



RIGHTS & PLANNING GUIDE

Short Version - English

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RIGHTS AND PLANNING GUIDE

The Rights and Planning Guide (“the Guide”) was first created in 2017 and most recently revised in December 2024. It is intended to help individuals and families who are facing potential immigration detention or removal/deportation or those who have been subjected to discrimination based on their national origin. The Guide is intended to be used as a collective community resource and is not intended as a source of legal or other advice and it does not create an attorney-client relationship.

The Guide was authored by attorneys at the Center for Immigrant & Refugee Advancement (formerly Immigrant Legal Center) in collaboration with Nebraska Appleseed, Center for Rural Affairs, Centro Hispano, ACLU of Nebraska, the Multicultural Coalition of Grand Island, Lincoln Commission on Human Rights, and Heartland Workers Center. The full Guide includes an appendix of safety planning instructions, forms, and templates. The document you are reading is an abbreviated version of the guide that focuses on essential Know Your Rights information and safety planning checklists. You can find more information and resources at ciraconnect.org/know-your-rights.

While there is much uncertainty regarding current and future immigration enforcement policies, the Guide provides information and resources on the following ways for noncitizens to assert their constitutional rights and protect themselves and their loved ones right now:

1. Don’t panic, understand your rights, and don’t be afraid to assert them;
2. Create a safety plan and be prepared in the event you are arrested, detained, or deported;
3. Know your options under the law by speaking to a qualified immigration attorney or DOJ representative; and
4. Know that there are resources available and advocates standing with you in this time of uncertainty.

KNOW YOUR RIGHTS

Every person in the United States is entitled to certain rights and protections afforded by the U.S. Constitution. It does not matter whether you are documented or

undocumented. It is important to know what those rights are, to use them, and to contact an attorney or DOJ-accredited representative to discover whether there are any forms of immigration relief available to you. This section of the Guide outlines some of the most important and most frequently exercised rights you and your friends and family should know and be prepared to assert.

YOUR RIGHT TO REMAIN SILENT

You have the right to remain silent during interactions with local or state law enforcement and with Immigration and Customs Enforcement (ICE). In Nebraska, you are required to give a local or state police officer your name and address if asked. See Neb. Rev. Stat. § 29-829. Once you give your name and address, you are not required to and should not say anything more. **You can exercise your right to remain silent by handing ICE or police officers the Know Your Rights Card printed below** (sometimes called a “Red Card”), **or by telling the officer that you are exercising your right to remain silent and will not answer any further questions until your attorney is present.** If you do not affirmatively communicate your intention to remain silent, no one else will do it for you. This right can be exercised even if you have already spoken to officers, and it can be exercised even if you are under arrest or in jail. Remaining silent until your attorney is present benefits you because anything you say can be used against you in criminal or immigration proceedings.

KNOW YOUR RIGHTS CARD

CUT HERE

I AM EXERCISING MY RIGHT TO REMAIN SILENT

Please be informed that I am choosing to exercise my right to remain silent. I am also exercising my right to refuse to sign anything until my attorney reviews it. If I am detained, I request to contact my attorney immediately.

I have the right to speak to my attorney.

I have the right to remain silent in ANY situation.

I have the right to refuse to sign anything before my attorney reviews it.

I am showing this card to invoke my right to remain silent.



YOUR RIGHTS IN YOUR HOME

If you are at home and ICE knocks at your door, the first thing to remember is that you have rights that protect you within your home. **If ICE comes to your door, there are generally two ways they can lawfully enter your home: (1) with a judicial warrant; or (2) with permission.**

A judicial warrant is different from an ICE warrant, and an ICE warrant does not give immigration officials the right to enter your home.

- A **judicial search warrant** will contain the name of the court that issued it, the signature of a judge or magistrate, the address and area to be searched, and a current date.
- A **judicial arrest warrant** will contain the name of the court that issued it, the signature of a judge or magistrate, the name of the person to be arrested, and a current date. (Judicial arrest warrants only authorize officials to enter the home of the subject of the warrant, when they reasonably believe he or she is home at the time, and when he or she is alleged to have committed a crime punishable by more than one year.)
- An **ICE warrant** (also called an administrative warrant), by contrast, will usually be titled “Warrant of Removal/Deportation” and it will not contain the name of a court or the signature of a judge or magistrate.
- See a sample of each type of warrant below.

Because only a judicial warrant gives ICE permission to enter your home, it is important to determine what type of warrant they have, if any. If ICE approaches your door and asks you to open it, you should ask the ICE officer to show you their warrant. Do not open the door to look at it; instead ask the officer to pass it under the door or hold it up to a window. The warrant will be in English. If you have trouble reading or understanding it, try to find help translating it.

