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**FBI/HSI Interviews-Know Your Rights (KYR) Training Script**

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**Credits to:**

1. **ACLU-North Carolina** [**https://www.aclunc.org/sites/default/files/AMEMSA%20KYR%20booklet%20May%202017%20English%20WEB\_0.pdf**](https://www.aclunc.org/sites/default/files/AMEMSA%20KYR%20booklet%20May%202017%20English%20WEB_0.pdf)
2. **National Lawyers Guild** [**https://www.nlg.org/wp-content/uploads/2016/04/kyrpamphlet-Eng-May-2015-FINAL.pdf**](https://www.nlg.org/wp-content/uploads/2016/04/kyrpamphlet-Eng-May-2015-FINAL.pdf)
3. **Council on American-Islamic Relations** [**https://www.cair.com/know\_your\_rights/your-rights-with-law-enforcement/**](https://www.cair.com/know_your_rights/your-rights-with-law-enforcement/)

**KNOW YOUR RIGHTS (KYR) TRAINING**

**FBI/HSI INTERVIEWS**

1. **Who am I and why am I here?**

My name is \_\_\_\_ and I work with \_\_\_ organization. I am here because I want to make sure you know your rights in this country. And I want to make sure you feel welcome and comfortable with the laws, so you know how to reach out if you need support in understanding.

Today I am going to discuss policing in the U.S., and specifically, how policing impacts your particular community.

I am educated to provide this presentation today because I regularly represent people from the community [INSERT YOUR EXPERIENCE HERE].

1. **What is FBI and HSI?**
	1. **What is FBI (Federal Bureau Investigations)**

The FBI is a national security organization with both intelligence and law enforcement responsibilities, part of the intelligence community. The FBI is a large organization that covers fingerprint identification, laboratory investigations, and training. They gather and share intelligence, domestically, particularly to understand security threats to the U.S.

FBI officers can appear in uniform with vests or in plain clothes.

* 1. **What is HSI (Homeland Security Investigations)**

HSI is the principal investigative arm of the U.S. Department of Homeland Security, responsible for investigating transnational crime and threats. HSI’s mission is to investigate, disrupt and dismantle terrorist, transnational and other criminal organizations that threaten or seek to exploit the customs and immigration laws of the United States.

1. **Role of FBI/HSI**

The FBI and other agencies have been questioning people across the country based, it appears, on their First Amendment activity, or on their race, ethnicity or national origin. Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities frequently face requests for “interviews” by federal and sometimes local law enforcement.

Generally speaking, based on racial profiling.

These interviews have been distressing for many community members. The federal government and local authorities working with them have subjected community members to surveillance in several ways, recently, since the Airlift, including:

1. Placing informants in community and religious organizations.
2. Interviewing people who were taken into detention after they won release or asylum (Despite winning asylum, some of the community members nevertheless ended up on “no fly lists” after the interview).
3. Encouraging the broader public to report “suspicious activity” which often results in prejudicial reports about community members that are then followed up on by law enforcement.
4. Physical surveillance of community members.
	1. Including, appearing in neighborhoods where Afghan(istani) community members are staying as guests in Airbnbs;
	2. Waiting by grocery stores where Afghans have resettled;
	3. Showing up in Hotels where Afghans have resettled;
	4. Showing up at connecting trains or plane rides when Afghans are in route to resettlement homes.
5. Collection of information about community members through use of various surveillance technologies and through monitoring of online activity.

Since 9/11, these community members have been approached by law enforcement under various pretexts including issues of travel, immigration, civil rights, involvement at the masjid, or other “community concerns.” However, since February of 2022, people from the Airlift, including our clients have started seeing FBI appear in their communities, trying to talk to them. These conversations may initially be very cordial and you may be inclined to talk to the agents, but you should not speak with them without an attorney. Let me repeat this very important point- you should not speak to law enforcement without an attorney present.

**TODAY, We want to provide you information about your rights under the laws of the U.S., and here is why:**

* Information from these interviews, or even conversations that can seem informal, can actually end up impacting someone’s immigration case.
	+ These conversations could end up impacting someone’s own immigration case when statements are compared against each other to question credibility;
	+ Statements can be used to impact someone’s detention or release from detention, claiming they are a danger to community;
	+ FBI conversations from the interviewee can even be used against family members’ immigration cases, regardless of the interviewee’s intentions;
	+ In Immigration court, the FBI can submit what is called an I-213 which contains information about a person including reasons supporting charges or reasons for removal.
* This may be occurring because of a very specific reason: When the airlift happened, the situation was urgent and everything happened very fast. U.S. intelligence agencies are aware of this and want to do double checking/double vetting of people to make sure everyone was properly admitted into the U.S., while also additionally gathering information on other people back home or other people that resettled.
1. **Your Right to Remain Silent & Right to Counsel**

**If you are visited by federal law enforcement agents (from FBI or HSI), remember:**

* You have the legal right to have a lawyer present when speaking with federal law enforcement agencies. This is true even if you are not a citizen or have been arrested or detained. This is your legal right. Refusing to answer questions cannot be held against you and does not imply that you have something to hide. Answering a question incorrectly can hurt you more than not answering at all. An attorney is best able to protect your rights.
* You do not need to have a lawyer there immediately unless there is an arrest. If the FBI reaches out and you say you have a lawyer, you have time to go and find one. To invoke this right, you do not need to immediately have a lawyer.
* You do not have to permit any law enforcement officer to enter your home or office if they do not have warrant. Law enforcement agents must have a search warrant, except in emergency situations, in order to enter your house. If they say they have a warrant, politely ask to see it before allowing them to enter. If they have a warrant, be courteous and polite, but remember that you are under no obligation to answer questions without a lawyer present. You should tell the agents that you do not consent to the search so that they cannot go beyond what the warrant authorizes.
* If you have a cell phone with you, law enforcement agents are not allowed to search that device unless they have a warrant or unless you give them permission. If an officer tries to examine your phone, do not physically resist, but tell them politely, “I do not consent to a search of this device.” Even if the agent takes your phone, if the phone has a passcode, you have no obligation to tell the agent the passcode.
* You should never lie or provide false information to any law enforcement agency. Lying to law enforcement agents under any circumstance is a federal crime.
* Remember to ask any investigator who visits you for a business card so you can give it to your lawyer. At least get the name, contact information and agency of the officer.
* Just because an FBI agent has contacted you does not necessarily mean that you have done anything wrong or even that you are under investigation. The FBI has targeted your community for questioning, even when there is no suspicion of a crime. But you should still take care to protect your rights

