



Agenda DATE 3/2/17 TIME 4:00pm

SERVED BY Chris Sanchez

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**IMMIGRATION COMMITTEE
MEETING**

Tuesday, March 7, 2017

Market Station

Conference Room

500 Market Station

4:30 p.m.-6:00 p.m.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes: February 7, 2017
4. Community Comments
5. New Business/Action Items:
 - a. None
6. Old Business:
 - a. Subcommittee Updates:
 - Welcoming Communities
 - Education
 - Social Media & Communications
 - Refugee Resettlement
 - Police Department
 - b. Update on Sanctuary City Resolution
7. Comments from the Chair and Committee Members
8. Report from Staff
 - a.
9. Adjournment

Persons with disabilities in need of accommodations, please contact the City Clerk's office at (505) 955-6521 five (5) working days prior to the meeting date.

IMMIGRATION COMMITTEE
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IMMIGRATION COMMITTEE

Tuesday, March 7, 2017

4:30 pm -6:00 pm

MINUTES

1. Call to Order

Marcela Diaz called the meeting to order for the Immigration Committee at 4:40 pm at the City of Santa Fe Market Station Conference Room. Roll call reflects a quorum as Mr. Rios arrived at 4:45 pm.

PRESENT:

Javier Rios, Acting Chair
Amparo Guerrero
Susan Hayre
Marcela Diaz
Jewel Cabeza de Vaca

NOT PRESENT:

Alejandra Seluja
Maria Cristina Lopez
Maria Jose Ugalde-Alzacar
Elizabeth Hemmer

STAFF/OTHERS PRESENT:

Chris Sanchez
Lt. Judah Montano
Ms. Julia Valdez, Santa Fe County
Fran Lucero, Stenographer

Betsy Bueschell, Retired Minister for the United Church of Santa Fe
Susan S. Odiseos, President, Feeding Santa Fe Inc.
Michael Robison, Vice President, Feeding Santa Fe Inc.

2. Approval of Agenda

Ms. Diaz moved to approve the agenda as presented, second by Ms. Guerrero, motion carried by unanimous voice vote.

3. Approval of Minutes: February 7, 2017

Ms. Hayre moved to approve the minutes as presented, second by Ms. Diaz, motion carried by unanimous voice vote.

4. Community Comments

Susan S. Odiseos, President, Feeding Santa Fe Inc.

Michael Robison, Vice President, Feeding Santa Fe Inc.

Our immediate concern for Feeding Santa Fe is if we give food bags to people who drive through do they stand the change of ICE intersecting or questioning them about their nationality. We would like some guidance if ICE was to disrupt the service to our recipients. We would like to be educated on what to do if this should occur. People who come to us don't have to prove need or register their residency; we don't know who is an undocumented immigrant and who is not. We operate under the same kitchen as Kitchen Angels and we are on city property.

Mr. Sanchez said part of the resolution talks about outreach. Mr. Sanchez said it would be helpful to create a cheat sheet on "what do we do" and we have the information to do that now with the passing of the resolution.

*Mr. Javier Rios arrived at 4:45 pm and resumed
the Vice Chair role of the meeting.*

Ms. Diaz said that SOMOS will be doing training on March 22nd for those who need to know what to do if ICE happens to appear at a place of employment, home or public area. Ms. Diaz asked if the Kitchen Angels facility where they are preparing the food is open to the public. Ms. Odiseos said the kitchen is locked but all other areas are open to the public. Ms. Diaz said that ICE would need to present a warrant. Ms. Diaz also said that she would provide information for the bags both in English/Spanish.

ICE can be wherever it wants to be other than in private property. There are other Sanctuary policies at the SFCC and the County which oversees the Jail.

Ms. Odiseos does have the fear that they could show up and she would like to make sure that all the volunteers have good information to provide good and safe security.

Ms. Diaz provided Ms. Odiseos with a cheat sheet in English and Spanish that is public information and should be shared with all of her volunteers. They can make copies and disseminate it as they see fit.

Mr. Robison said that he would like to have the card information that Ms. Diaz spoke about for St. Bede's and the Dreamers.

Ms. Valdez from Santa Fe County talked about a packet that the Democratic Party of Roosevelt County put together that had a very helpful card asking

them for a lawyer, a checklist, power of attorney and other important documents.

Immigration Committee members and staff feel that the information Ms. Diaz has presented will be extremely helpful for those attending the meeting today needing guidance.

