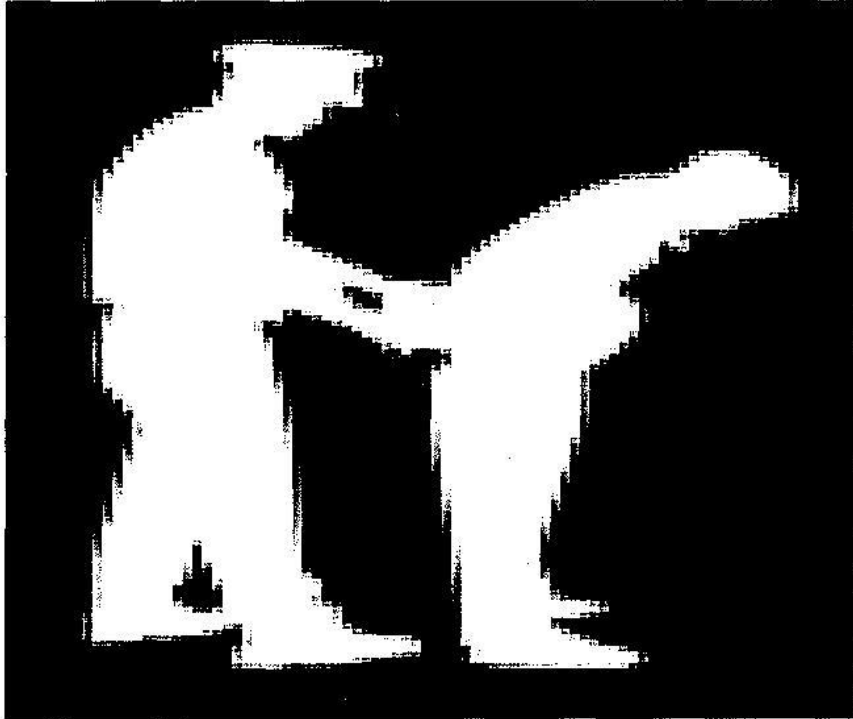


# WHAT IF I'M PICKED UP BY ICE

## PREPARING FOR THE POSSIBILITY OF BEING DETAINED, DEPORTED, AND SEPARATED FROM YOUR CHILDREN



[http://www.step toe.com/publications/Immigrant\\_Parents\\_Rights\\_Guide.pdf](http://www.step toe.com/publications/Immigrant_Parents_Rights_Guide.pdf)

Please feel free to distribute this guide to any individuals or organizations that it might help.

Created by **Step toe & Johnson LLP**, with tremendous thanks to **AYUDA**, the **Children's Law Center**, and the **Capital Area Immigrant Rights Coalition** for their utterly crucial assistance.

And with great appreciation to Lindsay Marshall, Lauren Dasse, Laurie Melrood, and Cindy Schlosser, who were all absolutely essential in the preparation of "What if I'm Picked Up By ICE in Arizona." And thanks to Global Community in Action for assistance with the Spanish language translation assistance.

© 2017 - Step toe & Johnson LLP

This Guide is not intended to provide legal advice and use of this Guide does not create an attorney-client relationship with Step toe & Johnson LLP, Ayuda, the Children's Laws Center, or the Capital Immigrant Rights Coalition.

## TABLE OF CONTENTS

Page 1 Purpose Of This Guide

### **PART 1**

#### **STEPS TO TAKE NOW TO AVOID LOSING CUSTODY OF YOUR CHILDREN IF YOU ARE DETAINED BY ICE**

Page 2 Make a Plan Now

Page 2 Identify A Caretaker For Your Children

Page 3 Have A Conversation With The Person Who You Have Identified

Page 4 Giving Your Designated Caregiver The Legal Authority Needed To Care For  
Your Children If You Are Picked Up By Ice

Page 4 Prepare A Financial Power Of Attorney

Page 5 Making An Emergency Contact Sheet

Page 5 Gathering Important Documents In One Place

### **PART 2**

#### **HOW TO PROTECT YOUR PARENTAL RIGHTS IF YOU ARE PICKED UP BY ICE**

##### **APPREHENSION**

Page 6 I've Been Picked Up by ICE, Now What Should I Do?

Page 7 What Is An "A Number?"

Page 7 What Can I Do To Get Released Right Away?

##### **DETENTION**

Page 8 What if I Am Not Released?

Page 8 Will I Have a Lawyer To Help Me Keep My Children?

Page 9 How Can You Find A Person Who Has Been Detained By ICE?

Page 9 What Is The Role Of The Deportation Officer?

Page 9 How Do I Find An Immigration Attorney?

Page 9 Might I be Able to Get a Bond After I'm Detained?

Page 10 How Do I Request A Bond Hearing?

Page 10 Are There Other Ways I Can Be Released from Detention?

Page 11 What If I Am Told To Sign For My Deportation?

Page 11 How Does The Immigration Court Process Work  
And How Do I Fight My Case?

Page 12 What Can I Do from Detention To Try To Keep My Kids?

Page 12 Will My Children Be Able To Visit Me In Detention?

### **DEPORTATION**

Page 13 Can I Take My Children With Me If I Am Deported?

