

## North Carolina Update for Immigrant Advocates and Community Leaders

August 6, 2008

We are hearing about immigration raids and checkpoints in North Carolina this week. Is this true?

First of all, raids and traffic checkpoints are very different.

Immigration raids are generally understood as concentrated efforts by Federal ICE agents to investigate and detain a number of people at a particular workplace, neighborhood or other targeted location. While we are aware that there have been reports of large scale raids in North Carolina this week, we have not been able to confirm these reports based on visits and consultations with informed sources (see more on this below). Instead of actual raids, ICE has been carrying out isolated arrests of targeted individuals. There have been confirmed reports this week of ICE arrests of people who had final deportation orders or who were suspected of serious criminal charges.

On the other hand, a traffic checkpoint may be setup by local police departments, county sheriffs, the state highway patrol or other law enforcement agencies for purposes of safety such as license checks, seat belt checks, drunk driving checks, or searching for a dangerous criminal suspect. There will be traffic checkpoints in North Carolina this week (see below for more information).

### **What is happening on Friday, August 8, 2008 or this weekend? What are the risks for unlicensed drivers or passengers?**

There will be a statewide campaign focused on Driving While Impaired (DWI) prevention, hence 08.08.08 (.08 being the legal NC limit of Blood Alcohol Consumption level) sponsored by the Governor's Highway Safety Program <http://www.ncdot.org/programs/ghsp/>. Law enforcement agencies throughout North Carolina will set up traffic checkpoints to arrest drunk drivers on Friday, August 8, 2008. This program is not focused on immigrants, rather it is focused on getting drunk drivers off our North Carolina roads.

It is against the law to drive a motor vehicle on streets and highways without a valid driver license. No one should drive without a license, but it may be particularly dangerous for them to do so on this date. We want our streets and highways to be safe for everyone, and we urge everyone - immigrant advocates, leaders, community members, everyone -- to NEVER drink and drive.

In counties where there are formal agreements between ICE and local law enforcement officials ( e.g. 287(g), Criminal Alien Program -CAP, etc.), drivers who are stopped at these checkpoints and do not have drivers' licenses risk arrest and possible deportation. In these counties local law enforcement officers have been trained by ICE and can act as immigration officers. This means that even though ICE isn't officially present at these checkpoints, there is still a risk to undocumented immigrants and other non-citizens. Currently Alamance, Cabarrus, Cumberland, Gaston, Henderson, Mecklenburg, and Wake counties and the Durham Police Department have 287(g) agreements. CAP agreements are in place in Buncombe and Macon counties and beyond.

Drivers in counties without ICE agreements can also be detained if they cannot produce identification. Therefore, people who do not have drivers' licenses may be at risk of arrest and/or deportation even in those counties.

Passengers in cars that are stopped at checkpoints can also be asked for identification. While the law on whether passengers can be required to provide identification is unclear, passengers without identification should consider their risk and avoid unnecessary travel since we have documentation of passengers being detained if they can't prove their identities.

While we have confirmed that these checkpoints will take place on Friday, there are also unconfirmed reports that these checkpoints will continue throughout the weekend. Under a law passed in 2007, all persons, in any county in North Carolina, who are arrested for Driving While Impaired will have their immigration status verified.

**What are potential consequences that community members may face at a checkpoint if they do not have a Driver's License?**

- Individuals may be subject to arrest if found driving without a driver's license
- Drivers may receive fines of up to \$ 170.00 dollars plus towing fees
- As stated above, in counties where 287(g) agreements are in place, individuals have the risk of being arrested and potentially placed in deportation proceedings.
- Even in non-287(g) counties, there may be some risk of deportation

**What can I do to prepare for a check point (either License or DWI check point)?**

- Be calm and courteous, do not panic
- Have a valid NC Driver's License or government-issued photo identification
- Present your "Know Your Rights Card" if asked about your immigration status or birth place & exercise your right to remain silent

**How do we know if these rumors about raids are true or false?**

Advocates at the state and local level have been in contact with ICE, and with stores, hotel managers and others "on the scene." We encourage other advocates and leaders to do the same. Here is an example of what we have learned in the last week in the Triangle area:

- On July 29th, a community member called expressing concerns that the Mayor of Chapel Hill in Orange County had said an Immigration raid was going to take place on the 7th and 8th of August. Advocates in the area spoke with the mayor to check on the claims. He responded that there was no such a statement on his part.
- By July 30th and 31st, the rumors had increased to a level in which specific locations of raids were cited - Wal-Mart in Hillsborough- Carrboro Plaza - Carrboro Police Station and others. Callers were saying that white vans were picking up people. We visited all the sites and investigated with store managers and with community members in the area and confirmed that nothing had or was happening.
- All throughout this week, the rumors have continued and we have visited several sites identified and none have been true.

**What do you recommend advocates and allies do with the information in this update?**

- Go to your local Latino media (i.e. radio & newspapers) and present this information. Most of these outlets are swamped with phone calls and are seeking factual information. Feel free to initiate the conversation with your local Latino media and share a copy of this document with them.
- Whenever possible, have US Citizens go through the check points to observe whether everyone is being processed in the same manner (for example, check whether everyone is being stopped, or if it's only obvious-Latinos or other immigrant groups being stopped). US Citizens in 287(g) counties may also want to consider carrying their US passports and giving them to officers when they are stopped as a form of protest against these agreements with ICE.
- For those who choose to participate as informal observers, document and report what you see and/or experience using the attached form and email it to the individuals listed below.

*This update is a summary for informational purposes only. It is not a substitute for individual legal advice.*

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