

The Identity Project

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Know Your Rights as a U.S. Citizen:

Do I have to show ID as a pedestrian, passenger in a car, at my home, or at the airport for a domestic flight?

1. Police need reasonable articulable suspicion of a violation of the law to stop you at all, even briefly. To protect your rights, ask them, on camera, as soon as they stop you, “What is the reason you are detaining me?”¹
1. You don’t have to show any papers.²
2. You have the right to remain silent.³
3. You may not be arrested merely for failure or refusal to have or show ID.⁴
4. You may not be arrested or detained more than “briefly” without probable cause to believe that you have committed a specific crime.⁵
5. You don’t have to let ICE agents or any other law enforcement officers into your home or any private premises without a warrant issued by a judge.⁶
6. You have the right to film and record law enforcement officers.⁷

1. *Terry v. Ohio*, 392 U.S. 1 (1968).

2. *Hiibel v. Nevada*, 542 U.S. 177 (2004).

3. *Miranda v. Arizona*, 384 U.S. 436 (1966).

4. Pedestrian: *Kolender v. Lawson*, 461 U.S. 352 (1983). Passenger (not driver) in car: *U.S. v. Henderson*, 463 F.3d 27 (1st Cir. 2006); *Johnson v. Thibodaux City*, 887 F.3d 726 (5th Cir. 2018); *Stufflebeam v. Harris*, 521 F.3d 884 (8th Cir. 2008); *U.S. v. Landeros*, 913 F.3d 862 (9th Cir. 2019); *Corona v. Aguilar*, 959 F.3d 1278 (10th Cir. 2020).

5. *Rodriguez v. United States*, 575 U.S. 348 (2015).

6. INS (ICE) agents: *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012 (9th Cir. 2008).

7. *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011); *Gericke v. Begin*, 753 F.3d 1 (1st Cir. 2014); *Fields v. City of Philadelphia*, 862 F.3d 353 (3rd Cir. 2015); *Turner v. Driver*, 848 F.3d 678 (5th Cir. 2017); *ACLU of Illinois v. Alvarez*, 679 F.3d 583 (7th Cir. 2012); *Fordyce v. City of Seattle*, 55 F.3d 436 (9th Cir. 1995); *Irizarry v. Yehia*, 38 F.4th 1282 (10th Cir. 2022); *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000).