

Know Your Rights: Immigration Enforcement

Everyone who lives in the U.S. has legal rights, regardless of immigration status.

You have the right to remain silent. You may refuse to speak to immigration officers.

- Don't answer any questions. You may also say that you want to remain silent.
- Don't say anything about where you were born or how you entered the U.S.
- Anything you say can be used against you in removal proceedings. If you do decide to speak to officers, do not lie.
- Carry a [rights card](#) that says you want to remain silent and contact your attorney.
- If you are in police custody or detention, do not discuss your immigration information with ANYONE other than your attorney.

Do not open your door.

- If officers are at your door, keep the door closed and ask if they are immigration agents or from Immigration and Customs Enforcement (ICE). Ask the agents why they are there.
- It is safer to speak to ICE through the door.
- If the agents don't speak your language, ask for an interpreter.
- ICE must have a warrant signed by a judge to be allowed to enter your home. They rarely have one.
- Do not open your door unless an ICE agent shows you a warrant signed by a judge.
 - You can ask the ICE agent to hold the warrant against a window or slide it under the door.
 - In order to enter your home, the warrant must be a valid arrest or search warrant signed by a judge. To be enough to enter your house, the warrant must contain the following:
 - It must be issued by a court and signed by a judge. Look at the top and the signature line to see if it is a judicial warrant.
 - It must name a person in your residence and/or areas to be searched at your address.
 - In all other cases, keep the door closed and say "I do not consent to your entry."
 - An administrative warrant of removal or deportation signed by DHS or ICE officials **does not** allow ICE to enter your home.
- If you open the door, officials will consider that you are giving them permission to enter. Once they are inside, an ICE officer will likely ask for documents of everyone inside.
- Even if immigration agents have a valid warrant that does not mean you have to answer their questions. If immigration agents are questioning you and you wish to remain silent, you should say aloud that you wish to remain silent or show the agents your [Know Your Rights card](#).
- If officers enter (with or without a valid warrant), say that you do not consent.

If you are approached by authorities in a public place/on the street:

- Do not run.

- Before saying anything (including your name) ask, “Am I free to go?”
- If yes, walk away slowly. If no, do not walk away.
- In [some states](#), you must give your name.
- If you are searched, stay calm and say “I do not consent to this search.”

If authorities pull you over in the car:

- Pull over, turn the car off and put your hands on the steering wheel.
- Follow all instructions, including providing license, registration, and insurance. Do not give false documents.
- If an officer searches your car, stay calm and say “I do not consent to this search.”

If you are arrested or detained, do not physically resist or fight back. Do not lie or show false documents.

You have the right to speak to a lawyer.

- You can just say, “I need to speak to my attorney.”
- You may have your lawyer with you if ICE or other law enforcement questions you.
- If you are placed in jail/police custody or in an immigration detention center, request a phone call to your attorney.

Do not sign anything without speaking to a lawyer.

- You can refuse to sign any document. ICE may try to get you to sign away your right to see a lawyer or judge. Make sure you understand what a document actually says before you sign it.
- Do not rely on what ICE officers are telling you about what the document says.
- If you have a lawyer, you can ask for your lawyer to be present before signing any document. You always have the right to understand what you are signing.

Always carry with you any valid immigration documents you have.

- For example, a valid work permit, a DACA authorization, or green card.
- Do not carry false documents or papers from another country with you, like a foreign passport. They could be used against you in the deportation process.

Have an Emergency Plan.

- Memorize the phone number of a friend, family member, or attorney to call if you are arrested.
- Select someone to take care of your family, especially children and the elderly. If you fear that your deportation will leave your children without a guardian, create a [family preparedness plan](#). This may mean consulting with an attorney to properly establish a guardian for your children, making sure your children and the guardian know about the plan, and that the guardian can access the resources needed to care for your children.
- Create a list of your medications and your family members’ medications.

- Prepare a safe place at home where you keep important papers and contact information such as birth certificates and immigration documents and make sure that the person you have selected to take care of your family knows where that place is.

