



Immigration Justice Project

Promoting Due Process and Access to Justice

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PARALEGAL

&

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PARALEGAL

WHO ARE WE?

- PART OF THE AMERICAN BAR ASSOCIATION, IMMIGRATION JUSTICE PROJECT
- WE ARE A NON-PROFIT ORGANIZATION
- WE ARE NOT PART OF THE GOVERNMENT
- THREE COMPONENTS
 - **LEGAL ORIENTATION PROGRAM (LOP)**
 - **MENTAL HEALTH PROGRAM (NQRP)**
 - **PRO-BONO PROGRAM**

WHAT ARE WE TALKING ABOUT TODAY?

- **WHY DO INDIVIDUALS GET DETAINED BY ICE?**
- **WHAT HAPPENS WHEN A PERSON IS DETAINED BY ICE OR HAS AN ICE HOLD?**
- **WHAT IMMEDIATE STEPS TO TAKE IF A STUDENT IS DETAINED BY ICE**
- **AVENUES FOR DEFENSE AGAINST DEPORTATION**

WHY DO INDIVIDUALS GET DETAINED BY ICE?

- **ENTERED THE COUNTRY AS AN ARRIVING ALIEN OR CAUGHT INSIDE THE US WITHOUT PERMISSION**
 - EX. PRESENTED THEMSELVES AT THE BORDER
- **VISA OR PERMIT HAS EXPIRED**
 - EX. B-1
- **COMMITTED CRIMES**
 - EX. DUIS, DRIVING WITHOUT A LICENSE, DOMESTIC VIOLENCE CHARGES

WHAT HAPPENS WHEN A PERSON IS DETAINED BY ICE OR HAS AN ICE HOLD?

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: _____ FINS #: _____ File No. AO _____
DOB: _____ Event No: SBT _____

In the Matter of:

Respondent: _____ currently residing at:

EL PASO PROCESSING CENTER 8915 MONTANA AVENUE EL PASO, TEXAS, UNITED STATES 79925 19151225-1901
(Number, street, city and ZIP code) (Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You arrived in the United States at or near COLUMBUS, NEW MEXICO, on or about March 20, 2004;
4. You were not then admitted or paroled after inspection by an Officer of the Department of Homeland Security.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Secretary of the Department of Homeland Security.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
EXECUTIVE OFFICE OF IMMIGRATION REVIEW 8915 MONTANA AVENUE EL PASO TEXAS 79925

on a date to be set _____ at a time to be set _____ to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Date: October 12, 2009

Sierra Blanca, Texas

(City and State)

WHAT HAPPENS WHEN A PERSON IS DETAINED BY ICE OR HAS AN ICE HOLD? CONTINUED...

- **PLACED IN A DETENTION CENTER**
 - EX. IN SAN DIEGO- OTAY MESA DETENTION CENTER
- **LOP VISITS DETAINEES AND PROVIDES LEGAL ORIENTATION TO INDIVIDUALS THAT**
 - 1. DO NOT HAVE AN ATTORNEY
 - 2. ARE REPRESENTING THEMSELVES

RIGHTS IN IMMIGRATION COURT

- RIGHT TO AN ATTORNEY
 - GOV'T DOESN'T PROVIDE ONE
- USE INTERPRETER IN BEST LANGUAGE
 - PRESENT EVIDENCE
 - CONFRONT EVIDENCE
- ASK QUESTIONS TO THE WITNESS
 - APPEAL

IN CASE ICE GETS IN CONTACT WITH A STUDENT

- **IF ICE KNOCKS AT THEIR DWELLING, DO NOT OPEN THE DOOR**
 - EVEN IF THEY SHOW A PHOTO IDENTIFICATION
- **ICE CANNOT ENTER THE DWELLING WITHOUT AN ORDER SIGNED BY THE JUDGE**
 - IF THEY HAVE AN ORDER, ASK TO SLIDE THE PIECE OF PAPER UNDER THE DOOR
- **STAY QUIET**
 - WHATEVER YOU SAY MIGHT BE USED AGAINST YOU BY ICE
- **DO NOT SIGN ANYTHING WITHOUT TALKING WITH AN IMMIGRATION ATTORNEY FIRST**
- **TAKE PHOTOS, ASK FOR NAMES, REPORT WHAT HAPPENED TO:**
 - [1-844-878-7801](tel:1-844-878-7801)

ASK THE STUDENT TO BE PREPARED FOR ANYTHING AND EVERYTHING!

