

**PRACTICE, PROCEDURE, AND
ADVOCACY SKILLS**

PRACTICAL PRACTICE POINTERS

PRESENTED BY

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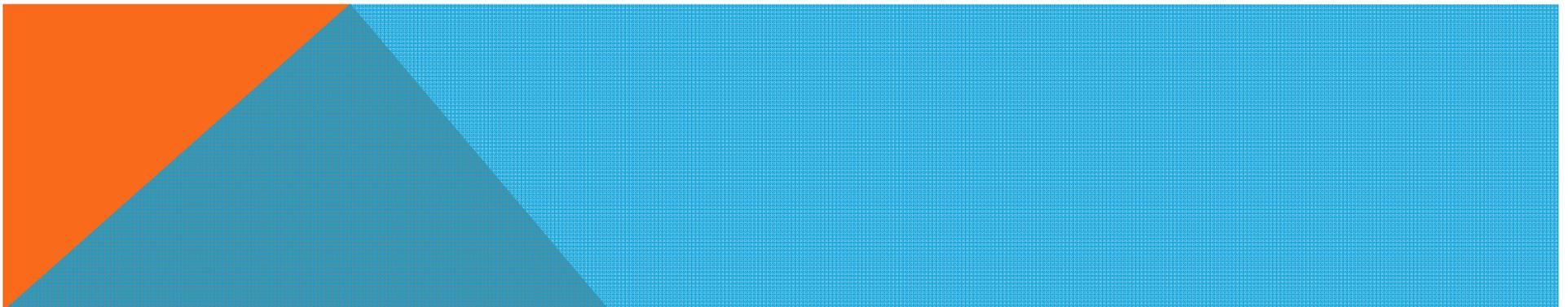
The background features a white central area. On the left, there is a blue triangle with a fine grid pattern. On the right, there is a large orange trapezoidal shape. The text is centered in the white area.

**PRACTICING BEFORE THE
IMMIGRATION COURT**

EOIR REGISTRATION

You must register to practice before the immigration court.

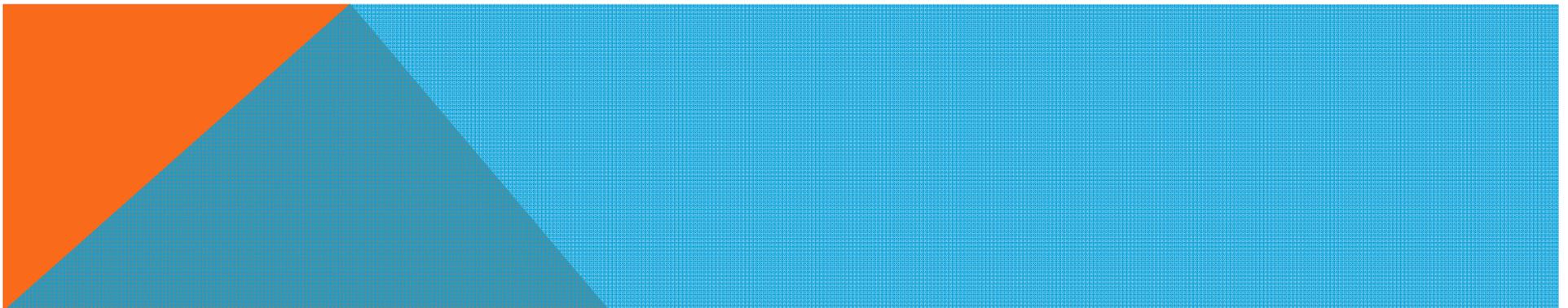
- Two step Process:
 - Online registration
 - Verification of Identity at your local immigration court
- <http://www.justice.gov/eoir/eregistry-program>
- <http://www.justice.gov/eoir/internet-immigration-info>



THE IMMIGRATION COURT PRACTICE MANUAL

It's a must read!

