DESCRIPTIONS OF FORMS AND SUPPORTING DOCUMENTS

This document provides information and guidance related to immigration court procedures, forms, and the preparation and submission of the documents pertaining to the potential forms of relief presented in this fact pattern: T nonimmigrant status, asylum, withholding of removal, and protection under the convention against torture. All filings must be in compliance with the Immigration Court Practice Manual (ICPM). Use of the EOIR Courts & Appeals System (ECAS) for online filing is mandatory for the Department of Homeland Security (DHS) and all attorneys and fully accredited representatives.

I. Form I-862, Notice to Appear (NTA)

- This is a "charging document" that initiates immigration removal proceedings and identifies the factual allegations and charges of removability that the Department of Homeland Security (DHS) is lodging against a noncitizen. Individuals who are responding to NTAs are known as "respondents."

II. Form I-213, Record of Deportable/Inadmissible Alien

- This document captures a range of information regarding a noncitizen apprehended by DHS to support the factual allegations and charge(s) of removability contained in the NTA. This includes biographic information, possible criminal records, any history of apprehension and detention by immigration authorities, and other relevant information.

III. Form I-770, Notice of Rights and Disposition

8. C.F.R. § 1236.3(h)

- When a juvenile noncitizen (defined as an individual under the age of 18 years) is apprehended, they must be given this form. Typically, DHS also includes this form with the initial service of the NTA on the immigration court. If the juvenile is under 14 years of age or unable to understand the notice, the notice must be read and explained to them in a language they understand.

IV. Notice of Hearing & Related Documents

- **Notice of Hearing (NOH)**
  - The notice sent to a noncitizen in immigration proceedings identifying the date, time, and location of an upcoming hearing. The notice also provides other important information about immigration proceedings, including the noncitizen's rights and responsibilities.
- **List of Pro Bono Legal Service Providers**
  - Administered by the EOIR and updated quarterly, the List of Pro Bono Legal Service Providers (the List) is provided to individuals in immigration proceedings and contains information on non-profit organizations and attorneys who have committed to providing at least 50 hours per year of pro bono legal services at the immigration

court location where they appear on the List. The List also contains information on pro bono referral services that refer individuals in immigration court proceedings to pro bono counsel.
    - The rules for qualifying organizations, pro bono referral services, and attorneys to be paced on the List can be found at 8 C.F.R. § 1003.61 et seq.
- **EOIR Immigration Fraud Flyer**
    - This document identifies best practices and recommendations for noncitizens to protect themselves from immigration fraud.
- **Immigration Court Helpdesk (ICH) Flyer**
    - Currently at 22 immigration courts, the ICH program educates non-detained noncitizens in removal proceedings about immigration court proceedings. The goal of the ICH is to help individuals make informed decisions about their legal cases, and, in doing so, improve the efficiency and effectiveness of immigration court proceedings. The program is funded and overseen by EOIR and administered by an outside service provider.
    - For educational purposes, the flyer included in this mock ROP is a sample flyer used at the New Orleans Immigration Court. Although the hours and location differ by court, the substantive information is applicable to every court with an ICH.

V. Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

8 C.F.R. §§ 1003.17(a), 1003.23(b)(1)(ii)

a. All representatives must file this form to represent a noncitizen in immigration proceedings before EOIR. This form need only be completed once and does not need to be resubmitted with any subsequent filing.
b. This form is available on the List of Downloadable EOIR Forms.

VI. Application for T Nonimmigrant Status

- **Form I-914, Application for T Nonimmigrant Status**
  INA § 101(a)(15)(T), 8 U.S.C. § 1101(a)(15)(T); 8 C.F.R. §§ 212.16, 214.11
    - T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of trafficking in persons to remain in the United States for an initial period of up to four years. The status is also available to certain qualifying family members of trafficking victims.
    - T nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents. This form must be filed with, and adjudicated by, USCIS.

