I AM IN IMMIGRATION DETENTION…

WHAT ARE MY RIGHTS?

I WAS ARRESTED BY THE POLICE AND I BELIEVE THEY WILL TURN ME OVER TO IMMIGRATION.

If you are arrested by local police, they must charge you with a crime in court within 48 hours (not counting weekends and holidays), or else release you. If police do file criminal charges, then you must still be released if the charges are dropped, you are granted and post bail, you win your criminal case, or you complete your sentence.

Even then, the police or jail can hold you for another 48 hours if Immigration has placed a "detainer" on you. If Immigration has not picked you up within this 48 hours, then they must release you.

If the police don't file criminal charges AND if immigration does not file a detainer, call an attorney or community organization to help you get released from police custody. They can write a demand letter to the jail or the sheriff.

DO NOT volunteer information about your immigration status to the police officer. Do not lie! Say only: "I want to speak with my lawyer" or show a "Know Your Rights" card. (Sample attached)

I WAS ARRESTED BY IMMIGRATION.

You have a right **NOT** to sign any statements or documents, especially ones giving up your right to a hearing in front of an immigration judge. If necessary, say you want to speak to a lawyer first.

Do **NOT** volunteer information about your immigration status. Anything you say will be used against you later on.

You have the right to contact your consulate. The list of consulates and their phone numbers should be posted in the jail. If not, get the number from your deportation officer. Contact your consulate immediately. If you leave a message, give them your name, A number, where you were arrested, and the name of your deportation officer. The consul may be able to assist you in finding a lawyer or provide other services.

DO NOT LIE to an immigration officer! Lying to an immigration officer and lying about your status carries serious punishment.

WHERE AM I NOW? (IMMIGRATION DEPORTATION OFFICE)

Immigration and Customs Enforcement (ICE) Detention and Removal Office is holding you. After you are arrested, you will be placed in a holding cell or temporary processing station where you will be fingerprinted and interviewed. (Sometimes, some processing occurs during the arrest.)

After being processed, you will be assigned a deportation officer. **Write down the name and phone number of the officer assigned to your case.**

Your immigration officer should give you a document, called a Notice to Appear (NTA), which contains the immigration, charges against you. This document will help you or a lawyer figure out your case. Make sure to ask for the document if it is not given to you within 72 hours of your arrest.

Make sure that you have your "A number" (alien registration number (A99 999 999), found on your green card or documentation provided by immigration). If you do not have the number with you, contact a family member and ask them for your number. If you never received an "A number," you will be assigned one when you are processed at the detention center, and you should ask the deportation officer for this number immediately.

WHERE WILL I GO?

Shortly thereafter, you will be moved to either an immigration detention center, local jail, or a military base where you will stay while your immigration case is pending. While detained, you may be transferred to out-of-state facilities.

You could be transferred in the middle of the night, so keep a copy of all your legal documents with you at all times. If your papers are stored with detention/jail, ask the staff for your legal papers immediately after you hear that you are being moved.

If you think you may be transferred to a detention center far from your home, and you have an immigration lawyer here, your lawyer may file immigration form G-28 with the Department of Homeland Security. They can download it at http://www.immigration.gov/graphics/formsfee/forms/g-28.htm. Fax the form to the Deportation Officer immediately. **This form may convince the officer to stop your transfer.**

DO I GET A TELEPHONE CALL?

You have the right to make a telephone call after you are detained. Memorize the telephone number of your attorney, family member, friend or union spokesperson, and contact him/her immediately.

Your phone calls may be blocked. If you have trouble reaching your family or attorney, ask jail staff if they have blocked the number. Also, have your family contact their local telephone company to make sure that they can receive phone calls from the detention center or jail.

WHAT HAPPENS TO MY BELONGINGS?

When you are detained, immigration will register and mark all your personal belongings. **Ask for a receipt of your personal property.** This is the only evidence that you have personal property. The property may be held at the deportation office or it may travel with you from facility to facility. **DO NOT** count on immigration to help you with tracking your property or managing your personal property at home or at work. Your property should be returned when you are released from custody or deported.

