Sanctuary for Families

THE DEFENSIVE ASYLUM PROCESS

Introduction to Removal Proceedings

U.S. immigration laws govern the conditions under which noncitizens may lawfully enter and remain within the borders of the United States. This highly complex and ever-evolving set of laws is meant to allow the United States to weigh the economic, societal and humanitarian interests of the country when determining whether or not to allow the entry and the temporary or permanent presence of a noncitizen in the United States.

A noncitizen that is deemed to satisfy these interests and who is therefore allowed to enter or remain here is generally granted an immigration status under which they are to do so. There are close to a hundred different status types under which a noncitizen may be lawfully present in the United States. Each status has different eligibility criteria, affords the noncitizen different rights, and imposes strict duties on the noncitizen. Lacking immigration status or violating the terms of a status may result in the government's initiating hearings against the noncitizen for purposes of removing them from the United States which are commonly referred to as "removal proceedings."

Although there are a variety of hearings[1] used by the U.S. Government to refuse a noncitizen the right to enter or remain in the United States, our discussion will focus on removal proceedings under Section 240 of the Immigration and Nationality Act (INA).

An affirmative applicant for asylum who unsuccessfully interviews with an asylum office will be referred to removal proceedings under INA §240. In these cases, proceedings represent a second bite at the apple, as clients have the opportunity to present their asylum claim *de novo* before an immigration judge. We often succeed in winning asylum for our clients at this level. In other cases, a client has come to us having already entered into immigration proceedings, and we decide to request asylum for the first time as a defense against removal. These are called defensive asylum applications.

In either scenario, please carefully review the Immigration Court Practice Manual at https://www.justice.gov/eoir/office-chief-immigration-judge-0. This manual sets forth the governing rules of practice before the immigration court. Be sure to use the online version as the print version does not reflect many important updates.

The Players

1. DOJ, EOIR, Immigration Judges
2. DHS, ICE, Office of Chief Counsel
3. Your client (the "Respondent") and you.

Removal Proceedings Under Immigration and Nationality Act §240

[1] Judicial removal, as described at INA § 238(c)(1); administrative removal, as described at INA § 238(b)(1) and INA § 238(b)(2); expedited removal, as described at INA § 235(b)(1)(A)(i).

Removal proceedings broadly consist of two types of hearings, the Master Calendar hearing and an Individual hearing, both of which are outlined below. Your client will participate in both. The Master Calendar hearing is an initial or preliminary hearing before an Immigration Judge. The purpose of Master Calendar hearings is to substantiate allegations against your client, identify any relief from removal, set timelines for the submission of evidence, and to agree to the manner and format of the remainder of the case.

The Individual hearing, also known as the merits hearing, is an evidentiary hearing in which the parties resolve the disputed issues identified at the Master Calendar hearing and where the Respondent (your client) presents evidence and arguments in favor of the asylum application. This hearing generally includes opening and closing statements and direct and cross examination of witnesses. It is after the individual hearing that the Judge issues an oral or written decision. If the Immigration Judge decides against you, your client will be ordered removed from the United States.

In more complex cases, Immigration Judges also sometimes schedule case conferences, or pre-trial conferences, to receive updates on the status of a case. As these hearings are case-specific, please reach out to your Sanctuary contact for an in-depth discussion of how to best prepare for any specific case conference.

To find out if your client has been scheduled for an immigration hearing, and the specifics of that hearing, please call 1-800-7180 and enter your client's immigration identification number (also called an "alien registration number" or "A number"), a nine-digit number that you should be able to find on any immigration-related correspondence.

Your client, or clients, must be present at every single hearing before an Immigration Judge or risk being removed *in absentia*. Although the Judge may waive some of your client's appearances, and will likely waive appearance of school-aged children, a waiver of appearance must be arranged ahead of time, either orally at a prior hearing, or by filing a Motion to Waive Respondent's Appearance.

Getting Started

1. **Address whether your client is properly in removal proceedings**
2. **Filing a defensive asylum application**
3. **Master Calendar Hearing**[2]
4. **Individual Hearing**[3]

1. **How to determine if your client is properly in removal proceedings**

Many of a noncitizen's interactions with U.S. authorities can result in their being placed in removal proceedings via the issuance of a **Notice to Appear (NTA)** on Form I-862. The following are some instances of when an individual may be placed in removal proceedings:

[2] Please see "Checklist for Master Calendar Hearing" included in the next chapter of this practice manual.
[3] Please see "Checklist for Individual Hearing" included in the next chapter of this practice manual.

- At the U.S. border if a noncitizen has not been lawfully admitted into the United States and comes into contact with Customs and Border Protection (CBP) officers.[4]

- When a noncitizen who was never admitted into the United States or whose immigration status has expired (either because their lawful term of stay in the United States has expired or because U.S. immigration authorities believe that the noncitizen has violated the terms of their status) comes into contact with immigration authorities (often at airports, train and bus stations, or during a search that occurs within 100 miles of the U.S. border).

- Being caught in immigration raids.

- After the denial of an application for immigration benefits.

Removal proceedings under INA § 240 may be instituted against noncitizens held in immigration detention centers, but the majority of removal cases on the Immigration Court docket are against individuals who are not in immigration detention.

a. Notice to Appear

Removal proceedings under INA § 240 are initiated by service of a NTA on Form I-862. There are three classifications of noncitizens in removal who have had NTAs issued against them: 1) "arriving aliens," 2) "aliens present in the United States without admission or parole," and 3) aliens who have been "admitted to the United States but who are removable" for certain reasons outlined in the NTA.

1) **Arriving aliens** are defined as "applicant[s] for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport."[5] Persons deemed to be arriving aliens, and by operation of law deemed to be seeking admission to the United States, are subject to inspection by immigration authorities.[6] If, upon inspection, authorities decide to initiate removal proceedings, the noncitizen will be charged as inadmissible under the grounds of inadmissibility under INA § 212.

2) "**Aliens present in the United States without admission or parole**" are noncitizens who are physically in the United States without having been admitted under the INA and deemed inadmissible and subject to removal.[7] Removal proceedings against aliens present in the United States without admission or parole are based upon the grounds of inadmissibility under INA § 212.

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[4] INA 101(a)(13).
[5] 8 C.F.R. § 1.2.
[6] INA § 235(a)(3).
[7] INA § 212(a)(6)(A)(i), INA § 240(a)(2).

3) Removal proceedings against **noncitizens previously admitted to the United States but removable for certain reasons** will generally be based upon the grounds of deportability under INA § 237.[8] This category includes individuals who entered lawfully on a visa that has since expired and legal permanent residents, *aka* green card holders not charged as arriving aliens.

