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### **(a) Generally**

Master calendar hearings are held for pleadings, scheduling, and other similar matters. See subsection (e), below.

### **(b) Request for a Prompt Hearing**

To allow the respondent an opportunity to obtain counsel and to prepare to respond, at least ten days must elapse between service of the Notice to Appear (Form I-862) on the respondent and the initial master calendar hearing. The respondent may waive this ten-day requirement by signing the “Request for Prompt Hearing” contained in the Notice to Appear. The respondent may then be scheduled for a master calendar hearing within the ten-day period. See INA § 239(b)(1).

### **(c) Notification**

The Notice to Appear (Form I-862) served on the respondent may contain notice of the date, time, and location of the initial master calendar hearing. If so, the respondent must appear at that date, time, and location. If the Notice to Appear does not contain notice of the date, time, and location of the initial master calendar hearing, the respondent will be mailed a notice of hearing containing this information. If there are any changes to the date, time, or location of a master calendar hearing, the respondent will be notified by mail at the address on record with the immigration court. See [Chapter 2.2\(c\)](#) (Address Obligations).

### **(d) Arrival**

Parties should arrive at the immigration court prior to the time set for the master calendar hearing. Attorneys and representatives should check in with the immigration court staff and sign in, if a sign-in sheet is available. Parties should be mindful that they may encounter delays in passing through mandatory security screening prior to entering the court. See [Chapters 4.8](#) (Attendance), [4.14](#) (Access to Court).

### **(e) Scope of the Master Calendar Hearing**

As a general matter, the purpose of the master calendar hearing is to:

- advise the respondent of the right to an attorney or other representative at no expense to the government
- advise the respondent of the availability of free and low-cost legal service providers and provide the respondent with a list of such providers in the area where the hearing is being conducted
- advise the respondent of the right to present evidence
- advise the respondent of the right to examine and object to evidence and to cross-examine any witnesses presented by the Department of Homeland Security
- explain the charges and factual allegations contained in the Notice to Appear (Form I-862) to the respondent in non-technical language
- take pleadings
- identify and narrow the factual and legal issues
- set deadlines for filing applications for relief, briefs, motions, pre-hearing statements, exhibits, witness lists, and other documents
- provide certain warnings related to background and security investigations
- schedule hearings to adjudicate contested matters and applications for relief
- advise the respondent of the consequences of failing to appear at subsequent hearings
- advise the respondent of the right to appeal to the Board of Immigration Appeals

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See INA §§ [240\(b\)\(4\)](#), [240\(b\)\(5\)](#), 8 C.F.R. §§ [1240.10](#), [1240.15](#).

### (f) Opening of a Master Calendar Hearing

The Immigration Judge turns on the recording equipment at the beginning of the master calendar hearing. The hearing is recorded except for off-the-record discussions. See [Chapter 4.10](#) (Record). On the record, the Immigration Judge identifies the type of proceeding being conducted (e.g., a removal proceeding); the respondent's name and alien registration number ("A number"); the date, time, and place of the proceeding; and the presence of the parties. The Immigration Judge also verifies the respondent's name, address, and telephone number. If the respondent's address or telephone number have changed, the respondent must submit an Alien's Change of Address Form (Form EOIR-33/IC).

If necessary, an interpreter is provided to an alien whose command of the English language is inadequate to fully understand and participate in the hearing. See [Chapter 4.11](#) (Interpreters), subsection (o), below. If necessary, the respondent is placed under oath.

### (g) Pro Se Respondent

If the respondent is unrepresented ("pro se") at a master calendar hearing, the Immigration Judge advises the respondent of his or her hearing rights and obligations, including the right to be represented at no expense to the government. In addition, the Immigration Judge ensures that the respondent has received a list of providers of free and low-cost legal services in the area where the hearing is being held. The respondent may waive the right to be represented and choose to proceed pro se. Alternatively, the respondent may request that the Immigration Judge continue the proceedings to another master calendar hearing to give the respondent an opportunity to obtain representation.

If the proceedings are continued but the respondent is not represented at the next master calendar hearing, the respondent will be expected to explain his or her efforts to obtain representation. The Immigration Judge may decide to proceed with pleadings at that hearing or to continue the matter again to allow the respondent to obtain representation. If the Immigration Judge decides to proceed with pleadings, he or she advises the respondent of any relief for which the respondent appears to be eligible. Even if the respondent is required to enter pleadings without representation, the respondent still has the right to obtain representation before the next hearing. See [Chapter 4.4](#) (Representation).

### (h) Entry of Appearance

If a respondent is represented, the representative should file any routinely submitted documents at the beginning of the master calendar hearing. The representative must also serve such documents on the opposing party. See [Chapter 3.2](#) (Service on the Opposing Party). Routinely-submitted documents include the Notice of Appearance (Form EOIR-28) and the Alien's Change of Address Form (Form EOIR-33/IC). See [Chapters 2.1\(b\)](#) (Entering an Appearance), [2.2\(c\)](#) (Address Obligations), [2.3\(h\)\(2\)](#) (Address Obligations of Represented Aliens).

