

Know Your Rights: Immigration

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In 1790, the first Congress passed the **Naturalization Act of 1790**, which limited eligibility for U.S. citizenship to “**free white persons**” of “**good character.**”

Citizens

- Born in the United States or certain U.S. territories (under **jus soli**, or birthright citizenship);
- Naturalized according to the INA's procedures;
- Or derived/acquired citizenship through U.S. citizen parents.

Citizens cannot be removed or deported under immigration law.

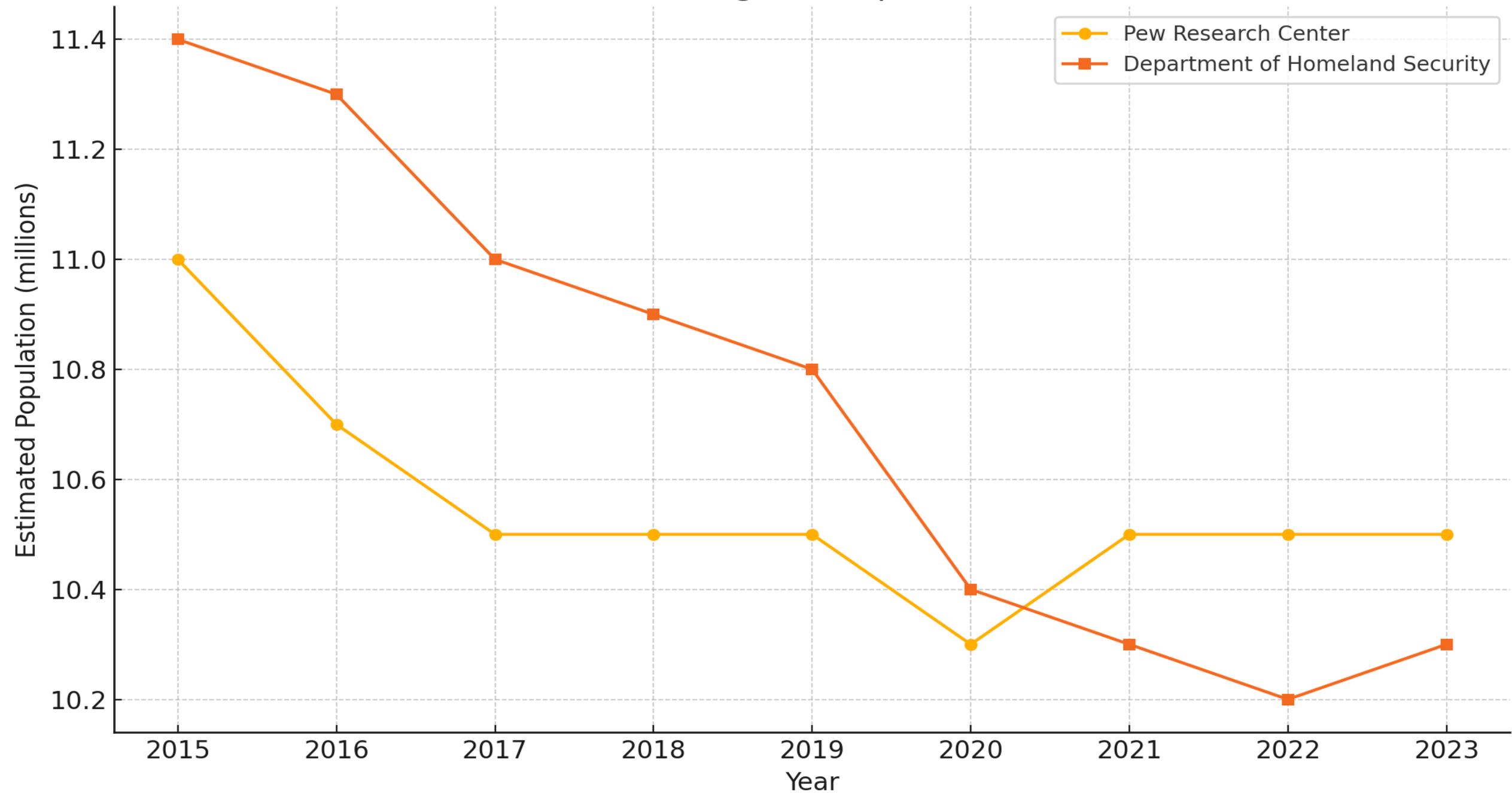
Immigration and Nationality Act ("INA"), 8 U.S.C.A. s. 1101

