



National Immigrant Justice Center

Know Your Rights

Information Packet About Detention, Deportation, and Defenses
Under U.S. Immigration Law

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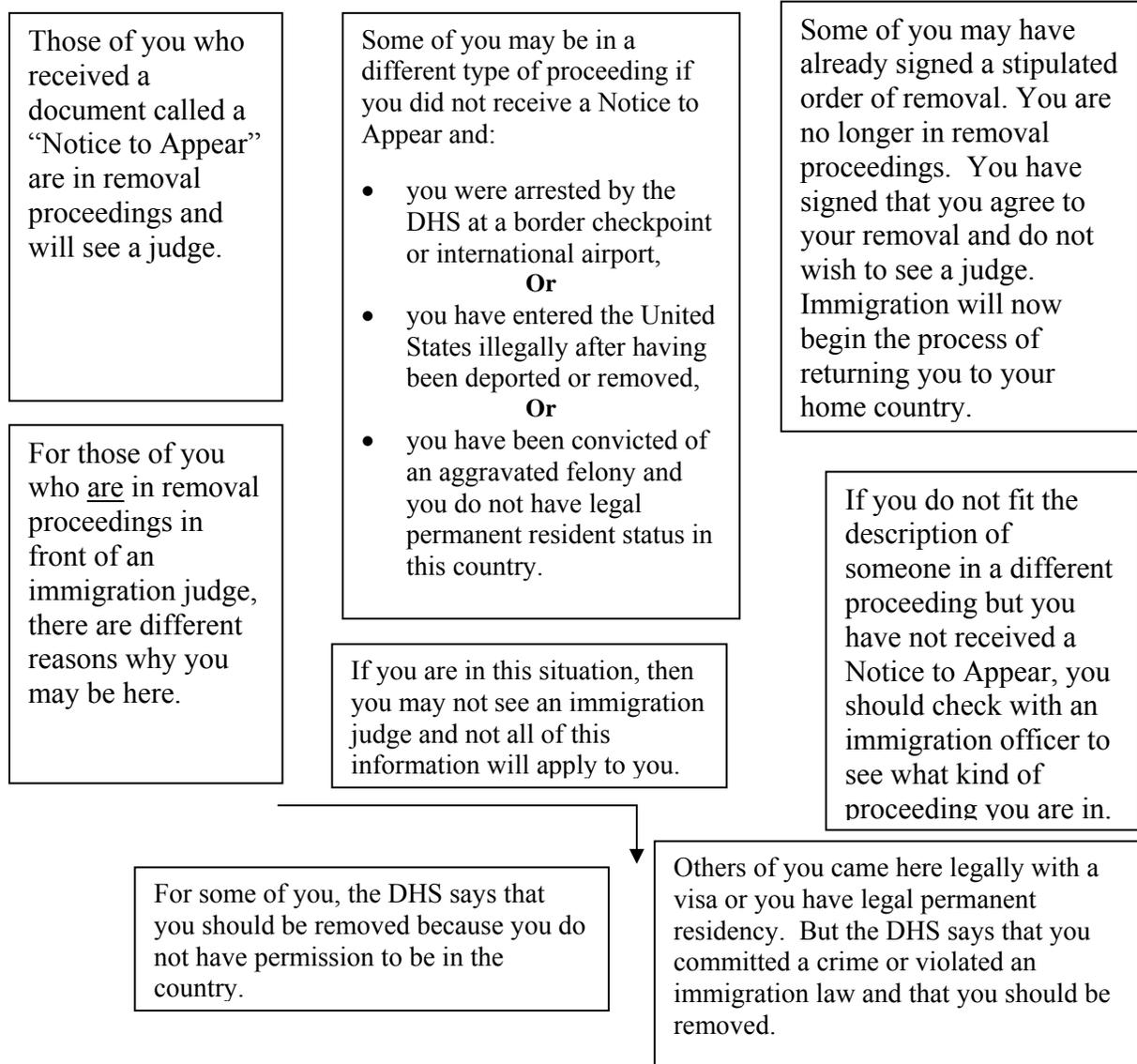
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INTRODUCTION



You are currently being detained by the Department of Homeland Security (effective March 1, 2003, the Immigration and Naturalization Service (“INS”) became part of the Department of Homeland Security (“DHS”), an agency of the United States Government). The DHS says that you may not have the right to stay in the United States and you may have to leave the country.

There are several legal procedures the DHS can use to remove you from the country. This document is specifically for those of you who are in removal proceedings before an immigration judge.



THE COURT PROCESS



There are three types of immigration court hearings: a “master calendar” hearing is a preliminary hearing at which the case is discussed, applications are filed, deadlines are issued, and some decisions are made. A “bond hearing” – which can sometimes occur on the same day as a “master calendar” hearing – is limited to deciding whether you can be released from detention by paying a “bond.” A “merits hearing” is like a trial, where the judge hears testimony and considers evidence.

At your first master calendar hearing the judge will explain your rights. You have the right to hire a lawyer, but the government will not pay for or provide that lawyer. There are no public defenders for Immigration Court. Before your hearing, an immigration officer should have already given you a list of free or low cost legal services in the area. If you did not receive this list, ask the judge for a copy. You can also ask the judge for more time to find a lawyer if you need it.

If you are ready to talk to the judge at your first master calendar hearing, the judge will ask whether you agree or disagree with each charge in the Notice to Appear (commonly known as the “NTA”). If you are in removal proceedings before an immigration judge the DHS should have given you a document called a Notice to Appear. It contains information the DHS believes about you including, your street address, where you were born, the date you came to the United States, and whether you violated any criminal or immigration laws. It also explains why the DHS thinks you may have to leave the United States.

U.S. Department of Justice
Immigration and Naturalization Service **Notice to Appear**
 In removal proceedings under section 240 of the Immigration and Nationality Act

File No: _____

In the matter of:

Respondent: _____ currently residing at: _____
(Number, street, city state and ZIP code) (area code and phone number)

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

The Service alleges that you:

1. Are not a citizen of the United States;
2. You are a native of _____ and citizen of _____;
3. You entered the United States at or near _____ on or about _____.
4. You were then not admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(a) of law:

Section 212(a)(6)(A)(I) of the Immigration and Nationality Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than designated by the Attorney General.

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

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
 To be calendared and notice provided _____
 On _____ at _____ to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: _____

See attached Notice to the Respondent for important information

Your name should be listed here. (points to Respondent field)

Factual allegations. (points to The Service alleges that you section)

Notice of court hearing, date and time. (points to YOU ARE ORDERED to appear section)

Notice to Appear (points to title)

This is the “A” number assigned to you by DHS. (points to File No. field)

Legal charge. (points to On the basis of the foregoing section)

If you do not think that you received a Notice to Appear from the DHS, you should ask an immigration officer for a copy as soon as possible. If you still do not receive a Notice, you should ask the judge for a copy at your first hearing.

