

DEPORTATION DEFENSE MANUAL



WHEN OUR COMMUNITIES ARE UNDER ATTACK, WHAT DO WE DO?

STAND UP, FIGHT BACK!

The information contained herein is for educational purposes only. It does not, and is not intended to, constitute legal advice. In addition, the manual was developed for use within New York City--some of the information included does not apply to people elsewhere.

Make the Road New York (MRNY) is a 20,000+ member community organization that builds the power of immigrant and working communities to achieve dignity and justice by using four core strategies: community organizing, policy innovation, transformative education and provision of survival services. MRNY has storefront community centers in the immigrant enclaves of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; and Brentwood, Long Island, and our members and participants come from across New York City, Long Island and Westchester. The purpose of this manual is to provide information, resources, and a guide to create a plan of action to protect targeted communities against the ongoing anti-immigrant attacks of the Trump administration. It is important to remember when we act together, we have the power to protect one another even when immigration laws and agents do not respect our community.

This manual contains three sections: (1) Know Your Rights, (2) Rapid Response to Raids, and (3) Deportation Defense. The first part, “Know Your Rights” will focus on your rights at home and in public spaces when interacting with ICE agents (“la Migra”). This section also includes information and resources on how to prepare yourself in case you, or a family member, is detained by ICE. Second, “Raids Rapid Response” is a guide on how to support someone who has been detained. This includes information on how to locate a person, how to visit them, how to ensure their loved ones know what steps to take, and how to assess options for legal representation. Lastly, “Deportation Defense” will focus on how to fight deportation cases through organizing and community participation, how to organize a campaign, fundraise and how to become involved in the movement to end the separation of our families.

This manual is a resource for individuals who are being impacted by the escalation of immigration enforcement activity, and for individuals who are interested in becoming a support person for those affected. However, this is a supplement to, not a substitution for, legal counsel; if you are facing deportation or have a previous deportation order, you should reach out to an immigration attorney.

To change this system that continuously represses our community, join us in the fight for immigrant justice, fight back, resist, and organize!

**Caminante, no hay camino.
Se hace el camino al andar.**

**Searcher, there is no road.
We make the road by walking.**

–Antonio Machado, Proverbios y cantares

XXIX

Make the Road New York (MRNY) builds the power of Latinx and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services.



TABLE OF CONTENTS

- 06** PART 1:
KNOW YOUR RIGHTS!
- 34** PART 2:
RAPID RESPONSE TO RAIDS
- 48** PART 3:
DEPORTATION DEFENSE
- 60** **APPENDIX**
- 79** **Thank yous**
- 80** **Blank pages for notes**

PART 1

KNOW YOUR RIGHTS!

If ICE comes to your home

- **Do not open the door**
ICE cannot enter your home unless they have a warrant signed by a judge. If they say they have a warrant, ask them to slip it under the door. If ICE has a valid warrant, they will come in.
- **Remain calm and silent**
Anything you say or do can be used against you. Remain calm (do not yell, fight, try to run) and silent. Do not answer any questions, and ask for an interpreter if you do not understand the language. Under the Fifth Amendment of the U.S. Constitution, you have the right to remain silent and not incriminate yourself.
- **Do not sign anything**
Do not sign anything that ICE gives to you. Ask to have documents translated.
- **Record and report**
If you witness someone being detained by ICE, take photos, and write down other relevant information from a safe distance. Immediately after, call the Immigrant Defense Project's hotline to report the raid and find out if the person/s will be eligible for an attorney.

If you are stopped by a police officer or an ICE agent on the streets

Ask: **"AM I FREE TO GO?"**

- If they say **"YES,"** walk away slowly.
- If they say **"NO,"**

Ask: **"AM I BEING DETAINED?"**

If they say **"YES"** you are detained, do not resist.

Say: **"I WANT TO EXERCISE MY RIGHT TO REMAIN SILENT"** and then say **"I WOULD LIKE TO SPEAK TO AN IMMIGRATION ATTORNEY"**

You should only say your legal name.

Be sure **NOT** to give any other information or show any false documents.



Immigrant Defense Project has been monitoring Immigration and Customs Enforcement (ICE) arrests in the community.

KNOW YOUR RIGHTS with ICE



Who is at risk of being arrested by ICE?

The law allows the federal government to deport certain immigrants, including:

- Anyone without lawful immigration status
- People with status (e.g., lawful permanent residents, refugees and visa holders) who have certain criminal convictions

The people the Trump Administration announced ICE will initially focus on deporting include:

- people with pending criminal cases and/or prior criminal convictions;
- people with final orders of removal;
- people who have committed fraud or misrepresentation in applications to the government;
- people they believe pose a threat to public safety or national security

People with legal status and prior convictions

Be aware: You may be a target even if:

- Your conviction is from years ago;
- You didn't serve time in jail;
- Your case was minor or a misdemeanor;
- You've been an LPR for a long time; and/or
- All the other members of your family are US citizens.

Are ICE agents approaching anyone they think they can deport?

ICE agents usually identify the person they want to arrest ahead of time. Then, they go to homes, courthouses, shelters and even workplaces to look for that person. Sometimes they wait on the street to make the arrest.

If I know I'm at risk, what can I do?

- **Make a plan** with your loved ones in case you are picked up by ICE!
- **Avoid contact with Immigration** – don't apply to change your immigration status or to renew your greencard and don't travel outside of the United States without talking to a lawyer first!
- **Avoid contact with the Criminal Justice System** (the police share your fingerprints with Immigration)!

Immigration and Customs Enforcement (ICE) is one of the federal government agencies responsible for deporting people. ICE is part of the U.S. Department of Homeland Security (DHS).

IF YOU OR A LOVED ONE IS AT RISK OF DEPORTATION, HAVE A PLAN!

Knowing which rights you have and exercising them is complicated.

For more information on ICE community arrests, please see IDP's longer booklet at immigrantdefenseproject.org/ice-arrests or contact KYR@immdefense.org

If you want to report a raid within NYC, call IDP at 212-725-6422

If you want to report a raid outside of NYC, contact United We Dream at 1-844-363-1423

These materials are provided for informational purposes and do not constitute legal advice. Images & Content © IDP 2017

What should I do if ICE agents approach me on the street or in public?

When ICE agents arrest someone in public, it typically happens quickly. They may call your name out loud and ask you to confirm your name and then detain you.

- Before you say your name or anything else, **ask, "AM I FREE TO GO?"**
 - **If they say YES:** Say, "I don't want to answer your questions" or "I'd rather not speak with you right now." Walk away.
 - **If they say NO:** Use your right to remain silent! Say, "I want to use my right not to answer questions" and then "I want to speak to a lawyer."
- If ICE starts to search inside your pockets or belongings, say, "**I do not consent to a search.**"
- **DON'T LIE or show false documents. Don't flee or resist arrest.**
- Don't answer questions about your immigration status or where you were born. They will use any information you provide against you. Do not hand over any foreign documents such as a passport, consular IDs, or expired visas.
- If you are in Criminal Court for a court date, ask to speak to your defender before they take you away.

If officers come to my home, will I know they are from ICE?

Not always! Beware: ICE agents often pretend to be police and say they want to talk to you about identity theft or an ongoing investigation.

Can ICE agents enter my home to arrest me?

If ICE agents do not have a warrant signed by a judge, they cannot enter the home without permission from an adult. Opening the door when they knock does not give them permission to enter your home.



So, what do I do if officers are at my door?

- Find out if they are from DHS or ICE.
- Try to stay calm. Be polite. Don't lie. Say "**I don't want to talk to you right now.**"
- Politely ask to see a warrant signed by a judge and to slip it under the door. If they don't have one, decline to let them in.
- If they are looking for someone else, **ask them to leave contact information.** You don't have to tell them where to find the person and you should **not** lie.

What can I do if ICE is inside my home to make an arrest?

- Tell them if there are children or other vulnerable residents at home.
- Ask them to step outside unless they have a warrant signed by a judge.
- If they came inside without your permission, tell them "**I do not consent to you being in my home. Please leave.**"
- If they start to search rooms or items in your home, tell them "**I do not consent to your search.**"
- If ICE is arresting you, tell them if you have medical issues or need to arrange for childcare.

What are my rights if I am being arrested by ICE?

- You have the right to **remain silent.** You have the **right to speak to a lawyer.**
- **DO NOT LIE.** It can only hurt you in the future.
- You do **NOT have to share any information** about where you were born, what your immigration status is, or your criminal record. Ask to speak to a lawyer instead of answering questions.
- You do **NOT have to give them your consular documents or passport** unless they have a warrant from a judge.
- You do **not have to sign anything.**

IDP updated this information in January 2017 with the legal support of the Center for Constitutional Rights. For more info, please see IDP's longer booklet at immigrantdefenseproject.org/ice-arrests



Know Your Rights in the Workplace!

In addition to being prepared for possible contact with U.S. Immigration and Customs Enforcement (ICE) at home or on the street, it is important to also prepare for the possibility of ICE coming to your workplace.

If ICE comes to a workplace

Can agents enter a workplace without a warrant?

If you work in a place open to the public, like a restaurant or car wash, ICE agents may enter the *public space* of your workplace as they please.

However, ICE cannot enter the non-public space of your workplace unless they have *either the voluntary consent of your employer, or a valid warrant*.

If you feel comfortable, remind your employer that they can deny ICE consent to enter the workplace absent a warrant. *If ICE enters without a warrant and the employer did not give consent, this could be challenged later in court.*

What should workers do if ICE agents enter a workplace?

Try to stay calm, do not run, and do not resist arrest.

Say aloud “I DO NOT CONSENT TO A SEARCH” and encourage others to do the same. If ICE agents try to search property, bags, or the pockets of someone at the work site, this could be challenged later in court.

Do not voluntarily give ICE any identity document—especially not a foreign passport, as this can be used against a non-citizen in court.

Document exactly what happened as soon as it is safe to do so

Do not give any false information to ICE—a person may face criminal or civil charges for use of false documents such as social security cards.

What if agents want to question workers?

Just as they would on the street, workers should say : “AM I FREE TO GO?”

- If they say “YES,” walk away slowly.
- If they say “NO,” Ask: “AM I BEING DETAINED?”

If they say “YES,” the worker should say:
“I WANT TO REMAIN SILENT AND TO SPEAK TO A LAWYER”

Workers should not answer any questions about where they were born, immigration status, or immigration or criminal history.

Workers should not sign anything that ICE presents.

Do I have to tell an ICE agent my name?

In New York, you cannot be detained or arrested for only refusing to give your name to police. But, law enforcement officials do not always follow the law, and refusing to give your name to ICE agents may make them suspicious and lead to your arrest, so use your judgment.

If you fear that your name may be incriminating, you can claim the right to remain silent. Do not give a false name.

If you are arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.

What if ICE agents press me for information or threaten me?

Continue to assert your right to remain silent and speak with a lawyer – even if they do not respect this, it is important to do it because their conduct could be challenged later in court.

If an agent threatens the use of force, it is important to do what feels safe, even if that means complying. Do not argue with an agent, touch them, or interfere with a search.

What should workers do if an employer asks to fill out an I-9 or verify work authorization?

Employers are legally obligated to verify that their employees are authorized to work in the U.S., and usually must do this within three business days from the date of hire.

However, an employer can ask to reverify a worker’s work authorization under some circumstances, such as when a work authorization card is expiring, or the employer is being audited by the Department of Homeland Security (DHS).

If your employer chooses to reverify only *some* employees rather than all of them, this *may* be in violation of anti-discrimination laws. If you believe you are being discriminated against, you should consult with an employment attorney.

