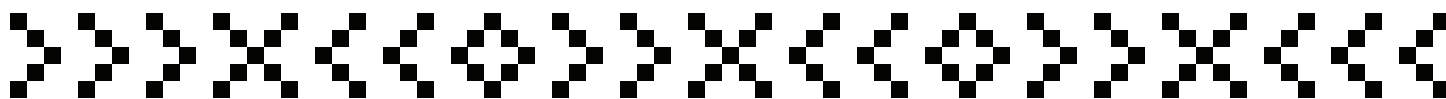


Legal Orientation on Deportation Proceedings

Information Packet



**UFW
FOUNDATION**

Last Update: 2025-01-07

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Introduction

What is United Farm Workers Foundation?

UFWF is a non-profit organization that promotes communities that involve **immigrants** as **active** and **informed** participants. They offer:

- “Know Your Rights” workshops that are intended to inform people of their rights in the United States.
- Workshops that help with the application of citizenship, DACA, family petitions, U Visa, and T Visa.
- Removal defense services are offered only at the Bakersfield office.
- Programs that assist in the application of different programs such as: CalFresh (Stamps), Medi-Cal, CalWORKS, Healthy Families and unemployment benefits.

For more information, visit ufwfoundation.org.

What are the goals of this presentation?

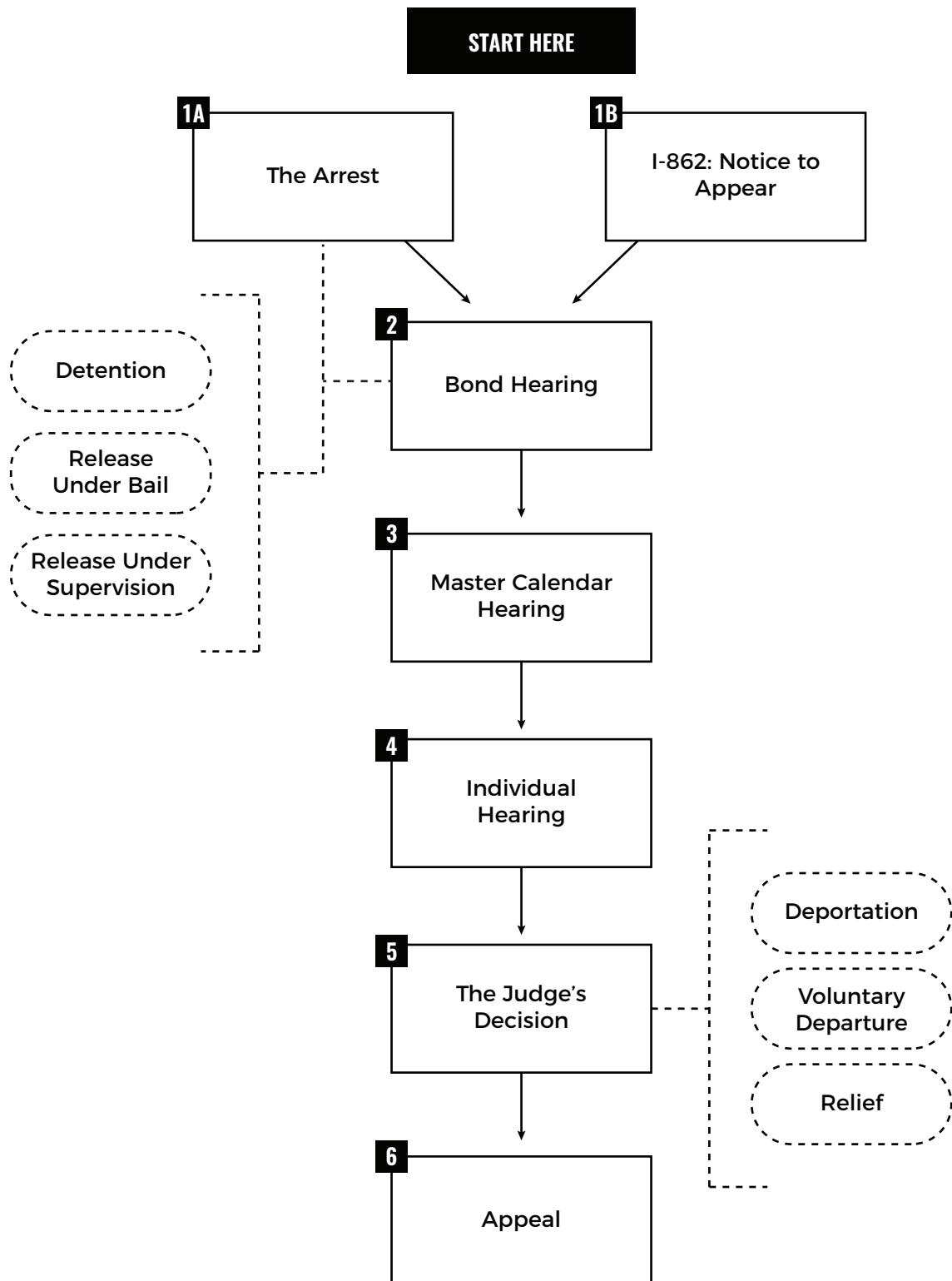
The goals of this presentation are to share knowledge about:

