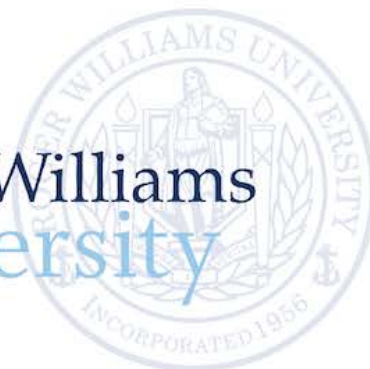


KNOW YOUR RIGHTS: DETENTION

Roger Williams
University



WHY AM I BEING HELD?

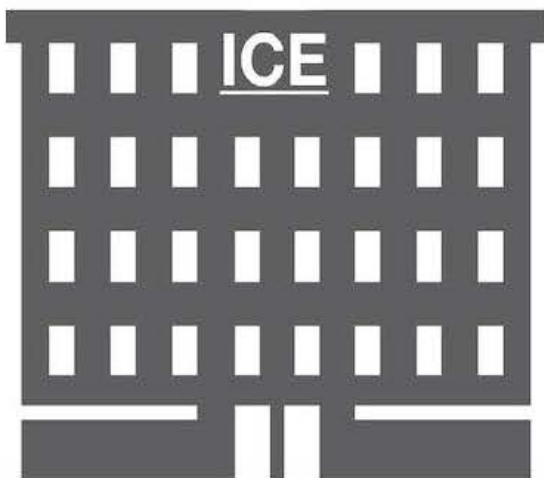
First, you are in a facility (or detained) while you wait for your immigration proceedings. The reasons you are being detained may be listed on a "Notice to Appear" form, given to you by an ICE or DHS agent; or, it may be listed in a "Warrant" that was given to you when ICE agents arrested you.

Some possible reasons for detention are:

- You were ordered to leave the country (or removed) by an Immigration Judge (a man or woman wearing a black robe and sitting behind a big desk). This may have occurred in-person or through video.
- You came back into this country after you were made to leave in the past.
- You are waiting for your removal hearing.
- You are waiting for your asylum interview or hearing.
- You are waiting for a medical or mental health exam.
- You were arrested at the border or within 100 miles of the border ("arriving alien") without the correct documents and ICE is detaining you so that they can remove you quickly.
- Your bond or parole has been denied or taken away.
- You have been accused of committing a crime or convicted of a crime that blocks you from being allowed to stay.



WHY AM I IN THIS PLACE?



ICE/DHS can put you in any place they want, have space, or local contracts with the agency. ICE/DHS may also move you to another facility at any time. If ICE/DHS agents want to move you, they must tell you and your lawyer on the day of the move. They do not have to tell your family members or sponsors. You should be allowed a phone call when you get to the new place.

WHAT ARE MY RIGHTS WHILE I AM IN HERE?

You have a right to be free of cruel, inhuman, or degrading treatment or punishment. This means you may not be denied food, water, or bathrooms. You may not be tortured or beaten.



If you are transgender, ICE agents are absolutely not allow to discriminate against or harass you.

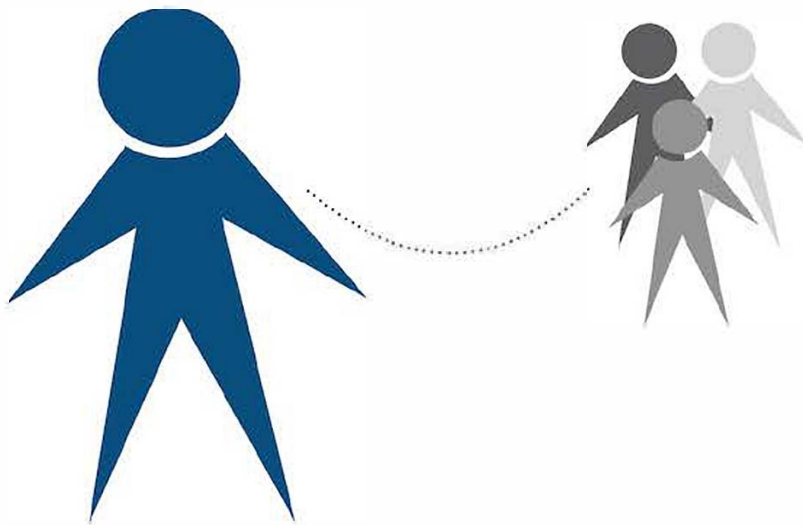


ICE may decide to keep you in a cell by yourself. If they have a good reason for this, they must review their decision regularly.

