

IMMIGRATION WARRANTS: KNOW YOUR RIGHTS

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You do not have to let law enforcement or immigration officers or agents, including ICE (U.S. Immigration and Customs Enforcement) or CBP (U.S. Customs and Border Patrol), officers or agents into your home without a warrant.

Immigration officers or agents generally must have a judicial warrant that authorizes law enforcement to make an arrest, a seizure, or a search and is issued by a state or federal court judge or magistrate in order to lawfully enter your home without your consent.

An administrative warrant for removal/deportation does not allow officers or agents to enter a home without consent. A warrant issued by a federal agency such as DHS (Department of Homeland Security) and signed by an immigration judge is not the same as a judicial warrant- it does not allow entry or a search.

If an officer or agent says they have a warrant, you can ask the officer to slip the warrant under the door or show it to you through a window to determine what kind of warrant it is, and if it is signed by a judge or not.



To be valid, a judicial warrant must name a person in your residence and/or areas to be searched at your address, be during the time period specified in the warrant, and should be signed by a federal court judge, a federal magistrate, a state court judge, or a state magistrate judge, (not an administrative agency such as DHS, USCIS (U.S. Citizenship and Immigration Services), ICE, CBP, an immigration judge, or an immigration court).

If these requirements are not met, then the warrant is likely not valid and cannot be used to enter your home without your consent. You may refuse to comply by not opening the door and you may ask the officers or agents to leave.

You must comply with a valid judicial warrant as there can be serious consequences for refusing to comply with a valid judicial warrant.

If Immigration officers enter without a valid warrant, say that you do not consent to the search and assert your right to remain silent.

Ask for an interpreter if you need one.

If law enforcement or immigration officers have a valid warrant on which you are the named individual and you live with undocumented individuals who are not named in the warrant, it may be best to quickly exit the premises and comply yet also remember to close the door behind you. However, please note that this may lead to your arrest.