5. New Business / Action Items
None

6. Old Business

a. Subcommittee Updates

- Welcoming Communities - Ms. Susan Hayre informed the committee they are ready to submit the application and wanted to know about the fee of \$200 that is required.

Mr. Sanchez said that the Mayor has already approved and he will look in to his budget for payment. The application does not have to be approved by the City Manager.

Ms. Diaz talked about ICE and at this point in time it is her understanding that they are not doing arrests. She stated that all need to be prepared and collaborate should ICE hit and create unnecessary panic in the community. We need a system of collaborating in the community and secondly SOMOS will conduct a training session on March 22nd and also provide information on legal observers. There are many components we need to educate our population on. We want to make sure that there is legal representation for those who face deportation so in the third phase of the Rapid Response Program, we need to be prepared. People in the immigrant community are in the best position to tell us how to get the word out.

Mr. Sanchez said that the use of Social Media to alert the public of ICE's presence would be extremely helpful.

Ms. Diaz said that if we could put that on the "card" and provide them the Immigration Committee Facebook page for updated information, this would be helpful.

Ms. Cabeza de Vaca said that it would be good to meet for collaboration and prioritize this information. We want to keep our community safe and healthy. At the same time we don't want to jeopardize any association who is providing help.

Ms. Diaz asked Mr. Sanchez to check with the City Legal Department to assure that this is allowable. Mr. Sanchez will follow up on this question. He would like to see informational/education documents on social media.

A sub-committee with membership of 4 was proposed to include a legal representative from the city to discuss the social media limitations for public information. Jewel Cabeza de Vaca will lead this endeavor and work with Staff for a meeting date.

Ms. Diaz said that she and Ms. Hayre are working together to educate the families. An added element of training is to train young people. Ms. Hayre works with students from grades 1-8 and the conversations are dynamic; they have an understanding of this as they are living day-to-day with this fear.

Ms. Guerrero talked about constitutional rights, it is important to have someone go and train the students. Ms. Diaz said that they have a curriculum for students. Mr. Sanchez said it should be one consistent message.

Ms. Diaz agreed that there are people who are not giving accurate information. Ms. Diaz provided documents (Exhibit B & C) as informational documents. (Los Derechos Civiles: la Cuarta y Quinta Enmienda de la Constitucion and Nuestro Derechos ante la Migra y la Policia)

Ms. Diaz said we need to pass the work to exercise caution when speaking, which is hard to not speak with Immigration officials as they pressure and become repetitious with the same questions. Immigration can do a casual interrogation; to be detained they have to prove that the person is doing something illegal. ICE is looking for a reason to show that they are undocumented. Most of the time they will be on hold for over 2 hours and they should not hold them for that time without a charge, but keeping in mind they are waiting for the verification of being undocumented. There is educational material that will be provided at the training on what can and should be said. There are many points that the individual should know on how to answer if they are in contact with ICE.

Mr. Sanchez will check with the Police Chief on their identity: ICE has jackets that say ICE Police and they have one that says POLICE, we want the community to be able to make the difference on the above. There is a lot of discussion from the immigrant

population that report and believe it is the Santa Fe Police Department because all they can recognize are the words POLICE on their jackets.

- **Education**
Ms. Guerrero reported on the forum held at Sweeney School which was successful. A follow up meeting will be held with Sandra Rodriguez from the bi-lingual program and she will bring information to this committee in the future as an update.
- **Social Media & Communication**
Ms. Jewel Cabeza de Vaca stated that with the information provided above will change the platform a bit. Information is important and they will discuss keeping the community safe. The Acting Chair suggested that they try to identify Social Media fanatics who can verify what is the most accurate information and they in turn share with their following in order to be up to date.

Ms. Diaz said that they also have several allies but they want to make sure at all times that the information is up to date and accurate.

Acting Chair said that the content can also be targeted for the younger generation.

Ms. Guerrero asked about the design of a web page?

Ms. Cabeza de Vaca said that on the web page they are working to populate the demographic information for the Immigration Committee members and what the city will allow as public information. It was asked that the committee members send their information as soon as possible and suggested a picture if they have it and feel comfortable submitted. Ms. Cabeza de Vaca said that personal/professional information that can be shared is important in order for the public to know who they can contact. Mr. Sanchez also talked about links and they should be assured that they are user friendly. Ms. Cabeza de Vaca wants to be assured that the City will verify the content and assure that it is professional and accurate so the Mayor and other individuals can utilize the information on the web. Mr. Sanchez said that in the Mayor's travels he is asked about the Immigration page of the website.

