

Rights, Risks & Readiness: Nonprofit Guidance for Protests and Enforcement Interactions

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About Mobilization For Justice

- ▶ Mobilization for Justice, formerly MFY Legal Services, offers free legal assistance to low-income New Yorkers throughout New York City to resolve legal problems in the following areas:
 - ▶ Housing;
 - ▶ Foreclosure;
 - ▶ Civil, Disability and Aging Rights;
 - ▶ Tax;
 - ▶ Consumer;
 - ▶ Employment;
 - ▶ Government Benefits;
 - ▶ Immigration, and
 - ▶ Kinship Care.
- ▶ Through these services we prevent homelessness, help seniors and people with disabilities live independently, stabilize families, maintain and increase income, and address racial disparities.

About Lawyers Alliance

- ▶ Nonprofit law office
- ▶ We deliver business and transactional legal services to nonprofits including:
 - Updating bylaws
 - Governance and regulatory compliance
 - Drafting & negotiating contracts
 - Leases
 - Employment policies
 - Copyright & trademark
 - Data management practices
 - Strategic alliances
- ▶ More information: <https://lawyersalliance.org/>

Disclaimer

Please note: This presentation is informational only and is not intended to constitute legal advice. Please consult appropriate legal counsel for guidance pertinent to your organization or situation.

Please do not share confidential or sensitive information in the chat or when asking questions.

Media: This presentation is off the record.

Law Enforcement Limitations – Local Police

- ▶ Who do they report to?
 - ▶ Local police are under the jurisdiction of local government, reporting to the Mayor or City Council.
- ▶ What can they do?
 - ▶ Enforce and maintain order through neighborhood patrols, crime prevention, and related activities.
 - ▶ Have the authority to arrest others.
- ▶ What can't they do?
 - ▶ Conduct searches without a warrant.
 - ▶ Detain without a valid cause or reason.
 - ▶ Use excessive force.

Law Enforcement Limitations – National Guard

- ▶ Who do they report to?
 - ▶ The National Guard is under the authority of a state' Governor or the President.

- ▶ What can they do?
 - ▶ Provide support to the local police.
 - ▶ Maintain a visible presence to deter crime.
 - ▶ Make arrests, conduct searches or seizures, under state authority

- ▶ What can't they do?
 - ▶ Act as police officers.
 - ▶ Use force except in self-defense or defense of others.
 - ▶ Make arrests or conduct searches or seizures under federal authority. Can only detain individuals until law enforcement arrives.

Law Enforcement Limitations – ICE

- ▶ Who do they report to?
 - ▶ Under the authority of the President and the U.S. Secretary of Homeland Security.

- ▶ What can they do?
 - ▶ Enforce federal laws related to immigration, customs, and transnational crime.
 - ▶ Have the authority to make arrests of individuals who are not U.S. citizens if they are suspected of violating immigration laws.

- ▶ What can't they do?
 - ▶ Act as local or state police officers.
 - ▶ Conduct searches without a judicial warrant.
 - ▶ Detain an individual without a valid cause or reason that they violated immigration laws.
 - ▶ Make arrests of individuals who are U.S. citizens.
 - ▶ Use excessive force.

Protect Yourself at Protests – Takeaways and Tips

▶ Digital Security & Surveillance

- ▶ **Secure Your Phone:** Disable face/fingerprint ID and use a long alphanumeric passcode. Turn off Wi-Fi, Bluetooth, and Near Field Communication (NFC).
- ▶ **Minimize Tech:** Carry as few electronic devices as possible.
- ▶ **Use Secure Apps:** Use encrypted messaging apps (like Signal) and enable disappearing messages.
- ▶ **Avoid Surveillance:** Wear sunglasses, a hat, and a face mask to obscure your identity from facial recognition cameras.
- ▶ **Metadata Caution:** Avoid tagging others on social media or posting identifiable photos

▶ Physical Safety & Gear

- ▶ **Dress Smart:** Wear comfortable, nondescript clothing, sturdy shoes, and long layers to protect skin from tear gas or projectiles.
- ▶ **Bring Basics:** Carry water, snacks, hand sanitizer, vital medications, and a first-aid kit.
- ▶ **Protection:** Bring goggles or glasses (not contacts) to protect against tear gas.
- ▶ **Buddy System:** Never go alone. Pair up with someone who can watch your back

Protect Yourself at Protests – Takeaways and Tips (Continued)

▶ Documentation and Strength in Numbers:

- ▶ Document everything, but understand that there are limitations to documentation which involve direct interference
- ▶ Go with a group and make sure that there are check-ins, either in person or at a set time via text or phone call with a point person not participating in the protest.

