

TABLE OF CONTENTS

Representing Clients in Immigration Court, 5th Ed.

Acknowledgments.....	ix
Table of Decisions.....	741
Index.....	779
Chapter 1: Removal Proceedings.....	1
Basic Concepts.....	1
Congressional Power to Deport.....	3
How People Get Placed in Removal Proceedings.....	5
The Effect of IIRAIRA on Proceedings Before an Immigration Judge.....	7
Inadmissibility or Deportability—Entry v. Admission.....	7
Inadmissibility or Deportability—Which Concept Applies?.....	8
Inadmissibility Under INA §212.....	8
Deportability Under INA §237.....	9
LPRs and Admission Under INA §101(a)(13)(C).....	9
Common Examples of When More Than One Set of Rules Applies.....	9
Charging Documents.....	10
Notice to Appear—Charging Document.....	10
Notice to Appear—Service.....	11
Order to Show Cause—Charging Document.....	12
Order to Show Cause—Service.....	12
Form I-122.....	12
Burden of Proof in Removal Proceedings.....	13
Rights in Proceedings.....	14
Right to Due Process.....	14
Representation by Counsel.....	16
Special Protections for Detained Citizens of El Salvador.....	18
Contacting Consulates.....	19
Interpretation and Translation.....	19
Right to Be Advised of Eligibility for Relief.....	20
Right to Examine and Present Evidence.....	21
Special Rules for Minors.....	22
Special Rules for Unaccompanied Minors.....	23
Special Rules for Mentally Incompetent Respondents.....	26
Discovery: Freedom of Information Act (FOIA), Criminal Record Checks, and <i>Dent v. Holder</i>	27
Anatomy of a Removal Hearing.....	30
Pre-Hearing Motions.....	31

Master Calendar Hearing.....	36
Pre-Hearing Statement	38
Pre-Individual Hearing Tasks.....	38
Individual Hearing.....	40
Immigration Judge Decisions and Appeals	43
In Absentia Hearings.....	43
Jurisdiction: EOIR v. USCIS.....	44
Practice Tips for Non-Court Advocates	45
Removal Orders Not Issued by an IJ During INA §240 Proceedings	48
Expedited Removal Under INA §235(b).....	48
Administrative Removal Orders Under INA §238(b)	49
Judicial Removal Order Under INA §238(c)	50
Reinstatement of Removal Under INA §241(a)(5)	50
Chapter 2: Contesting Removability	53
Preliminary Considerations in Removal Proceedings.....	53
Is the Individual a U.S. Citizen?.....	53
Acquisition of Citizenship.....	54
Derivation of Citizenship	55
How to Raise a U.S. Citizenship Issue.....	57
If the Respondent Is Not a U.S. Citizen, Is He or She Subject to Removal?	59
Conceding or Contesting Removability.....	59
Challenging the NTA	59
Procedural Rules	61
Burden and Standard of Proof in INA §240 Proceedings	62
Removal Proceedings Based on Inadmissibility	62
Removal Proceedings Based on Deportability	63
If Respondent Is Charged with Being Removable on Criminal Grounds.....	63
Evidence Required to Establish a Criminal Ground of Inadmissibility or Deportability.....	63
Was There a Conviction for Immigration Purposes?	64
Was the Minimum Sentence Imposed or Minimum Damage Shown?.....	65
Was the Conviction Really for a Crime That Is a Ground of Inadmissibility or Deportability?	66
Has the Conviction Been Ameliorated so as to Remove or Diminish Immigration Consequences?	68
Does the Conviction Carry All Elements Needed for Immigration Consequences?	69
Constitutional Violations and Motions to Suppress.....	70
Motions to Suppress Evidence: A Case Study	71
The Exclusionary Rule in Removal Proceedings	71
Fourth Amendment Violations	71
Fifth Amendment Due Process Violations	74
Regulatory Violations.....	75
Unreasonable Searches and Seizures Under the Fourth Amendment	76
Identifying a Reasonable Search	78

