

***Immigration Safety Plan for
Immigrant Survivors of
Domestic Violence***
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Objectives

- Identify barriers and fears immigrant survivors of domestic violence face.
- Discuss the legal immigration process in order to inform participants of their rights
- Promote resources and tools that support survivors to do comprehensive immigration safety plans.

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Words To Know

- **Arrest Warrant** – An arrest warrant is a piece of paper signed by a judge giving the police the authority to arrest a person and bring the person to jail based on probable cause that the person committed a crime.
- **ICE** – this is the abbreviation for the Immigrant and Customs Enforcement Office, the investigative and law enforcement arm for the Department of Homeland Security.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 4. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120.

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ICE arrest warrant - an administrative warrant that only contains the name of a person and does not give ICE permission to search your home.

Asylum Seeker - a person who has left his or her native country and is seeking legal status in a new country because of persecution or a well-founded fear of persecution based on race, religion, national origin, social group or political opinion.

Refugee - a person who is unable to remain in his or her native country because of persecution or a well-founded fear of persecution based on race, religion, national origin, social group or political opinion who has been brought to the U.S. by the U.S. government

CentroLegal, Inc. (n.d.). Immigration Toolkit, p. 5. Retrieved March 18, 2009 from http://www.centrolegal.org/index.php?option=com_wrapper&Itemid=120

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- **Search warrant** - A search warrant is a piece of paper signed by a judge giving the police officer permission to enter your house. The warrant should state your address, the places in which the officer can search, and what the officer is looking to take as evidence.
- **Undocumented Person** - a person who entered the United States without inspection; a person who has overstayed his/her visa, or a person with an old deportation order, also known as an "absconder order".
- **Voluntary Departure** - an order (usually granted by an Immigration Judge) allowing a person to depart from the U.S. voluntarily instead of being removed. If the person fails to depart the U.S. within the time granted, the voluntary departure converts into an order of removal.

CentroLegal, Inc. (n.d.). Immigration Toolkit, p. 5. Retrieved March 18, 2009 from http://www.centrolegal.org/index.php?option=com_wrapper&Itemid=120

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Legal Rights

- The Right to Remain Silent
- The Right to an Attorney
- The Right Against Unlawful Searches and Seizures

CentroLegal, Inc. (n.d.). Immigration Toolkit, p. 6. Retrieved March 18, 2009 from http://www.centrolegal.org/index.php?option=com_wrapper&Itemid=120

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What Happens When Someone Is Arrested for a Crime?

- If you are not a citizen, ICE may transfer you to immigration custody EVEN IF you paid your bail for the criminal charge. Therefore, it may not make sense to pay bail for your criminal charge because you may still have to remain in custody.
- If you are charged with either a misdemeanor or a felony, you have the right to a free attorney, if you qualify financially.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 9. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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- Make sure you have an attorney that understands how your criminal case will affect your immigration status.
- Depending on the outcome of your criminal case, you may lose your right to stay in this country.
- Do not speak to an officer without an attorney. Anything you say can be used against you.
- Do not give any information to the police about your immigration status.
- Do not sign any documents without your attorney present.
- If you do not understand English, ask for an interpreter. Do not confide in the interpreter. The interpreter is only there to translate.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 9. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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What Happens if Someone is Detained by ICE?

- You will be placed in a holding cell or temporary processing station or a detention center, where you will be fingerprinted and interviewed.
- You have the right to make a telephone call. Memorize the telephone number of your attorney, family member, or friend, and contact them immediately.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 10. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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- Your phone calls may be blocked. If you have trouble reaching your family or attorney, ask jail staff if they have blocked the number.
- Every detention center that holds ICE detainees must provide a list of free legal services available in the area, current telephone numbers and free access to a telephone to call those numbers.
- You will be assigned a deportation officer. Write down the name and phone number of the deportation officer assigned to your case.
- Your deportation officer should give you a document called a Notice to Appear or NTA. This document contains the immigration charges against you. This document will help your attorney figure out your case and tell you when your first Immigration Court hearing will be held.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 11. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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How Can Your Family Find You?

- Contact the local office of Immigration and Customs Enforcement's Detention and Removal Branch in the area.
- Contact ICE headquarters at 202-305-2734 if you do not know the number for the deportation office.
- This information is also online at: <http://www.ice.gov/about/dro/contact.htm>.
- Your family should have your full name and A number ready.
- Tell undocumented family members not to visit you in a detention center!

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 11. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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How Can You Find an Immigration Attorney?

- You have the right to an attorney before speaking to an Immigration Judge.
- You **HAVE TO PAY** for an attorney. You **DO NOT** have the right to free legal services even if you are poor.
- If you cannot afford an attorney, ask the deportation officer for a list of free legal service providers in the area.
- Make sure to hire an attorney who specializes in deportation.
- Don't be tricked by people who are only after your money!
- Request a written contract from your attorney called a "retainer agreement".

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- Always keep the name and contact information of your attorney with you at all times.
- You should always document your communications with your attorney
- You should always have your attorney make copies of all legal documents the attorney says he/she is submitting to the court.
- If you are not happy with your attorney, you can make a complaint.
- You also have the right to represent yourself if you cannot afford an attorney.

Centro Legal, Inc. (n.d.). Immigration Toolkit, p. 12. Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120.

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Preparing For the Worst Case Scenario

- Documents
- Power of Attorney Letters
- Savings
- Attorney
- Memorized Information

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References

- Centro Legal, Inc. (n.d.). Immigration Toolkit, Retrieved March 18, 2009 from http://www.centro-legal.org/index.php?option=com_wrapper&Itemid=120

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Resources

- www.asistahelp.org
- www.legalmomentum.org
- <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html>
- http://www.justice.gov/crt/lep/guidance/guidance_index.html

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Questions

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