Sanctuary for Families

CHECKLISTS FOR IMMIGRATION COURT

CHECKLIST FOR FILING I-589 WITH IMMIGRATION COURT

As Soon As Possible, and Well in Advance of One-Year Filing Deadline:

- ❑ Complete Form I-589
- ❑ Prepare immigration court filing, including (in order): (1) EOIR-28, (2) Cover Sheet, (3) Form I-589, (4) Table of Contents with supporting exhibits (identity documents), (5) Proof of Service to ICE OCC.
- ❑ Make two copies of original filing
- ❑ File one copy to the ICE OCC in the jurisdiction where your client is in proceedings
- ❑ File the original copy with the Immigration Court with Certificate of Service at the window or by mail
- ❑ Have the court time-stamp as accepted the second copy of your filing and return it to you for your records in person at the window or by mail by including the second copy of the filing and a self-addressed stamped envelope with the original filing submission

After Filing

- ❑ Initiate biometrics process by filing the first three pages of Form I-589, an executed form G-28, and a copy of the USCIS I-589 Filing Instructions for Immigration Court with the Nebraska Service Center
- ❑ Client must attend biometrics appointment on the date and time set forth in the biometrics notice
- ❑ Monitor the immigration court EAD "clock" and file Form I-765 as soon as the clock reflects that the application has been pending for at least 150 days

CHECKLIST FOR MASTER CALENDAR HEARING

As Soon As Possible:

- ❑ Review each of the factual allegations on the Notice to Appear (NTA) with your client (you will need to deny each incorrect allegation)
- ❑ If there are incorrect allegations on the NTA, gather evidence to support your claim that they are incorrect
- ❑ Confirm that your client received the NTA in person or mail
- ❑ Confirm that your client is the named respondent on the NTA
- ❑ Confirm that your client received a list of Free Legal Services and Notice of Appeal Rights with the NTA

- ❑ Discuss the case with your Sanctuary mentor and determine your strategy at the Master Calendar hearing
- ❑ File any necessary pre-trial motions or applications (see above)
- ❑ If your client has had prior Master Calendar hearings or previously submitted documents to the Court, make arrangements with the Court Clerk to review the Court file and listen to the recordings of prior hearings
- ❑ Confirm time on NTA and/or Notice of Hearing. You can always double-check it by calling EOIR's automated hotline at: 1-800-898-7180
- ❑ File a Freedom of Information Act (FOIA) request to obtain your clients immigration file from the Court
- ❑ Your client may also have a file with U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services. A separate FOIA should be submitted to each agency.

In Preparation for Day of Hearing:

- ❑ Explain the nature of the proceedings to your client
- ❑ Explain what questions the judge is likely to ask
- ❑ Explain what the courtroom will look like and where you will be seated
- ❑ Confirm with your client that she knows the date, time and address of the hearing
- ❑ Confirm with your client that she knows where and at what time she is meeting you
- ❑ Make certain that your client understands that she must attend the hearing because failing to appear will result in an *in absentia* order of removal
- ❑ Confirm that your client's address on the NTA is correct

    o If it is not, submit written notice of the change to the court by filling out form EOIR-33, Alien's Change of Address Form/Immigration Court and submitting it to the Court

On Day of Hearing:

- ❑ Make sure you bring at least three additional copies of previously filed documents and any additional evidence to hearing (often documents don't make it into the Court or ICE file)
- ❑ If your client has already filed for immigration relief, i.e., asylum application, family petition, U Nonimmigrant Status, VAWA Self-Petition, etc.:

    - Bring three copies of the already filed application/petition
    - If available, bring three copies of receipt notices sent by the government
    - If you filed for available relief before the Master Calendar hearing and have yet to receive receipt notices, bring two copies of the proof of mailing.

- If your client has not yet filed for immigration relief or will file in court, be familiar with the requirements for each avenue of relief.

- ❑ Make sure you bring two original signed copies of your Entry of Appearance as Attorney on form EOIR-28 (printed on green paper and two-hole punched at the top)
- ❑ Arrive early to check in with the Judge's clerk (mention to the clerk that you are appearing pro bono)

CHECKLIST FOR INDIVIDUAL HEARING

As Soon as Possible:

- ❑ Gather all possible evidence in support of your case
- ❑ File any motions for fee waivers for any applications besides asylum
- ❑ File any necessary forms with USCIS for any applications besides asylum
- ❑ File request for an interpreter with the Court
- ❑ Make sure all foreign language documents being submitted to Court are translated into English and accompanied by an affidavit of translation

No later than Court-Imposed Deadline (default is at least 15 days before hearing):

- ❑ Submit evidence
- ❑ Submit witness lists
- ❑ File motions for telephonic appearance of witnesses (if necessary)
- ❑ Submit any pre-hearing statements ordered by the Immigration Judge pursuant to 8 C.R.F. §1003.21.
- ❑ Ensure that biometrics are current

Before Hearing:

- ❑ Ensure that your client's address and telephone number are updated with the Court if there has been a change since their last master calendar hearing.
- ❑ Prepare your client's testimony (in front of other witnesses if possible)
- ❑ Prepare testimony of other witnesses (in front of your client if possible)
- ❑ Make sure to address any discrepancy in testimony that may affect the credibility of your client
- ❑ Ensure that your client knows the time and place of the individual hearing