COMMUNITY EXPLAINER

DON'T FALL IN THE IN ABSENTIA TRAP!

Don't let a surprise hearing lead to a deportation order in your case



The government is deliberately making it harder for people to attend court and trying to get as many people **deported for missing their hearing**, or in absentia, as they can. They are scheduling **surprise hearings** with very little notice; holding **Mega Masters** that delay people getting into the court building and where it's hard to hear your case called; and holding hearings in **unmarked government office buildings** that are hard to find.

HERE ARE TIPS FOR AVOIDING THE IN ABSENTIA TRAP:

1. Keep your address updated. You can keep it updated with USCIS using form AR-11 and with the immigration court using EOIR-33.

2. Check your USCIS case regularly if you have any pending applications, including asylum. You can do this online using your receipt number. If you see that a case notice was sent, watch your mail closely because this could be a notice to appear in immigration court.

3. Check your immigration court status regularly. If you are in deportation proceedings, we recommend checking your case status every day. You can do this online or by calling 1-800-898-7180. **Your next hearing may happen sooner than you think or may be in a different location!**

4. Plan ahead. Go to the location of your next hearing before your hearing, because it may be in a **different, unmarked government office building**, and you may need time to figure out how to access the hearing room. Don't get an in absentia order because you got lost or couldn't figure out parking!

5. Arrive early and plan to stay late. Especially if you are scheduled for a "Mega Master" there may be long lines to get through security or for elevators, and you may have to wait for some time for your case to be called. Keep in mind it can be hard to hear in a crowded hallway and listen very closely for your name!

6. Get a lawyer if you can. Finding a qualified, competent immigration lawyer can take time, so start now if you can.

Read on for more information and more detailed suggestions!

THE GOVERNMENT'S CURRENT TRAPS TO FORCE DEPORTATION ORDERS AND HOW TO AVOID THEM

Recent changes at U.S. Citizenship and Immigration Services (USCIS) and immigration courts are setting people up to miss their immigration court hearings and to order people deported when they don't come to court. This resource will share tips for avoiding these traps, as well as next steps if you received a deportation order because of one.



Myung J. Chun / Los Angeles Times via Getty Images

USCIS sends unexpected notices to appear in immigration court.

USCIS has already been putting people in deportation proceedings when the agency denies their applications by issuing and mailing the denied applicants notices to appear (NTAs). An NTA is the document that starts a case in immigration court. It tells a person that the Department of Homeland Security (DHS) is asking an immigration judge to decide whether to deport the person from the United States. Additionally, USCIS has recently begun denying asylum applications without an interview, shortening the process, and putting those denied applicants in removal proceedings. **A person may get denied and put in removal proceedings without any other notice, and may not be on the lookout for an NTA if they were expecting an interview.**

Immigration courts schedule surprise hearings in hard to find locations.

Immigration courts are increasingly requiring in person appearances, especially for people without lawyers. **Immigration courts are scheduling new cases quickly and rescheduling pending cases, often with little time in between hearings.** Immigration courts are also packing dozens of people into one hearing known as "Mega Masters" and scheduling the hearings in person in random government buildings.

Short notice and surprise hearings

The law requires that immigration courts give people at least 10 days between receiving the NTA and the first hearing in immigration court, but, until now, immigration courts provided more time than 10 days. Now **immigration courts are scheduling both first hearings just 10 days after sending the NTA, and rescheduling hearings for 10 days after they send the notice of the new hearing time.** People may miss the NTA or the scheduling notice if there are problems with the mail, if they are out of town, or may not be able to arrange travel to the immigration court quickly enough even if they do receive the notice. For those who make it to the hearing and need more time, it is likely that immigration judges will only give them 10 days before requiring them to come to another hearing.

10
DAYS

The minimum the law allows between notice and hearing. Now it's the norm.

Usually, once a person's case is set for an "individual hearing," – where an immigration judge will consider evidence and make a decision on their case – they no longer need to have shorter scheduling hearings, known as master calendars. But now, people whose individual hearings were set for several years from now are getting unnecessary master calendar hearings scheduled much sooner. Because they are not expecting them, people may miss these notices.

