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Key Know Your Rights Takeaways

You have different rights depending on where you and your property are located



	Private	Public
Some Examples	<ul style="list-style-type: none">• Homes• Parts of workplaces only accessible to employees	<ul style="list-style-type: none">• Walking on the street• Driving or riding in a car• Parts of workplaces open to the public
General Rules	ICE needs a <u>warrant</u> from a judge or your <u>consent</u> to enter or search	ICE only needs reasonable suspicion to make an arrest
Notes	<ul style="list-style-type: none">• Allowed to pat down <i>above</i> clothing for officer safety• Plain view (because this is actually public)	<ul style="list-style-type: none">• Parts of cars like the trunk or glove box and “closed” property like bags and pockets are actually private and protected by the 4th Amd.

★ These 4th Amendment rights apply to everyone regardless of immigration status.



2

What are your rights
at home?



Know Your Rights: Residences

Private houses

Apartments

Shelters

Supportive housing

Know Your Rights: Residences



The home includes **curtilage** : the area immediately surrounding a home where home-related activities take place

Examples:

- Area just **outside a home entrance** (e.g. doorstep)
- Garage** or driveway
- Space or yard **inside** of a closed **property fence or gate** (especially if locked!)
- Hallways** inside of apartment buildings

ICE must leave if they don't have a warrant AND you tell them they can't be there .*



Key Points: ICE AT YOUR HOME

THINK:

- NO INFO
- NO ENTRY
- NO SEARCH

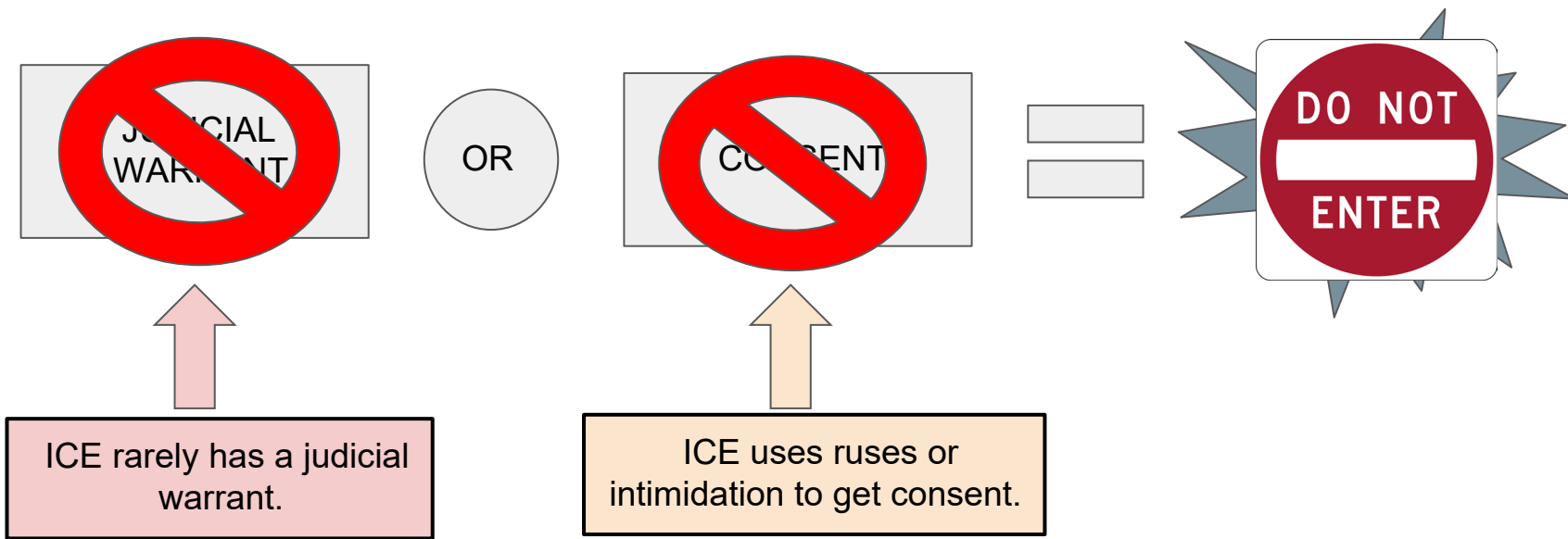
1. Don't open the door. Ask ICE to leave.
2. Identify who you are talking to: ask for ID and a warrant.
3. If officers are inside, ask ICE to leave.
4. Don't give ICE documents or information.
5. Tell them you don't want them to search.

★ These rights apply to everyone regardless of your immigration status.

Why does ICE use ruses?



ICE officers are trained to lie to enter homes without a judicial warrant.



