

IMMIGRATION JUSTICE CAMPAIGN



Timeline for Defensive Asylum Cases

First:

- Review your client's Notice to Appear (NTA)
- Calculate your client's asylum one-year filing deadline, based on their most recent physical entry to the U.S.
- 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 submitted written or oral pleadings
 3. Whether your client has already filed documents with the immigration court
 4. Whether another attorney has entered an appearance for your client
 5. Whether the judge has set any deadlines or entered any orders relating to the upcoming hearing
- 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, after having reviewed the NTA with your client.
- 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](#) from [EOIR's Model Hearing Program](#).

Before filing the I-589

- Begin preparing I-589 application and your client's [declaration](#). (If necessary)

- 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).
- If applicable, and with your client's consent, establish contact with your client's friends/family members in the U.S. and/or abroad.
- 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.

In preparation for filing the I-589

- Review the application with your client and ensure that every question is read to them in their best language.
- If the judge has instructed that you file your client's declaration with the asylum application, review the declaration word for word with your client, and ensure that it is read to them in their 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. As of December 2024, you and/or the client should be notified at their master calendar hearing if biometrics need to be collected in your client's case. In most cases, DHS will conduct background and security checks using biometrics in its repository. If it cannot, your **non-detained** client will be provided with a notice to report to a USCIS Application Support Center (ASC) for biometrics collection. Please review the complete biometrics instructions [HERE](#) (page 1 only). If your client is **detained**, and the judge informs that biometrics need to be collected, 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, please reach out to your IJC mentor.

After filing the initial I-589 application

- Make note of the call-up date (filing deadline for all supplemental documents) and continue working with your client to collect corroborating evidence.
- Stay in touch with your client and file a [change of address form](#) if they move.
- File all supplemental documents (brief/prehearing statement, witness list, corroborating evidence, sworn statements of lay and/or expert witnesses, motions to allow telephonic/webex testimony, country conditions evidence, etc.) by the court's filing deadline.
- Begin to prepare client and potential witnesses for trial.

Two weeks before the individual hearing

- Set up a one-on-one meeting with your mentor to prepare for the hearing.
- Continue to prepare your client and witnesses to testify.
- Work with your mentor to draft an outline for your closing argument.

After the decision

- Let us know what happened! Contact your mentor.