If an employer asks to see a work permit, keep in mind that you can request time to get your documents, but do *not* provide false documents, such as false identification or social security number as this could be used against you.



REMEMBER: If you are exercising your legal rights – such as that to a minimum wage, overtime, a workplace free of discrimination, or your right to organize, it is illegal for your employer to retaliate against you by reporting you to ICE or threatening to do so. If this happens, you should consult with an employment attorney.

How Do I Prepare my Workplace?

If possible, talk with your coworkers and inform them of their rights –especially their right to remain silent if questioned.

Make sure everyone knows how to react if ICE shows up at work.

Plan to stick together – sometimes ICE asks workers to divide into groups of citizens and noncitizens during a raid. Talk to your coworkers about all staying in one group.

Just as after any raid, it is critical to document exactly what happened in as much detail as possible. Complete the intake form in Appendix D.

Make the Road New York | Deportation Defense Manual

Know Your Rights When Driving

If you are detained while driving, it most likely will be a police officer rather than U.S. Immigration and Customs Enforcement (ICE) agents. However, if you are driving along border states, you may be pulled over by Border Patrol and could encounter Border Patrol *checkpoints*. If you are pulled over by police, it is better if you can drive away with a ticket rather than having to go to a police precinct, since going to a precinct may increase the chance you are referred to ICE. While we provide some guidelines below, each person must do what feels safest to them in the moment.

What should I do if I am pulled over by the police?

Stop your vehicle and turn on the emergency lights. Slowly lower the window and place your hands in a visible location.

Show your license, registration and proof of insurance upon an officer's request.

If you don't have a driver's license do not show any false documents. Generally, it's not recommended to show foreign ID's such as passports to law-enforcement. But, if you believe that showing your passport will result in getting a ticket instead of being brought to a police precinct, it might make sense to show it.

Do not answer any questions related to your immigration status or about your country of origin.

You have the right to remain silent. You may say: **"I WANT TO EXERCISE MY RIGHT TO REMAIN SILENT"** and **"I WANT TO SPEAK WITH A LAWYER"**

If the officer asks for permission to search your vehicle, you have the right to not consent to any search. Say: **"I DO NOT CONSENT TO ANY SEARCH."** The officer cannot search your vehicle without a proper warrant, unless there is *reasonable suspicion*.

What if I am pulled over by Border Patrol?

Border Patrol can pull you over if they have *reasonable suspicion* of an immigration violation or a crime, and they may ask questions about your immigration status.


They are *not* supposed to use race or ethnicity as a reason to stop you, so if you believe this is happening, make sure you document it.

Border Patrol can continue to detain you to inquire about your immigration status, but they cannot force you to speak or to sign anything.

While Border Patrol checkpoints may exist within 100 miles of any U.S. border including an airport, due to resources in NY, they are mostly found near the Northern border with Canada.

Judicial Warrant Vs. Administrative Warrant

The 4th Amendment of the Constitution protects against search, seizure, and arrest without probable cause and does not permit police or Immigration & Customs Enforcement (ICE) agents to enter homes without judicial warrants or consent. Judicial warrants can include arrest warrants (to arrest a specific person) or search warrants (to search a home, for example).

 **WARNING:** It is *very rare* that ICE would be able to obtain a judicial warrant. ICE agents sometimes present a document that says "warrant" on it but is *not* a judicial warrant. In order to be prepared, here's how to know the difference!

✘ Administrative Warrant

- Does not allow ICE entry!
- Signed by an ICE supervisor and not by a Judge
- May have "U.S. Department of Homeland Security" at top

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. (b)(6), (b)(7)(C)
 Event No. (b)(7)(E)
 PINS # (b)(6), (b)(7)(C) Date: October 20, 2010

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
 (b)(6), (b)(7)(C)
(Full name of alien)
 an alien who entered the United States at or near EAGLE PASS, TEXAS on
(Port)
 March 1, 2003 is within the country in violation of the immigration laws and is
(Date)
 therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(b)(6), (b)(7)(C)
(Signature of Delegated Immigration Officer)
 (b)(6), (b)(7)(C)
(Print name of Delegated Immigration Officer)
 SDDO
(Title)

Certificate of Service

Served by me at NASHVILLE, TENNESSEE on October 20, 2010 at 12:00 AM.
 I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

(b)(6), (b)(7)(C)
(Signature of officer serving warrant)
 SENIOR SPECIAL AGENT
(Title of officer serving warrant)

Form I-200 (Rev. 02/07)

ICE Rule 26 00145
 ICE 2014-FOIA-01578.000250

Page 1056 of 2353

✔ Judicial Warrant

- Allows ICE to enter the home
- Signed by a Judge
- Will have name of a state or federal court at the top such as "Supreme Court of the State of New York"

SAMPLE ARREST WARRANT

_____ COURT
 COUNTY OF _____ STATE OF _____ PART _____

[Use Caption as Per
 Mandate of Commitment, *supra*]

WARRANT OF ARREST
 PURSUANT TO
 JUDICIARY LAW § 2-b(3)

TO ANY PEACE OFFICER OF THE STATE OF NEW YORK:

GREETINGS:

An order to show cause having been personally served on [Name of Contemnor] commanding his/ her appearance before the court on the ____ day of ____, 20__, and said person having failed to appear,

YOU ARE HEREBY COMMANDED to arrest said person and bring said person directly before [Name of Judge], a Justice/Judge of the ____ Court, Part ____ thereof, held at the courthouse located at _____, New York, on the ____ day of ____, 20__, at ____ o'clock in the ____ noon, to answer for his/her disobedience to the order to show cause, and also the charges contained therein, issued by [Name of Judge] and duly served on said person on the ____ day of ____, 20__, and pursuant to Judiciary Law § 2-b(3) you have this warrant, and it is

So Ordered

 Justice/Judge of the ____ Court

Dated this ____ day of ____, 20__.

Sample



FILMING IMMIGRATION AND CUSTOMS OFFICIALS (ICE)

Filming encounters with Immigration and Customs Enforcement (ICE) can expose human rights abuses, deter violence, substantiate reports and serve as evidence. But if the footage isn't captured safely and ethically, there can be unintended harm to both the person being filmed and the person filming.

Your first priority should be to do no harm. Exposing someone's identity could put them at greater risk. Filming could be unsafe for you and lead to arrest. Always assess the risks before you hit "record" and consider other ways to respond if filming is unsafe (e.g. alert support networks and/or write down details after the incident).

KNOW YOUR RIGHTS

- **It is legal** to film ICE and local law enforcement in public in the United States, as long as you don't interfere. Make sure you are filming visibly.
- If they tell you to stop, you don't have to, but you **must comply** with orders like "back up," or you could face arrest.
- There are only limited situations where authorities **can seize your phone**, but be aware that they may do it legally or illegally.
- Be aware that ICE **may lie** in the course of a raid, and may identify themselves as police, not ICE.

MORE RIGHTS INFO

American Civil Liberties Union

- bit.ly/ACLU_Right2Record
- http://bit.ly/ACLU_KYR_Immigrants



Immigrant Defense Project

- <https://www.immigrantdefenseproject.org/ice-home-and-community-arrests/>

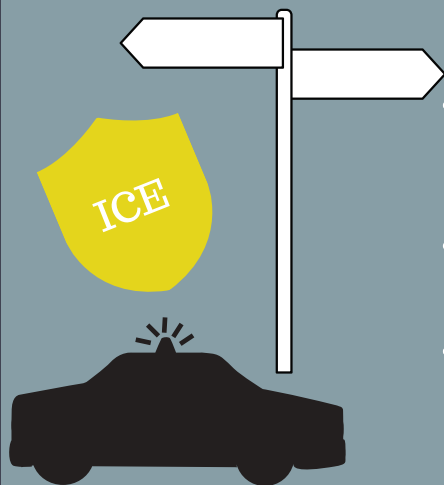
BE SAFE

- **Avoid fingerprint ID to lock your phone.** Use a passcode instead. Law enforcement can't force you to give up your passcode without a warrant or court order, but they can ask or coerce you to unlock your phone with your fingerprint.
- **Have a legal support number and/or a trusted contact's info handy.** Consider writing it on your arm in permanent marker. Even better, memorize it.
- **Encrypt your phone, regularly back it up, and delete sensitive data** like images of or contact information for anyone at risk of deportation or arrest.
- **Clean up, delete or disable your social media profile**, especially if you are familiar with activists or people targeted for deportation, or their family members.
- **Be aware that ICE agents and police care mainly about their safety, not yours.** Moving quickly or suddenly to get a phone or reaching into your pocket could escalate the situation.



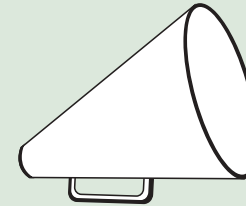
FILM THE DETAILS

- Get wide, medium and close up shots to show the full scene. If possible, film key details such as law enforcement badges, license plates, weapons, and communications between officers. Document any other agencies working alongside ICE.
- Stay focused on law enforcement activity instead of civilians. Make targets and/or protesters harder to identify by filming very wide shots and or filming people's feet or backs.
- Make it easier for investigators, journalists, and lawyers to verify your video by filming street signs, buildings and landmarks. If filming inside or outside someone's home, don't expose details of their living situation without consent. Doing so could put other members of their family at risk.



FILMING IMMIGRATION AND CUSTOMS OFFICIALS (ICE)

NARRATION



- **Let the video speak for itself.** If violence occurs, stay calm and quiet. Lawyers and investigators will need to hear what's happening.
- If adding narration won't interfere with the situation, give your viewers context through **factual and unbiased commentary** such as location, number of officers, etc. This can be done at the beginning and ending of a video.
- Anything said or learned during the arrest is admissible in court against the victim, the filmer/sharer should be careful to not allege anything in their film or posts about the person's country of origin, immigration status, criminal history etc.

SHARE ETHICALLY

- **This is top priority for filming immigration-related events.** We know the Department of Homeland Security (DHS) surveils social media and uses facial recognition to track people.
- **Think before you share or start livestreaming**, and determine if you need to protect anyone's identity including your own.
- **Be aware of what information your device or sharing platform is collecting in relation to your video.** For example, if you have GPS turned on, you are gathering GPS coordinates with your images. These details have the potential to trace footage back to the person who filmed. This is especially important if you decide to upload to the Internet or share with a legal organization.



LIVESTREAMING



- **Livestreaming can expose people's identities and other sensitive information** far more easily than recorded video, but sharing any videos online –live or not– is risky.
- **Phones can default to sharing your location.** Be aware what location details you are sharing.
- **Consider streaming to a trusted set of viewers**, such as an attorney or trained legal observers on a private channel (be aware that the channel may not be safe from government surveillance).
- **It can be helpful to describe what is happening** and recap what has happened through factual commentary. Work with a partner to keep an eye on what's happening in the periphery and to check viewers' comments and questions.
- **Sites like Facebook and Periscope let you save the video on their platform**, but others delete the video after a set time period. If you think your video contains evidentiary content, it's good to download and preserve a copy on your secure devices. Learn how: <http://bit.ly/PreservingLiveVideo>

PRESERVE YOUR MEDIA

Save the original file in a safe place. Never delete the original file or change the filename. If you do edit, do it from a copy.

Get more filming tips:
library.witness.org



Are you worried that you or your family is at risk of a home raid by ICE? Be prepared!

Organize your important documents

Personal documents


Your passport, birth certificate, marriage certificate, divorce certificate, and your children's birth certificates. If you or your family members have a medical or mental health condition, also keep those documents available.

Immigration documents

Any immigration-related documents, your "A number" if you have one (an identification number that begins with "A" and that immigration gives you if you ever have a case), and the name and contact information of any previous immigration attorney.

