


Know Your Rights: Immigration Enforcement in Public Spaces

We all have constitutional rights and state law protections in California, regardless of immigration status. This guide outlines those rights and protections and steps you can take to prepare in case of an encounter with immigration agents.

Three Core Rights

The U.S. Constitution and California law grant anyone present in the United States the following rights:

1 Right to Remain Silent. You have the right to remain silent when being questioned by agents, whether on the street, in the park, at work, or in a parking lot. You are not required to answer questions about your immigration status, country of origin, or how you entered the United States.

Say: "I am exercising my right to remain silent." Once you say this, stop talking. 

2 Right to Refuse a Search. If agents ask to search you, your bag, your vehicle, your phone, or any of your property, ask if they have a warrant signed by a judge. If they do not have a warrant, say: "I do not consent to a search."

3 Right to Not Sign Anything. Do not sign any documents from an immigration agent without first speaking to an attorney. An immigration agent may hand you a voluntary departure agreement.

Voluntary departure agreements are legal documents that allow individuals to leave the United States on their own within a designated amount of time. Signing one of these agreements may waive your right to appear before an immigration judge and result in being unable to return to the U.S. for ten or more years.


Questions You Can Ask

Am I Free to Leave? If immigration agents or police officers stop you in public, you can ask them whether you are free to leave. If they say yes, you can walk away calmly.

Can I See Your Identification? Agents may approach without visible identification or while wearing masks. In California, ICE and Border Patrol agents are required to identify themselves, including their name and agency. You can ask agents for their name, credentials, and agency. If they refuse, remain calm and avoid confrontation. Document everything and make a report after the encounter ends.

Can I Speak to a Lawyer? If you are detained or taken into custody, you have the right to ask for an attorney. Exercise this right by saying, "I want to speak to a lawyer." After doing so, remain silent.

Red Cards. Red cards allow you to communicate your rights with law enforcement and immigration officers without speaking. You can hand it to agents or show them through your car window. Red cards state that you:

- Do not wish to speak or answer questions;
 - Do not give permission to officers to search your belongings without a signed judicial warrant; and
 - Are exercising your right to an attorney.
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Keep a Red Card with you at all times. You can order or print Red Cards [here](#).

4th & 5th Amendment Protections

The Fourth Amendment. The Fourth Amendment protects everyone in the United States from unreasonable searches and seizures, regardless of immigration status. The level of protection depends on whether you have a "reasonable expectation of privacy" in the space. Officers and agents generally need your consent or a warrant signed by a judge to enter a private space. In public spaces, officers can observe you without a warrant, but they still cannot search your person or belongings without your consent or a warrant. You cannot be detained without reasonable suspicion, or arrested without probable cause that you are engaged in unlawful activity.

The Fifth Amendment. You do not have to answer any questions asked by law enforcement or immigration officers, and you have the right to ask for an attorney during questioning if you are not free to leave. You must clearly state that you want a lawyer or remain silent.

Public vs. Private Spaces

Public Spaces. Immigration agents and police officers **are not** required to have a signed judicial warrant to be present or approach you in spaces like:

- Sidewalks, streets, public parks, plazas
- Open parking lots and fields
- Lobbies that are open to the public, sales floors, dining rooms, and waiting rooms

Private Spaces. Immigration agents and police officers **are** required to have a signed judicial warrant before entering:

- Your home (house, apartment, mobile home, hotel room, dorm room).
- Area immediately surrounding home (front porch, attached garage, fenced backyard)
- Patient rooms and treatment areas in healthcare facilities
- Non-public business areas (back offices, employee-only areas)

Types of Law Enforcement Encounters & Your Rights

Consensual Encounter. An encounter with immigration agents or law enforcement officers in public is considered "voluntary" when a reasonable person would feel free to leave or decline questions. If officers or agents approach you in public, you should ask: "Am I free to leave?" If they say yes, the encounter is consensual and you can walk away. You have the right to remain silent.

Detention (Terry Stop/Investigatory Stop). A "detention" occurs when officers or agents temporarily stop you and a reasonable person would *not* feel free to leave. Officers must have **reasonable suspicion** (more than a hunch) that you are unlawfully present in the United States (immigration agent) or are involved in criminal activity (police officer). During a brief stop, officers may pat down your outer clothing to check for weapons and may seize a weapon if found. You have the right to remain silent.

