

# **Deportation Resource Manual**

## **A Practical Guide for Immigrant Advocates**



**Alabama Appleseed Center for Law & Justice, Inc.**

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The Alabama Appleseed Center for Law & Justice, Inc. is a non-profit, non-partisan public interest advocacy organization formed in 1999 based in Montgomery, Alabama. Alabama Appleseed's mission is to identify root causes of injustice and inequality and to develop and advocate for solutions that will improve the lives of all Alabamians. We work for constructive and lasting systemic change of policies and practices that result in legal and social systems better serving all Alabama citizens.

As part of a network of 16 state Appleseed centers affiliated with the Appleseed Foundation in Washington, D.C., we seek to improve legal and social systems that serve our citizens. We are dedicated to creating a more just and equitable society in Alabama. One of our major strategies is to develop and organize networks and coalitions of other public interest advocacy organizations and the communities affected by the issues of each particular network or coalition. We leverage this service commitment and community presence with the skills and expertise of the legal and judicial communities, academia, the business community and volunteers to bring the powerful voices of these constituencies into dialogue, discussion and action on major public interest issues.

### **Alabama Appleseed Immigrant Policy Project**

Alabama Appleseed started working with the immigrant population of Alabama through its Hispanic Financial Access Project (2005) which quickly evolved into the current Immigration Policy Project (2007 – present). Alabama Appleseed promotes policies that advance fundamental fairness, due process, and respect for human rights for new arrivals, while opposing any proposed anti-immigrant policies and laws that work against these values. Sound immigrant policy development will create the environment in which immigrants are welcomed to participate in a community's social, economic, and political life, while assisting non-immigrant community members to adapt to their new neighbors and to build relationships that strengthen a sense of belonging and community. Such a welcoming and inclusive community environment will foster the acceptance of cultural diversity.

### **Acknowledgments\***

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# **DEPORTATION RESOURCE MANUAL**

## **A PRACTICAL GUIDE FOR IMMIGRANT ADVOCATES**

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#### **IMPORTANT NUMBERS & INFORMATION CARD**

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## KEY TERMS AND DEFINITIONS

### 287(g) Agreement

A Memorandum of Understanding between a local government and the Department of Homeland Security under Section 287(g) of the Immigration and Nationality Act. Under this agreement, ICE *briefly* trains local law enforcement agents, who are then granted limited immigration enforcement authority to investigate, apprehend and/or detain deportable immigrants. The scope of authority that a 287(g) agreement gives to local governments depends upon the specific agreement and does not override Constitutional and due process protections.

### Detention

This means jail. People are detained at every step of the immigration process. Detention may occur while the immigrant is waiting adjudication of asylum or adjustment applications or pending immigration proceedings. It may occur when the immigrant is picked up by law enforcement officials and jailed without charges, or even after being ordered deported, while ICE is actively trying to remove the immigrant.

### Deportation Officer (ICE)

Each person in immigration detention or in removal proceedings is assigned to a deportation officer, or “DO.” The DO is a good source of information about the individual. This officer knows whether an immigrant will be detained, transferred or deported and when such actions may occur. The deportation officer may also make or be involved in custody determinations. The Deportation Officers can also be called upon to assist with detention conditions, such as medical and mental health issues.

### Office of Refugee and Resettlement (Dept. of Health & Human Services)

The Office of Refugee Resettlement provides people in need with critical resources to assist them in becoming integrated members of American society. This includes unaccompanied immigrant children, refugees, aylysees, victims of human trafficking, survivors of torture, Cuban/Haitian entrants and Ameraisans.

## HOW TO PROTECT ASSETS

It is important to prepare a Power of Attorney to protect the children, money and property of someone who may face deportation. When individuals create a power of attorney they are stating what they want someone to be able to do for them if they are detained or deported.

### **POWER OF ATTORNEY (POA):**

A power of attorney is a written document that allows an individual to authorize another person (an Agent) to conduct certain business on that individual’s behalf. There are two types of power of attorney that are relevant to a person facing deportation:

- A general POA: gives one person full legal authority to act on behalf of another
- A specific (limited) POA: gives one person authority to perform specific act or acts. It can be used for a wide range of activities; it can arrange access to a bank account, the sale of a home or car, the shipment of personal effects to the deportee in his home country and the care of minor children.

