

WHEN THEY COME KNOCKING: HOW TO AVOID THE KNOCK AND HOW TO KNOCK IT ON THE HEAD WHEN IT COMES

by Jan H. Brown, Stuart J. Reich and Anastasia Tonello*

This article deals with the main tools attorneys can use to ensure their clients are compliant with U.S. immigration laws and what to do when problems occur. The article is meant for immigration attorneys who may not specialize in this particular area of immigration law, but find themselves advising clients likely to be, or who are already, confronted with immigration enforcement issues.

PROBLEM AVOIDANCE

Of course, the best strategy to avoid immigration issues is recognizing the potential causes before they happen, and doing whatever you can as immigration counsel to minimize or eliminate the damage. A little advance work with clients and employers can help to keep from attracting that dreaded knock at the door—or at least to make sure that when the

Articles do not necessarily reflect the views of the American Immigration Lawyers Association.

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knock comes, everyone is as prepared as he can possibly be.

Tips for Getting the Most Information Out of Your Client

Clients will rarely volunteer information about criminal convictions, arrests, or immigration violations. A client may simply (and honestly) not know what information is relevant for immigration purposes. In some cases, foreign national clients have not completely accepted that you are there to help them, and are not part of a vast malevolent immigration bureaucracy seeking to capture them and quickly send them abroad. To be sure, human nature inclines us all to be hesitant to admit our mistakes—whether it is a foreign national's embarrassing college shoplifting arrest or an employer's "selective" policy on whose employment to verify on an I-9 Employment Eligibility Verification Form.

Ask About History, Family, Arrests, Immigration Violations, Previous Asylum Applications Etc.—Don't Wait for Them to Tell You

Clearly, we cannot count on our clients to volunteer the information we need, or even necessarily to know which information is truly necessary to the successful processing of their case. It is our job, as attorneys, to elicit the needed information from clients and to do so as early in the process as possible. Ideally, this should be done at the initial meeting, and many attorneys find it useful to have the client complete a "Client Intake Questionnaire" or similar form while waiting to meet. A sample Client Intake Questionnaire is included as Exhibit A.

Specific information which should be obtained from the client includes:

- **Personal History:** When/where/how the client entered the United States, country of birth, education, employment experience, *i.e.*, many of the basics needed to map out an immigration strategy;
- **Family:** U.S. citizen relatives physically present in the United States who might be potential I-130 petitioners, provide the basis for a hardship waiver or even be I-864 co-sponsors, family

abroad as evidence of intent for nonimmigrant intent-only visas etc.;

- Criminal history: Convictions, charges, indictments, citations or other law enforcement interactions, in order to determine potential grounds for inadmissibility/removability;
- Immigration violations: To determine eligibility to enter the United States or to adjust or change status;
- Previous asylum or other immigration applications: To determine if there is already a living, viable case, or whether there might be an old order of removal; and
- Anything else: Any other information which might give rise to a claim for immigration benefits, a claim for relief or a potential problem.

Often clients will not respond honestly or completely when asked about these matters, leading to disaster when a case is adjudicated. While there is a limit to what a lawyer can do if a client lies outright, some simple techniques can help to elicit accurate answers. For example, an attorney might review the intake questionnaire with a potential client at the beginning of an initial consultation appointment, much as a district adjudications officer reviews the yes/no portion of the I-485 form with a foreign national during an interview.

Later, while describing adjustment of status or consular processing procedures for applying for permanent residence, the attorney might subtly return to the issue: “The adjudicating officer will of course have access to your entire immigration and criminal history in order to determine whether relevant grounds for inadmissibility or removal exist—but based on what you have told me so far, this shouldn’t be a problem, right?” Often, returning to the issue may bring a client response that begins “Well, there was this one time....”

It is wise to leave the door open for conveniently recovered memories, since often a client will simply forget to tell you an embarrassing bit of personal history in front of an employer, spouse or fiancé(e). An attorney might remind a client at the end of a consultation, or in a line at the end of a retainer letter, that they can always call with questions or with information which may be important to their case. However, remember to discuss the rules concerning any dual representation situation, and your own obligations as counsel, in the initial consultation and in any attorney-client agreement.

