

Rights for Immigrants with Disabilities

Understanding for people with disabilities when you are an immigrant can be challenging. This handout is designed to give you a sense of your basic rights, where you can go for assistance and resources.

Your Rights

Many Constitutional rights apply to people even without immigration status. Here are some key rights to know:

- You have the right to disclose (share) your disability and ask for accommodations under the ADA. For example, you can say “I have a disability. It is hard for me to process your questions. I need you to speak slowly and use simple, clear language.”
- Right to ask if you’re under arrest/detained, or free to leave when questioned by police or ICE.
 - If you are allowed to leave, walk away slowly and calmly
 - If you are not allowed, you can say “I’m choosing to remain silent.”
- Right to remain silent. You do not have to share your immigration status, where you were born, how you entered the United States. You can say “I’m choosing to remain silent.” If you answer any questions, you can still choose to stay silent on other things.
- Right to refuse a search unless there is a signed warrant or probable cause.
 - A search cannot happen without consent, but they can pat you down (feel against the outside of your clothing with open hands) for weapons.
 - You can say “I do not consent to a search.”
 - If they search you, do not resist. Stay calm. Say nothing. Document it with your phone through video or photos, write it down, and see if there is any footage (e.g., ring camera, someone filming) you can save.
 - In your home, you have the right to request a signed judicial warrant signed by judge/magistrate and slipped under the door or refuse entry before you open the door. The signed warrant should have your address on it.
- Right not to sign anything without working with a lawyer first. Do not sign anything you do not understand.
- Right to contact a lawyer to help you with your situation. Most lawyers need to be paid, but some work for free/no cost (called pro bono).

General Information

- If you are stopped or questioned, DO NOT show false documents, lie, guess, or self-incriminate. Utilize your right to remain silent and speak with a lawyer.
- You can maximize your ability to stay safe by speaking slowly and keeping your hands visible during any interactions with law enforcement.

Resources

- **You can download and print a Red Card with your rights-** Visit <https://www.ilrc.org/redcards#print> to order or print red cards in many languages
- **Information and Referral, Toolkits, and Workshops-** The Arc of Northern Virginia has free information and ways to ask questions for people trying to find disability-based benefits and services. <https://thearcofnova.org/> and <https://thearcofnova.org/resource-library/#spanish>
- You can **hire an attorney to help represent you on immigration issues.** Some attorneys with a lot of disability experience are Angela Thanyachareon (<https://thanyachareonlaw.com/>) and Lisandra Pachuta (<https://hensonpachuta.com/>)
- **Free legal help for low income families** is available at the Legal Aide Justice Center (<https://www.justice4all.org/get-help>) and Ayuda (<https://ayuda.com/>)