

My Client Got Detained, Now What?

This resource is designed to help immigration practitioners when an existing client is detained by ICE. The information is specific to the Chicago Detained Immigration Court, although much of it is generally applicable to detained proceedings. For pro se materials for unrepresented individuals, please instead review NIJC’s Know Your Rights resources at <https://immigrantjustice.org/KnowYourRights>.

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First Steps

1. Find your client with the ICE locator if detained: <https://locator.ice.gov>

Search by either A# & country of birth or client's biographical information

2. Check case status with EOIR: <https://acis.eoir.justice.gov/en/>

Search by client's A#

Note: If your client was previously on the non-detained docket, it typically takes some time for ICE to notify the court that your client is detained and needs to be transferred to the court's detained docket. This is especially true if your client has a paper Record of Proceedings (ROP) and/or was venued outside of Chicago.

3. Do they have a prior order of removal?

If yes, and it was previously executed, ICE will reinstate that prior removal order. Your client's only defense to a reinstated removal order is if they request and pass a reasonable fear interview (RFI) (or IJ review of an RFI). They will then be placed in withholding-only proceedings and can apply for withholding of removal and protection under the Convention Against Torture. See American Immigration Council's practice advisory:

https://www.americanimmigrationcouncil.org/practice_advisory/reinstatement-removal

If yes, and it was not executed, see if there is a basis for a motion to reopen your client's removal proceedings. For individuals with an *in absentia* removal order, the filing of a motion to reopen and rescind based on exceptional circumstances filed within 180 days of the order, lack of notice filed any time, or failure to appear due to federal/state custody automatically stays removal. INA 240(b)(5)(C). For other motions, clients will also need a separate motion to stay removal filed with the court and/or a stay application with ICE.

4. For clients who do not have a prior removal order:

- a. **Moving from non-detained to detained docket:** If client was previously in proceedings on the non-detained docket, they will be transferred to the detained immigration court docket. This can take a few weeks (or longer), especially if they have a paper Record of Proceedings (ROP) and were venued in a different city. *Note: You don't have to wait for your client to be formally docketed with the Chicago detained court before filing a bond motion.*
- b. **NTAed for the first time:** A few weeks after they are detained, your client will have an eROP on ECAS (the electronic filing system), so all filings will be done electronically.

- c. **Master Calendar Hearings:** All MCHs are conducted virtually over Webex in Chicago, typically during the Immigration Judge’s morning docket from 9am-12pm. All filings must be submitted before midnight two business days before the MCH (e.g., for a MCH on a Wednesday, the filing must be submitted by 11:59pm Monday evening). IJs are typically willing to grant an initial continuance of about 2 weeks for attorney prep time, but ask for more if needed.
- d. **Bond:** Generally speaking, your client will be bond eligible so long as they are not classified as an “arriving alien” or fall under INA 236(c) based on their criminal history. You can file an EOIR-28 and enter an appearance for bond-only or for all proceedings. All bond hearings before the Chicago Detained Immigration Court are currently conducted virtually over Webex, during the Immigration Judge’s morning docket of master calendar hearings from 9am-12pm. The same default two-day MCH filing deadline applies to bond motions, unless otherwise specified by the Immigration Judge. If your client is not eligible for bond, you may still be able to request parole from ICE in some cases.
- e. **Merits:** On the Chicago detained docket, the default for all hearings is virtual appearance for attorneys, respondents, and witnesses via Webex. Individual merits hearings are typically held in the afternoons, from 1pm-5pm.
- The timeframe for scheduling merits hearings can fluctuate – at times it can take as few as 4 weeks, but it typically takes 6-8 weeks or longer from the final master calendar hearing.
 - Immigration Judges typically require application forms to be filed before scheduling merits hearings.
 - The filing deadline for briefs, supporting docs, etc is typically 10 days before the final merits hearing, but attorneys can ask for as short as a 7 day filing deadline if needed.
- f. **Withholding-Only Proceedings:** Clients are ineligible for bond and all forms of relief except for withholding of removal and protection under the Convention Against Torture. There is no NTA, and clients are technically referred to as “applicants” instead of “respondents” (because they are not responding to an NTA). Besides this, there are no substantive differences in immigration court practice and procedure.
5. **New to ECAS and eROPs** for electronic filing of documents with the court? Register here <https://www.justice.gov/eoir/ECAS>

