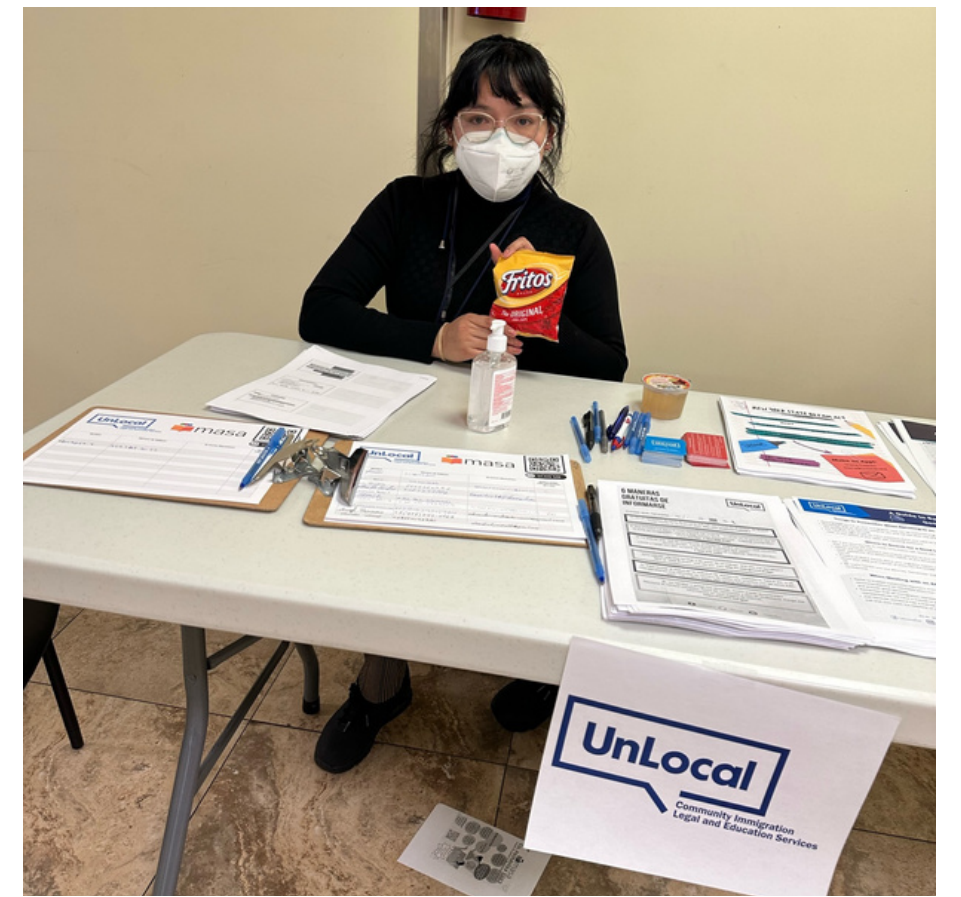




Basics of the US Immigration System & Current Trends

For NYC
Department of
Homeless
Services Staff

March 29, 2023



Agenda

- 1 **What is the Pro Se Plus Project?**
- 2 **Review of US Immigration System**
- 3 **ICE Check-Ins & EOIR Hearings**
- 4 **Brief overview of Asylum Policies**
- 5 **Questions**

What is the Pro Se Plus Project (PSPP)?



CENTRAL AMERICAN LEGAL ASSISTANCE



A large, empty waiting room with rows of blue chairs. The room has a drop ceiling with recessed lighting and air vents. On the left wall, there are two posters: one featuring a woman and another with the Statue of Liberty. An exit sign is visible above a doorway in the background. A large pillar is on the right side of the room, and a floor fan is visible in the distance.

Review of US Immigration System

Federal Government

Congress

Writes and passes US immigration law

Executive

Implements US immigration law

- Department of Homeland Security
- Department of Justice
- Department of State

Courts

Interprets US immigration law

Department of Justice

Executive Office of Immigration Review (EOIR)

- Immigration Courts
- Appointed by and work for the Administration
- Issues removal orders
- Has power to grant immigration status

Board of Immigration Appeals (BIA)

- Removal orders can be appealed to BIA
- Has the power to issue stays of removal
- If BIA appeal is denied, have to seek remedies outside of DOJ

Department of Homeland Security

Customs & Border Protection (CBP)

