



Northern Arizona
Interfaith Council

Toolkit:
Keeping Families
Together



United States of America: A Land of Immigrants

From the beginning, the United States has received immigrants from all over the world, who have found opportunities and safe haven in this country. The work, values and beliefs of immigrants from around the world have transformed the United States from its inception as a group of colonies, to become one of the leading democracies in the world today. From the beginning to today, the United States remains a nation of immigrants based on the firm belief that immigrants offer new energy, hope and cultural diversity.

The quest for the American Dream continues. To make this dream come true, it is important for "new Americans" to know the laws, customs, language, and other norms that shape the culture of this country. This guide is designed to integrate immigrants into the culture of their new home in a safe way to increase the quality of life for all and to improve the relationships between the newcomers and those born here.

Northern Arizona Interfaith Council (NAIC) and Northern Arizona Institutions for Community Leadership (NAICL)

NAIC is an independent organization composed of congregations, schools, and other non-profit organizations. For more than 20 years, NAIC and NAICL, our education and training arm, have prepared countless leaders throughout Northern Arizona to actively participate in public life and development of their communities.

NAIC represents the great cultural, economic, and religious diversity of Northern Arizona. The NAIC collective is born from the point of view that we all seek the common good and participation in the democratic process. NAIC leaders seek a better quality of life for Northern Arizona residents through their involvement in decisions that affect their families.

NAIC prepares leaders under the guidance and practice of the Iron Rule of organizational development:

“Never do for others what they can do for themselves.”

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Facebook: Northern Arizona Institutions for Community Leadership

Many immigrant families are being broken up after parents or children have been arrested and deported. Learn how to protect yourself if this happens to you!

You Have the Right to Remain Silent:

If you are arrested it is your right to refuse to answer any question, except for your name. Don't say anything else or say only: "I need to speak to my lawyer."

- Do not provide government officials information about your immigration status.
- Do not lie.
- Do not give false documents.
- Do not carry papers from another country. If you do, the government can use this information in a deportation proceeding.

I. What to do if...

...police or Immigration comes to your home:

- You have the right to see a judicial warrant if any government official tries to enter your home. A warrant is a paper signed by a judge giving the officer permission to enter your home. It will specify the areas that the official has the right to search.
- Do not open the door. Ask the officer to slip the warrant underneath the door. If you open the door, this may be considered giving him/her "consent" to enter. If s/he enters without a warrant, request the names and badge numbers of the officers and say that you did not "consent" to a search. Write down the names, addresses and phone numbers of witnesses.
- If the officer has a warrant, observe whether the official searches any other areas that are not listed in the warrant. Get a receipt for any property taken by the official.

...police or Immigration comes to your workplace:

- Immigration must have a warrant signed by a judge or the employer's permission to enter your workplace. If it is a public place, they do not need a warrant. Stay calm. Do not run. This may be viewed as an admission that you have something to hide.

...police or Immigration stops you on the street or in a public place:

- If an immigration officer stops you on the street and does not have a warrant, s/he may not arrest you unless s/he has evidence that you are a non-citizen. Do not tell immigration your immigration status or where you were born. Also, do not carry with you any documents from your country of origin or false documents.

II. If you are arrested you should...

- 1. Find out who has arrested you.** Write down the name of the officers and their agency (Police Dept., Sheriff, Immigration), along with their identification numbers and license plate numbers. This is on their uniform or their cars.
- 2. Don't sign any documents before speaking with a lawyer.** Officials may try to intimidate you or trick you into signing. Don't let yourself be tricked! You may be signing away your right to a hearing before an immigration judge.
- 3. Contact a family member or your attorney.** You have the right to make a telephone call after you are arrested. Memorize the number of a family member or friend and call them immediately. They can help call your attorney.
- 4. Contact your consulate.** If you are a foreign national arrested in the U.S., you have the right to call your consulate or to have the deportation officer inform the consulate of your arrest. Ask the deportation officer to see a list of embassies and write down the phone number. The consulate may assist you in finding a lawyer or offer to contact your family.
- 5. Ask for bond.** Once you are in immigration custody, ask for bond (even if immigration says you are not eligible). You have to show that you are not a flight risk or a danger to the community. Also, get a copy of the "Notice to Appear," a document that contains the immigration charges against you.

III. If you are accused of a crime...

- 1. Ask your attorney to help you get released from police custody** If you are arrested by local police, they must charge you with a crime in court within 48 hours (not counting weekends and holidays), or else release you. If police do file criminal charges, then you must still be released if (1) the charges are dropped, (2) you are granted and post bail, (3) you win your criminal case, or (4) you complete your sentence. The police may contact Immigration to learn more about your immigration status. For example, if you have an outstanding deportation order, the police may inform Immigration that you are in police custody. Immigration may then place a "hold" on you, which gives Immigration an additional 48 hours to pick you up. If Immigration fails to pick you up within this time, the police must release you. If the police don't file criminal charges AND if immigration does not file a hold, call an attorney or community organization to help you get released from police custody. They can write a demand letter to the jail or the sheriff.
- 2. What should you do if you have been accused of a crime?** Consult with an immigration attorney to make sure that the crime will not affect your immigration status. If you want to apply for citizenship or a permanent residency card (green card), talk to your lawyer.
- 3. What should you do if you are facing deportation?** Find an attorney who specializes in deportation defense (not a "document preparer" or Notary Public). Always keep with you the complete name and contact information of your attorney. Request a written contract from your attorney before paying him/her. Make sure your attorney looks at the NTA or your immigration papers before making promises. Don't be tricked by people who are only after your money!