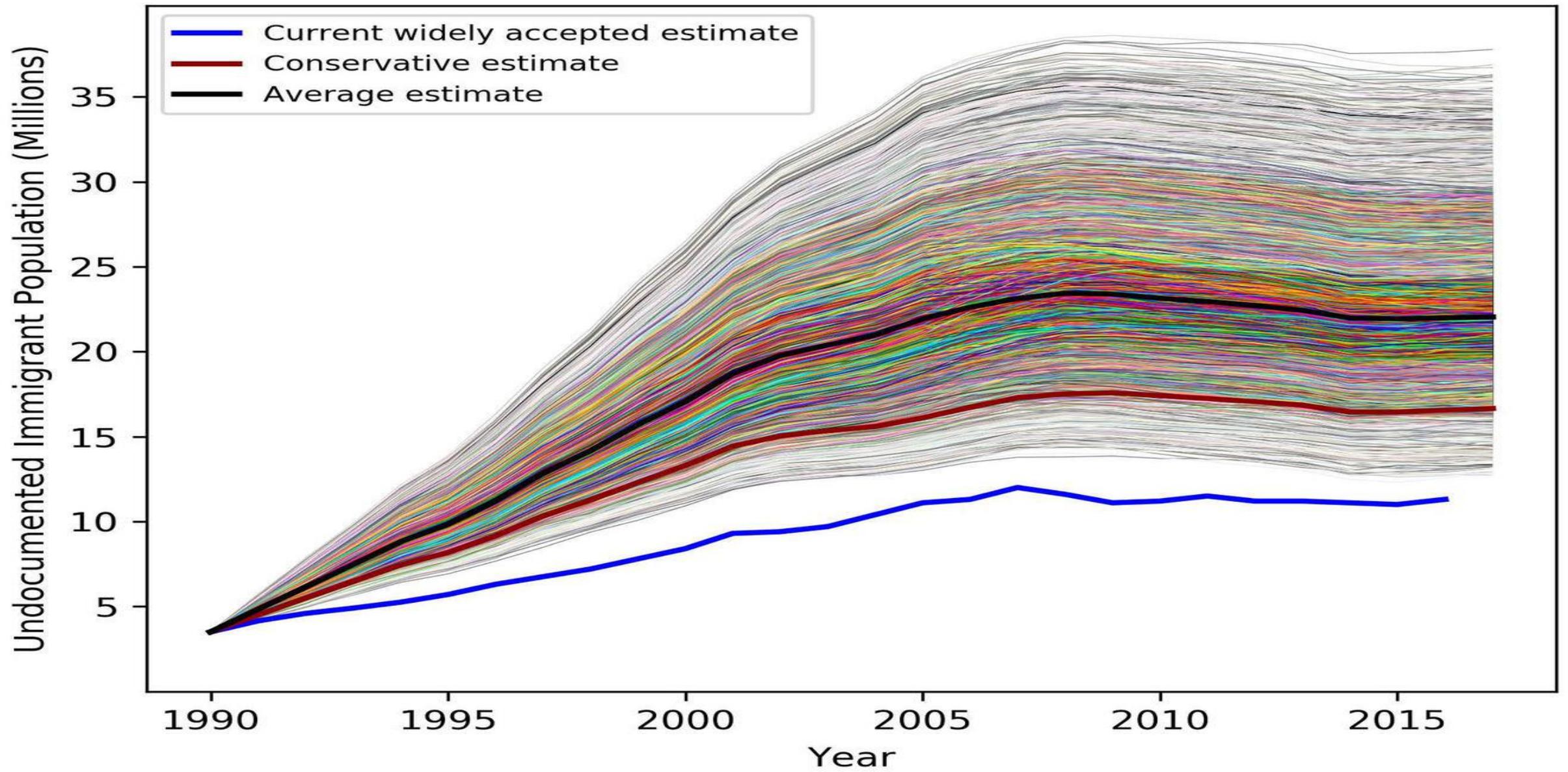
Aliens

Defined by the INA
*as any person not a
citizen or national of
the United States.*