Ms. Diaz asked if this is a whole new website? Mr. Sanchez said that Julie on his staff is creating the web pages. Ms. Diaz again confirmed that this is a page on the current website. Mr. Sanchez

said information that is helpful is name, e-mail address, agency, who are you working with, phone number and areas of expertise. Ms. Guerrero asked what the timeline for completion is. Mr. Sanchez said that gathering the information and getting reviewed by Legal are the next steps.

- **Refugee Resettlement**
Mr. Rios stated that before the next meeting he will follow up with his contacts on refugees and how they are moving forward with information. Some don't know the difference of refugees and immigrants. Mr. Rios will try to go to the church meetings and DOH before the next meeting to report.
- **Police Department**
Mr. Sanchez will contact the Police Chief to learn how to distinguish ICE.

Lt. Montano stated that there are detectives in plain clothes and those uniformed officers jackets have the SFPD badge patch.

Ms. Guerrero asked Lt. Montano about the U-Visas. Lt. Montano said that it is in the process of being reviewed by the Union and it goes back to the City for final review.

Ms. Diaz asked Lt. Montano that when ICE has in the past has come to make deportation arrests and have they asked SFPD for back up? When SOMOS started getting calls from families they were describing SFPD cars and officers supporting ICE. This was an issue in the community and it was problematic. She brings this up as the Mayor brought this up, is there a policy to provide back up?

Mr. Sanchez said he has talked to the SFPD Chief about the back up. The Chief clarified this is misinformation and he will stand by what the Resolution and policy says.

Lt. Montano said they do not help ICE; they don't participate on raids. SFPD would be present if there was an officer in need.

Ms. Diaz asked the question and it was confirmed that if the city has DWI checkpoints, ICE is not invited to be at those checkpoints as many are reporting the sight of white vans in use. Lt. Montano said that the city of Santa Fe Police does have white vans but they are not assisting ICE at DWI checkpoints.

b. Update on Sanctuary City Resolution

Resolution was distributed to the members. There is a great multi-agency working group strategizing on how to implement points in the Resolution. Information will be shared at the next meeting.

Ms. Guerrero asked for more information on how the community felt about this Resolution as there were over 60 people who spoke in support of the Resolution. Many organizations were involved in this process, she said publicly. Marcela Diaz, SOMOS un Pueblo Unido, thank you for taking the lead in this process. Mr. Sanchez also echoed his thanks to Ms. Diaz and her organizations hard and diligent work. This is the beginning of the process with this Resolution. The working group will work hard and together to dissect and implement this Resolution.

Ms. Diaz noted that this Committee wanted to talk about Refugees in this community and it is now included in the wording of the Resolution.

7. Comments from the Chair and Committee Members

Mr. Rios echoed the work of SOMOS and other organizations that came together to make this work. Ms. Diaz said she was grateful that this process educated City Councilors about the immigrant community. We have a strong Resolution and Policy, there is nothing cookie cutter about it, it is based on the specificity of Santa Fe. It was noted that our Resolution is a Model for other Cities in our State. Our Councilors have a better understanding of the work of the Immigration Committee.

Follow Up on the presentation and memorial of Cara Esquibel. It was scheduled for April; we need to be assured it gets on one of the City Council Agendas.

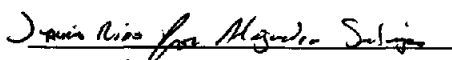
8. Report from Staff


Mr. Sanchez also echoed that we have to do a better job of educating our City Councilors. We should do an update on an annual basis to keep them involved in the process. Next meeting: April 4, 2017 - 4:30 pm

9. Adjournment

There being no further business to come before the Immigration Committee, the meeting was adjourned at 6:00 pm

Signature


Javier Rios, Acting Chair


Fran Lucero, Stenographer

food bags...
to bridge the gap
during difficult times

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feedingsantafe@gmail.com
505 603-6600



March 1, 2017

Alejandra Seluja
Immigration Committee
City of Santa Fe

Dear Alejandra:

We are hopeful that the Immigration Committee will help us obtain information regarding how to handle the possible situation if ICE should appear at our drive-thru food pantry and, at the least, scare or, worse, "round up" recipients of the bags of food we distribute to needy families and individuals. While we have some data on them, there is no registration or forms to fill out, so we don't know who or how many are undocumented immigrants. They include seniors and veterans, many of whom are not immigrants – either legally here or undocumented. The *mass confusion and fear* that would result is of great concern to us and we want to be prepared. We don't want to act prematurely and "scare off" any of the people who come to us; rather, we want to be "at the ready" if needed, should ICE appear unexpectedly.

