IMMIGRATION **JUSTICE** CAMPAIGN

Step-by-Step Guide for Detained and Non-Detained Non-LPR Cancellation (EOIR-42B) Cases

Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents

Two Practice Reminders

Use only the IJC templates to prepare filings unless your mentor instructs otherwise. The templates are designed for this work and help make mentor review smoother and more efficient. Also, do not wait for the signed engagement letter to come back before starting work. **Once the client gives verbal consent to representation, begin working immediately**.

Purpose and Scope of This Guide

Thank you for partnering with IJC to represent a client in a non-LPR cancellation of removal case under INA section 240A(b)(1). This guide applies to both detained and non-detained EOIR-42B cases. IJC has already screened the referral for threshold eligibility and criminal-bar issues, but the volunteer attorney must still build the record to prove each required element of relief. The volunteer attorney's central task is to develop a clear, well-corroborated record showing continuous physical presence, qualifying relative relationship and status, good moral character, exceptional and extremely unusual hardship, and favorable discretion, while completing the necessary court filings and preparing the client and witnesses for the individual hearing.

Non-LPR cancellation is a defensive form of relief available only in removal proceedings. If granted, the client becomes a lawful permanent resident. Because the hardship standard is demanding, volunteers should focus early on specific, corroborated evidence rather than relying on generalized hardship narratives or testimony alone.

Case-building focus. A strong EOIR-42B case proves every required element with organized evidence. The hardship showing remains central, but volunteers should also build clear proof of 10 years of continuous physical presence, qualifying relative relationship and status, good moral character, and positive discretion. IJC has screened criminal-bar issues before referral; if new facts arise, contact the mentor immediately.

Important Case Alerts

Alert: new arrests or criminal charges. If a non-detained client is arrested, charged with a crime, cited for a criminal offense, or has any new law-enforcement contact while the EOIR-42B case is pending, contact your mentor immediately. The

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final disposition may affect eligibility, good moral character, discretion, and overall case strategy. Do not advise the client about a criminal plea or disposition without mentor coordination and, where appropriate, immigration/criminal counsel consultation.

Alert: qualifying child close to turning 21. If a child is the qualifying relative and is close to turning 21, raise this with your mentor immediately. Discuss whether a motion to advance, expedited hearing request, or other strategy is needed. A child must remain a qualifying relative at the time the EOIR-42B application is finally adjudicated.

Alert: non-detained cases and the annual cap. Non-detained EOIR-42B cases may be affected by the annual cap on cancellation grants. If the judge indicates an intent to grant but the final decision may be reserved because cap numbers are unavailable, contact your mentor immediately if a qualifying child may age out before a final grant number becomes available. Do not promise the client a final grant date.

Required Forms, Documents, and Case Materials

Your scope of representation may include, but is not limited to, the following forms, documents, and processes:

- Engagement letter with the client.
- Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.
- Form G-28, Notice of Entry of Appearance as Attorney, when needed for ERO eFile or detention-related tracking. This is usually a detained-case issue; discuss with your mentor if the client is non-detained.
- Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.
- Fee waiver request or proof of payment for required EOIR and biometrics fees, depending on the client's ability to pay and mentor guidance.
- Qualifying relative declaration(s), focused on the relationship with the client and the hardship the qualifying relative would face if the client were removed.
- Client declaration, as needed, to explain caregiving, history in the United States, family role, good moral character, positive equities, and practical consequences of removal.
- Supporting lay witness statements, as appropriate.
- Documentary evidence showing continuous physical presence, qualifying relationship and status, exceptional and extremely unusual hardship to the qualifying relative, good moral character, rehabilitation where relevant, and positive equities.

- Certified criminal dispositions and related records, including dismissed charges, if any. IJC has screened the case, but volunteers should still make sure the record is complete.
- Legal brief or pre-hearing statement using the appropriate IJC template.
- Motions as appropriate, such as motions to appear virtually, motions to continue, motions to advance, motions to accept telephonic/Webex testimony, or other deadline-related motions.

