

# **KNOW YOUR RIGHTS**

**AS AN  
IMMIGRANT WITH  
A DISABILITY**



**PRESENTED BY:  
DISABILITY AND IMMIGRATION  
TASK FORCE OF IL,  
ACCESS LIVING,  
& CUERPOS JUSTIFICADOS**

AS AN IMMIGRANT WITH A  
DISABILITY

# YOU HAVE THE RIGHT TO REMAIN SILENT

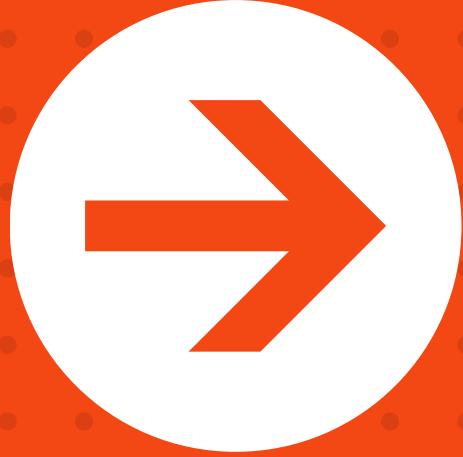
and not answer questions that may incriminate you regardless of your immigration status or disability. This right is protected by the **Fifth Amendment of the US Constitution**. To exercise this right it's important to communicate this clearly to police (*directly or through an interpreter*). You don't have to be silent when requesting your access needs. **Do not sign anything!**



AS AN IMMIGRANT WITH A  
DISABILITY

# YOU HAVE THE RIGHT TO SPEAK WITH AND BE REPRESENTED BY AN ATTORNEY

**In immigration cases:** You must hire your own. (See section on legal resources)



**In criminal cases:** You will be provided an attorney if you can't afford one.

To exercise this right it's important to communicate this clearly to police (directly or through an interpreter):  
**“I want to speak with a lawyer”**

# WHAT IS A DISABILITY UNDER FEDERAL LAW?



The **Americans With Disabilities Act (ADA)** defines disability as:

- A physical or mental impairment that substantially limits one or more major life activity
  - A record of such an impairment; or
  - Being regarded as having such an impairment

A “physical or mental impairment” could include:

- Hearing or vision impairments
- Mental Health Condition
- Physical Disabilities
- Certain diseases and many other conditions

# YOUR DISABILITY RIGHTS DURING IMMIGRATION OR POLICE ENCOUNTERS



## AS AN IMMIGRANT WITH A DISABILITY

### **The Americans with Disabilities Act (ADA)**

*“No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity...” (ADA Title II, 42 U.S.C. §12132)*

**Who it applies to:** State and local governments, law enforcement, courts, detention centers, and public services.

### **Section 504 of the Rehabilitation Act (Section 504)**

*“No otherwise qualified individual with a disability... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...” (29 U.S.C. §794)*

**Who it applies to:** Federal agencies (like ICE, DHS, DOJ) and any federally funded program.

# YOUR RIGHT TO REASONABLE ACCOMMODATIONS



## AS AN IMMIGRANT WITH A DISABILITY

**A REASONABLE ACCOMMODATION IS A CHANGE OR EXCEPTION TO A STANDARD PROCESS THAT ALLOWS A DISABLED PERSON TO PARTICIPATE EQUALLY.**

**Reasonable accommodations exist to ensure:** Equal access, dignity, safety, and participation in the legal process.

*“No qualified individual with a disability shall... be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity.”*  
(ADA Title II, 42 U.S.C. §12132)

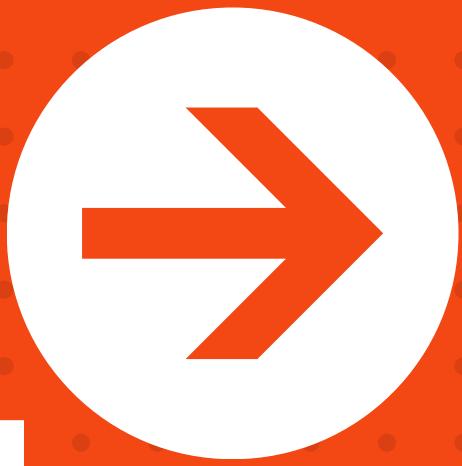
**Who it applies to:** Law enforcement, ICE, detention centers, immigration courts.

**What it means:** Agencies must adjust rules or procedures so disabled immigrants can participate equally. They can only deny if it causes an “undue burden” — and the bar is very high.