- **Your rights** in court
- **The process** of immigration court
- **Types of relief** from deportation

What is the process of deportation?

It is a procedure where the United States government **intends to deport** a person. The process before the immigration court can have consequences that could affect **your life** and that of **your family**. This procedure has similar characteristics to civil and criminal cases but is also **very different**.

Flow Chart of the Deportation Process



1A. The Arrest

Who can be arrested by ICE?

Any person who is **not a citizen** of the United States is at risk of being arrested, including undocumented persons, people with non-valid visas, and permanent residents who have committed certain crimes.

What authority does ICE have?

ICE has the authority to detain a person, release them under bail, or release them under supervision.

Detention

What happens inside of detention?

In detention, a person continues to have **rights** and continues to have **appointments** for hearings. The process of the immigration court is the same, only the person continues to be detained.

How long will I be detained?

A deportation case could last 1 to 8 months while a person is detained, sometimes more.

Release Under Bail

What do I do if I'm released under bail?

1. **Report yourself** to ICE if it is required.
2. Call **1-800-898-7180** to learn information about your case.
3. If you do not have a lawyer, **start looking** for one.

Release Under Supervision

What does it mean to be released under supervision?

This means that you have to **present yourself** to the offices of ICE when ICE asks you, or to make **calls** to ICE.

1B. I-862: Notice to Appear

What is a notice to appear?

This document begins deportation proceedings and includes information about **you**, the **charges** against you, and your **hearings**. You should answer the charges by **rejecting** or **accepting** them.

How do I reject or accept the charges?

If you have a lawyer, they will take care of the allegations. **If you do not have a lawyer**, the judge will ask you if the charges against you are valid during your master calendar hearing.

What if the information on this document is wrong?

If any information in this document contains an error, you should **say it** during your **master calendar** hearing.

What are my rights in court?

You have the right to

- Have a **lawyer** represent you or you represent yourself.
- Have a competent **translator**
- Have a **hearing** in front of an immigration judge without a jury
- Know what **charges** are being brought against you
- Know what **evidence** the government can use **against you**
- **Present evidence** and testimonies
- **Appeal** the decision of the judge

What happens if I don't appear in court?

It is **very important** that you attend all of your immigration court hearings. If you don't appear in court, the judge can order you removed from the U.S. in absentia. It is **very difficult** to reopen a case if there are no dire circumstances.

Under what circumstances would a judge refrain from ordering a removal in absentia?

Only under the following circumstances will a judge not approve a removal from in absentia:

- You are **detained**
- You are **hospitalized**
- You have an **ineffective** lawyer or legal advice

Example of Form I-862: Notice to Appear

U.S. Department of Homeland Security

Notice to Appear

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

File No: **Alien Number**

In the Matter of:

Respondent: **Your Name**

currently residing at:

Your Address

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

Your Phone Number

(Area code and phone number)

Description of Your Migratory Status

- ☐ 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:

Allegations

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:

Charges of deportation and articles of immigration law that you have broken.

☐ 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:

Address of the court in which will be your preliminary hearing

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

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

(Date)

(Time)

(Signature and Title of Issuing Officer)

Date:

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

EOIR AUTOMATED CASE INFORMATION

1. Go to <https://acis.eoir.justice.gov/en/> and enter 9 digit A number.



Información automatizada de casos

Bienvenido al sistema de información automatizada del Tribunal de Inmigración. La siguiente información está relacionada exclusivamente con el caso principal. Por favor comuníquese con su tribunal asignado si necesita información sobre una audiencia de fianza.

