Texas Immigration LAW COUNCIL

KNOW YOUR RIGHTS

Constitutional rights apply to everyone on American soil - citizen or non-citizen. Educating all communities enhances transparency, communication, efficiency and safety for everyone by reducing the risk of unnecessary conflicts with law enforcement.

4th Amendment

The 4th Amendment protects you from unlawful searches of your home, vehicle, or personal belongings- including identification documents. You have the right to refuse a search without judicial warrant. Other than a brief, limited pat down search of outer clothing if there is a safety concern, law enforcement officers can only conduct a search without your consent if they have a valid judicial warrant.

5th Amendment

You have the right to remain silent and not incriminate yourself. If you want to remain silent, you have to say so out loud. You do not have to answer questions about your immigration status. The only time you're required to talk to police officers is if you're under lawful arrest you must provide your name, address, and date of birth under Texas Penal Code 38.02. While driving, you are not required to answer any questions, but you must provide a valid Driver's License and valid car insurance, as required by Texas law.

6th Amendment

Under the 6th Amendment you have the right to an attorney if you are charged with a crime. If you are arrested for a crime, you should always consult with an attorney before making any decisions or signing any documents. If you cannot afford an attorney in your criminal case, you have a right to have one appointed to represent you free of charge. You have the right to an attorney in your immigration case, but the government will not provide you with one.

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At Home

Do not open the door unless the officer has a warrant signed by a judge. A warrant must be signed by a judge and list name, address, and the nature/scope of the authorized search in order for law enforcement to have the right to enter. If agents enter your home do not lie, run or physically resist. Say that you do not want to answer any questions, ask for an attorney, and do not consent to a search. You have the right to request that they leave.

At Work

Do not answer any questions or consent to a search of your person or belongings unless an officer presents a valid judicial warrant. Ask if you are free to leave, if not, ask why you are being detained or arrested. Say out loud that you wish to remain silent. You can show a KYR card to an officer that explains you will remain silent and wish to speak to a lawyer. If you are a bystander, under Texas law, you can safely record an arrest so long as it does not interfere with the officers. Do not lie or show false documents, do not panic or run, and do not interfere with law enforcement activity.

In a Car

Stop your vehicle in a safe space. Turn off the car and any internal lights. Remain clam, open your window partway and place your hands on the steering wheel. Both passengers and driver have the right to remain silent. Only the driver is required to provide proof of a valid driver's license and proof of insurance. Do not answer questions about where you were born, your nationality, immigration status, or how you entered the country. If not under arrest, passengers are not required to answer any questions or produce identification. Passengers can ask if they are free to leave and if so, silently leave. Anyone who is lawfully arrested must provide only their name, DOB, and home address.