

**Representation Checklist for Affirmative Asylum Client**

**Getting Started With The Advocates**

If you have not done so already, be sure to complete our [Attorney Registration & Agreement](https://www.theadvocatesforhumanrights.org/Volunteer/Represent) available on our website.

Review our [Asylum Manual](https://www.theadvocatesforhumanrights.org/res/byid/9773) available on our website. The manual contains detailed information regarding asylum law and procedure, as well as templates of common documents used in the filing of your client’s asylum claim.

* **Getting Started With Your Client**
	+ Initiate contact with your client
	+ Arrange for an interpreter if necessary. Pro bono attorneys are responsible for hiring interpreters to assist with cases. In limited circumstances, The Advocates can connect you with a volunteer interpreter. If you would like to request assistance from one of our volunteer interpreters or translators, please submit a [Interpreter/Translator Request](https://www.theadvocatesforhumanrights.org/Interpreter_Request) through our website.
	+ Initiate contact with the consulting attorney if one is assigned to you.
	+ 1st meeting with your client
		- Sign retainer agreement. If you would like to be covered by The Advocates’ malpractice insurance, be sure to send a copy of your retainer agreement to your staff contact at The Advocates.
		- Review case file to prepare for meeting
		- Fill out and submit [Form G-28](http://www.uscis.gov/g-28) to USCIS if your client has a currently pending asylum case.
	+ Review and calendar all filing deadlines
		- The asylum application is ideally filed prior to the client falling out of legal status.
		- The asylum application must be filed within one year of a person’s entry into the United States.
		- Asylum interviews are typically scheduled by mailed notice, 14-21 days in advance of the interview date.
* **Filing Your Clients Asylum Application**
	+ File Form I-589 and G-28 with the original and two copies of the application to the Nebraska Service Center within one year of your client’s date of entry to the United States;
	+ Two passport photos (attached to the original, signed application);
	+ Include an affidavit from the client and any other supporting documentation. The original, signed and notarized affidavit should be submitted. Other original documents, such as a client’s actual passport, birth certificate or party membership card, should be copied – originals should NOT be sent with the application. Keep the originals and bring them to the interview for inspection by the officer.
	+ All non-English documents must be translated into English along with a certificate that the translation is accurate.
	+ Submit a legal brief if needed. A few examples of when this is needed: if your client’s case raises a unique ground for asylum, your client is potentially barred from asylum, or your client does not have proof of entry or identity.
* **Maintaining Regular Contact With Your Client**
	+ Contact your client regularly (at least monthly) to develop trust and to keep updated as to where your client lives.
	+ Schedule regular, meetings to prepare for the interview. It is unpredictable when your client will be called in for an interview after filing the asylum application. The Advocates communicates upcoming circuit rides by the Asylum Office, as well as other information for volunteer attorneys through our monthly Asylum Updates. If you are not receiving these monthly updates, please contact us to ensure you are on the e-mail list. Make certain to allow sufficient time to work with your client to build trust, learn your client’s full story and develop evidence.
* **When Your Client Moves**
	+ File a change of address form with USCIS ***within 10 days*** of moving. This can be done online at [www.uscis.gov](http://www.uscis.gov), by selecting “Change your Address” on the left-side tool bar of the home page.
	+ Send a copy of the change of address form, with a cover letter, directly to the Chicago Asylum Office if your client’s asylum application is pending, to ensure speedy delivery of interview notices or decision.
* **If Your Client Has Experienced Trauma**
	+ You may wish to refer your client to the Center for Victims of Torture (“CVT”) if he or she has not already been in contact with CVT. If your client is already a CVT client
		- Have your client sign a release form
		- Contact your client’s social worker/therapist to discuss the possibility of CVT writing an assessment/evaluation and to learn about special concerns you may need to be aware of when working with your client.
	+ If your client has psychological or physical effects of the trauma, you should consider getting an evaluation from a physician or psychiatrist to document the harm. The Advocates has a small panel of volunteer medical professionals who can sometimes assist with documentation; please contact The Advocates staff to inquire further.
* **If Your Client Qualifies to Receive an Employment Authorization Document (“EAD”)**
	+ When your client’s asylum application has been pending for more than 180 days, he/she is eligible to receive work authorization. The initial work authorization application may be filed 150 days after immigration receives the asylum application on [Form I-765](http://www.uscis.gov/i-765). Renewal applications should be filed no later than 90 days before the EAD expires. If you are unable to assist your client with this application, please have your client contact The Advocates.
