

# Pay Attention to the Type of Warrant Issued:

## **Bench Warrant**

1. This is from a judge.
2. Used for people who have violated court rules.
3. Examples of receiving a bench warrant include failure to pay child support, failure to pay fines.

## **Arrest Warrant**

1. This is from a judge.
2. Used by the police to arrest suspects they have been pursuing.
3. Police can also arrest without a warrant if they have reasonable suspicion and/or probable cause to believe that a crime has occurred.
4. ICE can only arrest individuals without a warrant if reasonable suspicion/probable cause than an IMMIGRATION violation has occurred.

## **Administrative Warrant**

1. This is from an agency (such as ICE).
2. Document stating that a person is designated for possible arrest
3. It is not signed by a judge and it does not pass constitutional muster; due process rights).  
3. However, they can arrest you without a warrant if they have reasonable suspicion to believe immigration violations occurred. (reasonable suspicion)
4. If searched with an administrative warrant, don't forget to say "I do not consent to this search."

# Review the Warrant

## ADMINISTRATIVE WARRANT

This is issued by DHS, NOT a court

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.

Signed by an immigration officer, NOT a judge

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

## JUDICIAL WARRANT

This is a judicial search warrant. It DOES authorize agents to enter your home

AO 93 (Rev. 12/09) Search and Seizure Warrant

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)  
540 Oak Avenue  
Davis, California 95616

Case No.

### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2:11-SW-0161EFB

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 seized):

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, 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

# Encounters with ICE

## If You Encounter ICE in Public:

- ICE can detain you only if they have a reasonable suspicion of breaking immigration laws or a warrant signed by a judge.
- Do not run away since that may raise suspicion.
- Ask: “Am I free to go?”  
-If they start to search you or your belongings, say “I do not consent to this search.”
- You have the right to remain silent.
- Do not answer questions about birth, criminal, or immigration history.

## If You Encounter ICE at Your Door

- Do not open the door. Ask the officers to identify themselves.
- Ask if they have a warrant.
- If they don't have a warrant, say “I do not give consent for you to enter my home.”
- Also say, “I don't want to talk to you.” and tell them to leave their contact info. Do not open your door.

# If ICE has a Warrant

- Ask for the warrant to be slipped under your door and take a photograph of it or keep it.
- If it is an administrative warrant signed by an ICE official, they cannot enter your home without your consent. Tell ICE that you do not consent to them entering your home.
- If the warrant is a search warrant or an arrest warrant issued by a judge, they may enter your home solely to execute the terms of the warrant.

## If ICE is Inside Your Home

- You do not have to talk to ICE or answer their questions. You have the right to remain silent. You can refuse to speak to an ICE agent.
- Do not answer any questions, especially about your birth place, immigration status or how you entered the United States.
- Do not give them any personal information about yourself or anyone in your family. Say that you want to remain silent until you speak with a lawyer.