

An Immigrant's Guide to Accessing Healthcare in New York

Information for documented and
undocumented
immigrants



1199SEIU Funds
Training & Employment

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IMMIGRANTS' RIGHTS GUIDE

What immigrants need to know about their rights to healthcare and how to access healthcare in New York

FOREWORD

The 1199SEIU Training and Employment Funds (TEF) proudly support and salute our nation's immigrants. Throughout the history of 1199SEIU United Healthcare Workers East, immigrants have stood with us in the rank and file, and in every position of Union leadership. Both collectively and individually, they have helped to build our organization and the healthcare system.

The current political climate is especially challenging for immigrants, particularly those who are undocumented. This guide is written for 1199SEIU members who may have family or friends without documentation or whose

immigration status is uncertain. As a result of fear of deportation, many communities, especially those with a sizable immigrant population, have experienced a decline in the reportage of domestic violence and rape cases, a reduction in emergency room and health center visits, and a decrease in attendance at English as a Second Language and other educational programs for adults. Immigrants make up a substantial proportion of New York City residents, and it is estimated that immigrants make up approximately 40 percent of the city's population, of which approximately 500,000 are undocumented.¹



As the leading healthcare labor-management organization in the country, we are disheartened by news that sections of the population are not accessing healthcare services due to fear of deportation or other negative consequences. Our concern mirrors that of Martin Luther King, Jr., who said, “Of all the forms of inequality, injustice in health is the most shocking and inhuman.” Collectively, as labor and management, our position is non-negotiable: everyone, regardless of their immigration status, should have unrestricted access to quality healthcare.

We were heartened by the “Open Letter to Immigrant New Yorkers” from NYC’s Mayor Bill de Blasio, published in December 2016, which begins: **“Do not be afraid to go to the doctor, the clinic, the hospital, or the emergency room. All immigrants can get medical care in New York City, regardless of immigration status or ability to pay. We want you to seek care in any setting without fear.”**



Do not be afraid to go to the doctor, the clinic, the hospital, or the emergency room. All immigrants can get medical care in New York City, regardless of immigration status or ability to pay. We want you to seek care in any setting without fear.

Additionally, in a letter that NYC Health + Hospitals and the Mayor's Office of Immigrant Affairs released to all immigrant New Yorkers in 2016, Mayor de Blasio indicated that "New York City has a moral duty to ensure that all its residents have meaningful access to needed health care, regardless of their immigration status and ability to pay," and that:

- Healthcare facilities do not collect information about immigration status and never release patient information without authorization by the patient, or without being required to do so by law;
- Free interpretation services in 200 languages are available 24 hours a day, 7 days a week;
- Doctors, nurses and other healthcare workers care about you. Many of them are immigrants or are children of immigrants. They want to serve you with respect and will work to protect your privacy; and
- The city's municipal identification card (IDNYC), which is available to all residents, is an accepted form of identification for patients and can be used during the check-in and registration process.

A report issued by the Mayor's Task Force, *Improving Immigrant Access to Health Care in New York City*, also made it clear that: **"Health care facilities do not collect information about immigration status and never release patient information without authorization by the patient, or without being required to do so by law."**

We are aware, however, that navigating NYC's vast array of health services can be intimidating, especially in this highly charged political climate. Through this guide, we seek to educate 1199SEIU members, especially those with family and friends who may feel threatened and intimidated by impending threats of deportation, about their rights to access healthcare for themselves and their families. This guide provides information

about what healthcare benefits are available and how to access those benefits.

This information will be disseminated through a network of training initiatives, so it reaches both our members and partners, who can then share the information within their homes, workplaces, communities, community-based organizations and places of worship and recreation.

Our hope is that by knowing these rights, and having the assurance that they can get medical assistance and help with immigration-related issues when they need it, a sense of dignity will be restored within the undocumented immigrant community. Indeed, when people know their rights, they will know how to protect themselves. This is especially crucial in healthcare, as it is universally accepted that the most positive care outcomes occur when patients are proactive.

Our message to all immigrants is to continue living your lives and making your contribution to this great country, despite the trying times.



Health care facilities do not collect information about immigration status and never release patient information without authorization by the patient, or without being required to do so by law.



INTRODUCTION

The information in this guide is a not a comprehensive reference for all rights of immigrants; rather, it provides general information on the rights that undocumented immigrants have to access healthcare in New York City (NYC) and New York State (NYS). The guide also provides information for immigrants other than those who are undocumented, who may have a right to additional healthcare benefits. In this guide, the term “undocumented” means an individual who does not have the official documents needed to enter, live in or work in the United States legally. Some may have entered legally on a temporary permit, but did not leave when the permit expired.

The information in this guide is provided for general information only. Laws in other cities and states can be very different, and so this guide is not meant as a reference outside of New York State. No information within this guide should be construed as legal advice, nor is it intended to substitute for legal counsel.

The guide details the following:

- The rights that undocumented immigrants have to receive healthcare.
- Places to contact for information about receiving healthcare.
- Specific ways that undocumented immigrants and others can access health insurance and other programs to offset medical expenses.
- Other resources that provide support and advocacy to the immigrant community.

Note: Information from the New York Immigration Coalition and the Immigrant Defense Project is also listed at the end of this guide.

GENERAL RIGHTS TO

HEALTHCARE

When we speak about healthcare, we generally refer to the provision of medical services, which help us maintain and improve our physical and mental health. Health insurance helps offset the cost of healthcare, through either public or private programs. The inability to access quality healthcare creates health risks for everyone, and can severely compromise the health and safety of vulnerable residents, including children and seniors.

