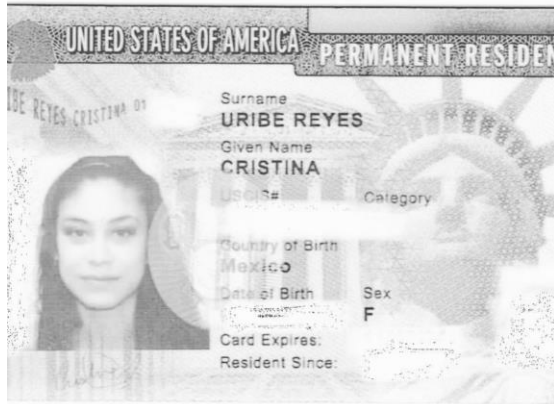




ATTORNEY

CRISTINA URIBE REYES, ESQ.

303-317-5516



WHAT IS THE PUBLIC CHARGE RULE?

¿QUE ES LA REGLA DE LA CARGA PUBLICA?

■ Es un motivo de inadmisibilidad-

- En otras palabras, le pueden negar la residencia si se determina que es probable que la persona se volvería dependiente de ciertos beneficio gubernamentales
- Sólo a los solicitantes que se considere que probablemente dependan principalmente de **ayuda en efectivo para el mantenimiento de ingresos o cuidados a largo plazo** a expensas del gobierno se les podría denegar el cargo de carga pública.

■ **NO aplica en todos los casos**

- Por eso la aplicacion, I-864, Declaracion de Patrocinio Economico es requerida

■ This is a ground of Inadmissibility-

- Meaning, you can be denied a green card if it is determined that a person is likely to become dependent on certain government benefits
- Only applicants deemed likely to be primarily dependent on cash aid for income maintenance or long-term care at government expense could be denied for public charge

■ This does **NOT** apply in every case

- This is why the I-864 Affidavit of Support is required

WHEN DOES PUBLIC CHARGE NOT APPLY?

¿CUANDO ES QUE NO APLICA LA CARGA PUBLICA?

- Casos de residencia por parte de:
 - Visa U, Visa T, VAWA, Ajuste Cubano, Visa Juvenil, Asilo
- Beneficios que NO se consideran para la carga publica
 - SNAP, WIC, CHIP
 - Medicaid de emergencia
 - Bancos de comida, Beneficios de Vivienda, Asistir a escuelas publicas, Head Start
 - Entre muchos otros
- Green Card Applicants based on:
 - Visa U, Visa T, VAWA, Cuban Adjustment, SIJS, Asylum
- Benefits NOT considered for public charge
 - SNAP, WIC, CHIP
 - Emergency Medicaid
 - Food banks, housing assistance, attending public school, Head Start
 - And many others

PUBLIC CHARGE CARGA PUBLICA

- Asistencia que reciban los hijos ciudadanos NO cuentan en contra de los padres inmigrantes
- Assistance received for U.S. Citizen children cannot be used against immigrant parents
- **Los beneficios que serian considerados para la carga publica, no son beneficios por los cuales una persona indocumentada pueda calificar**
- **Benefits that are considered for public charge are not benefits that an undocumented person would qualify for in the first place**

CONSTITUTIONAL RIGHTS

- Anyone in the U.S., regardless of immigration status has these rights:
 - **RIGHT TO REMAIN SILENT**
 - You must say it out loud that you wish to remain silent
 - **RIGHT TO PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE**
 - You do not have to consent to a search of yourself or your belongings unless law enforcement has a signed warrant
 - They are allowed to pat you down for weapons
 - **RIGHT TO COUNSEL**
 - If criminal charges, right to a government appointed attorney
 - If in immigration, an attorney will not be provided, but you still have the right to have an attorney present when being questioned/representation
 - **DO NOT HAVE TO ANSWER QUESTIONS ABOUT IMMIGRATION STATUS**
 - Exercise your right to remain silent

