

WHAT TO DO IF YOU'RE STOPPED BY IMMIGRATION OFFICERS

KNOW YOUR RIGHTS



IF AN IMMIGRATION OFFICER COMES TO YOUR DOOR

1. Do not open the door. Not even a little bit. Immigration officers can only enter your home if they have a warrant signed by a judge, which they almost never have.
2. Without opening the door, ask for any warrants to be slipped underneath the door, and look carefully to see if it is signed by a judge. Don't be confused. Immigration officers will sometimes have papers that say "warrant," but are signed by another immigration officer, not a judge.
3. If immigration officers believe they can enter your home, they might do so without you letting them. If an immigration officer is inside your home, say "I do not consent to you entering my home" and "I do not consent to a search."
4. You do not have to answer any questions – including questions about who you are, who else is in the home, or your immigration status. You have the right to remain silent. If you do answer questions, do not lie to an immigration officer.
5. Immigration officers may try to search your home or question other people in the home. Nobody in your home is required to answer their questions, and you should not agree to let them search your home.

IF AN IMMIGRATION OFFICER ASKS YOU QUESTIONS

1. You have the right to remain silent. You do not have to answer questions asked by immigration officers if you do not want to answer them. This includes questions about your citizenship status, birthplace or place of residence. If you are asked about your immigration status and you wish to remain silent, you may say: "I have the right to remain silent."

2. Always remember that even if you answered some questions, you can still decide that you do not want to answer any additional questions.
3. Never lie. Do not falsely claim to be a US citizen or to be lawfully in the United States.

IF AN IMMIGRATION OFFICER ASKS YOU FOR YOUR IMMIGRATION DOCUMENTS

1. If you are a United States citizen, you do not need to show any documents. You may choose to show documentation, such as your New York driver's license, which proves that you lawfully reside in the United States.
2. If you are an immigrant and do not have valid U.S. immigration documents, remember that you have the right to remain silent. You can decide not to answer questions about your immigration status or whether you have immigration documents. If you tell an immigration officer that you are not a U.S. citizen and you cannot produce valid U.S. immigration documents, there is a good chance you will be arrested.
3. If you are an immigrant who is 18 or older who has been issued valid U.S. immigration documents (such as an unexpired permanent resident card, also known as a "green card"), you are legally required to carry those documents with you at all times. If you have your valid U.S. immigration documents and you are asked for them, it is usually a good idea to show them to avoid arrest. Failure to carry valid immigration documents is a misdemeanor crime.
4. If you are arrested because you do not have your valid U.S. immigration documents with you, but you have them elsewhere, ask a friend or family member to bring them to you.
5. Never show an officer fake immigration documents or pretend that someone else's immigration documents are yours.

The text below explains your rights when you are in contact with immigration enforcement officers in New York State.

The information in this card is not intended to cover encounters with immigration authorities at border crossings, international airports, or other ports of entry into the United States.

Remember, what you say to immigration officers can be used against you in court, and it can give immigration officers a reason to arrest you. So make sure to read this information and keep it handy as you travel across the state.

If you feel that your rights have been violated during an interaction with an immigration officer, please call your local NYCLU office.

IF YOU ARE ARRESTED BY IMMIGRATION OFFICERS

1. You have the right to remain silent. You do not have to answer questions. You can tell the officer that you want to speak with a lawyer before answering any questions. You may say, "I will remain silent until I speak to an attorney." You do not have the right to an appointed free lawyer, but you do have the right to talk to a lawyer and to hire one on your own.
2. You do not have to sign anything giving up your rights, and should never sign anything without reading it first and understanding the consequences of signing it. Signing a document without understanding it could result in you being deported before you see a lawyer or a judge.
3. Talk to a lawyer before signing anything or making a decision about your situation. If possible, carry with you the name and telephone number of a lawyer who will take your calls. Immigration law is hard to understand. You may have options that immigration officers will not explain.
4. If you are not a U.S. citizen, you have the right to call your consulate or to have a law enforcement officer tell consulate officials of your arrest. Law enforcement officers must let your consulate visit or speak with you if consular officials decide to do so. Your consulate might be able to help you find a lawyer.

**Headquarters and New York City Office:
(212) 607-3300**

NYCLU

ACLU of New York

www.nyclu.org