

KNOW YOUR RIGHTS

Know your rights if ICE comes to your door

A knock from immigration officers is frightening, but the law gives you rights at your door and after an arrest. This guide explains, calmly and with official sources, what you can do, what you should never do, and how to prepare your family.

Reviewed by Carlos Maury (<https://carlosmaury.law/about>), former U.S. Immigration Judge. Last reviewed: October 6, 2026.

If officers knock: you do not have to open the door

The Constitution protects the home more than any other place. The U.S. Supreme Court held in *Payton v. New York* (1980) that "the Fourth Amendment has drawn a firm line at the entrance to the house," and that "absent exigent circumstances, that threshold may not reasonably be crossed without a warrant." As the Constitution Annotated (<https://www.govinfo.gov/content/pkg/GPO-CONAN-REV-2016/pdf/GPO-CONAN-REV-2016-10-5.pdf>) summarizes it, to arrest someone in a home, "absent consent or exigent circumstances," officers must have a warrant. Federal immigration rules say the same for questioning at home: under 8 C.F.R. § 287.8(f)(2) (<https://www.ecfr.gov/current/title-8/section-287.8>), an immigration officer may not enter a residence, including its yard and surrounding area, to question the people inside about their right to be in the United States "unless the officer has either a warrant or the consent" of the person in control of the home.

In practice, that means:

You may keep the door closed and speak through it. You can ask who they are and which agency they are from.

Ask to see the warrant. Ask the officers to slide it under the door or hold it up to a window, so you can read it without opening the door.

Be careful about consent. Consent can be given by words or by conduct. Opening the door, stepping aside or saying "come in" can be treated as permission to enter, and courts decide later,

looking at all the circumstances, whether that consent was voluntary. If you do not want officers inside, say so clearly and calmly: "I do not consent to your entry."

Know the limits. Emergencies (what courts call "exigent circumstances") and a valid judicial warrant can allow entry without consent. If officers come in anyway, do not block them or resist. Say that you do not consent, stay calm, and afterward write down what happened, the officers' names and agency, and who was present.

Judicial warrant vs. ICE administrative warrant

Not every paper called a "warrant" means the same thing. A judicial warrant is issued by a court. An ICE administrative warrant is a Department of Homeland Security form signed by an immigration officer: a Form I-200, Warrant of Arrest, may be issued only by the immigration officers listed in 8 C.F.R. § 287.5(e)(2) (<https://www.ecfr.gov/current/title-8/section-287.5>) (8 C.F.R. § 236.1(b) (<https://www.ecfr.gov/current/title-8/section-236.1>)), and a Form I-205, Warrant of Removal, is issued by DHS immigration officials, such as ICE field office directors, based on a final removal order (8 C.F.R. § 241.2(a) (<https://www.ecfr.gov/current/title-8/section-241.2>)).

Judicial warrant vs. ICE administrative warrant

Question	Judicial warrant	ICE administrative warrant
Who signs it	A judge or magistrate judge (federal or state)	An immigration officer (for example, an ICE supervisor), not a judge
What it looks like	Names a court at the top, such as "United States District Court for the ... District of ...," and is titled, for example, "Arrest Warrant" or "Search and Seizure Warrant"	A Department of Homeland Security form: I-200 "Warrant of Arrest" or I-205 "Warrant of Removal"; no court is named
Entering a home without consent	Can allow entry: an arrest warrant to arrest the person named, a search warrant to search the place it describes	Not a judicial warrant; the home-entry rule of <i>Payton</i> was written for warrants issued by a neutral judicial officer. Whether an administrative warrant ever allows entry without consent can be disputed, especially when there is a removal order, and is decided by courts

Question	Judicial warrant	ICE administrative warrant
What to check	Your correct name or address, the court, a judge's signature, the date, and for a search warrant the deadline to carry it out (no more than 14 days on the federal form)	Whether it names someone who lives there, whether it is signed by a judge (it will not be), and the date

The federal court forms are published by the U.S. Courts: the Arrest Warrant (AO 442) (<https://www.uscourts.gov/forms-rules/forms/arrest-warrant>) and the Search and Seizure Warrant (AO 93) (<https://www.uscourts.gov/forms-rules/forms/search-and-seizure-warrant>). The Constitution Annotated explains that whoever issues a warrant "must be neutral and detached," a test that "cannot be met when the issuing party is himself engaged in law enforcement activities." If you are shown a paper and are unsure what it is, you may say you do not consent to entry and ask for a lawyer to review it.

