



Immigration Screening Instructions and Intake Script:¹

After obtaining biographic information and collecting answers to the data collection questions related to the person’s Notice To Appear (NTA), the Intake Script moves from high level global questions to detailed questions following a yes/no logic model. The general idea is to ask 20 global questions, the first 10 of which are designed to identify *possible* forms of relief. Those first 10 questions are not sufficient to say a person is certainly eligible, but simply that they could be eligible for a benefit. The possible forms of relief are flagged in red. Each of the 10 global relief questions are numbered and highlighted in different colors to help you know when you have moved from one global question to the next. Instructions are highlighted in yellow. The first 10 global questions are also designed such that a “yes” answer prompts you to ask follow up questions, and a “no” answer prompts you to move to the next global question. This should allow you to avoid having to ask many unnecessary questions.

The second group of questions (i.e., 11-19, which are set apart by a dividing line), are designed to identify barriers to relief or other important procedural information. All of these questions should be asked and are not dependent upon a prior answers.

As you work through the Intake Script below, after each question you ask, please type out the client’s answer and highlight that answer in yellow. This will assist us as we review those answers. Once you have completed the Intake Script, you can write a brief paragraph summarizing the findings to which the script has lead you. Please write that paragraph at the end of this document.

Intake Script

<u>Name (First, Middle, Last/Suffix):</u> _____	
<u>Full Address:</u> _____	
<u>County of Residence:</u> _____	<u>Country of Nationality:</u> _____
<u>Phone Number(s):</u> _____	<u>DOB:</u> _____
<u>Email:</u> _____	<u>Age:</u> _____
<u>Date of Most Recent Entry into U.S.:</u> _____	<u>Gender Identity:</u> _____
<u>Next Master Calendar Hearing:</u> _____	<u>Marital Status:</u> _____
<u>How Many Times Have You Appeared in Court:</u> _____	
<u>Date of Consult:</u> _____	<u>A#:</u> _____

Data Collection and NTA Questions:

- For any of your past hearings in the Charlotte Immigration Court, did you have trouble physically accessing the court (e.g., trouble with the security guards, finding the court room, etc.)?
 - If so, please describe in detail.
- Were any of your family members prevented from entering the courtroom for your hearing?
- If you attempted to attend any of your past hearings in the Charlotte Immigration Court via phone or internet, did you have trouble accessing the hearing?
 - If so, please describe in detail.

¹ This intake was crafted by the Duke Immigrant Rights Clinic on September 30, 2022. It is designed to assist students in conducting consultations for clients in removal proceedings; it is not intended to give legal advice and should not be used for that purpose. Because the law constantly changes, any practitioner using this tool should conduct their own legal research to ensure their advice is accurate.

- If the NTA is saved into the CCLA file, review this for the following issues and read the allegations and charges to the person to review it for accuracy. (This document will have the person’s name, date of birth, and the allegations that U.S. immigration officials are making against them.) If the NTA is not in the file, you can ask the following questions and see if they are aware of the answers.
 - Does the NTA contain the date and time that you were expected to appear in court?
 - ***If no, flag Fernandez issue.***
 - ***This is also relevant for Non-LPR cancellation of removal and Voluntary departure***
 - If the document contains a date and time to appear in court, is it a date and time where you could have appeared (e.g., not early AM, evening, weekend, holiday)?
 - ***If no, flag the NTA as containing a “fake date.”***
 - How did you receive this document? (Mailed, given personally, some other way?)
 - ***If the person may be experiencing diminished capacity or was a minor under 14 years of age at the time the NTA was issued, was the NTA also provided to someone else (e.g., custodian, guardian, sponsor or a close family member)? If not, service may be defective.***
 - Do you know if that document has any errors on it?
 - Are you a citizen of the country it alleges?
 - Did you enter the U.S. when and where the document alleges?
 - If it alleges a criminal history, is it accurate?
 - Does the document contain your correct address?
 - Does the document contain the correct address for the court?
- Did the document you most recently received about your hearing in the Charlotte Immigration Court—the Notice of Hearing—contain any errors?

Global Questions

“The first part of our screening will be about your immigration legal status as well as the legal status and citizenship of your family members. We will need to know if you or your Spouse, Fiancé, Parent, grandparent, Child, or Sibling have a green card (aka Lawful Permanent Resident (LPR)), work permit (aka EAD), Deferred Action like DACA, Refugee, Asylum, Temporary Protected Status (TPS), Special Immigrant Juvenile Status (SIJS), visa (B, F, J, U, T-visa, etc.), or parole. Or if any of these family members are citizens of the U.S. because they were born here or naturalized.”

1) Do you have any kind of immigration status now (List the examples above again)? [If no, skip to question 2)].

