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FREQUENTLY ASKED QUESTIONS:

FOR IMMIGRANT PERSONS IN 2025

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FREQUENTLY ASKED QUESTIONS:

FOR IMMIGRANT PERSONS IN 2025[1]

AVOID NOTARIOS/LAWYERS ASKING YOU FOR MONEY/ANYONE PROMISING A POSITIVE OUTCOME

Only lawyers and accredited representatives with recognized organizations can give you legal advice or represent you in immigration court. *Do not trust anyone* who claims to be able to get you a positive outcome in your case, guarantees you a work permit, or demands that you do something immediately. Seek legal assistance *only* from legitimate legal aid organizations like those at this link: https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d or visit https://lawhelpca.org.

1. YOUR RIGHTS:

- You have the right to refuse to consent to your body or your home being searched, unless you are given a warrant that is signed by a judge.
- Ask for an interpreter if you need one.
- You do not have to sign anything. Do not sign anything you do not understand.
- Police and ICE will never ask you for money. Do not offer to give them any.
- **If you are afraid to be sent back to your home country because you believe you will be persecuted there, you have the right to say so to officers you encounter.**

2. YOUR RESPONSIBILITIES:

- Stay calm.
- Do not run away, argue, resist, or obstruct a police or ICE officer, even if you believe they are violating your rights.
- Keep your hands where police or ICE officers can see them.
- Never lie or give false documents.
- If you are 18 or over, always carry your papers that show your status with you. If you do not have them with you, tell the officer that you want to remain silent and consult an attorney before answering any questions.
- Make sure you and your loved ones know your immigration number (“A Number”) which they will use to find you if you are detained.

[1]This document is for informational purposes, is not specific to your or any person’s case, and should not be used as a substitute for legal assistance. If you or someone you know needs legal assistance, please contact an attorney.

3. IF POLICE OR ICE STOP YOU ON THE STREET:

- If someone claims to be a police or ICE officer, ask to see their badge or identification and write down the number.
- Ask, “Am I under arrest?” If the answer is no, ask “Am I free to go?” If the answer is yes, calmly walk away.
- If police or ICE ask you questions, immediately say, “I want to speak with an attorney.” The officer must stop questioning you if you say this.
- Police and ICE officers are allowed to ask you for your name, address, and age. They may also ask you for identification. If a police or ICE officer asks for your identification or immigration papers, you must show them if you have them with you.
- Do not consent to a search of your body, bag, car, or possessions. If an officer asks for your permission, you can say no.
- If an officer searches you, they are allowed to pat down your outer clothing only. The officer may not squeeze you or reach into your pockets unless they believe they felt a weapon in the pat down.
- Move slowly and carefully. Do not empty your pockets voluntarily or reach toward your waistband as an officer approaches you.

4. IF POLICE OR ICE COME TO YOUR HOME:

- You do not have to open the door or let them enter your home unless they give you a warrant signed by a judge.
- Do not open the door – speak through the door. Ask them to identify themselves and show you a badge or identification through a window or peep hole.
- If the officers have a warrant, ask them to slide it under the door or hold it up to a window for inspection. Take your time reviewing it. A valid warrant must have your (or someone in your household’s) name in it and it must be signed by a judge.
- If the warrant is for your arrest, it is often best to quickly exit the home and close the door behind you. This may protect others who live with you.
- An immigration warrant does not allow ICE officers to enter your home.
- Do not lie or offer any false documents.
- Do not sign anything without speaking with a lawyer.
- If officers force their way into your home, do not resist. Say, “I do not consent to your entry or to a search of my home. I am exercising my right to remain silent. I wish to speak with an attorney.”

5. IF POLICE OR ICE STOP YOUR VEHICLE:

- Police and ICE will order you to pull over by flashing lights and/or turning on a siren behind you. If this happens, turn on your emergency flashing lights, slow down and pull over to the side of the road as soon as safely possible. Only pull over in well-lit, safe, public areas. Turn off the engine and keep your hands visible on the steering wheel. When requested, show the officer your driver’s license, registration, and proof of insurance.
- If you do not have a valid driver’s license, ask if you are under arrest. If not, ask if you are free to go.
- Do not answer any questions about immigration status or national origin.
- The police have the right to search your vehicle if they reasonably believe (have probable cause) that something illegal is in the vehicle. Do not resist.
- Drivers and passengers have the right to remain silent. If you are a passenger, you may ask if you are free to leave. If the answer is yes, calmly leave.