In New York City, we are fortunate to have a strong network of public hospitals, health centers, clinics and other healthcare providers that provide healthcare on a sliding scale of fees, depending on income, **regardless of immigration status**. This means these providers don't treat undocumented immigrants differently from any other individuals. In this guide, the term "undocumented" means an individual who does not have the official documents needed to enter, live in or work in the United States legally. Some may have entered legally on a temporary permit, but did not leave when the permit expired.

There are also certain New York City and New York State programs that provide health insurance—meaning some or all of the cost of medical services will be paid for. Some of these programs provide full and comprehensive coverage, and others provide much more limited benefits. Eligibility for these programs relies on a variety of factors, including income and, sometimes, immigration status.

By law, all New York City residents have the right to: ²

- Equal treatment in healthcare services, no matter where you are from or what language you speak;
- Hospital treatment if you have a medical emergency, regardless of ability to pay;
- Free language assistance, if you need it. All health and social service providers must arrange for interpretation in your preferred language; and
- Confidential access to city services and public health insurance. Your immigration status will be kept private. When you apply for health insurance or seek medical care, information about your immigration status will be used only to determine eligibility for benefits, and not for immigration enforcement. Your immigration status is not reported to the U.S. Immigration and Customs Enforcement (ICE) or U.S. Citizenship and Immigration Services (USCIS). ³

Under current policies of ICE, it does not generally conduct enforcement activities such as surveillance, interviews, searches and arrests at certain "sensitive" locations such as hospitals, doctors' offices, accredited health clinics and emergency and urgent care facilities. ICE states that this policy is intended "to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so, without fear or hesitation." ⁴

LOW-COST CARE FOR ALL NEW YORKERS—REGARDLESS OF IMMIGRATION STATUS

Regardless of insurance or immigration status, there is a network of hospitals, health centers and health clinics that treats uninsured patients, including undocumented immigrants. Although the services are not usually free, patients are often charged on a sliding scale of fees, based on ability to pay. This sliding scale makes sure that healthcare is accessible to everyone, even those with very little or no income.

NYC HEALTH + HOSPITALS FACILITIES: New York City Health and Hospitals Corporation (HHC) is the largest public healthcare system in the United States. It provides essential inpatient, outpatient

and home-based services to more than one million New Yorkers every year, in more than 70 locations, including 11 hospitals, trauma centers, health centers, nursing homes and acute-care centers across the five NYC boroughs.⁵ The HHC staff speaks many languages, including Albanian, Arabic, Bengali, Chinese, French, Haitian, Creole, Hindi, Korean, Polish, Russian, Spanish and Urdu. Patients can get information in their own language.

To find a nearby facility, visit <http://www.nychealthandhospitals.org>, click on “Location” and type in your borough.

Locations of some HHC hospitals in NYC’s five boroughs:

BRONX

NYC Health + Hospitals/Jacobi

1400 Pelham Parkway South
Bronx, New York 10461
(718) 918-5000

NYC Health + Hospitals/Lincoln

234 East 149th Street
Bronx, New York 10451
(718) 579-5000

NYC Health + Hospitals/North Central Bronx

3424 Kossuth Avenue
Bronx, New York 10467
(718) 519-5000

BROOKLYN

NYC Health + Hospitals/Coney Island

2601 Ocean Parkway
Brooklyn, New York 11235
(718) 616-3000

NYC Health + Hospitals/Kings County

451 Clarkson Avenue
Brooklyn, New York 11203
(718) 245-3131

NYC Health + Hospitals/Woodhull

760 Broadway
Brooklyn, New York 11206
(718) 963-8000

MANHATTAN

NYC Health + Hospitals/Bellevue

462 First Avenue
New York, New York 10016
(212) 562-5555

NYC Health + Hospitals/Harlem

506 Lenox Avenue
New York, New York 10037
(212) 939-1000

NYC Health + Hospitals/Metropolitan

1901 First Avenue
New York, New York 10029
(212) 423-6262

STATEN ISLAND

NYC Health + Hospitals/Sea View

460 Brielle Avenue
Staten Island, NY 10314
(718) 317-3000

QUEENS

NYC Health + Hospitals/Elmhurst

79-01 Broadway
Elmhurst, New York 11373
(718) 334-2424

NYC Health + Hospitals/Queens

82-68 164th Street
Jamaica, New York 11432
(718) 883-3000

FQHCs

Federally Qualified Health Centers (FQHCs) receive grants from the U.S. federal government to support care to the uninsured, and provide comprehensive and coordinated primary care services, including dental and behavioral health services. FQHCs offer care in a low sliding-scale fee structure, which allows patients to access healthcare services for a reduced price or without charge.

HHC also has the Gotham Health network within its network of FQHCs across the five boroughs, which offers patient-centered primary and preventative care services for the entire family, and is focused on meeting community health needs. To find a location, visit <http://www.nychealthandhospitals.org>, click on “Location” and type in “Gotham Health.”

HHC OPTIONS

HHC has a program called HHC Options that is available to all patients who live in or are visiting New York City, Westchester County or Nassau County, regardless of insurance or immigration status. HHC Options will help patients apply for public benefits and, if they are not eligible for public insurance, they only pay what they can afford, which can be a small amount—for example, a clinic or emergency room visit generally costs between \$15 to \$60, depending on income.