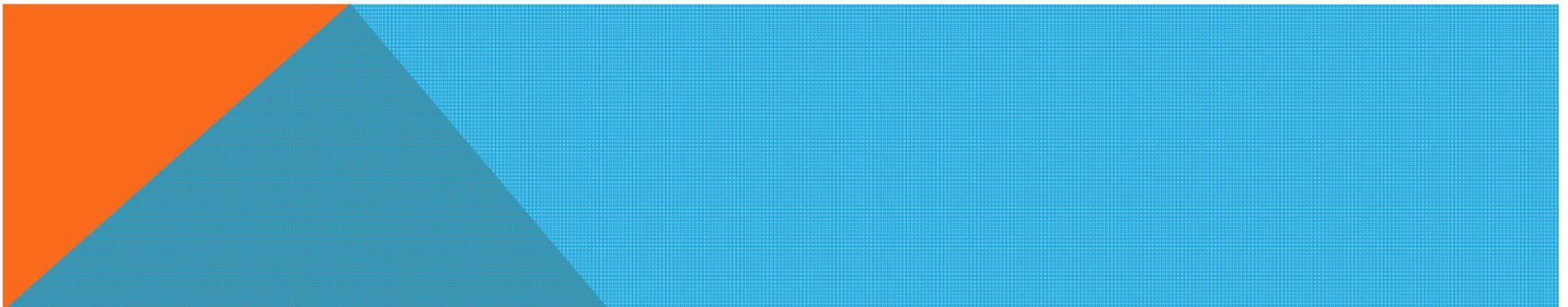
- Covers procedure for practicing before an Immigration Judge
- Standard across jurisdictions
 - NOTE: Every Immigration Judge has their own style and does things slightly differently.
- <http://www.justice.gov/eoir/office-chief-immigration-judge-0>



ENTERING AN APPEARANCE

See Chapter 2

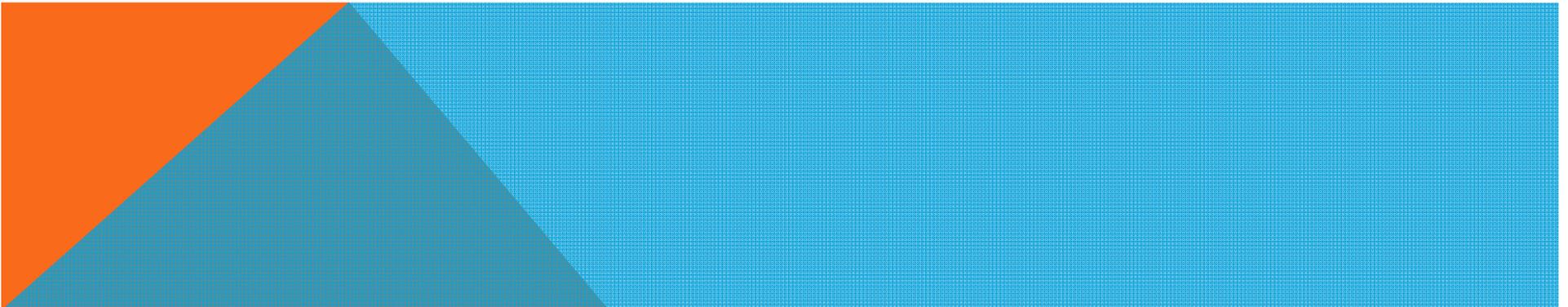
- Attorneys--2.1(b) or Page 19
 - Form: E-28 (Green Paper)
 - Can be filed two ways:
 - Electronic filing
 - Paper filing
 - Must have your EOIR # on it.
 - Copy must be served on Opposing Counsel



FILING DOCUMENTS

See Chapter 3

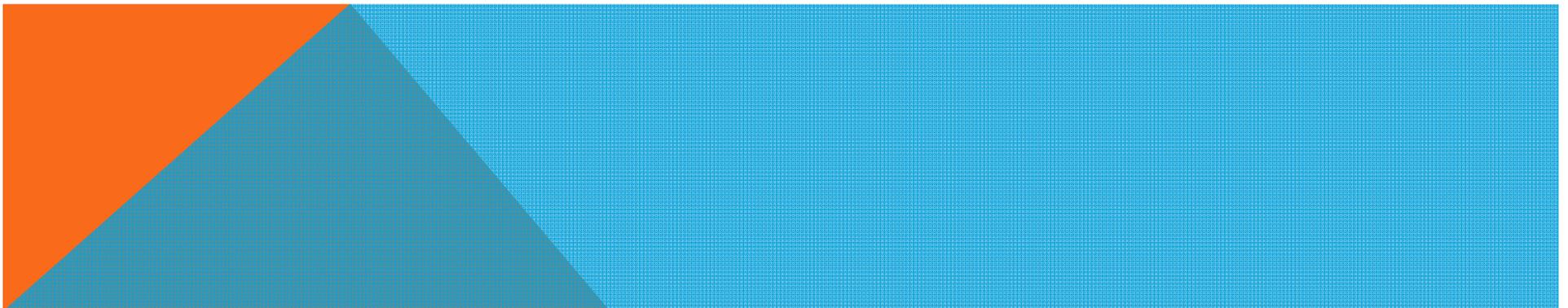
- **TIMING—3.1(b) &(c) or Pages 34, 37**
 - Must be submitted at least 15 days before the hearing if requesting a ruling at or prior to the hearing.
 - DHS gets 10 days to respond
 - Hearing date is day “0.”
- **Service on Opposing Party (DHS Attorneys)—3.2 or Page 41**
 - For all filings, a party must: "serve an identical copy on the opposing party and submit a “Proof of Service”
- **Cover pages are Required (see appendix for sample)**



