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**I. Representation Checklist for BIA Asylum Client**

*\*\*Please note, this checklist is not an exhaustive list. Rather, the list is meant to serve as a guide to you, the Volunteer Attorney, as you proceed with your asylum case. For additional information, please refer to The Advocates’ asylum manual and to the various government agency websites. Immigration law and policy change frequently. As the Volunteer Attorney, it is your responsibility to confirm that the information you use is current.*

1. **Getting Started With The Advocates**

1. \_\_\_\_\_ Complete the on-line Attorney Agreement on the Advocates for Human Rights (AHR) website: <http://advrights.org/attorney_agreement>

2. \_\_\_\_ Sign-up with Probono.net/Asylum Law section at http://www.probono.net/asylum

1. **Getting Started With Your Client**
	1. \_\_\_\_ Initiate contact with your client
	2. \_\_\_\_ Arrange for an interpreter if necessary
	3. \_\_\_\_ Initiate contact with the consulting attorney
	4. \_\_\_\_ 1st meeting with your client
		1. \_\_\_\_ Sign AHR template and/or private retainer agreement
		2. \_\_\_\_ If you would like to be covered by the AHR’s malpractice insurance, email a copy of your retainer to sbrenes@advrights.org
		3. \_\_\_\_ Review case file
2. **Maintaining Regular Contact With Your Client**
	1. \_\_\_\_ Contact your client regularly (monthly) to develop trust and to keep updated as to where your client lives.
	2. \_\_\_\_ Schedule regular, standing meetings to prepare for hearing. Make certain to allow sufficient time to work with your client to build trust, learn your client’s full story and develop evidence.
3. **When Your Client Moves**
	1. \_\_\_\_ File a change of address form with USCIS ***within 10 days*** of moving.
		1. \_\_\_\_ Use Form AR-11: <http://www.uscis.gov/ar-11>
	2. \_\_\_\_ File change of address form with the BIA ***within 5 days*** of moving using
		1. \_\_\_\_ Form EOIR-33/BIA (print on pink paper): <http://www.justice.gov/eoir/eoirforms/eoir33bia.pdf>
4. **If Your Client Has Experienced Trauma**
	1. ­­­\_\_\_\_ Talk with your client and AHR staff to determine if the client is already receiving mental health services or if a referral is necessary.
	2. \_\_\_\_ Arrange to get an evaluation and expert testimony with a physician.
		1. The Advocates can assist you with this.
	3. \_\_\_\_ If your client is already receiving mental health services
		1. \_\_\_\_ Have your client sign a release form
		2. \_\_\_\_ Contact your client’s social worker/therapist
5. **If Your Client Qualifies to Receive an Employment Authorization Document**

 1. \_\_\_\_ File Form I-765

* + 1. If your client’s asylum application has been pending for more than 180 days, he/she is eligible to receive work authorization. The initial EAD may be filed 30 days prior to the 180 day deadline or 150 days after DHS receives the I-589 or 150 days after the I-589 is filed with the immigration court. Renewal applications should be filed no later than 90 days before the EAD expires.
1. **If the Immigration Judge Denies Your Client Asylum, Appeal to the Board of Immigration Appeals (“BIA”)**
	1. \_\_\_\_ Prepare a Notice of Appeal to the Board of Immigration Appeals.
		1. The BIA must receive the Notice of Appeal within 30 days of the immigration judge’s decision.
	2. \_\_\_\_ 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.
	3. \_\_\_\_ If you agree to continue representing the client, sign a new retainer agreement with the client and a new VLN retainer if needed.
	4. \_\_\_\_ Wait to receive a briefing schedule from the BIA.
	5. \_\_\_\_ Request a fee waiver on behalf of your client.
2. **If the BIA Affirms the Immigration Judge’s Decision, Denying Asylum for Your Client, Appeal the Case to Federal Court**
	1. \_\_\_\_ Submit a Petition for Review within 30 days after the service of the BIA’s decision to the Eight Circuit.
	2. \_\_\_\_ File an *In Forma Pauperis*to waive the appellate fee.
	3. \_\_\_\_ 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.
	4. \_\_\_\_ If you agree to continue representing the client, sign a new retainer agreement with the client and a new VLN retainer if needed.
3. **Closing the Case**
	1. \_\_\_\_ Notify The Advocates that you are closing the case.
	2. \_\_\_\_ Write a closing letter to your client.
	3. \_\_\_\_ Fill out The Advocates’ closing form: using our on-line case closing form: <http://www.theadvocatesforhumanrights.org/volunteer_attorney_case_closing_form>

1. **Annual Reporting to The Advocates**
	1. \_\_\_\_ 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.