If the warrant is titled “Warrant of Removal/Deportation,” or does not contain the name of a court or the signature of a judge of magistrate, it is likely an ICE warrant that does

not give ICE the right to lawfully enter your home. In that case, you should state through the door, "you do not have the right to enter my home with this warrant; please leave the property."

If the warrant contains the name of a court and the signature of a judge or magistrate, it is likely a judicial warrant. Before allowing ICE to enter, however, you should confirm that the warrant contains a current date, the correct address for the property, and/or the name of a person who resides at that address. If any of that information is incorrect, the warrant may be invalid, and you should state through the door, "this warrant is incorrect; please leave the property."

If the warrant is a proper judicial arrest warrant and you choose to be arrested, walk outside and close the door behind you. Otherwise, the officer could enter your home and ask questions of others inside. If the warrant is a proper judicial search warrant, ICE can enter your home.

Another way an ICE officer can enter your home legally, without a warrant, is if the officer is given permission. **When ICE approaches your door, it is important that you DO NOT immediately open the door.** If you choose to open the door, you are granting them the right to enter your home. It is important to share this information with everyone in your household, including with children. If a child opens the door, that provides consent for ICE to enter the home. Have a conversation with those in your home about never opening the door to an officer without first requesting and reviewing a warrant.

If ICE enters your home, you should remain calm and exercise your right to remain silent. Do not run away and do not physically interfere with or resist the officer. Do not answer questions. Do not sign any paperwork. Do not tell the officer your country of origin. Do not tell the officer when or how you arrived in the United States. Do not give the officer any identification documents or false documents. Each person present should hand the officer a Know Your Rights card or state that he or she is exercising his or her right to remain silent until their attorney is present.

SAMPLE WARRANTS



A. Judicial Search Warrant

Case 9:22-mj-08332-BER Document 17 Entered on FLSD Docket 08/11/2022 Page 2 of 7

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

Name of Court

for the

Southern District of Florida

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. 22-mj-8332-BER
the Premises Located at 1100 S. Ocean Blvd., Palm)
Beach, FL 33480, as further described in Attachment A)

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 Southern District of Florida
(identify the person or describe the property to be searched and give its location):

See Attachment A

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 (identify the person or describe the property to be seized):

See Attachment B

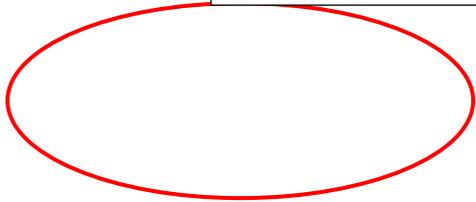
YOU ARE COMMANDED to execute this warrant on or before August 19, 2022 (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

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 Duty Magistrate
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.

Signature of Judge



B. Judicial Arrest Warrant

Name of Court

UNITED STATES DISTRICT COURT
for the

[Dropdown menu]

United States of America
v.

Case No.

)
)
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Signature of Judge

Date: _____

[Red oval around signature line]

Issuing officer's signature

City and state: _____

Printed name and title

Return	
This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.	
Date: _____	Arresting officer's signature _____
	Printed name and title _____

**C. Immigration Warrant -
Does NOT authorize ICE to enter your home**

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

NOT a Court

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)
who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

SAMPLE

**Signed by an Immigration
Officer, NOT a Judge**

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

YOUR RIGHTS RELATED TO HOUSING

Housing discrimination based upon national origin, race, religion, language, or other protected characteristics, is prohibited. It is illegal for a landlord, owner, property manager, or real estate agent to treat you differently because of your immigration status or national origin. For example, they cannot:

- Refuse to rent to you because you or some of your family members do not speak English, or require you to speak English when outside of your apartment;
- Force you to choose an apartment near other people who are from the same country or speak the same language as you;
- Enforce rules against you or your family because you are an immigrant or refugee, but not enforce those rules against anyone else;
- Refuse to rent to you or require a co-signer because you are an immigrant or refugee from a particular country, or not from the U.S.; or
- Charge you more rent or a higher security deposit because of where you are from.

It is illegal for a landlord, owner, property manager, or real estate agent to ask you questions about your immigration status because of how you look, talk, or dress. This protection against housing discrimination continues once you are living in your home or apartment. A landlord, owner, property manager, real estate agent or anyone else cannot evict you, treat you differently, threaten or harass you because you are an immigrant or refugee from a particular country, or because of your association with an immigrant or refugee from a particular country. Harassment or threats include a housing provider doing the following:

- Saying you will be deported or telling you to return to your country of origin;
- Painting graffiti or writing on your home, including using slurs or threats to harm you or your family if you do not move;
- Yelling racial or ethnic slurs at you and your family; or
- Blocking access to your home, your belongings, or property amenities (like a swimming pool or laundry area).

