

KNOW

YOUR

RIGHTS

**IF YOU ARE
ARRESTED**

**ACLU
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AFTER AN ARREST

IF YOU ARE ARRESTED

- Find out who has arrested you.
- Write down the names of the officers and their organizations (FBI, ICE, CBP, etc.).
- Write down badge numbers (on uniform) and vehicle license plate numbers.
- Do not sign any documents you do not understand before speaking with an attorney.
- It's possible that the agents will try to pressure you to sign something.

Do not let them pressure you.

They could be trying to get you to sign something that gives up your right to appear before an immigration judge.

AFTER AN ARREST IF YOU ARE ARRESTED

Contact your lawyer or a family member

- You have the right to call someone after your arrest.
- Memorize the number of your lawyer, family member, or union representative.
- Contact them immediately.

Contact your consulate

- You have the right to contact the consulate of your country of citizenship to request assistance.
- You have the right to tell the agent to inform your consulate of your arrest.
- The consulate can help you find an attorney.
- The consulate may also offer to contact your family.

AFTER AN ARREST IF YOU ARE ARRESTED

Apply for bond

- Apply for bond while in immigration custody.
- You must be able to show that you are not going to flee or a danger to the community.

**DO NOT SIGN ANYTHING YOU DO NOT
UNDERSTAND BEFORE CONSULTING WITH
A LAWYER!**

AFTER AN ARREST

IF YOU ARE ARRESTED

NOTE about BONDS:

The 48 hours ICE has to pick up a detained individual under an immigration detainer begins to run either once the individual pays the bond for an underlying criminal charge or otherwise would have been released from state custody.

So it is possible that ICE can still pick that individual up after they have paid the local/state bond, and that the time in immigration custody will not count towards a sentence.

If possible, consult with an attorney as soon as possible after being detained to talk about whether it is a good strategy to pay the local bond.

Don't take advice from clerks or jail staff about this.

DO NOT SIGN ANYTHING YOU DO NOT UNDERSTAND BEFORE CONSULTING WITH A LAWYER!

IMPORTANT INFORMATION ABOUT IMMIGRATION DETENTION

How long can the local government detain a person with a detention order from ICE?

- According to federal regulations, a person detained pursuant to an immigration detainer cannot be held for more than 48 hours, excluding Saturdays, Sundays, and holidays.
- The 48 hour period starts to run after the local or state police would have released that person from their custody for any underlying offense.

AFTER AN ARREST

YOUR RIGHTS WHILE IN DETENTION

YOU HAVE THE RIGHT:

Not to sign declarations or documents, particularly the ones you do not understand.

- Especially those that give up your right to a hearing before a judge.
- You can say that you would like to speak with a lawyer before signing

Not to offer information about your immigration status.

- What you say can be used against you later in Immigration Court.

AFTER AN ARREST

YOUR RIGHTS WHILE IN DETENTION

YOU HAVE THE RIGHT:

To contact your consulate and to make a call after you have been detained.

- Memorize the number of your lawyer or a family member.
- Call them immediately.

To ask for a bond.

- You always should ask for bond or a bond hearing.

To have an interpreter at your hearing if you do not speak English.

- You always should ask for bond or a bond hearing.

IMPORTANT INFORMATION ABOUT IMMIGRATION DETENTION

What happens once the 48 hours has passed?

- Because an ICE detainer only allows for an individual to be detained for 48 hours beyond what is permitted by state or local law, the detained individual should be immediately released after the 48hour period has ended.
- After this period, you and/or your lawyer should ask that you be released if you are not released automatically.

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