

ENGAGED COMMUNITIES SERIES



STANDING UP: YOUR RIGHTS WITH ICE & LAW ENFORCEMENT

HERE'S WHAT YOU NEED TO KNOW

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Our Panelists' Insights



Zahra Billoo

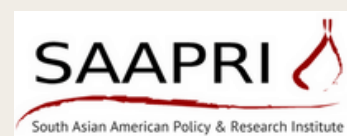
Executive Director, CAIR-SFBA



Kulmeet Galhotra

*Criminal Defense Attorney
and Civil Rights Advocate*

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What is ICE?

- **ICE** stands for *Immigration and Customs Enforcement*.
- It is a **relatively new agency**, created after 9/11.
- ICE operates **within the Department of Homeland Security**.
- Its **primary responsibility** is enforcing immigration laws **inside** the United States.
- ICE often **cooperates with local police, Customs and Border Protection (CBP)**, and other agencies.
- In non-sanctuary areas, ICE may work directly with local law enforcement to conduct raids and arrests.

Department of Homeland Security

ICE is one of three main immigration-related agencies under DHS, along with:

- U.S. Citizenship and Immigration Services (**USCIS**) – handles immigration benefits (like green cards and citizenship).
- Customs and Border Protection (**CBP**) – handles border security and customs enforcement.
- Immigration and Customs Enforcement (**ICE**) – focuses on interior enforcement, such as investigating immigration violations, detaining and deporting undocumented immigrants, and combatting transnational crime.

Our Panelist's Insight

Your Rights When Detained By ICE:

- You always have the **right to remain silent** — but you must say it out loud; silence alone isn't enough
- You have the **right to an attorney** — even lawyers get lawyers.
- You have a **right to due process**, including:
 - Being informed of what's happening
 - Facing your accusers
 - Defending yourself in court

Zahra warns that these rights, particularly **due process**, are under attack — with many people being detained or deported **without a court hearing**.

What legal justification is being used to bypass due process?

Kulmeet **points out a troubling legal justification** some administrations have used to bypass constitutional protections — the **Alien Enemies Act**.

The **Alien Enemies Act** was enacted in **1798** as part of the **Alien and Sedition Acts**, a set of four laws passed by the Federalist-controlled U.S. Congress under President John Adams.

- It **remains in effect** today (unlike the other Alien and Sedition Acts, which were repealed or expired).
- It gives the U.S. President authority to **detain, relocate, or deport non-citizens** from a country the U.S. is **at war with**.
- The most notorious use of this law was during **World War II**, when it was cited to justify the **internment of Japanese, German, and Italian nationals** — although **Japanese American citizens** were interned under different orders (notably Executive Order 9066).

Executive Order 9066 (Signed by FDR, 1942)

- Applied to: Anyone, including U.S. citizens, especially of Japanese ancestry.
- Allowed the military to **designate exclusion zones** and **forcibly relocate individuals** from those areas “as deemed necessary.”
- Led to the mass internment of: Over 120,000 Japanese Americans, **two-thirds of whom were U.S. citizens**. Some Italian and German Americans were also affected, though not at the same scale. This was not based on individual threat or legal process, but **rather on racial and ethnic profiling**.

Our Panelist's Insight

If someone is detained, is there anything they can do to advocate for their right to due process? Or is that solely the role of their attorney?

Yes — individuals themselves must assert their rights.

- You can give up your due process protections simply by waiving or signing them away, often unknowingly.
- It's common for people to waive their right to an attorney or make statements to law enforcement, even after being read their Miranda rights.
- Asserting your rights can lead to better legal outcomes — the law allows you to waive them, but doing so rarely benefits the individual.

Asserting your rights can never be held against you in court — but saying the wrong thing can be.

Asserting your right to remain silent and to legal counsel is ***always*** the safer path.

Scenario

Someone is at home and ICE knocks on their door — do they have to open it? How should they approach that interaction?

- **You do not have to open the door** unless ICE has a **judicial warrant** signed by a **neutral judge or magistrate**.
- ICE often carries **administrative warrants**, which are **not the same** and do **not give them the legal right** to enter your home.
- You have the right to **ask to see the warrant** — they can **slide it under the door** or **hold it up to a window**.

*(This protection stems from the **Fourth Amendment**, which guards against unlawful search and seizure.)*

ICE or police can only enter in three situations:

- With a valid judicial warrant
- If you give consent
- By force, usually in a rare emergency or under the claim of imminent danger

If force is used (e.g., breaking down a door), make sure to **verbally state your objection** — say:

“I do not consent to this search.”

