

UNDERSTANDING PLEADINGS

Government issues a Notice to Appear (NTA)

This initiates someone's removal proceedings in immigration court.

- ◆ Outlines factual allegations on why a person is subject to deportation
- ◆ Lists the statute under which a person is found to be deportable or inadmissible
- ◆ Contains the initial hearing notice

Initial removal hearing (IRMV)

Pro Se

Judge gives initial advisals:

- ◆ Explains reason for being in court
- ◆ Explains NTA in plain language
- ◆ Explains rights including right to atty at no expense to government
- ◆ May give other advisals

If R declines to seek atty or at subsequent hearing

Pleadings

Judge will not use the word "pleadings," but may:

- ◆ Swear-in the respondent
- ◆ Say they are going to have respondent speak for themselves
- ◆ Say they are going to ask the respondent questions

The questions correspond to the factual allegations in the Notice to Appear

- ◆ Are you a citizen of the US?
- ◆ Are you a citizen of home country?
- ◆ Did you enter the US in X manner at X place and time?

The judge typically makes a ruling that the NTA is accurate and that the person is deportable.

Screening for relief

- ◆ Do you have US citizen parent or grandparents?
- ◆ Do you have a fear of harm in home country? etc...

If NO--> removal order

If YES--> given applications, case proceeds

Represented

May ask for written pleadings in specific time frame

May take pleadings
Will ask to waive a reading of rights and a reading of the allegations and charge in the NTA

Attorney will speak for Respondent

Attorney will admit or deny factual allegations and concede or deny the charge of removability.

Attorney screens for eligibility for relief and files application for respondent.