Make sure your legal documents are not processed as "personal property." Because you want quick access to your legal documents, always ask to keep your legal documents with you. If you are unable to keep the documents, you have the right to access your legal documents at any time. Ask the facility staff about accessing your legal material if they take it away from you. Also, make sure that your family has a copy of all immigration papers and legal documents (e.g., birth certificates, marriage certificates, passports).

Although you have the right to access your other personal belongings, these requests are regularly denied. However, feel free to make requests in writing to the facility staff.

HOW DOES MY FAMILY FIND OUT WHERE I AM DETAINED?

If your family does not know where you are detained, they should contact the local office of Immigration and Customs Enforcement's Detention and Removal Branch in the area. They should have your full name and "A number" ready. Contact ICE headquarters at 202-305-2734 if they do not know the number for the deportation office. This information is also available online at: http://www.ice.gov/about/dro/contact.htm.

Tell your family to check the jail's visitation rules. Some jails require that you provide a list of visitors' names ahead of time. **Tell undocumented family members not to visit you.**

HOW DO I GET OUT OF DETENTION? ASK FOR BOND!

- **What is bond?** A bond is an amount of money paid to the government as a guarantee that you will attend all hearings and obey the judge's final order. You have to pay the full amount. Bond must be paid by cashier's check or a bank money order, payable to the Department of Homeland Security. The person paying the bond MUST have some kind of immigration status and identification. He/She can pay the bond at any ICE office.

  Sometimes individuals are released without having to pay bond. This is called "release on your own recognizance." You must comply with the terms of release, otherwise you risk being redetained. This is usually granted to individuals with special conditions, like pregnancy.

  Do I get a bond hearing? You should always request a bond hearing! You may not be eligible for bond if you: (1) have a previous deportation order, (2) have certain criminal convictions, (3) were arrested at the border/airport or (4) the government suspects you have terrorist ties.

  What if I have a criminal record? You should get a copy of your criminal history and have an immigration attorney experienced in deportation review it to see if you are eligible for bond. You can get information from the County Clerk's office in the county in which you were convicted or from your former criminal defense attorney.

What if I cannot afford to pay the bond? You can ask the immigration judge to lower your bond at the bond hearing. The judge has the power to decrease the bond to $1,500.

What should I bring to the bond hearing? In this hearing, the judge considers whether you present a danger, a national security threat, or a flight risk. You should submit any documents that show you have a permanent address, stable employment, relatives with legal status in the United States, and any evidence of strong ties to the community. You should also ask family and friends to attend the hearing and to testify to these issues or send written letters of support.

WHERE DO I FIND AN ATTORNEY?

You do not have a right to a free attorney in immigration proceedings. However, you have the right to obtain a lawyer at no cost to the government. You also have the right to represent yourself.

Once detained, you will not have much time to find an attorney before your case is completed, so it is very important to contact an attorney as soon as possible.

Your deportation officer should give you a **list of free legal service providers** in the area. If not, ask for a copy right away. If these organizations are not able to help you, ask them for referrals for immigration attorneys who specialize in deportation.

Make sure to hire an attorney who specializes in deportation. Don't be tricked by people who are only after your money! Make sure your attorney has a copy of your NTA before they make any promises about what they can do for you. Request a written contract from your attorney before paying him/her. This contract is called a "retainer agreement." **Always keep the complete name and contact information of your attorney with you at all times.**

If you are not happy with your attorney, keep a record of your communications with your attorney in the event you need to make a complaint.

GET A COPY OF YOUR IMMIGRATION FILE:

Always ask for a copy of your file. You can send a formal "Freedom of Information Act" request to the Deportation Office. You can also ask the immigration judge to give you a copy of your file, or at least, unfavorable evidence against you.

IMMIGRATION HEARINGS

Will I have a hearing? If you do not get a hearing, find out why! You may not have a hearing if you have certain criminal convictions, were arrested at the border/airport, or received a prior deportation order. In some cases, you may be able to challenge the reasons why you don't have a hearing. If you believe the court is taking too long to schedule your case, ask for a bond hearing.

What if I am afraid to return to my country? If you are afraid to return to your country, notify your deportation officer and the Immigration Court immediately. You may be entitled to an interview with an asylum officer or to raise this issue in court.