Your right to remain silent

The Fifth Amendment says no person "shall be compelled in any criminal case to be a witness against himself," words that apply to every person, not only citizens. Answers about where you were born, how you entered or your immigration status can be used against you: entering the United States without inspection is itself a federal offense (8 U.S.C. § 1325 (<https://www.govinfo.gov/content/pkg/USCODE-2024-title8/html/USCODE-2024-title8-chap12-subchapII-partVIII-sec1325.html>)), and DHS rules require officers to tell a person arrested without a warrant that "any statement made may be used against him or her in a subsequent proceeding" (8 C.F.R. § 287.3(c) (<https://www.ecfr.gov/current/title-8/section-287.3>)).

You may say: "I am choosing to remain silent. I want to speak with a lawyer." You may give your name and stop there.

You do not have to answer questions about your country of birth, your status or your family members' status.

Officers may not use "threats, coercion, or physical abuse" to make a person waive their rights or give a statement (8 C.F.R. § 287.8(c)(2)(vii) (<https://www.ecfr.gov/current/title-8/section-287.8>)).

One nuance: federal law requires noncitizens 18 and older to carry the registration document issued to them, such as a green card (8 U.S.C. § 1304(e) (<https://www.govinfo.gov/content/pkg/USCODE-2024->

[title8/html/USCODE-2024-title8-chap12-subchapII-partVII-sec1304.htm](https://www.govinfo.gov/content/pkg/USCODE-2024-title8-chap12-subchapII-partVII-sec1304.htm))). If you have valid papers, a lawyer can tell you when to show them.

What never to do: lie, resist or sign without understanding

Do not lie and do not show false documents. Staying silent is a right; a false statement to a federal officer can be a separate federal crime ([18 U.S.C. § 1001](https://www.govinfo.gov/content/pkg/USCODE-2024-title18/html/USCODE-2024-title18-partI-chap47-sec1001.htm)

(<https://www.govinfo.gov/content/pkg/USCODE-2024-title18/html/USCODE-2024-title18-partI-chap47-sec1001.htm>)), and a false document can make an immigration case much harder.

Do not run, push or physically resist, even if you believe the officers are wrong. Forcibly resisting or interfering with a federal officer is a crime ([18 U.S.C. § 111](https://www.govinfo.gov/content/pkg/USCODE-2024-title18/html/USCODE-2024-title18-partI-chap7-sec111.htm)

(<https://www.govinfo.gov/content/pkg/USCODE-2024-title18/html/USCODE-2024-title18-partI-chap7-sec111.htm>)).

Keep your hands visible and your voice calm. Problems with how officers acted can be raised later, by a lawyer.

Do not sign anything you do not understand. Papers offered after an arrest can include voluntary departure, which ICE grants only if the person "requests such voluntary departure and agrees to its terms and conditions" ([8 C.F.R. § 240.25\(c\)](https://www.ecfr.gov/current/title-8/section-240.25) (<https://www.ecfr.gov/current/title-8/section-240.25>)), or a stipulated removal order, in which the person admits the charges, concedes removability, gives up any application for relief and can be ordered removed without a hearing ([8 C.F.R. § 1003.25\(b\)](https://www.ecfr.gov/current/title-8/section-1003.25) (<https://www.ecfr.gov/current/title-8/section-1003.25>))). Ask to speak to a lawyer first.