- Border Apprehensions, Detentions, & Removals
- Verifies biographical information & takes biometrics
- Assesses permission to be present in US

Immigration & Customs Enforcement (ICE)

- Arrest & detention within US
- Prosecute removal proceedings
- Supervision
- Removals

US Citizenship & Immigration Service (USCIS)

- Affirmative applications
- Asylum applications for those not in removal
- Family & employment based petitions
- Work Authorizations
- Humanitarian Parole
- Temporary Protected Status
- DACA & more



Let's Take a Look at Some ICE/CBP Documents

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

Subject ID:

FINS:

File No: _____

DOB:

Event No: _____

In the Matter of:

Respondent: _____ currently residing at:

(Number, street, city 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 removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(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

(Date)

(Time)

charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

Notice to Appear (NTA) in Removal Proceedings

SAMPLE

ORDER OF RELEASE ON RECOGNIZANCE

File No.: _____

Name: _____

Date: _____

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in (writing) (person) to Duty officer at _____ on _____ as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State or Federal laws or ordinances.
- You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

(Signature of ICE Official Serving Order)

(Signature of Alien)

Date

I hereby cancel this order of release because:

- The alien failed to comply with the conditions of release.
- The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

**Order of
Release on
Recognizance
(ROR)**

Page 1

Parole



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: [REDACTED]

In Reference to: A # [REDACTED]

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice,

[REDACTED]

[REDACTED SIGNATURE]

11/08/2021

Alien Name

Alien Signature

Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

In person Other: _____

[REDACTED]

[REDACTED SIGNATURE]

11/08/2021

ICE Official Name

ICE Official Signature



Date

Notice to Report (I-385)

FINS #:1234567890

Subject ID:987654321

Event No:EPS2345678901

1. FAMILY NAME (Capital Letters) Lastname, Firstname Middlename		First Name	Middle Name	2. Age 27	3. Country of Citizenship ECUADOR	
4. Alias				5. Date Apprehended March 24, 2019		6. Office EPT/EPS
7. Birth Date 01/01/1994		8. Birth Place ECUADOR				
9. Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		10. OSC/WA Served <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain)				
11. File Number		12. Bond \$		Date Posted <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain)		
13. CINS <input type="checkbox"/> Yes <input type="checkbox"/> No						
15. TRANSFER DATE		FROM		TO		14 A.
A						
B						
C						
16. ADMITTED BY:		19. RELEASED TO: <input type="checkbox"/> V/R <input type="checkbox"/> Deport			22. Rt. Index Print – In	
17. SEARCHED IN BY:		20. RELEASED BY:			23. Rt. Index Print - Out	
18. DATE ADMITTED:		21. DATE RELEASED:				

DEPARTMENT OF HOMELAND SECURITY
CALL-IN LETTER

To (Name, Address, City, State, Zip Code)

File Number _____

Date _____

Please come to the office listed below at the time and place indicated in connection with an official matter.

Office Location	
Time and Hour	
Ask For	
Reason for Appointment	
Bring With You	

**It is important that you keep this appointment and bring this letter with you.
If you are unable to do so, state your reason, sign below, and return this letter to this office at once.**