Hearings that are hard to find, access, or participate in

"Mega masters" with dozens–sometimes over 100 people–scheduled for the same hearing time create conditions that make it physically difficult to get to the hearing in time or hear your name called. **The line to get in the building will be long, the elevators will take longer, the courtroom will overflow, forcing people to wait outside, and the halls will be crowded, making it difficult to hear.** People in mega masters may come to court but may still get a deportation order for missing their hearing because they are late or don't hear their name called.

Additionally, immigration courts have started scheduling Mega Masters of unrepresented people in **unmarked government buildings** located far away from the immigration court. The exterior and interior of these government buildings lack any visible sign that you are in the right place and people miss hearings because they get lost.



Do not assume you are at the wrong location just because there are no signs for immigration court.

Harder to undo an in absentia deportation order.

The Board of Immigration Appeals (BIA) has made it easier for immigration judges to issue deportation orders when people miss a hearing, and harder to undo a deportation order, even if the person did not receive notice or a warning of the consequences of not coming to court. A recent decision, Matter of Diji, 30 I&N Dec. 1 (BIA 2026), allows an immigration judge to order

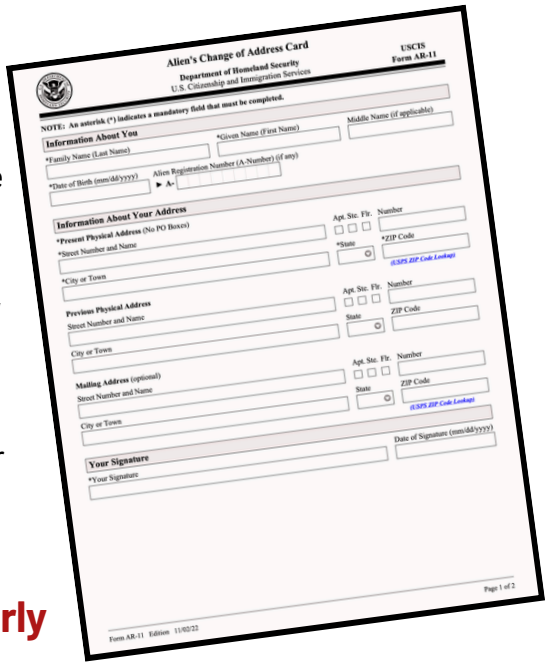
someone deported even if they did not know they had to update their address with USCIS or the immigration court because they never received an NTA. Besides telling the person when and where the immigration court hearing will be, the NTA also tells the person about the need to keep their address updated with the immigration court and warns them about the consequences of not attending a hearing in immigration court. Also, although the law tells DHS to prioritize delivering the NTA in person and to send the NTA in the mail only when it is not possible to deliver it in person, the decision signals to DHS that it is okay to always mail the NTA. The decision may also encourage immigration judges to deny motions to reopen (a request to undo a deportation order that a person gets for failing to come to court) in all cases where DHS sends the NTA by mail.

WHAT CAN I DO TO AVOID MISSING MY IMMIGRATION COURT HEARING?

Although the different government agencies seem committed to setting up people to miss their immigration court hearings, there are steps you can take to avoid the trap.

1 - Keep your address updated

If you filed an application for asylum or another benefit with USCIS, keep your address updated with USCIS by filing a Form AR-11 form online or by mail. If you mail Form AR-11, use a mailing service with tracking and keep your proof of submission. If you have a USCIS online account, take a screen shot of the various steps of the completion and filing, and check your account at least once a week for notices or updates about your case. If you are included in a parent or spouse's asylum application, you too should update your address, especially if you live at a different address than your parent or spouse. The Form AR-11 is free to access and file.


Alien's Change of Address Card
Department of Homeland Security
U.S. Citizenship and Immigration Services
USCIS
Form AR-11

NOTE: An asterisk (*) indicates a mandatory field that must be completed.

