

# Interacting with ICE Agents: Know Your Rights

February 5, 2025

**ACLU** Hawai'i

# Disclaimer

- I. This presentation is for information purposes, it is not legal advice
- II. Always consult with a lawyer if you are arrested or in removal proceedings
- III. In this administration, policies and practices are changing quickly



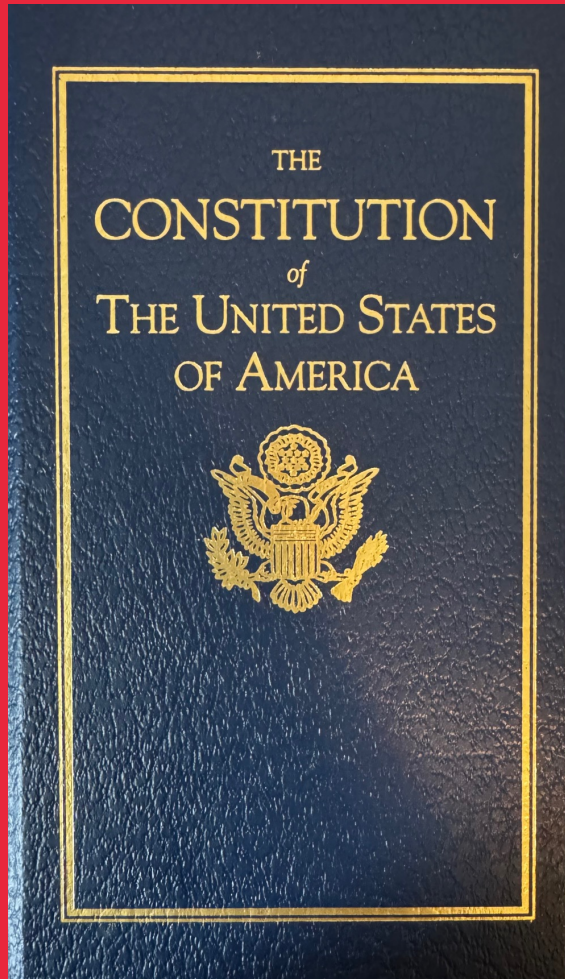
## Definitions

- **ICE** = U.S. Immigration & Customs Enforcement (immigration police inside the U.S.)
- **CBP** = U.S. Customs & Border Patrol (immigration police at the border)
- **DHS** = U.S. Department of Homeland Security (parent agency for ICE)

# Today's Agenda

## Interacting with ICE Agents: Know Your Rights

1. Overview of Immigrants' Rights and what to do if ICE comes to your home (Emily)
2. What to do if ICE stops you on the street, if ICE comes to your workplace, or if you get arrested (Neribel)
3. What to do if ICE comes to your place of worship, hospital, or school (Aparna)
4. Policy Protections for immigrants (Liza)
5. Q&A



## Immigrants have rights.

- Apply inside the U.S. (not to people in other countries)
- Regardless of immigration status
- Might look slightly different for people in removal proceedings

We all have the right to . . .

## Be silent.

- Fifth Amendment to the U.S. Constitution
- **YOU DO NOT HAVE TO ANSWER QUESTIONS ABOUT:**
  - Name or place of birth
  - Immigration status (will need to disclose at border, LPRs have to disclose)
  - Criminal History
- Does not give you the right to lie or provide false documents
- Will need to provide name/address during traffic stop by police

We all have the right to . . .

## Be free from unreasonable searches.

- Fourth Amendment to the U.S. Constitution
- No entering your home without a warrant\* or consent
- No searching your car or belongings without a warrant\* or consent
- No searching your person without a warrant\*, consent, or arrest
- **YOU DO NOT HAVE TO CONSENT TO A SEARCH**

\* There are exceptions for emergencies/safety considerations

We all have the right to . . .

## Be free from unreasonable seizures.

- Fourth Amendment to the U.S. Constitution
- Seizure = stop or arrest
- Arrest/detention requires probable cause (reason to believe violation of immigration law)
  - ICE will try to get probable cause during an interaction by asking questions or getting consent to search



We all have the right to . . .