- a) If yes, what is your immigration status now? (e.g.: Lawful Permanent Resident (LPR), EAD holder, Deferred Action, Refugee, Asylum, Temporary Protected Status (TPS), Special Immigrant Juvenile Status (SIJS), Non-immigrant visa (B, F, J, U, T-visa, etc.), or other)
 - i) **If a Lawful Permanent Resident/LPR/ “Green Card” holder**
 - 1) **Ask these follow up questions:**
 - (a) When was your green card first issued?
 - (b) For how long is your green card valid?
 - (i) If for 10 years, they have full LPR status.
 - (ii) If for 2 years, they have conditional LPR status and an **I-751** screening may be needed
 - (a) NOTE: I-751 can be filed 3 months prior to expiration date. Failure to remove conditions could have led to removal proceedings.
 - (c) For how long have you resided in the U.S.?
 - (i) *If they have been an LPR for 5 years and have resided in the U.S. in some status for 7 years, they may be eligible for **LPR Cancellation EOIR42A.***
 - (a) *Confirm the person has not previously been granted LPR cancellation.*
 - 2) **Eligibility for citizenship**
 - (a) If yes, have you been a LPR for 5 years (or 3 years if married to a USC and continue to live with USC spouse) and are you at least 18 years old?

- (a) *If yes, they may be **N-400** eligible*
- (b) Was at least one of your parents a USC before you reached the age of 18?
 - (i) If yes, did you receive your LPR status before reaching the age of 18?
 - (a) *If yes, they may be **N-600** eligible²*

ii) **If Employment Authorization Document EAD / “Work Permit”**

- 1) What is the code on your EAD? (e.g., (c)(8), (c)(10), (c)(33))
- 2) When does your card expire?

iii) **If Deferred Action (DACA)**

- 1) When will your DACA/work permit expire?
- 2) Have you left the U.S. after August 15, 2012?
 - (a) If so, were you first granted advance parole?
- 3) Have you been charged or convicted with any crimes since you were last granted DACA?
 - (a) If so, what are the charges, convictions, sentences?
 - (b) *If no disqualifying travel or crimes, they may be **I-821D** eligible*

iv) **If Refugee**

- 1) Have you been in the U.S for more than one year?
 - (a) *If yes, they may be eligible for refugee adjustment **I-485 (refugee)***
 - (i) *If there a criminal convictions, the person may also need a **209(c) waiver**.*
- 2) Do you need to **apply replace I-94 card**?
 - (a) *If yes, they may be eligible to use a form **I-102***

v) **If Asylum**

- 1) Were you issued a final grant of asylum more than 1 year ago?
 - (a) *If yes, they may be eligible to seek asylum adjustment **I-485 (asylee)***
 - (i) When were you granted asylum status?
 - (a) *If there a criminal convictions, the person may also need a **209(c) waiver**.*

vi) **If Temporary Protected Status (TPS)**

- 1) When does your TPS expire?
- 2) Have you been charged or convicted with any crimes since you were last granted TPS?
 - (a) *If no disqualifying crimes, they may be eligible for **TPS renewal I-821***

vii) **If Nonimmigrant visa (e.g., U, T, B, F, J or other visas)**

- 1) In which visa category did you most recently enter the U.S., or which visa category were you granted, if granted while already in the U.S?
 - (a) When did you last enter the U.S.?
 - (b) How long were you authorized to stay?
 - (i) Until date: _____ -or- for duration of status (D/S)
 - (ii) *They may be eligible to seek an extension of status **I-539***
- 2) *If person has a **U or T visa**, they may eventually be eligible for **U visa I-485** or **T visa I-485** adjustment*
 - (a) When was your U/T visa approved?
 - (b) Have you left the U.S. since your U/T visa was approved?

viii) **If other, please specify: (e.g, SIJ, SIV, etc.)**

2) **Do you have any relatives with legal immigration status in the United States or U.S. citizenship? [If no, skip to question 3]**

- a) If yes, is this relative one of the following: **Spouse, Fiancé, Parent/grandparent, Child, or Sibling**?
 - NOTE: **In the preference categories (F1, F2A, F2B, F3, F4), the spouse and minor children of the primary beneficiary may qualify as derivative beneficiaries. Immediate relatives (IR) do not have derivative beneficiaries; thus, the spouses and minor children must have petitions filed for them separately and independently to qualify.**
 - i) **If your Spouse (confirm legal marriage), what is your Spouse’s status?**

² See <https://www.ilrc.org/acquisition-derivation-quick-reference-charts>.

