# Model Hearing Program:Practice Tips and Pointers for DHS Attorneys

*Below is a list of practice tips and pointers for U.S. Department of Homeland Security (DHS) attorneys appearing before an immigration judge in immigration proceedings.*

## Before a Hearing

* Background and Security Investigations – Obtain the respondent’s background checks, as they are necessary for a grant of most forms of relief. *See* [8 C.F.R. § 1003.47(g)](https://www.ecfr.gov/current/title-8/chapter-V/subchapter-A/part-1003/subpart-C/section-1003.47#p-1003.47(g)). If the checks are not complete, be prepared to discuss the reason as you understand it.
* EOIR Reference Materials – Be familiar with the [EOIR Reference Materials](https://www.justice.gov/eoir/reference-materials). The EOIR Reference Materials webpage contains links to practice manuals, agency memoranda, and other materials that apply to all parties appearing for proceedings before the immigration court.
* Ensure that your filings are in conformity with Part II, Chapter 3 of the EOIR Policy Manual and that your motions are in conformity with Part II, Chapter 5 of the Policy Manual.
* Ensure that your filings and motions are in conformity with [Chapter 3](https://www.justice.gov/eoir/reference-materials/ic/chapter-3) and [Chapter 5](https://www.justice.gov/eoir/reference-materials/ic/chapter-5) of the Immigration Court Practice Manual, respectively.
* Opposing party’s position on motions – The party filing a motion should make a good-faith effort to ascertain the opposing party’s position on the motion and include it in the motion.
* Statements for testifying witnesses – Submit an affidavit or declaration so that, if appropriate, the parties may stipulate that the witness would testify in conformity with the witness’s affidavit.
* Pre-hearing orders – If the Immigration Judge hearing the case issued a pre-hearing scheduling order, take note of, and comply with, the requirements and deadlines.
* Re-file evidence from bond proceedings – In removal proceedings, re-file any relevant evidence from the respondent’s bond proceedings. The record in bond proceedings is separate and apart from the record in removal proceedings. [8 C.F.R. § 1003.19(d)](https://www.ecfr.gov/current/title-8/chapter-V/subchapter-A/part-1003/subpart-C/section-1003.19#p-1003.19(d)). Evidence from a bond hearing cannot be referred to in removal proceedings unless specifically and separately submitted and introduced into evidence in the removal proceedings.
* Criminal issues – If you seek to include criminal records as evidence of removability, take care to file such records in accordance with [Chapter 3](https://www.justice.gov/eoir/reference-materials/ic/chapter-3) of the Immigration Court Practice Manual. In some cases, police reports, charging documents, and plea minutes may be material evidence.
* Notice of Appearance – File an [EOIR-28](https://www.justice.gov/eoir/eoirforms/eoir28.pdf) with the immigration court to enter your notice of appearance. When using the [EOIR Courts & Appeals System (ECAS)](https://portal.eoir.justice.gov/), take care to verify that your account contact information is correct.
* Respondent’s best language – Confirm your client’s best language, including dialect where relevant.
* Be aware of the burdens of proof for the different issues in your client’s case. For example, if removability is at issue, be prepared to file evidence of removability at the proper time during the hearing.
* Conference with opposing counsel – Confer with opposing counsel prior to the individual hearing to narrow disputed issues and stipulate to undisputed issues of fact or law.
* Verify the type of hearing – The default hearing medium for each immigration judge is available on each court’s webpage, and links to access any internet-based hearing before an immigration judge is available on [EOIR's website](https://www.justice.gov/eoir-operational-status). If you are uncertain whether your hearing is scheduled in person or is internet-based, please call the immigration court that is hearing your case.

Note: Respondents who do not have a representative of record will always have a default hearing medium of in-person. Unrepresented respondents may, however, request an internet-based hearing.

## Day of Hearing

* Prepare, prepare, prepare.
* Impeachment or rebuttal evidence – If you are appearing remotely and anticipate that you may want to file impeachment or rebuttal evidence, arrange to file and serve prior to the hearing.
* If the respondent’s case will not have a master calendar hearing, be prepared during the scheduled individual hearing to designate a country of removal.
* Operational status – To find EOIR operational status information, visit the [EOIR website](https://www.justice.gov/eoir-operational-status), follow EOIR on [X](https://twitter.com/DOJ_EOIR) and [Facebook](https://www.facebook.com/doj.eoir/), or call your immigration court.

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