

LOCAL OPERATING PROCEDURES
IMMIGRATION COURT
ELOY, ARIZONA

PREAMBLE: These rules are adopted under the authority of 8 C.F.R. § 3.40 for the purpose of facilitating the convenient, efficient, and orderly conduct of the business of the Eloy Immigration Court.

Notwithstanding any other provision of these local rules, the Immigration Judge may waive the application of any or all of these rules in his or her sole discretion.

PROCEDURE 1: Motions Practice

- A. All written motions shall be decided on the basis of the record before the court unless the Immigration Judge determines that a hearing on the merits of the motion, or oral argument on the motion is necessary to make a determination.

- B.
 - 1. A pre-decision motion under this provision, or under 8 C.F.R. § 3.23(a), shall be responded to by the opposing party within ten (10) days after having been served in person, or thirteen (13) days if served by mail or other process, exclusive of the date of service, by filing the response with the Eloy Immigration Court. Upon order of the Court, for good cause shown, a different time may be set by the Immigration Judge for responses to pre-decision motions. Failure to file a response to a pre-decision motion in a timely fashion shall result in the motion being deemed unopposed under 8 C.F.R. § 3.23(a).

 - 2. A motion to reconsider or motion to reopen under 8 C.F.R. § 3.23(b), shall be responded to by the opposing party within ten (10) days after having been served in person, or thirteen (13) days if served by mail or other process, exclusive of the date of service, by filing the response with the Eloy Immigration Court. Upon order of the Court, for good cause shown, a different time may be set by the Immigration Judge for responses to motions to reopen or reconsider. Failure to file a response to a motion to reopen or reconsider in a timely fashion shall result in the motion being

deemed unopposed under 8 C.F.R. § 3.23(b)(1)(iv).

PROCEDURE 2: Continuances

- A. Pursuant to 8 C.F.R. § 3.29, a party seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no later than five (5) business days prior to the scheduled hearing. The motion shall set forth the reason(s) that the continuance is requested, and the amount of time needed before the next court date. Unless notified by the Immigration Court that the motion for continuance has been granted, all parties shall personally attend the hearing and be prepared to proceed.
- B. A Motion submitted within the five (5) day period prior to the hearing shall be considered only with the consent and in the sole discretion of the Immigration Judge for good cause shown. The parties are encouraged to seek agreement on continuances prior to submitting the motion.

PROCEDURE 3: Telephonic Hearings

Attorneys and accredited representatives shall personally appear with their clients for each hearing; Bond, Master, or Individual. A telephonic appearance of an attorney or accredited representative, upon motion of a party (and in compliance with these rules), may be granted on a case by case basis at the discretion of the Immigration Judge. Unless a motion for telephonic hearing is made and granted by the Immigration Judge before the hearing, all parties and their attorneys and/or accredited representatives shall be physically present in the courtroom in Eloy, Arizona on the date and at the scheduled time. At no time shall a cellular phone be used by any party for a telephonic appearance.

PROCEDURE 4: Trial Preparation

- A. At the Master Calendar hearing, and on the date scheduled by the Immigration Judge for pleadings, the parties shall be prepared to do as follows:
 1. Respondent shall be prepared to respond to the allegation(s) contained in the charging document(s).

2. Respondent shall be prepared to indicate all applications sought for relief from immigration proceedings.
 3. Respondent shall be prepared to state the estimated time needed to present the case at the Individual Calendar hearing, and the number of witnesses that shall be called for testimony on the record.
 4. The Immigration and Naturalization Service (INS) shall be prepared to state on the record its position on all issues and applications for relief from immigration proceedings.
- B. In lieu of a personal appearance at the Master Calendar hearing, represented parties may submit written pleadings, at least five (5) business days before the scheduled hearing, containing the information listed in procedure 4-A, section 1-3 above. The written pleading shall strictly comply with the written pleading format as specified in Appendix "1" to these rules and by reference incorporated herein. Parties should call the Eloy Immigration Court on the business day before the scheduled hearing to ascertain whether the pleadings have been accepted by the Immigration Judge.
- C. At the Individual Calendar hearing, both parties shall be prepared to present all remaining testimony and evidence on all issues, including rebuttal.

