

# IMMIGRATION ARRESTS & RAIDS

## WHAT YOU NEED TO KNOW TO PROTECT YOUR RIGHTS



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) community arrests. Learn about the trends and know your rights!

### 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

The Trump Administration has made clear that any one they can deport is at risk, including those:

- With pending criminal cases and/or prior criminal convictions;
- With final orders of removal;
- Who have committed fraud or misrepresentation in applications to the government;
- They believe pose a threat to public safety or national security



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

### **Be aware: People with legal status and prior convictions**

You may be a target even if:

- Your conviction happened many years ago;
- You didn't serve time in jail or only paid a fine;
- Your case was minor or a misdemeanor;
- You have a serious medical issues;
- You've been an LPR for a long time; and/or
- All the other members of your family are US citizens.

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

For more information on ICE raids and arrests, visit [immdefense.org/raids](https://immdefense.org/raids) or contact [KYR@immdefense.org](mailto:KYR@immdefense.org)

Make a plan! Learn more at: [immdefense.org/emergency-preparedness](https://immdefense.org/emergency-preparedness)

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

## What are some of the ways ICE might know about me?

If you were stopped by the Border Patrol or if you have submitted an immigration application (for a green card, naturalization, work authorization or any type of lawful status);

If you have been arrested and the police took your fingerprints;

If you are on probation or parole;

If you have applied for a driver's license or registered a motor vehicle.

Where is ICE  
arresting people?



At or outside:

Homes, including Homeless shelters

Courthouses (inside buildings, before and after the court appearance, and out on the street)

On the street

& Pulling people over while driving

## Will it be clear the officers are from ICE?

**Not always.** ICE agents often present themselves as “police.” They may be dressed like police in bulletproof vests or plainclothes. Sometimes they may even act like regular police conducting an investigation. Be aware: ICE often uses unmarked cars in raids.

If ICE is at your home, the only way to know is to ask where they work before letting any officers in. If they say “police,” ask them if they are from Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE). And look for DHS or ICE anywhere on their cars, uniforms or paperwork.

# WHEN ICE COMES TO YOUR HOME

## What time of day does ICE come to people's homes?

Usually early in the morning when people are most likely asleep or getting ready for work/school. However, they may come at any time or multiple times to look for the person they want to arrest.

## How can ICE agents enter people's homes?

- ICE officers usually do not have a judge-signed warrant allowing them to enter without consent. Instead, they use lies, force or intimidation to get permission to enter.
- They often lie and pretend to be police to get consent to enter or to learn the whereabouts of the person they want to arrest.
- Sometimes, they will use force or intimidation to get consent to enter.



## What kind of lies does ICE tell?

ICE agents often act as if they are police on an investigation. This includes dressing similar to local police or wearing vests that say "POLICE" on them. So, people let the officers in thinking they are helping NYPD. ICE agents have told people the following lies:

- **"We believe Mr. X's identity was stolen and need your help."** The person who answers the door gets their loved one, Mr. X, or tells ICE where to find him, and then ICE arrests Mr. X.
- **"We are investigating a crime and want to see if you know the person we are looking for."** The person lets agents in to look at the photos, which are of random strangers, and says they don't recognize anyone. ICE agents show a photo of Mr. X or ask for him. Thinking there is a mistake or a criminal warrant, the loved one locates Mr. X and then ICE agents arrest him.
- **"Is Mr. X here? We just need him to step into the hallway to talk to him."** Mr. X steps into the hallway, thinking they are from NYPD and he has nothing to hide. Multiple ICE agents appear and arrest him.



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# I've heard ICE enters homes without warrants using force or intimidation. How do they do this?

- They might **knock loudly or make noise** outside of the door or with many officers so people let them in to avoid attention from neighbors;
- When asked if the agents have a warrant, they **threaten to come back with a warrant and "rip the house apart"**;
- They **push through the door without warning** when someone opens it or when the person who opened turns their back to the door;
- They **show their weapons** or having their weapons drawn; or
- They **show up multiple times** to intimidate a loved one into giving agents the location of the person ICE wants to arrest.

## Do I have to let ICE into my home?

Not unless they have a **warrant signed by a judge** giving them authorization to search or arrest someone at your address. A warrant signed by ICE is not enough to allow them to enter without your permission. **In most cases, ICE will not have the right type of warrant and can only enter if you consent.**

**NOTE:** Opening the door when ICE knocks is **NOT** consent to enter your home. However, they may interpret it as consent if you step back from the open door or gesture them inside. If ICE enters your home without your consent, say **"I do not consent to your entering my home,"** even if they are already inside.