Criminal court documents

If you have ever been arrested, make sure you get a copy of the certificate of disposition for that arrest along with the name and contact information of your criminal attorney.

 You can keep these documents in a locked box at home. It is important that neither you nor your family members give ICE your passport.

Keep a list of important phone numbers

Carry a small card in your wallet with a list of important phone numbers of family members, previous lawyers, doctors, etc. Also include the contact information of someone who can be directly in touch with your future immigration lawyer.¹

If an immigration or criminal attorney has ever represented you, keep a list of their name and contact information.

Have the name and number of your organizer, if you have one, and make sure your family member calls them. We want to support your family during this time!

You can also call the Immigrant Defense Project's Hotline to let them know about this raid! (212) 725-6422

Plan for your family to be taken care of and to take care of you!

If you have children, decide who will take care of them in case something happens and make sure that person agrees. Make sure you have the person's phone number on your "list of important numbers."

When it comes to arranging for someone to have responsibility over your children, you have three options. The well-being and care of your children is important – which is why you should think carefully before deciding on any of the options below and consult an attorney when necessary.

1. You can **informally** leave your children with someone you trust. They cannot make legal decisions for your child and the arrangement doesn't give them any legal authority over your child.
2. You can make arrangements to designate a **temporary caretaker**, which is a temporary agreement where you give the caretaker some power to make certain parental decisions on your behalf. You must have this form notarized, you should be able to do this process while in detention, although it might be more difficult. You can cancel this arrangement at any time. See pages 25-26 for more information.
3. You can give **legal custody or guardianship** to your trusted relative or friend. This is a legal proceeding that is a much more complicated and binding process that requires you to go to family court to obtain an order, which might limit your parental rights and might be harder to reverse after it is finalized. You should discuss this option with an attorney before committing to this legal proceeding.

In order for your family to be able to care for you, choose someone you trust to make decisions for you if are detained. That person can sign a Power of Attorney agreement that will allow them to do things like get money from your bank account, access confidential documents, or pay important bills.

If you have medical health issues, you can also prepare a HIPAA Release, which will allow your relative access to your medical records.

¹ If you live in New York City and are a person of low-income, it is possible that you might be able to get a free, city lawyer in your immigration deportation case.

Action Plan During a Raid

Make an action plan with the people you live with about what to do if ICE shows up at your home and detains you.

1. Do not lie to ICE but remember that you do have the right to stay silent!
2. Agree that someone who is not being targeted will be ready with pen and paper to write down exactly what happens, in the order it happens.
3. Have that person write down the time of day, how many ICE officers came to the home, whether they identified themselves, what they said, how they entered, whether they had a warrant, and what information was on that warrant.
4. Have that person report the raid to the Immigrant Defense Project (IDP) at 212-725-6422.

Finally, although you may not be able to prevent yourself or your loved one from being arrested by ICE, these action steps will ensure that your attorney has the necessary information to defend you, and will also help inform your community about what ICE is doing - and how we can stop it!

Access to Health Care: Know Your Rights!

Will my information be shared with U.S. Immigration and Customs Enforcement (ICE) if I go to the hospital or clinic?

Healthcare workers have no duty to report your immigration status to law enforcement or federal immigration officials. However, if you are undocumented, you should not provide your immigration status to workers at a hospital, health center, or doctor's office, unless applying for benefits or coverage options.

NYC has a policy to protect immigration status and other confidential information. NYC Health + Hospitals (H+H) employees **CANNOT** give your information to **ANYONE** else without authorization by the patient or without being required to do so by law. NYC Health + Hospitals (H+H) released a statement¹ saying that when a patient, regardless of status, visits one of their health care facilities, H+H will not collect information about immigration status, or release patient information without authorization by the patient or without being required to do so by law.

Will ICE detain me at a hospital or clinic?

The current and longstanding policy of immigration enforcement officials at ICE is to avoid hospitals, doctors' offices, accredited health clinics, and emergency or urgent care facilities. While this policy is currently in force, it could change.²

Hospitals or doctors may ask for photo ID, but not for purposes of immigration enforcement. Photo ID may be needed to show that the person getting care is the person whose name is on the medical record or on the prescription. No one should be refused treatment because they do not have a photo ID.

Can I go to the doctor even if I am undocumented?

Everyone has the right to seek care at primary and preventative health care community centers regardless of whether they are insured, their ability to pay, or their immigration status.

Hospitals with emergency rooms must screen and treat people who need emergency medical services regardless of whether they have insurance, how much money they have, and their immigration status.

1. http://www.nychealthandhospitals.org/wp-content/uploads/2016/12/immigrantCampaign_LetterFlyer.pdf (English)
http://www.nychealthandhospitals.org/wpcontent/uploads/2016/12/immigrantCampaign_LetterFlyer_spanish.pdf (Spanish)
2. <https://www.dhs.gov/news/2016/07/15/fact-sheet-frequently-asked-questions-existing-guidance-enforcement-actions-or>

Will I be able to receive services in Spanish at the hospital or when applying for health insurance?

Regardless of your immigration status, you have a right to an interpreter at no cost, whether you are applying for health insurance or seeking care at a hospital, community health center, or visiting a chain pharmacy in NYS. Children should not be asked to translate for their parents or other adults, especially in a healthcare setting. Hospitals and community health centers may use bilingual staff, telephone interpretation services, or qualified in-person interpreters to provide language assistance services for patients.

What are my health care options if I am uninsured and undocumented?

- Emergency room care
- Community health centers, public and safety-net hospitals
- Public health services (immunizations, mental health, screening and treatment for communicable diseases such as HIV, sexually transmitted infections)
- Programs providing health services necessary to protect life or safety (emergency medical, food/shelter, mental health crisis, domestic violence, crime victim assistance, disaster relief)
- Treatment for an emergency medical condition under “Emergency Medicaid”
- Financial assistance or “charity care” programs at community health centers and most hospitals (including H+H)
- Child Health Plus insurance for children under 19
- Medicaid for Pregnant Women
- Family Planning Extension Program
- AIDS Drug Assistance Program (ADAP)
- Big Apple Rx

Can I apply for or renew my health insurance if I am an immigrant and is my information protected?

Yes! You should apply for and renew health insurance if you are eligible. Strong privacy rules protect families applying for health insurance, including families whose members have different immigration statuses. Any information provided while applying for insurance may only be used to determine the individual’s eligibility for the program, not for immigration enforcement purposes.³

If you don’t have a SSN, you are not required to provide one. Only people who have a valid SSN are required to provide one.

3. See Affordable Care Act Section 1411(g) and the Dept. of Homeland Security’s Clarification of Existing Practices Related to Certain Health Care Information, available in English at www.ice.gov/doclib/erooutreach/pdf/ice-aca-memo.pdf and in Spanish at www.ice.gov/espanol/factsheets/aca-memoSP.

Family Planning: Designation of Temporary Caretaker

Some parents may want to make plans for their children’s care in case of detention. It is a smart idea to have a plan for your children. Having a plan may help reduce trauma in the event you are detained.

Permanent arrangements for custody require going through the Family Courts. However, in New York parents can designate a temporary caretaker for children for a period of up to 6 months just by signing a form. The New York State Office of Child and Family Services (OCFS) has an official form, OCFS 4940, which can be found online.⁴ You do not need to go to court to do this. It must be signed by the parents and the caretaker who will be appointed. It must also be notarized.

The 6-month period can be set to begin immediately, on a specific future date, or on a particular event. If you are filling this out in the case of your detention, we recommend the following answer to question 4:

- **commencing upon:** the detention by Immigration and Customs Enforcement (ICE) of X parent (one or both, depending who is signing)
- **continuing until:** 6 months later, or the revocation

Once the 6 months is over, the parent can always sign a new form for the next 6 months.

Both parents are required to sign the form if they are/were married and no court order exists regarding custody or if there is an existing order of joint custody. Otherwise, one parent can sign the form if the parents were never married or the parent has been granted sole custody. *A single parent who has not gotten legal custody in the United States may want to consider going to Family Court to obtain custody so they can make decisions for their child without limitation. However it is important to remember that parents seeking custody in court will be asked about past felony convictions and abuse or neglect charges.*

4. <http://www.ocfs.state.ny.us/main/Forms/kinship/OCFS-4940%20Designation%20of%20Person%20in%20Parental%20Relationship.pdf>

Form OCFS 4940 gives the caretaker these powers over health care and education:

- Review school, medical, and other records;
- Enroll in school;
- Excuse absences from school;
- Consent to participation in school program and/or school-sponsored activity;
- Consent to school-related medical care;
- Enroll in health plans;
- Consent to immunizations;
- Consent to general health care;
- Consent to medical procedures;
- Consent to dental care;
- Consent to developmental screening; and/or
- Consent to mental health examination and/or treatment.

The parent can remove any of these powers, but there are limits on what this form can do. This form does not allow the caretaker to consent to a “major medical treatment” (surgery) for the child, or consent to international travel. The requirements for consenting to a child to travel internationally vary from country to country and airline to airline, and a separate document from both parents may be necessary.

Only one caretaker designation form can be in effect at once. If the parent signs two different forms, only the most recent form will be in effect.

Signing a childcare designation form does *not* limit the parent’s own powers of custody in any way.

The caretaker does NOT take on financial responsibility for the children by signing the form, and the caretaker’s income is NOT counted in determining whether the children may be eligible for / continue to receive public benefits. The children do NOT have to change schools to the area where the caretaker lives.

Before filling out this form, you should talk to the person you would like to appoint as caretaker and make sure they are able and willing to do this. You should also talk to your children about the plan if they are old enough to understand.

After you sign this form, you can always change your mind. You can always sign a new one with a new plan.

Documents such as a copy of the childcare designation form, birth certificates, passports, social security cards, health care, medical, and benefit information should all be kept in one place.

Create Defense Committees

What is a Defense Committee?

The defense committee is composed of a group of people who live within the same geographical area and host community meetings to educate each other about their rights, develop a plan of action in case of ICE and/or police activity. The members of the committee are connected by a safe network of group messaging, such as “Whatsapp” or “Signal,” to exchange information and to set up plans for immediate response. Furthermore, the defense committee could be the place where community members find safety and support. They can come up with creative solutions in case la Migra (officially, U.S. Immigration and Customs Enforcement (ICE) knocks on their door, and support a person if they are detained by going to their first court appearance or creating a fundraiser. Above all, the goal is to respond quickly, fight back as a community and provide a network of support where we can rely on each other and defend our families and neighbors.

A defense committee is an alternative to a racist system where undocumented, black, and other people of color are often persecuted to the point of massive incarceration, detention and deportation and creates an alternative for community members to protect and defend each other.

This is an alternative that aims to provide protection and support to immigrant communities that have continuously been under attack. Entities such as the Police and la Migra have benefited from the isolation and fear instilled by their actions in our communities. Therefore, the time is now to be intentional and build safer spaces with our neighbors, to fight together and find solutions as a community.

Priorities

- Educate the community about their rights when interacting with ICE.
- Take action to protect our community and defend our rights.
- Respond quickly to situations such as raids.
- Provide support for community members in the aftermath of a raid.
- Create alternative systems of safety that don't include law enforcement.

Structure

- Invite neighbors, friends, or relatives who live near your home to a community meeting.
- Review your rights as a collective. Teams can use the defense manual or obtain information from other organizations.

- Create a messaging group to remain connected and informed. You can use "WhatsApp" or "Signal."
- Create a plan to be ready to respond in case ICE arrives at your block or neighborhood
 - This includes identifying schedules in which some people can walk around the neighborhood to observe police and/or ICE activity.
 - Create a list of what the group needs in terms of materials, resources, and who to reach out for broader support.
- Be ready to support and to defend themselves and the community.

