

# Attention Non-Citizens!

## You Are At Risk of Deportation If You Have...

### ANY CRIMINAL CONVICTION

You may be deported even if the conviction happened years ago, you have a greencard, or you never went to jail. Consult a lawyer specializing in immigration deportation *before* you go to the immigration office, leave the country, or try to adjust your status.

### NO PAPERS

You may have no papers or be undocumented if you crossed the border to enter the country, overstayed your visa, came on a false passport, or are in the process of adjusting your status.

### OLD ORDER OF DEPORTATION

Sometimes immigration does not tell you that you have an old deportation order. You may have one if you lost your asylum case, skipped a marriage/adjustment interview or skipped an immigration hearing. To find out if you have an old order of deportation follow these steps:

1. Find your "Alien Registration Number." It is on most immigration papers, including the I94 card on your passport, greencard, or any other document that immigration gives you. The A# looks like: A99 999 999.
2. Call 1-800-898-7180. This is the hotline for the immigration court (EOIR).
3. Press "1" for English or "2" for Spanish.
4. Enter the 8 digits of your A-number and listen for instructions. If your number is in the system, then this means that an immigration case existed against you at some time.
5. Press "3" to find out if an immigration judge decided your case, including if there is an order of deportation ("removal") against you.
6. If the hotline says you have a deportation/removal order, consult a lawyer specializing in immigration deportation *before* you go to the immigration office, leave the country, or try to adjust your status.

## You May Be Detained If...

### YOU LEAVE THE COUNTRY AND TRY TO RE-ENTER

When you re-enter the US at an airport, seaport, or at the border, immigration agents may do a background check. If you have an old conviction, false papers or a deportation order, you may be detained, charged for trying to enter illegally, and deported.

### POLICE STOP YOU

Police officers do immigration checks often, even if you are not being charged with a crime. They may arrest you and send you to Immigration if you have a prior conviction or old deportation order. If police stop or arrest you:

- Ask for a warrant if officers seek to enter your home. You have the right to see this document if any officer seeks to enter your home. The warrant lists the areas that the officers can search. Note if they enter any other areas.
- Record who arrested you. Write down the officer(s) *name, agency* (FBI, NYPD, INS), and badge number. Find this information on the officers' business cards, uniforms, and cars.
- Remain silent. You do not have to answer any questions. DO NOT LIE! Say nothing or say, "I need to speak with a lawyer first."
- Do NOT sign any papers without talking with a lawyer first. Officers will try to scare or trick you. Don't be fooled.
- Do not give any immigration information. You do not have to tell officers your status in the US or your country of origin. By giving this information, you may help the government deport you faster.
- Do NOT take a guilty plea without speaking to a lawyer specializing in deportation. Defense lawyers, prosecutors and judges are not required to tell you the immigration consequences of a conviction.
- Make sure your family has your Alien Registration Number. It is on most immigration papers and looks like: A99 999 999.

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## YOU FINISH SERVING A CRIMINAL SENTENCE

You may be sent to immigration after you complete jail time, probation, a rehabilitation program, boot camp (including NY Shock program). Officers running the jails or programs are not trained in immigration laws, and often give people incorrect information. Do NOT rely on their word. If you have been visited by any immigration officer, or are not a citizen, you may have an immigration detainer.

## YOU GO TO ANY IMMIGRATION OFFICE

If you are at risk of deportation and go to Federal Plaza (or any other immigration office), you risk being detained. People have been deported when they go to pick-up a work permit or greencard, inquire about their citizenship application, or respond to an appointment letter. If you have an order of deportation or past conviction and decide that you must go to an immigration office, call a deportation specialist *before* you go and follow these tips:

- Tell a family member or close friend where you are going, and set a time to call them after the visit. If you do not call because you are detained, they should start looking for you (follow steps below).
- Do NOT take your passport, work permit, travel documents, or greencard. If you must take them, leave items not necessary at home. Give a copy of everything you take to a relative or friend.
- If you are going in response to an appointment letter, leave a copy of the letter with a relative or friend.

## TIPS! If Immigration Detains You or Your Loved One...

### DETAINEES

- Do NOT sign any statements or documents, especially ones giving up your right to an immigration hearing in front of an immigration judge.
- If you have an old order of deportation, you will not see a judge and can be deported *immediately*. Ask for a **Notice of Reinstatement of Deportation Order**.
- Make sure your family members have a copy of your immigration paperwork, including your **Notice to Appear (NTA)**.
- If you are able to see an immigration judge and you do not have an attorney, tell the judge that you need more time to find someone to represent you. Do NOT concede or admit to the Immigration Services charges against you. Do NOT go into detail about your case. Anything you say can and will be used against you – even your nationality.
- If you think you may be transferred to a detention center far from your home, and you already have a lawyer, have them file an immigration form with DHS saying that they are representing you. This form is called a G28. You can download it from DHS 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.

