

Tips for Representing Yourself in Charlotte Immigration Court¹

BEFORE COURT

- ***Review your “Notice to Appear” carefully.*** One very important document in your case is your “Notice to Appear” or NTA. This document formally begins removal proceedings. Sometimes, NTAs are missing important information. For example, at the bottom of the NTA, it should tell you a specific date and time to appear in court. If it is blank or says “a date to be set,” your NTA is defective. You can tell the judge about these deficiencies at your first hearing or as soon as you notice them.
- ***Check the status of your case often.*** You can either call 1-800-898-7180 or check online at <https://acis.eoir.justice.gov/en/>. For both, you need your Alien or File Number (or “A” Number). If you call, it is an automated system, not a person. For more information about how to check your hearing date, video tutorials are available in [English](https://youtu.be/ewTHzHjd8VA) (<https://youtu.be/ewTHzHjd8VA>) and [Spanish](https://youtu.be/EVFGDjJExNw) (<https://youtu.be/EVFGDjJExNw>).
- ***Attend all ICE check-ins.*** Going to ICE check ins is NOT the same as going to your court hearings. ICE check-ins take place at 6130 Tyvola Centre Drive, Charlotte, NC 28217.
- ***Try to find a lawyer.*** If you are looking for a lawyer and have not found one before your next hearing, write down the steps you took to find a lawyer. Be specific: who have called? What did they tell you? At your hearing, you can request that the judge continue your case so that you have more time to find a lawyer. Here are some resources that may help you find a lawyer:
 - <https://www.immigrationlawhelp.org/>
 - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
 - <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
 - The Pro Bono Room has a list of additional attorneys. To visit the Pro Bono Room, see page [6] for more information.

IN COURT

- ***You must come to court in person.*** While sometimes it is okay for an attorney or other member of the court staff to appear virtually, you must come to court in person unless the judge tells you otherwise. Lawyers, the judge, or interpreters may appear on a screen in the courtroom (as opposed to in person).
- ***You must come to court even if you don’t have a lawyer.*** Even if you were not able to find a lawyer, you must still come to court for your hearing. At the hearing, you can explain to the

¹ This resource was created by the Duke Immigrant Rights Clinic in April 2023 to assist individuals appearing in the Charlotte Immigration Court without legal representation. It is not a substitute for a lawyer’s advice. Removal defense is complex and it is best to seek the help of an experienced immigration lawyer to assist you in your case if possible.

judge what steps you took to find a lawyer. The judge may give you more time to find a lawyer or you may have to represent yourself.

- ***Everyone listed on the “Notice to Appear” must come to court with you, including your children.*** This includes small children. Everyone listed in the case must come to court for hearings unless the judge excuses their presence. If your children are in school, it is likely that the judge will excuse them after the first hearing, so they no longer need to come with you. If your children are not included in your case, you may want to arrange for childcare so they do not have to accompany you. It is helpful to bring toys or books to keep small children busy in the courtroom. Court staff may get frustrated if children disrupt the hearings, even though it is hard for them to sit quietly for a long period of time. Court staff will ask all young children to be quiet and with their parents.
- ***Do not leave the courtroom before your case is called.*** You may have to wait for a few hours before your case is called. Judges typically hear the cases with attorneys first and then talk to folks without attorneys after. This process can take some time—do not leave, even if it is taking a while.
- ***Speak slowly, clearly, and loudly.*** Speak clearly and into the microphone. If you are using an interpreter, make sure not to talk over him/her, even if you understand the Judge’s question.
- ***Be ready to answer the Judge’s questions.*** The judge may ask you questions about where you are from, your address, and what you have done to find a lawyer. The judge may provide forms or applications. That *does not mean* that your application will be granted. Listen carefully and ask the judge to clarify if you do not understand the question. Do not guess at what the answer is. Be sure to provide the specific information the judge is asking about.
- ***You do not need to designate a country of removal.*** The Immigration Judge will often ask you to “designate a country” that you would go back to if you were to be deported. You **do not** need to say that you would go back to your home country. If you are afraid of returning home, or intend to file for asylum, you can say “*I respectfully decline to designate.*”
- ***Listen carefully for any deadlines or instructions from the judge and try to write them down.*** The judge will give you a deadline or a date for you to submit documents or applications. Often this deadline is your next hearing date, but it could be a date even before your next hearing. Make sure you take note of this deadline; if you miss this deadline, the judge may think you’ve abandoned your applications.
- ***Generally, you will not be deported at your first hearing.*** If you have not missed any previous hearings, you will not be deported the first time you go to court. You have the right to be heard, which means that you can ask for time to find an attorney.
- ***What to expect after you first hearing:*** At your second or third hearing, the judge will ask you questions to see if the government is correct that you are in the U.S. in violation of the

immigration laws. If any of the statements the judge reads you from your NTA are incorrect, you can deny them in court. The judge will then decide if you are here in violation of the immigration laws. At that point, the judge will ask you questions to see if you qualify for an immigration benefit that would allow you to stay in the U.S. If you do not qualify for any benefit to prevent your removal, you could be ordered deported at that master calendar hearing.

