

Mandamus Information Session Q&A

WHO can file a Mandamus lawsuit?

- 1. Is this presentation for defensive applicants?**
 - No, this presentation only applies to asylees who have been waiting several years for an interview or decision in their cases.
- 2. Is it possible to file an appeal if USCIS does not grant me asylum after the interview?**
 - No. If your asylum application is denied after your interview, you will have the opportunity to argue your case again in front of Immigration Court just like other asylum seekers.

Contacts with USCIS

- 3. Do I need to first request USCIS to expedite my case before filing the lawsuit? I contacted them twice about the status of the case... and I just got the same automatic response stating its pending.**
 - While it is not required, we highly recommend you do so before pursuing a mandamus. In your complaint for a mandamus, you will list the things you have done to try to move your case forward. The more methods you show, the stronger your case will be. This includes: contacting USCIS, requesting an expedited interview, putting yourself on the short-list, contacting your local representatives, and sending a letter saying you will pursue a Mandamus action (“threat letter”). Find out more about these actions on our Backlog Action page: <https://www.rifnyc.org/backlog-actions>
TIP:* Be sure to keep a list of **every contact you have with USCIS about your case (when, how, etc.) with a note of their response (if any).
- 4. Can I get a sample letter threatening to sue them?**
 - Yes! If you would like a “threat letter” example, please email martha@rifnyc.org.

What does the process look like?

- 5. Following a successful mandamus action, does the interview scheduled follow the same procedures as the regular interview?**
 - Yes, the timeline for interviews follows the same schedule as non-mandamus-related cases. The mandamus suit requires USCIS to respond to you, but there is no set requirement for how quickly you can be scheduled.

6. My lawyer is preparing my case for an amended petition. Is mandamus and amendment of case the same thing?

- No, they are not the same. When filing an amended application, you are working with USCIS to update or fix any information in your original application. Mandamus is a lawsuit against USCIS designed to force them to take action on your pending application. If you have been waiting for an interview for more than three years, you may want to consider a mandamus as well as amending your application. This is something to discuss with an attorney who is able to file mandamus lawsuits where you reside.

7. If the self-filed mandamus is rejected, can it be filed again without a lawyer?

- Yes. Many courts tend to be understanding of people filing cases *pro se* (on their own). However, due to the cost of filing a case, it is best to do what you can to avoid having to re-file. Each court has a “*pro se* clinic” where they have people there to support those filing without a lawyer. We recommend visiting these offices if they are available in your local U.S. District Court.