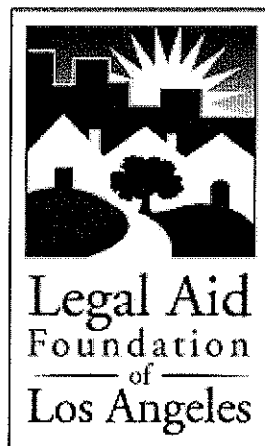


**PRO BONO ATTORNEY MANUAL  
LEGAL ORIENTATION PROGRAM**

**SAN PEDRO IMMIGRATION COURT  
AT THE  
SAN PEDRO PROCESSING CENTER**

APRIL 2007



*Working for Justice in Our Communities Since 1929*

## Table of Contents

Introduction .....	1
General Information .....	1
Entering the Detention Center .....	2
Court Check-In .....	3
Frequently Used Forms .....	3
Court Protocol .....	4
Common Objections .....	4
Filing Information .....	5
Notice .....	6
Format .....	6
Filing Deadline .....	7
Translation Issues .....	7
Supplemental Filings .....	7
Witnesses .....	7
Testimony .....	8
The Decision .....	8
Legal Concepts .....	8
Related Motions .....	9
Biometrical Information .....	9
Telephones and Copiers .....	10
Detainee Mental Health Issues .....	10
List of Contacts .....	10
Appendix .....	11

## **INTRODUCTION**

Immigration proceedings, particularly those held at a detention facility, differ from civil and criminal proceedings. Immigration hearings are civil, administrative matters that are not bound by the Federal rules of evidence.

This booklet was written specifically for pro bono attorneys representing individuals identified by the Legal Orientation Program in immigration proceedings at the San Pedro Processing Center ("Detention Center") in San Pedro, California. It is not intended as an all-encompassing source of information. Thank you for your commitment to justice and for partnering with the Legal Aid Foundation of Los Angeles ("LAFLA") to provide much needed legal assistance to the detainees at San Pedro.

## **IMMIGRATION COURT PROCEDURES**

In removal proceedings, the detainee bears the burden of proving that he or she is not subject to exclusion under any provision of the Immigration and Nationality Act ("INA"). Once the detainee, or applicant if he is filing for relief, presents a prima facie case of admissibility, the burden generally shifts to the Service to provide evidence to the contrary.

### General Information

There are two Immigration Judges ("IJ") at the San Pedro Immigration Court - the Honorable D.D. Sitgraves and the Honorable Rose Peters. They hear Master Calendar ("MC") Hearings, Merits hearings, and Bond Redetermination hearings.

#### Master Calendar Hearings:

Generally, MC Hearings are reserved for pleading, scheduling, answering the charges on the Notice to Appear ("NTA"), notifying the judge which forms of relief a detainee is planning on applying for, and for submitting applicable applications for relief. An individual can request all forms of relief that she may be eligible for. MC Hearings are generally held Monday through Thursday mornings, 8:00 a.m. to 12:00 noon. Although they are generally held **10** (ten) days after arrival, it can take two to three weeks, or sometimes longer, before a first Master Calendar Hearing. Bond Redetermination Hearings are held during Master Calendar Hearings. MC Hearings are very brief, and many detainees will be scheduled for MC Hearings at the same time.

#### Bond Redetermination Hearings:

The Trial Attorney ("TA"), or the attorney representing Immigration and Customs Enforcement ("ICE"), may decide to set a bond for the detainee (the minimum bond amount is \$1,500). A bond is like bail, in that the detainee can be released from detention upon paying the bond and promising to show up for all future hearings. If granted, a motion for change of venue would be filed (this is a very simple form provided by the

Immigration Court), and the case would be scheduled with a different judge in the Immigration Court closest to where the immigrant lives (not at San Pedro). Not all detainees are eligible for a bond (eg, aggravated felons), but if you are not sure whether a detainee is eligible, you can still request one before or at a MC Hearing. If the TA sets a bond, but the detainee cannot afford to pay it, the detainee may request a Bond Redetermination Hearing.