- ***You have the right to seek relief from removal.*** If you might qualify for a benefit that allows you to stay in the U.S., such as asylum because you are afraid to return to your home country, you will be given applications for those benefits. You will also be given a date when you have to return to court with the completed applications. If you complete your application and hand it in in court, you will be scheduled for a full hearing on that application. This hearing could be several years in the future.
- ***You should alert the Judge to any deficiencies in your NTA.*** You can simply say “*my NTA is defective because...*” and then specify what is wrong with it. The government attorney will likely try to change the NTA in the courtroom, and the judge will likely allow that. You should still say “*I would like my objection noted for the record*” as it may come up in the future. If your NTA is defective, it would also be extra helpful for you to find a lawyer.

AFTER COURT

- ***You must let the Immigration Court know if you move within five (5) days.*** Even if you give ICE your new address, you must still notify the Court. **Make sure the Court has your correct address at every hearing.** The form used to notify the Court of any change of address is called, Form EOIR-33. Copies can be found in the colorful folders (or bins) on the wall inside the court, after you pass security, across from the chairs. More information about how to fill out this form is available online in English (<https://www.justice.gov/eoir/page/file/1480756/download>) or Spanish (<https://www.justice.gov/eoir/page/file/1480751/download>). Video tutorials are also available in English (<https://youtu.be/owDjhZERxEc>) and Spanish (<https://youtu.be/olrxTbKavUA>).
- ***If you think you want to file for asylum, you need to do so within 1 year of entering the United States.*** All asylum applications must be filed within 1 year of entering the country. It does not matter if your first court date is scheduled more than one year after you entered the U.S. You cannot wait for your court date. You must file your asylum application with the Immigration Court within one year of entering the U.S. If you miss that deadline, you can only file for “withholding of removal” which is harder to win and requires everyone to file individually rather than people to file as a family. If you are thinking of filing for asylum, here are some guides and tutorials that may help:
 - https://firrp.org/wp-content/uploads/2022/01/Asylum_WOR_CAT-Guide-2013-SPA-1.pdf
 - <https://www.youtube.com/watch?v=FM0ijmYM-mw&list=PL845KO58lhKMhlq0HsoLZrxeW0h1rCqYy>

- <https://pennstatelaw.psu.edu/sites/default/files/Self%20Help%20Guide%20Spanish%20Final.pdf> (Spanish)
 - If you would like to include country conditions information in your asylum application, this is a good place to start:
 - <https://www.justice.gov/eoir/country-conditions-research>
- ***You may submit an application for work authorization 150 days after the immigration court receives your asylum application.*** Work authorization allows you to work legally within the United States. The immigration court does not issue or renew work authorizations. United States Citizenship and Immigration Service (USCIS) receives and decides to grant work authorization applications. For more information about work authorization, go to <https://www.uscis.gov/greencard/employment-authorization-document>. You might also find these video tutorials helpful, available here in Spanish (https://www.youtube.com/watch?v=zLMKh_rWE5Q&t=0s) and English (<https://www.youtube.com/watch?v=BZ2SOUPbcZY>).
- ***Make three copies of all forms and documents you file with the court.*** Make sure everything is single sided. Keep your original supporting documents and a copy of your filings for yourself. Plan to make copies of any forms and evidence before you arrive at the court for your hearing.
- (1) The first copy, with your signatures, goes to the court. You can file this at the window inside security at the Court or by mailing it to 5701 Executive Center Drive, Suite 400, Charlotte, NC 28212. The hours for filing your documents at the window are from 7:30am to 4:00pm Monday-Friday.
 - (2) The second copy goes to the Department of Homeland Security Office of the Chief Counsel, by mail at 5701 Executive Center Drive, Suite 300, Charlotte, NC 28212.
 - (3) The third copy is for you. You should also keep a copy of all supporting documents yourself.
- ***When filing, get confirmation that the court has received your documents.*** It is a good idea to ask the clerk to stamp your copy if you file the forms and evidence at the window. If you mail your documents to the court, you can make a copy of the first page and include a self-addressed stamped envelope with your mailing to the Court and ask them to send the copy of the first page back to you with the stamp of when it was received in court.
- ***You must file all applications or forms in English.*** All applications must be filed in English, and all supporting documents must be translated. Anyone can help translate the questions and answers for you in English on the form—it does not need to be done by a lawyer.
- ***Make sure you are submitting the most recent version of any form or application.*** Periodically, the government updates the forms or applications it uses. It's very important to make sure you are filling out and submitting the correct form. To be sure you are using the

right form, you should search for your form on these websites (at www.uscis.gov or www.justice.gov (Click on “Forms”)) and make sure you have the most recent edition.

