A "Blues" Print for Removal Practice: Procedures in Immigration Court

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June 13–16, 2012

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WHAT IS A NOTICE TO APPEAR?

- Deportation/Exclusion
  - Before April 1, 1997
  - Order to Show Cause (OSC)

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U.S. Department of Justice
Immigration and Naturalization Service

Show Cause and Notice of Hearing

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act
(En los procedimientos de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No.
(No. de registro) A-[redacted]

Date
(Fechada) APR 17 1996

In the matter of
(En el asunto de) [redacted] (Respondent)
(Demandado)

Address
(Domicilio) [redacted]

Telephone No.(Area Code)
(Núm. de teléfono y código de área) [redacted]

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

(1) You are not a citizen or national of the United States;
(Usd. no es ciudadano o nacional de los Estados Unidos)

(2) You are a native of MACEDONIA and a citizen of MACEDONIA;
(Usd. es nativo de) (y ciudadano de)

(3) You entered the United States at or near PONCE, PR on or about September 8, 1993;
(Usd. entró a los Estados Unidos en o cerca de PONCE, PR el día o hacia con fecha 8 de Septiembre 1993;)

(4) You were not then inspected by an immigration officer.
(Usd. no fue inspeccionado entonces por un funcionario de inmigración)

9/20/96

Form I-221 (Rev. 4/1/91) N

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Immigration and Naturalization Service

to Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)

Dated (Fechada): APR 17 1996

Respondent (Demandado): [redacted]

File No. (No. de registro): A[redacted]

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:
(**Y** según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:)

Section 241 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that you entered the United States without inspection.
(Sección 241 (a) (1) (B) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que Ud. entró a los Estados Unidos sin inspección)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:
(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

RODINO FEDERAL BLDG. 970 BROAD ST., RM. 1135
Address NEWARK, NJ 07102-0000
(Dirección)

On (Fecha): August 1, 1996 At (Hora): 9:00AM

and show cause why you should not be deported from the United States on the charge(s) set forth above.
(y mostrar motivos justificantes por cual no debería ser deportado de los Estados Unidos por los cargos especificados anteriormente.)

Dated (Fechada): APR 17 1996

Signature of Issuing Officer (Firma del funcionario que lo expide)

City and State of Issuance LYNDHURST, NJ (Ciudad y Estado donde se expide)

Title of Issuing Officer (Título del funcionario que lo expide): Supervisory Asylum Officer

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This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any change of your address or telephone number in writing to this office:

Debe presentar la Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la misma dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a:

The Office of the Immigration Judge
RODINO FEDERAL BLDG. 970 BROAD ST., RM. 1135
NEWARK, NJ 07102-0000

Certificate of Translation and Oral Notice

This Order to Show Cause [ ] was [X] was not read to the named alien in the MACEDONIAN language, which he/she understands.

Date | Signature | Printed Name and Title of Translator

Address of Translator (if other than INS employee) or office location and division (if INS employee)

(If oral notice was not provided please explain)

Manner of Service	Alien's Right Thumb Print
[X] Personal Service to Alien	
[ ] Certified Mail - Return Receipt Requested	
[ ] Alien	
[ ] Counsel of Record	

Certificate of Service

This Order to Show Cause was served by me at LYNDHURST, NJ on April 17, 96 at 1:00 pm.

Officer's Signature | Printed Name: K. Smith | Title: IO | Office: JFK

[redacted]
Alien's Signature (acknowledgement/receipt of this form)
(Firma de extranjero/acuse de recibo)

Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

Signature of Respondent (Firma del demandado) | Date (Fecha)

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U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los trámites de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América)

File No. (No. de registro): [redacted]

Dated (Fechada): February 26, 1996
(26 de Febrero 1996)

In the matter of (En el asunto de): [redacted] [redacted] (Respondent) (Demandado)

Address (Dirección): c/o Garden State Reception and Youth Correctional Facility

Post Office Box 11401, Yardville, New Jersey 08620

Telephone No. (Area Code) (No. de teléfono y código de área): (609) 298-6300 ext. 116