Make a Plan

It's encouraged to think about the purpose of the meeting and prepare for it well in advance. Preparation will force you to think about the location of the meeting, food cost, and topics of discussion. Once the location has been determined, take note of the amount of participants the space will be able to accommodate. Upon attendees' confirmation, encourage them to bring a snack item. If your group prefers to have a home cooked meal, then ask participants to contribute with the cost of the groceries. It's important to ask your group about the topics of discussion they would like to cover during the meeting (Know Your Rights workshops are a good option, but make sure your group also thinks about family planning and fundraising to cover any rapid response needs in the community). Once finalized, create an agenda and think about who might be willing to facilitate a session and delegate! If you decide to cover the Designation of Tutorship, invite a notary to the meeting to provide participants with the support they might need.

! **TIP:** If your host insists in cooking, make sure he/she is not facilitating. Remind everyone about the importance of contributing to the space.

We have created a list of expectations for participants and for host/captains. These are all suggestions and of course change as you need. It is important, however, that people are clear about their contribution for the group.

Participant

Participants are the people in the community who join the committee and are willing to work together to create the base of the committee. Each participant commits themselves to:

- Communicating with your captain and neighbors to see if they know of a raid in your neighborhood, sharing information, and being open to collaborating.
- If it is safe, taking action by documenting what is going on, preferably in a notebook or on video if you are in a safe location.

- Communicating key information to your neighbors regularly.

Host/Captain

Each Participant is connected to a "Captain." The Captains are the leaders of the Defense Committees. Each Captain commits themselves to:

- **Hosting and facilitating meetings or finding vounteers to do so.**
- **Making sure someone is taking notes at the meetings.**
- **Facilitating the creation of group agreements.**
- **Making sure meeting ends with a time you will all meet again** and clear roles for people in the space i.e: who will host? Are you getting a presenter? Do you need to invite other people? Do you need to plan for a pollada or another type of community event to collect money?

PART 2

RAIDS RAPID RESPONSE

***Raid:** We use “raid” to mean any U.S. Immigrations and Customs Enforcement (ICE) arrest in the community, regardless of whether ICE is targeting one individual for arrest or whether they are questioning anyone in a given place. By calling either one a “raid,” we recognize the trauma that ICE actions inflict on not only an individual arrested but also to witnesses, family members and communities. We often use the term “raid” interchangeably with “arrest.”

A Loved One Was Picked Up By U.S. ICE, What Do We Do Now?

First, complete a raid intake! Included on Appendix D is an intake form to use with the family or community member who has direct knowledge about the raid. Collecting this information helps us learn more about U.S. Immigration and Customs Enforcement (ICE) practices and patterns as they develop and better prepare communities going forward.

Second, report the raid! Contact your local community organization if you have one and share the intake and information. In New York you can call the Immigrant Defense Projects (IDP) at 212-725-6422.

How Do I Find Them?

If your loved one disappeared, they could be with ICE, the police, in jail, in federal custody or elsewhere, but if it was ICE, they will first be taken to the “Varick Street” facility in Manhattan for processing and then to a jail in New Jersey. Family will often get a call from their loved one a few hours after arrest—families should ask for their A-Number during that call, which begins with an “A” and is followed by eight or nine digits. They should also get their full legal name, date of birth, and country of origin. Once the loved one is transferred to detention, their information will appear in the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>. It may take up to twenty-four hours for the loved one to appear in the locator.

How can I visit them and send them money?

Each jail has different rules. Specific updated information can be found here: <https://www.ice.gov/detention-facilities> and another document explaining the basics of the facilities where most New York City residents are held is also included in this manual.

How will they get a lawyer?

Most detained people are unrepresented, because the U.S. government does not provide a lawyer, even if the person cannot afford one. In New York, *some* detained non-citizens will be appointed an attorney through the New York Immigrant Family Unity Project (NYIFUP) at their first court date, which is currently about two months after arrest. To find out if a loved one may qualify for NYIFUP,

see the Information Sheet on NYIFUP included here. **Important: if you hire a private attorney before the first court date, you will be disqualified from NYIFUP, even if you cannot afford to pay that attorney in the future.**

Should we talk to an immigration attorney now?

If a loved one has had **any prior contact with an immigration authority, including at the border or having been before an immigration judge, you should consult with an attorney fast.** This is because it is important to determine whether the loved one already has a prior order of deportation. If they have an order of deportation, they could be facing a quicker form of deportation and might need immediate attorney intervention (see page 37 of manual).

! **ALSO**, if a loved one is being transferred to a detention facility outside of New York or New Jersey, or if they entered through the visa waiver program (which allows some people to enter the United States lawfully without a visa) they should consult an attorney fast.

How do we know when the first court date will be?

You can find out when and where the court date will be by calling 1-800-898-7180 and putting in the A-Number, but there will be a delay before the information appears in the system. If they never appear in the system, it is possible that your loved one already has prior order of deportation. If your loved one does appear in the system but does not get a court date, check the option in the system where decisions are listed - it may be information about an old order of deportation. In that case, your loved one will not get a court date.

How long will they be detained?

If a loved one qualifies for a way to legally stop the deportation in court, they may be detained for many months and sometimes years, all while fighting their case. Under immigration law, some people qualify for a “bond hearing” within the first few months to try and fight their case from the outside, while other people are not eligible until after 6 months. Even with a “bond hearing” many people will not be granted bond or they may not be able to afford the bond amount set. Families should make financial plans in order to have money ready for bond and support themselves, for a potentially long period of time, without their loved one’s income.

Can we prepare now while waiting for court?

Yes. There are documents that the family can start to collect that may help (see Appendix C). In addition, if the loved one had an ongoing obligation to report (maybe to criminal court to pay a fee, probation, a rehabilitative program, etc.), it is important to let the point of contact for that reporting know that your loved one is detained. This can be a long to do list—and a great way for organizers or community members to support the family through this process.

Visiting a loved one in detention

Community members arrested by U.S. Immigration and Customs Enforcement (ICE) in New York City and Long Island will most likely be detained at one of the detention centers listed below in New Jersey and New York. For family and friends who want to visit, it is important to know the different rules and requirements for visitation at each detention center. This way, they can be sure they will be able to visit their loved one.

General Information

Jails and detention centers are often to difficult access by public transportation. It is important to plan ahead and find out how to best travel there. If driving, each facility listed has free parking at the facility and you can ask when you arrive where to park.

Cell phones or electronic devices are not permitted. No knives or tools. You cannot bring any items into your visit (including money).

Dress code: No tights or shorts more than 4 inches above the knee, no sleeveless shirts, no bare shoulders, no low neckline, and no flip flops.

Visitors are subject to search, scanned through metal detector.

People who are undocumented often visit their loved ones in detention centers without any issues. Technically, the immigration status of visitors should not be flagged. That said, it is important to review each facility’s requirements for identification and whether background checks are required. You should be careful about disclosing any information that is not required. In general, Orange County Jail, Essex County Correctional Facility, Bergen County Jail, and Hudson County Correctional Facility (all government operated) are safer to visit than the Elizabeth Detention Center (a private facility).

If you are worried that an issue with your own case puts you at risk by going to visit, you should consult an attorney.

Requirements by Detention Center

Elizabeth Detention Center

*Note that this is a private prison run by CCA/ CoreCivic
908-282-5700 (8am-4pm)
625 Evans Street, Elizabeth, NJ, 07201

Visitation Hours: Mon-Fri. 5-10pm Sat/Sun/Holiday 9am-5pm

Bring ID: Non- Expired Foreign Passport, License, or Green Card

Person detained must put visitors on list? No

Contact visits limited to 30 minutes. You will not be asked what your immigration status is or to provide proof of status. However, as you must present ID, it is possible the information will be recorded in CCA's system. Elizabeth is a private detention center maintained by the corporation CoreCivic (formerly CCA) and therefore we cannot be sure how that information is used or stored. We do know that undocumented family members regularly visit their loved ones at Elizabeth.

Bergen County Jail

201-527-3000
160 South River Street, Hackensack, NJ 07601

Visitation Hours:

C3 Unit: Weds. 10:30-11:30am, Fri. 4-6pm

N1 Unit: Fri. 10:30- 11:30am, Sat. 7-9pm

C4 Unit: Mon. 11:30am-1pm, Weds. 4-6pm

Bring ID: Passport or License or Other ID w/ photo incl. IDNYC

Person detained must put visitors on list? Yes

Visits limited to 30 minutes. Must arrive 45 min before visit. Minors must be accompanied by an adult on the visitors list. Each adult on the list can bring up to 5 children with them to a visit.

Hudson County Correctional Center

201-395-5600(8am-4pm)
30-35 Hackensack Avenue Kearny, NJ 07032

Visitation Hours: Mon. 8-10am & 3-7pm, Tues. 3-7pm, Weds. 8-10am & 3-7pm, Thurs. 10:30am, 12pm & 3-7pm, Sat. (Contact Only) 3-7pm

Bring ID: Passport or License

Person detained must put visitors on list? Yes

Visits limited to 30 minutes. Must arrive 45 minutes before visit. Two adults per visit and 2 children per adult (there is no minimum age). Minors must be accompanied by their legal guardian and bring their birth certificate. If the legal guardian is not the parent, then they must bring the original paperwork from a court granting them guardianship.

Essex County Correctional Facility

973-274-7500 (8am-4pm)
354 Doremus Avenue, Newark, NJ, 07105

Visitation Hours:

Building 2 & 5: Weds. & Sun. 10:15am-1:30pm & 2:30-5:45pm

Building 3 & 4: Thurs. & Sat. 10:15am-1:30pm & 2:30-5:45pm

Bring ID: Passport or License or Other ID with an address (ex: IDNYC)

Person detained must put visitors on list? Yes

Visits limited to an hour. Must arrive 30 minutes before end of visit hours. Might be able to get more time if travelling from far away. There is no minimum age, but children under 18 must be accompanied and must bring their birth certificate. If the person accompanying them is not their legal guardian, they must have a notarized letter stating that the minor's legal guardian has authorized them to bring the minor to the facility.

Orange County Jail

845-291-7715 (Visitation)
845-291-4033 (Sheriff's Office)
110 Wells Farm Road, Goshen, NY, 10924

Visitation Hours:

Walk-In Visitation Times: Tues.-Fri. 8-11am & 1-4pm, Saturdays (By Loved One's Last Name)

1st & 3rd Saturday of Month, A-M 8-11am & N-Z 1-4pm, 2nd & 4th Saturday of Month. A-M 1-4pm & N-Z 8-11am, 5th Saturday of Month

Pre-Scheduled Visitation Times: Session 1: Check In 7-7:30am Visit 8-9am,

Session 2: Check In 8:15-8:45am Visit 9:20-10-20am, Session 3: Check In

11-11:30am, Visit 11:50am-12:50pm, Session 4: Check In 12:15-12:45pm

Visit 1:10-2:10pm

Bring ID: Passport or License

Person detained must put visitors on list? Yes. Everyone must register at <https://oc-jailvisit.orangecountygov.com/app>. If you are unable to register you can walk-in the first time only

Visits are limited to an hour. Three people per visit. Children under 18 must be accompanied and must bring their birth certificate. If the person accompanying them is not their legal guardian, they must have a notarized letter stating that the minor's legal guardian has authorized them to bring the minor to the facility. Visitors may only attend 1 visiting session per day. Person detained may only attend 2 sessions per day.

Once you have registered:

To schedule a visit in advance: Call Sheriff's Office at 845-291-4033 or visit <https://ocjailvisit.orangecountygov.com/app> one day before, up to 7 days before. Check in 30-40min before visit.

