

GETTING BY IN THE U.S. AS AN IMMIGRANT:

4. KNOW YOUR RIGHTS WITH RESPECT TO LAW ENFORCEMENT

IF LAW ENFORCEMENT COMES TO YOUR HOME

What Should I Do If Police or Immigration Agents Come to My Home?

Ask the officers if they have a search warrant. Enforcement officers need a search warrant or your consent to enter your home, unless there is an emergency. If they have a search warrant, ask them to slip it under the door. If the search warrant is valid, you must let them enter.

Do not open the door unless the officers provide you with a valid warrant!

If you open the door, this may be considered “consent” to allow them to enter your home.

How Do I Know if a Search Warrant is “Valid”?

A valid search warrant for a place states the address, the places to be searched, and what the officers are searching for. It must be signed by a judge. If the warrant lists an incorrect address, you can refuse to let the officer inside your home.

A valid search warrant for a person must state the correct name of that person.

What Should I Do if the Warrant is for my Home?

If the search warrant is for your home, and is valid, you must let the law enforcement officers into your home. The officers can search for whatever is in the warrant. However, you do not have to answer any questions.

What Should I Do if the Warrant is for a Person?

If the warrant lists the name of a particular person in your home, that person should step outside to talk to the officers and close the door behind him/her. This prevents other people in the house from being at risk.

IF LAW ENFORCEMENT STOPS YOU IN PUBLIC

Can Police or Immigration Agents Stop Me in Public?

Law enforcement officers need a good reason to stop you in public. Looking “foreign” and speaking a language other than English is not a good reason to stop someone. If officers have a good reason to stop

you, they can pat you down for weapons. If they search you more, tell them that you do not consent.

What Should I Do if I am Stopped in Public?

Do not run away. Running would give the officers a good reason to arrest you, because they may suspect that you did something and are trying to hide. Tell the officer you do not want to answer any questions and ask if you are free to go. You do not have to answer any questions, even if you are detained. In some states you may be required to give your name, but you do not have to volunteer information about your immigration status.

IF LAW ENFORCEMENT COMES TO YOUR WORK

What are My Rights if Immigration Agents Come to My Work?

Immigration agents must have a warrant signed by a judge or your employer’s permission to enter your workplace, unless you work in a public place, such as a restaurant. If the officers have permission to enter, they are free to ask questions about your immigration status. You have the right to remain silent and refuse to answer any of their questions.

Whenever and wherever police or immigration agents stop you, you have the right to remain silent!

- ✓ Do not answer any questions
- ✓ Do not say anything about where you were born or how you entered the U.S.
- ✓ Do not lie or carry false documents
- ✓ Ask to speak to an attorney
- ✓ Carry a “Know Your Rights” Card and show it to police and immigration agents:

MY RIGHTS CARD

I am giving this to you because I do not wish to speak to you or have any further contact with you. I choose to exercise my right to remain silent and to refuse to answer your questions. I want to speak with a lawyer before answering your questions.

I want to contact this attorney or organization:

Telephone number:

IF THE POLICE STOP YOU IN YOUR CAR

What Happens if the Police Pull Me Over In my Car?

The police will ask you for your driver's license, proof of car registration, and insurance. You must show these, and you may get a ticket if you do not have these. Whatever you do, do not show false documents and do not lie.

What Do I Do If the Police Ask for My Green Card?

If you have valid immigration status documents, show them to the police. If you do not, do not say anything about where you were born or how you entered the U.S. In some states, it is a minor crime not to provide your name when the police ask you for it. Providing your name has risks and can be used to start deportation proceedings against you. If you decide to provide your name anyway, do not say anything else.

Do the Police Have the Right to Search My Car?

Not necessarily. In certain cases, the police may search your car without your consent. For example, they may search your car if they have a search warrant, if the officer has good reason to believe that criminal activity is likely to take place, if you have been involved in a crime, or if you have evidence of a crime in your car. Make sure the officer understands that you do not consent to the search. The police should not arrest you for refusing to consent to a search.

IF YOU ARE ARRESTED

What Should I Do if I am Arrested?

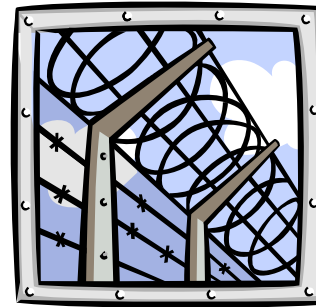
Write down the names of the officers that arrested you and the agency they are from, along with their identification numbers and license plate numbers.

**Always Carry Your Rights Card
With You!**

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For more information visit www.esperanza.us
or call 215-324-0746

What are My Rights if I am Arrested?

- **You have the right to remain silent.** Do not tell the police anything except your name and address. Do not give any explanations or excuses. Do not say anything without a lawyer present.
- **You have the right to refuse to sign any documents,** especially ones that give up your right to a hearing in front of an immigration judge
- **You have the right to contact your consulate,** but understand that this could give cause to start deportation proceedings against you.
- **You have the right to obtain an attorney.** If you are charged with a crime, you have the right to a lawyer free of charge. If you are charged with a non-criminal immigration matter, however, you do not have the right to a free lawyer.
- **You have the right to make a telephone call after you are detained.**
- **You have the right to ask for bond** if you are in immigration custody.



STATE AND LOCAL ENFORCEMENT OF IMMIGRATION LAW

Can Local Police Enforce Federal Immigration Laws?

In some localities, the answer is yes. Police officers in 66 communities have been authorized under the "287(g) Program" to enforce immigration laws. Officers in these communities are allowed to refer people to immigration officials for any violation of the law, no matter how small. Go to www.ice.gov to see if your community is participating.

How Will Immigration Officials Find Out If I am Arrested by Local Police?

A federal program grants immigration officials immediate access to local policing information at the time of arrest. It is currently available in 8 states, including Pennsylvania. It is expected to be available nationwide by 2012.



* The contents of this presentation do not constitute legal advice. Please consult an attorney for legal advice.