If you experience housing discrimination, please contact an organization or agency that investigates discrimination in your community. In Nebraska, you may be able to make a complaint through the Nebraska Equal Opportunity Commission at neoc.nebraska.gov/complaint-process.

YOUR RIGHTS ON THE STREET & IN OTHER PUBLIC PLACES

If you are walking down the street and are approached by a police officer or an ICE agent who begins to ask you questions, first ask if you are free to leave. If they say “yes,” walk away slowly. If they say “no,” remain calm and do not walk or run away. A police officer or ICE agent may pat you down to make sure you have no weapons or drugs in your possession. Do not interfere with or resist this inspection.

In Nebraska, you are required to give your name and address to a state or local police officer if the officer reasonably suspects you have committed or will commit a crime and asks you for this information; however, you are not required answer any other questions. A police officer or an ICE agent cannot arrest you without a warrant or evidence that you have committed a crime or that you lack lawful status in the U.S.

Do not provide officers with any information about your immigration status, including where you were born or how or when you arrived in the United States. **Do not give officers any documentation that is false or that was issued by your country of origin or another country in which you have citizenship.** After telling the officer your name—and if required, your address—hand the officer a Know Your Rights card or state out loud that you are invoking your right to remain silent and will not answer questions until your attorney is present.

YOUR RIGHTS IN YOUR WORKPLACE

ICE agents can enter public areas of a business or workplace without permission. Public areas include a dining area in a restaurant, a lobby or waiting area, and a parking lot. If ICE approaches you in a public area of your workplace, you have the same rights as if you were stopped on the street. ICE can only enter a private area of a workplace (1) with a judicial warrant; or (2) with the employer’s permission. To show that some areas are private, mark them with signage that says “private,” keep internal doors closed or locked, and have a policy that visitors cannot enter those areas without permission.

If ICE comes to your workplace, your employer or a designated employee should act as a spokesperson. If ICE agents try to enter a private area, the spokesperson should state, “This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?” If agents tell you that they have a judicial warrant, ask to review it.

Confirm that it is a valid judicial search warrant or judicial arrest warrant that contains all required information, including the name of a court, the signature of a judge or magistrate, a current date, the correct address for the workplace, and/or the name(s) of person(s) employed at the workplace.

If any of this information is missing or incorrect—or if the officer presents an immigration warrant rather than a judicial warrant—the spokesperson should state, “this warrant is incorrect; I cannot allow you to enter this area.” (See a sample of each type of warrant above.)

If ICE agents are present in public or private areas of the workplace, **employees should stay calm and should not run to the exists, which will give ICE agents reason to suspect that those running have violated immigration laws.** Do not impede or interfere with the officers’ search and/or arrest(s). However, if an agent shows you paperwork with someone’s name on it, you do not have to say whether the named individual is working that day nor lead ICE to the person.

If an officer approaches you and begins to ask you questions, ask whether you are free to leave. If the response is “yes,” walk away slowly. If you are told you cannot leave, do not walk away. Rather, hand the officer a Know Your Rights card or state out loud that you are invoking your right to remain silent and will not answer questions until your attorney is present.

Do not present any documents, whether real or fraudulent, and whether they belong to you or another person. Do not answer officers’ questions about your immigration status, including where you were born or how or when you arrived in the United States. If you are arrested, do not answer officers’ questions and do not sign anything without first talking to an attorney. Memorize the phone number of your attorney or a trusted contact who can reach out to a legal representative on your behalf.

A Note on Employment Discrimination

Employment discrimination based upon national origin, your association with someone from a particular country, or other protected characteristics is prohibited. For example, employers cannot:

- Require you to speak English when having a personal conversation with a co-worker;
- Require you to provide additional hiring documentation than what is required on Form I-9;
- Enforce rules or policies against you because you are an immigrant or refugee, but

not enforce those rules against anyone else;

- Terminate your employment because your lawful permanent resident card (or “green card”) or your work permit has expired if you continue to hold LPR, refugee, or asylee status; or
- Pay you lower wages or provide you with fewer hours because of where you are from.

If you experience employment discrimination, please contact an organization or agency that investigates discrimination in your community. In Nebraska, you may be able to file a complaint with the federal Equal Employment Opportunity Commission at <https://www.eeoc.gov/federal-sector/filing-formal-complaint> and/or the Nebraska Equal Opportunity Commission at neoc.nebraska.gov/complaint-process.

