

# **HOW TO PREPARE FOR YOUR INS CUSTODY REVIEW**

Prepared by the Florence Immigrant and Refugee Rights Project (The Florence Project)

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## Who Prepared this Packet?

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This packet was written to help you prepare for the review process in which you will request your release. In the following pages, the review process is explained, as well as the factors the INS takes into consideration when it decides whether or not to release you. The packet also gives suggestions for things you can do to help you make your case stronger.

## Purpose of this Packet

This packet is designed to help individuals who have received a “final order of removal, deportation, or exclusion” and who have not been able to be removed from the United States within the 90-day “removal period” after receiving that order. If you lost your case before the Immigration Judge and did not appeal, or if your case was appealed to the Board of Immigration Appeals (BIA) and it ruled against you, you will have received a “final order of removal, deportation, or exclusion.”

The INS has **90 days** from the date you received your final order to remove you from the United States before reviewing your custody status. In some cases the U.S. government may not be able to remove you. For example, if your country does not have diplomatic ties with the U. S., your country does not exist anymore, travel documents (birth certificate or passport) for you do not exist, or if your country does not accept people removed from the U.S. If the INS is unable to return you to your country of citizenship or residency within 90 days after your final order of removal, you may be eligible for “**INS parole,**” or **supervised release** from custody. Be aware that you will be entitled to a custody review after 90 days following a removal order but the INS actually has up to 6 months to try to remove you. **This does not mean that you will automatically be released after 6 months.** The INS will only release you if, after those 6 months of trying to remove you, it cannot do so, and it believes it is unlikely that it will be able to remove you in the future. There are some people who fall into the “special circumstances” category that may not be released even if their removal is impossible. We will discuss these circumstances in a later section.

## Custody Review Process

Once you have received a final removal (deportation) order from an immigration judge a 90-day “removal period” will begin. **Even if you were granted protection under the Convention against Torture (CAT) or withholding of removal you have a final order of removal.** During the removal period the INS will try to remove you to your country of citizenship (or an alternate country if you won CAT or withholding of removal). You will be detained throughout the removal period. If you have an appeal pending at the BIA or a federal court of appeals you do not yet have a final order and your removal period has not begun. However, your removal period can begin if you have a final order of removal but have filed a habeas petition in federal court to challenge your continued detention.

According to the immigration regulations, you must show that you are making every effort to cooperate with INS in getting travel documents. Your deportation officer will ask you for any documents you have that will help the INS get travel documents for you. This could include a birth certificate or passport. If you do not give the officer this information the INS can extend your removal period. **This means that INS will not start counting the 90 days until you have applied for your travel documents.**

Although the first removal period is 90 days, the Supreme Court has said in *Zadvydas v. Davis* that 6 months is a reasonable amount of time for the INS to try to remove you if at all possible. If after 6 months it is unlikely that you will be removed in the foreseeable future you should be released unless there is a “special circumstance” in your case. See the “Special Circumstances” section below. **Generally, the INS has 6 months to try to remove you but it may release you after the initial 90-day removal period.** If you are not released after 6 months you may want to file a petition for a writ of habeas corpus. This will be discussed later.

**If the INS believes you are not cooperating or are hindering your deportation it has the authority to prosecute you. Also the INS can continue to detain you if it believes you can be removed in the foreseeable future. The INS can detain you indefinitely if it believes you have not cooperated in getting your travel documents.**

During the first 90-day removal period your INS deportation officer at your detention center will try to obtain travel documents for you and determine if the INS will be able to remove you in the foreseeable future. At the end of the 90 days, if the INS believes you have cooperated fully with its efforts to remove you, your deportation officer will review your file and make a recommendation regarding your release or continued detention. Your deportation officer may interview you personally, but he or she does not have to. You can request a face-to-face interview if you feel it will help you present your case for release. You may be released at this time if the INS believes that you are not a **flight risk** or a **danger to the community**. There is information in this packet on how to show evidence of this. The deportation officer’s recommendation and your file then go to the INS Officer in Charge at your detention center and he or she will make the final local decision in your custody review.

Submit all of your documents to your deportation officer at one of the following addresses if you are in Arizona, depending on where you are detained:

INS Deportation Officer (name)  
Florence INS SPC  
3250 N. Pinal Parkway Ave.  
Florence, AZ 85232

INS Deportation Officer (name)  
Eloy Detention Center  
1705 E. Hanna Rd.  
Eloy, AZ 85231

If you are denied release at the 90-day review, your file will be sent to the INS Headquarters Post-order Detention Unit (HQPDU) in Washington, DC. When your file is at HQPDU the INS will continue trying to remove you. **You must request a custody review from HQPDU.** You may send a letter asking for a review, or use the “Request for Release from Detention” form included in this packet. If you were denied release initially because you failed to submit supporting documents or did not show that you had a place to live, you may submit that information to HQPDU when you get it. Once your file is at HQPDU your deportation officer and the Officer in Charge no longer have any authority to decide your custody status, however, they may still work on your case locally. You should always send a copy of anything you send to HQPDU to your deportation officer. The address for HQPDU is:

Headquarters Post-Order Detention Unit  
INS Enforcement  
801 I Street, NW – Suite 800  
Washington, DC 20536

If HQPDU denies your release after 6 months, it will conduct a periodic review once a year. In addition, you may request release from detention at any time if you can show a “change in circumstances” that might change their decision.

## **Mariel Cubans**

If you are a Mariel Cuban and you did not get your green card **your review process will be slightly different but the documents you need to submit are the same.** Therefore, you can still use this packet as a guide in preparing for your review.

In the case of Mariel Cubans, the INS is especially looking for evidence that you are not violent or a danger to the community. When you enter detention the INS officials will review your criminal record and your prison/jail record looking for instances in which you have been violent in the past. They will send their findings to the Mariel Cuban Unit at INS Headquarters in Washington, D.C., where a decision will be made regarding your custody. There is nothing for you to prepare at that time since the INS is only looking at your past records.

