



## Pro Bono Attorney Policies

Thank you for accepting a pro bono case from Americans for Immigrant Justice (AI Justice). We are honored that you have chosen to work with us as you engage in pro bono service. To confirm our mutual understanding of your pro bono commitment, please review and sign these Pro Bono Attorney Policies. Client information will not be provided until this document is completed and returned along with the Confidentiality Agreement & Social Media Disclaimer. At that time, conflicts checks can be completed by the pro bono attorney and/or firm. The placement would not be finalized should a conflict exist.

### **1. SERVICES TO BE PROVIDED** \_\_\_\_\_ *Initials*

[Enter information here on scope of representation]

AI Justice has determined that the client does not have the means to pay for an attorney. Without pro bono service, your client would have to navigate the complex immigration system alone. As a result of the representation being pro bono, you may neither request nor accept remuneration for your client's case. You will be responsible for all costs reasonably associated with representation. This can include costs both domestic and international related to mailing, document delivery, service of process, photocopying, mental health evaluations, expert witnesses, interpretation/ translation, phone calls, and making a meeting space available. You are not responsible for application filing fees. Where available, fee waivers should be sought. By accepting a pro bono matter, the pro bono attorney and/or firm confirms it has the resources necessary to provide competent representation.

### **2. MENTORING FOR PRO BONO ATTORNEYS** \_\_\_\_\_ *Initials*

AI Justice commits itself to provide support and assistance to attorneys accepting a pro bono case from our organization. We know that pro bono attorneys often come with little or no experience in immigration law and pride ourselves on providing pro bono attorneys who take a case from us with the necessary assistance to competently represent their pro bono client.

AI Justice provides pro bono attorneys with:

- a) Access to trainings, practice advisories, manuals, checklists, and other resources
- b) Sample applications, motions, pleadings, briefs, onboarding/case management documents, and filings
- c) Timely updates on changes in the law, policy, and procedure

- d) Access to a mentoring attorney for case-related questions and review of filings. All documents to be filed must be submitted for review to the mentoring attorney with a minimum of one-week time for review
- e) Office hours for case-related questions and strategy
- f) Professional liability insurance
- g) List of interpreters if needed

### 3. PRO BONO ATTORNEY RESPONSIBILITIES \_\_\_\_\_ *Initials*

Once the pro bono attorney has accepted a case, the pro bono attorney will:

- a) Make **initial contact** with the client by telephone to schedule the first client meeting. The pro bono attorney is responsible for **setting a meeting place or ensuring the client can access the meeting if done remotely.**
- b) Sign a **retainer** agreement with the client during the first meeting and provide a copy of that retainer to the client and to AI Justice. The pro bono attorney will represent the client to completion on the tasks detailed in the “Services to be Provided” section of these policies. This information should also appear in the retainer.
- c) **Maintain confidentiality and zealously represent the express interests of the client.** This applies even when representing a child. People seeking relief from removal have the best chance of success when their attorneys have invested time into meeting with them and preparing their case. This process can take time, and we must be cognizant of power dynamics that exist between the pro bono attorney and the client.
- d) **Contract interpreters/translators** as needed to communicate with the pro bono client or for court/interviews/filings. Some courts provide interpreters, and some do not. United States Citizenship & Immigration Services (USCIS) does not provide interpreters. If the pro bono attorney does not speak the language of his or her client fluently, he or she is responsible for obtaining an interpreter. Moreover, any document not originally in English filed with a court or USCIS must include a certified English translation.
- e) Maintain AI Justice informed on the status of the case including any changes by completing the **Pro Bono Case Status Form** on the last Monday of each month.
- f) **Transfer representation of the case to another attorney in the firm if the attorney must withdraw representation for any reason other than a conflict of interest or client wrongdoing.** AI Justice’s Pro Bono Program exists to provide the opportunity for individuals to obtain representation when AI Justice otherwise would not have the capacity to accept the case for representation internally. Therefore, AI Justice is unable to absorb pro bono cases in-house, except in very limited/exigent circumstances.

#### 4. FIRST CLIENT MEETING \_\_\_\_\_ *Initials*

**a) Call client and discuss meeting details including time, location, and what client needs to have at hand**

- If there is a language barrier, please have an interpreter ready when you reach out to the client and for the meeting.
- Discuss where the meeting will take place – either in person at an office or remotely via a platform that the client is able to access.
- Let the client know that you will want to review all documents related to their case that they have in their possession and that you will assess what documents are important.
- Provide the client with a timeframe for how long the meeting will take and ensure the client understands that if the meeting is remote, they must be in a quiet place where they can speak about confidential matters without any distractions or the ability for others to hear the conversation.

**b) Tasks during the first meeting**

- Review and sign retainer agreement and any relevant releases.
- Review documents the client has in their possession. The client will most often have a stack of papers that you will have to sort through. Often, pages are out of order. Some of the most important documents that you will want to keep an eye for include the Notice to Appear (NTA) which is the charging document in Immigration Court, the Notice of Hearing if the client has been scheduled for court, Birth Certificate, any other government issued identity documents, release documents from immigration detention, and any sworn statements the client may have given. Make copies of documents. Original documents are the property of the client.
- Sign and complete FOIA requests.
- Explain what the plan for the case is to the client and confirm all relevant information.
- Remind the client that even though there are no legal fees associated with your pro bono representation, the client is still responsible for paying filing fees to the government, if needed. Fee waivers should be requested when available. Pro bono attorneys are welcome to have their firm pay for filing fees if they would like to do so for their pro bono client.

