



4 | IMMIGRATION COURT OVERVIEW: How Does My Immigration Court Case Work?

I. Overview of the Immigration System

The United States immigration system is complex and involves several different agencies. If you are in removal proceedings in immigration court, you need to know about the Department of Homeland Security (DHS) and the Department of Justice (DOJ).



Department of Homeland Security (DHS)

DHS is responsible for securing the United States, including through enforcement of immigration laws.



1) U.S. Customs and Border Protection (CBP) | www.cbp.gov

CBP enforces immigration laws at and near the border. It processes people who enter the United States at the border.



2) U.S. Immigration and Customs Enforcement (ICE) | www.ice.gov

ICE enforces immigration laws in the interior of the United States.

ICE also monitors aliens in removal proceedings using ICE check-ins (which is part of the program called Alternatives to Detention).

*Remember, ICE check-ins are different from immigration court hearings.

ICE also has government lawyers. They are similar to prosecutors and are the opposing party in immigration court.



3) U.S. Citizenship and Immigration Services (USCIS) | www.uscis.gov

USCIS processes and decides certain immigration applications, such as visas and employment authorization. USCIS also conducts credible fear and asylum interviews for aliens who are not in removal proceedings. Some applications need to be sent to USCIS while other applications need to be sent to the immigration court.



Department of Justice (DOJ)

DOJ includes The Executive Office for Immigration Review (EOIR), which is in charge of the immigration courts.



Immigration Courts

Immigration courts are where the immigration judges hold hearings for aliens.

You, the alien (and your lawyer if you have one), will present your case and applications for immigration relief and protection to show the judge why you should be allowed to stay in the United States.

The government lawyer will be the opposing party against you in immigration court.

The immigration judge will generally enforce the rules of the court, make sure that the process is fair, consider all the evidence, and eventually make a final decision about whether you may stay in the United States or will be removed.

The immigration judge



The government lawyer

Your lawyer
(if you have one)

You, the alien

II. Stages of an Immigration Court Case

1) Notice to Appear sent to court


2) Master Calendar Hearing(s) ("MCH(s)")

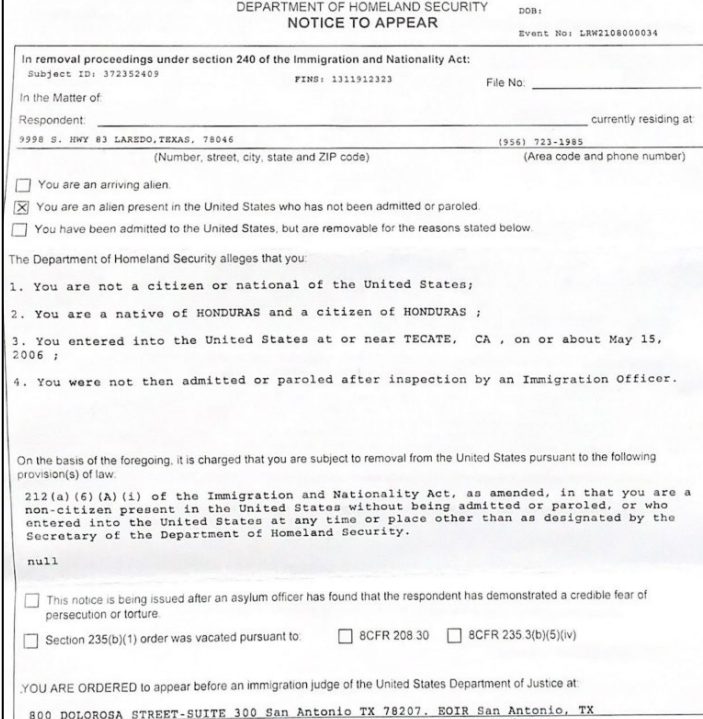
3) Individual Hearing (or "Merits Hearing")

4) Decision

5) Next Steps

1) Notice to Appear is sent to court

- **Notice to Appear (NTA):** An immigration officer likely gave or sent you a Notice to Appear sometime after you entered the United States.
- Your immigration court case (also called a "removal proceeding") begins if and when the Department of Homeland Security files a copy of your Notice to Appear with the court.
- Then, your first court hearing will be scheduled.
 - ✓ Check your Court Case Status online at <https://acis.eoir.justice.gov/en/> or call 1-800-898-7180. The hearing date and time may change from what is listed on your Notice to Appear.
 - ✓  View the "Court Case Status" Legal Orientation Video and Handout.
 - ✓ Review your Notice to Appear and determine if any of the information is incorrect.



DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: _____
Event No: LAM2108000034

In removal proceedings under section 240 of the Immigration and Nationality Act:
Subject ID: 372352409 FINS: 1311912323 File No: _____

In the Matter of:
Respondent: _____ currently residing at:
9998 S. HWY 83 LAREDO, TEXAS, 78046 (956) 723-1985
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.
☒ You are an alien present in the United States who has not been admitted or paroled.
☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS ;
3. You entered into the United States at or near TECATE, CA , on or about May 15, 2006 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.



