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INFO@CHRISTOPHER-LAW.COM

Helpful Websites

<https://acis.eoir.justice.gov> This website will tell you if you are in removal proceedings and your next court date.

<https://help.asylumadvocacy.org> Great all Around Website to Help Those Who Need Help Obtaining Asylum.

<https://www.youtube.com/watch?v=BZ2SOUPbcZY> Video on how to fill out Work Permit

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum> USCIS Webpage on filing for Asylum

MILND@ice.dhs.gov Email for Immigration and Customs Enforcement in Milwaukee Application as an Asylum Seeker

How can I obtain a Wisconsin Drivers license?

Normally there are two ways. First if you have been placed into immigration court proceedings you may apply for a Wisconsin Driver's License. This means you have received a Notice to Appear with a future court date, you can take that document to the Department of Motor Vehicles. You will show them that you are in immigration court proceedings and when your next court date is scheduled. As long as you meet all other qualifications you should be able to obtain a Wisconsin driver's license. The License will be valid until your next scheduled court date. If you do not have your Notice to Appear, or have already appeared at your first Court hearing, you will need to show proof of your next court date. You can always obtain a printout of your next court date on this site: <https://acis.eoir.justice.gov/en/>

Sometimes entry level department of motor vehicle workers are not aware of this procedure. If you are certain you qualify for a driver's license and the employee is stating you do not qualify, politely asked to see a supervisor.

If you are not currently in immigration removal proceedings, you can only obtain a driver's license in Wisconsin by obtaining an Employment Authorization Document. If you are an asylum seeker you can apply for this Employment authorization document 150 days after filing your asylum application. Instructions on filing an EAD are posted below.

Work Authorizations for Asylum Seekers

Can I apply for a work permit as an asylum seeker?

Maybe! The U.S. government sets the requirements and process for applying for a work permit.

Generally, to be eligible to apply for a work permit as an asylum seeker:

- You must have filed an asylum application (Form I-589) with either U.S. Citizenship and Immigration Services (USCIS) or the immigration court.
- At least 150 days must have passed since USCIS or the immigration court received your asylum application. If you are not sure how many days have passed, read more here.

How much does it cost to apply for an initial work permit as an asylum seeker?

Nothing! If you are applying for your first work permit as an asylum seeker, do not pay any fees and do not request a fee waiver. The \$410 filing fee does not apply to people who are applying for their first work permit. You do not need to pay any biometrics fee.

How do I complete my work permit application?

Watch this video and read the instructions below for information about how to apply for a work permit based on a pending asylum application! You can also see this sample application packet.

NOTE: As of January 2023, asylum seekers can now apply for a work permit online! To apply online, go to this USCIS webpage. On that webpage, scroll down to where it says “I-765 | Application for Employment Authorization” and click “File Online.” You will need to create a USCIS Online Account. We will share more details about online filing soon!

The instructions below are for preparing a paper application:

Here are the parts of your application packet. Be sure to place them in this order.

- Form G-1145 (optional). If you want, you can include Form G-1145 to receive notices about your application by text message or email.
- Form I-765. The very first part of your application packet after Form G-1145 should be your completed Form I-765.

- You can download the most recent version of the work permit application (Form I-765) on this USCIS webpage.
- If you are applying for your work permit based on your pending asylum application, your “eligibility category” on this form is “(c)(8).”
- If a question does not apply to you, put N/A.
- Proof of relationship in English (only if applying for your child). If the birth certificate (or other proof of relationship) is not in English, you should also include an English translation with a certificate of translation. Remember, never send originals of documents like birth certificates, marriage certificates, or passports. Only send photocopies.
- 2 passport-sized photos. Print 2 passport-sized photos and write your name and A# in pencil or felt-tip marker on the back of the photos. Attach the photos to the top right corner of the first page of the I-765. For example, use paper clips or put the photos in a small plastic bag and staple the bag to the form.
- If you have your passport, a copy of your passport or another government ID with photo in English. If the passport or government ID is not in English, include a translation of the ID and a certificate of translation.
- If possible, evidence of submitting your asylum application. For example, you could submit a receipt notice from USCIS, the stamped first page of your I-589 application, or a copy of your next hearing notice in the immigration court. Note: If you submitted your asylum application to USCIS more than 150 days ago but you have not received a receipt notice yet, you can try submitting your work permit application without including a receipt notice – read more here.
- If you are applying to *renew* a work permit you already have, make sure to check box 1.c. on the Form I-765 and include a copy of your previous work permit.

Every member of your family who is applying for a work permit needs to prepare a separate application packet, including their own Form I-765. Each packet should include the above documents in the correct order. The packets can be mailed together.

Where should I submit my work permit application?

There are two options for how to submit your work permit application: online or by mail. If you submit your work permit application online, you will most likely get your receipt notice more quickly.

Option 1: You can submit your work permit application to USCIS online. On that webpage, scroll down to where it says “I-765 | Application for Employment Authorization” and click “File Online.” You will need to create a USCIS Online Account. This is a new option as of January 2023.

Option 2: You can submit your work permit application to USCIS by mail, FedEx, UPS, or DHL.

- If you are applying for a work permit based on your pending asylum application, first scroll down in the menu to click “Asylees/refugees and their spouses and children”. Then, under that, find the addresses listed for the “(c)(8)” category. These addresses may change, so make sure to check the USCIS website for the most up-to-date mailing addresses and instructions.

- If you use FedEx, UPS, or DHL to send your application, make sure to include the line that says “Attn: I-765 C08 (650888)” in the address. If you don’t include this line, the government could delay your application.
- If possible, get a tracking number for your application and save it! You will need it if the government delays your application.
- If you can, make and keep a photocopy of everything that you send.

How can I apply for a work permit for my child?

You can apply for a work permit for your child if they are included in your pending asylum application or have their own pending asylum application, regardless of how young they are. You need to fill out a separate work permit application packet for each child.

Many parents want to apply for work permits for their children because it provides a form of U.S. government identification. Applying for a work permit also allows children to receive a social security number, which can mean access to government benefits like the Child Tax Credit.

How long will it take to get a response after I submit my initial work permit application?

If you are applying for your first work permit based on an asylum application, USCIS must process your application within 30 days. They should send you a decision by mail. Unfortunately, our experience says the government is very delayed in processing initial work permits for asylum seekers. As of August 2022, the government is taking more than 90 days to process many initial work permit applications. If you do not receive a decision from USCIS within 30 days, learn what steps you can take to address the delay.

If your work permit application is granted, congratulations! You should receive your work permit card in the mail. If you asked for a social security number, you should separately receive your social security card in the mail. You can check the expiration date of your work permit card to know how long your work permit is valid. We recommend applying to renew your work permit at least 6 months before the expiration date.

If your work permit application is denied, we are very sorry.

How do I check the status of my work permit application?

You can use the USCIS online case status tool to find out the status of your application at this USCIS website. You can also call USCIS directly at 1-800-375-5283. Some people have reported that they have been able to get through to a representative if you say “Info Pass” loudly into the telephone when they ask you to explain why you are calling.

How do I know if enough time has passed to apply for my initial work permit?

In general, you can apply for your first work permit 150 days or more after submitting your asylum application (Form I-589) to USCIS or the immigration court. You can *receive* your work permit after at least 180 days have passed since you submitted your asylum application.

If you submitted your asylum application to USCIS, you can check your receipt notice for the date that your asylum application was received. Then, add 150 days to find out when you can apply for a work permit. (For example, if your asylum application was received on September 1, 2021, you could google “150 days after September 1, 2021” to learn that you could apply for a work permit starting on January 29, 2022.)

If you have questions about your ability to apply for a work permit, you may want to consult with an attorney. Also, if you think you are probably eligible for a work permit, but you are not 100 percent sure, there is no harm in applying. The worst that will happen is that the government will deny this work permit application, but you can always apply again later. As an asylum seeker, you will not pay any fees with your application for your first work permit, and the government will be required to process it within 30 days.

The Next 15 Pages are an Example of what a Work Authorization Application Should Look Like

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Páginas web útiles

<https://acis.eoir.justice.gov> Este sitio web le dirá si está en proceso de expulsión y su próxima fecha de comparecencia ante el tribunal.

<https://help.asylumadvocacy.org> Un gran sitio web para ayudar a los que necesitan ayuda para obtener asilo.

<https://www.youtube.com/watch?v=BZ2SOUPbcZY> Vídeo sobre cómo rellenar el permiso de trabajo

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum> Página web del USCIS sobre la solicitud de asilo

MILND@ice.dhs.gov Correo electrónico del Servicio de Inmigración y Control de Aduanas en Milwaukee
Solicitud de asilo

¿Cómo puedo obtener el permiso de conducir de Wisconsin?

Normalmente hay dos formas. En primer lugar, si usted ha sido colocado en los procedimientos judiciales de inmigración puede solicitar una licencia de conducir de Wisconsin. Esto significa que usted ha recibido un Aviso de Comparecencia con una futura fecha de corte, usted puede llevar ese documento al Departamento de Vehículos Motorizados. Usted les mostrará que usted está en procedimientos judiciales de inmigración y cuando su próxima fecha de corte está programada. Siempre que cumpla todos los demás requisitos, debería poder obtener el permiso de conducir de Wisconsin. La licencia será válida hasta su próxima cita con el tribunal. Si no tiene su Aviso de Comparecencia, o ya ha comparecido en su primera audiencia ante el tribunal, tendrá que mostrar una prueba de su próxima cita ante el tribunal. Siempre puede obtener una copia impresa de su próxima cita con el tribunal en este sitio: <https://acis.eoir.justice.gov/en/>

A veces, los trabajadores principiantes del Departamento de Vehículos de Motor no conocen este procedimiento. Si está seguro de que reúne los requisitos para obtener el permiso de conducir y el empleado le dice que no, pida educadamente ver a un supervisor.

Si usted no está actualmente en proceso de deportación de inmigración, sólo puede obtener una licencia de conducir en Wisconsin mediante la obtención de un Documento de Autorización de Empleo. Si es usted solicitante de asilo, puede solicitar este documento de autorización de empleo 150 días después de presentar su solicitud de asilo. A continuación figuran las instrucciones para solicitar un EAD.

Autorizaciones de trabajo para solicitantes de asilo

¿Puedo solicitar un permiso de trabajo como solicitante de asilo?

¡Tal vez! El gobierno estadounidense establece los requisitos y el proceso para solicitar un permiso de trabajo. En general, para poder solicitar un permiso de trabajo como solicitante de asilo:

- Debe haber presentado una solicitud de asilo (formulario I-589) ante el Servicio de Ciudadanía e Inmigración de EE.UU. (USCIS) o ante un tribunal de inmigración.
- Deben haber transcurrido al menos 150 días desde que el USCIS o el tribunal de inmigración recibió su solicitud de asilo. Si no está seguro de cuántos días han pasado, lea más aquí.

¿Cuánto cuesta solicitar un permiso de trabajo inicial como solicitante de asilo?

¡Nada! Si solicita su primer permiso de trabajo como solicitante de asilo, no pague tarifa ni solicite una exención de tarifa. La tasa de tramitación de 410 dólares no se aplica a las personas que solicitan su primer permiso de trabajo. No tiene que pagar ninguna tarifa biométrica.

¿Cómo se cumplimenta la solicitud de permiso de trabajo?

Vea este vídeo y lea las instrucciones a continuación para obtener información sobre cómo solicitar un permiso de trabajo basado en una solicitud de asilo pendiente. También puede ver este modelo de solicitud.

NOTA: A partir de enero de 2023, los solicitantes de asilo podrán solicitar un permiso de trabajo por internet. Para presentar la solicitud en línea, visite esta página web del USCIS. En esa página web, desplácese hacia abajo hasta donde dice "I-765 | Application for Employment Authorization" y haga clic en "File Online." Deberá crear una cuenta en línea del USCIS. Pronto daremos más detalles sobre la presentación de solicitudes por Internet.

Las instrucciones que figuran a continuación sirven para preparar una solicitud en papel:

Estas son las partes de su expediente de candidatura. Asegúrese de colocarlas en este orden.

- Formulario G-1145 (opcional). Si lo desea, puede incluir el formulario G-1145 para recibir avisos sobre su solicitud por mensaje de texto o correo electrónico.
- Formulario I-765. La primera parte de su paquete de solicitud después del formulario G-1145 debe ser su formulario I-765 cumplimentado.

- Puede descargar la versión más reciente de la solicitud de permiso de trabajo (Formulario I-765) en esta página web del USCIS.
- Si está solicitando su permiso de trabajo basado en su solicitud de asilo pendiente, su "categoría de elegibilidad" en este formulario es "(c)(8)".
- Si una pregunta no se aplica a su caso, escriba N/A.
- Prueba de parentesco en inglés (sólo si la solicita para su hijo). Si el certificado de nacimiento (u otra prueba de parentesco) no está en inglés, deberá incluir también una traducción al inglés junto con un certificado de traducción. **Recuerde que nunca debe enviar originales de documentos como partidas de nacimiento, certificados de matrimonio o pasaportes. Envíe sólo fotocopias.**
- 2 fotos tamaño pasaporte. Imprime 2 fotos tamaño pasaporte y escribe tu nombre y tu A# con lápiz o rotulador en el reverso de las fotos. Attach the photos to the top right corner of the first page of the I-765. For example, use paper clips or put the photos in a small plastic bag and staple the bag to the form.
- Si tiene pasaporte, una copia del mismo u otro documento de identidad oficial con fotografía en inglés. Si el pasaporte o el documento nacional de identidad no están en inglés, incluya una traducción del documento y un certificado de traducción.
- Si es posible, pruebas de la presentación de su solicitud de asilo. Por ejemplo, puede presentar un aviso de recibo del USCIS, la primera página sellada de su solicitud I-589 o una copia del aviso de su próxima audiencia en el tribunal de inmigración. Nota: Si presentó su solicitud de asilo al USCIS hace más de 150 días pero aún no ha recibido una notificación como un recibo, puede intentar presentar su solicitud de permiso de trabajo sin incluir el acuse de recibo – lea más aquí.
- Si solicita *renovar* un permiso de trabajo que ya tiene, asegúrese de marcar la casilla 1.c. del formulario I-765 e incluya una copia de su permiso de trabajo anterior.

Cada miembro de su familia que solicite un permiso de trabajo debe preparar un paquete de solicitud por separado, incluido su propio formulario I-765. Cada paquete debe incluir los documentos mencionados en el orden correcto. Los paquetes pueden enviarse juntos.

¿Dónde debo presentar mi solicitud de permiso de trabajo?

Hay dos opciones para presentar la solicitud de permiso de trabajo: por internet o por correo. Si presenta su solicitud de permiso de trabajo por internet, lo más probable es que reciba el acuse de recibo más rápidamente.

Opción 1: Puede presentar su solicitud de permiso de trabajo al USCIS por Internet. En esa página web, desplácese hacia abajo hasta donde dice “I-765 | Solicitud de Autorización de Empleo” y haga clic en "Archivo en línea". Deberá crear una cuenta en línea del USCIS. Se trata de una nueva opción a partir de enero de 2023.

