

## **Are Your Clients or Their Families At Risk for Arrest and Detention? If So, Encourage Them to Develop An Emergency Plan.**

By Karen A. Herrling

Over the past year, the level of immigration law enforcement has increased dramatically. Immigration and Customs Enforcement (ICE) has boosted its number of employer inspections, raids of workplaces, and arrests of individuals without lawful status in the United States. Because of this visible and concentrated effort on immigration enforcement by the federal government, CLINIC strongly recommends that individuals and their families have an emergency plan in place if they are at risk for arrest and deportation. Below are some things your clients and their families may want to do and issues they may wish to consider if they could be arrested and detained by immigration authorities.

- ✓ Carry some **legal** form of identification issued in the U.S. (driver's license, green card, employer or school ID, tax payer ID). Do not carry ID from another country. Remember also that an international driver's license does not protect you from being arrested.
- ✓ Carry a card with the name, address and phone number of an immigration attorney, activist, minister or community organization that can advise you in case of detention. Contact them as soon as you can, if you feel you are in danger of detention. If you are detained, you have the right to make a phone call.
- ✓ You and your family or close friends should have the names and phone numbers of a good immigration attorney, activist, minister and/or community organization posted near the telephone at home so that your family or close friends can call these individuals in case you are detained.
- ✓ Ask a relative or friend who is a citizen or legal resident to keep accessible copies of any documents you may have received from, or filed with, immigration authorities, including your passport, and the name and phone number of the immigration attorney who is helping you with your case. Tell other family members or friends where these important documents are kept.
- ✓ If you have a pending case with immigration, it is important to know the Alien Registration number (A number) you have been assigned. If you are detained this knowledge will facilitate getting assistance to you quickly. It also is helpful for family members or close friends to know your "A number" so that they can find out where you are being detained. The A number should be listed on the Notice to Appear, Notice of Custody Determination, and any other document that was issued by the immigration authorities or immigration court.
- ✓ If you are told you are under arrest, ask where you are being taken and give the information to any relatives or friends who might be present. Remember, you have the right to remain silent. Do not volunteer or make a statement in order to get lenient treatment because any

information or statement you give to the officer at the time of the arrest may negatively affect your case in the long run.

- ✓ If you are told you are under arrest and you have children, ask to be allowed to make arrangements to have someone take care of them. (It is important that your children have a responsible, trustworthy adult in the community that they know how to contact in the event that they cannot reach you.)
- ✓ As part of the emergency plan, it is important for you to consider any childcare issues as well as financial issues that may arise while you are unavailable and detained. You may want to consider preparing a legal document that assigns the custody of your children to a responsible and trustworthy relative or friend. If you have a bank account, a car, a house, and/or other financial and legal matters, you also may choose to consider preparing a legal document that allows a family member or a close friend to handle your financial affairs while you are detained.<sup>1</sup>
- ✓ Please remember that only United States Citizens (USC) or Lawful Permanent Residents (LPR) can post a bond at an immigration office. Individuals without immigration status or individuals whose status is still pending before an immigration office should not go to the local Immigration and Customs Enforcement (ICE) office to post bond. Also, if you do not have a USC/LPR relative, make sure to find a trustworthy friend who can post the bond for you because once your immigration case is over, the bond money posted will be returned to the person who posted the bond.

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<sup>1</sup> One such legal document is a “Power of Attorney.” It allows you to appoint a person or organization to handle your affairs while you’re unavailable or unable to do so. The person or organization you appoint is referred to as an “Agent.” A “General Power of Attorney” authorizes your agent to act on your behalf in a variety of different situations. A “Special Power of Attorney” authorizes your agent to act on your behalf in specific situations only. And, a “Childcare Special Power of Attorney” authorizes your agent to care for your children. You may wish to contact your immigration attorney, community activist, minister and/or community organization that you trust to further discuss whether or not these types of legal documents are necessary given your situation.