- 1) **If spouse is a USC:**
 - (a) If yes, did you enter the U.S. with a visa, parole, or some kind of permission? (If person was waved through, note that.)
 - (i) *If yes, they may be eligible for an **I-130(IR) / I-485***
 - (b) Did you enter the U.S. without a visa, parole, or permission?
 - (i) If yes, has another family member or employer ever filed a petition for you before?
 - (a) If yes, was the petition filed for you on or before 04/30/2001?
 - a. *If yes, they may be eligible for **I-130(IR) / 245(i)***
 - (b) If no, do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, **or** a former member of the U.S. Armed Forces or Reserve?
 - a. If yes, is this family member an immediate relative (spouse, child or parent)?
 - i. *If yes, they may be eligible for **I-130(IR) / parole-in-place***
 - b. *If no, they may be eligible for **I-130(IR) / I-601A waiver (if proceedings can be administratively closed)***
 - c. *If no, but they have lived in the U.S. for 10 years, they may be eligible for **EOIR42B**.*
 - 2) **If spouse is an LPR:**
 - (a) If yes, did you enter the U.S. with visa/parole/permission and are you still in valid status?
 - (i) *If yes, they may be eligible for **I-130(F2A) / I-485***
 - (b) Did you enter U.S. without visa/parole/permission, or have you since fallen out of status?
 - (i) If yes, has another family member or employer ever filed a petition for you before?
 - (a) If yes was the petition filed for him/her on or before 04/30/2001?
 - a. *If yes, they may be eligible for **I-130(F2A) / 245(i)***
 - b. *If no, they may be eligible for **I-130(F2A) / I-601A waiver (if proceedings can be administratively closed)***
 - c. *If no, but they have lived in the U.S. for 10 years, they may be eligible for **EOIR42B**.*
 - 3) **If spouse is a Refugee:**
 - (a) Has your spouse been in the U.S. less than 2 years?
 - (i) *If yes, they may be eligible for **I-730** (unless it is clear that the person entered on an **I-730**, rather than as a refugee)*
 - (a) When did your spouse enter the U.S. as a refugee?
 - (ii) *If spouse has been in the U.S. for more than 2 years, they may still be able to file an **I-730** if there are humanitarian reasons to waive the two-year limitation.*
 - 4) **If spouse is a Asylee:**
 - (a) Was your spouse granted asylum less than 2 years ago?
 - (i) *If yes, they may be eligible for **I-730***
 - (a) When was your spouse granted asylum?
 - (ii) *If spouse was granted asylum more than 2 years ago, they may still be able to file an **I-730** if there are humanitarian reasons to waive the two-year limitation.*
- ii) **If your Fiancé, what is your Fiancé's status?**
 - 1) Is your fiancé a USC?
 - (a) If yes, *they may be eligible for **I-130(IR)** if they marry. See "If spouse is a USC" questions above.*
 - 2) Is your fiancé a LPR?
 - (a) If yes, *they may be eligible for **I-130(F2A)** if they marry. See "If spouse is a LPR" questions above.*
 - iii) **If your Parent/Grandparent, what is your Parent/Grandparent's status?**
 - 1) **If parent is a USC,**
 - (a) Were you born outside of the US to at least one USC parent?
 - (a) If yes, did the USC parent(s) reside in the U.S. prior to your birth?
 - a. *If yes, they may be eligible for an **N-600**³*
 - (b) If your parent became a USC after you were born, did they do so before you reached the age of 18?
 - (i) If yes, did you receive your LPR status before reaching the age of 18?

³ See supra note 2.

- (a) *If yes, they may be **N-600** eligible*
- (c) Are you currently **unmarried and under 21**?
- (i) If yes, did you enter the U.S. with visa/parole/permission?
- (a) *If yes, they may be eligible for **I-130(IR) / I-485***
- (ii) Did you enter the U.S. without visa/parole/permission?
- (a) If yes, have you ever had another family member or employer file a petition for you?
- a. If yes, was the petition filed for you on or before 04/30/2001?
- i. *If yes, they may be eligible for **I-485 / 245(i)***
- b. If no, do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, **or** a former member of the U.S. Armed Forces or Reserve?
- i. If yes, is this family member an immediate relative (spouse, child or parent)?
- a. *If yes, they may be eligible for **I-130(IR) / parole-in-place***
- ii. *If no, they may be eligible for **I-130(IR) & I-601A waiver (if proceedings can be administratively closed)***
- iii. *If no, but they have lived in the U.S. for 10 years, they may be eligible for **EOIR42B.***
- (d) Are you **unmarried and over 21**?
- (i) If yes, did you enter the U.S. with visa/parole/permission?
- (a) *If yes, they may be eligible for **I-130(F1)***
- (ii) Did you enter the U.S. without visa/parole/permission, or have you since fallen out of status?
- (a) If yes, have you ever had another family member or employer file a petition for you?
- a. If yes, was the petition filed for you on or before 04/30/2001?
- i. *If yes, they may be eligible for possible **I-130(F1)/245(i)***
- ii. *If no, they may be eligible for **I-130 (F1) consular processing & I-601A waiver (if proceedings can be administratively closed)***
- (e) Are you **married**?
- (i) If yes, did you enter the U.S. with visa/parole/permission?
- (a) *If yes, they may be eligible for **I-130(F3)***
- (ii) Did you enter the U.S. without visa/parole/permission, or have you since fallen out of status?
- (a) If yes, have you ever had another family member or employer file a petition for you?
- a. If yes, was the petition filed for you on or before 04/30/2001?
- i. *If yes, they may be eligible for possible **I-130(F3)/245(i)***
- ii. *If no, they may be eligible for **I-130(F3) consular processing & I-601A waiver (if proceedings can be administratively closed)***
- 2) **If Grandparent(s) are/were USC(s),**
- (a) If paternal grandparent(s), were they a USC at the time your dad was born?
- (b) If maternal grandparent(s), were they a USC at the time your mom was born?
- (i) If yes to either (a) or (b), did grandparent ever live in the U.S.? When and for how long?
- (ii) If yes to either (a) or (b), when were your parents born?
- (a) Were grandparents married at the time of your parent's birth?
- (b) Did your parent ever live in the U.S.? When and for how long?
- a. *If the person's parents were a USC at the time the person was born, they may be a USC. Screen for **N-600 eligibility.**⁴*
- 3) **If parent is an LPR,**
- (a) Are you currently **unmarried and under 21**?
- (i) If yes, did you enter the U.S. with visa/parole/permission and are you still in valid status?
- (a) *If yes, they may be eligible for **I-130(F2A)/ I-485***
- (ii) Did you enter the U.S. without visa/parole/permission, or have you since fallen out of status?

