



## **COURTHOUSE DETENTIONS**

If you are attending immigration court in person you should be prepared for the possibility of detention, regardless of the outcome of the hearing.

If your case is dismissed and you have been in the country for less than two years, you are at risk of “expedited removal” where you will not have access to an immigration court. In your hearing, the government lawyer may ask the judge to dismiss your case, or ICE may detain you even if your case is not dismissed.

Even in detention or with a dismissed case, you have the legally guaranteed right to have your asylum claim evaluated by an asylum officer and later by an immigration court. If you have not yet had your individual hearing, you can re-start the process by asking to apply for asylum.

**If you are afraid to return to your country, you have the right to make that clear in the courtroom AND to the ICE officers who detain you, as well as other ICE officers you encounter while in detention.**

### **IN THE COURTROOM**

1. **You have the right to make it clear during your hearing that you are afraid of returning to your country, that you do not want your case dismissed, and that you would like to do the full asylum process.** If this is true for you, you can tell the judge clearly.
2. Ask for more time to make your case against it the government's motion. You can request the opportunity to make your objection to the motion in writing and with the help of a lawyer. If you are given time to respond to the motion, you should seek assistance in preparing a response.
3. **Write down and remember** what the judge's decision is and any deadlines they give you for submitting responses or materials. If you do not understand them, you can ask the judge to explain.

### **\*\*\*IF YOU ARE DETAINED — YOU STILL HAVE RIGHTS\*\*\***

... you will be given the right to make phone calls from detention. **Make sure you have the phone number of a trusted person outside memorized or written on you.** If you have given your own (unlocked) phone to someone, tell them to keep it charged so you can call them on it

...you can ask for a credible fear interview (or a reasonable fear interview if you have a deportation order from a judge) where you can explain the danger you would face if repatriated. **It is your right to have this interview if you tell ICE.** The outcome of this interview can start or restart your asylum claim. **If you want the interview, make this clear to every ICE officer you encounter.**

...you have the right to refuse to sign any documents. You will likely be asked to sign a statement to give up your case and be deported. You can refuse. **Do not sign anything you do not understand.**

...you have the right to remain silent, to not answer any questions, and to work with your lawyer if you have one. If you are afraid of returning to your country of origin and would like to apply for asylum, you can tell any ICE employee, **“I am afraid to return to my country. I would like to apply for asylum.”** You can also tell ICE that you would like to speak to your lawyer before answering any questions.

