



OFFICE OF REFUGEE RESETTLEMENT
Division of Children's Services
LEGAL RESOURCE GUIDE- Know Your Rights Handout

Why am I being detained?

Many of you arrived at the United States border and entered without permission or without proper documents.

Maybe some of you were already living in the United States without permission before being stopped by the police or immigration authorities. You may have even been arrested and detained and taken into custody by immigration authorities.



When you crossed the border without permission (or, if you entered with permission, but stayed longer than the time you were allowed) you violated a civil immigration law of the United States, and that is why you were detained by immigration. After you were detained, the immigration authorities sent you to stay at a shelter, foster home, or other program for children. They also began a legal process (called "removal proceedings") against you. The purpose of this process is to return you to your country, but **FIRST** you will have a chance to go to *immigration court* and ask a judge for permission to stay here, if that is what you want.

Where am I? What is the Office for Refugee Resettlement?

The Office of Refugee Resettlement (ORR) is an agency within the U.S. government that takes care of children like you while the government tries to find a grown up (usually your parents or a relative) to take care of you. ORR will try to locate your family and let you talk to them, give you clothes, feed you, take care of your medical needs, and take care of you.

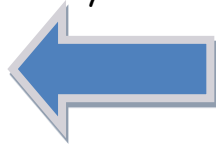
You are at an ORR shelter, foster home, or other program for children. An ORR facility is a program run by the United States government that provides care to certain

immigrant children under the age of 18 who do not have legal status (“undocumented”) in the United States. When immigration authorities find an undocumented immigrant child without their parent or legal guardian, they must send that child to an ORR shelter because they are not allowed to hold children in the same places as adults. They must also start removal proceedings against the child so that the child can speak to a judge in immigration court.

What happens at immigration court?

In all court hearings, there are **two sides** who usually disagree about something, and a **judge** who gets to decide which side is right (or which side “wins”).

In immigration court, one side is always the *immigration authorities of the U.S. government*. The government is represented by a lawyer who usually tries to convince the judge to decide that you entered or stayed in the United States without permission and should be sent back to your country. If the judge decides the government is right, then you will have to return to your country.



On the other side is **YOU** - you get to tell the judge your story and try to convince the judge that you should be allowed to stay in the United States if that is what you want. You can also tell the judge that you want to return to your country if that is what you want. If the judge decides you are right, the judge may allow you to do what you request.



If you do not speak English, there will be an *interpreter* in court who will translate for you and the judge so that you can understand each other. You should be able to speak to the judge in the language that you speak and understand best.

(Judge)



US GOVERNMENT/IMMIGRATION

You

*****You must go to all of your court hearings.*****

If you do not go to a hearing, the judge will order that you be deported and you will have to return to your country!!

Who can help me in immigration court?

Just like the government has a lawyer who will speak to the judge, *you have the right to have a lawyer on your side as well*. A lawyer is a person *on your side* whose job is to speak with you about your reasons for coming to the United States, explain your options for staying legally in the United States, if any, and “represent” you in court, which includes helping you convince the immigration judge to let you stay if that is what you want to do.

Your family can pay for any lawyer you choose. In some cases, a lawyer can help you for free or for a low cost. While you are at the ORR shelter, there is a group of lawyers that provides free legal help to children. However, they are not able to represent every child in immigration court. You or your family can also contact the lawyers on the list attached to this document, or any other lawyer you choose.



Where is immigration court?

In most cases, you will attend your first court hearing after you leave an ORR shelter to stay with your family or other sponsor. Your family or other sponsor will receive a “Notice to Appear” in the mail telling you the time, date, and address of your first court hearing. This court hearing will be located at the court closest to where you are staying with your family or other sponsor.

If you stay at a shelter for a longer time (60 days or more), you will have to go to your first court hearing while you are at the shelter.

You can also *ALWAYS* ask to go to court at any time. You do not have to wait to leave the shelter to go to your first court hearing. If you want to go to court earlier while you are still at a shelter, you should tell a staff member at the shelter. The staff member can

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contact the immigration authorities to have a court hearing more quickly. In this case, your first court hearing will be at a court located closest to your shelter.

If your court hearing takes place while you are at the shelter, the shelter staff will take you to court. *If you go to live with your family, or other sponsor, you will still have to go to court – your family or other sponsor will have to take you there.*

You should be aware, that in some cases, you may have to ask the court to move your court hearings ("change venue") closer to where you are. This might happen if you asked for an earlier immigration court hearing -- while you were at the shelter, but the hearing hasn't happened yet or you have to go to a second or third hearing. In these cases, if you leave the shelter to stay with your family or other sponsor, and they live in a different city than your shelter, you need to move your court hearings ("change venue") to a city closer to where you live. There is more information about how to do this in the section below, "What are my legal responsibilities?"