Si usted es un recién llegado y fue detenido entre los puertos de entrada a partir del 28 de mayo de 2021, se inició un proceso de deportación en su contra, y fue inscrito en Alternativas a la Detención, consulte el [folleto del Programa de Orientación Legal para Grupos Familiares](#) para obtener más información (Traducciones).

Ingrese su número de registro de Extranjero

Número de registro de extranjero *Obligatorio* [¿Qué es un número de inmigrante extranjero?](#)

ENVIAR

ⓘ La información sobre el caso que aparece en este sistema automatizado, se provee a penas para su conveniencia. Los documentos que se le emitan a usted o a su representante por el tribunal de inmigración o el tribunal de apelaciones, son los únicos de carácter oficial relacionados a su caso.

2. You will see the hearing date and time as highlighted in yellow.

[Home](#) > [Redacted]

Automated Case Information

Name: [Redacted] | A-Number: [Redacted] | Docket Date: [Redacted]

Next Hearing Information

Your upcoming **MASTER** hearing is **INTERNET-BASED** on **January 27, 2025** at **8:00 AM**.

JUDGE
Dorfman, Arlene E.

For hearing access information, please visit EOIR's website and select "Find an Immigration Court".

Court Decision and Motion Information

This case is pending.

3. You can see the court information and address as well.

Court Contact Information

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

COURT ADDRESS
6230 VAN NUYS BLVD, STE 300
VAN NUYS, CA 91401

PHONE NUMBER
(818) 904-5200

2. Bond Hearing

How can someone qualify for a bond hearing?

- ☐ No charges of **aggravated felony**.
- ☐ Not having committed a crime of **moral misconduct**.
- ☐ No having committed a crime involving **drugs**.
- ☐ You cannot have been **arrested** upon arrival in the United States.

When do bond hearings occur?

These hearings occur only when a person **is in detention** while they wait for their preliminary and individual hearings. They typically occur the **same day and before** the **master calendar** hearing.

What does the judge decide?

- If they will **grant** the bond
- The **amount** that must be paid
- If there are any **other requirements** before you are released
- If the person fails to pay bail, they will **remain detained** and the rest of their immigration case will continue **in detention**.

What will the judge consider when making their decision?

When making the decision of granting the bond and the amount that must be paid, the judge considers

- **Past** crimes
- **Eligibility** for a form of relief
- Your **family** situation

How can I get information about my hearing?

In case they do not send you information about your hearing, you can learn the date of your hearing by calling the direct line to the Executive Office for Immigration Review (EOIR).

1. Call **1-800-898-7180**. A machine will answer.
2. Press **option 1** for English.
3. Enter your **alien number** to receive your information.
4. After entering your alien number, press **option 1** to hear the date of your hearing.

3. Master Calendar Hearing

What happens during the master calendar hearing?

This hearing will have **many people** in the court waiting to hear their case in front of the judge. You will be under **oath**. The whole procedure is **recorded**.

1. The judge will call you by your **alien number**.
2. The judge will ask your **name** and the **language** you prefer.
 - a. The judge will administer a free interpreter if you ask for it.
3. The judge will **review** the Notice to Appear.
4. The judge will ask you questions to determine if you **qualify** for some type of immigration relief.
5. You **must declare** what you have decided to do about his case. You may:
 - a. Ask for deportation relief
 - b. Request voluntary departure
 - c. Ask for postponement to prepare
 - d. Request a bail hearing
 - e. Accept your deportation

What happens if I decide to fight my case?

- You will have to **submit documents** in favor of your case, such as statements, newspaper articles that prove what happened, etc. The judge may ask for these documents if you have them during a preliminary hearing or before your individual hearing.
- The judge will explain your **rights** in court.
- The judge will ask if you need **extra time** to find representation
- The judge will give you a **list of lawyers** representing cases at no cost.

Will the government assign me a lawyer?

Lawyers are not **granted** by the court. **You are responsible** for finding and paying one. Sometimes lawyers offer their services **without or at a low cost**.

How can I get a lawyer?

The court has a **lawyer reference list**. To ensure that lawyers are **actually** lawyers and to see that they are in **good standing**, visit **calbar.org**. Do not use a **notary** because they cannot represent you in court.