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

1) You are not a citizen or national of the United States:
(Ud. no es ciudadano o nacional de los Estados Unidos)

2) You are a native of Trinidad and a citizen of Trinidad
(Ud. es nativo de) (y ciudadano de)

3) You entered the United States at or near New York, New York on or about July 18, 1980
(Ud. entró a los Estados Unidos en o cerca de) (el día o hacia esa aproximadamente de julio 1980)

4) At that time you entered as a nonimmigrant:
(En ese momento, Ud. entró como no inmigrante)

5) On March 22, 1988, you adjusted your status to an immigrant at Newark, New Jersey:
(En el día 22 de marzo 1988, Ud. fue ajustado su estado a inmigrante en Newark, New Jersey)

6) You were, on February 7, 1993 convicted in the New Jersey Superior Court, Passaic County for the offense of Possession of controlled dangerous substance (Cocaine) with intent to distribute in violation of NJS 2C:35-5(a)(1)
(Ud. resulto convicto el 7 de febrero 1993 en el tribunal Superior de New Jersey, Condado de Passaic por el delito de posesion de una sabstancia controlada peligrosa (cocaina) con intencion de distribuir en violacion de NJS 2C:35-5(a)(1))

OSC #331

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U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

Continuation Page
(Hoja complementaria)

Respondent: [redacted]
(Demandado)

Date: February 26, 1996
(Fecha/día): 26 de febrero 1996
File No.: [redacted]
(No. de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provisions of law:
(Y según las alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposiciones de la ley:)

Section 241 (a) (2) (B) (i) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802).

(Sección 241 (a) (2) (B) (i) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que, en algún momento después de su entrada, Ud. ha resultado convicto de una violación de (o una conspiración o intento de violación) de cualquier ley o reglamento de un Estado, los Estados Unidos, o de un país extranjero referente a una sustancia controlada (según se define en la sección 102 de la Ley de Sustancias Controladas, 21 U.S.C. 802).)

Section 241 (a) (2) (A) (iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of an aggravated felony as defined in section 101 (a) (43) of the Act.

(Sección 241 (a) (2) (A) (iii) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que, en algún momento después de su entrada, Ud. ha resultado convicto de una felonía agravada, según se define en la sección 101 (a) (43) de la INA.)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:
(POR LO CUAL SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

Address (Dirección): Room 1135, 970 Broad Street, Newark, New Jersey 07102
(Fecha): A date and time to be set (se fijaran la fecha y la hora) At (Hora) m.

and show cause why you should not be deported from the United States on the charge(s) set forth above.
(y mostrar motivos justificantes por cual no debera ser deportado de los Estados Unidos por los cargo(s) expresados anteriormente.)

Date (Fecha): 29 March 1996
Signature of Issuing Officer (Firma del funcionario que lo expide): Asst. Dist. Director

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This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any changes of your address or telephone number in writing to this office.

Esta Orden de Presentar Motivos Justificantes será registrada con la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a

The Office of the Immigration Judge
970 Broad Street, Room 1135
Newark, New Jersey 07102

Certificate of Translation and Oral Notice

This Order to Show Cause [X] was [ ] was not read to the named alien in the English language, which is his/her native language or a language which he/she understands.

Special Agent
Printed Name and Title of Translator

MAIL: INS/Essex/Hudson Dist., 970 Broad Street, Newark, New Jersey 07102
Address of translator or other non-INS employee or INS Service and Address of INS employee

PHONE: 201 645-2240

(If oral notice was not provided please explain.)

Manner of Service	Alien's Right Thumb Print
[X] Personal Service to Alien	
[ ] Certified Mail - Return Receipt Requested	
[ ] Alien	
[ ] Counsel of Record	

Certificate of Service

This Order to Show Cause was served by me at Garden State Prison on April 12, 19 96
at 8:00 a.m.

