

# Know Your Rights if You are Approached by ICE

## **NO MATTER WHERE YOU ARE, REMEMBER:**

You have the right to remain silent  
Do not lie to ICE  
Do not physically resist or obstruct  
Carry your Tribal or state issued ID  
Tip: Some state-issued IDs are not enough to prove you are a U.S. Citizen. Keep reading for what to know about IDs if you are being detained.

## **APPROACHED BY ICE AT HOME:**

Do not open the door unless ICE presents a valid judicial warrant signed by a judge. Most ICE warrants are administrative and do not allow them to enter your home without permission.

A valid judicial warrant: 1. Names a person in your residence and/or what specific areas are to be searched at your residence and 2. Is signed by a judge (must be a judge that is not an immigration judge)

An administrative warrant is: signed by an ICE officer

(If you need help determining what is a valid judicial warrant you can review this resource:

<https://www.nilc.org/resources/know-your-rights-warrants/>)

Ask ICE to slide the warrant under the door for you to review. Do not open the door to receive the warrant.

If an ICE agent enters your home without your permission or a valid judicial warrant, do not physically resist as that could subject you to potential criminal charges. But make it clear that you did not provide consent.

If ICE begins to search your home, make it clear that you do not consent to the search.

You do have a right to remain silent or state clearly: "I am exercising my right to remain silent."

If you do not remain silent, do not lie to ICE agents as that may impact you in the future.

Record the interaction if it is safe to do so or ask someone else to record it. If you record, do not interfere with the ICE operation.

## **IN YOUR CAR:**

There are many reports of ICE stopping cars or ICE approaching people in their cars.

Things to keep in mind: 1. You have the right to remain silent, 2. Never lie to an ICE agent, 3. You can ask if you are being detained, if not, ask if you are free to go. If you are free to go, calmly drive away.

ICE agents sometimes stop cars or approach cars based on a person's perceived ethnicity.

In many states, you must pull over if you are stopped by any type of law enforcement officer, even if you do not think you did anything wrong.

Because ICE agents sometimes use unmarked cars or wear plain clothes or clothes that say "POLICE," you may not know they are ICE when they approach you.

You can ask the individual who they are and for their identification.

You are only required to roll down your window if an officer asks you to. If you are asked to, roll down your window to allow for clear communication.

Be aware that there are many instances of ICE agents opening car doors or breaking windows.

If an ICE agent asks for your ID, and you are the DRIVER, you are required to show your driver's license.

If an ICE agent asks for your ID and you are a PASSENGER, you do not have to show your ID or provide any personal information. However, ICE may still detain you, so it may be safest to show your identification or proof of citizenship.

If an ICE agent asks you to get out of the car, before you get out, you should ask for a reason why you were stopped and ask the ICE agent to identify themselves.

Remember, ICE generally cannot search your car or your person without a valid judicial warrant. If ICE searches your car without a warrant, say: "I not consent to a search."

There are also many reports of ICE detaining people who are following them, recording them, and monitoring their activity. Remember, it is not illegal to follow or film an ICE agent, but if you do so, you should do so from a safe distance and avoid physically obstructing ICE operations.

## **AT WORK:**

ICE can enter the public space of any workplace without any type of warrant.

Public spaces can include an office lobby, a supermarket, retail store, or dining area of a restaurant.

ICE cannot legally enter the private spaces like employee-only areas unless they have the permission of your employer or a judicial warrant.

If approached, do not panic. Stay calm and avoid running or making sudden movements.

If you are asked about another person's identification or for information pertaining to another person's whereabouts, you do not have to answer those questions.

Ask if you are free to leave. If yes, calmly walk away. If you are not free to leave, ask if you are being detained. If you are being detained, you must show a form of identification.

Keep reading for what to know if you are being detained.

If it is safe to do so, record the interaction or ask someone else to record it. Do not interfere with the operation

## **IN PUBLIC:**

ICE can enter public spaces without any type of warrant.

Public spaces include an office lobby, a supermarket, retail store or dining area of a restaurant.

If approached, do not panic. Stay calm and avoid running or making sudden movements.

Ask if you are free to leave. If yes, calmly

walk away. If you are not free to leave, ask if you are being detained. If you are being detained, you must show a form of identification.

Keep reading for what to know if you are being detained.

If it is safe to do so, record the interaction or ask someone else to record it. Do not physically resist or obstruct the operation.