Opción 2: Puede presentar su solicitud de permiso de trabajo al USCIS por correo, FedEx, UPS o DHL.

- Si solicita un permiso de trabajo sobre la base de su solicitud de asilo pendiente, desplácese primero hacia abajo en el menú y haga clic en "Asilados/refugiados y sus cónyuges e hijos". A continuación, busque las direcciones de la categoría "(c)(8)". Estas direcciones pueden cambiar, así que asegúrese de consultar el sitio web del USCIS para obtener las direcciones postales y las instrucciones más actualizadas.

- Si utiliza FedEx, UPS o DHL para enviar su solicitud, asegúrese de incluir la línea que dice "Attn: I-765 C08 (650888)" en la dirección. Si no incluye esta línea, el gobierno podría retrasar su solicitud.
- Si es posible, consiga un número de seguimiento de su solicitud y guárdelo. Lo necesitará si el gobierno retrasa su solicitud.
- Si puede, haga y guarde una fotocopia de todo lo que envíe.

¿Cómo puedo solicitar un permiso de trabajo para mi hijo?

Puede solicitar un permiso de trabajo para su hijo si está incluido en su solicitud de asilo pendiente o tiene su propia solicitud de asilo pendiente, independientemente de su edad. Tiene que rellenar un paquete de solicitud de permiso de trabajo por separado para cada hijo.

Muchos padres quieren solicitar permisos de trabajo para sus hijos porque les proporciona una forma de identificación del gobierno estadounidense. Solicitar un permiso de trabajo también permite a los niños recibir un número de seguro social, lo que puede significar el acceso a prestaciones del gobierno como el Crédito Fiscal por Hijos.

¿Cuánto tiempo tardaré en recibir una respuesta después de presentar mi solicitud inicial de permiso de trabajo?

Si solicita su primer permiso de trabajo basado en una solicitud de asilo, USCIS debe tramitar su solicitud en un plazo de 30 días. Deberían enviarle una decisión por correo. Por desgracia, nuestra experiencia nos dice que el gobierno tarda mucho en tramitar los permisos de trabajo iniciales para los solicitantes de asilo. Desde agosto de 2022, el gobierno tarda más de 90 días en tramitar muchas solicitudes iniciales de permisos de trabajo. Si no recibe una decisión del USCIS en un plazo de 30 días, infórmese sobre las medidas que puede tomar para hacer frente al retraso.

Si le conceden el permiso de trabajo, ¡enhorabuena! Debería recibir su tarjeta de permiso de trabajo por correo. Si ha solicitado un número de seguro social, debería recibir por separado su tarjeta de seguro social por correo. Puede comprobar la fecha de caducidad de su tarjeta de permiso de trabajo para saber cuánto tiempo es válido su permiso de trabajo. Le recomendamos que solicite la renovación de su permiso de trabajo al menos 6 meses antes de la fecha de caducidad.

Si su solicitud de permiso de trabajo es denegada, lo sentimos mucho.

¿Cómo puedo comprobar el estado de mi solicitud de permiso de trabajo?

Puede utilizar la herramienta en línea del USCIS sobre el estado de su caso para conocer el estado de su solicitud en este sitio web del USCIS. También puede llamar directamente al USCIS al 1-800-375-5283. Algunas personas han informado de que han podido ponerse en contacto con un representante si dice "Info Pass" en voz alta al teléfono cuando le piden que explique el motivo de su llamada.

¿Cómo sé si ha transcurrido el tiempo suficiente para solicitar mi permiso de trabajo inicial?

En general, puede solicitar su primer permiso de trabajo 150 días o más después de presentar su solicitud de asilo (formulario I-589) al USCIS o al tribunal de inmigración. Puede *recibir* su permiso de trabajo cuando hayan transcurrido al menos 180 días desde que presentó su solicitud de asilo.

Si presentó su solicitud de asilo al USCIS, puede comprobar en su aviso de recibo la fecha en que se recibió su solicitud de asilo. A continuación, añada 150 días para saber cuándo puede solicitar un permiso de trabajo. (Por ejemplo, si su solicitud de asilo se recibió el 1 de septiembre de 2021, puede buscar en Google "150 días después del 1 de septiembre de 2021" para saber que puede solicitar un permiso de trabajo a partir del 29 de enero de 2022).

Si tiene dudas sobre su capacidad para solicitar un permiso de trabajo, puede consultar a un abogado. Además, si cree que es probable que cumpla los requisitos para obtener un permiso de trabajo, pero no está seguro al cien por ciento, no pasa nada por solicitarlo. Lo peor que puede pasar es que el gobierno deniegue esta solicitud de permiso de trabajo, pero siempre puedes volver a solicitarlo más adelante. Como solicitante de asilo, no pagará tarifa con la solicitud de su primer permiso de trabajo y el gobierno deberá tramitarla en un plazo de 30 días.

Las 15 páginas siguientes son un ejemplo de cómo debe ser una solicitud de autorización de trabajo



e-Notification of Application/Petition Acceptance

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form G-1145

What Is the Purpose of This Form?

Use this form to request an electronic notification (e-Notification) when U.S. Citizenship and Immigration Services accepts your immigration application. This service is available for applications filed at a USCIS Lockbox facility.

General Information

Complete the information below and clip this form to the first page of your application package. You will receive one e-mail and/or text message for each form you are filing.

We will send the e-Notification within 24 hours after we accept your application. Domestic customers will receive an e-mail and/or text message; overseas customers will only receive an e-mail. Undeliverable e-Notifications cannot be resent.

The e-mail or text message will display your receipt number and tell you how to get updated case status information. It will not include any personal information. The e-Notification does not grant any type of status or benefit; rather it is provided as a convenience to customers.

USCIS will also mail you a receipt notice (I-797C), which you will receive within 10 days after your application has been accepted; use this notice as proof of your pending application or petition.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form is collected pursuant to section 103(a) of the Immigration and Nationality Act, as amended INA section 101, et seq.

PURPOSE: The primary purpose for providing the information on this form is to request an electronic notification when USCIS accepts immigration form. The information you provide will be used to send you a text and/or email message.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information may prevent USCIS from providing you a text and/or email message receipting your immigration form.

ROUTINE USES: The information provided on this form will be used by and disclosed to DHS personnel and contractors in accordance with approved routine uses, as described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

Complete this form and clip it on top of the first page of your immigration form(s).

Applicant/Petitioner Full Last Name [REDACTED]	Applicant/Petitioner Full First Name [REDACTED]	Applicant/Petitioner Full Middle Name [REDACTED]
Email Address [REDACTED]		Mobile Phone Number (Text Message) [REDACTED]



Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-765
OMB No. 1615-0040
Expires 01/31/2023

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block
	<input type="checkbox"/> Authorization/Extension Valid Through _____		
	Alien Registration Number A- <input type="text"/>		
	Remarks		

2 Passport Photos Here
(behind the photos, write your name and A Number)

2 fotos tamaño pasaporte
(escriba su nombre y número A detrás de las fotos)

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>
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▶ **START HERE - Type or print in black ink.**

Part 1. Reason for Applying

I am applying for (select only one box):

- 1.a. Initial permission to accept employment.
- 1.b. Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.
- NOTE:** Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.
- 1.c. Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

Additional Information.

- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Middle Name
-
- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
-
- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name



Part 2. Information About You (continued)

Your U.S. Mailing Address

- 5.a. In Care Of Name (if any)
N/A
- 5.b. Street Number and Name [REDACTED]
- 5.c. Apt. Ste. Flr. N/A
- 5.d. City or Town [REDACTED]
- 5.e. State [REDACTED] 5.f. ZIP Code [REDACTED]
(USPS ZIP Code Lookup)
6. Is your current mailing address the same as your physical address?
 Yes No

NOTE: If you answered "No" to **Item Number 6.**, provide your physical address below.

U.S. Physical Address

- 7.a. Street Number and Name N/A
- 7.b. Apt. Ste. Flr. N/A
- 7.c. City or Town N/A
- 7.d. State N/A 7.e. ZIP Code N/A

Other Information

8. Alien Registration Number (A-Number) (if any)
▶ A- [REDACTED]
9. USCIS Online Account Number (if any)
▶ N/A
10. Gender Male Female
11. Marital Status
 Single Married Divorced Widowed
12. Have you previously filed Form I-765?
 Yes No
- 13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?
 Yes No

NOTE: If you answered "No" to **Item Number 13.a.**, skip to **Item Number 14.** If you answered "Yes" to **Item Number 13.a.**, provide the information requested in **Item Number 13.b.**

- 13.b. Provide your Social Security number (SSN) (if known).
▶ N / A

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to **Item Number 15., Consent for Disclosure**, to receive a card.)
 Yes No

NOTE: If you answered "No" to **Item Number 14.**, skip to **Part 2., Item Number 18.a.** If you answered "Yes" to **Item Number 14.**, you must also answer "Yes" to **Item Number 15.**

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.
 Yes No

NOTE: If you answered "Yes" to **Item Numbers 14. - 15.**, provide the information requested in **Item Numbers 16.a. - 17.b.**

Father's Name

Provide your father's birth name.

- 16.a. Family Name (Last Name) [REDACTED]
- 16.b. Given Name (First Name) [REDACTED]

Mother's Name

Provide your mother's birth name.

- 17.a. Family Name (Last Name) [REDACTED]
- 17.b. Given Name (First Name) [REDACTED]

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in **Part 6. Additional Information.**

- 18.a. Country [REDACTED]
- 18.b. Country N/A



Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

[Redacted]

19.b. State/Province of Birth

[Redacted]

19.c. Country of Birth

[Redacted]

20. Date of Birth (mm/dd/yyyy)

[Redacted]

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

▶ N / A

21.b. Passport Number of Your Most Recently Issued Passport

[Redacted]

21.c. Travel Document Number (if any)

N/A

21.d. Country That Issued Your Passport or Travel Document

[Redacted]

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

[Redacted]

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

[Redacted]

23. Place of Your Last Arrival Into the United States

[Redacted]

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

[Redacted]

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

Asylum seeker

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

▶ N- N/A

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(C) (8) ()

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

N/A

28.b. Employer's Name as Listed in E-Verify

N/A

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

N/A

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

▶ N/A

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

Yes No

NOTE: If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

▶ N / A

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

N/A Yes No

NOTE: If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.
- 2. At my request, the preparer named in **Part 5.**, , prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

- 3. Applicant's Daytime Telephone Number
- 4. Applicant's Mobile Telephone Number (if any)
- 5. Applicant's Email Address (if any)
- 6. Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

- 7.a. Applicant's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

NOTE TO APPLICANT: Do not completely fill out this application until you have received all the documents listed in the Instructions. Do not complete this application until you have received all the documents listed in the Instructions.

Sign here
Firma aquí

Date here
Fecha aquí

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
- 2. Interpreter's Business or Organization Name (if any)



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

3.a. Street Number and Name [REDACTED]

3.b. Apt. Ste. Flr. [REDACTED]

3.c. City or Town [REDACTED]

3.d. State [REDACTED] 3.e. ZIP Code [REDACTED]

3.f. Province N/A

3.g. Postal Code N/A

3.h. Country [REDACTED]

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number [REDACTED]

5. Interpreter's Mobile Telephone Number (if any) [REDACTED]

6. Interpreter's Email Address (if any) [REDACTED]

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and Spanish, which is the same language specified in Part 3., Item Number 1.b., and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the Applicant's Declaration and Certification, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature [REDACTED]

7.b. Date of Signature (mm/dd/yyyy) [REDACTED]

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name) N/A

1.b. Preparer's Given Name (First Name) N/A

2. Preparer's Business or Organization Name (if any) N/A

Preparer's Mailing Address

3.a. Street Number and Name N/A

3.b. Apt. Ste. Flr. N/A

3.c. City or Town N/A

3.d. State N/A 3.e. ZIP Code N/A

3.f. Province N/A

3.g. Postal Code N/A

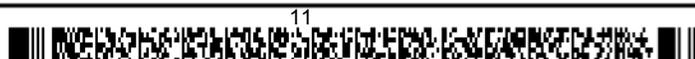
3.h. Country N/A

Preparer's Contact Information

4. Preparer's Daytime Telephone Number N/A

5. Preparer's Mobile Telephone Number (if any) N/A

6. Preparer's Email Address (if any) N/A



Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. I am an attorney or accredited representative and my representation of the applicant in this case extends does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

N/A

8.b. Date of Signature (mm/dd/yyyy)

N/A



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) [Redacted]

1.b. Given Name (First Name) [Redacted]

1.c. Middle Name [Redacted]

2. A-Number (if any) ▶ A- [Redacted]

3.a. Page Number [N/A] 3.b. Part Number [N/A] 3.c. Item Number [N/A]

3.d. [N/A]

4.a. Page Number [N/A] 4.b. Part Number [N/A] 4.c. Item Number [N/A]

4.d. [N/A]

5.a. Page Number [N/A] 5.b. Part Number [N/A] 5.c. Item Number [N/A]

5.d. [N/A]

6.a. Page Number [N/A] 6.b. Part Number [N/A] 6.c. Item Number [N/A]

6.d. [N/A]

7.a. Page Number [N/A] 7.b. Part Number [N/A] 7.c. Item Number [N/A]

7.d. [N/A]

Include a copy of the main page of your passport or another government ID.

- If the passport or government ID is not in English, include a translation and a certificate of translation.

Incluya una copia de la página principal de su pasaporte u otra identificación del gobierno.

- Si el pasaporte o la identificación del gobierno no está en inglés, incluya una traducción y un certificado de traducción.

If possible, include evidence of submitting your asylum application.

- If you applied for asylum with USCIS, you can include a copy of your receipt notice from USCIS.
- If you applied for asylum in immigration court, you can include a copy of the stamped first page of your asylum application, or a copy of your next hearing notice in the immigration court.
- You can see examples of each in the next pages.

Si es posible, incluya pruebas de que usted entregó su solicitud de asilo.

- Si usted entregó su solicitud de asilo a USCIS, puede incluir una copia de su aviso de recibo de USCIS.
- Si usted entregó su solicitud de asilo a la corte de inmigración, puede incluir una copia de la primera página sellada de su solicitud de asilo o una copia de su aviso de su próxima audiencia en la corte de inmigración.
- Puede ver ejemplos de cada uno en las siguientes páginas.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number [REDACTED]		Case Type I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date [REDACTED]	Priority Date	Applicant [REDACTED]
Notice Date [REDACTED]	Page 1 of 1	

[REDACTED]	Notice Type: Receipt Notice
------------	-----------------------------

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

*** ACKNOWLEDGEMENT OF RECEIPT ***

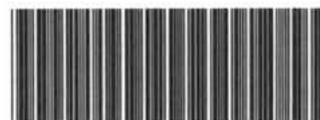
Your complete Form I-589 Application for Asylum and Withholding of Removal was received and is pending as of [REDACTED]. You may remain in the U.S. until your asylum application is decided. If you wish to leave while your application is pending, you must obtain advance parole from USCIS. If you change your address, send written notification of the change within 10 days to the Asylum Office at the below address or using the USCIS Online Change of Address system at <https://egov.uscis.gov/coa/displayCOAForm.do>. You will receive a notice informing you when you and those listed on your application as a spouse or child dependents must appear at an Application Support Center for biometrics collection. You will also receive a notice informing you when you and those listed on your application as a spouse or dependents must appear for an asylum interview. Those notices will contain instructions for what to bring to your ASC appointment and what to bring to your asylum interview.