Arrest. An arrest has occurred and someone is considered to be "in custody" when their movement has been completely restricted. Agents and officers need **probable cause** (enough facts to lead a reasonable person to believe the individual in custody has committed an immigration violation or crime) to arrest. Note that immigration agents can use administrative warrants to make arrests in public. You have the right to remain silent and to request an attorney.

California's Sanctuary Laws

Sanctuary laws limit how state and local law enforcement can cooperate with federal immigration authorities. These laws do not prevent immigration agents from carrying out operations.

California Values Act. California's statewide sanctuary law (SB 54) prohibits state and local law enforcement from using resources for immigration enforcement. Officers cannot ask about your immigration status, arrest you solely for having a deportation order, use immigration agents as interpreters, share your personal information or release dates with immigration authorities (with some exceptions) or ask for place of birth unless necessary to investigate a criminal offense.

Protections in LA County & City of LA. The City of LA prohibits use of resources (property, personnel, and data) for federal immigration enforcement purposes. LA County is developing an ordinance that similarly prevents County resources from being used for civil immigration enforcement.

What Agents Can & Cannot Do

Immigration agents **can** stop you on the street and ask questions, but you are not obligated to respond. Under federal law, agents may conduct searches and arrest without a warrant if agents have probable cause to believe someone is removable and likely to escape before a warrant can be obtained. A search of your person or belongings still requires your consent or probable cause.

Immigration agents **can** arrest you in public if they have a legitimate administrative warrant signed by an immigration agency supervisor.

Immigration agents **cannot** force you to come with them unless they have an administrative or judicial warrant. Going voluntarily may be treated as consent to detention and can make it harder to challenge in court.

Changes to Sensitive Locations Policy

Prior to 2025, ICE policy required agents to receive supervisor permission before pursuing enforcement actions in certain "sensitive" locations, including churches and places of worship, schools and children's play areas, hospitals and healthcare facilities, social services, disaster and emergency response sites, and memorable events (weddings, funerals, parades, demonstrations).

This policy has been replaced with a "common sense" standard that gives agents broad discretion. Immigration agents now do not need supervisor approval to engage in enforcement at these locations.

Our rights to ask for identification, judicial warrants to enter private spaces, remain silent, document and record, and ask for a lawyer still apply if there is an encounter with agents at these locations.

Vehicle Stops & Identification

In California, you are not required to identify yourself if police officers or immigration agents approach you on the street. However, vehicle stops have different rules.

Immigration Officers. Immigration agents can only make a vehicle stop if they have reasonable suspicion (specific facts and more than a hunch) that someone in the vehicle is unlawfully in the United States. Immigration officers cannot enforce traffic laws. During a stop, they may ask you about your immigration status or for identification, but you are not required to answer or provide a driver's license. You have the right to remain silent. Agents can arrest you if they have probable cause to believe someone in the vehicle is removable from the U.S. and is likely to escape before agents could obtain a warrant. Immigration agents must have probable cause that someone is unlawfully present in the U.S. before they are able to demand that someone produce their proof of legal status.

Police Officers. Police officers can stop a vehicle for unlawful conduct or traffic violations. Under California law, officers must state the reason for the stop before questioning. If they do not, you can ask them to provide the reason for the stop. If lawfully stopped while driving, you must present your driver's license, registration, and proof of insurance. Presenting your driver's license does not authorize officers to ask about your immigration status. California issues driver's licenses to undocumented individuals, which confirm identity and driving privileges only. Refusing to provide identification during a lawful detention can extend the detention.

Passengers. Passengers are not required to provide identification to officers unless police have an independent reasonable suspicion that the passenger has committed a crime.

Immigration Agents in Workplaces

Immigration enforcement can arrest individuals in public spaces of a workplace with an administrative warrant, but they need a judicial warrant to enter and arrest in non-public workplace areas like employee-only areas. You still have the right to remain silent, refuse a search, and decline to sign anything.

Immigration Agents in Healthcare Facilities

California prohibits immigration enforcement from entering non-public spaces in healthcare facilities without a judicial warrant. Judicial warrants or consent are also required to enter other non-public areas under the Fourth Amendment. See [FAQ](#) on SB 81 for more information.

