

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court
El Paso, Texas

STANDING ORDER OF THE IMMIGRATION JUDGE
REGARDING TELEPHONIC APPEARANCES
(IJ Abbott Only)

A. Master Calendar Hearings

This Court does not routinely allow the appearance of attorneys by telephone. Pursuant to 8 C.F.R. part 1003.17, a respondent may be represented by anyone authorized pursuant to 8 C.F.R. part 1292 upon the filing of form EOIR-28. Nothing in the regulation requires the court to accommodate an attorney's request to appear by telephone.

This Court is cognizant of the hardship this standing order may place upon a respondent who seeks to hire an attorney or representative from outside the El Paso metro area. Nevertheless, the Court has experienced significant delays in being to complete its docket because of the large number of attorneys requesting permission to appear by telephone. The additional time and effort to call the respondent's attorney, wait for them to be found by their staff, and the occasional communication problems experienced in the past has caused this Court to suffer considerable frustration...all because of telephonic appearances.

Therefore, in an effort to expedite my docket, and provide for expediency at the master calendar, this Court, as of July 1, 2007, will no longer allow an attorney to appear by telephone for any master calendar hearing conducted by me in El Paso, Texas absent exceptional circumstances (e.g. distance from El Paso is not an exceptional circumstance).

In lieu of a personal appearance, counsel may submit pleadings in writing. If the charges are *not* conceded, a MERITS hearing will be scheduled. If the charges are conceded, counsel should identify what, if any, relief from removal respondent is seeking. The Court will then set a MASTER calendar hearing for submission of the relief application(s). Counsel need not be present for the submission of any relief application(s), PROVIDED a relief application has been sent to the court, or a motion for continuance filed in the event more time is needed to complete the relief application. Once the relief application has been filed AND accepted by the court, a merits hearing date and time will be set, and counsel notified. Counsel should expect the merits hearing to be set within 30 days of the filing of any completed relief application.

B. Bond Hearings

Bond hearings are normally conducted on the papers and exhibits submitted by the parties. Testimony is NOT normally taken because bond hearings are not normally recorded in the DAR (digital audio recording system). Respondent's counsel need not be present for any custody redetermination (bond) hearing, provided counsel for the respondent has filed with the Court a bond package including documents relating to, and answering the following questions:

1. Name and "A" number of the Respondent (include proof of identity such as passport, etc.)
2. Fixed address in the United States (with attached proof such as utility bill, etc.)
3. Age
4. Birthplace
5. Entry date
6. Immigration Status (and how long)

7. Marital status (and immigration status of spouse if any)(include documents if available)
8. Children (include documents if available)
 - age of children and immigration status, if any
 - any medical or physical disabilities, etc.
9. Other Family in U.S.
 - LPR or USC Parents
 - LPR or USC Siblings
10. Employment History for last 3 years (attach pay stubs/W-2, etc.)
11. Property Ties (copy of deed)
12. All Criminal History must be disclosed. If the respondent has ANY criminal history copies of dispositions of any arrests must be provided.
13. Identify Defense to Deportation/Removal charges or
14. Identify Relief from Deportation/Removal respondent intends to apply for. A statement of facts supporting the relief application must also be submitted. For example, if respondent is seeking Cancellation of Removal/NON-LPR, respondent must submit a statement of facts articulating the elements of the case (e.g., length of residence in the U.S.; any departures; family ties; a brief description of the hardship to family members removal would cause; criminal history if any, etc.). If the respondent is seeking asylum/withholding/CAT respondent must submit a SWORN statement of facts supporting the claim, including, but not limited to:
 - a. Who wants to harm him or her (e.g., identify the persecutor);
 - b. What has happened in the past and/or what might happen in the future (e.g., identify the persecution); and
 - c. Why is this person or group motivated to harm the respondent (e.g., identify the nexus).

If the bond record is complete, the Court will contact counsel ONLY at the office telephone listed in the EOIR-28, AND ONLY IF THE COURT NEEDS ADDITIONAL INFORMATION. Generally, the court will make its decision on the written record. No cell phone or home phone calls will be allowed.

In the event the facts supporting the bond record are in dispute, a special evidentiary hearing (merit hearing) will be scheduled to take testimony of witnesses. At this type of hearing counsel may appear by telephone or in person but must notify the court of their preference.