

Know Your Rights and Best Practices for Health Providers Massachusetts Immigrant and Refugee Advocacy Coalition

April 2025

About MIRA:

Programs:

- Both federal and state advocacy
- Organizing and civic engagement

Our vision is a Commonwealth – and a nation – where *all* can thrive, no matter where they came from or how they got here, and *all* can fully participate in their community's social, economic, and civic life.





Agenda



- → Best Practice for Health Providers
- Developing Internal Protocols
- → Know Your Rights: Quick Overview of Immigration Enforcement
- → Know Your Rights: Interaction with Immigration Enforcement
- → Know Your Rights: Family Preparedness
- → Where to Get Legal Help
- → Public Charge
- → Additional Resources



Best Practices for Health Providers

Strengths of Health Providers

- You work closely with immigrant families and may already have strong connections with them.
- ★ You understand the unique needs of immigrants in your community.
- You are a trusted individual that they look to for resources.
- You may be able to hold regular meeting times.
- \star You may be able to communicate in various languages.
- ★ You are able to provide follow-up conversations and additional support.
- ★ We ask that you help us share multilingual resources with immigrants across Massachusetts.







Consider Immigrant & Refugee Experiences

You can better understand immigrant & refugee experiences by considering:



- Reasons behind conflicts and crises around the world.
- Experience of moving from one's home country to the U.S.
- While immigrating, 75% of children experience separation from a caregiver. (Source: <u>Psychiatric Times</u>)



Consider Immigrant & Refugee Experiences

You can better understand immigrant & refugee experiences by considering:

- Issues encountered while relocating employment, housing, language barriers, etc.
- Keeping up to date on changing policies and laws of immigration
- Xenophobic reactions and policies on televisions and the news.
- Complicated immigration statuses.





Generally, no.

Think about **why you want to know** someone's immigration status.

Sometimes immigrants do not know their immigration status or have **complicated immigration statuses**.

To build trust, instead you use "proxy questions" that help gather information that can guide your services without directly asking about immigration status.

· Country of origin, language spoken at home

You can also say...

 I have immigration related resources - would you like me to share those resources with you?

(Source: The Center on Immigration and Child Welfare)



Meet Immigrant Families Where They Are



Families <u>may have already</u> been separated or they may currently be fearful of separation.

Some immigrant children and adults are fearful of leaving their homes.

You can keep immigrants connected and involved by:

 checking in virtually, via phone/text or WhatsApp and provide home visits if needed.



Mental Health Resources

- Connect immigrants to mental health professionals and mental health resources.
- Be careful not to project your own stresses and anxiety about immigration on to your clients.





Massachusetts League of Community Health Centers

Community Behavioral Health Centers







Share Stories of Strength and Power



• Share stories of resilient <u>immigrants in</u> <u>literature, media, or in the community</u>.



Image from NEA EdJustice

	About Us	er		Con Too shows	News & Events	Common the	
Home		English Classes	About Immigrants	For Teachers	News & Events	Support Us	
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		All Types	✓ All Levels		✓ All Subjects	~ Submit	<u>Reset</u>

Youth and Adults:

- 7-Minute Animated Video in English and Spanish
- Article: <u>Walking Undocumented: The Story of Wildin Acosta</u>
- Videos: <u>Immigrants Rising: Life Outside of the US</u>



Developing Internal Policies

• Conduct a deep dive of internal organizational data and technology use policies.

- Best practice is to not record or document immigration information.
- Remember, the Health Insurance Portability and Accountability Act ("HIPAA") protects individually identifiable health information, which generally can only be disclosed after notifying the patient or obtaining the patient's authorization.
- Have internal conversations with your IT teams about your cyber security policies, and who has access to certain softwares and certain information.

How to Safeguard Immigrant Information?





Develop Internal Policies

Review the spaces in your offices that are considered public or private.

- Before an ICE officer or law enforcement enters a private area of an organization, they must present a judicial warrant with the name of the person in question or a search warrant with the organization's address. The warrant must be signed by a judge.
 - Lobby, main entrance, and hallways may be considered public areas while exam rooms and restricted areas would be considered private.

Develop internal policies.

- Speak with leadership about internal protocols when interacting with ICE, and **who should be notified** immediately.
 - You can refuse to provide patient information unless the agent has a judicial warrant.
 - You have the right to remain silent.
 - Officers may also look at anything that is in "plain view" in a public area, including papers and files clearly visible from the visitors' side of the reception desk.

