Sanctuary for Families

CHECKLIST FOR SUPPORTING DOCUMENTATION

Initial I-589 Application Packet

The following is a list of documents to include when filing your client's I-589 application affirmatively with the Vermont Service Center (VSC) or defensively with the Immigration Court.

- ❑ Original Form I-589 Application
- ❑ Passport-style photo of applicant attached to original I-589
- ❑ Notice of Appearance
  - Form G-28 if filing with VSC (preferably on blue paper)
  - Form EOIR-28 if filing with Immigration Court (use green paper)
- ❑ Copies (not originals) of applicant's identity documents
  - Examples: I-94 card/information, passport (front to back), or national identity card
  - Your client should keep all originals with them to bring to the interview/hearing
- ❑ Copies of I-589 for each derivative in the United States, with derivative's passport-style photo attached to I-589 copy and identity documents

For affirmative cases, you must include an extra copy of the filing to VSC.

For defensive cases, as discussed in Tab 8, you must serve a copy of the filing on the U.S. Immigration and Customs Enforcement Office of Chief Counsel (ICE OCC) and include a Certificate of Service with your submission to the Immigration Court. You should also bring your own copy with you for ICE OCC and the Immigration Court to time-stamp. Finally, you will also have to file the first three pages of the I-589 along with a Form G-28, and a copy of the defensive filing instructions with the USCIS Nebraska Service Center to initiate the biometrics process. The defensive filing instructions can be found at https://www.uscis.gov/sites/default/files/files/article/PreOrderInstr.pdf and are included in this manual at Tab 19.

Supplemental Packet

The following is a list of documents to include in support of your client's I-589 application after the initial filing, in advance of the affirmative interview or defensive call-up filing date. Any memorandum of law and supporting evidence should be filed together as one packet.

1. **Memorandum of law**
2. **Table of exhibits**
3. **Client affidavit**
4. **Copies of identity documents for applicant and any derivatives,** presented with certified translations when not in English, such as:
   - I-94 card/information
   - Passport (front to back) or national identity card
   - Birth certificate (especially for derivative children)

- Any marriage certificates and divorce decrees if applicable

5. **Supporting affidavits from fact witnesses or similarly situated individuals (if available)** that corroborate harm suffered or feared
6. **Medical and/or gynecological evaluation (if relevant)** to document physical harm or whether or not FGM has been performed
7. **Independent psychological evaluation** to document psychological impact of traumatic events, anxiety related to fear of return, behavior during interview, or severity of disability that might have caused a failure to meet the one-year deadline
8. **Counselor/social worker affidavit (if available)** to document client's engagement with mental health services to cope with past trauma or fear of return
9. **Relevant records establishing past harm or fear of return (if available)** such as police or medical records in home country
10. **Country conditions expert affidavit (if reports are not sufficient)**
11. **Relevant country conditions reports**, such as:
    - U.S. Department of State annual human rights report (most recent unless a previous recent year is also directly relevant to the case)
    - Human rights reports, by groups like Human Rights Watch, Amnesty International, Center for Reproductive Rights, organizations based in the country or region from which client fears harm, and international bodies such as the World Health Organization or CEDAW
    - Newspaper articles documenting relevant country conditions or corroborating facts of the case
12. **Relevant DHS Memos or unpublished Immigration Judge/Board of Immigration Appeals (BIA) decisions**, but <u>not</u> precedential decisions the adjudicator can easily access through citations in your legal memo (if applicable)

In pending affirmative cases at the Newark Asylum Office, you should file this supplemental submission and an extra copy no later than one week before a scheduled interview. The supplemental submission for affirmative cases pending at the New York asylum office, however, should not be submitted in advance and instead should be provided at check-in on the day of the interview. The I-589 receipt notice and interview notice will reflect which office the case has been assigned to, depending on the client's borough of residence. .

In pending defensive cases, you must file this supplemental submission with the immigration court by the deadline specified by the Immigration Judge (or 15 days prior to the Individual hearing if the Judge does not specify). As with the initial I-589 filing, you must serve a copy of the supplemental filing on ICE OCC and include a Certificate of Service with your submission to the Court. You should again bring your own copy of the filing with you so OCC and the Court can time-stamp it.

All documents should be two-hole punched at the top center before filing them with USCIS or the Immigration Court. Do not staple or bind the documents except with two pronged fasteners.

Please furnish Sanctuary for Families with an electronic copy of all documents as filed.