

Know Your Rights

What to do if immigration stops you

All immigrants have legal rights, even if they do not have legal immigration status. Learn how to protect your rights and prepare for contact with immigration.

Documents you should keep with you if the police or immigration stops you

To protect your rights, know:

- ▶ **what documents** you should *always* have with you, and
- ▶ **when to show** them to immigration or police.

Follow these steps:

1. Make **copies** of the documents listed below.
2. Keep the *originals* in a safe place if they are not with you. Tell a relative or friend how to find them, if needed.
3. Do **NOT** carry or show law enforcement *anything* that shows you were born outside the U.S., like a foreign passport. They can use that to try to deport you.
4. **Be ready.** Find your situation below, practice, and be prepared.

What to Do

It depends on your immigration status. Find your status below. It explains what to do.

If you **have** valid immigration status, such as:

- ▶ a green card,
- ▶ asylum or refugee status,
- ▶ a valid student or other visa, or
- ▶ unexpired TPS (Temporary Protected Status)

 **Carry:** The law says you **must** carry with you your lawful permanent resident card or immigration papers that show your status.

 **Show:** If law enforcement asks to see your papers, show them your copy.

This is legal *information*, not legal *advice*. Talk to an immigration lawyer about your situation.



If you do **NOT** have valid immigration status, but you *applied* for status or have an open case, such as:

- ▶ A pending asylum application
- ▶ An open immigration court case
- ▶ An immigration appeal

 **Carry:** Have a copy of your immigration papers that show you applied for status or are appealing an immigration decision.

 **Show:** If you get arrested, show your papers to the immigration agent.

Important! If you are not being arrested, stay silent.

If you are **undocumented** or your immigration status is expired...

 **Carry:** If you do NOT have current immigration documents, but have been in the U.S. for at least **2 years**, carry proof of your living here, such as:

- ▶ Your rental contract,
- ▶ Church or school records with your address,
- ▶ Mail that was sent to you at your home address, including the postmark that shows when it was mailed
- ▶ Other documents that show your name, a U.S. address, and date.

 **Show:** Show proof of your living here for at least 2 years if you are arrested. This can protect you from quickly deporting you without seeing a judge. If you can't prove you've lived in the U.S. for more than 2 years, they can deport you without giving you a chance to see a judge.

Important! If you are not being arrested, stay silent.

What to do if you get stopped on the street, near your home, at work, or other public place

Know Your Rights

- ▶ You do not have to talk to them or answer *any* questions. You can “remain silent.”
- ▶ If you do not have status, do **not** talk and do **not** answer *any* questions.
 - **You can say**, “I am using my right to remain silent” or
 - **Give them** your *Know Your Rights* card, if you have one.

You should:

- ▶ **Stay calm.** Do not run away or try to stop the agents.
- ▶ **Record what is happening** on your phone or ask someone else to do it.
- ▶ **Ask them** what government agency they are from while recording.
- ▶ **If they ask you questions, say** “I am using my right to remain silent.”
- ▶ **Ask:** “Am I free to leave?” If they say yes, walk away calmly.

Be Ready!

- ▶ **Practice.** Standing up for your rights is hard. Practice saying these phrases out loud. This will make it easier to say them if you get stopped.
- ▶ **Memorize** the phone numbers you might need to call in an emergency.
- ▶ **Carry a *Know Your Rights* card** in your wallet. You can print one [here](#).
- ▶ Read about workplace raids in our [Guide for Employers](#).

If immigration knocks on your door

Know Your Rights

- ▶ You do *not* have to let them in your home unless they first show you a [judicial warrant](#).
- ▶ If you do let them in your home, you still have the right to stay silent.