Speak to your organization's leadership and legal team to create a plan.

- National Immigration Law Center: <u>Guidance for employers</u>
- Have discussions about addressing vicarious trauma and self-care for staff.







Scenario 1



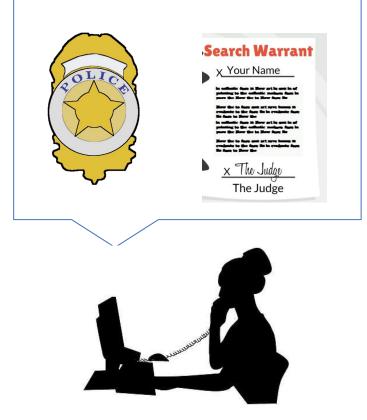
- Someone enters through the lobby and they say they are looking for a client or staff member.
- Ask for **identification** (name, agency, ID).
 - It could be ICE or law enforcement dressed in casual clothing.
- "I am not personally authorized to allow you entry or release information. Let me connect you with my supervisor."
- "We follow organization policy and cannot provide any information without consulting legal counsel."



Scenario 2



- Someone enters through the lobby and they say they are looking for a client or staff member.
- Ask for **identification** (name, agency, ID).
 - It could be ICE or law enforcement dressed in casual clothing.
- Ask to see a **judicial warrant** with the **name** of the client or staff member they are searching for. The name should be correctly spelled on the warrant, <u>or</u> the warrant should have the **address of the organization**.
 - Warrant must be issued by a court with a judge's signature.
 - ICE may have an administrative warrant, but that will not have a signature of a judge and will not be issued by a court. You do not need to grant access based on an administrative warrant.



Is the Warrant Issued by a Court?





UNITED STATES DISTRICT COURT < Issued by a COURT.

for the Eastern District of Cattfornia

In the Mutter of the Search of (Briefly describe the property to be searched or Marmify the person by some and address)

> 540 Oak Avenue Devia, California 95616

Case No.

SEARCH AND SEIZURE WARRANT

Is the Warrant Signed by a Judge?



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Date and time is	sued: 4-25-2011 Pt-10:00 AM	Ame The	Signed by a JUDGE.
ē	Pt- 10:00 AM	JELF'S NEW	
City and state:	SACRAMENTO CALIFORNIA	EDMUND F. BRENNAN, U.S. Printed name	



Warrants



Example of warrant signed by a judge

	UNITED STATES DISTRICT COURT	
	for the	
	Southern District of California	
	In the Matter of the Search of	
	(Brigfly And) or lden , ess)) Case No.	
	San Diego, California '14 NJ 0 396	
	SEARCH AND SEIZURE WARRANT	
To:	Any authorized law enforcement officer	
of the t	An application by a federal law enforcement officer or an attorney for the government requests the search following person or property located in the Southern District of California	
(identify	the prison or describe the property to be searched and give its location): liachmoref A-2.	
300 P	illustrations, A-2.	
	The person or property to be searched, described above, is believed to conceal (identify the person or describe the	
property See A	s to be avited): Attachment B-2.	
	I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or	
propert	ty.	
	YOU ARE COMMANDED to execute this warrant on or before (not we care of 10 days)	
	in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as 1 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 to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the	
	to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the where the property was taken.	
	The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an	
	ory as required by law and promptly return this warrant and inventory to United States Magistrate Judge David H. Bartick	
-	(name)	
	1 I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay b and authorize the officer executing this warrant to delay paties to the person who are whose property, will be	
	ed or seized (chrok the appropriate box) of ordays (mot to exceed 30).	
	Duntil, the facts justifying, the later specific date of	
Date as	ad time issued: 1/3/24/405 RH U in the cardinal	
Date as	nd time issued: 1/31/241405474 0 - D and a signature	
of trial), and autorize the officer executing this warrant to delay notice to the person who, or whose property, will be ed or saized (who it is appropriate Nov.) To Control and the second No. Duniti, the facts junifying, the later specific date of	
Date at	relations issued 1/2, Second S. P.H. (1)	

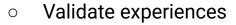
Example of immigration warrant not signed by a judge. Does not give immigration permission to enter the home.

