



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

November 2, 2018

Via U.S. Mail

Jacqueline Stevens
Northwestern University
601 University Place
Political Science Department
Evanston, IL 60208

Re: FOIA 2018-36640-R

Dear Ms. Stevens:

This letter is a supplemental response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek:

- all policy information on the announcement of respondents' nine digit numbers in immigration court as part of their Record of Proceedings
- all correspondence to and from [IJ] Walton and others at the Houston immigration court about the practice of IJ Walton not announcing the full 9 digits for respondents

Responsive records are enclosed. There will be on charge for processing this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number (703) 605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National

Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

J.R. Schaaf

Enclosure:

EOIR FOIA 2018-36640-R

IN ABSENTIA HEARING SCRIPT

□ BEGIN DAR RECORDING

We are on the record.

□ TYPE OF HEARING

This is an [initial/continued] removal hearing before Immigration Judge [name of Judge] in [City, State] on [date], in the matter of [the respondent's name], [A number].

□ APPEARANCES

The respondent is not present and there is no one here on his/her behalf. The respondent was ordered to appear today at [time]. It is now [time] and the Court has no other matters on its docket.

Counsel for the Government, please state your appearance for the record.

Has the Government received any communication from the respondent that would explain his/her failure to appear today?

[Request that the clerk/interpreter/Government counsel check the waiting room and hallway for the respondent]

The Court asked the [clerk/interpreter/Government counsel] to look for the respondent in the waiting room and hallway adjacent to the Court and did not locate the respondent.

❑ **PROCEEDING IN ABSENTIA**

How does DHS wish to proceed in this matter?

[DHS requests in absentia proceeding]

❑ **NOTICE TO APPEAR / JURISDICTION**

The Court has been served with a Notice to Appear dated [date]. The NTA includes the respondent's name, [name], and A number [A number].

- If personal service: According to the NTA, the Government personally served the NTA upon the respondent on [date].
- If mail service: According to the NTA, the Government served the NTA by mail on [date]. Does the government have proof of service?

The Court finds that the Government has established by clear, unequivocal, and convincing evidence that written notice of the time and place of these proceedings and the consequences of failure to appear was properly served on the respondent. Therefore, the motion to proceed in absentia is granted.

❑ **MARK EXHIBITS**

The Court will mark and admit the NTA into the record as Exhibit 1.

[Mark any additional submissions]

❑ **ESTABLISHING REMOVABILITY**

- If continued hearing with pleadings taken: The Court has already taken pleadings in this case and found the respondent removable as charged.
- If no pleadings taken: Government counsel, do you have evidence to establish removability?

[Review submitted evidence]

Based on the record evidence submitted, the Court finds that the government has established by clear, unequivocal, and convincing evidence that the factual allegations and charge(s) of removability in the Notice to Appear.

❑ **COUNTRY DESIGNATION**

- If previously determined: At a previous hearing, the Court designated [country] as the country of removal.
- If not determined: The respondent has not designated a country of removal. Government counsel, any recommendation?

[Also review record evidence for country]

Based on the record evidence and the Government's recommendation, the Court designates [country] as the country of removal.

❑ **ORDER REMOVAL**

Since the respondent was provided proper notice and he/she failed to appear, the Court hereby orders the respondent be removed to [country] based on the charge(s) in the NTA.

□ **ABANDONED APPLICATIONS (IF APPLICABLE)**

Additionally, based on the respondent's failure to appear, the Court deems his/her [type of relief] application(s) abandoned.

□ **END DAR RECORDING**

Anything further from the Government?

There being nothing further, these proceedings are concluded.

Thank you, we are off the record.

***HEARING SCRIPT:
INITIAL MASTER CALENDAR – PRO SE***

□ **BEGIN DAR RECORDING**

We are on the record. Today is [date]. This is Immigration Judge [name] in [court location]. These are removal proceedings in the matter of [name and A number].

□ **LANGUAGE DETERMINATION**

To the respondent through the interpreter, what language do you speak and understand best?

Based on the respondent's answer, today's hearing will be [conducted in English/interpreted in [language]].

□ **APPEARANCES**

The respondent is present [by VTC] and appearing pro se. Counsel for the Government, please state your appearance for the record.

