

Immigration Arrest and Detention Preparation and Response

This brochure was prepared by the CUNY Citizenship and Immigration Project to provide general information to immigrants and their families on how to respond to immigration arrests. It is not a substitute for legal advice in a particular case. For a list of organizations offering free legal assistance in removal and deportation matters, visit www.usdoj.gov/eoir/probono/states.htm. If you need to hire a private attorney, call the NYC Bar Association Legal Referral Service, (212) 626-7373 or visit www.abcnyc.org/LRS/index.htm.

Be Prepared!

If you are concerned that you or a friend or relative may face immigration arrest, here is some information and documents to have available:

- The person's full name, aliases, date of birth, immigration file number, known as the "A" number (if he or she has one), and information about his/her entry into the United States.
- Documentation of any prior deportation orders, criminal arrests and convictions, and copies of all immigration documents filed by the person or on his/her behalf with USCIS. To find out if someone has ever been charged by ICE, call EOIR at (800) 898-7180.
- Information about factors that favor the person's release, such as ties to the community, family and employment history.
- Contact information for the person's home consulate. Consulates may be able to provide legal assistance and support to their nationals. Unlike in criminal cases, the U.S. government will not provide a free attorney to a detained individual.
- Designation of care for any children. Individuals may not be able to make arrangements for the care of their children once they are in ICE detention, so it is important that this is done beforehand.
- Power of attorney, authorizing an individual to act on the detainee's behalf.

Locating Someone Who Has Been Detained

When a person is arrested by ICE, he or she may be detained in the greater New York area or transferred

by ICE to an out-of-state facility. ICE should have information about the detainee's location within several hours of arrest or transfer. ICE does not have a central number to call to locate a detainee, so it may be necessary to call more than one ICE office. To find out where a detained person is being held, contact the ICE Field Offices of Detention and Removal Operations: New York Field Office, (212) 264-5085, New Jersey Field Office, (973) 645-3666, Upstate New York Field Office (Buffalo), (716) 551-4741 ext. 2500.

If the Field Offices do not have record of the detainee, it may just mean that he or she has not yet been entered into their computer system. You can call specific ICE Detention Facilities to determine if the person is being held in that particular facility. Below is a list of detention facilities in the greater New York area. If you are unable to find an individual at these detention facilities, call the Field Office numbers above until the detainee appears in the computer system. You may also call ICE national headquarters at (202) 305-2734.

New York Area Detention Facilities

Varick Street Field Office 201 Varick Street New York, NY 10014 (212) 863-3401	Elizabeth Detention Facility 625 Evans Street Elizabeth NJ 07201 (973) 622-7157
Hudson County Jail 35 Hackensack Avenue Kearny, NJ 07032 (973) 491-5566	York County Prison 3400 Concord Road York, PA 17402 (717) 840-7580

Contacting Someone Detained by ICE

Family, friends and attorneys may visit immigration detainees. Call the facility to find out about visitation restrictions and hours. Note that Federal detention centers conduct background checks on all visitors, including for immigration status. Undocumented



immigrants who visit a detention center may be detained and face removal (deportation).

To call a detainee, call the detention center and speak with the officer in charge of immigration detainees. Ask to speak to the detainee, or leave a message for the detainee to contact you. Keep in mind that all communication is monitored.

Requesting Release from Detention

A person detained by ICE for removal may be eligible for:

- Release on bond: the detainee pays a bond amount set by ICE or an immigration judge.
- Release on recognizance: the detainee is released without having to pay a bond. This is generally reserved for detainees with humanitarian reasons for release, such as someone suffering from a serious medical condition or a sole caregiver to young children.

Under some circumstances a detainee may face mandatory detention, without the right to bond. That happens usually because the person has serious criminal convictions or was previously ordered removed (deported). In rare cases this may be challenged.

To get a detainee released, first find out whether bond has been determined. You can find out by calling the field office and detention facility numbers mentioned before.

If ICE has not yet assigned bond, the detainee should request, in writing, to be released on recognizance or bond. If no bond or release determination has been made prior to the "Master Calendar" hearing (the first hearing in removal proceedings), ask the judge at the Master Calendar hearing to redetermine the bond. The judge may decide to have the bond hearing right then, or may reschedule another date for the bond hearing.

If ICE set bond, but it is too high for the detainee to post or ICE does not set bond, the detainee can ask the Immigration Court with jurisdiction over the place of detention for a bond hearing. The request for this hearing may be made in writing, orally, or by telephone if the immigration judge allows it. The telephone numbers of Immigration Courts are listed on the Executive Office for Immigration Review website at www.usdoj.gov/eoir.

The Bond Hearing

In deciding whether to grant bond, or how high to set it, the ICE officer or immigration judge will consider several factors, particularly whether the detainee is a danger to the community and/or a is not likely to appear for any future proceedings (a flight risk). Evidence of positive factors that demonstrate the detainee is neither a danger nor a flight risk should be presented at the bond hearing. Here are some examples.

- Testimony and supporting letters from family members, employers, and community and religious leaders. Letters should be addressed to the Immigration Judge, and should include the name and immigration status of the person writing the letter, and the relationship of the person to the detainee.
- A sworn declaration from a 'sponsor' stating that he or she will house and support the detainee. The sponsor must assure that the detainee will attend all appointments with ICE and the Immigration Court. The declaration must include the sponsor's full name, address, lawful immigration status in the United States, employment status, and relationship to the detainee.
- A statement by the detainee explaining past criminal conduct, if any. It should provide background into the circumstances of any arrests or convictions and how the detainee may have changed since then. Any drug abuse or domestic violence issues should also be explained. The adjudicator must be convinced that the detainee will not pose a danger to the community.
- Pay stubs and employer letter stating the current employment to which the detainee will return upon release. The letter should include the name of the employer, length of employment, job title, duties, hours and salary.
- Copies of U.S. birth or naturalization certificates or permanent residence cards of any close relatives, particularly parents, spouse and children.

