

## KNOW YOUR RIGHTS

### What to Do if You Are Questioned, Arrested or Detained by Immigration and Other Law Enforcement

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**IMMIGRANTS WHO ARE STOPPED, ARRESTED OR DETAINED by Immigration or other law enforcement have certain rights.** But anyone who lacks U.S. citizenship must be especially careful when encountering law enforcement in the United States or at the border. If you encounter law enforcement at work, on the street, after a traffic stop, or at home, you usually have the same constitutional rights as U.S. citizens. You may have fewer rights when interacting with law enforcement agents at the border or an airport. *Disclaimer: This Know Your Rights resource provides general information. It is not legal advice. It is not tailored to your situation. Talk to an immigration lawyer for legal advice.* **If you encounter Immigration or law enforcement, it is important to stay calm and remember this general information:**

#### Who might try to ask me about my immigration status?

- **ANY law enforcement agent may try to ask you questions about your background, immigration status, family members and colleagues, among other topics.** This includes not just Immigration, but also local and state police and federal agents from several different law enforcement agencies.
- **‘Immigration’ usually refers to Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).** ICE and CBP are in charge of immigration enforcement within the United States and at the border, respectively. ICE agents [often impersonate ‘police’](#) by wearing police badges, tactical gear, and other police indicia, and by announcing themselves as police.

#### What can I expect when encountering law enforcement at the border or an airport?

- **Law enforcement can stop, detain, or search you.** However, law enforcement cannot search you based on your race, gender, religious, or ethnic background.

- **Law enforcement have the authority to ask you about your immigration status**, the purpose of your visit, and other questions to determine whether you have permission to enter the U.S.
- **Remaining silent can result in law enforcement denying you entry into the U.S.** You can choose not to answer questions, but law enforcement can and likely will deny you permission to enter the U.S.
- **You DO NOT have the right to have an attorney when you are being questioned about your immigration status.** But you can have an attorney present for questions unrelated to your status.
- **You have the right to claim fear of returning to your home country.** If you are told that you do not have permission to enter the U.S., but you fear persecution or torture if sent back to your home country, tell the border agent and ask for asylum. You may be eligible for immigration relief.
- **ALWAYS SPEAK to an immigration lawyer before leaving the U.S.** In some cases, if you leave, you may not be allowed to come back into the country for a certain number of years.

### **What should I do when Immigration or other law enforcement approach me on the street?**

- **You generally have the right to REMAIN SILENT.** You do not have to answer questions about whether you are a U.S. citizen, where you were born, where you live, where you are from, or whether you have documents. Even if you have answered some of their questions, you can decide to not answer more questions. You should never lie about your immigration status, as that can have serious consequences.
- **You have the right to SPEAK TO A LAWYER.** You should speak to a lawyer before you answer questions about your background or immigration status.
- **If you have valid immigration documents, you should show them when asked.** The law requires immigrants who have been issued valid immigration documents to carry those documents with them at all times. If you are

undocumented, you can refuse to answer questions about your immigration status or whether you have documents.

### What should I do when Immigration knocks on my door?

- **DO NOT let Immigration into your home or step outside.** Immigration must have a warrant signed by a judge or an occupant's consent to enter your home. ICE will often trick you into giving consent by saying they are investigating a crime or need to "take a quick look around" or "come in to talk." They might also show you a warrant that isn't signed by a judge.
- **ASK to see the warrant.** They can slip it under the door or hold it up to a window. Do not step outside.
- **CHECK if the warrant is signed by a judge.** If they do not have a warrant or it isn't signed by a judge, say, "I don't want to talk right now." or "I do not have to let you in."

### What should I do if Immigration shows up at my work?

- **You have the right to REMAIN SILENT.** You do not have to answer any questions about immigration status, background, or your colleagues. If you answer questions, Immigration may ask you for your immigration documents.
- **DO NOT attempt to run away.** Immigration will suspect that you are undocumented and attempt to arrest you. It is safer to continue working and calmly ask if you may leave.

### What should I do when Immigration arrests me?

- **You should ASSERT YOUR RIGHTS.** Carry a Know Your Rights card with you and hand it to the arresting agents. These cards are available in several languages to download and print at: <https://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/>
- **You have the right to REMAIN SILENT.** You do not have to answer any questions, especially ones about your immigration status. Refusing to answer

questions is not a crime, but you should never lie about your immigration status, as that carries serious penalties.

- **You have the right to SPEAK TO A LAWYER.** Immigration laws are complex and confusing. You should never expect Immigration agents or even an Immigration Judge to explain all of your options or give you accurate information. You should speak with a lawyer before saying or doing anything.
- **DO NOT SIGN any documents without speaking to a lawyer first.** This includes a Waiver, Stipulated Removal Order, or Voluntary Departure Agreement. You may be waiving your right to see a lawyer or judge or agreeing to leave the U.S. It may also mean you will not be allowed to enter the U.S. again or get immigration status. Never sign a document without reading, understanding, and knowing the consequences of signing it.
- **ASK to call a family member or friend** if you have children with you when you are arrested or need to call in to work.
- **WRITE DOWN the name and telephone number of the deportation officer** assigned to your case, as well as your Alien Registration Number, or A-number.