Where will my hearing be held? It will be held at a local immigration court or a court inside the facility or conducted through the television. In that situation, you must file a "Motion" (request) for an in-person hearing. Regardless of whether you have an in-person hearing, your attorney can appear at the Immigration Court on your behalf.

When is my hearing? To find out when your next hearing is scheduled, call: **1-800-898-7180.** This is the automated hotline for the immigration courts. Have your "A number" available.

How many hearings will I have?

You will have at least one hearing. A "**Master Calendar**" Hearing is a short hearing before the immigration judge. During this hearing, you may ask the judge to postpone or "continue" the hearing to another date to allow you to find an attorney. If you don't want to fight your case, you can ask the judge for voluntary removal or deportation. If you want to fight your case or ask for more time to find an attorney, you will normally be rescheduled for another "Master" hearing. If you are forced to proceed without an attorney, deny the charges (this may force the government to prove the charges). If you are applying for a way to stay in the US legally, you will have a separate "**Individual" Hearing** to present your case to the immigration judge. You should bring any relevant documents and witnesses to testify at the hearing. You may not receive an individual hearing if the judge thinks that you are not eligible for any relief.

Do I have a right to an interpreter?
You have the right to an interpreter at your main hearing if you do not speak English. Make sure that you or your attorney asks the judge for an interpreter at the Master Calendar Hearing.

How do I obtain legal information?

Your law library should have information on immigration law and procedure. If you do not have a lawyer, you can also write to your local service provider or Detention Watch Network www.detentionwatchnetwork.org.

- The Florence Immigrant and Refugee Rights package has excellent legal materials: Florence Project Main Office, 2601 N. Hwy 79, PO Box 654, Florence, AZ – 85232.
- For specific legal questions, contact the National Immigration Project of the National Lawyers Guild at 14 Beacon Street, Suite 602, Boston, MA 02114.
- Families for Freedom also has excellent information for detainees. Contact information: 2 Washington Street, 766 North New York NY 10004.

HOW DO I SEND THE GOVERNMENT A COMPLAINT ABOUT DETENTION CONDITIONS?

Document in detail any abuse or detention condition violations or serious medical or mental health concerns. Include: date and names of the immigration or jail officers who may be involved.

File a complaint with the jail and send copies to the local ICE office, the head (warden or sheriff) of the jail, a human rights or civil rights organization, like the National Immigration Justice Center. CONT'D ON NEXT PAGE

COMPLAINT ABOUT DETENTION CONDITIONS (cont'd.)

Make sure all the people are **listed on the same complaint**. Send copies to family and your lawyer. Then, try to resolve the issue with your deportation officer or local Immigration and Customs Enforcement (ICE) office.

If local authorities fail to respond, submit the complaint in writing to the following offices:

> Mr. Timothy Perry, Acting Chief of the Detention Acquisition and Support Branch, ICE Office of Detention and Removal, U.S. Department of Homeland Security, 801 "I" Street, Suite 980, Washington, D.C. 20536.
>
> Department of Homeland Security, Mail Stop #0800, Office for Civil Rights and Civil Liberties, Washington, DC 20528. Tel: 202.401.1474, 202.401.0470 (Local TTY); Toll Free: 1.866.644.8360; E-mail: civil.liberties@dhs.gov.

If the complaint concerns medical and mental health care, send a copy to:

> Captain Philip Jarres, Branch Chief of Field Operations for the United States Public Health Service, 1220 L Street NW, Suite 500, Washington DC 20005. Tel: 202.732.0100;

After reporting the complaint to DHS, please send a hard copy to the National Immigrant Justice Center. This organization has a database of complaints about treatment or abuse in detention centers. Information from this database will be used to document trends in detention centers. Your personal information will be protected.

1. **National Immigrant Justice Center**, 208 S. LaSalle Street, Suite 1818, Chicago, IL 60604

2. **American Bar Association**, Commission on Immigration, 740 Fifteenth Street, NW, 9th Floor, Washington, DC 20005-1022

LOCAL CONTACT INFORMATION HERE: