INNOVATION LAW LAB

PREPARING FOR ICE ENCOUNTERS

Know Your Rights, Responses & Recourses (KYRRR)

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Introduction

The Trump Administration has repeatedly stated that they are creating the largest deportation force this country has ever seen. They have also made it clear that they do not intend to follow the rule of law in carrying out the removal of immigrants on a massive scale. This administration is instilling fear, creating chaos, and weaponizing the government against immigrant communities to effectuate its plans.

Since taking office, the Trump Administration has engaged in many harmful and unlawful[1] policies and practices to implement its anti-immigrant agenda. The administration has expanded the use of expedited removal—or "shadow deportations"—to quickly deport individuals without the opportunity to go before an immigration judge, simultaneously restricting their ability to access a lawyer.[2] The administration has issued guidance to drastically expand which individuals can be targeted for immigration enforcement.[3] The administration has rescinded longstanding guidance limiting enforcement actions in or around sensitive locations, including schools, houses of worship, and courts, allowing Immigration and Customs Enforcement (ICE) to arrest people in these formerly protected areas.[4] And the administration is also attempting to create a coercive immigrant registry that will increase state-sponsored harassment of immigrants and people of color, regardless of immigration status.[5] These developments are just a few of the Trump Administration's policies that aim to sow fear and tear apart our communities.

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[1] To follow the lawsuits challenging the Trump Administration's actions, *see* Just Security, "Litigation Tracker: Legal Challenges to Trump Administration Actions," https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/ (last accessed Apr. 9, 2025).
[2] Department of Homeland Security, "Designating Aliens for Expedited Removal" (Jan. 25, 2025), https://www.federalregister.gov/documents/2025/01/24/2025-01720/designating-aliens-for-expedited-removal (last accessed Apr. 9, 2025); Ted Hesson & Kristina Cooke, "Trump weighs revoking legal status of Ukrainians as US steps up deportation," (Mar. 6, 2025), https://www.reuters.com/world/us/trump-plans-revoke-legal-status-ukrainians-who-fled-us-sources-say-2025-03-06/ (last accessed Apr. 9, 2025).
[3] Memorandum from Acting DHS Secretary Benjamine C. Huffman Re: "Guidance Regarding How to Exercise Enforcement Discretion" (Jan. 23, 2025), https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf (last accessed Apr. 9, 2025).
[4] U.S. Immigration and Customs Enforcement, "Protected Areas and Court Arrests" (Feb. 20, 2025), https://www.ice.gov/about-ice/ero/protected-areas (last accessed Apr. 9, 2025).
[5] Department of Homeland Security, "Secretary Noem Announces Agency Will Enforce Laws that Penalize Aliens in the Country Illegally" (Feb. 25, 2025), https://www.dhs.gov/news/2025/02/25/secretary-noem-announces-agency-will-enforce-laws-penalize-aliens-country-illegally (last accessed Apr. 9, 2025).

The administration's deportation system counts on people *not* knowing, *not* exercising, and *not* defending their rights so that ICE can detain and deport people as swiftly as possible. **To interrupt the rapid detention-to-deportation pipeline, knowing your rights, responses, and recourses is crucial:**

- Everyone in the United States has **rights** under the United States Constitution, regardless of immigration status.
- How you **respond** to an encounter with ICE is not one size fits all; it will depend on several considerations, including your immigration status, where the interaction takes place, and your personal goals.
- If your rights are violated, or you are detained by ICE, you should know the **recourses** and options available to you to make informed decisions about your immigration case and how to defend your rights.

Even equipped with information and options, it will not always be possible to avoid an ICE encounter or arrest, or to stop an unlawful and erroneous deportation. Even when the government breaks the law, available recourses may be limited or unsatisfactory. Other times, desired outcomes or recourses may simply not be available under the current law.

The goal of this resource is to help you—immigrants and supporting communities—both (1) to know your rights and (2) to understand your options *beyond* those rights, recognizing the limitations of rights and the real possibility that they may be violated.

The goal is to build knowledge so that potentially impacted individuals can make informed decisions about how to respond in the event of an ICE intrusion. To facilitate this process, the end of this guide includes **a tool to develop a personal response plan** to prepare for ICE encounters and know your options based on your individual circumstances.

The resource is designed to provide guidance so that you can advocate within existing law to:

- Remain free from restraint
- Keep your family and friends safe
- Assert the respect and dignity of yourself, your family, and your community
- Pursue your legal case and set it up in the best position to win

This resource does not constitute legal advice and is not a substitute for individual advice and legal representation. The Trump Administration is constantly issuing new polices, many of which are the subject of ongoing legal challenges. The information contained in this resource has been prepared by attorneys to reflect the best information we have at the time of writing.

Know your rights

Overview

Every person in the United States—regardless of immigration status— has certain rights under the U.S. Constitution.[6] Laws and policies cannot violate a person's constitutional rights.[7] This rule applies to ICE enforcement actions.[8]

ICE officers count on people not knowing, or waiving, their rights. For example, many people do not know that they can refuse a request to search their person, home, or belongings when ICE does not have a valid judicial warrant (which they rarely do). **Knowing and invoking your constitutional rights is a critical first line of defense. It could mean the difference between detention and possible deportation or the ability to stay in the United States**.

Oftentimes, however, it is impossible to prevent officers from violating your constitutional rights. ICE officers do not always respect your rights or the invocation of your rights; when your rights are being violated, there is only so much that can be done in the moment. Maintaining personal safety and security is paramount. But if you invoke your rights and they are still violated, you may have recourse under the law. For example, if you are subject to an unlawful search or seizure, you may, in egregious circumstances, ask the immigration court to ignore the evidence unlawfully gathered during that search, which could weaken the government's case against you.[9] You may also be able to argue that the court cannot consider statements you made under coercion or duress from government officials.[10]

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[6] See *Plyler v. Doe*, 457 U.S. 202, 210 (1982) ("Whatever his status under the immigration laws, [a noncitizen] is surely a 'person' in any ordinary sense of that term. [Noncitizens], even [noncitizens] whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments."); *see also Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) ("The fourteenth amendment to the constitution is not confined to the protection of citizens.").

[7] See *Marbury v. Madison*, 5 U.S. 137, 138, 2 L. Ed. 60 (1803) ("An act of congress repugnant to the constitution cannot become a law.").

[8] See, e.g., Order Re Motions for Summary Judgment, *Kidd v. Mayorkas*, Case No. 2:20-cv-03512-ODW (JPRx) (May 15, 2024 C.D. Cal.) (finding ICE's deceptive home arrest practices known as "knock and talk" unconstitutional in violation of the Fourth Amendment).

[9] For more information, *see generally* American Immigration Counsel, "Practice Advisory: Motions to Suppress in Removal Proceedings A General Overview" (Aug. 1, 2017), available at https://www.americanimmigrationcouncil.org/practice_advisory/motions-suppress-removal-proceedings-general-overview (last accessed Apr. 9, 2025).

[10] *See, e.g.*, *Matter of Garcia*, 17 I&N Dec. 319 (BIA 1980) (suppressing evidence obtained from a noncitizen repeatedly prevented from contacting his attorney following arrest); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980) (identifying factors that would constitute coercion).

Constitutional right to be free from unreasonable search & seizure

Under the **Fourth Amendment** to the U.S. Constitution, you have the right to be free from unreasonable search and seizure.[11]

For a search or seizure to be lawful, **a valid judicial warrant** is generally required.[12] There are some exceptions to the warrant requirement, including when a person consents to a search or seizure or when "exigent" (emergency) circumstances exist.

Probable cause is also necessary for a search or seizure to be lawful under the Fourth Amendment. This legal standard requires the reasonable belief that an offense has been or is about to be committed.[13] The main exceptions to this requirement for probable cause are (1) at a U.S. border or ports of entry and (2) during a brief stop on the street known as a "Terry stop" (discussed below).

> *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*
>
> - Fourth Amendment to the U.S. Constitution

In practice, this right means that **ICE cannot <u>lawfully</u> enter your home or search or your person or belongings** without (1) a valid judicial warrant or (2) a recognized exception to the warrant requirement; most importantly, consent or emergency circumstances.

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[11] U.S. Const. Amend. IV.
[12] *See Katz v. United States*, 389 U.S. 347, 357 (1967) ("Over and again this Court has emphasized that the mandate of the (Fourth) Amendment requires adherence to judicial processes,' ... and that searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment —subject only to a few specifically established and well-delineated exceptions." (internal quotations and citations omitted)).
[13] *See Brinegar v. United States*, 338 U.S. 160, 175-76 (1949) ("Probable cause exists where 'the facts and circumstances within their (the officers') knowledge and of which they had reasonably trustworthy information (are) sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed.") (quoting *Carroll v. United States*, 267 U.S. 132, 162 (1925)); *see also Terry v. Ohio*, 392 U.S. 1, 38, (1968) ("The infringement on personal liberty of any 'seizure' of a person can only be 'reasonable' under the Fourth Amendment if we require the police to possess 'probable cause' before they seize him.").

1) Valid Judicial Warrant:

ICE generally must have a judicial warrant—a warrant signed by a judge or magistrate judge—in order to enter your home. **ICE rarely has a valid judicial warrant.** For a judicial search warrant to be valid, it must be based on probable cause, describe the person or thing to be searched with specificity, be correctly dated, be issued by a court, and be signed by a federal or state court judge or magistrate.

Note: ICE *typically* has what is called an "administrative warrant." An administrative warrant is usually signed by an immigration officer or immigration judge.[14] An administrative warrant is ***not*** a judicial warrant and, standing alone, does not give ICE the right to enter your home.[15]

How do you tell the difference between an administrative and judicial warrant?