□ **INTERPRETER (IF APPLICABLE)**

- EOIR interpreter: [Name] is the official interpreter for the Immigration Court who will be providing interpretation into [language], and does not need to be sworn in.

- Non-EOIR interpreter: The interpreter today is [name, with spelling]. To the interpreter: do you swear that you are competent to translate from English to [language] and from [language] to English, and that you will do so accurately and completely?

To the respondent: Can you hear the interpreter clearly? Do you understand the interpreter? If at any time you have difficulty understanding the interpreter, please let me know immediately.

□ **OATH**

To the respondent: Please stand and raise your right hand. Do you swear that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth?

□ **IDENTITY**

To the respondent: Please state your full and true name for the record.

□ **ADDRESS**

To the respondent: Where do you currently live?

- If same address from NTA: You are being provided with a change of address form. If you move at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. Do you understand?

- If different address from NTA: Please complete two change of address forms right now. Give one to the Court and the other to the Government attorney. Please take an additional change of address form with you. If you move again at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. Do you understand?

□ **PURPOSE OF PROCEEDINGS**

To the respondent: The Government alleges that you do not have a legal right to stay in the United States. The purpose of these proceedings is to determine whether or not you should be allowed to stay in the United States. Do you understand?

□ **EVIDENCE ADVISAL**

To the respondent: During these proceedings, you have the right to present evidence and to examine and object to any evidence presented by the Government. You also have the right to question any Government witnesses. Do you understand?

□ **APPEAL ADVISAL**

To the respondent: If the Court determines that you are not legally allowed to stay in the United States, you have the right to appeal that decision. Do you understand?

[Provide the respondent with Written Notice of Appeal Rights, if completing case at this hearing]

❑ **FAILURE TO APPEAR ADVISAL**

To the respondent: You must appear at all of your hearings in this Court. If you do not appear at a hearing as ordered, you will be ordered deported and removed from the United States, unless you can show that your absence was caused by exceptional circumstances beyond your control, such as your serious illness, or the serious illness or death of an immediate family member.

If you are ordered removed, any relief applications will be deemed abandoned and will be denied.

Additionally, you will become ineligible for certain forms of relief, such as voluntary departure, cancellation of removal, adjustment of status, or change of status, for a period of ten years. Do you understand?

❑ **CHANGE OF ADDRESS ADVISAL**

To the respondent: If you move at any time during these proceedings, you must complete a change of address form and send it or bring it to the Court within five days of moving. If you do not do that, the Court may send you a hearing notice to your old address, and then you would miss the hearing and may be ordered deported in your absence. Do you understand?

❑ **RIGHT TO COUNSEL ADVISAL**

To the respondent: You have the right to be represented during these hearings by an attorney or qualified representative at your own expense. The Government cannot provide you with an

attorney or qualified representative. However, the Court is providing you with a list of individuals and organizations that may be able to represent you at little or no cost. You are not limited to just the persons on this list. If you wish, you may hire an attorney who is not on this list. Do you understand?

Do you want more time to get an attorney or representative to help you in these proceedings?

- Yes, continuance to obtain counsel: Because you told me that you want time to find an attorney, I will continue your case to [date] at [time]. Do you understand?

If you cannot find or afford an attorney or organization to represent you, be prepared to speak for yourself at the next hearing. Do you understand?

- No, waiver of right to counsel: You told me that you do not want more time to find an attorney or representative to help you. Does that mean that you want to complete your immigration case right now?

Do you understand that you will be required to represent yourself in these proceedings?

Do you understand that you will be required to make legal decisions that will affect the outcome of your case?

Do you acknowledge that you are making this decision of your own free will, and that you have not been coerced in

any way to give up your right to representation by an attorney or qualified representative?

Do you still want to proceed today, without the help of an attorney or qualified representative, and represent yourself in this hearing?

Based on the respondent's answers, I find that he/she has knowingly and voluntarily waived his/her right to an attorney, and the Court will proceed with this hearing.

[STOP HERE—TO COMPLETE HEARING TODAY, OPEN THE SCRIPT ENTITLED “CONTINUED PRO SE INITIAL HEARING” AND SKIP TO THE “NOTICE TO APPEAR” SECTION]

□ **HEARING NOTICE**

To the respondent: The Court is providing you with written notice of your next hearing. You must appear in this Court on the date and time written on the notice.

