



KNOW YOUR RIGHTS WHEN DEALING WITH ICE

The 4th Amendment protects people from unreasonable governmental search and seizures. This applies to all people, regardless of their citizenship status, in the US.

Public vs. Private Spaces

The level of access government officials have during searches depends on a space's categorization as either a public or a private space.

ICE **can** enter public spaces. Public spaces are places the general public has access to, such as public parking lots, restaurants, coffee shops, libraries, etc.

ICE **cannot** enter private spaces without warrants. Private spaces are places the general public **does not** have access to like homes, private offices, and cars.

Some places are a mix of **public and private spaces**, including restaurants. For example, the main dining room, bar, and guest restrooms would be examples of public spaces because the general public has access to those spaces. Private spaces would include any space the general public does not have usual access to including the kitchen, management offices, or employee locker rooms.

Warrants & Permission

ICE can enter public spaces in a restaurant without a warrant, but if they want to gain access to private spaces they need a **judicial warrant or permission**. (An "ICE Warrant" is not a valid warrant for arrest.)

A **judicial warrant** must be signed by a judge and specifically grant access to search the premises. A judicial warrant will list the judge's name, the court they sit on, and the date by which the warrant must be executed. ICE officers may try to show an **administrative warrant** to gain access to search a private space, but it only gives permission to arrest, not search. An **unreasonable search** is a search done without a warrant by a government official, like an ICE officer. An administrative warrant will list Homeland Security and a specific person to arrest.

If ICE does not have a judicial warrant they can also get **permission** to search a private space. Permission must come from the owner of the private space or an authorized representative, such as a manager. Any other employee that ICE attempts to interact with should respond to any request for access with, "**I do not have the authority to grant access.**"

Other Notes

- Always try to slow the process down when dealing with ICE, don't let them rush you or scare you
- Ask to see the warrant - thoroughly read it - look for the judge's name to make sure it is a judicial warrant
- It is illegal for ICE agents to walk up to people and ask for their documents solely based on how they look or the language they are speaking.
- They need a judicial warrant to search or probably cause that a crime was being committed
- In any interaction with ICE, you have the right to remain silent.
- Regardless of legal status, everyone has the right to legal counsel.
- If you are a witness to an ICE pickup, and the agents have provided a judicial warrant, record a video of what is happening and get information from the person being arrested: first and last name, emergency contact phone number. These will be needed to get them a lawyer.