

KNOW YOUR RIGHTS

When asserting your rights, it is possible this will further complicate your interaction with U.S. Immigration and Customs Enforcement (“ICE”) agents. Information in this flyer does not constitute legal advice, best practice to cooperate with the ICE Agent you are interacting with. You can assert your Bill of Rights off the Navajo Nation, but it is also the responsibility of the ICE Agent to recognize your rights.

1. Under the First Amendment you have fundamental freedoms; such as freedom of speech, freedom of press and right to peaceably assemble.
2. You have the right to refuse unreasonable searches and seizures, under the Fourth Amendment on your person or property.
3. You have the right to refuse ICE agents entry into your home if they do not have a judicial warrant signed by a Judge. If ICE agents have a valid warrant request to have them slide the warrant under the door or use a mail slot to review the document, it is best not to open the door. A valid warrant includes a name of the individual at your residence, and the location ICE agents plan to search at the residence. The warrant must be signed by a judge.
 - If ICE agent(s) enter your residence without a judicial warrant and enters without permission say: **“I do not consent to a search.”**
 - Under the Fifth Amendment, you have the right to remain silent, not answer questions and the right to an attorney. Clearly state you are exercising your right to remain silent. You can also say **“I need to speak with an attorney.”** If you decide to speak with ICE agents do not lie to the agents and do not say anything that would be self-incriminating.
4. There are more traffic checkpoints being conducted by ICE agents, if you drive through a checkpoint, remain calm. You are only required to roll down your window if asked to, and to roll down the window only enough for clear communication. If ICE agents, ask for your identification (ID) you as the driver must comply and provide your driver license. If you are a passenger, you do not need to show your ID. But keep in mind it’s possible ICE agents could detain your for noncompliance.
5. Minors have the same rights as adults. Minors have the right to remain silent and not answer questions about themselves. Note: Minors do not need to carry ID. However, it is strongly advised that Native students traveling off the Navajo Nation obtain an ID. For safety reasons you can also provide copies of your child’s birth certificate, certificate of Indian blood and immediate emergency contact information to carry in a sealed envelope for any school travel.

If you feel your rights were violated, contact the Commission at 928-871-7436 or call Operation Rainbow Bridge Hotline at 1-855-435-7672.

FAQ’s

- Are Native Americans born in the United States legal citizens of the U.S.? **Yes.**
- Can the Federal Government deport Native American citizens? **No.**
- Can the Federal Government arrest Native American citizens for immigration violations? **No.**
- Can U.S. immigration agents stop you? **Yes.**
- Can U.S. Immigration agents come on to the Navajo Nation? **No.**

TIPS FOR INTERACTING WITH ICE OFF THE NAVAJO NATION:

- Be Calm, Cool, Collected: “With all due respect,” “good afternoon.” Your safety is the main priority, please cooperate with ICE Agents, do not resist and obstruct.
- If the ICE agent asks for identification, provide your Real ID, State issued Driver’s License or Identification Card. If you are using a Navajo Tribal ID/CIB paper, and the agent does not recognize your tribal identification, respectfully ask to speak with their supervisor.
- Terminate the encounter as soon as possible: **“Am I being detained or am I free to go?”**
- During the encounter with ICE, do not lie to the individual you are speaking with.
- Remember ICE agents are detaining individuals who are following, monitoring their activities and recording them. If you plan to record do so at a safe distance.



NAVAJO NATION HUMAN RIGHTS COMMISSION: 928-871-7436
OPERATION RAINBOW BRIDGE HOTLINE: 1-855-435-7672