To find out more about HHC Options, contact one of the following health centers:

BRONX

NYC Health + Hospitals/Lincoln

(718) 579-6414

NYC Health + Hospitals/Morrisania

(718) 960-2636

NYC Health + Hospitals/Belvis

(718) 579-1763

NYC Health + Hospitals/Jacobi

(718) 918-3375

NYC Health + Hospitals/North Central Bronx

(718) 918-3375

BROOKLYN

NYC Health + Hospitals/Woodhull

(718) 630-3172

NYC Health + Hospitals/Cumberland

(718) 260-7742

NYC Health + Hospitals/Kings County

(718) 245-4325

NYC Health + Hospitals/East New York

(718) 240-0510

NYC Health + Hospitals/Coney Island

(718) 616-5024

MANHATTAN

NYC Health + Hospitals/Harlem

(212) 939-8125

NYC Health + Hospitals/Renaissance

(212) 932-6504

NYC Health + Hospitals/Metropolitan

(212) 423-6451

NYC Health + Hospitals/Bellevue

(212) 562-6264

NYC Health + Hospitals/Gouverneur

(212) 238-7139

QUEENS

NYC Health + Hospitals/Elmhurst

(718) 334-2565

NYC Health + Hospitals/Queens

(718) 883-2545

STATEN ISLAND

NYC Health + Hospitals/Mariner's Harbor

(718) CONNECT

NYC Health + Hospitals/Stapleton

(718) CONNECT

NYC Health + Hospitals/Health Connection

(718) CONNECT

NYC HEALTH DEPARTMENT CLINICS

New York City Health Department Clinics offer patients sexual health, immunization and tuberculosis testing at low or no cost. To find a clinic near you, visit: <http://www1.nyc.gov/site/doh/services/allclinics.page> or call 311.

HOSPITAL FINANCIAL ASSISTANCE

All New York State hospitals also have financial assistance programs, sometimes referred to as “Charity Care,” which help arrange lower costs for hospital stays, emergency and clinic visits to uninsured or underinsured patients, or low-income people, regardless of their immigration status. Patients should ask to speak to a financial counselor or the billing department for more information.

RIGHTS TO TREATMENT IN A MEDICAL EMERGENCY



Going to the Hospital

There are different rules that apply in medical emergencies. All New Yorkers, including undocumented and temporary immigrants without New York State residency (e.g., tourists), have the right to be seen in a hospital emergency room if they have a medical emergency, regardless of their immigration status and their ability to pay. ⁶ This means that undocumented immigrants have the same right to emergency medical care as all other New Yorkers. ⁷

A patient is considered to have a medical emergency (including emergency labor and delivery) if they are having severe symptoms like bad pain, or if failure to get immediate medical treatment would cause serious harm to health or a body part. ⁸

Patients' Rights in an Emergency

- Anyone with an emergency medical condition has the right to an ambulance (emergency medical transportation), regardless of immigration status or ability to pay.
- A patient who arrives at the hospital emergency room has a right to be examined to determine if she or he has a medical emergency.
- If a medical worker determines that a patient has a medical emergency, the hospital must treat and stabilize the patient.

- The patient is stabilized once the emergency medical condition will not get worse if the patient leaves the hospital. In unusual cases, a patient with an emergency medical condition may be transferred to another hospital or center to receive special care.⁹

Paying for Emergency Medical Care

Emergency Medicaid helps eligible undocumented and temporary immigrant New Yorkers (e.g., tourists) pay for medical costs when they have a medical emergency. Both undocumented immigrants and all others are eligible to apply for Emergency Medicaid (this is different from Medicaid, which is not available to undocumented immigrants). This benefit is only available to those with low income who meet certain thresholds.

To be eligible for Emergency Medicaid, an undocumented immigrant or temporary non-immigrant must meet all eligibility requirements, including proof of identity, income and New York State (NYS) residence (temporary non-immigrants, who have been allowed to enter the United States temporarily for a specific purpose and for a specified period of time, do not have to meet the NYS residence requirement). Healthcare professionals may have to confirm if patients are undocumented during the process of enrolling them. However, this information would only be for purposes of determining eligibility—NOT for documenting or reporting immigration status.

Where to Apply for Emergency Medicaid

For most people:

- New York State of Health Online:
<https://nystateofhealth.ny.gov>
Phone: (855) 355-5777
In-Person: Call 311 to get help from someone in your community (ask for “navigator” or “enroller”)

For people age 65 and older or with a disability:

- NYC Human Resources Medicaid Offices
(If 65 and older, or if person living with a disability)
Online: <https://www1.nyc.gov/site/hra/locations/medicaid-locations.page>
Phone: (718) 557-1399

Communicating with Hospital Staff

No one is permitted to report patients to immigration officials for using medical care, or for trying to obtain medical coverage (including Emergency Medicaid). Hospital workers, Medicaid eligibility workers and health department staff have no obligation or authority to share any information with ICE. If patients are asked for a Social Security number, it is likely that the hospital is trying to figure out if the patient is eligible for public insurance. Patients can say that they don’t think they are eligible for Medicaid. Remember, patients are not required to document their immigration status before receiving care.

UNDOCUMENTED IMMIGRANTS' RIGHTS TO

PUBLIC HEALTH INSURANCE

Undocumented immigrants are not generally entitled to public health insurance benefits such as Medicare and Medicaid, but there are some important exceptions in which undocumented immigrants are entitled to access a variety of public health insurance options in New York City.

There are no immigration restrictions for children's health insurance in New York (Child Health Plus) or for Medicaid for pregnant women. This means that undocumented children or pregnant women are eligible to apply for the following public benefits:

- **Child Health Plus:** This program allows uninsured children under 19 years old to get health insurance from **Child Health Plus**, which provides free or low-cost health insurance to children under the age of 19 who do not qualify for Medicaid and do not have other health insurance coverage, regardless of immigration status.
- **PCAP: (Prenatal Care Assistance Program):** This program provides insurance that allows women who are pregnant to get free prenatal care from the start of their pregnancy until their baby is born. This insurance is continued for two months after their babies are born.