		File No.
		Date:
To:	Immigration and Nationality A	rized pursuant to sections 236 and 287 of the Act and part 287 of title 8, Code of Federal of arrest for immigration violations
	e determined that there is probable novable from the United States. Th	
	the execution of a charging doct	ument to initiate removal proceedings against the subject;
	the pendency of ongoing removies	al proceedings against the subject;
	the failure to establish admissible	ility subsequent to deferred inspection;
	is removable under U.S. immigrati statements made voluntarily by reliable evidence that affirmatively notwithstanding such status is rem	the subject to an immigration officer and/or other indicate the subject either lacks immigration status or orable under U.S. immigration law. Indrake into custody for removal proceedings under the
		(Printed Name and Title of Authorized Immigration Officer)
	c	ertificate of Service
reby	certify that the Warrant for Arrest o	of Alien was served by me at
		(Location)
	(Name of Alien) on	, and the contents of this (Date of Service)
	(Name of Alien)	(Liate of Service)
ice we	ere read to him or her in the	language. (Language)



Quick Overview KYR Resources

Sharing Resources and Responding to Questions



- Explain that you are unable to answer legal questions or provide legal advice since you are not a lawyer.
- Instead, share resources and the multilingual recorded videos (English, Spanish, Portuguese, and Haitian Creole) with immigrant adults found on the <u>MIRA Know Your Rights website</u>.
- Send a <u>Family Preparedness Packet</u> home with immigrant families so that they prepare a plan, designate a point of contact, and update documents in case their family members are ever separated.

KNOW YOUR RIGHTS

IF ICE AGENTS COME TO YOUR HOME:

• DO NOT open the door unless they have a warrant signed by a judge. (If so, ask them to pass it under the door.)

AT WORK OR IN A PUBLIC PLACE:

 DO NOT run. Stay calm and ask, 'Am I being arrested or detained?' If not, walk away calmly. If yes, know your rights:

IN ANY SITUATION:

- You have the right to REMAIN SILENT. You do not have to answer any questions.
- · You have the right to CALL YOUR ATTORNEY.
- DO NOT SIGN ANYTHING before consulting your attorney.

HAVE AN EMERGENCY PLAN:

- Keep all your documents in a safe place. Make sure you and your family always have your lawyer's number on hand.
- Download the Notifica app at Notifica.us and set it up to quickly alert your emergency contacts if you're detained.

Recordings and printable materials available here: miracoalition.org/news/know-your-rights/



MIRA Immigration Helpline



https://miracoalition.org/news/immigration-helpline/ Call: (508) 293- 1871



Know Your Rights: Quick Overview of Immigration Enforcement



The 3 main agencies in the Department of Homeland Security

U.S. Citizenship & Immigration Services Customs & Border Protection

Immigration & Customs Enforcement

The Immigration System: Department of Homeland Security



U.S. Citizenship & Immigration Services (USCIS)

Review applications and conduct interviews for:

- Asylum
- Green cards
- Special visas
- Renewing work permits
- Applying for citizenship

They can grant status to people who qualify, but can also deny applications.



The Immigration System: Department of Homeland Security

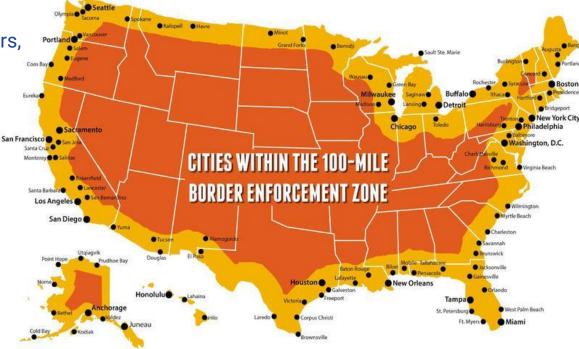


Customs & Border Protection (CBP)

Border patrol

- within 100 miles of all borders,
- at checkpoints,
- and at ports of entry.





The Immigration System: Department of Homeland Security



Immigration & Customs Enforcement

 Immigration arrests, detentions, and deportation removals

ICE agents are sometimes dressed in casual clothing and drive unmarked vehicles when attempting to make an immigration arrest.



How People May Come into Contact with Immigration Enforcement



- Contact with the criminal system
- Applying for a benefit at USCIS, while having a removal order or criminal charge
- Raids & targeted enforcement



Who is at Risk of Deportation?



Anyone who is not a U.S. citizen can be vulnerable if they fall under a ground of deportation such as:

- criminal charges
- or a prior order of deportation.

