



ATTORNEY OF THE DAY HANDBOOK FOR THE DETAINED DOCKETS

This handbook was written for experienced immigration attorneys volunteering for the Justice & Diversity Center's Attorney of the Day (AOD) Program at the San Francisco Immigration Court. It is meant as a resource for volunteer attorneys and must not be used as a substitute for legal research or advice from an experienced immigration lawyer.

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I. INTRODUCTION

Attorneys of the Day (AODs) are experienced immigration attorneys who volunteer at master calendar hearings to provide same-day assistance to individuals who are unrepresented in their removal proceedings. In addition to representing respondents before the Immigration Judge, AODs conduct individual consultations, provide legal advice, and recommend agencies to contact for full-scope removal defense.

The AOD Program first began 30 years ago when the San Francisco Immigration Court approached The Bar Association of San Francisco (BASF) with the request to provide volunteer attorneys to assist unrepresented respondent at their master calendar hearings. BASF managed the AOD Program until 2017, when the Justice & Diversity Center (JDC) assumed coordination of the program.

The mission of the AOD Program is to ensure due process and access to justice for all individuals in deportation proceedings in the San Francisco Immigration Court. Despite the complexity of immigration law and the high stakes of deportation, immigrants facing removal who cannot afford their own counsel are generally not entitled to a government-appointed attorney. Though the AOD Program cannot compensate for full-scope representation, it seeks to ensure greater due process for individuals in removal proceedings until this constitutional and statutory gap no longer exists.

II. EXPECTATIONS AND REQUIREMENTS

AODs serving on the detained dockets must fulfill the following requirements:

- **TIME COMMITMENT:** Commit a period of 6 hours of pro bono service for each detained docket and serve as an AOD at least 6 times per year (every other month). AODs who appear fewer than 4 times in a calendar year may be asked to reapply.
- **LANGUAGE:** If not fluent in Spanish, request interpretation assistance from JDC or discuss the possibility, subject to approval by JDC, of bringing a Spanish-speaking interpreter to Court.
- **AOD APPEARANCES:** At each master calendar hearing,
 - Competently and zealously assist pro se respondents before the Immigration Judge.
 - Interview pro se respondents and give required advisals and legal advice as appropriate.
 - Complete and submit to JDC a required intake form for each pro se individual or family.

- Following the hearing, scan and send completed intake forms and docket sheets to JDC at detainedAOD@sfbar.org.
- **AILA MEMBERSHIP**: Maintain membership with the American Immigration Lawyers Association, Northern California Chapter (AILA NorCal). Exceptions may be made on a case-by-case basis if cost is a barrier to membership.
- **CONTINUING EDUCATION**: Keep abreast of immigration law and practice, complete 5 CLE units per year, and maintain an active removal practice.
- **ANNUAL UPDATES**: Submit the Annual AOD Update Form by February 1 of each year.
- **INSURANCE**: Maintain malpractice insurance for practicing immigration law and immediately inform JDC of any interruption in insurance coverage.
- **COMPLIANCE**: Follow the rules and procedures established in this Handbook and in all other communications from JDC. Failure to comply may lead to suspension from the AOD Program.

III. QUALIFICATIONS AND APPLICATION PROCESS

a. Qualifications

To qualify for the Detained AOD Program, applicants must have:

1. At least 2 years of current and active removal defense experience, and
2. The range of knowledge and skills required for the desired docket type, including:
 - a. Significant experience representing individuals at master calendar and merits hearings.
 - b. Significant experience conducting full-scope consultations on removability and relief.
 - c. Experience assessing immigration consequences of criminal history.
 - d. Flexibility, tenacity, and a commitment to protecting the due process rights of pro se respondents.

b. Application Process

The AOD application process holistically assesses the skills and qualities relevant to the docket type for which the attorney is applying (detained adult, non-detained adult, or non-detained juvenile) to ensure that AODs are prepared to address the special issues that arise when advising vulnerable respondents.

The process entails:

1. Written application, available at <http://www.sfbar.org/jdc/legal-services/immigration/aod.aspx>.
2. Phone interview with JDC staff (as needed)
3. In-person orientation
4. Additional training (as needed)*

* If an experienced applicant is well-qualified but lacks one or two specific areas of relevant knowledge, JDC will specify additional training for the applicant to complete in order to qualify.

c. Detained Training Program

Alternatively, attorneys with less experience can participate in a training program to become eligible for qualification as a detained AOD. These applicants will have:

1. At least 1 year of current and active removal defense experience, AND
2. A demonstrated commitment to complete the training program as directed by JDC.

d. Annual AOD Update Form: due February 1

AODs must submit the Annual AOD Update Form (available at <http://www.sfbar.org/jdc/legal-services/immigration/aod.aspx>) by February 1 documenting the following:

1. Completion of at least 5 units of Continuing Legal Education approved for credit by the State Bar of California relating to removal defense education (for a total of 15 units over three years).
2. Maintenance of an “active” removal practice, which means practicing removal defense at least half of your professional time. Exceptions may be made on a case-by-case basis by JDC.

IV. DOCKET SIGNUP AND SCHEDULING

a. Appearance Policies

AODs must be available for the entire six-hour docket period, which includes two hours for consultations and advisals and 3-4 hours for hearings. You are not expected to remain at Court or provide services outside of that commitment. You may leave earlier if your services are not needed for the full six hours.

JDC may set a monthly limit on assignments for a single AOD or law office and will indicate any such limits to AODs.

b. Docket Sign-up Procedures

Follow these procedures to sign up for AOD appearances each month:

1. Each month, JDC will email AODs with a link to a sign-up sheet, which will list all initial master calendar dockets for the month, including the judge, date, and time for each hearing.
2. Access the signup link to sign up for appearances (one AOD per docket) with your name, email address, and cellular telephone number on the desired docket(s).
3. You can return to the signup throughout the month to change or cancel your assignments **until two business days before the last day of the month**. If you need to cancel a docket during the last two business days of the month, following the cancellation policy outlined below.
4. For technical assistance with the AOD calendar, contact detainedAOD@sfbar.org.

c. Cancellation Policy

If you must cancel a docket **within** the last two days of the month (when the calendar will already have been sent to the Court), please timely inform JDC and the Court. Make all cancellations in accordance with the following cancellation policy:

<i>Cancellation timeframe</i>	<i>Contact</i>
More than 24 hours before the docket	<ul style="list-style-type: none"> Email detainedAOD@sfbar.org. JDC staff will inform the court of the change.

Within 24 hours of the docket

- Email detainedAOD@sfbar.org, AND
- Notify the court. Request to speak with a supervisor and ask that the supervisor inform the IJ and the IJ's clerk about the cancellation.
 - 630 Sansome: (415) 705-1033

d. Interpretation Policy

1. Requesting volunteer interpretation from JDC
 - Attorneys not fluent in Spanish will need to consult with JDC about the possibility of serving as an AOD with a Spanish-speaking interpreter.
 - JDC may be able to schedule a volunteer if you do not have your own interpreter available. You must make all interpretation requests ***at the time you sign up for the docket which should be at least two weeks in advance*** of the docket. To request an interpreter, please email detainedAOD@sfbar.org
 - JDC may cancel your appearance if unable to find an interpreter as of 1 week before the docket.
2. If you encounter respondents who are not fluent in English or Spanish:
 - Request basic information from the respondent to the best of your ability.
 - Exercise discretion in using family, friends, or informal interpreters, particularly when asking about sensitive information (e.g. criminal history, domestic violence, sexuality, etc.).
 - If language barriers prevent you from conducting an intake, inform the Judge and decline to speak on the respondent's behalf.

e. Non-AOD and Non-Attorney Supervision Policy

JDC welcomes the assistance of non-attorney staff or non-AOD attorneys to assist an AOD with efficient intakes and interpretation. AODs are responsible for supervising staff, reviewing all information collected by non-AOD staff members, and signing off on the intake form. Only AODs can give legal advice and represent respondents before the Immigration Judge.

- Non-AODs (both attorneys and non-attorney staff) ***may:***
 - Distribute materials supplied by JDC.
 - Help the respondent complete demographic information on the intake form.
 - Ask the factual questions of the intake form.
 - Help the respondent prepare change of address forms.
 - Check for the existence of the Notice to Appear and other paperwork.
- Non-AODs (both attorneys and non-attorney staff) ***may not:***
 - Provide legal advice regarding the respondent's eligibility for relief or other substantive or procedural aspects of the case.
 - Assist respondents before the Immigration Judge.

V. CONSULTATION PROCEDURES

a. Preparing for Your Appearance

1. Verify your docket assignment and courtroom location
 - Note that detained courtrooms are located at 630 Sansome Street (4th floor).
 - Visit <http://www.sfbare.org/jdc/legal-services/immigration/aod.aspx> for a list of the Immigration Judges and their respective floor and courtroom numbers.
 - JDC will email the final detained AOD calendar each month to all AODs through the Google Group aodpanel@googlegroups.com.
2. Review AOD materials
 - Familiarize yourself with this Handbook, the detained AOD intake form, and important secondary sources such as the Ninth Circuit Criminal Immigration Outline, ILRC Criminal Chart, and ILRC Relief Toolkit (refer to [Appendix A](#) for a complete list).
 - Hard copies of the above-listed materials¹ will be available in the Video Teleconference (VTC) room at 630 Sansome Street, where AODs consult with unrepresented respondents before hearings commence.
 - Links to electronic versions of these documents² are available at <http://www.sfbare.org/jdc/legal-services/immigration/aod.aspx>.
3. Review intakes of respondents previously served by the California Collaborative for Immigrant Justice (CCIJ)
 - JDC tracks and identifies the intakes of respondents previously served through AOD, rapid response, and at detention facilities by CCIJ partner organizations. We will try to email these intakes to AODs the afternoon before (or, if necessary, the morning of) the docket you signed up to cover.
 - Please review the existing intakes and/or notes in advance of or during AOD to best serve the Respondents on the docket. You may want to print them or to refer to them on your mobile device for your reference during AOD,
 - Please do not write anything on the previously completed intakes. Instead, please use the follow-up sheets provided by JDC (or a separate sheet of lined paper) to record additional case and procedural information. Always note the Respondent's name and A-number along with your name, the date, and the IJ's name at the top of each page.

b. Arriving at Court

1. When to arrive
 - Detained bond and master calendar dockets are scheduled to start at 8:30 am and 1 pm. Dockets are structured to commence with bond hearings, which are listed during the first half-hour of the docket, and master hearings, listed starting at 30 minutes after the docket start time. AODs must be in court to check in with the IJ at the docket start time, as listed bond hearings may not go forward and the IJ might want to start out with master hearings.

