

Know Your Rights:

What to do if you are stopped by the police or Immigration or there is an Immigration raid

These rights apply to:

- Non-citizens inside the U.S.

Special Note:

- Foreign nationals at the border who are trying to enter the U.S. have additional restrictions and do not have the same rights as listed in this presentation.

Rights When Contacted by the Police or FBI

Basic Constitutional Rights

Right to Remain Silent

- Every person has the right to not answer questions asked by police or FBI officers
- You can be questioned but you cannot be arrested just for refusing to answer their questions
- However, the police and FBI may become suspicious if you do not answer questions

Right to Remain Silent (continued)

- If you are arrested, you do not have to talk with the police officer, especially without a lawyer present
- Only a judge can order you to answer questions

Freedom from “Unreasonable Searches and Seizures”

- Without a warrant, police officers cannot search your home without consent
- You have the right to refuse to give consent
- In emergencies, however, police officers can enter your home and search without consent
- If you are arrested in your home, they can search the area within the same room where you were arrested

Searches (continued)

- If police officers do search your home without your consent, make sure to assert that you do not consent, but Do Not resist or physically interfere
- Likewise, if police officers do search your home without a warrant, don't interfere—interfering probably won't stop the search and might get you arrested
- A roommate or guest can consent to a search if the FBI or police think the guest or roommate has the authority to give consent

When the Police or FBI has a Search Warrant

- Ask to see the warrant
- Pay attention to what is searched and the names of the officers doing the searching to tell your attorney later
- You still do not have to answer any questions they may ask

Rights When Contacted or Detained by Immigration

If stopped by Immigration and they ask you questions:

- Before answering questions, you have a right to contact an attorney
- If you are detained, your family can contact an attorney for you and you have a right for that attorney to visit you in detention
- Once you tell the police or FBI that you want to speak with your lawyer, they should stop questioning you until your lawyer is present
- You do not have a right to a free government-appointed attorney

Assert your rights:

- If you do not assert your rights when stopped or questioned, Immigration may deport you before you see your lawyer or an Immigration Judge
- Do not sign papers waiving (giving away) your rights, especially if you do not understand what the documents say
- Ask the officer to explain what the papers say

If questioned by Immigration:

- You are not required to answer questions about your immigration status
- This includes any questions about your political beliefs, groups you belong to, things you have said, where you have traveled
- It is best to contact an attorney before answering any questions

If questioned by Immigration:

- However, if you do answer questions Do Not lie about your name or immigration status
- Do Not present an id card or other document that is not your own
- Presenting false documents is a crime that could impact your immigration options.

If Immigration arrests you:

- They must make a decision about your case within 48 hours
- They can put you in removal proceedings, keep you in custody, or release you on bond
- A new rule does allow for Immigration to take more than 48 hours, but it must be "an emergency or other extraordinary circumstance"
- If the Attorney General "certifies" a you as a "terrorist" or threat to national security, you may be detained seven days before charges are brought

IMPORTANT REMINDERS

What to carry with you:

- The law requires that you carry many types of official immigration papers with you at all times
- Including: your green card, I-94, Employment Authorization Card, Border Crossing Card and/or other required Immigration papers that prove your registration or status
- Though the government does not always enforce this law, it is a misdemeanor crime not to carry these documents
- Be sure to carry these documents in a safe place, as replacing them may be costly and take a lot of time

What to carry in your car:

- If you are stopped while driving a car, you must present your driver's license, registration, and proof of auto insurance

Have a lawyer:

- Immigration laws are hard to understand
- Many immigration officers view “enforcement” as their primary job and will not explain your options to you
- Always carry the contact information for your immigration attorney or representative with you