YOUR RIGHTS IN A VEHICLE

In general, if you are a passenger in a vehicle, you have the same rights as if you were stopped on the street. If you are the driver of a vehicle that is pulled over by law enforcement, you should follow this guidance:

If a law enforcement vehicle activates sirens and lights to pull you over, you should pull over as soon as you can do so safely and turn your vehicle off. If it is dark out, turn on the overhead lights in the cabin of your car. Roll down your window and place your hands on the steering wheel where the officer can see them. When the officer approaches, determine which law enforcement agency has pulled you over. Local and state law enforcement—like a police officer, sheriff, or state patrol—generally drive a marked patrol car and wear a uniform that identifies the agency and often a badge identifying the officer by name and number. ICE agents may be in marked or unmarked vehicles, and are often in plain clothes, or sometimes clothing that says “ICE”, “Police”, or “Federal Agent.” If you are not sure which agency has stopped you, politely ask the officer what agency they are with.

If you have been pulled over by local or state law enforcement, the officer will ask to see your driver’s license, vehicle registration, and proof of insurance. It is unlawful to drive a car in Nebraska if you lack one or more of these documents. (If you do not have a valid driver’s license, it is best to get a ride or use public transit and avoid driving whenever possible.) **Do not present fraudulent documents or documents that belong to someone else, and do not give a false name or otherwise lie to the officer.** If you lack a driver’s license but have other valid photo ID, presenting this photo ID to local or state law enforcement may help prevent your arrest during a traffic stop. But note that identity documents issued by your country of origin or another country of citizenship could be used against you if ICE obtains access to them.

If you are found to be driving without a valid driver's license, registration, or insurance, you could be cited for a traffic offense that requires you to appear in court, or even be arrested. Being arrested could lead to your eventual transfer to ICE custody. If you are not arrested but instead receive a citation for a traffic offense, be sure to pay any applicable fines and appear in state court, if required. If you fail to appear for your court date, an arrest warrant will probably be issued for you, making it likely that you will be arrested in the future.

If you have been pulled over by ICE, first ask if you are free to leave. If the officer says you are free to leave, calmly and slowly leave the area. If you are not free to leave, hand the officer a Know Your Rights card or state out loud that you are invoking your right to remain silent and will not answer questions until your attorney is present. If you are arrested, do not answer officers' questions and do not sign anything without first talking to an attorney. Memorize the phone number of your attorney or a trusted contact who can reach out to a legal representative on your behalf.

YOUR RIGHTS IN STATE CUSTODY

If you are arrested and under the control of local or state police, held in pretrial detention in a county jail, or serving a sentence after conviction of a crime, you are in "state custody." It is important to understand that in some cases, local and state law enforcement may share information with ICE, leading to certain noncitizens being transferred from state custody to ICE custody. Therefore, while you are in state custody, you should not share information related to your immigration status with anyone other than your attorney(s). This includes information about where you were born, where you hold citizenship, and how and when you came to the United States.

When you are first taken into state custody, you have the right to make a phone call. You should call a trusted emergency contact who can take care of important affairs (including arranging for the care of children and pets) and alert any attorney with whom you are already working.

Throughout your time in state custody, you have the right to remain silent. To invoke your right to remain silent, you can hand officers a Know Your Rights card or state that you are exercising your right to remain silent and will not answer any questions until your attorney is present. In particular, do not answer questions related to your place of birth, your immigration status, or how and when you came to the U.S., since this information could be shared with ICE and used against you in immigration proceedings. Just as you should not answer questions, you should not sign any documents until they are reviewed by an attorney.

While you are in state custody, you have the right to receive assistance from an attorney. You should ask to speak to an attorney as soon as possible when you enter state custody. If you are being charged with a crime that carries possible jail time, you may have a criminal defense attorney (called a “public defender”) appointed to you. Even if you already have an immigration attorney, it is best to have a public defender appointed to you or hire an attorney who specializes in criminal law. You should, however, inform your immigration attorney of any arrests or interaction with any law enforcement agency, and provide them with copies of all relevant arrest and court documents. If you have not been charged with a crime or have only been charged with a minor offense that cannot result in jail time, you will not be appointed a public defender, but it is still advisable to consult with a qualified attorney as soon as possible.

YOUR RIGHTS IN ICE CUSTODY

There is currently no ICE-specific detention center in Nebraska or Iowa. Rather, ICE contracts with county jails to detain adult individuals who are in the legal custody of ICE. ICE detainees are commonly held at county jails in Douglas, Hall, Cass, and Phelps County, Nebraska, and in Pottawattamie County, Iowa, among others. ICE moves detainees frequently, often to county jails and ICE detention centers in other states or regions.

The [ICE Detainee Locator System](https://locator.ice.gov/odls/#/search) (locator.ice.gov/odls/#/search) can be used to search for a detainee by name and date of birth or immigration identification number (“A-Number”). County jail inmate rosters can also be helpful for determining where a particular individual is detained.

If you are in state custody, whether in pretrial detention or serving a sentence, ICE will likely become aware of your presence and identity, and ICE may seek to transfer you to ICE custody when you would otherwise leave state custody. This means that, in some circumstances, if you post bail in your criminal case, you will not be released from jail but will instead be transferred to ICE custody. In many cases, this transfer is merely a matter of paperwork to transfer legal custody over you, since you may remain detained in the same county jail.

