

# LEGAL SERVICES FOR UNACCOMPANIED CHILDREN

## TRAINING FOR SOCIAL SERVICE PROVIDERS WORKING WITH UCs

### USCRI Children's Services

September 8, 2022

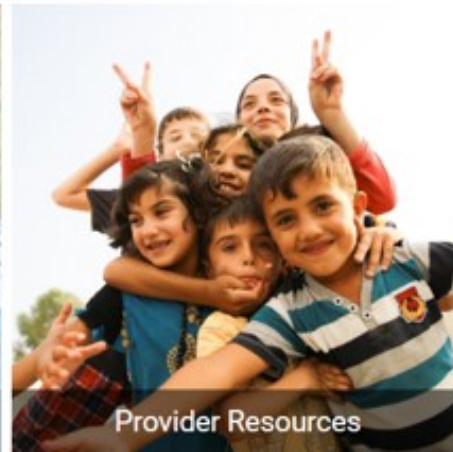
Presenter: Hila Moss, Associate Director of Legal Services

# Unaccompanied Children Resource Center

Centro de Recursos para Niños Inmigrantes



Información para Familias



Provider Resources

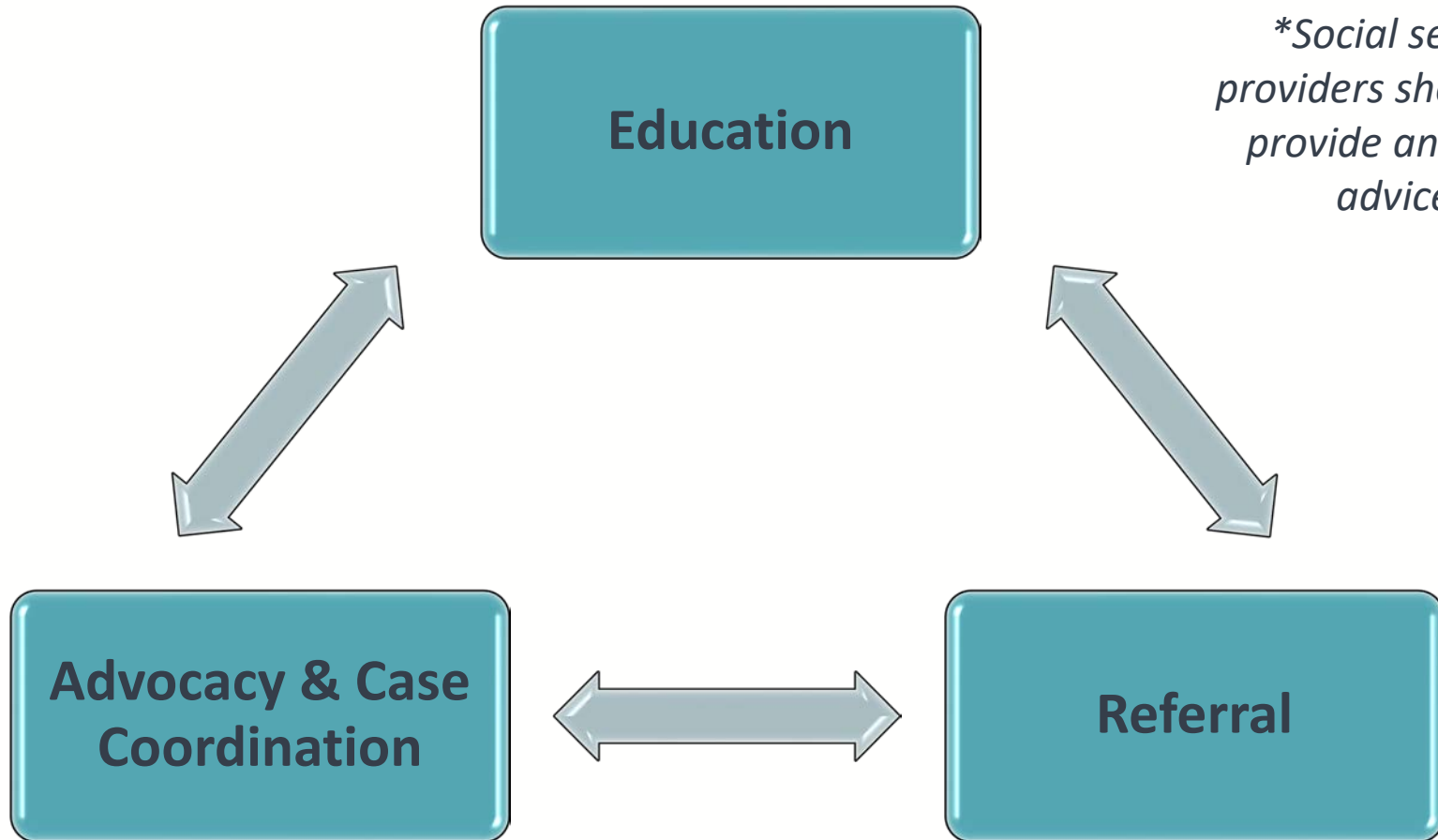
[ucresourcecenter.org](https://ucresourcecenter.org)



# AGENDA

- Role of Social Service Providers
- Overview of Government Agencies and the Immigration Court Process
- Forms of Legal Relief for Immigrant Children
- EOIR Automated System
- Change of Address and Change of Venue (COA/COV)
- Legal Resources

