



New Jersey Consortium for Immigrant Children

Guide to Immigration Court in New Jersey for Youth and their Families

This guide is provided by the New Jersey Consortium for Immigrant Children (NJCIC), a group of advocates that work on behalf of immigrant children and youth to help with legal, educational and health needs. This guide is cosponsored by the New Jersey State Bar Foundation and made possible through funding from the IOLTA Fund of the Bar of New Jersey. This guide was also made possible by two generous volunteers from the Catchafire network; Vera Tong, who led graphic design efforts, and Leticia Plata, who led translation efforts. The information in this guide is general and is not legal advice, and is not a substitute for help from a lawyer that knows the facts of your case.

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Do I Need to Go to Immigration Court?

Anyone who is in the U.S. without legal immigration status can be ordered to go to immigration court for a hearing. The reason for the hearing is for a judge to decide whether or not the immigrant has a way to get legal immigration status in the U.S. This is called a **removal hearing**.

Not all children who recently arrived in the U.S. will have to go to immigration court, it depends on whether an active removal case was started by the government.

This section will explain the documents you may have gotten when you came to the United States and how to know if you need to go to immigration court.

Notice to Appear or “NTA”

If you were detained when you arrived in the U.S. the government can start a case in immigration court to “deport” or “remove” you from the U.S. The first step is to give or mail you a “Notice to Appear” or (“NTA” for short) with:

- 1** Your **A-number** - a 9 or 10 digit number that is only yours that identifies you in the immigration process
- 2** The reasons that the government started a removal case against you, such as that you are not a U.S. citizen and did not have permission to enter the United States.
- 3** The laws the government alleges you violated
- 4** Sometimes, the Notice to Appear will have the location of the court and the time and date that you must go. If the NTA does not have this information, you may receive another piece of paper with this information called a **“Notice of Hearing”** (see sample on page 4).

U.S. Department of Homeland Security Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: _____ FINS: _____ File No: _____ **1**
DOB: _____ Event No: _____

In the Matter of: _____

Respondent: _____ currently residing at: _____

(Number, street, city and ZIP code) (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

2

3

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
 Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

4 _____
(Complete Address of Immigration Court, including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above. _____
(Signature and Title of Issuing Officer)

Date: _____
(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

Sample Notice to Appear

Tip

Make a copy or scan all immigration documents you have and give a copy to someone you trust, in case you lose the original copy.

When Do I Have to Go to Court?

It is very important to go to immigration court on the day and time of your hearing, even if you do not have a lawyer.

If you do not show up to your hearing, an Immigration Judge can order you to leave the U.S. This can make it harder to apply for legal status in the future. It also means that if you are caught by an immigration official, they can detain you and remove you from the United States.

The court may change the date of your hearing at any time, so you should take these steps to make sure you are informed:



1. Make sure the court and the government attorney have your correct mailing address and check your mail frequently.



What if I moved? See page 6.



2. Call 1-800-898-7180 **ONCE A WEEK!**
(TDD: 1-800-828-1120)

- Press **1** for English.
- Enter your **A-number** when the system tells you to.
- Press **1** to confirm the A number. If your A number is active, the system will read your name to you.
- Press **1** if the system reads the correct name to you
- The system will then confirm your next hearing date and location.
- If you entered the wrong A-number, press **2** at any time to re-enter it.

Sample of Notice of Hearing

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
970 BROAD STREET
NEWARK, NJ 07102

LEAD FILE: **1** _____
RE: _____
DATE: **2** _____

TO: _____

3 Please take notice that the above captioned case has been scheduled for a **4**
Master/Individual Hearing before the Immigration Court on _____
at _____ at _____
970 Broad St, Newark, NJ 07102 **6**

5 You may be represented in these proceedings, at no expense to the
Government, by an attorney or other individual authorized and qualified
to represent you.

- | | |
|--------------------------|-------------------------|
| 1 A-number | 4 Hearing date |
| 2 Today's date | 5 Hearing time |
| 3 Type of hearing | 6 Court location |

Q&A

Q: Why do I need to call once a week??

