

# **IMMIGRANTS: KNOW YOUR RIGHTS!**

As an immigrant, did you know that you have many rights under the US Constitution? You do! It is critical for you to understand your rights and to know how to prepare you and your family for an emergency situation such as the detention or deportation of a family member.

The information in this document can help YOU. **READ ON!**

When you are stopped or questioned by a police officer, **REMEMBER:**

- ▶ **Ask the Police Officer: “Am I Free to Go?”** It is important to determine whether or not you are lawfully detained by the police officer who is questioning you. If an officer begins to ask questions about your background or potential involvement in a crime, you should ask the officer: “Am I free to go?” If the officer says, “Yes,” then walk away. If the officer says, “No,” then you are in lawful detention and you should **REMAIN SILENT**.
- ▶ **You Have the Right to Remain Silent.** When you are stopped or questioned by the police, for any reason, the most important right you have is the **RIGHT TO REMAIN SILENT**.

**THE RIGHT TO REMAIN SILENT** means that you are not required to give any information about yourself, **EXCEPT IN THE FOLLOWING CIRCUMSTANCES:**

- Where you live in a state, like Virginia, that requires you to give your name to a police officer.
- If you are driving, then you are required to have, and give to a police officer, your valid driver’s license.
- If you have lawful permanent resident status in the US, then you carry proof of that status, your “green card,” with you at all times and be prepared to give the green card to an enquiring police officer. You do not need to give any other information to the officer.

You may exercise your **RIGHT TO REMAIN SILENT** at any time and place when questioned by a government official, such as in your home, in your car, walking down the street, in jail, in a store, or any other public or private place. Government officials who may question you include the following people: police, Immigration and Customs Enforcement (ICE), an investigation or prison officer.

- ▶ **Be Polite, Calm and Cooperate, but Remain Silent.** Do not give a police officer any reason to charge you with disorderly conduct or obstruction of justice. Being polite and calm does not mean, however, that you have to give any information to an officer about yourself or your involvement in a crime. **REMAIN SILENT**. Even if a police officer threatens you with arrest because of your silence, it is important to give your name only and **REMAIN SILENT**.

- ▶ **You Have the Right to Be Represented by a Lawyer at Anytime.** You always have the right to talk to and be represented by a lawyer. If you are arrested for a crime, and you cannot afford a lawyer, you have the right to *free* legal representation. If you have an immigration problem, you have a right to be represented by a lawyer, but you must *pay* for that lawyer's representation.

You should always let the police or prison officer know that YOU ARE ASSERTING YOUR RIGHT TO SPEAK TO A LAWYER BEFORE QUESTIONING AND THAT YOU WISH TO REMAIN SILENT.

DO NOT SIGN ANY DOCUMENTS WITHOUT SPEAKING TO A LAWYER. YOU MAY BE SIGNING YOUR OWN DEPORTATION ORDER!

- ▶ **You Have a Right to Be Free from Unlawful Searches and Seizures.** Police are required to get written permission from a judge, a *warrant*, before searching your home, unless the police believe that there is a crime in progress or that it is an emergency.

If the police or ICE come to your door, ASK TO SEE THE WARRANT AND MAKE SURE IT IS SIGNED BY THE JUDGE. Request that the police slide the warrant under the door or through a cracked window. DO NOT OPEN THE DOOR UNTIL YOU HAVE SEEN THE WARRANT.

If the police have a signed warrant, you can not prevent them from coming into your house. But, you should REMAIN SILENT and polite, calm and otherwise cooperative. YOU SHOULD ALSO LET THE POLICE KNOW THAT YOU DO NOT CONSENT TO THE SEARCH. This will limit the search to the areas and persons specified in the warrant.

If the police DO NOT HAVE A WARRANT, THEN ASK THEM TO LEAVE YOUR HOME.

At your workplace, your employer may give permission to a search, even without a warrant from a judge. Again, the best advice is: REMAIN SILENT and stay calm. If it is possible to walk away, do so, but do not run as this action looks suspicious.

- ▶ **Valuable Phone Numbers.** Make sure that you have memorized the phone numbers of a family contact and lawyer in the event you are arrested. If you want to know if you have a deportation order against you or another immigration court case, call **1-800-898-7180**.

---

This document is intended to give you basic information about your rights. If you would like to attend or host a *Know Your Rights* seminar, please contact Lisa Johnson-Firth at Immigrants First, 703-335-2009.

**THIS DOCUMENT IS NOT INTENDED TO CONSTITUTE LEGAL ADVICE. PLEASE SEEK INDIVIDUAL COUNSEL IF YOU HAVE QUESTIONS.**

© 2010 Immigrants First, PLLC.