It is very important for you to review the charges and allegations contained in the Notice to Appear carefully. If you do not think the charges are correct or you want to see evidence about your charges, you can deny the charges and ask the government to prove its case.

Take special note to see if the DHS says that you have been convicted of an aggravated felony. This charge has very serious consequences.

What is an aggravated felony?

It is a name Congress has given to certain crimes that have very serious immigration consequences.

There are a number of crimes which are considered aggravated felonies, but the most common are:

- *Trafficking in drugs, which includes possession with intent to sell or distribute drugs.*
- *A crime of violence (most crimes involving force or injury to others). These are aggravated felonies if the judge sentenced you to imprisonment for at least 1 year.*
- *A crime of theft or burglary for which the judge sentenced you to imprisonment for at least 1 year.*
- *Sexual abuse of a minor.*
- *Murder or rape.*
- *Alien smuggling.*

The law on aggravated felonies often changes and there are questions about how to interpret it. Some misdemeanor convictions can be aggravated felonies and the law may depend on the state in which you are detained. Ask a lawyer if you have questions.

PLEASE NOTE that if you have criminal convictions, the immigration judge cannot change the decision of the criminal court.

In some limited circumstances it may be possible to go back to a criminal court to fight your conviction even after it has become final. You may need to file motions to vacate a guilty plea, to reduce a sentence, or to request post-conviction relief with the criminal court. If you are filing a motion to vacate your conviction in the criminal court solely to avoid immigration consequences, your motion, even if granted by the trial court judge, will have not effect your removal from the United States. These are complicated cases and difficult to win. You may also be eligible for a gubernatorial pardon which may eliminate your conviction for immigration purposes. If you want to explore this option further, we recommend that you talk to a lawyer who knows both criminal and immigration law.

If the immigration judge decides that the charges against you are correct, the judge will then decide whether you have a way to legally stay in the United States. If you are a lawful permanent resident who has been convicted of a crime, you may be eligible for cancellation of removal. Cancellation of removal is discussed at page 10 of these materials.

Before making the decision whether or not to fight your case, it is important for you to understand the consequences of removal. First, if you are removed, you lose any permission you have to stay in the United States, including any visa that you previously had. Second, if you have lawful permanent resident status, being deported will terminate that status, and you will be ineligible to get that status again. Third, if you are ordered removed, you cannot legally return to the United States for at least ten years, unless you obtain special permission from the United States government to return.

It is a crime to reenter the United States illegally after you have been removed. If you reenter the United States illegally after you have been removed from the country, it will be a federal felony offense, not a misdemeanor. If you are caught, you will likely be sentenced to a prison term; if you have been convicted of crimes, particularly aggravated felonies, you could be sentenced to prison for up to twenty years for illegal reentry. In addition, if you reenter without permission, you will not receive any more hearings before the Immigration Court. The Department of Homeland Security is able to “reinstate” or use once again your prior order of deportation and deport you again, without allowing you to see an immigration judge.

If the immigration judge does enter an order of removal against you, you have the right to appeal this decision to the Board of Immigration Appeals (BIA). The immigration judge will provide you with the paperwork needed to appeal at your last court hearing. If you do want to appeal the decision of the immigration judge, you will need to mail in your Notice of Intent to Appeal so that it arrives at the BIA within 30 days from your last hearing date.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies on the list of free legal services you have been given.

CITIZENSHIP

Sometimes people are United States citizens but do not realize it. **United States citizens cannot be removed from the United States and must be released from detention.** You *may* be a citizen, or be eligible for citizenship, if you answer “yes” to one of the following questions:

1. Were you born in the United States?
2. Do you have a parent or grandparent who was born in the United States?
3. Did either of your parents become a naturalized U.S. citizen before you turned 18 years of age?
4. Have you ever served in the U.S. military and been honorably discharged?

If you answered yes to any of the first three questions, it is *possible* that you have obtained citizenship automatically and you should tell an immigration officer and the immigration judge. **Citizenship law is very complicated, so you should consult with a lawyer if you think you may be a U.S. citizen.** It is very important to provide as much specific information as possible in order for the DHS to be able to decide whether you have United States citizenship, for example, your parents’ identity, their dates and places of birth, and their periods of residence in the United States. If you are a citizen, you cannot be deported, and will likely be released from DHS detention within days.

People who served honorably in the U.S. military may be eligible to seek citizenship even though deportation proceedings are pending. Military service does not automatically make you a citizen, but it can sometimes make you eligible to naturalize when you would otherwise not be eligible.

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ASYLUM, WITHHOLDING, AND PROTECTION FROM TORTURE

There are three forms of protection for persons who fear harm or torture if they are returned to their home countries: asylum, withholding of removal and relief under the Convention against Torture (CAT). You may be eligible for one or more of these types of protection, depending on when you entered the U.S., any criminal convictions that you have, and the reason you fear that you will be harmed or tortured if the DHS deports you to your home country. Even if you are a lawful permanent resident, you may be eligible for protection from harm or torture. To apply for asylum, withholding of removal, or relief under the Convention against Torture, you will need to complete Form I-589 which you can request from the DHS and/or the immigration court. **If you are afraid to return to your country, tell the immigration judge or the DHS/immigration officer (if you do not see the judge).**

Asylum

“Asylum” is one of the possible ways that you may be able to stay in the country legally. You may be able to ask for this protection in the United States if you fear you will be harmed if you return to your own country or if you have suffered harm there in the past. The threat or harm must come from the government or someone the government cannot or will not control.

You must show that the threat or harm is because of your:

- **Race**
- **Religion**
- **Nationality**
- **Political opinion or political party membership**
- **Or your membership in a particular social group**

This group could be:

- *members of a village*
- *family*
- *clan*
- *union*
- *student or human rights group*
- *lesbian, gay, bisexual or transgender (LGBT) individuals or individuals who engage in same sex conduct*
- *women fearing domestic violence or spousal abuse*
- *women who oppose certain practices in their home countries such as genital mutilation*
- *people who oppose their government’s policy on birth control and family planning*

If any of the above groups describes you, but you do not want to tell anyone in the detention center about this, you can call or write to NIJC during intake hours. All discussions with NIJC are completely confidential. Our staff respects all people regardless of sexual orientation, HIV status, race, religion, gender, and nationality. NIJC staff are experienced in talking to people who have suffered abuse.

However, if the only reason you left your country was to look for work and you do not have any fear of returning or have not been harmed in the past, then you probably do not qualify for asylum.

Generally, a person must apply for asylum within one year of entering the U.S. You may still be able to apply after that deadline if there were special reasons why you were not able to apply on time, if the conditions in your country have gotten worse since you came to the United States or, if you entered on a valid visa, if you apply for asylum within six months after your visa expired. Otherwise, you can only apply for “withholding of removal.” Withholding of Removal is like asylum, but is harder to win and has fewer benefits.

Withholding of Removal

Withholding of removal is a form of protection that is similar to asylum. To qualify for withholding of removal, you must show that it is more likely than not (more than 50% likely) that you will be harmed if you return to your home country based on your race, religion, nationality, political beliefs or your membership in a particular social group.

