

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. The following is general information and you should contact an attorney of your choice to obtain legal advice about your specific situation or concerns.

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 to have a hearing before a judge in most cases; and
- 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 such as 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?

You have the right to remain silent. 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 do have the right to an attorney, 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. However, you may not be provided an attorney without cost except in certain situations. In criminal cases, an attorney may be provided to you by the government if you cannot afford one if you meet certain

financial requirements. Generally, you must obtain and pay for your own attorney in immigration cases. There are many organizations that provide pro bono (free or reduced cost) legal assistance.

If you are contacted and are uncertain about whether someone is a legitimate law enforcement or immigration official, you may call the international office (during normal hours) or the campus, local, city or state police departments for assistance. Police departments are typically available 24 hours a day, 7 days a week.