

Know Your Rights!



February 5, 2026

Public
Counsel

Disclaimer

This presentation is intended as a general overview and is for information purposes only. This presentation should not be construed as all-inclusive, nor as the provision of legal services to any individual or entity. Attending this presentation does not create any attorney-client relationship.

Overview

This webinar will cover rights and responsibilities in the event of an ICE visit to your facility. We will cover:

- ❖ Child Care Provider privacy rights
- ❖ General constitutional rights
- ❖ Identifying ICE
- ❖ Public vs. Private spaces
- ❖ Creating and implementing your policy for ICE interactions
- ❖ Understanding warrants and subpoenas
- ❖ CA specific laws
- ❖ Resources
- ❖ Q&A

Grounding

- ❖ As we move through today's training, we want to remind you that your well-being matters.
- ❖ Some of what we will cover – such as threats of raids, deportation, risks to your safety can bring up strong emotions, stress, or painful memories.
- ❖ It is completely normal to feel overwhelmed, stressed, or afraid.
- ❖ Please take care of yourself – step out, stretch, get water, or take a deep breath.
- ❖ Our goal is to support you – not add stress. You're not alone.



Gentle Movements to Release Tension

Gentle Breathing

1. Inhale deeply through your nose...and slowly release the air through your mouth.
2. Let's do it again, filling the lungs like a balloon...and slowly releasing the air.

Releasing the Shoulders

1. Now let's move our shoulders a bit. Gently raise your shoulders toward your ears as you inhale...and as you exhale, let them drop, like releasing a sigh.
2. Let's repeat it a couple more times, lifting as we inhale... and releasing as we exhale.

Relaxing the Jaw

1. Sometimes we clench our jaw without realizing it. If you feel comfortable, gently move your jaw from side to side.
2. You can also open your mouth slightly as if you were yawning and allow any tension to melt away.

Your Privacy Rights as a Child Care Provider

Who Is Legally Allowed to Enter My Child Care Business?

Can legally enter

- ❖ Community Care Licensing staff to conduct inspections or investigations
- ❖ Authorized government personnel (e.g., fire or health inspectors) acting within their official duties
- ❖ Law enforcement with a judicial warrant
- ❖ Parents or legal guardians of enrolled children during normal operating hours and for purposes related to their child's care

Need your permission to enter

- ❖ Members of the public
- ❖ Media, journalists, influencers, or content creators
- ❖ Researchers, advocates, or third-party “investigators”
- ❖ Any unknown individual without legal authorization

Your Rights If Strangers Show Up

- ❖ If someone enters your private property...
 - ❖ Ask them to leave
 - ❖ Remain calm
 - ❖ Document everything

- ❖ If they do not leave,
 - ❖ Call local law enforcement
 - ❖ Consider filing a lawsuit for trespass
 - ❖ Consider seeking a civil harassment restraining order

Generally, people have the legal right to photograph or record what is easily visible while in public spaces but- 1) recording or photographing inside a child care facility requires provider consent; 2) children may not be recorded or identified without parent or guardian authorization; 3) unauthorized recording may violate California privacy and consent laws

Your Rights If Someone Shares Your Personal Information Online

- ❖ File a civil lawsuit
 - ❖ California Anti-Doxing Law – AB 1979
 - ❖ Public Disclosure of Private Facts law
- ❖ Seek a civil harassment restraining order
- ❖ Report incident to local law enforcement
- ❖ Ask the online site to remove your information

Legal Remedies for False & Harmful Claims Against Your Child Care Business

- ❖ **Defamation** - libel (false written statement) & slander (false spoken statement) that harms your business's reputation
- ❖ **Intentional or Negligent Interference with Prospective Economic Relations** - Ex. Parent withdraws child after YouTuber intentionally makes a false statement about your childcare business
- ❖ **Intentional Infliction of Emotional Distress** - Extreme and outrageous behavior that causes you serious emotional harm
 - ❖ Ex. Influencer repeatedly posts false or threatening content about your child care business
- ❖ **Private Nuisance** – Ex. YouTuber intentionally disturbs normal operation of childcare business

