Know Your Rights: Organizations and Businesses

The threat of immigration enforcement raises concerns among many New Jersey residents who may avoid engaging with local services and businesses out of fear that they could be putting themselves and their family members at risk. Every person who lives in or visits New Jersey has rights regardless of their citizenship or immigration status. The following information is designed to help organizations and businesses understand their rights and responsibilities when interacting with immigration enforcement officers, primarily Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) officers.

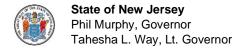## If immigration agents come to your organization/business:

- You may ask the officers or agents why they are there.

- You may ask to see their badge / identification. If you are unsure if the officer is an immigration agent, you may ask what agency they represent and specifically if they are federal immigration agents.

- If an immigration agent asks if they can search your premises, you have the right to say no. Agents generally do not have the right to search your premises without your consent, a valid warrant, or probable cause. However, if an officer or agent searches your premises anyway, do not resist. You may tell them: "I do not consent to a search. I wish to remain silent. I wish to speak with an attorney as soon as possible."

- You may ask for an interpreter if they do not speak your language.

For Public Areas:

- Immigration agents can enter public areas of your business without permission if you allow the public to enter. You may limit access to public areas for specific encounters, such as ICE/CBP enforcement.

- Public areas could include, for example, a dining area in a restaurant, a parking lot, or a lobby or waiting area that the organization/business has deemed open to the public.

- However, agents' mere lawful presence in a public area does **not** give them the authority to stop, question, or arrest a particular individual. Probable cause or consent of the individual is still required.

For Private Areas:

- Organizations can distinguish between public and private spaces by adding signage on or near entrances to private areas. Private areas may be areas designated for employees, residents, students, patients, individuals with appointments, etc.

- Immigration agents can enter a private area **only if** they have a judicial warrant or if exigent circumstances exist. Otherwise, agents need YOUR permission to enter private areas of your business or premises.

- If agents try to enter a private area, you may say: "This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?"

- If agents tell you that they have a judicial warrant, ask for a copy and read it. A judicial warrant must be signed by a judge and say "U.S. District Court" or identify a State Court at the top.

- An administrative warrant alone does **not** allow agents to enter private areas without your permission. Administrative warrants are not from a court. Administrative warrants say "Department of Homeland Security" and are on Forms I-200 or I-205.

- Immigration agents are permitted to enter without your permission in an emergency, such as a threat to public safety or a threat to someone's life. However, you still have a right to remain silent and document the interaction, including recording (so long as you don't interfere with their law enforcement activities).

State of New Jersey
Phil Murphy, Governor
Tahesha L. Way, Lt. Governor

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Department of Human Services
Office of New Americans
Sarah Adelman, Commissioner

NJ Immigrant Trust Directive:

- The New Jersey Immigrant Trust Directive limits the type of voluntary assistance that New Jersey law enforcement officers—state, county, and local—may provide to federal immigration authorities.

- New Jersey law enforcement officers generally may not stop, question, arrest, search, or detain any individual solely based on immigration status.

- They also may not inquire about the immigration status of any individual and they generally may not participate in civil immigration enforcement operations.

- There are several exceptions and exclusions to the Immigrant Trust Directive. For example, it does not restrict or prohibit New Jersey law enforcement officers from enforcing criminal laws of New Jersey or complying with valid judicial warrants or other court orders.

- Information about the Immigrant Trust Directive is available at https://www.njoag.gov/trust/.

- To report a potential violation of the Directive, contact the relevant police department or the county prosecutor's office.

Be Aware of Fraud

Unscrupulous individuals pretending to be "immigration consultants," "notarios" or "attorneys," falsely claim they can provide immigration services to targeted immigrants with limited English skills. Only attorneys and accredited representatives authorized by USCIS are allowed to prepare legal documents such as immigration forms, give advice on legal matters, or represent clients in a legal proceeding.

- An attorney must have a valid license to practice law. Most states have a public searchable database for licensed attorneys.

- An accredited representative must have training and authorization from the US government to help people with immigration cases. The government maintains a list of accredited representatives and organizations here.

To report immigration scams, please contact the New Jersey Division of Consumer Affairs (DCA): 1-800-242-5846 (toll-free within New Jersey). NJ DCA intakes reports from all people regardless of their citizenship or immigration status, and DCA employees do not ask about citizenship or immigration status.

Additional Resources:

- **A Guide for Employers**
- **A Guide for Healthcare Providers**
- **Office of New American's Legal Services Programs**
- **If you are unsure whether and where someone you know is detained, you can use the ICE detainee locator.**

This fact sheet provides only general information. This fact sheet does not provide legal advice and is not a substitute for legal help. Each person's situation is different. Please consult an attorney for legal advice for your situation.

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