Walk-ins are also allowed. But this is not recommended because slots fill up. Must arrive 30-40 minutes before visit. Must be signed up by 10:15am for 8-11am visit & 3:15pm for 1-4pm slot.

Sending messages and money

Sending Mail

To send mail, use the addresses listed above. Make sure that the letter includes the detained person's name and the last four digits of their A number. The letter must also include your name and address. Packages can only contain items needed for release or travel. Contents of letters and packages are subject to screening for contraband. To request permission to send a package call:

Orange County Jail, Hudson County Correctional Facility & Bergen County Jail :
212-863-3401 (ICE Field Office)

Elizabeth Detention Center: 908-659-3104

Essex County Correctional Facility: 212-863-3401 (Ask for Anthony Perillo)

Sending an Urgent Message

Call the number listed for the facility below and leave the detained person's full name, A number, and your name and telephone number where you can be reached:

Orange County Jail: 212-863-3401

Essex County Correctional Facility: 973-274-7818

Bergen County Jail: 201-527-3000

Elizabeth Detention Center: 908-282-5700

Hudson County Correctional Facility: 212-863-3401

Sending Money

Detainees are allowed to purchase stamps, food, and other items at their own expense through a commissary account. You can give money to a loved one by having a USPS money order made out to them with their jail number. It can be mailed to the jail or deposited at reception. Funds go to the detainee's commissary account. To deposit money in a detained person's phone account, call 1-866-348-6231 or go online at www.talton.com. You'll need your loved one's A number.

New York Immigrant Family Unity Project (NYIFUP)

What is NYIFUP?


A program funded by New York City to provide high-quality, experienced lawyers for immigrant New Yorkers detained by U.S. Immigration and Customs Enforcement (ICE).

Who can get a free lawyer through NYIFUP?

NYIFUP has its own requirements to determine who qualifies for their free services. **These requirements may change, and sometimes they do change.** Keep this in mind when you are determining whether someone may qualify for an attorney through NYIFUP. As of **August 14, 2017**, NYIFUP will accept cases for free representation **IF the person is detained AND:**

- Their deportation case is at the **Varick Street Immigration Court**, (or if they are a New York City resident with a deportation case in certain New Jersey immigration courts); **and**
- It is their **first hearing** in immigration court for this case; **and**
- Their household income before being detained was **below 200%** of the Federal Poverty Guidelines.

If someone had an attorney in their current case, but does not want to continue with that attorney (or cannot afford to), NYIFUP will probably not be able to take the case.

 **NOTE:** NYIFUP was on a break between June and August of 2017. If someone had their first court date at Varick Street during that time, NYIFUP will probably not be able to take the case.

How can a detained person speak to a NYIFUP lawyer?

A person cannot speak to a NYIFUP lawyer until the morning of their first court hearing — generally about 2 months after the person was detained.

On the day of a person's first immigration court date, before they appear in front of the judge for the first time, a NYIFUP lawyer will interview the person and determine if they qualify for the program. The first court date will be at 1pm and the person will be brought to Varick Street early in the morning and have an opportunity to speak with a NYIFUP attorney for a consultation as of 8:30 or 9 am.

If the person qualifies, the NYIFUP lawyer will start representing them as of that first hearing.

What if someone does not qualify & does not hire an attorney?

The Immigration Judge will give the person more time to find a lawyer, if someone does not qualify for NYFIUP and has not yet hired an attorney, they should make sure to ask the Immigration Judge for another court date to give them a chance to find a lawyer. They will continue to be detained until their next court date.

Documents to start collecting

In New York City, people who are detained by ICE currently wait approximately two months before they see a judge for the first time. During that time, you can support your detained loved one by starting to collect the documents that they may need for their deportation case. Keep these documents safe and give them directly to your loved one and/or their attorney. Do NOT give these documents directly to ICE. For an idea of what documents to collect on their behalf, see Appendix C.

Stay of Removal: When There is a Final Order of Deportation

How do you know if your loved one has a final order of deportation?

If you believe your loved one has a final order of deportation, you should call: 1-800-898-7180 and input their A# information (immigration identification number) to see if an Immigration Judge issued a final order of deportation. Not everyone who has a final order of deportation will show up in this system, some people might have final orders of deportation who are not identified on this hotline. Here are some other ways to figure out if someone has final order of deportation:

If someone had to go to Immigration Court and they never went.

If your loved one was stopped at the border and they were told they could not come back for 5 years.

If your loved one went to Immigration Court and accepted Voluntary Departure but never left.

How fast can my loved one be deported if they have a final order of deportation?

When someone has a final order of deportation, they can be deported immediately without ever seeing an immigration judge.

One of the only ways you can remain in the United States with a final order of deportation is by being granted a stay of removal from U.S. Immigration and Customs Enforcement (ICE)

If your loved one is afraid to return to their country of origin, they should immediately let their deportation office know and request a reasonable fear interview.

Stay of Removal

Filing a stay of removal can be a powerful tool when trying to stop someone from being deported. This should only be filed when someone has contact with immigration. A stay of removal is used when someone:

1. Already has a final order of deportation,
2. They are checking in with ICE, and
3. The person wants to remain in the United States.

When someone is granted the stay of removal, ICE allows the person to remain in the United States for a set amount of time (typically 6 months or 1 year). You can apply to renew it.

How does ICE decide whether to grant a stay?

In order to make a decision to grant or deny a stay of removal, in the past ICE would balance what they saw as *positive* and *negative* factors to make their decision.

Positive can include:

- Living in the United States for a long time
- Coming to the U.S. as a young child
- Family members who are U.S. Citizens or green card holders
- Ties to the community including: church, organizations and volunteer work
- Medical and other humanitarian concerns
- Pending immigration application
- Dangers in home country

Negative can include:

- Criminal convictions
- Immigration fraud
- Immigration violations (including reentering the U.S. after being removed).

Now, we are learning that increasingly stays are granted on a case by case basis for very *specific* reasons and needs (for example a U.S. citizen child is sick or needs treatment in the U.S., but once that is over, a stay will likely not be granted again).

How do you assemble a stay of removal?

Fill out Form I-246 which can be found online.⁶

Write a letter to the Deportation Officer explaining why you should be granted the stay.

Include proof of the positive things about your connection to the U.S. and your fear of return to the country where you were born.

Note that all documents, including your letter, *have to be in English*. If the original is in another language, you need to include a certified translation.

\$155 money order made out to the Department of Homeland Security.

How do you file the stay of removal?

You must file the stay of removal at the Enforcement and Removal Office (“ERO”) where the Deportation Officer is:

Non-detained: 26 Federal Plaza, Room 9-110, New York NY 10278 (Broadway and Worth Street)

Detained: 201 Varick Street, 12th Floor, New York NY 10014 (you must pay the fee

at 26 Federal Plaza, file a copy there, then bring another copy to Varick street).

If you are worried about going to the ERO office, another person, preferably with lawful immigration status, can file the stay on your behalf.

If ICE grants the stay

You can stay in the United States for the duration of the stay of removal. You will likely have to check in with ICE regularly but you can apply for a work permit.

If ICE denies the stay

ICE can remove you from the United States at anytime.

6. https://www.ice.gov/sites/default/files/documents/Document/2014/ice_form_i_246.pdf

DEPORTATION DEFENSE

Deportation basics

Who makes up the immigration system in the country?

The Department of Homeland Security (DHS) is an agency that reports to the President. It was created in 2003 by President George W. Bush II as part of the “War on Terror” and replaced the now dissolved Immigration and Naturalization Service (INS). DHS is divided into three separate parts:

- **U.S. Immigration and Customs Enforcement (ICE)** can enforce immigration laws throughout the USA. ICE is the policing arm of DHS. ICE can...
 - Detain people and start deportation proceedings against them
 - Deport people who do not have the right to see an Immigration Judge
 - Deport people who have been ordered deported
- **U.S. Customs and Border Protection (CBP)** can enforce immigration laws within 100 miles of any land or sea border. CBP can...
 - Detain people
 - Deport people who do not have a right to see an immigration judge
 - Send people’s information to ICE to start a deportation proceeding
- **U.S. Citizenship and Immigration Services (USCIS)** processes applications for immigration benefits
 - If USCIS receives an application from someone who can be deported they can send the person’s information to ICE to start a deportation proceeding

Who can these agencies try to deport?

Anyone who is “removable” under the Immigration and Nationality Act (INA) - the federal immigration laws. This includes:

Undocumented people - both (1) individuals who entered unlawfully over a border or on a boat and do not have lawful status & (2) individuals who entered lawfully on a visa and overstayed the time the border official allowed them to stay in the US or violated the terms of their visa in another way

Documented non-citizens (including lawful permanent residents or “green card holders”) who have been convicted of certain crimes, committed certain types of fraud, or violated the terms of their status

Citizens CANNOT be deported. However, if the government finds that someone obtained citizenship through fraud, they can try to take away their United States citizenship

What's the difference between being deportable and being a priority for deportation?

Someone is “deportable” if immigration can deport them under the law.

Since immigration does not have the resources to deport all deportable people, sometimes they focus on certain people. Under Trump, almost everyone is a priority, but especially people who have had contact with the criminal legal system.

To recap, only *certain convictions* make documented noncitizens (such as green card holders) deportable, but for an undocumented person, an arrest, even if the charges are still pending or all charges are dropped, might be enough to put them at risk.

It is important to note that we should be skeptical when Trump says that he is going to deport “criminals.” We know that President Obama used this tactic to divide us between the “good immigrants” and the “bad immigrants,” but we also know that people with criminal convictions are valued members of our families and communities. We further understand that we are all “criminals” in Trump’s eyes, that the police criminalize Black and Brown people based on the color of their skin, that deportation is not a just response to a criminal conviction, and that deportations do not make our families and communities safer.

How does ICE find people?

- Fingerprints taken by local or state police after arrest
- Filing an application with USCIS
- Travel (reentering the U.S.)

What happens if someone is arrested by CBP/ICE?

In NYC, ICE typically comes to people’s homes early in the morning. Sometimes they try to come in. Other times they wait outside of the home. They have also made many arrests near, or in, criminal courts.

Who can be deported without ever seeing an Immigration Judge?

People who already have a deportation order because...

- An Immigration Judge ordered them deported and they either did not appeal or they lost their appeal.
 - If someone did not go to immigration court when they were supposed to, they probably were ordered deported in their absence
- They were deported at the border in the past

Undocumented people with certain criminal convictions called “aggravated felonies.”

Undocumented people who have been in the U.S. for less than 2 weeks and are arrested within 100 miles of the border

- This process is called “expedited removal.” Trump wants to expand it to include undocumented people who cannot prove that they have been in the U.S. for at least two years—it would not matter whether they were arrested near the border



These people can still ask for protection if they fear persecution/torture in their country. If someone expresses this fear, immigration is supposed to press pause on the deportation and give them an interview with an asylum officer. What happens from that point on forward will depend on the outcome of the interview.*

What happens to the people who have a right to see an Immigration Judge?

ICE will bring charges against them, and start deportation proceedings, which can last for months or even years.

ICE can choose to detain someone while the deportation proceedings are pending, or release them to continue fighting against their deportation from the outside.

Can people be released while they are fighting their case in court?

Some people may be eligible for bond (money paid to ICE for release) and some people may not. This depends on a number of factors, including how someone entered the country, where they are detained, and whether they have certain types of convictions.

→ Mandatory detention is the practice of incarcerating immigrants during the entire time their immigration case is ongoing, with no chance at bond. This applies to certain categories of people, and has increased along with the growth of mass incarceration generally. About 70% of immigrants who are detained are *mandatorily detained*.⁷

If eligible for bond, a person may be able to ask for a bond hearing in front of an Immigration Judge within a few weeks, whereas others may have to wait 5 to 6 months to make the request.

