

Safety Considerations for Non-Citizens Planning to Attend NNIRR's Immigrant and Refugee Rights Conference

*Please read this information carefully, and discuss thoroughly with all fellow travelers **before** you travel.*

This document is intended to make you aware of some of the risks faced by non-citizens, particularly those who are undocumented, who are planning to attend NNIRR's national conference in January 2008. This is not a comprehensive document, nor is it intended to provide legal advice. If you have **any** doubt about your particular situation, check with an immigration attorney or advisor **before** you leave for Houston.

Traveling to and from Houston will expose you to *some* additional risk of immigration enforcement whether you are a documented immigrant or undocumented immigrant, including possible contact with immigration agents. The risks are higher at airports. They may also be higher for individuals who do not have a U.S.-issued identification, such as a U.S. driver's license, or U.S. passport (please see below). It is impossible to know in advance what the chances are of you running into this problem

Note that if you have a final order of deportation or removal, an outstanding arrest warrant even for something as minor as unpaid tickets, or if you've been arrested or convicted in the past, even if you've already completed your sentence, then your risks are even greater. Also note that there are more restrictions on release from detention for undocumented youth under 18 years of age traveling without a parent or legal guardian than for adults.

You are the only person who will know your particular immigration situation. We urge that everyone to think, consult and plan very carefully before traveling. You, and you alone, can determine whether the risks you are taking are worth your participation. Your own practical experience and common sense are the best guides when deciding whether to attend the conference.

WHAT ARE SOME OF THE RISKS OF TRAVELING IN GENERAL?

Most immigrants have a general sense of what is and is not safe. The risks increase when traveling, whether by land or air, because of not being familiar with the local practices and atmosphere, and the increased immigration enforcement throughout the country during the past year,

Risks of using false or expired documents to travel.

Travel and identification documents are now being checked more carefully than ever before. If you are caught with any type of false document or document that is not yours, such as an immigration work permit, drivers license, a state ID or Social Security card, you not only risk deportation, but you may also be risking your eligibility to ever obtain documented status in the future. There are also serious civil and criminal penalties for document fraud. Expired documents can create suspicion and increased inspection by immigration agents and police.

WHAT ARE THE SPECIAL RISKS OF TRAVELING BY LAND?

The risk of traveling by car, van or bus comes from the attention a vehicle filled with passengers, especially people of color, might attract in some areas from unsympathetic individuals or local law enforcement, such as

police or highway patrols intent on enforcing immigration laws. While some laws are different from one state to another, here is some general information.

If you are crossing the border or a checkpoint anywhere, ICE, Border Patrol or the police can stop you or ask you questions for any reason or no reason. Anywhere else, they are generally not permitted to stop a vehicle unless they have a reasonable suspicion of illegal activity, but "pretextual stops" for minor infractions such as burnt out tail lights or expired registration tags are very common. They are not permitted to stop a vehicle based **ONLY** on passengers' race or ethnicity, but it can be one of the reasons they pull you over. In any case, if immigration agents or police signal you to stop your car, you must pull over.

If you are stopped within 100 miles of the border, you may be detained and deported **without** a hearing if you cannot prove that you've been in the U.S for at least 14 days. This process is called expedited removal. Persons who are not U.S. citizens are required by law to carry identification documents and proof of lawful status, and can be fined and/or jailed for failing to do so. U.S. citizens have no similar requirement.

Everyone, citizen or not, has the right to remain silent. However, this silence (unlike in criminal law) may raise the suspicion that you are undocumented and lead to your detention until you are identified and determined to be legally present in the U.S. Undocumented persons are strongly advised to not answer any questions regarding immigration status until an attorney is present. While remaining silent may not prevent your detention, it could prevent your deportation if ICE has no other evidence of your immigration status.

Safety Considerations If Traveling by Land

If you have decided to participate in the NNIRR conference and will be traveling by car, van or private bus, here's a checklist to review before you travel:

- Check the car you will be using for visible safety violations such as broken headlights, burnt out lights, smashed mirrors, expired registration, etc (if they cannot be fixed on time, do not drive that car).
- Make sure you have at least one cellular phone with sufficient battery power or an auto power adapter for each vehicle.
- Give your cellular phone number to key people at home and to the event organizers.
- Talk to an attorney at home who you know and trust so that he or she can be on call in case of unexpected problems, and make sure to provide that attorney's contact information to your family or close friend in case you should need any legal assistance. If you have contacted such an attorney, give the contact information to your lead organizer. **PLEASE KNOW THAT CONFERENCE ORGANIZERS WILL ONLY BE AVAILABLE TO ASSIST YOU IF YOU RUN INTO PROBLEMS IN HOUSTON, INCLUDING AT THE HOUSTON AIRPORTS, BUT NOT EN ROUTE.**

Immigrants traveling by land should be aware that some local police departments aggressively enforce traffic laws against those they suspect of being undocumented immigrants as an excuse for investigating immigration status.

You should not travel significantly above the speed limit or otherwise call attention to your vehicle. In some areas, tinted glass that prevents police from seeing clearly into a vehicle is also illegal. Do spend some time with all other travelers to review together and discuss the attached know-your-rights information, in case you are stopped.