NTAs must include the minimum information required by statute.[9] An NTA that does not include the minimum information is deficient on its face and will allow an individual to challenge their removal proceedings, or ask that the removal proceedings be terminated.

An NTA, at minimum, must specify the following information:[10]

- The nature of the proceedings;
- The legal authority under which the proceedings are conducted;
- The charges against the individual and the statutory provisions alleged to have been violated;
- Notice that an individual may be represented by counsel, at no cost to the government;
- A list of persons available to provide pro bono representation in proceedings;
- The requirement that the individual must immediately provide (or have provided) a written record of an address and telephone number (if any) where they may be contacted during removal proceedings;
- The requirement that any change in address or telephone number be immediately submitted and the consequences of failing to provide notice of the change; and
- The consequences of the failure, except under exceptional circumstances, to appear at the hearing.[11]

NTAs must be served upon the noncitizen, or their attorney of record, by written notice in person or by first class mail to the noncitizen's address.[12] Service is generally deemed complete upon mailing. If the noncitizen is represented by an attorney, service is proper if the NTA is sent to or received by the attorney and not the noncitizen. Improper service, particularly where the NTA is concerned, can be grounds for terminating removal proceedings. If you believe that your client was not properly served, you must raise this issue before the Immigration Court immediately, or the Court will deem the issue abandoned.[13]

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[8] INA § 240(a)(2).
[9] INA § 240.
[10] INA § 239, 8 U.S.C.A. § 1229.
[11] Under INA § 212(a)(6)(B), failure to attend removal proceedings is a ground of inadmissibility.
[12] INA § 239(a)(1), (c).
[13] Nolasco v. Holder, 637 F.3d 159, 162 (2d Cir. 2011)

Proceedings must be scheduled no earlier than 10 days after service of the NTA.[14] However, an individual does have a right to waive the 10-day period and request an immediate hearing. An NTA may include the time and place of the hearing or may state that the hearing is "to be set." Where an NTA does not initially provide the time and date of the removal hearing and states that the information will be forthcoming, the mailing of a subsequent Notice of Hearing together will satisfy the requirements of service under INA § 239(a)(1).[15]

i. Challenging Removal Proceedings based on defective Notice to Appear

The bases upon which an NTA may be defective are almost limitless. It is your responsibility to review the NTA closely to find any errors upon which removal proceedings can be challenged, such as improper service, lack of minimum information, etc.

2. Filing a defensive asylum application

a. When to file

An applicant who is in removal proceedings following a referral from the asylum office will not need to re-file an asylum application with the immigration court, as the court will already have a copy in the record. You may file updated and additional materials, including an errata with any updates to the previously filed I-589, prior to the call-up date for the individual hearing, discussed below.

An applicant who has not previously filed an affirmative application for asylum will need to file their application with the immigration court. Asylum applicants must file their I-589 asylum application before the one-year anniversary of your client's arrival in this country, unless they qualify for an exception based on changed or extraordinary circumstances.[16] If your client last arrived in the United States less than one year ago, you must file the application before one year has passed since your client's arrival, and you should aim to allow at least a week for any administrative or other errors in filing.

If your client's asylum filing deadline will pass before the date of your first Mater Calendar hearing, you must file the asylum application at the window of the Immigration Court or by mail in advance of the Master Calendar hearing to comply with the one-year filing deadline. See Executive Office for Immigration Review (EOIR) Operating Policies and Procedures Memorandum 16-01: Filing Applications for Asylum, available at https://www.justice.gov/sites/default/files/pages/attachments/2016/09/14/oppm_16-01.pdf and included in this manual at Tab 20, for more information on meeting the asylum filing deadline in such circumstances as well as procedures for starting the "clock" for your client's employment authorization eligibility. An application for asylum submitted as evidence in support of a motion to the Immigration Court is not considered to be filed, and must be submitted separately. *Id.* An application is deemed filed upon receipt by the Immigration Court. Even if your client's filing deadline is several months away after the date of the master calendar, it is in your client's best interests to file the application as soon as possible at the window of the Immigration Court or by mail so that they may become eligible for certain benefits.

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[14] INA § 239(b)(1).
[15] See Guamanrrigra v. Holder, 670 F.3d 404 (2d Cir. 2012); 8 C.F.R. § 1003.18.
[16] INA § 208(a)(2)(B), 8 C.F.R. § 1208.4(a)(2).

As described later in this manual, your client should be eligible to apply for an employment authorization document (EAD) 150 days after the immigration court receives their asylum application (as calculated by the immigration court "clock," which may be accessed by calling 1-800-7180 and entering your alien registration number). Additionally, in New York, asylum applicants are eligible for state-funded Medicaid.[17] If your client arrived more than one year ago, you must not be responsible for any additional delay in filing and you should do your best to file as quickly as possible and speak with your Sanctuary contact regarding any changed or extraordinary circumstances exceptions to the one-year filing deadline that may apply to your client.

b. Completing Form I-589

An application for asylum is initiated by filing Form I-589, available at www.uscis.gov. Please be sure to read the form's online instructions in their entirety before finalizing your filing.

When you fill out the form, be sure to respond to every single question, even if you must answer "N/A" or "unknown" by hand. An application will be rejected if there are any empty boxes. Also, after printing out your completed Form I-589, be sure to review your answer to each question before submission, as glitches in the pdf version of the form may automatically change your answer from "yes" to "no," or vice versa.

For the purpose of the initial filing, we recommend that you include only brief answers to the substantive questions that make up the second half of the application. Your answers should fit inside the boxes provided, and you should not submit lengthy addenda. Because time may pass between filing the application and submitting supporting documentation, corrections may have to be made to the substance of the I-589 if overly detailed answers are submitted this early in the process. That said, minor changes to Form I-589 can be made on the day of the individual hearing.

c. What to File

A defensive asylum filing should consist of the following (in order):

(1) Form EOIR-28, Notice of Entry of Appearance (printed on light green paper)
(2) Cover Page
(3) The original, signed form I-589
(4) Proposed Exhibits (with table of contents) including a complete copy of your client's passport from front to back, or if a passport is unavailable, a copy of your client's birth certificate, national identification card, or other form of identification.
(5) Proof of service

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[17] According to the New York State Department of Health, "[a]n alien who establishes that he or she is PRUCOL [Permanently Residing in the United States under Color of Law] is eligible for State Medicaid and FHPlus benefits if the alien meets the program's financial and other eligibility requirements." 08 OHIP/INF-4. The New York State Department of Health definition of PRUCOL includes any aliens who "have filed official applications with the federal immigration agency, typically USCIS or EOIR, for a particular immigration status or to obtain other relief." 08 OHIP/INF-4.