Identifying a Reasonable Seizure	80
Mere Questioning.....	81
Detentive Questioning.....	82
Preparing the Motion to Suppress	84
The Right to Remain Silent.....	86
Motions to Dismiss and Motions for Administrative Closure	88
Motions to Dismiss.....	88
Administrative Closure	89
Conclusion	90
Chapter 3: Noncriminal Grounds of Inadmissibility and Deportability	91
Inadmissibility	91
Overview.....	91
Who Bears the Burden of Proof Under INA §212?	92
Evaluating the Charges of Inadmissibility	93
Grounds of Inadmissibility	93
Inadmissibility Category 1: Health-Related Grounds	94
Communicable Diseases.....	95
Lack of Vaccination	95
Physical or Mental Disorders	96
Drug Abusers or Addicts	97
Inadmissibility Category 2: Criminal-Related Grounds (See Chapter 4).....	98
Inadmissibility Category 3: National Security Grounds	98
Espionage, Sabotage, Export Control Violations, and Other Unlawful Activities	99
Terrorist Activity.....	99
Potential for Serious Adverse Consequences for Foreign Policy	102
Beliefs, Statements, and Associations Exception.....	103
Exception for Foreign Politicians.....	103
Membership in the Communist or a Totalitarian Party	103
Meaning of Membership in a Totalitarian or Communist Party	103
Waiver	104
Participant in Genocide or Nazi Persecution.....	104
Inadmissibility Category 4: Public Charge Grounds.....	105
Public-Charge Standard.....	105
Bond	108
Inadmissibility Category 5: Labor Protection Grounds.....	108
Inadmissibility Category 6: Fraud or Other Immigration Violations.....	109
Foreign Nationals Present Without Permission or Parole	109
Failure to Attend Removal Proceedings.....	110
Fraud or Willful Misrepresentation	110
False Claim to U.S. Citizenship	114
Stowaways.....	116
Smugglers and Encouragers of Unlawful Entry	116
Document Fraud Resulting in Civil Penalties	117
Foreign Students.....	118
Inadmissibility Category 7: Violation of Documentation Requirements	118

Inadmissibility Category 8: Grounds Relating to Military Service (Ineligible to Citizenship)	119
Inadmissibility Category 9: Prior Removal Orders or Periods of Unlawful Presence.....	119
Having Been Removed Previously.....	119
Unlawful Presence Bars	122
Persons “Unlawfully Present”	122
Determining Unlawful Presence	123
Leaving with Advance Parole Does Not Trigger the Three- or Ten-Year Bars.....	127
Reentering the United States Without Authorization.....	127
Inadmissibility Category 10: Miscellaneous Grounds	129
Grounds of Deportability	129
Overview.....	130
Deportability Category 1: Inadmissibility at the Time of Entry or Adjustment of Status	131
Inadmissible Aliens	131
Aliens Present in the United States in Violation of Law.....	132
Aliens Who Fail to Maintain Status	133
Termination of Conditional Permanent Residence.....	133
Alien Smuggling.....	134
Marriage Fraud	135
Deportability Category 2: Criminal-Related Grounds (See Chapter 4).....	136
Deportability Category 3: Document-Related Grounds of Deportability	136
Change-of-Address Requirement	136
Document Fraud Violations	136
False Claim to Citizenship	137
Deportability Category 4: Security and Related Grounds of Deportability.....	137
Espionage, Sabotage, and Other Illegal Activities	138
Terrorist Activities	138
Foreign Policy Considerations	138
Participation in Genocide or Nazi-Sponsored Persecution.....	138
Deportability Category 5: Public-Charge Grounds of Deportability	139
Deportability Category 6: Unlawful Voting Ground of Deportability	140
Chapter 4: Criminal Grounds of Inadmissibility and Deportability	141
Evaluating Contacts with the Criminal Justice System	141
Definition of “Conviction” for Immigration Purposes.....	141
What Is Not a Conviction?	141
When Is a Conviction Not Required?.....	143
The Categorical Approach.....	144
Step 1: The Traditional Categorical Inquiry.....	144
Step 2: Divisibility.....	146
Step 3: The Modified Categorical Approach.....	147
Examining More Than the Record of Conviction: The Circumstance-Specific Approach.....	149