□ **OTHER ISSUES**

To the respondent: Do you have any questions about anything I have told you today?

Anything from the Government?

□ **ASYLUM CLOCK (IF APPLICABLE)**

[State on the record the reason for adjourning the hearing]

□ **END DAR RECORDING**

There being nothing further, this matter is continued to the date and time indicated on the notice provided to the parties.
Thank you, we are adjourned.

HEARING SCRIPT: CONT'D MASTER CALENDAR – PRO SE

□ BEGIN DAR RECORDING

We are on the record. Today is [date]. This is Immigration Judge [name] in [court location]. These are continued removal proceedings in the matter of [name and A number].

□ LANGUAGE DETERMINATION

To the respondent: At the last hearing, you designated [language] as your best language. Do you still want to continue in [language]?

Based on the respondent's answer, today's hearing will be [conducted in English/interpreted in [language]].

□ APPEARANCES

The respondent is present [by VTC] and appearing pro se. Counsel for the Government, please state your appearance for the record.

□ INTERPRETER (IF APPLICABLE)

- EOIR interpreter: [Name] is the official interpreter for the Immigration Court who will be providing interpretation into [language], and need not be sworn in.

- Non-EOIR interpreter: The interpreter today is [name]. To the interpreter: do you swear that you are competent to translate from English to [language] and from [language] to English, and that you will do so accurately and completely?

To the respondent: Can you hear the interpreter clearly? Do you understand the interpreter? If at any time you have difficulty understanding the interpreter, please let me know immediately.

□ OATH

To the respondent: Please stand and raise your right hand. Do you swear that the testimony you provide in these proceedings will be the truth, the whole truth, and nothing but the truth?

□ IDENTITY

To the respondent: Please state your full and true name for the record.

□ ADDRESS

To the respondent: Do you still live at [address from file]?

- If same address: You are being provided with a change of address form. If you move at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. Do you understand?
- If different address: Please complete two change of address forms right now. Give one to the Court and the other to the

Government attorney. Please take an additional change of address form with you. If you move again at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. Do you understand?

❑ **PURPOSE OF PROCEEDINGS**

[Verify that purpose of proceedings was explained at initial master calendar hearing. If not, do so here.]

To the respondent: The Government alleges that you do not have a legal right to stay in the United States. The purpose of these proceedings is to determine whether or not you should be allowed to stay in the United States. Do you understand?

❑ **OBTAINING COUNSEL**

To the respondent: At your last hearing, I gave you more time to find an attorney or qualified representative to represent you in these proceedings. Do you have an attorney or representative with you today?

[Respondent answers negatively]

To the respondent: What attempts did you make to try and find an attorney to represent you in these proceedings?

- If granting another continuance: Based on your answers, the Court is going to give you more time to find an attorney or representative. However, if you do not have one at the

next hearing, you must be prepared to represent yourself on that date.

- If no further continuances will be granted: At the last hearing, I advised you that you should be prepared to represent yourself at today's hearing. You do not have an attorney or representative with you today, and I find that [*give reason: e.g., 'you did not make a reasonable attempt to secure one,' or 'you have had sufficient opportunity to secure one.'*] Therefore, the Court is going to proceed with your case today and you will be representing yourself. Do you understand?

□ ADVISALS

[Verify that advisals were given at initial master calendar hearing. If not, give them here]

[Provide the respondent with Written Notice of Appeal Rights, if completing case at this hearing]

□ NOTICE TO APPEAR

To the respondent: The Government filed with this Court a document called a Notice to Appear, which is dated [date]. The Notice to Appear has your name and alien number on it, and includes the Government's list of allegations and charges against you. The copy in the Court's file shows that it was served upon you [in-person/by mail] on [date]. Did you receive a copy of this document?

- If yes: I will mark and admit the Notice to Appear as Exhibit 1 in the record.
- If no: I will [show you/fax you] the Court's copy. Do you remember receiving this document? [If not served, have Government attorney serve it, and determine whether the respondent needs more time to review it before pleading] I will mark and admit the Notice to Appear as Exhibit 1 in the record.

□ PLEADINGS

To the respondent: I am going to ask you about the Government's allegations and charges in the Notice to Appear.