DERECHOS CONSTITUCIONALES

- Cualquier persona en los EEUU tiene estos derechos, sin importar el estatus migratorio:
 - **DERECHO DE PERMANECER EN SILENCIO**
 - Debe ejercer este derecho diciendo, “quiero permanecer en silencio”
 - **DERECHO A LA PROTECCION CONTRA REGISTROS E INCAUTACIONE IRRAZONABLES**
 - No tiene que dar su consentimiento para que lo registren a usted o a sus pertenencias a menos que la policía tenga una orden firmada
 - Se les permite palparlo para comprobar si tiene armas
 - **DERECHO A ASISTANCIA DE UN ABOGADO**
 - Si hay cargos penales, tiene derecho a un abogado designado por el gobierno
 - Si está en inmigración, no se le proporcionará un abogado, pero aún tiene derecho a tener un abogado presente cuando lo interroguen o lo representen
- **NO TIENE QUE RESPONDER PREGUNTAS SOBRE EL ESTATUS MIGRATORIO**
 - Ejerce su derecho a permanecer en silencio

JUDICIAL WARRANT VS. ICE ARREST WARRANT

VALID-VALIDO

- Specifies person or property to be searched or seized
- **Specifica la persona o propiedad para registrar o incautar**
- Signed by a judge (IE "Honorable NAME" or "Magistrate NAME")
- **Firmado por Juez (Honorable/Juez/Magistrado)**
- If warrant is valid, only the person specified should step outside
- **Si la orden es valida, solo la persona nombrada debe salir**

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO
2017 JUN 29 PM 2:14
JEFFREY P. COLWELL
CLERK

UNITED STATES DISTRICT COURT
for the
District of Colorado

United States of America
v.
Defendant

Case No. _____

Signature by a Judge indicates an official document.

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:
Illegal Re-entry After Deportation, In Violation of Title 8 U.S.C. § 1326(a), (b)(1).

Date: June 27, 2017
City and state: Denver, Colorado

Scott T. Varholak, U.S. Magistrate Judge
Printed name and title

Return
This warrant was received on (date) 6-27-2017, and the person was arrested on (date) 6-28-2017
at (city and state) Denver, Colorado

Date: 6-28-2017
Arresting officer's signature
Tate Hines, Detention Officer
Printed name and title

NOT VALID-NO VALIDO

- Signed by "Immigration officer"
- **Firmado por "oficial de inmigración"**
- Does not authorize a search
- **No autoriza un registro o incautación**

U.S. Department of Homeland Security
Warrant for Arrest of Alien

File No. (b)(6), (b)(7)(C)
Event No. (b)(7)(C)
Date: October 20, 2010

TO any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
(Name of alien) (b)(6), (b)(7)(C)
(Place of birth) (b)(6), (b)(7)(C)
an alien who entered the United States at or near EAGLE PASS, TEXAS on March 1, 2003 is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of ICE Officer) (b)(6), (b)(7)(C)
(Signature of ICE Officer) (b)(6), (b)(7)(C)
(Signature of ICE Officer) (b)(6), (b)(7)(C)
SDDO
(Title)

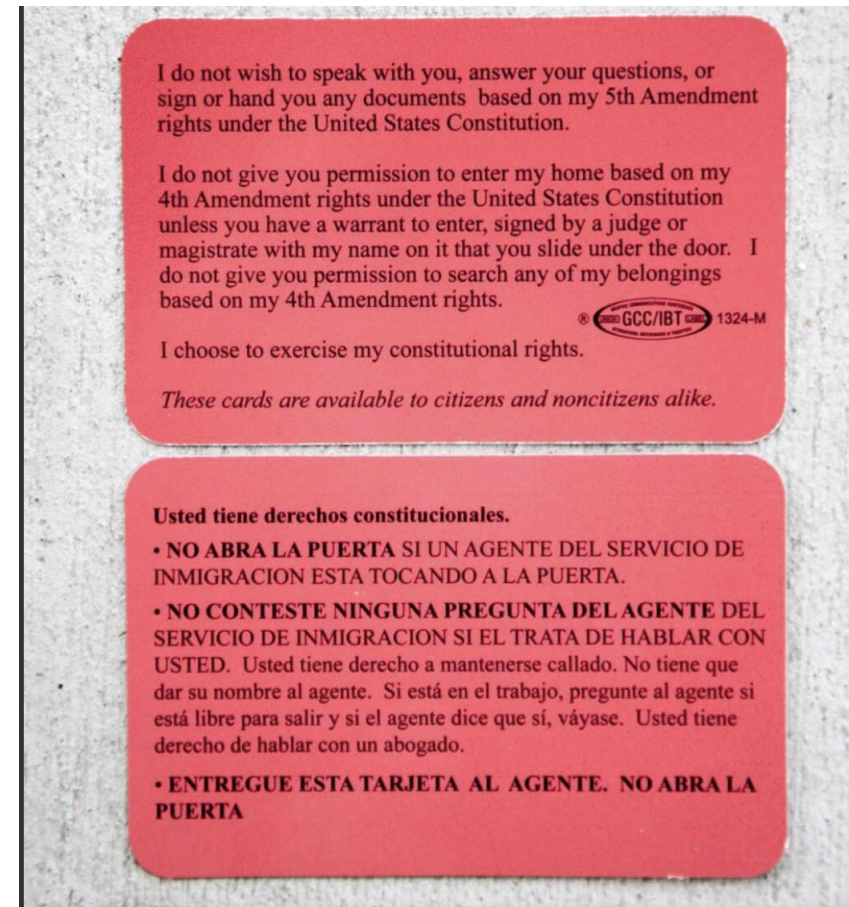
Certificate of Service
Served by me at NASHVILLE, TENNESSEE on October 20, 2010 at 12:00 AM
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