⁴ See *supra* note 2.

- (a) *If yes*, have you ever had another family member or employer file a petition for you?
 - a. If yes, was the petition filed for you on or before 04/30/2001?
 - i. *If yes, they may be eligible for I-485/245(i)*
 - b. If no, do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, **or** a former member of the U.S. Armed Forces or Reserve?
 - i. If yes, is this family member an immediate relative (spouse, child or parent)?
 - a. *If yes, they may be eligible for I-130(F2A) / parole-in-place consultation*
 - ii. *If no, they may be eligible for I-130(F2A) & I-601A waiver (if proceedings can be administratively closed)*
 - iii. *If no, but they have lived in the U.S. for 10 years, they may be eligible for EOIR42B.*
- (b) Are you **unmarried and over 21**?
 - (i) If yes, did you enter U.S. with a visa/parole/permission and are you still in valid status?
 - (a) *If yes, they may be eligible for I-130(F2B)/ I-485*
 - (ii) Did you enter the U.S. without visa/parole/permission, or have you since fallen out of status?
 - (a) If yes, have you ever had another family member or employer file a petition for you?
 - a. If yes, was the petition filed for you on or before 04/30/2001?
 - i. *If yes, they may be eligible for possible I-485/245(i)*
 - b. If no, do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, **or** a former member of the U.S. Armed Forces or Reserve?
 - i. If yes, is this family member an immediate relative (spouse, child or parent)?
 - a. *If yes, they may be eligible for I-130(F2B) / parole-in-place*
 - ii. *If no, they may be eligible for I-130(F2B) consular processing*
 - iii. *If no, but they have lived in the U.S. for 10 years, they may be eligible for EOIR42B.*
- 4) **If parent is a Refugee,**
 - (a) Has your parent been in the U.S. less than 2 years?
 - (i) *If yes, they may be eligible for I-730 consultation unless it is clear that the person entered on an I-730, rather than as a refugee.*
 - (a) When did your parent enter the U.S. as a refugee?
 - (b) *If parent has been in the U.S. for more than 2 years, they may still be able to file an I-730 if there are humanitarian reasons to waive the two-year limitation.*
- 5) **If parent is an Asylee,**
 - (a) Was your parent granted asylum less than 2 years ago?
 - (i) *If yes, they may be eligible for I-730*
 - (a) When was your parent granted asylum?
 - (b) *If parent was granted asylum more than 2 years, they may still be able to file an I-730 if there are humanitarian reasons to waive the two-year limitation.*
- iv) **If your Child, what is your Child(ren)'s status?**
 - 1) **Is your child a USC?**
 - (a) **If yes and at least 21 years old,**
 - (i) Did you enter the U.S. with a visa/parole/permission?
 - (a) *If yes, they may be eligible for I-130(IR)/I-485*
 - (ii) Did you enter the U.S. without a visa/permission/inspection?
 - (a) If yes, have you ever had another family member or employer file a petition for you?
 - a. If yes, was the petition filed for him/her on or before 04/30/2001?
 - i. *If yes, they may be eligible for I-485(IR)/245(i) consultation*
 - b. If no, do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, **or** a former member of the U.S. Armed Forces or Reserve?
 - i. If yes, is this family member an immediate relative (spouse, child or parent)?
 - a. *If yes, they may be eligible for I-130(IR) / parole-in-place*
 - b. *If no, they may be eligible for I-130(IR) consular processing*

