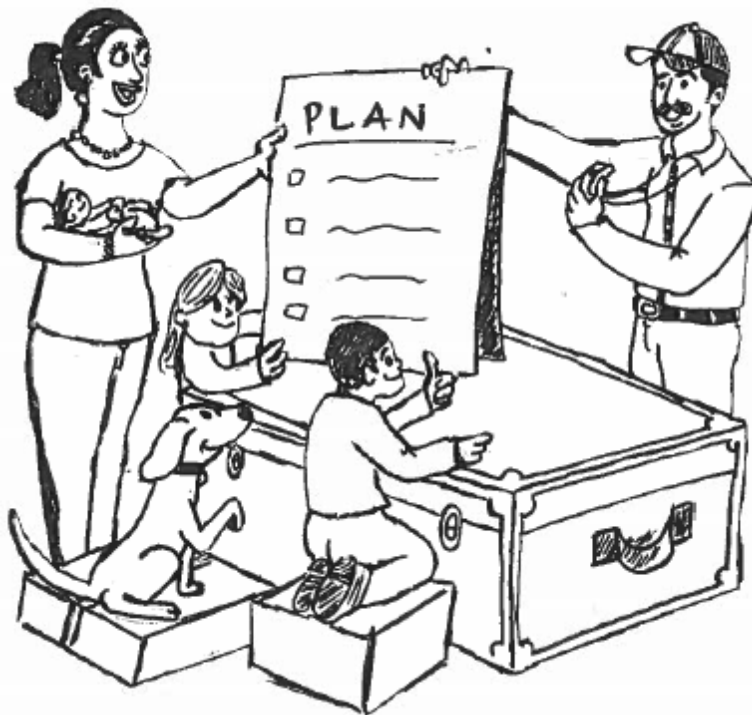


*Learn How to Protect Yourself
and Your Family in Case of
Contact with Immigration*

IMMIGRATION PREPAREDNESS KIT



TRLA
Texas RioGrande Legal Aid
(956) 996-8752

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Last update March 20, 2024

***BE
INFORMED!***



WHAT TO DO IF YOU ARE STOPPED BY THE POLICE

Traffic stops or arrests by the police can lead to serious and irreversible consequences for your immigration situation.

MINIMIZE CONTACT WITH THE POLICE

Getting stopped or arrested by the police can cause serious immigration consequences, for example, it can result in your transfer to immigration custody or your removal from the U.S.

- Follow all traffic laws.
- Pay your fines right away.
- Avoid committing any crimes.
- Get a U.S. photo ID, if you can.

IF YOU ARE DETAINED BY THE POLICE

- Stay calm and be respectful.
- If asked, give your name, date of birth, and address. Don't lie and don't show fake documents.
- You do not have to answer questions about your immigration status, citizenship, where you were born, or how and when you came to the U.S.
- Ask if you are free to go. If the officer says yes, walk away calmly. If the officer says no, you have been arrested and you have the right to know why.

