

**EL CENTRO DE IGUALDAD
Y DERECHOS DOCUMENTS
CIVIL RIGHTS VIOLATIONS
COMMITTED BY LAW
ENFORCMENT. CALL US IF
YOU WANT TO DISCUSS
YOUR OPTIONS.**

CITY OF ALBUQUERQUE POLICIES THAT PROTECT YOU

- ◆ In the year 2000 the City of Albuquerque approved a resolution that municipal funds are not to be used to identify or detain an immigrant solely on his/her immigration status.
- ◆ In the year 2004 the City approved a resolution that bars state and local police from enforcing federal civil immigration laws or accepting funding for this purpose.
- ◆ The Albuquerque Police Department (APD) has an internal policy that instructs officers to not enforce any federal civil immigration laws.

KNOW YOUR RIGHTS



**EL CENTRO de Igualdad y
Derechos' mission is to work
with Latino immigrants and
allies to strengthen the
community and advance
immigrants' rights.**

EL CENTRO de Igualdad y Derechos

WORKERS' RIGHTS



- ◆ If you have received a Social Security No-Match letter, ask for a copy from your employer, and **DO NOT DIVULGE YOUR IMMIGRATION STATUS**. A No-Match letter is not an indication of immigration status and should not be used to reverify your work authorization. The Social Security Administration's data base is not accessible to the Department of Homeland Security. Call El CENTRO or a labor attorney for more information.
- ◆ Everyone has the right to belong to a union. In certain situations, there are special safeguards for workers that do not belong to a union, but still organize to better working conditions. You have the right to participate in political protests during non-work hours.
- ◆ You have the right to receive workers' compensation if you are injured during work hours or if your health deteriorates because of work-related causes. You can call the Workers' Compensation Administration for more information (505) 924-3380.
- ◆ You have the right to be paid for work you have done regardless of your immigration status. If you have questions about non-payment of your wages, or to file a complaint call the Department of Labor at 841-8983.



- ◆ All workers (with some exceptions) have the right to receive minimum wage.

◆ If you feel you have been discriminated against on the basis of race, religion, sex, country of origin, age, or disability, call the Human Rights Division at (505)924-3380.

◆ If you are an undocumented worker, you do not have the right to receive unemployment or most other public benefits.

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MAKE USE OF YOUR RIGHT TO EDUCATION

Public Schools K-12: The Albuquerque Board of Education approved a resolution that guarantees equal and just treatment for all students in the City's public schools. It includes the following provisions:




1. School authorities cannot detain or interrogate any student or permit the student to be taken into custody without a warrant. It is forbidden for school authorities to participate or aid in the identification, detention, or interrogation of students with respect to their actual or perceived immigration status.
2. In accordance with federal laws and constitutional protection, public schools provide admission and educational opportunities to all students, irrespective of their immigration status.
3. School staff cannot ask for information about the legal status of a student, keep records of this information in their archives, or initiate communication with an immigration agency.

You can attend university regardless of your legal status!

As a result of a campaign led by community organizations, in 2005 the New Mexico state legislature approved the post-secondary education law for undocumented students. This law permits students to receive in state tuition and state sponsored financial aid regardless of legal status. If you have attended a New Mexico high school, and graduated from a high school or obtained your GED in New Mexico, you should investigate the requirements for admission to state universities.

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KNOW YOUR RIGHTS WHEN DEALING WITH THE POLICE AND IMMIGRATION OFFICIALS

- ◆ **WHEN DEALING WITH A LAW ENFORCEMENT OFFICIAL:** You always have the right to remain silent. Give your complete name and nothing else.
- ◆ **AT HOME:** Do not open the door, and teach your kids not to open the door for strangers. You do not have to open the door for a police officer or immigration officer if they do not show you a search warrant.
- ◆ **ON THE STREET OR AT WORK:** Stay calm. If you run, you could be arrested. You do not have to answer questions about your immigration status or country of origin. Calmly continue what you were doing.
- ◆ **IF YOU ARE ARRESTED:** You have the right to remain silent. You do not have to answer questions about your immigration status or country of origin, even if you are incarcerated. You have the right to call a lawyer or a family member who can help find you a lawyer. Always carry the phone number of a lawyer with you (or ask for a list of lawyers).