Burden of Proof in Immigration Cases Involving Convictions 150

Criminal Grounds of Inadmissibility 150

 INA §212(a)(2)(A)(i)—Crimes Involving Moral Turpitude 151

 A Survey of Crimes Involving Moral Turpitude 151

 INA §212(a)(2)(A)(i)(II)—Controlled-Substance Violations 157

 INA §212(a)(2)(B)—Multiple Criminal Convictions 158

 INA §212(a)(2)(C)—Drug Trafficking 158

 INA §212(a)(2)(D)—Prostitution 159

Criminal Grounds of Deportability 159

 INA §237(a)(2)(A)(i)—Crimes Involving Moral Turpitude Within Five Years 159

 INA §237(a)(2)(A)(i)—Two Crimes Involving Moral Turpitude 160

 INA §237(a)(2)(A)(iii)—Aggravated Felony 161

 Summary of Aggravated Felony Offenses 161

 Common Aggravated Felonies 163

 INA §237(a)(2)(A)(iv)—High-Speed Flight 169

 INA §237(a)(2)(A)(v)—Failure to Register as a Sex Offender 169

 INA §237(a)(2)(A)(vi)—Pardons 169

 INA §237(a)(2)(B)(i)—Conviction Relating to a Controlled Substance 169

 INA §237(a)(2)(B)(ii)—Drug Abusers and Addicts 169

 INA §237(a)(2)(C)—Firearms Offenses 170

 INA §237 (a)(2)(D)—Miscellaneous Crimes 171

 INA §237 (a)(2)(E)—Domestic Violence, Stalking, Crimes Against Children, and Violation of a Protection Orders 171

 INA §237(a)(2)(E)(i)—Domestic Violence Offenses 171

 INA §237(a)(2)(E)(i)—Crimes of Stalking 172

 INA §237(a)(2)(E)(i)—Crimes Against Children 172

 INA §237(a)(2)(E)(ii)—Violators of Protection Orders 172

 INA §237(a)(7)—Waiver for Convictions of Domestic Violence, Stalking, or Violation of Protection Order 173

