

***ICE Knows That
You're In DOCCS.
What Happens Next?***

DOCCS
ICE

***Am I at risk of
deportation?***

***What will happen
after I am sentenced?***

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***What is the best
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***Can the government
start trying to
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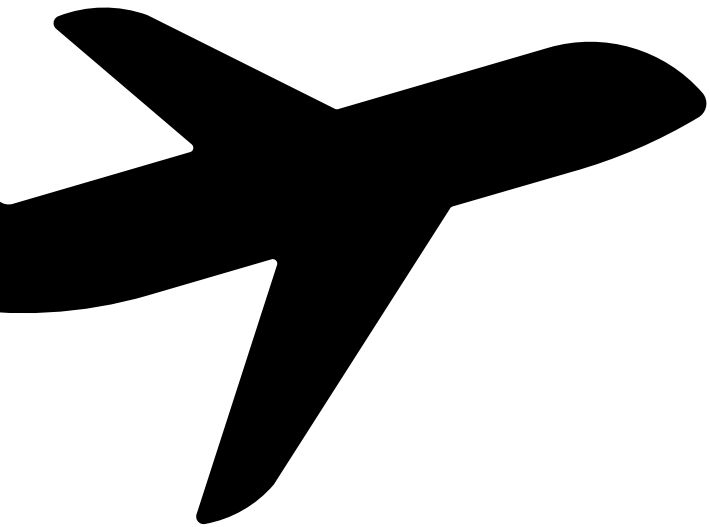
***Do I qualify for a
free immigration
attorney?***

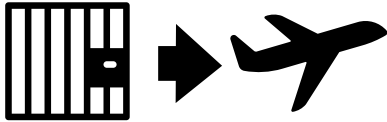
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***Can I get out early from
DOCCS if I don't fight
my immigration case?***

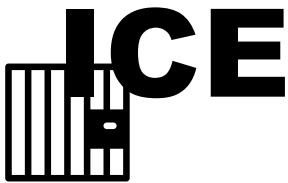
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***If you are in New
York State DOCCS
custody and you are
not a U.S. citizen, you
face the possibility of
deportation.***





Over the past several decades, the federal government has put a lot of resources into making prisons a pipeline to deportation for non-citizens.



Immigration laws from the 1990s have made it much more difficult for people with criminal convictions to fight deportation, and the presence of ICE in jails and prisons continues to grow.



State prison systems continue to help make the process more streamlined and “efficient” for ICE.

Nevertheless, you still might have a chance to fight your deportation, so read this guide to learn more about how to file an appeal on your criminal case, how to get a lawyer for your immigration case, and more.

Who wrote this?

Immigrant Defense Project is a nonprofit organization fighting against an unjust and racist criminal legal and deportation system. Because many people are unaware of how entangled policing, prisons, and ICE have become, IDP wants to provide information to people currently incarcerated or soon to be incarcerated by the State of New York who face the possibility of deportation.

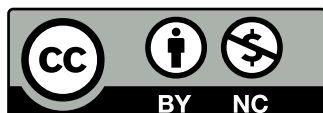
This guide is not intended to provide legal advice or serve as a substitute for legal counsel. Immigration cases vary and only an individual consultation with an attorney or accredited representative can result in accurate legal advice. This information is current as of March 2021. Changes in law and practices after that date could affect the accuracy of the information.

Immigrant Defense Project: Mizue Aizeki, Karelle Fonteneau, Ryan Muennich

Thanks To: Colin (Tai Chi) Absolam, Prisoners' Legal Services of New York

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Introduction

If you are in New York State DOCCS custody and you are not a U.S. citizen, you face the possibility of deportation.

That's because over the past few decades, the Department of Corrections and Community Supervision (DOCCS) and Immigration and Customs Enforcement (ICE) have established close ties and communicate regularly with each other. Even though the State of New York isn't required to work hand in hand with ICE, DOCCS makes it as easy as possible to deport you from your community and home.

Even though the immigration system is set up to deport people with criminal convictions, you might still have a chance. It's worth talking to a lawyer and investigating your options.

What are some ways DOCCS and ICE work together to deport me?

- DOCCS is required by law to investigate where you were born and tell ICE if you were born outside the United States¹
- DOCCS will notify ICE of your conviction and sentence and give ICE a copy of your criminal case file and Presentence Investigation to help deport you
- DOCCS regulations include contacting ICE before releasing you on parole if DOCCS previously flagged you as a non-citizen²

¹ See NYS Corrections Law 147

² State of New York, Department of Corrections and Community Supervision, Directive No. 9221, Merit Termination of Sentence and Discharge from Presumptive Release, Parole, Conditional Release, and Post-Release Supervision § (IV)(a)(3) (2018), avail. at: <https://doccs.ny.gov/system/files/documents/2020/11/9221.pdf> (last visited March 24, 2021).

I've got enough on my mind, can't I deal with this when the time comes?

Being put in DOCCS custody is already overwhelming and the threat of deportation may be the last thing on your mind. But the system has been set up to make it as easy as possible for ICE to deport you once you are in DOCCS custody.

That means you need to do everything you can from the beginning to fight deportation and deal with things as they come.



These are some ways you might be put on the path to deportation:

- You might be interviewed by ICE during intake or during your sentence
- You could be ordered deported by an immigration judge or ICE while serving your sentence
- You can serve your entire sentence at DOCCS first, and then be transferred to ICE custody to be deported
- You may be released from DOCCS custody but then ICE may arrest you in your community or workplace based on information that DOCCS or parole have given ICE



***DOCCS and ICE
work together***

That means you need to do everything you can from the beginning if you want to try to stay in the U.S.!

This guide will help you understand your opportunities to fight and what to expect moving forward.

Here's who should read this guide:

- You do not have proof of your U.S. citizenship, through either a U.S. birth certificate, certificate of citizenship/naturalization, or U.S. passport³
- You are not a U.S. citizen and are in a city or county jail but will likely be transferred to DOCCS custody
- You are not a U.S. citizen and are already in DOCCS custody at any stage of a deportation hearing
- You are not a U.S. citizen and are in DOCCS custody and have a final removal order

³ Assuming you are a U.S. citizen through your parents because you came when you were young is a mistake. The legal requirements for derivative citizenship can be complicated and unless the U.S. government has already recognized you as a U.S. citizen, immigration may still try to deport you.

Who CAN'T be deported?

You're a U.S. citizen⁴

- You have a U.S. birth certificate
- You have a certificate of citizenship or naturalization
- You have a U.S. passport

You might assume you are a U.S. citizen and can't be deported because a parent naturalized when you were young, you were very young when you entered the U.S., or you have a social security card or green card.

But if you do not have proof of your citizenship through a U.S. birth certificate, a U.S. passport, or a certificate of citizenship or naturalization, you are still at risk of ICE arrest and deportation.

Who CAN be deported?

You're a non-citizen with status (often referred to as "a legal immigrant")

- You're a lawful permanent resident (often called a green card holder)⁵
- You're on a current non-immigrant visa (for example, a student, tourist, crime or trafficking victim, or temporary worker visa)
- You're a refugee
- You're an asylee
- You're a TPS holder
- You have DACA

You're a non-citizen without status (often referred to as an "illegal immigrant")

- You entered the U.S. without inspection (EWI)
- You overstayed a visa

⁴ You may legally be a U.S. citizen without these documents, but it can be a difficult legal question. Because of this, and because you can generally only file one application for a certificate of citizenship, you should speak with a lawyer first.

⁵ Even with an expired green card, you still maintain your lawful permanent resident status.

What Will Happen After I Am Sentenced?

1. Sentencing

ICE is notified by New York State of your conviction, which ICE can use to try to deport you.

2. After sentencing

You will go into DOCCS custody within a few weeks.

WHAT TO DO

You can and should appeal your criminal conviction. You **ONLY** have 30 days to do it easily.

You can file an extension for up to one year but it's not guaranteed and requires a lot more paperwork. It is much easier to file within the 30 days of your sentencing.

***Appealing your criminal conviction is your best chance for fighting your deportation!
Learn more on page 14.***

3. *Intake*

You are taken to either Downstate Correctional Facility (Fishkill); Ulster Correctional Facility; or Bedford Hills Correctional Facility. You might be interviewed by ICE at intake.

WHAT TO DO

You can exercise your Fifth Amendment right to remain silent and you can refuse to sign paperwork. Don't sign or say anything without talking to a good lawyer.

4. *At DOCCS*

You might get paperwork from your counselor/mail/ICE starting the deportation process. You also might be interviewed by ICE during your sentence.

WHAT TO DO

Pay attention to deadlines to file paperwork. You can exercise your Fifth Amendment right to remain silent. Don't sign or say anything without talking to a good lawyer.

What Is the Best Way to Stop My Deportation?

Your best (and maybe only) chance to fight your deportation case is by appealing your criminal conviction.

An important first step in fighting your deportation case is by fighting the criminal conviction that ICE may use to deport you. You do this by filing a “Notice of **Appeal**” of your criminal conviction to a higher court and a “Motion for Poor Person’s Relief” to get an appeals lawyer.

The reason this is helpful is because your appeals lawyer may be able to reverse your conviction, and while your criminal case is on appeal you may be able to argue in immigration court that you cannot be deported until the appeal is decided.

But I got a good deal in my criminal case and I don’t want to lose that.

Even if you think you got a good deal in your criminal case, every non-citizen should file an appeal. It cannot hurt your criminal case to file an appeal, and you can always change your mind and withdraw your appeal later.

You may want to withdraw your criminal appeal before the immigration judge decides your case, so you should make sure your immigration attorney knows about the appeal. This is a very complicated area of law, so it is important to consult with an attorney about the impact of a pending criminal appeal on your application for immigration **relief**.

***For an FAQ on
appealing your
criminal conviction***



Appeal:

When you file an appeal, you are asking a higher court to review your case for errors. Possible good results include a reversal, a remand, dismissal or reduction of charges, or a reduction in your sentence.

Relief:

Gives you the ability to stay in the U.S. legally.

How do I file an appeal?

You should ask your attorney to file a “Notice of Appeal” on your behalf immediately after you are sentenced, and you should put your request in writing. Your attorney must file a “Notice of Appeal” if you ask them to. If they still refuse, you can file on your own within 30 days of your sentencing. You can file a “Late Notice of Appeal” up to one year after the normal 30-day deadline, but it is not guaranteed so it is better to file within 30 days.

***Photocopy a blank
“Notice of Appeal”***



Can I get a lawyer for my appeal?

If your attorney files a “Notice of Appeal” for you, they can also file paperwork asking the appeals court to assign you a lawyer automatically. If your attorney refuses to file the “Notice of Appeal” or the paperwork asking for a lawyer, you can request an appeals lawyer yourself by filing a “Motion for Poor Person’s Relief” with the appeals court.⁶



***Photocopy a blank
“Motion for Poor
Person’s Relief”***

But I don’t think I have the right to file an appeal...

