

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.