



## ***KNOW YOUR RIGHTS AS A REFUGEE IN THE USA***

Updated March 16, 2017



The information contained in this document is intended to educate you about your rights as a refugee in the United States. It should not be in any way considered legal advice. This resource is meant to offer refugee and immigrant communities with urgently needed information to **KNOW YOUR RIGHTS** in response to the important issues facing our communities. It is not intended to create fear of law enforcement entities. It is important to understand that emergency service personnel (police, medical personnel, and firefighters) are available to help any person in an emergency. If you believe your rights have been violated, you should talk to a lawyer. Do not ever hesitate to call 911 in an emergency situation.

## INTRODUCTION

We are living in difficult times. Recent executive actions against refugee resettlement, refugees and immigrants in the United States have created fear and concerns for many. As the U.S. Constitution affirmed, everyone has rights, including refugees, asylum seekers, asylees, immigrants, lawful permanent residents (green card holders), and U.S. citizens, and individuals in the United States without status. We all deserve to be treated with dignity and respect, regardless of where we are from or how we pray. We all have rights.

### ***Latest Update on the Re-written Executive Order***

On March 15 and 16, federal judges in Hawaii and in Maryland, respectively, issued a Temporary Restraining Order (TRO) against President Trump's Executive Order and travel ban that was set to go into effect on Thursday, March 16th. This TRO blocks major components of the travel ban and prevents the federal government from implementing the following:

- The 90-day suspension of arrivals of immigrants and non-immigrants from the 6 designated countries
- The 120-day suspension of refugee arrivals through the U.S. refugee resettlement program
- The lowering of admissions from 110,000 in FY17 to 50,000.

### ***Background: Rewritten Executive Order 2.0***

On January 27, 2017, President Trump signed an executive order impacting refugees and individuals from seven Muslim-majority countries. This executive order was stopped by a court order. On March 6, instead of appealing the Court's decision, President Trump issued a rewritten executive order that revoked and replaced the original one. This rewritten order becomes effective on March 16, and still has many of the same provisions listed in the original order. It suspends all refugee resettlement for four months, reduces refugee admissions to 50,000 this year, and bans individuals from Iran, Libya, Somalia, Sudan, Syria, and Yemen from entering the United States for 90 days.

While Iraq is no longer on the list of banned countries, Iraqi refugees will still be impacted by the drastic reduction and 120-day suspension of refugee resettlement. And while the rewritten executive order no longer contains explicit language that shows preference for religious minorities or indefinitely barring Syrian refugees, we urge the court system, Members of Congress, and the American public to provide oversight to ensure that the administration does not move forward with these provisions through other, less visible means. Learn more about this rewritten executive order at [this link](#). It is **IMPORTANT** to know that the intent and impact of this order remains the same as the previous one - to bring the refugee resettlement program to a halt and ban Muslims from entering the United States.



### ***What happens to me now as a refugee given the new executive orders?***

- If you are already a refugee in the United States, this order will have no effect on your legal status. You still have the same legal status. You can still apply for a green card after one year of residence and apply for U.S. citizenship after five years of residence.
- If you are a refugee or from one of the six countries banned in the re-written executive order, it may not be a good idea to travel outside of the United States right now as you will not be allowed back into the country until after the 90-day ban. You should consult with an immigration lawyer if you have to travel for emergency reasons. For more information on the impact of the executive order on refugees, see [therefugeecenter.org/impact-of-executive-order](http://therefugeecenter.org/impact-of-executive-order).
- If you fall into the following categories, you are exempted from the new executive order:
  - Lawful Permanent Residents (LPRs, commonly referred to as "green card holders")
  - Special Immigrant Visa (SIV) recipients who worked with the U.S. military in Iraq or Afghanistan
  - Dual-nationals of Syria, Iran, Somalia, Sudan, Libya, or Yemen who also possess a passport issued by a non-designated country
  - Individuals with a valid visa before the original executive order was signed or by March 16, including refugees who have already been booked for travel
  - Individuals who are traveling abroad but have already been granted asylum or resettled will be permitted to re-enter the United States

