

Q: What happens if I renounce my right to a hearing or if I leave the United States before the conclusion of the hearing?

A: You could lose your right to apply for immigration status, and you could be kept from returning to the United States. Under the law, leaving the U.S. can cause serious legal problems for a non-citizen. You should always talk to an immigration attorney before making that decision. An undocumented immigrant who has been unlawfully in the country for more than six months can be kept from returning for many years even if the person never been in INS proceedings.

YOUR RIGHTS WITH THE BORDER PATROL

- You have the right to remain silent if an agent asks you questions.
- If you are a legal resident, or are here legally, always carry your immigration documents with you.
- If you run away from an agent, the agent will have reason for suspicion and will stop you.
- If you do not want to talk with the agent, you can present your attorney's card or a card that details your rights.

What if they arrest me?

- Carry the name and telephone number of an attorney who will accept your calls.
- If you do not have an attorney, obtain a list of immigration attorneys in your area. (*Farmworker Legal Services* has a list available.)
- Do not sign any document before talking with an attorney.
- Never sign any document that you cannot read or do not understand.

You have the right to be treated with dignity and respect by Immigration agents. If an agent threatens you, or mistreats you physically or verbally, you have the right to complain about the mistreatment.

However, simply because you know your rights and decide to exercise them is not to say that Immigration agents will respect your rights.

Farmworker Legal Services

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KNOW YOUR RIGHTS!

...with Immigration

FARMWORKER LEGAL SERVICES



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KNOW YOUR RIGHTS!

...with Immigration

Assert your rights. If you do not exercise your rights, or if you sign any document renouncing them, then Immigration will be able to deport you before you can consult an attorney or appear before an immigration judge.

Talk to an attorney to know your rights. Immigration laws are hard to understand. Since the September 11 attack, federal officers have been given new powers to question, arrest, and detain. If you think you might be stopped or questioned, carry with you the name and telephone number of an attorney who will accept your calls.

Non-citizens have special legal needs. The following rights apply to non-citizens who are already inside the U.S.

Q: Do I have the right to talk to a lawyer before answering any immigration questions?

A: Usually, yes. You have the right to call a lawyer or your family if you are detained, and you have the right to be visited by a lawyer in detention. You have the right to have your attorney with you at any hearing before an immigration judge. You do not have the right to a government-appointed attorney. You must hire an attorney or contact a free legal service provider.

Q: Am I required to answer questions about my legal status if I am stopped?

A: No. You are better off talking to a lawyer first. You do not have to answer any questions at all.

Q: Should I carry my green card or other immigration papers with me?

A: Yes. The law requires that you carry many types of official immigration papers with you at all times. This includes your green card, I-94, Employment Authorization Card, Border Crossing Card and/or other required Immigration papers that prove you have registered with Immigration. If you do not have these papers with you, you could be charged with a misdemeanor crime. The government does not always enforce this law, but it can.

Q: If Immigration arrests me, does it have to bring immigration charges?

A: Yes. Under immigration rules, they must decide in 48 hours whether to put you into immigration proceedings and whether to keep you in custody or to release you on bond. Under a new rule, the INS has an “additional reasonable period” where there is “an emergency or extraordinary circumstances” to decide whether to release or detain you.

Q: Do I have the right to a bond hearing to ask for my release?

Q: In most cases you have the right to ask for release from detention once you pay a bond, and to ask for a bond hearing before an immigration judge. You have these rights even if you have not been charged by Immigration. The law does not say when an immigration judge must hear your case. The judge may order you to stay in detention if he or she finds that you are a danger to society or might try to get away. In some cases, the law says you cannot be released if you are

charged with terrorism or have certain criminal convictions.

Q: Do I have the right to a hearing before an immigration judge to defend myself against deportation charges?

A: Yes. In most cases, only an immigration judge can order you deported. But if you waive (give up) your rights, or take “voluntary departure” (agree to leave), you could be deported without a hearing. If you have criminal convictions, were arrested at the border, or have been ordered deported in the past, you could be deported without a hearing.

Q: Can I call my consulate if I am arrested by Immigration?

A: Yes. Foreign nationals arrested in the U.S. have the right to call their consulate or to have the police tell the consulate of your arrest. The police must let your consulate visit or speak with you. Your consulate might help you find a lawyer or offer other help.

Q: What should I do if I want to contact Immigration?

A: Always speak with an immigration attorney before contacting the Immigration office. Officials consider the *application* of the law to be their primary job, and they may not explain all of the options available to you.