Workflow Overview

Stage	Main Tasks	Mentor Checkpoint
Within one week/first contact	Review the referral materials, Orientation Manual, detention center information sheet if applicable, and case materials. Confirm the court location, hearing date, hearing type, and any urgent deadlines. Meet with your mentor, prepare the engagement letter, contact the client, confirm goals and scope, read the engagement letter, obtain verbal consent, and begin work immediately.	Contact your mentor immediately if the next hearing is an individual hearing, deadlines are unclear, or you cannot reach the client within one week. Do not wait for the signed engagement letter before starting case preparation.
Case planning and court file review	Enter your EOIR-28, review the court file, NTA, prior filings, scheduling orders, collect procedural history, confirm qualifying relatives, identify hardship themes, collect releases, and begin the EOIR-42B and evidence plan.	Discuss deadlines, fee/fee waiver, bond issues for detained clients, venue issues for non-detained clients, and any aging-out or criminal-case concerns.
Application and evidence development	Prepare Form EOIR-42B, gather proof for each element: continuous physical presence, qualifying relationship/status, good moral character, hardship, discretion, and procedural requirements.	Flag gaps in proof, unavailable records, new criminal issues, age-out concerns, expert needs, or evidence barriers.
Mentor review and filing	Send draft EOIR-42B, brief/pre-hearing statement, index, exhibits, proposed witness list, translations, and fee/fee-waiver materials for review.	Build in enough time for mentor review and revisions before the court deadline.
Hearing preparation and post-hearing steps	Prepare direct examination, witness testimony, closing argument, client/witness practice sessions, cap/age-out strategy, and post-hearing follow-up.	Schedule an individual hearing preparation call with your mentor. After the hearing, email your mentor with the result and any appeal or post-hearing deadlines.

Step 1: Within One Week of Case Assignment

- ☐ Review the Orientation Manual, detention-center information sheet if applicable, case referral form, and all case materials you received. Reach out to your mentor with any questions.
- ☐ Set up an ECAS account if you have not already done so, following the Orientation Manual.
- ☐ Check the client’s case status in [ACIS] and enter the client’s A-number. Note the next hearing date, time, court, and whether the case is listed for a master calendar hearing or an individual hearing.
- ☐ **For detained clients**, note the hearing date and time and review the detention-center instructions for client communication and legal mail.

- ☐ **For non-detained clients**, confirm that the hearing is in the correct court location for where the client lives. If the court appears incorrect or the client has moved, discuss venue and address-update strategy with your mentor.
- ☐ If the next hearing is an individual hearing, contact your mentor right away. The preparation timeline may need to be accelerated.
- ☐ Review the IJC Non-LPR Cancellation training materials and templates before drafting any filing.
- ☐ Attend your mentor's office hours before contacting the client. If your mentor does not hold office hours, follow the instructions in your placement email.
- ☐ Draft the engagement letter so it is ready to read to the client at the first meeting. You may use the sample legal representation agreement as a starting point.

Step 2: First Client Contact

- After your first call with the mentor, contact the client. If the client is detained, use the Orientation Manual and detention-center information sheet to set up a phone or video call.
- If you have difficulty reaching the client within one week of placement, contact your mentor immediately.

During the initial call, be sure to:

- ☐ Introduce yourself and explain that the client's case has been referred to you.
- ☐ Make sure the client understands the scope of your representation.
- ☐ Review the referral form with the client to confirm that the information is correct.
- ☐ Review the client's goals and confirm that they have not changed since the referral, such as a client who originally wanted asylum but now wants to request voluntary departure.
- ☐ Ask whether the client has already seen a judge. If so, ask:
  - Did the judge say the client needs to submit an EOIR-42B application? If yes, what deadline did the judge give?
  - Has the client already prepared an EOIR-42B application with anyone? If yes, was it already sent to the judge?
  - If detained, did the client talk to the judge about bond? If so, what did the judge say?
- ☐ Ask about friends, relatives, employers, schools, doctors, therapists, religious leaders, or community members who may have information or records relevant to the case.
- ☐ Identify the qualifying relative(s): U.S. citizen or LPR spouse, parent, or unmarried child under 21. Confirm each qualifying relative's immigration status, age, and relationship to the client. Flag any child who is close to turning 21.

