



KNOW YOUR RIGHTS WITH POLICE, ICE, AND BORDER PATROL

Regardless of your immigration status, you have guaranteed rights under the Constitution. Know your rights if you are approached by law enforcement.

This information is not intended as legal advice. Consult with an attorney if you have specific questions about your situation.

BE PREPARED. REDUCE YOUR RISK.

- **Stay calm.** Don't run, argue, resist, or obstruct the officer, even if you believe your rights are being violated. Keep your hands where police can see them.
- **If you are not a U.S. citizen and over 18, carry your immigration documents at all times.** If you do not have immigration papers and encounter an immigration agent, say you want to remain silent or that you want to consult a lawyer before answering any questions.
- **Remember your immigration number ("A" number) and give it to your family.** It will help family members locate you in case you are detained. Keep a copy of your immigration documents with someone you trust.
- **Do not lie.** Don't lie about your immigration status or provide false documents.
- **Prepare yourself and your family in case you are arrested.** Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication. Identify a caregiver for your children in advance.
- **If you take medication:** Carry necessary medication with you in its original packaging.
- **If an officer asks you to sign a document:** do not sign anything until you speak with a lawyer.
- **Carry an Immigrant Legal Resource Center (ILRC) red card at all times.** If unknown people are knocking at the door of your home, do not open the door. You can slip an ILRC red card under your door.

KNOW YOUR RIGHTS

- You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents, or other officials. Anything you tell an officer can later be used against you in immigration court.
- You are required to show immigration documents to federal immigration authorities (e.g. ICE or Border Patrol) upon request – but NOT state or local police.
- In Arizona, you must provide your name to state or local police if you are detained and told to identify yourself. You are not required to provide your full name to federal immigration authorities.
- If an immigration agent asks if they can search you, you have the right to say no. Agents do not have the right to search you or your belongings without your consent or probable cause.
- If you are stopped by police, you do not have to consent to a search of yourself or your belongings, but police may pat down your clothing if they suspect a weapon.
- You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country (separate rules apply at international borders, internal Border Patrol checkpoints, airports, and for people on certain nonimmigrant visas).
- You have the right to record your interaction with immigration agents, as long as you do not interfere.

YOUR RIGHT TO LEGAL REPRESENTATION

- If you are arrested by the police, you have the right to a government-appointed lawyer, and should ask for one immediately. You also have the right to a private phone call within a reasonable time of your arrest, and police may not listen to the call if it is made to a lawyer.
- If you are detained by ICE or Border Patrol, you have the right to hire a lawyer, but the government does not have to provide one for you. Ask for a list of free or low-cost alternatives. You also have the right to call a lawyer or your family, and you have the right to be visited by a lawyer in detention. You have the right to have your attorney with you at any hearing before an immigration judge.

WHAT TO DO IF POLICE OR ICE ARE AT YOUR HOME

- Stay calm and keep the door closed. Opening the door does not give them permission to come inside, but it is safer to speak to ICE through the door. You have the right to remain silent, even if the officer has a warrant.
- Ask if they are immigration agents and what they are there for (and ask for an interpreter if you need one). Ask the agent or 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 at your address. If they don't produce a warrant, keep the door closed. Tell them: "I do not consent to your entry."
- If agents force their way in, do not resist. Tell everyone in the residence to remain silent.
- If you are on probation with a search condition, law enforcement is allowed to enter your home.

YOUR RIGHTS IN A CAR

- Pull over in a safe place as quickly as possible. 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.
- 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 an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. If police have reason to believe that your car contains evidence of a crime, your car can be searched without your consent.
- Border Patrol conducts "roving patrols" around the interior of the U.S., pulling over motorists. Border Patrol must have reasonable suspicion that the driver or passengers in the car committed an immigration violation or a federal crime in order to pull them over.

WHAT TO DO IF YOU ARE DETAINED BY BORDER PATROL NEAR THE BORDER

- You have the right to remain silent. You can also tell the agent that you'll only answer questions in the presence of an attorney, no matter your citizenship or immigration status.
- You do not have to answer questions about your immigration status. A limited exception exists for people who have permission to be in the U.S. for a specific reason and for a limited amount of time (a "nonimmigrant" on a visa, for example). These individuals are required to provide information about their immigration status if asked.
- Generally, a Border Patrol agent cannot detain you unless they have "reasonable suspicion" that you committed a violation of immigration law or federal law.
- An immigration officer cannot arrest you without "probable cause." That means the agent must have facts that indicate you likely committed a violation of immigration law or federal law.
- At immigration checkpoints, agents do not need any suspicion to stop you and ask you questions, but their questions should be brief and related to verifying immigration status. They can also visually inspect your vehicle.
- At border crossings, federal authorities do not need a warrant or even suspicion of wrongdoing to justify conducting a "routine search," such as inspecting luggage or a vehicle.

**SCAN FOR THE COMPLETE GUIDE AND OTHER IMMIGRANTS' RIGHTS RESOURCES
OR VISIT [ACLUAZ.ORG/IKYR](https://acluaz.org/ikyr)**