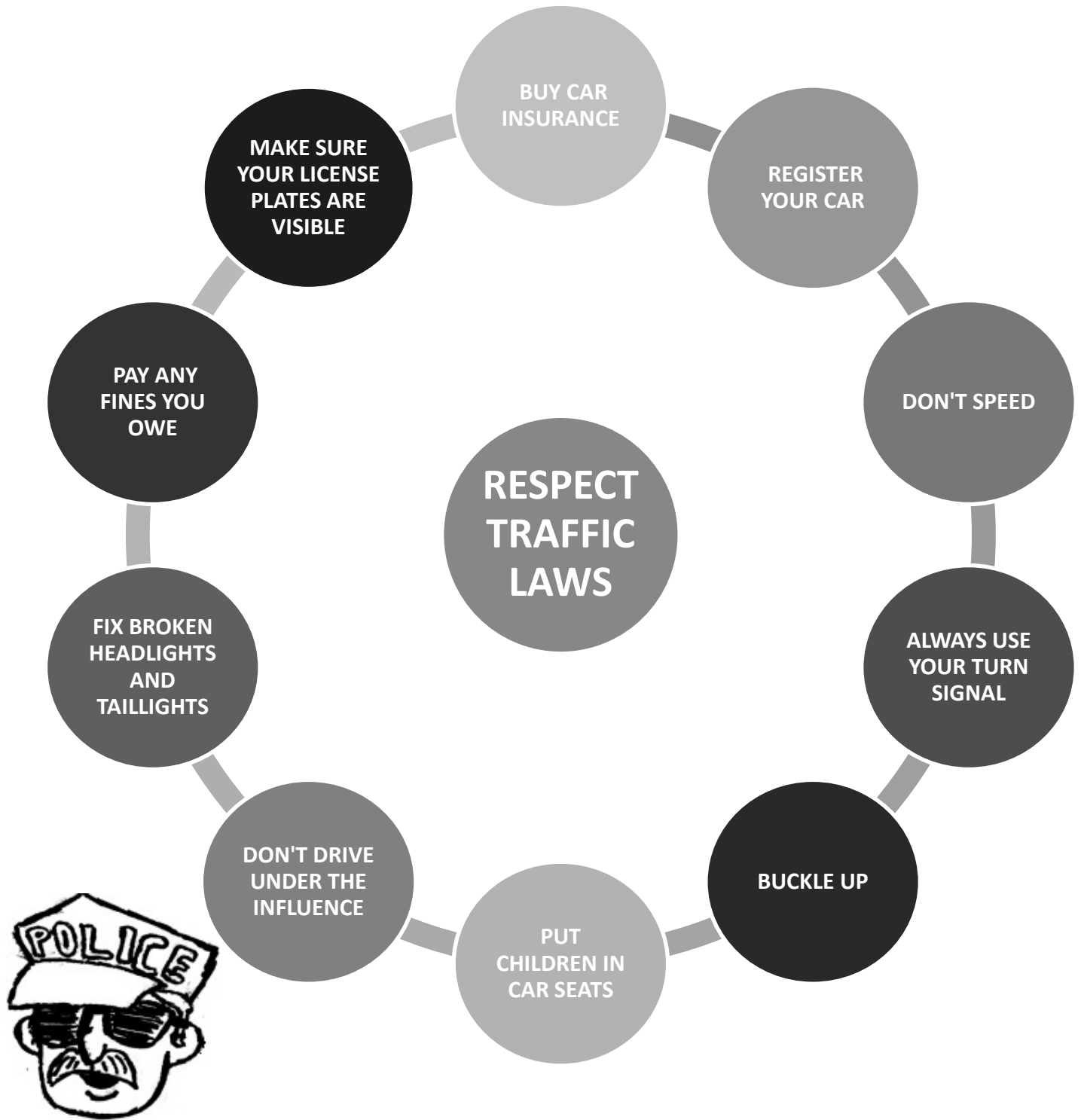
IF YOU ARE ARRESTED BY THE POLICE

- Say that you wish to remain silent and ask to speak to an attorney.
- Special considerations for non-citizens:
 - Before accepting a guilty plea or any other type of agreement, ask your attorney about the effect a criminal conviction would have on your immigration status.
 - Do not discuss your immigration status with anyone except your attorney.
 - While in jail, an immigration agent may visit you. Do not answer any questions or sign anything before speaking with an attorney.



AVOID TRAFFIC STOPS

Follow these simple steps to decrease your chances of being stopped by the police for a traffic violation. Traffic stops can lead to serious and irreversible consequences for your immigration status.



WHAT TO DO IF YOU HAVE CONTACT WITH IMMIGRATION



PROTECT YOURSELF

- **Don't sign any documents without speaking to an attorney first.** Don't be intimidated or tricked into signing a voluntary departure. Instead of signing, ask to see a judge!

