

ACLU

IMMIGRANTS IN WY

KNOW YOUR RIGHTS



ACLU

Wyoming

AMERICAN CIVIL LIBERTIES UNION

ABOUT US

The ACLU of Wyoming works in communities, legislatures and courts to preserve the rights and liberties enshrined by the Constitution of the United States of America.

WE DEFEND

Whether it's ending mass incarceration, protecting free speech, achieving full equality for the LGBTQ+ and Two Spirit community, securing the rights of immigrants, establishing new privacy protections for our digital age, or preserving the right vote or the right to have an abortion, the ACLU takes up the toughest civil liberties cases and issues to defend all people from government abuse and overreach.

HOW WE WORK

IN THE COMMUNITY: Educating and engaging with the public is vital to the mission of the ACLU of Wyoming. By providing information to the public about our constitutional rights, individuals are better able to advocate for civil liberties independently.

IN THE LEGISLATURE: Analyzing public policies, testifying on bills, and influencing policy-makers are important techniques to prevent the government from infringing on people's rights. The ACLU of Wyoming is non-partisan and does not endorse political candidates, but we do support ballot initiatives that promote civil liberties.

IN THE COURTS: Helping people secure their rights through negotiation and lawsuits is one of the main tools available to help us protect individual rights. We take on individual and class action lawsuits that have the potential to change the law and broaden and strengthen civil liberties in Wyoming.

JOIN US

The ACLU is driven by members and a network of supporters established to bring together communities driven to defend civil liberties.

For more information, to become a member, make a donation, or get involved visit aclu-wy.org

PO BOX 20706 • Cheyenne, Wyoming 82003 • (307) 637 - 4565

WHO YOU MIGHT RUN INTO

- Highway Patrol on federal highways.
- Sheriffs in your city or local area.
- Federal Immigration Agents could pop up anywhere.

WHAT A WARRANT MUST INCLUDE

- The name of the person(s) the officer or agent is searching for.
- A current address of said person(s).
- A signature from the judge from the court which issued the warrant.

YOUR RESPONSIBILITIES

- Be polite.
- Do not lie to the police officer or immigration agent.
- Do not carry a false I.D.
- Carry the name and phone number of an immigration attorney with someone you trust and can call if you are in need.
- Keep a copy of all of your immigration documents with someone you trust and can call if you are detained.

A NOTE ABOUT YOUR RIGHTS

- Even if you know your rights and exercise them properly, the police may not honor them. You should never resort to physical resistance of any kind, even if you know you are not in the wrong. Challenging police misconduct cannot be done on the street. It can only be done by a lawyer in the courtroom.

IF YOU ARE ARRESTED

- Be aware that just because you know your rights, and choose to exercise them, doesn't mean that the agents or police will follow the law and respect your rights.
- Do not resist arrest.
- Give the name or card of your attorney to the agent and ask to speak to your attorney. **Do not talk about your situation, personal information, or immigration status in attempt to explain anything.**
- If you do not have an attorney, ask for the list of free legal services in your area.
- Do not sign anything without talking to an attorney.
- You have the right to an interpreter in your own language. Do not sign anything in a language you do not fully understand.
- It is illegal for agents or police to pick someone for questioning because of their ethnicity or race.
- You have the right to be treated with dignity and respect. IF you are beaten, threatened, called racist names or mistreated, you have the right to express concern about your treatment.

More information:

To learn more about your rights, or if you believe your rights have been violated, please contact the ACLU of Wyoming at: **307-637-4565**

CONTACT US:

ACLU of Wyoming
P.O. BOX 20706
Cheyenne, WY 82003
307-316-4836
aclu-wy.org

INTERACTING WITH LOCAL LAW ENFORCEMENT & FEDERAL IMMIGRATION AGENTS

**KNOW YOUR
RIGHTS**

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YOUR RIGHTS ON THE STREET

First, you must always ask police officers or immigration agents if you can go. If the officer or agent says, “yes” you have the right to remain silent and leave.

If you do not wish to speak to the officer or agent, you may hand them your attorney’s card or this Know Your Rights pamphlet. You have the right to not answer questions they may ask.

