

KNOW YOUR RIGHTS

Immigrant Resources

This is intended to be general information only. It does not constitute legal advice.

U.S. Immigration and Customs Enforcement (ICE) is the immigration enforcement agency. They can arrest and detain undocumented individuals or Lawful Permanent Residents who are deportable. However, you still have rights if ICE comes to your home.

Your Rights

- ❑ **DO NOT OPEN DOORS** ICE cannot come into your home without a warrant signed by a judge. Ask that they slide the warrant under your door, because opening your door means that you are giving them permission to enter even if they do not have a warrant.
- ❑ **ASK FOR ID** Request that the person show you their credentials (again, have them slide it under the door) so that you can check to be sure they are who they say they are.
- ❑ **REMAIN SILENT** ICE can use anything you say against you in your case. Tell them “I wish to remain silent.”
- ❑ **DO NOT SIGN** Do not sign documents without an attorney. You may be signing away your rights or agreeing to be deported.
- ❑ **SAY “NO” TO SEARCHES** Even if the officer does not listen, tell them, “I do not consent to a search.”
- ❑ **PICK WHICH ID YOU SHOW** Try to show an identification card that does not state your citizenship, like an IDNYC. Showing a foreign passport can be evidence used by ICE that you are deportable.
- ❑ **REPORT & RECORD** Have a family member write down as much detail as possible about any encounter with ICE, such as the date and time, the number of officers involved, what they said, how they entered, and anything about a warrant. You can report it to the Immigrant Defense Project at (212) 725-6422.
- ❑ **FIND AN ATTORNEY** Contact a legal services organization such as NYLAG to find an attorney or a BIA-accredited representative. You may be eligible for free services.

Keep in Mind

- ❑ **DO** stay calm and polite.
- ❑ **DO NOT** interfere with or obstruct the police.
- ❑ **DO** prepare yourself and your family in case you are arrested.
- ❑ **DO NOT** lie or give false documents.

Safety Planning

Get Organized

Have a safe place for important documents and tell a trusted person where they are in case you are detained. Save and protect:

- ❑ **Personal documents:** Passports, birth certificates, marriage certificates or divorce decrees.
- ❑ **Presence documents:** You may also want to keep documents like your lease, tax returns, utility bills, or other proof of how long you have lived in this country.
- ❑ **Immigration documents:** All government documents, including any that list your “A number,” if you have one. This is an identification number that begins with “A” and is written on all documents from immigration court.
- ❑ **Court documents:** A certificate of disposition for any arrests, and all documents from other courts, including criminal court and family court.
- ❑ **Contact information:** Names and phone numbers for any relatives, doctors, previous lawyers, childcare providers, and a friend you can call in an emergency. Carry a copy of these important numbers in your pocket.

Emergency contact: _____

Attorney: _____

Doctor: _____

Child care/school: _____

Family: _____

Misc: _____

Plan for Your Family in Case You Are Detained

- ❑ **Childcare:** Know who will look after your children and talk with that person about your plan. Speak with an attorney about whether you want to give this person the legal power to care for your children.
- ❑ **Pick a Helper:** You may need a Power of Attorney agreement so a friend or family member can go to your bank, obtain records, pay bills, or make decisions to help you while you are away.
- ❑ **Health:** Keep a list of any medical diagnoses and medications you take. If you have medical issues, you may want to sign an authorization form that allows a trusted person to access your medical records.

Frequently Asked Questions

If You Entered the U.S. Unlawfully Less Than Two Years Ago

I entered the U.S. unlawfully, have been here less than 2 years, and have never been in removal proceedings. What happens if I am detained by ICE?

You do not have a right to a hearing or review by an immigration judge if you entered less than two years ago and do not have proper documentation. However, if you assert a fear of persecution or torture if returned to your home country, U.S. and international law states that you must be interviewed by an asylum officer. If the officer finds your fear credible, you can be referred to an immigration judge to determine your eligibility for asylum.

If You Are Undocumented and Entered the U.S. More Than Two Years Ago

I am undocumented, have been in the U.S. more than 2 years, and have never been in removal proceedings. What happens if I am detained by ICE?

If you can prove that you have been here more than two years, you are entitled to have a hearing before an immigration judge. The judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained. You will be given a document called a Notice to Appear that informs you why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.