### **PART 3**

### **SAMPLE FORMS, INFORMATION SHEETS, AND OTHER RESOURCES**

Page 16 Important Information About Each Of Your Children

Page 17 Medical Information Sheet

Page 18 School, Activity, And Church Information Sheet

Page 19 Helpful Things To Know About My Child

Page 19 Names, Phone Numbers, Email Addresses of Family, Friends, Neighbors

Page 20 Emergency Contact Sheet For Designated Caretaker

Page 21 Emergency Contact Sheet For People Other Than Designated Caretaker

Page 22 Certificate Of Translation

**IT IS BEST TO READ THIS WHOLE GUIDE BECAUSE  
YOUR QUESTIONS MAY BE ANSWERED IN DIFFERENT SECTIONS!**

## PURPOSE OF THIS GUIDE

If you are an immigrant parent, this guide was written for you. Its purpose is to give you an understanding of the immigration and child welfare systems, and to help you plan so you do not lose rights over your children if you are apprehended by Immigration and Customs Enforcement (ICE). **The best thing you can do to make sure your family stays together is to have information and be prepared!**

This guide is designed to help you do this. It was prepared by a small group of volunteer lawyers, advocates, and family law and immigration experts. Generally speaking, you do not need to hire an attorney to follow the planning described in this guide. However, we recommend that you consult with an experienced immigration lawyer and family law attorney to best understand your individual options, especially if the local child welfare agency has been involved with your family in the past, or if you have been arrested, charged, or convicted of an offense.

The information presented in this guide is designed to help YOU understand the system and plan for your family, but does not provide legal advice.



## PART 1

### STEPS TO TAKE NOW TO AVOID LOSING CUSTODY OF YOUR CHILDREN IF YOU ARE DETAINED BY ICE

#### Make a Plan!

If you do not have permanent lawful status in the United States, or if you have lawful status but have been charged with or convicted of an offense, you may be at risk of being detained by ICE.



It is important that you make plans for the care of your children now. *If you have not made any plans, it is more likely that your children will end up in the foster care system if you are picked up by ICE or if you are arrested on a criminal charge.* You must be prepared to advocate for yourself and for your family as soon as you are detained by ICE or law enforcement, and this guide is an excellent place to start.

This section focuses on what you should be doing TODAY to make emergency plans for your children so you don't permanently lose custody of them if you are detained or deported.

#### ***Identify A Caretaker For Your Children***

A caretaker is a term often used in the US to describe a person who you would ask to take care of your children if something were to happen to you. Most parents already have a person like this in mind, but they don't always make formal plans to assign this person as the official, or "designated," caretaker for their children. Follow these steps to put a plan in place for your children's care in case you are picked up by ICE.

The designated caretaker for your children can be anyone of your choosing. This includes your spouse or the other parent of your children, but does not need to be that person. The designated caretaker may also be your mother or father, or your aunt or uncle, brother or sister, or other relatives. They may be a god parent or a close family friend or neighbor. You may have several possible caretakers in mind. If you have more than one child you may want to identify different possible designated caretakers for different children.

Ideally, your designated caretaker will be able to pick up your children right away if you are taken into custody, to avoid having the local child welfare agency take custody of them.

## ***Have A Conversation With The Person Who You Have Identified***

After you identify a person to ask to be the designated caretaker of your children, the next step is to have a conversation with her. There are many important things to discuss with your designated caretaker to make sure you both are in agreement with the plans. Make sure she understands what kind of commitment she is making to care for your children if you are picked up by ICE. *Make sure your designated caretaker is willing and able to care for your children for an indefinite period of time. Immigration and family law cases can take months, and sometimes years, to resolve, and you want to be sure your children are in a stable home for the entire time.*

Here are some questions you should think through and ask your possible designated caretaker when discussing whether she is willing and able to take care of your children if you are picked up by ICE.

How long will she be able to take care of your children? You both may think a situation will only last a few days or weeks, but unfortunately, immigration and family court proceedings can often last months, or in some cases, years. If you are deported, your children may need to stay in the care of the designated caretaker for an even longer time. *It is best to make a plan that assumes your designated caretaker will take care of your children for a long time.* Sadly, many children end up in foster care because the designated caretaker only planned to take care of them for a few weeks, and was not able to keep them any longer.

How much will it cost to take care of your children? Every day, your children will need food, shelter, transportation, medical care, and personal items, like books and clothing. The designated caretaker may be able to obtain public assistance (and health insurance for your children if they are uninsured). But if not, will the designated caretaker be financially able to provide for your children? Are you able to set money and resources aside to help your designated caretaker in caring for your children if you are picked up by ICE? Is there someone else, such as a relative, friend, or pastor, who could contribute money for the needs of your children?

Who else is in the household? Do you know everyone who lives in your designated caretaker's home? You need to make sure you are comfortable with everyone who will have day-to-day contact with your children. If an adult member of the household has a criminal record or has had a case involving the abuse or neglect of a child in the past, your children may not be allowed to stay in that household.

Will there be adequate supervision? Does the designated caretaker work? Find out who will be watching your children when she is at work. If your children attend school or daycare, who will drop them off in the morning and pick them up at the end of the day? You need to make sure your children will be supervised. Make sure the designated caretaker's home is safe for children the ages of your children.

Does your designated caretaker know of any special medical needs that any of your children have? You should provide the designated caretaker with the contact information for your children's doctor or medical provider, and a photocopy of each of their Medicaid or other insurance cards. If any of your children are on medication, the designated caretaker should know the name of the medicine, why the child is taking it, where you keep it, the dose, how often it is taken, and where the medicines are purchased.

Does your designated caretaker know which school your children attend? Will she be able to keep your children in that same school? The designated caretaker may eventually need to establish that she has the legal authority to register the children in a school different from the one they were attending, or if one of the children moves on to middle or high school while in the designated caretaker's care. *Make sure that you have put your designated caretaker's name, and the name of an emergency backup person, on the list of people authorized to pick your children up from school or daycare.*

#### Does My Designated Caretaker Have To Have Immigration Papers?

It may not be required for your designated caretaker to have legal status to care for your children. But remember, the goal is stability and safety for your children, and there is always the risk that a person without legal status will be forced to leave the United States, so it is suggested that the designated caretaker have legal status whether or not it is required where you live.