¹ Because the 2018 ILRC Criminal Chart is not a public document, this will not be available in the VTC room. AODs should bring their own copy with them.

² Because the 2018 ILRC Criminal Chart is not a public document, this will not be an included link.

- There are often long lines to enter 630 Sansome Street. You should arrive to the building by 10:30 am to give yourself time to clear security, take the elevator to the fourth floor, retrieve documents from the clerk's window, and reach the VTC area by **no later than 11 AM**. The guards will generally not permit anyone to pass to the front of the line. Note, the guards at the 444 Washington Street will generally permit attorneys on their way to court to enter through that entrance.

2. Reporting to the Clerk's window

- Report to the Clerk's window at the Court on the 4th floor of 630 Sansome to request the docket list and unrepresented respondents' packets.
- *Note:* The window at 630 Sansome closes from 11:30 AM – 12:30 PM daily. If you arrive after 11:30 AM, you will likely be unable to prepare respondents for the 1 pm docket.
- To save yourself time, be sure to ask the clerk to identify which of the cases on the docket sheet that list counsel have counsel for "all proceedings" as opposed to "custody/bond only." The docket sheets do not make this distinction.
- If necessary, ask for copies of any missing NTAs (only if a packet was not provided).

c. VTC Room Logistics

Once you've received the docket list and packets, report to the VTC (Video Teleconference) room to begin speaking with respondents by 11 am.

1. 630 Sansome, Fourth Floor VTC Area

- VTC Location
 - The VTC room is located on the 4th floor across the hall from the Court lobby. Pro bono attorneys, including AODs, have priority for using this space.
 - Materials can be found in black trays on top of the filing cabinets (refer to [Appendix A](#) for a complete list).
 - ***Dockets at 630 Sansome typically include Respondents appearing from 2 locations:***
 - Sacramento ICE Office (for Yuba detainees)
 - Mesa Verde Detention Facility
- **11 am VTC consultation start time for Mesa Verde**
 - For 1 pm dockets, a Mesa Verde Detention Facility ICE officer will initiate the VTC call as early as 10:55 AM and no later than 11 AM sharp.
 - If the call does not come in or if there are connection problems, call the detention facility from the phone on the desk, which is programmed with speed dial options for the detention facilities, except for Mesa Verde which does not have the direct line programmed. The best numbers to call for AOD VTC related issues are:
 - Mesa Verde VTC Direct: **(661) 859-1650**
 - ICE Sacramento VTC (for Yuba detainees): **(916) 329-4346** (or -4343)
 - If the VTC room is unavailable, proceed to the pro bono phone room inside of the court's lobby and call the Mesa Verde VTC Direct line **(661) 859-1650** to inform the officers that you will need to conduct telephonic consultations. [The VTC rooms at MVDF also have phones in them, so MVDF should be able to accommodate this request.]
- How to Request initiation of VTC calls from ICE Sacramento

- For 1 pm dockets, the AOD should begin calling ICE Sacramento **by 12 to 12:30 pm, depending on the number of Yuba cases on the docket**; for morning dockets the AOD should be able to reach the respondents **by 7:45 am**. Call ICE Sacramento with the speed-dial button on the Court phone in the VTC room. Let the officer who answers know which judge you are the pro bono attorney for and how many unrepresented respondents you will want to speak to for today's docket.
- The officer will confirm that you should expect a call to come into the VTC unit (you do not need to do anything to accept the call)
- ***Leave enough time to talk to Respondents in Sacramento*** before the hearings start!
- Note: At best, you will barely have enough time to provide brief consultations to all of the unrepresented respondents— there is no time to spare. Be polite, but assertive about starting intakes ASAP. Offer to begin by phone if there are any problems connecting via VTC.
- If you encounter issues with the VTC connection, you may use the Court's phone in the VTC or phone rooms or your cell phone to call the facilities and speak with respondents (see the telephone numbers listed above).

2. Sharing the VTC area

- If other attorneys ask to use the VTC area while you are using it, aim to accommodate their requests if you can do so without delaying your AOD duties.
- Refer attorneys to the phone room and telephone contact information so they can contact clients by telephone while the VTC area is occupied.
- Explain to attorneys who may not be familiar with the AOD program that:
 - You are responsible to the Judge/Court for preparing unrepresented respondents for today's hearings.
 - This will be the only opportunity for many respondents to consult with counsel.

d. Intake Forms: Overview

1. Complete one intake or follow up form per pro se respondent, even for very limited assistance.
2. If time permits, provide contact information of a friend/relative and, if applicable, clearly indicate that JDC should follow up with that person.
3. Intake Form/Follow-up Sheets
 - JDC will try to provide any existing intakes when possible to avoid unnecessary work.
 - Review the previous intake and then complete a new follow-up form (not a new intake form). Be sure to note all advice and assistance provided, the events of the hearing, and any further follow-up needed.
4. Submitting intake forms
 - After the hearings, take all intake forms, follow up forms, and the docket sheet back to your office.
 - Scan and email every page to detainedAOD@sfbar.org as soon as possible, and **within two business days** after your appearance so JDC can conduct follow-up.

- To facilitate data input, please keep the names and A#s in the docket sheet clear from any markings. This will make it possible to scan and input respondents' information more efficiently and speed up the follow-up assistance JDC offers.

e. Completing the Intake Form

Do your best to fill in all sections of pages 1-2 of the intake forms for all respondents without counsel present, even where the only assistance provided is to request a continuance so the respondent can return with counsel.

Intake Page 1

DATE (MM/DD/YY):		INTAKE AT:		DET. FACILITY:		INTERVIEWER:	
INITIAL INFO: Do you have an immigration attorney? <input type="checkbox"/> NO <input type="checkbox"/> YES: _____ <input type="checkbox"/> Informed: I'll explain rights, legal process, and help <u>with consultation only</u> <input type="checkbox"/> Explained: I don't work for the government and I won't share your information with the government w/o approval <input type="checkbox"/> OBTAINED CONSENT to share info with collaborating nonprofits + volunteers (REQUIRED) <input type="checkbox"/> Consent not given Signed Consent (if possible): X _____							
LAST NAME (S), First Name Middle				Alias		A#	
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DOB (MM/DD/YY)	CITIZENSHIP		ETHNICITY: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> White (non-Hisp.) <input type="checkbox"/> Other/Unknown			
<input type="checkbox"/> TRANS <input type="checkbox"/> _____							
U.S. HOME ZIP CODE (City or County)		LANGUAGE(S)		VETERAN? <input type="checkbox"/> Y <input type="checkbox"/> N		DISABLED? <input type="checkbox"/> Y <input type="checkbox"/> N	

Initial Info

- Check to make sure that the respondent is unrepresented, explain that you are there to inform him/her of his/her rights, conduct a consultation, and help him/her for that day only, and explain that you don't work for the government and won't share the respondent's information without his/her consent.
- Obtain consent to share information with collaborating organizations

Demographic & Contact Information

- Home Zip Code, city, or county: Ask for the last place of residence
- It is important to complete the demographic information in all cases where even limited assistance is provided
- Try to ask for at least one outside contact person in case we identify that follow-up is important

Immigration Detention Information

Imm. Detention Date: ____/____/____	Immigration Arrest Circumstances:	Current Immigration Status:
Detained by: <input type="checkbox"/> ICE <input type="checkbox"/> CBP <input type="checkbox"/> _____		<input type="checkbox"/> Undocumented <input type="checkbox"/> LPR
Location: _____		<input type="checkbox"/> Other: _____
		Date Obtained: ____/____/____

- Because we are working to track important detention trends, such as SB-54 violations, please note when the immigration arrest happened, the arresting agency (ICE/CBP/HSI, etc.), the exact location (which border POE/EWI, specific jail/prison, at or near home/traffic stop, specific courthouse, etc.) and a short description of the arrest circumstances.
- If you need more space, you can note additional information at the bottom of page 2 under "Is there any discretion or are there any other issues identified?" or on page 4.

Immigration History

IMMIGRATION HISTORY	Have you ever been in immigration proceedings, been deported, taken a voluntary departure or been turned away at the border? Explain:	Have you ever had a different immigration status than your current one? Or have you ever applied for any relief/benefits before? Explain:

- It is important to note past immigration contacts/proceedings, if the person had or applied for legal status or benefits, and their first and last entry dates

Criminal History

CRIMINAL HISTORY					PCR=Post-Conviction Relief	
Year	County/State/DC	Crime	Outcome	Sentence/Served	Attorney	Needs PCR? <input type="checkbox"/> Y <input type="checkbox"/> N
						<input type="checkbox"/> Y <input type="checkbox"/> N

- Please list everything in the I-213, NTA, and from your interview, and include the penal code sections of each conviction and the location (county or district) where they occurred

Intake Page 2

Family

- Please be sure to note the Respondent's marital status, number of children, status of children, and status of parents, at a minimum.

