

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
FLORENCE, ARIZONA**

LOCAL OPERATING PROCEDURES

Procedure 1. Motions in General

- A. In addition to complying with 8 C.F.R. § 3.23, routine pre-trial motions should be accompanied by a proposed order, in triplicate.
- B. All pre-trial and post-trial motions shall be decided on the basis of the written record, unless the Court determines that a hearing on the merits of the motion or oral argument is necessary to make a decision.
- C. Failure of a party to respond to a motion within ten (10) days of it being filed by the opposing party may result in the motion deemed unopposed.
- D. Motions filed with the Court must contain proof that appropriate filing fees, if any, have been paid (or an application for waiver of such fees) and contain a certificate that the motion has been properly served on the opposing party.

Procedure 2. Continuances

- A. Parties seeking a continuance of any scheduled hearing before the Court shall file a written motion for continuance no less than ten (10) calendar days prior to the scheduled hearing. The motion shall set forth the reasons that the continuance is requested.
- B. Motions for continuance within the ten (10) day period prior to the hearing shall be considered only in the discretion of the Court in extraordinary circumstances.
- C. No ex parte requests for a continuance will be accepted.
- D. Unless notified by the Court that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed.
- E. Counsel are encouraged to seek agreement on continuances prior to submission of the motion.

Procedure 3. Trial Preparation

A. At the Master Calendar hearing, the parties shall be prepared as follows:

1. Respondent shall be prepared to respond, in oral or written form, to the allegations contained in the charging document.

2. Respondent shall be prepared to indicate all applications for relief sought.

3. Respondent shall be prepared to state (in hours) the estimated time to present the case at the Individual Merits hearing.

4. The Immigration and Naturalization Service (INS) shall be prepared to state its position on all issues and applications for relief. The INS should exercise its authority under 8 C.F.R. § 240.10(e) and § 3.30 so that any additional charges are served upon Respondent and the Court no less than ten (10) days in advance of the scheduled Individual Merits hearing.

5. The INS shall be prepared to state (in hours) the estimated time to present the case at the Individual Merits hearing.

B. With limited exception, attorneys or accredited representatives shall physically and personally appear with their clients for each hearing (Bond, Master Calendar, or Individual Merits) at the scheduled date, time, and place.

1. Upon motion of a party and in compliance with these rules, a telephonic appearance of an attorney or accredited representative may be granted on a case-by-case basis at the discretion of the Court.

2. Telephonic Master Calendar appearances by non-local attorneys or accredited representatives may be requested by written motion no later than ten (10) calendar days in advance of the scheduled Master Calendar hearing. Such motion will contain a Form EOIR-28 (Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court), if not already on file with the Court. Approval is discretionary with the Court.

3. A cellular telephone shall never be used by any party to conduct a telephonic appearance.

C. At the Individual Merits hearing, both parties shall be prepared to present all remaining testimony and evidence on all issues.

D. Informal pretrial conferences between counsel to narrow issues and explore avenues of resolution are encouraged in advance of the Individual Merits hearing. Motions for formal pretrial conferences should be submitted in writing to the Court well in advance of the Individual Merits

hearing.

Local Operating Procedures
Florence, Arizona
Page 3

Procedure 4. 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 the Court 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, if appropriate (more than two documents), have as a first page a table of contents with page number identification. The use of tabs with letter designation is appropriate when submitting more than 5 documents.

B. All written motions shall be decided on the basis of the record before the Court unless the Court determines that a hearing on the merits of the motion, or oral argument on the motion is necessary to make a determination. For the convenience of the Court in marking exhibits and management of the Record of Proceedings, “combined” motions (e.g., more than one motion per document) are not allowed. Multiple motions may be filed with the Court, but each motion must be on a separate document.

C. In addition to complying with 8 C.F.R. § 3.31 and § 3.32, all proposed exhibits and briefs shall be filed with the Court no later than ten (10) calendar days prior to the scheduled hearing, unless otherwise authorized or required by the Court.

D. All asylum applications will be filed in Court and the applicant will be present in Court at the time of filing to receive the appropriate warnings and to swear to the truth of the application.

E. All filings with the Court will consist of the original and one (1) copy.

F. All filings must contain a certificate of service on the opposing party.

G. All filings must contain proof of the payment of appropriate filing fees, if any, or an application for waiver of such fees due to indigence.

H. The Court will set dates for the filing of applications for relief. Failure to file the application, with appropriate fees paid or an application for waiver thereof, by such date will be deemed an abandonment of the relief involved.

I. The Florence Immigration Court is conducted on Mountain Standard Time (MST). The Court’s intake/filing window shall be open at times posted on the window. **NO DOCUMENTS SHALL BE ACCEPTED EXCEPT AT THESE POSTED TIMES.**

J. The Florence Immigration Court is located within an INS detention facility which has dress code

restrictions and substantial security protocols. Parties are advised to contact the Florence Detention Facility at (520) 868-5862 regarding dress and security admission policies.

K. No documents may be filed on the court via the Court's facsimile machine.

Local Operating Procedures
Florence, Arizona
Page 4

Procedure 5. Ex Parte Communication

Ex parte communication with the Court regarding any case is prohibited.