

**LOCAL OPERATING PROCEDURES
IMMIGRATION COURT
BALTIMORE, MD**

PREAMBLE: These rules are adopted under the authority of 8 C.F.R. § 1003.40 for the purpose of facilitating the convenient, efficient, and orderly conduct of business with the United States Immigration Court in Baltimore, Maryland. These rules govern the procedures within the jurisdiction of the United States Immigration Court at Baltimore, Maryland, and are in addition to the National Rules of Immigration Courts found at 8 C.F.R. § 1003.1 *et seq.*

PROCEDURE 1. Motions Practice

- A. In addition to complying with 8 C.F.R. § 1003.23(a), the moving party must submit a proposed order for signature by the Immigration Judge with all written motions. Proposed orders conform to the format contained in Appendix E of the Local Operating Procedures. All written motions will be decided on the basis of the written record unless the Immigration Judge determines that oral argument is necessary to make a determination on the motion.
- B. A written motion under this procedure or under 8 C.F.R. § 1003.23 must be responded to by the opposing party within ten (10) calendar days of being served in person or within thirteen (13) calendar days if served by mail, by filing the response with the United States Immigration Court at Baltimore, Maryland. Upon order of the Court, for good cause shown, a different time may be set for responses to motions. All motions not responded to in a timely manner will be deemed unopposed under 8 C.F.R. § 1003.23(a), but may still be denied by the Immigration Judge.
- C. Pursuant to 8 C.F.R. § 1003.23(a) the parties must use a Certificate of Service that conforms to the format in Appendix D of the Local Operating Procedures.
- D. Service on opposing party must be calculated to ensure receipt at least ten (10) calendar days prior to the scheduled hearing date.

PROCEDURE 2. Continuances

Pursuant to 8 C.F.R § 1003.29, parties seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no less than fifteen (15) calendar days prior to the scheduled hearing. The motion shall set forth 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 continuances within the fifteen (15) day period prior to the hearing will be considered only with the consent and in the discretion of the Immigration Judge for good cause shown. Counsels are encouraged to seek agreement on continuances prior to submitting 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 to the allegations contained in the charging document. See Appendix A-2 for pleading format.
 2. Respondent shall be prepared to articulate all requests for relief from Removal Proceedings.
 3. Respondent shall be prepared to state (in minutes or hours) the estimated time needed to present the case at the Individual Calendar Hearing.
 4. The Department of Homeland Security (DHS) shall be prepared to state its position on all issues and applications for relief.
- B. In lieu of a personal appearance at the Master Calendar Hearing, a written pleading by the respondent containing the information in Appendix A-1 may be filed with, and accepted by, the Immigration Court at its discretion. The written pleading must comply with the written pleading format in Appendix A-1 of the Local Operating Procedures. When the pleading is filed sufficiently in advance to be acted upon by the Immigration Judge, it may be joined with a motion to waive the presence of the parties at the Master Calendar hearing, pursuant to 8 C.F.R. § 1003.25. The motion must be accompanied by a proposed order in compliance with the order format in Appendix C of the Local Operating Procedures. Unless the order is signed by the Immigration Judge, the respondent's presence is *not* excused.
- C. At the Individual Calendar hearing, both parties shall be prepared to present all testimony and evidence on all issues, including rebuttal.

PROCEDURE 4. General

All matters shall proceed at the time and date scheduled for hearing. The parties shall be prepared to go forward with their cases at that time.

PROCEDURE 5. Filing Procedure

- A. In addition to complying with 8 C.F.R §§ 1003.31 and 1003.32, all documents and applications submitted for consideration by an Immigration Judge 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 have as a first page a table of contents with page number identification. The use of exhibit tabs annotated with **letter designations** is required. Documents served on opposing party must be in the **identical** format to those submitted to the Court, to include page numbers and tabs.
- B. In addition to complying with 8 C.F.R. §§ 1003.31 and 1003.32, all proposed exhibits and briefs must be filed with the Immigration 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. Late submissions may be accepted for filing at the discretion of the Immigration Judge upon a showing of good cause for the tardy filing. Weekends (Saturdays and Sundays) and official federal holidays are counted toward the computation of filing due dates. If a filing deadline falls on a

weekend or official federal holiday, the filing must be effected no later than the last business day prior to the weekend or holiday.

- C. Attorneys shall name all proposed witnesses they intend to present to the Court and provide a brief proffer of each witness' testimony to include the estimated length of the testimony and the language in which the witness will testify. The Immigration Judge may require that witnesses execute and file an affidavit as part of the exhibits filed. All proposed witness lists, and the proffers must be filed with the Immigration Court no later than ten (10) calendar days prior to the scheduled Individual Calendar hearing, unless otherwise ordered or permitted by the Immigration Judge where good cause is shown.
- D. The Court does not accept facsimile transmissions unless a specific request by the Court for such a transmission has been made or prior authorization has been granted by an Immigration Judge. Unauthorized transmissions are not made a part of the record and are neither retained nor returned to the sender.

