

## KNOW YOUR RIGHTS AS AN IMMIGRANT WORKER

### How do labor laws protect you as an immigrant worker?

- Regardless of your immigration status, you are entitled to minimum wage and overtime pay and you have the right to keep the tips that you earn.
- Additionally, if you are injured on the job, you will probably be eligible for workers' compensation benefits, medical treatment, and compensation for lost wages.
- It is illegal for an employer to discriminate against you on the basis of race, religious, ethnicity or national origin regardless of your immigration status.

### If you file a complaint for a violation of your workplace rights, what protections do you have as an immigrant worker?

- Regardless of your immigration status, you have the right to file a complaint in court or with a government agency for unpaid wages, discrimination, or other violations of your workplace rights.
- Courts, government agencies, or anyone you have filed a complaint against should not question you regarding your immigration status. In most cases, immigration status is irrelevant in an action for payment of wages and/or tips. As a result, you can assert your right to privacy regarding this information.

## OUTSIDE NEW YORK CITY

- If you are an individual or organization in a state or locality outside of New York City and are facing issues related to local enforcement of immigration laws, the AALDEF Immigrant Access to Justice Project may still be able to assist you. Contact AALDEF at 212.966.5932 for more information.

## YOU CAN ACCESS THE FOLLOWING NYC GOVERNMENT SERVICES REGARDLESS OF YOUR IMMIGRATION STATUS

Police protection  
Fire protection  
Public school education  
Complaints to Department of Labor  
Protection from discrimination  
Workers' compensation  
Health insurance for children under 19  
Emergency medical care including ambulance  
Prenatal care for pregnant women  
Domestic violence counseling and services  
Immunizations  
HIV testing and counseling  
Emergency shelter  
Food pantry  
Child welfare and foster care  
School breakfast and lunch programs  
Senior services and programs  
Consumer fraud protection  
Parks and recreation facilities  
Public library and services  
Public transportation

### Contact AALDEF

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### About AALDEF

The Asian American Legal Defense and Education Fund, founded in 1974, protects and promotes the civil rights of Asian Americans through litigation, legal advocacy, and community education in the areas of immigrant rights, civic participation and voting rights, economic justice for workers, racially motivated violence and police misconduct, youth rights and educational equity, affirmative action, and language rights. For more information, visit [www.aaldef.org](http://www.aaldef.org).

## KNOW YOUR RIGHTS!

### DEFENDING AGAINST LOCAL IMMIGRATION ENFORCEMENT

#### Asian American Legal Defense and Education Fund IMMIGRANT ACCESS TO JUSTICE PROJECT

Protect yourself against unlawful state and local enforcement against immigrants and your right to privacy regarding your immigration status



Defending the civil rights of Asian Americans since 1974

## PROTECT YOURSELF AGAINST UNLAWFUL IMMIGRATION ENFORCEMENT BY STATE AND LOCAL AGENCIES

### Who can enforce immigration laws?

- Generally, only agencies of the federal government, such as the U.S. Department of Homeland Security (formerly called the Immigration and Naturalization Service or INS), can enforce immigration laws.
- In most cases, it is unlawful for local and state government agencies to enforce immigration laws against you. (For example, the Fire Department and Consumer Affairs are local city agencies that have no power to enforce immigration laws.)

### How does NYC protect information regarding your immigration status?

- In New York City, Executive Order 41 (EO41) prevents any city agency from asking you about your immigration status or disclosing that information to any other government agencies, such as immigration authorities. EO41 is an order from the Mayor that must be followed by all city agencies.
- However, there are specific exceptions to EO41 where you can be questioned about your immigration status. (Read below.)

### When does NYC allow city agencies to question you about your immigration status?

- You can be questioned regarding your immigration status if the police are investigating illegal activity. (See next section for more information.)
- You can be questioned regarding your immigration status if that information is necessary to determine whether you are eligible for a particular service or benefit or if that information is required by law. (For example, if you apply for welfare benefits, you may be asked about your immigration status because you must be a citizen to receive benefits.)
- But, if you are asked to provide information on your immigration status for these reasons, that information cannot be provided to any other government agency, including immigration authorities.

### What can happen to you if immigration authorities become aware of your immigration status?

- If you are out of status and immigration authorities such as the Department of Homeland Security become aware of this information, they can place you in deportation proceedings.

### If you have been unlawfully questioned about your immigration status or if it was disclosed, or if your locality is unlawfully enforcing immigration laws, what can you do?

- Call the AALDEF Immigrant Access to Justice Project for legal representation or assistance at 212.966.5932. (See back for more contact information.)
- If you are in New York City, you can refuse to provide information regarding your immigration status. Under EO41, you have a right to privacy regarding this information.
- If you are in New York City, you can also file a complaint with that city agency and with the Mayor's Office of Immigrant Affairs, 100 Gold Street, 2<sup>nd</sup> Floor, New York, NY 10038. However, this may not protect you against removal by immigration authorities.

### How can the AALDEF Immigrant Access to Justice Project serve you?

- If you are an individual, the AALDEF Immigrant Access to Justice Project can provide legal representation to you.
- If you are a member of a community group or a social service provider, you can attend an AALDEF Immigrant Access to Justice Project educational workshop or Know Your Rights training to learn more about this issue. Contact AALDEF to set up a training or workshop with your group.

## PROTECT YOURSELF AGAINST UNLAWFUL IMMIGRATION ENFORCEMENT BY NYC POLICE

### When can the police question you on your immigration status in NYC?

- The police can question you regarding your immigration status if they are investigating illegal activity. (For example, speeding, theft, and assault are types of illegal activity.)

### When are police prohibited from questioning you on your immigration status in NYC?

- Under EO41, if you are the victim of a crime, a witness to a crime, or if you are reporting a crime to the police, you cannot be questioned regarding your immigration status and this information cannot be given to immigration authorities.
- The police cannot question you regarding your immigration status only because you are an undocumented immigrant or because you look or speak like an immigrant. You must be under investigation for a crime separate from your immigration status.

### What can the police do with information regarding your immigration status?

- If you are under investigation for illegal activity and the police become aware of your immigration status, they can provide this information to immigration authorities such as the Department of Homeland Security. Or, if you are arrested by the police, immigration authorities may question you regarding your immigration status.

### What should you do if you are questioned about your immigration status by a police officer?

- If the police question you regarding your immigration status or any other issue, remember, you always have the right to remain silent, and the right to speak to an attorney.