### ***Should I be worried at all?***

This executive order has impacted many people who are waiting to be reunited with a family member who is overseas. If you are waiting for your family to be resettled, it may take longer. Refugees who have been formally scheduled to travel to the United States before the executive order was signed will be able to do so. The executive order does not directly impact refugees who are already in the United States, so you do not need to be worried about your legal status as a refugee or green card holder. However, it is important that all refugees and immigrants continue to follow the law. While non-U.S. citizens, including lawful permanent residents, refugees and asylees generally have the same rights as citizens, [minor offenses may result in removal for non-U.S. citizens](#).

## YOUR RIGHTS AT HOME

### ***What if federal agents come to my home to talk to me?***

There have been reports of agents from the Federal Bureau of Investigation (FBI) and/or the Department of Homeland Security (DHS) visiting refugees' homes to talk to them. Here is what you can do if someone tries to enter your home:

- **DO NOT OPEN THE DOOR:** Immigration enforcement or the FBI can't come into your home without a warrant. If a warrant is presented, check the date and signature. If it is signed by a judge and the date is valid, you must let them in and can exercise your right to remain silent. If a warrant is not presented, they can only come in if you or someone else invites them in.
- **REMAIN SILENT:** Anything you say can and will be used against you in court. In America, you have the right to be silent and not say anything to the police. You can tell the agents, "I plead the 5th amendment" and do not speak.
- **CALL A LAWYER:** You can find a pro-bono lawyer on [this website](#). Or you can call your [local ACLU](#).
- **DO NOT SIGN ANYTHING:** Don't sign anything without talking to an attorney.
- **STAND STRONG:** Get a trustworthy attorney and engage your community to advocate with you. If you are detained, you may be able to get bail and be released. Don't give up hope.
- Non-U.S. citizens, including lawful permanent residents, refugees and asylees, generally have the same rights as citizens.

### ***What can local refugee agencies do if the FBI ask for information about a refugee?***

Refugee resettlement offices should contact their national agency for instructions if they are asked by FBI officials about a refugees' whereabouts.



### **REMEMBER!!!**

You have the right to choose not to answer any questions. Call a lawyer immediately, and write down or take pictures of the names and badge numbers of the officers.

## YOUR RIGHTS TO TRAVEL

### ***Can I still travel outside of the U.S. with refugee status or a green card?***

If you have a green card, refugee status or asylum status already, [you can travel overseas and return to the United States with no restriction](#), even if you are from the six banned countries. The same laws still apply, so make sure you have the necessary travel documents and identification.

- It is always helpful to contact an attorney here in the United States before embarking on a journey abroad. The person traveling should make sure to have all their documents, including a passport, green card, or refugee travel document.
- Individuals from the six designated countries with valid visas will still be able to travel and will not be affected by the new executive visa
- Law enforcement officers at the airport and at port of entries generally have the authority to conduct a "routine search" of all luggage and to ask you questions about your citizenship and travel itinerary [without a warrant](#).
- If you are selected for a secondary interview at the airport, you have the right to ask for a lawyer. Many lawyers are making themselves available free of charge for this purpose.

If you or someone you know is detained, you should contact: [airport@refugeerights.org](mailto:airport@refugeerights.org), call your [local ACLU](#), and report about your experience using [this form](#).



## YOUR RIGHT TO BE SAFE IN YOUR COMMUNITY

### ***What if I am a victim of harassment in my home or neighborhood?***

Your refugee status grants you legal status in the United States, and you have the right to receive the same treatment as U.S. citizens. Your local police are there to serve you as a member of the community and protect you when you need it. If you are the victim of a crime, you should immediately call the police: 911.