If an officer says you are not free to go, you should give them your name. You do not have to share any other information though, such as your immigration status.

If an immigration agent says you are not free to go, and requests your immigration paperwork, you **must** give it to them if you have it with you. If you do not have your immigration paperwork with you, simply say you do not have the information they are asking for and nothing else.

YOUR RIGHTS AT HOME

You do not have to open your door to the police or immigration agents unless they provide you with a search warrant from the court, signed by a judge with your address on it.

If you do not wish to allow immigration agents or police into your home, do not open the door. Ask the agents or officers, through closed doors, if they have a search warrant from a court, signed by a judge, which would allow them to enter your home. You have a right to read the warrant they provide.

If there is a warrant provided by the court, signed by a judge, from an immigration officer with your name on it, then you have the right to not allow the officers in your home and go outside to see the officers.

If you live in someone else’s home, you still do not have to open the door unless the immigration agents or police officers have a search warrant from a court with the proper address listed.

If you do not understand the police officers or immigration agents, you have the right to an interpreter.

YOUR RIGHTS IN THE CAR

If police officers or immigration agents signal you to stop your car, you must pull over. If police officers or immigration agents ask to search your car, you may refuse to give them permission.

Police officers may ask for your name, driver’s license, vehicle registration, and proof of insurance. You must show them these documents if you have them.

You do not have to answer any questions or show any other documents. You should not have to answer questions regarding your immigration status. If a police officer writes up a citation, they will ask you to sign it. This is not an official admission of guilt - you are just stating you have received it.

If an immigration agent asks you questions, you can provide your name and your immigration documents if you have them. You do not have to answer any questions aside from those.

If a police officer or immigration agent questions a passenger in your vehicle, that person should ask if they are required to answer. If the police officer or agent says they do, the passenger should give their name but no more. The officer or agent may ask you to exit the car. Comply politely. **Remember, you have the right to remain silent.**

A NOTE TO POLICE OFFICERS & IMMIGRATION AGENTS: I KNOW MY RIGHTS

I am giving you this pamphlet because I do not wish to speak to you or have any further contact with you. I choose to exercise my right to remain silent and to refuse to answer your questions. If you arrest me, I will continue to exercise my right to remain silent and to refuse to answer your questions. I would like to speak with a lawyer before answering your questions.

**MORE INFORMATION AT:
ACLU-WY.ORG**

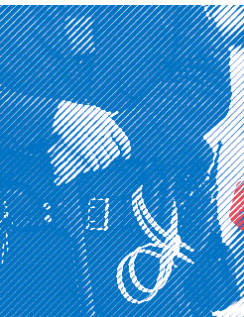
NEED HELP?

Contact us, at the ACLU of Wyoming

P.O. BOX 20706 • Cheyenne, WY 82003

307-316-4836 • aclu-wy.org

**PRESENT THIS KNOW YOUR RIGHTS BROCHURE TO POLICE OFFICERS OR
IMMIGRATION AGENTS WHO QUESTION OR STOP YOU.**



KNOW YOUR RIGHTS

WHEN ENCOUNTERING LAW ENFORCEMENT

ACLU
WY

Questioning

What you need to know:

You could be questioned by a variety of law enforcement officers, including state or local police officers, Joint Terrorism Task Force members, or federal agents from the FBI, Department of Homeland Security (which includes Immigration and Customs Enforcement and the Border Patrol), Drug Enforcement Administration, Naval Criminal Investigative Service, or other agencies.

Common questions:

Do I have to answer questions asked by law enforcement officers?

No. You do not have to talk to law enforcement officers. You cannot be punished for refusing to answer a question. It is wise to talk to a lawyer before answering any questions.

Are there exceptions to the general rule that I do not have to answer questions by law enforcement? Yes, there are two limited exceptions.

First, in some states, you must provide your name to law enforcement officers if you are stopped and told to identify yourself. But even if you give your name, you are not required to answer other questions. Second, if you are driving and you are pulled over for a traffic violation, the officer can require you to show your license, vehicle registration and proof of insurance (but you do not have to answer questions).

