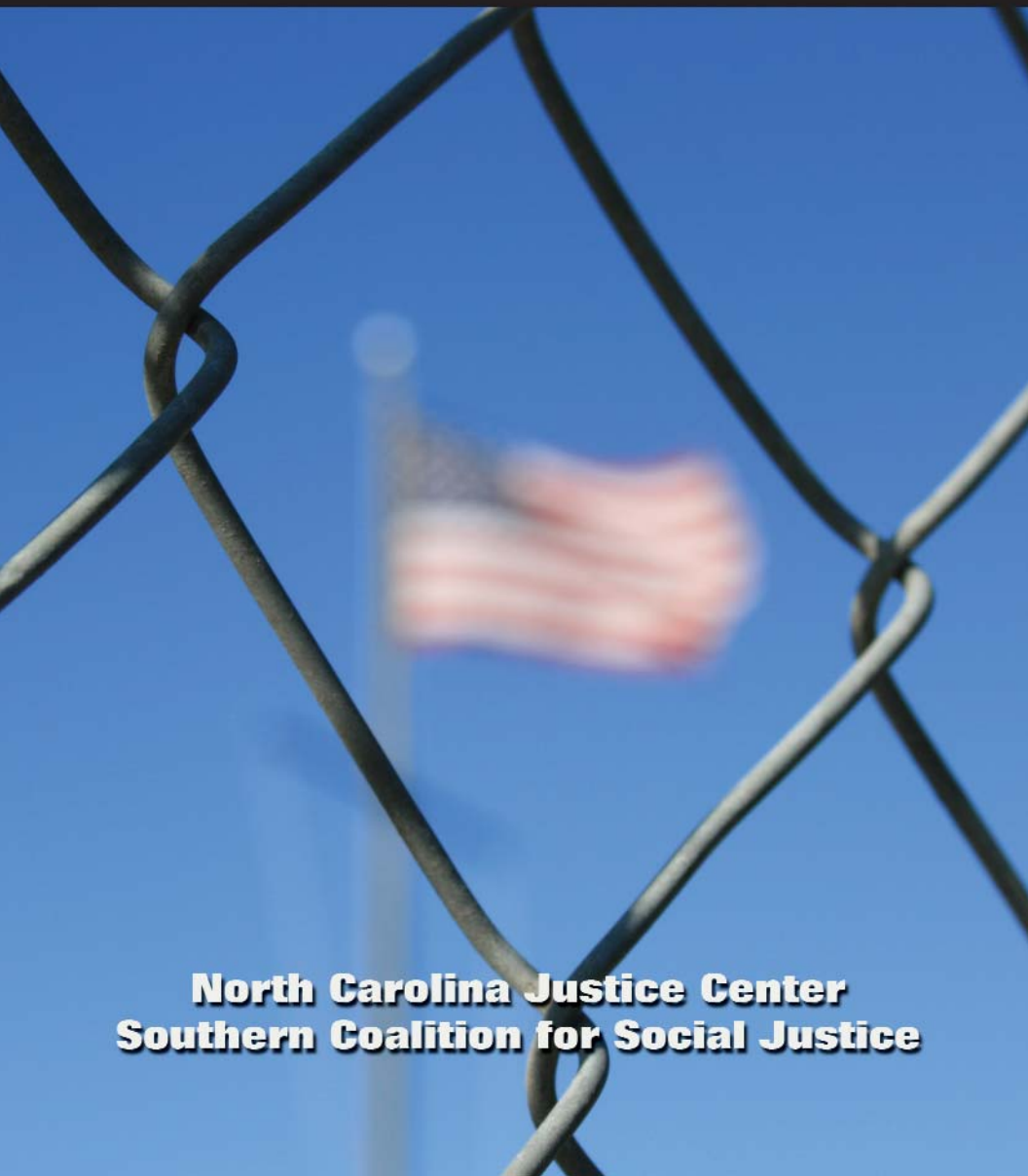


Picked Up

A Guide for Immigrants Detained in North Carolina



**North Carolina Justice Center
Southern Coalition for Social Justice**

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North Carolina Justice Center
Southern Coalition for Social Justice

*Generous funding for this handbook
provided by Equal Justice Works and
Brier Creek Circle of Giving.*

This handbook is for immigrants

who have been detained in North Carolina as well as their friends and family members. It was written by attorneys and community organizers at the North Carolina Justice Center and the Southern Coalition for Social Justice based on what we have learned from working with immigrant communities. These nonprofit organizations advocate with low-income immigrants and are not affiliated with any agency of the United States government.

We believe that all immigrants and their families should have access to the information they need to navigate the complex and often inhumane system of detention and deportation. This handbook contains important information that we hope will help you and your family make informed decisions for yourselves.

It is a good idea to read the whole handbook. This handbook is not intended as legal advice. Whenever possible, you should consult a lawyer about your particular case. Please note that some policies and procedures may have changed. This information is correct as of August 2010.

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■ Why am I being detained?

Recently, more and more immigrants are being detained and deported.

United States Immigration and Customs Enforcement (also known as ICE) is a federal agency that, among other things, arrests, detains and deports immigrants. ICE can deport people who enter the United States without proper papers. ICE can deport people who overstay a visa or do not follow the rules of their visas. ICE can even deport lawful permanent residents (green card holders) who have certain crimes on their records. The only people who can never be deported are United States citizens.



In many counties in North Carolina, local police participate in programs to help ICE find people who can be deported. One result of these programs is that many immigrants are facing deportation after being arrested for minor crimes.

In some cases, people are arrested just because they look like immigrants. This is called racial profiling and is against the law. If you think you have been racially profiled and want to report the abuse, write a letter (no more than 3 pages) to:

American Civil Liberties Union of North Carolina
P.O. Box 28004
Raleigh, NC 27611

Thousands of immigrants are being unjustly detained and deported because the system of immigration laws and enforcement in the U.S. is broken.