If you are denied release at that time you will have a custody review once a year. The Mariel Review Panel will interview you personally and give you a chance to submit supporting documents. The panel may come to your detention center or the INS may transport you to

another detention center for the interview. After the interview you will be brought back to your detention center. Since the INS is concerned mainly with if you are likely to be violent or dangerous **it is very important that you do not get into any trouble while in detention.** All discipline and incident reports go into your file and will be looked at by the review panel. If the INS believes you are violent it may keep you in detention for a very long time.

## Steps You Can Take in Your Custody Review Process

Although the custody review process is complicated and sometimes confusing, there are some things you can and should do to prepare your case. We recommend the following the steps to comply with all of INS' requirements and increase your chance of being released.

1. As soon as you have received a final order of removal, give your deportation officer any documents that might help him or her obtain travel documents for you, such as a passport or birth certificate from the country to which you have been ordered removed.
2. If you do not have any of these documents you must contact your country's consulate or embassy to request travel documents. Do this in writing and make two copies of anything you send them. Always give one copy to your deportation officer and keep one for yourself. When you mail a letter to the consulate you should get a "Certificate of Service" showing proof that you actually did send the letter. Send a copy of that certificate to INS with the letter. If the consulate or embassy responds in writing, also give a copy of their letter to your deportation officer. There is a sample "Travel Document Request Letter" included in this packet, as well as the addresses for some countries' consulates. If your country's consulate address is not listed, ask your deportation officer or call them directly. A list of all the consulates' phone numbers should be posted on the wall in your detention center housing area.
3. If you call your consulate or embassy you should always write down the date, time, name of the person you talked to, and what he or she said. If your family or friends call or write to the consulate or embassy they should also document any communication and send this information to your deportation officer.
4. Toward the end of the 90-day removal period, your deportation officer will review your file to determine whether you are a "fight risk" or a "danger to the community." At this point you should concentrate on collecting letters of support from family and friends, finding a place to live, a job, and rehabilitation programs if necessary to show your deportation officer why you should be released. There is detailed information in this packet on how to prepare for this aspect of your review.
5. You will receive a notice from the INS regarding when your custody review will be held. **Make copies of all of your documents and submit a set to your deportation officer at least two weeks before the review date.** Sometimes the deportation officers review cases much earlier than the 90-day date. You should turn in your support documents as soon as you have them all together.
6. Wait for a response from the INS. If your release is denied you may send any new support documents, information regarding your attempts to get travel documents, and a "Request for

Release from Detention” form to HQPDU. (See HQPDU address on previous page.)

## **Petition for Writ of Habeas Corpus**

If you are denied release and are still detained six months after your removal order became final you should file a petition for a writ of habeas corpus. A habeas petition, in this case, challenges your continued detention. It is like suing the INS at the United States District Court of Arizona for keeping you in detention when you should be eligible for release. This petition is not to challenge any of your criminal convictions or your deportation, but only your unlawful detention.

Before filing a habeas petition you must be sure you have “exhausted all of your administrative remedies”. This means you have submitted support documents to your DO and HQPDU, you have requested travel documents from your consulate and submitted copies to the INS, and have requested release from HQPDU. You can file the petition *pro se*, which means on your own without an attorney. You can get the habeas forms in the library at your detention center (form 530) and fill them out yourself. You must use the forms provided by the court. It costs \$5 to file a habeas *pro se*.

You may want to talk with other people who have filed habeas petitions before you send it to the court. It takes a long time (many months) for the District Court judge to make a final decision about whether you should be released or not, but filing a habeas will NOT prevent your release if INS decides to do so. It cannot hurt to file a habeas but it is important that it is written correctly to avoid having it dismissed or delayed.

## **“Special Circumstances”**

The INS has the authority to detain you indefinitely if it believes you fall into the “**special circumstances**” category. This may mean that it believes you have committed a particularly violent crime and that you have some kind of mental or physical condition that makes it likely you will not be rehabilitated and therefore, will continue to be a risk to the community. Other special circumstances involve having a highly contagious disease that poses a threat to the public, or concerns regarding foreign policy, national security, or terrorism. These are rare situations.

## **Release Conditions**

Once the INS decides that you are eligible for supervised release, it can place **conditions** on your release. For example, if you have drug-related offenses it may require you to show proof of enrollment in a substance abuse treatment program that you will begin if you are released. See the Rehabilitation Information section of this packet for help in contacting treatment facilities. Once released, if you do not follow the conditions INS has placed on you it may prosecute and re-detain you. It may also take you back into custody if the situation in your home country changes and it can remove you in the foreseeable future.

Think of supervised release as a form of probation or parole. There are certain things you must do to avoid being incarcerated again. It is important to follow all terms of release and report to INS when required. You must also follow up on any criminal parole or probation requirements. **A mistake after release might mean that you lose your freedom for good.**

## **Representation**

You can prepare for your custody review on your own. You do not need an attorney. However, if you have trouble expressing yourself a person of your choice is allowed to be present in your interviews and may also help you collect and submit documents. This person can help you present your documents and supporting information but cannot answer for you in the interview.

## What the INS is Going to Consider in Your Custody Review Process

The following is taken directly from the letter INS will send you notifying you of your upcoming custody review:

“Release is dependent on your demonstrating by ‘clear and convincing evidence’ that you **will not** pose a danger to the community and **will not** be a significant flight risk. The District Director may consider, but is not limited to considering the following:

- 1) The nature and seriousness of your criminal convictions;
- 2) Other criminal history;
- 3) Sentence(s) imposed and time actually served;
- 4) History of escapes, failures to appear for judicial or other proceedings, and other defaults;
- 5) Probation history;
- 6) Disciplinary problems while incarcerated;
- 7) Evidence of rehabilitative efforts or recidivism;
- 8) Equities in the United States;
- 9) Prior immigration violations and history; and
- 10) Cooperation in obtaining your travel document.

You may submit any documentation you wish to be reviewed in support of your release, **at least one week prior to the date listed above**, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf.”

The INS will decide whether or not to release you based on information it has about you and documents you provide on your behalf. The first thing the INS will do in determining your custody status is try to obtain travel documents to remove you to your country of origin. If it cannot get travel documents it will then determine if you are likely to be a danger to the community or a flight risk. The INS has the authority to keep you in detention if it believes you might commit crimes in the future, or that you might disappear.

