



ILCM Community Defense Project: Cancellation of Removal Pilot

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Cancellation of Removal Pilot Manual

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SECTION 1

Attorney Resources

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Cancellation of Removal Pro Bono Pilot

Nuts & Bolts Removal Defense Guide

(Created July 2017)

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These materials are intended for the use of volunteers participating in the ILCM Cancellation of Removal pilot project. These materials are meant as a general guide and are not meant to replace the use of the Immigration Practice Manual or other legal authority resources. A special thank you to staff at Capital Area Immigrants' Right Coalition (CAIR) and Rocky Mountain Immigrant Advocacy Network (RMLAN) who generously provided guidance for the preparation of these materials.

I. Case Resources

A. Court Procedure Guidance:

When handling a case before the Immigration Court your primary resource for procedural guidance will be the Immigration Court Practice Manual. The practice manual contains guidance on procedures for filings, motions, hearings, appeals, and all other areas of removal practice before the Executive Office of Immigration Review (EOIR). Attorneys should consult the manual during every step of their removal defense case to ensure compliance with court rules. The Practice Manual is located on the EOIR website at the following link: <https://www.justice.gov/eoir/office-chief-immigration-judge-0>.

For appeals before the Board of Immigration Appeals (BIA) attorneys should consult the BIA Practice Manual. That resource is located on the EOIR website at <https://www.justice.gov/eoir/board-immigration-appeals-2>.

B. Client/Case Information Sources:

One of the most challenging parts of defending a client in detention is accessing the client and information about the client's case and background. Below are some resources that can be helpful as you work to gather information on a client's case:

Immigration & Customs Enforcement (ICE) Deportation Officers: If you have questions about your client's detention or are having issues accessing your client an important point of contact is the Deportation Officer. When your client (also known as "Respondent") is detained he/she is assigned a Deportation Officer who will act as the detainee's ICE case officer. Information about your client's Deportation Officer should be in your Case Placement memo. However, if it is not you can locate the Deportation Officer by contacting the local ICE office. Their number is 612-843-8600.

EOIR Hotline: If you need to obtain the date for your client's next court hearing, or decision information relating to a client's court case, you can call the EOIR Hotline at 1-800-898-7180. This is an automated hotline. When you call you will be asked to enter in the client's A-Number, and can then access basic information relating to prior decisions on the case and upcoming court dates.

ICE Detainee Locator: If you are trying to confirm if a particular individual is in ICE Custody, or locate which facility the individual is being held at, one potential resource is the ICE Detainee Locator. You can search by A-Number and date of birth, or name and country of birth. The database is located online at <https://locator.ice.gov/odls/homePage.do>.

Offender Locator: If your client is transferred to criminal custody for some reason, you can locate your client if s/he is detained in Minnesota by searching the Offender Locator with the client's name or MN Department of Corrections Offender ID number. The database is located online at: <https://coms.doc.state.mn.us/PublicViewer>.

Court File: Although rare, in some cases it may be relevant for the attorney to review the client's court file for the case (for instance if you cannot obtain a copy of the NTA or I-213 for some reason). To review the court file you must be the attorney of record, and you must schedule an appointment with the court first. You will not be allowed to copy the file, but can take notes while reviewing the file. There may also be times where the client may have had substantive hearings in the past before you began representation, and you would like to review those hearings. In those cases you can request to an audio recording of the proceedings.

Freedom of Information Act Request (FOIA): Since there is no formal discovery mechanism in removal proceedings gathering information held by the government relating to your client can be challenging. The government is required to produce basic information relating to the charges in the form of the Notice to Appear (NTA) and the I-213 Record of Deportable/Inadmissible Alien. However, the information in those documents is limited, and not always accurate. To obtain a full copy of a client's immigration file, or A-File, you generally have to submit a FOIA. FOIAs are a very helpful resource, but unfortunately have limitations, especially in the removal defense context. First, a serious hurdle is timeline. FOIAs can take 6-12 months to receive. Detained individuals are allowed to request expedited FOIAs (Track III Requests), but even those could take over a month to receive. Second, a FOIA request will trigger the relocation of the client's file and we cannot guarantee that this will not cause delays in the final merits hearing. Finally, FOIA responses can come back with important items missing or redacted. As a result, obtaining your client's A-File may not be realistic in your particular case. If there are particular documents that the government has, and that you would like access to, one option is to reach out to the ICE Office of Chief Counsel (OCC) and ask if they will provide copies. You can discuss this option with your mentor.

Criminal Records: Obtaining a full and accurate criminal history for a detained client is imperative. Unfortunately, it can also be very challenging. Each client will be thoroughly screened and asked questions about his or her criminal history, but client's memory and understanding of past contact with the criminal justice system can be incomplete or incorrect. The I-213 will often provide some information about client's criminal history, if he or she has one, but as noted above is not reliable and rarely contains a full list of client's criminal history.. For a non-detained client we would advise completing a background check request with the Federal Bureau of Investigation. However, for detained clients that is generally not feasible. Public records, are certainly not reliable for a comprehensive criminal history check, but can be a helpful resource. Access to public court records vary from state to state. The Minnesota State Court System does have a public database, called Minnesota Court Information System (MNCIS). You can access court dispositions for specific cases, or search for all dispositions related to a particular defendant. Be aware that MNCIS is inconsistent, and does not include dismissed cases. The database is located online at <http://pa.courts.state.mn.us/default.aspx>. You can access dismissed cases on MNCIS by visiting the Records Department at the Hennepin County Government Center. These computers display pending and dismissed records. While it costs about \$10.00 to print a record from that computer lab, you can also record the case numbers and then print them at your office by searching the case number on the

public MNCIS. You will not find these dismissed or pending records with a name search alone on the public MNCIS.

C. Legal Resources:

Case Law: For legal research related to immigration matters, published Board of Immigration Appeals (BIA) Decisions as well as Circuit and Supreme Court case law can be found on Lexis or Westlaw, and will generally provide precedential guidance. Published BIA decisions are also accessible on EOIR's website. Individual Immigration Judge (IJ) decisions, unpublished BIA decisions, and Administrative Appeals Office (AAO) decisions are not precedential. They can, however, in some cases be informative. AAO decisions are available on the U.S. Citizenship & Immigration Services (USCIS) website. Some unpublished BIA decisions may be available on Lexis or Westlaw, but generally those decisions as well as IJ decisions are not publicly available, and are not precedential. If you are seeking IJ or unpublished BIA decisions you can discuss possible the issue with you mentor who may have guidance about potential channels for locating those decisions.

Federal Immigration Statute and Regulation References: Below are references to several potentially relevant sections of the Immigration & Nationality Act (INA). See 8 CFR Chapter I-IV to review corresponding regulations for USCIS and DHS, as well as 8 CFR Chapter V that holds corresponding regulations relating for EOIR.

INA 101(a)(13)(A): Definition of "Admission"

INA 101(a)(43)-List of Aggravated Felonies

INA 101(f)-Bars to Good Moral Character

INA 208-Asylum

INA 212(a)(1-10)-Grounds of Inadmissibility

INA 235-Expedited Removal (Credible Fear Process)

INA 23(a)(1): Definition of Arriving Alien

INA 236(c)-Bond Eligibility (Categories for Mandatory Detention)

INA 237(A)(1-6)-Grounds of Removability

INA 237(b)-Administrative Removal Process

INA 240(b)(4)(B)-Right to Examine Evidence in Removal Proceedings

INA 240A-Cancellation of Removal

INA 241(b)(3)-Withholding

8 CFR 1003.12-1003.41-Regulations for Pre-Hearing Motion Rules

II. Agency Contact Information & Detention Facility Information

A. Agency Contact Information

Bloomington Immigration Court:

Bishop Henry Whipple Federal Building

1 Federal Drive, Suite 1850

Fort Snelling, MN 55111

Phone: 612-725-3765

**Covers: Minnesota, North Dakota, South Dakota. General Hours: 8:00 AM-5:00 PM, Window Hours 8:00 AM-4:00 PM

ICE Enforcement and Removal Operations St. Paul Field Office:

1 Federal Drive Suite 1601

Fort Snelling, MN 55111

Phone: 612-843-8600 Dial Extension 6 for Detained Clients (unless you know the direct extension of your client's ICE officer)

**Covers: Minnesota, Iowa, North Dakota, South Dakota, and Nebraska

ICE Office of Chief Counsel:

1 Federal Drive Suite 1800

Fort Snelling, MN 55111

Phone: 612-843-8935

Email for Chief Counsel Jim Stolley: jim.s.stolley@ice.dhs.gov (See ICE Attorney List in Section I of Manual for further OCC attorney contact information).

**Covers: Minnesota, North Dakota, and South Dakota

When you visit the Bishop Henry Whipple Federal Building, in which the court as well as the OCC and ERO offices are located, you will need to pass through security twice; once when entering the parking lot and once when entering the building. You will be required to show a valid, unexpired, government-issued photo ID at security. You will also not be allowed to bring any weapons into the building, including but not limited to mace (or other self-defense sprays), knives (including some nail clippers or Swiss army knives), and aerosol cans. Depending on the volume of foot traffic at any particular time, the wait at security can be anywhere from 2-15 minutes, so allocate extra time for security checks when attending court dates.

B. Detention Facility Information

Below are the street address and phone numbers for the four main Minnesota detention facilities.

Carver County Jail
600 East Fourth Street
Chaska, MN 55318
Phone: 952-361-1145

Freeborn County Jail
411 S. Broadway Avenue
Albert Lea, MN 56007
Phone: 507-377-5267

Sherburne County Jail
13880 Business Center Dr.
Elk River, MN 55330
Phone: 763-765-3800 (Dial 6 for Attorney Voice Mail Box).
Duty Sergeant: 763-765-3856

Ramsey County Jail
425 Grove Street
St. Paul, MN 55101
Phone: 651-266-9353

At the time of writing of this manual, most ICE detainees in MN are being held in Sherburne County Jail. Sherburne is generally the strictest of the four facilities, while Carver and Freeborn in general are less strict. Very few ICE detainees are held at Ramsey County Jail.

In general, attorneys are considered “professional visitors” at these facilities and do not need to schedule a visit to see an inmate, or inmates, in advance. As of the writing of this manual, attorneys are generally not restricted from visiting inmates even during lockdown times, but it is always a good idea to double check this with the facility in advance, as the rules can change suddenly and without notice. In order to pay a professional visit to an inmate, attorneys will need to bring their attorney card and a photo ID.

The jails will generally allow paralegals, legal assistants and law students to accompany an attorney, but attorneys should contact the jails in advance and may need to fill out additional clearance forms. Sherburne at times has said they will not allow interpreters unless the interpreter is certified, or it is a rare language. Talk to your mentor about additional strategies if you are having trouble accessing your client with an interpreter, such as using video visitation if needed.

All visitors must go through security in order to enter the jails. Almost all items are considered contraband and should be left in one's car, or in the lockers provided outside the security checkpoints. Attorneys are allowed to bring in pens, books, legal pads, and files, but paperclips, and sometimes binder clips and staples need to be removed. If attorneys secure advance permission from the jail, they may be able to bring in a laptop or phone to the meeting. However, this depends greatly on which facility an attorney is dealing with and attorneys should make alternative plans in case access is denied upon arrival. To improve the chances that access will be allowed, it is a good idea to write down the name of the supervisor who authorized the laptop use.

Detainees can make calls out from the jails, but it is generally difficult to make calls to detainees in the jails. The amount of time detainees are allowed to be on the phone may be limited. Detainees will be charged for outgoing calls to the attorney, unless the attorney contacts the facility and requests that he or she be added to the detainees "account." Attorneys can mail documents to detainees by addressing the envelope to the detainee at the jail's address and noting by the detainee's name that he/she is an ICE inmate. In addition, attorneys should expect some additional delays in the time that it takes the detainee to receive mail while in detention.

III. Outline of Case Timeline & Steps

Every case is extremely different, so compiling an exact checklist of stages in a removal case and timelines, is impossible. This uncertainty is further exacerbated by the many staffing and rule changes that EOIR and OCC are currently going through at this time. However, below is a sample outline of the estimated timeline and required steps for a straightforward Cancellation of Removal case for a detained individual; the relevant case type for this pilot project. A reminder that this is just a sample timeline. The timeline or procedural posture in some cases may not allow for steps to be completed in this exact order or timeframe.

Sample Timeline

Case Preparation: Before even being assigned a matter there are certain preparation steps that must be taken by volunteers. First, attending a pilot project training is required. Second, the process of Registering with EOIR must be completed. That process is discussed further later in this manual.