▶ Law Enforcement Interactions:

- ▶ Know Your Rights: You have the right to record police activity in public, but do not physically interfere with arrests.
- ▶ If Stopped/Arrested: Ask "Am I free to go?" If yes, walk away. If arrested, stay calm, do not speak, and immediately ask for a lawyer.
- ▶ Refuse Search: You do not have to consent to a search of your belongings or your phone, though police may seize them upon arrest.
- ▶ Documentation: Memorize emergency numbers and write them on your body in ink in case your phone is taken.
- ▶ Create a family plan/parental designation plan prior to protesting.

▶ Protest Tactics:

- ▶ Stay Aware: Constantly assess your surroundings and identify exit routes.
- ▶ Avoid Kettling: If police begin to surround or "kettle" protesters, try to leave immediately.
- ▶ Dispersal Orders: If ordered to disperse, it is usually safer to comply to avoid arrest, but this can be circumstance-specific or subjective

Documenting Law Enforcement

- ▶ You can help a person's legal case by video recording or writing down details, even if you do not know the person being arrested
 - ▶ This may help to track trends of local ICE practices or law enforcement practices
- ▶ You can choose to share this info responsibility with a trusted immigrant rights group in your community
- ▶ Considerations about sharing on social media:
 - ▶ Try to verify information before putting in out in public, if at all.
 - ▶ Do not share unverified raids on social media
 - ▶ DRUM published [a guide](#) to sharing raids on social media. It's a 2017 resource, but still useful.
- ▶ Additional resource from NYCLU on the [right to film ICE](#)

Safety while Recording

- ▶ You can film ICE if you do not “interfere” with their “duties” and do not do it in secret.
- ▶ Remember: It could be dangerous to run to get a phone or reach into your pocket. Be mindful of the physical safety of everyone involved.
- ▶ You can document a raid or enforcement operation by taking a photo in the moment as well, or by writing down what you witnessed after the fact.
- ▶ If ICE officers ask you to hand over your phone, do not physically resist them:
 - ▶ Say “I do not consent to giving you my phone. I do not consent to a search of my phone”

What to Document – Important Information

- ▶ Regardless of whether you take a photo, video, or write down what you witnessed, it is helpful to document the following information:
 - ▶ Where and when was the encounter with ICE?
 - ▶ How did ICE officers present themselves?
 - ▶ Pretend to be police? Refused to identify themselves? How many officers?
 - ▶ What did the ICE officers say?
 - ▶ Lied to enter the home, intimidated anyone, or used verbal/physical force?
 - ▶ Was consent given?
 - ▶ ICE officers' reaction if not given consent to enter/search
- ▶ Resource: IDP Poster on [home raids](#)

Technical Tips for Filming

- ▶ Record Horizontally:
 - ▶ Landscape orientation is better for viewing and editing.
- ▶ Keep it Continuous:
 - ▶ Avoid stopping and starting, as this can make the footage harder to use as evidence.
- ▶ Focus on Officers:
 - ▶ Document the agents, their badges, and their behavior, rather than focusing on the person being detained.
- ▶ Capture Warrants:
 - ▶ If a warrant is presented, try to get a clear image of it.

Digital Security and Privacy Tips for Filming

- ▶ Protect the Subject:
 - ▶ Avoid filming the faces of people being detained to protect their privacy and safety.
- ▶ Blur Before Posting:
 - ▶ Before sharing publicly, if at all, edit the footage to blur faces, tattoos, and license plates.
- ▶ Secure the Footage:
 - ▶ Do not immediately post to social media. Consider sending the footage directly to trusted lawyers, journalists, or immigrant rights organizations.
- ▶ Remove Metadata:
 - ▶ Use tools to strip location data from photos/videos before sharing to prevent exposing the location of the incident to unwanted parties.