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:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are a non-citizen present in the United States without being admitted or paroled, or who entered into the United States at any time or place other than as designated by the Secretary of the Department of Homeland Security.

null





☐ 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 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
800 DOLOROSA STREET-SUITE 300 San Antonio TX 78207 EOIR San Antonio, TX
(Complete Address of Immigration Court, including Room Number, if any)

- **Prepare for your hearing(s):** Even if your court case status does not list a court hearing date yet, keep checking and prepare to attend your hearing.
 - ✓  View the "Court Case Status" Legal Orientation Video and Handout.
 - ✓  View the "Going to Immigration Court" Legal Orientation Video and Handout.

2) Master Calendar Hearings (MCHs)


Expect the following at your MCH(s).


-  For more information, view the "Master Calendar Hearings" Legal Orientation Video and Handout.
- **Notice to Appear:** At one of your first MCHs, the judge will review your Notice to Appear and determine whether you are subject to removal.
- **Change of Address:** At each MCH, the judge will check if you need to update your address with the court.
 - ✓ Do NOT wait for your MCH to update your address! Update your address with the court within 5 business days of moving, even if your next hearing is not scheduled for longer.
 - ✓  View the "Change of Address" Legal Orientation Video and Handout.
- **Change of Venue:** If you want to ask for your case to be moved to the court closest to you, submit a Motion to Change Venue before or during your hearing.
 - ✓  View the "Change of Venue" Legal Orientation Video and Handout.
- **Finding a Lawyer:** If you can, find an immigration lawyer or DOJ Accredited Representative to represent you or to give you a consultation about what you may be eligible for.
 - ✓  View the "Role of a Lawyer" Legal Orientation Video and Handout.


- **Asking for more time:** You may ask the judge for more time to find a lawyer to learn what immigration relief or protection you are eligible for.
 - ✓ Keep in mind that immigration judges are not required to give more time and will only do so if you have a good reason.
 - ✓ Asking for more time may delay your ability to apply for a work permit.





- **Eligibility for Immigration Relief or Protection:** To show the judge that you should not be ordered removed from the United States, you will need to apply for and be approved for a form of immigration relief or protection.
 - ✓ Determine what form(s) of immigration relief or protection you are eligible for.
 - ✓ There are many forms of immigration relief and protection. View the videos and handouts below on the most common forms of relief:

-  **“Asylum, Withholding of Removal, and CAT protections”** Legal Orientation Video and Handout

-  **“Special Immigrant Juvenile (SIJ), U Visa, T Visa, Violence Against Women Act (VAWA)”** Legal Orientation Video and Handout


-  **“Temporary Protected Status (TPS)”** Legal Orientation Video and Handout

-  **“Cuban Adjustment”** Legal Orientation Video and Handout


-  **“Non-LPR Cancellation of Removal”** Legal Orientation Video and Handout

-  **“Family-Based Petitions”** Legal Orientation Video and Handout



- **Prepare your application(s):** Some applications must be submitted to the immigration judge while others must be submitted to U.S. Citizenship and Immigration Services (USCIS).
 - ✓ If you submit an application to the immigration judge, you will be scheduled for the next stage of a court case, the Individual Hearing.
 - ✓ If you submit an application to USCIS, you must still attend any scheduled immigration court hearings. Depending on the application, once the application is submitted or approved, you may be able to request the immigration judge to “dismiss” your case.
- **Voluntary Departure:** If you do not want to stay in the United States, you may request voluntary departure.
 - ✓  View the “Voluntary Departure” Legal Orientation Video and Handout

3) Individual Hearing

- If you submit your application to the immigration judge, the judge will schedule an Individual Hearing. This is where you present your case, and you may have to answer questions from the government lawyer and the immigration judge under oath.
-  For more information, view the “The Individual Hearing” Legal Orientation Video and Handout.


4) Decision

Based on the evidence presented at the Individual Hearing, the immigration judge will approve or deny your application.

- **Timing:** The immigration judge may give you a decision at the end of the hearing. Or, the judge may mail you a decision weeks or months later.
 - **Denial:** If the immigration judge denies your application, he or she will enter a removal order, which means you could be removed from the United States.
 - **Approval:** If the immigration judge approves your application, the government lawyer may still appeal the decision within 30 days.
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5) Next Steps

Finally, there are some next steps you may need to take depending on the judge's decision.

- **Denial:** If the judge denies your application and orders you removed, you may appeal the decision to the Board of Immigration Appeals (or BIA) within 30 days of the judge's decision.
 - ✓  View the "Denials" Legal Orientation Video and Handout.
 - **Approval:** If the judge approves your application, and the government lawyer does not appeal, you may need to complete extra paperwork to receive all your documents. You should also make sure to learn about what your immigration relief or protection means for you. For starters, determine the following:
 - ✓ Whether your relief or protection is temporary or permanent and whether you must submit an application to renew it.
 - ✓ Whether you are eligible to apply for lawful permanent residence and later United States citizenship.
 - ✓ Whether you may travel outside the United States and, if so, any requirements before doing so.
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