

Undocumented Immigrants

STAY CALM DESPITE TRUMP

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Richard Hobbs has over 3 decades of experience as an attorney with Catholic Charities, SIREN, Santa Clara County, Human Agenda, and the Rapid Response Network. Here he provides essential information for undocumented immigrants in the face of the excessive panic spread by the Trump administration.

Does ICE have your address?

There are about 1.4 million undocumented immigrants who have been deported and about 655,000 non-citizen immigrants who have been arrested (with or without a conviction). ICE has access to your address if you fall into one of these two categories and still live at the same address, so many move to take precautions. Many move if they have a deportation or an arrest.

According to the latest data, 97% of ICE visits to immigrant homes fall into these two categories.

ICE operations in East San Jose on Sunday, Jan. 26, 2025, fell within these categories. The San Jose Police Department was notified that ICE would conduct Sunday's operation and ICE even emailed the following response to an inquiry: "ICE enforcement activity is conducted 24 hours a day. However, ICE does not conduct raids, nor does it operate roadblocks or checkpoints. ICE's enforcement resources are based on intelligence-driven leads and ICE officers do not indiscriminately target noncitizens."

If you have overstayed your visa or have been denied an application such as adjustment of status by USCIS, ICE may have access to your address, but historically has not issued a Notice to Appear that triggers a deportation proceeding.

If ICE does not have your address.

If ICE does not have your address, you may receive a visit from ICE because they are looking for the deported or arrested person, above, who no longer lives there. In those cases, ICE usually arrives early in the morning and sometimes wearing a jacket that says "Police," when in fact they are ICE. If that happens to you (collateral arrest, 3% of cases):

1. **Do not open the door.** Under the Fourth Amendment of the U.S. Constitution, **people** have the right to the privacy of their home and do not need to let anyone in. If ICE claims to have a search warrant signed by a judge, my experience is that they never have it and **you should never open the door.**

2. **Be quiet.** Under the Fifth Amendment of the U.S. Constitution, *people* have the right to remain silent. After you don't open the door, don't open your mouth.
3. **Don't sign anything.** If you sign for voluntary departure, you may find yourself in Tijuana the next day (or be placed on a flight back to your home country).
4. **You have the right to talk to your lawyer.**

What if ICE approaches you when you are on the street, in your car, at your workplace, or at an airport?

Stay calm. Don't run. Do not provide any documentation (they will not have a search warrant). Say you want to remain silent. Tell them you want to talk to your lawyer. The most important thing is to ask them, "Can I leave?" If they say yes, then leave.

If ICE already has reasonable cause to arrest you (they have your photo and know you were previously deported or arrested), they have the right to detain you in a public place. Call your family and your lawyer.

Report any encounters to the Santa Clara County Rapid Response Network at 408 290 1144.

There may be audits by ICE or the Social Security Office, but they are not immediate operations to arrest a person. Your employer tells you if there is an audit based on a wrong or false Social Security number.

Am I safe at church, at school, in a clinic or hospital?

On January 20, 2025, the U.S. Department of Homeland Security rescinded an executive order by then-President Biden and another from 2011 that declared these places to be safe "sensitive locations." ICE has the right to enter these places, BUT THEY NEVER DO. Why? Because ICE needs "reasonable cause" (knowing that you are from another country and that you entered without inspection) and they do not have reasonable cause. As they noted after their operation on Sunday, January 25, "ICE does not conduct raids, nor does it operate roadblocks or checkpoints."

If people were randomly asked at such a place (or at a Home Depot), the same rule as above applies: stay calm, don't run, don't offer any documents, remain silent, and ask if you can leave. In Santa Clara country, ICE has not entered any of these sensitive locations in recent decades, so past practice indicates that it is safe.

If you are detained.

Don't sign anything. Call the Santa Clara County Rapid Response Network at 408 290 1144 for immediate legal assistance. Talk to an attorney or accredited representative. You have

the right to a hearing and to request a bond if you are eligible. Asylum, a family petition, cancellation of removal, U Visa, VAWA, or other remedy may be available to you.

Who do I call if I see ICE in operation or if ICE visits me at my home?

Aside from your family or attorney, call the Santa Clara County Rapid Response Network at 408 290 1144. They will monitor ICE activity and provide immediate legal assistance.

**IT'S TRUMP'S JOB TO CREATE PANIC.
DON'T LET HIM DO THAT. STAY CALM.**