Representation Week 1

Case Acceptance: When a case is available ILCM staff will reach out to a volunteer directly to assign a case. The first step will be for the volunteer to run a conflict check for the case. This should be done as an urgent request to expedite the process. Once conflicts clear, ILCM staff will send the volunteer a case placement packet with all required case placement paperwork, a memo explaining the case, and copies of ILCM's case notes and documentation related to the case. The ILCM mentor assigned to the case will then schedule an in-person meeting with the volunteers to review the case file and set up a case plan.

Client Introduction & Re-Screening: The volunteer will then travel to the detention facility to meet with the client. The retainer will be signed, and the scope of representation discussed. The attorney should review the NTA and I-213 with the client. Plans for completing the application for relief should be discussed, and the attorney should also describe what will happen at the next master calendar hearing. Also, at this meeting the attorney should obtain contact information for any and all individuals outside of the facility that may need to be contacted about the case (i.e. friends, family, advocates, doctors, likely witnesses, etc.). The client should sign releases allowing the attorney to discuss the case with these individuals.

Case Research: Attorney will conduct relevant case research on preliminary issues and general investigation. This will include searching for any criminal history the client may have. If any new criminal issues are found that were not identified during ILCM's intake process, or if the client has open warrants and/or pending criminal charges we ask that the attorney contact his or her mentor to discuss.

Enter Appearance: Go online and submit an electronic E-28 form. Complete a G-28 for ICE as well. See section below regarding entering an appearance for more information.

Representation Week 2:

Complete Application: The attorney will complete the cancellation forms and work with the detainee, and ideally family outside of detention to compile supporting evidence for the application. At minimum, a second trip to the facility will have to be made to obtain signatures and complete additional work on the application.

Master Calendar: The attorney will attend the master calendar hearing with the client. This will most likely not be the client's first master calendar hearing; most likely there was a prior hearing where the client ("Respondent") asked for a continuance to locate counsel. In some cases it may be possible for the volunteer attorney to come to the master calendar, and seek another continuance to prepare a cancellation application. However, in some cases the application will need to be filed at the volunteer's first master calendar appearance. At a master calendar hearing, pleadings are generally taken. Pleadings can be done orally at the hearing. A sample oral pleading can be found in the Immigration Court Manual appendix, but local IJs will generally walk the attorney through the pleadings by asking a series of questions. As part of pleading, the attorney will identify the form(s) of relief being sought. If not already done at a prior hearing, the attorney will also need to address any language barrier issues on behalf of the client; meaning that if the client prefers a language besides English the attorney must make this clear so that an interpreter can be provided at future hearings. **If a bond hearing has not yet been held it will be held at this time. Bond is technically a separate hearing than a master calendar hearing, but the two hearings often take place concurrently. It is very possible that the bond hearing will have either been completed at a prior hearing date or that the client will be subject to mandatory detention and therefore no bond hearing will take place.

Representation Weeks 3-6:

Fee-In/ Biometrics:

The attorney should following procedures to submit fees relating to the application or process a fee waiver request if needed. For detained clients, ICE should take care of biometrics (fingerprinting). Further details of these processes are discussed later in this manual.

Case Preparation/ Motions:

The attorney will spend this time preparing for the final hearing: prepping the client's testimony, prepping other witnesses to testify, gathering additional supporting evidence, etc. If an expert is needed for the hearing, arrangements will be made during this time period. For a summary of possible motions or supplemental filings that may be relevant during this period see Section 6 of this manual.

Pre-Trial Submissions: The Judge will set a deadline for when all evidence relating to the case, including exhibit lists and witness lists for the final hearing, will be due. That is traditionally between 5-10 days prior to the merits hearing. If using an interpreter or telephonic testimony for any witnesses during the final hearing, the attorney should: 1) note this need during the master calendar when the individual hearing is scheduled (if possible), 2) file relevant motions with the court formally requesting the accommodation, 3) indicate on the witness list that the accommodation will be needed, and 4) call the Court Clerk about a week prior to the hearing to confirm that proper arrangements have been made. In some cases, attorneys may attempt to reach out directly to opposing counsel to discuss stipulations or narrowing of issues. However, the court will not schedule any type of pre-hearing conference unless moved by one of the parties to do so, which is not common practice.

Representation Week 7:

Final Hearing

The merits hearing will be held at the Bloomington Immigration Court. A merits hearing usually takes approximately 1-4 hours depending on the number of forms of relief being sought and witnesses being called. Most hearings are done in person. However, in the future the Court may attempt to schedule more final hearings via videoconference. If the Court attempts to schedule a videoconference hearing for your client's final hearing we advise contacting your mentor to discuss strategies to advocate for an in-person hearing on your case. If the Respondent does not speak English the court will provide a certified court interpreter. The proceedings will be recorded, and that recording can later be transcribed and used as part of a record for appeals if needed. At the end of the hearing, the Judge may rule from the bench or may wait and issue a written decision. The Judge may issue a summary opinion that has no narrative or may issue a full order with legal analysis; which is used generally depends on the complexity of the case and likelihood of appeal. If the Respondent loses and is ordered removed, counsel for the Respondent must reserve appeal. If Respondent is victorious, the government will have the right to reserve appeal. In a cancellation case, if the Respondent wins and the government does not reserve appeal the Respondent will generally be released that day (unless he

or she has pending criminal charges or an outstanding criminal sentence that could trigger transfer to a criminal detention facility after release from immigration detention).

Representation Week 8-11

Appeal:

If either side chooses to appeal it must do so within 30 days from the issuance of the order. The respondent will generally remain detained while the parties decide whether or not to appeal, and through the term of the appeal. An appeal to the BIA generally takes an average of 1.5-2 months, but can be longer. An appeal to the 8th Circuit can take much longer, sometimes years. If the Respondent is the party appealing, then he or she will have to remain detained pending the appeal determination. If the government is the party appealing, the Respondent will generally remain detained during the pendency of the appeal, but in some circumstances he or she may be able to request a bond redetermination hearing. NOTE: A removal order becomes “final” if neither party reserves appeal, if the appeal period runs without an appeal, or the BIA issues a decision. Therefore, if a party appeals to the 8th Circuit, the Respondent may be removed while that appeal is pending, unless he/she seeks, and is granted, a stay of removal.

Bifurcated Representation:

In some cases ILCM may place a case with bifurcated representation. This system will generally be used if case placement cannot be completed in time for certain deadlines in the case. In those cases, an ILCM staff member will prepare and submit the cancellation filing, and will attend the master calendar hearing with the respondent. After that point in the case, the volunteer attorney will take over representation, and submit a motion to substitute counsel in addition to the normal entry of appearances. The volunteer attorney will be responsible for the remainder of the representation, including gathering supporting evidence, prepping witnesses, conducting the merits hearing, and submitting an appeal if needed.

IV. Registering with Immigration Court

In order to represent a Respondent in immigration proceedings you must first register with EOIR's online eRegistry system. This process must be fully completed prior to entering an appearance, and can take a few weeks to do, so attorneys should be sure to register prior to case placement. Below is a summary of steps for eRegistry.

Step 1- Go to the eRegistry website and complete the online registration form. You will need to have your attorney license for this process. You will also be asked to create a password. The portal is located at the link below, or you can access it by searching “EOIR eRegistry”

<https://portal.eoir.justice.gov/uniqueid449d75018333da8b6e4ee7d962602d12/uniqueid0/#pageStart>.

Step 2- Go to the Immigration Court and complete the required In-Person Identification Verification Process. For this process, you must bring a valid unexpired government issued ID and present it to a clerk at the court window. Window hours are 8:00 AM-4:00 AM. No appointment is needed for this process.

Step 3- You should receive an email following the completion of the In-Person Identification Verification Process that verifies you have completed the process, your account is active, and that you have an EOIR ID Number. Upon receipt of that email log on to the EOIR system and set up your account and security questions. If you complete the In-Person Verification Process, but do not receive an email verifying that your account has been activated within a few days, check your Junk folder or other spam filters. If a week goes by and an email still has not been received contact the eRegistry assistance email account at eRegistration.info@usdoj.gov (not the local court). More information about the eRegistry process can be found online at <https://www.justice.gov/eoir/internet-immigration-info>.

V. Entering Your Appearance on a Case

Once you have completed the EOIR registration process you can enter your appearance on a case. To do so, you will need to enter an appearance with EOIR as well as with DHS. The processes for both are outlined below:

A. Entering Appearance with EOIR

To enter an appearance before the Immigration Court you must file Form EOIR-28; called an E-28 for short. The form can be filed with the Court by mail or in-person at the Court window. If you are filing the form in this manner, you can access a printable version of the form on the EOIR website. Although not required, the Court strongly encourages printing the form on green paper. The form must also be two-hole punched. Handwritten forms are technically allowed, but typed forms are highly preferred and should be submitted if possible.

The E-28 can also be electronically filed, and this is generally the most preferred method for filing the E-28. To electronically file the E-28, log-on to your EOIR account (this is the same website where you eRegistered with EOIR). Once in the account you can choose the link for “File Electronic Forms,” choose the E-28, and complete the electronic filing process.

Whether you file the E-28 via paper or electronically with the Court you must serve a copy on opposing counsel, the Office of Chief Counsel (OCC). You can serve OCC by mail, hand delivery, or email (for documents under 50 pages in length), or in court during a hearing. The E-28 includes an internal section to address service entitled “Service on the Officer of Chief Counsel.” In that section of the form you can note which method of service you used.

Tips for Filling out Form E-28:

- You must include your EOIR ID Number on the form.
- The volunteer attorney should list themselves as the “Primary Attorney/Representative” and mark down that he or she is the attorney for “All Proceedings.”
- If your client is detained you can list the client’s address as the detention facility where he or she is being held. (i.e. c/o Sherburne County Jail).
- You will be asked to list the client’s A Number. You can find this number listed on any immigration document such as the NTA, I-213, etc.
- The client does not need to sign the form.

B. Entering Appearance with EOIR

In addition to entering an appearance before the court, you should also enter an appearance as counsel with DHS. This will allow you to communicate with your client’s deportation officer regarding the case. To do that, you will need to fill out a Form G-28. That form can be found on the USCIS website at www.uscis.gov, under the Forms Tab. You cannot file the form electronically. You should download a fillable PDF of the G-28 Form from the USCIS website, fill it out, print it (on blue paper ideally), and sign it. When asked for the matter, the attorney can put “In re [CLIENT NAME].” The client and the attorney must sign the form on Page 3.. However, if your client is detained and you cannot access him or her to sign the form, DHS may allow you to put “Detained” on the client signature block instead of a signature in an emergency circumstance. Once the form is completed you can file the form by mail with the Deportation Officer.

Tips for Filling out Form G-28:

- If your client is detained you can list the client’s address as the detention facility where he or she is being held. (i.e. c/o Sherburne County Jail).
- You will be asked to list the client’s A Number. You can find this number listed on any immigration document such as the NTA, I-213, etc.
- The form will ask you which agency you are appearing before. You should choose “ICE.”
- You can check the box that you are appearing on behalf of “Respondent.”
- When asked what matters you are appearing for you can note “Removal Proceedings.”

VI. Submitting Filings to the Court

Throughout a removal defense case there are several submissions that an attorney for Respondent will typically make to the court. When dealing with any submission to the Court, proper formatting and adherence to court rules is imperative. Therefore, before compiling any filing volunteers should always consult the Immigration Court Practice Manual. The manual is very specific about what type of paper should be used for a particular filing (i.e. green paper is strongly encouraged for an E-28, two-hole

punches required on top of all documents), the organization of documents (all filings must be paginated with number on the bottom-right hand or bottom center of each page, tabs must be positioned on the right), the supplemental requirements for paper filing (each filing must have a cover page, and a certificate of service), etc. For full and up-to-date requirements about Court rules always consult the Immigration Court Practice Manual.

A. Types of Filing:

Although each case is unique, particularly if multiple remedies are being put forth, in a cancellation case the following filings are often, if not always, applicable:

Notice of Appearance: As noted above, you will be required to eRegister with the EOIR system and then file an E-28 with the court to enter your appearance. An appearance can be entered separately with DHS using the Form G-28.