## What can I do if ICE officers are at my door?

**Try to stay calm and be polite. DO NOT LIE.**

Before you open:

- **Ask officers for ID and where they work** to see if they are from Immigration. If they say "police," ask them if they are from DHS or ICE.
- **Politely ask them to show you a warrant** by slipping it under the door.

If ICE is looking for your loved one, do not lie about where the person is. Say, **"I do not want to answer any questions,"** and ask agents to **leave their contact information** instead of telling them where to find the person. You do not have to tell ICE how to find the person they want to arrest.



*If they show you paperwork, **make sure any warrant is signed by a judge** (not someone from ICE) and has the correct name/address before allowing them in.*

*If they do not have a warrant, calmly say **"I do not want to answer any questions or let you in."** You can tell them you will contact them if they leave information.*

## **If ICE agents are inside my home, can I ask them to leave?**

If ICE agents cannot show you a warrant signed by a judge giving them permission to search or arrest someone at your address, you can tell them you do not consent to them being in your home and ask them to leave at any time.

If ICE sees the person they want to detain, they will likely arrest the person at the home anyway. Otherwise, if you withdraw consent and tell them to leave, they should leave. Even if they do not listen to you, do not physically interfere. Tell your lawyer afterwards. It may help the person's immigration case.

## **If ICE is in my home, can they walk through all rooms and search the home for specific people or items?**

Even if you let ICE agents into your home, they are not supposed to search your home or belongings without your permission unless they have a judge-signed warrant giving them authority to do so. They may claim it is necessary for their safety, even if this is not true. Often, they look in rooms for other people and go into drawers or closets to pick up documents or clothing.

If ICE agents start walking around your home or touching belongings, even if you feel you have nothing to hide, say, **"I do not consent to this. Please leave the house."** Keep saying it, especially if they search for, take or try to photograph documents. They may not listen but it is important for you to exercise this right and tell a lawyer later. It may help you or a loved one in the future.

## **Do I have to give ICE my passport or consular documents?**

No, unless they have a search warrant signed by a judge listing those items. ICE agents often ask people to give over their travel documents during an arrest. They are only doing this to help the government try to deport you. Say, **"I don't want to bring my documents" or "I don't want to give anything over."**

It will not hurt you to bring valid U.S.-issued documents like a driver's license or green card. DO NOT give them false or invalid documentation, such as a fake Social Security card or expired immigration visa. If you exercise your rights and they take your documents or photograph them, tell your lawyer.



## What should I remember if ICE agents are inside my home?

- Stay calm. **Don't lie, give false documents** or physically resist arrest. This could hurt you and your case. **Lying to ICE may lead to criminal prosecution.**
- Tell ICE right away if:
  - There are **children or the elderly** in the home.
  - You are **ill, on medication, nursing or pregnant.**
  - You are the **primary caretaker** for a loved one and need to arrange care.
  - This information can make a difference in how they conduct the arrest and any decisions about whether to detain you.
- ICE may say they need to walk around your home for safety reasons. However, if they do not have a search warrant signed by a judge, you can say, **"I deny consent to search my home."**
- Try to remember how ICE agents acted (see "What kind of information is important to remember" below). It may impact a person's case if ICE did something they weren't supposed to do.

## What are my rights if ICE arrests me at home?

- You have the right to remain silent. You have the right to speak to a lawyer.
- You do NOT have to share any information about where you were born, your immigration history, or your criminal record. In fact, if you do share, it may hurt your case.
- You do NOT have to give them your passports or consular documents unless they have a warrant signed by a judge.
- You do NOT have to sign anything.

It is important not to answer questions or sign anything without a lawyer present.



## If ICE is arresting me, will they question others who are there?

Sometimes ICE agents try to pressure individuals answering the door to give information about where to find their loved one if their loved one is not there. You do not have to answer. You can say, **"I don't want to talk to you. I don't want to answer questions. Please go."** Do not lie to a law enforcement agent. Just say you do not want to answer.



## Do I have to give my documents or fingerprints if I'm not being arrested?

When ICE agents make an arrest, they are likely to ask any witnesses for fingerprints and for their immigration documents.

Witnesses of ICE arrests have the right to say no.

You should say **"No, I do not consent to having you take my fingerprints"** or **"No, I do not consent to giving you my documents."**

Continue to say this even if the officer insists many times. If ICE handcuffs or restrains you in order to obtain fingerprints or documents, ask if you are under arrest. You should not physically resist but instead continue to say **"I do not consent to fingerprinting. I do not consent to giving you documents."**

## What can I do if I witness a home arrest?

You can politely **repeat that you do not consent** to ICE officers being in the home or searching unless they have a judge-signed warrant.