You have the right not to open the door



- All conversations can be had with a closed door
- If you open your door a crack, ICE may push their way in even though this is **not** consent for them to enter.

Identify who is at your door



BEFORE opening the door or answering questions:

- Ask to see their **badge**
- Ask them for **their name** and to slide a card under the door.
- Ask: **ARE YOU NYPD (or local police)?**
- Ask them what **specific precinct** they work at
- Ask them if they have a **warrant** and to slide a warrant under the door. Take a photo of it!

Immigration warrant = no entry



- ICE typically doesn't have a warrant signed by a judge.
- They usually have a document signed by an ICE supervisor that has the word “warrant” written on it.
- **Administrative ICE warrants do not permit ICE to enter or search a home**

Judicial warrants and ICE warrants



AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the _____

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location).

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized).

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
 for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____

Date and time issued: _____

City and state: _____

Judge's signature

Printed name and title

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)
on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

If ICE is at your Door



If you identify ICE at your door and they don't have a warrant that gives them permission to enter, you can ask them to leave without opening the door.

Everyone can repeat these phrases in their best language:

- I DO NOT WANT TO TALK TO YOU
- I DO NOT WANT TO ANSWER ANY QUESTIONS
- I DO NOT GIVE YOU PERMISSION TO COME INSIDE
- PLEASE LEAVE A CARD WITH YOUR NAME AND NUMBER
- I DO NOT WANT TO SPEAK TO YOU; PLEASE LEAVE

If ICE Ignores Your Rights



If ICE agents force their way into a home or search without consent, you can still **say that you don't consent.**

Everyone can repeat these phrases in their best language:

- **I DO NOT CONSENT TO YOU BEING IN MY HOME. PLEASE LEAVE.**
- **I DO NOT CONSENT TO THIS SEARCH.**
- **I DO NOT WANT TO GIVE YOU ANY DOCUMENTS.**



3

What are your rights
in public?



Know Your Rights: In Public Places

On the street

In public places in workplaces

At probation/parole

At courthouses

Driving or riding in a car



Know Your Local Laws

The rights we are discussing today are nationwide.

Some places also have important local or state protections.

- New York State has statewide legislation called the [Protect Our Courts Act](#), prohibiting ICE arrests in or around courthouses.
- New York City has [laws protecting city property](#) – ICE should not be allowed to enter schools or shelters without a judicial warrant.

* Unfortunately, we anticipate ICE will rescind its “[sensitive places](#)” guidance in place since 2011.



Key points: ICE IN PUBLIC

THINK:

- NO INFO
- NO SEARCH

1. Ask if you are free to go.
2. Stay silent.
3. Don't give false or foreign documents.
4. Don't give them permission to search.

★ These rights apply to everyone regardless of your immigration status.

Know Your Rights: In Public Places



Important Points:

- ICE **doesn't need a judicial warrant** to arrest someone in public or to stop a car.
- But ICE does need **reasonable suspicion** to believe people are here in violation of immigration law - which is why silence is important.
- ICE **usually knows the person** they are targeting - but others nearby may be at risk at the same time.
- ICE sometimes **collects information or fingerprints** from other people who are near an arrest.

What if ICE asks for my name in public?



Everyone has a right to remain silent whenever ANY officer asks questions (ICE, local police, FBI, etc.).

Some tips on how to handle being asked for your name by an officer:

1. **Identify** who is questioning you (ICE, local police, FBI, etc.).
2. **Assess** whether refusing to give your name will be used by ICE to escalate the situation
3. **Assert** your right to remain silent if that feels the safest in the moment.
→ **I AM INVOKING MY RIGHT TO REMAIN SILENT. I DO NOT WANT TO ANSWER QUESTIONS.**

Remember: DON'T lie to law enforcement or give false documents

What if ICE asks for my ID in public?



- **Ask** if you are free to go. If they say yes, leave.
- If they say no, **invoke your right to remain silent**.
- You can refuse to give your ID to ICE.*

SAY: **I DO NOT WANT TO GIVE YOU MY DOCUMENTS.**

- **Assess** your safety. If you feel forced to show ID, consider whether you have a valid ID that does not say your place of birth or immigration status.

REMEMBER: Never give false documents!**I**

**Some states require you to show ID to local police. Check what the laws are in your state.*

What should I do if ICE stops my car?



These slides cover car stops by ICE, not by CBP.

For more resources on *CBP* checkpoints and car stops:

- ACLU's [Know Your Rights with Border Patrol](#) infographic and [FAQ](#), which explains more about CBP car stops
- Speak with local immigrant rights organizations for specific rights-based advice and trends around CBP car stops in your area

What should I do if ICE stops my car?