- First, are you a citizen or national of the United States?
- Second, is it true that you are a citizen and national of [country]?
- Third, is it true that [read allegation]?
- Fourth, is it true that [read allegation]?

Based on these allegations, the Government charges you with removal from the United States because [describe charge of inadmissibility/removability]. Do you agree that you may be removed because of the reason I just stated?

- If admits and concedes: On the basis of your admissions and concession of the charge(s) of removability, the Court finds that you are removable as charged in the NTA.

- If admits allegations but denies or can't answer charge:
Based on your admissions, I find that you are removable as charged in the NTA.
- If denies allegations and charge:
Government counsel, can you establish removability?

[Review Government submissions]

On the basis of the Government's submissions, the Court finds that you are removable as charged in the NTA.

□ COUNTRY OF REMOVAL

To the respondent: If I find that you must be removed, you have the right to designate a country where you would be sent if you cannot remain in the United States. You should not choose a country where you are afraid to go. Do you want to choose a country where you would be sent?

- If the respondent declines to designate: Does the Government have a recommendation?

The Court designates [country] as the country of removal should removal become necessary.

□ POSSIBLE RELIEF

[If referred asylum application, proceed to next section only after asking about the following additional possible forms of relief]

To the respondent: I will now ask you some questions to determine what forms of relief from removal may be available to you.

- Citizenship: Where were you born? Have you ever been a lawful permanent resident? Were either of your parents United States citizens or lawful permanent residents? What about your grandparents?
- Adjustment of Status: Has a family member or employer ever filed a visa petition for you?
- Asylum/Withholding/CAT: Do you fear returning to your home country?
- Cancellation of Removal: How long have you been in the United States? Is your spouse, parent, or child a United States citizen or lawful permanent resident? Have you ever been the victim of domestic violence by a lawful permanent resident or United States citizen spouse?
- U Visa / S Visa: Have you ever been the victim of a crime? Have you ever helped the police in the United States with a case?

- T Visa: When you came to the United States, were you forced, coerced, or induced to come here by fraud only to be required to serve as a slave, work off your debt against your will, or required to engage in sexual acts in exchange for money?
- Voluntary Departure: Do you want to stay in the United States and fight your deportation, or do you want to return to your home country? Do you have a passport? Do you have money to travel to your home country? Will you leave the United States if granted voluntary departure?
- Criminal Bars: Have you ever committed or been convicted of a crime?

To the Government counsel: Government counsel, do you have any information that would show statutory ineligibility for relief?

To the respondent: Based on your answers, I think that you [may be/are not] eligible for relief from removal.

[If possible eligibility, provide the respondent with the relevant relief application and explain how and when to file]

❑ REFERRED ASYLUM APPLICATION

To the respondent: You previously applied for asylum with USCIS and they referred your application to this Court. Do you want to continue with this asylum application?

[Respondent answers affirmatively]

Frivolous asylum warning: I am providing you with a frivolous asylum warning in writing at this time.

[Give written warning to the respondent]

This warning tells you that, if you knowingly file a frivolous asylum application, you will be forever barred from receiving any benefits under the immigration law. A frivolous asylum application contains statements or responses to questions that you know are false. Do you understand?

If I find that you knowingly filed a frivolous asylum application, you will be barred forever from any relief. Knowing this, do you want to continue with your asylum application?

Additionally, the Court will deem this to be an application for Withholding of Removal and protection under the Convention Against Torture.

❑ **ORDER OF REMOVAL (IF NO RELIEF AVAILABLE)**

To the respondent: The Court has determined that you are removable from the United States and that you are not eligible for any relief from removal. Therefore, the Court is ordering you removed to [country of removal].

As I explained before, you have the right to appeal this decision, and the Court has given you an appeals packet explaining these rights. Do you understand?

Do you have any questions?

Anything from the Government?

Thank you, we are adjourned.

[END HEARING]

□ **BIOMETRICS (IF APPLYING FOR RELIEF)**

Government counsel, have the necessary biometrics been taken?

- If yes: The Court will reset your case to [date] at [time] for a hearing on the merits of your applications.
- If no: Because you are seeking relief from removal, the Government must complete certain background checks before the Court can complete your case. The Government attorney is providing you with written instructions that tell you how to complete the necessary background checks. You must follow the instructions by [deadline]. If you fail to do so, I may deny your application. Do you understand?