### Choosing an Agent:

Actions taken by the Agent are legally binding on the individual. POAs can be abused, so it is important that an individual think carefully before choosing an Agent and select someone who can be trusted and act wisely and in accordance with the individuals wishes. It is helpful to choose an Agent who resides in the same state as the individual.

**NOTE:** Because different states have different requirements for executing a valid POA, seek legal advice when preparing a POA.

## PROTECTING CHILDREN

Children who are US citizens may return to their parents' home country or remain in this country with an appropriate caregiver selected by the parent. If the children are to join the parent following deportation, then create a notarized letter of permission for the child to travel outside of the United States with a named adult person. This may help ensure that children are not placed into child protection services and that they can travel with their parents if they are deported. Write down the intended plan for children who may be left behind.

**NOTE:** It is important to plan ahead of time and include the POA with immigration papers. Make sure that birth certificates, social security cards and passports are provided for any children. If a birth certificate is needed for a child, contact the Office of Vital Statistics in your state. To download an application for U.S. passport for a minor child, go to: [http://travel.state.gov/passport/get/minors/minors\\_834.html](http://travel.state.gov/passport/get/minors/minors_834.html)

## POSSESSIONS OR PROPERTY

Individuals can assign a power of attorney (POA) to a friend or relative, giving the friend or relative power over their possession or properties. This is a procedure that can be completed at any point, though it becomes more complicated once the individual is detained or incarcerated.

## IF YOU OWN A HOME

Create a POA authorizing an Agent to transfer the individual's interest in the home in accordance with state law and regulations of a mortgage provider, if applicable. This power can include the ability to sell the home.

### Jointly-owned property:

- If property is jointly-owned and only one spouse faces deportation, a POA may authorize the Agent to transfer the interest in the property to the remaining spouse.
- If both spouses face deportation, a POA may authorize an Agent to sell the property, either individually or through a real estate agent or as an individual.

### What happens when an individual is deported and no one cares for their home?

- If a deportee had a house mortgage and no arrangement was made the property would likely be foreclosed.
- If the property is paid in full but nobody continues paying the taxes on it, the jurisdiction where the property lies has power over the property.

## WHAT TO DO IF YOU RENT A HOME

If the family members of the immigrant-renter want to remain on the premises after the renter is deported, they may have the following options:

- If the landlord allows, they can continue to occupy the premises under the original lease.
- They can terminate the original lease and enter into a new lease with the landlord.
- The family members may succeed to the lease through an assignment or sublease from the original immigrant-tenant.

**NOTE:** In order to avoid complications, married immigrants should consider having the lease in both of their names so that the spouse may remain in the property.

## WHAT TO DO IF YOU OWN A CAR

It is possible for an individual to transfer title of the vehicle to a family member or friend after the individual has left the country. The owner does not have to be present in the state if they have signed the title over to the person receiving the vehicle. If there is a lien on the vehicle, the owner should provide documentation that the lien has been satisfied or released, or that the recipient is assuming responsibility for the lien.

Each state has a department or agency that regulates the titling and registering of motor vehicles. In most states this department or agency also provides guidance for buying and selling a vehicle in the state.

Alabama – [www.ador.state.al.us/motorvehicle/index.html](http://www.ador.state.al.us/motorvehicle/index.html) or 1-334-242-9000

Florida – [www.hsmv.state.fl.us](http://www.hsmv.state.fl.us) or 1-850-617-2000

Georgia – [www.dds.ga.gov](http://www.dds.ga.gov) or 1-866-754-3687

South Carolina – [www.scdmvonline.com](http://www.scdmvonline.com) or 1-800-442-1368

### **WHAT TO DO IF YOU HAVE A BANK ACCOUNT**

To open a bank account, immigrants must have an ITIN number. If they do not have one, they need to fill out IRS Form W-7. This is a Tax ID number that the IRS grants to foreigners who are unable to obtain a social security number. To obtain the ITIN, individuals need to submit proof of citizenship from their country of origin in the form of a passport or birth certificate. Some banks accept the ITIN number (in lieu of a social security number) in addition to a photo ID in order to open a bank account.

Once an immigrant has opened a bank account in the United States, he or she should complete the IRS Form W8-BEN. The form can be downloaded, and most banks also carry the form and will provide it upon request. Remember, an ITIN is needed to complete this form.

IRS Form W8-BEN converts a U.S. bank account to a bank account for foreigners. Once this change has been made, the account can be managed from anywhere in the world. An individual can decide to leave their money in the U.S. or transfer it to a bank in his or her home country.

