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## **Preparing Your Non-Citizen Client For Possible Deportation**

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### **Checklist For Families That May Face Deportation**

1. Keep a current passport from your home country at all times. It is critical that your nation's government be able to verify your identity, otherwise detention in the United States can drag on for many months, even if the United States is willing to arrange for prompt return transport. Store your passport in a secure location and designate a trustworthy person to deliver the passport to an attorney in the event that you are taken into custody.

2. Have a Form G-28 (this is an attorney representation form) on file with an immigration attorney who is experienced in removal (deportation) law. Detainee transfers between facilities happen quickly once a non-citizen is taken into custody, and it may be difficult to obtain your signature after detention occurs. Interview attorneys now to be prepared and to understand their terms for legal representation.

3. Shop for a bondsman ahead of time. Only a small number of surety companies write immigration bonds, and they charge a much higher premium [than bondsmen in criminal cases]. Some can be found through the Internet. Some charge a 50 percent payment and may require collateral. Others charge 15 - 20 percent if the bond can be guaranteed through credit card holds, a house, or real estate. Others charge 15 percent if you cover half the bond amount with cash and have cosigners with good credit. If the bond is not 100 percent secured by collateral, they all seem to require monthly payments towards the unsecured portion of the bond.

4. Understand that a person who has a prior order of deportation and who did not leave the United States is not eligible for bond unless an immigration attorney is able to re-open the old deportation case in Immigration Court. Understand that many non-citizens with criminal convictions are also ineligible for bond. Consult an immigration attorney now about how to resolve an outstanding order of removal or prior criminal convictions.

5. Execute a Power of Attorney to give a designated family member or other person authority to sell land or cars or withdraw money from bank accounts in the event of removal from the United States. It is a good idea to keep these documents on file with an attorney.

6. Decide what should happen with your children if you are ordered removed from the United States. Execute guardianship agreements, appointing prospective guardians. Keep these documents on file with an attorney.

7. Get United States passports for all United States born children. Children will not be able to return to the United States by air without them, and may be delayed or denied entry at the border if driving. Airlines will not let them travel on a round trip ticket if they do not have the passport before the outbound portion. Getting a United States passport for your children will be much more difficult abroad.

8. Register United States born children with the parents' home country so that they are able to travel freely to their parents' country. This may require an apostille with their birth certificate issued by the state. In North Carolina, you can get an apostille on a certified copy of a birth certificate that was issued within the previous three years. If your copy is older, then you need a new one. Mail the cover letter and the \$10 fee to the address in the cover letter. North Carolina cannot issue an apostille for birth certificates issued by other states.

9. Execute a letter of permission for children to travel with another adult. Children under 18 will not be able to get on an airplane if both parents are not with them if they do not have this letter. Make sure that the adult designated to travel with your children also has a valid passport.

10. If you are married, consider executing a post-nuptial agreement that clearly defines how your spouse is expected to handle joint property in the even of a forced separation. A post-nuptial agreement is a good idea for spouses who are considering divorce or for spouses who own substantial property and/or business interests together.

11. If you are the unmarried father of a United States citizen child, make an official record of your paternity and complete legal procedures to legitimize the child under state law.

12. Gather information regarding your immigrant status, and keep it together. Even better, give it out to several people, including your attorney. If you know your alien number ("A number"), it will be the most important piece of information for finding you after detention and getting information about your case. Include contact information for many family members in the home country. If you have court cases involving possible recoveries, this information will help your lawyer get you your money after you are gone.

13. Gather your tax records for all years and keep them together. Make sure to file federal tax returns every year. Filing tax returns every year is critical to proving that you possess good moral character to the Immigration Court or when applying to re-enter the United States after deportation.

14. Gather evidence to prove how long you have lived in the United States and keep it with your taxes and immigration records. This evidence includes bank statements, old bills, lease agreements, receipts, mortgage records, medical records, school records, and any other documents that contain your name and a date. In many cases, defending yourself in a removal proceeding depends on being able to prove that you have lived in the United States continuously without leaving the country. Immigration judges see many non-citizens who are able to submit

volumes of documentation to prove their residence in the United States and they are unsympathetic to a person who cannot produce dated records from past years.

15. Designate an English-speaking person who knows your Alien number to contact ICE in Charlotte for information on the case, location of a detainee, and bond amount [if any]. The ICE number in Charlotte is (704) 672-6995.