Most Bond Redetermination Hearings are held during Master Calendar Hearings. At this hearing, the judge may decide to lower the bond amount. Or, there is the risk that she may decide to increase the bond or take it away altogether. Evidence can be provided in support of a detainee's release during a Bond Redetermination hearing, such as evidence that she is not a danger to the community, has firm ties in the community, is not a flight risk, is a good person, has not committed very serious crimes, etc. Cases typically move faster when a person is detained, and slower when they are released on bond and their case is being heard in the regular Immigration Court. NOTE: If a detainee who is released on bond does not appear for a scheduled hearing, he will receive an order of deportation *in absentia* and will lose the right to fight his case.

#### Merits Hearings:

Merits Hearings, also known as Individual Hearings, are conducted daily beginning at 1:00 p.m. and Friday mornings at 8:00 a.m. Depending on the type of case, a Merits Hearing is generally set one to two months after the last Master Calendar Hearing. At the Merits Hearing, the IJ may hear requests for relief from removal.

San Pedro follows the general Immigration Court Local Operating Procedures for Los Angeles, which can be found at the EOIR website using the following link: <http://www.usdoj.gov/eoir/efoia/ocij/localop/LOS.pdf>. There are no other local operating rules for the San Pedro Immigration Court, although the IJ preferences are outlined in this manual.

#### Entering the Detention Center

The Detention Center is located at:

2001 Seaside Avenue  
San Pedro, California 90731

You **must** bring your California Bar Card and California Driver's license (or passport) with you every time you visit a detainee or wish to enter the facility. As you approach the outer gate of the Detention facility, you will find parking on the left-hand side. There is no attorney parking inside the actual facility. Allow yourself at least 15 minutes to walk from the parking area to the main entrance (the North gate) of the Detention Center and be cleared to enter the lobby.

After parking your car, walk towards the facility and past the first booth on your right (there is usually no one in this booth). Continue following the path towards the facility until you reach another booth with tables outside of it. This is where security clears you for entry. Stand at this gate (the North gate), and wait to be acknowledged by an ICE officer. If you wait for a bit and no one seems to see you, feel free to call into the speaker and an ICE officer will acknowledge you. Give your California Bar Card and Driver's License to the officer. They keep your Driver's License and give you an attorney badge for use while inside the facility. When you turn in your badge, you get your Driver's License back. Your bags will be run through an X-ray machine. Matches, cigarette lighters, and cameras are not allowed).

After being cleared by security, follow the yellow lines on the ground to the lobby.

Attorney visiting hours are:

8:00 a.m. to 11:00 a.m.

1:00 p.m. to 4:00 p.m.

6:00 p.m. to 9:00 p.m.

**Seven days a week**

If you want to ensure that your client is available before you drive out to the Detention Center, it may be helpful to call ahead of time to see if the facility is in lock-down. If so, you will not be allowed to enter (or exit) the facility until the ICE permits. This could take hours. The telephone number to the lobby is: (310) 241-2317.

### Court Check-In

All hearings are generally held in one of two courtrooms in the Detention Center. Note that the courtrooms are temporarily undergoing construction. As a result, you will need to check in with an officer in the main lobby rather than proceeding directly to the courtroom. After checking in with the officer in the lobby, you will be escorted to the temporary courtrooms housed in the back of the Detention facility. After courtroom renovation is complete, attorneys must look for their case number on the Court calendar posted on the bulletin board outside the courtrooms. Then, enter the courtroom and present Form EOIR-28, Notice of Entry of Appearance, to the Clerk. If the EOIR-28 is already on file, present the Notice of Hearing to the Clerk or simply let the Clerk know that you are in court on behalf of a particular detainee. Be sure to have the detainee's Alien Registration ("A") Number handy. The case may be called based on the last three digits of the Alien Registration Number only, so be familiar with your client's "last three."

### Frequently Used Forms

Below is a list of forms frequently used or encountered in Immigration Court.