Application for Relief: This is the main application, with forms and supporting documents, that declares the form of relief the Respondent is seeking and provides support for that claim to the court. Common forms are the I-589 (Asylum, Withholding, CAT), EOIR-42A (LPR Cancellation), and EOIR-42B (Non-LPR Cancellation). All of these forms can be downloaded from the EOIR website. Supporting evidence should be submitted with the application. For a cancellation application, for instance, evidence of LPR status, residency, and favorable equities will all be needed. You are not required to submit all evidence with the initial filing submission. Supporting evidence, or supplemental supporting evidence, can be submitted at a later date than the original application. However, it must be submitted by a certain deadline before the individual/merits hearing, which will be set by the Judge (usually 5-10 days prior to the merits hearing). Cancellation applications have a filing fee that is required to be included with the application. For more information on that fee see the section of Fees and Biometrics.

Motions: Like all filings, motions must contain a certificate of service. Additionally, motions should contain a cover page as well as three copies of a proposed order for the Judge to sign. Specific rules for the submission and formatting of motions, as well as sample cover pages and proposed orders, are available in the Immigration Court Practice Manual. Note that for some motions it may be beneficial and/or professional courtesy to reach out to OCC to see if you can file the motion unopposed. You can discuss this option and how to best pursue it with your mentor.

Common motions could be as follows:

- *Motion to Substitute Counsel:* A motion requesting to replace an earlier attorney on the case. This motion should be filed concurrently with a paper form EOIR-28, filed by the new attorney (see Immigration Court Practice Manual, Page 26).
- *Motion for Extension of Filing Deadline:* This can be submitted if more time is needed to submit documents or applications. This should be used extremely sparingly, and only in extenuating circumstances. The motion must contain evidence of why the extension is imperative. If a

deadline is missed, and an attorney is seeking to file a document late, there are set rules laid out in the Immigration Practice Manual governing motions for untimely filings.

- *Motion for a Continuance:* This motion should be submitted with as much notice as possible before the hearing date and must provide evidence that there is “good cause” for the Judge to continue the hearing.
- *Motion for Telephonic Hearing or Interpreter Request:* If the attorney plans on calling a witness who needs to appear telephonically or who needs interpreter services, a motion requesting these services must be filed with the court.
- *Motion for a Pre-Hearing Conference:* The regulations do allow for pre-hearing conferences which can be used to simplify a final merits hearing by narrowing issues, stipulations, etc. This is rare in detained removal cases.
- *Motion to Suppress Evidence:* There may be some circumstances where an attorney will wish to request the suppression of evidence. For instance, if certain evidence was obtained in violation of a Respondent’s constitutional rights, then a motion to suppress the evidence along with supporting evidence and briefing might be appropriate. This would generally be done at the master calendar stage of the case.
- *Motion to Terminate Proceedings:* If grounds exist to terminate the proceedings (i.e. an argument that DHS cannot meet its burden to prove removability), then a motion to terminate can be submitted along with supporting evidence and briefing.

Witness List and Exhibits: Once an application for relief is filed, and a final hearing date set, the Judge will set a deadline for evidence to be submitted. Generally in a detained removal case, that deadline will be about 5-10 days prior to the merits hearing. If a Respondent wishes to present witnesses in addition to him or herself, the attorney should prepare a witness list for submission by the deadline. If there is supplemental evidence (affidavits, memorandum, documents, briefing, etc.) that was not submitted with the original application for relief it must also be submitted by this deadline. Guidance about requirements for witness lists and exhibits are included in the Immigration Practice Manual.

Notice of Appeal: If the Respondent is not granted relief after his hearing, and he or she decides to move forward with an appeal, a Notice of Appeal (Form E-26) must be filed with the BIA. Once received the BIA will set a briefing schedule for the case. The Respondent must remain detained for the term of the appeal. Attorneys should discuss the process for appeal prior to the final hearing, so the client fully understands the option.

Notice of Address Change: Although this form is generally not relevant for a detained case, in removal proceedings generally, any time the Respondent moves residences he or she must submit a change of

Practice Tip for Court Filings:

All documents submitted to the Court must be in English. If some or all of a document is not in English then the document must be accompanied by a certified translation. See sample filing for a template.

address form to the court within 5 days of the move. That form is called the EOIR-33 (there are different versions of the E-33 for cases before an IJ and cases before the BIA).

B. Submitting Filings to the Court & Service:

Filings can be submitted by mail (unless the Judge notes otherwise), in-person at the court window, or in-person during a hearing. The only filing that can be submitted electronically is the E-28. To submit a filing in-person at the court window, drop off the filing during window hours (8:00 AM-4:00 PM Monday-Friday). You should have 3 copies of any filing; one for the court, one for service to OCC, and one for you (a copy for client can be made from your file copy). When filing at the window ask the clerk to date/stamp your copy of the filing so you have your own proof of timely filing. If filing by mail, be sure to file using guaranteed delivery and tracking so there is a record of timely delivery if needed.

Every single submission you make to the court must also be served on OCC. Also, all filings must have an attached certificate of service at the end noting that service was completed, the date of service, and documenting the method of service used (i.e. "via mail;" "by hand delivery", etc.). Service can be completed by mail, email, or in-person. If you are serving the documents in-person to the OCC office at the Henry Whipple building, there is a mailbox for filings labeled for OPLA/OCC. Whoever actually serves the documents should sign the certificate of service. So if a legal assistant serves the documents, s/he, and not the attorney should sign the certificate.

C. Fees & Biometrics

Applications such as a Cancellation of Removal application have a required fee (\$100 for an EOIR-42). All Respondents filing an application for relief are also required to complete biometrics (fingerprinting and photo processing by immigration), which has a cost of \$85. These requirements are applicable even for individuals in detention. A waiver of the fee is available for clients who cannot pay. For the filing fee the Judge can waive the fee. For the biometric fee, DHS must agree to the waiver.

The process for paying fees is somewhat complex because EOIR does not have the ability to accept the money for fees directly. Additionally, in a case with a detained Respondent there are additional factors to consider. To submit fees and/or start the process for biometrics the attorney must "fee-in" the application. There is guidance about this process in the USCSIS Instructions for submitting removal relief (see <https://www.uscis.gov/sites/default/files/files/article/PreOrderInstr.pdf>.) A general overview of the process is below:

1. If your client cannot pay the filing fee, you will have to request fee waivers before moving forward. First, obtain the following documents and signatures to prepare your fee waiver request:

- a. Form G-28, signed by you and your client, to file with USCIS. The type of form will be "I-485."
 - b. You will also want to obtain an extra copy of the signed application. The client will generally sign the application (EOIR 42A or EOIR 42B) before the Immigration Judge, but you will want to obtain an additional signed copy that you will file with USCIS. This will save you having to return to the detention center to obtain this form.
 - c. Motion for a Fee Waiver;
 - d. Form 26A, Fee Waiver form.
 - e. Print a copy of the instructions found at :
<https://www.uscis.gov/sites/default/files/files/article/PreOrderInstr.pdf>)
2. Once you have your documents prepared, file a motion with the Court requesting a waiver of the filing fee. Include a copy of Form EOIR-26A; the EOIR fee waiver form with your motion. This can be filed at the same time as the cancellation application. You will want to ask the judge to rule on the fee waiver motion that same day in Court, so you can fee in the application with USCIS.
 3. Once you have the fee waiver order, you should immediately file the required documents to USCIS to fee in the application (See Pre-Order instructions above).
 4. When the client is detained you should indicate that your client is detained, where you are requesting the biometrics be completed, and ask for expedited processing based on the fact that the Respondent is detained. **Note: The instructions give the impression that DHS needs to approve a fee waiver for the biometrics separately than the Judge's fee waiver for the application fee. To do this you would submit a Fee Waiver form I-912 to USCIS when you request the biometrics. However, in our experience, the local office does not generally require a Form I-912 and will accept a copy of the Judge's Order granting the Fee Waiver if included in the biometrics request.
 5. Within a week or two, you should receive a receipt from USCIS. Keep this receipt notice and file it with the supplemental documents you file prior to the client's individual hearing. This will show that you have complied with the feeing requirements to start the criminal background check process.
 6. Since DHS is handling the fingerprinting, you should not receive a biometric notice for your client. If you erroneously receive a fingerprinting appointment, you should email the OCC attorney assigned to your case as well as call the deportation officer to assure that they are handling the fingerprinting. About a week prior to your individual hearing, you should email the OCC attorney assigned to your case and ask him/her to confirm if biometrics have cleared (meaning that your client's fingerprints and criminal background checks have been processed). If OCC has not processed your client's biometrics by the date of your hearing, your client will not be released even if granted relief. Thus, it is extremely important to remember this step.

Appendix A: Index of Immigration Terms & Acronyms

Adjustment of Status: The act of changing one's immigration status in the United States; most commonly used to refer to the process of someone moving into lawful permanent resident status.

Admitted: Lawfully entering the United States after inspection and authorization by a US immigration officer.

Aggravated Felony: Certain types of criminal convictions defined in the INA that can lead to severe immigration consequences for non-citizens such as mandatory detention, removability, inadmissibility, and potential prohibition from several immigration benefits and forms of relief.

A-Number: Stands for Alien Number (also sometimes listed on newer immigration cards as the USCIS number). This is a nine digit identification number that is assigned to an individual the first time he or she has contact (applies for a benefit or is detained) with the Department of Homeland Security. The number is unique to that individual. Each individual should only receive one A-Number from immigration.

BIA: Board of Immigration appeals. This is a court within the Department of Justice. It is the appeals tribunal for EOIR, and is the body that hears appeals from Immigration Judges' decisions.

CAT: Convention against Torture. A UN Convention that forbids nations from removing people to any country where it is more likely than not that they will be tortured by the government or by a non-government actor with the government's acquiescence.

CIMT: A category of criminal offenses, defined primarily by immigration-related case law, that can lead to severe immigration consequences for non-citizens such as mandatory detention, removability, inadmissibility, and potential prohibition from several immigration benefits and forms of relief.

DHS: Department of Homeland Security. The section of the Executive branch that houses USCIS, CBP, and ICE; the agencies that handle immigration enforcement (both at ports of entry and internally within the U.S.) as well as the adjudication of affirmative immigration applications.

DOJ: Department of Justice. The section of the Executive Branch that houses the immigration courts.

EAD: Employment Authorization Document; documentation given to non-citizens who are given authorization to work in the United States. Often referred to as a work card.

EOIR: Executive Office for Immigration Review; an agency of the DOJ. EOIR oversees all Immigration Judges carrying out removal proceedings as well as the BIA.

ERO: Enforcement & Removal Operations; the department of ICE that directly handles the apprehension and detention of non-citizens.

EWI: Enter without inspection; a term used to refer to an entry into the U.S. where someone was not inspected by immigration at a port of entry.

Expedited Removal: A form of expedited deportation allowed by statute where the non-citizen being removed from the country is not entitled to a hearing before an immigration judge. Expedited removal is only allowed in certain contexts, including but not limited to, when a non-citizen is found in the U.S. but has a prior deportation order on his or her record.

ICE: Immigration & Customs Enforcement; the agency within DHS generally responsible for enforcing the apprehension, detention, and removal of non-citizens within the United States.

IJ: Immigration Judge; an administrative judge who conducts removal proceedings within EOIR.

INA: Immigration and Nationality Act; the main statutory law governing immigration.

ISAP: Intensive Supervision Appearance Program; a program launched by ICE that oversees the supervision of certain individuals who have been released from immigration detention, but are still in removal proceedings. ISAP often involves check-in visits by the former detainee, and in some cases the use of an ankle bracelet for tracking.

Grounds of Inadmissibility: A category of offenses and actions, enumerated in the INA, that render a non-citizen seeking admission into the U.S. or adjustment of status within the U.S. ineligible. There are waivers available to certain grounds of inadmissibility in some instances, and some grounds are only temporary bars to entry/adjustment.

Naturalization: The process by which a lawful permanent resident applies for and obtains US citizenship.

NTA: Notice to Appear; a document that lists the charges against a person in removal proceedings. This document will often list the next court appearance for an individual, but does not have to.

OPLA/OCC: Office of the Principal Legal Advisor; the department within ICE that provides legal support (prosecutors) for cases in removal proceedings before EOIR. OCC stands for Office of the Chief Counsel. Under the umbrella of OPLA there are several OCC offices that house the prosecutors at each local immigration Court.

RFE: Request for Evidence; a formal request from USCIS asking for additional information or documentation relating to an application.

USCIS: U.S. Citizenship & Immigration Services; an agency of DHS. USCIS generally handles the review and adjudication of immigration filings that are outside of EOIRS jurisdiction.