Once you are in ICE custody, you should have access to at least one phone call. However, phone access in ICE detention is known to be inconsistent. You should specifically request a phone call to contact your attorney. If you are denied access to a phone, you should have a loved one contact an attorney on your behalf and ask the attorney to call you or come visit you in person.

You have the right to receive assistance from an attorney while in ICE custody. However, unlike in criminal proceedings, no attorney will be appointed to you. You must find and pay your own attorney. It is highly recommended that you retain an attorney or licensed legal representative (called a “DOJ accredited representative”) that specializes in immigration law.

You have the right to consular assistance, meaning that the local consulate or embassy for your country of origin should be notified of your detention and can visit you upon your request to check on your welfare, provide information about your legal rights, facilitate communication with family members in your home country, help you find legal representation and understand the U.S. immigration process, and arrange your return to your country of origin if you choose to do so. It is important to understand that if you fear returning to your home country and are applying for asylum or related relief, or may wish to do so in the future, requesting or receiving assistance from your consulate could weaken your claim for asylum or related protections. Therefore, if you fled danger in your home country and/or fear returning and you wish to fight your deportation from the U.S., it is generally not advisable to seek help from your consulate.

Throughout your time in ICE custody, you have the right to remain silent. To invoke your right to remain silent, you can hand ICE agents a Know Your Rights card or state that you are exercising your right to remain silent and will not answer any questions until your attorney is present. In particular, do not answer questions related to your place of birth; your immigration status or history; or how, when, and why you came to the U.S. unless your immigration attorney is present or has advised you.

You also have the right to refuse to sign documents ICE presents to you. **You should not sign any documents unless your immigration attorney is present or has reviewed the documents and advised you.** In particular, if you wish to fight your deportation, you should not sign documents related to “voluntary departure.” If ICE indicates that you are being processed for “expedited removal” or “reinstatement of removal” and you wish to fight your deportation, you should insist on speaking to an immigration attorney as soon as possible and should refuse to sign any documents until your attorney has advised you. Even after your attorney has advised you, you should not sign any document if you do not understand what it says; ask for a clear explanation of what the document says and/or translation into your preferred language.

You may or may not have the opportunity to present your case before an immigration judge. If you have a prior deportation or removal order, you will generally not have the opportunity to go before an immigration judge unless you are able to reopen your prior case or are found to have a reasonable fear of persecution or torture in your home country. If you are processed for “expedited removal”—which may occur if you have not been physically present in the U.S. for at least two years and are without valid

immigration documents—you will likewise need to show a reasonable fear of persecution or torture in order to fight your removal in immigration court. An immigration attorney can help determine whether you are likely to have the chance to present your case in immigration court, any strategies that may exist to get into immigration court proceedings, and what defenses may be available to you in the proceedings.

You may or may not be eligible to be released from ICE custody, with or without paying a bond. Whether release from custody is possible depends on many factors including your immigration history, your offense and conviction history, resource constraints like bed space and staffing, and how ICE chooses to process your case. An immigration attorney can advise you on whether you are likely to be released from custody, with or without bond, and what arguments can be made in support of bond eligibility.

YOUR RIGHTS IN REMOVAL PROCEEDINGS

As noted above, not everyone who is detained by ICE will be placed in immigration court removal proceedings. Some individuals may be released from ICE custody without proceedings being initiated, possibly to apply for an affirmative immigration benefit for which they qualify (such as a victim-based visa) or simply to remain undocumented. Others may be subject to deportation by ICE without the opportunity to fight their removal in immigration court, perhaps because they already have an unexecuted order of removal entered by an immigration judge, or they have a prior order of removal issued at the border that ICE can “reinstate.”

Furthermore, individuals who cannot demonstrate that they have been physically present in the U.S. for at least two years at the time of their apprehension, and who lack valid immigration documents or committed prior misrepresentations, may be subject to “expedited removal,” a process by which ICE or Customs and Border Protection (CBP) can rapidly deport someone without the involvement of an immigration judge. **The Safety Planning section below contains a list of suggested documents and evidence you can gather to show that you have been physically present in the U.S. for at least two years in case ICE asserts that you are subject to expedited removal.**

A person who is subject to removal by ICE or CBP under one of these processes, and who fears persecution or torture in their country of return, should communicate their fear and their desire to apply for asylum to immigration officials. This communication will trigger a “credible fear” or “reasonable fear” interview where an immigration official will assess the individual’s claim for protection. If they meet the required standard in an interview, they will win the opportunity to seek relief in removal proceedings.