FAMILY	Marital Status (include same-sex) <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> _____		<input type="checkbox"/> Spouse or <input type="checkbox"/> Partner: <input type="checkbox"/> Has status: _____ <input type="checkbox"/> No status	
Children	Total #: _____	Total LPR#: _____	Any Immigrant Petitions Filed for you? <input type="checkbox"/> Y <input type="checkbox"/> N (Or for your spouse or parent)	
	Total USC#: _____	Age of oldest USC child: _____		
Status of Parents?	Mother <input type="checkbox"/> USC _____ <input type="checkbox"/> LPR _____ <input type="checkbox"/> No Status	<input type="checkbox"/> possible 245(i) w/ details:		
	Father <input type="checkbox"/> USC _____ <input type="checkbox"/> LPR _____ <input type="checkbox"/> No Status			
Grandparents?	Mat. <input type="checkbox"/> USC _____ <input type="checkbox"/> LPR _____ <input type="checkbox"/> No Status	Petitioner: _____ Type: _____		
	Pat. <input type="checkbox"/> USC _____ <input type="checkbox"/> LPR _____ <input type="checkbox"/> No Status	Beneficiary: _____ Date Filed: _____		
Other USC family in the U.S.? (Or additional family notes)		<input type="checkbox"/> Pending <input type="checkbox"/> Approved <input type="checkbox"/> Denied		

Relief Screening

- Fear of Return: Try to include enough detail that will enable us to draft case referrals
- Discretion and Other Issues: This section can be used to note other issues, such as detention conditions, suppression issues, personal health issues, hardship to family member, etc.

Intake Page 3

LEGAL ADVICE PROVIDED

LEGAL ADVICE PROVIDED (Attorney Initials _____)	A#
No Full Intake because: <input type="checkbox"/> no time <input type="checkbox"/> not interested <input type="checkbox"/> has or getting attorney <input type="checkbox"/> language <input type="checkbox"/> Other:	
<input type="checkbox"/> Explained right to hire attorney and request continuance or to self-represent <input type="checkbox"/> Wants pro bono attorney (but warned that it is very unlikely)	
<input type="checkbox"/> Reviewed NTA:	

- Please note all rights and options that you explain in your consultation so we know what further assistance might be needed, for our data collection, and so that the next AOD who might see the same person can pick up where you left off

- Review NTA: please note whether you reviewed the NTA, and whether the allegations were confirmed or there are any errors
- Bond/Parole Eligibility: please note advice and conclusions regarding eligibility

☐ **Explained If:** ☐ Bond or ☐ Parole Eligible or ☐ NEITHER

Notes:

- Relief Explained: note any and all possible relief identified (regardless of the strength of the claim(s)). This is essential to our ability to provide additional legal assistance and referrals and to track important statistics to advocate for Universal Representation such as, "For X# of unrepresented individuals served, Y% were potentially eligible for Z relief."

☐ **Relief Explained:** ☐ 10-yr COR; ☐ 3-yr COR; ☐ LPR COR; ☐ ASY; ☐ WOR; ☐ CAT; ☐ AOS _____; ☐ 212(h); ☐ 212(c); ☐ 237(a)(1)(H);
☐ U visa; ☐ T visa; ☐ VAWA I-360; ☐ S visa; ☐ MTT _____; ☐ MTR _____; ☐ _____; ☐ Vol/Dep; ☐ NONE

AOD ONLY

- During the hearing, please note the details of how you assisted in court (or why you did not assist) and what happened at the hearing
- Voluntary Departure: Please note if voluntary departure was requested at the hearing and what the outcome was

ATTORNEY OF THE DAY ONLY		Assistance before immigration judge: _____	Date: ____/____/____
<input type="checkbox"/> <u>Not assisted because:</u>			
<input type="checkbox"/> Continuance Requested for Attorney or:			
<input type="checkbox"/> Pleadings	(4)		
(1)	(5)		
(2)	(6)		
(3)	(7)		
<input type="checkbox"/> Assistance to leave the U.S. (Complete Section "IF RESPONDENT WANTS TO LEAVE THE U.S.")			
Hearing Notes & Outcome:		VD Hearing Outcome <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED Date: ____/____/____	
		Upcoming hearings? <input type="checkbox"/> MCH <input type="checkbox"/> ICH <input type="checkbox"/> Bond Date: ____/____/____ Time: ____	
<input type="checkbox"/> <u>Ordered Removed</u>		Appeal: <input type="checkbox"/> waived <input type="checkbox"/> reserved	Date: ____/____/____

FOLLOW-UP

- You are not required to do follow up on cases or to note what follow up should be done, but we appreciate your input if you want to offer it
- If you plan to do follow-up on a case yourself, please note clearly what you will do and that you will do it

f. Introducing Yourself as AOD

1. Take care to arrive in the courtroom promptly at the listed start time is for the morning or afternoon docket. Even if bond hearings are listed on the docket, be sure to check in with the IJ at the listed start time for the docket to discuss whether you will start to appear immediately or after other hearings.
2. Introduce yourself to the Immigration Judge as the AOD.

3. Ask the IJ when you should approach counsel's table and commence appearing for unrepresented respondents.
 - The IJ may want to hear private attorneys before or after the AOD
 - Dockets at 630 Sansome generally contain respondents from at least two different facilities (ICE Sacramento for Yuba, and Mesa Verde). The IJ will determine the order of facilities at the beginning of the hearing.

g. Appearing as AOD for Respondents

1. It may be helpful to be able to readily flag for the IJ when respondents fall into the below categories, so AODs may wish to briefly note these matters along the side of the docket sheet :
 - Pro se respondents with applications for relief in hand, ready to file (these will need to be faxed in, which takes time, so the IJ appreciates knowing this up front).
 - Represented respondents (either expect attorney to appear, or want continuance if not).
 - Pro se respondents who want a continuance to look for counsel/legal assistance.
 - Include respondents not offered a full intake by the AOD due to time constraints, but who are interested in a continuance to obtain KYR or other legal assistance.
 - Pro se respondents who want to leave the US (either want to request VD or accept a removal order today only or are willing to wait for a VD hearing).
 - Pro se respondents who want to enter pleadings and state relief (this should be rare for initial masters).
 - Possible Franco class members.
 - Recent arrival asylum-seekers who do not speak Spanish/English. JDC will follow-up on these cases. Take notes on anything the IJ may discuss with the respondent.
2. Entering pleadings

[AODs are never required to help enter pleadings with the IJ, but may do so according to the below, only if they feel comfortable doing so:]

 - AODs are discouraged from entering pleadings where respondents may fight their cases or find attorneys (including pro bono counsel).
 - Avoid helping the respondent enter pleadings pro se **unless** the respondent only wants help leaving the US, is adamant that s/he wants to waive their right to counsel and proceed pro se that day, or where the IJ insists that the Respondent plead that day.
 - Only enter pleadings on behalf of the respondent if you have had sufficient time to prepare the respondent AND you were able to review the NTA with the respondent, HOWEVER:
 - Avoid conceding the charge(s) of removability.
 - Take care to move to amend any factual allegations that are not 100% correct and to avoid admitting any about which Respondent is not 100% certain.
 - Inform the IJ if you were unable to discuss the NTA sufficiently with the respondent to assist with pleadings, and the IJ will do a full reading with the respondent or determine another course of action.
 - In the detained context, NTA service is usually not in contention because most NTA's are served in person and bear the Respondent's signature. However, if respondent is not entering pleadings, if the IJ or OCC seeks to assert that service has been cured or made at the court, then ask the IJ to defer any legal findings on this issue until respondent has been able to retain an attorney.

- Inform the IJ of any respondent you are concerned is a possible *Franco* class member and explain any medical issues you identified
 - Refer [Section G](#) for more information on pleadings.
3. Continuances and bond
 - Inform the IJ about any respondents you did not have an opportunity to speak with and take notes during their hearings.
 - If requesting a continuance, state how many weeks the respondent needs to find an attorney.
 - Unless you have discussed and agreed to enter pleadings for the respondent, be careful not to concede proper service.
 - If the respondent would like to request bond, inform the IJ that a bond hearing is desired by the respondent.
 4. VD Requests and Accepting Removal Orders
 - If a respondent wishes to take a removal order on the day of the hearing, inform the IJ if you reviewed the NTA with them, informed them of the consequences of returning to the U.S. without legal status, and whether you discussed VD.
 - Inform the IJ of any respondents who wish to pursue VD. The IJ will determine whether to set a new hearing for this option. If possible, ask respondents in advance whether they are willing to wait for a VD hearing.

h. Intake Time Management

You will likely not have sufficient time to thoroughly complete all of the intakes by the time the master hearings are scheduled to commence; however, **hearings must begin promptly at the scheduled time.** Detention center staff will need to shift their focus to the hearings and may not be able to make detainees available for additional consultations once the hearings commence and the Court has signaled that the IJs expect hearings to start on time. Based on the number of unrepresented respondents on your docket, calculate how much time you'll have per respondent and try to stick to that timeframe.

Always report to the Courtroom at the time the hearings are scheduled to commence. Use your judgement about whether you might be able to ask the IJ if you may conduct any additional consultations after hearings have commenced (e.g. if attorneys are waiting to appear for some cases). Above all, be respectful of the IJ's time and instructions.

Time Management Tips:

1. If you are early to the VTC room, begin filling out intake forms with information from the packets. Take care to confirm all information with respondents as it may be inaccurate. See [section on intake forms](#).
2. First, prioritize providing full consultations to those respondents who want to give up their rights and request voluntary departure or removal that same day.
3. Next, prioritize providing full consultations to respondents **NOT** likely to hire counsel and who are interested in **STAYING** in the U.S.