The Trump administration has indicated that it plans to seek more judicial warrants to be able to lawfully enter people's homes, so it can be helpful to know how to tell the difference.[16]

A valid judicial warrant WILL

- ☑ Have the name of a state or a federal court at the top, like the "Supreme Court of Oregon" or the "Oregon District Court"
- ☑ Be signed by a state or federal judge or magistrate
- ☑ State the address of the premises to be searched
- ☑ Be executed within the time period specified on the warrant

A valid judicial warrant will NOT

- ☒ Have "the Department of Homeland Security" or the Immigration and Nationality Act" at the top
- ☒ Be signed by an immigration officer or immigration judge

[14] *See* Federal Law Enforcement Training Centers, "ICE Administrative Removal Warrants," available at https://www.fletc.gov/audio/ice-administrative-removal-warrants-mp3 (last accessed Apr. 9, 2025) (stating that "unlike a criminal warrant issued by the federal court, a[n ICE] removal warrant does not authorize the ICE officer to enter into an REP [reasonable expectation of privacy] area to execute the warrant").
[15] *See Coolidge v. New Hampshire*, 403 U.S. 443, 449 (1971) ("[T]he whole point of the basic rule ... is that prosecutors and policemen simply cannot be asked to maintain the requisite neutrality with regard to their own investigations.").
For more information on the difference between judicial and administrative warrants, see NILC, "Warrants and Subpoenas: What to Look Out For and How to Respond" (Jan. 2025), https://www.nilc.org/resources/warrants-and-subpoenas-facts/ (last accessed Jan. 9, 2025);
[16] *See* Hamed Aleaziz & Zolan Kanno-Youngs, "Frustration Grows Inside the White House Over Pace of Deportations," The New York Times (last updated Mar. 6, 2025), https://www.nytimes.com/2025/03/05/us/politics/trump-immigration-deportations-arrests.html?unlocked_article_code=1.104.7L8y.Edk_fO3zGgQH&smid=url-share.

2) Recognized exceptions to the judicial warrant requirement:

There are some exceptions to the warrant requirement where ICE can search your person or property without a judicial warrant. With limited exceptions (noted below), however, probable cause *is* still required.

Consent: If ICE comes to the door of your home or business and you open the door, ICE could construe this action as voluntarily giving them permission to enter and search the premises and waiving your Fourth Amendment rights.[17] You do not have to give ICE permission to enter your home. Without permission, ICE cannot lawfully enter your home or business unless they have a valid judicial warrant.

Additional exceptions to the warrant requirement: In addition to consent, there are other exceptions to the judicial warrant requirement, although many of these exceptions arise more frequently in the context of criminal law enforcement, not ICE enforcement.[18] These exceptions include:

- → Investigative stop on the street known as a "Terry stop" or "stop and frisk."[19] Only "reasonable suspicion" that a person is or will be engaged in unlawful activity is required, which is a standard lower than probable cause.[20] If the officer suspects that the person is armed or dangerous, a "frisk"—or pat down for weapons—is permitted.[21] Probable cause to make an arrest is still required.

  Immigration officers may also temporarily stop individuals whom they reasonably suspect are in the country without authorization or are in violation of federal law.[22]

Race or ethnicity alone are NOT valid reasons for a stop.[23]

[17] *See Ohio v. Robinette*, 519 U.S. 33, 40 (1996) (establishing that for consent to be valid "is that the consent be voluntary, and voluntariness is a question of fact to be determined from all the circumstances" (internal citation and quotations omitted); see also Georgia v. Randolph, 547 U.S. 103, 106 (2006) (reiterating the rule for consent and explaining how its application to co-occupants in a home).
[18] *See Kentucky v. King*, 563 U.S. 452, 459-63 (2011) ("Although the text of the Fourth Amendment does not specify when a search warrant must be obtained, this Court has inferred that a warrant must generally be secured.") (discussing various exceptions to the warrant requirement).
[19] *See Terry v. Ohio*, 392 U.S. 1 (1968).
[20] *Id.* at 37.
[21] Id. at 11.

Additional exceptions to the warrant requirement (continued):

- Searches of items that are in plain view where law enforcement has the right to be.[24]
- Searches or entering a person's home in "exigent" or emergency circumstances; for example, when law enforcement is chasing a suspect ("hot pursuit"), seeking to obtain evidence that is at risk of being imminently destroyed, or providing emergency aid to an injured person or protecting a person from imminent injury.[25]
- Searches of automobiles.[26]
- Searches in connection to a lawful arrest within the area of the person arrested.[27]
- "Special needs" or administrative searches unrelated to the law enforcement context, including routine searches and seizures at land borders crossings (known as the "border search exception" where no probable cause is required).[28]

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[22] The Immigration and Nationality Act and its implementing regulations authorize immigration officers to make brief stops to investigate individuals reasonably suspected of being in the United States without proper documentation. *See* 8 U.S.C. § 1357(a)(1); 8 C.F.R. § 287.8(b)(2). This authority has been upheld by federal courts and the Board of Immigration Appeals. *See Au Yi Lau v. INS*, 445 F.2d 217, 223 (D.C. Cir. 1971) (finding temporary stops for questioning based on reasonable suspicion to be consistent with the Fourth Amendment); *Ojeda-Vinales v. INS*, 523 F.2d 286, 287 (2d Cir. 1975) (similar); *Matter of Yau*, 14 I&N Dec. 630, 632-33 (BIA 1974) (finding immigration officer's investigatory stop and brief 5-10 minute detention of person whom they reasonably suspect are in the country without authorization to be lawful).

[23] See, e.g., *Whren v. United States*, 517 U.S. 806, 813 (1996) ("We of course agree with petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race."); *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (holding that in the context of roving border patrol stops for near the border that "[f]or the same reasons that the Fourth Amendment forbids stopping vehicles at random to inquire if they are carrying aliens who are illegally in the country, it also forbids stopping or detaining persons for questioning about their citizenship on less than a reasonable suspicion that they may be aliens[]").

[24] See *Washington v. Chrisman*, 455 U.S. 1, 6 (1982) ("The 'plain view' exception to the Fourth Amendment warrant requirement permits a law enforcement officer to seize what clearly is incriminating evidence or contraband when it is discovered in a place where the officer has a right to be.")

[25] See *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006) ("[W]arrants are generally required to search a person's home or his person unless 'the exigencies of the situation' make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment." (quoting Mincey v. Arizona, 437 U.S. 385, 393-394 (1978))).

[26] See *Carroll v. United States*, 267 U.S. 132 (1925) (creating an exception to the warrant requirement for searches of vehicles).

[27] See *Chimel v. California*, 395 U.S. 752, 763 (1969), overruled on other grounds by Arizona v. Gant, 556 U.S. 332 (2009) (holding that "[w]hen an arrest is made, it is reasonable for the arresting officer to search the person arrested in order to remove any weapons … "[a]nd the area into which an arrestee might reach in order to grab a weapon or evidentiary items").

[28] See *United States v. Martinez-Fuerte*, 428 U.S. 543, 545 (1976) (holding that stops at fixed border checkpoints are consistent with the Fourth Amendment and do not require a warrant); United States v. Ramsey, 431 U.S. 606, 617 (1977) (affirming that border searches are not subject to the warrant requirement). For more detailed know your rights information at the border and U.S. ports of entry, including airports, see ACLU, "Know your Rights: Enforcement at the Airport," available at https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-airports-and-other-ports-entry-us (last accessed Apr. 9, 2025). For more detailed know your rights information within 100 miles of the border, see ACLU, "Know Your Rights: 100 Miles of the Border Zone," available at https://www.aclu.org/know-your-rights/border-zone (last accessed Apr. 9, 2025).

ICE warrantless arrests in public

Under the Fourth Amendment, ICE may arrest individuals in public without a warrant if probable cause exists to believe the person has violated the law.[29] In practice, this means that committing or confessing to violating the law in the presence of law enforcement or ICE provides probable cause to arrest.[30]

Under the Immigration and Nationality Act (INA), ICE may make a warrantless arrest in public in certain circumstances, including:[31]

1. When a person is entering or attempting to enter the United States unlawfully (at the border); *or*
2. When an immigration officer has "reason to believe" [32] (a) a person is violating immigration laws *and* (b) is likely to escape before a warrant can be obtained. Both elements are required for an arrest to be lawful![33]

Remember

- Race or ethnicity *alone* is not a sufficient reason to believe a person is violating immigration laws to justify a stop.
- While ICE has limited warrantless arrest authority under the INA, this authority does not give ICE the right to enter non-public areas without a warrant.[34]

[29] *See United States v. Watson*, 423 U.S. 411, 417 (1976) (finding arrest without a warrant must be based on probable cause).
[30] *Atwater v. Lago Vista*, 532 U.S. 318, 354 (2001).
[31] *See* 8 U.S.C. §1357(a)(2) (arrest of person unlawfully entering or attempting to enter unlawfully; arrest of person where there is "reason to believe' the person is in the United States unlawfully and likely to escape before a warrant can be obtained); *see also* 8 U.S.C. § 1357(a)(4)-(5) (warrantless arrests involving felonies).
[32] Federal courts have interpreted "reason to believe" as the same as the probable cause standard. *See, e.g.*, *United States v. Sanchez*, 635 F.2d 47, 63 n.13 (2d Cir. 1980) ("As used in [INA § 287], 'reason to believe' is the equivalent of probable cause."); *Au Yi Lau v. INS*, 445 F.2d 217, 222 (D.C. Cir. 1971) ("'[R]eason to believe' must be considered the equivalent of probable cause.").
[33] *See* 8 C.F.R. § 287.8(c)(2)(i)-(ii).
[34] *See* 8 C.F.R. § 287.8(f)(2) ("An immigration officer may not enter into the non-public areas of a business, a residence including the curtilage of such residence, or a farm or other outdoor agricultural operation . . . for the purpose of questioning the occupants or employees concerning their right to be or remain in the United States unless the officer has either a warrant or the consent of the owner or other person in control of the site to be inspected . . ."). The only exception to this regulation pertains to immigration officials' powers to search transportation vessels reasonably near the U.S. border or sites within 25 miles of the U.S. border "for the purpose of patrolling the border to prevent the illegal entry of [noncitizens] into the United States." *See id.*; 8 U.S.C. § 1357(a)(3).

Constitutional right to remain silent & to due process of law

Under the **Fifth Amendment** to the U.S. Constitution, you have the right to remain silent and to due process of law.[35] You have the right to remain silent because you cannot be required to give testimony that incriminates you. While the right to remain silent provides protection in the criminal context, because there can be criminal penalties for some immigration offenses, the right to remain silent can properly be invoked in the civil immigration context. Courts have found that the right to due process of law encompasses the right to an attorney in removal proceedings (but the government will not provide you with one).[36] The right to counsel is also enshrined in the Immigration and Nationality Act (INA) and federal regulation.[37]

> *"No person shall ... be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ... ."*
>
> - Fifth Amendment to the U.S. Constitution

In practice, your Fifth Amendment rights mean that, in any interaction with ICE, you can remain silent and do not have to answer any questions posed by an ICE officer.[38]

If ICE arrests you and places you in removal proceedings, you have the right to consult with an attorney or have an attorney present. However, the government will not help you get an attorney and may not give you very much time to find one. Under federal regulation, you also have the right to the presence of counsel during any "examination" by immigration officers, including after a warrantless arrest.[39]

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[35] U.S. Const. Amend. V.
[36] *See Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005) ("The right to counsel in immigration proceedings is rooted in the Due Process Clause . . . ."); *see also Leslie v. Att'y Gen. of U.S.*, 611 F.3d 171, 181 (3d Cir. 2010) ("[T]he Fifth Amendment . . . indisputably affords a[noncitizen] the right to counsel of his or her own choice at his or her own expense.").
[37] *See, e.g.*, 8 U.S.C. § 1362 (providing the right to counsel at no expense to the government during immigration removal proceedings); 8 C.F.R. § 292.5(b) (providing a more expansive right to counsel, including during "examination" by immigration officers).
[38] *See, e.g., Hurd v. Terhune*, 619 F.3d 1080, 1088 (9th Cir. 2010) (affirming "the fundamental principle that a suspect's silence in the face of questioning cannot be used as evidence against him at trial").
[39] 8 C.F.R. § 292.5(b) (providing a more expansive right to counsel, including during "examination" by immigration officers); see also 8 U.S.C. § 1357(a)(2) (describing the circumstances under which an immigration official can make a warrantless arrest and be taken for "examination before an officer").

