

NOTICE

Pursuant to 8 C.F.R. Section 3.40, revised local operating procedures by the Immigration Judges in Miami, Florida. Following initial review of this proposal by the Office of the Chief Immigration Judge, the proposed local operating procedures were made available for public comment and, upon receipt of those comments and due consideration of them, the Immigration Judges in Miami, Florida, have forwarded the final proposed local operating procedures to me for approval. The attached Local Operating Procedures for the Office of the Immigration Judge in Miami, Florida, are approved and will be effective on May 11, 1995.

/s/ Michael J. Creppy
Chief Immigration Judge

5/11/95

Date

Attachment

**REVISED LOCAL OPERATING PROCEDURES
OFFICE OF THE IMMIGRATION JUDGE
MIAMI, FLORIDA**

Procedure 1. General Statement

- A. These Rules are adopted for the purpose of facilitating the convenient and orderly conduct of the business of the Miami Office of the Immigration Judge.
- B. All matters scheduled for hearing before an Immigration Judge of the Miami Office of the Immigration Judge shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at the appointed time.

Procedure 2. Filing Procedure

- A. All documents and applications shall be filed at the public window of the Office of the Immigration Judge during regular business hours as posted in the Office of the Immigration Judge or as otherwise ordered by an Immigration Judge.
- B. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all documents and applications submitted by counsel (which herein throughout includes non-attorney representatives) for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes two-and-three-quarter inches apart. All exhibits and documents in support of a motion or claim submitted by counsel (which herein throughout includes non-attorney representatives) shall be paginated and shall have as a first page a table of contents with page number identification. Exhibit tabs with letter designations shall be utilized by counsel (which herein throughout includes non-attorneys representatives) when five or more documents are involved. When background documents of more than five pages are submitted, counsel (which herein throughout includes non-attorney representatives) shall highlight or otherwise direct in writing attention to the portions which specifically pertain to the respondent/applicant.
- C. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all proposed exhibits and briefs must be filed with the Office of the Immigration Judge no later than ten (10) calendar days prior to the scheduled Individual Calendar hearing, unless otherwise authorized by the Immigration Judge, or where good cause is shown.
- D. Furthermore, counsels shall name all proposed witnesses they intend to bring to court and provide a brief offering as to each witness testimony. All proposed witness lists, along with the offer, must be filed with the Office of the Immigration Judge no later than ten (10) days prior to the scheduled Individual Calendar hearing, unless otherwise modified by the Immigration Judge, or where good cause is shown.

Procedure 3. Continuances of Individual Hearings

Parties seeking a continuance of any scheduled Individual Calendar Hearing before an Immigration Judge shall file a written motion for continuance no less than fourteen (14) calendar days prior to the scheduled hearing.

The motion shall include the date and time of the scheduled hearing, the respondent's/applicant's name and alien registration number, the name of the Immigration Judge before whom the matter is set, and the reason(s) that the continuance is requested. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed. Motions for continuance within the fourteen-day period prior to the hearing will be considered only in the event of a bona fide emergency.

Procedure 4. Motions and Procedures

The filing of all motions shall comply with the requirements of 8 C.F.R. Section 3.23. In addition, except for Procedure 5.D., counsel must serve the opposing party with a copy of such motion at least fourteen (14) days in advance of the scheduled Individual Calendar hearing date. Any response to a motion shall be made within seven (7) days from the date of service of the motion.

Procedure 5. Withdrawal/Substitution of Representative

- A. Withdrawal of representative shall be requested by a written motion to withdraw addressed to the Immigration Judge to whom the matter is assigned, and shall set forth the following:
- 1) The reason(s) for the request to withdraw;
 2. Evidence of the client's consent to withdraw, or a statement of why such consent is unobtainable;
 3. The current or last known address of the client; and
 4. A statement as to whether or not the client was advised of any currently scheduled hearings and, if not, the efforts made to contact and notify the client.
- B. A counsel shall be considered by the Immigration Judge as counsel of record unless a request to withdraw has been approved by the Immigration Judge.
- C. Substitution of representative shall be requested by written motion addressed to the Immigration Judge to whom the matter is assigned, accompanied by a Form EOIR-28 (Notice of Entry of Appearance of Attorney or Representative) completed by the attorney or representative to be substituted
- D. Motions to withdraw/substitute counsel shall be made at least twenty (20) days prior to the scheduled hearing day. If made after that time, such motions will be denied absent extenuating circumstances.

Procedure 6. Pre-Trial Memorandum

Pursuant to 8 C.F.R. Sections 3.21 and 3.31, at the Judge's discretion, parties may required to provide a pre-trial memorandum.