Officer's Signature — Printed Name: Chris Carter — Special Agent, Newark, New Jersey Office

Alien's Signature (acknowledgment/receipt of this form)
(Firma de extranjero/acuse de recibo)

Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)

To expedite determination of my case, I request an immediate hearing, and cover my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

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REMOVAL

- On or after April 1, 1997
- Notice to Appear (NTA)
  - Note: Visa Waiver Aliens give up the right to have their case heard in front of an immigration judge, unless they are seeking political asylum only.

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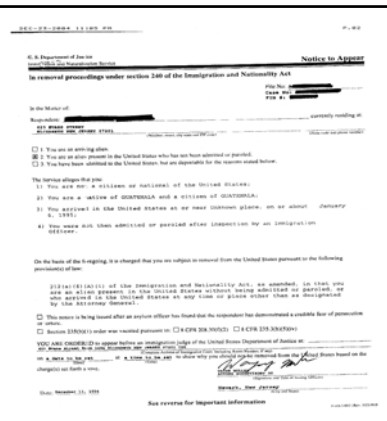

DEC-23-2004 11:05 PM P.02

U. S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: [redacted]
Case No: [redacted]
PIN #: [redacted]

In the Matter of:

Respondent: [redacted] currently residing at:

[redacted]

☐ 1. You are an arriving alien.
☒ 2. You are an alien present in the United States who has not been admitted or paroled.
☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

1) You are not a citizen or national of the United States;

2) You are a native of GUATEMALA and a citizen of GUATEMALA;

3) You arrived in the United States at or near Unknown place, on or about January 5, 1995;

4) You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: [redacted]

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: December 23, 1999

Deputy, New Jersey

See reverse for important information

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DEC-23-2004 11:06 PM P.03

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If the document is in a foreign language, you must bring the original and a translation. If you intend to offer a document, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will be given an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence offered by the Government, and to cross-examine witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such applications to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing, orders, and other documents will be mailed to this address. If you do not submit Form EOIR-33 and do not provide an address at which you may be located during proceedings, then the last address you provided will be used to send you notices or documents. If you fail to appear at your hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

(Signature and Title of INS Officer)

Date: 12-13-04

(Signature of Respondent)

Certificate of Service

This Notice to Appear was served on the respondent by me on December 23, 1999 (date) in the following manner and in compliance with section 239(a)(1)(F) of the Act:

☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☐ Attached is a list of organizations and attorneys which provide free legal services.

The alien was given oral notice in the Spanish language of the time and place of his or her hearing and of the crime (crimes) or failure to appear as provided in section 240(b)(7) of the Act.

[redacted]
IMMIGRATION OFFICER
(Signature and Title of Officer)

(Signature of Respondent if Personally Served)

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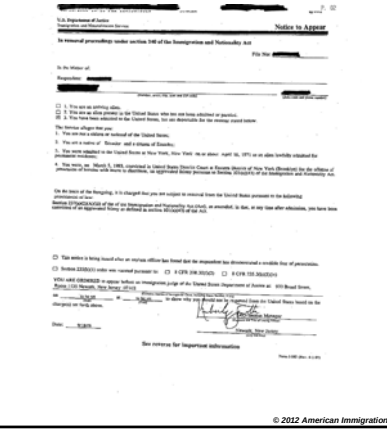

[redacted] P. 02

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: [redacted]

In the Matter of:

Respondent: [redacted]

[redacted]

☐ 1. You are an arriving alien.
☐ 2. You are an alien present in the United States who has not been admitted or paroled.
☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of Ecuador and a citizen of Ecuador;

3. You were admitted to the United States at New York, New York on or about April 16, 1971 as an alien lawfully admitted for permanent residence;

4. You were, on March 3, 1983, convicted in United States District Court, at Eastern District of New York (Brooklyn) for the offense of possession of heroin with intent to distribute, an aggravated felony pursuant to Section 101(a)(43) of the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an Aggravated Felony as defined in section 101(a)(43) of the Act.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 970 Broad Street, Room 1100 Newark, New Jersey 07102

on [illegible] at [illegible] to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: [illegible]