Obstruction Statutes

- ▶ Potentially cover a wide range of conduct
- ▶ Law enforcement officers are interpreting laws very broadly: many more people are arrested than are charged, even fewer people are convicted
- ▶ There are 1st Amendment protections. Filming or observing **is legal** so long as you're not interfering.
 - ▶ You have the constitutional right to record video, take photos, and bear witness to law enforcement and immigration activity in public spaces

Law Enforcement and Property Rights

	Private	Public
Examples	• Home • Parts of workplaces only accessible to employees	• Walking on the street • Driving or riding in a car • Parts of workplaces open to the public
General Rules	ICE needs a <u>warrant</u> from a judge or your consent to enter or search	ICE only needs “reasonable suspicion” to make an arrest
Notes	• Allowed to pat down above clothing for officer safety • Plain view	• Parts of cars (trunk or glove box), bags, and pockets are “closed property,” considered private, and protected by the 4th Amendment

ICE Interactions at Work

- ▶ Important Points:
 - ▶ ICE needs a judicial warrant or consent to enter private areas of a business.
 - ▶ Train staff not to talk to ICE or give consent.
 - ▶ Trying to escape can put people in danger and give ICE pretense to detain people
 - ▶ Employers do not have to help ICE to identify workers.
- ▶ One option is to put up a sign which states:
 - ▶ No Law Enforcement officers may enter these premises without a judicial warrant
 - ▶ Only (insert title of person authorized and name of org here) is/are authorized to consent to admission.

ICE Interactions at Work (Continued)

- ▶ No Information, No Entry, No Search:
 - ▶ For private areas of a business, if there is no judicial warrant, do not open the door. Ask ICE to leave.
- ▶ Identify who you are talking to:
 - ▶ Ask for ID and ask for a warrant.
 - ▶ If officers are inside and without a judicial warrant, ask ICE to leave.
 - ▶ Ask if they are NYPD or another law enforcement agency as ICE often mischaracterizes themselves
 - ▶ If NYPD, ask them what specific precinct they work at
 - ▶ Ask them if they have a warrant and to either hold the warrant up to review or slide the warrant under the door. Take a photo of the warrant as well.
- ▶ Do not give ICE documents or information.
- ▶ Tell them you do not want them to search.
- ▶ These rights apply to everyone regardless of immigration status

Judicial Warrants vs. ICE Warrants

- ▶ ICE typically does not have a warrant signed by a judge
- ▶ ICE usually has a document signed by an ICE supervisor that has the word “warrant” written on it
- ▶ Administrative ICE warrants do not permit ICE to enter or search a home

Judicial Warrants vs. ICE Warrants - Examples

AO 93 (Rev. 11/01) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
 for the _____

In the Matter of the Search of _____
(Briefly describe the property to be searched or identify the person by name and address)

Case No. _____

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location)

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized)

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 2103a(f), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

City and state: _____

Judge's signature

Printed name and title

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____
 Date: _____

To: Any Immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____
 is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an Immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)
 on _____ (Date of Service) and the contents of this
 notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 05-05)

ICE at Work - Continued

- ▶ If ICE is attempting to enter the private areas of an office:
 - ▶ If they do not have a warrant that gives them permission to enter, you can ask them to leave without opening the door

- ▶ Common phrases:
 - ▶ I do not want to talk to you
 - ▶ I do not want to answer any questions
 - ▶ I do not give you permission to come inside our office
 - ▶ Please leave a card with your name and number
 - ▶ I do not want to speak to you, please leave

If ICE Ignores your Office Rights

- ▶ If ICE agents force their way into the private areas of an office or search without consent, you can still say that you do not consent
- ▶ Common Phrases:
 - ▶ I do not consent to you being in our office, please leave
 - ▶ I do not consent to this search
 - ▶ I do not want to give you any documents

ICE Interactions in Public Office Areas

- ▶ Important Points:
 - ▶ ICE does not need a judicial warrant to arrest someone in a public part of the office.
 - ▶ But ICE does need “reasonable suspicion” to believe people are here in violation of immigration law – which is why staying silent is important.
 - ▶ ICE usually knows the person that they are targeting, but others nearby may be at risk at the same time, known as “collateral arrests.”
 - ▶ ICE sometimes collects information or fingerprints from other people who are near an arrest.

ICE Interactions in Public Office Areas - Continued

- ▶ No Info, No Search:
 - ▶ Ask if you are free to go
 - ▶ Tell staff:
 - ▶ To stay silent, or use a Red Card
 - ▶ Do not give false information or foreign documents
 - ▶ However, currently seeing some interactions in NYC with clients who present valid Employment Authorization Document cards and copies of notices which show pending cases, and those individuals are free to go
 - ▶ Do not give them permission to search
- ▶ These rights apply to everyone regardless of their immigration status

What if ICE asks for my information in public?

