THE MAPPING OF AN IMMIGRATION COURT PROCEEDING

DHS INITIATES ACTION

Issuance of Voluntary Immigration Detainer (i.e., Form I-247, Notice of Detainer)

Deferred Action to temporarily stay or to prevent a removal proceeding is within the discretion of DHS

PRE-RELEASE HEARING

Institutional Removal Program Hearing is a prerelease Immigration Removal Proceeding scheduled before an immigration judge

POST RELEASE HEARING

Post-release transfer to a federal Immigration Detention Facility for Removal Proceedings before an Immigration Judge

PREPARATION OF THE NOTICE TO APPEAR FOR FILING

Notice To Appear (NTA) is drafted by an agency within the Department of Homeland Security (DHS) (i.e., or drafted, reviewed and/or revised by the DHS Office of Chief Counsel (OCC) prior to OCC's filing of the NTA with the immigration court.

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FILING OF THE NTA WITH THE IMMIGRATION COURT

NTA filed by the OCC with the Executive Office for Immigration Review (Immigration Court) for the scheduling of a Removal Proceeding



SCHEDULING OF A BOND HEARING

Bond Hearing Scheduled by the Immigration Court or can be requested by written motion by the "respondent" (i.e., individual subject to the immigration hearing) or his/her attorney who has filed an EOIR 28, Notice of Entry of Appearance form with the Court (i.e., available at www.eoir.gov)



THE MAPPING OF AN IMMIGRATION COURT PROCEEDING (continued)

FILING OF MOTIONS

If subject to mandatory detention, consider whether a motion to change venue is necessary to perfect a meritorious claim for relief from removal. An assessment should be made as to any necessary motion to suppress evidence provided in support of the NTA.



ADDRESSING THE NOTICE TO APPEAR

The factual and statutory allegations alleged on the Notice to Appear (NTA) must be addressed (i.e., admitted/conceded or denied. It is also at this stage of the proceeding that the Immigration Judge will make a *prima facie* determination regarding legally sufficiency of the NTA. Often times, a respondent will also be asked to designate a country of removal (i.e., which can be waived, particularly if the respondent is seeking humanitarian protection and unable to return to his/her native country). It is also during this phase of the proceeding that the respondent may be asked to identify any potential claims for relief from removal and/or issues regarding legal insufficiency of the NTA.



SUBSEQUENT "MASTER CALENDAR" HEARINGS

Shorter hearings may be scheduled prior to the respondent's "individual" trial to submit applications and/or adjudicate filed motions. These hearings can also be used to address pre-trial matters.

Deferred Action to temporarily stay or to prevent a removal proceeding is within the court's discretion



INDIVIUAL HEARING

The Individual hearing is the "trial" that is held to adjudicate all applications for immigration relief, hear from any witnesses and to resolve any final disputes as to the issue of removability.



FILING AN APPEAL TO THE BOARD OF IMMIGRATION APPEALS

An appeal (i.e., or interlocutory appeal) may be filed by either parties with the Board of Immigration Appeals (BIA). A "Notice of Appeal" of an order of removal must be filed and received by the BIA within 30 days of the issuance of the final order of removal. For more information, review the BIA Practice Manual available at http://www.justice.gov/eoir.