If you sign a voluntary departure, you could lose your ONLY opportunity to see a judge or obtain legal status in the future!

- **Express fear of return.** If you are afraid of returning to your country of origin, you have the right to an interview with an asylum officer. For certain people, this interview could be the only way to avoid deportation and to see a judge.

If you are afraid to return to your home country, tell every immigration agent you see until they give you an interview to explain why you are afraid to return!

- **Contact your attorney or a family member you trust.**
- **Contact your consulate.** They can help you find an attorney or contact your family.

FIND A REPUTABLE IMMIGRATION ATTORNEY

- **Find an immigration attorney with experience and a good reputation.**
 - Ask your friends and family members about their experiences with local attorneys.
 - Legal Service Providers: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>
 - Find an attorney through AILA: <http://www.ailalawyer.com/>

AS A CLIENT, YOU HAVE A RIGHT TO:

- ✓ Be informed about your case, including the risks and benefits of applying for an immigration benefit.
- ✓ Make decisions related to your case.
- ✓ Receive a complete copy of your file for free.
- ✓ Fire your attorney if you are not satisfied with their services.

- **Avoid fraudulent service providers.** In the U.S., notaries are not attorneys and are prohibited from providing legal advice, which includes preparing immigration applications.
 - When you meet with someone for help with your immigration case, ask them to show you their credentials, such as their license to practice law, if they are an attorney. If you have doubts, ask another attorney for a second opinion.

WHAT TO DO IF YOU HAVE CONTACT WITH IMMIGRATION

REPORT ABUSE AND MISCONDUCT BY IMMIGRATION AGENTS

- **Immigration agents should respect your human rights and basic civil liberties.** It is important to report abuses committed by government agents, such as:
 - Coercion, intimidation, or threats
 - Discrimination or inappropriate questioning
 - Physical, verbal, or sexual abuse
 - Pressuring you to sign papers that you do not understand or do not want to sign
 - Denying you an interview with an asylum officer if you are afraid of returning to your home country

IF YOU SUFFER ABUSE OR MISCONDUCT:

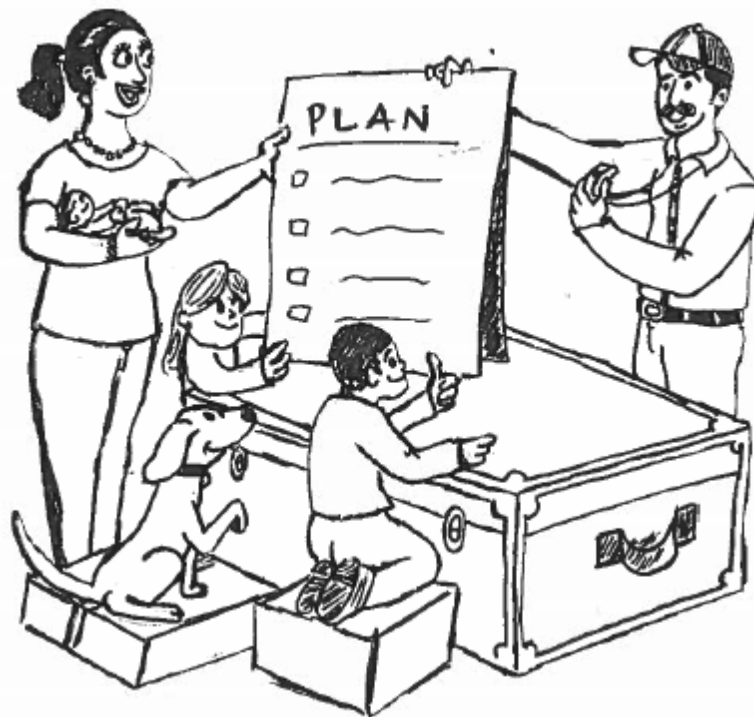
- **Write down everything that you remember about the incident**, including the name of the official and agency, and the day, hour, and place where the abuse occurred.
- **File a complaint** with the Office for Civil Rights and Civil Liberties of the Department of Homeland Security. Go to <https://www.dhs.gov/file-civil-rights-complaint> for more information.
- **For additional assistance, contact a reputable attorney or a civil society organization**, such as TRLA at (956) 996-8752.

