



**Committee for Public Counsel Services
Immigration Impact Unit**

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**Parole: ICE detainers and ICE detention
(for prisoners)**

What is an ICE detainer?

An ICE detainer is a document from immigration officials saying that they want to arrest you after you are released from prison. The ICE detainer gets sent to the prison where you are serving your sentence and asks the prison to notify ICE when you are being released.

Immigration officers can only send an ICE detainer when they think you are deportable. Being deportable means that immigration officials believe there are grounds to remove you from the United States. If you are a U.S. citizen, you can't be deported and there should not be an ICE detainer. If you were born in another country, and never became a U.S. citizen, then there is a chance that there is an ICE detainer.

How do I know if there is an ICE detainer?

Often, one of the correctional officers or the parole officer will tell you there is an ICE detainer. ICE officers might also come to see you and could tell you there is an ICE detainer. If you are unsure, you can ask your lawyer. If you do not have a lawyer, you can ask your case manager, correctional officers, or your institutional parole officer.

What does an ICE detainer mean for your chance of parole release?

An ICE detainer does not prevent the Parole Board from granting you parole. However, it does change the process in several ways:

1. The Parole Board will always require that people who are released on parole have a "home plan," meaning a place they plan to live, whether it is a residential home, a program, or a sober home. For people who are granted parole, the Parole Board must approve of the plan before release. If you have an ICE detainer, the Parole Board will require you to create both a home plan for *this country* and a home plan in the *country you may be returned to*, if you are deported. Having a strong home plan in both places (more than just "I may be deported") will increase your chances at parole release and could also speed up your release if you are granted parole release. If you are not represented by counsel and have questions about how to create a strong home plan, please call CPCS's main number at 617-482-6212 and ask for the Parole Advocacy Unit.

2. Even if the Parole Board grants parole, an ICE detainer means there is a high chance that you will not be released to the community. You are more likely going to be transferred to ICE detention.

What will happen if I am granted parole but have an ICE detainer?

Each individual case is different, and the federal government actions change over time, however, most people with an ICE detainer will be released to ICE and brought to an ICE detention facility. For information about ICE detention, see below.

If ICE indicates to the DOC that they will not pick you up, you will be released to your home plan. If your release date arrives and ICE does not come pick you up, and you are not released to your home plan, please contact the Immigration Impact Unit.

What will happen in ICE detention?

If you have not been deported previously and have not seen an immigration judge yet:

- ICE can detain you anywhere in the country. We see many people from Massachusetts taken to ICE custody in Plymouth, MA, Strafford, NH, and Philipsburg, PA.
- Once you are in ICE custody, you will be scheduled to appear in immigration court. It can take a few weeks before your hearing is scheduled. Most likely, you will appear in immigration court by video. You will not be brought to the immigration court. If you need an interpreter, the court will provide one.
- The immigration court will not give you a free lawyer, even if you cannot afford to hire a lawyer yourself. The court will give you a list of organizations that you can call to try to find a free lawyer. It can be very hard to find a lawyer. If you cannot find a lawyer, you will have to represent yourself.
- The length of ICE detention varies based on a number of factors including individual factors in your case such as whether you try to fight removal and your country of birth.

If you have been deported previously, or if you completed immigration court while serving your state sentence:

- In that case, there is likely already a final order of removal. If you have a final order, you will not appear in front of an immigration judge again. ICE will arrest you and put you in detention until they can get you on a flight to your country of birth.