

# What To Do If ICE Shows Up



**Know your rights.**  
There are limits on ICE's ability to arrest you.



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## What Does the Law Say?

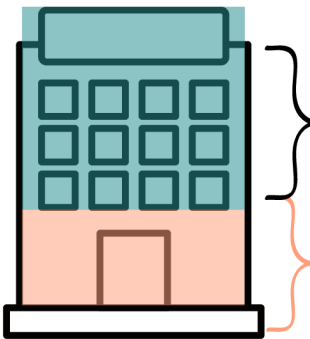
**NYC Administrative Code § 4-210** limits ICE's ability to arrest immigrants while receiving city services. **The law (i) applies to "governmental personnel who are empowered to enforce civil or criminal laws," which includes ICE, and (ii) prohibits their entry into non-public areas of properties without a judicial warrant.** Protected places include private areas of shelters, schools, public benefit centers, legal service offices, and other locations where city residents receive public services.

## Am I in a Public or Private Area?

**Public areas** are open for general access, while **private areas** may be restricted. Look for **signage** indicating restricted access, closed or locked doors, or areas requiring keys or identification. If you're unsure, ask a staff member whether an area is designated as public or private.

## What is a Protected Space?

Whether a space is protected depends on whether it is considered a public or private area. Public areas of city property are generally places everyone can use while private areas have restricted access or there is a reasonable expectation of privacy. **ICE needs a judicial warrant to enter private areas.**



- **Private Spaces** include areas within buildings that are not accessible to the public. Generally, this includes sleeping areas, offices and rooms where services are provided.
- **Public Spaces** may include lobbies, waiting areas, and hallways within properties that are readily accessible to the public.

**Does This Mean I Can't Be Arrested Anywhere on City Property?**  
Unfortunately, no. It's important to know the difference between public and private spaces. This law only applies to **PRIVATE** spaces **WITHIN** city property and other locations where city services are being provided. **Public areas of city property are not covered by this law.**

## What Locations are Covered?

### Schools

NYC Department of Education (DOE) schools and some childcare providers such as day cares providing services under city contract.

### City Hospitals

Health clinics, located on city property (not state property) or other health service providers located on private property that provide services under city contract.

### Benefit Centers

Social Services Offices, SNAP Centers, Medicaid Offices, The New York City Housing Authority Centers, and Workforce 1 Career Centers, etc.

### City Services

provided by community-based organizations that, through a city contract, provide city services like housing, senior services, food assistance, legal services, youth services, preventative services, senior centers, vocational and educational programs, and recreation programs.

## What If I Am In a...

### Public School

- ICE **cannot** enter an NYC public school without a judicial warrant and approval from school officials.
- You are **NOT** required to answer ANY questions if ICE does not have a judicial warrant.
- If they do have a judicial warrant, you still have the right to remain silent. They can arrest you, but you are not required to speak.
- Ask "Am I free to go?"
- **Notify a staff member immediately.** Staff should direct ICE to the DOE's legal department before allowing any action taken

### Shelter

- Careful! ICE often pretends to be local law enforcement
- If you are in a private space (like a caseworker's office, your apartment or bedroom), **ICE cannot enter without a judicial warrant.** You are not obligated to open the door.
- If safe to do so, **notify staff** and they should direct ICE to legal counsel.
- If you are in a public waiting area, ICE may try to question you. You do not have to answer. Ask "Am I free to go?"



## What Is a Judicial Warrant?

A judicial warrant is a document signed by a judge that gives ICE permission to arrest or search. ICE can only enter private spaces with **a warrant signed by a judge.**

## Are There Exceptions For When ICE Can Enter Private Area Without a Judicial Warrant?

1. If urgent circumstances such as an immediate threat to public safety, arrest a person engaged in a crime or stop destruction of evidence of a crime
2. If other rarer exceptions apply, such as where there is a contract or cooperative agreement signed.

**Please note that other NYC laws prevent city officials from cooperating with ICE officials!**

## What Does a Judicial Warrant Look Like?

### OFFICIAL JUDICIAL WARRANT

NO 91 (Rev. 11/15) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the \_\_\_\_\_

In the Matter of the Search of \_\_\_\_\_  
(Identify the property to be searched or identify the person by name and address)

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer:  
An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_  
(Identify the person or describe the property to be searched and give its location)

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (describe the person or describe the property to be seized):

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)  
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to \_\_\_\_\_  
(Enter Name (Signature Judge))

☐ Pursuant to 18 U.S.C. § 3053(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2793 (except for delay of trial, and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized until the expiration date)  
☐ For \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: \_\_\_\_\_  
City and state: \_\_\_\_\_

Judge's signature \_\_\_\_\_  
Printed name and title \_\_\_\_\_

**\*Signed by judge and dated**

## DO NOT ACCEPT!!

### ADMINISTRATIVE WARRANT

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 235 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a review check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law;

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act the above-named alien.

(Signature of Authorized Immigration Officer)  
(Printed Name and Title of Authorized Immigration Officer)

**Office of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (if certain)  
on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service) and the contents of this notice were read to him or her in the \_\_\_\_\_ (if appropriate) language.

Name and Signature of Officer \_\_\_\_\_ Name or Number of Interpreter (if applicable) \_\_\_\_\_

**\*Signed by agency- NO**

## What Do I Do if I'm Approached by ICE?

**\*\*CAUTION: ICE agents often use ruses, including impersonating local police officers, to gain access to private spaces without judicial warrants. ICE \*CANNOT\* forcibly enter private spaces without a judicial warrant.\*\***

- You do not have to speak to them. You have the right to be silent.
- You should ask: "Am I free to leave?" If the answer is yes, leave.
- You do not have to show ID or answer questions.
- **Notify** a staff member immediately of ICE's presence.
- If you are being detained, ask for a lawyer immediately.
- You have the right to be silent. You do not have to answer questions about your immigration status

### PUBLIC SPACE

### PRIVATE SPACE

#### If ICE is attempting to get into a private space

- You are not obligated to open the door or remove physical barriers, unless they have a court-issued warrant.
- You are not obligated to give ICE consent to enter.
- Ask to see a judicial warrant and have officers slide it under the door.

#### If ICE has already entered the private space

- You may repeat that you **do not consent** to them being in the space and you **may ask them to leave.**
- You may state that you do not want to answer any questions. You still have the right to remain silent and are not obligated to provide ICE with a passport or ID.
- You may state that you do not consent to search any of your belongings.
- Alert them if there are children, elderly, or medically vulnerable people in the area.

## How Can I Help Protect My Community?

- Encourage shelters, city offices, and schools to put up **signs around the building** that mark "private" space.
- **Carefully document everything if an ICE officer attempts** to arrest you or someone around you. This includes **writing** down the badge number and name of the officer, whether they had a judicial warrant, and location of the arrest. Consider filming the incident if you feel safe to do so.

## Where Can I Get More Help?

- **Legal Aid Society:** If a family member or friend is detained and in need of a lawyer you may call: The Legal Aid Society's hotline at 1-844-955-3425.
- **Immigrant Defense Project (IDP):** IDPs' Hotline (212-725-6422) provides support for individuals arrested by ICE.
- **To locate someone detained** by ICE using the Online Detainee Locator System (ODLS), you can search by either their A-number (Alien Registration Number) and country of birth, or by their first and last name, country of birth, and optionally, their date of birth.