

Frequently Asked Questions

INTERACTION WITH THE POLICE

If you are stopped on foot (on the sidewalk, in a parking lot, at a park, in a front yard, etc):

General: You do not have to answer any questions. You can say, “I don’t want to talk to you” and walk away calmly. Refusing to talk to the police might make the police suspicious of you, but talking to the police might give them a reason to ask you more questions, detain you longer, or arrest you. **DO NOT RUN** from the police. You do not have to tell the police your name, where you were born, where you live, or what your immigration status is. If you say anything that makes the police think you were not born in the U.S., then you might give them cause to detain you. If you give the police a fake identification document, you will likely prompt them to detain or arrest you.

Stop (detained) or arrest: You can always ask the police if you can leave. You can walk away unless the police tell you to stop. If the police say to stop, you should ask if you are under arrest. If you are not, but you are not free to go, you are being detained. The police can pat the outside of your clothing if they have reason to suspect you might be armed and dangerous. If they start to search you more than this, say: “I do not give you consent to a search.” They might continue to search anyway. You do not need to answer questions if you are detained or arrested, but if you are arrested, you must give your name and address. If police just stop you to ask you questions, you do not have to answer.

If you are stopped in your car:

General: Do not be rude to the officer. Keep your hands where the officer can see them. When the officer asks, show your driver’s license, registration, and proof of insurance. You do not have to answer questions except to show your license, registration, and proof of insurance. You do not have to consent to a search. Police might have the right to search your car, and you must not resist if they are going to search, but you can state clearly that you do not consent to a search. Never carry or show fake documents. Officers may separate passengers and drivers from each other to question them and compare their answers, but no one has to answer any questions.

If you do not have a license: The officer can make the decision whether to arrest you or give you a written citation for driving without a license. If you are able to prove your identity to the police officer, you may receive a citation instead of being arrested and taken to jail.

IMMIGRATION

Should I answer the question of the agents? Ultimately you can answer the questions of the agents, but a good lawyer would advise against answering. This is because whatever you say can be used against you. At that point, what is recommended is to ask to speak to an attorney. Doing so should stop the questions. Even if it does not, it will protect you in the future. The attorney is tasked to protect your legal rights. Make sure you always have an attorney's number available. Answering questions without an attorney present will not necessarily get the immigration agents to leave you alone or release you. That could be the case, but, ultimately, it is not recommended to answer without an attorney present.

When I ask for an attorney, should they provide me an attorney? If your case is a criminal case, and you cannot afford an attorney, you are entitled for the courts to provide you an attorney. However, because immigration law is a civil matter, the right to a government-appointed attorney does not apply. For families in deportation crisis, please refer them to the Illinois Family Support Hotline 1-855-HELP-MY-FAMILY. This hotline is staffed 24 hours a day, 7 days a week with volunteers who can provide families with referrals for legal, financial, and counseling assistance as well as referrals to programs such as the Immigrant Family Resource Program (IFRP) for social services and the New Americans Initiative (NAI) for assistance on how to become a citizen.

If the agents come, should I let them inside my house? Unless the agents have a search warrant signed by a judge, you can refuse to allow them to enter your house. An agent who does not have a warrant might ask politely to come in. Once you or anyone else (including your child, your roommate, or anyone else in the house) allows the agent to come in, you have consented to a search; that agent then has the right to search the entire house and to question anyone there. Make sure to inform everybody in the house about these rules. Make sure that you or anyone else who answers the door checks that the agent has a warrant before opening the door. Also make sure that kids DO NOT open the door, and educate parents on the importance of teaching kids NOT to open the door without knowing who is knocking.

What happens if the agents show me a search warrant? If you are shown a warrant, make sure it is a real warrant. Check if a judge or supervisor has signed it. If this is the case, you should allow the agents to proceed, although you should mention that you are not consenting to this search. Do not try to interfere. Remember you do not have to speak even if there is a valid search warrant.

What if an officer knocks on my door and says he just wants to ask me a few questions? Ask the officer through the door if he has a warrant. If he does not have a warrant but just says that he wants to talk to you, you do not have to talk to the officer.

What happens if I talk? Anything that you say can be used against you. If you lie, the government can use your lie against you, including for criminal prosecution. Remaining silent and asking to speak with an attorney is the best option. Note that just remaining silent does not stop the questioning; however, asking to speak with a lawyer should stop the questioning.

IN RELATION TO RECENT CHANGES IN POLICY

I have DACA--what will happen? Those who receive or apply for DACA will not necessarily be targeted for deportation. Administrative programs similar to DACA have never been used for wholesale deportation in the past. It would be extremely costly for the government to try to deport all of the more than 740,000 DACA recipients. However, Trump is more unpredictable than past presidents, so we do not really know what to expect.

