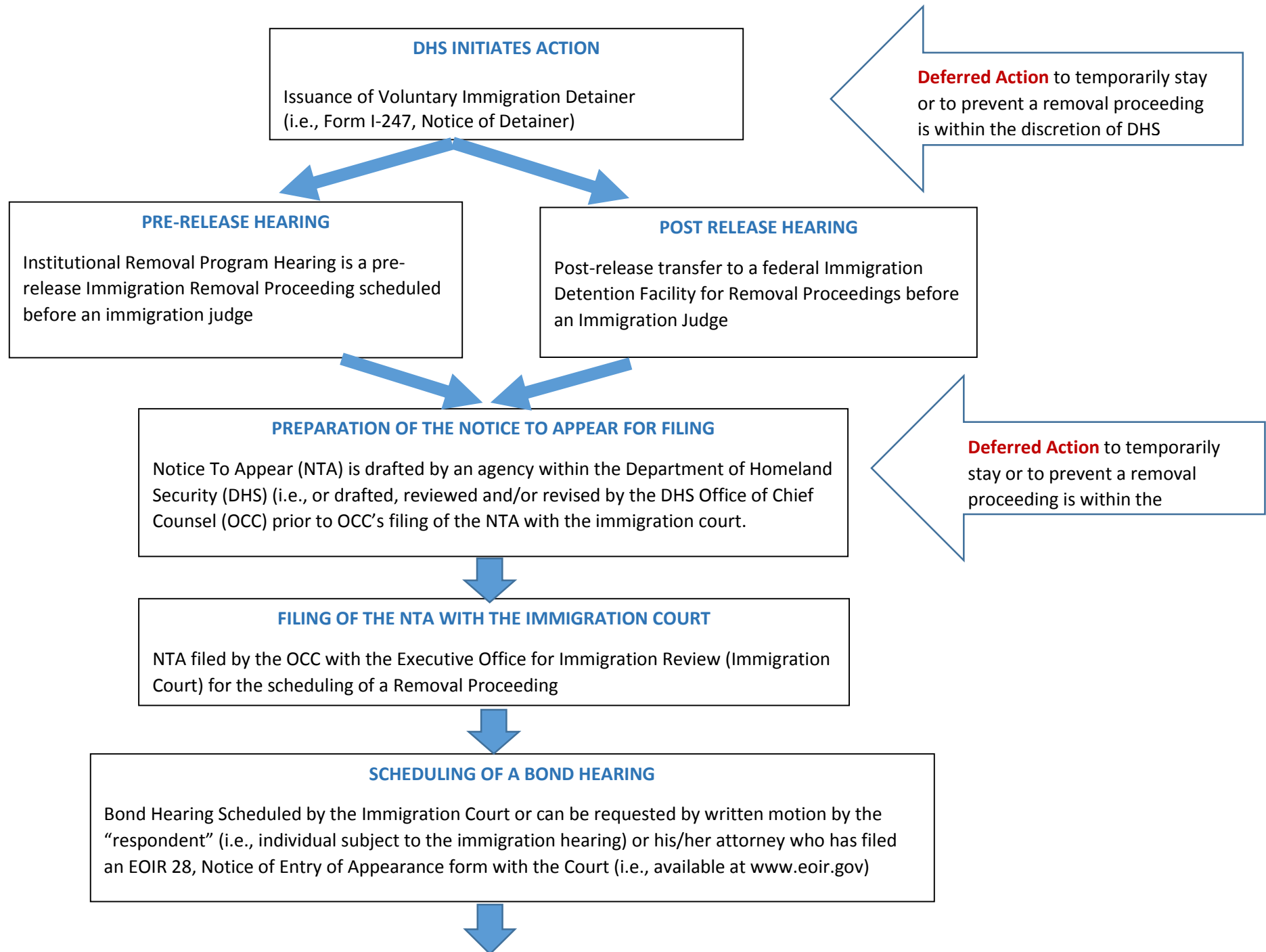


THE MAPPING OF AN IMMIGRATION COURT PROCEEDING



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 legal 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



INDIVIDUAL 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>.