### FAMILY MEMBERS ON THE OUTSIDE

Keep the following information about your detained loved one:

- Full name and aliases
- "Alien Registration Number." It is on most immigration papers, including the I-94 card on your passport, greencard, or any other document that immigration gives you. The A# looks like: A99 999 999.
- Date person entered the U.S. and how (visa, cross border, greencard through marriage, etc.)
- Criminal Record. You must have a list of the precise criminal convictions (e.g. 4<sup>th</sup> degree Criminal possession of a controlled substance, NYPL §220.09). Include the **date of arrest**, the **place of arrest** (City, State), **date of conviction**, and the **sentence**. If possible, get a copy of the rap sheet. Get a **Certificate of Disposition** for each conviction from the court clerk's office in the courthouse where the criminal case was heard.
- A copy of your **Notice to Appear (NTA)** and all other immigration paperwork.
- Favorable Factors: collect documents showing that the person facing deportation has family, community ties and a "good character" (see *Favorable Factors*).

If you do not know where your detained loved one is:

- Contact the Bureau of Immigration and Customs Enforcement Deport Office (see Phone List below).
- Ask to speak with a supervisory deport officer. Give them your loved one's full name and A#. (Note: Deportation officers may be mean and not speak to anyone besides an attorney or the person being deported. You should still try.)

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## If you need a lawyer...

- Hire someone specializing in deportation. Do not get cheated! If the person does real estate, business *and* immigration, they are most likely not deportation specialists.
- Keep with you the full name and contact information of EVERY lawyer that has ever represented you.
- Get a written contract before you give the lawyer money. The lawyer must give you a “**retainer agreement**.” Read it thoroughly. Make sure you understand it. Does it make the same promises that the lawyer is telling you?
- Make sure your family receives a copy of everything your lawyer files.
- File a complaint with the **Attorney Grievance Committee** if your lawyer cheated you (see *Phone List*).

## Phone List

### DEPORT OFFICE (BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, DETENTION AND REMOVAL BRANCH)

New York City	(212) 264-5854
New Jersey	(973) 645-3666, dial O
Pennsylvania (York County)	(717) 840-7253
Louisiana (Oakdale)	(318) 350-0713

### ATTORNEY GRIEVANCE COMMITTEE

Manhattan or the Bronx	(212) 401-0800
All other New York City Boroughs	(718) 923-6300
New Jersey	(800) 406-8594

### LEGAL INFORMATION/ADVICE

Legal Aid Society Immigration Law Unit	(212) 440-4300
Immigrant Defense Project	(212) 898-4132 Tuesdays and Thursdays, 1:30 to 4:30pm <i>Note: This organization gives free advice on the deportation consequences of convictions, but does NOT have lawyers to represent you.</i>
Pennsylvania Immigrant Resource Center	(717) 600-8099

### SUPPORT

Families For Freedom	(212) 898-4121 <i>Note: A group for detainees and families. They are not lawyers. They are people fighting against the injustices facing immigrants.</i>
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*Families For Freedom is a network by and for people directly affected by unjust immigration laws. Our loved ones have been deported, sit in prisons awaiting exile, or live with the fear of being kicked out of their homes. Our day-to-day lives are like a prison. But we refuse to accept injustice. We are uniting to change the conditions that threaten our safety and happiness.*

# How to Document Your Favorable Factors

FAVORABLE FACTORS	PROOF
<input type="checkbox"/> Family Ties in the United States	- copies of family members' naturalization certificates and/or resident alien cards - letters of support from family members
<input type="checkbox"/> Long-term residence in the United States, especially if residence began at a young age	- US school diplomas - letters of support from long-term friends in US, former teachers, neighbors, landlords
<input type="checkbox"/> Hardship to yourself and/or to family members if deportation occurs	- medical reports showing material dependence of family member on you (the person in proceedings) - medical reports documenting your own health problems and need for family support here - written proof that elderly parents, young children, pregnant spouse, etc. will suffer if you are deported - written household budget that highlights family's dependence on you for: payment of rent/mortgage; children's educational expenses; child support; medical expenses; utilities and food
<input type="checkbox"/> Service in U.S. Armed Forces	- enlistment and discharge papers (DD 214) - certificates for all service given and honors received - letters of support from fellow enlistees, officers and superiors in Armed Forces
<input type="checkbox"/> History of Employment	- letters of support from former employer(s) discussing your merits as a worker - tax returns, W2 Forms
<input type="checkbox"/> Property or Business Ties	- Deed/mortgage/lease of home - letters of support from employees - ownership documents of Business (especially if business supports family expenses and/or provides jobs to other people)
<input type="checkbox"/> Service to community	- letters of support from religious groups, PTAs, and other local organizations with which your family is involved - awards for or documentation of community service
<input type="checkbox"/> Genuine Rehabilitation	- proof of programs and work in prison/jail - proof of attendance for rehabilitation program, or support groups like Alcoholics Anonymous (including letters from counselors/group leaders documenting your progress) - certificates for (or proof of enrollment in) continuing education (e.g. GED, college courses, business and/or trade skills)
<input type="checkbox"/> Good Character	- tax returns documenting consistent payment and good tax history - letters of support from Correction/Parole/Probation Officers, judges, lawyers, community leaders, local elected officials, clergy

## LETTERS OF SUPPORT

- Address it "To Whom It May Concern."
- Length: the letter can be as long or short as you'd like, but if possible no more than a page.
- Describe yourself: explain who you are (for example, your age, job, or community role), and how you know the person in proceedings.
- Be specific: write about some experience or conversation you have had with the person in proceedings, or how this person has been special to your life. Avoid general statements. Don't just say "He is a very good man." Explain why you think so.
- Discuss the family and community life of the person in proceedings: is this person an active community member? Has this person worked hard to raise a family and create a home here? How do you admire his/her family? Why do you believe the person in proceedings should be allowed to live in this country?
- Give an original copy of the signed letter as soon as possible to \_\_\_\_\_.

