

Deportation 101

From Raids & Arrests to Exile

November 2007
Southeast USA edition

Originally produced by

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About the Deportation 101 Curriculum

NYSDA Immigrant Defense Project and Families for Freedom originally developed the Deportation 101 curriculum in 2005 and used it to train several hundred staff and members of immigrant rights and criminal justice organizations in New York/New Jersey, Florida, Massachusetts, and Georgia.

In 2007, the National Immigration Project of the National Lawyers Guild and Detention Watch Network joined the Deportation 101 team and collaborated with IDP and FFF on this updated curriculum and a training for organizers and service providers in Maryland, Virginia and the District of Columbia.

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What is the Deportation 101 training?

Deportation 101 is an intensive, one day training that educates individuals and communities about the deportation system, including the impact of raids and the role of the criminal justice system in deportation. Created by community organizers, legal experts and advocates, this curriculum teaches immigrant families, loved ones and communities to understand this system and develop individual and community responses to this system – inside and outside the courts. It is a proven vehicle for building the capacity of community institutions to assist families facing deportation and organize local challenges.

A Deportation 101 training provides:

- information about the deportation system and the people who run it
- information about individual rights and how to assert these rights
- proven tips and concrete tools for family members about navigating the deportation system
- the building blocks for an effective campaign or raids response plan to help individuals facing deportation
- comprehensive written materials for community organizations and individuals

How Do I Get a Deportation 101 Training in My State?

Each Deportation 101 training is sponsored by or coordinated with local organizers and service-providers, who commit to local outreach for the training. Trainers tailor the training to address local policies and practices as much as possible. For more information, contact one of the organizations listed on the cover.

DEPORTATION 101

(November 2007 Edition)

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I NTRODUCTION

DEPORTATION TIMELINE

TIME	EVENT
1981-1990	People Deported: 213,071¹ (30,630 for criminal or narcotics violations) ²
1986	<p>Immigration Reform and Control Act (“Amnesty”) Under Ronald Reagan, Congress passes the Immigration Reform and Control Act (IRCA), eventually giving legal permanent residency to 2.7 million undocumented immigrants who had continuously resided in the U.S. since before January 1, 1982, or who had been employed in seasonal agricultural work prior to May, 1986. IRCA is a trade off, also creating new employer sanctions (penalties) for employers who hired immigrants without employment authorization.</p>
April 24, 1996 and Sept. 30, 1996	<p>Anti-Terrorism and Effective Death Penalty Act (AEDPA) and Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) Congress passes and Bill Clinton signs the “1996 laws,” which replace a largely discretionary system with <i>mandatory detention</i> and <i>mandatory deportation</i>.³</p> <ul style="list-style-type: none"> • Grounds of deportation expanded to include a broad range of minor offenses, including vast expansion of “aggravated felony” term. This term now applies to more than 50 classes of crimes, many of which are neither “aggravated” nor “felonies.” Most of the new deportation grounds are applied <i>retroactively</i> (to crimes occurring before the laws’ passage). • Deportation becomes a mandatory minimum, where many immigrants will have no right to prove rehabilitation, family and community ties, and other reasons that they deserve to stay in the U.S., and the immigration judge will have no power to grant a pardon from deportation. • Immigrants lose their day in court and have severely restricted rights to seek federal court review of government mistakes. • New mandatory detention provisions prohibit an immigration judge from releasing certain immigrants on bond even if they pose no risk of flight or threat to society - this applies to immigrants (including lawful permanent residents) with any of a broad array of convictions and asylum seekers at ports of entry. • The Attorney General gets power to place asylum seekers and certain immigrants with past convictions into <i>expedited removal</i> – expulsion without court hearing. • Deportation becomes a point of no return, with long and sometimes lifetime bars to re-entry for those deported. Criminal penalties for illegal re-entry are increased.
1997 1999	<p>Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) and Haitian Refugee Immigration Fairness Act of 1999 Allows Nicaraguan, Cuban and Haitian nationals who were continuously present in the United States since December 31, 1995 (or their spouses or children), to become lawful permanent residents if they applied for adjustment of status before April 1, 2000.</p>
June 25, 2001	<p>I.N.S. v. St. Cyr Supreme Court rules 5-4 that long-term greencard holders who pled guilty to crimes before April 24, 1996 remain eligible to apply for 212(c) relief (a pardon granted by the immigration judge). After the passage of the 1996 laws, the Justice Department retroactively stripped this relief from thousands of greencard holders with old crimes and deported them. The Justice Department maintains that the ruling cannot be used to bring these people back; nor can it be applied to those who went to trial.</p>

<p>June 28, 2001</p>	<p>Zadvydas v. Davis & Reno v. Ma Supreme Court rules 5-4 that a law permitting indefinite detention raises serious constitutional issues, and that the government cannot indefinitely detain immigrants who have final orders of deportation but cannot be deported. Instead, such detention is limited to a “reasonable period” (6 months), after which the person should be released. The rulings turned on two men: Kestutis Zadvydas, a stateless man born in a German displaced persons camp; and Kim Ho Ma, whose home country, Cambodia, had no repatriation agreement with the U.S. In 2003, the U.S. signed an agreement and deported Ma and other Cambodians settled in the U.S. in the wake of the Vietnam War.</p>
<p>Sept 2001 to August 2002</p>	<p>Post 911 “Special Interest” round-ups Shortly after 9/11, the FBI and INS arrest at least 1,200 South Asians, Arabs, and North Africans.⁴ Their arrests are marked by heavy-handed tactics of entering people’s homes at early hours of the morning and carting them away in front of their families to several detention centers in NJ and Brooklyn. These men were initially held indefinitely, in secret, without charge, and with their immigration hearings closed to the public. Most were ultimately charged with visa overstays and minor immigration violations; and others with marriage fraud, illegal reentry, and other relatively low-level criminal offenses. The majority of this group has been deported. In addition, the PATRIOT Act and regulations adopted by administration soon after 9/11 gave the government far reaching authority to detain immigrants for extended periods and without charges.</p>
<p>December 2001</p>	<p>Operation Tarmac INS raids airports around the country with other law enforcement agencies, arresting more than 1,000 undocumented immigrants and immigrants with past convictions. Some of those arrested are charged criminally with document fraud.</p>
<p>January 25, 2002</p>	<p>Alien Absconder Apprehension Initiative Immediately after September 11th, the Justice Department initiated a hunt for more than 400,000 immigrants with old deportation orders and announces this initiative in 2002. Attorney General Ashcroft places the names of so-called “absconders” into the National Crime Information Center (NCIC) database, created in 1930 for <i>criminal</i> issues and warrants. Now when an immigrant gets pulled over by a local traffic cop, he could be turned over to DHS and deported in literally hours if his name appears in NCIC – even if he has citizen family, decades of residency, or property. “Absconders” often do not know they have been ordered deported and fall into the category, or how it is different from being plain undocumented. The Absconder Apprehension Initiative may be the first time in U.S. history that a half million people are fugitives without knowing it.</p>
<p>March 27, 2002</p>	<p>Hoffman Plastic Compounds, Inc. v. NLRB Supreme Court rules 5-4 that Jose Castro, a laborer fired unlawfully for union organizing, has no right to backpay – the usual remedy for unemployment due to an illegal termination – <i>because he is undocumented</i>. Upon an appeal by the Mexican government, the Inter-American Court of Human Rights advised that international law required that immigrant workers are entitled to the same labor protections as citizens.</p>
<p>October 2002</p>	<p>Special Registration (NSEERS) Engineered by the Bush administration, this executive branch program has two parts: “Call in” and “Port of Entry” registration. The “Call in” requires non-permanent resident men and boys age 16 and over from 25 primarily Muslim countries and North Korea to appear for interviews, at which INS interrogates them about political beliefs, immigration and financial information. Nationwide 80,000 people comply, and 14,000 are placed in deportation. Others face potential criminal prosecution, deportation for “special registration non-compliance,” and denial of adjustment of status. Port of Entry registration requires this same group of men to be fingerprinted and interviewed whenever leaving or entering the U.S. The government publicizes this policy only on its website and in the Federal Register. Community institutions take on the burden of educating communities. Entire neighborhoods choose to leave the country, afraid of government persecution.</p>

<p>March 1, 2003</p>	<p>Department of Homeland Security Act Congress dismantles the Immigration and Naturalization Service (INS) and transfers its responsibilities to a Department of Homeland Security (DHS). The DHS constitutes the largest reorganization of the federal government in 50 years.⁵ Immigration functions are split into 3 separate bureaus of enforcement, border patrol, and services.</p>
<p>April 29, 2003</p>	<p>Demore v. Kim This Supreme Court case reviewed the constitutionality of <i>mandatory detention</i> – the jailing of a noncitizen during her deportation case, regardless of whether s/he is a risk of flight or threat to society, solely because the noncitizen belongs to a blanket category (in this case, immigrants with a past conviction). The Petitioner was Hyung Joon Kim, a young man who immigrated to the U.S. from South Korea at age 6, became a greencard holder at age 8, and was convicted of burglary and petty theft as a teenager. He was placed in deportation proceedings after completing his sentence, and held without a bond hearing as an “aggravated felon.” A federal court found his detention was unconstitutional and ordered the government to release him. The Supreme Court reversed this ruling (and those of several other Courts of Appeals) and upheld mandatory detention. This was the first time since Japanese internment during WWII that the Supreme Court upheld the government’s right to blanket incarceration.</p>
<p>October 2003</p>	<p>Operation Predator A major initiative designed to apprehend and deport non-citizens with past child sex-related offenses (who had already served their time). “Predator” uses the same tactics as the Absconder Initiative and the “Special Interest” sweeps, including visits to the workplace and home, and also gathers information from Megan’s Law databases. DHS claims that the program is “designed to protect young people from...predatory criminals...and those who exploit young people;”⁶ however, its targets include people with low-level statutory rape convictions (consensual relationships with minors) from their teenage years, for which a criminal judge decided they deserve no jail time.</p>
<p>March 2004</p>	<p>Operation Endgame This is a strategic plan from DHS’s Bureau of Immigration and Customs Enforcement (ICE). Endgame sets out a ten-year goal to “remove all removable aliens” from the United States.</p>
<p>May 2004</p>	<p>Parole and Probation Raids 500 officers from New York’s Division of Parole and ICE tag-teamed to identify and detain immigrants who were successfully complying with parole.⁷ Parole spokesman Scott Steinhardt claims its purpose was “solely to ensure the safe and timely transition of offenders to federal custody.” The first raid targets 138 immigrants - most of whom are Black and Latino and many of whom have green cards. Some parole officers called parolees and former parolees, asking them to report for non-routine visits. Raids continue in September and January. Today, probation and parole departments across the country assist ICE in identifying and arresting non-citizens for deportation.</p>
<p>November 9, 2004</p>	<p>Leocal v. Ashcroft The Supreme Court unanimously decides that the government was misinterpreting immigration law and going beyond its plain meaning by categorizing certain drunk driving offenses as “crimes of violence” aggravated felonies, and thereby subjecting immigrants with certain DUIs to mandatory detention and mandatory deportation. The Court holds that DUI offenses that require mere accidental or negligent conduct are not “crimes of violence” because this denotes more active violent conduct. <i>Leocal</i> provides helpful guidance for immigrants convicted of other offenses involve negligent or perhaps reckless conduct, but that the government had been mislabeling as crimes of violence.</p>

<p>December 12, 2004</p>	<p>Intelligence Bill This bill was meant to legislate the recommendations of the 911 Commission, but became an embarrassing battle when Republicans tried to tag on irrelevant immigration provisions. 9-11 families spoke out against the party move, and ultimately Republicans were forced to drop certain provisions, like nationwide immigration requirements on drivers licenses and the suspension of habeas corpus for immigrants in deportation. But the bill did deliver two devastating blows: it doubles the border patrol and adds 40,000 new detention beds to the deportation system. The “leftover provisions” were later championed by politicians including Congressman James Sensenbrenner.</p>
<p>January 12, 2005</p>	<p>Clark v. Martinez & Benitez v. Rozos Supreme Court rules that the government cannot indefinitely detain “Mariel” Cubans and other “parolees” who have final orders of deportation but cannot be deported (e.g., because the country of origin will not accept their return). This extends the rationale in <i>Zadvydas</i> (above) to noncitizens who were never lawfully “admitted” to the U.S.</p>
<p>January 12, 2005</p>	<p>Jama v. INS Supreme Court rules 5-4 that the government may deport a person to another country even without that country’s consent to accept him. In this case, the court held that the immigration laws did not prevent the government from deporting Mr. Jama, a Somali national, to Somalia despite the civil war in the country and the resulting lack of a central government there to accept his return.</p>
<p>May 11, 2005</p>	<p>REAL ID Act Congress eliminates immigrants’ ability to challenge deportation orders in federal district courts through habeas corpus petitions. Federal appeals must now meet a strict 30-day deadline and be brought to the federal Court of Appeals in the circuit in which the immigration proceedings took place. According to the government, people who have missed this deadline can no longer seek justice in federal court – even if the government clearly made a mistake or misinterpreted the law during their deportation case. The REAL ID Act also requires states to institute costly and burdensome drivers’ licenses regulations and deny licenses to undocumented and other immigrants.</p>
<p>December 2005 through June 2006</p>	<p>Immigration “Reform” – DC Legislates and Immigrants March With no debate, Wisconsin Congressman James Sensenbrenner rams H.R. 4437 through the House of Representatives. This legislation is the harshest immigration legislation in history: among other provisions, it criminalizes undocumented presence and humanitarian assistance to immigrants, expands detention facilities, further militarizes the border and greatly expands mandatory deportation as a second punishment for immigrants (undocumented and greencard holders) who have finished serving a sentence for a past conviction. The passage of H.R. 4437 ignites mass marches – more than one million immigrants and their families mobilize in Chicago, Los Angeles, New York and dozens of cities around the country . Months later, the Senate passes S.2611, which is billed as comprehensive immigration reform but includes many of the same detention and deportation expansions as H.R. 4437. Congressional Session ends without adopting either bill; however, Congress did pass legislation authorizing a 700-mile fence along the border with Mexico.</p>
<p>December 2006</p>	<p>Immigration Raids DHS begins a series of raids targeting immigrants at workplaces, homes and shopping centers. These raids result in the arrest and detention of thousands of immigrants across the country. Parents are shipped to detention centers around the country, children are left stranded at schools and day care centers, and communities scramble to respond to the crises. DHS charges some immigrants with “identity theft” or other document-related offenses for using false papers to work, fully knowing that convictions will likely result in their inability to apply for lawful status.</p>

December 5, 2006	<p>Lopez v. Gonzales Supreme Court decides 8-1 that the government was misinterpreting immigration law by categorizing a state conviction for “simple drug possession” as a “drug trafficking” aggravated felony – and was thereby denying many lawful permanent residents (including Petitioner Jose Antonio Lopez) the opportunity to apply for discretionary relief from deportation and denying immigrants who fear persecution in their countries of origin the opportunity to apply for asylum. The decision, which reads like a grammar lesson to the government, puts the brakes on this unlawful hyperenforcement by the government and opens the way for many LPRs to present their individual circumstances equities to an immigration judge. As in past cases, however, the government maintains that immigrants who have already been unlawfully deported due to the government’s error have no remedy.</p>
2007	<p>Immigration Legislation Congress revives its attempt to pass immigration legislation. In the House of Representatives, Congressmen Guitierrez and Flake introduce the STRIVE Act, which includes provisions expanding detention and deportation as well as programs to give lawful status to some immigrants. Senate Democrats announce a “Grand Bargain” with the White House and Senate Republicans, resulting in a bill that includes provisions to increase detention space, expand deportation for past offenses and limit family-based immigration. The legalization programs in the Grand Bargain are linked to enforcement triggers, requiring the completion of a border fence and other border militarization activities before the legalization programs can begin. Like last year’s S.2261, the Senate and House bills include bars to legalization that narrow the number of immigrants who will be eligible for the legalization programs. All attempts to pass a large-scale immigration package fail and are replaced with intermittent attempts to pass pro- and anti-immigrant provisions piecemeal.</p>
1997-2006	<p>People Deported: 1,774,338 (354,501 for criminal violations in 1997-2005)⁴</p>

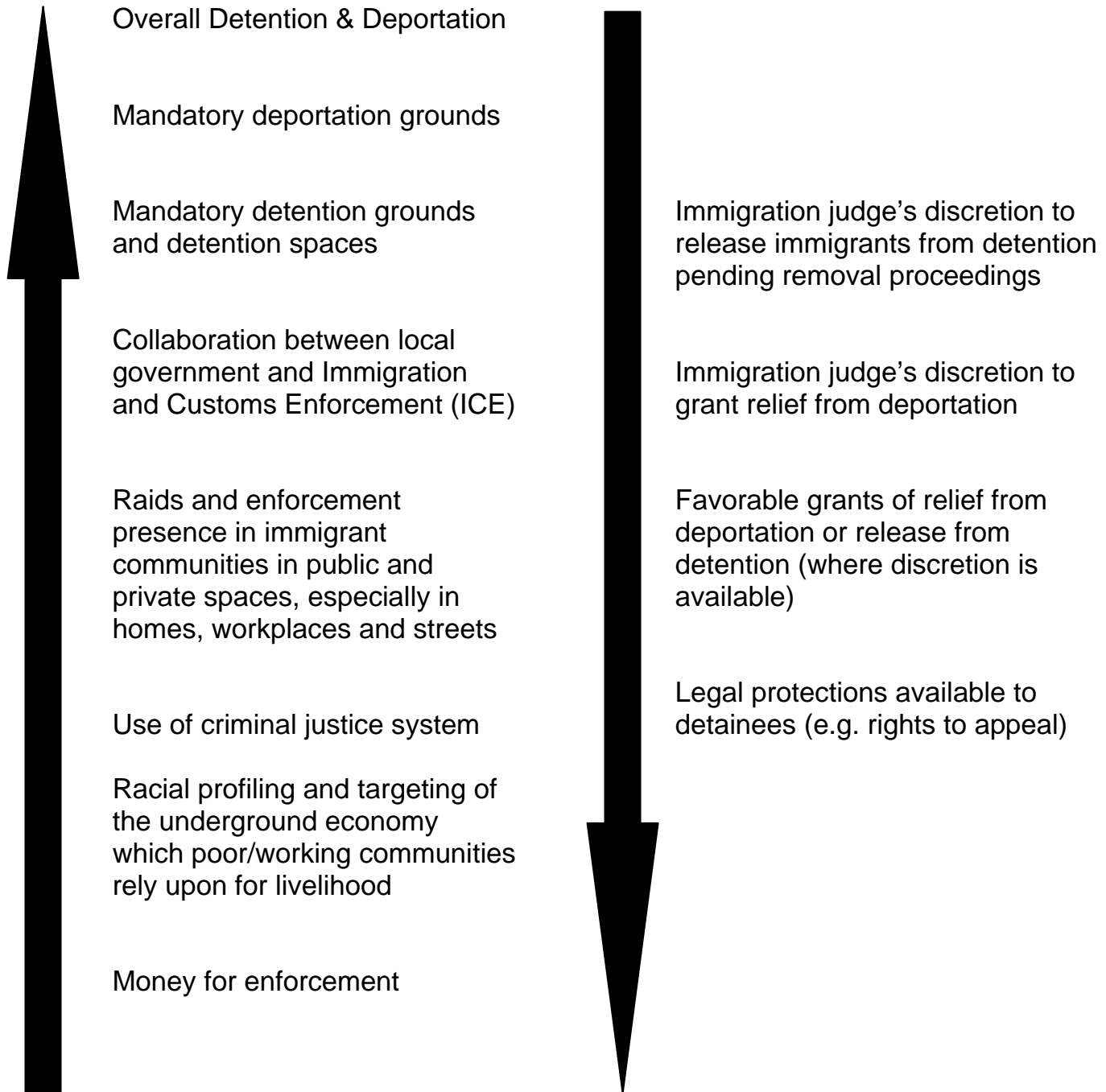
¹ Department of Homeland Security, Office of Immigration Statistics, Table 38 of *2005 Yearbook of Immigration Statistics*. www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/OIS_2005_Yearbook.pdf (accessed June 20, 2007).

² Immigration and Naturalization Service (INS), Table 69 of *Fiscal Year 1998 Statistical Yearbook*. <http://uscis.gov/graphics/shared/aboutus/statistics/enf98.htm>.

³ See Nancy Morawetz. *Understanding the Impact of the 1996 Deportation Laws and the Limited Scope of Proposed Reforms*. (113 Harv. L. Rev. 1936 (2000)). See also Aleinikoff, Martin and Motomura. *Immigration and Citizenship: Process and Policy* (1998). See also Section 440(a) of the INA as revised under AEDPA, and again under IIRAIRA.

⁴ 1997-2005 statistics from Department of Homeland Security, Office of Immigration Statistics, Tables 38 and 40 of *2005 Yearbook of Immigration Statistics*. www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/OIS_2005_Yearbook.pdf (accessed June 20, 2007). 2006 statistics from *ICE Office of Detention and Removal Fact Sheet*, www.ice.gov/pi/news/factsheets/dro110206.htm (accessed June 20, 2007).

IMMIGRATION ENFORCEMENT: GOVERNMENT STRATEGIES, FUTURE TRENDS



DEFINITIONS

287(g) AGREEMENT

A Memorandum of Understanding between a local government and the Department of Homeland Security under Section 287(g) Of the Immigration and Nationality Act. Under this agreement, ICE *briefly* trains local enforcement agents, who are then granted limited immigration enforcement authority to investigate, apprehend and/or detain deportable immigrants. The scope of authority that a 287(g) agreement gives to local governments depends on the specific agreement and does not override Constitutional and due process protections. According to Congressional Quarterly, as of November 2007, 597 officers at 34 state and local agencies in 15 states participate in this program, and 80 more are seeking to join.

ABSCONDER

A government term for a person with a prior deportation order that knowingly or unknowingly did not leave the country. Many “absconders” do not realize that they are considered fugitives and merely believe that they are undocumented. They are one of the most vulnerable categories of deportable immigrants. Once detained, absconders can be deported immediately and do not get a hearing in front of an immigration judge. Attorney General Ashcroft launched the “Absconder Apprehension Initiative” in January 2002 to locate and expel all absconders and began with those from predominantly Muslim countries. The government has categorized more than 400,000 noncitizens from across the world as “alien absconders.”

AGGRAVATED FELONY

A federal immigration category that includes more than 50 classes of offenses, some of which are neither “aggravated” nor a “felony” (e.g. misdemeanor shoplifting with a one-year sentence, even if suspended). This term was first created by the 1988 Anti-Drug Abuse Act to include murder, rape, drug trafficking, and trafficking in firearms or destructive devices. Congress expanded this term numerous times over the years, and most extensively in 1996. This is one of the government’s most powerful tools for deportation because it strips an immigrant of most choices in the deportation process. An immigrant (including a lawful permanent resident) who is convicted of an offense categorized as an “aggravated felony” is subject to mandatory detention (no bond) and mandatory deportation (no Cancellation/pardon or asylum).

“CONVICTION” (FOR IMMIGRATION PURPOSES)

Immigration courts define “conviction” broadly to include dispositions where: (1) a formal judgment of guilt was entered by a court, *or* (2) (a) a judge or jury has found the defendant guilty, the defendant has entered a plea of guilty or *nolo contendere* or has admitted sufficient facts to warrant a finding of guilt and (b) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed. This broad definition has been held to even include some dispositions not considered a “conviction” by the criminal court, such as low-level violations and convictions that are vacated after successful completion of rehabilitation programs.

CRIME INVOLVING MORAL TURPITUDE

Conviction or sometimes simple admission of one or more crimes involving moral turpitude may trigger deportation for some immigrants. This immigration law term-of-art has not been defined by Congress. It has been interpreted by courts to include offenses which are “inherently” evil, immoral, vile or base. For example, crimes which require an intent to steal or defraud (such as theft and forgery offenses); crimes in which bodily harm is caused by an intentional act or serious bodily harm is caused by a reckless act (such as murder and certain manslaughter and assault offenses); and most sex offenses.

CRIMINAL ALIEN

A term used by the Department of Homeland Security for immigrants with convictions, no matter how minor or long ago. So-called “criminal aliens” are aggressively targeted for deportation, which is an additional penalty after they complete their criminal sentence. A “criminal alien” may be undocumented, applying for a green card, or a green card holder with U.S. citizen family. A wide range of offenses can make someone a “criminal alien” – including a single marijuana conviction, a shoplifting violation, offenses with no time in jail, or in some cases, even admission to a crime without a conviction. Criminal aliens are typically deported *after* they have served their sentence. Deportation is *not* part of the criminal sentence, and few immigrant defendants are properly advised that a guilty plea may result in deportation.

DEPORTATION/REMOVAL

Expulsion of a noncitizen from the United States. Persons who can be deported include noncitizens (including greencard holders) with past criminal convictions; visa overstays; refugee/asylum seekers; and those who entered without inspection (jumped the border).

DETENTION

Basically – jail. People are detained at every step of the immigration “process”: (1) awaiting adjudication of asylum or adjustment applications; (2) picked up and jailed without charges; (3) pending immigration proceedings; (4) after being ordered deported, while BICE is actively trying to remove; and (5) sometimes *indefinitely*, where BICE knows it may not be able to deport someone with an order of deportation

Mandatory detention (incarceration without the chance to apply for bond) applies to most people with past criminal convictions, asylum seekers, and all noncitizens considered “inadmissible” (people physically in the U.S., but never admitted legally at a port of entry). Detainees are housed in over 250 county jails, private prisons and federal facilities nationwide, often held with the general criminal population. They may be transferred from one part of the country to another, without regard for access to family and counsel.

EXPEDITED REMOVAL

Piece of 1996 laws meant to deport many noncitizens without a hearing before an immigration judge. Expedited Removal can be effected against people the government finds “inadmissible” at any border entry point. It can also be effected against certain noncitizens with “aggravated felony” convictions. Under expedited removal, individuals can be removed on an order issued by an immigration officer, without the opportunity to go before an immigration judge. The U.S. Immigration and Naturalization Service (INS) began implementing the expedited removal provisions of IIRIRA on April 1, 1997

INSTITUTIONAL REMOVAL PROGRAM (IRP)

In 1988 the government established the Institutional Hearing Program, which it renamed the Institutional Removal Program (IRP) in 1996. Under the IRP immigration agents complete a criminal alien’s deportation process while s/he is in federal or state prison. The program is an efficiency measure. Deportable aliens are shuttled into a few prisons *in person* or *by television*, in which immigration authorities have set up an immigration courtroom. The DHS and EOIR work to conclude the deportation case before the completion of the alien’s criminal sentence, so that the alien may be deported immediately upon completion of the criminal sentence. IRP in theory lessens the amount of time a noncitizen spends in immigration detention. In practice immigrants under IRP generally have little to no knowledge of the process and their rights, and no legal representation.

LAWFUL PERMANENT RESIDENT (GREENCARD HOLDER)

A noncitizen who has been lawfully admitted to the United States to live and work permanently, but still subject to deportation upon violation of the immigration laws. A “greencard” is the identification card for lawful permanent residents, but one does not lose the status just because the physical card expires or is misplaced.

NATIONAL CRIME INFORMATION CENTER (NCIC) DATABASE

The nationwide FBI-operated computerized database was originally created to enable federal, state, and local law enforcement to identify suspected criminals with outstanding warrants. In 2002, Attorney General Ashcroft authorized using this criminal tool for civil immigration purposes, by entering the names of absconders and individuals who did not comply with special registration into the NCIC system; this legality of this practice is being challenged.

NONCITIZEN

An individual who was born outside of the U.S. *unless* one of the following is true: (1) the individual was born outside of the U.S. but has a U.S. citizen parent(s) at birth and automatically *acquired* U.S. citizenship; (2) the individual was born outside of the U.S. to noncitizen parent(s) but automatically *derived* citizenship when the noncitizen parent(s) became U.S. citizen(s) while individual was still a minor; or (3) the individual was born outside of the U.S. but lawfully immigrated to the U.S. and later was *naturalized* (gone through the process of applying to citizenship, passing a civics test, and being sworn in). Noncitizens include greencard holders, refugees, asylees, temporary visitors, and the undocumented.

PROSECUTORIAL DISCRETION

The authority of the Departments of Justice and Homeland Security to not place a potentially deportable person in removal/deportation proceedings; suspend or even terminate a deportation proceeding; postpone a deportation; release someone from detention; or deprioritize the enforcement of immigration laws against an individual because it does not serve enforcement interests.

RAIDS

An informal term used to describe larger-scale operations in which the Department of Homeland Security questions and/or arrests people whom they suspect may be deportable *en masse*. In late 2006, ICE escalated raids at workplaces, residences, and public areas, often in partnership with local parole, probation and other agencies. Typically, DHS claims to be looking for particular people and then arrests many more that agents happen to encounter. In the last year, raids have resulted in local crises as children have been left waiting for their detained parents and families have been permanently separated. Reports abound of ICE picking up U.S. citizens and non-deportable people. In several cases, local governments – including at least one which cooperated with DHS during a raid - complained about misinformation and sloppy and indiscriminate work by DHS agents.

SPECIAL INTEREST DETAINEES

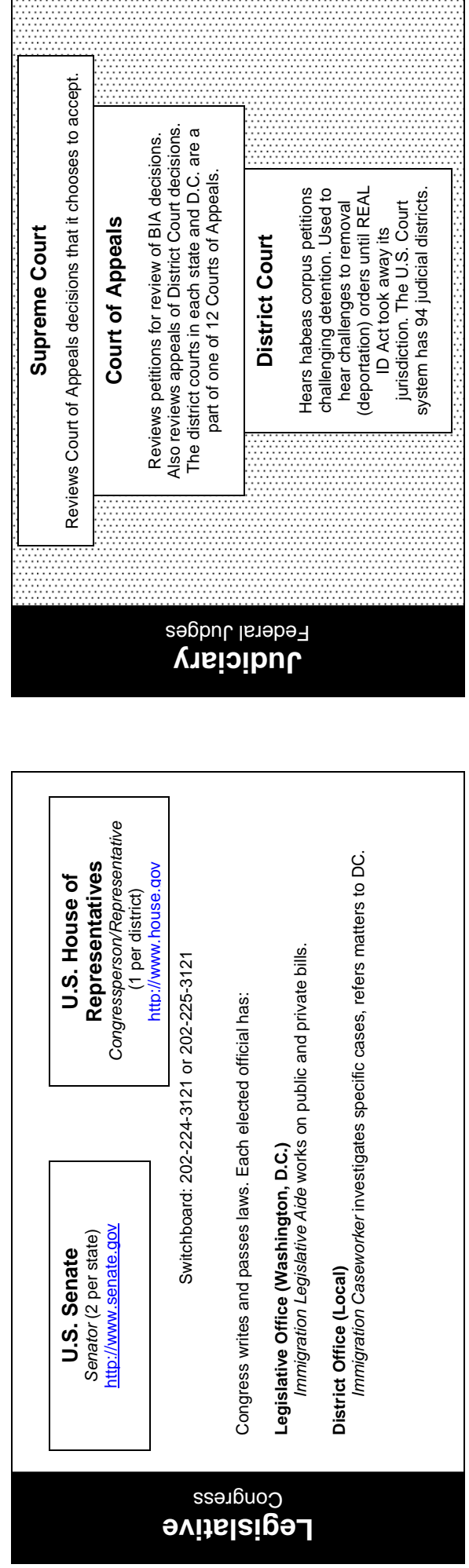
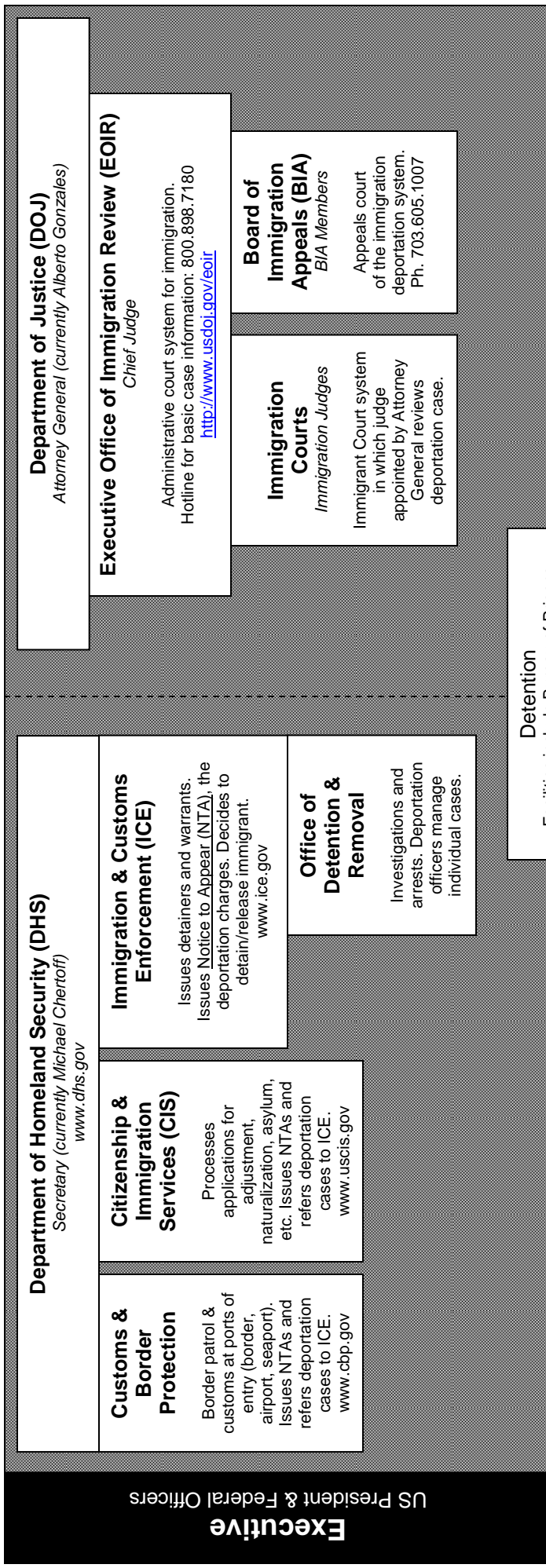
Refers to a group of mostly Arab, South Asian, North African and Muslim detainees, who were held initially under suspicion of terrorism, and then on mostly minor immigration charges after 9/11. None of the special interest detainees was ever charged with activities related to 9/11. Special Interest detainees comprise only a fraction of the detained population, but their mistreatment was glaring. Special interest detainees faced refusal of FBI clearances prior to immigration court, secret immigration hearings, refusal of the government to release their names, automatic stays of judge's orders of release or bond, and horrific abuse in detention.

UNDOCUMENTED

Noncitizens who may have many documents, but have no government authorization to be in this country. Undocumented people include people who crossed the border without permission, people who came on valid visas but then remained past their authorized period of stay and former LPRs/greencard holders who were ordered deported. An "undocumented" person might have received work authorization (for example, upon filing an application for asylum or other status), but that does not necessarily mean he is now out of this category.

IMMIGRATION IN THE BRANCHES OF GOVERNMENT

(Partial Chart)



GOVERNMENT ACTORS DURING DEPORTATION

This is a list of people whom immigrants might encounter during the deportation process. This is not a complete list, but rather is a list of people who are often involved in detention or during deportation court cases. It does not include, for example, personnel at the Department of Homeland Security's Citizenship and Immigration Services (CIS) and Customs and Border Protection (CBP), who serve related functions. For example, CIS reviews naturalization, asylum, and adjustment of status application and can issue Notices to Appear (the immigration charging document).

Also, note that there may be local differences in the specific structure and practical functions of these actors. For example, in some districts, deportation officers may have more power to make custody decisions, while in others, Field Office Directors take a more active role. You should find the local structure of your local Field Office, or the Field Office where people in your community are being detained.

Investigations, Detention, and Deportation	
Deportation Officer (ICE)	Each person in immigration detention or in removal proceedings is assigned to a deportation officer, or "DO." The DO is a good source of information about the individual. S/he knows whether and when an immigrant will be detained, transferred or deported and may make or be involved in custody determinations. The DOs can also be called upon to deal with detention conditions, such as medical and mental health issues.
Special Agents and other Officers from Deportation and Removal Office (DRO) and Investigations Office (ICE)	These agents investigate, arrest and detain immigrants, beginning the deportation process. Special agents often gather information and conduct surveillance in preparation for local raids.
Special Agent-in-Charge (ICE)	These agents sometimes may make custody decisions, and at times be in charge of arrangements for deportation. If a different agency is "interested" in a person in detention, then the Special Agent-in-Charge may oversee and coordinate with that agency.
Supervisory Deport Officer (ICE)	This officer supervises the Deportation Officers and is involved with troubleshooting issues.
Officer-in-Charge (ICE)	These are supervisory officers who may be in charge of a specific facility. OICs can make custody decisions and have the power to respond to abusive detention conditions.
Field Office Director (ICE)	Head honcho who controls the direction of a district office and supervises the operations of his or her region. The FOD supervises ICE employees' custody determinations, such as whether to detain, parole, or grant bond; and District Counsel/Trial Attorney's decisions, including whether to appeal a favorable decision by an Immigration Judge. S/he also has the power to exercise prosecutorial discretion, including whether to begin removal proceedings and whether to grant deferred action; plans "special projects," including enforcement projects; works with Department of Justice Attorneys representing the government in federal appeals; and reports to ICE headquarters. A region might be a part of a state (such as the Buffalo Field Office, which covers upstate New York) or include several states (such as the Boston Field Office, which covers Massachusetts and Vermont).
Officials at ICE Headquarters in Washington, D.C.	Many of the recent raids have been planned and executed out of ICE Headquarters. Workplace raids are run by Worksite Enforcement. Other types of raids, such as raids through Operation Return to Sender, might be partially run through Operation Return to Sender point person. The office of ICE Assistant Secretary Julie Myers or the Office of Public Affairs may be a source of information after a raid.

	ICE HQ is also responsible for drafting the Memorandum of Understanding with local law enforcement (also called INA Sec. 287(g) agreements).
Post Order Custody Review (POCR) Unit at ICE Headquarters	This unit handles post-order custody review for immigrants who have been ordered removed/deported but whom the government cannot deport (for example, because their country of origin will not accept return). This Unit becomes most directly involved in high-profile indefinite detention cases.
Office of Refugee and Resettlement (Dept. of Health & Human Services)	Handles detention and custody issues of minors, including custody determinations and arrangements.
Department of Immigrant Health Services	Among other activities, DIHS may monitor special health issues in detention centers. For example, DIHS "monitored" pregnant women who were arrested and detained after a raid in Maryland.
Federal and local enforcement agencies	Other federal and local agents, for example from FBI, JTTF, U.S. Marshalls, local police, probation, parole, and others often coordinate with ICE.
During a Deportation (Removal) Court Case:	
Trial Attorney or Office of Chief Counsel (TA or OCC)	DHS/ICE employee who represents the government in a removal case (like a prosecutor).
Immigration Judge (IJ)	DOJ employee appointed by the Attorney General to the Executive Office of Immigration Review, who "runs" an immigration courtroom. The Immigration Judge decides whether an immigrant is eligible for bond and if yes, whether to grant bond; decides whether an immigrant is removable/deportable and eligible for relief from deportation; takes evidence, including testimony; and orders deportation or grants relief from deportation.
Member of Board of Immigration Appeals (BIA)	DOJ employee appointed by the Attorney General to the Executive Office of Immigration Review
During federal court review of detention or deportation order	
DOJ's Office of Immigration Litigation (OIL)	These are the lawyers representing the government in federal appeals of detention or deportation cases. In most federal district court and Court of Appeals cases, OIL represents the government; however, USAs also represent the government in some jurisdictions (like Second Circuit district and appeals courts). When a case goes to the Supreme Court, the Solicitor General usually represents the government
US Attorney or Assistant US Attorney (USA or AUSA)	
Solicitor General	
District Court Magistrate or Judge	These judges decide cases in federal district court, including habeas corpus petitions challenging detention.
Court of Appeals Judges	These judges decide cases in federal Courts of Appeals, including petitions for review challenging orders of removal/deportation and appeals from federal district courts, usually in 3-judge panels.
Supreme Court Justices	The nine Justices of the U.S. Supreme Court decide the limited cases that they choose to accept.

BASICS OF DETENTION AND DEPORTATION

WHO CAN BE DEPORTED?

The short answer is that any person who is not a citizen can be deported from the U.S. Certain immigrants are particularly at risk for deportation.

IMMIGRANTS WITH PAST CONVICTION (INCLUDING GREEN CARD HOLDERS)

Immigrants with certain convictions may be deportable, barred from adjusting their status or prohibited from reentering the U.S. after a trip abroad. This includes:

- Lawful Permanent Residents (LPRs, or greencard holders)
- Asylees and refugees
- People who have been granted withholding of removal or temporary protected status
- People who are in the process of adjusting status
- People on student, business and other visas

The types of convictions leading to deportation are very broad, and even include some violations and offenses that the state or criminal court judge considered minor enough to warrant no time in jail. This deportation is an additional punishment that happens after a person finishes serving their criminal sentence, and can happen years after the conviction.

UNDOCUMENTED IMMIGRANTS

Undocumented immigrants are deportable whether or not they have a conviction. However, any arrest or conviction will make them more likely to be discovered by DHS and may also affect whether they can adjust their status. This includes:

- People who “entered without inspection” (i.e. jumped the border)
- “Absconders,” or people with old deportation orders. Remember that some people may have old deportation orders, even if they don’t know it – for example, if asylum was previously denied and the person was not informed of an immigration hearing.
- People who have overstayed a visa

CAN U.S. CITIZENS BE DEPORTED?

U.S. citizens cannot be deported. However, the government can attempt to take away the citizenship of a naturalized citizen if they can show that her naturalization was gained through fraud (for example, if a person did not disclose an arrest or conviction on the naturalization application). A person whose citizenship is stripped may again be vulnerable to deportation.

¿QUIÉN PUEDE SER DEPORTADO?

