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US REPRESENTATIVE  VERMONT



Welcome!

**Know Your Constitutional Rights
Webinar
Thursday, February 19th**

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US REPRESENTATIVE  VERMONT



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Know Your Rights

Immigrants & Allies



Welcome

This presentation is for informational purposes—it is not legal advice.

Always consult with a lawyer if you are arrested or in removal proceedings.

Under the current administration, policies and practices are changing quickly.

Even if you know and exercise your rights, officers might not honor them.

Agenda

1. Why asserting your rights matters
2. Who enforces immigration law
3. Our basic rights
4. Applying our rights
5. Best practices for protests
6. Arrests and after

Why asserting your rights matters

1. Use them or lose them
2. Law enforcement accountability
3. Because other people can't



Who enforces immigration law

Definitions

DHS: U.S. Department of Homeland Security, parent agency of:

- **ICE:** U.S. Immigration & Customs Enforcement, the immigration police inside the U.S.
- **CBP:** U.S. Customs & Border Protection or Border Patrol, the immigration police at the border (+100 miles)

State & Local Law Enforcement	Federal Immigration Enforcement
CANNOT ask about immigration status	CAN ask about immigration status
Includes local police, sheriffs, state troopers	Includes CBP, ICE, and subdivisions <ul style="list-style-type: none">• ICE-Homeland Security Investigations (HSI)• ICE-Enforcement and Removal Operations (ERO)
Limited by the Vermont Fair and Impartial Policing Policy (FIPP)	Expanded by President Trump to include: <ul style="list-style-type: none">• FBI, DEA, ATF• US Marshals• Bureau of Prisons

Our basic rights

The president does
NOT have unlimited
power over immigration.

Constitutional Rights Held by All

Regardless of our citizenship status, we all have the right to...

- Freedom of speech
- Peaceful assembly
- Remain silent
- Not be detained or arrested without a valid reason
- Refuse to consent to a search of your body, home, and belongings
- Request a lawyer if you're arrested or detained

Applying our rights

At Your Door

If ICE knocks:

- They may say they are “police”
- They may not be wearing uniforms
- They may be wearing a badge that says “Immigration & Customs Enforcement”

Ask for identification

Ask to see a warrant

You do not have to open the door unless officers have a valid warrant

Warrants

A valid warrant must have:

- Judge's name and signature
- Person's name and/or address
- Date and time frame (not expired)
- Name of agency conducting search or arrest

A search warrant also requires a description of items being searched

Administrative subpoenas are not valid warrants (e.g., ICE warrant)

- Issued by DHS: look for DHS seal or form number
- Signed by immigration officer or immigration judge
- Might state the authority comes from immigration law, not a court

VALID FOR SEARCH

NOT VALID FOR SEARCH

AO 93 (Rev. 11/15) Search Warrant

UNITED STATES DISTRICT COURT
for the
District of Alaska

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 3:17-mj-00135-DMS

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Alaska

See Attachment A, incorporated here by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal

See Attachment B, incorporated here by reference.

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for 7 days (not to exceed 30) until, the facts justifying, the later specified date of _____

Date and time issued: 5pm 4/5/17

City and state: Anchorage, Alaska

Hon. Deborah M. Smith, United States Magistrate Judge

Name and address MUST be correct!

UNITED STATES DISTRICT COURT

Issued by Court

Name/Address or property to be searched

Information about the person or areas of property to be searched

Date and time of search MUST be correct!