NOTE: All letters of support should be in English or, if in another language, you should provide the court with an accurate English translation.

# Atención a Aquellos que No Son Ciudadanos!

## Usted Está a Riesgo de Ser Deportado Si Usted...

### TIENE UNA CONDENA CRIMINAL

Usted puede ser deportado aunque su condena sea de muchos años atrás, aunque tenga la tarjeta de residente permanente, o aunque nunca haya estado encarcelado. Consulte con un abogado especializado en inmigración antes de ir a una oficina de inmigración, antes de viajar fuera del país, o antes de ajustar su estado migratorio.

### ES INDOCUMENTADO

Usted es indocumentado si cruzó la frontera para entrar al país, si se quedó más tiempo del que le permitía su visa, si vino con un pasaporte falso, o si está en el proceso de ajustar su estado migratorio.

### TUVO UNA ORDEN DE DEPORTACIÓN EN EL PASADO

Hay ocasiones en las cuales el Servicio de Inmigración no le informa que usted tiene una orden de deportación. Usted puede tener una orden de deportación si perdió su caso de asilo, si faltó a una cita para ajuste de estado migratorio (por ejemplo por caso de matrimonio), o si faltó a una cita ante un tribunal de inmigración. Para saber si usted tuvo una orden de deportación en el pasado siga las instrucciones siguientes:

1. Identifique su número de registración de extranjero ("Alien Registration Number"). Este número está en la mayoría de los documentos de inmigración, incluyendo la tarjeta I-94 en su pasaporte, su tarjeta de residente permanente, o cualquier otro documento proporcionado por el servicio de inmigración. El número "A" luce de esta manera: A99 999 999.
2. Llame al 1-800-898-7180. Este es el número de teléfono de la corte de inmigración. (EOIR).
3. Presione el "1" para atención en Inglés o el "2" para atención en Español.
4. Presione los 8 dígitos de su número "A" y siga las instrucciones. Si su número está en el sistema, esto significa que hay, o hubo, en algún momento un caso de inmigración en contra de usted.
5. Presione el "3" para saber si hubo una decisión en su caso por un juez de inmigración, también puede averiguar si hay una orden de deportación en contra de usted.
6. Si el mensaje dice que existe una orden de deportación en contra de usted, consulte con un abogado especializado en inmigración antes de ir a una oficina de inmigración, antes de viajar fuera del país, o antes de ajustar su estado migratorio.

## Usted Puede Ser Detenido Si Usted...

### VIAJA FUERA DEL PAÍS E INTENTA VOLVER

Cuando usted regresa a los Estados Unidos a través de un aeropuerto, un puerto marítimo, o por la frontera, los oficiales de inmigración podrían hacer un chequeo de sus antecedentes. Si usted tiene una condena en el pasado, si tiene documentos falsos, o si tiene una orden de deportación, usted puede ser detenido, acusado de intento de entrar al país ilegalmente y luego puede ser deportado.

### ES DETENIDO POR LA POLICÍA

Los oficiales de la policía hacen chequeos de inmigración rutinamente así usted no esté acusado de un crimen. Ellos pueden arrestarlo y enviarlo al Servicio de Inmigración si usted tuvo una condena, o una orden de detención en el pasado. Si la policía lo detiene o lo arresta:

- Pida una orden de cateo o permiso ("warrant") si los oficiales quieren entrar a su casa. Usted tiene derecho a ver este documento si algún oficial quiere entrar a su casa. Este permiso muestra las áreas que los oficiales pueden registrar. Ponga atención si es que ellos registran otras áreas.
- Escriba el nombre del oficial que lo arrestó, a cuál agencia pertenece (FBI, NYPD, INS), y su número de insignia. Usted puede encontrar esta información en las tarjetas de negocios de los oficiales, sus uniformes, y sus carros.
- Manténgase en silencio. Usted no tiene que responder a ninguna pregunta. NO MIENTA! No diga nada, o diga "Necesito hablar con un abogado primero."
- NO FIRME ningún papel sin antes haber hablado con un abogado. Los oficiales tratarán de asustarlo o engañarlo. No se deje engañar.

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- ❑ No de información acerca de su estado migratorio. Usted no tiene que decirle a los oficiales cual es su estado migratorio en los Estados Unidos o en su país de origen. Si les da esta información, usted estará ayudando al gobierno a que lo deporté más rápido.
- ❑ NO acepte un cargo de culpabilidad sin haber consultado a un abogado especializado en deportación. Los abogados defensores, los fiscales y los jueces no están obligados a decirle a usted cuales son las consecuencias de una condena bajo las leyes de inmigración.
- ❑ Asegurese de que su familia tenga su número de registración de extranjero. Este número está en los documentos de inmigración y luce así: A99 999 999.