- **Notice to Appear ("NTA")** – This document initiates a proceeding before an IJ. It must include proof that it was served on the opposing party, your client.

See 8 CFR, section 1003.14 *et seq.* for more information. See blank sample at Appendix A.

- **EOIR-28** – Notice of Entry of Appearance as Attorney or Representative Before Immigration Judge.
- **EOIR-33** – Change of Address Form. Within 5 (five) days, a detainee must submit this form to the Immigration Court with his new address. If venue has been changed, submit this form to the Immigration Court to which venue was changed. 8 CFR section 1003.15(d)(2).
- **Custody Redetermination Questionnaire** – This form is filled out by you when requesting that bond be redetermined. See sample at Appendix B. The form is also located on the EOIR website along with a helpful bond checklist.

All forms can be obtained on the EOIR website at: <http://www.usdoj.gov/eoir/>.

### Court Protocol

- When the judge enters or leaves the courtroom, everyone should stand.
- Do not stand when addressing the Court. Note that one does stand when addressing federal judges.
- Address the judge as “Your Honor,” or “Judge Smith” or “the Court.” E.g., “May I hand the Court my Notice of Entry of Appearance?”
- Do not attempt to hand a document to the Court without asking if you may do so.
- Address opposing counsel by name or refer to them as the “government attorney” or the “trial attorney” or “ICE counsel.”
- Do not speak while sitting in the back of the courtroom.
- Your cell phone must be off while in the courtroom.

### Judge’s Entry into Courtroom

- Everyone stands.
- Cases are usually called by “the last three”, meaning the last three digits of the client’s A number.
- After your case is called, sit at counsel table with your client.

### Common Objections Made by ICE Trial Attorneys

- Leading (suggests desired answer);

- Relevance;
- Repetitive / Asked and Answered;
- Compound (two or more separate questions within single question);
- Vague;
- Narrative (long narratives may provide witness opportunity to insert inadmissible evidence);
- Not responsive.

#### Common Objections Made by Respondents' Counsel

- Compound;
- Relevance;
- Vague;
- Repetitive / Asked and Answered.

#### Less Common Objections

- Calls for privileged information;
- Calls for a conclusion / legal conclusion (lay witness should testify to facts);
- Assumes facts not in evidence;
- Hearsay (hearsay is admissible, but hearsay objections may still occur if the maker of the statement can easily be brought into court).

#### Filing Information

Once the IJ determines that a respondent is eligible to apply for relief, she will reset the case to a Master Calendar Hearing to file the application and supporting documents. It is general practice to appear in court to submit an application. If you are filing an asylum application on behalf of your client, you must appear in person to file.

If a fee is necessary, such as in a Cancellation case, then the fee must be paid at the Federal Building prior to presentation to the San Pedro IJ. The Federal Building is located at:

Department of Homeland Security  
300 N. Los Angeles Street, Room 1001  
Los Angeles, CA

Present the application and a copy of the Notice of Hearing or NTA when making payment. The cashier will stamp the application indicating that the fee was paid and return the application to you. Once the fee has been paid, file the application along with the fee receipt at the San Pedro Immigration Court. You must serve DHS Office of Chief Counsel (the TA) with a copy of the application and supporting documents as well. See below for more information on notice to the Office of Chief Counsel.

Remember to consider whether your client may qualify for a fee waiver. There is no fee for an asylum/withholding/CAT application.

### Notice

The general rule is that whatever you file with the IJ, you must serve a copy on the DHS TA, also called the Assistant Chief Counsel. Do not serve the Office of the Chief Counsel via the Immigration Court. Rather, send a copy of all documents to the following address:

Office of Chief Counsel for ICE  
2001 Seaside Avenue  
San Pedro, California 90731.

There are currently four Assistant Chief Counsels at San Pedro. Often, you will not know which Assistant Chief Counsel is assigned to your case. You do not need to send the application to a specific person. By sending it to the above address, it will be routed to the attorney assigned to the case.