WARNING: Failure to appear at the ASC for biometrics collection or for your asylum interview may affect your eligibility for employment authorization, and may also result in the dismissal of your asylum application or referral of your asylum application to an immigration judge.

Alien Number	Name
[REDACTED]	[REDACTED]

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Arlington Asylum Office
U. S. CITIZENSHIP & IMMIGRATION SVC
1525 Wilson Boulevard, Suite 300
MS 2500
Arlington VA 20598-2500



USCIS Contact Center: www.uscis.gov/contactcenter

Department of Homeland Security
 U.S. Citizenship and Immigration Services
 U.S. Department of Justice
 Executive Office for Immigration Review

I-589, Application for Asylum and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.1. Information About You

1. Alien Registration Number(s) (A-Number) (if any) _____ 2. U.S. Social Security Number (if any) _____ 3. USCIS Online Account Number (if any) _____

4. Complete Last Name _____ 5. First Name _____ 6. Middle Name _____

7. What other names have you used (include maiden name and aliases)? _____

8. Residence in the U.S. (where you physically reside) _____
 Street Number and Name _____ Apt. Number _____

City _____ State _____ Zip Code _____ Telephone Number _____

9. Mailing Address in the U.S. (if different than the address in Item Number 8) _____
 In Care Of (if applicable): _____ Telephone Number () _____

Street Number and Name _____ Apt. Number _____

City _____ State _____ Zip Code _____

10. Gender: Male Female 11. Marital Status: Single Married Divorced Widowed

12. Date of Birth (mm/dd/yyyy) _____ 13. City and Country of Birth _____

14. Present Nationality (Citizenship) _____ 15. Nationality at Birth _____ 16. Race, Ethnic, or Tribal Group _____ 17. Religion _____

18. Check the box, a through c, that applies: a. I have never been in Immigration Court proceedings. b. I am now in Immigration Court proceedings. c. I am not now in Immigration Court proceedings, but I have been in the past.

19. Complete 19 a through c.
 a. When did you last leave your country? (mm/dd/yyyy) _____ b. What is your current I-94 Number, if any? _____

c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry (Attach additional sheets as needed.)

Date _____ Place _____ Status _____ Date Status Expires _____
 Date _____ Place _____ Status _____
 Date _____ Place _____ Status _____

20. What country issued your last passport or travel document? _____ 21. Passport Number _____ 22. Expiration Date (mm/dd/yyyy) _____
 Travel Document Number _____

23. What is your native language (include dialect, if applicable)? _____ 24. Are you fluent in English? Yes No 25. What other languages do you speak fluently? _____

For EOIR use only. For USCIS use only. Action: Interview Date _____ Asylum Officer ID No _____ Decision: Approval Date _____ Denial Date _____ Referral Date _____

RECEIVED DEPARTMENT OF JUSTICE 10 JUN -8 PM 2:01



Automated Case Information

Name: [REDACTED] A-Number: [REDACTED]

Next Hearing Information

Your upcoming **MASTER** hearing is on [REDACTED] at 1:00 PM.

Judge [REDACTED]
Court Address [REDACTED]

Decision and Motion Information

This case is pending.

Case Appeal Information

This case is pending.

Court Contact Information

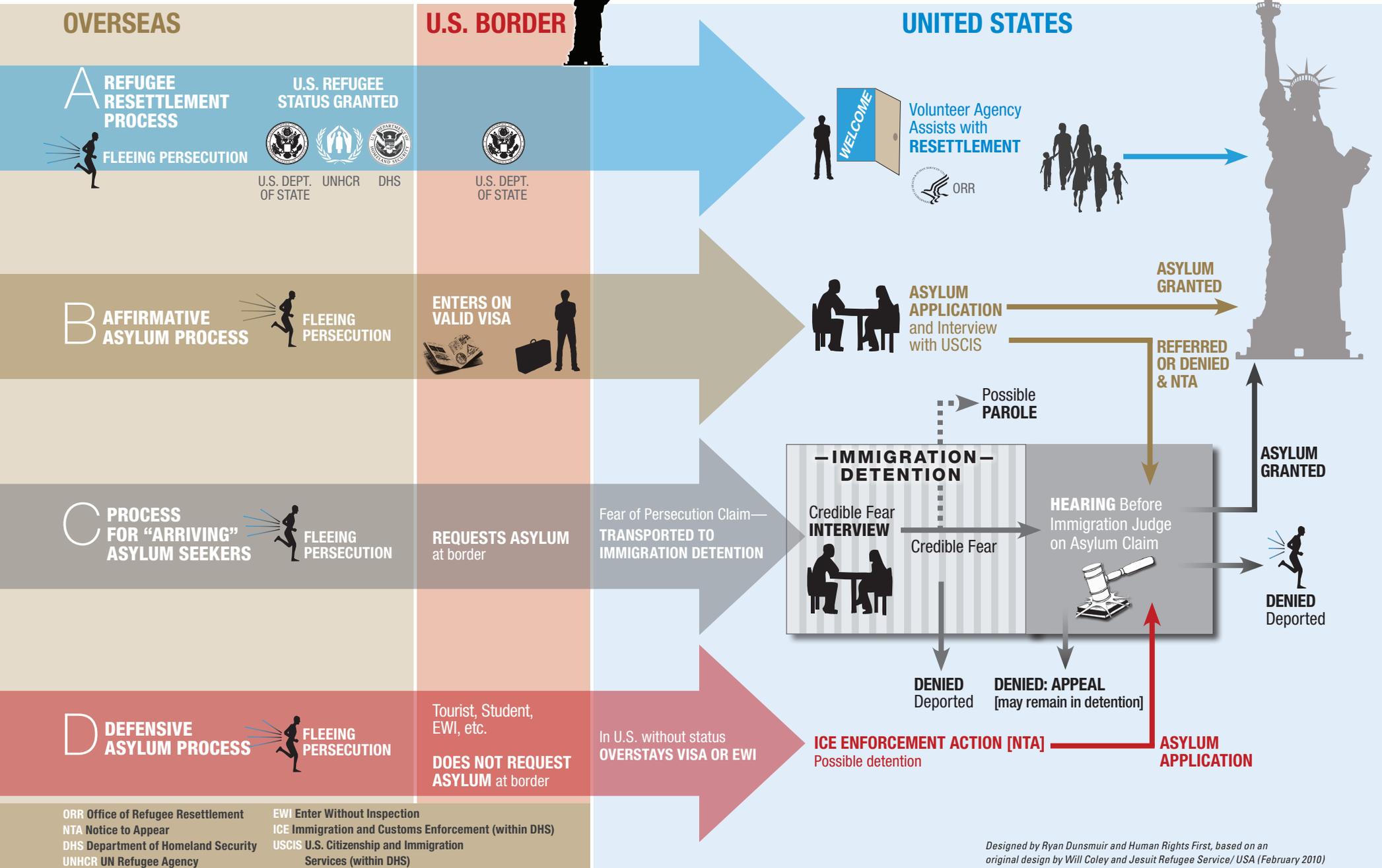
If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

Court Address [REDACTED]
Phone Number [REDACTED]

[← Back](#)



How Refugees Get to the U.S.



I'm Afraid to Go Back

A Guide to Asylum, Withholding of Removal, and The Convention Against Torture

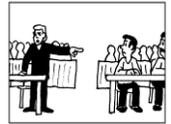


The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. To see our guides, go to: www.firrp.org. This guide is not intended to provide legal advice. It is not a substitute for legal counsel. This guide is copyright protected but you can share and distribute it widely to help immigrants around the country. If you adapt the information in this guide into your own publication, please credit the Florence Project.

Important Words to Know

Immigration law has many technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

- **Deportation:** ICE has put you in *deportation proceedings*, which are also called *removal proceedings*. If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.
- **Government Attorney:** The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and also talks to the judge. Usually they ask the judge to order you deported.
- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings. ICE is part of the Department of Homeland Security, or *DHS*.
- **Immigration Judge (judge):** The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should consider the facts of your case and apply the law fairly. Judges do not work for ICE.



Who Should Read this Guide?

If you are afraid to return to your home country because your government may harm you, the United States has laws to help. But different rules apply to different types of cases. Read this guide from the Florence Project to learn the basics about these laws and how you might be able to use them to stop your deportation.

The guide will tell you how to apply for asylum, withholding of removal, and protection under the Convention Against Torture. It also explains what evidence you need to present a strong case. The following laws let people stay in the United States:

- **Asylum**
- **Withholding of Removal, or**
- **Withholding or Deferral of Removal Under the Convention Against Torture (or CAT for short).**

You use the same form to apply for help under any of these laws.

What Is Asylum?

Asylum is a way to stop your deportation (removal) and become a refugee. You must apply for asylum within 1 year after you enter the United States. If you win asylum, you will also have the chance to eventually become a permanent resident in the U.S. If you include your spouse or children on your application, they may also be able to become refugees and permanent residents. But not everyone can apply for asylum. For example, if you have been deported before, you will not be able to apply.

Can You Apply for Asylum?

To win an asylum case, **you must show that there is at least a 10% chance that the government in your home country will harm you.**



Look at the chart. The blue section represents the chance of harm that is required to show for asylum cases — 10%. In other words, you must show that there is serious chance that you will be harmed, but you do not need to show that it will surely happen.

You must apply for asylum within 1 year after you enter the United States. If more than 1 year has passed since you entered, you can try to show that something prevented you from applying or that the circumstances in your home country have changed recently.

To win your case, you must be able to show that:

- **You would face or have faced serious harm in your home country.** The legal term for that harm is *persecution*. *Serious harm* means you have been beaten, kidnapped, or threatened, or your family members or people like you were beaten, kidnapped, threatened, or killed. You must prove that harm.
- **The government itself or someone who the government cannot control will harm you.** The *government* is the police, the army, or any official who will harm you as part of their job. You could also show that the government cannot or will not protect you from the people harming you. For example, you might be able to show that you reported the harm to the police and they did not help you.
- **People are harming you because of your race, religion, nationality, political opinion, or membership in a “particular social group.”** For example, it is not enough that a police officer hit you. You must show that the officer did it because of your race, religion, nationality, political opinion, or membership in a “particular social group.”



What is a *particular social group*? It is a group that is recognized in your home community. The members must have things in common that they cannot change. Some examples of particular social groups are: *gay Mexican men, young Albanian women who live alone; witnesses who testify against gang members, people with HIV or AIDS, former military officers, or Lari ethnic group of Kongo tribe in the Republic of Congo.*

This area of the law is very complicated. **You should try to talk to a lawyer about any “particular social groups” you may want to use in your case.**

Judges may be reluctant to grant asylum or withholding if people who do not work for your country's government, such as gang members, persecuted you in the past or you fear that they will persecute you in the future. Instead, focus on why those people targeted you and what social group you are part of that made the gang members single you out.

- **You would not be able to move to another part of your home country where you would be safe.** The judge will ask if you can move to avoid the people who want to harm you. When you prepare your case, think about reasons you could not move, including the cost, where your family is living, and where you could get a job.
- **You have not been deported in the past.** If you have been deported, you cannot apply for asylum. (Remember, voluntary departures are not deportations.)
- **You have not committed an aggravated felony.** Certain criminal convictions complicate your application for asylum or make it impossible for you to apply.
- **You are not subject to other bars.** Asylum law is very complicated and can change quickly. If you have a fear of return to your country of origin, try to talk to an immigration attorney. Make sure to tell the judge that you are afraid of return to your country and ask if you can apply for asylum.

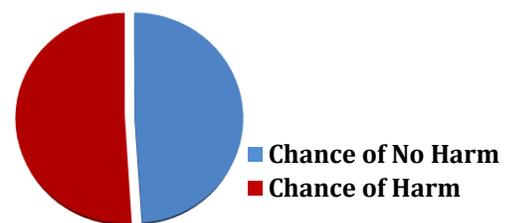
What Is Withholding of Removal?

Withholding of Removal is similar to asylum, but the requirements are somewhat different and harder to meet. For Withholding of Removal, you must still show the judge that you are at risk of serious harm if you go back to your home country because of your race, religion, nationality, political opinion, or membership in a “particular social group.” But the BIG difference is that the risk of harm that you must show is much higher than it is for asylum.

You must show that it is “**more likely than not**” that you will be harmed in your home country. **That means that there is at least a 51% chance that the government will harm you.**

Look at the chart. The red area represents the risk of harm you must show the judge. The red area here is much bigger than it is for an asylum application — 51%. That means that you must show the judge that you will probably be harmed in your home country.

To win Withholding, you must show a large risk that you will be harmed



To win your case for Withholding of Removal, you must be able to show that:

- **There is a great risk that the government in your home country will harm you.** Remember, for Withholding of Removal, that risk must be “more likely than not,” or a 51% chance.
- **The harm you would face or have faced in your home country is very serious.** That harm is called *persecution*. *Serious harm* means that you will be beaten, put in jail, kidnapped, threatened, or killed, or that you have family members or people like you who were harmed that way. You must prove that harm.

- **The government is harming you because of your race, religion, nationality, political opinion, or membership in a “particular social group.”** It is not enough to say that a police officer hit you. You must show that the police officer hit you because of your *race, religion, nationality, political opinion, or membership in a “particular social group.”*

How Are Asylum and Withholding of Removal Different?

Asylum and Withholding of Removal are different in several important ways:

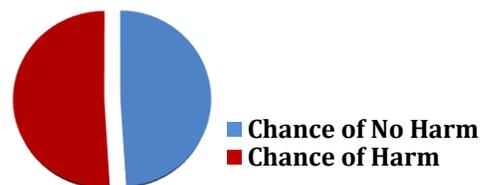
- Through Withholding of Removal, **you cannot get permanent residency.** That means you cannot get a green card. Winning a case for Withholding of Removal only means that the U.S. government will not send you back to your home country. But if another country is willing to accept you, Immigration and Customs Enforcement (ICE) may send you there.
- For Withholding of Removal, **your application is only for you. You cannot apply for your family.** If you win your case, you win only for yourself. Your family members must apply for themselves.
- **Even if more than 1 year has passed since you entered the United States, you can apply for Withholding of Removal.** This is different from asylum. With an asylum claim you must apply within 1 year after you enter the U.S.
- **If you have a previous deportation order you can still apply for Withholding of Removal.**
- **If you have a criminal history you MAY be able to apply for Withholding of Removal.** But usually you cannot apply if you have been convicted of a really serious crime.

What Is the Convention Against Torture, or CAT?