This can include:

- Unauthorized / Undocumented immigrants
- People with asylum or refugee status or some other form of protection
- Lawful permanent residents (green card holders)
- Non-immigrants (visitors, students, etc.)



Reasons for Deportation



Lack of lawful status

Criminal grounds, including:

- Nearly all drug convictions
- Some domestic violence convictions, and violations of a protection order
- Some theft and fraud convictions

Immigration violations / Fraud

Security related grounds (gang involvement, terrorism)

Sometimes, minor and non-violent offenses can lead to <u>mandatory</u> deportation even for green card holders!

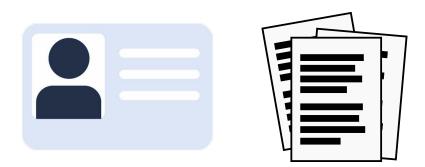




The Trump administration has announced that it will move to quickly deport individuals who lack lawful status and have been in the US for less than 2 years without the giving them the opportunity to go in front of an immigration judge unless they pass an initial asylum screening.

What to know:

 If you've been in the US more than 2 years, carry proof of that- such as proof of residence, or school/work/medical records. (Documents <u>do not</u> need to notarized)



Expansion of Expedited Removal cont.

What to know:

 If you've been in the US for <u>less than 2 years</u> but are already in deportation proceedings or have valid parole status, carry evidence of that. Immigration could still try to place you in this fast deportation process but would first have to take steps to close out your immigration court proceedings or end your parole.



If you have a pending immigration court case- <u>check on the status</u> every day to check for any changes. Contact your lawyer or <u>seek legal services</u> if you see any changes.

Advocates are already pushing back on this broad application of the expedited removal process- stay tuned for updates!



Know Your Rights in Interactions with Immigration Enforcement

If Immigration Comes to Your Home...

- **Do not open the door** unless the officer provides you with a warrant signed by a judge.
- Ask officers to identify themselves (agency, name, ID).
- Ask if they have a warrant signed by a judge.
- Slide a "Know Your Rights" card under the door.
- You have the right to remain silent and to an attorney
 - You do not have to answer questions about immigration status or when you entered the country.
 - State to officers "I request my right to silence and to an attorney."
- Call a US citizen friend or family or an attorney





Know Your Rights Card (wallet size)



You have constitutional rights:

- DO NOT OPEN THE DOOR if an immigration agent is knocking on the door.
- DO NOT ANSWER ANY QUESTIONS from an immigration agent if they try to talk to you. You have the right to remain silent.
- DO NOT SIGN ANYTHING without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- GIVE THIS CARD TO THE AGENT. If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

Available in English, Spanish, Portuguese, Haitian Creole, Arabic, Chinese, Farsi, French, Korean, Pashto, Punjabi, Russian, Tigrinya, Tagalog, Vietnamese, Ukrainian and Hmong.

Scan to print cards:



When can Law Enforcement enter my home?

Judicial Warrant When there is a search warrant that has: x Your Name your name AND a judge signature The Judge The Judge

Arrest and Detention

- If you are arrested or detained:
 - You have a right to:
 - Remain silent.
 - Call a lawyer or family member
 - Be visited in detention by a lawyer
 - Contact your consulate
 - DO NOT sign anything or take "voluntary departure" of the U.S.; first ask a lawyer.
 - **DO NOT** listen to immigration agents about your rights; instead ask a lawyer for facts.

You can use the online detainee locator to find someone who has been detained by immigration: <u>https://locator.ice.gov/odls/#/search</u>









Know Your Rights: Family Preparedness



Family Preparedness





Available in English, Spanish, Portuguese, and Haitian Creole



Family Preparedness

• What is a Family Preparedness Plan?

- A tool to have conversations and make decisions about how to care for your family if ever separated.
- Provides a safety plan and opportunity to make decisions about:
 - Who will care for your children in your absence
 - Plans for meeting child's educational, medical, and emotional needs in your absence
 - Plans for reunification



Materials available electronically at: http://www.masslegalhelp.org/immigration/family-emergency



Informal option

Caregiver Authorization Affidavit

Temporary Agent Authorization

Guardianship

- talking to the people you want to care for your child or writing down what you want to happen in an emergency
- easiest, but does not give caregiver legal rights and your child's school or doctor might not follow your plan
- gives the caregiver the right to make decisions about your child's health care and education for up to 2 years
- Parent keeps all rights and can end it at any time

Needs signature of parent and 2 witnesses, notarized

- allows the "agent," or person you choose, to make any decisions a parent can make (except marriage and adoption) for your child, including about property and finances
- Valid for 60 days once it takes effect, but can be renewed
- Both parents must sign if available
- Must be signed by agent and 2 witnesses

legal guardian has all rights a parent has, but exercises these rights instead of the parent must be obtained through the courts

Important Documents

Make a file of important documents or copies of important documents. Make sure you, your family, and your caregiver know where to find these documents in case of an emergency.