Information About You
*Family Name (Last Name)
*Given Name (First Name)
Middle Name (if applicable)
*Date of Birth (mm/dd/yyyy)
Alien Registration Number (A-Number) (if any)
► A-

Information About Your Address
*Present Physical Address (No PO Boxes)
*Street Number and Name
Apt. Ste. Flr.
Number
*State
*ZIP Code
(USPS ZIP Code Lookup)
*City or Town
Previous Physical Address
Street Number and Name
Apt. Ste. Flr.
Number
State
ZIP Code
City or Town
Mailing Address (optional)
Street Number and Name
Apt. Ste. Flr.
Number
State
ZIP Code
(USPS ZIP Code Lookup)
City or Town

Your Signature
*Your Signature
Date of Signature (mm/dd/yyyy)

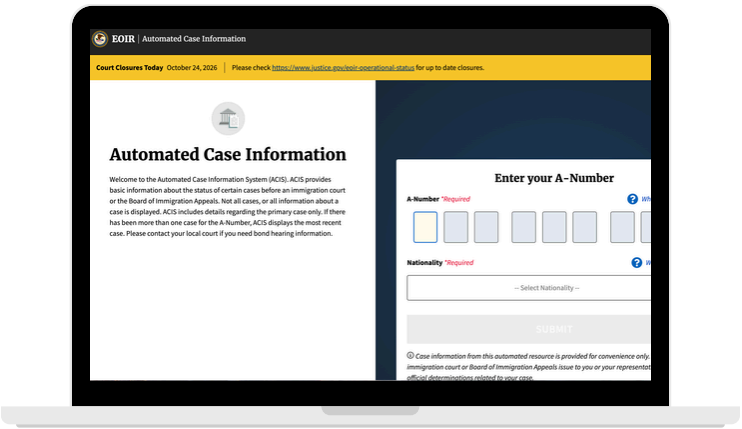
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Form AR-11 Edition 11/02/22

2 - Check your USCIS case status regularly

If you have a pending application with USCIS, check your case status regularly. If you have a USCIS online account linked to your application, you can sign in and check your case status and case history on your account. If you do not have a USCIS account, you can check your case status using USCIS's Case Status Online tool by entering your receipt number. However, if you have a pending U visa, T visa, VAWA, or other victim based application, your case status will not be available through the public USCIS Case Status Online tool.

If you see that a case notice has been sent, be really careful about checking your mail, USCIS case status, and the immigration court information system discussed in the next section. The notice could relate to a decision on your application or, in some cases, could mean that USCIS has issued a NTA and referred your case to immigration court.

3 - Check your immigration court case status regularly



Because USCIS may refer asylum applicants to the immigration court without interviewing them, check EOIR Automated Case Information System (ACIS) every day for case updates. You can also call EOIR's automated case information hotline at 1-800-898-7180. If a hearing has been scheduled, the system should show the date, time, and location of the hearing. If the immigration court has yet to schedule a hearing, the system will note "No Case Found."

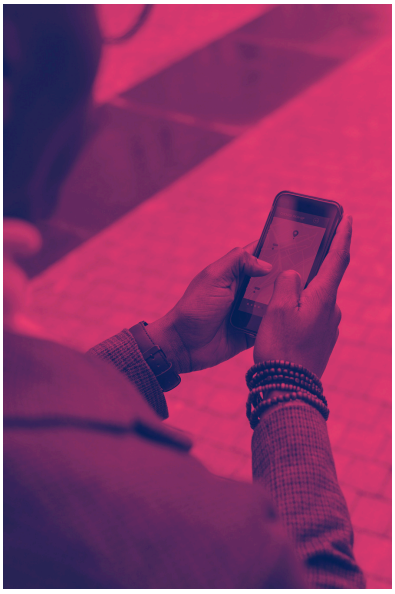
This does not mean that DHS has not filed the NTA with the immigration court; it could just mean that the immigration court has not yet entered the NTA into its system.

In some situations, the ACIS may show that "Case Information Is Unavailable." This does not mean that you do not have an upcoming immigration court hearing. Case information may be unavailable because of privacy restrictions or other limitations in the system. If you see this message and have not received an NTA or other court notice, contact the immigration court that is closest to your current address and possibly a previous address if you have moved recently or have not updated your address. Take screenshots of the result every time you check your immigration court status on ACIS.