In a car, on the street or at work

Outside the home the rules are different. Immigration officers may question a person they believe to be a noncitizen about their right to be in the United States without a warrant, and may arrest without a warrant if they have reason to believe the person is here unlawfully and is likely to escape before a warrant can be obtained ([8 U.S.C. § 1357\(a\)](https://www.govinfo.gov/content/pkg/USCODE-2024-title8/html/USCODE-2024-title8-chap12-subchapII-partIX-sec1357.htm) (<https://www.govinfo.gov/content/pkg/USCODE-2024-title8/html/USCODE-2024-title8-chap12-subchapII-partIX-sec1357.htm>))). Near the border, officers have broader powers to search vehicles and to enter private land, though not homes. Your right to remain silent and not to lie applies everywhere. At work, the same rule as for homes applies to the non-public areas of a business: officers need a warrant or the consent of the owner or person in control to enter them to question employees ([8 C.F.R. § 287.8\(f\)\(2\)](https://www.ecfr.gov/current/title-8/section-287.8) (<https://www.ecfr.gov/current/title-8/section-287.8>))). In public areas, they do not.

If someone is arrested

At the time of an arrest the officer must, when safe, identify themselves as an immigration officer and state that the person is under arrest and why (8 C.F.R. § 287.8(c)(2)(iii) (<https://www.ecfr.gov/current/title-8/section-287.8>)). Within 48 hours, except in an emergency, ICE decides whether to keep the person in custody or release them on bond or recognizance (8 C.F.R. § 287.3(d) (<https://www.ecfr.gov/current/title-8/section-287.3>)).

Ask for a lawyer. In immigration court a person has the right to a lawyer of their choice "at no expense to the Government" (8 U.S.C. § 1362 (<https://www.govinfo.gov/content/pkg/USCODE-2024-title8/html/USCODE-2024-title8-chap12-subchapII-partIX-sec1362.htm>)), so the family usually has to find one. Our [deportation defense lawyer](https://carlosmaury.law/deportation-defense-lawyer) (<https://carlosmaury.law/deportation-defense-lawyer>) page explains how we defend removal cases.

Find the person. ICE's [Online Detainee Locator](https://locator.ice.gov/odIs/) (<https://locator.ice.gov/odIs/>) searches adults in custody by A-number and country of birth, or by name and country of birth. Information can be hours old, and people held by U.S. Customs and Border Protection (CBP) appear only after 48 hours in its custody. Our [guide to immigration detention](https://carlosmaury.law/immigration/immigration-detention) (<https://carlosmaury.law/immigration/immigration-detention>) explains what to do if the person does not show up.

Ask about bond. Many detained people can ask an immigration judge for release at a bond hearing, but others are held under laws that allow no bond hearing, and since September 2025 the Board of Immigration Appeals has said judges cannot hold bond hearings for people who entered without inspection, a position many federal courts reject. See our [guide to bond hearings](https://carlosmaury.law/immigration/bond-hearings) (<https://carlosmaury.law/immigration/bond-hearings>) and our [immigration bond lawyer](https://carlosmaury.law/immigration-bond-lawyer) (<https://carlosmaury.law/immigration-bond-lawyer>) page.

Watch the court date. Detained cases move fast. Once ICE files the case, you can [check the immigration court date](https://carlosmaury.law/check-immigration-court-date) (<https://carlosmaury.law/check-immigration-court-date>) by A-number.

Prepare a family plan now

A plan made in a calm moment helps everyone if officers ever come. Keep it simple and lawful:

1. **A-numbers and documents.** Write down each family member's full name, date of birth, country of birth and A-number (it is on notices from DHS, USCIS or the immigration court). Keep copies of passports, birth certificates, immigration papers and court notices in a safe place a trusted person can reach.

2. **Your lawyer's contact.** Keep your lawyer's name and contact details on paper, and make sure older children and a trusted adult know where they are.
3. **Care for children and others.** Decide who will pick up children from school and care for them, and who can handle rent, bills and medicine if a parent is detained.
4. **Proof of your life here.** Gather records of years in the United States, work, taxes and family ties. They matter for bond and for defending the case.
5. **Practice.** Make sure everyone at home knows not to open the door, to ask for the warrant, to stay silent, never to lie or resist, and not to sign anything without a lawyer.

Frequently asked questions

Do I have to open the door if ICE knocks?

No. You may keep the door closed, speak through it and ask the officers to slide any warrant under the door or show it through a window. Under federal rules, immigration officers need a warrant or consent to enter a home to question the people inside, and the Fourth Amendment requires a warrant to enter a home to arrest someone unless there is consent or an emergency.