Perhaps something is already available from the legal department of the City of Santa Fe, but we are not aware of any guidelines that may have been prepared. What would be most helpful would be to have a "Fact Sheet" in both English and Spanish to guide our volunteers and the people who come to us for much-needed food.

What are the rights of all of us – a non-profit that operates from a building that is owned by the City and those who could be accosted? What are the responses we can correctly make? What actions or responses should be avoided? What should we do if this situation should occur? Who should we call? This information would be most helpful. We look forward to attending the Immigration Committee meeting, although another meeting requires our leaving just before 6:00 p.m. Thank you for your help.

Sincerely,

Susan S. Odiseos

Susan S. Odiseos
President

Robert A



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Los Derechos Civiles: la Cuarta y Quinta Enmienda de la Constitución

La Constitución de los Estados Unidos nos garantiza ciertos derechos civiles a todas las personas que viven en el país sin importar ciudadanía o estatus migratorios.

La Cuarta Enmienda garantiza:

El derecho de toda persona a tener seguridad de que su casa, persona, documentos y efectos personales no serán inspeccionados o decomisados sin una razón justificada. (Tenemos el derecho de no ser detenidos, interrogados, revisado o arrestados por autoridades del gobierno sin que estos tengan una razón).

La Quinta Enmienda garantiza:

Ninguna persona...será obligada a testificar en su contra en un caso criminal, ni a ser privada de su vida, libertad o propiedad sin el debido proceso de ley. (Tenemos el derecho a permanecer callados y no incriminarnos, así como también tenemos el derecho a un abogado).

Interrogación casual vs. Detención vs. Arresto

1. **Una interrogación casual:** Una autoridad puede interrogar a una persona en cualquier lugar y por muchas razones. Durante una interrogación casual, usualmente la autoridad pide permiso para iniciar la interrogación. Sin embargo, la persona interrogada tiene el derecho de no contestar las preguntas e irse del lugar.
2. **Una detención** ocurre cuando una autoridad detiene a alguien por un breve periodo de tiempo, dicha autoridad debe tener una sospecha razonable. La persona solo puede ser detenida por un corto tiempo al menos que encuentren causa probable para ser arrestada formalmente. Durante una detención, la persona tiene el derecho a permanecer callada (o) y solo tiene que dar su nombre.
3. **Un arresto** es cuando una autoridad tiene causa probable para creer que una persona a violado la ley. Cuando la persona es arrestada será encarcelada.

Sospecha razonable vs. Causa Probable

1. Una sospecha razonable debe de estar basada en hechos que hagan sospechar a una autoridad que una persona pudo haber violado la ley. Una sospecha razonable no es muy difícil de probar. Algunos ejemplos:
 - Manera en que actúa la persona—nerviosa o secretamente.
 - Lugar geográfico/ tipo de vecindad en la cual esta la persona
 - Modo de vestir de una persona
 - Sus amigos o conocidos son criminales
 - Una denuncia

Esteban B

2. Una causa probable es más difícil de probar. Es cuando los hechos y circunstancias son suficientes para justificar que una persona razonable crea que un crimen ha sido cometido. También se dice que es el conjunto de información y síntesis de lo que las autoridades han escuchado, reconocido u observado como oficiales entrenados. Algunos ejemplos:

- Huir—Tratar de huir o evadir implica culpabilidad.
- Movimientos sospechosos
- Observación de evidencia real—Te descubren en el acto (como una violación de las leyes de tráfico), el olor a marihuana en tu carro, huellas, retrato hablado, fotografías, etc.
- Admitir que te pertenece sustancias ilegales o contrabando
- Respuesta improbables o falsas durante un interrogatorio

Revisión de propiedad y Cacheo

Para poder hacer una revisión de tu persona o propiedad (casa, carro, bolsa, etc.) una autoridad debe de tener una causa probable contundente o una orden de cateo emitida por un juez. Si no tiene ninguna de las dos, la autoridad aún pudiera hacer la revisión si la persona otorga permiso. ¡NO LE DES PERMISO! Durante una detención, la autoridad tiene el derecho de revisar para buscar armas.

