

Know your Rights -

Immigration Court Process

You may need to speak with a judge in an immigration court. This immigration court case will determine whether or not you will be allowed to stay in the U.S.

How do I know if I have an immigration court case?

To find out if you have an immigration court case, or to find out when your next hearing is, you can look up your case in the court's automated system. There are 2 ways to do this. For both ways, you will need your alien registration number, or "A number."

This is a 9-digit number, usually beginning with 0 or 2. You can find this on your immigration paperwork.

The 1st way to find out if you have an immigration court date is to call 800-898-7180 and follow the directions, in English or Spanish.

The 2nd way is to check online at acis.eoir.justice.gov Enter your "A number" in the boxes:

Enter your A-Number

A-Number *Required [What's an A-Number?](#)

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Why do I have an immigration court case?

This is because the federal government does not believe you have lawful immigration status in this country and should return to your home country. The federal government prosecutor in immigration court must explain this on the Notice to Appear document, which you should have a copy of.

The top part of the Notice to Appear looks like this:

U.S. Department of Homeland Security **Notice to Appear**

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

Subject ID: _____ FIM #: _____ 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:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You arrived in the United States at or near SAN YSIDRO, CALIFORNIA, on or about August 1, _____;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

| Who will decide my case?

The immigration judge is the person who is going to decide your immigration court case. The immigration judge also works for the federal government, but their job is to listen to you and to decide whether this country's laws allow you to remain here or not.

| What do I need to do for my court hearing?

At your first hearing, you can ask for more time, whether to find an attorney or for any other reason. The judge may also ask whether or not you agree with the charges against you.

Eventually, you will have the actual trial in your case. This is when you will testify about why you should be allowed to stay in the United States.

| Can I tell the court that I wanted to stay in the United States?

Yes, you will have a chance to explain any legal reasons that would allow you to stay in the US.

If you do not have a defense, or do not qualify for immigration status, or if the judge rules against you, then the judge will issue an order saying you should be "removed" or deported.

If you are afraid to return to your home country, you can apply for asylum. If you want to apply for asylum, remember that you must file your asylum application within 1 year of arriving in the US. You have to file within 1 year even if you do not yet have a lawyer. When you are in immigration court, be sure to tell the judge that you are afraid to return to your home country even if you do not have your application ready yet.

| How will I communicate with the immigration judge if I do not speak English?

The immigration court has interpreters available for those who do not speak English, so you can understand what is said in court and you can communicate with others there. You have the right to ask for an interpreter that speaks your language.

| What if I miss a court date?

It is important that you show up in court for every hearing, even if you do not have an attorney. You should always attend your court dates, even if you do not have an attorney. If you do not show up, a judge may issue an order that says you should be deported.

| If I lose my case, will I be deported immediately?

If you lose your case in immigration court, you will be given the opportunity to file an appeal. You are allowed to stay in the United States while the appeal is pending. You must have a valid reason for filing an appeal.

If you lose in immigration court and do not appeal, or if you do appeal but you lose the appeal, then you could be deported from the country.

| Change of Address responsibilities with Immigration Court

If you have an immigration court case and you move, you must let the court and ICE know your new address within 5 days of moving. You have to do this any time you move. These forms are available in the courtroom or online. The form number is EOIR-33.

If you do not submit notification of your change of address, the court will mail notices to your old address about upcoming court dates. And if you miss a court date, the judge could issue an order in your absence that says you should be deported.

| Do I need an attorney?

Finding an attorney will make it much easier to explain things to the immigration judge, and to raise any defenses you might have. Unfortunately, the court will not provide you with a free attorney so you must find one yourself.

Scan for more resources



legalaidnyc.org/newarrivals