(Signature of ICE Officer) (b)(6), (b)(7)(C)
SENIOR SPECIAL AGENT
(Title of officer serving warrant)

Form I-202 (Rev. 04/2007)

RED CARDS/TARJETAS ROJAS

- <https://www.redcardorders.com>
 - Order to Print/Para comprar
- <https://www.ilrc.org/red-cards-tarjetas-rojas>
 - Print your own in different languages
 - Imprimir en diferentes idiomas



WHAT DO I DO IF ICE COMES TO MY HOME?

¿QUE HAGO SI ICE VIENE A MI CASA?

■ DO NOT OPEN THE DOOR

- ICE/Law enforcement cannot enter your home without a signed judicial warrant
- Ask to see a warrant under the door, through a window, or mailbox

■ DO NOT SIGN anything

- Do not sign any documents or answer questions until you talk to an attorney

■ Remain CALM and SILENT

- Do not resist
- The only information you MUST give is NAME and Date of Birth

■ RECORD and GATHER information

- You have the right to record any interaction with law enforcement

■ NO HABRA LA PUERTA

- ICE/Policia no puede entrar sin una orden judicial
- Pida que les muestren la orden judicial

■ NO FIRME Nada

- No firme ningún documento antes de hablar con un abogado

■ Permanezca CALMADO y en SILENCIO

- No resista
- Si es policía, necesita dar su nombre y fecha de nacimiento
- Si es ICE, no de nada de información

■ GRABE y RECOLECTE información

- Tiene el derecho de grabar

WHAT TO DO IF ICE COMES TO MY WORK PLACE?

¿QUE HAGO SI ICE VIENE A MI TRABAJO?

■ Can ICE agents come into my work place?

- Law Enforcement/ICE can go into any public spaces (restaurants, parking lots, reception area etc.)
- They cannot enter private spaces without a warrant or consent from your employer (think break rooms, kitchens, offices)

■ ICE enters the work place, what do I do?

- Remain silent!
- Do not voluntarily give up any paperwork
- Do not sign anything
- Ask to speak to an attorney
- Ask if you are free to leave, if not, remain silent

■ ¿ICE puede entrar a mi casa ?

- ICE/la policía puede entrar a lugares públicos (restaurantes, estacionamientos, área de recepción, etc.)
- No pueden entrar a lugares privados (oficinas, la cocina de restaurantes, comedores, etc.)

■ ICE entra. ¿Que hago?

- ¡Permanezca en silencio!
- No entregue documentos o informacion
- No firme nada
- Pida hablar con un abogado
- Pregunte si puede irse, si no, permanezca en silencio

WHAT IF ICE/POLICE PULL ME OVER WHILE DRIVING? ¿QUE HAGO SI ICE ME PARA MIENTRAS MANEJO?