- Most critical are consultations for respondents who are appearing at continued master hearings, because they will not likely be able to obtain another continuance to look for counsel and will likely need to be ready to discuss pleadings and relief. On the other hand, those appearing for initial masters should be able to request a continuance and have an opportunity to attend the next KYR at their detention facility.
 - Refer to the [following section](#) for advisals to share with these respondents and with those who are likely to hire counsel or who do not wish to remain in the U.S.
4. Prioritize the most important points to cover with respondents:
 - Complete pages 1-2 of the intake;
 - Review the Notice to Appear with the respondent;
 - Advise Resp. regarding the right to request a continuance to seek counsel or a *pro bono* consultation (or to speak for themselves if they want to waive that right);
 - Advise Resp. regarding eligibility for bond and relief;
 - Discuss and note what Resp. wants to do at today's hearing.
 5. Complete missing intake form information from packets during hearings (but try to note advice and rights explained during the intake so you will remember during the hearings).
 6. If you are **unable** to meet with a respondent or complete the consultation:
 - Emphasize to anyone remotely interested in remaining in the U.S. the consequences of waiving rights to apply for relief and accepting a removal order.
 - If respondents are willing to request a sufficient continuance, refer them to an upcoming in-person KYR visit at their detention facility for legal assistance and consultations. Refer to the KYR Chart available in the VTC room.
 - Fill out as much as possible on intake forms so JDC can conduct follow-up as needed.
 - Complete the **"No Full Intake because..."** field on page 3 of the intake form.

LEGAL ADVICE PROVIDED (Attorney Initials _____)	A#
No Full Intake because: <input type="checkbox"/> no time <input type="checkbox"/> not interested <input type="checkbox"/> has or getting attorney <input type="checkbox"/> language <input type="checkbox"/> Other:	
 - Fill out any available information from their court packets and notes about what happens at their hearings.
 - Inform the Immigration Judge of any respondents with whom you did not speak.

i. Scope of Assistance

Look to these guidelines to determine the scope of assistance and common advisals to offer:

1. Respondent is **NOT** likely to retain counsel; wants to **REMAIN** in the U.S.
 - Complete all sections of intake form and review the NTA.
 - Advise respondents of all possible eligibility for relief and bond (noting all advice in the Section "IF RESPONDENT WANTS TO LEAVE THE US" on intake page 3).
 - Recommend that respondents who wish to fight their cases request a continuance to seek legal assistance (there is a slim possibility JDC could place the case).
 - Note: JDC will *try* to refer cases to pro bonos and nonprofits, but placement is difficult. Urge respondents to find counsel in case their case cannot be placed.
 - If respondents are approaching one-year asylum filing deadline:

- You may need to assist in requesting a brief continuance to file the I-589 in time.
- Explain that you will ask the IJ to provide an I-589 and JDC will mail pro se materials.
- Inform them of upcoming KYR visits at their facility when they can get assistance completing the I-589.
- **ONLY** when respondents are adamant about not hiring counsel and proceeding pro se should you consider assisting with pleadings, designating a country for removal, and state eligibility for relief that day.
- **ALWAYS complete the grey Section titled “ATTORNEY OF THE DAY ONLY”** : note whether you requested a continuance or if the attorney or record ended up appearing.

ATTORNEY OF THE DAY ONLY		Assistance before immigration judge: _____	Date: ____/____/____
<input type="checkbox"/> <u>Not assisted</u> because:			
<input type="checkbox"/> Continuance Requested for Attorney or:			
<input type="checkbox"/> Pleadings	(4)	(5)	(6)
(1)	(2)	(3)	(7)
<input type="checkbox"/> Assistance to leave the U.S (Complete Section “IF RESPONDENT WANTS TO LEAVE THE U.S.”)			
Hearing Notes & Outcome:		VD Hearing Outcome <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED Date: ____/____/____	
<input type="checkbox"/> Ordered Removed Appeal: <input type="checkbox"/> waived <input type="checkbox"/> reserved Date: ____/____/____		Upcoming hearings? <input type="checkbox"/> MCH <input type="checkbox"/> ICH <input type="checkbox"/> Bond Date: ____/____/____ Time: ____	

2. Respondent is **NOT** likely to retain counsel; wants to **LEAVE** the U.S. ASAP

- Some respondents who do not anticipate hiring counsel will not want a consultation but will simply want to request VD or removal that same day.
- Complete the intake form if possible; at a minimum, ask all questions relevant to the checklist on page 3 in the Section “IF RESPONDENT WANTS TO LEAVE THE US” (image below).
- Discuss and advise all issues in the checklist on page 3 in the Section “IF RESPONDENT WANTS TO LEAVE THE US”.

IF RESPONDENT WANTS TO LEAVE THE U.S.: <input type="checkbox"/> Reviewed NTA <input type="checkbox"/> Explained right to request VD & warned of <u>illegal reentry</u> consequences <input type="checkbox"/> Explained <u>right to file I-589</u> if they have fear	<input type="checkbox"/> If applicable, checked for <u>acquired or derived citizenship</u> <input type="checkbox"/> Wants VD <input type="checkbox"/> Maybe ineligible <input type="checkbox"/> _____ <input type="checkbox"/> Explained <u>right to appeal</u> : <input type="checkbox"/> waives <input type="checkbox"/> reserves
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- If time permits, discuss and advise per [Section G](#) and offer to assist with pleadings: designate a country for removal, request (or waive) voluntary departure, and/or accept an order of removal.
 - **Note:** for respondents who want VD, you need not determine eligibility. Just note whether the respondent is willing to wait for a continued VD hearing or wants a decision that same day only. That detail will be important during the hearing.
3. Respondent is **LIKELY** to retain counsel or already has counsel
- When respondents tell you they have or are about to hire an attorney, note the attorney’s name on the intake form.
 - You do *not* need to consult with respondents who have an attorney of record listed **UNLESS** the attorney was only for bond proceedings or has withdrawn representation.

- Explain that you can assist with helping request a continuance to return with counsel but that time constraints prevent you from advising on substantive issues.
- Intake Page 1
 - Complete only the top of Side 1 of the intake form with the Respondent (from DATE down to U.S. HOME ZIP CODE),

DATE (MM/DD/YY):		INTAKE AT:		DET. FACILITY:		INTERVIEWER:	
INITIAL INFO: Do you have an immigration attorney? <input type="checkbox"/> NO <input type="checkbox"/> YES: _____ <input type="checkbox"/> Informed: I'll explain rights, legal process, and help <u>with consultation only</u> <input type="checkbox"/> Explained: I don't work for the government and I won't share your information with the government w/o approval <input type="checkbox"/> OBTAINED CONSENT to share info with collaborating nonprofits + volunteers (REQUIRED) <input type="checkbox"/> Consent not given Signed Consent (if possible): X _____							
LAST NAME [S], First Name Middle				Alias		A#	
<input type="checkbox"/> MALE	<input type="checkbox"/> FEMALE	DOB (MM/DD/YY)	CITIZENSHIP		ETHNICITY: <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> White (non-Hisp.) <input type="checkbox"/> Other/Unknown		
<input type="checkbox"/> TRANS	<input type="checkbox"/> _____						
U.S. HOME ZIP CODE (City or County)			LANGUAGE(S)		VETERAN? <input type="checkbox"/> Y <input type="checkbox"/> N		DISABLED? <input type="checkbox"/> Y <input type="checkbox"/> N

- Also note any other information from the NTA packet on the intake form, such as NTA Charges, criminal history, etc.
- Intake Page 3:
 - Note “No Full Intake because: ☐ has or getting attorney”
 - Note what advice you provided, if any (e.g., the right to counsel);
 - Grey Section titled “ **ATTORNEY OF THE DAY ONLY** ” : note whether you requested a continuance or if the attorney or record ended up appearing.
- 4. Recent Arrival Asylum Seekers
 - Some respondents were apprehended at a port of entry or near the border without inspection (“EWI”) and processed for expedited removal. Individuals categorized as “Arriving Aliens” on their Notices to Appear will not be eligible to request bond before the IJ, but will be able to request parole from ICE.
 - Conduct full-intakes with these respondents when possible.
 - When respondents do not speak English/Spanish
 - Write down as much information as you can from their NTA packets (including pertinent biographical details, date of entry, and facts regarding their claim), interview them as best you can, and take notes during hearings.
 - Take information of a contact in the U.S. or Canada so JDC can follow up after the hearing.
 - Finding counsel
 - Ask respondents whether they are in the process of retaining counsel.
 - Inform them of the program that attempts to place cases with pro bono counsel and that Centro Legal de La Raza may be able to assist with parole requests.

j. General Advisals for Respondents Served

If time permits, advise all respondents about what to expect in removal proceedings as follows:

1. Resps.’ Rights in Removal Proceedings (the IJ can provide full advisals if you don’t have time)
 - a) To be represented by an attorney, but without cost to the government (and to obtain a continuance of an initial MCH for this purpose).
 - b) Emphasize the importance of finding an attorney but to *NEVER* rely on Notarios or Immigration Consultants!

- c) Present evidence & challenge government evidence.
- d) Designate, or decline to designate, the country of removal.
- e) Apply for relief if eligible.
- f) Appeal the IJ's decision to a higher court.