4 - Consider the Lawfully Case Tracker, MigraConnect, or Pathfinder Apps

We have heard reports that apps such as Lawfully Case Tracker, MigraConnect, and Pathfinder have helped people keep track of their immigration cases and receive alerts about changes, sometimes before getting their official government notice. These apps are not government apps, or affiliated in any way with the National Immigration Project, and some charge a fee for extra features or alerts. These apps are completely optional. If you check your case status through the official government system every day, you may not need to use an app.

5 - Visit Any New Immigration Hearing Location Before Your Scheduled Hearing



Hearing locations can change, and some hearings are being held at off-site locations such as regular government office buildings that may not look like a courthouse or have clear signs for an immigration court. In most cases, people are receiving little to no notice that their hearing location has been changed to these off-site locations.

Visiting your hearing location before your scheduled hearing can help prevent confusion or delays on the day of your hearing and help ensure you do not miss your hearing simply because you got lost. This is especially important because Google Maps may not have correct directions (for example, we heard reports that Google Maps provided incorrect directions to an off-site location in Washington, DC.). Do not assume you are at the wrong location just because there are no signs for immigration court. Once at the building, become familiar with parking options and costs, the entrances, security procedures, and where you need to go once inside the building.

6 - Identify an Immigration Legal Counsel to Represent You

There will be little time to find a lawyer so act now. Start by asking people you trust for recommendations or looking for lawyers through reputable legal organizations and bar associations. Contact lawyers who handle immigration cases like yours and schedule a consultation to review your case. During the consultation, ask questions about your case, your options, what you should expect next, and any concerns you have. Also ask about the lawyer's experience, availability, and fees. A consultation can help you understand your options and decide whether the lawyer is the right fit for you. Getting a consultation does not mean that you have to hire that lawyer.

Before hiring a lawyer, ask where they are licensed to practice and for their bar number, then check that number with the state bar (this can often be done online). Check whether the lawyer has a current, valid license and any history of disciplinary action.

Be careful with notarios. In the United States, a notary public is not a lawyer and is not licensed to practice law simply because they are a notary. A person who is not a lawyer or otherwise authorized to provide immigration legal services cannot give you legal advice or represent you in your immigration case.

Trust your instincts. You do not have to hire the first lawyer you speak with. It is okay to meet with several lawyers before deciding who is the right fit for you.

7 - Arrive Early at Your Hearing and Plan to Stay a While

Plan to arrive at least one hour before your scheduled hearing time and be prepared to stay for several hours. However, if you need extra time for parking or finding your way around the building, plan to arrive 1.5 to 2 hours early. Immigration courts can be very crowded, especially when many people are scheduled for hearings at the same time. You may have to wait in a long security line, wait for an elevator, or wait outside or in a crowded hallway if the courtroom is full. Your hearing may also take longer than expected, or there may be delays before your case is called.

1-2

HOURS EARLY

Give yourself plenty of time after, too.

Because you may be at the court for several hours, plan ahead for food, water, and any medical needs. Security may not allow food or drinks inside the building or courtroom. If you have a medical condition that requires you to eat, drink, take medication, or have access to a specific item during your hearing, contact the court or your lawyer ahead of time to find out what is allowed and whether you need permission from the immigration judge.

Do not make plans that require you to leave shortly after your scheduled hearing time. Give yourself plenty of time so you can wait for your case to be called and complete your hearing. It is important to make arrangements ahead of time for childcare, transportation, or other responsibilities so you can stay as long as necessary and do not have to leave before your case is called and your hearing is finished.

Do not leave the court until you or your lawyer have spoken with court staff, even if the immigration judge has already held a hearing. Following the hearing, court staff should provide you with copies of any notices or instructions you need and confirm that you are excused and do not need to stay. Ask for and write down the name of the court staff member you spoke with, the date and time you spoke with them, and any instructions they gave you.

BEFORE YOU LEAVE COURT, WRITE IT DOWN

Name of the court staff member _____

Date and time you spoke with them _____

Instructions they gave you

_____

_____

_____