IV. Develop a safety Plan

1. Make an action plan with your co-workers

- Talk with your co-workers to see if they are willing to make a collective decision that everyone - regardless of their immigration status - will remain silent and ask to speak with an attorney in the event of a workplace raid.
- Tell co-workers not to run and to remain calm if there is a raid.

2. Know what documents you should carry with you

- Carry a card with the contact information of your immigration attorney.
- Carry a card indicating that you wish to remain silent.
- Carry a proof that you have been residing in the US for at least 2 years.

3. Make a plan to care for your family:

- If you have children or elderly relatives, make arrangements in advance for a family member or friend to care for them if you are detained. Have the telephone numbers of this relative or friend with you at all times and make sure other people know of these plans.
- Make sure you designate individuals you trust to make decisions for you if you are detained. They can help you withdraw money for deportation expenses or pay a mortgage.
- You can sign a power of attorney agreement to give this power to someone if you are arrested.

4. Find an Immigration attorney:

- Find an attorney who specializes in deportation defense who may be able to represent you if you are detained. Remember that “document preparers” or Notary Public are not immigration attorneys.
- Meet with your attorney so both of you understand your situation and make a plan of action. You will have to pay a consultation fee.
- Memorize the name and phone number of your immigration attorney.
- Have the names and phone numbers of several good immigration attorneys posted near the telephone at home so family members can call an attorney if you are detained.

5. Have a copy of all Immigration documents:

- Keep a copy of all immigration documents that have been filed with immigration with a friend or family member who you trust. Also, collect important papers, such as birth certificates, marriage certificates and passports. Place these documents in a secure, easy to find location so that your family can get access to these materials easily.
- Make a list of the names and contact information of any lawyer who has ever represented you.
- Make sure your family has your immigration number (if you have one) and your full name and your date of birth. You will find this number on your work permit or your residency card. The number begins with an “A.”
- Make sure your family knows how to contact you if you are detained. Family members should contact the local office of Immigration and Customs Enforcement’s Detention and Removal Branch if they do not know where you are detained. Ask to speak with the supervisory deportation officer, and give the full name and A# of the detainee (if applicable). The telephone number for the Phoenix field office is (602) 379-3426. It is located at 2035 N. Central Ave., Phoenix AZ 85004.

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VII. Power Of Attorney over a Minor

Giving a trusted friend, or family member the ***Power of Attorney*** over your child, is a safe way to ensure that if one were to be arrested, detained, or even possibly deported, that your children would be cared for by a ***legal*** guardian.

- ***What Does A Power of Attorney Entail...***
 - Giving another person temporary guardianship/ authority over your child.
 - It is important to note that...
 - Before signing a court document or getting involved with a court case, it's important to see an attorney.
 - Make sure you understand your legal rights and responsibilities.
- ***Instructions:***
 - A parent signs a Power of Attorney in front of a notary to give another person temporary parental control of their children.
 - A Power of Attorney is not a court order.
 - It may not be used to authorize another person to consent to your child's marriage or adoption.
 - A Power of Attorney expires after six months. If you want another Power of Attorney after six months, you may sign a new one.
 - You may cancel, or "revoke", the Power of Attorney at any time.
- ***Step 1: Fill out the Power of Attorney over a Minor Child***
 - Enter your name and address.
 - Enter the name and birthdate of each child you want included in the Power of Attorney.
 - Enter the name and address of the person you want to have power of attorney.
 - Check the box indicating whether you want to give that person full parental responsibility or only specific responsibilities. If you check "**specific parental responsibilities**", **list them.**
 - Enter the date when the Power of Attorney will begin. Enter the date, not more than six months later, when it will end.
 - Read the Power of Attorney and make sure that you understand everything in it and that everything in it is true. **Do not sign until you're in front of a notary.**
 - Enter the witness's name. The witness also must wait to sign until you're in front of a notary.
 - The witness may not be the person you want to have power of attorney or that person's spouse or child.
- ***Step 2: Sign the Power of Attorney in front of a Notary***
 - Take the following to the Notary
 - The witness
 - The original and one copy of the Power of Attorney Over a Minor Child
 - Photo ID for the witness and yourself
 - Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages.
 - The person signing must bring photo ID.
 - Notaries usually charge a fee.
 - Sign the original and the copy of the Power of Attorney in front of the notary and have the witness sign in front of the notary.