Can I talk to a lawyer before answering questions? Yes. You have the constitutional right to talk to a lawyer before answering questions, whether or not the police tell you about that right. The lawyer's job is to protect your rights. Once you say that you want to talk to a lawyer, officers should stop asking you questions. If they continue to ask questions, you still have the right to remain silent. If you do not have a lawyer, you may still tell the officer you want to speak to one before answering questions. If you do have a lawyer, keep his or her business card with you. Show it to the officer and ask to call your lawyer. Remember to get the name, agency, and telephone number of any law enforcement officer who stops or visits you and give that information to your lawyer as well.

Officers may only enter your home or workplace with a valid warrant or your permission and/or the permission of your employer. When a warrant is valid, it means it must be obeyed.

Search warrant:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched. In some cases, search warrants may be many pages long and describe locations to be searched.

A valid arrest warrant contains:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched.

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Interacting with police or immigration officers at home

What you need to know:

In order to enter your home, immigration officers or the police must have a valid warrant signed by a judge or your permission.

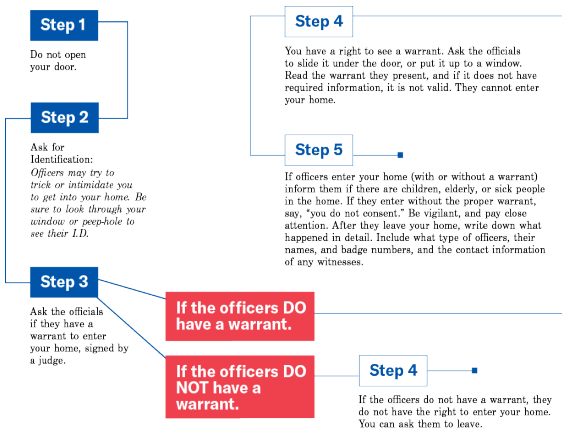
A warrant does not mean you are required to answer questions from police or immigration officers. If they do question you and you wish to remain silent, show the officials this Know Your Rights card.

DO NOT OPEN THE DOOR

Opening the door for the police or immigration officers could mean you give them permission to enter your home.

What you can do:

In order to enter your home, immigration officers or the police must have a valid warrant signed by a judge or your permission.



KNOW YOUR RIGHTS **AT HOME**

What if I speak to law enforcement before my lawyer? Anything you say to a law enforcement officer can be used against you and others. Keep in mind that lying to a government official is a crime but remaining silent until you consult with a lawyer is not. Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

What if law enforcement officers threaten me with a grand jury subpoena if I don't answer their questions? A grand jury subpoena is a written order for you to go to court and testify information you may have. If a law enforcement officer threatens to get a subpoena, **you still do not have to answer the officer's questions right then and there**, and anything you do say can be used against you. The officer may or may not succeed in getting the subpoena. If you receive a subpoena or an officer threatens to get one for you, call a lawyer right away. If you are given a subpoena, you must follow the subpoena's direction about when and where to report to the court, but you can still assert your right not to say anything that could be used against you in a criminal case.

What if I am asked to meet with officers for a "counter-terrorism interview?" You have the right to say that you do not want to be interviewed, to have an attorney present, to set the time and place for the interview, to find out the questions they will ask beforehand, and to answer only the questions you feel comfortable answering. If you are taken into custody for any reason, you have the right to remain silent. No matter what, assume that nothing you say is off the record. And remember that it is a criminal offense to knowingly lie to an officer.

More about the details of warrants you'll encounter

Warrant of removal / deportation:

This type of warrant, referred to as an immigration warrant, **DOES NOT** give the officer a right to enter your home. You can calmly state, "You do not have the right to enter with this warrant. Please leave."

A valid warrant of removal / deportation contains:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched. In some cases, search warrants may be many pages long and describe locations to be searched.

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____
Date: _____

To any officer of the United States Immigration and Naturalization Service:

_____ (your title and name)
who entered the United States at _____ (place and time) on _____ (year and time)
is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a district director or a district director's designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(2)), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the respondent: "Shelter and Expenses Immigration and Naturalization Service 2002," including the expense of an apudant if necessary.