La respuesta breve a esta pregunta es: cualquier persona que no es ciudadano/a puede ser deportado/a de EE.UU. Algunos inmigrantes corren más riesgos de ser deportados

INMIGRANTES CONVICTOS (AUN LOS QUE TIENEN LA TARJETA VERDE)

Inmigrantes que han sido condenados por ciertos delitos pueden ser deportados o no tener derecho a ajustar su estatus legal, o prohibidos de reingresar a EE.UU. después de viajar al extranjero. Entre ellos están:

- Residentes Permanentes Legales (LPRs, o que tienen la tarjeta verde)
- Asilados y refugiados
- Gente a la que se le ha suspendido la expulsión o recibo estatus protegido temporal
- Gente que está procesando su ajuste de estatus
- Gente que tiene visas de estudiante, negocios, u otro tipo

Los tipos de condenas delictivas que pueden resultar en la deportación son muchos e incluyen violaciones y ofensas que jueces de cortes estatales o criminales consideran menores al punto que no resultan en tiempo en prisión. La deportación es un castigo adicional que una persona experimenta después de haber servido su condena criminal y puede darse años después de haber sido condenado.

INMIGRANTES INDOCUMENTADOS

Los inmigrantes indocumentados pueden ser deportados aún si no han sido condenados judicialmente. Sin embargo, cualquier arresto o condena delictiva incrementa la posibilidad de ser descubierto por el DHS, impactando más la posibilidad del ajuste del estatus migratorio.

Esto incluye:

- Gente que “entró sin inspección” (i.e. se saltó la frontera)
- “Evasores”, o gente bajo orden de deportación. Recuerde que alguna gente podría estar bajo órdenes de deportación viejas, aún si no lo saben – por ejemplo, si un asilo fue previamente negado y no se le informó en una audiencia de inmigración.
- Gente a la que se le venció la visa y se quedó en el país

¿PUEDEN LOS CIUDADANOS ESTADOUNIDENSES SER DEPORTADOS?

Los ciudadanos no pueden ser deportados. Sin embargo, el gobierno puede tratar de quitarle la ciudadanía a un ciudadano naturalizado si se demuestra que la naturalización fue obtenida fraudulentamente (por ejemplo, si la persona no informó en la aplicación para ciudadanía que había sido arrestada o condenada). Una persona que pierde la ciudadanía es vulnerable a ser deportada.

TRIGGER SITES FOR DEPORTATION

The Department of Homeland Security (DHS) arrests immigrants in a number of public and private spaces. For immigrants who are at risk for deportation (see previous page), the following sites most often trigger detention and deportation:

AFTER LEAVING THE COUNTRY AND TRYING TO RE-ENTER

At an airport, seaport, or at land borders, immigration agents may detain a non-citizen if they have an old conviction (even a violation or misdemeanor), false papers, no status or an old deportation order. Greencard holders with old convictions are often detained and placed into proceedings at this trigger site – even if they have traveled outside the U.S. many times since the conviction.

WHEN APPLYING FOR CITIZENSHIP OR ADJUSTMENT OF STATUS

Many immigrants with old deportation orders or past convictions are detained when they apply for citizenship or a greencard. Some undocumented immigrants apply for benefits for which they do not qualify (for example, because of bad legal advice or to get a temporary work permit), putting them on immigration's radar and at greater risk.

UPON BEING STOPPED BY THE POLICE

Some police departments are hesitant to enforce immigration laws. However, others routinely refer immigrants. Some police departments or individual officers affirmatively investigate immigration status, in order to turn undocumented immigrants over to federal authorities. A police stop is most likely to result in immigration involvement if the person has an old order of deportation – especially since the Department of Justice began entering this information into the National Crime Information center (NCIC) database, which is accessed by law enforcement. Some local governments have even entered into "Memorandums of Understanding" with the Department of Homeland Security, in order to enforce immigration laws. In many states, federal immigration authorities interview immigrants at local jails and routinely lodge detainees preventing release from custody. Green card holders with an older/past conviction or undocumented immigrants with no convictions may be turned over to immigration even if this stop does not result in any criminal charge, charges are dropped, or the person is acquitted.

DURING OR UPON FINISHING A CRIMINAL SENTENCE (INCL. PAROLE, PROBATION)

You may be sent to immigration after you complete a jail or prison sentence, a drug rehabilitation or other alternative program. You may also be sent to immigration while you are on parole or serving a sentence of probation – in fact, immigration authorities are increasingly coordinating with probation and parole departments.

WORKPLACES, HOMES AND STREETS

In late 2006, DHS increased its actions at workplaces, homes and on the streets. These raids have resulted in the detention of dozens or hundreds of mostly undocumented immigrants in one operation.

SITIOS DONDE PUEDE “ACTIVARSE” LA DEPORTACIÓN

El Departamento de Seguridad Interior (DHS) arresta inmigrantes en un número de lugares públicos y privados. Para los inmigrantes que están en riesgo de ser deportados (vea la página previa), los siguientes sitios son donde ocurren más detenciones y deportaciones:

DESPUÉS DE DEJAR EL PAÍS Y TRATAR DE REINGRESAR A EE.UU.

En los aeropuertos, puertos, o cruces fronterizos, agentes de inmigración pueden detener a los no-ciudadanos si tienen condenas viejas (aún si son delitos o faltas menores), papeles falsos, no tienen estatus migratorio o tienen viejas órdenes de deportación. Los que tienen la tarjeta verde y tienen condenas viejas frecuentemente son detenidos y puestos bajo procesos de deportación en lugares “trigger” (más vulnerables a las detenciones y la deportación – aún si han viajado fuera del país varias veces desde haber sido condenados).

AL APLICAR PARA LA CIUDADANÍA O EL AJUSTE DE ESTATUS

Muchos inmigrantes con órdenes viejas de deportación o condenas pasadas son detenidos cuando aplican para la ciudadanía o la tarjeta verde. Algunos inmigrantes indocumentados aplican para beneficios a los que no califican (por ejemplo, debido a mala asesoría legal o para obtener permisos de trabajo), lo que los pone en el radar de inmigración y en mayor riesgo.

AL SER DETENIDO POR LA POLICÍA

A algunos departamentos de policía no les gusta aplicar las leyes de inmigración. Sin embargo, otros rutinariamente arrestan inmigrantes. Algunos departamentos de policía o agentes de policía activamente investigan el estatus migratorio para entregar a inmigrantes indocumentados a las autoridades federales. Si la policía lo para por razones vehiculares hay mayores posibilidades que hayan consecuencias migratorias si existe alguna orden vieja de deportación – especialmente desde que el Departamento de Justicia empezó a meter esta información en la base de datos del Centro Nacional para la Información de Crímenes (NCIC), la cual es consultada por las fuerzas de la ley. Algunos gobiernos locales han firmado “Memorandos de Entendimiento” con el Departamento de Seguridad Interior para aplicar las leyes de inmigración. En varios estados las autoridades federales de inmigración entrevistan a gente en las cárceles locales y frecuentemente dan órdenes para prevenir que alguien salga en libertad. Los que tienen la tarjeta verde y condenas viejas y los inmigrantes indocumentados que no tienen condenas delictivas pueden ser entregados a inmigración aún si esto no resulta en cargos criminales, dichos cargos son abandonados, o a la persona se le haya inocente.

DESPUÉS DE HABER TERMINADO UNA CONDENA CRIMINAL (INCLUYE LA PROBABACIÓN Y LIBERTAD VIGILADA)

Usted puede ser enviado a inmigración después de completar una condena de prisión, salir de un centro de rehabilitación por uso de drogas o programas alternativos. Usted también puede terminar en inmigración mientras está bajo *libertad vigilada* o sirviendo una sentencia de probación – en efecto, las autoridades de inmigración coordinan con más frecuencia con los departamentos de *libertad vigilada* y probación.

EN LOS LUGARES DE TRABAJO, HOGARES, Y CALLES

Desde fines de 2006, el DHS ha intensificado sus operaciones en los lugares de trabajo, los hogares, y las calles. Estas redadas han resultado en la detención de docenas o cientos de personas, mayoritariamente inmigrantes indocumentados, en una sola operación.

LOCAL POLICING: HOW DOES IMMIGRATION TAKE MY NEIGHBORS?

Deportable v. In Deportation

Well over 12 million people on American soil are at risk of deportation. But only a percentage is taken into the system annually. The government lacks the capacity and the will to expel everyone. It must prioritize. Enforcement varies from one region to another, depending on local rules and resources. "Raids" is a catch-all term for the many ways that immigrants enter the system. Leaders organizing against deportations should map how enforcement is happening, practically speaking.

Do you know?

- Sites: where are deportable immigrants physically captured?
- Laws: what local (city, county, state) rules mandate or facilitate the federal deportation process?
- Agencies: how do local officials assist in identifying and processing deportable immigrants?



Local Snapshot: New York

Courts

In New York City, up to 85% of criminal cases are settled by a plea. Noncitizens taking pleas get deportation as a surprise, second punishment – after serving the criminal sentence. Defense attorneys, prosecutors and judges are not liable if they fail to warn a noncitizen that her criminal plea may result in civil deportation. Local prosecutors have been trained on securing convictions that result in deportation. The courts share files (including pre-sentencing reports) with the feds. Federal authorities have also taken noncitizens directly from criminal court to immigration detention.

Streets & Roads

After 1996, the Department of Justice (DOJ) required Memos of Understanding between immigration and local police before the latter could enforce immigration laws. In April 2002, the DOJ issued a new opinion saying that police have the "inherent authority" to enforce immigration laws. In New York, Executive Order 41 – our "sanctuary" ordinance – allows local/immigration cooperation for people "suspected of illegal activity." This loophole includes most people getting deported! NYPD considers "Absconders" similar to felons and actively aids in their apprehension at traffic stops and crime scenes. ICE regularly scouts Greyhound buses near the NY-Canadian border for deportable immigrants.

Home

NYPD and ICE conduct joint "Absconder" and "Predator" raids at homes. They typically come in the very early morning, without a warrant, and take suspected immigrants who happen to be there.

Jails & Prisons

There are at least 8,000 foreign born inmates in the custody of NYC Corrections. Immigration agents are stationed at Riker's Island, where they interview and place "holds" on 300 potentially deportable inmates weekly. Prisons house the federal Institutional Removal Program (IRP), where noncitizens complete their deportation proceedings while they are still serving time. Most inmates being deported do not have counsel. Ironically, law libraries in these facilities lack basic immigration law books.

Parole and Probation Offices

The Division of Parole and the Department of Probation help ICE identify deportable immigrants, and call people on parole and probation into their offices for ICE apprehension. ICE also uses Megan's law databases to identify noncitizen "sex offenders" for Operation Predator.

Schools & Universities

Through the SEVIS program, universities have actively shared student information with Immigration. Schools in NY have referred immigrants to the Joint Terrorism task force.

Work

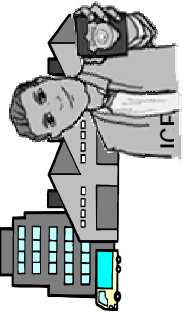
Workplace raids by immigration occur locally, sometimes prompted by employers in response to workers' organizing efforts. Social Security is sending no-match letters too.

DMV & Other Public Agencies

The Department of Motor Vehicles is referring cases directly to ICE and CIS; effectively terminating some asylees' status based duplicate licenses, etc. It is unclear whether absconders are safe accessing public services connected to crime databases

DEPORTATION SYSTEM: RAIDS TO DEPORTATION

ICE Raids and Sweeps



- Right to remain silent
- Access to counsel/union (no free lawyer)
- Initial ICE interrogation and detention
- Treatment of detainees

- Some ICE trigger sites: factories, day laborer sites, apartments, homes, streets
- Workplace: warrant or employer consent
- ICE may coordinate with local police, parole or probation officers
- Note: Traffic and police stops can also trigger ICE action. See Criminal Justice map.

Detention

- Facilities: federal, local/county, private
- Transfers
- Bond by ICE?
- Jail staff vs. ICE officers
- Abuse and detention

ICE Deportation Office

- Notice to Appear -48 hours?
- Assigned deportation officer
- Stipulated orders or voluntary departure
- Consulate help
- Old deportation orders
- ICE and law enforcement decides: *deportation* process and/or *criminal* prosecution

Criminal Prosecution
See Criminal Justice Map

- Free lawyer available
- Deportation process happens simultaneously or after prosecution.

Deportation

If immigrant has a final administrative order of deportation/removal, and no stay of deportation, ICE may deport him/her. Consulate usually issues travel documents first.



What happens to my family?

- Separation and transfers
- Power of attorney
- Family detention
- Visitation/phone call

Immigration Courts

NO FREE LAWYER		
Bond Hearing Sets bond (if eligible).	Master Calendar Decides deportability, relief eligibility, May order release/removal.	Individual Hearing Reviews relief applications. Orders release/removal.
To appeal this Court's decision: BIA must receive appeal within 30 days!		

Federal Courts

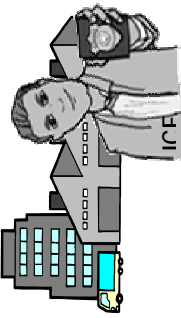
District Court: Challenging Detention (habeas).	Court of Appeals: Reviews BIA's deportation decision.
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Board of Immigration Appeals (BIA)

- No free lawyer
- To appeal BIA decision: federal Court of Appeals must receive appeal within 30 days!

EL SISTEMA DE DEPORTACIÓN: REDADAS PARA LA DEPORTACIÓN

Redadas y Barridas del ICE



- Algunos lugares donde se active el ICE: fabricas, sitios para los trabajadores, apartamentos, hogares, calles
- Lugar de trabajo: orden o consentimiento del patrón
- El ICE puede coordinar con la policia local, o los oficiales de probación o de *parole*
- Nota: Detenciones por la policia regular o de transito tambien pueden activar al ICE. Véase el mapa de Justicia Criminal

- Derecho a quedarse callado
- Acceso legal/unión (no hay abogado gratuito)
- Interrogación inicial por parte del ICE y detención
- Trato de detenidos



- Noticia para Presentarse - ¿48 horas?
- Se asigna a un oficial de deportación
- Ordenes estipuladas o salida voluntaria del país
- Ayuda del consulado
- Ordenes de deportaciones viejos
- Las fuerzas de la ley y el ICE deciden: *el proceso de deportación* y/o el enjuiciamiento criminal

Oficina de Deportación del ICE

Detención

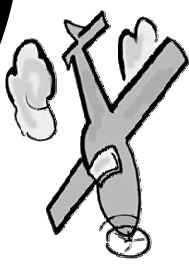
- Instalaciones: federales/locales, privadas
- Transferencias
- ¿Libertad bajo fianza?
- Carcelarios versus oficiales del ICE
- Abuso y detención

Procesos Criminales

- Vea el mapa de Justicia Criminal
- Abogado gratis disponible
- El proceso de deportación se da simultáneamente o después del enjuiciamiento

Deportación

Si el inmigrante tiene orden final de expulsión/deportación, sin suspensión de la deportación, el ICE puede deportarlo/la. Consulados usualmente preparan primero documentos de viaje



¿Qué pasa con mi familia?

- Separación y transferencias
- Poder de representación legal (abogado)
- Detención familiar
- Visitas/llamadas telefónicas

Cortes de Inmigración

NO HAY ABOGADO GRATUITO

Audiencia de Fianza	Calendario Principal Decide la deportación. Podría ordenar la libertad/expulsión e (si es elegible).	Audiencia Individual Examina aplicaciones de <i>relief</i> . Ordena la libertad/expulsión
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Para apelar la decisión de la Corte: ¡BIA debe recibir la apelación dentro de 30 días!

Cortes Federales

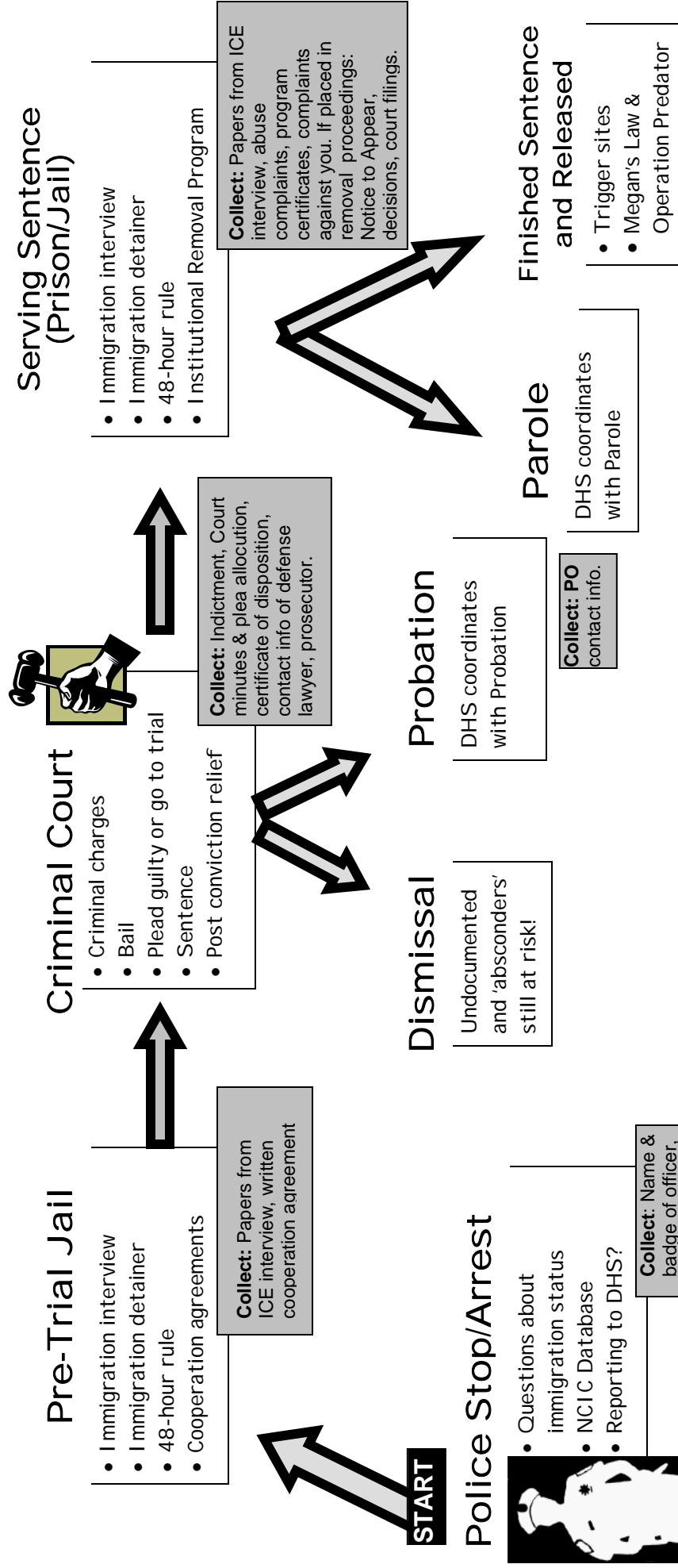
Corte del Distrito Para oponerse legalmente a la detención (habeas).	Corte de Apelaciones: Examina las deportaciones de la BIA
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Junta para Apelaciones de Inmigración (BIA)

- No hay servicio legal gratis (abogado)
- Para apelar la decisión de la Corte: ¡BIA debe recibir la apelación dentro de 30 días!

Criminal Pipeline

IMMIGRATION IN THE CRIMINAL JUSTICE SYSTEM



EACH and EVERY SITE CAN LEAD to IMMIGRATION DETENTION & DEPORTATION!

IMMIGRATION IMPACT OF CRIMINAL CONVICTIONS

How Might a Conviction Affect Immigration?

POTENTIAL EFFECTS OF CONVICTION

- Removal (deportation, permanent exile)
- Bar to U.S. citizenship – either for several years or permanently
- Inability to reenter the U.S. after leaving for trip abroad
- Inability to adjust status or obtain a greencard
- Ineligibility for asylum or withholding of removal
- Detention, which is sometimes mandatory

What Convictions Should I Avoid?

See attached Checklist for a partial list of convictions to avoid.

DEPORTABILITY VERSUS INADMISSIBILITY

The effect of a conviction depends on current immigration status. So, the same offense may have different immigration consequences for undocumented and LPR/greencard holders. There are two main categories of removal - deportability and inadmissibility. Some crimes fit in both categories, while others make a person “inadmissible” but not “deportable” or vice-versa.

Deportability

- Applies to non-citizens who have been “admitted” to the U.S.
- LPRs who are in the US should focus primarily on avoiding deportability.

Inadmissibility

- Applies to people who are seeking admission into the U.S.
- People who plan to adjust status/apply for a greencard should focus on avoiding inadmissibility.
- LPRs who are returning to the U.S. from a trip abroad will be subject to inadmissibility review.

IMPORTANT!

Assume that any conviction or disposition may create an immigration problem.
Speak to an expert on crime-related deportation!

For example, any of the following offenses **could** lead to deportation:

- Almost any drug conviction – even violations and misdemeanors. This includes convictions for simple possession and includes marijuana.
- Theft offenses – even very minor offenses, like jumping a subway turnstile or shoplifting. The immigration consequences depend on the offense itself as well as the sentence and your immigration status.
- Convictions for domestic violence or violating an order of protection.
- Statutory rape convictions and other sex offenses – DHS’s Operation Predator is aggressively targeting people with convictions for sex offenses involving minors.
- Gun convictions
- Often, pleas in problem solving courts (like drug courts and domestic violence courts)

THESE ARE ONLY EXAMPLES - SEE ATTACHED CHECKLIST & CONSULT WITH AN EXPERT IN CRIME-RELATED DEPORTATION FOR A THOROUGH ANALYSIS!

IMMIGRATION IN CRIMINAL COURT

Should I Plead Guilty Or Go To Trial?

After someone is charged with a crime, that person is confronted with the choice: do I plead guilty to a [usually] lesser offense, or do I go to trial and risk a more serious conviction? There is a lot of pressure on defendants to plead guilty – this pressure may come from the defense attorney, the prosecutor, the judge and even their family. For an immigrant defendant, however, this choice can have a more serious effect that judges and criminal defense attorneys may not know or care about.

PRACTICAL STEPS BEFORE PLEADING GUILTY

- ❑ Tell your **defense lawyer** that you are not a citizen, and that you want to know the immigration consequences of the charges, a guilty plea, and possible trial conviction. Get the defense lawyer's response in writing. (See Appendix for sample letters to defense attorney.)
 - ❑ Seek an opinion from an **expert** in crime-related immigration law. You or your criminal defense lawyer can seek out your own expert or call the NYSDA Immigrant Defense Project hotline (718-858-9658 ext. 201). We do not represent people in court, but will do our best to return your call and discuss the possible effects of a conviction on immigration status.
 - ❑ **Structure your plea** to minimize immigration consequences. Many times, informed and creative pleading can help turn mandatory deportation into possibility of relief from deportation. It can also help preserve an LPR's chance to apply for naturalization. Sometimes this may require finding a different, non-deportable offense to which to plead guilty and other times it may require reducing the length of the proposed sentence.
 - ❑ Explore whether your state has **dispositions for young people**. Some states have special courts, processes and/or dispositions for certain juveniles that are different than for those in adult court. *Some* such dispositions are not considered "convictions" for immigration purposes (although may still become a problem for discretionary forms of relief or where "admitting to a crime" is enough). For example, in New York:
 - A "Youthful Offender" disposition for people under the age of 19 at time of conduct is not a "conviction" for immigration purposes. In fact, a Y.O. for a more serious offense is *sometimes* better than a straight conviction for a lesser offense.
 - In New York Family Court, a "Juvenile Delinquency" disposition for people under age 16 at time of conduct is not a conviction for immigration purposes.
 - However, a New York "Juvenile Offender" disposition is considered a conviction for immigration purposes and does not have the same benefits.
- Note:** The federal government and every state has its own system for treating juveniles in the criminal justice system – some will be safer for immigrant youth, and some will not. Every state also has its own rules for the maximum age at which a young person may qualify for this treatment – for example, one state may place a 15-year-old in adult court with no special dispositions, while another state may place a 17-year old in the juvenile justice system.
- ❑ **Consider going to trial** instead of pleading guilty. This is not the best option for every person, but you may want to consider it if, for example, the evidence against you is weak and/or the prosecutor will not agree to any pleas that will prevent immigration consequences that you do not want to accept.

Post-Conviction Relief

DIRECT APPEAL

- Every state has its own deadlines and procedures for appealing a criminal conviction.

Why do a Direct Appeal?

- In most federal circuits, a conviction that is on direct appeal is no longer a conviction for immigration purposes. So, if the conviction is the only basis for an immigration detainer/hold or for a charge that you are deportable, then a pending direct appeal can remove that basis – enabling you to be released from custody or have your removal proceedings terminated. If you lose your appeal and have a final conviction once again, then the removal proceedings may be reinitiated.

VACATING CONVICTION

If you are able to get a conviction vacated, then it might no longer be considered a conviction for immigration purposes.

- Try to get the conviction vacated on the basis of some procedural or constitutional errors in the underlying criminal proceeding.
- A vacatur that states that it is based on rehabilitation or to avoid immigration consequences will continue to be considered a conviction for immigration purposes.
- If you have already been ordered deported/removed based only on a conviction, then vacating that conviction will not automatically stop your deportation! You will need to get your immigration case reopened first.

CERTIFICATE OF RELIEF FROM DISABILITIES AND CERTIFICATE OF GOOD CONDUCT

Many states have versions of these certificates. For example, in New York State, these certificates are granted by either the criminal court or Parole. If you get a certificate of relief from disabilities, it will generally not change the fact that you have a conviction. However, this could help your applications for certain forms of discretionary relief that depend on your equities (e.g. cancellation of removal, deferred action).

IMMIGRATION IN JAIL

DHS increasingly has a presence at local jails.

Immigration Interviews

While you are at a local jail, you may be visited by a federal immigration agent. This person may ask you questions in order to determine whether you might be deportable. These questions may include your name, country of birth, citizenship, immigration status, age, parents' citizenship, prior convictions and others. This information will be used to help DHS deport you! If you think you are being questioned by immigration agents or asked immigration information, follow 4 simple rules:

1. DON'T SAY ANYTHING

Do not answer ANY question – not even your name, country of origin, or immigration status. Immigration agents may threaten you with jail or deportation if you do not answer questions. They may tell you that if you answer, everything will be fine. Do not be fooled. Ask for the agent's identification, like a business card or badge. Be persistent. Record the name and agency of the person talking to you.

2. DON'T SIGN ANYTHING

If the agents ask for your signature, ask for a copy of the papers but do **NOT** sign. Show the papers to an immigration expert or your attorney.

3. DON'T LIE

Say nothing or say, "I need to speak with a lawyer first." You can be criminally prosecuted for lying (e.g. about your birthplace).

4. ASK TO SPEAK WITH YOUR ATTORNEY

Ask your attorney for a letter stating that s/he does not permit immigration agents to interview you. Give a copy of this letter to the immigration agents. If you do not have an attorney, tell them that you will find one first. If they keep pushing you to answer questions, just repeat, "I want to talk to an attorney first. I want to stop this interview now." Then ask to be sent back to your cell.

IMMIGRATION DETAINER

What is an Immigration Detainer?

At any point during your time in jail, DHS may place a detainer or “immigration hold” on you. This detainer means that when the criminal system no longer has a right to jail you – for example, because you were granted bail, were acquitted or finished your sentence – the local jail/prison may decide to keep you in custody to give DHS an opportunity to pick you up. This hold may also prevent you from participating in some programs and getting some privileges (like work release).

Who is at Risk of an Immigration Detainer?

The government may place a detainer on a non-citizen in government custody who is inadmissible or deportable. This includes:

- **Absconders** – people with old orders of deportation/removal.
- **Out-of-Status Immigrants** – this includes people who came across the border without any papers, people who overstayed their visas, people who lost their asylum or adjustment hearings, and even previously undocumented people who are now applying to adjust their status.
- **LPRs/greencard holders with convictions** – even LPRs who have never been charged with being deportable can get immigration holds if they have been convicted of a deportable offense!

Note: if you are an Absconder, a greencard holder with a past deportable offense, or are out-of-status, your immigration hold will not be lifted even if your current criminal case is dismissed. However, in most cases, if you are in status and have no final convictions, you should not have an immigration detainer.

What Can You Do?

- **Direct Appeal of Your Conviction** – Especially if the government’s only basis to hold you is the conviction, then you may want to appeal your conviction [See Section on Post Conviction Relief].
- **48 Hour Rule** –Even if DHS has issued a detainer and asked a jail/prison to temporarily detain you, the jail/prison is not authorized to hold you on that detainer for more than 48 hours after you would normally be released (8 C.F.R. 287.7). If DHS hasn’t picked you up by this time, you can demand release yourself or file a *habeas* petition in state court, asking the court to demand release. Be aware that sometimes, this may just result in Immigration finally coming to take you into custody. In *some cases* it is preferable to remain in criminal custody with an immigration detainer than to be transferred to immigrant detention right away - especially if you may qualify for relief, being in criminal custody sometimes provides valuable time to secure representation, collect key documents and develop favorable factors before being transferred to an immigration facility that *may* be far away. You should weigh these factors when deciding to file a state habeas challenging a hold longer than 48 hours.

INFORMANT AGREEMENTS

A non-citizen in criminal proceedings may find himself in a situation where prosecutors seek his cooperation. Sometimes, a prosecutor will offer an immigration benefit in exchange for this cooperation. For instance, a district attorney prosecuting a non-citizen for drug possession may offer to help get a greencard or “not to deport” the defendant in exchange for testimony against another defendant. Should the defendant accept such an offer? Can a prosecutor even grant immigration benefits?

Are these agreements binding?

This is not clear. First of all, it is unlikely that a city or state prosecutor can bind the federal government. Additionally, it is unclear whether one agency (DHS) can be held to promises made by a different agency. Some federal courts have held such agreements binding, while others have refused to do so.

What Can You Do to Increase Effectiveness of Agreement?

- **Work out details of any agreement to cooperate prior to providing assistance.**
After cooperating, the government has no incentive to grant anything at all.
- **Get the agreement in writing.**
Verbal agreements, regardless of who made them, will almost never be enforced. It is very important to demand a formal, written agreement.
- **Demand that DHS be a party to the agreement.**
Some courts will only enforce an agreement conferring immigration benefits where DHS is a signatory. This will probably be very difficult to get, but you should demand it anyway.
- If you can't get such a formal commitment not to deport, but decide to cooperate anyway, get a **written recommendation** from a prosecutor not to deport. This might support future immigration applications where discretionary relief is available.

Other agreements to cooperate with the government:

A few recently-created special visas grant temporary immigration status with a possible future opportunity to apply for LPR status in exchange for cooperation. They all have very specific requirements and require some formal assistance from the prosecutors.

- **S-Visas**—available to some people willing and able to provide information against certain types of criminal organizations. The government must apply for you! Make sure they will fulfill their end of the deal before you fulfill yours!
- **T-Visas**—may be available to certain people determined to be victims of trafficking in persons and willing to cooperate with prosecutions against traffickers.
- **U-Visas**—may be available to victims of certain crimes such as domestic violence, sexual assault or rape (among others) who help prosecute those cases.

If you already cooperated, and fear for your life if deported (for example, from the individual and/or groups on which you informed), consider developing a solid argument for a persecution-based claim under the Convention Against Torture.

IMMIGRATION IN PRISON

Institutional Removal Program & Video Hearings

WHAT IS THE INSTITUTIONAL REMOVAL PROGRAM?

The **Institutional Removal Program** (IRP) is a nationwide collaboration between the Department of Homeland Security, the Executive Office of Immigration Review (EOIR – the immigration court system), and federal, state and local penal institutions. Established in 1988, it forces incarcerated non-citizens into deportation proceedings while they are serving their sentences and from within the facilities in which they are confined. Any non-citizen can face the IRP, including undocumented immigrants and lawful permanent residents.

The IRP operates in dozens of facilities across the country and in most states, including in Federal Bureau of Prisons, state and municipal facilities. In Fiscal Year 2006, the IRP operated in 75 facilities.

Because these facilities are often located in remote locations without legal materials and because the deportation proceedings happen quickly and come as a surprise to many immigrants, many immigrants are forced to defend themselves with little access to legal information or legal assistance.

Some of these prisons have immigration courts and judges inside the prison facility itself. At several other prisons, IRP proceedings take the form of “video hearings.” Instead of being in a courtroom, a prisoner sees a video camera and television monitor from a room within prison. The person may thus be isolated from some or all other parties, including the judge, DHS lawyer, the interpreter, witnesses and sometimes even her own lawyer (if she even has a lawyer). Because prisons in many states are located remotely in less-populated areas, IRP proceedings often create obstacles for the immigrant’s family members and other to help the person prepare for the hearing, bring important legal documents and especially to attend the hearing to testify on her behalf or show their support.

OBJECTING TO VIDEO HEARINGS

If you are facing a video hearing, you can object to the video hearing. You should object the first time a video hearing is scheduled and again at the beginning of the actual video hearing. Immigration judges will probably move forward with the video hearings despite any objections, but an objection “on the record” ensures that you might later be able to challenge the fairness of the hearing. Some issues to cite when objecting to the video hearings include (but are not limited to):

- Video conferences serve to further isolate detainees already held in distant prisons, detached from family, community, legal and other support.
- There are many inherent problems with testimony given on camera, including: difficulties presenting and examining evidence, communication difficulties, the general unfamiliarity of all parties to interacting via videoconference, and even basic technical problems.
- Accurate interpretation is difficult enough in person; interpreting via video-conference creates even more communication problems.

For more information on IRP and video-hearings, see the AILF Practice Advisory, “Objecting to Video Merits Hearings” at www.aifl.org.

NYSDA Immigrant Defense Project
Immigration Consequences of Convictions Summary Checklist*

GROUND OF DEPORTABILITY (apply to lawfully admitted noncitizens, such as a lawful permanent resident (LPR)—greencard holder)	GROUND OF INADMISSIBILITY (apply to noncitizens seeking lawful admission, including LPRs who travel out of US)	INELIGIBILITY FOR US CITIZENSHIP
<p>Aggravated Felony Conviction</p> <p>➤ <i>Consequences</i> (in addition to deportability):</p> <ul style="list-style-type: none"> ◆ Ineligibility for most waivers of removal ◆ Ineligibility for voluntary departure ◆ Permanent inadmissibility after removal ◆ Subjects client to up to 20 years of prison if s/he illegally reenters the US after removal <p>➤ <i>Crimes covered</i> (possibly even if not a felony):</p> <ul style="list-style-type: none"> ◆ Murder ◆ Rape ◆ Sexual Abuse of a Minor ◆ Drug Trafficking (may include, whether felony or misdemeanor, any sale or intent to sell offense, second or subsequent possession offense, or possession of more than 5 grams of crack or any amount of flunitrazepam) ◆ Firearm Trafficking ◆ Crime of Violence + 1 year sentence** ◆ Theft or Burglary + 1 year sentence** ◆ Fraud or tax evasion + loss to victim(s) > \$10,000 ◆ Prostitution business offenses ◆ Commercial bribery, counterfeiting, or forgery + 1 year sentence** ◆ Obstruction of justice or perjury + 1 year sentence** ◆ Certain bail-jumping offenses ◆ Various federal offenses and possibly state analogues (money laundering, various federal firearms offenses, alien smuggling, failure to register as sex offender, etc.) ◆ Attempt or conspiracy to commit any of the above 	<p>Conviction or <i>admitted commission</i> of a Controlled Substance Offense, or DHS has reason to believe individual is a drug trafficker</p> <p>➤ No 212(h) waiver possibility (except for a single offense of simple possession of 30g or less of marijuana)</p> <hr/> <p>Conviction or <i>admitted commission</i> of a Crime Involving Moral Turpitude (CIMT)</p> <p>➤ Crimes in this category cover a broad range of crimes, including:</p> <ul style="list-style-type: none"> ◆ Crimes with an <i>intent to steal or defraud</i> as an element (e.g., theft, forgery) ◆ 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) ◆ Most sex offenses <p>➤ <i>Petty Offense Exception</i>—for one CIMT if the client has no other CIMT + the offense is not punishable > 1 year (e.g., in New York can't be a felony) + does not involve a prison sentence > 6 months</p>	<p>Conviction or admission of the following crimes bars a finding of good moral character for up to 5 years:</p> <p>➤ Controlled Substance Offense (unless single offense of simple possession of 30g or less of marijuana)</p> <p>➤ Crime Involving Moral Turpitude (unless single CIMT and the offense is not punishable > 1 year (e.g., in New York, not a felony) + does not involve a prison sentence > 6 months)</p> <p>➤ 2 or more offenses of any type + aggregate prison sentence of 5 years</p> <p>➤ 2 gambling offenses</p> <p>➤ Confinement to a jail for an aggregate period of 180 days</p>
<p>Controlled Substance Conviction</p> <p>➤ EXCEPT a single offense of simple possession of 30g or less of marijuana</p>	<p>Prostitution and Commercialized Vice</p> <p>Conviction of 2 or more offenses of any type + aggregate prison sentence of 5 years</p>	<p>Aggravated felony conviction on or after Nov. 29, 1990 (and murder conviction at any time) <i>permanently</i> bars a finding of moral character and thus citizenship eligibility</p>
<p>Crime Involving Moral Turpitude (CIMT) Conviction</p> <p>➤ For crimes included, see Grounds of Inadmissibility</p> <p>➤ One CIMT committed within 5 years of admission into the US and for which a sentence of 1 year or longer may be imposed (e.g., in New York, may be a Class A misdemeanor)</p> <p>➤ Two CIMTs committed at any time “not arising out of a single scheme”</p>	<p align="center">CONVICTION DEFINED</p>	<p>A formal judgment of guilt of the noncitizen entered by a court or, if adjudication of guilt has been withheld, where:</p> <p>(i) a judge or jury has found the noncitizen guilty or the noncitizen 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 noncitizen's liberty to be imposed.</p>
<p>Firearm or Destructive Device Conviction</p>	<p>THUS:</p> <p>➤ A court-ordered drug treatment or domestic violence counseling alternative to incarceration disposition IS a conviction for immigration purposes if a guilty plea is taken (even if the guilty plea is or might later be vacated)</p> <p>➤ A deferred adjudication disposition without a guilty plea (e.g., NY ACD) is NOT a conviction</p> <p>➤ A youthful offender adjudication (e.g., NY YO) is NOT a conviction</p>	
<p>Domestic Violence Conviction or other domestic offenses, including:</p> <p>➤ Crime of Domestic Violence</p> <p>➤ Stalking</p> <p>➤ Child abuse, neglect or abandonment</p> <p>➤ Violation of order of protection (criminal or civil)</p>		
<p align="center">INELIGIBILITY FOR LPR CANCELLATION OF REMOVAL</p>		
<p>➤ Aggravated felony conviction</p> <p>➤ Offense covered under Ground of Inadmissibility when committed within the first 7 years of residence after admission in the United States</p>		
<p align="center">INELIGIBILITY FOR ASYLUM OR WITHHOLDING OF REMOVAL BASED ON THREAT TO LIFE OR FREEDOM IN COUNTRY OF REMOVAL</p>		
<p>“Particularly serious crimes” make noncitizens ineligible for asylum and withholding. They include:</p> <p>➤ Aggravated felonies</p> <ul style="list-style-type: none"> ◆ All will bar asylum ◆ Aggravated felonies with aggregate 5 year sentence of imprisonment will bar withholding ◆ Aggravated felonies involving unlawful trafficking in controlled substances will presumptively bar withholding <p>➤ Other serious crimes—no statutory definition (for sample case law determination, see Appendix F)</p>		

*For the most up-to-date version of this checklist, please visit us at <http://www.immigrantdefenseproject.org>.

**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.]

NYSDA Immigrant Defense Project

Suggested Approaches for Representing a Noncitizen in a Criminal Case*

Below are suggested approaches for criminal defense lawyers in planning a negotiating strategy to avoid negative immigration consequences for their noncitizen clients. The selected approach may depend very much on the particular immigration status of the particular client. For further information on how to determine your client's immigration status, refer to Chapter 2 of our manual, *Representing Noncitizen Criminal Defendants in New York* (4th ed., 2006).

For ideas on how to accomplish any of the below goals, see Chapter 5 of our manual, which includes specific strategies relating to charges of the following offenses:

- ◆ Drug offense (§5.4)
- ◆ Violent offense, including murder, rape, or other sex offense, assault, criminal mischief or robbery (§5.5)
- ◆ Property offense, including theft, burglary or fraud offense (§5.6)
- ◆ Firearm offense (§5.7)

1. If your client is a **LAWFUL PERMANENT RESIDENT**:

- First and foremost, try to avoid a disposition that triggers deportability (§3.2.B)
- Second, try to avoid a disposition that triggers inadmissibility if your client was arrested returning from a trip abroad or if your client may travel abroad in the future (§§3.2.C and E(1)).
- If you cannot avoid deportability or inadmissibility, but your client has resided in the United States for more than seven years (or, in some cases, will have seven years before being placed in removal proceedings), try at least to avoid conviction of an "aggravated felony." This may preserve possible eligibility for either the relief of cancellation of removal or the so-called 212(h) waiver of inadmissibility (§§3.2.D(1) and (2)).
- If you cannot do that, but your client's life or freedom would be threatened if removed, try to avoid conviction of a "particularly serious crime" in order to preserve possible eligibility for the relief of withholding of removal (§3.4.C(2)).
- If your client will be able to avoid removal, your client may also wish that you seek a disposition of the criminal case that will not bar the finding of good moral character necessary for citizenship (§3.2.E(2)).

2. If your client is a **REFUGEE** or **PERSON GRANTED ASYLUM**:

- First and foremost, try to avoid a disposition that triggers inadmissibility (§§3.3.B and D(1)).
- If you cannot do that, but your client has been physically present in the United States for at least one year, try at least to avoid a disposition relating to illicit trafficking in drugs or a violent or dangerous crime in order to preserve eligibility for a special waiver of inadmissibility for refugees and asylees (§3.3.D(1)).
- If you cannot do that, but your client's life or freedom would be threatened if removed, try to avoid a conviction of a "particularly serious crime" in order to preserve eligibility for the relief of withholding of removal (§3.3.D(2)).

