



## For the Community: Learn and Know Your Rights

All persons, including noncitizens have rights

Updated April 2019

### Know Your Rights Chart: Immigration and Customs Enforcement (ICE)

<u>In Your Home</u>	<u>In Your Workplace</u>	<u>On the Street</u>
<ul style="list-style-type: none"> <li>○ If ICE is at your door, do not open the door and ask the agents what they are there for.</li> <li>○ If ICE agents want to enter your home, ask for a signed warrant by a judge. An ICE deportation warrant from immigration authorities is not the same as a search warrant signed by a judge.</li> <li>○ If they have a signed warrant by a judge, ask them to slip it in under your door or hold it up to a window so you can see it. Look at the top and at the signature line to confirm that the warrant was issued by a court and signed by a judge.</li> <li>○ If ICE agents come to your door without a signed warrant by a judge, state: "I do not consent to your entry."</li> <li>○ You have the right to remain silent. You do not need to speak to the immigration officers or answer any questions.</li> <li>○ Never lie or show false documents. Never sign papers without speaking to an attorney.</li> </ul>	<ul style="list-style-type: none"> <li>○ ICE agents are not permitted to enter your workplace unless they have a search warrant or the consent of your employer.</li> <li>○ Once agents receive permission, they are free to ask you questions regarding your immigration status. If you are questioned, you may tell them you wish to remain silent.</li> <li>○ You have the right to talk to an attorney before you answer any questions from the ICE agents. You can respond: "I wish to talk to a lawyer," before responding to any of the agents' questions.</li> <li>○ You are not required to tell the ICE agents where you were born or what your immigration status is.</li> <li>○ You are not required to show any immigration documents to the agents. If they ask to see your documents, you can respond: "I wish to talk to an attorney."</li> <li>○ Never lie or show false documents. Never sign papers without speaking to an attorney.</li> </ul>	<ul style="list-style-type: none"> <li>○ You have the right to remain silent. You are not required to talk to ICE agents or answer questions before talking to an attorney.</li> <li>○ You may ask the ICE agents if you are free to go. If they say no, be calm and exercise your right to remain silent.</li> <li>○ You are not required to tell the ICE agents where you were born or what your immigration status is. You may refuse to show the agents any documents that indicate your country of citizenship.</li> <li>○ You have the right to refuse search by the agents. If you are stopped for questioning by the agents, but are not being arrested, you have the right to refuse search of yourself and your belongings. An ICE agent may do a "pat down" if he or she suspects you have a weapon.</li> <li>○ You have the right to speak to an attorney. If you have been detained or taken into custody, you have the right to contact a lawyer immediately. Even if you do not have a personal lawyer, you can tell the agents that you would like to speak to an attorney.</li> <li>○ Never lie or show false documents. Never sign papers without speaking to an attorney.</li> </ul>

#### What is the difference between police officers and ICE agents?

- ICE agents work in the Department of Homeland Security, a federal agency.
- ICE agents are not Police Officers. ICE agents may identify as police officers or have a jacket or vest with the words "POLICE ICE," however, this does not make them police officers.

#### What is the difference between a judicial warrant and an administrative warrant of removal/deportation?

- A [judicial warrant](#) is an official court document, usually with the designation of a specific court, and it is signed by a judge. This means that there has been due process backed by probable cause. This type of warrant complies with the laws set forth in the Constitution.

- An [administrative warrant](#) is a document signed by an ICE agent, stating that a person is being designated for possible arrest and possible deportation proceedings. An administrative warrant is not signed by a judge.

**What if ICE shows up at a school, hospital, or place of worship?** DHS policy directs that immigration enforcement at sensitive locations should generally be avoided and require either prior approval from an appropriate supervisory official or exigent circumstance. Sensitive locations include:

- Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
- Medical treatment and health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities;
- Places of worship, such as churches, synagogues, mosques, and temples;
- Religious or civil ceremonies or observances, such as funerals and weddings;
- During public demonstration, such as a march, rally, or parade.