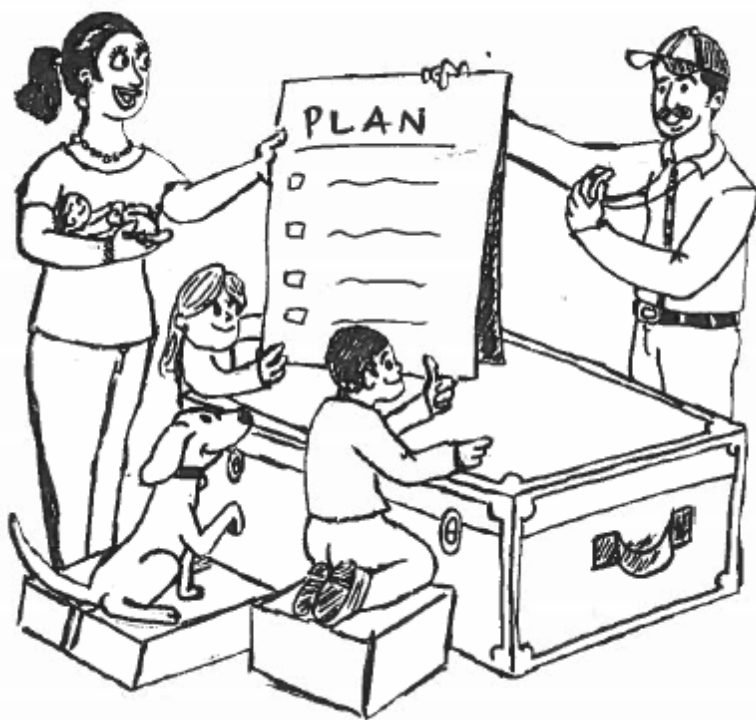
FINDING A LOVED ONE WHO HAS BEEN DETAINED BY IMMIGRATION

- Finding a loved one who has been detained by immigration authorities can be difficult, so you must be persistent.
 - Use the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>
 - Call your local ICE/ERO office: <https://www.ice.gov/contact/ero>
 - Call ICE detention centers: <https://www.ice.gov/detention-facilities>
 - Call the local consulate for the home country of your loved one: <http://www.sos.state.tx.us/border/intlprotocol/embassies/>

PROTECT YOURSELF!

PLAN AHEAD



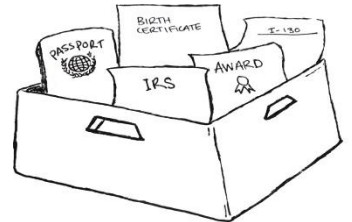


MAKE A SAFETY PLAN FOR YOUR FAMILY

If you are at risk of being detained by Immigration, it is important to make a safety plan now. Planning ahead now will help you and your family in the future.

Gather copies of important documents and keep them in a safe place

- If you are detained, evidence that shows that you have lived in the U.S. for a long time and that you have many ties to the community could help you get out of detention or fight your case. Use the attached **List of Essential Documents** to help you identify the types of documents that you should gather. Save the documents in a safe place and tell a trusted friend or family member where to find them.



Prepare a list of emergency contacts



- **What should your family do if you are detained?** Who should they call? Fill out the attached **Emergency Contacts list** to provide your family with important contact information that they might need in the future. Keep the list in an obvious and visible place in your home.

Find a reputable immigration attorney

- Talk to an immigration attorney to make sure you know your legal options and whether you qualify for some form of immigration relief. Find an attorney that specializes in deportation defense who can represent you in case you are detained. Keep their telephone number on you at all times.