- ☐ For non-detained clients, ask whether there have been any new arrests, pending charges, citations, warrants, probation issues, or law-enforcement contact since referral. If yes, contact your mentor immediately.
- ☐ Read the engagement letter to the client and explain that you will send a copy for signature and return.
- ☐ Do not wait for the signed engagement letter to come back before starting work. Once the client gives verbal consent to representation, begin working immediately.
- ☐ Set the next communication date and time and confirm the best way to communicate with the client and, if applicable, family members or qualifying relatives.
- ☐ **IMPORTANT**. If your client indicates that they have hired private counsel to file a **writ of habeas corpus** in federal court, or that they filed one themselves pro se and it was accepted by the court, talk to your mentor immediately about how the habeas petition may impact the removal case. This is especially important because a federal court may order a bond hearing or other remedy that could affect strategy and require coordination with habeas counsel.

> **Start work after verbal consent**
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> It is critical to keep an engagement letter on file that explains the scope of representation. **However, do not wait for the signed engagement letter to come back before starting your work.** Once the client gives verbal consent to representation, begin working immediately.

Mailing or Sending Initial Documents for Signature

After the client verbally consents to representation, explain that you will send documents for signature and, if mailing, include a return envelope.

For detained clients, mail the following documents urgently:

- Engagement letter.
- Blank signature page for the fee waiver form or other fee-related filing, if applicable.
- Any necessary releases to request records on the client's behalf. Talk with your mentor about releases for school, medical, therapy, criminal, employment, tax, or other records.
- **Practice tip**: Use sticky tabs to clearly indicate where the client should sign.
- Mail detained-client documents by U.S. Postal Service with tracking. Do not use FedEx.
- Address the envelope with the client's full name and full A-number.
- Include your name and address as sender and mark the envelope "Legal Mail - Confidential."
- Include a prepaid, self-addressed USPS Priority Mail envelope so the client can return signed documents.

- **Practice tip**: Some detention centers use a mailing address, often a P.O. Box, that is different from the physical location. Verify the correct mailing address on the ICE detention facility website before mailing.

For non-detained clients

- Mail or email documents for signature depending on the client's preference and capabilities. If mailing, use tracking and include a prepaid return envelope when possible.

Step 3: After First Client Contact – Planning the Case

- [ ] Log into ECAS and enter your appearance with Form EOIR-28.
- [ ] Use ECAS to review the client's court file or record of proceedings ("ROP"), when available. For cases initiated in immigration court after February 2022, ECAS should allow you to see the full court file.
- [ ] Use ECAS to review the Digital Audio recordings, so you know what was said in the prior court hearings, there is now an option to play the audio while logged into ECAS.
- [ ] Review the client's Notice to Appear ("NTA"), Form I-862. The NTA is the charging document that initiates removal proceedings and is usually the first document filed with the immigration court. **Alert your mentor immediately if the entry date alleged in the NTA suggests that the client has not been physically present in the United States for at least ten years.**
- [ ] Learn what happens at master calendar hearings by watching this master calendar hearing webinar.
- [ ] If the client is detained, determine whether they may be eligible for release on bond and be prepared to discuss the issue with your mentor.
- [ ] If the client is detained, set up your ERO eFile account and enter your appearance with ICE with Form G-28 in the portal.
- [ ] **If the client is not detained**, confirm the client's current address, mailing reliability, phone access, and ability to receive court notices. Discuss any needed Form EOIR-33 or motion to change venue with your mentor.

Get clear about procedural posture and deadlines

- [ ] Clarify whether the next hearing is a master calendar hearing or an individual hearing.
- [ ] Confirm whether the client has already filed anything with the immigration court.
- [ ] Confirm all judge-specific deadlines (the judge refers to this as the **"call-up"** date), scheduling orders, filing requirements, and whether supplemental filings are due before the default deadline.
- [ ] Prepare to enter pleadings if necessary. Discuss pleadings and any charge-related strategy with your mentor.