□ **NOTICE OF HEARING**

[Verify that respondent was given advisal at initial master calendar hearing regarding consequences of failing to appear at any hearing. If not, do so here]

To the respondent: The Court is providing you with written notice of your next hearing. You must appear in this Court on the date and time written on the notice. If you do not appear at the next hearing as ordered, you will be ordered deported and removed from the United States, unless you can show that your absence was caused by exceptional circumstances beyond your control, such as your serious illness, or the serious illness or death of an immediate family member.

If you are ordered removed, any relief applications will be deemed abandoned and may be denied.

Additionally, you will become ineligible for certain forms of relief, such as voluntary departure, cancellation of removal, adjustment of status, or change of status, for a period of ten years. Do you understand?

□ **CHANGE OF ADDRESS ADVISAL**

To the respondent: I remind you that if you move at any time during these proceedings, you must complete a change of address form and file it with the Court within five days of moving. Do you understand?

□ **RIGHT TO COUNSEL**

To the respondent: You may have an attorney or qualified representative represent you at that hearing. If you do get an attorney or representative before that date, you must tell him or her that your case has been set for a merits hearing, and that he

or she will be expected to complete your case on that date. Do you understand?

□ **WITNESSES**

If you have any witnesses that you intend to present in support of your applications, you must bring them with you to the next hearing. If your witness does not speak English and speaks a different language than you, you must notify the Court in writing at least 30 days before the next hearing, which would be by [date]. Your letter must be in English, and in it you must tell us which language your witness speaks so that the Court can schedule an interpreter for the hearing. Do you understand?

□ **SUBMITTING EVIDENCE / TRANSLATION**

If you want to submit any additional documents in support of your relief application, you must do the following:

- If any document you bring to Court is in a language other than English, then you must have the document translated into English. You must also have the person who translated the document complete a certificate that states his or her name, and states that he or she is competent to translate from the language of the document into English, and that the translation is true, complete, and accurate.
- Make two photocopies of every document and its translation. Keep the originals with you.

- If possible, send one copy of every document and its translation to the Court, and one copy to the Government at the address the DHS attorney is providing you. You must attach a “Proof of Service” to the documents that you submitted; that is a statement that everything you sent to the Court was also sent to the Government at the address the DHS attorney provided to you.
- If you receive any documents too late to send a copy to the Court before the hearing, then bring the original and both copies of every document and translation with you to the next hearing.
- Always bring all of your original documents and their translations with you to Court.

Do you understand?

□ **OTHER ISSUES**

Do you have any questions about anything I have told you today?

Anything from the Government?

□ **ASYLUM CLOCK (IF APPLICABLE)**

[State on the record the reason for adjourning the hearing]

□ **END DAR RECORDING**

There being nothing further, this matter is continued to the date and time indicated on the hearing notice. Thank you, we are adjourned.

RESPONDENT WITH COUNSEL – MASTER CALENDAR HEARING SCRIPT

□ BEGIN DAR RECORDING

We are on the record. Today is [date]. This is Immigration Judge [name] in [court location]. These are removal proceedings in the matter of [name and A number].

□ LANGUAGE DETERMINATION

To the respondent through the interpreter, what language do you speak and understand best?

Based on the respondent's answers, today's hearing will be [conducted in English/interpreted in [language]].

□ APPEARANCES

The respondent is present and represented. Counsel, please state your appearance for the record. Counsel for the Government, please state your appearance for the record.

□ INTERPRETER (IF APPLICABLE)

- EOIR interpreter: [name] is the official interpreter for the Immigration Court who will be providing interpretation into [language], and does not need to be sworn in.
- Non-EOIR interpreter: The interpreter today is [name]. To the interpreter: do you swear that you are competent to translate from English to [language] and from [language] to English, and that you will do so accurately and completely?

To the respondent: Can you hear the interpreter clearly? Do you understand the interpreter? If at any time you have difficulty understanding the interpreter, please let me know immediately.

To the respondent's counsel: Does the respondent waive interpretation of the discussions solely between the Court and the attorneys?

