



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) arrests in the community.

# KNOW YOUR RIGHTS with ICE

## Who is at risk of being arrested by ICE?

The law allows the federal government to deport certain immigrants, including:

- Anyone without lawful immigration status
- People with status (e.g., lawful permanent residents, refugees and visa holders) who have certain criminal convictions

ICE sets priorities on who to target. Current ICE priorities include:

- People who ICE claims poses a threat to “national security,”
- People who unlawfully entered the U.S. on or after November 1, 2020, or
- People who ICE claims pose a threat to “public safety” and
  - have an “aggravated felony,” a wide range of convictions that are not necessarily a felony under criminal law, or
  - who ICE believes has participated in a gang.

These priorities will likely continue to shift under the Biden Administration. Even if you believe you do not fall into the priorities, ICE could still decide to arrest you if you are vulnerable to deportation.



### People with legal status and prior convictions

**Be aware:** You may be a target even if:

- Your conviction is from years ago;
- You didn’t serve time in jail;
- Your case was minor or a misdemeanor;
- You’ve been an LPR for a long time; and/or
- All the other members of your family are US citizens.

Immigration and Customs Enforcement (ICE) is one of the federal government agencies responsible for deporting people. ICE is part of the U.S. Department of Homeland Security (DHS).

## Are ICE agents approaching anyone they think they can deport?

ICE agents usually identify the person they want to arrest ahead of time. Then, they go to homes, courthouses, shelters and even workplaces to look for that person. Sometimes they wait on the street to make the arrest.

## If I know I’m at risk, what can I do?

- **Make a plan** with your loved ones in case you are picked up by ICE!
- **Avoid contact with Immigration** – don’t apply to change your immigration status or to renew your greencard and don’t travel outside of the United States without talking to a lawyer first!
- **Avoid contact with the Criminal Justice System** (the police share your fingerprints with Immigration)!

## IF YOU OR A LOVED ONE IS AT RISK OF DEPORTATION, HAVE A PLAN!

Knowing which rights you have and exercising them is complicated.

For more information on ICE community arrests, please see IDP’s longer booklet at [immigrantdefenseproject.org/ice-arrests](https://immigrantdefenseproject.org/ice-arrests) or contact [KYR@immdefense.org](mailto:KYR@immdefense.org)

If you want to report a raid within NY, call IDP at 212-725-6422

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## What should I do if ICE agents approach me on the street or in public?

When ICE agents arrest someone in public (or after stopping a car), it typically happens quickly. They may call your name out loud and ask you to confirm your name and then detain you.

- Before you say your name or anything else, **ask, “AM I FREE TO GO?”**
  - **If they say YES:** Say, “I don’t want to answer your questions” or “I’d rather not speak with you right now.” Walk away.
  - **If they say NO:** Use your right to remain silent! Say, “I want to use my right not to answer questions” and then “I want to speak to a lawyer.”
- If ICE starts to search inside your pockets or belongings, say, “**I do not consent to a search.**”
- **DON’T LIE or show false documents. Don’t flee or resist arrest.**
- Don’t answer questions about your immigration status or where you were born. They will use any information you provide against you. Do not hand over any foreign documents such as a passport, consular IDs, or expired visas.
- If you are in Criminal Court for a court date, ask to speak to your defender before they take you away.

## If officers come to my home, will I know they are from ICE?

Not always! Beware: ICE agents often pretend to be police and say they want to talk to you about identity theft or an ongoing investigation.

## Can ICE agents enter my home to arrest me?

If ICE agents do not have a warrant signed by a judge, they cannot enter the home without permission from an adult. Opening the door when they knock does not give them permission to enter your home.



## So, what do I do if officers are at my door?

- Find out if they are from DHS or ICE.
- Try to stay calm. Be polite. Don’t lie. Say “**I don’t want to talk to you right now.**”
- Politely ask to see a warrant signed by a judge and to slip it under the door. If they don’t have one, decline to let them in.
- If they are looking for someone else, **ask them to leave contact information.** You don’t have to tell them where to find the person and you should **not** lie.

## What can I do if ICE is inside my home to make an arrest?

- Tell them if there are children or other vulnerable residents at home.
- Ask them to step outside unless they have a warrant signed by a judge.
- If they came inside without your permission, tell them “**I do not consent to you being in my home. Please leave.**”
- If they start to search rooms or items in your home, tell them “**I do not consent to your search.**”
- If ICE is arresting you, tell them if you have medical issues or need to arrange for childcare.

## What are my rights if I am being arrested by ICE?

- You have the right to **remain silent.** You have the **right to speak to a lawyer.**
- **DO NOT LIE.** It can only hurt you in the future.
- You do **NOT have to share any information** about where you were born, what your immigration status is, or your criminal record. Ask to speak to a lawyer instead of answering questions.
- You do **NOT have to give them your consular documents or passport** unless they have a warrant from a judge.
- You do **not have to sign anything.**

IDP updated this information in March 2021. For more info, please see IDP’s longer booklet at [immigrantdefenseproject.org/ice-arrests](http://immigrantdefenseproject.org/ice-arrests)