- ☐ Although IJC has already screened criminal issues before referral, confirm that you have a complete criminal history and begin collecting certified dispositions for all arrests, charges, and dismissed cases.

Step 4: The EOIR-42B Application, Fee/Fee Waiver, and Biometrics

- ☐ Begin preparing Form EOIR-42B.
- ☐ Review the application with the client and make sure every question is read to the client in the client's best language.
- ☐ Discuss supporting evidence with the client and qualifying relatives and create a case-specific evidence list with deadlines for requesting, receiving, translating, and filing documents.
- ☐ Determine whether the client's family or friends can pay the EOIR filing and biometrics fees. Verify the current fee on EOIR's Forms & Fees page before filing. EOIR currently lists Form EOIR-42B with a $1,640 filing fee and a $30 biometrics fee per person. EOIR fees must be paid through the EOIR Payment Portal. Obtain and save the receipt with the tracking ID to submit to the Immigration Court as proof of payment.
- ☐ If the client cannot pay, discuss fee waiver strategy with your mentor before filing, especially for non-detained clients. Fee waiver requests for non-detained clients often require more supporting documentation because they may have income, household expenses, or community financial support that must be explained. This is different from detained clients who generally have no income while detained.
- ☐ Send the draft EOIR-42B and supporting evidence to your mentor for review 1-2 weeks before you plan to file. If the case is detained or the individual hearing is approaching quickly, the timeline may be shorter, so contact your mentor early.

Biometrics

Once the EOIR-42B has been filed with the court, the client must complete biometrics so that DHS can complete background and security checks. An Immigration Judge cannot grant the application unless biometrics/background checks are complete.

- ☐ **For non-detained clients**, follow the USCIS instructions here. In addition to filing the EOIR-42B with the immigration court, you must also submit a copy of the EOIR-42B to the appropriate USCIS lockbox so that USCIS can issue a biometrics appointment notice to the client. The instructions specify what needs to be included in this filing, please check with your mentor if you have any questions before mailing to USCIS.
- ☐ **For detained clients**, if the judge states that biometrics need to be collected, contact the OPLA attorney assigned to the case and the client's ERO deportation officer to request that biometrics be arranged. If you encounter problems, contact your mentor.

Step 5: Litigation Strategy and Supplemental Filings

Proving Up Each Element of EOIR-42B

Although IJC has screened the referral before placement, the volunteer still needs to create a record that affirmatively proves each element of EOIR-42B relief. Use the table below as an evidence checklist when planning the declaration, brief, exhibit index, and hearing testimony.

Element	What the Attorney Must Prove	Helpful Evidence and Practice Notes
10 years continuous physical presence	Show that the client has been physically present in the United States for at least 10 years before the application, subject to any stop-time or absence issues. IJC has screened the case, but the record still must prove the timeline.	Create a year-by-year evidence map. Useful records may include tax returns, W-2s, pay stubs, leases, utility bills, bank records, school records, medical records, immigration records, church or community letters, dated photos, affidavits, and records for the client's children showing the family's presence. **Flag any long absence, departure, reentry, or stop-time question for the mentor immediately.**
Good moral character	Show that the client has been a person of good moral character during the required period and that the positive record supports relief.	Gather tax records, employment history, proof of family support, community service, church or volunteer letters, proof of rehabilitation where relevant, child support records if applicable, and character letters from people with specific knowledge. Although IJC screened criminal bars, volunteers should still collect certified dispositions for any arrests or charges and must contact the mentor immediately if new arrests, citations, warrants, probation issues, or pending charges arise.
Qualifying relative	Prove that the client has at least one qualifying relative: a U.S. citizen or lawful permanent resident spouse, parent, or unmarried child under 21.	Collect birth certificates, marriage certificates, divorce records if relevant, passports, naturalization certificates, certificates of citizenship, green cards, or other proof of lawful permanent resident status. Confirm each qualifying relative's exact age and status early. If a child is close to turning 21, flag the issue for the mentor immediately and discuss whether a motion to advance or other strategy is needed.
Exceptional and extremely unusual hardship	Prove that removal would cause hardship to the qualifying relative that is substantially beyond the ordinary hardship expected from removal.	Develop a concrete hardship theory for each qualifying relative under both scenarios: if the relative remains in the United States without the client and if the relative relocates with the client. Use medical, mental health, school, special education, financial, caregiving, housing, country-conditions, and family-support evidence. Avoid