# ROLE OF SOCIAL SERVICE PROVIDERS

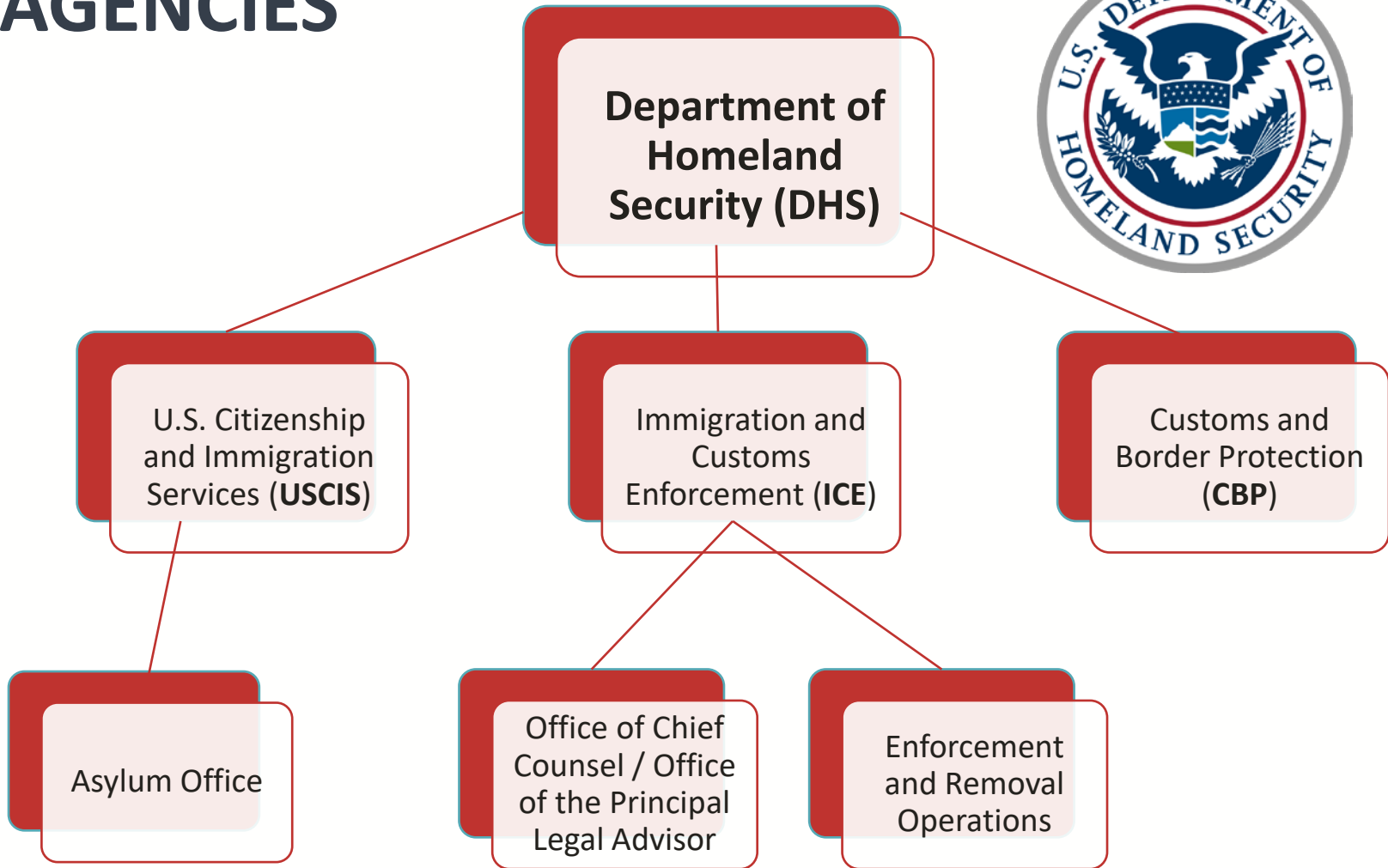


*\*Social service providers should not provide any legal advice!*

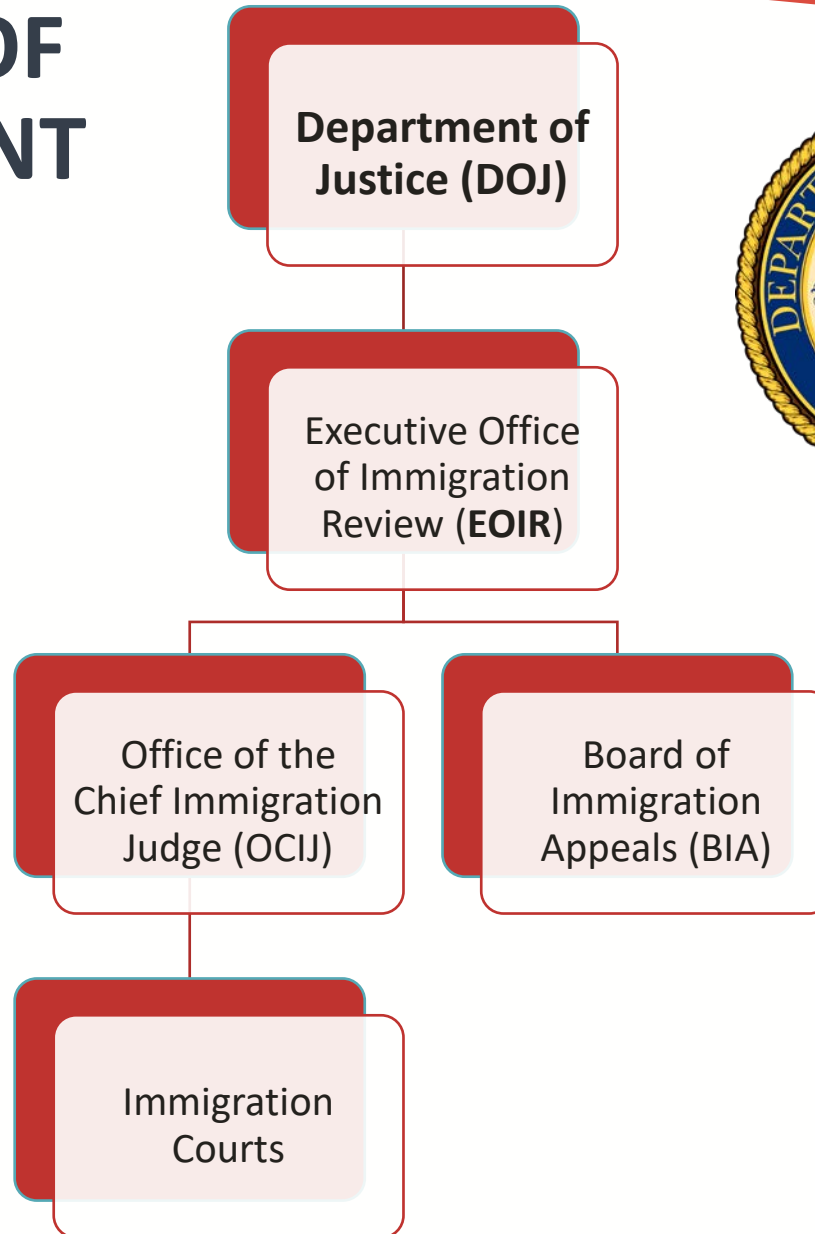
# OVERVIEW OF GOVERNMENT AGENCIES



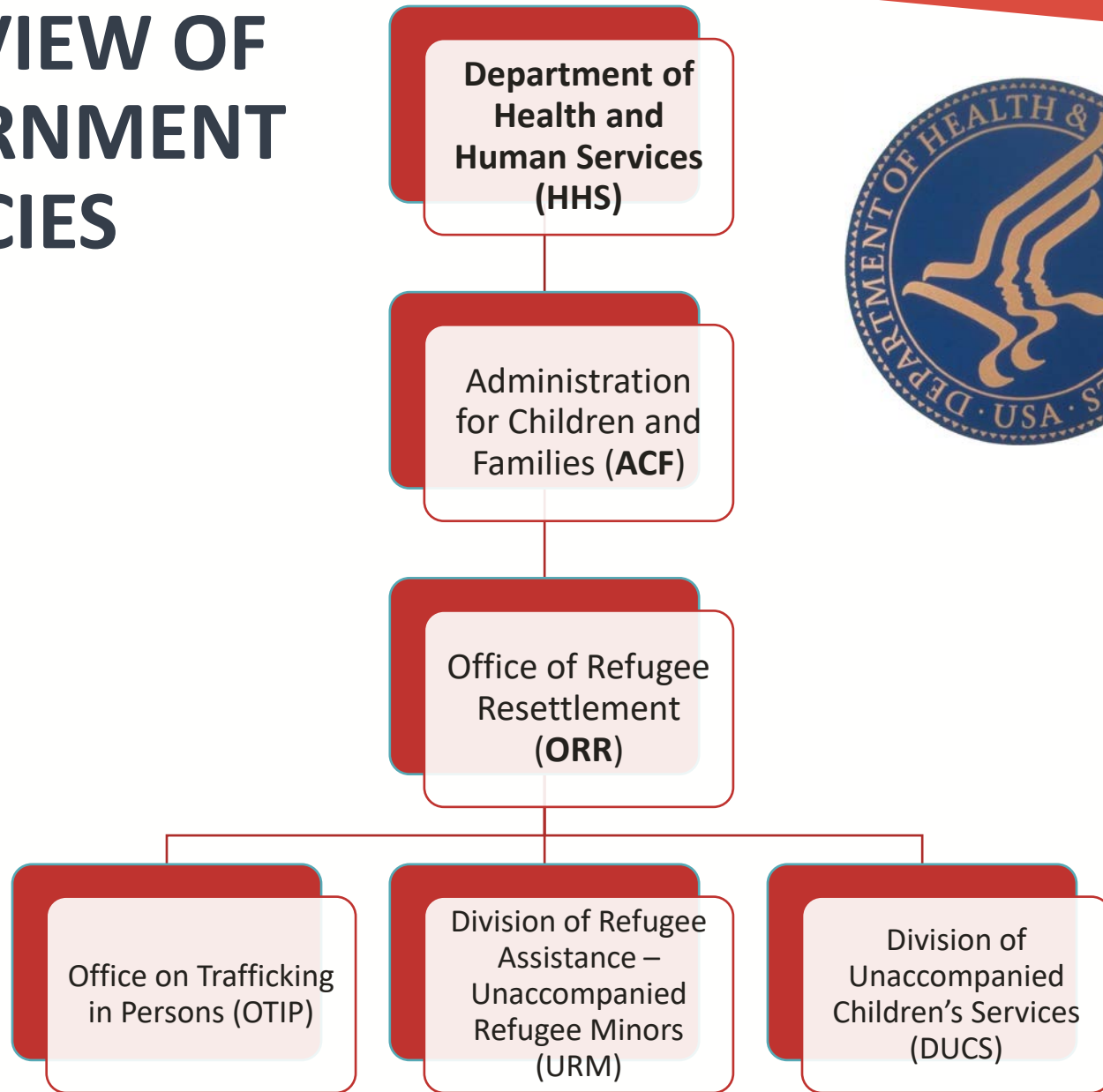
# OVERVIEW OF GOVERNMENT AGENCIES



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# OVERVIEW OF GOVERNMENT AGENCIES





# THE FLOW OF UCs THROUGH THE IMMIGRATION SYSTEM

**UC migrates**

- A child meets the definition of a UC if they are under 18, have no legal immigration status, and have no parent or legal guardian available to provide care and custody

**Apprehension by DHS**

- At the border (by CBP) or internally (by ICE)
- DHS issues a Notice to Appear to initiate removal proceedings for the minor and files the NTA with the Immigration Court

**Transfer to ORR care within 72 hours**

- ORR staff work to identify and vet a sponsor for the UC and refer for a home study in some cases prior to a final release decision

**Release to an ORR-approved sponsor**

- The sponsor is responsible for the child's care and needs in the United States, including ensuring the UC complies with their immigration proceedings
- Note: being approved as a sponsor does not confer legal guardianship

# WHAT HAPPENS IN IMMIGRATION COURT?

- Notice to Appear
- Master Calendar Hearing
  - Continuances
- Hearing on the Merits
- Entry of Appearance
- Pleading to the Allegations
- Interpretation
- Courtroom Etiquette



## FAQs:

- Who needs to attend court?
- What if a sponsor is fearful of attending court because they're undocumented?
- Does the minor need an attorney for their first hearing?

U.S. Department of Homeland Security

Notice to Appear

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

Subject ID: 123456789

FINS #: 0123456789

File No: A123 456 789

DOB: 01/01/1999

Event No: WSX0123456780

In the Matter of:

Respondent: JUAN CARLOS HERNANDEZ-GONZALEZ 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:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR ;
3. You arrived in the United States at or near Hidalgo, TEXAS, on or about August 1, 2014;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- 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: AT A PLACE TO BE SET

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

JUAN PEREZ ACTING PATROL AGENT IN CHARGE

Date: August 13, 2014 EARLINGEN, TEXAS

(City and State)

See reverse for important information

