KNOW [Y]OUR RIGHTS
An Immigration Rights
Teach-in/Learn-in

Tuesday, December 6, 2016
5:00 pm – 7:30 pm

Sponsors
### Additional Acknowledgments

<table>
<thead>
<tr>
<th>Supporters</th>
<th>Columbia Law Students</th>
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<tbody>
<tr>
<td>African Communities</td>
<td>Brayan Acevedo</td>
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<tr>
<td>Together</td>
<td>Deborah Capiro</td>
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<tr>
<td>Caracol Interpreters</td>
<td>Mari Cardenas</td>
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<tr>
<td>Cooperative</td>
<td>Lizette Ceja</td>
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<td>Andrew Damron</td>
<td>Colin Hill</td>
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<td>Sumaiya Khalique</td>
<td>Jose Giovanny Miranda</td>
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<td>Paola Martinez-Boone</td>
<td>Daily Guerrero</td>
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<td>Darren Rosenblum</td>
<td>Melissa Vallejo</td>
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<td>Mon Yuck Yu</td>
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<td>Nick Tam</td>
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A very special thanks to
Elizabeth Boylan

### Schedule

<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
<th>Speaker</th>
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<tbody>
<tr>
<td>5:00</td>
<td>Welcome &amp; Introductions</td>
<td>Rose Cuison Villazor &amp; Elora Mukherjee</td>
</tr>
<tr>
<td>5:05</td>
<td>Presidential-Elect Trump</td>
<td>Rose Cuison Villazor</td>
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<tr>
<td>5:10</td>
<td>DACA</td>
<td>Rose Cuison Villazor</td>
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<tr>
<td>5:20</td>
<td>Who is At Risk of Removal?</td>
<td>Stephanie Park</td>
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<tr>
<td>5:30</td>
<td>Role Play</td>
<td>Conor Gleason</td>
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<tr>
<td>5:35</td>
<td>Right to Keep Status</td>
<td>Evelyn Garcia &amp; Susana Pereyra</td>
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<td>5:50</td>
<td>Confidential</td>
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<tr>
<td>5:55</td>
<td>Role Play</td>
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<tr>
<td>6:00</td>
<td>Columbia Univ. &amp; DACA</td>
<td>Rose Cuison Villazor</td>
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<tr>
<td>6:00</td>
<td>Use Best Practices &amp; Create Safety Plans</td>
<td>Terry Lawson &amp; Trinh Tran</td>
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<tr>
<td>6:10</td>
<td>Questions</td>
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<tr>
<td>6:15</td>
<td>Break; Pizza Served</td>
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## Schedule

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<thead>
<tr>
<th>Time</th>
<th>Topic</th>
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<tbody>
<tr>
<td>6:25</td>
<td>Right to Remain Silent</td>
<td>Ryan Budhu</td>
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<tr>
<td>6:35</td>
<td>Role Play</td>
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<td>6:40</td>
<td>Right to Refuse Entry</td>
<td>Elora Mukherjee</td>
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<tr>
<td>6:50</td>
<td>Right to Suppress Evidence</td>
<td>Rex Chen</td>
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<tr>
<td>7:00</td>
<td>Role Play</td>
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<tr>
<td>7:05</td>
<td>Right to a Lawyer in Detention &amp; Deportation</td>
<td>Jason Parkin</td>
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<tr>
<td>7:15</td>
<td>Questions</td>
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<tr>
<td>7:30</td>
<td>End</td>
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## KNOW [Y]OUR RIGHTS

1. Stay Informed.
2. Use Best Practices.
3. Exercise Your Rights.
KNOW [Y]OUR RIGHTS

Stay Informed:

A. President-elect Trump’s Immigration Policies
B. DACA
C. Who is At Risk of Deportation

KNOW [Y]OUR RIGHTS

Stay Informed:
President-elect Trump’s Immigration Policies

Presenter:
Prof. Rose Cuisin Villazor
rvillaz@law.columbia.edu
KNOW [Y]OUR RIGHTS
Stay Informed about President-elect Trump’s Immigration Policies

A. Campaign Promises: “10 Point Plan”

1. Build a wall
2. End Deferred Action for Childhood Arrival (DACA)
3. Deport non-citizens with criminal convictions
4. Block funding for sanctuary cities

For more info:
https://www.donaldjtrump.com/policies/immigration

B. Post-Election: “Ask the Dept. of Labor to Investigate visa abuses” (Video address on Nov. 21, 2016)

For more info:
https://www.youtube.com/watch?v=sxXYmVPRtcA
 KNOW [Y]OUR RIGHTS
Stay Informed - DACA

C. The Fate of DACA

Presenter:
Stephanie Park
Organizer, MinKwon
Stephanie.Park@minkwon.org

 KNOW [Y]OUR RIGHTS
Stay Informed about President-elect Trump’s Immigration Policies
What might happen to DACA?