A: Sometimes there are problems and you won't get a notice about a hearing in the mail. For example, if the court made a mistake, or if you forgot to tell them your new address. Even if the court made a mistake, it might be hard to show that it was their fault.

Important !

If you have a paper notice with a specific court date, you should go to court on that day, even if you do not find information about your case in the Immigration Court phone or online systems.

Immigration Hearing Worksheet

Tip:

Print and complete this worksheet to make sure you are prepared for your immigration hearing.

- My A-Number Is:
- Phone number to get my hearing date:
- Last time I called:
- Date of next hearing in Immigration Court:
- Address of next hearing in Immigration Court:
- Date I entered the U.S. on:
- Other notes:

What if my A-number is not in the Immigration Phone System?

If you call the 1-800 number and it says there is no record of your number in the system, it is possible that the government has not sent your NTA to the immigration court. It could be filed in the future though, so **you should continue to check your A-number once a week.**

It is also possible that your NTA will never be sent and no case will actually start against you in court. **Even if you do not have a case in immigration court, it is still possible to apply for legal status if you qualify.** We will explain ways you might qualify for legal status in the next section of this guide.

What If I Moved?

It is very important to let the immigration court and the government attorney know if you have moved.

You should change your address within five (5) days of moving to your new address (not including Saturdays and Sundays). Even if it has been more than five (5) days since you moved, you should submit the forms as soon as you can.

If you have other family members with immigration cases, they must each submit a separate form.

Review all the steps below before you go to the post office so you can mail all the forms at once. There are different steps you need to take depending on where you are in the immigration process and where you moved from:

A

If your immigrant court case is **ALREADY** in New Jersey:
See page 7

OR

If your immigrant court case is **OUTSIDE** of New Jersey:
See page 8

B

AND

C*

If you have a **PENDING APPLICATION** for Asylum, Special Immigrant Juvenile Status, U/T Visa, or Work Permit:
See page 12.

Tip:

*You do **NOT** need to do **C** if it does not apply to you.

Tip

If you are in Immigration Court for a hearing, there are sometimes workshops to provide information and help you change your address. Make sure to ask if there are any workshops happening on the day you go to court.

What If I Moved? (continued)

A My Immigration Court Case is ALREADY IN New Jersey

Mail a Change of Address Form (EOIR-33) to the Immigration Court and ICE:

Step 1. Download the [Change of Address Form](#) (EOIR-33) from the court's website for **Newark, New Jersey**. Mail this form to the Immigration Court and ICE.

Step 2. Fill in the boxes with your:

- 1 Name
- 2 A-Number
- 3 Old address
- 4 New address
- 5 Signature (If you are 14 years old or older, you must sign the form yourself. If you are under 14, your parent or guardian must sign for you.)
- 6 Today's date

Step 3. In the bottom section, "Proof of Service", you must sign your name agreeing that you will also send a change of address to the government attorney.

- 7 Name
- 8 Today's date
- 9 Write in the address of the ICE office in the same city as the Immigration Court where you will send a change of address. You can find the address for the ICE offices [HERE](#).
- 10 Signature

Step 4. Make four (4) copies of the form

Step 5. Mail one (1) copy of the form to the immigration court in Newark, New Jersey. Address can be found [HERE](#).

[Click here to return to Table of Contents](#)

Step 6. Mail one (1) copy of the form to the government attorney at the ICE office in Newark, New Jersey. Address can be found [HERE](#).

Step 7. If you can, use "Certified Mail" (about \$10). If you cannot go to a post office or afford Certified Mail, it is okay to use a regular stamp.

Step 8. Make sure to keep at least one copy of all forms for your records. If you do not have a copier, you can take a picture or scan with a phone.

Step 9. If you used Certified Mail, you can look for proof that your forms were delivered by checking the Certified Mail article number [HERE](#).