# THE NOTICE TO APPEAR (NTA)

- Issued by the Department of Homeland Security (DHS) to initiate removal proceedings for the minor
- DHS files this with the Immigration Court so the minor can be assigned a hearing
- \*The minor's case won't appear in the EOIR system until the Immigration Court has received the minor's NTA from DHS

# THE IMMIGRATION COURT PROCESS

Unaccompanied children (UCs) and their sponsors should understand the following:

- The minor has been placed in immigration removal proceedings. That means that they will be assigned a court hearing to appear before an immigration judge and have an opportunity to seek legal relief allowing them to stay in the U.S. long-term.
- Most UCs leave the ORR shelter with no legal status in the U.S. yet and the family should obtain an attorney to help them apply for legal relief. They do not need to wait until the minor has a court date scheduled to speak to an attorney.
- It is extremely important that minors attend all of their court hearings! If a child does not attend their hearing, they will likely be issued a deportation order “in absentia.”



# FORMS OF LEGAL RELIEF FOR IMMIGRANT CHILDREN

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- The most common types of legal relief for unaccompanied children are:
  - Asylum
  - SIJS (Special Immigrant Juvenile Status)
  
- Other less common types of legal relief for UCs include:
  - U Visa
  - T Visa
  - Family based petitions

# ASYLUM

- A protection for people who fear persecution on the basis of race, religion, nationality, political opinion, or membership in a particular social group
  
- Person has been persecuted in the past, and/or has “well-founded fear” of future persecution
  
- Asylum is Discretionary:
  - Credibility
  - Corroborating evidence
  - Establishment of persecution on account of one of the protected grounds – creation of a “nexus”

# ASYLUM DEVELOPMENTS UNDER THE TVPRA OF 2008

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008:

- UC applicants are no longer required to submit their asylum application within one year of arrival in the U.S.
- Initial processing for UC asylum applicants are now under the jurisdiction of the asylum office, even if the child is already in removal proceedings
- USCIS memo, effective 6/1/13 – Any child previously determined to be a UC continues to be considered a UC for asylum purposes, unless and until the government affirmatively terminated that finding, even if the child subsequently reunified with a parent or turns 18