#### ***Giving Your Designated Caretaker The Legal Authority Needed To Care For Your Children If You Are Picked Up by ICE***

Different states have different procedures and forms or documents to be used by a parent to give a designated caretaker the legal authority to care for her children.

In some states, it may be necessary for a parent to go to court to get an order from a judge to give another person custody and decision-making authority over her children. But in the majority of states, a parent can prepare a document that, on a temporary basis, can give a designated caretaker custody and decision-making authority over her children. The decision-making authority can be general or it can be over only specific things that are stated in the document. The document can also specify when it would go into effect (such as if the parent is taken into immigration detention) and when it would no longer be in effect (such as when the parent is released from custody). This would be a private agreement between the parent and the designated caretaker. It would not require going to court and getting a judge's approval or a court order. However, whether or not it is required, it nonetheless should be notarized. Speak with a family law attorney about steps you should take to possibly avoid having your children go into foster care if you are picked up by ICE.

#### ***Prepare A Financial Power Of Attorney***

A Financial Power of Attorney (FPOA) is a document that gives another person temporary power to make decisions about your property and assets. You should consider creating a Financial Power of Attorney to make sure that someone trusted has access to your bank accounts and other property, and who will make sure that your rent and other bills gets paid, that there is money to pay for basic care of your children, and that other financial obligations are met if you are detained.

The person who you authorize to have Financial Power of Attorney can be any trusted adult. It can be your designated caretaker, but does not have to be. A Financial Power of Attorney is a private agreement between you and another person, and is not a court order. You have the power to cancel or revoke the FPOA at any time. Different states have different forms and requirements needed in order to create a Financial Power of Attorney.



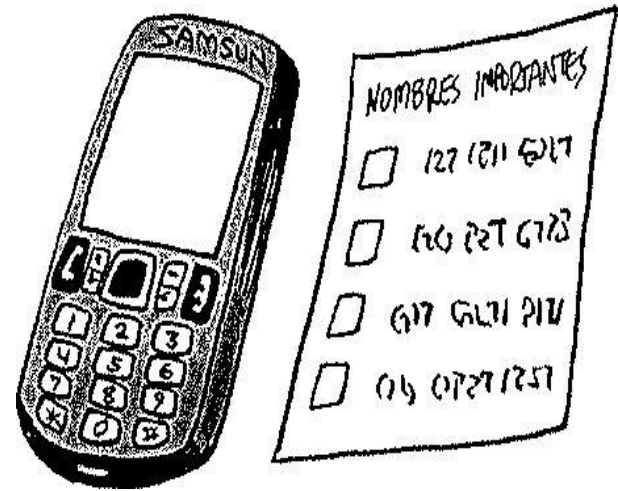
## ***Making An Emergency Contact Sheet***

Because most parents are apprehended by ICE unexpectedly, it is a good idea to create an emergency contact sheet that your children, your designated caretaker, and any other family members or friends who may be able to care for your children, can keep in their wallets, purses, or backpacks. It should include the name, address, and phone number of your children's school, as well as the name, address, and phone number of places where your children are likely to be if they're not at home, in school, or at daycare when you are apprehended.

The sheet should also have the names and phone numbers of all the other individuals who you plan to give an emergency contact sheet to, so they can communicate and coordinate with each other if necessary. Everyone listed on the sheet should know about your caretaker plans for your children if you are picked up by ICE. A sample emergency contact sheet is included in Part 3 of this guide.

Make sure that you have put the names of your designated caretaker and emergency contact (and others as an extra backup, if you like) on the list of people authorized to pick your children up from school or daycare.

If you are worried about being picked up by ICE with the contact information in your possession of people who do not have lawful immigration status, you could also set up a plan to make a telephone call to someone else, with legal status, who has this information in a safe place, and who could then contact the people on the emergency contact sheet.



## ***Gathering Important Documents In One Place***

You should have all of your important documents in a file or a plastic bag in a safe place, as well as an electronic copy if possible. You should have a separate file for each of your children. It should include a photocopy of each important document, even if the information is the same for some or all of your children. A list of the important documents to collect can be found in Part 3 of this guide.

Make sure you have each of your children's birth certificates, even if they were born outside of the US. If your children do not have a passport, you should get a passport for each of your children as soon as possible. If your children were born in the United States, you can find information about how to obtain a passport at [www.travel.state.gov](http://www.travel.state.gov), or you can apply at some US Post Offices. If your children were born in another country, check with your embassy or consulate for more information about obtaining a passport. Your designated caretaker or others in your household, such as an older child, should know exactly where this folder is stored, so if your designated caretaker does not have her set of documents readily available, she can get them quickly if you are picked up by ICE.

## **PART 2**

### **HOW TO PROTECT YOUR PARENTAL RIGHTS IF YOU ARE PICKED UP BY ICE**

Part 1 talked about steps to take NOW to prevent your children from being taken into custody by the local child welfare agency in case you are picked up by ICE. Part 2 is about what to do if you ACTUALLY are picked up by ICE, separated from your children, and facing time in detention with the possibility of deportation. In Part 2, we talk about protecting your parental rights. These are your rights as a parent to make decisions about the care and wellbeing of your children, including who they live with. Even though the government may be trying to deport you, YOU still have the right to make these decisions for your children, whether your children are US citizens or not. YOU must always advocate strongly for yourself as their parent. Start now by gathering information and being prepared for the worst circumstances.

You will learn about the three main parts of the detention and deportation process, and how to advocate for your family during the process: apprehension by ICE; detention and the Immigration Court process; and deportation.