Finally, there are times when the client cannot tell you everything because they are simply confused as to the exact nature of what occurred. At such times, your best tools may be case dispositions obtained by the client from criminal counsel or the clerk of court’s office, the Executive Office for Immigration Review (EOIR) hotline, Freedom of Information Act (FOIA) requests, or Federal Bureau of Investigation (FBI) rap sheet requests. In some cases, these may take an extraordinary length of time to come through. However, there is no substitute for entering a process or proceeding with accurate information.

Make Sure You Know About Travel Plans and Your Client Understands the Importance of Keeping You Abreast of International Travel

International travel can have a significant impact on the immigration process, depending upon the client’s circumstances—usually a negative impact. Consequences may be limited to the surrender of a pending application, such as when a non-H-1B or L-1 nonimmigrant visa holder travels after an adjustment of status application is filed, but before the advance parole travel document is received.¹ However, in some cases the consequences may be far worse, as with the three- or ten-year unlawful presence bars² or even self-deportation for those with an outstanding deportation order of which they are not aware.³

Clients need to be made aware that they should discuss any plans to travel internationally with their attorney before they purchase any airline tickets. This is another appropriate topic for discussion at the initial consultation, and the topic should be raised again upon filing of certain applications such as an application for adjustment of status or a change of status. Finally, a client can be reminded of the impact of travel, and of the need to consult counsel, in a matter closing letter or file closing letter.

¹ See 8 CFR §§245.2(a)(4)(ii)(A), (C); Immigration and Naturalization Service (INS) Memorandum “H-1 and L-1: Pending Applications for Adjustment of Status, Validity of Nonimmigrant Status, and the Elimination of the Advance Parole Requirement” (July 15, 1999), published on AILA InfoNet at www.aila.org/Content/default.aspx?docid=14055.

² INA §212(a)(9)(B)(i).

³ 8 CFR §212(a)(9)(B)(i).

Make Sure Your Client Understands That You Should Be Involved in Any Other Legal Matters

Pending international travel is not the only eventuality which should cause the client to seek immigration counsel. Various legal matters with which the client might become involved over time have potential immigration consequences. Such matters might include:

- **Criminal cases:** It is critical that a qualified immigration practitioner become involved before a plea deal is accepted, as many criminal defense attorneys are unaware of the immigration consequences of various criminal convictions or plea deals;
- **Divorces/Separations:** Completely aside from the emotional upheaval such events bring, the disintegration of a marriage can impact pending permanent residence cases (even employment-based cases, in terms of derivative applicants), the ability to petition for removal of conditions and the status of nonimmigrant derivative applicants;
- **Custody:** Primary, custodial care bestowing responsibility for a young child, especially if that child is a U.S. citizen, can impact waiver availability and various other case factors;
- **Any other legal matter which raises concerns for the client:** While a real estate closing, for example, may in fact be devoid of immigration implications, it is difficult to foresee every possible legal matter which might impact the client's immigration situation. When in doubt, it is far better that the question is asked up front.

As with international travel, clients can be reminded to keep their lawyer in the loop on such issues going forward by a simple line in a matter closing or file closing letter.

Information gathering from your clients is an ongoing process. While the beginning of representation is the most critical time to gather all the facts, important new information can come up at any time after representation begins. The practitioner must always keep the pathways of communication open.

Educating Your Employment Clients

The employment context is one that lends itself well to problem avoidance, especially on the part of the employer. Many (though not all) employers are often well-versed in concepts such as risk management, training, and regulatory compliance. Many will welcome the opportunity to learn from the im-

migration practitioner exactly what they must do in order to avoid problems.

Advise Employers to Have Procedures for I-9 Verification

The Immigration Reform and Control Act of 1986⁴ requires that employers complete Form I-9 for all employees hired on or after November 7, 1986. The process is fraught with potential traps for the employer: it must be applied uniformly to all workers in order to avoid anti-discrimination violations, there are very strict limits on which documents may be accepted and specific timeframes apply both for completing the process and for the retention of I-9 records.