## **YOU ARE A MINOR:**

Minors have the same protections as adults. You have the right to remain silent and not answer questions about:

Your immigration status  
Where you were born  
Your parents' immigration status  
Your address

Say: "I choose to remain silent. I want to speak to a lawyer."

Minors are not legally required to carry identification unless operating a vehicle. Carrying a copy of your Tribal ID, passport, birth certificate, or legal residency document should be done only if necessary and with safeguards (e.g., in a sealed envelope labeled "Confidential: Legal Documents – Access Only by Guardian").

If you and/or your parent are detained, you have the right to be near and in-touch with your parent.

## **DETAINED BY ICE, STAY CALM:**

You have the right to remain silent. You have the right to consult with a lawyer. Say: "I wish to remain silent and ask for a lawyer."

Tell ICE if you have medical issues or need to arrange for childcare.

Request an interpreter for any conversation with ICE if ICE does not speak your language.

If you are a U.S. Citizen, say: "I am a U.S. Citizen" and ask why you are being detained. ICE does not have jurisdiction to arrest U.S. Citizens for immigration violations.

If you are being detained, you must show a form of identification.

Use your non-expired state-issued ID or Tribal ID to show your United States citizenship.

Tip: Not all states require proof of citizenship to obtain a state issued ID. In some states a state-issued ID may not be enough to prove that you are a U.S. citizen. Double check your state's requirements, and it may be helpful to also carry your Tribal ID or keep a picture of your birth certificate or passport on your phone.

If an ICE agent does not accept your Tribal ID, request to speak with their supervisor. Not all ICE agents are aware that a Tribal ID is a legal form of identification in the United States.

Do not say anything, sign anything, or make any decisions without consulting a lawyer.

You have the right to make phone calls to family, friends, or a lawyer. You can request a list of free or low-cost legal service

providers to seek representation

You can receive visitors including family, friends, and lawyers, depending on specific detention facility rules.

Native Americans who believe ICE violated their rights, contact the Native American Rights Fund at (303)447-8760 or [rfa@narf.org](mailto:rfa@narf.org).

If arrested by police (not ICE), you have the right to a government-appointed lawyer for criminal proceedings.

## **YOU BELIEVE YOU ARE AT RISK:**

It may be helpful to create a safety plan. A safety plan should include:

Identifying your emergency contacts and memorizing their phone numbers.

Providing your child's school or day care with an emergency contact to pick up your child.

Keeping your important papers, like birth certificates, medical records, children's medical records, in a safe place and telling a loved one where you put those papers. (It may be helpful to keep a copy/photo of your birth certificate or proof of citizenship with you.)

Written authorization for an emergency contact to make medical and legal decisions for your child.

Information about ICE's online detainee locator: <https://locator.ice.gov/odls/#/search>

Sample safety plan: [https://static1.square-space.com/static/5a74cf7ef14aa1564b6a098b/t/67afb8e2d2d64e12cb6d09e5/1739569447250/Emergency+Plan\\_ENGLISH.pdf](https://static1.square-space.com/static/5a74cf7ef14aa1564b6a098b/t/67afb8e2d2d64e12cb6d09e5/1739569447250/Emergency+Plan_ENGLISH.pdf).

## **WHEN YOU'RE RELEASED:**

Write down what happened to you or ask someone to write it down for you. Include details like names and badge numbers of the ICE agents and anything that was said or done during the encounter.

Discuss your encounter with an attorney.

Native Americans who believe ICE violated their rights, contact the Native American Rights Fund at (303)447-8760 or [rfa@narf.org](mailto:rfa@narf.org).

*This fact sheet is designed to help Native-serving nonprofits prepare to protect their clients and prevent unlawful detentions as well as violations of their and their clients' Fourth Amendment right against unreasonable search and seizure. Compiled by NARF.*

## **Sources:**

• <https://www.nilc.org/resources/know-your-rights-what-to-do-if-arrested-detained-immigration>.

• [https://denver.prelive.opencities.com/files/assets/public/v/1/human-rights-amp-community-partnerships/divisions/immigrant-amp-refugee-affairs/documents/doira-docs/c4a\\_kyr\\_resource\\_document\\_denver\\_english.pdf](https://denver.prelive.opencities.com/files/assets/public/v/1/human-rights-amp-community-partnerships/divisions/immigrant-amp-refugee-affairs/documents/doira-docs/c4a_kyr_resource_document_denver_english.pdf)

• <https://immigrantjustice.org/wp-content/uploads/2025/05/KYR-Encounter-ICE-Nov.-2024-English.pdf>

• <https://www.rmian.org/know-your-rights>