

KNOW YOUR RIGHTS IF YOU ARE APPROACHED BY ICE



NATIVE AMERICAN
RIGHTS FUND

AT YOUR 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.

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 space of a workplace unless they have the permission of your employer or a judicial warrant. Private spaces include employee-only areas.
- 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 do not have to answer any questions. You always have the right to remain silent.
- 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.
- If you are being detained, you must show a form of identification. You can use your non-expired state-issued ID or Tribal ID to show your United States citizenship.
- 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 sign anything without consulting an attorney.
- 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 do not have to answer any questions. You always have the right to remain silent.
- If you are being detained, you must show a form of identification.
- You can use your non-expired state-issued ID or Tribal ID to show your United States citizenship.
- 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.
- If it is safe to do so, record the interaction or ask someone else to record it. Do not interfere with the operation.

IF YOU ARE APPROACHED BY ICE AND YOU ARE A MINOR:

- Minors have the same protections as adults. They have the right to remain silent and not answer questions about:
 - » Their immigration status
 - » Where they were born
 - » Their parents' immigration status
 - » Their address
- A simple response like, "I choose to remain silent. I want to speak to a lawyer." is enough and protected by law.
- 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.

IF YOU ARE DETAINED BY ICE, STAY CALM:

- You have the right to remain silent. You have the right to consult with a lawyer. If you choose to remain silent, clearly state: "I wish to remain silent and ask for a lawyer."
- You can tell ICE you have medical issues or need to arrange for childcare.
- If ICE agents do not speak your language, you can request an interpreter for any conversation with ICE.
- If you are being detained, you must show a form of identification.
- If you are a U.S. Citizen, you should say: "I am a U.S. Citizen" and ask why you are being detained.
- You can use your non-expired state-issued ID or Tribal ID to show your United States citizenship.
- 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.
- Once detained, you have the right to make phone calls to family, friends, or a lawyer.
- If you are in detention, you can receive visitors including family, friends, and lawyers, depending on specific detention facility rules. You can request a list of free or low-cost legal service providers to seek representation.
- Native Americans who believe ICE violated their rights, call the Native American Rights Fund at 303-447-8760.
- If arrested by police (not ICE), you have the right to a government-appointed lawyer for criminal proceedings.

IF YOU BELIEVE YOU ARE AT RISK FOR A POTENTIAL ICE DETAINMENT:

- If you believe you may be at risk for an ICE detainment 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.squarespace.com/static/5a74cf7ef14aa1564b6a098b/t/67afb8e2d2d64e12cb6d09e5/1739569447250/Emergency+Plan_ENGLISH.pdf.

WHAT TO DO 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, call the Native American Rights Fund at 303-447-8760.

Sources: (1) <https://www.nilc.org/resources/know-your-rights-what-to-do-if-arrested-detained-immigration/> (2) 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 (3) <https://immigrantjustice.org/wp-content/uploads/2025/05/KYR-Encounter-ICE-Nov-2024-English.pdf> (4) <https://www.rmian.org/know-your-rights>