The initial application packet should include Form I-589 and copies of identity documents for your client and any family members included in the application. You should hold off on filing your client's affidavit or any other supplementary statements with your initial I-589 application, as you will need to cross-check details in all your supporting documents, including expert and fact witness affidavits, for accuracy and consistency. On Form I-589, be sure to include a passport-style photograph stapled to page 9 of Form I-589. For each derivative child or spouse who is in the United States also in removal proceedings, please include a separate copy of Form I-589 with the derivative's passport-style photograph attached to page 9 along with a copy of their passport or other identifying document. Please see the Immigration Court Practice Manual for samples of the EOIR-28, Cover Page, Table of Contents, and Proof of Service requirements.

You must provide a certified translation of any document not in English, with the exception of passports. If your client does not have any form of identification, or if there are discrepancies between you client's documents and the information your client claims is accurate, you may need to explain this in the client's affidavit.

The initial application package submitted to the Immigration Court should be to two-hole punched at the top and fastened together using a simple, two pronged fastener. Please submit one extra copy of the initial I-589 packet, as per the USCIS "Special Instructions" for Form I-589 available at https://www.uscis.gov/i-589. The copy of the I-589 packet should also be fastened together using a two pronged fastener.

d. Where to file

After preparing your I-589 filing, make sure you have an original and two (2) copies of the filing. (The original signed filing for the Court, one copy for ICE OCC, and one copy for yourself, which you will need to have time stamped by the Court as proof of acceptance). Make sure your filing includes a Certificate of Service. You must file the original with the actual court that has jurisdiction over your client's case, and serve a copy on ICE OCC. If filing with the Immigration Court by mail, please include a self-addressed stamp envelope and an additional copy of the cover page of your filing. The Court will stamp this additional copy and mail it back to you as proof of acceptance of the filing. *See* Section 3(c)(iv), Serving the Immigration and Customs Enforcement Office of Chief Counsel (ICE OCC) and the Immigration Court, for more information regarding procedures surrounding filing with ICE Counsel and the Court.

After you application is accepted by the immigration court, you must comply with biometric processing requirements discussed below in Section 4(c)(iii) by filing the first three pages of the defensive Form I-589 asylum application, a Form G-28 signed by you and your client, and a copy of the USCIS defensive filing instructions (available at https://www.uscis.gov/sites/default/files/files/article/PreOrderInstr.pdf and attached at Tab 19). In response, USCIS will issue a receipt notice and a biometrics notice containing a scheduled date and time for your client to appear at the nearest USCIS processing center to be fingerprinted.

3. Master Calendar Hearing

a. Purpose

Please note that your client may be eligible not only for asylum but also other forms of relief from removal. You should connect with your contact at Sanctuary well in advance of the initial Master Calendar hearing to discuss any other immigration options your client may have besides asylum. In some cases, your client may already have another immigration application pending with U.S. Citizenship and Immigration Services (USCIS) at the time the NTA is issued. In other cases, your client may need to file these other applications as soon as possible as another defense to removal. It is in your client's best interest to apply for multiple forms of relief concurrently.

You and your client must appear at the initial Master Calendar since your client is the Respondent in the removal proceedings. If your client's children are also in proceedings, they must appear as well unless excused by the Immigration Judge. The purpose of a Master Calendar hearing in Immigration Court is similar to that of a pre-trial hearing in any other court. At a Master Calendar, the Immigration Judge identifies the issues in the case (that your client is being charged with inadmissibility or removability), sets filing deadlines, and sets the date for the merits hearing (aka individual trial).

Sometimes it is necessary to have more than one Master Calendar hearing. For example, if a noncitizen needs time to secure counsel or to await adjudication of an immigration application that might have a bearing on the removal proceedings.

Some cases can receive summary disposition at the Master Calendar stage. For example, if a noncitizen accepts voluntary departure, or if removability is clearly shown and the noncitizen has no available relief, or if a noncitizen is in lawful status despite the alleged grounds of inadmissibility or removability on the NTA. In such instances, the Immigration Judge will issue an oral order and the proceedings will end.

b. Preparing for a Master Calendar Hearing

Contact the U.S. Immigration and Customs Enforcement Office of Chief Counsel (ICE OCC) before the Master Calendar hearing. ICE OCC, a part of the Department of Homeland Security (DHS), represents the government in the proceedings against your client. You can find contact information for ICE Offices of Chief Counsel here: https://www.ice.gov/contact/legal

If you believe that your client has a basis for having the proceedings against them terminated (i.e., approval on another application is pending, an approval notice has arrived, or client is prima facie eligible for that status) the first step would be to call ICE OCC and ask if they would be willing to join on a motion to terminate.[18] You may reach ICE OCC New York by calling to (212) 264-5916 to speak with the duty attorney assigned to cover the phone that day. Alternatively, you can ask OCC for prosecutorial discretion or to join on a motion for administrative closure and avoid proceedings for your client altogether. It is important to contact OCC prior to the first Master Calendar hearing as the OCC attorney may agree to join a motion once he or she becomes familiar with your case.

Discuss with your client what will happen on the date of the Master Calendar Hearing. (See "Checklist for Master Calendar Hearing" included in the next chapter of this manual).

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[18] As noted earlier, when an NTA is filed with the Immigration Court, jurisdiction vests with the Court and only an Immigration Judge can terminate proceedings. See Matter of G-N-C-, 22 I &N Dec. 281 (BIA 1998).

c. Written Motions

Motions can be filed at any time. Any motion submitted to the Court prior to the Master Calendar hearing must be filed at least 15 calendar days before the hearing.[19] However, it is best to file as early as possible to allow ICE OCC plenty of time to respond. Delays caused by external forces will not be taken into account by the Court to determine if you timely filed a motion; you are expected to anticipate any delay that may arise.[20] (Note: For clients who are in immigration detention, filing deadlines are different and beyond the scope of this manual. Please contact your Sanctuary contact with questions in any such case). All motions filed with the Court must also be served on OCC. Given the time-sensitive nature of immigration proceedings and the possibility that you may be retained close to the date of a scheduled hearing, you should consider filing some of the motions below with the Court at the same time. Please discuss the specific filing procedures for each Court and Immigration Judges' specific preferences with your Sanctuary contact.