### **CUMPLE SU SENTENCIA CRIMINAL**

Usted puede ser entregado al Servicio de Inmigración después de haber completado su sentencia criminal, libertad condicional, un programa de rehabilitación, entrenamiento militar (incluyendo el programa "Shock"). Los oficiales de las cárceles o de los otros programas, no están entrenados en las leyes de inmigración y frecuentemente les dan a las personas información incorrecta. No se confíe de su palabra. Si usted ha recibido una visita de un oficial de inmigración, o si usted no es un ciudadano, usted puede tener una detención de inmigración ("immigration detainer").

### **VISITA UNA OFICINA DE INMIGRACIÓN**

Si usted está a riesgo de ser deportado y va al edificio de Federal Plaza (o a cualquier otra oficina de inmigración), usted puede ser detenido. Muchas personas han sido deportadas cuando han ido a recoger un permiso de trabajo o la tarjeta de residente permanente, cuando pedían información acerca de su aplicación ciudadana, o cuando asistían a una cita. Si usted tiene una orden de deportación o una condena pasada y decide que tiene que visitar una oficina de inmigración, consulte con un abogado especializado en inmigración antes de ir y siga los siguientes consejos:

- ❑ Digale a un familiar o amigo cercano a donde se está dirigiendo, y acuerden una hora determinada cuando usted se contactará con esa persona al término de su cita. Si usted no llama a la hora acordada porque ha sido detenido, esa persona debe empezar a tratar de localizarlo (siga las instrucciones siguientes).
- ❑ NO lleve su pasaporte, permiso de trabajo, documentos de viaje, o tarjeta de residente permanente. Si usted tiene que llevarlos, deje los que no sean indispensables en su casa. Entregue copias de todos los documentos a un familiar o a un amigo cercano.
- ❑ Si usted está asistiendo a una cita, deje una copia de la carta con un familiar o un amigo cercano.

## **Si el Servicio de Inmigración Lo Detiene a Usted o a un Ser Querido...**

### **DETENIDOS**

- ❑ NO firme ninguna declaración o ningún otro documento, especialmente si el documento pide que usted renuncie a su derecho a presentarse enfrente de un juez de inmigración en un tribunal de inmigración.
- ❑ Si tiene una orden de deportación pasada, Usted no verá a un juez y será deportado inmediatamente. Pida una Notificación de Restitución de Orden de Deportación ("**Notice of Reinstatement of Deportation Order**").
- ❑ Asegurese de que sus familiares tengan copias de todos sus documentos de inmigración, incluyendo su Notificación Para Presentarse ("**Notice to Appear**" (NTA)).
- ❑ Si usted se presenta en frente de un juez de inmigración y no tiene un abogado, digale al juez que usted necesita más tiempo para encontrar a alguien que lo represente. NO conceda o admita los cargos que el Servicio de Inmigración tiene en contra de usted. No dé detalles acerca de su caso. Cualquier cosa que usted diga puede ser usada en contra de usted, hasta su nacionalidad.
- ❑ Si usted cree que va a ser trasladado a un centro de detención lejos de su casa, y usted ya tiene un abogado, haga que éste llene una forma de inmigración que diga que usted tiene representación legal. Esta forma se llama G-28. Usted puede obtenerla de DHS en el <http://www.immigration.gov/graphics/formsfee/forms/g-28.htm>. Mande la forma por fax al oficial de deportación inmediatamente. Esta forma puede convencer al oficial a cancelar su traslado.

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## FAMILIARES DESDE AFUERA

Mantenga la siguiente información de su ser querido:

- Nombre Completo
- "Alien Registration Number" o número de registración de extranjeros. Lo puede encontrar en la mayoría de papeles de inmigración, incluyendo la tarjeta I-94 en su pasaporte, su tarjeta de residente permanente, o cualquier otro documento que inmigración le envíe. El número luce así: A99 999 999.
- La fecha en la cual la persona entró a los Estados Unidos y cómo lo hizo (con visa, cruzó la frontera, con residencia permanente por matrimonio, etc.)
- Antecedentes Criminales. Usted debe tener una lista exacta de las condenas criminales (por ejemplo: Posesión Criminal de una Substancia Controlada en el cuarto grado (4<sup>th</sup> degree Criminal possession of a controlled substance, NYPL §220.09)). Incluya la **fecha del arresto**, el **lugar del arresto** (ciudad, estado), **fecha de condena**, y la **sentencia**. Si es possible, consiga la hoja de su pasado criminal de la oficina de la policía donde fue arrestado. Obtenga un Certificado de Disposición (**Certificate of Disposition**) por cada condena de la oficina del funcionario de la corte en la cual tuvo lugar el caso criminal.
- Una copia de la Notificación para Presentarse (**Notice to Appear (NTA)**) y de cualquier otros papeles del Servicio de Inmigración.
- Factores Favorables: reúna documentos mostrando que la person en proceso de deportación tiene familiares, apoyo comunitario, y "buen carácter moral" (vea los "Factores Favorables" abajo).

Si usted no sabe donde está detenido su ser querido:

- Contáctese con BICE (la Oficina de Deportación del Departamento de Inmigración y de Control de Aduana) (vea los números de de telefono abajo).
- Pida hablar con el oficial supervisor de deportación. Déle el nombre completo y el número "A" de su ser querido (Tome nota: estos oficiales pueden ser poco amables y rehusarse a hablar con cualquiera que no sea el abogado o la persona que está siendo deportada. Usted debe intentar de todos modos.)

