

# I'M IN IMMIGRATION DETENTION, NOW WHAT?

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## INTRODUCTION

You are currently detained by Immigration & Customs Enforcement (“ICE”), 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 individuals who are in removal proceedings before an immigration judge.

## ARRIVAL IN DETENTION

If you are in custody for more than **48 hours**, ICE must give you a “Notice to Appear” (or “NTA”) – the document in an immigration case that says why the government thinks you do not have permission to stay or remain in the United States. If you do not receive this notice, you have the right to ask for a copy during your first hearing before an immigration judge.

When ICE processes your case, you will be assigned an immigrant number or “A number.” When you obtain your “A” number, give it to your family. The A number will allow your family to find out where you are and when your hearings will be. The automated hotline for the immigration court is 1-800-898-7180. You can call this number to obtain information about your court date and the status of your case.

You can also refer to the [Automated Case Information Online System](#) of The Office for Immigration Review. On that webpage, you will enter the A#. If you have an eight-digit A# make sure you enter a 0 in front of the A#. Then click “Submit”. You will find information about the next hearing, decision and motion information, case appeal information, and the court contact information.

## WHY YOU COULD BE DEPORTED

You could be deported for breaking an immigration law, including: entering without permission, staying longer than your visa allows or for having committed a crime.

## RIGHT TO A HEARING

If you are in ICE custody, you have the right to have an immigration hearing and fight your case to stay in the USA. Your first hearing will typically be scheduled within the first ten days of your arrival in the detention facility. You have the right to:

- Be represented by an attorney (but you will not be provided with one by the government – there are no public defenders in immigration court)
- Present evidence and witnesses in court
- Question individuals who testify against you in court
- Appeal your case if your case is denied (send the immigration judge’s decision to a higher court called the Board of Immigration Appeals (BIA).)

## FIGHTING YOUR CASE

Unfortunately, there are no public defenders in the immigration system. There is a free service in the Aurora detention center called Rocky Mountain Immigrant Advocacy Network, or “Pro Bono,” where you can learn about your rights and possibilities to defend your case. You can attend a legal orientation presentation by Pro Bono before your court date.

*RMIAN is a non-profit organization that provides information and free legal services to people detained by immigration and Customs Enforcement (ICE). It is a non-governmental organization. This pamphlet provides general information and should not be considered as specific legal advice for your case.*

## YOUR FIRST COURT DATE

The first court date you have in immigration court is a preliminary hearing in which the judge will explain your rights and the charges that the government has against you. The judge will ask if you agree or disagree with each charge in the Notice to Appear. You can ask for more time from the judge to find an attorney, pay the bond, or gather evidence. You can also ask the immigration judge to lower your bond.

## BOND

An immigration bond is money that you pay – a guarantee – in order to leave the immigration detention center and fight your case on the outside. It does not mean that your case is over – you must attend your court hearings outside of detention.

Even if you paid a bond for your criminal case, you may still have to pay the immigration bond to be released from immigration custody. Some people do not qualify for a bond because of certain crimes in their record. ICE initially decides your bond amount, but you may ask the immigration judge to reduce it.

With a bond, the money is paid to the government to assure that you will attend all of your immigration hearings and comply with the immigration judge's orders. At the end of your case, the government will return the money if you comply. You can also use a bondsman, but they charge for their services.

Immigration bonds are paid at the ERO window in the GEO Detention Facility located at **3130 N. Oakland Street Aurora, CO 80010**. If you pay your bond, your case will be transferred to the immigration court closest to your residence.

## APPLYING FOR RELIEF

Even if the judge finds that you are removable and the information on your Notice to Appear is true, you may be able to apply for relief from removal and obtain legal status to stay in the U.S. If you decide to fight your case, you must prepare an application and submit evidence as proof that you are eligible for the relief you are seeking. The judge will then assign you an individual court date to decide your case.

## ANOTHER OPTION

**Voluntary Departure:** If you are not eligible for any form of relief from removal or defense but want to try to return *legally* to the USA, you can consider requesting voluntary departure. To obtain it you must not have certain criminal history; you must not have requested a voluntary departure in the past or have previous deportations. With voluntary departure, you must leave the USA. If you have lived in the U.S. without permission for a year or more, you cannot return for 10 years, unless you request a waiver or permission to come back into the U.S. before the 10 years have passed.

## CONSEQUENCES OF AN ORDER OF REMOVAL

You may NEVER return if you are deported for an aggravated felony under immigration law. If you have been previously deported, you cannot return for 20 YEARS. If it is your first order of removal and you do not have an aggravated felony, you cannot return for 10 YEARS.

If your Notice to Appear (NTA) says "arriving alien", you cannot return for 5 YEARS.