- MEMORIZE THE PHONE NUMBER OF AT LEAST **TWO PEOPLE** THAT YOU TRUST AND CAN ANSWER THE PHONE IMMEDIATELY
 - EVEN A COUNSELOR'S PHONE NUMBER
- **HAVE A PLAN FOR THE CARE OF THEIR CHILDREN**
- **HAVE A PHONE NUMBER OF A TRUSTED IMMIGRATION ATTORNEY**
 - NOT A NOTARY

WHAT IF I CANNOT LOCATE THE DETAINED STUDENT?

- **ONLINE DETAINEE LOCATOR SYSTEM**

- WWW.LOCATOR.ICE.GOV

- A-NUMBER
- COUNTRY OF BIRTH

- **LIST OF NON-PROFIT ORGANIZATIONS**

- [HTTPS://WWW.IMMIGRATIONADVOCATES.ORG/NONPROFIT/LEGALDIRECTORY/](https://www.immigrationadvocates.org/nonprofit/legaldirectory/)

- **CONTACT US**

619-255-8817

2727 CAMINO DEL RIO SOUTH, SUITE 223

SAN DIEGO, CA 92108

FORMS OF IMMIGRATION RELIEF

- **CITIZENSHIP**
- **ADJUSTMENT OF STATUS**
- **CANCELLATION OF REMOVAL FOR LPRS**
- **CANCELLATION OF REMOVAL FOR NON-LPRS**
- **VAWA**
- **U OR T VISAS**
- **ASYLUM, WITHHOLDING OF REMOVAL OR CAT**
- **VOLUNTARY DEPARTURE**

**** MANY OTHER RELIEFS BUT THESE ARE THE MOST COMMON CASES WE SEE AT THE DETENTION CENTER*

CITIZENSHIP

- **REQUIREMENTS:**

- A PERSON NEEDS TO BE LEGAL PERMANENT RESIDENT (LPR)
- AT LEAST 3 YEARS, IF MARRIED WITH US CITIZEN, **OR** 5 YEARS WITH LPR STATUS FOR THE REST
- GOOD MORAL CHARACTER
- PASS AN ENGLISH TEST
- PASS A HISTORY OF THE USA TEST

ADJUSTMENT OF STATUS

- **US CITIZENS** (OVER 21 YRS OF AGE)

CAN PETITION FOR:

- PARENTS
- SPOUSE
- CHILDREN
- SIBLINGS

- **LEGAL PERMANENT RESIDENTS** CAN

PETITION FOR

- SPOUSE
- CHILDREN

****THE WAIT TIME VARIES DEPENDING
ON WHO PETITIONED AND WHAT
COUNTRY OF ORIGIN***

CANCELLATION OF REMOVAL FOR RESIDENTS (EOIR 42-A)

- **LEGAL PERMANENT RESIDENTS FOR AT LEAST 5 YEARS**
- **LEGALLY AND CONTINUALLY LIVING IN THE UNITED STATES FOR LAST 7 YEARS**
- **HAVE NOT BEEN CONVICTED OF A SERIOUS CRIME**

CANCELLATION OF REMOVAL FOR NON-LPR (EOIR 42-B)

- LIVED CONTINUOUSLY IN THE UNITED STATES FOR AT LEAST 10 YEARS
- **PARENT, SPOUSE OR CHILD** (CITIZEN OR RESIDENT) WHO WOULD SUFFER EXTREME DIFFICULTIES OUTSIDE OF THE ORDINARY DUE TO YOUR REMOVAL
- HAVE NOT BEEN CONVICTED OF CERTAIN CRIMES

CANCELLATION FOR VICTIMS OF DOMESTIC VIOLENCE (VAWA)

- IF YOU AND/OR YOUR CHILDREN HAVE SUFFERED **PHYSICAL OR PSYCHOLOGICAL ABUSE** BY YOUR SPOUSE, OR THEIR PARENT WHO IS A **CITIZEN OR RESIDENT OF THE UNITED STATES**
- THE PARTICIPATION OF THE ABUSIVE PERSON IS NOT NECESSARY; IT DOES NOT MATTER IF YOU ARE DIVORCED OR WIDOWED
- **REQUIREMENTS:**
 - THREE YEARS IN THE UNITED STATES
 - NO AGGRAVATED FELONIES
 - DEMONSTRATE THAT YOU WOULD SUFFER IF DEPORTED.

