

Iowa does not have a “show me your papers” law. That means

Iowa state and local police should not ask you for immigration papers

or question you about your immigration status. However, Iowa law

enforcement routinely shares information about who is arrested and being

held in jail with federal immigration officials, who then may decide to

investigate civil immigration violations.

IF THE POLICE OR IMMIGRATION AGENTS COME TO

YOUR HOME:

You do not have to let them in unless they have certain kinds of

warrants.

Ask the officer to slip the warrant under the door or hold it up to the

window so you can inspect it. A search warrant allows police to enter the

address listed on the warrant, but officers can only search the areas and

for the items listed. An arrest warrant allows police to enter the home of the

person listed on the warrant if they believe the person is inside. A warrant

of removal/deportation (ICE warrant) does not allow officers to enter a

home without consent.

Even if officers have a warrant, you have the right to remain silent. If you

choose to speak to the officers, **step outside and close the door.**

IF YOU ARE CONTACTED BY THE FBI:

If an FBI agent comes to your home or workplace, **you do not have to**

answer any questions. Tell the agent you want to speak to a lawyer first.

If you are asked to meet with the FBI agents for an interview, **you have**

the right to say you do not want to be interviewed. If you agree to

an interview, **have a lawyer present. You do not have to answer any**

questions you feel uncomfortable answering, and can say that you will

only answer questions on a specific topic.

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IF YOU ARE ARRESTED BY POLICE OR SHERIFFS:

Do not resist arrest, even if you believe the arrest is unfair.

Say you wish to remain silent and ask for a lawyer immediately. Don't

give any explanations or excuses. **If you can't pay for a lawyer, you**

have the right to a free one. If police ask for your consent to search your

belongings, including your phone, you are not required to give consent. If

you consent to a search, it could be used against you later.

You have the right to call a lawyer, a member of your family, or both.

The initial call will probably occur in the presence of the police, but your

attorney must be allowed to see and consult with you in private at the jail

or other place where you are being held. Officers might not tell you about

your right to call your attorney and family member, so you should clearly

ask to make these calls. At the jail, officers may ask you to sign a form that

you have made all the calls you wish to make. **Do not say anything, sign**

anything, or make any decisions without a lawyer.

Prepare yourself and your family in case you are arrested. Memorize

the phone numbers of your family and your lawyer. Make emergency plans

if you have children or take medication.

Special considerations for non-citizens:

Ask your lawyer about the effect of a criminal conviction or plea on your

immigration status.

Don't discuss your immigration status with anyone but your lawyer.

While you are in jail, an immigration agent may visit you. Do not answer

questions or sign anything before talking to a lawyer.

Read all papers fully. If you do not understand or cannot read the papers,

tell the officer you need an interpreter.

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IF YOU ARE TAKEN INTO IMMIGRATION (OR “ICE”) CUSTODY:

If you are taken into immigration custody, you have the right to a

lawyer, but the government does not have to provide one for you. If

you do not have a lawyer, ask for a list of free or low-cost legal services.

You have the right to contact your consulate or have an officer inform the

consulate of your arrest.

Tell the ICE agent you wish to remain silent. Do not discuss your

immigration status with anyone but your lawyer. Do not sign anything, such

as voluntary departure or stipulated removal, without talking to a lawyer. If

you sign, you may be giving up your opportunity to try to stay in the U.S.

Remember your immigration number (“A”) number and give it to

your family. It will help family members locate you. **Keep a copy of your**

immigration documents with someone you trust.

IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED:

File a written complaint with the agency's internal affairs division or

civilian complaint board and keep a copy. In most cases, you can file a

complaint anonymously if you wish.

This information is not intended as legal advice.

Produced by the American Civil Liberties Union and ACLU of Iowa. April 2017.

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WHAT TO DO IF YOU'RE STOPPED BY

Police, Immigration Agents, or the FBI

IOWA

YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your phone, your car or your home.
- You have the right to ask if you are free to leave. If you are not under arrest, you have the right to calmly leave.
- You have the right to a lawyer if you are arrested. Ask for one immediately.
- You have the right not to be racially profiled by the police.
- You have the right not to say anything about your immigration status.

YOUR RESPONSIBILITIES

- As much as possible, stay calm and polite.
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Do prepare yourself and your family in case you are arrested.
- Take notes on the details of your encounter.

ACLU Iowa

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IF YOU ARE STOPPED FOR QUESTIONING:

Try to stay calm. Don't run. Don't argue, resist, or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where police can see them.

Ask if you are free to leave. If the officer says yes, try to calmly and silently walk away. If you are under arrest, you have a right to know why.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud.

In Iowa, there is no law requiring you to give your name if you are asked to identify yourself during a temporary stop. But police do not always follow the law, and refusing to give your name may make them suspicious, so use your judgment.

If you fear that your name may be incriminating, you can claim the right to remain silent, and if you are arrested, this may help you later. Do not give a false or fictitious name.

You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

Do not lie about your citizenship status or provide fake documents.

The police are supposed to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin, or religion. This card provides tips for interacting with police and understanding your rights in Iowa. Note that laws of other states may vary. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

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IF YOU ARE STOPPED IN YOUR CAR:

Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, and keep your hands where police can see them at all times.

Upon request, **show police your driver's license, registration, and proof of insurance.**

If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.

Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS:

You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents, or any other officials. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. (Separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists, and business travelers.)

If you are not a U.S. citizen and a federal immigration (ICE) agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent.

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