



✓ Tips for Individuals Who Are Undocumented

YOU ARE NOT UNDOCUMENTED IF YOU HAVE A VALID EMPLOYMENT AUTHORIZATION CARD.

✓ If Stopped by Local or State Police While Driving

- **Stay Calm & Respectful** – Keep your hands visible and avoid sudden movements.
- **Driver Must Identify Themselves** – Provide DL if you have one or else you may be ticketed or arrested for driving without a license. In Texas you must at least identify your name, date of birth, and address.
- **You Have the Right to Remain Silent** – You do not have to answer questions about your immigration status or travel history. If you wish to exercise your right, say it out loud. “I wish to remain silent and not answer further questions.”
- **Passengers Can Ask If You Are Free to Leave** – If the officer says yes, calmly leave. If not, you are being detained. You do not have to identify yourself or provide identifying documents.
- **Do Not Consent to a Search** – Officers may pat down your clothing, but they need your consent or probable cause to search your car.
- **If You Are Being Arrested** – You must provide your name, date of birth, and address, but you do not have to provide any other personal information. Do not answer questions regarding your place of birth, your immigration status, or how you entered the United States (reminder: do not lie or use false documents).
- **You Have the Right to an Attorney** – If arrested, ask for a lawyer immediately and do not sign anything without legal counsel.
- **Document the Encounter** – If possible, take notes, record the interaction, and get witness contact information.

Q: Should I carry my Matricula Consular with me as an identification document and show that if I am stopped by the police when I am driving?

M&R: If you are driving and stopped, the only document that the police are interested in seeing is a Valid Driver's License. If you are undocumented, you do not have one. By showing a Matricula Consular in the current environment, if the police that stops you is working with Immigration you are letting them know you are undocumented, which may lead them to ask questions about how you entered etc.

Q: Should I show the police that I have a pending case at immigration?

M&R: If you are stopped by the police and you are driving, the police will ask you for your license they are not asking about your immigration status. By showing them a copy of a receipt, you are giving them information about your immigration status.

Q: Should I show the police that I have an expired driver's license?

M&R: If you are stopped by the police and you are driving, the police will want to see a valid driver's license. An expired license will not help you in this situation.

You should not offer the police officer any immigration documents if the police officer specifically does not request them. The police officer is interested in determining whether you have violated any criminal laws or have an arrest warrant. The police officer is not trained in immigration law.

✓ If You Are Being Arrested by Local or State Police

- **If arrested (driver or passenger):** you must provide your name, date of birth, and address. You don't have to provide any other personal information.
- **You Have the Right to an Attorney:** If you are arrested by the police, you have the right to an attorney.
- **If you are not under arrest:** You have the right to leave. If you are not sure whether you are under arrest, ask whether you are free to leave. If the officer does not answer you (which is likely), keep asking, or say: “I am going to leave now, if I am not under arrest.”
- **If you are not under arrest, you do not have to identify yourself:** You have the right to remain silent. Exercise that right.
- **If stopped only to be asked questions:** The officer may only stop you to ask questions if he has a reasonable suspicion that you have committed a crime. As a result, if you have done nothing wrong, he cannot detain you. Ask: “Am I free to go?”
- **Do Not Consent to a Search:** You have the right to refuse to consent to a search of yourself or your car.
- **Search will occur if police have probable cause:** If police have “probable cause” to believe that your vehicle contains evidence of a crime. If the officer believes that you may have a weapon, they can conduct a “pat down” of your person and the immediate area around you (including areas of your vehicle).

Q: If I am being arrested by the state or local police, should I show them my matricula consular, or copies of my pending immigration cases?

M&R: If you are being arrested by the state or local police for not having a valid driver's license, showing a matricula consular or pending immigration receipt will not keep you from being arrested for not having a valid driver's license.



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If Stopped by Local or State Police While Walking

- **Stay Calm & Respectful**
- **You have the right to remain silent.** If you wish to exercise this right, say it out loud. You can say: "I wish to remain silent and not answer further questions." You do not have to answer questions regarding your place of birth, your immigration status, or how you entered the United States (reminder: do not lie or use false documents).
- **Right to Not Identify Yourself:** If you are not under arrest, you do not have to identify yourself.

Q: Is a pat down (frisk) by an officer allowed?

M&R: Yes, but it is limited to what is necessary to discover weapons if the officer believes the person is armed.



If You or a Loved One Are Arrested

- **You Have the Right to an Attorney:** If you are arrested by the police, you have the right to an attorney.
- **You Have a Right to Remain Silent:** Don't give explanations, and don't say anything, sign anything, or make any decisions before talking to an attorney.
- You can request an attorney in your **first** hearing in criminal court.
- Unless you are calling a lawyer, **calls from the jail are monitored.**
- If you are arrested, **you have the right to an interpreter/translator.**
- If you don't understand or cannot read the papers, **say you need an interpreter.**



If Stopped by ICE While Walking

- **You have the right to remain silent:** If you wish to exercise this right, say it out loud. You can say: "I wish to remain silent and not answer further questions."
- **You do not have to answer questions** regarding your place of birth, your immigration status, or how you entered the United States (reminder: do not lie or use false documents).
- **If you are caught up in a mass raid,** it is in your best interest to let the officers know that you are not subject to expedited removal i.e. that you have lived in the US for more than 2 years.

Q: Should I show my receipts to an ICE officer if I am arrested and caught up in a mass raid?

M&R: It would be important to give ICE information that shows that you are not subject to expedited removal because you have lived here for more than 2 years. Showing a receipt of a pending case may help to prove that. But at the same time, by providing ICE with information, you could be providing information that ICE can use against you in the future.

Q: Can I tell ICE that I want to speak to my lawyer?

M&R: Yes, you can tell them that you wish to remain silent and not answer any questions until your lawyer is present.

THINGS TO REMEMBER

- ✓ Always have an emergency contact number written, not just on your phone.
- ✓ Keep essentials in your vehicle:
 - Medications
 - Prescription glasses
 - Family phone numbers
 - Non-perishable food & bottled water
- ✓ Store personal documents (including immigration applications) in a **safe place** accessible to someone you trust.
- ✗ **DO NOT** carry false documents at any time!!