Identify someone who can help you with your children

- **What would happen to your children if you were detained?** Plan ahead and identify a caregiver who can take care of your children if you are detained.
 - The caregiver could be your spouse or the other parent of your children. It could also be a family member, your children's godparent, or a close friend or neighbor. If you have more than one child, you can choose different people to take care of each child. It is better if your children's caregiver has legal immigration status, but it is not necessary.
- Make sure your children's caregiver is ready and able to care for your children. Talk with your children's caregiver now about the following things:
 - How long will the caregiver be able to care for your children? You should plan that they may have to care for your children for a long time.
 - How much will it cost to take care of your children? Who will pay for it?

- Who else lives with the caregiver? If the caregiver lives with other people, do any of those people have a criminal history or a history of abuse or neglect with CPS?
- Will there be adequate supervision for your children?
- Does the caregiver know your children's medical needs or special education requirements?
- Does the caregiver know what school your children attend?
- **Make sure everyone knows the plan.** Your children should know who will care for them in case of emergency and how to contact that person. You should add your children's caregiver as an emergency contact at your children's school.
- Make sure the caregiver knows where to find your children's birth certificates and Social Security cards.

Consider signing a Special Power of Attorney or a Chapter 34 Authorization Agreement

- If you are detained, your children's caregiver could have problems making decisions for your children without your written authorization to do so. Consider signing a **Special Power of Attorney** or a **Chapter 34 Authorization Agreement** to help the caregiver make daily decisions about your children's care, including school matters and medical treatment. A Special Power of Attorney information sheet and a sample Special Power of Attorney are attached.

Make a financial plan

- **Who will be in charge of your financial matters if you are detained?** Who will pay your rent and other bills? If you cannot collect your paycheck, who will be able to collect it for you?
- Make sure that **all of the adults in your home are named on the lease.** If only one adult is named on the lease and that adult is detained, the landlord could evict everyone else in the house in their absence.
- Make sure that a trusted family member or friend has a copy of the key to your home.
- Consider signing a Power of Attorney to help a trusted family member or friend make decisions on your behalf concerning your finances or property.
- You should also start saving money to pay a bond or an attorney in case you are detained.

LIST OF ESSENTIAL DOCUMENTS

Gathering your essential documents now will help you be freed or fight your case if you are detained by immigration authorities in the future. Use this list as a guide – not all of the documents listed will apply in every case.

INSTRUCTIONS:

1. Gather copies of as many of the following documents as possible to show how long you have lived in the U.S., and that you have many ties to this country and your community.
2. Keep the documents in a safe place and tell a family member or friend where they can be found.

YOUR IDENTITY DOCUMENTS

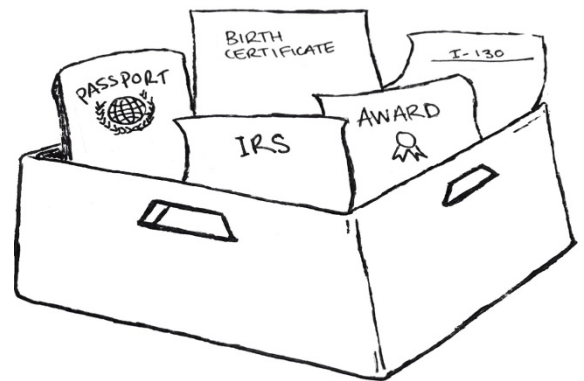
- Birth certificate, Texas ID or license, matricula consular, Social Security card, work permit, passport, or other photo ID.

