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Attorney General Guidance:

KNOW YOUR RIGHTS: ICE Enforcement

An Updated Guide for Immigrants, Families, and Communities (rev'd March 2026)

Due to recent surges in immigration enforcement activity across the country, and disturbing events in Minnesota and elsewhere, many Massachusetts residents are understandably angry, concerned, and confused. U.S. Citizens have been shot and killed by federal immigration officers. Various lawsuits filed in recent weeks and months allege that federal officials have engaged in excessive force, unlawful stops, searches and arrests, unlawful profiling and collection of personal data without consent, trespassing, warrantless home entries, and other misconduct violating the constitutional rights of immigrants, protesters, and other individuals. The Attorney General's Office (AGO) has received a number of questions about the actions of federal agents—including U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). We have also received questions about the relationship of state and local law enforcement to immigration enforcement, and the rights people have when they interact with federal immigration officers.

This updated guidance is meant to provide communities with information about their rights and the legal framework for ICE inquiries, stops, arrests, detentions, observations, and protests. **It is not, however, legal advice or a formal legal opinion of the Attorney General. The AGO does not supervise or control the activities of ICE or federal prosecutors. This guidance does not address all circumstances in which residents may come into contact with ICE and the AGO cannot guarantee that ICE agents will act in a manner consistent with this guidance in any given situation. Immigrants, their families, and community members should consult with legal counsel if they need advice or representation in specific cases or circumstances.**

The AGO is committed to protecting the civil rights of all residents, regardless of immigration status.

QUESTIONS & ANSWERS

1. What agencies are conducting federal immigration enforcement and what kinds of enforcement activity do they engage in?

ICE and CBP are each part of the U.S. Department of Homeland Security (DHS), which is the federal agency with overall responsibility for border security and enforcement of customs and immigration laws. Typically, CBP (and its Border Patrol division) operate at or near the nation's borders, while ICE (and its Enforcement and Removal Operations division, or ERO) are responsible for enforcement in the interior of the country. In recent months, however, ICE and CBP officers—as

well as officers from other DHS and federal agencies¹—have participated in intensified immigration enforcement operations throughout the country. This guidance, though it frequently refers to ICE for simplicity, applies equally to all DHS and other federal agents participating and assisting in the enforcement of federal immigration laws.

ICE enforcement activity generally targets people the agency suspects are subject to removal from the country. ICE and CBP have also sometimes engaged in roving patrols and sweeps, which involve stopping and interrogating residents about their citizenship and immigration status. Individuals subject to potential removal from the United States may include people whose parole, visa, deferred action, or other legal authorization has been revoked. They may also include people suspected of having violated federal immigration law, including:

- People who entered the U.S. without authorization;
- People who overstayed a visa;
- People who have been ordered removed in the past; and
- People accused of violating immigration conditions (like failing to check in with ICE).

These are typically civil, not criminal, violations. Although ICE may in some cases engage in criminal enforcement action, ICE does not need to show that a crime was committed to arrest and detain a person who is subject to removal. ICE enforcement actions generally take one of two forms:

- Custodial enforcement, where ICE arrests a person who is already being held in custody by a federal, state, or local law enforcement agency. This frequently occurs after ICE is able to access arrest information through law enforcement databases like NCIC (National Crime Information Center) or CJIS (Criminal Justice Information Services). Because ICE can access information after fingerprints taken by police are entered into AFIS (Automated Fingerprint Identification System), even a minor encounter with local law enforcement may trigger ICE involvement—even if criminal charges are later dropped or never even filed.
- At-large or field enforcement, where ICE agents arrest people in the community—such as in homes, workplaces, or public spaces. During these operations, ICE may also make so-called “collateral” arrests of other individuals they encounter who are suspected of violating immigration laws, even if those individuals were not initially targeted for enforcement.

2. Does ICE need a judicial warrant to arrest someone?

No. Although ICE agents sometimes arrest people based upon criminal warrants—which are issued by federal courts based on probable cause that a person has committed a crime—this type of enforcement activity is relatively uncommon. Some ICE arrests are conducted using administrative warrants, which are issued by ICE officers.