The image shows a sample of the Change of Address Form (EOIR-33) with numbered callouts 1 through 10. The form is divided into several sections:

- Top Section:** Name - Last, First, Middle, Suffix (if applicable) (1) and A-Number (2).
- Address Sections:** Two columns for "My FORMER address and phone number were:" and "My CURRENT address and phone number are:". Each column has fields for "in care of" other person (if any) (3), Number, Street, Apartment (if any) (4), City, State, and ZIP code; Country (if other than U.S.), Phone Number (include country code if other than U.S.), and Email Address.
- Declaration:** A statement: "I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge." Below this is a "SIGN HERE" box with an arrow pointing to a line for a signature (5) and a line for a date (6).
- Proof of Service:** A section titled "PROOF OF SERVICE" with a line for the name (7) and a line for the date (8). Below this is a line for the address (9) with a note: "(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))".
- Agreement:** A statement: "By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eservice.registration.ice.gov>), or by mail or personal delivery." Below this is a checkbox: " No service needed. I am an ECAS-registered user who filed through the ECAS Case Portal."
- Bottom Section:** A "SIGN HERE" box with an arrow pointing to a line for a signature (10).

Form EOIR-33/IC
Revised February 2022

Sample of Change of Address Form (EOIR-33)

Tip: Double check everything is filled in and spelled correctly.

What If I Moved? (continued)

B My Immigration Court Case is OUTSIDE of New Jersey

Part 1: Mail a Change of Address Form (EOIR-33) to the Immigration Court and ICE:

Step 1. Download the [Change of Address Form](#) (EOIR-33) from the court's website for the city and state where your immigration court case was previously assigned.

Step 2. Follow steps 2-4 on page 7 of this guide.

Step 3. Mail one (1) copy of the form to the immigration court for the city and state where your immigration court case was previously assigned. You can look up the address [HERE](#).

Step 4. Mail one (1) copy of the form to the government attorney at the ICE office for the city and state where your immigration court case was previously assigned. You can look up the address [HERE](#).

Step 5. Follow steps 7-9 on page 7 of this guide.

Part 2: Send a Motion to Change Venue to the Immigration Court and ICE in your old State.

Important !

If you moved into New Jersey from another state you must complete both Part 1 and Part 2. You must complete Part 2 in English.

If you do not file both the Change of Venue AND the Change of Address form (EOIR-33) you will keep getting notices to go to court at the old location, even if it's far away. This is important because if you do not show up at a hearing, even if it is in your old city, you can be ordered removed from the U.S. without you being there.

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Step 6. Download a sample Motion to Change Venue [HERE](#).

Step 7. Refer to the sample Motion, Order, and Certificate of Service on pages 8-10 (below) to help you fill in the sample Motion to Change Venue you just downloaded.

The image shows a sample of a motion cover page for the United States Department of Justice, Executive Office of Immigration Review, Immigration Court. The form has several fields with numbered callouts (1-6) indicating where to fill in information. The fields are: 1. NAME and ADDRESS (top left); 2. CITY AND STATE (middle); 3. NAME (middle left, below 'In the Matter of'); 4. File No. A (middle right); 5. Immigration Judge (bottom left); 6. Next Hearing Date (bottom right). There is also a 'Non-Detained' label at the top right and a '**UNACCOMPANIED CHILD**' label in the middle right area.

Sample of Motion cover page

Step 8. Motion cover page

- 1 Name and current address
- 2 City and state of the old immigration court where you lived before
- 3 Name
- 4 A-Number
- 5 Name of Immigration Judge
- 6 Date of your next hearing (if you know it)

What If I Moved? (continued)

B (continued)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

CITY AND STATE **12** _____

In the Matter of: Name **13** _____ A Number: **14** _____
JUVENILE

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion for [_____], it is HEREBY ORDERED that the motion to withdraw as counsel 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 _____.

Sample of Order third page

Step 10. Order

The Order is included to make it easier for the Immigration Judge to grant your request.

