



CONSULATE GENERAL OF THE
COOPERATIVE REPUBLIC OF GUYANA - NEW YORK, USA

**ADVISORY FOR GUYANESE NATIONALS IN THE UNITED STATES WHO HAVE BEEN
ARRESTED OR FACING DEPORTATION**

This Advisory is designed to provide information and guidance to prospective deportees who have been arrested for the commission of a crime or are facing deportation to Guyana by US authorities.

These nationals are entitled to receive such consular services as could be provided. Since it is not always possible for our staff to physically visit or speak with each national who has been arrested, the Consulate has undertaken to fulfill its consular responsibilities to them by furnishing each national with a written Advisory.

It should be noted that while the Advisory has proved to be quite informative for persons in deportation proceedings, it does not constitute legal advice.

1. Certain criminal convictions can have severe immigration consequences and many can result in deportation. Even misdemeanor offenses can cause you to be detained by the Department of Homeland Security and placed in removal proceedings. It is very important that you do not enter a plea to any offense until and unless you have been advised of the immigration consequences of such a plea. The US Supreme Court has held that criminal defense attorneys have a legal duty to inform non-citizen defendants of the immigration consequences of criminal pleas.
2. Certain convictions can result in severe immigration consequences, including your deportation to Guyana, when they are punishable by a sentence of 365 days or more. Other types of convictions trigger serious immigration consequences ***regardless of the actual or potential sentence for the offense.***

3. In criminal court proceedings, if you had pleaded guilty to the charge but your lawyer did not explain that in doing so you could be deported, you may challenge the plea leading to your conviction. In order to succeed you will have to prove that if you had known that your guilty plea would have caused you to be deported, you would have pleaded not guilty and, furthermore, that you have a good defense to the charge. You should hire an attorney who is experienced in “post-conviction relief” and who is knowledgeable regarding the immigration consequences of criminal convictions.
4. Positive factors such as your age when you first arrived in the U.S., whether you have a US citizen spouse or US citizen children, or whether you have property or business ties in the US, do not automatically give you the right to stay in the US if you have been convicted of an offense. However, in some cases, these factors can help you argue why you should not be deported. Being found to be “removable” or in violation of US Immigration law does not necessarily mean that you will be ordered removed. If you are placed in removal proceedings, an immigration judge will first decide whether you *can* be removed, and then decide whether you *should* be removed.
5. When you have been placed in the custody of Immigration and Customs Enforcement (ICE) for deportation they will usually request this Consulate to issue a travel document to facilitate your deportation. In accordance with an agreement between Guyana and the United States the travel document will be issued to ICE within 5 working days so long as they provide evidence that you are a Guyanese national.
6. If you have been identified for deportation and you are involved in court proceedings which can stop your removal from the US, you will not be deported until those legal proceedings have been concluded. You or your lawyer will have to inform this Consulate in writing that you have a case pending in court.
7. If you are being deported and you need to make arrangements for the handling of your assets, dues or other benefits, you have the right to be given the opportunity to appoint a Power of Attorney in order to process these matters on your behalf. Your Case Manager would normally facilitate these arrangements.

8. In cases where you may require urgent medical attention, you can notify a corrections officer or other facility personnel at any time, and medical staff or 911 will be called to provide assistance.
9. In exceptional cases, the Governor of your State may consider granting a pardon for your conviction which might allow you to avoid deportation. Not all deportation grounds can be waived by way of a pardon. The Governor will consider factors such as good character, evidence of value and long service to the community, property or business ties as well as hardship to you and your family if the deportation is to occur.
10. Upon your arrival in Guyana you will be received and interviewed by the Guyana Police authorities and then released into the society. The Ministry of Social Protection is the agency which is responsible for assisting deportees to adjust to their new environment in Guyana. This Ministry is located at 1 Water Street, Stabroek, Georgetown and you can contact the Director of Social Services at the telephone number 592-223-6041.
11. If you wish to return to the United States after you have been deported, the procedures to apply for a visa to re-enter the United States can be found at www.travel.state.gov.
12. If you have further questions you may contact the Consulate General of Guyana, New York, at guyanaconsulate@hotmail.com, Tel:212-947-5115-6, or 212-947-5110-9, Fax:212-646-915-0237

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