

Immigration Status and Court Hearings in Washington State

I have to go to court. Can the judge ask about my immigration status?

Generally, no. There are a few exceptions.

I am a witness for a criminal trial. Can they ask about it then?

Only to show that you are biased. Even then, the judge does not have to allow the question.

What if I am the defendant in a criminal case?

The judge can only allow evidence of your immigration status if needed to prove the charge OR your defense to the charge.

I am a party in a family or other civil court case. Can they ask about my immigration status?

A lawyer for another party can only ask about this if needed to prove their case.

How does a judge decide whether to allow evidence about my immigration status?

The party who wants to ask about your immigration status must file a motion asking court permission to do so. The judge will hold a private hearing in the judge's chambers, not the courtroom, on the issue. The court will seal the motion and all related paperwork. If the court decides the party can ask about your immigration status, the judge must issue a written order saying so.

Where can I find the rules about this?

[Rule of Evidence 413](#) is about immigration status and court.

[General Rule 15](#) is about sealing court records.

Will these rules stop ICE from picking me up if I show up at the courthouse?

No.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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