- Stop the car
 - Say you wish to remain silent
 - Ask if you are free to leave or why you were pulled over
 - DO NOT answer any questions about your immigration status/country of birth
 - Say you do not consent to a search, you wish to remain silent, and you want to talk to a lawyer
- Pare el carro
 - Diga que quiere permanecer en silencio
 - Pregunte si es libre de irse o si esta siendo arrestado
 - NO conteste ninguna pregunta sobre su estatus migratorio o país de origen
 - Diga que no da su consentimiento para que registren su auto o su persona, y que quiere hablar con un abogado

COLORADO SPECIFIC PROTECTIONS

PROTECCIONES QUE TENEMOS EN COLORADO

■ COLORADO STATE LAW PROTECTIONS

- Prohibition on ICE activity around the courthouse
 - ICE cannot make arrests in or around courthouses
 - Probation officers are prohibited from sharing information with ICE
- Individuals in Jail
 - You must be informed of your right to refuse an interview with ICE
 - If you post bond for someone that is deported, you are entitled to a refund of the bond
- Collaboration with ICE
 - Police departments cannot hold someone for ICE longer than release date and police cannot arrest someone solely on their immigration status
- Protection of Personal Information
 - State agencies cannot share personal information with ICE unless they have a warrant or subpoena
- Driver Licenses for All
 - In Colorado all residents can obtain driver licenses, regardless of immigration status

■ PROTECCIONES ESPECIFICAS A COLORADO

- Prohibición de la actividad del ICE en los alrededores del juzgado/ Corte
 - El ICE no puede realizar arrestos en los juzgados ni en sus alrededores
 - Los agentes de libertad condicional tienen prohibido compartir información con el ICE
- Personas en prisión
 - Debe estar informado de su derecho a rechazar una entrevista con el ICE
 - Si paga una fianza por una persona que es deportada, tiene derecho a un reembolso de la fianza
- Colaboración con el ICE
 - Los departamentos de policía no pueden retener a una persona para el ICE por más tiempo que la fecha de liberación y la policía no puede arrestar a una persona únicamente por su estatus migratorio
 - Protección de la información personal
 - Las agencias estatales no pueden compartir información personal con el ICE a menos que tengan una orden judicial o citación
- Licencias de conducir para todos
 - En Colorado, todos los residentes pueden obtener licencias de conducir, independientemente de su estatus migratorio

COLORADO RAPID RESPONSE HOTLINE

- Call **1-844-864-8341**, dial 1 to speak to dispatcher
- Trained volunteers will be sent to the site to:
 - Record the event
 - Identify participating ICE agents
 - Inform those present of their constitutional rights
- Llame **1-844-864-8341**, oprima 1 para hablar con alguien
- Voluntarios iran al lugar para:
 - Grabar
 - Identificar los agentes que estan presente
 - Informar a las personas presentes de sus derechos constitucionales

WHAT TO DO IF ARRESTED BY ICE?

¿QUE HAGO SI ICE ME ARRESTA?

- Consult with an immigration attorney ASAP
- What happens next depends on immigration and criminal history
 - Eligible for bond?
 - Prior deportation order?
 - Applications Pending?
- ICE Locator: <https://locator.ice.gov/odls/#/search>
- Court Information: <https://acis.eoir.justice.gov/en/>
- Consulte con un abogado de inmigración de inmediato
- Lo que sigue depende de su situación
 - Elegibilidad para pedir una fianza
 - Orden de deportación en su record
 - ¿Teiene aplicaciones pendiente?
- Encontrar a alguien en ICE : <https://locator.ice.gov/odls/#/search>
- Información de Corte: <https://acis.eoir.justice.gov/en/>

WHAT DOCUMENTS SHOULD I HAVE HANDY?

DOCUMENTOS QUE DEBE TENER A LA MANO

- Birth certificates for yourself, partner, and children
- Passports
- Any prior immigration documents
- Taxes
- Presence documents- bills, hospital records, school records. Anything that can show you have been here for 2+ years. If been here for 10+ years, documents that show that
- Any documents related to any arrests/convictions (Certified Court Disposition)
- Documents related to any illness/medical conditions
- Actas de Nacimiento de todos los miembros en la familia
- Pasaportes
- Documentos de inmigración
- Declaración de impuestos
- Documentos que comprueben su presencia en los EEUU (Documentos que demuestren que lleva más de 2 años o más de 10 años en el país)
- Documentos relacionados con arrestos criminales (Certified Court Disposition)
- Documentos relacionados con condiciones médicas

SHOULD I CARRY THESE DOCUMENTS WITH ME?