2. Initial Masters

- Typically, initial masters are listed for 30 minutes after the docket commences (and the docket should not list any adjournment codes for initial masters)
- If a respondent needs more time to find an attorney (or to consult with a nonprofit organization), the IJ will verify his/her name, confirm a continuance is desired, and reset the MCH.
- Where a respondent wants to proceed pro se, the IJ will want to confirm the waiver of the right to seek counsel, confirm proper NTA service, take pleadings to the NTA, designate a country for removal, and identify what relief will be sought, if any (and to serve any relevant applications on respondent). See [Section G](#) regarding pleadings.

3. Reset Masters

- For respondents appearing for continued hearings (typically listed for 60 minutes or more after the docket start time, and will list a code in the "Adj Reason" column on the docket sheet), focus on efforts to find attorney since last MCH.
- Prepare reasons to articulate to the IJ to request an additional continuance (e.g., continuing to look for an attorney, potential case that JDC is trying to place, inability to fill out application for relief, etc.)
- IJ will ask why respondent doesn't have an attorney and what attempts respondent has made to find an attorney. After 1-2 or more continuances, the IJ will likely ask the respondent to enter pleadings and state any available relief (or file an application for relief if relief has already been established before the court).
- If the respondent is on their 2nd or 3rd reset hearing, warn them that the judge may want them to provide pleadings, designate a country of removal, and state what relief they intend to seek. See [Section G](#) on pleadings.

4. Bond Hearings: What to expect

- The IJ will generally allow one continuance to gather evidence or look for counsel.
- It is vital to present evidence because respondents only have the right to one bond hearing, unless they submit a written request for a subsequent hearing based on changed circumstances, and the bar for changed circumstances is high.

5. Individual Hearings

- This is when the IJ considers and adjudicates applications for relief. It is therefore vital to present all available evidence and witnesses, and to exercise all your rights.
- Respondents who would like to seek asylum as a form of relief should file their asylum application (Form I-589) with the Immigration Court before their one-year deadline, if possible.

k. Pleadings

1. AODs are *discouraged from* entering pleadings if the respondent may fight his or her case or become represented (including by pro bono counsel). Only help respondents enter pleadings to the factual allegations if they want help leaving the U.S., if they insist on waiving their right to counsel and proceeding pro se that day (or if the IJ requires them to proceed that day), and only if you feel comfortable doing so. It is generally *not advisable* to help the Respondent concede any charges of removability (but can be helpful to help them contest).
2. The Judge may permit the AOD to enter pleadings on behalf of the respondent. You should *only* do so after fully advising respondents in a one-on-one consultation. Be sure to record the advice and information provided in Section B of the intake form. It is generally *not advisable* to help the Respondent concede any charges of removability (but can be helpful to help them contest)!
3. When respondents are adamant about proceeding *pro se* or if the hearing has already been continued, advise them of the following during your consultation:
 - Review the significance of the pleadings, the charges on the NTA, and the questions that the judge will ask them.
 - Remind the respondent that it is best to retain counsel to fully investigate the case and assist with pleadings.
 - Explain that the burden of proving deportability is on the government. If the government already has the respondent's passport, birth certificate or foreign identity documents, then the Office of Chief Counsel (OCC) may be able to establish alienage. If the respondent files an asylum application, it can also be used to prove the charges against them.
 - Respondents may deny all allegations and hold the government to its burden of proof.
 - This strategy may make sense if there is a basis for contesting removability or if the respondent wants to delay the case to obtain counsel or evidence. However, this will be very difficult to do *pro se*. It is preferable to advocate for a continuance in lieu of entering pleadings. If Resp. wants or needs to deny facts or contest charges that day, the AOD may help Resp. to do so, if the AOD has enough time to discuss this with Resp. and feels comfortable doing so under the circumstances.
2. Do *not* enter pleadings if time or other circumstances have prohibited you from fully advising the respondent.
 - If Respondent will be admitting and conceding, you may offer to help them admit the factual allegations if you feel comfortable doing so. You are not required to do so. It is not recommended to ever concede charges of removability on any respondents' behalf. (However, if Respondent will deny a charge, it may be helpful if the AOD can help articulate that to the IJ).
 - If you did not have time to discuss the NTA sufficiently with the respondent, inform the IJ, who will do a full reading with the respondent.
 - If you are concerned that a respondent has mental health issues that could inhibit the provision of advisals, or if, for any other reason, you are not 100% certain that you are able to speak on the respondent's behalf, inform the IJ and decline to assist with pleadings.
3. Similarly, do not concede charges of removability.

- The IJ can always sustain a charge or make a relief determination based on DHS evidence or on questioning the respondent.
- 4. Use your discretion regarding whether to assist respondent to concede NTA service or designate a country of removal (but, always decline to designate where respondent fears return)
- 5. When the respondent wants to depart the U.S. immediately:
 - Inform the IJ and specify whether the respondent wants to seek voluntary departure and whether the respondent is willing to wait for a voluntary departure hearing.
 - The IJ will ask if the respondent fears removal and whether any relief was identified.
 - Be sure to ask about possible derivative or acquired citizenship claims.

I. Conclude Docket and Submit Intake Forms

1. Return all AOD materials to the VTC Area where you found them.
2. Return respondents' packets to the Court window (or hand them to the clerk in court at the conclusion of all of the pro bono appearances that day).
3. Scan and send all intake forms, docket lists, and related materials to detainedAOD@sfbar.org as soon as possible, and no later than **two business days** after the hearing. JDC will conduct follow-up as needed, so please submit these forms as quickly as possible!

VI. ADDITIONAL AOD POLICIES

a. Pro Bono Service Policy

It has been the longstanding policy that the purpose of the AOD Program is to provide legal assistance to individuals as a public service and without expectation of payment or future business. To ensure compliance with this policy:

- At the beginning of the intake, provide pro se respondents with a copy of your business card for identification purposes only.
- At the conclusion of the intake, provide unrepresented respondents with the Court's Pro Bono List and JDC Resource Packet for Immigrants so they may contact agencies that offer pro bono or low-cost representation.
- You may explain that these agencies have long waitlists and may not be able to represent the respondent; however, you must not present this information so that it discourages respondents from contacting agencies.
- If asked, you may also inform respondents that you accept cases for private representation and provide your information so they can contact you at another time to arrange a consultation or representation.

b. Creation of Limited Scope Attorney-Client Relationship

Pursuant to California law and JDC policy, pro se counseling creates a limited scope attorney-client relationship, and attaches the privileges and duties of such a relationship.

c. Non-Discrimination Policy

AODs shall not discriminate among respondents on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or income, in any activities or services provided while participating as AOD at Court.

d. Confidentiality and Conflicts Policy

AODs should not disclose any information received from the respondent to the Court or DHS, without the respondent's permission. AODs must keep any information received in the course of assistance confidential from all others without the respondent's permission.

If at any time, an AOD becomes aware of a conflict of interest between a current or former client, and the unrepresented respondent that the AOD is advising, the AOD should stop the consultation. The AOD should advise the respondent that the AOD cannot assist him or her today, and inform the Court that he or she was not able to fully assist or advise the respondent.

e. JDC Oversight and Supervision Policy

To ensure the highest level of service to unrepresented respondents and compliance with these guidelines, JDC may observe the work of AODs at the Court without previous notice and may take remedial action if JDC believes that competent assistance is not being provided or if an AOD is not complying with the policies laid out in this Handbook. Remedial measures may include asking an AOD to modify their conduct, obtain additional training, or step down from the program. JDC will inform the Court when an AOD is no longer participating in the program.

If at any time an AOD is informed that he or she is being investigated for, or has been subject to, disciplinary procedures by any state or federal entity, the AOD must inform JDC within one week of being informed and cancel all pending AOD assignments. Once any investigation or prosecution is complete, the attorney should inform JDC and may be required to apply again for the program.

APPENDIX A: AOD MATERIALS

All documents necessary for your AOD appearance are available in the VTC room on the fourth floors of 630 Sansome Street, except for the 2018 ILRC Crime Chart, which is not publicly available.

Links to electronic versions of these materials (other than the 2018 ILRC Crime Chart) are available on JDC's website at <http://www.sfbar.org/jdc/legal-services/immigration/aod.aspx>.

- **Detained Intake Forms**

You must complete one intake or follow up form per unrepresented respondent, even if the scope of assistance is very limited. [Refer to the guidance above](#) on completing the intake form.

- **Intake Form Follow-Up Sheets**

Use this form when JDC provides you with a respondent's original intake from a previous master calendar hearing. Complete one section of the follow-up sheet per appearance. Clearly note all advice and assistance you provide during the consultation, the events of the hearing, and any follow-up that JDC should conduct. DO NOT WRITE NOTES ON PRIOR INTAKE FORMS.

- **Intake Form Supplemental Notes Page**

You can use page 4 of the intake form and the back of follow up sheets for supplemental notes.

