

# PAROLE | LIBERTAD CONDICIONAL

How to prepare to ask ICE  
for release on parole

Como prepararse para pedir  
a ICE salida bajo libertad  
condicional



# OVERVIEW | RESUMEN

## In this workshop, we will:

1. Review *Heredia-Mons* case
2. Explain parole requirements
3. Detail documents required to support parole request
4. Explain where to send application + how to check status of request

## En esta presentación:

1. Revisar caso *Heredia-Mons*
2. Explicar requisitos de libertad condicional
3. Detallar documentos necesarios para apoyar solicitud de libertad condicional
4. Explicar donde enviar solicitud + como chequear estatus de solicitud



# Heredia-Mons

## What does the case mean for me and my family?

ICE has to follow its own rules and give every class member a real chance at parole

## ¿Que significa el caso para mi y mi familia?

ICE tiene que seguir sus propias normas y dar a cada miembro de la clase una oportunidad real de salir bajo libertad condicional

3. Defendants are hereby ENJOINED from denying parole to any provisional class members absent an individualized determination, through the parole process, that such provisional class member presents a flight risk or a danger to the community;

IT IS SO ORDERED

Date: September 5, 2019

*/s/ James E. Boasberg*  
JAMES E. BOASBERG  
United States District Judge



# *Heredia-Mons*

## **Who is in the class?**

1. Currently in ICE custody in Louisiana, Mississippi, Tennessee, Alabama, Arkansas
2. Presented at an official U.S. port of entry
3. Seeking asylum
4. Passed credible fear interview
5. Has NOT been ordered removed

## **¿Quiénes están en la clase?**

1. Actualmente bajo custodia en Luisiana, Misisipi, Tennessee, Alabama, Arkansas
2. Se presento en una puerta de entrada oficial de EEUU
3. Solicitando asilo
4. Aprobación recibida de su entrevista de miedo creíble
5. NO ha recibido orden de deportación



# *Heredia-Mons*

## **Who is NOT in the class?**

1. Transferred to ICE custody outside of Louisiana, Mississippi, Tennessee, Alabama, Arkansas
2. Entered without inspection or otherwise did not go to port of entry
3. Has been ordered removed by immigration judge or Board of Immigration Appeals (BIA)

## **¿Quiénes NO están en la clase?**

1. Transferido a custodia de ICE fuera de Luisiana, Misisipi, Tennessee, Alabama, Arkansas
2. Entró a EEUU fuera de puerta de entrada oficial
3. Recibió orden de deportación de un juez de inmigración o Junta de Apelaciones de Inmigración (BIA, por sus siglas en ingles)



# Heredia-Mons

## Remedy

- NO automatic release on parole
- YES opportunity to have parole application considered fairly

## Parole Directive

- Notice of rights in language you understand
- Interview w/in 7 days of passing CFI
- Time to submit documents
- Denials should include reasons why

## Remedio

- NO salida automática bajo libertad condicional
- SI oportunidad de solicitar salida bajo libertad condicional y que la solicitud sea considerada justamente

## Directiva de Libertad Condicional

- Notificación sobre derechos en idioma que Ud. entienda
- Entrevista dentro de 7 días de recibir aprobación de la entrevista de miedo creíble
- Tiempo para entregar documentos
- Denegación debe contener razones concretas

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
PAROLE ADVISAL AND SCHEDULING NOTIFICATION

Alien's Claimed Name(s) (including AKAs) \_\_\_\_\_ AR(s) \_\_\_\_\_  
Detention Facility Name and Location Tallahatchie County Correctional Facility  
Field Office New Orleans Field Office

**NOTICE TO THE ALIEN**  
Because you have been determined to have a "credible fear" of persecution or torture, U.S. Immigration and Customs Enforcement (ICE) will consider whether to parole you from custody pending the resolution of your immigration proceedings. As an Asylum Officer may have already explained to you, ICE may grant you parole if you can establish to ICE's satisfaction: (1) your identity; (2) that you are likely to appear for all scheduled hearings and enforcement appointments (including for removal from the United States if you are ordered removed); and (3) that you do not present a security risk to the United States or a danger to the community.

