

# IMMIGRATION JUSTICE CAMPAIGN

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## Timeline for Detained Cancellation of Removal Cases

There are three different types of “cancellation of removal.” “LPR cancellation” (under INA §240A(a)) authorizes an immigration judge to end removal proceedings for certain lawful permanent residents (“LPRs” or “green card holders”) who face deportation for criminal activity, and to restore their LPR status. INA §240A(b)(1) (“non-LPR cancellation”), in contrast, authorizes an immigration judge to grant permanent resident status to certain non-citizens who are not LPRs, but who have resided in the U.S. for many years and whose deportation would cause a U.S. citizen or LPR family member a high level of hardship. And cancellation of removal under INA §240A(b)(2) (“VAWA cancellation”) authorizes an immigration judge to grant LPR status to certain victims of domestic violence.

This timeline applies to all detained cancellation cases, but the legal elements and requirements for each form of cancellation are significantly different. Keep these distinctions in mind as you are assessing your client’s case and conducting your research.

### Within one week of case assignment

- Review Orientation Manual and Local Practice Guide.
- Review case referral memo and case materials.
- Begin [eRegistry](#) process to obtain an EOIR ID number.
- Determine whether you will need an interpreter to communicate with your client and, if so, arrange for one and get him/her pre-cleared to enter the detention center.
- Visit client in detention center (note that it is not necessary to have an EOIR ID number to visit detainees, nor is it necessary for licensed attorneys to get pre-clearance).
- If applicable, and with your client’s consent, establish contact with your client’s friends/family members in the U.S.
- Sign up on the Immigration Justice Campaign’s website at <https://www.immigrationjustice.us/home> then email

campaignwebsite@immcouncil.org to ensure you receive full access to all online training materials.

### Before first mentor group call

- View [training materials](#) on the Immigration Justice Campaign website.
- Sign up for AILALink (AILA's online database for immigration law research) at <http://www.aila.org/MyAila/Register> then email campaignwebsite@immcouncil.org to ensure that your registration is processed.
- Review Notice to Appear (NTA).
- Ensure that you know when your client's next hearing will take place and determine:
  1. Whether the hearing is a master calendar or an individual (merits) hearing
  2. Whether your client has already filed documents with the immigration court
  3. Whether another attorney has entered an appearance for your client
  4. Whether the judge has set any deadlines or entered any orders relating to the upcoming hearing
- Be prepared to give a quick case update during your group call, and to ask questions.

### Before the first master calendar hearing

- Complete eRegistry and obtain your EOIR ID number.
- Be prepared to file [EOIR-28](#) (Notice of Entry of Appearance for the Immigration Court). Note that the court will not accept an EOIR-28 without an EOIR ID number.
- Be prepared to enter pleadings on your client's behalf (discuss with your mentor).
- Identify your client's best language and be prepared to orally request an interpreter in that language during the master calendar hearing.
- Learn what happens at master calendar hearings by watching this short [webinar](#).
- Determine whether your client may be eligible for release from detention on either bond or parole, and be prepared to discuss the issue with your mentor.

- Ensure that you have a complete criminal history, and begin collecting certified copies of all criminal dispositions (including those for charges which were dismissed).

#### Within one week of the first master calendar

- Begin preparing form [EOIR-42A](#) (for LPR cancellation) or [EOIR-42B](#) (for non-LPR cancellation).
- Discuss the need for supporting evidence with your client, and work with him or her to identify potential witnesses and sources of documentary evidence.
- Begin to assess whether an expert witness (medical, psychological and/or country conditions) would be helpful to your client's case. If you think an expert would be helpful, speak with your mentor.
- Determine whether your client's family/friends have the capacity to pay the EOIR 42A/42B filing fee (\$100). If s/he does not have the capacity to pay, file motion for fee waiver to the Immigration Court (discuss with Ilana Greenstein or your mentor).

#### Before filing application

- Send drafts to your mentor for review/comments 1-2 weeks before you plan to file.
- Review application with client and ensure that every question is read to your client in his/her best language.

Follow [these instructions](#) to mail a copy of the EOIR 42A or EOIR 42B with filing fee or application for fee waiver to the USCIS Service Center for processing. Attach a copy of the USCIS receipt to the application when you file it with the court. Note that it can take several weeks to get a fee receipt back after mailing. And if your client needs a fee waiver, talk to your mentor about how to apply for one.

#### As you are collecting corroborating evidence and planning your litigation strategy

- Keep in mind that you can always contact Ilana Greenstein if you have questions/issues that are not addressed during your group mentor calls. If it would be helpful to have an individual call with her to discuss your case at this stage, don't hesitate to ask.

Talk to your client about where s/he will go if s/he is released from detention.

#### Three weeks before the individual (merits) hearing

- Contact your mentor to arrange an individual hearing preparation call with her.
- Send Ilana drafts (briefs, indices, etc) for review/comments. Please allow at least 2-3 days for review.

#### Fifteen days before the individual (merits) hearing

File all supplemental documents (brief/prehearing statement witness list, documentary evidence, sworn statements of lay and/or expert witnesses, motions to allow telephonic testimony, country conditions evidence, etc.).

- Begin to prepare client and witnesses for trial.

#### After the individual (merits) hearing

- Tell us what happened! Email your mentor.