Protection Under the Convention Against Torture (CAT) is for extremely serious cases. To win a *Convention Against Torture* or CAT case, you must show that it **is more likely than not that the government will torture or kill you in your home country.** In some ways, a CAT case is similar to Asylum and Withholding of Removal:

- **You must show that the government will torture or kill you or that the government will ignore it if someone else tries to torture or kill you.** You must show that the person who will harm you is a government official — someone in the police, the army, or who works as a public official. You can also show that the government will ignore it if people want to hurt you.
- Like Withholding of Removal, **you will have to show a 51% chance that you will be tortured,** or that it is “more likely than not” to happen.
- **Criminal convictions can affect whether you can apply for CAT.** If you have a very serious criminal history, you will only be eligible for one part of the CAT called *deferral of removal*.

To win a CAT case, you must show a large risk that you will be harmed



A CAT case is different from Asylum and Withholding of Removal in some ways:

- **You must show that you will be tortured, not just seriously harmed.** *Torture* means that someone uses horrible mental or physical pain to punish you or to force you to do something.
- Winning a CAT case only means that **the U.S. government will not send you back to your home country.** But if another country is willing to accept you or conditions in your country change, **ICE may try to deport you there instead.**
- **You must show that you will be tortured by a government official, but not why that person will torture you.** You do not need to show that you will be tortured because of your race, religion, nationality, political opinion, or particular social group.

How Can You Apply for Asylum or Withholding of Removal?

First, learn the basics about immigration court so that you know who will be in court and what will happen in your first hearings.

- **The judge will be at the front of the room and will ask you questions.** The judge will decide your case. Be respectful, polite, and prepared.
- **A lawyer representing ICE will be there.** This lawyer is the government attorney who is usually trying to get you deported.
- Do not worry if you do not speak English. **An interpreter will be there in person or on the phone.** Just make sure you speak up. Tell the judge that you do not speak or understand English well and need an interpreter.

When you go to your first court hearing, the judge will ask you if you want time to get a lawyer. Remember that immigration law is complex. You have a right to have your own lawyer at an asylum interview and during immigration proceedings. **But there are no public defenders and almost NO FREE LAWYERS in immigration court.**

Next, the judge will look at your file and ask you if you want to admit or deny the charges against you. That means that the judge wants to know if you want to force the government attorney to prove the charges against you.

If the government attorney says that you should be deported because of your criminal history, asking the attorney to prove the charges against you can be an important step. Certain types of criminal convictions, even for minor crimes, may prevent you from applying for Asylum, Withholding of Removal, and CAT.

To learn more about denying the charges against you, read the Florence Project's guide on that topic. Go to <https://firrp.org/resources/prose/>

The judge will figure out if you can apply for Asylum, Withholding of Removal, or CAT

If the judge decides that at least some of the charges against you are correct, the judge will ask you if you are afraid to return to your country. **It is very important to tell the judge that you are afraid of returning home.** If you do not say that, you may not be able to apply for Asylum, Withholding of Removal, or CAT.

The judge will ask questions to make sure you meet the requirements to apply for Asylum, Withholding of Removal, and CAT. If the judge agrees that you may apply, the judge will give you a copy of the form called an *I-589, Application for Asylum and for Withholding of Removal*.



You will use the same form to apply for Asylum, Withholding of Removal, or CAT. You may file this application if you are physically present in the United States and you are not a U.S. citizen.

Just because the judge says that you may apply does not mean that you won your case! It means that the judge thinks that you have met the basic requirements. You have a chance to show the judge that you would be harmed if you went home.

You will fill out and turn in the application

Before your final hearing, you will return to court to turn in your application for Asylum, Withholding of Removal, and protection under the Convention Against Torture. It is important that you fill out the application completely, including checking the box for CAT, so that the judge can accept it and schedule a final hearing, where you will present all of your proof. You can submit evidence with your application, as described below.

How Can You Build Your Case?

Building your case for Asylum, Withholding of Removal, and CAT takes time and planning. You should start gathering evidence as soon as possible. First, fill out this worksheet to help prepare your application and declaration.

The Reasons You Are Seeking Asylum, Withholding, or Convention Against Torture:	
Why did you leave your home country?	
Who are you afraid of?	
Why are you afraid of them? Why do they want to harm you or others like you?	
What do you think they will do to you if you return?	
How do you think they will know that you are back?	
Who else are they threatening and mistreating now? Are they people like you (For example, are they the same race, religion, nationality, particular social group, or do they share a political opinion?) How do you know this?	

Put Your Declaration Together

Many people who apply for asylum submit a written story about what happened to them, called a *declaration*. It is your story in writing that tells the judge why you are afraid to return to your country. If you submit a declaration to the judge, the judge will still ask you to testify and will compare your testimony with your declaration. The judge may think that differences between your declaration and your testimony suggest that you cannot be believed and may deny your case.

What should your declaration look like?

- You can handwrite or print your declaration or you can type it. It must be long enough to hold all the important information about your case.
- If you use blank sheets of paper, put your name, A-number, the date, and your signature on each page. Also, write *Declaration* at the top.

What should be in your declaration?

- **The truth.** The most important thing to put in your declaration is the truth. If you lie in the declaration, the judge will likely find out and will reject your application. If you cannot remember a detail, use phrases like, “to the best of my memory,” or “it happened around...”
- **The reasons you should win your case.** Your job is to make the judge understand why you are afraid of returning to your home country.
- **Include as much detail as possible.** The judge needs to understand what you fear will happen to you. Try to use descriptive words in your declaration.

What Proof Should You Gather?

Start gathering your proof to show the judge that what you are saying in your application and declaration is true. The evidence you will collect depends on your specific case.



Many documents will take time for your family to find and to mail to you. Ask a trusted family member or friend to help you gather these documents. Make sure that this person mails you **copies of these documents, not originals**.

Below are some ideas of the types of proof you can gather. Remember, these are examples. You do not need to gather all of them to win your case.

- **Letters from people who can support your claim** of why you are afraid to return to your country. Did someone see people threaten you or beat you? If so, a letter from that person will help you prove it.
- **Police reports** (if you reported an incident to the police)
- **Medical records** (if you were injured and treated at a hospital or clinic or by a doctor)
- **Birth or death certificates** (if the people you are afraid of killed other people)

- **Photographs that help prove your story** (pictures of you with people who have been killed or pictures of you participating in activities that put you in danger)
- **Newspaper articles about the issue** that makes you afraid to return to your country, or about things that have happened to people you know
- **Reports from national and international human rights organizations** (such as Human Rights Watch or Amnesty International)

Once you have all your documents together, organize them. Make a list of everything you have and then put that list on top. Attach a signed and dated copy of the *Certificate of Service* to the last page of your evidence. A certificate of service looks like this:

I, _____ (your name here), hereby certify that I hand-delivered a copy of this document to a representative of ICE Litigation on the date below.

Signed:

Date:

Then make 3 copies of all your evidence. The original and one copy will go to the judge with your completed I-589 application form, a copy will go to the government attorney. Keep a copy for yourself.

All the documents you submit must be in English. If you receive documents in another language, you can translate them. Just attach your translation to the original letter with a signed copy of the *Certificate of Translation*. A certificate of translation looks like this:

I, _____ (name of translator), certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

Signature of translator:

Date:

Filling Out Your Application

The judge can give you a copy of the application or you can get one at <https://www.uscis.gov/i-589>. You should fill out an application for each of your family members in immigration proceedings with you.

- **You must use a black pen or typewriter to fill out the form.** Do not use a pencil.
- **Your answers must be in English.** They will not accept your form if you answer in another language.
- **Answer all of the questions. If you do not know how to answer a question, do not worry.** If you do not know an answer, write, *unknown* or that you may have missing or incorrect information. If a question does not apply to you, write *None* or *N/A*.
- **If you do not have enough room to answer completely, just continue your answer on another piece of paper with your name, A-number, the date, signature, and the number of the question you are answering.** Your written statements should include events, dates, and details. Be sure to attach those papers to your form.

The application has a separate document of instructions available at <https://uscis.gov/i-589>. Make sure to review and follow those instructions before filing your application. The tips on the following pages explain key parts of the I-589 application. Note that the form may have been updated since we published this guide.

I-589, Application for Asylum and for Withholding of Removal

Part A.I. Information About You

- **Questions 8 and 9. Mailing address in the U.S.:** If you are currently detained, use the address for the detention center.
- **Question 14. Present nationality:** Your nationality and citizenship are usually the same, but if you do not think this is true for you, you should make this clear in the application.
- **Question 15. Nationality at birth:** If you have moved to another country permanently and received citizenship, your nationality at birth may be different from your nationality now.
- **Question 16. Race, Ethnic, or Tribal Group:** Do you belong to a certain cultural group in your home country? For example, people from Iran may be Assyrian or people from Guatemala may be K'iche.
- **Question 17: Religion:** Do you practice a religion? If so, write it here. This question asks you about both your main religion (such as Jewish, Christian, Buddhist, Muslim, Hindu, etc.) and also any particular part of that religion you belong to (such as Orthodox, or Coptic Christian).
- **Question 18. Immigration Court proceedings:** Check one box. If you are in immigration proceedings for the first time, check box “b.” If you have been in immigration proceedings in the past, check box “c.”
- **Question 19. Exits and Entries to the U.S.:** If you entered without permission or illegally, write *no inspection* and put *N/A* where it asks for “I-94 number.” List all the other times that you entered the U.S. If you cannot remember exact dates, put *approx. (for approximately)* to tell the judge that you are not sure.
- **Questions 23-25. Languages you speak:** If you speak a particular dialect of your language, note that. Only if you are 100% comfortable speaking to the judge in English should you check *Yes* on Question 24.

Part A.II. Information About Your Spouse and Children

- Only fill out this part if you are married or if you have children.
- If you do not have enough room to list all of your children, use *Supplemental Form A, Form I-589* at the end of the application or use a blank piece of paper with your name, A number, date, and signature.

Part B. Information About Your Application

This is the most important part of your application. This part asks specific questions to decide if you are eligible for Asylum, Withholding of Removal, or protection under the Convention Against Torture. Before filling out this part, review your declaration and the answers from the worksheet in this packet.

- **Question 1B. Fear of Return:** Explain why you are afraid to return to your home country. Remember to say if you are afraid because of your race, religion, nationality, political opinion or particular social group.
- **Question 2. Arrests in your home country:** List any arrests by the police, including those that were part of any police abuse or harassment against you.
- **Question 4. Fear of Torture:** Identify specifically what and who you are afraid of and what will happen to you if you return to your home country.

Part D. Your Signature

- This is where you sign and swear that everything you wrote is true and correct. Remember, if you knowingly lie on your application, you will not have any kind of relief from deportation.
- **Review your application to make sure that it is complete.**
- **Sign your application and indicate if anyone helped you fill out your application.**

After you complete the application, make 3 extra copies. Bring the copies of your application and evidence to court with you. Give the original and 1 copy to the judge. Give another copy to the government attorney. Keep the last copy for yourself. **This is important, so do not forget!**

Once you turn in your application, the judge will give you a date for a final hearing. This hearing will be your opportunity to present your case to the judge.

How Should You Prepare for Your Testimony?

- Think of the specific reasons you or your family will suffer harm or persecution. Do not just say things like, “I think that someone will hurt me” or “I don’t want to go back.” That will not help very much —almost all people applying for asylum feel that way. **Explain specifically why you suffered or will suffer harm in your country to the judge.**
- **Start gathering evidence early to help support your case.** Give the judge as much evidence as possible to think about.
- Judges see a lot of people every day. **Speak sincerely** to make your testimony stand out.
- **Think about examples that will show what you are afraid of in your home country.** Practice telling those examples to a friend or family member.
- **Do not worry if you become nervous or emotional in court.** It happens to most people. If you need to take a break, just tell the judge.
- **Tell the judge about your life.** If you have criminal convictions and the judge asks you about them, tell the judge what happened. Do not lie. Lying will just make things worse. The judge and government attorney often have ways to figure out if you are lying.
- **Do not be defensive. If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems.** For example, did you go to AA meetings? Did you complete a rehabilitation program?
- **Admit if you made mistakes,** even if that mistake was just coming to the U.S. without the proper documentation. It can show the judge that you are sorry and will not repeat those mistakes in the future.
- **Bring witnesses. Your family can come and tell the judge about the reasons you should stay in the United States.** Your witnesses can tell the judge why they think you would be harmed in your home country.
- **The judge may want to ask you some specific questions.** Remember, be respectful when the judge speaks. Refer to the judge as, “Your Honor,” “Ma’am,” or “Sir.”



How Will the Judge Weigh the Evidence?

In some cases, the judge will tell you if your application is approved or denied at the end of your hearing. In other cases, the judge will mail you a written decision after the hearing. If you disagree with the judge’s decision, you can appeal it to the Board of Immigration Appeals by filing a Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge, within 30 days of the judge’s decision. See the Florence Project’s guide about appealing your case at: <https://firrp.org/resources/prose/>.



Tengo Miedo de Regresar

Una Guía para el Asilo, Suspensión de la Expulsión, y El Convenio en Contra de la Tortura



El Proyecto Florence sobre los Derechos de los Inmigrantes y Refugiados (*El Florence Immigrant & Refugee Rights Project*) es una organización de servicios legales sin fines de lucro que trabaja con adultos y niños bajo custodia de inmigración en Arizona. El personal del Proyecto Florence preparó y actualizó esta guía para inmigrantes detenidos que se representan a sí mismos en su proceso de expulsión. Para ver nuestras guías, vaya a: www.firrp.org. Esta guía no pretende proporcionar asesoramiento legal. No es un sustituto de la asesoría legal. Esta guía está protegida por derechos de autor, pero puede compartirla y distribuirla ampliamente para ayudar a los inmigrantes de todo el país. Si adapta la información de esta guía en su propia publicación, por favor acredite al Proyecto Florence.

Palabras Importantes para Saber

La ley de inmigración tiene muchas palabras técnicas. Aquí hay una lista de algunas palabras que verá en esta guía y una breve explicación de lo que significan.

- **Deportación:** ICE le inició un proceso de deportación, que también se llama proceso de expulsión. Si el juez ordena que usted sea deportado o "expulsado" de los Estados Unidos, los agentes lo enviarán de regreso al país de donde Ud. es ciudadano. No podrá regresar legalmente a los Estados Unidos por un período de al menos 10 años.



- **Abogado del Gobierno:** El abogado que representa a ICE cuando usted va a sus audiencias en el tribunal. Este abogado se sienta a la mesa cerca suyo y también habla con el juez. Por lo general, le pide al juez que ordene su deportación.



- **Servicio de Inmigración y Control de Aduanas (ICE):** La agencia que lo ha puesto en proceso de deportación. ICE es parte del Departamento de Seguridad Nacional, o DHS (por sus siglas en inglés).

- **Juez de Inmigración (juez):** La persona que decidirá su caso. Los jueces celebran audiencias en la sala del tribunal y visten túnicas negras. Deben considerar los hechos de su caso y aplicar la ley de manera justa. Los jueces no trabajan para ICE.