Your particular case may be slightly different, but this is a good guideline to help you prepare. This can help you to get a realistic view of your situation and develop a plan that will show that you are prepared to be released. All ten points will be broken down and explained below.

**1) Nature and seriousness of your criminal convictions**

The deportation officer will have a complete list of your criminal convictions. You should be very familiar with your charges and be prepared to discuss them. The deportation officer is looking for evidence that you are remorseful for your actions (you feel bad about what you did) and that you take responsibility for your crimes. Your personal declaration should talk about why you committed your crimes and how you feel about them.

**2) Other criminal history**

Be aware that the INS has the ability to review any other criminal charges, arrests, and even juvenile records you might have. Again, you should be very familiar with all of your charges and be able to talk about them.

**3) Sentence(s) imposed and time actually served**

It is very important that you know how much time you were sentenced to and how much you served. If you served a long time in prison you might want to discuss how you used that time and what, if any, changes you have made.

**4) History of escapes, failures to appear for judicial or other proceedings, and other defaults**

The INS takes these things very seriously because they may indicate that you are likely to be a flight risk if you are released. It is unlikely the INS will release you if you have a history of escaping from correctional facilities or of not showing up for court dates. If you do have a history of these problems you should discuss what led you to do them in the past and why you or your situation is different now.

**5) Probation history**

The INS will be interested in whether you have violated probation or parole in the past. You should be familiar with your conditions and terms of probation or parole and know the name, phone number, and address of your probation/parole officer.

**6) Disciplinary problems while incarcerated**

The INS will have records of any disciplinary problems you may have had while in detention. Any violent incidents in detention can be used against you in your custody review.

**7) Evidence of rehabilitative effort or recidivism**

- “Rehabilitative effort” means things you have done to try to improve yourself and change your past behavior.
- “Recidivism” means repeating illegal activity or falling back into old behaviors that got you into trouble. The INS will be looking to see if you have a tendency to go back to your old ways. Evidence of this will be past probation or parole violations or additional criminal charges.

**8) Equities in the United States**

- “Equities” are positive factors or assets in your life. **Family ties** are considered an important equity. You should talk about any family members who live in the U.S. who are U.S. citizens or lawful permanent residents. You will need to get letters of support from each of them, if possible. (See the “Letters of Support” section of this packet.)
- Strong **community ties** are also considered an equity. Letters from friends, neighbors, pastors, or any community group you belong to are very helpful. For example: letters showing you have been active in your children’s school; have done volunteer work in your community; have coached children’s sports teams; or are active in your church or temple. These show that you are an active and responsible member of your community and that people know you in a positive way.
- You should talk about any **education** you have received. This may include graduating from high school, getting your GED, attending any trade school or training program, college or university, or English classes. Include diplomas, certificates, or attendance verification if possible.
- It is very important to show proof of **past and future employment**. Tell the INS officer about any past work history; what kind of work you have done; how long you were at different jobs; what kind of skills and experience you have; what you like to do. Try to get letters of recommendation from your past bosses. If this is not possible, at least get letters verifying that you worked where you say you did. You may want to make a resume to show your work history clearly.

You will need to **show that you have a job waiting for you if you are released**. If you do have a job your prospective employer should write you a letter on company stationery saying he or she will employ you. The letter should state how much you will earn, if the job is full- or part-time, and what you will be doing.

- Other positive factors could include evidence that you own your own **home** or **business**, and have paid **taxes**.

### 9) **Prior immigration violations and history**

INS will be looking to see if you have violated immigration laws in the past. This could mean crossing the border without documents, failing to appear at previous immigration hearings, working without legal documents, lying to the INS about your status, or using false immigration documents to obtain public benefits.

### 10) **Cooperation in obtaining your travel documents**

You must do everything in your power to provide INS with your passport or birth certificate so that you can be removed if INS is able to arrange your removal in the future. If you do not do this, INS will think you are trying to delay or avoid your deportation and will not release you. If you cannot get travel documents, perhaps because they have been destroyed in war or

your country will not recognize you as a citizen, you must be able to prove this to the INS.

**Other factors:**

- ❖ The most important thing INS will be looking for is **where you will live** if you are released. You will need to show a letter from someone who is willing to provide housing, food, and any other expenses that you might need until you are able to support yourself.
- ❖ You should also discuss your **future plans**. The INS wants to know what you are planning to do if you are released. Be very specific and detailed in talking about your plans. Tell your deportation officer how you are planning to support yourself and your family, what you will do to improve your life, and how you will avoid trouble.

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The list sounds complicated, but many people have prepared for their custody reviews by themselves and have succeeded in being released. Basically, you need to show that you have a stable life to return to in your community. Remember that the INS has the authority to release you as long as it is certain that you will meet its conditions. If you have any questions about your particular case, ask your deportation officer. He or she is there to help you deal with your situation. Your relationship with your deportation officer is important, so no matter how frustrated you may feel about your situation at times, try to be patient and stay in touch with him or her.

## **Key Points in Preparing for Your Custody Review**

The following suggestions are intended to help you prepare for the custody review process. It is important that you are able to show that you will have a support system available to you, should you be released. This means that you have plans for how you will live, including housing, finding a job, transportation, and other necessities. It is also important to show why you are not a flight risk, and that you will comply with all of the conditions imposed on you as part of your release.

### **Family and Friends**

- You should begin by requesting letters of support from friends and family. References could also come from a pastor or priest, a co-worker or former employer, or any person who knows you well.
- The letters should be typed and written in English. It is a good idea to get them notarized if possible.
- Each letter should be original. They should be personal, honest, and written from the heart. The writers can mention your crimes and how they know you have changed and will not commit crimes in the future. They should talk about the kind of support they are able to give you to help you avoid trouble.
- All letters must include YOUR NAME and A#; the NAME, A#, and ADDRESS of the person who is writing to the INS for you; their IMMIGRATION STATUS; and their RELATIONSHIP to you. They can state how they know you and for how long, and why they think you should be released. You can get more ideas from the sample letters included in this packet.
- You might want to make photocopies of the Example Letters and the pages titled, “What Should Letters to the Judge Include?” that are included in this packet and send them to the people who will be writing letters for you. Try to get photos of you and your family. Also, any letters you have received from your children or family members while you have been incarcerated might be helpful.
- If you have children you should be able to tell the deportation officer about them: how old they are; where they live and with whom; who is caring for them while you are incarcerated; who supports them financially; what they like to do; and how your being detained is difficult for them. If you were not living with them before being detained, talk about how you supported them financially and emotionally. If you paid child support, was it court ordered? How much did you pay? Did your children rely on that money to live? How are they surviving without it now?