Name and Title of Authorizing Official

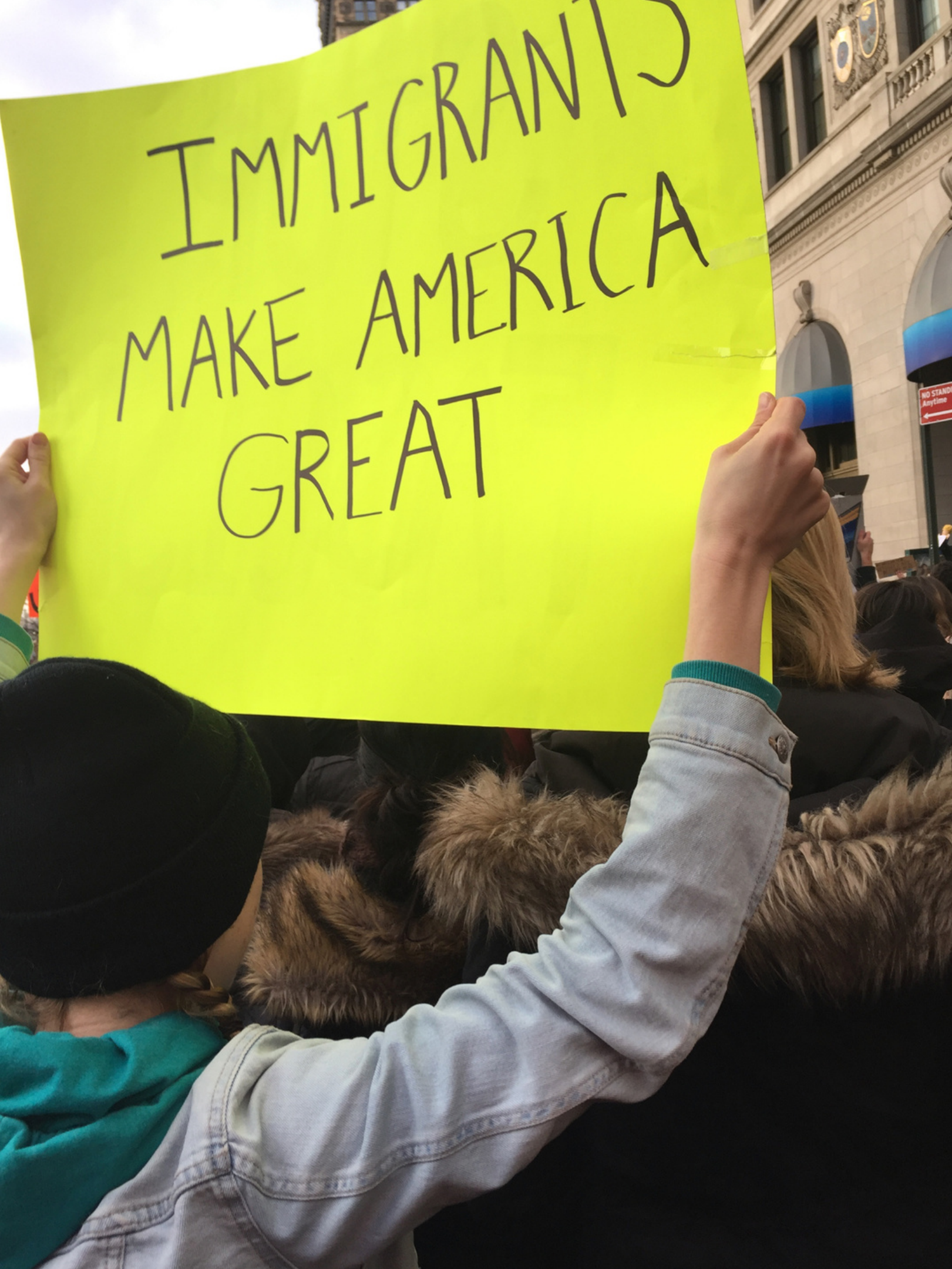
Signature of Authorizing Official

I am unable to keep the appointment because:

Signature

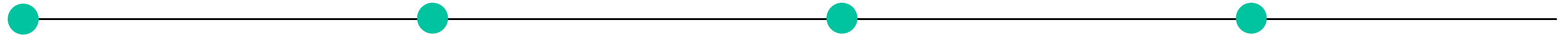
Date

Call In Letter



ICE Check-Ins

ICE Check-In Timeline



**Released by DHS
with:**

- **Notice to Appear;**
- **Notice and Order of Expedited Removal;**
- **Parole and ATD; or**
- **Notice to Report**

Issued:

- **Order of Recognizance
OR**
- **Call-In Letter**

**Find Local ICE
office:**

**[ice.gov/contact/
check-in](https://ice.gov/contact/check-in)**

**Attend or
Schedule or
Reschedule
Check-in
appointment
within 60 days**

Remote ICE Check-In Steps

**ICE Field Office
Appointment
Scheduler
(FOAS)**

checkin.ice.gov

Schedule future
appointment



**Email ICE/ERO
Appointments
Email
Address:**

ERONYCAppointments@ice.dhs.gov



**If issued govt
cell phone or
electronic
device, email:**

ERONYCATD@ice.dhs.gov



**Information to
include in
Email**

- A number
- current address
- telephone
- FOAS appointment date and # (if you have)

AA checkin.ice.gov



U.S. Immigration
and Customs
Enforcement



Identity Confirmation

To read the ICE ERO Appointment Scheduler Privacy Notice, click [here](#).