Everyone has the right to appeal their criminal conviction to a higher court. You can file a criminal appeal even if you signed paperwork in the criminal case giving up your right to an appeal, also called an appeal waiver. Even if you signed an appeal waiver or the judge, prosecutor, or defense lawyer told you that you cannot appeal, you can still file an appeal.

Remember: Even if you think you have given up your right to appeal, you should still try.

6 Even though you may think there’s nothing to appeal in your case, criminal appeals lawyers specialize in this complicated area of law and can find errors you might not be aware of. It’s possible that your original lawyer, the judge, the prosecutor, or the police did something wrong in your criminal case. For example, maybe your trial attorney gave you incorrect advice (this is called “ineffective assistance”). Or maybe the court did not mention the word “deportation.” Or maybe your lawyer also improperly represented your co-defendant. If your free criminal appeals lawyer discovers an error, you can fight your criminal conviction and you may be able to avoid deportation entirely. This is why it’s so important to get a free appeals lawyer: it could mean the difference between being able to fight your deportation or automatic deportation.

Talking to ICE: Things to Consider

Since DOCCS asks about your place of birth and citizenship and must notify ICE of your status as enabled by NY law, ICE may try to interview you within a few days after arriving at intake. ICE may also try to interview you later during your sentence. DOCCS may try to force you to meet with ICE.

Should I talk to ICE?

Whether you should speak with ICE during your sentence is beyond the scope of this guide, but here is some information to help you make a decision.

If ICE is talking to you, assume that they want to deport you. ICE does not have your best interests in mind. Anything you tell ICE can be used against you in a deportation proceeding or criminal case, so you may want to remain silent.

Even if you are forced to have a meeting with ICE, you do not have to give ICE any information as long as you do not already have a final removal order.⁷ You can tell ICE “I am exercising my Fifth Amendment right to remain silent.” That is true even if ICE tells you that you do not have the right to remain silent.

You can agree to speak with ICE only if you have a lawyer present or after you have spoken with your lawyer, which will help protect you from saying anything that could help ICE deport you.

Remember: You don’t have to sign or say anything to ICE without speaking to a good lawyer first. (For more on getting a good lawyer, see pages 23 - 24.)

⁷ After you have a final order of removal, federal law requires you to cooperate in some ways with ICE, for example by applying for travel documents. You should speak with a criminal lawyer if ICE threatens you with criminal charges.

Should I sign ICE documents?

ICE may try to give you documents for your deportation case through the mail or in person even if you do not speak with them. You should ask to speak with a lawyer if you don't understand any paperwork. Make sure you don't sign any paperwork agreeing to your deportation, which bypasses your ability to see an immigration judge. Seeing an immigration judge is your best chance of fighting your deportation. Go to Appendix A to see what paperwork you might get from ICE.

What if I decide to speak to ICE?

There are sometimes benefits to speaking with ICE, like speeding up your immigration case or helping ICE confirm that you are already a U.S. citizen. But speaking with a lawyer first is usually the best way to protect your rights.

If you do decide to speak with ICE, they may ask questions about your country of birth, other names you may have used, your immigration history, if you have any fear of persecution in your home country, your work history, and your family's immigration history. They may want you to sign a "Record of Sworn Statement," which they can then use in your deportation case.

If you decide to speak with ICE, **do not lie** about your immigration history or place of birth, because ICE can file criminal charges against you. Lying about your status can also hurt your deportation case.

Remember:

Most of the time talking to ICE won't help you.
But even if you think it might help, talk to a lawyer first.



Can the Government Start Trying to Deport Me During My Sentence?

There is no way to predict when or where ICE will start the proceedings to deport you.

They could start (and finish) while you are in DOCCS custody.

They could start once you are in ICE custody.



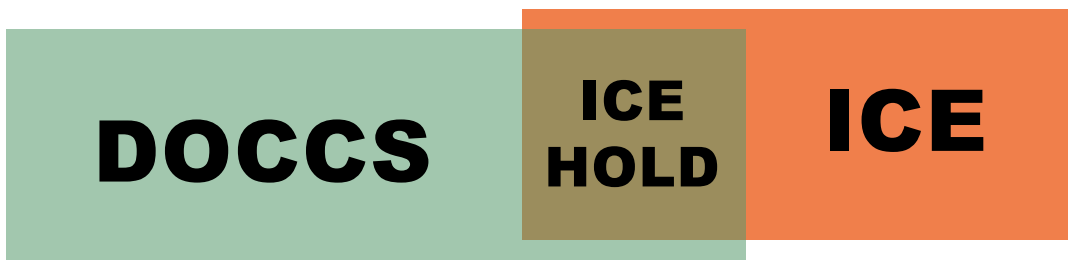
They could start in DOCCS custody..... and continue in ICE custody.

Even if you get paperwork from ICE while you are in DOCCS custody, your removal proceedings might not start until after you have finished serving your sentence.

You might even get toward the end of your sentence without hearing anything from ICE or receiving any deportation paperwork from ICE, but then get transferred directly to ICE. DOCCS regulations require them to contact ICE before releasing you on parole if DOCCS previously flagged you as a non-citizen.⁷

⁷ State of New York, Department of Corrections and Community Supervision, Directive No. 9221, Merit Termination of Sentence and Discharge from Presumptive Release, Parole, Conditional Release, and Post-Release Supervision § (IV)(a)(3) (2018), available at: <https://doccs.ny.gov/system/files/documents/2020/11/9221.pdf> (last visited March 24, 2021).

During your sentence, ICE might ask DOCCS to hold you in custody past your release date so ICE can pick you up. DOCCS cannot legally hold you past your release date based on a request from ICE. If that happens, contact your attorney! This ICE request is called an **ICE detainer**, sometimes referred to as an “ICE hold” or incorrectly as an “immigration warrant” by DOCCS.



As you get close to your release date, DOCCS can transfer you to another DOCCS prison closer to the ICE jail. By moving everyone with detainers to the same prison, DOCCS makes it convenient for ICE to pick people up.

ICE detainer:

An ICE document requesting that a jail or law enforcement agency voluntarily hold someone up to 48 business hours after they would otherwise be released to give ICE time to pick them up; sometimes also a request for the jail or law enforcement agency to notify ICE of when someone will be released in advance so ICE can be at the jail at the time of release.

How Can I Fight My Deportation Case?

How you can fight your deportation case depends on your specific situation. There are different ways that ICE may try to deport you, depending on your immigration status and criminal history. A lot of the process is out of your control, and the government may tell you there is nothing you can do. But the more you know about what will happen to you and what your options are, the better you can equip yourself.

First, you should try to figure out whether you will have the right to go in front of an immigration judge for a hearing on whether the government can deport you. This process is now called “removal proceedings.” These might sound bad but they can be helpful because immigration judges can reject ICE’s deportation charges or in some cases grant relief from removal, which would allow you to stay in the U.S.

***First, figure out if you are eligible for removal proceedings.
Do any of these sound like you?***

***You crossed the border
without authorization***

and have not had any contact with immigration until now. You may have received Form 1-862: “Notice to Appear” (sample on page 46).

***You entered on a visa but
your stay has expired***

and you have not had any contact with immigration until now. You may have received Form 1-862: “Notice to Appear” (sample on page 46).

***You have lawful immigration status like
a greencard but have convictions.***

You may have received Form 1-862: “Notice to Appear” (sample on page 46).

If any of these sound like your situation, ICE should place you in removal proceedings. Go to:

***Page
22***

Some people are NOT eligible for removal proceedings. Do any of these sound like you?

You already appeared before an immigration judge who ordered you deported or granted you voluntary departure, but you did not leave.

You may receive a form called “Form I-205: Warrant of Removal/Deportation” (sample on page 47).

You re-entered the U.S. without permission after being deported.

You may receive a form called “Form I-871: Notice of Intent/Decision to Reinstate Prior Order” (sample on page 48).

You entered the U.S. under the visa waiver program (ESTA) using your country’s passport without a visa from the U.S. consulate.

You may receive a form called “Form 71-058: Visa Waiver Program (VWP) Notice of Intent to Issue a Final Administrative Removal Order.”

You do not have a green card and ICE says you have an “aggravated felony” conviction.

You may receive a form called “Form I-851: Notice of Intent to Issue a Final Administrative Order (Notice of Intent)” (sample on page 49).

If any of these sound like your situation, you are probably not in or subject to removal proceedings. Go to:



**Page
30**

What if none of these sound like my situation?

If none of those sound like your situation, and you are about to be released from DOCCS without any word from ICE, you may think you have nothing to worry about. Unfortunately, DOCCS will continue to cooperate with ICE and may help ICE arrest you at or after one of your parole check-ins. The best way to plan for this is to assume ICE knows about you and talk to a lawyer.

What Happens If I'm in Removal Proceedings?

If you are in removal proceedings:

You get to fight your case in front of an immigration judge. You have access to a free immigration attorney (as long as you meet certain requirements, see page 24).

WHAT TO DO

Follow deadlines given to you by the court to file documents or evidence.

The judge can grant you relief.

That means you get to stay in the U.S. after you are released from DOCCS custody.

Or the judge can order you deported.

You can appeal this decision to the Board of Immigration Appeals and federal courts.⁸



= This shows where you can actively do something to fight your deportation

8 For more on the Board of Immigration Appeals:
https://firrp.org/media/BIA-Appeal-Guide-2013_new-BIA-address-2013.pdf

For more on filing a Petition for Review with the federal courts:
https://www.americanimmigrationcouncil.org/sites/default/files/practice_advisory/how_to_file_a_petition_for_review_2015_update.pdf

What is the benefit of being in removal proceedings?

Being in removal proceedings means that you have a right to fight your case in front of an immigration judge.⁹ Immigration judges can grant relief from removal or reject ICE's deportation charges, which would allow you to stay in the U.S.

*For a sample
"Notice to Appear"*

How do I know if removal proceedings have begun?

ICE must serve or send you a "Notice to Appear" ("NTA"), Form I-862, and ICE must file it with the immigration court to officially begin removal proceedings. They will either give you the NTA at an interview, send it to you as legal mail, or have your DOCCS counselor provide it.



Do I qualify for a free immigration attorney?

While non-citizens do not have a right to appointed attorneys under federal law, the State of New York and the City of New York have created a program to provide free legal counsel to non-citizens. This program, called the New York Immigrant Family Unity Project (NYIFUP), provides high-quality, experienced lawyers for immigrant New Yorkers currently being detained by DOCCS or by ICE and who have a case in immigration court.¹⁰

9 Since you are serving a state sentence in the New York State corrections, removal proceedings are part of the Institutional Removal Program ("IRP"). IRP is a collaboration between New York State DOCCS, ICE, and the immigration courts (the Executive Office for Immigration Review) to conduct removal proceedings for non-citizens detained in the state prison system.