12 City and state of old court's location

13 Name

14 A-Number

CERTIFICATE OF SERVICE

I, NAME **15** _____, certify that on DATE **16** _____, I served a copy of this Motion to Change Venue and its attachments on DHS/ICE, Office of Chief Counsel, (ADDRESS OF ICE IN CITY AND STATE WHERE YOUR CASE WAS PREVIOUSLY): **17** _____

[ADDRESSES CAN BE FOUND HERE: <https://www.ice.gov/contact/legal>.]

NAME **18** _____
DATE _____

Sample of Certificate of Service

Step 11. Certificate of Service

15 Name

16 Date

17 City and State of the ICE field office connected to the old court, which can be found [HERE](#).

18 Signature and date

What If I Moved? (continued)

B (continued)

Step 12. Include proof of your new address

To show that you have moved, you will need a document or letter from someone to show your new address. Make sure this document has your name and address on it. You can use:

- Utility bill
- Rental lease
- A letter or proof of enrollment from school

If you do not have a document that shows where you live, you can use a document or letter from someone who lives with you at your new address (like a utility bill, rental lease, or other document with their name and address), while also including a copy of that person's ID.

Step 13. Include a copy of the completed Change of Address Form (EOIR-33) from Part 1 (page 8).

Step 14. Review all the information carefully to make sure it's correct

Step 15. Make (3) three copies of your Motion to Change Venue and the documents that go with it:

- Copy of Change of Address Form (EOIR-33)
- Proof of New Address

Step 16. Mail the Motion packet to the immigration court where your case was before you moved. You can find the address at the following webpage: <https://www.justice.gov/eoir/immigration-court-administrative-control-list>. Click on the link with the name of the city where the court is.

Step 17. Mail a copy of the Motion packet to the ICE office where your case was before you moved. You can find the government attorney's address [HERE](#).

Step 18. Keep a copy of the Motion packet for your records.

Step 19. If you used Certified Mail, you can look for proof that your forms were delivered by checking the Certified Mail article number [HERE](#).

Tip:

If you can, mail the forms by "Certified Mail" (About \$10) so you will have proof that you sent in the forms. If you cannot go to a post office or afford Certified mail, you should still send in the form with a regular stamp.

Important !

Remember to send your Motion to Change Venue, Change of Address Form (EOIR-33), and Proof of New Address to the same immigration court your case was already in before you moved. Do not send them to the new immigration court!

What If I Moved? (continued)

C I Have a **PENDING** Application for Asylum, Special Immigrant Juvenile Visa, U/T Visa, or Work Permit

Change your Address with USCIS - **FOR PENDING APPLICATIONS ONLY.**

If you already have an application pending with USCIS for asylum, a special immigrant juvenile visa, U/T visa, or work permit, you must also change your address for those applications. Sending notice to the court will not update your address on pending applications.

Step 1. You can change your address online [HERE](#). You will need a copy of the receipt notices for the applications that are pending.

Step 2. Follow the instructions to print the confirmation page for your records or get a copy of the form emailed to you.

Step 3. You can also mail in a Change of Address Form (AR-11) by downloading and following instructions [HERE](#).

Tip:

U/T visa applicants **CANNOT** change their address online and must print and mail in the physical form to the address for victims of crime, which can be found by selecting “**Victims of Domestic Violence, Trafficking, and Other Crimes**” [HERE](#).

If I Have Moved - Checklist:

- A** My Immigration Court Case is **ALREADY** in New Jersey
- Submit EOIR-33, “Change of Address / Contact Information”
- Mail a copy of the EOIR-33 to the government attorneys at ICE

OR

- B** My Immigration Court Case is **OUTSIDE** New Jersey
- Submit EOIR-33 “Change of Address / Contact Information”
- Mail a copy of the EOIR-33 to the government attorneys at ICE
- Send a Change of Venue Motion to **previous** immigration court
- Inform government attorney at ICE about my Change of Venue Motion

AND

- C** **If I Have a PENDING Application for Asylum, Special Immigrant Juvenile Visa, U/T Visa, or Work Permit**
- Submit AR-11, “Alien’s Change of Address Card” to USCIS

What Rights Do I Have in Immigration Court?