- What other family members do you have in the U.S.? If you are married, you can talk about how being detained is difficult for your spouse and why he or she needs you with them. You should talk about any other family members who care about you or need your support. It is especially important to let the INS officer know if anyone at home is sick, disabled, or needs your help.

### **Employment**

- It is extremely important that you show you have a job if you are to be released. Your future employer should write a letter on company stationery and include the same information as the letters from family and friends (name, A#, immigration status, etc...). They should state what the job is, what the wage is, how many hours per week you will work, and when you can start.
- You should also try to get letters of recommendation from past employers. They should state what you did, if you did a good job, and how long you worked there.
- If you have a solid work history you might want to make a resume of your professional and educational experiences.
- If you work in detention you should get a statement or performance evaluation from your supervisor showing what you do and how long you have been doing that work.

### **Housing**

- You will need to show where you will live if you are released. If you have family with whom you can stay they should state that in their letter of support. They need to include their address and phone number. If they are willing to provide you with housing, food, and other necessities until you are ready to support yourself again, they should state that clearly in the letter.
- If you do not have anyone to live with, you will have to find a half-way house, residential treatment program, or shelter that will write you a letter of acceptance. Please see the attached resource list for some suggestions of places you can contact.

### **Rehabilitation**

- If you have had a problem with **drugs or alcohol** in the past you will need to show that you are going to attend a treatment program. You will need to contact the programs directly and ask them to write a letter of acceptance. Sometimes you may have to be on a waiting list, but a letter stating that you contacted them and their intake procedures will be helpful.
- There are two different types of **substance abuse treatment programs**: in-patient and out-patient. **In-patient, or residential, treatment** means you live at the facility, which could be either a hospital setting or more like a house with other people recovering from addictions. There are counselors there all the time and you must attend group counseling sessions, one-on-one counseling, 12-step meetings (Alcoholics Anonymous or Narcotics Anonymous), do chores, and follow the rules of the facility. The programs can be anywhere from 30 days to 18 months in length. You will receive a certificate of completion if you stay until the end of the program. Usually residents are not allowed to leave the facility on their own at the beginning of the program until they earn privileges. These programs are very structured and may be helpful for some people coming out of detention or prison. If you choose to go into an in-patient program you will satisfy many of your housing, support, rehabilitation, and employment requirements. Sometimes you can qualify for state or county assistance to pay for the program.
- **Out-patient treatment** is less structured. You will be required to attend a certain number of group and individual counseling sessions, as well as 12-step meetings. You will be able to work and live at home. You will receive a certificate of completion if you follow the program. Most programs have sliding fee scales depending on your income and ability to pay.
- If you have had problems with domestic violence in the past you should find a **domestic violence treatment** program to attend. You should contact them directly and ask them if they will write you a letter or send information regarding their program. They usually consist of 52 weekly group meetings (one year) which you will need to pay for yourself. Your terms of probation may state that you must attend these groups. If you fail to attend, the group counselor will notify your probation officer and you will be in violation of your probation or parole. Even if you are not required to attend domestic violence treatment it might be a good idea to learn how to avoid the cycle of violence to prevent future problems.
- Included in this packet is a list of resources that might help you locate treatment programs in your area. Most drug and alcohol programs require you to contact the Alcohol and Other Drugs office in your county. They will set up an assessment interview and refer you to an appropriate treatment program. Some programs will interview you over the phone, but many will not. It will be helpful to get a letter from them stating their policies and procedures for entering their program so the INS sees you have made an effort to be admitted.
- If you have taken any educational, self-help, or rehabilitation courses while in prison or in detention, the **certificates and diplomas** should be submitted with your documents. It can be particularly helpful if you have sought help for the problem that got you into trouble in the

first place. For example, if you have a drug-related conviction, it will be very helpful if you have attended a drug program and/or attended NA/AA meetings. This is likely to help you, not only in getting released, but in your personal life as well.

- You can also be creative and think of other ways that show you are trying to change your life for the better. For example, if you have written letters to family, friends, or past victims expressing regret for your actions, these could be useful.

## **Personal Declaration**

When the INS officer is reviewing your file he or she has very little personal information about you. All he/she knows is your immigration and criminal history. By writing a personal declaration you are giving him/her a chance to know more about what kind of person you are. It lets him/her see you as a person rather than simply a file. The main goals of a personal declaration are to ask INS to release you and to express remorse for whatever crime brought you to detention. **You should use the list of nine questions in the “Questionnaire for 90 day review” as a guide for topics to discuss in your letter (see the next page of this packet).** In addition to those points you should address the following:

- **Remorse/responsibility**

The INS wants to know that you are sorry for your crime and that you take responsibility for your actions. It is very important that you express why you know or feel that what you did is wrong, how it has affected your life, and how you want to do things differently in the future. Remember, the INS can continue to detain you if it feels you are a “danger to the community”. It is your job to convince the INS that you have learned from your mistakes and will not repeat them.

- It might be a good idea to **describe your life** and how you came to the United States. Talk about your family and what they went through to get here and what it was like for you growing up, if you feel it is relevant to your case.
- Talk about your **future plans and goals** and what you need to do to achieve them. If you have goals you want to accomplish and a means to do so you are probably less likely to get into trouble.
- It is crucial that you tell the INS **where you will be living** and with whom if you are released. You must provide an address and a housing letter from whomever you will live with.
- This may be your only opportunity to express yourself to the INS. Deportation officers are not required to interview you personally for your review. If your release is denied at the 90-day review your file will be sent to Headquarters in Washington, DC. The people there will only have what is in your file to judge you by. Use this time to **speak from the heart and be honest** with them. Explain why they should consider letting you out.
- You can also talk about anyone at home who is having a hard time because you are in detention. If you have children or family members that rely on your financial and emotional support you should write about why they need you. **What kind of hardship is your family experiencing because of your incarceration?** How will you help them if you are released?