**II. Role of the Volunteer Attorney and**

**the Consulting Attorney in a**

***Pro Bono* Asylum Case**

You have agreed to provide *pro bono* legal representation to your client through The Advocates for Human Rights’ Refugee & Asylum Project. Your team will work to help a person who has fled repression, civil strife, or political persecution in his or her home country. The work you have undertaken is vital and may mean the difference between life and death for your client.

# Volunteer Attorney

**Summary of Volunteer Attorney’s Responsibilities**

**The Volunteer Attorney (“VA”) is primarily responsible for preparing and presenting the client’s claim for asylum**. As such, the VA should do the following:

* Initiate contact with the consulting attorney and the client;
* Meet regularly with the client;
* Regularly review case progress with the Consulting Attorney (“CA”) assigned to the case;
	+ The CA should review drafts of all applications, briefs, and other pleadings prior to submission;
	+ The Advocates’ Refugee & Asylum Project staff is an additional resource for the VA and is available to answer questions or review documents if the CA is unavailable.
* Sign onto the online support service, Probono.Net/Asylum Law practice area, to receive notices of changes in immigration law and policy; and
* Attend The Advocates’ annual Asylum Conference or review the conference manual.

**Reporting to The Advocates**

The Advocates is committed to providing the support necessary for the VA to successfully represent the *pro bono* client. To do this, The Advocates must be apprised of the status of the case at all times. The VA is expected to provide the following:

* Annual accounting of time spent on case, hourly billing rate, and expenses donated to be collected each July;
* Electronic or paper copies of all documents filed in the client’s case;
* Notice of all decisions in the client’s case;
* Changes in the client’s address or telephone number;
* Changes in the VA’s address, telephone number, or email;
* Copy of the retainer agreement (and any updates or modifications) between the VA and the client; and
* Copy of the case closing letter from the VA to the client.

**Retainer Agreement**

**The VA must complete a retainer agreement between the VA and the client.**

* Scope of Representation
	+ The VA must discuss with the client precisely what services the VA has agreed to provide *pro bono*.
		- Asylum cases may be completed quickly or may take years to win. Even after asylum is granted, clients may have continuing legal rights and needs. The VA and client must discuss, agree to, and understand the scope of the agreement at the outset of the attorney/client relationship.
	+ **The Advocates expects that the VA will complete the work required in the case in the particular stage assigned: affirmative, removal, or appeal.**
		- The Advocates generally assigns cases to VA’s in one of four procedural postures: an affirmative case to be filed with the Asylum Office; a removal case to be litigated before the immigration court; an appeal case before the Board of Immigration Appeals; or a petition for review in the Federal Court of Appeals.
		- If the VA feels unable to continue with representation at the next stage, the case will be reassigned to a new VA if the client remains eligible for The Advocates services or will be referred to private attorneys for paid representation.
	+ The VA agrees to charge no legal fees for the *pro bono* representation provided to the The Advocates client, and to cover the costs of representation, including postage, copying, and the like.
		- The Advocates cannot reimburse VAs for any costs. Please keep in mind that The Advocates accepts only clients whose income falls below 125% of the federal poverty level and that we do not expect clients to cover these costs. As a VA, we expect you to donate both your professional skills as well as other costs related to representing your client. If your firm or agency does not allow you to cover these costs, please discuss with The Advocates whether you can still take the case.
* Malpractice insurance
	+ Malpractice insurance is available to The Advocates’ volunteers through the Volunteer Lawyers Network (“VLN”).
		- To be eligible for this insurance the VA must be a member of VLN and use the enclosed VLN Retainer Agreement.