You have a right to access legal materials, make phone calls, and write and get mail. You have the right to an attorney, but you are the one who has to pay. You may be able to find a pro bono (or free) attorney who can take your case.

If you are treated badly in any way, you have the right to file a complaint with the facility and with ICE. You should also be sure to tell your attorney so that they can talk to people on your behalf.

WHAT IF ICE WANTS TO MOVE ME TO A PLACE FAR AWAY FROM MY FAMILY?

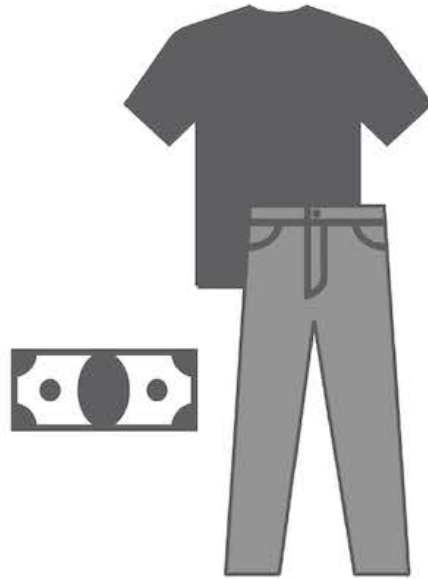


If ICE wants to move you far away from where your family lives, you may wish to let the deportation officer know your family is nearby. ICE's policy is that you should not be moved to a place far away from where your

"immediate family" lives without a reason. "Immediate family" includes mothers, fathers, step-parents, foster-parents, brothers, sisters, step-brothers, step-sisters, biological and adopted children, step-children, foster children, and spouses/domestic partners.

WHAT HAPPENS TO MY MONEY, VALUABLES, PERSONAL PROPERTY WHILE I AM IN HERE?

CBP/ICE has a policy to make sure that your personal property is protected when you are detained, and that it is returned to you when you are let out of this place or sent back to your home country. If ICE took your property, it will have a list of it. It will mark all of your personal belongings. You should ask for a receipt of your personal property. This receipt is the only thing you will have to show that you have personal property being held by ICE. Your personal belongings may be held at a deportation office or travel with you from place to place. If you are let out or deported, your property should be given back to you.



You do have a right to get into your personal belongings. Feel free to ask to get into your things in writing to the facility staff. If you think some property is missing and you report that it is missing, CBP/ICE must look into it. If your property is missing or destroyed, report it to an officer at your facility as soon as you know it is missing.

IF I ENTERED WITH A FAMILY MEMBER AND THEY WERE DETAINED, HOW CAN I FIND OUT WHERE THEY ARE?

Finding a detained family member can be hard. If your family member is in a place run by ICE, you can find your family member by going to the ICE Online Detainee Locator Database at: <https://locator.ice.gov/odls/>.

There are two ways to find your detained family member in the online database: You can search in the database using their Alien Number and Country of Birth. The Alien Number is an 8 or 9 digit number given to all immigrants. This number is on the person's green card or work permit, or most documents from ICE or DHS.

You can also find your family member by name and country of birth. The person's first and last name must appear exactly as it does in the ICE system. It may be helpful to try different names or different spellings of names. You can

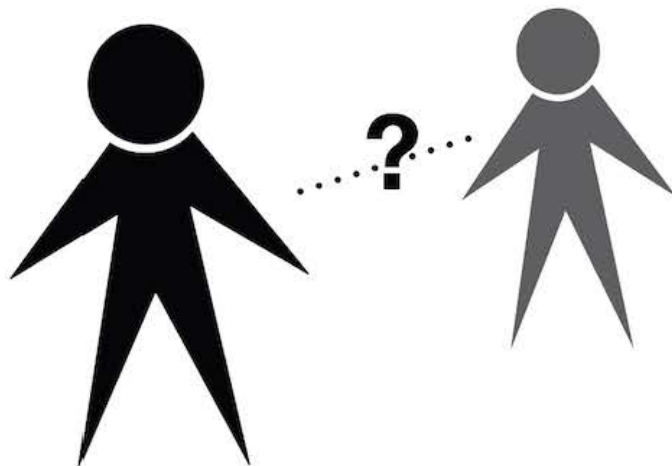
also enter the person's date of birth.

