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# Steps for Reducing Your Bond

## What is a Bond?

- **A judge may permit you to leave the detention center if you pay money**, called a bond, and you promise to come to all of your court hearings. (The judge will not give everyone a bond and permission to leave the detention center.) If you get a bond and then miss a court hearing, the judge can order you deported, and you will lose the money you paid for the bond.
- **If you are eligible for a bond, you must show**
  - You are not a person who is dangerous to other people or property and
  - You will attend all of your future court hearings.

## You Can Ask the Judge to Reduce the Amount of Your Bond.

### 1. Ask for a bond hearing

- Ask the judge at your first hearing for a bond hearing or
- Send a message to the immigration court saying you want a bond hearing.

### 2. Collect documents to support your case.

Call your family, friends, employers, and religious leaders and ask them to:

#### a. Write letters of support.

Letters of support must:

- Be written in English (or translated into English)
- Begin with “Dear Honorable Immigration Judge”
- State your full name and identification number (“A number”)
- Include the writer’s address and immigration status
- Explain why you are a good person and why you can be trusted to return to the immigration court for all future court hearings
- If the writer will be providing help with your housing and food, state this in the letter

#### b. Collect evidence for your bond hearing.

Evidence may include:

- Birth certificates, copies of green cards, and other papers showing members of your family are U.S. citizens or legal permanent residents
- Copies of your marriage certificate if your spouse is a U.S. citizen or legal permanent resident
- Employment pay stubs
- Proof that you pay your taxes
- Certificates from any classes you have completed
- Any other information that shows you have connections in the U.S. and are a good person

### 3. Present your evidence at the bond hearing.

- Make three copies of all of your letters of support and other documents.
- Ask anyone who supports your case, and has legal U. S. immigration status, to testify for you. They may come to the court and talk with the judge or talk with the judge by telephone.

## If You Pay Your Bond.

- **If you pay your bond, the judge will transfer your case to an immigration court outside of the detention facility.** If you live in another state, you may ask the judge to transfer your case to that state. It is very important that you give your updated address to the immigration court and to the Department of Homeland Security.
- **Leaving the detention center on bond is not a defense against deportation, and is not permission to work in the U.S.**

# Voluntary Departure

## What is Voluntary Departure?

- **Voluntary Departure allows you to:**
  - Leave the U.S. without a deportation order.
  - Return to the U.S. legally in the future if you qualify.

## Benefits of Voluntary Departure

- **There is no order of deportation** in your immigration record. You can return to the U.S. legally in the future if you qualify.

## Do You Qualify for Voluntary Departure?

- **You may qualify for Voluntary Departure if:**
  - You are able to show the judge that you are a good person and deserve the opportunity to return to the U.S. legally in the future.
  - You are able to pay for your trip home.
- **You do not qualify for Voluntary Departure if** you have been convicted of an aggravated felony. (Talk to an immigration lawyer if you are not sure.)

## What Should You Do Next?

- 1. Decide if a Voluntary Departure is good for you.**
  - If you qualify for asylum, cancellation of removal, adjustment of status, or any other defenses, you may want to fight your case *instead of* asking for voluntary departure.
  - If you ask for Voluntary Departure at your first hearing, you give up the right to fight your case. (Talk to an immigration lawyer if you are not sure.)
- 2. If you ask for Voluntary Departure, put together information for the judge:**
  - Letters of support from family, friends, religious leaders, or employers that say you are a good person (all letters must be translated into English).
  - Birth certificates, copies of green cards, and other papers showing members of your family are U.S. citizens or legal permanent residents.
  - Copies of your marriage certificate if your spouse is a U.S. citizen or legal permanent resident.
  - Proof that a family member has filed an "I-130 petition" for you to get lawful permanent residency.
  - Certificates from any classes you have completed.
  - Proof that you support your family.
  - Any other information that shows you are a good person.
- 3. Ask family members, friends, or anyone who supports your case to talk with the judge about you.** They may:
  - Come to the court and talk with the judge or
  - Talk with the judge by telephone. (You might have to ask the judge for permission to have people to talk with the judge by telephone.)
- 4. You must pay your bond** if you receive Voluntary Departure and you need time out of detention before you leave the U.S.