Can ICE enter my home with an administrative warrant?

An ICE administrative warrant (Form I-200 or I-205) is signed by an immigration officer, not a judge, and the Supreme Court's home-entry rule was written for warrants from a neutral judicial officer. Whether an administrative warrant ever allows entry without consent can be disputed, especially when there is a final removal order, and courts decide it. If officers enter anyway, do not resist; say you do not consent and talk to a lawyer.

How can I tell a judicial warrant from an ICE warrant?

A judicial warrant names a court, such as a U.S. District Court or a state court, and is signed by a judge or magistrate judge. An ICE warrant is a Department of Homeland Security form, I-200 Warrant of Arrest or I-205 Warrant of Removal, signed by an immigration officer. Check the name, address, signature and date.

Does opening the door mean I consent to a search?

Not automatically, but opening the door, stepping aside or inviting officers in can be treated as consent, and courts decide later whether consent was voluntary. If you do not want officers to enter, say clearly and calmly that you do not consent.

Do I have to answer questions about where I was born or my status?

No. You have the right to remain silent. You may say you are choosing to remain silent and want to speak with a lawyer. Do not lie or show false documents. Noncitizens 18 and older are required to carry the registration document issued to them, such as a green card, so ask a lawyer when to show it.

What should I do if ICE gives me papers to sign?

Do not sign anything you do not understand. Papers can include voluntary departure or a stipulated removal order, which can end the case and the chance to ask for relief. Ask to speak with a lawyer before signing.

How do I find a family member arrested by ICE?

Use ICE's Online Detainee Locator, searching by A-number and country of birth or by name and country of birth. Information can be hours old, and people held by U.S. Customs and Border Protection appear after 48 hours in its custody, so search again if the person does not appear.

Can a detained person get out on bond?

Possibly. Many detained people can ask an immigration judge for bond at a bond hearing, but some are held under laws that allow no bond hearing, and the rules for people who entered without inspection are disputed in the courts. A lawyer can check which law applies.

Official sources

[Constitution Annotated, Fourth Amendment \(govinfo.gov\) \(https://www.govinfo.gov/content/pkg/GPO-CONAN-REV-2016/pdf/GPO-CONAN-REV-2016-10-5.pdf\)](https://www.govinfo.gov/content/pkg/GPO-CONAN-REV-2016/pdf/GPO-CONAN-REV-2016-10-5.pdf)

[Constitution Annotated, Fifth Amendment \(govinfo.gov\) \(https://www.govinfo.gov/content/pkg/GPO-CONAN-REV-2016/pdf/GPO-CONAN-REV-2016-10-6.pdf\)](https://www.govinfo.gov/content/pkg/GPO-CONAN-REV-2016/pdf/GPO-CONAN-REV-2016-10-6.pdf)

8 C.F.R. § 287.8, Standards for enforcement activities (eCFR) (<https://www.ecfr.gov/current/title-8/section-287.8>)

8 C.F.R. § 287.5, Who issues and serves immigration warrants (eCFR) (<https://www.ecfr.gov/current/title-8/section-287.5>)

8 C.F.R. § 287.3, Rights after an arrest without a warrant (eCFR) (<https://www.ecfr.gov/current/title-8/section-287.3>)

8 U.S.C. § 1362, Right to counsel (govinfo.gov) (<https://www.govinfo.gov/content/pkg/USCODE-2024-title8/html/USCODE-2024-title8-chap12-subchapII-partIX-sec1362.htm>)

U.S. Courts, Arrest Warrant form AO 442 (<https://www.uscourts.gov/forms-rules/forms/arrest-warrant>)

ICE Online Detainee Locator System (<https://locator.ice.gov/odls/>)

Responsible attorney: Carlos Maury (<https://carlosmaury.law/about>), former U.S. Immigration Judge. Carlos Maury is licensed in Florida (The Florida Bar No. 964239). Practice limited to federal immigration law; we represent clients in all 50 states. Carlos Maury is no longer on the bench and cannot influence any sitting judge or pending case. This page is general information, not legal advice for your case.