Key Contacts

1. Contacting Clients in Detention

- a. **ICE Detention Center Directory:** <https://www.ice.gov/detention-facilities>. Attorney / client phone calls should be free. Note that contact methods may change suddenly without notice. The following are current contacts for detention centers within the Chicago Detained Immigration Court's jurisdiction.

b. **Boone County Jail**

Address: 3020 Conrad Lane, Burlington, KY 41005

Scheduling Calls (**Note Boone is in the eastern time zone): Boone exclusively schedules videocalls visits through iwebvisit.com. Individuals should be placed in a private room for these calls. However, the room is glass so you can see other folks who may be conducting visits as well as staff in the background. At the bottom of the webpage, it should say "confidential visit."

To set up a confidential account on iweb:

- Create an account on iwebvisit.com
- Email ojeffries@boonecountky.org a copy of your bar card and ID to request confidential status. Support staff can send a letter on organizational letterhead requesting an exception to the bar card requirement.
- With an account and confidential status, you can schedule calls up to two weeks in advance on the platform. Calls can be scheduled for 15, 30, 45 or 1 hour slots.
- At the time of your call, log onto iwebvisit.com, click "My Account," scroll to the bottom of the page and your scheduled visits will appear in a list. You can click "start visit" to connect with your client.

Document Delivery: Boone delivers documents only through mail, not fax or email. Practitioners can include a prepaid addressed envelope to return documents.

- FedEx: Send documents to Boone's street address 3020 Conrad Lane.
- USPS: Send documents to Boone County Jail Administration c/o Name of client, PO Box 898, Burlington, KY 41005

c. **Clay County Jail**

Address: 611 East Jackson Street, Brazil, IN 47834.

Scheduling Calls (**Note Clay is in the eastern time zone): Attorneys can speak to clients over the phone. Calls are scheduled for 30-minute slots unless you ask for a longer call with an explanation for why a longer call is necessary. To schedule a call, email Officer Miller at cmiller@claycountyin.gov and CCice@claycountyin.gov.

Document Delivery: Clay generally only delivers documents via mail. For signatures, Officer Miller sometimes can deliver documents sent to his email.

d. **Dodge County Detention Center**

Address: 216 West Center Street, Juneau, WI 53039

Scheduling Calls: Attorneys can speak to their clients over the phone. To schedule a call email Annette Duckett at aduckett@co.dodge.wi.us.

Document Delivery: Dodge delivers documents only through paper mail.

2. ICE Enforcement and Removal Operations (ERO)

Detained individuals are assigned to a deportation officer specific to the detained docket. Those officers are currently assigned based on the last number of the client's A#, but the officers frequently change. For parole requests, concerns about conditions or other logistical questions, practitioners can email chi-ero-detained@ice.dhs.gov and also ask for the email of the client's specific deportation officer. Include your client's name and A-number in your email, and for your first email also include your Form G-28.

For complaints regarding conditions in detention including medical care or disciplinary measures, detained individuals, practitioners or any other concerned party can file a complaint with the Office of the Immigration Detention Ombudsman (OIDO). Information on that office and the intake forms are available here: <https://www.dhs.gov/publication/oido-case-intake-form-dhs-form-405>. Practitioners should share a copy of the complaint with the client's deportation officer to seek a more immediate remedy.

3. ICE Office of the Principal Legal Advisor (OPLA)

OPLA attorneys representing ICE in removal proceedings and are colloquially know as "TAs" (trial attorneys).