El derecho a permanecer callado

Una persona siempre tiene el derecho de no hablar con las autoridades. En Nuevo México, la única información de debes dar por ley es tu nombre completo. Sin embargo, si estás manejado, también debes de mostrar tu licencia de manejo y registración a las autoridades policíacas. Si una persona es interrogada por un agente de inmigración sobre su lugar de origen o estatus migratorio en persona o por teléfono, tiene el derecho de no contestar. Si eres interrogado por autoridades policíacas o carceleros sobre tu estatus migratorio de igual manera tienes el derecho de permanecer callado.



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¡OJO!

**Es muy importante saber que nosotros los inmigrantes
tenemos derechos.**

! Conoce tus derechos!

- **Si la migra viene a tu casa, tienes el derecho de no abrir la puerta y de no permitirle la entrada aunque traigan una orden de arresto. Para entrar a la fuerza necesitan una orden de cateo (una orden de deportación o arresto no es suficiente).**
- **Si tú abres la puerta, estás dando autorización para que entren y hagan preguntas. Pero aún así tienes el derecho de no divulgar tu origen nacional y estatus migratorio.**
- **Tienes el derecho de guardar silencio y no perjudicarte ante las autoridades del gobierno.**
- **No firmes ningún documento que no entiendas.**

**RECUERDA: la migra y la patrulla fronteriza son las únicas autoridades con derecho a pedirte tus documentos Y AUN ASI, TIENES EL DERECHO DE PERMANECER
CALLADO**

*Para más información de tus derechos y para documentar un abuso, llama a
Somos Un Pueblo Unido al (505) 424-7832*

[Handwritten signature]



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¡OJO!

Nuestros Derechos ante la Migra y la Policía

La migra no tiene derecho de hacer un reten después de 100 millas de la frontera. Sin embargo, sí puede patrullar las calles y carreteras. Si eres detenido por agentes de la Migra o *Border Patrol* en ningún momento digas que eres extranjero. Es mejor no tener una conversación con el oficial y siempre contestar con una pregunta:

- ¿Tengo que hablar contigo?
- ¿Tengo que contestar tus preguntas?
- ¿Hice algo malo?
- ¿Me puedo ir?
- ¿Estoy arrestado?
- No quiero hablar contigo. Tengo el derecho de guardar silencio.

Recuerda, la migra sabe que eres indocumentado solamente porque Tú se lo dices. ¡Nunca divulgues tu estatus migratorio!

*Estos derechos se aplican ante cualquier autoridad del gobierno, incluyendo la policía.

Para más información de tus derechos y para documentar un abuso, llama a

Somos Un Pueblo Unido al (505) 424-7832

Compilado por *Somos Un Pueblo Unido*



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Civil Rights: 4th and 5th Amendments of the US Constitution

The US Constitution guarantees certain civil rights to everyone inside the US without regard to citizenship or immigration status.

Fourth Amendment guarantees:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable search or seizures. (We have the right not to be stopped, questioned, detained, searched or arrested by government authorities without cause)

Fifth Amendment guarantees:

No person shall...be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law. (We have the right to remain silent and not incriminate ourselves, and we have the right to seek counsel from an attorney)

Casual questioning vs. Detentive stops vs. Arrest:

1. **Casual questioning** is a brief stop by a law enforcement official to question a person regarding a possible violation of law. The official must have “articulable facts to justify suspicion” that the person may have broken the law or, if the official is an immigration agent, that the person is undocumented. The official may also ask for permission from the person to ask questions, if he cannot justify suspicion. **During casual questioning the person has the right not to answer questions and to walk away.**
2. **A detentive stop** is for more than a “brief” period of time if the law enforcement official has “reasonable suspicion” that the person has violated the law. The person can be detained for only a short period of time unless the official finds “probable cause” to arrest the person. **The person has the right not to divulge any information except his/her name during a detentive stop.**
3. **An arrest** occurs when the law enforcement official has “probable cause” to believe that a person has broken the law.