# Reinstatement of Removal

## What is Reinstatement of Removal?

- The Department of Homeland Security, or DHS, which is part of the U.S. Federal government, also known as “Immigration,” uses Reinstatement of Removal to quickly remove people from the U.S. who:
  - have been deported or removed in the past or have left the U.S. on their own under an order of deportation or removal and
  - have re-entered the U.S. without permission.
- **In general, you will not be able to speak with a judge.** DHS has the power to remove you from the U.S. based on your previous deportation or removal order except in limited circumstances.

## How Do You Know if You Are in Reinstatement of Removal?

- **If you received a Form I-871, "Notice of Intent/Decision to Reinstate Prior Order,"** and DHS says that you entered the U.S. illegally after having been deported or removed, then you are in Reinstatement of Removal.
  - If you received a document called a Form I-862, "Notice to Appear," then you are in removal proceedings. You are not in Reinstatement of Removal.
  - If DHS says that you were arrested trying to enter the U.S. at a border checkpoint, an international airport, sea, or while in the U.S. close to the border and you cannot show that you were in the U.S. for more than 14 days, and you received “Form I-860” or “Form I-867A/B,” then you are in Expedited Removal. You are not in Reinstatement of Removal.

## Can You Challenge DHS’ Decision to Place You in Reinstatement of Removal?

- **You may have a right to have a judge decide your case in limited circumstances** if you challenge DHS’ decision to place you in Reinstatement of Removal proceedings.
  - You can dispute DHS’ decision by writing down your argument or by talking to an immigration officer.
- **You may challenge DHS’ decision** to place you in Reinstatement of Removal in the following circumstances:
  1. **If you fear you will be harmed or tortured if you return to your country** or if you have suffered harm there in the past.
    - If you tell an immigration officer that you are afraid to return to your country, you will be given a “Form M-488, Information about Reasonable Fear Interview,” and an interview with an asylum officer to determine whether you have a “reasonable fear” of persecution or torture in your country.
      - **If the asylum officer decides that you do have a “reasonable fear”** of persecution or torture in your country, you will be issued a “Form I-863, Notice of Referral to Immigration Judge,” and placed in proceedings before a judge.
      - **But, if the asylum officer decides that you do not have a “reasonable fear”** of persecution or torture in your country, you have the right to ask that a judge review the asylum officer’s decision using a “Form I-898, Record of Negative Reasonable Fear Finding and Request for Review by Immigration Judge.”
        - If the judge also decides that you do not have a “reasonable fear,” your case will go back to DHS for removal from the U.S. You cannot appeal the judge’s decision in this situation.
        - But, if the judge decides that you do have a “reasonable fear,” you will be allowed to have a hearing before a judge for withholding of removal

***Reinstatement of Removal (continued)***

under 241(b)(3) of the Immigration and Nationality Act or deferral of removal under the Convention Against Torture.

2. **If you believe you are a U.S. citizen.**
3. **If you believe that DHS has mistakenly put you into Reinstatement of Removal based on incorrect information.** For example, DHS may have mistaken you for someone else with the same name.
4. **If you believe you re-entered the U.S. legally.**
5. **If you last left the U.S. under an order of Voluntary Departure.**
6. **If you have a visa ready for you.**
  - If one of your family members has already applied for a visa for you and the visa is (a) approved *and* (b) immediately available, you may argue that you should be able to apply for your legal permanent residency (“green card”) and a pardon of your prior deportation.
7. **If you believe you are eligible to apply for relief under NACARA or HRIFA.**
  - If you are from Nicaragua, Cuba, Guatemala, El Salvador, Haiti, or certain countries in Eastern Europe, you may be eligible to apply for relief under the Nicaraguan Adjustment and Central American Relief Act (NACARA) or under the Haitian Refugee Immigration Fairness Act (HRIFA) even though you have a prior deportation order.

**What Should You Do Next?**

If any of the above applies to you, you should:

1. **Tell an immigration officer immediately.** Give as much detailed information and proof about your case as possible.
2. **Speak with an immigration lawyer** or legal services organization about getting help.
3. **Do not delay** because Reinstatement of Removal proceedings take place very quickly.