- **Resource Folder for AODs on the Detained Dockets**

This folder is stored in the VTC areas of the Court. This folder contains important information for AOD's, including:

- ICE ERO Contact Information: <http://www.ailanorcal.com/>
- SF Immigration Court Contact Information: <http://www.ailanorcal.com/>
- VTC and Detention Facility Contact Information: <http://www.ailanorcal.com/>
- Attorney Referral Lists Compiled by CLSEPA, Centro, and ALC
- The 2018 ILRC Criminal Chart is available to immigration advocates, but is not publicly available.
- ILRC Relief Toolkit: https://www.ilrc.org/sites/default/files/resources/relief_toolkit-20180827.pdf
- ILRC Acquisition & Derivation Quick Reference Charts: <https://www.ilrc.org/acquisition-derivation-quick-reference-charts>
- Ninth Circuit Criminal Issues in Immigration Law Outline: http://cdn.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/D.pdf

APPENDIX B: USEFUL RESOURCES FOR ATTORNEYS OF THE DAY

1. Directories

- SF Immigration Courtroom List: www.sfbar.org/forms/aod/courtroom-directory.pdf
- SF Immigration Court Directory: www.ailanorcal.com/agency-resources/
- ICE OCC Directory: www.ailanorcal.com/agency-resources/

2. Court Guidance

- EOIR Memo, “Case Priorities & Immigration Court Performance Measures” (Jan 2018)
<https://www.justice.gov/eoir/page/file/1026721/download>
- OPPM 18-01: Change of Venue (Jan 2018): www.justice.gov/eoir/page/file/1026726/download
- OPPM 17-01: Continuances (July 2017): www.justice.gov/eoir/file/oppm17-01/download
- OPPM 17-02: Definitions and use of adjournment codes (Oct 2017)
<https://www.justice.gov/eoir/file/oppm17-02/download>
- EOIR OPPM 16-01: Filing Applications for Asylum (Sept 2016)
https://www.justice.gov/sites/default/files/pages/attachments/2016/09/14/oppm_16-01.pdf
- Lodging asylum applications:
 - Immigration Court Practice Manual, Section 4.15, “Master Calendar Hearing”
www.justice.gov/sites/default/files/pages/attachments/2017/11/02/practicemanual.pdf
 - OPPM 13-03: Guidelines for Implementation of ABT Settlement Agreement (Dec 2013)
<https://www.justice.gov/sites/default/files/eoir/legacy/2013/12/03/13-03.pdf>
 - OPPM 08-01: Guidelines for Facilitating Pro Bono Legal Services (March 2008)
<https://www.justice.gov/sites/default/files/eoir/legacy/2008/04/24/08-01.pdf>

3. Practice Advisories and Other Materials

- AIC Practice Advisory, Motions for a Continuance (March 22, 2018)
https://www.americanimmigrationcouncil.org/practice_advisory/motions-continuance
- AIC Practice Advisory, Representing Clients with Mental Competency Issues (Nov 2011)
https://www.americanimmigrationcouncil.org/sites/default/files/practice_advisory/Mental-Competency-Issues.pdf
- CLINIC, Practice Advisory on Strategies to Combat Government Efforts to Terminate Unaccompanied Children Determinations (May 2017)
<https://cliniclegal.org/resources/practice-advisory-strategies-combat-government-efforts-terminate-unaccompanied-children>
- ILRC California Quick Reference Crimes Chart: <https://www.ilrc.org/chart>
- ILRC Relief Toolkit
www.ilrc.org/sites/default/files/resources/n.17_questionnaire_jan_2016_final.pdf
- ILRC Acquisition and Derivation Charts: ilrc.org/acquisition-derivation-quick-reference-charts
- Ninth Circuit Outline: Criminal Issues in Immigration Law (Jan 2018)
http://cdn.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/D.pdf
- Helen Lawrence, et. al., Practice Advisory Produced for the Vera Institute: “Strategies for Suppressing Evidence and Terminating Removal Proceedings for Child Clients” (March 2015),
https://cliniclegal.org/sites/default/files/strategies_for_suppressing_evidence_and_terminating_removal_proceedings_for_child_clients_with_appendices.pdf

APPENDIX C: INSTITUTIONAL HEARING PROGRAM (“IHP”) BACKGROUND³

I. Introduction

This summary provides context on IHP for current and potential volunteers in the Attorney of the Day (“AOD”) Program, including a brief description of IHP policies, background on the IHP at Federal Correctional Institution, Dublin (“FCI Dublin,” also referred to as “Pleasanton Federal Correctional Institution” or “Pleasanton” by the immigration court) and Taft Correctional Institution (“Taft CI”), and insights on the experiences of IHP respondents and the role of AOD attorneys. The goal of this summary is to orient attorneys working in a program that continues to expand.

A. IHP History

Established by the Immigration Reform and Control Act of 1986,⁴ IHP was created “to complete proceedings for incarcerated criminal aliens serving federal or state sentences prior to their release from prison or jail.”⁵ Section 238(a)(1) of the Immigration and Nationality Act (“INA”) permits the Department of Justice to initiate removal proceedings for certain noncitizens convicted of crimes while those individuals are incarcerated in federal, state, and local correctional facilities.⁶ The program “is a cooperative effort between the Executive Office of Immigration Review (“EOIR”); DHS; and various federal, state, and municipal corrections agencies.”⁷ According to the EOIR, the program allows DHS to remove noncitizens with final removal orders “expeditiously at the time of their release from incarceration.”⁸ What this means is that IHP respondents are issued a Notices to Appear and the Immigration Court hears their cases while they are still serving their prison sentences. Where the removal proceedings are completed before the expiration of the prison term, DHS should be able to effectuate physical deportations immediately upon completion of a prison term, without civil immigration detention pending removal proceedings.

Since its inception, the Trump Administration has targeted IHP for expansion. On January 25, 2017, President Trump issued an Executive Order that prioritized the removal by DHS of undocumented individuals who have been convicted of criminal offenses.⁹ Soon after, to implement the Executive Order, the Secretary of Homeland Security issued a memo, instructing ICE to implement IHP “to the

³ The Stanford Law School Immigrants’ Rights Clinic contributed to the information in this appendix. Since January 2018, the Immigrants’ Rights Clinic has been engaging in advocacy around the Institutional Hearing Program in collaboration with JDC and Centro Legal de la Raza. The Immigrants’ Rights Clinic observed IHP immigration court proceedings, visited IHP sites, interviewed attorneys engaged in representation of IHP respondents, and interviewed IHP respondents at Federal Correctional Institution, Dublin and Taft Correctional Institution.

⁴ *Institutional Hearing Program: Hearing Before H. Comm. on the Judiciary*, 105th Cong. 22 (1997) (statement of Norman J. Rabkin, Director, Administration of Justice Issues, U.S. General Accounting Office), http://commdocs.house.gov/committees/judiciary/hju54765.000/hju54765_0.HTM.

⁵ FY 2012 Statistical Year Book, Exec. Office for Immigration Review, U.S. Dep’t of Justice (2013), <https://perma.cc/TF2P-HENZ>, at P1.

⁶ 8 U.S.C. § 1228(a)(1).

⁷ *Supra* note 4.

⁸ *Id.*

⁹ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768 (Jan. 25, 2017).

maximum extent possible.”¹⁰ Next, the Attorney General announced plans to expand and modernize IHP, including the use of VTC, and that ICE, BOP, and EOIR would increase the number of active IHP facilities to a total of fourteen BOP facilities and six BOP contract facilities.¹¹ Taft CI is one of the newly added contract facilities that began conducting IHP hearings for respondents in 2017.

B. Statistics

In a study of IHP cases from 2007-2012, only 9% of respondents in IHP removal proceedings were represented by counsel, compared to 14% of detained respondents and 66% of non-detained respondents.¹² This low rate of representation may contribute to the high rate of removal in IHP proceedings. For instance, in the 2017 fiscal year, the Department of Justice reported that it completed 2,463 IHP cases, and 95% of the respondents were ordered removed.¹³ Another likely contributor is the lack of information available to IHP respondents regarding removal proceedings, their rights, and prospects of relief from removal. The AOD program seeks to fill this representation and information gap.

C. Hearings

IHP hearings for both Dublin/Pleasanton and Taft take place via VTC at 630 Sansome Street, and are currently before San Francisco immigration judges Julie Nelson and Patrick O’Brien. As of December 2018, Dublin/Pleasanton hearings were occurring once a month and Taft hearings were occurring three to five times a month, in response to the recent increase in NTAs issued. It should be noted that the number of hearings with respondents in prison at both locations has expanded multifold since 2017.

II. Background on FCI Dublin (Pleasanton) and Taft CI IHP Programs

FCI Dublin/Pleasanton is an all-women’s facility and is one of the first IHP sites in the country. It has been in operation as an IHP site for approximately 30 years.¹⁴ As of December 2018, there were 1,037

¹⁰ Memorandum, U.S. Dep’t of Homeland Security, Enforcement of Immigration Laws to Serve the National Interest (Feb. 20, 2017), https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf.

¹¹ See Press Release, Office of Public Affairs, U.S. Dep’t of Justice, Attorney General Sessions Announces Expansion and Modernization of Program to Deport Criminal Aliens Housed in Federal Correctional Facilities (Mar. 30, 2017), <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-expansion-and-modernization-program-deport-criminal>; Later information obtained through a FOIA request by the National Immigrant Justice Center (NIJC) and the American Immigration Lawyers Association (AILA) suggests that the expansion actually includes 7 BOP contract facilities. American Immigration Lawyers Association, Doc. No. 17050230, www.aila.org/File/DownloadEmbeddedFile/71610.

¹² Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. Penn. L. Rev. 1, 24, 32 (2015).

¹³ FY 2017 Statistical Year Book, Exec. Office for Immigration Review, U.S. Dep’t of Justice (2018), <https://www.justice.gov/eoir/page/file/1107056/download>, at 21.

¹⁴ According to notes from the House of Representatives Assembly Committee on the Judiciary, Subcommittee on Immigration and Claims, the first IHP was launched at a facility in Louisiana in 1989, and “subsequently opened limited programs in five other locations,” including Dublin. This suggests that the program has been at Dublin for close to 30 years. The hearing notes also state that non-citizen respondents were transferred to Dublin, as well as two other newly opened programs, “specifically for the IHP.” *Institutional Hearing Program*, Before the Subcomm. Immigration & Claims of the H. Comm. on the Judiciary, 105th Cong. 102 (1997), http://commdocs.house.gov/committees/judiciary/hju54765.000/hju54765_0.HTM.

women incarcerated at the main Dublin facility.¹⁵ The number of women in IHP at Dublin is not publicly available.