ICE does not need a judicial warrant to stop a car.

But it's not always clear WHO pulling over your car with sirens or lights. **Pull over** and **ask questions** to find out if the officers are ICE and why they stopped you.

- “ARE YOU THE POLICE?”
- “ARE YOU HIGHWAY PATROL?”
- “ARE YOU IMMIGRATION?”
- “WHY AM I BEING STOPPED?”

What should I do if ICE stops my car?



Assess the situation and your safety. ICE officers can sometimes be aggressive during a car stop, and might not wait for you to roll down the window or get out of the car.

They could try to open the door and break the window to pull someone out of the car or try to take fingerprints of everyone in the car.

What if ICE asks for my ID if I am in a car?



- If you are a driver:
 - ICE can demand your driver's license.
 - You still have the right to **remain silent**.
- If you are not a driver and are a passenger :
 - You have the right to **remain silent**
 - AND you can refuse to give an ID if ICE asks for it.*
 - SAY: **I DO NOT CONSENT TO GIVING YOU MY DOCUMENTS.**

**This could be different in each state. Talk to your local immigrant rights organization or public defenders.*

IMPORTANT:

- DO NOT lie or show false or foreign documents.
- DO NOT answer any questions about your criminal or immigration history.

What if ICE asks for my fingerprints in public?



- ICE is only allowed to take fingerprints if they have **reasonable suspicion** you violated an immigration law or after they have arrested you.
- If you are not under arrest by ICE and they ask to take your fingerprints, ask: **Why am I being fingerprinted?**
- If they start to fingerprint you and you don't want them to, say:

→ I DO NOT CONSENT TO GIVING MY FINGERPRINTS

They may still take your fingerprints but you should repeat that you don't consent. It may help you in court.

If ICE stops me in public can they search my belongings?



ICE needs a judicial warrant or your consent to search your bag, inside your pockets, or the glove box or trunk of your car!

- ICE **cannot** search these things without a warrant or your consent. SAY:
→ **I DON'T CONSENT TO YOU SEARCHING ME.**
- If officers search your belongings or your car, SAY:
→ **I DON'T CONSENT TO YOU SEARCHING MY BELONGINGS.**
→ **I DON'T CONSENT TO YOUR SEARCHING MY CAR.**

They may still search & claim it is for officer safety. You should repeat that you don't consent. It may help you in court.



4

What are your rights
at work?

Know Your Rights: Businesses



Important Points:

- ICE needs a **judicial warrant** or **consent** to enter **private areas** of a business.
 - Train staff not to talk to ICE or give consent.
 - Trying to escape can put people in danger and give ICE pretense to detain them.
- Employers do **not** have to help ICE to identify or sort workers.

Make the Road New York



Make the Road
NY's five
community-based
offices in and
around NYC have
this sign at the
entrance:



Resources for Businesses



- NILC and NELP have a [guide for employers](#) (2024)
- NYLPI has a [guide for nonprofits](#) (2024)



5

What to do if you witness an ICE raid

Why should I document an ICE raid?



- You could help the person's legal case by video recording or writing down details, *even if you do not know the person being arrested.*
- This may help track trends of local ICE practices
- Share this info responsibly with a trusted immigrant rights group in your community.
- Considerations about sharing on social media:
 - Try to verify information before putting it out in public
 - Do not share unverified raids on social media
 - DRUM published [a guide](#) to sharing raids on social media. This is from 2017 but still very useful resource.

NYCLU resource on right to film ICE ([English/español](#)) - NY-specific

Be Safe While Recording a Raid



- You can film ICE as long as you don't "interfere" with their "duties" and don't do it in secret.
- **REMEMBER:** It could be dangerous to run to get a phone or reach into your pocket. *Be aware of the physical safety of everyone involved.*
- You can document a raid by taking a photo or by writing down what you witnessed after the fact.
- If ICE officers ask you to hand over your phone, don't physically resist them.
 - **SAY: I DON'T CONSENT TO GIVING YOU MY PHONE. I DON'T CONSENT TO A SEARCH OF MY PHONE.**

What do I need to document?