Voluntary Departure (VD): A mechanism by which the government grants an individual permission to voluntarily leave the U.S. by a certain date at his or her own expense, generally in exchange for the concession of removability. Although an individual allowed to voluntarily depart concedes removability he or she does not have a bar to seeking admission at a port-of-entry. However, failure to depart within the time granted has serious consequences, including a potential fine, a 10-year bar from applying for re-entry into the U.S., and the conversion of the voluntary departure order into a

removal order. Voluntary departure may also be effectuated under safeguards where the client pays her return flight, is removed while in detention, and is not subject to the negative consequences of a removal order. Discuss with your mentor if you have additional questions.

**ILCM Pro Bono Cancellation Project
REMOVAL DEFENSE CHECKLIST**

The following is a checklist of tasks that are generally part of a Cancellation of Removal case. Each case is different and timelines as well as the specific aspects of representation will vary widely. The list below is intended to be loose guide of reminders. Volunteers must always check the Immigration Court Practice Manual to verify case and filing requirements.

Prior to Case Placement:

_____ **eRegister with EOIR**

Casework Following Placement:

_____ **Review Case File and Complete In-Person Case Placement Meeting with Mentor**

_____ **Preparation Meetings with Client**

- Contact detention facility to determine lock-down hours, and any relevant visitation rules (i.e. bringing a phone, bringing an interpreter, etc.).
- Send a letter to the facility requesting that you be added to client's phone account so he/she can call you without incurring a charge.
- Sign Retainer with Client (*Advise that retainer does not cover appeal unless later extended*)
- Have client sign a Form G-28.
- Conducted a Re-Screening with Client
- Review the NTA/I-213 with Client
- Obtain Releases and Contact Information for family, etc.
- Gather information from client to complete application/coordinate evidence gathering
- Explain the process, discuss forms of relief pursuing, explain possible outcomes, etc.

_____ **Enter Appearance**

- Submit Form E-28 online with the court (*file Motion to Substitute Counsel if needed- remember to file paper E-28*)
- Submit Form G-28 to DHS

_____ **Conduct Case Research (*applicability will vary by case needs and timeline*)**

- Run Criminal Records Checks; MNCIS (use various version of name), BCA, etc. (*If any new criminal issues come up that were not on ILCM's intake sheet, or client has pending charges/warrant contact mentor to discuss*)
- Review Client's File at the Court
- If missing key documents on the case attempt to request from OCC
- Submit Expedited Track III FOIA Request

_____ **Finalize Case Strategy & Determine Forms of Relief/Legal Arguments**

_____ **Work with Detainee, Family, and Outside Contacts to Complete Application**

Master Calendar

Call with Mentor Prior to Master Calendar

- Discuss pleadings, bond, language issues, corrections to documents, any legal arguments may arise, and forms of relief being pursued.

Attend Master Calendar Hearing *What occurs at the master calendar hearing will vary based on the specific case. However, traditionally items to cover at the master may include:*

- Entering an Appearance in-person if not already filed prior.
- Pleadings; admitting or denying facts/allegations (after consulting with client)
- Confirm correct language for client; discuss if interpreter needed for hearings.
- Identify form(s) of relief being pursued; application may be filed in court.
- Note any exhibit numbers that are assigned to evidence/documents.
- Bond hearing occurs or bond request withdrawn.

Application Submission:

Below are lists of the basic items required for LPR and Non-LPR Cancellation filings. Supplemental applications, such as asylum, may also be entered in conjunction with these types of applications and would have their own required forms and supporting evidence. **All filings require service to OCC.** A copy should also be kept for the attorney file, and a copy should be provided to the client.

LPR Cancellation:

Motion for Fee Waiver

- Cover Page w/Index
- Motion for Fee Waiver
- Fee Waiver Application (Form E-26A or other fee waiver sheet)
- Proposed Order (3 copies)
- Certificate of Service

Application

- Cover Page
- Form EOIR-42A
- Certificate of Service

Supporting Evidence

- Cover Page
- Supporting Evidence Evidence of 5 Years LPR Status
- Evidence of Admission in relevant qualifying status at least 7 years prior
- Evidence of Positive Equities, Hardship, Rehabilitation, etc.
- Must include Criminal History Chart (See Practice Manual)
- Certificate of Service

Non LPR Cancellation:

Motion for Fee Waiver

- Cover Page w/Index

- Motion for Fee Waiver
- Fee Waiver Application (Form E-26A or other fee waiver sheet)
- Proposed Order (3 copies)
- Certificate of Service

Application

- Cover Page
- Form EOIR-42B
- Certificate of Service

Supporting Evidence

- Cover Page
- Proof of 10 Years Presence
- Proof of Qualifying Family Member & QFM's Immigration Status
- Proof of Extreme Hardship to Qualifying Family Member
- Proof of Good Moral Character
- Must include Criminal History Chart (See Practice Manual)
- Certificate of Service

Filing Tips:

For all filings, check the Immigration Court Practice Manual for pagination, tabbing, and other filing rules. When filing identity documents such as birth certificates, passports, etc., submit copies NOT originals. For letters of support if they are from a professional they should ideally be signed, dated and on letterhead. If not from a profession (i.e. family or friend) ideally they will be signed, dated, and notarized and include a copy of a Driver's License or other ID showing the identity of the letter writer. If that is not possible, the court will accept a signed/dated letter with no notary or accompanying identity proof, but it may be given less evidentiary weight.

Application Submission Follow-Up

___ **If filing at the court window obtain date stamp on file copy.**

___ **Immediately after filing/service of the cancellation application, submit fee-in materials and biometrics request to USCIS.**

- *This will include a copy of the Judge's Order granting the fee waiver request as well as other supporting documents as listed in the USCIS fee-in and biometrics directions.*

___ **Attorney will receive Receipt Notice from USCIS for the Cancellation Application.**

- *The receipt will generally list I-485 as the case type.*

___ **Submit a copy of the Receipt Notice to the Court.**

- *The receipt copy if often with filing of supplemental evidence approximately 1 week prior to individual hearing.*

Final Hearing Preparation

- ___ If calling any witnesses telephonically, submit motion for telephonic testimony. Check with the Court Clerk approximately 1 week prior to hearing to confirm
- ___ If calling any witnesses who will need an interpreter, submit a motion requesting interpreter services. Check with the Court Clerk approximately 1 week prior to hearing to confirm.
- ___ If client will be using an interpreter for his or her testimony contact the Clerk of Court approximately 1 week prior to court to confirm.
- ___ Submit any final motions and supplemental evidence by pre-trial deadline. (*Deadline set by court for detained cases; generally about 5-10 days prior to hearing*).
- ___ Complete pre-trial conference if one has been arranged. If not, but there are issues that you think OCC may stipulate to, etc. then contact OCC attorney to discuss.
- ___ Communicate with client about trial (discuss role of the different parties, how the trial will go, possible outcomes, appeal process, and try to gauge expectations.
- ___ Communicate with family members about trial (similar conversation to the one held with client, also discuss logistics for getting to the hearing).
- ___ Draft all direct exams and potential re-directs. Outline anticipated cross from OCC.
- ___ Prep client for testimony and potential cross. Practice testimony and cross with client.
- ___ Prep all witnesses for testimony and potential cross. Practice testimony and cross with witnesses.
- ___ Draft outline of anticipated objections and/or legal issue that be discussed at the hearing. Practice potential discussion of legal issues that may arise with Judge/OCC during trial.
- ___ Draft brief opening/closing statements. *Note: Many IJs do not allow opening statements.*

Final Hearing

- ___ Keep a record of exhibit numbers assigned to documents/evidence.
- ___ Raise amendments to applications or any outstanding legal issues. Record the IJ's directions regarding those topics.
- ___ Make objections to DHS exhibits as needed.
- ___ Conduct Opening Statements or Introduction to the Court

- ___ **Complete Direct and Re-Direct for witnesses.**
- ___ **Make objections as needed.**
- ___ **Conduct Closing Statement**
- ___ **If IJ rules against client, reserve client's right to appeal.**

Post Hearing (Win & Release)

- ___ **Coordinate with OCC about the return of client's ID records (i.e. LPR card/passport)**
- ___ **Speak with ERO about release logistics for client and communicate details with client and family**
- ___ **Draft and send closing letter to client**

****Note: If OCC reserves appeal, explain the appeal process and timeline to the client. You can continue with the steps above if OCC chooses to not actually file the appeal, or if OCC does file the appeal but the you prevail.*

Post Hearing (Loss & Appeal)

- ___ **Discuss with mentor whether you will continue with the case if client decides to pursue appeal.**
- ___ **Discuss the IJs decision, appeal options, and timeline with the client. Determine if client wants to pursue appeal.**

___ **If client pursues appeal and you will be representing see below:**

- Sign a new retainer covering the appeal with client.
- Draft Notice to appeal (EOIR-26) to the BIA (client must sign)
- Draft Fee Waiver EOIR-26A (client must sign)
- File appeal with BIA and serve OCC by deadline
- Provide copy to client.

___ **If client pursues appeal, but you will not be representing see below:**

- Draft closing letter to client explaining decision not to represent for appeal. Highlight information about appeal filing deadlines. Provide a copy of the notice to appeal and fee waiver forms with instructions.

___ **If client declines to appeal:**

- Meet with mentor. Discuss the possibility of continued detention for client if DHS appeals, and how to handle VD if that is an option. Advice client accordingly.
- Speak with client's deportation officer to find out when client may be removed, luggage arrangement, and other personal items the family may leave for your client.
- Draft closing letter. Provide a copy of the notice of appeal and fee waiver forms with instructions to the client.

Current Proceedings:

Where/How was respondent picked up:

Have copy of NTA/I-213: Yes/No

Any changes/errors:

Factual Allegations/Charges/Country for Removal:

Factual Allegations:

- | | |
|------------------------------|----|
| 1) Not a citizen of U.S. | 1) |
| 2) National/Citizen of _____ | |
| 3) | 2) |
| 4) | |
| 5) | 3) |
| 6) | |

Charges:

Designating a Country for Removal? Yes or No

If so, where? _____

Bond Set by ICE/IJ:

Eligible for Bond?

Requesting reconsideration?

How much?

Attended any prior court dates attended (Note if represented at any point, bond hearing completed, pleadings taken, etc.):

Asylum, CAT, U or T Visa:

Does the client FEAR returning to his/her country? Y N Fears Torture? Y N

Describe briefly (Check for resettlement/relocation):

Victim of serious crime in the U.S.? Y N Where? When?

Willing to or did help police or prosecution? Y N

Describe briefly:

Family member victim of serious crime in the U.S.? Yes/No (If yes, gather information listed above)

Trafficking? Forced labor or sex-work?

Criminal History: (For more crimes, more forms at end)

Describe any police contact in the U.S. or any other country. Any times in a police car, police station, fingerprinted, before a judge. Note: Remind to include any expunged, juvenile, minor traffic, dismissed offenses, etc.

Crime 1:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Crime 2:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Crime 3:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Family:

Spouse:

Cultural Marriage: Yes/No (If so where did marriage take place, and what were circumstances).

Separated: Yes/No

Immigration Status:

Location:

Health Issues:

Ex-Spouse:

Immigration Status:

Location:

Children:

Name: DOB: Imm. Status Location

Health Issues

**If more children note here and add information to addendum page: _____

Mother:

Immigration Status (If Naturalized USC give natz date):

Location:

How Long in the US:

Health Issues

Father:

Immigration Status (If Naturalized USC give natz date):

Location:

How Long in the US:

Health Issues

Grandparents:

Where born? Any live in the U.S? MGM MGF PGM PGF

Siblings:

Name Imm. Status Location

Name Imm. Status Location

Name Imm. Status Location

Discretionary Equities:

Education Summary:

General Employment History:

Community Service/Ties to Community (church, clubs, etc.):

Consistent Payment of Taxes/Child Support if Applicable:

Own Property:

Hardship to family if removed?

If drug/alcohol abuse, any support plan in place, AA, counseling, etc.:

If criminal history, any signs of rehabilitation, support plan in place:

Possible Relief: (check all that apply)

- A. Asylum/Withholding/CAT
- B. Cancellation LPR or Non-LPR
- C. Adjustment of Status through:
- D. Termination
- E. U or T Visa
- F. Claim to US Citizenship

Bond Eligible/Mandatory Detention?

If bond eligible, able to pay bond?

