

THE FARRELL LAW GROUP, P.C.
IMMIGRATION REPORT-MARCH 2009

Dear Immigration Client:

People who are illegally in the United States in an **undocumented status** should be **prepared in the event they are detained by law enforcement or Immigration**. Many counties in North Carolina have joined the Federal 287(g) program. **If you are arrested and booked** the law enforcement officers will run your fingerprints to **determine your immigration status**. If you are found to be **illegal**, Immigration and Customs Enforcement (ICE) will ask the county to **hold you** after your criminal charges have been decided.

If you are detained or arrested by the police: 1. Find out **what agency has arrested you** (the local or state police, the sheriff's department, the FBI, or Immigration); 2. **Always assert your right to remain silent**; 3. Understand that you may **refuse to sign any documents until you have had a chance to consult with your attorney**. In other words, **NEVER** sign any documents until you have spoken with an attorney to understand the nature of those documents; 4. Ask the officer for **permission to contact your attorney or a family member or friend** who can help you. You should **memorize** the contact numbers for your family members, friends and your attorney at the **Farrell Law Group (919-872-0300)**.

If you have been **detained by Immigration**, either you or your attorney should attempt to **negotiate your release** from immigration custody. Please remember, your attorney must have a form **G28 Entry of Appearance signed** by you before being able to discuss your case with ICE. It can be difficult to get your signature on this form if you are being detained. Therefore, **if you are in the U.S. illegally**, we recommend that you **meet with us in advance at the Farrell Law Group** and have that form prepared in the event we need to negotiate your release with ICE. All such meetings are **strictly confidential**.

In order to **negotiate your release** from custody, you will have to **sign your immigration arrest warrant**, your **Notice to Appear** for immigration hearings, and your **custody determination** paperwork. If you are concerned about signing these forms without knowing what they say or being able to read them, you **should contact us** at the Farrell Law Group (919-872-0300) to **review the paperwork** with you or your family members.

If you have been detained by the **police**, they must **charge you with a crime in court within 48 hours** of being arrested. In other words, you cannot be made to stay in jail indefinitely with no charges. If the police **file charges** within the 48 hour period, your **criminal law attorney should request that bail be set**. If bail is set, you will have the **opportunity to be released from detention**. **ICE** has a period of **48 hours** after your criminal charges have **been decided, or bail for the criminal charge has been posted** to take you into **immigration custody**. If Immigration does **not take you into immigration custody** within those additional 48 hours, the **police must release you**.

BE PREPARED IN THE EVENT OF CRIMINAL OR IMMIGRATION DETENTION. We can assist you with any immigration detention situation.

Most Sincerely,

N. Peryn Harmon, Esq. Jessica Lopez, Legal Assistant Augusto Pasco, Legal Assistant

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