

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

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

### Getting the Bond Money Back

- If the person wins the case and is allowed to remain in the United States, the individual who posted bond should receive a Form I-340, Notice to Obligor to Deliver Alien, indicating that the bond is being canceled but that the obligor can visit any ICE office that accepts bonds, which will help the obligor with the procedures for getting her/his refund. Generally, the obligor should receive a refund in about six weeks.
- If the person is ordered removed or is granted voluntary departure, that individual must go to a U.S. consular office abroad and have Form G-146 or Form I-392 verified by the consul. Once the ICE Detention and Removal Office receives the verified G-146 or I-392 from overseas, the bond is cancelled and the obligor (the person who posted the bond) receives a letter on the procedure to recover the bond money.

### Avoid Immigration Fraud

If you need legal service beyond the free assistance provide by CUNY Citizenship Now, you can find an experienced immigration attorney by calling the New York City Bar Association Legal Referral Panel at 212-626-7373 or visiting the American Immigration Lawyers Association (AILA) website at [www.ailalawyer.com](http://www.ailalawyer.com).

If you cannot afford to pay a private attorney, you can get help from an agency recognized by the Board of Immigration Appeals (BIA), the federal administrative appellate court for immigration law in the United States.

BIA recognized agencies provide free or low-cost immigration legal services. For a list of these immigration legal services providers, visit [www.justice.gov/eoir/ra.html](http://www.justice.gov/eoir/ra.html) or call “311” (inside New York City) to request an authorized immigration legal services provider in your area. You can call “311” seven days a week, 24 hours a day. Assistance is available in over 170 languages.

By law, the only people who may give you legal advice or represent you before the Department of Homeland Security (DHS) are attorneys or non-attorney accredited representatives working with BIA recognized agencies. Some individuals provide immigration legal advice or services in violation of the law and some charge you for these services. Legal advice may include advising you on how to answer certain questions on your immigration forms or telling you what immigration options you may – or may not – have regarding your immigration status. These individuals often refer to themselves as immigration consultants or as “notarios.” They may file false or inaccurate applications with the United States Citizenship and Immigration Services (USCIS) on your behalf which may have severe consequences – you may end up in removal (deportation) proceedings.

To learn more about how to avoid being a victim of immigration services providers who practice law illegally, visit our website at [www.cuny.edu/citizenshipnow](http://www.cuny.edu/citizenshipnow) and click on “Resources.” If you or someone you know has been the victim of an immigration scam or has been victimized by an immigration legal services provider, there are several different resources available to assist immigrants.

You can report immigration scams confidentially to the NY County District Attorney’s Office, Immigrant Affairs Program at 212-335-3600 so they may take action against the unlawful service provider. The NY County District Attorney’s office will also assist immigrants who have been victims of immigration scams or other crimes regardless of immigration status. You may also report immigration scams to the NY State Office of the Attorney General Consumer Helpline at 800-771-7755 to try and recover the money you paid for the service and/or advice. Information provided to the District Attorney’s and the Attorney General’s office is confidential and not reported to federal government. You may also report a scam anonymously to USCIS by calling 800-375-5283. To obtain more information from the USCIS on how to avoid scams, visit [www.uscis.gov/avoidscams](http://www.uscis.gov/avoidscams).

## CUNY Citizenship Now Immigration Centers

All Services are FREE



For directions, hours of service and more, call the numbers below, visit [www.cuny.edu/citizenshipnow](http://www.cuny.edu/citizenshipnow) or snap the QR code to the left with your smart phone. Note: all centers require an appointment to see you.

### BROOKLYN

Medgar Evers Immigration Center\*  
718-270-6292

### MANHATTAN

City College Immigration Center\*  
212-650-6620

CUNY Express Immigration Center\*  
212-568-4692

### QUEENS

Flushing Immigration Center\*  
718-640-9223

York College Immigration Center\*  
718-262-2983

### STATEN ISLAND

College of Staten Island, El Centro, and Project Hospitality Help Center†  
718-448-3470

### THE BRONX

Hostos Community College Immigration Center\*  
718-518-4395

\* Board of Immigration Appeals (BIA) Recognized

† Part-time center

### Connect with CUNY Citizenship Now

 [cuny.edu/citizenshipnow](http://cuny.edu/citizenshipnow)

 [facebook.com/citizenshipnow](https://facebook.com/citizenshipnow)

 @CUNYCitizenship

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# WHAT TO DO IF YOU GET ARRESTED BY IMMIGRATION



FREE Immigration Services for the People of New York  
[www.cuny.edu/citizenshipnow](http://www.cuny.edu/citizenshipnow)

## Immigration Arrest and Detention Preparation and Response

This brochure was prepared by CUNY Citizenship Now to provide general information to immigrants and their families in New York on how to respond to immigration arrests. It is not a substitute for legal advice. For a list of organizations offering free legal assistance in removal and deportation matters, visit [www.justice.gov/eoir/probono/states.htm](http://www.justice.gov/eoir/probono/states.htm). If you want to hire a private attorney, call the NYC Bar Association Legal Referral Service at 212-626-7373 or visit [www.nycbar.org](http://www.nycbar.org), and click on “Legal Referral Service”.