PROCEDURE 6. Window Hours

The Immigration Court will open at 7:30 a.m. daily. Files may be reviewed and documents can be filed from 7:45 a.m. through 4:00 p.m.. Documents *will not* be accepted after 4:00. The window will remain open until 5:00 p.m. for all other purposes.

PROCEDURE 7. Electronic Devices and Food

All persons entering a courtroom *must* turn off all cell phones, pagers, watch alarms, and any other electronic device that may cause a disruption. No food or drink may be brought into the courtroom or waiting areas.

PROCEDURE 8. Minors

Children who have been placed in proceedings are required to attend all scheduled hearings unless their appearance has been waived by the Court. Adults are otherwise encouraged not to bring children to Court. A proceeding that is disrupted by a child may result in the hearing being postponed, in which case the delay would be attributed to the party who accompanied the child. Children may not be left unsupervised in the waiting room.

PROCEDURE 9. Requests for Interpreters

Requests for interpreters not made via a written pleading or at a master calendar hearing must be made by a separate, written motion. Such motion must be made as early as possible, but in any event, no later than fifteen (15) calendar days prior to the scheduled hearing date. The motion shall inform the Court of the name of the language, including any variations in spelling and shall state, if applicable, the specific dialect of the language needed, and if applicable, the geographical locations where such dialect is spoken. The motion shall state whether the respondent or witness is fluent in any other language and shall clearly identify that language.

APPENDIX TO LOCAL OPERATING PROCEDURES

TABLE OF CONTENTS

APPENDIX A-1:	Written Pleading
APPENDIX A-2:	Oral Pleading
APPENDIX A-3:	Frivolous Application and Failure to Appear Warnings
APPENDIX B:	Motion To Waive Presence at Master Calendar Hearing
APPENDIX C:	Order Waiving Appearance, Setting Due Date for Applications and Setting Trial Date
APPENDIX D:	Certificate of Service
APPENDIX E:	Proposed Order Format

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

IN THE MATTER OF

IN REMOVAL PROCEEDINGS

NAME OF THE RESPONDENT

CASE A#

WRITTEN PLEADING

1. Respondent, through counsel, concedes proper service of the Notice to Appear, dated_____.
 2. Attorney for the respondent has explained:
 - a. the rights set forth in 8 C.F.R § 1240.10(c);
 - b. the consequences of failing to appear in Court as set forth in the Immigration and Nationality Act (INA) § 240(b)(5); and
 - c. The consequences of knowingly filing/making a frivolous application as set forth in the INA § 208(d)(6).
 3. Respondent concedes the following allegation(s)_____, and denies the following allegation(s)_____.
 4. Respondent concedes the following charges of removability_____, and denies the following charges of removability_____.
 5. In the event of removal, respondent names_____ as the country to which removal should be directed.
 6. As relief from removal, respondent will be filing application(s) for_____.
- The application(s) shall be filed with the Court within thirty (30) days of the date of this written pleading, unless otherwise directed by the Court. Respondent acknowledges that if the application(s) are not timely filed, the application(s) shall be deemed waived under 8 C.F.R. § 1003.31(c).
7. Counsel for respondent estimates that _____ hours shall be required to present the case.
 8. It is requested that a_____interpreter be provided.

Date

Attorney/Representative
For Respondent

I, _____, attest to my full knowledge and understanding of my rights set forth in 8 C.F.R. § 1240.10. I waive a further explanation of such rights by this Court.

I have been advised of, and understand, the consequences of knowingly filing a frivolous asylum application pursuant to INA § 208(d)(6).

Further I understand the consequences of failing to appear for a removal proceeding or a scheduled date of departure. I knowingly and voluntarily waive the oral notice required by the INA § 240(b)(7), alternatively, I authorize this waiver by my attorney/representative.

Finally, I understand that in accordance with 8 C.F.R. § 1003.15(d), if my address changes I must notify the Court within 5 days of such change by completing and mailing the EOIR-33 form.

Date

Respondent

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

ORAL PLEADING

In order to move the large pleading calendar quickly and more efficiently, it is required that counsels/representatives follow this format and be prepared to make the following oral representations:

Upon commencement of the proceedings, the Court will recognize counsel or accredited representatives of record for the respondent. Notice of Entry of Appearance must be submitted to the Court *prior* to the hearing.

COUNSEL TO THE COURT:

I, (attorney/accredited representative), (state your name), on behalf of (state the name of your client), do concede proper service of a Notice to Appear dated (state date of the NTA), and (waive a formal reading thereof) or (wish to have the charging document read into the record).

I represent to the Court that I have discussed with my client the nature and purpose of these proceedings, discussed specifically the allegations of facts and the charge(s) of removability, and further advised my client of his legal rights in removal proceedings.

I further represent to the court that I have fully explained to my client the consequences of failing to appear for a removal hearing or a scheduled date of departure and the consequences of knowingly filing any frivolous applications. My client knowingly and voluntarily waives the oral notice required by INA § 240(b)(7).