FAMILY TIES AND POSITIVE FACTORS

- Birth certificates for all of your children
- Evidence of legal status of all of your family members with lawful immigration status (birth certificate, passport, Social Security card, green card, work permit)
- Marriage certificate, if you are married to a citizen or lawful permanent resident (LPR)
- Medical records for yourself and your children; Medicaid cards of your children
- Judicial orders regarding your family (protective orders, child support orders, or custody orders)
- Any Special Power of Attorney or Chapter 34 Authorization Agreement*for children
- Police reports
- Copy of Emergency Contacts* list
- Copy of the Important Financial Information document*

IMMIGRATION DOCUMENTS


- Copy of any applications or petitions filed with Immigration on your behalf (USCIS)
- Acknowledgement of receipt or notice of approval of any application filed with Immigration (USCIS)
- Any G-28, Notice of Appearance, you signed authorizing an attorney to represent you
- Any document or correspondence that you have received from the Immigration Court
- Any document that you have received from an Immigration official (CBP or ICE), for example a copy of your Notice to Appear, custody paperwork, or arrest documents



**Samples attached*

EVIDENCE OF YOUR RESIDENCE IN THE U.S. FOR AS LONG AS YOU HAVE LIVED IN THE COUNTRY

- Contract, mortgage, or rent receipts for each of the places you have lived
- Tax returns, W-2 forms for each year that you have lived in the U.S.
- Evidence of the public benefits your children receive (Medicaid, TANF, Food Stamps)
- Bank account records
- Gas/electricity/water/cable bills
- Your children's school records



Continue saving these types of documents. Add them to your file when you receive them to show that you continue to live in the U.S. and that you are contributing to society. The more evidence you have of your time here, the stronger your case will be.

EVIDENCE OF YOUR TIES TO THE COMMUNITY

- Certificates that you have received (diploma or GED, classes attended, community service activities)
- Certificates or awards that your children have received from school or other activities
- Deeds for a house or title to land
- Evidence of your membership in or attendance at a church
- Letters of support from friends, family members, employers, or leaders in the community

EMERGENCY CONTACTS

Prepare a list of emergency contacts and keep it up to date. Place it in an obvious and visible place in your home, such as on the front of your refrigerator. Try to make sure that one of your emergency contacts has legal immigration status in the U.S.

EMERGENCY NUMBERS

IMMEDIATE EMERGENCY: 911 POLICE: _____
FIRE FIGHTERS: _____ POISON CONTROL: _____

FAMILY MEMBERS

NAME	DOB	A#	COUNTRY OF ORIGIN
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

WHO TO CONTACT IN CASE I AM DETAINED?

MY CHILDREN'S CAREGIVER

NAME: _____ RELATION: _____
CELL #: _____ HOUSE #: _____
WORK #: _____ EMAIL: _____
ADDRESS: _____
IS THERE A POWER OF ATTORNEY OR AUTHORIZATION AGREEMENT? (YES/NO) _____

RESPONSIBLE ADULT WHO HAS ACCESS TO OUR IMPORTANT DOCUMENTS

NAME: _____ RELATION: _____
CELL #: _____ HOUSE #: _____
WORK #: _____ EMAIL: _____
ADDRESS: _____

IMMIGRATION ATTORNEY

NAME: _____ LAW FIRM: _____
WORK #: _____ CELL #: _____
FAX #: _____ EMAIL: _____
ADDRESS: _____

OUR LOCAL CONSULATE: _____

See the other side for information about my children.



INFORMATION ABOUT MY CHILDREN

CHILD 1

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 2

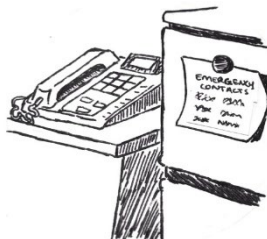
NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 3

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____

CHILD 4

NAME: _____ CELL#: _____
SCHOOL: _____ TEL. OF SCHOOL: _____
MEDICAID PLAN: _____ MEMBER ID#: _____
NAME OF DR.: _____ TEL. OF DR.: _____
ALLERGIES: _____
MEDICAL CONDITIONS: _____
MEDICATIONS: _____



SPECIAL POWER OF ATTORNEY INFORMATION SHEET

What is a Special Power of Attorney?

It is a private agreement giving another person temporary authorization to make decisions on your behalf.