- (b) **If yes, is your child unmarried and under 21 years?**
 - (i) If yes, have you lived in the U.S. for at least 10 years?
 - (a) If yes, would your removal from the U.S. result in significant hardship to your child(ren)?
 - a. Please explain.
 - i. *They may be eligible for EOIR42B*

2) **Is your child an LPR?**

- (a) **If yes, is your child unmarried and under 21 years?**
 - (i) If yes, have you lived in the U.S. for at least 10 years?
 - (a) If yes, would your removal from the U.S. result in significant hardship to your child(ren)?
 - a. Please explain
 - i. *They may be eligible for EOIR42B*
 - (b) **If yes and if child is at least 18 years old**, has your child been a LPR for 5 years (or 3 years if married to a USC and continue to live with USC spouse)?
 - (i) *If yes, child may be eligible to naturalize. Be sure to also ask the question under "Is your child a USC?" to see if other options might exist if the child became a U.S. citizen.*

v) **If your Sibling, what is your Sibling's status?**

- 1) Is your sibling a USC and at least 21 years old?
 - (a) If yes, *they may be eligible for I-130(F4)*

3) **Have you, your parent, spouse, or child ever been a victim of a crime (including a workplace crime and domestic violence) in the United States?**

- a) **Regardless of answer to 3), ask questions regarding sex or labor trafficking:**
 - i) Has anyone ever made you do something you do not want to do through physical force or threats?
 - 1) *If possible sex trafficking or labor trafficking, they may be eligible for (I-914) T visa*
 - ii) Have you ever **worked** in the United States? If so,
 - 1) Have you ever worked in the United States without receiving compensation?
 - 2) Have you ever been forced to give some or all of your paycheck to someone else?
 - 3) Has anyone ever harmed you or touched you in a way that you did not want while you were working in the United States?
 - (a) *If yes to any question, they should be screened for eligibility for (I-914) T visa*
- b) **Regardless of answer to 3), do you have any information related to terrorism or organized crime?**
 - i) If yes, *they should be screened for eligibility for S visa.*
 - (a) Additionally Ask: Have you ever been asked by a government official if they have that type of information and are willing to share it.
 - ii) **[If no to 3, 3(a) and 3(b), skip to global question 4]**
- c) **If yes, what was the crime?**
 - i) **NOTE:** U visa qualifying crimes also include crimes that may not relate to DV/sexual assault: e.g. stalking, blackmail, fraud in foreign labor contracting, witness tampering, felonious assault.
 - ii) **Where and when did the crime occur?**
 - iii) **Who is / was the abuser / perpetrator?**
 - 1) **NOTE:** Add perpetrator / abuser as Adverse Party
 - 2) **Is the perpetrator a husband/wife or parent/child?**
 - (a) If yes, did the abuser have LPR or US Citizenship status?
 - (i) *If yes, they may be eligible for (I-360) VAWA*
 - (a) *If yes, have you been physically present in the U.S. for the last 3 years?*
 - a. *If yes, they also may be eligible for VAWA Cancellation of Removal.*
 - (ii) *If no, did you make a police report?*
 - (a) *If yes, they may be eligible for (I-918) U-visa*
 - (b) If no, did the crime occur within the last 6 months?
 - a. If yes, are you willing to make a police report if asked?
 - i. *If yes, they may be eligible for (I-918) U-visa*

- (i) If yes, did the divorce occur less than two years ago?
 - (a) If yes, did the abuser have LPR or US Citizenship status?
 - a. If yes, they may be eligible for **(I-360) VAWA**
 - b. If yes, have you been physically present in the U.S. for the last 3 years?
 - i. If yes, they also may be eligible for **VAWA Cancellation of Removal**.
- 3) **Was the perpetrator someone other than a husband/wife or parent/child?**
- (a) If yes, did you make a police report?
 - (i) If yes, they may be eligible for **(I-918) U-visa**
 - (a) If no, did the crime occur within the last 6 months?
 - a. If yes, are you willing to make a police report if asked?
 - i. If yes, they may be eligible for **(I-918) U-visa**

4) **Did you arrive to the United States before turning 16?** [If no, skip to question 5]

- a) What date did you arrive in the United States?
- b) If **before June 15, 2007?**
 - i) Have you **graduated from high school in the U.S. or received your GED** certificate, or are you currently enrolled in high school or a GED program or willing to enroll?
 - ii) Have you continuously reside in the U.S. since June 15, 2007?
 - iii) Were you **30 years of age or less on June 15, 2012?**
 - 1) If yes, flag that they may be eligible for **initial DACA** but for the injunction

5) **Do you have a fear of returning to your home country?** [If no, skip to question 6]