## Si Usted Necesita un Abogado...

- Contrate a alguien especializado en deportación. No se deje estafar! Si la persona trabaja en bienes raíces, negocios, e inmigración, muy probablemente no son especializados en deportación.
- Siempre mantenga a la mano el nombre completo de CADA abogado se ha servido y su información de contacto.
- Pida un contrato escrito antes de entregarle dinero al abogado. El abogado debe entregarle un "acuerdo de retención" ("**retainer agreement**"). Léalo con cuidado. Asegurese de que entienda todo lo que dice. Le promete lo mismo que el abogado le está diciendo?
- Asegurese de que su familia reciba una copia de todos los documentos preparados por su abogado.
- Llene una queja con el **Attorney Grievance Committee** (comité de quejas de abogados) si su abogado lo ha estafado (vea los "Números de Telefono" abajo).

## Números de Telefono

### DEPORT OFFICE (BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, DETENTION AND REMOVAL)

New York City	(212) 264-5854
New Jersey	(973) 645-3666, ponga O
Pennsylvania (York)	(717) 840-7253
Louisiana (Oakdale)	(318) 350-0713

### ATTORNEY GRIEVANCE COMMITTEE (COMITÉ DE QUEJAS DE ABOGADOS)

Si su abogado está en:

Manhattan o el Bronx	(212) 401-0800
Cualquier Otra area de NYC	(718) 923-6300
New Jersey	(800) 406-8594

### INFORMACIÓN

**Legal Aid Society** (212) 440-4300 **Pennsylvania Immigrant Resource Center** (717) 600-8099

**Familias Por La Libertad** (212) 898-4121

*Tome nota: Un grupo para familias de los detenidos. No son abogados. Son personas luchando la injusticia confrontando los inmigrantes.*

**Immigrant Defense Project** (212) 898-4132

*Tome nota: llame martes y jueves, entre 1:30 y 4:30pm. Esta organizacion da consejos gratis sobre deportacion para personas con Antecedentes Criminales. NO tiene abogados para representarle.*

## Factores Favorables

FACTORES FAVORABLES	PRUEBA
<input type="checkbox"/> Nexos familiares a los Estados Unidos	- copias de certificados de naturalizacion de sus familiares y/o tarjetas de "extranjero residente" - cartas de apoyo de familiares
<input type="checkbox"/> Residencia de largo plazo en los Estado Unidos, especialmente si la residencia ocurrio a temprana edad	- diplomas escolares de escuelas de EUA - cartas de apoyo de viejos amigos en los EUA, ex-maestros, vecinos, propietario
<input type="checkbox"/> Sufrimiento que incurriria la deportacion para usted y/o para sus familiares	- reportes medicos que demuestren dependencia material de sus familiares en usted ( el individuo en los procedimientos) - reportes medicos que documenten sus propios problemas de salud y su necesidad de recibir soporte familiar en este pais - prueba escrita que padres mayores de edad, hijos menore, esposa embarazada, etc. sufriran si usted es deportado - presupuesto escrito que destaca la dependencia de su familiar sobre usted; pago de renta/hipoteca; gastos escolares para sus hijos; pension por divorcio; gastos medicos; utilidades y alimentos
<input type="checkbox"/> Servicio en las Fuerzas Armadas de EUA	- documentacion de alistamiento y licenciado (DD 214) - certificados de todos los servicios y honores recibidos. - cartas de apoyo de sus camaradas, oficiales y superiores en las Fuerzas Armadas
<input type="checkbox"/> Historial de Empleo	- cartas de apoyo de previos empleadores que discutan sus meritos como trabajador - recibos de impuestos y formas W2
<input type="checkbox"/> Propiedad o Nexos de Negocios	- escritura / hipoteca / contrato de arrendamiento de hogar - cartas de apoyo de sus empleados - documentos de posesion de Negocio (especialmente si dicho negocio mantiene los gastos de la familia y/o provee trabajos para otras personas
<input type="checkbox"/> Servicio a la comunidad	- cartas de apoyo para grupos religiosos, asociaciones de padres de familia, y otras organizaciones con las cuales este involucrada su familia - reconocimientos por servicion a la comunidad
<input type="checkbox"/> Verdadera Rehabilitacion	- pruebas de programs y/o trabajo en la prision - prueba de atencion a programas de rehabilitacion y o grupos de soporte como Alcolicos Anonimos (incluyendo cartas de consejeros/grupos de lider que documenten su progreso) - certificados de (o prueba de matriculacion en) educacion continua (e.j. GED, cursos universitarios, habilidades de negocio y/o oficio
<input type="checkbox"/> Buen Caracter Moral	- recibos de impuestos que documenten pago consistente y buen historial de impuestos - cartas de apoyo para oficiales de carcel/ libertad condicional, jueces, abogados, lideres de la comunidad, oficiales electos, miembros del clero.