 INA §237(a)(2)(F)—Traffcking in Persons 173

Resources for Evaluating Immigration Consequences of Crimes 173

Conclusion 174

Chapter 5: Adjustment of Status 175

 Overview of Adjustment of Status Eligibility and Exclusions 175

 Readjustment of Status 177

 Adjustment of Status Applications Pursuant to INA §§245 and 209 178

 Family-Based Adjustment of Status—INA §§245(a) and (c) 178

 Overview of Eligibility Requirements 178

 Heightened Burden When Marriage Occurs During Removal Proceedings 178

 Adjustment of Status Under INA §245(i) 179

 Adjustment of Status for VAWA Self-Petitioners—INA §245(a) 181

 Adjustment of Status for Special Immigrant Juveniles—INA §245(h) 182

 Adjustment of Status for Asylees and Refugees—INA §209 182

 Procedures for Adjustment of Status in Removal Proceedings 183

 When to Assert the Defense 184

Motions to Continue.....	185
Administrative Closure	186
Motions to Dismiss and Proceed with Adjustment Before USCIS	187
ICE Memorandum on Adjustment	188
Submitting Proof and Filing the Application	190
The Individual Hearing	192
Removal of Conditional Residence	193
Overview	193
Failure to Comply with Procedural Requirements	194
Termination of Conditional Residence Before the Two-Year Period	194
Immigration Court Jurisdiction	195
Registry.....	196
Registry Eligibility	196
Registry Application Process	198
Special Legislation.....	199
Cuban Refugee Adjustment Act of 1966	199
Spouses and Children of Cubans.....	200
How to Apply	201
Haitian Refugee Immigration Fairness Act.....	201
Adjustment of Status for Certain Foreign Nationals from Vietnam, Cambodia, and Laos	203
Conclusion	205
Chapter 6: Waivers of Inadmissibility and Deportability in Removal Proceedings.....	207
The Exercise of Discretion	208
Extreme Hardship	209
Definition	209
Documenting Extreme Hardship.....	211
Waivers of Inadmissibility Grounds in Removal Proceedings	214
INA §212(g) Waivers for Health-Related Inadmissibility Grounds	214
Waivers for Communicable Disease of Public Health Significance	214
Waiver for Physical or Mental Disorders with Associated Harmful Behavior	214
Waivers of the Vaccination Requirement.....	215
INA §212(h) Waivers for Criminal Inadmissibility Grounds	216
What Criminal Inadmissibility Grounds Does INA §212(h) Waive?	216
What Are the Eligibility Requirements for Section 212(h) Waivers?	217
When May INA §212(h) Waivers Be Used in Removal Proceedings?	218
INA §212(i) Waivers for Fraud or Misrepresentation.....	219
INA §212(d)(11) Waivers for Smugglers and Encouragers of Unlawful Entry.....	220
INA §212(a)(9)(B)(v) Waiver for Unlawful Presence	221
Form I-601 Waivers of Inadmissibility Grounds in Removal Proceedings Strategy and Procedure.....	222
Provisional Unlawful Presence Waivers	223
Final Orders of Removal	224

Pending Removal Proceedings	225
The VAWA Waiver for the “Permanent Bar”	226
The INA §212(d)(3) Nonimmigrant Waiver	226
INA §209 Waivers for Refugees and Asylees.....	227
Waivers Under Special Forms of Relief.....	228
Waivers for Special Immigrant Juveniles.....	229
Form I-212 Consent to Reapply for Admission	230
Eligibility and Strategy	230
Procedure	232
Waivers of Deportation Grounds in Removal Proceedings.....	232
INA §237(a)(1)(H) Deportability Waiver for Fraud or Misrepresentation	232
INA §237(a)(1)(E) Waiver for Smuggling.....	234
INA §237(a)(7) Waiver for Crimes of Domestic Violence, Stalking, or Violation of a Protection Order	234
Conclusion	235
Chapter 7: INA §212(c) and Cancellation of Removal for Lawful Permanent Residents	237
Cancellation for LPRs: Cancellation of Removal Part A	237
LPR for Five Years	238
Seven Years’ Continuous Residence After Lawful Admission	240
Bars to Eligibility for Cancellation	244
Discretionary Factors	246
BIA Unpublished Decisions on Discretionary Factors.....	247
Where, How, and What to File.....	249
INA §212(c) Relief	251
Background	251
Comparable Ground of Inadmissibility or Exclusion for Those Charged with Deportability	252
Eligibility for §212(c) Relief.....	253
INA §212(c) and Discretion.....	255
BIA Unpublished Decisions.....	256
Motions to Reopen to Apply for §212(c) Relief	257
The Application for §212(c) Relief.....	257
Conclusion	257
Chapter 8: Cancellation of Removal for Non-Lawful Permanent Residents.....	259
Former Suspension of Deportation	259
Cancellation of Removal for Non-LPRs.....	260
Eligibility.....	261
Continuous Physical Presence	261
NTA Stop-Time Rule	262
Commission of an Offense Stop-Time Rule	263
Departures That Break Continuous Physical Presence.....	264
Good Moral Character	265
Exceptional and Extremely Unusual Hardship.....	267
Qualifying Family Members	267