3. If your client is **ANY OTHER NONCITIZEN** who might be eligible now or in the future for **LPR status, asylum, or other relief**:

IF your client has some prospect of becoming a lawful permanent resident based on having a U.S. citizen or lawful permanent resident spouse, parent, or child, or having an employer sponsor; being in foster care status; or being a national of a certain designated country:

- First and foremost, try to avoid a disposition that triggers inadmissibility (§3.4.B(1)).
- If you cannot do that, but your client may be able to show extreme hardship to a citizen or lawful resident spouse, parent, or child, try at least to avoid a controlled substance disposition to preserve possible eligibility for the so-called 212(h) waiver of inadmissibility (§§3.4.B(2),(3) and(4)).
- If you cannot avoid inadmissibility but your client happens to be a national of Cambodia, Estonia, Hungary, Laos, Latvia, Lithuania, Poland, the former Soviet Union, or Vietnam and eligible for special relief for certain such nationals, try to avoid a disposition as an illicit trafficker in drugs in order to preserve possible eligibility for a special waiver of inadmissibility for such individuals (§3.4.B(5)).

IF your client has a fear of persecution in the country of removal, or is a national of a certain designated country to which the United States has a temporary policy (**TPS**) of not removing individuals based on conditions in that country:

- First and foremost, try to avoid any disposition that might constitute conviction of a "particularly serious crime" (deemed here to include any aggravated felony), or a violent or dangerous crime, in order to preserve eligibility for asylum (§3.4.C(1)).
- If you cannot do that, but your client's life or freedom would be threatened if removed, try to avoid conviction of a "particularly serious crime" (deemed here to include an aggravated felony with a prison sentence of at least five years), or an aggravated felony involving unlawful trafficking in a controlled substance (regardless of sentence), in order to preserve eligibility for the relief of withholding of removal (§3.4.C(2)).
- In addition, if your client is a national of any country for which the United States has a temporary policy of not removing individuals based on conditions in that country, try to avoid a disposition that causes ineligibility for such temporary protection (TPS) from removal (§§3.4.C(4) and (5)).

*References above are to sections of our manual.

TIPS!
DETENTION &
DEPORTATION

TIPS FOR HELPING SOMEONE FACING DEPORTATION

The first step in helping someone (or yourself) on a deportation matter is to get the right information about their case. Once a person has the right information they can get the right help. Begin by asking the right questions.

****Note:** Asking these questions requires the ability to keep the responses confidential, if a person, agency, or organization feels that they cannot keep these response confidential, then they should seriously reconsider asking for the following information.

Finding Out Their Immigration Status

Does the person have a green card, asylum/refugee status, a valid visa (tourist, work, business etc.-not just a work permit) or some other legal reason to be here? If so when did they get this status and how?

If the person has no legal status, did they overstay a visa, or enter the country illegally (via the border or false papers)? When and how?

Does the person have an old order of deportation? When did they get it and how?

Sometimes immigration orders an immigrant deported but does not tell them. They may have an old order if they lost their asylum case, skipped an immigration interview or skipped an immigration hearing. One way to find out if you have an old order of deportation is:

1. Find your Alien Registration Number (A#). It is on the I-94 card on your passport, greencard, work permit or any other document from immigration. It 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 your A-number and listen for instructions. If your number is in the system, then this means that you had a deportation case at some time.
 5. Press "3" to find out if an immigration judge ordered 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.
- People with old orders of deportation do not see a judge and can be ordered deported immediately.

(note: the EOIR hotline number may not contain information about deportation orders that are several years old. Some individuals may also have more than one Alien number)

Gathering the Right Documents

Collect the following information about your loved one/client/member facing deportation. The person in proceedings along with the primary person handling their case should keep a copy:

- 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. If you do not know your alien number attempt to contact your loved one's consulate, and see if they have a record of detention that contains the A#
- Your loved one's first (or next) immigration court date. If you do not know call the Immigration court hotline at (800) 898-7180 and enter the A#.
- 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. 4th 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. If the person has any old orders of deportation you want to gather the documents related to the old immigration case.
- Favorable Factors: collect documents showing that the person facing deportation has family, community ties and a "good character". (see the Favorable Factors sheet)
- Your loved ones location (jail, federal detention center, etc.)
- Information about family members: children, elderly parents, etc. Information about important finances.

Finding a detained loved one:

It often takes weeks to find someone that has just been detained by immigration. Immigration agents are often unresponsive and families, out of fear shell out thousands of dollars to attorneys *just* to find a detained loved one. There are some simple steps a person can take to find a detainee. Be persistent and call frequently.

Information you will need:

- The person's full name (including all aliases)
 - Their date of birth,
 - Their "A" number ("Alien Registration Number.") The A number is on most immigration papers, including a work permit, green card, or any other document that immigration provides. It looks like: A99 999 999.
- ❑ Contact Immigration and Customs Enforcement Deportation and Removal Office (ICE-DRO). See partial phone list below. The website provides information about different local ICE-DRO offices. Start with the facilities closest to the arrest location. If you can't find a local office, call the Washington, DC main number for more information: 202-305-2734. Website: <http://www.ice.gov/about/dro/contact.htm>
 - ❑ Ask to speak with a supervisory deport officer or the Field Office Director (head of ICE-DRO). 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.)
 - ❑ Contact your Consulate. Consulates are often required by international convention or treaty to be notified when one of their nationals is detained. Many consular offices have caseworkers that work specifically on deportation cases. Furthermore, Consular officials are sometimes (but not always) a little nicer to talk to than deportation officers. Contact the relevant embassy (see <http://www.embassy.org/embassies/>) to get the local consular contact information.
 - ❑ The last resort is always to contact the different county detention facilities or wait for your loved one to call. Remove any blocks on your phone for collect calls by calling the phone company. This way your loved one has a greater chance of contacting you.
 - ❑ Detention Watch Network: DWN has created a map of detention centers, and contact info for ICE-DRO offices and legal service providers. Website: www.detentionwatchnetwork.org

****Alert!!!** If you are out of status and want to visit a family member in Detention contact an immigration expert to see if it may pose a danger to you.

DEPORT OFFICE (IMMIGRATION AND CUSTOMS ENFORCEMENT, DETENTION AND REMOVAL OFFICES) If Detained or Arrested in: Call ICE Office:

Georgia, North Carolina, South Carolina	Atlanta ICE-DRO, 404-331-2765
Alabama, Louisiana, Mississippi, Tennessee	New Orleans ICE-DRO, 504-599-7947
Kentucky or Missouri	Chicago ICE-DRO, 312-347-2400
Florida	Miami ICE-DRO, 305-762-3622

What A Detainee Should Know When They Are Inside...

Because most detainees do not have lawyers or resources, they often do not immediately know their rights. There are some basic steps that detainees can take on their own without an attorney:

- ❑ They should know they have the right to NOT sign any statements or documents, especially ones giving up your right to an immigration hearing in front of an immigration judge. If necessary they can say they want to speak to a lawyer first.
- ❑ Request bond or parole from an immigration officer immediately (even if you think you don't qualify). This may help keep you in the state in which you were arrested.
- ❑ If they have an old order of deportation, they will not see a judge and can be deported *immediately*. They should ask for a **Notice of Reinstatement of Deportation Order**.
- ❑ Make sure their family members outside have a copy of all of their immigration paperwork, including the **Notice to Appear (NTA)**, and their criminal certificates of disposition.
- ❑ They should ask a jail for a copy of the inmate handbook, detainee handbook, and the ICE Detention Standards.
- ❑ If they are able to see an immigration judge but do not have an attorney, they should tell the judge that you need more time to find someone to represent them. If the judge insists that they proceed without a lawyer against their better judgment, they should insist *on the record* that they would like more time.

- ❑ If forced to proceed without an attorney, they have the right to NOT concede or admit to the Immigration Services charges against them on the NTA. They also do NOT have to go into details about their case. Anything they say can and will be used against them – even their country of birth.
- ❑ If they think they may be transferred to a detention center far from your home, and already have a lawyer, have them file an immigration form with DHS saying that they are representing the detainee. This form is called a G-28. Go to www.uscis.gov and click on Forms. Scroll down and download form G-28. . Fax the form to the Deportation Officer immediately. This form may convince the officer to stop their transfer.
- ❑ If they think they are about to be transferred, remind them to order jail and ICE officers to make sure that papers, and personal property (including info about medication) travel with you. Always ask for a receipt for your personal property.

When Searching For An Immigration Lawyer...

People often rush to hire any lawyer when a loved one is detained. It is often a bad idea to rush to hire an attorney without having a basic idea about a loved ones case or without knowing anything about an attorney. First learn as many facts about your loved one, and then approach an attorney. Some tips when looking for an attorney:

- ❑ Stay informed about your immigration case, and do not just rely on the attorney.
- ❑ Hire someone specializing in deportation. Many attorneys do not know immigration law and many immigration attorneys do not know deportation very well. If the lawyer does real estate, business and immigration, they are most likely not deportation specialists.
- ❑ If facing deportation, make sure your lawyers looks at your Notice To Appear (NTA) before giving you advice
- ❑ Keep the full name and contact information of EVERY lawyer that has ever represented you.
- ❑ Get a written contract before you give the lawyer money. Ask the lawyer for a “retainer agreement.” Read it carefully. Make sure you understand it. Also make sure that it contains the same promises the lawyer is making.
- ❑ If you are in Criminal Proceedings ask your lawyer to provide you written information about the immigration consequences of your conviction *in writing* before you plead guilty.
- ❑ If you have an old order of deportation and are attempting to adjust your status, get written information from your lawyer explaining how s/he will manage to keep you from being deported.
- ❑ If your attorney ever refuses to provide information he promises you in writing, send a certified mailed letter to him outlining the promises he made to you and asking for written verification or clarification of those promises.
- ❑ Make sure you and your family receives a copy of everything your lawyer files.
- ❑ File a complaint with the Attorney Grievance Committee immediately if you feel your lawyer cheated you (see attorney grievance state contact list below).
- ❑ If you face automatic deportation because of your crime, consult a criminal immigration attorney about the positives and negatives of Vacating, Appealing, or Reopening your Criminal Case. This is very complicated, but may be your only way to avoid deportation.

ATTORNEY GRIEVANCE COMMITTEE

Alabama	334/269-1515
Georgia	404/527-8720
Kentucky	502/564-3225
Mississippi	601/510-8599
North Carolina	919/834-8156
South Carolina	803/734-2038
Tennessee	800/486-5714
Florida	850/561-5665
Louisiana	800/326-8022

How Do I Take Care of My Children and Property?

Someone detained by ICE should consider giving legal power to someone they trust to make important decisions on their behalf while they are detained. This is called a “power of attorney” or a proxy and varies from state to state. This may help you ensure that your children are not placed into child protection services or that they can travel with you if you are deported. It can also help you control your finances, e.g. making payments on a mortgage. Do it ahead of time and include it with your immigration papers. Make sure that you have birth certificates and passports for children. If you need to get a U.S. passport for your minor child, go to http://travel.state.gov/passport/get/minors/minors_834.html. For birth certificates, contact the Office of Vital Statistics in your state.

Información para Poder Ayudar a Alguien en Riesgo de Deportación

El primer paso para ayudar a alguien (o a usted mismo) en temas de deportación es obtener la información correcta sobre el caso. Una vez que la persona tiene la información correcta, se le puede ayudar. Comience haciendo las preguntas correctas.

***Nota: Hacer estas preguntas requiere la habilidad de mantener las respuestas confidenciales. Si una persona, agencia, u organización siente que no puede hacerlo, entonces deberían de pensar seriamente si van a pedir la siguiente información.*

Averiguando el Estatus Migratorio

¿Tiene la persona la tarjeta verde, estatus de asilado/refugiado, una visa válida (turista, trabajo, negocio, etc. – no solo un permiso de trabajo) u otra razón legal para estar aquí? Si es así ¿cuándo, porqué y cómo obtuvo el estatus?

Si la persona no tiene estatus legal, ¿se le venció la visa o entró ilegalmente al país (por la frontera o con papeles falsos)? ¿Cuándo y cómo?

¿Tiene la persona alguna orden vieja de deportación? ¿Cuándo y porqué la recibió?

Algunas veces la inmigración ordena la deportación para un inmigrante pero no informa. Ellos podrán estar bajo órdenes viejas de deportación si perdieron un caso de asilo, no fueron a una entrevista de inmigración, o faltaron a una audiencia de inmigración. Una manera de averiguar si usted tiene alguna orden vieja de deportación es:

1. encuentre su *Alien Registration Number (A#)*. Está en la tarjeta I-94 con su pasaporte, tarjeta verde, permiso de trabajo u otro documento de inmigración. Está en un formato como este: A99 999 999.
2. Llame al 1-800-898-7180. Es la *hotline* de la corte de inmigración (EOIR).
3. Presione "1" para inglés o "2" para español.
4. Entre su número "A" y escuche las instrucciones. Si su número está en el sistema, quiere decir que usted ha estado un caso de deportación a un tiempo.
5. Presione el "3" para averiguar si un juez de inmigración ordenó la deportación (expulsión) contra usted.
6. Si la *hotline* dice que usted tiene orden de deportación/expulsión, consulte un abogado especializado en deportaciones de inmigración antes de ir a la oficina de inmigración, dejar el país, o buscar el ajuste de estatus. La persona que tiene orden de deportación no ve al juez y puede ser deportada inmediatamente.

(Nota: el número "hotline" de EOIR podría no tener información sobre órdenes de deportación que son muy viejas. Algunas personas también podrían tener más de un número "Alien").

Juntando los Documentos Correctos

Obtenga la siguiente información sobre su ser querido/cliente/familiar en peligro de deportación. La persona afectada, conjuntamente con la persona principal que trata el caso, debería mantener una copia de:

- Nombre completo y "alias"
- "*Alien Registration Number.*" Está en la mayoría de documentos migratorios, incluyendo la tarjeta I-94 en su pasaporte, tarjeta verde, u otro documento de inmigración. El número A está en el siguiente formato: A99 999 999. Si usted no sabe su número "Alien", trate de contactar el consulado de su ser querido y averigüe si existe un record de detención con dicho número
- la primera o próxima cita en la corte de inmigración para su ser querido. Si no lo sabe, llame al número *hotline* de la corte de inmigración al (800) 898-7180 y entre el A#
- La fecha en que la persona entro a EE.UU. y cómo (visa, puesto fronterizo, tarjeta verde por medio de matrimonio, etc.)
- Récord Criminal. Debe tener una lista exacta de las condenas criminales (por ejemplo, posesión criminal en el 4to. Grado de una sustancia controlada, NYPL §220.09). Incluya la fecha de arresto, el lugar (ciudad, estado), fecha de condena, y la sentencia. Si es posible, obtenga una copia de la hoja de récord criminal. Obtenga un Certificado de Disposición de la Oficina del Clerk de la Corte para cada condena en la corte donde el caso criminal fue procesado.
- Una copia del Aviso para Presentarse (*Notice to Appear – NTA*) y otros documentos migratorios. Si la persona tiene ordenes viejas de deportación, usted debe recabar los documentos relacionados con el caso de inmigración.

- ❑ Factores Favorables: obtenga los documentos que muestran que la persona en riesgo de deportación tiene familia, lazos comunitarios, y "buen carácter." (Vea la hoja de Factores Favorables)
- ❑ La ubicación de su ser querido (cárcel, centro de detención federal, etc.)

Localizando a un Ser Querido que se Encuentra Detenido/a

Frecuentemente se demoran muchas semanas encontrar a alguien que ha sido detenido por inmigración. Los agentes de inmigración muchas veces no responden y las familias, por temor, le pagan miles de dólares a abogados solamente para localizar a un ser querido detenido. Hay algunos pasos simples que una persona puede dar para localizar a un detenido. Sea persistente y llame frecuentemente. La información que necesita:

El nombre completo de la persona (incluyendo alias)

- Su fecha de nacimiento
- El número "A" (*Alien Registration Number*). El número "A" está en la mayoría de documentos de inmigración, incluyendo el permiso de trabajo, tarjeta verde, y otros documentos de inmigración. Es así: A99 999 999.

- ❑ Contacte a la Oficina de Deportación de la Oficina de Inmigración y Control de Aduanas (vea lista telefónica parcial abajo). El sitio de Internet ofrece información de diferentes oficinas del ICE-DRO. Comience con las oficinas más cercanas al lugar de arresto. Si no puede encontrar ninguna oficina, llame al número central en Washington DC para más información, 202-305-2734. Sitio de Internet: <http://www.ice.gov/about/dro/contact.htm>
- ❑ Pida hablar con un oficial supervisor de deportaciones. Déle el nombre completo de su ser querido y el A# (Nota: oficiales de deportación pueden ser abusivos y no hablar con nadie excepto el abogado de la persona sujeta a la deportación. Todavía, usted debe tratar.)
- ❑ Contacte a su Consulado. Los consulados generalmente deben cumplir con Convenciones o Tratados Internacionales y ser notificados de que sus nacionales están detenidos. Muchas oficinas consulares tienen trabajadores que se dedican específicamente a los casos de deportación. Además, oficiales consulares algunas veces (pero no siempre) lo tratan mejor a uno y son mejor para hablar que los oficiales de deportación. Sitio de Internet: <http://www.embassy.org/embassies/>
- ❑ En última instancia, siempre contacte a los diferentes centros de detención en el condado o espere que su ser querido lo/la llame. Quítele el bloqueo a su teléfono para las llamadas por cobrar llamando a la compañía telefónica. De esta forma su ser querido tiene mejores posibilidades de contactarlo/a.
- ❑ La Red para el Monitoreo de la Detención (*Detention Watch Network – DWN*): DWN ha creado un mapa para ubicar los centros de detención e información de contacto de las oficinas ICE-DRO y otros proveedores de servicios legales. Sitio de Internet: www.detentionwatchnetwork.org

¡Alerta! Si usted perdió el estatus legal y quiere visitar a familiares en detención, contacte a un experto de inmigración para ver si usted se pondría en riesgo.

OFICINA DE DEPORTACIÓN (SUCURSAL DE DETENCIÓN Y REMOCIÓN DE INMIGRACIÓN Y ADUANAS (*IMMIGRATION AND CUSTOMS ENFORCEMENT, DETENTION AND REMOVAL BRANCH*))

Sitio:

Oficina de ICE:

Georgia, North Carolina, South Carolina	ATLANTA ICE-DRO, 404-331-2765
Alabama, Louisiana, Mississippi, Tennessee	New Orleans ICE-DRO, 504-599-7947
Kentucky or Missouri	Chicago ICE-DRO, 312-347-2400
Florida	Miami ICE-DRO, 305-762-3622

Lo Que una Persona Detenida Debe Saber Cuando Está Adentro....

Debido a que la mayoría de detenidos no tienen abogados o recursos, frecuentemente o inmediatamente no saben sus derechos. Hay algunas medidas básicas que los detenidos deben tomar por si mismos sin tener abogado:

- ❑ Deben saber que tienen derecho a NO firmar ninguna declaración o documento, especialmente aquellos en que renuncian su derecho a una audiencia de inmigración con un juez de inmigración. Si es necesario, deben saber que pueden pedir primero hablar con un abogado.
- ❑ Pida fianza o libertad vigilada a un oficial de inmigración inmediatamente (aún si piensa que no califica). (Para más información sobre fianzas, consulte....)
- ❑ Si tiene una orden vieja de deportación, no verán a un abogado y pueden ser deportados *inmediatamente*. Deben saber que pueden pedir un **Aviso de Restitución de de la Orden de Deportación (Notice of Reinstatement of Deportation Order)**.
- ❑ Asegúrese que sus familiares afuera tienen copias de todos sus documentos de inmigración, incluyendo del **Aviso para Presentarse (Notice to Appear – NTA)** y de sus certificados de disposición criminal.
- ❑ Deben pedir en la cárcel una copia del libro de encarcelados, guía de detenidos, y los Estándares de Detención del ICE.
- ❑ Si pueden ver a un juez de inmigración pero no tienen abogado, deben decirle al juez que necesitan más tiempo para que alguien los represente. Si el juez insiste que se debe proceder sin abogado a pesar de sus deseos, deben insistir que *se haga un récord* de su pedido y de que necesitan más tiempo.
- ❑ Si es forzado/a a proceder sin abogado, tienen derecho a NO conceder o admitir los cargos de los Servicios de Inmigración o la NTA. También NO tienen que dar detalles sobre su caso. Cualquier cosa que digan puede y será usada contra ellos – aún en su país de nacimiento.
- ❑ Si piensan que serán transferidos a un centro de detención lejos de su hogar y ya tienen abogado, deben llenar una forma de inmigración con el DHS diciendo que están representado al detenido. Esta forma se llama G-28. Vaya al www.ucsis.gov y haga un clic en Forms (Formas). Vaya al fondo de la página y baje la forma G-28. Envíela por fax al oficial de deportación inmediatamente. Esta forma convencerá al oficial que suspenda la transferencia.
- ❑ Si piensa que ya lo van a transferir, demande a la cárcel y los oficiales del ICE que sus documentos, papeles, y propiedad personal viajen con usted. Nota: sus documentos legales deben estar con usted a toda hora y no deben estar con su propiedad personal. Siempre pida recibo comprobando su propiedad personal.

Cuando Busca a un Abogado de Inmigración....

La gente muchas veces se apresura a contratar a un abogado cuando un ser querido está detenido. Generalmente es una mala idea apresurarse en contratar a un abogado sin tener una idea básica del caso de su ser querido y sin saber nada del abogado. Lo primero que debe hacer es aprender los detalles del caso de su ser querido y luego ir al abogado. Algunas sugerencias cuando busca un abogado:

- ❑ Manténgase informado de su caso de inmigración, no se base solamente en su abogado.
- ❑ Contrate a alguien especializado en deportaciones. Muchos abogados no conocen la ley de inmigración y muchos abogados de inmigración no conocen el proceso de deportación muy bien. Si el abogado es especialista en bienes raíces, negocios, e inmigración, es muy posible que no sean especialistas en el proceso de deportación.
- ❑ Si confronta la deportación, asegúrese que su abogado busca el Aviso para Presentarse (*Notice to Appear – NTA*) antes de que le de aviso legal.
- ❑ Tenga a mano el nombre completo e información abogado de CADA abogado que alguna vez lo ha representado.
- ❑ Obtenga un contrato por escrito antes de pagarle al abogado. Pídale al abogado un “acuerdo de retención” (retainer agreement). Léalo cuidadosamente. Asegúrese que lo entiende. También asegúrese que el documento tiene las mismas promesas que el abogado le hace.
- ❑ Si tiene una orden vieja de deportación y está tratando de ajustar su estatus, obtenga información por escrito de su abogado explicando cómo él/ella harán que usted no sea deportado.
- ❑ Si usted esta bajo Procesos Criminales, pídale al abogado que le de información por escrito sobre las consecuencias migratorias de su condena antes de declararse culpable.
- ❑ Si su abogado alguna vez se rehúsa a darle información por escrito de lo que promete, envíele una carta por correo certificado delineando las promesas que él/ella le hizo y pidiéndole verificación o clarificación por escrito de las mismas.
- ❑ Asegúrese que usted y su familia reciben copias de todos los documentos que su abogado tiene sobre su caso.

- ❑ Haga una queja ante el Comité de Quejas contra Abogados (Attorney Grievance Committee) inmediatamente si siente que su abogado le hizo trampa o le mintió (vea la Lista de Teléfono)
- ❑ Si usted encara la deportación automática debido a algún crimen, consulte a un abogado especialista en ley de inmigración criminal sobre los positivos y negativos de Vacar, Apelar, o Reabrir su Caso Criminal. Esto es muy complicado, pero es posible que sea la única forma de evitar la deportación.

ATTORNEY GRIEVANCE COMMITTEE (COMITÉ DE QUEJAS CONTRA ABOGADOS)

Alabama	334/269-1515
Georgia	404/527-8720
Kentucky	502/564-3225
Mississippi	601/510-8599
North Carolina	919/834-8156
South Carolina	803/734-2038
Tennessee	800/486-5714
Florida	850/561-5665
Louisiana	800/326-8022

¿Cómo me Engarbo de mis Hijos y Propiedad?

Alguien que ha sido detenido por ICE podría considerar darle poderes legales a alguien a quien le tengan confianza para que haga decisiones importantes en su nombre mientras están detenidos. Esto se llama “poder de abogado” (power of attorney) o una “proxy” y varía de estado a estado. Esto puede ayudarle a garantizar que sus hijos no son puestos bajo el cuidado de los servicios de protección de niños. Esto también puede ayudarle a controlar sus finanzas (por ejemplo seguir haciendo pagos en su *mortgage*). Mantenga un proxy o poder de abogado con alguien de confianza. Asegúrese que tiene los certificados de nacimiento y pasaportes de sus hijos. Si necesita obtener un pasaporte estadounidense para un menor de edad que es ciudadano vaya al sitio de Internet: http://travel.state.gov/passport/get/minors/minors_834.html

Warrants 101

Differences Between Immigration Warrants and Warrants Issued by a Judge

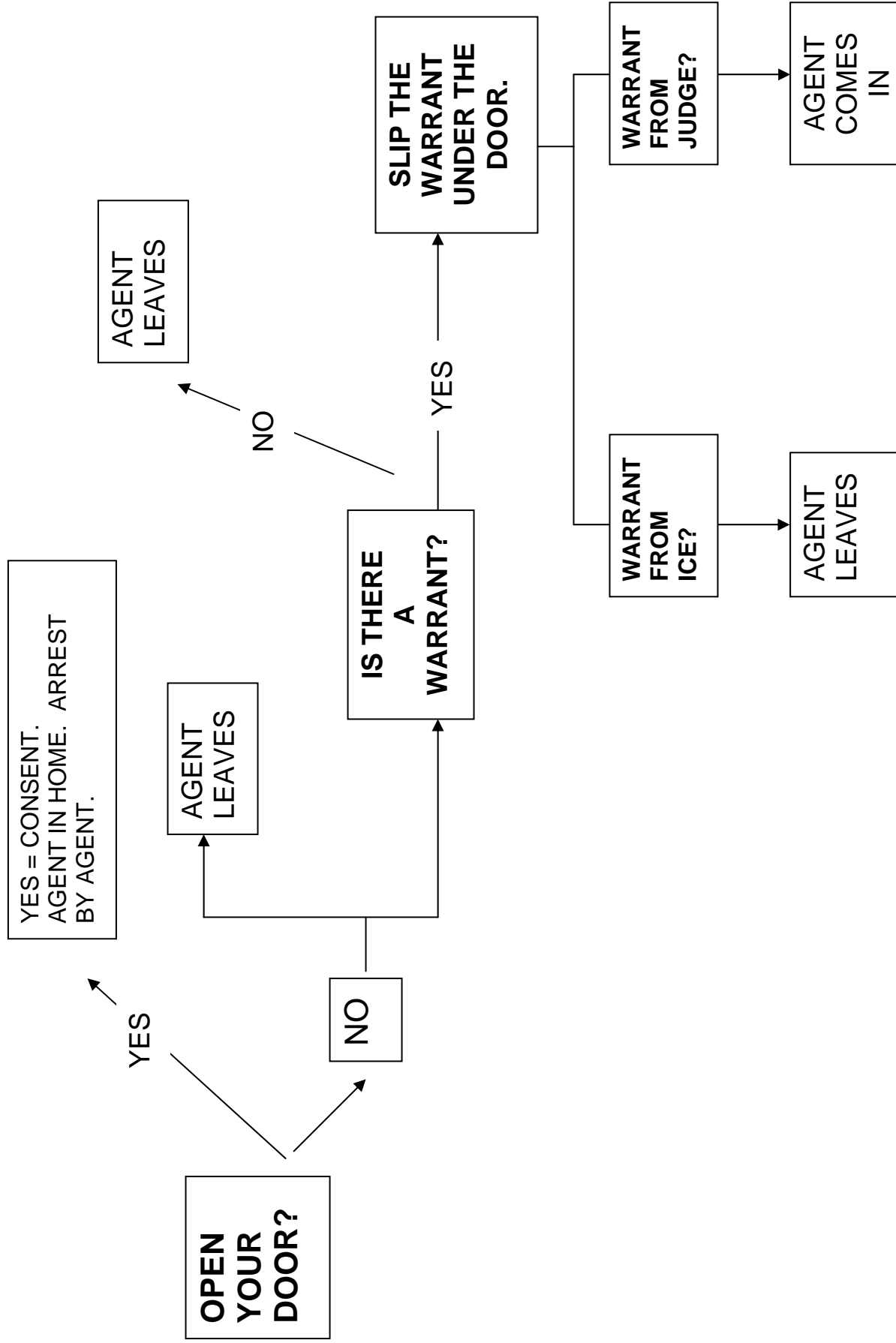
- When DHS arrests individuals or attempts to enter homes or workplaces, they often show immigration documents that they call “warrants.” (See sample DHS document, I-205) Because these documents are issued by DHS, they are DIFFERENT than a warrant issued by a judge or a magistrate. A warrant from a magistrate or judge requires that there be “probable cause” to make the search or arrest. Legal cases recognize a distinction between these “warrants” issued by an agency, like DHS, and warrants issued by a judge or magistrate. (See Swift Raid Warrant).
- Immigration agents should not use documents issued by DHS to enter a home or private areas of a workplace.
- It may be difficult to tell what kind of warrant is being presented. A warrant issued by a judge or magistrate will include a signature from a judge or a magistrate and the name of a court.

Accessing a Workplace: The role of warrants*

- No warrant is required for publicly accessible areas of a business or workplace (this can include public seating areas of a restaurant or a reception area).
- No warrant is required for the “open fields,” such as an area of land, where there is no fence. BUT warrants are required for farms or other “agricultural operations.”
- In many cases, immigration officials enter a workplace because the employer or owner of the business consents - that is, allows them to enter.

* There are gray areas re: warrants in workplaces. For example, if the industry is highly regulated, it is possible that a warrant may not be required.

"KNOCK, KNOCK": IMMIGRATION AGENT - HOME SCENARIO:



RISK ASSESSMENT WORKSHEET

What happens if I don't give my name to an immigration agent?

Risk Factors

<i>Status</i>	Deportation consequences	Arrest consequences (Criminal)	Detained (Immigration)
Undocumented (no contact with immigration)			
Had contact with immigration authorities (e.g have a tourist visa or overstayed visa)			
Green Card Holder			

What happens if I don't give my name to a police officer?

Individuals are only obligated to respond to police officer questions (under threat of detention or arrest for non-cooperation) where there is a "stop and identify" statute in that particular state.

Risk Factors

<i>Status</i>	Deportation Consequences	Arrest consequences (criminal)	Detained (Immigration)
Undocumented (no contact with immigration)			
Had contact with immigration authorities (e.g have a tourist visa or overstayed visa)			
Green Card Holder			

Go through risk assessment after asking four questions:

- **Is there a “stop and identify” statute in my state or locality (e.g. county)?**
- **Does the “stop and identify” statute require “reasonable suspicion”?**
- **Is there a 287(g) agreement in my state or county?**
- **Is there a law giving federal officers or private persons authority to make STATE arrests?**

GETTING OUT OF DETENTION: BOND AND PAROLE

How does someone get out of detention? These are some of the ways you can get out of detention.

1. Bond: A bond is an amount of money paid to the government (ICE) as a guarantee that you will attend all hearings, obey conditions of release, and obey the judge's final order even if you have to leave the U.S.. Your deportation officer may set a bond amount in your case soon after your arrival in detention. If it is too much for you to pay or your deportation officer has not set a bond, you can ask an immigration judge for a bond or a lower bond amount. See more about bond hearings below.

2. Release on your own recognizance: In some limited cases, ICE or the immigration judge can release you without having to pay any money. You must comply with the terms of release, otherwise you risk being re-detained. This is usually granted to individuals with special conditions, like pregnancy.

3. Parole: ICE has the authority to release any individual from detention on "parole." There is no way to appeal denial of a parole request to an immigration court. Sometimes, they ask you to pay money as part of the parole guarantee, and sometimes conditions are attached to the parole.

When should I ask for bond or parole? You can ask for a bond hearing in front of an immigration judge at any time. You can ask for parole from ICE at any time.

How do I ask for bond or parole? You can ask ICE to release you by writing them a letter. You can ask for a bond hearing by sending the Immigration Judge and the government attorney a "bond motion," which is a legal request for bond. Asking for bond or parole can be very complicated. If possible, get representation from a lawyer experienced in deportation defense.

Do I get a bond hearing? You should always request a bond hearing, even if you think are not eligible for it. 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. Always get a copy of your criminal record and immigration documents so that you can figure this out. In some cases, you may want to challenge a judge's decision that you are not eligible for bond in federal court.

What do I have to prove at the bond hearing? In this hearing, the judge considers whether you present a danger to the community, are a national security threat, or a flight risk. You should submit any documents that show your favorable factors, such as 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.

What if I lose my bond hearing? You can appeal the decision to the Board of Immigration Appeals. If your situation changes, for example, a criminal conviction is dismissed, you can ask for another bond hearing. Until the Board of Immigration Appeals makes a decision on your case, you will stay in detention. Waiting for an appeal may take a very long time, and some individuals have challenged their detention in cases of prolonged detention.

The judge granted bond but the government attorney filed an “automatic stay.” Sometimes, if a judge grants bond and the government attorney opposes the bond decision, the government attorney files an “automatic stay.” This stops the judge from releasing you on bond. If this happens to you, you may want to challenge this decision in federal court.

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.

How do I pay bond? Use a certified or cashiers’ checks from banks or U.S. Postal money orders payable to the Department of Homeland Security. NO CASH! You have to pay all of it at once. He/she can pay the bond at any ICE office. Detained persons may have trouble posting bond for themselves if they cannot show where they will live.

What information does a family member need to post/pay bond?

For the person detained, you will need their full name, A-number, home address, date of birth, and country of birth. The person posting bond must have immigration status. ICE may also ask for a driver’s license.

Can ICE add conditions to the bond? Yes. They may require that you report weekly to the office or call in to a specific officer. The order may require that you cannot leave the state. Make sure you understand the conditions on your bond because you may be re-detained if you violate the conditions. Also, if you move, make sure you notify your deportation officer.

If I am ordered deported (and I don’t appeal), how long can ICE detain me? ICE has 90 days to deport you under the law. Depending how difficult it is to obtain travel documents or whether your government will accept you, it may take several days to several months. The Supreme Court has said that six months (in most cases) is too long to hold someone in detention after they have been ordered deported.

Where can I post bond? Generally, you can post bond at any local immigration office. See the handout of important local numbers for the closest immigration offices in the area.

For more information on bond, go to: <http://www.firrp.org/kyrindex.asp>.

FORMS OF RELIEF FROM REMOVAL*

<p><u>CANCELLATION OF REMOVAL FOR LPRs</u></p> <ul style="list-style-type: none"> * Continuously resided in US for 7 years after admitted. Clock stops when: <ul style="list-style-type: none"> * served Notice to Appear * commits inadmissible offense or deportable offense referred to in inadmissibility grounds * 5 yrs as an LPR * has not been convicted of Ag Fel * No prior cancellation or 212(c) relief from deportation * not a terrorist, crewman, or exchange visitor * positive outweighs negative factors 	<p><u>ADJUSTMENT OF STATUS</u></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"> * The alien makes an application for adjustment * The alien is eligible to receive an immigrant visa and is admissible, and * An immigrant visa is immediately available at the time application is filed * EWI needs 245(I) * Adjustment barred for returning alien who had accrued unlawful presence <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>4th Siblings (+21) of USC</p>	<p><u>ASYLUM</u></p> <ul style="list-style-type: none"> * 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 * Must apply within one year of arrival in US * Barred if convicted of an ag fel * Barred if convicted of “particularly serious crime” (drug trafficking is presumptively a PSC) * Asylees can apply to adjust status after one year and use 209(c) waiver of inadmissibility if necessary
<p><u>212(c)</u></p> <ul style="list-style-type: none"> * LPR who pled guilty before 4/24/96 to an inadmissibility grounds or deportable offense referred to in inadmissibility grounds * LPR who has maintained un-relinquished domicile for 7 years * positive outweighs negative factor * has not served a term of imprisonment of 5 years or more for one or more aggravated felony convictions 		<p><u>WITHHOLDING OF REMOVAL</u></p> <ul style="list-style-type: none"> * 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 * Barred by PSC * Barred by Ag Fels w/ aggregate sentence of five years
<p><u>CANCELLATION OF REMOVAL FOR non-LPRs</u></p> <ul style="list-style-type: none"> * Continuous presence in US for 10 years <ul style="list-style-type: none"> * barred by single absence of +90 days or aggregate absence of +180 days * clock stops with service of NTA * clock stops with commission of offense in 212(a)(2); 237(a)(2); (a)(4) * Good moral character for that time <ul style="list-style-type: none"> * disqualified from proving GMC if committed offense listed in 101(f) * Not convicted of offense in 212(a)(2); 237(a)(2); (a)(4) <p>To depart would cause extreme hardship to LPR/USC spouse, child, parent</p>	<p><u>212(h) WAIVER</u></p> <p>If a crime renders alien inadmissible, waiver is available for certain inadmissible offenses if</p> <ul style="list-style-type: none"> • Not a drug offense (except for one time simple possession of 30 gms of marihuana) • not murder or torture <p>* Alien is spouse, parent, son or daughter of USC or LPR and</p> <p>* Denial of alien’s admission would be an extreme hardship for relative</p> <p>* AG must consent</p> <ul style="list-style-type: none"> • If LPR, needs 7 yrs. residence + no Ag Fel • VAWAs don’t need to show hardship to relative 	<p><u>CONVENTION AGAINST TORTURE</u></p> <ul style="list-style-type: none"> * Would suffer severe pain and suffering * Intentionally inflicted * For an illicit purpose * By or at the instigation of or with acquiescence of a public official who has custody and control of victim * Not arising from lawful sanction
<p><u>VAWA CANCELLATION</u></p> <ul style="list-style-type: none"> • If USC or LPR spouse or parent is abusive, alien can get cancellation • Continuous presence for 3 years • Good moral character • Be admissible and no ag fels 	<p><u>S VISA</u></p> <p>*For alien who provides important information on a criminal org or terrorist org</p> <p>*Need written agreement with law enforcement</p>	<p><u>TEMPORARY PROTECTED STATUS</u></p> <ul style="list-style-type: none"> * Only for certain designated countries * Must be admissible <p>Barred by any felony conviction or any two misdemeanors</p>

<p><u>AUTOMATIC OR DERIVATIVE CITIZENSHIP</u> – MIGHT be citizen if</p> <ol style="list-style-type: none"> 1. BORN in the United States. 2. Have a PARENT or GRANDPARENT BORN in the United States. 3. Have a PARENT or GRANDPARENT who became a U.S. citizen before alien was born. 4. One PARENT became a citizen before alien turned 18 years old. <p><u>NATURALIZATION</u></p> <p>Flags:</p> <ul style="list-style-type: none"> *LPR for at least 5 years, GMC requirement, English/civics, *Military veteran 	<p><u>VAWA</u></p> <ul style="list-style-type: none"> * If USC or LPR spouse or parent is abusive, the alien can self petition * Barred if ag fel • Cannot be inadmissible or deportable for crimes, but waiver may be available for good moral character requirement if convictions is related to the abuse. <p><u>U VISA</u></p> <ul style="list-style-type: none"> • Victim of certain crimes • Suffered emotional/physical harm • Must show have, will or are assisting in investigation or prosecution • Need law enforcement certification • Broad waiver <p><u>T VISA</u></p> <ul style="list-style-type: none"> • Victim of trafficking (smuggling, domestic, sexual) • Show extreme hardship • Assist in prosecution/investigation of trafficking • Limited waiver for crimes 	<p><u>NACARA:</u></p> <p>Guatemalans, Hondurans, certain Eastern Europeans or nationals from the former Soviet Union</p> <ol style="list-style-type: none"> 1. Came to US and applied for asylum, or registered for the ABC CLASS or TPS status before certain dates in 1990 or 1991. Or are the spouse or unmarried child of a person who meets these requirements. 2. lived in U.S. for at least the last 7 years. 3. show hardship to you, spouse, parent or child who is an LPR or USC if deported and don't have certain criminal problems <p>Nicaraguans and Cubans:</p> <p>In US since 12/1/1995</p> <p>Not convicted of certain crimes (waiver available)</p> <p>If alien is spouse or unmarried child of above requirements.</p>
<p><u>BARS TO REENTRY</u></p> <ul style="list-style-type: none"> * Unlawful presence for 180 days or less and voluntarily leaves..... no bar * Unlawful presence for +180 days but less then 1 year3 years * Unlawful presence for +1 year 10 years * Ordered removed on inadmissibility grounds.....5 years * Ordered removed on deportation grounds..... 10 years * Excluded or deported under old law 10 years * Two orders of removal20 years * Failure to attend removal proceedings.....5 years * Ordered removed after conviction for Ag Fel or drug offense permanent 	<p><u>MANDATORY DETENTION</u></p> <ul style="list-style-type: none"> * Applies only to those released from custody after 10/9/98 * Arriving aliens are ineligible for bond <p><i>For LPR</i></p> <ul style="list-style-type: none"> * 2 CIMTs * AG fel * Controlled substance offense * Firearms offense <p><i>For EWI</i></p> <ul style="list-style-type: none"> * One CIMT (subject to petty offense exception) * Controlled substance offense * Drug trafficking offense * 2 or + offenses with aggregate of 5 yrs * Prostitution * Domestic viol or viol of protection order 	<p><u>VOLUNTARY DEPARTURE</u></p> <ul style="list-style-type: none"> * Not available to arriving aliens * No ag fels or security concerns * No prior removal order * Granted up to 120 days if before end of proceedings <p><i>If request made at the end of proceedings</i></p> <ul style="list-style-type: none"> * Physically present for at least one year before filing of NTA (not available to arriving aliens) * Good moral character for at least five years before application * Granted up to 60 days

*Produced by Bryan Lonagan, Immigration Law Unit of the Legal Aid Society of New York, Revisions made by Paromita Shah of the National Immigration Project on 6/22/07

When a Deportation is Imminent*

You may be deported immediately if you have exhausted all appeals/legal options. You are subject to immediate deportation if: you are detained because of having an old/outstanding order of deportation; an Immigration Judge orders you deported and you do not appeal; the Board of Immigration Appeals orders your deportation and *not* have a stay of deportation in place with any federal court; or a federal court rules against you and you do not have a stay in place.