(Signature of Officer)

(Print Name of Officer)

(Date and Office Location)

Form I-100 (Rev. 4-1-95)

Interacting with police or immigration officers in public

Always ask police officers or immigration agents if you can go. If the officer or agent says “yes,” you have the right to remain silent and leave. If you do not wish to speak to the officer or agent, you may hand them your attorney’s card or this booklet. **You have the right to not answer questions they may ask.**

If an officer says you are not free to go, you should give them your name. You **do not** have to share any other information though, such as your immigration status.

If an immigration agent says you are not free to go and requests your immigration paperwork, you must give it to them if you have it with you. If you do not have your immigration paperwork with you, simply say you do not have the information they are asking for and nothing else.

Below are steps you may follow if/when you are stopped by police or immigration agents:

Step 1

Pull your car over to a safe and well-lit spot, then turn off the engine. Put on overhead lights if you need them, and place your hands on the steering wheel.

Step 2

When asked, follow the officer’s instructions and provide your license, registration, and proof of insurance. If you do not have these documents do not provide false ones or lie.

Step 3

If the officer(s) ask to search your car, you can say, “No I do not consent to a search.” In some cases, the officer can search your car without consent and without a warrant. You can still say that you do not consent to a search.

Step 4

You have the right to remain silent. Do not provide information about your immigration status, where you were born, or how/when you came to the United States. Do not show documents from your home country. You can say out loud that you wish to remain silent and show the officer your Know Your Rights card.

What happens if I get pulled over?

Laws may vary, depending on where you are stopped.

Police officers may ask for your name, driver's license, vehicle registration, and proof of insurance. You must show them these documents if you have them.

You do not have to answer any questions or show any other documents. You should not have to answer questions regarding your immigration status. If a police officer writes up a citation, they will ask you to sign it. This is not an official admission of guilt - you are just stating you have received it.

If an immigration agent asks you questions, you can provide your name and your immigration documents if you have them. You do not have to answer any questions aside from those.

If a police officer or immigration agent questions a passenger in your vehicle, that person should ask if they are required to answer. If the police officer or agent says they do, the passenger should give their name but no more. The officer or agent may ask you to exit the car. Comply politely. Remember, you have the right to remain silent.

If you are stopped, take the following steps into consideration:

Step 1

Pull your car over to a safe and well-lit spot, then turn off the engine. Put on overhead lights if you need them, and place your hands on the steering wheel.

Step 2

When asked, follow the officer's instructions and provide your license, registration, and proof of insurance. If you do not have these documents, do not provide false ones or lie.

Step 3

If the officer(s) ask to search your car, you can say, "No I do not consent to a search." In some cases, the officer can search your car without consent and without a warrant. You can still say that you do not consent to a search.

Step 4

You have the right to remain silent. Do not provide information about your immigration status, where you were born, or how/when you came to the United States. Do not show documents from your home country. You can say out loud that you wish to remain silent and show the officer your Know Your Rights card.

KNOW YOUR RIGHTS WHEN PULLED OVER

Interacting with police or immigration officers at work

To enter your workplace an immigration officer or the police need either a warrant or permission from your employer. Please know that a warrant does not mean you are required to answer questions from the police officer or immigration agent.

What you need to know:

- If law enforcement or immigration agents are welcomed into your workspace by your manager or business owner, they are legally allowed to search your workspace with or without your consent.
- If your place of work is being raided, it may not be clear whether you are free to leave. You have the right to remain silent in any situation and you do not have to answer questions about your citizenship, immigration status, or anything else. If you do answer questions and you say that you are not a U.S. citizen, you may be expected to produce immigration documents showing your status.
- Do not run away from the officers. They will then presume you are in the U.S. illegally and you will likely be arrested.
- If you are arrested at work assert your rights. You can tell the officer you'd like to see a lawyer, and you do not have to sign anything without reading it first.
- If you are arrested at work and you have children in your care, ask to call a friend or family member to take care of them before officers take you away.
- Know that you also have the right to call your consulate or have the law enforcement officer inform your consulate of your arrest.
- If you are treated poorly by law enforcement, write down the officer's name and badge number. You have the right to ask for this information. If you are injured, seek medical attention and take photos of injuries as soon as you can. You should also call a lawyer as soon as possible or contact the ACLU of Wyoming: **(307) 637-4565**.

