

LOCAL OPERATING PROCEDURES  
OFFICE OF THE IMMIGRATION JUDGE  
26 FEDERAL PLAZA and 201 VARICK STREET  
NEW YORK, NEW YORK

Rules of Procedure for Immigration Judge Proceedings are contained in 8 C.F.R. Part 3, Subsection C. The following Local Operating Rules are established as provided by these regulations. The Local Operating Rules apply to Immigration Judge Proceedings at the above referenced offices and any other hearing locations assigned to these offices by the Chief Immigration Judge. The Local Operating Rules apply in addition to all provisions of the Rules contained in 8 C.F.R., Part 3, Subsection C.

Rule 1: Hearings

All hearings shall proceed promptly on the date and time scheduled. Any delay by the respondent/applicant in appearing for such a hearing may result in the hearing being held in absentia. Any delay in the appearance of the attorney/representative of either party without satisfactory notification to the Office of the Immigration Judge may, in the discretion of the Immigration Judge, result in the hearing being held in the absence of the attorney/representative.

Rule 2: Submission of Evidentiary Materials

A. Unless otherwise ordered by the Immigration Judge, evidence which a party will seek to offer at an Individual Calendar hearing must be filed with the Court ten (10) days in advance of such hearing, with certification of service of such documents upon the opposing party. The opposing party will be expected to respond with any objections to such evidence at the scheduled hearing.

B. Parties seeking to submit documents during a hearing shall appear at that hearing prepared with sufficient copies of such documents for the Record of Proceeding and service upon the opposing party.

C. All documents submitted to the Office of the Immigration Judge shall be two-hole punched at the center of the top of the page with holes 2 3/4" apart.

Rule 3: Motions

A. General: Except as otherwise directed by the Immigration Judge, or as specified herein in connection with the motions for continuance, withdrawal or substitution, motions shall be filed as soon as the reason for such request is known, but not less than thirty (30)

days prior to the scheduled Individual Calendar hearing date, with certification of service upon the opposing party.

B. Change of Venue: In addition to compliance with Rule 3A, a motion for a change of venue may contain the respondent/applicant's plea to the allegations and charge(s) contained in the charging document, and the relief(s) sought by the respondent/applicant. The motion shall state the specific reason(s) for the request and include supporting documents, if any. The motion shall state the location of requested venue.

C. Opposition to motions other than motions for continuance: Except as ordered by the Immigration Judge, any party opposing a motion shall file a written response with the Office of the Immigration Judge no later than ten (10) days after submission of such motion. It shall be presumed that the motion is unopposed if a timely response is not filed with the Office of the Immigration Judge.

D. Motions for Continuance. A party seeking a continuance of any scheduled hearing

accompanied by a form EOIR-28, Notice of Entry of Appearance, completed by the attorney or representative to be substituted.

C. Unless notified by the Office of the Immigration Judge that the motion to withdraw/substitute has been granted, all counsel and the parties must appear for the scheduled hearing and be prepared to proceed. The granting of a motion to withdraw/substitute does not constitute a grant of a continuance of the scheduled hearing.