If the arrest was made recently, your family member may not be in the online system yet. Also, please note that the online system does not give information for people under 18 years of age. If you are looking for someone under the age of 18, you will need to contact the ICE field office nearest you. The Boston Field Office is the office in this area and can be reached at (781) 359-7500 or at Boston.Outreach@ice.dhs.gov.

If your loved one is not located in an ICE facility, he or she may have been taken to a local jail or prison. In that case, you can try two options:

You can try calling all of the local jails and prisons in the area ; OR

You can hire an immigration attorney to assist you in finding your loved one.



Another option is to try to speak to your loved one's deportation officer. The officer can tell you how to contact you family member. **BUT DO NOT** reveal anything about the person -- including their country of citizenship or immigration status in the U.S. -- as anything you say to the officer can be used against your loved one in immigration court.

WHAT IF I HAVE LIVED IN THE U.S. FOR MORE THAN 2 YEARS?

You are an "arriving alien" if you:

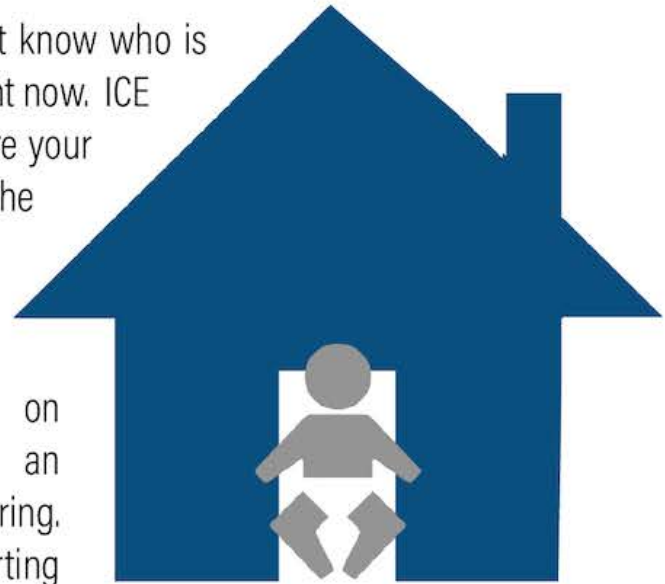
1. were arrested at the border or within 100 miles of the border,
2. did not have the proper papers, and
3. you have lived here for more than 2 years.

If you are an arriving alien, you may be able to fight your expedited removal (meaning you can be deported very quickly, without a hearing). Do you have tax returns, pay stubs, medical or school records, rent receipts, or other documents that show you have been in the U.S. for more than two years? If so, have a family

member, friend, or attorney find those papers so that you can show them to DHS to have them think again about your status.

WHAT IF I HAVE MINOR CHILDREN AT HOME WITH NO ONE TO CARE FOR THEM?

If you have children at home and do not know who is taking care of them, tell an ICE official right now. ICE can give you an opportunity to make sure your child is cared for or they can review the decision to detain you. You can also ask your Deportation Officer about how to try to get released-- try asking for "Humanitarian Parole," "Release on Recognizance," "Supervised Release," an "Alternative to Detention," or a bond hearing. You can also contact the Detention Reporting Information Hotline ("DRIL") at 1-888-351-4024



for more information on what to do if you are detained and have a young child at home with no one to care for her/him.

If you learn that the state has taken your child while you are in detention, tell an ICE official right away or contact DRIL. ICE can give you the opportunity to contact the state child welfare agency and make care arrangements for your child. ICE may also review their decision to detain you if you show them new information related to your child and his or her care.