

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW ORLEANS, LOUISIANA

Local Operating Procedures

General

These procedures are adopted pursuant to 8 C.F.R. § 3.40 (1995) for the purpose of facilitating the convenient, efficient, and orderly conduct of proceedings within the jurisdiction of the Immigration Court at New Orleans, Louisiana. The procedures set forth herein shall in no way serve to restrict or limit the authority or discretion of the presiding judge

Procedure 1. Filing:

- Pursuant to 8 C.F.R. § 3.13 applications, documents and other materials submitted for consideration by the Immigration Court are considered to be received upon the placement of the Immigration Court stamp "received" thereon; this may be at the public window of the Immigration Court, during regular hours as posted, or as otherwise ordered by the presiding judge. Items left unattended at the public window are not considered as having been received until they have been stamped as received by the Immigration Court. Filing may be accomplished in person, by mail, or by other delivery service.
- Pursuant to 8 C.F.R. § 3.32, all applications, documents and other materials submitted for consideration by the Immigration Court are to be on 8.5" X 11" paper, two-hole punched at the top center with the holes 2.75" apart. All exhibits and documents exceeding five pages in length shall be indexed and paginated. If more than one exhibit is submitted, they are to be tabbed on the right side of exhibit, commencing with the letter "A". A properly executed certificate of service on the opposing party shall be attached as the last page of the submission.
- In any consolidated matter involving more than one individual, there shall be submitted a separate copy of each submission for the purpose of placement within each individual's Court

file. The individual's name and file number is to be prominently displayed on the submission.

- Pursuant to the authority in 8 C.F.R. § 3.31, any applications, documents, and other materials submitted which a party seeks to have considered by the Immigration Court (other than rebuttal), shall be filed with the Court no later than fourteen (14) calendar days prior to the individual merit hearing, or as otherwise ordered by the presiding judge.
- Pursuant to the authority in 8 C.F.R. § 3.31, any objection to an application, document, or other materials submitted shall be filed with the Immigration Court no later than five (5) calendar days prior to the individual merit hearing, or as otherwise ordered by the presiding judge.
- In any proceeding where both parties are represented, the Immigration Court may order a pre-hearing statement to be filed setting forth issue(s) in controversy, and a list of proposed witnesses (other than in rebuttal) and what the witness's testimony is intended to establish. Except for good cause shown, the Immigration Court shall not hear testimony from an unlisted witness. This pre-hearing statement shall be filed with the Court no later than fourteen (14) calendar days prior to the individual merit hearing or as otherwise ordered by the presiding judge. Any objection to the proposed testimony of a witness shall be filed no later than five (5) calendar days prior to the individual merit hearing or as otherwise ordered by the presiding judge.
- Any submission failing to meet any of these requirements may be deemed improperly submitted and rejected or not considered.

Procedure 2. Motions to Reschedule or Change Venue:

- Any motion to reschedule shall be filed with the Court no later than fourteen (14) calendar days prior to the scheduled individual merit hearing, and no later than five (5) calendar days prior to a scheduled master_calendar hearing. Motions to reschedule a hearing are to be presumed pending, unless an order has been received from the Court advising the parties that the motion was granted or denied.
- Any motion to change venue shall be filed with the Court no later than thirty (30) calendar days prior to the scheduled individual merits hearing and no later than fourteen (14) calendar days prior to a scheduled master calendar hearing. Motions to change venue are to be presumed pending, unless an order has been received from the Court advising the parties that the motion was granted or denied.
- The pendency of any motion before the Court does not act to excuse the attendance of a party or representative from the scheduled hearing while the motion remains pending.

Procedure 3. Representation of Individuals:

- All notices of appearance by a representative which are required by regulation to be submitted, shall be filed as an individual document with the Court and not part of a group exhibit. Each notice of appearance shall contain an attached certificate of service upon the opposing party. In the event more than one individual is represented in a consolidated matter, a separate notice of appearance shall be filed for each individual's file.

- Withdrawal of representation is only by permission of the presiding judge, upon written motion stating:
 1. The reason for the request;
 2. Evidence of the individual's consent is unobtainable;
 3. The last known address of the individual;
 4. That a copy of the motion was provided to the individual, and if not, why not;
 5. That the individual was notified of **all** filing deadlines, scheduled court hearings, and has been advised of the consequences of failing to comply with the deadlines and attend scheduled hearings whether or not substitute counsel is obtained.

- The pendency of a motion to withdraw does not excuse a representative from the continuing obligation to attend a scheduled hearing.

Procedure 4. Briefs:

- Failure to abide by a briefing schedule set by the Court, may be construed as a waiver or concession of the issue in question.