Hardship Standard Cases.....	268
Evidentiary Requirements	272
BIA Unpublished Decisions	272
No Alternate Means of Adjusting Status.....	273
Grounds of Ineligibility	273
4,000 Annual Cap.....	274
Cancellation of Removal for Abused Women and Children	274
Requirements.....	275
Marital Relationship	277
Children and Sons and Daughters	278
Battery or Extreme Cruelty	279
Three-Year Continuous Physical Presence.....	282
Good Moral Character	282
Inadmissible or Deportable.....	284
Extreme Hardship.....	286
BIA Unpublished Decisions	288
Laws of Other Countries	288
Intake Interview.....	289
VAWA Cancellation Cap.....	289
Self-Petitioning Respondents: How and Why.....	289
NACARA §203.....	291
Beneficiaries of NACARA.....	292
Guatemalans	292
Salvadorans	292
Nationals of Former Soviet-Bloc Countries	293
Dependent Spouses and Children	293
Unmarried Sons and Daughters	293
Other Requirements.....	294
Jurisdiction of NACARA Applications	294
USCIS Asylum Office.....	294
Guatemalans	295
Salvadorans	295
Means of Demonstrating ABC Class Membership	295
Dependents	296
Executive Office for Immigration Review	296
Requirements for NACARA Suspension of Deportation or Cancellation of Removal	296
Continuous Physical Presence for Seven Years	296
Departures	297
Good Moral Character.....	297
Extreme Hardship.....	298
Presumption of Extreme Hardship for Certain NACARA Beneficiaries.....	299
Statutory Bars to NACARA	299
Bars Relating to Immigration Violations.....	299
Suspension of Deportation	299

Cancellation of Removal	300
Bars Relating to Failure to Comply with Immigration Proceedings	301
Suspension of Deportation: Five-Year Bars	301
Cancellation of Removal: 10-Year Bars	302
Process for Applying in Removal Proceedings	302
Application	302
Unmarried Sons and Daughters	303
Motions to Reopen	303
Burden of Proof	304
Types of Evidence	305
Physical Presence	305
Good Moral Character	305
Extreme Hardship	305
Deadline for Applications	305
Conclusion	306
Chapter 9: Asylum, Withholding of Removal, and Protection Under the	
 Convention Against Torture	307
Credible and Reasonable Fear Process	308
Expedited Removal	308
Credible Fear of Persecution or Torture	310
Reasonable Fear of Persecution or Torture	312
Detention During the Credible or Reasonable Fear Process	314
Asylum	315
Filing Procedure	315
Unable or Unwilling to Return or Avail Oneself of Protection	316
Persecution	316
Past Persecution	320
Fundamental Change in Circumstances	320
Internal Relocation	321
Humanitarian Asylum	323
Severe Past Persecution	323
Other Serious Harm	324
Well-Founded Fear	325
On Account of a Protected Ground: the “Nexus” Requirement	327
Race as a Protected Ground	329
Nationality as a Protected Ground	330
Religion as a Protected Ground	330
Political Opinion as a Protected Ground	332
Particular Social Group as a Protected Ground	335
<i>Matter of A–R–C–G–</i>	338
<i>Matter of A–B–</i>	339
Unable or Unwilling to Control	343
Exercise of Discretion	345
Special Procedures for Unaccompanied Minors	347
Adults with Children and Other Family Cases	348

Seeking Employment Authorization	349
Know Your Rights: Asylee Employment Authorization	350
Grounds of Ineligibility	352
One-Year Filing Deadline	352
Extraordinary Circumstances	356
Changed Circumstances	357
Reasonable Time	357
Safe Third Country	358
Prior Removal Order	359
Frivolous Applications	360
Withholding of Removal Under INA §241(b)(3)	361
Statutory Bars to Asylum and Withholding	363
Persons Who Have Participated in the Persecution of Others	363
Conviction for a Particularly Serious Crime in the Asylum Context	366
Conviction of Particularly Serious Crime in the Withholding of Removal Context	368
Commission of a Serious Nonpolitical Crime	370
Persons Who Are a Danger to National Security	371
The Terrorism-Related Inadmissibility Grounds	372
The Material Support Bar	374
Firm Resettlement	376
Asylum vs. Withholding	378
Termination of Asylum or Withholding	380
Protection Under the Convention Against Torture	382
Definition of Torture	383
An Intentional Act	384
With the Consent, Instigation, or Acquiescence of a Person Acting in an Official Capacity	385
Burden of Proof and Legal Standard	387
Article 3 Withholding vs. Deferral of Removal	389
Supporting Evidence	390
Filing Procedures	390
Evidentiary Requirements	391
Credibility Determinations	391
Corroboration	392
Conclusion	394
Chapter 10: Voluntary Departure	395
Requirements	396
Prior to the Conclusion of Removal Proceedings	396
At the Conclusion of Removal Proceedings	398
Voluntary Departure for Those Who Already Departed	401
The Application for Voluntary Departure	401
Negative Consequences of Failure to Timely Depart Under a Grant of Voluntary Departure	402
Exceptions to the Consequences of a Failure to Depart	403

