



KNOW YOUR RIGHTS - ICE, CBP, AND NY POLICE

Who May Be at Risk

People WITHOUT lawful immigration status	People WITH lawful immigration status
<ul style="list-style-type: none">• People who overstay a visa	<ul style="list-style-type: none">• Anyone who is not a U.S. Citizen AND has a criminal conviction
<ul style="list-style-type: none">• People who enter the U.S. without permission; i.e. walked across the border or arrived by boat	<ul style="list-style-type: none">• People who violate lawful non-immigrant status (e.g. F-1 visa student working off campus without authorization)
<ul style="list-style-type: none">• People who have been ordered deported or who have final orders of deportation	

Who Else May Be At Risk?



- Under the prior Trump administration, expedited removal was expanded to those who entered without inspection and cannot prove a 2 year period of physical presence in the U.S.; after 2-years in U.S., entitled to due process in court
- Parents who facilitate (directly or indirectly) the illegal smuggling or trafficking of an alien child into the U.S.
- Outside of “Sanctuary Cities” – cooperation between local law enforcement and ICE (revived Secure Communities program)

100 Mile Border Zone



KNOW YOUR RIGHTS 100 Mile Border Zone

The Fourth Amendment of the U.S. Constitution protects people from random and arbitrary stops and searches. Although the federal government claims the power to conduct certain kinds of warrantless stops within 100 miles of the U.S. border, important Fourth Amendment protections still apply. This helps you understand your rights within the 100-mile border zone.

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Select a scenario

Are immigration officials allowed to stop people in places wholly inside the U.S.?

What is a "reasonable distance"?

Are there limitations to immigration officials' power?

How does this work in real life?: CBP on Buses and Trains

How does this work in real life?: CBP at Immigration Checkpoints

How does this work in real life?: CBP



Our Rights: ICE Home & Public Arrests

ICE HOME RAIDS

To enter or search a home:

1. ICE needs a warrant signed by a JUDGE, OR
2. Permission from a resident to enter.

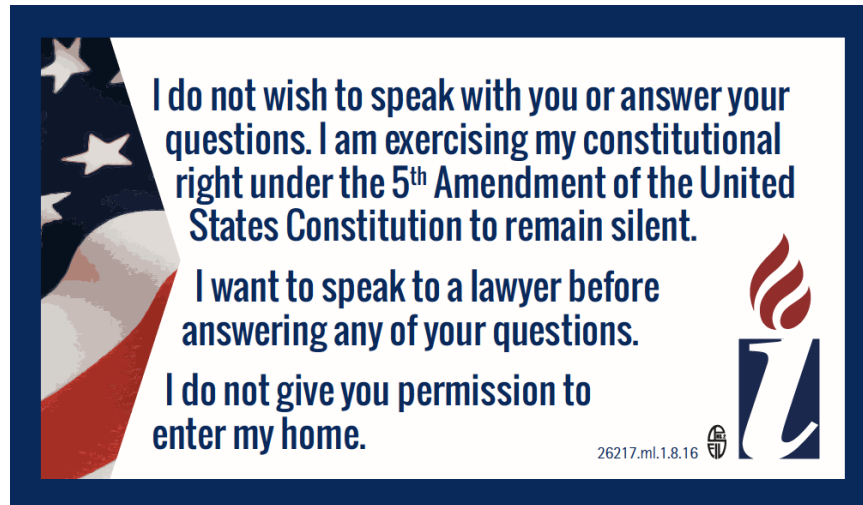
ICE ARRESTS IN PUBLIC

You have the right to:

1. Ask if you are free to go,
2. Remain silent,
3. Do not give the officer your permission to search you or your belongings.