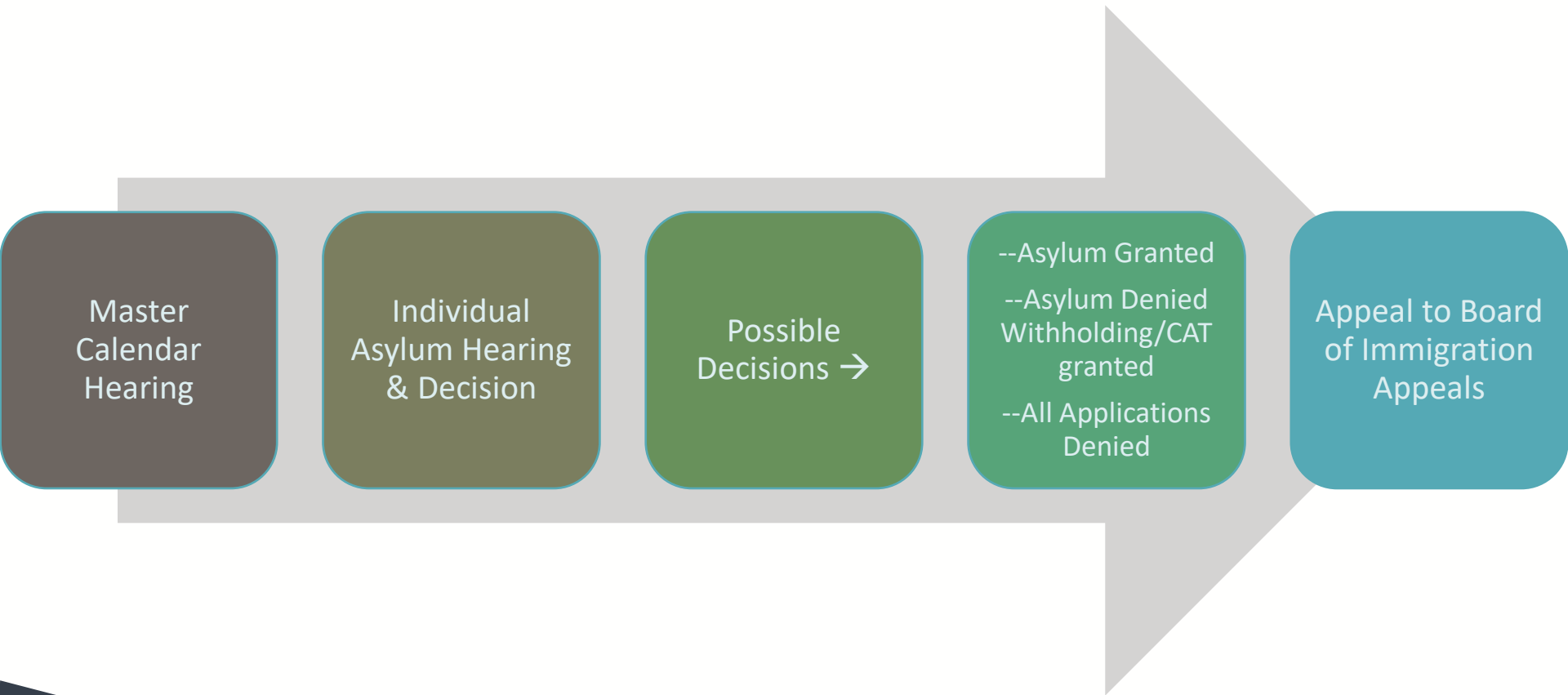


# ASYLUM APPLICATION PROCESS

## Affirmative Asylum Process



# WHAT HAPPENS IF THE CASE GETS REFERRED TO THE IMMIGRATION JUDGE?



# SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

- Hybrid of state family/child welfare law and federal immigration law
- Relief available to minors that have been abused, abandoned, and/or neglected by one or both parents
  - Abuse, abandonment, and/or neglect can have occurred in the U.S. or in the minor's home country, prior to their entry into the U.S.

SIJS consists of two parts:

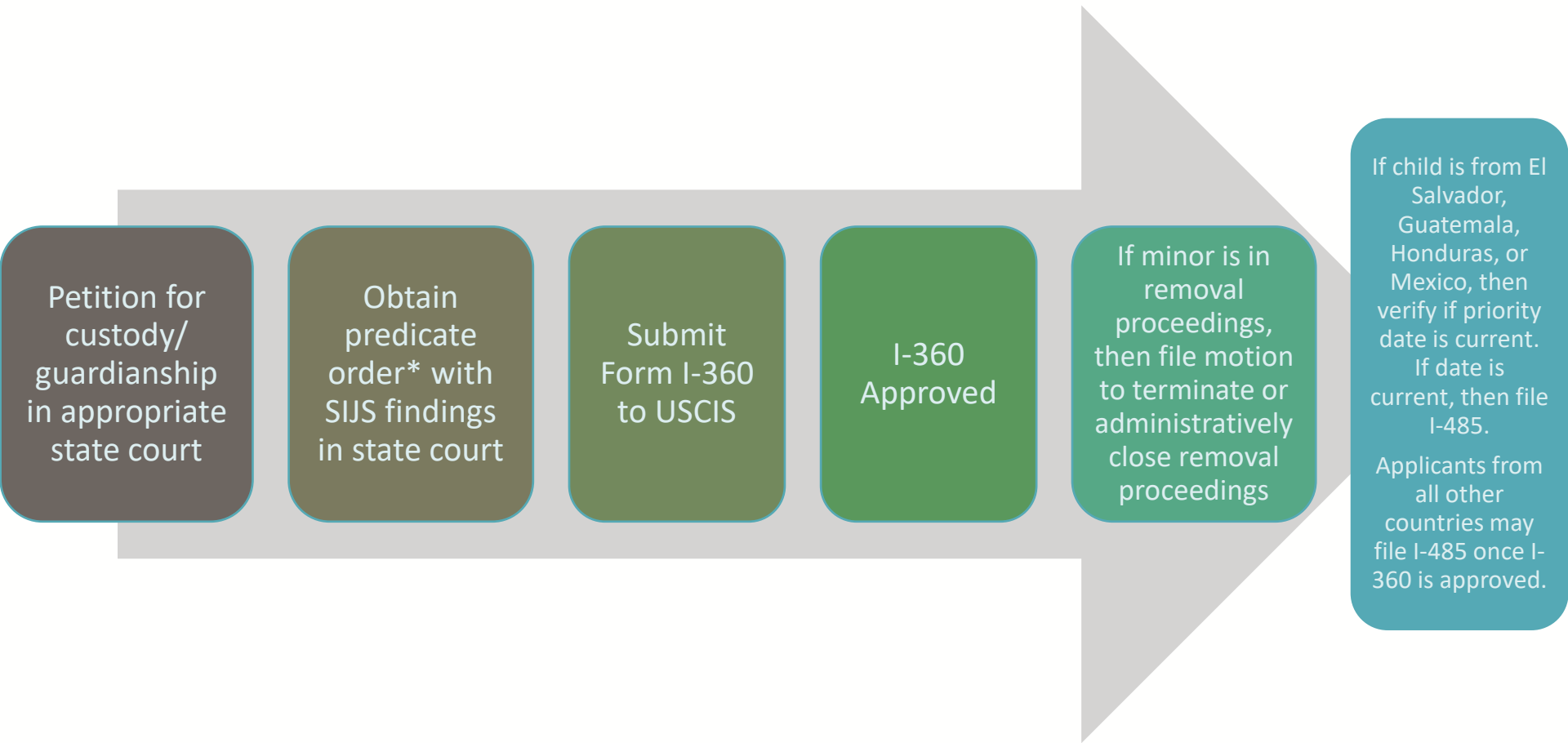
1. Going to the state family court to obtain the predicate order
  - Usually involves the sponsor/caregiver obtaining legal guardianship of the child
  - Most states require that this take place before the child turns 18
2. Filing an SIJS application (Form I-360) with USCIS