HEARINGS

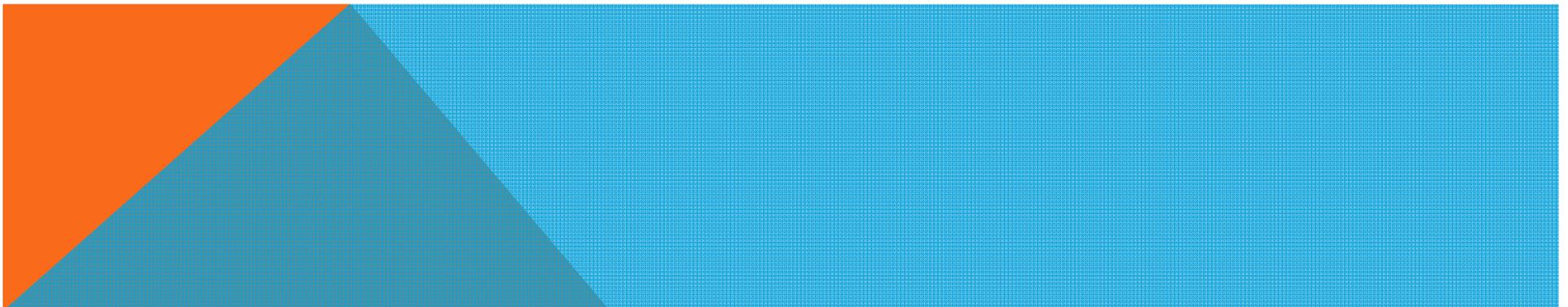
See Chapter 4

- Filing of the NTA starts the process—4.2 or Page 57
- Two types of hearings:
 - Master Calendar Hearings—4.15 or Page 67
 - Deal with preliminary matters and basic motions.
 - May have several of these while the case is pending.
 - Individual Hearings—4.16 or Page 79
 - Are full hearings on the merits.
 - Less common in UAC practice.



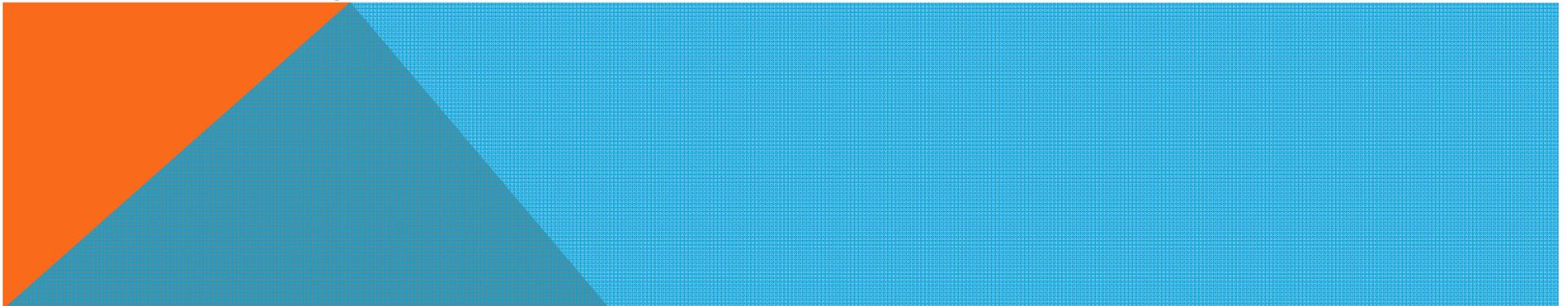
MASTER CALENDAR HEARINGS-MCH

- Advisal of Rights
- Pleadings (Samples in Appendix)
 - Oral
 - Written
- In Absentia Hearings
- Juvenile's Presence Required
 - Judge may waive presence at future hearings.
 - Judge may request presence of parent/guardian/sponsor at hearing