You should:

- ▶ **Stay calm.** Do not open the door or step outside. You can talk to them from behind the door.
- ▶ **Ask if they are from immigration and why they are there.** Ask them to show you a badge or ID. They can hold it up to a peephole or a window. Many different law enforcement agencies (like police, and federal agents from the Drug Enforcement Administration (DEA)) are doing immigration enforcement now.
- ▶ Immigration agents can lie to you to get into your home. They may say they are investigating a crime or need to “talk or take a quick look around.”
 - Do **NOT** let them in. Say, “*You cannot not come into my home without a judicial warrant.*”
- ▶ **If they say they have a judicial warrant,** tell them to slide it under the door so you can read it. *Remember:* Do NOT open your door for them.
- ▶ **Check if the warrant is valid.** Immigration agents may show you an “administrative warrant” that does **NOT** give them the right to enter your home. See *Learn how to check if a warrant is valid* below.
- ▶ **If the warrant is not valid, tell them to leave.** *Remember:* Keep the door shut and locked.
- ▶ If agents force their way in, do not resist or run away. That can cause more trouble later. **You can say**, “I do not agree to your coming into or searching my home. I am using my right to remain silent. I want to speak with a lawyer right away.”

Be Ready!

- ▶ **Practice.** Standing up for your rights is hard. Practice saying these phrases out loud. This will make it easier to say them if you get stopped.

Learn how to check if a warrant is valid.

If they say they have a *valid judicial warrant*, check it first. A valid judicial warrant will:

- ▶ Have the words “*U.S. District Court*” or the name of a *state court* on the top
- ▶ List your name, the name of someone who lives in your home, or your home address
- ▶ Be **signed** by a state, federal, or magistrate judge. Look for a signature. Also check if the signor’s title includes the word “Judge.” Only a *judge* — and NOT an “Immigration Judge” — can sign this type of warrant. See more below.

The warrant is **NOT** valid if it:

- ▶ Says Department of Homeland Security (DHS) on top or has a seal or stamp that says “DHS.”
- ▶ Has the form number DHS Form I-200 or DHS Form I-205 on it.
- ▶ Is signed by an
 - immigration agent, or
 - immigration judge
- ▶ If the warrant they show you has ANY of these items, it is **NOT** a valid judicial warrant.
- ▶ **You can say**, “This is **NOT** a valid warrant. You do not have my permission to enter.”

If immigration arrests or detains you

Know Your Rights, which include the right to:

- ▶ stay silent
- ▶ call a lawyer
- ▶ receive visits from a lawyer, your consulate, and your family if you are detained. (All jails have lists of phone numbers for consulates. Ask to see the list.)

Talk to a Lawyer

- ▶ If they tell you or a loved one that you cannot talk to a lawyer, call the American Bar Association from your detention center. Dial this code: **2150#**. The direct telephone number is **(202) 442-3363**.
- ▶ If you think you are in a military facility (including Guantanamo) for immigration reasons, call the American Bar Association hotline: **(855) 641-6081**

You Must Find Your Own Lawyer

The government does not *give you a lawyer*. If you don’t have a lawyer, find one. Ask the officer for a list of free or low-cost lawyers and legal advice services. Some detention centers let you sign up for a free “Know Your Rights” session that are put on by outside organizations. You can also ask to visit the law library to read self-help guides if you cannot find a lawyer.

Find out if you have the right to be freed “on recognizance” (your own free will), “on bond” or “on parole.” Immigration detains some people without any access to bond, usually because of a past criminal arrest or conviction. Figuring out if you can ask for bond can be very complicated. Ask a lawyer for help with this.

You should:

- ▶ **Stay calm.** Do not run away or try to stop the agents.
- ▶ **If they ask you questions, say** “I am using my right to remain silent.”
- ▶ Do **not** lie or give false information. That can get you into trouble.
- ▶ **If you are afraid to return to your home country, say so loudly and clearly to every agent you see.** If you do not say you are scared, they may deport you without giving you a chance to see a judge or ask for asylum.
- ▶ If you have lived in the U.S. for at least 2 years, tell an officer and show them proof of your living here. This can protect you from fast-track deportation.
- ▶ If you applied for status or are appealing an immigration decision, tell an officer and show them proof of your application or appeal.