Addendum Sheet for Additional Criminal Screening

Crime 4:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Crime 5:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Crime 6:

Convicted? Y N Pled Guilty? Y N When? Paid Fine? Y N
On appeal? Y N Conviction Records in the File? Y N Any missing documents? Y N
Length of Sentence? Time Served? Pardoned juvenile? Y N
Mandatory Detention? Y N CIMT? Y N Aggravated Felony? Y N
Defense attorney ask you about your citizenship? Y N Ask about your immig status? Y N
Advised of the immig. conseq of a plea/conviction? Y N Of the sentence? Y N
Additional Info:

Additional Notes:



DHS/ICE
Office of the Chief Counsel

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Updated 1/27/2017
Amendment notes by JLCM
6/27/2017



RELEASE OF INFORMATION

I, _____, hereby authorize and instruct all persons including _____ to allow _____ (Attorney at Law) and/or _____ (Legal Assistant) of Immigrant Law Center of Minnesota to discuss, examine, review and copy any and all files, materials, reports, information, verification letters, etc. which _____ may have concerning me. I understand that the information that I have authorized to be released will be used by Immigrant Law Center of Minnesota in the case that it is pursuing on my behalf. It has been explained to me by a representative of Immigrant Law Center of Minnesota why the information requested is needed and how it pertains to my case. I have been informed of my right to refuse to allow the release of this information and the consequences of my refusal have been explained to me. This authorization will remain in full force and effect subject to my right to revoke at any time until _____. A copy of this authorization shall be considered as valid as the original.

Client's Signature

Date

AUTHORIZATION TO RELEASE INFORMATION
BY ILCM EMPLOYEE TO ANOTHER PARTY

I/We _____, hereby
give authorization for _____, or other employees or
agents of the Immigrant Law Center of Minnesota to provide the information specified below:

_____;

to _____
_____.

I understand that I may refuse to authorize the release of this information and that I may
revoke that authorization at any time by contacting _____
(ILCM representative).

This authorization will remain in full force and effect, subject to my right to revoke, at
any time, until _____. A photocopy of this authorization shall be considered as
valid as the original.

Client's signature

Date

Date of Birth

SECTION 2

Sample Filings & Correspondence

- Sample Motion to Substitute Counsel
- Sample Motion for Fee Waiver
- Sample Form EOIR-42A (LPR Cancellation) Submission
- Sample Supporting Documents for EOIR-42A Submission
- Sample Witness List Submission
- Sample EOIR-42A Receipt Notice
- Sample Notice of Hearing in Removal Proceedings
- Sample IJ Summary Order
- Sample Request for Letter of Support
- Closing Letter to Client Template

The sample filings in this manual were created for training purposes. The information therein is not real.

Sally Juris
Immigrant Law Center of Minnesota
450 N. Syndicate St. Suite 200
St. Paul, MN 55104

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

_____)	
In the Matter of:)	
)	
Ali GETANEH)	File No.: A 000 000 001
)	
)	
In removal proceedings)	
_____)	

**Immigration Judge
Kristin W. Olmanson**

**Next Individual Hearing Date: September 10, 2017
9:00 a.m.**

MOTION TO SUBSTITUTE AS COUNSEL

August 15, 2017

GETANEH, Ali
A 000 000 001

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GETANEH, Ali
A 000 000 001

MOTION TO SUBSTITUTE AS COUNSEL

The above referenced Respondent, Ali GETANEH, A 000 000 001, through undersigned counsel, hereby requests that this Motion to Substitute Counsel be granted for good cause shown. This Motion is made for the reasons set forth below.

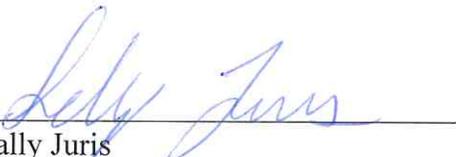
Respondent's attorney of record is Anne Applebaum. Respondent and prior counsel of record, Ms. Anne Applebaum, agree to the substitution of counsel and to Ms. Sally Juris' representation. Ms. Sally Juris is prepared to appear on behalf of Respondent as pro bono counsel at subsequent hearings before this tribunal, specifically, but not limited to, on September 10, 2017 for Respondent's individual hearing.

Based upon the foregoing, Respondent, through counsel, respectfully requests that this motion be granted in the above-captioned matter.

Respectfully Submitted,

IMMIGRANT LAW CENTER OF MINNESOTA

By:



Sally Juris
Attorney for Respondent
111 Litigate Lane
St. Paul, MN 55104
(651) 111-1112

Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY Ali GETANEH <hr/> (First) (Middle Initial) (Last) c/o Sherburne County Jail, 13880 Business Center Dr NW <hr/> (Number and Street) (Apt. No.) Elk River MN 55330 <hr/> (City) (State) (Zip Code)	ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.) 000000001 Entry of appearance for (please check <u>one</u> of the following): <input checked="" type="checkbox"/> All proceedings <input type="checkbox"/> Custody and bond proceedings only <input type="checkbox"/> All proceedings other than custody and bond proceedings
--	---

Attorney or Representative (please check one of the following):

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court Minnesota Supreme Court Bar Number (if applicable) 0000001

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).

I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):

I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE	EOIR ID NUMBER	DATE
X	123456	<u>08/15/2017</u>

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS

Name: Sally Juris
 (First) (Middle Initial) (Last)

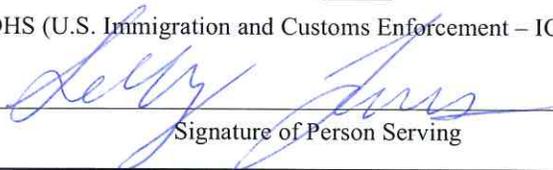
Address: 111 Litigate Lane
 (Number and Street)
Saint Paul MN 55104
 (City) (State) (Zip Code)

Telephone: 651-111-1112 Facsimile: 651-111-1122 Email: Sally.Juris@Legal.com

Check here if new address

Indicate Type of Appearance:
 Primary Attorney/Representative Non-Primary Attorney/Representative

 On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)

 I am providing pro bono representation. Check one: yes no
Proof of Service
 I (Name) Sally Juris mailed or delivered a copy of this Form EOIR-28 on (Date) August 15, 2017
 to the DHS (U.S. Immigration and Customs Enforcement – ICE) at 1 Federal Drive , Suite 1850, Fort Snelling, MN 55111
X


Signature of Person Serving

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101*et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

STATE OF MINNESOTA)
)
COUNTY OF SHERBURNE)

Affidavit of Ali Getaneh

I, Ali Getaneh, born 01/01/1991, detained at Sherburne County Detention Facility in Elk River, MN with alien registration number 000 000 001, under penalty of perjury declare:

1. I was previously represented by Anne Applebaum.
2. I wish to change attorneys and have Sally Juris represent me with my immigration case.
3. I speak, read, and understand the English language and understand all of the statements above. I have had the opportunity to review this information with my attorney and ask any questions that I had relating to the above information.
4. I certify that all of the above statements are true and correct.

Signature: _____

Ali GETANEH

Date: _____

08/16/2017

Subscribed and sworn before me
This 16th day of August, 2017

Notary Public



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN

In the Matter of: **GETANEH, Ali** **A 000 000 001**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion to Substitute as Counsel**, it is HEREBY ORDERED that the motion be

 GRANTED **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Kristin W. Olmanson
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of: **GETANEH, Ali** **A 000 000 001**

ORDER OF THE IMMIGRATION JUDGE

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 GRANTED **DENIED** because:

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- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Kristin W. Olmanson
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

On **August 15, 2017**, I, **Sally Juris**,

served a copy of this **MOTION TO SUBSTITUTE AS COUNSEL**

and any attached pages to the **Department of Homeland Security**

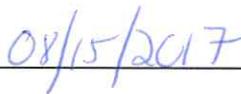
at the following address: **BLMOCCSERVICE@ice.dhs.gov**

by **E-SERVICE**.

Signature



Date



GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

On **August 15, 2017**, I, **Sally Juris**,

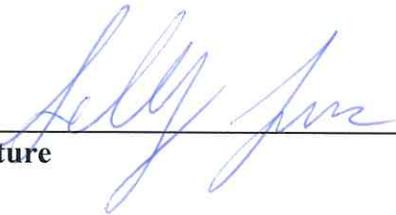
served a copy of this **MOTION TO SUBSTITUTE AS COUNSEL**

and any attached pages to the **Ms. Anne Applebaum**

at the following address: **450 North Syndicate Street, Suite 175**
Saint Paul, MN 55104

by **Mail**.

Signature



Date



Sally Juris
Immigrant Law Center of Minnesota
450 N. Syndicate St. Suite 200
St. Paul, MN 55104, Ext. 001

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of:)
)
Ali GETANEH) **File No.: A 000 000 001**
)
)
In removal proceedings)

**Immigration Judge
Kristin W. Olmanson**

**Next Hearing Date: August 1, 2017
9:00 a.m.**

MOTION FOR A FEE WAIVER

August 1, 2017

GETANEH, Ali
A 000 000 001

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GETANEH, Ali
A 000 000 001

MOTION FOR FEE WAIVER

The above referenced Respondent, Ali Getaneh, A 000 000 001, through undersigned counsel, hereby requests that this Motion for a Fee Waiver be granted for good cause shown. This Motion is made for the reasons set forth below.

Respondent is currently detained and unable to work. As his fee waiver application demonstrates, he has no current income or any savings. Under these circumstances, Respondent is unable to pay for the application fee for Form EOIR-42A, Cancellation of Removal, and requests a waiver of the fee.

Based upon the foregoing, Respondent, through counsel, respectfully requests that this motion be granted in the above-captioned matter.

Respectfully Submitted,

IMMIGRANT LAW CENTER OF MINNESOTA

By: _____

Sally Juris

Attorney for Respondent

450 N. Syndicate Street #200

St. Paul, MN 55104

(651) 641-1011

_____ 08/01/2017
Date

Fee Waiver Request

Ali GETANEH

Name:

000 000 001

Alien Number ("A" Number):

If more than one alien is included in your appeal or motion, only the lead alien need file this form. This form is to be signed by the alien, not the alien's attorney or representative of record.

I, Ali GETANEH, declare under penalty of perjury, pursuant to 28 U.S.C. section 1746, that I am the person above and that I am unable to pay the fee. I believe that my appeal/motion is valid, and I declare that the following information is true and correct to the best of my knowledge:

Assets

Wages, Salary \$ 0 /month

Other Income \$ 0 /month
(business, professional services, self-employed/independent contracting, rental payments, etc.)

Cash \$ 0

Checking and/or Savings \$ 500

Property \$ 1000
(real estate, automobile(s), stocks, bonds, etc.)

Other Financial Support \$ 0 /month
(public assistance, alimony, child support, gift, parent, spouse, other family members, etc.)

Expenses (including dependents)

Housing \$ 0 /month
(rent, mortgage, etc.)

Food \$ 0 /month

Medical/Health \$ 0 /month

Utilities \$ 0 /month
(phone, electric, gas, water, etc.)

Transportation \$ 0 /month

Debts, Liabilities \$ 0 /month

Other 0 /month
(specify)

[Signature] 07/28/2017
Signature of Alien Date

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is one (1) hour. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Privacy Act Notice

The information on this form is requested to determine if you have established eligibility for the fee waiver you are seeking. The legal right to ask for this information is located at 8 C.F.R. § 1003.8(a)(3). EOIR may provide this information to other Government agencies. Failure to provide this information may result in denial of your request.

Attorney or Representative (if any):

I hereby attest that I have reviewed the details provided herein and I am satisfied that this fee waiver request is made in good faith.

[Signature] 07/28/2017
Signature of Attorney or Representative Date
Sally Juris

Print Name

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of: **GETANEH, Ali** **A 000 000 001**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion for a Fee Waiver**, it is HEREBY ORDERED that the motion be

 GRANTED **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Kristin W. Olmanson
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of: **GETANEH, Ali** **A 000 000 001**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion for Fee Waiver**, it is HEREBY ORDERED that the motion be

 GRANTED **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Kristin W. Olmanson
Immigration Judge

Certificate of Service

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To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of: **GETANEH, Ali** **A 000 000 001**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion for Fee Waiver**, it is **HEREBY ORDERED** that the motion be

 GRANTED **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Kristin W. Olmanson
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

On **August 1, 2017**, I, **Sally Juris**,

served a copy of this **MOTION FOR FEE WAIVER**

and any attached pages to the **Department of Homeland Security**

at the following address: **Bishop Henry Whipple Federal Building**
1 Federal Drive, Suite 1800
Fort Snelling, MN 55111

by **hand-delivery**.