All motions submitted to the Court must follow the instructions set forth in the Immigration Court Practice Manual available at https://www.justice.gov/sites/default/files/pages/attachments/2016/02/04/practice_manual_-_02-08-2016_update.pdf#page=102. Depending on the circumstances of your client's case, you may wish to file a motion to change venue, waive your or your client's presence and appear telephonically, or to terminate proceedings based on approved status or due process violations.

After your client is scheduled for their Master Calendar or Individual hearing, it is important to keep track of any applicable filing deadlines and biometrics. Deadlines may differ according to whether your client's second appearance is another Master Calendar hearing or their Individual hearing.

If your client is scheduled for another Master Calendar hearing, the Judge may want an update of the status of your case depending on the type of relief being sought. If you received the continuance to submit proof of a filed application at the second Master Calendar hearing, you should bring three copies of the filed application and receipt notices to the hearing. After submitting your application or informing the Court of the status of your case, you may ask the Court to administratively close the case until you have a decision. (See section in this chapter on "Oral Motions").

i. Motion to Change Venue

It is possible that your client was placed in removal proceedings in a different jurisdiction. If so, unless the Immigration Judge originally assigned to the case has already granted a motion to change venue, your client must appear at the removal hearing where he or she was scheduled to do so, with or without counsel.

A change of venue can only be obtained by filing a motion with the Immigration Court presiding over the proceedings; you cannot file the motion in your jurisdiction.

A Motion to Change Venue requires that the non-filing party receive notice and have an opportunity to respond. See 8 C.F.R. § 1003.20(b). The motion must include the following:

- cover page

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[19] See Immigration Court Practice Manual, ch. 3.1(b)(i).
[20] See Immigration Court Practice Manual, ch 3.1(c)(iii).

- the date and time of the next scheduled hearing
- written pleadings, signed by your client, and including the affirmation of rights and waivers as required by the Immigration Court Manual
- a designation or refusal to designate a country of removal
- if requesting relief from removal, a description of the basis for eligibility
- the address and telephone number of the location at which the Respondent will be residing if the motion is granted
- if there has been a change of address, a properly completed Alien's Change of Address Form (Form EOIR-33/IC)
- a detailed explanation of the reasons for the request
- Table of Contents
- evidence
- Certificate of Service establishing service of a copy of the motion upon ICE OCC

The Immigration Judge may grant the motion if the moving party demonstrates that there is good cause for the change after conducting a relevant factors balancing test.[21] Factors include:

- Administrative convenience
- Expeditious treatment of the case
- Location of witnesses, if any
- Cost of transportation of witnesses or evidence
- Reason for not obtaining counsel elsewhere

ii. Motion for Counsel's Telephonic Appearance

You can request to be allowed to appear at a hearing telephonically by filing a Motion to Appear Telephonically.[22] It is often good to file this motion (in the alternative), when filing a Motion to Change Venue. The Motion to Appear Telephonically must state the reasons for the request and the specific time and date of the hearing. You must also include your telephone number.
Please note that a granted Motion for Telephonic Appearance does not waive your client's presence, and it does not extend to any future hearings.[23] If you wish to appear telephonically at a second hearing, you will have to submit a new motion requesting the right to do so.

A Motion for Telephonic Appearance must include the following:

- cover page
- date and time of the scheduled Master Calendar hearing
- a detailed explanation of the reasons for the request
- Table of Contents
- evidence
- Certificate of Service establishing service of a copy of the motion upon ICE OCC

iii. Motion to Waive Respondent's Appearance

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[21] See Matter of Rahman, 20 I&N Dec. 480 (BIA 1992).
[22] See Immigration Court Practice Manual, ch 4.15(n).
[23] See Immigration Court Practice Manual, ch 4.15(n)(i) and ch 4.15(n)(v).

You may also file a Motion to Waive Respondent's Appearance for good cause shown.[24] A Motion to Waive Respondent's Appearance must state the date and time of the scheduled hearing and the reasons for the request. If you client's appearance is waived, you must still appear before the Court.[25]

A Motion to Waive Respondent's Appearance must include the following:

- cover page
- date and time of the scheduled Master Calendar hearing
- a detailed explanation of the reasons for the request
- Table of Contents
- evidence
- Certificate of Service establishing service of a copy of the motion upon ICE OCC

iv. Motion to Terminate

A motion to terminate proceedings is a request to the Court to end all removal proceedings pending against your client. The motion may be submitted in writing or requested orally in Immigration Court. As with all filings with the Court, ICE OCC must be served a copy of the motion.

The motion needs to state the reason why you are seeking termination (i.e. your client's lawful status) and must include copies of the approved lawful status. If, prior to your client's next hearing, he or she receives a favorable decision on an application for relief and is now in lawful status, you should file a Motion to Terminate Proceedings with the Immigration Court.

A written Motion to Terminate Proceedings must include the following:

- cover page
- the date and time of the next scheduled hearing
- a detailed explanation of the reasons for the request
- Table of Contents
- evidence of acquired lawful status
- Certificate of Service for proof of submitting a copy of the motion to ICE OCC

v. Joint Motion to Terminate Proceedings

You may consider filing a Joint Motion to Terminate Proceedings with ICE OCC. While OCC is not required to join in your motion, they may agree to do so if you can demonstrate that your client has obtained lawful status.

Procedure for requesting ICE OCC to join a motion to terminate:

- Call your local ICE OCC and ask to speak with the Assistant Chief Counsel handling your client's case (you will need the client's A#)
- The Assistant Chief Counsel may request certain evidence they want to see before deciding whether to join any motion to terminate proceedings
- Submit request to OCC. Include:
    - a cover letter - explaining your request and outline your arguments for the motion

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[24] See 8 C.F.R. § 1003.25 (a).
[25] See Immigration Court Practice Manual, ch 4.15(m)(ii).

    - cover page - indicate "JOINT MOTION" on top right of cover page, highlighted in yellow
    - Joint Motion
    - Table of Contents
    - evidence
    - Proposed Order Terminating Proceedings for the Judge to sign
- Follow up with OCC

vi. **Serving the Immigration and Customs Enforcement Office of Chief Counsel (ICE OCC) and the Immigration Court**

Service of papers in person. After preparing your court filing, make sure you have an original and two (2) copies of the filing. (The original signed filing for the Court, one copy for ICE OCC, and one copy for yourself, which you will need to have time stamped). Make sure your filing includes a Certificate of Service. You must file with the actual court that has jurisdiction over your client's case. For example, if your client is in proceedings in New York City, you will need to know if the court at Varick Street or 26 Federal Plaza has jurisdiction. The NTA or Notice of Hearing will indicate the court presiding over your client's case. Once you know which court to file in, take your filing to OCC to deliver a copy.[26] OCC has specific color-coded cover sheets that must be included with the filing. The color varies depending on the filing and routinely changes. Please call OCC or your Sanctuary for Families contact prior to filing to obtain sample cover sheets. Once you file with OCC, take your copy and the Court's copy to the Immigration Court clerk. The clerk should stamp your copy.