Deputy Attorney
Immigration Judge
Newark, New Jersey
07102

See reverse for important information

Form I-862 (Rev. 8-1-97)

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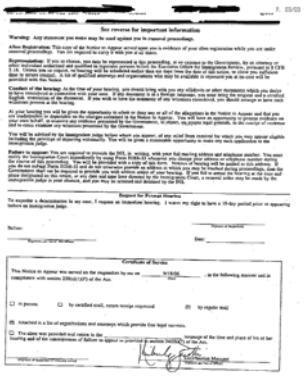

See reverse for important information

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1.1(f). Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and representatives who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If you plan to call witnesses, you should be prepared to present them at the hearing through witnesses or by affidavit. If you wish to have the assistance of an interpreter convertibly, you should arrange to have such interpreter present at the hearing.

At your hearing you will have the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are removable as sustained on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross-examine any witnesses presented by the Government.

You will be advised by the Immigration Judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing, notices of entry of a decision, and other notices will be sent to you at your last address on file with the Immigration Court. Immigration Court staff may be required to provide you with different time, date and place of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time thereafter to which your case may be changed by the Immigration Judge in your absence, and you may be ordered removed in your absence by the Immigration Judge.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an Immigration Judge.

Before: _____ Date: _____

Certificate of Service

This Notice to Appear was served on the respondent by me on _____ in the following manner and in compliance with section 239(a)(1)(F) of the Act.

☐ in person ☐ by certified mail, return receipt requested ☐ by regular mail

☐ Attached is a list of organizations and attorneys which provide free legal services.

☐ The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(5) of the Act.

_____ Immigration Officer

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Immigration Court Practice Manual

- Available online at: http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm
- The manual describes procedures, requirements, and recommendations for practice before the immigration courts. The requirements are binding on all parties unless an immigration judge directs otherwise in a particular case. [Chapter 1.1(b)]

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Immigration Court Practice Manual

- SOME IMPORTANT RULES:
  - File a Notice of Appearance using Form EOIR-28 (not a G-28)! [Chapter 2.1(b)]. Your client does not need to sign the EOIR-28.

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Immigration Court Practice Manual

- Change of Address:
  - For a client: file Form EOIR-33/IC. [Chapter 2.2(c)]
  - For an attorney: file a written Notice of Change of Address (draft your own sample pleading) and Form EOIR-28 FOR EACH CASE! [Chapter 2.2(h)]

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- Filing with the Court:
  - Documents not deemed filed until received by the clerk of the court. The mailbox rule is not observed. [Chapter 3.1(a)(iii)].

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Immigration Court Practice Manual

- Filing Deadlines:
  - Master Calendar Hearings:
    - Non-detained aliens: 15 days in advance of the hearing if requesting a ruling at the hearing; otherwise, in advance or in open court during the hearing. [Chapter 3.1(b)(i)(A)].
    - Detained aliens: As specified by the court. [Chapter 3.1(b)(i)(B)].

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Immigration Court Practice Manual

- Filing Deadlines:
  - Individual Hearings:
    - Non-detained aliens: 15 days in advance of the hearing. Does not apply to exhibits of witness offered solely to rebut and/or impeach. Responses must be submitted within 10 day after the original filing. Objections may be made at any time. [Chapter 3.1(b)(ii)(A)].
    - Detained aliens: As specified by the court. [Chapter 3.1(b)(ii)(B)].

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- Filing Deadlines
  - Appeals:
    - Notice of Appeal must be filed with the Board of Immigration Appeals within 30 calendar days after the immigration judge issues an oral or written decision. [Chapter 3.1(b)(v)].

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Immigration Court Practice Manual

- Filing Deadlines:
  - Counting days: The day of the hearing is "day 0". Count either forward or backwards depending upon the type of deadline. If a deadline falls on a Saturday, Sunday or legal holiday, the deadline is construed to fall on the next business day.
    [Chapter 3.1(c)(ii)(B-C)].