You have a right to be represented by an attorney at your own expense. Even if you do not have an attorney, you must attend all hearings or the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future. If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

Lawful Permanent Residents at Risk of Removal

I already have a green card. Can I be detained by ICE and/or placed in removal proceedings?

Yes. Even green card holders can be removed from the U.S. if they commit certain criminal offenses or immigration violations. This can happen even if the convictions are very old, and you can be detained at home, while making an immigration application (like renewal of a green card), or when re-entering the country from abroad.

If you are placed in removal proceedings, you have a right to a hearing before an immigration judge to determine if you will be allowed to keep your green card. If you are detained, the judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained. You will be given a document called a Notice to Appear that informs you of the time and place for your hearing and why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.

You have a right to be represented by an attorney at the hearing at your own expense. Even if you do not have an attorney, you must attend all hearings or you may be ordered removed without a chance to present your case and the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future. If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

Immigration Consequences of Criminal Convictions

I have a criminal record or have an open criminal case. What can I do to minimize my risk of being removed or minimize the chances of my immigration benefits being denied?

Regardless of whether or not you are undocumented or have legal status, contact with the criminal justice system increases your risk of being detained or placed in removal proceedings. Always discuss your immigration status with your criminal defense attorney. If you already have a criminal record and have questions about how it relates to your immigration status, consult with an immigration attorney or BIA-accredited representative for more information.

Removal Proceedings (Deportation)

I am or have been in removal. How do I find out my case status or future hearings?

Call the immigration court hotline at (800) 898-7180. This is an automated system available 24/7. You will need your 9-digit Alien Registration Number, which is listed on most of your immigration related documents.

I was already ordered removed but I never left the U.S. What are my options?

Please keep in mind that ICE can arrest and physically remove you from the U.S. without hearing or review by an immigration judge. If you think that the facts of your immigration case have changed, such as you now fear returning to your home country, you have gotten married, or had children, consult with an attorney or a BIA-accredited representative to determine if you can apply to reopen your case or delay your deportation.

I was ordered removed, left the U.S., and re-entered the U.S. unlawfully. What are my options?

If you reentered the U.S. after an order of deportation, there are many potential negative consequences. You can be subject to criminal charges and be barred from receiving permanent residency for 20 or more years. You also do not have a right to hearing or review by an immigration judge if detained by ICE. However, you can still assert a fear of persecution or torture in your home country.

Travel

The five boroughs of New York City are a “sanctuary” jurisdiction, which means that the New York City Police Department does not routinely transfer immigrants to ICE. Other cities, even nearby suburbs, may have fewer protections.

If you are uncertain about your ability to travel domestically or internationally, please consult with an attorney or a BIA-accredited representative.

Helpful Resources

IF YOU HAVE AN EMERGENCY, CALL 911.

New York Legal Assistance Group

For a legal consultation

Call (212) 613-5000 Mondays 9 a.m. – 3 p.m.

Or email IPUintake@nylag.org

We also help immigrants in the following areas of law: Tenants' Rights, Public Benefits, Consumer Protection, Healthcare, Matrimonial & Family Law, Foreclosure Prevention, Storm Response, Special Education, Financial Counseling, Holocaust Compensation, LGBTQ Law, Wills & End-of-Life Planning, Seniors' Rights, and Employment.

Visit us online at www.nylag.org

Find Other Legal Services Providers

New York State Office for New Americans

(800) 566-7636

Connects callers with free or low-fee legal services.

ActionNYC

(800) 354-0365

Provides information and referrals to free legal services.

Immigrant Defense Project

(212) 725-6422

Provides information on the immigration consequences of criminal records and takes reports of ICE raids.

Report Hate Crimes

New York State's Division of Human Rights

(888) 392-3644

If you experienced bias or discrimination, call New York State's hotline from 9 a.m. to 5 p.m. Monday – Friday.

Report Immigration Scams or Fraud

New York State Office for New Americans

(800) 566-7636

Only licensed attorneys or BIA-accredited representatives can provide legal assistance. Be careful when receiving legal assistance from a notary because in the U.S., not every notary is an attorney or BIA-accredited representative.

Find People Being Detained

<https://locator.ice.gov/odls/homePage.do>

This site helps locate where a loved one is being held by ICE.