# Expedited Removal

## What is Expedited Removal?

- The Department of Homeland Security, or DHS, which is part of the U.S. Federal government, also known as “Immigration,” uses Expedited Removal to quickly remove people from the U.S. who try to enter the country by fraud or without the proper documents.
  - Immigration officers interview people at border checkpoints, international airports, and shipping ports, or people who are stopped in the U.S. close to the U.S. border who cannot show that they have been in the U.S. for more than 14 days, to decide if they are trying to enter the country by fraud or without the proper documents.
- **In general, you will not be able to speak with a judge.** If an immigration officer believes you are trying to enter the country by fraud or without the proper documents, DHS can refuse your entry and order you removed from the U.S. The immigration officer’s decision is almost always final, unless you express a fear of returning to your country.

## How Do You Know if You Are in Expedited Removal?

- **If you received a “Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act” or a “Form I-860, Notice and Order of Expedited Removal”** and DHS says that you were arrested while trying to enter the U.S. at a border checkpoint, international airport, at sea, or stopped close to the U.S. border and cannot prove that you have been in the U.S. for more than 14 days, then you are in Expedited Removal.
  - If you received a document called a “Form I-862, Notice to Appear,” then you are in removal proceedings. You are not in Expedited Removal.
  - If DHS says that you entered the U.S. illegally after having been deported or removed and you received a “Form I-871, Notice of Intent/Decision to Reinstate Prior Order,” then you are in Reinstatement of Removal. You are not in Expedited Removal.

## When Can You Challenge DHS’ Decision to Place You in Expedited Removal?

1. **If you expressed a fear of returning to your country** or asked to apply for asylum or protection against torture when you entered the U.S.
  - You will be given “Form M-444, Information About Credible Fear Interview,” and an interview with an asylum officer to determine whether you have a “credible fear” (or a believable fear) of returning to your country.
    - **If the asylum officer decides that you do have a “credible fear”** of returning to your country, then you will have the opportunity to apply for asylum, withholding of removal, or protection under the Convention Against Torture in front of a judge.
    - **But, if the asylum officer decides that you do not have a “credible fear”** of returning to your country, you have the right to ask that a judge review the asylum officer’s decision. You will be given a “Form I-863, Notice of Referral to Immigration Judge.”
      - If the judge decides that you do not have a “credible fear,” you will be ordered removed. You cannot appeal the judge’s decision in this situation.
      - But, if the judge decides that you do have a “credible fear,” you will be issued a “Form I-862, Notice to Appear” and allowed to have a full asylum and withholding of removal hearing before a judge.

*This information sheet was prepared by the EOIR Legal Orientation Program*

## ***When Can You Challenge DHS' Decision to Place You in Expedited Removal? (continued)***

- 2. If you already have legal status in the U.S.**, such as U.S. citizenship, legal permanent residence (“green card”) or refugee or asylee status.
  - The immigration officer should try to find proof of your claim in their records. If no proof is available:
    - You will be able to make a statement under oath.
    - The officer will give you an order of expedited removal.
    - Your case will be reviewed by a judge.

### **What Should You Do Next?**

- If any of the above applies to you, you should:
  - 1. Tell an immigration or deportation officer immediately.** Give as much detailed information and proof about your case as possible.
  - 2. Speak with an immigration lawyer** or legal services organization about getting help.
  - 3. Do not delay** because Expedited Removal proceedings take place very quickly.

### **What are the Consequences of Expedited Removal?**

- **You are barred from returning to the U.S. for 5 years or longer** after being removed (deported) from the U.S. through Expedited Removal. Exceptions may be possible in some cases. (Speak with a lawyer if you are not sure.)

# Have You Been the Victim of Trafficking? You May Qualify for a T Visa

## What is a T Visa?

- **The T Visa gives protection to people who have been the victims of “severe forms of trafficking in persons.”**
  - Trafficking is when someone is forced, threatened, or tricked into forced labor or sexual exploitation. Some examples of forced labor are forced construction, agriculture, factory work, or domestic servitude. Some examples of sexual exploitation are forced prostitution or forcing someone to perform sexual acts against their will in exchange for anything of value (like money, food, or shelter).
  - Sometimes, victims of trafficking:
    - are told that they must stay in their situation to pay off a debt;
    - are isolated and cannot leave their situation;
    - have their identification and money taken away to prevent escape; or
    - are threatened with violence if they do not do as they are told.

