



# KNOW YOUR RIGHTS

## Individual Rights for Immigrants

One of the most important responsibilities of the Attorney General of Nevada is to protect the rights of every resident of this state. No matter who is President, every resident of Nevada has basic rights that protect you when you have contact with law enforcement, regardless of your citizenship or immigration status—including undocumented immigrants. The material listed below will help you understand your rights and provide tips when interacting with law enforcement.

### What if I have contact with a police officer or immigration agent?

- If you are stopped by a Nevada state peace officer and they suspect you of wrongdoing, you must tell them your name if they ask.<sup>1</sup> Beyond that, you have the right to remain silent and you are not required to answer any further questions.<sup>2</sup>
- You may tell the police officer or immigration agent that you choose to remain silent.
- You may tell the police officer or immigration official that you will not speak to them without an attorney present.
- You may request an interpreter if the officer does not speak your language.<sup>3</sup>

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<sup>1</sup> NRS Sec. 171-123. Federal agents do not have the authority to enforce state criminal laws, however, and thus cannot force any person to identify themselves. See [Stop and Identify Statutes in the United States](https://www.ilrc.org/sites/default/files/resources/stop_identify_statutes_in_us-lg-20180201v3.pdf), Immigrant Legal Resource Center, at [https://www.ilrc.org/sites/default/files/resources/stop\\_identify\\_statutes\\_in\\_us-lg-20180201v3.pdf](https://www.ilrc.org/sites/default/files/resources/stop_identify_statutes_in_us-lg-20180201v3.pdf) (accessed 11/12/2024).

<sup>2</sup> See, e.g., [Right to Counsel Before DHS](https://www.americanimmigrationcouncil.org/sites/default/files/right-to-counsel-before-dhs.pdf) (American Immigration Lawyers Association, 2011) at <https://www.americanimmigrationcouncil.org/sites/default/files/right-to-counsel-before-dhs.pdf> (citing *Landon v. Plasencia*, 459 U.S. 21, 32-33 (1982) to support the proposition that constitutional due process protections apply to non-citizens residing in the United States). See also, [Kwong Hai Chew v. Colding](https://www.courts.gov/cases-and-opinions/344-590-596-n-5-1953), 344 U.S. 590, 596 n.5 (1953) (“[O]nce an alien lawfully enters and resides in this country he becomes invested with the rights guaranteed by the Constitution to all people within our borders. Such rights include those protected by the First and the Fifth Amendments and by the due process clause of the Fourteenth Amendment.”)

<sup>3</sup> Executive Order 13166, [Improving Access to Services for Persons with Limited English Proficiency](https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf) (2000) <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

- If you are not a U.S. citizen and you are carrying your immigration papers, you must show your papers to an immigration agent if the agent asks to see them.
- You are not required to tell a police officer or immigration agent information about your immigration history, including your place of birth.
- You may refuse to consent to any search of yourself, your belongings, your car or your home. Remember, you may be pat down if the officer believes you are carrying a weapon.
- You may record your interactions with police or immigration officers if you are not under arrest.<sup>4</sup>

### What if police officers or immigration agents come to my home?

- You have the right to not let police officers or immigration agents into your home without an arrest or search warrant signed by a judge. NOTE: A warrant of deportation/removal does not allow officers to enter your home without consent.<sup>5</sup>
- You may ask what agency the officers or agents represent and specifically if they are immigration agents or from ICE.
- You may ask the officers or agents why they are at your home.
- You may ask to see a warrant before letting officers inside your home. If the warrant is not issued by a court and signed by a judge, you do not have to let them inside your home.
- If the officers or agents force their way into your home, you should not resist. You may tell them: “You are not allowed to enter. I do not consent to a search. I wish to remain silent. I wish to speak with an attorney as soon as possible.”

### What if police officers or immigration agents approach me when I am in my car?

- If you are stopped when you are driving a car, a police or immigration officer may ask to see your driver’s license. You must provide your license to prove you are lawfully operating your car.<sup>6</sup>
- Whether you are the driver or a passenger, you have the right to remain silent.

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<sup>4</sup> NRS 171.1233.

<sup>5</sup> See, e.g., Congressional Research Service, Immigration Arrests in the Interior of the United States,” (2021), <https://crsreports.congress.gov/product/pdf/LSB/LSB10362> (citing Payton v. New York, 445 U.S. 573, 586 (1979) for the proposition that searches and seizures inside a home without a judicial warrant are presumptively invalid;

<sup>6</sup> NRS 483.350.