If your case is in the initial stage and you want to talk with Opposing Counsel, call Lead Assistant Chief Counsel Scott Laurent at: (310) 241-2320. He can also provide the name of the Assistant Chief Counsel assigned to your client's case once it is beyond the initial stage. For service via Federal Express or DHL, use Mr. Laurent's telephone number on the packing slip. You must provide the Court with proof of service to the Office of Chief Counsel. See Appendix C for a sample.

### Format

Always remember that the rules set out in the CFR governs all filings in Immigration Court (*See* 8 CFR § 1003.31, *et seq.*). The following is additional, helpful information. All documents should be two-hole punched at the top, paginated and tabbed. Paper clips are permissible to use. In addition, provide the IJ with an index of what is contained in your application packet. Highlight pertinent or significant portions of any supporting documentation you are submitting. Be ready to explain how a particular piece of evidence relates to your client's situation. You will need the following number of copies when you file:

- **Asylum/Withholding of Removal/CAT application** –Original plus 3 (three) copies.
- **All other applications** – Original plus 1 (one) copy.

For asylum applications, you and your client will be sworn in and sign the application under oath. Soon after the asylum application is filed, the Court Clerk will give you a copy of country conditions from the State Department.



### Filing Deadline

The IJ will give you a Master Calendar Hearing date to file to the application along with any supporting documents and declarations. Generally, all filings are done in person in person at San Pedro. Make every effort to file all supplemental documents along with the application. For more information on supplemental filings, see below.

### Translation Issues

All documents submitted to the Immigration Court must be in English. Often, clients will have supporting documents in another language which must be translated. You must attach a Certificate of Translation for each document that is translated. See a sample at Appendix D.

If you need an interpreter for a prospective witness, you must notify the Immigration Court *in writing* prior to your hearing. Be sure to specify which language you need. If you determine, during the course of your case, that interpreter services are needed, you must notify the court in writing at least **5 (five)** days prior to the scheduled hearing. The request must include how long you expect the witness(es) to testify (in total, including cross examination).

If you find that you no longer need interpreter services, you must notify the Immigration Court *at least 24 hours* prior to your hearing. In this instance, you can notify the Court by telephone as well at: (310) 241-2424. For more information about translation rules, see the San Pedro section entitled "Interpreter Requests Guidelines" on the EOIR website.

### Supplemental Filings

In general, it is best to try and have your application complete at the time you file. Occasionally, you will encounter important information after you file that you would like to include. It is permissible to file supplemental information after the application has been submitted. The IJ's prefer that you submit any supplemental filings *at least* 10 (ten) days prior to your client's Merits Hearing so they can have an opportunity to thoroughly review the documents.

### Witnesses

Generally, a witness list is not necessary. However, if you have multiple witnesses, provide a list to the IJ **10 (ten)** days prior to the scheduled hearing. It is also helpful to include a brief statement explaining how the witness' testimony is relevant to your client's case. The TA may request that multiple witnesses be sequestered. A witness may remain in the courtroom after her testimony is taken on the record.

## Testimony

During the first Master Calendar Hearing, the IJ will be concerned with identifying all issues, setting filing deadlines for motions and potential relief and setting subsequent hearings if necessary to file applications. In addition, your client will have to confirm the information and answer the charges alleged in the NTA. Often, the issue arises as to whether a crime your client allegedly committed is an aggravated felony.

You should advise your client to be very careful about admitting that he committed a particular crime, or that it is an aggravated felony if there is any doubt about the details surrounding the alleged criminal activity since aggravated felonies can have very serious negative consequences in the immigration context.

The area of aggravated felonies and criminal conviction records is vast and beyond the scope of this booklet. There are many sources of helpful information, such as the "Quick Reference Chart and Notes for California Convictions located on the Immigrant Legal Resource Center website at: [www.ilrc.org/criminal.php](http://www.ilrc.org/criminal.php). and the book Aggravated Felonies – Instant Access to All Cases Defining Aggravated Felonies by Norton Tooby and Joseph Justin Rollin, copyright 2006.

