

**DRAFT Informed Consent Document for Individuals Subject to NTA Issuance under
February 2025 USCIS Guidance (non-DACA-related applications)¹**

On _____, I, _____, met with
my lawyer/representative, _____, and we
discussed the following:

1. I am eligible to apply for _____ with U.S.
Citizenship & Immigration Services (USCIS).
2. USCIS issued a policy in February 2025 that discusses when noncitizens who apply for
immigration benefits with USCIS will be placed into removal proceedings (or issued a
“Notice to Appear” in removal proceedings). The guidelines suggest that most
individuals who are removable and are denied benefits will be placed into removal
proceedings.

“Removal proceedings” are the legal process the U.S. government uses to try to remove
(deport) a noncitizen from the United States. These proceedings happen in an
immigration court, where an Immigration Judge makes the final decision. The process
can take a long time, often many months or years, and can include several hearings. Some
people may be detained by the Immigration & Customs Enforcement (ICE) during
removal proceedings, which can make the removal process go much faster. During
removal proceedings, the noncitizen can either agree to leave the U.S. or challenge the
removal. Whether an individual can win a removal case and be able to stay in the United
States depends on the case. Options for staying in the U.S. may include contesting the
charges or admitting the charges are true but applying for some kind of immigration
benefit to remain in the U.S., such as adjustment to permanent resident status or
cancellation of removal.

3. My lawyer/representative explained how the USCIS policy could apply to my case:

¹ Note to practitioner: ensure that the client is amenable to § 240 proceedings as opposed to some more summary procedure in which case a different risk assessment and advisal should occur. Examples include expedited removal (for those who entered within the past two years *or* who entered on parole at any time), reinstatement of removal, execution of a previously unexecuted order, and § 238(b) removal for non-LPRs with aggravated felonies. Note also that this advisal does not include statutorily or regulatorily mandated NTA issuance, such as for asylum referrals.

4. My lawyer/representative discussed the **risks** of filing the application. These risks include (check all that apply):

- ☐ I could be placed into removal proceedings. If I were placed into removal proceedings, I might have the following options to fight my case in court: _____
- ☐ If placed into removal proceedings, I could be detained. If I were detained, I might be placed in:
 - ☐ Mandatory detention. This means that I would not be eligible for bond during proceedings.
 - ☐ “Discretionary” detention. This means I could seek a bond. My lawyer/representative discussed bond factors with me.

5. My lawyer/representative and I discussed the benefits of filing the application. These include:

- ☐ My application could be approved without any referral to ICE or NTA.
- ☐ If approved, I would have the following status: _____
- ☐ Benefits associated with this status (immediate and long-term): _____
- ☐ Other benefits/reasons to proceed: _____
(include discussion of preserving time-limited relief if applicable)

6. I understand that my lawyer/representative cannot guarantee any outcome in my case. We cannot predict with certainty whether USCIS will approve my application. We also cannot predict whether I will be placed in removal proceedings if my application is not approved. Additionally, we cannot predict if I would be detained, or how much any bond would be. If I am placed into removal proceedings, there is no guarantee that an immigration judge would rule in my favor. I also understand that there is no guarantee that I won’t be placed into removal proceedings if I don’t apply. In other words, it is possible that ICE could put me into removal proceedings at any time, even if I don’t file this application with USCIS.

7. If I were placed into removal proceedings, my lawyer/representative **WOULD / WOULD NOT** represent me. [If no: I understand that it is my responsibility to find a lawyer or representative for any removal case if I want representation]

I understand the above information. My lawyer/representative has answered any questions that I have about the above information. I understand the risks and benefits of filing an application for _____. Having been advised of the above, I choose:

- ☐ To file an application for _____ with USCIS.

Articulated reasons: _____

Legal self-defense plan:

- Keep in regular contact with my lawyer/representative.

- Notify my lawyer/representative immediately of any changes in my life that may affect my application or eligibility for immigration relief (e.g. change in marital status, an arrest, or becoming a crime-victim).
- Keep my address and phone number current.
- Review know-your-rights materials.
- Plan ahead for possible removal proceedings and bond.
- Other steps: _____

☐ Not to file an application for _____ with USCIS at this time.

Articulated reasons: _____

Name