3. Master Calendar Hearing

How should I behave in court?

- Turn off your **phone**.
- Dress in **formal clothes** as if you were having an interview in a professional place.
- **Stand** when the judge enters and leaves the court.
- Observe your **body language**.
- When talking to the judge, address him or her as "**Your Honor**."
- When addressing the **government lawyer** use the phrases "government lawyer" or "trial lawyer."
- Speak **loudly and clearly**.
- Remember that your hearing will be **recorded**. If you don't respond and just move your head to indicate your answer, your answer will not be recorded.

What if I don't understand something during my hearing?

If you have any questions or if you don't understand something, **don't guess or answer any questions**. The translator and the judge can **repeat and explain** any questions you have.

4. Individual Hearing

What happens during the individual hearing?

This hearing is typically for a **single person** and is **much longer** than the master calendar hearing. The respondent has the right to **present witnesses and documents** that clarify their case. The government lawyer has the right to **ask you and your witnesses questions** about your case and history. This means that you have to speak the **truth** and make sure your stories are **consistent**.

How many individual audiences will I have?

Normally, you will only have **one** individual audience. It occurs more than once if you did not have **enough time** to justify your case at the first hearing.

What type of evidence does my application prove in court?

- **Work check** stubs
- **Letters of support** from family, friends, employer
- **Copies of birth certificates** of children / spouses / siblings / parents
- **Taxes**
- Evidence of any **damage you have suffered** in your home country or in the United States

When do I submit the evidence?

Any evidence you plan to use in your case must be submitted to the court before this hearing.

How many copies of the evidence did you give to the court?

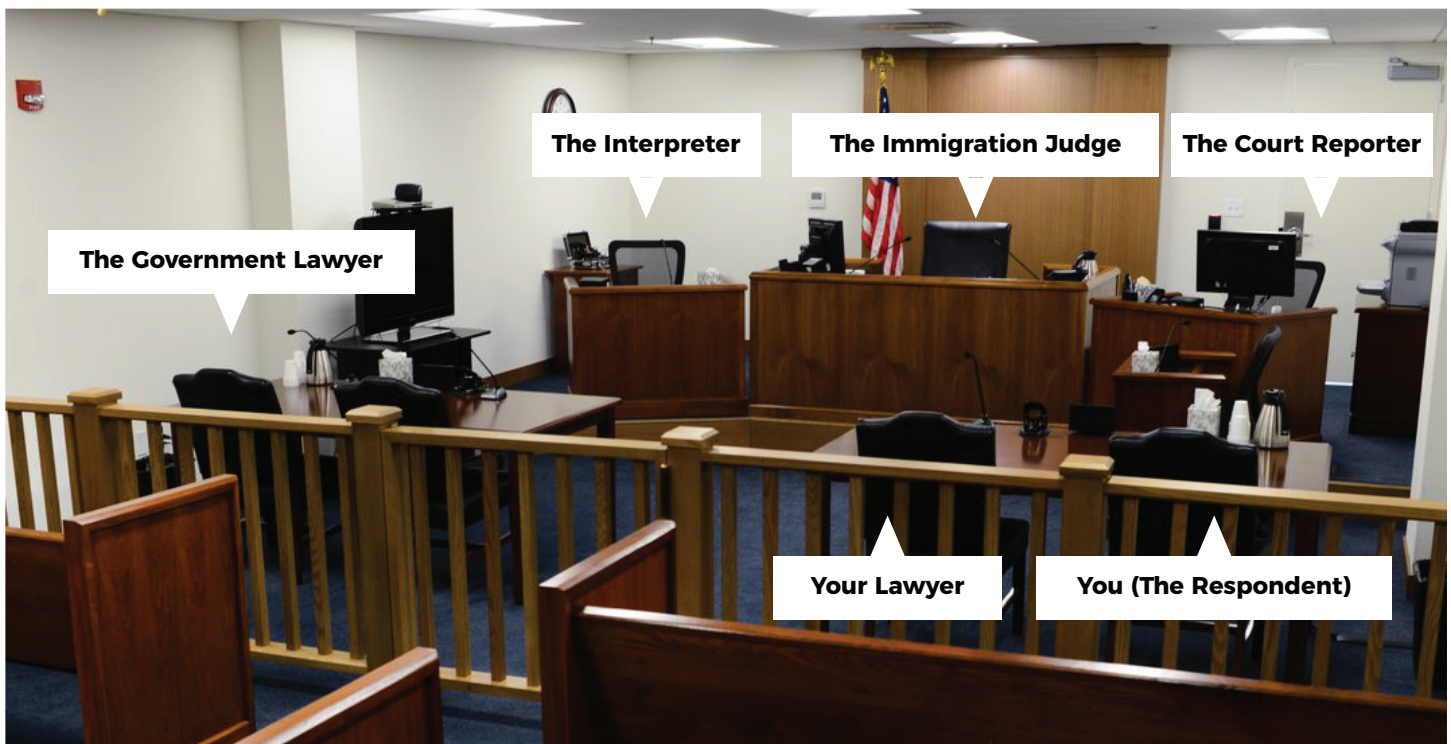
You will need to submit three copies of the documents to the court.

