

**Introduction to Federal
Immigration Law**

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Topics

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- Immigration trends in NC
- Basics of immigration law & removal
- Immigration/criminal justice system crossover issues

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Question 2

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Is defense counsel *constitutionally* obligated to inform a noncitizen criminal defendant whether his guilty plea carries a risk of deportation?

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Please make your selection...

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1. Yes
2. No
3. Only if the noncitizen defendant asks about deportation
4. Don't ask me, ask defense counsel

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Padilla v. Kentucky



Defense counsel is constitutionally obligated to provide affirmative, competent advice about deportation consequences to noncitizen defendants

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Factor in Plea Negotiations?

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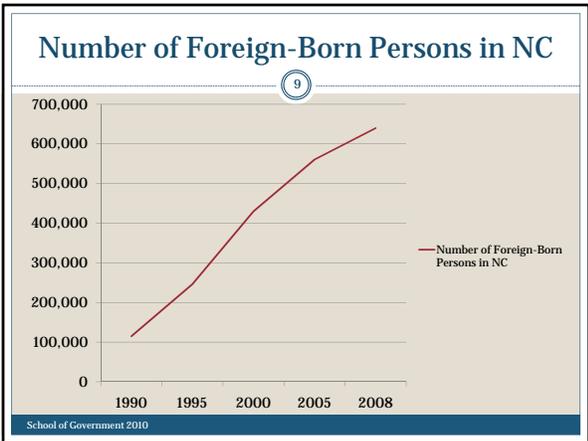
How does *Padilla* affect District Court Judges?

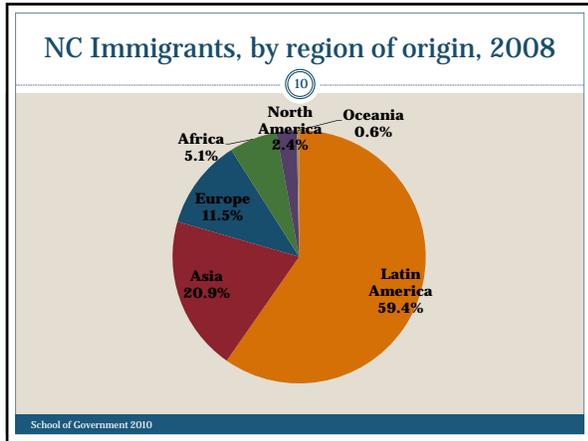
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Immigrants in NC

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Countries of Origin

England	Romania	Cambodia	Somalia	Costa Rica
Scotland	Russia	Indonesia	South Africa	El Salvador
Ireland	Ukraine	Laos	Ghana	Guatemala
Austria	Bosnia and Herzegovina	Philippines	Liberia	Nicaragua
France	Yugoslavia	Thailand	Nigeria	Panama
Germany	China	Vietnam	Australia	Argentina
Netherlands	Hong Kong	Iraq	New Zealand	Bolivia
Greece	Taiwan	Israel	Barbados	Brazil
Italy	Japan	Lebanon	Cuba	Chile
Portugal	Korea	Syria	Dominican Republic	Colombia
Spain	Afghanistan	Turkey	Haiti	Ecuador
Croatia	Bangladesh	Armenia	Jamaica	Guyana
Czechoslovakia	India	Ethiopia	Trinidad and Tobago	Peru
Hungary	Iran	Kenya	Mexico	Uruguay
Poland	Pakistan	Egypt		Venezuela
				Canada

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Question 3

What is a “green card?”

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Unauthorized Immigrants

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- **2 main groups**
 - Entered without inspection/authorization
 - Visa overstays
- **350,000 in NC**
(2008, Pew Hispanic Center)

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Question 4

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Noncitizens can be deported for many reasons, including:

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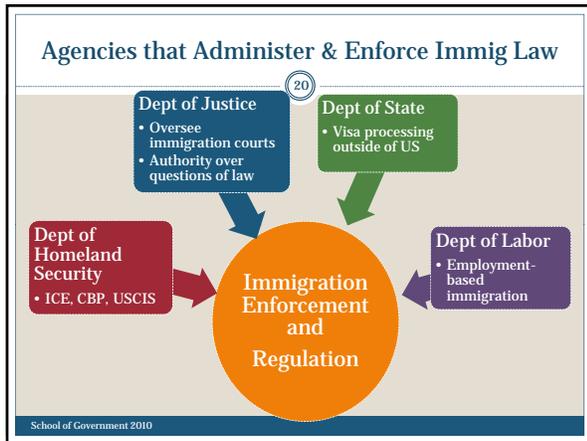
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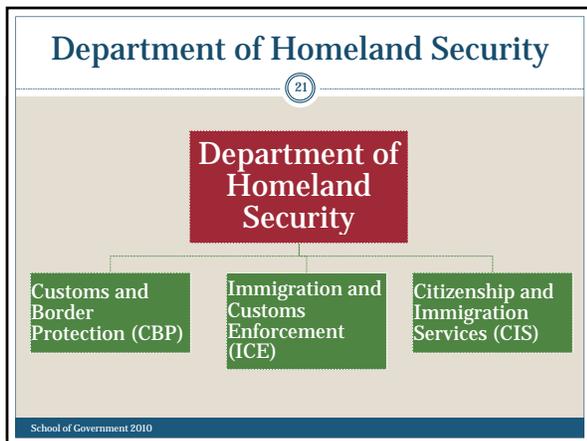
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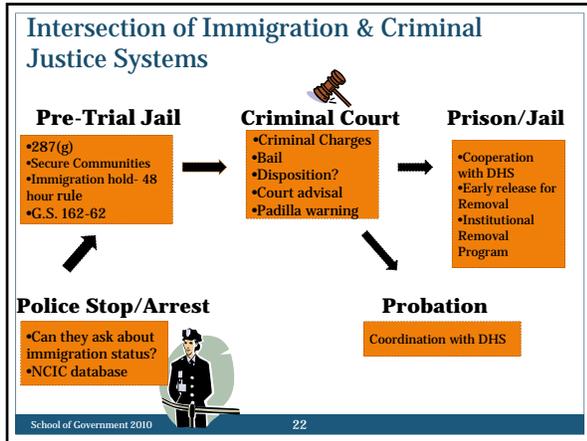
1. Certain criminal convictions
2. Entering the US without authorization
3. Singing badly on American Idol
4. All of the above