## The Decision

After any closing arguments are given (they are optional), the IJ usually renders an oral decision. Occasionally, the IJ will provide a written decision which is served by U.S. mail. If there is insufficient time at the end of the Merits Hearing to render a decision, the IJ may re-schedule the hearing to render her decision orally. In rare instances, the IJ may also render a written decision. A detainee has **30** (thirty) days to appeal this decision to the Board of Immigration Appeals ("BIA") in Falls Church, Virginia.

## **LEGAL CONCEPTS**

### Burdens of Proof

The burden of proof in an immigration case depends on the type of proceeding.

- **In Deportation Proceedings** – The burden is on the DHS to establish that your client is deportable by evidence that is clear, unequivocal and convincing. Woodby v. INS, 385 U.S. 276 (1966).
- **In Exclusion Proceedings** – The burden is on the applicant to show that she is not subject to exclusion under any provision of the Act. If your client is able to show a prima facie case of admissibility, the DHS has the burden of presenting some evidence which would support a contrary finding. Note that exceptions exist.

## Documentary Evidence

Always remember that the IJ has discretion as to whether to admit any document. Before a document can be admitted, opposing counsel may question the document's authenticity, identification or relevance. It is important to anticipate any objections and be prepared to respond. You can make an "Offer of Proof" in the event that evidence is not admitted, so that you can preserve the issue on appeal.

## Admissibility

Admissibility of documents and testimony is generally favored in immigration proceedings since the rules of evidence are not applicable. Thus, the main question related to admissibility is not *whether* something is admissible, but what *weight* the IJ should give a piece of evidence in adjudicating your client's case. It is also important to note that generally, a formal admission made before, during or *after* a proceeding by an attorney acting in his or her professional capacity binds the respondent as a judicial admission.

## Related Motions

### *Motion for Continuance*

Motions for Continuance are not common because often, detainees are anxious to resolve their case and possibly be free from confinement. Still, they are acceptable and a viable option. A written request for a continuance should be filed with the court as soon as you know you have a scheduling conflict. For Merits Hearings, Motions to Continue must be filed no later than **15** (fifteen) days prior to the scheduled hearing (see Local Operating Procedures). This rule does not apply for Master Calendar Hearings. The Motion for Continuance should also list alternate days and times you are available. See Appendix E for a sample.

### *Motion to Advance*

Motions to Advance are also uncommon but completely acceptable. This may occur if your client becomes ill or there is some type of emergency, and you would like to move up a hearing date. In addition, the attorney can ask the IJ, when setting the case from a Master to an Individual Merits hearing, to advance the case in the event an earlier date becomes available. Bear in mind that if an earlier date does become available, you and your client's witnesses must be ready to proceed.

## **RELATED INFORMATION**

### Biometrical Information

If fingerprints are required during the pendency of your client's case, call Scott Laurent, Office of Chief Counsel **3-5** days before your client's hearing and ask for a fingerprint check.

If your client needs photographs taken, call his deportation officer to request that this be done. There are currently (3) deportation officers at San Pedro that are assigned to detainees in the following manner:

<i>Name</i>	<i>Case Assignment -- Last 3 Digits of A Number are:</i>	<i>Telephone Number</i>
Officer D. Boxley	000 to 333	(310) 241-2311
Officer Torres	334 to 666	(310) 241-2315
Officer S. Sarte	667 to 999	(310) 241-2389

### Telephones & Copiers

ICE and the Court are very strict about cell phone usage while at the facility. You may not use a cell phone in court or in the lobby. All telephone calls must be made outside the lobby area. In addition, there are no photocopy machines for attorney use at the facility.

### Detainee Mental Health Issues

You may find that your client has some mental health concerns related to her victimization or the pressures of confinement. LAFLA social workers can help you identify ways to help ease client stressors. For more information, call LAFLA attorney and social worker, Dominique Quevedo, at (562) 304-2525.

### List of Contacts

Appendix E contains telephone numbers listed throughout this manual, including the telephone number to The Executive Office for Immigration Review automated information system (“EOIR”). You can call this number 24 hours a day, 7 days a week to obtain hearing dates, case processing information and filing information.