■ Common Immigration Enforcement Programs in North Carolina

287(g) jail program

ICE makes an agreement to let local police enforce immigration law. When police arrest an immigrant and take him to jail, they try to find out if he has legal status in the U.S. If they think he does not, they work with ICE to start an immigration case against him.

“Secure Communities”

Police check fingerprints in federal databases for everyone who is arrested. If the database indicates that someone does not have legal status in the U.S., ICE gets notice and can begin an immigration case against him.



Criminal Alien Program (CAP)

ICE makes agreements with jails and prisons to find out which people do not have legal status in the U.S. ICE can then begin an immigration case against them.

ICE Fugitive Operations or Investigations

ICE arrests people who already have a deportation order but have not left the U.S. ICE also arrests people who have crimes on their records or who do not have the right to stay in the U.S. ICE can then begin an immigration case against them or begin the process of deporting them.

■ What can I expect to happen to me?

Depending on your particular case, the process of detention and deportation may vary. In general, this is how it works:

[To see how paying bond changes this process, see page 15. To see how taking “voluntary return” changes this process, see page 22.]

If you were arrested by ICE instead of police, you will be taken to an immigration detention center. ICE then starts an immigration case against you. If you were already ordered deported, you will not have an immigration court hearing.

ARREST BY ICE:



If you are arrested by police and ICE believes you are in the U.S. illegally, ICE usually puts a “detainer” on you, also called an “ICE hold.” A detainer asks the jail to hold you so that ICE can pick you up.



If there are criminal charges against you (such as driving without a license, DWI or domestic violence), you first have to go to court for your criminal case. Make sure your public defender or criminal defense attorney knows that the outcome of your criminal case may affect your immigration case. Be especially careful about taking a guilty plea.

When your criminal case is over or you pay your criminal bail, instead of being released, you are picked up by ICE. ICE moves you

to an immigration detention center and then starts an immigration case against you. ICE puts you in removal proceedings, which means ICE is trying to deport you. ICE gives you a paper called a “Notice to Appear.” This document lists the immigration laws that ICE thinks you have violated.

ARREST BY POLICE:



Notice to Appear

This is your **“alien registration number”** or **“A number.”** It is your immigration case number. It appears on all of your immigration documents. Give this number to your family. It can help them stay in touch with you and find information about your case.

U.S. Department of Homeland Security

Notice to Appear

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

Subject ID : PTN #: 1096527254 File No: **A 123456789**
DOB: Event No: RDU101000280

In the Matter of: _____

Respondent: JOHN F. BAKER PUBLIC SAFETY OFFICER 330 S CALLETON STREET SAULTON, NC 27162 - BALTIMOR currently residing at: _____
NORTH CAROLINA 27602
(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 MEXICO and a citizen of MEXICO;
3. You arrived in the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:
212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

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:

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

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: 07/09 MICHAEL KILD SUPERVISORY DEPORTATION OFFICER
BALTIMOR, NC (Signature and Title of Issuing Officer)

_____ (City and State)

See reverse for important information

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

**Some people do not get a “Notice to Appear.”
You might get one of these
documents instead:**

**Order to Show Cause
Form I-110
Form I-122**



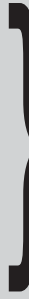
You are in “deportation” or “exclusion” proceedings, which means your immigration case started before 1997. Some parts of this handbook may not apply to you.

**Warning for Failure to Depart
Form I-229(a)**



You were ordered deported before, but you did not leave the U.S. You will not go to immigration court before being deported. Some parts of this handbook may not apply to you.

**Warning for Failure to Depart
Form I-229(a)
Form I-871
Re-Instate Prior Order**



You reentered the U.S. illegally after being deported or taking voluntary departure. You will not go to immigration court before being deported. Some parts of this handbook may not apply to you.

■ Where are they taking me?

When ICE picks up people in North Carolina, it usually takes them to local jails that have contracts with ICE. ICE then usually moves people to larger detention centers in South Carolina, Georgia or Alabama. You may be moved a few times to several detention centers. Ask for the complete name of the detention center every time you are moved.

See page 34 for the addresses and phone numbers of immigration detention centers.

♥ FAMILY: How to locate your loved one

CAUTION: If you do not have legal status, do not put yourself at risk. Do not give your name or address to ICE over the phone.

- Go to this webpage on the internet: www.ice.gov/locator
This is called the Online Detainee Locator System (ODLS). Use your loved one's country of birth and complete name or "alien registration number" to find out where he is being held.
- Or, call the jail in the county where your loved one was arrested.
- Your loved one may be moved to several jails in North Carolina, South Carolina, Georgia, or Alabama. It can be difficult to locate someone, so be persistent.
- Make sure that you are able to receive collect calls from jails and detention centers in case your family member tries to call you. Call your phone company to remove any blocks on your phone. Many cell phones cannot receive collect calls.

■ What are my rights in detention?

■ RIGHT TO REMAIN SILENT

You are not required to answer any questions about where you were born or your legal status. You do not have to admit that you are not a U.S. citizen or that you are “illegal” or “undocumented.” You have the right to refuse to answer questions or sign anything until you speak with your lawyer.

If you do not admit where you were born or that you do not have legal status in the U.S., ICE may have a harder time proving that you are not a U.S. citizen, which it must do to deport you.

■ PHONE CALLS

When you are detained, you have the right to make a phone call to a family member or your lawyer. You also have the right to call your home country’s consulate for free. You will not be able to make phone calls while you are traveling from one jail to another. All of your phone calls will be monitored, except calls to your lawyer.

When you call your family, tell them the name of the jail where you are being detained. Tell them your “alien registration number,” which is the 8 or 9 digit number beginning with the letter “A” that appears on all your immigration documents.