“Do you have a warrant?”

Don’t physically resist — it can be dangerous and legally harmful. **Verbal objection** is key.

In forced entry cases, recording the encounter can help — that’s how rights violations get documented. If law enforcement forces their way in, it’s prima facie evidence that you did not consent — but documenting it still matters, **especially for your defense**.

Scenario

What if ICE or immigration officers come to a workplace?

- ICE can legally enter public areas of a workplace (like a store floor or open lobby).
- To enter private spaces (like offices, staff lounges, or backrooms), **they must have a judicial warrant or receive explicit consent from someone authorized** (e.g., the employer).
- Employers have a moral and legal responsibility to assess whether or not they will consent to entry — especially if they know they have vulnerable employees.
- Best practice: **Do not voluntarily consent to entry.** If ICE wants to enter, they should present a valid warrant.
- During a workplace raid (or any law enforcement encounter):
 - **Do not run** — running can escalate the situation dangerously and lead to harm or additional charges.
 - **Do not lie or present false documents** — that constitutes a separate, serious offense.
 - Do not speak unless necessary — this includes not handing over documents. Instead, exercise your right to remain silent.

“You may think you have nothing to hide, but nobody talks themselves out of trouble.” - Zahra Billoo, Executive Director of CAIR-SFBA

Scenario

What should people know about their rights if they are students on a school or university campus? Should they carry specific documents? Is it similar to a workplace situation?

- There's no universal rule about what to carry — and even U.S. citizens are increasingly unsure whether they should carry items like passports.
- Carrying a passport won't necessarily protect you if ICE targets you — it's not a safeguard.
- Ultimately:
 - Carry what makes you feel safe, but also what you're okay losing (i.e., don't carry anything highly valuable or hard to replace).
 - Always carry a form of ID, preferably state- or government-issued.
- If you're a non-citizen, be aware:
 - You may be legally required to carry your immigration documents (like a green card).
 - However, you're not required to proactively show them unless asked in a legal context.
 - Only specific documents are relevant — e.g., a green card, not things like birth certificates or passports from other countries, which won't help in legal encounters.

“

It's very important to remain silent. It's very important to invoke your right to counsel. Because once you start talking again, the next thing you know, you've waived your rights.

Kulmeet Galhotra
*Criminal Defense Attorney
and Civil Rights Advocate*

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Family Preparedness

If someone is detained by ICE, what can their family or community members do right away to help or advocate for them — especially if the person who had been organizing everything is now the one detained?

Preparation matters. If you have a family member at risk of detention, it's important to know:

- Their **full legal name**
- Their **immigration status**
- Their **A-number** (Alien Registration Number), which is key to locating non-citizens in ICE custody

Detained individuals usually get one or more phone calls, but that's **not always honored** — which is why family members should already have essential information and contacts (e.g., attorney's name and number).

Contact an attorney immediately. If the person doesn't already have one, reach out to a **community legal organization**, which can:

- Help **locate where the person has been taken**
- Provide guidance on **available legal remedies**
- Offer **support in navigating the detention and deportation process**

Public advocacy is powerful.

- **Media attention, congressional outreach, and community pressure** can have a big impact.

Our Panelist's Insight

General Digital Privacy Advice (Always, not just at borders)

Assume nothing on your device is private.

"If you wouldn't want it on a billboard, don't keep it on your device." – Zahra Billoo

Your phone can be:

- **Hacked** (fail-proof risk)
- **Unlocked or accessed by others** (foolproof risk — e.g., someone takes a screenshot or turns you in)

Digital security is never absolute — be mindful of what's stored and shared.

Device Settings to Protect Yourself:

- **Turn off biometric ID** (face ID, fingerprint):
 - Law enforcement **does not need a warrant** to unlock your device using your body.
 - They **do need a warrant** to compel a **password**, because that's protected by your **right against self-incrimination**.

"They can manipulate your body, but not your mind." – Zahra Billoo

- **Use a strong password** — it's your best legal protection in case your device is confiscated or searched.

Our Panelist's Insight

At the Border: Digital Privacy Advice

- **Border agents can confiscate your devices** and will often try to access them.
- As a **U.S. citizen**:
 - You **should refuse to unlock your phone** or give your password.
 - You can **ask for a receipt** if your device is confiscated.
 - You **cannot be denied entry**, but your phone might be taken.
- As a **non-citizen**:
 - **Refusing to unlock your device may lead to being denied entry or having your visa revoked.**
 - There is **no perfect answer** — it's a tradeoff between protecting your data and the risk of being turned away.