The following rights apply to individuals in removal proceedings:

- Within the first 72 hours of entering ICE custody, ICE must explain to you why you are being placed in removal proceedings by giving you a copy of the charging document, called the “Notice to Appear.” This document contains certain factual allegations and reflects the section(s) of law under which ICE claims you are removable from the U.S. The immigration judge must first determine that you are not a citizen of the U.S.; then, whether you are removable as charged in a valid Notice to Appear; and finally, whether you are eligible for the form(s) of relief from removal for which you have applied.
- You have the right to have an attorney represent you in immigration court, but the government will not provide you with an attorney or pay the cost. Unlike in criminal proceedings, you will NOT be appointed an attorney if you cannot afford one. Nonetheless, ICE and the Court must provide you with a list of free and low-cost local immigration service providers that may assist you with your case. If you do not receive this list while you are in removal proceedings, ask for one.
- You have the right to an interpreter who can speak your preferred language at each of your hearings in immigration court. Even if you understand and speak several languages, you should request an interpreter in the language in which you are most comfortable communicating.
- As noted above, you may or may not be eligible to be released from ICE custody during your removal proceedings. If ICE sets a bond for your release and the amount is higher than you can pay, you have the right to request a hearing where the immigration judge will review and “redetermine” the bond amount. If ICE asserts that you are ineligible for bond because you are subject to “mandatory detention” due to your criminal history, you have the right to request a special bond hearing for the immigration judge to hear legal arguments challenging that determination (called a “*Matter of Joseph*” hearing). The immigration judge will likely only provide you with one bond hearing, so you should not request that hearing until you have hired an immigration attorney who is prepared to represent you in bond proceedings. If you are ineligible for bond or cannot pay the bond that is set, you will likely remain detained throughout your removal proceedings, which can take many months to years including appeals.
- You have several substantive and procedural rights in removal proceedings including the right to present evidence and witnesses on your own behalf; the right to examine and object to evidence presented by ICE; the right to cross-examine witnesses presented by ICE; the right to apply for relief from removal; and the right to appeal and seek judicial review. The immigration judge and/or your attorney will advise you about each of these rights at your hearings and throughout removal proceedings.

SAFETY PLANNING

Being prepared and organized is one thing you can do now to help yourself and your family prepare for future uncertainties that may arise, including possible detention or deportation. The checklists below contain suggested documents and information you can gather that may be helpful to you and your loved ones in the event of an immigration raid, detention in state custody or ICE custody, and/or deportation. There are checklists of documents relevant to individuals, families with children, married couples, and people who own property. You should keep a folder or envelope containing copies of all applicable checklist documents in a safe place. Tell your children, multiple family members, and the Power of Attorney and/or designated caregiver you select where to find this folder in an emergency. If possible, it may be a good idea to set aside money for expenses in the event of the detention or deportation of a household member.

INDIVIDUAL CHECKLIST

- Your Passport
- Your Birth Certificate
- Identification Documents
 - Driver's License
 - Social Security Card and/or ITIN Number
 - Other Government-Issued Identification
- Proof of Residency in the United States
- Immigration Documents
 - A-Number
 - I-94 or other Entry/Exit Documents
 - Visa(s)
 - Work Permit

- LPR Card (Green Card)
- Previous, Expired Passports
- Medical Information
 - Medical Release / HIPAA Authorization
 - Immunization Records
 - Allergies
 - Medications/Prescriptions
 - Medical Needs
- Immigration Legal Consultation

CHECKLIST IF YOU HAVE CHILDREN

- Child's Passport
- Child's Birth Certificate
- Register U.S.-Born Child's Birth with the Consulate/Embassy for Your Country of Origin
- Child's Identification Documents
- Child's Proof of Residency in the United States
- Child's Immigration Documents
- Child's Medical Information
- Temporary Delegation of Parental Powers form
- Child's Emergency Contact Forms for School

CHECKLIST IF YOU ARE MARRIED

- Marriage Certificate(s)
- Divorce and/or Death Certificate(s), if applicable
- Spouse's Passport
- Spouse's Birth Certificate
- Spouse's Identification Documents
- Spouse's Proof of Residency in the United States

- Spouse's Immigration Documents
- Spouse's Medical Information

CHECKLIST IF YOU OWN PROPERTY

- Durable Power of Attorney
- Your Home and/or Rental Property:
 - Give a Copy of Your Deed or Lease to Your Power of Attorney
 - Give a Spare Set of Keys to Your Power of Attorney
- Your Vehicles:
 - DMV Power of Attorney for Vehicle/Motorboat Only
 - Give a Copy of Your Vehicle Title Your DMV Power of Attorney

- Give a Spare Set of Keys to Your Power of Attorney

NEBRASKA DURABLE POWER OF ATTORNEY

A Power of Attorney is a legal document that authorizes another person (your “agent”) to make decisions concerning your property for you (you are the “principle”). Your agent will be able to make decisions and take action regarding your property (including your money, car, house, etc.) whether or not you are able to act for yourself. You should select someone you trust to serve as your agent. Most of the time, trusted family members or friends will be selected as agents. It is typically not advisable to select an attorney or a notario to act as your agent. If you wish to select more than one agent, you may name a co-agent or a successor or replacement agent.