*Use these questions as a guide to prepare your personal declaration and for your custody review interview.*

**Questionnaire for 90-day Review:**

1. Do you have a sponsor? If so, who is it and what is their relationship to you?
2. Do you have any close family living in the United States? If so, who, and where are they?
3. Do you have a place to live in the United States?
4. How much schooling have you received? (What is your education level?)
5. Have you had any formal job training or attended vocational school?
6. What types of jobs have you had in the past?
7. Do you have any parole or probation requirements? If so, what are the requirements and for how long?
8. Do you have any job prospects now?
9. If you are released, what are your immediate goals? Long term goals?

**Submitting Your Documents**

- To submit your documents you can mail them directly to your deportation officer at the address listed on the letter you received or through inter-facility mail. Talk to your housing counselor or case manager about how to get documents to your deportation officer.
- It is best to submit all of your documents together in one organized packet. Try to get your documents together as soon as possible and submit them early. The deportation officer can review your file before the date on your notification letter and if you have not submitted anything you will be denied. If your review date is coming up soon and you are still waiting for letters of support tell your deportation officer so that he or she knows there are more documents coming.
- All documents should be in English, including certificates and letters. If you have any translations to submit, use the **Certificate of Translation** included in this packet.
- Include an **Index of Supporting Documents** as the first page of the packet of documents you submit. This is a numbered list of all the documents you have. (See sample index included in this packet.) An index helps organize and clarify your documents for the people reviewing your file and makes it easier for them to see exactly what you have submitted.
- **Always make and keep a copy of everything you submit to the INS.** It is a good idea to keep a copy of all your documents even after you leave detention in case you need them in the future.

## **Application for Employment Authorization**

If you have a “Final Order of Deportation,” you are technically not a lawful permanent resident any more, but you can apply for an Employment Authorization Document (EAD). This will give you the chance to work to support yourself. You should apply for this at your local INS office after you are released.

You will need to fill out an “Application for Employment Authorization” (Form I-765). You should ask your deportation officer for one before you are released. The application includes instructions on how to fill it out, what to include with it, and how to file it. If you have a final removal order you must include a \$120 filing fee. If you were granted withholding of removal you do not need to pay this fee. If your application is approved, you will receive an Employment Authorization Document (a “work permit.”) within 90 days, usually on the same day you apply. You will need to submit a letter with your EAD application requesting work authorization and explaining why you need it. (See the sample EAD Request Letter included in this packet.)

## Finding a Place to Live

Housing is a concern for many individuals who are trying to get released. The INS will certainly be concerned about it when your custody is being reviewed. Those who will be responsible for your release, or continued detention, will carefully consider where you will be going if you get out. You may or may not have friends or family that are willing to give you a positive environment in which to stay while you get back on your feet. If this is a possibility, make sure you get letters that say that you can stay there if you are released.

Even if you do have a place to stay, it may be better for you to have a structured living facility willing to accept you if you are released from detention. A “structured living facility” is a place that requires participation in programs, group discussions, household chores, and other responsibilities. These programs are designed to help someone go from detention, where everyone tells you what to do, to freedom, where you have to make the right decisions about what to do. These places can often help people start their lives in a positive way after they have been in detention.

You can speak to your deportation officer to find out if a place like this will be helpful to your particular case. If you find a structured living facility that will accept you, ask them for a letter of acceptance and give a copy to your deportation officer. Always remember to keep copies of all of your documents, including letters, for your own file.

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We have enclosed some materials that may help you find the resources and the help you will need to make a successful transition out of INS detention. We hope that this information will be of help to you. It is difficult to find housing programs that will write a letter guaranteeing a place to stay for someone leaving INS detention. If you should become aware of a housing resource that meets these needs, or a program that helped you find a place to stay, such as a structured living facility or social service program, and it is not listed here, please let us know about it. You can mail the information to:

Florence Immigrant and Refugee Rights Project  
Social Worker  
PO Box 654  
Florence, AZ 85232

# If You Plan To Stay In Arizona

## Phoenix Area

### **Transitional Living Communities (TLC)**

PO Box 1586  
Mesa, AZ 85211  
(480) 833-0143

This program has welcomed male INS detainees in the past, and if a person is accepted into a TLC program, they will write the needed letter of acceptance. The program was designed for former or present drug and/or alcohol abusers. They do not accept sex offenders or arsonists, and they have very strict requirements which include participation in 12-step programs, as well as frequent meetings, classes, household chores, and other obligations. They also charge a weekly fee (approximately \$85), due at the beginning of each week. You will be able to work to earn money to pay that. **Their facilities are located in Phoenix, Mesa, Tucson, and Peoria, Arizona; Las Vegas, Nevada; and Albuquerque, New Mexico.** Write or call them directly.

### **Streets of Joy**

4207 N. 12<sup>th</sup> St.  
Phoenix, AZ 85014  
(602) 285-9382

Streets of Joy is a structured 6-month Christian Bible-based residential program for men in Phoenix. They provide shelter, food, transportation, counseling, clothing, employment, educational assistance, and case management. Residents cannot work outside the residence for the first month. After that time the staff can assist you in finding a job and transport you to and from work. They are willing to write letters of acceptance to people in detention. Once you start working you will be asked to pay a weekly fee, based on your income.

### **Victory Outreach**

3424 N. 27<sup>th</sup> Ave.  
Phoenix, AZ 85017  
(602) 253-4045

This is a one-year Christian residential program that has **facilities all over the U.S.** They have separate programs for women, English-, and Spanish-speaking men. They do not accept sex offenders and require attendance at church services and Bible study. Residents cannot work outside the facility.

**Catholic Social Services of Central and Northern Arizona**

1610 W. Camelback Road  
Phoenix, AZ 85015-3525  
(602) 997-6105

This organization has several locations and different types of services. They include counseling, shelter, and immigration legal assistance.

**Community Information and Referral Helpline**

Maricopa County (Phoenix area) – (602) 263-8856  
Other Arizona counties – 1-800-352-3792

This is an extremely helpful resource that can give you phone numbers for any type of social service program. They can also give you the number for information hotlines in other states, which you can use to find resources in your area.

