

ILAP Information Session on the Asylum Process for those who have been referred to Immigration Court

February 15, 2019

*This applies to individuals who entered the US at the southern border and have been ordered to go to Immigration Court to request asylum, **or** to individuals whose asylum applications were not approved and who now have to go to Immigration Court*

Crossing the southern border:

People have many different experiences at the border. Some are detained for a short period of time. Some are held longer. Some are given a “credible fear interview” with an immigration officer and some are not. ***Having an interview with an immigration official at the border does not mean you have applied for asylum.***

When people are released into the US some are given a notice that they must check in with **ICE (Immigration and Customs Enforcement)**. ICE is not the same as Immigration Court. ICE are immigration officials who keep track of where you are in the US and make sure that you are following the rules. ***You must check in with ICE as scheduled and you must notify them if your address changes.*** Some people are released with electronic ankle bracelets to track their movements.

I-94 Cards

Many people are released with an I-94 Card. Often these cards will have a **Paroled Stamp** on them. Being given paroled status means that you have permission to be in the US while you go through the process of trying to stay permanently. This is a temporary status and the stamp will tell you when the paroled status ends. Often, (but not always) this will be one year from the date of entry. The I-94 Card will also have your **nine-digit A#** on it. This is a very important number that is used all through the asylum process – do not lose it!

Work Permits for people who have Paroled Status

People who have paroled status can apply for a work permit and a social security number immediately. The tricky part is that the work permit is only valid until the end of parole status (the date stamped on the card received). It can't be renewed. There is a \$410 fee to apply for a work permit, that can be waived if the person is receiving General Assistance (GA) or TANF.

You can get the required paperwork and help applying for work permits on Monday afternoons between 1:00pm-4:00pm at the ILAP office. Bring your I-94 Card with the Paroled Stamp and they can help you.

Notice to Appear

This notice will have your name, address, A#, date of entry and the country you are from (where you have citizenship). ***Make sure all information on it is correct.*** The letter is the beginning of the deportation process. It basically states that you are in the US without permission and that you are going to be deported unless you can

convince the US Immigration Court that it should not deport you. You will have to prove to that you have either suffered persecution in the past or will face persecution if you return to your country.

The Notice to Appear will give you a date and time that you are supposed to appear in court. The address given when people crossed the border will determine which court you are assigned – if you gave a Portland, Maine address you will be assigned to the Boston Immigration Court. If you gave an address in Texas, Georgia or somewhere else, your case will be heard in the Immigration Court that covers that address.

It is important to note that the court date on the Notice to Appear is not the actual court date. This is crazy and confusing, but is based on a US Supreme Court Case that ruled that it is unconstitutional to leave the date on these notices blank (as had been the practice until a true date could be assigned). The result is that the dates that are put on the Notice to Appear letters are often randomly assigned. **The only way to know when your real court date is to call 1-800-898-7180.**

When you call the number you will be asked to ***enter your A# (9 digit number)***. It will ask you to ***confirm the number*** you entered. The automated system will then spell out your name and ask you to confirm that it is correct.

It is common to hear a message that your name does not match a record in the system. This means that your case is not yet in the Immigration Court system and you do not have a hearing scheduled yet. You should call this number frequently to check on your case.

If you are in the system, after you confirm your name, press 1 for information on your next hearing date. You will be given information on the date and time of your next hearing as well as the type of hearing and the name of the judge assigned to your case. You will also be given the address for the Immigration Court where your hearing is scheduled.

Hearing Notice

This is a letter from the specific Immigration Court that has been assigned your case with a date and time to appear. **This is an accurate date.**

How to Change your Address with the Immigration Court

If you move, you need to change your address with an **EOIR-33 Form**. You must fill out a form for anyone in your family who has their own A# or their own Notice to Appear. If a child is too young to sign for themselves, a parent can sign their form and just indicate that it is a parent's signature. ***Fill out two sets of forms and send one to the Boston Immigration Court (#1) and the other to the US Department of Homeland Security (#2)***

You can get the form and help filling it out on Monday afternoons between 1:00pm-4:00pm at the ILAP office

How to Change Immigration Courts

If you move to a location that is covered by a different immigration court you can file a motion for a change of venue. You cannot file a motion for a change of venue until your name is in the system and an original court has been assigned.

Please note: your case has not been moved until you receive a notice that your motion has been granted. If the motion is accepted you will receive a notice with a new court date and time. ***If it is not approved, or you have not heard back within 15 days of your court date, you must go to the original court date. If you miss your court date, the judge will order you deported.***

If the new court date is after your parole expires or you are coming up on 1 year of being in the US make sure to fill out and send an asylum application (I-589) directly to the Boston Asylum Office (#3) by Certified or Express Mail. Even though they will eventually reject your application and send it back to you on the grounds that your case is already pending in the Immigration Court system, filing for asylum within a year of arrival proves you are meeting the conditions of your parole which is to work towards a permanent status. Make sure to save documentation that it was submitted.