It is more difficult to win a case for withholding of removal than for asylum. People generally apply for withholding when they are ineligible to apply for asylum. You might wish to apply for withholding of removal if you fear returning to your country and:

- You have been in the United States for more than one year and did not apply for asylum within one year of coming to the United States, or
- You have been convicted of an aggravated felony.

If you have been convicted of an aggravated felony, you can only apply for withholding of removal if the sentence you received for the aggravated felony was less than five years and the judge finds that your crime was not “particularly serious.”

Convention Against Torture (CAT)

A separate form of protection is available if you are likely to be **tortured** by a government official in your country. The United States has signed a treaty promising that it will not return anyone who fears being tortured in their home country. You may have rights under this treaty if you have this fear. Tell the immigration judge or the DHS if you fear torture in your home country.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. If you have questions about asylum, you can also call our general intake line (312) 660-1370, Wednesdays from 11:00 a.m. – 2:00 p.m. You may also call any of the agencies listed on the free legal services list you have been given.

CREDIBLE FEAR AND PAROLE

A special procedure applies to people arrested while trying to enter the country – such as at an airport or over a bridge. If you were arrested trying to enter the country, you are considered an “arriving alien.” If you had no legal status, you are subject to “expedited removal,” and will not see an immigration judge, unless you tell immigration officials that you are afraid of returning to your country. If you tell the DHS/immigration officer that you are afraid to return, they will give you a “credible fear interview”. In this interview, a DHS Asylum Officer will ask you about your fear of returning to your country. You, as an asylum-seeker, may consult with other people (such as a lawyer or legal representative) prior to your credible fear interview. Any person with whom you choose to consult may be present at the interview and may be permitted to present a statement at the end of the interview.

After your interview, if the DHS asylum official determines you might be able to win an asylum case, your case will be referred to an immigration court for a hearing. If you are not found to have a credible fear of torture or persecution you will be returned to your home country, but you may request that a judge review this decision before you are deported. The immigration judge must review the negative decision within 7 days of the negative credible fear determination

If you are afraid to return to your home country, have just entered the United States and have not been interviewed in a “credible fear interview”, you should request one.

If you pass your credible fear interview, you may ask the DHS to release you from detention on “parole.” To be granted parole, you must have a “sponsor” with whom you can live.

Other proof that will support a granting of parole include:

- Proof of your identification (a valid passport, state id, birth certificate)
- Proof that you passed your credible fear interview (copy of the DHS decision)
- Proof that you are not barred from seeking asylum
- Proof of a sponsor (see sworn statement of sponsor on page 9)
- Proof of ties to the community (e.g. letters from church groups, etc.)
- Proof of legal assistance from a not-for-profit organization (such as a letter)
- Proof of willingness to report to the DHS and to obey any order
- Proof of other humanitarian factors

(Please see the next page to view an affidavit of support by a sponsor)

Even if you are released from detention, you must still appear before the court. If you do not attend your court hearing, the judge may order you deported in your absence. If you change your address, you must notify the court in writing.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901 on Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given.

SWORN STATEMENT IN SUPPORT OF
(NAME OF DETAINEE) APPLICATION FOR PAROLE

A-- --- ---

State of _____
County of _____

I, (name of sponsor), hereby state under oath as follows:

1. I am a (legal permanent resident/US citizen) of the United States (please see attached).
2. I am a (relation) of (name of detainee), a political asylum applicant from (home country) who is currently detained at (name of detention facility).
3. I work as a (position) for (company/employer) at (address).
4. I am prepared to provide food and lodging for (name of detainee) for as long as his case is pending. If (name of detainee) is paroled, s/he will reside with me at the following address:
 (address)
 (phone number)
5. While (name of detainee) case is pending, we will do everything in our power to make sure that s/he attends all hearings in court.
6. If you require any further information, please call or write me at the above address.

(sponsor's signature)

(date)

(notary's signature)

(date)

CANCELLATION OF REMOVAL

“Cancellation of Removal” is one of the possible ways that you may be able to stay in the United States legally. There are two types of Cancellation of Removal, one for persons who have lived in the United States, with or without permission, for a long time – and another for persons who are lawful permanent residents (have “green cards”).

Cancellation of Removal for People who are Not Lawful Permanent Residents

If you win this type of cancellation of removal, you will receive lawful permanent residence and you can remain in the country legally.

You must meet four requirements to ask for this type of Cancellation:

1. You have lived in the United States continuously for at least the last ten years, either legally or illegally; AND
2. You have a spouse, parent, or child who is a U.S. citizen or legal permanent resident and you can show that they would suffer extremely unusual hardship (this is difficult to prove) if you were removed from the United States; AND
3. You are a person of good moral character, AND
4. You have not had significant criminal problems. If you have served more than six months in jail during the last ten years, you are probably ineligible. Almost all felonies and drug crimes will make you ineligible. Even misdemeanor crimes, if you have more than one, may make you ineligible.

Victims of domestic violence: Special rules apply if you have been physically or psychologically abused by a spouse or parent who is a U.S. citizen or legal permanent resident. These rules also apply if your child has been abused by his or her other parent. In this type of cancellation, you only need to show that you have lived in the U.S. continuously for the last three years. You must also show good moral character and extreme hardship to yourself if you were to be deported.

Cancellation of Removal for Lawful Permanent Residents

If you are a lawful permanent resident (“LPR”) in removal proceedings because you have been convicted of a crime or have another type of violation of the immigration law, you may still be able to keep your LPR status and avoid removal through “cancellation of removal” if you meet certain requirements.

To be eligible for “cancellation of removal” for permanent residents, you must show:

1. You have been a legal permanent resident for at least 5 years.
2. You have lawfully resided in the U.S. for 7 continuous years after being legally admitted to the U.S.
3. You have no aggravated felony convictions.

Examples of aggravated felonies include:

- Certain offenses dealing with firearms, such as trafficking in firearms, or possessing explosive devices.
- Drug trafficking, including:
 - Transportation, distribution, importation;
 - Sale and possession for sale;

NOTE: In the Seventh Circuit, more than one drug possession offense constitutes an aggravated felony, but this is not the case in other circuits around the country. If you have questions on whether you can still seek Cancellation of Removal based on multiple state drug possession convictions, contact NIJC.

- If you received a sentence of imprisonment of one year or more (whether you served time or not) for one of the following crimes:
 - Theft (including receipt of stolen property)
 - Burglary
 - A crime of violence (including anything with a risk that force will be used against a person or property, even if no force was used)
 - Document fraud (including possessing, using, or making false papers, unless it was your first time and you did it only to help your husband, wife, child, or parent)
 - Obstruction of justice, perjury, bribing a witness
 - Commercial bribery, counterfeiting, forgery, trafficking in stolen vehicles with altered identification numbers
- For other types of aggravated felonies, it may not matter whether you were sentence to one year or more:
 - Rape
 - Sexual Abuse of a Minor
 - Murder or attempted murder
 - Felony alien smuggling (unless it was your first and you were helping only your husband, wife, child or parent)
 - Fraud or income tax evasion, if the victim lost over \$10,000
 - Money laundering (over \$10,000)

If you were convicted of one of the above-listed crimes in a state court, there may be an argument that your crime is not an aggravated felony if the state law is in some way different from federal law or if you are being charged with an aggravated felony with a sentence of one year or more and are able to get the sentence reduced. Speak to an attorney to find out more information.