You can **request the names and badge numbers of the ICE agents** as well as a **copy of any warrants**.

If you are an adult, you can ask to go **comfort any children** or other vulnerable residents.

You can **offer to get clothes, medication or personal items** for the person they are arresting, like a wallet, instead of letting agents move through the home. ICE agents often won't let the person they arrest move around freely and will go to search for documents and/or clothes.

You can **record the details of the arrest** that may be useful for the immigration case (see next page).

You can help **initiate the emergency plan**. (See [immdefense.org/emergency-preparedness](https://immdefense.org/emergency-preparedness))

## Can I video record an arrest?

Before taking out a recording device, it is best to assess the situation and determine whether taking a video could escalate the situation and endanger anyone present.

ICE agents are armed law enforcement officials who are first and foremost concerned for their own safety. If ICE officers ask you to stop recording and give them the phone, don't physically resist them. Instead you can say, **"I don't consent to giving my phone."**



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# What should I remember about the ICE arrest?

It is important for you or a loved one to observe how ICE agents acted at your home and to tell a lawyer. It may make a difference in the immigration case!

Try to remember:

- How ICE agents presented themselves at the door, including how many officers there were, whether they were armed, how they were dressed and whether they told you they were from ICE
- What ICE agents said/did to get into the house, especially if they lied (such as they said they had a judge-signed warrant to enter)
- Whether ICE agents intimidated anyone or if they used verbal/physical force
- Who was present during the arrest, especially if there were children
- How ICE agents acted inside the house
  - For example: Did they yell at anyone? Did they point weapons at anyone? Did they keep residents from moving around freely? Did they ignore you when someone said children were present? Did they walk through the house? Did they go through belongings without permission? Did they handcuff anyone in front of children?
- How ICE reacted if anyone said they denied consent to enter/search
- How the officers reacted when you exercised your rights
- How they reacted if you brought up any concerns like the need for childcare or medical issues
- If anyone else in the home was questioned, fingerprinted, or arrested



## ICE HOME ARRESTS PROTECT YOUR RIGHTS



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Hang this on your door to remember key rights and details if ICE enters your home!

### What can I do if ICE officers are at my door? Do I have to let ICE into my home?

You do not have to let ICE in unless **they have a warrant signed by a judge** giving them authorization to enter to arrest someone at your address. Ask them to slip the warrant under the door, before you open it. ICE will most likely try to enter your home without a warrant and needs consent from an adult to enter. Opening the door does not mean that you consent.

**"Please slip the warrant under the door"**

**"I do not want to answer any questions"**

### If ICE agents are inside my home, can I ask them to leave?

**DO NOT LIE. DO NOT SHOW FALSE DOCUMENTS. DO NOT RUN OR PHYSICALLY RESIST ARREST.**

Say, **"I do not want to answer any questions,"** and ask agents to leave their contact information.

If they enter without consent, say **"I do not consent to this. Please leave the house."**

**"I do not consent to this. Please leave the house."**

### Can ICE walk through all rooms and search the home for specific people or items?

ICE is not supposed to search your home or belongings without your consent if they do not have a judicial warrant. If they are inside and start to search, say **"I do not consent to this search. Please leave the house."**

Keep saying this, especially if they search for, take or try to photograph documents. They may not listen but it is important for you to exercise

**"I do not consent to this search. Please leave the house."**

**"I don't want to answer any questions"**

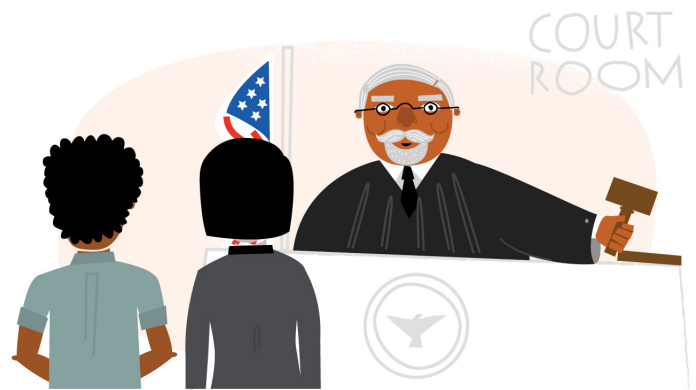
You can find more information about home arrests at [immdefense.org/ice-arrests](https://immdefense.org/ice-arrests): including posters to document a home raid reminding people of key rights and essential information to record.