The Power of Attorney must be signed in front of a Notary Public. The Power of Attorney becomes effective immediately, unless you state otherwise in the Special Instructions. A copy of the Power of Attorney document is as effective as the original document. Power of Attorney documents are not filed with the court; however, it is important to keep your Power of Attorney document in a safe place and give a copy to your agent. Unless you say otherwise in the Power of Attorney document, the agent’s authority will continue until you die or revoke the Power of Attorney, or the agent resigns or is unable to act for you.

[A template Power of Attorney form](https://supremecourt.nebraska.gov/sites/default/files/DC-6-12-fillin.pdf) is at the end of this document (current as of Dec. 2024) and is available in English only on the Nebraska Supreme Court website at supremecourt.nebraska.gov/sites/default/files/DC-6-12-fillin.pdf

TEMPORARY DELEGATION OF PARENTAL POWERS

Nebraska statute allows a parent or legal guardian of a minor child to execute a specialized “power of attorney” document delegating to another person any of his or her powers regarding the care, custody, or property of the minor child or ward. This statute does not allow for the person delegated to act to consent to marriage or adoption of the minor child. This form is often used when, due to the expected absence of a parent,

another trusted adult is authorized to consent to medical treatment, enrollment in school, other academic or athletic programs, etc.

This power of attorney is called a “Temporary Delegation of Parental Powers” and is only valid for a six-month period. After the six-month period, the parent or legal guardian may execute another Temporary Delegation of Parental Powers; it can be renewed in six-month increments indefinitely. The Temporary Delegation of Parental Powers must be signed or acknowledged before a Notary Public. Once it is completed, a copy should be retained for your records and the original given to the person you have delegated as having received the authority to act in your place.

[The Temporary Delegation of Parental Powers form and instructions](#) are at the end of this document (current as of Dec. 2024) and available in English, Spanish, and certain other languages on the Nebraska Supreme Court website at supremecourt.nebraska.gov/self-help/families-children/temporary-delegation-parental-powers

PROOF OF RESIDENCE IN THE U.S.

“Expedited removal” is a statutory provision that allows ICE and CBP to rapidly deport certain individuals without the opportunity to go before an immigration judge or appeal. Specifically, the statute provides that noncitizens who are unable to establish that they have been continuously physically present in the United States for at least two years prior to their apprehension, and who are inadmissible under the law based on lacking valid immigration documents or past misrepresentations, may be subject to expedited removal.

In case ICE asserts that you are subject to expedited removal, it is important to have evidence on hand demonstrating that you and your family members have been continuously physically present in the United States over the past two years or more. Below is a list of suggested documents that may serve as evidence of physical presence. You should gather documentation to account for as many months within the past 2-3 years as possible; ideally, you would have one document for each month of the past 2-3 years. You should place the documents you gather in a folder or envelope and periodically add documents from recent months.

- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- School records (letters, report cards, etc.)
- Military records (Form DD-214 or NGB Form 22)
- Official records from a religious entity confirming participation in a religious

- ceremony
- Copies of money order receipts for money sent in or out of the country
- Passport entries
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts
- Insurance policies

HOW TO FIND A QUALIFIED IMMIGRATION ATTORNEY

Since immigration law is federal law, an attorney can be licensed in any state in the U.S. and represent you in your immigration proceedings in Nebraska. This is not true for state-law cases, such as family law, criminal matters, personal injury, etc. If you are going to hire an attorney licensed to practice in a state other than Nebraska, discuss the transportation costs of said attorney. Also, keep in mind that if there is an emergency, you will likely have to pay that additional cost for the attorney's transportation.

Attorney List: See below for a list of reputable immigration attorneys and non-profit organizations that can provide you with immigration legal services, as recommended by the Center for Immigrant and Refugee Advancement (CIRA).

Search for an attorney: If you seek to hire a Nebraska-licensed attorney, you can go to the [Nebraska Bar Association Attorney Directory](https://www.nebar.com/search/custom.asp?id=2319) (<https://www.nebar.com/search/custom.asp?id=2319>) and search by name, state bar number, city or town, county, or location. In addition to searching for an attorney on the above-mentioned website, ask friends, local agencies, welcome centers, or the local chamber of commerce for any recommendations.