If you are not eligible for cancellation of removal and you are not eligible for any other defense to deportation, you will be ordered removed. If you are eligible for cancellation of removal, then you will be scheduled to go to court again to file your application. You will be given some forms and a date by which to file the forms with the court. Once the forms are filed, you will have a hearing to prove you deserve cancellation of removal. It may be a few weeks before this hearing, depending on the court's schedule.

If you are eligible for cancellation of removal and you want to win your case, you will need to demonstrate more than your lawful permanent resident status. You will need to show the immigration judge that you deserve to win your case by showing positive factors such as:

- Family ties in the U.S. (LPR or U.S. citizen spouse, parents, children or siblings)
- Long residence in the U.S.
- Good work record (letters from employers) and any special responsibilities of the job
- Rehabilitation (from drug or alcohol abuse or criminal behavior)
- Ties to the community, e.g. church membership, participation in community/school projects

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901 on Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given.

RELIEF UNDER FORMER INA § 212(c)

If you are a permanent resident who pled guilty to a crime before April 24, 1996, (and in some cases, prior to April 1, 1997) you may also be eligible for § 212(c) relief, if you have not had any convictions since that time. Relief under § 212(c) is different from cancellation because even if the crime to which you pled guilty is an “aggravated felony,” you may still be eligible for relief.

Eligibility for 212(c)

To qualify for a discretionary waiver under INA Section 212(c), you must demonstrate that:

- You have resided in the United States for seven consecutive years.
- You have not been imprisoned for 5 years or more on account of the crimes which make you removable from the United States
- You plead guilty or *nolo contendere* prior to April 24, 1996 (in some cases, prior to April 1, 1997),
- You have no convictions, other than traffic offenses, since April 24, 1996 (or April 1, 1997),
- Your crime has an “equivalent ground” of removal and inadmissibility –drug crimes can be waived, but many others cannot.

How to Apply for a 212 (c) Waiver: The 212 (c) waiver application is submitted on Form I-191, and can be obtained from the DHS.

Relief Under 212 (c) is Discretionary: Please be aware the immigration judge will also consider the following discretionary factors when deciding to grant a 212 (c) waiver: *immigration status, length of residence, family, criminal history, humanitarian concerns, immigration history, eligibility for relief, rehabilitation, cooperation with law enforcement, U.S. military service, community involvement.*

ADJUSTMENT OF STATUS THROUGH FAMILY PETITIONS

It may also be possible for you to remain legally in the U.S. through a family relative with legal status in this country. Your relative must be a lawful permanent resident or U.S. citizen in order to help you get legal status. He or she may be able to help you by filing a “relative petition.”

Relatives who may file a visa petition on your behalf:

Categories without waiting periods:

- Your United States Citizen (USC) spouse, USC child over 21 years of age, or your USC parents if you are under 21 years old and unmarried

Categories with waiting periods

- Your USC parent of you are over 21 years of age or if you are married
- Your USC brothers or sisters if they are 21 or older
- Your Lawful Permanent Resident (LPR) spouse
- Your LPR parents if you are unmarried

Finally, if you entered the country illegally, you can only apply for your green card within the United States if someone filed a visa petition for you or for your parents before April 30, 2001. Otherwise, you may have to return to your country of origin to obtain your green card there.

Unless you are a spouse, parent or child (under 21) of a U.S. citizen, you will have to wait in line for a visa number before you can apply for legal permanent resident status. The “priority registration date”- the date that the DHS received the petition filed by your relative determines your place in that line. If you are not currently “at the front of the line,” you can only apply for adjustment of status when your priority date moves to the front of the line. Practically speaking, unless you are in a category without a waiting period, you will be unable to avoid having to leave the United States unless your relative applied for you before you were detained.

If you are eligible to apply for adjustment of status, but have had prior encounters with the DHS, a criminal history, fraud, health problems or, in certain cases, unlawful status, these issues may make the process of becoming a legal permanent resident more difficult or impossible. If you have a criminal conviction, you may be eligible for adjustment of status with a “212(h) waiver.” If you remain in the United States unlawfully for more than one year, leave the country and enter again unlawfully you are basically barred from adjusting status. In addition, if you make false

claims to being a United States citizen or smuggle aliens into the country you are also barred from adjustment of status.

“V” Visa

The “V” visa is for spouses and children under 21 of LPRs. If your LPR spouse or parent applied for you more than 3 years ago, you may be eligible to obtain “V” visa status and remain here legally with work authorization until you can obtain your resident alien card. Certain criminal convictions or immigration violations may prevent you from obtaining a “V” visa.

SPECIAL PROTECTIONS FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING AND OTHER CRIMES: “T” AND “U” VISAS

Special protection is available for individuals who have been victims of certain crimes: the “T” visa is available for victims of human trafficking, and the “U” visa is available for victims of certain crimes, such as kidnapping, rape, domestic violence, and assault, which occur in the United States. In order to receive either of these protections, you would have to be willing to cooperate with law enforcement in the reporting, investigation and/or prosecution of these crimes. Protections under T and U visas include temporary legal status and work authorization. T visas also provide access to public benefits. Both T and U visas allow you to eventually petition for permanent residence status (“green card”). Your immediate relatives (spouse, children, parents and siblings) can also sometimes benefit from your “T” or “U” visa.

Trafficking & Slavery – “T” Visa

Trafficking happens where a person is forced to perform labor or services in violation of U.S. laws prohibiting slavery, involuntary servitude, debt bondage or other forced labor. You may be a victim of trafficking if you were:

Recruited, harbored, moved, or obtained by
force, fraud, or coercion (physically or psychologically)
for the purposes of involuntary servitude, debt bondage, slavery, or
sexual exploitation

The type(s) of work you may have been forced to perform include (but are not limited to):

- | | |
|----------------------------|---------------------------|
| ➤ Prostitution | ➤ Begging |
| ➤ Domestic Service | ➤ Agriculture / farm work |
| ➤ Factory Work | ➤ Janitorial |
| ➤ Restaurant Work | ➤ Criminal Activities |
| ➤ Stripping/exotic dancing | ➤ Other Informal Labor |

If someone has imposed an unreasonable debt or condition on your labor or service, or has threatened you or your family members with harm if you fail to work or provide a service, you may be eligible for protection. *Even if you performed a labor or service that is illegal*, you may be able to obtain immigration relief. Additionally, you may still be eligible for protection if you voluntarily agreed to perform a particular type of labor or service, or agreed to be smuggled into the United States illegally, but were later forced to work or serve against your will.