If the judge grants bond, a specific amount of \$ will be set.

What happens during deportation proceedings?

Immigration Judges are employees of the Department of Justice—so they report to the Attorney General and President.

ICE will be represented by an attorney, but the federal government does not give lawyers to immigrants who cannot afford them.

→ Some people who are detained and have immigration court in New York City will qualify for a free lawyer through the New York Immigrant Family Unity Project (NYIFUP).

The ICE attorney first needs to prove that the immigrant is deportable. This will usually happen during short hearings called “master calendar hearings.”

If the ICE attorney proves their case, then the immigrant has to prove that they qualify for a “defense to deportation.” There are only a small number of defenses under the law and each has its own set of requirements. Many people do not

7. <https://www.detentionwatchnetwork.org/issues/mandatory-detention>

qualify for any defense. If they qualify for a defense, they will present their case at trial, which is called an “individual hearing.”

People who do not want to fight their case, or do not qualify for a defense, might be eligible for voluntary departure rather than a deportation order.

- In some cases, voluntary departure can reduce the amount of time someone is not allowed back into the country; however, a person must have a passport and pay for their own flight out of the United States.
- If a person wants and qualifies for voluntary departure, they can ask to have their first court hearing sooner.

If an immigration judge denies the immigrant’s defense or request for voluntary departure, or if the immigrant does not come to court or does not leave the US after getting voluntary departure, the immigrant will get a deportation order.

What happens if the Immigration Judge orders the person deported?

The immigrant will have 30 days to appeal to the Board of Immigration Appeals.

- If they do not appeal in time, or if the Board of Immigration Appeals agrees with the Immigration Judge, ICE can deport the person.
- If the immigrant is outside of detention, sometimes ICE sends a letter telling the immigrant to show up for deportation; but they can also come to someone’s home.

People can ask ICE to let them stay, even though they have a deportation order. In some cases, there are ways to reopen the deportation case so that the immigrant can go back in front of an Immigration Judge. Both of these options are rare.

! NOTE: A person who reenters the country without permission, after being ordered deported, can be prosecuted for a felony crime. They also are permanently barred from receiving lawful permanent residency through an employer or a family member.

Defending our Communities: Community Support, Organizing and Escalation

Although legal strategies are key in fighting deportation, community support and organizing is critical to keep our communities safe from deportation. Communities can organize by launching a campaign, putting pressure on Immigration and Customs Enforcement (ICE) and other agencies, elevating our stories, going to the media, and supporting our community members.

Community Fundraising

In the event of a U.S. Immigration and Customs Enforcement (ICE) raid, a person may have little time to make financial arrangements, and may need to raise money quickly. Learn what to be prepared for, and how to raise \$!

Amount of bond

Only some people are eligible to apply for release on bond. If a judge sets bond, the minimum amount they may set is \$1,500. But a person with criminal convictions or past immigration violations will likely have to pay more. The actual bond can depend on a lot of factors, but we have seen from \$5,000 - \$20,000 depending on the case. The person who goes to ICE to pay the bond must be a U.S. citizen or green card holder. Once bond is paid, it will not be repaid until the person either wins their case or is deported and is repaid directly to the person who posted bond, not the immigrant (so make sure you trust them!).

Loss of income

Even if someone can request bond (in NY, others, such as those with a prior order of deportation, or with certain criminal convictions, may not for at least 5-6 months) their request may still be denied by the Judge. During this time, the family will need to depend on savings or alternate arrangements to make up for the loss in income.

Wages

Those who are detained are entitled to all wages already earned! Notify the detained person's employer about where to send their last check. Ideally, it is sent to a loved one with a power of attorney. Otherwise, it can go to the person in detention, but they cannot cash it; it will be given to them either upon release or deportation.

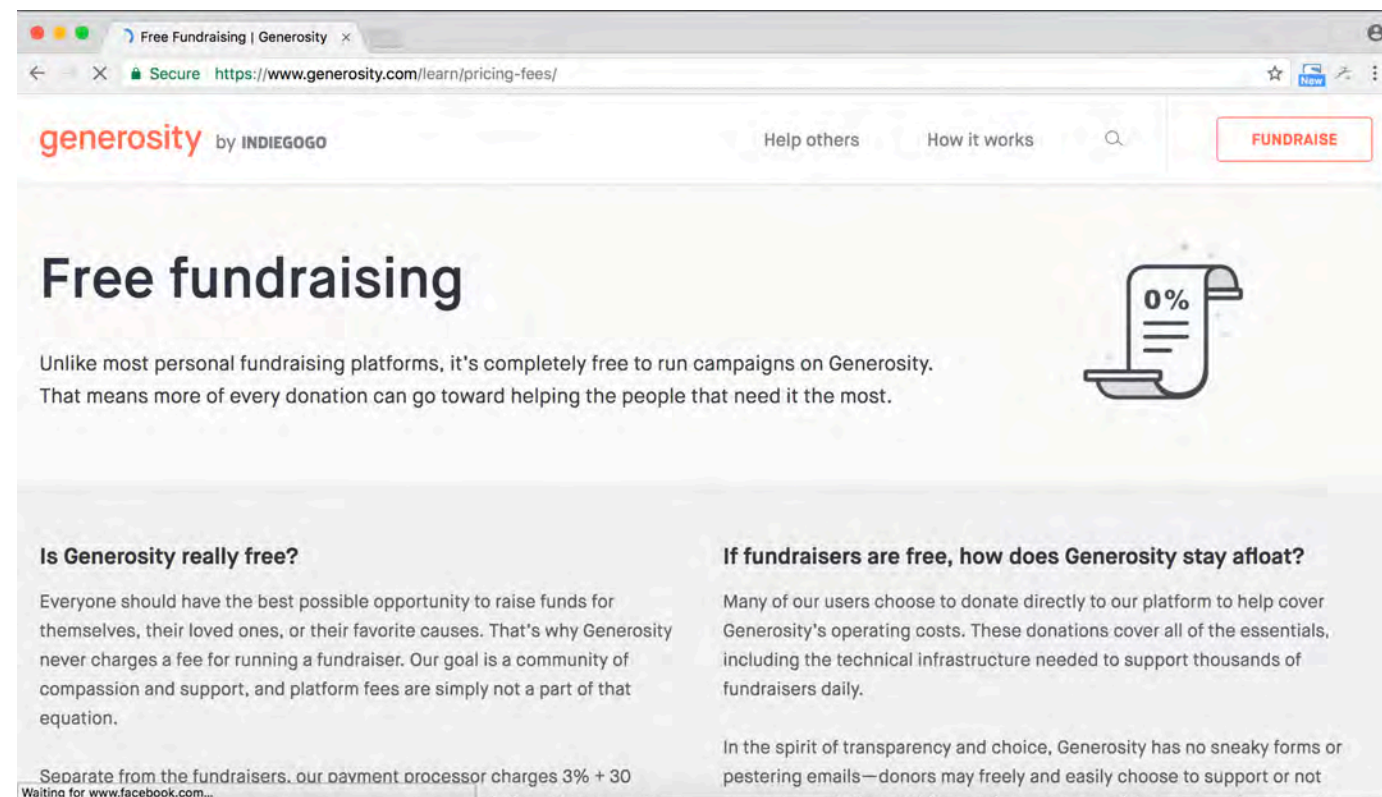
How do we raise \$ as part of deportation defense?

Fundraisers

Parties, yard sales, and community potlucks help raise funds for defense work and also serve as spaces where community members can come together and feel safe.

Crowdfunding

Crowdfunding sites like GoFundMe can be used to help raise bond. Crowdfunding means using an online platform to get money via donations by sharing your own or someone's story or cause. For example, if you need to get bond for a loved one, you can use one of these platforms to get community members or allies to help support you financially.



Free Fundraising | Generosity

Secure <https://www.generosity.com/learn/pricing-fees/>

generosity by INDIEGOGO

Help others How it works FUNDRAISE

Free fundraising

Unlike most personal fundraising platforms, it's completely free to run campaigns on Generosity. That means more of every donation can go toward helping the people that need it the most.

Is Generosity really free?

Everyone should have the best possible opportunity to raise funds for themselves, their loved ones, or their favorite causes. That's why Generosity never charges a fee for running a fundraiser. Our goal is a community of compassion and support, and platform fees are simply not a part of that equation.

If fundraisers are free, how does Generosity stay afloat?

Many of our users choose to donate directly to our platform to help cover Generosity's operating costs. These donations cover all of the essentials, including the technical infrastructure needed to support thousands of fundraisers daily.

In the spirit of transparency and choice, Generosity has no sneaky forms or pestering emails—donors may freely and easily choose to support or not

Separate from the fundraisers, our payment processor charges 3% + 30

Other fundraising websites that can be useful for campaigns include Generosity by Indiegogo, YouCaring.com, and IndieGoGo. Note that sometimes there are restrictions and most sites do deduct a fee once the money is raised.

For examples of bond fundraising campaigns, check out examples in Appendix E.

Campaign Plan

Campaign strategies can look like

Community calls to the Deportation Officer to ask that they grant a Stay of Removal.

Petitions to the head of the U.S. Immigration and Customs Enforcement (ICE)'s Enforcement and Removal Operations (ERO). In New York, the ERO head is currently Thomas Decker.

Different actions whether online or in person.

Influx of calls made daily to deportation officers.

Community members must decide what feels safe for themselves and their families. Campaign plans must be tailored based on the case. This should go hand in hand with any legal or media strategy that might exist.

Create an organizing strategy

When you take on someone's case you must be clear on what the demands are and what is the moral crisis. Why is this particular case important to highlight? Not every case will be granted a stay of removal, not every person qualifies for relief, but we know that our people do not belong in detention centers and so we tap into community power for the liberation of our people. This is not a legal strategy, meaning that a lawyer should not be running a campaign plan but be working alongside someone who can. Is the person detained part of an organization, and do they have community support? Can people be mobilized? If so reach out to that organization and ask for support.

Build a campaign plan

Make sure you know all the details of the person you are working with, including their criminal record. If the detained person authorizes the attorney to share information with organizers, organizers can work in collaboration with the lawyer representing the person detained. Organizing and legal working together can be a powerful force.

Understand the timeline

How long has this person been detained? Are they about to be detained? Is there enough time to create pressure on their case? Can an effective campaign be drafted? Is there an immediate need that calls for quick escalation? These questions can help you create a plan of action.

Media Plan

Should we go to the press?

Going to the press can be a powerful tool for organizing but can also pose challenges and come with risks. Is it important to think carefully with the community member and their family--as well as the organizer and lawyer, if applicable--about what is best for them.

Discussing the risks

Sharing personal information about a person who is detained may be risky as it can be used against them later on (for example, information about their immigration history, including something as simple as admitting that they were born in another country, or criminal history), so it's important to be thoughtful about what is shared.

ICE could choose to respond publicly about a case in the press - this means being prepared for the possibility that information not shared by us in the media could come out publicly from ICE.

Getting consent

It is important to have consent from the affected community member about what you will share in the press so that it is their decision and so they feel comfortable with the message. If they are detained, you can visit them to have this conversation and get approval. Once you agree with them on the message and talking points, it is important that their "inner circle" all be on the same page - such as their family and community members, who may also wish to or be asked to talk to the press.

Timing

Based on the level of urgency, timing is important. If someone has a hearing in three months, it gives time to create petitions, videos, and push allies to support. If someone is about to be deported the following day, there is not much time to create all these things. The shorter the time span, the more rapid the likely level of escalation. Generating calls to deportation officers is one of the most effective ways to get ICE to know community members are aware a member is detained and takes very little planning. This is an example of a strategy when there is very little time.