10 The organization that provides legal representation through the NYIFUP program for IRP is Prisoners' Legal Services of New York (PLS). If you are not placed into removal proceedings while in DOCCS custody and are transferred to ICE custody instead, you will be screened for representation by a different organization, Erie County Bar Association Volunteer Lawyers' Project (ECBA/VLP). See Appendix D for contact information for PLS and VLP (page 60).

NYIFUP has its own requirements to determine who qualifies for their free services. While the requirements sometimes change, NYIFUP currently represents people in DOCCS custody for free if all of these are true:

- Your removal proceedings start in the Fishkill (Downstate), Ulster, or Bedford Immigration Courts, which are part of the Institutional Removal Program
- It is your first hearing in immigration court for this case
- Your household income is below 200% of the Federal Poverty Guidelines
- You do not already have an attorney

You will be able to speak to a NYIFUP attorney for the first time the day of your first court hearing or shortly after. If you believe you are eligible for a NYIFUP attorney based on the above conditions but you did not meet with one at your first hearing, tell the judge you want your case to be heard on a day the NYIFUP lawyers are scheduled to be there. On that date, make sure you sign up to speak with a NYIFUP attorney.

If you are concerned about your immigration status and do not qualify for a NYIFUP attorney, you or a loved one can call the **Office for New Americans hotline** to get referrals for other immigration lawyers. In addition, the immigration court must give you a list of free or low cost attorneys and organizations.¹¹

***Office for New
Americans***



1-800-566-7636

¹¹ <https://www.justice.gov/eoir/file/ProBonoNY/download>

Isn't a paid lawyer better than a free lawyer?

You might think things are better if you pay for them. Some private lawyers can be good, but others may mislead you or overpromise what they can do for you. The NYIFUP lawyers are qualified, competent, have gotten excellent results for their clients, and they are free! They should be your first line of defense. Think of a private lawyer as a back-up solution if you cannot get a NYIFUP lawyer.

When will my proceedings begin?

There is no way to predict when your proceedings will begin, because there is no deadline on the government to start removal proceedings. While federal law says that the government should try to finish removal proceedings before your criminal sentence is over, proceedings may not even start before you finish your sentence (see more on pages 18 and 19). Factors affecting how quickly your case starts include whether you have had any prior contact with immigration, already had a green card, asylum, or other immigration status, or you have a parole board hearing or release date approaching.

How can I check if I have a hearing in removal proceedings?

The immigration court (EOIR) is supposed to give you a written notice called a "Notice of Hearing in Removal Proceedings" that will give you your next court date, but you can also call a **court hotline** to find out.

Court Hotline



1-800-898-7180

If you call the hotline, you will need to type in your alien number, which is a 9-digit number in most of your immigration documents (sometimes referred to as an INS number or “A-Number”) to hear the information. If you only see 8 digits, add a “zero” at the front.

If your first court date was not set yet, the recording will say that your “A-Number” was not yet found in the system, but you can keep trying the hotline to check.

Will I be brought to court in person or will I appear via videoconference?

Most deportation hearings inside DOCCS are conducted by video teleconferencing or by telephone. Otherwise DOCCS would have to transport you to immigration courts at Ulster, Downstate (Fishkill), or Bedford Correctional. You may want family to attend a hearing for support or to testify, but DOCCS facilities are very strict about visitors. Your attorney will have to help your family members gain entrance into the DOCCS facility, or you can ask the immigration judge for help. If you have a court date where the court is considering your application for relief from deportation or competency, though, you should be brought to court in person.

What can I do while I wait for my first court date?

Because immigration cases can be very different from each other, you will need to meet with an attorney to know specific steps to take in your case. However, there are some documents that will probably be useful that you can gather before your first court date to give to your lawyer.



Documents you can gather:

Certificates of disposition and complaints for each arrest

Your loved one can request these documents at the criminal court where you saw a judge. ICE often only provides dispositions for the cases they are using to deport you, but the judge may want to see details on other cases if you are applying for relief from removal. It is important that you only give these documents to your lawyer, not ICE, and only to the court if it asks for them.

Immigration documents

Gather copies of any immigration-related documents that you may have (green card, visa, work authorization), including any applications you may have submitted to immigration. This will help your attorney understand your case better. You can also file a Freedom of Information Act (FOIA) request for your entire immigration file with the government, but this can delay your case, so talk to an attorney first.

Medical documents

If you or your family members have any medical issues, start gathering your and/or their medical documents because that could help your case.

Family members' documents

If you have any family members who are U.S. citizens, have green cards, or have some other form of status, get proof of the relationship (marriage certificate, birth certificate, etc.) and proof of their status (copy of their green card, naturalization certificate, etc.).

Employment history

If you have a work history, you should get evidence of your work, including paystubs, taxes, W-2s, or letters from employers.

Names of people who would be able to write letters of support

They should be able to say positive things about you. This can include family members, friends, neighbors, and others. They should not write the letters until you speak with an attorney.

Sample Certificate of Disposition

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BROX
THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER:

Defendant: _____ Date of Birth: _____
Address: _____ NYSID Number: _____
BROX NY 10501
City State Zip Date of Arrest/Issue: _____
Docket Number: 2000BX Summons No: _____
PL
Arraignment Charges: _____

Case Disposition Information:

Date	Court Action	Judge	Part
PL	FILED GUILTY & SENTENCE IMPOSED	BARONE, J	APAR1
PG PL	IMPRISONMENT-TS		

NO FEE CERTIFICATION

GOVERNMENT AGENCY _____ COUNSEL ASSIGNED _____

NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED

SOURCE ACCUSATORY INSTRUMENT DOCKET BOOK/CRIMS CRC3030[CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

PERRY T. A. O. _____ DATE: _____ FEE: NONE

COURT OFFICIAL SIGNATURE AND SEAL

Marijuana convictions under PL 221.05 or PL 221.10 are vacated, dismissed and expunged as of August 28, 2019. The court system is in the process of updating its records, but in the meantime, it is an unlawful discriminatory practice unless specifically required or permitted by statute, for any entity to make any inquiry about an expunged conviction or to use an expunged conviction adversely, whether in any form of application or otherwise, against such individual.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

Sample green cards



Sample W-2

22222 Employee's social security number OMB No. 1545-0048

b Employer identification number (EIN)

c Employer's name, address, and ZIP code

d Control number

e Employee's first name and initial Last name Suf.

f Employee's address and ZIP code

15 State Employer's state ID number 16 State wages, tips, etc. 17 State income tax 18 Local wages, tips, etc. 19 Local income tax 20 Locality name

1 Wages, tips, other compensation 2 Federal income tax withheld 3 Social security wages 4 Social security tax withheld 5 Medicare wages and tips 6 Medicare tax withheld 7 Social security tips 8 Allocated tips 9 Dependent care benefits 10a Nonqualified plans 10b 10c 10d 11 12a 12b 12c 12d 13 14 Other 15a 15b 15c 15d

Form **W-2 Wage and Tax Statement** 2020 Department of the Treasury—Internal Revenue Service
Copy 1—For State, City, or Local Tax Department

What Happens If I'm NOT in Removal Proceedings?

You are probably not in removal proceedings if you have already been ordered removed by an immigration judge, have a final administrative removal order, entered on the visa waiver program, or have a reinstated order of removal because you reentered without authorization after being deported.

Do I get to see an immigration judge?

If you are not eligible for removal proceedings, you will not have an automatic right to see an immigration judge and could be deported more quickly if you do not take legal action. ICE can rely on a prior deportation order from a judge or its own deportation order without having a judge consider your case.

If you're not in removal proceedings, you could be deported more quickly if you don't take action. But you can still fight your case!

Am I eligible for a free lawyer?

In cases where you are not eligible to be in removal proceedings, you are not guaranteed to get a lawyer through New York State's program providing free lawyers to non-citizens, the New York Immigrant Family Unity Project (NYIFUP). That means you should make sure to contact an immigration lawyer directly to let them know about your situation.

Because deportation can move very quickly when it is based on administrative, reinstated, or old deportation orders, we recommend you consult with an attorney as soon as you become aware of the possibility of deportation to see if there's a way to fight. You or a loved one can call the **Office for New Americans hotline** to get referrals for immigration attorneys.

**Office for New
Americans**

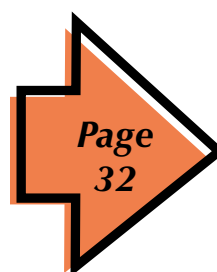


1-800-566-7636

What if I am afraid of being deported?

If you are afraid of going back to your home country and you are not in removal proceedings, you must tell the deportation officer about your fear to return to your home country because you are afraid of being persecuted or tortured. An asylum officer must interview you about your fear of persecution. This is called a reasonable fear interview.

If you pass the interview, you can fight your case in front of an immigration judge in what are called “withholding only proceedings.” If you don’t pass your interview, your options are very limited, but you can request that an immigration judge review your denial. Go to page 32 for more on this process. This guide¹² can help you prepare for the interview.



Not everyone is eligible for a reasonable fear interview:

- You don’t need a fear interview if you’re in removal proceedings because you can already apply for withholding of removal and relief under the U.N. Convention Against Torture as part of the proceedings
- You can’t request a fear interview if you have an old deportation order but were never deported

If you have a prior deportation order, you must file a motion to reopen your deportation case first, even if you are afraid of being persecuted or tortured if deported. Go to page 34 for more.



Remember:

This doesn’t apply to everyone, talk to a lawyer.

12 <https://firrp.org/wp-content/uploads/2010/12/CF-RF-Guide-2013.pdf>

What Happens After a Reasonable Fear Interview?

Request a reasonable fear interview with an asylum officer

If you have a fear of returning to your home country and you are not in removal proceedings, you must tell your deportation officer to get a “reasonable fear interview.” It’s best to have a lawyer help with this, so you should call the Office for New Americans.

1-800-566-7636



If you are found to have a reasonable fear:

You can continue to fight your case in front of an immigration judge.

