# TABLE OF CONTENTS

## Section 1: Practice Advisories

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Contributor(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Best Practices for a Successful Trial Strategy</td>
<td>Rekha Sharma-Crawford and Maris Liss</td>
</tr>
<tr>
<td>102</td>
<td>Rescinding an In Absentia Order of Removal</td>
<td>American Immigration Council</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Closure Post-Castro-Tum</td>
<td>American Immigration Council and the ACLU Immigrants’ Rights Project</td>
</tr>
<tr>
<td>104</td>
<td><em>Bivens</em> Basics: An Introductory Guide for Immigration Attorneys</td>
<td>American Immigration Council</td>
</tr>
<tr>
<td>105</td>
<td>What Recourse Does the Employer Have in the Event a Labor Certification Is Denied?</td>
<td>U.S. Department of Labor, Employment and Training Administration, PERM FAQ</td>
</tr>
<tr>
<td>106</td>
<td><em>Dent v. Holder</em> and Strategies for Obtaining Documents from the Government During Removal Proceedings</td>
<td>American Immigration Council</td>
</tr>
<tr>
<td>107</td>
<td>Departure Bar to Motions to Reopen and Reconsider: Legal Overview and Related Issues</td>
<td>American Immigration Council and National Immigration Project of the National Lawyers Guild</td>
</tr>
<tr>
<td>108</td>
<td>Failure to Appeal to the AAO: Does It Bar All Federal Court Review of the Case?</td>
<td>American Immigration Council</td>
</tr>
<tr>
<td>109</td>
<td>The Fugitive Disentitlement Doctrine: FOIA and Petitions for Review</td>
<td>American Immigration Council</td>
</tr>
<tr>
<td>110</td>
<td>How to File a Petition for Review</td>
<td>American Immigration Council</td>
</tr>
</tbody>
</table>
How to Get Judicial Relief Under 8 U.S.C. §1447(b) for a Stalled Naturalization Application

Contributed by the American Immigration Council

Immigration Lawsuits and the APA: The Basics of a District Court Action

Contributed by the American Immigration Council

Implications of Judulang v. Holder for LPRs Seeking §212(c) Relief and for Other Individuals Challenging Arbitrary Agency Policies

Contributed by the American Immigration Council, National Immigration Project of the National Lawyers Guild, and the Immigrant Defense Project

How to File a Petition for Rehearing, Rehearing En Banc and Hearing En Banc in an Immigration Case

Contributed by the American Immigration Council

Whom to Sue and Whom to Serve in Immigration-Related District Court Litigation

Contributed by the American Immigration Council and National Immigration Project of the National Lawyers Guild

Litigation for Business Immigration Practitioners

Contributed by the American Immigration Council

Mandamus Actions: Avoiding Dismissal and Proving the Case

Contributed by the American Immigration Council

Mandamus Litigation Against DOL to Address Delays in Prevailing Wage Determinations and Labor Certifications

Contributed by the American Immigration Council

Motions for a Continuance

Contributed by the American Immigration Council

Motions to Suppress in Removal Proceedings: A General Overview

Contributed by the American Immigration Council

Motions to Suppress in Removal Proceedings: Cracking Down on Fourth Amendment Violations by State and Local Law Enforcement Officers

Contributed by the American Immigration Council
122 Motions to Suppress in Removal Proceedings: Fighting Back Against Unlawful Conduct by U.S. Customs and Border Protection

*Contributed by the American Immigration Council*

123 Strategies and Considerations in the Wake of *Pereira v. Sessions*

*Contributed by the American Immigration Council and The Catholic Legal Immigration Network, Inc. (CLINIC)*

124 FOIA for Immigration Lawyers

*Contributed by the American Immigration Council*

125 Reinstatement of Removal

*Contributed by the American Immigration Council and National Immigration Project of the National Lawyers Guild*

126 Requesting Attorneys’ Fees Under the Equal Access to Justice Act

*Contributed by the American Immigration Council and National Immigration Project of the National Lawyers Guild*

127 Seeking a Judicial Stay of Removal in the Court of Appeals

*Contributed by the American Immigration Council, National Immigration Project of the National Lawyers Guild, Boston College Post Deportation Human Rights Project, and Immigrant Rights Clinic, Washington Square Legal Services, New York University School of Law*

128 Seeking Remedies for Ineffective Assistance of Counsel in Immigration Cases

*Contributed by the American Immigration Council*

129 The Basics of Motions to Reopen EOIR-Issued Removal Orders

*Contributed by the American Immigration Council*

130 Correspondence of Naomi Schorr and AAO Responses re: Acceptance of New Evidence, Timing of Appeal Brief, and Evidence in Response to RFE