## Tucson Area

### 1. Travelers' Aid

40 W. Veterans' Blvd.  
Tucson, AZ 85713  
(520) 622-8900

Located one block west of 6<sup>th</sup> Avenue, south of I-10, north of Ajo Way. Go on 6<sup>th</sup> Ave. to Veteran's Blvd, turn west on Veteran's Blvd., Travelers' Aid shares space with St. John's Methodist Church

#### For shelter:

- 30 day stay
- must have Social Security Number
- must personally go through intake and talk to a case manager
- no persons with current drug or alcohol problems

#### Intake Hours: Monday- 7:30-2:00

**Tuesday- 7:30-2:00**

**Wednesday- 10:00-3:00**

**Thursday- 7:30-2:00**

**Friday- 7:30-2:00**

#### For transitional housing (longer than 30 days):

- must show current employment
- programs as long as 2 years

### 2. Gospel Rescue Mission

312 W. 28<sup>th</sup> St.  
Tucson, AZ 85713  
(520) 622-3495

#### Registration- 4:00-5:15PM

First come, first served  
Bring picture ID

Located on corner of 9<sup>th</sup> Ave and 28<sup>th</sup> St.

- Temporary shelter: you can only stay 4 days out of 30, but sometimes they extend to 30 if you have a job

### 3. Salvation Army

1021 N. Eleventh Ave.  
Tucson, AZ 85705  
(520) 622-5411

#### Registration- 3:00-5:00PM

Must have proof of TB test within last year  
Located at Main and Speedway

- 7 day emergency stay
- transitional housing for those with full-time employment
- People enrolled in the Jackson Employment Program can stay there while they complete a 2-week employment training program. In addition, you can stay for as long as another 2 weeks or more, as long as you are still with the Jackson program.

## **If You Are Leaving Arizona**

The best way to find resource information in your area is to call a **community information and referral hotline** or **The United Way**. They can help direct you to resources if you explain what you need. There are several social service organizations which are in nearly every state, and in most cities. You can start your search by contacting **Catholic Social Services, Salvation Army, Victory Outreach, or Travelers' Aid** in your destination city. You can get their local numbers through "Information", which can be reached by dialing 411. Your probation or parole officer may also be able to give you referrals to housing and other programs.

### **Some referral numbers in California:**

**InfoLine-** Los Angeles, CA **1-800-339-6993** or **(323) 686-0950**

**Information and Referral Helpline-** San Francisco, CA **(415) 772-5357**

**United Way-** San Jose, CA **(408) 247-1200**

**United Way –** Stockton, CA **(209) 469-6980**

## **Rehabilitation Information**

To be admitted to a drug or alcohol treatment program you should call one of the agencies below in your area. They will tell you what you need to do and refer you to the right program. You can also contact your probation or parole officer for rehabilitation program information. If you live in a county that is not listed you can call the following number to get **referrals to programs all over the country: 1-800-711-6375**

### **Alcohol and Drug Services**

- **Sacramento County, CA (916) 874-9754**      - **San Jose, CA (408) 292-7292**
- **Solano County, CA 1-800-400-6001**              - **Fresno County, CA (559) 453-8433**
- **San Bernadino County, CA (909) 421-9465** or **(909) 421-9452**
- **Los Angeles County, CA 1-800-564-6600**

**Latino Commission of Alcohol and Drug Abuse Services- Bay area, CA**  
**(650) 244-1444** or **1-888-422-1009**

**Value Options- Phoenix, AZ 1-800-564-5465**



## Consulate Addresses

### **Consulate of Laos**

2222 South Street, NW  
Washington, DC 20008

### **Consulate of India**

540 Arguello Blvd.  
San Francisco, CA 94118

### **Embassy of Yemen**

Consular Section  
2600 Virginia Ave., NW, Suite 705  
Washington, DC 20037

### **Embassy of Vietnam**

1233 20<sup>th</sup> Street, NW, Suite 400  
Washington DC, 20036  
(202) 861-0737

### **Consulate of Cambodia**

Dr. Hay Yang, Honorary Consul  
422 Ord Street, Suite G  
Los Angeles, CA 90012  
(213) 625-7777

### **Embassy of Romania, Consular Section**

**Mr. Cristian Gaginsky, Consul**  
1607 23<sup>rd</sup> Street, NW  
Washington DC, 20008  
(202) 332-2879 x117 and x118

### **Interests Section of the Islamic Republic of Iran**

2209 Wisconsin Ave., NW  
Washington DC 20007  
(202) 965-4990

### **Royal Thai Embassy**

611 N. Larchmont Ave., 2<sup>nd</sup> floor  
Los Angeles, CA 90004  
(323) 962-9574

### **Russian Consulate**

9 East 91<sup>st</sup> Street  
New York, NY 10128  
(212) 348-0926

### **Honorary Consulate of Tunisia**

3401 Sacramento Street  
San Francisco, CA 94118  
(415) 922-9222

### **Embassy of the Republic of Armenia, Consular Section**

2225 R Street, N.W.  
Washington, DC 20008  
(202) 319-1976  
Tigran S. Seirian, Consul

### **Embassy of the Republic of Fiji**

2233 Wisconsin Ave., NW  
Suite 240  
Washington, DC 20007  
(202) 337-8320

### **Embassy of Eritrea**

1708 New Hampshire Ave., NW  
Washington, DC 20009  
(202) 319-1991

### **Embassy of Ethiopia**

3506 International Dr., NW  
Washington, DC 20008  
(202) 364-1200

### **Hashemite Kingdom of Jordan**

Hon. Consul General  
3504 International Dr, NW  
Washington, DC 20008  
Muhib Nimrat (202) 966-2664 x114  
Fax- (202) 686-4491

## What should letters of support include?

*Copy this page and the following page and send them to each person who will write you a letter of support.*

These instructions are intended to help you write a letter of support for a friend or family member who is being detained by the INS. His or her case will soon be reviewed by an INS officer to determine if he or she can be released or will have to stay in detention. Your friend or relative has been ordered deported but cannot be sent back to his or her country at this time, either because the U.S. does not have diplomatic ties to that country, or his or her country does not accept people deported from the U.S.