### Examples:

- **Initial Encounter:** A Deaf immigrant stopped by ICE has the right to a qualified ASL interpreter.
- **In Detention:** A person with diabetes must be given regular access to insulin.
- **At a Hearing:** Someone with a cognitive disability has the right to simple language and extra time to answer.

# YOUR RIGHT TO EFFECTIVE COMMUNICATION



## AS AN IMMIGRANT WITH A DISABILITY

**MANY DISABILITY RIGHTS IN IMMIGRATION  
ENCOUNTERS DEPEND ON BEING ABLE TO  
COMMUNICATE YOUR NEEDS CLEARLY.**

*“No qualified individual with a disability shall... be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity.”*  
(ADA Title II, 42 U.S.C. §12132)

### **Examples:**

- Sign language interpreter at an immigration hearing
- Captioning services during a virtual check-in
- AAC device for someone who is nonverbal when questioned by ICE
- Braille or large print for reviewing legal documents in detention
- Language interpretation in Spanish or other spoken languages during questioning or legal proceedings

### **Note:**

- You have the right to request the communication support you need.
- Officials must give “primary consideration” to your request.
- They cannot charge you for it.

# EXAMPLES OF EFFECTIVE COMMUNICATION



## ACCOMMODATIONS YOU MAY NEED TO INTERACT WITH POLICE/ICE

- Speaking in a calm, quiet way
- Speaking slowly, clearly, and visibly for speech- or lip-reading
- Providing devices and interpretation services to properly communicate
- Allowing someone to stim to process anxiety, instead of assuming that stimming means they did something bad
- Using simple commands, instead of complex sentences
- Allowing a person enough time to process and understand the officers' orders
- Asking a person with mobility needs about the best way to move them, and being careful not to break their mobility device
- Reading documents or written instructions out loud for a person with a visual impairment
- Stepping back to create space to have a full view of the body
- Providing a qualified sign language interpreter
- Access to medication if detained
- Access to a wheelchair or other medical equipment if detained
- Not handcuffing someone who needs their hands to communicate, such as in sign language
- Access to an Augmentative and Alternative Communication (AAC) device (specify if you have a personal device that you need for this purpose)
- Adjusting handcuffs or other restraints if they cause pain due to a chronic illness or disability

# KNOW YOUR RIGHTS & ACCOMMODATION CARDS



## FOR IMMIGRANTS WITH DISABILITIES

**KYR AND ACCOMMODATION CARDS HELP YOU ASSERT YOUR RIGHTS.**

**KYR Cards:** States your rights (*remain silent, ask for a lawyer, no consent to search*).

**Accommodation Cards:** List your disability-related needs (e.g., *interpreter, mobility aid*).

### **Purpose:**

- To clearly inform ICE, police, or courts of your rights and access needs.
- Ensures you are treated fairly and legally during encounters or detention.

### **How & When to Use:**

- Write your accommodation needs in English (or have someone do it for you).
- Carry the card on you or have an aide/companion keep it.
- Hand it to officers if you are stopped, questioned, or detained.
- Use alongside your KYR card to protect both your civil rights and disability rights.

# INSTRUCTIONS

1. TAKE A SCREENSHOT OR DOWNLOAD THE CARD IN OUR BIO
2. PRINT THE CARD
3. FOLD IN HALF VERTICAL
4. FOLD IN HALF HORIZONTAL
5. FILL OUT AND FINISH



**The front of the card:** Says you are a person with a disability.

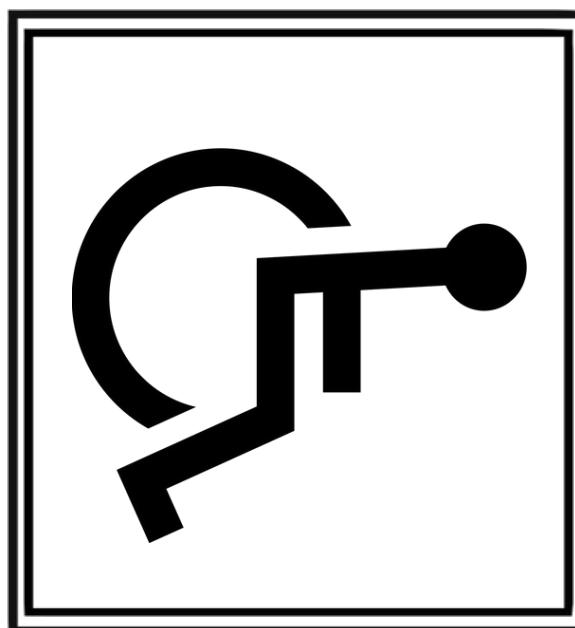
**The inside of the card:** Explains your rights in detail and allows you write the language that you speak if it is other than English.