Oregon's sanctuary laws prevent cooperation with ICE

Oregon has passed laws to protect immigrant Oregonians through its Sanctuary Promise laws.[40] These laws limit the ways in which public bodies (e.g., public schools, public libraries, city or county offices, the Department of Motor Vehicles, state employment agencies and state and local law enforcement) can interact with federal immigration authorities. It is against Oregon state law for state and local law enforcement and public bodies to participate (either directly or indirectly) in immigration enforcement actions without a valid judicial warrant.[41]

In practice, public bodies and state and local law enforcement in Oregon **cannot** lawfully help ICE carry out immigration enforcement actions or share information not available to the public without a valid judicial warrant.

The Oregon Department of Justice investigates suspected violations of the Sanctuary Promise Act. If you suspect state or local law enforcement helped ICE, you can report it to the state hotline: **1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).**[42] Anyone can file a civil legal action for a violation of the Sanctuary Promise Act.[43]

[40] ORS 180.805, 180.810, and 181A.820 to 181A.829; see also Oregon Dep't of Justice, Sanctuary Promise Guidance, available at https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/ (last accessed Mar. 5, 2025).
[41] Oregon Dep't of Justice, Sanctuary Promise, available at https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/ (last accessed Feb. 20, 2025).
[42] For more information on how the Oregon Department of Justice protects the information that people who report to the hotline share, see Oregon Department of Justice, "Why Report Sanctuary Promise Violations?," https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/why-report/ (last accessed Mar. 5, 2025).
[43] *See* Oregon Dep't of Justice, Sanctuary Promise Guidance, *supra*.

Know your responses

Overview

Once you know your rights, it is important to know when and how to invoke them and what to expect during an encounter with ICE. **You have choices in how you prepare for and decide to respond to an ICE encounter.** The following section outlines general best practices to follow, including different decisions that you may make, like which documents you choose to carry when you leave your home and when or whether to show them during an ICE encounter.

The thought of a possible encounter with ICE is understandably scary, and can cause people to fear leaving their homes or engaging in their broader community. Still, it is important to remember that:

- If you need to report to ICE, failing to comply with supervision requirements could provide ICE with a reason to arrest and detain you. If possible, try to get accompaniment or an attorney to go with you to check-ins.

- If you are in immigration court proceedings:
  - Failing to attend a hearing could result in being ordered removed without the chance to have your case heard by a judge.
  - You are obligated to notify the immigration court of your new address promptly if you move. You can notify the immigration court online of your new address via the following links: https://respondentaccess.eoir.justice.gov/en/forms/eoir33ic/ (English); https://respondentaccess.eoir.justice.gov/es/forms/eoir33ic/ (Español).

Preparing for an ICE encounter

You should create a safety plan to prepare yourself and your family for the possibility of an ICE encounter and arrest:

- **Identify your emergency contacts** and memorize their phone numbers.

- **Disable biometric passwords on your phone and use written passwords.** Facial recognition or fingerprints can be used without your consent to unlock your device and gather information, whereas ICE may not as easily compel you to provide your written password if you do not consent to a search of your device.

- **Determine which identity and immigration-related documents you will carry with you when you leave your home and how you will carry them.**
  - Make copies of identity documents that you choose to carry with you (e.g., driver's license or work authorization) and store those copies in a safe place that your emergency contact can access.
  - Consider keeping immigration-related documents in a safe location on your phone that can only be accessed with a password so that you can choose whether and when to show them to ICE.
  - If you decide to carry physical proof of immigration status or removal proceedings, decide whether to carry the original document or a copy. If you carry original documents, know that if ICE confiscates them, you may not get them back. However, ICE may not always treat copies of documents as valid proof. Either way, make sure there is a copy of the original of whatever you choose to carry in a safe place that your emergency contact can access.
  - See more detailed guidance on what to carry depending on your circumstances in the "ICE on the street" section below.

→ **Prepare your family.** It is important to develop a family safety plan to ensure that your family is prepared in case of an encounter with ICE and possible arrest or deportation. Preparation includes:

- ☑ **Obtain important documents (for example, if your children were born in the United States, make sure you obtain U.S. passports for them), and store these documents in a safe place. Tell a trusted contact where these documents are stored.**
- ☑ **Provide your child's school or daycare with updated emergency contact and authorized pick-up information.**
- ☑ **Consider delegating conditional guardianship powers for minor children to a trusted family member or friend.**
- ☑ **Inform your emergency contacts and loved ones how to try to find you if you are arrested using your immigration identification number (A number), if you have one, or your name, country of origin, and date of birth through the ICE online detainee locator: https://locator.ice.gov/odls/#/search.**
- ☑ **Make sure your family has the number of a hotline to report any possible detention, or identify a local community organization that can help you get immediate assistance and legal help.**
- ☑ **Prepare personal information that may help you secure rapid legal representation in the event of a detention, including information demonstrating that you are important to your family, that you are a good member of your community, that you are a law-abiding person, and that you have deep ties to the community.**

Know your responses

- **A worksheet to help you prepare this information is available at: https://innovationlawlab.org/media/Family-Equities_English.pdf (English); https://innovationlawlab.org/media/Informacion-de-Familia_Español.pdf (Español).**

☑ **The most updated resource on family preparedness planning for Oregonians is available at: https://www.latnet.org/immigration-resources/protect-your-family (English and Español versions available).**

→ Prepare for what an ICE encounter may look and feel like.

- To prepare for a potential encounter, we recommend watching videos that demonstrate what a confrontation with ICE could look and feel like. The ACLU has created video resources in several languages: https://www.aclu.org/we-have-rights.

- You may want to consider working with friends or family members to role-play an enforcement situation so you can practice how you would respond in the moment.

→ Prepare your legal response.

- ☑ **Get a trustworthy lawyer.**
  - To make sure your lawyer is trustworthy, ask to see their law license or bar card. Check their credentials online by entering their state bar number (attorney registration number) into the relevant state bar website. Immigration law is federal, so it is okay if your attorney is not barred in the state in which you live. Accredited representatives can also practice immigration law; ask to see their accreditation. Notaries or notary publics are NOT attorneys and cannot give legal advice. Attorneys from other countries who are not licensed by a state in the U.S. cannot give legal advice on U.S. immigration law.
  - If you need a lawyer and live in the state of Oregon, contact Equity Corps of Oregon (ECO) at 1-888-274-7292 to see if you qualify for free legal services. ECO is a program that provides free immigration legal services to income-qualified immigrant Oregonians.
    - » Registering with ECO will allow you to connect to an attorney more quickly in a crisis situation because your information will already be in the system.
    - » Note: ECO is not affiliated in any way with the federal government. The information collected by ECO is protected by attorney-client privilege and thus cannot be disclosed without your permission.
- ☑ **Prepare with your lawyer in advance of a possible ICE encounter to discuss your options.**
- ☑ **Memorize your attorney's phone number.**
- ☑ **Use this guide to be better informed about your options during and after arrest, including by developing a personal response plan.** *Remember: This guide does not provide legal advice nor is it a substitute for legal advice.*

What about the Trump Administration's "registration requirement"?

The Trump Administration has resuscitated a harmful provision of law to force noncitizens in the U.S. for more than 30 days into an **immigrant registry**.[44]

- The process of registration tells the government that you are a noncitizen in the United States.
- The administration has threatened to use criminal charges, fines, or deportation against anyone who "willfully fails or refuses" to register under INA § 266(a).
- Even if they are not aware, many people are **already considered registered** and may not need need to take any action other than carrying proof of registration. For example, permanent residents and people in removal proceedings, who have a work permit, or who were granted parole are already registered.
- But for many, including the undocumented with no pathway to status, **risks of registration include detention, deportation, and criminal liability.**
- For "registered" individuals over 18, the rule requires carrying proof of registration, with penalties for failing to do so (discussed below).
- This registry is a tool of mass surveillance and criminalization that **does not grant legal status, work authorization, or immigration benefits.**
- The requirement to register **may violate individuals' Fifth Amendment** right not to make incriminating statements that implicate them in a crime because it requires providing information about criminal activity, including entering the U.S. unlawfully.
- You **should consult with an attorney** to determine how to proceed.
- The registration requirement is **already the subject of legal action.**

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[44] For more detailed information on the registration requirement, *see* ILRC, "The New Registration Requirement: Frequently Asked Questions" (Apr. 2025), available at: https://www.ilrc.org/community-resources/new-registration-requirement-frequently-asked-questions#item-4629; (last accessed Apr. 11, 2025); Innovation Law Lab, "What you should know about the USCIS registry" (last updated Apr. 14, 2024), available at: https://innovationlawlab.org/resources/what-you-should-know-about-the-uscis-registry/ (last accessed Apr. 14, 2025); American Immigration Council, "The Trump Administration's Registration Requirement for Immigrants: A Rapid Analysis," (Mar. 11, 2025), available at: https://www.americanimmigrationcouncil.org/sites/default/files/research/the_trump_administrations_registration_requirement_for_immigrants_march_2025.pdf (last accessed Apr. 9, 2025); Penn State et al., "USCIS Registration Requirement for Non-citizens: What colleges and universities need to know" (Mar. 25, 2025), available at https://www.presidentsalliance.org/wp-content/uploads/2025/03/FAQs-USCIS-Registration-Requirement-March-2025.pdf (last accessed Apr. 9, 2025).
For more information on how the registration requirement my violate the Fifth Amendment, *see* Jonathan Weinberg, Demanding Identity Papers, 55 WASHBURN L.J. 197, 213-16 (2015).
Litigation is ongoing in *Coalition for Humane Immigrant Rights v. DHS*, No. 1:25-cv-00943 (D.D.C.).

