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PAROLE REQUEST CHECKLIST

I. Referral Process

When RMIAN identifies a detainee who is likely parole eligible and could benefit from legal representation to assist in filing the parole request with the Department of Homeland Security (“DHS”), RMIAN sends emails to potential attorney volunteers to determine immediate availability. If matched with the case, RMIAN will provide the volunteer attorney with a copy of the intake sheet completed through the Legal Orientation Program screening.

Pro bono attorneys should act as quickly as possible to gather the documents needed in support of a request for parole. The request will be submitted to the detainee’s deportation officer. The sooner the officer has the completed parole request, the sooner DHS can make a decision regarding whether to grant parole. The goal is to get detainees released from detention as quickly as possible so that they can be reunited with friends and family who can support them as they fight their cases in a non-detained setting.

II. Initial Client Appointment

Once matched with a client, the volunteer attorney will need to meet with the client to gather more information and to sign certain important documents. RMIAN encourages *pro bono* attorneys to review and sign the following forms with clients at the initial meeting:

- ☐ Legal Services Agreement
- ☐ G-28
- ☐ GEO medical release
- ☐ Authorization to consult or release
- ☐ OPTIONAL: Freedom of Information Act (“FOIA”) Requests. There is a useful practice advisory on FOIA requests, *available at*:
https://www.ilrc.org/sites/default/files/resources/foiaadvisory_11.7.pdf
 - DOJ-361 (to obtain copy of EOIR file)
 - G-639 (to obtain copy of USCIS, ICE, OBIM file)

Although the client does not need to sign the following documents, RMIAN provides a worksheet that may be used to collect necessary client information:

- ☐ *Pro Bono* Volunteer Parole Informational Worksheet

- This will help you gather information about the **parole sponsor** who is the person agreeing to house the detainee upon release and ensure that the individual appears for all future check-in appointments with the Department of Homeland Security and hearings before the Immigration Court.

III. Documents in Support of Parole

The sponsor should provide the following documents in support of parole:

- ☐ Letter of support
 - Describing how the sponsor knows the applicant—whether they are friends or relatives, how close their relationship is, and how long they have known each other;
 - Providing the applicant’s intended address;
 - Stating that the sponsor will pay for any needed travel arrangements;
 - Offering to facilitate transportation to future immigration related appointments and hearings before the Immigration Court;
 - Discussing any community support on which the applicant can rely if released from detention
- ☐ Applicant’s government issued photo identification document¹
- ☐ Sponsor’s government issued photo ID
- ☐ Copy of sponsor’s proof of lawful status (e.g. certificate of citizenship, U.S. passport, lawful permanent resident card – AKA “green card,” etc.)
 - **It is required that a parole sponsor has proof of lawful immigration status**
- ☐ Current employment letter signed by sponsor’s employer, stating his position, salary, and length of employment;
- ☐ Copy of sponsor’s latest tax return (if available);
- ☐ Copies of sponsor’s various utility bills, as proof of adequate residence²

Please note: If you are only entering your appearance on behalf of the respondent to submit the parole request, it is important for you to explain that you will *not* be appearing on behalf of the client in removal proceedings before the Immigration Court. As a courtesy, you may wish to review what will take place at the client’s initial master calendar hearing.

The Immigration Judge will want to review the charging document that initiated removal proceedings. This is called the “Notice to Appear” or “NTA” and the client should review the factual allegations and charge of inadmissibility/removability to ensure that all of the information contained in the NTA is correct.

¹ Although guidelines do not require original documents in all cases, DHS has recently heightened the standard for acceptable documentation. *See* ICE Directive 11002.1, Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture at 6. Particularly, DHS believes that some of the Haitian’s identity documents may be fraudulent and are now requiring original birth certificates and photo IDs for Haitian detainees.

² The utility bill can often a barrier to release on parole because the utility bill may not be in the sponsor’s name.

While you need not advise the client regarding how to plead to the charging document, it is useful to orient the respondent so that he or she is prepared to proceed before the Court. Or, you may wish to mention that all respondents have the right to seek a continuance at the initial master calendar hearing if they are trying to seek counsel or need additional time to verify the information included in the NTA.

IV. Filing the Parole Request and Supporting Documents

You will file a written request for parole along with supporting documents substantiating eligibility for release on parole. A sample parole request is provided in the materials. The parole request will be filed with the applicant's Deportation Officer ("DO"). The DOs work with DHS's Enforcement and Removal Operations. You can obtain the DO's contact information by calling the GEO Detention Facility (303.361.6612) and by letting the guard at the desk know the last three digits of the applicant's alien number ("A number").

Once you identify your client's DO, you can submit the parole request directly to him/her via email. To determine your DO's email address, you may call the ICE Enforcement and Removal Operations ("ERO") office at the GEO Detention Facility at (303) 361-0723.

Applicants for parole and counsel should receive "written notifications of parole decisions... within seven days" of the interview for parole or submission of parole request "absent reasonable justification for delay in providing such notification." ICE Directive 11002.1, Policy: 6.6 at p. 4; Procedures: 8.2 at p. 6. In practice, many DOs do not make a determination within the timeframe set forth in the ICE Directive.

V. Client Advisals on Rights and Responsibilities

As best practice, you should review the following information with your client:

- You are entering your appearance on your client's behalf **ONLY** for the parole request before the Department of Homeland Security. You will **NOT** be attending any of the hearings before the Immigration Court. Each respondent has the right to counsel in those proceedings, and if your client wishes to seek counsel to assist in those proceedings but needs additional time to find an attorney, the Court can grant a continuance for that purpose. However, respondents in removal proceedings do **NOT** have the right to free legal representation before the Immigration Court.
- If parole is granted, the client will need to file a *pro se* **Motion to Change Venue**. If the client intends to remain in the area, the case should be transferred to the non-detained docket at the Denver Immigration Court. Otherwise, the case will be transferred to the non-detained Immigration Court that has jurisdiction over the respondent's new address.
- If parole is granted and the client later moves or changes phone numbers, he/she must file a Form E-33, Change of Address **within five business days** of moving/changing their phone numbers. The form must be filed with the Immigration Court that has jurisdiction over the case and service must be filed with the DHS Office of Chief Counsel in that same jurisdiction.

- <https://www.justice.gov/sites/default/files/pages/attachments/2016/08/23/eoir33icaurora.pdf>)
- It is imperative that all respondents understand the consequences associated with failing to appear before the Immigration Court for any future hearings. It is possible that if a respondent does not attend his/her scheduled court hearing, an Immigration Judge can issue a **final order of removal *in absentia***. If this takes place, the respondent will be at risk for deportation.³

We greatly appreciate you taking a *pro bono* case referral from RMIAN! Should you have any questions as you move forward, please do not hesitate to contact us directly:

- Alex Gavern, *Pro Bono Coordinator*
- Laura Lunn, *Managing Attorney, Detention Program*

³ It is possible to file a Motion to Reopen and Rescind *In Absentia* Removal Order, but all respondents are obliged to attend their removal proceedings and it is never advisable for them to rely on this avenue to address the rare occasion when the Court will grant such a motion.