Reasonable Suspicion vs. Probable Cause

1. Reasonable Suspicion must be based on articulable facts that would make a reasonable law enforcement official suspect that a person could have broken the law. It is not so difficult to prove reasonable suspicion. Some examples:
 - Manner in which a person acts—nervousness, secretiveness, etc.
 - Geographic location/type of neighborhood the person is in
 - Type of clothing
 - Known associates or acquaintances are criminals
 - A tip from another person

2. Probable Cause is more difficult to prove. It is where known facts and circumstances are sufficient to justify that a reasonable person believe that a crime has been or is being committed. It is also defined by the sum total of layers of information and synthesis of what police have heard, know, or observe as trained officers. Some examples:

- Flight—attempting to flee, evade or elude presumes guilt
- Concealing movements
- Observation of real evidence—they catch you in the act (such as a traffic violation), they smell marijuana in your car, foot prints, sketches, photographs, etc.
- Admitted ownership of contraband or illegal substance
- False or improbable answers during questioning
- Presence at a crime scene

Searches

In order to conduct a search of your person or property (home, car, purse, etc.), a law enforcement official must have clear probable cause or a search warrant issued by a judge. If he/she does not, then they may still conduct a search if you give them permission. So don't give them permission!

The right to remain silent

You always have the right not to talk to law enforcement officials. In New Mexico, the only information you are required by law to divulge during a detentive stop is your full name. If you are questioned by immigration officials about your citizenship or immigration status over the telephone or in person, you have the right not to answer. If you are questioned by local law enforcement officials or jailers about your immigration status, you also have the right not to answer.



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ADVERTENCIA

Si La Migra viene a tu trabajo:

- ❑ En las áreas privadas de tu trabajo, la migra no puede entrar sin una orden de cateo o el permiso del patrón (el patrón tiene el derecho de pedir esa orden y pedirles que regresen en tres días).
- ❑ Si las Migra entra a tu lugar de trabajo, tienes el derecho de no responder a ninguna pregunta, no digas que eres extranjero, ni cómo y cuando viniste a los Estados Unidos, ni que clase de documentos tienes, etc. No te incrimines a ti mismo, ellos no saben que eres indocumentado a menos que tu se los digas. **Tienes el derecho de permanecer callado y no perjudicarte ante autoridades del gobierno.**
- ❑ Recuerda que sin una sospecha razonable, La Migra no debe de preguntar a nadie sobre su estatus migratorio. Si un agente te quiere interrogar mantén la calma, no luzcas nervioso. Nunca llesves documentos falsos, ya que esto te puede traer graves problemas legales.

INFORMACIÓN PARA EMPLEADORES

- ❑ Los agentes de inmigración y de la Patrulla Fronteriza tienen todo el derecho de estar en el área pública de su negocio; usted, sus empleados y sus clientes tienen el derecho de no divulgar cualesquier información acerca de sus estatus migratorio. **Todos tenemos el derecho de permanecer callados y no perjudicarnos a nosotros mismos.**
- ❑ Si se le acerca un agente, usted tiene el derecho de pedirles identificación y sus credenciales. Si no se identifican apropiadamente, tiene el derecho de rehusarse a hablar con ellos.
- ❑ **Los agentes de Inmigración necesitan una orden judicial o su permiso para entrar a las áreas privadas del establecimiento (donde no pueden estar los clientes) Usted tiene el derecho de NO darles el permiso a entrar en esas áreas privadas o de hablar con sus muy ocupados empleados.**
- ❑ A menos que los agentes tengan una orden judicial para revisar las formas I-9, usted tiene el derecho de pedir “un tiempo razonable” (generalmente tres días) para recopilar todas las formas I-9. Muy cordialmente arregle una cita para que regresen a revisar esos documentos.
- ❑ Los agentes de Inmigración no necesariamente tienen el derecho de hacer preguntas a sus empleados o revisar otros documentos que no sean las formas I-9. Usted tiene el derecho de decirles a los agentes, “no tengo tiempo de atenderles en este momento y no estoy seguro de lo que se trata, así que me gustaría hablar con mi licenciado antes de divulgar cualquier información y permitirle revisar los documentos”.
- ❑ Llame a un licenciado de Inmigración par pedir consejo legal.

Somos Un Pueblo Unido es una organización que vela por los derechos de los inmigrantes y no somos abogados.