- You do not have to answer questions about your immigration status.
- If you are a passenger, you may ask if you are free to leave. If the officer says yes, calmly leave.
- You can refuse to consent to a search if an officer or agent asks to look inside your car. Remember, an officer can search your car without your consent if an officer generally believes that your car contains evidence of a crime.
- Border Patrol agents must have reasonable suspicion that the driver or passengers in the car committed an immigration violation or a federal crime in order to pull over motorists.
- Any arrest or prolonged stop by Border Patrol requires probable cause. You may ask the agents about the basis for probable cause and they should tell you.

### What if I am arrested?

- Do not try to resist arrest.
- You have the right to request to speak with an attorney.
- You have the right to request an interpreter.
- You can ask to call a family member or a friend if you have children with you when you are arrested or you need to alert your employer.
- You may inform the officer if you are the primary caregiver of a child under the age of 18 who is a U.S. citizen or a legal resident. Federal law grants ICE agents the discretion to choose not to detain any immigrant who is not subject to a mandatory detention order.<sup>7</sup>
- Remember, you have the right to remain silent and do not have to say anything or answer any questions before speaking with an attorney.
- Specifically, you have the right to consult with an immigration attorney before making any decisions about your case or signing any documents. No one can force you to make a final decision or sign a document if you do not fully understand it.

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<sup>7</sup> 8 U.S.C. Sec. 1226; see also ICE Directive 11064.3: Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults, July 14, 2022 (requiring ICE agents to inquire into the parental or guardianship status of a noncitizen) (<https://www.ice.gov/doclib/news/releases/2022/11064.3.pdf>); Congressional Research Service, The Law of Immigration Detention: A Brief Introduction (September 1, 2022) ([https://crsreports.congress.gov/product/pdf/IF/IF11343#:~:text=INA%20%C2%A7%20236\(a\)%20permits,b,e%20made%20within%2048%20hours.](https://crsreports.congress.gov/product/pdf/IF/IF11343#:~:text=INA%20%C2%A7%20236(a)%20permits,b,e%20made%20within%2048%20hours.)).

## Important Reminders

- Carry valid identification at all times. This includes U.S. government issued immigration documentation, valid immigration papers, and work permits.<sup>8</sup>
- Memorize your A number.
- Never carry false or fraudulent documents, and never provide false or fraudulent documents or information to a police officer or immigration agent.
- Only show a temporary visitor's driver's license (TVDL) if it is requested to establish that you are properly authorized to drive a car. Remember, a TVDL cannot be used for identification purposes.
- If you suspect your rights were violated during an encounter with officers or agents, you should write down as much information about the encounter as possible in case you choose to file a complaint.

## Beware of Dishonest Immigration Service

Immigration services providers are not attorneys and cannot provide legal advice. More information about legal services and immigration services providers is available at

[https://ag.nv.gov/About/Consumer\\_Protection/Bureau\\_of\\_Consumer\\_Protection/](https://ag.nv.gov/About/Consumer_Protection/Bureau_of_Consumer_Protection/) .

This information is not intended as legal advice. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

**THE OFFICE OF THE NEVADA ATTORNEY GENERAL DOES NOT REQUEST INFORMATION ABOUT IMMIGRATION OR CITIZENSHIP STATUS FROM PEOPLE WHO CONTACT THE OFFICE.**

The Attorney General encourages individuals to contact the office to report instances of discrimination or harassment by filing a complaint at [http://ag.nv.gov/Complaints/File\\_Complaint/](http://ag.nv.gov/Complaints/File_Complaint/) or calling the office at 775-684-1100.

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<sup>8</sup> 8 U.S.C. Sec 1304(e), [https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1304&num=0&edition=prelim#:~:text=\(e\)%20Personal%20possession%20of%20registration,than%20thirty%20days%2C%20or%20both.](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1304&num=0&edition=prelim#:~:text=(e)%20Personal%20possession%20of%20registration,than%20thirty%20days%2C%20or%20both.)

## Resources:

[Know your rights if you are arrested or detained by Immigration](#) (National Immigration Law Center, NILC)

[Know your rights under the U.S. constitution](#) (NILC)

[Know Your Rights \(English and Spanish\)](#) (Legal Aid Center of Southern Nevada, Catholic Charities of Southern Nevada, and UNLV Immigration Clinic)

[Know Your Rights](#) (Immigration Center for Women and Children)

[Immigration Services](#) (UNLV Immigration Clinic)

[Immigrant Family Rights](#) (Immigrant Legal Resource Center)

[Legal Aid Center of Southern Nevada](#)

[Nevada Legal Services](#)

[The Citizenship Project](#)

[Immigration Legal Services, Catholic Charities of Northern Nevada](#)

[Immigration Center for Women and Children Services](#)

[Progressive Leadership Alliance of Nevada Citizenship and Immigration Program](#)

[American Immigration Lawyers Association directory](#)