

## **VOLUNTARY DEPARTURE**

**Voluntary Departure:** Agreeing to depart the U.S. voluntarily instead of deportation.

Does not affect your immigration record as negatively as deportation.

May make it easier to return to the U.S. in the future with fewer problems than if you are deported.

## You may be eligible for voluntary departure if:

- It is your first time in deportation proceedings,
- You can pay for your departure and have proper travel documents to return to your country, and
- You do not have an aggravated felony on your record.

**Only an immigration judge can grant voluntary departure. ICE officers cannot grant voluntary departure.**

## DEPORTATION CONSEQUENCES

## **(Including self-deportation or a removal order)**

- Loss of legal status
- Not allowed to return to U.S. for 10 years (20 if second deportation)
- May never be allowed to return to the U.S. if you have a drug conviction or aggravated felony
- Illegal return may result in federal conviction (a maximum of 20 years in prison)

## REMINDERS

- Review your Notice to Appear (NTA) very closely before admitting or denying any allegations in the NTA.
- If you don't understand what is happening or what is being said during immigration court, politely ask the judge to explain it to you.

## NOTES



# KNOW YOUR RIGHTS

## Immigration Detention

## Contact Us:

1-800-837-0814

525 Jefferson Ave.  
Suite 300  
Toledo, Ohio 43604

**Intake:** (419) 930-2555

Website: ablelaw.org

**Find Your A-Number:**  
1-800-898-7180

**EOIR Pro Bono Services:**  
[justice.gov/eoir/list-pro-bono-legal-service-providers](http://justice.gov/eoir/list-pro-bono-legal-service-providers)

## DETENTION

### Your Rights in Detention:

- To be treated with respect
- To have access to the Detainee Handbook, legal materials, and your attorney
- To have access to a phone, visitors, and correspondence
- To have access to recreation
- To have personal funds and property
- To receive medical attention
- To engage in religious practice

### Your Rights in Immigration Court:

- You have the right to an attorney and the right to represent yourself without an attorney
- You have the right to cross-examine anyone who testifies against you and ask questions about any documents that are presented
- You have the right to review the record of your case
- You have the right to appeal your case if you believe the judge has made a mistake

## DEFENSES IN IMMIGRATION COURT

### 1. Citizenship

### 2. Cancellation Of Removal for Non-Residents:

- In the US for 10+ years continuously
- “Good moral character”
- Removal would result in “exceptional and extremely unusual hardship” to your spouse, parent, or child (spouse, parent, or child must be a U.S. citizen or LPR)
- Not convicted of certain criminal offenses

### 3. Asylum:

- Protection from past harm/ persecution or fear of future harm/ persecution in your country because of race, religion, nationality, political opinion, and/or membership in a particular social group. 1 year to apply.

### 4. Withholding of Removal

### 5. Convention Against Torture

## OBTAINING RELEASE FROM DETENTION

**Bond:** Anybody can request a bond, but not everybody is eligible for bond.

### Requirements:

- Not a flight risk (won’t run away)
- Not a danger to the community
- Minimal or no criminal history

**Requesting Bond:** If you want to apply for bond, you must ask the judge for a *separate* bond hearing.

### Documents For Bond:

- Letter of support from a sponsor
- Letters of support from Employers, Family, Community Members
- Records showing lack of criminal history, length of time in the U.S., employment History

The minimum bond amount is \$1,500. If the bond is granted, it is often higher than that.

**Habeas:** A habeas petition is asking a Federal Court to review whether your continued detention is lawful.

### Potential Grounds for a Habeas Petition Include:

- Improper denial of a bond hearing
- Unconstitutionally prolonged detention (Longer than 6 months)
- Previously granted bond or release, your case hasn’t changed in any new ways, now re-detained
- Your country won’t take you back - there is no removal in the foreseeable future

You can file these on your own, but it is recommended you have an attorney assist you.