**1) Documents that May Prove Identity**

- **Passport**
  - o Your original, valid passport OR
  - o Copy of your passport AND one or more of the other identity documents listed here
- **National ID Card**
  - o Your original, valid national ID card OR
  - o Copy of your national ID card AND one or more of the other identity documents listed here
- **Birth Certificate**
  - o Your original birth certificate AND one or more of the other identity documents listed here
  - o Copy of your birth certificate AND one or more of the other identity documents listed here
- **Affidavit (Letter) from a Person Who Can Confirm Your Identity**
  - o Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
  - o Must be signed by a lawful permanent resident (green card holder) or citizen of the United States of America and include a copy of the person's passport or green card
  - o Must include the person's full name and her/his address and phone number(s)
  - o Must state how and for how long he or she has known you

**2) Documents that May Prove that You are Not a Flight Risk**

- **Affidavit (Letter) from a Person or Community Organization Who Will Support You**
  - o Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
  - o Must include the person's/organization's full name and her/his address and phone number(s)
  - o Must be signed by a lawful permanent resident (green card holder) or citizen of the United States of America and include a copy of the person's passport or green card
  - o Must state that you will reside at the address listed and that the person/organization is willing to support you – for example, provide you housing and food – while you are in immigration proceedings
  - o Must include a copy of a utility or telephone bill, with the person's/organization's name and current address matching the address of residence included in the affidavit
  - o Can include details of any other ties that you have to where you will live (family, friends, etc.)
- **In addition to the Affidavit of Sponsorship, you may also submit**
  - o Letters from others in the community where you will live, showing their support. Note: must include the writer's name, address, contact information, and immigration status.
  - o Documentation of any legal, medical or social services you will receive upon release

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Asylum Seeker's Signature (Sign in ink): \_\_\_\_\_  
Date: 11/21/2018  
ICE Officer's Name: R. COLEGROVE  
Language Used: SPANISH  
Interpreter Number (if applicable): \_\_\_\_\_

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# *Heredia-Mons*

## **Assistance: what can we do for class members?**

- YES - Information about how to apply for parole
- CANNOT prepare every class members' parole application

## **Next Steps**

- Notice to all class members
- Contact information for SPLC + ACLU of LA

## **¿Asistencia: que podemos hacer para miembros de la clase?**

- SI – información sobre como solicitar libertad condicional
- NO podemos representar a cada miembro de la clase en su solicitud para libertad condicional

## **Próximos Pasos**

- Notificación a todos los miembros de la clase
- Información de contacto de abogadxs de SPLC + ACLU de Luisiana



# DOCUMENTATION | DOCUMENTACION

## What documents do I need to prepare?

- Identity documents
- Sponsor documents
- Criminal history
- Community support
- Good moral character



## ¿Que documentos tengo que preparar?

- Documentos de identidad
- Documentos de patrocinador
- Antecedentes penales
- Apoyo comunitario
- Buen carácter moral



# Documents that Can Establish Identity

## Documentos que Pueden Demostrar Identidad

### Passport

Your original valid passport

Copy of your passport AND one or more of the other identity documents listed here

- National ID Card
- Birth Certificate
- Affidavit (Letter) from a Person Who Can Confirm Your Identity

### Pasaporte

Su pasaporte válido original

Copia de su pasaporte Y uno o más de los otros documentos de identidad listados aquí

- Tarjeta de identificación nacional
- Certificado de nacimiento
- Declaración jurada (carta) de una persona que puede confirmar su identidad





# **Documents that Can Establish Identity**

## **Documentos que Pueden Demostrar Identidad**

- **Passport**
  - **National ID Card**
  - **Birth Certificate**
  - **Affidavit (Letter) from a Person Who Can Confirm Your Identity**
- **Pasaporte**
  - **Tarjeta de identificación nacional**
  - **Certificado de nacimiento**
  - **Declaración jurada (carta) de una persona que puede confirmar su identidad**



# Documents that May Prove that You are Not a Flight Risk

## Documentos que Pueden Demostrar que usted No es un Riesgo de Evasión

### Sponsor letter

#### Who's a sponsor?

Generally, U.S. citizen or permanent resident

#### What's the purpose of a sponsor?

- Taking responsibility for person throughout immigration court case
- Providing home for them to live in
- Financial support if they can't legally work
- Making sure they show up to court

### Carta de apoyo de patrocinadorx

#### ¿Quién es unx patrocinadorx?

Generalmente, ciudadano E.E.U.U. / residente permanente

#### ¿Cuál es el papel del/la patrocinadorx?

- Hacerse responsable por la persona durante su caso de inmigración
- Dándole un hogar donde vivir
- Apoyándole económicamente si no pueden trabajar legalmente
- Asegurar que asisten a citas de corte





# SPONSOR / PATROCINADOR

## Sponsor documents

- Sponsor Identification
- Proof of U.S. citizenship or immigration status
- Proof of stable address
  - EX: utility bill, insurance mailed to your address, tax doc with address on it, lease, mortgage
- Proof of stable income
  - EX: pay stub, tax docs, bank account statements, letter written by employer
- Sponsor letter showing that the sponsor is willing to support you

## Documentos de patrocinadorx

- Identificación de patrocinadorx
- Prueba de ciudadanía americana o estatus inmigratorio
- Prueba de dirección estable (cuenta de luz, aseguranza, recibo de pago de impuesto con dirección, contrato de alquiler de vivienda, hipoteca)
- Prueba de ingreso estable (talonario de pago, impuestos, carta de empleador)
- Carta del patrocinador explicando disponibilidad para apoyar persona



# SPONSOR / PATROCINADOR

## Sponsor letter of support Dos & Don'ts

### Do:

- State that the person can live with you.
- Specify the address where the person will live with you.
- Be as personal as possible; describe how you know each other and for how long.