### CARTAS DE APOYO

- Dirigalas: "A Quien Corresponda."
- Longitud: Tan larga como usted desee, pero si es posible, no mas de una pagina.
- Describese a si mismo: explique como es usted (por ejemplo, su edad, oficio, o papel en la comunidad), y explique como es que usted conoce al individuo en los procedimientos.
- Sea especifico: escriba acerca de alguna experiencia o conversacion que haya tenido con la persona en los procedimientos. Incluso puede escribir acerca de como esta persona tiene un significado especial para usted. Evite declaraciones generales. No solo declare "Es un buen hombre". Explique porque usted piensa que es un buen hombre.
- Discute la vida en la familia y la comunidad de la persona en los procedimientos. Esta activa la persona en la comunidad? Trabaja mucho para sus hijos?
- Proporcione una copia original de la carta firmada en cuanto sea posible a [la persona en los procedimientos].

NOTA: Todas las cartas de apoyo deberan ser escritas en Ingles.  
Si estan escritas en algun otro idioma, proporcione a la corte una version traducida al Ingles.



## FORMS OF RELIEF FROM REMOVAL\*

<p><b><u>CANCELLATION OF REMOVAL FOR LPRs</u></b></p> <ul style="list-style-type: none"> <li>* Continuously resided in US for 7 years after admitted. Clock stops when:             <ul style="list-style-type: none"> <li>* served Notice to Appear</li> <li>* commits inadmissible offense or deportable offense referred to in inadmissibility grounds</li> </ul> </li> <li>* 5 yrs as an LPR</li> <li>* has not been convicted of Ag Fel</li> <li>* No prior cancellation or 212(c) relief from deportation</li> <li>* not a terrorist, crewman, or exchange visitor</li> <li>* positive outweighs negative factors</li> </ul>	<p><b><u>ADJUSTMENT OF STATUS</u></b></p> <p>The status of an alien admitted or paroled or of any other alien having an approved petition for classification may be adjusted if</p> <ul style="list-style-type: none"> <li>* The alien makes an application for adjustment</li> <li>* The alien is eligible to receive an immigrant visa and is admissible, and</li> <li>* An immigrant visa is immediately available at the time application is filed</li> <li>* EWI needs 245(I)</li> <li>* Adjustment barred for returning alien who had accrued unlawful presence</li> </ul> <p><i>preference categories</i></p> <p>Immed Spouse or child of USC. Parents of USC over 21</p> <p>First Single (+21) child of USC</p> <p>2A Spouse, unmarried (-21) child of LPR</p> <p>2B Unmarried child (+21) of LPR</p> <p>3d Married child of USC</p> <p>4<sup>th</sup> Siblings (+21) of USC</p>	<p><b><u>ASYLUM</u></b></p> <ul style="list-style-type: none"> <li>* Unable or unwilling to return where alien persecuted or has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion</li> <li>* Must apply within one year of arrival in US</li> <li>* Barred if convicted of an ag fel</li> <li>* Barred if convicted of “particularly serious crime” (drug trafficking is presumptively a PSC)</li> <li>* Asylees can apply to adjust status after one year and use 209(c) waiver of inadmissibility if necessary</li> </ul>
<p><b><u>212(c)</u></b></p> <ul style="list-style-type: none"> <li>* LPR who pled guilty before 4/24/96 to an inadmissibility grounds or deportable offense referred to in inadmissibility grounds</li> <li>* LPR who has maintained un-relinquished domicile for 7 years</li> <li>* positive outweighs negative factor</li> <li>* has not served a term of imprisonment of 5 years or more for one or more aggravated felony convictions</li> </ul>		<p><b><u>WITHHOLDING OF REMOVAL</u></b></p> <ul style="list-style-type: none"> <li>* Prohibits return of alien where life or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion</li> <li>* Barred by PSC</li> <li>* Barred by Ag Fels w/ aggregate sentence of five years</li> </ul>
