

Know Your Rights and Your Neighbors' Rights

Presented by the Cornell Law School Farmworker
Legal Assistance Clinic

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Mohawk Valley Region Project Director



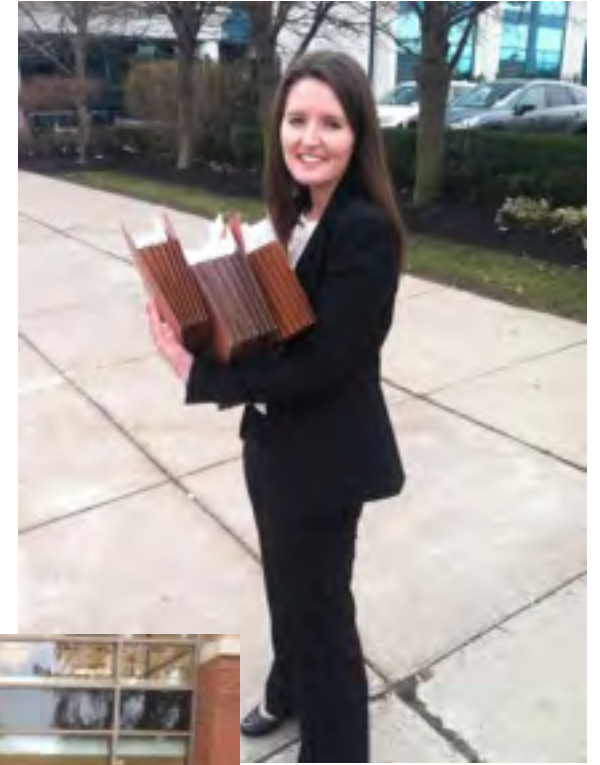
Cornell Farmworker Legal Assistance Clinic



- The Farmworker Legal Assistance Clinic (FLAC) started at Cornell Law School in 2015.
- One of the only clinics in the country focusing on rural immigration needs.
- Current priority of the clinic is Special Immigrant Juvenile visas.
- We also work on many other case types including U visas, T visas, asylum, work authorization, removal defense.



Student Representation for Clients Across Upstate NY



Mohawk Valley Region Project

- Cornell Farmworker Legal Assistance Clinic partnership with First Baptist and First Presbyterian Churches in Cooperstown started in August 2022.
- Expanding reach of Clinic into underserved counties in the Mohawk Valley Region.



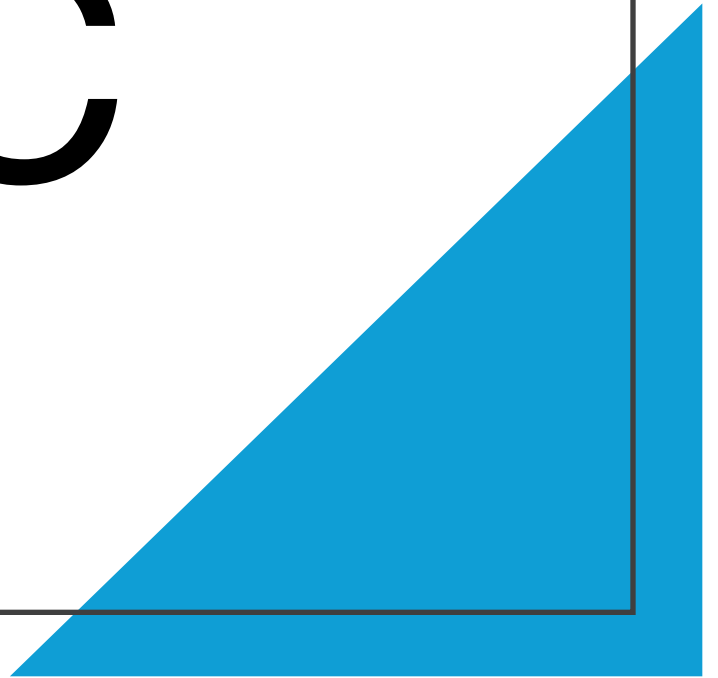


Cornell Law School
Clinical Program

Know Your Rights, Claim Your Rights

May 2025

**POWER,
NOT PANIC**





Every person within the U.S. has certain basic Constitutional rights, regardless of immigration status!

This presentation provides general legal information and strategies that may reduce risk of deportation, not personalized legal advice.

Overview of Rights

4A: Search

- “The right of the people to be secure . . . against unreasonable searches and seizures . . .”

5A: Silence

- No person “ . . . shall be compelled in any criminal case to be a witness against himself. . . ”

6A: Counsel

- “. . . the accused shall . . . have the Assistance of Counsel for his defence.”



The 4th Amendment Protects Against Unreasonable Searches

Police and ICE can only enter your home if:

1) they have a **judicial warrant**

2) there is an **emergency** or

3) you **allow** them to come in.

- If they say they have a valid warrant, **ask to see it** and make sure it lists your information (address, name)

(DO NOT NEED TO COMPLY)

(MUST COMPLY)

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DHS issuing warrant.

Name of court
issuing warrant.

Does not specify time, place or manner.

Specifies time, place, and manner of search.

Signed by
immigration officer.

Original judge's signature.

Case 1:08-cr-00116-JSS Document 1 Filed 05/09/2008 Page 1 of 5

DHS issuing warrant.

Name of court issuing warrant.

Does not specify time, place or manner.

Specifies time, place, and manner of search.

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Original judge's signature.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 08-MJ-112

being duly sworn, deponent says and has reason to believe

that ☐ the person or ☒ the property or premises known as (name, description and/or location) 1364, 1326 & 1548 1315, 11226A408

is being used in connection with the commission of a criminal offense, and property designed or intended for use in which such has been used is the subject of committing a criminal offense.

constructing a violation of Title 18 U.S.C. Section(s) 1364, 1326 & 1548, 1315, 11226A408

There is now circulated a certain person or (property), namely (describe the person or property to be seized)

See attached Affidavit

Sworn to before me and subscribed in my presence.

May 9, 2008

Don Stuart, Officer

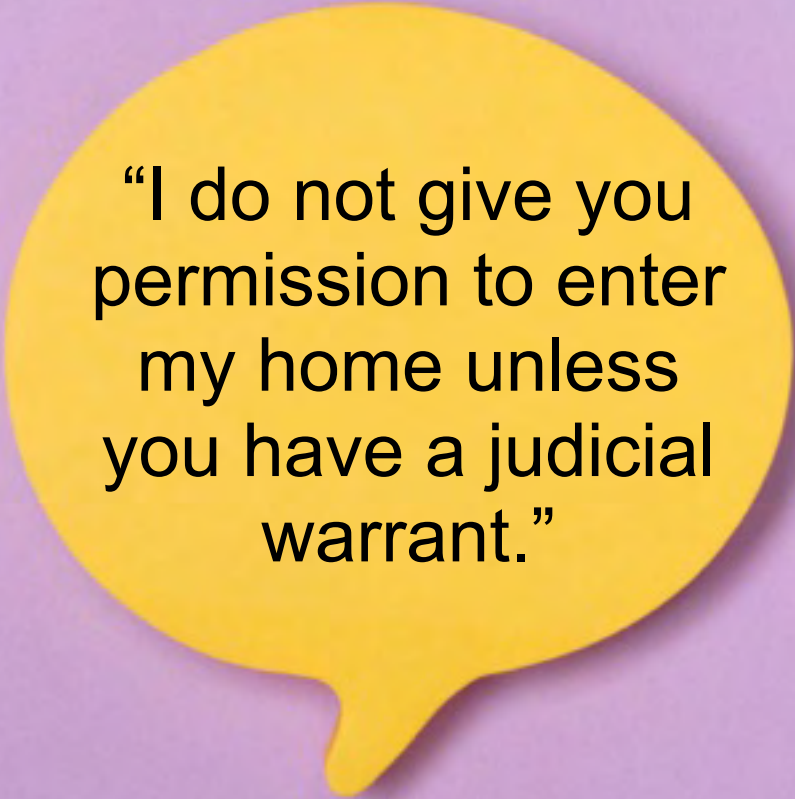
Signature of Affiant

Cellis-Rodriguez

Signature of Judge

Exercising Your 4th Amendment Rights

- Ask to see the judicial warrant
- Decline permission if no warrant
- Speak LOUDLY, CLEARLY, and CALMLY
- Give a red card and/or state your right aloud.
- **“I do not consent to this search.”**
- Say **“I don’t want to talk to you”** and ask them to leave their contact information
- Practice refusing entry.
 - If you DO need to step outside, close the door behind you so they cannot see inside your home.
- Probable cause: allows a search of car or person, NOT of home

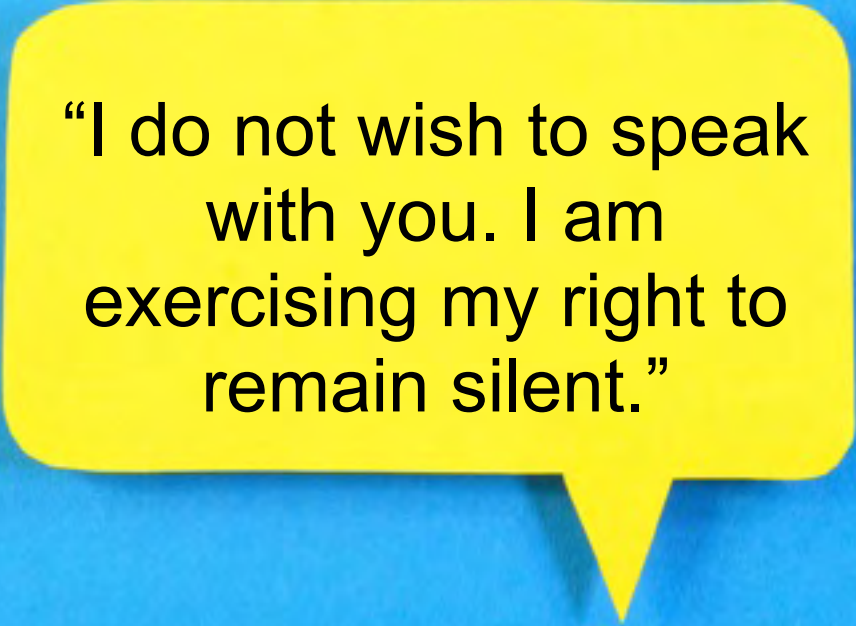


“I do not give you permission to enter my home unless you have a judicial warrant.”

The 5th Amendment Right to Silence

- You can refuse to answer questions.
- You must assert your right.
 - How to handle this for a person with lawful status v. no lawful status?
 - Gauge the situation and balance protecting yourself with not escalating the situation.
- Police and ICE must respect your right to remain silent.
 - Assert your rights and then do not answer questions or talk to the authorities.





“I do not wish to speak with you. I am exercising my right to remain silent.”

Exercising Your 5th Amendment Rights

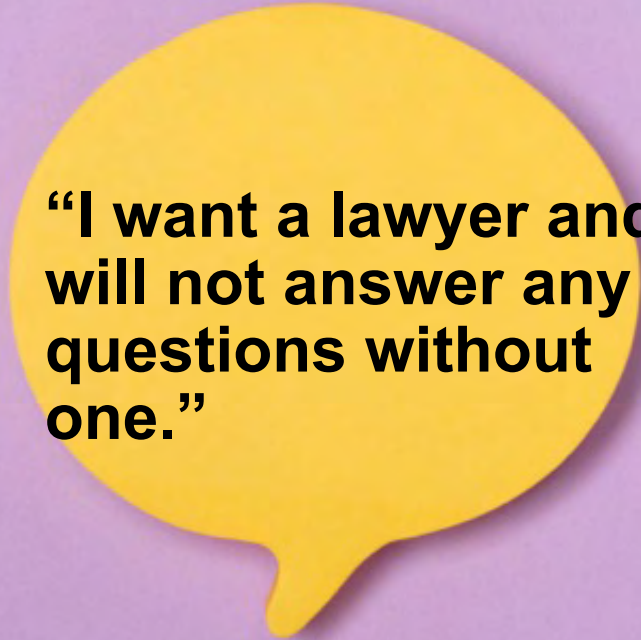
You have the right to:

- Decline to sign or provide documents
- Decline to answer questions
- Not state your immigration status or nationality

6th Amendment Right to Counsel

- The 6th Amendment guarantees the right to a lawyer, but not at government expense (unlike in criminal cases)
- You have to find your own lawyer in immigration cases
- NYS has universal representation for detained immigrants
- Once you have asked for a lawyer, questioning must STOP

Asserting Your 6th Amendment Rights



**“I want a lawyer and
will not answer any
questions without
one.”**

What if I am Stopped on the Street or in Public?

Officers may be in plain clothes/not in uniform.

Ask, “Am I free to go?”

If **yes**, calmly walk away.

If **no**, you can assert your right to remain silent.

What if I am Stopped In My Car?



- Cars are protected less than homes, but there are some protections
- The authorities need “reasonable suspicion” of an immigration violation or crime to stop a car. But that is not enough to search the car.
 - They will try to get your consent by asking you for permission or to look inside. You can refuse!
- Passengers may remain silent and are not required to produce ID, but this **may trigger a search** of the car.
- ICE cannot take fingerprints without individualized suspicion of an immigration violation

DO

Show your immigration documentation if they ask and you have it

State your wish to remain silent if you do not have immigration status

AVOID/DO NOT

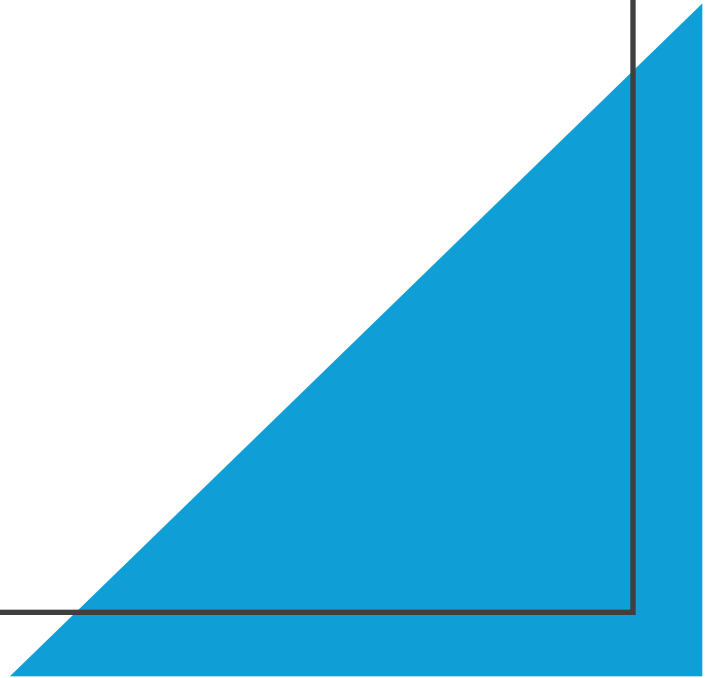
Consenting to a search

Answering questions about where you were born, etc.

Lie about citizenship status

Present false documents

Prepare for
potential ICE
encounters



What to have with you

If you have lawful status or a pending application:

- green card
- work authorization card
- approval notice
- receipt notice
- hearing notice
- attorney's business card or letter



What to have with you

If you do not have lawful status and have been in the US two years or more:

- proof of your time in the US
 - utility bills, lease agreements, medical records, school records, mail addressed to you
- may decide not to keep proof of citizenship elsewhere with you

If you do not have lawful status and have been in the US less than two years:

- may decide not to keep proof of citizenship elsewhere with you
 - remember your rights
 - **Do not carry fraudulent documents**
- 



Your Cell Phone

You do not have to provide ICE access to your cell phone.

Consider disabling FaceID and TouchID.
Use a passcode instead.

Practice Asserting Your Rights

Search

- “I do not consent to any search unless you have a warrant.”

Silence

- “I am asserting my right to remain silent.”

Lawyer

- “I want a lawyer and will not answer any questions without one.”



Keep a red a
card in your
wallet to give to
ICE if they
confront you

What to do if Immigration Comes to Your Workplace: A Guide for Employers and Non-Profits

adapted from the National Employment Law Project & National Immigration Law Center guide:
<https://www.nilc.org/wp-content/uploads/2017/07/EmployerGuide-NELP-NILC-2017-07-1.pdf>

Common Immigration Actions

Form I-9 Audit

- Form I-9 confirms a worker's ID and authorization to work in the US. It is required for all new employees
- ICE checking whether your business has followed the I-9 Rules

Raids

- ICE agents arriving at worksite without warning as part of an investigation into an employer