#### 5. PRACTICING BEFORE THE IMMIGRATION COURT \_\_\_\_\_ *Initials*

**a) Executive Office for Immigration Review Courts & Appeals System eRegistration**

- To practice before the Immigration Court, known as the Executive Office for Immigration Review (EOIR), which is part of the Department of Justice, **you will have to register with the Immigration Court through the EOIR Courts & Appeals System (ECAS).**
- Registering for ECAS a two-part process:
  - 1) **Create an attorney account** [here](#) and receive a confirmation e-mail.
  - 2) **Validate your identity** by showing your government issued photo identification.
    - To validate your identity **virtually**, you may contact Tina Barrow at Tina.Barrow@usdoj.gov or at 717-443-9157 to schedule a time to show your photo identification via WebEx. The following timeslots are available for virtual identity validation:
      - Tuesdays from 10 a.m.-1 p.m.

- Wednesdays from 8 a.m.-11 a.m.
- Thursdays from 1 p.m. – 4 p.m.
- To validate your identity **in person**, go to the seventh-floor filing window at the [Miami Immigration Court](#) located at 333 South Miami Ave. Miami, FL 33130.
- Once you have completed the two-part process, the immigration court will send you a final e-mail with your EOIR ID number. Keep this number at hand as you will need to list your EOIR ID number on your notices of appearance and filings with the court.

**b) Immigration Court Practice Manual**

- Please review the Immigration Court Practice Manual prior to practicing before the Immigration Court. It provides procedural information and templates and can be found [here](#).

**c) Checking When Your Client is Scheduled for Court – EOIR Automated Case Information System**

- **It is of the utmost importance that you regularly check the EOIR Automated Case Information System to confirm when your client is scheduled for court. Your client’s failure to personally appear for a hearing in Immigration Court will result in an *in absentia* order of removal.**
- You can access system online or by telephone.
- **By telephone**, dial 1-800-898-7180.
  - Press **1** for English
  - Enter the client’s “Alien registration number” (“A number”)
  - Press **1** to confirm.
  - If the case has not been opened with the Immigration Court yet, you will hear a message that says, “The A number information did not match a record in the system, or the case has not been filed with the Immigration Court.”
  - If the case has been opened with the Immigration Court, press **1** after you confirm the client’s name matches the A number you entered.
    - Press **1** for hearing information.
    - You will be given the date, time, name of the assigned judge, and address of the court where the hearing is scheduled.
- **By internet**, visit the Automated Case Information System [website](#) and type in the client’s A number. Please note that the online system often has technical issues and requires refreshing the page several times before the requested information appears.
  - If the case has not been opened with the Immigration Court yet, you will see a message that says, “No case found for this A-Number.”
  - If the case has been opened with the Immigration Court, you will see a page that includes the next hearing information, decision and motion information, case appeal information, and the immigration court the case is open with.

**d) Filing with the Immigration Court and Serving Opposing Counsel**

- E-filing with the Immigration Court is limited at this time to cases with an electronic record of proceeding (eROP) in ECAS. If there is an eROP on the case, attorneys can file

court and appeal documents, pay filing fees to the Board of Immigration Appeals (BIA), and download the eROP for their case.

- If no eROP exists for the case, then e-filing is not available for that case and all original signed filings must be filed by mail or in person at the assigned immigration court.
- You must file a Department of Justice Form EOIR-28 Notice of Entry of Appearance before the Immigration Court to file motions on your case. You can find the link to Form EOIR-28 [here](#). The original signed form should be printed on **green paper**.
- **A copy of any and all filings and attachments *must* be served on our opposing counsel, the Office of the Principal Legal Advisor (OPLA), which is part of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS).** OPLA may be served through the ICE eService program. This is recommended as you receive a confirmation of service. Please ensure that when you receive a confirmation of service, you click the link in the email to enter the portal and save the actual confirmation from the ICE eService portal.
- Some pro bono attorneys have had issues registering with ICE eService as the program needs to confirm the identity of the attorney and requests client A number when registering to show you will be practicing before the court. Please ensure that you give yourself enough time to access ICE eService by registering as soon as you have your pro bono client's A number. If you have any issues registering for ICE eService, please email the ICE eService Help Desk at [ICEeService@ice.dhs.gov](mailto:ICEeService@ice.dhs.gov).
- **All filings for a master calendar hearing must be received by the Immigration Court and served on OPLA a minimum of 15 days before the scheduled hearing.**
- **All filings for an individual merits hearing must be received by the Immigration Court and served on OPLA a minimum of 30 days before the scheduled hearing.**
- **The Immigration Court DOES NOT observe the mailbox rule. Therefore, the filing must be received by the deadline to be timely. Please ensure you review the EOIR Policy Manual to confirm there have been no changes to filing deadlines or rules.**
- If filing by mail or in-person, always take an extra copy of the filing with you or mail an extra copy with a prepaid, self-addressed return envelope enclosed, so you can obtain a stamp from the court confirming that the document was filed.

Review in detail and complete these Pro Bono Policies and the Confidentiality Agreement & Social Media Disclaimer. By signing these documents, you confirm that you are licensed to practice law by a state licensing authority in the United States, that you are in good standing with all state bars where you are licensed, and that there are no past or pending disciplinary matters against you. Please e-mail the completed documents to Angela Bouliakis Andronis, Pro Bono Program Director, at [abouliakis@aijustice.org](mailto:abouliakis@aijustice.org). Thank you for choosing AI Justice as your partner for pro bono service!

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Pro Bono Attorney Name & Signature

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Date