<p><b><u>CANCELLATION OF REMOVAL FOR non-LPRs</u></b></p> <ul style="list-style-type: none"> <li>* Continuous presence in US for 10 years             <ul style="list-style-type: none"> <li>* barred by single absence of +90 days or aggregate absence of +180 days</li> <li>* clock stops with service of NTA</li> <li>* clock stops with commission of offense in 212(a)(2); 237(a)(2); (a)(4)</li> </ul> </li> <li>* Good moral character for that time             <ul style="list-style-type: none"> <li>* disqualified from proving GMC if committed offense listed in 101(f)</li> </ul> </li> <li>* Not convicted of offense in 212(a)(2); 237(a)(2); (a)(4)</li> <li>* To depart would cause extreme hardship to LPR/USC spouse, child, parent</li> </ul>	<p><b><u>212(h) WAIVER</u></b></p> <p>If a crime renders alien inadmissible, waiver is available for certain inadmissible offenses if</p> <ul style="list-style-type: none"> <li>* Not a drug offense (except for one time simple possession of 30 gms of marijuana)</li> <li>* Alien is spouse, parent, son or daughter of USC or LPR and</li> <li>* Denial of alien’s admission would be an extreme hardship for relative</li> <li>* AG must consent</li> <li>* If LPR, needs 7 yrs. residence + no Ag Fel</li> </ul>	<p><b><u>CONVENTION AGAINST TORTURE</u></b></p> <ul style="list-style-type: none"> <li>* Would suffer severe pain and suffering</li> <li>* Intentionally inflicted</li> <li>* For an illicit purpose</li> <li>* By or at the instigation of or with acquiescence of a public official who has custody and control of victim</li> <li>* Not arising from lawful sanction</li> </ul>
<p><b><u>BARS TO REENTRY</u></b></p> <ul style="list-style-type: none"> <li>* Unlawful presence for 180 days or less and voluntarily leaves ..... no bar</li> <li>* Unlawful presence for +180 days but less than 1 year.....3 years</li> <li>* Unlawful presence for +1 year.....10 years</li> <li>* Ordered removed on inadmissibility grounds.....5 years</li> <li>* Ordered removed on deportation grounds.....10 years</li> <li>* Excluded or deported under old law .....10 years</li> <li>* Two orders of removal.....20 years</li> <li>* Failure to attend removal proceedings .....5 years</li> <li>* Ordered removed after conviction for Ag Fel or drug offense..... permanent</li> </ul>	<p><b><u>VAWA</u></b></p> <ul style="list-style-type: none"> <li>* If USC or LPR spouse or parent is abusive, the alien can self petition</li> <li>* Barred if ag fel</li> <li>* Cannot be inadmissible or deportable for crimes, but waiver may be available for good moral character requirement if convictions is related to the abuse.</li> </ul> <p><b><u>MANDATORY DETENTION</u></b></p> <ul style="list-style-type: none"> <li>* Applies only to those released from custody after 10/9/98</li> <li>* Arriving aliens are ineligible for bond</li> </ul> <p><i>For LPR</i></p> <ul style="list-style-type: none"> <li>* 2 CIMTs</li> <li>* AG fel</li> <li>* Controlled substance offense</li> <li>* Firearms offense</li> </ul> <p><i>For EWI</i></p> <ul style="list-style-type: none"> <li>* One CIMT (subject to petty offense exception)</li> <li>* Controlled substance offense</li> <li>* Drug trafficking offense</li> <li>* 2 or + offenses with aggregate of 5 yrs</li> <li>* Prostitution</li> <li>* Domestic viol or viol of protection order</li> </ul>	<p><b><u>TEMPORARY PROTECTED STATUS</u></b></p> <ul style="list-style-type: none"> <li>* Only for certain designated countries</li> <li>* Must be admissible</li> <li>* Barred by any felony conviction or any two misdemeanors</li> </ul> <p><b><u>VOLUNTARY DEPARTURE</u></b></p> <ul style="list-style-type: none"> <li>* Not available to arriving aliens</li> <li>* No ag fels or security concerns</li> <li>* No prior removal order</li> <li>* Granted up to 120 days if before end of proceedings</li> <li><i>If request made at the end of proceedings</i></li> <li>* Physically present for at least one year before filing of NTA (not available to arriving aliens)</li> <li>* Good moral character for at least five years before application</li> <li>* Granted up to 60 days</li> </ul>