Detention of specific people

- ICE trying to locate, detain, or even arrest a specific person

How to Prepare Ahead for an ICE Encounter





Sample signage from Make the Road New York



What to do when ICE arrives

- ICE agents can enter **public areas** of your business without permission
 - dining areas, parking lots, lobbies, and waiting rooms
 - But being in a public area does NOT give ICE the authority to stop, question, or arrest just anyone



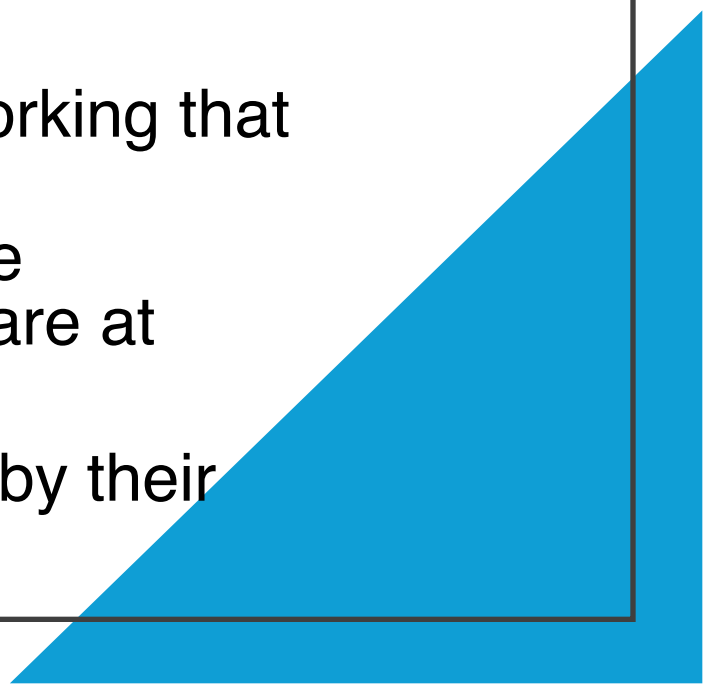
What to do when ICE arrives

ICE must have a **judicial warrant** to enter a **private area**

Must be signed by a judge and say “U.S. District Court” or the name of a State Court at the top

Must comply with judicial warrants

What to do when ICE arrives

- Stay calm! Ask your workers to stay calm, too. **DO NOT RUN.** Doing so will make things worse because it can provide ICE a reason to arrest people.
 - If ICE shows you an **administrative warrant** with an employee's name on it:
 - You do **NOT** have to say if that employee is working that day or not
 - You do **NOT** have to take the ICE agents to the employee named on the warrant, even if they are at work at the time
 - You do **NOT** have to help ICE agents sort people by their immigration status or country of origin
- 
- A large blue right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top right.

What to Do if ICE is Inside

- Watch the agents and see if they are complying with what is in the warrant, if they have one
- If you or an employee is willing, video or record what the ICE agents do. This helps create a record of any legal violations.
 - Video or audio, but at a distance – not obstructing
- Write or record these things during or after:
 - How many ICE agents were present (inside and outside)?
 - How were the agents dressed? How were they armed?
 - Did the agents make you or your workers believe you could not move or leave?
 - Did the agents mistreat anyone? If yes, how?

What if ICE tries to question, detain, or arrest a worker?

ICE agents may try to stop, question, or even arrest a worker without the proper authority.

The best way for workers to protect their rights is to stay silent and ask for an attorney.

Workers do not have to hand over any IDs or papers to ICE. All workers have this right.

Any information that workers give to ICE can be used against them later, so they may wish to remain **silent**.

What to do after an ICE raid

- If ICE arrests any of your workers, ask the ICE agents where they are being taken. This information will help the worker's family and lawyer find the person.

ICE Detainee Locator System

<https://locator.ice.gov/odls/#/index>

Resources

- [ACLU Know Your Rights](#)
 - [ACLU Maine Videos](#)
- [National Immigration Law Center Know Your Rights](#)
 - [ICE at the Workplace](#)
 - [Types of Warrants](#)
- [I-ARC](#)
- [Immigrant Defense Project](#)
- [NY Immigration Coalition](#)
- [ILRC Family Preparedness Plan](#)
- [ILRC Red Cards](#)
- [On-campus Immigration Enforcement Advisory](#)



Questions?

Thank You!

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