Date of search

MUST be signed and dated by a judge

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that Name of person to be arrested is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Signed by Immigration Officer
(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

NOT issued by Court

U.S. DEPARTMENT OF HOMELAND SECURITY

NOT for search or seizure

NOT signed by a judge

Signed by Immigration Officer

At Work

Know what's private

Every area of a business is not open to the public

Generally, ICE can access public areas

ICE can access private areas only with a judicial warrant or consent

Create a protocol

1. Do not collect information that you do not need
2. Place signs indicating what areas are private
3. Designate the point person if ICE arrives or requests information
4. Train staff

Best practices for protests

Preparing for a Protest

- Create a safety plan, including an emergency contact
- Find a protest buddy with similar risk tolerance
- Identify your exits, meeting point, and organizers or safety leads
- Use permanent marker to write down important phone numbers



Bring	Don't Bring
<ul style="list-style-type: none">• Permanent marker• Pens and small notebook• US photo ID, if you have one• Water, snacks, sunscreen, rain gear, etc.• Any essential medications• Posters• Masks	<ul style="list-style-type: none">• Contact lens• Weapons• Anything illegal (drugs, paraphernalia)• Anything you can't afford to lose or don't want police to confiscate

Protecting Your Privacy

- Don't bring your phone. If you do, turn off all biometric unlock functions (*e.g., fingerprint or facial recognition technology*)
- Communicate over encrypted messaging apps, like Signal
- Back up your phone first
- Put your phone on airplane mode
- Be cautious when taking photos/videos

If you see ICE at a protest

Take a picture or video of the agents, NOT the people being targeted

You can alert local rapid response networks about ICE activity, including:

- Location
- Number
- Clothing
- Vehicles
- Activity
- Weapons
- Any collaboration with police

If you are stopped by law enforcement

Remember that law enforcement has a lot of power in these interactions!

Do:

- Be calm and polite
- Keep your hands visible
- Ask if you are free to go
- Answer few questions or remain silent

Do not:

- Lose your cool
- Walk (or run) away without asking
- Consent to be searched
- Lie or provide fake documents
- Touch the officers
- Physically resist

Five Key Phrases

1. Am I free to go?
2. I wish to remain silent.
3. I do not consent to this search.
4. Am I under arrest?
5. I want to speak to a lawyer.

Arrests and after

Witnessing an Arrest

Take note of:

- Person's name
- DOB
- Emergency contact
- Medical conditions
- Gender identity

Inform their emergency contact

Potentially record the arrest

Recording an Arrest

When you are in public space, you have the right to photograph/record anything in plain view, so long as you don't interfere with law enforcement actions.

You have the right to film an arrest, as long as you don't interfere

- Film openly and from a safe distance
- Follow safety instructions
- Focus on police or ICE, not on the person being arrested

Law enforcement does not have the right to confiscate your camera without a warrant or delete your footage.

If You Couldn't Record

e.g., private property, safety concerns, etc.

You can take notes after the arrest instead:

- Location
- Date/time
- Agency
- Number of officials
- Clothing, weapons
- Documentation
- Potential witnesses
- Injuries and damages

What to expect if arrested *by police*

You have the right to remain silent and refuse a search

They'll likely search you for a weapon anyway.

You have the right to see a judge

Within 24-48 hours of your arrest, you should see a judge to hear what you're charged with and whether you'll be released or have to pay bail.

You have the right to a lawyer

You'll be assigned a criminal defense attorney who you'll probably meet just before the hearing.

If you are a noncitizen:

- Find an immigration attorney as soon as possible
- Do not plead guilty to anything without having your criminal defense attorney consult with an immigration attorney first.

What to expect if arrested *by ICE*

You have the right to remain silent and refuse a search

- You do not have to provide your country of birth or citizenship or immigration status to any police or jail official
- You do not need sign anything

You have the right to request a lawyer and contact your consulate

- If you are being charged with an immigration violation, the government does not have to provide a free lawyer
- Call your contacts to request legal assistance, but do not talk about the arrest

You have the right to *some* process before automatic deportation

- The process depends on how long you've been in the country
- If ICE knows you are a noncitizen and you are afraid of returning to your home country, you should say so!

If you think your rights have been violated

Write down what happened

Include specific details like names, badge numbers, dates, and times

Make a list of any potential witnesses

You can report the violation to a lawyer or civil rights organization

You can share your story with the ACLU

Thank you

AGRIUM

***Phone:* 802-652-2450**

Website: balint.house.gov