If an immigrant has placed a bank account in the name of a minor child but has also retained signing authority for the account, the immigrant should specify in a POA that the agent may access the account that is held in the child's name.

**NOTE:** It is important to not wait until an individual is in an ICE processing center to complete these important steps. To protect their assets and family, immigrants should open a bank account and convert it into an account for foreigners immediately.

### **HOW TO PROTECT YOURSELF FROM ADDITIONAL PROBLEMS**

- ✓ Never use false or forged documents or identification cards
- ✓ It is important to plan ahead of time and include the POA with immigration papers
- ✓ Always consult an immigration attorney before signing or filing anything. Immigration, citizenship, and Visa's are complex legal issues and are constantly changing.

For more detailed information on protecting assets and child custody, please see **Protecting Assets & Child Custody in the Face of Deportation** at

<http://www.appleseednetwork.org/>

Authored by Appleseed

*The following information is compiled and generated from **Deportation 101** authored by Families for Freedom, Immigrant Defense Project, National Immigration Project and Detention Watch Network. For more information, please go to [http://www.immigrantdefenseproject.org/docs/Deportation\\_101\\_Manual\\_SE\\_Conference.pdf](http://www.immigrantdefenseproject.org/docs/Deportation_101_Manual_SE_Conference.pdf)*

## **DETENTION AND DEPORTATION**

### **IMMIGRANTS WHO CAN BE DEPORTED**

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

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

**Undocumented Immigrants:** Undocumented immigrants are always deportable. Any arrest or conviction will make these individuals more likely to be discovered by ICE and may also affect whether they can adjust their status.

**Naturalized Citizen:** If an immigrant's naturalization was gained through fraud and can be proved, the government may attempt to take away their citizenship. For example, if a person did not disclose an arrest or conviction on the naturalization application.

### **ARREST BY LOCAL POLICE OR AN ICE OFFICER**

Routine traffic stops are the most common way law enforcement officials discover a person in violation of immigration regulations. Green card holders with a past conviction and undocumented immigrants with no convictions may be turned over to ICE even if the stop does not result in any criminal charge, the charges are dropped, or the person is acquitted. While in a local jail, a DHS agent will likely interview an immigrant about their immigration status. This interview is an attempt to determine whether the immigrant is deportable. Individuals can follow four simple rules to protect themselves:

- **Don't say anything:** Do not answer any questions – not even a name, country of origin, or immigration status. Ask to speak to an attorney.
- **Don't sign anything:** Do not sign anything, even if the agent says it's ok. Ask for a copy of the papers and show them to an immigration expert or an attorney.
- **Don't lie:** A person can be criminally prosecuted for lying to law enforcement officers (e.g. about your birthplace).

**NOTE:** You have the right to remain silent and request that an attorney be present before you answer any questions. Do not sign anything before speaking with an attorney.

After an arrest, the individual is processed and placed in a holding cell. At this point, Immigration and Customs Enforcement (ICE) Detention and Removal Office hold the individual. Once a deportation officer is assigned, it is important that the name and phone number of the officer be written down. A Notice to Appear or NTA will be issued and given to the individual. The NTA is a document issued by the government that explains why an individual should be removed.

**NOTE:** The Notice to Appear (NTA) will help an advocate or a lawyer understand the immigrant's case. The NTA should be given within 72 hours of the initial arrest.

After processing, the individual will be moved to an immigration detention center, local jail, or a military base. While the immigration case is pending, the detained individual may be transferred to an out-of-state facility. Transfers can occur at any hour, so it is important for the immigrant to keep a copy of all legal documents in his or her possession at all times. If the legal documents are stored with detention center/jail, the individual can ask the staff for these legal papers immediately.

### **TELEPHONE CALL**

An individual has the right to make a telephone call after being detained. It is important that the telephone number of an attorney, family member, friend or union spokesperson has been memorized so that person may be contacted immediately.

### **IMMIGRATION DETAINER**

ICE may issue a document commonly referred to as a “detainer” to a local jail or correctional facility when it is seeking custody of an individual in that facility for purposes of starting removal proceedings. An immigration detainer is a request to a local law enforcement agency to detain the named individual for up to 48 hours after that person would otherwise be released (excluding Saturdays, Sundays, and holidays), in order to provide ICE an opportunity to assume custody of that individual. The 48-hour period begins to run when the named individual is no longer subject to detention by the local law enforcement agency (after the individual has posted bond or completed a jail or prison sentence).

