



Know Your Rights: Important Information for Immigrant-Service Agencies

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2006

Overview

- Immigrants' rights at home
 - Accessing benefits
 - Law enforcement situations
- Immigrants' rights at work
 - Labor rights and discrimination
 - Law enforcement situations
- Immigrants' rights on public transportation
- What to do if any rights have been violated
- Arrest and detention: What to do
- Important information for service providers

Immigrants' Rights at Home

● Accessing benefits: K-12 Education

- Undocumented children have same rights as citizens, LPRs
- Right to attend public colleges and universities is dictated by each state
- Public schools **CANNOT**:
 - Require parents to disclose immigration status
 - Provide any outside agency (including DHS) with information that could expose a student's status without parental permission
 - Enforce immigration law
- If student has no SSN, school should assign an ID number
 - Do not use a false number in any situation!
- All students can apply for free meal applications (leave SSN blank)

Immigrants' Rights at Home

- **Accessing benefits: Public Assistance**

- In general, undocumented immigrants themselves are not eligible for public benefits
- However, children of undocumented immigrants born in U.S. are eligible for all benefits
 - Only the child's status has to be verified – parents' does not
- All non-English or LEP speakers have right to interpreter, free of charge, in health centers, hospitals, and benefits agencies
 - You are not required to use children or other relatives as interpreters

Immigrants' Rights at Home

● Law-Enforcement Situations at Home

- When immigration officials attempt to enter your home:
 - Keep door closed
 - Ask for ID (name, agency); write down agent information
 - Ask for a warrant – this is required to enter your home and will specify the areas the officials have the right to search
 - Ask for warrant to be slipped under door – do not open door
 - Once you have determined that the warrant is valid, step outside to talk to officials (you still don't have to let them in)
 - If there is no warrant, you don't have to speak with officials
 - You have the right to remain silent – you do not have to reveal immigration status or admit guilt
 - Ask to speak to a lawyer or do not speak at all

Immigrants' Rights at Home

● Law-Enforcement Situations at Home

- DO NOT sign anything unless lawyer is present!
- If you know that immigration enforcement may be looking for you:
 - Avoid home for several days
 - Notify a trusted friend or relative where you are
 - Keep copies of important papers with a trusted friend or relative in case you are detained
- Never run from immigration officials
 - This can be grounds for arrest

Immigrants' Rights at Work

● Labor rights

- Immigrants, regardless of status, enjoy the same labor law rights as citizens/ U.S.-born workers
 - Right to receive minimum wage set by state
 - Right to an 8-hour workday, or to be paid overtime wages
 - Right to receive and use vacation time and sick days
 - Right to organize / join labor unions
 - Right to report unsafe conditions
 - Right to receive worker's compensation and paid medical treatments and leave for on-the-job injuries
 - Right to be treated fairly by employer and protected regardless of status

Immigrants' Rights at Work

- **Discrimination**

- Types of discrimination:
 - Citizenship./ immigration status
 - National origin
 - Unfair practices for documentation
 - Religious-based
 - Harassment based on sexual orientation, gender, race, etc.
- All workers have right to obtain assistance from the DOJ, EEOC, etc. for employer discrimination situations
- Workers, regardless of status, are entitled to back pay, reinstatement, injunctive relief, etc. due to discrimination
- Workers, regardless of status, are protected by federal anti-discrimination law

Immigrants' Rights at Work

- **Law-enforcement situations at work**
 - Immigration officials cannot enter workplace without permission from business owner or manager
 - If permission is granted, the officer can question you, but:
 - You have the right to remain silent
 - You do not have to show your immigration papers
 - You do not have to sign any documents
 - Request to speak with a lawyer
 - Your labor union, if you have one, may be able to help

Immigrants' Rights on Public Transportation

- If you are stopped by the MBTA police, you have the right to:
 - Remain silent
 - Write down the name and badge number of the officer who stops you
 - Refuse a search of you or your belongings

*Remember: It is **ILLEGAL** to target people based on personal characteristics like race, gender, age or religion*

What To Do if Any of these Rights Are Violated

- Contact an attorney
- Contact the MA Attorney General's office at 617-727-3465 (Fair Labor Line)
- If you have been discriminated against, contact the MA Office of Civil Rights to register a complaint at 617-289-0111
- The MA Commission Against Discrimination handles criminal cases regardless of immigration status – contact 617-994-6000

Arrest and Detention

- **Immigrants arrested at home, work, or on the street generally have more rights/ options than those detained at the border or point of entry**
- **If you are arrested or detained, DO NOT:**
 - Sign anything without the guidance of a lawyer
 - Take “voluntary departure” from the U.S. (which means no hearing and being barred from U.S. indefinitely) unless counseled by lawyer
 - Expect full information from immigration agents; ask lawyer for facts

Arrest and Detention

- **If arrested or detained, you have the right to:**
 - Call a lawyer or family member
 - Be visited in detention by a lawyer
 - Note: the government will not let you know you have a right to a lawyer nor will they provide for a lawyer in these situations, though you do have the right to a lawyer. If you see a judge before you receive legal advice, request more time to find a lawyer whom you can pay or who can represent you for free
 - Ask to be released from detention by paying a bond or ask the judge for a bond hearing
 - Receive charges against you in writing within 24 hours of arrest
 - Register a complaint concerning mistreatment at detention centers-Be sure to include specific incidents

Arrest and Detention

- **Arrestees or detainees should:**
 - Tell lawyer or legal organization everything that might be important to case – be truthful
 - Criminal record
 - Immigration status
 - Any people (employer, etc.) who may have reported you
 - Tell lawyer or a legal organization if being held for more than 48 hours without a decision on proceedings, custody, or bond
 - No more than 7 days should pass without a decision

Rights and Information for Immigrant Service Providers

- **Community Health Clinics/ Service Agencies**
 - Public areas are open to anyone, including immigration officials
 - To protect clients from immigration raids:
 - Establish a written policy on public vs. private areas – private areas cannot be accessed by officials
 - Provide information to clients advising them they have the right to remain silent and never to run from officials
 - Establish a relationship with a lawyer who can be available if agents approach clients
 - Designate specific staff member to handle contact with law enforcement

Rights and Information for Immigrant Service Providers

- **Community-Based Organizations**
 - Organizing a community response to advocate for system-wide change
 - Create a coalition with like-minded organizations to address abuses of immigrant rights and to collectively file grievances to USCIS/ DHS
 - Media outreach
 - Contact local legislators for assistance

Local and National Resources

BOSTON & NEW ENGLAND

- **Greater Boston Legal Services**
800-323-3205 or www.gbls.org
- **Political Asylum/ Immigration Representation (PAIR) Project**
617-742-9296 or www.pairproject.org/index.html
- **Boston College Asylum and Immigration Project**
617-552-0593

NATIONAL

- **Department of Justice – Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)**
1-800-255-7688 or www.usdoj.gov/crt/osc
- **Equal Employment Opportunity Commission**
1-800-669-4000 or www.eeoc.gov
- **National Immigration Law Center**
213-639-3900 or www.nilc.org



Know Your Rights Training

For more information:

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