Service of papers by mail. When serving by mail, you should submit the filing via FedEx or UPS to ensure delivery. Note: The Court does not accept delayed filing if the delay was caused by your method of mailing. The original filing will again be submitted to the Court, along with an original Certificate of Service certifying that ICE OCC has been served with a copy. OCC should receive a copy of the filing you submit to the Court.

d. The Master Calendar Hearing

On the date of the hearing, arrive early to check in with the Judge's clerk. Give the clerk your Entry of Appearance as Attorney or Representative on Form EOIR-28 and give them the last three digits of your client's A number. Your case will be called in the order you check in. It is worth mentioning to the Judge's clerk that you are appearing pro bono as some judges will allow pro bono counsel to jump the queue and appear first.

The Immigration Judge will identify your case by calling out the last three digits of your client's A number. You and your client will sit at counsel's table. If your client has family members or children with them, they will not be allowed to sit at counsel's table. The Immigration Judge should be referred to as "Your Honor" or "Judge __."

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[26] If you have spoken to OCC and the ICE attorney handling your case has agreed to a joint motion, you should also email that attorney an electronic copy, in addition to filing according to these instructions.

Proceedings commence by the Judge going on the record, stating the name of your client, and that he or she is in removal proceedings. The Judge will ask that you and ICE OCC counsel enter your appearance on the record and then ask your client to state their name and confirm their address. If your client has moved since the time the NTA was issued, or if the NTA does not reflect your client's current address, the Judge will ask that you file a change of address with the Court and serve a copy on OCC. Additionally, the Judge will ask your client whether they are represented by the attorney accompanying them.

Next, the Judge will ask whether your client wishes to designate a country of removal. You should respectfully decline, at which point, the Judge will ask ICE OCC counsel to designate a country of removal. Subsequently, you will be asked whether your client admits or denies any of the allegations charged on the NTA. If you will admit or deny all of the allegations, you can tell the Judge so. Otherwise, you will have to plead to each charge individually. At this point, counsel for Respondent should also correct any errors listed on the NTA. Please note that ICE bears the burden of establishing the allegations listed on the NTA, and that, depending on the facts of your case, you may want to consider holding ICE to their burden before addressing any of the charges on the NTA.

If the Judge finds that your client is removable as charged, the Judge will ask whether your client has any available relief from removal. It is important to state all possible forms of relief at this time, including those in the alternative, to avoid foreclosing your opportunity to apply for a type of relief later on. Be mindful of the filing deadline for asylum applications (see INA § 208) as you might be required to file an asylum application in court on the date of your Master Calendar hearing, as discussed above.

If your client has already filed an affirmative application for relief from removal in addition to asylum, counsel should indicate this on the record and be prepared to submit a copy of the application for relief to the Immigration Judge and ICE OCC, including proof of filing. If no other application for relief has been filed but your client is eligible for additional forms of relief, counsel should request additional time to file such applications with the Court or USCIS (depending on whether the Court or DHS has jurisdiction over that form of relief). The Immigration Judge may ask that you state on the record whether the Respondent is prima facie eligible for the relief you are/will be seeking.

At the end of the Master Calendar, the Immigration Judge will issue warnings about failing to appear at the next hearing and set a date for the next hearing. If your case is scheduled for a merits (Individual) hearing, the Immigration Judge will set the deadlines (sometimes referred to as the "call-up date") for submitting applications, exhibits, and witness lists.

Depending on whether your client's defense to removal requires an application filed with the Immigration Court or USCIS, the Judge can either give you a deadline to file in court, an adjournment to allow an application to be filed with USCIS, or, in some cases, administratively close the case.

If the application will be filed with the Court, the Judge may give you an adjournment to prepare the filing and formally file in court or simply set your case for an Individual hearing and tell you that the application, exhibits, and if applicable, witness lists, will be due by a certain date before the

Individual Hearing. You can always file any documents well in advance of the hearing, following the guidelines of the Immigration Court Practice Manual and serving a copy on ICE OCC.

At the end of the Master Calendar hearing, the Judge will provide you with a Notice of Hearing that lists your next court date, or if none is scheduled, with a judicial order.

e. Oral Motions

At the end of the Master Calendar hearing, based on the Judge's ruling with regards to the filing of applications or receipt of evidence for previously filed applications, you may choose to make an oral motion to administratively close the case. Administrative closure is an order by the Court that removes the case from the Court's calendar but does not result in any kind of decision for your client's case.[27] Thus, since administrative closure does not result in any kind of decision on your client's case, the case is still "open," and you remain responsible for the case.

You or ICE OCC may wish to file for administrative closure and can do so by either oral motion at the Master Calendar hearing or by written motion before or after the hearing. One advantage of administrative closure is it removes the case from the Court's Calendar. Therefore you and your client do not have to appear before the Court numerous times while awaiting adjudication by USCIS of another petition for relief, a current priority date, etc.

In order to formally terminate the proceedings against your client, once you receive a decision on a pending application that grants your client status, the case must be recalendared on the Court's docket so that a Motion to Terminate can be filed.

In order to recalendar your client's case, a "Motion to Recalendar" that states the date and the reason the case was closed must be filed. *See* sample. If your client has moved, you must include an Alien's Change of Address Form (Form EOIR-33/IC) with the motion. Once the case is back on the Court's docket, you should file a Motion to Terminate Proceedings.

Additionally, the Immigration Judge may administratively close the case, even over the objections of ICE OCC.[28]

If your client was granted lawful status and you presented evidence of such status at the Master Calendar hearing, you may make an oral motion to terminate. Upon doing so, the Immigration Judge will ask ICE OCC whether they oppose your motion, and the Judge may or may not take into account any opposition by OCC.

Note: These motions can also be prepared in advance and submitted to the Court in writing.

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[27] Dees v. Billy, 394 F.3d 1290, 1294 (9th Cir. 2005) (noting that "[a]n order administratively closing a case is a docket management tool that has no jurisdictional effect"); Penn W. Assocs., Inc. v. Cohen, 371 F.3d 118, 128 (3d Cir. 2004) (finding that "an order merely directing that a case be marked closed constitutes an administrative closing that has no legal consequence"); South La. Cement, Inc. v. Van Aalst Bulk Handling, B. V., 383 F.3d 297, 302 (5th Cir. 2004) (holding "that administratively closing a case is not a dismissal or final decision.").