Policies & Steps to Protect Your Childcare Business

- ❖ Types of Policies
 - ❖ Access & Visitor Policy
 - ❖ Recording & Filming Policy
- ❖ Display policies as signs at the entrance, in the lobby, and in enrollment paperwork
 - ❖ “This childcare facility is private property. Entry is only for authorized purposes.”
 - ❖ “No photography or video recording permitted without authorization.”
- ❖ Train staff on all policies
- ❖ Install video cameras in areas without reasonable expectation of privacy (e.g., the entrance)
- ❖ Keep records of incidents

General Constitutional Rights

General Rights With Respect to Immigration Enforcement

1. Right to stay silent
2. Right to ask for identification
3. Right to document and record
4. Right to deny entry into private spaces (if no judicial warrant) and ask for supporting documentation (e.g. warrants/subpoena)
5. Right to ask for a lawyer

What do Federal Immigration Agents and Law Enforcement Look Like?

Disclaimer

- I. We're showing you these images not to scare you, but to help you recognize who may show up and how to respond.

- II. Even if officers wear plain clothes, we want you to feel prepared, not panicked.

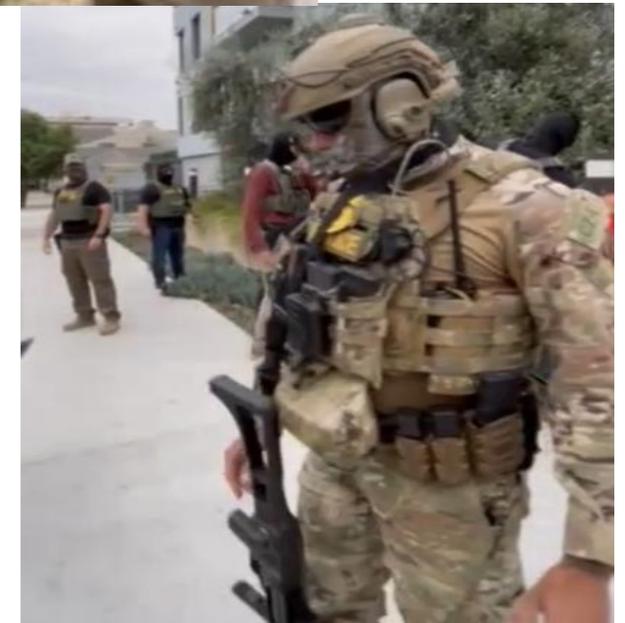
What Does Immigration Enforcement Look Like? ICE/ERO



Identifying agents

Public Counsel

What Does Immigration Enforcement Look Like? ICE/ERO



Identifying agents

Public Counsel

What Does Immigration Enforcement Look Like? HSI/CBP

HSI



CBP



Identifying agents

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Plain Clothes Officers



Identifying agents

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Other Law Enforcement

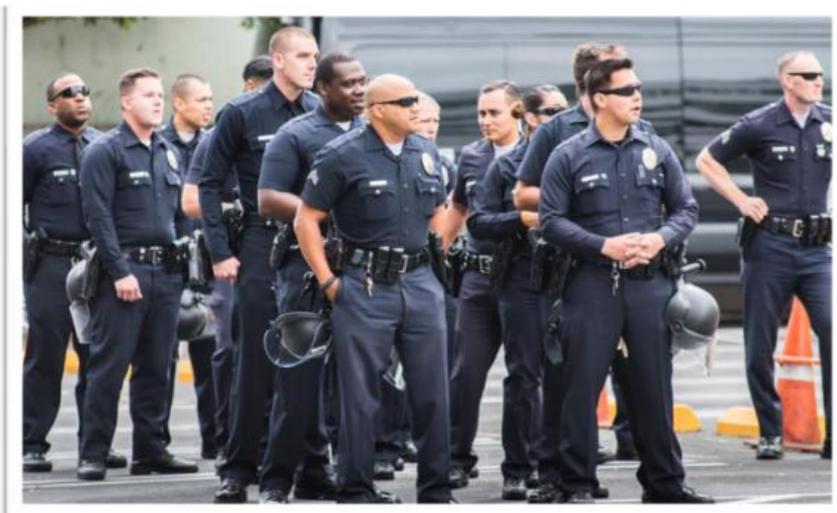
City Police



County Sheriffs



CHP



Identifying agents

Public Counsel

Drafting Your Organization's Policy

Why Have a Written Policy?