*Contributed by Naomi Schorr*
Section 2. Immigration Court

A. General

131  Respondent’s Motion to Amend Pleadings, Accept New Form of Relief, and for Continuance
    Contributed by Jonathan Willmoth

132  Motion to Withdraw and Amend Pleadings
    Contributed by Siana McLean

133  Respondent’s Motion for Late Filing
    Contributed by Siana McLean

B. Custody and Bond

134  Index of Supporting Documents
    Contributed by Jodi Goodwin

135  Letter to Lift Detainer
    Contributed by Jodi Goodwin

136  Respondent’s Motion for Bond Hearing Pursuant to Matter of Joseph
    Contributed by Genevra Alberti

137  Motion for Reconsideration of Bond (Set by IJ)
    Contributed by Jesse Bless

138  Respondent’s Motion for Bond (Redetermination of ICE No-Bond Decision)
    Contributed by Jesse Bless

139  Motion to Set Bond Hearing
    Contributed by Arturo Rios Jr.

C. Counsel

140  Motion to Permit Telephonic Appearance by Counsel
    Contributed by Denis P. Bergin

141  Motion for Substitution of Counsel
    Contributed by Jodi Goodwin
D. Time, Place, and Manner of Hearing

143 Motion for Closed Hearing
   Contributed by R. Mark Frey

144 Respondent’s Motion to Change Venue
   Contributed by Sean Hanover

145 Respondent’s Motion to Continue Master Calendar Hearing
   Contributed by David Chandler

146 Motion for Continuance: Attorney Preparation
   Contributed by R. Mark Frey

147 Motion to Continue Due to Pending I-751 Petition
   Contributed by Arturo Rios Jr.

148 Memorandum of Law and Fact in Support of Respondent’s Motion to Continue Proceedings for Collateral Relief Under Hashmi (Pending I-140)
   Contributed by Denis P. Bergin

149 Motion for Telephonic (or Videoconference) Appearance at Hearing
   Contributed by R. Mark Frey

150 Motion to Advance Individual Hearing Date
   Contributed by Rekha Sharma-Crawford

E. Consolidation

151 Respondent’s Motion for Consolidation with Primary Case
   Contributed by Denis P. Bergin

F. Administrative Closure

152 Motion to Recalendar Proceedings
   Contributed by Jonathan Willmoth
G. Evidentiary Issues

153 Respondent’s Memorandum of Law in Support of Motion to Suppress Evidence  
   Contributed by Michelle Mendez

154 Respondent’s Post-Hearing Brief on Remand in Support of Motion to Suppress Evidence and Terminate Removal Proceedings  
   Contributed by Michael Wishnie

155 Declaration in Support of Motion to Suppress Evidence and Terminate Proceedings  
   Contributed by Michael Wishnie

156 Respondent’s Motion to Strike Department’s Proposed Exhibits  
   Contributed by Genevra Alberti

157 Motion for Subpoenas  
   Contributed by Michael Wishnie

158 Motion for Pretrial Conference  
   Contributed by Michael Sharma-Crawford

159 Witness List  
   Contributed by Jonathan Willmoth

H. Termination

160 Motion to Terminate and Memorandum in Support Thereof (Respondent Not Removable)  
   Contributed by Jodi Goodwin

161 Motion to Terminate Removal Proceedings in Light of Pereira v. Sessions  
   Contributed by Jesse Bless

162 Motion to Terminate Removal Proceedings Based on Approved I-130 Petition  
   Contributed by Arturo Rios Jr.

163 Brief in Support of Motion for Termination of Removal Proceedings and Objection to the Entry of a Final Order of Removal (Pre-Proceedings Deprivation of Fundamental Rights)  
   Contributed by Michael Wishnie
I. Requests for Relief

1. General

164 Notice of Filing of Documents
   *Contributed by Siana McLean*

165 Sample Table of Contents
   from the Immigration Court Practice Manual

166 Exhibit List
   *Contributed by Michelle Mendez*

2. Adjustment of Status

167 Memorandum of Law in Support of Respondent’s Adjustment of Status Application
   *Contributed by Michelle Mendez*

168 Respondent’s Memorandum of Law in Support of a Waiver of Criminal Grounds of Inadmissibility Pursuant to Section 209(c) of the Immigration and Nationality Act
   *Contributed by Michelle Mendez*