It is critical that employers establish detailed and standardized policies for the I-9 process, and that personnel who handle the hiring process be properly educated as to the company's policies and the rules governing I-9s generally. While providing front line Human Resources personnel and managers charged with completing I-9s a copy of the *M-274 Handbook for Employers—Instructions for Completing Form I-9*⁵ is certainly useful, it is no substitute for a well thought-out training program, preferably one done in conjunction with the employer's employment law counsel to adequately cover the discrimination provisions which must be borne in mind when completing the I-9 process.

While a thorough discussion of I-9 audits, penalties for paperwork violations and the various penalties for employment of individuals unauthorized to accept employment may be beyond the scope of such a training session, a brief review may be advisable, even if the primary purpose is simply to bring home the consequences of non-compliance.

Advise on Regular Audits of I-9s

Once the employer has been advised on the necessity of completing I-9s according to established and standardized policies, and the Human Resources and/or management staff has been trained on how to complete the process properly, the employer should be educated on the maintenance procedures most likely to protect the company should the Department of Homeland Security (DHS) in fact come knocking.

⁴ Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603 (Nov. 6, 1986), 100 Stat. 3359.

⁵ Available from the USCIS website in Adobe Acrobat format at www.uscis.gov/files/nativedocuments/m-274.pdf.

Only a periodic review (annually or even semi-annually) done in conjunction with immigration counsel will assure the employer that there are few or no nightmares lurking in their file cabinets should auditors come to call. The employer will need the attorney's advice not only on which I-9 procedures were completed correctly and which incorrectly, but also on the proper way to correct the I-9 forms found to be faulty, which is a regulatory minefield in its own right.

Department of Labor Compliance Files and Audits

Of course, I-9s are not the only records which employers are required to maintain for immigration purposes. Employers are required to maintain Public Inspection Files for H-1B visas as well as files of certain recruitment documentation for Program Electronic Review Management (PERM) labor certification cases.

Unlike I-9s, which are normally completed in-house, these other types of files are often completed by the attorney who processed the case and provided to the employer. However, certain blanks are sometimes left for employers to complete (particularly with regard to H-1B public inspection files). Further, cases for different employees are sometimes completed by different outside counsel, leading to inconsistencies which might be stylistic or which could very well be substantive.

As with I-9s, periodic auditing of these files by immigration counsel can avoid problems when the Department of Labor arrives on the employer's doorstep.

Social Security No-Match Letters.

On August 15, 2007, U.S. Immigration and Customs Enforcement (ICE) published a final rule entitled "Final Safe Harbor Procedures for Employers Who Receive a No-Match Letter Rule"⁶ (the final rule). The final rule, which is often referred to colloquially as the "Social Security No-Match Rule," has two primary implications:

- The final rule specifically sets forth certain situations where an employer is deemed to have "constructive knowledge" that an employee is unauthorized to work, most importantly where the employer receives a letter from the Social Security Administration (SSA) indicating that the Social Security Number provided for the employee

does not match the information the SSA on file, and when the employer receives a letter from the DHS indicating that the employee's employment authorization documents presented in connection with completion of an I-9 form do not match that agency's records (this sometimes happens right after an I-9 audit).

- The final rule provides "Safe Harbor" provisions—a set of procedures which an employer can follow once a SSA No-Match or DHS letter is received to protect themselves from liability.

As this article goes to press, the Social Security No-Match Rule, which was supposed to become effective September 14, 2007, is not in force subject to a preliminary injunction issued in connection with *AFL-CIO v. Chertoff*,⁷ a lawsuit challenging the rule. Meanwhile, the Advocacy Department of the U.S. Small Business Administration has expressed concerns about the final rule's compliance with the Regulatory Flexibility Act and may yet file an Amicus brief against DHS. Although it is unclear what the ultimate result of the litigation might be, employers need to be informed of the final rule's existence and potential implementation.

The education of employer clients can be viewed as an enormous opportunity for the immigration practitioner. It represents the rare opportunity to become involved before there is an immediate urgency or outright problem, and to give the employer the sense that you are keeping them out of trouble. Of course, it represents an additional source of business. Most importantly, however, it represents an opportunity to go on-site and work face-to-face with people you may at best only speak with on the phone the rest of the year as you get to know them and their business better than you had previously.