Appendix A

U. S. Department of Justice  
Immigration and Naturalization Service

Notice to Appear

COPY

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: \_\_\_\_\_

In the Matter of:  
Respondent: \_\_\_\_\_

currently residing at: \_\_\_\_\_

(Number, street, city, state and ZIP code)

(Area code and phone number)

1. You are an arriving alien.
2. You are an alien present in the United States who has not been admitted or paroled.
3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture

Section 235(b)(1) order was vacated pursuant to: 8 CFR 208.30(f)(2) 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

\_\_\_\_\_  
(Complete Address of Immigration Court, including Room Number, if any)

on \_\_\_\_\_ at \_\_\_\_\_ to show why you should not be removed from the United States based on  
(Date) (Time)  
the charge(s) set forth above.

\_\_\_\_\_  
(Signature and Title of Issuing Officer)

Date: \_\_\_\_\_

\_\_\_\_\_  
(City and State)

COPY

See reverse for important information

Form I-862 (rev. 3/22/99)

## Appendix A – NTA page 2

### Notice to Respondent

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

### Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

\_\_\_\_\_  
(Signature of Respondent)

Before:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
(Signature and Title of INS Officer)

Certificate of Service		
This Notice To Appear was served on the respondent by me on, _____ in the following manner and in		
(Date)		
compliance with section 239(a)(1)(F) of the Act:		
in person	by certified mail, return receipt requested	by regular mail
Attached is a credible fear worksheet.		
Attached is a list of organizations and attorneys which provide free legal services.		
The alien was provided oral notice in the _____ language of the time and place of his or her hearing		
and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.		
_____ (Signature of Respondent if Personally Served)		_____ (Signature and Title of Officer)

Form I-862 (rev. 3/22/99)

**Appendix B**  
**Custody Redetermination Questionnaire**  
UNITED STATES IMMIGRATION COURT  
SAN PEDRO, CALIFORNIA  
CUSTODY REDETERMINATION QUESTIONNAIRE



Date: \_\_\_\_\_

A#: \_\_\_\_\_ AGE: \_\_\_\_\_ NATIONALITY: \_\_\_\_\_

ALIEN'S NAME: \_\_\_\_\_

ATTORNEY/WAIVED: \_\_\_\_\_ ADC: \_\_\_\_\_

CURRENT BOND: \_\_\_\_\_ AMOUNT REQUESTED: \_\_\_\_\_

BOND ADDRESS/OWNER: \_\_\_\_\_

MARITAL STATUS: \_\_\_\_\_ VISA STATUS, IF ANY: \_\_\_\_\_

FAMILY IN THE U.S./STATUS: \_\_\_\_\_

LEVEL OF EDUCATION: \_\_\_\_\_

LAST U.S. EMPLOYMENT & DATES: \_\_\_\_\_

PRIOR U.S. EMPLOYMENT & DATES: \_\_\_\_\_

PROPERTY OWNED: \_\_\_\_\_

ARRESTS/CONVICTIONS & DATES: \_\_\_\_\_

SMUGGLING ACTIVITY: \_\_\_\_\_

PRIOR INS HISTORY: \_\_\_\_\_

PRIOR APPEARANCE/BOND HISTORY: \_\_\_\_\_

POSSIBLE WAIVERS: \_\_\_\_\_

IMMIGRATION JUDGE NOTES:

**Appendix C**  
**Sample Certificate of Service**

**CERTIFICATE OF SERVICE**

A#:

NAME:

I hereby certify that I served a copy of the attached document(s) upon the Department of Homeland Security by ( ) personal service ( ) mailing a copy by first class mail, postage prepaid, to the following address:

Office of Chief Counsel for ICE  
2001 Seaside Avenue  
San Pedro, California 90731.