3. Asylum, Withholding of Removal, and Protection Under the Convention Against Torture

169 Respondent’s Prehearing Statement (Asylum)
   *Contributed by Arturo Rios Jr.*

170 Respondent’s Memorandum of Law in Support of Application for Asylum, Withholding of Removal, and Protection Under the Convention Against Torture
   *Contributed by Todd Pilcher*

4. Cancellation of Removal

171 Memorandum of Law in Support of Application for Cancellation of Removal Under INA §240A(a)(1) (Permanent Resident)
   *Contributed by Siana McLean*

172 Memorandum of Law on Support of Respondent’s Applications For Relief (Cancellation of Removal for Nonpermanent Resident)
   *Contributed by Dree Collopy*
5. Voluntary Departure

174  Motion for Voluntary Departure Under §240B(a)(2)(A) of the Act (Prehearing)
     Contributed by Arturo Rios Jr.

175  Memorandum of Law on Support of Respondent’s Request for Voluntary Departure
     Contributed by Denis P. Bergin

J. Post-Decision Motions

176  Joint Motion to Reopen and Terminate (Approved I-130)
     Contributed by Dree Collopy

177  Joint Motion to Reopen and Terminate Removal Proceedings Without Prejudice (U Visa)
     Contributed by Jessica Kunevicius

178  Motion to Reopen and for a Stay of Removal (VAWA adjustment)
     Contributed by Michelle Mendez

179  Motion to Reopen Based on Changed Circumstances
     Contributed by Sean Hanover

180  Motion to Reopen and to Terminate In Absentia Removal Proceedings
     (Exceptional Circumstances)
     Contributed by Michelle Mendez

181  Respondent’s Motion to Reopen In Absentia Removal Proceedings
     Based on Lack of Notice
     Contributed by Dree Collopy

182  Motion to Reopen Proceedings Based on Ineffective Assistance of Counsel
     Contributed by Rekha Sharma-Crawford

183  Motion to Reconsider
     Contributed by Michael Sharma-Crawford
Section 3. Administrative Appeals

A. BIA Appeals from Immigration Court

1. Interlocutory and Bond Appeals

184 Respondent’s Brief in Support of Request for Redetermination of Custody Status
   (Joseph denial)
   Contributed by David Armendariz

185 Respondent’s Brief in Support of Interlocutory Appeal
   Contributed by Bhavya Chaudhary

2. Direct Appeals

186 Respondents’ Motion to Recalendar and Terminate Based on Granted U-Visa Status
   Contributed by Rekha Sharma-Crawford

187 Respondent’s Motion to Stay Removal Pending Decision on Appeal Denying
   Motion to Reopen and Rescind Legally Invalid In Absentia Order
   Contributed by Rekha Sharma-Crawford

188 Respondent’s Motion for an Extension of Time to Submit Appellate Brief
   Contributed by Rekha Sharma-Crawford

189 Respondent’s Motion to Accept Opening Brief Out of Time
   Contributed by Rekha Sharma-Crawford

190 BIA Appeal Brief
   Contributed by Lance Curtright

191 Respondent’s Motion to Accept Reply Brief
   Contributed by Bruce Buchanan

3. Post-Decision Motions

192 Motion for Stay of Removal (Motion to Reopen Filed)
   Contributed by Jesse Bless

193 Respondent’s Motion to Reopen (Exceptional Circumstances)
   Contributed by Jonathan Willmoth
B. Challenging USCIS Denials

1. Naturalization Denials

198 Brief in Support of the N-336, Request for Hearing on Naturalization
   Contributed by Lance Curtright

2. Petition and Waiver Denials

199 Motion to Reopen Denial of Spousal Immigrant Visa Petition
   and Request for Favorable Exercise of Discretion Under Adam Walsh Act
   Contributed by Steve Riznyk

