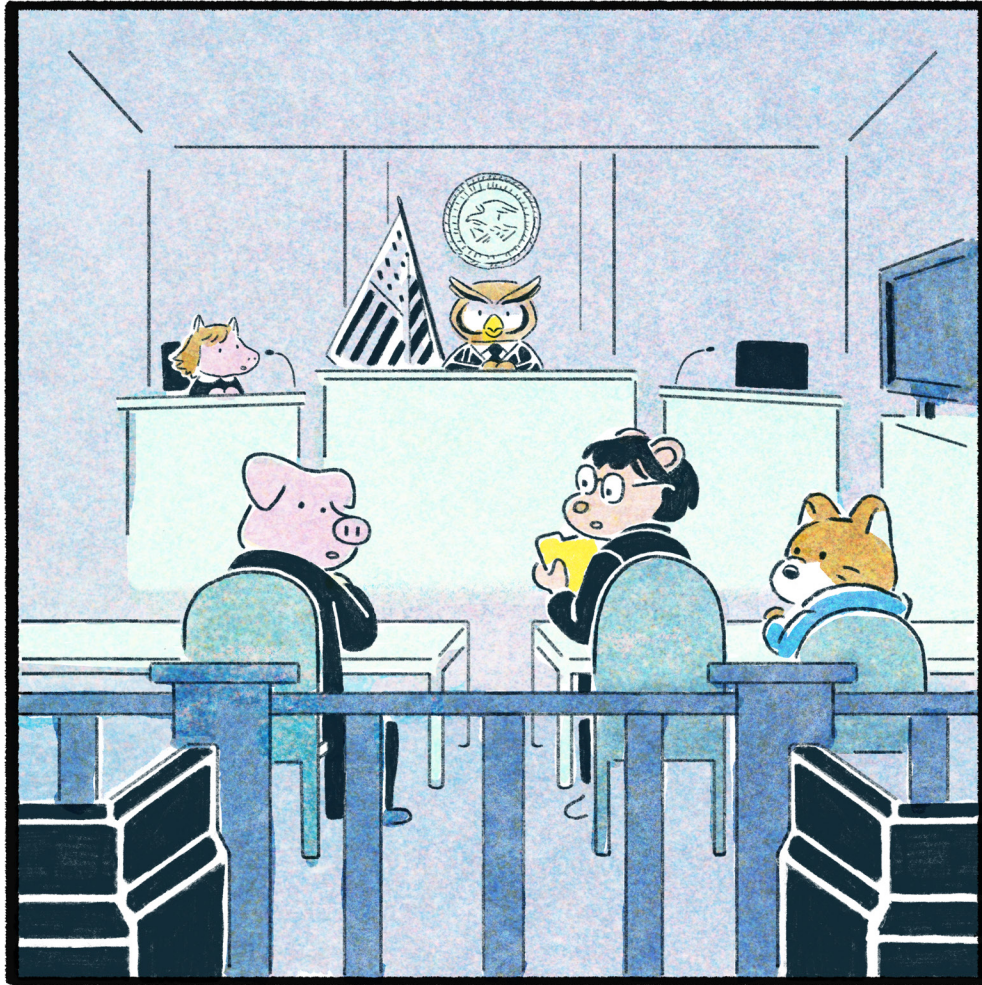


ARTWORK BY MINNIE PHAN. CONCEPT BY JULIANA MORGAN-TROSTLE, ACACIA CENTER FOR JUSTICE.



**Immigration Court**



**Asylum Office**



# Applying For Asylum at the Immigration Court versus the Asylum Office

This visual can help explain to young people in removal proceedings why seeking prosecutorial discretion and proceeding with their asylum case at the asylum office might be beneficial compared to proceeding at EOIR. The goal is to help your client understand the differences and make an informed decision. Attorneys should adapt the following language to meet their clients' needs.

Some young people have the right to apply for asylum with the asylum office instead of the immigration court. This drawing helps explain the differences between the two places.

## Point out the client and the lawyer:

In both the immigration court and the asylum office, we are there together.

## Point out the judge and the asylum officer:

In both the immigration court and the asylum office, there is someone who decides if you can get asylum. In court, this person is the judge. They sit at the front of the room and sometimes wear a black robe. At the asylum office, this person is an asylum officer. They sit in an office, usually across the table from us.

## Point out the interpreter and the phone:

In both the immigration court and the asylum office, there is an interpreter. The interpreter repeats exactly what everyone says in a language that you understand. In immigration court, the interpreter is usually in person with us. At the asylum office, the interpreter might be on the phone, or you might bring your own in-person interpreter.

## Point out the DHS attorney:

One big difference between the immigration court and the asylum office is that in immigration court, there's usually a government lawyer called the "DHS attorney." They might be there in person or virtually. Their job is to make sure you have a good reason for asking for asylum and that everything you say is true. They often find problems with your asylum application and argue that the judge should deny your case. At the asylum office, there is no DHS attorney, so no one is arguing against your case.

## If applicable, point out the galley:

In immigration court, there might be other people in the room waiting for their turn while we talk to the judge. At the asylum office, there are usually fewer people around when the asylum officer asks you questions.

## If applicable, explain virtual appearances:

Sometimes, instead of going to immigration court in person, we have a virtual hearing.

Consider asking your client what other differences they see, how each image makes them feel, and if they think they could tell their story differently in each forum. This visual can also be used to advise clients about the benefits of getting out of removal proceedings, the different estimated timelines for having a case heard in each forum, and for unaccompanied children, the benefits of becoming a J.O.P. class member<sup>1</sup> by filing with USCIS.

<sup>1</sup>J.O.P. v. DHS, No. 19-01944 (D. Md. filed July 1, 2019). For more information, visit <https://bit.ly/JOPclass>