- ▶ Everyone has a right to remain silent whenever ANY officer asks questions (ICE, NYPD, FBI, etc.)
- ▶ Tips on how to handle being asked for your name by an officer:
 - ▶ Identify who is questioning you (ICE, NYPD, FBI, etc.)
 - ▶ Assess whether refusing to give your name will be used by ICE to escalate the situation
 - ▶ Assert your right to remain silent if that feels safest in the moment
 - ▶ “I am invoking my right to remain silent. I do not want to answer questions.”
- ▶ Reminder: Do not lie to law enforcement or give false documents

Guidance for Nonprofit Employers on Protecting Staff and Clients at Protests

- ▶ Employers should consider the following steps:
 - ▶ Define scope of authorized activities with specificity.
 - ▶ Train staff on the distinction between lawful observation and support and conduct that could be perceived as interference or obstruction.
 - ▶ Establish “stop work” authority, allowing staff to disengage in work activities if safety deteriorates.
 - ▶ Ensure insurance coverage reflects actual activities (including off-site work and transportation).
 - ▶ Do not direct or encourage staff to engage in conduct intended to evade law enforcement. Such conduct can create legal exposure for both the employee and the organization.
- ▶ To mitigate these risks, attorneys often develop safety plans that include having a dedicated contact, knowing their rights, and preparing for potential arrest scenarios:
 - ▶ An excellent organization that can assist with these safety plans is the [National Lawyers Guild](#)

Liability Risk Management for Protests and Law Enforcement Observation

- ▶ Adopt a policy setting out the scope of authorized activities and requiring any staff and volunteers who will engage in those activities to first attend appropriate training.
- ▶ Require compliance with all applicable laws. Talk to an attorney before authorizing civil disobedience.
- ▶ Make sure the activity is consistent with the organization's purposes in Certificate of Incorporation.
- ▶ Know whether the organization's general liability policy and/or event insurance will cover the organization for this activity.
- ▶ Know your partners: what are their policies regarding the conduct of this activity?

Warning the Community Regarding Law Enforcement Presence

- ▶ Distributing whistles or similar alert tools is not inherently unlawful. The First Amendment protects the distribution of tools and materials for lawful purposes, including general community safety awareness.
 - ▶ However, if tools are distributed as part of a coordinated scheme specifically designed to facilitate evasion of law enforcement—as opposed to general safety alerting—the distribution could potentially implicate 8 U.S.C. § 1324 (harboring/encouraging) or state obstruction statutes.
 - ▶ There is no published case law directly addressing whistle distribution in the immigration enforcement context, which means the legal boundaries are not precisely defined by judicial precedent.
- ▶ Organizational risk management considerations:
 - ▶ Document that the purpose must be to alert people in the community to a dangerous situation, not to warn specific immigrants to flee or hide. Educate staff on the policy.
 - ▶ Make sure the activity is consistent with the certificate of incorporation.

Federal Harboring Law

Federal harboring law can cover:

- ▶ Picking someone up on the US side of the border if you know/believe they entered unlawfully. Also, other transportation to help enter or remain here unlawfully.
- ▶ Providing shelter, money, food, employment if intended to help them stay in the country; helping someone hide.
- ▶ Reckless disregard – if you have evidence that they might be here unlawfully, e.g. you know they lack SSN or work authorization, or that they fear criminal or civil liability

But Know Your Rights is constitutionally protected activity

National Immigration Project resource on harboring law

<https://nipnlg.org/work/resources/what-section-1324-understanding-smuggling-harboring-federal-crime>

Maintaining 501 (c)(3) Status

How could the IRS try to revoke exempt status based on work this administration disfavors?

- ▶ Illegal activity can be a basis for revoking 501 (c)(3) status
 - Talk to a lawyer before allowing staff to engage in civil disobedience.*
- ▶ Activity that is contrary to clearly established federal policy can be a basis for revocation

Resources

- ▶ Adler & Colvin, Nonprofits & ICE: Illegality, Compliance and Exemption
<https://www.adlercolvin.com/blog/2025/06/11/nonprofits-and-ice-illegality-compliance-and-exemption/>
- ▶ Potential consequences of revocation for NY nonprofits – see
https://lawyersalliance.org/userFiles/uploads/legal_alerts/Revocations_Legal_Alert.pdf

NSPM 7 & Bondi Memo

New priorities, not new laws

- ▶ New enforcement priorities include organizations perceived as espousing or furthering:
 - ▶ anti-Americanism, anti-capitalism, and anti-Christian views
 - ▶ support for the overthrow of the United States Government
 - ▶ extremism on migration, race, and gender
 - ▶ hostility towards those who hold traditional American views on family, religion, and morality
- ▶ The memos claim that these beliefs foment political violence, and direct government to disrupt such violence, including by targeting entities that fund such views
- ▶ But: we still have a First Amendment
- ▶ National Security Presidential Memorandum (NSPM) 7:
<https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>