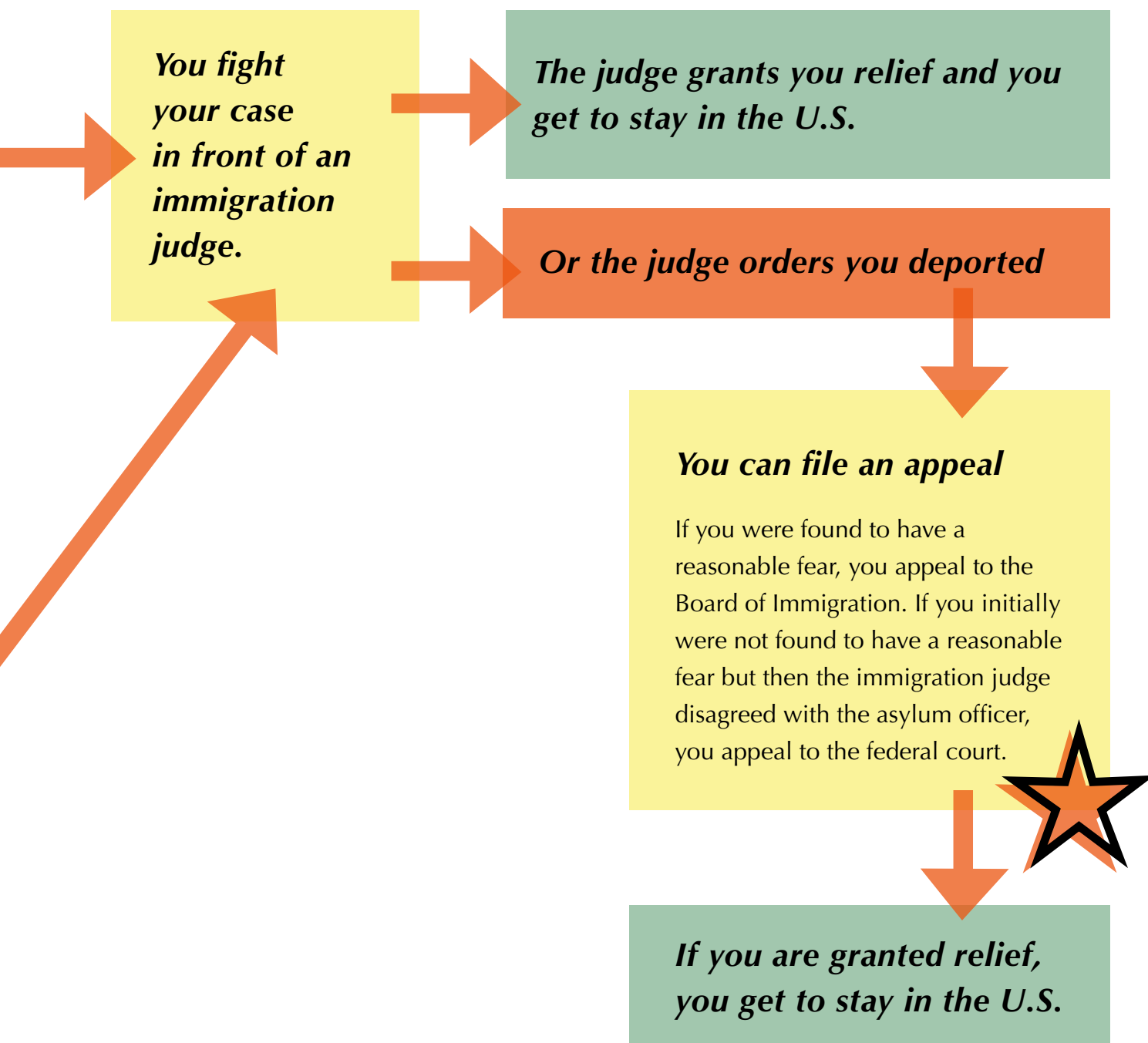
If you are not found to have a reasonable fear:


You can appeal to an immigration judge, who will do a quick review of your claim.

If the immigration judge agrees with the asylum officer, you will be ordered deported.

Even though current regulations do not allow you to appeal, you should still talk to your lawyer about whether you can appeal.

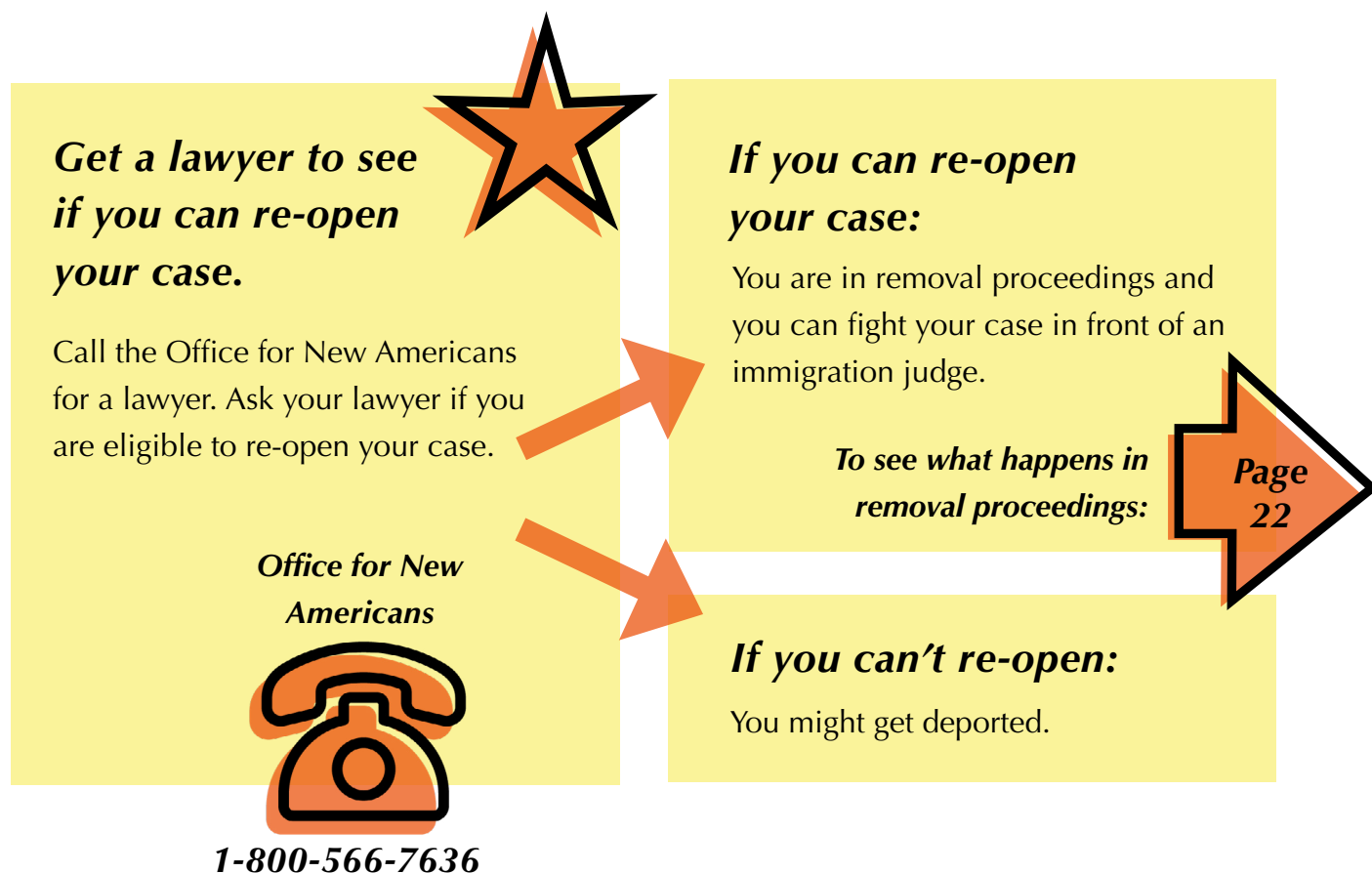
If the immigration judge disagrees with the asylum officer, you can continue to fight your case.



 = This shows where you can actively do something to fight your deportation

What if an immigration judge ordered me deported in the past?

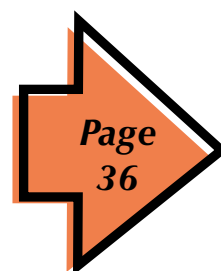
If an immigration judge ordered you deported in the past, either because you lost an old case or because you did not appear in court, you must meet with an attorney to see if you are eligible to make a request that the court reopen or reconsider your case (called a “motion to reopen” or “motion to reconsider”). There are specific legal requirements that must be discussed with an attorney. Because there are strict limits on how many motions you can file, you should talk to an attorney before filing.



= This shows where you can actively do something to fight your deportation

If I receive a deportation order while I am still serving my sentence, does that mean I go back to my country right away?

No, you still have to serve your entire criminal sentence first. The only way to finish your sentence at DOCCS early is if the parole board grants you something called Early Conditional Parole for Deportation Only (“ECPDO”). You may not qualify for ECPDO based on your conviction. Go to page 36 for more information.



I Don't Want to Fight My Deportation and Just Want to Be Deported

You can choose to not fight deportation. But simply accepting a deportation order will not allow you to get out early from DOCCS. Getting released after you accept a final deportation order is a separate process.

If you have accepted a final deportation order and you want to be released for deportation, the DOCCS parole board can consider your final deportation order once you are up for parole. If you are eligible based on your conviction, you can also apply for a form of early release called Early Conditional Parole for Deportation Only (“ECPDO”). You are eligible to apply if you do not have certain convictions, and you have a final order of deportation, and have served at least half of your minimum term of sentence. You can also apply for Conditional Parole for Deportation Only (CPDO) after you have served your time required for parole eligibility. CPDO or ECPDO have other requirements—see Appendix E for more information on eligibility.¹³

If you decide to not fight your deportation order, and/or accept CPDO or ECPDO release, you will likely never be allowed to come back to the United States. You should only accept your deportation order if you are sure that you want to leave the U.S. and never return. In order to be granted CPDO or ECPDO, you need a final deportation order. If you do reenter the U.S. after being deported without getting permission in advance, you may have to serve the rest of your state sentence and you could be charged with the federal crime of illegal reentry and face federal prison time.

***Page
61***

13 For a detailed guide to CPDO and ECPDO, contact Prisoners' Legal Services of New York by writing to:
*Prisoners' Legal Services of New York Immigration Unit
14 Lafayette Square, Suite 510
Buffalo, NY 14203*



Can I get out early from DOCCS if I don't fight my immigration case?

Not necessarily and most often, no.

If you are a non-citizen, simply getting a deportation order will not allow you to get out early from DOCCS. Only if you are eligible for and granted ECPDO will you be able to be released early from DOCCS, but only to be deported.

A deportation order can help a non-citizen get parole because they are going to be deported. Every non-citizen with a deportation order is eligible for CPDO after serving their minimum sentence.

Remember, you can try and fight your case. But if you accept CPDO release, it will be very difficult for you to come back to the U.S. legally.

If I am eligible and granted ECPDO, will it reduce my DOCCS sentence?

Yes. If the parole board grants ECPDO, it can potentially cut your minimum sentence in half.

But it is important to know that you are only eligible if you have certain convictions and a final order of deportation and you have served at least half your minimum term of sentence. See above and Appendix E for more information. Talk to a lawyer first to help you decide whether ECPDO is a good idea for you.