		conclusory claims and tie testimony to records.
Discretion and positive equities	Even if the statutory elements are met, the judge must be persuaded that the client deserves relief as a matter of discretion.	Present the client as a whole person. Useful evidence may include length of residence, work history, tax payment, caregiving, family unity, community ties, volunteer work, religious involvement, rehabilitation, remorse, and the absence of public-safety concerns. Address negative facts honestly and with mentor guidance.
Procedural proof and case readiness	Make sure the record also includes the required form, fee or fee waiver, biometrics compliance, translations, exhibit organization, and timely filing.	Use IJC templates for the EOIR-42B, brief/pre-hearing statement, exhibit index, witness list, certificates of translation, and motions. Verify fee/fee waiver strategy with your mentor, track biometrics, and confirm all filing deadlines and judge-specific instructions.

Build the Most Compelling Hardship Record

After you have mapped proof for each required element, focus substantial case-development time on the hardship record. Build a persuasive, well-corroborated record. The judge should be able to understand, with specificity, why this family's hardship is substantially beyond the hardship ordinarily expected when a close family member is removed.

> **Hardship theory checklist**
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> For each qualifying relative, answer both questions: **(1) What happens if the qualifying relative stays in the United States without the client? (2) What happens if the qualifying relative relocates with the client?** Then gather documents and testimony that make those consequences concrete.

- ☐ Identify each qualifying relative and build a separate hardship theory for each person.
- ☐ Collect proof of the qualifying relationship and immigration status, such as birth certificates, marriage certificates, passports, naturalization certificates, lawful permanent resident cards, or other status documents.
- ☐ Develop detailed qualifying-relative declarations. The declaration should explain the relationship, daily dependence on the client, caregiving role, financial support, medical or mental health needs, education needs, and the likely impact of removal.
- ☐ Develop a client declaration, where appropriate, explaining the client's family role, caregiving responsibilities, work history, community ties, rehabilitation, and positive equities. **For detained**

cases moving quickly, speak to your mentor if you can do this through direct examination if you don’t have time to draft a declaration with your client.

- ☐ Gather medical, mental health, therapy, pharmacy, disability, or special-education records early if the hardship theory involves health, mental health, disability, or educational needs.
- ☐ For children, request school records, IEPs, 504 plans, attendance records, grades, teacher letters, counselor letters, evaluations, and proof of services.
- ☐ For financial hardship, gather tax returns, pay stubs, employment records, rent/mortgage information, household bills, childcare costs, medical costs, proof of debt, proof of remittances, and evidence of who pays for what.
- ☐ For caregiving hardship, gather records that show the client’s actual day-to-day responsibilities, including childcare schedules, transportation, school pickup, medical appointments, disability support, elder care, and household management.
- ☐ For country-of-removal hardship, gather evidence about access to medical care, medication, therapy, special education, safety, language barriers, schooling, disability services, and the qualifying relative’s ability to adapt if relocation is part of the theory.
- ☐ Consider whether an expert would materially strengthen the record. Expert evidence may be important when the hardship theory depends on mental health, medical conditions, special education, country conditions, or relocation consequences. **Discuss any potential expert with your mentor early.**

Hardship Evidence Map

Hardship Theme	Examples of Useful Evidence
Medical or mental health needs	Diagnosis records, treatment plans, therapy records, medication lists, provider letters, insurance/Medicaid records, appointment history, expert report if appropriate.
School or special education needs	IEP/504 plan, evaluations, attendance, grades, teacher/counselor letters, tutoring records, behavioral records, proof of services and supports.
Caregiving dependence	Schedules, medical appointment logs, transportation needs, childcare records, affidavits from family/school/providers, proof of limited alternative caregivers.
Financial dependence	Tax returns, pay stubs, household bills, rent/mortgage, child support, childcare costs, medical expenses, proof of debt, budget showing realistic post-removal impact.
Relocation hardship	Country conditions, medical/school access evidence, language barriers, safety issues, family/support availability, impact on treatment or education if the qualifying relative leaves the United States.
Positive equities and discretion	Taxes, employment, community service, church/community letters, rehabilitation records, parenting/caregiving proof, educational records, military/family/community ties.