- ❖ Prepares staff for unexpected situations
- ❖ Protects legal rights of clients & organization
- ❖ Shows that immigrants are welcome and safe

Contents of Policy



- ❖ Scope of Policy
- ❖ Organizational/Employee information
- ❖ Data Collection and Preservation
- ❖ Monitoring and Receiving Visitors to the Space
 - ❖ Public vs. Private Spaces
- ❖ What To Do During an Encounter with Law Enforcement

Scope of Policy

- ❖ Purpose statement – when should the policy be applied?
- ❖ Specify which properties the policy applies to
- ❖ Talk about different staff roles / locations
 - Owner
 - Property Manager
 - On-site vs. off-site staff
 - Front desk/Reception
 - Security
 - Maintenance
- ❖ Policy should address ALL interactions with law enforcement (and other official visitors), not just visits from ICE.



TEMPLATE I:

[YOUR ORGANIZATION'S LOGO]

[YOUR ORGANIZATION'S NAME]'S POLICIES ON ENCOUNTERS WITH IMMIGRATION AND LAW ENFORCEMENT AGENTS

PURPOSE

The purpose of this policy is to provide clear guidelines that ensure the protection of client and employee rights, safeguard client confidentiality, and legal compliance during employee interactions with immigration or law enforcement agencies and officials. [YOUR ORGANIZATION'S NAME] will take steps to the greatest extent possible under the law to protect our staff and clients and their information. It is the policy of [YOUR ORGANIZATION'S NAME] not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or other deputized federal agencies to carry out immigration enforcement, access to our facilities, records, or information unless this is required by law or a valid judicial warrant.

[YOUR ORGANIZATION'S NAME] is dedicated to serving people, regardless of income, where they are from, or their individual circumstances. [YOUR ORGANIZATION'S NAME] strives to create a safe environment for staff, clients, and anybody seeking services from our organization. This policy reinforces [YOUR ORGANIZATION'S NAME]'s commitment to protecting the individuals we serve from potential harm, undue scrutiny, or violations of their rights.

Public vs. Private Spaces

Non-Public/Private Areas

- ❖ Private – have “reasonable expectation of privacy” subjectively and objectively.
- ❖ Clearly marked as private
 - “No entry without authorization.”
- ❖ Officers need a judicial warrant for entry unless exception applies.



Public Areas

- ❖ Open to public
 - Ex.) reception or waiting area
- ❖ Entry by officers into public areas is not a “trespassory search”
- ❖ No warrant required for entry.



Drafting Your Policy

- ❖ What's your visitor access policy?
- ❖ Have signs designating private areas vs public; create physical barriers to entry.
- ❖ Remember the “plain view” rule!
- ❖ Reminder: consenting to entry is an exception to the warrant requirement.



Warrants & Subpoenas

Judicial Warrants



- ❖ Issued by judicial court and signed by a judge
- ❖ Authorizes an arrest, seizure, or search. (verify the scope)
- ❖ Law enforcement must execute it within 14 days
- ❖ If valid, you must comply

AO 93 (Rev. 12/09) Search and Seizure Warrant **This is a judicial search warrant. It DOES authorize agents to enter your home.**

UNITED STATES DISTRICT COURT - Issued by a COURT.
For the
Eastern District of California

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____)
540 Oak Avenue)
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161 EFB**

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 EASTERN District of CALIFORNIA.
(Identify the person or describe the property to be searched and give its location.)
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.
The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be searched.)*
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. **Date for warrant, not to exceed 14 days**
YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable 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 United States Magistrate Judge _____
(name)

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 _____ day(s) *(not to exceed 30)*,
 until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011 **Signed by a JUDGE.**
9:10:00 AM

City and state: SACRAMENTO CALIFORNIA **EDMUNO F. BRENNAN, U.S. MAGISTRATE JUDGE**
Printed name and title

see I National Immigration Law Center <https://twitter.com/NILC/status/1149755946081538049?s=20>

Administrative Warrants



- ❖ Issued by federal agency like DHS, signed by immigration officer or immigration judge.
 - May say “U.S. Department of Homeland Security” at the top.
- ❖ Does not authorize a search of non-public areas or entry/search of someone’s home.
 - You can refuse entry to search premises or request to obtain evidence.
- ❖ May authorize an arrest, seizure, or search.

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 of the 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 _____ 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.

