



KNOW YOUR RIGHTS: WHAT TO DO IF ICE COMES TO YOUR SCHOOL

No matter your immigration status, you have rights under the United States Constitution. Know your rights and what to do if Immigration and Customs Enforcement (ICE) comes to your school.

As an immigrant, do I have the right to an education?

Yes, all students between the ages of 5–21 have the right to a free public K–12 education regardless of immigration status. According to the [American Civil Liberties Union \(ACLU\)](#): “All kids living in the United States have the right to a free public education.”

Will ICE agents come to my school?

Probably not. NYC schools generally do not allow ICE agents to enter schools. [According to the NYC Department of Education \(DOE\)](#): “Non-local law enforcement officers, including ICE personnel, are not allowed to enter DOE schools except when required by law, and only after the school has consulted with DOE lawyers.”

Will ICE agents stop me in school spaces or at school events?

Probably not. [According to the Department of Homeland Security \(DHS\)](#), ICE has a policy against arresting, interviewing, or searching students while at school, school bus stops, or other school-related activities.

Can ICE take me off of school grounds?

Usually, no. According to the [NYS Department of Education](#), ICE cannot take a student off school grounds or question a student without the permission of the student’s parent or guardian, except when they either have a valid warrant or when a crime was committed on school property.

What should I do if an ICE agent approaches me at school?

Stay calm. Do not run away or try to resist.

Do I have to talk to ICE agents?

No, you have the right to remain silent. [According to the Immigrant Legal Resource Center \(ILRC\)](#), all children, regardless of immigration status, have the right to remain silent in interactions with ICE. If an ICE agent tries to talk to you at school or a school event, do not talk to them. Tell a School Safety Agent, principal, or teacher immediately.

Do I have to answer questions asked by ICE agents?

No, you have the right to remain silent even if an ICE agent questions you. [According to the New York Civil Liberties Union \(NYCLU\)](#):

- “You do not have to answer questions asked by immigration officers if you do not want to answer them. This includes questions about your citizenship status, birthplace or place of residence.”
- “If you are asked about your immigration status and you wish to remain silent, you may say: ‘I have the right to remain silent.’”

Do I have the right to talk to a lawyer?

Yes, you have the right to speak to a lawyer. According to the [NYCLU](#):

- “You can tell the officer that you want to speak with a lawyer before answering any questions.”
- “You do not have the right to an appointed free lawyer, but you do have the right to talk to a lawyer and to hire one on your own.”

DISCLAIMER: This fact sheet gives general information for NYC Residents; it is NOT legal advice.

If an ICE agent asks to search me, can I say no?

Yes, you have the right to say no to an ICE agent asking to search you or your belongings. According to the [ACLU](#): “If an immigration agent asks if they can search you, you have the right to say no. Agents do not have the right to search you or your belongings without your consent or probable cause.” If an ICE agent asks to search you or your belongings, say, “I do not consent to a search.” If you are not under arrest, ICE cannot search your pockets, backpack, locker, phone, or other personal property without your permission, a warrant, or a reasonable suspicion that you have been involved in a crime.

Can I photograph or record ICE agents?

Yes, you have the right to take pictures and videos of ICE activity. According to the [NYCLU](#): “You have the right to film ICE.” If you feel safe, take photos or videos of the agents and what they are doing. These could be helpful if you have immigration problems in the future. Stay far enough away from the ICE agents to not interfere with their activity. Write down the names and badge numbers of the agents, and any other details that you can.

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