Remember:

You can try and fight your case. And if you accept ECPDO release, it will be virtually impossible to come back to the U.S. legally.

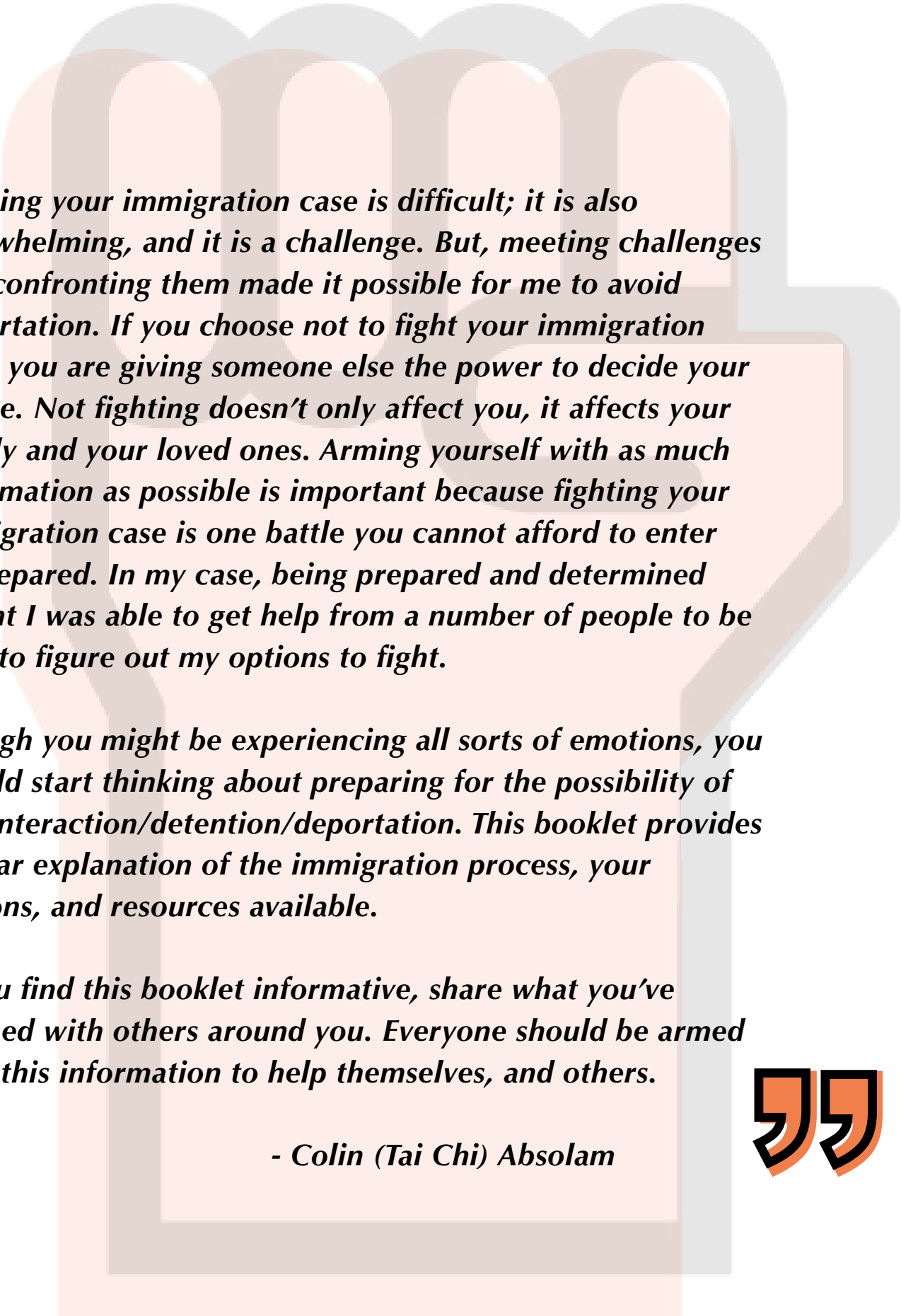
How I Fought My Deportation and Won



I was granted parole in 2019, after serving over 25 years in NYS DOCCS's custody. I was relieved after such a long sentence, but anxiety quickly set in when I was told I was being transferred to an ICE facility. I didn't think much about my immigration case during the early part of my incarceration because it seemed so far away. Only when I transferred to a medium facility did my deportation seem imminent.

After living in this country for almost forty years, facing deportation to a place I had little to no memory of was terrifying. The thought of what would happen to me next began to occupy my mind every second. The process of fighting my deportation was a fight requiring mental, physical, and emotional strength, because it was literally the fight of and for my life. I experienced almost every emotion possible—fear, depression, anger, terror. The only thing that could have eased my worries at the time was information. The information I needed was an explanation of the immigration process and how to challenge my deportation.

Fortunately, people facing deportation at this very moment have something I didn't—this booklet.



Fighting your immigration case is difficult; it is also overwhelming, and it is a challenge. But, meeting challenges and confronting them made it possible for me to avoid deportation. If you choose not to fight your immigration case, you are giving someone else the power to decide your future. Not fighting doesn't only affect you, it affects your family and your loved ones. Arming yourself with as much information as possible is important because fighting your immigration case is one battle you cannot afford to enter unprepared. In my case, being prepared and determined meant I was able to get help from a number of people to be able to figure out my options to fight.

Though you might be experiencing all sorts of emotions, you should start thinking about preparing for the possibility of ICE interaction/detention/deportation. This booklet provides a clear explanation of the immigration process, your options, and resources available.

If you find this booklet informative, share what you've learned with others around you. Everyone should be armed with this information to help themselves, and others.

- Colin (Tai Chi) Absolam



Appendix A: Documents You Might Get From ICE

<i>Document Name*</i>	<i>Common Situations</i>	<i>Type of Case</i>
Form I-862: Notice to Appear (sample on page 46)	<ul style="list-style-type: none"> You crossed the border without authorization and you have not had any contact with immigration until now You entered on a visa but your stay has expired and you have not had any contact with immigration until now You have lawful immigration status like a green card but have convictions 	Removal proceedings
Form I-871: Notice of Intent/Decision to Reinstate Prior Order (sample on page 48)	<ul style="list-style-type: none"> You re-entered the United States without permission after being deported 	Reinstatement order
Form I-205: Warrant of Removal/Deportation (sample on page 47)	<ul style="list-style-type: none"> You appeared before an immigration judge who ordered you deported or gave you voluntary departure but you didn't leave 	Prior deportation order
Form 71-058: Visa Waiver Program (VWP) Notice of Intent to Issue a Final Administrative Removal Order	<ul style="list-style-type: none"> You entered the United States under the visa waiver program (ESTA), using your country's passport without a visa from the U.S. consulate 	Administrative removal order for visa waiver program entrants
Form I-851/851A, Notice of Intent to Issue a Final Administrative Removal Order (sample on page 49)	<ul style="list-style-type: none"> You do not have a green card and ICE says you have an "aggravated felony" conviction 	Administrative removal order

* Look for the form number on the top and bottom of any papers that immigration gives you.

Appendix B: Filing Criminal Conviction Appeals FAQ

FAQ: Filing Direct Appeals of New York City Criminal Convictions and Getting Lawyer Assigned, March 2021

You have the right to appeal your conviction in the State in New York, no matter your immigration status. It does not matter whether you were convicted at trial or pled guilty. You also have the right to ask for a new court-appointed lawyer to handle the appeal. Starting an appeal begins with the filing of a Notice of Appeal and, if you are seeking a court-appointed appeals lawyer, then filing a Motion for Poor Person's Relief.

If you are a non-citizen, you should make sure that an appeals court reviews your conviction. If you change your mind about the appeal later, you can always withdraw your appeal, but an appeal offers important protections for non-citizens. If you want court-appointed counsel for post-conviction relief, the easiest way is to start with the direct appeal. If your lawyer files the Notice of Appeal, they can also request an appeals lawyer be assigned and you will not need to file a Motion for Poor Person's Relief.

Notice of Appeal

What is a Notice of Appeal?

A Notice of Appeal is a form filled with criminal court informing them that you intend to appeal your conviction.

What is the deadline for filing a Notice of Appeal?

The Notice of Appeal must be filled within 30 days of your sentencing date (usually the last time you appeared in criminal court on your case). Whether to appeal your conviction is **your** decision, and no one else can decide for you. Your criminal defense counsel is supposed to discuss your right to appeal with you at the end of your case and the judge is also supposed to inform you of your right to appeal. Sometimes prosecutors insist on waivers of appeal as part of plea deals.

Can a Notice of Appeal be filled if you signed a waiver of appeal as part of a plea agreement?

Yes. A Notice of Appeal can **still be filled** even if you signed a valid appeal waiver. Some appeal rights cannot be waived.

Who can file the Notice of Appeal?

The criminal defense attorney on the case must file the Notice of Appeal if you tell them that you want to appeal. You should tell them that you want to appeal in a letter sent by certified mail, to prove you asked them to file it for you. If your defense attorney still says that they will not file a

Notice of Appeal, you can file it yourself using a sample in this resource. *See Notice of Appeal Form on page 51.*

Where does a Notice of Appeal get filed?

You have to file three copies of the Notice of Appeal: two copies with the Clerk of Court where the conviction was entered and the one copy with the District Attorney's office that prosecuted your case. You should keep a separate copy of the Notice of Appeal for yourself as well, as well as proof that you mailed it.

What information must be included in a Notice of Appeal?

You must include your name, the name of the court where you were convicted, indictment number (if you do not have an indictment or SCI number because it is a lower court, use the docket number), and the date of the conviction, which is the date you were sentenced. You do not need to explain the reasons why you want to appeal. **You must also have a non-party fill out, notarize and attach an Affidavit of Service to prove you sent it to the DA.** *See pages 51 – 53 for a Notice of Appeal and an Affidavit of Service for Notice of Appeal.*

If you cannot afford to hire an attorney to represent you in the appeal, you should also file a Motion for Poor Person's Relief with the Appellate Division. See the Motion for Poor Person's Relief FAQ on page 44.

What happens after a Notice of Appeal is filed?

Once the Notice of Appeal is filed, you must file a Motion for Poor Person's Relief with the appeals court before an appeals attorney will be assigned to the appeal. The appeals attorney will reach out to you and review the criminal court file to make sure everything was proper in your case.