4. Individual Hearing

Who will be in court during my case?

The people involved in the deportation process are:

1. **The government lawyer** who represents the Department of Homeland Security United States (DHS), Immigration and Customs Control (ICE), and the principal attorney's office (OCC). They represent the government and will present a case against them that means that they will try to convince the judge of their deportation.
2. **The interpreter** will be available to those offered by the judge. They will interpret your answers and those of the immigration judge to facilitate communication between the two. Be sure to direct your answers to the interpreter and wait until they have interpreted what the judge said before responding.
3. **The immigration judge** of the Executive Office for Immigration Case Review (EOIR) or United States Immigration Court (DOJ). They make the decision about their case.
4. **The court reporter** takes care of court documents and assists lawyers and the judge in court.
5. **Your lawyer** is responsible for representing your case before the immigration court.
6. **You (the respondent)** will present evidence to justify your case and maintain or obtain permission to remain in the United States.



5. The Judge's Decision

When will I learn about the judge's decision?

Typically at the **end** of the individual hearing, the judge will determine what will happen to your case. They can decide to order your **deportation**, your **voluntarily departure**, or grant or deny you **relief**.

Deportation

How is deportation different from voluntary departure?

- Immigration **deports** the person.
- **The government** prepares your travel documents.
- **The government** pays for your trip to your country of origin.
- If you return before 10 years, you will be convicted of a federal crime with a sentence of **2-20** years in federal prison.

Voluntary Departure

How is voluntary departure different from deportation?

- You leave the United States **voluntarily**.
- **You** prepare your travel documents.
- **You** pay for the trip to your country of origin.
- If you return after voluntary departure, you will be convicted and serve **at least one year** in federal prison.
- If you remain in the United States, the consequences will be **worse than deportation**. For example, you will never qualify for family petition.

5. The Judge's Decision

Relief

What types of immigration relief exist for victims?

- Form I-360: Special Immigrant Juvenile Status (SIJS)
- Form I-918: U Visa
- Form I-914: T Visa
- Form I-589: Asylum
- Violence Against Women Act (VAWA)
- Temporary Protected Status (TPS)
- Nicaraguan Adjustment and Central American Relief Act (NACARA)

What types of immigration relief exist for families?

- Formulario I-130: Petition for Alien Relative

What types of immigration relief exist for people with time in the United States?

- Formulario N-400: Application for Naturalization
- Formulario EOIR-42A: LPR Cancellation of Removal
- Formulario EOIR-42B: Non-LPR Cancellation of Removal
- Formulario 212(c): Waiver Application

Requirements for Relief

Form I-360: Special Immigrant Juvenile Status (SIJS)

- ☐ You are less than 18 or 21 years old.
- ☐ You live in the United States.
- ☐ You have evidence that you depend on the court or are in the custody of any state program.
- ☐ You have evidence that you cannot return with your parents because you have been abused, abandoned, or neglected.
- ☐ You have evidence that it is in your best interest not to return to your home country.
- ☐ You have evidence that you have been directed to the court for the reason of being void of care and not just for obtaining immigration status.

Form I-918: U Visa

- ☐ You have been the victim of a crime in the U.S. The crimes must be specific and include but are not limited to crimes such as: domestic violence, assault, armed robbery, etc.
- ☐ You have helped or are willing to cooperate with authorities in reference to the crime. Based off of this requirement, you can obtain authority certification. This certification is necessary to obtain the U Visa.
- ☐ You have suffered psychologically or physically because of this crime.

