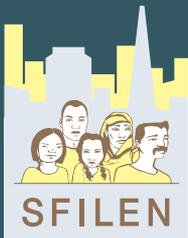


Deportations and Detentions



PROVIDED BY SAN FRANCISCO IMMIGRANT LEGAL AND
EDUCATION NETWORK

NOTE: This brochure is intended as general information. It is not a substitute for individualized legal advice. If you are a low income resident of San Francisco you may be entitled to free legal advice provided by the San Francisco Immigrant Legal and Education Network.

IF YOU ARE ARRESTED BY POLICE OR IMMIGRATION (“ICE”)

- Ask for a lawyer, and otherwise stay quiet. You are only obligated to say your name and date of birth when asked. You don't have to answer any other questions.
- Always give your true and complete name to law enforcement authorities.
- Call family and have them find a lawyer.
- Do not sign any papers without consulting a lawyer.
- You will be assigned an A Number (it will be listed on any immigration paperwork that is given to you)—write this number down and share it with your family.
- Ask for a bond.
- Write down who is arresting you (Police, ICE, FBI) and their ID numbers.

SEQUENCE OF EVENTS FOLLOWING ARREST BY POLICE OR ICE

Detention in local criminal custody

- If arrested by the police you may be taken to a local jail. ICE may ask the local jail to hold you for ICE to pick you up, or they may ask for information about when you will be released.
- California law only allows local jails to hold you for ICE under limited circumstances. If you think you have wrongly been held for immigration, call 1-844-TRUST-01 (1-844-878-7801).
- **Ask to call your family or a lawyer.** Ask for your lawyer to be present during questioning.
- Do not talk or make friends with guards. **Anything you say will be used against you.**

Processing at ICE

- If you are taken into ICE custody, you will be taken to the immigration holding center at 630 Sansome Street in San Francisco, California.
- The first decision you will have to make is whether you will accept your own deportation: we **STRONGLY** recommend that you not agree to your own deportation until you speak with an attorney, or see an immigration judge. **If you agree to your own deportation you are also giving up possibilities for relief in the future.**
- ICE agents will prepare documents with the immigration charges against you, may give you a court date if you are eligible, and will determine if you are eligible for bond.
- If you have a prior deportation order, you will be ineligible for bond but you should still assert your right to speak to an attorney. If you have a fear of returning to your home country, you should tell this to immigration officers as it may be your only chance to remain and fight a case.

Immigration bond

- **Ask to be released on bond!** If ICE refuses to set a bond, you should request a BOND HEARING before an immigration judge.

Electronic monitoring

- Sometimes, ICE releases a detainee wearing an electronic ankle bracelet.
- You have a right to challenge custody conditions and your electronic ankle bracelet, but **YOU MUST FILE YOUR CHALLENGE WITH THE IMMIGRATION COURT WITHIN 7 DAYS OF YOUR RELEASE.**

Transfer to immigration detention

- If you are not issued a bond, you will be transferred to a different detention facility outside of San Francisco, and will likely appear by live video at later hearings.
- Your family can contact ICE to find out where you are detained, and try to visit you at the detention facility as well.

Avoiding transfer out of state

- ICE has the right to transfer detainees out of state.
- To avoid transfer out of state, contact a lawyer to make a formal request to the immigration court for a bond hearing in San Francisco.
- Even if you are transferred out of state, you will still have an opportunity to ask for a bond hearing with the immigration judge.

Mental health protections

- If you have mental health issues, make sure to tell ICE and the immigration judge—you may have a right to a free lawyer and other protections.

Bond hearing

- **If you are not immediately released from custody, you will have a bond hearing with the immigration court.** Friends, family and supporters may come to bond hearings. They may bring evidence to help you. If you are detained in California and are not initially eligible for bond because of certain criminal convictions, you have a right to a bond hearing after you have been in immigration custody for 6 months.

Master calendar

- If released on bond, you will get a court date for your proceedings. Attend this court date and gather any evidence to support your case. Speak with an attorney!

WHAT CAN FAMILY AND FRIENDS DO?