Traveling by Commercial Bus or Train

Officially, neither Greyhound nor Amtrak require proof of immigration status to either purchase tickets or board. . (Some Greyhound stations have reported passengers of color traveling in groups to ICE.) They require

photo ID only if you are paying by credit card. ICE has been known to board buses and trains to ask passengers for their immigration papers. The same rights to remain silent, make a phone call, etc. apply in these situations.

WHAT ARE THE SPECIAL RISKS OF TRAVEL BY AIR?

During the past year, there has been an increase in immigration enforcement at airports. ID's and immigration documents are more carefully reviewed at more checkpoints than before.

ID requirements.

Typically, a valid photo identification that was issued by a U.S. government agency will be sufficient. For example, drivers' licenses, state-issued ID cards, military ID cards, and US or foreign passports with valid visas are acceptable, but photo identification issued by a school or private employer is not acceptable. For domestic U.S. flights, some airlines allow you to substitute two non-photo IDs that are issued by some government agency. When in doubt, check with the airline.

It is extremely risky to use foreign-issued ID (for example, consular ID's such as the matrícula) for air travel without a proper US immigration document because of the suspicion it raises about your immigration status. For people who do not have a U.S.-issued identification, the risk of being stopped by immigration agents at the airport has increased. . It is probably safer to travel by land than by air.

Sweeps and Raids

In addition to the ID requirements, there has been an increase in sweeps and raids in airports, so that non-citizens are at greater risk than before. You might have heard about "Operation Tarmac", "Operation Return to Sender" or other similar raids in the news. These have generally targeted airport employees but sometimes undocumented passengers have also been affected. The mere presence of the immigration and other law enforcement agents at airports is reason for concern. In addition to raids, there has been at least one airport, Los Angeles (LAX) in which immigration agents have randomly approached persons who "look like" immigrants to ask for their papers, and have detained passengers and placed them in deportation/removal proceedings. Many of these agents are now undercover and do not wear uniforms or "look like" immigration agents.

Carry-on Items

Airport personnel are more sensitive than ever to carry-on items. Do not carry any bottles, sprays, box cutters, knives, razors, laser pointers, electronic devices, etc.

We have heard of situations where something as innocent as a Game Boy caused alarm and concern at airport security checkpoints. Consider avoiding travel with items that you think might draw unwanted attention.

Safety Considerations If Traveling by Air

- Travel in a group and designate one person with legal status and a clean record to be the group's spokesperson when dealing with any government officials.
- Consider obtaining a valid, current foreign government issued passport. A valid passport generates less suspicion than a Consular ID.

Some organizations have decided that it is too risky for their undocumented members to travel by air, as cases have recently arisen where undocumented immigrants have been detained and deported. Hub airports are particularly under surveillance.

Further information about airline travel may be found at the following government link:
http://www.tsa.gov/travelers/airtravel/assistant/editorial_1254.shtm

ISSUES PARTICULAR TO YOUTH

If youth/minors are traveling with an organization or as part of a group's delegation, consider having the parents sign a consent form and liability waiver. This could make it easier for the group leader to intervene on behalf of the youth/minor, as well as avoid additional complications due to traveling without parents. Please contact conference08@nnirr.org for a sample form.

SAFETY CONSIDERATIONS IN HOUSTON

Conference organizers expect and are planning all events in Houston to be completely peaceful and orderly. Nevertheless, not everything will be under the control of the organizers, particularly actions or rallies outside the conference hotel. The National Network is working in coordination with local activists to organize a rally in support of Houston janitors struggling to unionize. We will have a Safety Team to advise conference participants of any safety considerations they would need to keep in mind.

Safety and Press Coverage Once In Houston

Some portions of this event will be covered by the press, and media exposure can be risky for undocumented immigrants, particularly those coming from small towns:

- You may come to the attention of immigration authorities or others who wish you harm if your real name is used and you are identified as an undocumented immigrant -- this is not a common occurrence but it has been known to happen, particularly to persons who live in small towns where they may be seen and recognized.
- If your photo is identified as that of an undocumented immigrant, even without your name, you may be recognized. Again, this risk is greatest for persons who live in small towns.

While media exposure is difficult to control, in some situations, such as workshops, media can be advised to refrain from taking photos or film showing people's faces or using real names in their news stories.

However, in many instances, media exposure can also be an effective way to organize and protect undocumented immigrants, using public pressure.

Tips- People with immigration issues should consult with their organization about whether to talk to the press, and, if so, be prepared by their organizations on how to talk to press (what information to reveal and how, what information not to reveal).

PLEASE BE SURE TO REVIEW THE ATTACHED "Checklist for NNIRR Conference Participants".

Wallet-sized know-your-rights materials in various languages can be found at <http://www.nilc.org/ce/ceindex.htm#know-rights>, http://archive.aclu.org/library/know_your_rights.pdf, and http://www.nlg.org/resources/know_your_rights.htm.

This document is intended to provide you with general and accurate information about some of the risks and consequences of certain options, as well as practical suggestions for participants of the NNIRR Conference. This document is not intended to provide legal advice, and should not be taken as legal advice. The organizers and sponsors of this event are not responsible for any use to which this document is put. Do not rely solely on the information contained in this document without consulting an attorney or the appropriate agency about your legal rights in your particular situation.