

NOTICE TO APPEAR (NTA) AND APPEARING IN FRONT OF THE IMMIGRATION JUDGE

What is a Notice to Appear?

The Notice to Appear (NTA) is an official document from U.S. Immigration and Customs Enforcement (ICE). The NTA informs you that ICE is beginning the official process to remove (deport/exclude) you from the United States.

What are the Parts of the NTA?

- The NTA has two main sections: (1) the facts that ICE claims to be true about your case, and (2) the legal charges, which explain the reasons that ICE believes you can be removed (deported/found inadmissible).

1. Section One: Factual Allegations by the Government

- These allegations include information about you that ICE says is true. The information may include your country of citizenship or nationality, your immigration status, and what ICE believes is your criminal record.
- ICE sometimes makes mistakes in this section of the NTA. Be sure to review carefully the information. Tell the judge if there are any mistakes.

2. Section Two: Charges of Law

- In this section, ICE explains the law or laws it believes you violated and why you should be removed.
 - i. For example, ICE might say that you are removable as having been convicted of an “aggravated felony” or a “crime involving moral turpitude.” Or ICE might say that you are removable as having overstayed your immigration visa or as having entered the country without inspection. ICE sometimes makes mistakes in this section of the NTA. Be sure to review carefully the information. Tell the judge if you believe there are any mistakes.
 - This is an example of a [Notice to Appear](#).

What is a Master Calendar hearing?

- The Master Calendar hearing is a short hearing in front of the Immigration Judge. At most Master Calendar hearings, there will be other people in the courtroom waiting to talk to the judge. If you have received a NTA, you will have at least one Master Calendar hearing. In some cases this will be your only hearing.

What happens at the Master Calendar hearing and what should you do?

- During your first Master Calendar, the judge will usually ask you if you would like more time to find a lawyer. Because immigration law is complicated, it is usually best to consult with a good immigration lawyer before going forward with your case in front of the judge. The judge should give you a list of “pro bono” lawyers, who charge little or no fees for their services, although it is often difficult to find a pro bono lawyer who is able to take your case.
- Once the judge goes forward with your case, the judge will read the factual allegations and legal charges against you on the NTA. If you do not have a lawyer, the judge will also ask you to admit or deny the information.
 - It is very important not to admit facts on the NTA unless you are sure they are true. You should tell the judge if any facts on the NTA are wrong. You should also tell the judge if you don’t understand his or her questions. Your answers to the judge’s questions will be used to deport you. For example, if you admit that you have a certain criminal conviction, the judge does not need to ask ICE to prove your criminal record. The judge may be able to order you deported based only on what you have said about your criminal conviction. *You have the right to tell the judge that you are not admitting any factual allegations or legal charges and asking the government to prove its case against you.*
- During the Master Calendar hearing, you must tell the immigration judge if you want to apply for any kind of “relief” from removal. Asking for “relief” means asking the judge to stop your deportation. There are different types of relief, including asylum, withholding of removal, relief under the Convention Against Torture, cancellation of removal, a 212(c) waiver, a 212(h) waiver, and adjustment of status.
- An attorney representing ICE will also be present at the Master Calendar hearing. The ICE attorney may argue to the judge that you are not eligible for relief from removal.
- The judge will decide whether to order you removed (deported) or whether to give you another hearing. If the judge thinks you are eligible to apply for relief, the judge will set a date for an individual merits hearing just for you to hear your case.
- If the judge sets a date for the individual merits hearing, he or she will also set a deadline by which you must file any applications for relief from removal and any supporting documentation. It is very important to meet any deadlines set by the immigration judge. If you do not meet the deadline for filing your application(s), the judge will deny them and order you removed (deported/excluded).

What should you do if you still do Not Have an Attorney?

- If you do not have an attorney, you may ask the judge for more time to find one.
- If you are unable to get a lawyer to represent you, the immigration judge will ask you to speak for yourself at the hearing.

What you must do if English is Not Your First Language or you are Having Trouble Understanding?

- You should request an interpreter during the Master Calendar hearing. The immigration court will provide the interpreter for free.

What is the Individual Hearing?

- The individual hearing is a longer hearing before the judge. The judge will schedule you for an individual hearing if he or she thinks you are eligible to apply for relief from removal or if there is a question in your case that will take time to decide.

What Happens at The Individual Hearing and What Should you do?

- During this hearing, you will be allowed to present to the immigration judge any evidence and testimony in support of your applications for relief from removal.
- You will have the opportunity to talk to the judge and explain why you qualify for the immigration relief you are seeking.
- The immigration judge and the ICE attorney will ask you questions relevant to your case.
 - ❖ It is very important to listen to the questions carefully, answer truthfully, and only answer the questions they ask.

Can you Bring Witnesses to the Hearings?

- During this hearing, you may also bring people to talk with the judge to support your application. These people are called “witnesses.”
- ICE might also introduce witnesses that they believe will help their case.
- You, the judge and the lawyer for ICE will have the opportunity to question all witnesses.

What Happens After the Individual Hearing?

- After the immigration judge listens to all of the witnesses and reads all of the evidence, the judge will decide whether to grant or deny your case.
- In some cases, the judge may ask for additional documents or written statements before making a decision.
- The judge may ask you to return to the court on another day to hear the decision. The judge may also write down the decision instead of having another court date.

What can you do if the Judge denies your Case?

- If the judge denies your application, you have thirty **(30) days** to appeal the judge's decision to the Board of Immigration Appeals. The Board must receive your appeal within 30 days, so you should put it in the mail well ahead of time. The Board will reject any appeal that is filed late.