To find out more or to apply for benefits, visit:

NY State of Health

Online: www.health.ny.gov/health_care

Phone: (855) 355-5777

To make an appointment In-Person:

Call 311 to get help from someone in your community (ask for “navigator” or “enroller”)

- **Family Planning Extension Program (FPEP):** A pregnant woman who was enrolled in the Medicaid PCAP program is automatically enrolled in the FPEP, which pays for birth control and reproductive health services after pregnancy.

HELP FOR HIV/AIDS PATIENTS

- **AIDS Drug Assistance Program (ADAP):** Helps pay for medications, primary care, and home care for people with HIV/AIDS. It also helps pay for private health insurance premiums and co-pays.

To find out more or to apply for benefits, visit:

New York State Department of Health

<https://www.health.ny.gov/diseases/aids/general/resources/adap/index.htm>

Or call (800) 542-2437

DACA RECIPIENTS' RIGHTS TO

PUBLIC HEALTH INSURANCE

Deferred Action for Childhood Arrivals (DACA) is a federal program that granted a renewable two-year relief from deportation to qualifying undocumented youth. As of September 5, 2017, President Trump announced that the federal government will stop accepting new DACA applications. New DACA applications that were accepted as of September 5, 2017, will be adjudicated.

People whose DACA will expire before or on March 5, 2018, can receive a two-year renewal if their renewal application was accepted by the federal government by October 5, 2017. No renewals will be granted for DACA recipients whose DACA status expires on, or after March 6, 2018. All current DACA statuses will remain valid until the date of their expiration.

Additionally, the federal government will not approve any new Advance Parole documents for DACA recipients, as of September 5, 2017.¹⁰

As of October 2017, recipients can access health insurance through Medicaid if they qualify, based on income and family size. A DACA recipient who has Medicaid coverage can renew coverage for 12 months, as long as DACA status is active on the day of renewal and other eligibility criteria for the program are met.

In most cases, DACA recipients can apply for renewal before their Medicaid expires. New York State has yet to announce if it will continue to provide Medicaid coverage for DACA recipients whose DACA status expires.¹¹



OTHER PUBLIC HEALTH INSURANCE OPTIONS

Federal Benefits

Healthcare benefits such as **Medicare** and **Medicaid** are provided for certain categories of individuals across the U.S. However, undocumented immigrants are typically not eligible.

Eligibility for Medicaid

Certain categories of immigrants are eligible for Medicaid. In general (in addition to meeting income and other requirements), to be eligible for Medicaid, an immigrant needs to be in one of the following categories: ¹²

- Naturalized U.S. citizens;
- Immigrants in the U.S. because of persecution or other problems in their home country (including refugees, asylees, Amerasians, Cuban/Haitian entrants, conditional entrants, victims of trafficking and those with Temporary Protected Status);
- Lawful permanent residents;
- Violence Against Women Act (VAWA) Self-Petitioners (spouses and children of U.S. citizens or lawful permanent residents who have been battered or abused);
- Immigrants who were given suspensions of deportation or cancellations of removal;
- Registry immigrants (who can show they have been continuously living in the U.S. since January 1, 1972); and
- People paroled in the United States whose parole has not expired.



ADDITIONAL

PATIENTS' RIGHTS

LANGUAGE ACCESS

There are a number of laws at the federal, state and local levels to ensure that patients who have Limited English Proficiency (LEP) can access healthcare in their own language. A review of these laws is beyond the scope of this guide but in general terms: LEP individuals, who do not speak English well enough to communicate effectively in a healthcare setting, have a right to free interpretation and translation services at hospitals, community health centers, clinics and Medicaid and other public benefits offices.¹³

In practice, this means that hospitals, community health centers, clinics and government agencies like Medicaid must provide free interpretation and translation services to any LEP individual seeking services. Healthcare providers and Medicaid workers are also prohibited from discriminating against individuals based on their accent, the way they look or what they are wearing.

In 2006, the New York State Department of Health also implemented a language access regulation that requires hospitals to develop Language Assistance Programs, designate a Language Assistance Coordinator, post signage informing consumers about the availability of free language assistance services and avoid using family members as interpreters. Executive Orders issued by NYC Mayor Michael Bloomberg in 2008 and NYS Governor Andrew Cuomo in 2011 also require both city and state agencies to develop and implement language access plans.

CONFIDENTIALITY AND PRIVACY

All patients have additional privacy and confidentiality protections, regardless of immigration status. Among the most important are the privacy rules under the Health Insurance Portability and Accountability Act (HIPAA), that establish national standards for how personal health information can be used and shared. This means that restrictions are placed on how your healthcare provider can share your medical records, and that you have the right to inspect, copy and amend your medical records. For more information about your rights under HIPAA, visit www.hhs.gov/hipaa.

ADDITIONAL BENEFITS PROVIDED BY NEW YORK CITY

Many other benefits are available to all NYC residents. These include:

- Emergency medical care, including ambulance service;
- Domestic violence counseling;
- Immunizations;
- HIV testing and counseling;
- Emergency shelter;
- Poison control hotline;
- Food pantry services;
- Child welfare and foster care services;
- Public school education;
- School breakfast and lunch programs; and
- Senior services and senior center programs provided by the Department for the Aging.

A good place to start learning about these programs and benefits is on the website of the Mayor's Office of Immigrant Affairs:

<http://www1.nyc.gov/site/immigrants/help/city-services.page>

IDNYC

Some states (but not New York) issue driver licenses to undocumented immigrants who live there. New York City will, however, issue all residents an Identification Card, called **IDNYC** (www.nyc.gov/idnyc/benefits). This card provides photo identification that can be used for many purposes, including:

- Accessing programs and services from NYC government;
- Entering NYC government buildings (including schools);
- Interacting with New York City Police Department officers; and
- Opening checking accounts at certain financial institutions.