In some cases when a deportation is imminent, the family needs additional time to gather belongings, make arrangement in the “home” country, or pursue legal arguments. To obtain additional time when deportation is about to happen (imminent):

- **Contact the Deportation Office.** Deport Officers have the best information about when a person may be deported (even if they often refuse to tell you). An attorney who has filed a G-28 for a detainee can more easily talk to a deportation officer than a friend or family member. Nevertheless, some Deport Officers may talk to loved ones. If you need more time (because you are filing court papers, or are preparing housing arrangements in the home country) **some** deport officers may be willing to help a little. But in many cases, Deport Officers are unresponsive, uncooperative, or just believe they cannot do anything. If you feel that a person has a particularly compelling case, you can speak directly with the Field Office Director.
- **Contact your Consular Office.** Detainees typically need travel documents from the consulate before they are deported. Consulates can often tell you whether or not travel documents have been issued for the person, if a flight is scheduled for them, and their location in the system. They can also tell you where the person may go after being deported (e.g. the local Police station). Call the national consulate of the detainee and ask for the caseworker that handles deportation. Provide copies of pending litigation to the consulate, to show that deportation would be premature because the national is awaiting a court ruling; ask them to ensure that the deportation complies with the country’s law; and to verify that the person being deported is indeed a national of that country. **IMPORTANT:** Because the consulate has the power to expedite, delay, or simply decline issuing travel documents, make sure that your actions are not deemed “obstruction” by the US government.
- **Talk to an attorney about filing papers to the court.** If you feel that there are still legitimate legal claims in a person’s case, it is important talk to a *deportation specialist* about filing papers in the courts. Depending on *where* someone’s case is legally, you can file an:
 - Emergency Motion to Reopen and Stay to an Immigration Judge or the BIA
 - Petition to Review with a Stay of Deportation to Federal Court
 - A Stay of Deportation with BICE
- **Other Pressures (Congress & Media).** If a person’s case is very compelling, or you feel that there is nothing to lose, supportive elected officials and journalists can be instrumental in stopping deportations. Members of Congress should contact the Field Officer Director directly to raise concerns around a deportation.

* Important Note: Individuals that have physically prevented themselves from being put on planes for deportation have been physically assaulted, sedated and, in some cases, criminally prosecuted.

CAN I RETURN TO THE U.S. AFTER BEING DEPORTED?

The United States deports approximately 200,000 people every year, tearing apart families, friends and businesses. Naturally, many people want to return to the communities that they were forced to leave behind.

Unfortunately, it is very difficult to return to the United States after being deported. Many people will never be able to return, but you can apply to the Department of Homeland Security for readmission. Furthermore, families in the United States can begin to collectively pressure the U.S. government to return their loved ones. **Also, remember that if a deported person returns to the U.S. without authorization, s/he faces strict criminal prosecution and imprisonment.**

In order to win the return of your deported loved one, you must overcome two barriers: Your loved one must have a basis to apply for permission to come to the U.S., and he or she must apply for and receive one or more waivers to remove any applicable bars to reentry. There are no “official steps” that, upon completion, will win return, and it does not happen often. Generally, however, someone who is deported will have to take the following steps:

1. **Apply for permission to enter the U.S.** This requires that you have a basis for coming back to the U.S. For example, you might get a family member in the U.S. to sponsor you for a green card, find a U.S. employer to sponsor you, apply for a tourist visa, or apply for some other visa.
2. **Determine bars to reentry.** Every deported person is barred from returning to the U.S. for a certain number of years. People with criminal convictions have additional bars that prevent admission to the U.S. You will have to determine which grounds of inadmissibility and bars to entry/re-entry apply to you. Some of these bars are summarized in attached chart.
3. **File waivers for bars, if available.** For each bar to entry, you will have to file a waiver, asking the U.S. government to waive the ground of inadmissibility or bar to reentry, to allow you to return earlier than allowed. Possible forms you may need to file include: Form I-601 (Application for Waiver of Ground of Excludability) or Form I-212 (Application for Permission to Reapply for Admission into the United States after Deportation or Removal). Most applications require payment of a fee, and your particular situation might require other forms or applications as well. Some people may not have waivers available to them for the type of visa they are seeking.
4. In some situations, it may be useful to take additional steps to support your application – for example, through media coverage and political advocacy.

This packet provides general information about returning to the U.S. after being deported. However, remember that immigration law changes frequently and everyone’s situation is different. Therefore, the information in this packet may not be complete in your particular situation.

ANALYZE ELIGIBILITY FOR READMISSION: COLLECTING DOCUMENTATION

- Submit Freedom of Information Act (FOIA) requests to get copies of your deported family member's immigration file. You should submit one request to the Department of Homeland Security and one request to the Executive Office of Immigration Review. The government generally takes several months (at least) to respond to FOIA requests, so you should do this right away. There is usually no fee, unless the file is very large.
- Collect all immigration and criminal records. Many should be in the immigration file you are requesting through FOIA (above). The following documents are particularly important:
 - _____ Order to Show Cause or Notice to Appear (lists immigration charges)
 - _____ Every decision of the Immigration Judge
 - _____ Every decision of the Board of Immigration Appeals
 - _____ Every federal court decision in the immigration case
 - _____ Warrant/Notice of Deportation or other papers given by government upon deportation
 - _____ Record of conviction/Disposition for every criminal arrest
 - _____ Rap sheet. If you can't get a rap sheet, then ask your family member to list every arrest, its date, and the outcome (as much as they remember).
- Begin to collect documentation of the "favorable factors" in your loved one's life. This is a list of all of the positive aspects of that person's life, such as school and employment records, involvement with religious or community groups, evidence of rehabilitation if applicable. You should also gather information about your U.S. citizen and legal permanent resident family members, and documentation about how your absence creates financial, emotional and other hardships for them. Some waivers require evidence of this hardship, and it will strengthen most applications.

People who have been deported face a number of obstacles in returning to the U.S. These charts list bars to re-entry and common criminal grounds of inadmissibility. Other inadmissibility grounds and their waivers are not discussed here (for example, inadmissibility relating to HIV and other health-related grounds, document fraud). Remember, if more than one bar applies to you, then every bar must be waived in order to be readmitted to the U.S.

SUMMARY OF BARS TO RE-ENTRY for PEOPLE WHO HAVE BEEN DEPORTED			
	Bar to Re-entry	Waiver for Immigrant Visa	Waiver for Non-Immigrant Visa
Unlawful presence in US for less than 6 months	No Bar		
Unlawful presence in US for over 6 months and less than 1 year	3 years	Yes. Form I-601.	Most bars can be waived for non-immigrant visa applicants under INA Section 212(d)(3). May need Forms I-192 and/or I-212.
Unlawful presence in US for one year or longer	10 years		
Ordered removed on inadmissibility grounds	5 years	Yes. Form I-212.	
Ordered removed on deportability grounds	10 years		
Ordered excluded/deported under pre-1996 laws	10 years		
Ordered removed two times	20 years		
Failed to attend removal hearing	5 years	Probably yes.	
Ordered removed after a conviction for an aggravated felony	Permanent	Maybe.	

*There may be arguments that the bars to re-entry for people deported under pre-1996 laws is shorter.

SUMMARY OF SOME COMMON CRIMINAL GROUNDS OF INADMISSIBILITY		
A wide range of offenses makes a person inadmissible, or ineligible to be admitted to the U.S. This is a summary of <u>some</u> of these grounds of inadmissibility, and whether they can be waived.		
	Waiver for Immigrant Visa	Waiver for Non-Immigrant Visa
Crime Involving Moral Turpitude Not inadmissible if a) only 1 CIMT, which had maximum possible sentence of one year or less and actual sentence of 6 months or less; or b) only 1 CIMT committed by minor and conviction and jail more than 5 years before application for admission.	212(h) waiver available. Form I-601. This waiver requires showing one of the following: a) denial of admission will cause extreme hardship to U.S. citizen or LPR spouse, parent, or child OR b) crime is at least 15 years old (not required for prostitution/ commercial vice), you have been rehabilitated and allowing you into US would not harm its safety or security. Additional waivers for domestic violence situations.	Most grounds of inadmissibility can be waived for non-immigrant visa applicants under Section 212(d)(3) of the INA. However, "212(d)(3)" cannot waive some "national security" inadmissibility grounds (e.g. espionage).
2 or more offenses of any kind, for which you received total sentences of 5 years or longer.		
Prostitution, commercialized vice		
Drug offense	212(h) waiver available only for single conviction for simple possession of 30 grams or less of marijuana. Form I-601.	

Detainee Abuse

Immigration detainees are scattered throughout a network of county jails & prisons, federal detention centers, and private prisons. Incidents of abuse at the hands of corrections officers and even other inmates are rampant (see *American Gulag*, by Mark Dow). If you feel that a member or loved one is being abused, follow some basic steps:

- ❖ **Get the story straight.** It is never enough to just say “someone beat up my daughter/son.” It is important to document
 - Date and approximate time of the incident
 - Names, A#s, and inmate #'s of everyone that was assaulted
 - Names and titles of everyone that assaulted the detainee
 - Names, A#'s of people who witnessed the event (including sympathetic officers)
 - Detailed description of the assault and the official response to the assault

- ❖ **Write a *one-page* letter of concern.** It is always important to have written correspondence to government or jail officials. This is much easier than anyone thinks it is (see sample letters). Including whatever relevant information you are able to collect above, write a one-page letter with a *clear* description of events and *clear* demands for recourse. Different people write letters in different styles. Some suggestions:
 - Address the letter to people with immediate jurisdiction over the facility, including the Warden, BICE Field Office Director, and DHS Office of Inspector General.
 - Copy (cc) the letter to at least one member of Congress, and organizations that may care. Make sure that you have some relationship with the individuals on the cc: line, so that they may follow-up. ****We advise you to *not* copy the letter to the press just yet.**
 - Describe the incident as documented in bullet point format. Begin the description with “This is our understanding of the facts” and end with “We would like some clarity on this matter.” Also use language like “alleged.” This type of language gives you some flexibility in highlighting allegations that are not immediately confirmable. Be very careful to only highlight events you have heard from trusted or multiple sources. Your credibility is important, and if the case goes to court in the future, your written words may help or hurt.
 - Identify and present clear demands. Make sure that officials can meet demands immediately. Demands may include releasing people from segregation, contacting their attorneys, giving them medical attention, etc.
 - Request a direct response in your conclusion (e.g. “We have yet to go public with this matter and are awaiting a response.”). Include a phone and fax number where you can be reached.
 - Verify delivery to all parties (fax confirmations, certified mail receipts), follow-up to make sure they received it, and keep in touch with inmates in the facility to document progress.
 - Get a partner (one party in the CC line) to also document and confirm the incident. Then make a determination about going to media with the inmates involved.

- ❖ Encourage the detainees involved to file complaints. To preserve the possibility of legal action, detainees that face abuse should file written complaints (see <http://www.abanet.org/immigration/probono/info.html>). Complaints should be filed to:
 - **Officer-in Charge of the Facility (OIC) and BICE Field Office Director**
 - Each facility *should* have a complaint procedure as outlined by detainee handbook
 - Detainee must submit informal complaint within *five* (5) days of event
 - Formal complaint must be within five (5) days of event or unsuccessful conclusion of informal grievance
 - **If Violations Are Unresolved At the Local Level, Report the Problem to ICE Headquarters**
 - If the local authorities are non-responsive or fail to take appropriate action in a timely manner, report the problem to ICE headquarters. Such grievances should be submitted in writing or by e-mail and contain detailed information about the issue at hand and all prior attempts to solve the problem with local authorities.
 - Direct complaints to Mary Loiselle, Acting Deputy Assistant Director, Detention Management Division, ICE Office of Detention and Removal, 801 "I" Street, Suite 980, NW, Washington, D.C. 20536. Tel: (202) 732-2912; Fax: (202) 616-8702; E-mail: Mary.Loiselle@dhs.gov.
 - For complaints concerning medical and mental health care, advocates should copy 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; E-mail: philip.jarres@dhs.gov.
 - **File a complaint with the DHS Office for Civil Rights and Civil Liberties (OCRCL)**
 - Complaints on detention standards violations that are unresolved at the local level should also be filed with the DHS Office for Civil Rights and Civil Liberties. Complaints should be submitted in writing or e-mail to: Department of Homeland Security, 245 Murray Lane, SW, Building 410 Mail Stop #0800, Office for Civil Rights and Civil Liberties Review and Compliance Unit Washington, DC 20528. For packages/overnight deliveries, contact the office at Tel: 202.401.1474, 202.401.0470 (Local TTY); Toll Free: 1.866.644.8360, 1.866.644.8361 (TTY); E-mail: civil.liberties@dhs.gov. In addition, complaints that relate to abuses by ICE and other law enforcement officials; profiling on the basis of race, ethnicity, or religion; and other due process violations should be sent to OCRCL at this address as well. Website: http://www.dhs.gov/xabout/structure/editorial_0373.shtm
 - **Office of Inspector General (OIG)**
 - Jurisdiction over all BICE employees,
 - Investigates allegations of abuse, misconduct, and systemic problems.
 - If you have allegations of civil liberties or civil rights abuses: 1) Fax DHS OIG Hotline at: (202) 254-4292; 2) Email DHSOIGHOTLINE@dhs.gov; 3) Write: Department of Homeland Security, Washington, DC 20528, Attn: Office of Inspector General, Hotline. Complaints may be made anonymously or you may request confidentiality.

➤ **Office of Professional Responsibility**

- Jurisdiction over misconduct by DOJ attorneys and judges (including EOIR). This is useful if you tried to report the incident to a judge or other DOJ employee, and it was disregarded.
- Complaints against DOJ employees must be sent to OPR in writing. No particular forms are required. The complaint should include the names and titles of the individuals suspected of misconduct, the details of the allegations including case names, and any other relevant information. Include copies of any relevant documentation. The information should be mailed to: H. Marshall Jarrett, Counsel, Office of Professional Responsibility, 950 Pennsylvania Avenue, N.W., Suite 3266, Washington, D.C. 20530

❖ **Talk to attorneys and legal experts about filing complaints and suits for monetary damages.** Suing over detainee abuse is very difficult and very few lawyers are available to help people sue when they are abused. Nevertheless it can be an option and some detainees have even sued on their own behalf (*pro se*)! The following are *some* potential claims.

- **Federal Tort Claims Act (FTCA)** FTCA claims can be used by Immigration Detainees against the *United States* injured due to actions by *federal officers* before or during their detention. A detainee can file an FTCA complaint when a federal officer violates state laws. FTCA complaints may attract interest from private firms because a detainee may obtain monetary compensation.
- ***Bivens* claims** are lawsuits against *individual employees* of the federal government. A detainee may file *Bivens* complaints to obtain money damages to remedy constitutional violations (specifically of 1st, 4th, 5th, 6th, or 8th amendments). However, if a court has given a decision on an FTCA claim, a detainee is barred from filing a *Bivens* complaint.
- **§ 1983 claims or 1983 complaints** are lawsuits against *individual employees* of the state or local government (e.g. county jail officials) to obtain money damages to remedy constitutional rights violations. Of the three complaints, 1983 complaints are the most complicated and often require the most help from legal experts.

Families for Freedom

2 Washington Street, 766 North • New York NY 10004 • (212) 898-4121 fax (212) 363-8533

To: Warden Leroy Holiday, Concordia Parrish Correctional Facility;
Field Office Director Craig Robinson, Officers Randall Morton & Marvin McKlesky, Bureau of
Immigration and Customs Enforcement; Nancy Hooks; DHS Secretary Tom Ridge
CC: American Civil Liberties Union (national and local offices), CLINIC and Loyola School of Law,
Associated Catholic Charities, Office of Inspector General at DOJ
Date: March 23, 2004
Re: Immigration Inmate Patrick B--- (A#-----)

Families For Freedom is an immigrant rights organization that works with immigrant detainees and their family members. On March 18, 2004 we received a letter from inmate Patrick B--- indicating that he was assaulted by correctional officers at Concordia Parrish Correctional Facility II (CPCF). We have also had an opportunity to speak with Mr. B---.

Here is our understanding of the facts:

- On March 10, 2004, at approximately 3:30pm, Lieutenant Lyold opened the door of Mr. Patrick B---'s cell and slapped Mr. B--- in the face. Shortly there after, five additional officers (Officers Book, Dhanes, and three others) entered his cell and repeatedly punched and kicked Mr. B--- and dragged him out of the cell. They apparently handcuffed and pepper sprayed Mr. B--- and then put him back in the cell with handcuffs on.
- Mr. B--- has sustained severe injuries as a result of this beating. He has pain in his lower back and neck and an inability to see clearly. We also understand that he has up to this point been denied proper medical treatment, and as a result, the pain has moved to his legs. As of today, he continues to have trouble and pain while walking.
- Mr. B--- has written to us that he had been smoking in his cell immediately before this incident. He had assumed that smoking was permitted in his cell, as it had been previously. In fact, Mr. B--- reports that officers had often provided him with cigarettes and lights, and continue to do so.
- We have also been informed that Mr. B--- was in 24-hour lockdown for three months due to his unwillingness to violate his religious beliefs against cutting his hair and beard. Mr. B--- is a practicing Rastafarian.
- We consider it the responsibility of BICE and CPCF officials to contact legal counsel for Mr. B---, if he has one, and his family to discuss this matter.
- We understand that Officer Lyold may have already been suspended. We request confirmation that all officers involved in the March 10th event are removed from duties at Concordia Parrish Correctional Facility until an investigation into this matter is completed. We would also like assurances that no punitive actions (threats, arbitrary transfers, etc.) will be taken against Mr. B--- or other inmates by BICE or CPCF officials.

We are extremely concerned about the treatment of immigration inmates at CPCF. We have received reports of other incidents where the rights of immigration inmates may have been violated. Complaints range widely and include assault, lack of prepaid phone cards, lack of access to legal materials, confiscation of personal paperwork, coercion of inmates to violate religious beliefs relating to hair and diet, and segregation if they refuse to do so. In addition, we have been advised of retaliatory transfers from the Federal Detention Center in Oakdale to various Parrish jails, especially CPCF. While we understand and applaud that changes are starting to be made, we would like a clear timeline of your investigation into Mr. B---'s assault and the manner in which you will address the remaining issues.

We have not yet publicized this matter and are awaiting your response. Please contact Families For Freedom at (212) 898-4121 to discuss this matter further. Thank you in advance for your immediate attention to this matter.

Families for Freedom

2 Washington Street, 766 North • New York NY 10004 • (212) 898-4121 fax (212) 363-8533

To: JP Young, Warden, Oakdale Federal Detention Center
Craig Robinson, Field Office Director, Bureau of Immigration and Customs Enforcement
Nancy Hooks, Field Officer-in-Charge, Bureau of Immigration and Customs Enforcement
Ronald Thompson, Regional Director, Bureau of Prisons (El Paso, Texas)

CC: American Civil Liberties Union (national and local offices)
CLINIC and Loyola School of Law
Catholic Charities, New Orleans
Office of Inspector General at Department of Justice

Date: July 15, 2004

Re: Death of Richard Rust and Subsequent Solitary Confinement of Detainees at Oakdale FDC

Families For Freedom, a New York-based human rights organization that works with immigrant detainees and their families, is writing to express concern about two matters: 1) the death of Richard Rust, a 33-year-old detainee at Oakdale Federal Detention Center (hereinafter Oakdale FDC); and 2) the subsequent and indefinite solitary confinement of dozens of detainees, which effectively blocks their legal and community ties and mutes any discussion around Richard's death. We urge you to investigate Richard's death, and cease the solitary confinement and other punitive measures against detainees.

Based on communication with detainees at Oakdale FDC as well as Richard's family in New York City, we understand the facts of the case to be:

- On May 29th, Richard Rust, a 33-year-old resident of New York, died after suffering what appears to be heart failure at Oakdale FDC. Richard was in the Leisure Area between 5 and 6pm, when he bent over in severe distress. He stumbled into the barbershop, where he collapsed and died at approximately 5:50pm. Emergency medical services arrived approximately 45 minutes after detainees first urged guards to get help.
- Richard's family was informed of his death through a letter dated June 1, 2004 and sent via regular mail to his stepmother Joyce Lewis. To the best of our knowledge there has been no other attempts to explain Richard's death to his family.
- Oakdale FDC staff present during Richard's collapse includes: Ms. Tucker, Lieutenant Sibley, and Officers Reggie Taylor, Dill and Courtney. None of the staff present, including Officer Taylor who is reportedly trained in cardiopulmonary resuscitation (CPR), administered any emergency assistance to Richard. Certain staff purportedly reacted indifferently as Richard lay dying.
- A number of Oakdale FDC inmates expressed great concern at the circumstances of Richard's death. Oakdale FDC staff responded to grievances by charging detainees with "Participating in a Group Demonstration." At least 30 detainees were placed in segregation, some close to Richard and others who had no apparent relationship to any of the inmates with grievances. Oakdale FDC limited their phone access to only once weekly or biweekly. As a result, some families have not heard from their loved-ones in detention for weeks at a time, and fear for their safety. Inmates feel intimidated into remaining silent about Richard's death, and have even stated that Oakdale staff is monitoring their conversations and tampering with their mail. Most remain in segregation a month and a half after Richard's death.
- The people placed in segregation were disproportionately from the Caribbean (especially Jamaica). Inmates have reported that adherents to the Rastafari faith were also singled out.

We ask that your office begin an immediate investigation into Richard's death and the failure of Oakdale FDC staff to provide timely medical assistance; and that Oakdale FDC cease punitive action against inmates. We have received reports of other incidents where the rights of immigration inmates may have been violated. Complaints range widely, and include recently reduced access to adequate legal materials, confiscation of personal paperwork, and the interference in peer inmate legal assistance (in a facility where a disproportionate number of inmates have no counsel).

We have yet to publicize this letter and await your response. Please contact Families For Freedom at (212) 898-4121. Thank you in advance for your immediate attention to this matter.



The Death of Richard Rust

by Daniel Zwerdling



Courtesy of the Rust Family

The funeral program for Richard Rust, an immigration detainee who died in U.S. custody last year after federal prison workers failed to give him proper medical care.

NPR INVESTIGATION

Examine documents from Daniel Zwerdling's inquiry into the death of Richard Rust:

- [Read the detainees' letter calling for an investigation into Richard Rust's death.](#)
- [Read the Homeland Security Department's response to reporter Daniel Zwerdling's Freedom of Information Act request for details about immigrants who have died in detention. Note the date of Zwerdling's request and the date of the response.](#)
(Requires Adobe Acrobat)
- [Read Zwerdling's letter to the Oakdale Federal Detention Center's warden requesting information about Rust's death.](#)

NPR.org, December 5, 2005 · Richard Rust died last year after he was detained by U.S. government agents -- not in a secret detention center in Iraq, but in a federal prison in Oakdale, La.

Evidence suggests that Rust, an immigrant from Jamaica, is not the only detainee who has died recently after Homeland Security detained them. In each case, witnesses charge that the immigrants died after guards and medical staff failed to give them proper medical care. The incidents raise a question: Is there a pattern of medical neglect in Homeland Security's detention centers?

The Department of Homeland Security detained more than 200,000 non-citizens last year in jails and prisons across the country. Most of the detainees were not charged with crimes, but rather with violating civil immigration laws. They are held while officials try to obtain court orders to deport them.

In past reports, NPR revealed that some immigrant detainees have been kept in harsh conditions and suffered abuse. For instance, guards at the Passaic County Jail in New Jersey ordered dogs to attack immigrant detainees, and guards at the nearby Hudson County Jail beat up detainees while they were handcuffed. (See related links to 'Past Stories on Detainee Abuse')

Louisiana's Oakdale Federal Detention Center is part of a sprawling federal prison complex. Surrounded by high fences and dense forests, it houses almost 1,000 immigrant detainees on any given day. To understand what transpired in the final minutes of Richard Rust's life there, NPR tracked down eight current and former detainees who knew Rust. Each says he witnessed all or part of what happened to Rust.

The way they tell it, Rust became popular with fellow detainees after Homeland Security locked him up on February 3, 2004.

"Richard Rust, he's a kind person, he has a harmony about him," recalls Kerion Dawkins, who was deported late last year to Jamaica. (Dawkins still has trouble accepting that Rust is dead, so he talks about him in the present tense.) "If you and the next person has a problem, he'll sit down and try to help work it out. He'll be a counselor, or a judge if it's a dispute."

Dawkins and other detainees say it was hot and humid on the evening of Saturday, May 29, when the guards let them leave their cellblocks and spill into the recreation area. Richard Rust began playing basketball, but then he paused to get a drink of water in the prison barbershop, just a few yards away.

Dawkins was working that evening as one of the barbers. Just after Rust

(Requires [Adobe Acrobat](#))

- [Read the Oakdale prison spokesman's response to Zwerdling's questions.](#)
(Requires [Adobe Acrobat](#))
- [Read a copy of the official weather report -- warm and humid -- on the day of Richard Rust's death.](#)
(Requires [Adobe Acrobat](#))
- [Read Richard Rust's death certificate.](#)
- [Read the Department of Homeland Security's 'Report of Investigation' on the death of Joseph Dantica.](#)
(Requires [Adobe Acrobat](#))
- [Read the Florida Immigrant Advocacy Center's response to the DHS report.](#)
(Requires [Adobe Acrobat](#))

Oakdale Detention Center

- [Bureau of Prisons Web site for the Oakdale Federal Detention Center](#)

Info for Detained Immigrants

- [Families for Freedom](#)
- [Immigration Detention and Removal: A Guide for Detainees and Their Families](#)
(Requires [Adobe Acrobat](#))
- [Detention Watch Network: Know Your Rights](#)
- [Immigrant Defense Project](#)

walked in, Dawkins says his friend gasped "I can't breathe!" and then collapsed in his arms. Dawkins remembers that another barber ran outside to look for the officer who was supposed to be on duty, waving his hands and shouting, "There's a guy in the rec center dying! He's having a heart attack!" Detainees flocked to the recreation center's doorway, to see if they could help.

Homeland Security's detention centers and federal prisons have detailed medical standards, which declare that their staffs are supposed to respond to medical emergencies "within a 4-minute response time" -- and then apply CPR and other life-saving measures if they're needed. But the detainees say that after a guard found Rust -- not breathing and without a pulse -- they saw no one on Oakdale's staff perform CPR or use the prison's automatic defibrillator to try to revive him.

The detention center has a large medical unit only a couple minutes' walk from the spot where Rust was lying on the floor. Yet detainees say nobody from the medical staff showed up for at least 20 minutes. The community hospital is less than four miles away, down a few small-town roads, but detainees say the ambulance didn't come for at least 40 minutes.

Soon after the ambulance finally brought him in, doctors at the hospital pronounced Rust dead.

The next morning, detainees held a prayer service to honor his memory. They say that later the same day, guards rounded up dozens of immigrants who had been friendly with Rust, or who acknowledged that they were upset about the way the staff responded after he collapsed. The guards locked all of them in "The Hole" -- the prison's wing of small, windowless punishment cells -- where some were forced to stay for as long as three months.

NPR attempted over several months -- through dozens of e-mails, registered letters and phone calls -- to get officials at the Department of Homeland Security and Oakdale Federal Detention Center to discuss the events surrounding Rust's death. They refused. A spokesman at Oakdale sent a brief e-mail declaring that after Rust collapsed, "staff and medical personnel responded immediately, and CPR was administered until the responding ambulance arrived."

But nationally respected specialists on prison health care told NPR that if the detainees accounts are true -- their stories are remarkably consistent -- then the prison's efforts fell far short of the required standard of medical care. "It's unconscionable in my opinion," says Dr. Robert Greifinger, who has investigated health care systems in prisons for the federal and local governments. Greifinger has not personally investigated Rust's death, but he says if the detainees' accounts are accurate, the Oakdale staff's "inaction in the face of his life-threatening condition could have been a cause of his death."

Greifinger says the detainees' story suggests the possibility that the staff's response "was more than negligence -- that it was what, in legal terms, is called 'deliberate indifference' to serious medical needs. If there's deliberate indifference, it constitutes cruel and unusual punishment."

NPR has spent months investigating this issue without being able to confirm exactly how many other

immigrants have died in detention due to staff neglect. What is known is that at least three other detainees died at detention centers in Alabama, Maryland and Florida, less than six months after Rust died. Detainees in those centers also charge that guards and other staff failed to give the victims prompt medical care. Officials at Homeland Security and the jails would not discuss those cases, either.

Cheryl Little, director of the Florida Immigrant Advocacy Center, says that she and her staff have investigated hundreds of cases in the past decade in which detainees have become sick -- and some died -- after they might not have received proper medical care. She says medical neglect "is the number one complaint we get from detainees when we visit them in any of the facilities where they're housed in Florida."

In one case, lawyers at the U.S. Justice Department investigated the medical unit at one jail in Florida after Little reported that detainees' medical problems were being neglected. The assistant attorney general concluded that the staff's attitudes "pose a significant threat" to the inmate's health.

Related NPR Stories

**ORGANIZING TO FIGHT
RAIDS AND
DEPORTATION**

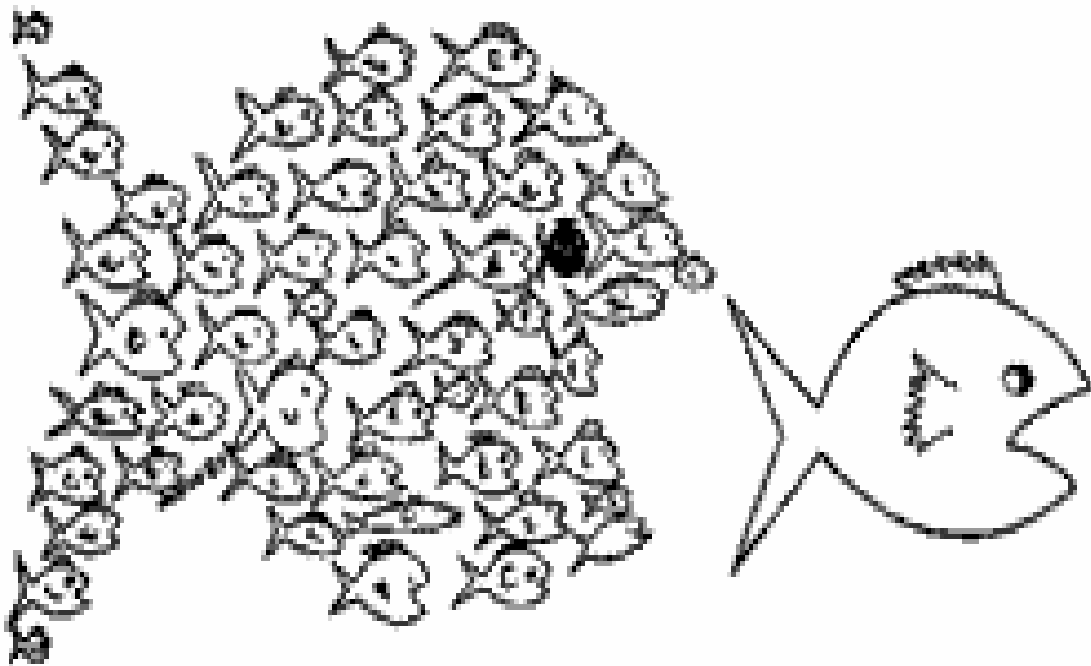
Assist Ourselves

Raise awareness

Make 'em Bleed!

CASE CAMPAGIN MANUAL

Prepared by Families for Freedom



**If you have to leave, don't leave quietly!
Make THEM lose sleep the same way we do!**

INTRODUCTION: WHY USE THIS MANUAL?

Raids and arrests are devastating communities. Over 2 million people have been deported in the last decade. Deportation is a crisis, possibly the biggest one you've ever faced. And as soon as you start looking for help, doors close on you. The judges cannot grant you a pardon. The prosecutors have the final word. And powerful people act as though they are powerless.

But here's a secret: those with *and* without power *can* help.

A.R.M. Case Campaign Manual is meant to assist anyone organizing to fight a deportation case and change the laws. We show you how to push lawmakers, foreign consulates, media, leaders and neighbors to join your campaign to keep your family together. Community support is a key factor in pressuring Immigration to treat your loved ones with justice. Countless families and leaders have used this how-to guide to build local and national support.

A.R.M. stands for **A**ssist Ourselves, **R**aise Awareness, **M**ake 'em Bleed. It is the organizing strategy developed by Families for Freedom to build the power of individuals and communities fighting against raids and deportations. Just like political candidates build a campaign when they want to get elected, you can also build a campaign to help protect yourself. You can speak out, make headlines, and get community leaders to back you up.

The **GOALS** of this document are to teach you:

- Why it is vital to take action on your own case;
- Who in government has the power to grant your demands for relief; and
- How to build community support

Today thousands around America are standing up against deportations. Regular people are using their stories to educate others and gain support. We hope this manual helps you to fight smart and win big.

A.R.M. Case Campaign Tools

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- New Sanctuary Movement (NSM)**
Give Witness, Gain Religious Support

Organizing & Advocacy: Everyone must take a stand!

Dispelling some commonly held myths about the system is often one of the first steps to tackling some of the roadblocks to getting support for your case:

MYTH: “I can’t do anything”

Elected officials and other Government Officials often say that they cannot get involved in deportation issues, the number one reason they cite is that they do not intervene in court or judicial matters for “ethical” reasons.

- **Quick Response:** Immigration Deportation (even Immigration “Court”) is a Function of the Executive Branch of the Government, *not* the Judicial Branch. Most immigrants facing Deportation never see a real court. Elected officials intervene in executive branch use and abuse of power all the time. You can encourage an executive body to exercise their discretion.

MYTH: “I am just doing my job”

BICE officials often publicly say, “we are just doing our jobs”. Immigration Judges always state (somewhat correctly) that the 1996 laws “tie their hands.”

- **Quick Response:** BICE (formerly INS) has large amounts of **Prosecutorial Discretion** when determining whether or not to enforce the immigration laws against a specific person. Even if they feel they cannot do anything, BICE, Immigration Judges, and *anyone* that is asked to help can *at least* state for public record that they believe a person’s deportation is wrong.

Example:

“In a way the court is very sympathetic to the respondent. I honestly believe that the respondent's criminal infraction is minute and should have no bearing in the respondent's right to remain in the United States... The respondent is an honest individual who did not [embellish] his facts.”

U.S. Immigration Judge Alberto J. Riefkohl, in his ruling ordering Hemnauth Mohabir's deportation, Sept. 25, 2002 (www.npr.org)

FACT: “DHS has a culture of no”

It’s true. DHS does have a culture of saying no to immigrants, even when they have the power to say yes.

- **Quick Response:** There are instances even after 9/11 of DHS granting favorable discretion to immigrants.

Prosecutorial Discretion (PD): Asks

Prosecutorial Discretion (PD) is authority that Homeland Security's Bureau of Immigration and Customs Enforcement (BICE) has to act favorably in a person's immigration case. It is a legal way of asking BICE to not enforce the law against a specific person. PD is often a last resort when all legal options have been exhausted or when cases are overwhelmingly sympathetic. Receiving PD may mean that you remain on lifelong parole. Getting PD comes down to pressure and politics. Often the best way to get it is to involve your community and elected officials in your immigration case.

NOTE: Prosecutorial Discretion is...

<p><i>NOT given by courts and judges</i> <i>NOT a way to obtain legal status (i.e. lifelong parole)</i></p>	<p><i>NOT always more effective with presswork</i> <i>NOT a solution for everyone</i> <i>NOT something you can appeal</i></p>
--	---

Doris Meissner, the former Commission of the INS under Clinton, wrote a memo on prosecutorial discretion outlining when the agency should use it favorably. Although dated and deeply underused, Homeland Security maintains it is still valid. Factors taken into consideration include:

<p>Immigration Status Length of residence in U.S. Criminal History Humanitarian Concerns Immigration History Likelihood of ultimately deporting the immigrant Likelihood of achieving enforcement goal by other means</p>	<p>If the person is (likely to become) eligible for relief Effect of action on future admissibility Current or past cooperation with law enforcement Honorable U.S. military service Community attention Resources available to the INS If interest served by prosecution would not be substantial</p>
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When seeking PD, you have to know exactly what and who to ask. Some examples are:

When	ASK DHS	TARGET
		<i>*Some Former INS officials may not have DHS Equivalents.</i>
Before Removal Proceedings	ICE should not conduct arrests/raids or should conduct in line with x principles and regulations	<ul style="list-style-type: none"> Special Agent-in-Charge ICE Field Office Director
	ICE should not transfer detainees across the country	<ul style="list-style-type: none"> ICIE Field Office Director
	ICE should not issue Notice To Appear (NTA)	<ul style="list-style-type: none"> ICE Field Office Director (head of local ICE office) Other DHS officer authorized to issue NTA*
	DHS should cancel NTA before it is filed at the Immigration Court	
	Move to dismiss the NTA	<ul style="list-style-type: none"> District Counsel or Trial Attorney
In Removal Proceedings	Ask DHS for release on bond, or parole (when someone is technically not bond eligible)	<ul style="list-style-type: none"> Field Office Director District Counsel
	Ask to support you in the other type of relief you're seeking before IJ, for example a Joint Motion to Terminate Proceedings	
After Removal Proceedings (But Before Removal)	Ask for an agency stay of deportation.	<ul style="list-style-type: none"> Field Office Director Detention And Removal Operations-DC (if in detention 180 days after deport order)
	Ask for deferred action (even if you have a removal order, the government can choose not to deport you.)	
	Ask for a release under an order of supervision	

Prosecutorial Discretion Chart made with the invaluable help of City University of New York Immigrant Rights Clinic.

Building Your Campaign

It's not enough to identify what Homeland Security can do for you. You have to **make** them do it by getting the support of other players.

Primary Targets	Possible Tactics (Not an exhaustive list)	Demands (Individual)	Demands (Collective)
<ul style="list-style-type: none"> ICE Field Office Director-head of local ICE office Special Agent in Charge-oversees arrests/investigations Supervisory Deportation Officer-in charge of detainees Trial Attorney or District Counsel- prosecutes of deportation cases Detention and Removal Operations (DC office)-in charge of most post deport order detention cases Office of Refugee Resettlement (handles detention for children) 	<ul style="list-style-type: none"> Congressional/Consulate support Community and Clergy delegations to Deportation Office Media Work Phone/Fax Action Alerts Press Conferences after major enforcement actions Demonstrations outside ICE office or detention center (inside detention center too)* 	See Prosecutorial Discretion (PD): Asks	<ul style="list-style-type: none"> Acts the to follow their own regulations Ask them to exercise their full prosecutorial discretion Ask them to NOT racially profile Ask them to take in consideration family concerns before arrests Ask them to investigate detention center abuses
<ul style="list-style-type: none"> Immigration Judges-presides over deportation cases in immigration court 	<ul style="list-style-type: none"> Pack the court Letter writing campaign to the court Demonstrations outside court 	<ul style="list-style-type: none"> Exercise discretion Public Record in Support Ensure fair hearing 	<ul style="list-style-type: none"> Take a public stand against their lack of discretion and for increased discretion (eg CCPA)
Secondary Targets			
<ul style="list-style-type: none"> Congressional Offices City Councilmembers or Local Government Officials State Legislators or State Officials or state agencies (e.g. child welfare or domestic violence agencies) 	<ul style="list-style-type: none"> Congressional Visits Call-ins Crash Congressional Press Conferences Co-Sponsor Press Conference Ask for Public Comment Letter requesting support Congressional Memos 	<ul style="list-style-type: none"> Write a Letter of Support (esp. for Prosecutorial Discretion Package) Sponsor a Private Bill (Congress) Conduct an Investigation Attend press conference Support a pardon (state leg.) 	<ul style="list-style-type: none"> Call for a Congressional Hearing, General Accounting Office audit, or Office of Inspector General investigation Introduce a local/state resolution or ordinance-esp. against local enforcement Issue statement denouncing ICE actions Sponsor Legislation Sponsor Local Hearings Draft Legislation (eg CCPA)
<ul style="list-style-type: none"> Consulates 	<ul style="list-style-type: none"> Vigils Community Meetings Ethnic Press work 	<ul style="list-style-type: none"> Help locate detainee Investigate detention abuse Ensure that all international laws and norms are followed (ind.) Ensure people who want to leave are allowed a speedy deportation Prevent illegal deportations 	<ul style="list-style-type: none"> Ensure that all international laws and norms are followed (collect.) Investigate detention abuse Create protocols to Prevent illegal deportations (e.g. checklists) Notify nationals of rights once arrested or at risk Visit detention centers Join in class action litigation

Other Important Targets

<p>Criminal Justice Actors</p> <ul style="list-style-type: none"> ▪ Judge ▪ Prosecutor ▪ Law Enforcement Officials (Sheriff's , Police, Department of Corrections) 	<ul style="list-style-type: none"> ▪ Post Card Campaigns ▪ Letter to the Judge/Prosecutor (see letter re: Jamaican Deportees) ▪ Public Meetings ▪ Consular Intervention 	<ul style="list-style-type: none"> ▪ Ask for some people to be charged as YO's (NY only) ▪ Reopen, Vacate or Re-sentence ▪ Take immigration into consideration when charging, convicting or sentencing 	<ul style="list-style-type: none"> ▪ Ask for policies that take immigration into consideration when charging, convicting or sentencing ▪ Ask local law enforcement NOT to work with ICE
<ul style="list-style-type: none"> ▪ Public Schools and Other Public Agencies (ACS, School Principals, etc.), Religious Institutions, Unions, PTA, etc. 	<ul style="list-style-type: none"> ▪ Group Visits ▪ Letter Writing Campaign 	<ul style="list-style-type: none"> ▪ Letter of Support ▪ Assist in creating support ▪ Letter's documenting hardship of family 	<ul style="list-style-type: none"> ▪ New Sanctuary Movement** ▪ Join and support public actions and press conferences ▪ Draft responses to raids/detention/deportations ▪ Support legislation that TRULY helps people facing deportation

*Detainees who organize hunger strikes, petitions, or other forms of protest inside detention are often subject to solitary confinement, transfer to another facility, and other forms of punishment. Many detainees do these things despite the risk. People on the outside should work to ensure the safety of detainees engaging in such action without necessarily being the once initiating these actions on the outside.