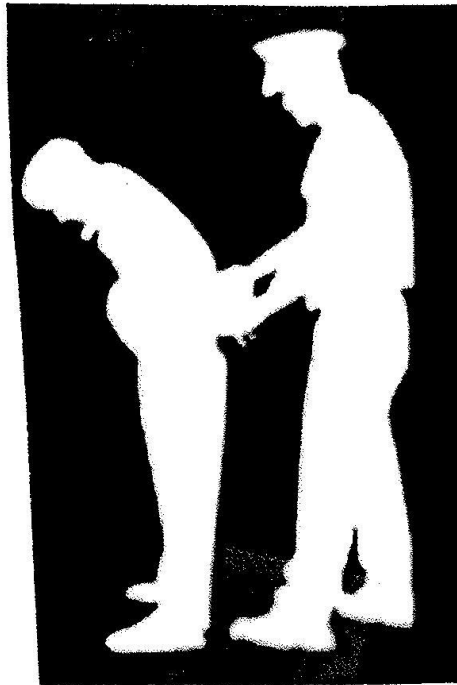
## **APPREHENSION**

### ***I've Been Picked Up By ICE, Now What Should I Do?***

Most people are apprehended by ICE very unexpectedly. An ICE officer may show up at your workplace or home without any warning. Tell the ICE officer that you have children, that you will comply with their requirements if they release you, and to please not take you away from your children. If they do detain you, explain this to every ICE officer you meet.

If your children are with you when ICE shows up, you are in the best position to convince the officer that you must make a phone call immediately; you need to tell the ICE officers that you have to call someone who can come take care of your children so they will not be left alone and be taken into the custody of the local child welfare agency. If your children are not with you at the time you are picked up by ICE, tell the ICE officer immediately that you have children, and that you need to make a phone call to ensure they are safe and taken care of.

ICE should let you make a telephone call to your designated caretaker or emergency contact shortly after you are arrested so you can tell her that you are in custody, and she should follow the emergency plans you have in place for your children. If you are told that you can't make a telephone call because of security reasons, be sure to say again and again that you need to make a call to make plans for your children so that they are safe.



### ***What is An "A Number"?***

After you are apprehended, you will be assigned an alien registration number or A Number (your existing A number will be used if you already have one). This is the identification number for your immigration case and will follow you through your whole immigration process. It is very important to write down this number and give it to your designated caretaker, relatives, and close friends -- either over the telephone or by writing them a letter. Generally, the only way your designated caretaker and others will be able to get information about where you are detained and about your case is if they have your A Number.

### ***What Can I Do To Get Released Right Away?***

It is likely that you will spend at least a few days in an ICE detention facility during which time you may not have access to family members. This is sometimes referred to as being in holding, and happens while ICE decides what to do about your case. Your access to a telephone may be very limited, and you may be told little or nothing about what will happen to you.

ICE officers have discretion to handle your release as they see fit under the circumstances. ICE may decide to release you to the community on your own recognizance (which means that you promise to come to court on the date you are given) or with a low money bond, if there is evidence that you have strong ties to the United States (like US citizen children), and that you are not a danger to the community or a flight risk. Therefore, it is extremely important that you keep photocopies of documents that show you have strong ties to the US, such as:

- birth certificates for your children born in the US
- evidence that your children have lawful status in the US, such as Deferred Action for Childhood Arrivals (DACA), if that is the case
- school records for your children

- your children's medical records -- especially if your children have any medical conditions that need ongoing medical care
- any and all evidence that you have been in the US for a long time, like tax records, bills, bank account records, medical records, car payments, rental agreements, utility bills, etc.
- letters from family and friends that can vouch for your good character and how long you have been in the US

Never use original documents! You will not get them back! This is especially important with documents that show a record of your life in the US. You should be sure to keep an organized set of photocopies of ALL of these documents in a safe place in your home in case you are detained. Also make an electronic copy if possible. Make sure a trusted person knows where they are so she can bring them to the ICE office where you are being held.

You should have any documents that are not in English translated into English by a certified translator. Include a Certificate of Translation issued by the translator for each translated document. A sample Certificate of Translation can be found in Part 3 of this guide.

If you are released, you will be given paperwork with the date and place where you must show up for a hearing in Immigration Court. You must not miss this hearing. If you don't yet have a lawyer when you go for your hearing, you can ask the Immigration Court Judge for more time to find a lawyer. If you miss this hearing, the Immigration Court Judge can order you deported for failing to appear.

## DETENTION

### ***What If I Am Not Released?***



If you are not released, you will be taken to an immigration detention center for further processing, and to await an Immigration Court hearing. While it is still possible ICE may release you, it is less likely at this point, and you are probably facing days, weeks, or longer in detention. ICE may also set a bond for your release and tell you the amount you need to pay. If ICE does not set a bond amount, you can ask the Immigration Court Judge for a bond when you have your first hearing. The same documents you showed ICE (listed above) can be submitted to the Immigration Court Judge to request a bond (more on bonds later).

### ***Will I Have A Lawyer To Help Me Keep My Children?***

You should ask the court to appoint a family law attorney to represent you, but whether or not you will be appointed a lawyer paid for by the court to help you protect your rights as a parent depends on the state where you live. You can, of course, hire an attorney yourself if you are not appointed one by the court, or if you wish to have an attorney of your own choosing to represent you. If you cannot afford a family law attorney, you may be able to get a family law attorney from

a nonprofit legal aid organization for free. Unfortunately, there are many more people who need family law attorneys than there are legal aid attorneys to help them.

### ***How Can You Find A Person Who Has Been Detained By ICE?***

There is a webpage that can be used to locate people detained by ICE, called the "ICE detainee locator": <https://locator.ice.gov/odls/homePage.do>. To use this website, it is necessary to have the exact spelling of the person's name as it was spelled by ICE (even if it was spelled incorrectly) and the person's date of birth and country of origin, or the person's A number, which is the identification number used in the immigration process. This is one way that family members may be able to locate you if you are detained by ICE.

