



IMMIGRATION RIGHTS IN FLORIDA

Regardless of your immigration status, you have guaranteed rights under the Constitution. Learn more here about your rights as an immigrant, and how to express them.

The Immigration Process and Constitutional Rights

There are multiple ways that someone can immigrate to the United States. Some of the most common include:

- ▶ Family-based: you are sponsored by a family member who is a legal resident
- ▶ Employment-based: you are sponsored by an employer (also known as a work visa)
- ▶ Granted asylum in the U.S.
- ▶ Temporary Protected Status (TPS)
- ▶ Deferred Action for Childhood Arrivals (DACA): currently available for renewal, but not receiving first-time applicants

All immigrants have constitutional rights including (but not limited to):

- ▶ Right against unlawful searches
- ▶ Right against an unlawful arrest
- ▶ Right to remain silent, including with immigration officers
- ▶ Right to an attorney during criminal proceedings (but not during deportation/civil immigration proceedings)
 - ▶ The government will not provide you a free attorney but you should get an immigration attorney for your family beforehand
- ▶ Right to refuse to sign any document (and you should not sign anything before talking to an attorney)

Who can be deported by ICE?

The following situations may result in someone being deported by immigration authorities:

- ▶ Someone who attempted to or entered the U.S. unlawfully
- ▶ Someone who violated the terms of a visa or had their legal status terminated
- ▶ Someone convicted of certain violent crimes even while having legal status
- ▶ Someone with misrepresented information in an immigration application
- ▶ Someone with a prior removal order

Safety Tips for Immigrants

1. Always carry your valid immigration documents with you, such as your work permit, permanent residency card (green card), or other relevant identification.
2. Unless necessary, avoid carrying papers from another country (like a foreign passport) if expired or not stamped by US authorities.
3. Always carry a card with your immigration attorney's and/or union representative's contact information.
4. Always carry a know-your-rights card with you (or keep this paper on your person).
5. Do NOT carry fake IDs or false immigration documents.

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Family Preparedness



Emergency Plans

Create an emergency plan by visiting wehaverights.us/create-an-emergency-plan.

Your family must know your:

- ▶ Immigration “A” number
- ▶ Full government name
- ▶ Date of birth
- ▶ Country of origin

Should you be detained, they can locate you by visiting locator.ice.gov with this information.



Finances and Legal support

- ▶ Designate individuals to make financial decisions if you are detained. You may need to grant power of attorney for financial institutions.
- ▶ Save money to pay for an attorney if possible.
- ▶ Find an immigration attorney.
- ▶ The government will not provide you an immigration attorney for free, but immigration courts will provide a list of free/low cost immigration attorney services.



Important Documents to Have Safe and Accessible

- ▶ Immigration documents (visa, work permits, A#, court-related documents)
- ▶ Birth certificates for you and your children
- ▶ Marriage certificate
- ▶ Passports
- ▶ Any form of identification
- ▶ Medical records
- ▶ Educational degrees
- ▶ Military or business paperwork
- ▶ Any records concerning your status as a witness or victim of a crime who is cooperating in an investigation



Childcare

- ▶ Consider granting power of attorney or guardianship to a trusted adult
- ▶ Plan for a family member or friend to care for your child or elderly relative in case you are detained
- ▶ Make sure other people know of these plans

Your rights under SB 1718:

SB 1718 is a Florida law that passed in 2023 and affects immigrants in a few ways. Here is a brief overview:

- It invalidates out-of-state licenses issued to undocumented immigrants (such as Connecticut and Delaware) in Florida.
- Florida hospitals are required to ask about immigration status, but you are NOT required to answer and will receive emergency care regardless.
- Community IDs available to undocumented people cannot be directly funded by local governments. Some counties, such as Broward and Miami-Dade, still have ongoing Community ID programs that are privately funded.
- Previously, this law would criminalize entering the state of Florida with an undocumented person in your vehicle. This law has since been stopped due to a lawsuit filed by the ACLU of FL with other groups in May 2023. Therefore, as of today, this is not in effect.

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Questions?

Visit us at aclufl.org or email us at volunteer@aclufl.org.

Encounters with Police or Immigration

- ▶ Stay calm, do NOT run or resist.
- ▶ Memorize important contact information (such as your lawyer's phone number).
- ▶ NEVER lie or provide false documents.
- ▶ NEVER sign anything without consulting a lawyer.
- ▶ You have the right to remain silent until you speak with an attorney, even if you are arrested.
- ▶ In Florida, if stopped by local police (not ICE), you may need to identify yourself if you are suspected of a crime.

If you're stopped on the street:

- You have the right to remain silent and are not required to identify yourself to ICE agents. You may be required to identify yourself to local police if suspected of a crime.
- If immigration agents request your documentation, you should show them if you have them with you.
- Calmly ask "am I free to go?" if you're unsure what's happening.
- In Florida, they may pat you down if they suspect you are armed; if they search any more, clearly say "I do not consent to a search."

If you're stopped while driving a vehicle:

- Only roll the driver's window down enough to give your license and registration. Do not roll down your passenger windows.
- **If asked by local police (not ICE), you must show:**
 - Driver's license
 - Vehicle registration
 - Proof of insurance
 - Only the driver has to present this-passengers don't need to identify themselves
- You have the right to remain silent; you do not have to answer questions about your immigration status or where you were born

You do not have to consent to a search of your car/belongings

- They may temporarily detain and search you without consent if they believe there is evidence of a crime or you possess a weapon
- Clearly say "I do not consent to a search."

If police/ICE arrive at your home:

- Keep the door closed, it is safer to speak through the door.
- Do not open the door unless officers present a search warrant signed by a judge (not a deportation officer). A deportation order/warrant does not authorize officers to enter your home without consent.
- If officers have a warrant, ask them to show it through a window or slide it under the door.
- Ask what agencies they are with and what they are there for, and ask for identification.
- If they try to enter without a warrant, say "I do not consent to your entry or search." If they force their way in, don't resist, and tell everyone in our family to remain silent- even if you are arrested.
 - The only exception is if you are on probation or criminal parole, they may be allowed to enter your home.

If police/ICE arrives at your workplace:

- Remain calm and do not run.
- If ICE arrests you, tell them you want to talk to your lawyer.
- Keep your immigration attorney's information with you at all times.
- Do not sign ANY documents without first speaking to a lawyer, including if asked by an ICE agent.
- You do not need to answer any questions about your citizenship, immigration status, or anything else.
- Unless your immigration status requires you to produce documents, remain silent or tell the ICE or police agents that you wish to remain silent. Do not answer any questions without your lawyer present.