WARNING: Do not give any false or foreign documents

Our Rights During Any ICE Interaction

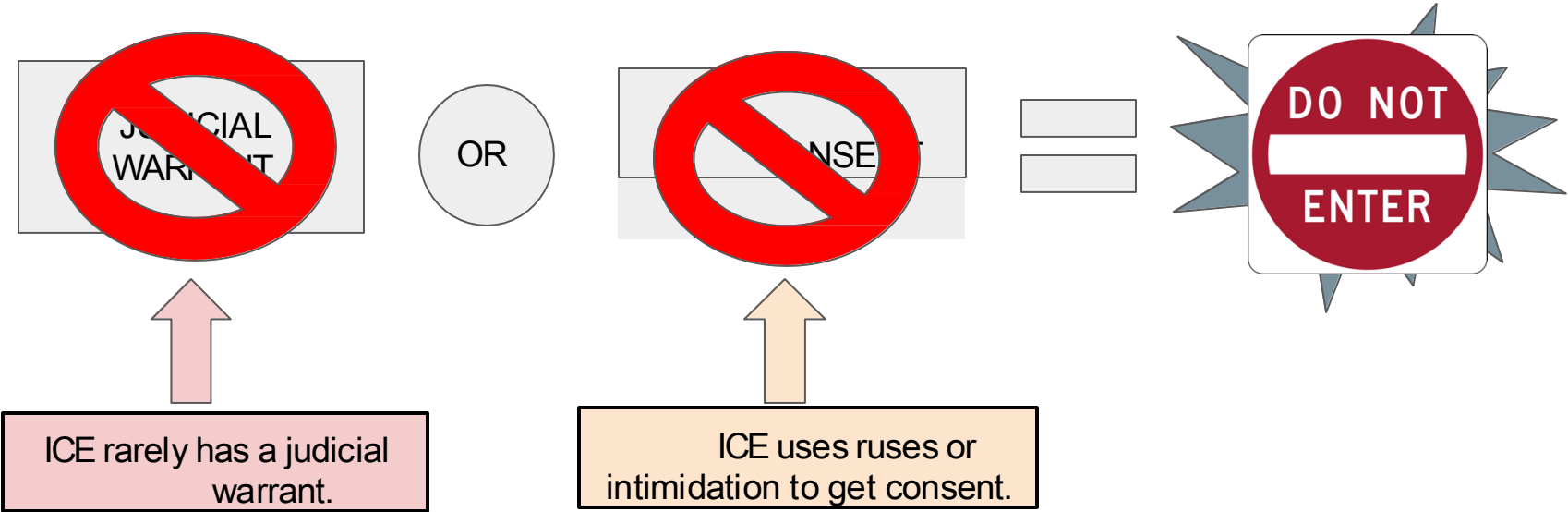


Everyone has the right to:

1. REFUSE ENTRY TO YOUR HOME, unless ICE has an judicial warrant
2. REFUSE A SEARCH OF YOUR HOME, unless ICE has an judicial warrant
3. REMAIN SILENT
4. REFUSE TO GIVE INFORMATION ABOUT IMMIGRATION OR CRIMINAL HISTORY
5. NOT TO SIGN ANYTHING

ICE Will Use Tricks & Lies

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



Don't Open the Door!



Unless ICE has a **judicial warrant**:

- You DO NOT have to open the door to speak to the immigration agent(s). If you open the door, it is much harder to refuse to speak to them.
- If ICE does not have a proper warrant they CANNOT enter the home without permission from someone who lives there.
- ICE Agents usually do NOT have this type of warrant!

Don't Open the Door!



- Ask ICE agent to show you the warrant through the window or pass it under the door so you can check if it is signed by a judge
- You also ask the agent to show you their official ID in the same way
- To be valid, the judicial warrant (remember, signed by a judge) must have your correct name and address

Judicial warrants vs. 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. _____

Shows a Court's Name & Address of Property or Person

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

Has a Judge's Signature

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 or arrest notices in 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)
 _____ (Name and Signature of Officer) _____ (Name or Number of Interpreter (if applicable))

Form I-200 (Rev. 09/16)

If ICE uses this warrant, assume a judicial warrant was not issued

NOT signed by a judge. In fact, no judge or neutral magistrate is involved in issuing this warrant.

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**

Don't Open the Door!

IF IMMIGRATION AGENTS SHOW UP AT YOUR DOOR:

DON'T OPEN THE DOOR. BE CALM. YOU HAVE RIGHTS.