## Benefits of the T Visa

- **People who are approved for a T Visa:**
  - May live in the U.S.
  - Will receive a work permit.
  - May apply for a green card after three years.
- **Certain family members may be included on the T Visa application.**

## Do You Qualify for a T Visa?

- You may qualify for a T Visa if:
  - You were trafficked into the U.S.,
  - You have helped or will agree to help law enforcement authorities investigate or prosecute your trafficker (this is only required for adults), and
  - You would suffer unusual extreme harm if you were deported from the U.S.
- You do not qualify for a T Visa if you have been convicted of an aggravated felony. (Talk to an immigration lawyer if you are not sure.)

## What Should You Do Next?

If you qualify for a T Visa, you should:

1. **Speak with an immigration lawyer** about getting help or filing for a T Visa on your own.
2. **Report trafficking crimes or get help by calling the toll-free hotline at 1-888-428-7581.** (Talk to an immigration lawyer first if you are not sure.)
  - The Trafficking in Persons and Worker Exploitation Task Force can speak with callers in many languages. They can help protect you and will work to prosecute the traffickers.

3. **Show that you are a victim of a “severe form of trafficking in persons.”** Put together information about your case, such as:
  - Police reports, newspaper articles, medical records, school records, and photographs of injuries.
  - Your written statement about what happened.
  - Written statements from relatives, friends, shelter workers, counselors, social workers, or clergy who know what happened to you.
4. **Get a written certification from a law enforcement official** saying you have helped in the investigation or prosecution of the trafficking crime.

# Have You Been the Victim of a Crime? You May Qualify for a U VISA

## What is a U Visa?

- The U Visa gives protection to immigrants who have been victims of crime.
- Certain crimes qualify for a U Visa.
  - The crime was serious (such as rape, torture, trafficking, incest, domestic violence, sexual assault, sexual contact, prostitution, false imprisonment, kidnapping, blackmail, extortion, manslaughter, or assault).
  - The crime occurred in the U.S. or violated U.S. laws.

## Benefits of the U Visa

- People who are approved for a U Visa:
  - May stay in the U.S.
  - Will receive a work permit.
- Certain family members may be included on the U Visa application.

## Do You Qualify for a U Visa?

- You may qualify for a U Visa if:
  - You suffered great physical or mental abuse as a result of the serious crime, and
  - You will help law enforcement authorities investigate and prosecute the crime.
- You do not qualify for a U Visa if you have been convicted of an aggravated felony. (Talk to an immigration lawyer if you are not sure.)

## What Should You Do Next?

If you qualify for a U Visa, you should:

1. **Show that you are a victim of a crime.** Put together information about your case.
  - Protection orders, police records, criminal court records;
  - Medical records, school records, photographs of injuries;
  - Your written statement about what happened;
  - Written statements from relatives, friends, shelter workers, counselors, social workers, or clergy who know what happened to you.
2. **Get a written certification from a law enforcement official** saying that you are, have been, or will be helpful in the investigation and prosecution of the crime.
3. **Speak with an immigration lawyer** about getting help or filing for a U Visa on your own.

# How to Protect Yourself from Immigration Fraud

## Who Can Help You with Your Immigration Case?

- **Only two groups of people may provide legal advice and services on your immigration case:** (1) attorneys and (2) accredited representatives of non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the Board of Immigration Appeals (BIA).
- **A notary public, *notario*, or a *notario público* is NOT an attorney or an accredited representative and CANNOT provide legal advice or services** on your immigration case unless he has been accredited by the BIA and works for an organization recognized by the BIA.
  - In the U.S., a notary public is a public officer who is authorized by law to certify documents, take affidavits, and administer oaths.
- **Immigration consultants and immigration assistance providers are not attorneys and cannot give legal advice or provide legal services.** This means that they:
  - CANNOT tell you what forms to use or what answers to put on the forms
  - CANNOT keep your original documents
  - CANNOT do special favors for you
  - CANNOT claim to know of secret laws or have special connections to government agencies

## What Should You Do To Protect Yourself from Fraud?

- **Before you pay any money, educate yourself about who may help you with your immigration case**
  - Do not trust people who claim to have a special relationship with U.S. Citizenship and Immigration Services (USCIS) or who guarantee results.
  - Beware of anyone who advertises that he is a notary, *notario* or a *notario público* and can represent you in immigration proceedings.
  - Beware of consultants, travel agencies, and real estate offices that offer legal services in immigration matters.
  - Beware of anyone working in the United States who claims to be an attorney in a foreign country and who is not a licensed attorney in the United States.
  - Ask to see copies of attorney bar certificates issued by a state in the United States or BIA accreditation letters before accepting legal advice or services.
- **Follow Some Precautions**
  - If you decide to use professional services for help with your case, get and keep a written contract.
  - Do not pay cash for professional immigration services. If you can, use a check or credit card instead, and get and keep a receipt.
  - Never give your original documents (birth certificates, passports, or other documents) to anyone who is helping you with immigration matters.
  - Never sign a blank form, application, or petition.
  - Do not sign any forms, applications, or papers containing false statements or inaccurate information.
  - Beware of anyone who offers to file a legalization application for you as they may be putting you in danger of removal or deportation.