ICE at your Home

What to Know

- ICE generally cannot enter your home without a valid judicial warrant (which they rarely have) or your permission.
- You have the right to remain silent.
- Even if you assert your rights, ICE may not respect them.
- ICE may lie about who they are or why they are at your home. For example, ICE could pretend to be the police investigating a crime, say they are looking for another person "just to talk," or pretend that you or your family has been the victim of identity theft and ask to talk.[45]
- ICE may be in plain clothes or in uniform.
- ICE can be intimidating and scary. They may yell, bang on the door, and threaten you if you do not open the door.

[45] For more information on how ICE uses lies or "ruses" as a strategy to make arrests, see Immigrant Defense Project, "ICE Ruses," https://www.immigrantdefenseproject.org/ice-ruses/ (last accessed Mar. 5, 2025); American Civil Liberties Union, "This Deceptive ICE Tactic Violates the Fourth Amendment" (Apr. 12, 2023), https://www.aclu.org/news/immigrants-rights/this-deceptive-ice-tactic-violates-the-fourth-amendment (last accessed Mar. 5, 2025).

Know your responses

What to do

DO:

Try to remain calm.

Always prioritize what makes you feel safe.

If you accidentally open the door, close the door if it is safe to do so, and say “you do not have permission to enter my home. Please leave.” Always prioritize what makes you feel safe.

Ask for documents to be translated into the language you read and speak best.

Contact an attorney.

DO NOT:

Do not yell or try to run.

Do not open the door (not even to receive papers or a warrant). Opening the door can be construed as giving consent to ICE to enter your home.

Avoid signing documents without knowing what they are, understanding what they mean, or agreeing with what they say. Ideally, speak to an attorney before signing anything.

Do not lie.

☑ In Oregon, if you suspect state or local law enforcement helped ICE, report it to the state hotline:
1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).

Know your responses

What To Say

- Say: **“You do not have permission to enter my home. Please leave.”**
- If ICE says they have a warrant, **ask them to slide it under the door**. If that is not an option, keep the door closed and ask them to leave it at the door.
  - **Remember:** Do not open the door to look at a warrant—opening the door could be construed as giving ICE permission to enter your home.
- If ICE insists on searching you or your property, do not try to stop them. Instead, state, **“I do not consent to this search.”**
- Otherwise, **state that you are exercising your right to remaining silent**. Do not answer questions about yourself or your household.

ICE on the Street

What to Know

- You have the right to remain silent.
- ICE cannot lawfully search your person or belongings most of the time.
- ICE may not respect your rights, even if you assert them.
- ICE may try to intimidate you or make you feel unsafe.
- ICE may lie about who they are or why they are stopping you.
- ICE may be in plain clothes or in uniform.

Know your responses

What to do

DO:

Try to remain calm.

Always prioritize what makes you feel safe.

Ask for documents to be translated into the language you read and speak best.

DO NOT:

Do not run away. (This could provide ICE with a reason to detain you or use force.)

Avoid signing documents without knowing what they are and ideally without speaking to an attorney first.

Do not lie.

☑ In Oregon, if you suspect state or local law enforcement helped ICE, report it to the state hotline:
1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).

What To Say

→ Always ask, **"Am I free to go?"** If the answer is "yes," then **walk away slowly.** There is no need to answer questions if you are free to go.

→ To invoke your right to remain silent, say "I'm exercising my right to stay silent" or show an ILRC red card.

What To Say (cont'd)

- **Whether to identify yourself (provide your name)**
  - There is no federal law requiring that you identify yourself to federal law enforcement officers.[46] If asked to identify yourself, whether you are required to do so to state and local law enforcement and possibly federal law enforcement (including ICE) varies from state to state.[47] It is therefore important to know the law of your state. In Oregon, you are not required to provide your name or identify yourself to law enforcement.
- **Whether to exercise your right to remain silent**
  - Invoking your right to remain silent is an **important first line of defense**. Silence cannot by itself form the basis for arrest. However, if ICE does not have a warrant but does have a reasonable belief that you are in violation of immigration laws and likely to escape before a warrant can be obtained, you could still be subject to a warrantless arrest.
  - **In practice,** if ICE tells you that you are **NOT free to go,** there may be reasons why you would choose not to remain silent. For example:
    - If ICE addresses you by name and already knows your identity, you may choose not to remain silent depending on your immigration status (discussed below).
    - If you are incorrectly profiled outside your home as someone without authorization to be in the U.S., you risk being detained while ICE tries to determine your identity. Showing a state-issued driver's licenses or work authorization card could function to confirm a person's identity because they are photo IDs.
    - Showing officials documents demonstrating that you have a pending immigration case or immigration status may be enough to avoid arrest in some cases.
    - You may not feel safe not answering questions or refusing to show documents.

[46] For more information on what are called "stop and identify statutes," including a breakdown by state, *see* ILRC, "Stop and Identify Statutes in the United States" (Feb. 2018). Please note that this resource is from 2018, and it is always advisable to check current state laws.

[47] If state law requires identifying yourself to an officer, refusing to answer a request for one's name during a stop could lead to an arrest. See *Hiibel v. Sixth Judicial District Court of Nevada*, 542 U.S. 177 (2004) (finding that a state statute can require a suspect to disclose his or her name in the course of a brief stop, if the detention was based on reasonable suspicion of a crime).

Know your responses

What Everyone Should Carry

- A valid state or municipal ID (e.g., driver's license).
  - A state or municipal ID is an **immigration-neutral document** that does not show your country of origin.
  - Only show such ID if asked and ICE tells you that you are not free to go.
  - **Remember:** Oregon state law does not require you to provide your identity to law enforcement officers, including ICE agents.
- Anyone can carry a "red card" from the Immigrant Legal Resource Center (ILRC). This card invokes your right to remain silent without you needing to speak.
- Do NOT carry false identification documents or the identification documents of another person.

What to Carry Depending on your Immigration Situation

The below information provides options regarding what documents you may choose to carry with you depending on your immigration status.

- ***If you are a U.S. citizen, green card colder, hold valid visa status (not overstayed), or have humanitarian protection (e.g., refugee or asylee status) → carry proof with you.***
  - If ICE tells you that you are not free to go, and you decide to speak, state your lawful status: **"I am a United States citizen," "I have a valid visa," "I have a green card," "I am a refugee/asylee."** Show proof.
  - If you are a naturalized citizen, while you are not required to carry proof of citizenship, citizens wrongly profiled as non-citizens could be detained pending identification. U.S. citizens cannot lawfully be deported, although there are instances where ICE has wrongly deported U.S. citizens.

What to Carry Depending on your Immigration Situation (cont'd)

- ***If you have lived in the United States for more than 2 years and do not have U.S. citizenship, a green card, hold valid visa status, or have humanitarian protection (e.g., refugee or asylee)*** → **carry proof of residence in the United States for more than 2 years.**
  - Carry documents that show your residence in the U.S. but do not mention your country of origin.
  - If ICE tells you that you are not free to go, and you decide to speak, say: **"I have lived in the United States for more than two years."** Show proof.
  - Examples of documents to carry:
    - internet, phone, electricity, or other bills
    - medical or school records
    - bank or credit card statements
    - lease agreements or property deeds
    - car, home, or health insurance records
  - Why? If you have been in the United State for less than two years, the government is more likely to try to place you in expedited removal, a process of deporting people rapidly where you may never have the opportunity to see an immigration judge.[48] *Regardless of your immigration status, you can carry proof of living in the United States for more than two years to try to prevent against being placed in expedited removal.* This does not require you to disclose information about your country of origin or how you entered the United States.
- ***If you have valid work authorization but not a permanent immigration status*** → **carry your work permit (EAD card) with you.**
  - If ICE tells you that you are not free to go and asks for your ID, and you decide to speak: show your EAD if you do not have a state issued ID.
  - Know that your EAD contains information about your country of origin.

[48] *See* National Immigration Law Center, "Know Your Rights: Expedited Removal Expansion" (Jan 24, 2025), https://www.nilc.org/resources/know-your-rights-expedited-removal-expansion/ (last accessed Feb. 20, 2025).

Know your responses

What to Carry Depending on your Immigration Situation (cont'd)

→ ***If you have a pending immigration application → carry proof.***

- → For example, an application for asylum, a U visa, or a T visa.
- → Carry a receipt notice for the pending application.
- → If you have received deferred action or a "bona fide determination" in connection with a pending application, carry the notice that says so.
- → If ICE tells you that you are not free to go during a stop or if you are being arrested, and you decide to speak, say: **"I have a pending application for [state the immigration benefit you are applying for]."**
- → Why? If you have a pending application, the federal government already has proof of your country of origin. If ICE proceeds to detain or arrest you, it is likely more beneficial to have proof of this information to try to fight against deportation, although it is not guaranteed.

→ ***If you are in removal proceedings → carry proof***

- → If you have an upcoming hearing, carry a notice of that hearing. If not, carry a copy of your notice to appear.
- → If ICE tells you that you are not free to go during a stop or if you are arrested, and you decide to speak, say: **"I am already in removal proceedings."**
- → Why? If you are in removal proceedings, the federal government already has proof of your country of origin. If ICE proceeds to detain or arrest you, it is likely more beneficial to have proof of this information to fight against being placed in expedited removal and deported, although it is not guaranteed

- ***If you have an unexpired temporary immigration benefit or authorization to stay in the United States → carry proof***
  - This includes people with active Temporary Protected Status, deferred action (like DACA or DALE), or parole status through a program (e.g., the Cuban, Haitian, Nicaraguan and Venezuelan (CHNV) parole program).
  - Carry an approval notice of your status.
  - If ICE tells you that you are not free to go during a stop or if you are arrested, and you decide to speak, say: "I have permission to remain in the United States" and state your status.
  - Why? If you have a valid, unexpired immigration status or authorization to stay, the federal government already has proof of your country of origin. If ICE proceeds to detain or arrest you, it is likely more beneficial to have proof of this information to fight against deportation.

What documents show proof of "registration" under the new registration requirement?

As part of the Trump Administration's immigrant registry (see more information in the "Preparing for an ICE Encounter" section), "registered" individuals over 18 may decide to carry proof of registration to avoid criminal penalties for failure to carry proof.

- Documents that would prove registration, include but are not limited to:
  - I-94 Arrival-Departure Record (covering people admitted with non-immigrant status and people paroled under INA § 212(d)(5));
  - I-862 Notice to Appear (covering people in removal proceedings);
  - I-766 Employment Authorization Document (EAD card); and
  - I-551 Permanent Resident Card
  - For a complete list, see 8 C.F.R. § 264.1, available at: https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-264/section-264.1#p-264.1(b).