Arguments to Avoid the Consequences of a Failure to Depart	405
While the Voluntary Departure Clock Is Ticking: Appeals and Motions	405
Appeals to the BIA	405
Motions to Reopen and Petitions for Review	406
Post- <i>Dada</i> Regulations	407
Establishing Compliance with Voluntary Departure	408
Prior Voluntary Departure Grant	409
Voluntary Return vs. Voluntary Departure	409
Conclusion	410
Chapter 11: Bond Hearings.....	411
Discretionary Detention Under INA §236(a)	412
Bond Hearings	412
Paying the Bond	414
Mandatory Detention Under INA §236(c)	415
<i>Joseph</i> Hearings	416
Detention of Arriving Aliens and Individuals in Expedited Removal Under INA	
§236(b)	417
Arriving Aliens	417
Individuals Subject to Expedited Removal	418
Visa Waiver Program Entrants	418
Detention of Individuals with a Final Order of Removal or When Detention Has	
Become Prolonged Under INA §241	418
Conclusion	419
Chapter 12: Administrative Review of Removal Orders.....	421
Appeals to the BIA	422
Standard of Review	425
Motions to Remand	426
Motions to Reopen and Motions to Reconsider	427
Purpose	427
Where to File	429
Time and Numerical Limits	429
Equitable Tolling	431
Ineffective Assistance of Counsel	433
Content, Format, and Filing Requirements	434
Motions to Reopen Based on Changed Country Conditions Related to	
Asylum Eligibility	437
Motions to Reopen Seeking Certain Relief Pursuant to VAWA	438
Motions to Rescind and Reopen In Absentia Removal Orders	439
Exceptional Circumstances (180 days from date of removal order, may be	
subject to equitable tolling)	442
Lack of Notice (no filing deadline)	444
Joint Motions to Reopen	448
Sua Sponte Motions to Reopen	449
Post-Departure Bar	450
Stays of Removal	451

Stays at the BIA.....	452
Stays at the Immigration Court	453
Stays at ICE ERO	454
Conclusion	454
Chapter 13: Judicial Review of Removal Orders.....	455
Judicial Review Before the 1996 Changes	455
Judicial Review Under the Transitional Rules.....	455
Judicial Review After Passage of the REAL ID Act	456
Habeas Corpus in Federal District Courts	456
Habeas Corpus Prior to the REAL ID Act	456
Habeas Petitions Pending Prior to the REAL ID Act.....	457
Habeas Challenges to Detention.....	457
Petitions for Review in the Courts of Appeals.....	458
Petitions for Review After the REAL ID Act	458
Expansion of Court of Appeals Review to Consider Constitutional Claims and Questions of Law	459
Bars to Judicial Review in the Court of Appeals	459
Denials of Discretionary Relief and the Special Case of Asylum	460
Removal Orders Against Criminal Aliens.....	462
Decisions to Begin Proceedings, Adjudicate Cases, or Execute Removal Orders	462
Procedural Rights Regarding Petitions for Review	463
Judicial Review of Particular Types of Removal Orders	466
Expedited Removal of Aliens Arriving at Ports-of-Entry	466
Treatment of Nationality Claims	468
Challenges to the Validity of Removal Orders in Criminal Proceedings ..	468
Judicial Review of Certain Administrative Removal Orders	469
Judicial Review of Judicial Orders of Removal	469
Judicial Review of Denial of a Motion to Stay Removal	470
Mandamus and Other Types of Petitions	470
Conclusion	470
Chapter 14: Trial Skills in Immigration Court	471
Opening Statements in Immigration Court	471
Overview of Witness Examination in Immigration Court	472
Types of Hearings That Consider Witness Testimony.....	472
Types of Witnesses.....	472
Types of Witness Examination.....	473
Rules Governing Witness Testimony.....	474
Right to Present Evidence	474
Testimony Procedures	475
Credibility Assessment.....	475
Rules of Evidence.....	475
Requesting an Interpreter	476
Requesting Telephonic or Video Testimony	476
Requesting Other Witness Accommodations	477

