

Know Your Rights

Staying Informed & Prepared



Information and resources for migrant families.



All people in the United States, regardless of immigration status, have certain rights and protections under the U.S. Constitution. Knowing and asserting rights can make a huge difference in many situations, such as when ICE agents go to a home. The information included in this resource guide provide students, families and school staff with critical information for working together to assert the rights of all within the Health Sciences High school community.

Know Your Educational Rights



You have the Right to Enroll Your Child at any Public School

The 1982 Supreme Court Case Plyler vs. Doe held that all children have a Constitutional right to access a free public education regardless of their immigration status or that of their parents. All District K-12 schools, early education centers, adult schools, and parent centers are resource and information sites for students and their families, per Board Resolution 032. Every student, regardless of immigration status, will be immediately enrolled in school. If you're turned away by a school contact the School Enrollment, Placement & Assessment Center at (213) 482-3954.



Confidentiality of Personal Information

The Family Education Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties with student education records. However, there may be exceptional circumstances under which the San Diego Unified could be required to provide pupil records information to federal immigration officials, including the following: 1) if there is a valid subpoena, judicial warrant, or court order; and 2) if there are emergency circumstances, such as confirmed danger to public safety. Otherwise your personal information is not shared by the San Diego Unified without your consent.



Complaint Rights

You have the right to file a complaint under the District's Uniform Complaints Procedures for noncompliance with state and federal laws and regulations, including but not limited to alleging discrimination, harassment, intimidation and/or bullying. Complainants are protected from retaliation. Complaints under various venues (e.g., UCPs, special education due process, Title IX) are afforded to all students regardless of immigration status. For more information regarding this, see <https://achieve.lausd.net/Page/3655>.



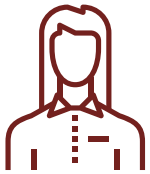
Be Prepared

Speak to your family including your children, about critical information that every member of the family must know regarding legal guardianship, health records, important documents, and who to contact at the school site should a member or caretaker affidavit of the family be detained by I.C.E. Keep your documents updated and located in a safe and accessible area, including the emergency information card.



Know Your Legal Rights

The United States Constitution guarantees certain rights for every person living in the United States, whether immigrant or native-born citizen, documented or undocumented. Today more than ever, it is important to know and assert your rights.



Right to Remain Silent

Everyone has the right to remain silent. You can plead the 5th Amendment and choose not to speak. You don't have to answer any questions or disclose any information regarding where you were born or how you entered the United States. Anything you say to federal immigration enforcement officials can be used against you—so be aware that you can exercise your 5th Amendment rights.



Don't Open Your Door

You may talk with an Immigration and Customs Enforcement (ICE) officer without having to open your door. In some cases, ICE agents may identify themselves as police officers. You are encouraged to look through a window or peephole or ask them to identify themselves without opening the door. They are not allowed to enter your home unless you invite them in or if they have a warrant signed by a judge. You may ask them to hold the warrant up against a window or slide it under the door. To ensure the validity of the warrant, make sure that it includes your correct name and address.



Private Spaces

ICE is not allowed in other private spaces—such as a doctor's office—without a warrant. Staff members are able to deny ICE permission to enter these private areas if they don't have a warrant or if the warrant is not signed by a judge.



Speak to a Lawyer before Signing or Speaking

The language used on legal documents may be confusing or hard to understand—so do not sign anything if you are not certain about what it means. Always speak to an attorney before signing anything given to you by ICE. If you are questioned by an immigration officer, simply ask that you wish to speak to a lawyer. If the questioning continues, repeat your request to speak with a lawyer.



You Have the Right to a Lawyer and a Hearing

You may have a lawyer by your side if ICE or other law enforcement officers begin to question you. If you are arrested for a crime, you have the right to a lawyer—and should ask for one immediately. If you are detained by ICE, you have the right to speak with an attorney. You also have a right to a court hearing and for a judge to review your case. While a judge reviews your case, you can remain in the United States until a final decision is made.



Know Your Legal Rights

Record All Information

If possible, take pictures and record any encounters with federal immigration enforcement officials. Try to take note of all names, badge numbers, time, location, and exactly what happened. You can use this information in your defense.

Defend Yourself

Make sure to have a trustworthy attorney on hand to help explore all your options when arguing your case. You may be eligible for bail or there may be forms of immigration relief that you are not aware of.

Red Cards

The Immigrant Legal Resource Center (ILRC) has created Red Cards to help our communities assert their constitutional rights in encounters with federal immigration enforcement officials.

Usted tiene derechos constitucionales:

- **NO ABRA LA PUERTA** si un agente de inmigración está tocando la puerta.
- **NO CONTESTE NINGUNA PREGUNTA** de un agente de inmigración si el trata de hablar con usted. Usted tiene el derecho de mantenerse callado.
- **NO FIRME NADA** sin antes hablar con un abogado. Usted tiene el derecho de hablar con un abogado.
- Si usted está afuera de su casa, pregunte al agente si es libre para irse y si dice que sí, váyase con tranquilidad.
- **ENTREGUE ESTA TARJETA AL AGENTE.** Si usted está dentro de su casa, muestre la tarjeta por la ventana o pásela debajo de la puerta.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

When interrogated by federal immigration officials, you have the right to stay silent. Hand the Red Card to the officer and remember that you do not have to answer any questions.

Organizations and individuals may request these cards for distribution at the following website <https://www.ilc.org/redcards>. These cards are also available at the Health Sciences High Front Desk.