



DECEMBER 2020

GUIDE FOR IMMIGRANTS IN PRISONS AND JAILS

WHAT TO EXPECT AS YOUR RELEASE DATE APPROACHES

WILL ICE TRY TO ARREST ME AND IF SO, HOW?

- » **How does ICE find out I am an immigrant?** Jails give ICE every person's fingerprints upon booking. Sometimes they use the information you provided, such as place of birth. ICE agents may come into the jail to ask you questions (you have a right to say **no** to this interview!).
- » **How will ICE try to arrest me?**
 - **Hold/Detainer Request:** In California, law enforcement agencies should *not* hold you beyond your release date, only for ICE to pick you up. If they do, **report** it to your attorney as this *could* be a violation of your rights under state law or the Constitution.
 - **Notification/Transfer Request:** ICE may send law enforcement a request for the date of your release from jail/prison so that ICE can arrest you at your release (this is common).

HOW WILL I KNOW IF ICE SENT A REQUEST (HOLD/NOTIFICATION/TRANSFER) TO TRY TO ARREST ME?

- » The facility holding you must give you a copy of ICE requests. If you get one, tell your criminal defense attorney!
- » Before your release or parole date, ICE officers may come to the jail/prison to interview you
Note: The California TRUTH Act requires the jail/prison to notify you in writing before ICE comes to interview you, and give you a form asking if you agree to the interview **or not**.
 - This form must be translated into different languages like Spanish, Chinese, Tagalog, and more.
 - You **may mark the form** to (1) **refuse** the interview, (2) **agree but ask for your attorney to be present**, or (3) **agree to speak with ICE**.



KNOW YOUR RIGHTS!

You have the right to...

- Remain silent
- Say "no" to (refuse) an interview with ICE
- Have your own attorney present at the interview
- Receive copies of ICE requests (hold/detainer/notification/transfer)

WHAT IF THE SUPERIOR COURT JUDGE SET BAIL IN MY CRIMINAL CASE?

- » Talk to your criminal attorney before paying bail! ICE *may* arrest you when your bail is posted. Your criminal defender should be able to advise on what is best in your case.
- » Some bail bonds companies will not post bail for people with ICE detainees.
- » If you are in ICE detention while out on bail in your criminal case, tell your criminal defense attorney as soon as possible that you are in ICE detention so they can try to avoid you losing your bail and related arrest warrants.

WHAT HAPPENS THE DAY I'M RELEASED FROM JAIL/PRISON?

- » If you're in California State Prison, CDCR may make plans to release you to ICE up to 5 business days before your release date, or, do paperwork that delays your release until ICE arrives
- » On your release date, ICE might arrest you inside the prison/jail, or await you outside
 - Even if the jail/prison does not notify ICE, ICE can wait for you when you are released
 - Your loved ones should document the arrest and call the local rapid response hotline ASAP
- » If you are not arrested at jail/prison, ICE might try to arrest you at home. ICE may not enter your home without a valid judicial warrant, which they rarely have (an ICE warrant is not enough). If ICE does not have a judicial warrant (you can ask ICE to slide it under the door), you should keep your door closed and remain silent.

CAN MY LOVED ONES HELP ME?

- » You should update your loved ones about your release date and time.
- » It is important that your loved ones arrive before you are expected to be released.
- » Memorize phone numbers for your friends, family, and lawyer(s), for use in your immigration case.
- » If you have a trusted friend or family member, give them copies of criminal or other important documents. You may need these in your immigration case.

WHAT HAPPENS IF ICE ARRESTS ME WHEN I AM RELEASED?

- » You should be transported to the nearest ICE processing center
- » At the ICE processing center, you will be interviewed and asked to sign papers
- » You should be permitted to place one (1) free phone call.

WARNING: some people who have prior deportations or certain criminal convictions may be processed for automatic deportation without seeing the judge

CAN I ASK ICE TO RELEASE ME ON BAIL?

- » You can ask ICE:
 - To be released on your own recognizance (your promise to appear and comply)
 - To be released on bail/bond (financial guarantee to appear and comply)
 - To be detained in a local facility as close as possible to your loved ones (if available)
- » If ICE denies you bail/bond, you may still be able to ask the Immigration Judge to set bail/bond for you.

WHO CAN I CALL FOR LEGAL HELP IF ICE ARRESTS ME?

- » If possible, consult with an immigration attorney who specializes in criminal issues in advance
- » If you have an immigration attorney, call them when you are arrested and tell the ICE officers to call them
- » If you do not have an immigration attorney on the day ICE arrests you, you or your loved ones can call the local **Rapid Response Network** for help (it is important to try to call that very same day)
- » Rapid Response Networks try to offer emergency assistance to people on the day that ICE arrests them, led by volunteers and community-based organizations
 - You or your loved one should call the Rapid Response Network located nearest to where ICE arrests you
 - Your loved one can find a list of all of the Rapid Response Networks in California at <https://ccijustice.org/services/california-rapid-response-networks/> (also listed below)



KNOW YOUR RIGHTS!

You have the right to...

- You have the right to remain silent (refuse to answer questions)
- You have the right not to sign papers (refuse to sign)
- If you want to **fight** to stay in the United States:
 - **Do not sign any papers** giving up your rights to see the Immigration Judge, and
 - **Tell the officers if you are afraid** you will be in danger in the country where you would be deported



CALIFORNIA RAPID RESPONSE HOTLINES (REDES DE RESPUESTA RÁPIDA LÍNEAS DE EMERGENCIA)

Humboldt: 707-282-5226

North Bay: 707- 800-4544
(Condados de Sonoma, Napa y Solano)

Sacramento: 916-245-6773

Marin: 415-991-4545

West Marin: 415-320-4826

Contra Costa: 925-900-5151

Alameda (ACILEP): 510-241-4011

San Francisco: 415-200-1548

San Mateo: 203-666-4472

Santa Clara: 408-290-1144

Pajaro Valley: 831-239-4289
(Condado de Santa Cruz)

Monterey: 831-643-5225

Valley Watch: 559-206-0151
(Condados de Fresno, San Joaquin, Merced, Stanislaus, y Kern)

Southern Central Coast: (805) 870-8855

(Condados de Santa Barbara, Ventura, y San Luis Obispo)

Condado de Los Angeles

Koreatown: 323-894-1504

Condado de Los Angeles: 888-624-4752

Boyle Heights: (323) 922-5644

Long Beach: 562-269-1083

Inland Coalition: 909-361-4588

(Condados de San Bernardino y Riverside)

Orange County: 657-210-0157

San Diego: 619-536-0823