To obtain a T visa, you will be expected to help law enforcement in investigating and prosecuting the criminal activity and the people responsible for harming you. If you are under 18 years of age, you are not required to cooperate with law enforcement.

Victims of Other Crimes - "U" Visa

The U visa provides immigration relief to victims of certain crimes who have suffered substantial physical or mental abuse as a result of the crime. If you have been a victim of any of the following crimes in the United States, you may be eligible:

- | | |
|-------------------------|-------------------------------|
| ➤ Rape | ➤ Torture |
| ➤ Kidnapping/Abduction | ➤ Incest |
| ➤ Domestic Violence | ➤ Sexual exploitation |
| ➤ False imprisonment | ➤ Female genital mutilation |
| ➤ Being held hostage | ➤ Blackmail/extortion |
| ➤ Forced prostitution | ➤ Witness tampering |
| ➤ Assault | ➤ Unlawful criminal restraint |
| ➤ Involuntary servitude | ➤ Obstruction of justice |
| ➤ Trafficking | ➤ Perjury |

If you seek relief under a U visa, you will be expected to help law enforcement (such as the police or the Federal Bureau of Investigation or "FBI") in investigating or prosecuting the criminal activity. If you cooperate with law enforcement, even if the person who harmed you is not actually found guilty and sent to jail, you may still be eligible for a U visa. For instance, if someone committed a qualifying crime against you, and you reported it to the police, you might be eligible for a U visa. If the case is ongoing you will need to continue to work with the law enforcement agency and comply with all of their requests for help with the case.

The U visa, if approved, can lead to lawful permanent resident status if you do cooperate with law enforcement – regardless of whether someone is eventually prosecuted for the crime, or whether you have to testify. The important thing is that you are willing to testify or help if needed.

If you have been harmed in any of the ways discussed above, contact an immigration attorney right away. To learn more, call the National Immigrant Justice Center at (312) 263-0901 (collect for individuals detained) or our Trafficking Hotline at 312-660-1331 (for individuals NOT detained). You may also call any of the agencies listed on the free legal services list you have been given.

VOLUNTARY DEPARTURE

If you have no defense or relief from removal that will allow you to remain in the United States, “voluntary departure” is a way to avoid an order of removal. With voluntary departure, you agree to leave the United States and to pay for your trip to your home country using your own money. Voluntary departure has some advantages. Through voluntary departure, you can avoid some of the negative consequences of a deportation or removal order. You will not have a record of deportation or removal. This will help avoid some problems if you later want to return to the U.S. legally in the future, and it may also make it easier for you to travel internationally.

Not everyone is eligible for voluntary departure. If you are deportable as an aggravated felon, you are not eligible for voluntary departure. Also, if you are granted voluntary departure in detention, you will not be released.

If you have voluntarily agreed to sign a request for an order of removal without seeing an immigration judge (a stipulated order of removal), this is NOT the same thing as voluntary departure.

There are two stages of immigration court proceedings during which you can request voluntary departure,

1

First Stage: Before your last hearing

You can ask for voluntary departure before your last hearing, which is usually the individual hearing. Voluntary departure has fewer restrictions at this stage. At this stage you qualify for voluntary departure as long as you are not:

- an aggravated felon,
- deportable for terrorist activities, or
- a security risk to the U.S. government.

By asking the immigration judge for voluntary departure at this stage, you cannot go forward with any other defense to deportation and you must be able to:

- agree to give up your appeal rights,
- present your passport/other travel documents, and
- pay for your plane ticket.

2

Second Stage: After your last hearing

You may also ask for voluntary departure at the end of your last hearing, even after the immigration judge has denied all other relief. Voluntary departure is harder to obtain at this stage, and requires the posting of a voluntary departure bond. To be eligible for voluntary departure at the end of court proceedings, you must show:

- You have been physically present in the U.S. for 1 year before you were placed in removal proceedings;
- You have been a person of good moral character for the last 5 years;
- You have not been convicted of an aggravated felony;
- You are not deportable for terrorist activities;
- You have resources to pay your own way back;
- You have a passport and travel documents; and
- You will be able to post a bond of at least \$500 within five days of an immigration judge's order.

If you are granted voluntary departure, but fail to pay for your own plane ticket or leave by the required date, your grant of voluntary departure automatically converts into a removal or deportation order. You will face additional bars if you try to re-enter the U.S. or try to apply for an immigration benefit in the future.

If you do not leave by the required date set by the judge and it is of no fault of your own, the Service will normally extend your voluntary departure date. To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given

BOND RE-DETERMINATION HEARING

Although the DHS has detained you, you may ask a judge to order your release under bond while your case is proceeding. However, the judge cannot order your release or set a bond if you were detained while entering the United States (but you can apply for parole, see page 8) or if you have been convicted of serious crimes. Most criminal convictions render you ineligible for bond and you will have to remain in detention while you fight your immigration case.

Most convictions require that you be detained until your case is completed. There are two exceptions. First, if your conviction is before 1998, and you were released from jail before October 9, 1998, and you have not been arrested for any criminal offense, you may still be eligible.

Second, if: (1) you have only one conviction; (2) it is not an aggravated felony; (3) it does not involve drugs and (4) you did not receive a year or more sentence, you are probably eligible for a bond. Consult an attorney to confirm whether or not you are eligible for a bond.

WHAT IS A BOND?

A bond is an amount of money paid to the DHS to guarantee that you will appear in court for all of your hearings and obey the order of the immigration judge. If you attend all of your hearings, and obey the judge's order, then the money will be returned to the person who paid the bond at the end of the proceedings (regardless whether you win or lose). If you do not appear in court, the money is not returned and you may be ordered removed or deported by the immigration judge.

If you want to ask for a hearing to determine whether you are eligible for bond and what that bond amount should be, you can write to the Immigration Court and ask for a bond hearing:



Executive Office for Immigration Review
Office of the Immigration Judge
55 E. Monroe, Suite 1900
Chicago, IL 60603
(if you are detained in Illinois, Indiana, or Wisconsin)

If you are eligible for bond, the immigration judge has the power to give you a bond (if you don't have a bond set in your case yet), to raise the bond amount set by the DHS, and to lower the bond amount set by the DHS. The immigration judge will look at **two main factors** in deciding whether to set a bond or change the bond amount set by the DHS:

a. Whether you will be danger to the community and

b. Whether you will be a flight risk if you are released.

To decide whether you will be a **danger to the community** if released from DHS custody, the immigration judge will consider the nature and seriousness of the crime you committed. Also, the judge will look to see if you have made any effort to rehabilitate or reform yourself.

To decide whether you will be a **flight risk**, the immigration judge will look to see if you have ties to family in the U.S., ties to the community where you want to live, own any property in the U.S., and the possibility of any defense that you may have to removal or deportation. The immigration judge may also ask you if you promise to come to court for all of your hearings.