- ***Make sure to meet any deadlines from the judge.*** The judge will give you a deadline for when you must have your applications ready (typically the next master calendar hearing). If they do, make sure to have all documents prepared and ready to file by that deadline. If you do not, the judge may not give you more time to file, and could consider your application abandoned and order you deported.
- ***You may voluntarily return to your home country.*** This would require you to arrange your own departure and to leave the U.S. at your own expense but would allow you to avoid a deportation order. Avoiding a deportation order can make it easier for you to gain lawful status in the future if eligible for some form of status. But, importantly, receiving voluntary departure may require you to waive or withdraw any claims or applications for relief you currently may have. There are also severe consequences if you are granted Voluntary Departure and fail to depart the U.S. by the date ordered by the judge. If you are granted Voluntary Departure and fail to leave the U.S. in the required time, the Voluntary Departure converts to a deportation order, and you may be prohibited from obtaining other relief in the future, even if otherwise eligible. You also should never agree to return to a country you fear returning to.

There are two types of Voluntary Departure: “pre-conclusion Voluntary Departure” and “post-conclusion Voluntary Departure.”

- (1) Pre-conclusion Voluntary Departure can give you up to 120 days to depart the U.S. To receive pre-conclusion Voluntary Departure, you must ask for it at the beginning of your immigration case.
 - a. You will need to concede that you are removable, to waive or withdraw all other applications or claims for relief, and to waive your right to appeal the judge’s decision; and
 - b. You will also have to show that you have not been convicted of an aggravated felony, that you do not pose a security risk, and that you intend to and have means to depart the U.S.
- (2) Post-conclusion Voluntary Departure is available at your final hearing, but it is more difficult to receive. It also only allows you up to 60 days to depart, but you do not have to withdraw other applications for relief and the order to Voluntary Depart may be suspended for the duration of the appeal if you appeal the judge’s decision in another application. To be eligible for post-conclusion Voluntary Departure:
 - a. You must have been in the U.S. for 1 year before your NTA was issued;
 - b. You also must show that you have not committed any crimes and have otherwise been a person of good moral character for the last 5 years, that you have a valid passport, and that you intend to and have means to depart the U.S.; and

- c. You must pay a bond of \$500 or more, which will be refunded to you if you depart the U.S. in the requisite time and submit proof of that departure to the U.S. Department of Homeland Security.

You can find more information about both types of Voluntary Departure and how to apply for them in English (<https://www.justice.gov/eoir/page/file/1480811/download>) and in Spanish (<https://www.justice.gov/eoir/page/file/1480806/download>).

- ***You may file an appeal if you disagree with the Immigration Judge's decision.*** You may appeal the Immigration Judge's decision to the Board of Immigration Appeals (BIA). If you want to appeal, you must file Form EOIR-26 (Notice to Appeal) within 30 days of the decision. Appeals should be mailed to Board of Immigration Appeals, Clerk's Office, 5107 Leesburg Pike, Suite 2000, Falls Church, VA 20530. For an overview of the appeals process, more information is available here:
- English (<https://www.justice.gov/eoir/page/file/1480826/download>)
 - Spanish (<https://www.justice.gov/eoir/page/file/1480821/download>).
 - English guide <https://firrp.org/wp-content/uploads/2020/08/BIA-Appeal-Guide-2013.pdf>
 - Spanish Guide: <https://firrp.org/wp-content/uploads/2020/08/BIA-Appeal-Guide-2013-SPA.pdf>.

Visit the Pro Bono Room, located outside the Charlotte Immigration Court before security. The Pro Bono Room is open on Tuesdays and Wednesdays from 9am-12pm.

The Pro Bono Room can help you to:

- Change your address with the immigration court and DHS,
- File a motion to change venue,
- Receive resources and materials regarding immigration forms of relief and filing procedures,
- Receive a free in person or scheduled virtual legal screening to assess your eligibility for immigration relief, and
- Receive a list of additional private and non-profit attorneys who may be able to take your case.

Are you looking for more information?

Check the colorful folders on the wall outside the courtrooms, after you pass security, across from the chairs and the window for the Clerk. Below are links to these resources where available.

