

USCRI KNOW-YOUR-RIGHTS

A Guide for Survivors of Human Trafficking, Asylum Seekers, Parolees, and Immigrants

Regardless of immigration status, all individuals in the United States have guaranteed rights under the Constitution. The following guide is to inform survivors of human trafficking, asylum seekers, parolees, and other immigrants of their legal rights in various situations with law enforcement and U.S. Immigration and Customs Enforcement (ICE).

Please note: some state laws may vary. Separate rules apply at [checkpoints](#) and when entering the United States, including at airports.

This information is for educational purposes and should not be used as a substitute for legal assistance. If you or someone you know needs legal assistance, please contact an attorney.

[YOUR RIGHTS](#)

- You have the right to remain silent. If you wish to exercise this right, say so out loud.
- Ask for an interpreter if you need one.
- You have the right to deny consent of your person or place of residence being searched unless law enforcement presents a warrant to search your home.
- If you are not under arrest, you have the right to calmly leave.
- If you are detained by ICE, you have the right to an attorney to assist with your immigration situation, but the government does not need to provide one—ask for one immediately.
- If you are detained by the police, you have the right to a free attorney (public defender) in criminal proceedings.
- If you are not an American citizen, you have the right to call the consulate of your home country. Immigration and the police must allow your consulate to visit or speak with you.
- You do not have to sign anything you do not understand.
- Police and ICE will never ask you for money.

[YOUR RESPONSIBILITIES](#)

- Stay calm.
- Do not run away, argue, resist, or obstruct a police or ICE officer, even if you believe your rights are being violated.
- Do not say anything to police or ICE officers.
- Keep your hands where police or ICE officers can see them.
- Do not lie about your status or give false documents.

- If you are over 18, always carry your papers with you.
 - 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.
- 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 if you are arrested.
- Designate trusted friends or family members to make decisions if you are unable.
- 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.
- Remember the details of the encounter.
- File a written complaint if you feel your rights have been violated.

IF LAW ENFORCEMENT OR ICE STOPS YOU ON THE STREET

- If someone claims to be a police or 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.
 - If 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.

IF LAW ENFORCEMENT OR ICE COMES TO YOUR 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."
- If ICE has a valid warrant:
 - If you live with individuals who are undocumented and they are not named in the warrant, it is best to quickly exit the premises and close the door behind you. This may help protect other members of your household from being questioned or detained by ICE.
- 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."
- Ask for an interpreter if you need one.
- Remember the details of the encounter.

[IF LAW ENFORCEMENT OR ICE STOPS YOU IN YOUR 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 think—have 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 LAW ENFORCEMENT OR ICE COMES TO YOUR WORKPLACE

- ICE officers must have permission from the owner or manager to conduct a raid on a workplace (factory, restaurant, farm, etc.).
- If the officers do not have permission, they must have a warrant signed by a federal judge or magistrate.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

- You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials.
- You do not have to answer questions about where you were born, if you are a U.S. citizen, or how you entered the country. (Separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers.)
- Generally, you should not show any immigration-related paperwork and you should assert your right to remain silent.
 - ICE generally cannot establish that an individual is deportable except by being presented with a document showing unlawful presence or by a person's own statement.
 - Unless you have valid, unexpired lawful status, do not show immigration-related paperwork or answer questions about where you were born, your country of origin or how you entered the United States. Provide your name and address, if asked, and then assert your right to remain silent.
 - Failure to carry and provide immigration paperwork is a misdemeanor offense, associated with a fine and potential prison time. However, historically it has rarely been charged.
- If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent.
- Do not lie about your citizenship status or provide fake documents.

IF YOU ARE DETAINED BY LAW ENFORCEMENT OR ICE

- 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 you are detained by the police, you have the right to a free attorney (public defender) in criminal proceedings.
- If you are detained by ICE, you have the right to an attorney to assist with your immigration situation, but the government does not need to provide one—ask for one immediately.

- If in ICE custody, contact your attorney or a 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.

CONSIDERATIONS FOR MARIJUANA

- Do not carry or travel with marijuana or a 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.

There is also a wallet-sized version of this document in English, Spanish, and Haitian Creole. Carry the Know-Your-Rights card to show to police or ICE if you are stopped.

If you have any questions, please contact: policy@uscrimail.org.