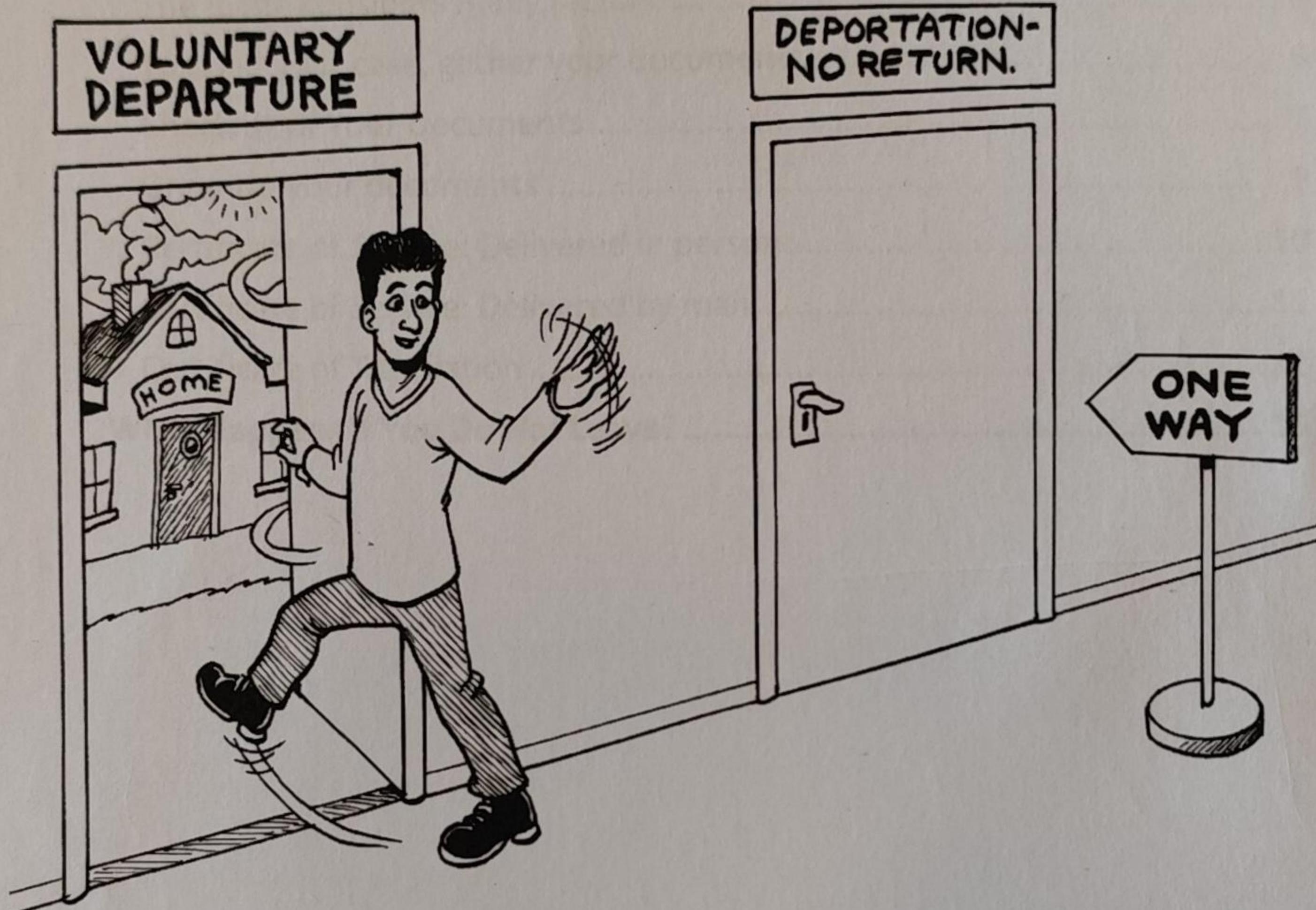


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How to Get a Voluntary Departure

这种不能拿任何 relief, 千万不要XX!!!



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepare and update this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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这种做法就拿不到任何 immigration relief了， 千万不要走！！！ 一定要在 detention 坚持住！

Who Should Read this Guide?

If you are an immigrant who is trying to decide between taking deportation or voluntary departure, this guide from The Florence Project will help you understand your options.