Congress

Nearly every case campaign requires the support of elected officials – especially members of Congress. After you analyze points of prosecutorial discretion, reach out to your representative and senators.

Identify your representatives.

Congress has 2 parts: the Senate and the House of Representatives. Members of Congress keep offices in Washington D.C. and the local district they represent. Find out who are your Senators (2) and Congressperson (1), to target for help.

1. Call the Congressional switchboard 202-224-3121 or 202-225-3121. Tell them your home address, and they can tell you who are your 2 Senators and 1 Congressperson.
2. Call your elected officials' offices and get the names of the **Immigration Caseworker** (local district office) and **Immigration Legislative Aide** (D.C. office).

	Senate		House of Representatives
	Senator 1	Senator 2	Congressperson
Name			
Immigration Caseworker (District Office)			
Immigration Legislative Aide (DC Office)			

Set up an appointment.

When you speak with the Immigration Caseworker or Legislative Aide, they will almost always insist that they can't get involved in deportation matters. That's a lie! They can do lots. But don't waste time arguing. Avoid discussing details over the phone. Just demand a meeting in person. A good line to use is, "I am a constituent. I have the right to a meeting. I don't feel comfortable talking on the phone."

Prepare ASKS.

You can't go into the congressional office and say, "Stop my deportation!" Congress *cannot* tell a judge what to do. But they *can* tell Homeland Security to exercise power to not deport you. Before you go to your congressional office, figure out what you are asking them to do. Review **Prosecutorial Discretion (PD): Asks**. And bring the legal papers and favorable factors you have to document your case.

Always Demand Responses In Writing

Remember, much of our goal in gathering support is to make decision-makers take a stand. Always prepare your requests for a Congressional office in writing and always demand a written response, *especially* if the office tells you they cannot help you. This way you can seek out help from other Congressional offices. More importantly, it is more difficult for them to articulate what they can't do for you in writing. Congressional offices often do not want to be on record saying they can't help you.

Favorable Factors

You can't just say that you or your loved one is a good person. To fight deportation, you have to PROVE IT. The more paper, the better. For example, don't just say, "I have 3 US citizen kids." Copy their birth certificates or naturalization certificates. Below is a list of factors that judges, immigration and Congress offices consider when they see your case. Collect whatever you have. Keep all your proof in one folder.

FAVORABLE FACTOR	PROOF
<input type="checkbox"/> Family Ties in the United States	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - reports from counselors. Whenever possible, actively seek therapy and get a letter from therapist documenting psychological hardship on you and family members (especially children) - letters from schools of younger children, documenting any change in behavior since deportation started - medical reports showing material dependence of family member on you (the person being deported) - 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	<ul style="list-style-type: none"> - enlistment and honorable 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	<ul style="list-style-type: none"> - letters of support from current/former employer(s) discussing your merits as a worker - tax returns, W2 Forms
<input type="checkbox"/> Property or Business Ties	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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
<input type="checkbox"/> Political Support	<ul style="list-style-type: none"> - letters of support & phone calls from elected officials (council members, mayors, members of Congress)

Letters of Support

Fill the blanks below with the name of the person being deported. Put your name is the last line, and a deadline for people to write and return their letters. Make a list of everyone you know and give the request for a letter of support to each of them. Follow up with phone calls and reminders. Get a close friend to help you collect letters. All letters of support should be in English or, if in another language, you should get an accurate English translation.

URGENT!
Letters of support needed for _____

_____ is facing deportation. We, as family members and loved ones, are fighting it. Our success depends on your help! We need you to write a one-page letter of support **IN YOUR OWN WORDS**. Please neatly write or type the letter. If possible, put it on **organizational** letterhead. You may begin the letter:

[Today's Date]

To Whom It May Concern:

I am writing in regard to _____. He is currently at risk of being deported to _____. His family and community are here, and we need him to stay with us.

Continue the letter including these points:

- **Background:** who are you (profession, place you live, etc), how long you have known _____ (use his first name), and what is your relationship (friend, family, attended same church, etc).
- **Community support:** describe the good things _____ has done in the community or for you personally. BE SPECIFIC.
- **Family:** talk about the effects deportation and detention are having on the family. If you know them well, describe them and how they got along with _____. If possible, describe how the family depends on _____ financially and emotionally.
- **Safety:** Explain *briefly* why _____ is not a threat to society.
- Sign the letter with your full name. Get it notarized whenever possible.
- Put letter on company letterhead if possible and include your work title.

We need your letters to save our loved one.
Please return your letter of support to _____ by _____. Thank you!

Petitions

Create a general petition in support of your detained/deported loved one. Collect signatures on the streets, at school or your place of worship. The petition will educate others about immigration. Lots of signatures will pressure your congressional office to get involved. Below is a sample, which has been signed by hundreds of community members.

June 26, 2004

To Whom It May Concern:

As a community member and supporter of Juan Diego Jimenez Rijo, I urge you to do all you can in your power to bring Juan Diego back to United States so that he can be with his community and family who love him.

On September 3rd, 2003, two days after Juan turned 19, he went to New York Federal Plaza thinking he was getting his naturalization certificate. Instead he was put in shackles. The next day at sunrise, he called home from John F. Kennedy airport to say, "They're deporting me to the Dominican Republic."

Juan came to the US when he was 13. He loved this community and loved New York. Throughout Washington Heights, neighbors only say good things about him. Juan worked for United Parcel Service (UPS), planned to join the US Armed Forces within months, and wanted to go to college. He was excited that he was becoming a US citizen. He did not know that when he was just 15 years old, the government revoked his greencard and ordered him deported. He had no chance to fight his case. Now in the Dominican Republic – far from New York and far from his loved ones – his dreams are shattered.

What happened to Juan is a disgrace. Juan deserves to have his case reopened and given a chance to get his legal status and citizenship in the United States. This is what he thought he was doing when he went to Federal Plaza on September 3rd before he was taken away from us. We urge you to do all within your power to bring Juan Diego back now.

Yours truly,

<i>Printed Name</i>	<i>Address</i>	<i>Signature</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Media

Deportation tears apart families. It wastes taxpayer dollars. It's double, even triple jeopardy, as people get deported for settled matters and then face persecution again back home. Most people don't know anything about how the system really works. Media can be a great weapon in your fight against deportation.

But before you try calling newspapers or TV stations, make sure you know: why am I speaking out? What is my message? Who should I contact? Below are some strategic points.

WHY AM I GOING TO THE PRESS?

To pressure my Congressperson to help me.

To educate others at risk about deportation.

Other: _____

To educate the general public about deportation.

To expose specific people/agencies abusing my loved one.

GET YOUR FACTS STRAIGHT.

Sometimes people feel ashamed of the reasons they are being deported. For example, if you have criminal convictions, you may be tempted to lie about them. But when speaking publicly, you have to be prepared to be honest. If you are caught lying, it will hurt you more. So get your side down. If you have a lawyer, you may want to ask him/her for help. Figure out what you do and don't want to disclose, and the facts you want in focus. Role-play with friends.

MAKE TALKING POINTS.

Reporters are busy (or at least they think they are). They want to hear in **30 seconds** why they should cover your story. Before you call, think up a few sentences to explain:

News hook: what JUST happened that must be covered. Why is your issue timely? Sometimes an anniversary or recent/upcoming event gets journalists interested.

Key facts: what or who is the story about? This should include facts about the person/family in focus, and about the bigger system that's the issue.

Message: why does it matter? This is an opportunity to propose how the journalist should write about the story. Don't just repeat the facts. Frame them. If you have demands (e.g. that your Congressperson speaks out against your deportation; that Homeland Security gives you prosecutorial discretion; that the jail guards stop beating you), make them clear. Most journalists know nothing about the deportation system. Help them to focus, focus, focus.

MAKE A PRESS LIST.

There are thousands of newspapers, TV and radio stations. You can't call them all. And bigger is not always better. Tips for getting strategic and helpful coverage:

Decide whose attention you want. For example, if you are trying to influence local leaders and community members, the Hometown Paper may be a better choice than the *New York Times*.

Identify any reporters assigned to your specific issue (e.g. immigration, prison beat). You can call the media outlet and ask, "May I have the name of the reporter who covers immigration issues in Brooklyn?"

Watch out for journalists who give your issues a bad spin. For example, if John Imaracist only talks about immigrants as rapists, you **don't** want to call him!

CALL!

You've done a lot of work to prepare. You know your facts and your message. Now make the calls! Reporters are so used to getting calls from boring professionals, they will be thrilled hear a real person. Keep an organized record of who you spoke with and each conversation. Follow up when you say you will.

New Sanctuary Movement (NSM)

Background

In the early 1980's, thousands of Central American refugees poured into the United States, fleeing life-threatening repression and extensive human rights violations by their governments.

At the time, federal immigration policy would have denied the majority political asylum simply because their governments were allies of the U.S. Many of these refugees had actively participated in the liberation theology movement and naturally sought protection from congregations.

Many Catholic, Protestant and Jewish congregations and temples responded positively -- offering these refugees social services and advocacy support as well as engaging actively in efforts to change federal immigration policy. These congregations, united under the banner of the Sanctuary Movement, also pledged that they would not reveal the identities of these refugees, even if they were arrested or jailed for doing so.

The Sanctuary Movement was ultimately successful both in changing national policy and in protecting tens of thousands of individuals and families, enabling them to start a new life in the U.S.

Now, over 25 years later, religious leaders across a broad spectrum of denominations from 10 states are coming together to begin a New Sanctuary Movement to accompany and protect immigrant families who are facing the violation of their human rights in the form of hatred, workplace discrimination and unjust deportation.

As an act of public witness, the New Sanctuary Movement will enable congregations to publicly provide hospitality and protection to a limited number of immigrant families whose legal cases clearly reveal the contradictions and moral injustice of our current immigration system while working to support legislation that would change their situation.

Get Involved

Families for Freedom joined the New Sanctuary Movement in April 2007, when two of our members became the first families in New York to seek sanctuary. Since our partnership began, we have been working closely with religious leaders and congregants to build anti-deportation campaigns.

Sanctuary is not a community service. It is an invaluable, mutual support network grounded in faith and justice. To get involved, visit <http://newsanctuarymovement.org/> or contact FFF at 646 290 5551 for information.

December 12, 2003

Elected Official

Re: XXXXX SXXX (A# _____)

Dear SenatorXXXX:

I am writing from _____ to request your support for our member and your constituent, XXXXXX. She currently faces deportation to Trinidad for a 1990 drug possession conviction. She has legal resident and citizen family in the United States, including her only grandchild. _____ entered the country as a legal permanent resident in 198X. She holds fulltime employment as a _____ at _____. She has strong community ties, is fully rehabilitated and poses no threat to society.

In 1990 _____ she was found guilty of a one time nonviolent drug offense upon trial. She was sentenced to fifteen years to life under the Rockefeller Drug Laws. She was released from Bedford Hill Correctional Facility in 2001, five years before her minimum sentence, because of good behavior.

_____ was placed in deportation proceedings while in Bedford Hill Correctional Facility, after passage of the 1996 immigration laws. The Immigration Judge ordered her deported in XXXX. The Board of Immigration Appeals dismissed her case on April X, 1998. _____ filed a habeas petition to challenge the court's decision to deny her a hearing for 212(c) – a discretionary form of relief available to greencard holders with pre-1996 convictions. The Department of Homeland Security (DHS) is granting 212(c) hearings to people who pleaded guilty to crimes before 1996, but not to those who (like _____) went to trial. She will receive a judgment from the federal court any day now, and almost certainly lose this appeal.

We are now appealing to the DHS to allow _____ to remain here, despite her deportation order. The Bureau of Immigration and Customs Enforcement, within the DHS, has the power to grant _____ prosecutorial discretion – a non-binding agreement in which the noncitizen lives and works in the U.S. and reports regularly to the immigration office. It may be revoked whenever the government wishes. We are submitting a request for prosecutorial discretion to District Director XXXXXX. Congressional support would greatly strengthen our request.

XXXX fully understands and accepts that she has made mistakes. But she deserves a second chance. She is quickly re-establishing herself in New York and becoming a model citizen. XXXX is successfully putting her life back together. She does not deserve to see it torn apart now. We ask for your support so that XXXX may remain in this country.

Sincerely,

Letterhead

December 20, 2005

Attn: Immigration Caseworker
Office of Rep. NXXX MXXXX
222 Address
NY, NY 1XXXX

Dear Congressman _____,

We would like thank you for meeting with us on October 23 to discuss the case of our co-founder, church sister and family member, XXXXXX. We are writing you now with an urgent plea for help. This week, my mother, XXXX had all open criminal charges dropped. However she still has an immigration detainer because she is out of status and has one past conviction. Our family has retained XXXX the criminal attorney, to represent her in immigration proceedings.

According to every immigration expert we have spoken to, because of her controlled substance offense in 1988, XXXXXX has no options for relief in immigration court. Her only chance for staying in the country is if the Department of Homeland Security decides to exercise Prosecutorial Discretion in the case. As we have been advised, prosecutorial discretion is most effective when exercised before immigration court proceedings begin. More importantly, prosecutorial discretion is most affective when there is significant community attention, including from elected officials.

To remind you of the details of the case, XXXXXX and the XXXXXX were married in Trinidad at a very young age, while Ms. XXXXX was pregnant, her husband abandoned his family and went to the United States. Heartbroken, Ms. XXXXX came to the United States illegally in 198X to look for her husband. She became involved with another man in an abusive relationship. The man coerced her into legal activity and also had a child with her. She was arrested in 1988 and convicted of attempted criminal sale in the third degree. She was sentenced to probation. She was rearrested in 1989, made bail, fled her abusive relationship and the authorities.

Her estranged husband however, had made a 360 degree conversion to Christ and brought her and her new son back into the family for all of the family to heal together. Eventually, Mr. XXXX would become an ordained minister and Ms. XXX and him would establish their own church in XXXX. 10 years later that chuch now has over a hundred congregants and is a vital service to the community. Pastor XXXX and his wife have counseled many people in the community about the dangers of drugs and gangs.

Mrs. XXXX has not had an arrest in the past 16 years. Ms. XXXX has been a blessed part of this community since she helped found this church 10 years ago. Every person she touches feels her presence and her positive energy. She is not the same person she was 16 years ago and is not in the same relationship. She is now in a loving relationship with Pastor XXX, her family of three children and her church.

Our church and our community need XXXX. We ask that your office write a letter of support urging Homeland Security to exercise favorable prosecutorial discretion in her case. If she is deported, it will not only hurt her children and husband, it will hurt the entire congregation and the community. Please respond to this request in writing. Thank you very much for your time.

Sincerely,

XXXXXX

The Congregation of Spanish United Pentecostal Church

May 25, 2005

Craig Robinson
Field Office Director, New Orleans
Bureau of Immigration and Customs Enforcement
701 Loyola Avenue
Rm. T-8011
New Orleans, LA 70113

Nancy Hooks
Field Officer-in-Charge
Bureau of Immigration and Customs Enforcement
1010 East Whatley Road
Oakdale, LA 71463

Re: XXXXX (A# XXXXX)

Dear District Director Robinson and Officer Hooks:

I write to urge your office to grant supervised release and deferred action to XXXX XXXX, a long-term green card holder currently detained at Oakdale Federal Detention Center. Mr. XXXX has been married to a naturalized U.S. citizen, XXXX XXXX, for sixteen years. The couple has a beautiful eight-year-old daughter XXX, born and raised in Brooklyn. He has overwhelming community support, documented through support letters and petitions. The imminent removal of Mr. XXXX to Guyana would devastate his family financially, emotionally, and spiritually. Please exercise discretion to reunite them.

Prior to detention, Mr. XXXX was supporting his family and organizing activities with children at his wife's church. Mr. XXXX himself is a devout Rastafari. His religious practice to date has included being a strict vegetarian, growing his hair, reading the Bible, and smoking marijuana as part of his sacraments. This last practice is in violation of our laws, and as a result Mr. XXXX faces imminent deportation. Since his detention, Mr. XXXX has promised that he will stop *all* use of marijuana, because his family is more important to him. He has taken responsibility for his mistakes, and the effects that his mistakes have caused on his family.

Since Mr. XXXX's detention, his wife XXXX has been struggling to maintain a normal, healthy life for their daughter. But the family is suffering tremendously. As the sole income provider, XXXX is a chronic diabetic who takes insulin daily. She earns \$6.50 per hour as a home health aide. XXXX and XXXX were nearly evicted during Christmas 2003. XXX's grades are dropping and her teachers see a notable difference in her ability to concentrate and get along with her peers. XXXX has even seen a pro bono child psychologist, who has insisted that XXXX's emotional problems will become permanent if she is not reunited with her father.

XXXX and XXX came to our office in Washington D.C. last September, desperate for help. They have been garnering community support, to demonstrate that Mr. XXXX deserves a second change. They are now filing for deferred action. In no way is the family trying to excuse his past mistakes. If granted deferred action, he is committed to observing the terms of his supervised release, and his family and community supporters are committed to helping him reintegrate into society. Mr. XXXX fully understands the severe consequences should he violate these terms, and is committed to meeting the terms set by the Department of Homeland Security.

We urge you to use the discretion you have under the law to return Mr. XXXX to his life as a father and breadwinner. His release serves the best interests of his family, and society at large. Should you have any questions, please contact me at _____.

Yours truly,

XXXX XXXX
Congressman

Bring Back Our Husbands

By Barbara Facey and Carol McDonald, ColorLines RaceWire
Posted on June 8, 2004 on Alternet.org (<http://www.alternet.org/story/18904/>)

We have not seen our husbands since September 2003. Homeland Security took them away without warning, maybe forever. Even though we are both naturalized US citizens, immigration laws deny our basic right to be with our life partners. We are now single mothers, fighting to keep our children, our jobs and our homes -- and on the verge of losing our minds.

Since Congress changed the deportation laws in 1996, over 1 million people have been deported. Since September 11, 2001 the government has launched an initiative to go after everyone with an old deportation order, even when they have families with US citizenship, tearing apart hundreds of thousands of families including ours.

My name is Carol MacDonald. My husband Linden Corrica and I are Guyanese New Yorkers. We married ten years ago, and raised our daughter Natasha in Bushwick, Brooklyn. Last year Linden, a Rastafarian, was arrested with a joint. The lawyer told him to plead guilty, without warning that he could get deported. A day after Linden began his two-week sentence at Rikers Island penitentiary, immigration officers came for him. They marked him for deportation, and transferred him to a Louisiana jail.



Immigration agents are stationed at Rikers to screen noncitizens -- including greencard-holders like Linden -- and hand them off for deportation. When Immigration detains and deports people after they finish their sentence, even for misdemeanors, that's double jeopardy.

Linden has now been in immigration prison for nine months -- eighteen times longer than the sentence he received for his underlying crime. He calls home every week from detention. Once no one heard from him for a month because he was put in solitary. In January, our daughter Natasha picked up a letter from her father, postmarked from Louisiana. She said, "Mommy, where is Louisiana?" I had to lie and say it was in Guyana.

Raising a daughter without any help is a struggle. Natasha got sick last week and begged "Mommy, I need you, I need you. Don't leave." She started to throw up. No matter how much it hurt, I had to send her to school and go to work as a home health aid. Our landlord tried to evict us three days before Christmas because he wanted more money. We had to fight to stay in the apartment, and must now pay a higher rent.

**

My name is Barbara Facey. I married Howard Facey in 1997. I immediately filed an immigration petition for Howard, but didn't hear anything for six years. Last summer, a lawyer advised Howard to check on his paperwork at Federal Plaza. Immigration officers there told him to return the next Monday for work authorization. When he did, he was detained and

shipped to Jamaica based on a 1995 deportation order from Alaska. Howard never saw a judge.

Howard called home from JFK airport at 6 a.m. to say that he was being deported. My heart sank, but I

did not have the time to break down. I had to get our three kids ready for school, and rush to work at a local drugstore. Letisha, Kristina, and Christopher ask for their dad everyday. Their grades are dropping, and the school counselor says they are depressed. Childcare is really hard. When a family friend who was supposed to get Christopher from school was late a few times, the principal threatened to call Children's Services. With all this pressure, I don't have the time to properly treat my heart condition.

Life has turned upside down since our husbands were taken away. Our husbands are not a threat to anyone. They used to help with everything: pick up the kids from school; take them to the library, the park, McDonald's. It is so hard to raise kids as single mothers, but you have to push yourself for them. We're both terrified of people saying we are bad parents and taking our babies away. All our personal ambitions -- to get better jobs, make real careers -- are out the window while we just try to make it. Our husbands cannot help. In detention, you make one dollar a day for full-time work. Back home in the Caribbean, no one will hire a US deportee.

When our families were first torn apart, we had no idea what was happening or where to turn for help. Now we know our rights, and protect ourselves from scam attorneys and deceitful immigration officers. We want other families to protect themselves the same way we are learning to, and speak out. Silence is killing us.

Faith is helping us get through our situations. Even though our husbands have already been taken, we will not give up. And we refuse to let this happen to other families. We are dedicated to changing the laws that ruined our homes, to overcome the fear controlling every part of our lives.

Right before September 11, Republicans and Democrats pledged support for a Fix '96 campaign that would repeal the laws that are tearing apart our families. It's time to revive this effort, and to stop punishing people solely for being immigrants. Our husbands may not be citizens, but they and we remain human beings.

Barbara Facey and Carol McDonald are members of **Families for Freedom**, an immigrant defense network of people facing deportation. For more information, call 718-858-9658 x204.

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View this story online at: <http://www.alternet.org/story/18904/>



Deportation Is a Life Sentence

By Maria Muentes, Families for Freedom

This speech was delivered at the Still We Rise Poor People's March, and published in El Diario La Prensa. (See El Diario La Prensa. Sept 14, 2004. Opinion pg. 21)

In 1996, a Republican Congress and Democratic President changed the law, so that 1 million people would end up being deported. One million black and brown people exiled for life. One million families torn apart. The criminal justice system doesn't just eat up black and brown people from our communities. If you are an immigrant, it spits you out to another country you may have never known. Deportation is a life sentence, and in New York almost any immigrant that gets arrested faces exile for life.

To the Republicans that targeted our city for their politicking, and the Democrats who just sit back and watch, we have one question: Why is it that you can break the law and get a second chance, but when we break the law, you separate our families?

I want to tell you about a young woman, "Joyce." She was arrested with a small bag of weed. Her "crime" was so small that she was just ordered nothing more than to pay a fine. A year later, she traveled abroad to see her grandmother. When she returned, she was detained at the airport and spent the next three years in seven different detention centers. "Detention" is prison. For those inside and their families, it is hell. Joyce is still in the country because her mother fought with every bone in her body against a government that wanted to deport her child for the same thing that their kids do everyday. The Department of Homeland Security is robbing immigrants of our basic security.

George Bush got arrested three times and still ended up in the White House. But if one of us gets arrested, we are banished, cut off from our loved ones and our livelihood.

We are immigrants and we are tired of being scapegoats, no matter who our next President is. Today we declare: NO to the destruction of our families! Stop Deportation!

Maria Muentes is a member of Families for Freedom, a multi-ethnic defense network by and for immigrants facing deportation. For more information, call 212-898-4121.

La deportación es una sentencia por toda la vida

María Muentes. *El Diario La Prensa*. Sept 14, 2004. Opinion pg. 21

En el 1996 los republicanos y los demócratas cambiaron las leyes, y como resultado más de un millón de personas han sido deportadas. Un millón de personas de color exiliadas por vida. Un millón de familias destruidas. En Nueva York, la mayoría de inmigrantes arrestados enfrentarán la deportación por vida.

Para los republicanos que estuvieron aquí para la convención, y los demócratas que se sientan con los brazos cruzados mientras destruyen nuestras familias, tenemos una pregunta: ¿Porqué ustedes pueden violar la ley y le dan una segunda oportunidad, pero a nosotros nos separan de nuestra familia?

Les quiero contar sobre una joven, "Joyce". Ella fue arrestada por tener una pequeña cantidad de marihuana. El "crimen" de ella fue tan menor que nada más se le exigió que pagara una multa. Un año después, ella viajó fuera del país a visitar a su abuela. Cuando regresó, fue detenida en el aeropuerto y pasó los próximos tres años en siete centros de detención. Detención es una cárcel. Para los que se encuentran adentro y sus familias, es un infierno. Joyce está en el país todavía, porque su madre luchó hasta el fin contra el gobierno que quería deportarle su hija por el mismo "crimen" que otros jóvenes cometen a diario. El departamento de Seguridad Nacional roba la seguridad familiar a los inmigrantes.

George Bush fue arrestado tres veces y se encuentra en la Casa Blanca. A nosotros nos arrestan y nos separan de nuestra familia y comunidad.

Somos inmigrantes y no queremos que nos culpen más por todos los problemas del país, sea quien sea el próximo presidente. Hoy decimos ¡no a la destrucción de nuestras familias! ¡Paren las deportaciones!

María Muentes es miembro de Familias para Libertad, un grupo de familias confrontando la deportación. Llámanos a (212) 898-4121.

FAMILIES FOR FREEDOM
INTERNATIONAL DEPORTEE JUSTICE COMMITTEE

Consular Recommendations

www.familiesforfreedom.org/deporteeinternational

CRIMINAL ARREST *Immigration problems typically begin when nationals are given inadequate advice about the criminal system.*

Recommendation One: REQUIRE NOTIFICATION OF ARRESTS AS PROVIDED FOR BY THE VIENNA CONVENTION

- Persuade all law enforcement agencies (including the Department of Corrections) to notify *all* arrestees of the rights of foreign nationals to contact their consulates.
- Mandatory notification consulates should insist that law enforcement agencies contact them immediately upon discovering that an arrestee is a foreign national.
- Insist that law enforcement notify consulates *before* sharing information about detainees with Immigration and Customs Enforcement (ICE).
- Develop a pocket card informing nationals of their right to contact the consulate upon arrest and distribute it to nationals.

Recommendation Two: TAKE ACTION ONCE A NATIONAL IS ARRESTED

- Inform arrestees that criminal convictions—even pleas to misdemeanors—may have potential immigration consequences and that they should obtain legal representation.
- Implement a standard written policy that details the actions that a consulate is required to take immediately upon notification that a national has been arrested. These actions should include:
 - Provide all arrested nationals with a written warning about the potential deportation consequences of a conviction. Include self-help resources.
 - Communicate with the arrestee or family members to help them obtain information or legal representation.

IMMIGRATION ARREST *Though similar to criminal arrests, immigration arrests require heightened vigilance: procedural protections of rights are lower and lifelong exile is a possible outcome.*

Recommendation Three: TAKE ACTION WHEN A NATIONAL IS DETAINED BY IMMIGRATION

- Provide all detained nationals with deportation assistance resources immediately when they are detained. The materials should also explain the deportation process.
- Prevent ICE from transferring detainees to distant locations where consulates would be inaccessible.
- Provide an 800 number for detained nationals to contact their consulate.
- Implement a standard written policy that details the actions that a consulate is required to take immediately upon notification that a national has been detained by immigration. These actions should include:
 - Always provide family members with information about a detained national's location and alien registration number (A#). Consulates can locate a detained national more quickly than his or her family.
 - Write letters of support for nationals who would suffer hardship due to illness or other reasons if deported. These letters can help convince government lawyers to exercise prosecutorial discretion in favor of a national, or convince judges in immigration court to grant discretionary relief.

FAMILIES FOR FREEDOM
INTERNATIONAL DEPORTEE JUSTICE COMMITTEE

Consular Recommendations

www.familiesforfreedom.org/deporteeinternational

TRAVEL DOCUMENTS *The U.S. deports people to non-continuous countries only if a deportee's home country issues travel documents.*

Recommendation Four: IN-PERSON INTERVIEW WITH NATIONAL

- Interview nationals in-person.
- Verify every national's identity.
- Check that the national is not being deported prematurely.
- Check that the national not been subject to abuses or other rights violations in detention.

Recommendation Five: REQUIRE TRAVEL DOCUMENTS BEFORE EVERY DEPORTATION

- Require that a travel document be issued prior to every deportation, even if a national has a passport.
- Before issuing travel documents, make sure all the national's rights in the deportation process have been exercised and that national has exhausted all legal and judicial remedies, including appeals.

Recommendation Six: MAKE REQUIREMENTS FOR ISSUING TRAVEL DOCUMENTS

- Require *verification before* issuing travel documents.
- Hold travel documents until *all* legal remedies have been exhausted.
- Ensure that nationals are not deported prematurely and in violation of their rights.
- Provide U.S. officials with a *Verification Checklist* and require U.S. officials to answer *in writing* all of the following:
 - Whether the national has exhausted all legal remedies, including all judicial remedies;
 - Whether the impact of deportation on a national's U.S. citizen family has been taken into consideration;
 - Whether the national has access to his/her financial assets in the U.S., including accrued retirement savings and pensions; and
 - Whether the national has been permitted to contact his/her relatives in the home country.

Recommendation Seven: NOTIFY FAMILIES OF DEPORTATION DATES

- Provide family members with the date of their loved one's deportation, even if DHS requests to the contrary. Families may make arrangements in preparation for deportation, alleviating the burden on home governments.

DETENTION CONDITIONS *People in immigration detention are often subject to the same harsh conditions as criminal prisoners, but they may have less protection from abuse because people assume "detention" is not "prison."*

Recommendation Eight: INTERVENE AGAINST ABUSE OF NATIONALS IN JAILS AND DETENTION CENTERS.

- Visit detention centers to investigate complaints of abuse.
- Intervene when detention facilities do not accommodate detainees' religious beliefs, language needs, and dietary needs.
- Ask U.S. Government officials to conduct official investigations into detainee abuse. Even when official investigations do not produce official findings, the treatment of detainees in facilities subject to investigation improve dramatically.

FAMILIES FOR FREEDOM
COMITÉ DE JUSTICIA INTERNACIONAL PARA LOS DEPORTADOS

Recomendaciones para los Consulados

www.familiesforfreedom.org/deporteeinternational

DETENCIÓN POR CARGOS CRIMINALES *La mayoría de los problemas de inmigración comienzan cuando los ciudadanos reciben consejo inadecuado sobre el sistema de justicia criminal.*

Recomendación Uno: Solicite notificación de arrestos según indica la Convención de Viena.

- Asegurarse de que todas las agencias de aplicación de la ley cumplan en notificar a *todos* los arrestados de su derecho como extranjeros a ponerse en contacto con sus consulados.
- Los consulados de notificación obligatoria deben insistir en que las agencias de aplicación de la ley se pongan en contacto con ellos *inmediatamente* después de descubrir que un arrestado es ciudadano extranjero.
- Insistir en que las agencias involucradas notifiquen al consulado *antes* de compartir la información sobre detenidos con Immigration and Custom Enforcement (ICE).
- Desarrollar una tarjeta de bolsillo informando a los ciudadanos de su derecho a contactarse con su consulado en caso de detención y distribuirla entre los ciudadanos.

Recomendación Dos: Actuar una vez que un ciudadano es arrestado

- Informar a los arrestados que las condenas por cargos criminales pueden tener consecuencias en materia de inmigración y que deben obtener representación legal.
- Implementar una política escrita que detalle las acciones que el consulado debe tomar inmediatamente cuando se le notifica que un ciudadano ha sido arrestado. Estas acciones deben incluir:
 - Hacer llegar a todos los ciudadanos arrestados una advertencia escrita sobre las posibles consecuencias en materia de deportación de una condena. Incluir recursos de autoayuda.
 - Comunicarse con el arrestado o miembros de su familia para ayudarlos a obtener información o representación legal.

DETENCIÓN POR INMIGRACIÓN *Aunque similares a las detenciones por cargos criminales, las detenciones por inmigración requieren más vigilancia: las protecciones procedimentales son menores y está presente la posibilidad de ser exiliado para siempre.*

Recomendación Tres: Actuar una vez que un ciudadano es arrestado por inmigración

- Proveer a todos los ciudadanos detenidos de recursos explicando el proceso de deportación inmediatamente después de la detención.
- Evitar que ICE transfiera a los detenidos a lugares lejanos donde no hay consulados accesibles.
- Proveer un número telefónico 800 para que los ciudadanos detenidos puedan contactarse con su consulado.
- Implementar una política escrita que detalle las acciones que el consulado debe tomar inmediatamente cuando se le notifica que un ciudadano ha sido arrestado. Estas acciones deben incluir:
 - Siempre proveer a la familia de información sobre la ubicación del detenido y su “alien registration number” (A#). Los consulados pueden localizar a un detenido más rápido que su familia.
 - Escribir cartas de apoyo para ciudadanos que sufrirían por enfermedades u otros motivos en caso de ser deportados. Estas cartas pueden ayudar a convencer a los abogados del gobierno de que ejerzan discreción procesual a favor de un ciudadano, o convencer a los jueces en el tribunal de inmigración de que concedan un alivio discrecional.

FAMILIES FOR FREEDOM
COMITÉ DE JUSTICIA INTERNACIONAL PARA LOS DEPORTADOS

Recomendaciones para los Consulados

www.familiesforfreedom.org/deporteeinternational

DOCUMENTOS DE VIAJE *Estados Unidos sólo puede efectuar deportaciones a países no limítrofes si el país de origen emite documentos de viaje.*

Recomendación Cuatro: Entrevista personal con los ciudadanos

- Entrevistarse con los ciudadanos personalmente.
- Verificar la identidad de cada ciudadano.
- Chequear que el ciudadano no esté siendo deportado prematuramente.
- Chequear que el ciudadano no sufra abusos u otras violaciones de sus derechos mientras se encuentra detenido.

Recomendación Cinco: Requerir documentos de viaje antes de cada deportación

- Requerir que se emitan documentos de viaje antes de cada deportación, incluso si el ciudadano tiene pasaporte.
- Antes de emitir documentos de viaje, asegurarse de que se hayan respetado todos los derechos del ciudadano en el proceso de deportación y que se hayan extenuado todas las posibilidades jurídicas, incluyendo apelaciones.

Recomendación Seis: Pedir requisitos para emitir documentos de viaje

- Requerir *verificación* antes de emitir documentos de viaje.
- No entregar documentos de viaje hasta que *todas* las posibilidades legales estén exhaustas.
- Asegurarse de que los ciudadanos no sean deportados prematuramente o sus derechos sean violados.
- Proveer a los oficiales del gobierno de los Estados Unidos con una *Verification Checklist* y requerir que contesten *por escrito* todo lo siguiente:
 - Si el ciudadano ha extinguido todas sus posibilidades legales y judiciales;
 - Si el impacto de la deportación sobre los miembros de la familia que sean ciudadanos de los Estados Unidos ha sido tenido en cuenta;
 - Si el ciudadano tiene acceso a sus activos financieros en los Estados Unidos, incluyendo ahorros para su retiro y pensiones; y
 - Si al ciudadano se le ha permitido estar en contacto con sus parientes en su país de origen.

Recomendación Siete: Notificar a las Familias sobre las Fechas de Deportación

- Informar a la familia la fecha de deportación de su ser querido, incluso si el DHS solicita lo contrario. Las familias pueden así prepararse para la deportación, aliviando la carga del gobierno en los países de origen.

CONDICIONES DE DETENCIÓN *Los detenidos por inmigración son a menudo sujetos a las mismas condiciones que los detenidos por cargos criminales, pero están menos protegidos de los abusos, en parte porque suele asumirse que los centros de detención son distintos de las prisiones.*

Recomendación Ocho: Intervenir en casos de abusos contra ciudadanos en cárceles o centros de detención

- Visitar los centros de detención para investigar reportes de abuso.
- Intervenir cuando los centros de detención no respetan las necesidades de los detenidos, sea en materia de religión, lenguaje, o alimentación.
- Solicitar al gobierno de los Estados Unidos que lleve adelante investigaciones oficiales sobre abusos cometidos contra los detenidos. Incluso cuando las investigaciones oficiales no reportan hallazgos, el tratamiento de los detenidos en los centros de detención investigados mejora dramáticamente.



**From Raids
to
Deportation:**

**A Community
Resource
Kit**



DETENTION
WATCH NETWORK.ORG

national **IMMIGRATION** project
of the National Lawyers Guild

EMERGENCY RESPONSE TO RAIDS: The First 72 hours



GET THE RIGHT INFORMATION!

Use Appendix A, Phone Intake Form

With the right information, you can help find someone in detention (Page 4), provide information to communities and family members (Page 5), monitor and report abuses during the raid and in detention (Page 11), find lawyers for detained persons (Page 8), and advocate on behalf of those who are detained.



VERIFY IF A RAID IS HAPPENING

Ask *sympathetic* local elected officials to verify that a raid has occurred, e.g. Mayor's office, City Council, State Senator, or Congress members, etc.



ACT QUICKLY TO STOP DETAINEE TRANSFERS

Out-of state transfers can happen in a couple of days. It is important to make contact with those arrested as soon as possible and secure legal counsel for them to reduce the risk that they will be transferred. See Pages 6 and 9 for more information.

To stop mass transfers, consider contacting attorneys to file lawsuits to stop the transfers, See pages 9, 13 and 14.



TAKE THE CALL AND PROVIDE INFORMATION!

People detained usually must call "collect" from a jail (that is, your organization will be charged for the call). Information you provide may help a person in detention preserve their rights, navigate the detention system, contact their family, and stop a transfer to another jail. For information to tell detained persons, see Appendix B.



FIND LAWYERS EXPERIENCED IN DEPORTATION DEFENSE

See Page 9 to find out how to find lawyers experienced in deportation defense and detention.



UNIONS: ASK THE EMPLOYER TO ALLOW COMMUNITY ADVOCATES AND ATTORNEYS EXPERIENCED IN DEPORTATION DEFENSE TO ENTER THE WORKSITE

In addition, try to secure an agreement with the Employer that the Employer will not provide information about detainees' immigration status.



BE AN ADVOCATE

You can visit a detention center (Page 7), hold a press conference, meet with the Deportation Office to ask questions (Page 6), or demand investigations of civil rights violations. On Pages 13 and 14, you can see what other groups have done and figure out what is right for your organization.

IMPORTANT BACKGROUND INFORMATION

IMMIGRATION DETENTION FACILITIES: The Department of Homeland Security (DHS) is ultimately in charge of immigration detention. The DHS sub-agency, Immigration and Customs Enforcement (ICE), manages enforcement actions, raids, arrests and the detention system. Each facility has different visitor and entry policies.



While there are immigration-managed facilities, most immigrants are detained in county or local jails or private contract facilities.

The detention facilities can be:

- ICE-managed facilities e.g. Krome Detention facility in Miami, FL
- Private contract facilities
- Local County Jail
- Federal prison
- Military Base

TREATMENT OF DETAINED PERSONS UNDER THE DETENTION STANDARDS:

Living conditions of detainees are governed by the ICE Detention Standards. They cover medical care, access to legal counsel, visitation, law materials, telephone access and other critical needs of incarcerated persons.

- You can download the Detention Standards at:
<http://www.ice.gov/partners/dro/opsmanual/index.htm>
- The Standards are routinely violated in immigration detention facilities.
- Advocates should keep a copy of the standards and refer to them when investigating complaints of abuse or treatment in immigration detention.

TRANSFERS: BEWARE!

People arrested by ICE will first be processed by officers in an ICE Detention and Removal Office or a short-term facility (such as a county jail) for up to 72 hours. Then, they may be transferred to another place for a longer-term stay, often out-of-state. Some people may be transferred several times in the first few weeks.

Transfers usually occur WITHOUT notice to family members or lawyers.

HOW DO WE FIND THEM? Locating someone in detention

*Finding a person detained by ICE is a challenge and you may get several different answers. **Be persistent and call frequently.***

1. Information you will need:

- The person's full name (including all aliases)
- Their date of birth,
- Their "A" number ("Alien Registration Number.") The A number is on most immigration papers, including a work permit, green card, or any other document that immigration provides. It looks like: A99 999 999.



2. Who do I call to find the detained person?

There is no one place that you can call to find someone. You may need to contact some or all of these places.

- **Local ICE Office of Detention and Removal Operations Offices (ICE-DRO):** The website provides information about different local ICE-DRO offices. Start with the facilities closest to the raid location. If you can't find a local office, call the Washington, DC main number for more information: 202-305-2734. Website: <http://www.ice.gov/about/dro/contact.htm>
- **ICE Detention Facilities:** This is NOT a complete list of all detention facilities. This list identifies facilities directly operated by ICE. Most detainees are detained in local and county jails. Start with the facilities closest to the raid location. Website: <http://www.ice.gov/pi/dro/facilities.htm>
- **Consulates and Embassies:** Consular officers must protect their nationals. Consulates are required by law to be notified when one of their nationals is detained. They should help you find where someone is detained. Website: <http://www.embassy.org/embassies/>
- **Detention Watch Network:** DWN has created a map of detention centers, and contact info for ICE-DRO offices and legal service providers. Website: www.detentionwatchnetwork.org
- **Local nonprofit immigration service providers (preferably working in detention):** These groups have the most familiarity with ICE-DRO. They may have good tips. See Detention Watch Network map for a local detention service provider in your area.
- **Local elected officials, such as Mayor, City Council, or Senator.** Ask them to help you make the request to ICE-DRO.
- **If all else fails, start calling local jails or prisons.** You can find their information on the state website (Department of Corrections) or county websites.

3. What if ICE-DRO will not release the information?

- Get a specific reason for the refusal.
- Explain your role (i.e. community organizer) in the process.
- Explain that you are serving as a translator for a family member who cannot speak English (if that is true).
- Ask to speak to a supervisory deportation officer or the ICE Field Office Director (the person who runs ICE Detention and Removal).