## IMMIGRATION CONSEQUENCES OF CONVICTIONS SUMMARY CHECKLIST\*

<b>GROUNDS FOR DEPORTATION</b> [apply to lawfully admitted noncitizens, such as a lawful permanent resident [LPR] – greencard holder]	<b>GROUNDS OF INADMISSIBILITY</b> [apply to noncitizens seeking lawful admission, including LPRs who travel out of US]	<b>INELIGIBILITY FOR U.S. CITIZENSHIP</b>
<p><b>Aggravated Felony</b> conviction</p> <ul style="list-style-type: none"> <li>➤ <i>Consequences</i> (in addition to deportability):                             <ul style="list-style-type: none"> <li>◆ Ineligibility for most waivers of removal</li> <li>◆ Ineligibility for voluntary departure</li> <li>◆ Permanent inadmissibility after removal</li> <li>◆ Subjects client to up to 20 years of prison if s/he illegally reenters the U.S. after removal</li> </ul> </li> <li>➤ <i>Crimes covered</i> (possibly even if not a felony):                             <ul style="list-style-type: none"> <li>◆ Murder</li> <li>◆ Rape</li> <li>◆ Sexual Abuse of a Minor</li> <li>◆ Drug Trafficking [probably includes any felony controlled substance offense; may include misdemeanor marijuana sale offenses and 2nd misdemeanor possession offenses]</li> <li>◆ Firearm Trafficking</li> <li>◆ Crime of Violence + 1 year sentence**</li> <li>◆ Theft or Burglary + 1 year sentence**</li> <li>◆ Fraud or tax evasion + loss to victim(s) &gt; \$10,000</li> <li>◆ Prostitution business offenses</li> <li>◆ Commercial bribery, counterfeiting, or forgery + 1 year sentence**</li> <li>◆ Obstruction of justice offenses + 1 year sentence**</li> <li>◆ Certain bail-jumping offenses</li> <li>◆ Various federal criminal offenses and possibly state analogues [money laundering, various federal firearms offenses, alien smuggling, etc.]</li> <li>◆ Attempt or conspiracy to commit any of the above</li> </ul> </li> </ul>	<p>Conviction or <i>admitted commission</i> of a <b>Controlled Substance Offense</b>, or DHS (formerly INS) has reason to believe individual is a drug trafficker</p> <ul style="list-style-type: none"> <li>➤ No 212(h) waiver possibility (except for a single offense of simple possession of 30g or less of marijuana)</li> </ul> <hr/> <p>Conviction or <i>admitted commission</i> of a <b>Crime Involving Moral Turpitude [CIMT]</b></p> <ul style="list-style-type: none"> <li>➤ This category covers a broad range of crimes, including:                             <ul style="list-style-type: none"> <li>◆ Crimes with an <i>intent to steal or defraud</i> as an element [e.g., theft, forgery]</li> <li>◆ Crimes in which <i>bodily harm</i> is caused or threatened by an intentional act, or <i>serious bodily harm</i> is caused or threatened by a reckless act [e.g., murder, rape, some manslaughter/assault crimes]</li> <li>◆ Most sex offenses</li> </ul> </li> <li>➤ <i>Petty Offense Exception</i>—for one CIMT if the client has no other CIMT + the offense is not punishable &gt; 1 year (e.g., in New York can't be a felony) + does not involve a prison sentence &gt; 6 months</li> </ul> <hr/> <p><b>Prostitution and Commercialized Vice</b></p>	<p>Certain convictions or admissions of crime will statutorily bar a finding of good moral character for up to 5 years:</p> <ul style="list-style-type: none"> <li>➤ <b>Controlled Substance Offense</b> [except in case 30g of marijuana]</li> <li>➤ <b>Crime Involving Moral Turpitude</b></li> <li>➤ <b>2 or more offenses</b> of any type + <b>aggregate prison sentence of 5 years</b></li> <li>➤ <b>2 gambling offenses</b></li> <li>➤ <b>Confinement</b> to a jail for an aggregate period of 180 days</li> </ul> <hr/> <p><b>Aggravated felony</b> may bar a finding of moral character forever, and thus may make your client <i>permanently</i> ineligible for citizenship</p>
<p><b>Controlled Substance</b> conviction</p> <ul style="list-style-type: none"> <li>➤ EXCEPT a single offense of simple possession of 30g or less of marijuana</li> </ul>	<p>Conviction of <b>2 or more offenses</b> of any type + <b>aggregate prison sentence of 5 years</b></p>	<p style="text-align: center;"><b>INELIGIBILITY FOR LPR CANCELLATION OF REMOVAL</b></p> <ul style="list-style-type: none"> <li>➤ Aggravated Felony Conviction</li> <li>➤ Offense covered under Ground of Inadmissibility when committed within the first 7 years of residence after admission in the U.S.</li> </ul>
<p><b>Crime Involving Moral Turpitude [CIMT]</b> conviction</p> <ul style="list-style-type: none"> <li>➤ For crimes included, see Grounds of Inadmissibility</li> <li>➤ An LPR is deportable for 1 CIMT committed within 5 years of admission into the U.S. and for which a sentence of 1 year or longer may be imposed</li> <li>➤ An LPR is deportable for 2 CIMT committed at any time “not arising out of a single scheme”</li> </ul>	<p style="text-align: center;"><b>INELIGIBILITY FOR ASYLUM OR WITHHOLDING OF REMOVAL BASED ON THREAT TO LIFE OR FREEDOM IN COUNTRY OF REMOVAL</b></p> <p>“Particularly serious crimes” make noncitizens ineligible for asylum and withholding. They include:</p> <ul style="list-style-type: none"> <li>➤ Aggravated felonies                             <ul style="list-style-type: none"> <li>◆ All will bar asylum</li> <li>◆ Aggravated felonies with aggregate 5 year sentence of imprisonment will bar withholding</li> <li>◆ Aggravated felonies involving unlawful trafficking in controlled substances will presumptively bar withholding</li> </ul> </li> <li>➤ Other serious crimes—no statutory definition [For sample case law determinations, see Appendix F in NYSDA Immigration Manual]</li> </ul>	
<p><b>Firearm or Destructive Device</b> conviction</p>		
<p><b>Domestic Violence</b> conviction or other domestic offenses, including:</p> <ul style="list-style-type: none"> <li>➤ Crime of domestic violence</li> <li>➤ Stalking</li> <li>➤ Child abuse, neglect or abandonment</li> <li>➤ Violation of order of protection (criminal or civil)</li> </ul>		
<b>CONVICTION DEFINED</b>		
<p>“A formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where:</p> <p>(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, AND</p> <p>(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed.”</p> <p><b>THUS:</b></p> <ul style="list-style-type: none"> <li>◆ A drug treatment or domestic violence counseling alternative to incarceration disposition could be considered a conviction for immigration purposes if a guilty plea is taken (even if the guilty plea is or might later be vacated)</li> <li>◆ A deferred adjudication disposition without a guilty plea (e.g., NY ACD) will not be considered a conviction</li> <li>◆ A youthful offender adjudication will not be considered a conviction if analogous to a federal juvenile delinquency disposition (e.g., NY YO)</li> </ul>		

\*This summary checklist was originally prepared by former NYSDA Immigrant Defense Project Staff Attorney Sejal Zota. Because this checklist is frequently updated, please visit our Internet site at <<http://www.nysda.org>> (click on Immigrant Defense Project page) for the most up-to-date version.

\*\*The 1-year requirement refers to an actual or suspended prison sentence of 1 year or more [A New York straight probation or conditional discharge without a suspended sentence is not considered a part of the prison sentence for immigration purposes.]