

Know Your Rights: What to Do During an ICE/CBP Encounter

New York State provides this guidance for immigrants who are confronted by U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).

If confronted by federal immigration enforcement officers from ICE/CBP:

- Stay calm. Do not run, argue, resist or obstruct the police.
- Ask if you are free to leave. If ICE/CBP answers yes, tell ICE/CBP that you do not want to answer their questions and calmly and silently walk away. If you are under arrest, ask why. You have the right to know the reason for your arrest.
- If ICE/CBP tells you that you are not free to leave, you have the right to remain silent and not answer questions from ICE/CBP. Tell ICE/CBP, "I am using my right to remain silent and I want to speak to a lawyer." Your right to remain silent starts from the moment ICE/CBP confronts you.
- Do NOT consent to a search of your belongings or your pockets. ICE/CBP may "pat down" your clothing if they suspect a weapon. Do NOT physically resist. If ICE/CBP agents begin to search your person, say out loud, "I do not consent to a search."
- Do NOT give false information if you choose to answer questions. Do NOT show any expired or false immigration documents to ICE/CBP.
- You do NOT have to share any information about where you were born, where you live, where you work, where you go to school, any information about your family, what your immigration status is, or your criminal record.
- You have the right to seek legal assistance and may ask to speak to a lawyer instead of answering questions. If you do not have an attorney, call the New Americans Hotline at 1-800-566-7636.
- You have the right to contact your consulate, or to have ICE/CBP inform the consulate if you are being detained.
- You do NOT have to sign anything.
- Make sure that someone you trust knows where you are at all times and that you know how to reach them in case of an emergency (if you have been detained).
- In general, it is a good idea to keep a copy of your important papers (birth certificate, any immigration papers, etc.) at the home of a friend or relative whom you trust and can call in case you are detained.

If ICE/CBP comes to your home:

- If an officer knocks on your door, do NOT open it. Ask the officer through the closed door to show their identification and if they have a warrant.
- If the officer says "yes," to the warrant, still do not open the door but ask the officer to show you the warrant by slipping it under the door.
- A warrant issued by ICE is NOT a valid warrant. Only a warrant signed by a court or judge is valid. When examining the warrant, look for your name, your address, and a signature. A valid warrant will have the name of a court at the top of the page, and a section on the top left-hand corner that says, "United States of America v. (name of person to be arrested)."
- If ICE presents a valid warrant, you should let them into the house. Do NOT provide any false information to ICE. See above.
- If the warrant looks like it was issued by ICE but not a court or judge, you have the right to NOT let the ICE enter your house. Immediately call your attorney or the New Americans Hotline (1-800-566-7636) to report that ICE is at your door.

If ICE/CBP comes to your place of work:

- Immigration officers are NOT allowed to enter your workplace without the approval of the owner or manager.
- If the owner or manager grants ICE/CBP permission to enter, the officer is free to ask you questions about your immigration status. See above.

To report an encounter with ICE/CPB or if you or someone you know needs a free immigration attorney, call the confidential, multi-lingual Office for New Americans Hotline:

1-800-566-7636