**If You Need an Interpreter**

If an interpreter is needed:

* The VA is responsible for ensuring that your client has a competent interpreter for case preparation and for an affirmative asylum interview.
	+ The Advocates may be able to assist you in finding an interpreter or translator from our pool of volunteers. Submit a request via our website at: <http://advrights.org/Request_an_Interpreter_or_Translation>
	+ If you find an interpreter who needs training in working with asylum-seekers, we would happy to provide some training materials for him or her.
	+ Additional resources for volunteer interpreters may include foreign language departments at local universities or even your immediate colleagues.
* All foreign language documents submitted to immigration must be accompanied by a translation and a notarized certificate of translation.
* The court will provide a certified interpreter for any hearings in front of an immigration judge. During Master Calendar Hearings, the interpreter may be through the telephone.
* If your client uses a friend or family member to interpret, it would still be helpful to find an independent interpreter or translator to review the case to avoid problems caused by inaccurate translations or difficulty discussing sensitive matters with friends or family members. Never rely on children to interpret.

**If Your Client has Experienced Trauma**

If your client suffers from medical or psychological problems resulting from torture or mistreatment, evaluations from physicians or therapists may be critical evidence.

* If your client is also a client of the Center for Victims of Torture, please contact their social worker or therapist immediately to work on this case.
* Additionally, you should have the client sign a consent form so you can coordinate efforts with the social worker or therapist.
* If your client is not going to the Center for Victims of Torture but you believe an evaluation would be helpful, we may be able to refer your client to a panel of physicians trained by Physicians for Human Rights, the Center for Victims of Torture, and The Advocates for Human Rights.

**Continuing Representation After Asylum is Granted**

Once the client is **granted asylum,** the client is entitled to petition to bring immediate family members to the U.S., to apply for a travel document, and to apply for lawful permanent residence in the U.S.

* The VA may wish to assist the client with these ancillary matters. However, the VA is not required to continue representing the client for this next step.
* **If the VA chooses to continue working with your client on ancillary matters after asylum is granted, the VA must notify The Advocates of the change in case status, *and* execute a new retainer agreement with the client outlining the scope of the relationship.**

**Closing the Case**

Upon the completion of agreed-upon legal work, the VA is expected to complete a number of tasks:

* Notify The Advocates of the case closing;
* **Write a closing letter to the client** summarizing the outcome of the case, any expected deadlines or obligations the client must be aware of, and notifying the client that because all work agreed to in the retainer agreement has been completed, the attorney/client relationship is terminated;
* Fill out the The Advocates closing form: <http://www.theadvocatesforhumanrights.org/volunteer_attorney_case_closing_form>

# Consulting Attorney

Most of the The Advocates’ VAs have little or no prior immigration law experience. The CA is an experienced immigration practitioner who has agreed to advise the VA at each stage of the proceeding. The responsibilities of the CA include the following:

* Meeting with the VA as soon as possible after the assignment of the case to review deadlines and discuss strategy;
* Reviewing all submissions, including the asylum application, affidavit, brief, and supporting documentation prior to filing;
* Possibly appear with the VA in immigration court or to meet occasionally with the VA and the client to prepare the case; and
	+ The CA is notthe attorney of record in the case. It remains the VA’s responsibility to meet all client deadlines and appear at all scheduled interviews or hearings.
		- Review the client’s case to determine if the client is eligible for other, non-asylum immigration relief.
		- Provide an annual accounting each July of the hours spent, hourly billing rate, and expenses donated to The Advocates in each case.

**III.DHS/USCIS & EOIR Contact Information**

**A.** **Freedom Of Information Act Form (“FOIA”)**

USCIS

National Records Center

FOIA Division

P.O. Box 648010

Lee’s Summit, MO 64064-0810

uscis.foia@uscis.dhs.gov

<http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/uscis-freedom-information-act-and-privacy-act>

EOIR

U.S. Department of Justice
Executive Office for Immigration Review
Office of General Counsel - FOIA Service Center
[**FOIA/Privacy Act Requests**](http://www.justice.gov/eoir/efoia/foiafact.htm)
5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 20530
Telephone: 703-605-1297
E-mail Address: EOIR.FOIARequests@usdoj.gov

**B.** **USCIS - Chicago Asylum Office**

Suite 3000, 181 W Madison St, Chicago, IL 60602
Phone: (312) 849-5200

Email:  Chicago.Asylum@uscis.dhs.gov.