Status Type	Lawful?	Permanent?	Eligible for Benefits?	Risk of Removal?
U.S. Citizen	Yes	Yes	Yes	None
Lawful Permanent Resident (LPR)	Yes	Yes	Yes	Possible
Nonimmigrant Visaorder	Yes	No	Limited	Yes
Refugee / Asylee	Yes	(t temporary)	Yes	Low
TPS / DACA / Parole	Yes (t	No	Limited	Yes
Undocumented Immigrant	No	No	No	High
Final Order of Removal	No	No	No	Very High

Estimated Undocumented Immigrant Population in the U.S. (2015-2023)





Source: Mohammad M. Fazel-Zarandi, Jonathan S. Feinstein, Edward H. Kaplan, “The Number of Undocumented Immigrants in the United States: Estimates Based on Demographic Modeling with Data from 1990 to 2016, *PLOS ONE*, 2018

Final Order of Removal

Right to Due Process:

1. May file a **Motion to Reopen** or **Motion to Reconsider** within strict deadlines (generally 30 or 90 days).
2. May seek judicial review in **federal circuit court** if timely.

• **Right to Apply for Withholding or Deferral of Removal:**

1. May seek protection under the **Convention Against Torture (CAT)** or **Withholding of Removal** if facing danger in home country.

• **Right to Counsel (at own expense):**

1. Individuals may be represented by an attorney in any follow-up proceedings or filings.

• **Right to File for Stay of Removal:**

1. May submit a **Stay of Removal** request to ICE to temporarily halt deportation, often based on humanitarian grounds.

• **Right to Medical Care and Basic Needs While Detained:**

1. Entitled to humane treatment and necessary medical care if in ICE custody.

Undocumented immigrants

Right to Due Process:

1. The right to a fair hearing before an immigration judge before being deported (except in expedited removal cases).

Right to Remain Silent:

1. No obligation to answer questions from immigration or law enforcement agents about immigration status.

Right to Legal Representation (at own expense):

1. May be represented by an attorney in immigration and criminal proceedings, but the government does not provide one for free in immigration court.

Right to Be Free from Unreasonable Searches and Seizures:

1. Protected under the Fourth Amendment; ICE and police generally need a warrant or consent to enter a home.

Right to File Complaints:

1. Can report abuse or discrimination by law enforcement, employers, or landlords.

Right to Emergency Medical Care and Education:

1. Entitled to emergency healthcare under federal law.
2. Children have the right to attend public school regardless of status (*Plyler v. Doe*, 1982).

SEARCH WARRANT VS. IMMIGRATION WARRANT

KNOW THE DIFFERENCE



CRIMINAL SEARCH WARRANT

(SIGNED BY A JUDGE)

- Issued by a federal or state judge.
- Gives law enforcement the legal authority to enter your home without your consent.
- Must name a specific location and what is being searched for.
- You must let them in if they present a valid, signed criminal warrant



IMMIGRATION WARRANT (ISSUED BY ICE)

- Signed by a DHS or ICE officer, not a judge.
- Often labeled as Form I-200 (Warrant for Arrest of Alien) or Form I-205 (Warrant of Removal/Deportation).
- Does NOT give ICE the right to enter your home without your consent.
- You have the right to ask them to slide the warrant under the door to verify its validity.

TIP: If ICE knocks, you can say:

"I do not consent to entry. Do you have a warrant signed by a judge?"