- **Step 3: Give a signed Power of Attorney to the Other Person**
 - Keep the other signed Power of Attorney for your Records.
- **Step 4: Make Copies of the Power of Attorney**
 - Make copies of the Power of Attorney for each person or organization you deal with on behalf of the child.
 - Show them the original, and give them the copy.
- ***Additional Information can be found at:***
 - <http://coconino.az.gov>
 - Coconino Law Library and Self-Help Center
 - **Link to the Power of Attorney Form:**
 - <http://coconino.az.gov/DocumentCenter/View/1878>

VIII. Right to Remain Silent card:

Present the cut out cards located on the last page of the toolkit to immigration or the police **only if you are arrested** to exercise your right to remain silent and to request an attorney.

IX. Deferred Action for Childhood Arrivals

- What is DACA? – Deferred Action for Childhood Arrivals
 - A two year, renewable work permit and exemption from deportation for eligible young people who arrived in the United States before the age of 16 and have continuously lived in the United States since June 2007.
- Requirements for DACA application
 - In United States before age of 16
 - Live in United States since June 15, 2007
 - Must be under the age of 31 as of June 15, 2012
 - Be enrolled in school or graduate from school
 - No felonies, but can have minor misdemeanors
- DACA Application Process (USCIS – United States Citizenship and Immigration Services)
 - Collect documents of identification
 - Identification:
 - Passport or national identity document from your country of origin
 - Birth certificate with photo identification
 - School or military ID with photo
 - Any U.S. government immigration or other document bearing your name and photo
 - Proof that you came to United States before your 16th birthday
 - Educational, medical, employment records
 - Copies of money orders, dated bank transactions, tax receipts
 - Proof of immigration status
 - I-94/I-95/I-94W
 - Order of Deportation or Removal
 - Charging document placing you into removal proceedings

- Proof of presence in the United States on June 5, 2012 AND proof that you have continuously resided in the United States since June 15, 2007
 - Rent receipts or utility bills
 - Employment, educational, military records
 - Proof of your student status at the time of requesting DACA
 - Official records from the school that you are currently attending (transcripts, report cards, etc)
 - GED certificate or high school diploma
 - Complete two forms (\$495 fee per application, not waived)
 - I-1821D, Consideration of Deferred Action for Childhood Arrivals
 - I-765, Application for Employment Authorization
 - Mail in application, instructions on forms
 - Request will be sent to schedule bioscan at an Applicant Support Center (ASC)
 - 3 centers in Arizona (Phoenix, Tucson, and Yuma)
 - Appointment is scheduled automatically
 - If you fail to attend your appointment, your DACA request may be denied
 - Check status online
- Issues with Application Process
 - Fee of \$495 per application!!!
 - There are exemptions, but very rare
 - \$495 includes \$380 application fee and \$85 biometrics fee
 - Applications are only available online, so those without internet access have no access to application forms
 - Translations – forms are all in English, creating a barrier for those who cannot speak/write in English
 - Clarification of legal process may be needed
 - Need to have a mailing address to send out documents, if no mailing address, process is even more complicated
 - Biometric services appointment at the Application Support Center
 - Time off work, transportation, child care
- If you have DACA and are renewing your status, YOU MUST:
 - Submit your DACA renewal request between 150 days and 120 days before the expiration date located on your current DACA approval notice
 - Complete 3 forms:
 - The most recent version of Form I-821D, Consideration of Deferred Action for Childhood Arrivals
 - Form I-765, Application for Employment Authorization
 - Form I-765W Worksheet
 - Do not send any additional documents except:
 - New documents relevant to **removal** proceedings or **criminal history** that you have not submitted previously
 - Once forms are received, you will be sent an application notice for your biometrics screening at an Applicant Support Center. You must submit new biometrics as part of your renewal.

- Resources for DACA students
 - Scholarships AZ
 - Educators for Fair Consideration (E4FC)
 - Northern Arizona Dream Fund
 - United We Dream
 - National Immigration Law Center
 - Mexican American Legal Defense and Education Fund
 - Dreamers in Arizona
 - All three Arizona state universities have in state tuition for DACA students

Right to Remain Silent card

KNOW YOUR RIGHTS!

If you are arrested:

Hand the card to the official and remain silent.

The card explains that you are exercising your right to refuse to answer any questions until you have consulted with a lawyer.

TO WHOM IT MAY CONCERN:

Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I

am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.

Thank you.

IMPORTANT CONTACTS" CARD. Fill this card with your contacts and bring it with you at all times. Give copies of this card to your family or friends.

IMPORTANT CONTACTS

My Name: _____

Immigration Lawyer

Name: _____

Phone Number: _____

Consulate

Phone Number: _____

FAMILY/ FRIENDS/ CHURCH

Name: _____

Phone Number: _____

Name: _____

Phone Number: _____

Name: _____

Phone Number: _____