

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/even-after-i-won-my-case-ice-wouldnt-let-me-go-until-my-lawyer-intervened>

Public Facing Advocacy Writing

Julian, a green card holder from the Dominican Republic, was thrilled when an immigration judge ruled that he had a legal right to remain in the United States and ICE was wrong to try to deport him. He had spent months in detention fighting ICE's charge of deportability with the help of attorneys from the [New York Immigrant Family Unity Project](#). Yet, even after the judge terminated Julian's removal proceedings, ICE refused to release him from the county jail where he was detained. When ICE officers falsely claimed that the judge's order was not final, Julian's attorney, Amanda Bernardo, sprang to action. After she asked the immigration judge to hold a new hearing to determine if Julian should still be in custody, the judge issued a written order for Julian's release. ICE officials still refused to free him. Only when Bernardo finally contacted the chief counsel for the local ICE office was Julian released. If it weren't for the zealous representation of his New York Immigrant Family Unity Project attorneys, Julian might still be imprisoned, separated from his family, and suffering in a locked cell for 20 hours a day. This is his story.

When I got to the detention facility, I didn't know what to feel. I was in a cell most of the time, with no fresh air. I got to go out for recreation for an hour in the morning, and then I had to lock back in. The recreation area was like if you were in a cage like a dog. I'd go to lunch and then I was back in my cell for the rest of the day. I just sat there for months. My family kept saying I should fight. I put it in God's hands.

My mother begged me not to give up. She told me I had good lawyers and a good case, but I was like, Ma, I can't take it. I decided I was just going to sign the deportation papers. I knew that is what they want you to do. The guard would say, You want your freedom, you know what you gotta do. You know you are supposed to be free, but you are here. It messes with you deeply. It breaks you inside.

Every time I went to court, I would feel anxious and depressed. In my head, I was already deported. There are so many people who have good cases and still get deported. I came over here when I was eight. I was the last one to be brought to the United States, after my mother came here to make a better life. All my family is here now, and I am not familiar with anything in the Dominican Republic. I really have nobody there. My mother—all my family—is here.

I had good lawyers. My attorney was always in contact with my family. She got me transferred from Batavia to New York so I could be closer to them. When I was going to sign the deportation papers just to get out of detention, my lawyer said, No, no. You have a good chance. Having a lawyer helps you mentally because you have somebody that actually cares for your well-being and wants you to stay in the United States. It's not just you by yourself. It makes you feel like you have a chance. If a person doesn't have somebody representing them, it feels like you have no choice but to deport yourself. There are people in detention who only speak Spanish. They don't even know how to speak to the judge or understand what the judge is saying. When you have a lawyer, it takes more stress and anxiety away from you.

When I learned the deportation proceedings were terminated, I just started crying. Usually, I will never cry in front of anybody, but it was overwhelming. People saw me in there crying like a baby. My head was spinning and I was like, No way, it can't be real.

My lawyer expected me to be released from immigration jail in a week or two after the judge terminated the case, but they didn't let me out. They said it was because they didn't receive paperwork from the judge, but even after they received the paperwork, they kept me in there. It was a real struggle, and I felt like I was already losing it. I said, What do they want from me? There were just more excuses. I was waiting for days, and then they said they were waiting to see if the government was going to appeal. I was going crazy. My family was going crazy. I couldn't believe they were going to have me sit and wait for an appeal. I said, This can't happen. This can't happen.

I called my lawyer and she said, Don't worry, I am pushing. She had to write to the judge and explain that ICE was refusing to let me out. I was there for close to a month longer than I should have been. Even my friends in there were talking to the guards and asking them what was going on. It was a month of calling and pressing and pressing before they let me go.

They finally let me out. Now, I'm doing good. I got a construction job. I can see my family. By the grace of God, I am healthy. Everything is for a reason and a purpose. I just keep moving forward, you know?

Read the [Spanish version](#) of Julian's story.

Immigrants like Julian who are held in detention have had their freedom taken from them and have been separated from their families. In New York, the New York Immigrant Family Unity Project ensures that immigrants who are in detention and in deportation proceedings can be represented by a lawyer if they cannot afford to hire one. Yet, in most places across the country, those who are unable to afford an attorney must face the immigration court system alone. Without attorneys, detained immigrants have little chance of winning their freedom from immigration detention and avoiding deportation, even if they have legal standing to remain in the United States. Immigrants facing deportation with legal representation are 3.5 times more likely to be released from detention and 10 times more likely to win the right to remain in the United States permanently. Nationally, more than 40 state and local jurisdictions have followed New

Yorks lead, funding deportation defense for people in their own communities, including 22 partner programs in the Safety and Fairness for Everyone (SAFE) Initiative. These efforts are laying the foundation for and driving a national movement toward federally mandated universal representation for all immigrants facing deportation.

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