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Guide: How to Request Removal of Your GPS Monitor



AMERICAN
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Guide: How to Request Removal of Your GPS Monitor¹

This guide is intended as a practical resource for pro se individuals (people without lawyers) and is not a substitute for legal advice from an experienced lawyer. Immigration law is complex and ever-changing, and for these reasons, it is always best, if possible, to get advice on your case from a lawyer or advocate familiar with immigration law. You can use the American Immigration Lawyers Association (AILA)'s "Find a Lawyer" directory (<https://www.aialawyer.com/>) to find an immigration lawyer to help with your case.

This guide will explain how to ask ICE to remove your GPS monitor (ankle monitor, wrist monitor, or SmartLINK app).

Under ICE policy, ICE is supposed to lower the level of supervision of people in the [Intensive Supervision Appearance Program \(ISAP\)](#) over time. ICE is only supposed to increase supervision if a person is ordered removed or if they violate the ISAP rules. But often, ICE will leave a GPS monitor on a person for months or years, even when the person has no program violations.

Thus, it is important that you know how to ask ICE directly about taking off your GPS monitor through a process called "de-escalation," which means lowering the level of your ISAP supervision conditions.

Who is in charge of my GPS monitor?

Your GPS monitor is part of the ISAP program. The purpose of ISAP is to ensure that people appear for their court hearings and comply with any removal order. There are two different entities that have control over your GPS monitor: ICE and a company called BI, which has a contract with ICE to run ISAP. Your ISAP case manager for your check-ins works for BI. BI operates the GPS monitors, including the SmartLINK app, and gets alerts from your GPS monitor. If something goes wrong with your GPS monitor, BI is generally the office to contact.

Only ICE has the authority to remove your GPS monitor and set new conditions for your participation in ISAP, but BI can make recommendations to ICE.

When is ICE supposed to remove the GPS monitor?

¹ This guide is adapted from a pro se resource originally developed in 2016 for noncitizens in the San Francisco area by the Stanford Law School Immigrants' Rights Clinic on behalf of the San Francisco Immigrant Legal Defense Collaborative. We greatly appreciate their contributions to this work.

Each ISAP case should be reviewed every 30 days, according to an ICE policy issued in 2021. ICE's rules also say that ICE should follow a "high-low-high" schedule in setting ISAP supervision conditions, including the use of GPS monitors.

- This means that at the beginning of an immigration court case, ICE usually puts a person on a higher level of supervision, including a GPS monitor, frequent check-ins, and other possible conditions.
- After 90 days, if the person has not had any program violations, then ICE should put them on a lower level of supervision, such as less frequent check-ins or a shift in GPS monitoring from ankle monitor to SmartLINK or no GPS monitor.
- Program violations include getting arrested or charged with a crime, missing a court date or a check-in, or leaving the state without prior permission from ICE. Program violations may lead to ICE increasing the level of supervision or keeping it high for longer. Still, ICE should review the person's case again in 30 days.

Later, if the person receives a deportation order, ICE will generally increase the level of supervision or keep the person on a high level of supervision, either while the person is appealing the deportation order or while ICE and the person are making arrangements for the person to be deported.

How to request that ICE remove the GPS monitor?

You should start by talking to your ISAP case manager about lowering your level of supervision conditions. Tell them about the impact of the conditions, whether it's the frequency of the check-ins, or the long window for a potential check-in call, or the type of monitoring device. Ask them if they would consider giving you a specific time for your check-ins instead of a long window, or making the check-ins less frequent, say monthly instead of weekly. Ask if they would consider recommending to ICE that they lower your level of supervision conditions.

If you've talked with your ISAP case manager and they haven't changed your supervision condition, then you can ask ICE directly to remove the GPS monitor or otherwise change your supervision conditions.

*Note: If you are pregnant or have other medical conditions affected by the GPS monitor, you should ask to have the GPS monitor removed immediately. You do **not** have to wait 90 days.*

Steps to take when asking ICE:

1. Write a letter to ICE
 - Attached to this guide are three copies of a letter you can use to request removal of your ankle monitor, VeriWatch, or SmartLink app. The purpose of the

letter is to show that you will go to your court hearings, even if you do not have a GPS monitor.

- We have left blank spaces for you to fill in. Check any boxes that apply to you.
- The “Other Information” section is a chance to explain why you are reliable and will go to all your court hearings.

2. Deliver the letter to ICE in person and/or by email

- Once you have completed the letter, deliver it to an ICE Office.
- You don’t need an appointment to visit ICE.
- If you are not able to deliver the letter in person, you can also email ICE. The email addresses can be found here: <https://www.ice.gov/contact/field-offices>
- You can also deliver the letter to ISAP. Generally, you do not need an appointment to go to ISAP.