If you need a lawyer:

- Nonprofit organizations that provide low-cost help can be found at immigrationlawhelp.org.
- The immigration courts have a list of lawyers and organizations that provide free legal services: justice.gov/eoir/list-pro-bono-legal-service-providers-map.
- At <https://www.adminrelief.org> there is a search engine that lists all legal services near your zip code.
- You can search for an immigration lawyer using the American Immigration Lawyers Association's online directory, ailalawyer.com.
- The National Immigration Project of the National Lawyers Guild also has an online find-a-lawyer tool: <https://www.nationalimmigrationproject.org/find.html>.

Report Raids

- If you are caught in a raid, do not run.
- If possible, take photos and videos of the raid or arrest. When you are safely able to do so, take detailed notes on what happened.
- Call United We Dream's hotline to report a raid: 1-844-363-1423 or text 877877.

Know Your Rights: School

All students have a right to enroll in public school, **regardless of their immigration status.**

- Under the U.S. Constitution, public schools must teach all students free of charge, regardless of whether they are undocumented.
- States cannot withhold state funding for K-12 education of undocumented students and school districts cannot deny enrollment based on immigration status.
- Sometimes called a “Plyler right,” this was set forward as a constitutional right by the U.S. Supreme Court in its decision in *Plyler v. Doe* (1982).

Students have the right to attend school without having to present a green card, visa, social security number, or any other proof of citizenship.

- Schools should not inquire about students’ or their parents’ immigration status.
- Schools cannot deny enrollment to students because they provide a birth certificate from another country.

Under federal law, schools cannot turn over personally identifiable student records to police, federal agents, or immigration officials without the written consent of a parent or guardian, unless the information is requested through a subpoena or court order.

- Schools can disclose students’ “directory information” without the family’s consent unless the school district is notified they have “opted out.”
 - Make sure that your school district does not collect immigration status in any educational records.
 - Make sure that your school district does not include place of birth in directory information. If it does, advocate to end the practice of collecting place of birth information and decline to provide it for your children.
 - Make sure that parents know that **they can opt out** of the directory information.

Federal law protects students from discrimination based on race, religion, or national origin. This means that you cannot be discriminated against because of your birthplace, ancestry, culture or language.

- All students have the right to be **free from bullying and harassment** based on their race, religion, or national origin, and have the right to learn in an environment free from hateful symbols and derogatory comments.
- School officials have a legal duty to address hateful rhetoric and behavior.
- Schools may not retaliate against anyone – staff or students – who make complaints about racial, religious, or national origin harassment.

In 2011, the Department of Homeland Security (DHS) issued [guidance](#) to its officers that listed schools as “sensitive locations” where Immigration and Customs Enforcement (ICE) arrests, interviews, or searches should not take place absent unusual circumstances.

- This guidance has not been withdrawn by the Trump Administration.

Work to pass a [Safe Zones resolution](#) in your school district to ensure that your school district has a policy in place if ICE shows up at school.

KNOW YOUR RIGHTS: DACA

Current DACA recipients keep their deferred action status and work permits until they expire.

Employment

Employers can ask for an updated DACA permit if the expiration date is approaching or there is some reason to believe the employee has become undocumented and may terminate an individual's employment absent DACA or some other legally recognized immigration status.

An employer should only ask you for your work authorization once they offer you a job, not before.

Renewal

On January 13, 2018, the Trump Administration announced that it would begin accepting DACA renewal applications. **Renewal applications are currently being accepted.**

- This was in response to a federal court order requiring the Trump Administration to accept DACA renewal applications again. The Trump Administration has appealed this order and asked the U.S. Supreme Court to reverse it. So long as the order is in effect, the Trump Administration must process DACA renewal applications.
- It is not clear how long the current court order will remain in effect. You should consult with an immigration attorney **as soon as possible** to assess whether you should submit a DACA renewal application.

If you have never had DACA before, you may not submit an application for DACA now. Only people who now have or have previously had DACA can submit an application to renew their DACA.

DACA recipients can no longer apply for permission to travel outside the U.S. ("advance parole").

- If you have an unexpired advance parole grant, consult with an immigration lawyer before deciding whether to travel outside the U.S.