    - This form is available on the USCIS forms webpage.
- **Form I-797, Notice of Action (Receipt of Form I-914)**
    - USCIS uses Form I-797 to communicate with noncitizens about the status of their applications before USCIS.
    - Provide a Form I-797 showing that USCIS received the noncitizen's application.
- **Supporting Documentation for Form I-914**
    - **Personal narrative statement**
        - Have the noncitizen describe to the best of their recollection the circumstances of the trafficking they suffered, including: (1) the circumstances of the noncitizen's entry into the United States; (2) how the noncitizen became involved in the trafficking situation; (3) when these events took place; (4) who was responsible; (5) how long the trafficking situated lasted; (6) how and when the noncitizen escaped, was rescued, or otherwise became separated from the traffickers; (7) how the noncitizen's continued presence in the United States related to the original trafficking they suffered; (8) what harm or mistreatment the noncitizen fears if they are removed from the United States; and (9) why the noncitizen fears they would be harmed or mistreated.
    - **Evidence supporting eligibility requirements**
        - Provide evidence demonstrating that the noncitizen: (1) is or has been a victim of severe form of trafficking in persons; (2) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry, as a result of trafficking, including physical presence based on their having been allowed entry into the United States to participate in investigative or judicial processes associated with an act or perpetrator of trafficking; (3) has complied with any reasonable request for assistance in Federal, State or local law enforcement investigation or prosecution of acts of trafficking in persons, unless they are under 18 years of age, or they are unable to cooperate with a request due to physical or psychological trauma; and (4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States.
- **Form I-914, Supplement A, Application for Family Member of T-1 Recipient** *INA § 101(a)((15)(T)(ii)(II-III), 8 U.S.C. § 1101(a)(15)(T)(ii)(I-III)*
    - This form allows a noncitizen to file for derivative T nonimmigrant status for qualifying family members. Where the principal applicant is under 21 years of age, the applicant's parents may obtain derivative T nonimmigrant status if accompanying, or following to join, them.

This form must be filed with USCIS and can be filed at the same time as the Form I-914.
    - This form is available on the USCIS forms webpage.
- **Form I-797, Notice of Action (Receipt of Form I-914, Supplement A)**
    - Provide a Form I-797 showing that USCIS received the noncitizen's Form I-914, Supplement A.
- **Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**
  8 C.F.R. § 214.11(a), (f)(1), (f)(4)
    - Federal, state, local, and tribal law enforcement authorities (LEA) use this form to provide evidence to USCIS showing that they believe the noncitizen is a victim of a severe form of trafficking in persons and has cooperated with reasonable requests for assistance in an investigation or prosecution of a crime where trafficking is at least one central reason for the commission of that crime. While LEA are responsible for completing all fields of the form, the noncitizen is responsible for submitting Form I-914, Supplement B, to USCIS with their application for T nonimmigrant status.
    - This form is available on the USCIS forms webpage.
    - NOTE: The noncitizen may establish eligibility for a T visa without submitting the Supplement B as it is not a required form of evidence. However, secondary evidence as identified in 8 C.F.R. § 214(f)(1)(iii) would then have to be submitted in lieu of an LEA certification.
- **Form I-797, Notice of Action (Receipt of Form I-914, Supplement B)**
    - Provide a Form I-797 showing that USCIS received the noncitizen's Form I-914, Supplement B.

VII. Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (CAT)

- **Form I-589, Application for Asylum and Withholding of Removal**
  INA § 208, 241(b); 8 U.S.C. § 1158, 1208; 8 C.F.R. § 208
    - A noncitizen in the United States can apply for asylum, withholding of removal, and protection under CAT by filing a Form I-589 with the Immigration Court as a defense to their removal if the noncitizen is already in removal proceedings, or with USCIS if the noncitizen is not in removal proceedings and would like to apply affirmatively.
    - If a noncitizen is granted asylum, the noncitizen and any eligible spouse or child included in the application can remain and work in the United States and eventually adjust to lawful permanent resident status. The noncitizen can also bring their relatives to the United States as a follow-to-join asylee.
    - If the noncitizen is granted withholding of removal under the INA or under CAT, or deferral of removal under CAT, meaning they obtain an order withholding or deferring their removal, they may be removed to

a safe third country where their life or freedom would not be threatened. These forms of relief do not allow the noncitizen the right to apply for lawful permanent resident status in the United States nor do they allow them the right to bring their relatives to the United States. Additionally, they do not contemplate derivative status, therefore separate I-589s should be submitted for any spouse or child included on the noncitizen's application in the event that the noncitizen is not granted asylum.