Administrative warrants include forms such as:

- [Form I-205 \(“Warrant of Removal/Deportation”\)](#), which is issued after a person has

¹ These may include agents from Homeland Security Investigations (HSI), as well as other agencies within DHS and the U.S. Department of Justice (DOJ).

- received a final order of removal; and
- [Form I-200 \(“Warrant for Arrest of Alien”\)](#), which is used when ICE believes someone is removable from the United States.

In other cases, ICE agents do not need either a judicial or administrative warrant to carry out an arrest, including if they have probable cause to believe that: (1) a person is in violation of federal immigration laws; and (2) the person is likely to flee before a warrant can be obtained. *See* 8 U.S.C. § 1357(a)(2).

3. **When can ICE enter people’s homes and other private spaces?**

Under most circumstances, ICE agents cannot legally enter private spaces—such as homes, private offices, or the non-public areas of a workplace—without one of the following:

- [A judicial warrant](#) signed by a judge or magistrate; or
- Voluntary consent from someone who has actual or apparent authority over the property (e.g., someone who lives there).

Note that an ICE administrative warrant (Forms I-200 and I-205 described above) is not a judicial warrant and does not authorize entry into a home or other private space without consent. A judicial warrant is one that is signed by a judge.

Although ICE has [reportedly](#) advised its officers that they may rely on administrative warrants alone (without any judicial authorization) to arrest individuals in their homes, any such action would [almost certainly be unconstitutional](#), and would be aggressively challenged in the courts. The Fourth Amendment generally requires a judicial warrant (or voluntary consent) before officers may enter a person’s home to conduct a search or arrest.

NOT ALL WARRANTS ARE THE SAME

Judicial Warrant: Signed by a judge, allows ICE to enter a home.

ICE Administrative Warrant: Signed by ICE only, does not allow home entry.

If ICE does not have a warrant signed by a judge, you may refuse entry.

If ICE agents are seeking to enter a house, a person has the legal right to speak through the door, or pass a note under the door, to:

- Explain the resident or person’s communication needs, if necessary;
- Ask to see the warrant before opening the door;
- Check whether the warrant is signed by a judge; and
- Deny entry if it is not.

4. **What rights do people arrested/detained, bystanders, and protesters have?**

People being arrested/detained by ICE, bystanders, and protesters have certain rights under the U.S. Constitution and federal law. These rights protect against unlawful questioning, detention, and interference with freedom of speech and expression.

Rights of the Person Being Arrested or Detained

First, the person being arrested or detained has the right to remain silent. They do not have to answer questions about their immigration status, citizenship, where they were born, or how they entered the United States. The person can state, “I am exercising my right to remain silent,” and refuse to speak with ICE agents until they have spoken with an attorney.

Second, the person being arrested or detained has the right to hire and speak with a lawyer, but the government is not generally required to provide one in immigration proceedings.

Third, the person being arrested or detained has the right to refuse to sign documents. ICE may ask people to sign voluntary departure forms, waivers of rights, or other paperwork. The person being arrested or detained has a right to read and understand any document before signing it.

People being questioned, arrested, or detained by ICE should never give false information or fake documents, as doing so could result in criminal charges. *See* 18 U.S.C. § 1001.

Rights of Bystanders

First, bystanders to ICE enforcement actions have the right to observe ICE officers and record the encounter from a reasonable distance, so long as they do not interfere with the officers. *See Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011).

Second, although ICE may ask questions, bystanders have the right to remain silent. Bystanders are not required to answer questions about their own immigration status or the status of another person.

Third, bystanders have the right to refuse entry. If ICE agents approach a home or other private space where a bystander resides, works, or controls, the bystander can refuse entry without a judicial warrant.

Rights of Protesters

Members of the public have a First Amendment right to peacefully assemble, protest, and speak out against ICE operations. Protesters also have the same rights as those outlined above for bystanders and individuals subject to arrest. They do not have a right to physically interfere with ICE officers, use violence or destroy property, or engage in any other criminal acts.