You have a right to fight your deportation and to ask for legal status you may qualify for, such as asylum or Special Immigrant Juvenile Status.



You have a right to have a translator in immigration court in your preferred language.



You have a right to have a lawyer represent you in immigration court, but you have to find a free lawyer or hire one to help you.



Only an Immigration Judge can make a decision to deport you. The government's attorney does not make the decision. Immigrations and Customs Enforcement (ICE) does not make the decision.

How Do I Find a Qualified Lawyer?

NJCIC runs an intake line to refer unaccompanied children and youth who are in removal proceedings without their parents for free legal assistance.

You can call the intake line at: **(201) 305-9217**

Or you can complete an online web intake form [HERE](#).

Unfortunately, there are not enough free lawyers in New Jersey to help every child who needs one so the wait time for a referral through NJCIC is long. If you have already had an intake with us and are on our waitlist, we recommend that you keep trying to find a free lawyer and keep track of calls you have made.

A list of offices that provide free legal assistance in New Jersey is [HERE](#).

If you cannot find a free lawyer, and you or your caregiver decide to pay a lawyer to help you, make sure that the person has a license to be a lawyer and find out if the lawyer has a reputation for being hard-working and honest. Sometimes people will say they are a lawyer when they are not, or will file a case just to take money, even though there is no way to win the case.

If you meet with a lawyer and are deciding whether to hire them, you can ask them questions like:

- Can I see proof that you have a license to practice law?
- How many cases have you worked on like mine and what happened?
- Do you think I have a strong case? Why?
- Is my case going to be hard to win? Why?

A qualified lawyer will:

- not make promises to you right away about what will happen in your case
- explain the different choices you have in words that you understand, and in your language or with an interpreter
- ask you what you want to do and follow your decision
- review papers that are filed in your case and explain them to you
- give you copies of important papers in your case
- keep in touch with you to tell you what is going on

You can always ask the lawyer questions you have about your case, and you should always let them know if you do not understand something!

Tip:

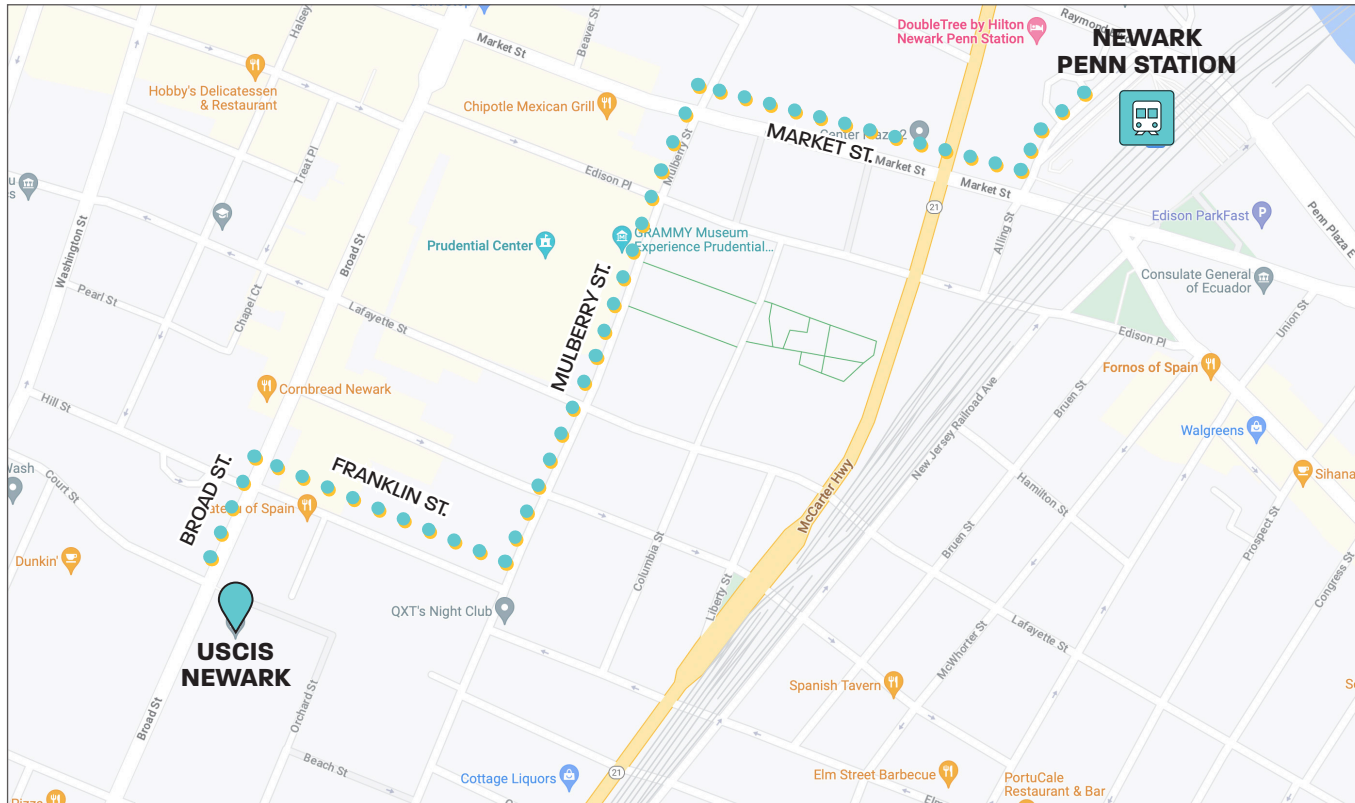
NOTARIES ARE NOT LAWYERS IN THE UNITED STATES!