PROCEDURE 5: Filing Procedure

- A. In addition to complying with 8 C.F.R. § 3.31 and § 3.32, all documents and applications submitted for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes 2 3/4 inches apart. All exhibits and documents in support of a motion or claim shall be paginated and shall have as a first page a table of contents with page number identification. The use of exhibit tabs with letter designation is required.
- B. In addition to complying with 8 C.F.R. § 3.31 and § 3.32, all proposed exhibits and briefs shall be filed with the Immigration Court no later than five (5) business days prior to the scheduled Individual Calendar hearing, unless otherwise ordered by the

Immigration Judge, or where good cause is shown. Notwithstanding the above, rebuttal evidence may be submitted at the time of the scheduled hearing unless otherwise ordered by the Immigration Judge.

- C. The definition of "Filing with the Court" means service in person or by delivery service at the Court's public window during window hours or sent by regular mail, unless otherwise directed by the Immigration Judge. All submissions to the court must have a certificate of service on the opposing party, or they will be deemed not properly filed with the court.

PROCEDURE 6: Window Hours

The Immigration Court intake/filing window shall be open to receive documents 8:00 am Mountain Standard Time (MST) through 3:30 pm MST each business day. NO DOCUMENTS SHALL BE ACCEPTED AFTER 3:30 PM. Attorneys and accredited representatives are reminded that the Eloy Immigration Court is conducted on Mountain Standard Time without time change, and is located within a federal correctional institution with substantial security protocols. Parties are advised to contact the Corrections Corporation of America (Eloy Detention Center) at (520) 466 4141 regarding the Warden's admission policies.

Appendix 1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
United States Immigration Court
Eloy, Arizona

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In the Matter of

In Removal Proceedings

Respondent

WRITTEN PLEADINGS OF RESPONDENT

1. Respondent, through counsel, concedes proper service of the Notice to Appear, dated _____.
2. Attorney for respondent has explained the advisals set forth in 8 C.F.R. § 240.10(a); the consequences of failing to appear in Court as set forth in the Act, Section 240(b)(5); and the consequences of knowingly filing or making a frivolous application as set forth in Section 208(d)(6) of the Act.
3. Respondent concedes the following allegation(s), _____, and denies the following allegation(s), _____.
4. Respondent concedes the following charges of removability, _____, and denies the following charges of removability, _____.
5. In the event of removal, respondent names _____ as the country to which removal should be directed. In the alternative, the respondent may decline to designate a country for removal by placing "NONE" in the above space.
6. As relief from removal, respondent shall be filing application(s) for _____. The application(s) shall be filed within thirty (30) days of the date of this written pleading, unless otherwise directed by the Court. Respondent acknowledges that if the application(s) are not timely filed, the application(s) shall be deemed waived under 8 C.F.R. § 3.31(c).
7. Counsel for the respondent estimates that _____ hours shall

be required to present the case.

8. It is requested that a _____ language interpreter be provided.

Date:

Attorney/Representative

I, _____, attest to my full knowledge and understanding of my rights set forth in 8 C.F.R. § 240.10(a). I waive a further explanation of such rights by this Court. I have been advised of, and understand, the consequences of knowingly filing a frivolous asylum application pursuant to Section 208(d)(6) of the Immigration and Nationality Act. Further, I understand the consequences of failing to appear for a removal proceeding or a scheduled date of departure. I knowingly and voluntarily waive the oral notice required by Section 240(b)(7), alternatively, I authorize this waiver by my attorney/representative. Finally, I understand that in accordance with 8 C.F.R. § 3.15(d), if my address changes I must notify the Court within 5 days of such change by completing and mailing the EOIR-33 form.

Date:

Respondent