

NEWS

What happens if ICE comes to Pueblo? Attorney offers guidance on constitutional rights



James Bartolo

Pueblo Chieftain

Published 8:00 a.m. MT Feb. 3, 2025

With President Donald Trump's sweeping changes to U.S. immigration law, Attorney Fred Galves told the *Chieftain* it's important for individuals to know the rights guaranteed to them in the U.S. Constitution.

Galves, a partner in the Orona, Garcia & Galves law firm at 503 N. Main St., is a Pueblo native and graduate of Harvard Law School who served as a tenured professor at the University of the Pacific McGeorge School of Law in Sacramento for over 22 years before returning to Colorado.

U.S. Immigration and Customs Enforcement (ICE) used to be prohibited from making arrests in "sensitive" areas like schools, places of worship and hospitals. On Jan. 21, acting U.S. Secretary of Homeland Security Benjamine Huffman announced a directive rescinding that prohibition.

Galves told the *Chieftain* the Trump administration's efforts to crackdown on immigration appear to selectively target undocumented immigrants coming across the southern border from Mexico, Central and South American countries — not those who fly in from continents like Europe and overstay their visas.

Additionally, the rescinding of previous restrictions on sensitive areas means ICE isn't solely focused on arresting violent criminals and felons -- they also are looking to deport youth in schools, older individuals who have been in the country for years, and other undocumented workers, Galves said.

"We've had an election, the people have spoken," he said. "I certainly respect that as a lawyer, but as a lawyer and as someone who cares about justice, I want to make sure that the laws are actually upheld."

What rights do individuals have if they are visited by ICE?

It's an individual's right, under the Fifth Amendment, to remain silent when receiving requests from immigration officials to enter a facility. Individuals also have a legal right to consult an attorney. Individuals should not grant officials access to a property or another person without a valid arrest or search warrant, Galves said.

"That means a warrant based on probable cause that is signed by a judge of a judicial branch — like a district court judge," he said.

If a warrant is signed by an executive agency official but not by a judge, it is not valid. Additionally, "probable cause" must be more than an official's assumption based on an individual's appearance, skin color, spoken language, neighborhood of residence, school, or place of worship.

"There is no constitutional definition of what an illegal alien looks like," Galves said. "If you are basing it on that, those are unconstitutional basis. Now, if you have particularized evidence, you know of a certain person, you know that they are part of a cartel, they have been dealing drugs and all of that then, have at it."

Additionally, if an official from ICE or another government agency visits an individual's business, hospital, place of worship, residence, or school, individuals should not allow entry before requesting information from the official and communicate via intercom, through a window, or through a closed door if possible.

Individuals should ask the official which agency they're with, their name and badge number, the purpose of their visit and whether they have a valid warrant or court order. Individuals also should obtain the official's documentation and take photos or make copies to be sent for verification to an attorney.

"If they are legitimate, they should have no problem upholding the law protecting your rights," Galves said.

However, just as immigration officials should be expected to uphold the law, other individuals should as well, not obstructing or impeding officials from performing their duties.

Galves also told the *Chieftain* that it is important to be aware of "imposters" or "vigilantes" who may impersonate law enforcement — which is a felony in Colorado — or collect information from individuals to report to immigration officials.

"Largely, what they'll do sometimes is they will go to a school, they'll just watch people and try to scare them or intimidate them," he said.

The presence of these individuals or actual immigration officials, however, should not stop students who fear being profiled from attending school, Galves said.

"If they get so intimidated that they don't even want to come to school... they may be putting their families in danger, even if their families are completely legitimate or they have green cards, they have visas, they just feel like they're being watched," Galves said. "They may be set up."

Pueblo County sheriff and ICE: Pueblo sheriff says office 'WILL NOT' participate in ICE roundups

Pueblo Chieftain reporter James Bartolo can be reached at JBartolo@gannett.com. Support local news, subscribe to the *Pueblo Chieftain* at subscribe.chieftain.com.