Formulario I-914: Visa T

- ☐ You have been trafficked severely. This includes what sex and work trafficking. This means that you were forced or brought to the united states based on fraud or coercion.
- ☐ You have decided to help the authorities with the investigation of your case
- ☐ You demonstrate that you will suffer if you return to your home country.

Form I-589: Asylum

You have one year to apply for asylum after entering the country. It is very difficult and complicated to apply for this type of relief. The requirements are very complex and require a lot of evidence.

- ☐ You are afraid to return to your country of origin or are in danger when returning to your country of origin.

These reasons must be for:

- ☐ Persecution by the government, or by someone who the government can't or doesn't intend to control.
- ☐ Persecution by nationality, race, religion, political opinion, membership in a social group in particular.

You can also qualify for this type of visa if there is a connection between the requirements mentioned above. This is a Nexus case.

Violencia Against Women Act (VAWA)

- ☐ You have been a victim of domestic violence by your spouse or parent/s who are citizens or permanent residents.
- ☐ You have lived continuously in the U.S. for the last 3 years before you submitted your application.
- ☐ You have good moral character
- ☐ Deporting you means that your family members who are legal residents or citizens would suffer a lot

Temporary Protected Status (TPS)

Certain countries may continue to renew their protection status.

Nicaraguan Adjustment and Central American Relief Act (NACARA)

- ☐ Relatives of people who were granted NACARA as the main applicant may also be eligible for benefits of NACARA.

Requirements for Relief

Form I-130: Petition for Alien Relative

A citizen of the United States can make a request for specific family members to obtain legal resident status in the United States.

- ☐ The people who are eligible for this process are: parents, siblings, children, or the partner of the person who is a citizen of the United States.

You cannot get this benefit if you are an aunt, grandmother, granddaughter, niece, or cousin.

Form N-400: Application for Naturalization

- ☐ You were not born in the United States
- ☐ You are a minor and your parents or grandparents are taken carecitizens of the United States.
- ☐ You have been a legal resident of the United States for more than 5 years.

Form EOIR-42A: LPR Cancellation of Removal

- ☐ You have been a legal resident of the United States for at least five years.
- ☐ You have lived in the United States for 7 years before you were accepted as any migratory status.
- ☐ You have not committed crimes and do not have a criminal record.

Form EOIR-42B: Non-LPR Cancellation of Removal

- ☐ You have been continuously in the US for at least 10 years
- ☐ You have demonstrated good behavior and have no criminal record
- ☐ Deporting you means that your family members who are legal residents or citizens would suffer a lot

Form 212(c): Renuncia

- ☐ You have been a permanent residents for 7 years or more.
- ☐ You have certain convictions of crimes between 11/30/1990 to 09/30/1996, and have not served a sentence of more than 5 years for one or more aggravated felonies.

You do not qualify for this relief under actions against national security or international theft of children.

6. Appeal

What do I do if I disagree with the judge's decision?

1. When the judge announces his decision, he will ask if you want to maintain or renounce your right to appeal. You must tell the judge that you want to keep your right to appeal your case.
2. Complete the EOIR-26 form, the Notice of Appeal. It will ask for details about your case and reasons why you want to appeal the judge's decision.
3. If you cannot pay the \$110 fee, complete the form, and attach it with the notice of appeal.
4. These forms must be mailed to the Board of Immigration Appeals within 30 days after the decision of your case.

Change of Address

When do I submit a change of address?

If you have changed your address, you need to change your address within **5 days** of your move.

How do I change my address?

1. Complete the EOIR-33/IC form.
2. Make two copies of the completed document.
3. Deliver the original to the court.
4. Send a copy to the government.
5. Keep a copy for your own records.

Change of Court

When do I ask for a change of court?

This occurs if you have **changed your address**, or if you have been released from **immigration custody**. It is important that you still **show up** at your court date if you have not yet been granted the change of court.

How do I request a change of court?

1. Complete the EOIR-33/IC form.
2. Create a motion to change the court. Request a transfer to a court that is closer to your home if necessary.
3. Make a copy of the two completed documents.
4. Deliver the original to the court.
5. Send a copy to the government.
6. Keep a copy for your own records.
7. Talk to the court to confirm that this change has been made.