## What Should You Do if You Have Been the Victim of Fraud?

- Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice.

*This information sheet was prepared by the EOIR Legal Orientation Program*

# What Should You Expect from Your Legal Representative?

**Only two groups of people may provide legal advice and services in your immigration case:**

- attorneys and
- accredited representatives who work for non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the Board of Immigration Appeals (BIA).

## ATTORNEYS

- **In the U.S., an attorney is someone who:**
  - attended law school and received a Juris Doctor (J.D.) degree;
  - is a licensed member of a state bar association in “good standing,” and
  - passed an exam given by the state bar association.

An attorney also is called a “lawyer.”
- **Attorneys can give legal advice and provide legal services.** They can file papers and applications and represent you before:
  - The Department of Homeland Security (DHS)
  - The U.S. Citizenship and Immigration Service (USCIS)
  - Any immigration court
  - The Board of Immigration Appeals (BIA)
  - The state court where he/she is a member of the bar
- **You can ask to see your attorney’s licensing documents.** You should make a note of the admission number if any.
  - There are two places you can learn whether an attorney is licensed and in “good standing”:
    - State Bar Associations keep track of attorneys. A list of the State Bar Associations in the U.S. can be found at <http://www.abanet.org/barserv/stlobar.html>.
    - The American Immigration Lawyers Association (AILA) can help you find an immigration lawyer. Call 1-800-954-0254 to speak with a representative or send an e-mail to [ilrs@aila.org](mailto:ilrs@aila.org).

## ACCREDITED REPRESENTATIVES

- **An accredited representative** has been given permission by the BIA to provide immigration legal services.
  - Generally, a fully accredited representative may represent you before:
    - The Department of Homeland Security (DHS)
    - The U.S. Citizenship and Immigration Service (USCIS)
    - Any immigration court
    - The Board of Immigration Appeals (BIA)
  - A partially accredited representative can only represent you before USCIS.
  - An accredited representative *cannot* represent you in state court on non-immigration matters.
- **The best way to know that an individual is a legitimate accredited representative is** to ask to see a copy of the BIA decision accrediting representative status to the accredited representative and to the BIA recognized organization. Keep in mind that an accredited representative’s status expires every 3 years unless the BIA renews it.
  - You can also view a list of the non-profit organizations and accredited representatives recognized by the BIA on its website, [www.usdoj.eoir/statspub/raroster.htm](http://www.usdoj.eoir/statspub/raroster.htm).

## **What You Should Expect from Your Legal Representative**

- **Your attorney or accredited representative cannot share what you tell him with anyone else, unless you give him permission to do so.** Your legal representative works for you, he does not work for the government.
  
- **Your legal representative should:**
  - Help you find an interpreter
  - Be patient and listen carefully to you
  - Not harass you about payment
  - Explain your options and what is going to happen in court
  - Check on the progress of your case
  - Keep you informed about your case and answer your questions
  - Return your phone calls promptly
  - Keep appointments with you

## **What You Can Do if You Have a Problem with Your Attorney or Accredited Representative**

- **You have the right to hire or fire your attorney or accredited representative,** and you should not accept any legal representation that you do not understand or that makes you feel uncomfortable.
  
- **Get help if you think your legal representative has cheated you or works for traffickers.**
  - Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice. They might be able to tell you how to fire or file a complaint against your legal representative.
  - Contact the State Bar Association for the state where your lawyer is licensed. A list of the State Bar Associations in the U.S. can be found at <http://www.abanet.org/barserv/stlobar.html>.
  - If your legal representative represented you before the immigration court or the BIA, you can file an Immigration Practitioner Complaint Form (Form EOIR-44) with the Executive Office for Immigration Review. The form can be found at <http://www.usdoj.gov/eoir/eoirforms/eoir44.pdf>.