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/por/oip/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, and click on “Find a Lawyer/Legal Referral.”

Be Prepared

If you are concerned that you, a friend, or a relative could be arrested by the immigration authorities, 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 the person’s entry into the United States.

• Documentation of any prior deportation orders, arrests, and convictions, and copies of all immigration documents filed for the person with USCIS.

• To find out if someone has ever been charged by the U.S. Immigration and Customs Enforcement (ICE), call EOIR at 800-898-7180. You must have the person’s “A” number available.

• 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. A list of embassies may be found by visiting www.embassy.org/embassies. You may call your embassy to find out if there is a consulate near you.

• Power of attorney, a legal document authorizing an individual to act on the detainee’s behalf.

• Make arrangements for the care of children in the event that their parents or guardians are detained. If a person takes medication regularly, a supply should be readily available.

Locating a Person Arrested by ICE

When ICE arrests a person, it may place him/her in custody in the greater New York area or transfer him/her to an out-of-state facility. Adult detainees currently in ICE custody or who were released within the last 60 days may be located by visiting ICE’s Online Detainee Locator System (ODLS) at https://locator.ice.gov. You will need 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 and date of birth. Follow the online instructions to locate the detainee.

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

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 ICE at 212-863-3401. If detained or arrested in New Jersey, call 973-645-3666.

• Contact the consulate or 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. Contact different county detention facilities individually. You may find a map of detention facilities on the Detention Watch Network website at www.detentionwatchnetwork.org/dwmap. 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.

• 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.

• 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 signing the letter, and the relationship of the person 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 9-110. Located on Broadway between Worth and Duane Streets. Bond can be posted two ways:

1. Paid in full by certified or cashier’s 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 obligor 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.

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 authorized 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

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 signing the letter, and the relationship of the person to the detainee.

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property, savings, or other items of value must be available to the bond agent. Search online to find an authorized bail bond agent.

Getting the Bond Money Back

- If the person wins the case and is allowed to remain in the United States, the individual who posted the bond (the obligor) should receive a Form I-340. Notice to Obligor to Deliver Alien Only” and will explain the return procedure in a language the individual understands. The individual will be advised to take the sealed envelope to a U.S. Embassy or Consulate outside of the United States along with the individual’s travel document/passport. The U.S. official will mail the G-146/I-392 to ICE. Once the ERO receives the verified G-146 or I-392 from abroad, the bond is cancelled and the obligor receives a letter on the procedure to recover the bond money.

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

Avoid Immigration Fraud (Scams)

If you need legal service beyond the free assistance provided 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.

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 service providers, visit www.justice.gov/eoir/ra/aroster.htm or call “311” (if 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 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 service providers who practice law illegally, visit our website at www.cuny.edu/citizenshipnow and click on “Services.” Then go to “Apply for Citizenship” and then “Avoid Immigration Services Fraud.” If you or someone you know has been the victim of an immigration scam or has been victimized by an immigration legal service 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 advice. Information provided to the District Attorney’s and the Attorney General’s office is confidential and not reported to the federal government. To obtain information from the USCIS on how to avoid scams, visit www.uscis.gov/avoidscams.

Our Immigration Centers*

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<th>BRONX</th>
<th>BROOKLYN</th>
<th>MANHATTAN</th>
<th>QUEENS</th>
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<tr>
<td>Hostos Community College Immigration Center 718-518-4395</td>
<td>Medgar Evers Immigration Center 718-270-6292</td>
<td>City College Immigration Center 212-650-6620</td>
<td>Flushing Immigration Center 718-640-9223</td>
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<td>CUNY Xpress Immigration Center 718-256-4692</td>
<td>York College Immigration Center 718-262-5983</td>
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* Board of Immigration Appeals (BIA) Recognized

Part-time Locations

We offer part-time services at more than 30 New York City Council Member Offices and Affiliated Sites. For contact information, directions and hours of service, visit www.cuny.edu/citizenshipnow.

All centers require an appointment

All services are free

Connect with CUNY Citizenship Now!

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Revised August 2015 (N)