Where to send your Notice of Appeal

Clerk of Court (2 copies)

District Attorney (1 copy)

<u>Bronx County Supreme Court conviction</u> Bronx Supreme Court Criminal Term Clerk of Court 265 East 161st Street Bronx, NY 10451	Bronx County District Attorney 198 E 161 Street Bronx, NY 10451
<u>Bronx County Criminal Court conviction</u> Bronx Criminal Court Clerk of Court 215 East 161st Street Bronx, NY 10451	

<u>Kings County Supreme Court conviction</u> Kings Supreme Court Criminal Term Clerk of Court 320 Jay Street Brooklyn, NY 11201	Kings County District Attorney 350 Jay Street Brooklyn, NY 11201
<u>Kings County Criminal Court conviction</u> Kings Criminal Court Clerk of Court 120 Schermerhorn Street Brooklyn, NY 11210	
<u>New York County Supreme Court conviction</u> New York Supreme Court Criminal Term Clerk of Court 100 Centre Street, Room 1000 New York, NY 10013	New York County District Attorney 1 Hogan Place New York, NY 10013
<u>New York County Criminal Court conviction</u> New York Criminal Court Clerk of Court 100 Centre Street, Room 150 New York, NY 10013	
<u>Queens County Supreme Court conviction</u> Queens Supreme Criminal Term Clerk of Court 125-01 Queens Boulevard, Room 710 Kew Gardens, NY 11415	Queens County District Attorney 80-02 Kew Gardens Road Kew Gardens, NY 11415
<u>Queens County Criminal Court conviction</u> Queens Criminal Court Clerk of Court 125-01 Queens Boulevard, Room G-78 Kew Gardens, NY 11415	
<u>Richmond County Supreme Court conviction</u> Richmond Supreme Court Criminal Term Clerk of Court 26 Central Avenue, Room 240 Staten Island, NY 10301	Richmond County District Attorney 130 Stuyvesant Place Staten Island, NY 10301
<u>Richmond County Criminal Court conviction</u> Richmond County Criminal Court Clerk of Court 26 Central Avenue Staten Island, NY 10301	

Motion for Poor Person's Relief FAQ

What is a Motion for Poor Person's Relief?

You are entitled to a free appeals lawyer if you cannot afford one, no matter your immigration status.

Your criminal lawyer can ask that the appeals court assign you an appeals lawyer if they file your Notice of Appeal. If they won't file the Notice of Appeal or ask the court to assign you a lawyer, you will have to request an appeals lawyer yourself by filing a Motion for Poor Person's Relief with the Appellate Division. If your criminal lawyer doesn't request an appeals lawyer and you do not file a Motion for Poor Person's Relief, no attorney will be assigned to the appeal and it could be dismissed.

Who files a Motion for Poor Person's Relief?

If your criminal defense lawyer won't ask for an appeals lawyer on your behalf as part of the Notice of Appeal, you will need to file the Motion for Poor Person's Relief. Filing the Motion for Poor Person's Relief does not mean that the lawyer who represented you in criminal court will be assigned to the appeal; it is almost always a different lawyer.

What Information must be included in a Motion for Poor Person's Relief?

The Motion for Poor Person's Relief is an affidavit that you must sign and get notarized asking the appeals court to assign an appeals lawyer and waive the costs of the appeal (including the transcript fees).

You should explain why you cannot afford an appeals lawyer or the transcripts of the proceedings and ask for a lawyer to be assigned. You should include:

- Information about your current financial situation and why you cannot afford to hire a private appeals attorney
 - If you had an assigned lawyer on your criminal case, let the court know
 - If you paid for a lawyer at the trial level but cannot afford a lawyer for your appeal, explain to the court why
 - Reasons for this could include that you are currently incarcerated, that you are not working, or that you do not have enough money to afford a private lawyer
- You should give basic information about your financial situation in the sample Motion for Poor Person's Relief, and do not need to submit detailed records like paystubs or taxes.

You will need to sign and notarize your affidavit. See *Affidavit of Service for Motion for Poor Person's Relief* on pages 58-59.

Where does a Motion for Poor Person's Relief get filed?

It depends on which court entered the conviction. For Supreme Court convictions, the Motion for Poor Person's Relief gets filed with the Appellate Division covering the court of conviction. Bronx and New York (Manhattan) County cases are filed at the First Appellate Division and Kings, Queens, and Richmond (Staten Island) County cases are filed at the Second Appellate Division.

For criminal court convictions, the Motion for Poor Person's Relief gets filed with the Appellate Term covering the court of conviction. Bronx and New York criminal court cases are filed at the First Judicial Dept. Appellate Term, and Kings, Queens, and Richmond (Staten Island) criminal court cases are filed at the Second Judicial Dept Appellate Term.

You should keep a copy of what you filed for your own records.

What happens after a Motion for Poor Person's Relief is filed?

The Appellate Division will review the Motion and can assign an appeals attorney to work on the appeal. If you do not hear back from the Appellate Division after filing your motion, you should contact them to confirm that you have been assigned an attorney to work on your case

Where to send your poor person motion

First Department

Bronx and New York Counties

Supreme Court convictions

Supreme Court of the State of New York
Appellate Division, First Judicial Department
27 Madison Avenue
New York, NY 10010

Criminal Court convictions

First Judicial Department Appellate Term
N.Y. County Courthouse
Room 401
60 Centre Street
New York, NY 10007

Second Department

Kings, Queens, and Richmond Counties

Supreme Court conviction

Supreme Court of the State of New York
Appellate Division, Second Judicial Dept
45 Monroe Place
Brooklyn, NY 11201

Criminal Court conviction

Second Judicial Department Appellate Term
Clerk's Office
141 Livingston St.
15th Floor
Brooklyn, NY 11201

Appendix C: Forms

U.S. Department of Homeland Security

Notice to Appear

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

Subject ID : [REDACTED] PIN #: [REDACTED] File No: [REDACTED]
SIGMA Event: [REDACTED] DOB: [REDACTED] Event No: NYCL304000268

In the Matter of: [REDACTED]

Respondent: [REDACTED] currently residing at:
[REDACTED]
(Number, street, city and ZIP code) (Area code and phone number)

☐ 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 removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of [REDACTED] and a citizen of [REDACTED];
3. On [REDACTED], you were accorded Lawful Permanent Resident status of the United States;
4. On or about [REDACTED], you were convicted at the Supreme Court of the State of New York, Kings County, for the offense of Criminal Possession of a Weapon in the Third Degree (to wit: handgun), in violation of N.Y. Penal Law § 265.02(04) under case number [REDACTED].

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
See Continuation Page Made a Part Hereof

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

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
26 Federal Plaza 12 Floor Room 1237 New York, NEW YORK US 10278

(Complete Address of Immigration Court, including Room Number, if any)

on [REDACTED] at 09:00 A.M. to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Date: [REDACTED]

MANUEL GOICO DEPUTY CHIEF
(Signature and Title of Issuing Officer)

This Notice to Appear supersedes the Notice to Appear issued on [REDACTED] (City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

Form I-862: Notice to Appear

Warrant of Removal/Deportation

Subject ID: [REDACTED]

File No: [REDACTED]

Event No: (b)(2), (b)(7)(F)

Date: [REDACTED]

To any immigration officer of the United States Department of Homeland Security:

[REDACTED] (b)(6), (b)(7)(C), (k)(2)

(Full name of alien)

who entered the United States at UNKNOWN

(Place of entry)

on Unknown Date

(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 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:
241 (a) (5)

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security 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:

Salaries and Expenses, Department of Homeland Security 2014

Christopher Shanahan

CHRISTOPHER SHANAHAN

(Signature of immigration officer)

FOD

(Title of immigration officer)

[REDACTED], New York, NY

(Date and office location)

(b)(6), (b)(7)(C), (k)(2)

File No. [REDACTED]

Event No: (k)(2),(b)(7)(E)

Date: [REDACTED]

Name: [REDACTED] (b)(6),(b)(7)(C),(k)(2)

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of Removal entered against you. This intent is based on the following determinations:

(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on [REDACTED] at [REDACTED] (Date)

(Location)

2. You have been identified as an alien who:

- ☒ was removed on [REDACTED] (Date) pursuant to an order of deportation / exclusion / removal.
- ☐ departed voluntarily on [REDACTED] (Date) pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).

3. You illegally reentered the United States on or about Unknown Date at or near UNKNOWN (Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You **do not** have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the ENGLISH language.

(Printed or typed name of official)

(Signature of officer)

(Title of officer)

Acknowledgment and Response

I ☐ do ☐ do not wish to make a statement contesting this determination.

(Date)

(Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any that the above-named alien is subject to removal through reinstatement the Act.

(b)(6),(b)(7)(C),(k)(2)

determined a)(5) of

(Date)

(Location)

(b)(6),(b)(7)(C),(k)(2)

(Printed or typed name of official)

Rev. 08/01/07

In removal proceedings under section 238(b) of the Immigration and Nationality Act

Case No: [REDACTED]
File No: [REDACTED]
FIN #: [REDACTED]

To: [REDACTED]

Address: [REDACTED]
(Number, Street, City, State and ZIP code)

Telephone: [REDACTED]
(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act), 8 U.S.C. 1228(b), the Immigration and Naturalization Service (Service) has determined that you are amenable to expedited administrative removal proceedings. The determination is based on the following allegations:

1. You are not a citizen or national of the United States.
2. You are a native of MEXICO and a citizen of MEXICO.
3. You entered the United States (at)(near) Unknown place on or about Unknown date.
4. At that time you entered without admission or parole by the U.S. Customs & Border Protection.
5. You are not lawfully admitted for permanent residence.
6. You were, on [REDACTED], convicted in the Superior Court of [REDACTED] for the offense of Possession of Cocaine in violation of [REDACTED] for which the term of imprisonment imposed was 3 years of confinement.

Charge:

You are deportable under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii) as amended, because you have been convicted of an aggravated felony as defined in section 101(a)(43) of the Act, 8 U.S.C. 1101(a)(43).

Based upon section 238(b) of the Act, the Service is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

Your Rights and Responsibilities:

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Service address provided on the other side of this form within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). **The Service must RECEIVE your response within that time period.**

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence); request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Service will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries on account of race, religion, nationality, membership in a particular social group, or political opinion or, if you fear torture in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act or withholding/deferral of removal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe country.

You may seek judicial review of any final administrative order by filing a petition for review within 14 calendar days after the date such final administrative order is issued, or you may waive such appeal by stating, in writing, your desire not to appeal.