**The back side of the card:** Is where you can write out the accommodation or accommodations you require.

*For example, if you require an accommodation of needing an American Sign Language interpreter, you can write your accommodation as “American Sign Language Interpreter”*

Please write or have someone else write out the accommodation(s) you require in the **English language**. Carry this card with you or near you. If you require an aide, you can have your aide carry this card on your behalf.

***Note: You will find a printable KYR/Accommodations Card on the next slide.***



# I Am a Person With a Disability

**I am a person with a disability.**  
I require accommodations to engage with you. You are required to provide me with these accommodations under the **Americans with Disabilities Act** and **Section 504** of the Rehabilitation Act.

I speak:

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## My accommodations are:

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- I have the right to reasonable accommodations under the ADA and Sec. 504.
- I have the right to remain silent.
- I will not sign anything without first speaking to a lawyer. I have the right to speak with a lawyer.
- I do not give you permission to search any of my belongings based on my 4th Amendment rights.
- Please speak calmly and clearly. Allow enough time to process and understand orders.
- Please read the back of this card to see what specific accommodations I need.

## EMERGENCY & LEGAL RESOURCES)

ICIRR Family Support Hotline  
(English/Spanish/Korean/Polish)  
1-855-HELP-MY-FAMILY (1-855-435-7693)  
[icirr.org/resources](http://icirr.org/resources)

First Defense Legal Aid (24/7) - if police question you or family  
(800) 529-7374

The Resurrection Project - Immigrant Justice Center  
[trpimmigrantjustice.org](http://trpimmigrantjustice.org)



Mexico Consulate (Chicago): 888-755-5511

Mexico Consulates (U.S. nationwide): 520-623-7874

ICE Federal Detainee Locator  
[locator.ice.gov](http://locator.ice.gov)

## DISABILITY & ADVOCACY RESOURCES

Equip for Equality (Illinois) - rights violations in detention  
800-537-2632



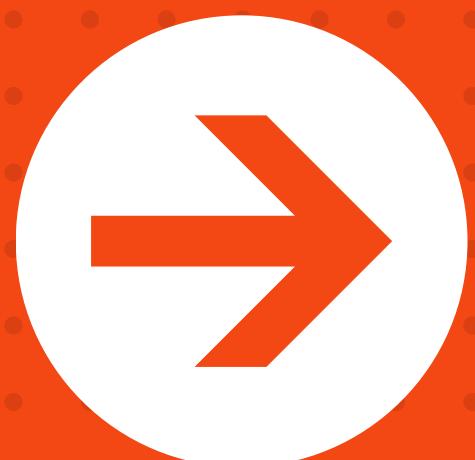
Access Living (Chicago) - disability advocacy & support  
(312) 640-2100 | Toll-Free: (800) 613-8549  
TTY: (312) 640-2102 | Toll-Free  
TTY: (888) 243-7003  
[accessliving.org/contact](http://accessliving.org/contact)

Chicago Mayor's Office for People with Disabilities (MOPD)  
312-744-7050 | TTY: 312-744-4964

NAMI Chicago Helpline - mental health support (English/Spanish)  
833-NAMI-CHI (833-626-4244)  
988 Suicide & Crisis Lifeline - free, 24/7 crisis support  
Dial 988

## REFERENCES

- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- Fifth Amendment & Eighth Amendment, U.S. Constitution
- Illinois Human Rights Act
- *Fraihat v. ICE* (class action lawsuit settlement)
- Disability and Immigration Task Force of Illinois (DITI)
- ICIRR (Illinois Coalition for Immigrant and Refugee Rights)
- Access Living (Chicago)
- Cuerpos Justificados
- Cambiando Vidas
- Immigrant Legal Resource Center (ILRC)
- Meeth K. Soni - Disability Rights California
- The Innocence Project



## REFERENCES

- Chicago Mayor's Office for People with Disabilities (MOPD)
- Equip for Equality
- The Resurrection Project (TRP)
- First Defense Legal Aid
- TRP Immigrant Justice Center
- Legal Aid Chicago
- CREEC (Civil Rights Education and Enforcement Center)
- ACLU
- National Immigrant Justice Center
- Shriver Center on Poverty Law
- National Immigration Law Center
- Aliento AZ
- American Association of People with Disabilities (AAPD)
- California Immigrant Policy Center
- Disability Law United
- Immigrant Alliance for Justice and Equity (IAJE)
- Undocumented Filmmakers Collective (UFC)



# AUDIO DESCRIPTION: **KNOW YOUR RIGHTS**



## **AS AN IMMIGRANT WITH A DISABILITY**