A deportation officer will look at the person's file and read any documents he or she submits. The officer will make a recommendation, based on the file, whether to release or continue to detain the person. For this reason it is extremely important that the documents and letters in the file fully express his or her strengths and positive characteristics. Positive letters of support from family members and people in the community serve to balance out the negative things the INS finds in the file, such as criminal convictions.

The INS is looking for evidence that the person **will not be a danger to society and will not try to flee** if he or she is released. Strong family and community ties, a stable living situation, employment, education, and past and/or future rehabilitation efforts are all positive factors that help show the person should be released and will be responsible in the future.

- Each letter MUST include the writer's:
  - Name**
  - Address**
  - Age (if family member)**
  - Occupation**
  - Immigration status (include your Social Security or Registered Alien number, "A#")**
- Each letter should be addressed to "**Dear Officer in Charge**".
- Each letter should be typed in English. You can write it in your own language but you will need to have someone help you translate it into English. If you include an English translation, attach a **Certificate of Translation**. (See next page.)
- Each letter should state your relationship to the person in detention and how long you have known him or her. Talk about your relationship and what you know about him or her. If you know about any problems he or she has had in the past, you may talk about them and how you know that he or she has changed.

- Write about how important he or she is to you and your family and what exactly the hardship would be if they continue to be detained. This could include how you depend on them for money to pay the rent, buy food, pay bills, or child support. You could talk about how you rely on them and trust them to help out in the household with childcare or doing chores. If they are close to you emotionally, what will it mean for you and your family if they stay in detention?
- Each letter should be original, honest, and written from the heart. The letters should not all sound the same. Details are important since the letter gives the INS a chance to get to know him or her beyond their criminal convictions and INS file.
- If the person will be living with you if he or she is released, let the INS know that you will be responsible for providing for his/her shelter, food, and other necessities until he/she is able to support him/herself. Make sure you include your address and phone number.
- If the person will be working with you or you are willing to hire them, explain in your letter what job they will do and how much they will earn. State your position in the company and what you know about their work history and experience. If you are offering them a job your letter should be written on company stationery (letterhead).
- The following is a **Certificate of Translation** that you will need to include if your original letter is not in English. You must send the original letter, its English translation, and this certificate of translation, which may be hand written or typed at the end of the English translation.

**Certificate of Translation**

**I, (name of translator), certify that I am competent to translate this document  
and that the translation is true and accurate to the best of my abilities.**

**(Signature of translator) Date**

## Example of a Letter of Support

*Copy this and send it to each person  
who will write you a letter of support*

May 10, 2001

(Address depends on where the person is detained)

Officer In Charge  
1705 E. Hanna Road  
Eloy, AZ 85231

OR  
Officer in Charge  
3250 N. Pinal Parkway Ave  
Florence, AZ 85232

Dear Officer in Charge;

My name is Maria Lopez and I am a Lawful Permanent Resident (A23 456 789). I live at: 123 S. Main Street, Los Angeles, CA 98567. (213) 876-0987 I am 35 years old and am the sister of Jose Lopez (A34 345 345), who is currently detained in Eloy. I am a teacher at Los Angeles High School.

I have known Jose all my life, as he is my younger brother. We grew up together and are very close. He has always been a great support to me and my family, both when we were younger and more recently since we have had our own families. Jose always worked hard and has been at the same job for 9 years now. He is well respected there and received good benefits for his family.

Jose is very important to my children, who see him as a father figure. He loves to take them to the park and out to eat. He often helps me out when I have to work late and picks them up from school. It has been very hard for us having him so far away. He also has three children and a wife at home, all of whom are U.S. citizens, who miss and need him. His family has been without health insurance since he has been in detention and his children have not been able to go to the doctor when they are sick. His wife has had to apply for welfare to feed their children, since they are very small and she cannot afford to pay for childcare while she works.

I know my brother has had problems in the past with alcohol and has gotten into trouble because of it. But he made the effort to seek help and was doing well in his alcohol classes and AA meetings. From our conversations and letters since he has been in detention I know that he will continue to get help for his problem if he is released. I am asking you to give him an opportunity to prove that he can finish what he has started and overcome this problem. He has the complete support of all of our family, which includes our parents, his wife, myself, and our two brothers. We all love him very much and want him to come home.

Thank you very much for your consideration.

Sincerely,

Maria Lopez

*(Fictitious names and information)*

## Example of an Employment Letter

*Copy this and send it to your  
employer*

### **Garden Grove Construction Co.**

**234 Olive Street, Los Angeles, CA 98765**

**TEL: (213) 345-5678 FAX: (213) 123-7889**

May 10, 2001

(address depends on where person is detained)

Officer In Charge  
1705 E, Hanna Road  
Eloy, AZ 85231

OR

Officer in Charge  
3250 N. Pinal Parkway Ave  
Florence, AZ 85232

Dear Officer in Charge;

My name is John Smith and I am the manager of Garden Grove Construction Company and a U.S. citizen (SS#600-98-0987). Mr. Jose Lopez (A23 987-098) has worked for me for 9 years doing construction. He has always been a very hard worker who I know I can rely on. I trust him with many areas of my business and he helps me train new employees. I would like for him to come back to work for me if he is to be released from INS detention. He will be able to return at his old salary of \$30,000 per year with full benefits.

Please consider releasing Mr. Lopez so he can come back and support his family. If you have any questions please feel free to contact me at the address above. Thank you very much for your attention.

Sincerely,

John Smith

*(Fictitious names and information)*

## Example of a Housing Letter

*Copy this and send it to the person  
you will live with if you are  
released*

May 10, 2001

(address depends on where person is detained)

Officer In Charge  
1705 E. Hanna Road  
Eloy, AZ 85231

OR

Officer in Charge  
3250 N. Pinal Parkway Ave  
Florence, AZ 85232

Dear Officer in Charge;

My name is Martin Lopez. I am Jose Lopez' father. I am 68 years old, a lawful permanent resident (A34 678-987), and live at: 567 E. Cholla Road, Los Angeles, CA 87654. (213) 567-0987

If Jose Lopez (A23-876-456) is released from INS custody he can live with me at the above address for as long as he needs to. I will be responsible for providing shelter, food, clothing, and any other necessities he has until he can support himself again. Jose has the full support of myself, his mother, his wife, and three siblings.