Filing the Witness List.....	477
Making and Responding to Objections	478
Conducting Witness Examination in Immigration Court	478
Direct Examination	478
Preparing for Direct Examination.....	478
Conducting Direct Examination at the Hearing	480
Conducting Direct Examination of an Expert Witness: Preliminary Matters.....	481
Conducting Direct Examination of an Expert Witness: Qualifying and Tendering the Expert.....	481
Cross Examination	483
Preparing for and Conducting Cross Examination of a DHS Witness	483
DHS Cross Examination of Witnesses	484
Re-Direct Examination.....	484
Preparing Witnesses for Testimony in Immigration Court.....	485
Closing Argument in Immigration Court.....	486
Conclusion	487
Chapter 15: Prosecutorial Discretion	489
Legacy INS Memoranda.....	490
Obama Administration.....	491
DHS Memoranda.....	491
EOIR Memoranda	495
Trump Administration	496
Executive Orders	496
DHS Memoranda.....	497
EOIR Memoranda	498
Appendices	501
Appendix 1: Form I-213, Record of Deportable/Inadmissible Alien	503
Appendix 2: Form I-862, Notice to Appear	505
Appendix 3: Freedom of Information Act Response	507
Appendix 4: Form I-221, Order to Show Cause and Notice of Hearing	509
Appendix 5: Form I-122, INS Notice to Applicant for Admission Detained for Hearing.....	511
Appendix 6: Criminal Record Check	512
Appendix 7: Summary Order of Removal.....	517
Appendix 8: Order of Expedited Removal.....	518
Appendix 9: Notice of Intent to Issue Final Administrative Order of Removal	519
Appendix 10: Final Administrative Order of Removal.....	521
Appendix 11: Immigration Bond: How to Get Your Money Back	522
Appendix 12: Citizenship and Naturalization Charts	527
Appendix 13: Sample Request for Prosecutorial Discretion	536

Appendix 14 (A and B): Sample Motions to Suppress Evidence and Terminate	541
Appendix 15: Sample Motion In Limine.....	560
Appendix 16: Sample Motion for Subpoena	574
Appendix 17: Sample Motion to Terminate for Failure to Provide Form I-770, with Replies.....	577
Appendix 18: Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal	630
Appendix 19: (Retired) Immigration Judge Paul Schmidt’s Practical Tips for Representing an Asylum Case in Immigration Court.....	638
Appendix 20: Center for Gender and Refugee Studies Sample Asylum Table of Contents.....	641
Appendix 21: Center for Gender and Refugee Studies Sample Client Declaration	663
Appendix 22: Baltimore Immigration Judge Decision to Grant Asylum Based on Religion	678
Appendix 23: Portland Immigration Judge Decision to Grant Asylum Based on Political Opinion	689
Appendix 24: Process for Rescinding and Reopening an In Absentia Removal (Diagram)	700
Appendix 25: Difference in Appeal Process for Section 240 Removal Orders (Diagram)	701
Appendix 26: Twelve Questions to Ask a Central American Asylum-Seeking Mother with an In Absentia Order of Removal.....	702
Appendix 27: Sample BIA Briefing Extension Request	705
Appendix 28: Sample BIA Appeal Briefing (Motion to Rescind and Reopen on Behalf of an Unaccompanied Minor).....	708
Appendix 29: Sample Stay of Removal to ICE ERO	732
Appendix 30: U.S. Immigration Courts and U.S. Circuit Courts of Appeals (Map).....	See inside back cover