[Signature]
GROUP SUPERVISOR
(Signature and Title of Issuing Officer)

[REDACTED]
(City and State of Issuance)

[REDACTED]
(Date and Time)

Form I-851 (Rev. 5-19-99)N

Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

Event No: [REDACTED]

FIN: [REDACTED]

File Number [REDACTED]

Date [REDACTED]

To: [REDACTED]

Address: [REDACTED]
(Number, Street, City, State and ZIP Code)

Telephone: [REDACTED]
(Area Code and Phone Number)

ORDER

Based upon the allegations set forth in the Notice of Intent to Issue a Final Administrative Removal Order and evidence contained in the administrative record, I, the undersigned Deciding Officer of the Department of Homeland Security, make the following findings of fact and conclusions of law. I find that you are not a citizen or national of the United States and that you are not lawfully admitted for permanent residence. I further find that you have a final conviction for an aggravated felony as defined in section 101(a)(43)(F) of the Immigration and Nationality Act (Act) as amended, 8 U.S.C. 1101(a)(43)(F), and are ineligible for any relief from removal that the Secretary of Homeland Security, may grant in an exercise of discretion. I further find that the administrative record established by clear, convincing, and unequivocal evidence that you are deportable as an alien convicted of an aggravated felony pursuant to section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii). By the power and authority vested in the Secretary of Homeland Security, and in me as the Secretary's delegate under the laws of the United States, I find you deportable as charged and order that you be removed from the United States to:

Honduras

or to any alternate country prescribed in section 241 of the Act.

T 0416 DECKER

(Signature of Authorized Official)

Field Office Director

(Title of Official)

NEW YORK, NY

(Date and Office Location)

Certificate of Service

I served this FINAL ADMINISTRATIVE REMOVAL ORDER upon the above named individual.

(Date, Time, Place and Manner of Service)

(Signature and Title of Officer)

Form I-851A (Rev. 08/01/07)

Court of the State of New York
Tribunal del estado de Nueva York

County of _____
Condado de

NOTICE OF APPEAL
Aviso de Apelación

Ind. No.:
Número de Acusación:

PLEASE TAKE NOTICE that *(insert your name)* _____ hereby
Por Favor Tomar Nota que (ponga su nombre) _____ *por medio de este*

appeals to the Appellate Division of the Supreme Court of the State of New York from a judgment
apela a la división de apelación del tribunal Supremo del estado de Nueva York de un

of conviction and sentence rendered in _____ Court, _____ County, on
fallo de condena y sentencia dictada en _____ Tribunal, _____ Condado, el

_____ (date), from each and every part thereof and from each and every
(fecha), de cada parte y de cada orden intermedia que se haga en ella.

intermediate order made therein.

Dated: _____, 20____, New York
Fecha Nueva York

Signature / Firma

(Print Name) _____
(Nombre completo, letra de imprenta)

(Address) _____
(Dirección)

(Telephone Number) _____
(Número Telefónico)

To: *(Insert below the name and address of the clerk of the trial court and the names and addresses of the District Attorney)*

A: *(Insertar debajo el nombre y la dirección del secretario del tribunal de juicio y el nombres y la dirección del fiscal)*

Notice of Appeal

Court of the State of New York
Tribunal del estado de Nueva York

County of _____
Condado de

People of the State of New York
El Estado de Nueva York

Affidavit of Service of
Notice of Appeal
*Declaración de Presentación
de Aviso de Apelación*

-against-
-contra-

Indictment No. _____
No. de Acusación

Defendant-Appellant
Nombre de Acusado/a-Apelante

State of New York; County of _____ s.s.:
Estado de Nueva York; Condado de

(Name of person serving document)
(Nombre de la persona entregando personalmente) being duly sworn, deposes and says:
debidamente juramentado depone y dice:

1. I am not a party to this action, am over the age of 18 years and reside at the following
Yo no soy partido en esta acción, tengo mas de 18 años de edad y la dirección de mi

address: _____
domicilio es:

2. On, _____, 20_____, I served the within NOTICE OF APPEAL
(Fecha) El (año), yo serví el AVISO de APELACIÓN, sobre el

upon the District Attorney located at _____ by:
fiscal ubicado en por la siguiente manera:

Affidavit of Service for Notice of Appeal (page 1 of 2)

[] (FIRST CLASS MAIL) depositing a true copy of the same in a post-paid properly addressed
(Correo de Primera Clase) Deposité una copia verdadera de la misma en un sobre pago

envelope at a post office under the exclusive care and custody of the United States Postal
debidamente en una oficina de correos bajo el cuidado exclusivo y la custodia del Servicio Postal

Service within the State of New York;
de los Estados Unidos dentro del Estado de Nueva York;

[] (PERSONAL SERVICE) personally delivering a true copy of the same; OR
(Servicio Personal) Entregué personalmente una copia verdadera de la misma; O

[] (CERTIFIED MAIL, RETURN RECEIPT REQUESTED) depositing a true copy of the
(Correo Certificado, RECIBO DE DEVOLUCIÓN SOLICITADO) Deposité una copia verdadera

same in a post-paid properly addressed envelope at a post office under the exclusive care and
de la misma en un sobre pago debidamente en una oficina de correos bajo el cuidado exclusivo

custody of the United States Postal Service within the State of New York by certified mail,
y la custodia del Servicio Postal de los Estados Unidos dentro del Estado de Nueva York por correo

return receipt requested.
certificado, y solicité un recibo de devolución.

Dated: _____
Fecha

Signature of Person Providing Service)
(Firma de la persona entregando personalmente)

Sworn to before me this _____ day of _____ 20_____
Jurado ante mí este día de 20_____

Notary Public
Notario (firma de notario)

(File this completed form with the Court along with the Notice of Appeal)
(Presente esta petición completada ante el tribunal junto con el aviso de apelación)

Affidavit of Service for Notice of Appeal (page 2 of 2)

SUPREME COURT OF THE STATE OF NEW YORK
TRIBUNAL SUPREMO DEL ESTADO DE NUEVA YORK

APPELLATE DIVISION - _____ DEPARTMENT
DIVISION DE APELACIÓN _____ DEPARTAMENTO

People of the State of New York
El Estado de Nueva York

-against-
-contra-

Affidavit in Support of
Motion to Proceed as a
Poor Person & Assignment
of Counsel

*Declaración de apoyo para
la petición de proceder como
persona sin recursos y la
asignación de abogado*

Defendant-Appellant
Nombre de Acusado/a-Apelante

Indictment No. _____
Numero de Acusación

State of New York; County of _____ s.s.:
Estado de Nueva York; Condado de

Defendant-Appellant
Numero de Acusación

being duly sworn, deposes and says:
debidamente juramentado depone y dice:

1. I am the defendant-appellant in the above-captioned case, and I make this affidavit in support of my
Yo soy el acusado/a-apelante en el caso mencionado anteriormente y yo hago esta declaración en apoyo de

motion to proceed in forma pauperis.

mi petición para continuar in forma pauperis (forma pauperis se refiere a su capacidad, como persona sin recursos, de continuar en el tribunal sin tener que pagar cargos asociados con su apelación).

2. I was convicted pursuant to a judgment of the Supreme Court, _____ County,
Yo fui condenado en virtud de una sentencia en el tribunal Supremo, _____ Condado,

rendered on _____, convicting me of _____
en (fecha) _____ condenándome de

_____ and sentencing me to _____
y sentenciándome a

Motion for Poor Person's Relief (page 1 of 4)

3. I am unable because of my indigence to pay the costs, fees, and expenses necessary to
Debido a mi indigencia no puedo pagar los cargos del tribunal, y los cargos requeridos para continuar con

prosecute this appeal. I am currently earning approximately \$ _____ per week in income.
esta apelación. Actualmente estoy ganando aproximadamente _____ por semana en ingresos.

4. I own \$ _____ worth of real property.
Tengo bienes valoradas en \$

5. ☐ I do own a car.
Yo soy dueño de un auto.

- ☐ I do **not** own a car.
*Yo **no** soy dueño de un auto.*

6. I have _____ \$ in savings.
Yo tengo \$ _____ en cuentas de ahorros.

7. ☐ I do collect unemployment.
Yo colecto desempleo.

- ☐ I do **not** collect unemployment.
*Yo **no** colecto desempleo.*

8. ☐ I do collect alimony or support.
*Yo colecto pensión alimenticia o
manutención de menores*

- ☐ I do **not** collect alimony or support.
*Yo **no** colecto pensión alimenticia o
manutención de menores*

9. ☐ I do collect a pension.
Yo colecto una pensión.

- ☐ I do **not** collect a pension.
*Yo **no** colecto una pensión.*

10. ☐ I do have other sources of income.
Yo tengo otras fuentes de ingresos.

- ☐ I do **not** have other sources of income.
*Yo **no** tengo otras fuentes de ingresos.*

11. ☐ I was represented in the Supreme Court by a court-appointed attorney from a legal
Fui representado en el tribunal Supremo por un abogado asignado de un proveedor

services provider:
de servicios legal:

OR / O

- ☐ A member of the 18-b Assigned Counsel Plan
Un miembro de un panel de abogados asignado (18-b)

OR / O

- [] other assigned counsel (explain),
Otro abogado asignado (explique),

OR / O

- [] retained counsel (explain retainer).
Contrate un abogado privado (explique acuerdo de retención).

12. During the trial proceedings, I (check one box):
Durante el procedimiento del juicio, yo (marque la respuesta que corresponde):

- [] was incarcerated.
estaba encarcelado.

OR / O

- [] was released on my own recognizance.
estaba libre bajo palabra.

OR / O

- [] was released on bail in the sum of \$ _____, which was posted by (fill
fui liberado bajo fianza en la suma \$ _____ y fue pago por (explique

in details)
los detalles)

13. I am currently [] at liberty OR [] in custody.
Actualmente estoy libre O bajo custodia.

Motion for Poor Person's Relief (page 3 of 4)

SUPREME COURT OF THE STATE OF NEW YORK
TRIBUNAL SUPREMO DEL ESTADO DE NUEVA YORK

APPELLATE DIVISION - _____ DEPARTMENT
DIVISION DE APELACIÓN DEPARTAMENTO

People of the State of New York
El Estado de Nueva York

-against-
-contra-

Defendant-Appellant
Nombre de Acusado/a-Apelante

Affidavit of Service of Motion
to Proceed as a Poor Person &
Assignment of Counsel

*Declaración de Presentación
de la petición de proceder como
persona sin recursos y la asignación
de abogado*

Indictment No. _____
No. de Acusación

State of New York; County of _____ S.S.:
Estado de Nueva York; Condado de

_____ being duly sworn, deposes and says:
(Name of person serving document) debidamente juramentado depone y dice:
(Nombre de la persona entregando personalmente)

1. I am not a party to this action, am over the age of 18 years and reside at the following
Yo no soy partido en esta acción, tengo mas de 18 años de edad y la dirección de mi

address: _____
domicilio es:

2. On, _____, 20_____, I served the within Motion to Proceed as a Poor Person
(Fecha) El (año), yo serví la petición de proceder como persona

& Assignment of Counsel upon the District Attorney located at _____
sin recursos y la asignación de abogado sobre el fiscal ubicado en

by:
por la siguiente manera:

***Affidavit of Service for Motion for Poor Person's
Relief (page 1 of 2)***

[] (FIRST CLASS MAIL) depositing a true copy of the same in a post-paid properly addressed
(Correo de Primera Clase) Deposité una copia verdadera de la misma en un sobre pago

envelope at a post office under the exclusive care and custody of the United States Postal
debidamente en una oficina de correos bajo el cuidado exclusivo y la custodia del Servicio Postal

Service within the State of New York;
de los Estados Unidos dentro del Estado de Nueva York;

[] (PERSONAL SERVICE) personally delivering a true copy of the same; OR
(Servicio Personal) Entregué personalmente una copia verdadera de la misma; O

[] (CERTIFIED MAIL, RETURN RECEIPT REQUESTED) depositing a true copy of the
(Correo Certificado, RECIBO DE DEVOLUCIÓN SOLICITADO) Deposité una copia verdadera

same in a post-paid properly addressed envelope at a post office under the exclusive care and
de la misma en un sobre pago debidamente en una oficina de correos bajo el cuidado exclusivo

custody of the United States Postal Service within the State of New York by certified mail,
y la custodia del Servicio Postal de los Estados Unidos dentro del Estado de Nueva York por correo

return receipt requested.
certificado, y solicité un recibo de devolución.