The IDNYC does not show the country of birth or any information regarding immigration status.



BENEFITS PROVIDED BY THE

1199SEIU FUNDS

English as a Second Language (ESL) Citizenship Classes

Classes are offered for non-native speakers of English who need to improve their English skills to prepare for the United States Citizenship and Immigration Services (USCIS) interview and the English/Civics Test. This content-based class helps develop speaking, listening, reading and writing abilities as they learn about U.S. government and history.

This program is open to 1199SEIU members and their eligible family members, who are:

- At least 21 years old; and
- A Union member or an eligible family member.

Legal Counseling

This program offers legal advice to 1199SEIU members and their eligible family members on their immigration and naturalization process to become U.S. citizens.

This program is open to 1199SEIU members and eligible family members, who are:

- At least 21 years old;
- A Union worker or an eligible family member; and
- A legal, permanent resident of the United States for five or more years, or for three or more years if married to a U.S. citizen.

Call (646) 473-8915 to register and to obtain additional information.

IMMIGRATION RESOURCES AND RIGHTS

Our aim in preparing this guide is to better educate you, our members, about the healthcare rights of immigrants (documented and undocumented) at a time when they may feel threatened and intimidated about changes and proposed changes to both healthcare and immigration laws. On the following pages we will provide you with information on immigration issues, including:

- Know Your Rights – Immigrant Resources, and Frequently Asked Questions
- Know Your Rights with ICE (Immigrants and Customs Enforcement)
- ICE Home Arrests – Protect Your Rights

You are invited to share this information with anyone you know who may have reason to be fearful about being detained and/or deported.

KNOW YOUR RIGHTS



Immigrant Resources

This is intended to be general information only. It does not constitute legal advice.

U.S. Immigration and Customs Enforcement (ICE) is the immigration enforcement agency. They can arrest and detain undocumented individuals or Lawful Permanent Residents who are deportable. However, you still have rights if ICE comes to your home.

Your Rights

- **DO NOT OPEN DOORS** ICE cannot come into your home without a warrant signed by a judge. Ask that they slide the warrant under your door, because opening your door means that you are giving them permission to enter even if they do not have a warrant.
- **ASK FOR ID** Request that the person show you their credentials (again, have them slide it under the door) so that you can check to be sure they are who they say they are.
- **REMAIN SILENT** ICE can use anything you say against you in your case. Tell them “I wish to remain silent.”
- **DO NOT SIGN** Do not sign documents without an attorney. You may be signing away your rights or agreeing to be deported.
- **SAY “NO” TO SEARCHES** Even if the officer does not listen, tell them, “I do not consent to a search.”
- **PICK WHICH ID YOU SHOW** Try to show an identification card that does not state your citizenship, like an IDNYC. Showing a foreign passport can be evidence used by ICE that you are deportable.
- **REPORT & RECORD** Have a family member write down as much detail as possible about any encounter with ICE, such as the date and time, the number of officers involved, what they said, how they entered, and anything about a warrant. You can report it to the Immigrant Defense Project at (212) 725-6422.
- **FIND AN ATTORNEY** Contact a legal services organization such as NYLAG to find an attorney or a BIA-accredited representative. You may be eligible for free services.

Keep in Mind

- **DO** stay calm and polite.
- **DO NOT** interfere with or obstruct the police.
- **DO** prepare yourself and your family in case you are arrested.
- **DO NOT** lie or give false documents.

Safety Planning

Get Organized

Have a safe place for important documents and tell a trusted person where they are in case you are detained. Save and protect:

- **Personal documents:** Passports, birth certificates, marriage certificates or divorce decrees.
- **Presence documents:** You may also want to keep documents like your lease, tax returns, utility bills, or other proof of how long you have lived in this country.
- **Immigration documents:** All government documents, including any that list your “A number,” if you have one. This is an identification number that begins with “A” and is written on all documents from immigration court.
- **Court documents:** A certificate of disposition for any arrests, and all documents from other courts, including criminal court and family court.
- **Contact information:** Names and phone numbers for any relatives, doctors, previous lawyers, childcare providers, and a friend you can call in an emergency. Carry a copy of these important numbers in your pocket.

Emergency contact: _____

Attorney: _____

Doctor: _____

Child care/school: _____

Family: _____

Misc: _____

Plan for Your Family in Case You Are Detained

- **Childcare:** Know who will look after your children and talk with that person about your plan. Speak with an attorney about whether you want to give this person the legal power to care for your children.
- **Pick a Helper:** You may need a Power of Attorney agreement so a friend or family member can go to your bank, obtain records, pay bills, or make decisions to help you while you are away.
- **Health:** Keep a list of any medical diagnoses and medications you take. If you have medical issues, you may want to sign an authorization form that allows a trusted person to access your medical records.

Frequently Asked Questions

If You Entered the U.S. Unlawfully Less Than Two Years Ago

I entered the U.S. unlawfully, have been here less than 2 years, and have never been in removal proceedings. What happens if I am detained by ICE?

You do not have a right to a hearing or review by an immigration judge if you entered less than two years ago and do not have proper documentation. However, if you assert a fear of persecution or torture if returned to your home country, U.S. and international law states that you must be interviewed by an asylum officer. If the officer finds your fear credible, you can be referred to an immigration judge to determine your eligibility for asylum.

If You Are Undocumented and Entered the U.S. More Than Two Years Ago

I am undocumented, have been in the U.S. more than 2 years, and have never been in removal proceedings. What happens if I am detained by ICE?