- a) If yes ask all of the following questions:
- b) Are you afraid that someone will harm you?
- c) Has someone harmed you in the past?
 - i) If yes to future or past harm, why did they harm you? Is there something that makes you more likely to be harmed than someone else in the town/city you were living in?
 - 1) **Was it because of ethnicity, nationality, race, religion (or lack of religion), membership in a particular group (such as family), political opinion (or lack of one), LGBTQ status, other beliefs, gender, domestic violence, or for any similar reason?**
 - (a) If afraid of anything similar to the above, they may be eligible to seek **Asylum/withholding**
 - ii) If you fear gang violence (or criminal violence), do you feel there is anything particular about your situation that places you at a higher risk of being targeted than the population as a whole (your family, ethnicity, gender, religion, LGBTQ status, etc.)?
 - iii) If you have suffered harm in the past, what happened?
 - iv) How likely is it you would suffer harm in the future if you were to return to your country? Why?
 - v) Do you think your government would be able to protect you? If not, why not?
 - vi) If you know the name of the person you fear, what is it?
- d) When did you last enter the U.S.?
 - i) If you have been in the U.S. for more than a year since your last arrival; and you have not already filed for asylum, why not?
 - 1) Has anything changed about you or your country recently that has made you more afraid or given rise to a new fear? If so, what?
 - 2) Have you experienced any physical or mental health conditions that has affected you (such as ability to work, go to school, keep relationships, etc.)?
- e) Are you afraid that you may be harmed or tortured for any other reason in your country?
 - i) If yes, who do you think will harm you?
 - 1) If afraid of harm from the government or from a source of which the government tolerates, they may be eligible to seek **CAT**.
 - 2) If afraid of harm from a source outside of the government, do you think the government would protect you? If not, why not?

6) **Are you from any of the following countries (in a, b, c, or d below)? [If no, skip to question 7]**

- a) Guatemala, El Salvador, Soviet Union, Russia, any republic of former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, Kosovo, Vojvodina, or Slovenia?
- i) If yes, did you enter the U.S. in or before 1990?
- 1) If yes, did you apply for Asylum, TPS, or ABC benefits?
- (a) *If yes, they may be eligible for **NACARA/I-881***
- 2) *If no, do you have a spouse or parent who was in the U.S. in or before 1990?*
- (a) *If yes, did they apply for Asylum, TPS, or ABC benefits?*
- (i) *If yes, the person may be eligible for **derivative NACARA/I-881**.*
- b) **Afganistán, Burma (Myanmar), Cameron, El Salvador, Haití, Honduras, Nepal, Nicaragua, Somalia, Sudan, S. Sudan, Syria, Ukraine, Venezuela, or Yemen?**
- i) If yes, were you or your parent present in the U.S. on or before:
- 1) If from Afghanistan (March 15, 2022),
- 2) If from Burma (March 11, 2021),
- 3) If from Cameroon (April 14, 2022),
- 4) If from El Salvador (March 9, 2001),
- 5) If from Haití (July 29, 2021),⁵
- 6) If from Honduras (January 5, 1999),
- 7) If from Nepal (June 24, 2015)
- 8) If from Nicaragua (January 5, 1999),
- 9) If from Somalia (July 19, 2021),
- 10) If from Sudan (March 1, 2022),
- 11) If from S. Sudan (March 1, 2022),
- 12) If from Syria (October 1, 2022)
- 13) If from Ukraine (April 11, 2022)
- 14) If from Venezuela (March 8, 2021)
- 15) If from Yemen (July 5, 2021)
- (a) *If yes to any of the above, may be eligible for **TPS***
- c) **Liberia?**
- i) If yes, were you present in the U.S. on or before June 30, 2022?
- (a) *If yes, they may be eligible for **DED***
- d) **Cuba?**
- i) Have you been in the U.S. for one year?
- 1) *If yes, they may be eligible for **I-485 for Cuban Adjustment***
- 2) Be sure to ask about date and manner of entry.

7) **Are you a minor (i.e., under 18 in NC and SC)? [If no, skip to question 8]**

- a) If yes, are you currently **living with someone other than your parents?**
- i) *If yes, they should be screened for **(I-360) SIJ** eligibility*
- (a) Does the person you live with or anyone else have a guardianship/custody court order?
- (b) When will you turn 18?
- ii) If no, **do you live with only one parent?**
- 1) *If yes, they should be screened for **(I-360) One-Parent SIJ***
- (i) Does the person you live with or anyone else have a guardianship/custody court order?
- (ii) When will you turn 18?
- (iii) What is the name of the parent with whom you *don't reside?*
- (a) **NOTE:** Add as adverse party.
- iii) **To screen for SIJ eligibility, ask the following additional questions:**
- 1) Who were you living with in your home country?
- 2) Did you attend school? If not, why not?

