



KNOW YOUR RIGHTS: INTERACTING WITH ICE AT HOME

Non-citizens, including lawful permanent residents (“LPRs” or “Green Card” holders), DACA holders, refugees, asylees, temporary visa holders, and immigrants who are undocumented, have certain rights under the United States Constitution. Know your rights and how to exercise them if Immigration and Customs Enforcement (ICE) comes to your home.

If ICE is at my door, do I have to let them in?

No, you have the right to refuse entry. According to the [American Civil Liberties Union \(ACLU\)](#): “You do not have to let police or immigration agents into your home unless they have certain kinds of warrants.”

What should I say if ICE is at my door?

First, ask the agents, “Who are you?” or “What agency are you from?” Then ask the agents to show you a badge or identification through a peephole or window. Ask for an interpreter if you need one. Next, ask, “Do you have a search warrant?” Immigration officials cannot enter your home without a warrant with your name or the name of someone in your household and your correct address on it. The warrant must be issued by a court and signed by a judge. According to the [ACLU](#): “ICE agents may not search your home, car, or belongings without a valid warrant issued by a court and signed by a judge or probable cause that your home or property contains evidence of a crime.”

What if they say that they do not have a warrant?

Say, “I do not consent to your entry” through the door or window and keep the door closed. Ask the agents to leave any information at the door.

What if they say that they do have a warrant?

Ask the agents to slide the warrant under the door or place it against the window so that you can read it. Make sure that the warrant has: (1) your name or the name of a person in your home, (2) your correct address, and (3) the signature of

a judge on it. If it does not, tell the agents that the warrant is illegal and that you are not opening the door.

What if the ICE agents are looking for someone else?

Ask them to leave their contact information. You do not have to help ICE locate the person.

How can I tell if the warrant permits ICE to come into my home?

After checking the name and address on the warrant, make sure that it was issued by a court and not ICE. A warrant issued by ICE is not enough to allow agents to enter your home without permission, but it can allow an arrest or removal. If the warrant was not issued by a court, you do not have to let the agents enter your home. If you let ICE into your home to make the arrest, they can then question anyone else who is in the house.

What if ICE agents force their way into my home?

If the agents force their way into your home without a valid warrant or your permission, do not run or resist. Instead, say, “I do not consent to you being in my home. Please leave.” The agents may continue to force their way into your home, but saying this to them could help your immigration case in the future.

DISCLAIMER: This fact sheet gives general information for NYC Residents; it is NOT legal advice.



What if the warrant has my name and address on it, was issued by a court, and was signed by a judge?

Inform the agents if there are children, elderly, or otherwise vulnerable people in the home. Be calm and remain silent.

Do I have to answer questions asked by ICE agents?

No, you have the right to remain silent. According to the [ACLU](#): “You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents, or other officials. Anything you tell an officer can later be used against you in immigration court.” Say, “I choose to remain silent.” Tell the agents that you want to speak to a lawyer before answering any questions. Do not tell the agents where you were born, how you entered the United States, or your immigration status. Do not give the agent any immigration papers unless they have a warrant signed by a judge that asks for those papers.

Do I have the right to speak to a lawyer?

Yes, you have the right to speak to a lawyer. According to the [ACLU](#): “If you are detained by ICE, you have the right to consult with a lawyer, but the government is not required to provide one for you.” Although the government will not provide you with a lawyer, ICE should stop asking you questions once you have asserted your right to an attorney. If you do not already have an immigration lawyer or do not remember the phone number, ask an ICE agent for a list of free or low-cost legal service organizations.

If an ICE agent asks to search me or my home, can I say no?

Yes, you have the right to refuse a search of yourself and your property. According to the [ACLU](#): “If an immigration agent asks if they can search you, you have the right to say no.” ICE agents may not search your home, car, or belongings without a valid warrant issued by a court and signed by a judge or probable cause that your home or

property contains evidence of a crime. If the agents entered your home without permission or a valid warrant and begin to search your home, say, “I do not consent to this search.” The agents may continue their search but saying this aloud could help in your immigration case in the future.

Do I have the right to take picture and videos of ICE agents?

Yes, you have the right to photograph and record ICE activity. According to the [ACLU](#): “Taking photographs and video of things that are plainly visible in public spaces is a constitutional right—and that includes police and other government officials carrying out their duties.” If you feel safe, take photographs or videos of the interaction. They could be helpful in your immigration case in the future. Put enough space between yourself and the ICE officers to not interfere with their activity. Write down the names and badge numbers of the agents involved and any other details that you can.

What if I am arrested by ICE?

Remember that you have right to remain silent and to speak to a lawyer. Do not answer any questions or sign anything until you speak to a lawyer. If you do not already have an immigration lawyer or do not remember the phone number, ask an ICE agent for a list of free or low-cost legal service organizations. Remember that you also have the right to make a phone call. According to the [ACLU](#): “If arrested, you have the right to a private phone call within a reasonable time of your arrest, and police may not listen to the call if it is made to a lawyer.” If you have memorized or obtained the phone number of a lawyer, call that number. If not, call a trusted family member and have them contact an immigration lawyer for you. Remember that you have the right to call your consulate or have ICE contact your consulate officials to tell them that you have been arrested. Your consulate may be able to help contact an immigration lawyer. According to the [ACLU](#): “If you have been detained by ICE, you have the right to contact your consulate or have an officer inform the consulate of your detention.”

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