Taft CI is an all-male correctional institution contracted by the Bureau of Prisons (“BOP”) and operated by the private company Management & Training Corporation.¹⁶ Taft became an IHP site in January 2017. Taft appears to have a history with the IHP and also a relationship with ICE, dating back to long before Taft began to hold IHP hearings at the prison in 2017.¹⁷ As of December 2018, it housed 2,075 men, but has capacity to hold 2,500.¹⁸ The number of men in IHP at Taft is not publicly available.

III. Working with IHP Respondents

A. Respondent’s Perceptions of the IHP Program

Interviews of IHP respondents at both FCI Dublin and Taft CI suggest that respondents in both facilities generally feel that, without access to AOD, they only receive inconsistent information about IHP from unreliable sources, and the entire IHP process is frustrating. In addition, the respondents have varying levels of understanding about the IHP process, which contributes to different decisions about whether to fight their cases or accept deportation. These decisions are complex. Many women held at Dublin report accepting deportation orders at their initial immigration hearings because they do not believe they can prevail and do not want to spend additional time in immigration detention. In contrast, many men at Taft appear to be asking for continuances so that they can attempt to find an attorney and/or fight their immigration case. In both prisons, the respondents seem to have an unclear understanding about how fighting their removal case may or may not impact their release date.

AODs can provide advice on the alternatives to accepting deportation and serve as a check against misinformation even in their short interactions with the respondents. The counseling and advice aspects of the AOD program are critical. Although respondents presumably learn that they are in removal proceedings when they receive NTAs and hearing notices, observations suggest that many do not understand what is happening until they meet with the AOD just prior to their MCH.

B. Respondent’s Access to Counsel and Legal Information

One major challenge for IHP respondents is that, apart from their interactions with AODs, they generally lack reliable access to legal counsel and legal information. Prior to their first MCHs, and even shortly

¹⁵ *Dublin*, Bureau of Prisons (last visited Dec. 6, 2018), <https://www.bop.gov/locations/institutions/dub/>

¹⁶ *CI Taft*, Bureau of Prisons (last visited Dec. 6, 2018), <https://www.bop.gov/locations/ci/taf/>.

¹⁷ Government documents indicate that Taft CI has housed deportable non-citizens since before 2000, even before its designation as an IHP site. See Scott D. Camp, et. al., *Using Inmate Survey Data in Assessing Prison Performance: A Case Study Comparing Private and Public Prisons*, 26 *Crim. Justice Rev.* 26 (2002), available at https://www.bop.gov/resources/research_projects/published_reports/pub_vs_priv/oreprcamp_cjr.pdf. A 2006 BOP Program Statement identified Taft as an IHP “release site,” which it defined as a facility “designated for inmates who are ordered deported and ordinarily where they remain until expiration of sentence.” Program Statement, U.S. Dep’t of Justice, Federal Bureau of Prisons (Jul. 3, 2006), https://www.bop.gov/policy/progstat/5111_004.pdf. Since before 2000 and through 2017, a noncitizen found deportable by an Immigration Judge at another IHP hearing site could be transferred to Taft to serve out the remainder of his sentence before getting deported by ICE.

¹⁸ *CI Taft*, Bureau of Prisons (last visited Dec. 6, 2018), <https://www.bop.gov/locations/ci/taf/>.

thereafter, most respondents had not even attempted to retain counsel, likely due to a combination of factors including the lack of information, restricted communication with the outside world, and limited financial resources.

IHP respondents also face unique challenges in obtaining legal information to proceed *pro se*. Information obtained revealed that the law libraries at these facilities are only useful for those who are literate, speak English, and possess good computer-based research skills. Even if the materials are accessible, many are not up to date. Unlike respondents in many immigration detention facilities, IHP respondents do not receive any in-person know-your-rights visits from legal service providers.

In light of IHP respondents' unique challenges and obstacles, AOD limited-scope representation is particularly critical to ensure more informed decision-making. Indeed, AODs may be the only people physically present in the courtroom advocating on behalf of the IHP respondents. While AODs are not under any obligation to represent respondents throughout the entire removal proceeding, they can provide long term representation referrals to respondents or help to prepare them to proceed *pro se* by directly advising them and seeking continuances on their behalf.

Attorneys interested in learning about long term representation outside of the AOD program can reach out to JDC for further information.¹⁹

¹⁹ For more information on accessing FCI Dublin and Taft CI for legal visitation, please see Appendices C and D of this handbook.

APPENDIX D: INSTITUTIONAL HEARING PROGRAM AT FCI-DUBLIN (PLEASANTON)

1. Advance Preparation

- The Court provides the docket and NTA packets to the AOD in advance. JDC will transmit any previous intakes that are available.
- The AOD is strongly urged to review the documents and to fill out the intake sheets in advance - there will be vastly insufficient time to review documents on site.

2. AOD Consultations

- Individual intakes/consultations may be conducted via VTC or in person at Dublin. EOIR and FCI Dublin have agreed that Dublin will have Respondents available for VTC intakes on the Friday immediately preceding the date of the master docket. During the VTC consultations, the respondents appear from a room where other inmates and at least one BOP officer is present, all of whom are within earshot of the respondent consulting with the AOD.
- Since the majority of respondents will have aggravated felonies (e.g., drug trafficking convictions), AODs primarily screen for U Visa and CAT claims. Remember that 209(c) waivers do not waive drug trafficking. However, there are some interesting removability questions (e.g., whether structuring a financial transaction can be charged as reason to believe drug trafficker for an LPR who they deem to be seeking admission). Additionally, there are potentially strong claims to CAT based on relationships with cartels/gangs that the women “assisted” in the transportation of narcotics. Some women have provided assistance to law enforcement and are at risk of persecution and torture if returned to their home countries.
- Many women at Dublin do not want to apply for CAT; they just want a deportation order so they do not wind up in ICE custody. If their release date is approaching around the time they appear in front of the IJ, respondents often want to make sure they have the removal order entered immediately to avoid being transferred into ICE detention.
- Some respondents were caught crossing the border and have never lived in the U.S. They generally want to return to Mexico as quickly as possible.
- For those women who desire a continuance to learn more about their options (especially if their release date is far enough in the future that a continuance will not likely lead to ICE detention), JDC and Centro can engage in follow-up consultations and/or provide pro se materials.
- *Note:* The women at this facility are truly alone. There is no Legal Orientation Program (LOP), no culture of attorneys visiting the facility (as it is a post-conviction facility), no culture of “jailhouse lawyers,” and family visits are rare. AODs are often the only attorneys they can talk to about their cases.

3. AOD Representation

- AOD hearings are now conducted via the VTC system. An AOD may choose whether she wants to be in the court or with the respondents at the IHP hearing sites, though most choose to be in the courthouse and communicate with respondents via VTC. For more information on logistics of how VTC hearings occur, please see Section V of this handbook.
- VTC IHP master hearings are similar to a non-IHP detained Master Calendar Hearing.

4. Long Term Representation

Should you wish to engage in more long-term representation of IHP respondents, the following information details the best ways to access your client – which are in person or through legal mail. Dublin inmates also have access to non-confidential email, but email correspondence should be limited to discussing logistics and scheduling because it is monitored, not confidential and subject to delays. There is no legal telephone call procedure at FCI-Dublin. At the time of the writing of this appendix, if clients call their attorneys via telephone, those phone calls will be monitored and are not confidential. Even if a client's counselor permits the client to place a call from the counselor's unmonitored line, the counselor will be present with the inmate during the call, sometime even on speakerphone.

FCI-Dublin Facility (Physical) Address: 5701 8th St, Dublin, CA 94568

Legal Correspondence Address:

- Inmate Name & Register Number
FCI Dublin
Federal Correctional Institution
5701 8th St - Camp Parks
Dublin, CA 94568
- The sender must be adequately identified on the envelope, and the front of the envelope has been marked "Special Mail - Open only in the presence of the inmate."

Points of Contact at FCI-Dublin:

- FCI-Dublin general line: (925) 833-7500
- Sally Swarts
Public Information Officer, Federal Correctional Institution Dublin
sswarts@bop.gov
925-833-7500 x274
- Monica Taylor
IHP Coordinator
m3taylor@bop.gov
925-833-7517
- Ms. Dosanj (guard who, in the past, has helped arrange for legal visits)
925-833-7500, ext. 260

General Information on Legal Visitation:

(The following information is not available on the FCI Dublin website and is based on conversations with FCI Dublin staff)

- All individuals who seek to visit FCI-Dublin must provide FCI-Dublin with: (1) a completed **NCIC form (Form BP-A0660)** and (2) a photocopy of a government-issued ID. The form and photo ID may be emailed to Monica Taylor at m3taylor@bop.gov.
- Non-lawyers (law students, interpreters, paralegals, etc.) are also required to fill out an **Application to Enter Institution as Representative (Form BP-A0243)**, for each respondent with whom they plan to meet. This form requires a signature of a lawyer, identification of the respondent, and detailed biographical information from the individual seeking access to the respondent. Please note that lawyers are not required to complete this form. However, if you plan to visit with an interpreter or paralegal or other non-lawyer (that is coming for the purpose of a legal visit), he or she will need to complete the form even if you are coming together.
- It is advised that you also submit a written legal visitation request via email. The email should contain language that the request is a legal visit request and should include your client/potential client's complete name and A number. If you have a DOB for your client, this may be helpful as well.
- At the time of the writing of this memo, it is recommended that you send these forms to Monica Taylor or to the prisoner's unit team. The latter contact information may be obtained through calling the facility's main line and inquiring. To be on the safe side, it is probably best to include both emails in your inquiry/request.
- It is advised to submit clearance forms at least one week prior to seeking admission, although it is recommended to submit as early as possible, ideally at least two weeks prior to the first anticipated visit. You should follow up by email and phone to confirm clearance forms have not only been received, but have been processed and approved.
- It is advised that you contact Monica Taylor and/or the unit team the day before you plan to visit to ensure that you have received all necessary clearances and to remind Dublin staff of your plan to visit. In addition, you should request the contact information of someone who is planning to be on duty at the time of your arrival so that you can contact that person should you encounter any problems when you arrive at the facility.