1. DACA could remain in place.
2. DACA could be cancelled, and Employment Authorization Documents (EAD) may be revoked.
3. DACA could be cancelled and USCIS ordered to longer process applications.
KNOW [Y]OUR RIGHTS
Stay Informed about President-elect Trump’s Immigration Policies

Question from “Anna”:

I have DACA. It expires on April 7, 2017.

Should I renew?

KNOW [Y]OUR RIGHTS
Stay Informed about President-elect Trump’s Immigration Policies

On Renewing DACA

Expiring in 6 months? You can apply.

But, DACA may be cancelled -
• before approval and you might not get your $465 filing fee back.
• after you are approved and your EAD could be revoked.

Expiring more than 6 months? You can try to send it early.

But, it might not be approved.
KNOW [Y]OUR RIGHTS

Who is At Risk of Removal (Being Deported)?

Presenter:
Conor Gleason
Attorney, Bronx Defender Services

KNOW [Y]OUR RIGHTS

Stay Informed – Who is At Risk of Removal (Being Deported)?

1. “Visa abusers”

2. Non-citizens with criminal convictions
   * “2 to 3 million”?
   * 820,000 (Migration Policy Institute)

3. Undocumented immigrants
KNOW [Y]OUR RIGHTS
Stay Informed – Who is At Risk of Removal (Being Deported)?

**Immigration Enforcement**
- Department of Homeland Security
  - Enforcement
    - Immigration & Customs Enforcement (ICE)
  - Service
    - Customs & Border Patrol (CBP)
    - U.S. Citizenship & Immigration Services (USCIS)

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**Removed Under President Obama's Admin:**
Over 2 Million Immigrants

<table>
<thead>
<tr>
<th>FY Year</th>
<th>Percentage</th>
<th>Number</th>
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<td>FY2008</td>
<td>69%</td>
<td>369,221</td>
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<td>65%</td>
<td>389,834</td>
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<td>FY2014</td>
<td>44%</td>
<td>315,943</td>
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<tr>
<td>FY2015</td>
<td>41%</td>
<td>235,413</td>
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Deportation triggers

Felonies.

Misdemeanors.

Other Violations.

All the above can have immigration consequences.

Deportation Triggers

Home raids

Travel/border check points

Routine police stop/arrest
KNOW [Y]OUR RIGHTS
Stay Informed – Who is At Risk of Removal? Non-Citizens with Criminal Convictions

• Role-Play: “Bob”

  • Bob wants to apply for citizenship.
  • He has been a lawful permanent resident for many years.
  • At age 20, Bob pled guilty to a minor crime and was placed on probation. Did not serve time in jail.

• Question: Should he be worried about being deported?

KNOW [Y]OUR RIGHTS
Stay Informed – Who is At Risk of Removal? Non-Citizens with Criminal Convictions

Deportation Triggers

Home raids

Travel/border check points

Routine police stop/arrest

Application for green card or U.S. citizenship

What should Bob do? See a lawyer.
KNOW [Y]OUR RIGHTS

Stay Informed –
NYC as a “Sanctuary City”

Right to Keep Your Undocumented Status Confidential
and
Right to City Services Regardless of Immigration Status

Presenters:

Evelyn Garcia  Susana Pereyra
Neighborhood Organizer  Neighborhood Organizer
Mayor’s Office of Immigrant Affairs

KNOW [Y]OUR RIGHTS

Mayor’s Office of Immigrant Affairs

Building on its Charter mandate, the Mayor’s Office of Immigrant Affairs promotes the well-being of immigrant communities by recommending policies and programs that facilitate the successful integration of immigrant New Yorkers into the civic, economic, and cultural life of the City.
Know Your Rights
New York City ID

KNOW [Y]OUR RIGHTS
Role-Play

“Anna,” an undocumented immigrant, arrives in her apartment and discovers that someone had broken into his home. She leaves the apartment and goes to her friend Ben to ask if she should report it to the police.
Know [Y]our Rights: Executive Orders

- Executive Order 34
  Access to City Services

- Executive Order 41
  Confidentiality

- Executive Order 120
  Language Access

Access to City Services:
Executive Order No. 34 (May 13, 2003)

- City services available to all regardless of immigration status.
- City officer or employee, other than law enforcement officers, shall not inquire about a person’s immigration status unless
  - Necessary for determination of eligibility for programs and services, or
  - Unless required by law.
Confidentiality:
Executive Order No. 41 (Sept. 17, 2003)

- New York City agencies and workers must protect the confidentiality of a person’s immigration status.
- City officer or employee, other than law enforcement officers, shall not disclose a person’s immigration status unless
  - Authorized by individual;
  - Required by law;
  - Need to determine eligibility for a public benefit (but that information will not be shared with anyone else);
  - Or suspected of illegal activity (other than immigration status).