NSPM 7 – Tools

- ▶ Revoke 501(c)(3) status
- ▶ Criminal prosecution for harboring, obstruction, etc.
- ▶ Financial implications, including new guidelines for banks' Suspicious Activity Reports
- ▶ Foreign Agents Registration Act (FARA)
- ▶ Joint Terrorism Task Force investigations

NSPM 7 – Risk Management Strategies

- ▶ Know your risk tolerance and practice appropriate risk mitigation in light of your organization's core mission
- ▶ Follow the law, act nonviolently, and document that you are doing this
 - ▶ require grantees & partners to do so too
- ▶ Know your grantees & partners
- ▶ Know your bank & make sure they know you
- ▶ Solidarity
- ▶ Describe your activities and grants accurately

Foreign Agents Registration Act (FARA)

- ▶ May be an issue if your organization:
 - ▶ Works closely with or accepts funding from foreign governments (including consulates), or from other foreign funders
 - ▶ To influence public policy, promote a country's culture, or seek government funding
- ▶ The law is quite broad but there are specific exceptions, so consult an attorney
- ▶ FARA requires registration with & reporting to Justice Department, also disclaimers
- ▶ This is a federal statute, enforced by Justice Department, with civil & criminal penalties

More information: What Nonprofit Organizations Need to Know About FARA,
https://lawyersalliance.org/userFiles/uploads/legal_alerts/FARA_Foreign_Agents_Registration_Act.pdf

Guidance for Employees working at a City Contracting Agency

- ▶ If your organization receives government funding: know what conditions apply to that funding stream.
 - ▶ If your organization receives NYC funding or operates in NYC facilities: your contract may require you to deny entry to ICE unless ICE has a judicial warrant. Ask your funding agency what protocol you should follow.
 - ▶ If your organization receives federal funding: read your contract and federal agency guidance carefully. Talk to an attorney if you're not sure whether your federal contract requires you to interact with ICE in a particular way.

What to Do if a U.S. Citizen is Arrested or Detained?

- ▶ State Citizenship:
 - ▶ Calmly inform the agent, "I am a U.S. citizen".
- ▶ Show Identification (If Available):
 - ▶ Provide a U.S. passport, birth certificate, or Certificate of Naturalization. Do not show foreign documents.
- ▶ Exercise Right to Remain Silent:
 - ▶ You have the right to remain silent. You can say, "I am going to remain silent, and I want to speak with an attorney."
- ▶ Signing Documents:
 - ▶ Avoid signing any documents
- ▶ Ask if You Are Free to Leave:
 - ▶ Ask, "Am I being arrested?" If they say no, ask, "Am I free to go?"
- ▶ Do Not Lie:
 - ▶ Never claim to be a citizen if you are not, and do not provide false documents.
- ▶ If in a Car:
 - ▶ You must provide a driver's license, registration, and proof of insurance.
- ▶ If at Home:
 - ▶ Do not open the door. Ask if they have a warrant signed by a judge (not an ICE administrative warrant) and ask them to pass it under the door

What to Do if a Noncitizen is Arrested or Detained?

- ▶ For a Noncitizen:
 - ▶ Locate the noncitizen: Use the [ICE Online Detainee Locator System](#) to find which facility is holding them. Note that it may take a few days for them to appear in the system.
 - ▶ Contact Detention Center: Call the facility to confirm the location, find out the booking number, and ask about bond eligibility.
 - ▶ Engage Specialized Counsel: If you are not an immigration attorney, retain one immediately. Detained individuals have the right to counsel, but not at government expense.
 - ▶ For Immigration Attorneys, prior to detention: Prepare a G-28 for “all proceedings” and file Form G-28 with ICE to officially represent the employee and receive notifications.
 - ▶ Request Bond/Release: Determine if the client is eligible for a bond redetermination hearing with an immigration judge or parole from ICE.
 - ▶ However, see [Matter of Yajure Hurtado](#) and [Maldonado Bautista v. DHS](#)
 - ▶ Prepare Defense: Gather documents (proof of residency, family ties, etc.) to support a bond request or defend against removal via Habeas.
 - ▶ Strongly Consider Filing Habeas Corpus Relief: Seek assistance with filing immediate relief in the Federal Courts via Habeas and especially while the client is within the jurisdiction of initial detention.