The law states that the minimum bond amount is \$1500. You, your family, or friends will have to pay 100% of the bond amount to the DHS. The money will be returned to the person who pays the bond if you obey the judge's orders.

The amount of the bond will be negotiated before the immigration judge and the DHS trial attorney. You are encouraged to ask the immigration judge to set or lower the bond to the minimum amount that you can pay and, if necessary, work your way up to the maximum amount you can pay.

WHAT WILL HELP OBTAIN A LOWER BOND IN A BOND RE-DETERMINATION HEARING

1. In-court testimony of close family members who have a legal status in the U.S.

They need not speak English as the court will provide a translator if advance notice is given. Your family members should be prepared to discuss the nature of their relationship with you; how they have seen you change, if at all; what kind of person you are; and what hardship they will suffer if you continue to be detained or are deported to your country.



- If the family member(s) cannot go to court, a notarized letter may be submitted to the court. All letters and documents not in English need to have an attached English translation.
- All letters submitted should have the person's address and a telephone number where he/she can be reached. Also, each family member should submit proof of his/her lawful immigration status, such as a copy of his/her green card or a copy of his/her U.S. birth certificate or naturalization certificate. Your family members should have the original documents with them if they come to court for your hearing.

Family members who want to go to court for immigration hearings of persons in DHS custody in Illinois, Indiana, or Wisconsin must go to 101 W. Congress, Chicago, Illinois 60605. The initial court hearings as well as Merits hearings are now usually being held via televideo. You will be far away from the courthouse, watching the hearing on television; your lawyers, the judge and your family will be in the Courtroom at 101 W. Congress. Have your family members call the court at (312) 353-7313 to confirm where your hearing is being held.

2. If you have permission to work, a letter from an employer which states that if you are released, then you will have a position waiting for you.

This letter should be on official letterhead. If the company does not have letterhead, it should be notarized.

If you have worked previously for this company, the letter should also state the length of employment and what kind of employee you have been (at least state you have not had any disciplinary problems). The letter may also state what your job duties were.

3. Evidence of rehabilitation.

Evidence of rehabilitation can include participation in drug or alcohol programs, certificates for the completion of coursework while detained, a statement from a counselor/psychologist, an affidavit from a family member, a letter from your probation officer, and/or proof of employment while you were incarcerated.



If you have the possibility of participating in any of those programs, courses or therapies now, you should consider the possibility of doing so.

4. Evidence of community involvement.

If you have had any involvement in community organizations (such as a church, mosque, synagogue, soccer club, neighborhood organization, school organization, etc.), submit a letter, preferably on letterhead or notarized, from the organization. If you have done any volunteer work, submit a letter from the volunteer organization about the work that you did.

5. Evidence of involvement in religious activities.

If you attend religious services regularly, submit a letter from the leader of the religious organization.

6. Evidence that you completed high school or a vocational, college, or university degree.

Proof can include proof of registration and attendance in the courses, such as a transcript or a copy of school records.



7. Copies of titles of property that you own, such as a home or car.

8. Copies of recent income tax returns that you filed.

If your family is bringing these documents to the court for your bond hearing, they should bring **three copies of each document** that you want to give to the immigration judge to consider. The immigration judge, the DHS trial attorney, and you should each have a copy of the documents. You should keep a copy of the documents for your own records.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given

NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER

The DHS may be able to order you removed from the U.S. without allowing you the opportunity to see an immigration judge if

- You have been convicted of an aggravated felony and
- You are not a lawful permanent resident.

When will you receive a Notice of Intent for an Administrative Removal Order?

If you are not a lawful permanent resident and have been convicted of a crime which the DHS believes is an aggravated felony, the DHS will give you Form I-851, Notice of Intent to Issue a Final Administrative Removal Order (“Notice of Intent”). It is similar to the Notice to Appear which others may have received to place them in removal proceedings. The Notice of Intent contains the reasons why the DHS wants to issue a removal order against you.

What can you do when you receive a Notice of Intent?

If the DHS has given you a Notice of Intent, you have the right to:



- Ask for more time to answer the charges against you;
- Deny the charges and state why the charges are incorrect;
- Ask for an opportunity to see the evidence that the DHS has against you;
- Argue that the crimes are not aggravated felonies;
- Admit that the charges are correct and waive the right to appeal a final administrative removal order to a federal court;
- If you are afraid to go back to your country state that you fear that you will be persecuted (harmed) or tortured in your home country or the country where you last lived; and/or
- State the country to which you want to be removed if a final order of removal is entered against you. (The DHS may not be able to send you to the country to which you state that you want to be removed if you are not a citizen of that country.).
- Have an attorney or accredited representative represent you before the DHS. If you cannot afford an attorney, you can contact one of the legal assistance organizations on the last page.

If you do not agree with the charges that the DHS has placed against you, you must answer the DHS in writing very quickly. If a DHS officer gave you the Notice of Intent in person, then you must write to the DHS within **10 days** of receiving the Notice. If you received the Notice of Intent through the U.S. mail, you must write to the DHS within **13 days**. If you are detained in Illinois, Indiana, or Wisconsin, your written response must be sent to:

U.S. Immigration and Customs Enforcement
 Department of Homeland Security
 101 W. Congress, 4th Floor
 Chicago, IL 60605

How will the DHS respond to your written response to the Notice of Intent?

If you respond to the DHS in writing, the DHS will decide whether to issue a final administrative removal order or to place you in removal proceedings before an immigration judge. If the DHS decides to place you in removal proceedings before an immigration judge, the DHS will give you a document called a Notice to Appear and you will have the same rights and opportunities to apply for relief from removal described in these materials.

What can you do if a final administrative removal order is issued?

If the DHS does not place you in removal proceedings before an immigration judge but issues a final administrative removal order in your case, you have the right to appeal the order to the federal circuit court of appeals. The appeal is called a “petition for review”. You must file your petition for review with the federal circuit court of appeals within 30 calendar days after the DHS issues the order. The federal circuit court of appeals for Illinois, Indiana, and Wisconsin is the U.S. Court of Appeals for the Seventh Circuit. You should also ask the court of appeals for a “stay of removal”; this means that you need to ask the court to order the DHS not to remove you from the U.S. while you appeal your case. A filing fee is required. If you are unable to pay the filing fee, a form to request that the court waive the filing fee is available from the court of appeals.

For more information and to obtain the forms for filing a petition for judicial review and a stay of removal, you can contact:

U.S. Court of Appeals for the Seventh Circuit
219 S. Dearborn Street
Chicago, IL 60604
Phone: (312) 435-5850.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given

REINSTATEMENT OF PREVIOUS REMOVAL ORDERS AND STIPULATED REMOVAL ORDERS

REINSTATEMENT OF REMOVAL

If you have previously been ordered removed and subsequently reentered the United States unlawfully the DHS can reinstate your prior removal order and remove you without ever going before an immigration judge. The DHS will issue you a Notice of Intent to Reinstate Prior Removal Order.