Signature

A handwritten signature in blue ink, appearing to read "Sally Juris", written over a horizontal line.

Date

A handwritten date in blue ink, "08/01/2017", written over a horizontal line.

Sally Juris
Immigrant Law Center of Minnesota
450 N. Syndicate St. Suite 200
St. Paul, MN 55104, Ext. 001

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

_____)
In the Matter of:)
)
Ali GETANEH)
)
)
)
In removal proceedings)
_____)

File No.: A 000 000 001

Immigration Judge
Kristin W. Olmanson

Next Hearing Date: August 1, 2017
9:00 a.m.

**FORM EOIR-42A, APPLICATION FOR CANCELLATION OF REMOVAL FOR
CERTAIN PERMANENT RESIDENTS**

August 1, 2017

GETANEH, Ali
A 000 000 001

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**Application for Cancellation of Removal for
Certain Permanent Residents**

**PLEASE READ ADVICE AND INSTRUCTIONS
BEFORE FILLING IN FORM**

PLEASE TYPE OR PRINT

Fee Stamp (Official Use Only)

PART 1 - INFORMATION ABOUT YOURSELF

1) My present true name is: <i>(Last, First, Middle)</i> GETANEH Ali		2) Alien Registration (or "A") Number(s): 000-000-001		
3) My name given at birth was: <i>(Last, First, Middle)</i> GETANEH, Ali		4) Birth Place: <i>(City and Country)</i> Asmara, Eritrea		
5) Date of Birth: <i>(Month, Day, Year)</i> 01/01/1991	6) Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	7) Height: 6' 5"	8) Hair Color: Black	9) Eye Color: Brown
10) Current Nationality and Citizenship: Eritrean	11) Social Security Number: 222-22-2222	12) Home Phone Number: (320) 000-0001	13) Work Phone Number: (320) 111-1110	
14) I currently reside at: Sherburne County Jail <i>Apt. number and/or in care of</i> 13880 Business Center Dr. <i>Number and Street</i> Elk River <i>City or Town</i> MN 55330 <i>State Zip Code</i>		15) I have been known by these additional name(s): None		

16) I have resided in the following locations in the United States: (List PRESENT ADDRESS FIRST, and work back in time for at least 7 years.)

Street and Number - Apt. or Room # - City or Town - State - Zip Code	Resided From: <i>(Month, Day, Year)</i>	Resided To: <i>(Month, Day, Year)</i>
456 Home Street, Unit 204 Saint Cloud, MN 56301	06/01/2011	PRESENT
123 1st Avenue, Apt 203 Saint Cloud, MN 56302	02/10/2007	05/29/2011

PART 2 - INFORMATION ABOUT THIS APPLICATION

17) I, the undersigned, hereby request that my removal be cancelled under the provisions of section 240A(a) of the Immigration and Nationality Act (INA). I believe that I am eligible for this relief because I have been a lawful permanent resident alien for 5 or more years, have 7 years of continuous residence in the United States, and have not been convicted of an aggravated felony. I was admitted as or adjusted to the status of an alien lawfully admitted for permanent residence on 02/07/2007
(Date)

at Bloomington, MN
(Place)

PART 3 - INFORMATION ABOUT YOUR PRESENCE IN THE UNITED STATES

18) My first arrival into the United States was under the name of: *(Last, First, Middle)*
 GETANEH Ali

19) My first arrival to the United States was on: *(Month, Day, Year)*
 02/07/2007

20) Place or port of first arrival: *(Place or Port, City, and State)*
 New York, New York

21) I: was inspected and admitted.
 I entered using my Lawful Permanent Resident card which is valid until _____ *(Month, Day, Year)*
 I entered using a I-94 (Refugee Derivative) visa which is valid until _____ *(Month, Day, Year)*
 was not inspected and admitted. *(Specify Type of Visa)* _____ *(Month, Day, Year)*
 I entered without documents. Explain: _____
 I entered without inspection. Explain: _____
 Other. Explain: _____

22) I applied on _____ *(Month, Day, Year)* for additional time to stay and it was granted on _____ *(Month, Day, Year)*
 and valid until _____ *(Month, Day, Year)*, or denied on _____ *(Month, Day, Year)*

23) Since the date of my first entry, I departed from and returned to the United States at the following places and on the following dates:
(Please list all departures regardless of how briefly you were absent from the United States.)
 If you have never departed from the United States since your original date of entry, please mark an X in this box:

1	Port of Departure <i>(Place or Port, City and State)</i> MSP, Minneapolis, MN	Departure Date <i>(Month, Day, Year)</i> 06/05/2009	Purpose of Travel Visiting Family	Destination Eritrea
	Port of Return <i>(Place or Port, City and State)</i> MSP, Minneapolis, MN	Return Date <i>(Month, Day, Year)</i> 08/25/2009	Manner of Return Airport as an LPR	Inspected and Admitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2	Port of Departure <i>(Place or Port, City and State)</i> MSP, Minneapolis, MN	Departure Date <i>(Month, Day, Year)</i> 03/20/2010	Purpose of Travel Vacation	Destination Canada
	Port of Return <i>(Place or Port, City and State)</i> MSP, Minneapolis, MN	Return Date <i>(Month, Day, Year)</i> 03/25/2010	Manner of Return LPR through Border Checkpoint with Vehicle	Inspected and Admitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

24) Have you ever departed the United States: a) under an order of deportation, exclusion, or removal?..... Yes No
 b) pursuant to a grant of voluntary departure?..... Yes No

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE *(Continued on page 3)*

25) I am not married: I am married:
 26) If married, the name of my spouse is: *(Last, First, Middle)*
 MEKI Asha Abeba
 27) My spouse's name before marriage was:
 MEKI Asha Abeba

28) The marriage took place in: *(City and Country)*
 Saint Cloud, MN USA

29) Date of marriage: *(Month, Day, Year)*
 03/28/2011

30) My spouse currently resides at:
 456 Home Street
Apt. number and/or in care of
 Unit 204
Number and Street
 Saint Cloud MN 56301
City or Town State/Country Zip Code

31) Place and date of birth of my spouse: *(City & Country; Month, Day, Year)*
 Saint Cloud USA 02/15/1992

32) My spouse is a citizen of: *(Country)*
 United States

33) If your spouse is other than a native born United States citizen, answer the following:
 He/she arrived in the United States at: *(Place or Port, City and State)* _____
 He/she arrived in the United States on: *(Month, Day, Year)* _____
 His/her alien registration number(s) is: A# _____
 He/she was naturalized on: *(Month, Day, Year)* _____ at _____ *(City and State)*

34) My spouse - is - is not employed. If employed, please give salary and the name and address of the place(s) of employment.

Full Name and Address of Employer	Earnings Per Week <i>(Approximate)</i>
	\$
	\$
	\$

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE (Continued)

35) I - have - have not been previously married: (If previously married, list the name of each prior spouse, the dates on which each marriage began and ended, the place where the marriage terminated, and describe how each marriage ended.)

Name of prior spouse: (Last, First, Middle)	Date marriage began: Date marriage ended:	Place marriage ended: (City and Country)	Description or manner of how marriage was terminated or ended:

Name of prior spouse: (Last, First, Middle)	Date marriage began: Date marriage ended:	Place marriage ended: (City and Country)	Description or manner of how marriage was terminated or ended:

36) Have you been ordered by any court, or are otherwise under any legal obligation, to provide child support and/or spousal maintenance as a result of a separation and/or divorce? - Yes - No

PART 5 - INFORMATION ABOUT YOUR EMPLOYMENT AND FINANCIAL STATUS

37) Since my arrival into the United States, I have been employed by the following named persons or firms: (Please begin with present employment and work back in time. Any periods of unemployment or school attendance should be specified. Attach a separate sheet for additional entries if necessary.)

Full Name and Address of Employer	Earnings Per Week (Approximate)	Type of Work Performed	Employed From: (Month, Day, Year)	Employed To: (Month, Day, Year)
Unemployed	\$		06/25/2017	PRESENT
ABC Auto Repair 789 Tesla Avenue Saint Cloud, MN 56304	\$ 550.00	Auto Repair	09/07/2011	06/24/2017
	\$			

38) If self-employed, describe the nature of the business, the name of the business, its address, and net income derived therefrom:

39) My assets (and if married, my spouse's assets) in the United States and other countries, not including clothing and household necessities, are:

Self	Jointly Owned With Spouse
Cash, Stocks, and Bonds..... \$ 0.00	Cash, Stocks, and Bonds..... \$ 500.00
Real Estate..... \$ 0.00	Real Estate..... \$ 0.00
Auto (dollar value minus amount owed)..... \$ 0.00	Auto (dollar value minus amount owed)..... \$ 1,000.00
Other (describe on line below)..... \$ 0.00	Other (describe on line below)..... \$
TOTAL \$ 0.00	TOTAL \$ 1,500.00

40) I - have - have not received public or private relief or assistance (e.g., Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.) If you have, please give full details including the type of relief or assistance received, date for which relief or assistance was received, place, and total amount received during this time: When I first arrive in the United States in 2007 my family received cash and food assistance from Stearns County. In 2012, I started receiving food assistance from Stearns County for myself, and my children.

41) Please list each of the years in which you have filed an income tax return with the Internal Revenue Service: 2011, 2012, 2013, 2014, 2015, 2016; the only years that I have worked in the United States. I have included copies of those tax return filings with the application.

PART 6 - INFORMATION ABOUT YOUR FAMILY (Continued on page 5)

42) I have 2 (Number of) children. Please list information for each child below, include assets and earnings information for children over the age of 16 who have separate incomes:

Name of Child: (Last, First, Middle) Child's Alien Registration Number:	Citizen of What Country: Birth Date: (Month, Day, Year)	Now Residing At: (City and Country) Birth Date: (City and Country)	Immigration Status of Child
GETANEH Hamid A#:	United States 01/15/2012	Saint Cloud, USA	U.S. Citizen
Estimated Total of Assets: \$ <u>0</u>		Estimated Average Weekly Earnings: \$ <u>0</u>	
GETANEH Harina A#:	United States 06/15/2014	Saint Cloud, USA	U.S. Citizen
Estimated Total of Assets: \$ <u>0</u>		Estimated Average Weekly Earnings: \$ <u>0</u>	
A#:			
Estimated Total of Assets: \$ _____		Estimated Average Weekly Earnings: \$ _____	

43) If your application is denied, would your spouse and all of your children accompany you to your:

- Country of Birth - Yes No
- Country of Nationality - Yes No
- Country of Last Residence - Yes No

If you answered "No" to any of the responses, please explain: My wife and children were all born in the US. They do not know anyone in Eritrea, and do not even know the language. My wife would not have the ability to find work, or have family to help support her. My children would not have access to good education and opportunities in Eritrea, and my daughter needs important medical care that she can't access in Eritrea.

44) Members of my family, including my spouse and/or child(ren) - have - have not received public or private relief or assistance (e.g., Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.). If any member of your immediate family has received such relief or assistance, please give full details including identity of person(s) receiving relief or assistance, dates for which relief or assistance was received, place, and total amount received during this time:

When my wife was pregnant, she temporary received Medical Assistance from the State. I do not know exact dates. My children have both received Medical Assistance from the State since their births. My wife and children have received food assistance from Stearns County since 2012. The amount received has fluctuated, but is generally between \$200 to \$250 a month.

45) Please give the requested information about your parents, brothers, sisters, aunts, uncles, and grandparents, living or deceased. As to residence, show street address, city, and state, if in the United States; otherwise show only country:

Name: (Last, First, Middle) Alien Registration Number:	Citizen of What Country: Birth Date: (Month, Day, Year)	Relationship to Me: Birth Date: (City and Country)	Immigration Status of Listed Relative
GETANEH Almaz A#: 123-456-789	Eritrea 06/25/1965	Mother Asmara Eritrea	USC
Complete Address of Current Residence, if Living: <u>1011 1st St. Saint Cloud, MN 56302</u>			
GETANEH Aman A#:	Eritrea 03/14/1955	Father Asmara Eritrea	None
Complete Address of Current Residence, if Living: <u>N/A Deceased</u>			

PART 7 - MISCELLANEOUS INFORMATION *(Continued on page 6)*

46) I - have - have not entered the United States as a crewman after June 30, 1964.

47) I - have - have not been admitted as, or after arrival in the United States acquired the status of, an exchange alien.

48) I - have - have not submitted address reports as required by section 265 of the Immigration and Nationality Act.

