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WRITING A LETTER OF SUPPORT FOR IMMIGRATION PURPOSES

You have been asked to write a letter for a family member, friend, neighbor, patient, student, co-worker, or someone who seeks your support in their immigration case. As with writing a letter generally, it is important to think about the intended audience(s) and purpose. For these letters, the audience is generally the immigration judge. The purpose of the letter will vary depending on what is being sought (e.g., release on bond or a green card in deportation proceedings). This document provides some background on common scenarios for why someone would need a letter and what the contents of those letters could contain.

Letter of support for bond purposes

When an individual is detained by Immigration & Customs Enforcement (ICE), s/he may request a bond hearing to be released from detention. Not everyone is eligible for bond. People with certain criminal convictions, for example, are subject to mandatory detention. For most other people, bond can be an option to be released from detention.

To be released on bond, an immigration judge is going to examine several factors, including the person's ties to a community, actual/perceived danger to the community, and whether the person has a viable form of immigration relief (e.g., asylum). To make a decision using those factors, the judge must have evidence to consider. That is where your letter comes in. You have the opportunity to tell the judge why you think it is safe to release this person and why you expect him/her to return to immigration court in the future. Below, please find some guidance on how to write this type of letter.

- The letter should be addressed to "Honorable Immigration Judge."
- Introduce yourself, your immigration status, and address. If you are doing so in a professional capacity, letterhead is sufficient and no need to include a personal address.
- State your relationship to this person and for how long you have known him/her.
- Describe the kind of person s/he is, the activities you do together, including any helpful or positive activities s/he has done for you, your family, or the community—include as many specific feelings, details, and examples as possible.
- State whether you believe this person is a danger to others.
- Describe the negative effects/hardship of what remaining in detention would mean for this person, his/her family, and/or the community at large.
- Describe why you expect this person to return to immigration court in the future to see the case through its conclusion. In other words, is this person responsible? Why?
- The final sentence should state that "I swear that the foregoing is true and correct to the best of my knowledge and recollection."
- Please sign and date. The letter does not need to be notarized, but if possible, it helps.
- The letter can be in any language, though if it is not in English, there must be a certified translation.
- If possible, please include a copy of your identification that demonstrates you are a permanent resident or U.S. Citizen to accompany the letter.

Other letters of support

While immigration law is complicated, when it comes to letters of support for waivers and relief from deportations, the factors that the adjudicators (judge or officer) are actually quite similar. In brief and to be successful, the letter writer must describe the hardships that will befall the U.S. citizen/permanent resident family members of the applicant if the relief is not granted. We will refer to these family members as qualifying relatives because that is the actual immigration term of art. Qualifying relatives differ depending on what relief a person is seeking.

- For Cancellation of Removal of non-permanent residents in deportation proceedings, the qualifying relatives include U.S. citizen or permanent resident spouse, parent, or child. For immigration purposes, a child is someone who is unmarried AND under 21 years old.
- For family unity waiver, the qualifying relatives are only U.S. citizen or permanent resident spouse or parent. Children are not considered qualifying relatives for the waiver.



The adjudicator will only examine the **hardship to these qualifying relatives**. This means that hardship to other family members (e.g., adult sons and daughters, grandparents, siblings, or others) do not technically qualify for consideration BUT adjudicators can consider hardship to non-qualifying relatives as it affects qualifying relatives. For example, if the applicant is a caretaker for her spouse's parent, you could describe the challenges the U.S. citizen spouse would have in caring for his parent without the applicant. Your ability to frame the direct hardship to a qualifying relative is critical.

All deportations create hardships for family. To prevail, the applicant must demonstrate why the hardship, essentially, is going to be worse than regular hardship. This is viewed in terms of (a) the hardship suffered if the qualifying relative(s) had to depart the United States and begin life in another country with the applicant or (b) the hardship created by the absence of the applicant from the United States while the qualifying relative(s) remain here without the applicant. **Specific factors for determining this type of hardship to qualifying relatives include, but are not limited to:**

- Age and age-related vulnerabilities
- Health and health-related vulnerabilities
- Educational consequences such as special needs in school, if applicable
- Length of residence in the United States, social integration, etc.
- Family and community ties in the United States
- Financial and employment consequences
- Negative or dangerous conditions in country of origin.
- Inability to communicate and/or seek effective medical, legal, educational, and other services outside USA

Example

Andre has a U.S. citizen wife and two U.S. citizen children. He applied for cancellation of removal. Andre's wife is diabetic and suffers from End Stage Renal Disease. This means she requires weekly dialysis and is on a waitlist for a kidney transplant. Though Andre's wife has medical insurance (through Medicare and Medicaid because she is a U.S. citizen), she cannot maintain a job due to the challenges of caring for her chronic condition. Andre is the primary breadwinner and is very involved in every aspect of his children's lives. His absence would mean that there would be no one to support the family financially, to care for the children when his wife is in the hospital or at dialysis appointments, or even when she is home, to provide the care needed both for her and the children. Also, if she were to receive a transplant, recovery would take weeks in the hospital and there would be no one to care for the young children. In the country where Andre is from, his wife would not be eligible for health insurance, dialysis is only available to those who can pay in cash, and there are only two doctors in the whole country who have experience performing kidney transplants. Therefore, it would seem that Andre's absence would create enough hardship to his qualifying relatives. Your role would be to convey as much of this picture as you have knowledge about.

Below, please find some guidance on how to write this type of letter.

- Introduce yourself, your immigration status, and address. If you are doing so in a professional capacity, letterhead is sufficient and no need to include a personal address.
- State your relationship to this person and for how long you have known him/her.
- Using as many details as possible, describe the hardship to his/her qualifying relatives that would be created if this relief is not granted.
- If you are an expert or have specific knowledge that can help the judge better assess the hardship, describe your expertise and why you think the qualifying relative(s) will suffer more than regular hardship. For example, if you are a social worker or psychologist, you may be able to describe the effects of parental loss/absence on child development.
- The final sentence should state that "I swear that the foregoing is true and correct to the best of my knowledge and recollection."
- Please sign and date. The letter does not need to be notarized, but if possible, it helps.
- The letter can be in any language, though if it is not in English, there must be a certified translation.
- If possible, please include a copy of your identification that demonstrates you are a legal permanent resident or U.S. Citizen to accompany the letter.

This material does not constitute legal advice. This is general information to be used in the context of preparing letters for immigration purposes. If you have additional questions or concerns, you may direct them to the Michigan Immigrant Rights Center at (734) 239-6863.