Dated: _____
Fecha

(Signature of Person Providing Service)
(Firma de la persona entregando personalmente)

Sworn to before me this _____ day of _____ 20_____
Jurado ante mi este día de 20_____

Notary Public
Notario (firma de notario)

(File this completed form with the Court along with the Motion
to Proceed as a Poor Person & Assignment of Counsel)
(Presente esta petición completada ante el tribunal junto con la petición
de proceder como persona sin recursos y la asignación de abogado)

Affidavit of Service for Motion for Poor Person's Relief (page 2 of 2)

Appendix D: NYIFUP Eligibility

Legal Representation for Detained Persons in Removal Proceedings who are at the Buffalo Federal Detention Facility, Batavia, NY

Are you detained at the Buffalo Federal Detention Facility in Batavia, NY? Are you in removal proceedings, and in need of a free lawyer? If yes, then this information is for you.

There are free lawyers available to you if you qualify. The free lawyer program is run by the state of New York, and it is called **NYIFUP**. With NYIFUP, there are two main organizations that provide free lawyers, depending on your case:

Prisoner Legal Services of New York, also called **PLS**.

Volunteer Lawyers Project, also called **VLP**.

PLS and VLP receive a list from Immigration Court of all qualifying cases.

Prisoners' Legal Services of New York, or PLS, will offer free legal representation to you, if:

1. Your household income is less than 200% of the federal poverty guidelines, and
2. You had your first Immigration Court hearing while you were detained in the Albany County Jail or Clinton County Jail, or while you were in a New York State prison.

PLS will visit eligible detainees / prisoners as soon as possible. If you believe you qualify for PLS representation and have not spoken to a PLS attorney, please call (716) 844-8266 (English only) or (518) 694-8699 (English/Spanish), or write to

**PLS Immigration Unit
14 Lafayette Square, Suite 510
Buffalo, NY 14203**

Volunteer Lawyers Project, or VLP, will offer free legal representation to you, if:

1. You don't make a lot of money- less than 200% of the federal poverty guideline.
2. You don't already have a lawyer. If you pay a lawyer to represent on bond, you already have a lawyer, and you do not qualify.
3. Your first Immigration Court hearing is at Buffalo Federal Detention Facility in Batavia, NY.
4. You accept representation. "Yes, I want a free lawyer. I want you to represent me."

VLP will usually meet with you 3-4 days before your hearing. **Bring all of your papers with you.** They will ask questions to see if you are eligible. Although they try not to, sometimes VLP will meet with you the day of your first hearing.

If your lawyer is not at your hearing, there may be a problem. Tell the judge, "I want my free lawyer. I don't want to go forward today." Call the VLP phone number: **(716) 847 0752** and leave your name and A#. They won't call you back, but they will get the message. You can also write to:

**Volunteer Lawyers Project
8 South Lyon Street
Batavia, NY 14020**

Appendix E: Step By Step Guide to ECPDO and CPDO



STEP-BY-STEP GUIDE TO ECPDO & CPDO

(EARLY/CONDITIONAL PAROLE FOR DEPORTATION ONLY)

By Prof. Peter Markowitz, updated by Immigrant Defense Project 2021

1. What is ECPDO & CPDO?

The Board of Parole has the power to release some New York State prisoner into Immigration & Customs Enforcement (ICE) custody in order to be deported.

- ***Early Conditional Parole for Deportation Only (ECPDO)***
DOCCS releases a person for ECPDO to ICE for deportation before the person serves their minimum sentence, but only after serving at least one half of the minimum.
- ***Conditional Parole for Deportation Only (CPDO)***
DOCCS releases a person for CPDO to ICE for deportation after the person has served their minimum sentence.

2. Can I Get ECPDO or CPDO?

- ***You are eligible for ECPDO if you...***
 - a. Have served at least one half of the minimum term of your sentence, AND
 - b. Have a Final Order of Removal issued against you, AND
 - c. Have used up, or given up, all of your immigration appeals, AND
 - d. Have NOT been convicted of a Violent Felony offense.
- ***You are eligible for CPDO if you...***
 - a. Have served the minimum term of your sentence, AND
 - b. Have a Final Order of Removal issued against you, AND
 - c. Have used up or given up all of your immigration appeals.

2. Is ECPDO or CPDO a Good Decision For Me?

Getting ECPDO or CPDO has some very large advantages and also some very large disadvantages. Only after thinking about all the advantages and disadvantages can you decide whether it is a good decision for you to try and get ECPDO or CPDO.

- ***Advantages of ECPDO and CPDO***
 - a. Getting ECPDO should allow you to serve less time in New York State custody.
 - b. Getting granted ECPDO or CPDO should mean that you will not have an extended period of incarceration in immigration custody.
 - c. The Board of Parole may be more likely to grant you CPDO instead of regular parole when you have an immigration detainer. Therefore, CPDO may also allow you to serve less time in New York State custody if you cannot get regular parole.

- ***Disadvantages of ECPDO or CPDO***

- a. Getting granted CPDO or ECPDO means that you will be deported.
- b. For most people, after being deported **you will never be allowed to return to the United States**. This includes virtually everyone convicted of a controlled substance offense or a conviction classified as an “aggravated felony” under immigration law.
- c. Having family members in the U.S. does *not* mean that you will be allowed to return.
- d. Even if you receive paperwork saying you can apply to reenter after 5, 10, or 20 years, there are separate bars to reentering based on criminal convictions. You will not be able to automatically return after a certain number of years.
- e. If you reenter the U.S. illegally after being deported and are caught, you may be prosecuted and sentenced for the federal crime of illegal reentry. Max sentences range from 2 to 20 years, and the average sentence is 18 months per the USSC.

If you want to fight your deportation, ECPDO and CPDO are NOT for you. Seeking CPDO or ECPDO means giving up any chance to stop your deportation.

3. How Do I Get Granted ECPDO or CPDO?

There are two steps to getting granted ECPDO or CPDO. First, you must get a Final Order of Removal from the immigration judge. Second, you must get the Parole Board to grant you ECPDO or CPDO.

- ***How Do I Get A Final Removal Order?***

Usually Final Orders of Removal are issued by Immigration Judges. People serving felony time in New York State usually have their removal hearings while serving their New York time. Here is what you can do to get a final order of removal:

- a. If you are brought before an Immigration Judge you should: (1) admit that you are removable; (2) state that you “would like to be deported and would NOT like to apply for relief”; and (3) state that you “accept your removal order as final and waive your right to appeal.”
- b. If an ICE Officer asks you to sign paperwork agreeing to be deported you should sign the paperwork.
- c. If you have not been offered a paper to sign for your deportation and have not been scheduled for a hearing before an immigration judge, you or your friends or family can contact your ICE Officer or the ICE office at Buffalo.Outreach@ice.dhs.gov and tell them that you want to be deported and ask them to make that happen quickly. Be sure to include your alien number (A#).

CAUTION: *Once you get a Final Removal Order it is likely that you will NEVER be able to return to the United States. Do NOT try to get a Final Removal Order if you want to fight your deportation. It is a good idea to consult with an immigration attorney before*

- ***How Do I Get the Parole Board to Grant Me ECPDO or CPDO?***

NYS Division of Parole should automatically notify the Parole Board of inmates who are eligible for ECPDO or CPDO, and you should be scheduled for a hearing. If you have a Final Order of Removal and believe you are eligible for either ECPDO or CPDO and you have not been scheduled for a hearing you should contact your facility’s Offender Rehabilitation Coordinator. Once you are given a hearing it is up to the Parole Board to grant you ECPDO or CPDO.

4. I Have Been Granted ECPDO or CPDO, Now How Do I Get Immigration to Pick Me Up and Deport Me?

There are two things that must happen before Immigration will pick up people with ECPDO or CPDO from New York State DOCCS custody and deport them. First, your country must issue travel documents for you, giving ICE permission to return you. Second, ICE must make arrangements to transport you to your country. If you have been granted ECPDO or CPDO and are waiting for ICE to pick you up, you must find out whether step one or step two is holding up your removal. To find out, you or a loved one can e-mail ICE at Buffalo.Outreach@ice.dhs.gov (make sure you include your A# in your e-mail).

- ***How Do I Get My Country to Issue Travel Documents for Me?***

If you find out that the delay is because your country has not yet issued travel documents you can do two things:

- a. Collect all the documents you have which help show that you are from your home country (i.e. birth certificate, passport, national id card, school records, etc.) and send one copy to your nation's consulate (see Appendix) and send one copy to your ICE Officer. You should contact ICE at Buffalo.Outreach@ice.dhs.gov with questions about where to send documents and explain that the Board of Parole has granted you ECPDO or CPDO.
- b. You or your friends or family can also call your country's consulate and request that travel documents be issued. (see Appendix). It may take several phone calls – be persistent, keep calling.

- ***My Country Has Issued Travel Documents But Immigration Still Won't Pick Me Up, What Can I Do?***

After you are granted ECPDO or CPDO and ICE receives your travel documents from your home country, ICE should pick you up and deport you. Unfortunately, they often take a long time and there is very little you can do about it. You can have friends and family members e-mail Buffalo.Outreach@ice.dhs.gov or you can try calling your ICE Officer directly.

6. Once Immigration Picks Me Up, How Long Will I Have to Wait to Be Deported?

If you have been granted ECPDO or CPDO and are taken into Immigration Custody before you finish serving your maximum sentence, you should be deported quickly and should not have to spend much time in Immigration detention. Usually people are deported in days or weeks after ICE takes them into custody. It depends, in part, on the country of deportation. ICE has regular flights to certain countries but it may take longer if they need to charter a flight.