6. IF POLICE OR ICE COME TO YOUR WORKPLACE:

- ICE officers must have either the permission of the owner or manager to conduct a raid on a workplace (factory, restaurant, farm, etc.) or a warrant signed by a judge.
- Remain calm. If you are questioned, you do not have to answer questions about where you were born, whether you are a citizen or how you entered the country. Different rules apply to workplace raids.
- It is usually best to exercise your right to remain silent, and not to offer any papers or information.
- If you are detained, will have the right to an attorney but the government does not have to provide one to you. Ask for access to an attorney.

7. WHO IS MOST AT RISK OF BEING DEPORTED?

- Those with existing orders of removal from an immigration court (***find out if you have one***).
- Those previously deported who returned to the US.
- Those with criminal records from any court (including those presently in custody).
- Those who have used or use false documents.
- Those working in large-number settings (farms, factories, restaurants).
- Those living with or near other immigrant persons with criminal records.
- Those who entered the US less than two years before encounter with ICE.

8. HOW CAN I FIND OUT WHERE I STAND WITH THE U.S. GOVERNMENT?

- You should get screened by a legitimate agency NOW, before anything happens to you. A list of legitimate organizations is here: **https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d**, or you can visit **https://lawhelpca.org**.

- If you have a pending case or application and an "A-number" (your immigration identification number), you can check your status with USCIS at **https://egov.uscis.gov** or with the immigration court at **https://acis.eoir.justice.gov/en**.

- If you have ever interacted with a US Immigration Officer, you likely have an immigration record with the US Government. You have a right to access the contents of the immigration file about you. To obtain it, you can submit a Freedom of Information Act (FOIA) request to the appropriate immigration agencies.

9. WHAT SHOULD I DO TO PREPARE IN CASE I (OR SOMEONE IN MY FAMILY) IS PICKED UP BY ICE?

- ***DO PREPARATORY WORK AND MAKE DECISIONS NOW.***
- If you entered the US more than 2 years before the ICE encounter, always carry proof with you that you have lived in U.S. for more than two years (an old bill mailed to you at your address, an old work pay stub, a letter from pastor or other US citizen who knows you and states you have lived here for X years).
- get a passport/identification document for yourself and all family members (apply at your embassy or consulate).
- get US passports for your US-born children (with a birth certificate, apply at US State Department: U.S. Passports - **https://travel.state.gov/content/travel/en/passports.html**.
- plan for how your family will survive in your absence.
- choose an emergency contact person for your family (a trusted family member or friend) and make sure everyone in your family knows who it is and how to reach them.
- Conduct a "Family Financial Review" now, to determine what more you could do to protect your family.
- if you are deported, will your children stay in U.S. or go with you? **Your U.S.-born children are citizens. They are entitled to remain in the U.S., even if you are required to leave.** If they go with you, make sure they have U.S. passports kept in a safe place before you leave, so that they can return to the U.S. if they want to.
- if your children stay in U.S. without you, who will be their legal guardian? (prepare an application for guardianship now, sign all the required documents including California State Court Form GC-211, found here: **https://selfhelp.courts.ca.gov/jcc-form/GC-211**, and keep the signed forms in a safe place). You may also want to prepare a Caregiver's Affidavit, which is intended to give non-parent caregivers access to a child's essential medical and educational information. A link to this form is here: **https://selfhelp.courts.ca.gov/jcc-form/GC-211**. The Caregiver's Affidavit is not, however, uniformly accepted and may not give the person you choose the right to get medical and other care for your child.
- **consult with one of the agencies listed here, to find legal assistance with the guardianship process. here https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzlndoA%3d%3d.**
- make two copies of all your important documents, so that you can keep one and give one to your designated emergency contact person.
- A step-by-step planning guide for having the preparation conversations with your family and writing a plan can be accessed at: **https://www.ilrc.org/resources/step-step-family-preparedness-plan**.

10. IF I AM PICKED UP BY ICE, WHAT SHOULD I DO?

Old approach: hand agents the "RIGHTS card" and refuse to talk. Assume you will end up in custody for a while and will be sent to immigration court, where you will apply for bail and return to your life here, for the years it takes for a case to be completed. ***This will not work for most people now.***

What to do now: *know where you stand before this happens!* What happens to you now will depend greatly on what your specific situation is.

If an order of removal from an immigration court *was previously issued against you* (you lost your case previously or you did not attend a hearing and an order was issued in your absence), you will probably be deported *quickly*, without getting another chance to argue for a chance to stay in court. (This is called "expedited removal" (*remocion expedita*)). If you were previously deported and came back, you may spend time in federal prison before you are deported. Handing ICE officers the RIGHTS card, and refusing to speak, will not protect you from these things.

