

LOCAL RULES

These local rules are adopted pursuant to 8 C.F.R. § 3.40 (1999). The objective of the local rules is to facilitate the effective, efficient, and orderly conduct of proceedings within the jurisdiction of the Immigration Courts in Houston, Texas, and Huntsville, Texas, including the Immigration Court in Oklahoma City, Oklahoma. The rules set forth herein shall in no way serve to restrict or limit the authority or discretion of the presiding judge.

Rule 1. General

- 1.(a) All matters shall proceed at the time and date scheduled for hearing. Parties shall appear and be prepared to go forward with their cases as scheduled.
- 1.(b) Any material or motion submitted not in conformance with the Local Rules, applicable law or regulation, will be rejected and will not be considered by the Court.

Rule 2. Filing Procedure

- 2.(a) In accordance with 8 C.F.R. 3.31(c), all exhibits, briefs, and applications must be filed with the Court within the time set by the presiding judge. If the presiding judge does not set a specific filing date or time they must be filed within the regular filing hours no later than ten (10) business days prior to the scheduled hearing, unless a written motion to extend filing time has been granted by the presiding judge or due to the rebuttal nature of the evidence, the filing time cannot be met.
- 2.(b) All exhibits, briefs, and applications must be filed at the public window of the Immigration Court during regular filing times as posted, except as otherwise ordered by the presiding judge or required by law or regulation.
- 2.(c) In addition to complying with 8 C.F.R. 3.31 and 3.32, all documents and applications must be indexed, paginated, tabbed on the right-hand side of the page, and two-hole punched at the top of the page with holes 2-3/4 inches apart.
- 2.(d) All materials relating to a specific file number must be clearly identified and submitted in a package separate from material relating to any other file number, regardless of any consolidation. Envelopes containing material regarding a case must contain on the outside the name and file number of that case. If a Notice of Appearance (Form EOIR-28) is included with the submission of material in a case, the Form EOIR-28 must be attached to the top of the material for that case.

Rule 3. Motions

In general, motions must be in writing and must identify the presiding judge. Parties shall not act upon any motion not yet adjudicated by the Court.

3.(a) Continuanace:

Parties seeking a continuance of any hearing must file a written motion not less than ten (10) business days prior to the scheduled hearing. The motion must include the case name or respondent's/applicant's name and file number, the name of the presiding judge, the reason(s) that the continuance is requested, and proof of service upon the opposing party. Motions based upon conflict of schedules must be supported by evidence that diligent efforts have been made to reschedule the conflicted case without success. Motions for continuance filed less than ten (10) business days prior to the merit hearing must also be supported by evidence of a bona fide emergency.

3.(b) Change of Venue:

In addition to complying with 8 C.F.R. 3.20 and 3.32, all written motions for change of venue must contain the case name or respondent's/applicant's name, file number, the name of the presiding judge, the date and time of any scheduled hearing, and proof of service upon the opposing party. The motion must also include the respondent's/applicant's sworn affidavit containing a waiver of an explanation of the nature of proceedings and the respondent's rights required under 8 C.F.R. 240.10(a), the respondent's pleadings to the allegations and charge(s) contained in the charging document(s), the designation of a country in the event of removal/deportation or a declination to designate a country, and if applicable, identification of the relief the respondent/applicant will be seeking in the new venue. If the motion for change of venue is not granted, parties must appear and be prepared to go forward with their cases as scheduled.

3.(c) Withdrawal/Substitution of Representation by Attorneys or Other Representatives:

- (1) Withdrawal of representation must be requested by a written or oral motion to withdraw addressed to the presiding judge, and must set forth the following:
 - (A) The reason(s) for the request to withdraw;
 - (B) Evidence of the client's consent to withdraw, or evidence of how and when the client has been notified of the representative's intent to withdraw, or an explanation of how and when an attempt to notify the client of the representative's intent to withdraw was made;
 - (C) The current or last-known address of the client; and
 - (D) 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.

- (2) Substitutions of entry of appearance must be requested by written or oral motion addressed to the presiding judge, accompanied by:
 - (A) a Notice of Entry of Appearance (Form EOIR-28) completed by the attorney or representative to be substituted, and
 - (B) the respondent's written consent to such substitution of entry of appearance. The alien's signature on the Form EOIR-28 is sufficient to indicate written consent.
 - (3) Subsequent to filing a Notice of Entry of Appearance (Form EOIR-28), an attorney or accredited representative is obligated to continue representation until the presiding judge grants a motion to withdraw or motion to substitute representation.
- 3.(d) Consolidation of Cases:
Such motions must be addressed to the presiding judge scheduled to hear the case with which the movant would like to consolidate.
- 3.(e) Opposition:
Except as otherwise ordered by the presiding judge, any party opposing a motion must, no later than ten (10) business days after the filing of the motion, file with the Court a written response to said motion. A motion shall be deemed unopposed in the absence of a timely written response.

Rule 4. Courtroom Decorum

- 4.(a) All electronic equipment, including but not limited to cellular or wireless phones, pagers, alarm watches, must be silenced prior to entering the courtroom.
- 4.(b) Parties participating in a hearing shall not converse, discuss, or debate with each other or another person during the recording of proceedings. All verbal argument and statements must be directed to the presiding judge during the recording of proceedings. Conversations and discussions during court proceedings that do not involve the presiding judge must be conducted outside of the courtroom.
- 4.(c) No one is allowed to make any noise or disturbing sound inside or in the immediate area outside of the courtrooms.
- 4.(d) No food or drinks are allowed inside or in the immediate area outside of the courtrooms unless authorized by the presiding judge.

Rule 5. Witness List

- 5.(a) Except in cases of unforeseen rebuttal witnesses, if any party intends to present one or more witnesses other than the respondent(s), the party intending to call such witness must file a witness list not less than ten (10) business days before the merit hearing, identifying
- (1) the subject matter of the testimony of each proposed witness, and
 - (2) the language of such witness and whether an interpreter will be needed.

Rule 6. Effective Date

- 6.(a) These local rules are effective May 30, 2000.