Is it necessary to create a Special Power of Attorney?

It is not necessary to have a Special Power of Attorney, but it is recommended. If your children's caregiver does not have a Special Power of Attorney, that doesn't mean that they can't care for your children, or take them to the doctor, or register them in school. However, a Special Power of Attorney makes everything easier and less complicated.

Who can be in charge of my children?

Any adult you trust and who is able to accept the responsibility. It is better if the caregiver has legal immigration status, but it is not necessary.

What powers can I give to this person?

Whatever power you yourself have. In the attached sample Special Power of Attorney, we have included examples of powers that you can give to your children's caregiver. If you do not want to give all of the enumerated powers, you can cross out the power that you do not want to give, and write your initials next to the crossed out power.

Is it necessary for it to be notarized?

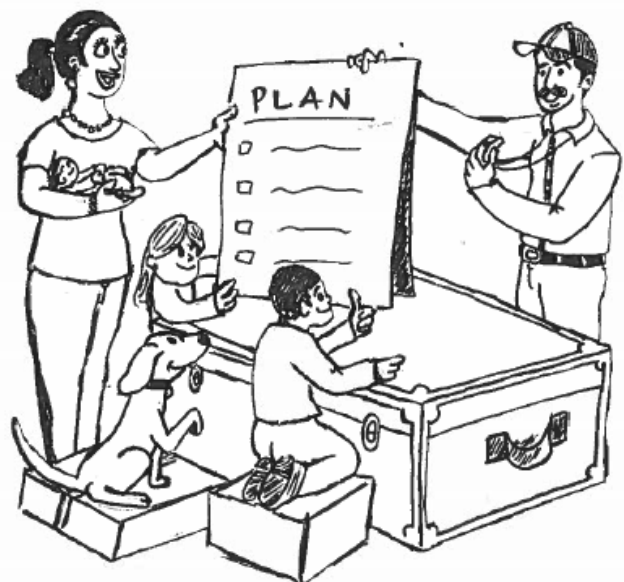
Yes. A notary has to certify your signature on the Special Power of Attorney, but a notary cannot help you create a Special Power of Attorney.

Do both parents need to sign?

No. It is better if both parents sign, but it is not necessary.

Does it matter if there is a court order regarding my child?

It depends. You can only give the caregiver powers that you yourself have. If there is a court order that says which powers you have, you cannot give additional powers. The Special Power of Attorney doesn't change the terms of a court order.



SPECIAL POWER OF ATTORNEY INFORMATION SHEET

How long does a Special Power of Attorney last?

It's up to you. In the Special Power of Attorney, you can decide if you want it to expire on a pre-determined date or if you want it to last until you revoke it.

Can I revoke a Special Power of Attorney whenever I want? How do I revoke it?

Yes, you can revoke it at any moment by destroying the original Special Power of Attorney and all of the copies of it, or by notifying the caregiver in writing that you are revoking it. Additionally, you should notify your children's school, medical professionals, and others who have received a copy of the document.

Who can help me create a Special Power of Attorney?

You should get help from a lawyer to create a Special Power of Attorney. You can also call the Texas Kincaid Hotline at 866-979-4343 for telephonic assistance in creating one. You should never get help from a notary to create a Special Power of Attorney. Notaries cannot give legal advice or assistance and can only certify signatures on legal documents.

What do I do with the Special Power of Attorney after creating one?

After creating a Special Power of Attorney, make a copy. Give a copy to the person who will be in charge of your children and save the original with your other essential documents.

Are there other legal documents that I can create in place of a Special Power of Attorney to give legal authorization to my children's caregiver?

Yes, there is also something called the Authorization Agreement.

An Authorization Agreement is a form created by the state, under Chapter 34 of the Family Code of Texas. It is similar to a Special Power of Attorney, except that it can be used only in certain circumstances and is better recognized under the law.

A Chapter 34 Authorization Agreement is recommended if:

- There is no court order regarding your children, including a custody, child support, or divorce order; and
- Both parents are available to sign the agreement.