PLEADINGS

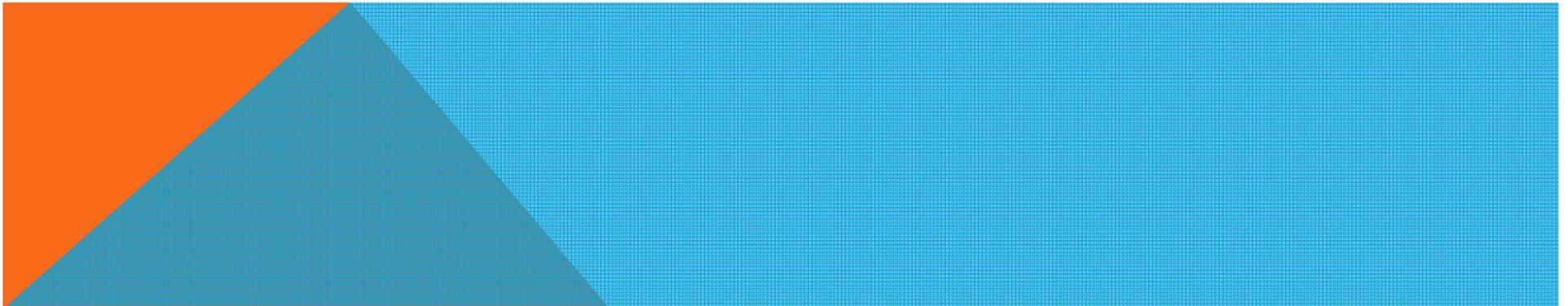
- Typically done at first MCH where child has an attorney
- Please double check the NTA with the client.
 - Check the spelling of the client's names.
 - Go over the allegations and the charges.
 - The Respondent has to be prepared to:
 - concede or deny service of the NTA,
 - request or waive a formal reading of the NTA,
 - request or waive an explanation of the respondent's rights and obligations in removal proceedings,
 - admit or deny the charges and factual allegations in the NTA,
 - designate or decline to designate a country of removal.
- Identify all possible forms of relief.