⁵ If the person is from Haiti and they have been present in the U.S. since December 31, 1995, they may be eligible for relief under **HRIFA**. A person who is the spouse or unmarried child under 21 of a HRIFA grantee, may also be eligible for **HRIFA**. An unmarried son or daughter (over 21) of a HRIFA grantee who has lived in the U.S. since December 31, 1995 may also be eligible for **HRIFA**.

- 3) Describe your relationship with your mom and dad
- 4) Did you mom or dad financially support you?
- 5) Were you ever scared of your mom or dad?
- 6) Did your mom or dad ever hit you?
- 7) Did your mom or dad ever use drugs or alcohol?
- 8) Did you have enough food to eat?
- 9) Were you ever forced to leave your house or to stop living with your mom or dad?

8) Have you continuously resided in the U.S. since before January 1, 1972? [If no, skip to question 9]

- a) *If yes, they may be eligible for **I-485 Registry Case***

9) Have you lived in the United States for the last 10 years? [If no, skip to questions in 10]

- a) If so:
- i) Do you have a USC/LPR child (unmarried and under 21), parent, or spouse?
 - 1) If yes, what kind of hardship would that child, parent, or spouse experience if you were removed from the U.S.?
 - ii) Do you have any criminal convictions?
 - 1) *If the person has a qualifying relative and no disqualifying crimes, the person may be eligible to seek **Non-LPR Cancellation EOIR42B***

10) PD, Competency, Hardship, and Voluntary Departure: [Ask all sub-questions a) through h) below]

- a) Are you, or a member of your immediate family, experiencing a serious health issue that requires ongoing medical care?
- i) If so:
- 1) Who is experiencing the serious health issue?
 - 2) What is the health issue?
 - (a) *If the health issue implicates their competence to understand the hearing, the person may be eligible for safeguards under **Matter of M-A-M-***
 - 3) Are you the primary caretaker for the person experiencing the serious health issue?
- b) Do you have a family member that is an active duty member of the U.S. Armed Forces, Reserve, or a former member of the U.S. Armed Forces or Reserve?
- i) If yes, is this family member an immediate relative (spouse, child or parent)?
- c) Do you engage in any public service in the U.S.?
- d) Are you the primary caretaker of anyone (take note of any U.S. citizen or LPR minors)?
- e) Are you currently a party to any ongoing legal proceedings that require your presence in the U.S.?
- f) How long have you lived in the U.S.? (Note whether person entered the U.S. before November 1, 2020)
- g) What sort of hardship would you, your spouse, children, or parents face if you were removed from the U.S.?
- i) **Note** any hardship that would be outside of the normal hardship one would face through deportation.
- h) Miscellaneous Voluntary Departure questions:
- i) Do you have a valid passport (or are you willing to obtain a valid passport if required to do so)?
 - ii) Are you able to arrange for your own travel out of the U.S. should you need to depart?
 - iii) Have you been present in the U.S. for at least one year?
 - 1) (If no, but the person's NTA lacks a date and time, and they are likely to be in the U.S. for more than one year before their proceedings are resolved, you can treat this answer as "yes.")⁶
 - 2) *If the person answered yes to (h)(i) through (h)(iii), they may be eligible for **pre-conclusion and/or post-conclusion voluntary departure.***

Barriers to Relief and Procedural Questions: [Ask all questions from 11-19 regardless of other answers]

- 11) Have you ever been arrested, charged, or convicted of a crime [this is important question because your answer will help for evaluation of your case. By giving a thorough answer, it will help us give the best possible answer in your case]?**

⁶ See *Matter of M-F-O-*, 28 I&N Dec. 408 (BIA 2021).

- a) If yes, what was the crime?
 - i) When did you commit the crime?
 - ii) When were you convicted?
 - 1) *If the conviction was before April 1, 1997, **and the person is an LPR**, they may be eligible for **212(c) relief***
 - 2) *If the person is an LPR and obtained their status at the time they entered the U.S. after consular processing, they should be screened for **212(h) relief**.*
 - iii) In what court?
 - iv) What sentence did you receive?
- b) Do you have any other criminal arrests, charges, or convictions? If yes, repeat questions in (a) above.
 - i) *Depending upon criminal history and nature of crimes, they may be ineligible for one or more of the forms of relief flagged above, if any.*

12) Have you ever been ordered excluded, deported, or removed from the U.S.?

- a. If unsure ask:
 - i. Have you ever been approached by Border Patrol Agents or Immigration Officers?
 - 1. If yes, did you sign any papers in front of them?
 - ii. Have you ever appeared before a judge or in a courtroom? (Flag, bench, etc.)
 - iii. Were you detained for any length of time when you entered the U.S.?
 - 1. If so, were you allowed to enter or forced to leave?
- b. If yes, did you leave the U.S. after?
 - i. If yes, did you reenter the U.S. without first obtaining permission?
 - 1. *If yes, the person may be subject to reinstatement of removal. Explore whether there is an argument that the order is defective.*
 - 2. ***Be sure to also screen for withholding eligibility. See Question 5 above.***

13) How many times have you entered the U.S.?

