

**Pro Bono guide to appearing in immigration court**

***Becoming the Attorney of Record -***

* Get an EOIR ID number (only needs to be done the first time)
* Electronically file form EOIR-28 for *each* client
* Serve copy of EOIR-28 on opposing counsel

**First,** you will need an EOIR ID number in order to be recognized as the attorney of record. Getting an EOIR ID is a two-step process, which should be started in advance of your first hearing.

**Step One:** register online at [www.justice.gov/eoir/engage/eRegistration.htm](http://www.justice.gov/eoir/engage/eRegistration.htm). You will need to create a UserID and password, create security question answers, and provide your name, date of birth, business address and phone number, e-mail address and *bar admission information for all jurisdictions where you are licensed[[1]](#footnote-1).*

**Step Two:** Identity validation must be done in person at the immigration court, at 1 Federal Drive, Suite 1850, Fort Snelling, MN.[[2]](#footnote-2) It can be done anytime between 8:30 am – 4 pm, M-F. You will need to go to the window in the court waiting area and tell the clerk you wish to complete your eRegistration and provide an ID. Valid ID’s include: U.S. passport, permanent resident card, U.S. issued driver’s license or ID, military ID, or other federal/state government ID.[[3]](#footnote-3)

**Second,** you will need to file an entry of appearance form, called an EOIR-28. Once you have completed the eRegistry process, this form can be filed electronically with the court by going to <https://portal.eoir.justice.gov>.[[4]](#footnote-4) Electronic filing is currently not available for the copy of the EOIR-28[[5]](#footnote-5) served on government counsel; this must be filed by mail [ICE Minneapolis/St. Paul Office of Chief Counsel, 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111] or in person. If you e-file the EOIR-28 the day before or day of the hearing, also bring a paper copy[[6]](#footnote-6) to the hearing as the court file may not yet reflect your appearance.

***Appearing in Court –* (Master Calendar Hearings)**

* Present ID and go through security screening
* Sign in on the attorney sheet
* Enter the courtroom only when called by the clerk

**Accessing the court:** The court is located in the Whipple Federal Building, 1 Federal Drive at Fort Snelling.

**Parking:** There is visitor parking available, which requires presenting a valid U.S. issued driver’s license.

**Security:** Visitors are required to provide a photo ID before going through the metal detector and bag screening. Clients without photo ID should present their hearing notice. No weapons or knives (including pocket knives) or aerosol cans are permitted. Any family members accompanying the client will need a photo ID or their own hearing notice to enter the building.

**Directions:** After clearing security walk towards the rear of the building, take the first hallway on the left (before the elevator bank) and proceed to the end of the hallway. The court waiting area and courtrooms will be on the left, Suite 1850.

**Signing in for a hearing:** To the left as you enter the court waiting area is a table with sign-in sheets. The docket listing the cases for the day for each judge is posted on the wall. Sign in if there is a sheet for attorneys (there are separate lists for attorneys and families) for the judge hearing your case. For a master calendar hearing, remain in the waiting area until the clerk calls your name to enter the courtroom.

**Appearing in court:** When the clerk calls your name, enter the courtroom with your client and sit in the gallery area. The clerk will call the case by either the client’s last name and/or the last three digits of your client’s A number. Then you will take a seat at the counsel table with your client(s)[[7]](#footnote-7) and the judge will proceed with the hearing.

**Filing documents:** All documents filed in immigration court must comply with the court’s practice manual guidelines.[[8]](#footnote-8) All filings must meet the following criteria:

* Two-hole punched at the top (Chapter 3.3(c)(viii))
* Paginated (Chapter 3.3(c)(iii))
* Table of contents (Chapter 3.3(c)(iii))
* Tabbed (Chapter 3.3(c)(iv))
* Cover page (Chapter 3.3(c)(vi))
* Certificate of service (Chapter 3.2(a))



***Biometrics –***

* Submit biometrics request following the hearing where asylum application was filed with the judge
* Confirm client has completed biometrics
* Verify background checks are completed with opposing counsel prior to hearing
* Resubmit biometrics if > 15 months have passed

**Initial biometrics request:** Follow the instructions provided by the court (outlined below), which apply both to cases where the asylum application is being filed in court for the first time *and* cases which were referred to the court from the asylum office.

1. Make a copy of the first three pages of the I-589 application for asylum;
2. Print a copy of your EOIR-28 entry of appearance form;
3. Mail the above, along with a copy of the instruction form, to:

USCIS Nebraska Service Center

Defensive Asylum Application With Immigration Court

P.O. Box 87589

Lincoln, NE 68501-7589

**Verifying biometrics are current:** In order to be eligible for asylum, your client *must* have current, completed biometrics checks. In some cases, the judge will not proceed with the hearing if the biometrics checks are not current. If it has been more than 15 months since your client completed the biometrics check, they must be updated. If you are not sure, call the Office of Chief Counsel (opposing counsel) at 612-843-8935 to confirm whether or not the biometrics checks are current.

**Updating biometrics:** If you have previously followed the initial request protocol, and those checks have expired or never been completed, use this procedure to update biometrics:

Send an e-mail to: [**SPMFingerprints.EOIR.Proceed@uscis.dhs.gov**](mailto:SPMFingerprints.EOIR.Proceed@uscis.dhs.gov) at least **60 days[[9]](#footnote-9)** prior to your scheduled individual hearing, including the following information:

1. Complete name of client as listed on the Notice to Appear (NTA)
2. Client’s current mailing address
3. Client’s phone number
4. Client’s A Number
5. Application type (I-589/asylum) and receipt number (found on the original biometrics receipt, if available)
6. Date of birth in MM/DD/YYYY format
7. Date of next scheduled hearing
8. Attorney’s name, mailing address and phone number.

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1. For more detailed instructions, please see the EOIR General Instructions for eRegistry here: <http://www.justice.gov/eoir/engage/eRegistry/instructions-eRegistry.pdf>. [↑](#footnote-ref-1)
2. In order to access the visitor parking lot and go through building security at Fort Snelling, you will be required to show a photo ID. [↑](#footnote-ref-2)
3. For additional information and a complete list of accepted identity documents, please see the court instructions here: <http://www.justice.gov/eoir/sibpages/eRegistryValidation/Bloomington.pdf>. [↑](#footnote-ref-3)
4. We recommend using internet explorer; some of the e-filing features do not seem to work in chrome or other browsers. [↑](#footnote-ref-4)
5. Form available here: <http://www.justice.gov/eoir/eoirforms/eoir28.pdf>, this form should be printed on light green paper. [↑](#footnote-ref-5)
6. Form available here: <http://www.justice.gov/eoir/eoirforms/eoir28.pdf>, this form should be printed on light green paper. [↑](#footnote-ref-6)
7. If children or spouses are also in removal proceedings and listed on the hearing notice, they are expected to appear at the hearing and sit at counsel table unless the judge has explicitly excused their presence at the hearing. [↑](#footnote-ref-7)
8. The Practice Manual is found here: <http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm>. [↑](#footnote-ref-8)
9. Expedite requests are discretionary and are not guaranteed. If the 60-day deadline is passed, please provide a reason for the delayed request. [↑](#footnote-ref-9)