- If you feel that you are in danger, or if someone is making threats against you or your family, DO NOT confront them. You should immediately call the police by dialing 911.
- If you are worried about your safety, talk to someone at your refugee resettlement agency or to a lawyer.
- If you believe you or someone you know has been a victim of a crime or discriminated against because of your religion, nationality, or group membership, you should report it at: <https://www.splcenter.org/report hate>

### ***Can I practice my faith without any fear of being victimized?***

You have a constitutional right to practice your religion. You have the right to go to a place of worship, attend and hear sermons and religious lectures, participate in community activities, and pray in public. If you experience religious discrimination or are targeted because of religion, you can contact [CAIR](#).



**What can I do if I witness someone being harassed, intimidated or threatened because of where they are from, what they look like, or their faith?**

In recent months, refugees and immigrants have witnessed an increase in harassment and intimidation because of their national origin, accent, ethnicity, or faith. It is against the law to harass someone. As good citizens, we all have a responsibility to care for one another. We don't have to be bystanders. Be aware of what is happening around you. Don't walk away when someone is being victimized. Instead, be a safe witness and an active bystander with your presence can help prevent the situation from getting worse. Walk towards the victim and walk along with them away from the situation. Let the victim know you care and they are not alone. See the [10 ways to fight hate community response guide](#) from the Southern Poverty Law Center. You should also report incidents of hate crimes and harassment to your local law enforcement office and at [www.splcenter.org/reporhate](http://www.splcenter.org/reporhate).



**What to do with the increase in discrimination against immigrants and refugees?**

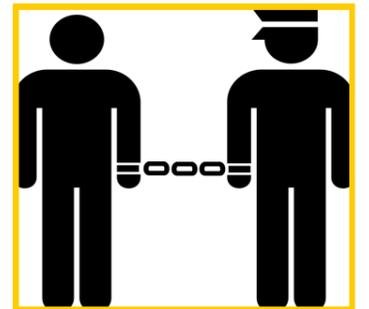
Federal laws forbid discrimination based on national origin, ethnicity, faith, or citizenship status. You cannot be discriminated against when it comes to hiring, job placement or firing in the workplace. You cannot be discriminated against in housing and the use of public accommodation such as restaurant and hotel. If you feel like you have been discriminated against, contact your refugee agency or a lawyer. Learn more with resources from the American Civil Liberties Union [here](#).

**REMEMBER:** The law is on your side to protect you.

**CRIMINAL CONVICTIONS**

[Minor offenses can result in deportation for non-US citizens.](#)

- If you are not yet a citizen and you are arrested or accused of a crime, make sure your lawyer understands your immigration status. Pleading guilty as part of a plea bargain can jeopardize your legal status and could eventually lead to removal.
- If you have a criminal conviction on your record, it is recommended that you reach out to your lawyer to understand all your options.
- If you are able to get a “set aside” or “expunge” your conviction, this could clear your record, but the laws are different in each state, so it is best to consult a lawyer about these questions.



**YOUR RIGHTS WHEN INTERVIEWED BY A FEDERAL AGENT**

Agents from the FBI or DHS may seek to talk with you. You have the right to decline to be interviewed, but this can be viewed with suspicion. Talk to your lawyer or representative from your resettlement agency first about the Interview request.

If you agree to do an interview:

- You have the right to have an attorney present. Find legal services at <https://cliniclegal.org/directory> or <http://www.aialawyer.org/>.
- You can choose the time and place for the interview.
- You can request to know what the questions will be at the interview and have an interpreter present.
- You do not have to answer all the questions you are asked, if you are not comfortable.
- If you are waiting for your family member to be resettled to the U.S., it may take longer, but they still have the same opportunity to apply for resettlement.



**REMEMBER:** You MUST NOT give false information during your interview. It will be considered a criminal offense and may result in negative consequences.

**What is a warrant?**

A piece of paper signed by a judge allowing law enforcement officers to enter a home to do a search. This also allows them to ask you questions and possibly interview you.

