

The Tompkins County Immigrant Rights Coalition has asked Chotiwat Luenam who was detained by Immigration and Customs Enforcement (I.C.E.) in Ithaca, N.Y. on January 23, 2018, and released on a \$5,000 bond on February 21, 2018 to share a few thoughts on what he went through that could be helpful to community members throughout Central New York, including people who might be pursued by I.C.E. and/or Border Patrol. This is what he wrote:¹

(Guidelines for Immigrants)

With or without intention, whenever you meet these two conditions; first being an immigrant and then overstaying your visa, you are already susceptible to arrest by I.C.E. officers. This susceptibility applies to you wherever you are, whether you are in a car, on the bus or other public transport.

Once the I.C.E. officers arrest you, inevitably, you need to concentrate and not panic. Bear in mind that you are not a criminal: you are simply a person who overstayed the required visa period. As a person who went through that experience, here is my advice to you, those who have met the two conditions.

1. If you are inside the house, absolutely do not open the door to any strangers. Normally, I.C.E. officers do not have a search warrant signed by a judge, because of the complicated procedures. They often make an upfront arrest. When they do not have a judicial warrant, if a resident does not invite them in they will not be able to make an arrest.
2. They usually form a team of 2-5 officers for an operation. Therefore, when you are outside of the residence, or in the public space, look out for the group of that nature. Avoid them to reduce the chance of interaction.
3. When you are certain that the people in question are I.C.E. officers, walk away from them, so long as they have not signaled their intention to stop or arrest you. Do not run, as it will attract their attention, and lead to the arrest. Once they have asked you to stop or called out to you, you must stop.

If the advice above doesn't work, once you are arrested follow this advice:

1. It will be helpful if you can communicate in English, because the officers will likely explain your rights and entitlement to you. For instance, you are not obliged to say anything, or sign any documents if you do not understand the documents. Do not answer any questions about your immigration status or sign any documents until you have talked with a lawyer.
2. If you do not have a criminal record, you will only be charged with overstay. Therefore, I.C.E. officers may explain to you that, as a common procedure, they will bring you to Batavia Federal Detention Facility, but you will be able to bail yourself out to deal with the court case. The officers may tell you that the primary amount of bond is between \$10,000-15,000. After a couple of

¹ Translation from Thai by Kriangsak Teera-Hong.

weeks to a month, you will receive a court notice for the court hearing. The actual amount of bond will be determined at the discretion of the officers. The amounts of bond will be written down on the arrest record, in some cases but not always.

3. If the officers do not determine the amount of bond for you, you can also post the bond for your release, after the hearing at the Immigration Court. The judge will determine the amount of bond and other conditions, if any.

If you are in this latest situation, do not panic. You will enter the legal procedures of the US Department of Homeland Security, which is required to treat you with dignity and respect as well.

Once you are transferred to the Batavia Federal Detention Facility (BFDF), here are some useful tips:

1. Phone calls

- a. There are around 7 telephones within the premises, which you can use. They cost money, but not too much. The most important thing is that you know/memorize the phone numbers of your friends, relatives or employers.
- b. If you do not have any money on you when you are arrested, ask your friends to deposit money for you at the BFDF, and the officers will transfer the money to your account within a day. Via the computer on the premise, you can use the money to buy commodities such as snacks, lotions, and other necessities.
- c. You can also make collect calls, and have the receivers pay for the calls.

2. Inmates

You will stay in a larger room, where there are around 60 inmates; some of them have been there for 1-2 years. You can ask them for information. They may give some advice, or at least be your companions during the stay in there.

3. Detention Officers (DOs)

In one of the documents, you will be informed about the day in the week that you can meet and consult with the DOs. The DOs may provide you with some information, which you can use in making a decision. They will not be in uniforms, and there will not be a specific time for them to come to the provided room. You need to look out for them, and they usually come during the morning until noon.

3. Tablet stations

There are also 6 tablets in the room, which you can use to find more information without charge (except for entertainment purposes, in which case you have pay). On the tablet, you can find information about immigration laws and regulations, such as the asylum application and deportation procedures. If read carefully and

understood, these provide highly relevant and very useful information for decision-making on the best future steps and strategic choices.

4. Lawyers

The lawyers, whether they are pro bono or not, can provide us with information and answer our questions. Therefore, if you have a chance to meet with a lawyer, prepare as many questions as possible.

If you can make the most out of these resources, you will spend the time in the detention center with less stress and a better state of mind. You also benefit from the friendships with other inmates, and wait for the days of your freedom with hopeful feelings.

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If you would like to be involved with the T.C. Immigrant Rights Coalition, visit tcimmigrants.com, or our facebook page - [tcimmigrants](https://www.facebook.com/tcimmigrants), or email tcimmigrants@gmail.com.