¿DEBERIA CARGAR ESTOS DOCUMENTOS?

- No. Keep them handy at home.
 - Can carry anything proving you are a US Citizen or Legal Permanent Resident
- In case of arrest and/or questioning, remember **REMAIN SILENT**
- No. Tengalos accesibles, pero en su casa
 - Puede cargar con documentos que demuestre que es ciudadano o residente
- En caso de arresto, **PERMANEZCA EN SILENCIO**

WHAT ELSE SHOULD I PREPARE? ¿QUE MAS DEBERIA PREPARAR?

- Keep emergency contact information up to date at kids school/after school programs
- Actualize sus contactos de emergencia en la escuela y programas en los que participan sus hijos
- Power of attorneys/beneficiary/cosigners at banks and other accounts
- Poderes-Beneficiarios
- Guardianship plans
- Plan de Tutela

APPOINTMENT OF LONG-TERM GUARDIAN(S)

I, _____, am the parent or legal guardian of:

<u>Child's name (if under 18 years of age)</u>	<u>Birthdate</u>
_____	_____
_____	_____
_____	_____
_____	_____

I revoke all prior nominations of guardianship I may have executed. I appoint the following in the order listed below to act as guardian of the above-named children if I am unable to care for my children:

<u>Guardian's name</u>	<u>Phone</u>
_____	_____
_____	_____
_____	_____

Upon my immigration detention, deportation, disability, death, or other unavailability of any kind, the designated guardian shall have the authority to make all decisions relating to the care of my children, including but not limited to decisions concerning residential custody of my minor children; approving or disapproving medical treatment that is proposed or available for my children; making educational decisions and accessing their educational records, and all other decisions pertaining to my children's care and custody. If I should return from disability, I retain the right to revoke this guardianship appointment at any time.

The above-named guardians shall be designated as a "Personal Representative" of my children as defined by Public Law 104-191 and supporting CFRs, otherwise known as the Health Insurance Portability and Accountability Act of 1996, as amended, or HIPAA. A "Personal Representative" may view my child's medical records, execute releases of confidential information from medical providers and insurers or other third parties, and shall be considered as a "personal representative" for health care disclosure under HIPAA. This authorization and consent to disclosure shall apply whether or not I continue to have the capacity to give informed consent, and is effective immediately upon signing of this instrument.

I further consent to and direct covered entities to provide my child's protected health information to a "personal representative" at any time upon his or her request.

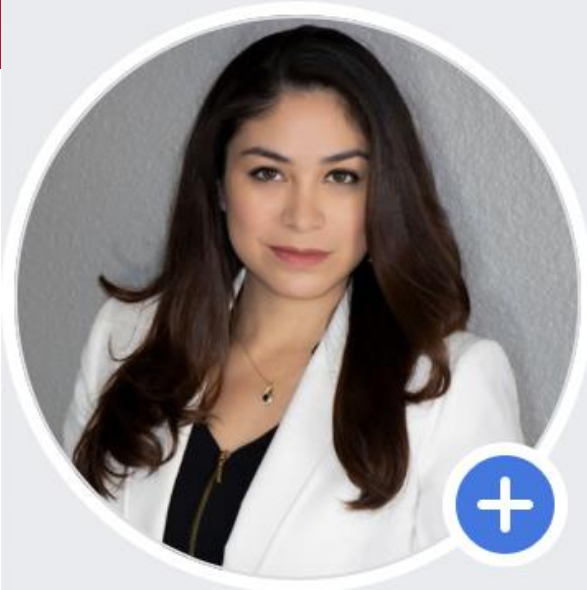
WHAT ELSE CAN I DO?

- Write to congress.
- Use su voz. Hable con sus congresistas
- Support organizations- Organizaciones que puede apoyar:
 - <https://www.rmian.org>
 - <https://www.coasylum.org>
 - <https://coloradoimmigrant.org>
 - <https://www.facebook.com/CORapidResponseNetwork/>
- Share VERFIED information- Comparta informacion que ha sido VERIFICADA

INFORMATION

- www.denverimmigrationdefense.com
- <https://www.facebook.com/abogadacristinauribe/>

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