

NASHVILLE ▲ DAVIDSON COUNTY

Metropolitan Public Defender



**Been arrested?
Stopped by the police?
Going to immigration court?**

Immigrants and Non-Citizens, You Have Rights!

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This booklet tells you about your rights. This booklet will not give you legal advice. This booklet can not tell you what will happen to you in a specific situation.

Have you been arrested or gotten a citation? Talk to a lawyer.

Have your rights been violated? Talk to a lawyer.

You Have Rights!

Charged with a crime? You have the right to a lawyer.

Can't pay a lawyer? Go to the Public Defender's office at 404 James Robertson Parkway. Ask for help.

The Public Defender's office gives free legal help. They can only help people charged with crimes. They cannot help with immigration problems.

Who can ask about your immigration status?

The Davidson County Sheriff's Office CAN ask you about your immigration status.

The Davidson County Sheriff's Office is the office that runs the jail. If you are arrested and taken to jail in Davidson County, the Sheriff's Office will have authority over you. They can ask you about your immigration status. If the Sheriff's Office thinks you do not have immigration papers, they will contact ICE, the federal immigration office. ICE will investigate you and decide if they want to deport you. You do not have to answer any questions. Any answers you give will be used against you. Talk to a lawyer before you sign any papers.

The Metro Police CAN'T ask you for immigration papers.

The police are local law enforcement. Their job is not immigration enforcement. If the police arrest you in Davidson County, you could go to jail. After you are in jail, the Sheriff's Office can ask you questions about immigration.

Sheriff's Offices outside of Davidson County CAN'T ask you for immigration papers.

As of August 2007, no other counties in Tennessee have agreements with the federal government. They should not ask you about your immigration papers.

The federal government CAN always ask about immigration.

The federal immigration office is now called ICE. ICE officials can always question you about your immigration status. You do not have to answer questions about immigration. You can ask for a lawyer.

Got arrested?

An **arrest** is when the police take you to jail. In the Davidson County jail, you will be asked questions about immigration. If the Sheriff's Office thinks you do not have immigration papers, they will contact ICE, the federal immigration office. ICE will investigate you and decide if they want to deport you. You do not have to answer any questions. Any answers you give will be used against you. Talk to a lawyer before you sign any papers.

Got a citation?

A **citation** is a paper charging you with a minor crime. You do not go to jail for a citation. You will get a "booking date." You must go to court on your booking date. They will take your fingerprints and photo. They will not ask you questions about immigration. If you don't go to your booking date, there will be a warrant for your arrest. You could go to jail.

Got a ticket?

A **ticket** is given to people who break traffic laws, like driving too fast. Pay your tickets. Tickets usually do not cause immigration problems.

Got a Notice to Appear or NTA?

A Notice to Appear or NTA is a court order to appear in immigration court on a certain date. You do not get a free lawyer to help you with immigration problems. You should find a lawyer to help you before going to court.

Police want to talk to you?

Do not run from the police. Do not insult, swear, or yell at the police. Do not falsely claim to be a U.S. citizen. Do not show false documents.

Stopped on foot (not in a car)?

You do not have to answer any questions. You can say, "I don't want to talk to you" and walk away calmly. Do not run away. Do not give false information. Talking to the police might give them a reason to hold you.

Stay if the police tell you to. You can walk away from a police officer unless the officer tells you to stay.

Do not consent to a search. The police pat the outside of your clothing. Tell them, “I do not consent to a search.” They might search anyway.

Give your name and address if arrested. If the police arrest you, tell them your name and address. You do not have to say anything else.

Stopped in a car?

Show license, registration and proof of insurance. Keep your hands where the officer can see them. When the officer asks, show your driver’s license, registration, and proof of insurance. Do not carry or show fake documents.

You do not have to answer any questions.

You do not have to consent to a search. If the officer decides to search your car, do not resist. Just say you do not consent to a search.

What if you do not have a license? The officer will arrest you or give you a citation for driving without a license. If you can show the officer some ID, you may receive a paper citation instead of being sent to jail. A citation is better than jail because no one will ask you questions about immigration.

What kind of ID can I use? If you have ID, a police officer may give you a citation instead of taking you to jail. ID can be:

- Expired driver license
- Bank card
- Gym card
- School or work ID
- Utility bills with your name

Be very careful about using foreign identification. It could be used against you

What if my fake documents look real?

NEVER give fake documents to a police officer. It will not help. You could get charged with a crime.

Officer comes to your house?

Ask if they have a warrant. No warrant? DO NOT LET THEM IN. They may ask to talk to you or to look around your house. You do not have to talk to them. Do not let them search.

Look at the warrant. Go out of your house and close the door. Do not let the police in the house. Do not answer any questions. Look at the paper. Make sure that it is a warrant. It will have the name of a person or an address.