Decide on the Type of Campaign

Fully Public (Online & Local TV)

Person / family is willing to have photos of themselves and their loved ones on TV and social media, including information about the case. News articles can be drafted, and petitions shared on social media. Politicians can be contacted to draft letters of support or share petitions. This creates high level visibility, and the family and person affected should speak with both a lawyer and organizer on messaging.

Public/Private (Online & DHS Outreach)

Person/family is willing to share petitions online with a photo, but will not go on television or have any of their family members be interviewed. Their story can be broadcast on social media via infographics, etc. The lawyer and organizer would be contacting the Department of Homeland Security (DHS) or the local ICE office for discretion on case. For example, a letter is drafted to the Secretary of DHS, and calls are generated to local office. It's encouraged for the person affected to speak with an attorney and an organizer about appropriate messaging. Note that putting things online does make it possible that a reporter or news outlet will take notice and try to write an article about it, which could include asking DHS/ICE for more information about the case. Reaching out to elected officials to show support for a particular case can help.

Fully Private (DHS/ICE Outreach or Legal Action)

No social media is shared in this case, and no photos are distributed. Lawyers are pushing for relief and the organizer is drafting letters to the ICE field director and DHS for discretion. Internal campaign with no visibility for person affected.

Working only with trusted sources

Do not share your story with any reporters that you do not know or cannot verify (this is usually easy with a simple Google search), or with reporters who do not come with verified media outlets. Telemundo, Univision, CNN, NBC, are examples of reputable TV sources. Telesur, The Guardian, Al Jazeera, NPR, are other media platforms that are also reputable. Always ask for information to research the reporter and media outlet before sharing important information. And be sure to talk to your lawyer before you talk to any media outlets.

Example of messaging: For examples of messaging and petitions from past campaigns, check out Make the Road NY's past campaigns on **Appendix F**.

To do list when creating an organizing & media plan:

Petitions should be drafted and ready to circulate if person gave consent to a public case.

Letters to DHS and ICE must be drafted and reviewed by a lawyer.

Photos are essential to show who the person is. There is also a better public response when there is face to a case. If the person is detained and there are no pictures, consider using artwork. Look into volunteers who can help create a video of case to share.

Have community support; people power gets our people free. Be ready to mobilize large contingents in case there is need.

Understand that some levels of escalation can get community members arrested, always put your safety and that of the participants first. If you are not a U.S. citizen consult with an attorney about immigration risks..

Create a timeline of what your campaign plan looks like and execute. Note what worked and what could improve! Remember above all, community has the power.

APPENDIX

APPENDIX A

KNOW YOUR RIGHTS—LEAVE AT HOME

*Read the following instructions

If ICE stops you on the street or in another public place:

Ask "Am I free to leave?" ICE is not allowed to keep asking you questions without reason. Before giving them your name or any information, ask if you are free to go. If they say "yes," stay away from the place. If they say "no," tell them you do not want to answer any questions and you want to talk to a lawyer.

NO AUTHORIZATION REQUIREMENTS. If ICE agents are searching you or your belongings, say "I do not agree to this search."

DO NOT RUN. If you run, this could be used as a reason for ICE to stop you.

If ICE arrives at your home:

DO NOT OPEN THE DOOR. ICE cannot enter your home without a judicial warrant.

ASK TO SEE THE WARRANT. If the agents say they have a warrant, tell them to pass it under the door before opening it.

CHECK THE WARRANT. Confirm the name and address on the order to make sure it is valid. Also verify that it is signed by a judge. An ICE warrant is not the same as a court warrant. During house raids, agents often say they have a warrant when all they have is an ICE warrant.

Cut out the dotted line of this card. The card can be given to any ICE agent you meet to let them know that you do not want to answer questions.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.





To report raids, call:

**United We Dream
(if outside NYC)
1-844-363-1423**

**Immigrant Defense Project
(if in NYC)
212-725-6422**

IMMIGRATION RAIDS - KNOW YOUR RIGHTS

In any encounter with ICE:

1. If you are arrested by ICE, **YOU MUST ONLY TELL YOUR LEGAL NAME**. Be sure NOT to give any other information. Everything you tell them can be used against you before the court.
2. **DO NOT RESIST THE ARREST**. Even if ICE is holding you unfairly, do not resist arrest.
3. **DO NOT LIE OR SHOW FALSE DOCUMENTS**. Lying to ICE in any instance will complicate your immigration case.
4. **DO NOT SIGN**. ICE agents can tell you that you have to sign some documents. That is not true. Do not sign anything without consulting a lawyer.
5. **DOCUMENT WHAT HAPPENED**. Ask the names and numbers of the ICE agents' badges. Write and take pictures of everything that happens during the raid.
6. **REPORT WHAT HAPPENED**. Call the United We Dream hotline at 1-844-363-1423 and tell them what happened.
7. **DEFEND YOURSELF**. Even if you have a final deportation order, you can keep fighting to win your case. Get in touch with your local community organization to discuss ways to fight your deportation and help you find legal advice. Even if your immigration case is complex there are ways to defend yourself.



To report raids, call:

**United We Dream
(if outside NYC)
1-844-363-1423**

**Immigrant Defense Project
(if in NYC)
212-725-6422**

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.





To report raids, call:

**United We Dream
(if outside NYC)
1-844-363-1423**

**Immigrant Defense Project
(if in NYC)
212-725-6422**



To report raids, call:

**United We Dream
(if outside NYC)
1-844-363-1423**

**Immigrant Defense Project
(if in NYC)
212-725-6422**

Family Preparedness Checklist

The following pages will help you organize all the necessary information in case of an emergency. Please, be sure to be as detailed as possible.

Personal

Full name: _____

Date of Birth: ____ / ____ / ____ Phone: _____

Address: _____

Employer: _____

Employer Phone: _____

Health

Doctor's name: _____

Phone: _____

Address: _____

Allergies: _____

Health insurance information: _____

Additional information (i.e. medical condition(s), medicine, etc...) _____

Spouse (if applicable)

Full name: _____

Date of Birth: ____ / ____ / ____ Phone: _____

Address: _____

Employer: _____

Employer Phone: _____

Spouse's health

Doctor's name: _____

Phone: _____

Address: _____

Allergies: _____

Health insurance information: _____

Additional information (i.e. medical condition(s), medicine, etc...) _____

Child #1 (if applicable)

Full name: _____

Date of Birth: ____ / ____ / ____ Phone (if applicable) : _____

Social Security (if applicable) : _____

Child #1 School

Name: _____

Address : _____

School Phone : _____ Name of Teacher: _____

Additional information: (i.e. extracurricular activities/programs, etc...) : _____

Child #1 Health

Doctor's name: _____

Phone: _____

Address: _____

Allergies: _____

Health insurance information: _____

Additional information (i.e. medical condition(s), medicine, etc...) _____

Child #2 (if applicable)

Full name: _____

Date of Birth: ____ / ____ / ____ Phone (if applicable) : _____

Social Security (if applicable) : _____

Child #2 School

Name: _____

Address : _____

School Phone : _____ Name of Teacher: _____

Additional information: (i.e. extracurricular activities/programs, etc...) : _____

Child #2 Health

Doctor's name: _____

Phone: _____

Address: _____

Allergies: _____

Health insurance information: _____

Additional information (i.e. medical condition(s), medicine, etc...) _____

Child #3 (if applicable)

Full name: _____

Date of Birth: ____ / ____ / ____ Phone (if applicable) : _____

Social Security (if applicable) : _____

Child #3 School

Name: _____

Address : _____

School Phone : _____ Name of Teacher: _____

Additional information: (i.e. extracurricular activities/programs, etc...): _____

Child #3 Health

Doctor's name: _____

Phone: _____

Address: _____

Allergies: _____

Health insurance information: _____

Additional information (i.e. medical condition(s), medicine, etc...) _____

Emergency contact (individual who will be responsible to take care of your family)

Full name: _____

Relationship: _____ Phone: _____

Address: _____

Email (if applicable): _____

This person has my basic information (full name, date of birth, etc...) Yes No

This person has the temporary guardianship form Yes No

This person knows where I have saved my documents Yes No

Finances

I have the following goods (Check what applies):

Bank account
If so, name of bank: _____

Note: Might be worth sharing your account number with the person you've assigned to manage your finances.

Lease
There's a copy of the lease with my other documents Yes No
I have asked my landlord if someone else can take over my lease Yes No
If yes, who will it be? _____

Car
There's copy of all the important documents regarding my vehicle with my other documents (i.e. insurance policy, registration, etc...) Yes No

House
There's copy of all the important documents regarding my property with my other documents (i.e. act of sale, mortgage, etc...) Yes No

Business
There's copy of all the important documents regarding my business with my other documents Yes No

I have talked to my lawyer about the future of my business Yes No
If yes, name of lawyer: _____ Phone: _____

Emergency contact (individual who will be responsible to manage your finances)

Full name: _____

Relationship: _____ Phone: _____

Address: _____

Email (if applicable): _____

This person has my basic information (full name, date of birth, etc...) Yes No

This person has a power of attorney to manage my finances Yes No

This person knows where I have saved my documents Yes No

Document Collection

Each family situation and deportation case will require different documents, but the following is a non-exhaustive list of some basic documents that are likely to be helpful. In general, you should not give any documents to ICE without first consulting with an attorney.

Criminal

If applicable, a Certificate of Disposition for EACH time you were arrested¹

If applicable, proof of your assistance in investigating a crime when you, your child, or spouse was the victim (e.g. police report, order of protection, etc.)

Immigration

If applicable, proof that you have an application currently pending with immigration

If applicable, proof of work authorization

If applicable, proof of immigration status (e.g., asylee, U Nonimmigrant Status, lawful permanent residency, etc.)

Family members

If applicable, your family members' proof of U.S. citizenship (U.S. birth certificate, U.S. passport, or naturalization certificate)

If applicable, your family members' proof of lawful immigration status (e.g. asylee, U Nonimmigrant Status, lawful permanent residency, etc.)

Proof of relationship between you and your family members (e.g. birth certificates and/or marriage certificates)

Medical (mental and physical)

If applicable, proof of any special medical issues that you have

If applicable, proof of any special medical issues that your family members have

Rehabilitation

If applicable, proof that you have successfully completed any rehabilitation programs (e.g. alcohol, drugs, violence, etc.)

Community connections/support

If your loved one has been detained, names and phone numbers of people (family, friends, community organizations or faith-based groups) who might be willing to write letters of support

If applicable, proof of education in the U.S.

If applicable, proof of participation in community organizations or faith-based groups

If applicable, proof of consistent employment

If applicable, lease

If applicable, copies of important documents regarding your vehicle (e.g. insurance policy)

If applicable, copies of important documents relating to purchase of your home

If applicable, copies of important documents regarding your business

Danger in home country

If applicable, newspaper articles, reports, or photos demonstrating why you would face harm if you were forced to return to the country where you were born

Other

The following documents might not be used in a deportation case, but are worth saving in a safe place in case you need them for other reasons.

- Passport
- Birth certificate
- If applicable, social security card
- If applicable, proof of ITIN
- If applicable, completed designation of person in parental relationship form
- Authorization for release of health information pursuant to HIPAA
- Power of attorney for the person responsible for managing your finances

1. If the arrest was in NYC, you will need to go to the criminal court for each case, bring identification, pay \$10, and ask for the "Certificate of Disposition" (COD). If someone else is collecting a certificate of disposition on your behalf and the record has been sealed, the court will not provide them a COD without a notarized authorization from you.