3. Follow up with ICE after you’ve made your request

- If the ICE officer does not give you an immediate answer about whether ICE will remove the GPS monitor, you should follow up a few days or a week later. Keep following up until you get an answer to your request.
- If your request is denied, ask why.
- If your first request is denied, wait 30 more days and make another request.
- Keep trying until you get your GPS monitor off. You can also ask for review by the ICE officer’s supervisor if you think the ICE officer made the wrong decision or is not considering your request.

What factors does ICE consider when deciding to remove the GPS monitor?

1. Have you followed all the ISAP rules?

- If you accidentally break an ISAP rule, like missing a check-in appointment, or not charging the GPS monitor, or missing a home visit, contact ICE or your ISAP case manager immediately to explain what happened. Keep notes or photos of your attempt to fix your mistake or to deal with a problem with the GPS monitoring device.^[1-3]_{SEP}
- Even if you made a minor mistake, you can still qualify to get your ankle monitor removed.

2. Do you have a reliable phone number?

- It does not matter which phone company you use. Make sure your phone number is active, and let ICE/ISAP know if you change it.

3. Do you have a passport?

- ICE wants a passport as proof of what country you are from, but you do not need one to have your monitor removed. If it is difficult for you to get a passport for other reasons, explain those reasons to the officer and tell the officer about the efforts you have made to try to get a passport.
- *If you are afraid of applying for a passport from your country because you are afraid of returning to your country, please explain why to the officer and consult with an attorney before going to the consulate to apply for your passport.*

Letter for ISAP and ICE

Attached to this guide is a letter requesting removal of your GPS monitor (ankle monitor, wrist monitor, SmartLINK app). Please fill out the letter and bring the one single letter (not this entire guide) to ISAP or ICE. We have provided you with three copies so that you can write multiple letters if ICE does not agree to remove your GPS monitor after the first request.

Note: All information on the letter must be in English for ICE to be able to read it. You may want to have a friend or family member who reads and writes in English help you fill out this letter.

We strongly recommend that you make a copy of any letter before you give it to ICE or ISAP. That way you will have proof that you asked for your GPS monitor to be removed. You should keep the copy for your own records. You can also submit the letter to ICE via email, which will also serve as proof that you submitted the request.

Date (fecha): _____

Your address (Su dirección): _____

RE: REQUEST TO LOWER LEVEL OF SUPERVISION CONDITIONS

(SOLICITUD PARA REDUCIR EL NIVEL DE LAS CONDICIONES DE SUPERVISIÓN)

☐ **First Request**

Primera Solicitud

☐ **Second Request**

Segunda Solicitud

☐ _____ **Request**

_____ **Solicitud**

Dear Officer,
Estimado Oficial,

I am writing to request that you reduce my level of ATD supervisions condition so that my GPS monitor may be removed and/or that my ISAP check-in requirements be reduced or eliminated.

Le escribo para solicitarle que reduzca mi nivel de condiciones de supervisión de ATD para que me puedan quitar el monitor GPS y/o que se reduzcan o eliminen mis requisitos de registro ISAP.

My name is _____
Mi nombre es _____

My A number is _____
Mi número A es _____

The following statements apply to me (check all that apply).

Los siguientes hechos me aplican (marque todo lo que aplique):

- ☐ I have had my GPS monitor for at least 30 days. *He tenido mi monitor de GPS por al menos 30 días.*
- ☐ I have regularly checked in with my ICE officer. *Me he comunicado regularmente con mi oficial de ICE.*
- ☐ I have a reliable telephone number. My current number is _____.
Tengo un número de teléfono confiable. Mi número es _____.

- ☐ I regularly keep my GPS monitor charged. *Mantengo mi monitor GPS cargado regularmente.*
- ☐ I have a valid passport. *Tengo un pasaporte válido.*
- ☐ I am afraid to return to my country, so I can't get a passport. *Tengo miedo de volver a país, y por eso no puedo obtener un pasaporte.*
- ☐ I have not been able to obtain my passport because

No he podido obtener mi pasaporte porque

- ☐ I am pregnant or have the following medical conditions that are affected by the GPS monitor: _____.

Estoy embarazada y tengo las siguientes condiciones de salud que se afectan por el monitor GPS: _____.

- ☐ I have family members who are citizens or permanent residents who live in this area.

Tengo familiares que son ciudadanos o residentes permanentes en esta región.

- ☐ I have attended and will continue to attend my court hearings.

He asistido y continuaré asistiendo a mis audiencias en corte.

- ☐ I have young children. *Tengo hijos pequeños.* They are _____ years old. *Tienen _____ años.*

- ☐ I have a child(ren) in school. *Tengo hijo(s) en la escuela.*

- ☐ The GPS monitor has been causing me problems at my job, such as

El monitor GPS me ha estado causando problemas en mi trabajo, como

- ☐ Other Information *Información Adicional:*

Thank you for your attention to this matter. *Gracias por su atención.*

Sincerely,
Atentamente,

 (Signature/*firma*)

 (Printed Name/*nombre escrito*)