### ***What Is The Role Of The Deportation Officer?***

You will be assigned a Deportation Officer. You should tell your Deportation Officer right away about your children and your concerns about who will take care of them if you are not released. Your Deportation Officer works for ICE and is in charge of you while you are in detention. This officer should meet with you regularly while you are in detention. The officer's role is to process your deportation. Because she works for ICE, your Deportation Officer is not in a position to give you helpful advice about your immigration case.

### ***How Do I Find An Immigration Attorney?***

Because you are being apprehended by ICE under civil law and not criminal law, the government will not provide you with an immigration attorney. If you cannot afford an immigration attorney, you may be able to get an immigration attorney from a nonprofit legal aid organization for free. But as with family law attorneys, there are many more people who need immigration attorneys than there are legal aid attorneys to help them. If you are unable to get a free attorney, you will have to hire and pay for a private attorney, or have your family hire and pay for one for you. However, if you are unable to get an attorney, you will not be alone. Most people in immigration detention end up fighting their cases without an immigration attorney.

Be aware of fraud or misrepresentations by immigration attorneys. There are many good immigration lawyers. Unfortunately, there are others who take advantage of people in detention. Some immigration attorneys will take your money even though there is little they can do to help you under the law. If you or a member of your family is going to hire a private immigration attorney to represent you, do your homework and ask the immigration attorney for a few references you can call to find out about the quality of their services.

Also, do not hire a "notario" to be your lawyer or legal representative. In the United States, a "notario" is not necessarily a qualified attorney. In certain Latin American countries, a "notario" is the term for someone who does actually have legal training and experience. But in the US, a "notario" is not a lawyer; a "notario" is simply a "notary public" (someone who notarizes, or authenticates, the signature on a document). No legal training is required.

### ***Might I Be Able To Get An Immigration Bond After I Am Detained?***

You may still have a chance to pay a money bond to be released after you have been detained. Not everyone is eligible for a bond, so you should ask your Deportation Officer or immigration

attorney if a bond has been set for you. If you can get released, you will be able to continue to care for your children yourself while you await your Immigration Court hearing.

The bond will likely be several thousands of dollars, or more. You will need to pay the full amount of the bond at one time in order to be released. As part of making a plan in case you're picked up by ICE, you should think about how you or your family members may be able to pay a bond if you are detained. You might consider saving up money so you can pay cash for your bond. It is also possible to finance your bond through a bail bond company; but be careful if you use a bail bond company, as they sometimes require you to pay large amounts of interest or to wear an ankle shackle once you are released.

### ***How Do I Request A Bond Hearing?***

If you aren't sure if a bond has already been set for you, you should ask the Immigration Court Judge for a bond hearing. Be sure to tell the Immigration Court Judge about your children and your need to be released to take care of them and keep custody of them.

At the hearing, you should present photocopies of documents talked about previously to show you are not a danger to the community or a flight risk, such as:

- birth certificates for your children born in the US
- evidence that your children have lawful status in the US, such as Deferred Action for Childhood Arrivals (DACA), if that is the case
- school records for your children
- your children's medical records -- especially if your children have any medical conditions that need ongoing medical care
- any and all evidence that you have been in the US for a long time, like tax records, bills, bank account records, medical records, car payments, rental agreements, utility bills, etc.
- letters from family and friends that can vouch for your good character and how long you have been in the US

As stated before, do not use original documents because you cannot expect to get them back! And you should have any documents that are not in English translated into English by a certified translator. Include a Certificate of Translation issued by the translator for each translated document. A sample Certificate of Translation can be found in Part 3 of this guide.

### ***Are There Other Ways I Can Be Released From Detention?***

Humanitarian Parole and Prosecutorial Discretion are requests to be released from detention based on your case not being a high priority for ICE and because you are not the kind of person they should detain -- that you don't have a criminal record and you do have children you need to take care of in the US. If you might qualify, you can tell your Deportation Officer and the Immigration Court Judge that you want to ask for Humanitarian Parole and Prosecutorial Discretion to be released from detention, or to have the case against you dismissed.

You can use the same documents (listed above) to request Humanitarian Parole and Prosecutorial Discretion as you use to request a bond. Again, make sure to only give photocopies of these documents to your Deportation Office or to the Immigration Court Judge and to keep the originals in a safe place.

### ***What If I Am Told To Sign For My Deportation?***

From the time you are detained by ICE, officers may present you with paperwork to sign. This paperwork may be presented to you multiple times, and by different officers. You may be told that you have no case; that you must sign for your deportation; that you will face years in jail if you don't sign right away; and that you will never see your children again. An officer may even try to physically force you to sign the paperwork. Many parents report pressure to sign paperwork without understanding what it is.



*If you sign these documents and accept deportation, it will be virtually impossible for you to come back to the US and then fight to get your children back. You have the right to refuse to sign any document accepting deportation.* This may be a difficult decision, as it will mean accepting additional time in detention, but if you sign for your deportation you will not be able to present your case to an Immigration Court Judge.

However, if you are presented with a document that says that you will be released on your own recognizance (which means that you promise to come to court on the date you are given), you should sign that so you can be released. *But before you sign, you must make sure it is explained to you in your native language if you do not fully understand English!*

### ***How Does The Immigration Court Process Work And How Do I Fight My Case?***



You may be detained for weeks before you have your first appearance before an Immigration Court Judge, which is called a *Master Calendar Hearing*. There will be other immigrants like you at this hearing, and you may be called individually or as a group to speak with the Immigration Court Judge. You will be asked what language you prefer to have your hearing in. An interpreter will be available at this hearing for you if you speak Spanish. If you speak another language, including an indigenous language, the Immigration Court Judge will use an interpreter by telephone. *If you cannot understand the interpreter, it is very important to tell this to the Immigration Court Judge, and to make sure the interpreter is changed to someone you can speak clearly with.*

If you don't have an immigration attorney, the Immigration Court Judge will probably ask you at this first hearing if you want more time to find an immigration attorney. It can be a good idea to ask for more time to find an immigration attorney, especially if you haven't been able to speak to your family; if you think you may be able to pay a bond that has already been set or are trying to get a bond set; or if you may get an immigration attorney.