(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 _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Subpoenas

- ❖ Subpoena: demand to produce documents at specified date and time.
- ❖ You may refuse to respond to an immigration subpoena without fearing immediate civil, criminal, or legal liability.
 - Agency must go to court to enforce the subpoena.
- ❖ A subpoena alone does NOT allow officers to enter or execute a search.
- ❖ Two types: immigration and judicial subpoenas.
 - You can object to judicial subpoenas too.

“Harboring” and “Obstruction of Justice”

“Harboring” / “Aiding and Abetting”: Actively helping someone stay in the U.S. illegally.

- ❖ Includes: providing shelter, transportation, direction about how to obtain false documentation, or warnings about impending investigations
- ❖ Renting a room or apartment is typically not enough to constitute harboring.
 - May be convicted if a landlord actively lies to immigration officials or takes steps to hide the individual. Think: Purpose to conceal.

“Obstruction of Justice” = Obstructing an officer in the performance of their official duties.

- ❖ Includes: physically blocking ICE agents, providing false information, or using intimidation to prevent an arrest.

What to do when ICE is at the door

In Your Policy

1. Do not lie. Either follow the policies or remain silent.
2. ICE/Law Enforcement may not enter private spaces without a judicial warrant.
3. Contact a designated/authorized contact person(s).



Duties of the Authorized People



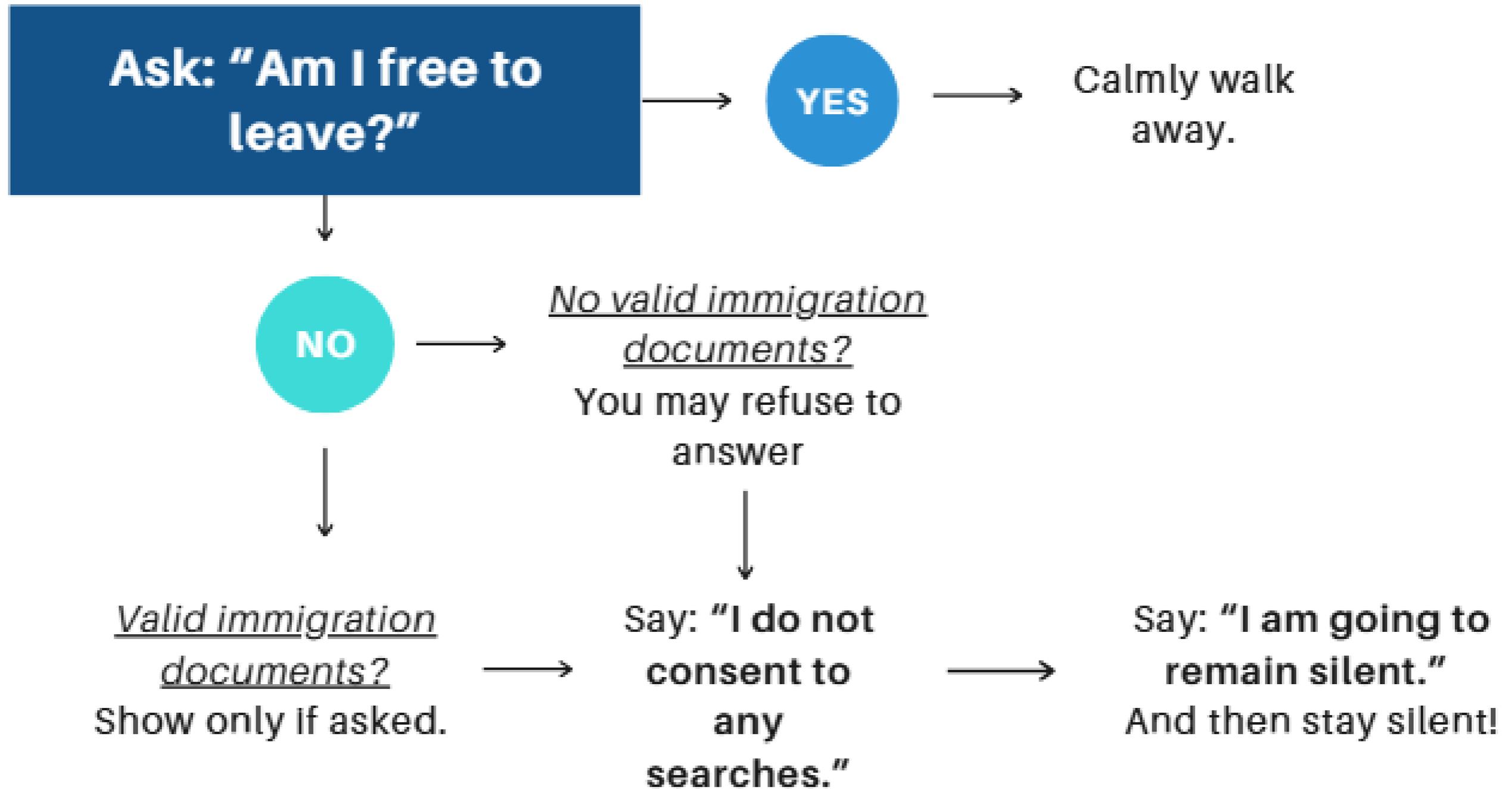
- ❖ Understand and can read different types of warrants and subpoenas
- ❖ Ask for, check, and document the agent's credentials
- ❖ Authorized to interact with law enforcement/agents on behalf of organization
- ❖ Have contact info for or relationship with attorney or legal services organization

