

## **E-Filing at the Chicago Immigration Court During the COVID-19 Pandemic**

*Below are EOIR's instructions for filing via their new, temporary email accounts during the COVID-19 period, with NIJC's supplemental instructions for fully protecting a client's rights and legal obligations during this period. EOIR's instructions can be found on their website at <https://www.justice.gov/eoir/filing-email>. Attorneys with specific questions about filing in their cases should contact their NIJC point-of contact.*

On March 31, 2020, EOIR announced:

The Executive Office for Immigration Review (EOIR) has established temporary email accounts for immigration courts nationwide to facilitate electronic filing for all parties while the rollout of the EOIR Court and Appeals System (ECAS) is delayed due to COVID-19. Those who have already opted-in to ECAS should continue to use ECAS where it is available. Others who wish to utilize electronic filing may file through email as instructed below. Please note EOIR cannot provide technical support or confirm receipt of filings at this time. If you have questions, please contact the EOIR Office of Policy, Communications and Legislative Affairs Division at [PAO.EOIR@usdoj.gov](mailto:PAO.EOIR@usdoj.gov).

At present, the Chicago Immigration Court does not utilize the ECAS system and therefore attorneys appearing in Chicago can only file electronically through the temporary email account system. The email address for the Chicago Detained and Non-Detained Courts are below and can be found on [EOIR's website](#):

- [ChicagoDetained.Immigration.Court@usdoj.gov](mailto:ChicagoDetained.Immigration.Court@usdoj.gov)
- [Chicago.Immigration.Court@usdoj.gov](mailto:Chicago.Immigration.Court@usdoj.gov)

**Please note that attorneys filing skeletal I-589 asylum applications should continue to file via mail or in-person until further notice because of the importance of obtaining a date-stamped copy of the I-589 at the time of filing.** If filing the I-589 by mail, attorneys should include an additional copy of the I-589 and a FedEx return mailer with a note asking the Court to return a date-stamped copy to the attorney.

**In addition, please note that on April 23, 2020 the Chicago Immigration Court issued a standing order limiting the use e-filing.** Attorneys should review the standing order regarding "temporal and page limits" [located here](#). In particular, the order (1) limits the use of the email box for filings that are submitted more than three months before the next hearing or filing deadline and (2) briefs and motions submitted via email are limited to 25 pages and supporting documents are limited to 50 pages. More information is available in the standing order. Attorneys needing to submit filings that exceed these limits will likely need to file

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either via mail or in person.

## **Preparing Your Documents for E-Filing**

Be aware that a failure to follow the guidelines listed below may result in the rejection of your submitted document filing. If your submission is rejected, you will be notified by email with a request to correct the issue and refile the document.

- **Document Format:** all electronically filed documents must meet the requirements of filings outlined in the [Immigration Court Practice Manual](#), including procedural requirements, such as font size, spacing, page limits, pagination, and substantive requirements such as witness lists.
  - If scanning and attaching a document, pages must appear right-side-up.
  - The Practice Manual does not accept simulated or electronically created signatures.
  - Filings with more than one page must include page numbers and exhibit letters listed on the document page.



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- **Electronic Document Size:** an electronically filed document cannot be larger than 25 megabytes (MB). For submissions that would be larger than 25 MB, please follow the below steps:
  - Split the document into multiple files so no portion is larger than 25 MB;
  - Name each document so that it is clear they should be matched with the other portions. Example: 5678\_1234ABC\_Brief\_Part1; 5678\_1234ABC\_Brief\_Part2
- **Electronic Document Format:** files must be a minimum resolution of 300dpi. File formats accepted are PDF and JPEG. EOIR cannot accept other file formats.
- **Hyperlinks:** do not include live links to non-EOIR websites in your submissions. Attorneys should still include links to relevant documents in their index citations, but should remove the hyperlinks before filing.
- **Filing Naming Protocol:** the file should be named with the last four digits of your client's alien registration number, the EOIR ID of the attorney of record, and the type of filing. To confirm that the filing attorney is the attorney of record before EOIR, NIJC strongly recommends that attorneys check [the EOIR portal](#) before filing to confirm the client's case is listed as assigned to the attorney.

**Example:** Attorney Johnson, EOIRID 1234ABC, with client 012345678, filing an asylum application would name the document: 5678\_1234ABC\_AsylumApplication

- **Preserving Originals:** the filing party must maintain the originals of any documents that are electronically filed and must make the originals available for production, if so ordered, or for inspection upon request by a party.
- **Certificate of Service:** every filing must include a separate certificate of service. For an example of a certificate of service, please see the [Immigration Court Practice Manual](#) or NIJC's sample [here](#).

### **Preparing Your E-Filing Email**

- **Subject Line:** the subject of your email must contain the nature of the filing, the alien registration number, the date of the next hearing, and the initials of the immigration judge assigned to the case.

**Example:** A filer of a motion to continue with a case with alien registration number 012345678 and a hearing date on 01/02/2021 would input, "Motion to Continue - 012345678 - 01/02/2021" in the subject line of the email.

If the filer knows the hearing is scheduled before Judge William A. Jones, the subject would be, "Motion to Continue - 012345678 - 01/02/2021 - WAJ"

- **Filing Multiple Documents:** while multiple documents **for the same case** may be submitted in one email, **do not combine separate submissions into one file**. Each document type must be submitted separately and include the type of filing in the file name.

**Example:** an email could include a (1) pre-hearing brief for respondent John Smith; (2) supporting documentation for respondent John Smith; and (3) a motion for telephonic expert testimony in the case of respondent John Smith, so long as those three submissions were attached as separate files.

In contrast, one email should not include a (1) pre-hearing brief for respondent John Smith and (2) a motion to continue for respondent Jane Smith **unless** John and Jane Smith are husband and wife or parent and child in consolidated proceedings. (If attaching two filings for two respondents in consolidated proceedings, be sure to note in the email that they are consolidated respondents.)

- **Service on Opposing Counsel:** you must still serve a copy of your filing on ICE-Office of Chief Counsel by mail or via the ICE eService Portal. For more information on the Portal, please [click here](#). Be aware that accessing the Portal requires advance registration and approval by ICE-OCC.
- **Confirming Receipt:** although EOIR's instructions assert that they cannot confirm receipt at this time, NIJC strongly recommends that attorneys send e-filing emails check the "request delivery receipt" option in their email to attempt to confirm receipt by EOIR. In NIJC's

recent experience, the sender will also receive an automatic response from EOIR confirming receipt of the email. Upon receiving the delivery receipt email from the email server, NIJC recommends that attorneys save the email delivery receipt in their client file for future use.

*Please check NIJC's website [here](#) regularly for updates regarding the impact of COVID-19 on the immigration system.*