■ PROPERTY

The jail will take your personal property when they book you in. It will be stored until you are released from that jail. Your property will be moved with you when you are transferred to another jail. Ask the jail staff how you can give permission for a friend or family member to pick up your property like your car keys or your cell phone.

■ CONDITIONS

You have the right to be treated humanely and housed in decent conditions. If you have a complaint about the conditions of detention, you can request a grievance form from the staff. If you have a complaint about staff misconduct or abuse, you can contact the Office of the Inspector General of the Department of Homeland Security at 1-800-323-8603. Or you can send a letter for free to:

DHS OIG HOTLINE
245 Murray Drive, SE
Building 410
Washington, DC 20538

Should I sign the papers ICE gives me?

You should never sign something if you cannot read it or do not understand what it means. You have the right to ask to speak to your lawyer before signing something.



Sometimes ICE will ask you to sign a document just to acknowledge that you received it. As long as you understand what you are signing, it is okay to acknowledge that you received a document.

If ICE wants you to sign for Voluntary Departure, don't let them intimidate or rush you. Make this decision carefully. See page 22 for information about Voluntary Departure.

If ICE wants you to sign a "Stipulated Order of Removal," be very careful. You probably want to speak to an immigration lawyer before signing this document.

♥ FAMILY: Phone calls

At most detention centers, your loved one will not be able to receive calls from you. He can call you collect. Call your phone company to make sure there are no blocks that prevent you from receiving collect calls. Many cell phones cannot receive collect calls.

If your family member is detained in one place for a while, you can deposit money so that he can buy phone cards from the commissary. Call the detention center where your loved one is located to find out how to deposit money into his inmate trust account. See page 34 for phone numbers.

If your loved one is at North Georgia Detention Center or Stewart Detention Center, you can send a money order payable to your loved one to:

CCA Inmate Trust
(your loved one's first and last names)
(your loved one's commissary number)
(name of the detention center)
P.O. Box 933488
Atlanta, GA 31193-3488

Can I get out of detention?

If ICE puts an immigration detainer on you, you cannot get out of detention unless both the state releases you and ICE releases you.

▶▶▶ DO NOT PAY YOUR CRIMINAL BAIL unless ICE is releasing you or a lawyer is requesting an immigration bond for you. If you pay your criminal bail and ICE does not release you, ICE picks you up and moves you to an immigration detention center. If this happens, you will probably lose your criminal bail money because you cannot go to your criminal hearing. Also, you cannot defend yourself against your criminal charges, and the state criminal court may sign a warrant for your arrest.

ICE makes the first decision whether to detain or release you. ICE decides to do one of 3 things:

1. keep you in detention (page 15)
2. set an immigration bond (page 15)
3. release you on your own recognizance (page 14)

ICE gives you a form called “Notice of Custody Determination” that says its decision ▶

U.S. Department of Homeland Security **Notice of Custody Determination**

Agency Case No. _____ Date 10/28/2009
ICE No. 1005247154

Permits to the authority contained in section 239 of the Immigration and Nationality Act and part 239 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, and if you are taken into custody for removal, you shall be:

detained in the custody of the Department of Homeland Security.
 released under bond in the amount of \$ _____
 released on your own recognizance.

10 You may request a review of the determination by an immigration judge.
11 You may not request a review of the determination by an immigration judge because the immigration and nationality law prohibits your release from custody.

Departmental Determination Officer: [Signature] 5 DDO
(Title of individual)

12 If I do not request a redetermination of the custody decision by an immigration judge, I acknowledge receipt of this notification.

13 [Signature] (Date) 10/28/09

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

Investigation Only DHS Official Bond or Immigration Appointee

The results of the review classification are determined as:

No change - Original determination is upheld Release - Order of Recognizance
 Detain in custody of this Service Release - Personal Recognizance
 Bond amount revised Other: _____

Department Officer: _____

Form I-106 (Rev. 06/08/07)

■ Release On Your Own Recognizance

ICE may release you and set appointments when you have to meet with ICE. This is called “Release on Your Own Recognizance.” For example, you might be released if you are the only person who takes care of your children or an extremely sick family member. Tell the ICE officer if you have a special situation like this. ICE may require proof of your situation, such as a doctor’s letter or your children’s birth certificates. You can ask ICE to release you on your own recognizance.



If you have a pending criminal case, you may also have to pay your criminal bail to be released.

Make sure that ICE has your correct address so that you can receive notices about your immigration case.

After you are released, you will most likely be required to go to regular appointments with ICE at this address:

6130 Tyvola Centre Dr.
Charlotte, NC 28217

This is not a court hearing. Usually it is a routine appointment where you will need to wait for a while, sign in, and then you can leave. You do not need a lawyer to go with you. These appointments are a way for ICE to know that you have not run away to avoid your court date.

It is very important that you go to all of your appointments. If you miss an appointment, you may be arrested again.

IF YOU GET OUT OF DETENTION, SEE THE SPECIAL SECTION ON PAGE 28.

■ Immigration Bonds

■ WHAT IS AN IMMIGRATION BOND?

An immigration bond is money that you pay to ICE to guarantee that you will show up to your immigration court hearing. If you are allowed to stay in the U.S., you will get 100% of the money back after you go to all your court hearings. If you are required to leave the U.S., you will get 100% of the money back only after you go to all your court hearings and return to your home country. A bond is not a bribe.

An immigration bond is different from criminal bail. Criminal bail is money you pay to the state court to guarantee that you go to your state criminal court hearing.

In order to get out of detention, you will probably have to pay both your criminal bail and an immigration bond.

