



What Happens After I Get Out? A Guide for Immigrants Seeking Release From Prolonged Detention at a Bond Hearing Under *Rodriguez v. Robbins*

March 2016

This guide is for immigration detainees who win release from detention at a bond hearing held under *Rodriguez v. Robbins*, 805 F.3d 1060 (9th Cir. 2015).¹ This guide explains what will happen next in your immigration case after you are released from detention.

For more information on whether you qualify for a *Rodriguez* hearing and how to prepare for your hearing, please refer to the guides listed at the end of this document (see “Guides on *Rodriguez* Bond Hearings” below).

The government recently announced a new policy for immigration detainees who are released on a *Rodriguez* bond. Under the new policy, the government will schedule you for a hearing in immigration court much more quickly than in the past. There are several things that you should know about the new policy, and how to prepare for your hearing:

- **First**, one of the most important things to remember about being released on bond is that it doesn’t stop the deportation case against you—even if you leave the detention center. ***You still need to go to every hearing that’s scheduled in your case.*** If you miss a court date, the judge may order you deported from the United States.
- **Second**, if the judge grants you release at a *Rodriguez* hearing, your deportation case will be expedited, meaning that it will be scheduled faster than the cases of other people. Under the new government policy, ***you will have your first hearing in court between 10***

KEY THINGS TO REMEMBER

- ✓ Make sure to ***attend every court hearing*** in your deportation case.
- ✓ Your first hearing will take place between ***10 and 28 days after you are released.***
- ✓ Make sure the court has your ***current mailing address.***
- ✓ File a written request to ask the judge to move your case to the immigration court that’s closest to your home.
- ✓ ***Call the EOIR hotline once a day*** to check to see if you have a new court date ***(1-800-898-7180)***

¹ This guide was prepared by the ACLU for immigration detainees held in the Ninth Circuit, which includes Arizona, California, Nevada, Oregon, and Washington State. This guide is not intended to provide legal advice and does not serve as a substitute for legal counsel.

and 28 days (or between a week-and-a-half to a month) after you are released from detention. Again, you are required to attend this hearing so that you can continue applying for relief from deportation and so that a deportation order is not entered against you.

- ***Third, you need to make sure the immigration court has your new address.*** This is because the court needs to send you a paper notice to let you know when and where your first court hearing will take place after you are released. If the court does not have your new address, there is a risk that you will not receive the information you need to attend your hearing at the proper location.

You can inform the court of your new address by mailing the court a form called the “***EOIR-33***.” A copy of the form is attached to this guide. Bring the form to court at your *Rodriguez* bond hearing, and give the form to the judge if he or she grants you release on bond.

In some courts, the judge will not accept the form until after you are released. If the judge does not accept the form at your *Rodriguez* hearing, mail the form to the court where your case is currently being heard after you are released.

Make sure to make two copies of the form. You must send one copy to the office of the government attorney in your immigration case. Keep the other copy for your records. A list of mailing addresses for the government attorney is included at the end of this guide. If you’re not sure which is the correct address, contact the immigration court to ask for the address.

Finally, you should send the form to the court and the government attorney by ***certified mail***—not regular mail. The post office will give you a receipt proving that you mailed the form; you should also pay extra to have the court and government attorney send you a receipt, either by email or by regular mail, indicating that they received the form. Make sure to save all your receipts.

- ***Fourth, you may need to file a written request to ask judge to move your case to the immigration court that’s closest to your home.*** This especially applies to you if you are moving to a place that is located far away from the court that currently hears your case.

This written request is called a “***Motion for Change of Venue***” and is included at the end of this packet. You need to fill out the missing information about yourself in the motion. Put your complete mailing address on the motion so that the court can mail you information about when your next hearing is scheduled.

Bring the motion to court at your *Rodriguez* bond hearing. Give the form to the judge if he or she grants you release on bond or other conditions. In some courts, the judge will not accept the motion until after you are released. If the judge refuses to accept the motion, mail it to the immigration court where your case is

currently being held. Make two copies of the motion. Send one to the government attorney's office and keep the other for your records.

Again, you should send the motion to the court and the government attorney by *certified mail*—not regular mail. Make sure to save all your receipts.

Simply filing the motion does not guarantee that your case has been moved to a new court: the judge needs to enter an order granting your motion. Call the immigration court hotline (see below) once a day after filing your motion to make sure that your case has been transferred to the new court.