HELPING YOUR CLIENTS WHILE KNOWING YOUR LIMITS

Even with the best laid plans and preventative measures, at one time or another all attorneys find themselves in a situation where a client asks for advice in an area outside their expertise. Usually, when we are asked, we have the luxury of time in which we can refer the client to an expert. This section deals with those situations when there isn't time:

⁶ 72 Fed. Reg. 45611 (Aug. 15, 2007).

⁷ *AFL-CIO v. Chertoff*, No. C 07-4472 CRB (N.D. Cal. Oct. 10, 2007), published on AILA InfoNet at Doc. No. 07101034 (posted Oct. 10, 2007).

your client needs advice *now* and you must minimize the potential for any permanent damage.

Getting a Call from the Airport

As security measures increase at international airports, clients who are detained during inspection are increasingly unlikely to be permitted to use mobile phones to contact counsel. However, a friend or relative waiting may often call to say the traveler has been delayed or never arrived. There are a few guidelines all travelers should be made aware of in advance so they will know what to do when faced with potential problems from U.S. Customs and Border Protection (CBP):

- Get as much information from the CBP officer as possible: always get a name, window number, time and date;
- Use the officer's name (politely!): this reminds the CBP officer he or she is accountable;
- Ask to speak to an attorney, preferably before signing anything;
- Always request a copy of anything that is signed. CBP officers rarely offer a copy voluntarily;
- If you are transported elsewhere, find out to where and ensure a friend or family member is made aware.

Too often, clients provide only emotional anecdotes rather than facts or useful information to help the attorney find out what happened and determine their current status. If you are able to speak to the alien, a FOIA/Privacy Act Request may be made on Form G-639. While not always useful, a FOIA request may be a good place to start investigating. If the alien already has an A number, this may also be a useful tool in corresponding with DHS or a member of Congress to locate information.

When your client comes to you to say a loved one never arrived and they don't have any information, finding out the status of a case can be daunting. Exhibit B details some of the procedures for obtaining information from New York area detention facilities. If you are still unable to locate an alien after contacting the detention centers directly, the alien's U.S. consulate may have some information as applicable international conventions or treaties may require the consulate to be informed when one of its nationals is detained.

Getting a Call about an ICE Raid

Of increasing concern for all U.S. immigration attorneys is the number of ICE raids occurring. How

these raids impact our clients, both employers and individuals, as well as the standard of acceptable enforcement procedures should be at the forefront of all immigration attorneys' minds. In the last 12 months, ICE raids have increased and have become more high profile, making headlines and becoming the focus of national debate.

Prevention is key, and clients are well advised to perform regular audits of I-9 documents and ensure continued legal status of all employees, as discussed earlier. In addition, aliens should ensure that they and their family members know their A-numbers and they should be advised never carry to false documents.

If a client is the subject of a raid, and calls you, it is essential that as the client's attorney, you are able to provide advice to minimize damage and prevent additional problems. Clients should be advised that they (1) have the right to remain silent; (2) should request to speak with a lawyer; and (3) should not sign anything without first speaking to a lawyer.

More information on preparing for a raid and what to do if a raid occurs is included in Exhibit C (prepared by the National Immigration Law Center and used with permission).

Follow-Up and Referring the Matter

While it is helpful for attorneys to be able to act effectively in a crisis, it is even more important to know one's limits. When dealing with problems at the border or with ICE, know when to contact an expert. AILA provides mentoring and referral programs to ensure your clients are best served. Acting in the best interest of your client may mean referring the matter to an expert or acting as co-counsel with another attorney with expertise in a particular area or jurisdiction.

