

# COURT-CLERGY CONFERENCE 2022

**Topic:** Immigration

**Speakers:** Hon. Tamila E. Ipema

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## WHO ARE THE MAIN ACTORS?

**DHS:** In 2003, Department of Homeland Security absorbed the former Immigration and Naturalization Service (INS) and assumed its duties. It divided the enforcement and services functions into two separate and new agencies: ICE (enforcement) and CIS (Citizenship and Immigration Services). Additionally, the border enforcement functions of the former INS were all consolidated into a new agency under DHS called CBP.

**ICE:** Immigration Customs Enforcement enforces immigration laws within the U.S. Includes (but is not limited to) the officers who enforce physical removal of noncitizens, and the U.S. government's "prosecutors" in immigration court.

**CBP:** Customs and Border Protection, commonly known as Border Patrol, enforces immigration laws at U.S. Border.

**Local Police and Sheriffs:** Do not enforce immigration laws, but may turn over unauthorized immigrants in their custody to ICE.

**WHAT ARE THREE MAIN POINTS THAT THE CLERGY SHOULD KNOW ABOUT THIS SUBJECT?**

- 1) An Immigration officer cannot force anyone to answer questions or sign documents. Every individual in the United States has the right to speak to an attorney regardless of their immigration status.
- 2) Immigration officers may not enter a person’s home unless they have a warrant **signed by a judge** or they are allowed in by consent of the resident.

A warrant is a government-issued document allowing the officer to enter a home, search or arrest. **Only a court/judge** can issue a search warrant.

The below document does **NOT** authorize immigration officers to enter an individual’s home:

**U.S. DEPARTMENT OF HOMELAND SECURITY      Warrant for Arrest of Alien**

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File No. \_\_\_\_\_  
Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject’s identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

- 3) If a person is arrested by an immigration officer he/she should:
  - a) Find out who made the arrest (i.e., what agency)
  - b) Not sign any documents without talking to a lawyer
  - c) Contact his/her attorney or family member
  - d) Contact his/her consulate
  - e) Ask for a bond and immediately try to obtain a lawyer

### **WHAT ARE SOME OF THE WAYS IN WHICH CLERGY CAN HELP THEIR CONGREGANTS?**

- 1) Remind the congregants to keep copies of their important papers (birth certificate, immigration papers, record of proof of continuous residency in the U.S. such as: school records, lease agreements, bank statements, credit card statements, medical records, dated photographs, tax forms, etc.) in a safe place, where a family member could retrieve them if necessary.
- 2) If a member of your congregation has suffered substantial physical, emotional, or medical abuse because of a crime (examples: rape, torture, trafficking, incest, sexual assault, prostitution, kidnapping, false imprisonment, blackmail, etc.), that member and their children may be able to receive permission to work and live in the U.S. through a “U Visa.”
- 3) The Violence Against Women Act (VAWA): If a person’s spouse is a U.S. Citizen or has a green card and that spouse has abused the person or that person’s child during the marriage in the U.S. (threaten, hit, punch, slap, kick, hurt, **or** emotional harm), the person may be able to receive permission to work and live in the United States without the spouse’s help. To qualify for the VAWA exception, the abused spouse must submit a “VAWA Self-Petition.”

- 4) You may assist your parishioners in determining the location of a detained friend or loved one using the ICE online detainee locator system: <https://locator.ice.gov/odls/#/index>

Note: It takes 1-3 days for the detained person to be processed and logged into the ICE system. You can search by name. If the parishioner has an Alien Number (“A” Number), he/she should keep it handy and provide it to the immigration attorney to investigate the status of the immigrant.

Also, if one wants to know the status of the case in immigration court or Board of Immigration Appeals (BIA), they could go to the following site: <https://icor.eoir.justice.gov/en/#explore> or <https://portal.eoir.justice.gov/InfoSystem/Form?Language=EN>. He/she also could call EOIR Case Information Line to find out about immigration court dates: 1-800-898-7180.

- 5) Proof of Good Moral Character plays an important role in getting immigration relief. Also, proof of hardship to family members who are U.S. Citizens in case the immigrant is deported becomes extremely important. Clergy members who are familiar with their parishioners might be able to provide declarations to be included in the application for relief or testify in court on behalf of the immigrant and encourage him/her to be diligent in getting documentation together to prove the case, particularly if self-represented.

Ideally, declaration should include a copy of the driver’s license or other identity document for the attester, and be signed and dated directly below the following language:

*Pursuant to 28 U.S.C. § 1746, I [NAME] declare under penalty of perjury that the foregoing is true and correct.*

6) Translation assistance:

<p>CERTIFICATE OF TRANSLATION</p> <p>I, _____, certify that I am fluent in the English and _____ languages and that this is a complete and accurate translation of the attached document. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.</p> <p>Signature:</p> <p>Typed Name:</p> <p>Executed on (date):</p> <p>Address:</p>
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7) Clergy members should urge non-U.S. citizen parishioners of the importance of seeking immigration assistance as quickly as possible if they are arrested facing criminal convictions, substance abuse, and domestic violence, etc., since this might negatively affect their immigration status.

**WEBSITES/PHONE NUMBERS WHERE CLERGY CAN GO TO LEARN MORE OR PROVIDE THEM AS ADDITIONAL RESOURCES TO THEIR PARISHIONERS:**

- ACLU’s “Know Your Rights” pamphlet for Citizens and Noncitizens with a special section for non-citizens. Excellent resource!  
[https://www.aclu.org/files/kyr/kyr\\_english.pdf](https://www.aclu.org/files/kyr/kyr_english.pdf)
- For VAWA Information: National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- National Immigration Law Center: 213-639-3900
- U Visa Information and Forms: <http://www.uscis.gov/i-918>
- Casa Cornelia Law Center: <http://www.casacornelia.org/>
- Legal Aid Society of San Diego (LASSD):  
[http://www.lassd.org/about\\_pro\\_bono.htm](http://www.lassd.org/about_pro_bono.htm)
- ABA Immigration Justice Project (IJP) of San Diego:  
[https://www.americanbar.org/groups/public\\_interest/immigration/projects\\_initiatives/immigration-justice-project/](https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/immigration-justice-project/)
- Jewish Family Service of San Diego (JFSSD):  
<https://www.jfssd.org/our-services/refugees-immigration/>
- Catholic Charities-Diocese of San Diego (CCDSD):  
<http://www.ccdsd.org/programs/immigrant-services/>
- Employee Rights Center: <https://weberc.net/immigration/>
- For Asylum Seekers/Survivors of torture: <http://notorture.org/>
- ACCESS, Inc.:

[https://www.immigrationadvocates.org/nonprofit/legaldirectory/organization.392667-Access\\_Inc\\_Immigration\\_Services](https://www.immigrationadvocates.org/nonprofit/legaldirectory/organization.392667-Access_Inc_Immigration_Services)

- The Executive Office for Immigration Review also maintains a list of legal service providers for the various states. A list of providers can be found at: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>, with California-specific providers listed here: <https://www.justice.gov/eoir/file/ProBonoCA/download>