As to each of these points, I am satisfied my client understands fully. On behalf of my client, he/she enters the following plea before this Court:

1. Admits allegation(s) # _____ to _____ or
Denies allegation(s) # _____ to _____.
2. Admits the charge(s) of removability or denies the charge(s) of removability.
3. Seeks the following applications for relief from removal: (state applications to include termination of proceedings).
4. Requests until (state date to be filed) to submit such applications to the Court with proper certification to the District Counsel's office of the Department of Homeland Security
5. Represents to the Court that my client is prima facie eligible for the relief stated herein.
6. Requests (time/hours) to present my client's case in chief.
7. Lastly, my client designates (state name of country) as his/her country of choice for removal if removal becomes necessary.

**BY AUTHORITY OF:
U.S. Immigration Court
Baltimore, Maryland**

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

IMMIGRATION AND NATIONALITY ACT

§ 208(d)(4)(A) Notice of privilege of counsel and consequences of frivolous application.

At the time of filing an application for asylum, the Attorney General shall-

- A. advise the alien of the privilege of being represented by counsel and of the consequences, under paragraph 6, of knowingly filing a frivolous application for asylum... [emphasis added].

§ 208(d)(6) Frivolous Application

If the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph 4(A), the alien shall be permanently ineligible for any benefits under this Act, effective as of the date of a final determination. [emphasis added].

§ 240(b)(5) Consequences of Failure to Appear

Any alien who, after written notice required under paragraph 1 or 2 of § 239(a) has been provided to the alien or the alien's counsel of record, does not attend a proceeding under this section, shall be ordered removed in absentia if the Service established by clear, unequivocal and convincing evidence that the written notice was so provided and that the alien is removable (as defined in subsection (e)(2)). The written notice by the Attorney General shall be considered sufficient for the purposes of this subparagraph if provided at the most recent address provided under § 239(a)(1)(F).

§ 240(b)(7) Limitation on discretionary Relief for Failure to Appear

Any alien against whom a final order of removal is entered in absentia under this subsection and who, at the time of the notice described in paragraph 1 or 2 of subsection 239(a), was provided oral notice, either in the alien's native language or in another language the alien understands, of the time and place of the proceedings and of the consequences under this paragraph of failing, other than because of exceptional circumstances (as defined in subsection (e)(1)) to attend a proceeding under this section, shall not be eligible for relief under §§ 240A, 240B, 245, 248, or 249 for a period of ten (10) years after the date of the entry of the final order of removal.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

IN THE MATTER OF	IN REMOVAL PROCEEDINGS
NAME OF THE RESPONDENT	CASE A#

MOTION TO WAIVE APPEARANCE AT MASTER CALENDAR HEARING

Upon completing and timely submitting the Written Pleading, consistent with the Written Pleading format for this Court, the respondent, through counsel, requests a waiver of his/her appearance and the appearance of counsel at the Master Calendar hearing scheduled for _____.

Date

Attorney/Representative
For Respondent

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

IN THE MATTER OF	IN REMOVAL PROCEEDINGS
NAME OF THE RESPONDENT	CASE A#
ON BEHALF OF RESPONDENT	ON BEHALF OF DHS
_____	_____

ORDER

Upon receipt of Motion to Waive Appearance and the Written Pleading consistent with Local Operating Procedure 3, the respondent's Motion to Waive Appearance at Master Calendar Hearing is granted. The application(s) for relief must be filed within _____ days of the order.

The hearing is set for the _____ day of _____, 200_ at a.m./p.m., at _____.

DONE AND ORDERED this _____ day of _____, 200_, in Baltimore, Maryland.

U.S. Immigration Judge
Baltimore, Maryland

**UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND**

CERTIFICATE OF SERVICE

CASE NAME: _____

A#: _____

I HEREBY CERTIFY that on this _____ day of _____ 200_, I caused to be served:

_____ a true copy thereof in a sealed envelope, with postage thereon fully prepaid and causing the same to be mailed by first class mail to the person at the address set forth below.

_____ a true copy thereof, personally delivered to the person at the address set forth below.

_____ by Express Mail to the person at the address set forth below.

_____ by certified mail-return receipt requested to the person at the address set forth below.

_____ by regular mail to the person at the address set forth below.

ADDRESS OF THE PERSON BEING SERVED

I declare under penalty of perjury that the foregoing is true and correct.
Executed on _____, 200_.

(Signature)

(name in block letters)

BALTIMORE, MARYLAND

IN THE MATTER OF

IN REMOVAL PROCEEDINGS

NAME OF THE RESPONDENT

CASE A#

ON BEHALF OF RESPONDENT

ON BEHALF OF DHS

ORDER

(INSERT BODY OF THE ORDER)

DONE AND ORDERED this _____ day of _____, 200_, in Baltimore, Maryland.

U.S. Immigration Judge
Baltimore, Maryland

APPENDIX E