EXHIBIT A CLIENT INTAKE QUESTIONNAIRE

<u>I. Biographic Information</u>	
Full name (First, Middle, Last):	
Home Address (Street Number/Name):	
Home Address (City):	
Home Address (State):	
Home Address (Zip):	
Home Phone Number:	
Contact Phone Number (work or cellular)	
Fax Number (indicate home or business):	
E-mail address:	
Place of Birth (City, State/Province, Country):	
Date of Birth (Month/Day/Year):	
Alien Registration Number (if applicable):	
<u>II. Immigration and Criminal History</u>	
<p>(NOTE: While the information below will be helpful to us in advising you, we will still ask to view your passport and, if available, your I-94 card)</p>	
On what date did you most recently enter the U.S.?	
Where did you enter the U.S.?	
Were you inspected by an immigration officer upon entry?	
Have you ever been on a J-1 visa?	
Please list all visa types or types of immigration status you have ever held in the U.S.	
Have you ever filed for asylum or for refugee status?	
Has anyone—employer, family member, etc.—ever applied for permanent residence (green card) on your behalf, or have you ever personally applied for permanent residence?	
If so, please provide details below (use a separate sheet of paper if necessary), including type of application (for each application filed), date of application, and result or current status of that application:	

Have you ever been in exclusion, deportation or removal proceedings?						
If so, please provide details below (use a separate sheet of paper if necessary), including dates of any proceedings and result or current status of that proceeding:						
Have you ever been arrested or convicted for any criminal offense?						
If so, please provide details below (use a separate sheet of paper if necessary), including type of offense, date of offense/arrest/conviction, and result or current status of that offense/arrest/conviction:						
<u>III. Information About Work and Educational History</u>						
NOTE: If you have brought a current resume to provide to us, you need not complete this section.						
Please list all educational institutions you have attended, including vocational schools but not elementary/secondary schools:						
<u>Name of Institution:</u>	<u>Address:</u>	<u>Course of Study:</u>	<u>Dates of Attendance:</u>			
Please list your last five employers, including present one:						
<u>Name, Address & Phone # of Employer</u>	<u>Job Title</u>	<u>Supervisor's Name</u>	<u>From</u>		<u>To</u>	
			<u>Month</u>	<u>Year</u>	<u>Month</u>	<u>Year</u>
						Present

EXHIBIT B

DETENTION FACILITIES IN THE NEW YORK REGION

PASSAIC COUNTY JAIL

11 Sheriff Plaza; Paterson, NJ 07501-1899
Tel. (973) 881-4620

Visiting times for attorneys: any time, except 11:00 am–12:00 pm and 5:00 pm–6:00 pm.

Attorneys, interpreters, clergy and medical or social professionals who desire to visit with a specific inmate must follow the following procedure:

Attorneys should file a letter requesting a formal visit with the communication officer. Letters should be faxed to **Ms. Beckles** attention at (973) 569-0307.

- The letter should state the inmate's full name as well as the exact date time for the requested visit.
- The full name, gender, birth date and driver's license number must be provided for any additional professional you wish to accompany you.
- Professionals should enter through the Marshall Street entrance.
- Upon arrival, the professional will be asked to give their name and provide proper identification, such as a state bar ID, motor vehicle license or medical license to the security officer on duty.
- All persons entering the secure area of the Passaic County Jail must deposit cell phones, coats, keys, tobacco products and any other prohibited items in the lockers provided. Failure to do so may result in fines and criminal prosecution.
- While visiting an inmate, only soft sided file folders are permitted within the jail. *The inmate may not be given anything other than legal papers.*
- Items such as money, pens, highlighters, paper clips, jewelry, matches, lighters, cigarettes and chewing gum are considered contraband and are strictly prohibited.
- Items from an inmate's family cannot be given to the inmate.
- Property of persons entering the Passaic County Jail may be searched at any time.
- Cell phones are strictly prohibited.

An interpreter has to be cleared at the Bureau of Criminal Identification and Archives Division (BCI) at 11 Sheriff Plaza, Paterson, NJ 07501 Tel. (973) 881-4600 before visiting an inmate.

The Passaic County Jail is in the process of ending the housing of federal immigration detainees, marking the end of several years of controversy about the jail's treatment of those detainees. The detainees will be shipped to other sites in New Jersey, New York or Pennsylvania. However, there still remains a substantial alien detainee population.