I have never applied for DACA. Should I apply now? It is possible the DACA program will cease to exist at some point during Trump's presidency. Therefore, at this point submitting an initial DACA application and paying the filing fees may result in no benefit and exposing applicants to DHS.

I've already submitted my initial or renewal request for DACA. Can I rescind my application and get my money back? If you have already received your receipt (Form I-797C Notice of Action), you cannot withdraw your application. If you submitted your application for renewal, it is currently taking USCIS 8 weeks to process applications.

Can the new administration cancel my DACA at any time? It is still unknown whether Trump's Administration will terminate existing DACA grants, not allow renewals, or leave the program as it is. Those who have already received DACA are known to the Department of Homeland Security (DHS). Therefore, renewing DACA does not carry a new risk. In fact, a DACA renewal may allow a DACA recipient to keep a work permit until it expires one to two years into the next Administration.

Will ICE use my information to deport me and my family? ICIRR's network of member organizations will be organizing Know Your Rights information sessions. We encourage our community to attend and learn how to prepare in whatever situation. In the past, administrative programs have not been used for deportations; however, Trump is less predictable than past presidents, so we do not know what to expect. For a list of organizations go to <https://goo.gl/oZOEZo>.

What happens to my Social Security Number if DACA is taken away? Can we still have bank accounts? And what happens to our driver's licenses and IDs? Your Social Security Number is assigned for life, regardless of immigration status. However, you will not be able use your SSN for work if your Employment Authorization Document (EAD) (work permit) is revoked. Driver's licenses and state IDs that depend on DACA grants would also expire.

Can I be fired from my job if DACA is revoked? If your work authorization has expired, employers have the right to terminate employment. You may want to explore alternatives that your employer might use to continue your employment, such as retaining you as an independent contractor. Some employers may even choose to continue employment with the understanding that they might face fines and other penalties as a result. You may want to speak with your employer prior to January 2017. ICIRR is working with labor partners to disseminate more information on worker rights as they apply to DACA.

I plan, or want to apply, to travel on advance parole soon. Should I still travel? We encourage you to seek legal review from a qualified immigration attorney or a BIA accredited representative, since anyone traveling with advance parole is always at some risk of not being permitted to reenter the U.S.

I am a Lawful Permanent Resident (LPR, Green Card Holder), will Trump be able to deport me? Under current immigration law LPRs can be deported only based on certain grounds. If any of the following apply to you, we encourage you to seek legal counsel:

- You traveled outside the US for longer than six months with your green card;
- You have any criminal charge or conviction;
- You ever registered to vote or voted in the United States.

If you have been an LPR for at least 5 years in the country, we encourage you to apply for citizenship. Citizenship offers permanent protection from deportation. Immigrants who have been LPRs and married to a US citizen for three years also qualify for citizenship. ICIRR and member organizations have low-cost citizenship workshops where volunteer attorneys review your case and determine if you can apply for citizenship. For a list of upcoming workshops please visit <http://www.icirr.org/news-events/events>.

I am undocumented, I don't have DACA or any immigration protection. Am I at risk of deportation?

ICIRR's network of member organizations will be organizing Know Your Rights information sessions. We encourage our community to attend to be prepared in whatever situation. For a list of list of organizations providing Know Your Rights information go to <https://goo.gl/oZOEZo>. For all statuses we encourage preventive actions. If you are undocumented in Illinois, you may be eligible for a Temporary Visitor's Driver's License (TVDL) which will allow you to travel within Illinois more safely. ICIRR and member organizations have fought for victories such as this, the Chicago Welcoming City Ordinance, and the Cook County ordinance rejecting ICE detainers. We are working to identify and enact opportunities to broaden protections for undocumented individuals. We encourage you to stay informed and stay involved, as these protections will come from community advocacy and organizing. To get involved please visit icirr.org/riseup.

In 2014, ICE issued policies stating its priorities for deportation. If you have any of the following on your record we encourage you to seek legal review:

- a felony conviction;
- a conviction for an "aggravated felony" (which could be a misdemeanor);
- a conviction for a "significant misdemeanor," which can include a DUI, domestic violence, sexual abuse, firearms offenses, drug sale, or burglary/theft;
- convictions for three or more misdemeanors, excluding minor traffic or juvenile offenses;
- an arrest by immigration agents after entering unlawfully after January 1, 2014;
- a final order of removal issued after January 1, 2014.

Please note that these policies might change under the new administration