▶▶▶ DO NOT PAY YOUR CRIMINAL BAIL unless ICE is releasing you or a lawyer is requesting an immigration bond for you. If you pay your criminal bail and ICE does not release you, ICE picks you up and moves you to an immigration detention center. If this happens, you will probably lose your criminal bail money because you cannot go to your criminal hearing. Also, you cannot defend yourself against your criminal charges, and the state criminal court may sign a warrant for your arrest.

There are two main ways to get an immigration bond:

1) directly from ICE, or 2) from the immigration judge.

1) IMMIGRATION BOND GIVEN BY ICE

ICE may set an immigration bond for you. Look for the amount on your “Notice of Custody Determination” form. If you do not receive an immigration bond, you have the right to ask ICE for one.

If ICE sets an immigration bond for you, see page 19 for how to pay it.

2) IMMIGRATION BOND GIVEN BY THE IMMIGRATION JUDGE

If ICE does not set an immigration bond for you and decides to keep you in detention, you may still be able to ask the immigration judge for an immigration bond.

It can be hard to get an immigration bond. If you have serious crimes on your record, you may not be able to get an immigration bond or even a bond hearing. Also, if you are transferred out of North Carolina, you will be in the Atlanta court system and will probably not be able to get a bond unless you have a legal case to stay in the U.S.

You probably need a lawyer to request a bond from the immigration judge. If you cannot get an immigration bond or your family cannot afford to pay it, you have to stay in detention.



If the immigration judge sets an immigration bond for you, see page 19 for how to pay it.

■ FREQUENTLY ASKED QUESTIONS ABOUT IMMIGRATION BONDS

SHOULD I TRY TO GET AN IMMIGRATION BOND FROM THE IMMIGRATION JUDGE?

This is a decision that only you and your family can make. Trying to get an immigration bond **may** be a good idea for you if:

- you have friends and family members who can pay your bond
- you have a way to fight your case to stay in the U.S.
- you do not have serious crimes on your record

HOW MUCH DOES AN IMMIGRATION BOND COST?

An immigration bond from a judge will be at least \$1500. The amount often depends on your criminal record and if you have a case to stay in the U.S. permanently. If the judge thinks you might not show up to court or will commit more crimes, you will get a high bond or no chance to pay bond at all. For example, if you were arrested once for DWI, your bond will probably be at least \$5000 because DWI is a serious, dangerous crime.

HOW CAN MY FAMILY AFFORD AN IMMIGRATION BOND?

Your family can try to gather money from friends, family members, your church and organizations. As a last resort, they can look for a bonding company that charges money to post an immigration bond for you. Be very careful when using a bondsman. Your family should read all the fine print and make sure they understand what they are agreeing to.

AFTER THE BOND IS PAID, WHEN WILL I BE RELEASED?

You will likely be released in the afternoon or evening the same day the bond is paid. A family member should meet you outside the jail or detention center.

See page 34 for addresses of the detention centers.

IF I PAY MY IMMIGRATION BOND, WILL I BE ABLE TO STAY IN THE U.S. PERMANENTLY?

No. Bond only lets you out of detention while the immigration court makes a decision about your case. It does not let you stay in the U.S. permanently.

WHAT HAPPENS IF ICE MOVES ME TO ANOTHER DETENTION CENTER OR TO ANOTHER STATE BEFORE MY FAMILY PAYS MY IMMIGRATION BOND?

If an immigration judge already set an immigration bond for you, your family can still pay the bond, and you will be released.

FAMILY: How to help your family member get an immigration bond

Gather documents that prove your family member is an important part of your family and the community. Give these documents to the immigration lawyer who is working with you.

■ **EXAMPLES OF DOCUMENTS TO GATHER:**

- Birth certificates of your loved one's U.S. citizen or permanent resident minor children
- Letters from doctors or therapists explaining health conditions if children who are citizens or residents have serious health conditions
- Letter from your loved one's employer proving that she has a job
- Certificates or titles proving that your loved one owns property
- Tax returns proving your loved one paid taxes
- Support letters from friends, community leaders and family members. The people who write these letters must have legal status in the U.S.

■ **HOW TO WRITE A SUPPORT LETTER:**

- Address it "To Whom It May Concern."
- Use only one page of paper.
- Type or print clearly and neatly.
- Write the letter in English or include an English translation.
- Introduce yourself. Write your complete name, address, and phone number.
- Write your immigration status.
- Explain who you are (for example, your age, job, or community role).
- Explain how you know the detained person and how long you have known her.
- Be specific. Write about specific experiences or conversations you had with this person that made you believe she is a good person.
- Write about the person's family life and involvement in the community. Has this person worked hard to raise a family and create a home here? Why do you admire her? Why do you believe the person should get out on bond?
- Sign the letter.

FAMILY: How to pay an immigration bond

If ICE or the immigration judge sets an immigration bond for your loved one, you or someone you trust needs to pay the bond. The person who pays the bond must have legal status in the U.S. [Caution: If the person who pays the bond does not have legal status, he or she may be detained.]

The person who pays the bond should be someone you trust because the bond money will be returned to him or her. If you do not know anyone who can pay the bond for you, some bonding companies will pay a bond for you for a fee. Be careful if you use a bonding company. Read all the fine print, and make sure you understand what you are agreeing to.

■ **WHEN TO PAY THE BOND:**

If the judge sets an immigration bond, you can pay the bond the next day. You can still pay the bond even if your loved one is moved. You must pay the bond at least 1 day before your loved one's immigration court hearing.

■ **WHERE TO GO:**

**In North Carolina, the only place you can pay an immigration bond is:
6130 Tyvola Centre Dr.
Charlotte, NC 28217**

The office is open from 8 a.m. to 2 p.m. Arrive as early as possible, and be prepared to wait all day. Do not worry if it takes a long time. This is normal. If you live in another state, you can pay the bond at any ICE bond office closer to where you live.