These are examples of documents (or copies) that you may want to get together:

	Passports
	Birth Certificates
	Marriage License
	Insurance documents
	Any family court documents, like guardianship or custody paperwork
	Any immigration documents (work permit, green card, visa, etc.), especially documents that have your "A" number
	Driver's License and/or Other Identification Cards
	Social Security Card or ITIN number
	Registry of birth for children
	Children's vital information page
	Emergency Contact Information
	Caregiver's Authorization Affidavit
	Temporary Agent Authorization

Any other documents that you think are important

Remember to save all immigration documents

Some documents have dates for hearings or other immigration appointments - these dates are very important!

Keep documents stored safely and share location with family members if needed.



Where to get Legal Help

Who can give me advice and represent me in an immigration application or case?





An attorney (lawyer) with a valid license to practice law.



An **"accredited representative"** working for a nonprofit organization who has received training and special authorization from the US government to help people with immigration cases. You can look for the organization and the individual on the government's <u>listing</u> of accredited representatives.

Who can give me advice and represent me in an immigration application or case?





Notary publics (or "notarios") are not lawyers in the US and cannot provide legal advice.



Other people like interpreters or tax preparers. Interpreters can help translate important documents sometimes needed for immigration cases and preparers can fill out the form with only the information provided by the applicant, but <u>they cannot provide legal advice</u>.

Where to file a complaint if you have been victim to fraud:

- The Massachusetts Attorney General's Office: (617) 963-2917 or <u>https://www.eform.ago.state.ma.us/ago_eforms/forms/piac_ecomplaint.action</u>
- The Massachusetts Board of Bar Overseers: <u>https://www.massbbo.org/s/complaints</u>
- The immigration court Fraud and Abuse Prevention Program (if you are already in immigration court): (703) 305-0470 or EOIR.Fraud.Program@usdoj.gov

Immigration Legal Resources



- Legal Services Directory in Massachusetts:
 - Massachusetts Legal Resource Finder: <u>https://masslrf.org/en/home</u>
 - Immigration court list of legal services: <u>https://www.justice.gov/eoir/file/ProBonoMA/dow</u> <u>nload</u>
 - City of Boston free consultations: <u>https://masslrf.org/en/programs/view/boston_immig_clinic</u>



- Legal Services Directory Outside of Massachusetts:
 - Immigration Advocates Network Legal Directory: <u>https://www.immigrationadvocates.org/legaldirectory/</u>





Access to benefits and public charge



Question: Can my family continue or start to use benefits (such as food stamps, and health care, etc)?

Answer: Yes! If you or your family are eligible.



What is the Public Charge Test?



The Public Charge test is part of the application review by government officials to see if

an immigrant applying for a green card (lawful permanent residence) or a visa to enter the United States

is likely to **primarily depend on the government for support** in the future.

When does Public Charge apply?

APPLIES TO:

Immigrants applying for a green card (lawful permanent residence) or a visa to enter the United States.

DOES NOT APPLY TO:

- U.S. Citizens
- Citizenship applicants
- Green card renewals
- Refugees/Asylees
- VAWA

• T/U visas

- Special Immigrant Juveniles
- DACA applications or renewals
- TPS applications or renewals
- Humanitarian parole

Many immigrants are NOT subject to public charge. It does not apply to all immigrants.



Which Benefits are Considered?



CASH ASSISTANCE

- Temporary Assistance for Needy Families (TANF/TAFDC)
- Supplemental Security Income
- State programs like General Assistance→ Emergency Aid to the Elderly, Disabled and Children (EAEDC)



 Long-term institutionalized care at government expense, like a nursing home or psychiatric hospital.

Benefits used by family members will not count in your public charge determination.