[28] Matter of Avetisyan, 25 I&N Dec. 688 (BIA 2012).

i. **Motion for Administrative Closure**

The Immigration Judge's decision whether to grant administrative closure must consider all relevant factors including:[29]

(1) the reason administrative closure is sought;
(2) the basis for any opposition to administrative closure;
(3) the likelihood the Respondent will succeed on any petition, application, or other action they are pursuing outside of removal proceedings;
(4) the anticipated duration of the closure;
(5) the responsibility of either party, if any, in contributing to any current or anticipated delay; and
(6) the ultimate outcome of removal proceedings (for example, termination of the proceedings or entry of a removal order) when the case is re-calendared before the Immigration Judge or the appeal is reinstated before the Board.

ii. **Motion to Terminate**

A motion to terminate proceedings is a request to the Court to end all removal proceedings pending against your client. The motion may be filed or requested orally in Immigration Court at any time after your client is granted lawful status. When making the motion, you will need to state the reason why you are seeking termination, i.e., your client's lawful status, and must include copies of the approved lawful status.

f. **Consequences of Failing to Appear**

It is very important that your client attend all hearings set by the Immigration Court. As mentioned earlier, failure to attend any hearing (unless the client's presence is waived) can have repercussions beyond the removal proceedings, including making your client subject to bars to re-entering the United States or precluding your client from applying for certain forms of relief in the future.

INA § 240(b)(7) sets forth the consequences when an individual in removal proceedings does not appear at a scheduled hearing. If the Immigration Judge has not waived your client's presence and he or she fails to attend any removal hearing after receiving proper notice under INA § 239, your client may be ordered removed in absentia.[30]

The Immigration Judge will order your client "removed in absentia" after failing to attend a hearing, if ICE "establishes by clear, unequivocal, and convincing evidence that" your client received proper notice of the hearing.[31] Proper notice of the hearing may be served on your client, or you, as the attorney of record. If your client failed to appear because she did not receive the notice, but that was due to a change of address that he or she did not file with the Immigration Court, improper service

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[29] Id.
[30] INA § 240(b)(5).
[31] INA § 240(b)(5)(A).

cannot be alleged.[32] Additionally, if your client receives notice by mail, the notice is not required to be in your client's native language.[33]

If your client was properly served under INA § 239 and received oral notice of the consequences of failing to appear in their native language or another language she understood, not only will she be ordered removed in absentia, but also become ineligible to apply for re-entry to the United States for a period of five years after entry of the order of removal or their physical departure from the United States.[34] Additionally, your client will be ineligible for certain forms of relief from removal, including cancellation of removal, voluntary departure and adjustment of status of nonimmigrant to that of person admitted for permanent residence, among others, for a period of 10 years after the entry of the order of removal.[35]

If your client is removed in absentia, the in absentia order of removal may only be rescinded by filing a Motion to Reopen; grounds for which are severely limited.[36]

4. Individual Hearing

a. Gathering evidence in support of your case

The Federal Rules of Evidence, although advisory, do not strictly apply in Immigration Court. In Immigration proceedings, the Court will consider all evidence that is relevant, probative and material and not fundamentally unfair, but the importance of the admitted evidence is the weight assigned to it by the Immigration Judge.[37]

Evidence presented in pre-hearing filings and at the individual hearing should be designed to establish your client's eligibility for the relief they are seeking and should weigh toward a favorable grant of discretion. Please note that any evidence not submitted to the Court prior to the Immigration Judge's order will not be considered on appeal.

When gathering evidence, you should keep in mind that the government will also be building a case against your client. Hence, it is not only important to gather evidence in support of your client's case, but also to dedicate time to gathering as much evidence as possible to refute any negative evidence the government may have against your client.

If your client has a prior immigration history, you must fully examine the government records by requesting your client's file from every immigration related agency she may have come in contact with by filing Freedom of Information Act (FOIA) requests. Additionally, work with your client to secure any records from their country and from any interactions with law enforcement in the United States and their home country.

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[32] INA § 239(a)(1)(F)(ii). INA § 240(b)(5)(B).
[33] See Lopez v. Gonzalez, 468 F.3d 81, 85 (2d Cir. 2006).
[34] INA § 240(b)(7).
[35] Id.
[36] 8 C.F.R. § 1003.23 (b)(1); 8 C.F.R. § 1003.23 (b)(4)(ii); 8 C.F.R. § 1003.23 (b)(4)(iv).
[37] 8 C.F.R. 1003.41, 8 C.F.R. 1287.6(b).

i. Freedom of Information Act (FOIA) requests

A noncitizen placed in removal proceedings is entitled to receive a full copy of their "alien file," also referred to as "A file."[38] In preparation for the case, you may wish to file a Freedom of Information Act (FOIA) to obtain your client's immigration file from the Court. Additionally, if your client has previously filed for an immigration benefit with the USCIS or was in the custody of Customs and Border Protection (CBP), you should file a FOIA with each agency (each agency has its own FOIA request procedures, as outlined below). FOIA requests can take a long time and should be filed well in advance of your next hearing.

ii. EOIR FOIA

A FOIA request to EOIR is submitted on a Department of Justice (DOJ) Certification of Identity form. The form should include as much information as possible about your client and must be signed by your client. Additionally, the form allows for the file to be released to another person and you may have the file sent to you rather than your client.

The request is filed with the Office of the General Counsel at EOIR, attn: FOIA Service Center, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041 or via email at EOIR.FOIARequests@usdoj.gov.[39]

After submitting your request, you will receive a notice acknowledging it and an estimate in the processing time.

iii. Customs and Border Protection (CBP) and United States Citizenship and Immigration (USCIS) FOIA Requests

FOIA requests to CBP and USCIS are submitted on DHS Form G-639. The form should include as much information as possible about your client and must be signed by your client. The form should be submitted with a cover letter and a completed G-28. After submitting your request, you will receive a notice acknowledging it and an estimate of the time it will take to process your request.

A CBP FOIA is especially helpful when a client has been detained at the border or an airport. During such an encounter, clients are interviewed by CBP officer and it is important to have copies of any statements your client may have made to authorities.

You can now request a CBP FOIA online at https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate.

iv. FBI Background Checks

An additional method to allow you to unearth information about your client's background is to file an FBI Background Check on their behalf. To obtain their record, your client should visit the New York Police Department Headquarters located at 1 Police Plaza, Room 152-a (Monday-Friday 9 a.m.