# SIJS STATE COURT FINDINGS

A State Court in the United States must find the following, to be stated in a dependency order, or “predicate order”:

- Child is under 21 and unmarried;
- Child is dependent on a local juvenile court, or legally place the child with a state agency, a private agency, or a private individual;
- It is not in the child’s best interest to be returned to home country; and
- Child cannot be reunified with one or both parents because of abuse, neglect, abandonment, or a similar basis under state law.

# SIJS PROCESS



\*The predicate order must be obtained before the minor reaches [the age of majority in their state](#) (in most states, this is before they turn 18).

# WHAT DO I DO IF A MINOR IS ABOUT TO AGE OUT?

- Provide legal resources and referrals during your initial contact with the family
- Educate the sponsor and minor about SIJS requirements and the urgency of follow up
- Assist in linking the family to viable legal representation ASAP



# U VISAS AND T VISAS



U Visa: Victim of Criminal Activity

T Visa: Victim of Trafficking

# U VISA

## Eligibility Requirements:

- Suffered substantial physical or mental harm as a result of having been a victim of certain criminal activity
- Possesses information about that criminal activity
- Has been helpful, or is likely to be helpful in the investigation or prosecution of the qualifying crime
  - Law enforcement certification form is required (I-918B)
- Criminal activity violated the laws of the U.S. and occurred in the U.S. or its territories



# U VISA: QUALIFYING CRIMES

- Abduction
- Abusive Sexual Content
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Female Genital Mutilation
- Felonious Assault
- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint
- Other Related Crimes
- Attempt or conspiracy to commit any of the above

# T VISA

## Eligibility Requirements:

- Person who is or has been a victim of a severe form of trafficking in persons (sex or labor trafficking)
- Physically present in the U.S. or its territories on account of the trafficking
- Would suffer extreme hardship involving unusual and severe harm if they were removed from the U.S.
- Have complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking – not required if under age 18
  - Law enforcement certification (I-914B) is helpful but not required

	<b>Obtaining Work Authorization (EAD)</b>	<b>Adjustment of Status</b>
<b>Asylum</b>	<ul style="list-style-type: none"> <li>Can file for EAD 150 days after the I-589 application is received by USCIS/EOIR, so long as no delays stopped the EAD clock from running (e.g. continuance request)</li> </ul>	<ul style="list-style-type: none"> <li>Individuals who are granted asylum can live in the U.S. legally and apply for their Lawful Permanent Residency (LPR or “green card”) after one year</li> <li>After four years as a LPR and once they are 18, the individual can apply for citizenship</li> </ul>
<b>SIJS</b>	<ul style="list-style-type: none"> <li>Can file for EAD once they receive the Deferred Action notice that is usually added to the SIJS Approval Notice</li> </ul>	<ul style="list-style-type: none"> <li>After SIJS is approved, the child can apply for their LPR</li> <li>After five years as a LPR and once they are 18, the individual can apply for citizenship</li> </ul>
<b>U Visa</b>	<ul style="list-style-type: none"> <li>Can file for EAD once they receive the Deferred Action notice which will be issued in anticipation of the U-Visa approval</li> </ul>	<ul style="list-style-type: none"> <li>Visa valid for 4 years</li> <li>After 3 years eligible to apply for LPR</li> </ul>
<b>T Visa</b>	<ul style="list-style-type: none"> <li>Can file for EAD once the T-Visa is approved</li> </ul>	<ul style="list-style-type: none"> <li>Visa valid for 4 years</li> <li>After 3 years eligible to apply for LPR</li> </ul>

# PETITIONING FOR FAMILY MEMBERS

<p>Asylum</p>	<ul style="list-style-type: none"> <li>• As an asylee, can apply for spouse and children (under 21 years old and not married) through the I-730 process if they have not yet received their green card</li> <li>• After receiving their green card, they can apply for spouse and unmarried children (any age)</li> <li>• As a U.S. citizen, can apply for spouse, children (married or unmarried of any age), and parents</li> </ul>
<p>SIJS</p>	<ul style="list-style-type: none"> <li>• As LPR, can petition for their spouse and children</li> <li>• As a U.S. citizen, can petition for spouse, children and siblings</li> </ul> <p>Note: the child will not be able to petition for their parents to come to the U.S. at any point in the future, even if only one of their parents abused, abandoned, or neglected the child.</p>
<p>U Visa &amp; T Visa</p>	<p>U Visa and T Visa applicants can add family members as derivatives to their application</p> <ul style="list-style-type: none"> <li>• If under age 21 – can add their spouse, children, parents and unmarried siblings under age 18</li> <li>• If age 21 or older – can only add spouse and children</li> </ul>

# FAQs

- What is the process for a UC to request voluntary departure?
- What steps should a minor take if they get issued an order of removal?



# EOIR AUTOMATED SYSTEM, CHANGE OF ADDRESS & CHANGE OF VENUE

# EOIR AUTOMATED SYSTEM



- The Executive Office for Immigration Review (EOIR) has an automated system available 24/7 with information on an unaccompanied child’s immigration court case, including any upcoming hearings
- Families should check the EOIR hotline or website weekly by entering the minor’s A number (found on their Verification of Release or NTA) to obtain their most up to date case information
- Information is provided in English and Spanish
- It is not uncommon for UCs’ information to not be registered in the EOIR system yet



# EOIR HOTLINE: 1-800-898-7180

- Once the minor's information is in the EOIR automated system, the following options in the EOIR hotline will provide additional information on the minor's case:
  - Press 1 for next hearing date (date, time, location of next court hearing)
  - Press 2 for case processing information
  - Press 3 for decision information (case is pending, Immigration Judge ordered removal, Immigration Judge made an administrative decision, Immigration Judge terminated proceedings)
  - Press 4 for case appeal information
  - Press 5 for filing information (contact information for assigned immigration court)


## FAQs:

- What does an "administrative decision" mean in the EOIR automated system?
- What is the difference between "termination of proceedings" and "administrative closure"?