So, ICE is at the door...

1. Stay calm. **Don't run**. Contact the Authorized Person.
2. “You do not have permission to enter nonpublic areas without a judicial warrant. Please remain outside in this designated area.”
3. Authorized person inspects the provided documentation.
4. No judicial warrant: “We have a policy of denying access without a valid judicial warrant.”
5. Yes, valid judicial warrant: double check it, limit the search to the scope of the warrant, accompany them and document the whole time.



What if immigration agents stop and question me?



What if I am being detained by immigration agents?



“Why am I being detained?”

You must identify yourself, but you do not have to answer any other questions.

“I will not be signing anything until I speak to a lawyer”

“I do not consent to any searches”

“I am going to remain silent and I want to speak to a lawyer”

What to do if someone else is detained by ICE

1. If you don't know already, ask for their full name, date of birth, and country of birth.
2. Stay calm and pull together the required information.
 - ❖ When they call a loved one, ask for their A# number. ICE will provide it once they are processed.
3. Locate the detained person: locator.ice.gov
4. Contact legal help
 - ❖ ImmDef: (213) 833-8283 M-F (9-4), Leave a voicemail
 - ❖ Catholic Charities/Esperanza: (844)251-8003 Tues & Fri 9-4pm – There is a fee for calls.
5. Contact the detention facility to plan a call or visit or figure out ways to send them money to pay for necessities at the detention facility.

Important Rights of People in Detention

- ❖ If afraid to return home: tell agents clearly.
- ❖ If lived in the U.S. for at least 2 years: tell officer and show proof.
- ❖ If applied for status or are appealing an immigration decision: tell an officer and show proof of application or appeal.
- ❖ Don't sign any documents without talking to a lawyer first or getting translation. Especially any documents that say “waiver,” “stipulated removal order,” or “voluntary departure agreement.”
- ❖ Ask to be let out on parole or bond. If denied, request a bond hearing.
 - Show judge proof of ties to the community – letters of support from family and community members about good character.

Documentation Tips!

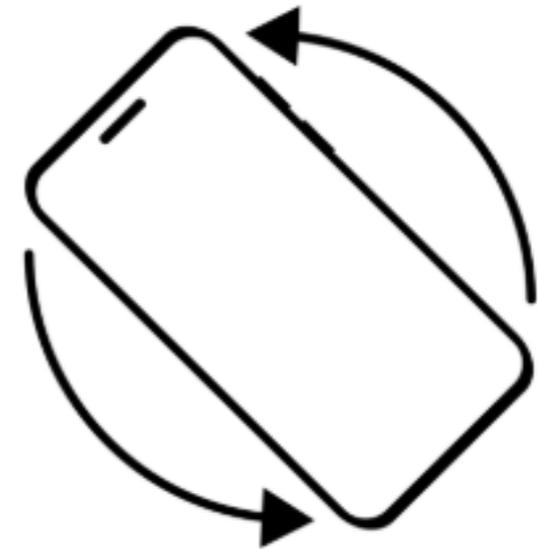
❖ Phone recording etiquette

- Announce you are making a recording
- Stay a safe distance away
- Record the agents, not others.