□ PURPOSE OF HEARING

To the respondent: The Government alleges that you do not have a legal right to stay in the United States. The purpose of these proceedings is to determine whether or not you should be allowed to stay in the United States.

□ ACKNOWLEDGMENT OF COUNSEL

To the respondent: The attorney seated next to you has entered an appearance in your case. Do you want him/her to represent you in these proceedings?

❑ **OATH**

To the respondent: Please stand and raise your right hand. Do you swear that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth?

❑ **IDENTITY**

To the respondent: Please state your full and true name for the record.

❑ **ADDRESS**

To the respondent: Where do you currently live?

- If same address from NTA: You are being provided with a change of address form. If you move at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. You must also provide your correct address and phone number to your attorney at all times. Do you understand?
- If different address from NTA: You and your attorney must complete two change of address forms right now. Give one to the Court and the other to the Government attorney. Please take an additional change of address form with you. If you move again at any time during these proceedings, you must complete this form and file it with the Court within five days of moving. You must also provide your correct address and phone number to your attorney at all times. Do you understand?

❑ **PLEADINGS**

To the respondent's counsel:

I have a Notice to Appear in the name of your client dated [date].

Does he/she waive a formal reading of his/her rights in these proceedings?

Does your client concede that he/she is the person named in the charging document and that he/she has been properly served? [If not served, have Government attorney serve it]

Does your client waive a full and complete reading of the charges against him/her?

I will mark and admit the Notice to Appear as Exhibit 1 in the record.

Are you ready to plead on behalf of your client?

How does your client plead to factual allegations one through [number] and the charge(s) of removability?

❑ **FINDING OF REMOVABILITY**

- If admits/concedes: On the basis of these admissions and concession(s) of the charge(s), I find that the respondent is removable as charged.
- If admits allegations but denies charge:
Based on the admissions, I find that the respondent is removable as charged.
- If contests: Government counsel, do you have evidence to establish removability?

[Review submissions]

Based on the Government’s evidence, the Court sustains the factual allegations and finds the respondent removable as charged. [Or set separate hearing/briefing on removability]

❑ **DESIGNATION OF COUNTRY OF REMOVAL**

To respondent’s counsel: Does your client wish to designate a country of removal should removal become necessary?

- If yes: Based on the respondent’s counsel’s recommendation, the Court designates [country] as the country of removal should removal become necessary.
- If no: Does the Government have a recommendation?

[Review record evidence for country]

The Court designates [country] as the country of removal should removal become necessary.

❑ **RELIEF APPLICATIONS**

[If referred asylum application, proceed to “Referred Asylum Application” section below]

To the respondent’s counsel: Counsel, what relief, if any, does your client seek?

[If requesting pre-conclusion voluntary departure, proceed to the “Voluntary Departure” section below]

To the respondent’s counsel: Are you prepared to file the relief application(s) at this time?

- If yes: [Review application for completeness] Counsel, please serve a copy on the Government.
 - If asylum application—to the respondent: I am providing you with a frivolous asylum warning in writing at this time. This warning tells you that, if you

knowingly file a frivolous asylum application, you will be forever barred from receiving any benefits under the Act. A frivolous asylum application contains statements or responses to questions that are deliberately false. Do you understand? Knowing this, do you want to continue with your asylum application?

Additionally, the Court will deem this to be an application for Withholding of Removal and protection under the Convention Against Torture.

- If no: Counsel, how much time do you need to file the application(s)?

Based on the respondent's counsel's response, the Court will give until [call-up date] to file the relief application(s). Any filings must also be served on the Government. This deadline must be met; if not, the application will be deemed abandoned and the respondent shall lose the right to apply for such relief.

Additionally, if you intend to call any witnesses other than the respondent, I expect you to file a witness list at the next hearing. The witness list should indicate whether the witness requires the aid of interpreter and, if so, the language that will be used.

❑ **REFERRED ASYLUM APPLICATION**

To the respondent's counsel: The Court has the respondent's asylum application that was referred from USCIS. Does your client want to continue with this asylum application?

[Counsel answers affirmatively]

To the respondent: I am providing you with a frivolous asylum warning in writing at this time. This warning tells you that, if you knowingly file a frivolous asylum application, you will be forever barred from receiving any benefits under the Act. A frivolous asylum application contains statements or responses to questions that are deliberately false. Do you understand? Knowing this, do you want to continue with your asylum application?