- ***Fifth, call the immigration court hotline at 1-800-898-7180 once a day after you're released from detention to check if your have a new court date and check that your case has been transferred.*** Note that it may take a few days for the hotline to update itself with new hearing information. If your case is not transferred to a new court, but you sent the court a Motion for Change of Venue, call the immigration court directly to make sure they received the motion.

Please remember that, under the new rules, you will be due back in court between 10 and 28 days after your release from detention. You must attend your court hearing wherever it is or you may be ordered removed from the United States.

If you have any questions about this guide, please email rodriguezclasscounsel@aclusocal.org.

Guides on Rodriguez Bond Hearings

- Florence Immigrant and Refugee Rights Project, *Prolonged Detention Bond Hearing* (Jan. 2014), available at <http://firrp.org/media/Prolonged-Detention-Bond-Guide-2013.pdf>.
- ACLU of Southern California & ACLU Immigrants' Rights Project, *Bond Hearings for Immigrants Subject to Prolonged Immigration Detention in the Ninth Circuit* (Dec. 2015), available at <https://www.aclu.org/legal-document/practice-advisory-bond-hearings-immigrants-subject-prolonged-immigration-detention>.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

City and state where court is

_____)	IN REMOVAL PROCEEDINGS
In the Matter of)	
(your name) _____)	File No. A_____
Respondent)	
)	

MOTION FOR CHANGE OF VENUE

The Respondent has bonded out and will be residing at:

(your address outside of detention)

The Respondent requests that his case be transferred to the Immigration Court that covers the area of his residence.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this motion by mailing a copy to:

ICE District Counsel

(address of the ICE office that is handling your case)

Date: _____ Signed: _____

EOIR-33 CHANGE OF ADDRESS FORM
Seattle Immigration Court

Alien's Change of Address Form/ Immigration Court

If you move or change your phone number, the law requires you to file this Change of Address Form with the Immigration Court. You must file this form within five (5) working days of a change in your address or phone number. You will only receive notification as to the time, date, and place of hearing or other official correspondence at the address which you provide. Changes in address or telephone numbers communicated through any means except this form, e.g., pleadings, motion papers, correspondence, telephone calls, applications for relief, etc. will not be recognized and the address information and record will remain unchanged.

Failure to appear at any hearing before an Immigration Judge, when notice of that hearing or other official correspondence was served on you or sent to the address you provided, may result in one or more of the following actions:

- If you are not already detained, you may be taken into custody by the Department of Homeland Security (DHS) and held for further action; and

If you are in *removal* proceedings:

Your hearing may be held in your absence under Section 240 of the Immigration and Nationality Act (INA), and an order of removal may be entered against you. Furthermore, you may become ineligible for the following forms of relief from removal for a period of 10 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 240B of the INA;
2. Cancellation of Removal as provided for in Section 240A of the INA;
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA.

If you are in *deportation* proceedings:

Your hearing may be held in your absence under Section 242B of the Immigration and Nationality Act (INA) (1995), and an order of deportation may be entered against you. Furthermore, you may become ineligible for the following forms of relief from deportation for a period of 5 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 242(b) of the INA (1995);
2. Suspension of Deportation or Voluntary Departure as provided for in Section 244 of the INA (1995);
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA (1995).

If you are in *exclusion* proceedings:

Your application for admission to the United States may be considered withdrawn, and your hearing may be held in your absence and an order of exclusion and deportation entered against you.

Name: _____ Alien Number: A _____

My OLD address was:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

My NEW address is:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

(New Telephone Number)

 **SIGN HERE** →

X _____
Signature Date

PROOF OF SERVICE (You Must Complete This)

I _____ mailed or delivered a copy of this Change of Address Form on

(Name)

_____ to the Office of the Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE) at

(Date)

(Number and Street, City, State, Zip Code)

