

## Know-Your-Rights: A Guide for Survivors of Trafficking and Asylum Seekers

The U.S. Committee for Refugees and Immigrants (USCRI) presents the following guide for survivors of trafficking and asylum seekers on their legal rights in various situations with law and immigration enforcement.

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### WHO WE ARE

The U.S. Committee for Refugees and Immigrants (USCRI) is a nongovernmental, not-for-profit international organization that responds to the needs and advocates for the rights of refugees and immigrants worldwide.

## General tips

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To limit risk to yourself, keep in mind the following:

- Stay calm.
- Do not run away, argue, resist, or obstruct a police or Immigration and Customs Enforcement (ICE) officer, even if you believe your rights are being violated.
- Do not say anything to police or ICE officers.
- Ask for an attorney.
- Keep your hands where police and ICE officers can see them.
- Do not lie about your status or provide false documents.
- If you are over 18, carry your papers with you at all times. If you do not have them, tell the officer that you want to remain silent, or that you want to consult an attorney before answering any questions.
- Carry a Know-Your-Rights card to show to police or ICE if they stop you. The card should, at the very least, state that you will remain silent and wish to speak with an attorney.
- Memorize the phone number of a friend, family member, or attorney to call if you are arrested.
- Make arrangements for the care of your children or other loved ones.
- Designate trusted friends or family members to make decisions.
- Keep copies of immigration documents, criminal records, and other important documents in a safe place where a trusted friend or family member can access them, if necessary.
- Make sure your loved ones know your immigration number (A number) and how to find you if you are detained by ICE.
- Police and ICE will never ask you for money.

## On the street

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- If someone claims to be a police or Immigration and Customs Enforcement (ICE) officer, ask to see their badge or identification and make note of the identification number.
- Do not say anything to police or ICE. You have the right to remain silent at all times. Anything you say can be used against you in court.
- You may ask, "Am I under arrest?" If not, ask, "Am I free to go?" If the answer is yes, you may calmly walk away.

- If police or ICE question you, immediately say, "I want to speak to an attorney." At this point the officer must stop questioning you.
- Do not discuss your immigration or citizenship status with police or ICE.
- Do not believe anything the police or ICE may say to get you to talk.
- If a police or ICE officer asks for your immigration papers, you must show them if you have them with you.
- Do not consent to a search of your body, bag, or possessions. If a police or ICE officer asks if they can search your body, bag, or possessions, you have the right to say no.
- When the police or ICE search you, they are allowed to pat down your outer clothing only. The officer cannot squeeze or reach into your pockets unless they believe they felt a weapon after patting you down.
- Do not empty your pockets voluntarily or reach towards your waistband as the officer approaches.
- Police and ICE can ask about your name, address and age, or request your I.D.

## At home

- If police or ICE officers come to your home, you do not have to let them in unless they present a warrant. You still have the right to remain silent.
- Do not open the door. Speak to them from inside.
- Ask if they are police or ICE and why they are there.
- Ask the police or ICE officer to show you a badge or identification through the window or peephole.
- Ask if they have a warrant signed by a judge. If they say they do, ask them to slide it under the door or hold it up to a window so you can inspect it.
- Do not open your door unless ICE shows you a judicial search or arrest warrant naming a person in your residence and/or areas to be searched at your address. If they do not produce a warrant, keep the door closed and say, "I do not consent to your entry."
- A warrant of removal or deportation (an immigration warrant) does not give an officer the right to enter your home.
- Do not lie or produce any false documents.
- Do not sign anything without speaking with an attorney first.
- If officers force their way in, do not resist. Say, "I do not consent to your entry or to your search

of these premises. I am exercising my right to remain silent. I wish to speak with an attorney as soon as possible.”

### In a vehicle

- Police and ICE will request you pull over usually by using flashing lights and turning on their car's siren behind you. If this happens, turn on your own emergency flashing lights, slow down, and pull over to the side of the road as soon as possible. Only pull over in well-lit, safe public areas.
- Turn off the engine, turn on the internal light, open the window part way and place your hands on the wheel. Upon request, show police your driver's license, registration, and proof of insurance.
- If you have a valid driver's license, you may show that to the police or ICE officer. If you do not, you should ask if you are under arrest. If you are not, ask if you are free to go.
- Do not answer questions about anything else, including immigration status or national origin. Say, "I am exercising my right to remain silent."
- The police have the right to search a vehicle if they have a hunch (probable cause) that something illegal is in the vehicle, so they may search it. Do not resist.
- Drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, calmly leave.

### If detained

- Do not say anything to police or ICE. You have the right to remain silent at all times. Anything you say can be used against you in court.
- Say, "I want to speak to an attorney." At this point, the police or ICE must stop questioning you.
- Do not sign anything without consulting an attorney first.
- If it is the police detaining you, you have the right to a free attorney (public defender) in criminal proceedings.
- If it is ICE detaining you, you do not have the right to a free attorney, but you do have the right to contact one.
- If in ICE custody, contact your attorney or family member immediately. You have the right to make a telephone call after you are arrested.
- Ask for bond and a hearing before a judge even if ICE says you are not eligible.

- Ask for copies of all your immigration documents.

## Cannabis-marijuana

- Do not carry or travel with a marijuana or medical card to use marijuana.
- Do not admit to a police or ICE officer that you have ever possessed or used cannabis or marijuana.
- If you need medical marijuana, speak to an attorney before using or purchasing it.

**Note: This information is educational in nature only and is not a substitute for legal assistance and should not be used as such. If you or someone you are assisting needs legal assistance, please contact an attorney.**

## **CONTACT**

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