### (i) Pleadings

At the master calendar hearing, the parties should be prepared to plead as follows.

**(1) Respondent** - The respondent should be prepared:

- to concede or deny service of the Notice to Appear (Form I-862)
- to request or waive a formal reading of the Notice to Appear (Form I-862)
- to request or waive an explanation of the respondent's rights and obligations in removal proceedings
- to admit or deny the charges and factual allegations in the Notice to Appear (Form I-862)
- to designate or decline to designate a country of removal
- to state what applications(s) for relief from removal, if any, the respondent intends to file
- to identify and narrow the legal and factual issues
- to estimate (in hours) the amount of time needed to present the case at the individual calendar hearing
- to request a date on which to file the application(s) for relief, if any, with the immigration court
- to request an interpreter for the respondent and witnesses, if needed

A sample oral pleading is included in [Appendix L](#) (Sample Oral Pleading). To make the master calendar hearing process more expeditious and efficient, representatives are strongly encouraged to use this oral pleading format.

**(2) Department of Homeland Security** - The DHS attorney should be prepared:

- to state DHS's position on all legal and factual issues, including eligibility for relief
- to designate a country of removal
- to file with the immigration court and serve on the opposing party all documents that support the charges and factual allegations in the Notice to Appear (Form I-862)
- to serve on the respondent the DHS biometrics instructions, if appropriate

**(j) Written Pleadings**

In lieu of oral pleadings, the Immigration Judge may permit represented parties to file written pleadings, if the party concedes proper service of the Notice to Appear (Form I-862). See [Appendix K](#) (Sample Written Pleading). The written pleadings must be signed by the respondent and the respondent's representative.

The written pleading should contain the following:

- a concession that the Notice to Appear (Form I-862) was properly served on the respondent
- a representation that the hearing rights set forth in 8 C.F.R. § [1240.10](#) have been explained to the respondent
- a representation that the consequences of failing to appear in immigration court have been explained to the respondent
- an admission or denial of the factual allegations in the Notice to Appear (Form I-862)
- a concession or denial of the charge(s) in the Notice to Appear (Form I-862)
- a designation of, or refusal to designate, a country of removal
- an identification of the application(s) for relief from removal, if any, the respondent intends to file
- a representation that any application(s) for relief will be filed in accordance with the deadlines directed by the Immigration Judge, or, if the Immigration Judge has not directed a deadline, the deadlines contained in the EOIR Policy Manual
- an estimate of the number of hours required for the individual calendar hearing
- a request for an interpreter, if needed, that follows the guidelines in subsection (o), below
- if background and security investigations are required, a representation that:
  - the respondent has been provided Department of Homeland Security (DHS) biometrics instructions
  - the DHS biometrics instructions have been explained to the respondent
- the respondent will timely comply with the DHS biometrics instructions prior to the individual calendar hearing
- the consequences of failing to comply with the DHS biometrics instructions have been explained to the respondent
- a representation by the respondent that he or she:
  - understands the rights set forth in 8 C.F.R. § [1240.10](#) and waives a further explanation of those rights by the Immigration Judge
  - if applying for asylum, understands the consequences under INA § [208\(d\)\(6\)](#) of knowingly filing or making a frivolous asylum application
  - understands the consequences of failing to appear in Immigration Court or for a scheduled departure
  - understands the consequences of failing to comply with the DHS biometrics instructions
  - knowingly and voluntarily waives the oral notice required by INA § [240\(b\)\(7\)](#) regarding limitations on discretionary relief following an in absentia removal order, or authorizes his or her representative to waive such notice
  - understands the requirement in 8 C.F.R. § [1003.15\(d\)](#) to file an Alien's Change of Address Form (Form EOIR-33/IC) with the Immigration Court within five (5) days of moving or changing a telephone number

Additional matters may be included in the written pleading when appropriate. For example, the party may need to provide more specific information in connection with a request for an interpreter. See subsection (p), below.

**(k) Background Checks and Security Investigations**

For certain applications for relief from removal, the Department of Homeland Security (DHS) is required to complete background and security investigations. See 8 C.F.R. § [1003.47](#); [OPPM 05–03, Background and Security Investigations in Proceedings before Immigration Judges and the Board of Immigration Appeals](#) (Mar. 28, 2005). For non-covered relief, such investigations are not required but may warrant a discretionary grant of a continuance for DHS to complete the investigations. See 8 C.F.R. § [1003.47\(j\)–\(k\)](#). Questions regarding background checks and security investigations should be addressed to DHS.

