SEPTEMBER 2022

HOW TO ADVOCATE FOR PERSONS ARRESTED BY ICE

ICE officers always have the choice to refrain from arresting or deporting immigrants. This choice is known as **prosecutorial discretion.** With strong community support, advocates can try to convince ICE to use their prosecutorial discretion to release a person who has been arrested by ICE or help convince an immigration court not to deport them.

DOES ICE HAVE GUIDELINES WHEN USING PROSECUTORIAL DISCRETION?

On April 3, 2022, ICE implemented specific guidelines to create three general categories of people that it would prioritize for arrest: **(1)** national security, **(2)** public safety, and **(3)** border security. This meant that ICE would generally use its prosecutorial discretion to refrain from deporting anyone outside of those categories.

AREN'T THESE GUIDELINES BEING LITIGATED IN COURT?

On June 10, 2022, a federal court in Texas prevented ICE from using these specific guidelines. This case is currently at the U.S. Supreme Court. Even if these guidelines are taken away, ICE still has general prosecutorial discretion to choose not to arrest or deport someone. Learn more about the case here: **https://ilrc.me/dhsjuly2022**

WHAT CAN I DO TO CONVINCE ICE TO USE ITS PROSECUTORIAL DISCRETION?

Remind ICE that they can still choose to let someone go even after arresting them. Showing positive factors like strong community and family ties, length of time in the United States, and rehabilitation from a crime can help convince ICE to help. Learn more about ICE's prosecutorial discretion process, including contact information to submit prosecutorial discretion requests here: **https://ilrc.me/icepd**.

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