

**DEFENDER PROTOCOL FOR IMMIGRANT CLIENTS FACING ICE CUSTODY****☐ ADVISE YOUR CLIENT****Sample Advice to Give to Non-U.S.-Citizen Clients at Your First Meeting<sup>1</sup>****Summary of Advice:**

- “Don’t talk to ICE or police without me. Don’t sign anything until we discuss it.”
- “If your criminal case is still open and ICE detains you, contact me and let me know where you are and if you need any documents from your criminal case.”
- “I will look into how your charges may affect your immigration status and let you know soon.”
- “You should speak with an immigration attorney to learn your options for staying in the U.S. and gaining or keeping lawful status.”

**Right to Remain Silent:**

- “You have a right to remain silent and to refuse to sign any documents: ICE or jail officials might ask you questions about your place of birth or whether you have permission to be in the U.S., but you do not have to answer them. If you admit these things, it will give ICE proof they need to put you in deportation proceedings.”
- “It’s also possible that ICE will talk to you, but will decide not to put you in deportation proceedings or detain you.” (So don’t panic, but be prepared.)

**If Detained by ICE:**

- “If ICE believes they have a reason to deport you, they can detain you even before your criminal case is finished. In case that happens, here is my card/number. You or your family can call me to let me know where you are, and to ask for copies of any documents from this criminal case you may need.”
- “If ICE decides to detain you, they will likely come here to the jail and bring you to the Northwest Detention Center (NWDC) in Tacoma. ICE might also detain you somewhere else, such as your work, home or while driving. They might also tell you to come to their offices in Tukwila. If you get a call or letter from ICE to report to Tukwila, contact me or an immigration lawyer ASAP.”
- “I am giving you some information about what to expect at NWDC, for you to read and share with your family. The guide explains things like how your family can visit you, talk to you and send you money and mail; how to get legal help; and who is eligible to ask to be released on bond.”

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<sup>1</sup> This advisory is intended to serve as a quick-reference guide for defenders representing noncitizen defendants. When possible, defenders are advised to consult specifically with WDA’s Immigration Project on individual cases.

- “I am also giving you information about what to expect during deportation proceedings. Depending on your immigration situation, you will either see an immigration judge or will be deported without seeing a judge. If you do not want to be deported, you might have ways to stay in the U.S. even if you are put in deportation proceedings.
- “You should talk with an immigration lawyer ASAP to learn about your options. If you cannot afford a private immigration lawyer, you should contact the Northwest Immigrant Rights Project (NWIRP).”
  - If they can afford one, it is best to hire a private attorney to ensure representation.
  - Northwest Immigrant Rights Project (NWIRP) runs a free legal orientation program at NWDC, where they assist noncitizens in identifying and applying for any relief from deportation. After a group rights presentation, the person can sign up to consult with NWIRP staff individually and see what options they may have. In a very limited number of cases, NWIRP can arrange for pro bono counsel.
  - **To be seen by NWIRP:** Anyone can call (253) 383-0519 or email Tacoma at [tacoma@nwirp.org](mailto:tacoma@nwirp.org). Leave the client’s name and, if possible, the “A number.”

**GIVE YOUR CLIENT**

Prepare for your client a manila envelope with the words “Legal Documents” written on it and include a copy of the documents below. Advise your client to attend the NWIRP LOP meeting ASAP when they arrive at the ICE detention center and give the envelope to the NWIRP attorneys at this meeting. These materials may be critical in any application they make to the IJ to get or keep lawful status and prevail in their removal proceedings.

- WDAIP [Advisory for Noncitizen Defendants in Custody \(in ENG and SPA\)](#)
- NWIRP [Guide for Detained Immigrants](#) (in ENG & SPA);
- NWIRP [Guide to the Northwest Detention Center](#) (in Spanish [here](#)); and
- WDAIP [Immigration Attorney Referrals](#) list.
- Client’s Criminal History.** This is nearly impossible for a noncitizen to obtain while they are detained and unrepresented.

The most common documents needed in immigration court are: Judgment and Sentence; plea statement; charging document (Information/Complaint); probable cause statement; police report.

Other documents that may be helpful: Court docket; WATCH report or other list of prior criminal history (most helpful if it includes original charge and final disposition, including sentence imposed and served); diversion agreement; docs that show rehabilitation or mitigating circumstances.

- Technical assistance response from WDA,** explaining why a current charge or prior conviction would not bar your client’s path to get or keep lawful immigration status. Include any attachment or advisories WDA provides you regarding a path to status for your client (e.g. cancellation of removal).