



KNOW YOUR RIGHTS

Immigrant Resources

SELF-ASSESSMENT

I entered the U.S. unlawfully, have been here less than 2 years, and have never been in removal proceedings. What happens if I am detained by immigration authorities?

- If you entered less than two years ago and do not have proper documentation, you do not have a right to a hearing or review by an immigration judge.
- However, if you assert a fear of persecution or torture if returned to your home country, U.S. and international law states that you must be interviewed by an asylum officer.
- If the officer finds your fear credible, you can be referred to an immigration judge to determine your eligibility for asylum.

I am undocumented, have been in the U.S. for more than 2 years, and have never been in removal proceedings. What happens if I am detained by immigration authorities?

- If you can prove that you have been here more than two years, you are entitled to have a hearing before an immigration judge. The judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained.
- You will be given a document called a Notice to Appear that informs you why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.
- You have a right to be represented by an attorney at your own expense.
- Even if you do not have an attorney, you must attend all hearings or the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future.
- If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

I already have a green card. Can I be detained and/or placed in removal proceedings?

- Yes. Even green card holders can be removed from the U.S. if they commit certain criminal offenses or immigration violations. This can happen even if the convictions are very old, and you can be detained at home, while making an immigration application (like renewal of a green card), or when re-entering the country from abroad.
- If you are placed in removal proceedings, you have a right to a hearing before an immigration judge to determine if you will be allowed to keep your green card.
- If you are detained, the judge will decide if you will be released on bond, or if you will have to finish your removal proceedings while detained.
- You will be given a document called a Notice to Appear that informs you of the time and place for your hearing and why you are in removal proceedings. It will also include your 9-digit Alien Registration Number.
- You have a right to be represented by an attorney at the hearing at your own expense.
- Even if you do not have an attorney, you must attend all hearings or you may be ordered removed without a chance to present your case and the judge will order you removed even if you are not there. If that happens, you may become ineligible to obtain status in the future.
- If the immigration judge denies your case and orders you removed, you may be able to appeal the decision within 30 days.

I have a criminal record or have an open criminal case. What can I do to minimize my risk of being removed or minimize the chances of my immigration benefits being denied?

- Regardless of whether or not you are documented or have legal status, contact with the criminal justice system increases your risk of being detained or placed in removal proceedings.
- Always discuss your immigration status with your criminal defense attorney.
- Consult with an immigration attorney or BIA-accredited representative for more information.

I am or have been in removal. How do I find out my case status or future hearings?

- Call the immigration court hotline at (800) 898-7180.
- You will need your 9-digit Alien Registration Number, which is listed on most of your immigration related documents.

I was already ordered removed but I never left the U.S. What are my options?

- You can be arrested and physically removed from the U.S. without hearing or review by an immigration judge.
- If you think that the facts of your immigration case have changed, such as you now fear returning to your home country, you have gotten married, or had children, consult with an attorney or a BIA-accredited representative to determine if you can apply to reopen your case or delay your deportation.

I was ordered removed, left the U.S., and re-entered the U.S. unlawfully. What are my options?

- If you re-entered the U.S. after an order of deportation, there are many potential negative consequences. You can be subject to criminal charges and be barred from receiving permanent residency for 20 or more years.
- You also do not have a right to a hearing or review by an immigration judge if detained by immigration authorities. However, you can still assert a fear of persecution or torture in your home country.

IF YOU HAVE AN EMERGENCY, CALL 911.

For a legal consultation, call (212) 613-5000
Mondays 9 a.m. - 3 p.m. or email IPUintake@nylag.org

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www.nylag.org