INFORMATION FOR EMPLOYERS

- ❑ Immigration Enforcement Agents and Border Patrol Agents have the right to enter the public area of your business establishment. You, your employees, and your customers have the right, however, no to divulge any information regarding immigration status. **We all have the right to remain silent and not incriminate ourselves.**
- ❑ If immigration agents approach you, you have the right to ask them to present proper identification and credentials.
- ❑ **Immigration agents need a warrant or your permission to enter the private or back areas of your business (where customers are not allowed). You have the right to NOT give them permission to enter the private areas or speak to your otherwise busy employees.**
- ❑ Unless the agents have a signed warrant to check your I-9 record, you have the right to a "reasonable amount of time" (usually three days) to compile and retrieve your I-9 forms. You could politely arrange a time for them to return for your documents.
- ❑ Immigration agents do not necessarily have the right to ask questions of your employees or check documents other than I-9 forms.
- ❑ You have the right to say to agents "I don't have the time to deal with you right now and I'm not really sure what this is about, so I'd like to speak to my attorney before divulging any information or giving you permission to check our documents."
- ❑ Call an immigration attorney for legal advice.

For more information call *Somos Un Pueblo Unido* at (505) 424-7832. *Somos Un Pueblo Unido* is an immigrant rights group. We are not attorneys and do not provide legal advice.



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Vehicular Checkpoints

Background:

Law enforcement officials do not need reasonable suspicion to stop a vehicle if conducting a legal vehicular checkpoint. There are many different kinds of checkpoints: immigration, DWI, license and registration checkpoints, etc. Although law enforcement does not need reasonable suspicion for the initial stop, probable cause is still necessary for a detention, arrest, or search.

Important things to know about checkpoints:

- Immigration checkpoints can only be conducted by federal immigration officials within 100 miles of the border. The location of immigration checkpoints should not change. The location should be stationary.
- Immigration officials may be present at a DWI or license/registration checkpoint beyond 100 miles of the border, but they still must have reasonable suspicion to question the vehicle's driver about her immigration status. They are not authorized to question the driver of every vehicle about immigration status.
- Local law enforcement officials conducting a DWI/License checkpoint should not ask questions regarding citizenship or immigration status because that is not the nature of the checkpoint.
- At a checkpoint, every vehicle should be stopped, or police should use a randomly established pattern to stop vehicles (every fifth vehicle, for example). It is illegal for police to use racial profiling in determining which vehicles should be stopped.
- A driver or passenger stopped at any kind of checkpoint has the right not to answer questions or give permission for a search of the vehicle. If the police or immigration official does not have sufficient probable cause that a driver has broken the law, he/she must let person keep on driving.
- If a driver makes a u-turn to avoid a check point, it could be construed as fleeing. This could give sufficient reasonable suspicion and probable cause for law enforcement to go after and stop the vehicle.



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Retenes Vehiculares

Información:

Las autoridades policíacas no necesitan una sospecha razonable para detener a un vehículo si están llevando a cabo un retén legal. Existen muchos tipos de retenes: Retenes de inmigración, de DWI, de revisión de licencias de conducir y registros vehiculares etc. Aunque las autoridades policíacas no necesitan de una razón justificada para la parada inicial, una razón justificada es necesaria si quieren detenerte más tiempo del que requiere la parada inicial y una causa probable es necesaria para llevar a cabo un arresto.

Información importante acerca de los retenes:

- Los retenes de inmigración solamente los pueden llevar a cabo dentro de 100 millas de la frontera. La ubicación del retén nunca debe de cambiar y debe de mantenerse estacionaria.
- Los oficiales de inmigración pueden estar presentes durante un retén de DWI o de revisión de licencias de conducir y registros vehiculares fuera de las 100 millas de la frontera, pero necesitan tener una razón justificada para detener un vehículo por más tiempo para hacer preguntas al conductor y a sus pasajeros sobre su estatus migratorio.
- Las autoridades locales llevando a cabo un retén de DWI etc., no deben prolongar la parada inicial (ni siquiera por un breve período de tiempo) para hacer preguntas acerca de tu ciudadanía o estatus migratorio porque el retén no es de esa índole.
- En el retén, cada vehículo debe de ser detenido, o la policía debe de establecer un patrón para detener a los vehículos (por ejemplo, cada quinto) Es ilegal detener o cuestionar únicamente por la apariencia extranjera.
- Un conductor o pasajero detenido en cualquier tipo de retén tiene el derecho de no contestar preguntas ni de dar permiso para que esculquen el vehículo. Si la policía o el oficial de inmigración no tiene suficiente razón justificada de que se ha violado la ley, entonces tendrá que dejarlo ir.
- Si el conductor se regresa y da una vuelta en "U" para evitar un retén, se podrá considerar como una huída, lo cual, da pie a una sospecha razonable para que los oficiales persigan y detengan el vehículo.