# ICE ARRESTS IN THE COMMUNITY AND AT COURTHOUSES

## What do ICE agents usually do at courthouses?

When ICE wants to deport a person who has an open criminal case, ICE keeps track of the person's future court appearance dates. Agents usually wait inside or outside of the courtroom. However, sometimes they wait outside of the courthouse building to arrest someone on the street. They often are in plainclothes with an emblem on their shirt.



## What are my rights if ICE stops me on the street, at work or at a criminal courthouse?

If ICE stops you on the street, at work, while driving a car, or at court, you have fewer legal protections than if you were inside your home. The interactions are often quick; the officer might call out your name or ask you to confirm your name or identity and then arrest you. **Remember that you still have rights!**

- You have the **right to remain silent.**
- You have the **right to speak to a lawyer.**
- You **do not have to sign** anything without a lawyer present.

It is best not to sign anything or answer questions about your criminal or immigration history without a lawyer present.



### DEFENSE ATTORNEYS: HOW TO ADVISE IMMIGRANT CLIENTS ON ICE IN THE COURTS

Immigration & Customs Enforcement (ICE) and Homeland Security Investigations (HSI) send agents to detain "removable" people in communities, including at courthouses. Their courthouse arrest practice undermines equal access to justice and can interfere with clients' ability to resolve criminal matters.

#### WHERE DO ICE AGENTS MAKE ARRESTS IN THE COURTS?

In the past, ICE agents have made arrests in court parts, vestibules, hallways, and non-public areas. As of April 2019, ICE is not allowed to make arrests in NYS courthouses without judicial warrants. ICE agents, however, continue to come to court and follow individuals to execute arrests once they have left the building. Although ICE comes most frequently to criminal courts they have also been in family and housing courts. In addition, ICE sometimes arrests individuals at home the morning of a court appearance or when individuals are on the way to court.

#### ARE ICE AGENTS EASILY IDENTIFIABLE WHEN THEY COME TO COURT?

ICE agents are often in plainclothes, without visible badges, and come in groups of 2-4 (sometimes more). ICE agents often refuse to identify themselves or answer questions.

#### WHO IS AT RISK OF BEING TARGETED AND ARRESTED BY ICE?

People who are undocumented and people with lawful status with certain criminal convictions may be at risk of being detained and deported. See IDP's advisory on the January 2017 Executive Order priorities: [bit.ly/2ohu5jn](https://www.idp.org/ice-courts/).

#### HOW DOES ICE PICK INDIVIDUALS TO ARREST?

ICE usually identifies a specific individual appearing for a court date. They initially identify people by using publicly available court docket information. In a handful of cases they have questioned and/or arrested family members or friends in court to support their loved one.

You can find more information about ICE courthouse arrests at:

<https://www.immigrantdefenseproject.org/ice-courts/>

## What should I do if ICE stops me in public?

ICE already plans to detain you. It does not matter what you say about your criminal or immigration history. Anything that you say will be used against you.

Before saying your name or answering questions, ask, **"Am I free to go?"**

- **If the officer says yes**, then you should leave and politely say, **"I do not want to answer any questions."**
- **If they say you are not free to go**, say, **"I do not want to answer any questions. I want to speak to a lawyer."**
- If ICE arrests you and you have medical issues or need to arrange for childcare, you should inform ICE of this.

If they search inside of your pockets or belongings, say, **"I do not consent to you searching me. I want to speak to a lawyer."** The officers might search you anyway, but it may help your lawyer fight your case.

It is ok to show valid U.S.-issued documents like a driver's license or green card. **DO NOT LIE** or give them foreign identification or false/invalid documentation, such as a fake Social Security card or expired immigration visa. Do not flee or resist arrest.

## What should I remember if ICE agents are at my criminal court date?

If ICE agents approach you at a courthouse, ask to speak to your criminal lawyer and to appear in front of the Criminal Court judge before they take you into custody. Your criminal lawyer may be able to help you exercise your rights. The attorney can also explain to the Criminal Court judge why you are not present if you are arrested before you see the Criminal Court Judge.

If ICE arrests you before you see the judge or your criminal lawyer, you or a loved one should contact your criminal lawyer as soon as possible to let them know where you are. A Criminal Court judge may improperly issue a warrant for your arrest for your failure to show up. If your criminal lawyer knows that you have been arrested by ICE, they may be able to prevent this. If a warrant has already been issued, they may be able to get the warrant vacated.



# WHAT IF ICE STOPS MY CAR?

## ICE is pulling over my car. What should I do?

In New York, if you are the driver, you must pull over if stopped by any law enforcement officer, even if you don't think you did anything wrong. If ICE is trying to pull you over and you do not stop, the ICE officers might use force or violence to stop your car, including pulling out guns.