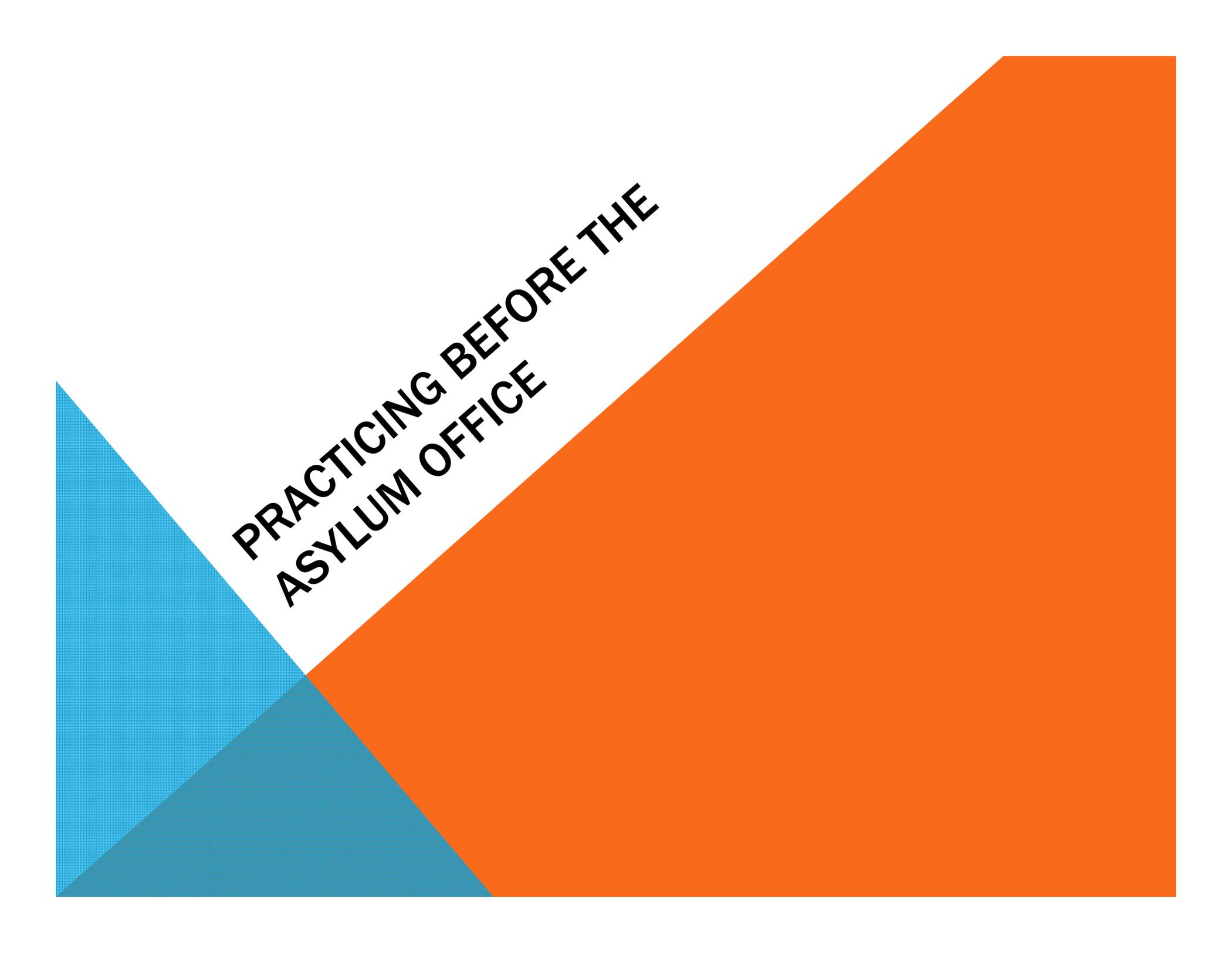


MOTIONS

See Chapter 5

- **Motion to Continue—5.10 or Page 100**
 - To find counsel
 - For attorney prep/filing of applications
- **Motion to Reopen—5.7, 5.9 or Pages 94, 98**
- **Motion to Administratively Close**
 - Sometimes due to Prosecutorial Discretion
 - Also used to allow pending application to process. Motion to Recalendar required once decision is made.—5.10 or Page 103
- **Motion to Terminate**
- **Motion to withdraw or substitute counsel—2.3 or Page 23**
- **Motion for consolidation or severance of cases—4.21 or Page 87**
- **Motion for Change of Venue—5.10 or 101**