WHAT TO TELL FAMILY MEMBERS WHO CALL YOU

If they are looking for a family member, give them information from “*How to find a detained person,*”
Page 4



Action steps families can take:

1. **Immediately collect** the immigration documents of the person in detention. (You need to find their A number and obtain a copy of the “**Notice to Appear**”, an immigration charging document.) See **Appendix C**, for more document collection material.
2. Do they know if their loved one has a **prior deportation order or criminal arrests**? Get details of what offense was committed, when and where. Get copies of their criminal record at County office in which they were convicted.
3. Call the **telephone company** to remove any blocks on their phones so their loved ones can contact them.
4. **Undocumented** individuals should not visit the jail or detention center.
5. Before visiting a family member, call the facility and ask about **visitation restrictions and hours**.
6. Has the loved one **designated individuals to take care of children, property**, etc if detained? Children may be placed in child protection services if a parent is not available. The detained person can give legal power to someone they trust to make important decisions on their behalf while they are detained. This is called a “power of attorney” and varies from state to state.
7. If they want to **hire a lawyer**, provide them with referrals of lawyers experienced in deportation defense. Make sure that the lawyer has reviewed the immigration charging document, called a Notice to Appear or has reviewed other immigration papers/background information of the detained person. Sign a contract for services with the lawyer, called a “retainer” agreement. **If the person is unhappy with the services of their lawyer, tell them to keep communications with the lawyer in writing.
8. **Send** them “*I am detained by Immigration... What are my rights?*”



DEALING WITH ICE AFTER A RAID OR ARRESTS: SOME SUGGESTIONS

1. Contact the ICE **Field Director of Detention and Removal**: If your organization wants to advocate on behalf of community members in detention, inform the Field-Director of your organization's involvement with persons in detention. The Field Director manages the local ICE Detention and Removal office (ICE-DRO).



Suggested action plan:

- **Meet** with the ICE Field Director and DRO staff to obtain details of the arrest or raid
 - **Request that ICE not transfer individuals to another facility**. If you believe that ICE plans a transfer, consider contacting attorneys and civil rights groups to bring a lawsuit to stop the transfer. (See Pages 13–14)
 - Raise **specific medical, humanitarian concerns or abuse of detained persons with the Field Director and the Officer-In-Charge (deportation officer in jail), if OIC exists**.
 - Those who require regular/prompt medication or who have specific conditions, such as diabetes or pregnancy.
 - Individuals who present good cases for release, such as individuals with young children, elderly parents, disabled family members, etc.
 - Inform them if you know or believe that civil rights violations were committed during the jail or in the detention center, such as arrests based purely on racial profiling.
 - **If you feel some cases are particularly compelling, ask the Field Office Director to use prosecutorial discretion and cancel removal proceedings**. Prosecutorial discretion is a way of asking immigration not to enforce immigration law against an individual. To ask for this, you will need to involve local elected officials and other community members. This is a long-term campaign. To develop a prosecutorial discretion campaign, consult the Families for Freedom toolkit “ARM.”
<http://www.familiesforfreedom.org/downloads/CaseCampaign.pdf>
2. Every person has a **specific deportation officer** in charge of their case. Cases are assigned by nationality or by last name. Get the name of the officer and their direct telephone line! Ask them what are the best times to contact them.
 3. The staff may attempt to bar access of lawyers or legal advocates to the facility. **If the facility is not run by ICE, Ask/Demand that the Field Office Director or Deportation Officer help facilitate access. Be persistent**.
 - Ask the ICE officer-in-charge (OIC) of the facility to call the jail if the staff does not let you in.
 - If the ICE field director does not want to assist, consider calling Public Affairs at ICE Headquarters (202) 514-2648 for help to enter a facility.

HOW TO CONTACT A PERSON IN DETENTION OR ORGANIZE A VISIT TO A DETENTION CENTER

1. **Contacting a person in detention:**
 - If it is urgent, call the jail and ask to speak with the officer in charge of immigration detainees or ask for the officer in charge of the “pod” or “unit” for immigration detainees. For an immigration–run facility, you will have to speak to an ICE officer.
 - After you are transferred, tell the officer that you need to discuss urgent personal matters or matters relating to that person’s case. Don’t lie.
 - If the officer refuses, tell the officer to pass on a message to the person that he/she needs to contact you immediately. Don’t forget to provide your contact information.
 - Getting documents signed by someone in detention: Call the jail or OIC to see how to get documents signed.

2. **Call the facility and ask about their visitation rules.** (Lawyers should be able to meet with their clients when they want. Lawyers should bring their bar card or attorney registration information to the facility.)
 - What are visiting hours?
 - Who can visit the person and for how long?
 - Are there any special requirements?
 - Are you allowed to give anything to the detainee? (Most jails forbid any gift giving but you may be able to put money into their account.)
 - If you follow the rules, but you still have problems entering the jail or the jail flatly denies access for lawyers, call the Field Director of ICE and ask them to help you access the jail. If they refuse, contact Public Affairs at ICE HQ in Washington DC. At (202) 514–2648. Consider media and legislative advocacy strategies (See Pages 13 and 14).

3. **Record abuses.** Abuses happen in immigration detention, during raids or when people are processed. It is important to obtain very specific information about the abuse or the care that is not being provided, such as failure to provide required medications.
 - Get the specific details surrounding the arrest and raid (time, place, chronology leading to the abuse, treatment of person during arrest, names of officers).
 - Get specific information about denials or obstacles in obtaining medical care, lack of functioning phones, access to attorneys or legal materials, visitation with family members.
 - Give them a copy of “Know Your Rights in Detention.”

4. **Bring a screening questionnaire so that an immigration advocate can find out if the person has an immigration case.**
 - Ask your local detention service provider or local immigration advocates experienced in deportation defense to give you a screening questionnaire.
 - Try to obtain specific information about prior deportation orders or any criminal history or arrests. (What offense, where they were arrested/convicted, when did it occur?)

5. Ask the person if they have designated individuals to take care of their children or make decisions about their personal property.

If not, ask them for the names, address and DOB for individuals who can do that. Ask them to include individuals with lawful status. The detained person can give legal power to someone they trust to make important decisions on their behalf while they are detained. This is called a “power of attorney” and varies from state to state. (See Appendix D, Sample power of attorney for detained individuals in Iowa and Nebraska.)

HOW TO FIND ATTORNEYS FOR CASE CONSULTATION

1. What kind of lawyer should we be looking for?

You need immigration lawyers experienced in deportation defense. (To find one, see “Resources” section below). Keep a list of lawyers available in your organization for future use.

2. What things can a lawyer help with?

The lawyer can provide information on the following:

- Does the person have a way to fight his deportation case?
- Is the detainee having problems in the jail and how to fix them?
- Can they stop ICE from transferring the person out of the area?
- Can the attorney help detainees designate individuals who will make decisions on behalf of their children and property? This may help children from being abandoned or entering child protective services. (See sample attached power of attorney.)
- Local chapters of lawyer organizations may partner with you on advocacy actions and exploring legal avenues for arrested persons. Chapters of the National Lawyers Guild (NLG) or the American Immigration Lawyers Association (AILA) might help you with advocacy.
 - AILA local chapter chair:
<http://www.aila.org/content/default.aspx?docid=1188>.
 - National Lawyers Guild Chapters: www.nlg.org – click on “Chapters”

3. The lawyer can have a pre-representation meeting. The attorney can file a G-28 in order to have an interview, both to conduct an initial legal assessment and to get access if family/community members are denied. The G-28 can be downloaded at <http://www.immigration.gov/graphics/formsfee/forms/g-28.htm>. Fax the form to the Deportation Officer immediately. With this form on file, the attorney may also be able to convince the ICE officer to stop any transfers.

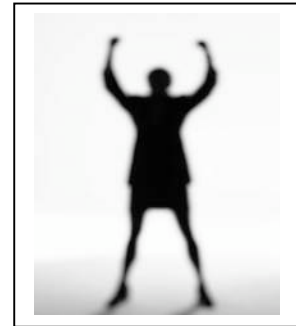
4. Places to find immigration attorneys or local service providers

- The **National Immigration Project** of the National Lawyers Guild: www.nationalimmigrationproject.org. Click on: “Looking for An Attorney?”
- The **American Immigration Lawyers Association**: Look on the AILA website for attorney referrals: www.ailalawyer.com.
- Local/state immigration legal service providers and immigrant rights groups
- The **Detention Watch Network** website www.detentionwatchnetwork.org contains a map of detention centers, ICE offices and local service providers.
- **Immigration low-cost or free service providers list**: the American Bar Association keeps a list of low-cost immigration service providers (these groups may or may not represent detained individuals) http://www.abanet.org/publicserv/immigration/legal_services_directory_map.shtml
- For questions about **civil rights violations**, contact your local chapter of the American Civil-Liberties Union (ACLU). www.aclu.org or Mexican-American Legal Defense Fund, www.maldef.org.

HOW TO GET SOMEONE OUT OF IMMIGRATION DETENTION

1. Try to get the person released on bond

- Find out whether the person is eligible for a bond. (This is complicated, and you will need someone experienced in immigration law to help you.)
- Ask for a bond hearing with an immigration judge right away. (See “Know Your Rights in Detention”)
- Prepare for the bond hearing. (see “**Know Your Rights in Detention**”)
- Arrange money for bond. You have to pay the full amount. You can pay the bond at any ICE bond office. 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, identification and a social security card! Immigration Bail Bond companies are available, but review their terms **VERY** carefully.



2. What if the bond amount is too high for our community members?

Call or send a letter (on your letterhead) to the Field Office Director or the Detention Officer of the detainee asking them to consider reducing the bond amount. In the letter, provide information about your personal knowledge of the person and why they will not be a danger to society or a flight risk.

3. Get documents to support a request for bond– See Appendix C

HOW TO SEND THE GOVERNMENT A COMPLAINT ABOUT DETENTION CONDITIONS OR TREATMENT BY ICE

1. Filing the complaint:

- Document in detail any abuse or detention condition violations or serious medical or mental health concerns. Include: date and names of the officers who may be involved. You can use this questionnaire from the American Bar Association:
 - English:
http://www.abanet.org/publicserv/immigration/conditions_questionnaire92106.pdf
 - Spanish:
http://www.abanet.org/publicserv/immigration/conditions_questionnaire%20_spanish_fordistribution.pdf
 - Arabic:
http://www.abanet.org/publicserv/immigration/conditions_questionnaire%20_spanish_fordistribution.pdf
 - File a letter of complaint with the jail and send copies to the OIC or Field Office Director, the head (warden or sheriff) of the jail, a human rights or civil rights organization. **Make sure all the people are listed on the same complaint.** Make sure that the detained person sends copies to the family and his/her lawyer.
 - You can use the immigration grievance form from the American Bar Association to make complaints or make your own letter.
 - English:
http://www.abanet.org/publicserv/immigration/Complaint_Processes_Immig_Detainees.pdf
 - Spanish:
http://www.abanet.org/publicserv/immigration/Complaint_Processes_Immig_Detainees%20_Spanish.pdf
 - Then, try to resolve the issue with your deportation officer or local Immigration and Customs Enforcement (ICE) office.
- ## 2. 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;

Human rights organizations:

Elena Tsinikas, National Immigrant Justice Center, 208 S. LaSalle Street, Suite 1818, Chicago, IL 60604

The National Immigrant Justice Center: NIJC has a database of detention conditions complaints that will be used to document trends in detention centers. Personal information of detainees will be protected.

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

3. Good resources for advocacy around detention conditions:

- a. **Families for Freedom:** You're your organization can advocate for better detention conditions:
<http://www.familiesforfreedom.org/downloads/CaseCampaign.pdf>
- b. **Detention Watch Network**, www.detentionwatchnetwork.org

COMMUNITY RESPONSE: SOME RAPID RESPONSE IDEAS AND TACTICS

1. Hold a **press conference or protest** the day of the raid:
 - Denounce the raid and question methods used to arrest individuals
 - Provide information about the raid to the community
 - Ask for assistance from the community for family members affected by raid
 - Case Example: Casa de Maryland held a press conference the day of a 7-11 raid. They provided information about logistics of raid to community members, provided a forum for discussion on impact on communities and families, and questioned profiling methods of ICE.
2. **Unions: Hire** and send attorneys experienced in deportation defense to worksite raid, home raid or any place of enforcement actions
 - Case example: In Minnesota, UFCW hired two immigration attorneys who went directly to the plant. While they were only able provide limited legal advice because ICE refused to grant them access to attorneys, they witnessed several instances of racial profiling and abuses in detention.
3. Create a **hotline for the community** to share information about raids.
4. **Establish a listserv and organize a community forum** with local advocates to coordinate and share information and strategies.
5. **Connect and strategize with attorneys and non-profit organizations who specialize in deportation defense and civil rights violations.** These attorneys may have ideas about how to terminate deportation proceedings or get people out of detention. (See page 9 for more information on what attorneys can do and how to find them.)
 - You can consider filing legal actions in federal court to stop mass transfers of individuals or to stop frequent civil rights violations or racial profiling. You can also obtain information that ICE refuses to provide.
 - NOTE! These legal actions are extremely complicated. It is important that you quickly seek advice from organizations or individuals experienced in federal litigation. For referrals, contact the National Immigration Project of the National Lawyers Guild at 617-227-9727 or the National Immigration Law Center, www.nilc.org.
6. **Organize a strategy** with the community, local elected officials (Mayor, city council, etc), local service providers and/or Congress members to pressure ICE and DHS Secretary Michael Chertoff to exercise **prosecutorial discretion**, that is, take people out of deportation proceedings. (See #9 for contact information) These requests should be made in compelling cases.



A suggested resource for prosecutorial discretion advocacy is the Families for Freedom ARM toolkit, a toolkit of short-term and long-term media and advocacy strategies. The packet includes strategies on working with media, ICE, local elected officials and members of Congress to stop deportation in compelling circumstances.

<http://www.familiesforfreedom.org/downloads/CaseCampaign.pdf>

7. Visit an organization or send **faith-based delegations** to the detention center. Ask them to flag health conditions and other abuses of detainees.
8. **Send a letter, contact, or meet with Congress members and/or DHS Secretary Michael Chertoff** asking them to investigate the raid and to address specific problems, like racial profiling or other civil rights violations. Ask that those members of Congress contact the Field Director of ICE or the Deputy Secretary of ICE (Julie Myers) to address the specific problem. See below for contact information.
9. Circulate a **sign-on letter** to sister organizations and communities. Send the letter to elected officials and senior DHS officials such as Secretary Chertoff and the DHS Office of Civil Rights and Civil Liberties.
 - The letter should contain detailed and specific information about any civil rights violations, abuses or concerns about denials to medical care, counsel or family members.
 - Contact information: (1) Secretary Michael Chertoff, US Department of Homeland Security, Washington, D.C. 20528 (2) **Department of Homeland Security**, Mail Stop #0800, Office for Civil Rights and Civil Liberties, Washington, DC 20528
10. **Pressure and collaborate with consulates and embassies** and see if they can help you get information from ICE, help you make demands to ICE, or if they are willing to sign on to legal actions that protect their nationals. For example, in Massachusetts, the consulate signed on to federal litigation demanding constitutional accountability for civil rights violations committed during the raid.
11. **Create a plan to help families who have loved ones who are detained.** Assist detainees and their families to get medication, blankets, funds for release on bond, transportation, rent money, babysitting services, child care or pickups. Work with local organizations or local religious groups/organizations to implement this plan. You can also help fundraise to put money into jail accounts for detained persons so they have access to basic necessities.
12. **Take pictures and record people's stories for future advocacy.**
13. Commit to a **LONG-TERM** plan. See "Pre-Raid Community Safety Plan: Building Capacity for the Safety of the Immigrant Community."

APPENDIX A: Phone Questionnaire: Questions to ask Raid/Detained Individuals

Date:

Raid Questions

1. Where is/did the raid or arrest occur?
2. How do you know it was an immigration raid?
3. Other details of raid (location, number of people, uniforms of arresting officers)
4. Was local police involved? How do you know?
5. Was the person in a union? Which one?
6. What is the largest city near the raid? (this will help you figure out which local immigration office is involved)
7. Do you have information on how people were being treated during the arrest?

Individual Detainee information

1. Full name of detainee
2. A Number
3. How is the caller communicating with the detainee?
4. Do you know where they are detained?
5. Do you know if the detainee has a lawyer? (If yes, get contact information)
6. Who has copies of his/her immigration papers, if any? (ask for copy of "NOTICE TO APPEAR" or Notice of Reinstatement of Removal Order/Administrative Order)
7. What can you tell me about their immigration status?
8. Contact information for caller (name or telephone numbers):
9. Contact information for family members? (if they are willing to be contacted)
10. Has the person made arrangements for child care or other family members?
11. Was the detainee ever arrested or convicted of a crime? If yes. Date, Location, Specific Offense
12. Is there a prior deportation order? If yes, Date, Location, Which Court
13. Do you have information of any abuse or civil rights violation? (BE SPECIFIC)

APPENDIX B: TIPS for detained persons who call (Excerpt from Families for Freedom's "Know Your Rights Flyer")

- Once in Immigration Custody, Do NOT sign anything giving up your right to an immigration hearing in front of an immigration judge or any other rights. Sometimes immigration agents will serve you a **Notice To Appear (NTA)** but ask you to sign papers giving up your rights.
- 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 **NTA**.
- You will be assigned a **Deportation Officer**. Know his/her name and telephone number.
- If you see an immigration judge and you do not have an attorney, tell the judge that you need more time to find counsel. Do **NOT** concede or admit to any charges against you. Do NOT go into detail about your case. Anything you say can and will be used against you – even your country of birth.
- 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. Fax the form to the Deportation Officer immediately. This form may convince the officer to stop your transfer.
- If you face **automatic deportation** because of a crime, consult a criminal immigration attorney about the positives and negatives of Vacating, Appealing, or Reopening your Criminal Case. This is very complicated, but may be your only way to avoid deportation.

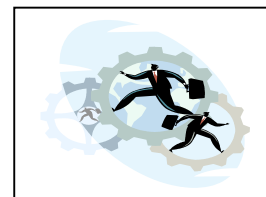
Information is precious to someone in detention. If you can send legal materials, do it! If you need to send something by overnight mail, check with the jail so that the mail isn't rejected.

Self-help legal materials:

- Florence Immigrant and Refugee Rights Project has an excellent set of self-help materials on deportation defense. <http://www.firrp.org/pubs.asp>
- Detention Watch Network website has a library of legal materials: www.detentionwatchnetwork.org
- Families For Freedom: Deportation 101 packet, www.familiesforfreedom.org
- If you know a local detention service provider, ask if they have a packet that they send out or keep their packet on hand.

Appendix C: DOCUMENT AND INFORMATION COLLECTION (SOME IDEAS)

AT THE RAID: Any information on civil rights violations: names of officers, time, what was said, names of witnesses. Be specific.



AT THE IMMIGRATION DEPORTATION OFFICE (ICE-DRO) and IMMIGRATION COURT

- ❑ Notice to Appear
- ❑ Complete Immigration File
- ❑ Complete Criminal History (no matter how long ago the conviction): include complaint and disposition
- ❑ Collect evidence in support of bond (if you are eligible). Must show you are not a flight risk or danger to the community
 - Affidavits and statements of support from family members
 - Pictures of children and family
 - Letter from employer describing responsibilities, work history and satisfaction with work
 - Tax returns
 - Letters from family members, community leaders, religious leaders highlighting connections with family and community and opinion that individual will not run away
 - Proof of rehabilitation (e.g. letter showing successful completion of anger management class or letter from parole officer)
 - Evidence of service in the Armed Forces
 - Letters from family members showing financial dependence on the family member detained (e.g. detained family member was the breadwinner)
 - Letters of support from friends, family, religious groups, local elected official describing impact of separation or future separation on family, community, etc
 - Letters from counselors (emotional distress or trauma) or doctors (health problems) showing the impact on detained person's health if he/she was deported
 - Evidence of property ownership (car, home, etc)
 - School records (if currently attending school)
 - Community membership ties (e.g. Church group, etc.)
 - Awards

DETENTION

- ❑ Jail handbook – provides information on how to make complaints and use grievance process in jail
- ❑ Detention Standards (See more on page 3)

APPENDIX D: SAMPLE- only for use in IOWA!!!!!!!

PODER NOTARIAL/POWER OF ATTORNEY

PROYECTO CONEXION-CONEXION PROJECT

MUNA LEGAL CLINIC, ICADV; IOWACASA; YOUTH LAW CENTER; NEBRASKA BAR ASSOCIATION

Si usted desea asegurar que sus hijos permanezcan al cuidado de una persona o familiar designada/elegida por usted hasta que usted tenga acceso a sus hijos, favor de rellenar la siguiente informacion. *If you wish to make sure that your children remain under the phisycal care of a person or family member designated/chosen by you until you have access to your children, please fill out the following information.*

DATOS BIOGRAFICOS DE LOS PADRES/BIOGRAPHIC INFORMATION THE PARENTS

Nombre, apellido del padre/Name and last name of father

Fecha y lugar de nacimiento/date and place of birth of the father

Nombre y apellido de la madre/name and last name of the mother

Fecha y lugar de nacimiento de la madre/date and place of birth of the mother

Nombre, apellido y fecha de nacimiento de sus hijos

PERSONA/S ASIGNADAS AL CUIDADO TEMPORAL DE SUS HIJOS, TELEFONO Y DOMICILIO Person/s designated by you to the temporary care of your children, phone and address (O como localizarlas, o how to locate them)

1. -----

2. -----

FIRMA DE LA MADRE O DEL PADRE

FECHA

Pre-Raid Community Safety Plan
Building Capacity for the Safety of the Immigrant
Community



1. Develop a Plan that will accomplish the following goals:
 - a. Form a coalition or group of organizations working on immigration issues in your community
 - b. Build relationships with key stakeholders around immigration issues
 - c. Educate the community about how to prepare for future raids, enforcement actions, and safety for the immigrant community
 - d. Make Immigration (ICE) exercise prosecutorial discretion at the earliest stage possible to benefit community members. Encourage ICE to develop discretionary local enforcement *policies* that will benefit community members.

2. Suggested Implementation Plan
 - a. Development of Quick Response Team
 - i. Organizations with expertise in deportation defense, immigration issues, and civil rights
 - ii. Organizations that do community organizing
 - iii. Organizations that provide direct services to immigrant communities
 - iv. Organizations or individuals who have expertise working with media
 - v. Faith groups
 - b. Develop Relationships with Key Stakeholders (must develop goals and measures)
 - i. Immigration and Customs Enforcement (ICE)
 1. ICE Field Office Director (Detention and Removal)
 2. ICE Special Agent-in-Charge (Investigations)
 - ii. Police
 1. Chief of Police
 2. Community Policing Officers

- iii. Elected Officials
- iv. Consulate and Embassy Officials
- v. Local Immigration Detention Services Organizations (e.g. Legal Aid attorneys in NY)
- vi. Immigration Attorneys: American Immigration Lawyers Association Chapter Chairs and National Immigration Project Attorneys
- vii. "Ethnic" and "Mainstream" media point people.

3. Educate the Community

- a. Trainings – commit to providing regular "Know Your Rights" Trainings
- b. Materials – Gather materials developed by other groups, adapt them to local needs, create plan for regular distribution (See below for where to get materials)
- c. Ask to tour a local detention facility
- d. Make basic "rules of thumb" rights (e.g. don't say anything/lie, right to talk to attorney) part of community "culture" (T-shirts, articles in ethnic press, etc.).

4. Gather Resources to use for Raids/Detention purposes:

- a. Create a list of attorneys specializing in deportation defense
- b. Have attorneys on stand by that can communicate with ICE officials during emergencies.
- c. Keep a copy of the ICE Detention Standards. Detention standards are guidelines that govern treatment of Immigration detainees. It includes information on how detainees should be treated, access to attorneys, legal materials, etc.

<http://www.ice.gov/partners/dro/opsmanual/index.htm>

d. Gather Know Your Rights Materials:

- i. "I am in Detention, What are My Rights," www.detentionwatchnetwork.org or www.nationalimmigrationproject.org
- ii. National Immigration Law Center, www.nilc.org
LOTS of Know Your Rights materials!
- iii. Immigrant Legal Resource Center, www.ilrc.org

- iv. National Employment Law Project, www.nelp.org
- v. Families for Freedom, www.familiesforfreedom.org
(NY specific, but great information)
- vi. National Lawyers Guild, www.nlg.org
- vii. American Civil Liberties Union, www.aclu.org
- e. Gather self –help legal materials:
 - i. Florence Immigrant and Refugee Rights Project has an excellent set of self-help materials on deportation defense. <http://www.firrp.org/pubs.asp>
 - ii. Detention Watch Network website has a library of legal materials: www.detentionwatchnetwork.org
 - iii. Families For Freedom: Deportation 101
www.familiesforfreedom.org

5. Suggested Community Responses to a Raid

- a. Hold regular Press Conferences with community partners about the raid
 - i. Denounce the raid
 - ii. Provide information about the raid to the community
 - iii. Let community know ICE is *not* just doing their job. Encourage them publicly to exercise discretion (that is, not deport people)
 - iv. Push for a response from people with power (Elected officials, Consulates, Religious leaders, etc)
- b. Begin documenting community support immediately
 - i. Individual/groups letters of support (Start with people the detained person knows and then move up)
- c. ARM campaign for individuals (see Families for Freedom materials on building a community case for prosecutorial discretion starting from letters to creating a bill in Congress for a specific individual, www.familiesforfreedom.org)

NUESTRO PLAN FAMILIAR

POR MI FAMILIA



Migrant Network Coalition of Lexington
PO Box 910484
Lexington, KY 40591-0484



Números de emergencia e información

Números de Teléfono de Emergencia

En caso de una emergencia grave, marque el 911

Policía (desde la casa):

Policía (desde el trabajo):

Policía (desde la escuela):

Bomberos:

Alguacil mayor:

Consulado de mi país:

Números de las Pólizas de Seguro

Del Hogar:

Compañía:

Número:

Número de Póliza:

Auto:

Compañía:

Número:

Número de Póliza:

Salud:

Compañía:

Número:

Número de Póliza

Familia/Contactos importantes en los EEUU:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Familia/Contactos importantes en mi país:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Datos Médicos importantes

Doctor (Nombre):

Teléfono:

Doctor (Nombre):

Teléfono:

(Pediatra) Nombre:

Teléfono:

Equipo Médico:

Nombre:

Teléfono:

Número de Cuenta:

Farmada

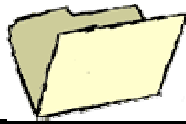
Nombre:

Teléfono:

Hospital

Nombre:

Teléfono:



Records Importantes de su Familia

Use este formulario para tener toda esta información importante en el mismo lugar accesible. Ponga los originales de cada documento en un lugar seguro (por ejemplo, en una caja fuerte)

Números importantes del Trabajo

Números importantes de la Escuela y de la Guardería

Empleador #1

Escuela #1

Nombre:

Nombre del niño(a):

Teléfono:

Nombre de la Escuela:

Supervisor:

Nombre del Maestro(a):

Teléfono del Supervisor:

Número de teléfono:

Representante del Sindicato:

Número de identificación escolar:

Número de Teléfono

Escuela #2

Nombre del niño(a):

Nombre de la Escuela:

Nombre del Maestro(a):

Número de teléfono:

Número de identificación escolar:

Empleador #2

Nombre:

Teléfono:

Supervisor:

Teléfono del Supervisor:

Representante del Sindicato:

Número de Teléfono

Escuela #3

Nombre del niño(a):

Nombre de la Escuela:

Nombre del Maestro(a):

Número de teléfono:

Número de identificación escolar:

Empleador #3

Nombre:

Teléfono:

Supervisor:

Teléfono del Supervisor:

Representante del Sindicato:

Número de Teléfono

Debería adjuntar cualquier política o plan para desastres que existe en la(s) escuela(s) de su hijo(s)

Números de Seguro Social o ITIN

Nombre:

Número:

Nombre:

Número:

Nombre:

Número:

Nombre:

Número:

Información importante de los Vehículos

Vehículo 1- Número de placa:

Número de identificación (VIN):

Préstamo:

Seguro:

Vehículo 2- Número de placa:

Número de identificación (VIN):

Préstamo:

Seguro:

Adjunta una copia del registro de cada vehículo y una foto de cada uno.

Adjunte una copia de cada tarjeta del seguro social.



Información médica e identificación de su familia

Adjunte una copia de su acta de nacimiento, records de vacunación, y foto para cada miembro de su familia.

Miembro de la Familia 1

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:

Miembro de la Familia 2

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:

Miembro de la Familia 3

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:

Miembro de la Familia 4

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:



Información médica e identificación de su familia

Adjunte una copia de su acta de nacimiento, records de vacunación, y foto para cada miembro de su familia.

Miembro de la Familia 5

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:

Miembro de la Familia 6

Nombre:

Fecha de Nacimiento:

Número de licencia de conducir:

Donador de Órganos: SI NO

Alergias:

Medicamentos:

Condiciones Médicas y historia:

Personas que SI pueden recoger a mi(s) hijo(s) de la escuela / guardería

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Nombre:

Teléfono(Casa):

Trabajo:

Parentesco:

Quien NO Debe recoger a mi(s) hijo(s):

Nombre:

Nombre:

Nombre:

*Asegure de informar al personal de la escuela de sus hijos que las personas listadas en estas secciones tienen el permiso que recoger a sus hijos o que no lo tienen y que tengan la información mas completa y al día.

*Si existe una orden de protección, adjunte una copia de esa orden y archive otra copia con la escuela o guardería de su(s) hijo(s).



Problemas Jurídicos, Robo de Identidad, y Contactos para Fraude

por su seguridad, NO APUNTE los números de su tarjeta de crédito o números de cuentas en este documento.

Compañías de las Tarjetas de Crédito

Contactos para sus Asuntos Financieros

Nombre:

Número (número gratuito):

Nombre:

Número (número gratuito):

Nombre:

Número (número gratuito):

Nombre:

Número (número gratuito):

Recuerde que debe reportar cualquier robo de tus tarjetas de crédito de inmediato.

Cuenta de Cheques #1:

Banco:

Número (gratuito):

Cuenta de Cheques #2:

Banco:

Número (gratuito):

Cuenta de Ahorros #1:

Banco:

Número (gratuito):

Cuenta de Ahorros #2:

Banco:

Número (gratuito):

Contactos de Frecuencia:

Ayuda Jurídica Civil

Actuario(a):

Asistencia Jurídica:

Fiscal:

Abogado Civil:

Programa de Violencia Domestica:

Abogado Criminal:

Lada para reportar abuso contra los niños:

Defensor(a) para victimas

Otros números importantes y necesarios:



Cuidado de Emergencia de Mascotas

Adjunte una foto de cada mascota.

Mascota 1

Nombre:

Fecha de Nacimiento:

Raza:

Descripción:

Licencia/Numero de registro:

Medicamentos:

Problemas médicos:

Mascota 2

Nombre:

Fecha de Nacimiento:

Raza:

Descripción:

Licencia/Numero de registro:

Medicamentos:

Problemas médicos:

Veterinario

Nombre:

Teléfono:

Numero de emergencia:

Veterinario de emergencia

Nombre:

Teléfono:

Dirección:

Albergues de emergencia para mascotas/ "Humane Society"

Nombre:

Teléfono:

Dirección:

Otras Notas:

CREATING A RAID RESPONSE PLAN FOR MARYLAND



1

OVERVIEW OF IMMIGRATION ENFORCEMENT

WHAT IS OPERATION ENDGAME?

The Immigration and Customs Enforcement (ICE) multi-year plan to ensure "that every alien who is ordered removed...departs the United States as quickly as possible...."



2

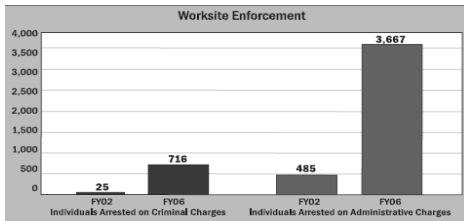
OVERVIEW OF IMMIGRATION ENFORCEMENT

Since 1994 over 1.6 million immigrants have been detained and deported

- Approximately 133,000 immigrants deported annually on average between 1994-2006

OPERATION ENDGAME BEGINS (2003)

- 7 fold increase in worksite arrests between 2002 and 2006



3

OVERVIEW OF IMMIGRATION ENFORCEMENT

BEGINNING WITH OPERATION ENDGAME (2003)

- The number of "Fugitive Operations Teams" and the development of other specialized Operations TRIPLES



4

EXPANDING IMMIGRATION DETENTION SYSTEM



Tent City in Raymondville, TX

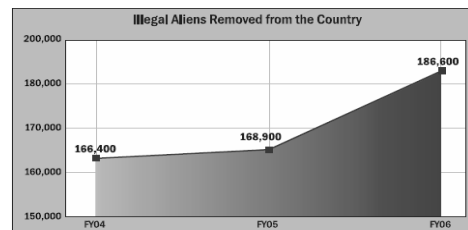
- The number of beds TRIPLED from 9,303 in 1996 to 27,300 in 2006
- Last year 283,000 immigrants were detained, costing taxpayers \$1.2 billion at an average of \$95 a day per bed
- The system is set to TRIPLE again even without new legislation

5

OVERVIEW OF IMMIGRATION DEPORTATION

BEGINNING WITH OPERATION ENDGAME (2003)

- More than 186,600 immigrants deported in 2006



6

TOGETHER WE CAN KEEP IMMIGRANTS SAFE AND FAMILIES UNIFIED



RAID RESPONSE PLANNING

- Since August, over 160 people have been involved in raid response planning meetings in Maryland
- There are similar efforts in VA and DC coordinated by NCIC
- There are three Maryland raid response teams: Metro MD, Baltimore, Eastern Shore
- Each team will create their own response plan, but there may be many components that are the same (such as the legal response)

Metro MD Raid Response Plan

- Following plan is based on our meeting in August
- Similar to the plan being developed in Baltimore
- Plan has 3 parts (pre-raid, raid, post-raid)

I. PRE RAID: TRAININGS IN THE IMMIGRANT COMMUNITY

GOAL 1: Immigrants and refugees are aware of their rights and responsibilities AND know how to prepare their families for the prospect of immigration raids.

- **OBJECTIVE 1:** Prepare basic KYR, detention 101 and family preparedness trainings

TASK: Review and modify existing Materials (written and video) and do translations

- **OBJECTIVE 2:** Create a train the trainer model

TASK: Create training plan

TASK: Identify leaders from the community to attend training



I. PRE RAID: TRAINING AND PREPARING ADVOCATES

GOAL 2: potential allies are knowledgeable about immigration raids and have created mechanisms to communicate with each other, work together, and stay informed about raids.

- **OBJECTIVE 1:** Training for Service Providers/Network Members (3 core components)
 - Deportation 101 (KYR plus)
 - How to ascertain and document whether a raid is happening when someone calls-in a "tip"
 - Safety Plan helping individuals plan for residual impact of raid, power of attorney, medical, child care, contact list, etc.



TASK: Advocates need to volunteer and attend training

I. PRE RAID: TRAINING AND PREPARING ADVOCATES

OBJECTIVE 2: Develop mechanisms for advocates to communicate with each other, work together, and stay informed about raids

- 3 core communication systems for advocates to share information if a raid is confirmed:
 - Develop phone tree of advocates
 - Mass text messaging
 - Listserv/Email alerts



I. PRE RAID: TRAINING AND PREPARING ADVOCATES

OBJECTIVE 3: Identify and develop contacts with immigration officials, law enforcement officials, government, embassies and the media

- ID contacts within ICE and DHS in order to verify where people are being detained
- Develop relationships with:
 - Members of Congress
 - Key embassies
 - Each local police department ideally with precinct captains
 - Central person in Mayor/County Exec. Office



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I. PRE RAID: TRAINING AND PREPARING ADVOCATES

OBJECTIVE 4: Advocate for policies that minimize the effects of the raids

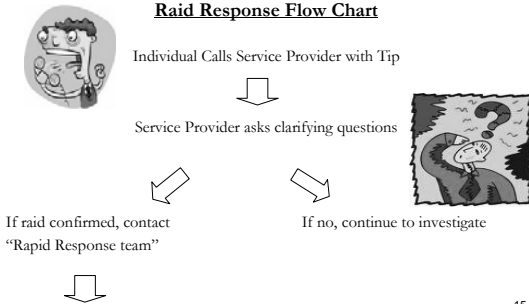
1. Ban on the raids
 - Educate the public on the damaging effects of raids on families and communities
2. Prevent local police from performing federal enforcement activities
 - Reinforce that immigrants more likely to report crimes if they know police will not ask about their immigration status
 - Highlight cities that prevent police from being immigration agents



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II. RAID

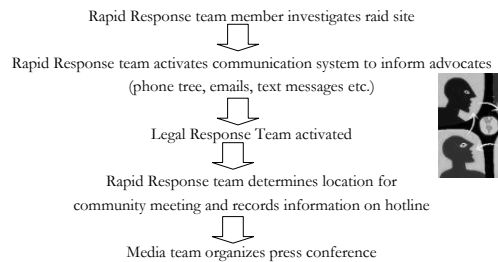
Raid Response Flow Chart



15

II. DURING A RAID

If there is a raid...



16

III. POST-RAID

- Legal team meets with detainees
- Community meeting to inform families about their rights and how to assist loved ones who are being detained
- One-on-one "intake" with family members to:
 - document who is being detained
 - provide them with detailed information on what to do next



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IV. POST-RAID

- Provide ongoing support to family members affected by raid
- Developing leadership skills of those affected by raid to advocate for more humane immigration policies



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How Will This Happen?

- Five sub-teams, each with a Team Leader:
 1. **Coordination Team**
 - Pre-raid: develop communication structures, coordinate meetings, prepare materials, make connections with ICE, government officials, etc.)
 - During raid: work with other teams to plan response activities
 2. **Training Team**
 - Plan trainings for the community and service providers, prepare materials
 3. **Rapid Response Team**
 - Response immediately in the case of a raid to gather information, coordinate services, plan community meeting, etc.
 4. **Legal Team**
 - Pre-raid: help plan trainings
 - During/post raid: provide legal advice, represent detainees
 5. **Media Team**

What Happens to Children Caught up in Immigration Enforcement Activities

Julianne Duncan, Ph.D.
Associate Director for Children's Services
United States Conference of Catholic Bishops (USCCB)
Migration and Refugee Services
Office of Refugee Programs
3211 Fourth Street NE
Washington, DC 20017-1194
Phone: 202-541-5412
Fax: 202-722-8747
JDuncan@uscceb.org

March 1, 2007

As Department of Homeland Security (DHS) is responding to the political sentiment in the country that undocumented persons should be removed, they are increasing their enforcement activities within the country in addition to their increased border enforcement. This has led to several well-publicized raids on large employers as well as many small enforcement activities which may not rise to public attention. In either situation, however, there will be situations which child welfare providers or other concerned people will be called upon for help.

The first questions are frequently "Where are the children and families taken?" and "What happens to them?"

It is important for child welfare and other service providers to be clear that there are two aspects of the situation which operate in a parallel fashion and do impact each other but are very separate:

- the immigration legal case
- the care of the child and family

For children detained with their families, the theory is that they are kept with their families and the whole family is either released or placed in one of 2 family detention centers: Berks County, PA or Hutto, TX. They are typically held pending the outcome of their immigration case. Either they are released in the situations win which they get some type of immigration relief or removed if they do not qualify for any immigration relief. The facilities are run by DHS via contract with local providers. Sadly, we are aware of situations in which children and parents are separated from each other and are held in different facilities.

For unaccompanied children, they are referred to Health and Human Services/Office of Refugee Resettlement/Division of Unaccompanied Children's Services (HHS/ORR/DUCS) (NOT the Unaccompanied Refugee Minors Program) where they are held in any one of 30 or so facilities in the U.S. The majority of the facilities are in TX but there are facilities in AZ, CA, FL and some other places. The care is predominantly in large, institutional-style shelters with a few children kept in foster care or small group care settings. Children are placed wherever there is space so you cannot assume that children picked up in CA will be housed there but they may be.

For people trying to find a child who may be in the DUCS system, a faxed letter to 202-401-1022 will reach the unit which can find out the location of the child. Staff in that unit will respond to inquiries. The letter should include as much information as possible about the child, date and place of apprehension and whatever is known. Additionally, the letter should explain who is asking and what the relationship is with the child so that the government agency can determine whether or not they may respond to the inquiry.

United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) has staff whose responsibility is to provide "best interest" recommendations for the children in many of the facilities and we also provide suitability assessments and follow up services for some children. Some of our foster care programs do take Division of Unaccompanied Children's Services (DUCS) children who have no family reunification options. Our partner agency, Lutheran Immigration and Refugee Service

(LIRS) similarly has staff in some locations and also provides foster care for those children who have no family reunification options.

The child's immigration legal case ticks along independently of their care situation which is sometimes confusing to those trying to figure out what is happening. While Health & Human Services/Office of Refugee Resettlement/Division of Unaccompanied Children's Services (HHS/ORR/DUCS) is taking care of the child and arranging for the child's reunification with parents if possible, Dept of Homeland Security (DHS) is responsible for prosecuting the immigration violation and continues that whether the child is released to family or not. If someone knows the child's A#, they can navigate the DHS website and find out the status of the immigration case.

There is a third possibility: children who were living with their parents but were either picked up separately or were separated from them during the raids. This is a contentious issue. DHS and HHS/ORR both say that these children do not fit the definition of "Unaccompanied" and therefore many of these children are not turned over to ORR. DHS houses them somewhere but it is very unclear where that may be. They are often removed from the country very quickly and have had no legal representation before removal. For children picked up in the interior of the country such as those in the recent raids in Contra Costa County in California, this may be their situation.

How to help:

The best course of action for those trying to find and assist children picked up in the raids, try the ORR/DUCS fax number noted above. If the child is in their system, she/he is safe and adequately cared for. Efforts are in process to find family members to release them to. If someone knows the whereabouts of the child's kin, give that information to DUCS so they can proceed faster.

The families who intend to sponsor the children out of that system may appreciate help filling out the various papers needed in order to prove their relationship and ability to sponsor. This may be a service that can be provided for those relatives in the area who are willing to sponsor the kids. With help, they may get their paperwork done faster, therefore approved faster and kids will be released faster. Pro-bono legal help will still be needed since the children will still be removed from the country when their immigration case is heard.

If the child is detained with parents, DHS is responsible. It is a hard system to navigate. They are possibly in family shelters with their parents if not yet removed from the country. Pro-bono legal help is useful in some cases.

For those children whose parents are detained but the children are not, it is not wise to try to access the ORR/DUCS system for the children's care. No one is in that system who is not in removal proceedings so getting the child into the system puts them in removal proceedings.