You may not know right away if ICE is pulling you over. ICE officers often use unmarked cars and wear plain clothes or vests that say "POLICE." They often do not reveal that they are ICE until after they arrest someone. Before you say your name or anything else, ask the officers who they are and for their identification:

- "Are you the police?"
- "Are you highway patrol?"
- "Are you immigration?"
- "Why am I being stopped?"

## Do I have to roll down my window?

You only have to roll down your window if the officer asks. If you are asked, **you can partially roll down the window**. This could prevent an officer from reaching inside your car. Be aware that ICE may not wait for you to roll down the window and may just open the door or break the window to pull someone out of the car.

## Do I have to give the officers my ID?

If the ICE officer demands your ID, only show a driver's license or another ID issued from the U.S. government. **DON'T** give the officer any false or foreign documents such as a passport, consular ID, or an expired visa.

- In New York, the **DRIVER** must show the officer a driver's license.
- If you are the **PASSENGER**, you do NOT have to show the officer an ID or give any personal information, including your name, address, or place of birth. First ASK: "Am I free to go?" Then SAY: "I don't consent to give you any ID or answer your questions."

You can find more information your rights if ICE pulls over your car, including a page to keep in your car, visit: <https://www.immigrantdefenseproject.org/ice-arrests/>



[KYR@immdefense.org](mailto:KYR@immdefense.org)

## Do I have to get out of the car?

ICE officers can demand that everyone get out of the car for “officer safety.” The officers might arrest you when you get out of the car. Before you get out, you can ask the officers to give a reason for stopping your car. You can also keep asking the officers to identify themselves:

- “Am I free to go?”
- “Who are you?”
- “Why am I being stopped?”

## Do I have to give ICE my fingerprints?

ICE officers can take your fingerprints if they reasonably suspect that you violated an immigration law and may take your fingerprints as part of the arrest process. If ICE officers do not know who you are or you suspect they are asking for your fingerprints based on the way you look, you can ask them questions. You can ask: “Why am I being fingerprinted?” or say: “I don’t consent to being fingerprinted.”

## What are my rights?

Your rights in a car stop with ICE are similar to your rights on the street or in public. You have the right to **REMAIN SILENT** and not answer questions about your criminal or immigration history. In any situation, **DON’T** lie or show false documents. **DON’T** run or resist arrest, because this could escalate the situation. You should assert your rights even if ICE officers ignore you and continue what they are doing. Using these rights could help you fight your case in immigration court.

- You have the right to **LEAVE IF YOU ARE NOT UNDER ARREST.**
- You have the right to **ASK OFFICERS** why they stopped your car or if they have a warrant.
- You have the right to **REFUSE A SEARCH OF YOUR POCKETS** beyond a pat-down for “officer safety.”
- You have the right to **REFUSE A SEARCH OF YOUR CAR**, including your trunk and glove compartment.

# WHAT IF MY LOVED ONE HAS BEEN ARRESTED BY ICE?

## How do I find out where my loved one is detained?

To locate a loved one in ICE detention, you can go online to [locator.ice.gov](https://locator.ice.gov) or you can find a phone number for a particular facility at [www.ice.gov/detention-facilities](https://www.ice.gov/detention-facilities). The facility's website will tell you what information you need to provide when calling.



## How can I find out if my loved one has a court date?

You need to have their "Alien number," also known as a "case number" or "A number." It begins with the letter "A" and is followed by 8 or 9 digits (ex: 123-456-789 or 098-765-432). It is on all immigration documents including green cards, work permits, and immigration receipt notices. If they did not have one previously, they will be assigned one. Once the deportation case begins against your loved one, their case can be tracked by the A number.

Once you have their A number, you can call the Immigration Court's automated hotline, which is in English and Spanish, and enter their A number to find out when and where their next court date will be. The number is: 1-800-898-7180. It can take a few days for their A number to be processed into the system.

## If ICE arrests my loved one in NYC, will they get assigned a lawyer?

If you or your loved one are detained and your Immigration Court hearings are at Varick Street in NYC, you may be eligible for a free attorney through the New York Immigrant Family Unity Project (NYIFUP). If you are eligible to have your case heard in front of an immigration judge, you will be screened by legal service providers from the NYIFUP program on or sometime around your first court date and will receive free representation if the providers' criteria is met. Depending on the court calendar, you may have to wait about two to three weeks before you see an immigration judge for the first time.

**Be aware:** In some cases, you may not be eligible to see an immigration judge. For example, you may not be able to see an immigration judge if you returned to the U.S. without permission from Immigration after being previously deported.



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