## BE AWARE OF LAW ENFORCEMENT SURVEILLANCE

### **Entrapment**

Entrapment is a practice whereby a law enforcement officer induces a person to commit a criminal offense that the person may have otherwise been unlikely to commit. Since undercover agents sometimes may monitor Muslim or immigrant communities, it is important to always maintain situational awareness and consciousness, hold true to your values, and not be lured into activities that could be illegal.

### **Surveillance**

You and your families may experience some form of surveillance. The purpose of surveillance is to gather information and the techniques can be categorized into three types: covert, overt, and electronic surveillance. Covert surveillance is when the individual is not able to detect someone gathering information on them. This can be done by following the individual from a distance, searching through garbage receptacles left of public property, and using microphones to listen in on conversations. Overt surveillance is visible and is what is being most frequently reported by refugee communities. This type of surveillance can be accomplished by knocking on doors and asking questions, openly talking to neighbors, etc. Electronic surveillance focuses on monitoring internet, website pages, and using listening devices. Overall, surveillance is a legal process used by local, state, and federal law enforcement. The specific laws and regulations vary from state to state and it is advised to speak with a lawyer if you feel you are under surveillance.

### **Monitor Internet Activities**

Be careful not to visit websites that might hold extremist ideologies or engage in online conversations with others who might hold radical views. There can often be a generation gap between how parents are accustomed to using the Internet and how children or youth choose to use social media. Talk to your children and teenagers about what are appropriate internet sites to visit and what you expect them to avoid. Monitor your children and teenagers' activity online and encourage them not to visit websites or participate in online activity that could be perceived as problematic. Consider setting guidelines ahead of time or even using software that can restrict their use (see resources [here](#)). There are apps you can use such as [Teensafe](#) that can help parents track their children's cell phone activities.



## YOUR RIGHTS TO ADVOCATE FOR YOUR COMMUNITY

The executive order on refugee resettlement impacts many refugee families. As a refugee, you are a very important advocate. Your voice can have a great impact because your unique refugee experience. You have the right to:

- [Call and meet](#) with elected officials in your town, state, and in Congress to develop a relationship, educate them about your contribution to the community, and seek their support for refugee resettlement and issues you care about.
- Share your story as a refugee to help transform the public narrative about refugees.
- Join diverse voices such as resettlement staff, faith leaders, employers, military veterans, other refugee leaders, and supportive community members to take action together.



**REMEMBER: Your Voice Matters.**

## ADDITIONAL INFORMATION & RESOURCES

There are many organizations that offer helpful information and resources about your rights and ways to keep yourself, your family, and your community safe. Unfortunately, there are also rumors and false information circulating on social media and online communities, as well as scams that seek to take advantage of refugees and other immigrants. Please make sure that you seek information from credible sources, especially when searching for information online. Some good online resources include:

The Refugee Center Online: [https://therefugeecenter.org/resources/rights\\_laws/](https://therefugeecenter.org/resources/rights_laws/)

The International Refugee Assistance Project: <https://refugeerights.org/>

Immigrant Defense Project: [dontgeticed.org/](http://dontgeticed.org/)

Informed Immigrant: [www.informedimmigrant.com/resources/](http://www.informedimmigrant.com/resources/)

American Civil Liberties Union: [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights)

Council on American-Islamic Relations: [www.cair.com/know-your-rights.html](http://www.cair.com/know-your-rights.html)

NILC: [www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/](http://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/)

Customs & Border Protection: [help.cbp.gov/app/answers/detail/a\\_id/66/kw/executive%20order](http://help.cbp.gov/app/answers/detail/a_id/66/kw/executive%20order)

Refugee Resettlement Offices by State: <http://bit.ly/resettlementoffices>

Map of Immigration Legal Service Providers: <https://cliniclegal.org/directory>

For Schools: <http://neatoday.org/safeschools/>

For Non-Profit Organizations: <http://www.osce.org/odihr/39821?download=true>