How are police different from ICE, and do your rights change?

- **ICE enforces immigration law only** — they do not handle everyday crimes like theft or traffic violations.
- Local police handle most day-to-day criminal offenses within cities, counties, or states.
- Federal agencies (like FBI, ATF) may get involved in federal criminal investigations.
- **In sanctuary states like Illinois:**
 - Local police do not cooperate with ICE, cannot ask about immigration status, and cannot detain people for ICE.
 - ICE uses separate federal detention centers

Legal rights in police encounters (6th Amendment):

- If charged with a crime, you have the right to an attorney (provided if you can't afford one).
 - You're entitled to: A speedy trial, Confrontation of witnesses, Compulsory process (e.g., subpoena power)
- These criminal court rights are stronger and more protective than what's available in immigration court.

Our Panelist's Insight

If someone is undocumented and witnesses a crime, can they report it without risking their status?

- Yes, especially in sanctuary cities, undocumented individuals are encouraged to report crimes and cooperate with law enforcement.
- There are special visa options, such as the U visa, for:
 - Victims of certain crimes
 - Individuals who assist law enforcement or prosecutors
 - These protections also apply to witnesses, not just victims.
 - Reporting crimes — including hate crimes — can open legal pathways to protection rather than endangering one's immigration status.

What can allies or neighbors do during an ICE raid or police incident?

- Do not interfere physically — it can escalate the situation.
- Instead:
 - Keep a safe distance
 - Record or document what's happening (video, time, location, officer names if visible)
 - Offer to serve as a witness afterward if needed

Are there any recent changes in ICE procedures the community should know about?

The **Laken Riley Act** is a recent development:

- It allows ICE to detain **undocumented individuals based solely on arrest or charge**, even without conviction.
- The law's **application is still unfolding**, and its legal impacts are not yet fully tested in court.

The biggest shift isn't just legal — it's in **ICE's increasingly unpredictable and aggressive practices**.

ICE has begun targeting even **green card holders** and those attending **naturalization interviews**, like:

- *Mahmoud Khalil*, a green card holder detained without criminal charges
- *Mohsen Matawi*, detained during his citizenship interview

There's now **less clarity about who is considered "high-risk"**, creating **fear and confusion** in immigrant communities.

Our Panelist's Insight

What misconceptions do South Asian immigrants often have about ICE or law enforcement?

Some South Asian immigrants — particularly older or more privileged generations — may wrongly believe that immigration enforcement only targets people who “deserve it” or didn’t follow the rules. The reality, as both speakers emphasize during the panel, is that immigration enforcement can affect anyone, including green card holders and citizenship applicants. Trusting law enforcement or assuming safety through silence can be dangerous, and collective protection is key.

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Less than 1% of people will be directly impacted here. But all of us have an opportunity to do something about it. And if we don't... it won't matter if we didn't lay down the groundwork to stop this now.”

Zahra Billoo

Executive Director, CAIR-SFBA

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Resources Shared By Panelists

Immigrant Legal Resource Center	www.ilrc.org
American Civil Liberties Union	www.aclu.org
National Immigrant Justice Center	www.immigrantjustice.org
National Immigration Law Center	www.nilc.org
Ice Locator	https://www.ice.gov/detention-facilities
American Immigration Lawyers Assoc.	www.aila.org
For hearing scheduling information	https://acis.eoir.justice.gov/en/

ENGAGED COMMUNITIES SERIES!

FROM HATE TO HOPE: SOUTH ASIAN RESILIENCE, RESISTANCE, & THRIVING THROUGH HISTORY



This session explores the history of hate and discrimination faced by South Asians in the United States. Our speakers will examine the roots and evolution of anti-South Asian sentiment, uncovering how these historical narratives continue to influence present-day experiences and inspire collective thriving.



MODERATOR
SUFYAN SOHEL



PANELIST
AMANDEEP S. SINDU
Co-Founder, The
Sikh Coalition



PANELIST
MANJUSHA KULKARNI
Executive Director,
AAPI Equity Alliance
and Co-Founder,
Stop AAPI Hate



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Co-founder, SAAPRI
and Associate Vice
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MAY 8TH

3PM PT | 5PM CT | 6PM ET

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For more info
contact us at:
community@saapri.org