If you can prove that you have been here more than two years, you are entitled to have a hearing before an immigration judge. The judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained. You will be given a document called a Notice to Appear that informs you why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.

You have a right to be represented by an attorney at your own expense. Even if you do not have an attorney, you must attend all hearings or the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future. If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

Lawful Permanent Residents at Risk of Removal

I already have a green card. Can I be detained by ICE and/or placed in removal proceedings?

Yes. Even green card holders can be removed from the U.S. if they commit certain criminal offenses or immigration violations. This can happen even if the convictions are very old, and you can be detained at home, while making an immigration application (like renewal of a green card), or when re-entering the country from abroad.

If you are placed in removal proceedings, you have a right to a hearing before an immigration judge to determine if you will be allowed to keep your green card. If you are detained, the judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained. You will be given a document called a Notice to Appear that informs you of the time and place for your hearing and why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.

You have a right to be represented by an attorney at the hearing at your own expense. Even if you do not have an attorney, you must attend all hearings or you may be ordered removed without a chance to present your case and the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future. If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

Immigration Consequences of Criminal Convictions

I have a criminal record or have an open criminal case. What can I do to minimize my risk of being removed or minimize the chances of my immigration benefits being denied?

Regardless of whether or not you are undocumented or have legal status, contact with the criminal justice system increases your risk of being detained or placed in removal proceedings. Always discuss your immigration status with your criminal defense attorney. If you already have a criminal record and have questions about how it relates to your immigration status, consult with an immigration attorney or BIA-accredited representative for more information.

Removal Proceedings (Deportation)

I am or have been in removal. How do I find out my case status or future hearings?

Call the immigration court hotline at (800) 898-7180. This is an automated system available 24/7. You will need your 9-digit Alien Registration Number, which is listed on most of your immigration related documents.

I was already ordered removed but I never left the U.S. What are my options?

Please keep in mind that ICE can arrest and physically remove you from the U.S. without hearing or review by an immigration judge. If you think that the facts of your immigration case have changed, such as you now fear returning to your home country, you have gotten married, or had children, consult with an attorney or a BIA-accredited representative to determine if you can apply to reopen your case or delay your deportation.

I was ordered removed, left the U.S., and re-entered the U.S. unlawfully. What are my options?

If you reentered the U.S. after an order of deportation, there are many potential negative consequences. You can be subject to criminal charges and be barred from receiving permanent residency for 20 or more years. You also do not have a right to hearing or review by an immigration judge if detained by ICE. However, you can still assert a fear of persecution or torture in your home country.

Travel

The five boroughs of New York City are a “sanctuary” jurisdiction, which means that the New York City Police Department does not routinely transfer immigrants to ICE. Other cities, even nearby suburbs, may have fewer protections.

If you are uncertain about your ability to travel domestically or internationally, please consult with an attorney or a BIA-accredited representative.



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) arrests in the community.

KNOW YOUR RIGHTS with ICE

Who is at risk of being arrested by ICE?

The law allows the federal government to deport certain immigrants, including:

- Anyone without lawful immigration status
- People with status (e.g., lawful permanent residents, refugees and visa holders) who have certain criminal convictions



The people the Trump Administration announced ICE will initially focus on deporting include:

- people with pending criminal cases and/or prior criminal convictions;
- people with final orders of removal;
- people who have committed fraud or misrepresentation in applications to the government;
- people they believe pose a threat to public safety or national security

People with legal status and prior convictions

Be aware: You may be a target even if:

- Your conviction is from years ago;
- You didn't serve time in jail;
- Your case was minor or a misdemeanor;
- You've been an LPR for a long time; and/or
- All the other members of your family are US citizens.

What are some of the ways ICE may know about me?

If you have been arrested and the police took your fingerprints; sent an application to immigration or been arrested by immigration in the past; have a pending criminal case or if you are on probation or parole.

Are ICE agents approaching anyone they think they can deport?

ICE agents usually identify the person they want to arrest ahead of time. Then, they go to homes, courthouses, shelters and even workplaces to look for that person. Increasingly, they are waiting on the street to make the arrest.

If I know I'm at risk, what can I do?

- **Make a plan** with your loved ones in case you are picked up by ICE!
- **Talk to a lawyer before** you apply to change your immigration status, renew your green card, or travel outside of the United States!

Immigration and Customs Enforcement (ICE) is one of the federal government agencies responsible for deporting people. ICE is part of the U.S. Department of Homeland Security (DHS).

IF YOU OR A LOVED ONE IS AT RISK OF DEPORTATION, HAVE A PLAN!

Knowing which rights you have and exercising them is complicated. For more information on ICE community arrests, please see IDP's longer booklet at immigrantdefenseproject.org/ice-arrests or contact KYR@immdefense.org

If you want to report a raid within NYC, call IDP at 212-725-6422

If you want to report a raid outside of NYC, contact United We Dream at 1-844-363-1423

These materials are provided for informational purposes and do not constitute legal advice. Images & Content © IDP 2018

What should I do if ICE agents approach me on the street or in public?

When ICE agents arrest someone in public, it typically happens quickly. They may call your name out loud and ask you to confirm your name and then detain you.

- Before you say your name or anything else, **ask, “AM I FREE TO GO?”**
 - **If they say YES:** Say, “I don’t want to answer your questions” or “I’d rather not speak with you right now.” Walk away.
 - **If they say NO:** Use your right to remain silent! Say, “I want to use my right not to answer questions” and then “I want to speak to a lawyer.”
- If ICE starts to search inside your pockets or belongings, say, **“I do not consent to a search.”**
- **DON’T LIE or show false documents. Don’t flee or resist arrest.**
- Don’t answer questions about your immigration status or where you were born. They will use any information you provide against you. Do not hand over any foreign documents such as a passport, consular IDs, or expired visas.
- If you are in Criminal Court for a court date, ask to speak to your defender before they take you away.