Language Access:
Executive Order 120 (July 22nd, 2008)

- New York City agencies must provide services in the language you feel most comfortable speaking.
  - We have a 311 centralized language access complaint system.
  - We serve New Yorkers in over 179 languages.
KNOW [Y]OUR RIGHTS
Stay Informed

Columbia University’s Policy about DACA and Other Undocumented Students
(Nov. 21, 2016)

KNOW [Y]OUR RIGHTS
Columbia University’s Policy about DACA and Other Undocumented Students

- Immigration officials not allowed on campus without a warrant.
- Columbia University will not share a student’s undocumented status unless required by a subpoena.
- Supports continuance of DACA.
- If DACA is cancelled, Columbia University pledges to expand financial aid and other support.
- Questions?
  - (212) 85407658
  - Universitylife@columbia.edu
KNOW [Y]OUR RIGHTS

Use Best Practices & Create Safety Plans

Speakers:
Trinh Tran
Senior Staff Attorney
Yetu
tran@sautiyetu.us

Terry Lawson
Director, Family & Sauti
Immigration Unit
Bronx Legal Services
tlawson@lsnyc.org

KNOW [Y]OUR RIGHTS
Use Best Practices

Role-Play

• Anna has been in the United States for several years.
• She goes to Bob, a lawyer, to find out if she can adjust her status.
• Among other things, he asks for cash for payment. He also asks to keep original documents.

Question:

What is wrong with this scenario?
**KNOW [Y]OUR RIGHTS**

**Use Best Practices**

- Talk to licensed attorneys and BIA Accredited Reps
  - Ask for attorney registration number or BIA accreditation letter

- Not all notaries are lawyers
  - Notaries are able to notarize documents
  - Lawyers and BIA reps can give legal advice and sign and submit applications and G-28s

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**KNOW [Y]OUR RIGHTS**

**Use Best Practices**

- Pay with personal check, money order, or cashier’s check
  - Should not pay in cash
  - Should ask for receipt

- Applications filed
  - Ask for copies
  - Do not sign blank forms
  - All immigration applications and affidavits should be interpreted in their primary language
KNOW [Y]OUR RIGHTS
Use Best Practices

• Do not give original documents to anyone, even lawyer.
  • USCIS does not need original documents, only copies or certified copies
• Immigration forms & instructions
  • Free and available on USCIS.gov (use updated forms)
• Fees
  • Fee waivers available

KNOW [Y]OUR RIGHTS
Create Safety Plans

• Gather All Immigration-Related Documents
• List of Emergency Contact Information
• Financial Planning
• Medical Records
• Others
KNOW [Y]OUR RIGHTS
Use Best Practices – Seek Legal Advice

- LSNYC Hotline: (917) 661-4500
- Sauti Yetu legal walk-ins, every Thursday from 9:30am-1pm
- People with criminal history can call a public defender (numbers on the last page)
- “A Number” Hotline – 1-800-898-7180
  - People can call this automated line and enter their A number to hear about any immigrant court actions or removal orders

Questions on any information presented?
KNOW [Y]OUR RIGHTS
An Immigrant’s Rights
Teach-in/Learn-in

Columbia Law School
Dec. 6, 2016
5:00 – 7:30 PM

KNOW [Y]OUR RIGHTS

Exercise Your Rights

A. Right to Refuse Entry to Your Home
B. Right to Suppress Evidence
C. Right to Remain Silent
D. Right to a Lawyer During Detention & Removal
KNOW [Y]OUR RIGHTS and EXERCISE THEM

Right to Remain Silent During Encounters with the Police

Speaker: Ryan Budhu*
Assistant Corporation Counsel for Government Policy
New York City Law Department

* Speaking in his individual capacity

KNOW [Y]OUR RIGHTS and EXERCISE THEM

If a Police Officer approaches you:

• Even without “reasonable suspicion,” police may ask you questions.
  • Ask, “Am I free to go?”
    • Yes? Walk away.
    • No? You are are being “stopped” or “detained”

• The police can only stop you if they have a “reasonable suspicion” that you have committed, are committing, or are about to commit a crime.
KNOW [Y]OUR RIGHTS and EXERCISE THEM

If the Police Stops/Detains You

- You have the right to remain silent
  - Anything you say, can & will be used against you and may give the police a reason to arrest you
- Police officers can only legally “frisk” you if they have “reasonable suspicion” to believe that you are armed and they are in danger.
  - Once an officer starts to frisk you, say, “I do not consent to this search.”
- Police “search” only if there is “probable cause.”