**C.** **DHS/USCIS – Nebraska Service Center**

 a. For Regular Postal Mail b. For Commercial Deliveries, i.e. Fed. Ex.

Department of Homeland Security Department of Homeland Security

 Citizenship & Immigration Services Citizenship & Immigration Service

 Nebraska Service Center Nebraska Service Center

 P.O. Box 87589 850 S. Street

 Lincoln, NE 68501-7589 Lincoln, NE 68508

**D.**  **Office of Chief Counsel (“OCC”)**

2. Mailing Address

Office of Chief Counsel-OPLA

1 Federal Drive, Suite 1800

Fort Snelling, MN 55111

 1. Location Address b.

 Office of Chief Counsel-OPLA

 1 Federal Drive, Suite 1800

Fort Snelling, MN

 Bloomington, MN 55425

 P: (612) 843-8935 F: (612) 843-8961

**E.** **Immigration Court Immigration Judges**

 Executive Office for Immigration Review Judge Susan Castro

 1 Federal Drive, Suite 1850 Judge Kristin W. Olmanson

Fort Snelling, MN 55111 Judge William Nickerson

Phone: (612) 725-3765

Information Line: (800) 898-7180

Fax: (612)725-371

1. **Board of Immigration Appeals (“BIA”) [NEW ADDRESS AS OF 7/27/2015]**

BIA

Office of Chief Clerk

5107 Leesburg Pike #2000

Falls Church, VA 22041

Phone: (703) 605-1007

**G. Federal Appeals Court**

Eight Circuit Court of Appeals

Office of the Clerk

Thomas F. Eagleton Courthouse

Room 24-329

111 South 10th St.

St. Louis, MO 63102

Phone: (314) 244-2400

**IV. Immigration Forms List and Web Addresses to Download the Forms**

**A. For DHS/USCIS forms go to: http://uscis.gov/graphics/formsfee/forms/index.htm**

* 1. Notice of Entry of Appearance as Attorney before DHS/USCIS (G-28)
	2. Freedom of Information Act Request Form (G-639)
	3. Application for Asylum with Instructions (I-589)
	4. Application for Employment Authorization with Instructions (I-765)
	5. Biographic Information (G-325A)
	6. Address Change Notice for DHS/USCIS (AR-11)

**B. For EOIR forms go to: http://www.usdoj.gov/eoir/formslist.htm**

1. Notice of Entry of Appearance as Attorney before the Immigration Court (EOIR-28)
2. Address Change Notice for EOIR (EOIR-33)

**V. Internet Sites for Asylum Law Research**

1. Probono.net: <http://www.probono.net/>
	1. Sign-up here to receive practice advisories and pro bono opportunities.
	2. See Asylum Law library for case law, practice materials, samples, country information . . .
2. United States Citizenship and Immigration Services (USCIS): <http://www.uscis.gov/portal/site/uscis>
	1. Government forms for asylum, FOIA, work authorization, appearance form . . .
3. Executive Office for Immigration Review (EOIR): http://www.usdoj.gov/eoir/formslist.htm
4. Government forms for clients in Immigration Court or at the Board of

 Immigration Appeals (BIA)

 4. EOIR Virtual Law Library: <https://www.justice.gov/eoir/virtual-law-library>

1. BIA case law
2. Immigration Court Practice Manual
3. BIA Practice Manual

1. Eight Circuit Court of Appeals Opinions: <http://www.ca8.uscourts.gov/opinions/opinions.html>
2. Bender’s Immigration Bulletin: <http://www.bibdaily.com/>
	1. Daily updates on important cases in immigration law and general news on immigration

**VI. Malpractice Insurance through the Advocates for Human Rights**

As a volunteer attorney with The Advocates, you are eligible to access malpractice insurance through the Advocates for Human Rights (“AHR”) while you represent your asylum client. If you would like the AHR insurance to cover you during your pro bono work you must provide The Advocates with a copy of the retainer agreement you sign with your client. *Please make sure to identify yourself as a The Advocates’ volunteer on the Representation Agreement.* If you use the AHR Representation Agreement, you may also write a separate retainer agreement with your client.

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