MONMOUTH COUNTY CORRECTIONAL INSTITUTION

1 Waterworks Road; Freehold, NJ 07728
Tel. (732) 431-7860

Visiting times for attorneys: any time, from 8:00 am–11:00 am, from 1:00 pm–4:00 pm and from 6:00 pm–8:30 pm. If a visit starts before the end of the timeframes, it might be continued.

To identify an inmate: by name, and by the date of birth if the name is common.

Interpreters: register at the captain's office by fax (732) 294-5994 in advance. A request has to state an interpreter's DOB, SS# and driver's license numbers. Any questions should be addressed to Capt. Thomas Philburn at (732) 431-6344.

BERGEN COUNTY JAIL

160 South River Street; Hackensack, NJ 07601

Tel. (201) 646-2200

Visiting times for attorneys: Attorneys, interpreters, clergy and medical or social professionals who desire to visit with a specific inmate must follow the following procedures:

- Professional access to inmates is permitted in the jail, 7:00 am–9:30 am. Seven days a week. All visits are subject to approval by the tour commander on duty.
- Upon arrival, professionals will be asked to give their name and provide proper identification, such as a Bergen County Sheriff's office issued identification card, bar association card, motor vehicle license or medical license to the reception officer on duty.
- All persons entering the secure area of the Bergen County Jail must deposit cell phones, coats, keys, tobacco products and any other prohibited items in the lockers provided. Failure to do so may result in fines or criminal prosecution.
- While visiting an inmate, only soft sided file folders are permitted within the jail an inmate may not be given anything other than legal papers.
- Items such as money, pens, highlighters, paper clips, jewelry, matches, lighters, cigarettes and chewing gum are considered contraband and are strictly prohibited.
- Items from an inmate's family cannot be given to the inmate.
- Property of persons entering the Bergen County Jail may be searched at any time.

To identify an inmate: give inmate's full name and arrest number

Interpreter requirements: same as for attorneys.

ELIZABETH CONTRACT DETENTION FACILITY

625 Evans Street; Elizabeth, NJ 07201

Tel. (973) 622-7157

This is a temporary detention center for individuals who are waiting for their immigration status to be determined or who are awaiting repatriation. Corrections Corporation of America administers the operations of this facility.

CCA Warden: J. Easterling

CCA Asst. Warden: C. Collins

Tel. (908) 352-3776

Officer-in-Charge: C. Shanahan Tel. (973) 622-7157

Visiting times for attorneys: Authorized every day from 6:00 am–10:00 pm. A list of pro bono (free) legal organizations is posted in all detainee housing units and other appropriate areas. This list is updated when necessary.

Consular Access: Consular officials may meet with their detained nationals at any time. It is requested that prior arrangements be made with the office of the ICE officer-in-charge to the extent possible, and that consular officials bring appropriate credentials when they come to this facility.

Clergy Visits: Clergy may visit detainees at any time, but must make prior arrangements with the office of the ICE officer-in-charge. For information, this facility currently has the following religious services / programs currently available to detainees: Catholic Services, ECCC Episcopal, Rutgers CCC Chinese Religious Services, Buddhist Religious Services, ECCC Bible Study, Islamic Services, Chinese Protestant Services, Catholic Service (Lumen Die), and Sri-Lankan Services (Church on Wheels). Any other denominations wishing to hold services should contact CCA's Warden in writing, at the above address.

Visiting Restrictions:

1. All family/social visits are non-contact.
2. If visitors are or appear to be under the influence of alcohol or any drug, visitation will not be allowed.
3. A maximum of two visitors at a time. Visits will be held to a maximum of 1 hour.
4. All visitors are subject to search.
5. Visitors are not allowed to pass or attempt to pass any items to detainees.
6. Children must be under control at all times.
7. Please dress appropriately. The following is a list of unacceptable attire (but is not limited to this list): mini skirts, short shorts, bare feet, tank tops, tube tops, sexually explicit attire, transparent or translucent material, (see thru clothes) or, anything not deemed appropriate attire by the ICE officer on duty.
8. Visitors are not allowed to chew gum in the facility.
9. Visitors are not allowed to carry any items into the visitation area.
10. If contraband such as drugs, alcohol, or weapons are found on any person, that person may be subject to prosecution.