Recent BIA Decisions: Practical Case-Preparation Lessons

Recent BIA cases underscore that volunteer attorneys should build a record with specific, corroborated evidence and avoid relying on generalized hardship. These are useful reminders about how to prepare a strong EOIR-42B case.

- **Matter of Buri Mora, 29 I&N Dec. 186 (BIA 2025):** Economic detriment and family separation generally are not enough where qualifying relatives will remain in the United States and continue receiving care or services. Practical takeaway: if the hardship theory involves family separation, finances, medical care, mental health, or school services, explain why this case is different from the ordinary removal case and prove any gap in support, treatment, or services.
- **Matter of Arevalo-Vargas, 29 I&N Dec. 519 (BIA 2026):** A cancellation application is continuing, and children can age out as qualifying relatives during the case. Practical takeaway: confirm the age and status of every qualifying relative early, update the hardship record throughout the case, and flag any child approaching 21 for mentor strategy, including a possible motion to advance.
- **Matter of Pelagio Mendoza, 29 I&N Dec. 542 (BIA 2026):** Testimony about a medical or mental health condition will generally be insufficient when medical records, expert testimony, or reports are reasonably available but not produced. Practical takeaway: if hardship depends on diagnosis, treatment, therapy, suicidal ideation, disability, or psychological harm, begin requesting records and expert support early.

When evidence is unavailable

Document the efforts made to obtain it and discuss with your mentor how to explain the gap. Do not assume that a privacy rule, school policy, medical office practice, or logistical barrier will excuse the absence of reasonably available evidence.

FOR NON-DETAINED CASES: Annual Cap and Reserved Decisions

Non-detained EOIR-42B cases can be affected by the statutory annual cap on grants of non-LPR cancellation and related suspension/cancellation relief. If the cap has been reached or is about to be reached, an Immigration Judge may complete the hearing but reserve a decision granting cancellation until a grant number is available. Detained cases are treated differently under EOIR policy, so discuss the posture with your mentor.

- Do not tell the client that a favorable hearing outcome means they will immediately receive lawful permanent resident status in a non-detained case.
- If the judge indicates that the case will be granted but reserved because of the cap, contact your mentor to discuss what the client should expect and what follow-up is needed.

- If the case depends on a child qualifying relative who may turn 21 while the case is pending, flag this issue early. The child's age matters at adjudication, and delay can create serious eligibility problems.
- If a child may age out before a reserved grant becomes final, contact your mentor immediately to strategize. This may require a motion to advance, a request to expedite, or another case-specific approach.

Planning the Litigation Strategy

- Contact your mentor whenever questions or issues arise that are not addressed during group mentor calls.
- Request an individual strategy call if you need to discuss the hardship theory, evidence gaps, expert needs, deadlines, motions, witnesses, hearing preparation, a pending criminal matter, or a qualifying relative age-out issue.
- Update the evidence plan as new facts emerge. For example, update records if a qualifying relative turns 21 soon, begins or stops treatment, receives a new diagnosis, changes school services, loses housing, changes work, or experiences new hardship.

Three Weeks Before the Individual Hearing

- Contact your mentor to arrange an individual hearing preparation call.
- Send your mentor drafts of the brief or pre-hearing statement, exhibit index, witness list, declarations, and key exhibits for review. Build in time for mentor review and your revisions.
- Draft direct examination questions for the client and witnesses, including questions that connect each hardship fact to specific evidence in the record.
- Prepare a concise closing argument or hardship roadmap that explains how the evidence meets the legal standard.
- **For non-detained cases**, revisit whether the annual cap or a possible qualifying-relative age-out requires a strategic filing or discussion with the court.