Additionally, the Court will deem this to be an application for Withholding of Removal and protection under the Convention Against Torture.

To the respondent's counsel: Counsel, do you need time to amend or supplement the application?

- If yes: The Court will give until [call-up date] to file any supporting documentation. Any filings must also be served on the Government.
- If no: Counsel, are you saying that this application is complete and that you will not be filing any additional documents before the merits hearing?

To Government counsel: Does Government counsel want to see the originals of any documents submitted by the respondent?

- If yes: Does the respondent have the originals in Court?

Does Government counsel want to retain these originals for forensic examination or have the respondent bring the documents on the date of the merits hearing?

- If retain: Does the respondent's counsel have any objection to the Government retaining the originals? Let the record reflect that the originals were retained by TA [name]. [Warn TA that if the originals are not in the Government file at the merits hearing, the exhibits may be admitted]

❑ **PRE-CONCLUSION VOLUNTARY DEPARTURE**

To the respondent: You have been granted the privilege of voluntary departure from the United States. You must leave the United States on or before [date]. If you do not leave within this time period, you will become ineligible for certain forms of relief from removal, including voluntary departure, cancellation of removal, adjustment of status, change of status, and registry.

I am setting a voluntary departure bond in the amount of [\$] to ensure that you follow these instructions. You will lose your bond if you do not depart within the allowed time period. Additionally, you will be subject to a civil penalty of [\$].

If you file a motion to reopen or reconsider during the voluntary departure period, the grant of voluntary departure is automatically terminated and an alternate order of removal will take effect immediately. However, the civil penalty and 10-year bar will not apply.

❑ **BIOMETRICS**

To the Government counsel: Are biometrics up to date?

- If no: Government counsel, please provide the respondent with the written instructions regarding the biometric requirements. Let the record reflect that Government counsel is providing the respondent with the biometrics instruction form.

To the respondent: You must comply with the instructions on this form, whether you do this with the assistance of your attorney or not. You must have complied with all the requirements listed on this form no later than [deadline]. If you fail to do so, I may deny your application. Do you understand?

❑ **HEARING NOTICE**

To counsel: The Court is providing you with written notice of the next hearing. Will you advise the respondent of the consequences of failing to appear at any future hearing?

☐ MERITS HEARING PREPARATION (IF APPLICABLE)

To the respondent: Your case has been set for a hearing on the merits of your application(s). Although you have an attorney, I want to advise you that, at the next hearing, you must bring any witnesses that you intend to present in support of your applications. Do you understand?

You must also bring the original copies of all documents that you want the Court to consider. If any document you bring to Court is in any language other than English, then you must have the document translated into English. You must also have the person who translated the document complete a certificate that provides his or her name, and states that he or she is competent to translate from the language of the document into English, and that the translation is true, complete, and accurate. Finally, you must have two copies of all documents you intend to introduce, one for the Court and one for the Government. Do you understand?

☐ HEARING RIGHTS

To the respondent: During these proceedings, you have the right to present evidence and to examine and object to any evidence presented by the Government. You also have the right to examine and question any Government witnesses. Do you understand?

☐ FAILURE TO APPEAR ADVISAL

To the respondent: You must return here on [date] at [time]. If you do not appear at the next hearing as ordered, you will be ordered deported and removed from the United States, unless you can show that your absence was caused by exceptional circumstances beyond your control, such as a serious illness or death of an immediate family member.

If you are ordered removed, any relief applications you may have pending before this Court will be deemed abandoned and will be denied.

Additionally, you will become ineligible for certain forms of relief, such as voluntary departure, cancellation of removal, adjustment of status, or change of status, for a period of ten years. Do you understand?

☐ CHANGE OF ADDRESS ADVISAL

To the respondent: If you move at any time during these proceedings, you must complete a change of address form and file it with the Court within five days of moving. Do you understand?

☐ OTHER ISSUES

Anything from either party?

❑ **ASYLUM CLOCK (IF APPLICABLE)**

[State on the record the reason for adjourning the hearing]

❑ **END DAR RECORDING**

There being nothing further, this matter is continued to the date and time indicated on the notice provided to the parties.

Thank you, we are off the record.