**IMPORTANT:** If ICE fails to assume custody of the individual during the 48-hour period, the individual should be immediately released. The local jail or correctional facility no longer has the authority to detain an individual once the detainer has expired (8 C.F.R. 287.7).

### **IF YOU ARE THE VICTIM OF A CRIME**

If you are a victim and cooperate with police, you may qualify for a special visa that grants temporary immigration status with a possible future opportunity to apply for LPR status.

- S-Visa - is granted to individuals who have agreed to assist the Government in various investigative procedures leading to the arrest of individuals in connection with illegal or terrorist activities.
- T-Visa - gives temporary non-immigrant status to victims of severe forms of human trafficking on the condition that they help law enforcement officials investigate and prosecute crimes related to human trafficking
- U-Visas - give victims of certain crimes temporary legal status and work eligibility in the United States for up to 4 years.

**IMPORTANT:** An Immigration Attorney should be consulted before filing.

### **WHY YOU NEED AN IMMIGRATION ATTORNEY**

#### **A LAWYER CAN**

- Analyze the facts of your case thoroughly.
- Explain all the benefits for which you may be eligible.
- Recommend the best ways for you to obtain legal status.
- Complete and submit your applications properly.
- Stay current on the new laws that affect you.
- Avoid delays and problems with your case whenever possible.
- Discuss the status of your case with you.
- Speak for you in discussions with the Department of Homeland Security or represent you in court.
- File necessary appeals and waivers.
- Utilize the system to your advantage because he or she has the experience to do so.



## **BEWARE OF THE FOLLOWING WHEN LOOKING FOR AN ATTORNEY**

- Notaries, consultants, service bureaus, travel agents, or others who promise quick, easy solutions to immigration problems.
- Anyone who guarantees they can get you a visa for a certain fee.
- Lawyers from other countries who do not know U.S. laws and are not licensed to practice in the U.S.
- People who say the "know someone" who has an "inside track" or anyone who wants money to influence or bribe.
- Be wary of unlicensed operators. They are known for taking people's money and doing nothing. Or worse, they may lie to the government in your name for a quick, simple solution that in the end may result in your deportation or permanent exclusion from the U.S.

**NOTE:** Always consult an immigration attorney before signing or filing anything. Immigration, citizenship, and visa's are complex legal issues, which are amplified by the fact that they are country specific, and are constantly changing.

## **BOND & FREQUENTLY ASKED QUESTIONS**

### **BOND**

Bonds are designed to guarantee the appearance of the detainee at all hearings before the Immigration Court. If a person is detained but eligible for bond, the government will set an initial bond amount. If bond is posted, the detainee will be released. Immigration bonds are immediately forfeited if the detainee does not appear for a required hearing. If the bond is unaffordable or the deportation officer has not set a bond, the individual can ask an immigration judge to lower the bond amount or set a bond.

### **RELEASE ON THE PERSON'S OWN RECOGNIZANCE**

This means the judge can let a detainee go without paying any bond. The individual must comply with the terms of release, otherwise he or she risks being re-detained.

### **FREQUENTLY ASKED QUESTIONS**

How does the Immigration Judge determine the bond amount? The Judge looks at the following things:

- Family ties in the United States;
- Criminal history;
- Employment;
- Financial ability to pay a bond;
- Membership in community organizations;
- How an individual came to, and how long they have been in, the United States;
- Whether the individual has committed any immoral acts or participated in subversive activities; *and* eligibility for relief from removal

Does everyone detained by Immigration get a bond?

No. If someone has already been ordered deported but never left the United States, he or she will not get a bond. That person already has a final order of deportation. If a person has certain criminal convictions, he or she also will usually not get a bond. If a person missed court hearings in the past, he or she also may not get a bond

The judge granted bond but the government attorney filed an "automatic stay."

Sometimes, a judge grants bond and the government attorney opposes the bond decision. In this situation, the government attorney may file an "automatic stay." This stops the judge from releasing the individual on bond. If this happens the individual may want to challenge this decision in federal court.

What is the minimum bond amount?

The Immigration Judge is not allowed to set a bond below \$1,500.00. This means that if a bond is set, it will be at least \$1,500.00. After the Immigration Judge sets bond (or decides that an individual is not eligible for bond), an individual may appeal the Immigration Judge's decision to the Board of Immigration Appeals.