### **Rights & Responsibilities Chart: Encounters with Police Officers<sup>®</sup>**

<u><a href="#">In Your Home</a></u>	<u><a href="#">In Your Car</a></u>	<u><a href="#">If You Are Arrested</a></u>
<ul style="list-style-type: none"> <li>○ You have the right to remain silent. If you wish to exercise that right, say so out loud.</li> <li>○ In <a href="#">Pennsylvania</a>, you are not required to tell the officers your name, unless you are being investigated. However, you may want to provide your name so that your family and attorney can locate you.</li> <li>○ You have the right to refuse to consent to a search of yourself, or your home.</li> <li>○ You have the right to a lawyer if you are arrested. Ask for one immediately.</li> <li>○ Regardless of your immigration or citizenship status, you have constitutional rights.</li> <li>○ If police officers want to enter your home, ask for a signed judicial warrant by a judge.</li> <li>○ If they have a signed judicial warrant by a judge, ask them to slip it in under your door or hold it up to a window so you can see it. Look at the top and at the signature line to confirm that the warrant was issued by a court and signed by a judge.</li> <li>○ If police officers come to your door without a signed warrant by a judge, you may refuse entry.</li> <li>○ Never lie or show false documents. Never sign papers without speaking to an attorney.</li> </ul>	<ul style="list-style-type: none"> <li>○ Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way and place your hands on the wheel.</li> <li>○ Upon request, show police your driver's license, registration and proof of insurance.</li> <li>○ If a police officer asks to look inside your car, you may refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.</li> <li>○ Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the police officer says no, you have the right to remain silent.</li> <li>○ Never lie or show false documents. Never sign papers without speaking to an attorney.</li> </ul>	<ul style="list-style-type: none"> <li>○ Do not resist arrest, even if you believe the arrest is unfair.</li> <li>○ Say you wish to remain silent and ask for a lawyer immediately. Don't give any explanations or excuses. If you can't pay for a lawyer, you have the right to a free one. Don't say anything, sign anything or make any decisions without a lawyer.</li> <li>○ You have the right to make a local phone call.</li> <li>○ Prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication.</li> <li>○ Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.</li> <li>○ Don't discuss your immigration status with anyone but your lawyer.</li> <li>○ Do not answer questions or sign anything before talking to a lawyer.</li> </ul>

### **What about local police and government? Am I safe?**

- On January 9, 2017, the Borough of State College adopted a [resolution](#) on immigration enforcement affirming that immigration is a federal responsibility, opposing registries that track individuals based on race, religion and other impermissible factors, and supporting the police practice to not ask victims and witnesses about immigration status.
- On October 16, 2017, the State College Police Department announced a revised [policy](#) on anti-bias-based policing and immigration which states that as a general practice, the Department does not ask or collect information about immigration status, nor does it report noncitizens to the federal government, except as necessary to an ongoing criminal investigation.
- On April 3, 2017, Ferguson Township adopted a [resolution](#) on immigration opposing policies that exclude or track individuals based on race, religion and other impermissible factors, and supporting the police practice to not ask individuals about their immigration status unless pertinent to an investigation or in the interest of public safety. The Ferguson Township Chief of Police has gone on record to confirm that the Ferguson Police will generally not ask witnesses or victims regarding their immigration status and that community members should not be afraid to call the police if they are a witness or a victim.
- On January 30, 2019, Pennsylvania State Police implemented a new [policy](#) on immigration in response to a request from Governor Tom Wolf (D-PA).

### **Recommendations/Tips:**

- Carry a [know-your-rights card](#) and show it to an immigration officer if you are stopped.
- Memorize phone numbers of family members, friends, and attorneys. Organize documents and make copies of important paperwork relating to finances, health, etc. Plan ahead for childcare in case anything happens to you. Update your child's emergency contact information at school.
- Ensure friends and family are familiar with ICE's [detainer locator](#) or know how to call ICE if you have been detained.
- You and your children have [the right to an elementary and secondary school education](#).
- If you are Muslim, the ACLU has provided [what to do when faced with anti-Muslim discrimination](#).
- Report and document immigration enforcement activities, violations of the "Sensitive Locations" memo or incidents of discrimination.

### **Legal Services/Resources:**

- [Penn State Law Center for Immigrants' Rights Clinic](#)
- Centre Safe, [Civil Legal Representation Project](#)
- [American Immigration Lawyers Association](#)
- National Immigration Project of the National Lawyers Guild's [online tool](#)
- Department of Justice maintains [a list of lawyers and organizations](#)

<sup>i</sup> Adapted from the American Immigration Lawyers Association [Know Your Rights Handout](#).

<sup>ii</sup> Adapted from the American Civil Liberties Union [Know Your Rights Page](#).