WHAT IS ICE?

The Department of Homeland Security (DHS) includes several agencies—U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP), and ICE. U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing immigration laws within the United States, including arrests, detentions, deportations, and removal proceedings.

VERIFY IDENTIFICATION

If someone claims to be from ICE, you are allowed to ask questions. Ask who they are and what agency they represent: If someone claims to be from ICE, ask to see identification. Be direct: Ask which department they're with and why they are there.

While ICE agents are expected to identify themselves as federal agents, there's no explicit legal requirement for them to do so immediately upon approaching someone to ask questions. However, the Department of Homeland Security regulations state that ICE agents should identify themselves and the reason for their interaction "as soon as it is practical and safe to do so". If they are making an arrest, they are required to inform the person of the reason for the arrest.

EMERGENCY CONTACTS

- NJ Office of New Americans: Detention and Deportation Defense Initiative
  973-474-9861
- LSNJ Legal Services Hotline:
  1-888-LSNJ-LAW (1-888-576-5529)
- AFSC New Jersey Immigrants Right Program
  irpnewark@afsc.org
  215-241-7000
- CUNY CLEAR Immigrant & Non-Citizen Rights Clinic
  cunyclear@law.cuny.edu
  718-340-4558

Note: Memorize your immigration lawyer's phone number and your emergency contacts. It is necessary to provide a lawyer's name and phone number to ICE in order to postpone speaking.

Disclaimer: CAIR-NJ does not provide legal representation in immigration matters, but we can connect you with private immigration attorneys and offer advocacy support when appropriate.

This material is for educational purposes only and does not constitute legal advice.

NJSBF

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CAIR NEW JERSEY

KNOW YOUR RIGHTS

ICE ENCOUNTERS

A guide by CAIR-NJ to help you stay informed and empowered in a crisis

cair-nj.org

WHO'S AT RISK?

- Visa holders (especially F, J, H, etc.)
- Asylum seekers and DACA recipients
- Undocumented individuals.
- Those with pending status adjustments.
- Past criminal convictions and missed court dates increase risk.

No matter your status—citizen, resident, student, or visa holder—everyone in the U.S. is protected by the Constitution, with rights to due process and peaceful political activity. We value law enforcement's role in public safety and it's a religious and moral duty to report any dangerous activity to protect the community. At the same time, knowing and exercising your legal rights during interactions with law enforcement is essential, as well as our right to free speech.

WHAT DOES ICE NEED?

ICE may enter public areas, but ICE can only legally enter a home or private workplace area if they have one of the following:

- A valid judicial warrant: Must be signed by a judge (not an ICE officer) to be valid and clearly labeled "Judicial Warrant". An administrative warrant does not give entry authority.
- Your consent: You voluntarily agree to let them in or allow a search. You are not required to do that!

Scan the QR code or visit bit.ly/warrant-types to view the different documents, courtesy of the National Immigration Law Center.

IF YOU ARE DETAINED

Remain Silent

You do not have to answer any questions, including about your immigration status.

Speak to a Lawyer

You have the right to have a lawyer present when speaking to ICE agents. ICE does not provide lawyers. Never sign anything without speaking to a lawyer. You also have the right to know the charges against you and to have a hearing before an immigration judge.

Request a Phone Call

You may contact your country's consulate if you are a foreign national.

DO'S AND DONT'S

DO Move to a safe indoor space if you are outdoors and think you see immigration officers nearby.
DO Make sure any warrant is signed by a judge.
DO Create a safety plan with contacts.
DO Record info if ICE shows up.
DO Carry proof of status.
DO Remain calm.
DON'T Lie to ICE agents.
DON'T Panic, run, or resist/fight.
DON'T Interfere with the investigation or otherwise put yourself in harm's way.
DON'T Share your status with third parties. This can even be even a friend, neighbor or passing acquaintance. ONLY your immigration attorney should know the full details of your case.

BEST PRACTICES FOR QUESTIONING

- You do not have to answer questions. Say: "I am exercising my right to remain silent." You have the right to remain silent. Always ask: "Am I free to leave?" If yes, you can walk away.
- Say clearly: "I will not answer any questions without my lawyer." However, you must provide the name and phone number of your lawyer. This is unique to ICE and unlike regular police.
- Never lie. It can be a crime to lie to law enforcement —even if you misremember something. This is why not speaking, which can cause delays, can be better than speaking.
- If approached at home: Do not open the door. Say: "Please slip your ID and business card under the door."
- If you are arrested or detained: Do not answer questions. Call a lawyer as soon as possible.
- You have the right to film. You may record agents in public spaces as long as it doesn't interfere with their work.

IF ICE SHOWS UP

- If they do not have a judicial warrant, they are not permitted to enter, and you can say, "I do not consent to your entry." You may speak to them through the door without opening it and ask them to slide the warrant underneath the door.
- Ask: "Do you have a warrant signed by a judge?" Most ICE documents are not valid judicial warrants (e.g., administrative forms or DHS notices).
- Employees can refuse to group by status.
- Contact an attorney and immediately file a complaint with the appropriate internal affairs division.