

Attorney Lauren Regan from the Civil Liberties Defense Center (CLDC) joined us to review first amendment rights and how they apply to community defense efforts against increased ICE detentions and deportations. In July, the CLDC hosted Know Your Rights trainings that covered scenarios specific to community defense against ICE raids and detentions. Here's what you need to know when dealing with ICE:

Know Your Rights for Immigrants:

▪ Immigration Appointments

In today's political climate, immigration appointments carry more risks than they used to. If you can, try to get a lawyer and line up legal representation before your next appointment. Organizations like Portland Immigrant Rights Coalition (PIRC) and Equity Corps of Oregon (ECO) offer free legal help to immigrants.

Many people have been attending check-in appointments for years, many of which have been online. If this applies to you, and you are called in for an in-person appointment you should contact a lawyer immediately. When you show up for the appointment, make sure you remind ICE that you are legally represented and provide your attorney's name. At the appointment, inform immigration officials that you would like to have your lawyer on speaker phone for your check in. Additionally, have a safety plan in case you are detained: situate valuable legal tools like power of attorney, guardianship forms for children and dependents, bail plans, and secure your personal property. It is crucial to ensure personal devices such as your phone is completely clean: delete call history, apps with your social media accounts on them, etc. a bare bones phone means there is less that the government could exploit in case they pursue charges.

▪ Immigrants & Protesting:

Under normal circumstances, immigrants have the same

constitutional rights as anyone else in the US. But within this fascist regime, that is not the case at all. Undocumented people or even green card holders need to be very cautious. Even attending lawful protests is a substantial risk as it stands, and getting arrested protesting would be strongly cautioned against.

Know Your Rights for Protesters:

Remember that Oregon is a sanctuary state. This means it is illegal for local and state police departments to use their resources to assist with immigration enforcement without a judicial warrant. Because of this, at anti-ICE protests it is more likely that you will be dealing with federal agencies. ICE does not have any enforcement authority over U.S. citizens so you'll often see DHS or U.S. Marshals as the federal law enforcement entities that deal with the public during anti-ICE actions.

All of the information taught in generic Know Your Rights (KYR) trainings still applies to anyone with a badge, including ICE and DHS. Don't talk to cops (and remember that they are legally allowed to lie to you, and often misstate or do not know the laws they attempt to enforce). If you are detained or arrested, you have the right to remain silent and are entitled to legal representation.

Constitutional case law very strongly protects your rights to hand out literature (AKA leaflet) on any outdoor public spaces— this includes federal property. In Eugene, some folks were told by DHS that soliciting -the act of attempting to do something for money- is prohibited. This is false and the CLDC suspects that they used that to intimidate people from handing out KYR literature to immigrant neighbors going to the federal building for their immigration check-ins. That said, if/when a cop threatens you with arrest whatever (however lawful) action you are taking is immediately riskier and cops can and often will erroneously arrest you. You must always do your own risk

assessment but remember that you have far more legal protections than the immigrants you may be attending a protest to defend.

Know Your Rights for Employers

As employers and businessowners, there are steps you can take to keep your employees safe. One easy precaution is to put up signs on office doors that state “only staff or invited guests are invited inside.” It is unlawful for ICE agents to enter these private areas and detain someone.

If your business is visited by ICE agents who produce a warrant, there are specific requirements in order for you to be legally mandated to comply. Make sure the warrant is signed by a judge, this is known as a judicial warrant, and if one is issued you will likely have to produce the requested employee. There are specific kinds of subpoenas that could require employers to produce documents of employment and ICE can fine your business by the day. In the event you are issued a subpoena like that, you are legally allowed 72 hours to confer with a lawyer.

Whatever paperwork they bring in tow, it is critical that you consult with an attorney before doing anything else if ICE comes to your business looking for an employee.

The CLDC may host more Migra Watch trainings in September, so stay tuned! Until then, stay safe and continue making it harder for ICE kidnap our neighbors.