**If stopped by police:**

* On the street: The police must have a specific reason to approach and question you. If you are approached and questioned, the police can pat you down over the outside of your clothing if they have reason to suspect that you are armed and dangerous. You do not have to answer any questions besides identifying who you are and showing a government-issued ID. After the interaction, you will be either free to leave or under arrest. Ask the officer clearly if you are free to leave or if you are under arrest. If you are free to leave, consider just walking away.
* In your car: Keep your hands where they can be seen. If you are driving a vehicle, you must show your license, registration and proof of insurance. You do not have to consent to a search, but police may have legal grounds to search your car anyway. Clearly say that you do not consent to the search. Officers may separate passengers and drivers from each other to question them, but no one has to answer any questions.
* If arrested or taken to a police station: Remember you do not have to talk to any police officer even if you have been arrested or detained. Clearly ask for a lawyer and one phone call until they are provided. If you cannot afford a lawyer, the government has to provide one.
* If mistreated: Do not resist arrest or fight with any police officers. Write down the officer’s name, badge number and any other identifying information. Try to find witnesses and write down their contact information. File a complaint with CAIR as soon after the event as possible.

**Your rights if contacted by DHS:**

The Department of Homeland Security (DHS) includes the U.S. Citizenship and Immigration Services (USCIS), the Bureau of Customs and Border Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE).

If you are not a U.S. citizen and are contacted by a DHS official, remember:

* You have the right to an attorney. It is a good idea to carry the contact information of an immigration attorney who can help you.
* Never sign anything without reading, understanding and knowing the consequences of signing it.
* If you are not fluent in English, you also have the right to have the document read and explained to you in your best language.
* You have the right to have an attorney visit you if you are in detention and represent you at any immigration hearings.
* Federal law requires you to carry your registration documents with you at all times. Once your immigration status has been shown to an officer, you do not have to answer any other questions without having a lawyer present.
* You should not be asked improper questions. Generally, DHS officer is not allowed to ask you anything about your religious or political beliefs, groups that you belong to or contribute to, things that you have done or said in the past, or where you have traveled. However, DHS officers can ask you some of these questions in very specific situations, like during your interview with the Asylum Officer (because asylum officers work for DHS), or during airport interviews, as long as they are related to your immigration case.
1. **Informants in the community**

The FBI defines an informant as any individual whom they think has any “useful and credible information” FBI can use for their own investigations. This really could be for any reason. The number of informants used by the FBI and other federal agencies has grown substantially in recent years and many communities have complained about abuses by informants

If law enforcement asks you to become an informant, you have a right to refuse. Law enforcement officers might offer money or promise leniency on criminal charges or in immigration proceedings in exchange for becoming an informant. An officer might also threaten to impose more severe criminal charges, negatively adjust immigration status, or place a person on a government blacklist, like the No Fly List, for refusing to become an informant. It is important to know that if you agree to become an informant, the FBI maintains that it does not have to keep any promises made in exchange for cooperation. The FBI also does not guarantee that a person’s identity as an informant will be kept secret. We strongly urge you to talk to a lawyer before deciding to become an informant. It is especially important to consult a lawyer if a law enforcement officer threatens to impose more severe criminal charges, change your immigration status, or place you on a government blacklist if you refuse to become an informant.

**LET’S DO A ROLE PLAY.**

Now let’s practice what we learned. I am going to pretend to be a plain clothes FBI agent. I need a volunteer from the audience- you! Great!! The reason we are practicing this is because in the moment, this can be really tough to invoke. I am impressed with this group of people who are able to navigate many things in this new place, and so talking to law enforcement can be intimidating. It takes practice to feel comfortable invoking your right to an attorney.

**Suggestions for role play:**

* Pretend to have a casual conversation while asking about relatives (tell volunteer ahead of time to invent stories, not to share personal information);
* Knock on the hotel/airbnb door and say that their case manager gave you their name;
* Begin talking to them, say it is an interview but that “We can keep it informal, I just have a few questions.”
* Ask them if it is ok if you record the conversation
* Prepare the volunteer ahead of time to invoke their right to the attorney on the 2nd round:
	+ Press them- “but where is your attorney if you want to invoke your right to attorney?”
	+ “Ok, I can come back in two days- will you have an attorney by then?”
	+ “Well I am on my way to New York-can I just come by when you are on your way to work and see if you have an attorney by then?”
	+ “I know you have little ones and are busy- how bout I come back while children are at school?”
	+ “This will just take a few minutes.”
	+ “I just want to get some information about the neighborhood you grew up in”
* Teach people to ask “is this a voluntary conversation?”

Thank the volunteer and have everyone clap, if seems appropriate.

Thank you for your time, we want to make sure you have the best information possible about your rights.

For more information or if you do find yourself in this situation:

**Report an Incident** online at the Center for American Islamic Relations website: <https://www.cair.com/report/>

**Call this hotline** if you are approached by FBI or law enforcement and need assistance:

**202-742-6420**