- a. Details of **first** entry:
 - i. When did you enter? (Age?)
 - ii. How did you enter?
 - iii. When did you leave?
 - iv. Why did you leave?
- b. Details of **second** entry?
 - i. When did you enter? (Age?)
 - ii. How did you enter?
 - iii. When did you leave?
 - iv. Why did you leave?
- c. Details of **third** entry?
 - i. When did you enter? (Age?)
 - ii. How did you enter?
 - iii. When did you leave?
 - iv. Why did you leave?
- d. **NOTE:** Make sure to ask for details about how they crossed the border (e.g. did they enter through a port of entry?)
- e. **Unlawful Presence Bars:**
 - i. *If the person EWT'd or overstayed a visa by **more than 180 days** and left the U.S., **they may have a 3 yr. bar.***
 - ii. *If the person EWT'd or overstayed a visa by **more than one year** and left the U.S., **they may have a 10 yr. bar.***
 - iii. *If the person has been ordered removed from the U.S. border or at the end of proceedings that were initiated upon the person's entry, **they may have a 5 yr. bar.***
 - iv. *If the person departed the U.S. after having been ordered deported as a result of proceedings that started after their entry, **they may have a 10 yr. bar.***

- v. *If the person EWI'd or overstayed a visa by **more than one year or has been ordered removed**, left the U.S. and then unlawfully reentered or attempted to enter, **they may have a permanent bar**.*

14) Have you ever worked in the U.S. without authorization?

- a. If yes, did you use someone else identification to work?
- b. If yes, did you use someone else's social security number to work?

15) Misc questions:

- a. Have you ever claimed to be a U.S. citizen for any other purpose?
- b. Have you ever voted in an election in the U.S.?
- c. Have you ever received weapons training?
- d. Have you ever been in a gang or other group that harms people?

16) Have you ever applied for any immigration relief?

- a. If so, what type of relief?
- b. What happened?
- c. Do you have any documents related to that application or petition?

17) Has anyone else ever filed a petition for you?

- a. If so, what type of relief?
- b. What happened?
- c. Do you have any documents related to that petition?

18) Do you know when your next hearing in Immigration Court will occur?

- a. If they do not know, you can dial 1-800-898-7180 (Press 1 to enter A#, press 1 to confirm A# and again to confirm name, press 1 for next hearing date, press 3 for case decision information or press 4 for appeal information)
- b. How many previous hearings have you had?
- c. Have you moved since your last hearing?
 - i. If so, what was your prior address?
 - ii. *If client has moved since the last hearing and has not already updated the court, they need to be advised to file a change of address form **EOIR 33/IC**.*
- d. Do you have plans to move prior to your next hearing?
 - i. *If client will move prior to the next hearing, they need to be advised to file a change of address form **EOIR 33/IC**.*

19) Are there any deadlines in your case that you are aware of?

- a. If so, what/when is that deadline?

POTENTIAL ADVISAL REGARDING VOLUNTARY DEPARTURE

Voluntary departure (VD) allows an individual to leave the U.S. at their own expense within a specific amount of time. VD can be provided at the beginning of the case or at the end. The primary benefit of VD is that it allows a person to avoid getting an order of deportation, which may trigger other adverse immigration consequences. The obvious downside to VD is that a person must leave the U.S. and at their own expense. Additionally, if the person does not leave during the designated time, they can face additional serious consequences, including a removal order, fines, and other penalties.

A person may wish to consider pre-conclusion VD if they have no defenses to removal whatsoever. To qualify for this, the person must (1) request VD on or before the day the case is scheduled for an individual hearing, (2) waive or withdraw any applications to stay in the U.S., (3) concede they are removable, (4) show they have the intent and money to leave the U.S., and (5) demonstrate they don't have disqualifying criminal convictions or conduct. A judge may also require a person to produce a travel document and post a bond. A judge can grant up to 120 days to depart.

A person can also ask for post-conclusion VD as an alternative to a defensive request for relief from removal. That is, a person can request both asylum, for example, and voluntary departure in the alternative. However, at this stage, the requirements are a bit more onerous. To qualify for post-conclusion VD, the person must (1) prove they have been in the U.S. for at least one year before they received their NTA (however, if the NTA does not list a date and time, the person can accrue that one year of presence even after they receive their NTA), (2) pay a bond of at least \$500, (3) show they have the intent and money to leave the U.S., (4) prove they have been a person of good moral character for at least 5 years prior to the request, and (5) demonstrate they don't have disqualifying criminal convictions or conduct. A judge may also require a person to produce a travel document. For post-conclusion VD, a judge can grant only up to 60 days to depart.