Please release Jose Lopez so that he can return to work, be with his family, and no longer be a burden to society.

Respectfully,

Martin Lopez

*(Fictitious names and information)*

**INDEX OF ADDITIONAL DOCUMENTATION IN SUPPORT OF  
REQUEST FOR RELEASE FROM DETENTION**

**Your name and A#**  
**Submitted (date)**

1. Personal declaration from (*your name*)
2. Request for release from detention
3. Travel document request letter to (*name of your consulate*)

#### **FAMILY AND COMMUNITY TIES**

4. Housing letter from (*name of person and their relation to you*)
5. Financial support letter from (*name of person and their relation to you*)
6. Letter of support from (*name of person and their relation to you*)
7. Letter of support from (*family members, friends, neighbors, church or temple members, community members, people who know you well*)
- 8 (*Photos, letters, drawings from your family and children*)

#### **EMPLOYMENT**

9. Employment offer from (*name of employer and name of company*)
10. Letter of recommendation from former employer
11. Employment verification from former employer
12. Work performance evaluation from (*name of detention center*)
13. Work performance evaluation from (*name of prison or county jail*)

#### **EDUCATION AND TRAINING**

14. GED certificate/ high school diploma
15. Certificate of completion from (*name all vocational training courses you completed in INS detention, prison, county jail, and/or outside*)
16. Registration verification showing enrollment in educational program upon release from detention

#### **REHABILITATION**

17. Letter of acceptance (or letter of intent to enroll) from (*name of substance abuse or domestic violence treatment program you plan to attend after release from INS detention*)
18. Certificate of completion from Substance Abuse course at (*name of detention center*)
19. Certificate of completion from (*name all rehabilitative courses you completed in INS detention, prison, county jail, and/or outside*)
20. Letter from Alcoholics Anonymous sponsor

#### **FINANCIAL RESPONSIBILITY**

21. Tax records for (*list years*)
22. Mortgage statement
23. Proof of child support payments

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## **Sample of a Travel Document Request Letter**

Your name and A#  
Mailing address of your detention center

Name of Consulate  
Address of consulate

Date

To Whom it May Concern (use a specific name if you have one);

My name is (your name) and I am a citizen and/or national of (name of your country). I am currently being detained by the United States Immigration and Naturalization Service in (city and state where you are detained). I received a final order of removal from an immigration judge on (date you received final order) ordering my removal to (name of your country) but I have not yet been removed. The INS has been unable to obtain travel documents for me so that I may be sent back to (name of your country).

I am writing to request travel documents. I would greatly appreciate your assistance in this matter. If you are unable to issue travel documents please send me a letter stating that to the address above. The following information should help you to identify me as a citizen/national of (country of origin).

**(Here you should put your full name at birth, birth date, place of birth, parents' names, and where they live if possible.)**

Please notify me if there is additional information you need in order to issue travel documents. Thank you very much for your attention.

Sincerely,

(your signature)

(your name, printed)

## **Sample Employment Authorization Document (EAD) Request Letter**

Your name and A#  
Your mailing address

Immigration and Naturalization Service  
(address of your local INS office)

(Date)

To Whom It May Concern:

I was ordered deported to (name of country) by the Immigration Court in (city and state where you received final order) on (date you received final order). The INS was not able to deport me to (name of country) and I have been released on an Order of Supervision, which is attached to this letter. I am writing to request an Employment Authorization Document for several reasons.

- I have no family in the United States and therefore, no means of financial support. I need to work in order to provide myself with housing and food. I am not eligible for public benefits such as welfare or food stamps and need to work to survive. I already have a job offer and have no doubt that I can remain employed if given employment authorization from the INS.

OR

- I have a family here in the United States that needs my financial support. (Tell how many children you have and who you have to support.) If I am not able to work they will be forced to ask for public benefits in order to survive. I would like to work to support them so that we are not a burden on society. I already have a job offer and have no doubt that I can remain employed if given employment authorization from the INS.

I believe I will be in the U. S. for many years, if not forever, because the INS is unlikely to be able to deport me in the foreseeable future. (If you know why, explain here.)

For these reasons I would like to request an Employment Authorization Document. Thank you for your attention in this matter.

Sincerely,

(your signature)

(your name, printed)

**Florence Immigrant and Refugee Rights Project, Inc.1**

## **Custody Review Document Check List**

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1Created by the Florence Immigrant and Refugee Rights Project, Inc.  
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<b>Letters showing family support and housing</b>	
	<b>Received</b>
<b>Letter offering housing upon release, with full address</b>	
<b>Letters of support from as many family members as possible (including drawings from children)</b>	
<b>Letters of support from friends Letters from people who know me well (neighbors, co-workers, landlord)</b>	
<b>Letters showing participation in my community. For example: any help that you have given to neighbors, such as yard work, rides, etc.</b>	
<b>Letters or documents showing financial contributions to my family. For example: Proof that I paid rent, child support, groceries, etc.</b>	
<b>Letters from past employers</b>	
<b>Letters from religious organizations I belong to</b>	
<b>Photos of family (birthday parties, holidays, pets, babies, etc.)</b>	

<b>Proof of rehabilitation efforts</b>
<b>Received</b>

<b>Certificates from rehabilitation programs (AA, NA, Anger Management, etc.)</b>	
<b>Informational pamphlets on rehabilitation centers/programs in my area (I should contact a rehabilitation center if I have any domestic violence, driving under the influence, or controlled substance convictions.)</b>	
<b>Letter of acceptance from a rehabilitation program I will attend in the future</b>	
<b>Letter to my probation/parole officer explaining that I am in INS custody and any documents I have showing my conditions of probation/parole.</b>	

<b>Proof of my work and education history:</b>	
	<b>Received</b>
<b>Letter showing that I have a job when I get out of detention</b>	
<b>Pay Stubs</b>	
<b>Social Security Records</b>	
<b>Tax Records</b>	
<b>Proof of English Language Training, GED, college, etc.</b>	
<b>Certificates from courses taken while in INS custody and elsewhere</b>	
<b>Proof of vocational training (i.e. Certificates of Achievement, Commercial Driver's license... Resume showing work experience and skills</b>	