Who can pay the bond?

Anyone with legal status can pay the full amount of the bond at the offices of Immigration and Customs Enforcement. To pay the bond use a certified or cashiers' check from a bank or a U.S. Postal money order payable to the Department of Homeland Security. To post bond for a detained individual, you will need to know the detainee's full name, A-number, home address, date of birth, and country of birth.

If an individual is ordered deported (and does not appeal), how long can ICE keep him or her detained?

ICE has 90 days to comply with a deportation order. Depending on the difficulty of obtaining travel documents or whether the detainee's government will accept him or her, it may take several days to several months to deport the individual.

## **WAY'S TO HELP INDIVIDUALS WHO ARE DETAINED**

### **CONTACT THE DEPORTATION OFFICE:**

Deportation officers have the best information about when a person may be deported (even if they refuse to tell you). An attorney who has filed a G-28 for a detainee can more easily talk to a deportation officer than a friend or family member.

### **CONTACT THE INDIVIDUAL'S CONSULAR OFFICE:**

Detainees typically need travel documents from the consulate before they are deported. Consulates can often tell whether travel documents have been issued for the person, if a flight is scheduled for them and their location in the system. Consulates can also tell you where the person may go after being deported (e.g. the local police station). Call the national consulate of the detainee and ask for the caseworker that handles deportation. Provide copies of pending appeals or other legal claims to the consulate, to show that deportation would be premature because the individual is awaiting a court ruling.

### **STEPS FAMILIES OR FRIENDS CAN TAKE**

- Immediately collect the immigration documents of the person in detention. (specifically, the detainee's A number and obtain a copy of the Notice to Appear).
- Call the telephone company to remove any blocks on the family's phones so the detainee can call home from the jail or detention center.
- Undocumented individuals should be advised not to visit the jail or detention center.
- Call the facility and ask about visitation restrictions and hours.
- Verify that the detainee has created a Power of Attorney to protect children and assets. See "Power of Attorney" section on page 4 for more information.
- If the individual wants to hire a lawyer, provide him or her with referrals of lawyers experienced in deportation defense.

### **LOCATING A DETAINEE**

There are some simple steps a person can take to find a detainee. Be persistent and call frequently.

- Necessary information includes:
  - ✓ The person's full name (including all aliases);
  - ✓ The person's date of birth; and
  - ✓ The person's "A" number ("Alien Registration Number.") The A number is located most immigration papers, including work permits, green cards, or any other document that CIS provides. (ex. A99 999 999)

- Contact Immigration and Customs Enforcement’s Office Deportation and Removal Operations (ICE-DRO).
- Ask to speak with a supervisory deportation officer or the field office director (head of ICE-DRO).
- Contact the individual’s Consulate.
- Contact the county detention facilities or wait for the detainee to call.
- Local nonprofit immigration service providers (preferably working in detention).

### **DETERMINING AN INDIVIDUAL’S IMMIGRATION STATUS**

Sometimes a person’s status is unclear or the individual may be unsure of his or her status. When giving aid to an individual, it is important that they know the person’s status and if he or she has an old order of deportation. A person may have an old order of deportation if he or she lost an asylum case, skipped an immigration interview or skipped an immigration hearing. To learn if an individual has an old order of deportation, follow these steps:

- Find the individual’s Alien Registration Number (A Number). The A Number is on the I-94 card on the individual’s passport, greencard, work permit or any other document from CIS. It takes the following form: A99 999 999.
- Call 1-800-898-7180. This is the hotline for the Executive Office for Immigration Review (EOIR).
- Enter the individual’s A-number and listen for instructions. If the A Number is in the system, the individual has previously had a deportation case.
- Press “3” to learn whether an immigration judge ordered deportation (removal) against the individual.
- If you learn that the individual has a deportation or removal order, advise the individual to consult a lawyer specializing in immigration deportation before he or she visits an immigration office, leaves the country, or tries to adjust his or her status.

### **GATHERING IMPORTANT INFORMATION AND DOCUMENTS**

It is important for an individual or family member to collect the following information about a person facing deportation.