TPS, DACA, or Humanitarian Parole

Protection from Deportation (While Status Is Active):

- Cannot be deported solely for unlawful presence during the authorized period.

Work Authorization:

- Eligible to receive an Employment Authorization Document (EAD), allowing legal employment in the U.S.

Right to a Driver's License (in most states):

- May apply for a state-issued ID or license if they have a valid EAD.

Right to Due Process:

- Entitled to notice and a hearing before immigration court if placed in removal proceedings.

Right to Legal Representation (at own expense):

- May hire an attorney in any legal or immigration matter.

Right to Emergency Medical Care & Public Education:

- Entitled to basic emergency services and children have full access to public schooling.

◆ **Note:** These protections are **temporary** and can be rescinded by federal action. Individuals should monitor their status and consult with legal counsel about pathways to permanent relief.

UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

SPECIMEN TEST V 01 JAN 1920



Surname
SPECIMEN
Given Name
TEST V
USCIS# Category Card#
000-000-701 C09 SRC0000000701
Country of Birth
Brazil
Terms and Conditions
None
Date of Birth Sex
01 JAN 1920 M
Valid From: **03/07/18**
Card Expires: **03/06/20**
NOT VALID FOR REENTRY TO U.S.



FORM I-766 99134258
Rev (02-2016)



This card is not evidence of U.S. citizenship or permanent residence.
This document is void if altered, and may be revoked by the U.S. Government.
The person identified is authorized to work in the U.S. for the validity of this card.

91 If found, drop in any US Mailbox. USPS: Mail to USCIS, 7 Product Way, Lees Summit, MO 64002

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SPECIMEN<<TEST<VOID<<<<<<<<<<<<<<<<

Asylum or Refugee status

Protection from Return (Non-Refoulement):

- Cannot be deported or returned to a country where they face persecution.

Right to Work:

- Automatically authorized to work in the U.S.; may apply for an Employment Authorization Document (EAD) as proof.

Right to Apply for a Green Card:

- Eligible to apply for lawful permanent residence after **1 year** of being granted asylum or refugee status.

Right to Petition for Family Members:

- May petition to bring spouse and unmarried children under age 21 through a Form I-730 (Refugee/Asylee Relative Petition).

Right to Travel:

- Can apply for a **Refugee Travel Document** to travel outside the U.S.

Access to Federal Assistance Programs:

- May qualify for certain benefits such as Medicaid, SNAP (food stamps), and housing assistance (especially within the first 8 months).

Right to Due Process and Legal Representation (at own expense):

- Entitled to protection under U.S. law and may be represented by an attorney in any legal matters.

Visa Holders

May legally remain in the U.S. for the duration and conditions authorized by their visa classification.

Right to Due Process:

- Entitled to a fair hearing before removal, except in expedited removal or visa overstay cases at the border.

Right to Legal Representation (at own expense):

- May consult or retain an attorney for immigration or legal matters.

Right to Challenge Unlawful Detention or Deportation:

- Can file for habeas corpus or other relief if detained without cause.

Right to Fair Employment (if employment authorized):

- Protected by U.S. labor laws and may not be exploited or discriminated against.

Access to Emergency Services and Certain Protections:

- Eligible for emergency medical care and protection under civil rights and anti-discrimination laws.

◆ **Note:** Visa holders must comply with the terms of their visa and maintain lawful status at all times.

NONIMMIGRANT VISA CATEGORIES

B-1/B-2	Business & Tourism
F-1/M-1	Academic & Vocational Students
J-1	Exchange Visitors (e.g. scholars, au pairs)
H-1B	Skilled Workers (Specialty Occupations)
L-1	Intra-Company Transfers
O-1	Individuals with Extraordinary Ability
P-1/P-3	Athletes, Artists, Entertainers
R-1	Religious Workers

IMMIGRANT VISA CATEGORIES

IR/CR	Immediate Relatives & Spouses of U.S. Citizens
F1-F4	Family-Sponsored Preferences
EB1-E5	Employment-Based Preferences
DV Lottery	Diversity Visa Program
SI/SQ	Special Immigrant Visas (e.g., for Afghan/Iraqi allies)
F/CR F-3	Family-Sponsored Preferences
EB-EB5	Employment-Based

Lawful Permanent Residents (LPRs)

Right to Live and Work in the U.S. Permanently:

- May live, work, and travel freely within the United States.

