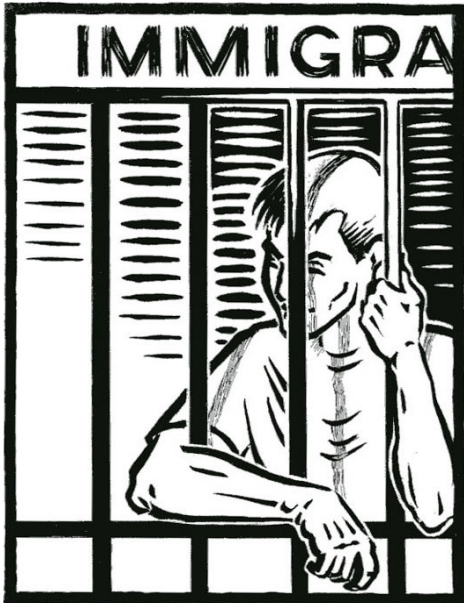


# NATIONAL IMMIGRATION LAW CENTER

## WHAT TO DO IF YOU ARE ARRESTED OR DETAINED BY IMMIGRATION\*

April 2004

Immigrants who are arrested or detained by immigration have certain rights. These rights change, however, if you are arrested or detained at the border or in an airport. In these cases, you may have fewer rights. You probably have more rights if you are arrested by immigration at work, on the street, after a traffic stop, or at home. If you are arrested and detained, it is important that you keep calm, and remember the following things:



✘ Do not sign anything. You may be signing away your right to see a lawyer or a judge.

✘ Do not take “voluntary departure” (agree to leave) without talking to a lawyer first. Signing voluntary departure means that you won’t get a hearing, you will have to leave the U.S., and you may never be able to enter the U.S. again or get legal immigration status.

✘ Do not expect immigration agents or the judge to explain your options, or to give you the right information. Wait to speak with a lawyer before saying or doing anything.

☑ You have the right to call an attorney or your family if

you are detained. You have the right to be visited by an attorney in detention (immigration jail).

☑ You have the right to a lawyer, but the Government will not pay for or provide that lawyer. You must hire one or find someone who will represent you for free—immigration should give you a list of groups to call for free lawyer or for legal advice. If you see a judge before you can get legal advice, you should ask the judge for more time to find a lawyer.

☑ You should tell the lawyer who you speak with everything you think is important about your immigration case, including whether you have ever been arrested for a crime. It is important that anyone giving you legal advice knows everything about your case so that she or he can give you the best advice. It does not pay to lie or keep information from your lawyer.

☑ If you think that your boss called immigration on you because you complained about your working conditions, make sure to tell the lawyer this fact. You might have a case against your boss for this action.

\* Portions of this document were adopted from the National Lawyers’ Guild’s *Know Your Rights!*



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- ☑ In most cases, immigration must decide in 48 hours whether to put you into immigration proceedings (in front of a judge), and whether to keep you in custody or to release you on bond.



However, under new laws, immigration may have more time to decide (it should not be more than 7 days before they decide). Be sure, however, to tell a lawyer or a legal organization if you are being held for more than 48 hours.

- ☑ In most cases, you have the right to ask to get out of detention by paying a bond, or to ask for a bond hearing in front of a judge. The judge, however, may order that you stay in detention if the judge decides that you might not show up for your court hearing or that you are dangerous to others.
- ☑ If you have to leave the U.S., try to speak with an immigration lawyer before leaving. You may not be able to come back for a certain number of years. It is important you know this before you leave, because if you come back earlier than you should you can be arrested for a crime.