

**REVISED LOCAL RULES**  
**UNITED STATES IMMIGRATION COURT**  
**MIAMI, FLORIDA**

**RULE 1. General Statement**

A. These Rules are adopted for the purpose of facilitating the convenient and orderly conduct of the business of the United States Immigration Court, Miami, Florida.

B. All matters scheduled for hearing before an Immigration Judge of the United States Immigration Court, Miami, Florida shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at the appointed time.

C. These rules are meant to supplement, not circumvent, regulations of the Attorney General.

**RULE 2. Filing Procedure**

All documents served on opposing counsel shall fully comply with all of the provisions of this procedure. Failure to fully comply may result in the exclusion of documents, in the discretion of the Immigration Judge.

A. All documents and applications shall be filed at the public window of the United States Immigration Court, Miami, Florida during regular business hours as posted in the Miami Immigration Court or as otherwise required or 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 shall comply with the requirements of Rule 2C below, be paginated and have as a first page a table of contents with page number identification. Exhibit tabs with letter designations shall be utilized by counsel when five or more documents are involved. When background documents of more than five pages are submitted, counsel shall highlight or otherwise direct in writing attention to the portions which specifically pertain to the respondent/applicant.

- All documents which are filed with the Court shall comply with the following requirements:

1) Size and format. Filings shall be on 8-1/2 by 11-inch paper of good quality; and be plainly typewritten, printed, or prepared by a clearly legible duplication process in a font size no smaller than ten (10) characters per inch, or if proportionately space font is used, no less than twelve (12) point. Filings shall be stapled or otherwise securely fastened but shall not be permanently bound.

2) Identification of attorney and filing. All filings shall contain a caption identifying the court, the name of the alien(s) and file number(s), the type of proceedings, a description of the filing and the party on whose behalf it is filed, the attorney's or authorized representative's name, address, telephone number, and bar number if applicable.

D. 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 Court 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.

E. 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 Court 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. Failure to fully comply with this procedure may result in the exclusion of witness testimony, in the discretion of the Immigration Judge.

### RULE 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, the reason(s) that the continuance is requested, and a request for a date or dates certain for the continued hearing. Failure to comply with any of these requirements may result in denial of the motion. 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.

#### RULE 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 5D, 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. Motions for extensions of time and continuances shall include a representation by the movant's counsel that counsel has made a good faith effort to contact opposing counsel and shall state whether there is any objection to the motion. Any response to a motion shall be made within ten(10) days from the date of service of the motion.

#### RULE 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;

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; and

5. A statement that the client was served with a copy of the motion to withdraw.

B. A counsel shall be considered by the Immigration Judge as counsel of record for all purposes, unless and until the Immigration Judge issues an appropriate order, either in writing or orally on the record, granting counsel's motion to withdraw.

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.

#### RULE 6. Certification of Advisements

All motions for continuance or withdrawal/substitution shall include a certification by counsel that the required language relating to failure to appear, and the potential consequences therefor, has been read by counsel to counsel's clients, and that the Court's direct reading of such language to counsel's clients is waived.

## RULE 7. Pre-Trial Memoranda, Depositions and Subpoenas

- Pursuant to 8 C.F.R. Sections 3.21 and 3.31, at the Judge's discretion, parties may be required to provide a pre-trial memorandum. It is the policy of the Court to encourage stipulations as to law and fact, whenever possible, provided that the Immigration Judge reserves the discretion to make further inquiry into any areas that are the subject of stipulation.
- Depositions and subpoenas are authorized by 8 C.F.R. Section 3.35. Such processes are encouraged by the Court to assist when a declarant is unavailable due to distance, expense, prior professional commitments, or other good cause. Said requests, where appropriate, shall be approved when properly and timely requested and documented, for the purpose of reducing and narrowing issues or for other good cause. When necessary for fundamental fairness, the Court may require a declarant to provide testimony.

## RULE 8. Pre-Trial Conference

Pursuant to 8 C.F.R. Section 3.21, at the Judges' discretion, parties may be required to attend a pre-trial conference.

## RULE 9. Rules of Conduct

All counsel are expected to exercise due diligence and candor with the court and opposing counsel at all times. Engaging in knowing misrepresentation will be considered a ground for immediate referral for disciplinary action under the rules of professional Conduct for attorneys and practitioners.

Reference is taken to state bar rules and canons, and ABA rules and canons for guidance of practitioners before the Court. Personal conduct and professional standards shall be required and monitored.

Appropriate actions can be instituted by the Court for violations of these standards.