Enter the Subject ID number printed on the I-385 form:

Select your Birth Place from the list:




ICE ERO Appointment Scheduler

Notice to Report

FINS #:1234567890

Subject ID:987654321

Event No:EPS2345678901

1. FAMILY NAME (Capital Letters) Lastname, Firstname Middlename		First Name	Middle Name	2. Age 27	3. Country of Citizenship ECUADOR			
4. Alias				5. Date Apprehended March 24, 2019		6. Office EPT/EPS		
7. Birth Date 01/01/1994		8. Birth Place ECUADOR				14 A. 		
9. Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		10. OSC/WA Served <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain)						
11. File Number		12. Bond \$		Date Posted <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain)				
13. CINS <input type="checkbox"/> Yes <input type="checkbox"/> No								
15. TRANSFER DATE		FROM		TO				
A								
B								
C								
16. ADMITTED BY:		19. RELEASED TO: <input type="checkbox"/> V/R <input type="checkbox"/> Deport			22. Rt. Index Print – In		23. Rt. Index Print - Out	
17. SEARCHED IN BY:		20. RELEASED BY:						
18. DATE ADMITTED:		21. DATE RELEASED:						

Sample email to

**ERONYCappointments
@ice.dhs.gov**

or

ERONYCATD@ice.dhs.g

ov

Good morning / afternoon,

I am writing on behalf of [NAME][A#], who resides at [ADDRESS]. Their phone number is [NUMBER] and their email address is [EMAIL ADDRESS]. They are writing to satisfy their reporting requirements and to schedule their check-in appointment, if required.

Thank you for your attention.

[NAME OF EMAIL SENDER]



**What to do
if an
address
changes?**

**Address must be updated
within 5 days for all relevant agencies**

ICE

Toll Free Hotline
1-833-383-1465

EOIR

EOIR-33
Change of
Address
3 NYC courts

USCIS

AR-11
Change of
Address Form

**Changing address with ICE does not change
address with EOIR!!!**



EOIR Hearings (Immigration Court)

Department of Justice

Executive Office of Immigration Review (EOIR)

- Immigration Courts
- Appointed by and work for the Administration
- Issues removal orders
- Has power to grant immigration status

Board of Immigration Appeals (BIA)

- Removal orders can be appealed to BIA
- Has the power to issue stays of removal
- If BIA appeal is denied, have to seek remedies outside of DOJ

EOIR Hearings: To Check Hearing Date/Time

EOIR Website

acis.eoir.justice.gov

A number required

EOIR Hotline

800-898-7180

A number required

EOIR Hearings: Two Types

Master Calendar

- Very quick
- Charges & types of relief discussed
- Time to get lawyer
- Usually more than 1

Individual Hearing

- Trial
- Evidence Presented
- Order granting relief or ordering removal

EOIR Hearings: In-Person and Virtual

In-Person

- 26 Federal Plaza
- 290 Broadway
- 201 Varick Street

WebEx

- justice.gov/eoir/find-immigration-court-and-access-internet-based-hearings#NY

Notice of Hearing

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Dec 2, 2022

TO: UnLocal
Lawson, Terry
45 West 29th Street
Suite 203
New York, NY 10001

RE: [REDACTED]

Notice of Internet-Based Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.
URL:

Date: Jul 13, 2023
Time: 10:00 A.M.
Court Address: 290 BROADWAY - 15TH FLR 20TH FLOOR, COURTROOM #22, NEW YORK, NY 10001