¿Quién debe leer esta guía?

Si tiene miedo de regresar a su país de origen porque su gobierno puede hacerle daño, los Estados Unidos tienen leyes para ayudarlo. Pero se aplican diferentes normas a diferentes tipos de casos. Lea esta guía del Proyecto Florence para aprender los conceptos básicos sobre estas leyes y cómo podría usarlas para detener su deportación.

La guía le dirá cómo solicitar asilo, suspensión de la expulsión y protección bajo el Convenio contra la Tortura. También explica qué pruebas necesita para presentar un caso sólido. Las siguientes leyes permiten que las personas permanezcan en los Estados Unidos:

- **Asilo**
- **Suspensión de la Expulsión, o**
- **Suspensión o Aplazamiento de la Expulsión bajo el Convenio en Contra de la Tortura (o CAT para abreviar).**

Usted utilizará el mismo formulario para solicitar ayuda bajo alguna de esas leyes.

¿Qué es el Asilo?

El *asilo* es una forma de detener su deportación (expulsión) y convertirse en un refugiado. Debe solicitar asilo en un plazo no mayor a 1 año desde su ingreso a los Estados Unidos. Si le conceden el asilo, también tendrá la oportunidad de convertirse en residente permanente en los Estados Unidos. Si incluye a su cónyuge o hijos en su solicitud, es posible que también puedan convertirse en refugiados y residentes permanentes. Pero no todo el mundo puede solicitar asilo. Por ejemplo, si ha sido deportado anteriormente, no podrá solicitarlo.

¿Puede Solicitar Asilo?

Para ganar un caso de asilo, **debe demostrar que hay al menos un 10% de posibilidades de que el gobierno de su país de origen le haga daño.**



Observe el gráfico. La sección azul representa la posibilidad de daño que se requiere demostrar para los casos de asilo: 10%. En otras palabras, debe demostrar que existe una posibilidad seria de que usted sufra daño, pero no necesita demostrar que sucederá con certeza.

Debe solicitar asilo en un plazo no mayor de 1 año después de ingresar a los Estados Unidos. Si ha pasado más de 1 año desde que ingresó, puede intentar demostrar que algo le impidió presentar una solicitud o que las circunstancias en su país de origen han cambiado recientemente.

Para ganar su caso, debe poder demostrar que:

- **Usted sufriría o ha sufrido daños graves en su país de origen.** El término legal para ese daño es persecución. Un daño grave significa que usted ha sido golpeado, secuestrado o amenazado, o que los miembros de su familia o personas como usted fueron golpeadas, secuestradas, amenazadas o asesinadas. Debe probar ese daño.
- **El mismo gobierno o alguien a quien el gobierno no puede controlar le causará un daño.** El gobierno es la policía, el ejército o cualquier funcionario que le haga daño como parte de su trabajo. También podría demostrar que el gobierno no puede o no lo protegerá de las personas que le causan daño. Por ejemplo, es posible que pueda demostrar que denunció el daño a la policía y que no lo ayudaron.
- **La gente le está causando un daño debido a su raza, religión, nacionalidad, opinión política o pertenencia a un "grupo social particular".** Por ejemplo, no es suficiente que un oficial de policía lo golpee. Debe demostrar que el oficial lo hizo debido a su raza, religión, nacionalidad, opinión política o pertenencia a un "grupo social particular".



¿Qué es un *grupo social particular*? Es un grupo que es reconocido en su comunidad de origen. Los miembros deben tener cosas en común que no pueden cambiar. Algunos ejemplos de grupos sociales particulares son: hombres mexicanos homosexuales, mujeres jóvenes albanesas que viven solas; testigos que testifican contra pandilleros, personas con VIH o SIDA, ex oficiales militares o el grupo étnico Lari de la tribu Kongo en la República del Congo.

Esta área de la ley es complicada. **Debe tratar de hablar con un abogado sobre cualquier "grupo social particular" que desee usar en su caso.**

Los jueces pueden estar reacios a conceder asilo o Suspensión de la expulsión si las personas que no trabajan para el gobierno de su país, como los pandilleros, lo persiguieron en el pasado o teme persecución por parte de ellos en el futuro. En su lugar, enfóquese en por qué esas personas lo atacaron y a cuál grupo social Ud. pertenece que causo que los pandilleros se empecinaron en su contra.

- **Usted no podría mudarse a otro lugar en su país de origen donde pudiera estar a salvo.** El juez le preguntará si puede mudarse a otro lugar para evadir a las personas que quieren hacerle daño. Cuando prepare su caso, piense en los motivos por los cuales no se podría mudar, incluyendo el costo, dónde vive su familia, y dónde podría obtener trabajo.
- **Usted no ha sido deportado en el pasado.** Si Usted ha sido deportado en el pasado, no puede solicitar asilo. (Recuerde, las salidas voluntarias no se consideran deportaciones.)
- **Usted no ha cometido un delito mayor con agravantes.** Ciertas condenas penales complican su solicitud de asilo o le imposibilitan solicitarlo.
- **No está sujeto a otros impedimentos.** Las leyes de Asilo son muy complicadas y pueden cambiar muy rápidamente. Si usted tiene temor de regresar a su país de origen, intente consultar con un abogado de inmigración. Cerciórese decirle al juez que Ud. tiene miedo de regresar a su país y pregunte si Ud. puede solicitar asilo.

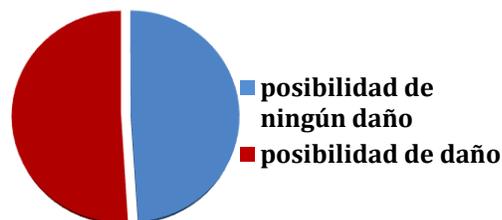
¿Qué es la Suspensión de la Expulsión?

La *Suspensión de la Expulsión* es similar al asilo, pero los requisitos son algo diferentes y más difíciles de cumplir. Para la Suspensión de la Expulsión, aún debe demostrarle al juez que corre el riesgo de sufrir daños graves si regresa a su país de origen debido a su raza, religión, nacionalidad, opinión política o pertenencia a un "grupo social particular". Pero la GRAN diferencia es que el riesgo de daño que debe demostrar es mucho mayor que el del asilo.

Debe demostrar que es "**más que probable**" que sufra un daño en su país de origen. **Eso significa que hay al menos un 51% de posibilidades de que el gobierno le cause daño.**

Observe el gráfico. El área roja representa el riesgo de daño que debe demostrar al juez. El área roja aquí es mucho más grande que para una solicitud de asilo: 51%. Eso significa que debe demostrarle al juez que probablemente sufrirá daño en su país de origen.

Para ganar un caso de Suspensión de la Expulsión, debe demostrar que tiene un riesgo grande de sufrir daño



Para ganar su caso de Suspensión de la Expulsión, debe poder demostrar que:

- **Existe un gran riesgo de que el gobierno de su país de origen le haga daño.** Recuerde, para la Suspensión de la expulsión, ese riesgo debe ser "más que probable" o un 51% de posibilidad.
- **El daño que Usted sufriría o ha sufrido en su país de origen es muy grave.** Ese daño se llama persecución. Un daño grave significa que Ud. será golpeado, encarcelado, secuestrado, amenazado o asesinado, o que tiene familiares o personas como usted que fueron perjudicados de esa manera. Debe probar ese daño.

■ **El gobierno le está causando daño debido a su raza, religión, nacionalidad, opinión política o membresía a un “grupo social particular”.** No basta con decir que un policía lo golpeó. Debe demostrar que el oficial de policía lo golpeó debido a su raza, religión, nacionalidad, opinión política o membresía a un “grupo social particular”

¿En qué se diferencian el Asilo y la Suspensión de la Expulsión?

El Asilo y la Suspensión de la Expulsión son diferentes en varios aspectos importantes:

- A través de la Suspensión de la Expulsión, **no puede obtener la residencia permanente.** Eso significa que no puede obtener una tarjeta de residente (green card). Ganar un caso de Suspensión de la Expulsión sólo significa que el gobierno de los Estados Unidos no lo enviará de regreso a su país de origen. Pero si otro país está dispuesto a aceptarlo, el servicio de Inmigración y Control de Aduanas (ICE) puede enviarlo allí.
- Para la Suspensión de la Expulsión, **la solicitud es individual. Usted no puede incluir a su familia.** Si gana su caso, gana sólo para sí mismo. Los miembros de su familia deben presentar la solicitud individualmente.
- **Incluso si ha pasado más de 1 año desde que ingresó a los Estados Unidos, puede solicitar la Suspensión de la Expulsión.** Esto es diferente del asilo. Una solicitud de asilo debe ser solicitada en un plazo no mayor de 1 año desde su ingreso a los Estados Unidos.
- **Aunque tenga una orden de deportación anterior en su contra, puede solicitar la Suspensión de la Expulsión.**
- **Si tiene antecedentes penales ES POSIBLE que pueda solicitar la Suspensión de la Expulsión.** Pero por lo general, no puede presentar una solicitud si ha sido condenado por un delito extremadamente grave.

¿Qué es el Convenio en Contra de la Tortura o CAT?

La *protección en virtud del Convenio en Contra de la Tortura (CAT)* es para casos extremadamente graves. Para ganar un caso bajo el *Convenio en Contra de la Tortura* o CAT debe demostrar que lo más probable es que el gobierno lo torture o lo mate en su país de origen. De alguna manera, un caso de CAT es similar a uno de Asilo y de Suspensión de la Expulsión.

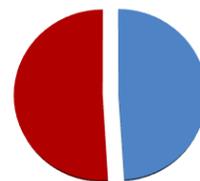
■ **Debe demostrar que el gobierno lo torturará o matará o que el gobierno hará caso omiso si alguien más intenta torturarlo o matarlo.** Debe demostrar que la persona que le hará daño es un funcionario del gobierno: alguien de la policía, el ejército o que trabaja como funcionario del gobierno. También puede demostrar que el gobierno hará caso omiso si la gente quiere lastimarlo.

■ Al igual que la Suspensión de la Expulsión, **tendrá que demostrar una posibilidad del 51% de que será torturado**, o que “lo más probable es” que así suceda.

- **Las condenas penales pueden afectar la posibilidad de solicitar CAT.** Si tiene antecedentes penales muy graves, sólo será elegible para una parte del CAT llamada Aplazamiento de la Expulsión.

Un caso de CAT es diferente de Asilo y Suspensión de la Expulsión en algunos aspectos:

Para ganar un caso de CAT, debe demostrar que existe un gran riesgo de que usted sufra un daño



■ posibilidad de ningún daño
■ posibilidad de daño

- **Debe demostrar que será torturado, no solamente lastimado gravemente.** *Tortura* significa que alguien utiliza un dolor mental o físico horrible para castigarlo o para obligarlo a hacer algo.
- Ganar un caso de CAT sólo significa **que el gobierno de EE.UU. no lo enviará de regreso a su país de origen.** Pero si otro país está dispuesto a aceptarlo o las condiciones de su país cambian, **ICE puede tratar de depórtalo allí.**
- **Usted debe demostrar que será torturado por un funcionario del gobierno, pero no el motivo por el cual esa persona lo torturará.** No necesitar demostrar que será torturado debido a su raza, religión, nacionalidad, opinión política o grupo social particular.

¿Cómo Puede Solicitar Asilo o Suspensión de la Expulsión?

En primer lugar, infórmese sobre el funcionamiento básico del tribunal de inmigración de modo de que usted sepa quién estará en la sala y que ocurrirá en sus primeras audiencias.

- **El juez estará ubicado al frente de la sala y le hará preguntas.** El juez decidirá su caso. Sea respetuoso, amable y esté preparado.
- **Un abogado representante de ICE estará también presente.** Ese abogado es el abogado del gobierno que generalmente está tratando de deportarlo.
- No se preocupe si no habla inglés. **Un intérprete estará allí en persona o por teléfono.** Sólo asegúrese de hablar en voz alta. Dígale al juez que Usted no habla ni entiende bien el inglés y que necesita un intérprete.

Cuando vaya a su primera audiencia, el juez le preguntará si necesita tiempo para conseguir un abogado. Recuerde que la ley de inmigraciones es compleja. Usted tiene el derecho a tener su propio abogado durante una entrevista de asilo o durante su proceso migratorio. **Sin embargo, no existen los abogados de oficio y casi no hay ABOGADOS EN FORMA GRATUITA en el tribunal de inmigraciones.**

A continuación, el juez revisará su expediente y le preguntará si desea admitir o negar los cargos en su contra. Eso significa que el juez quiere saber si usted desea obligar al abogado del gobierno a probar los cargos en su contra.

Si el abogado del gobierno dice que debe ser deportado debido a sus antecedentes penales, pedirle al abogado que pruebe los cargos en su contra puede ser un paso importante. Ciertos tipos de condenas penales, incluso por delitos menores, pueden impedirle solicitar Asilo, Suspensión de la Expulsión y CAT.

Para obtener más información sobre cómo negar los cargos en su contra, lea la guía del Proyecto Florence sobre ese tema. Vaya a <https://firrp.org/resources/prose/>

El juez determinará si puede solicitar Asilo, Suspensión de la Expulsión, o CAT

Si el juez decide que al menos algunos de los cargos en su contra es correcto, el juez le preguntará si tiene miedo de regresar a su país. **Es muy importante decirle al juez que usted tiene miedo de regresar a su país.** Si usted no dice eso, es posible que no pueda solicitar Asilo, Suspensión de la Expulsión o CAT.

El juez le hará preguntas para asegurarse de que usted reúne los requisitos para solicitar Asilo, Suspensión de la Expulsión o CAT. Si el juez considera que usted puede presentar su solicitud, le entregará una copia del formulario llamado *I-589, Solicitud de Asilo y Suspensión de la Expulsión*.



Usted utilizará el mismo formulario para solicitar Asilo, Suspensión de la Expulsión o CAT. Usted puede presentar esa solicitud si se encuentra presente en los EE.UU. y usted no es un ciudadano de EE.UU.

El hecho de que el juez diga que usted puede presentar su solicitud, no significa que usted ganó su caso. Significa que el juez cree que usted reúne los requisitos básicos. Usted tiene la oportunidad de demostrarle al juez que usted sería lastimado si volviese a su país.

Usted completará y entregará la solicitud

Antes de la audiencia final, usted volverá al tribunal para entregar su solicitud de Asilo, Suspensión de la Expulsión o protección bajo el Convenio en Contra de la Tortura. Es importante que usted complete la solicitud en su totalidad, incluyendo marcar la casilla que dice CAT, de modo de que el juez pueda aceptarla y fijar una fecha para la audiencia final en la que usted presentará todas sus pruebas. Usted puede presentar pruebas con su solicitud, como se describe a continuación.

¿Cómo puede preparar su caso?

Preparar su caso de Asilo, Suspensión de la Expulsión o CAT lleva tiempo y planificación. Usted debería comenzar a recopilar pruebas lo más pronto posible. En primer lugar, complete esta hoja de trabajo que lo ayudará a preparar su solicitud y declaración.