- ◆ **IN YOUR AUTOMOBILE:** Ask the officer why you were stopped. Show your driver's license, your registration and your proof of insurance. If you do not have any of these documents, the only information you must give the officer is your complete name. Without reasonable suspicion, a warrant, or your permission, they do not have the right to search your vehicle.
- ◆ **NEVER CARRY FAKE DOCUMENTS OR LIE ABOUT BEING A CITIZEN.** This can lead to significant legal problems.
- ◆ **IT IS IMPORTANT TO KEEP DOCUMENTATION OF WHEN YOUR RIGHTS ARE VIOLATED:** Write down what happened or what you observed including the names of the officers, the license plate numbers, the color of their uniform, the type of vehicle, and if the officers were working with other departments.



PARTICIPATE IN THE ELECTORAL PROCESS!

Who can register to vote in New Mexico?

Any person that:

Is a citizen of the United States and has established residency in New Mexico and who will be 18 years of age by the next election.

What if I am not eligible to vote? How can I participate in the electoral process?

- ◆ If you become a citizen, you will have the right to vote.
- ◆ Regardless of your immigration status, you can participate in a political campaign and register others to vote.
- ◆ Inform yourself about issues, the candidates and speak with family members, coworkers and neighbors that can vote.
- ◆ Regardless of your immigration status, you can call, write, testify in hearings, and personally speak to politicians and policy makers.
- ◆ **Join community organizations, such as EL CENTRO, so that your voice is heard.**

Voters' rights

- ◆ You have the right to vote for the candidate and party of your choosing without intimidation.
- ◆ If you have been convicted of a felony, you can vote in New Mexico if you have fulfilled all the conditions and requirements of your sentence.
- ◆ If you cannot speak or write English well, you have the right for assistance when you are voting.
- ◆ All registration, voter notifications, forms, instructions and other information related to the electoral process must be printed in English and Spanish.
- ◆ The **only** people required to show identification are those that registered through the mail, and those who are voting for the first time.

For more information call the County Clerk's office at (505)468-1291.



RENTERS' RIGHTS

- ◆ When it comes to housing, it is illegal to discriminate based on race, national origin, sex, family status (families with children under the age of 18 or a pregnant woman), and disabilities.
- ◆ It is recommended that you have a contract with the property owner. It is important to understand the contract before signing it. Ask for a rental receipt and for a receipt for the security deposit.
- ◆ Before moving into the property, you should inspect the residence and make a list (or take photos) of anything that is damaged and ask the owner to sign off on it before paying the security deposit. The list can be used to negotiate repairs with the owner, and it can help protect you when you want to move out.
- ◆ If the property needs repairs you should provide a written notice to the owner (keep a copy). If the owner does not make an attempt to make repairs, on many occasions the cost of the repairs can be deducted from the rent or the contract can be terminated. Consult with a lawyer or call EL CENTRO for a referral to a housing organization before making this decision.
- ◆ Before you move out, you should make sure that your contract has expired and that you have given the owner a written notice 30 days in advance, even if you do not have a written contract and your lease is month to month.
- ◆ The owner must follow legal procedures. The owner cannot change the locks, remove personal belongings, enter the property (without 24 hours notice), or threaten you verbally.

ONLY A JUDGE'S ORDER CAN EVICT YOU!

WHAT TO DO IF YOU ARE DETAINED BY IMMIGRATION OFFICIALS OR THE POLICE



- ◆ Ask if you are under arrest. If that is the case, you have the right to know the reason. Do not resist arrest and stay calm.
- ◆ You have the right to remain silent; you do not have to reveal your country of origin, why or how you came here, or your legal status (even if you are in jail and you receive a call from an immigration officer). You only have to give your name.
- ◆ You should not lie or present fake documents.
- ◆ Do not sign anything if you do not understand it, or without talking to a lawyer about your options.
- ◆ In the majority of cases, immigration officials have 48 hours to determine if they are going to: initiate a deportation process against you, continue to keep you in custody, or if you are going to be let out on bail. If this is not the case, contact a lawyer or an organization that deals with legal assistance.
- ◆ You should be prepared in case of arrest. Know your options, have the number of a lawyer, a plan about what to do with your children and your belongings, and a place to go if you are deported to your country of origin.

If you do not know where a family member is being detained you can call:

1. ICE Detention Center in El Paso: (915) 225-1901
2. Mexican Consulate in Albuquerque: (505) 247-4177
3. Mexican Consulate in El Paso: (915)533-4082
4. If the person is being held at the local jail in Albuq (MDC) for suspicion of a criminal violation, call (505) 839-8700



The constitution guarantees certain civil rights regardless of your immigration status:

- ★ You have the right to remain silent not incriminate yourself when dealing with government authorities.
- ★ The right to not be searched or detained by authorities without just cause.