Observations Regarding Legal Visitation:

- There do not appear to be any actual designated attorney client visiting rooms at Dublin. Depending on the prison staff that day, you may be able to meet with respondents in the:
 1. Large multipurpose room (IHP hearings take place here);
 2. Children's play area adjacent to the large multipurpose room (the play area has glass windows, but has a door that closes—it is more private than the multipurpose room);
 3. Dentist's office over to the side in a chair until patients come in;
 4. Front offices;
 5. Chapel offices; or
 6. Optometrist's office (a small, private space ideal for consultations).
- It should be noted that many of the locations above are not completely sound proof or confidential. In the large, multipurpose room, for instance, a guard generally sits in the room at

the same time as the consultation. Speaking in a medium-to-low voice is a way to minimize concerns about being overheard, though it is not perfect. Additionally, because the play area has glass walls, there is no visual confidentiality. Thus, other prisoners or guards, at a minimum, can see that a prisoner is speaking with someone (and may surmise it is a lawyer). This is a potential concern because many prisoners worry about their safety if others learn that they are applying for asylum (which may relate to trafficking, informing, and potential persecution at the hands of cartels/gangs).

- Despite the fact that the FCI-Dublin attorney visitation policy states that attorney visits may be held during the business week, the reality is that this does not appear to be regularly or consistently followed. Attorneys should schedule their visit as far in advance as possible, and confirm the visit the day before. General visiting/family visiting takes place during the weekend in the multipurpose room. While attorneys can try to meet with clients during the weekends, this raises challenges due to lack of confidentiality (since there are no private visitation rooms).
- For the official information on visitation policies, please see the FCI Dublin website at <https://www.bop.gov/locations/institutions/dub/>. Note that the visitation policy on the website contains steps for the general BOP visitation process, and exceptions can be made for attorneys based on our experience. We suggest following the steps above and calling the prison directly to arrange your visit.

APPENDIX E: INSTITUTIONAL HEARING PROGRAM AT TAFT CI

5. Advance Preparation

- The Court provides the docket and NTA packets to the AOD in advance. JDC will transmit any previous intakes that are available.
- The AOD is strongly urged to review the documents and to fill out the intake sheets in advance - there will be vastly insufficient time to review documents on site.
- The AOD will need to arrange in advance to meet with the respondents on the docket in person or by telephone. The docket should be transmitted by the Immigration Court to JDC approximately one week in advance of the hearings. If the AOD will conduct telephone consultations, the AOD will need to immediately request to schedule the legal calls upon receiving the docket, as it often takes 2-3 days to confirm the calls, which will barely allows enough time to schedule calls before the day of the master hearing. For detailed instructions for scheduling legal calls, see below.

1. AOD Consultations

- Individual intakes/consultations may be conducted via telephone or in person at Taft. For information on in-person visits, see below. Telephone intakes in advance of CI Taft Master calendar hearings are scheduled by the AOD and generally take place one to two business days before the MCH docket date.
- Many of the respondents at Taft are long-term LPRs and have many incentives to try and fight their removal case. Many have extensive family ties and long-term community ties. For men who desire a continuance to learn more about their options (especially if their release date is far enough in the future that they are not concerned that they might wind up in ICE detention), JDC and Centro can engage in follow-up consultations and/or provide pro se materials.

2. AOD Representation

- AOD hearings are now conducted via the VTC system. An AOD may choose whether she wants to be in the court or with the respondents at the IHP hearing sites, though most choose to be in the courthouse and communicate with respondents via VTC. For more information on logistics of how VTC hearings occur, please see Section V of this handbook.
- VTC IHP master hearings are similar to a non-IHP detained Master Calendar Hearing.

3. Long Term Representation:

Should you wish to engage in more long-term representation of IHP respondents, the following information details the best ways to access your client – which are in person or through legal mail. The best ways to access your client is in person, by phone, or through legal mail. Note that while confidential legal calls are available, significant limitations include that inmates are generally only permitted 30 minutes per month and there is no free calling platform available for the inmates to contact pro bono legal service providers. Taft inmates also have access to non-confidential email, but email correspondence should be limited to discussing logistics and scheduling because it is monitored, not confidential and subject to delays.

Taft CI Facility (Physical) Address: 1500 Cadet Road, Taft, CA 93268

Legal Correspondence Address:

- Inmate Name and Register Number
Taft Correctional Institution
P.O. Box 7001
- The sender must be adequately identified on the envelope, and the front of the envelope has been marked "Special Mail - Open only in the presence of the inmate."

Points of Contact at Taft CI:

- Mr. Dale Patrick
TCI Grievance Coordinator
Direct line: 661-765-3033
Fax (to his attention): 661-765-3002
Email: dale.patrick@mtctrains.com

General Information on Legal Visitation:

(The following information is not available on the Taft CI website and are based on conversations with Taft CI staff)

- As of December 2018, visitation days are Monday, Thursday, Friday, with no exceptions. Legal visits can start as early as 8 AM and end at 3 PM. Attorneys must be in facility and processed by 1:30 PM at the latest. Attorneys must present their State Bar card at each legal visit.
- The attorney should make an advance appointment for the visit through the TCI Grievance Coordinator prior to each visit. The request for a visit includes two distinct processes. First, you will need to submit a request for a security clearance, which involves a background check, and is required for entry into all Bureau of Prisons facilities. If you have obtained clearance to enter a BOP or a BOP contract facility previously, depending on how long ago you obtained clearance, you may not need to complete this step again. Second, you will need to schedule the visit.
 - Obtaining Clearance
 - All individuals who seek to visit Taft CI must provide Taft CI with: (1) a completed **NCIC form (Form BP-A0660)** and (2) a photocopy of a government-issued ID. The form and photo ID may be emailed to Taft CI at dale.patrick@mtctrains.com.
 - Non-lawyers (law students, interpreters, paralegals, etc.) are also required to fill out an **Application to Enter Institution as Representative (Form BP-A0243)**, for each prisoner with whom they plan to meet. This form requires a signature of a lawyer, identification of the prisoner, and detailed biographical information from the applicant. Please note that lawyers are not required to complete this form. However, if you plan to visit with an interpreter or paralegal or other non-lawyer (that is coming for the purpose of a legal visit), they will need to

complete the form even if you are coming together. We also suggest that you submit a written legal visitation request via email. The email should contain language that the request is a legal visit request and should include your client/potential client's complete name and A number. If you have a DOB for your client, this may be helpful as well.

- Requesting a Legal Visit: You may request a legal visit by sending a fax to (661) 765-3002 or an email to dale.patrick@mtctrains.com. The fax or email must contain the following information:
 - Respondent/Prisoner's full name and register number (If you do not know the prisoner's register number, you may search for it by name at the BOP website: https://www.bop.gov/mobile/find_inmate/index.jsp)
 - Date and approximate time you will be arriving for the visit
 - Copy of attorney's bar card
- Ordinarily, the use of any electronic devices or computer applications such as, but not limited to, computers/lap tops, disks/floppies, recording equipment, telephones/cell phones, fax machines, pagers, etc. will not be permitted.
- Dress Code for Visits:
 - Shirt and shoes are mandatory (no open heel shoes)
 - All proper under garments (underwear and brassieres) are required
 - Halter-Tops, T-shirts (underwear type), tank tops, fishnet shirts, low-cut shirts, or see-through fabrics, shirts and blouses with an open midriff or cut too low are not allowed
 - Shorts and/or cutoffs are not allowed
 - Adult men must wear long pants
 - Women/girls may wear dresses, skirts, or long/capri pants. Dresses and skirts must be at least knee level in length. Dresses and skirts with slits must not extend above the knee. If dresses or skirts appear too short, the Shift Supervisor will be contacted for a final decision.
 - Visitors are not allowed to wear khaki.
- For the official information on BOP visitation policies, please see their website at <https://www.bop.gov/inmates/visiting.jsp>. Note that the visitation policy on the website contains steps for the general visitation process at all BOP facilities, and there are no published Taft CI or attorney visitation-specific policies. In our experience, exceptions can be made for attorneys. We suggest following the steps above and contacting the prison directly for more information prior to a legal visit.

Legal Telephone Calls:

- Each prisoner is entitled to one unmonitored telephone call every thirty days for thirty minutes. Exceptions to this rule can be made on a case-by-case basis with good cause (evidence of an imminent court deadline or that the above methods of contact are not adequate) shown by the attorney and with the approval of Mr. Dale's office.

- Unmonitored legal calls are conducted Monday – Friday (no Federal holidays) between the hours of 8:00 AM – 2:30 PM (PST).
- An attorney may request an unmonitored legal call with a prisoner by sending a fax to (661) 765-3002 or an email to dale.patrick@mtctrains.com. The fax or email must contain the following information:
 - Respondent/Prisoner's full name and register number
 - Phone number which can be used for a collect call
 - Requested dates & times the attorney is available for the collect call
 - Copy of attorney's bar card
- For AOD consultations, Mr. Patrick wants to receive one email request listing all of the respondent on the docket that the attorney is requesting to speak with. JDC recommends that the AOD submit the request with suggested dates and times for each call—this can ease the scheduling process.
- Once the fax or e-mail is received, the prisoner's assigned counsellor at the prison should call the AOD to confirm the date and time for each call.