



Catholic Charities of Southern New Mexico

How to Prepare in Case You Are Detained by ICE:
Get Informed. Learn. Plan.

1. I'm not a U.S. Citizen, what is the worst that can happen to me?

The worst thing that can happen to you as a non-citizen is to be placed in removal proceedings. This can include being detained in a jail or Immigration Detention Facility

2. If ICE finds me, will they deport me immediately?

No, you have the right to be heard by an immigration Judge.

There are 2 important exceptions!

Exception #1 a deportation IS automatic if you have a prior removal or deportation order.

- You were issued an expedited order of removal or you were ordered removed or deported by an Immigration Judge. You are subject to reinstatement of removal which means you do not get to see a judge and can be automatically deported.

Exception #2—a deportation IS automatic if you:

- Seek entry through a port of entry (land, air, or sea) and you do not have a visa
- Are within 100 miles of the Mexican or Canadian border and you have been in the U.S. less than 14 days. ***This may soon change to include anyone who has been present in the U.S. for less than 2 years.
- Were interdicted at sea

If you've been in the country for several years, it is important to keep available documentation that indicates so (in your car, your wallet, etc.). If CBP stops you, ask to see a judge. Don't sign anything without first speaking to a lawyer!

3. What do I do if I've been deported before?

Speak to an attorney. In certain circumstances your old deportation case may be able to be reopened. In certain occasions, it's possible to seek asylum. If you've been deported before it's important that you keep the following documents in hand.

4. How to be prepared in case you are detained.

Have the following documents ready:

- Proof of your identity: Copy of Birth Certificate, passport, consular Id
- Proof of the length of time you have lived in the U.S. going as far back as possible. This is any document with your name and a date for example: Tax records, pay stubs, utility bills, contracts, leases, mortgages, medical records.
- Proof of family members who are US citizens (USC) or Legal Permanent Residents (LPR):
 - If your spouse is a Citizen or Permanent Resident have the following ready:
 - Copy of Spouse's green card or proof of citizenship (birth cert., naturalization cert, US passport)
 - Copy of your marriage license
 - If your children or parents are US Citizens or Legal Permanent Residents:
 - Copy of their birth certificates or green cards
- Have a list of community members (friends, neighbors, clergy, employer..etc) that would be willing to write sworn statements attesting to your good moral character.
- If your CITIZEN or RESIDENT family member is ill: Obtain copies of medical records
 - If you are on medication, or have an illness, get a letter from your doctor explaining what you are suffering and what course of treatment you are taking.
 - If you are pregnant, travel with copies of proof of pregnancy.
 - If your children are special students or attend special classes or in some way require special attention, keep copies of these documents handy.

If you have a criminal record

If you have a criminal history and aren't in the country legally, your deportation is a priority to the government. It does not matter if you've paid fines, or if the court pardon any charges made against you. Obtain a copy of your criminal record. These documents will be important to determine if you qualify for any type of relief.

If you encounter criminal issues, talk to an immigration attorney before filing a guilty plea before the criminal law court.

Always have on your person a small index card with the contact information of your:

- Closest relative or friend who is a USC or LPR, their phone number, and address.
- Immigration Attorney
- English statement:

"I am invoking my right to remain silent, I demand to speak with an attorney."

- Determine who you would give a power of attorney to so that they could: transact business on your behalf, care for your children, withdraw money...etc. Also make sure that this is the person contacting an attorney.
- Your emergency contact should know the following about you:
 - Your full name as used on your birth certificate
 - Any aliases you may have used in the past
 - Your date of Birth
 - Your country of birth

THIS SHOULD NOT BE TAKEN AS LEGAL ADVICE. FOR ADVICE PLEASE SPEAK TO A LAWYER.

- When you first entered the Country and when you last entered the country
 - If you have been arrested or deported before
- If you are detained, use your REAL and COMPLETE Name as it is written on your birth certificate. Do not give ICE a fake name, or a nick name, as it makes it difficult to find you in the ICE Locator system. If ICE picks you up there is no guarantee you will be detained at a local detention center so it is important you use the information contained on your birth certificate.

ALWAYS TELL THE TRUTH!!

5. What happens once detained?

- Make sure to keep all the documents you are given by ICE
- Locate your Alien Number (A#) This is a 8-9 Digit Number found on most paperwork given to you by ICE.
- When you are processed by ICE you should be given the following documents:
 - Notice to Appear
 - Form I-213
 - Form I-286 Notice of Custody Determination
 - List of Pro-Bono or Low Bono Attorneys and legal service providers

6. Once I am in removal proceedings, can I fight to stay in the U.S.?

YES!

The following categories of people may have relief available to them. It is important to speak with an Attorney or BIA representative as every case is different and whether you ultimately qualify for relief will depend on a number of other factors. Generally speaking, however, if you fall within any of the following categories of people, you may be eligible to remain in the U.S. legally:

Availability of Relief:

- You are married to a USC or LPR
- Your parents or grandparents are USCs, speak to a Lawyer, in certain circumstances children can “inherit” their parents’ citizenship status.
- Your parents are LPRs.
- If you have lived in the U.S. at least 10 years before you were placed in removal proceedings and you have USC or LPR children under the age of 21
- If you last entered the U.S. with a visa or were “waived through” and have a USC child over the age of 21
- If your parents were granted Asylum
- If you fear return to your country due to threats you have received
- If you are under 18 -21 and your mother or father have abandoned, abused, or neglected you
- If you have been continuously present in the U.S. since 1972
- If you have a USC sibling who petitioned for you
- If you were the victim of violence and reported the incident to the police

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- If your child or spouse was the victim of violence and the incident was reported to the police
- If you arrived in the U.S. prior to your 16th birthday and did not turn 31 prior to June 15, 2012, you have been continuously present in the U.S. since 2007; you were physically present in the U.S. on June 15, 2012 and you completed high school, your GED or are enrolled in classes or served in the military**FUTURE IS UNCERTAIN**
 - If you served in the US Military

This list is non-exhaustive, even if you do not fall into one of these categories, please speak with an Immigration Attorney or BIA Representative to discuss your immigration options.

IF YOU NEED TO SPEAK TO AN ATTORNEY THE FOLLOWING ORGANIZATIONS PROVIDE LOW COST IMMIGRATION LEGAL SERVICES

Catholic Charities of Southern New Mexico

2215 S. Main Street Suite B

Las Cruces NM 88005

P: 575-527-0500

F:575-526-9626

E:IM@catholiccharitiesdlc.org

Diocesan Migrant and Refugee Services

2400 E. Yandell, Ste. A

El Paso, TX 79903-3617

915-532-3975

915-532-4071

info@dmrs-ep.org

dmrs-ep.org

United Neighborhood Organization (UNO)

8660 Montana, Ste. 1

El Paso, TX 79925

915-775-1161

UNO Branch office:

747 E. San Antonio Ave, Suite 100

EL Paso, TX 79901

915-351-0099

New Mexico Immigrant Law Center

714 4th Street SW

Albuquerque, NM 87102

P:505-247-1023

NMILC.org

Las Americas

1500 E. Yandell Dr.

El Paso, TX 79902

P: 915-544-5126

F: 915-544-4041

E: Administrator@lasamericas.org