Las Razones por las que está solicitando Asilo, Suspensión o Protección bajo el Convenio en Contra de la Tortura:

¿Por qué dejó su país de origen?	
¿A quién le teme?	
¿Por qué les tiene miedo? ¿Por qué quieren causarle daño a usted u a otros como usted?	
¿Qué cree que le harían si usted volviera?	
¿Cómo cree que se enterarían de que usted está de regreso?	
¿A quién más están amenazando y maltratado ahora? ¿Son personas como usted? (por ejemplo: ¿son de la misma raza, religión, nacionalidad, grupo social particular o comparten una opinión política?) ¿Cómo lo sabe?	

Prepare su Declaración

Muchas personas que solicitan asilo presentan una historia por escrito sobre lo que les ocurrió, llamada *declaración*. Es su historia por escrito donde le cuenta al juez porqué usted tiene miedo de regresar a su país de origen. Si usted le presenta una declaración al juez, el juez igualmente le pedirá que dé testimonio y comparará su testimonio con su declaración. El juez puede creer que las diferencias entre su declaración y su testimonio sugieren que usted no es creíble y puede negarle su caso.

¿Cómo debe ser su Declaración?

- Usted puede escribir su declaración a mano, a máquina o imprimirla. Debe ser lo suficientemente larga como para incluir toda la información importante sobre su caso.
- Si utiliza hojas de papel en blanco, coloque su nombre, su número de extranjero, fecha y su firma en cada página. Además, escriba la palabra *Declaración* en el margen superior.

¿Qué debe incluir en su Declaración?

- **La verdad.** Lo más importante en su declaración es la verdad. Si usted miente en su declaración, el juez probablemente lo descubra y rechace su solicitud. Si usted no recuerda un detalle, utilice frases como: “por lo que recuerdo,” o “ocurrió alrededor...”
- **Las razones por las cuales usted debería ganar su caso.** Su trabajo es el de hacer que el juez entienda porqué usted tiene temor de regresar a su país de origen.
- **Incluya la mayor cantidad de detalles posible.** El juez debe entender que aquello a lo que usted teme ocurrirá. Trate de usar palabras descriptivas en su declaración.

¿Qué tipo de pruebas debe recopilar?

Comience recopilando las pruebas para demostrarle al juez que lo que usted está diciendo en su solicitud y en su declaración es verdad. Las pruebas que usted recopilará dependen de su caso en particular.



A su familia le llevará tiempo encontrar muchos de esos documentos y enviárselos. Pídale a un familiar confiable o amigo que lo ayude a reunir esos documentos. Asegúrese de que esa persona le mande **copia de esos documentos, no los originales.**

A continuación, se enumeran algunas ideas de los tipos de pruebas que usted puede reunir. Recuerde, estos son ejemplos. Usted no necesita reunir todos esos documentos para ganar su caso.

- **Cartas de gente que puede respaldar su alegación** de porqué usted tiene temor de regresar a su país. ¿Alguien ha visto gente amenazarlo o golpearlo? Si es así, una carta de esa persona lo ayudará a probarlo.
- **Informes de policía** (si usted denunció el incidente a la policía)
- **Informes médicos** (si usted resultó lesionado y atendido en un hospital, una clínica o un médico)
- **Certificados de nacimiento o defunción** (si las personas a las que usted teme han matado a otras personas)
- **Fotografías que lo ayuden a probar su historia** (fotografías de usted con gente que haya sido asesinada o participando en actividades que lo ponen en riesgo).
- **Artículos del periódico sobre el asunto** que lo hace a usted tener miedo de regresar a su país, o sobre cosas que les hayan pasado a personas que usted conoce.

- **Informes de organizaciones de derechos humanos nacionales o internacionales** (tales como Human Rights Watch o Amnesty International).

Una vez que tenga todos esos documentos organícelos. Haga una lista de todo lo que tenga y ponga esa lista arriba. Adjunte una copia con firma y fecha del *Certificado de Entrega* a la última página de sus pruebas. Este es un ejemplo del certificado de entrega:

Yo, _____ (su nombre aquí), por el presente certifico que he entregado en persona una copia de este documento a un representante de **ICE Litigation** en la fecha indicada a continuación.

Firma:

Fecha:

Luego haga tres copias de todas sus pruebas. El original y una copia serán enviadas al juez junto con el formulario I-589 ya completado, y otra copia al abogado del gobierno. Quédese con una copia para usted.

Todos los documentos presentados deben estar en inglés. Si usted recibe documentos en otro idioma, usted puede traducirlos. Sólo adjunte la traducción a la carta original con una copia firmada de la *Certificación de Traducción*. Este es un ejemplo del Certificado de Traducción:

Yo, _____ (nombre del traductor), certifico que soy competente para traducir este documento del idioma original al inglés y que la traducción es correcta y fiel según mi leal saber y entender.

Firma del Traductor:

Fecha:

Cómo completar su Solicitud

El juez puede facilitarle una copia de la solicitud o usted mismo puede obtener una en <https://www.uscis.gov/i-589>. Usted debe completar una solicitud para cada miembro de su familia que esté en un proceso de inmigración con usted.

- **Debe utilizar un bolígrafo negro o máquina de escribir para completar el formulario.** No utilice un lápiz.
- **Sus respuestas deben estar en inglés.** Su formulario no será aceptado si usted responde en otro idioma.
- **Conteste todas las preguntas. Si no sabe cómo contestar una pregunta, no se preocupe.** Si desconoce la respuesta, escriba, *unknown (desconocido)* o que usted carece de esa información o de la información correcta. Si la pregunta no es pertinente a usted, escriba *None o N/A*.
- **Si no tiene suficiente espacio para responder, continúe su respuesta en una hoja de papel con su nombre, número de extranjero, fecha, firma, y el número de la pregunta que está respondiendo.** Su declaración por escrito debe incluir eventos, fechas y detalles. Asegúrese de adjuntar esos papeles a su formulario.

La solicitud tiene una hoja separada con las instrucciones disponible en: <https://uscis.gov/i-589>. Asegúrese de revisar y seguir esas instrucciones antes de presentar su solicitud. Las pautas que se dan en las siguientes páginas explican partes fundamentales de la solicitud I-589. Tenga en cuenta que el formulario pudo haber sido actualizado después de que esta guía se publicó.

I-589, Solicitud de Asilo y Suspensión de la Expulsión

Parte A.I. Información personal

- **Preguntas 8 y 9. Dirección Postal en los EE.UU.:** Si usted está actualmente detenido, utilice la dirección del centro de detención.
- **Pregunta 14. Nacionalidad actual:** Su nacionalidad y ciudadanía son generalmente las mismas, pero si usted cree que esto no es correcto en su caso, usted debe aclararlo en su solicitud.
- **Pregunta 15. Nacionalidad de nacimiento:** Si usted se ha mudado a otro país en forma permanente y ha recibido la ciudadanía, su nacionalidad de nacimiento puede ser distinta a la de su nacionalidad actual.
- **Pregunta 16. Raza, Grupo Étnico o Tribal:** ¿Es usted miembro de cierto grupo cultural en su país de origen? Por ejemplo, la gente de Irán puede ser asiria o la gente de Guatemala puede ser K'iche.
- **Pregunta 17. Religión:** ¿Practica usted una religión? Si lo hace, escríbalo aquí. Esta pregunta le pregunta sobre su religión principal (como judaísmo, cristianismo, budismo, islam, hinduismo, etc.) y también sobre el grupo en particular de esa religión al que usted pertenece (tal como Ortodoxo, o Cristianismo Copto.)
- **Pregunta 18. Proceso ante el Tribunal de Inmigraciones:** Marque un casillero. Si usted se encuentra en un proceso de inmigración por primera vez, marque el casillero “b”. Si usted ha estado bajo un proceso de inmigración anteriormente, marque el casillero “c”.
- **Pregunta 19. Salidas y entradas a EE.UU.:** Si usted ingresó sin permiso o en forma ilegal, escriba *sin inspección* y escriba *N/A* donde pregunta por el número de “I-94”. Enumere todas las otras fechas en las que ingresó a EE.UU. Si no recuerda las fechas exactas, escriba: “approx.” (por aproximadamente) para informarle al juez de que usted no está seguro.
- **Preguntas 23-25. Idiomas que usted habla:** Si usted habla un dialecto específico de su idioma, anótelo. Solamente si usted está 100% seguro de que puede hablarle al juez en inglés, debe marcar *Yes* (Si) en la Pregunta 24.

Parte A. II. Información sobre su cónyuge e hijos/as

- Solamente complete esta parte si está casado o tiene hijos/as.
- Si no tiene suficiente espacio para enumerar a todos sus hijos/as, utilice el *Formulario Suplementario A, Formulario I-589* al final de la solicitud o utilice una hoja de papel en blanco con su nombre, número de extranjero, fecha y firma.

Parte B. Información sobre su Solicitud

Esta es la parte más importante de su solicitud. Esta parte hace preguntas específicas para determinar si usted reúne los requisitos para Asilo, Suspensión de la Expulsión, o protección bajo el Convenio en Contra de la Tortura. Antes de completar esta parte, revise su declaración y las respuestas en la hoja de trabajo de este paquete de documentos.

Pregunta 1B. Temor de Regresar: Explique porqué usted tiene temor de regresar a su país de origen. Recuerde decir si usted tiene temor debido a su raza, religión, nacionalidad, opinión política o membresía a un grupo social particular.

- **Pregunta 2. Arrestos en su país de origen:** Enumere todo arresto realizado por la policía, incluyendo aquellos que hayan sido parte de cualquier abuso o acoso policial en su contra.
- **Pregunta 4. Temor a ser torturado:** Identifique específicamente a qué y a quién le teme y que le ocurrirá si usted regresa a su país de origen.

Parte D. Su Firma

- Este es el lugar donde usted firma y jura que todo lo que usted escribió es verdadero y correcto. Recuerde, si usted a sabiendas miente en su solicitud, usted no tendrá derecho a ningún tipo de amparo en contra de la deportación.

- **Revise su solicitud para asegurarse de que esté completa.**
- **Firme su solicitud e indique si alguien lo ayudó a completarla.**

Después de completar su solicitud, haga 3 copias adicionales. Traiga las copias y las pruebas con usted al tribunal. Entréguele el original y una copia al juez. Entréguele otra copia al abogado del gobierno. Quédese con la última copia. Esto es importante, así que no se olvide.

Una vez que usted entregue su solicitud, el juez le dará una fecha para su audiencia final. Esta audiencia le dará a usted la oportunidad de presentar su caso ante el juez.

¿Cómo debe preparar su testimonio?

- Piense en las razones específicas por las cuales usted o su familia sufrirán daño o persecución. No diga solamente cosas como, “Creo que alguien me lastimará” o “No deseo regresar.” Eso no ayudará mucho, la mayoría de las personas que solicitan asilo sienten lo mismo. **Explíquelo al juez específicamente porque usted sufrió o sufrirá daño en su país.**
- **Comience a reunir pruebas con tiempo en apoyo de su caso.** Dele al juez tantas pruebas como le sea posible.
- Los jueces ven a muchas personas a diario. **Hable con sinceridad** para que su testimonio sobresalga.
- **Piense en ejemplos que muestren a qué le teme en su país de origen.** Practique contándole esos ejemplos a una amigo o familiar.
- **No se preocupe si usted se pone nervioso o sensible en la sala.** Eso le ocurre a la mayoría de las personas. Si necesita un descanso, solo dígaselo al juez.
- **Cuéntele al juez sobre su vida.** Si usted tiene antecedentes penales y el juez le hace preguntas sobre ellos, dígame al juez lo que ocurrió. No mienta. Mentir sólo empeorará las cosas. El juez y el abogado del gobierno con frecuencia tienen la forma de descubrir si usted está mintiendo.
- **No se ponga a la defensiva. Si usted ha tenido un problema con alcohol o drogas en el pasado, explique cómo superó esos problemas.** Por ejemplo, ¿usted participó de reuniones de AA? ¿Completó un programa de rehabilitación?
- **Admita que cometió errores**, aunque ese error haya sido el de ingresar a EE.UU. sin la documentación requerida. Eso puede demostrarle al juez que usted está arrepentido y no cometerá esos mismos errores en el futuro.
- **Traiga testigos. Su familia puede presentarse y contarle al juez sobre las razones por las que usted debería permanecer en EE.UU.** Sus testigos pueden contarle al juez porqué piensan que usted sería lastimado en su país de origen.
- **El juez puede hacerle algunas preguntas específicas.** Recuerde, sea respetuoso con el juez cuando él/ella habla. Diríjase al juez como, “Su Señoría”, “Señora” o “Señor”.



¿Cómo evaluará el Juez las pruebas?

En algunos casos, el juez le dirá si aprobó o negó su solicitud al final de la audiencia. En otros casos, el juez le enviará por correo un fallo por escrito después de la audiencia. Si usted está en desacuerdo con la decisión del juez, usted puede apelar al Tribunal de Apelaciones de casos de Inmigración presentando un Formulario EOIR-26, Notificación de Apelación de una Decisión de un Juez de Inmigración, dentro del plazo de 30 días de emitida esa decisión.

Diríjase a la guía del Florence Project sobre como apelar su caso:

<https://firrp.org/resources/prose/>.



Do You Have a Form Called A Notice to Appear ("NTA")?

Information on Notices to Appear

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: _____

In the Matter of:

Respondent: _____ currently residing at: _____

(Number, street, city, state and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are deportable for the reasons stated below:

The Department of Homeland Security alleges that you:

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- Section 235(b)(1) order was vacated pursuant to : 8 CFR208.30(f)(2) 8CFR235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____

(Complete Address of Immigration Court, Including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

What is a Notice to Appear (“NTA”)?

The Department of Homeland Security (DHS) uses a Notice to Appear, or “NTA,” to explain why it wants to deport you. Everyone in immigration proceedings receives an NTA. If you lose your NTA, tell the Immigration Judge that you need a copy of it at your first hearing.

The sample NTA in this packet is blank. Your NTA contains important information about your case:

1. **Address.** The top of your NTA states your current address. If the address is not correct, you must file a Form EOIR-33/IC, Change of Address/Contact Information Form, *as soon as possible* so that the Court can contact you with information about your case.
2. **Facts/Allegations.** Your NTA contains a list of facts, which are also called “allegations.” Each fact has a number. The facts usually say which country you are from, when you came to the U.S., and how you entered the country. If you had permission to come to the U.S., the facts also say how long you were allowed to stay. If you committed any crimes, those crimes might be listed here too.
3. **Charge(s).** Your NTA indicates why the Department of Homeland Security believes you should be removed from the United States. These are called “charges.” The “charges” indicate the immigration laws that you may have violated. Some “charges” might be that you came to the U.S. without permission, that you stayed here longer than you were allowed to stay, or that you committed certain crimes.