Do you need to move your case to a new court? <u>English</u> https://www.justice.gov/eoir/page/file/1480756/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480756/download	Should you hire a lawyer? <u>English</u> https://www.justice.gov/eoir/page/file/1480736/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480731/download	Do disagree with the judge's decision in your case? <u>English</u> https://www.justice.gov/eoir/page/file/1480826/download <u>Spanish.</u> https://www.justice.gov/eoir/page/file/1480821/download
Do you need to move your case to Charlotte Immigration Court? <u>English</u> https://youtu.be/bbhRXHIHC_0 <u>Spanish.</u> https://youtu.be/QBgq2EFxskE	Do you want to agree to return to your home country (<i>voluntary departure</i>)? <u>English</u> https://www.justice.gov/eoir/page/file/1480811/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480806/download	What does your Notice to Appear mean? <u>English</u> https://www.justice.gov/eoir/page/file/1480726/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480721/download
Do you want to check the date of your next hearing? <u>English</u> https://youtu.be/ewTHzHjd8VA <u>Spanish.</u> https://youtu.be/EVFGDjJExNw	Did you miss your hearing? <u>English</u> https://www.justice.gov/eoir/page/file/1480776/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480771/download	Have you been a victim of fraud? <u>English</u> https://www.justice.gov/eoir/page/file/1480746/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480721/download
Have you moved and need to update your address? <u>English</u> https://www.justice.gov/eoir/page/file/1480756/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480751/download Video tutorials in <u>English</u> https://youtu.be/owDjhZERxEc <u>Spanish.</u> https://youtu.be/olrxTbKavUA	Are you afraid to go back to your home country? <u>English</u> https://www.justice.gov/eoir/page/file/1480796/download <u>Spanish</u> https://www.justice.gov/eoir/page/file/1480791/download	

Additional resources from immigration nonprofit organizations:

	English Resources	Spanish Resources
General Tools	- https://firrp.org/resources/prose/ - https://firrp.org/know-your-rights-videos/ - https://www.immi.org/en/home/prescreening - https://help.asylumadvocacy.org/	- https://firrp.org/resources/prose/ - https://firrp.org/know-your-rights-videos/ - https://www.immi.org/es/home/prescreening - https://www.apoyodeasilo.org/
Asylum	- https://firrp.org/wp-content/uploads/2022/01/Asylum_WOR_CAT-Guide-2013-1.pdf - https://firrp.org/wp-content/uploads/2010/12/CF-RF-Guide-2013.pdf - https://help.asylumadvocacy.org/faqs/ - https://help.asylumadvocacy.org/sample-documents/	- https://firrp.org/wp-content/uploads/2022/01/Asylum_WOR_CAT-Guide-2013-SPA-1.pdf - https://firrp.org/wp-content/uploads/2010/12/CF-RF-Guide-2013-SPA-JF.pdf - https://www.apoyodeasilo.org/ - https://pennstatelaw.psu.edu/sites/default/files/Self%20Help%20Guide%20Spanish%20Final.pdf - https://www.youtube.com/watch?v=FM0ijmYM-mw&list=PL845KO58lhKMhlq0HsoLZrxeW0h1rCqYy - https://www.apoyodeasilo.org/preguntas-frecuentes/ - https://www.apoyodeasilo.org/documentos/
Cancellation of Removal	- https://firrp.org/wp-content/uploads/2010/12/10-Year-Cancellation-Guide-2013.pdf	- https://firrp.org/wp-content/uploads/2010/12/10-Year-Cancellation-Guide-2013-SPA.pdf
Immigrant Youth (SIJS)	- https://firrp.org/wp-content/uploads/2022/08/5-SIJS-Guide_ENG.pdf	- https://firrp.org/wp-content/uploads/2022/08/5-SIJS-Guide_Spanish_FINAL-APPROVED.pdf
Denying Charges of Deportability	- https://firrp.org/media/Pleadings-Establishing-Eligibility-for-Relief-Guide-2013.pdf	- https://firrp.org/media/Pleadings-Establishing-Eligibility-for-Relief-Guide-2013-SPA-JF.pdf
Crime Victim (U Visa)	- https://www.firrp.org/media/U-Status-Guide-2013.pdf	- https://www.firrp.org/media/U-Status-Guide-2013-SPA.pdf
Appeals	- https://firrp.org/wp-content/uploads/2020/08/BIA-Appeal-Guide-2013.pdf	- https://firrp.org/wp-content/uploads/2020/08/BIA-Appeal-Guide-2013-SPA.pdf
Work Authorization	- https://www.youtube.com/watch?v=BZ2SOUPbcZY	- https://www.youtube.com/watch?v=BZ2SOUPbcZY
Finding a Lawyer	- https://www.immigrationlawhelp.org/ - https://www.immigrationadvocates.org/nonprofit/legaldirectory/https://www.justice.gov/eoir/list-pro-bono-legal-service-providers	
Checking Case Status	- https://youtu.be/ewTHzHjd8VA	- https://youtu.be/EVFGDjJExNw