If you do not know when or where your next immigration court hearing is, you should call the immigration court phone line (1-800-898-7180). When calling this number, you will need to know your "A" number, which is a 9-digit number beginning with the letter "A" that is written on all of your immigration documents. For example, it might look like, A200-453-894.



LEGAL RELIEF TO STAY IN THE UNITED STATES

In court you can ask for **relief to remain legally** in the United States (or to return to your country voluntarily). **You can only stay here legally if you fight for and win legal relief.** Some examples of legal relief are listed here. If you think you might qualify for legal relief, it is very important that you speak with a lawyer who can help explain it to you further. These explanations are only short explanations that don't go through every single requirement or rule that may apply -- only a lawyer can tell you all of the rules that might go along with these kinds of legal relief.

Asylum - To qualify you must be **afraid** to return to your country because someone has **hurt** you or a family member for a particular reason - for example, if you or a relative have been threatened, beaten, or harmed in some other way. You may also qualify if you fear returning to your country because someone there is likely to hurt you in the future.

SIJ-Visa - To qualify you must have been abandoned, abused, or mistreated by one or both of your parents. You may also qualify if your parents have died.

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T-Visa - To qualify you must have been forced or coerced to come to the United States, under threats or harm, to work against your will or you are a victim of sex trafficking. You may also qualify if your parents have been victims.

U-Visa - To qualify you must have been a victim of a crime in the United States and you must make a complaint to the police. You may also qualify if your parents have been victims and have made a police complaint.

VOLUNTARY DEPARTURE (TO RETURN TO YOUR COUNTRY)

Voluntary Departure - With voluntary departure the judge allows you to return to your country without giving you a deportation (or "removal") order. Voluntary departure is better than a deportation order because you do not receive the 10-year penalty for having received a deportation order (see below).

DEPORTATION ORDER (ALSO CALLED "REMOVAL ORDER")

If the judge gives you a **Deportation Order**, you cannot legally return to the United States for 10 years. That means, for 10 years you cannot receive a visa in your country to come to the United States. Even if one of your family members becomes a United States citizen, and they file a petition for you to come back legally, you will not be able to return until after the 10 years pass.

IMPORTANT: The forms of legal relief listed above are the common ones for children, but they are NOT the only ones available. You should always speak with a lawyer to see if you qualify for any form of legal relief.

What are my legal responsibilities?

Legal responsibilities are things that *the law says that you have to do*. Because you are in removal proceedings, you have the following legal responsibilities:

1. You **MUST** go to ALL of your immigration court hearings, even if you are released from the shelter to your family or other sponsor. If you do not go to a court hearing, the immigration judge will order you deported. **This means that you will have to return to your country.**
2. If you did not attend an immigration court hearing while at a shelter, then you probably will get a "Notice to Appear" in the mail AFTER you are placed with your family or other sponsor, unless your Case Manager tells you otherwise. Once you are with your family or other sponsor, they will get in the mail a "Notice to Appear"

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for you that will have the time, date, and address of your first court hearing. This court hearing will be in a court located closest to where you are staying, and ***your family or other sponsor must take you to court***. If you do not appear, the immigration court will order you deported and you will have to return to your country.

3. If you went to immigration court while you were at the shelter or you asked to go to court earlier, your immigration hearing will be at a court closest to your ORR shelter. The shelter staff will take you to court. If you requested to go to court but leave the shelter before actually going to court OR you went to court but the judge told you to come back again, you **MUST** file a **"motion to change venue"** if you leave the shelter to stay with your family or other sponsor before you can go back to court and your family or other sponsor live in a different city or state than the shelter. The "motion to change venue" is a request to move your case to the city that is closest to where you live. You must send this document to the judge by mail and also send a copy to the government lawyer. You **MUST** file a "motion to change venue" every time you move to a different city or state. If you do not have an attorney, please make sure to speak with your Case Manager, attorneys associated with the Legal Orientation Program for Custodian (LOPC) given to your sponsor (for phone numbers look at the family reunification packet form about the LOPCs), or the free attorneys who provide services at your shelter, before you are released to your sponsor so that you and your sponsor can learn how to properly fill out and mail in this form. If your case got scheduled in an immigration court close to the ORR shelter, and you do not file a "motion to change venue," then you may be required to go back to the court close to the ORR shelter, even if this is very far away from where you live. If you do not appear in court, the immigration judge may order you deported.
4. Once you receive the "Notice to Appear" that tells you the date, time, and address for your court hearing, you **MUST** notify the immigration court whenever you move. There is a special **"change of address"** form that you must use to notify the court. This is separate from the "motion to change venue." Whenever you change your address, you must send this document to the judge by mail and also send a copy to the government lawyer. If you do not have an attorney, please make sure to speak with your shelter worker, or the free attorneys who provide services at your shelter, before you are released to your family members so that you can learn how to properly fill out and mail in this form. **REMEMBER**, you must do this ***every time you move***: if you move 3 times while you are in immigration court, you will have to file this form 3 times, even if you stay in the same city.

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