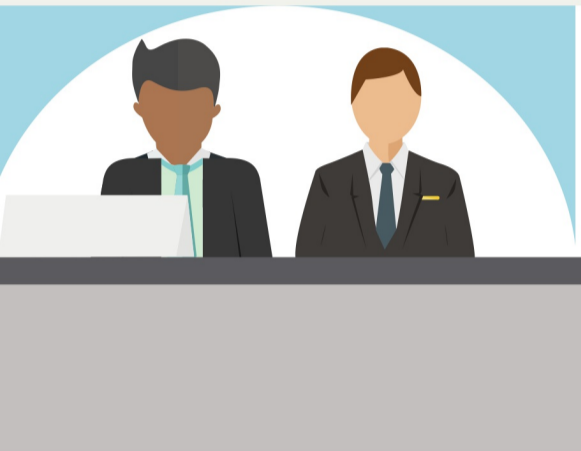


# KNOW YOUR RIGHTS

A Guide for Immigrants in the California Criminal Justice System



## What Are My Rights in Criminal Proceedings?



### What do I tell my Public Defender?

**Tell your public defender if you're not a US citizen.**

Do not plead guilty or go to trial until your public defender has given you information on how any criminal conviction could affect your immigration case.

If ICE has requested information about you from the jail, consult with your public defender before you pay bail.



### How does ICE find out I'm an immigrant?

- ✓ Jails give ICE every inmate'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. ICE may also request your criminal release date or put an ICE hold on you.
- ✓ **Under the TRUTH Act, you have the right to written notice of ICE notification requests or holds.** You also have the right to **decline an ICE interview** and to request your lawyer be present. Ask your public defender about any other local policies that might help you.
- ✓ You have the right **not to answer any questions or sign any documents** and you should assert these rights if you want to fight your immigration case.



### Can my loved ones help?

Memorize contact information for your friends, family and public defender, 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. Never send originals of important documents (passport, birth certificate) unless told to do so by your attorney.



### What happens after my criminal release?

If ICE comes and gets you, you will likely be transferred to an immigration detention facility in California, Arizona or other state throughout the US.

If you're detained by ICE, family members can locate you by checking the following:

locator.ice.gov (website) OR by contacting the local field office at ice.gov/contact/ero/

# The Immigration Case



## What are my rights in immigration proceedings?

- ✓ To remain silent. If you want to fight your immigration case, do not sign anything or give any information to ICE
- ✓ To a court interpreter in your language
- ✓ To an attorney if you can secure one, and a free attorney if you are developmentally disabled
- ✓ To possibly see an immigration judge and fight your case
- ✓ To a list of available legal service providers
- ✓ To contact your consulate



## What if I want to take “voluntary return” or sign my deportation?

If you do NOT want to fight your immigration case and you do not want to return to the United States, you can sign for your deportation.

But you cannot fight your immigration case from your home country. If you have a green card, you will lose it and most likely will never be able to return to the U.S.

If you are deported and you try to return unlawfully, you can be prosecuted in federal court for illegal reentry, with a potential sentence of up to 20 years.



## What about Immigration Court?

If you are detained, an immigration case can take months or longer. If you are not detained, it can take years.

Inform the court if you move. This is required and important to get updated information on your case and hearing dates.

Do not miss a hearing! Otherwise, you'll get a deportation order.



## How do I get bond?

There are two points where you may be released from detention: 1) By an ICE agent when booked into ICE custody OR, 2) after a bond hearing with an immigration judge.

You must ASK the judge for a bond hearing, in writing or in person. Prepare well, you only get one bond hearing!

If bond is granted, someone other than you must pay the bond. Undocumented friends/family should not try to pay. Bond can be paid at any ICE field office in the US: [www.ice.gov/contact/ero](http://www.ice.gov/contact/ero)



## How do I get an immigration attorney?

- ✓ If you can afford an attorney, hire one immediately. Ask for referrals from a nonprofit agency.
- ✓ There are no public defenders in immigration court unless you are developmentally disabled.
- ✓ The court will give you a list of free or low cost legal service providers who may be able to help.
- ✓ Some detention centers have “Know Your Rights” or “Legal Orientation Programs” which provide legal information and sometimes free case consultation.
- ✓ Sometimes there are attorneys at “master calendar” hearings who can give you brief, free advice.