

Motions to Suppress and to Terminate Removal Proceedings: Litigating Fourth Amendment Violations in Immigration Court

San Francisco, Live Webcast and www.pli.edu,* May 26, 2017

Why You Should Attend

Threats of increased immigration enforcement, promises of increased hiring of immigration and border patrol agents, and the elimination of “priority enforcement” categories likely mean a return to unconstitutional practices such as racial profiling and unreasonable searches and seizures, forced entry into homes, and workplace raids. The constitution provides a remedy for egregious constitutional violations by immigration authorities: immigration courts may exclude evidence obtained through such means and terminate the removal proceedings.

What You Will Learn

We will cover the legal standards and immigration court procedures that govern suppression and termination motions. We will provide sample briefs and checklists for proving the elements necessary to succeed in a motion to suppress and related motions, including motions to terminate removal proceedings.

Who Should Attend

Suppression hearings are based on constitutional law and therefore are well-suited pro bono opportunities for immigration and non-immigration attorneys alike. Anyone who is interested in providing pro bono representation to individuals whose constitutional rights were violated in the course of an arrest—either alone or with a group that is representing multiple people arrested in a mass enforcement action—would benefit from this training.

Program Schedule

9:00

Program Overview and Introductions

Julia Harumi Mass, Avantika Shastri

9:15

El Balazo Raids Case Study, Review of Immigration Court Procedures and Rules for Motions to Suppress

- Initial stages – investigation and working with clients
- Prima Facie case
- Motions to Pretermite
- Motions to Suppress
- Motions to Terminate
- Hearing procedures, including subpoenaing and questioning of witnesses

Jason R. Bartlett, Rosy H. Cho, Julia Harumi Mass, Nicholas Napolitan, Francisco M. Ugarte

10:30

Networking Break

10:45

Legal Standard for Suppression in Immigration Court, as Illustrated Through Examples

- Home arrests
- Street arrests
- Local police and sheriff participation – on the street and in jails
- Notes on potentially relevant state laws
- Brainstorming about sensitive locations – courthouses, schools, health clinics

Jason R. Bartlett, Rosy H. Cho, