



KNOW YOUR RIGHTS IN POLICE CUSTODY/JAIL

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 police custody or jail with state or local law enforcement (not immigration), you have rights that protect you.

Arrests, charges, and convictions can affect your immigration status.

We encourage victims of crime to seek help when they need to do so. It is also important to understand that some state, cities, and localities may have policies and laws in place that require them to share information on immigrants they encounter with DHS/ICE. Please seek legal advice if you are unsure of what to do.” However, if you do have contact with the police, it is important to assert your rights and talk to a lawyer. If you have been charged with a crime, your criminal defense lawyer must advise you on whether your charges or any plea offer carry the risk of deportation. It is important that your criminal lawyer consults with an immigration lawyer experienced in criminal-immigration matters and explains the risks to you.

You have the right to a phone call.

Request the opportunity to call a family member or trusted friend to let them know that you have been arrested and find a lawyer to represent you.

You have the right to speak to a lawyer.

If you have a criminal lawyer, you should request to call that person. If you do not have a criminal lawyer and you cannot afford to hire one, you should request a lawyer. The government must appoint a free criminal lawyer. The government will not pay for an immigration lawyer, but you have the right to hire one.

You have the right to remain silent.

Being arrested or detained by the police does not mean you have to answer questions. You should not discuss your immigration information with *anyone* other than your lawyer. This includes where you were born, how and when you came to the United States, and any criminal history.

- Only provide your identification when the law requires you to do so.*
- Do not tell the officer your country of nationality.
- Do not answer questions.
- Do not sign paperwork.
- Do not carry false documents.
- Do not physically interfere with the search.

You should tell your lawyer about your immigration status and criminal history.

Your lawyer needs this information to be able to make sure they give you correct advice.

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.

*Talk to a local advocate about whether and when you must produce identification. For example, in most states, you must show a driver’s license if you have one and you are pulled over; you also must show your immigration identification to an immigration officer who requests it if you have lawful status and are not a U.S. citizen.