Know Your Rights: Immigrants' Rights

Every person who lives in or visits New Jersey has rights regardless of their citizenship or immigration status. The following information is designed to help you understand your rights and responsibilities when interacting with immigration enforcement officers, primarily Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) officers.

Please note that ICE can enter any public space without needing any type of warrant. Public spaces may include: specific areas in the workplace, office lobby, supermarket, retail store, or dining area of a restaurant.

If you encounter an immigration agent or other law enforcement in a public space:

- You may ask to see their badge / identification. If you are unsure if the officer is an immigration agent, you may ask what agency they represent and specifically if they are federal immigration agents.
- You may ask whether you are free to leave.
- You have the right to remain silent and you are not required to answer questions. You may tell the immigration agent that you choose to remain silent.
- If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. If you do not have documentation at the moment of the encounter, you may tell the agent that you want to remain silent or that you want to consult a lawyer before answering any questions.
  - Carry valid U.S. government identification with you at all times.
  - If you have immigration documentation, carry your valid immigration papers, including your employment authorization card, and copies of your I-94s and Notices to Appear with you at all times.
  - Foreign documents should be left at home secured at all times.
  - Do not carry false or fraudulent documents, and never provide false or fraudulent documents to a police officer or immigration agent.
- If an immigration agent asks if they can search you, you have the right to say no. Agents generally do not have the right to search you or your belongings without your consent, a valid warrant, or probable cause. However, if an officer or agent searches you anyway, do not resist. You may tell them: "I do not consent to a search. I wish to remain silent. I wish to speak with an attorney as soon as possible."
- You may ask for an interpreter if they do not speak your language.

State of New Jersey
Phil Murphy, Governor
Tahesha L. Way, Lt. Governor

Department of Human Services
Office of New Americans
Sarah Adelman, Commissioner

If immigration agents come to your home:

- You may ask to see their badge / identification. If you are unsure if the officer is an immigration agent, you may ask what agency they represent and specifically if they are immigration agents.
- You may ask the officers or agents why they are there.
- They must have a valid warrant to enter. If they do not produce a warrant, you generally do not have to open your door.
  - If the officers or agents say they have a warrant, you may ask to see it (through a window or slid under the door, for example) before letting them inside.
  - If the warrant is issued by a court and signed by a judge and say “U.S. District Court” or identify a State Court at the top., the officer or agent may enter your home. If the document is not signed by a judge, you are not required to let them inside. You may say: “You are not allowed to enter.”
  - An administrative warrant alone does **not** allow agents to enter private areas without your permission. Administrative warrants are not from a court. Administrative warrants say “Department of Homeland Security” and are on Forms I-200 or I-205.
  - Immigration agents are permitted to enter without your permission in an emergency, such as a threat to public safety or a threat to someone’s life. However, you still have a right to remain silent and document the interaction, including recording (so long as you don’t interfere with their law enforcement activities).
- If the officers or agents force their way into your home, do not resist. You may tell them: “You are not allowed to enter. I do not consent to a search. I wish to remain silent. I wish to speak with an attorney as soon as possible.”
- You may ask for an interpreter if they do not speak your language.

If you are detained:

- Do not attempt to resist arrest.
- You have the right to request to speak with an attorney. You can find an pro bono legal service provider here.
- You do not have to say anything, answer any questions, make any decisions, or sign any documents before speaking with your attorney
- You have the right to request an interpreter.
- No one can force you to make a final decision or sign a document if you do not fully understand it.
- If you are unsure whether and where your loved one is detained, you can use the ICE detainee locator.

NJ Immigrant Trust Directive:

- The New Jersey Immigrant Trust Directive limits the type of voluntary assistance that New Jersey law enforcement officers—state, county, and local—may provide to federal immigration authorities.
- New Jersey law enforcement officers generally may not stop, question, arrest, search, or detain any individual solely based on immigration status.
- They also may not inquire about the immigration status of any individual and they generally may not participate in civil immigration enforcement operations.
- There are several exceptions and exclusions to the Immigrant Trust Directive. For example, it does not restrict or prohibit New Jersey law enforcement officers from enforcing criminal laws of New Jersey or complying with valid judicial warrants or other court orders.
- Information about the Immigrant Trust Directive is available at https://www.njoag.gov/trust/.
- To report a potential violation of the Directive, contact the relevant police department or the county prosecutor's office.

Be Aware of Falling Victim to Fraud

Unscrupulous individuals pretending to be "immigration consultants," "notarios" or "attorneys," falsely claim they can provide immigration services to targeted immigrants with limited English skills. Only attorneys and accredited representatives authorized by USCIS are allowed to prepare legal documents such as immigration forms, give advice on legal matters, or represent clients in a legal proceeding.

- An attorney must have a valid license to practice law. Most states have a public searchable database for licensed attorneys.
- An accredited representative must have training and authorization from the US government to help people with immigration cases. You can look for the organization and the individual on the government's listing of accredited representatives.

Feel free to ask questions. You can ask an attorney or accredited representative about their training, experience, and certification. You can also ask about the status and timeline for your case, a full copy of any records or documents, a written agreement explaining the services, and anything else you would like to have or know.

To report immigration scams, please contact the New Jersey Division of Consumer Affairs (DCA): 1-800-242-5846 (toll-free within New Jersey). NJ DCA intakes reports from all people regardless of their citizenship or immigration status, and DCA employees do not ask about citizenship or immigration status.

Additional Resources:

- **Office of New American's Legal Services Programs**
- **If you are unsure whether and where someone you know is detained, you can use the ICE detainee locator.**
- **Pro bono legal service provider**

This fact sheet provides only general information. This fact sheet does not provide legal advice and is not a substitute for legal help. Each person's situation is different. Please consult an attorney for legal advice for your situation.

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