■ **WHAT TO TAKE WITH YOU:**

- loved one's full name, nationality, date of birth, phone number
- loved one's "alien registration number"
- street address in the U.S. where your loved one will live when she is released
- certified check from a bank or a money order from a post office (not a money order from a tienda) made out to: Immigration and Customs Enforcement. Do not write your loved one's name on the check or money order.
- name of the jail or detention center where your loved one is
- your name, address, phone number
- your valid ID

Keep all the paperwork you receive in a safe place. You will need it to get the bond money back.

Can I stay in the United States and avoid being deported?

Consider these statements.

Check the box next to the statements that are **TRUE** about you:

- My parent was a U.S. citizen when I was born or became a U.S. citizen before I turned 18 years old.
- I have a U.S. citizen spouse, parent or son/daughter who is at least 21 years old, **AND**
I entered the U.S. legally.
- I have a U.S. citizen spouse, parent or son/daughter who is at least 21 years old, **AND**
someone filed an immigration petition for me on or before April 30, 2001.
- My U.S. citizen or permanent resident parent, brother, sister, or spouse filed an immigration petition for me a long time ago, **AND**
it was approved.
- I have had a green card for at least 5 years, **AND**
I entered the U.S. legally, **AND**
I have resided continuously in the U.S. for 7 years, **AND**
I have never been convicted of a serious crime.
- I have lived in the U.S. for at least 10 years, **AND**
I have never been convicted of a serious crime, **AND**
my U.S. citizen or permanent resident children/spouse/parents have very unusual special problems, like serious medical conditions.
- I have been abused by my spouse or parent who is a U.S. citizen or permanent resident.
- I have been abused by my U.S. citizen son or daughter who is at least 21 years old.

- I am afraid I will be tortured if I return to my home country, AND I can prove it.
- I am afraid I will be persecuted in my home country because of my race, religion, nationality, political opinion, or social group, AND I can prove it. Or I fear for my life due to domestic violence in my home country, AND I can prove it.
- I have lived in the U.S. since January 1, 1972.
- I am from Nicaragua, Cuba, El Salvador, Guatemala, or a former Soviet Bloc country, AND I entered the U.S. in or before 1990, AND I applied for asylum or special benefits.
- I am from Cuba and was paroled into the U.S. at least 1 year ago.
- I was the victim of a serious crime, AND I cooperated with law enforcement officials investigating or prosecuting the crime.
- I was the victim of human trafficking.
- I am under 18 years old, AND I have been abused, neglected or abandoned, AND a U.S. juvenile court declared me a dependent.
- I am from Haiti, El Salvador, Honduras, Nicaragua, Somalia, or Sudan, AND I applied for Temporary Protected Status (TPS).
- I am from Liberia, AND I had TPS on September 30, 2007.

If you checked any of these boxes, you may want to talk to a lawyer. You may be able to fight your case and apply to stay in the United States. You should not take voluntary departure or voluntary return if you want to fight your case to stay in the United States.

■ What happens if I cannot stay in the U.S.?

There are three main possibilities:

1. VOLUNTARY DEPARTURE FROM ICE:

If there is no way for you to fight your case to stay in the U.S., you can ask ICE for Voluntary Departure, which is also called Voluntary Return.

Signing for Voluntary Departure means you admit that you are in the U.S. illegally and you agree to leave the U.S. instead of going to immigration court. You will not be let out of detention before you leave. You still have to finish your criminal case. After that, ICE moves you to an immigration detention center and then sends you back to your home country. For Mexico, this usually takes about 1 month. For other countries, it may take longer. There is no way to make this happen faster.

In many cases, Voluntary Departure is better than being deported. If you get Voluntary Departure, you still have to leave the U.S. However, you will not have a removal or deportation order on your record. This may make it easier for you to apply to come back in the future.

(Note: If you have been in the U.S. illegally for 1 year or more, you will not be allowed to come back for at least 10 years. There are few exceptions to this rule.)

Warning: ICE sometimes wants you to sign for Voluntary Departure right away. Don't let them intimidate or rush you. Make this decision carefully.

Voluntary Departure **may** be your best option if:

- There is no way to fight your case to stay in the U.S. (see p. 20)
AND
- You are detained.
AND
- You cannot get an immigration bond, or your family cannot afford to pay it.

ICE does not have to give you Voluntary Departure. ICE likely will not give you Voluntary Departure if you have serious crimes on your record, if you were given Voluntary Departure before, or if you were ordered deported already.

This is the form ICE usually has you sign for Voluntary Departure:

U.S. Department of Homeland Security		Notificación de Derechos y Solicitud de Resolución	
Subject ID :		Event No:	
FINS #:		Expediente No: .	
Nombre: _____			
NOTIFICACIÓN DE DERECHOS			
<p>Usted ha sido detenido porque los oficiales de Inmigración opina que se encuentra en los Estados Unidos ilegalmente. Tiene derecho a una audiencia ante el Tribunal de Inmigración, con el fin de decidir si puede permanecer en los Estados Unidos. En el caso de que Usted solicite esa audiencia, pudiera quedar detenido o tener derecho a la libertad bajo fianza hasta la fecha de la audiencia. Tiene la opción de solicitar el regreso a su país a la brevedad posible, sin celebre la audiencia.</p> <p>Usted tiene derecho a comunicarse con un abogado u otro representante legal para que lo represente en la audiencia, o para responder a cualquier pregunta acerca de sus derechos conforme a la ley en los Estados Unidos. Si Usted se lo pide, is funcionario que le haya entregado esta Notificación le dará una lista de las asociaciones jurídicas que podrían representarlo gratuitamente o a poco costo. Tiene derecho a comunicarse con el servicio consular o diplomático de su país. h e d c usar el teléfono para llamar a un abogado, o a otro representante legal, o a un funcionario consular en cualquier momento anterior a su salida de los Estados Unidos.</p>			
SOLICITUD DE RESOLUCION			
Iniciales	<input checked="" type="checkbox"/>	Solicito una audiencia ante el Tribunal de Inmigración que resuelva si puedo o no permanecer en los Estados Unidos.	
Iniciales	<input checked="" type="checkbox"/>	Considero que estaría en peligro se regreso a mi país. Mi caso se trasladará al Tribunal de Inmigración para la celebración de una audiencia.	
Iniciales	<input checked="" type="checkbox"/>	Admito que estoy ilegalmente en los Estados Unidos, y no considera que estaría en peligro se regreso a mi país. Renuncio a mi derecho a una audiencia ante el Tribunal de Inmigración. Desco regresar a mi país en cuanto se pueda disponer mi salida. Entiendo que pudiera permanecer detenido hasta mi salida.	
Firma del sujeto		Fecha	
CERTIFICATION OF SERVICE			
<input checked="" type="checkbox"/> Notice read by subject			
<input type="checkbox"/> Notice read to subject by _____, in the _____ language.			
Name of Immigration Officer (Print)		Name of Interpreter (Print)	
Signature of Officer		Date and Time of Service	
Form I-826 (08/01/07)			