KNOW [Y]OUR RIGHTS and EXERCISE THEM

- Role-Play
  - Sumaiya is at a subway station. Andrew, an NYPD officer, goes to Sumaiya and asks what’s in her bag.
KNOW [Y]OUR RIGHTS and EXERCISE THEM

- If you are arrested, you can give your name and address. Do not lie.
- Other than this,
  - You have the right to remain silent! Use it! Say out loud, “I'm going to remain silent. I want a lawyer.”
- If you believe that you your rights have been violated by the police, please contact the Civilian Complaint Review Board by calling 311 or by visiting www.nyc.gov/html/ccrb.

KNOW [Y]OUR RIGHTS and EXERCISE THEM

The Right to Refuse Entry to Your Home During an ICE Raid

Speaker:

Prof. Elora Mukherjee
EMukherjee@law.columbia.edu
KNOW [Y]OUR RIGHTS
and EXERCISE THEM
Right to Refuse Entry:
What To Do If ICE Comes To Your Door
Right to remain silent

“I don’t want to answer your questions.”
“I’d rather not speak with you.”
“I want to use my right not to answer questions.”
“I want to speak to a lawyer.”

Fifth Amendment: “No person . . . shall be compelled in any criminal case to be a witness against himself . . . .”

Know Your Rights:
Right to Refuse Entry:
What To Do If ICE Comes To Your Door

No unreasonable searches and seizures

Fourth Amendment:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
Know Your Rights:
Right to Refuse Entry:
What To Do If ICE Comes To Your Door

ICE agents need a warrant to enter your home or permission from an adult

- Warrant must be signed by a judge
- Warrant must have your apartment number
  - Warrant must describe you
- Instruct adults in your home not to give ICE permission to enter home

Immigrant Legal Resource Center
Red Card

Usted tiene derechos constitucionales.
- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACIÓN ESTÁ TOCANDO A LA PUERTA.
- NO CONTESTE NINGÚNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACIÓN SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callada. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, pídale. Usted tiene derecho de hablar con un abogado.
- ENTRÉGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

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.
KNOW [Y]OUR RIGHTS
and EXERCISE THEM
Right to Refuse Entry:
What To Do If ICE Comes To Your Door

- Do not open door to those who are unknown
- Find out if individuals are from DHS or ICE
  - Stay calm and don’t lie
  - Use your red cards
  - “I don’t want to talk with you.”

Right KNOW [Y]OUR RIGHTS
and EXERCISE THEM
Right to Refuse Entry

- Role-Play: What To Do If ICE Comes To Your Door
to Refuse Entry

- It is 6 AM in the morning. Anna hears loud
  banging on the door. She looks through the
  peephole and she sees a man wearing a jacket
  that says “ICE” on it.
KNOW [Y]OUR RIGHTS and EXERCISE THEM
Right to Refuse Entry
What To Do If ICE Comes To Your Door

- Politely ask to see the warrant
- Have officers slip warrant under your door
- If they do not have warrant, do not let them in
- If they are looking for someone else, you do not have to tell them where to find the person

- Use your red cards

KNOW [Y]OUR RIGHTS and EXERCISE THEM
Right to Refuse Entry
If ICE is Making Arrest

- Let officers know about vulnerable residents
- Ask officers to step outside unless they have a warrant
- If they came inside without your permission or without warrant, say,
  "I do not consent to you being in my home. Please leave."
- If they start to search rooms or items in your home, say,
  "I do not consent to your search."
- Let them know about medical issues or need to arrange childcare
  • Video recording
Suppressing Illegally Obtained Evidence

Speaker:

Rex Chen
Safe Passage Project

Suppressing Evidence from an Illegal Search

One way to win is to prove:

- They did a terribly illegal search!
- Fue una búsqueda ilegal horriblemente!
- C’était une perquisition illégale!
Suppressing Evidence from an Illegal Search

Under *Lopez-Mendoza* (1984) and *Almeida-Amaral* (2d Cir. 2006), suppress where they conducted a terribly illegal search.

Examples: illegal search based on racial profiling or illegally invading a home late at night. There are arguments to expand this to other situations, too.
KNOW [Y]OUR RIGHTS and EXERCISE THEM
Suppressing Evidence from an Illegal Search
Hard to suppress evidence if you agreed to be searched, such as telling officers they can come inside and search your home.

