



Removal Defense

Online Course

American Immigration Lawyers Association

Module 3: Pretrial Practice and Motions

Hypotheticals

Answer both questions, and *post each answer in a separate comment*. Begin each comment by stating which question you are answering. Refer to the course material you have completed if you need to refresh your memory of the issues involved.

Hypothetical A:

Juan has asked you to represent him in removal proceedings. He is from Mexico, having entered the U.S. without inspection. He has lived in Charleston, SC for the past 13 years. He was detained by ICE after being arrested and transferred to Folkston Detention Center in Georgia. He was released on bond from Folkston, but he was given a Notice of Master Calendar Hearing scheduled in two weeks in Atlanta. He is married to a US citizen. She filed an I-130 for his benefit, which was recently approved. He also has 3 US citizen children, ages 15, 13, and 11. The 11-year-old has severe epilepsy. What motions should you consider?

Hypothetical B:

Juan and his wife have decided to move forward with Cancellation of Removal since it appears to them to be a better option than Juan leaving the U.S. to consular process. Unfortunately, after retaining you and the IJ scheduling his case for an individual hearing, Juan and his wife have not returned your attempts to contact them. You let time slip by and noticed that his individual hearing is coming up for trial in 3 months and you have not provided any supporting documents to the court. You have spoken to the 11-year-old's pediatric neurologist about her condition, and the doctor gave a wonderful explanation of the diagnosis, prognosis for the future and current physical needs; however, she is entirely too busy to appear in court in Charlotte. What do you do?