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[38] See 8 U.S.C. § 1229A(c)(2)(B); Dent v. Holder, 627 F.3d 365, 374 (9th Cir. 2010).
[39] Up to date instructions on filing FOIA requests with EOIR can be found here: http://www.justice.gov/eoir/efoia/foiafact.htm.

- 3 p.m.) to request that a set of fingerprint impressions be made on the FD-258 fingerprint form. Please note that the fee for these fingerprints is $15.00, payable by money order to the New York City Police Department. Once you have obtained the fingerprint impressions, forward these impressions, along with a signed request letter, and a certified check or money order in the amount of $18.00 made payable to the Treasury of the United States.

v. Documents From Your Client's Country of Origin

You should consider whether documentary evidence from your client's country of origin would help the case. Particularly in asylum cases or cases involving domestic violence in the home country, you should work with your client to obtain documented evidence such as police reports, court orders, or newspaper articles. Additionally, if there are any potential witnesses to facts you are alleging in the case, you are strongly encouraged to obtain signed and notarized affidavits. The affidavits should be requested ahead of time to allow you to study the statement and translate it if necessary. Please see the "Checklist for Supporting Documentation" chapter in this manual for other possible evidence that may be relevant and necessary to submit in your client's asylum case.

It is also important to have official records from your client's home country that establish their identity, custody issues, marriages, divorces, police complaints, and medical records where relevant. The first step is to speak with your client and find out whether any evidence exists and second, whether she has any family members or other persons who could assist in obtaining the necessary records. In some countries, these records may not exist or be easily accessible.

For more country specific information and what documents are readily available from each country and the methods for obtaining them, please visit the U.S. Department of State Visa Reciprocity page at http://travel.state.gov/visa/fees/fees_3272.html.

b. Suppression of evidence

Evidence that led to the initiation of removal proceedings (along with other evidence in removal proceedings) can be suppressed if the noncitizen can make a prima facie case via a Motion to Suppress that DHS evidence was unlawfully obtained. The Court may schedule a suppression hearing, at which the burden will be upon the Respondent to establish the illegality of DHS conduct. If the Respondent does so, the burden then shifts to DHS to justify how they obtained the evidence. If DHS cannot do so, the evidence will be suppressed.[40]

i. Fourth and Fifth Amendment Violations

Evidence can be excluded where there were "…egregious violations of the Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the evidence obtained" or where there is "good reason to believe that fourth amendment violations…were widespread".[41] A Fourth Amendment violation does not, by itself, justify use of the

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[40] For an in-depth discussion of the suppression of illegal evidence in removal proceedings, please see "Fundamentals of Immigration Law" p. 275-286, http://www.justice.gov/eoir/vll/benchbook/resources/Fundamentals_of_Immigration_Law.pdf.
[41] INS v. Lopez-Mendoza, 468 U.S. 1032 (1984).

exclusionary rule in civil deportation proceedings.[42] Fourth Amendment based challenges will favor the exclusion of evidence only when there is an egregious violation that is fundamentally unfair, or the violation undermines the reliability of the evidence in dispute.[43] Unlawful stops and warrantless arrests of a noncitizen should be closely examined to determine if there are grounds for arguing a Fourth amendment violation.

The due process clause of the Fifth Amendment mandates fair removal hearings and that evidence be used in a fundamentally fair manner.[44] Evidence obtained in violation of that Due Process Clause is suppressible.[45] Statements that were coerced must be excluded.[46] If your client was questioned by Immigration authorities, examine closely whether she was threatened, denied food or drink, or whether she was questioned under unduly harsh circumstances.

ii. **Violation of Federal Regulations**

Evidence obtained in violation of Federal regulations may also be suppressed if (1) the regulation that was violated is meant to serve "a purpose or benefit to the alien" and (2) the violation "prejudiced interests of the alien which were protected by the regulation".[47] To demonstrate prejudice, the Respondent must demonstrate that the outcome of the case would be different if the regulatory provision had not been violated.[48] Prejudice is presumed where (1) compliance with the federal regulation is mandated by the Constitution or (2) a procedural framework designed to ensure fair processing of an action affecting an individual is created, but not followed by an agency.[49] The conditions present at interrogations of noncitizens and the conditions of detention and arrests, especially those without a warrant, may involve a violation of Federal regulations.[50]

c. Hearing preparation

i. Submission of evidence

The Immigration Judge will set deadlines for the submission of evidence prior to the individual hearing. You must abide by the deadlines or risk losing the opportunity to introduce evidence. Evidence should be properly marked pursuant to the requirements at Chapter 3 of the Immigration Court Practice Manual.

Submission of Evidence should include:

- Cover page and caption,

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[42] Id. at 1039.
[43] Almeida-Amaral v. Gonzales, 461 F.3d 231, 234 (2d Cir.2006).
[44] Bridges v. Wixon, 326 U.S. 135, 154 (1945); Matter of Toro, 17 I&N Dec. 340, 343 (BIA 1980).
[45] Matter of Sandoval, 17 I&N Dec. 70, 83 n. 23 (BIA 1979) (citing Tashnizi v. INS, 585 F. 2D 781 (5th Cir. 1978).
[46] Matter of Garcia, 17 I&N Dec. 319, 321 (BIA 1980).
[47] Matter of Garcia-Flores, 17 I&N Dec. 325, 328 (BIA 1980).
[48] Martinez-Camargo v. INS, 282 F. 3d 487, 492 (7th Cir. 2002).
[49] Garcia-Flores, 17 I&N Dec. at 329; see Leslie v. Att' Gen., 611 F. 3d 171, 178 (3d Cir. 2010).
[50] Regulations addressing interrogation of noncitizens is at 8 C.F.R.§ 287.8(b)(1); 8 C.F.R.§ 287.8(b)(2); 8 C.F.R.§ 287.8(c)(2); 8 C.F.R.§ 287.5 (c)(1).

- Table of contents with page numbers identified (All documents, should be paginated by consecutive numbers placed at the bottom center or bottom right hand corner of each page)
- Each exhibit should be designated a letter for identification
- Each exhibit should have a corresponding alphabetic tab, commencing to the right side of the pages
- Certificate of Service on ICE OCC.

Your supporting documentation should be filed at this stage should include your client's affidavit, a psychological evaluation, and country conditions at a minimum. Please see the "Checklist for Supporting Documentation" chapter for other possible evidence that may be relevant and necessary to submit in your client's particular case. When you are ready to file your memorandum of law, table of exhibits, and supporting documentation, you should fasten the packet together using a two-pronged fastener as described above. You must also include one extra copy of the entire supplemental packet, as you did with the initial I-589 packet.