DATE: \_\_\_\_\_

\_\_\_\_\_  
[Signature of Attorney]

\_\_\_\_\_  
[Name of Attorney]



**Appendix D**  
**Sample Certificate of Translation**

I, **[NAME OF TRANSLATOR]**, am competent to translate from **[LANGUAGE]** into English, and certify that the translation of **[NAME OF DOCUMENT]** is true and accurate to the best of my abilities

\_\_\_\_\_  
(Signature of Translator)

Date: \_\_\_\_\_

\_\_\_\_\_  
(typed/printed name of translator)

**Appendix E**

**Sample Motion for Continuance**

Angela Attorney  
Name of Firm.  
Address  
Phone Number

Attorney for the Respondent

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
UNITED STATES IMMIGRATION COURT  
SAN PEDRO, CALIFORNIA

In the Matter of:	)	
	)	
M--- M--- M-----	)	File No. A ## ### ###
	)	
Respondent,	)	Merits Hearing June __, 2005
	)	
In Removal Proceedings	)	
	)	At __p.m. Before Judge _____
_____	)	

**MOTION FOR A CONTINUANCE OF A MERITS HEARING**

Respondent, M M M, through undersigned counsel, requests a continuance of his Individual Hearing, currently scheduled for June \_\_, 2005. Pursuant to 8 C.F.R. § 1003.29, “[t]he Immigration Judge may grant a motion for continuance for good cause shown.” In accordance with Local Operating Procedures, Procedure 5, Respondent offers this motion supported by an affidavit and supporting documents. Respondent’s counsel will not be available

to prepare for his hearing from \_\_\_\_\_ to \_\_\_\_\_. Respondent's counsel has submitted this request for a continuance before fifteen calendar days before his Individual Hearing.

Respondent's counsel contacted DHS District Counsel \_\_\_\_\_ by telephone on June \_\_\_\_, 2005. \_\_\_\_\_ stated that his office will waive opposition to this Motion to Continue.

Respondent's counsel is unavailable from \_\_\_\_\_ to June \_\_\_\_\_, because \_\_\_\_\_ . Declaration of \_\_\_\_\_ counsel \_\_\_\_\_, Exhibit A; Yahoo Ticket Reservation, Exhibit B; Yahoo Ticket Confirmation, Exhibit C; AILA Conference Registration Confirmation, Exhibit D.

Respondent's counsel is available for a rescheduled Individual Hearing any time on \_\_\_\_\_, or after \_\_\_\_\_.

Because Respondent's counsel is unavailable immediately before the hearing to prepare, and because \_\_\_\_\_, Respondent respectfully requests a continuance of his Individual Hearing currently scheduled for \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_  
Angela Attorney  
Attorney for Respondent

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion for Continuance of a Merits Hearing was served by hand in open court on the Department of Homeland Security, Office of the District Counsel, 2001 Seaside Ave., San Pedro, CA, by Federal Express this 14<sup>th</sup> day of June, 2005.

---

Angela Attorney  
Name of Firm

**TABLE OF CONTENTS**

**DOCUMENTS SUPPORTING REQUEST FOR CONTINUANCE  
OF INDIVIDUAL HEARING**

- A. Declaration of Angela Attorney
- B. Yahoo Ticket Reservation to Salt Lake City
- C. Yahoo Ticket Confirmation to Salt Lake City
- D. AILA Conference Registration Confirmation

## DECLARATION OF ANGELA ATTORNEY

In accordance with 28 U.S.C. §1746, I declare that the following is correct and true to the best of my knowledge and ability:

- I am an attorney with \_\_\_\_\_.
- I represent the Respondent, M M M, free of charge.
- I am unavailable for the hearing currently scheduled on \_\_\_\_ because \_\_\_\_\_
- I do not believe that I can be adequately prepared to appear on Mr. M's behalf on \_\_\_\_\_ because \_\_\_\_\_

Executed on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2007 in Los Angeles, California.

By: \_\_\_\_\_  
Angela Attorney

## Appendix F

### List of Contacts

<b>NAME</b>	<b>TELEPHONE #</b>	<b>EMAIL</b>
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