## Due Process.

- Fifth Amendment to the U.S. Constitution
- Due Process = fair proceeding
- Right to a hearing before deportation\*
- Right to have a lawyer (not court-appointed)
- Right to call witnesses and present evidence

\* Recent Expedited Removal Order – carry proof of residence for 2+ years

We all have the right to . . .

## Free Speech & Free Association.

- First Amendment to the U.S. Constitution
- Right to protest & criticize the U.S. government (or others)
- Right to join groups that protest & criticize the U.S. government (or others)
- Prohibits retaliation for exercising First Amendment rights
- NOT: Helping people violate the law
- Concerns re: EO about revoking visas for people based on ideology

**What to do if ICE  
comes to your home.**



If ICE comes to your home . . .

## They may say they are “police.”

- May not be wearing a uniforms (usually police officers will be wearing uniforms)
- May have a badge or vest that says “Immigration & Customs Enforcement”
- **Before opening the door . . .**
  - Ask what agency they are from
  - Ask to see identification

If ICE comes to your home . . .

## They may ask you questions.

- Even before you get to the door, ICE agents could ask you your name or ask if someone else is present in your home.
- **YOU DO NOT HAVE TO ANSWER ANY QUESTIONS.**
- **You have the right to silence.**

If ICE comes to your home . . .

## DO NOT open the door.

- **Without your consent, ICE CANNOT ENTER YOUR HOME WITHOUT A WARRANT SIGNED BY A JUDGE.**
- Keep doors shut and latched. If using a screen door, keep it latched.
- Teach your children not to open the door for anyone they don't know.
- Once a door is cracked open, ICE can enter, even if it means pushing you out of the way.

If ICE comes to your home . . .

**Ask if they have a warrant signed by a judge.**

- ICE rarely has a judicial warrant to enter someone's home
- May try to intimidate you into opening your door and consenting to them coming into your home

If ICE agents say they have a warrant . . . **ask to see it.**

- Do not open the door!
- Have them slip the document under the door or hold it up.

Look carefully at any document ICE agents show you. . .

## Is it actually a judicial warrant?

### Judicial Warrant

- Issued by a Court
- Signed by a Judge (not an Immigration Judge)
- States the address or names the person
- Lists a time frame

### Immigration Warrant

- Issued by DHS – look for DHS seal, label, or form number
- Signed by immigration officer/immig. Judge
- Authority to issue from immigration law, not court



# JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

AO 93 (Rev. 12/09) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of California

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

██████████  
Davis, California 95616

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer **211-SW-0161 EFB**

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA.  
(Identify the person or describe the property to be searched and give its location):  
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):  
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 5-9-2011  
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m.  at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge \_\_\_\_\_ (name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)  for \_\_\_\_\_ days (not to exceed 30).

Until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

Edmund F. Brennan  
EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE  
Printed Name and Title

Is this the right address?

Note: only the person, property, & areas specified may be searched

Is it still current?

Is it actually signed by a judge?

**IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

\_\_\_\_\_ (Full name of alien)  
who entered the United States at \_\_\_\_\_ (Place of entry) on \_\_\_\_\_ (Date of entry)

is subject to removal/deportation from the United States based upon a final order by:

an immigration judge in exclusion, deportation, or removal proceedings  
 a designated official  
 the Board of Immigration Appeals  
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act \_\_\_\_\_

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: \_\_\_\_\_

**THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT**

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

SAMPLE



If ICE comes to your home . . .

## Document the interaction.

- Take a photo of any document ICE agents show you.
- Ask a friend/family member to openly record the interaction.
- If ICE agents enter your home, CLEARLY say you do not consent to their entry (but otherwise remain calm).
- Do not resist. Do not shout. Keep yourself and your family safe.
- After the ICE agents leave, take photos of any damage. Write down exactly what happened right away.

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Hawai'i

**WE THE PEOPLE**