Remember: When you are in public, ICE must have a reason to believe you are a noncitizen. You have the right to remain silent & can exercise that right by saying "I am exercising my right to stay silent, am I free to go?"

During and After ICE Arrest

What to Know

- You have the right to remain silent.
- You have the right to access an attorney.
- Based on your individual circumstances, you may have avenues to seek release from detention or continue fighting your immigration case.

What To Say During Arrest

- **"I want to speak to my attorney"** or **"I want to contact an attorney."**
- Tell officials if you are the primary caretaker of a child or other loved one. If that child or loved one is a U.S. citizen or permanent resident, say so.
- Tell ICE if you are ill, pregnant, breastfeeding, or have other medical or mental health needs.

What To Say After Arrest

- If you fear being returned to your country of origin, **state your fear of return clearly, repeatedly, and affirmatively.** Do not wait to be asked about a fear of return because ICE likely will not ask you.
- Ask to contact an attorney: **"I want to speak to my attorney"** or **"I want to contact an attorney."**
- Ask to notify your family: **"I would like to call my family so they know where I am."**
- If the government states that it plans to deport you to a country other than your country of origin, **state your fear of being sent to that country.**
- Clearly state if you have pending immigration applications or immigration status.

What To Say After Arrest (cont'd)

- **Advocate to be placed in or remain in regular removal proceedings**, not expedited removal in which you may not have the opportunity to go before an immigration judge:
  - If you are already in regular removal proceedings, say "I am in regular removal proceedings and should not be placed in expedited removal."
  - If you have been in the United States for more than two years, say "I have been in the United States for more than two years and should not be subject to expedited removal."
  - If you entered the U.S. with a visa or a valid entry document, say "I have been admitted into the United States and am not subject to expedited removal."

Note

Even if you *should not* be placed in expedited removal, you still may wrongfully be placed in these proceedings. The Trump Administration is seeking to expand the use of expedited removal to the fullest extent of the law—and beyond. You can still advocate not to be placed into expedited proceedings and above all express your fear of return (if you have one) affirmatively and loudly. **If the government has placed you in expedited removal, even erroneously, passing a fear interview will be the only way to get into regular removal proceedings.**[49]

- Only if asked about criminal history, state **"I have never been arrested"** (if true) or **"I don't want to answer your questions"** (if you have criminal history).
- Do NOT lie.

[49] For a detailed guide on fighting against expanded expedited removal, *see* ILRC, "Expedited Removal Toolkit: A Guide for Advocates Assisting People Facing Expanded Expedited Removal" (Feb. 2025), available at: https://www.ilrc.org/sites/default/files/2025-02/Toolkit%20to%20Assist%20People%20Facing%20Expanded%20Expedited%20Removal_1.pdf (last accessed Mar. 7, 2025).

What to do After Arrest

- Activate your **safety plan**. Contact your family or emergency contact.
- Activate your **legal response plan**.
  - *See the "know your recourses" section and use the personal plans at the end of this guide.*
  - Contact your lawyer or, if you are an Oregon resident, call ECO if you do not have a lawyer for individual legal advice.
  - Avoid signing documents without knowing what they are. Ideally, you should not sign a document without speaking to an attorney first.
    - Why? You could be asked to sign what is called a stipulated order of removal, which would mean that you are agreeing to be deported without the right to go before a judge or to be released from detention.
  - Show proof of registration, if you have it, to avoid penalties under the expanded "registration requirement."
  - Ask for documents to be translated into the language that you understand best.
  - You can always request accommodations for religious or disability needs.
  - Ask for needed medical care, especially if receiving treatment.
  - File complaints if you believe your rights have been violated or for violations of detention standards, like misconduct, inadequate medical attention, insufficient access to food and water, or unsafe conditions. You can file these complaints with ICE's Office of Professional Responsibility and/or the Department of Homeland Security's (DHS) Office of the Inspector General. (See more information on how to file complaints in the "Know Your Recourses: Protect Yourself from ICE Detention" section below.)

Reporting ICE Activity

- It is legal to film, record, or take photographs of ICE activity in areas where it is readily apparent. However, **safety** should always be a top priority. Do not do anything you are not comfortable with or that could jeopardize your safety. Remember that you can also write down your observations about ICE activity.
- If you do anything that could be considered interfering with ICE operations, like physically interfering with an arrest, you may face serious legal consequences, including criminal prosecution. You may also jeopardize your own or another's safety.
- You should NOT conceal attempts to record ICE.
- Note that if ICE officers ask or demand that you give them your phone or recording device, do not resist or jeopardize your physical safety. State, **"I do not consent to giving you my phone or to the search of my phone"** [50]

Best Practices for What to Document & How

Count: Number of officers and vehicles

Location: Identify the location where the activity is taking place

Equipment: Specify whether ICE is wearing uniforms, what the vehicles look like, etc.

Activity: Detail what you observe the ICE officers doing

Report time: Keep track of the day and time the activity is taking place

Remember to report only firsthand information, meaning things you yourself are witnessing. Try to provide as much information as possible.

Avoid just reporting a social media post that might be days old or a rumor. Help keep the community safe by not sharing unconfirmed information; spreading unsubstantiated rumors only spreads fear.

In **Oregon**, you can call the **Portland Immigrant Rights Coalition (PIRC) Hotline** to report suspected ICE activity. They can assist to verify whether it is ICE and if there is an enforcement action happening. PIRC may also be able to help activate a community response if ICE activity is confirmed.
Call: 1-(888)-622-1510.

[50] *See* Immigrant Defense Project, "Documenting ICE Raids," available at: https://www.immigrantdefenseproject.org/infographics/#12-documenting-ice-raids.

Know your recourses

If you are arrested, your possible recourses (what options you may have to fight to stay in the United States, seek release from detention, or avoid lengthy detention) will vary depending on your goals and several factors, including your immigration status and history and any criminal background.

Determine your goals if arrested by ICE

If ICE arrests you, you can pursue one of two courses of action: (1) fight to stay in the United States (including possibly seeking release from detention) or (2) request swift removal from the United States.

Depending on your individual circumstances, you may have strong legal avenues for remaining in the United States and/or seeking to be released from detention. Or you may be at the end of your legal road or prefer to return to your country of origin to avoid the possibility of protracted detention.

Contact an attorney

If you have an attorney, contact them to discuss your options now. If not, and you are a resident of the state of Oregon, contact Equity Corps of Oregon (ECO) to see if you qualify for free legal services. **Call: 1-(888)-274-7292.**

Fight to Stay

If your ultimate goal is to remain in the United States, the legal recourse available to fight your case will depend on several factors, including your current immigration status, whether you are currently in removal proceedings, whether you have a criminal history, your length of time in the United States, your manner

of last entry to the United States, whether you have a removal order, and whether you have previously been removed from the United States. Fighting to stay could mean being detained, possibly for several months or even longer.

- **Always tell ICE and the immigration judge if you are afraid to return to your country of origin.**
  - Do so affirmatively and repeatedly.
  - Do so even if you already filed an asylum application.
  - Do not wait to be asked.
  - If you are found to have a credible fear of removal, you will not be subject to the expedited removal process. That means that you will have a longer period to present your request for protection before an immigration judge.
  - If you are not found to have a credible fear of removal (known as a negative credible fear determination), ask for review of that decision before the immigration judge.
- **If the government indicates that it plans to remove you to a country other than your country of origin, state if you fear of persecution or torture in that country loudly and repeatedly.**
  - **Why?** The Trump Administration has been deporting individuals to countries other than their country of origin. ICE has also issued guidance directing officers to consider whether individuals granted withholding of removal or protection under the Convention Against Torture (CAT) could be removed to a country other than their country of origin.[51] Stating your fear of removal or torture to a country other than your country of origin could be the only way to fight against removal to that country. Do not wait for the government to ask you about your fear.
- **Advocate to remain in, or be placed in, regular removal proceedings** (known under the law as INA § 240 proceedings) and apply for asylum (if you have not already). Regular removal proceedings provide more options compared to expedited removal proceedings (or similar truncated proceedings), in which it is not guaranteed you will see an immigration judge unless you pass a fear screening or seek review of a negative fear screening.

[51] The news media outlet *Reuters* published this guidance here: https://fingfx.thomsonreuters.com/gfx/legaldocs/gkpljxxoqpb/ICE_email_Reuters.pdf.
For more information on protecting noncitizens granted withholding of removal or CAT protection, *see* NILA et al., Practice Advisory: Protecting Noncitizens Granted Withholding of Removal or CAT Protection Against Deportation to Third Countries Where They Fear Persecution/Torture" (Jan. 29, 2025), available at: https://immigrationlitigation.org/wp-content/uploads/2025/01/25.01.29-3rd-Country-Deports.pdf (last accessed Mar. 12, 2025).

- Ask for your case to be reopened (if you have previously been ordered removed).[52]
- Ask not to be deported (request a "stay of removal") while you are pursuing immigration relief.
- File other immigration applications with U.S. Citizenship and Immigration Services if eligible (e.g., visa based on your relationship to a U.S. citizen or status as a victim of trafficking or certain crimes in the United States) and notify ICE.
- Ask the immigration judge for what is called "cancellation of removal" if you meet certain criteria.[53]
- If you have criminal history, pursue available post-conviction relief (a legal process to prevent certain criminal convictions from restricting your ability to stay in the United States or pursue available immigration relief).

Freedom from restraint: Depending on your individual circumstances, you may be able to seek release from detention while fighting your case. Possible recourse to seek release from detention while fighting your case include:

- Submit a **release request** to ICE. [54] Your eligibility will depend on your criminal history and, possibly, how you entered the country. For example, some people will be subject to mandatory detention because of certain criminal convictions or arrests.
- Request a **bond hearing** from the immigration judge.[55] This may be a good strategy if your release request to ICE is denied. You may be ineligible for release on bond and subject to mandatory detention because of your criminal history, the way you entered the country, or because of a past removal order. If granted bond, you or your family will have to pay a certain amount of money for you to be released pending immigration proceedings. You can get this money back once your proceedings have concluded (which will likely take several years) if you comply with all immigration and DHS orders.

[52] See INA § 240(c)(4)(C)(7) (motion to reopen); INA § 240(b)(6)(A)(5) (motion to rescind in absentia removal order and reopen proceedings).
[53] See INA § 240(b)(1) (non-LPR cancellation of removal); INA § 240(A)(a) (cancellation of removal for lawful permanent residents).
[54] See INA § 236(a)(2)(A).
[55] See INA § 236(a)(2)(B).