2. VOLUNTARY DEPARTURE FROM THE IMMIGRATION JUDGE:

[IF YOU ARE NO LONGER IN DETENTION, THIS SECTION DOES NOT APPLY TO YOU. SEE PAGE 29 INSTEAD]

If there is no way to fight your case to stay in the U.S. and you did not get Voluntary Departure from ICE, you can request Voluntary Departure from the Immigration Judge.

You cannot get Voluntary Departure if you have a serious crime, called an “aggravated felony,” on your record. It may also be difficult to get Voluntary Departure if you have been arrested many times for minor crimes.

■ YOU CAN REQUEST VOLUNTARY DEPARTURE FROM THE IMMIGRATION JUDGE AT TWO DIFFERENT TIMES:

AT YOUR FIRST HEARING

If there is no way for you to fight your case, at your first hearing you can tell the Immigration Judge that you want Voluntary Departure. This is often called Voluntary Departure Under Safeguards. The judge can give you Voluntary Departure instead of deporting you. This means your family has to purchase a Y class plane ticket for you to leave the country. You will not be let out of detention before you leave.



Here's what you can expect to happen at your first immigration hearing if you are asking for Voluntary Departure:

- The judge asks your name and what language you speak. The court gets an interpreter in your language.
- The judge explains that you have a right to find your own lawyer.
- The judge asks if ICE gave you a document called “Notice to Appear.”

- The judge asks you to admit or deny what the “Notice to Appear” says. If you are asking for Voluntary Departure, you have to admit that you are not in the U.S. legally.
- When the judge asks you what type of relief you are seeking, you can say, “Voluntary Departure.”

AT THE END OF YOUR LAST HEARING

If you fight your immigration case but then lose, you can then ask the immigration judge for Voluntary Departure. This is called “post-conclusion” Voluntary Departure. It is harder to get Voluntary Departure at the end of your hearing because you have to prove:

1. that you have been in the U.S. for the past year,
2. that you do not have serious crimes on your record.
3. that you intend to leave the U.S.

3. REMOVAL

If there is no way for you to fight your case and you did not get Voluntary Departure, you will be removed. Removal, often called “deportation,” is when an immigration judge orders you to leave the U.S. because you have no right to stay. The government then arranges to send you back to your home country.

If you are removed, in most cases you are not allowed to come back to the U.S. for at least 10 years. If you are removed because you have a serious crime on your record, you will never be able to come back to the U.S. There are few exceptions to these rules.

If you try to come back to the U.S. illegally after being ordered removed, you can be put in prison, and you will be barred from coming back to the U.S. Plus, you can be ordered removed again without the chance to go to immigration court. This is called “reinstatement of removal.”

■ How does immigration court work?

Once you are moved to Georgia or Alabama, you are given an immigration court date. On your court date you talk to the immigration judge either in the courtroom or by video conference.

If you are released from detention, you will probably be given a court date in Charlotte, North Carolina. You must go in person to the court. If your court date is still scheduled in Atlanta, you may need an attorney to help you move the hearing to Charlotte. [See page 28 for what to do if you are released from detention.]

An interpreter who speaks your language will help you communicate with the judge.

[See page 34 for addresses of the immigration courts.]

There are two types of immigration hearings:

1. “Master Calendar Hearing”

At this first kind of hearing, the immigration judge finds out if you have a lawyer and if there is a way for you to fight your case to avoid being deported.

- If you want to look for a lawyer, you may ask the judge for more time to do that. The judge may then set a date for another “Master Calendar Hearing” for you.
- If there is no way for you to avoid being deported, you can ask the judge for Voluntary Departure. [See page 22 to learn about Voluntary Departure.] If you get Voluntary Departure or are ordered removed, this will be your last immigration hearing.
- If there is a way for you to fight your case to avoid being deported, the judge will set a date for your “Individual” or “Merits Hearing.”

2. “Individual Merits Hearing”

At this second type of hearing, you present evidence to prove that you should be allowed to stay in the U.S. You will not ever get an “Individual Merits Hearing” if there is no way to fight your case.

■ HOW TO FIND OUT YOUR IMMIGRATION COURT DATE AND LOCATION

Call the Immigration Court Information System at **1-800-898-7180** to find out information about your immigration case. It is safe for anyone to call this number. You need to have your “alien registration number” to use the automated system. Your “alien registration number” starts with the letter A and appears on all your immigration paperwork. The automated system is also available in Spanish. Your “alien registration number” may not be found in this system for a few weeks. Keep checking.

■ Can I get a lawyer?

You have the right to have a lawyer represent you in immigration court. However, the government will not find or pay for a lawyer for you.