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by

completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

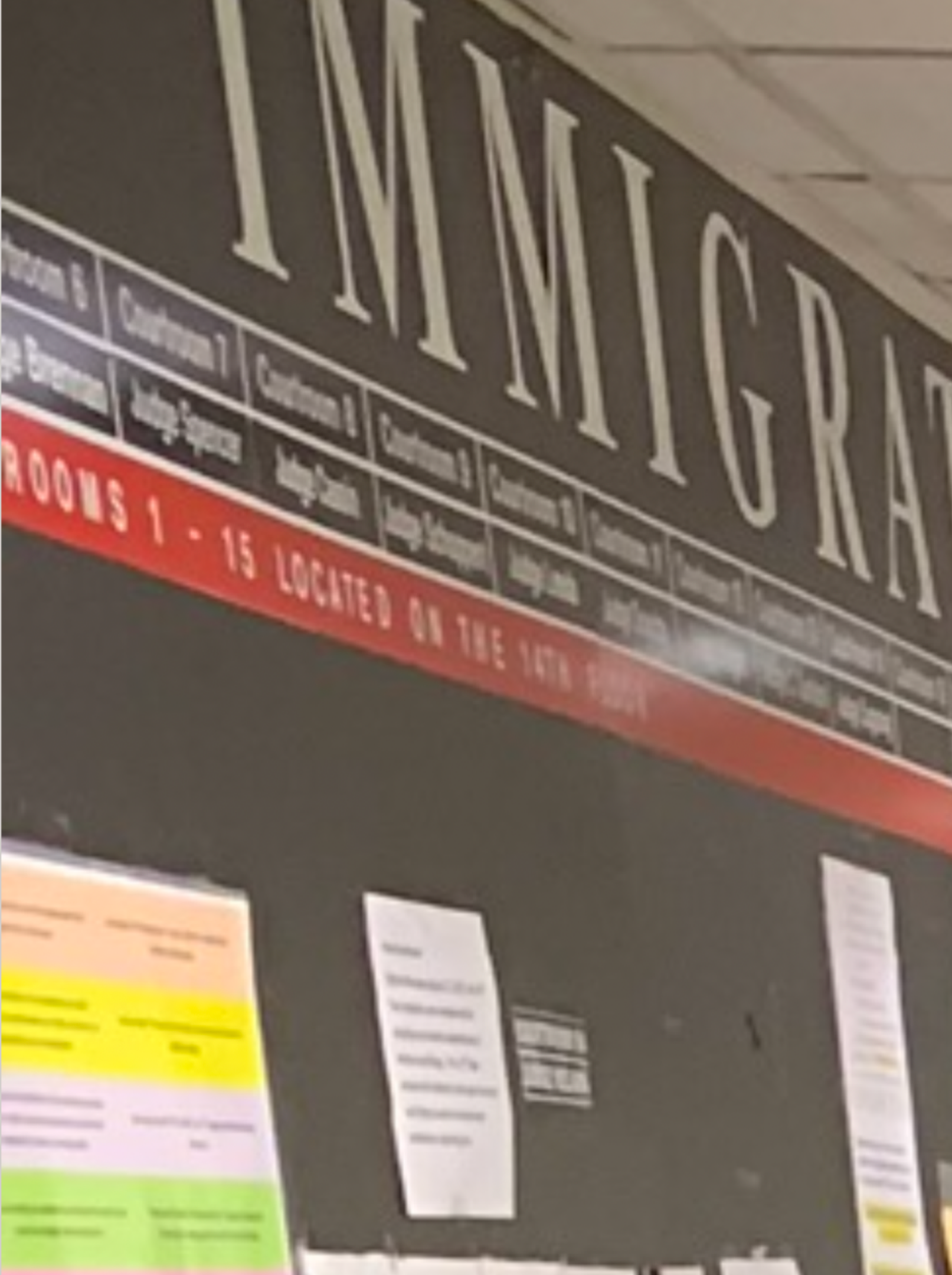
CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[m] Noncitizen ATT/REP | [p] DHS
DATE: 12/2/22 BY: COURT STAFF ___cs___
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH





Most Important Takeaway



ICE Check-In

≠

Attending EOIR Hearing

If someone misses their EOIR hearing, they will
be ordered removed in absentia
even if they check in with ICE that same day!!



Asylum Policies & Procedures

Asylum Policies and Procedures

Defensive

Must file in EOIR (immigration court) if issued NTA and NTA filed with EOIR

Affirmative

Must file with USCIS if no NTA and/or not in immigration court

Requirements for both

- Must file within 1 year
- Must fear persecution

Asylum applications must be filed in the appropriate location

Employment Authorization

150 Days

May be filed 150 days after asylum application is filed

Parole

Valid as long as parole is valid
May take longer than parole period to be approved