KNOW YOUR RIGHTS WHEN AT WORK

Resources in your community

Wyoming Hope

(208) 709-0131

wyomingidaho@immigranthope.org

Juntos

(307) 200-8902

www.juntoswyoming.com

Wyoming Equality

(307) 778-7645

www.wyomingequality.org

ACLU of Wyoming

(307) 637-4565

acluwy@aclu.org

Resources nationwide

DHS Office for Civil Rights and Civil Liberties

This government entity investigates abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

Email at civil.liberties@dhs.gov.

U.S. Department of Transportation's Aviation Consumer Protection Division

This government entity handles complaints against airlines for mistreatment by air carrier personnel.

Email them at airconsumer@ost.dot.gov.

Catholic Legal Immigration Network

Find more information at cliniclegal.org.

GET HELP



Your rights at airports and other ports of entry into the United States

What you need to know:

It is illegal for law enforcement officers to perform any stops, searches, detentions, or removals based solely on your race, national origin, religion, sex, or ethnicity. However, Custom and Border Protection officials can stop you based on citizenship or travel itinerary at the border and search all bags.

Common questions:

What if law enforcement questions me when I travel and says I'm on the "no-fly" list? If you believe you have been mistakenly put on the "no-fly" list, you can check for more information at [tsa.gov](https://www.tsa.gov).

While I'm on the airplane, can the staff ask me to get off the plane?

The pilot of an airplane has the right to refuse to fly a passenger if they believe the passenger is a threat to the safety of the flight. Their decision must be reasonable and not based on presumptions of you or stereotypes.

What if I wear religious head coverings and I am selected by security for additional searching? You have the right to wear religious head coverings. Assert your right to wear that if asked to remove it. Employees may use a hand wand to check over head coverings.

What if I am selected for a strip search? A strip search is not common and must be supported by reasonable suspicion and done in a private area.

What if I believe a customs or airport agent discriminated against me based on my race, ethnicity, or religion? It is important to record the details of the incident while they are fresh in your mind. When documenting the event, be sure to note the airport, airline, flight number, names and badge numbers of employees, and any information you can recall. When possible, be sure to include a witness to any event.

Referral contact information

American-Arab Anti-Discrimination Committee:

(202) 244-2990

www.adc.org

American Immigration Law Foundation:

(202) 742-5600

www.aifl.org

American Immigration Lawyers Association:

(800) 954-0254

www.aila.org

Asian American Legal Defense and Education Fund:

(212) 966-5932

www.aaldef.org

Council on American-Islamic Relations:

(202) 488-8787

www.cair.com

Mexican American Legal Defense and Educational Fund:

(213) 629-2512

www.maldef.org

National Immigration Law Center:

(213) 639-3900

www.nilc.org

NAACP Legal Defense and Education Fund:

(212) 965-2200

www.naacpldf.org

National Immigration Project:

(617) 227-9727

www.nationalimmigrationproject.org

Puerto Rican Legal Defense and Education Fund:

(800) 328-2322

www.prldef.org

South Asian American Leaders of Tomorrow:

(310) 270-1855

www.saalt.org

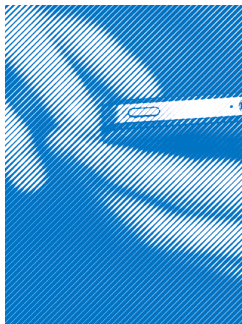
U.S. Commission on Civil Rights:

(800) 552-6843

This booklet addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers.

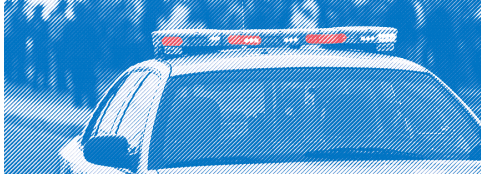
Information in this booklet is for citizens and non-citizens and tells you about your basic rights when interacting with law enforcement.