It is likely that the DHS raids in the interior of the country will continue. Therefore, it is also likely that children and families will continue to be caught up in the care system for unaccompanied children (DUCS) or in family detention (DHS). The children and families will continue to need all our assistance to remain together and to provide the best care possible under difficult circumstances.

The long-term outcome for children or families caught up in the raids and enforcement system is typically not encouraging. Most do not have the possibility of immigration relief so they are removed from the United States to their country of origin.

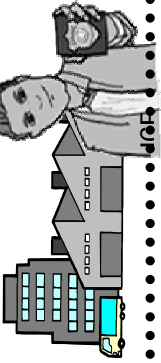
If anyone has a question on care or other child welfare concerns about a child caught up in the DHS enforcement system, please feel free to contact our child welfare technical assistance program. Email at info@BRYCS.org or call 1-800- 572-6500. We will do our best to get answers to you.

**WHAT'S NEXT:
THE IMPACT OF
PROPOSED NEW LAWS**

RAIDS TO DEPORTATION: POLICY MAP

(Including selected proposals from recent Congressional proposals)

ICE Raids and Sweeps



- Proposals increase ICE collaboration with local police, turn police into immigration agents and allow local governments to detain immigrants without charges
- Local proposals use laws (e.g. trespassing, housing codes) to target immigrants at day labor sites, workplaces & homes
- Good-intentioned sanctuary ordinances have loopholes for local police to turn immigrants into ICE when suspected of illegal acts
- Proposals would require stricter verification of workers' status, stricter penalties for hiring undocumented workers, and additional money for worksite enforcement
- Communities are building worker centers to create safe spaces for day laborers and pushing for greater protection of day labor sites
- A few congressional proposals to deal with treatment of immigrants in raids

What happens to my family?



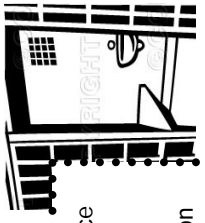
- CCPA explicitly allows judges to consider a deportation's effect on U.S. citizen kids before ordering parents' deportation

ICE Deportation Office

- No proposals force ICE to exercise prosecutorial discretion
- Proposals would expand expedited and administrative removal, allowing low-level agents to order deportation
- Proposals increase information sharing among federal agencies

Detention

- Proposals increase detention space and authorize mandatory and indefinite detention
- Proposed regulations and legislation would make detention standards enforceable, increase alternatives to detention and parole

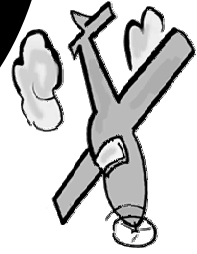


Criminal Prosecution

- Proposals would increase criminal penalties for immigrants (document fraud, unlawful presence, illegal entry)
- State proposals would require advisal of immigration consequences

Deportation

- More deportation to countries where immigrants face torture
- DHS/courts still don't allow deportees to reunite with families or to reopen cases after courts find government action to deport unlawful.



Immigration Courts/BIA

- Proposals would expand grounds of deportation and make people unable to get green cards - reduces who would benefit from legalization programs
- Proposals restrict motions on immigration cases
- Proposals would expand expedited removal (deportation w/o hearing)
- No legislation to fix access to counsel
- CCPA and other proposed waivers may give judges more power to consider circumstances, families, etc.

Federal Courts

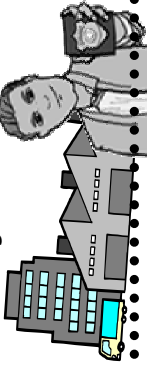
Proposed legislation would:

- Eliminate habeas to challenge detention
- Further restrict federal review of deportation decisions and make it more difficult to stop deportation during an appeal - more immigrants would be deported due to government mistakes

REDADAS PARA LA DEPORTACIÓN: MAPA DE LAS POLÍTICAS

(Incluye ejemplos de propuestas tomadas de propuestas recientes en el Congreso)

Redadas y Barridas del ICE



- Las propuestas aumentan la colaboración del ICE con la policía local, convirtiendo a los policías en agentes de inmigración y permitiendo que los gobiernos locales detengan a los inmigrantes sin hacerle cargos judiciales.
- Propuestas locales utilizan leyes (por ejemplo contra el traspaso, códigos de vivienda) para acosar inmigrantes en sitios laborales, lugares de trabajo, y hogares
- Ordenanzas bien intencionadas para el santuario son defectuosas y permiten que la policía local entregue a inmigrantes sospechosos de actos ilegales al ICE
- Propuestas requerirán verificación más estricta del estatus laboral, penas más estrictas por contratar trabajadores indocumentados, y fondos adicionales para esforzar las leyes en los lugares de trabajo
- Comunidades están construyendo centros laborales para crear lugares seguros para los trabajadores temporales y presionando para más protecciones en los sitios que sirven a los mismos
- Algunas propuestas ante el Congreso con el trato a los inmigrantes en las redadas

¿Qué pasa con mi familia?

- La CCPA explícitamente permite que jueces consideren los efectos de la deportación en los niños ciudadanos antes de ordenar la deportación de sus padres



Oficina de Deportación del ICE

- Ninguna propuesta ordena al ICE ejercer discreción en el procesamiento de casos
- Las propuestas aumentarán las expulsiones inmediatas y administrativas, permitiendo que agentes de bajo nivel ordenen deportaciones
- Las propuestas aumentan la distribución de información entre agencias federales

Detención

- Las propuestas incrementan los espacios para la detención y autorizan la detención indefinida
- Las regulaciones y legislación propuestas harían mandatorio el cumplimiento de los estándares para la detención, creando más alternativas para la detención y libertad condicional

Procesamiento Judicial

- Las propuestas incrementarán las penas criminales para los inmigrantes (fraude de documentos, presencia ilegal, entrada ilegal)
- Propuestas estatales requieren notificación de las consecuencias migratorias

Deportación

- Más deportaciones a países donde inmigrantes encaran la tortura
- Las cortes del DHS aún no permiten que los deportados reingresen al país para reunirse con sus familias o para reabrir casos antes las cortes para determinar si las deportaciones fueron legales o no.

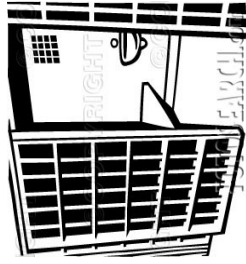


Cortes Federales

- La legislación propuesta:
- Eliminaría el habeas contra la detención
 - Restringiría más la revisión federal de las decisiones de deportación, haciendo más difícil para la deportación durante la apelación - más inmigrantes serían deportados como resultado de errores gubernamentales

Cortes de Inmigración/BIA

- Las propuestas incrementarían las razones para la deportación, haciendo que la gente no pueda tener tarjetas verdes - reducen quiénes pueden beneficiarse de los programas de legalización
- Las propuestas restringirían mociones judiciales en casos de inmigración
- Las propuestas incrementarían la expulsión acelerada (deportación sin audiencia)
- Ninguna legislación ayudará al acceso a la asesoría legal
- La CCPA y otras propuestas de exención (waivers) darán más poder para que los jueces tomen en cuenta circunstancias, familias, etc.



Valuing Our Families and Our Children: Child Citizen Protection Act (H.R. 1176)



Every immigrant’s story is a story about family. As the immigration debate heats up across the nation, one group of citizens has a unique stake in it: the American-born children of immigrants.

MYTHS vs. FACTS...

MYTH: “The immigration debate doesn’t affect me, because I am a U.S. citizen.”

FACT: Immigration affects all of us.

Immigration is not just about green cards, borders or someone else’s family. It affects all of us. Immigrants do not live in isolation. We share zip codes, jobs, schools, places of worship and families. Nearly 1 in 10 American families are of mixed immigration status: at least one parent is a non-citizen, and one child a citizen. An estimated 3.1 million US citizen children have at least one parent who is undocumented.

MYTH: “Our immigration system considers US citizen children before deporting an immigrant parent.”

FACT: Today’s immigration laws force parents to abandon their US citizen children.

In 1996, our immigration system made deportation a mandatory punishment for many non-citizens—including long-term and legal permanent residents. When punishment is mandatory judges do not have a say in deciding if deportation is fair, robbing immigrant families of a day in court and a chance to show how permanent exile from the U.S. would impact their family.

The result? Every year, nearly 200,000 non-citizens—many with kids who are U.S. citizens—are deported and torn away from their families *even when a judge thinks they deserve to stay in the U.S.* to help raise and support those families. Under mandatory deportation, the judge’s hands are tied. Families must choose between splitting up, resulting in more single parent households and psychological and financial hardship, or forcing their U.S. citizen children into deportation with them. These American children may have to start over in a country with a new language, fewer resources and an uncertain future. America’s immigration laws force American children to lose their parent, or their country.

Mandatory deportation is a life sentence of exile. Such a severe, "one size fits all" punishment cannot be the basis of our immigration system.

WHAT’S THE SOLUTION?

Congressman Jose Serrano (D-NY) introduced the Child Citizen Protection Act (H.R. 1176), a limited bill to restore justice to our immigration system by allowing U.S. citizen children to be heard before a parent is taken away. The Child Citizen Protection Act would repeal the harshest provisions of the 1996 laws and allow immigration judges to consider whether deportation is "clearly against the best interests of a US citizen child". It preserves the basic notion of fairness that should define the U.S. justice system. It allows judges to judge, and families to have a day in court.

The Child Citizen Protection Act is an opportunity for our leaders to show that they truly value families, that the health, safety and well being of our nation’s children are a top priority.

Since the immigration laws changed in 1996, members of Congress from both parties, Immigration Judges, religious leaders, media and American children have criticized the cruel and unintended consequences of mandatory deportation on families.

Our Leaders	Our Children
<p>"Federal officials came to our house to arrest my mother while my father was at work. It was a frightening situation for my entire family that occurred through no fault of my mother, who had lived in America for more than 30 years. I believe that we can, and must, do our best to prevent situations like this from occurring in the future." —Senator Pete Domenici (R-NM)</p> <p>"[Non-citizens who] clearly rehabilitated themselves . . . are no longer a threat to society, and have started families. In these cases, deportation seems an extreme remedy." —Representative Henry Hyde (R-IL), an original supporter of the 1996 laws.</p> <p>"We grant due process rights to citizens and non-citizens alike; not out of some soft-hearted sentimentality, but because we believe that these rights form an important cornerstone to maintaining civilized society." —Representative John Conyers (D-MI)</p> <p>"While immigration is a complicated economic, political, and cultural issue, it is also a stark moral challenge for our nation. It is our view that immigration is a moral issue because it impacts the human dignity of the person." —Reverend Jaime Soto, Auxiliary Bishop of Orange, California</p> <p>"We advocate for just policies that respect human rights of immigrants and preserve the unity of the immigrant family, including due process . . ." —Statement from the Roman Catholic Bishops of the U.S.</p> <p>"We must stop hauling away parents in the middle of the night in front of their children and denying . . . the most basic constitutional rights that we in American believe everyone should have. That is exactly what the 1996 laws did." —Representative Bob Filner (D-CA)</p> <p>"How I wish parents, lawyers, judges would put so high a priority on determining a child's interests." —Senator Hillary Clinton (D-NY)</p>	<p>"I never saw my dad. I felt sad and mad at the government that he got deported and never saw him again before he was killed in El Salvador. Something else could be done, because kids need their fathers. My mom is single, and she's gonna have to work two jobs. With her kids, it's hard for her because their father has been deported." —Junior, 13-year old U.S. citizen whose father was deported to El Salvador (Los Angeles, CA)</p> <p>"I wonder every day when will I have to leave my family to be sent to Cambodia. I find myself distancing from the ones I love and wondering why I even have a family, when someday I may have to leave them. I hope we'll have a day in court to show the immigration judge that our daughter, who is a U.S. citizen, deserves the best from the American justice system: to be with her family." —Many Uch, lawful permanent resident whose daughter is a U.S. citizen (Seattle, WA)</p> <p>"I haven't seen my daddy for a few years. I talk to him on the phone sometimes. I miss him a lot. He used to take me to McDonald's and church and play with me. Mommy works too much. I want Daddy back so we can be a family again." —9-year-old Natasha Corrica, whose father was detained for 3 years (Brooklyn, NY)</p> <p>"I love my father. I'm very sad they came and took my papi away in handcuffs and deported him to Mexico. My papi never got a parking ticket, he never gets drunk, he works everyday. I want to tell the judge how good he is, but they won't let me. I want Santa to give me back my father". —6-year-old Alejandra Barrios whose father was deported to Mexico (Chicago, IL)</p>

Child Citizen Protection Act (HR 1176)

Let's Bring Our Immigration Laws in Line with Common Sense and Family Values

Valorando Nuestras Familias y Nuestros Niños: Acta para Protección de Niños Ciudadanos (H.R. 1176)



Cada historia de inmigrante es una historia sobre la familia. Así como el debate migratorio está cada vez más sobre el tapete, a través de lo EU un grupo de ciudadanos están siendo puesto en peligro y ellos son: Los niños nacidos en los Estados Unidos de padres inmigrantes.

CREENCIAS/MITOS Vs. REALIDADES

CREENCIA: “El debate de inmigración no me afecta porque yo soy ciudadano”

REALIDAD: Inmigración nos afecta a todos.

Inmigración no es solamente sobre la tarjeta de residencia, las fronteras o alguien en la familia. Este tema nos afecta a todos. Inmigración no es un tema aislado. Nosotros compartimos código postales, trabajos, escuelas, lugares de adoración y familiar. Casi en cada 1 de 10 familias americanas, existe un estatus migratorio mezclado: Por ejemplo, por lo menos un padre **no es ciudadano** de este país, y uno de sus hijos **lo es**. Se calcula que 3.1 millón de niños que son ciudadanos tienen por lo menos uno de sus padres que está sin papeles.

CREENCIA: “Nuestro sistema de inmigración considera a los niños ciudadanos antes de deportar a los padres.

REALIDAD: Las leyes de inmigración actuales empujan a los padres al abandono involuntario de sus hijos que son ciudadanos americanos

En el 1996, nuestro sistema de inmigración convirtió las deportaciones como un castigo obligatorio para muchos que no son ciudadanos—incluyendo residentes de permanencia a largo plazo y legal. Cuando el castigo es obligatorio, los jueces no tienen el poder en decidir si la de deportación es justa o no, robando así a las familias inmigrantes del derecho de un día en los tribunales y la oportunidad de presentar como el exilio permanente fuera de los Estados Unidos lastimaría a sus familias.

El resultado final? Cada año, casi 200,000 personas que no son ciudadanos de EU—muchos con hijos que son estadounidenses—son deportados y separados de sus familias aun cuando un juez considera que ellos merecen quedarse en los Estados Unidos, para ayudar con el apoyo y la crianza de sus familias. Bajo la deportación obligatoria, las manos de los jueces están indiscutiblemente atadas. Las familias tienen que elegir entre la separación, teniendo como efecto hogares con un solo padre, con una carga emocional y financiera o forzar que sus hijos, que son ciudadanos americanos, sean también deportados con ellos. Estos niños americanos tendrán que comenzar de nuevo en un país con un idioma diferente, escasos recursos, y un futuro incierto. Las leyes americanas de inmigración empujan a que estos niños pierdan a sus padres o en caso de deportación a su país.

Las deportaciones obligatorias es una sentencia de vida en el exilio. Es tan severo, que el castigo “una sola talla para todos” no puede ser la base de nuestro sistema de inmigración.

CUAL ES LA SOLUCION AL PROBLEMA?

El congresista José Serrano (Demócrata de NY) presentó el Acta para Protección de Niños Ciudadanos (H.R. 1176), un proyecto de ley limitado para reponer la justicia a nuestro sistema de inmigración, permitiendo así a los niños que son ciudadanos de los Estados Unidos que sean escuchados antes de que les quiten a sus padres. **La Acta para Protección de los Niños Ciudadanos** abrogara las duras provisiones de las leyes del 1996 y permitirá a los jueces de inmigración a considerar si las deportaciones son o no “claramente en contra de los mejores intereses del niño ciudadano de EU.” Este proyecto de ley preservara el entendimiento básico de lo que es justo y que deba de ser definido por el sistema de justicia de Estados Unidos. También permitirá que los jueces puedan juzgar y a las familias la oportunidad de ser presentado ante los tribunales.

La Acta para Protección de los Niños Ciudadanos es una oportunidad para nuestros líderes mostrar que ellos realmente valoran las familias, que la salud, seguridad y bien estar de los niños de una nación están como primeras prioridades.

HR 1176 IH

110th CONGRESS

1st Session

H. R. 1176

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

IN THE HOUSE OF REPRESENTATIVES

February 16, 2007

Mr. SERRANO (for himself, Mr. ACKERMAN, Mr. TOWNS, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCRETIONARY AUTHORITY WITH RESPECT TO REMOVAL, DEPORTATION, OR EXCLUSION OF PARENTS OF CITIZEN CHILDREN.

Section 240(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)) is amended by adding at the end the following:

^ (D) DISCRETION OF JUDGE IN CASE OF CITIZEN CHILD- In the case of an alien subject to removal, deportation, or exclusion who is the parent of a child who is a citizen of the United States, the immigration judge may exercise discretion to decline to order the alien removed, deported or excluded from the United States if the judge determines that such removal, deportation, or exclusion is clearly against the best interests of the child, except that this subparagraph shall not apply to any alien who the judge determines--

^ (i) is described in section 212(a)(3) or 237(a)(4); or

^ (ii) has engaged in conduct described in paragraph (8) or (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).'

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Title: To provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

Sponsor: [Rep Serrano, Jose E.](#) [NY-16] (introduced 2/16/2007) [Cosponsors](#) (30)

Latest Major Action: 3/19/2007 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

COSPONSORS(30), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Rep Ackerman, Gary L.](#) [NY-5] - 2/16/2007
[Rep Baca, Joe](#) [CA-43] - 3/30/2007
[Rep Becerra, Xavier](#) [CA-31] - 3/30/2007
[Rep Cardoza, Dennis A.](#) [CA-18] - 4/20/2007
[Rep Clarke, Yvette D.](#) [NY-11] - 3/30/2007
[Rep Crowley, Joseph](#) [NY-7] - 3/21/2007
[Rep Cuellar, Henry](#) [TX-28] - 3/30/2007
[Rep Filner, Bob](#) [CA-51] - 3/30/2007
[Rep Gonzalez, Charles A.](#) [TX-20] - 3/30/2007
[Rep Grijalva, Raul M.](#) [AZ-7] - 3/6/2007
[Rep Gutierrez, Luis V.](#) [IL-4] - 3/15/2007
[Rep Hinojosa, Ruben](#) [TX-15] - 3/30/2007
[Rep Honda, Michael M.](#) [CA-15] - 5/8/2007
[Rep Jackson, Jesse L., Jr.](#) [IL-2] - 9/27/2007
[Rep Kucinich, Dennis J.](#) [OH-10] - 7/27/2007
[Rep Lee, Barbara](#) [CA-9] - 3/15/2007
[Rep Nadler, Jerrold](#) [NY-8] - 2/16/2007
[Rep Napolitano, Grace F.](#) [CA-38] - 3/30/2007
[Rep Ortiz, Solomon P.](#) [TX-27] - 4/20/2007
[Rep Pastor, Ed](#) [AZ-4] - 3/30/2007
[Rep Rangel, Charles B.](#) [NY-15] - 6/21/2007
[Rep Reyes, Silvestre](#) [TX-16] - 3/30/2007
[Rep Rodriguez, Ciro D.](#) [TX-23] - 3/30/2007
[Rep Roybal-Allard, Lucille](#) [CA-34] - 3/30/2007
[Rep Salazar, John T.](#) [CO-3] - 3/30/2007
[Rep Sires, Albio](#) [NJ-13] - 4/20/2007
[Rep Solis, Hilda L.](#) [CA-32] - 4/20/2007
[Rep Towns, Edolphus](#) [NY-10] - 2/16/2007
[Rep Velazquez, Nydia M.](#) [NY-12] - 3/30/2007
[Rep Weiner, Anthony D.](#) [NY-9] - 6/25/2007

Snapshot of Some Enforcement and Due Process Issues in the Senate and House

Snapshot of Some Enforcement and Due Process Issues in Senate and House

Below is a sample of enforcement and due process provisions that have been consistently introduced in both the Senate and the House over the last few years as part of key immigration reform packages, including the Senate “Bargain Bill” S. 1348 and the House “Strive Act” H.R. 1645 of 2007. While these bills failed, it is expected that similar provisions will be inserted piecemeal into different legislative proposals going forward. Similar provisions may also be introduced as part of state or local legislative packages. It is important to be aware of the provisions and their impact as well as suggested messages to oppose the provisions.

Senate “Bargain” Bill S. 1348 <i>(May 21, 2007) excluding amendments</i>	House Bill, H.R. 1645 STRIVE Act	Some Suggested Messages
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Indefinite Detention

<ul style="list-style-type: none"> Legalizes indefinite detention and essentially overturns two Supreme Court cases holding indefinite detention unconstitutional (Section 202) 	<p>Legalizes indefinite detention and essentially overturns two Supreme Court cases holding indefinite detention unconstitutional (Section 231).</p>	<ul style="list-style-type: none"> Support and fund alternatives to detention. Any detention that occurs should be for the least amount of time in non-criminal settings with fair and humane conditions. All immigrants should have the right to an individualized hearing in front of an independent judge to determine whether they can be released to the community. We must stop creating more jails for immigrants. Instead of wasting taxpayers' dollars and letting corporations profit from the separation of families. We must invest in safe and secure programs that allow immigrants to remain in the community during their immigration proceedings. The Supreme Court has already spoken on indefinite detention twice. Don't overturn its decisions.
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Detention Beds and Conditions

<ul style="list-style-type: none"> Construction of at least 20 additional detention centers with capacity for 20,000 beds (Section 137) Mandates the govt to consider the use of closed military bases as detention centers Bars start of legalization program until 27, 500 beds are fully used (Section 2) 	<ul style="list-style-type: none"> Construction of at least 20 additional detention centers with capacity for 20,000 beds, Sec. 137 Mandates the govt to consider the use of closed military bases as detention centers (Section 217) 	<ul style="list-style-type: none"> Resist attempts to expand detention system and the use of closed military bases, private contract facilities, local or county jails. Support the Safe and Secure Detention Act: Fund system-wide viable, federally funded, community-based alternatives to detention (Senate should include this) Codify ICE detention standards into regulation to ensure they are enforced/applied throughout the system
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Snapshot of Some Enforcement and Due Process Issues in the Senate and House

<ul style="list-style-type: none"> • Adds and funds more Legal Orientation Programs (Section 201) 	<ul style="list-style-type: none"> • Includes Safe and Secure Detention Act which includes Legal Orientation Programs (Subtitle H) 	<ul style="list-style-type: none"> • Create independent, high-level oversight of detention conditions and standards by a civilian task force. • Support and fund “Legal Orientation Programs” (LOP): They fulfill a much needed resource for detained immigrants
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Judicial Review

<p>Substandard or virtually no judicial review for: (Section 603)</p> <ul style="list-style-type: none"> • Legalization program (individuals and implementation of the program) • Visa revocations • New point system that will replace family-based categories 	<p>Judicial provisions exist, but weak for legalization programs (Sections 301 and 603)</p>	<p>Every family deserves a fair day in court. This includes a full and fair hearing, the right to an attorney and the right to have their case reviewed in federal court.</p> <p>We need rollback of restrictive judicial review laws from 1996 laws.</p> <p>Immigration reform legislation should not replicate or expand the unjust policies of recent years, but instead return to the individualized, rights-based system that had been the cornerstone of our justice system for most of American history.</p>
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State and Local Law Enforcement

<ul style="list-style-type: none"> • Requires DHS to enter into agreements with local law enforcement to enforce immigration law in each state (Section 224) • Reinforces “inherent authority” 	<ul style="list-style-type: none"> • Reinforces “inherent authority” to enforce immigration law (Section 215) 	<p>Giving power to local law enforcement and jails to enforce immigration law hurts public safety, diverts resources from police priorities, and abuses trust of immigrant communities in their police dept.</p>
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Mandatory Detention and Deportation without a Hearing

<p>Ineligibility for legalization programs results in deportation without a hearing</p>	<p>Expands deportation hearings (administrative removal) for immigrants with certain criminal convictions but more narrow than Senate Bill. Section 206</p>	<p>All immigrants should have the right to an individualized hearing in front of an independent judge to determine whether they can be released to the community.</p> <p>Everyone deserves a fair day in court. This includes a full and fair hearing, the right to an attorney and the right to have their case reviewed in federal court</p>
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Snapshot of Some Enforcement and Due Process Issues in the Senate and House

New Grounds of Deportability

<p><i>Document/Passport Visa Fraud: (Section 207)</i></p> <ul style="list-style-type: none"> • Adds new criminal and immigration penalties. Limited exception for vulnerable groups. • Some exemptions from prosecution if otherwise eligible for legalization, DREAM, or Agjobs 	<p><i>Document/Passport Visa Fraud:</i></p> <ul style="list-style-type: none"> • Adds new criminal penalties. More exemption categories. • Some exemptions from prosecution if otherwise eligible for legalization, DREAM, or Agjobs. (Sec. 221) 	<p>We already have harsh deportation provisions for these immigration offenses. Expanding the definitions of these offenses or creating more deportability grounds is unfair and will not fulfill the purpose of stopping document fraud nor stop smuggling. See below.</p>
<p><i>Aggravated Felony Changes: (Aggravated Felonies result in mandatory detention and deportation. Includes offenses that are neither aggravated nor felonies) Section 203</i></p> <ul style="list-style-type: none"> • For certain crimes, it expands the aggravated felony definition by lowering the standards of evidence in deportation proceedings when labeling people as aggravated felons • Includes serious alien smuggling cases 	<p><i>Aggravated Felony Changes:</i> Slight expansion of current law to include serious alien smuggling cases (Sec. 233)</p>	<ul style="list-style-type: none"> • Allow judges to consider ALL the individual circumstances of one's case for those who have turned their lives around, have lived in the U.S. since they were young children, support U.S. citizen family members, employ U.S. citizen workers, or have honorably served in the U.S. military. These restrictions are un-American and go against our values and our Constitution. • Restore proportionality and common sense to the immigration system. We must narrow the "aggravated felony" definition under immigration law. We should not mandate life exile for an overly broad range of offenses nor target minor violations of the law.
<p><i>Gang deportability ground: (Section 204)</i> Extremely broad language that makes "associates" (not members) of gangs inadmissible and deportable. Criminal gang definition includes clubs, and any group of 5 or more people. Conviction is not required and, in most cases, a judge only needs a "reason to believe" and not formal proof</p>	<p><i>Gang Deportability Ground:</i> STRIVE requires a conviction under current criminal code regarding gang members. (Section 234)</p>	<p>Criminalizing the right to associate (e.g. gang provisions) or being held without charges (e.g. detainee) are attacks on our Constitutional rights. They move us away from the principle of punishing individual wrongdoing and towards profiling.</p>

TALKING POINTS FOR IMMIGRATION REFORM

Repeal Cruel Deportation Laws – Keep Families Together and Communities Strong

- Current laws rip families apart by permanently separating children from their parents, often for minor offenses for which deportation is an unfair and excessive punishment. Enforcement proposals would only worsen the crisis that families already face. The government (DHS) would also send back countless families seeking safety from war, persecution, and violence.
- Millions of U.S. citizen children will be abandoned if we don't change the deportation laws. Under current law, children are erased from the equation as judges don't have the power to consider the harm to children that will result from their parents' deportation. After a deportation, children lose contact with a parent and families are torn apart. Children feel abandoned and are emotionally and financially devastated with consequences for their education and well-being. Imagine your child being left behind, thousands of miles away.
- When an immigrant is detained, spouses and children are forced to fend for themselves. When a parent is detained, he or she turns from breadwinner to dependant and the consequences are emotionally and financially devastating. For example, spouses and children report that they face eviction from their homes because they can not keep up mortgage payments. Spouses are turned into single parents.

What are we asking? We need to stop expanding the avenues for deportation and enact real reform that repeals cruel deportation laws and takes into account the lives and ties of people living here.

Give Every Family a Fair Hearing – The deportation system falls way below basic standards of justice.

- There is a shocking lack of fairness in the deportation system. The system has been criticized by respected conservative members of the judiciary. Afford immigrants basic protections.
- Our justice system is supposed to provide an opportunity for people to be heard and serve as a check on government power. Yet today people are denied their fair day in court because judges cannot consider the merits of individual cases nor waive deportation for those who have turned their lives around, have lived in the U.S. since they were young children, support U.S. citizen family members and dependents, employ U.S. citizen workers, or have honorably served in the U.S. military. These restrictions are un-American and go against our values and our Constitution.
- The laws create a second class of individuals who don't get the same protections under the law. We CAN afford to give immigrants basic protections. We CAN'T afford to make them second class individuals.
- The American system of checks and balances should be preserved for all. Current proposals put unchecked power in the hands of the government to make or break people's lives without the ability for the federal court to review their decisions. Citizens, green card holders, and undocumented immigrants will lose their fair day in court.

What are we asking? Every family deserves a fair day in court. This includes a full and fair hearing, the right to an attorney and the right to have their case reviewed in federal court. Give judges back their power to review all the individual circumstances in someone's case. Ensure that rules are not changed in the middle of the game, the punishment fits the crime, and common sense and our system of checks and balances are restored.

Building Jails Doesn't Fix Our Broken Immigration System

- Detention is ineffective and inefficient: Even though the number of detention beds has tripled since 1994 to 23,000, there has been no impact on migration. In 2004 Congress authorized 40,000 additional beds and is currently considering expanding it by 10,000 more. Where does this stop?
- Under existing laws, many immigrants are kept in detention throughout their civil (non criminal) proceedings without the opportunity for a court hearing to decide whether they could be released. These include undocumented immigrants, long term permanent residents with strong community ties, survivors of torture, asylum seekers and other vulnerable groups such as pregnant women, children, and individuals who are seriously ill without proper medication or care. Locking people up in jails and military bases for years at a time without review by a judge does not reflect democratic values of fairness and justice for all.
- Detention costs taxpayers: In 2006, the US government spent \$90 million on detention alone at an average daily cost of \$95 per bed. DHS is ignoring more cost effective secure alternative programs that cost on average \$12 per day per bed.
- Detention costs families: The costs of detaining immigrants are much higher than just the cost of "bed space" and personnel. The costs of detention also include lost tax revenues from detaining people, rather than letting them work, and the increased welfare, medical and emotional costs that occur when a family is broken up and a primary breadwinner is detained.
- Detention is lining the pockets of wealthy corporations: Multinational corporations are benefiting from detaining immigrants (one of the fastest growing stocks in the country) because our government has created a financial incentive to build prisons for immigrants.

What are we asking? We must disentangle immigrants from the criminal justice system. Detention should be used as a last resort and, when used, should be in non-criminal settings with fair and humane conditions. We must stop creating more jails for immigrants. Instead of letting corporations profit from the separation of families, we must invest in safe and secure programs that allow immigrants to remain in the community during their immigration proceedings.

Stop Militarizing Border Communities

- Pouring money into border security has not stopped migration: The reality is that \$30 billion dollars of border enforcement spending have resulted in an increase, not a decrease of migration. Despite this huge spending on border security, no terrorists have ever been apprehended at the

US-Mexico border, and, meanwhile, people continue to risk their lives seeking a better future for their families.

- Building fences in one area doesn't stop people from migrating, it just pushes them to other areas. After triple-fencing was constructed in San Diego, apprehensions of undocumented immigrants dropped 300% between 1994 - 2002, but apprehensions in the Tucson sector increased 342% during this same period. Our government has claimed credit for reducing immigration in San Diego, when in reality, migration moved elsewhere.
- Border deaths are on the rise because people are being forced to risk taking dangerous routes to enter the United States. In the past ten years, there have been more than 2,640 border crossing-related deaths.

What are we asking? Stop the lie that pouring money into "border security" will solve the problem. Increased funding for the current strategy is not the "smart" way to handle national security. We need a more thoughtful approach to border security which shifts the focus towards targeted policing in tandem with real immigration reform that keeps families together and communities strong.

WHAT ARE WE ASKING?

We are asking Congress to create an immigration system that respects our civil liberties and human rights. Our current immigration system is broken and unfair. Our laws should adhere to the basic founding principles of our country that ensures liberty and justice for all.

What Are the Concerns with Proposed Enforcement Provisions?

Most proposed immigration reform legislation contains dramatically expanded deportation and detention provisions that will subject more immigrants to harsh conditions and unfair court procedures and, as a result, force more people, including legal residents, to remain hidden from view. Our basic rights should not be part of a compromise. New enforcement provisions will mean that the government has more power to jail and deport more immigrants, whether they have green cards or not. Moreover, these provisions would make basic activities that would be indiscretions for a citizen an offense worthy of life in exile. Many of these measures are buried in Congressional proposals in duplicitous ways, covertly attacking our liberties and civil rights.

The enforcement provisions undermine the goal of legalization and seed fear and distrust in our communities.

Immigration penalties will block workers from having legal status for years to come and may gut the proposed legalization program. In the proposals, for the first time a noncitizen can become ineligible for a green card or any other lawful status, which may extend to admitting use of false information to fill out an I-9 card (a required document) to get a job. This could affect a huge proportion of the workers who hope to qualify for the current jobs program, as well as millions of persons in the future. Also, virtually all the traditional criminal inadmissibility bars apply to all these immigration benefits under the bill most likely without a waiver possibility. Moreover, future workers in decades to come who have come afoul of these rules will be unable to get a green card through U.S. citizen family or other means unless they get an extraordinary waiver. ***Underlying Principle: Immigration laws should not target people whose only crime was to support their families and provide much-needed labor.***

The enforcement provisions strip the courts of their authority and transfer vast amounts of power to the executive branch, such as the Department of Homeland Security, the police and other federal agencies, upsetting the natural checks and balances of our government.

The enforcement provisions will make lives worse for families: children will be torn from their parents, partners from each other.

Current law on immigration enforcement is already very harsh. Families are permanently separated by detention and deportation and children are separated from their parents. The effects on children who are left behind or whose parent/caregiver is taken away are devastating. Detainees are often held in remote jails hundreds of miles away from their families, friends, attorneys, and communities, further aggravating their isolation and depression. Immigrants with strong ties to their communities are deterred from pursuing legitimate claims of relief because of their isolation from legal resources and community support. By giving more unchecked power to immigration authorities to detain immigrants indefinitely, Congress proposes to make a bad situation worse.

The enforcement provisions endanger asylum seekers and other vulnerable groups

Offering safe haven to women, men, and children fleeing persecution or abuse is a historical legacy and fundamental principle in America. Any immigration reform bill must ensure access to life-saving protections. Asylum seekers must not be penalized from seeking such protection because they were forced to use false documents to flee their home country. Likewise, battered immigrant women and victims of human trafficking should be protected, not penalized, for reporting crimes, even if in so doing they risk falling out of status. Any immigration reform bill must ensure that asylum seekers, battered immigrant women and children, immigrant detainees, and naturalizing immigrants have fair access to the courts.

The enforcement provisions move us closer to ‘guilt by association’ lawmaking, by making broad new deportation grounds for alleged gang members.

The proposals give the federal government the power to deport associates (not members) of gangs. In most cases, the immigration judge only needs a “reason to believe” to decide that someone is an alleged gang member. Also, the government would not have to disclose any real evidence or charge the person with any crime at all in order to do so. This “guilt by association” is a principle that has been held unconstitutional since time immemorial. It will empower the immigration courts to deport people who have never committed any crimes whatsoever, and who have obeyed all of our laws, simply because they may be associated with a gang. Gangs have bad people. But there are people who are trying to leave gangs, who are forced to join gangs, and who have left the gang. It does not make sense to make a ‘one size fits all’ treatment for an alleged association.

The immigration system is broken, not only broken for the undocumented, but also for the OTHER 12 million LPRs in this country.

Immigration laws passed by Congress in 1996 implemented mandatory detention and deportation laws that had the unintended consequences of breaking up American families without due process and without their day in court. These laws subvert our justice system, due process, our values and the Constitution. Our families – our American families – are the casualties.

Americans need to know their government is doing these things – so we can put an end to them. Because when we let the government ignore the Constitution and deny due process for some, all of our freedoms are at risk.

DEPORTATION 101
(November 2007)

Detention Watch Network, Families for Freedom, National
Immigration Project & NYSDA Immigrant Defense Project

APPENDIX

See training handouts for local contacts and resources.

DETENTION & DEPORTATION RESOURCE LIST

General Information and Self-Help Materials

NYSDA Immigrant Defense Project

www.immigrantdefenseproject.org

The Immigrant Defense Project of the New York State Defenders Association defends the rights of immigrants facing criminal or deportation charges through trainings, impact litigation and legal support for community organizing.

Contact IDP for legal resources on the immigration consequences of criminal convictions and Know Your Rights materials

National Immigration Project

14 Beacon St, Suite 602

Boston, MA 01208

(617) 227-9727

www.nationalimmigrationproject.org

For over three decades, the National Immigration Project has been protecting the rights of noncitizens facing the greatest barriers to justice.

Contact NIP for referrals, immigration strategies and public education materials.

Florence Immigrant & Refugee Rights Project

2601 North Highway 79

PO Box 654

Florence, AZ 85232

(520) 868-0191

www.firrp.org/pubs.asp

- Representation is limited to detention centers in Florence and Eloy, Arizona.
- Their website has excellent self-help materials for people fighting deportation without attorneys.

National Immigrant Legal Center

www.nilc.org

Since 1979, the National Immigration Law Center (NILC) has been dedicated to protecting and promoting the rights of low income immigrants and their family members. In the past 20 years, NILC has earned a national reputation as a leading expert on immigration, public benefits, and employment laws affecting immigrants and refugees.

Contact NILC for information on raids, workers rights, other know your rights and worksite enforcement materials.

How Else You Can Get Involved

Families for Freedom

www.familiesforfreedom.org

Families for Freedom is a New York-based multiethnic defense network by and for immigrants facing and fighting deportation.

Join FFF to enact the Child Citizen Protection Act, HR 1176, immigration legislation which would restore discretion to the immigration judge when deporting a parent is against the best interests of US citizen children. For more information contact Betsy DeWitt: betsy12060@aol.com.

Detention Watch Network

www.detentionwatchnetwork.org

The Detention Watch Network (DWN) is a national coalition of organizations and individuals working to educate the public, media and policymakers about the US immigration and deportation system and advocate for humane reform.

Join DWN to work collaboratively with groups around the country to speak out about the U.S. detention and deportation system. DWN also hosts a list serve for anyone interested in these issues. To join, contact Andrea Black: ablack@detentionwatchnetwork.org.

Rights Working Group

www.rightsworkinggroup.org

Rights working group is a coalition of more than 200 community-based groups and policy organizations which, through their campaign, *Liberty & Justice for All*, promote civil liberties and human rights on a national level.

Join the *Liberty & Justice for All* campaign to restore due process to the immigration system and take action. Contact Kerri Sherlock Talbot: ksherlock@rightsworkinggroup.org.

Fair Immigration Reform Movement (FIRM)

www.fairimmigration.org

Learn more about how to organize against state and local anti-immigrant ordinances.

GETTING CRIMINAL RECORDS HISTORY – SOUTHEAST REGION

Usually, you can get your history from the County Clerk's office in the county in which you were convicted or from your former criminal defense attorney.

Georgia: Georgia criminal history records can be obtained from local Sheriff's or Police Departments. You can get a record for someone else in Georgia for \$20.00 as long as you have their DOB, POB, and Full Name, and Sex. If the person was convicted of a felony, you will need their consent. Phone number: 404-244-2639.

<http://www.ganet.org/gbi/crimhist.html>

Louisiana: An individual's criminal history is not available to the general public. An individual can review his criminal records, but has to pay a \$10 copying fee and must go in person to the relevant parish (county) police department. There is no way for a detained person to send a form and get their criminal records. For more information, call (225) 925 – 6095.

<http://www.prodapp.doa.louisiana.gov/services/user/ServiceDetail.cfm?serviceID=1067>

North Carolina: North Carolina provides a finger-print-based criminal history background check for a processing fee of \$14. In North Carolina, this is commonly called a "right to review" check. Tel: (919) 662-4500, ext. 6336 or ext. 6359.

<http://www.nccrimecontrol.org> (Click on CITIZENS and then Background Checks)

Alabama: An individual's criminal history is available to the general public. You must send in a form (see website address) and \$25. <http://www.dps.state.al.us/public/abi/forms/ABI-46.pdf>

Tennessee: An individual's criminal history is available to the general public. Follow directions on website: <http://www.tbi.state.tn.us/Info%20Systems%20Div/TORIS/toris.htm>

Kentucky: an individual's criminal history is available to the general public for a \$10.00 fee.

<http://courts.ky.gov/aoc/pretrial/records.htm#forms>

Other places to get your criminal record:

- The court in which you were convicted
- Your criminal defense attorney or public defender
- The FBI (but it takes several weeks) - <http://www.fbi.gov/hq/cjisd/fprequest.htm>
- Your local Congressional office may be able to help facilitate or expedite the record retrieval process.

ACCESS TO PUBLIC RECORDS

Use STATE Freedom of Information Act (FOIA) or Public Record Act (PRA) requests to get the details on the relationship between ICE and your police department or any assistance rendered by ICE or local police for a raid. Federal FOIA requests often take a long time. State FOIAs or PRAs are easier to submit, have clearer deadlines and do not take up as many litigation resources. An attorney is not necessary to file these requests. However, law school clinics or First Amendment attorneys might be helpful if the request is appealed.

Good guides on how to file FOIA or PRA requests:

- Open Government Guide: Great guide by the Reporters Committee for Freedom of the Press which provide state by state public record access information, located at <http://rcfp.org/ogg/>
- www.citizenaccess.org - go to the wikifoia link
- Addresses on where to mail or request public records requests: <http://www.prsearch.com>

Additional state resources: These local coalitions may provide tips on filing FOIAs or PRAs in the area. They may also have contacts with local attorneys who may be able to help you with a challenge to the request.