IF THEY ASK TO ENTER, ASK IF THEY HAVE A WARRANT SIGNED BY A JUDGE

IF SO, ASK TO SEE IT.

AN ICE ADMINISTRATIVE WARRANT (FORM I-200, I-205) DOES NOT ALLOW THEM TO ENTER YOUR HOME WITHOUT YOUR CONSENT

IF THEY DO NOT HAVE A WARRANT SIGNED BY A JUDGE, YOU MAY REFUSE TO LET THEM IN.

IF THEY FORCE THEIR WAY IN, DON'T RESIST. TELL EVERYONE IN THE RESIDENCE TO REMAIN SILENT.

IF YOU ARE ARRESTED, REMAIN SILENT AND DO NOT SIGN ANYTHING UNTIL YOU SPEAK TO A LAWYER.

SOURCE: "Know Your Rights: What To Do If Immigration Agents (Ice) Are At Your Door" - ACLU

PICTOLINE

ICE and Other Law Enforcement Officials May Violate Your Rights



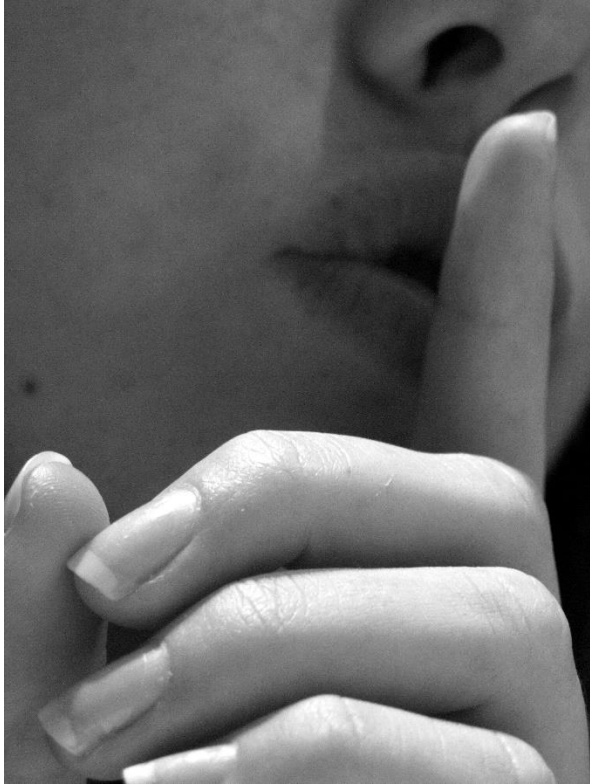
- ICE officers may lie in order to get people to open their door or to sign documents giving up their rights.
- ICE can pretend to be police officers or say that they want to investigate a crime just to convince you to open the door

If ICE Has a Judicial Warrant or if ICE Has Gained Entry to the Home



- They will enter the home whether or not they have permission to do so
 - If they ask for permission, assume they don't have a Judicial Warrant
- Once inside, ICE will look for the person they want to arrest
- If they see the person, agents will detain them
- Once inside, agents are free to search the home

You Have The Right to Remain Silent!



- You have the right to remain silent, even if ICE agents keep asking you questions
- You have the right not to speak to an immigration official.
- Do not answer any questions! You can also say you wish to remain silent. Say this loudly so everyone around you can hear!
- Don't give ANY information about where you were born or how you entered the United States.

You have the Right to Speak to An Attorney!



- You can say, "I need to speak to my attorney!"
- ICE agents may try to pressure you to sign documents where you give up your right to consult an attorney or appear before an immigration judge
- **Before you sign ANY document, speak to an attorney!**
- Make sure you understand exactly what any document says before you sign it
- Keep any papers ICE gives you! They will have important information to give your family or your lawyer

If ICE Is Arresting You:



- The only thing you should tell them is about any childcare or medical needs
- DO NOT physically interfere with an arrest
- DO NOT LIE
- DO NOT give false or any foreign documents

Documents OK to Show ICE:

- Photo ID like a Municipal ID Card (NYCID), library card, U.S. Drivers license, U.S. green card.
- If you do not have a New York City ID get one.

