

# Arrested in Florida Without Citizenship and Facing Immigration Trouble

## What really happens after an arrest in Jacksonville and how to protect your future

An arrest in Florida feels different when the person in handcuffs is not a U.S. citizen. One traffic stop or misunderstanding can pull someone into both the state criminal system and the federal immigration system at the same time. The decisions made in the first hours, days, and weeks can shape whether that person goes home, stays in North Florida, or ends up in immigration detention.

For noncitizens in Jacksonville and the surrounding counties, it helps to think of the process as a series of stages. At each stage there are specific things that usually happen and specific steps a person can take to protect both their criminal case and [immigration status](#). The process is complicated, but understanding each step makes it far more manageable

When someone without citizenship is arrested in Florida, every decision matters. What happens in the first hours and days determines whether they go home, face an immigration hold, or risk detention. To avoid irreversible mistakes, it can help to speak with a [criminal defense immigration lawyer](#) as soon as possible. A [free consultation](#) gives them a chance to review the exact circumstances, explain what to expect, and start protecting both freedom and immigration status right away.

### Step 1: The arrest

The process starts at the scene: a traffic stop on I-95, an argument outside an apartment in Jacksonville, or an encounter with police at a workplace in Duval County. Officers decide whether there is probable cause to make an arrest. Once that decision is made, the rest of the process follows quickly.

This is the moment when people often try to explain themselves or talk their way out of trouble. For someone without citizenship, that instinct can be especially strong. However, statements made here can end up in both the criminal file and, later, an immigration file. It is better to think carefully about what is said and what is left unsaid.

In practical terms, a useful approach at this stage includes:

- **Providing basic identification only:** Name, date of birth, and similar details can be given. Arguing the facts of the incident usually does not help and can create more statements that appear in reports.
- **Avoiding discussion of immigration status:** Questions about where someone was born or how they entered the country can wait until legal counsel is involved. Volunteering this information early can make it easier for immigration authorities to flag the case.

- **Requesting legal help as soon as possible:** Letting officers know that the person wants to speak with a lawyer sets a clear boundary. From that point on, a criminal defense immigration lawyer can guide conversations and protect against self-inflicted harm.

Even at the scene, a lawyer can begin to make a difference by limiting unnecessary statements and preparing for what will happen at the jail and in court.

## **Step 2: Booking at Duval County jail or another North Florida facility**

After the arrest, the person is transported to a local jail, such as Duval County Jail or facilities in Clay, St. Johns, or Nassau County. The booking process begins. This step creates the record that often draws immigration attention.

Booking includes fingerprinting, photographs, and entry into state and national databases. These fingerprints are automatically shared with federal systems that also link to immigration records. The person may be asked standard questions about address, employment, and, in some cases, place of birth.

A practical, protective approach to booking usually involves:

- **Answering only what is required for identification:** Basic information must be provided, but details about immigration history or status can be reserved for a conversation with legal counsel.
- **Staying calm and avoiding arguments with staff:** Everything that happens during booking can end up in reports. Remaining calm reduces the chances of additional charges or negative descriptions in the file.
- **Contacting or having family contact a lawyer quickly:** Once someone is booked, a lawyer can check where they are held, confirm charges, and start evaluating both the criminal and immigration risks.

Because booking is where the case becomes visible in federal databases, having counsel engaged at this point is one of the best ways to prepare for possible immigration involvement later.

## **Step 3: First appearance and bail decisions**

In Florida, most people arrested must see a judge within about 24 hours. This hearing is often called first appearance. The judge reviews the charges, decides whether there is probable cause, and sets bail or release conditions. For noncitizens, this short hearing can determine whether they go home or stay in custody.

Judges look at factors like prior record, ties to the community, and the risk of not appearing in court. If immigration status is unclear, courts sometimes worry that the person will leave the area or that federal authorities may remove them before the criminal case ends. This can result in higher bail or stricter conditions than those imposed on U.S. citizens facing similar charges.

A strong approach to this stage commonly includes:

- **Preparing information that shows community ties:** Evidence of long-term residence in Jacksonville, steady employment, and family responsibilities helps support reasonable bail.
- **Having counsel present to argue for release:** A criminal defense immigration lawyer can explain that the person plans to fight the charges, comply with court dates, and work within both systems, which can reassure the judge.
- **Clarifying, without oversharing, that the person has legal support:** Judges are more confident setting bail when they know a lawyer is actively managing the case.

