

General Instructions for Mock Hearings

Below you will find fact scenarios and excerpts of relevant statutes or case law. For all of the cases, assume you are appearing for the initial master calendar hearing (MCH) unless the instructions say otherwise, and that you do not need a continuance for attorney preparation time. The MCH requires pleading to the charges in the Notice to Appear and announcing what applications for relief your client will be seeking. You should be prepared to articulate all forms of relief you are seeking. You are not allowed to change the facts of the case as indicated in the file. For example, you cannot invent a U.S. citizen spouse or a crime that could lead to a possible U visa.

Carla Ramirez

Facts

Carla is a 22 years old and a citizen of Mexico. She was born in Nuevo Laredo and obtained a border crossing card when she was quite young. In 2006, Carla, her parents, and her siblings overstayed and began living in Laredo, TX. Carla traveled to Mexico for short trips and returned using her BCC a few times since she began living in the U.S. Her last entry was in December 2011 after attending a funeral for her uncle in Nuevo Laredo. She entered the U.S. with her parents who presented the BCCs for the whole family. On September 21, 2015, Carla and her mother were at the bus station in Laredo dropping off her grandparents who were returning to Mexico when they were approached by Border Patrol agents and questioned about their status. Both were taken in and issued NTAs. Carla's initial MCH has been postponed numerous times. In late 2016, Carla's mother filed a U visa based on domestic violence and she filed an I-918A for Carla. Those applications remain pending. Carla is single and has no children. She attempted to apply for DACA *pro se* in 2016, but got an RFE she failed to respond to and the application was later denied.

Relevant law

She is charged as removable under INA § 212(a)(6)(A)(i), present without admission or parole. Although she is removable, her last entry was a lawful admission and the charge is not correct.

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

Subject ID: 353828394

FINS #: 1193306731

File No: A208 012 345

DOB: 10/29/1998

Event No: LRS1509000321

In the Matter of:

Respondent: Carla Ramirez currently residing at:301 INTERNATIONAL BLVD. LOT K-14 LAREDO, TEXAS, UNITED STATES 78043(956) 480-0055

(Number, street, city 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 removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You arrived in the United States at or near Laredo, TEXAS, on or about August 6, 2006;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ 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: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
800 DOLOROSA STREET-SUITE 300 San Antonio TX US 78207

On a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

(Date) (Time)

HECTOR G. GONZALEZ

ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: September 21, 2015Laredo, Texas

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07) N

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