KNOW [Y]OUR RIGHTS and EXERCISE THEM
Suppressing Evidence from an Illegal Search
The point is to stop them from proving you were born outside the United States.
KNOW [Y]OUR RIGHTS and EXERCISE THEM
Right to a Lawyer During Detention and Deportation Proceedings

Speaker:
Prof. Jason Parkin
Columbia Law School Immigrants’ Rights Clinic

What happens if I’m detained?
• ICE can detain you even if you haven't been convicted of a criminal offense.
• Most people who are detained will have the right to see an immigration judge.
• But you may have to wait about a month to see the judge.
Know Your Rights and
Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

**What should I do after I’m detained by ICE?**

- Try to get in touch with family members or friends so they can start looking for a lawyer for you.
- Ask family to start gathering any documents related to your immigration and criminal history, if any.

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Know Your Rights and
Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

**Who can be detained and who can be released?**

- Any noncitizen can be detained, but usually ICE chooses to detain people with criminal convictions.
- Depending on where you are in the country and depending on your criminal history, you may have the right to a bond hearing and/or may need to wait until you have been detained for six months before you get a bond hearing. Some people may never have a right to a bond hearing and must fight their case while detained.
Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

What is a bond hearing?
- It is a hearing in front of an immigration judge where the judge determines whether you can be released from detention.
- Most immigration judges won’t release you on a bond of less than $1,500.
- The judge determines if you would be a danger to the community if you are released, and if you would return to immigration court when you are ordered to appear.

What are removal proceedings?
- Commonly known as “deportation proceedings.”
- Conducted in front of an immigration judge.
- You will not be deported immediately.
- The judge decides whether you should be deported or allowed to stay in the United States.
- Removal proceedings usually take a very long time.
Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

What is a Notice to Appear?

- Informs you that the U.S. government intends to deport you.
- States the reasons why the U.S. government believes you should be deported.
- Has information about the date, time, and location of your first immigration court hearing.

What happens if I don’t show up at my hearing?

- Immigration court can be scary.
- You will not necessarily be deported during your first hearing.
- But you need to show up to court or else the immigration judge can order you deported.
Know Your Rights and
Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

Will I get a lawyer during my removal proceedings?
- You have the right to a lawyer, but the government will not pay for it.
- You can ask the immigration judge to give you time to find a lawyer, but the judge won’t assign one to you.
- It is important to start looking for a lawyer as soon as you know you are in removal proceedings.

Good news for New Yorkers
- If you are detained and in removal proceedings in New York City and unable to pay for a lawyer, a program called NYIFUP will provide you with a free lawyer.
Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

**Bad news for everyone else**

- Unfortunately, if you are in removal proceedings almost anywhere else or in non-detained court in NYC, you will not be automatically given a free attorney.
- But there are still options. Many non-profit organizations provide free legal services. You should contact those organizations as soon as possible if you are unable to pay for a lawyer.

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**KNOW [Y]OUR RIGHTS and EXERCISE THEM**

**Escaping Immigration Court**

A quick word about getting immigration court cases thrown out!

-- Rex Chen, Safe Passage Project
Termination

One way to win is to prove:
- They broke their promise!
- Ellos rompieron su promesa!
- Ils sont revenus sur une promesse!

Termination

- Under Garcia-Flores (BIA 1980), they broke a promise and it was (a) required by law, (b) part of a framework to get a fair hearing, or (c) would have made a difference.
Termination

- Be careful about *Rajah v. Mukasey* (2d Cir. 2008). There are ways to distinguish it.

Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

**How do I win my immigration court case?**

- There are many factors that immigration judges can consider when deciding whether or not to order your deportation.
- The law has allowed for you to have certain defenses against deportation.
Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

Tell your immigration lawyer if:

- You believe you may be a U.S. citizen.
- You are afraid of returning to your home country.
- You have family members in the U.S. who are U.S. citizens or have U.S. immigration status.
- You have lived in the U.S. for a very long time and you have family member(s) who would suffer extraordinarily if you are deported.

Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

What do I do if I’m put into administrative proceedings?

- Administrative or expedited removal proceedings apply to a smaller group of people and are decided by an ICE officer not an immigration judge.
- If you are in this situation and afraid of returning to your home country, tell ICE immediately.
- You need to try to contact a lawyer as soon as possible.
- Time is of the essence in these cases.
Know Your Rights and Exercise Them: Right to a Lawyer During Detention and Deportation Proceedings

Don’t despair!
- There are hundreds of attorneys, thousands of community members, and millions of Americans who are ready to defend you.
- Organize, organize, organize!

Relevant Contact Info and Phone Numbers