

FAMILIES FOR FREEDOM  
INTERNATIONAL DEPORTEE JUSTICE COMMITTEE

**Consular Recommendations**

*www.familiesforfreedom.org/deporteeinternational*

**CRIMINAL ARREST** *Immigration problems typically begin when nationals are given inadequate advice about the criminal system.*

**Recommendation One: REQUIRE NOTIFICATION OF ARRESTS AS PROVIDED FOR BY THE VIENNA CONVENTION**

- Persuade all law enforcement agencies (including the Department of Corrections) to notify *all* arrestees of the rights of foreign nationals to contact their consulates.
- Mandatory notification consulates should insist that law enforcement agencies contact them immediately upon discovering that an arrestee is a foreign national.
- Insist that law enforcement notify consulates *before* sharing information about detainees with Immigration and Customs Enforcement (ICE).
- Develop a pocket card informing nationals of their right to contact the consulate upon arrest and distribute it to nationals.

**Recommendation Two: TAKE ACTION ONCE A NATIONAL IS ARRESTED**

- Inform arrestees that criminal convictions—even pleas to misdemeanors—may have potential immigration consequences and that they should obtain legal representation.
- Implement a standard written policy that details the actions that a consulate is required to take immediately upon notification that a national has been arrested. These actions should include:
  - Provide all arrested nationals with a written warning about the potential deportation consequences of a conviction. Include self-help resources.
  - Communicate with the arrestee or family members to help them obtain information or legal representation.

**IMMIGRATION ARREST** *Though similar to criminal arrests, immigration arrests require heightened vigilance: procedural protections of rights are lower and lifelong exile is a possible outcome.*

**Recommendation Three: TAKE ACTION WHEN A NATIONAL IS DETAINED BY IMMIGRATION**

- Provide all detained nationals with deportation assistance resources immediately when they are detained. The materials should also explain the deportation process.
- Prevent ICE from transferring detainees to distant locations where consulates would be inaccessible.
- Provide an 800 number for detained nationals to contact their consulate.
- Implement a standard written policy that details the actions that a consulate is required to take immediately upon notification that a national has been detained by immigration. These actions should include:
  - Always provide family members with information about a detained national's location and alien registration number (A#). Consulates can locate a detained national more quickly than his or her family.
  - Write letters of support for nationals who would suffer hardship due to illness or other reasons if deported. These letters can help convince government lawyers to exercise prosecutorial discretion in favor of a national, or convince judges in immigration court to grant discretionary relief.

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**TRAVEL DOCUMENTS** *The U.S. deports people to non-continuous countries only if a deportee's home country issues travel documents.*

**Recommendation Four: IN-PERSON INTERVIEW WITH NATIONAL**

- Interview nationals in-person.
- Verify every national's identity.
- Check that the national is not being deported prematurely.
- Check that the national not been subject to abuses or other rights violations in detention.

**Recommendation Five: REQUIRE TRAVEL DOCUMENTS BEFORE EVERY DEPORTATION**

- Require that a travel document be issued prior to every deportation, even if a national has a passport.
- Before issuing travel documents, make sure all the national's rights in the deportation process have been exercised and that national has exhausted all legal and judicial remedies, including appeals.

**Recommendation Six: MAKE REQUIREMENTS FOR ISSUING TRAVEL DOCUMENTS**

- Require *verification before* issuing travel documents.
- Hold travel documents until *all* legal remedies have been exhausted.
- Ensure that nationals are not deported prematurely and in violation of their rights.
- Provide U.S. officials with a *Verification Checklist* and require U.S. officials to answer *in writing* all of the following:
  - Whether the national has exhausted all legal remedies, including all judicial remedies;
  - Whether the impact of deportation on a national's U.S. citizen family has been taken into consideration;
  - Whether the national has access to his/her financial assets in the U.S., including accrued retirement savings and pensions; and
  - Whether the national has been permitted to contact his/her relatives in the home country.

**Recommendation Seven: NOTIFY FAMILIES OF DEPORTATION DATES**

- Provide family members with the date of their loved one's deportation, even if DHS requests to the contrary. Families may make arrangements in preparation for deportation, alleviating the burden on home governments.

**DETENTION CONDITIONS** *People in immigration detention are often subject to the same harsh conditions as criminal prisoners, but they may have less protection from abuse because people assume "detention" is not "prison."*

**Recommendation Eight: INTERVENE AGAINST ABUSE OF NATIONALS IN JAILS AND DETENTION CENTERS.**

- Visit detention centers to investigate complaints of abuse.
- Intervene when detention facilities do not accommodate detainees' religious beliefs, language needs, and dietary needs.
- Ask U.S. Government officials to conduct official investigations into detainee abuse. Even when official investigations do not produce official findings, the treatment of detainees in facilities subject to investigation improve dramatically.