Anyone alleged to have obstructed, impeded, or assaulted an ICE agent may be criminally prosecuted. *See* 18 U.S.C. § 111.²

5. What questions can someone ask if they are being arrested/detained?

During an ICE enforcement action, it may be difficult to know what is happening or why. Calmly asking the right questions may be helpful. Though ICE may not be obligated to answer all of your questions, the person being targeted may choose to ask:

- Am I being detained?
- Am I under arrest?
- What is the reason?
- Do you have a warrant?

² State statutes also prohibit assault and battery on a police officer (G.L. 265, § 13D, par. 1) and resisting arrest (G.L. c. 268, § 32B); interfering with a police officer is a common law crime in Massachusetts.

- Can I see it?
- Where are you taking me?
- What agency do you work for?
- What are your names and badge numbers?
- How can my family or lawyer contact you?

Individuals who do not speak or understand English may wish to inform arresting officers, or to request an interpreter, if possible. Similarly, people with disabilities may wish to inform arresting officers, or to request an accommodation, if possible. Putting federal officers on notice as early as possible in the arrest and detention process starts their obligation to provide reasonable accommodations, where applicable, under federal law and agency standards.

Prepare Before a Crisis

If you or a loved one are at risk of ICE enforcement, you may consider preparing contingency plans for immigration emergencies that may arise, such as family separation. A detailed emergency planning [guide](#) for families is available on the Attorney General's Office.

6. What, if anything, can bystanders do to assist someone being arrested/detained?

As long as they are not obstructing or impeding the enforcement action, bystanders may also help the person being targeted to ask the ICE agent questions (such as those listed above under #5) and document the enforcement action—either by taking notes or recording video. They can also ask a person being detained questions such as:

- Do you have an immigration lawyer I can call for you?
- Is there a family member you would like me to call?

7. What happens after an ICE arrest?

After individuals are arrested by ICE, they will most likely be taken to a local ICE field office or processing center for booking. There, ICE will generally take their fingerprints, photo, and biographical information. ICE may also ask the person to sign documents that may involve the waiver of important rights or lead to deportation without a hearing. As noted above, the arrested individual has the right to remain silent and to refuse to sign documents they do not understand. In most cases, ICE will issue a Notice to Appear (NTA) in immigration court, which contains the alleged immigration violations, the date of their first court hearing, and formally begins removal proceedings.

Once arrested, a person can be detained anywhere in the United States. Any phones, electronic devices, or other personal items confiscated upon arrest will be kept inaccessible during the detention. Although individuals may initially be detained somewhere near where they were arrested, they can quickly be transferred to another facility in a different state. Family members and advocates can use the [ICE Online Detainee Locator System](#) to try to find out where the arrested person is being held. (Note that it may take several hours for ICE to enter the person's information into the system.) ICE has information (including location and contact information) for the detention facilities it uses on its [website](#).

If detained, the person may wish—depending on their immigration and criminal history—to request a bond hearing before an immigration judge. At this hearing, the immigration judge will decide if the person can be released while their immigration case proceeds. This is a discretionary process, and the individual must successfully demonstrate to the satisfaction of the immigration judge that they are not a flight risk and not a danger to the community. Depending on individual circumstances, the person may also seek relief from removal, such as asylum, parole, or cancellation of removal.

Although individuals in ICE detention may be represented by an attorney, they usually have no right to have an attorney appointed to them and are responsible for securing an attorney on their own. Only licensed attorneys or accredited representatives authorized by the U.S. Department of Justice can legally represent someone in immigration court. Unfortunately, many people fall victim to scams by people who falsely claim to be able to help—often referred to as “notarios” or “immigration consultants.” More information about how to prevent and report notario fraud can be found on the Attorney General’s Office [website](#).