Search Procedures: Search Procedures (*prior or during family or attorney visitations*): All individuals requesting admittance to the facility or the visitation area are subject to a pat-down search of their person, an inspection of their belongings, and a metal scan search. Individuals refusing to cooperate with a reasonable search will not be admitted. No electronic devices (cell phones, pagers, radios, etc.) are permitted in the secure areas of this facility. All detainees are required to submit to a pat-down search when visiting with their family members, friends, attorneys, paralegal, etc, prior to the start of the visit. Detainees, at a minimum, will be subject to a pat-down search upon termination of the visit.

Commissary: Commissary services are available at this facility for detainees, orders are accepted on Thursdays, and to the extent possible, delivered on Fridays. Phone cards are also sold Monday through Friday at approximately 2:00 pm.

Detention: Many of the detainees held in this facility were taken into custody at one of this area's surrounding airports and seaports; some detainees have been transferred in from other states. If you need information about a detainee you may call (973) 622-7157 during normal business hours. (*Please do not call until the detainee has been in custody for at least 24 hours*). When you do call, please have his or her information ready with first, last and hyphenated names, any alias name they may use, date of birth and country. If you do not have this information they may not be able to help you. The only information you will receive is the detainee's alien registration number. If you need to get in touch with a detainee you must call (973) 622-7866 and leave the detainee's full name and alien registration number, and a telephone number where you can be reached. He or she will be given your message.

Bonds: For posting of a Departure, or Delivery Bond: These bonds are posted when a person has been placed into Removal/Deportation Proceedings while in the United States. The person supplying the bond money must show proof of identity. This person (the obligor) is responsible for ensuring that the alien presents himself before an officer or agent of this Bureau whenever a request is made. For bond information, please call (973) 622-7157 and ask to speak to the Deportation Officer handling the case. You must have the last name of the detainee and alien registration number, before calling.

To identify an inmate: give name and alien number

Interpreter: written permission is required from a deportation officer in order to enter the facility.

QUEENS PRIVATE CORRECTIONAL FACILITY

182-22 150th Street; Jamaica, NY 11413
Tel. (718) 553-5420 / Fax: (718) 553-5426

Queens Private Correctional Facility is a part of GEO Group, Inc. (GEO) that provides immigration and detention services to the U.S. Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE) and the United States Marshals Service (USMS).

While under contract with ICE, GEO is responsible for providing secure care, custody, and control to those awaiting deportation procedures who have attempted to enter the country illegally through JFK International Airport. This larger detention facility replaced the Rosedale facility and added beds to help with the growing workload of the Bureau of Immigration & Customs Enforcement. The same standards and performance continues in GEO's housing of primarily pre-sentenced detainees for the U.S. Marshals Service.

Visiting hours for attorneys: from 9:00 am to 9:00 pm

To identify an inmate: give last name

Interpreter: fax a request to (718) 553-5426 stating his/her name, language and why an interpreter is needed; interpreter can not be a relative of the inmate.

YORK COUNTY PRISON

3400 Concord Road; York, PA 17402-9007
Tel (717) 840-7580

York County Prison houses all adult offenders committed for any offense that takes place in York County. It is responsible for housing any inmate charged with any offense from parking violations to criminal homicide. The prison's authorities classify according to criteria that ensures that inmates can serve their time until released by the court without fear of harm from other inmates. This is an adult, local detention facility which houses inmates that are awaiting trial or serving sentences of up to five years. Additionally, York County Prison is one of the largest holding facilities for immigration detainees in the country.

Visiting hours for attorneys: any time

To identify an inmate: give full name.

EXHIBIT C*

NATIONAL IMMIGRATION LAW CENTER

HOW TO BE PREPARED FOR AN IMMIGRATION RAID

Interpreter: interpreter can not be related to the inmate; must have a photo id.

