

**KNOW YOUR RIGHTS!**



# YOU HAVE RIGHTS IN THE CONSTITUTION...

*The Constitution of the U.S. applies to all people residing in the country, whether or not you are a citizen.*

**4th AMENDMENT** - restricts the government's power to search you and your home.

**5th AMENDMENT** - the right to remain silent.



# THE RIGHT TO REMAIN SILENT...



You have the right to remain silent.

You do not have to answer questions about where you were born, whether you're a U.S. citizen, or how you entered the country.

You can say:

"I have the right to remain silent."

"Yo tengo el derecho de guardar silencio."

# WHAT TO DO WITH YOUR DOCUMENTS?

If you're not a U.S. citizen and an immigration agent requests your immigration papers, you must show them. If you're over 18, carry your immigration documents with you at all times.

**If you don't have immigration papers, assert your right to remain silent.**

It is best **not to carry** documents from your native country (matricula, etc.), and **only carry with you local or state identification**: driver's licence, school ID, library card, etc.

**Do not lie about your citizenship status or provide fake documents!**

# DIFFERENT TYPES OF ENCOUNTERS

## MERE CONVERSATION:

Questioning without restraint. No justification required.

## STOP:

A temporary restraint of person's liberty justified by **Reasonable Suspicion**. Reasonable Suspicion must be based on more than a "hunch" or refusal to answer questions about race or ethnicity.

Reasonable Suspicion does not equal Probable Cause but can lead to it.

## ARREST:

Requires **Probable Cause**, which is the arresting officer's judgment, based on facts discovered during a stop, that more likely than not, a crime has been committed.

# KNOW YOUR RIGHTS AT HOME

You have the right to see a warrant if the Police Department, FBI, Immigration or other government official tries to enter your home.

Do not open the door. Ask the officer to slip the warrant underneath the door. Makes sure the warrant correctly states your name and address.

*If you open the door* and allow the official to come into the house, this may be considered giving him/her "consent" to enter.

Remain silent. ICE can use anything you say against you in your immigration case so claim your right to remain silent! Say "I have the right to remain silent." In Spanish, "Yo tengo el derecho de guardar silencio."

Do not sign. Don't sign anything ICE gives you without talking to an attorney.



# KNOW YOUR RIGHTS AT WORK

Immigration must have a warrant signed by a judge or the employer's permission to enter your workplace. If it is a public place, they do not need a warrant.

Stay calm. Do not run. This may be viewed as an admission that you have something to hide.

Remain silent. ICE can use anything you say against you in your immigration case so claim your right to remain silent! Say "I have the right to remain silent." In Spanish, "Yo tengo el derecho de guardar silencio."

Do not sign anything ICE gives you without talking to an attorney.

# IF POLICE OR IMMIGRATION STOPS YOU ON THE STREET OR IN A PUBLIC PLACE:



If an immigration or police officer stops you on the street and does not have a warrant, they **may not arrest you** unless they have **evidence** that you are a non-citizen.

**Do not tell** immigration or the police your immigration status or where you were born.

Do not carry with you any documents from your country of origin or false documents.

Ask if you are free to walk away, if the reply is "yes", calmly walk away.

# YOU HAVE THE POWER TO EXERCISE YOUR RIGHTS!

*Practice and share what you have learned today with your family, your friends and your community.*