**(1) Non-detained cases** - If a non-detained respondent seeks relief requiring background and security investigations, the DHS attorney provides the respondent with the DHS biometrics instructions. The respondent is expected to promptly comply with the DHS biometrics instructions by the deadlines set by the Immigration Judge. Failure to timely comply with these instructions will result in the application for relief not being considered unless the applicant demonstrates that such failure was the result of good cause. 8 C.F.R. § [1003.47\(d\)](#).

The Immigration Judge must, on the record, inform the respondent (1) that DHS has provided her with a biometrics instruction form; (2) of the date she must comply with those instructions; and (3) that failure to comply with those instructions or later provide biometric or other biographical information to DHS, without good cause, will constitute abandonment of the application for relief and an order will be entered dismissing the application. [OPPM 05–03, Background and Security Investigations in Proceedings before Immigration Judges and the Board of Immigration Appeals](#) (Mar. 28, 2005).

In all cases in which the respondent is represented, the representative should ensure that the respondent understands the DHS biometrics instructions and the consequences of failing to timely comply with the instructions.

**(2) Detained cases** - If background and security investigations are required for detained respondents, DHS is responsible for timely fingerprinting the respondent and obtaining all necessary information. See 8 C.F.R. § [1003.47\(d\)](#).

### **(l) Asylum Clock**

The immigration court operates an asylum adjudications clock which measures the length of time an asylum application has been pending for each asylum applicant in removal proceedings. The asylum clock is an administrative function that tracks the number of days elapsed since the application was filed, not including any delays requested or caused by the applicant and ending with the final administrative adjudication of the application. This period also does not include administrative appeal or remand.

Where a respondent has applied for asylum, the Immigration Judge determines during the master calendar hearing whether the case is an expedited asylum case. If so, the Immigration Judge asks on the record whether the applicant wants an “expedited asylum hearing date,” meaning an asylum hearing scheduled for completion within 180 days of the filing. If the case is being adjourned for an alien-related reason, the asylum clock will stop until the next hearing.

Certain asylum applicants are eligible to receive employment authorization from the Department of Homeland Security (DHS) 180 days after the application is filed, not including delays in the proceedings caused by the applicant. To facilitate DHS’s adjudication of employment authorization applications, the Executive Office for Immigration Review (EOIR) provides DHS with access to its asylum adjudications clock for cases pending before EOIR. See INA §§ [208\(d\)\(2\)](#), [208\(d\)\(5\)\(A\)\(iii\)](#); 8 C.F.R. § [1208.7](#).

### **(m) Waivers of Appearances**

Respondents and representatives must appear at all master calendar hearings unless the Immigration Judge has granted a waiver of appearance for that hearing. Waivers of appearances for master calendar hearings are described in subsections (1) and (2), below. Respondents and representatives requesting waivers of appearances should note the limitations on waivers of appearances described in subsection (3), below.

Representatives should note that a motion for a waiver of a representative’s appearance is distinct from a representative’s motion for a telephonic appearance. Motions for telephonic appearances are described in subsection (n), below.

**(1) Waiver of representative's appearance** - A representative's appearance at a master calendar hearing may be waived only by written motion filed in conjunction with written pleadings. See subsection (j), above. The written motion should be filed with a cover page labeled "MOTION TO WAIVE REPRESENTATIVE'S APPEARANCE" and comply with the deadlines and requirements for filing. See Chapter 3 (Filing with the Immigration Court), Appendix E (Sample Cover Pages). The motion should state the date and time of the master calendar hearing and explain the reason(s) for requesting a waiver of the representative's appearance.

**(2) Waiver of respondent's appearance** - A respondent's appearance at a master calendar hearing may be waived by oral or written motion. See 8 C.F.R. § 1003.25(a). If in writing, the motion should be filed with a cover page labeled "MOTION TO WAIVE RESPONDENT'S APPEARANCE" and comply with the deadlines and requirements for filing. See Chapter 3 (Filing with the Immigration Court), Appendix E (Sample Cover Pages). The motion should state the date and time of the master calendar hearing and explain the reason(s) for requesting a waiver of the respondent's appearance.

### **(3) Limitations on waivers of appearances**

**(A) Waivers granted separately** - A waiver of a representative's appearance at a master calendar hearing does not constitute a waiver of the respondent's appearance. A waiver of a respondent's appearance at a master calendar hearing does not constitute a waiver of the representative's appearance.

**(B) Pending motion** - The mere filing of a motion to waive the appearance of a representative or respondent at a master calendar hearing does not excuse the appearance of the representative or respondent at that hearing. Therefore, the representative or respondent must appear in person unless the motion has been granted.

**(C) Future hearings** - A waiver of the appearance of a representative or respondent at a master calendar hearing does not constitute a waiver of the appearance of the representative or respondent at any future hearing.