In some cases, you may be able to challenge this decision. First, if you did not receive a previous removal order – for instance, if you received voluntary departure instead of deportation – you could challenge it on those grounds. Second, if your last entry into the U.S. was a lawful one, that may be another ground to challenge a reinstatement notice. Third, if you obtained legal status after your entry, such as through the Amnesty program, Temporary Protected Status, a “V” visa, or a “U” visa, you may have arguments against reinstatement of removal.

The procedures for contesting reinstatement are the same as for a final administrative removal order (p.20-21).

STIPULATED REMOVAL ORDERS / AGREEING TO BE REMOVED

You may be asked by the DHS to sign a voluntary stipulated order of removal. This is a document that states that you would like to be ordered removed without seeing an immigration judge. This is not a “Voluntary Return” or “Voluntary Departure,” such as the DHS sometimes offers near the border. If you agree to be deported, you will not see the immigration judge. After you sign the order, the immigration judge will review your signed order and enter an order of removal or deportation against you, and you will be barred from returning to the United States, even legally, for ten years, twenty years or permanently depending on the details of your case. You will be subject to all of the additional penalties that come from being deported, if you ever come back into the United States. You have the right to consult an attorney before signing for your removal deportation. You may be eligible for relief from removal and will not be able to pursue that relief if you sign a stipulated order of removal.

ORDERS OF SUPERVISION

Orders of supervision can be granted by the DHS to release persons in DHS custody that the DHS cannot remove or deport from the U.S.

When will the DHS consider releasing you under an order of supervision?

To be eligible for an order of supervision, you must have a final removal or deportation order. A removal or deportation order becomes final once you have waived your right to appeal or have exhausted all appeals. To have exhausted all your appeals means that you do not have an appeal pending before a higher court. Once your removal or deportation order is final, the DHS has 90 days to remove or deport you from the U.S. to another country which will accept you. If the DHS cannot remove you from the U.S. within 90 days, then the DHS must consider whether to release you from its custody.

Who is eligible for release under an order of supervision?

This includes people from certain countries which do not accept the deportation of their citizens, (such as Vietnam, Laos, and Cuba), citizens of countries which no longer exist (such as Somalia, the former Yugoslavia, or the former U.S.S.R.), citizens of countries where the U.S. is temporarily not deporting people (for instance, Iraq), or people who aren't citizens of any country (such as Palestinians). If you cannot be deported, you may be eligible for release from DHS custody under an order of supervision. Please note, however, that individuals who are released under an order of supervision may be removed at any time if removal becomes possible in the future.



(SPECIAL NOTICE TO MARIEL CUBANS:)

If you are a Mariel Cuban, then you may also request to be released under an order of supervision. The DHS considers Mariel Cubans to be persons who came to the U.S. from Cuba during the 1980 boatlifts. In light of the Supreme Court decision Clark v. Martinez, the DHS has discontinued using Cuban Review Panels, which were the means by which Cuban long-term detainees previously requested release from DHS custody. Instead, Mariel Cubans are now eligible for release under an order of supervision regardless of whether they have been admitted or paroled into the United States.

The regulations for orders of supervision

On December 21, 2000, the DHS issued new regulations or rules for persons who are eligible for orders of supervision. Previously, the DHS reviewed your request every six months, alternating between file reviews and interviews. Under the current regulations, **you will generally receive a file review within 90 days of your final removal order and then an interview every year with officers from the DHS Headquarters until you are removed from the U.S. or released from DHS custody under an order of supervision.** At each review you will have an opportunity to show the DHS that you should be released under an order of supervision. **You have the right to have an attorney or other approved person represent you for the file review and interviews.**

Within 90 days after your removal order is final, a local DHS deportation officer will review your immigration file to determine whether you should be released from DHS custody under an order of supervision. The deportation officer will consider whether you are a **flight risk** and a **danger to the community**. The DHS will look at the following factors:

- the nature and number of **disciplinary infractions or incident reports you received while in federal, state, county, or DHS custody**
- **your criminal history**, including:
 - criminal conduct and conviction record
 - the nature and severity of the convictions
 - the sentences imposed for the convictions and time actually served
 - probation and criminal parole history and
 - evidence of recidivism or repeated criminal behavior
- any **psychiatric and psychological reports** about your mental health
- evidence that you are rehabilitated from any criminal past, including your **participation in work, educational, and vocational programs available at the facility where you were or are incarcerated**
- favorable factors, including **family members in the U.S. and ties to the community** where you would like to live
- **your immigration history**, including any prior violations of immigration laws
- any history of escapes or attempted escapes from custody, failures to appear for immigration or other proceedings, or absences without leave from any halfway house or other sponsorship program
- any other information that can demonstrate your ability to adjust to life in a community, remain free of violence and future criminal activity, and not pose a danger to yourself or the community.
- any other positive and negative information about you



You can obtain a copy of the information that the DHS has in its file by filing a Freedom of Information/Privacy Act (FOIA) request, Form G-639, with the DHS. More information about filing a FOIA is located on page 28 of these materials.

Some of the documents that you can provide to the DHS to show that you should be released under an order of supervision include:

- a notarized (sworn) **letter from your family or a friend who agrees that you can live with them**
- a **job offer** from an employer on company letterhead
- a **letter from your probation officer**, stating how you did on probation and the amount of time left to complete probation, if any
- a **letter from any facilities where you have been** to document good behavior, employment at the facility, and progress in rehabilitative classes
- a copy of any **certificates from any classes that you may have completed** or a **letter from the instructor** to show that you are currently in classes, including English as a Second Language (ESL), anger management, career skills, life skills, G.E.D., vocational classes (i.e. mechanics, maintenance, cooking, computers, etc.), religious education (i.e. Bible study), drug education, etc.
- a **letter from the leader of meetings for Alcoholics Anonymous and/or Narcotics Anonymous** (if you have used/abused alcohol or drugs in the past) showing that you have participated in meetings
- **letters from people in the community where you would like to live**, showing that you are a good person who has changed his/her ways
- a **letter from drug education or other rehabilitative programs which state that you will be enrolled in their programs** upon your release
- a **letter of acceptance into a mental health treatment program**, if you need ongoing treatment
- a copy of any **relevant medical records**, particularly if you have a disease or condition for which you are not receiving adequate treatment while in DHS custody
- a **letter from you to the DHS**, explaining why you will not be a flight risk or a danger to the community if you are released, including why you should be released from DHS custody, how you have changed your life while in custody from your past criminal activity, what your plans are for the future if you are released, etc.

You can begin gathering these documents before your order of removal becomes final. Always keep a copy of any documents that you send to the DHS. **Any document that you submit must be written in English or have an English translation with it.**

For the 90 day file review of your case by the Chicago DHS office, you can send your documents to:

Immigration and Customs Enforcement
Department of Homeland Security
101 W. Congress, 4th Floor
Chicago, IL 60605

You should send the documents to the DHS ICE before the 90 days have passed from the date that your removal order becomes final.