If you believe that a Chapter 34 Authorization Agreement is the best option for your family, you should speak to an attorney to help you create one.

*Example
of a
Special
Power of
Attorney*

SPECIAL POWER OF ATTORNEY

THE STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

COUNTY OF _____
(County)

§

§

THAT I, _____ of _____,
(Name of Mother/Father) (Address of mother/father - city, county, state)

_____, _____ hereby appoint my _____,
(Telephone number) (Email) (Relationship to the designated person)

_____ of _____, as my attorney of fact to
(Name of the designated person) (Address of the designated person - city, county, state)

act for me and in my name for the following specific purposes.

The attorney is hereby empowered to act in my name, place, and stead to do the following acts:

1. To maintain physical possession of my child _____;
(Name of my son/daughter)

Date of Birth: _____
(Month/Day/Year)

Last 4 Digits of Social Security Number: _____;
(last four digits of the child's social security number, if exists)

Hereinafter referred to as “the child”;

2. To provide care, control, possession, protection, moral and religious training, and reasonable discipline to the child;
3. To support the child, including providing the child with clothing, food, shelter, medical care, and education;
4. To receive payments for the support of the child, including but not limited to public benefits, and to hold or disburse any funds for the benefit of the child;
5. To consent to medical, psychiatric, and surgical treatment of the child, including but not limited to emergency and invasive procedures;
6. To access any medical, dental, and educational records of the child;
7. To register the child for school and to authorize participation in school activities and placement in special educational programs;
8. To travel with the child to and from _____.

(Foreign country)

I give and grant unto said attorney full power and authority to do and perform every act necessary and proper to be done in the exercise of any of the foregoing powers as fully as I might or could do if personally present. I hereby ratify and confirm all my attorney shall lawfully do or cause to be done by virtue of this power of attorney.

Nothing in this document can or should be construed as in any way limiting my own powers as the parent of the child. I do not relinquish my rights to the child. In executing this document, I do not relinquish any of my parental rights nor do I relinquish conservatorship of my child. This document is not to be interpreted as granting conservatorship rights to anyone else.

Any and all prior powers of attorney given with respect to the child, _____, are revoked and replaced by this one.
(Name of my son/daughter)

The rights, powers, and authority of said attorney in fact shall commence in the event I am detained or otherwise incapable of caring for the child.

Choose one:

[] This Power of Attorney will expire on _____, 20__.
(Date)

[] This Power of Attorney may be voluntarily revoked by me upon written notice from me to said attorney in fact.

Signed this _____ day of _____, 20__.
(Day) (Month)

(Signature of Mother/Father)

SWORN AND SUBSCRIBED to before me by _____ on this _____ day of _____, 20__.
(Name of Mother/Father) (Day) (Month)

NOTARY PUBLIC

CAREGIVER'S AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF _____

§
§
§

KNOW ALL BY THESE PRESENTS:

I, _____ of _____, _____,
(Name of Caregiver) (Address of caregiver - city, county, state) (Telephone number)
_____ hereby promise to comply with Power of Attorney on
(Email)

_____, _____ to provide care for and support the child,
(Name of minor) (Date of birth & last four digits of SSN of minor)
and to make all decisions regarding his/her education or medical needs, or any other decision
needed that is not mentioned in this document to serve his/her best interest.

I, _____ solemnly swear that I will faithfully discharge the duties
(Name of caregiver)
of this Power of Attorney of _____ according to the law and his/her best
(Name of minor)
interest. I also promise to notify _____ of any changes to my address, phone
(Name of mother/father)
number, or email address. Signed this _____ day of _____, 20__.
(Day) (Month)

(Signature of caregiver)

SWORN AND SUBSCRIBED to before me by _____ on this _____ day of
(Name of caregiver) (Day)
_____, 20__.
(Month) (Year)

NOTARY PUBLIC