49) I - have - have never (either in the United States or in any foreign country) been arrested, summoned into court as a defendant, convicted, fined, imprisoned, placed on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance (including, but not limited to, traffic violations or driving incidents involving alcohol). *(If answer is in the affirmative, please give a brief description of each offense including the name and location of the offense, date of conviction, any penalty imposed, any sentence imposed, and the time actually served. You are required to submit documentation of any such occurrences.)*

Please See Addendum.

50) Have you ever served in the Armed Forces of the United States? - Yes - No. If "Yes" please state branch (*Army, Navy, etc.*) and service number: _____

Place of entry on duty: *(City and State)* _____

Date of entry on duty: *(Month, Day, Year)* _____ Date of discharge: *(Month, Day, Year)* _____

Type of discharge: *(Honorable, Dishonorable, etc.)* _____

I served in active duty status from: *(Month, Day, Year)* _____ to *(Month, Day, Year)* _____

51) Have you ever left the United States or the jurisdiction of the district where you registered for the draft to avoid being drafted into the military or naval forces of the United States? Yes No

52) Have you ever deserted from the military or naval forces of the United States while the United States was at war? Yes No

53) If male, did you register under the Military Selective Service Act or any applicable previous Selective Service (Draft) Laws? Yes No
 If "Yes," please give date, Selective Service number, local draft board number, and your last draft classification: _____
 02/25/2010; 00-1000000-1; See enclosed letter.

54) Were you ever exempted from service because of conscientious objection, alienage, or any other reason? Yes No

55) Please list your present or past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place since your 16th birthday. Include any foreign military service in this part. If none, write "None." Include the name of the organization, location, nature of the organization, and the dates of membership.

Name of Organization	Location of Organization	Nature of Organization	Member From: <i>(Month, Day, Year)</i>	Member To: <i>(Month, Day, Year)</i>
Eritrean Orthodox Church	Saint Cloud MN	Church	03/01/2007	

PART 7 - MISCELLANEOUS INFORMATION *(Continued)*

56) Have you ever:

- Yes No been ordered deported, excluded, or removed?
- Yes No overstayed a grant of voluntary departure from an Immigration Judge or the Department of Homeland Security (DHS), formerly the Immigration and Naturalization Service (INS)?
- Yes No failed to appear for deportation or removal?

57) Have you ever been:

- Yes No a habitual drunkard?
- Yes No one whose income is derived principally from illegal gambling?
- Yes No one who has given false testimony for the purpose of obtaining immigration benefits?
- Yes No one who has engaged in prostitution or unlawful commercialized vice?
- Yes No involved in a serious criminal offense and asserted immunity from prosecution?
- Yes No a polygamist?
- Yes No one who brought in or attempted to bring in another to the United States illegally?
- Yes No a trafficker of a controlled substance, or a knowing assister, abettor, conspirator, or colluder with others in any such controlled substance offense (not including a single offense of simple possession of 30 grams or less of marijuana)?
- Yes No inadmissible or deportable on security-related grounds under sections 212(a)(3) or 237(a)(4) of the INA?
- Yes No one who has ordered, incited, assisted, or otherwise participated in the persecution of an individual on account of his or her race, religion, nationality, membership in a particular social group, or political opinion?
- Yes No a person previously granted relief under sections 212(c) or 244(a) of the INA or whose removal has previously been cancelled under section 240A of the INA?

If you answered "Yes" to any of the above questions, explain:

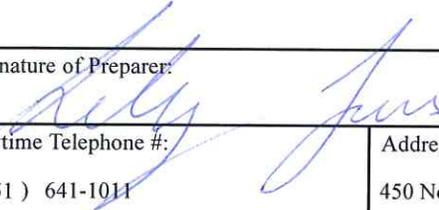
58) The following certificates or other supporting documents are attached hereto as a part of this application: *(Refer to the Instructions for documents which should be attached.)*

- | | |
|---|---|
| <u>Copy of Mr. Getaneh's Permanent Resident Card</u> | <u>Copy of Medical Records for Harina Getaneh</u> |
| <u>Copy of Birth Certificate for USC Wife; Asha Abeba Meki</u> | <u>Diploma from SC Community College 2011</u> |
| <u>Copy of Birth Certificate for USC daughter; Harina Getaneh</u> | <u>Criminal History Chart</u> |
| <u>Copy of Birth Certificate for USC son; Hamid Getaneh</u> | <u>Police Report from when Mr. Getaneh was victim of assault in 2008.</u> |
| <u>Copy US Passport Bio Page for USC Mother; Almaz Getaneh</u> | <u>_____</u> |
| <u>Copy of US Passport Bio Page for USC Sister; Ada Getaneh</u> | <u>_____</u> |
| <u>Federal Tax Returns from 2011-2016</u> | <u>_____</u> |
| <u>Proof of Registration in Selective Service</u> | <u>_____</u> |
| <u>Records showing employment with ABC Auto Repair 2011-16</u> | <u>_____</u> |
| <u>Certificate of Completion from AA Course 2013</u> | <u>_____</u> |
| <u>Letter of Support from Dr. Rufus Alby; Social Worker and</u> | <u>_____</u> |
| <u>Supervisor for Mr. Getaneh's Drug Counseling Program 2016</u> | <u>_____</u> |

PART 8 - SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

(Read the following information and sign below)

I declare that I have prepared this application at the request of the person named in Part 1, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in a language the applicant speaks fluently for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form EOIR-42A may subject me to civil penalties under 8 U.S.C. § 1324c.

Signature of Preparer: 	Print Name: Sally Juris	Date: 07/28/2017
Daytime Telephone #: (651) 641-1011	Address of Preparer: <i>(Number and Street, City, State, Zip Code)</i> 450 North Syndicate Street, Suite 200, Saint Paul, MN 55104	

PART 9 - SIGNATURE

APPLICATION NOT TO BE SIGNED BELOW UNTIL APPLICANT APPEARS BEFORE AN IMMIGRATION JUDGE

I swear or affirm that I know the contents of this application that I am signing, including the attached documents and supplements, and that they are all true to the best of my knowledge, taking into account the correction(s) numbered _____ to _____, if any, that were made by me or at my request.

(Signature of Applicant or Parent or Guardian)

Subscribed and sworn to before me by the above-named applicant at _____

Immigration Judge

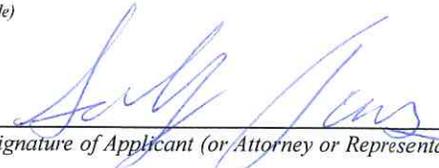
Date: (Month, Day, Year)

PART 10 - PROOF OF SERVICE

I hereby certify that a copy of the foregoing Form EOIR-42A was: - delivered in person - mailed first class, postage prepaid

on 08/01/2017 to the Assistant Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE)
(Month, Day, Year)

at 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111
(Number and Street, City, State, Zip Code)



Signature of Applicant (or Attorney or Representative)

Addendum to Form EOIR-42A
Ali GETANEH, A 000 000 001

Page 4, Question 45, “Please give the requested information about your parents, brothers, sisters, aunts, uncles, and grandparents, living or deceased. As to residence, show street address, city, and state, if in the United States; otherwise show only country.”

<i>Name</i>	<i>Citizen of What Country:</i>	<i>Birth Date:</i>	<i>Relationship</i>	<i>Birth Place</i>	<i>Current Residence</i>	<i>Immigration Status & A#</i>
Ada, GETANEH	USC	01/01/1989	Sister	Asmara, Somalia	Minneapolis, MN	USC, 011234566
Muna, BERHE	Eritrea	01/01/1945	Maternal Grandmother	Asmara, Somalia	Deceased	None
Solomon, BERHE	Eritrea	5/16/1932	Maternal Grandfather	Asmara, Eritrea	Deceased	None
Amina, GETANEH	Eritrea	Unknown	Paternal Grandmother	Eritrea	Deceased	None
Tesfaye, GETANEH	Eritrea	Unknown	Paternal Grandfather	Eritrea	Deceased	None

Page 5, Question 49: “I have either in the United States or in any foreign country been arrested, summoned into court as a defendant, convicted, fined, imprisoned, place on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance (including, but not limited to, traffic violations or driving incidents involving alcohol). *(If the answer is in the affirmative, please give a brief description of each offense including the name and location of the offense, date of conviction, any penalty imposed, any sentence imposed, and the time actually served.)*”

Date of Arrest	Location	Docket #	Charges	Disposition	Sentence	Time Served	CIMT
7/14/2010	Stearns County	11-CR-10-111111	169.197.2 No insurance owner	Convicted	\$100.00	(n/a)	(n/a)
4/20/2012	Stearns County	11-CR-11-111111	609.52 Theft-Take/Use/Transfer Movable Property	Convicted	\$50.00 fine, Community Service	(n/a)	No
9/08/2012	Stearns County	22-CR-12-222222	169.06.4(a) Fail to obey traffic control device	Convicted	\$103.00 fine	(n/a)	(n/a)
9/10/2013	Stearns County	33-CR-13-123465783	169A.20.1(1) Driving While Impaired	Dismissed	\$500.00 fine, Completion of AA Program	(n/a)	(n/a)

Date of Arrest	Location	Docket #	Charges	Disposition	Sentence	Time Served	CIMT
10/10/2013	Stearns County	44-CR-13-4444444444	609.2242.1(2) Domestic Assault	Dismissed		(n/a)	(n/a)
			169.72.1(3) Disorderly Conduct	Convicted	1 Year Probation	(n/a)	(n/a)
1/15/2016	Stearns County	12-CR-16-2222222222	152.027.4(a) Possession of a Small Amount of Marijuana	Convicted	2 Years Probation	(n/a)	(n/a)

07/01/2016	Sherburne County	INA 237 (a)(2)(B)(i)	ICE HOLD	ICE DETENTION	30 days
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TOTAL: 30 days

GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

On August 1, 2017, I, Sally Juris,

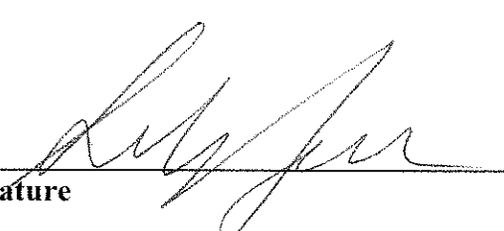
served a copy of this **FORM EOIR-42A, APPLICATION FOR CANCELLATION OF
REMOVAL FOR CERTAIN PERMANENT RESIDENTS**

and any attached pages to the **Department of Homeland Security**

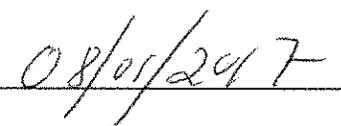
at the following address: **Bishop Henry Whipple Federal Building**
1 Federal Drive, Suite 1800
Fort Snelling, MN 55111

by **hand-delivery**.

Signature



Date



Sally Juris
Immigrant Law Center of Minnesota
450 N. Syndicate St. Suite 200
St. Paul, MN 55104, Ext. 001

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

_____)
In the Matter of:)
)
Ali GETANEH)
)
)
In removal proceedings)
_____)

File No.: A 000 000 001

**Immigration Judge
Kristin W. Olmanson**

**Next Hearing Date: August 1, 2017
9:00 a.m.**

**SUPPORTING DOCUMENTS FOR FORM EOIR-42A, APPLICATION FOR
CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS**

August 1, 2017

GETANEH, Ali
A 000 000 001

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TAB	DOCUMENT	PAGES
A	Copy of Lawful Permanent Resident Card for Mr. Getaneh	1
B	Copy of Immigration Documents for Mr. Getaneh's family: <ul style="list-style-type: none">• Copy of Birth Certificate for USC wife; Asha Abebe Meki• Copy of Birth Certificate for USC daughter; Harina Getaneh• Copy of Birth Certificate for USC Son; Hamid Getaneh• Copy of Passport Bio Page for USC mother; Almaz Getaneh• Copy of Passport Bio Page for USC sister; Ada Getaneh	3-7 3 4 5 6 7
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**In Filing, include all documents listed in the
table of contents.**

**Paginate & tab in accordance with the
Practice Manual.**

**For any non-English document, include a
certified translation**

GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

On August 1, 2017, I, Sally Juris,

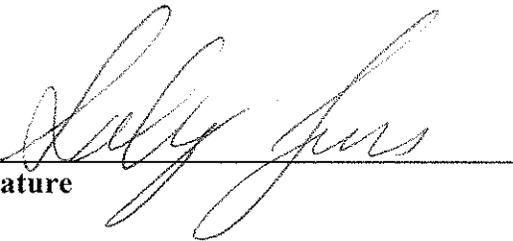
served a copy of this **SUPPORTING DOCUMENTS FOR FORM EOIR-42A,**
APPLICATION FOR CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT
RESIDENTS

and any attached pages to the **Department of Homeland Security**

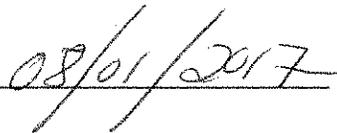
at the following address: **Bishop Henry Whipple Federal Building**
1 Federal Drive, Suite 1800
Fort Snelling, MN 55111

by **hand-delivery.**

Signature

A handwritten signature in cursive script, appearing to read "Sally Juris", written over a horizontal line.

