IMMIGRATION SAFETY PLANNING FOR NONCITIZEN SURVIVORS

Help your client make an immigration safety plan:

- ☐ ***Carry important information at all times***
  - Any valid immigration document – ex: valid work permit or green card, receipt notices from any prior applications submitted on your client's behalf.
  - Avoid carrying papers from another country, such as a foreign passport, unless client has no other identification documents.
  - A client with no valid immigration status should consider carrying a copy of documents that show their presence in the U.S. for the last 2 years. This could help them avoid immediate deportation.
- ☐ ***Gather important documents in one safe place and tell a trusted family member or friend where to find them in an emergency****
  - Documents that show the client's ties to this country, residence in U.S., and status as a survivor of domestic violence or sexual assault. Client will need these documents to ask for a bond or fight their case.
  - It is very difficult to gather these documents once client is detained.
- ☐ ***Make an emergency contact list****
  - This list will help client's family members know what to do and whom to call if they are detained by immigration.
- ☐ ***Consult with a reputable immigration attorney***
  - Make sure client knows their legal options in case they are stopped by Immigration.
  - Client should carry the attorney's contact information at all times. Make sure this information is also included on their emergency contact list.
- ☐ ***Make a plan for minor children****
  - Identify a caregiver and make sure they are willing and able to care for client's minor children in an emergency. It is best if the caregiver has legal immigration status, although it is not required.
  - Consider making a Special Power of Attorney. A Special Power of Attorney (SPOA) is a document that gives another person temporary power to make decisions for client or their children. Client should consider setting up an SPOA with their chosen caretaker.
  - Talk openly with family so everyone knows the emergency plan.
- ☐ ***Make a financial plan****
  - Who will pay the rent or mortgage if client is detained? Client should make a list of the bills paid every month and include information for where and when payments are made.
  - Start saving money now to pay for an attorney or a bond in case client is detained.

** Please refer to TRLA's* Immigration Preparedness Kit *for checklists and sample documents**

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Talk with your client about what to do if they have contact with police:

- When talking with police, individuals should remain calm and respectful. They should never lie or present false documents.
- Individuals do not have to answer questions about their immigration status, citizenship, or place of birth.
- If client is arrested by police, they should say they wish to remain silent and ask to speak with an attorney. Client should talk with their attorney about the effects a criminal conviction might have on their immigration status.
- If client is in jail, immigration might try to come visit them. They should not answer any questions or sign any documents without speaking to their attorney.

Talk with your client about what to do if they have contact with immigration:

- **Noncitizens should not sign <u>any</u> documents before speaking with a lawyer**. It is important that individuals know their rights so they are not intimated or tricked into signing. If an individual signs a voluntary departure (*salida voluntaria*), they could lose their only chance to see a judge or get legal immigration status in the future. Instead of signing, they should ask to see a judge.
- **If an individual is afraid to return to their country of origin, they should say so clearly and often.** Those who are afraid to return have the right to an interview with an asylum officer. For people with prior removal orders, this could be the <u>only</u> opportunity to avoid deportation and see a judge.
- Contact attorney or trusted family member.
- Contact consulate, if appropriate. Client's consulate might be able to help find a lawyer or contact family.

Try to verify whether your client has any prior removal orders. Your client may not always realize they have a removal order. If they do, it will be even more important than normal for them to speak with a lawyer as soon as possible <u>and</u> to express any fear they might have of return to their country of origin.

Talk with your client about what to do if they have a hearing in state court:

- Clients should carry important documents as described on the other side. In particular, any pending immigration applications, proof of at least 2 years residence in the U.S., and evidence of status as a DV survivor.
- Make sure a trusted family member or friend has client's A# (immigration case number), if one exists, as well as attorney's contact information.
- Make sure client has a plan in place for minor children.
- At court, client should be aware of their surroundings. Meet in nonpublic areas to avoid exposure.
- Client should make a plan with their attorney to ask for a continuance if they need to leave immediately.
- If client is stopped by Immigration, they should ask if free to go. If yes, client should say they don't want to answer any questions and leave.