

IMMIGRATION JUSTICE CAMPAIGN



Filing I-589 with Immigration Court

Key Points:

1. Must file I-589 **within one year of client's last entry** into U.S.
2. Must obtain **proof of date of filing** I-589
3. Must file a copy of the **first three pages with the Nebraska Service Center** (this triggers USCIS collecting biometrics)
4. Must remember to **file a copy with OPLA** as well!

Step One: File the I-589 with the Immigration Court

1. **Electronic Filing—Required as of February 2022 for Respondents with Counsel**
 - a. Where to file electronically: EOIR has electronic filing through a system called [ECAS](#).
 - b. How to file: ECAS allows you to electronically file a scanned copy of your client's completed and signed I-589; note that files must be 25MB or less and saved as either a PDF or JPG.
 - c. Obtaining a date stamp: When you upload your client's I-589 through ECAS a watermark with the filing date and time should be applied to the electronically submitted document.
 - d. Learn more about ECAS and electronic filing [here](#).
2. **Filing Paper Copy (for unrepresented asylum seekers)**

- a. How to file a physical copy: asylum seekers can file in person at the court clerk's window, in court at a Master Calendar hearing with the IJ directly, or by mail. Note that the easiest and surest way to get a date and time stamped copy is to file it in person.
- b. Filing in person at the Immigration Court. Every immigration court has a clerk's window in the general waiting area. Asylum seekers can file a copy of their I-589 at this window. They should bring a copy of the filing and ask the clerk to date stamp it for them. They may also file their I-589 with the Immigration Judge during a Master Calendar hearing. Make sure they bring a copy of their I-589 and ask the judge to stamp that copy.
- c. Filing a paper copy by mail. Mail the original of the signed I-589 to the immigration court with jurisdiction over the asylum seeker's case, along with a copy (see next paragraph below). Indicate clearly inside the package which judge is handling the case, and note the next hearing date.
- d. Obtain a date-stamped copy. In order to receive a copy of the filing with the date and time stamp, send a copy, prominently marked "CONFORMED COPY; RETURN TO SENDER. The asylum seeker will also need to include a self-addressed stamped envelope or comparable return delivery packaging.

Step Two: File a Copy with ICE OPLA

You must also serve the ICE trial attorney, often referred to as "OCC" (for Office of Chief Counsel) or "OPLA" (for Office of the Principal Legal Adviser) with a copy of the I-589 that you filed, or will file with the immigration court.

1. Filing electronically. ICE has an eService portal that allows you to file applications and other documents for a case electronically. In order to file electronically, you will need to set up an account at eserviceregistration.ice.gov. You can then access the eservice portal at eservice.ice.gov. The portal accepts documents in Microsoft Word or PDF formats.
 - a. Preliminary notice of receipt

Once parties submit documents through their account in the ICE eService portal, the ICE eService portal will generate an email advising the senders that their submission(s) was processed by the ICE eService portal and is awaiting review by the OCC. This is only a preliminary receipt that the documents have been submitted and does not constitute proof of service on ICE.

b. Notice of completed submission

Once the OCC completes its review of the submission(s), it will produce a receipt that the sender will receive through the ICE eService portal within three (3) business days of submission of the filing. The receipt will indicate whether the filing was accepted or rejected. For accepted filings, the receipt will constitute proof of service. For rejected filings, the receipt will provide details concerning the reason for rejection.

2. Filing by mail. You can mail a copy to the [relevant ICE OPLA office](#).
3. Filing in person. If an asylum seeker files their I-589 in Immigration Court, they can hand a copy to the ICE attorney in court. If they file their I-589 with the immigration court clerk, they can deliver a copy in person to the OPLA office located in the same building as the immigration court.

Step Three: File First Three Pages of I-589 with the Nebraska Service Center

1. Find these instructions online [here](#).
2. Send these three items:
 - a. A clear copy of the **first three pages** of your client's completed I-589 that you will be filing or have filed with the Immigration Court.
 - b. Signed G-28
 - c. A copy of [these instructions](#)
3. To this address:
 - a. USCIS Nebraska Service Center
Defensive Asylum Application with Immigration Court P.O. Box 87589
Lincoln, NE 68501-7589
4. You should receive:
 - a. A **USCIS receipt notice** in the mail
 - b. An Application Support Center (ASC) notice for your client and for each dependent included in your client's application. Each ASC notice will indicate the individual's unique receipt number and **will provide instructions for each person to appear** for an appointment **at a nearby ASC for collection of biometrics** (such as your photograph, fingerprints, and signature). Your client must attend this appointment, where s/he will receive an **ASC biometrics confirmation** that s/he should keep as proof that her/his biometrics were taken.