 **SIGN HERE** →

X _____
Signature

MAILING INSTRUCTIONS

- 1) Copy the completed form and mail or deliver it to the Office of the Chief Counsel DHS-ICE at the address you inserted in the *PROOF OF SERVICE*. The *PROOF OF SERVICE* certifies that you provided a copy of the form to DHS.
- 2) Fold the page at the dotted lines marked "Fold Here" so that the address is visible.
(*IMPORTANT: Make sure the address section is visible after folds are made.*)
- 3) Secure the folded form by stapling along the open end marked "Fasten Here."
- 4) Place appropriate postage stamp in the area marked "Place Stamp Here."
- 5) Write in your return address in the area marked "PUT YOUR ADDRESS HERE."
- 6) Mail the original form to the Immigration Court whose address is printed below.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is five (5) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Immigration Court
1000 Second Ave.,
Ste. 2500
Seattle, WA 98104

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify the Immigration Court of any change of address and any change of telephone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in the adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice EOIR-001, Records and Management Information System and EOIR-003.

Fasten Here

EOIR-33 CHANGE OF ADDRESS FORM
Tacoma Immigration Court

Alien's Change of Address Form/ Immigration Court

If you move or change your phone number, the law requires you to file this Change of Address Form with the Immigration Court. You must file this form within five (5) working days of a change in your address or phone number. You will only receive notification as to the time, date, and place of hearing or other official correspondence at the address which you provide. Changes in address or telephone numbers communicated through any means except this form, e.g., pleadings, motion papers, correspondence, telephone calls, applications for relief, etc. will not be recognized and the address information and record will remain unchanged.

Failure to appear at any hearing before an Immigration Judge, when notice of that hearing or other official correspondence was served on you or sent to the address you provided, may result in one or more of the following actions:

- If you are not already detained, you may be taken into custody by the Department of Homeland Security (DHS) and held for further action; and

If you are in *removal* proceedings:

Your hearing may be held in your absence under Section 240 of the Immigration and Nationality Act (INA), and an order of removal may be entered against you. Furthermore, you may become ineligible for the following forms of relief from removal for a period of 10 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 240B of the INA;
2. Cancellation of Removal as provided for in Section 240A of the INA;
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA.

If you are in *deportation* proceedings:

Your hearing may be held in your absence under Section 242B of the Immigration and Nationality Act (INA) (1995), and an order of deportation may be entered against you. Furthermore, you may become ineligible for the following forms of relief from deportation for a period of 5 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 242(b) of the INA (1995);
2. Suspension of Deportation or Voluntary Departure as provided for in Section 244 of the INA (1995);
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA (1995).

If you are in *exclusion* proceedings:

Your application for admission to the United States may be considered withdrawn, and your hearing may be held in your absence and an order of exclusion and deportation entered against you.

Name: _____ Alien Number: A _____

My OLD address was:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

My NEW address is:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

(New Telephone Number)

 **SIGN HERE** →

X _____
Signature Date

PROOF OF SERVICE (You Must Complete This)

I _____ mailed or delivered a copy of this Change of Address Form on

(Name)

_____ to the Office of the Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE) at

(Date)

(Number and Street, City, State, Zip Code)

 **SIGN HERE** →

X _____
Signature

MAILING INSTRUCTIONS

- 1) Copy the completed form and mail or deliver it to the Office of the Chief Counsel DHS-ICE at the address you inserted in the *PROOF OF SERVICE*. The *PROOF OF SERVICE* certifies that you provided a copy of the form to DHS.
- 2) Fold the page at the dotted lines marked "Fold Here" so that the address is visible.
(*IMPORTANT: Make sure the address section is visible after folds are made.*)
- 3) Secure the folded form by stapling along the open end marked "Fasten Here."
- 4) Place appropriate postage stamp in the area marked "Place Stamp Here."
- 5) Write in your return address in the area marked "PUT YOUR ADDRESS HERE."
- 6) Mail the original form to the Immigration Court whose address is printed below.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is five (5) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Immigration Court
1623 East J Street,
Suite 3
Tacoma, WA 98421

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify the Immigration Court of any change of address and any change of telephone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in the adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice EOIR-001, Records and Management Information System and EOIR-003.

Fasten Here

Mailing Addresses for Washington Government Attorneys

Raphael Sanchez, Chief Counsel - Office of the Chief Counsel

1000 Second Avenue Suite 2900

Seattle, WA, 98104

Phone: (206) 613-6500

PD inquiries: OPLA-PD-SEA-OCC@ice.dhs.gov

Northwest Detention Center - Office of the Chief Counsel

1623 East J Street Suite 2

Tacoma, WA, 98421