Someone who calls themselves a “notary” or “notario” is not a lawyer and cannot file a case for you. Anyone who can help you in your immigration case should be a lawyer or working with a lawyer, especially if you are paying them money.

How Do I Get to the Immigration Court in Newark?

The address is 970 Broad Street, Room 1200.

It is 20 minutes on foot from the Newark Penn Station.



Be prepared to wait in a long line to enter the courthouse. Arrive very early. it can be an hour or MORE.

You will have to go through security, do not bring anything that could be considered a weapon, for example, pepper spray.

Dress neatly, like you are going to an event or church. But don't worry if you don't have formal clothing. The most important thing is that you go to the hearing, whatever you wear!

What Happens in the Immigration Court?

There are two different types of hearings in immigration court.

1. Master Calendar Hearings

These are short hearings, usually 15 minutes or less. The Immigration Judge will ask you basic questions such as your name, who is at the hearing with you, where you live, and whether you are in school. The judge should tell you about some of your rights in the immigration process. You will usually have more than one of these short hearings.

The government will be represented in court by a lawyer from ICE (Immigration and Customs Enforcement).

This is an opportunity for you to tell the Immigration Judge why you think you should be allowed to stay in the U.S., such as that you fear going back to your home country, or that you have been mistreated or abandoned by a parent.

You can ask the Immigration Judge for more time to find a lawyer. If it is not your first master calendar hearing, you should be prepared to tell the Immigration Judge what steps you have taken since your last hearing to find one. You should keep track of how many times and who you call to look for a lawyer so you can tell the judge. (See section How Do I Find A Qualified Lawyer?).

At the end of the master calendar hearing, the Immigration Judge will give you paper with the next date to return to court.