→ File a habeas petition in federal district court (not immigration court) challenging the lawfulness of your detention (for example, if your detention is prolonged and there is no reasonable likelihood of removal). The form to file a habeas petition, is available here: https://www.dcd.uscourts.gov/sites/dcd/files/AO242_2241_2017.pdf.

Note on mandatory detention:

If you are subject to mandatory detention, an immigration judge cannot consider your request for release and generally you must remain in detention until your immigration court case ends.

- Mandatory detention applies to people in certain immigration situations (including people with final removal orders[56]) or with certain criminal history[57] (including, but not limited to, people who have been arrested, charged or convicted of an aggravated felony, a felony with a sentence of more than one year, burglary, theft, larceny, shoplifting, or “crimes involving moral turpitude”; or have more than 2 arrests).

- Other people who recently entered the country are subject to mandatory detention, including those in expedited removal and those charged as "arriving" (meaning they presented at a port of entry). Some immigration court judges also treat people who enter the country without permission as subject to mandatory detention.

- If mandatory detention is prolonged (beyond six months), there may be ways to challenge the lawfulness of such prolonged detention through filing a habeas petition.[58]

[56] *See* INA § 241(a).
[57] *See* INA § 236(c)
[58] *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (finding that a noncitizen with an order of removal’s detention is limited to a period reasonably necessary to bring about the noncitizen’s deportation, and the presumptive limitation is six months).

Do Not Want to Fight Case/ Prefer Swift Removal

If you do not want to fight your case or want to be removed as quickly as possible, depending on the facts of your case, you could:

Request voluntary departure.[59]

- If you receive and leave with voluntary departure, you will **NOT** have a removal order that bars your re-entry to the United States (though other parts of your immigration history may prevent you from immigrating again easily). You will be responsible for paying your own travel expenses and may also have to pay a voluntary departure bond.
- Voluntary departure is easier to request and receive before your final hearing, and you must meet certain legal requirements.[60]
- There are consequences for failure to depart within the voluntary departure period, including a 10-year bar to re-entering the U.S.

Agree to your own deportation.

- Agreeing to deportation may be faster than requesting voluntary departure. Note that agreeing to your own deportation will result in at least a 5-year bar to returning to the U.S.; the length of the bar depends on how the deportation occurs and whether you have a prior removal order, repeated immigration violations, or certain felony criminal convictions.

[59] *See* INA § 240B.
[60] For more information on requesting voluntary departure, see Florence Immigrant & Refugee Rights Project, "How to Get Voluntary Departure" (last updated 2022), available at: https://firrp.org/wp-content/uploads/2022/09/Voluntary-Departure-Guide-2013.pdf (last accessed Mar. 6, 2025).

Protect Yourself in ICE Detention

- You can always request accommodations for religious, disability, or medical needs. For example, you can ask for special food or adjustments to your detention conditions, like sleeping on a bottom bunk, to meet your individual needs.

- Ask for needed medical care, especially if you are receiving treatment.

- File complaints if you believe your rights have been violated or for violations of governing detention standards, like misconduct, inadequate medical attention, insufficient access to food and water, and unsafe conditions. File complaints with:

  - **The ICE Office of Professional Responsibility**
    Call 1-(833)-442-3677.

  - **The Department of Homeland Security (DHS) Office of the Inspector General**
    Call 1-(800)-323-8603, or
    Use the **online form** if you have access to a computer or tablet: https://hotline.oig.dhs.gov/#step-1.

Building Your Personal KYRRR Plan

Why a Personal Response Matters

There is no one-size-fits-all way to respond to an ICE encounter and seek recourse if detained. While it is always recommended to contact an attorney to assess and advise you on your particular case, the reality is that people do not always have access to a trustworthy attorney when they need one. What follows are personal plans to help individuals know their rights and their options for responding to ICE encounters. Of course, this is not a substitute for legal advice and cannot cover every possible scenario.

It is important to have options. How a person responds to an ICE encounter will depend on how the encounter unfolds in the moment, including, most importantly, remaining safe. Sometimes remaining silent may be the best thing to do; in other circumstances, it may feel safer or reduce your risk of arrest to affirmatively identify yourself or show proof of your lawful status. This choice will depend on your individual circumstances. Moreover, people may have different desired outcomes. For example, while everyone hopes to avoid ICE arrest in the first place, what a person wants if detained may differ: one person may decide they want to fight their case at all costs while another may decide that avoiding prolonged detention is more important, even if that means accepting deportation.

Individual Questionnaire

Answer the following questions to identify the personal plans that may be applicable to you.

Status: What is your immigration status?

- ☐ **Undocumented:** If you have no lawful status (entered without inspection or have overstayed your visa, with no immigration applications pending).
- ☐ **Immigration applications pending:** If you have a pending application for lawful status, such as for asylum, adjustment of status, or a U or T visa.
- ☐ **Temporary, deferred status, or other authorization to stay:** If you have Temporary Protected Status (TPS), deferred action (including DACA, labor enforcement, or approved Special Immigrant Juvenile Status), or have been paroled into the United States through a parole program (e.g., the Cuban, Haitian, Nicaraguan and Venezuelan (CHNV) parole program) and that status is unexpired and has not been revoked.
- ☐ **Naturalized citizen, permanent resident, or visa holder:** If you are a naturalized U.S. citizen, have a green card, or hold valid visa status (e.g., a U, T, B1/2, H2A/B, F1).
- ☐ **Humanitarian protection:** If you have been granted asylee or refugee status (not an asylum seeker), withholding of removal or protection under the Convention Against Torture (CAT).

***Note**: you may hold temporary deferred or temporary immigration status while also having applications for other immigration benefits pending.*

Removal proceedings: Are you in immigration court proceedings?

☐ **Yes**, I am in removal proceedings before an immigration judge, or my case is pending on appeal.

☐ **No**, I am not in in removal proceedings before an immigration judge.

How do I know?

To know if you are in immigration court proceedings, call the Executive Office for Immigration Review (EOIR) Automated Case Information Hotline at **1-800-878-7180** or enter your A number on the online automated case information page available via the following links: https://acis.eoir.justice.gov/en/ (English); https://acis.eoir.justice.gov/es/ (Spanish).

Time in the U.S.: How long have you been in the United States since your last entry?

☐ **Less** than 2 years.

☐ **More** than 2 years.

Goals: What are my goals if I am ultimately detained?

☐ **Fight to stay:** I want to fight to stay in the United States to pursue my legal case and seek release from detention if possible.

☐ **Swift removal:** I do NOT want to fight to stay and prefer swift removal.

Selecting Your Personal Plans

Based on the answers to the individual questionnaire, use the below chart to identify all of the personal response plans that apply to you and select those plans in the appendix that follows. At least one plan in each category—ICE at your door, ICE on the street, and ICE arrest/detention—should apply.

Personal Plans	Who this Plan Applies to:
Prepare for an ICE encounter	Everyone
ICE at your home	Everyone
ICE on the street: undocumented & not in removal proceedings	**Status**: undocumented and **Removal proceedings:** no
ICE on the street: immigration applications pending and/or temporary or deferred status	**Status**: immigration applications pending and/or temporary or deferred status holder and **Removal proceedings:** yes or no
ICE on the street: citizen, permanent resident, visa holder, humanitarian protection	**Status**: U.S. citizen, permanent resident, humanitarian protection **Removal proceedings**: no
ICE on the street: in the United States for a long time	**Status**: undocumented; immigration applications pending; and/or temporary or deferred status holder **Time** in the U.S. more than 2 years
ICE arrest/detention: fight to stay	**Goals**: Fight to stay
ICE arrest/detention: swift removal	**Goals**: Swift removal
ICE arrest/detention: protect yourself in ICE detention	Everyone

Appendix

Personal Plan:
Preparing for an ICE Encounter

This information applies to: everyone concerned about an ICE encounter who would like to prepare themselves and their family.

What to Do

Identify your emergency contacts and memorize their phone numbers.

Disable biometric passwords on your phone and use written passwords. The use of facial recognition or fingerprints can be used without your consent to unlock your device and gather information, whereas ICE cannot easily compel you to provide your password.

Determine which identity and immigration-related documents you will carry with you when you leave your home and how you will carry them.

- ☐ Make copies of identity documents that you choose to carry with you and store those copies in a safe place that your emergency contact can access.
- ☐ Consider keeping immigration-related documents in a safe location on your phone that can only be accessed with a password so that you can choose whether and when to show them to ICE.
- ☐ If you decide to carry physical proof of immigration status or removal proceedings, decide whether to carry the original document or a copy. If you carry original documents, know that if ICE confiscates them, you may not get them back. However, ICE may not always treat copies of documents as valid proof. Either way, make sure there is a copy or the original of whatever you choose to carry in a safe place that your emergency contact can access.
- ☐ See more detailed guidance on what specifically to carry depending on your circumstances in your “ICE on the street” personal plan that applies to you.

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Prepare your family. It is important to develop a family safety plan to ensure that your family is prepared in case of an encounter with ICE and possible arrest or deportation. Preparation includes:

- ☐ Obtain important documents (for example, if your children were born in the United States, make sure you obtain U.S. passports for them), and store these documents in a safe place. Tell a trusted contact where these documents are stored.
- ☐ Provide your child's school or daycare with updated emergency contact and authorized pick-up information.
- ☐ Consider delegating conditional guardianship powers for minor children to a trusted family member or friend, to authorize another adult to care for your children in your absence.
- ☐ Inform your emergency contacts and loved ones how to try to find you if you are arrested using your immigration identification number (A number), if you have one, or your name, country of origin, and date of birth through the ICE online detainee locator: https://locator.ice.gov/odls/#/search.
- ☐ Prepare personal information that may help you secure rapid legal representation in the event of a detention, including information demonstrating that you are important to your family, that you are a good member of your community, that you are a law-abiding person, and that you have deep ties to the community.
  - ➤ A worksheet to prepare this information is available at: https://innovationlawlab.org/media/Family-Equities_English.pdf (English); https://innovationlawlab.org/media/Informacion-de-Familia_Español.pdf (Español).
- ☐ The most updated resource on family preparedness planning for Oregonians is available at: https://www.latnet.org/immigration-resources/protect-your-family (English and Español versions available).

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Prepare your legal response.