Warning: Beware of Immigration Scams

Only licensed attorneys and DOJ-accredited representatives may provide immigration legal services. Many immigrants fall victim to scams by “notarios” or fake consultants. Verify credentials with the [state bar](#) or [DOJ EOIR list](#). A detailed guidance on avoiding immigration scams is available on the Attorney General’s Office [website](#).

To challenge the legality of detention by ICE outside of the removal proceeding, the detained individual would generally need to bring a habeas corpus petition in the federal judicial district in which they are detained. In many instances, petitions must be filed promptly so that a challenge can be heard before the detainee is transferred to a different facility and judicial district.

8. What rights do people have when they are detained by ICE?

Individuals arrested and detained by ICE still have legal rights under federal law, even if they are moved to detention centers where it may be difficult or impossible for family, friends, or attorneys to locate, visit, or communicate with them. Among other rights, individuals detained by ICE have the following:

- Right to access and communicate with an attorney;
- Right to due process and other constitutional protections;
- Right to be provided safe and secure conditions of confinement, including adequate food, water, and medical care;
- Right to accessible facilities and reasonable accommodations, modifications, or other aids and services, as necessary to prevent discrimination on the basis of disability;
- Right to receive information in a language or manner they can understand; and
- Other rights provided by federal law and agency regulations and standards.

9. What limits are there on local police cooperation with ICE?

Local police are responsible for investigating and enforcing violations of state criminal law. They do not enforce federal immigration law. State and local law enforcement agencies cannot be

compelled by the federal government to carry out federal immigration enforcement. Any voluntary cooperation with ICE by local law enforcement must comply with state and local legal limitations, including:

- *Lunn v. Commonwealth*, 477 Mass. 517 (2017): The Supreme Judicial Court has ruled that state and local law enforcement officers have no legal authority to arrest, detain, or hold an individual based solely on a federal civil immigration detainer. A civil detainer is a request from ICE to keep a person in state or local custody until ICE agents can arrest them. Similar to an administrative warrant, a civil detainer is issued by ICE—not a judge. *Lunn* does not limit state and local law enforcement from acting in accordance with state law to protect public safety; it simply makes clear that federal civil detainers are not themselves legal grounds for detention.
- Massachusetts Constitution: Guarantees equal protection of the laws to all people, regardless of nationality, citizenship, or immigration status.
- Massachusetts Civil Rights Act (MCRA): Guarantees every person “the right to bias-free professional policing,” which means that law enforcement “shall not consider a person’s race, ethnicity, ... [or] immigration status” in police decision-making. The MCRA also prohibits interference with another person’s rights through threats, intimidation, or coercion.
- Anti-Profiling Laws: State laws prohibit law enforcement from profiling on the basis of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status. See G.L. c. 90, § 63(h).
- Local Municipal Ordinances and Resolutions: Many cities and towns in Massachusetts—including Boston, Cambridge, Chelsea, Somerville, and others—have passed local laws that limit police departments’ involvement in federal civil immigration enforcement. These ordinances often permit cooperation with federal authorities on criminal matters and other public safety issues, but do not allow participation in routine civil immigration enforcement.
- Police Department Policies: Many law enforcement agencies have adopted departmental rules, regulations, and policies that limit involvement in immigration enforcement. These policies aim to ensure that all residents, regardless of immigration status, feel safe reporting crimes or cooperating with the police.

10. Who can hold federal officers accountable if they break the law?

If ICE or other federal agents break the law, they should first be held accountable by their agency (DHS), and/or by federal prosecutors from the Department of Justice. If that first line of federal accountability fails, state authorities and private litigants may each have important roles to play. State Attorneys General and private litigants can sometimes sue to stop or limit unlawful actions by the federal government. There are, however, limitations. Generally, for example, an individual, organization, or state plaintiff must be able to show that they have been directly harmed by an action they seek to challenge through litigation in federal court. People whose rights have been violated when they are arrested may be able to obtain relief because of those violations, for example in their immigration proceedings, or through a writ of habeas corpus or a separate civil

suit. State and local prosecutors and law enforcement agencies are responsible for enforcing state criminal law. They cannot interfere with ICE or other federal officers who are lawfully executing their official duties. But if federal officers commit clear violations of Massachusetts criminal law, state and local officers may use their lawful authority to investigate or respond, as they would with criminal acts by other individuals.³

11. What rights do protesters or bystanders have to watch or record immigration enforcement activities?

Protesters and bystanders generally have the right to watch or record ICE agents—so long as they do not interfere with ICE’s actions.

