

Script #1. Bond hearing preparation (Spanish-English)

Lawyer: Hello, how are you? I'm calling to talk about your upcoming bond hearing on December XXX. This is a bond hearing so I will be calling into the court and there will be a court-appointed interpreter.

A: Okay.

Lawyer: This is just the bond hearing, so it has nothing to do with deportation and nothing to do with asylum.

A: Okay

Lawyer: If the judge grants bond, we need to find the money to pay that bond. It could be as high as \$5,000. If you can not find that kind of money from your family and friends, we will apply for the funds, and may be able to get help with it.

A: Okay.

Lawyer: Now, for the terms of your bond, you agree to appear at all of your future immigration hearings. And once you are released, you will want to apply for asylum but I won't be able to be your attorney for that part. I am only your attorney for the bond portion.

Once you are released, you will want to search for an attorney to help you with your asylum claim.

A: Okay, hace poco fui a corte y el juez me dijo que tengo que mandar los papeles de asilo. No sé si tengo que mandar los papeles antes de la cita de fianza, o una vez en libertad?

Lawyer: First, let's see what happens at the bond hearing. We will tell the judge that you plan on asking for asylum.

Now, let me explain what the judge will be looking for. The judge will be looking for 2 things.

- 1) To see if you may be a danger to the community and 2) to see if you are a flight risk.

A: Entiendo.

Lawyer: To prove you are not a danger, we will testify that you have no criminal record, never committed a crime, and the only time you were arrested was by ICE.

We also have a letter of support from your employer, Mr. X. He says you are reliable. We also have a letter from Ms. JQ who said you are a good person.

A: ¿Y no tiene la carta de mi pastor?

Lawyer: No, I did speak to him, but the letter did not arrive. We filed without that letter.

A: Ah, pues dijo que la iba a mandar. Se ve que no llegó todavía.

Layer: Yes. We also have to show you are not a flight risk. So, we will be saying that you have a stable home, with your sister. We will see that your sister is a permanent resident, and her children are US citizens.

A: ¿Entonces tengo que vivir con ella?

Lawyer: Yes, you will need to reside with your sister; She is your official sponsor. Your sister has said she will make sure you go to your hearings and that she will support you to get on your feet.

Now, in the hearing, you need to answer everything truthfully. However, you do not need to answer more than what is asked, do you understand?

A: Creo que sí.

Lawyer: You do not need to provide extra information that is not asked. Your history in your home country isn't important for this hearing, though you may be asked.

A: Entonces, tengo que viajar a donde mi hermana. No puedo quedarme aquí. Es que tengo trabajo aquí.

Lawyer: We could not find a sponsor for you locally, so you do need to go with your sister.

So, the most important thing is to show you are not a danger to the community. I will call you one more time before the hearing. But, do you have any questions for me now?

A: Sí, quisiera comentar otra cosas. Me pusieron en el hoyo, por el tema del Covid. El hoyo es donde ponen los presos que se portan mal. Pero, me pusieron allí por el tema del Covid, no por nada de mal comportamiento. No quiero que el juez piense algo que no es.

Lawyer: No, don't worry. If something like that comes up, we will explain.

A: Ok, y otra cosa. No tengo fondos en mi cuenta de comisaria. Ustedes saben algo de cómo puedo conseguir eso. Cuando me arrestaron yo tenía dinero en mi cartera, pero no sé cómo hacer para que me lo pongan en la cuenta.

Lawyer: I don't know the answer, but I will ask and let you know. Ok, well have a great afternoon. Stay safe. And I will be in touch in a few weeks.

A: Que Dios le bendiga. Muchas gracias. Adios.

Script #2. -Bond denial follow up

Lawyer: M, I want to explain what happened last Wednesday with your bond hearing and what our options are from here on out.

The judge denied your claim for asylum. He did not believe that you had a case for political persecution in Honduras. I thought your testimony was excellent and you did a good job at the hearing, but the judge we got was very sceptical. This judge in particular grants very few asylum cases.

M: Ok.

Lawyer: Now, separately, you did receive bond. It was set at \$12,000. Now, just because the judge denied your asylum claim doesn't mean you can't be released from detention. You can still get out. Do you know if S. is able to come up with the money or part of the money?

M: No sé. Después, cuando terminemos con esta conversación, voy a llamarla.

Lawyer: That's a good idea. Check in with her. The people who visit you from Osila, they talked with S. already about the money, but I don't know if she's had any success.

M. Tengo una pregunta. Si pagamos la fianza y salgo, ¿qué pasa?

Lawyer: We would appeal. I want to appeal. I think you have a strong case.

M. ¿Qué pasa si vuelven a negarme el asilo?

Lawyer: There is one more level of appeal in the federal court. There are a couple of options we would have through federal court.

M. Si no pago la fianza, entonces ¿qué pasa?

Lawyer: You would remain in the detention center, incarcerated, but we would continue on the appeal. That would take, maybe 4-5 months.

M. Otra preguntita.

Lawyer: Sure

M. ¿Qué pasa si no pago la fianza, y no apelo la decisión del juez?

Lawyer: Well, then you would be subject to deportation. Now, don't think that that would be immediate. That order can take several weeks to come down. And then it can take even longer to carry out. You would still be incarcerated during that time.

M. ¿Cuánto tiempo tengo para decidir?

Lawyer: The judge gave us 30 days from the last court date, so we have until Feb 15 to file an appeal.

M. He tomado la decisión que si S. no encuentra el dinero, no voy a apelar.

Lawyer: I understand, being incarcerated is hard, makes the time go very slowly. But, I believe you have a very good case for appeal. The judge was wrong to deny you asylum.

M. ¿Y si salgo de aquí, usted sigue siendo mi abogado o tengo que encontrar uno nuevo?

Lawyer: Do you mean for the appeal?

M. Sí, para mi caso.

Lawyer: If you would like me to be your lawyer, I would be happy to do that. That's up to you.

M. Ok. Está bien.

Lawyer: You don't have to decide today or even soon. But, I'm going to proceed with your appeal. I don't want to lose time. I won't file anything until you give me permission. But, in case you want to appeal, I want to get started on the case.

M. Está bien.

Lawyer: So, contact S. and see what she says. Tell the people from the project what you learned from S., or set up a time to call me and fill me in.

M. Tengo otra pregunta.

Lawyer. Sure!

M. Si apelamos, ¿toca el mismo juez? ¿O la decisión viene de otro lado?

Lawyer: It's a completely different group of judges. They would be immigration judges based out of D.C. They aren't like asylum claims. They don't hear testimony. What they do is look at the case and see if the judge followed the law. They are called the Board of Immigration Appeals.

M: Okay

Lawyer: So, check in with S., and L. about the bond, and I will talk to you next week. I will start the appeal process. You think over your options. I believe that you should appeal. That is what is best for you right now.

M: Okay.

Lawyer: I'll call you next week. See what solutions there are for bond. I know that if you were out of there you would feel a lot better, and feel better about your case.

M: Otra pregunta. Si salgo de aquí, me iría a Ohio o me tendría que quedar en Atlanta para el proceso de apelación?

Lawyer: We would file a motion for travel so you could get to Ohio which is where your friends and family are. You wouldn't stay in Atlanta because the follow up hearings and process doesn't require your physical presence.

M. Okay.

Lawyer: Ok M, if you don't have any more questions, we'll talk next Friday. Please know we are praying for you and thinking of you. Stay strong. We'll find a way to move forward together.

M. Okay. Gracias, muchas gracias.

Lawyer: "De nada" Adios.