Your contact at Sanctuary for Families will provide you with technical assistance to help you prepare your client's submissions.

ii. Witness Lists

The Immigration Judge will set deadlines prior to the individual hearing to submit your witness list. Your list must include the name of all the witnesses; this should include all potential witnesses even if you think some may not be called. If a witness is not on the list, they will not be allowed to testify at trial. If applicable, include the A number of a witness. Each witness name should have the estimated length of the testimony and brief summary, the language in which the witness will testify, and if an expert, include their resume.

iii. Biometrics

Certain applications, including asylum, requires that your client comply with a security clearance, commonly known as "biometrics." See 8 C.F.R. § 1003.47(b).

Following the filing of the initial I-589 with the immigration court, you must initiate the biometrics process by filing a copy with USCIS, pursuant to the requirements discussed above in Section 2(d) and on the instruction sheet available at Tab 19.. Failure to provide biometrics within the time the Judge allows, "constitutes abandonment of the application and the Immigration Judge may enter an appropriate order dismissing the application unless the applicant demonstrates that such failure was the result of good cause." *See* 8 C.F.R. § 1003.47(c). Accordingly, if your client misses their biometrics appointment, their application may be denied unless good cause is shown for not attending the appointment.

In the past, when fingerprint checks expired, the respondent needed to be re-fingerprinted and checks would essentially be run anew. Starting March 31, 2016, however, biometrics, once captured, do not have to be retaken. Instead, by new regulations, biometrics will be "refreshed" using stored biometric information. This refresh will automatically occur through an internal process and will not require additional action by the respondent or counsel. However, if for any reason ICE and

USCIS are unable to refresh the prints electronically, USCIS will schedule the respondent for a fingerprinting appointment at an Application Support Center (ASC).
The new process does not change the respondent's obligation to be initially fingerprinted when filing a new relief application.

iv. Opening Statements & Closing Arguments

You should be prepared to give opening statements and closing statements. "Denial of the opportunity to present opening statements or closing arguments at a deportation proceeding may constitute a due process violation."[51]

v. Introduction of Evidence & Applicable Rules

The admission of evidence, including hearsay, is favored so long as the evidence is relevant and fundamentally fair.[52] The Federal Rules of Evidence are not binding in Immigration Court but can provide guidance when determining the admissibility of evidence. You may raise objections based on the Federal Rules. Always ensure that any objections made are made on the record, because if they are made off the record the issue cannot be raised on appeal.

vi. Direct and Cross Examination

Your client and any witnesses presented will be questioned by you, the ICE OCC attorney and possibly the Immigration Judge. You must ensure that you present evidence demonstrating all elements of the relief you are seeking before the Court.

Your client's testimony is central to your case, especially in cases where your client does not have corroborating evidence to support their claims. Some circuits have held that where testimony is deemed credible, corroborative evidence is not necessary to sustain a burden of proof.[53] All cases filed on or after May 11, 2005, are subject to the REAL ID Act of 2005, which governs the determination of credibility of a witness in Immigration Court. Credibility is determined by a totality of the circumstances, and the Judge may make a determination based on the witness' demeanor, candor, responsiveness, plausibility of the account given, consistency of the testimony, and consistency as compared with other evidence, among various other factors.

However, if there are any inconsistencies in the testimony, the Immigration Judge must allow an opportunity for the witness to clarify before making a ruling on the witness' credibility. Rulings on credibility must be supported by the record of the case and are subject to limited review on appeal.

During ICE OCC's case-in-chief, your client will also have a right to cross-examine their witnesses and evidence. However, there are exceptions when national security is at issue.[54]

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[51] Gilaj v. Gonzales, 408 F.3d 275 (6th Cir. 2005).
[52] See generally Niam v. Ashcroft, 354 F.3d 652, 659 (7th Cir. 2004). Matter of Ramirez-Sanchez, 17 I&N Dec. 503 (BIA 1980).
[53] *See* Dawaud V. Gonzalez, 42 F.3d 608, (7th Cir. 2005); *Yang v. Att'y Gen. of the U.S.*, 418 F.3d 1198 (11th Cir. 2005); Bellido v. Ashcroft, 367 F. 3d 840 (8th Cir. 2004).
[54] See INA § 240(b)(4)(B).

For any other questions, please reach out to your contact at Sanctuary for Families.

Additional Resources

EOIR:

- **Automated Immigration Court Information System Telephone Line:** (800) 898-7180
- **Immigration Judge's Benchbook:** http://www.justice.gov/eoir/vll/benchbook/
- **Office of the Chief Immigration Judge:** http://www.justice.gov/eoir/ocijinfo.htm
- **Immigration Court Practice Manual:** http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm
- **Immigration Court Listing:** http://www.justice.gov/eoir/sibpages/ICadr.htm
- **Attorney General and BIA Precedent Decisions:** http://www.justice.gov/eoir/vll/intdec/lib_indecitnet.html
- **EOIR Forms:** http://www.justice.gov/eoir/formslist.htm

USCIS:

- **USCIS Forms:** https://www.uscis.gov/forms
- **Case Status Check**: https://egov.uscis.gov/cris/Dashboard/CaseStatus.do
- **Sign Up for Case Status Updates:** https://egov.uscis.gov/cris/Dashboard/CaseStatus.do
- **USCIS Immigration Policy and Procedural Memoranda:** http://www.uscis.gov/memoranda
- **InfoPass:** http://infopass.uscis.gov/

ICE:

- ICE Office of Principal Legal Advisor - Office of Chief Counsel: http://www.ice.gov/contact/opla/
- **ICE New York Duty Attorney**: (212) 264-5916, followed by 4#.
- **ICE Online Detainee Locator System:** https://locator.ice.gov/odls/homePage.do
- **Detention Facility Information and Locator:** http://www.ice.gov/detention-facilities/

U.S. Department of State:

- **Visa Bulletin:** https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html
- **Reciprocity Table:** https://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html

- **Country Reports:** http://www.state.gov/j/drl/rls/hrrpt/

Immigration Law Hornbooks:

- ***Immigration Law and The Family*,** by Sarah Ignatius & Elisabeth Stickney, West, Thomson
- ***Immigration Law Sourcebook, a Comprehensive Outline and Reference Tool,*** by Ira J. Kurzban
- ***Federal Immigration Laws and Regulations*,** by West, Thomson
- ***Bender's Immigration and Nationality Act Pamphlet*,** by Lexis Nexis

Technical Assistance on Criminal-Immigration Issues:

- **New York State Defenders Association Immigrant Defense Project:**

  Tel: (212) 725-6422

  E-mail: contactidp@nysda.org

  Web site: www.immigrantdefenseproject.org