- The individual’s full name and all aliases
- The individual’s Alien Registration Number, or A Number. This number can be found on most immigration papers, including the I-94 card on the immigrant’s passport, greencard, or any other document that CIS or ICE has provided the individual. The A Number takes the following form: A99 999 999. If you do not know the individual’s A Number you should attempt to contact the individual’s consulate to determine if the consulate has a record of detention that contains the A Number
- The person’s first, or next, immigration court date. If you are not able to determine the date, call the Immigration Court hotline at (800) 898-7180 and enter the individual’s A Number
- The date the person entered the U.S. as well as how (i.e., visa, cross border, greencard through marriage, etc.)
- The individual’s criminal record. You must have a precise list of all criminal convictions. The list must include dates of arrest, the place of arrest (City and State), date of conviction, and the sentence. You should obtain a Certificate of Disposition from the clerk’s office in the courthouse where the each criminal case was heard.
- A copy of any Notice to Appear (NTA) and all other immigration paperwork. If the person has any old orders of deportation you should gather the documents related to the old immigration case;
- To assist the immigrant, you should collect documents showing that the person facing deportation has family, community ties and a “good character”
- The person’s location (jail, federal detention center, etc.)
- Information about the individual’s family members, including children and elderly parents and important finances.

## **CONTACTING OR VISITING A PERSON IN DETENTION**

Contacting a person in detention:

- If it is urgent to contact a detainee, you should call the jail and ask to speak with the officer in charge of immigration detainees or ask for the officer in charge of the “pod” or “unit” for immigration detainees. For an ICE detention center, you should speak to an ICE officer.
- After a person is transferred, tell the officer that you need to discuss urgent personal matters or matters relating to that person’s case. Don’t lie.
- If the officer refuses to allow you to contact the detainee, request that the officer to ask the detainee to contact you immediately. Don’t forget to provide your contact information.
- To obtain a detainee’s signature on important documents, call the jail or officer in charge to inquire as to how to get documents signed.

Call the facility and ask about visitation rules. (Lawyers should be able to meet with their clients at their convenience. Lawyers should bring their state bar identification card or attorney registration information to the facility.) Be sure to ask:

- What are visiting hours?
- Who can visit the person and for how long?
- Are there any special requirements?
- Are you allowed to give anything to the detainee? (Most jails forbid any gift giving but you may be able to put money into an account for the individual which.)
- If you follow the rules, but still have problems entering the jail or the jail flatly denies access for lawyers, call the field director for ICE and ask him or her to help you access the jail. If the field director refuses, contact Public Affairs at ICE Headquarters in Washington DC by calling (202) 514-2648. Consider media and legislative advocacy strategies.

Abuses may occur in immigration detention, during raids and when people are processed. It is important to obtain very specific information about any abuse or neglect, such as failure to provide required medications.

- Learn the specific details surrounding the arrest and raid (time, place, chronology of the abuse, treatment of person during arrest, and the names of involved officers).
- Obtain specific information about denials or obstacles in obtaining medical care, lack of functioning telephones, access to attorneys or legal materials or visitation with family members.
- Bring a screening questionnaire so that an immigration advocate can determine whether the person has arguable defense in his or her immigration case.
- Ask your local detention service provider or local immigration advocates who experienced in deportation defense to provide you with a screening questionnaire.
- Try to obtain specific information about prior deportation orders or any criminal history or arrests. (What offense, where was the individual arrested/convicted, when did it occur?)

Ask the person if he or she has designated individuals to take care of his or her children or make decisions about any personal property. If not, ask the individual for the names, address and dates of birth for individuals who that the detainee trusts to complete those tasks. Ask the detainee to include individuals with lawful immigration status. The detained person can give legal power to someone who he or she trusts to make important decisions on his or her behalf while he or she is detained. This is called a “power of attorney” and the law relating to the power of attorney varies from state to state. See page 4 for more information.

## **HOW TO DEAL WITH ICE**

If you or your organization wants to advocate on behalf of community members in detention, inform the field director of you or your organization’s involvement with persons in detention. The field director manages the local ICE Office of Detention and Removal Operations (ICE-DRO).

