

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 non-U.S. citizens of their legal rights in various situations with law enforcement and immigration officers.

Some [state laws](#) may vary. Separate rules apply at [checkpoints](#) and when entering the United States at ports of entry, including at borders and 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 not incriminate yourself](#). This means that you have the right to remain silent when questioned by law enforcement. You can say, “I do not want to answer your questions.”
- You have the [right to a fair and equal process](#). Ask for an interpreter if English is not the language you are most comfortable with.
 - You do not have to sign anything you do not understand.
- You have the [right against illegal searches and seizures](#) (arrests). You do not have to open the door for law enforcement to enter your home unless they have a judicial search warrant.
- If you are not under arrest, ask if you are being detained. If the answer is no, ask, “Am I free to leave?” If the answer is yes, calmly leave.
- If you are detained by immigration officers, you have the right to seek an attorney, but the government does not need to provide one—ask for one immediately.
- If you are detained by the police for a crime, you have the right to a free attorney (public defender) during questioning.
- 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 have the [right to appeal](#) a deportation order, criminal conviction, and denials of certain immigration applications (ex. denial of asylum).
- Police and immigration officers should never ask you for money.

YOUR RESPONSIBILITIES

- Stay calm.
- Do not run away, argue, resist, or obstruct a police or immigration officer, even if you believe your rights are being violated.
- Do not say anything to police or immigration officers.
- Keep your hands where police or immigration officers can see them.
- Do not lie about your immigration status or give false documents.
- If you are over 18, consider carrying a copy of immigration status documentation with you.
 - Always keep a copy on your phone.
 - If the officer asks about your immigration status, you have the right to remain silent by saying, "I do not want to answer your questions. I want to speak to a lawyer."
- Memorize the phone number of a friend, family member, or attorney to call if you are arrested.
- Make plans for the care of your children or other loved ones if you are arrested.
- Prepare people in your care (ex. children and older parents) on what to do if you are detained.
- Designate a trusted person to make financial and childcare decisions if you are unable.
- Keep your immigration documents, criminal records, and other important documents in a safe place where a trusted person can access them.
- 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 an encounter with law enforcement, and film it if you can.
- File a written complaint if you feel your rights have been violated.

LAW ENFORCEMENT OFFICERS

| U.S. Immigration and Customs Enforcement (ICE) | Homeland Security Investigations (HSI) | State Police Local Police |
|---|---|---|
|  <p>Photo: ICE.gov</p> |  <p>Photo: ICE.gov</p> |  <p>Photo: iStock</p> |
| <p>ICE conducts home raids, workplace raids, and works with some local police.</p> | <p>HSI investigates transnational crime and conducts workplace raids.</p> | <p>Police are usually tasked with enforcing local crime. Some police may travel with and help immigration officers.</p> |
| <p>You have the right to remain silent.</p> | <p>You have the right to remain silent.</p> | <p>You have the right to remain silent.</p> |

| U.S. Immigration and Customs Enforcement (ICE) | Homeland Security Investigations (HSI) | State Police Local Police |
|---|---|--|
| You have the right to have an attorney present, but ICE is not required to provide one for you. | You have the right to have an attorney present, but HSI is not required to provide one for you. | You have the right to have an attorney present, and the police are required to provide one if you are suspected of committing a crime. |

*There may be other law enforcement officers who stop you, including ATF, Homeland Security, and FBI.

IF A LAW ENFORCEMENT OR IMMIGRATION OFFICER STOPS YOU ON THE STREET

- If someone claims to be a law enforcement officer, ask to see their badge or identification. Write down the identification number.
- Police or immigration officers can ask for your name.
- If they question you further, you may ask, “Am I under arrest?” If they say no, ask, “Am I free to go?” If the answer is yes, you may calmly walk away.
 - If they say you are stopped and not free to leave, you have the right to know why.
- If they try to question you again, immediately say, “I would like to speak to an attorney before answering any questions.” At this point, the officer must stop questioning you.
- You have the right to remain silent at all times. Anything you say can be used against you.
- Do not discuss your immigration or citizenship status with police or immigration officers.
- Do not believe anything the police or immigration officers may say to get you to talk.
- If an immigration officer asks for your immigration papers, you must show them if you have them with you. You do not have to show immigration papers to local or state police.
- Do not consent to a search of your body, bag, or possessions. If a police or immigration officer asks if they can search your things, you have the right to say no.
 - If an officer searches 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.
 - Say, “I do not consent to your search,” even if they keep going with the search.
- Do not empty your pockets voluntarily, throw belongings away, or reach towards your waistband as the officer approaches.
- Immigration officers and some state police can ask about your name, address, and age, or request photo ID. If asked, calmly give this information, and do not lie.