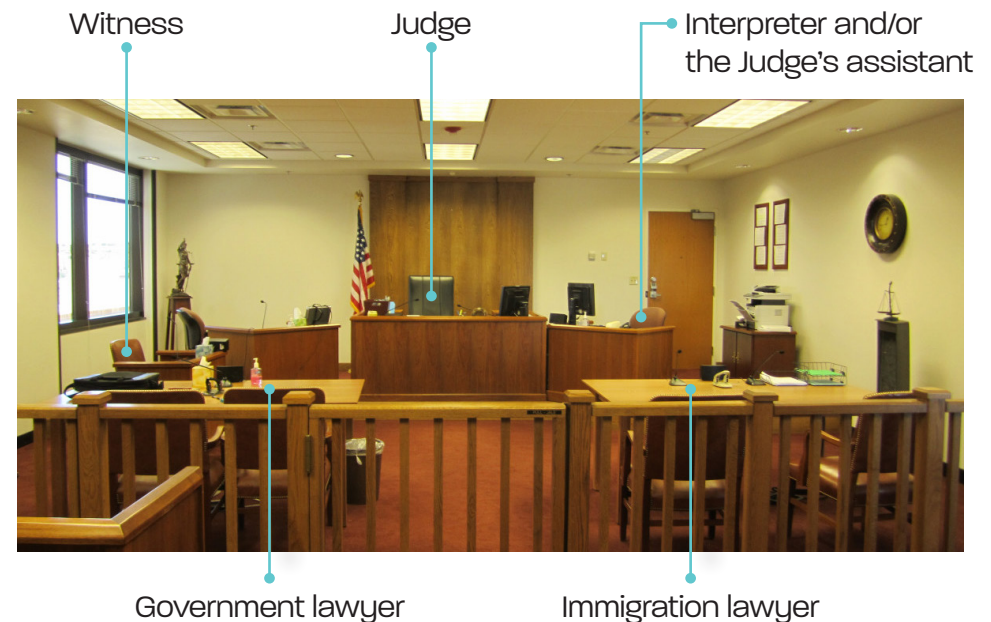
2. Individual Hearing

These hearings are long, from 2-4 hours, and may not be scheduled for a year or more from the last master calendar hearing.

The Immigration Judge and the government attorney will ask a lot of detailed questions.

This is the last chance to convince the judge that you should be granted legal status, so you will need to provide evidence to support your case. It's very helpful to have an attorney for the individual hearing. The government lawyer may give reasons for why you should not be granted legal status. The Immigration Judge will make the decision and does not work with the government lawyer.

What does the Immigration Court Look Like?



As an Unaccompanied Child, Will My Case be Decided in Court?

In many cases, children who entered the U.S. without their parents will have their applications for immigration status, such as asylum or Special Immigrant Juvenile Status decided by an agency called U.S. Citizenship and Immigration Services (USCIS) and not by an Immigration Judge.

The immigration court will pause or may agree to end the process in court to allow for USCIS to decide the application. USCIS is not a court with a judge and government lawyer. Depending on the type of case, there may be an interview with an immigration officer, or it may be decided just on the information in the application. You are allowed to have an attorney present for the interview. If USCIS approves the application, the Immigration Judge will close the case in court without a hearing. If the application is denied, then the case is set for a final removal hearing in Immigration Court.

What If I Don't Qualify for Legal Status?

First you should talk to a lawyer and review the next part of this guide to understand better whether you may qualify for legal status like asylum or Special Immigrant Juvenile Status.

You can make a request to the government attorney that they agree to close the case in immigration court without a hearing, even if you do not qualify for immigration status.

This is called [Prosecutorial Discretion](#).

You will be more successful with a request to close the case if you:

- are a child
- have family that are U.S. citizens or legal residents
- have a medical condition
- are a student
- were a victim of a crime
- have not been accused of committing a crime/do not have a criminal conviction

Prosecutorial Discretion might not always be available, depending on what is going on with the political situation in the United States. Check trusted sources of immigration news, like immigrant rights groups, to see whether this option is still available.

Other Resources

Don't forget - you are not alone in this journey!

NJCIC's website is continually updated with upcoming events such as workshops that cover a variety of immigration topics. You can find them [HERE](#).

You can also use NJCIC's [Resources](#) page to arm yourself with information on childcare resources, driver's licenses, worker's rights, mental health, family fun and so much more!

Click here to view [NJCIC'S GUIDE TO SPECIAL IMMIGRANT JUVENILE STATUS \(SIJS\) AND ASYLUM](#).