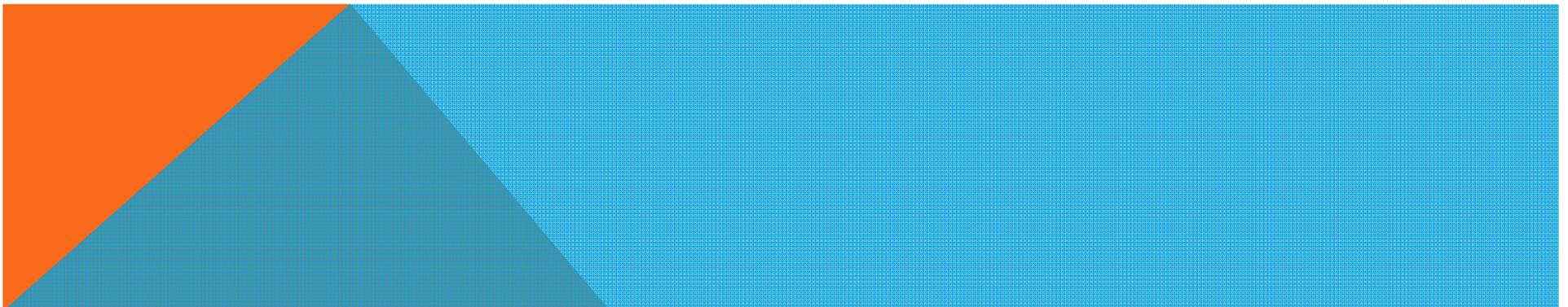




**PRACTICING BEFORE THE
ASYLUM OFFICE**

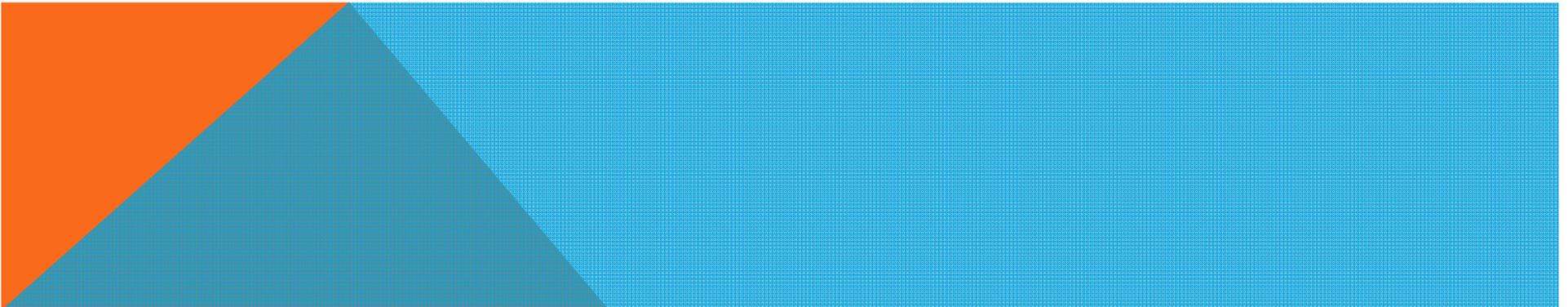
WHO ARE THE PLAYERS?

- **Asylum Officer**
 - Runs the interview and asks most of the questions.
- **Child**
 - Answers all the questions. Has a conversation with the officer.
- **Interpreter**
 - Must be supplied by the applicant.
 - Asylum office will call a monitor to ensure accurate interpretation.
- **Attorney**
 - May be allowed to ask follow up questions and give a brief statement at the end.



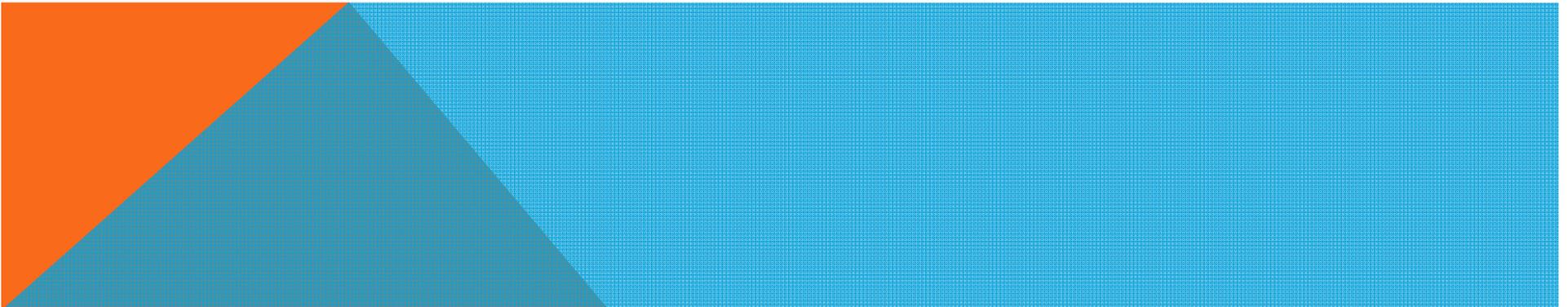
FILING THE APPLICATION

- Check with local practitioners on timing and best local strategy
- Two strategies
 - File application with all supporting documents
 - Submit a skeletal filing and supplement with supporting documents once interview is filed
- Where and what to file
 - See I-589 Instructions: <http://www.uscis.gov/i-589>
 - See UAC Instruction Sheet: Supposed to be provided by DHS for UAC applicants in removal proceedings. (PDF will be provided in training materials.)



YOUR ROLE AS THE ATTORNEY

- Prepare and file the application.
 - For more detail, see session on RESEARCH FOR BRIEFS
- Prepare your client for the interview.
 - Practice with your interpreter.
 - Try to help the child understand the basis of the claim.
 - Mix up the questions each time you practice.
 - For more detail, see session on HOW TO PREPARE YOUR CLIENT.
- Take notes like crazy!
 - The asylum officer will type every question and answer, but you are not allowed a copy of those notes.
 - Take your own notes of all Q's and Answers.
 - Make a note of any fact needing clarification or that was not elicited by the questions for when the officer allows you to ask follow up questions.
- Be prepared to summarize your argument in as few sentences as possible.