- ☐ Get a trustworthy lawyer.
  - To make sure your lawyer is trustworthy, ask to see their law license or bar card. Check their credentials online by entering their state bar number (attorney registration number) into the relevant state bar website. Immigration law is federal, so it is okay if your attorney is not barred in the state in which you live. Accredited representatives can also practice immigration law; ask to see their accreditation. Notaries or notary publics are NOT attorneys and cannot give legal advice. Attorneys from other countries who are not licensed by a state in the U.S. cannot give legal advice on U.S. immigration law.
  - If you need a lawyer and live in the state of Oregon, contact **Equity Corps of Oregon (ECO) at 1-888-274-7292** to see if you qualify for free legal services. ECO is a program that provides free immigration legal services to immigrant Oregonians.
    - Registering with ECO in advance is important, as it will allow you to connect to an attorney more quickly in a crisis situation (because your information will already be in the system).
    - **Note**: ECO is not affiliated in any way with the federal government. The information collected by ECO is protected by attorney-client privilege and thus cannot be disclosed without your permission..
  - Once you have a trustworthy lawyer, prepare with them in advance of a possible ICE encounter to discuss your options.
  - Memorize your attorney's phone number.

Personal Plan: ICE at Your Home

This information applies to: Everyone

What to Know

- ICE generally cannot enter your home without a valid judicial warrant (which they rarely have) or your permission.
- You have the right to remain silent ("I am exercising my right to stay silent").
- Even if you assert your rights, ICE may not respect them.
- ICE may lie about who they are or why they are at your home.
- ICE may be in plain clothes or in uniform.
- ICE can be intimidating and scary. They may yell, bang on the door, and threaten you if you do not open the door.

What to Do

Try to remain calm. Do not yell or try to run. Always prioritize what makes you feel safe.

Do not open the door (not even to receive papers or a warrant). If you accidentally open the door, close the door if it is safe to do so, and say "you do not have permission to enter my home. Please leave."

Avoid signing documents without knowing what they are and ideally without speaking to an attorney first. Ask for documents to be translated into the language you read and speak best.

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Personal plan

Contact an attorney.

Do not lie.

If you suspect state or local law enforcement helped ICE, report it to the state hotline: 1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).

What to Say

- Say: **"You do not have permission to enter my home. Please leave."**
- If ICE says they have a warrant, **ask them to slide it under the door**. If that is not an option, keep the door closed and ask them to leave it at the door.
- If ICE insists on searching you or your property, do not try to stop them. Instead, state, **"I do not consent to this search."**
- Otherwise, **state that you are exercising your right to remain silent**. Do not answer questions about yourself or your household.

Self-Advocacy if Under Arrest

- **"I want to speak to my attorney"** or **"I want to contact an attorney."**
- State if you are the primary caretaker of a child or other loved one.
- State if you are ill, pregnant, or breastfeeding, or have other health needs.
- Otherwise, **state that you are exercising your right to remain silent.**

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Personal Plan:
ICE on the Street – Undocumented & Not in Proceedings

This information applies to you if: you have no immigration status (including no pending applications for immigration benefits) and you are not in immigration proceedings.

What to Know

- You have the right to remain silent ("I am exercising my right to stay silent") or use an ILRC red card. This is your first line of defense.
- ICE cannot lawfully search your person or belongings most of the time.
- ICE may try to intimidate you or make you feel unsafe.
- ICE may lie about who they are or why they are stopping you.
- ICE may be in plain clothes or in uniform.

What to Do

Try to remain calm. Do not run away; this could provide ICE with a reason to detain you or use force.

Avoid signing documents without knowing what they are and ideally without speaking to an attorney first. Ask for documents to be translated into the language you read and speak best.

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Personal plan

In Oregon, if you suspect state or local law enforcement helped ICE, **report it to the state hotline:** 1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).

Do not lie.

What to Carry

- Carry a valid state or municipal ID (e.g., driver's license). **Only show if asked.**
- Do NOT carry your foreign passport or ID card.
- Do NOT carry false documents or the documents of another person as your own.
- If you have lived in the United States for more than two years, carry proof (e.g., leases, bills).

What to Say and Do

- Ask, **"am I free to go?"** If the answer is "yes," then walk away slowly.
- *If you are not free to go, and you decide to speak:*
  - Provide your name and show your state or municipal ID if asked.
  - If you have lived in the United State more than two years, say **"I have lived in the United States for more than two years"** and show proof.
  - Only if asked about criminal history, state **"I have never been arrested"** (if true) or **"I don't want to answer your questions"** (if you have criminal history).
- If ICE insists on searching you or your property, do not try to stop them. Instead, state, **"I do not consent to this search."**

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Personal Plan: ICE on the Street – Immigration Applications Pending, Temporary Status or Deferred Action, and/or Removal Proceedings

This information applies to you if: you have immigration applications pending (e.g., asylum application, U visa, T visa, VAWA petition); active temporary status (including TPS or parole) or deferred action, and/or are currently in removal proceedings.

What to Know

- You have the right to remain silent ("I am exercising my right to stay silent") or use an ILRC red card.
- ICE cannot lawfully search your person or belongings most of the time.
- Even if you assert your rights, ICE may not respect them.
- ICE may try to intimidate you or make you feel unsafe.
- ICE may lie about who they are or why they are stopping you.
- ICE may be in plain clothes or in uniform.

What to Do

Try to remain calm. Do not run away; this could provide ICE with a reason to detain you or use force.

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Avoid signing documents without knowing what they are and ideally without speaking to an attorney first. Ask for documents to be translated into the language you read and speak best.

In Oregon, if you suspect state or local law enforcement helped ICE, **report it to the state hotline:** 1-844-924-STAY (1-844-924-7829) | 1-844-626-AMPARO (1-844-626-7276).

Do not lie.

What to Carry

- → Carry a valid state or municipal ID (e.g., a driver's license).
- → If you have lived in the U.S. for more than two years → carry proof (e.g., leases, bills).
- → If you have work authorization → carry your EAD (work permit).
- → If you have a pending immigration application → carry a receipt notice or bona fide determination notice.
- → If you are in removal proceedings → carry a hearing notice or your Notice to Appear.
- → If you have active temporary or discretionary status → carry an approval notice.
- → ***Why carry these documents?*** The federal government already has proof of your country of origin. If ICE proceeds to detain or arrest you, it is likely more beneficial to have proof of this information to fight against deportation.
- → Do NOT carry other documents with your country of origin information (e.g., a foreign passport).
- → Do NOT carry false documents or the documents of another person as your own.

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What to Say

- Ask, **“am I free to go?”** If the answer is “yes,” then walk away slowly.
- *If you are not free to go, and you decide to speak:*
  - You may choose to provide your name and/or show your state or local ID if asked. In Oregon, and some other states, the law does not require you to do identify yourself or show ID (unless you are driving, in which case you are required to present a driver’s license if asked).
  - You may also consider saying the following (if true):
    “I have lived in the United States for more than two years.”
    “I have a pending application for [name immigration benefit.]”
    “I have permission to stay in the United States” and state your status.
    “I am already in removal proceedings.”
- Only if asked about criminal history, state **“I have never been arrested”** (if true) or **“I don’t want to answer your questions”** (if you have criminal history).
- If ICE insists on searching you or your property, do not try to stop them. Instead, state, **“I do not consent to this search.”**

Self-Advocacy if Under Arrest

- **“I want to speak to my attorney”** or **“I want to contact an attorney.”**
- State if you are the primary caretaker of a child or other loved one.
- State if you are ill, pregnant, breastfeeding, or have other health needs.

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Personal Plan: ICE on the Street – U.S. Citizen, Permanent Status Holder, Visa Holder, or Humanitarian Protection

This information applies to you if: you are a U.S. citizen, have lawful permanent status, hold valid visa status (e.g., T, U, B1/B2, H2A/B, F1), have refugee or asylee status, withholding of removal, or protection under the Convention Against Torture.

What to Know

- You have the right to remain silent ("I am exercising my right to stay silent") or use an ILRC red card.
- ICE cannot lawfully search your person or belongings most of the time.
- Even if you assert your rights, ICE may not respect them.
- ICE may try to intimidate you or make you feel unsafe.
- ICE may lie about who they are or why they are stopping you.
- ICE may be in plain clothes or in uniform.

What to Do

Try to remain calm. Do not run away; this could provide ICE with a reason to detain you or use force.

Do not lie.

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Personal plan

What to Carry

- Carry a valid state or municipal ID (e.g., a driver's license).
- If you are a lawful permanent resident over the age of 18 → carry proof
- If you have a valid (unexpired, un-revoked) visa, refugee or asylee status → carry proof
- If you are a naturalized citizen, you are not required to carry proof of citizenship. Note that citizens wrongly profiled as noncitizens may be detained pending identification.
- Do not carry false documents or the documents of another person as your own.

What to Say

- Ask, **"am I free to go?"** If the answer is "yes," then walk away slowly.
- *If you are not free to go, and you decide to speak:*
  - You may choose to provide your name and/or show your state or local ID if asked. In Oregon, and some other states, the law does not require you to do identify yourself or show ID (unless you are driving, in which case you are required to present a driver's license if asked).
  - State that you have lawful status and what that is: **"I am a U.S. citizen." "I am a lawful permanent resident." "I am a refugee."** Show proof if you are carrying it.
  - Only if asked about criminal history, state **"I have never been arrested"** (if true) or **"I don't want to answer your questions"** (if you have criminal history).
- If ICE insists on searching you or your property, do not try to stop them. Instead, state, **"I do not consent to this search."**

Self-Advocacy if Under Arrest

- **"I want to speak to my attorney"** or **"I want to contact an attorney."**
- Show proof of status and ask not to be detained because you have lawful status.

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Personal Plan: ICE on the Street – in the U.S. for more than 2 years

This information applies to you if: you have been in the U.S. for more than two years and are *not* a naturalized citizen and do not have a green card, hold valid visa status, or have humanitarian protection (e.g., refugee or asylee status.)

What to Know

- If you can show proof of being present in the United States for more than 2 years, it may prevent ICE from detaining you and attempting to put you in expedited removal proceedings—a process of swift deportation from the United States without necessarily seeing an immigration judge.
- Even if you *should not* be placed in expedited removal proceedings (for example, Temporary Protected Status holders or people in regular removal proceedings), the government may still try to place you in expedited removal. Carrying immigration-neutral proof of residence for > 2 years may help avoid expedited removal.

What to Carry

- Carry documents that are neutral as to your country of origin but show that you have lived in the United States for more than two years. Examples of documents to carry include:
  - internet, phone, electricity, or other bills
  - medical or school records
  - bank or credit card statements
  - lease agreements or property deeds
  - car, home, or health insurance records
- Do not carry false documents or the documents of another person as your own.

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Personal plan

What to Say

- Ask, **“am I free to go?”** If the answer is “yes,” then walk away slowly.
- *If you are not free to go, and you decide to speak:*
  - Say, **“I have been in the United States for more than two years.”**
  - Show proof of 2+ years presence in the United States if you are arrested.