- **Tennessee Coalition for Open Government:** <http://www.tcog.info/law/law.htm>
 - The Tennessee Supreme Court recently ruled that there is no “law enforcement investigatory exemption” to getting public records. *Schneider v. City of Jackson*, 226 S.W.3d 332 (Tenn. 2007).
- **North Carolina Open Government Coalition:** <http://www.ncopengov.org/publicrecordslaw.html>
- **Georgia First Amendment Foundation:** <http://www.gfaf.org/resources.html>
- **Mississippi Center for Freedom of Information:** <http://www.mcfoi.org/handbook.html>

Factors to consider

- Public record requests dramatically differ from state to state. For example, some states have separate procedures for e-mail communication. Check your state to make sure that they do.
- ICE and the police department will likely oppose the request or heavily redact the information. Below are some arguments that local police or DHS may raise when challenging the release of information.
 - *ICE or DHS may claim that information regarding state enforcement agencies cannot be disclosed because Federal FOIA does not allow it.*
 - Not true. Federal FOIA covers federal agencies not the state agencies they work with. Also, federal FOIA prevents disclosure only when

- there is a federal law explicitly prohibiting disclosure. Federal FOIA does not prohibit disclosure of materials which are generally public.
- *Many states won't release information or records because they allege they were compiled in connection with the investigation of a crime.*
 - Not true. Immigration enforcement involves apprehension of individuals who have violated CIVIL immigration laws. This argument might be further strengthened if the raid or law enforcement action produced no criminal arrests.
 - *Some states may claim that investigatory techniques may be revealed.*
 - While this may be true, it is likely that none of the investigatory techniques revealed are unknown to the public. Information about ICE's enforcement operations and the techniques that they use are publicly available on ICE/DHS' website.

Sample: Connecticut FOIA request written by The Jerome N. Frank Legal Services Organization of Yale Law School

Monday, July 23, 2007

Freedom of Information (FOIA) Officer
Danbury, Connecticut Police Department
120 Main Street
Danbury, CT 06810

Re: Freedom of Information Act

Request

To Whom It May Concern:

This letter constitutes a request made under the Connecticut Freedom of Information Act, CONN. GEN. STAT. §§ 1-200 *et seq.*, on behalf of The Jerome N. Frank Legal Services Organization; the Danbury Area Coalition for the Rights of Immigrants (DACORIM); the Ecuadorian Civic Center of Danbury, Connecticut; Unidad Latina en Acción of New Haven, Connecticut; and JUNTA for Progressive Action, Inc., of New Haven, Connecticut. The below requests are for records dating from December 31, 2005 through the present.

We request all records related to the law enforcement action in Danbury from December 31, 2005 to the present. We request:

1. All records relating to assistance given by the Danbury Police Department to other law enforcement agencies. This should include, but not be limited to, the Department of Homeland Security and any of its sub-agencies, including, but not limited to, the Bureau of Immigration and Customs Enforcement.

If this information is not kept in a succinct format, we request the opportunity to view the records in your office, pursuant to CONN. GEN. STAT. § 1-210(a). We agree to pay

search, duplication and review fees of up to \$100.00, pursuant to CONN. GEN. STAT. §§ 1-212(a), (b). If the fees amount to more than \$100.00, we request a fee waiver pursuant to CONN. GEN. STAT. § 1-212(d)(3) because compliance with our request benefits the general welfare, since it is likely to contribute significantly to public understanding of the operations and activities of municipal government and is not in the commercial interests of requesters. The requesting organizations regularly carry out activities and workshops to educate the public about immigration law and the intersection between local, state and federal agencies, and this information would help them to better inform the public about this issue of vital civic importance.

If this request is denied in whole or in part, please justify all deletions by reference to the specific exemptions of the Act. In addition, please release all segregable portions of otherwise exempt material. We reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Pursuant to CONN. GEN. STAT. § 1-206(a), we expect a response within four business days of your receipt of the request. If you have any questions in processing this request, I can be reached at (203) 432-4800 or by mail at The Jerome N. Frank Legal Services Center, P.O. Box 209090, New Haven, CT 06520-9090.

Thank you for your assistance in this matter.

Subsequent Release of Information under State FOIA:

E-mails from federal immigration raid released

Mary E. O'Leary, Register Topics Editor, New Haven Register
11/01/2007

HARTFORD — The e-mail from federal immigration officials described the operation as a "fun time" and they hoped their colleagues at the state police could come and "play."

"Sounds great!" was the response from Detective Carmine Verno at the state police.

The e-mails, which were partially redacted, were released this week to Yale lawyers representing two advocacy groups interested in the state police role in the June 6 raid in New Haven by federal immigration officials in which 29 people were arrested.

An employee of the federal Immigration and Customs Enforcement e-mailed Verno that they had an operation planned for May 2 in New Haven.

"I know you guys usually work nights, but if you're interested we'd love to have you! We have 18 addresses — so it should be a fun time!! Let me know if you guys can play!!" said the ICE official in the April 30 e-mail to Verno.

"Sounds great!" Verno wrote back, who said he would run it by his bosses. The raid was later moved up to June 6 and it was agreed that three to five personnel from the state police would participate.

Other material shows the final number was four state police officers, who participated as backups in the event any state laws were violated. None of the e-mails, however, referred to any suspected criminal activity by the targeted immigrants and troopers made no arrests.

The e-mails were made public Wednesday at a state Freedom of Information Commission hearing at which Commissioner Vincent Russo took testimony on whether state police should be ordered to make public all the records they have in their possession on the raid.

After reviewing the materials state police have not released, including a federal operational plan for June 6, as well as those that have been redacted, Russo will make a recommendation to the full FOI board next week.

The lawyers and representatives of the Junta for Progressive Action and Unidad Latina en Accion were taken aback by the tone and language of the correspondence between ICE and Verno.

"It sounds like a bunch of cowboys decided to get a posse together, and the feds wanted to give the state police the opportunity to take part in the roundup," said Justin Cox, a student intern at the Jerome N. Frank Services Organization at the Yale Law School.

The law clinic is representing the advocates, as well as 21 of the 29 people ICE arrested and charged with being in the U.S. illegally.

"It completely reduced them to a sort of non-human level. Really, this is one of the most insulting things I have ever read," said Laura Huizer, economic development officer at Junta.

Khalil Iskarous, a member of Unidad Latina en Accion, said not only were the 32 families who were visited by ICE affected, but thousands more in the city subsequently were afraid to go to work or pick up their children at school after the raid.

"Given the horror of what they went through, and then to read these e-mails, which are the language of sports, ... it's really quite disturbing to members of the community," Iskarous said.

Assistant State's Attorney Henri Alexandre, who represented the state police at the hearing, argued that the redacted material protected investigative techniques and the personnel involved. He also did not feel they could turn over a federal Department of Homeland Security operation plan without the permission of that agency.

The Yale lawyers have argued that exemptions covered by the federal Freedom of Information are irrelevant as the state definition of a record just requires that it be on file with the state.

FAMILY INTAKE

Personal & Confidential

Completed by: _____

Date: _____

FAMILIES FOR FREEDOM (FFF) is a human rights organization for immigrants facing deportation. We are **NOT** part of the government. We are **NOT** lawyers. We are the family members of deportees/detainees, trying to help one another and change the laws. The information you provide here will **NOT** be shared with anyone else without your permission.

About YOU

1. Name: _____ 2. Date of Birth: _____ 3. Gender: _____

4. Home #: _____ 5. Work #: _____ 6. Cell/Other#: _____

7. Home Address: _____

8. E-mail: _____ 9. Relationship to person in Deportation: _____

10. You were born in (country): _____ 11. You are a citizen of (list all countries): _____

12. Languages you speak: _____ 13. Would you like to join our mailing list? _____

About the PERSON IN DEPORTATION

13. A#: _____

14. Name: _____ 15. Date of Birth: _____ 16. Gender: _____

17. You were born in (country): _____ 18. You are a citizen of (list all countries): _____

19. Date entered the US: _____ 20. Immigration Status *at entry*: _____

21. Current Location (Riker's, NYS Prison, immigration facility, free): _____

22. *If in immigration detention:* Date taken _____
From where? ___ Riker's ___ Prison ___ Home ___ Airport ___ Other (_____)
If from criminal custody, did Immigration take more than 48 hours to get you? Yes / No

23. Ordered deported in the past? ___ No ___ Yes (details: _____)

24. Current Immigration Status of: Person in deportation _____ Spouse: _____
Children: _____ Siblings: _____
Parents: _____

more →

CRIMINAL HISTORY

25. Do you have prior convictions? No Yes. If YES, please provide the following details about EACH conviction:

Arrest Date	Conviction Date	State	Section (e.g. NYPL § 220.10)	Sentence	Plea OR Trial

(continue on back for additional convictions):

26. Name and contact information of last criminal defense attorney: _____

27. Are any convictions on appeal? _____

28. Were you ever an informant for the government? _____

DEPORTATION CASE

29. Next hearing date (if applicable): _____

30. Do you have the **Notice to Appear (NTA)**? Yes No 31. Date **NTA** issued: _____

32. Charged as: deportable inadmissible 33. Charged with: _____

34. Immigration Judge decision & date: _____

35. Board of Immigration Appeal decision & date: _____

36. Federal Court action (check all): Circuit Courts (details: _____)

District Courts (details: _____)

37. Do you have an immigration attorney? Yes / No 38. Name & Contact Info: _____

39. **Notes** (include any fear of persecution back home; family concerns; problems with attorneys; and questions)

CASEWORKER NOTES

Help Given

Next Steps

Last updated 3/24/2006
Note: Congress is currently considering several immigration bills. If passed, the information in this packet may no longer be correct.

KEY DOCUMENTS

CRIMINAL PROCEEDINGS

- Indictment
- Court minutes (especially plea allocution)
- Certificate of Criminal Disposition
- Defense Attorney(s) contact info & retainer agreement(s)
- "Snitch" agreement
- Immigration interview paperwork copy (if any)

DEPORTATION PROCEEDING

- Notice To Appear (NTA) or Order to Show Cause (OSC)
- Immigration Judge Decision
- Board of Immigration Appeals (BIA) Decision
- Federal court decision(s)
- All briefs submitted to immigration and federal courts
- Immigration lawyer(s) contact info & retainer agreement(s)

DETAINEES/DETENTION ISSUES

- Deport Officer contact info
- G-28 (Notice of Entry of Appearance)
- Order of supervision
- Complaints filed
- Notice of reinstatement of deportation order (absconders, re-entrants)

POST-DEPORTATION

- Warrant/Notice of Deportation (listing bars, etc)
- All of the above

Identification Documents

I-551 Permanent Resident Card

This card—various versions of which have been issued since 1978—is proof of Lawful Permanent Resident status. Until 1989 these cards – popularly known as “greencards” – had no expiration date, but cards now being issued expire 10 years after the date of issue. At the end of the 10 years, the Lawful Permanent Resident (LPR) does not lose his or her status, but must simply renew the card. Conditional permanent residents are issued cards that are coded “CR” and expire after two years. All I-551 cards (and its predecessor I-151) include codes showing how the individual obtained LPR status—whether through work skills, as the relative of a U.S. citizen or permanent resident, through the visa lottery, as a refugee or asylee, or otherwise.



If the individual does not have a greencard but is a permanent resident, she may have a temporary I-551 stamp on her foreign passport or on her I-94, or she may have an INS Form I-327 Permit to Reenter the United States.

See <http://www.accessproject.org/downloads/NJ.pdf>, pages 35-37 for list of codes on I-551.

I-94 Arrival/Departure Record

The I-94 is issued to almost all noncitizens upon entry to the United States, and individuals who entered the country without inspection and later have contact with the INS. The card is stamped or handwritten with a notation that indicates the individual’s immigration category or the section of the law under which the person is granted admission or parole. The words “Employment Authorized” may also be stamped onto the card. Noncitizens with I-94s include LPRs, persons fleeing persecution, persons with permission to remain in the United States based on a pending application, persons in deportation or removal proceedings, nonimmigrants, and undocumented persons whose period of admission or parole has expired.

For formerly detained asylum seekers, the I-94 and Order of the Immigration Judge often serve as the only form of identification, proof of employment authorization, and proof of immigration status.

Immigration category of applicant stamped here

See <http://www.accessproject.org/downloads/NJ.pdf>, pages 38-39 for list of codes on I-94.

I-766 Employment Authorization Document (EAD)



This document is one of several that indicate an immigrant has been granted permission to work in the United States. Codes on the front of the card indicate the person's immigration status by referencing the subsection of the regulation authorizing employment—8 CFR § 274a.12. Asylees are automatically authorized to work based upon their status. They do **not** need an EAD, and must apply to receive one. Asylees often use the EAD as a form of picture identification. Employers often **illegally** demand that the asylee furnish an EAD in order to work.

See <http://www.accessproject.org/downloads/NJ.pdf>, pages 40-41 for list of codes on I-766.

Social Security Card

Often asylees are incorrectly issued social security cards that say "valid for work only with INS authorization." This simple error prevents asylees from gaining legal employment. NOTE: Asylees automatically have work authorization based upon their status. The Social Security Administration should issue asylees unrestricted social security cards.

*Example of **UNRESTRICTED** Social Security Card for Asylees & Refugees*

*Example of **INCORRECT** Social Security Card for Asylees & Refugees*

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No. A.

In the Matter of:

Respondent: _____ currently residing at:
_____ N/A
(Number, street, city, state and zip code) (Area code and phone number)

AKA: NO YES - SEE ATTACHED I-831

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

SEE ATTACHED I-831 FOR ALLEGATIONS

On the basis of the forgoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

SEE ATTACHED I-831 FOR PROVISION(S) OF LAW

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- Section 235(b)(1) order was vacated pursuant to: 8 CFR 208.30(f)(2) 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____
TO BE CALENDARED AND NOTICE PROVIDED BY THE OFFICE OF THE IMMIGRATION JUDGE

on _____ (Date) TO BE CALENDARED AND NOTICE PROVIDED BY THE OFFICE OF THE IMMIGRATION JUDGE at _____ (Time) TO BE CALENDARED AND NOTICE PROVIDED BY THE OFFICE OF THE IMMIGRATION JUDGE to show why you should not be removed from the United States based on the charge(s) set forth above.

Dianne M. Weisheit

Deputy Assistant District Director for Investigations, NY NY
(Signature and Title of Issuing Officer)

New York, New York
(City and State)

Date: 11/20/97

See reverse for important information

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-862

Alien's Name	File Number A.	Date November 20, 1997
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ALLEGATIONS:

- 4.) You are not a citizen or national of the United States;
- 5.) You are a native of the Dominican Republic and a citizen of the Dominican Republic;
- 6.) You were admitted to the United States at Champlain, New York on July 15, 1983 as a legal permanent resident;
- 7.) You were, on October 29, 1990, convicted in the Supreme Court, of the State of New York, County of New York, for the offense of Criminal Sale of a Controlled Substance, in the 2nd degree, to wit, cocaine, in violation of section 220.41 of the New York State Penal Law.

CHARGE:

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(B) of the Act.

Section 237(a)(2)(B)(1) of the Immigration and Nationality Act (Act), as amended, in that, at anytime after admission, you have been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]), other than a single offense involving possession for one's own use of 30 grams or less of marijuana.

A.K.A:

Signature <i>Dianne M. Weisheit</i>	Title Deputy Assistant District Director for Investigations NY NY
--	--

Example of one type of an Immigration Judge's decision

IMMIGRATION COURT
625 EVANS STREET, ROOM 148A
ELIZABETH, NJ 07201

In the Matter of

[REDACTED]
Respondent

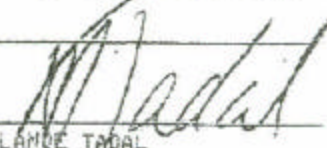
Case No.: A [REDACTED]
IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on [REDACTED], 2001.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative to _____
- Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____
- Respondent's application for asylum was (granted (denied (withdrawn)
- ~~Respondent's application for withholding of removal was (granted (denied (withdrawn)~~
- Respondent's application for cancellation of removal under section 240A(a) was (granted (denied (withdrawn)
- Respondent's application for cancellation of removal was (granted under section 240A(b)(1) (granted under section 240A(b)(2) (denied (withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA was (granted (denied (withdrawn or (other.
- Respondent's application for adjustment of status under section _____ of the INA was (granted (denied (withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: [REDACTED] 2001
Appeal: Waived/Reserved Appeal Due By:


MIRLANE TADAL
Immigration Judge

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

CERTIFICATE OF
DISPOSITION

21 8

FEE 10.00

THE PEOPLE OF THE STATE OF
NEW YORK
against
[REDACTED]
Defendant

Indictment No. [REDACTED]
Docket No. [REDACTED]
NYSID No. [REDACTED]
Filed 5-2 20197

I DO CERTIFY that the records on file in this office indicate that the defendant
was charged with the crime(s) of 3rd DEGREE RAPE, 2nd DEGREE RAPE, 3rd DEGREE RAPE
AND 4th DEGREE RAPE

and that on 6-13 201997 the defendant, represented by counsel,
was convicted by Plea of Guilty
by verdict of the crime(s) of 3rd DEGREE RAPE, 2nd DEGREE RAPE, 3rd DEGREE RAPE
AND 4th DEGREE RAPE

and that on 8-1 201997 it was the judgement of the Honorable
M. [REDACTED] that the defendant be sentenced to
5 YRS PROBATION AND A CONDITIONAL DISCHARGE
ON EACH [REDACTED]
CVAF 1 MSC 155

ENTERED
SEP 8 2003
[REDACTED]

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
this 8 day of SEPT 2003

FEE 10.00

[REDACTED]
County Clerk
County Clerk and Clerk of the Supreme Court,
Kings County

SAMPLE DCJS RAP SHEET

14

<<<<<<< CRIMINAL HISTORY >>>>>>

ARREST INFORMATION	ARREST CHARGES	DISPOSITION AND CORRECTIONS DATA
1- ARR DT/PL 05-28-69 (NEW YORK COUNTY)	PCB/FORCEFUL THEFT W/DEPLY WEAP 14C.15 PL CLASS B FEL NCIC 1299	1C-3C-69 SUP CRT BY CO INB # 3322-69 CONVICTED UPON PLEA OF GUILTY THE FOLLOWING CHARGE(S): POWER-DR 14C-C1 PL CLASS B FEL SENT: 6 YRS PAB
2- ARR DT/PL 05-28-69 (REL TYPE COLATS)	BANK INST/INT USE ILL 2ND CFF 143.C PL CLASS B FEL CTA C2	12-12-69 12-12-69
3- ARR/AGY 03C779 (NYCPA PCT 024)		11-11-69
		<p>--- CORRECTIONS DATA ---</p> <p>1C-3C-69 ADMISSION TEMP: 6 YRS PAB</p> <p>NY DEPT CORR INMATE ID NC 144817 02-15-71 PAROLED OR REPAROLED</p> <p>C2-15-71 RELEASED TO PAROLE 02 YRS OF POS ID UNKNOWN ASSIGNED: ALBANY 06-07-71 DISCHG-REVOKED</p> <p>CERTIFICATE OF RELIEF ORIGINAL TYPE B 01-01-72 ISS 01-20-72 PERP C1-20-74</p>
ARR DT/PL 03-23-76 ALBANY	ADLT W/INT CAUSES HWY INJURY 12C.00 PL CLASS A MIS CTA 01	03-24-76 CC CRT ALBANY INB # 70-349
ARR DT/PL 03-23-76 ALBANY	POSSESSION OF BURGLAR TOOLS 14C.23 PL CLASS A MIS CTA 04	DISMISSED
ARR/AGY 0130C163 ALBANY PR		
CTA CODE 0231RACGP		
4- ARR DT/PL 10-25-66 SUFFERN	BURGLARY-3RD 14C.20 PL CLASS B FEL NCIC 1299	10-26-66 NJ SUFFERN DET # 8C/2345 ARR COUNTY OF BIRMINGHAM THE FOLLOWING CHARGE(S): BURGLARY-3RD 14C.20 PL CLASS B FEL
ARR DT/PL 10-25-66 SUFFERN		11-11-66
ARR/AGY 33C-8C SUFFERN VG 99		
FAX NO 1RCC843		
5		<p>11-11-66 NJ SUFFERN DET # 8C/2345 DISMISSED BURGLARY-3RD 14C.20 PL CLASS B FEL</p> <p>04-26-61 NJ SUFFERN DET # 1C/2345 SEALED 14C.5C</p>
ARR DT/PL 12-21-63 YONKERS	PETIT LARCENY 155.25 PL CLASS A MIS CTA 1C	NO DISPOSITION REPORTED
ARR DT/PL 12-21-63 YONKERS	OPER VEH INFL BRUCKS 1ST CFF 11922 VTL CLASS V MIS	
ARR/AGY 34C4C44 WESTCHESTER PUB SA		

From "How to Get & Clean Up Your New York State Rap Sheet."
by the Legal Action Center. New York. 1996

16

KEY TO SAMPLE DCJS RAP SHEET

This sample rap sheet contains information on 4 arrests, separated from each other by horizontal lines.

- 1) Arrest date and place
- 2) Crime date and place *
- 3) Arresting agency
- 4) A star indicates that no fingerprint card is on file for this arrest either because the arrest record has been sealed or for some other reason
- 5) Arrest charges, including a description of each charge, its criminal code number and the level of the charged offense, such as Class A Felony or Class B Misdemeanor
- 6) The "sealed" notation indicates that DCJS has sealed the entry
- 7) Index or docket number
- 8) The court in which the case was heard *
- 9) Whether a Certificate of Relief has been issued, and details if so
- 10) Corrections date, including parole and probation information
- 11) Sentence *
- 12) Offense convicted of *
- 13) How the case was disposed *
- 14) Date of disposition

New York State Department of Correctional Services Inmate Population Information Search

[Back to NYS DOCS Home Page](#)

Please specify one or more of the following: [More Detailed Instructions](#)
 Use Name alone or in combination with birth year. [More on Name Search](#)
 DIN or NYSID are meant to be used alone - not in combination with name or birth year.
[Who's Listed Here?](#) [About Youthful Offenders](#)
If you have bookmarked this page, please note a change in URL to:
<http://nysdocslookup.docs.state.ny.us/kinqw00>

Error/Information Message:

Last Name:
 First Name:
 Middle Init:
Birth Year: (Optional, see above)
 Name Suffix: (SR, JR, etc.)

DIN: - - (Department ID Number, format 99-A-9999, example 95-A-9876)

NYSID: - (For Criminal Justice Use Only; New York State ID Number)

Error/Information Message:

For comments or questions about the inmate lookup capability, please visit the [Contact Us](#) page.

[Privacy Policy](#)

New York State Department of Correctional Services
Inmate Information - Location/Status/Legal Dates/etc.

[Back to NYS DOCS Home Page](#)

[Go Back](#)

Information/Error Message:

([Help](#)) Date of Information: 11/18/02
 ([Help](#)) DIN (Dept. Identif. Number)
 Inmate Name:
 Sex: MALE
 Date of Birth: 02/13/1974
 ([Help](#)) Race/Ethnicity: WHITE/HISPANIC
 ([Help](#)) Custody Status: RELEASED
 ([Help](#)) Housing/Releasing Facility: GOWANDA
 ([Help](#)) Date Received (Original): 08/04/1997
 ([Help](#)) Date Received (Current): 08/04/1997
 ([Help](#)) Admission Type:
 ([Help](#)) County of Commitment: QUEENS
 ([Help](#)) Latest Release Date/Type: 10/02/98 PAROLE U.S. IMMIGRATION
 (Released Inmates Only)
 ([Help](#)) Crime 1, Description: ATT ROBBERY 2ND
 Crime 1, Crime Class: D
 Crime 2, Description:
 Crime 2, Crime Class:
 Crime 3, Description:
 Crime 3, Crime Class:
 Crime 4, Description:
 Crime 4, Crime Class:

If all 4 crime fields contain data, there may be additional crimes not shown here. In this case, the crimes shown here are those with the longest sentences.

([Help](#)) Aggregate Minimum Sentence: 001 Years, 06 Months, 00 Days

([Help](#)) Aggregate Maximum Sentence: 003 Years, 00 Months, 00 Days

([Help](#)) Earliest Release Date:

Under certain circumstances, an inmate may be released prior to serving his or her minimum term and before the earliest release date shown for the inmate. See "Help" for further information.

([Help](#)) Earliest Release Type:

([Help](#)) Parole Hearing Date: 04/1999

([Help](#)) Parole Hearing Type: CONDITIONAL PAROLE FOR DEPORTATION ONLY

([Help](#)) Parole Eligibility Date: 06/14/1998

Freedom of Information/Privacy Act Request

The completion of this form is optional.

Any written format for Freedom of Information or Privacy Act requests is acceptable.

START HERE – Please type or print and read instructions on the reverse before completing this form.

1. Type of Request: *(Check appropriate box)*
- Freedom of Information Act (FOIA) *(Complete all items except 7)*
 - Privacy Act (PA) *(Item 7 must be completed in addition to all other applicable items)*
 - Amendment *(PA only, Item 7 must be completed in addition to all other applicable items)*

2. Requester Information:

Name of Requester:		Daytime Telephone:	
Address <i>(Street Number and Name)</i> :		Apt. No	
City:	State:	Zip Code:	

By my signature, I consent to the following:

Pay all costs incurred for search, duplication, and review of materials up to \$25.00, when applicable. *(See Instructions)*

Signature of requester: _____

- Deceased Subject - **Proof of death must be attached.** *(Obituary, Death Certificate or other proof of death required)*

3. Consent to Release Information. *(Complete if name is different from Requester)(Item 7 must be completed)*

Print Name of Person Giving Consent:	Signature of Person Giving Consent:
--------------------------------------	-------------------------------------

By my signature, I consent to the following: *(check applicable boxes)*

- Allow the Requester named in item 2 to see all of my records or a portion of my record. If a portion, specify what part *(i.e. copy of application)*

(Consent is required for records for United States Citizens (USC) and Lawful Permanent Residents (LPR))

4. Action Requested *(Check One)*: Copy In-Person Review

5. Information needed to search for records:

Specific information, document(s), or record(s) desired: *(Identify by name, date, subject matter, and location of information)*

Purpose: *(Optional: you are not required to state the purpose for your request; however, doing so may assist the INS in locating the records needed to respond to your request.)*

6. Data NEEDED on SUBJECT of Record: *(If data marked with asterisk (*) is not provided records may not be located)*

* Family Name	Given Name:		Middle Initial:
*Other names used, if any:	* Name at time of entry into the U.S.:		I-94 Admissions #:
* Alien Registration #:	* Petition or Claim Receipt #:	* Country of Birth:	*Date of Birth or Appx. Year
Names of other family members that may appear on requested record(s) <i>(i.e., Spouse, Daughter, Son)</i> :			
Country of Origin <i>(Place of Departure)</i> :	Port-of-Entry into the U.S.		Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>		SSN:
Name of Naturalization Certifications:		Certificate #:	Naturalization Date:
Address at the time of Naturalization:		Court and Location:	

7. Verification of Subject's Identity: *(See Instructions for Explanation)(Check One Box)*

In-Person with ID Notarized Affidavit of Identity Other *(Specify)* _____

Signature of Subject of Record: _____ Date: _____

Telephone No.: () - _____

NOTARY *(Normally needed from individuals who are the subject of the records sought) (See below)*

or a sworn declaration under penalty of perjury.

Subscribed and sworn to before me this _____ day of _____ in the Year _____

Signature of Notary _____ My Commission Expires _____

OR

If a declaration is provided in lieu of a notarized signature, it must state, at a minimum, the following: (Include Notary Seal or Stamp in this Space)

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

Signature: _____

Freedom of Information/Privacy Act Request

INSTRUCTIONS

Please read **ALL** Instructions carefully before completing this form.

Applicants making false statements are subject to criminal penalties (Pub.L. 93-579.99 Stat. (5 U.S.C. 552a(i)(3)).

Are There Cases When You do not Use This Form?

Do not use this form:

- (1) To determine status of pending applications, write to the office where the application was filed or call the nearest INS office;
- (2) For Consular notification of visa petition approval, use Form I-824 (Application for Action on an Approved Application or Petition);
- (3) For the return of original documents, use Form G-884 (Request for Return of Original Documents);
- (4) For records of naturalization prior to September 27, 1906, write to the clerk of court where naturalization occurred; or
- (5) For information on INS manifest arrivals prior to December 1982, write to the National Archives.

How Can You Obtain Copies of Records from INS?

Persons requesting a search for access to INS records under the Freedom of Information or Privacy Acts may submit the completed application to the INS office nearest the applicant's place of residence. Requests may be submitted in person or by mail. If an application is mailed, the envelope should be clearly marked "Freedom of Information" or "Privacy Act Request." The INS Internet address is:
<http://www.ins.usdoj.gov>.

What Information is Needed to Search for Records?

Please Note: Failure to provide complete and specific information as requested in Item 5 of the form, may result in a delay in processing or inability to locate the record(s) or information requested. You may access "<http://www.access.gpo.gov/su-docs>" for a description of DOJ/INS systems of records.

Verification of Identity in Person.

Requesters appearing in person for access to their records may identify themselves by showing a document bearing a photograph (such as an Alien Registration Card, Form I-551, Citizen Identification Card, Naturalization Certificate, or passport) or two items which bear their name and address (such as a driver's license and voter's registration).

Verification of Identity by Mail.

Requesters wanting access to their records shall identify themselves by name, current address, date and place of birth, and alien or employee identification number. A notarized example of their signatures or sworn declaration under penalty of perjury must also be provided (this Form G-639 or a DOJ Form 361, Certification of Identity, may be used for this purposes).

Verification of Identity of Guardians.

Parents or legal guardians must establish their own identity as parents or legal guardians and the identity of the child or other person being represented.

Authorization or Consent.

Other parties requesting nonpublic information about an individual usually must have the consent of that individual on Form G-639 or by an authorizing letter, together with appropriate verification of identity of the record subject. Notarized or sworn declaration is required from a record subject who is a lawful permanent resident or U.S. citizen, and for access to certain Legalization files.

Can My Request be Expedited?

To have your request processed ahead of ones received earlier you must show a compelling need for the information.

How Do You Show a Compelling Need?

A requester who seeks expedited processing must explain in detail the basis of the need and should submit a statement certified to be true and correct to the best of your knowledge and belief. You must also establish one or more of the following exists:

- (1) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or result in the loss of substantial due process rights;
- (2) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information; or
- (3) A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affect public confidence.

Fees.

Except for commercial requesters, the first 100 pages of reproduction and two hours of search time will be furnished without charge. Thereafter, for requests processed under the Privacy Act, there may be a fee of \$.10 per page for photocopy duplication. For requests processed under the Freedom of Information Act, there may be a fee for quarter hours of time spent for searches and for review of records. Search fees are at the following rates per quarter hour: \$4.00 clerical; \$7.00 professional/computer operator; and \$ 10.00 managerial. Other costs for searches and duplication will be charged at the actual direct cost. Fees will only be charged if the aggregate amount of fees for searches, copy and/or review is more than \$14.00. If the total anticipated fees amount to more than \$250.00, or the same requester has failed to pay fees in the past, an advance deposit may be requested. Fee waivers or reductions may be requested for a request that clearly will benefit the public and is not primarily in the personal or commercial interest of the requester. Such requests should include a justification.

INSTRUCTIONS *Continued*

When Must I Submit Fees?

Do not send money with this request. When requested to do so, submit fees in the exact amount. Payment may be in the form of a check or a United States Postal money order (or, if form is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States) made payable, in United States currency, to the "Immigration and Naturalization Service". A requester residing in the U.S. Virgin Islands shall make his/her remittance payable to "Commissioner of Finance of the Virgin Islands," and, if residing in Guam, to "Treasurer, Guam". **DO NOT SEND CASH AT ANYTIME.**

A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. Every remittance will be accepted subject to collection.

Routine Uses.

Information will be used to comply with requests for information under 5 U.S.C. 552 and 552a; information provided to other agencies may be for referrals, consultations, and/or to answer subsequent inquiries concerning specific requests.

Effect of Not Providing Requested Information.

Furnishing the information requested on this form is voluntary. However, failure to furnish the information may result in the inability of INS to comply with a request when compliance will violate other policies or laws.

General Information.

The Freedom of Information Act (5 U.S.C. 552) allows requesters to have access to Federal agency records, except those which have been exempted by the Act.

Privacy Act Statement.

Authority to collect this information is contained in Title 5 U.S.C. 552 and 552a. The purpose of the collection is to enable INS to locate applicable records and to respond to requests made under the Freedom of Information and Privacy Acts.

The Privacy Act of 1974. (5 U.S.C. 552a).

With certain exceptions, the Privacy Act of 1974 permits individuals (U.S. citizens or permanent resident aliens) to gain access to information pertaining to themselves in Federal agency records, to have a copy made of all or any part thereof, to correct or amend such records, and to permit individuals to make requests concerning what records pertaining to themselves, are collected, maintained, used or disseminated. The Act also prohibits disclosure of individuals' records without their written consent, except under certain circumstances as prescribed by the Privacy Act.

Public Reporting Burden.

Under the Paperwork Reduction Act (5 U.S.C. 1320), a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is 15 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler you may write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4307r, Washington, DC 20536; OMB No. 1115-0087.

File No. [REDACTED]

DATE: [REDACTED]

To any officer of the United States Immigration and Naturalization Service:

[REDACTED] Alias: [REDACTED]
(Full name of alien)

entered the United States at [REDACTED] on or about [REDACTED]
(Place of Entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act, as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the Immigration and Naturalization 2003, including the expense of an attendant if necessary.

[REDACTED SIGNATURE]
(Signature of INS Official)

Interim Field Director, Detention and Removal Operations
(Title of INS Official)

[REDACTED] Portland, Oregon
(Date and office location)

colfax, to [REDACTED] 2.11
Under Docket Control in Portland, Oregon

Completed by the Service for executing the warrant:

Name of alien being removed:

[Redacted]

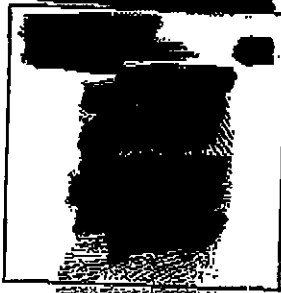
Alias: [Redacted]

Port, date, and manner of removal:



Photograph of alien removed

DEPORTED-SYS
[Redacted]
AFOOT



Right index fingerprint of alien removed

X [Redacted]
(Signature of alien being fingerprinted)

[Redacted]
(Signature and title of INS official taking print)

[Redacted]
(Print name of INS official)

Departure witnessed by:

[Redacted]

(Signature and title of INS official)

(Print name of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

[Redacted]

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

Departure verified by:

[Redacted]

(Signature and title of INS official)

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

_____ (Full name of alien)

who entered the United States at _____ (Place of entry) On _____ (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

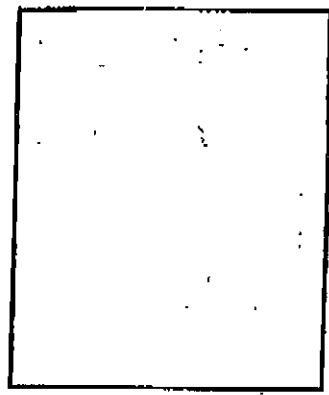
(Signature of INS official)

(Title of INS official)

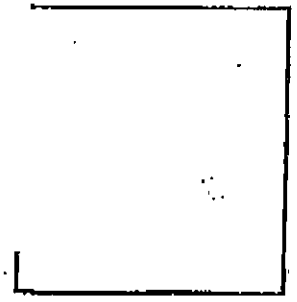
(Date and office location)

To be completed by Service officer executing the warrant:
Name of alien being removed: _____

Port, date, and manner of removal: _____



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of INS official taking print)

Departure witnessed by: _____
(Signature and title of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

Departure Verified by: _____
(Signature and title of INS official)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700
Highway 60 NE, Worthington,
Minnesota, and all its
appurtenances, parking areas,
and outdoor working areas

Defendant.

CIVIL NO. 06mj457 JSM

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

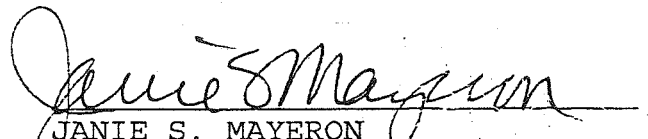
The United States of America, having filed an application to authorize officers of United States Immigration and Customs Enforcement to enter the building on the premises described above in order to search for persons who are aliens in the United States without legal authority, together with an Affidavit and memorandum of Points and Authorities in support of the application, and the Court finding on the basis of the affidavit that there is probable cause to believe that located within the business premises described above are persons who are aliens in the United States without legal authority and subject to removal proceedings pursuant to Section 240 of the Immigration and Nationality Act, 8 U.S.C. § 1229a (1996).

IT IS THEREFORE ORDERED that the officers of U.S. Immigration and Customs Enforcement are authorized to enter the building and

areas on the premises described herein and to make such search as is necessary to locate aliens present in the United States illegally and counterfeit, altered, or imposter documents possessed and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift, Inc. (See Attachment B). In making this search, the agents of ICE are authorized to enter any locked room on the premises in order to locate persons who may be such aliens in the United States without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006


JANIE S. MAYERON
United States Magistrate Judge

ATTACHMENT A
LOCATION OF PROPERTY TO BE SEARCHED

The entire premises and vehicles within the cartilage located at Swift & Company, located at 1700 Highway 60 NE, Worthington, Minnesota, further described as:

Parcel Number 31-3787-000 and Parcel Number 31-3790-000 in the county of Nobles, in the state of Minnesota. A commercial industrial meat processing plant with one main building and several out buildings on the property.

Directly to the north of the facility is Interstate 90 and to the west of the facility is Highway 60. The facility has one main vehicle gate. A chain link fence surrounds the facility on three sides with barbed wire on top. Security personnel housed in an access control booth man the main gate.

ATTACHMENT B
DESCRIPTION OF ITEMS TO BE SEARCHED FOR

1. Aliens who are not lawfully entitled to reside within the United States who are employed at present within Swift & Company; and

2. Counterfeit, altered or imposter documents possesses and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift & Company.

RETURN

Date Warrant Received

8
12-18-06

Date and Time Executed

12-12-06
0733

Copy of Warrant and Receipt for Items Left with

G.M. WACHER
V.P. GENERAL MANAGER
SWIFT & COMPANY

Inventory Made in the Presence of

GERALD COYLE

Inventory of Person or Property Taken Pursuant to the Warrant

SEE ATTACHED LIST OF PERSONS DISCOVERED AND ARRESTED.

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this 15th day of December, 2006.

Affiant

United States Magistrate Judge

**SAMPLE LETTER TO CRIMINAL DEFENSE ATTORNEY
FROM ORGANIZATION REGARDING IMMIGRATION CONSEQUENCES**

Date: March 23, 2006
To: Defense Counsel
From: _____ (Caseworker)
Re: Inmate Name & Number

I am writing from _____, [describe organization]. Your client, via his family, asked me to contact you.

Your client is not a citizen of the United States. At Riker's Island, he was interviewed by immigration agents from the Bureau of Immigration and Customs Enforcement (Department of Homeland Security). I understand that your client is currently facing criminal charges that may be deportable offenses. I am writing to request that you:

1. Analyze the immigration consequences of any plea agreements being offered. A great resource for attorneys is the Immigration Hotline of the NYSDA Immigration Defense Project. www.immigrantdefenseproject.org
2. Attempt to reduce the immigration consequences of this case by obtaining a non-removable disposition. Letters of support from family, community leaders or correctional facility staff attesting to your client's good character may favorably impact how a judge exercises discretion. My organization may also provide a letter outlining the harsh impacts of deportation, if you believe that would be helpful.

Your client is a long-term resident of New York with many family members here. The immigration proceedings that will follow his criminal case will be devastating to him and his loved ones. Many criminal dispositions (even misdemeanors) carry grave immigration consequences – including mandatory detention, mandatory deportation, and lifetime bars to re-entry. You can minimize the damage. If the evidence against your client is weak, please consider the importance of vigilantly opposing a plea because of the immigration consequences. If your client must plead guilty to a crime, please weigh the immigration consequences of different pleas and seek offers with minimal consequences. The specific disposition that your client receives may determine if s/he can: obtain bond while facing deportation; obtain voluntary deportation; obtain discretionary relief from removal; or re-enter lawfully in the future.

If you have any questions, you may reach me at _____.

**SAMPLE LETTER TO CRIMINAL DEFENSE ATTORNEY,
ASKING FOR INFO REGARDING IMMIGRATION CONSEQUENCES**

- Keep a copy of this letter.
- Keep proof that you sent and received this letter.
- Save the lawyer's written response. Write down any oral advice lawyer (or her staff) has given you, including name of person and date/place of conversation.

Date _____

Sent by:

- First Class Mail, Certified Mail-Return Receipt Requested
 Federal Express
 Other

Name of Lawyer
Address
City, State, Zip Code

**Re: Your Name, Case Docket Number _____
Immigration Consequences of a Guilty Plea**

Dear _____,

Today, we spoke about the potential immigration consequences of my criminal charges and any potential guilty plea. You told me that

_____ (fill in with the immigration information that the lawyer gave you. Focus first on promises made to you that you *would not* be deported - for example, if he said you will not be deported because you have a green card/citizen children or if he said that you can apply for immigration waivers to prevent deportation).

I am seeking additional clarity on this matter. Specifically I would like to know if any of my pending charges or any of the plea offers or options could be considered aggravated felonies, crimes involving moral turpitude, or controlled substance offenses under immigration law, and whether any conviction might affect my ability to remain in the United States. I am also wondering if any of these offenses would make me deportable, affect my ability to adjust my status, naturalize, return to the US after a trip abroad, or prevent me from obtaining any pardons or waivers from deportation that may be required to maintain legal status in the U.S.

I would appreciate a written response to this request, so that I may think about the possible immigration consequences and discuss it with my family **before** I plead guilty to any offense or decide to go to trial. If I am misunderstanding any advice that you gave me about the potential immigration consequences, please notify and correct me in writing as soon as possible. If you do not know the answer to my questions, then please do the research necessary to correctly and completely answer them. Understanding immigration consequences is critical to my deciding whether to plead guilty to any charge.

Thank you for your time and I look forward to your written response.

Sincerely,