For pretrial conferences or other inquiries/requests to narrow issues with OPLA, practitioners can email opla-chi-detainedduty@ice.dhs.gov. AILA also circulates a calendar each month of the OPLA attorneys scheduled to appear before each judge for the next month so practitioners can reach the specific attorney scheduled to appear on the day their client is scheduled before the court. Include in your email your client's name, A-number, Immigration Judge, and date of next hearing.

4. Executive Office for Immigration Review (EOIR)

a. EOIR Courts & Appeals System (ECAS)

ECAS is the court's electronic online filing system and the system where almost all detained immigration cases are housed. ECAS allows for electronic filings and viewing all documents filed by ICE. Practitioners can register for ECAS here: <https://www.justice.gov/eoir/ECAS>

Cases before the detained immigration court are generally electronic files accessible via ECAS. Any new Notice to Appear will be filed online via ECAS with an accompanying electronic file. Even if a client has an existing paper file for their

removal proceedings, their bond file will be electronic and any bond motion should be filed electronically via ECAS.

b. WebEx Virtual Hearing Platform

All Master Calendar Hearings before the detained Immigration Court are conducted over WebEx, as are most Individual Hearings. The link to access each judge's courtroom can be found here: <https://www.justice.gov/eoir/find-immigration-court-and-access-internet-based-hearings>. Master Calendar Hearings begin at 9am. Wait times for your case to be called vary depending on the order in which the judge calls each of the three detention centers, but all attorneys should sign on at 9am regardless of the time listed on the Notice of Hearing.

c. IJ Legal Assistants

For general inquiries, you may call the detained court where phones are answered every day between 8:30 a.m. and 4:30 p.m. The number for the detained court is 312-294-8400. Wait times are generally much shorter than the non-detained court's line.

- d. You can also directly contact the Immigration Judges' legal assistants (colloquially know as clerks). The court maintains a directory of phone numbers for each judge found here: <https://www.justice.gov/eoir/chicago-immigration-court>.

Note that OPLA should be CCed on any substantive communication with the court to avoid ex parte communication.

5. Criminal Arrests

If your client is arrested by police but not yet in ICE custody, have the criminal defender contact the [NIJC Defenders Initiative](#) to discuss immigration consequences and safe pleas.

6. Other Resources

a. Removal Defense

- [Detained Removal Defense Training](#)
- [Hearing Plan Template](#)
- [Detained Removal Defense Checklist](#)
- [List of Criminal Records Databases](#)
- [Legal Research Resources](#)
- [Brief Guide to Representing Noncitizen Criminal Defendants in Illinois](#)
- [Asylum Manual](#)
- [Detention Pro Se Packet](#)

b. Bond

- [Bond 101 Training](#)
- [Bond Quick Start Guide](#)
- [A Guide to Paying Bond](#)

c. Motions to Reopen

- [MTR Quick Start Guide](#)
- [EOIR Self-Help Materials](#)

7. Referring Clients

It is incredibly difficult to find representation while detained, so we encourage practitioners to continue representing detained clients when possible. Someone new to detained work is far better than no one. However, if you are unable to continue representation, here is a list of referral directories:

- [National Immigrant Justice Center \(NIJC\)](#): If you are detained or are calling about someone in detention: Call the NIJC Detention Project at (773) 672-6599 on Tuesdays from 11:00 a.m. to 2:00 p.m. Detained immigrants call collect at (312) 583-9721 or use the pro bono platform and NIJC's 3-digit code, 565.
- [Midwest Immigrant Defenders Alliance \(MIDA\)](#) : MIDA provides free legal services to eligible immigrants in detention through the National Immigrant Justice Center (NIJC), The Resurrection Project (TRP), The Immigration Project (TIP), and the Law Office of the Cook County Public Defender (CCPD). If a MIDA representative is present the day of your first hearing, you may have the opportunity to request a free representative, but MIDA representation is not always available.
- [ICIRR Attorney Referral List \(Illinois\)](#)
- [Immigration Court's List of Free Attorneys and Representatives](#)
- [Immigrant Advocates Directory](#)
- [American Immigration Lawyers Association Directory](#)