



KNOW YOUR RIGHTS IN STATE AND LOCAL COURTHOUSES

All people in the United States, *including undocumented immigrants*, have Constitutional rights and protections. Neither immigration nor the police will assume you want to exercise your rights. You are in charge of asserting them by showing your Know Your Rights card or by telling the officer you are exercising your rights.

If you are in a courthouse for a criminal or civil case for which you have been charged with a crime or are involved in a family law matter and ICE (an immigration officer) approaches, you have rights that protect you. In advance of any hearing where you may be facing criminal charges, be sure to tell your defense attorney your immigration status because your attorney must then consider your criminal defense as well as how any charge, plea, conviction, etc., can imperil your immigration status.

You should ask if you are free to leave.

If ICE approaches you in the courthouse, you may ask if you are free to leave. If the answer is “yes,” calmly, slowly, and quietly walk away. Do not run or speak. If they say “no,” do not walk or run away. You have been detained. Stay where you are.

You have the right to refuse a search.

You do not have to consent to a search of yourself or your belongings. State clearly that you do not consent. Refusing consent may not stop the officer. An officer may pat you down above your clothes if they suspect, for example, that you have weapons or drugs in your possession. If the officer proceeds to pat you down or conduct a full search, stay calm, do not resist the inspection, and keep your hands where the officer can see them. Stating your objection preserves your rights. Thereafter, the officer cannot arrest you without a warrant or proof you have committed a crime.

You have the right to speak to a lawyer.

You should ask to speak to a lawyer and then remain silent. You have the right to speak one. It is okay if you have not hired a legal representative; you still have the right to consult with one.

You have the right to remain silent.

You do not have to answer any questions without the presence of your legal representative. (In some states, you may be required to state your name if an officer asks you to identify yourself and an officer may arrest you for refusing to do so.) You can show the officer your Know Your Rights card or tell them you are exercising your right to remain silent. If you must speak, only say that you would like to speak to your legal representative before answering questions.

You have the right to refuse to sign documents.

Do not sign anything without talking to a lawyer. If you are being asked to sign something, say, “I will not sign anything until I speak with my lawyer.” Ask questions if you do not understand what you are being asked to sign.

You have the right to attend your hearing.

If you are detained before you can attend the hearing that brought you to the courthouse, tell the ICE officer that you want to exercise your right to be present at your hearing. If the hearing is a criminal hearing against you, you have a Sixth Amendment right to attend. If you are allowed to attend your hearing, be sure to tell the judge that ICE is detaining you and you want to exercise your right to be present at future hearings in your case.

Additional Information

ICE Directive on Enforcement Actions in or Near Courthouses (Jan. 21, 2025)

This [guidance](#) states that ICE officers or agents:

- “May conduct civil immigration enforcement actions in or near courthouses” when they believe the targeted migrant(s) is or will be at the courthouse as long as “such action is not precluded by laws imposed by the jurisdiction in which the civil immigration enforcement action will take place.”
- Should, when practicable, conduct enforcement discreetly and minimize impact to court proceedings.
- Should conduct enforcement in collaboration with court security staff and utilize the court building’s non-public entrances and exits.

Best Practices in States and Localities

Courts have a unique Constitutional responsibility to protect due process and access to justice on behalf of the entire public. That mission is jeopardized when victims, witnesses and defendants are afraid to come to the courthouse to testify and participate in ongoing cases, fearing civil arrest and deportation. That jeopardy affects the fairness of trials and other court proceedings for citizens and non-citizens alike.

[Franklin County Court of Common Pleas](#), Ohio (March 3, 2025)

- Some states and localities are protecting immigrants in their state courthouses through a variety of methods.
- Ohio’s Franklin County Court of Common Pleas [passed a rule](#) requiring that civil arrests are banned if there is not a judicial warrant. Arrests are prohibited within courtrooms unless they have written approval from a Franklin County judge.
- In December 2024, the California Attorney General issued [guidance](#) titled “Securing Equal Access to Justice for All: Guidance and Model Policies to Assist California’s Superior Courts in Responding to Immigration Issues.”
- Oregon passed [HB 3265](#) in 2021 protecting individuals from an arrest in one of Oregon’s state and local courts simply based on an administrative warrant. It also protects the travel to and from the court.
- On March 18, 2020, Washington Gov. Inslee signed [SHB 2567, the “Court Open to All”](#) bill into law.
- On Dec. 12, 2020, New York signed into law the [Protect Our Courts Act](#) (NY Civil Rights Law § 28) stating that immigrants are privileged from civil arrest “while going to, remaining at, and returning from, the place of such court proceeding, unless such civil arrest is supported by a judicial warrant or judicial order authorizing such civil arrest.”
 - Immigration Defense Project put together [talking points](#) on the Protect Our Courts Act (POCA).
 - The Justice Department filed a lawsuit on June 12, 2025, against the State of New York regarding POCA.