Right to Legal Protection:

- Protected by all federal, state, and local laws.

Right to Due Process:

- Entitled to a fair hearing before an immigration judge in removal proceedings.

Right to Petition for Certain Family Members:

- May sponsor spouses and unmarried children for permanent residency.

Right to Travel Abroad (with Restrictions):

- May travel outside the U.S. but should not remain abroad for extended periods without reentry documentation.

Right to Own Property and Attend School:

- Can buy property, enroll in public education, and receive in-state tuition in many cases.

Eligibility for Social Security, Medicare, and Public Benefits (with Conditions):

- May access certain benefits after meeting work or residency requirements.

◆ **Note:** LPRs **can be deported** for certain criminal convictions or immigration violations. It is important to maintain status and renew the Green Card on time.

Crimmigration

The intersection of **criminal law** and **immigration law**, where criminal charges or convictions can have direct consequences on a person's immigration status.

◆ Key Concepts:

Deportation for Crimes:

Non-citizens – including lawful permanent residents – can be deported for a wide range of criminal offenses, including some misdemeanors.

Aggravated Felonies & Crimes Involving Moral Turpitude (CIMTs):

Certain convictions trigger mandatory detention and removal, often with limited legal defenses.

Criminal Proceedings Affect Immigration Outcomes:

- Guilty pleas, even with no jail time, may still result in detention or deportation.

“Safe pleas” and proper legal counsel are critical.

Detainers & Immigration Enforcement:

- Local law enforcement may share arrest data with ICE, leading to immigration holds or transfer to detention.

Unequal Impact:

- Crimmigration disproportionately affects immigrant communities, especially those with limited access to legal resources.

◆ Know Your Rights:

- Always consult both a Criminal Defense Attorney and Immigration Attorney

Laken Riley Act

Key Provisions:

Mandatory Detention: Requires the Department of Homeland Security (DHS) to detain undocumented immigrants who are:

- Charged with or convicted of theft, burglary, or larceny.
- Charged with or convicted of assaulting a law enforcement officer.
- Charged with or convicted of crimes resulting in death or serious bodily injury, including offenses like drunk driving.

What to Do If You're Undocumented and Approached by Law Enforcement/ICE

Stay Calm and Know Your Rights:

◆ **1. Do Not Run or Argue:**

Stay calm. Keep your hands visible. Running or resisting can make things worse.

◆ **2. You Have the Right to Remain Silent:**
Say: **“I am exercising my right to remain
silent.”**

You do **not** have to answer questions about
your immigration status or where you were
born.

◆ **3. Do Not Show False Documents:**

Never provide fake papers or lie about your status. It can lead to criminal charges.

◆ 4. Ask for a Warrant Before Letting Them In:

If they come to your home, say:

“Do you have a warrant signed by a judge?”

Slide it under the door. **ICE warrants (Forms I-200/I-205) are not valid for home entry without consent.**

◆ **5. Ask to Speak to a Lawyer:**

Say: “I want to speak to an attorney.”

**You have the right to call a lawyer – even if
you’re undocumented.**

◆ **6. Do Not Sign Anything Without Legal Advice:**

You could be giving up your right to stay in the U.S. Always talk to a lawyer first.

How to Get Involved in Advocacy



Empower Individuals

Involvement in advocacy empowers individuals to voice their concerns and actively contribute to societal change.

Engage in Local Initiatives

Participating in local initiatives allows individuals to connect with their community and work towards common goals.

Volunteering Opportunities

Volunteering for advocacy organizations provides hands-on experience and amplifies efforts to create change.

Participate in Campaigns

Joining campaigns helps raise awareness and mobilize support for important issues within the community.