200 AAO Motion to Reopen and Motion to Reconsider (I-601 Denial)
   Contributed by Philip Hornik

201 AAO Appeal Brief (I-601 and I-485 Denials)
   Contributed by Dree Collopy

C. Challenging DOL

202 Memorandum Appealing DOL Denial
   Contributed by Ruth McChesney
Section 4. Federal Court Proceedings

A. District Court Litigation

1. Preliminary Filings

203 Notice of a Lawsuit and Request to Waive Service of a Summons
   
   from the Administrative Office of the United States Courts

204 Motion for Pro Hac Vice Admission
   
   Contributed by Jesse Bless

2. Initial Pleadings

a. Petitions for Writ of Habeas Corpus

205 Verified Petition for Writ of Habeas Corpus
   
   Contributed by Vikram Badrinath

206 Petition for Judicial Review of Placement Determination Pursuant to *Flores*
   Settlement Agreement
   
   Contributed by Jesse Bless

b. Petitions for Writ of Mandamus

207 Complaint for Writ of Mandamus
   
   Contributed by Jesse Bless

c. APA Litigation

208 Civil Cover Sheet
   
   from the Administrative Office of the United States Courts

209 Civil Complaint for Declaratory and Injunctive Relief
   Under the Administrative Procedure Act
   
   Contributed by Jesse Bless

d. FOIA Litigation

210 FOIA Complaint Against EOIR for Declaratory, Injunctive, and Mandamus Relief
   
   Contributed by Public Citizen Litigation Group and the American Immigration Council
3. Discovery

212 Plaintiff’s Rule 26(a)(1) Initial Disclosures

Contributed by Rekha Sharma-Crawford

213 Plaintiff’s Suggestions in Opposition to All Defendants’ Motion to Stay Discovery

Contributed by Michael Sharma-Crawford

214 Petitioner’s Request for Production of Documents

Contributed by Michael Sharma-Crawford

215 Joint Request for Entry of Protective Order

Contributed by Rekha Sharma-Crawford

4. Motion Practice

216 Plaintiff’s Motion for Summary Judgment

Contributed by Jesse Bless

217 Plaintiff’s Opposition to Defendants’ Motion to Dismiss

Contributed by Jesse Bless

5. Appeals and Post-Decision Motions

218 Notice of Appeal

from the Administrative Office of the United States Courts

219 Plaintiff’s Memorandum in Support of Their Petition for Costs and Fees under EAJA

Contributed by Jesse Bless

220 Affidavit of Petitioner in Support of Motion for Award of Attorney’s Fees and Costs Under EAJA

Contributed by Vikram Badrinath
B. Petitions for Review in the Court of Appeals

1. Initial Filings

221 Joint Motion to Hold Case in Abeyance and Respondent’s Non-Opposition to Stay of Removal (8th Circuit)
   Contributed by Rekha Sharma-Crawford

222 Unopposed Motion to Hold in Abeyance the Briefing Schedule Pending Administrative Decision from the BIA on the Petitioner’s Pending Motion to Reopen and Reconsider
   Contributed by Maris Liss

223 Opposed Motion to Hold Case in Abeyance Pending Administrative Decision from the BIA
   Contributed by Maris Liss

224 Petitioner’s Emergency Motion for Stay of Removal Pending Review
   Contributed by Jesse Bless

225 Petition for Review
   Contributed by Jesse Bless

2. Briefings

226 Petitioner’s Motion for 30-Day Extension
   Contributed by Maris Liss

227 Motion for Continuance to File Petitioner’s Reply Brief
   Contributed by Rekha Sharma-Crawford

228 Principal Brief for Petitioner
   Contributed by Maris Liss

229 Reply Brief for Petitioner
   Contributed by Maris Liss

3. Motion Practice

230 FRAP 28(j) Letter Notifying Court of Supplemental Authorities
   Contributed by Maris Liss
Unopposed Motion to Consolidate Appeals  
*Contributed by Maris Liss*

Motion for Permission to Appeal In Forma Pauperis  
*Contributed by Maris Liss*

Petitioner’s Motion to Correct the Certified Administrative Record  
*Contributed by Maris Liss*

Petitioner’s Motion to Take Judicial Notice  
*Contributed by Maris Liss*

Petitioner’s Motion to Voluntarily Dismiss Petition for Review Without Prejudice  
*Contributed by Maris Liss*

**4. Post-Decision Motions**

Petition for Panel Rehearing and Petition for Rehearing En Banc  
*Contributed by Maris Liss*

Petitioner’s Motion for Costs  
*Contributed by Maris Liss*

Petitioners’ Motion to Amend Decision  
*Contributed by Maris Liss*

Petitioner’s Motion for Publication of the Court’s Decision  
*Contributed by Maris Liss*

Petitioner’s Opposition to Respondent’s Motion To Publish  
*Contributed by Maris Liss*

Petitioner’s Response to Respondent’s Motion to Amend Opinion and to Stay Mandate  
*Contributed by Maris Liss*

Motion for Attorney’s Fees Under EAJA and Points and Authorities  
*Contributed by Maris Liss*

Time Sheet for EAJA Motion  
*Contributed by Maris Liss*
C. Supreme Court

244 Petition for Writ of Certiorari
   Contributed by Nicholas J. Nelson

245 Reply Brief for the Petitioner
   Contributed by Nicholas J. Nelson