### Don't:

- Say the motive for this person to stay in the United States is simply to work.
- Give any other "TMI" that ICE doesn't need to know. Be careful with seemingly casual information.
- Use a template letter from a notario.

## Carta de apoyo de patrocinadorx Si / No

### Sí:

- Diga que la persona puede vivir con usted.
- Especifique la dirección donde la persona va a vivir con usted
- Sea lo más personal que pueda, describe como se conocen y por cuanto tiempo se han conocido.

### No:

- Diga que el motivo de la persona para quedarse en este país es simplemente para trabajar.
- Dé cualquier otra información que ICE no tiene que saber. Cuidado con información aparentemente casual.
- Use una plantilla/formulario de un notario.



# Community Support | Apoyo Comunitario

Letters of support from:

- Family
- Friends
- Members of religious community
- Allies in the community

Cartas de apoyo de:

- Familia
- Amiguxs
- Miembrxs de comunidad religiosa
- Aliadxs en la comunidad



# **Documents that May Prove You are Not a Danger to the Community**

## **Documentos que Pueden Demostrar que no eres un Peligro para la Comunidad**

### **Criminal History**

- Arrest records and bond receipts
- Tickets and payment receipts
- Indictments
- Court dispositions
- Court transcripts
- Certificate of no criminal history from home country

### **Antecedentes penales**

- Expedientes de sus arrestos y recibos de fianzas
- Multas y recibos de pago
- Escritos de acusaciones
- Disposiciones del tribunal
- Transcripciones del tribunal
- Certificado de no antecedentes penales del país de origen



# **Documents that May Prove You are Not a Danger to the Community**

## **Documentos que Pueden Demostrar que no eres un Peligro para la Comunidad**

### **Good Moral Character**

- Anger management classes
- Alcohol/drug classes
- Leadership roles in the community
- Diplomas/degrees/certificates
- Awards

### **Buen carácter moral**

- Clases de manejo de la ira
- Clases/terapias de drogas/alcohol
- Papel de liderazgo en la comunidad
- Licenciatura/títulos/certificados
- Premios



# Where to send request | Donde enviar solicitud

William P. Joyce

Field Office Director

U.S. Immigration and Customs Enforcement

1250 Poydras, Suite 325

New Orleans, LA 70113

[william.p.joyce@ice.dhs.gov](mailto:william.p.joyce@ice.dhs.gov)



## How do I check the status of the request?

- At this time, the only way to check the status of your request for parole is by emailing:  
[neworleans.outreach@ice.dhs.gov](mailto:neworleans.outreach@ice.dhs.gov)
- Attorneys have told us that when they write this email they don't tend to get a response.
- Attorneys at SPLC are currently in negotiations with the government to find a better way.
  - Officers are assigned to cases and then are rotated every 45 days, so having the contact of the officer on the case is unlikely to be very helpful.
  - Our attorneys are meeting with the government to begin negotiations on a better way this week.
  - We will inform you when we have further information.

## Como chequeo es estatus de la solicitud?

- En este momento, la unica forma de chequear el estatus de su solicitud por libertad condicional es mandar un correo electronico a:  
[neworleans.outreach@ice.dhs.gov](mailto:neworleans.outreach@ice.dhs.gov)
- Abogados nos han dicho que cuando mandan correos, no les responden.
- Abogodas y abogados de SPLC estan negociando con el gobierno para obtener una manera mas justa comunicar sobre sus solictaciones.
- Oficiales son asignado a casos diferentes cada 45 dias. Los mueben de su local y les cambian la lista de casos que tienen. Asi que tener el numero de contacto de un official no seria muy util.
- Nuestros abogados y abogadas se reuniran este miercoles para empezar a negociar una manera major para chequear el estatus.
- Cuando tengamos mas informacion, les avisaremos.



**Questions?  
Contact**

**¿Preguntas?  
Comuníquese**

**SPLC:  
404-521-6700?**

Luz.Lopez@splcenter.org  
Laura.Rivera@splcenter.org  
Jaclyn.Cole@splcenter.org  
Chris.Ivey@splcenter.org