Fifteen Days Before the Individual Hearing, or by the Judge’s Deadline

- File all supplemental documents, including the brief/pre-hearing statement, witness list, documentary evidence, sworn statements, expert reports, and any motions to allow telephonic or Webex testimony.
- Check the judge’s scheduling order and local instructions. If the judge has set a different deadline, follow the judge’s deadline.
- Confirm that all foreign-language documents include English translations and certificates of translation.

- Confirm that exhibits are organized, indexed, paginated, and consistent with the IJC template and Immigration Court requirements.
- Continue preparing the client and witnesses for direct and cross-examination.

Step 6: Preparing the Client and Witnesses for Trial

- Schedule at least two preparation sessions with the client, and more if the case is complex or the client is detained, anxious, traumatized, or unfamiliar with court testimony.
- Prepare qualifying relatives to explain hardship in concrete terms, not general conclusions. They should be able to describe daily routines, specific needs, records, and what would change if the client were removed.
- Practice direct examination and likely cross-examination topics.
- Review the hearing logistics, including Webex or phone procedures if any witness will appear remotely.
- Review the final exhibit packet and make sure the client and key witnesses understand the documents relevant to their testimony.

Step 7: After the Individual Hearing

- Tell us what happened. Email your mentor after the hearing.
- If the case is denied, always reserve appeal at the merits hearing and discuss next steps with your mentor immediately.
- If the case is granted in a detained case, discuss any immediate release or follow-up issues with your mentor.
- If the case is granted or reserved in a non-detained case, discuss the cap, finality, address updates, and any next steps with your mentor. Make sure the client understands that timelines can vary.
- Send a closing letter when representation concludes, consistent with the scope of the engagement.

A Note About Work Permits for Non-Detained Clients

- After the client's Form EOIR-42B has been filed with the immigration court, non-detained clients may be eligible to apply for employment authorization while the cancellation application remains pending. To request employment authorization, the client must file Form I-765 with USCIS under category **(c)(10)** and include proof that the EOIR-42B was filed with the immigration court. The filing of the EOIR-42B does **not** automatically authorize the client to work; the client must wait until USCIS approves the Form I-765 and issues an Employment Authorization Document ("EAD").

- Before filing, confirm the current Form I-765 edition, filing fee or fee waiver options, and USCIS filing address. Save copies of the complete I-765 packet, proof of mailing or online submission, and any USCIS receipt notices. Once the EAD is issued, calendar the expiration date and discuss renewal timing with your mentor.

Helpful Links Referenced in This Guide

- IJC Non-LPR Cancellation training materials and templates - Use these templates for filings unless your mentor instructs otherwise.
- ILRC practice advisory - Background on non-LPR cancellation eligibility and legal framework.
- Sample legal representation agreement - Template for the engagement letter.
- ACIS - Check case status, next hearing information, and court information.
- EOIR Forms & Fees - Current EOIR forms and fee information, including EOIR-42B and EOIR-26A.
- Form EOIR-28 - Notice of Entry of Appearance before the Immigration Court.
- Form G-28 - Notice of Entry of Appearance before DHS, if needed for detention-related tracking.
- Form EOIR-42B - Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.
- Form EOIR-26A - Fee Waiver Request.
- EOIR Payment Portal - Pay EOIR filing fees electronically and save the receipt.
- ICE Detention Facility Locator - Verify detention-center mailing information before sending legal mail.
- Master calendar hearing webinar - Short overview of master calendar hearings.
- 8 U.S.C. section 1229b - Statutory authority for cancellation of removal and the annual limitation.
- 8 C.F.R. section 1240.21(c) - Regulation describing reserved decisions when grants are unavailable under the annual limitation.
- EOIR OPPM 17-04 - EOIR policy memorandum on handling cancellation/suspension cases subject to the cap.
- Matter of Buri Mora - Hardship record lessons on economic detriment, family separation, and continued care/services in the United States.
- Matter of Arevalo-Vargas - Qualifying-relative age-out and hardship analysis.
- Matter of Pelagio Mendoza - Need for medical/mental-health records or expert evidence when reasonably available.