Don't stop there: Even once you have researched attorneys online and asked your contacts, make sure the person you are speaking to during your consultation is actually an attorney or a DOJ accredited representative licensed to practice immigration law. Feel free to ask the attorney to see their law license or proof of accreditation. While it is common for paralegals to help attorneys with some paperwork, it is not proper to have a paralegal perform the legal consultation.

CIRA has compiled the list below as a resource you may use when looking for an attorney to represent you in immigration matters in Nebraska or Iowa. Please be advised, CIRA

does not guarantee the work of any of these attorneys or organizations, nor does it personally endorse them.



IMMIGRATION ATTORNEY REFERRAL LIST

Center for Immigrants and Refugee Advancement (CIRA) has compiled this list as a resource you may use when looking for an attorney to represent you in immigration matters.

Please be advised: CIRA does not guarantee the work of any of these attorneys or organizations or personally endorse them.

OMAHA

BLACKFORD LAW

Phone: (402) 933-4090
11711 Arbor St., Suite 220

Omaha, NE 68144
brian@blackfordlawllc.com

CARLSON & BLAKEMAN

(Julia Cryne)
Phone: (402) 999-9796

2002 Douglas St. Suite 102,
Omaha, NE 68102
www.carlsonblakeman.com

CURLEY IMMIGRATION LAW

Phone: (402) 733-8989
11128 John Galt Blvd,

Suite 104, Omaha, NE 68137

www.curleylawoffice.com

HATCH & DALLON

Phone: (402) 922-6010

1910 South 72nd Street,
Suite 305

Omaha, Nebraska 68124

jhatch@hatchdallon.com

KOLEY JESSEN

(Kristin Mohrman)

Phone: (402) 343-3842

1125 S. 103rd St., Suite 800

Omaha, Nebraska 68124

www.kolleyjessen.com

ROTH WEINSTEIN

Phone: (402)800-6690

1213 Jones Street

Omaha, Nebraska 68102

www.rothweinstein.com

IVAN VELASCO, JR., PC LLO

Phone: (402) 932-4826

319 South 17th St., Suite 728

Omaha, NE 68102

ivan@ivanvelascojr.com

VANDENBOSCH LAW

Phone: (402) 884-4489

1905 Harney S, #503

Omaha, Nebraska 68102

abogadoantonio@gmail.com

YAMAMOTO & KITCHENS

Phone: (402) 346-8323

3528 Dodge St, #110

Omaha, NE 68131

www.yk-law.us

LINCOLN

**MONZON, GUERRA &
ASSOCIATES**

Phone: (402) 477-8188

1133 H Street

Lincoln, NE 68508

www.monzonlaw.com

WOLZEN LAW OFFICE

Phone: (402) 474-5100

233 South 13th St. Suite
1209

Lincoln, NE 68508

brent@wolzenlaw.com

**UNIVERSITY OF
NEBRASKA**

**COLLEGE OF LAW (Legal
Clinic)**

Phone: (402) 472-3271

P.O. Box 830902

Lincoln, NE 68583

POLARIS LAW GROUP

Phone: (402) 606-1441

245 S. 84th St.

Lincoln, NE 68510

www.polarislawyers.com

GREATER NEBRASKA

**LINDEMEIER LAW
(Chawnta Durham)**

Phone: (308) 946-7843

1020 S. Dewey Street

North Platte, NE 69101

www.flatrocklaw.com

OLIGMUELLER LAW

Phone: (402) 494-2199

1915 Dakota Ave

South Sioux City, NE 68776

www.oligmuellerlaw.com

IOWA

BARTEN LANTZ, PC

Phone: (515) 233-4388

1212 McCormick Avenue,
Suite 100 Ames, IA 50010

dropbox@bartenlawoffice.com

PARISH KRUIDENIER

(Benjamin Bergmann)

Phone: (515) 284-5737

2910 Grand Avenue
Des Moines, Iowa 50312

www.parrishlaw.com

NON-PROFIT REFERRALS

NEBRASKA IMMIGRATION LEGAL ASSISTANCE HOTLINE (NILAH)

Call: 1-855-307-6730

To apply for immigration legal services from one of the following non-profits.

- Catholic Charities
- Center for Legal Immigration Assistance
- Women's Center for Advancement
- Lutheran Family Services
- Center for Immigrant and Refugee Advancement

IOWA MIGRANT MOVEMENT FOR JUSTICE

Phone: (515) 255-9809

PO Box 41006, Des Moines, IA 50311

info@iowammj.org

LATINO CENTER OF THE MIDLANDS

Phone: (402) 733-2720

4821 S 24th St.

Omaha, NE 68107

Immigration attorneys available for consultation by appointment weekly. Call for more details.

NEBRASKA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

Phone: (402) 476-6256

245 S. 84th Street, Suite 200

Lincoln, NE 68510

www.nebraskacoalition.org

