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ICE agents may be planning a major operation in L.A. What are your rights?

By Karen Garcia, Staff Writer
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Within the first days of the Trump administration, the president signed an executive order that promoted aggressive sweeps to round up and deport people living in the U.S. illegally.

The city of Los Angeles has adopted sanctuary city policies and more recently a law that prevents Immigration and Customs Enforcement from using city employees and city property to “investigate, cite, arrest, hold, transfer or detain any person” for the purpose of immigration enforcement — with the exception for law enforcement investigating serious offenses.

Earlier this month an internal government document reviewed by The Times stated ICE plans to carry out a “large scale” immigration enforcement action in the Los Angeles area at the end of the month. The operation will focus on people who do not have legal status in the country or who already have pending orders of removal, according to the document.

This is ICE’s overview of its enforcement and removal operations.

Tom Homan, who is leading the Trump crackdown, told NewsNation Friday that the actions have been “prioritizing public safety threats and national security threats... We have given ICE instructions. When you look for the bad guy and you find others with him, you will arrest them because they’re in the country illegally.”

Even though Los Angeles and the state of California have protections in place for their undocumented community members, it won’t stop ICE officials from appearing on people’s doorsteps, at workplaces or in public spaces.

Advocacy groups and legal representatives say that everyone who lives in the United States, including undocumented immigrants, have certain constitutional rights and protections during an agent’s questioning.

Here is what the experts told us:

What can you do if ICE knocks on your door?

If you're home alone or with family members and you hear a knock at the door, check the window, security camera or peephole so you can identify if ICE agents are outside.

When you find yourself in this situation, the first step is to keep your door closed and locked, advised advocacy groups and legal experts.

You must open your door and allow agents inside your home is if they present a valid search warrant.

Advocates say agents must identify themselves and show you the warrant by putting it against the window or slipping it under your door.

A valid warrant must be:

- Issued by a court.
- Have the correct name and address of the person being seized.
- Signed by a judge or magistrate judge.

An invalid warrant would be:

- Issued by the Department of Homeland Security
- An ICE administrative document (Form I-200 or Form I-205)
- Signed by an Immigration officer

This can be an overwhelming, stressful and scary situation. All those emotions are valid, said Pedro Trujillo, director of organizing for the Coalition for Humane Immigrant Rights.

Take a moment to gather yourself, he suggests, because there isn't a time limit on the visit.

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If you need help verbalizing your rights, show the agent a Red Card that helps explain your rights.

Red Cards can be downloaded from the website for the Immigration Legal Resource Center.

By showing this card, you're affirming that you want to remain silent and wish to speak to a lawyer.

The card states that the person ICE agents are inquiring about has the right to decline answering questions and signing or handing over documents based on their 5th Amendment rights under the U.S. Constitution.

You can present this card to agents, whether it's a physical copy or a photo on your phone, by displaying it through the window.

Do I have to speak with ICE agents?

You have the right to remain silent.

For example, if you're asked about your immigration status, where you were born or how you entered the United States, you may refuse to answer or remain silent, according to the American Immigration Lawyers Assn.

You can simply say, "I want to remain silent" or "I am exercising my right to remain silent."

Experts advise that you are not required to sign documents or provide personal information.

What if ICE comes in my home anyway?

According to advocates, you have the right to say: "I do not consent to this entry or search."

Don't physically resist but instead you have the right to document what happens, including:

- Officer names and badge numbers
- Details of their actions
- Gather contact information for any present witnesses

After agents have left, you have the right to reach out to and consult with a legal representative.

What if I'm in my car or on public transportation and ICE agents show up?

If ICE agents are present when you're on public transportation:

- You have the right to remain silent and refuse to answer questions.
- If agents want to conduct a search of yourself and your belongings, you have the right to refuse the search by saying you do not consent. An agent may "pat down" your clothes if he or she suspects you have a weapon.
- You can ask, "Am I free to leave?" If the agent says yes, calmly walk away.
- You may record interactions to document any violations of your rights.

If ICE agents approach you while you're in the car:

- Pull over safely if stopped by law enforcement.
- Ask the law enforcement officers to identify if they are highway patrol, police or ICE agents by showing their badge.
- If it is an ICE agent, you have the right to remain silent and do not offer any information, said Shiu-Ming Cheer, California Immigration Policy Center's deputy director of Immigrant and Racial Justice.

- Keep your hands visible on the steering wheel and provide law enforcement or highway patrol officers requested documents like your license and registration. If you can identify they're ICE agents, remain silent and do not provide any information.
- You can say, "I do not consent to a search," if they ask to search your car. Officers may still conduct a search if they believe it contains evidence of a crime.

What happens if I'm detained?

If you are detained or taken into custody, you have the right to reach out to an attorney and receive a phone call from an attorney.

You can prove you have a lawyer by giving the officer your signed Form G-28, a federal document that details your lawyer's information and your consent to their legal representation.

Don't have a lawyer? You can ask the ICE official for a list of pro-bono lawyers.

You can also ask to contact the consulate which may be able to assist you in locating a lawyer.

Get familiar with the rules of the detention center you've been placed in. You can do so by asking for a copy of the Detainee Handbook to understand the detention center's rules, your rights and how you can communicate with loved ones.