March 2007

Given increased enforcement activity in recent months by U.S. Immigration and Customs Enforcement (ICE), it is important that immigrant rights advocates and local communities be prepared in the event of a raid. Before ICE conducts a raid, immigrants' advocates should:

■ **Prepare individuals in the community so they know they should . . .**

- REMAIN SILENT, or tell the ICE agent that they want to remain silent.
- Ask to speak with a lawyer.
- NOT carry false documents.
- Carry a “know your rights” card (see www.nilc.org/ce/nilc/rightscard_2007-03-15.pdf).
- Find out the name and phone number of a reliable immigration attorney and keep this information with them at all times.
- Know their “alien registration number” (A-number) if they have one, and write it down someplace at home where their family members know where to find it.
- Prepare a form or document that authorizes another adult to care for their minor children.
- Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
- NOT sign any documents without first speaking with a lawyer.

■ **Prepare immigrant rights advocates and community groups.**

- Distribute to unions, workers, and community groups know-your-rights materials about what to do if raids occur or individuals are detained. (Some materials are available at www.nilc.org/ce/ceindex.htm#know-rights.)
- Help individuals who could be detained to practice, through role-playing, the best ways of responding to questioning by ICE agents.
- Advise individuals not to sign any documents or allow ICE agents to coerce them into signing “stipulated orders of removal” or voluntary departure.
- Be prepared to document all the facts about a raid, including any and all actions taken by ICE agents that may be unlawful, the names and badge numbers of ICE agents, and the names and dates of birth of detained immigrants.
- Obtain contact information (e.g., phone numbers) for foreign consulates in your area.
- Obtain contact information, including the phone number, of the local ICE detention center.
- Find out where to obtain contact information for other detention centers in case detained people are transferred out of your local area. (A list of ICE detention centers is available at www.ice.gov/pi/dro/facilities.htm. Detention Watch Network has compiled a more complete mapped list of places where immigrants may be detained, available at http://detentionwatchnetwork.org/dwn_map.)
- Obtain the name of the local ICE special agent in charge (SAC).

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- Establish contact or strengthen your relationship with the local (1) Executive Office for Immigration Review (EOIR) chief counsel and (2) Office of the Federal Public Defender.
- With respect to the media:
 - o Establish relationships with the local media in advance to increase the likelihood that the public will be alerted immediately when a raid is happening.
 - o If you develop such relationships, in the event of a raid on a workplace you may be able to accompany a reporter into the workplace or detention center to observe, for example, whether ICE is turning away attorneys, to deny detainees access to them.
 - o Conduct “know your rights” presentations on community radio programs.
 - o Consider writing “know your rights” articles in local community newspapers.
- With respect to local community leaders and law enforcement officials:
 - o Establish relationships with local law enforcement officials and community leaders, so you can be in communication with them during a raid and the community can mobilize to support affected workers and their families.
- With respect to the local ICE office:
 - o Establish relationships with local ICE officials.
 - o Meet with ICE (1) to ensure that agents who work out of the local office are aware of ICE internal guidance regarding (a) engaging in enforcement activities at workplaces where there are ongoing labor disputes, and (b) releasing detained parents with minor children if there is no other parent to care for the children; and (2) to ask about the local office’s raid protocol and how decisions are made to proceed with a raid.

■ **Develop a rapid response team comprised of attorneys, media personnel, and community leaders.**

- The rapid response legal team should include attorneys who specialize in immigration, criminal, and family law who will gather facts about the raid, help locate and represent individuals whom ICE has detained, and assist with caring for minor children whose parents are detained.
 - o When creating this team, advocates should also establish relationships with other attorneys who have constitutional, criminal, and family law experience—in case ICE violates individuals’ civil liberties during the raids, or the government files criminal charges against detainees, or detainees have minor children.
 - o Advocates should also identify local immigration lawyers who would be available to represent detained individuals.
 - o A well organized team that includes members from the media, the community’s leadership, and attorneys can provide a coordinated response to any immigration raid.
- If ICE denies detainees access to attorneys, members of the rapid response team can call the Executive Office for Immigration Review’s chief counsel to facilitate attorneys’ access to clients.
- If the federal government files criminal charges against detainees, members of the rapid response team can work with the office of the Federal Public Defender to help ensure that they obtain adequate legal representation.

FOR MORE INFORMATION, CONTACT

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