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Immigration Court Practice Manual

- Service on Opposing Party: A copy of all documents filed with the court must be served upon the opposing party and must include a "Proof (Certificate) of Service." [Chapter 3.2(a)]
- Content of certain types of filings: [Chapter 3.3(c)(i)(A-F)]: applications for relief; proposed exhibits; witness lists; motions to reopen; motions to reconsider; other filings.

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Immigration Court Practice Manual

- Filing Fees: Must be paid to the Department of Homeland Security. The immigration court does not collect fees. [Chapter 3.4(a)].
- Helpful Tips:
  - Prepare Pre-Trial Statements. [Chapter 4.18(b)].
    - DHS will rarely, if ever, file these. It's a great way for you to get in front of the judge with your case first and narrow the issues. ICE attorneys will often stipulate to facts they may have not otherwise after reading a pre-trial statement.

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Immigration Court Practice Manual

- Helpful Tips:
  - Prepare "Nice Looking" packages. What's that old saying - you never get a second chance to make a first impression?
  - Follow the suggested content list. [Chapter 4.19(c)]

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Introduction To Master Calendar Hearings And Individual Hearings

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Master Calendar Hearing

- Service of Charging Document
- Reading of Charges
- Admit or Deny Charges
- Admit or Deny Deportability/Removability
- Relief Sought

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Reliefs

- Deportation
  - Suspension of Deportation
- Removal
  - Cancellation of Removal
    - Permanent Residents
    - Non-Permanent Residents
- Deportation/Removal
  - Termination
  - Naturalization
  - Adjustment of Status
  - I-751 Removal of Conditions
  - Political Asylum
  - Withholding
  - Article III Torture Convention
  - 212(c)
  - 212(h)
  - 212(i)
  - Voluntary Departure

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Individual Hearing

- Hearing
  - Immigration Judge
  - Chief Counsel (Trial Attorney)
  - Respondent
  - Witnesses
- After Hearing
  - Either side may appeal

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Evidence Issues

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Evidence—What, if Any, Rules Apply

- Immigration judges are not bound by strict rules of evidence
- Removal Proceedings:
  - Evidence must be relevant and fundamentally fair
    - *Matter of Ponce-Hernandez,* 22 I&N Dec. 784 (BIA 1999)

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Evidence—What, if Any, Rules Apply

- Removal Proceedings:
  - Admission of evidence is favored but must be relevant and fundamentally fair, *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980); *Matter of Toro*, 17 I&N Dec. 340 (BIA 1980); *Matter of Lam*, 14 I&N Dec. 168 (BIA 1972)

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Evidence—What, if Any, Rules Apply

- Removal Proceedings:
  - Federal Rule 401 – Definition of Relevant
  - Evidence in removal proceedings under INA §240: 8 CFR §1240.7
  - Evidence in pre-IIRAIRA exclusion proceedings, 8 CFR §1240.32(b) ("IJ shall receive and adduce material and relevant evidence….")
  - Evidence in pre-IIRAIRA deportation proceedings, 8 CFR §1240.46

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Evidence—What, if Any, Rules Apply

- Removal Proceedings:
  - Hearsay-generally, admissible, but still worthwhile arguing inadmissibility at times
  - Immigration judge has a duty to make sure record is complete, *Matter of S-M-J-*, 21 I&N Dec. 722 (BIA 1997)
- Bond Proceedings:
  - Any information available to the immigration judge, 8 CFR §1003.19(d)

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Tips on Testimony

- Prepare yourself and your witness!!!
- Know your judge
- Know what your witness will say
- Develop themes

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Tips on Preparing for the Hearing

- Have a plan (as much as possible):
  - Draft questions (some do, some don't, but be prepared)
  - Make an outline
  - Be ready to think on your feet or "shoot from the hip," as needed
  - Dress appropriately (have client do so, as well)

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Questions & Answers

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