Let the officers inside if the **warrant is good.** Was your name on the warrant? Is the address on the warrant for your house? Then you have to let the officers into your house. You do not have to talk to the officers. Just tell them you want your lawyer.
To talk to a lawyer.

Tell the officer to leave if the **warrant is not good.** NOT your name on the warrant? NOT the address of your house. Tell the officer they have the wrong place. Tell them to leave.

Want to report a crime?

You can report a crime. The police should not ask you about your immigration status. They should not hold you.

Immigration or ICE wants to talk to you?

Show immigration papers if you have them. ICE will ask for papers if they think you are not a citizen. You do not have to answer questions. If you have papers, show them. They will not arrest you if you have good papers.

Ask to talk to a lawyer. Do not answer questions. Talk to a lawyer first.

Do not show false papers. Do not falsely claim to be a U.S. citizen.

Know your rights. Be prepared!

Make sure your family knows who to contact in case of emergencies. **Have the phone numbers of emergency contacts ready:**

- The Public Defender or another criminal defense lawyer
- An immigration lawyer
- Someone who can care for your children if you are arrested

Got arrested? Here's what is next.

- **You get booked.** They will take your fingerprints and photo. Then, they will check your citizenship. If you are not a citizen, they will stamp your file. Immigration officers will look at your file.
- **You go to Night Court.** Night court is open 24 hours. The Night Court judge looks at your record. The judge will set your bond.
- **You will wait.** After night court, you will go to a waiting room. You will wait 4 or 5 hours. There are phones in the room. You can call your family. You can call a lawyer.
- **ICE will talk to you.** ICE is the Immigration and Customs Enforcement agency. They will ask you questions. They will ask how you got to the U.S. They will ask how long you have been here. You do not have to answer questions. Just say you want to talk to a lawyer.
- **You go to jail.**

DO NOT SIGN PAPERS.

You should talk to a lawyer before you sign any papers. ICE may say you will get deported. Do not sign the papers. Signing papers now could make it harder for you to come to the U.S. in the future. Say you want to talk to a lawyer.

Will ICE hold me?

ICE agents will check you in their computer system. They will see if you have good legal papers. They will see if you have been deported before. They will look at your criminal record. If ICE decides that you do not have legal permission to be in the U.S., they will hold you. This is called an "ICE detainer". If you have an ICE hold, you can't get out of jail. You can't pay a bond to get out. After you take care of your criminal case, you will be held for ICE.

Have legal papers?

ICE does not hold everyone born outside the U.S. ICE will not hold someone who has:

- U.S. citizenship
- Legal permanent residency (green card)
- Sought asylum
- Refugee status
- Temporary Protection Status (TPS)
- A Valid Non-Immigrant Visa (travel, student)

What is a bond?

A bond is the money you pay to get out of jail. The money is held to make sure you come back to court. There are 2 kinds of bonds.

- **A state bond** can be set on your criminal case. You will not get a state bond on some serious crimes.
- **An immigration bond** can be set by ICE after your criminal court matter is over. For immigration bonds, you have to pay the whole amount to get out. You will get your money back after your immigration hearing.

When can I get an immigration bond ? After your criminal court case is over.

How do I pay an immigration bond? Only someone with a valid social security number can pay an immigration bond. They have to have 2 different state or federal I.D. The payment has to be a U.S. Postal Money Order or a Cashier's Check from any bank. They can pay your immigration bond at the Memphis ICE office between 9:00 a.m. and 3:00 p.m., Monday through Friday. The Memphis ICE Office is at:

842 Virginia Run Cove
Memphis, TN 38122
(901) 544- 3500

What if I do not get an immigration bond?

Most people do not get an immigration bond. You will be in jail until your immigration trial. Men go to Oakdale, Louisiana. Women go to Memphis, Tenn.

What is a Notice to Appear? *Definition from Legal Aid Society*

The Notice to Appear (or NTA) says why ICE wants to deport you. The Notice will have your "alien number" on it. Give the number to your family. You need to know this number to take care of your case. The Notice has two parts.

- The first part is called the "ALLEGATIONS". The Allegations list your name, your country, when you came to the U.S. and how you got here. It also says why you should be deported. reason for your removal.
- The second part is called "CHARGES." It lists the laws that say you can be deported.

What if the Notice to Appear is wrong?

Check your Notice to Appear. Is it wrong? Talk to your lawyer. Tell your lawyer if the notice is wrong. The mistake could help your case.

What if I plead or am found guilty of my criminal charge?

You serve your jail time. You do not get out of jail after your jail time is over. Then, your immigration case starts. If you get an immigration bond and pay it, you can get out. If you do not get a bond, you will go to another jail until your immigration trial. Men go to Oakdale, Louisiana. Women go to Memphis.