IF A LAW ENFORCEMENT OR IMMIGRATION OFFICER COMES TO YOUR HOME

- If police or immigration officers come to your home, you do not have to open the door unless they present a search warrant signed by a judge.
 - Do not open the door. Speak to them from the inside, through the closed door or through a window. Say, "You do not have my consent to enter."
 - Ask the police or immigration officer to show you a badge or identification through the window or peephole.
 - If the officers say they have a warrant, ask them to slide it under the door or pass it through the window.
 - Make sure the correct address is on the warrant.
 - Only state or federal judges can sign a search warrant. Immigration judges cannot.
 - If you are unsure, ask the officer what kind of judge signed the warrant. Or ask for time to call an attorney.
- If the officers do not have a search warrant, you do not have to let them in. Say, "I do not consent to your entry." You can also refuse to talk to them.
- Do not confuse an arrest warrant for a search warrant.
 - A search warrant allows law enforcement to go into your home and search it.
 - An arrest warrant allows law enforcement to come to your home to arrest you. But it does not allow law enforcement to search your home.
 - An order of removal or deportation (an immigration warrant) does not give an officer the right to enter your home.
- If officers have a valid warrant and are searching your home:
 - If you live with other individuals who are not U.S. citizens, 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.
 - During the search, you have the right to remain silent. Say, "I do not want to answer your questions."
 - You have the right to have an attorney present, and the police are required to provide one if you are suspected of committing a crime. Say, "I want an attorney."
 - Do not obstruct officers or block them from entering places that are listed on the warrant.
 - 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 want to speak with an attorney."
 - Remember the details of the encounter, and film it if you can.
- Ask for an interpreter if English is not the language you are most comfortable with.

IF A LAW ENFORCEMENT OR IMMIGRATION OFFICER STOPS YOU IN YOUR VEHICLE

- In all stops:
 - Police and immigration officers will request you to pull over, usually by using flashing lights and turning on police sirens. If this happens, turn on your 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.
 - 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 police stop you:
 - If police request your name and driver's license, you must provide this information.
 - Ask them, "What is the reason I am being stopped?" You can also ask, "Am I free to leave?" If yes, then slowly roll up your window and calmly drive away.
 - When the police stop you for a traffic violation, they can request your driver's license, vehicle registration, and proof of insurance. If you have these documents, you must show them.
 - If police request your driver's license, registration, and proof of insurance, you must show those documents.
 - Do not answer questions about anything else, including immigration status or national origin. Say, "I do not want to answer your questions."
 - The police, but not immigration officers, have the right to search a vehicle if they have reason to believe that something illegal is in the vehicle. Do not resist.
 - The police can order you and your passengers out of your vehicle for their safety. Calmly comply if requested.
- If an immigration officer stops you:
 - If an immigration officer stops you, you do not have to identify anyone in the car but the driver. If the officers ask who is with you, you can answer, "They are my passengers."
 - An immigration officer can order you and your passengers out of your vehicle for their safety. Calmly comply if requested.
 - If an immigration officer wants to search your vehicle, they can only do so with a valid search warrant signed by a state or federal judge (not an immigration judge).
 - An immigration officer can fingerprint you if they believe you violated an immigration law.

IF A LAW ENFORCEMENT OR IMMIGRATION OFFICER COMES TO YOUR WORKPLACE

- Immigration officers can enter public areas of your workplace. To enter non-public areas, immigration 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 search warrant signed by a federal judge or magistrate.
- If immigration officers have permission to search your workplace, they can block employees from leaving.
- Immigration officers need a separate reason or warrant to search you, your belongings, and employee lockers.
- You have the right to remain silent.
- You have the right to refuse to sign any documents.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

- You have the right to remain silent.
- Do not 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.)
- If you are over 18, consider carrying your immigration documents with you at all times. If you do not have immigration papers, say, "I do not want to answer your questions."
- Do not lie about your citizenship status or provide fake documents.

IF YOU ARE DETAINED BY LAW ENFORCEMENT OR IMMIGRATION OFFICERS

- Do not say anything to police or immigration officers. 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 immigration officer must stop questioning you.
- 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 an immigration officer, 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.
- Ask for an interpreter if English is not the language you are most comfortable with.
- Do not sign anything without consulting an attorney first.

- 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.

If you have any questions, please contact: policy@refugees.org. Emailing to this address does not ensure confidentiality. If you need legal advice, please contact a lawyer or go to: <https://refugees.org/legal-services>.