### **(n) Telephonic Appearances**

In certain instances, respondents and representatives may appear by telephone at some master calendar hearings at the

Immigration Judge's discretion. For more information, parties should contact the immigration court.

An appearance by telephone may be requested by written or oral motion. If in writing, the motion should be filed with a cover page labeled "MOTION TO PERMIT TELEPHONIC APPEARANCE" and comply with the deadlines and requirements for filing. See Chapter 3 (Filing with the Immigration Court), Appendix E (Sample Cover Pages). The motion should state the date and time of the master calendar hearing and explain the reason(s) for requesting a telephonic appearance. In addition, the motion should state the telephone number of the representative or respondent.

Parties requesting an appearance by telephone should note the guidelines in subsections (1) through (5), below.

**(1) Representative's telephonic appearance is not a waiver of respondent's appearance** - Permission for a representative to appear by telephone at a master calendar hearing does not constitute a waiver of the respondent's appearance at that hearing. A request for a waiver of a respondent's appearance at a master calendar hearing must comply with the guidelines in subsection (m), above.

**(2) Availability** - A representative or respondent appearing by telephone must be available during the entire master calendar hearing.

**(3) Cellular telephones** - Unless expressly permitted by the Immigration Judge, cellular telephones should not be used for telephonic appearances.

**(4) Pending motion** - The mere filing of a motion to permit a representative or respondent to appear by telephone at a master calendar hearing does not excuse the appearance in person at that hearing by the representative or respondent. Therefore, the representative or respondent must appear in person unless the motion has been granted.

**(5) Future hearings** - Permission for a representative or respondent to appear by telephone at a master calendar hearing does not constitute permission for the representative or respondent to appear by telephone at any future hearing.

#### **(o) Other Requests**

In preparation for an upcoming individual calendar hearing, the following requests may be made at the master calendar hearing or afterwards, as described below.

**(1) Interpreters** - If a party anticipates that an interpreter will be needed at the individual calendar hearing, the party should request an interpreter, either by oral motion at a master calendar hearing, by written motion, or in a written pleading. Parties are strongly encouraged to submit requests for interpreters at the master calendar hearing rather than following the hearing. A written motion to request an interpreter should be filed with a cover page labeled "MOTION TO REQUEST AN INTERPRETER," and comply with the deadlines and requirements for filing. See [Chapter 3](#) (Filing with the Immigration Court), [Appendix E](#) (Sample Cover Pages).

A request for an interpreter, whether made by oral motion, by written motion, or in a written pleading, should contain the following information:

- the name of the language requested, including any variations in spelling
- the specific dialect of the language, if applicable
- the geographical locations where such dialect is spoken, if applicable
- the identification of any other languages in which the respondent or witness is fluent
- any other appropriate information necessary for the selection of an interpreter

**(2) Video testimony** - In certain instances, witnesses may testify by video at the individual calendar hearing, at the Immigration Judge's discretion. Video testimony may be requested only by written motion. For more information, parties should contact the immigration court.

A written motion to request video testimony should be filed with a cover page labeled "MOTION TO PRESENT VIDEO TESTIMONY," and comply with the deadlines and requirements for filing. See [Chapter 3](#) (Filing with the Immigration Court), [Appendix E](#) (Sample Cover Pages). A motion to present video testimony must include an explanation of why the witness cannot appear in person. In addition, parties wishing to present video testimony must comply with the requirements for witness lists. See [Chapter 3.3\(g\)](#) (Witness lists).

If video testimony is permitted, the Immigration Judge specifies the time and manner under which the testimony is taken.

**(3) Telephonic testimony** - In certain instances, witnesses may testify by telephone, at the Immigration Judge's discretion. If a party wishes to have witnesses testify by telephone at the individual calendar hearing, this may be requested by oral motion at the master calendar hearing or by written motion. If telephonic testimony is permitted, the court specifies the time and manner under which the testimony is taken. For more information, parties should contact the immigration court.

A written motion to request telephonic testimony should be filed with a cover page labeled "MOTION TO PRESENT TELEPHONIC TESTIMONY," and comply with the deadlines and requirements for filing. See [Chapter 3](#) (Filing with the Immigration Court), [Appendix E](#) (Sample Cover Pages). In addition, parties wishing to present telephonic testimony must comply with the requirements for witness lists. See [Chapter 3.3\(g\)](#) (Witness lists).

**(A) Contents** - An oral or written motion to permit telephonic testimony must include:

- an explanation of why the witness cannot appear in person
- the witness's telephone number and the location from which the witness will testify

**(B) Availability** - A witness appearing by telephone must be available to testify at any time during the course of the individual calendar hearing.

**(C) Cellular telephones** - Unless permitted by the Immigration Judge, cellular telephones should not be used by witnesses testifying telephonically.

**(D) International calls** - If international telephonic testimony is permitted, the requesting party should bring a pre-paid telephone card to the immigration court to pay for the call.

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