U AND T VISAS

U VISA

- VICTIM OF A CRIME IN THE UNITED STATES
- POLICE REPORT?
- CERTIFICATION (SUPPLEMENT B)

T VISA

- VICTIM OF HUMAN TRAFFICKING IN OR TO THE UNITED STATES
- YOU NEED TO DEMONSTRATE THAT YOU **COOPERATED, ARE COOPERATING, OR ARE INTERESTED IN COOPERATING WITH THE OFFICIALS IN THE RESOLUTION OF YOUR CASE.**

ASYLUM, WITHHOLDING OF REMOVAL, CONVENTION AGAINST TORTURE (CAT)

- DO YOU FEAR RETURNING TO YOUR HOME COUNTRY BECAUSE OF PERSECUTION?
- FOR ASYLUM AND WITHHOLDING OF REMOVAL, THE PERSECUTION HAS TO BE ON ACCOUNT OF:
 - RACE
 - RELIGION
 - NATIONALITY
 - POLITICAL OPINION
 - AFFILIATION WITH A PARTICULAR SOCIAL GROUP
 - (IE. HOMOSEXUALS)

ASYLUM

- **OTHER REQUIREMENTS:**

- LESS THAN 1 YEAR IN THE UNITED STATES SINCE MOST RECENT ARRIVAL
- NO AGGRAVATED FELONIES

- **BENEFITS:**

- PERMANENT RESIDENCY
- WORK PERMIT

WITHHOLDING OF REMOVAL

- THIS DEFENSE IS SIMILAR TO ASYLUM, OR HAS AT LEAST SIMILAR REQUIREMENTS.

- IF YOU WIN, THEY DON'T GIVE YOU RESIDENCY, BUT YOU CAN STAY IN THIS COUNTRY.

- YOU CAN APPLY FOR A WORK PERMIT

**YOU MUST HAVE STRONG PROOF TO BE ABLE TO WIN

(MORE THAN 50%)

CONVENTION AGAINST TORTURE (CAT)

- THEY CAN GIVE YOU THIS DEFENSE EVEN IF YOU HAVE CONVICTIONS FOR AGGRAVATED FELONIES
- DEMONSTRATE THAT:
 - **VERY LIKELY THAT YOU WILL BE TORTURED IF YOU RETURN TO YOUR HOME COUNTRY**
 - (MORE THAN 50%)
 - TORTURE COMES FROM **AGENTS OF THE GOVERNMENT** OR THAT THE GOVERNMENT **CANNOT PREVENT OTHERS FROM TORTURING YOU**

****IF THIS RELIEF IS GRANTED, DOES NOT DIRECTLY LEAD TO PERMANENT RESIDENCY, BUT CAN STAY INSIDE THE UNITED STATES AS LONG AS COUNTRY CONDITIONS DO NOT CHANGE FOR THE BETTER AS PER THE GOVERNMENT**

VOLUNTARY DEPARTURE

- VALID PASSPORT
- PAY FOR THE RETURN TICKET TO YOUR HOME COUNTRY

- **INELIGIBLE IF :**
 - DISCOVERY THAT YOU ARE GUILTY OF A MAJOR CRIME
 - PREVIOUSLY GRANTED VOLUNTARY DEPARTURE
 - SUFFERED THROUGH PREVIOUS DEPORTATIONS
 - CERTAIN CRIMES

***IF YOU ARE APPROVED FOR VOLUNTARY DEPARTURE, YOU SHOULD LEAVE THE UNITED STATES*



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THANK YOU FOR YOUR ATTENTION!