There are very few lawyers who represent people for free in immigration court. If you believe you can find a lawyer to represent you, you may ask the judge for more time to do so.

If you cannot find a lawyer, you have the right to represent yourself in immigration court. Ask if the detention center has a legal orientation program where you can learn more about immigration law and get help preparing your case.

If you think you can get an immigration bond, want help with Voluntary Departure, or need advice:

Southern Coalition for Social Justice
919-323-3380

If you think you can fight your case to stay in the U.S.:

North Carolina Justice Center
1-888-521-2776 (Tuesdays from 9-5 only)

If you are a victim of domestic violence:

Legal Aid of NC — Battered Immigrant Project
1-866-204-7612

If you can afford a private lawyer: Many immigration lawyers can be found online at www.aialawyer.com. Be sure to get a written contract that says how much you will pay and exactly what the lawyer will do for you.

WARNING: ICE officers and police are not lawyers or judges. Their job is to detain and deport immigrants. Do not take legal advice from them. Only lawyers who specialize in immigration law should give you legal advice.

■ **SPECIAL SECTION: I got out of detention. What now?**

Getting out of detention does NOT mean that you have the right to stay in the U.S. You must still attend all your court hearings for your criminal case. You must still attend all your appointments and court hearings for your immigration case.

■ **FIND OUT YOUR IMMIGRATION COURT DATE AND LOCATION:**

It is your responsibility to show up to court at the right time and place. If you miss your court date, the judge will order you deported, and you may be arrested again.

There are two ways to check your court date & location:

1) The Immigration Court will mail a letter to you with the date, time and address of your immigration hearings. Make sure the immigration court has your correct address. If you change addresses, fill out Form EOIR-33 Alien's Change of Address Form and send it to the court.

IMPORTANT: You must send a Form EOIR-33 to the court every time you change addresses. Sometimes the court reschedules your hearing and sends a notice in the mail. If you do not receive the notice and miss your court date, you will be ordered deported.

2) Call the Immigration Court Information System at **1-800-898-7180**. You need to have your "alien registration number" to use the automated system. Your "alien registration number" starts with the letter A and appears on all your immigration paperwork. The automated system is available in Spanish. Your "alien registration number" may not be found in this system for a few weeks. Keep checking. Check this number every few weeks to make sure your court date has not changed.

If you live in North Carolina but your hearing is still scheduled in Atlanta, Georgia, an attorney can help move your hearing to Charlotte, North Carolina. Otherwise, you must still go to your court hearing wherever it is scheduled.

■ **GET LEGAL HELP TO FIGHT YOUR CASE:**

If you believe that you have a way to fight your case to stay in the U.S. (see page 20), look for an immigration lawyer who specializes in deportation & removal defense. Do this as soon as possible so that your lawyer has time to prepare your case. **See page 27**

■ Voluntary Departure

[IF YOU ARE IN DÉTENTION, THIS SECTION DOES NOT APPLY TO YOU. SEE PAGE 22 INSTEAD]

If there is no way for you to fight your case (see page 20), you may want to ask the immigration judge for Voluntary Departure. Usually you can ask for Voluntary Departure by yourself without paying money for a lawyer.

In many cases, Voluntary Departure is better than removal. If you get Voluntary Departure, you still have to leave the U.S. However, you will not have a removal or deportation order on your record. This may make it easier for you to apply to come back in the future.



(Note: If you have been in the U.S. illegally for 1 year or more, you will not be allowed to come back for 10 years. There are few exceptions to this rule.)

You cannot get Voluntary Departure if you have a serious crime, called an “aggravated felony,” on your record.

You may want to gather documents to help convince the judge to give you Voluntary Departure. Some documents that may help are: your passport, support letters from friends and family, tax returns, birth certificates of your U.S. citizen children, and other proof that you are a good person.

■ HOW DO I REQUEST VOLUNTARY DEPARTURE?

You can request Voluntary Departure from the Immigration Judge at two different times:

AT YOUR FIRST HEARING

If there is no way for you to fight your case, you can tell the Immigration Judge at your first hearing that you want Voluntary Departure. The judge can give you Voluntary Departure instead of deporting you. The judge tells you that you have to leave the U.S. by a certain date, which will be up to 120 days later. This is called “pre-conclusion” Voluntary Departure.

Here's what you can expect to happen at your first immigration hearing if you are asking for Voluntary Departure:

- The judge asks your name and what language you speak. The court gets an interpreter in your language.
- The judge explains that you have a right to find your own lawyer.
- The judge asks if ICE gave you a document called "Notice to Appear."
- The judge asks you to admit or deny what the "Notice to Appear" says. If you are asking for Voluntary Departure, you have to admit that you are not in the U.S. legally.
- When the judge asks you what type of relief you are seeking, you can say, "Voluntary Departure."

AT THE END OF YOUR LAST HEARING

If you fight your immigration case but then lose, you can then ask the immigration judge for Voluntary Departure. It is harder to get Voluntary Departure at the end of your hearing because you have to prove:

1. that you have been in the U.S. for the past year,
2. that you do not have serious crimes on your record, and
3. that you intend to leave the U.S.

You also need to show that you have a passport from your home country. The judge tells you that you have to leave the U.S. by a certain date, which will be up to 60 days later. You or your family have to post a bond of at least \$500 to guarantee that you leave the U.S. This is called "post-conclusion" Voluntary Departure.

■ WHAT HAPPENS IF THE JUDGE GIVES ME VOLUNTARY DEPARTURE?

If the judge gives you Voluntary Departure, you have to leave the U.S. by the deadline. You also have to do all the other things that the judge tells you to do. You pay for your own travel to your home country.

■ WHAT DO I NEED TO DO BEFORE I LEAVE THE U.S.?