At your first hearing, the Judge may ask you whether the “allegations” in the NTA are true and whether you agree with the “charge” in the NTA. This is your opportunity to tell the Judge if anything in your NTA is incorrect. You can ask the Judge for time to find an attorney before admitting or denying anything in the NTA. Even if the Judge finds that you are “removable” from the United States, it does not mean that you will be deported. You can still ask to stay in the United States and apply for asylum, withholding of removal, protection under the Convention Against Torture, or another immigration benefit. More information on these applications is available at the Immigration Court’s Self-Help Legal Center and online at www.justice.gov/eoir/self-help-materials.

4. **Hearing Date.** Most NTAs contain the date, time, and place of your first hearing. If your NTA does not have this information, the Court will mail you a notice with the time, date, and place of your hearing. *It is extremely important to arrive to your hearing on time. If you are not at your hearing, the Judge may order you deported from the United States.* If you forget your hearing date, you can call the Immigration Court Hotline at 1-800-898-7180.

¿Tiene usted un Documento conocido como la Notificación de Comparecencia? (“NTA”)

La información que se facilita es preparada por la Oficina Ejecutiva de Revisión de Casos de Inmigración (EOIR) del Departamento de Justicia de los EE.UU. No se ofrece con la intención de brindar asesoría legal, ni debe ser interpretada de ningún modo, como tal. La información provista no extiende ni limita la jurisdicción de los Tribunales de Inmigración de acuerdo a lo establecido por reglamento y ley. Nada de lo contenido en este paquete informativo deberá limitar el poder discrecional de los Jueces de Inmigración para actuar conforme al reglamento y la ley.

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: _____

In the Matter of:

Respondent: _____ currently residing at: _____

(Number, street, city, state and ZIP code)

(Area code and phone number)

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on _____ at _____ to show why you should not be removed from the United States based on the charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

¿Qué es una Notificación de Comparecencia (“NTA”)?

El Departamento de Seguridad Nacional (DHS, por sus siglas en inglés) emplea la Notificación de Comparecencia (NTA, por sus siglas en inglés), para explicarle las razones por las cuales desea deportarlo a usted. Todos aquellos quienes están en procesos de inmigración reciben una NTA. Si usted pierde su NTA, avísele al Juez de Inmigración en su primera audiencia que necesita una copia.

En este paquete informativo le mostramos un ejemplar en blanco de la NTA. La NTA suya contiene información importante sobre su caso:

1. **Dirección.** La parte superior de su NTA indica su dirección actual . Si la dirección está incorrecta, es su deber tramitar el Formulario “Form EOIR-33/IC”, Formulario para Cambio de Dirección/ Información de Contacto, *lo más pronto posible* para que el Tribunal pueda ponerse en contacto con usted sobre su caso.
2. **Hechos/Alegatos.** Su NTA contiene una lista de hechos, conocidos como alegatos, enumerados. Los alegatos usualmente incluyen los siguientes datos: el país de su procedencia, cuando ingresó usted a los EE.UU., y de qué manera ingresó al país. Si tenía usted permiso para ingresar a los EE.UU., los alegatos también indican el periodo de tiempo que se le permitió permanecer. Si usted ha cometido algún delito, esa información podría estar incluida también.
3. **Cargo(s).** Su NTA indica las razones por las que el Departamento de Seguridad Nacional estima que usted debe ser expulsado de los EE.UU. Estas razones, conocidas como “Cargos”, indican en cual sección de la ley de inmigración se basan, y podrían incluir lo siguiente: que usted ingreso a los EE.UU. sin permiso, que usted permaneció en el país más allá de la fecha permitida, o que usted cometió ciertos delitos.

Durante su primera audiencia, es posible que el Juez de Inmigración le pregunte si los “alegatos” de la NTA son ciertos y si usted está de acuerdo con el “Cargo” que aparece en la NTA. Ésta es su oportunidad para avisarle al Juez si hay algún error en su NTA. Puede pedirle al Juez que le otorgue tiempo para conseguir un abogado antes de admitir o negar cualquier contenido de la NTA. Aunque el Juez determine que usted está “sujeto a expulsión” de los EE.UU., eso no significa que usted será deportado. Usted tendrá la oportunidad de pedir que se le permita permanecer en los EE.UU. y solicitar Asilo, Aplazamiento de la Expulsión, Protección según el Convenio Contra la Tortura, u otro beneficio inmigratorio. Para más información sobre estas solicitudes consulte la guía de Autoayuda del Tribunal de Inmigración (*Immigration Court’s Self-Help Legal Center*) en línea en www.justice.gov/eoir/self-help-materials.

4. **Fecha de Audiencia.** La mayoría de las NTA contienen la fecha, hora y lugar de su primera audiencia. Si su NTA no contiene dicha información, el Tribunal le enviará por correo una notificación incluyendo la fecha, hora y lugar de su próxima audiencia. *Es de suma importancia que usted llegue a su audiencia a tiempo. Si usted no comparece, el Juez puede ordenar su deportación de los EE.UU.* Si se olvida de su próxima fecha de audiencia, puede llamar a la línea de información del Tribunal de Inmigración (*Immigration Court Hotline*) al 1-800-898-7180.

Do You Need a Lawyer or Accredited Representative?

Information on How to Find Legal Representation in Immigration Court

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

Updated Jan. 2022

Do You Need a Lawyer or Accredited Representative?

You have the right to have a lawyer or Department of Justice accredited representative represent you in your immigration proceedings. However, the government will not give you a lawyer or accredited representative. **If you want a lawyer or accredited representative, you must find one on your own and pay for any of the costs.** You should do this *as soon as possible*.

The **ONLY** people who can represent you in immigration court are lawyers and accredited representatives.¹ Notarios, document preparers, immigration consultants, and travel agents are NOT allowed to give you ANY legal advice.

Some nonprofit organizations offer free legal advice and may be able to find a lawyer or accredited representative to represent you for free. The immigration judge will provide you with a list of these organizations. **This list is also available at www.justice.gov/eoir/list-pro-bono-legal-service-providers.**

What is a Lawyer?

A lawyer is generally someone who has a license to practice law before *the immigration courts and other courts of law* in the United States. A lawyer helps you fill out immigration applications, such as an application for asylum. A lawyer may also help collect evidence, prepare you to testify in court, and present your case to the immigration judge for you.

What is a Department of Justice Accredited Representative?

An accredited representative is someone who has a certificate from the U.S. Department of Justice to practice law *only* in the U.S. immigration system. An accredited representative receives training in immigration law and is part of a U.S. nonprofit organization. Like a lawyer, an accredited representative helps you fill out immigration applications, collect evidence, and present your case to the immigration judge.

Can I Represent Myself?

Although you can always represent yourself in your immigration proceedings, the Department of Justice *strongly recommends* that you find a lawyer or accredited representative for your immigration case. If you cannot find a lawyer or accredited representative, you should use the Immigration Court Self-Help Legal Resource Center to familiarize yourself with the immigration system and understand your rights in immigration court. These materials are available in every immigration court and online at www.justice.gov/eoir/self-help-materials. Additional information is available at the Immigration Court Online Resource, which can be accessed at <https://icor.eoir.justice.gov>.

¹ Under certain circumstances, the following people may also provide legal representation: law students and law graduates not yet admitted to the bar, certain accredited officials, and other reputable individuals as defined under section 1292.1 of the Code of Federal Regulations.

¿Necesita usted un abogado o representante legal?

Información sobre cómo obtener Representación Legal ante el Tribunal de Inmigración

La información facilitada ha sido preparada por la Oficina Ejecutiva de Revisión de Inmigración (EOIR) del Departamento de Justicia de los EE.UU. No se ofrece con la intención de brindar asesoría legal, ni debe ser interpretada de ningún modo, como tal. La información provista no extiende ni limita la jurisdicción de los Tribunales de Inmigración de acuerdo a lo establecido por reglamento y ley. Nada de lo contenido en este paquete informativo deberá limitar el poder discrecional de los Jueces de Inmigración para actuar conforme al reglamento y la ley.

¿Necesita Usted un Abogado o Representante Legal?

Usted tiene derecho a tener un abogado o un representante acreditado por el Departamento de Justicia para que lo represente en su proceso de inmigración. Sin embargo, el gobierno no le proporcionará un abogado o representante acreditado. **Si desea tener un abogado o representante legal acreditado, usted debe encontrar uno por su cuenta y pagar todos los costos.** Usted debería hacer esto *lo más pronto posible*.

Las **ÚNICAS** personas que pueden representarlo ante el tribunal de inmigraciones son abogados o representantes acreditados.¹ Los Notarios, personas que preparan documentos, asesores de inmigración, y agentes de viajes NO están autorizados a darle NINGUN tipo de asesoría legal.

Algunas organizaciones sin fines de lucro ofrecen asesoría legal en forma gratuita y pueden ayudarlo a conseguir un abogado o representante acreditado que lo represente en forma gratuita. El juez de inmigración le entregará una lista de esas organizaciones. Esta lista también está disponible en: www.justice.gov/eoir/list-pro-bono-legal-service-providers.

¿Qué es un abogado?

Un abogado es generalmente alguien que posee una licencia para ejercer el derecho ante los tribunales de inmigraciones u otros tribunales de justicia en los Estados Unidos. Un abogado le ayuda a completar las solicitudes de inmigración, tales como la solicitud de asilo. Un abogado también puede ayudarlo a recopilar pruebas, prepararse para testificar ante el tribunal, y presentar su caso ante el juez de inmigración.

¿Qué es un Representante Acreditado por el Departamento de Justicia?

Un representante acreditado es una persona que tiene un certificado emitido por el Departamento de Justicia para ejercer el derecho *solamente* en el sistema de inmigración de EE.UU. Un representante acreditado recibe capacitación sobre la ley de inmigración y es parte de una organización sin fines de lucro de EE.UU. Al igual que un abogado, un representante legal le ayuda a completar solicitudes de inmigración, recopilar pruebas, y a presentar su caso ante el juez de inmigraciones.

¿Puedo representarme a mí mismo?

Aunque usted siempre puede representarse a sí mismo en su proceso de inmigración, el Departamento de Justicia *recomienda encarecidamente* que usted encuentre un abogado o representante legal acreditado para su caso. Si no puede encontrar un abogado o representante legal acreditado, usted debería utilizar el servicio del Centro de Recursos Legales de Auto-Ayuda del Tribunal de Inmigraciones. Este material está disponible en todos los tribunales de inmigración y en línea: www.justice.gov/eoir/self-help-materials. También hay información adicional en el Centro de Recursos en línea del Tribunal de Inmigración, al que se puede acceder con el siguiente enlace: <https://icor.eoir.justice.gov>.

¹ Bajo ciertas circunstancias, las siguientes personas pueden también prestar representación legal: estudiantes de derecho y estudiantes ya graduados, pero aún no acreditados por el Colegio de Abogados, ciertos funcionarios acreditados, y otros individuos acreditados según lo define el artículo 1292.1 del Código de Regulaciones Federales.

Have You Moved?

Do You Need to Move Your Case?

Information on Address Changes and Motions to Change Venue

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

HAVE YOU MOVED?

Complete a “**Change of Address/Contact Information Form**” ([Form EOIR-33/IC](#)) for you and each member of your family who is in immigration court proceedings. Give one copy to the Immigration Court and another copy to the Department of Homeland Security. You can give a copy to the Immigration Court in person, by mail, or online at <https://respondentaccess.eoir.justice.gov/>. You can give the Department of Homeland Security a copy either by mail, in person, or through the eService portal at <https://eserviceregistration.ice.gov>.

*You **MUST** file Form EOIR-33/IC within **5 DAYS** of moving and changing your address*

DO YOU NEED TO CHANGE COURTS?

To move your case to another court, you must make a “Motion to Change Venue” in writing, and file one copy with the Court where your case is currently located and another copy with the Department of Homeland Security.

The Motion to Change Venue should contain the following information:

- The date and time of your next scheduled hearing.
- Admissions or denials of the allegations in the Notice to Appear (Form I-862) that the government gave you.
- The name of a country of removal (i.e. your home country) or a statement that you do not want to give a country of removal. You do not have to give a country of removal, but you must tell the Court that.
- A list of the applications and forms of relief you will apply for, if any.
- Your new address and telephone number.
- A detailed explanation of why you want to change courts.
- Documents and evidence to prove that you have moved.
- A complete “Change of Address/Contact Information Form” (EOIR-33/IC).

***UNTIL YOUR MOTION TO CHANGE VENUE IS DECIDED
YOU MUST APPEAR AT ALL SCHEDULED HEARINGS***

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in **removal** proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in **deportation** proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in **exclusion** proceedings: Your application for admission to the United States may be considered withdrawn.

Name - Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:	My CURRENT address and phone number are:
<hr/> <p style="text-align: center;">“In care of” other person (if any)</p>	<hr/> <p style="text-align: center;">“In care of” other person (if any)</p>
<hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p>	<hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p>
<hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p>	<hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p>
<hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p>	<hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p>
<hr/> <p style="text-align: center;">Email Address</p>	<hr/> <p style="text-align: center;">Email Address</p>

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	X _____	_____
	Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____, to the
(Name) (date)

Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at: _____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eserviceregistration.ice.gov>), or by mail or personal delivery.

SIGN HERE →	X _____	_____
	53 Signature	Form EOIR-33/IC Revised November 2021

SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked “Fold Here” so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked “Fasten Here.”
4. Place appropriate postage stamp in the area marked “Place Stamp Here.”
5. Write your return address in the area marked “PUT YOUR ADDRESS HERE.”
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

**PUT YOUR COURT
ADDRESS HERE**

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R § 1003.15(d)(2) in order to notify EOIR’s immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR’s system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

Your Name: _____

Your Address: _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

City and State: _____

_____)
In the Matters of:)
_____)
_____)
(your name))
_____)
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____ Next Hearing Date: _____

**RESPONDENT'S MOTION TO
CHANGE VENUE**

RESPONDENT’S MOTION TO CHANGE VENUE

Respondent, _____ (Name), moves this Honorable Court to change the venue of her removal proceedings from _____ (city and state of the current immigration court) to the immigration court in _____ (city and state where you want your case moved). I seek this change of venue pursuant to 8 CFR § 1003.20.

In support of this motion, I state as follows:

Respectfully submitted,

Name

Dated: _____

United States Department of Justice
Executive Office for Immigration
Review Immigration Court

[the court's location (city and state)]

In the Matter of: [your name] A Number: [your alien registration number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's Motion to Change Venue, it is HEREBY ORDERED that the motion be GRANTED DENIED because:

- checkbox DHS does not oppose the motion.
checkbox The respondent does not oppose the motion.
checkbox A response to the motion has not been filed with the court.
checkbox Good cause has been established for the motion.
checkbox The court agrees with the reasons stated in the opposition to the motion.
checkbox The motion is untimely per
checkbox Other:

Deadlines:

- checkbox The application(s) for relief must be filed by
checkbox The respondent must comply with DHS biometrics instructions by

Date

Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED VIA:

MAIL () PERSONAL SERVICE () ELECTRONIC SERVICE ()
TO: RESPONDENT () RESPONDENT'S C/O CUSTODIAL OFFICER ()
RESPONDENT'S ATTY/REP () DHS ()

DATE: BY: COURT STAFF

ATTACHMENTS: EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER

(Respondent's Name)

(Respondent's Alien Number)

CERTIFICATE OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this Motion to Change Venue

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)

¿Se ha Mudado?

