Texas Immigration LAW COUNCIL

PRETERMISSION - IMPORTANT INFORMATION ABOUT YOUR IMMIGRATION CASE

Based on recent changes in policy, Immigration and Customs Enforcement (ICE), or even the Immigration Judge, may attempt to close out your immigration case before you ever get a chance to tell your story. These attempts could include:

- **Dismissal:** In many cases, mostly involving people who entered the U.S. with TPS or parole, lawyers representing the government are asking judges to dismiss their cases, even where they have already applied for asylum. Dismissal means that your case before the court will be closed without a final decision and you will no longer have an opportunity to explain why you should be allowed to remain in the U.S. If the judge agrees to dismiss your case, and you have no other immigration status in the U.S., there is a risk that the government will detain you and attempt to remove you.
- **Pretermission:** The government lawyer, or the immigration judge, might attempt to close your case, and order you deported, before your final hearing if:
  - The judge believes that your application for asylum does not contain enough detail; or that your story, as written, does not show why you are eligible for asylum.
  - The judge or the government lawyer believe that you are required to seek asylum in another country based on an agreement between the U.S. government and that country's government.
  - You have not paid new fees that are required as part of your asylum application.

It can be very difficult to defend yourself against these measures. However, there are a few things you can do to reduce the risk.

DO	DO NOT
✓ Attend court online for your hearings whenever possible. ✓ Alternatively, take a friend with U.S. citizenship to act as an observer during your hearing. ✓ File documents with the court by mail. ✓ Ask the judge to explain the decisions they make to you in detail. ✓ Ask what the judge's decisions will mean for you, including whether you will be detained. ✓ Ask the judge to insist that the government lawyer state their position on your case, including whether you will be detained. ✓ Take notes on what the judge and the government lawyer say during your hearing. ✓ Insist on presenting your asylum case to the court. ✓ Ask the judge for more time to amend your application if they tell you that it's not complete.	✗ **Feel pressured into staying silent or agreeing to measures you do not fully understand.** ✗ Agree to having your case dismissed before speaking with a lawyer, even if the government lawyer or the judge tells you that you might be able to apply for asylum again, or that you will not be detained. ✗ Agree to being deported to **any** country. ✗ Submit any applications to the court that you have not reviewed carefully in the language you speak best. ✗ File any documents with the court in person. ✗ Assume that the government lawyer, or even the judge, are protecting your interests. Advocate for yourself!

PRETERMISSION - IMPORTANT INFORMATION ABOUT YOUR IMMIGRATION CASE

DO	DO NOT
✓ Ask the judge to clarify which parts of your application they believe do not contain enough detail. ✓ Keep copies of anything you submit to the court, anything the government lawyer submits, and anything the judge gives to you. ✓ Make a safety plan with your family before you go to court.	

Immigration court can be scary, and it is often difficult to know early what to say to the judge. Here are some questions and statements you can practice before going to your hearing.

- "Respectfully, I would like this court to hear my case."
- "Please explain to me in detail why you believe, or why the government believes, my case should be dismissed."
- "If my case is dismissed, does the government plan to arrest me?"
- **[If the judge is saying that you must first apply for asylum in another country.]**
  - "I fear for my safety, and my family's safety, if I am sent to a country I don't know because..."
  - "Please explain in detail why I cannot proceed with my case in the United States. Why specifically does my case fall under this agreement?"
  - "I entered the U.S. lawfully with parole/with a visa. Why must I apply for asylum in another country first?"
  - "I would like the government to explain why they believe I should be sent to another country to apply for asylum as well as how and when I might be sent there."
  - "Please help me understand what fees I have to pay the court and how I can pay them."
  - "I would like this court to please explain to me, in practical terms, how its decision today will affect my case. What does this mean for me?"
  - "Please identify the specific parts of my application for asylum that are not complete and allow me some additional time to make those corrections. Please allow me to make a list to fix this."
  - "Can you please confirm that our entire conversation today is part of the official record of my case?"
  - "I would like an explanation of how I can appeal this decision. Please include information on how much the fees to appeal are and how and where to pay."