Before leaving the U.S., you must get a document called “Form I-210” or “Voluntary Departure and Verification of Departure.” It has your photo and fingerprints on it. You cannot get this form off of the internet. You can only get this form from the ICE office.

Go to the ICE office immediately following your court hearing to start the process. You may need to go back more than once to get it.

NOTE: It is important to get a Form I-210 even if you don't have a bond. The Form I-210 helps prove that you left the U.S. by the deadline.

■ WHAT DO I DO WHEN I RETURN TO MY HOME COUNTRY?

You need to prove that you left the U.S. before the deadline.



1. Make sure you get your passport stamped when you enter your home country. Save your boarding pass, airline ticket, or bus ticket.
2. Get your I-210 Form stamped and filled out before your Voluntary Departure deadline. If you are from Mexico and going home over land, you can do it at the border. If you are not from Mexico or are going home by plane, you must do it at the U.S. Consulate in your home country.
3. Ask for a copy of your I-210 after it has been stamped and filled out by ICE. Mail your copy of the I-210 to the person who paid your bond using a reliable delivery service or by fax.

■ WHAT HAPPENS IF I DO NOT LEAVE THE U.S.?

If you do not leave the U.S. by the deadline, there are serious consequences. Your Voluntary Departure will automatically turn into an Order of Removal. In other words, you will be ordered deported. You may also have to pay a fine of \$1000 to \$5000. You will lose any bond money that you have paid. ICE can arrest you and detain you again.

■ What is a Voluntary Departure bond?

Sometimes the immigration judge orders you to pay a Voluntary Departure bond. A Voluntary Departure bond is money you or a family member gives to ICE to guarantee that you will leave the U.S. by the deadline. After you leave the U.S., whoever paid the bond can get the money back.

■ HOW DO I PAY MY VOLUNTARY DEPARTURE BOND?

If the immigration judge tells you to pay a Voluntary Departure bond, you have to pay it within 5 days at this office:

**U.S. Immigration and Customs Enforcement
6130 Tyvola Centre Drive
Charlotte, NC**

A friend or family member who is a U.S. citizen or permanent resident can pay the bond. You can also pay your own Voluntary Departure bond.

Pay the bond with a certified check from a bank or a money order from a post office (not a money order from a store) made out to "Immigration and Customs Enforcement."

Make sure to keep the original bond contract and bond receipt. You will need them to get the bond money back.

■ How do I get my bond money back?

NOTE: MANY PEOPLE WHO PAY A BOND NEVER GET THEIR MONEY BACK! IT IS IMPORTANT TO FOLLOW ALL THE STEPS!

Here are the steps:

1. When you leave the U.S., you ask a U.S. consular official or Border Patrol agent to fill out your Form I-210. They tell ICE that you have left the U.S.
2. ICE sends Form I-391 to the person who paid your bond at the address he wrote on the bond contract. This may take a few months. (Sometimes the paperwork can get lost. This is why it is important to keep a copy of your I-210. If the I-391 does not come in a few months, you can contact ICE.)
3. When Form I-391 arrives, the person who paid your bond sends
 - 1) Form I-391, AND
 - 2) Form I-305, your original bond receipt, AND
 - 3) Form I-352, your original bond contract to:

**Debt Management Center; Attention: Bond Unit
P.O. Box 5000
Williston, VT 05495-5000**

Phone: (802) 288-7600 Fax: (802) 288-1226

4. It can take a few more months to get your money back after you send these forms to Vermont.

■ CAN THE BOND MONEY BE RETURNED TO SOMEONE OTHER THAN THE PERSON WHO PAID THE BOND?

Yes, but it can be complicated.

The person who paid the bond, called the “obligor,” has to sign Form I-312 in front of a notary and send it to the same office where he paid the bond. This document gives permission for the money to be returned to another person. The new person must also have legal status in the U.S.

Important Addresses and Phone Numbers

NORTH CAROLINA JAILS WITH ICE CONTRACTS:

Alamance County Detention Center

109 S. Maple St.
Graham, NC 27253
(336) 570-6317

Cabarrus County Jail

25 Corban Ave SE
Concord, NC 28025
(704) 920-3058

Forsyth County Jail

201 N Church St
Winston Salem, NC 28101
(336) 917-7600

Gaston County Jail

425 N Marietta St
Gastonia, NC 28052
(704) 869-6869

Henderson County Detention Center

375 First Ave. East
Hendersonville, NC 28972
(828) 697-4955

Mecklenburg County Jail

801 East Fourth Street
Charlotte, NC 28202
1-800-247-9658
(704) 336-8100

Wake County - Public Safety Center

330 South Salisbury Street
Raleigh, NC 27601-1729
(919) 856-5952

OTHER IMMIGRATION DETENTION CENTERS:

Stewart Detention Center

79 Holder Road
Lumpkin, GA 31815
(229) 838-5000 (jail)
(229) 838-1105 (ICE)

North Georgia Detention Center

622 Main Street
Gainesville, GA 30501
(770) 533-7500 (jail)
(770) 533-5660 (ICE)

Etowah County Detention Center

827 Forrest Ave
Gadsden, AL 35901-3620
(256) 549-5410 Outh Salisbury St.
Raleigh, NC 27601-1729
(919) 856-5952

IMMIGRATION COURTS:

Immigration Court System

1-800-898-7180

Atlanta Immigration Court

180 Spring Street, SW, Suite 241
Atlanta, GA 30303
(404) 331-0907

Stewart Immigration Court

146 CCA Road
Lumpkin, GA 31815
(229) 838-1320

Charlotte Immigration Court

5701 Executive Center Drive, Ste 400
Charlotte, NC 28212
(704) 817-2140

ICE OFFICE (for recognizance appointments & paying bond):

6130 Tyvola Centre Dr.
Charlotte, NC 28217



North Carolina Justice Center



Southern Coalition for Social Justice

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