If officers come to my home, will I know they are from ICE?

Not always! Beware: ICE agents often pretend to be police and say they want to talk to you about identity theft or an ongoing investigation.

Can ICE agents enter my home to arrest me?

If ICE agents do not have a warrant signed by a judge, they cannot enter the home without permission from an adult. Opening the door when they knock does not give them permission to enter your home.



So, what do I do if officers are at my door?

- Find out if they are from DHS or ICE.
- Try to stay calm. Be polite. Don’t lie. Say **“I don’t want to talk to you right now.”**
- Politely ask to see a warrant signed by a judge and to slip it under the door. If they don’t have one, decline to let them in.
- If they are looking for someone else, **ask them to leave contact information.** You don’t have to tell them where to find the person and you should **not** lie.

What can I do if ICE is inside my home to make an arrest?

- Tell them if there are children or other vulnerable residents at home.
- Ask them to step outside unless they have a warrant signed by a judge.
- If they came inside without your permission, tell them **“I do not consent to you being in my home. Please leave.”**
- If they start to search rooms or items in your home, tell them **“I do not consent to your search.”**
- If ICE is arresting you, tell them if you have medical issues or need to arrange for childcare.

What are my rights if I am being arrested by ICE?

- You have the right to **remain silent.** You have the **right to speak to a lawyer.**
- **DO NOT LIE.** It can only hurt you in the future.
- You do **NOT have to share any information** about where you were born, what your immigration status is, or your criminal record. Ask to speak to a lawyer instead of answering questions.
- You do **NOT have to give them your consular documents or passport** unless they have a warrant from a judge.
- You do **not have to sign anything.**

Written by IDP with the legal support of the Center for Constitutional Rights.
Updated in January 2018. For more info on ICE tactics and your rights, please see
IDP’s longer booklet at immigrantdefenseproject.org/ice-arrests



ICE HOME ARRESTS PROTECT YOUR RIGHTS



IMMIGRANT
DEFENSE
PROJECT



center for
constitutional
rights

Hang this on your door to remember key rights and details if ICE enters your home!

What can I do if ICE officers are at my door? Do I have to let ICE into my home?

You do not have to let ICE in unless **they have a warrant signed by a judge** giving them authorization to enter to arrest someone at your address. Ask them to slip the warrant under the door, before you open it. ICE will most likely try to enter your home without a warrant and needs consent from an adult to enter. Opening the door does not mean that you consent.

“Please slip the warrant under the door”

“I do not want to answer any questions”

“I do not consent to this. Please leave the house.”

If ICE agents are inside my home, can I ask them to leave?

DO NOT LIE. DO NOT SHOW FALSE DOCUMENTS. DO NOT RUN OR PHYSICALLY RESIST ARREST.

Say, **“I do not want to answer any questions,”** and ask agents to leave their contact information.

If they enter without consent, say **“I do not consent to this. Please leave the house.”**

Can ICE walk through all rooms and search the home for specific people or items?

ICE is not supposed to search your home or belongings without your consent if they do not have a judicial warrant. If they are inside and start to search, say **“I do not consent to this search. Please leave the house.”**

Keep saying this, especially if they search for, take or try to photograph documents. They may not listen but it is important for you to exercise this right and tell a lawyer later. It may help you or a loved one in the future.

Do not give ICE passport or consular documents unless they have a search warrant signed by a judge listing those items. ICE agents often ask people to gather up their travel documents during an arrest. They are only doing this to help the government try to deport you. Say, **“I don’t want to bring my documents”** or **“I don’t want to give anything over.”** DO NOT give them false or invalid documentation (e.g. fake Social Security card or expired immigration visa).

“I do not consent to this search. Please leave the house.”

“I don’t want to bring my documents”

“I don’t want to give anything over.”

What should I remember if ICE agents are inside my home?

Tell them right away if: *There are children or the elderly present. *You are ill, on medication, nursing or pregnant. *You are the primary caretaker for a loved one and need to arrange care.

What information is important to remember about ICE in your home?

It is important for you or a loved one to observe how ICE agents acted at your home and to tell a lawyer. It may make a difference in the immigration case!

Please use the section on the back to take important notes after ICE leaves.

If your loved one has been arrested by ICE, you can initiate the emergency plan. To learn more details on your rights with ICE visit immdefense.org/ice-arrests or email KYR@immdefense.org. To report an ICE raid in NYC, contact 212-725-6422. To report raids outside of NY, contact United We Dream at 1-844-363-1423. Images & Content © 2017 IDP

What can I do if my loved one was arrested by ICE?

To locate your loved one: look online at locator.ice.gov or you can find a phone number for a particular facility at www.ice.gov/detention-facilities.

To find out your loved one's court date: call the Immigration Court at 800-898-7180. You will need their Alien number ("case number" or "A#"), which is an 8- or 9-digit number that appears on all immigration documents. If they did not have an A# before the arrest, they will be assigned one.

In some cases, your loved one may not be eligible to see an immigration judge (for example, if they returned without permission from Immigration after being previously deported). If they are detained, eligible to see a judge and from NYC, they may be able to get a free attorney through the New York Immigrant Family Unity Project (NYIFUP).

Family members can receive free legal advice for criminal-immigration cases from Immigrant Defense Project's helpline at 212-725-6422

Document what ICE agents did during their arrest below. Your loved one's lawyer may be able to use this information to support the immigration case.