If you have *not* previously been ordered deported, but you have a criminal background, depending on how severe your background is, you are not ultimately likely to win permission to stay, even if you are not deported immediately. You will probably be held in a detention center, while your case proceeds in immigration court. You will not be entitled to a free lawyer. Do you want to participate in a lengthy court case, arguing that you should be allowed to stay, knowing the odds, while remaining in custody the whole time?

If you have *not* previously been ordered deported, and you do not have a criminal background, when ICE detains you, immediately show the agents BOTH the RIGHTS card and your proof that you have lived in the US for more than two years (to avoid *remocion expedita)*. Do not answer other questions or discuss anything else with the agents. Do not sign anything. Reach out to your family as soon as you are allowed and implement your plan.

NEVER EVER carry or show false documents – this is a federal crime and will make your situation worse.

11. I HAVE LIVED IN THE US FOR A LONG TIME. WILL THAT HELP MY CASE?

Probably not, but please consult a lawyer on the list found here: **https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d**, to find out if there is any legal basis for you to remain in the US.

12. I HAVE US-BORN CHILDREN. WILL THAT HELP MY CASE?

- Probably not, but please consult a lawyer on the list found here: **https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d**, to find out if there is any legal basis for you to remain in the US.

13. WHAT SHOULD I DO TO PROTECT MY US-BORN KIDS?

- obtain passports and SSNs for your US-born children **NOW** (obtain birth certificates and apply at US State Department: U.S. Passports - **https://travel.state.gov/content/travel/en/passports.html**.
- create a plan/strategy **NOW** so that your kids will have confidence that someone will **take** care of them. Decide whether it is better for them to go with you (maintaining their citizenship and their ability to return to the US by having passports) or to stay in US in the care of someone else.
- if you plan to leave the children in the U.S., what arrangements will you make for their care? See No. 9, above.

14. LOS ANGELES IS A "SANCTUARY CITY." DOES THAT MEAN I AM SAFE?

No. It means that the state and local authorities will cooperate with the federal immigration authorities ***less than*** in some other places. It means that if you call the police to ask for help, they will not turn your information over to the immigration authorities. If you are pulled over for a traffic violation, the police will not turn you over to ICE. If you are in state prison for a criminal offence, however, it is likely that the state police will turn you over to ICE to be deported when your sentence is completed.

Federal immigration authorities will continue to have all existing powers to conduct raids at businesses, arrest, detain and deport people. Historically and as a matter of custom, immigration authorities did not make arrests in churches, hospitals, schools, and other so-called "sensitive" places. This has only been a custom. The Trump administration has announced that they will not honor this custom. There is nothing legally preventing immigration agents from arresting people in "sanctuaries" like churches.

15. I HAVE "TPS." AM I SAFE?

For a while. "TPS" means "temporary protected status." TPS is offered for short periods of time, of at most 18 months. TPS never offers no path to obtaining a green card or citizenship. TPS in presently in effect for 17 countries. *Each has its own end date*, which can be found here: Temporary Protected Status l USCIC - **https://www.uscis.gov/humanitarian/temporary-protected-status** If you have TPS from one of these countries, you are safe until the end date.

These TPS periods have in the past been extended, sometimes repeatedly for decades. The Trump administration has announced they do not intend to extend any TPS end dates.

If you have approved TPS and a work permit, you are safe from deportation and can work while the TPS period for your country is in effect. You will lose your permission to work and live in the U.S. when TPS ends for your country, and the government will expect you to return to your home country. While your TPS period is in still effect, please get screened by a lawyer on the list here: **https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d** to find out if there is any other legal basis for you to remain in the US.

16. I HAVE "DACA." AM I SAFE?

No. Like TPS, DACA ("Deferred Action for Childhood Arrivals") was offered only for short periods of time. It offered no path to obtaining a green card or citizenship. Those who have approved DACA and work permits are safe for the period of their DACA authorization. The program has been challenged in court and its future is highly uncertain. DACA recipients should promptly get screened by a lawyer on the list here: **https://cdss.ca.gov/Portals/9/Immigration/ISF_Grantee_Referral_List_SFY_2023-24_02_22_2024.pdf?ver=QvOv7oDXVS_Xeq8uzIndoA%3d%3d** so you can find out if there is any other legal basis for you to remain in the US.