◆ If the local DHS office denies your request for release under an order of supervision for the 90-day review, your file will be reviewed by officers at the DHS Headquarters in Washington, D.C. approximately 3 months later.

RELEASE FOR LONG-TERM DETAINEES

If the local DHS office denies your request for release, then you must request release from the DHS Headquarters in Washington, D.C. If you have been in DHS Custody for six months **after** a final removal order then you should be released from DHS Custody as long as it is not likely that you will be removed to your country of origin in the reasonably foreseeable future and as long as you fully cooperate with the DHS in your removal. Send a request for release along with any documentation indicating that you have cooperated and attempted to facilitate your removal to your country of origin. Sample documents are:

- letters to your consulate requesting travel documents and any receipts or responses from these consulates
- letters to your deportation officer indicating your willingness to cooperate in your removal
- copies of your birth certificate, passport (even if expired) or any nationality document

Note that while your case is on appeal at the Board of Immigration Appeals, it is not final; you would not begin counting the six months until you lost your appeal. There is no official limit on how long it may take for the immigration courts to fully consider your case.

The address of the Post Order Custody Review Headquarters for the Department of Homeland Security is:



DHS-HQPDU
801 I. St., N.W., Room 800
Washington, D.C. 20536

If you are released from DHS custody under an order of supervision, you will need to obey the conditions of your release, including reporting to the DHS as required, avoiding criminal activity, etc. If you do not follow the conditions of your release, the DHS can revoke your order of supervision, arrest you, and detain you again.

To learn more, call the Immigration Detention Information Line of the National Immigrant Justice Center at (312) 263-0901. The Information Line is available Tuesdays from 11:00 a.m. to 2:00 p.m. You may call collect if you are detained. You may also call any of the agencies listed on the free legal services list you have been given.

OBTAINING CRIMINAL, DHS, and FBI RECORDS

CRIMINAL RECORDS

Criminal convictions can result in deportation proceedings. In order to determine whether or not you should apply for any immigration benefit it may be necessary to first obtain copies of your criminal records and consult with an immigration attorney.

Your family or friends can obtain criminal records for you by calling or going to the courthouse in the county where the criminal case took place and asking the clerk to make copies of your case. Normally you will need to obtain a copy of the information/indictment or charging document AND a copy of the final disposition in each case. Request a copy of the documents from the clerk by referring to your case number. If you don't have the case number, ask the court clerk for assistance.

Be prepared to pay copying costs which are typically \$2.00 for the first page and \$.50 for each additional page. Certified dispositions are \$9.00 dollars (in Illinois; fee may vary depending on the State in which your conviction occurred).

Cook County: Phone of the Circuit Court Clerk: (312) 443-4743
 Daley Center (Washington and Clark) Room 1006
 Chicago, Illinois
 Direct line to Criminal Court Clerk (for certified dispositions):
 312-603-4641 from 8:30 a.m.-4:30 p.m.

For **felony conviction** records, you may need to contact the courthouse at
 26th and California--5th floor, office side.
 Phone: 773-869-3140

DuPage County: Phone: 630-682-7626
 501 N. County Farm Road, Wheaton, IL

Lake County: Phone: 847-377-3380
 18 N. County Court
 Waukegan, IL 60085

Kane County: Phone: 630-232-3413
 540 S. Randall Road
 St. Charles, IL 60174

McHenry County: Phone: 815-334-4302
 2200 N. Seminary Ave
 Woodstock, IL 60608

If you never went to court, or your case was not resolved, contact an attorney to resolve your case prior to trying to obtain your records.

DHS RECORDS

To obtain a copy of what is in your immigration file, you can make a Freedom of Information/Privacy Act Request by completing an DHS Form G-693. You may ask an immigration officer for one. You do not have to complete the entire form. You should at least include your name and address and “A” Immigration File number and date of birth, and you need to sign the form. Make sure to keep a copy for your self and mark the envelope you are sending out “FOIA Request.” Also, if you are detained, your address will be that of the detention center where you are currently detained.

Mail this form to the DHS office where your file is located. In Chicago, you should send your request to:

FOIA Officer
Department of Homeland Security
101 West Congress
Chicago, IL 60605

FBI RECORDS

If you have criminal convictions, one of the documents the Department of Homeland Security has in your file is a “rap sheet” from the FBI which lists your criminal history, including any arrests, even if you were not convicted. You can usually get this faster than you can get a copy of your DHS file. Send 1) a completed fingerprint card, 2) a money order for \$18 made out to the “FBI,” and 3) a letter asking for your rap sheet to be sent to:

U.S. Department of Justice
Criminal Justice Information Services Division
Clarksburg, WV 26306

Do NOT send a copy to the Court or the Department of Homeland Security.

OBTAINING DEPARTMENT OF CORRECTIONS RECORDS

These include attendance records, work evaluations, disciplinary records, visitors' lists, GED certificates, and medical and mental health records. Remember to be specific in your written request.

Illinois

In order to obtain your records from the Illinois Department of Corrections, you should send a letter requesting those records along with an authorization for release of information form. All requests must be made to the address of the **last facility** in which you were incarcerated. If you do not know the address of the last facility, you may request it by calling 217/522-2666 or writing to:

Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794

Wisconsin

Written inquiries must be made to:

Records Custodian
3099 East Washington
P.O. Box 8980
Madison, Wisconsin 53704

Indiana

Requests must be made in writing to:

State of Indiana Department of Corrections
Records Department
E334, IGCS, 302 West Washington Street
Indianapolis, Indiana 46204

or **fax** your request to: Attention: Records 317/232-5728

AGENCIES OFFERING FREE OR LOW-COST LEGAL SERVICES

ILLINOIS

LEGAL ASSISTANCE FOUNDATION OF CHICAGO,
 LEGAL SERVICES CENTER FOR IMMIGRANTS
 111 West Jackson Boulevard
 Chicago, Illinois 60604
 (312) 341-9617

NATIONAL IMMIGRANT JUSTICE CENTER
 Travelers and Immigrants Aid/Chicago Connections
 208 S. LaSalle, Suite 1818
 (312) 660-1370, ext. 0

if detained call collect on Tuesdays from 11-2: (312) 263-0901;
 if at a facility where blue pre-paid phones are installed, dial the code for Chicago
 Connections/National Immigrant Justice Center to be connected to us

KANSAS AND MISSOURI

LEGAL AID OF WESTERN MISSOURI
 920 Southwest Boulevard
 Kansas City, Missouri 64108

LEGAL SERVICES OF EASTERN MISSOURI, INC.
 4232 Forest Park Boulevard
 St. Louis, Missouri 63108
 (314) 534-4200

IOWA AND NEBRASKA

CLINICAL LAW PROGRAM
 University of Iowa Law College
 Boyd Law Building
 Iowa City, Iowa 52242
 (319) 335-9023
(limited geographical area)

If you need information on additional agencies, refer to the free legal service list provided to you by the arresting officer or request another list from the deportation officer assigned to your case.