

Relief in Immigration Court

How to build your case and prepare for trial

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Topics Covered

- New policies and shifting dockets
- Document gathering
- Expert witnesses
- Affidavits
- Witness preparation
- Ethical issues

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Responding to Shifting Dockets

- Follow EOIR on Twitter & Facebook for announcements
- Use EOIR portal to track case assignments & hearing dates
- Review local standing orders (EOIR webpage)
 - Telephonic appearances
 - Limits on who may appear
 - PPE
- Serve correct OCC office
- Decide where and how to appear for hearings

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Pros and Cons of E-filing

- EOIR Court & Appeals System (ECAS) is delayed due to COVID-19.
 - Temporary email addresses for filing with EOIR and BIA see instructions online & local standing orders
 - 25 MB size limit, naming conventions
 - Page limits
- OPLA e-filing – must register, which includes consent to be served by them via email

4

Evidence

- Set expectations with your client
- Outline your elements and start gathering evidence from day one
 - Country conditions evidence
 - Witness statements
 - Third party records
 - FOIA requests/criminal records

Relaxed Rules of Evidence

- Evidence must be **material** and **relevant** to any issue in the case. 8 C.F.R. §§ 1240.7(a), 1240.46(b)
- Standard for admitting evidence is “whether the evidence is probative and its admission is fundamentally fair.” Matter of Velasquez, 25 I&N Dec. 680, 683 (BIA 2012)

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First appeared as part of the conference materials for the
2020 A Practical Guide to Immigration Removal Proceedings session
"Relief in Immigration Court"