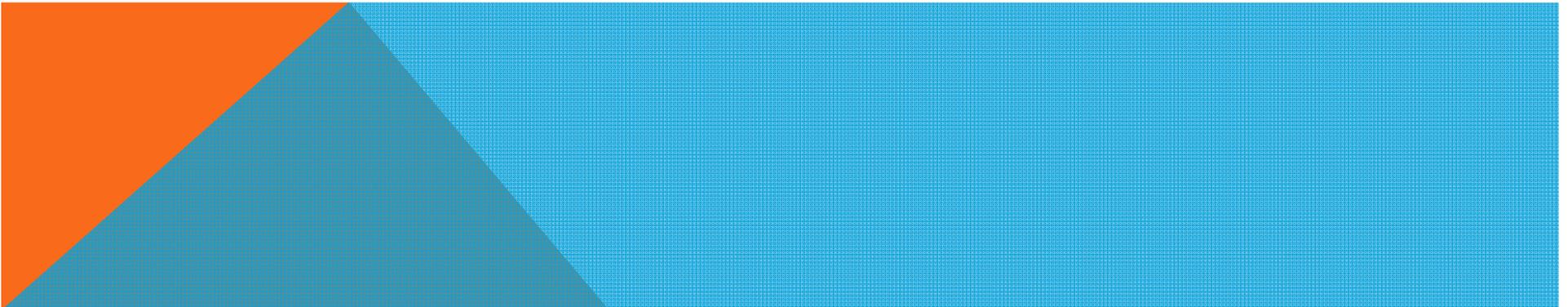


**PRACTICING BEFORE THE
STATE COURT**

STATE COURT ADVOCACY

Context: seeking predicate order for SIJS

- Procedures vary greatly by jurisdiction and sometimes even by county within a jurisdiction.
 - Know your local rules—usually available on the court’s website.
 - Talk to local practitioners.
- Judicial education on SIJS may be required.
- Be sure to address international service of process.
- Motion & Order for Special Findings



JURISDICTIONAL COMPARISON

NEW YORK

Custody

- parent can seek custody over a minor who is 18 and under

Guardianship

- parent can seek custody over a minor who is 21 and under
- Minors over 14 can self-petition

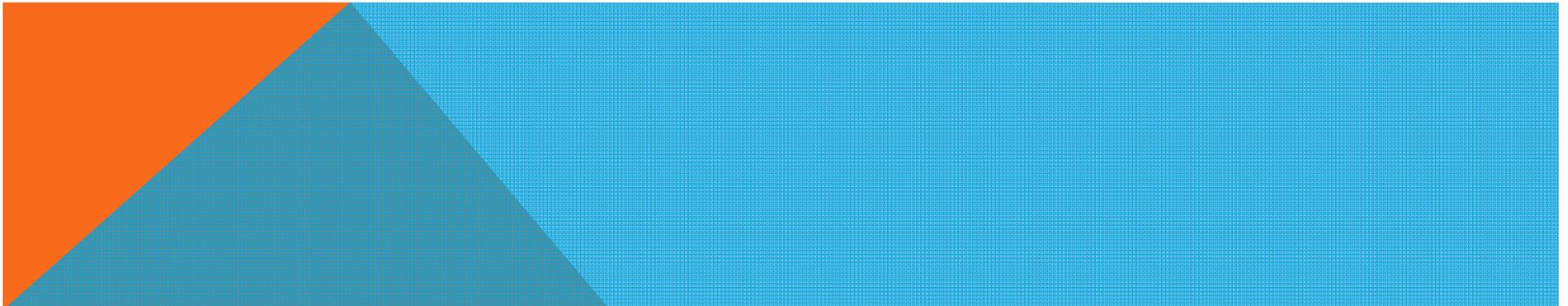
WASHINGTON

Child Petitioner:

- Dependency

Adult Petitioner:

- Non-Parental Custody
- Parenting Plan
 - Petition for Dissolution
 - Petition for Parenting Plan



RESOURCES

E-mails:

- cramsey@supportkind.org
- llebron@safepassageproject.org

Useful Websites:

- www.uscis.gov/forms
- <http://www.uscis.gov/about-us/find-uscis-office/field-offices>
- <https://my.uscis.gov/findadoctor>
- <http://www.justice.gov/eoir/eoir-immigration-court-listing>
- <http://www.justice.gov/eoir/office-chief-immigration-judge-0>
- <http://www.justice.gov/eoir/eregistry-program>
- <http://www.justice.gov/eoir/internet-immigration-info>