Raids Intake Form

Document What ICE Did!

If you have confirmed an U.S. Immigration & Customs Enforcement (ICE) raid in New York, complete this intake and share the information with the Immigrant Defense Project by calling them at (212) 725-6422

Basics

Date: ____ / ____ / ____ Time of day: _____

Type of raid (home, street, workplace, etc.): _____

Location and zip code of raid: _____

How was ICE dressed? _____

How many agents? _____

Did the agents have their guns drawn or weapons visible? _____

What language did they speak? _____

If home raid

How did ICE make presence known? (ie. Banging, yelling "police!") _____

Who answered the door (if answered)? _____

What happened at the door? _____

Did ICE use a trick to get in? _____

Did ICE use physical force to enter? _____

If so, explain: _____

If ICE entered the home, how did they get inside?

What happened once ICE was inside the home?

How did they respond to any medical or childcare issues?

If on the street, outside of court, at work, or elsewhere

How did ICE locate the person?

Bond fundraising campaigns

Example 1:

Alex (name changed), is a 19 year-old orphan from Guatemala whose father passed away when he was very little and his mother abandoned him when he was only 11 years old, leaving him to fend for himself. He grew up moving around, feeling alone, unprotected, and vulnerable. In order to move away from the hardships of living alone in Guatemala, Alex made the hard decision of coming to United States to start a better future for himself.

Upon entering the United States in November 2016, Alex was detained by ICE and has been in detention ever since. His mental health is slowly deteriorating as he continues to be held in a detention center in Orange, NY. Alex has no family that visits him or anyone to provide emotional support for him.

The Immigration Judge in Alex's case set a \$5,000 bond. Unfortunately, Alex does not have a family member who is able to pay that bond. If released, there is a community member ready to offer a home to Alex in Brooklyn! and Alex would qualify for a path to permanent relief.

Because of the urgency in this case we ask for your support in donating and spreading the word so we can have bond ready by March 23rd. Please help get us get Alex out of detention!

You can send donations to XXXXXX who is the volunteer coordinator of this bond fundraising initiative, by: Venmo: XXXX Paypal: xxxxx

Example 2: Credit to QDEP (Queer Detainee Empowerment Project)

Community,

We need your help! Robert (name changed for confidentiality purposes), is a Black gay Muslim man from Ghana who fled after being brutally attacked by neighbors due to his sexual orientation. Robert entered the United States on October 2016 and asked for asylum. Since that date, Robert has been detained at Hudson County Jail in New Jersey. A lawyer from the Brooklyn Defender Services is currently representing him.

Last week, Robert's deportation officer granted him parole on the condition that he pay a \$5,000 bond. This means that Robert has the chance of being released!!! Robert jumped up and down upon getting this news as his mental state has suffered during his time in detention. Robert must pay his bond amount this week in order to be released, else the bond offer may go away. He has a friend that is willing to house him in the Bronx but who does not have the means to post his bond. If released, Robert will continue to pursue his asylum claim in New York but will at least be able to collect evidence for his case and improve his chances of winning.

Due to the urgency in this case we ask for your support in donating and spreading the word so we can have bond ready by March 22nd. We know the timeline is tight but with community, we know we can raise the money and make a difference in Robert's life. Please help get us get Robert out of detention!

You can send donations to the Queer Detainee Empowerment Project (QDEP), who are coordinating to raise bonds in this case by the following means:

Venmo: XXXXXX

Paypal: XXXXXX

Please note that all donations will go to the release of Robert. Any residual amount will go to QDEP's Trans/Queer Migrant Freedom Fund.

Sample Campaign Messaging

Sample 1 Reunite Williams Fernando With His Family!



REUNITE WILLIAMS FERNANDO WITH HIS FAMILY!

Call ICE NY Field Office Director Christopher Shanahan at 212-264-5085

"I am calling to ask that ICE immediately release Williams Fernando Locke, case A#072 406 785 from Bergen County Jail. Williams Fernando's wife and child are both US citizens dealing with health problems. He has lived in Brooklyn for over 24 years. He is a devoted father, husband and community leader. Please release Williams Fernando so he can reopen his case and remain in the only place he knows as home."

Sample 2: Don't Deport Our Dad!



Julio Acosta with one of his sons preparing for the holidays. Share the petition on facebook and twitter.

Every night Jeffrey opens the window and cries looking for his daddy.

But his father, Julio Cesar Acosta, isn't home because, earlier this month, ICE agents showed up at his home on Long Island to take him away from his partner Deysi and their two small children, Jeffrey and Julio Jr. Even though Deysi was not yet due, the trauma of seeing her world crumbling around her resulted in Deysi giving birth early to their third son, Christopher, now two weeks old.

Please click here now to stand up for Julio and his family by sending a message to ICE to let him go.

Julio has managed to support his family through hard work and sacrifice, despite his own health problems. Julio is completely dedicated to his family, and they in turn rely on him completely. If Julio is deported, his family will be torn apart.

Julio fled the civil war in El Salvador in 1986, and he has lived here in the United States for the last thirty years. Though he was convicted of minor offenses more than ten years ago, Julio Cesar is an outstanding community member and father. He now faces deportation to El Salvador, a country where he has no family or community.

While the Obama administration has said it's changed enforcement priorities away from separating families, Julio Cesar's detention shows that ICE is still tearing apart the families the administration has pledged to leave alone. Family members with old, minor convictions should not be deported blindly; their connection to family and community, and their valiant efforts to turn their lives around and become role models needs to be taken into account.

We are doing everything we can to bring Julio Cesar back to his family where he belongs, as we also work for immigration policies that protect all communities. Can we count on you to stand up for Julio's family with us?

Please click here to send a message to ICE. We need you to act before it is too late. In solidarity,

-- Theo J. Oshiro, Deputy Director

**Sample 3:
Long Island Father Needs Your Help**



Dear Make the Road Family,
We don't typically message you on a Saturday; however, RafaelRodríguez's deportation hearing is this upcoming week and community petitions are due to the judge by Sunday!

[CLICK TO SIGN PETITION](#)

Rafael is a Long Island father, with three U.S. citizen children. His fiancé, a community leader and U.S. citizen has been asking the community to support their family. Rafael's family deals with serious health problems and they need their father at home, supporting them
Rafael was convicted of a non-violent offense over ten years ago, which triggered his deportation proceedings. Despite that conviction, Rafael has built a stable life for his family and has created a strong community in Long Island.
Rafael has been a dedicated breadwinner and employee. He has built a life in the United States over the past 13 years. His fiancé, Marlenis is a leader in the Suffolk County chapter of Make the Road New York and they are all counting on us.
Please add your name to this petition to immigration authorities to make sure that Rafael and Marlenis can raise their family together.
Thank you for all you do,

Thank you to the Make the Road NY team that developed and contributed to this manual:

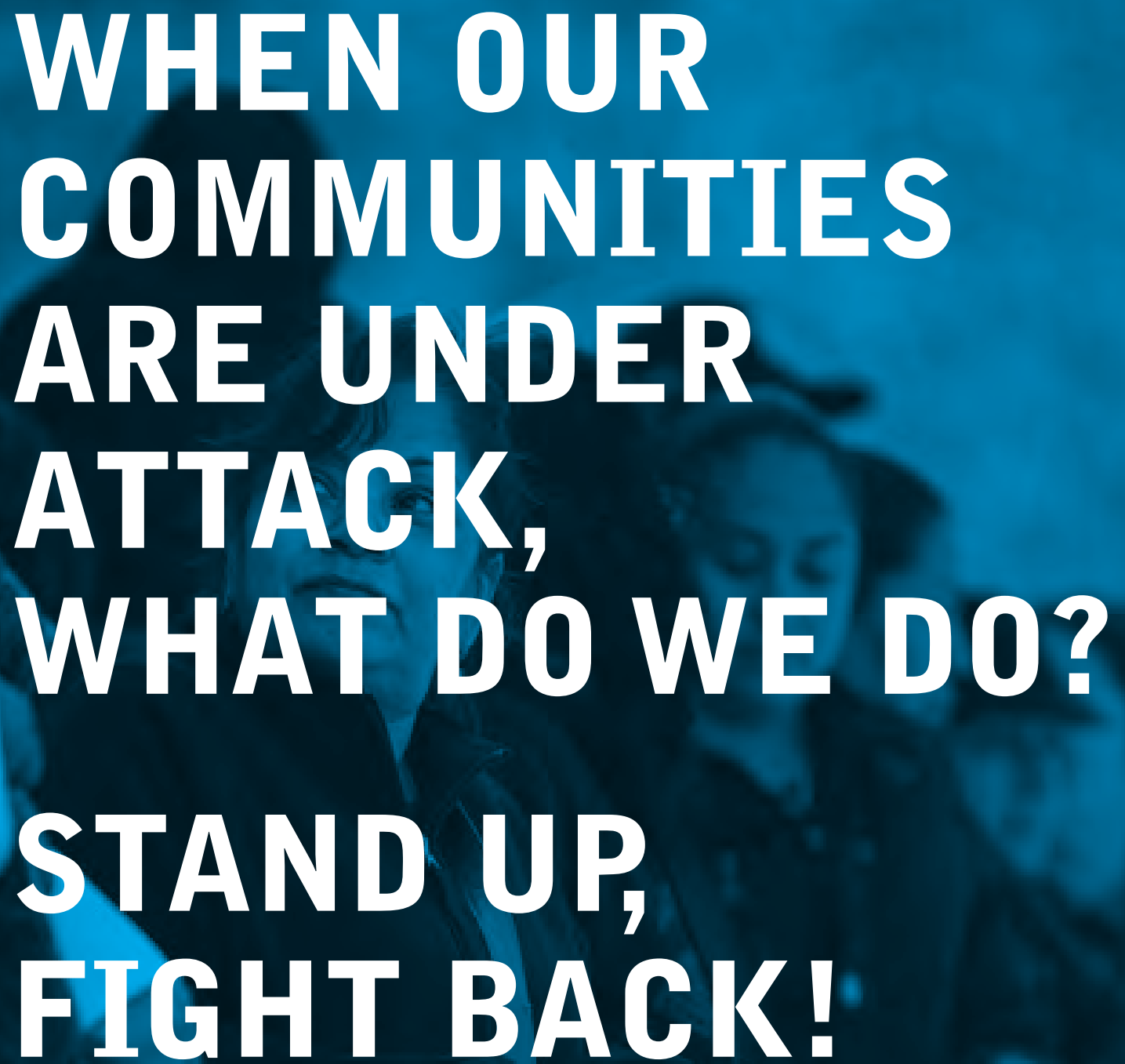
Natalia Aristizabal
Luba Cortes
Mateo Guerrero-Tabares
Yaritza Mendez
Immigration Legal Team
Workplace Justice Team

Thank you to our colleagues and partners who contributed to the manual with content and feedback:

Immigrant Defense Project
National Day Laborer Organizing Network
New York Civil Liberties Union
Queer Detainee Empowerment Project
WITNESS
Carolina Canizales
Meghan Maloney de Zaldivar
Viviana Bonilla Lopez

Special Thanks to the Caracol Collective as well as Luis Henao Uribe for translations and to Sara Duell for the design of the manual

Notes

A blue-tinted photograph of a diverse group of people, including men and women of various ethnicities, holding a banner. The image is overlaid with bold white text. The text reads: "WHEN OUR COMMUNITIES ARE UNDER ATTACK, WHAT DO WE DO? STAND UP, FIGHT BACK!"

**WHEN OUR
COMMUNITIES
ARE UNDER
ATTACK,
WHAT DO WE DO?
STAND UP,
FIGHT BACK!**