

IMMIGRATION JUSTICE CAMPAIGN

Week by Week Guide to Detained Asylum Cases

Within one week of case assignment

- Review case referral memo and any other case materials you received. If there are any questions, reach out to your mentor.
- If you don't already have an EOIR number, begin [eRegistry](#) process to obtain an EOIR number **and** create an online eCAS account, which will allow you to file most documents electronically. **You will need an EOIR number to enter an appearance in the case, and part of the process requires that you go to an immigration court near you *in person*.**
- Check your client's case status. Go to: <https://acis.eoir.justice.gov/en/> and enter your client's A#. Take note of the client's next hearing date and ensure the court is correct.
 - If your client is **detained**: note the hearing date and time.
 - If your client is **NOT detained**: Ensure that the hearing is in the correct location—i.e. where your client is *currently* residing. **If it is not**, you will need to do a motion to change venue—please reach out to your mentor for assistance.
 - For either detained or non-detained, note whether the next hearing is a MASTER hearing or an INDIVIDUAL hearing. **If it is individual, reach out to your mentor.**
- Contact the client. **If you have any difficulty reaching your client within one week of placement, contact your mentor *immediately*.**
 - In your initial call, be sure you do the following:
 - let the client know who you are, and that their case has been referred to you.
 - Make sure your client understands the scope of your representation (is it bond? The full removal hearing and asylum application? Just the asylum application preparation)?
 - Ask your client if they have any friends or relatives in the US that could have more information about their case.
 - Ask if the client has any immediate relatives in the US (detained or not detained): immediate family is a spouse (legally married), children 21 or younger, father, mother, or sibling.

- Read your client your engagement letter and let the client know you will be mailing a copy to them to sign and return to you. **It is critical that you have an engagement letter on file that explains the extent of your representation.**
- **Set up the next time to talk, and best way to communicate.** Make a date and time for the client to call you again.
- Mail your client your engagement letter, along with a self-addressed stamped envelope so they can send it back to you.

Within two weeks of case assignment

- Review introductory [asylum training materials](#) on Immigration Justice Campaign website.
- Attend your mentor's office hours and/or reach out to your mentor to set up an initial call.

After your first mentor contact

- File an [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, obtained through the registry process above. You can file your E-28 online once you have created an eCAS account, at: <https://portal.eoir.justice.gov/Disclaimer> (this may redirect you to a DOJ page).

This will allow you to see your client's entire court file.

- Review your client's Notice to Appear (I-862, often the first document filed in your client's case).
- Contact your client again. Ask if they have already seen a judge:
 - If they have, ask the following:
 - Did the judge tell them they need to submit an asylum application? If so, when did it need to be submitted by?
 - Has the client already prepared an asylum application with someone? If so, was it already sent to the judge?
 - Did they talk to the judge about bond (if detained)? If so, what did the judge say?
- 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.

Within one week after the master calendar

- If your client had a Credible or Reasonable Fear Interview, review the notes from that interview and go over them with your client for any inconsistencies. An example can be found here: <https://immigrationjustice.us/get-trained/asylum/application-declaration-evidence/credible-fear-interview-notes/>
- Begin preparing I-589 application and your client's [declaration](#).
- Discuss the need for corroborating evidence with your client, and [work with him/her to identify potential sources of evidence](#) (both documents and potential witnesses).
- 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.
- Begin preliminary [country conditions](#) research.

Before filing asylum and/or withholding application

- Send a draft of the I-589 and client declaration to your mentor for review/comments 1-2 weeks before you plan to file. **In most cases, everything must be filed 15 days before the INDIVIDUAL hearing. Your client may be asked to submit *just the I-589* even earlier in the process.**
- Review application with client and ensure that every question is read to your client in his/her best language.
- Once the I-589 application has been filed with the court, **a critical step in the court process is for your client to complete biometrics (fingerprints and photograph) with the Department of Homeland Security (DHS) so that background checks can be completed.** An Immigration Judge cannot grant an asylum application without the completion of this step. You and/or the client should be notified at their master calendar hearing if biometrics need to be collected in your client's case. If the judge informs that biometrics need to be collected in your client's matter, you should reach out to the Office of Principal Legal Advisor (OPLA) attorney assigned to your client's case, as well as the client's Enforcement and Removal Operations (ERO) deportation officer, and tell them that biometrics need to be arranged for your client. If you experience challenges with DHS officials in fulfilling this requirement, reach out to your IJC mentor.

As you are collecting corroborating evidence and planning your litigation strategy

- Keep in mind that you can always contact your mentor 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 your mentor 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, corroborating evidence, sworn statements of lay and/or expert witnesses, motions to allow telephonic testimony, country conditions evidence, etc.).
- Begin to prepare client and potential witnesses for trial.

After the individual (merits) hearing

- Tell us what happened! Email your mentor.