❖ What to record:

- Date and time
- How many officers?
- Their names and badge numbers – Ask for their card or credentials. Take a photo of it.
- Who did they say they were and why did they say they were there?
- Did they present a warrant? Did you ask? Take a photo of the documentation they present.
- What happened next?

Turn phone horizontal to capture more action



How California is Fighting Back

Senate Bill (SB) 627 – No Secret Police Act

- ❖ Law - Bans most federal and local law enforcement, including ICE, from wearing facial coverings during the performance of their duties.
- ❖ Purpose
 - Reduce safety risks posed by individuals impersonating ICE agents or other law enforcement.
 - Ensure law enforcement accountability by requiring clear and transparent identification.
- ❖ Took effect January 1, 2026.
- ❖ Challenge – Federal government filed lawsuit against CA alleging the law is unconstitutional, therefore enforcement is currently paused.

Senate Bill (SB) 294 – Workplace Know Your Rights Act

❖ Law –

- Requires employers to give workers a separate written notice explaining their workplace rights – workers’ rights under labor laws AND their constitutional rights when interacting with law enforcement at work/during work hours.
 - On or before February 1, 2026. employers must give this notice to all current employees and continue doing so every year. New employees must receive the notice when they are hired; an employee’s representative must also receive the notice each year.
- Requires employers to contact an employee’s emergency contact if the employee is arrested or detained at their workplace. If the arrest happens while the employee is working but not at the workplace, the employers must notify the emergency contact only if they know about the arrest.

Assembly Bill (AB) 495- The Family Preparedness Plan Act

❖ Law –

- Allows parents to designate trusted caregivers for their children in case of temporary unavailability (like immigration enforcement, medical issues, or incarceration)
 - Creates a process through probate court for parents to nominate a joint guardian
 - Standardizes the use of the Caregiver's Authorization Affidavits and recognizes diverse family networks
- Requires schools to honor caregiver affidavits, and requires schools/child care facilities to adopt and follow policies limiting cooperation with immigration enforcement

Senate Bill (SB) 805 – No Vigilantes Act

- ❖ Law - This bill strengthens protections against law enforcement impersonation by clearly prohibiting anyone from posing as a local, state, or federal officer. It expands the law to cover intentional and believable impersonation through any means when used to deceive or defraud others.
 - Requires law enforcement officers in California, including federal agents, to visibly display their agency and name or badge number while performing enforcement duties in plain clothes.
 - Prohibits those authorized to apprehend bail fugitives from engaging in immigration enforcement.
- ❖ Purpose - Helps protect communities from harm and abuse.
- ❖ Took effect January 1, 2026.

Summary and Further Resources



Rapid Response Hotlines

- ❖ Los Angeles Raids and Rapid Response Network
 - Purpose: Reporting ICE activity
 - Hotline: (888) 624-4752
- ❖ Immigrant Defenders Law Center Rapid Response Legal Resource Hotline (Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial counties)
 - Purpose: Connecting to Detention Legal Services
 - Hotline: (213) 833-8283
 - Hours of Operation: Monday through Friday from 9AM-4PM PST
- ❖ List of California Rapid Response Networks:
 - <https://www.ccijustice.org/carrn>

Additional Resources

- ❖ Work Authorization for Employers Guide <https://publiccounsel.org/publications/work-authorization-faq-for-employers/>
- ❖ Guide for Nonprofits and Businesses [https://lawyersalliance.org/userFiles/uploads/legal_alerts/Guidance to Nonprofits Regarding Immigration Enforcement.pdf](https://lawyersalliance.org/userFiles/uploads/legal_alerts/Guidance_to_Nonprofits_Regarding_Immigration_Enforcement.pdf)
- ❖ USCIS I-9 Guide <https://www.uscis.gov/book/export/html/59502>
- ❖ Public Counsel's ICE guidance for nonprofits and small businesses: <https://publiccounsel.org/publications/faqs-on-nonprofit-and-small-business-rights-with-respect-to-immigration-enforcement-ice/>
- ❖ Family Preparedness Plans - <https://www.ilrc.org/resources/step-step-family-preparedness-plan> and <https://publiccounsel.org/publications/a-guide-to-planning-for-your-childs-care-family-preparedness/>

Need More Help?



Public Counsel

Community Development Project

(213) 385-2977, ext. 300

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kkinchen@publiccounsel.org

swrench@publiccounsel.org

Questions?