After this first hearing, you will be scheduled for at least one more Master Calendar Hearing, where the Immigration Court Judge will ask you if you are applying for any form of legal relief or filing an application with the Immigration Court seeking to stay in the US. All of these phrases will refer to whether you are going to fight your deportation in Immigration Court. If you have hired a private immigration attorney or have a legal aid immigration attorney, you will get more information about whether you have a basis under the law to fight your deportation in Immigration Court.

If you fight your deportation in Immigration Court, you will probably have a Merits Hearing or Individual Hearing, which is where you will present your case to the Immigration Court Judge through evidence, witnesses, and your own testimony.

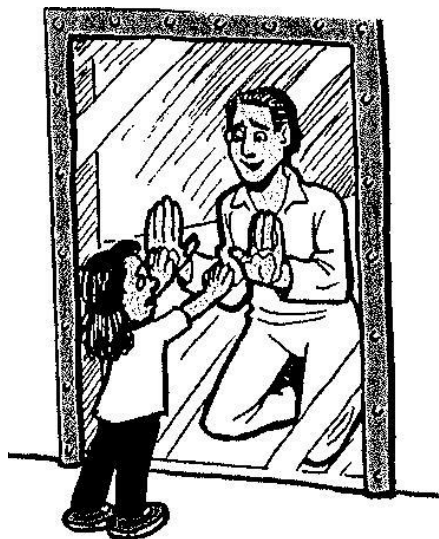
Every case is different, but people can be detained for many, many months as they go through this Immigration Court process. This may seem very daunting and even impossible for you to accept, especially since you will be separated from your children the whole time. But it is very important to understand that this will be your ONLY chance to fight your deportation.

If you accept deportation at a Master Calendar Hearing, or with the Deportation Officer, it will be virtually impossible for you to come back to the US later to fight to get your children back (though you may be able to bring your children to your home country after your deportation -- more on that later).

### **What Can I Do From Detention To Try To Keep My Kids?**

You should stay as involved with your children as much as possible. You should write letters to them frequently, and make notes on everything you send to them. Try to speak with your children on the phone as often as you can, and take notes on what you and your children talk about. You are allowed to receive letters and pictures from your children while you're in detention, and save everything you receive. Do all that you can to find out about how your children are doing in school, if they've been having any health or emotional problems, and what kinds of activities they're participating in.

### **Will My Children Be Able To Visit Me In Detention?**



Whether or not your children will be able to visit you in the detention facility will depend on whether your children are with your designated caretaker or some other friend or family member, or if they have been placed in the foster care system. If your children are with your designated caretaker (and you think it would not be traumatic for them to see you in detention), they will be able to visit. If your children are in the foster care system, it will be up to the Judge in charge of the foster care case.



ICE will permit minor children to visit even without a Social Security number and regardless of their citizenship status. Adults may have to provide their date of birth and Social Security number, and be approved prior to the visit. It is important that the adults accompanying your children have legal status in the US -- otherwise they can be detained by ICE at the facility, even if they are only there to visit you.

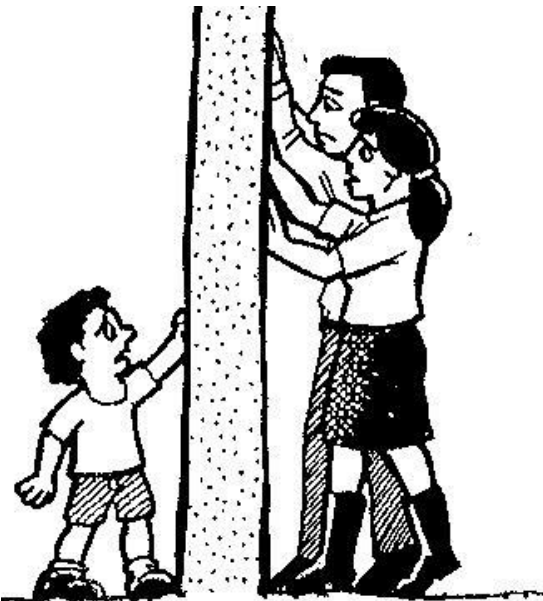
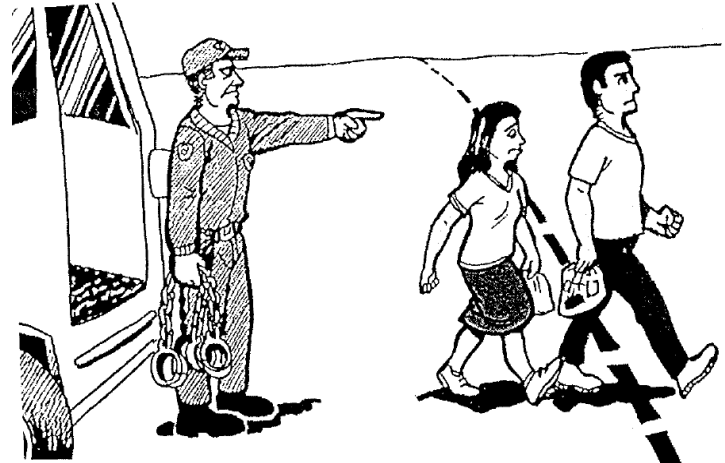
Visits with your children will be "non-contact." This means you will see your children through a window and will be able to speak with them by phone, but you will not be able to hug or touch your children. You will also not be able to give them anything or receive anything from them, but they can show you pictures through the window. These visits are not private; other people may have visits at the same time and you may be able to hear their conversations and they may be able to hear yours. These visits may be very sad, but are an important part of maintaining your involvement as a parent so you don't lose your rights to your children.