Guidance for Street Vendors

Constitutional Rights. The Fourth Amendment protects street vendors from unreasonable searches and seizures. This means that agents cannot search or confiscate a vendor's cart, merchandize, or equipment without a judicial warrant or the vendor's consent.

Vendors have the right to refuse a search of their person, cart, or belongings, to remain silent, and to decline to answer questions about their immigration status.

Vendors can record encounters with immigration agents in public spaces but cannot physically interfere with the agents.

California Law. Under SB 635, local authorities cannot ask vendors for or collect information about vendors' immigration or citizenship status, place of birth, or criminal history. They also cannot require background checks for permits. Local agencies cannot cooperate with immigration enforcement nor disclose vendors' personally identifiable information without a subpoena or judicial warrant.

Additional Reminders.

- Obtain the proper permits.
- Memorize emergency contacts and legal hotline numbers
- Keep a written record of all property (photos of your cart, lists of your inventory, etc.)
- Set up near supportive businesses or community organizations so that witnesses are present in case of any interactions with enforcement
- Vending in a parking lot is generally considered a public area, unless part of a private business where owner's consent may be required to vend.

When ICE Must Identify Themselves

Federal Law. When making an arrest, immigration officers must identify themselves and state the reason for the arrest "as soon as it is practical and safe to do so." However, officers are not required to wear uniforms or display their name or badge numbers. You can ask officers to identify themselves as well as the reason for their arrest if not already told.

California Law. California requires immigration agents from ICE, Border Patrol, and Department of Homeland Security, to be additionally transparent about their identity. Agents must identify themselves during all operations and display their agency, badge number (if any), and name.

If Agents Haven't Identified Themselves. Calmly ask the following questions, and do not confront officers.

- "What is your name?"
- "What agency do you work for?"
- "Can I see your credentials?"

If agents or officers refuse, call 911 to verify that the operation is legitimate and not an impersonator. Calling to verify will help ensure your safety and create an official record of the encounter.

You have the right to record the encounter as long as you do not interfere with enforcement. Document the time, location, number of agents, descriptions, license plate numbers, and what happened. You can file complaints with the ACLU and the California Attorney General's Office, DHS Office of the Inspector General, and the DHS Office for Civil Rights and Civil Liberties.

Preparing Before an Encounter

- Remind yourself of your rights and attend Know Your Rights Trainings
- Memorize rapid response & legal hotline numbers
- Keep a written record of your property in a safe location
- When possible, travel, vend, and spend time in public with others who can serve as witnesses or provide other assistance

Your Role as a Bystander

Bystanders can record encounters so long as they do not physically interfere with agents. In the recording, capture the time, location, number and physical descriptions of agents, vehicle descriptions and license plates, description of events, and witness names and contact information. If someone is being detained or arrested, ask if there is someone they'd like you to call.

What to Do During an Encounter with Immigration Agents in Public

- An encounter with agents is understandably stressful, but it is important to stay calm. Do not run. Do not escalate the situation.
- Ask questions like: "Am I free to go?" "What is your name and what agency are you with?"
- If you are free to go, leave calmly. If you are not, say: "I am exercising my right to remain silent, and I want to speak to a lawyer."
- Do not consent to any searches. Say: "I do not consent to a search." If officers or agents say they have a judicial warrant, ask to see it. Ensure it is signed, current, and verify that names and addresses listed are accurate.
- Do not sign anything without first speaking to an attorney.
- Do not lie or present false documents.
- Do not physically interfere with agents.

Record Information & Report Incidents After Agent Interactions !!

Write down everything you remember as soon as possible and save all videos and photos in multiple locations. This helps ensure that any complaints you file are as detailed as possible and that attorneys or community networks you contact have the information they need to advocate.

Resources to Reference

- Contact Public Counsel if you need legal assistance; [online](#) or call 213-385-2977, ext. 300;
- ILRC Know Your Rights FAQ: ilrc.org/community-resources/know-your-rights-faq;
- Red Cards: available through the ILRC and community organizations;
- ICE Online Detainee Locator System: locator.ice.gov