# Model Hearing Program:Practice Tips and Pointers for Private Counsel

*Below is a list of practice tips and pointers for private counsel appearing before an Immigration Judge in immigration proceedings.*

## Before a Hearing

* Respondent’s contact information – Confirm your client’s address and phone number in advance (and email address, as appropriate) and prepare an [EOIR-33, Alien’s Change of Address Form/Immigration Court](https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing), if necessary.
* 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.

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 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.
* Amendments to applications – If you have substantial changes to make to a previously filed application, file and serve an updated application in accordance with [Chapter 3](https://www.justice.gov/eoir/reference-materials/ic/chapter-3) the Immigration Court Practice Manual.
* File all relief applications on time and in compliance with all instructions – File proof of biometrics compliance as well as receipt notices for any applications for which a fee or fee waiver is required. An application may be deemed abandoned for failure to comply with a deadline.
* 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.
* 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.
* Discretion – If discretion is applicable to your client’s requested relief, file appropriate documentation to show that your client merits a favorable exercise. For example, any documentation to show that it is in the best interests of the United States that your client be allowed to remain here.
* 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.

## Day of Hearing

* Prepare, prepare, prepare.
* Be on time – Allow time for building security screenings. If you will arrive separately from your client, give your client a copy of the hearing order so that your client can access the building. If you will appear by telephone or video, make sure you are available to answer the Immigration Judge’s call.
* Verify that your client’s address is correct and that your notice of appearance is on file. Prepare an [EOIR-28](https://www.justice.gov/eoir/eoirforms/eoir28.pdf) or [EOIR-33](https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing) in advance of the hearing, if necessary.
* If your client’s case will not have a master calendar hearing, be prepared during the scheduled individual hearing to make pleadings and designate a country of removal.
* If the parties have entered into a stipulation that has been accepted by the court, your client need not testify to the stipulated issue.
* 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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