have different rules and policies.



#8

Power of Attorney: A legal document made by a principal grantor in favor of a grantee that obliges the same grantee to carry out, on behalf of the principal grantor, the procedures or acts entrusted to him/her. The representative should be a trusted person. In addition, the power of attorney may be of a general nature, or it can be limited in its scope in terms of the powers conferred. In general, the validity of a power of attorney is perpetual, unless the duration is defined in the document, or until it is revoked or one of the parties dies or becomes incapacitated. A power of attorney is not a court order, but it does have legal validity in terms of the principal grantor's wishes.

I. General and Specific Power of Attorney: What are the conferrable powers?

- A. Administrative Acts: a power of attorney of this nature obliges the grantee to administer the assets and interests of the principal grantor. They may include bank interests or other bills such as phone or car bills.

- B. Ownership Acts: a power of attorney of this nature obliges the grantee to buy, sell, mortgage or donate assets and real estate in the name of the principal grantor.

II. Parental Power

- A. Parental Arrangements: With parental power of attorney, the parent or legal guardian of a minor gives another person (the proxy) the power to make decisions about their minor children. It may also confer temporary custody of the children. A power of attorney of this nature does not mean a waiver of the rights of the parent (parental authority) nor does it replace the ultimate authority of the parents over the children.



#9

PASSPORTS

A passport is proof of identity and nationality. It is also an international travel document. In other words, in order to cross an international border or board an international flight, having a valid passport is required.

In the case of a deportation, a decision will have to be made about whether the rest of the family will stay in the United States or join the deported person. For this reason, applying for passports as soon as possible is extremely important, especially because the wait time for receiving a passport can be long.

If your children were born in the United States, they have the right to apply for a U.S. passport. And depending on the nationality of the parents, children may also be able to apply for a passport from the parents' country of nationality.

Remember, too, that to apply for a passport from a minor, the parents (named on the birth certificate) are required to be involved. In general, the parents named on the birth certificate must authorize the passport application and go to the offices where passports are processed.



#10

COLLECT AND SAVE YOUR DATA AND DOCUMENTS

Data: names-dates-places of birth of each person in your family, mortgage information, banking information, information about your children's schools, medical information, information about assets/belongings and real estate, telephone numbers, and contact details for people you trust and for your employer.

Personal Documents: birth certificates, marriage certificates, divorce certificates, passports, consular registrations, IDs, driver's licenses, voter cards, social security cards or ITIN numbers, lease and mortgage agreements, and tax returns.

Immigration Documents: work permit cards; permanent resident cards; naturalization certificates; and documents, correspondence, and receipts from the United States Citizenship and Immigration Services ("USCIS"), immigration courts ("EOIR"), and the Department of Homeland Security (including Immigration and Customs Enforcement or "ICE").

Collect your important data and documents and keep them in a place accessible to your family and to people you trust.

When you are outside of your home, always carry copies of your immigration documents. Keep the originals in a safe place.



#11

FILE IMMIGRATION APPLICATIONS

- Consult an attorney as soon as possible to evaluate your options.
- If you lack the resources to hire a lawyer, ask nonprofits, churches, and/or your children's schools for help.
- Initiate immigration procedures, if possible, that is, if you meet the requirements and are eligible.
- Examples of procedures: Asylum (Form I-589), U Visa for Victims of Crime (Form I-918), TPS (Form I-821), T Visa for Victims of Human Trafficking/Trafficking (Form I-914), SIJS for Youth/Minors who have been abandoned, abused, or subject to neglect by one or both parents. (Note: These are merely common *examples* of immigration procedures; this list is not exhaustive.)
- For more information: check the USCIS website (www.uscis.gov) — select the language option you need on the top right on the main page of www.uscis.gov. This U.S. government page contains information on immigration procedures, including their requirements and costs.



#12

HAVE A FRANK CONVERSATION WITH YOUR FAMILY AND MAKE A FAMILY PLAN

2025 will be a complicated year. Immigrant communities will face challenges due to the change in administration. Therefore, it is extremely important to obtain correct information and not to burden yourself with rumors. While the situation remains dynamic, you can take concrete steps by educating yourself and preparing for possible immigration emergencies. We hope that the information provided here will help guide you. Share it with family and with your trusted friends; to avoid panicking, family preparation is essential. Have honest conversations. Knowing you are prepared for any possible challenge will give you and your loved ones confidence.

United States District Court

Court order

SOUTHERN DISTRICT OF FLORIDA

In the Matter of the Search of
Name, address or brief description of person or property to be searched
RESIDENCE OF LAZARO GONZALEZ, LOCATED AT
2319 N.W. 2ND STREET, MIAMI, MIAMI-DADE
COUNTY, FLORIDA

SEARCH WARRANT

CASE NUMBER:

TO: S/A Mary A. Rodriguez, U.S. Immig. & Natl. Service and any Authorized Officer of the United States

Affidavit(s) having been made before me by S/A Mary A. Rodriguez who has reason to believe that on the person of or on the premises known as the residence of LAZARO GONZALEZ, LOCATED AT 2319 N.W. 2ND STREET, MIAMI, MIAMI-DADE COUNTY, FLORIDA

Name & Address

in the SOUTHERN District of FLORIDA there is now concealed a certain person or property, namely THE PERSON OF ELIAN GONZALEZ, DATE OF BIRTH DECEMBER 5, 1993, A NATIVE AND CITIZEN OF CUBA.

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 5-1-07 (not to exceed 10 days) the person or place named U.S. Magistrate Judge HARRIS for the person or property specified, serving this warrant and making the search at any time in the day or night as I find reasonable cause has been established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this U.S. Magistrate Judge HARRIS as required by law.

21 APR 2007 12:00 P.M.
Date and Time Searched

at MIAMI, FLORIDA
City and State

U.S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

Judge signature
"JUDICIAL OFFICER"



Immigration and Customs Enforcement

Warrant of Removal/Deportation Pursuant to Section 217

File No. _____
To any Officer or Employee of the United States Immigration and Customs Enforcement:
Pursuant to Section 217 of the Immigration and Nationality Act, an authorized officer of the United States Immigration and Customs Enforcement has ordered that

this is an immigration order, not a search warrant.

_____ (Full Name of Alien)
who entered the United States at or near _____ on or about _____ is subject to removal/deportation from the United States, based upon a final order by:
 an Immigration Judge in exclusion, deportation, or removal proceedings
 a District Director or a District Director's designated Official
 the Board of Immigration Appeals
 a United States District or Magistrate Court Judge

be deported from the United States of America. I, the undersigned Officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of appropriation "Salaries and Expense, Immigration and Naturalization Service, 2007", including the expenses of an attendant, if necessary.

[Signature]
(Signature of INS Official)
Field Office Director/Dallas, TX
(Title of Authorized Official)

If ice cannot enter the home they will try to find you in a public place.

(Date)