# EOIR WEBSITE: [HTTPS://ACIS.EOIR.JUSTICE.GOV/](https://acis.eoir.justice.gov/)

An official website of the United States government [Here's how you know](#) ▼

 **EOIR** | Automated Case Information

**Court Closures Today** August 4, 2022 | Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.



## Automated Case Information

Welcome to the Automated Case Information system. The following information relates to the primary case only. Please contact your local court if you need bond hearing information.

If you are a recent arrival and were apprehended between ports of entry on or after May 28, 2021, placed in removal proceedings, and enrolled in Alternatives to Detention, please see the [Family Group Legal Orientation Program flyer](#) for more information ([Translations](#)).


### Announcements

Case status and hearing date information may not be updated for those cases postponed due to operational changes during the coronavirus pandemic. Please call the [immigration court](#) handling your case if you need clarification regarding your hearing date and time. Following the issuance of a new hearing notice, such information will be updated. As always, court documents such as notices are your official source of information. Before going to an immigration court for your hearing, please check the EOIR website ([www.justice.gov/eoir](http://www.justice.gov/eoir)) for information about the operational status of the relevant immigration court.


English ▼

### Enter your A-Number

A-Number *\*Required*

 [What's an A-Number?](#)

SUBMIT

 Case information from this automated resource is provided for convenience only. Documents the immigration court or Board of Immigration Appeals issue to you or your representative are the only official determinations related to your case.

# EOIR WEBSITE: [HTTPS://ACIS.EOIR.JUSTICE.GOV/](https://acis.eoir.justice.gov/)



## Automated Case Information

Name: [REDACTED] | A-Number: [REDACTED]

### Next Hearing Information

Your upcoming **INDIVIDUAL** hearing is on **August 26, 2022 at 10:30 AM.**

**JUDGE**

Thompson, Kenley

**COURT ADDRESS**

8701 S. GESSNER DR.  
HOUSTON, TX 77074

### Decision and Motion Information



*This case is pending.*

### Case Appeal Information



*This case is pending.*

### Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

**COURT ADDRESS**

8701 S. GESSNER RD, 10TH FLOOR  
HOUSTON, TX 77074

**PHONE NUMBER**

(713) 995-3900

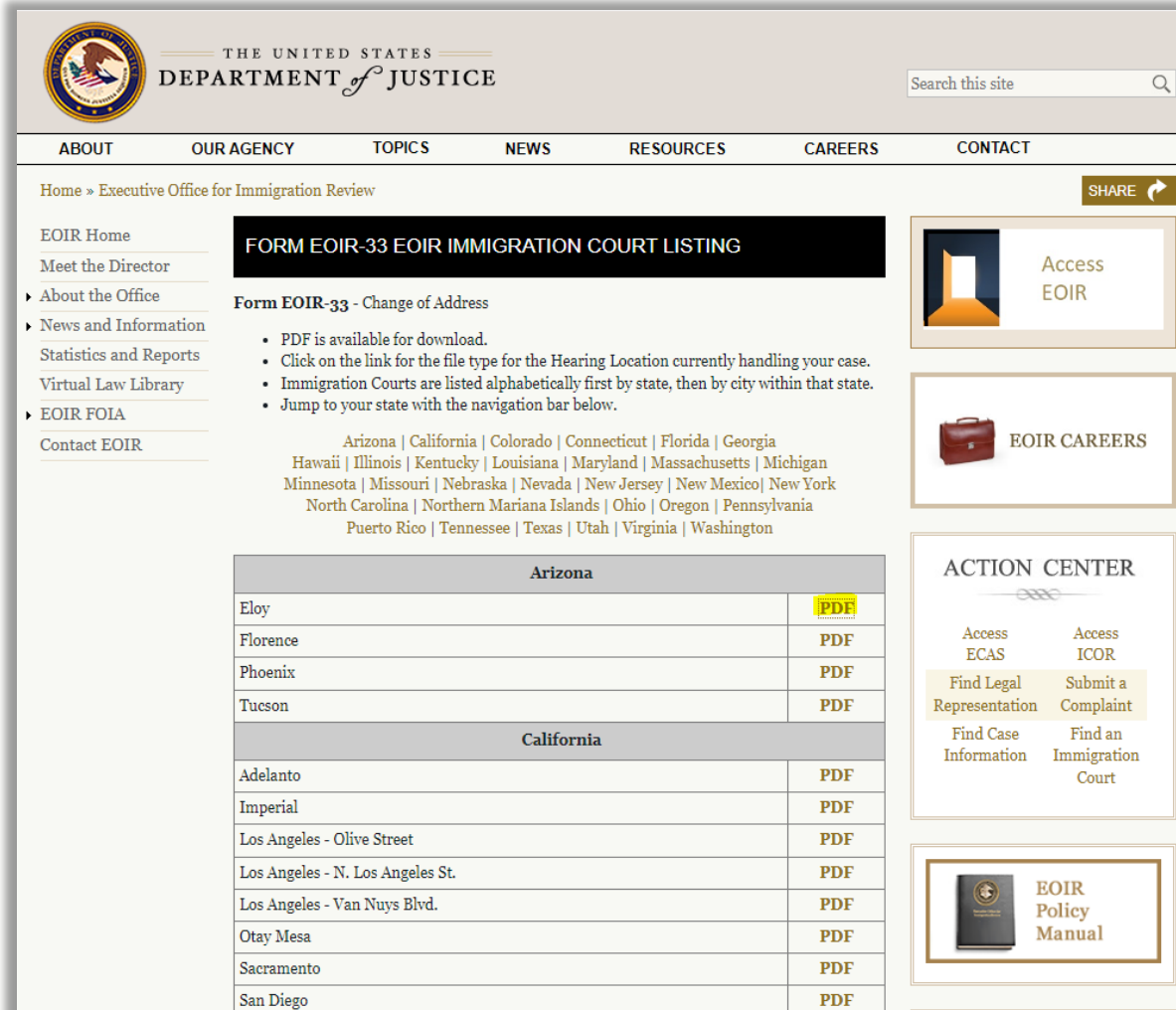
# CHANGE OF ADDRESS (COA)

- Used to report a change of child's address to the immigration court:
  - When a child is released from ORR custody (facility will usually handle this)
  - If a child moves to a new home
  - If child changes caregivers
  
- Respondents are required to file the COA within 5 days of moving
  
- Immigration court will send notices to the minor's last known address
  - There is no defense of lack of notice if respondent failed to file the COA

# STEPS TO REPORT A CHANGE OF ADDRESS (COA)

1. Find form **EOIR-33**, available on EOIR's website: <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>

- The website provides the form for each Immigration Court
- Click on "PDF" for the appropriate Immigration Court



THE UNITED STATES DEPARTMENT OF JUSTICE

Search this site

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EOIR Home  
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▶ About the Office  
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Virtual Law Library  
▶ EOIR FOIA  
Contact EOIR

**FORM EOIR-33 EOIR IMMIGRATION COURT LISTING**

Form EOIR-33 - Change of Address

- PDF is available for download.
- Click on the link for the file type for the Hearing Location currently handling your case.
- Immigration Courts are listed alphabetically first by state, then by city within that state.
- Jump to your state with the navigation bar below.