ICE Supervision

Certain individuals with ICE Orders of Supervision may be eligible

Must be filed with USCIS using Form I-765.
\$410 unless fee waiver eligible

Upcoming trainings

April 17, 2023 3:30-5 at Mixteca

Supporting community in completing the I-589 application

May 22, 2023 3:30-5 at Mixteca

Changes of Address and Change of Venue

June 20, 2023 10-11:30 Virtual Presentation

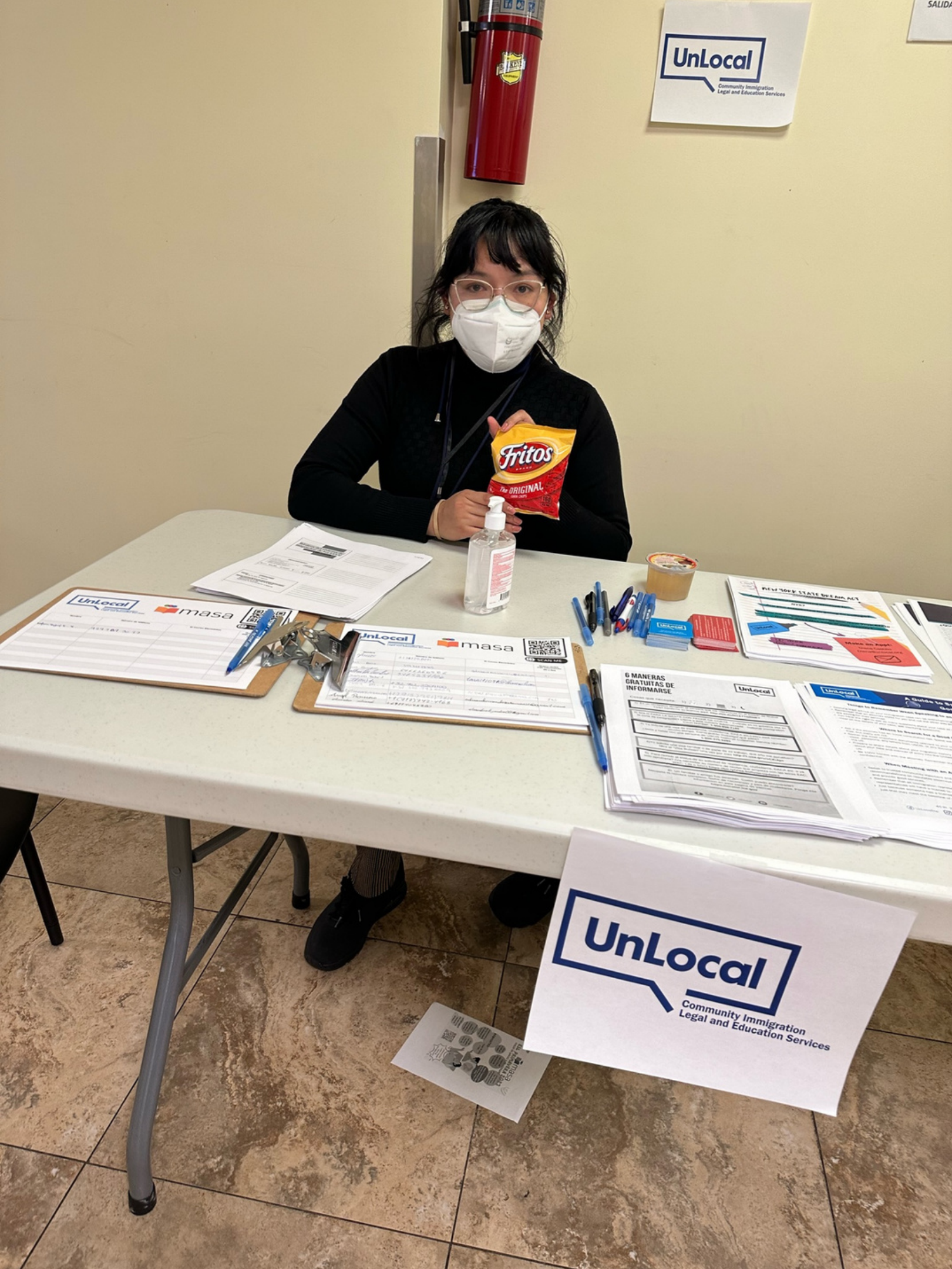
Applying for Employment Authorization

CENTRAL AMERICAN LEGAL ASSISTANCE



**THANK
YOU!**





Frequently Asked Questions

Can someone apply for asylum if they don't have an A number?

**Does someone have to wait for
their court date to file for
asylum if they have received an
NTA?**

**How do we make sure we're not
engaging in the unauthorized
practice of law?**

What should someone do if they do not have identification or if ICE took their documents?

How does someone find a lawyer to help them with their immigration case?

How does parole work?
How does it get extended?

What is CBP One?

What is going to happen in May?