

Q & A with Jamie

Jamie DiNicola received his JD in 2018 from Rutgers Law School and has worked at DIRE Legal as a Staff Attorney since 2022. Jamie and his team work tirelessly to serve clients who walk through the doors of the AHC agencies that work with our immigrant neighbors.

How has the nature of your work changed within the last 6 months to a year? How has the focus shifted?

I would characterize it as going from preventative care to an emergency room type situation. So it's gone from doing a lot of affirmative filing like getting people green cards quickly, getting work permits quickly – things of that nature, to now trying to get people out of detention, trying to get the government not to send people to third-party countries that they've never stepped foot in before.

Can you talk a bit about the bond hearings that you're attending and what's happening leading up to those hearings?

Prior to Trump 2.0, basically, everyone was at least given the opportunity when they were detained by ICE to seek bond, meaning they could go in front of an immigration judge and say "I'm not a danger to the community, I have no criminal record, and I promise I'll appear for all my future court hearings", because immigration court can sometimes drag on for years.

What this current regime is now doing is saying "well, no, only certain people can actually apply to be heard for an immigration hearing in front of an immigration judge," So they basically cut off multiple pathways for people to try to seek release from detention. So, what we've been trying to do is, first of all, the demand far exceeds capacity throughout the entire state, so we're trying to meet folks where they're at as much as possible. Specifically, folks who can't afford private counsel, to try to give them consultations to tell them what legal remedies might be available for them.

And then, if we decide to take on the case, actually get them a hearing in front of a judge, and basically compile a bunch of documents to say "ok, this person is not a danger to the community, is not a flight risk, and should be allowed to be released from detention."



What's the average bond fee and what's the average amount of time that clients have been held at detention centers before they get released on bond?

It used to be much less. Most of the time now they are in the \$10-\$15,000 range, which is a huge amount for the folks who are already vulnerable to a variety of pretty violent systems. Before, you'd see, on average from \$3,000 to \$5,000. So, it prevents people who would otherwise be able to be released from detention, who have done nothing wrong most of the time. No criminal history, nothing like that. It prevents them, practically speaking, from being released due to economic issues.

The time spent in detention before a bond hearing can be arranged ranges pretty vastly due to a variety of legal reasons, one of them being the government has tried to cut off pathways before you can even get in front of a judge who can hear a bond case. So, I've had situations where people have been released on bond two weeks after being



detained, and then I've had situations where, I've had one gentleman who's been in detention for quite a few months at this point. I've heard from attorneys throughout the state who have clients who have been in detention a year or more.

What is the purpose of a biometrics appointment and what are you advising your clients in light of what is happening with the frequency of being detained when they attend this appointment?

It usually includes the government taking a photo of the person, checking their photo ID, and then getting their fingerprints on file [needed for asylum cases]. As far as what I've been advising them, it's a tough question to answer, and I never thought this would be a tough question, because it should be easy. If the U.S. government is saying "come here to do this thing", you would assume, in good faith, that they would be acting to do that thing. But it seems, by and large, nowadays we can't trust it.

Part of me, the legal lawyer part of me says, "yes, you should go", and the other part of me that is like a son or a brother – I don't know how I would feel – I'd be really worried. If my mom had to go to that appointment, I would hope for the best. The danger of not going is that you can never get a work permit, you can't get your asylum application adjudicated if you're not attending these appointments. So, in order to have the merits of your asylum case reached, you have to give your biometrics, and now people are in a

position where they have to choose between pursuing their potentially winning claim or being detained.

Are there any DIRE staff that do this work with you that you'd like to give a shoutout to?

Diana Bowen, in addition to doing asylum and work permit cases, has just started doing some final orders of removal defense work. The legal assistants at DIRE who speak all kinds of languages – the legal assistants have been amazing. We have people who work in the office that were actually former clients of I-RISE who were lawyers in their home countries, who had to leave through no fault of their own because of conflict and war and things like that. And then they've come here and decided to use the skill that they've honed over a career in their home countries to help the very people in their [new] communities. I can't thank the legal assistants here enough.

What message do you want to convey to our readers about the urgency of this moment in time?

The federal government has made it very clear that the spigot, so to speak, for any funding to help marginalized communities is going to be shut off, if it hasn't been already. What our agency counts on is government grants. We're now in a position where we are, instead of working WITH the government, we're working AGAINST the government. So, it makes the practical issue of fundraising that much more serious, because now we have to rely on the good intentions of grassroots supporters. It's just sad to see how many vulnerable folks fall through the cracks when it seems like this web of laws that we've created is filled with nothing *but* cracks. Without funding, those cracks are just going to keep getting bigger and bigger.

If you'd like to contribute toward the legal expenses of our clients, please visit <https://diresupport.org/donate/> and write "DIRE Legal" in the memo field. Thank you!