

Know Your Rights Under the U.S. Constitution - No Matter Who is President

Last updated January 2025

No matter who is president, *everyone living in the U.S. has certain basic rights* under the U.S. Constitution. Undocumented immigrants have these rights, too. It is important that we all assert and protect our basic rights.

If you find you have to deal with Immigration and Customs Enforcement (ICE) or other law enforcement officers at home, on the street, or anywhere else, remember that you have the rights described in this factsheet. The factsheet also provides suggestions for what you should do to assert your rights.

- ▶ **You have the right to remain silent. You may refuse to speak to immigration officers.**
 - ▶ Don't answer any questions. You may also say that you want to remain silent.
 - ▶ Don't say anything about where you were born or how you entered the U.S.

- ▶ **Carry a know-your-rights card and show it if an immigration officer stops you.**
 - ▶ The card explains that you will remain silent and that you wish to speak with an attorney. You can use the card attached below.

- ▶ **Do not open your door.**
 - ▶ To be allowed to enter your home, ICE must have a warrant signed by a judge. Do not open your door unless an ICE agent shows you a warrant. (They almost never have one). If an ICE agent wants to show you a warrant, they can hold it against a window or slide it under the door. To be valid, the warrant must have your correct name and address on it.

- ▶ You do not need to open the door to talk with an ICE agent. Once you open the door, it is much harder to refuse to answer questions.

- ▶ **You have the right to speak to a lawyer.**
 - ▶ You can simply say, “I need to speak to my attorney.”
 - ▶ You may have your lawyer with you if ICE or other law enforcement questions you.

- ▶ **Before you sign anything, talk to a lawyer.**
 - ▶ ICE may try to get you to sign away your right to see a lawyer or a judge. Be sure you understand what a document actually says *before* signing it.

- ▶ **Always carry with you any valid immigration document you have.**
 - ▶ For example, if you have a valid work permit or green card, be sure to have it with you in case you need to show it for identification purposes.
 - ▶ If you have a pending immigration case, including an asylum claim, an immigration court case, or a pending appeal, carry proof of that pending case with you.
 - ▶ Do not carry papers from another country with you, such as a foreign passport. Such papers could be used against you in the deportation process.

- ▶ **If you have lived in the U.S. for longer than two years, carry proof with you and show it to an immigration officer if you are arrested.**
 - ▶ If you are undocumented, carry evidence of having been in the U.S. for longer than two years with you, and show it to an immigration officer if you are arrested. This may not prevent deportation, but it can prevent it from happening without a chance to see a judge.
 - ▶ Evidence can include a signed lease, church or school records with your address, or postmark mail that you have received at your home address. You may want to carry copies of these documents instead of the originals, so you do not risk losing them.

- ▶ If you get arrested and put in expedited processing and have a fear of returning to your country of origin, state that fear loudly and clearly at every opportunity you have.
- ▶ **If you are worried ICE will arrest you, let the officer know if you have children.**
 - ▶ If you are the parent or primary caregiver of a U.S. citizen or permanent resident who is under age 18, ICE *may* “exercise discretion” and let you go.

ICE and other law enforcement officers may think they can get away with violating your rights. Sometimes ICE officers lie to people to get them to open their doors or sign away their rights. **If you are concerned that you or your loved ones might be at risk of immigration arrest, this is what you can do:**

- ▶ **Create a safety plan.**
 - ▶ Memorize the phone number of a friend, family member, or attorney that you can call if you are arrested.
 - ▶ If you take care of children or other people, make a plan to have them taken care of if you are detained.
 - ▶ Keep important documents such as birth certificates and immigration documents in a safe place where a friend or family member can access them if necessary.
 - ▶ Make sure your loved ones know how to find you if you are detained by ICE. They can use ICE’s online detainee locator (<https://locator.ice.gov/odls/homePage.do>) to find an adult who is in immigration custody. Or they can call the local ICE office. (<https://www.ice.gov/contact/ero>). Make sure they have your *alien registration number* written down, if you have one.
 - ▶ You can call the Executive Office for Immigration Review (EOIR) hotline number at 1-800-898-7180 (toll-free) 24 hours a day, 7 days a week to get information on your case’s status.

- ▶ **Report and document raids and arrests.**
 - ▶ If it is possible and safe for you to do so, take photos and videos of the raid or arrest. Also take notes on what happened.
 - ▶ To report a raid, connect with your local immigrants' rights organization, <https://www.informedimmigrant.com/help/>. They may be aware of local partners collecting this information.

- ▶ **Find legal help.**
 - ▶ Nonprofit organizations that provide low-cost help can be found at www.immigrationlawhelp.org.
 - ▶ The immigration courts have a list of lawyers and organizations that provide free legal services: www.justice.gov/eoir/list-pro-bono-legal-service-providers-map.
 - ▶ At <https://www.immi.org/en/Info/FindLegalHelp> there is a search engine into which you type a zip code and then are given a list of all the legal services near you.
 - ▶ You can search for an immigration lawyer using the American Immigration Lawyers Association's online directory, www.aialawyer.com.
 - ▶ The National Immigration Project of the National Lawyers Guild also has an online find-a-lawyer tool: <https://nipnlg.org/work/find-attorney>.



KNOW YOUR RIGHTS!

If you are stopped by immigration or the police:

- ▶ Hand this card to the officer and remain silent.
- ▶ The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

To: Immigration or Other Officer

Right now I am choosing to exercise my legal rights.

- ▶ I will remain **silent**, and I refuse to answer your questions.
- ▶ If I am detained, I have the right to contact an attorney **immediately**.
- ▶ I refuse to sign anything without advice from an attorney.

Thank you.