



LOS DEFENSORES

KNOW YOUR RIGHTS: GUIDE FOR IMMIGRANTS IN THE U.S.



What to do if ICE comes to your home?

Everyone in the United States, including undocumented individuals, has constitutional rights. If the police or immigration agents arrive at your home, remember that you have rights.

You do not have to open the door or let them in

You are not required to open the door or let the agents in unless they have certain types of judicial warrants.

- An ICE deportation/removal order (“ICE warrant”) is an administrative, not a judicial, order and does not allow them to enter without your consent.
- If agents say they have a search warrant or an arrest warrant signed by a judge, ask them to slide it under the door or show it through a window so you can review it.
- They might show administrative forms (I-200 and I-205) If the warrant does not have your correct name and address and is not signed by a judge, you do not have to open the door or let them in.
- If you choose to speak with the agents at any point, you may do so without opening the door.

You have the right to remain silent

- If they ask you where you were born or how you entered the U.S., you may refuse to answer or remain silent.
- If you decide to remain silent, say: “I choose to remain silent.”
- You may show a “know-your-rights” card to the officer that explains that you will remain silent and wish to speak to a lawyer.
- You can refuse to show any identification documents that indicate your country of origin.

IMPORTANT: Do not show false documents or lie.

You have the right to speak to a lawyer

If you are detained or taken into custody, you have the right to seek an attorney and receive a phone call from them.

- If you have an attorney, ask them for a G-28 Form with their signature and give it to an officer.
- If you do not have an attorney, ask an immigration officer for a list of pro bono (free) lawyers.
- You also have the right to contact your consulate, which may help you find a lawyer.
- You have the right to request a free phone call to family members or friends if you do not have enough money in your account after 10 days.

Remember: Do not sign anything without first consulting an attorney and make sure you understand any document before signing it.

What to do if ICE detains a loved one

Ask your friend or family member for their Alien Registration Number.

- The A-Number is a nine-digit identifier used by immigration authorities. It's also known as a USCIS Number.
- ICE usually assigns this number at the time of an arrest.
- If the person has already completed an immigration process, they likely have this number in their documents.

How to find someone in detention?

You can use this website to locate your loved one:

<https://locator.ice.gov/odls/#/search>

- Search using their A-number and country of birth, or their exact first and last name.
- If the information matches, you will receive the location and contact details of the detention center.

Tell them to protect their rights.

- Advise your loved one not to sign any documents without consulting a lawyer.
- They also have the right to remain silent without one present.

How to communicate and visit your loved one.

- Once you locate your loved one, contact the detention center to schedule calls, visits, or deposit money into their account.
- Each center has its own process, so check how to set up a phone account.

Check their immigration court information.

Use their A-number to verify the date of their next hearing here:

<https://acis.eoir.justice.gov/en/>

Contact an attorney immediately.

If your loved one has an immigration attorney, make sure you have their contact information and call them as soon as possible after the detention.

What you need to know about expedited removal

The Department of Homeland Security (DHS) has expanded the use of the process known as "expedited removal." This means that undocumented individuals are now at a higher risk of being quickly deported without the opportunity to see an immigration judge or defend their case.

These changes became effective on January 21, 2025.

What does this mean?

When ICE or CBP arrest someone inside the U.S. (away from the border and more than 100 miles from it), that person usually has the right to appear before an immigration judge and request permission to stay in the country.

With expedited removal, the government can immediately deport a person if they believe the individual does not have proper documentation.

Are there any exceptions?

Yes. The only exception is if the person explicitly states that they fear returning to their home country. In that case, they will undergo an interview to assess their fear and may have the opportunity to apply for asylum.

What has changed?

Previously, expedited removal only applied to individuals who:

- Were detained within 100 miles of the border.
- Had been in the U.S. for less than 14 days.

Now, expedited removal is being applied nationwide and affects any undocumented person who cannot prove they have lived continuously in the U.S. for at least two years before their arrest. The DHS intends to use this on individuals who entered the U.S. through a parole program, especially those who have not applied for asylum within one year of their entry.

What can you do?

If you have lived in the U.S. for two years or more

Carry proof of your presence in the U.S. for at least two years, such as:

- Mail received at your home address
- Signed lease agreement
- Church or school records with your address and dates
- Tax returns

It is recommended to carry copies of these documents so you do not lose the originals.

If you have a pending case before the immigration court

Carry proof that your case is pending and any evidence that you have applied for relief. This may include:

- Receipt notices
- Court-stamped filings
- A letter from your attorney

If you have a pending case with USCIS

Carry proof that your case is pending, such as:

- Receipt notices
- Biometric appointment notices

If you have legal status in the U.S.

Carry proof of your legal entry and status, including:

- Copies of visas
- Approval notices
- Work authorization

If you have not been in the U.S. for two years and fear returning to your country

If detained, clearly and loudly state that you are afraid to return to your country.

At any point in the process, you have the right to request to speak with a lawyer. Even if you do not have an attorney, you can tell immigration officers that you want to speak to one.

If you do have an attorney, you have the right to communicate with them. Ask your lawyer for a signed Form G-28, which proves you have legal representation. Hand this form to immigration officers.

Individuals have the right to hire an attorney but do not have a statutory right to a government-appointed lawyer in removal proceedings. Those who cannot afford an attorney must seek free legal services from nonprofit organizations or legal aid groups.

A good source for finding an immigration attorney is your state bar website or <https://www.aialawyer.org>.

Disclaimer

This information is provided for general information purposes and does not constitute legal advice. You should not act or rely on any information without seeking advice of a competent, licensed immigration attorney. Immigration law is very complex and not all information applies in every case.