Most benefits are NOT considered under the current rule





Health Care Programs, like MassHealth and Community Clinics



Rental Assistance, like Section 8, RAFT, EA shelter, and Public Housing



Food programs, like SNAP, WIC, and School Lunches



Cash benefits from work, like Unemployment, Social Security, and Pensions



State-based, non-cash programs

"Safe Benefits" List for Massachusetts:

https://miracoalition.org/wp-content/uploads/2022/10/Massachusett s-Safe-to-Use-Benefits-October-2022.pdf



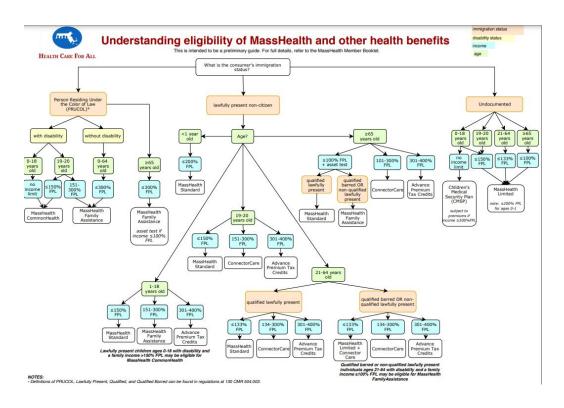


Additional Resources

Understanding MassHealth

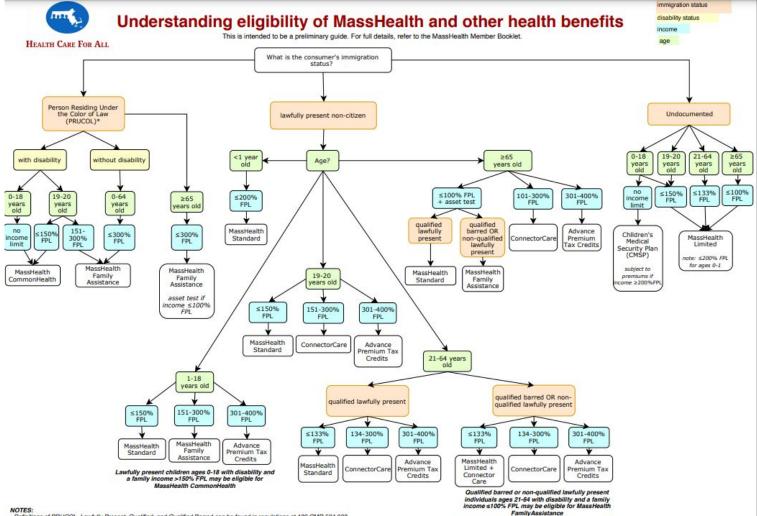


Emergency departments **must provide screening and stabilization services** regardless of an ability to pay or immigration status.



Eligibility

 <u>Understanding eligibility</u> of MassHealth



Definitions of PRUCOL, Lawfully Present, Qualified, and Qualified Barred can be found in regulations at 130 CMR 504.003.

Healthcare for All: has free service that helps enroll Massachusetts residents into health insurance coverage.

• Helpline: 1-800-272-4232

Mass Legal Help: free, practical information about your legal rights in Massachusetts. www.masslegalhelp.org

- Overview of public benefits programs
- Immigrant eligibility

Mass Legal Help

Health Care For All

Massachusetts Legal Information

Getting Help with Health Coverage



Health Related Legal Assistance

https://www.healthlawadvocates.org/

health law advocates Lawyers Fighting for Health Care Justice



Priority cases include:

- Immigrants and non-citizens facing access barriers to medical services or insurance coverage
- Access to health care for gender-diverse and transgender people

Help with:

- Challenging denials
- Protection from illegal medical billing and collection practices
- Assistance with navigating unaffordable medical bills
- Information about mental health services for youth and special education

Download the Resource Folder



This is a folder with multilingual downloadable immigrant resources. Inside the folder there are flyers regarding:

- Know Your Rights printables
- Family Preparedness Packet
- Avoiding Scams
- Preparing for RMV driver's license applications
- Safe to Use Benefits (and Public Charge)
- Understanding Immigrant Eligibility of MassHealth
- Department of Transitional Assistance Cash and SNAP Eligibility Chart
- and more!



Next Steps

- Print and share multilingual Know Your Rights wallet size cards.
- Print and share Know Your Rights Handouts and hang up posters.
- Review the Family Preparedness Packets (available in English, Spanish, Haitian Creole, and Portuguese) to share with families.
- □ Use this training as a resource to refer back to and to **answer any questions**.

Contact training@miracoaliton.org with questions.