¿Necesita Trasladar su Caso?

Información sobre Cambios de Dirección y Pedimentos de Cambio de Jurisdicción

La información facilitada ha sido preparada por la Oficina Ejecutiva de Revisión de Inmigración (EOIR) del Departamento de Justicia de los EE.UU. No se ofrece con la intención de brindar asesoría legal, ni debe ser interpretada de ningún modo, como tal. La información provista no extiende ni limita la jurisdicción de los Tribunales de Inmigración de acuerdo a lo establecido por reglamento y ley. Nada de lo contenido en este paquete informativo deberá limitar el poder discrecional de los Jueces de Inmigración para actuar conforme al reglamento y la ley.

¿SE HA MUDADO?

Complete un formulario de “Cambio de Dirección/Información de Contacto” ([Form EOIR-33/IC](#)) para usted y uno para cada miembro de su familia que se encuentre en un proceso ante el tribunal de inmigraciones. Entregue una copia al Tribunal de Inmigraciones y una copia al Departamento de Seguridad Nacional. Usted puede entregarle una copia al Tribunal de Inmigración en persona, por correo o en línea en la siguiente página: <https://respondentaccess.eoir.justice.gov/>. Puede entregarle una copia al Departamento de Seguridad Nacional por correo, en persona o en línea, a través del portal eService: <https://eserviceregistration.ice.gov>.

*Usted **DEBE** tramitar el Formulario EOIR-33/IC dentro de los **5 DIAS** de haberse mudado y cambiado de dirección.

¿NECESITA CAMBIAR DE TRIBUNAL?

Con el fin de trasladar su caso a otro tribunal, usted debe preparar un “Pedimento de Cambio de Jurisdicción” por escrito, y entregar una copia al tribunal en el cual su caso está actualmente radicado y una copia al Departamento de Seguridad Nacional.

El Pedimento de Cambio de Jurisdicción debe contener la siguiente información:

- Fecha y hora de su próxima audiencia.
- Aceptación o denegación de los alegatos contenidos en la Notificación de Comparecencia (Formulario I-862) que el gobierno le ha entregado.
- El nombre del país al que desea ser expulsado en caso de ser expulsado (por ejemplo: su país de origen) o una declaración mencionando que no desea determinar un país en caso de expulsión. Usted no está obligado a designar un país en caso de expulsión, pero debe decírselo al Juez.
- Una lista de las solicitudes y los beneficios inmigratorios que usted va a solicitar, en caso de que así lo haga.
- Su nueva dirección y número de teléfono.
- Una explicación detallada del porque usted desea cambiar de tribunal.
- Documentos y pruebas de que usted se ha mudado.
- Un formulario de “Cambio de Dirección/Información de Contacto” completo (EOIR-33/IC).

HASTA QUE EL PEDIMENTO DE CAMBIO DE JURISDICCION NO HAYA SIDO OTORGADO, USTED DEBE COMPARECER A TODAS SUS AUDIENCIAS YA PROGRAMADAS

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in **removal** proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in **deportation** proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in **exclusion** proceedings: Your application for admission to the United States may be considered withdrawn.

Name - Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:	My CURRENT address and phone number are:
<hr/> <p style="text-align:center;">"In care of" other person (if any)</p> <hr/> <p style="text-align:center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align:center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align:center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align:center;">Email Address</p>	<hr/> <p style="text-align:center;">"In care of" other person (if any)</p> <hr/> <p style="text-align:center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align:center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align:center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align:center;">Email Address</p>

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	X		
		Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____, to the
(Name) (date)

Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at: _____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eserviceregistration.ice.gov>), or by mail or personal delivery.

SIGN HERE →	X		
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SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked “Fold Here” so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked “Fasten Here.”
4. Place appropriate postage stamp in the area marked “Place Stamp Here.”
5. Write your return address in the area marked “PUT YOUR ADDRESS HERE.”
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

1961 Stout Street
Suite 3101
Denver, CO 80294

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR’s immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR’s system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

Your Name: _____

Your Address: _____

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

City and State: _____

_____)
In the Matters of:)
_____)
(your name) _____))
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____ Next Hearing Date: _____

**RESPONDENT’S MOTION TO
CHANGE VENUE**

RESPONDENT’S MOTION TO CHANGE VENUE

Respondent, _____ (Name), moves this Honorable Court to change the venue of her removal proceedings from _____ (city and state of the current immigration court) to the immigration court in _____ (city and state where you want your case moved). I seek this change of venue pursuant to 8 CFR § 1003.20.

In support of this motion, I state as follows:

Respectfully submitted,

Name

Dated: _____

United States Department of Justice
Executive Office for Immigration
Review Immigration Court

[the court's location (city and state)]

In the Matter of: [your name] A Number: [your alien registration number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's Motion to Change Venue, it is HEREBY ORDERED that the motion be GRANTED DENIED because:

- DHS does not oppose the motion.
The respondent does not oppose the motion.
A response to the motion has not been filed with the court.
Good cause has been established for the motion.
The court agrees with the reasons stated in the opposition to the motion.
The motion is untimely per
Other:

Deadlines:

- The application(s) for relief must be filed by
The respondent must comply with DHS biometrics instructions by

Date Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED VIA:

MAIL () PERSONAL SERVICE () ELECTRONIC SERVICE ()
TO: RESPONDENT () RESPONDENT'S C/O CUSTODIAL OFFICER ()
RESPONDENT'S ATTY/REP () DHS ()

DATE: BY: COURT STAFF

ATTACHMENTS: EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER

(Respondent's Name)

(Respondent's Alien Number)

CERTIFICATE OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this Motion to Change Venue

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)

Did You Miss Your Hearing?

How to File a Motion to Reopen

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

DID YOU MISS YOUR HEARING?

If you missed your hearing, the Judge may have closed your case and ordered you removed from the United States for not coming to court. This is known as an “*in absentia* order of removal.” If you want the Judge to reopen your case to consider your eligibility for immigration benefits, such as asylum or cancellation of removal, it may not be too late.

First, call the Immigration Court Hotline at 1-800-898-7180 to find out if the Judge ordered you removed from the United States. If the Judge ordered you removed, file a written “Motion to Reopen an In Absentia Order” with the Court where your hearing is scheduled to take place and the Department of Homeland Security. The motion should contain the following:

- Your name, address, and telephone number.
- The date and time of your last hearing.
- A detailed explanation of why you missed your hearing. You must show that you missed your hearing because:
 - a. You did not receive your hearing notice;
 - b. You were in federal or state custody/jail/prison; or
 - c. Of “exceptional circumstances” beyond your control, such as:
 - You or your parent or your child was the victim of battery or extreme cruelty (i.e. domestic violence).
 - You were seriously ill or your parent or child was seriously ill or died.
 - There was severe weather that made it impossible to travel to the court.
 - Any other serious reason beyond your control like the ones listed above.
- Documents and evidence to show why you missed your hearing. This may include prison records, medical records, weather reports, affidavits, or other evidence.
- A “Change of Address/Contact Information Form” (Form EOIR-33/IC).
- A cover page with your name, address, and A number (see sample enclosed).
- A filing fee receipt or a fee waiver application, if applicable.

Filing Fees

- If you file a motion to reopen, you generally must pay a filing fee to the Department of Homeland Security or request a fee waiver. A filing fee is NOT required if you want to reopen your case only to apply for asylum or because you did not receive notice of the hearing where the Judge ordered you removed from the United States.

When to File Your Motion:

- You can file your motion *at any time* if (1) you missed your hearing because you did not receive your hearing notice **or** (2) because you were in federal or state custody/jail/prison. You *must* file your motion *within 180 days* of the hearing you missed, if you missed that hearing for any other reason.
- Note: You cannot be removed while the Judge is deciding your Motion to Reopen an In Absentia Order.

Updated January 2022

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in **removal** proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in **deportation** proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in **exclusion** proceedings: Your application for admission to the United States may be considered withdrawn.

Name - Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:	My CURRENT address and phone number are:
<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>	<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	X _____	
	Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____, to the
(Name) (date)

Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at: _____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eserviceregistration.ice.gov>), or by mail or personal delivery.

SIGN HERE →	X _____	
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SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked “Fold Here” so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked “Fasten Here.”
4. Place appropriate postage stamp in the area marked “Place Stamp Here.”
5. Write your return address in the area marked “PUT YOUR ADDRESS HERE.”
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

1961 Stout Street
Suite 3101
Denver, CO 80294

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR’s immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR’s system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

Your Name: _____

Your Address: _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

City and State: _____

_____)
In the Matters of:)
_____)
(your name))
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____

**MOTION TO
REOPEN AN *IN*
ABSENTIA ORDER**

United States Department of Justice
Executive Office for Immigration Review
Immigration Court

[the court's location (city or town) and state]

In the Matter of: _____ Alien Number: _____

[your name]

[your alien registration number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's **Motion to Reopen an In Absentia Order**, it is
HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED VIA:

MAIL () PERSONAL SERVICE () ELECTRONIC SERVICE ()

TO: RESPONDENT () RESPONDENT'S C/O CUSTODIAL OFFICER ()

RESPONDENT'S ATTY/REP () DHS ()

DATE: _____ BY: COURT STAFF _____

ATTACHMENTS: EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER ()

(Your name)

(Your alien registration number)

PROOF OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this **Motion to Reopen an In Absentia Order**,

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)

¿Usted faltó a su Audiencia?

Cómo Presentar una Petición de Reapertura

La información que se facilita es preparada por la Oficina Ejecutiva de Revisión de Casos de Inmigración (EOIR) del Departamento de Justicia de los EE.UU. No se ofrece con la intención de brindar asesoría legal, ni debe ser interpretada de ningún modo, como tal. La información provista no extiende ni limita la jurisdicción de los Tribunales de Inmigración de acuerdo a lo establecido por reglamento y ley. Nada de lo contenido en este paquete informativo deberá limitar el poder discrecional de los Jueces de Inmigración para actuar conforme al reglamento y la ley.

¿USTED FALTÓ A SU AUDIENCIA?

Si usted faltó a su audiencia, es posible que el Juez haya cerrado su caso y ordenado su expulsión de los Estados Unidos por no haberse presentado en el juzgado. Este proceso se conoce en inglés como “*in absentia* order of removal.” Si usted desea que el Juez reabra su caso para considerar si usted califica para algún beneficio migratorio, por ejemplo, Asilo o Cancelación de la Expulsión, puede ser que aún esté a tiempo.

Primero, llame a la línea del Tribunal de Inmigración (Immigration Court Hotline) al 1-800-898-7180 para averiguar si el Juez ordenó su expulsión de los Estados Unidos. En caso que el Juez haya ordenado su expulsión, presente por escrito una “Motion to Reopen an In Absentia Order” (Petición de Reapertura) en el Tribunal donde esté programada su audiencia y también al Departamento de Seguridad Nacional. La petición debe de incluir los siguiente:

- Su nombre, dirección u número de teléfono.
- La fecha y hora de su última audiencia.
- Una explicación detallada del porqué faltó a su audiencia. Debe mostrar que faltó a su audiencia porque:
 - a. No recibió la notificación de su audiencia;
 - b. Usted estaba detenido o encarcelado a nivel federal o estatal; o
 - c. Por “circunstancias excepcionales” fuera de su control, por ejemplo:
 - Usted, o algún padre o hijo suyo, haya sido víctima de una agresión o crueldad extrema (por ejemplo, violencia domestica).
 - Una enfermedad grave suya o enfermedad grave o muerte de algún padre o hijo suyo.
 - Inclemencias del tiempo tan severas que imposibilitaron su viaje al juzgado.
 - Alguna otra razón fuera de su control parecidas a las antemencionadas.
- Documentación y pruebas que demuestren porqué faltó a su audiencia, por ejemplo, registros penitenciarios, expedientes médicos, informes del tiempo, declaraciones juradas, o alguna otra prueba.
- Un Formulario para Cambio de Dirección (“**Change of Address/Contact Information Form**” (Form EOIR-33/IC).
- Una hoja de portada incluyendo su nombre, dirección, y número de extranjero (“**A number**”, en inglés) (Véase el Ejemplar anexo).
- El recibo del pago del trámite del formulario, o una solicitud para dispensar el pago, si aplica.

Pago del Trámite

- Si usted presenta una petición de reapertura, generalmente debe de pagar por el trámite al Departamento de Seguridad Nacional o pedir que se le dispense. **NO SE REQUIERE** un pago del trámite si usted desea reabrir su caso únicamente para solicitar Asilo o por no haber recibido notificación de la audiencia en la que el Juez ordenó su expulsión de los Estados Unidos.

Cuando deberá presentar su Petición:

- Podrá presentar su petición *en cualquier momento* si (1) faltó a su audiencia por no haber recibido la notificación de dicha audiencia o (2) porque estaba detenido o encarcelado a nivel federal o estatal. *Es su deber* presentar su petición *en un plazo máximo de 180 días* a partir de la fecha de audiencia a la que faltó, en caso de haber faltado por cualquier otra razón.
- Nótese: Usted no podrá ser expulsado mientras esté pendiente la decisión del Juez sobre su Petición de Reapertura.

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in **removal** proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in **deportation** proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in **exclusion** proceedings: Your application for admission to the United States may be considered withdrawn.

Name - Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:	My CURRENT address and phone number are:
<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>	<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	X _____	_____
	Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____, to the
(Name) (date)

Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at: _____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eserviceregistration.ice.gov>), or by mail or personal delivery.

SIGN HERE →	X _____	_____
--------------------	---------	-------

SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked “Fold Here” so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked “Fasten Here.”
4. Place appropriate postage stamp in the area marked “Place Stamp Here.”
5. Write your return address in the area marked “PUT YOUR ADDRESS HERE.”
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

1961 Stout Street
Suite 3101
Denver, CO 80294

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR’s immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR’s system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

Your Name: _____

Your Address: _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

City and State: _____

_____)
In the Matters of:)
_____)
(your name))
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____

**MOTION TO
REOPEN AN *IN*
ABSENTIA ORDER**

United States Department of Justice
Executive Office for Immigration Review
Immigration Court

[the court's location (city or town) and state]

In the Matter of: _____ Alien Number: _____

[your name]

[your alien registration number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's **Motion to Reopen an In Absentia Order**, it is
HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED VIA:

MAIL () PERSONAL SERVICE () ELECTRONIC SERVICE ()

TO: RESPONDENT () RESPONDENT'S C/O CUSTODIAL OFFICER ()

RESPONDENT'S ATTY/REP () DHS ()

DATE: _____ BY: COURT STAFF _____

ATTACHMENTS: EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER ()

(Your name)

(Your alien registration number)

PROOF OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this **Motion to Reopen an In Absentia Order**,

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)