Note: this should not be your only “ICE on the street” personal plan. See additional guidance on your other personal plans.

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Personal Plan:
ICE Arrest/Detention – Fight to Stay

This information applies to you if: you are in ICE detention and want to fight to stay in the United States or seek release from detention.

What to Know:

- You have the right to remain silent ("I am exercising my right to stay silent").
- You have the right to access an attorney.
- Based on your individual circumstances, you may have avenues to seek release from detention or continue fighting your immigration case.

What to Do:

Activate your family safety plan. Contact your family or emergency contact.

Contact your lawyer for individual legal advice.

If you do not have lawyer and are a resident of Oregon**, call the Equity Corps of Oregon at 1-888-274-7292.**

Avoid signing documents without knowing what they are. Ideally, speak to an attorney first.

Ask for documents to be translated into the language that you understand best.

Do not lie.

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The most updated resource on family preparedness planning for Oregonians is available at: https://www.latnet.org/immigration-resources/protect-your-family (English and Español versions available).

Potentially Available Recourses

Immigration Case: Based on the individual facts of your case, you may fight to stay in the United States by taking the following actions:

- If you fear being returned to your *country of origin or another country*, **state your fear of return clearly, repeatedly, and affirmatively.** Do not wait to be asked about a fear of return because ICE likely will not ask you.
- Advocate to remain in, or be placed in, regular removal proceedings (known under the law as INA § 240 proceedings) and apply for asylum. Regular removal proceedings provide more options compared to expedited removal proceedings (or similar truncated proceedings), which lead to deportation in the shadows and do not guarantee you will see an immigration judge.
  - If you are already in regular removal proceedings, say **"I am in regular removal proceedings and should not be placed in expedited removal."**
  - If you have been in the United States for more than two years, say **"I have been in the United States for more than two years and should not be subject to expedited removal."**
  - If you entered the U.S. with a visa or a valid entry document, say **"I have been admitted into the United States and am not subject to expedited removal."**
- Ask for your case to be reopened (if you have previously been ordered removed).
- Ask not to be deported (request a "stay of removal") while you are pursuing immigration relief.
- File other immigration applications with U.S. Citizenship and Immigration Services if eligible and notify ICE (e.g., visa based on your relationship to a U.S. citizen or status as a victim of trafficking or certain crimes in the United States).
- If you have criminal history, pursue available post-conviction relief (a legal process to prevent certain criminal history from restricting your ability to stay in the United States or pursue available immigration relief).
- Ask the immigration judge for what is called cancellation of removal if you meet certain criteria.

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Release from Detention:

- Submit a **release request** to ICE. Your eligibility will depend on your criminal history and, possibly, how you entered the country. For example, some people will be subject to mandatory detention because of certain criminal convictions or arrests.

- Request a **bond hearing** from the immigration judge. This may be a good strategy if your release request to ICE is denied. You may be ineligible for release on bond and subject to mandatory detention because of your criminal history, the way you entered the country, or because of a past removal order. If granted bond, you or your family will have to pay a certain amount of money for you to be released pending immigration proceedings. You can get this money back once your proceedings have concluded (which will likely take several years) if you comply with all immigration and DHS orders.

- Filing a **habeas petition i**n federal district court (not immigration court) challenging the lawfulness of your detention (for example, if your detention is prolonged and there is no reasonable likelihood of removal). The form to file a habeas petition, is available here: https://www.dcd.uscourts.gov/sites/dcd/files/AO242_2241_2017.pdf.

- **NOTE: Depending on your circumstances, you may be subject to mandatory detention and ineligible to request release or a bond hearing.**

  - Mandatory detention applies to people in certain immigration situations (including people with final removal orders) or with certain criminal history (including but not limited to people who have been arrested, charged or convicted of an aggravated felony, a felony with a sentence of more than one year, burglary, theft, larceny, shoplifting, or “crimes involving moral turpitude”; or have more than 2 arrests).

  - Other people who recently entered the country are subject to mandatory detention, including those in expedited removal and those charged as "arriving" (meaning they presented at a port of entry). Some immigration court judges also treat people who enter the country without permission as subject to mandatory detention.

  - If mandatory detention is prolonged, however, there may be ways to challenge the lawfulness of your detention.

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Personal Plan: ICE Arrest/Detention – Don't Want to Fight / Prefer Swift Removal

This information applies to you if: you are in ICE detention and do NOT want to fight your immigration case or prefer to seek swift removal from the United States.

What to Know

- You have the right to remain silent ("I am exercising my right to stay silent").
- You have the right to access an attorney.
- Based on your individual circumstances, you may have avenues to seek release from detention or continue fighting your immigration case.

What to Do

Activate your family safety plan.[62] Contact your family or emergency contact.

Contact your lawyer for individual legal advice.

If you do not have lawyer and are a resident of Oregon**, call the Equity Corps of Oregon at 1-888-274-7292.**

Avoid signing documents without knowing what they are. Ideally, speak to an attorney first.

Ask for documents to be translated into the language that you understand best.

Do not lie.

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Personal plan

Possible Recourses

Request voluntary departure.

- If you receive and leave with voluntary departure, you will **NOT** have a removal order that bars your re-entry to the United States (though other parts of your immigration history may prevent you from immigrating again easily). You will be responsible for paying your own travel expenses and may also have to pay a voluntary departure bond.
- Voluntary departure is easier to request and receive before your final hearing, and you must meet certain legal requirements.
- There are consequences for failure to depart within the voluntary departure period, including a 10-year bar to re-entering the U.S.

Agree to your own deportation.

- Agreeing to deportation may be faster than requesting voluntary departure. Note that agreeing to your own deportation will result in at least a 5-year bar to re-enter the U.S.; the length of the bar depends on how the deportation ·occurs and whether you have a prior removal order, repeated immigration violations, or certain felony criminal convictions. .

Note: if you want to fight to stay in the United States or to be released from detention, see the "fight to stay" personal plan for more options.

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Personal Plan: ICE Arrest/Detention – Protect Yourself in ICE Detention

This information applies to you if: you are in ICE detention

What to Know and Do

- You can always request accommodations for religious, disability, or medical needs.
- Ask for needed medical care, especially if you are receiving treatment.
- File complaints if you believe your rights have been violated or for violations of detention standards, like misconduct, inadequate medical attention, insufficient access to food and water, and unsafe conditions. File complaints with:
  - **The ICE Office of Professional Responsibility**
    Call 1-(833)-442-3677.
  - **The Department of Homeland Security (DHS) Office of the Inspector General**
    Call 1-(800)-323-8603, or
    Use the **online form** if you have access to a computer or tablet: https://hotline.oig.dhs.gov/#step-1.

Note: this should not be your only "ICE arrest/detention" personal plan. See additional guidance on your other personal plans.

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Additional Resources

Brooklyn Defender Services, American Civil Liberties Union et. Al “We Have Rights” (videBrooklyn Defender Services, American Civil Liberties Union et. Al “We Have Rights” (video series in several languages), available at: https://www.wehaverights.us/?mc_cid=ec52c971be&mc_eid=cee476106d (last accessed Mar. 5, 2025).

ACLU of Oregon, “Rapid Response Plan if ICE Comes to Your Door,” https://www.aclu-or.org/en/know-your-rights-immigrants-rights (last accessed Mar. 5, 2025).

ACLU of Oregon, “Immigrants Rights Resources” (last updated Feb. 7, 2025), available at: https://www.aclu-or.org/sites/default/files/field_documents/_aclu_or_immigrants_rights_resources_0.pdf (English); https://www.aclu-or.org/sites/default/files/_aclu_or_immigrants_rights_resources_sp.pdf (Español) (last accessed Mar. 5, 2025).

Community Justice Exchange, “When ICE is Watching: Know Your Fight, Protect Your People” available in several languages at: https://drive.google.com/drive/folders/1r6YEN89QvTJ7MvvfllRpS5IdoA7cAFVb (last accessed Feb. 20, 2025).

Innovation Law Lab, “Family Equities For Detention Release Advocacy,” available at: https://innovationlawlab.org/media/Family-Equities_English.pdf (English); https://innovationlawlab.org/media/Informacion-de-Familia_Español.pdf (Español) (last accessed Mar. 5, 2025).

Immigrant Defense Project, “Know Your Rights with ICE,” available at: https://www.immigrantdefenseproject.org/wp-content/uploads/Home-Raid-community-Flyer-ENGL-February-2025.pdf (English); https://www.immigrantdefenseproject.org/wp-content/uploads/Home-Raid-community-Flyer-ESP-February-2025.pdf (Spanish) (last accessed Feb. 20, 2025).

Immigrant Defense Project, “ICE Pulled over my car! What are my right?, available at: https://www.immigrantdefenseproject.org/wp-content/uploads/IDP_car_stops-FINAL-2.pdf (English); https://www.immigrantdefenseproject.org/wp-content/uploads/IDP_car_stops-FINAL-ESP-2.pdf (Español).

Immigrant Legal Resource Center, “Red Cards/Tarjetas Rojas,” available in several languages at: https://www.ilrc.org/red-cards-tarjetas-rojas (last accessed Mar. 5, 2025).

Immigrant Legal Resource Center, “Toolkit to Assist People Facing Expanded Expedited Removal” (Feb. 2025), available at: https://www.ilrc.org/resources/toolkit-assist-people-facing-expanded-expedited-removal (last accessed Mar. 5, 2025).

Latino Network & Oregon for All, “Protect Your Family: A guide to plan in case of an unexpected encounter,” available in English and Español at: https://www.latnet.org/immigration-resources/protect-your-family (last accessed Feb. 20, 2025).

National Immigration Law Center, “Know Your Rights: Expedited Removal Expansion” (Jan 24, 2025), https://www.nilc.org/resources/know-your-rights-expedited-removal-expansion/ (last accessed Feb. 20, 2025).

National Immigration Law Center, “Warrants and Subpoenas: What to Look Out For and How to Respond” (Jan. 2025), https://www.nilc.org/resources/warrants-and-subpoenas-facts/ (last accessed Jan. 9, 2025).

Project South, “Judicial Warrant vs. ICE Administrative Document,” available at: https://projectsouth.org/wp-content/uploads/2023/04/Warrant-Fact-Sheet.pdf (last accessed Mar. 5, 2025).

The Legal Aid Society, “What you need to know about ICE encounters,” https://legalaidnyc.org/get-help/immigration-deportation/what-you-need-to-know-about-ice-encounters/ (last accessed Feb. 20, 2025).