Protesters and Bystanders Have the Right to Record

As stated above, protesters and bystanders have a right to observe, film, and record ICE agents from a reasonable distance in public places. *See Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011). This right is protected by the First Amendment and does not violate the Massachusetts Wiretap Act. *See Project Veritas Action Fund v. Rollins*, 982 F.3d 813 (1st Cir. 2020) (secret recordings do not violate the First Amendment); *Curtatone v. Barstool Sports, Inc.*, 487 Mass. 655 (2021) (openly recording does not violate the Massachusetts Wiretap Act).

If any law enforcement officer seizes a protester’s or a bystander’s phone, they need a judicial warrant to gain access to the device or the recording.

But Not to Interfere

Although protesters and bystanders are allowed to watch or record, they are required to stay at a safe distance so as not to interfere with an ICE operation. What that means in a particular case may depend on the circumstances, but generally, it is safer for those watching or recording ICE officers to do so at a distance of at least ten or more feet away, to avoid unnecessary provocation, misunderstanding, or allegations of interference. In some cases, ICE has alleged interference by protesters or bystanders who appeared to be simply exercising their First Amendment rights. Interfering might include the following actions, which could result in criminal charges:

- Pushing or otherwise physically touching an officer;
- Blocking officers; or
- Hiding the person ICE is trying to arrest.

Bottom Line: Bystanders and protesters can watch. They can record. But no one can legally obstruct, impede, or assault an ICE agent.

12. Are there any new laws or policies restricting ICE activity in Massachusetts?

On January 29, 2026, Governor Healey issued an [executive order](#) prohibiting ICE from using any state property for staging immigration enforcement operations, and from making civil immigration arrests in non-public areas of state facilities. The order also prohibits state agencies from entering into certain cooperation agreements with ICE unless there is a public safety need. Mayors and leaders of several major cities—including Boston, Cambridge, Chelsea, Lynn, Somerville, and

³ See Mass. Chiefs of Police Association, Legal Advisory, “Responding to Community Concerns Regarding Federal Immigration Enforcement in Massachusetts” (Jan. 29, 2026).

others—have also recently issued executive orders prohibiting or limiting the use of city property and resources in ICE operations, and enacting other local policies to protect their residents.

RESOURCES AND LEGAL HELP

There are numerous resources for individuals seeking an attorney to represent themselves or a loved one in immigration proceedings:

- The American Immigration Lawyers Association’s [online directory](#);
- The National Immigration Project of the National Lawyers Guild’s [“Find an Attorney” website](#);
- The Department of Justice’s [list of pro bono legal service providers by state](#); and
- Immigration Law Help’s [directory of nonprofit legal help](#) by zip code and detention facility.

A person detained by ICE can be found through ICE’s [Online Detainee Locator System](#).

You can submit reports of potentially unlawful activity or misconduct by federal agents in Massachusetts online to the AGO and the Governor’s Office at www.mass.gov/fedmisconduct. To report civil rights violations by individuals other than federal agents, contact the [Civil Rights Division](#) by visiting www.mass.gov/how-to/file-a-civil-rights-complaint, emailing civilrights@mass.gov, or calling (617) 963-2917. The AGO maintains a website of [additional resources](#) for various stakeholders for immigrants and institutions that serve them. These include guidance for [service providers](#), [health care providers](#), [K-12 schools](#), [institutions of higher education](#), and more, including an emergency planning [guide](#) and [fact sheet](#) for parents or guardians with uncertain immigration status.

The Massachusetts Office for Refugees and Immigrants (ORI) also maintains a [website](#) with various useful resources, including a [community resource toolkit](#).