AT THE DOOR:

Date: _____ What time of day? _____

How many officers? _____ Names: _____

Did they have guns drawn or were they touching their weapons? _____

How did their uniforms identify them? _____

Who did they say they were and why did they say they were there? _____

Did agents speak only English, or did anyone speak to you in your native language? _____

What did ICE say to get in the home? In what language? _____

Did they say who they were looking for? _____

If you live in a house, were ICE agents present at windows or in the back of the house? _____

Did they use verbal/physical force (banging hard on the door, yelling threats; touching, pushing person) to enter? How? _____

Who opened the door when they came in? Was the person 16 years old or younger? If so, how old? _____

ONCE ICE WAS INSIDE THE HOME:

Did you verbally refuse consent to enter? I said: _____

How did they react if anyone said they denied consent to enter? _____

Did you verbally refuse consent to search? I said: _____

How did they react if anyone said they denied consent to search? _____

When did they tell you they were from immigration (before arrest, after arrest)? _____

Did they yell at anyone? _____

Did they touch or draw weapons inside the home? If so, did they identify themselves as ICE beforehand? _____

Did they keep anyone from moving around freely? _____

Did they enter bedrooms? Did they ask for permission first? _____

Did they look in closets or drawers? Did they ask for permission first? _____

Did you tell them if there were kids in the house? What did they do? _____

Did they handcuff anyone in front of children? _____

Did you bring up concerns like the need for childcare or medical issues? I said: _____

How did they react? _____

Did they take pictures of documents? If so, whose? How did they get the documents? _____

Did they take fingerprints? If so, whose? _____

RESOURCES

In the process of preparing this guide we chose materials from a wide range of sources, many from various city, state and national organizations, as well as from several nonprofits.

TEF will not benefit financially from the publication of this guide; as it is intended solely as a source

of information for 1199SEIU, and other union members and their families, as well as entities and individuals within our partnership network of community-based organizations and nonprofits. We gratefully acknowledge these sources of information and thank them for their work and service to immigrants in our city, state and country.

GOVERNMENTAL AGENCIES

New York State Department of Health: Health Insurance Programs

https://www.health.ny.gov/health_care/

NYC Mayor's Office of Immigrant Affairs: The office promotes the well-being of immigrant communities by enhancing the economic, civic, and social integration of immigrant New Yorkers; facilitates access to justice and advocates for continued immigration reforms at all levels of government to eliminate inequities that impact the New York's immigrant communities.

<http://www1.nyc.gov/site/immigrants/index.page>

New York City Human Resources Administration's Office of Citywide Health Insurance Access (OCHIA): The office's mission is to expand access to health insurance coverage for NYC residents and small businesses.

<https://www1.nyc.gov/site/ochia/find-what-fits/immigrants.page>

New York City Human Resources Administration's Department of Social Services: *Guide to Health Insurance and Health Care Services for Immigrants in New York City.*

<https://www1.nyc.gov/assets/ochia/downloads/pdf/guide-to-health-insurance-for-immigrants.pdf>

New York City Comptroller Scott M. Stringer's Office: *Immigrant Rights and Services:*

A comprehensive guide to city, state, and federal services

<https://comptroller.nyc.gov/services/for-the-public/immigrant-rights-and-services/>

Immigrant Rights and Services Manual: Important Information You Need to Know to Participate in the Life of New York City

https://comptroller.nyc.gov/wp-content/uploads/2016/06/immigrant_rights_and_services_manual.pdf

ADVOCACY ORGANIZATIONS

- 1. Immigrant Defense Project:** Works to secure fairness and justice for immigrants in the U. S. by seeking to transform a racially biased criminal legal system that violates basic human rights and an immigration system that each year tears hundreds of thousands of immigrants with convictions from their homes, their families and their communities.

<http://www.immigrantdefenseproject.org>

2. **New York Immigration Coalition:** Seeks to achieve a fairer and more just society that values the contributions of immigrants and extends opportunity to all. It promotes immigrants' full civic participation, fosters their leadership, and provides a unified voice and a vehicle for collective action for New York's diverse immigrant communities.
<http://www.thenyic.org>
3. **New York Legal Assistance Group (NYLAG):** Provides high quality, free civil legal services to low-income New Yorkers who cannot afford attorneys. NYLAG offers a comprehensive range of services, including direct representation, case consultation, advocacy, community education, training and financial counseling. <http://nylag.org/>
4. **New York State New Americans Hotline:** A resource for non-citizens throughout New York State that provides toll-free, multilingual, confidential and reliable information on immigration benefits and available services, as well as referrals to nonprofit immigration legal services providers. Call (800) 566-7636, Monday through Friday from 9:00 am to 5:00 pm for service in 200 languages. Collect calls from detention facilities are accepted.
5. **The Legal Aid Society:** Provides a comprehensive range of legal services in three areas: Civil, Criminal and Juvenile Rights Practices to low-income New Yorkers. It is dedicated to the simple but powerful belief that no New Yorker should be denied access to justice because of poverty. The Health Law Hotline (New York City): (212) 577-3575; and Health Law Hotline (Upstate): (888) 500-2455, 9:00 am to 5:00 pm on Tuesdays. Immigration Law Unit Hotline: (212) 577-3456, 1:00 pm to 5:00 pm on Wednesdays.

ADDITIONAL READING

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9. <https://www1.nyc.gov/assets/ochia/downloads/pdf/guide-to-health-insurance-for-immigrants.pdf>
10. <https://www.uscis.gov/daca2017>
11. <http://www1.nyc.gov/site/immigrants/help/legal-services/deferred-action.page>
12. https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/04ma003att1.pdf
13. <http://www.thenycic.org/health-language-access>



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