

FREQUENTLY-ASKED QUESTIONS (FAQ) BY PRO SE RESPONDENTS

People appearing in immigration court often have similar questions at the beginning of their case. I will try to answer some of the most common questions for you now. Some of them may apply to you or your situation and some may not.

I don't speak English. Will someone interpret for me in court?

When you speak with the immigration judge, he or she will ask which language you speak and understand best. It is very important that you tell the judge which is your best language, because the judge will do everything possible to get someone to interpret for you during your court hearings. Please be sure to tell the immigration judge if you speak a language from a certain location or a certain dialect so we can do our best to get the right interpreter for you.

If I can't afford an attorney, can I represent myself?

Yes, you may represent yourself at these hearings. There are also legal service providers that provide assistance to people like yourself in immigration court at little to no expense. We will provide you a list of contacts but you are also free to use organizations or representatives that are not on this list.

If I can't get anyone on that list to respond, or they tell me they will not take my case, what do I do?

While you have the right to be represented by a lawyer in immigration court, the government will not find a representative for you. If you have called the people on the list and none of them can help you, you can ask your family or friends for help finding a representative, or you could look for others not on that list. You may also represent yourself in your case if you are unable to find someone to represent you.

What if I move? Can I attend a court closer to my new home?

You must first admit or deny the charges in your case, then complete the change of address form I mentioned earlier. We will then identify the immigration court closest to your new home and an immigration judge will decide whether or not to move your case to that court.

Do I have to bring my children to court?

If your child or children are also in immigration proceedings, unless and until an immigration judge tells you they do not need to come, they must come to court each and every time. You may ask the immigration judge for permission not to bring your children. If the judge excuses the presence of your children, you must still attend all of your children's future hearings.

My son or daughter also has a case in immigration court. Can all of our cases be heard together?

When you speak to the immigration judge, tell him or her about your children's cases. Please be sure to give the immigration judge the correct spelling of their names and their alien registration numbers, if you have them. It will be up to the immigration judge whether to consolidate (or join) your case with your children's.

Do I still have to report in to my deportation officer?

If you have been ordered to report to a deportation officer, you must continue reporting unless and until this requirement is lifted. If you do not, this may be a violation of the terms of your release and could result in your being taken back into custody.

I don't want to wear a DHS-issued ankle monitor any more.

To ask for a change or to remove the conditions of a release from custody (reporting, wearing of monitors, etc.), you must send your

request to the immigration court within seven days of your release from custody. After seven days, the request must be filed with field office director of U.S. Immigration and Customs Enforcement. An appeal of an immigration judge's decision must be filed within 30 days; an appeal of a field office director's decision must be filed within 10 days of the decision. The appeal must be filed with the Board of Immigration Appeals.

Can I get an excuse letter for work/school?

The Notice of Hearing directing you to come to court is equivalent to a court summons. Please use this notice as an "excuse letter" for your employer or your child's school.

Can the court (or the court's interpreter) help me translate my documents?

No. The Court cannot assist with translating documents. You need to have them translated and provide a copy to the court and a copy to the Department of Homeland Security, as well as keep a copy for yourself. The translated documents must have a certificate of translation that states the name of the translator, that he or she is competent to translate the document into English, and that the translation is true, complete, and accurate.

Can the court make copies of documents I bring?

No. The Court cannot assist with copying documents. If you want to give the judge a document, you need make a copy for the judge, a copy for the Department of Homeland Security, and a copy for yourself. If the document is not in English, you must also bring three copies of the translation: one for yourself, one for the judge, and one for the Department of Homeland Security.

I can't read or write English. How do I fill out the documents for the court?

All documents you file with the court must be in English or be accompanied by a certified English translation. If you need help filling out the documents, you might ask for a relative or friend or someone you trust to help you, but ultimately it is your responsibility to fill out the forms in English. If you do not fill them out in English, the court will not consider them.

I do not want to fight my case in court and want to return to my native country. Can I do that?

If you do not want to fight your case in immigration court, tell the immigration judge when you speak to him or her. The judge will ask you some questions about the facts of your case then talk to you about whether you might qualify for voluntary departure or an order of removal.

I have a pending criminal case or I am appealing a conviction. Can my immigration case wait until that process is complete?

Immigration court proceedings are completely separate from state or federal criminal court proceedings. You should explain your situation to your representative or the immigration judge, but in most cases your immigration court case will proceed even if you have pending criminal cases or appeals.

How do I get a work permit?

Permission to work is not issued by the immigration court. Rather, the U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security decides all work permits. To apply for work authorization you must file Form I-751 with USCIS. Those seeking asylum must wait until 150 days have passed from the filing of

their asylum application before filing for work authorization. You should contact USCIS if you have any questions about work permits.

My spouse is a U.S. citizen. Doesn't that mean I can stay in the United States?

Just because you have married a United States citizen does not automatically mean you can remain in the United States. You or your representative should contact U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (USCIS), to see whether your spouse can petition for you to remain in the United States. If this is something you want to do, you should do it quickly, because your case in immigration court may not wait for you to complete that process.