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**Article: Your Rights as an Immigrant:  
Part 2: Your rights at work and in other places if confronted by ICE**

By: **Christopher A. Kerosky, Esq.**

This article provides more detailed information about immigrants' rights in specific situations if confronted by the Immigration and Customs Enforcement ("ICE") Part 1 explored immigrants' general rights. Part 3 will discuss what to do if arrested by ICE.

**Out in public**

If an ICE official begins to ask you questions while you are walking down the street or in another public place such as a park, you can continue walking. ICE must allow you to pass by if they do not have a "good reason" to keep asking you questions. An example of a "good reason" is if you are leaving a place where they have previously found many undocumented workers. They cannot stop you just because you are dark-skinned or because you have a foreign accent. Remember that you have the right to remain silent.

However, it is very important not to run. If you run away from them, you are giving them a good reason to arrest you.

**At Work**

ICE can legally go into areas open to the public at workplaces, such as the reception area of a business. However, to enter places that are not open to the public, they must have a warrant or permission from the boss or owner. If ICE enters your workplace with or without a warrant, you always have the right to remain silent. They should only ask you questions if they have a good reason to believe that you are not a U.S. citizen. If all workers, documented or undocumented, behave in the same way or do the same thing (for example, remain silent and continue working), ICE will not have any good reason to arrest any workers.

**In the Car**

ICE needs a good reason to stop you and search your car. If ICE has a good reason for stopping you (for example, they see drugs in your car), they can search your car without a search warrant from a judge.

If the police stop you, you must only show them your driver's license and car registration. You do not have to show them any other papers. The police should not ask you any questions about your legal status in the U.S. because they enforce local law and immigration law is federal law, not local law. However, the police in many areas are cooperating more and more with ICE and being more aggressive. Police may require proof of your legal status, but remember anything you say can be used against you. So it is really important to only say your name and address

to the police. You can remain silent and request an attorney before you answer any other questions from the police.

### **At the Border**

Your rights at the border are different than your rights in the rest of the U.S. The “border” includes not only the line between the U.S. and Mexico or Canada, but also airports and areas close to the border, for example, the border checkpoint near San Clemente, California. In these border places, you must be able prove that you have legal permission to be in the U.S. or ICE can detain you to ask more questions. They can also search you or your bags without a search warrant. As always, you always have the right to remain silent.

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### **About the author:**

**Christopher A. Kerosky** of the law firm of KEROSKY PURVES & BOGUE LLP has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine “Super Lawyers” edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

**WARNING:** The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case. If you would like such advice from our office, call (415) 777-4445 (San Francisco); (916) 349-2900 (Sacramento), (707) 224-2722 (Napa); (707) 433-2060 (Santa Rosa) or (707) 376-1010 (Ukiah)