Regardless of whether you take a video, photo, or write down what you witnessed, it's helpful to document the following information:

- **Where and when was the encounter with ICE?**
- **How did ICE officers present themselves?**
 - Pretend to be police? Refused to identify themselves? How many officers?
- **What did the ICE officers say?**
 - Lied to enter the home, intimidated anyone, or used verbal/physical force?
- **Was consent given?**
 - ICE officers' reaction if not given consent to enter/search

Find more information on [IDP's home raids poster!](#)



6

Resources for Community Trainings

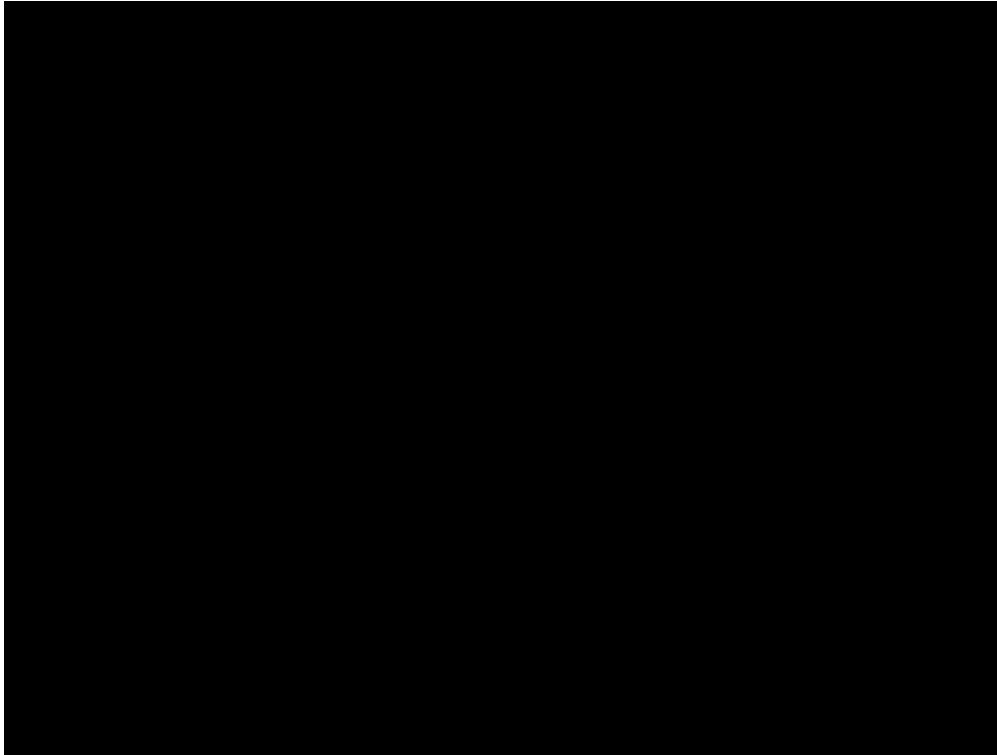
Videos for discussion



- How is the officer(s) behaving? How do they identify themselves?
- How is the community member invoking their rights?
- Is there anything the community member could have done differently?

[Footage of car stop](#) in Hudson, NY on March 5, 2019.

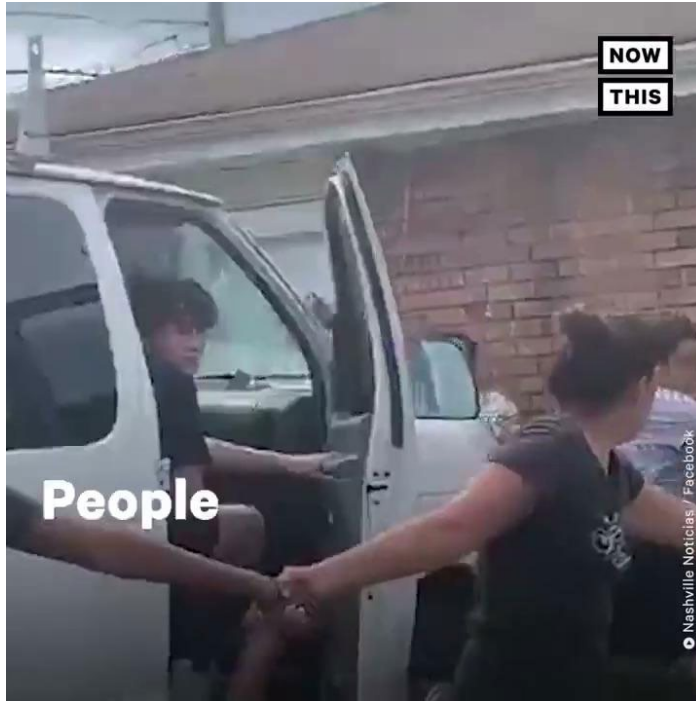
Videos for discussion



- How is the officer(s) behaving? How do they identify themselves?
- How is the community member invoking their rights?
- Is there anything the community member could have done differently?

[Cell phone footage](#) of a home ICE arrest in Portland, Oregon - October 2017.

Videos for discussion



Video of a human chain in Tennessee- July 2019-
[NowThis News](#).

- How is the officer(s) behaving? How do they identify themselves?
- How is the community member invoking their rights?
- Is there anything the community member could have done differently?