### Be Prepared

If you are concerned that you, a friend, or a relative could be arrested by immigration, have the following information and documents available:

- The person’s full name, aliases, date of birth, alien number, (“A” number or “USCIS number”) if he or she has one, and information about his/her entry into the United States.
- Documentation of any prior deportation orders, criminal arrests and convictions, and copies of all immigration documents filed by the person or on his/her behalf with USCIS. To find out if someone has ever been charged by Immigration and Customs Enforcement (ICE), call The Executive Office of Immigration Review (EOIR) at 800-898-7180. You must have the person’s “A” number available to use this automated system.
- Information about factors that favor the person’s release, such as ties to the community, family and employment history.
- Contact information for the person’s home consulate. Consulates may be able to provide legal assistance and support to their nationals. Unlike in criminal cases, the U.S. government will not provide a free attorney to someone detained for an immigration violation.
- Power of attorney, this is a legal document authorizing an individual to act on the detainee’s behalf.
- Note: Make arrangements for the care of children in the event that their guardians are detained. If a person takes medication regularly, a supply should be readily available in case of an arrest.

## Locating a Person Arrested by ICE

When a person is arrested by ICE, he/she may be detained in the greater New York area or transferred by ICE to an out-of-state facility. Adult detainees currently in ICE custody or who were released for any reason within the last 60 days may be located by visiting ICE’s Online Detainee Locator System (ODLS) at <https://locator.ice.gov> and entering the person’s “A” number and country of birth. You may also search for someone by name, but it must be an exact match, and you must also provide the person’s country of birth.

If the status of the detainee shows "in custody," select "current detention facility" to find where the detainee is being held. If the search result shows “not in custody,” it may mean they were released from ICE and either removed from the United States, released pending the outcome of their case, or transferred into the custody of another law enforcement or custodial agency.

If your search returns the response “detainee not found”, it may mean that the information used to search for the person was incorrect, or he/she may have been arrested by another branch of law enforcement.

Note: ODLS does not contain any information about persons under 18 years of age.

If you are unable to find the detainee after conducting your ODLS search, you may:

- Contact the ICE Office of Enforcement and Removal Operations (ERO) in the area where you believe the person’s case was initiated. If detained or arrested in New York, call the ICE office at 212-264-4213 extension 2 or 3. If you are detained or arrested in New Jersey, call 973-645-3666.
- Contact the consulate at the embassy of the person’s country of origin. Consulates are often required by international convention or treaty to be notified when one of their nationals is detained. A list of embassies may be found by visiting [www.embassy.org/embassies](http://www.embassy.org/embassies).
- Contact different county detention facilities individually. You may find a map of detention facilities on the Detention Watch Network website at [www.detentionwatchnetwork.org/dwnmap](http://www.detentionwatchnetwork.org/dwnmap). Begin with the facilities closest to the arrest location.

Be ready to provide EROs and county detention facilities with the detainee’s full name and “A” number.

## Contacting Someone Detained by ICE

Family, friends and attorneys may call or visit immigration detainees. Call the facility to find out about visitation restrictions and hours. Note that federal detention centers conduct background and immigration status checks on all visitors. **Undocumented immigrants who visit a detention center may be detained and/or subject to removal.**

### Requesting Release from Detention

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

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

Under some circumstances, a detainee may face mandatory detention without the right to bond. This usually happens when the person faces serious criminal convictions or was previously removed. In rare cases, this may be challenged.

### The Bond Hearing

Several factors will be considered when a judge decides whether to grant bond. Evidence that demonstrates the detainee is neither a danger to the community nor a flight risk should be presented at the bond hearing. Examples of evidence may be:

- Testimony and supporting letters from family members, employers, and community and religious leaders. Letters should be addressed to the immigration judge, should include the name and immigration status of the person writing the letter, and the relationship of the person to the detainee.
- A sworn declaration from a “sponsor” stating that he or she will house and support the detainee. The sponsor must assure that the detainee will attend all appointments with ICE and the immigration court. The declaration must include the sponsor’s full name, address, lawful immigration status in the United States, employment status, and relationship to the detainee.
- A statement by the detainee explaining past criminal conduct, including drug abuse or domestic violence,



if any. It should provide background into the circumstances of any arrests or convictions and how the detainee may have changed since then. The adjudicator must be convinced that the detainee will not pose a danger to the community.

- Pay stubs and letter of employment stating the current job to which the detainee will return upon release. The letter should include the name of the employer, length of employment, job title, duties, hours and salary.
- Copies of U.S. birth or naturalization certificates or permanent residence cards of any close relatives, particularly parents, a spouse, or children.

### Posting (Paying) the Bond

Bond can be paid at any of the main ICE offices across the country. The bond must be posted (paid) in person. In New York City, bond can be paid at the ICE Bond Office, 26 Federal Plaza, Room 9-106. Located on Broadway between Worth and Duane Streets.)

Bond can be posted two ways:

1. Paid in full by certified or cashiers' check or money order, payable to “U.S. Department of Homeland Security.” The person posting the bond (the obligor) must have the detainee’s “A” number, home address, date of birth and country of birth. The person posting bond must be at least 18 years old, must be either a U.S. citizen or lawful permanent resident, and must have a government issued ID, such as a driver’s license, an unexpired green card, a passport with an I-551 stamp, a U.S. passport, or a Certificate of Naturalization or Citizenship.