It is not a substitute for legal advice. **You should contact an attorney if you have been arrested or believe that your rights have been violated.**



For more information please visit our website: **aclu-wy.org** or email us at: **acluwy@aclu.org**.





These are some of the most important things to remember when interacting with law enforcement or immigration agents in any situation:

• **If you wish to remain silent, you have that right.**

- Never lie to officers.
- Anything you say can be used against you.
- Always carry U.S. identification cards and copies of your immigration documents.
- You have the right to speak with an attorney.
- You have the right to refuse to sign anything until you speak with an attorney.
- Never carry false documents or documents from another country.
- Do not immediately open the door if immigration agents show up at your home.
- Immigration agents and police officers need a judicial warrant or your permission in order to enter your home.
- You can refuse to consent to your vehicle being searched.
- You can show law enforcement this booklet to symbolize your wish to remain silent.



WHEN INTERACTING WITH

POLICE AND I.C.E.

**KNOW YOUR
RIGHTS**

ACLU Wyoming



KNOW YOUR RIGHTS

Interacting with Police and ICE

No matter what your immigration status, you generally have the same constitutional rights as citizens when law enforcement officers stop, question, arrest, or search you, your vehicle, or homes.

However, there are some special concerns that apply to non-citizens, so the following rights and responsibilities are important for non-citizens to know.

What types of law enforcement officers might question me?

Different kinds of law enforcement agency officers might question you or ask you to agree to an interview where they would ask questions about your background, immigration status, relatives, colleagues, and other topics.

- Local Police
- Sheriff
- State Patrol
- Federal Bureau of Investigations Agents
- Immigration and Customs Enforcement
- Customs and Border Protection Border Patrol

If you're stopped on the street

You do not have to answer any questions. Say, *"I do not want to talk to you."* Calmly walk away.

If you do not feel comfortable doing that, ask, *"Am I free to go?"* If the answer is yes, walk away calmly. Remember, do not run from the officer.

If the officer says you are not under arrest but you are not free to go, then you are being detained. Being detained is not the same as being arrested, though an arrest could follow. In order to detain you in this way, the police must have a reasonable suspicion that you are engaging in criminal behavior. Once detained, the police can pat down the outside of your clothing only if they have a reasonable suspicion that you are armed and dangerous. If they search any more than this, say clearly, *"I do not consent to a search."*

If they keep searching anyway, do not physically resist them.

REMEMBER: YOU DO NOT NEED TO ANSWER ANY QUESTIONS IF YOU ARE DETAINED OR ARRESTED.

Law enforcement officers may ask for your name and/or I.D. once you have been detained.

You can be arrested in some states for refusing to provide your I.D., but not in Wyoming.

What can I do if local police officers want to question me and I'm undocumented?

You have the same right to be silent that U.S. citizens have.

The general rule is that you do not have to answer any questions that a law enforcement officer asks you.

Do I have to answer questions about my status, where I was born, where I live, where I am from, or other questions by local police?

Local law enforcement should not and does not need to question you about your status.

You do not have to answer any of the above questions if you do not want to answer them. But do not falsely claim U.S. citizenship.

It is always a good idea to speak with a lawyer before you answer questions about your immigration status.

Immigration law can be complicated, and you could have a problem without realizing it. A lawyer can help protect your rights, advise you, and help you avoid a problem. Even if you have answered some questions, you can still decide you do not want to answer any more questions.

Do I have to answer questions about my status, where I was born, where I live, where I am from, or other questions asked by immigration agents like border patrol or ICE?

Regardless of your immigration status, you retain the right to remain silent and do not have to discuss your immigration or citizenship status with immigration agents or border patrol.

However, if you are not a U.S. citizen but have permission to be in the country and an immigration agent requests your immigration papers, you must show them if you have them with you. While you can still choose to remain silent or decline a request to produce your documents, people in this category should be aware that a failure to produce these documents upon request can constitute a crime.