## DEPORTATION

### ***Can I Take My Children With Me If I Am Deported?***

If you sign for your deportation or the Immigration Court Judge orders your deportation, you will NOT be allowed to take your children with you at the time of your deportation, and you will not be given time to make arrangements for your children. This is why it is so important to plan and to think through your options prior to deportation.

If you are from Mexico, you will likely be sent back on the same day you are ordered deported, whether you voluntarily sign for your deportation or whether an Immigration Court Judge orders you to be deported.



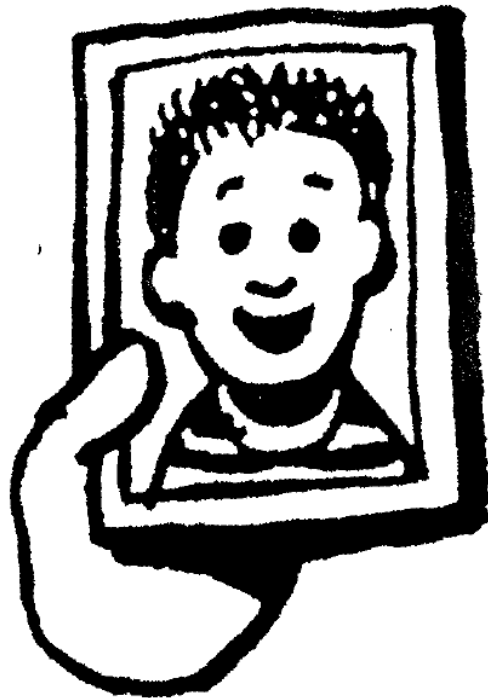
If you do have the opportunity to talk with your Consulate, you should inform them about your children, and ask for assistance in making travel arrangements for your children if you want them to relocate with you. The Consulate can assist with travel arrangements. However, if your children are in the foster care system, the judge will decide whether or not your children will be allowed to relocate to your home country.

Your children will need a passport in order to travel outside of the United States. If your children do not have a passport

and they are a United States Citizen, it is important to help your children get a passport NOW, because getting a passport for them is very difficult if you are no longer in the United States. If both parents are in close contact with the children, both must consent to the issuance of the passport for a child under the age of 16. The parents must submit an application form, along with the child's birth certificate and proof of the parents' legal relationship to the child. The process must be completed in person. For more information, you should contact the US State Department.

At times, you may feel sad, lonely, or depressed when thinking about your children. This is normal. Write down your feelings and thoughts, make drawings, read a book, do some crafts, write a poem, or do something that makes you feel good, and keep it for the day when you will be with them again. Write your children a letter, if you can do so without making them worry about you. You may even want to write your children a letter to tell them how you are feeling, but save the letter to give to them in the future when you are together again. For your children's sake, be cheerful, let them know how much they mean to you, and that they should stay healthy and happy.

Keep on fighting for your children and stay in touch with them. Your family will be proud that you did not give up hope. Don't give up!



## **PART 3**

### **SAMPLE FORMS, INFORMATION SHEETS AND OTHER RESOURCES**

Important Information About Each of Your Children

- a. Medical Information Sheet
- b. School, Activity, and Church Information Sheet
- c. Helpful Things to Know About My Child
- d. Names, Address, and Phone Numbers of Family, Friends, and Neighbors

Emergency Contact Sheet

Certificate of Translation

## **Important Information About Each of Your Children**

You should have several sets of photocopies of each of these documents for each of your children, even if the information is the same for each child.

The documents you should gather for each of your children include:

- birth certificate
- Social Security card
- two originals of the legal document authorizing your designated caretaker to care for your children, with notary seal -- this document is state specific (if you do not read English well, have the document translated into your first language)
- two originals of your financial power of attorney, with notary seal -- this is state specific (if you do not read English well, have the document translated into your first language)
- passport (if your children do not have a passport, you should get each child a passport as soon as possible)
- medical information sheet
- school, activity, and church information sheet
- helpful things to know about each child
- names, phone numbers, email addresses of family and friends who your designated caretaker may wish to communicate with
- emergency contact sheets

Make three photocopies of each child's documents and then put the original documents in a safe place.

- Give the designated caretaker one photocopy of all the documents for each child. Also give the designated caretaker one of the originals, with notary seal, of the legal document authorizing your designated caretaker to care for your children, including one in your first language if you have trouble reading English.
- Put the second photocopy of all the documents for each child in a safe place where your designated caretaker, a trusted relative or friend, and an older child, knows to find them, as a spare set.
- Put the third photocopy of each child's individual documents in a plastic bag in that child's backpack.
- Also make an electronic copy for yourself and your designated caretaker.

**MEDICAL INFORMATION SHEET FOR**

---

name of child \_\_\_\_\_

*use back of page for additional space for answers*

Name of Doctor or Medical Practice \_\_\_\_\_

Address & Telephone Number \_\_\_\_\_

Health Insurance Information \_\_\_\_\_

Date of Last Physical Exam \_\_\_\_\_

Name of Medications taken by Child \_\_\_\_\_

Reason for the Medication \_\_\_\_\_

Dose & Frequency \_\_\_\_\_

Allergies to Food or Medication, Seasonal Allergies \_\_\_\_\_

\_\_\_\_\_

Frequent Illness or Medical Conditions of Child, such as ear infections, allergies, etc. and treatment

\_\_\_\_\_

Name of Dentist or Dental Practice \_\_\_\_\_

Address and Phone Number \_\_\_\_\_

Date of Last Dental Exam \_\_\_\_\_

Ongoing Dental Treatment \_\_\_\_\_

Name of Eye Doctor or Practice, if any \_\_\_\_\_

Wears glasses? Yes/ No \_\_\_\_\_

---

**SCHOOL, ACTIVITY, AND CHURCH INFORMATION SHEET FOR**

---

name of child

[Make sure that designated caretaker and emergency contact are on the list of people authorized to pick up your children from school or other activities.]