Arizona | California | Colorado | Connecticut | Florida | Georgia  
Hawaii | Illinois | Kentucky | Louisiana | Maryland | Massachusetts | Michigan  
Minnesota | Missouri | Nebraska | Nevada | New Jersey | New Mexico | New York  
North Carolina | Northern Mariana Islands | Ohio | Oregon | Pennsylvania  
Puerto Rico | Tennessee | Texas | Utah | Virginia | Washington

Arizona	
Eloy	<a href="#">PDF</a>
Florence	<a href="#">PDF</a>
Phoenix	<a href="#">PDF</a>
Tucson	<a href="#">PDF</a>
California	
Adelanto	<a href="#">PDF</a>
Imperial	<a href="#">PDF</a>
Los Angeles - Olive Street	<a href="#">PDF</a>
Los Angeles - N. Los Angeles St.	<a href="#">PDF</a>
Los Angeles - Van Nuys Blvd.	<a href="#">PDF</a>
Otay Mesa	<a href="#">PDF</a>
Sacramento	<a href="#">PDF</a>
San Diego	<a href="#">PDF</a>

Access EOIR

EOIR CAREERS

**ACTION CENTER**

Access ECAS | Access ICOR  
Find Legal Representation | Submit a Complaint  
Find Case Information | Find an Immigration Court

EOIR Policy Manual

# STEPS TO REPORT A CHANGE OF ADDRESS (COA)

## 2. Fill out the form

- The minor can sign the COA if they are 14 or older

Instructions: To complete this form, fill out all blanks below, including the proof of service, which certifies that you have provided a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form in person or by mail. If submitting the form by mail, follow the mailing instructions on page two. You must submit a separate copy of this form for each individual in immigration court proceedings (i.e., you must submit a form for each person who has a case pending in immigration court and whom the change of address or phone number affects).

You must file this form with the immigration court within five working days of the change to your address or phone number, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., date, time, and place of hearings) to the address you provide. The immigration court will only make any change(s) to your address and phone number in EOIR's records upon receipt of this form; the immigration court will not change your address or phone number based on a different address or phone number on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, the Department of Homeland Security (DHS) may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

If you are in removal proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.

If you are in deportation proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.

If you are in exclusion proceedings: Your application for admission to the United States may be considered withdrawn.

Name (Last, First, Middle): <b>MINOR NAME (last name goes first)</b>		Alien Registration Number: <b>A-NUMBER</b>	
My FORMER address and phone number were: <b>PREVIOUS ADDRESS INFORMATION HERE OR MAY BE LEFT BLANK IF FROM FACILITY</b> "In care of" other person, (if any) Number, Street, Apartment (if any) City, State, and ZIP Code, Country (if other than U.S.) Phone Number		My CURRENT address and phone number are: <b>SPONSOR/CAREGIVER NAME</b> "In care of" other person, (if any) <b>STREET ADDRESS</b> Number, Street, Apartment (if any) <b>CITY, STATE, ZIP</b> City, State, and ZIP Code; Country (if other than U.S.) <b>SPONSOR CELL</b> Phone Number	

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the alien registration number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

**SIGN HERE** ➔  **SPONSOR/CAREGIVER OR MINOR 14+ SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_  
Signature Date

**PROOF OF SERVICE**

**SPONSOR/CAREGIVER OR MINOR 14+** \_\_\_\_\_, mailed or delivered a copy of this Change of Address Form on, **DATE** \_\_\_\_\_,  
(Name) (date)  
to the Office of the Chief Counsel for DHS, Immigration and Customs Enforcement-ICE, located at:  
**ADDRESS OF DHS-ICE OPLA OFFICE WHERE THE CASE IS CURRENTLY ASSIGNED**  
(Number and Street, City, State, Zip Code)

**SIGN HERE** ➔  **SPONSOR/CAREGIVER OR MINOR 14+ SIGNATURE** \_\_\_\_\_  
Signature

# STEPS TO REPORT A CHANGE OF ADDRESS (COA)

## 2. Fill out the form

- The form is meant to be printed double-sided so you can fold and staple as indicated and place in the mail (with stamp), but you can also print it and put it in a regular envelope

### SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked "Fold Here" so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked "Fasten Here."
4. Place appropriate postage stamp in the area marked "Place Stamp Here."
5. Write your return address in the area marked "PUT YOUR ADDRESS HERE."
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE


Place  
Stamp  
Here

**U.S. Department of Justice**  
*Executive Office for Immigration Review*  
*Immigration Court*  
  
*1705 E. Hanna Road*  
*Suite 366*  
*Eloy, AZ 85131*

Fold Here

#### Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR's immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. 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, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

# STEPS TO REPORT A CHANGE OF ADDRESS (COA)

3. Send the form to the Immigration Court and a copy to the corresponding ICE Office of the Principal Legal Advisor (OPLA)

Original COA

**Filed with Immigration Court**

Court addresses: <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>

Copy of COA

**Filed with ICE Office of the Principal Legal Advisor**

OPLA addresses: <https://www.ice.gov/contact/field-offices>

This is what the “Proof of Service” section at the bottom of the COA form is referring to

# SERVICE OF PROCESS: RELEVANT PLAYERS INVOLVED IN IMMIGRATION COURT CASES

## Department of Justice (DOJ)

- Includes Executive Office for Immigration Review (EOIR)
- All Immigration Judges/Courts



## Department of Homeland Security (DHS)

- Includes Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor
- Opposing counsel representing the U.S. government in removal proceedings





# CHANGE OF VENUE (COV)

Technical Name = Motion to Change Venue

Used to move the child's hearing to a different immigration court (different venue)

Unless and until the Immigration Judge grants the motion to change venue, the child is required to appear at their currently scheduled hearing, even if that is in a court on the other side of the country!

# CHANGE OF VENUE

Only to be submitted when the child wants their hearings to be held in an immigration court closer to where they are living

- When the child is released from ORR care
- If the child later moves to a new home that is far enough away from their old home that it falls under the jurisdiction of a different court
- Usually when moving to a different state or metropolitan area

Immigration Court Practice Manual requires motions to be filed at least 15 days in advance of next hearing – best to file as early as possible!