✓ Both 1 & 2

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Question 5

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What is the 287(g) program?

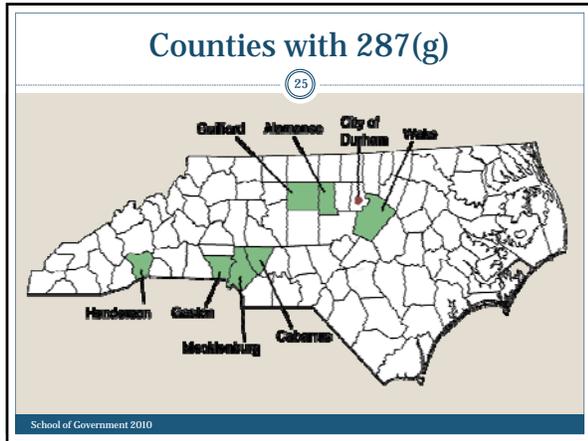
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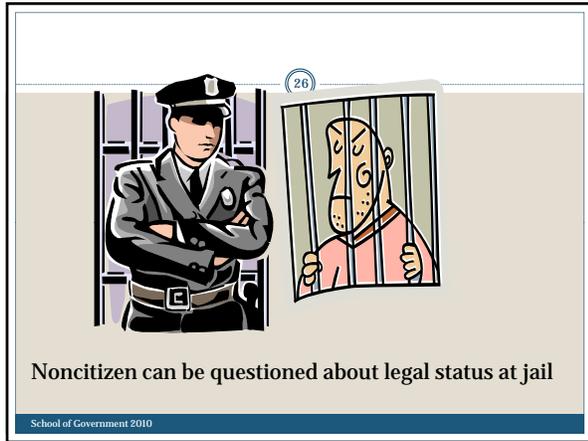
Please make your selection...

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- 1 ✓ It allows local officers to identify, detain, and deport noncitizens
2. A new reality show
3. A tax credit for trading in a gas guzzler
4. I don't know

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Secure Communities

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- Pilot program in several states
 - Including NC
- Provides jails with equipment to check immigration status of inmates
- Alerts ICE of immigration violations

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Immigration Hold

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Intersection of Immigration & Criminal Justice Systems

Pre-Trial Jail

- 287(g)
- Secure Communities
- Immigration hold- 48 hour rule
- G.S. 162-62

Criminal Court

- Criminal Charges
- Bail
- Disposition?
- Court advisal
- Padilla warning
- Post Conviction

Prison/Jail

- Cooperation with DHS
- Early release for Removal
- Institutional Removal Program

Police Stop/Arrest

- Can they ask about immigration status?
- NCIC database

Probation

Coordination with DHS

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Court Advisal

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Removal Proceedings

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- What are removal proceedings?
- What happens to immigrants after they are taken into custody by ICE?
- How are immigrants deported?

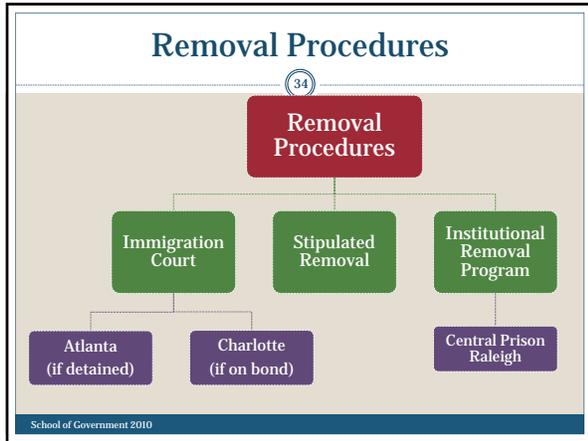
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Stewart Detention Center

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Questions or Comments?

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