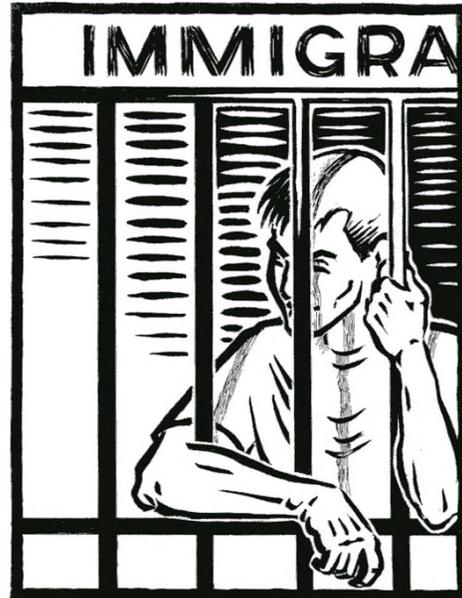


What to Do if You Are Arrested or Detained by Immigration

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Immigrants who are arrested or detained by Immigration have certain rights. These rights change, however, if you are arrested or detained at the border or in an airport. In these cases, you may have fewer rights.

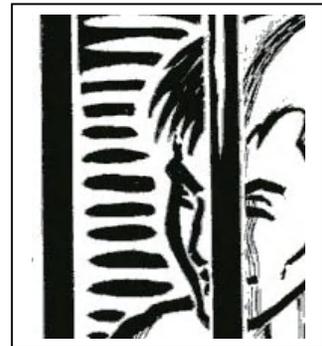
You probably have more rights if you are arrested by Immigration at work, on the street, after a traffic stop, or at home. If you are arrested and detained, it is important that you keep calm, and remember the following things:



- ✘ You have the right to remain silent. You should ask to speak to a lawyer.
- ✘ Do not sign anything without first talking to a lawyer. You may be signing away your right to see a lawyer or a judge.
- ✘ Write down the name and telephone number of the deportation officer assigned to your case.
- ✘ Do not take “voluntary departure” (that is, do not agree to leave the United States) without first talking to a lawyer. Signing a voluntary departure agreement means that you won’t get a hearing, you will have to leave the U.S., and you may never be allowed to enter the U.S. again or get legal immigration status.
- ✘ Do not sign “stipulated orders of removal” without first talking to a lawyer. Signing a stipulated order means that you waive your rights to a hearing before a judge and serves as a final order of removal (deportation) signed by the judge.
- ✘ Do not expect Immigration agents or the judge to explain your options, or to give you the right information. Wait to speak with a lawyer before saying or doing anything.

Portions of this document were adapted with permission from the National Lawyers Guild's Know Your Rights! pamphlet.

- ☑ You have the right to call an attorney or your family if you are detained. You have the right to be visited by an attorney in detention (Immigration jail).
 - ✘ You have the right to a lawyer, but the government will not pay for or provide that lawyer. You must hire one or find someone who will represent you for free. (Immigration should give you a list of groups you can call that may provide free or low-cost legal advice or representation.) If you see a judge before you can get legal advice, you should ask the judge for more time to find a lawyer.
 - ✘ You have the right to contact your consulate. Telephone numbers to your consulate are posted in the jail or you can ask the deportation officer for a list. Your Consul may help you obtain a lawyer.
- ☑ When you get a lawyer, you should tell the lawyer everything you think is important about your immigration case, including whether you have ever been arrested for a crime. It is important that anyone giving you legal advice knows everything about your case so that she or he can give you the best advice. It does not pay to lie or keep information from your lawyer.
- ☑ If you think that your boss reported you to Immigration because you complained about your working conditions, make sure to tell the lawyer this fact. If your boss did report you for this reason, you might be able to bring an official complaint against him or her.
- ☑ In most cases, Immigration must decide within 48 hours whether to put you into immigration proceedings (in front of a judge), and whether to keep you in custody or to release you on bond. After 72 hours, Immigration must give you a Notice to Appear (NTA). This is the notice that provides you with the information about your hearing before an Immigration Judge.
- ☑ In most cases, you have the right to ask to be released from detention by paying a bond, or to ask for a bond hearing in front of a judge. (Bond is an amount of money paid to the government to guarantee that you will attend future court hearings.) The judge, though, may order that you stay in detention if the judge decides that you might not show up for your court hearing or that you are dangerous to others.
 - ✘ If you have to leave the U.S., try to speak with an immigration lawyer before leaving. If you leave, you may not be allowed to come back into the country for a certain number of years. It is important you know this before you leave, because if you come back earlier than you're allowed to, you can be arrested for having committed a serious crime.
 - ✘ If you are afraid to return to your home country, notify your deportation officer and the court immediately. You may be eligible to file a claim for asylum or other relief.



- ✘ If you have been convicted of any criminal offenses, it is extremely important to contact an immigration lawyer that is experienced in matters involving immigration consequences of criminal convictions. If you have a criminal record/conviction, get a copy of your certified transcript from the criminal court.
- ✘ If you are not given a hearing before an immigration judge, find out why and let your lawyer know immediately.