Posting Bond/Paying for Counsel for Staff: If the Arrest Is Related to Job Duties

- ▶ If staff are arrested during a protest in the course of their employment...
 - ▶ Whether the organization can pay may depend on whether the underlying activity was lawful & work-related.
 - ▶ A 501(c)(3) can't use its funds to further unlawful activity (e.g. civil disobedience);
 - ▶ Do your bylaws, employee handbook or employment contracts require or permit indemnification, advancement of defense costs? (Note that state laws often prohibit indemnification for unlawful activity)

Posting Bond/Paying for Counsel for Staff: Unrelated to Job Duties

- ▶ If staff are arrested or detained because of immigration status, or ICE watch or protests not as part of their job duties:
 - ▶ If detention is unrelated to job duties, paying for counsel counts as compensation and may be taxable to the employee,
 - ▶ Best to have policy on this so it is administered fairly
 - ▶ If organization is a c3, compensation must be “reasonable”
 - ▶ One option would be for someone to use their off-work time to set up a fund to raise money for an immigration attorney.
- ▶ If your organization provides immigration legal services or criminal legal defense to the public, it can provide to a staff member on the same basis so long as doing so is consistent with conflict of interest policy

Being a Good Ally as a U.S. Citizen

▶ In Schools:

- ▶ Helping undocumented parents by coordinating and taking their kids to school so that they are not profiled and possibly detained (along with children)
- ▶ Work with local school boards and Parent-Teacher Associations to understand what are the guidelines that the school must follow and make sure that the school is enforcing those policies and protecting students.

▶ At Work:

- ▶ Create guidelines/plans at work that are disseminated publicly to all staff that creates set procedures to follow in case ICE or other law enforcement comes to the office.

▶ On the Street/At Protests:

- ▶ Record at a distance and understand how to document without interfering
- ▶ Remind the person being detained of their rights
- ▶ If confronted, exercise your right to remain silent, refuse to consent to searches, and determine whether you want to share U.S.-issued identification
- ▶ Don't run
- ▶ Have helpful numbers memorized, written down on you, or coordinate with a point person

Resources

- ▶ Recording:
 - ▶ Electronic Frontier Foundation: [Yes, You Have the Right to Film ICE](#)
 - ▶ NYCLU: [Your Right to Film ICE and Federal Law Enforcement](#)
 - ▶ WIRED: [How to Film ICE](#)

- ▶ Protests and KYR Materials:
 - ▶ [New York Immigration Coalition](#)
 - ▶ [Make The Road New York](#)
 - ▶ [Democratic Socialists of America](#)
 - ▶ [Immigrant Defense Project](#)
 - ▶ [Democracy Security Project](#)

Resources (Continued)

▶ Workplace:

- ▶ National Immigration Law Center and National Employment Law Project: [What to do if Immigration Comes to your Workplace](#)
- ▶ Emergency Workplace Organizing Committee: [Resources for Resisting ICE in your Workplace](#)
- ▶ New York Lawyers for the Public Interest: [Guidance on Preparing your Nonprofit for Immigration Enforcement](#)

▶ Interactions at Home and in Public:

▶ NYPD:

- ▶ [NYCLU – What to do if you're stopped by the Police](#)
- ▶ [NYPD Monitor – Know Your Rights](#)

▶ ICE:

- ▶ [MRNY – Know Your Rights](#)
- ▶ [Immigrant Legal Resource Center – Know Your Rights](#)
- ▶ [IDP – Know Your Rights](#)

▶ Federal Law Enforcement:

- ▶ [NYCLU – Know Your Rights](#)
- ▶ [ACLU – Encountering Law Enforcement and Military Troops](#)

Lawyers Alliance for New York – Contact

- ▶ Resource Call Hotline – anyone can ask questions about nonprofits & the law:
<https://lawyersalliance.org/resource-calls>
- ▶ Join our mailing list: lawyersalliance.org/mailling-list
- ▶ Follow us on social media:



@lawyers-alliance-for-new-york



@lawyersalliance



@lawyers-alliance-for-new-york

Mobilization for Justice – Contact

- ▶ X: @mfjlegal
- ▶ Facebook: Mobilization for Justice, Inc.
- ▶ LinkedIn: Mobilization for Justice

New York Lawyers for the Public Interest - Contact

- ▶ If your nonprofit organization needs additional assistance, please contact NYLPI via <https://bit.ly/ClearinghouseIntake>
- ▶ For more resources, please see the **Nonprofit Resiliency Network**, <https://www.nylpi.org/nonprofit-resiliency-network/>
- ▶ Join our mailing list: <https://bit.ly/4dEZf8f>