If you don't have your documentation with you, tell the officer that you want to remain silent or that you want to consult a lawyer before answering any questions.

Do I have to show local police officers my immigration documents?

The law requires non-citizens who are 18 or older and who have been issued valid U.S. immigration documents to carry those documents with them at all times.

FAILURE TO COMPLY BY NOT CARRYING THESE DOCUMENTS CAN BE A MISDEMEANOR CRIME.

If you have your valid U.S. immigration documents and a police officer asks for them, you should show them if you have them with you. Many local police forces do not have the authority to enforce the federal immigration laws which require you to carry these documents. However, some local law enforcement agencies have entered into arrangements with ICE that grant them more authority to enforce these laws. Therefore, if you have your documents with you and a local police officer asks for them, it is advisable to comply.

It is illegal to show an officer fake immigration documents, provide false information, or to pretend that someone else's immigration documents are yours.

If you are undocumented and therefore do not have valid U.S. immigration documents, you can decide not to answer questions about your immigration status or whether you have documents.

If you falsely tell a police officer that you are a U.S. citizen, there is a very good chance you will be arrested.

It is possible that a law enforcement agency might hold you for ICE for up to 48 hours after you post bond, serve a sentence, or criminal charges are dropped. After 48 hours and ICE hasn't arrived to take you into custody, the law enforcement agency is required to let you go.

Do I have to show immigration agents like border patrol and ICE officers my immigration documents?

If you are undocumented and therefore do not have valid U.S. immigration documents, you can decide not to answer questions about your immigration status or whether you have documents.

As mentioned previously, the law requires non-citizens who are 18 or older and who have been issued valid U.S. immigration documents to carry those documents with them at all times.

Failing to comply by not carrying these documents can be a misdemeanor crime.

If you have your valid U.S. immigration documents and an immigration agent asks for them, you must show them if you have them with you. If you falsely tell an immigration officer that you are a U.S. citizen, there is a very good chance you will be arrested.

If stopped in a car by police

Keep your hands where the police can see them.

You must show your driver's license, registration, and proof of insurance if you are asked for these documents. Officers can ask you to step outside of the car and they may separate passengers and drivers from each other to question them and compare their answers. No one has to answer any questions.

The police cannot search your car unless you give them your consent, which you do not have to give, or unless they have "probable cause" to believe (i.e. knowledge of facts sufficient to support a reasonable belief) that criminal activity is likely taking place, that you have been involved in a crime, or that you have evidence of a crime in your car.

If you do not want your car searched, clearly state that you do not consent. The officer cannot use your refusal to give consent as a basis for doing a search.

If stopped in a car by immigration agents like border patrol and ICE

ICE officials can only stop a vehicle if they have a “reasonable suspicion” that the vehicle contains undocumented immigrants or of certain other violations. These suspicions must be based on specific, objective facts besides the occupants’ physical appearance.

Once the vehicle is stopped, these officials can ask for your driver’s license, registration, and proof of insurance. Additionally, they may briefly question the occupants about their immigration status if they have a reasonable suspicion that they are not legally admitted to the country.

BUT just as when stopped by local police, you retain the right to remain silent regardless of your immigration status. Therefore, you can choose to not answer any questions, including questions about your immigration status, where you were born, where you live, where you are from, or other similar questions.

You also retain the additional rights discussed above for when you are stopped in a car by police. For example, your vehicle cannot be searched without your consent or unless the police have probable cause to believe that illegal activity is taking place, that you have been involved in a crime, or that you have evidence of a crime in your car.

As with dealing with a police traffic stop, it is advisable to keep your hands where they can be seen and to refuse to consent to any searches of the vehicle.

Remain silent until talking to a lawyer

Anything you say to a law enforcement officer can be used against you and others.

Keep in mind that lying to a government official is a crime but remaining silent until you consult with a lawyer is not.

Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

You have a right to a lawyer

You have the constitutional right to talk to a lawyer before answering questions, whether or not the police tell you about that right.

The lawyer’s job is to protect your rights.

Once you say that you want to talk to a lawyer, officers should stop asking you questions.

