



COMMUNITY GUIDANCE YOUR DAY IN COURT

WHY DO I HAVE TO GO TO IMMIGRATION COURT?

Everyone in the United States has a right to an Immigration Court hearing before they can be deported. In Immigration Court, an immigration judge decides whether you are eligible to stay in the United States or can be deported. You must convince the immigration judge you should not be deported because:

- the immigration authorities are wrong in saying you should be deported, or
- you are eligible for an immigration benefit to remain in the United States.

You do not have a right to this legal process if you have been deported before. Instead, you can be deported under the prior order. However, if you tell the immigration agents you are afraid to return to your home country, you might be able to have your case heard by an immigration judge.

IMPORTANT: Immigration law is very complex. It is important to have the help of a trustworthy legal expert, especially if you have been deported before or have to go to Immigration Court: www.immigrationadvocates.org/nonprofit/legaldirectory.

HOW DO I KNOW IF I HAVE TO GO TO IMMIGRATION COURT?

You should be given you two types of documents informing you that you have a hearing in Immigration Court:

- **A “Notice to Appear” or “NTA”:** This document starts court proceedings when it is filed with the Immigration Court. You should be given a copy

in person or by mail. It has important information such as why the government wants to try to deport you. It may also list the date and place of your hearing.

- **A “Notice of Hearing in Removal Proceedings”:** This document explains the date, time, and place of your hearing. It also explains the type of hearing.

IMPORTANT: Sometimes the Immigration Court changes the date of a hearing after sending a hearing notice. The Immigration Court should send you a new notice with the new date, but you can call the Immigration Case Information Hotline to verify your hearing date at: **1-800-898-7180**. To learn information about your hearing, enter your A# and press “1” to confirm that your name is correct. Then press “1” again for the date and time of your hearing.

If you move, you should always update your address with the Immigration Court to make sure you receive all notices.

WILL I BE ASSIGNED AN ATTORNEY FOR MY CASE IN IMMIGRATION COURT?

No, there is no free attorney provided to people in Immigration Court proceedings. This is different from public defenders, who are assigned to people with cases in criminal court. However, many non-profit organizations provide free or low-cost representation in Immigration Court: www.immigrationadvocates.org/nonprofit/legaldirectory.

In some cities, a volunteer attorney might be at the hearing to give you advice on your case and to tell the judge that you want more time to look for an attorney. Although you can represent yourself in Immigration Court, it can be very difficult to win a case on your own because the immigration laws are very complex. It is important to be represented by a trusted attorney for the best chance for success.

At all immigration hearings, the government is represented by an attorney.

WHAT HAPPENS IN IMMIGRATION COURT?

There are three types of hearings in Immigration Court:

1. **MASTER HEARING:** This is the first hearing in the Immigration Court process and is a public hearing with many different people appearing before the same judge. At this hearing, the immigration authorities must show that you can be deported because you are not a U.S. citizen and have broken certain immigration laws. The judge will also ask you about where you live and what application you plan to submit in order to remain in the United States. At the end, the judge will give you a future date for your next hearing and give you a new hearing notice.

IMPORTANT: People rarely are deported at a master hearing. If someone appears without an attorney, they can ask for more time to find legal representation. Because this is the initial hearing, the judge will usually not make any final decision about your case during a master hearing.

2. **INDIVIDUAL HEARING:** If you are eligible to file an application to stay in the United States, you will have an individual hearing, usually with the same immigration judge. At an individual hearing, you may present evidence and give testimony that you are eligible for immigration status and should remain in the United States. Your application could be based on a family relationship, fear of harm in your home country, or your time living in the United States. The judge may hear your evidence during one hearing or multiple hearings. The government attorney may also present evidence or bring witnesses. At the end, the judge will either approve or deny your application, verbally or in writing. You can always appeal the judge's decision if your application is denied.
3. **BOND HEARING:** If you are detained by immigration authorities, you might be able to ask for a "bond hearing" to ask the immigration judge to release you upon paying a bond. In this hearing, an immigration judge considers if you will appear at your future court hearings and if you are a danger to the community. Presenting evidence of community ties, family relationship, work history, and other positive factors can help to convince the judge to give you a bond at a reasonable amount.

I DON'T HAVE ANY ATTORNEY FOR MY CASE. DO I STILL HAVE TO ATTEND MY HEARING?

Yes! You should attend every hearing scheduled for your case. If you do not attend, the Immigration Judge will sign a "removal order" against you. If you have a removal order, you can be arrested, detained, and deported. Therefore, it is very important to appear at every hearing in Immigration Court.

If you cannot find an attorney before your first hearing, you can ask the judge for more time to look for an attorney. Sometimes, the judge might ask you what you have done to look for an attorney. To prepare:

- Write down the attorneys or organizations that you have contacted for help so that you can explain this information to the judge.
- Ask an attorney or organization that you have contacted to provide you with a letter confirming that you asked for their services for your case, even if they cannot represent you.

I DID NOT ATTEND MY IMMIGRATION COURT HEARING. WHAT SHOULD I DO?

Call the Immigration Case Information Hotline (1-800-898-7180) to check if the immigration judge rescheduled your hearing (press "1") or gave you a removal order (press "3"). If you have a removal order, you should get legal help right away to "reopen" your Immigration Court case. You might be able to reopen your case in Immigration Court if:

- You did not receive a notice about the date or time of the hearing
- You were unable to attend because you or a family member had a serious illness or other emergency, including domestic violence
- Something happened to make you eligible for immigration status after your immigration case ended