Fair bail or release conditions lower the risk of extended time in a county jail, which is often when immigration detainers appear. Having experienced legal advocacy at this hearing can make the difference between going home and remaining behind bars.

#### **Step 4: Understanding immigration detainers**

Even when bail is posted or charges are reduced, some noncitizens are not released. Instead, the jail receives a written request from immigration authorities asking that the person be held for additional time. This request is called an immigration detainer. It allows federal officers to take custody directly from the jail.

Detainers are often confusing for families and defendants. Criminal charges may have been resolved or improved, yet release does not happen. For someone in North Florida, this can mean transfer from Duval County Jail to an immigration detention facility in another part of the state or even another state, making it harder to stay in touch with family and legal counsel.

To address detainers, a useful strategy often involves:

- **Confirming whether a detainer has been filed:** A lawyer can contact the jail and determine whether an immigration hold exists and on what basis.
- **Reviewing the underlying record quickly:** Counsel looks at the charges, any pleas, and past history to see whether the detainer is based on real immigration risk or incomplete information.
- **Seeking options to limit detention:** Depending on the situation, a lawyer may be able to challenge the detainer, request bond in immigration proceedings, or negotiate criminal outcomes that reduce immigration concerns.

Detainers are serious, but they are not the end of the story. With informed intervention, it is sometimes possible to shorten detention and keep the person's immigration case in a stronger position.

#### **Step 5: Handling criminal charges with immigration in mind**

Once the immediate crisis of arrest and first appearance has passed, the criminal case continues. Charges may be filed, discovery begins, and plea offers may arrive. For noncitizens, this is where many long-term problems begin, because decisions in criminal court often decide what happens in immigration court later.

The important point is that not every outcome that looks good on the criminal side is safe on the immigration side. A small fine, short probation period, or reduced charge may still count as a conviction or fall into a category that leads to deportation or loss of eligibility for future benefits.

A careful, immigration-aware defense often includes:

- **Identifying which charges are most dangerous:** Counsel reviews whether the alleged offenses could be categorized as crimes of moral turpitude, controlled substance offenses, or other triggers under immigration law.
- **Pursuing dismissals or diversion programs where possible:** Avoiding a conviction altogether is often the safest outcome for immigration status, even if it requires more effort at the start.
- **Negotiating pleas that limit immigration harm:** If a plea is unavoidable, a criminal defense immigration lawyer works to adjust the specific statute, wording, or sentence so it is less likely to cause removal or block future applications.

Handled this way, the criminal case becomes part of a larger plan to keep the person's life in Florida intact. The goal is not just to avoid jail, but to protect the ability to stay with family and continue working and living in the community.

### **Step 6: Communicating clearly with a bilingual lawyer**

Throughout all these stages, communication problems can cause more damage than the charges themselves. Court hearings move quickly. Plea offers may be explained in rushed conversations. Legal terms do not always have easy equivalents in other languages. When someone does not fully understand what is happening, they can agree to outcomes that are far worse than they realize.

Bilingual counsel helps prevent those mistakes. When a lawyer can explain each step in the client's primary language, the person is more likely to ask questions, clarify misunderstandings, and share facts that matter. This clarity helps build a stronger defense in both criminal and immigration courts.

For immigrants in Jacksonville and North Florida, working with a criminal defense immigration lawyer who speaks their language and understands their culture is not just a convenience. It is a practical way to avoid missteps and to stay actively involved in decisions that affect their future.

### **Why a step ahead matters when citizenship is not secure**

Being arrested in Florida without citizenship sets off a complicated chain of events. From the initial stop to booking, from first appearance to potential immigration detainers, every stage carries serious risks. It's not simple, and without the right help, it's easy to make mistakes that change everything.

[Weldon Law Group, PLLC](#) provides focused representation for immigrants in Jacksonville and across North Florida. [Attorney Ian Weldon](#) has spent years handling both criminal and immigration cases and understands how one can affect the other. His work is personal. He helped his own wife immigrate to the United States and knows the challenges families face when status and freedom are at risk.

If you or a loved one has been arrested and fears immigration consequences, [contact us](#) for a free consultation. Speaking Spanish and English, Ian and his team can protect your rights and help you move forward with confidence. Reach out today.