- Immediately try to contact an immigration attorney.
- Call ICE (415-844-5512) to find out where the person is detained. Have their full name, date of birth, A-number and place of arrest if known. You can also look them up online if you have their name, A Number, and country of birth using the ICE Online Detainee Locator: <https://locator.ice.gov/odls/homePage.do>
Someone with legal status can usually visit a detained person on the day of detention at 630 Sansome Street, San Francisco between 9 a.m. and 3 p.m. Subsequently, you can try to visit the facility where they are detained.
- Have your phone lines un-blocked to receive collect calls from jail, in case the person tries to call you.
- **Immediately collect letters of support from community groups, religious centers, schools, family, friends or employers;** as well as proof of property ownership (car, home) or enrollment in school or work programs. If the person is eligible for bond, this will help prove they are not at risk of leaving the area.
- Pay bond as soon as possible.

BOND INFORMATION

Is everyone who is detained eligible for bond and release from detention?

No. Most people are eligible for bond. However, people with serious criminal convictions or alleged to be security threats will be subject to mandatory detention. Individuals who have illegally re-entered after deportation, or are under final orders of removal or deportation may not get bond. People who have been in immigration custody for six months or more may request bond, even if they have a criminal record or prior serious immigration violations. Some individuals may be subject to “expedited removal” and will be deported without a hearing or bond.

How can I find out if a bond has been set for someone who has been detained?

Call DHS Detention and Deportation at 415-844-5651. Give the Detention Officer the person’s name and information on when they were arrested. Ask where the person is being detained. Ask for the detained person’s A Number and if any bond has been set. You will need to identify yourself and relationship to the detained individual.

What should the detained person do if the District Director has refused to set a bond or if the bond amount is too high?

Tell DHS officials that you would like to have your case reviewed by an immigration judge. The immigration judge has the authority to set a bond or release a detained person on their own merits in some cases.

How is immigration bond posted?

To post bond:

- You must be a citizen or legal resident of the United States, with photo identification and proof of legal status. You must accept to be responsible for assuring that the person presents themselves before a deportation official as required.
- The Department of Homeland Security may run a background check on the person who posts bond: if you are a Permanent Resident with a criminal history, talk to an attorney before posting bond.

- You must take a **cashier’s check or money order payable to the U.S. Department of Homeland Security** to 630 Sansome Street, 5th Floor between 8:00 a.m. and 3:00 p.m., Monday through Friday. **Cash, personal or business checks are NOT accepted for bonds.**
- You need the detained name, date of birth, address, country of birth and A Number in order to post the bond. Also, bonds need to be posted between 9am and 3pm. (Early in the day is best.)
- Make sure to keep a receipt of payment.

You may also contact a bonding company to obtain a surety bond. A bonding company will charge approximately \$1000 to place a \$5000 bond for a detained individual. **This money will not be returned to you.** You may be forced to sign over property deeds for this type of loan.

When the case immigration case is completed, the entire amount of the bond will be returned to payer. If the person does not comply with the ruling of the Immigration Court, or attempts to flee, bond will be forfeited and the money will NOT be returned.

What happens after the bond is posted?

The detained will be released and required to appear at a later date before an immigration judge in deportation or removal proceedings. If the detained person is being held far away, you will need to send him/her a bus or airline ticket plus money to return to the Bay Area.

PHONE NUMBERS AND ADDRESSES

DHS Detention and Removal Field Office San Francisco

1-415-844-5512

DHS Detention Information

1-415-844-5651

630 Sansome Street, Room 590

San Francisco, CA 94111

Immigration Court Hotline

1-800-898-7180

- Use this number to find out if hearings have been scheduled in Immigration Court.
- You will need the person's alien registration number, "A Number."

San Francisco Immigration Courts

Non-detained Cases

1-415-705-4415

100 Montgomery Street, Suite 800

San Francisco, CA 94104

Detained Cases

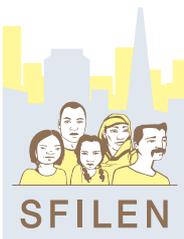
1-415-705-1033

630 Sansome Street

San Francisco, CA 94111

ICE Online Detainee Locator

<https://locator.ice.gov/odls/homePage.do>



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