# WHERE TO FILE THE COV

Always file with the Immigration Court currently assigned – in other words, where the case is moving from

Make sure to send a copy to the corresponding ICE OPLA office (service of process)

Example:

- If a child is moving from Houston to Maryland, the motion to change venue must be filed with the Houston Immigration Court and served on the Houston ICE Office
- If you send the COV to Maryland, they'll have never heard of the child and not know what to do with the motion



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

ADDRESS OF IMMIGRATION COURT WHERE IS CURRENTLY CASE ASSIGNED

SAMPLE  
COV

IN THE MATTER OF :	)	
<u>ENTER MINOR'S NAME</u>	)	<u>IN REMOVAL</u>
(JUVENILE RESPONDENT'S NAME / NOMBRE COMPLETO Y VERDADERO)	)	<u>PROCEEDINGS</u>
	)	(JUVENILE CASE)
<u>ENTER MINOR'S A#</u>	)	
(JUVENILE RESPONDENT'S ALIEN NUMBER / NUMERO DE INMIGRANTE)	)	
	)	

MOTION FOR CHANGE OF VENUE

The JUVENILE RESPONDENT in this matter is residing at the following address.

ENTER MINOR'S CURRENT ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

United States of America

JUVENILE RESPONDENT requests that his/her case be transferred to the Immigration Court closest to JUVENILE RESPONDENT'S place of residence.

_____	<u>MINOR'S SIGNATURE IF AGE 14 OR OLDER</u>
(date / FECHA DE FIRMA -- mes, dia y año)	(Juvenile Respondent's signature / FIRMA DE MENOR)

_____	<u>SPONSOR/CAREGIVER'S SIGNATURE</u>
(date / FECHA DE FIRMA -- mes, dia y año)	(Adult Sponsor's signature / FIRMA DE ADULTO)

\_\_\_\_\_  
(Adult Sponsor's name / ESCRIBA NOMBRE DE ADULTO)

\_\_\_\_\_  
(Adult Sponsor's telephone number / NUMERO DE TELEFONO)

CERTIFICATE OF SERVICE

I certify that I have today placed in first class mail a true copy of the foregoing Motion to Change Venue in an envelope addressed as follows:

DHS-ICE OFFICE ADDRESS OF WHERE THE CASE CURRENTLY IS

SIGNATURE OF SPONSOR/CAREGIVER OR MINOR 14+  
(Signature / FIRMA)

\_\_\_\_\_  
(Date / FECHA)

# HOW TO TELL IF A COV HAS BEEN GRANTED

Check EOIR hotline or website: if court hearing information is “pending,” it probably means the COV is in process (in other words, the judge probably granted motion, and file is now in transit to new court)

Family should check their mail for notices

- Motion to change venue was granted
- Notice of new court date in new court

The family should call the court where their hearing is scheduled to confirm that the COA/COV was received. Depending on the court, the Immigration Judge may not process the COV request until the time of the child’s hearing, or the family may be instructed to call the court to “appear” telephonically at the time of the child’s hearing.

Unless otherwise instructed by the Judge’s clerk, the child should prepare to appear for their court hearing in person. The Immigration Judge can issue a deportation order if the child does not appear for court, regardless of whether a COA/COV is pending.

# CONSIDERATIONS FOR BOTH COAs AND COVs

- File early and send by certified mail if possible (for tracking/to confirm delivery)
- Social service providers can help families fill out COAs and COVs, but they should not sign the forms!
- Note that the Immigration Court does not have jurisdiction over the child's case until DHS files the child's Notice to Appear with the court. If the child's case is not yet in the EOIR system, the family should wait to send the forms.
- Families can now submit the COA online:
  - With EOIR (<https://respondentaccess.eoir.justice.gov/en/forms/eoir33ic/>)
  - With ICE (<https://eserviceregistration.ice.gov/>)
- However, a COV motion cannot be filed online



# LEGAL RESOURCES

# LEGAL RESOURCES

- National Immigration Legal Services Directory  
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- EOIR List of Pro Bono Legal Service Providers  
<https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
- USCRI Legal Services: <https://refugees.org/legal-services/>
- Tip: Call local legal providers to vet services, establish relationships, and advocate for discounted services for your clients. Many private attorneys will agree to provide low bono services and/or a payment plan for UC clients.





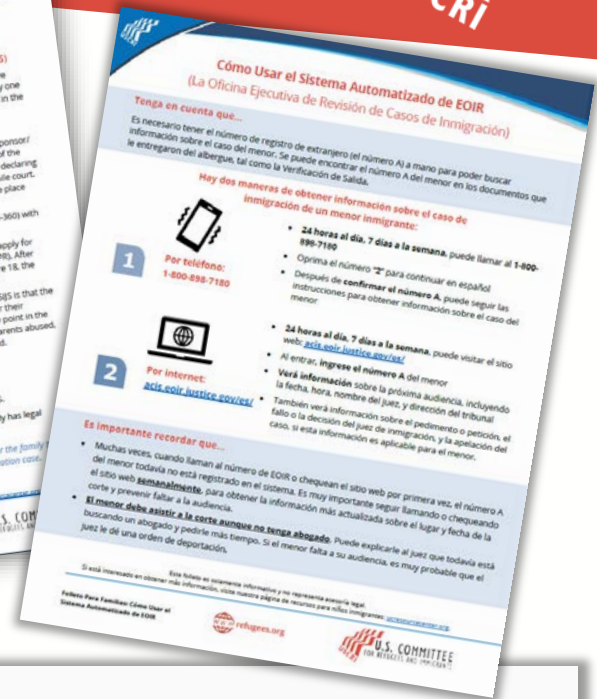
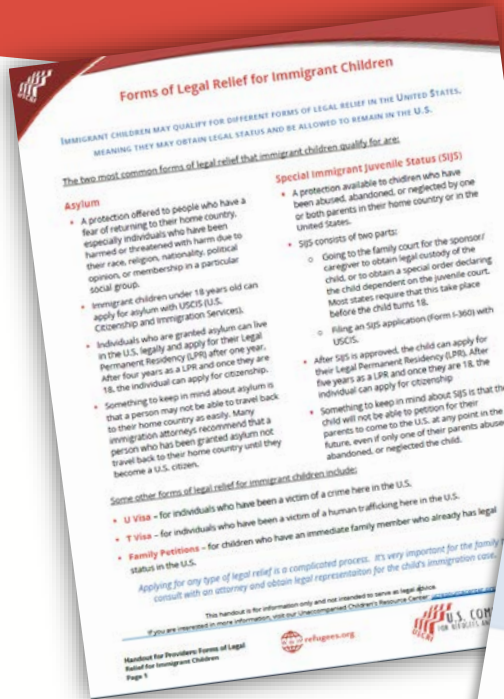
# RESOURCES

Educational handouts and videos in Spanish for families:

<https://ucresourcecenter.org/informacion-legal/>

Information, handouts, links, guides, trainings, and more for providers:

<https://ucresourcecenter.org/provider-resources/>



**USCRI Children's Services**  
15 subscribers

HOME VIDEOS PLAYLISTS CHANNELS ABOUT

Uploads ▶ PLAY ALL

- Los Beneficios De Obtener La Tutela Legal De Un Niño...** (3:27)  
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5 views • 6 days ago
- Formas De Ayuda Legal Para Niños Inmigrantes** (5:23)  
3 views • 6 days ago

# QUESTIONS?

*Please submit your  
questions in the  
Q&A Box!*



# THANK YOU!

## Contacts:

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