*use back of page for additional space for answers*

**School**

Name, Address, and Phone Number of School \_\_\_\_\_  
\_\_\_\_\_

Grade and Name of Teacher (younger children) or Guidance Counsel (older children) \_\_\_\_\_

Special Educational or Language Services, if any \_\_\_\_\_  
\_\_\_\_\_

*If your child has an Individualized Educational Plan (IEP), attach a copy to this form.*

Medications Child Receives at School, if any \_\_\_\_\_

Frequency of Medication \_\_\_\_\_  
\_\_\_\_\_

**Activities**

After-School and Weekend Activities: Activity (e.g., music, sports, etc.), Time, Place, Phone Numbers, Instructors

Monday \_\_\_\_\_

Tuesday \_\_\_\_\_

Wednesday \_\_\_\_\_

Thursday \_\_\_\_\_

Friday \_\_\_\_\_

Saturday \_\_\_\_\_

Sunday \_\_\_\_\_

**Church**

Name, Address, and Phone Number of Church attended, if any \_\_\_\_\_  
\_\_\_\_\_

Religious School and Religious Activities, Days, Times, Locations, Instructors \_\_\_\_\_  
\_\_\_\_\_

**HELPFUL THINGS TO KNOW ABOUT**

---

**child's name**

*use back of page for additional space for answers*

Favorite Foods \_\_\_\_\_

Disliked Foods and Any Food Allergies \_\_\_\_\_

Bedtime and Bedtime Routines \_\_\_\_\_

Favorite Toys, Books, Games, and Activities \_\_\_\_\_

TV Shows, Movies, and Computer Games, and How Much Time Allowed \_\_\_\_\_

Names of Close Friends, their Parents, and Contact Information \_\_\_\_\_

Curfew (for Older Children) \_\_\_\_\_

Driving Restrictions (for Older Children with License) \_\_\_\_\_

Other Restrictions (for Older Children, such as, where allowed to go, who they can go out with, whose car they can be a passenger in, sleepovers, etc.) \_\_\_\_\_

---

**NAMES, ADDRESS, PHONES NUMBERS OF FAMILY, FRIENDS,  
and NEIGHBORS FOR**

---

**name of child**

*use back of page for additional space for answers*

Adult Sisters and Brothers \_\_\_\_\_

Grandparents \_\_\_\_\_

Godparents \_\_\_\_\_

Aunts and Uncles \_\_\_\_\_

Cousins \_\_\_\_\_

Family Friends \_\_\_\_\_

**Emergency Contact Sheet for Designated Caretaker**

Dear \_\_\_\_\_,

**Please keep this sheet with you at all times.**

If you learn that I have been taken into custody, please get my children right away. If they are not at home or school, they may be

---

---

If my children cannot be located, contact the \_\_\_\_\_  
(name and phone number of the local child welfare agency). Tell them the names of my children, their birth dates, and your name and phone number or the names and phone number of other persons who may be able to care for my children.

Child's Full Name, Date of Birth, and Name, Phone Number, and Address  
of School or Daycare \_\_\_\_\_  
\_\_\_\_\_

Child's Full Name, Date of Birth, and Name, Phone Number, and Address  
of School or Daycare \_\_\_\_\_  
\_\_\_\_\_

Child's Full Name, Date of Birth, and Name, Phone Number, and Address  
of School or Daycare \_\_\_\_\_  
\_\_\_\_\_

Names and Phone Numbers of Others to Contact  
\_\_\_\_\_  
\_\_\_\_\_



## **Emergency Contact Sheet for People other than Designated Caretaker**

Dear \_\_\_\_\_,

**Please keep this sheet with you at all times.**

If you learn that I have been taken into custody, call my designated caretaker \_\_\_\_\_(name) \_\_\_\_\_(phone number) immediately to let them know I have been taken into custody.

If you cannot reach my designated caretaker, please get my children right away. If they are not at home or school, they may be \_\_\_\_\_  
\_\_\_\_\_.

If my children cannot be located, contact the \_\_\_\_\_  
(name and phone number of the local child welfare agency). Tell them the names of my children, their birth dates, and your name and phone number or other persons who may be able to care for my children.

Also please contact these other people who might be able to help (names and phone numbers) \_\_\_\_\_  
\_\_\_\_\_

Child's Full Name, Date of Birth, and Name, Address, and Phone Number of School or Daycare  
\_\_\_\_\_  
\_\_\_\_\_

Child's Full Name, Date of Birth, Name, Address, and Phone Number of School or Daycare  
\_\_\_\_\_  
\_\_\_\_\_

Child's Full Name, Date of Birth, Name, Address, and Phone Number of School or Daycare  
\_\_\_\_\_  
\_\_\_\_\_

Names and Phone Numbers of Others to Contact \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CERTIFICATE OF TRANSLATION

I, \_\_\_\_\_, am competent to translate from  
(*language*) \_\_\_\_\_ into English, and I certify that my translation of  
the \_\_\_\_\_ (*document*  
*name*) on \_\_\_\_\_ (*date*), is true and accurate to the best of my  
abilities.

\_\_\_\_\_  
(signature of translator)

\_\_\_\_\_  
(typed/printed name of translator)

\_\_\_\_\_  
(address of translator)

\_\_\_\_\_  
(telephone number of translator)

---