### **I am in criminal custody at a jail or prison. Should I be worried about Immigration?**

- Certain crimes carry immigration consequences. The law on this issue is incredibly complex and confusing, even for some immigration attorneys. **If you have been charged with a crime, your defense attorney is REQUIRED TO ADVISE you whether your charges or any plea offer carry the risk of deportation.** It is extremely important that your defense attorney consult with an immigration lawyer experienced in criminal-immigration matters and explain the risks to you.
- Immigration can enter jails and prisons to question you about your immigration status so that they have grounds to deport you. **Remember to exercise your right to REMAIN SILENT and refuse to answer their questions.**

- Immigration can request that a jail or prison keep you in custody for an additional 48 hours, excluding weekends and holidays, beyond the date you've been ordered released so that they can arrest you and put you in deportation proceedings. These detainer requests are not criminal warrants, and they can violate the law. **If you are being held more than 48 hours past your release date, your rights may have been violated. Call a criminal defense or immigration lawyer immediately.**
- **You have the right to CALL AND RECEIVE VISITS from your consulate.** Your Consul may be able to help you obtain an immigration lawyer or pro bono legal advice.
- **If you have a criminal history or prior convictions, GET A COPY of your record of conviction and certified transcripts from the criminal court.** Depending on the court, you may be able to do this online or you may have to go in person.

### What are my rights once I've been detained by Immigration?

- **You have the right to CALL and RECEIVE VISITS from a lawyer, your consulate, and your family once you are detained.** Telephone numbers to your consulate are posted in the jail or you can ask the deportation officer for a list. If it isn't, you should ask your deportation officer. The government will not provide you with a lawyer, so you will need to call law offices to hire an attorney or find someone who will present you for free or at low cost. Immigration will give you a list of groups who may provide free or low-cost legal advice or representation. Your Consul may also help you find a lawyer, or you can use the following resources:
  - The American Immigration Lawyers Association's [online directory](#)
  - The National Immigration Project of the National Lawyers Guild's [Find-A-Lawyer tool](#)
  - The Department of Justice's [list of pro bono legal service providers](#) by state
  - Immigration Law Help's [directory of nonprofit, low-cost legal help](#) by zip code and detention facility

- **Your family can FIND OUT where you are detained.** Immigration has an Online Detainee Locator System at <https://locator.ice.gov/odls/#/index>. They should have your full name and A number ready. They can also contact the local ICE office or the Detention and Reporting Information Line at 1-888-351-4024.
- **In most cases, you have the right to ASK FOR BOND to be released from detention.** Bond is an amount of money paid to the government to guarantee that you will attend future court hearings. You can ask ICE to set a bond. If ICE does not set a bond or sets too high an amount, you can ask for a bond hearing with an immigration judge. A judge will consider whether you are a danger to others or likely to show up for your court hearing. Helpful evidence to submit for a bond hearing includes pay stubs, signed lease, support letters from your family, friends, clergy, and employers. If you recently arrived at the border or have certain criminal convictions, you may be ineligible for bond. It is best to discuss your eligibility with a lawyer.
- **If you cannot afford the bond amount, CONTACT a bond fund.** A few are listed below, but for a complete directory, please visit the National Bail Fund Network's [Directory of Community Bail Funds](#).
  - [National Immigration Detention Bond Fund](#) (mostly California and Louisiana)
  - [RAICES Bond Program](#) (Texas only)
  - [Envision Freedom Fund](#) (New York and New Jersey)
  - [LGBTQ Freedom Fund](#) (Nationwide)
  - [Black Immigrants Bail Fund](#) (Nationwide)

### What are my rights in my immigration case?

- **You must be given a document called a NOTICE TO APPEAR (NTA).** The NTA contains information about your immigration case. It must include details about the nature of your proceedings, the alleged immigration violations, a date, time, and location for your first hearing, and an advisal about your rights. If the NTA does not contain required information, it may be legally invalid. Be sure to review the NTA with an attorney. If you have not been given an NTA within 72 hours of your arrest, you should ask your deportation officer for it.

- **In most cases, you have the right to a HEARING before an immigration judge.** If you recently arrived at the border or you've been deported before, Immigration may try to deport you immediately without a hearing or lawyer present. At the hearing, the judge will decide whether you can be deported or if you are eligible for forms of immigration relief. If you have not been given a hearing, find out why and let your lawyer know immediately.
- **You should TELL your deportation officer, attorney, and/or the immigration judge if you are afraid to return to your home country.** You may be eligible for asylum or other forms of immigration relief.
- **Immigration must prove that you are not a U.S. citizen and that you are deportable.** Immigration will submit evidence that you are a foreign national, including your passport or other travel documents, identity cards, birth certificates.
- **In most cases, you have the right to HAVE A LAWYER PRESENT at your immigration proceedings.** However, the government will not pay for or provide that lawyer. You must hire a lawyer or find someone who will present you for free or at low cost. Immigration will give you a list of groups who may provide free or low-cost legal advice or representation. Your Consul may also help you find a lawyer, or you can use the following resources:
  - The American Immigration Lawyers Association's [online directory](#)
  - The National Immigration Project of the National Lawyers Guild's [Find-A-Lawyer tool](#)
  - The Department of Justice's [list of pro bono legal service providers](#) by state
  - Immigration Law Help's [directory of nonprofit, low-cost legal help](#) by zip code and detention facility
- **You can ASK the immigration judge for more time to find a lawyer,** if you see the judge before you can get legal advice. The judge must give you a reasonable amount of time to find an attorney. It is helpful to keep track of the legal providers you have contacted, so that you can show the judge that you have tried to find a lawyer.

### What should I tell my lawyer?

- **ANYTHING that could be relevant to your immigration case.** It is important that anyone giving you legal advice knows everything about your

case so that they can give you the best advice. Your lawyer is ethically bound to keep anything that you share confidential.

- **This includes your immigration history, criminal history, family background, and other details about your life.** If you have been arrested, charged, or convicted of a crime, it is especially important that you share this information with your attorney because the crime could carry immigration consequences.