- This form is available on the USCIS forms webpage.

- **Supporting Documents for Form I-589**
  - **Two passport-style photographs**
    - Provide two recent identical, passport-style photographs that comply with the Department of State passport photograph rules.
  - **Government-issued identify document with photograph**
    - Provide a photocopy of a government issues identity document that has the noncitizen's photograph, such as a passport, national identify card, or driver's license.
    - Provide a certified translation if the document is not in English, pursuant to 8 C.F.R. § 1003.33 and the ICPM, Chapter 3.3(a).
  - **Birth certificate**
    - Provide the noncitizen's birth certificate with a certified translation if the document is not in English, pursuant to 8 C.F.R. § 1003.33 and the ICPM, Chapter 3.3(a).
  - **Personal narrative statement**
    - Have the noncitizen describe to the best of their recollection the circumstances of the harm, mistreatment, or threats they suffered. This should include, but is not limited to, the dates of the harm or mistreatment they suffered, a description of the harm or mistreatment and who was responsible, and any medical treatment they received afterwards. It should also include why they believe they were harmed or mistreated in the past or why they fear harm in the future and who they fear will harm them in the future. If applicable, the noncitizen should also include when they became a member of any organization or began to hold any belief related to the persecution they experienced in the past or fear in the future. The noncitizen should also include whether they reported any incidents of harm or mistreatment to the police or any government entity. The noncitizen should also include any attempts to hide or internally relocate, and how and when the noncitizen fled to the United States.
    - Often referred to as a personal statement or affidavit. If the noncitizen does not speak English, this statement should be in

the noncitizen's primary language with a certified English translation, pursuant to 8 C.F.R. § 1003.33 and the ICPM, Chapter 3.3(a).

- **Supporting documents**
  - The noncitizen should submit supporting documents to corroborate their personal statement and testimony. This can include, but is not limited to, affidavits and letters of support from any witnesses, family members, and friends; any contemporaneous or non-contemporaneous medical records; any police reports or reports to government officials; any proof of political party affiliation, religious affiliation, or affiliation with any other organization or group central to the noncitizen's claim. The noncitizen should also submit criminal record documents when applicable, including certificates of disposition and a criminal history chart.
- **Country conditions evidence**
  - The noncitizen should submit country conditions evidence that corroborates elements of their claim. For example, if the noncitizen is fleeing political persecution, the noncitizen should submit country conditions evidence corroborating the political turmoil happening in their country. The noncitizen should also submit country conditions evidence corroborating that people with the same protected characteristic are harmed in that country. Additionally, the noncitizen should also submit country conditions evidence establishing that the government of the country they are fleeing is unable or unwilling to protect them and that they are unable to internally relocate to avoid persecution.
  - Most noncitizens submit the Department of State country reports on human rights practices and international religious freedom reports. Other common sources of country conditions reports include Amnesty International, Human Rights Watch, the US Commission on International Religious Freedom (USCIRF). Additionally, the noncitizen might submit news articles from mainstream media sources as well as local media outlets. If the article is in another language, the filing should include a certified English translation, pursuant to 8 C.F.R. § 1003.33 and the ICPM, Chapter 3.3(a).

VIII. Certificates of Translation and Service

- **Certificates of Translation**
  8 C.F.R. § 1003.33
  - Any document in a foreign language must be accompanied by a full English translation along with a certification from the translator

verifying that the translation is complete and accurate, and that they are competent to translate from the foreign language to English.
    - Common foreign documents that require a certified translation include: birth certificates, death certificates, passports, marriage and divorce certificates, and academic transcripts.
    - A sample certificate of translation is included in the Shared EOIR Practice Manual appendices at Appendix G and another sample certificate is included in this mock ROP.
- **Certificates of Service**
  8 C.F.R. § 1003.32
    - Serve DHS counsel with a copy of all filings submitted to the immigration court and include proof of service with filing pursuant to 8 C.F.R. § *1003.2* and the ICPM Chapter 3.2.