Suggested plan of action:

- Meet with the ICE field director and ICE-DRO staff to obtain details of the arrest or raid
- Request that ICE not transfer individuals to another facility. If you believe that ICE plans a transfer, consider contacting attorneys and civil rights groups to file a lawsuit to stop the transfer
- Raise specific medical and humanitarian concerns as well as any concerns regarding the possible abuse of detained persons with the field director and the officer-in-charge (deportation officer in jail), if such a person is involved. Specifically mention:
  - ✓ Those detainees who require regular or prompt medication or who have specific medical conditions, such as diabetes, heart condition or pregnancy;
  - ✓ Individuals who present good cases for release, such as individuals with young children, elderly parents or disabled family members; and
  - ✓ Inform them if you know or believe that civil rights violations were committed during the arrest including any concerns that the arrest was based purely on racial profiling.
- If you feel some cases are particularly compelling, ask the field director to use prosecutorial discretion and cancel removal proceedings. Prosecutorial discretion is a way of asking immigration to not enforce the immigration laws against an individual. To obtain prosecutorial discretion, you will likely need to involve local elected officials and other community members. This is a long-term campaign. To develop a prosecutorial discretion campaign, consult the Families for Freedom “ARM” toolkit, which can be found at <http://www.familiesforfreedom.org/downloads/CaseCampaign.pdf>

Every person has a specific deportation officer in charge of his or her case. Cases are assigned by nationality or by last name. Obtain the name of the officer as well as the officer’s direct telephone line! Ask the officer what his or her office hours are, as well as the best times call.

The detention facility’s staff may attempt to bar a detainee’s access to lawyers or legal advocates. If the facility is not run by ICE, ask the field director or deportation officer help facilitate access. Be persistent.

- Ask the ICE officer-in-charge (OIC) of the facility to call the jail if the staff does not allow you access to the detainee.
- If the ICE field director does not assist you in obtaining access to the detainee, consider calling Public Affairs at ICE Headquarters at (202) 514-2648 for help to enter a facility.

For more detailed information set forth in this guide, please see **Deportation 101** at <http://www.immigrantdefenseproject.org/webPages/deportation.htm>.  
Authored by Families for Freedom, Immigrant Defense Project, National Immigration Project and Detention Watch Network.

**DEPORTATION OFFICE CONTACT NUMBERS**

**If Detained or Arrested in:**

Georgia, North Carolina, South Carolina  
 Alabama, Louisiana, Mississippi, Tennessee  
 Kentucky or Missouri  
 Florida

**Call ICE Office:**

Atlanta ICE-DRO (404) 331-2765  
 New Orleans ICE (504) 599-7947  
 Chicago ICE-DRO (312) 347-2400  
 Miami ICE-DRO (305) 762-3622

**CONSULATE CONTACT NUMBERS FOR THE SOUTHEAST**

Atlanta is host to consular offices and trade and investment agencies for 54 governments from throughout the world. If the country you are looking for is not list below, please visit [www.usembassy.gov](http://www.usembassy.gov) for a complete listing.

<b>Argentina</b> (404) 880-0805	<b>Colombia</b> (770) 668-0552	<b>Germany</b> (404) 659-4760	<b>Korea</b> (404) 522-1611
<b>Bolivia</b> (404) 522-0777	<b>Costa Rica</b> (770) 951-7025	<b>Guatemala</b> (404) 255-7019	<b>Mexico</b> (404) 266-2233
<b>Chile</b> (404) 355-7923	<b>Ecuador</b> (404) 252-2211	<b>Honduras</b> (770) 645-8881	<b>Nicaragua</b> (770) 319-1

**EMERGENCY CONTACTS & PHONE NUMBERS**

**Important/Family Contacts in the US**

**Name:**  
 Home Phone:  
 Work Phone:  
 Relationship:

**Name:**  
 Home Phone:  
 Work Phone:  
 Relationship:

**Important/Family Contacts Outside of the US**

**Name:**  
 Home Phone:  
 Work Phone:  
 Relationship:

**Name:**  
 Home Phone:  
 Work Phone:  
 Relationship:

**RIGHTS CARD**

I am giving you this card because I do not wish to speak to you or have any further contact with you. I choose to exercise my right to remain silent and to refuse to answer your questions. If you arrest me, I will continue to exercise my right to remain silent and to refuse to answer your questions. I want to speak with a lawyer before answering your questions.

I want to contact this attorney:  
 Telephone number:

**TARJETA DE DERECHOS**

Le estoy dando esta tarjeta porque no deseo hablar o tener más contacto con usted. Yo elijo a ejercer mi derecho de mantenerme callado y me niego a contestar sus preguntas. Si me arresta, seguiré ejerciendo mi derecho a mantenerme callado y a negarme a contestar sus preguntas. Yo quiero hablar con un abogado antes de contestar cualquier pregunta.

Quiero contactar este abogado:  
 Teléfono:

(Please cut out and keep in your wallet) (....)