

ICE pulled over my car! What are my rights?



IDP has received many reports of ICE stopping cars to arrest people in New York. ICE often stops a car when they are targeting someone for deportation.

One way ICE could find you while driving is by using information from your car registration and license plate.

WATCH OUT! ICE officers sometimes stop a car based on a person's perceived ethnicity, even though this is not legally allowed. If you think that you were stopped because of racial profiling, remember how the ICE officer treats you and share it with your legal representative. Asserting your rights might help you fight a legal case later!

⚠️ BE AWARE! ⚠️

IDP has heard of ICE using aggressive and violent tactics including:

- using vehicles to block the path of a car driving down the road;
- breaking windows or opening a door to pull someone out of a car;
- stopping a car with guns drawn, saying they are with the "narcotics squad."

ICE tactics often change, so understand your rights to decide what is safest for your situation!

WHAT DO I HAVE TO DO?

Do I have to pull over?

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.

How do I know who is pulling me over?

You may not know right away who is pulling you over. ICE officers often use unmarked cars and wear plain clothes or vests that say "POLICE." They might not reveal that they are ICE until after they arrest a person. 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?

Only 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. The officer may just open the door or break the window to pull you or someone else out of the car.

REMEMBER!

ICE officers might act aggressively to make you feel like you cannot assert your rights. Decide what is safest for the situation – if you feel forced to follow ICE's commands, you can still say you do not consent.

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 NY, the **DRIVER** must show any 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.

“Am I free to go?”

“I don't consent to give you ID or answer your questions.”

Get out of the car?

ICE officers can order you to 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 and ask them to identify themselves again.**

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

Let ICE search my pockets or my belongings?

ICE cannot search anything without a judicial warrant or your consent! However, ICE officers are allowed to pat someone down above the clothes for “officer safety” or if they are arresting the person.

Let ICE search my car?

Generally, ICE cannot search a car (including the glove compartment or trunk) without a judicial warrant or the driver's or the owner's consent. If ICE searches your car anyway, **you can still tell them that you don't consent.**

Let ICE take my fingerprints?

ICE officers can take your fingerprints if they reasonably suspect that you violated an immigration law or as part of the arrest process. If the officers do not know who you are or you suspect they are asking for your fingerprints based on the way you look, **you can refuse or ask why they are fingerprinting you.**

⚠ BE AWARE! ⚠

It might not be clear if ICE officers are looking for a specific person in the car or profiling people to arrest. ICE might say the name of someone who is in the car or show paperwork that has the name of someone in the car.

If you still don't know who ICE is looking for, you can **ask “Am I free to go?” or “Why am I being stopped?”**

In any situation, **DON'T lie or show false documents.**

REMEMBER

DON'T answer questions about your place of birth – ICE might use this later to try to deport you!

ICE pulled over my car! WHAT ARE MY RIGHTS?

Your rights in a car stop by ICE are similar to your rights in public. You should assert your rights even if ICE officers ignore you. Using these rights could help you fight a legal case!



You have the right to **REMAIN SILENT** and to not answer questions about your criminal or immigration history. **DON'T** lie or show false documents. **DON'T** run or resist arrest, because this could escalate the situation.

“I want to use my right not to answer questions.”



You have the right to **LEAVE IF YOU ARE NOT UNDER ARREST.**

“Am I free to go?”

If ICE says **NO**, use your right to **remain silent!**

“I want to use my right to not answer questions.”

“I want to speak to a lawyer.”

If ICE says **YES**,

“I don't want to answer your questions.”

Wait until the officer is a safe distance to drive or walk away.



You have the right to **ASK QUESTIONS** to find out who the officers are and why they stopped your car.

“Are you the police?” • “Are you highway patrol?”

“Are you immigration?” • “Why am I being stopped?”



If you are the **PASSENGER**, you have the right to **REFUSE TO GIVE AN ID** to the officer or to give any personal information, including your name, address, or place of birth.

“Am I free to go?”

“I don't consent to give you ID or answer your questions.”

KEEP THIS PAGE IN YOUR CAR!



You have the right to **ASK IF THE OFFICERS HAVE A WARRANT** and to read that warrant. Although ICE doesn't need a warrant to stop the car, they should not arrest someone unless they have a warrant for the person or the person tells the officer that they have no immigration status.

“Do you have a warrant?”

If ICE says **NO**, use your right to **remain silent!**

“I want to use my rights to not answer any questions.”

“Why are you stopping me?”

“Am I free to go?”

If ICE says **YES**,

“I don't want to answer your questions. I would like to see the warrant.”



You have the right to **REFUSE A SEARCH OF YOUR POCKETS** beyond a pat-down for “officer safety.” Remember, a pat-down does not include officers searching your pockets or your belongings.

“I don't consent to this search.”

“I don't want you to search my pockets.”



You have the right to **REFUSE A SEARCH OF YOUR CAR**, including your trunk and glove compartment.

“I don't consent to this search.”

“I don't want you to search my car.”



You have the right to **REFUSE TO BE FINGERPRINTED** by ICE, unless you are under arrest. If the officers force you to take fingerprints, you have the right to **ASK QUESTIONS** about why you are being fingerprinted.

“Why am I being fingerprinted?”

“I don't consent to being fingerprinted.”