* **When Your Client Has an Asylum Interview**
	+ Receive an interview notice from the Chicago Asylum Office
		- Contact your client to notify him/her of the date; he/she should have received a notice directly, but call to confirm.
	+ Schedule 1 – 3 meetings to prepare your client for the interview
		- Review all documentation in the filing with your client
		- Explain what will happen at the interview
		- Explain your role at the interview
		- Provide directions and arrange for meeting your client
		- Practice answering questions
		- Review the I-589 and affidavit to make any corrections/changes
		- Prepare any supplemental documents
		- Remind client to bring a photo ID (if he/she has one) and all other original documents.
	+ Arrange for an interpreter if needed and prepare for the interview with the interpreter.
	+ Attend the interview with your client. Be prepared to take copious notes and to make a short closing statement at the end of the interview. Bring your own ID and your attorney license card (usually they don’t ask for it, but occasionally they have).
	+ Additional documents, in duplicate, may be presented at the interview. If you have mailed additional submissions to the Asylum Office since the initial application was filed, bring an extra copy of these submissions in the event they did not make it into the file.
* **If the Asylum Office Grants Your Client Asylum**
	+ Contact The Advocates to let us know whether you are going to continue representing the client with family reunification or permanent residence or if you are going to end the representation.
	+ If you wish to continue representing the client, sign a new retainer agreement with the client.
		- Help your client apply for his/her immediate relatives using the [Form I-730](http://www.uscis.gov/i-730).
			* Your client must file the I-730 within 2 years of his/her grant of asylum. If your client has non-biological children, they will need to provide proof of legal adoption prior to the child’s 16 birthday.
			* Help your client apply for a travel document using [Form I-131](http://www.uscis.gov/i-131) (if he or she needs to travel outside the U.S.).Advise client that if he/she returns to the country he/she fled, that immigration may terminate the asylum grant.
		- Assist your client in applying for his/her permanent resident status with [Form I-485](http://www.uscis.gov/i-485). Clients are eligible to apply for permanent residence one year after being granted asylum.
	+ If there is no further work to be done on the case, or you are not continuing with the representation, please make sure The Advocates knows so we can close the file. We will send you a case closing form for the case and arrange to meet with you and the client for a case closing meeting.
* **If Your Client Receives a Notice of Intent to Deny**
	+ Submit a written response to the Notice of Intent to Deny (“NOID”) by the asylum office’s deadline. Please note that NOID’s generally issue only if your client is “in status” with a valid non-immigrant status, such as a visitor or student visa.
* **If the Asylum Office “Refers” Your Client to the Immigration Court**
	+ Contact The Advocates to let us know whether you are going to continue representing the client or whether you are going to end the representation.
		- If you agree to continue representing the client, sign a new retainer agreement with the client.
			* Refer to the Immigration Court Procedures Manual, available at: [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir) for information on filing deadlines and court procedure.
			* You Do Not Need to File an Additional Asylum Application.
		- Complete form EOIR-28, Notice of Entry of Appearance (and print it on light green paper), available at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir) and mail it to the Immigration Court with a copy to opposing counsel – the Office of Chief Counsel/ICE, 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111.
		- Meet with your client to explain the Court process.
	+ If you are not continuing with the case, please:
		- Notify The Advocates that the case was referred; provide a copy of the Asylum Office decision, and the client’s current contact information.
		- Inform the client; The Advocates does not guarantee re-placement with a new volunteer. We will reassess the client’s income and the case before determining whether the case will be assigned to a new volunteer attorney. Please do not promise the client a new attorney through The Advocates unless an Advocates staff member has expressly indicated this will happen.
* **Closing the Case**
	+ Notify The Advocates that you are closing the case.
	+ Write a closing letter to your client.
	+ Complete The Advocates’ case closing form.

**Annual Reporting to The Advocates**

By July 15 of each year, provide an estimate/or number of actual hours donated to The Advocates. Also include in this report additional costs you donate along with your hourly rate.

*\*This checklist is not an exhaustive list but is meant to serve as a guide to you, the Volunteer Attorney, as you proceed with your asylum case. Please refer to The Advocates’ resources and the various government agency websites for additional information. Immigration law and policy change, as do forms; it is your responsibility to confirm that the information you use is current.\**