

Rights of International Students and Scholars in the United States

As international students and scholars in the U.S., you have specific rights while you are here. You may have questions about what you are permitted under U.S. law to do or say.

1. I am not a citizen of the U.S. Do I have any rights?

Yes. All individuals have basic rights, regardless of immigration status, country of origin, or citizenship.

2. What rights do I have?

All individuals in the U.S. have the following rights:

- Free speech, freedom of expression and peaceful assembly, and freedom of religion
- Freedom from illegal search and seizure (a law enforcement official must have a subpoena or warrant), unless a crime has been committed where the search would take place
- Permission to remain silent (and not say anything that could be used against you)
- Guarantee of “due process” and “equal protection under the law”, which means that you have the right to an attorney, and a right to have a hearing before a judge in most cases
- Right to contact your country’s Consulate

3. What government or law enforcement officials might ask me questions?

There are several different agencies that you may want to be aware of, including city, state and federal officials. This would include city and state police officers, as well as federal agencies such as the Federal Bureau of Intelligence (FBI) or the Department of Homeland Security (DHS), which includes Immigration and Customs Enforcement (ICE) as well as Customs and Border Protection (CBP).

4. What if I choose to remain silent? How do I communicate that?

In some states, you must provide your name to law enforcement officers if you are stopped and asked to identify yourself. In all cases, if you wish to remain silent, you will need to say that you are choosing to remain silent or that you wish to speak to your attorney before answering any questions.

5. Do I have the right to an attorney?

Yes, you have this right, even if you are not informed of this by a law enforcement officer. You may ask for a lawyer at any time if you are questioned by immigration or

law enforcement officials, and you may continue to remain silent if you are still being asked questions. In criminal cases, an attorney may be provided to you if you cannot afford one if you meet certain financial requirements. You must pay for your own attorney in immigration cases. There are many organizations that provide pro bono legal assistance.

6. What should I say if a law enforcement or immigration officer calls me or comes to my house?

You do not need to speak with an individual on the phone when you cannot visually verify their identification. If you wish, you may ask for a telephone number, and then contact the international office or your attorney, if you have one. There are some scam phone calls that sound like they might be from a government official, so it is always best to be cautious about providing information over the phone.

If a law enforcement or immigration officer knocks on your door, you do not need to open the door. Instead, you may ask them if they have a warrant, and you may ask them to slip it under the door so that you can review it. You may call your attorney (if you have one) or the SIUE Police Department to ask for assistance.

If you receive a scam call or are uncertain about whether someone is a legitimate law or immigration official, you may call the international office, the SIUE Police Department or your local, city police department. Police departments are available 24 hours a day, 7 days a week.