Do NOT sign any documents without talking to a lawyer first or asking that it be read to you in your own language, especially any document that says:

- ▶ Waiver
- ▶ Stipulated Removal Order, or
- ▶ Voluntary Departure Agreement

If you sign these papers, you might give up your right to talk to a lawyer or a judge, and your ability to return to the U.S. or apply for status.

Things to tell the Immigration Agent

- ▶ Tell the agent if you are the **parent or primary caregiver** of a child (or adult with disabilities) who is a U.S. citizen or green card holder.
- ▶ Tell them if you are pregnant.
- ▶ Tell them if you have a disability, illness, or health condition.
- ▶ If you had children with you when you were detained, or want to call into work, ask the agents if you can call a relative or friend.
- ▶ **Ask** for the deportation agent's name, phone number, and your A-number.

Ask if you can be let out on parole or bond

Tell the agent where you would stay if they let you out.

If they say no, ask for a bond hearing with an immigration judge. If you get a bond hearing, show the judge proof of your ties to your community, such as

- ▶ work, school, and volunteer records, and
- ▶ letters of support from family and community members about your good character.

Be Ready: You May Need a Lawyer

Find out about your options now, including free or low-cost legal advice. It is much easier to find a lawyer *before* you are detained. Make sure to give your family the lawyer's contact information in case you are detained.

You can use these links to find an immigration lawyer:

- ▶ The American Immigration Lawyers Association's online directory of private attorneys is here: ailalawyer.com/

- ▶ The American Bar Association has a list of lawyers' groups across the country. You can search in each state group for lawyers who handle immigration cases:

https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/

- ▶ The Immigration Advocates Network and Pro Bono Net directory lists free and low cost lawyers: immi.org/en/Info/FindLegalHelp.

Make a safety plan now!

- ▶ **Memorize the phone numbers** of people you may need to call if you get arrested, like a relative, trusted friend, or a lawyer.
- ▶ **Talk to an immigration lawyer now.** Ask about the risks and options in your particular situation. Ask them if you would qualify for release on bond or own recognizance if you were detained.
- ▶ If you are a **parent or caregiver**, make a **back-up plan** about how to **provide care** and **protect your children** if you are arrested.
- ▶ Keep your important papers, like birth certificates and immigration papers, in a safe place. Tell a relative or friend where you put those papers so they can get them if needed.
- ▶ Tell your loved ones that if you get picked up by Immigration (ICE), they can use these links to find out:
 - **Where** you are detained: locator.ice.gov/odls/#/search
 - How to contact their regional ICE office: ice.gov/contact/ero
 - **Your immigration court case's status** from the Executive Office for Immigration Review (EOIR) hotline: 24/7 Hotline: 800-898-7180 (toll-free) Online case tracker: acis.eoir.justice.gov/en.

Make sure a relative or friend has your **A-number**, if you have one. An A-number is a 9-digit number that starts with an A and is on most immigration papers.

If you want to fight your deportation

Know Your Rights

- ▶ You have the right to a **lawyer**, but the government will not pay for one. It's best to connect with an immigration lawyer BEFORE anything happens. (See above.)
Remember: You have a better chance of winning your case if you have a lawyer because immigration law is complicated. Your lawyer must keep what you tell them private (unless you give them permission).
- ▶ If you have **ties** to the U.S. or will be in **danger** if you get deported, you may be able to fight your deportation by asking for asylum, cancellation of removal, or other types of protection from deportation.
- ▶ If they do not let you talk to an immigration judge, you are fast-tracked for deportation, also called *expedited removal*. You should tell your deportation officer if you are afraid to return to your country and ask to see an immigration judge.
- ▶ If you already have a final deportation order, immigration can deport you without seeing a judge unless you quickly move to have your old immigration court case reopened.