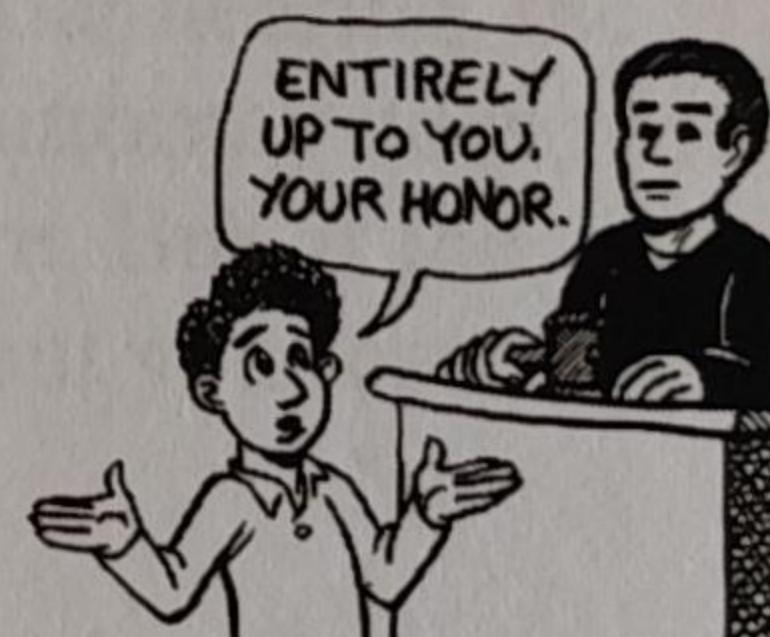
Instead of ordering that you are deported from the United States, the judge may give you an order for voluntary departure if you meet certain requirements. (It is usually better to get voluntary departure instead of deportation, so it is important to know if you may be eligible for it.) If you are granted voluntary departure, you may be able to come back after waiting a certain amount of time only if you have a lawful way to enter the country.

For information about other guides that may help you, go to: www.firrp.org.

Is Voluntary Departure Right for You?

Not everyone will be able to ask for voluntary departure. Before you ask for voluntary departure, you should learn the rules. You must:

- Ask the judge for voluntary departure before or during one of your master calendar hearings. Early in your court case you must tell the judge you want a voluntary departure.
- Agree that you will not apply for any other immigration benefit or relief from deportation.
- Admit that you are deportable.
- Agree to accept the judge's decision. You agree that you will not file an appeal.
- Pay for your own travel. Make sure to ask whether you must pay for either a bus ticket price or a plane ticket. If you are from Mexico, you will travel by bus.
- Unless you are going to Mexico by bus, **have travel documents ready** (for example, you have a passport) or you have one that has been issued within no more than 60 days.
- If the judge tells you to, **post a voluntary departure bond of \$500**.



Organize your documents

Once you have all your documents together, organize them.

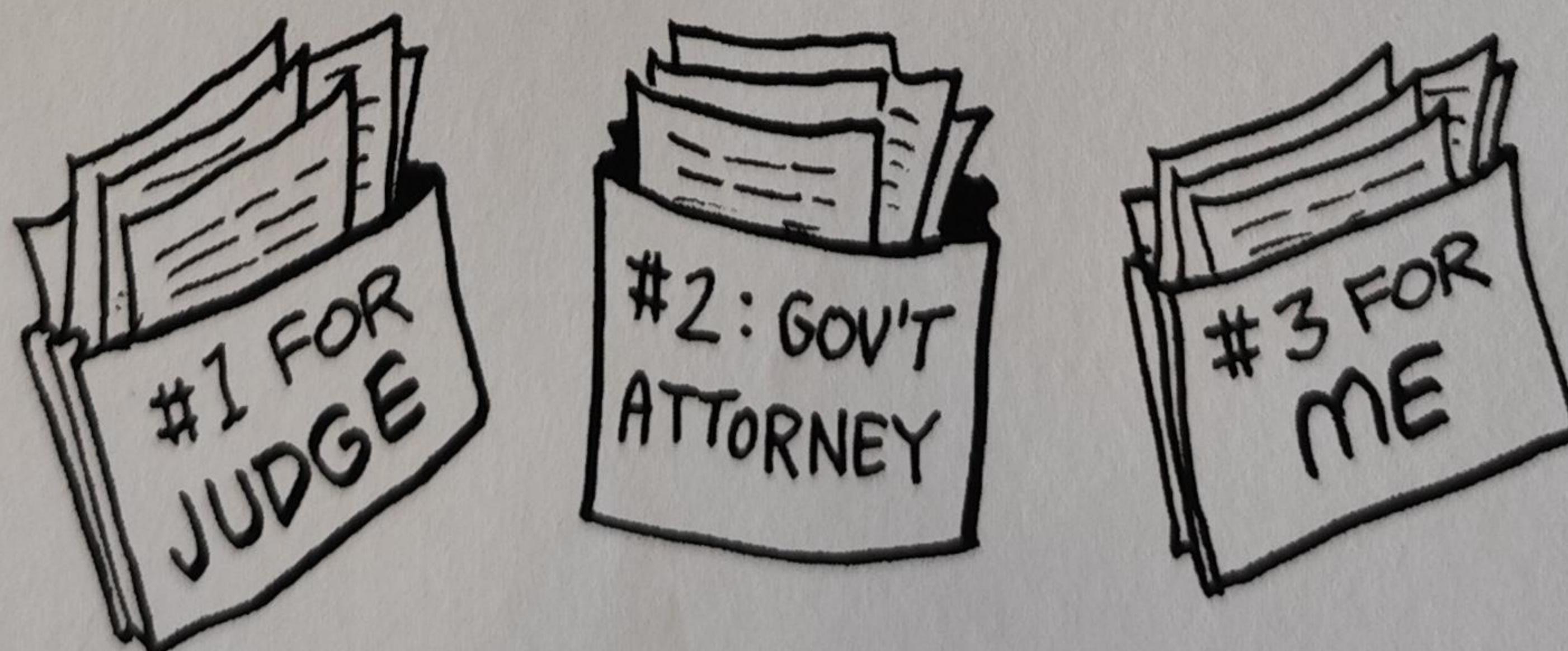
- **Make a list of everything that you are giving to the judge.** Put that list on top of your pile. You can divide your documents into categories like these:

- Family ties in the U.S. (birth certificates, marriage certificates)
- Evidence of long residence in the U.S.
- Evidence of hardship if I am deported
- Evidence that I have good moral character and am valuable to the community (volunteering, going to church, helping the community, etc.)
- Evidence of my employment history and property in the U.S.
- (If you have criminal history), evidence of rehabilitation



All the documents you submit must be in English. If you have documents in another language, you can translate them. Just put your translation in with the original letter and attach a signed copy of the *Certificate of Translation* below.

- Below you will find a *Certificate of Service*. The *Certificate of Service* proves that you also gave a copy of all your documents to the government attorney. (You will find one certificate for delivery in person and another for delivery by mail.) Sign it and attach it to your papers.
- When your packet is complete, **make 2 copies of all original documents:**
 - The original is for the judge.
 - 1 copy is for the government attorney.
 - 1 copy for you.
- Either **mail your packet to the government attorney and the judge or bring it with you to your hearing.**



How Can You Prepare for Your Testimony at Your Contested Hearing?

Preparing your testimony for your hearing will help **make your case even stronger**. At your hearing, you will have the chance to explain to the judge why you deserve voluntary departure.

Keep these tips in mind when you practice your testimony:

Be prepared

- **Write your reasons on a piece of paper.** Practice explaining your reasons to a friend or a family member.

Be honest

- **Your job is to tell the judge about your life.** If you have criminal convictions and the judge asks you about them, tell the judge what happened. Do not lie. Lying will just make things worse. The judge and government attorney often have ways to figure out if you are lying.



Turn negatives into positives

- **If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems.** For example, did you go to AA meetings? Did you complete a rehabilitation program? Tell the judge about all of those things.

Do not be defensive

- **Admitting that you made mistakes**, even if that mistake was just coming to the U.S. without the proper documentation, **can show the judge that you are sorry**. It can also show the judge that you will not repeat those mistakes in the future.

What Happens if You Do Not Leave?

If the judge grants you voluntary departure, the judge will give you a date by which you must leave.

Remember that with voluntary departure YOU must pay for your bus or plane ticket and getting your travel documents, even if you are still in detention.

The consequences are serious

If you are still in the United States after the date the judge orders — even if it is not your fault — there are serious consequences.

- The judge's order will automatically convert into a deportation.
- You might have to pay a penalty up to \$5,000.
- For 10 years, you cannot have immigration benefits such as voluntary departure, cancellation of removal for certain permanent residents, cancellation of removal for nonpermanent residents, and adjustment of status.



Who Should Read this Guide?

If you are an immigrant in Arizona's criminal justice system, this guide will help you understand your case.

This guide from the Florence Project explains how being an immigrant may affect you during your criminal case. It also explains what may happen when your criminal case is decided and you are taken into custody by Immigration and Customs Enforcement (ICE). Finally, it talks about what you need to know after your criminal and immigration cases are finished.



Questions About Your Criminal Case

Will you be deported if you plead guilty to a crime?

- **If you do not have legal immigration status**, you may be deported just because you are in the U.S. without permission. Also, some criminal convictions may make it difficult or impossible for you to get legal status in the future.
- **If you have legal immigration status**, some convictions may cause you to lose that status and be deported.

If you are not sure if you will be eligible for an ICE bond, ask your criminal defense attorney to talk to an immigration attorney.

Questions About Your Immigration Case

What will happen after you are transferred to immigration custody?

When you are transferred to immigration custody, one of three things may happen:

~~Don't sign (这样就自动) immigration court~~

Possibility 1: You sign your deportation order or agree to voluntary departure.

If you agree to return to your home country, ICE may allow you to voluntarily sign for your deportation or for *voluntary departure*. When you sign your deportation order or your voluntary departure order, you give up your right to see an immigration judge. You also give up your right to fight to stay in the U.S.

In some cases, you may not be allowed to sign for your deportation unless you first see an immigration judge. If this happens, you will have a court hearing with an immigration judge.

Possibility 2: You have a hearing before an immigration judge.



Once you are in immigration custody, you may have to wait several weeks for your first hearing with a judge. In immigration court, you have the right to fight against your deportation, apply for relief from deportation, ask for voluntary departure, or ask to be deported.

If you want to ask to be deported, you may do so in your first hearing. But before you ask for deportation, if you think you have a way to stay in the U.S. legally, talk to an immigration lawyer.

If you want to fight your case, you will likely have more than one hearing. Your case may last several months or more.