If they continue to ask questions, you still have the right to remain silent.

If you do not have a lawyer, you may still tell the officer you want to speak to one before answering questions. If you do have a lawyer, keep their business card with you. Show it to the officer, and ask to call your lawyer.

Remember to get the name, agency, and telephone number of any law enforcement officer who stops or visits you and give that information to your lawyer.

Do I have the same rights to a lawyer as an undocumented immigrant?

Yes. The right to a lawyer applies to anyone in the country regardless of their citizenship status. However, if you are taken into immigration or ICE custody, the government does not have to provide a lawyer for you. If you do not have a lawyer, ask for a list of free or low-cost legal services.

Can law enforcement officers search my home?

Only if they have a warrant signed by a judge or your consent.

If a warrant was issued by ICE but not by a court, you have the right to refuse to let the officer in your home. Even if law enforcement has a warrant signed by a court, check to see if it is a search warrant or an arrest warrant. A search warrant allows police to enter the address listed on the warrant, but officers can only search the areas and for the items listed. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside.

In your absence, the police can search your home based on the consent of your roommate or a guest if the police reasonably believe that person has the authority to consent.

If ICE comes to your door

DO NOT open the door. Try to remain calm and remember you have rights. If needed, ask for an interpreter.

If they want to enter your home, they need a warrant signed by a judge. Additionally, as discussed above, the type of warrant they possess can impact the areas of the home they can search once inside.

Ask them to show it to you through a window or slide it under the door. If it is not a warrant signed by a judge, **DO NOT OPEN THE DOOR.** If they do not have a warrant signed by a judge, you may refuse to let them in.

If they force their way in, **DO NOT RESIST.** Tell everyone in the residence to remain silent. If you are detained, stay silent and **do not sign anything until you speak with a lawyer.**

Can law enforcement officers search my work place?

Only if they have a warrant signed by a judge or the consent of the employer.

If your employer consents to a search of your office, law enforcement officers can search your workspace whether you consent or not. However, your employer can only grant consent for officers to search areas where they retain some measure of access or control.

Warrants

A search warrant is an order signed by a judge that authorizes the government to search for specific objects or materials at a definite location.

In order to get a warrant to search your home, the authorities must convince a judge that they have probable cause to believe that criminal activity or evidence of criminal activity can be found there.

Whether a judge will agree to issue a warrant and how long it takes the judge to do so depends heavily on the specific facts of each case.

Compared to your home, authorities have more flexibility to search your vehicle without a warrant. While they cannot search a vehicle that has been pulled over solely for a routine traffic stop, if before or during the stop they have probable cause to believe that evidence of a crime or other contraband is within a vehicle, they may search it for those items without a warrant.

If you're arrested

If you are arrested, you do not have to answer any questions or volunteer any information.

Ask for a lawyer right away.

Repeat this request to every officer who tries to talk to or question you.

You should always talk to a lawyer before you decide to answer any questions.

DO NOT SIGN ANYTHING.

If you don't speak English

Federal law requires federally assisted law enforcement agencies to take reasonable steps to provide meaningful access to individuals with limited English proficiency.

Phrases to remember

- *"Have I done something wrong?"*
- *"Am I free to leave?"*
- *"I don't consent to a search."*
- *"I'm going to remain silent."*
- *"I want to speak to my lawyer."*
- *"I would like to see a warrant."*

Filming and photographing law enforcement

You have the right to photograph or videotape during ICE raids or activity.

When you are lawfully present in any public space or your property, you have the right to film or photograph anything that is in plain view.

This includes:

- Federal buildings
- Transportation facilities
- ICE
- The police

When you are on private property, the property owner may set rules about taking of photographs or video.

ICE or police may not confiscate or demand to view your digital photographs or video without a warrant, nor may they delete your photographs or video under any circumstances. The only exception to this rule is that police may be able to seize a camera if they believe it contains evidence of a crime. However, even in this situation, the police would not be able to view the camera's content without a warrant from a judge.

Law enforcement may legitimately order people to cease activities that are truly interfering with legitimate law enforcement operations.