Date

A handwritten date "08/01/2017" written in cursive script over a horizontal line.

Sally Juris
Immigrant Law Center of Minnesota
450 N. Syndicate St. Suite 200
St. Paul, MN 55104, Ext. 001

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MN**

In the Matter of:)
Ali GETANEH)
In removal proceedings)
_____)

File No.: A 000 000 001

Immigration Judge
Ryan Wood

Next Individual Hearing Date: September 15, 2017
9:00 a.m.

WITNESS LIST

September 1, 2017

GETANEH, Ali
A 000 000 001

TABLE OF CONTENTS

TAB	DOCUMENT	PAGES
A	Witness List	1-2
B	Certificate of Service	3

GETANEH, Ali
A 000 000 001

WITNESS LIST:

1. **Ali GETANEH**: Respondent
 - a. **Expected Length of Testimony**: 60-90 minutes
 - b. **Language of Testimony**: English

2. **Asha Abebe Meki**: USC Wife of Mr. Getaneh
DOB: 03/28/2011
Current Residence: 456 Home Street, Unit 204, Saint Cloud, MN, 56301
USCIS status: U.S. citizen
Expected Length of Testimony: 20-25 minutes
Language of Testimony: English

Ms. Meki will testify to the character of her husband, his role as a supportive husband, his background of providing for their family, his close relationship with their two young children, his role in her daughter's medical well-being. She will also provide information about the support plan they have in place for him after his release.

3. **Almaz GETANEH**: USC Mother of Mr. Getaneh
DOB: 06/25/1965
A#: 123 456 789
Current Residence: 1011 1st Street, Saint Cloud, MN 56302
USCIS status: US Citizen
Expected Length of Testimony: 15-20 minutes
Language of Testimony: Tigrinya

Respondent has been very close with his mother. He lived with her until 2011, and still sees her on almost a daily basis. She will discuss the support their family will provide to Respondent upon release.

4. **Ada GETANEH**: US citizen sister of Mr. Getaneh
DOB: 01/01/1989
A#: 011 234 566
Current Residence: 1345 12th Avenue, Minneapolis, MN 55406
USCIS status: US Citizen
Expected Length of Testimony: 15-20 minutes
Language of Testimony: English

Ms. Getaneh will testify about her relationship with her brother both while they lived together and as he has lived on his own. She will provide background about his childhood trauma, important character evidence, information about his commitment to improving his situation, and the specifics about the support his family will provide upon release.

GETANEH, Ali
A 000 000 001

PROOF OF SERVICE

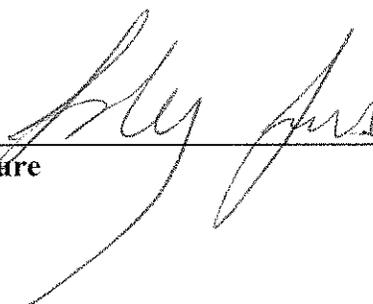
On **September 15, 2017**, I, **Sally Juris**,

served a copy of this **WITNESS LIST**

and any attached pages to the **Department of Homeland Security**

at the following address: **Bishop Henry Whipple Federal Building**
1 Federal Drive, Suite 1800
Fort Snelling, MN 55111

by **hand-delivery**.



Signature



Date

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER [REDACTED]		CASE TYPE EOIR 42A Application for Cancellation of Removal for Certain Permanent Residents
RECEIVED DATE OCTOBER 25, 2016	PRIORITY DATE	APPLICANT [REDACTED]
NOTICE DATE OCTOBER 27, 2016	PAGE 1 of 1	PRINCIPAL ALIEN
[REDACTED] IMMIGRANT LAW CENTER OF MN 450 N SYNDICATE ST STE 200 SAINT PAUL MN 55104		Notice Type: Receipt Notice Amount received: \$100.00

This notice acknowledges the above receipt of your designated application and fee as part of the requirements before the immigration judge can grant relief in your case.

The above application has been received and accepted as an I-485 receipt at the Texas Service Center. The actual case you submitted is listed in the block marked 'CASE TYPE'

Please notify us immediately if any of the above information is incorrect.

A fingerprint appointment will be scheduled and you will be notified at a later date.

Always remember to call customer service if you move while your case is pending.

You will be notified separately about any other cases you have filed.

CITIZENSHIP & IMMIGRATION SERVICE



Customer Service Telephone:

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1 FEDERAL DRIVE, SUITE 1850
FORT SNELLING, MN 55111

RE: [REDACTED]
FILE: [REDACTED]

DATE: Oct 11, 2016

TO: Immigrant Law Center of MN
[REDACTED]
450 North Syndicate Street
Suite 200
Saint Paul, MN 55104

Please take notice that the above captioned case has been scheduled for a ~~Master~~/Individual hearing before the Immigration Court on NOV 15, 2016 at 9:00 A.M.

1 FEDERAL DRIVE, SUITE 1850
FORT SNELLING, MN 55111

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Department of Homeland Security and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT FORT SNELLING, MN THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 240-314-1500.

IMMIGRATION COURT
1 FEDERAL DRIVE, SUITE 1850
FORT SNELLING, MN 55111

In the Matter of

Case No.:

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 11/15/16.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to SOMALIA or in the alternative to .
- Respondent's application for voluntary departure was denied and respondent was ordered removed to SOMALIA or in the alternative to .
- Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to SOMALIA.

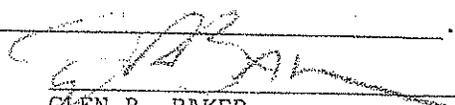
Respondent's application for:

- Asylum was () granted () denied (withdrawn).
- Withholding of removal was () granted () denied (withdrawn).
- A Waiver under Section _____ was () granted () denied (withdrawn).
- Cancellation of removal under section 240A(a) was (granted () denied () withdrawn.

Respondent's application for:

- Cancellation under section 240A(b)(1) was () granted () denied () withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Cancellation under section 240A(b)(2) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Adjustment of Status under Section _____ was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Respondent's application of (withholding of removal () deferral of removal under Article III of the Convention Against Torture was () granted () denied (withdrawn).
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: _____


GLEN R. BAKER
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

BY DHS

12/15/16

ALIEN NUMBER: [REDACTED]

NAME: [REDACTED]

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [X] ALIEN's ATT/REP [X] DHS
DATE: 11/15/11 BY: COURT STAFF gab

Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other



To: WHOM IT MAY CONCERN

From: [Attorney Name]

Date: [DATE]

Re: [Client's Name] Application for Cancellation of Removal as a Lawful Permanent Resident

Our office represents the above referenced individual in an immigration related matter. Specifically, we are seeking to gain protection for HIM/HER through an application for Cancellation of Removal to allow HIM/HER to live in the United States as a permanent resident (green card holder). [Client Name] requires letters in support of HIS/HER case. HE/SHE has identified you as someone whom HE/SHE trusts and someone who is able to explain how it is in the public interest that [Client's Name] be permitted to stay in the United States with HIS/HER family.

The letter we are requesting from you will be used to establish that [Client's Name] is a contributing member to our community and that HE/SHE has made a decision to move on from HIS/HER past criminal convictions. If you are able to support this case in this capacity, please include the following points in your statement:

- Your complete name, address and phone number.
- Your relationship to [Client's Name]. How do you know each other?
- What do you know about [Client's Name] good moral character and HIS/HER behavior as a [List Relevant Categories: Child, Spouse, Employee, etc.]?
- What do you know about [Client's Name] commitment to overcoming his past convictions?
- How it is in the public interest that [Client's Name] be permitted to stay in the United States

Please send the original, NOTARIZED copy of your statement to me at [Attorney Address] by [Deadline Date]. If you would like to review it prior to sending it, you can e-mail me a draft at: [Attorney Email]. **Also, please include a copy of your state identification or driver's license with the letter if possible.**

Please feel free to contact me with any questions or concerns at [Attorney Phone Number]. Please also contact me as soon as possible if you are unable to provide the statement on behalf of [Client's Name].

Sincerely,

[Attorney Name]

[DATE]

[Client Name]

[Address]

RE: Closing of Your Case

Dear [Client Name]:

I am writing to inform you that I am now closing the case that we had pending for you with this office since the Immigration Judge granted your Cancellation of Removal application on [Date of Order]. The Department of Homeland Security has informed me that they are not appealing the decision. Congratulations!

There are important things you need to know as we close your case:

- You continue to be a legal permanent resident. The immigration court cancelled your deportation for the criminal charges you had this time. The charges do not disappear for immigration purposes, but for this time you demonstrated to the judge that the charges should not result in your deportation. Nevertheless, you should know that you can only ask for this remedy **one time** in your life. This means that you should not be arrested again, because it could cost you your legal residency here in the United States. If you do find yourself in trouble with the police in the future, you need to consult with an immigration lawyer (or your criminal lawyer needs to consult with an immigration lawyer) before you plead guilty to anything.
- My best advice is that you think about becoming a citizen in 5 years or sooner if you are eligible. The only way to protect yourself against deportation in the future is to become a citizen. The immigration laws are always changing, and even though you won your case this time, the laws could change in the future and jeopardize your legal status in the United States. You should think about becoming a citizen as soon as possible.
- You must do various things to be able to become a citizen. First, you must not have any more convictions in the future. Also, you need to talk to a lawyer who specializes in immigration before applying for citizenship. It is possible that the law will change in the next 5 years and you want to be sure that you will not be putting yourself at risk for deportation by applying for citizenship. The courts have made it very difficult for pardons, expungements, and other criminal relief to erase the crime for immigration

purposes. But you should consult with a criminal lawyer and an immigration lawyer before pursuing any expungement or pardon. Also, before trying to become a citizen, you must demonstrate that you are a person of good moral character. You need to create a record of positive things that you have done, such as attending church, volunteer work, community services, etc. You must pay your taxes and keep of record of the tax returns you have filed. You may even need to wait a few years after you have completed probation to demonstrate good moral character.

Also:

- As a Legal Permanent Resident, you are free to travel to other countries. However, if you are planning to be out of the country for more than six (6) months, you should, before you leave, obtain a reentry permit in order to return to the U.S. without complications. [Insert Warning about Traveling to County of Origin if there were potential asylee or fear-based issues in the case].
- You are responsible for notifying the immigration service (now U.S. Citizenship and Immigration Services) anytime you change your address until you become a citizen; you must notify them **within 10 days of moving**. You can change your address online at www.uscis.gov by going to the forms page and clicking on Form AR-11.
- Always carry your permanent residence card with you. It is a crime to not have it with you.
- You ARE NOT a citizen of the U.S. and you should never say that you are. You are still a citizen of where you were born, but you have permanent legal residency in the U.S. until you formally become a citizen. Saying that you are a citizen of the United States when you are not can result in very serious immigration consequences.

With this information, I am closing your case. If you have questions about the information in this letter, please let me know. I must also inform you that you will have to contact the Immigrant Law Center of Minnesota as a new client if you desire further services in the future. Due to the limited resources that ILCM has to assist people, we cannot guarantee their ability to offer representation again in the future, but you are welcome to contact them to see about their capacity if needed in the future.

As a reminder, our firm will retain the complete file for this matter for a minimum of seven years, but may destroy the file after seven years have passed without further notice to you. All original documents you provided to me were returned to you, but the rest of the file remains at our office and will soon be placed in storage. You are welcome to pick up the file at any time, but please be advised that we will need advance notice in order to retrieve the file from storage and copy the documents, per our retainer agreement, at your expense. If you choose not to collect the file in the next seven years, it will be destroyed in accordance with our file destruction policy, taking care to preserve your confidentiality and conform to environmental standards without further notice to you.

It has been a pleasure working with you and your family. I wish you all the best for the future.
Congratulations!

Sincerely,

[Attorney Name]
Attorney

Enc. Cancellation of Removal Approval Notice