Always Carry Copies of Any Valid Immigration Documents



- If you have a work permit or lawful permanent resident card (“green card”), make sure to carry a COPY with you in case you’re asked for ID.
- You may also carry proof of any pending or terminated immigration cases, ex: receipt notice or administrative closure.
- DO NOT CARRY documents from another country, like your foreign passport, national identity card, or consular ID. These documents may be used against you in deportation proceedings.

DO NOT SHOW THESE DOCUMENTS TO ICE!



- Foreign Passport
- Consular ID
- Matricula
- Expired visa
- Fake documents
- Documents that belong to someone else

These documents may be used against you in deportation proceedings.

Make an Emergency Plan

- ✓ Keep important documents like birth certificates and immigration documents in a safe place where a friend or family member can find them.
- ✓ Begin collecting documentation that shows that you've been in the U.S. for at least 2 years, Ex: Bills, children's school records, taxes, birth certificates of children born in the United States.
- ✓ Memorize the number for a friend, family member or attorney you can call if you're arrested.
- ✓ Have money available for bond
- ✓ Setup a bank account you can access outside of the U.S.
- ✓ Make sure your family members know your Alien Number (A Number), if you have one
- ✓ If you care for children, have a plan for someone else to care for them by completing New York State Office of Children and Family Services Designation of Person In Parental Relationship Form (OCFS-4940)
- ✓ Planning resources for parents:
<https://planningwithparents.commons.gc.cuny.edu/>

Designation of Standby Guardian in the Event of Administrative Separation

DESIGNATION OF STANDBY GUARDIAN
IN THE EVENT OF ADMINISTRATIVE SEPARATION
Pursuant to section 1726 of the Surrogate's Court Procedure Act

(NOTE: As used in this form, the term "parent" shall include a parent, a court-appointed guardian of an infant's person or property, a legal custodian, or a primary caretaker. The term "child(ren)" means persons under 18 years of age and an 'infant.' The term 'child(ren)' includes those of a court-appointed guardian, legal custodian or primary caretaker).

I, _____ hereby state that I am the parent/legal guardian/ legal custodian /primary caretaker of the child(ren) named below.

1. The child(ren) covered by this designation are:

_____	_____
Name	Date of Birth
_____	_____
Name	Date of Birth
_____	_____
Name	Date of Birth
_____	_____
Name	Date of Birth

2. My address, and phone number are:

Address, Apt #: _____

City, State, Zip Code: _____ Tel # _____

3. I hereby designate the following person to act as standby guardian of the person and property of the child(ren) named above:

Name: _____

Address, Apt #: _____

City, State, Zip Code: _____ Tel # _____

Date of birth: _____ Interest/Relationship to the child(ren) _____

- Non judicial agreement between parent and designated person
- Developed by NYLAG
- Can commence upon the occurrence of a specified event
- Can be revoked orally or in writing
- Designee does not have to have legal status in the U.S.
- No duty of support placed on designee
- At this link, developed by NYLAG:
<https://planningwithparents.commonsc.cuny.edu/wp-content/blogs.dir/3143/files/2018/07/Standby-Guardian-Designation-Form-Admin-Separation.pdf>

Locating Someone Detained by ICE



- Use the ICE detention locator to find adults in ICE custody:
<https://locator.ice.gov/odls/#/search>
- If that doesn't work, contact the local ICE field office.
- New York – Enforcement & Removal Office (ERO):
(212) 436-9315

If you are stopped by POLICE in NY:

- Police may stop and briefly detain you only if there is reasonable suspicion that you committed, are committing, or are about to commit a crime.
- You should ask if you are under arrest or free to leave.
- You have the right not to speak. To exercise this right, you should tell the police, “I would like to remain silent.”
- You never have to consent to a search of yourself, your belongings, your car, or your house. If the police say they have a search warrant, ask to see it. If they don’t, say “I do not consent to this search.” Police cannot arrest or ticket you simply for refusing to consent to a search.
- In New York, you are not required to carry ID, and you don’t have to show ID to a police officer. If you are issued a summons or arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.