To read more about options to fight deportation and how to defend yourself without a lawyer, click here: acaciajustice.org/legal-resources/resources/ and here: <https://firrp.org/es/resources/prose/>

You should:

- ▶ **Tell every agent you see if you are afraid to return to your home country. Say it loudly and clearly.** If you do *not* say so, they may deport you without giving you a chance to see a judge or ask for asylum or other status.
- ▶ If you have a lawyer:
 - **Share all information** you have with your immigration lawyer. This includes your:
 - immigration history,
 - *any* arrests or criminal convictions on your record,*

- family, work, and social background,
- what would happen to your family in the U.S. if you got deported, and
- what would happen to you if you got deported to your home country.
 - *Do not hide any arrests or crimes. Your lawyer needs that information to know how to help you best.
- **Get support from your community.** Your family, friends, and others in your community may be able to support your case by:
 - writing letters of support
 - providing proof of your contributions to the community, or
 - giving proof of what could happen to you if you are deported to your home country.
- ▶ If you do not have a lawyer:
 - **Ask the immigration agent or judge for more time** in your case if you want a lawyer but don't have one yet.
 - Ask if they plan to **fast-track deport** you or send you to a **regular deportation** hearing with an immigration judge.
 - They can fast-track deport you only if you have been in the U.S. *less* than 2 years. **Important!** If you have lived in the U.S. for more than 2 years, tell them and show them proof. Tell them you have the right to see an immigration judge.
 - If you already have a *final* deportation order, try to talk to a lawyer as soon as possible. The only way you can stop the deportation is to get a "stay" or reopen your case. If you have an appeal that is open at the Board of Immigration Appeals, that means your deportation is *not final* and you should show proof of your appeal to your deportation officer immediately.

Crimes are different from immigration violations

Know your rights

- ▶ It is a **crime** to cross the border without permission. They can put you in jail.
- ▶ The authorities may charge you with this crime (criminal offense) before starting a deportation case.
- ▶ There is a 5-year time limit (*statute of limitations*) for the **crime** of crossing the border without permission. This means they cannot charge you if you've been in the U.S. more than 5 years.
- ▶ If you are arrested for a *crime*, the government must pay for **you** to have a lawyer. If your criminal case is in federal court, your lawyer is called a *federal defender*.

You should:

- ▶ If you get arrested, find out (or confirm) if they are charging you with a *criminal* offense or an *immigration* violation.
You can:
 - Ask an officer where you are detained, and/or
 - Ask a friend or relative to look for you in [ICE's Online Detainee Locator System](#) (for *immigration* violations) and the [Bureau of Prisons public locator system](#) (for federal *criminal* charges).
- ▶ If you are charged with a *criminal* offense, use your right to **remain silent** and **ask to talk to your federal defender**.

Tell your federal defender and the judge if you are afraid to go back to your country of origin.

If you are in jail or prison because of a non-immigration offense

Know Your Rights

- ▶ Some arrests and convictions can impact your immigration case. This area of law is *very* complicated. You have the right to know how

this could affect your immigration status before deciding how to plead. Ask your lawyer to get that information from a lawyer with experience in *criminal-immigration* cases.

- ▶ Be aware! Sometimes immigration officers go to jails or prisons to get information that could help them deport you. If any immigration officer wants to talk to you, use your right to stay silent.
- ▶ Sometimes immigration officers ask jails or prisons to keep you there longer, even if you are eligible for release.
The jail may be violating your rights if they hold you there for more than 48 hours after your release date. If they do, talk to a criminal or immigration lawyer immediately.
- ▶ You have the right to call and receive visits from your consulate. They may be able to help you get an immigration lawyer or free legal advice.

You should:

- ▶ Get a copy of your criminal record for any past convictions and arrests, including a certified certificate of disposition. Some courts let you do this online.
- ▶ If there is any criminal activity on your record, even if your case was resolved, **talk to a lawyer with experience in immigration and criminal law**. Ask the lawyer these questions:
 - How could my past arrest(s) or conviction(s) impact my immigration status now or in the future? Could I get deported?
 - Would I be eligible to ask to get out on bond if I get arrested by immigration?
 - Can I still apply for a green card, benefits, or adjusted status without risk of immigration arrest or detention?
 - Does the government have the authority to try to deport me because of my criminal history?