

Know Your Rights

“The FBI is at my door...What should I do?”



We can help you if the FBI has contacted you.

Try to get the names, agencies, badge numbers, and business cards of ALL of the agents and officers who contacted you.

Contact ALC, CAIR, or the ACLU to report the contact and to request **free legal advice** about your next steps:

Advancing Justice-Asian Law Caucus

415.848.7733

<http://advancingjustice-alc.org/>

Council on American Islamic Relations-San Francisco Bay Area

408.986.9874

<http://ca.cair.com/sfba/>

American Civil Liberties Union of Northern California

415.621.2493

<http://aclunc.org>

To request a “Know Your Rights” presentation, and for additional information and materials, please contact us. We speak Arabic, Dari, Farsi, Pashto, Hindi, Spanish, Urdu, and other Asian languages.

Know Your Rights!

Be Safe: Stay Silent, Call a Lawyer

“I do not wish to speak without an attorney. Can I please have your business card?”

An FBI agent has called you or knocked on your door early in the morning. Unfortunately, thousands of American Muslims have been through this experience since September 11, 2001. This is what you should know:

1. You always have the right to remain silent.

You are not obligated to answer questions from an FBI agent. Your refusal to talk to the agent may not be used against you. If you say, “I want to speak to a lawyer and to remain silent.”

2. You always have the right to request an attorney’s assistance.

You should refuse to answer questions until you have had a chance to speak with an attorney. Even if you have already started talking, you can stop at anytime. Tell the agent you do not want to answer any more questions without a lawyer present.

3. Tell the truth, or remain silent. Lying can be a crime.

It is a felony to make a false statement to an FBI agent if it is related to an investigation, even if the false statement was unintentional.

Sometimes, forgetting your dates of travel or when you last met or spoke with a particular individual can be used against you as a basis for prosecution. An attorney will work with you to make sure this doesn’t happen.

4. Asking for an attorney does not make you more suspicious.

Some people mistakenly believe they can prove they are innocent by speaking to the FBI.

This is extremely risky. The FBI has undermined community trust through over a decade of racial profiling, surveillance, informant recruitment, and other abuses in Muslim communities since 9/11.

You should speak to an attorney before speaking to the FBI. An attorney can assess the facts of your situation and advise you on the best way forward. If you speak to the FBI without legal assistance, you could expose yourself or your friends and family to harm.

5. You are not necessarily in trouble.

Just because an FBI agent has contacted you does not necessarily mean that you have done anything wrong or that you are under investigation. The FBI has been known to target Arab, Muslim, Middle Eastern, and South Asian communities for questioning, even when there is no suspicion of a crime. But you should still take care to protect your rights.

6. Don’t talk about your religious and political views.

You are not required to discuss your political and religious beliefs.

If you find yourself speaking to the FBI without a lawyer, it’s okay to stop the conversation and say,
“Can I have your card. I will have my lawyer follow up with you.”

If Law Enforcement Approaches You

If you are stopped on foot:

- You do not have to answer any questions, but providing your name, address, and age if asked (and ID if you are being given a citation) may help you avoid arrest.
- Never give any false information – lying to the police can lead to serious consequences.
- The police may “pat down” your clothing if they suspect a concealed weapon. Do not physically resist, but tell them politely, **“I do not consent to a search.”**
- Ask the officer, **“am I free to leave?”** If the officer says yes, calmly walk away.
- Do not argue with the officer, or run away, even if you believe that what is happening is unfair. This could lead to your arrest.

“I do not consent to a search.”

If you are pulled over in a car:

- Upon request, show your driver’s license, registration, and proof of insurance.
- Sign your ticket if you are given one, and contact the court by the date on the ticket. The police may not search your car without a warrant unless they have probable cause. In the case of an unlawful search, calmly and clearly state, **“I do not consent to a search.”**

If you are at home and law enforcement officers knock and ask to enter, step outside and close the door behind you when talking to them. Do not consent to police, sheriffs or federal agents entering or searching your home. **They can enter without consent only in the following circumstances:**

- The officers have a **warrant** signed by a judge – **ask to see it**. Check the address and scope of area to be searched, and object to any search beyond what is listed in the warrant.
- You are on **probation** with a search condition.
- There is an **emergency**, such as a person screaming for help inside your home or the police are chasing someone.

Ask to see the warrant.

If You Are Questioned About Your Immigration Status

- **You have the right to remain silent** and do not have to discuss your citizenship status with police, immigration agents, or any other officials.
- You do not have to answer questions about where you were born, whether you are a U.S. citizen, when or how you entered the country. Any immigration information you give the police in response to these questions can be used against you in immigration court. Assert your right to consult with an attorney before answering these questions if you have any concerns.
- In limited circumstances, if you are not a U.S. citizen and an immigration agent requests your immigration papers, you must present the papers if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have them, say you want to remain silent.
- Do not lie about your citizenship status or provide fake documents.

Note: Different rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers

If You Are Under Arrest

If you are arrested:

- The police have a right to search you and the area around you if you are under arrest. However, you always should state politely and clearly, **“I do not consent to a search.”**
- The officer should read you your Miranda rights, which include your right to remain silent and your right to an attorney. Do not stay silent without first stating politely and clearly, **“I want to speak to a lawyer and to remain silent.”** Also if you are under 18, ask to speak to your parent or guardian.
- You have a right to ask for the officer’s name and badge number. Remember this information.

The Right Behavior:

Keep your hands where the police can see them. Do not resist, run away, or touch the police officer. Stay calm and do not argue.