After reviewing any oral or documentary evidence, the immigration judge will make a bond decision. If the detainee or ICE disagree with the judge, either party can appeal the decision to the Board of Immigration Appeals (BIA) within 30 days of the decision. If ICE appeals the bond decision, the detainee may not be permitted to post bond until the appeal is decided. While an appeal is pending, circumstances may change that may

convince a judge that the detainee deserves a more favorable bond decision. The detainee can ask the judge for a new decision at any time their circumstances change, even if the BIA is considering the appeal.

Posting (Paying) the Bond

Bond must be posted (paid) in person at the detention center where the person is detained, or at the ICE bond office (in New York City: ICE Detention and Removal Office, 26 Federal Plaza, Room 1104. Located on Broadway, between Worth and Duane Streets.)

Bond can be posted two ways:

1. Paid in full by certified check or money order (payable to "Department of Homeland Security"). The person posting the bond must have the detainee's 'A' number. This person must be at least 18 years old; must be either a U.S. citizen or lawful permanent resident; and must have a government issued I.D., such as an unexpired green card, a passport with I-551 stamp, a U.S. passport, or a Certificate of Naturalization or Citizenship. The person must also present a social security card.

Note: Immigration routinely performs background checks on people who post bond. Anyone with an outstanding warrant for arrest, individuals in the U.S. without legal immigration status, and permanent residents with criminal convictions should talk to an immigration law expert before posting bond.

2. Paid by an authorized bail bond agent. The bond agent posts the full amount of the bond in exchange for payment of a percentage of the bond each year until the bond is returned by ICE. Generally, these agents will accept business only from detainees with strong ties to the United States such as having family or owning property here. Collateral, such as property, savings or other things of value must be available to the bond agent. Check the Yellow Pages to find an authorized bail bond agent.

Getting the Bond Money Back

- If the person wins the case and is allowed to remain in the United States: The individual who posted the bond applies to the bond office once the proceedings have concluded and receives the money in about six months.
- If the person is ordered removed or if the detainee is granted voluntary departure: Once the individual is

removed, or departs voluntarily within the timeframe specified in the order, that individual must go to a U.S. consular office abroad and have form GS-146 verified by the consul. Once the ICE Detention and Removal Office receives the verified GS-146 from overseas, the bond is cancelled and the obligor is sent a letter on the procedure to recover the bond money.

If the individual does not satisfy all obligations set by ICE and the immigration court, such as attending all appointments, the bond money will be forfeited.

If You Pay for Immigration Assistance

If you are paying someone to help you with your immigration matter, know that you have the right to demand a written contract (in English and in your primary language) identifying all costs to be paid and services to be performed. The contract should include the name, address, and phone number of the person or business providing the immigration assistance to you. Also, you have the right to demand the return of any original documents that belong to you, including passports, green cards, and birth certificates. Additionally it is recommended that you ask for a copy of everything the lawyer is sending to USCIS on your behalf.

Be aware that there are immigration service providers, such as individuals who call themselves "notarios" or "experts", who charge fees for services that they may not be qualified to provide. In some cases, these non-lawyers are practicing law illegally. It is common for such persons to file false or inaccurate applications with the USCIS on your behalf, and the consequences for you may be severe – you may even end up in removal (deportation) proceedings. To avoid these problems, if you need an immigration attorney call the NYC Bar Association Hotline at (212) 626-7373. If you already have an attorney, you can make sure that he or she is licensed to practice law in New York State by calling the NYC Bar Association Hotline, or by looking up the attorney's name at <http://iapps.courts.state.ny.us/attorney/AttorneySearch>.



Where to Get FREE Help with Your Immigration Related Issues

We have centers that offer free assistance with naturalization cases and other immigration related cases. For the closest center in your area, see the list below. Contact us for an appointment.

CUNY Immigration Centers* Please call for an appointment

City College Immigration Center

(212) 650-6620
North Academic Center, Room 1-206
138th Street and Convent Avenue, New York, NY 10031

City Tech Immigration Center

(718) 260-5597
Department of Law and Paralegal Studies, Room N-622
300 Jay Street, Brooklyn, NY 11201

College of Staten Island, El Centro, and Project Hospitality Immigration Center**

(718) 273-6737
The Help Center, 514 Bay Street, Staten Island, NY 10301

CUNY Express Immigration Center

(212) 568-4692
560 West 181st Street, New York, NY 10033

Flushing Immigration Center

(718) 640-9223
39-07 Prince Street, Suite 2B, Flushing, NY 11354

Hostos Community College Immigration Center

(718) 518-4395
427 Walton Avenue, T-501, Bronx, NY 10451

LaGuardia Community College Immigration Center**

(718) 482-5139
International Students Office, Room M-166
31-10 Thomson Avenue, Long Island City, NY 11101

Medgar Evers Immigration Center

(718) 270-6297
1150 Carroll Street, Brooklyn, NY 11225

York College Immigration Center

(718) 262-2983
Welcome Center Atrium
94-20 Guy R. Brewer Boulevard, Jamaica, NY 11451

*All Services are FREE

**Part-time centers

For more information, please visit our website:

www.cuny.edu/citizenshipnow

WHAT TO DO IF YOU GET ARRESTED BY IMMIGRATION



Citizenship and Immigration Project

FREE Immigration Services for the People of New York

www.cuny.edu/citizenshipnow

The logo for CUNY, The City University of New York, featuring the letters 'CUNY' and a stylized figure of the Statue of Liberty.