What if I want to go home to my country?

You can ask for a removal order. You will sign a paper saying you do not have legal papers to be in the U.S. A judge will sign the paper. You will not wait for an immigration trial. You can back to your home country. Talk to a lawyer before you sign a removal order. You will not get a hearing before a judge. It will be very hard for you if you want to come back to the U.S. You will not get a bond to get out of jail.

Going to Immigration Court? Read this!

Do I need an immigration lawyer?

YES. Get a lawyer as soon as you can. You do not get a free lawyer for an immigration hearing. ICE can give you a list immigration lawyers. Ask for one when ICE talks to you. Some immigration lawyers are listed at the end of this booklet.

What happens in immigration court?

- **You see a judge.** The judge will ask you if you have a lawyer. Ask for time to get a lawyer if you want to stay in the U.S.
- **You get time to find a lawyer.** The officials can give you a list of lawyers. A lawyer can help find a way for you to stay in the U.S. The judge can go ahead with your case if you don't find a lawyer by your next hearing.
- **The judge hears your case.** At the hearing, the judge will ask about the facts of your case. The judge will ask you about the facts in the Notice to Appear. Tell the judge if any facts are wrong. The judge will ask you if agree that you are "removable." Removable means you can be deported. If you do not want to be deported, you can say you want "relief from removal."
- **The government will say you should be deported.** The government has to show that you are not a US citizen and that you cannot be here legally. They may show any documents you have signed or things you said
- **The judge decides the case.**

Where will I wait for my hearing?

If you get an immigration bond and pay it, you will be released. If you cannot get out, you will be held. Men and women are held in different places.

- Men usually go to Oakdale Federal Detention Center
FDC Oakdale
2105 East Whatley Rd.
Oakdale, LA 71463
Phone: 318-335-4466
Fax: 318-215-2185
E-mail address: OAD/EXECASSISTANT@BOP.GOV
- Some men go to South Louisiana Collections Center
3843 Stagg Ave.
Basile, LA 70515
Phone: 337-432-5493
Fax: 337 432 5497
- Women go to West Tennessee Detention Center
6299 Finde Naifeh Jr. Drive, P.O. Box 509
Mason, Tennessee 38049
Phone: 901-294-3060
Fax: 901-294-2936

How long do I wait for my immigration hearing? You will wait 2 to 4 weeks.

Where is the Immigration Court in Oakdale?

1900 East Whatley Rd.
Oakdale, LA 71463
Phone: (318) 335-0365

Where is the Immigration Court in Memphis?

167 N. Main Street, Room 460
Memphis, Tennessee 38103
(901) 544-3818

If the judge orders a removal, how long before deportation?

It depends on your home country. People from Mexico usually wait 2 weeks and then get deported. People from Central American wait between 4 and 6 weeks. People from other countries should ask ICE.

Can you take your belongings?

Yes. Usually, you can take your things with you when you are deported. Your family can call the ICE office in Oakdale at (318) 335-0713. Your family should ask for your deportation officer and give your alien number, so they can locate your case. The officer can give tell you about the belongings that you are allowed to bring with you. Your family can bring your things to your detention center.

Can a legally admitted non-citizen be removed?

Talk to an immigration lawyer. You can be deported even if you have a green card, visa or other immigration papers. This can happen if you are convicted of certain crimes.

What is voluntary removal?

Voluntary removal is when you agree to leave the U.S.

Is voluntary removal a good idea?

It can be a good idea. You should talk to an immigration lawyer before you decide if it is a good idea for you. Agreeing to deportation can help if you want to come back to the U.S. Sometimes people with voluntary removals can return to the U.S. Some people can stay in the U.S.. If you think you might be able to stay, a voluntary removal is not a good idea.

Can you get a voluntary removal?

You have to show a valid travel document like a passport (except people from Mexico don't need passports). You also have to show you can buy a ticket without a departure date to your country.

You cannot get Voluntary removal if:

- 1) You are an **arriving alien**
- 2) You have been convicted of an aggravated felony
- 3) You have a prior order of removal

When should you ask for a voluntary removal?

Talk to your immigration lawyer. Asking for voluntary removal early is usually best. You will get more time to get ready to leave. If you ask for voluntary removal after your hearing is over, you will have to prove more things to get it. You will have to show you have been in the U.S. for a year before your Notice and that you were not convicted of a crime for 5 years.

Want to return after removal?

When you can return depends on why you were removed. It is usually 5 to 20 years before someone can return. People who are removed for aggravated felonies or drug convictions can never return. Some people can get waivers that let them return sooner.

What if you come back to the U.S. after being removed?

You can be charged with a crime. You could go to prison for up to 20 years.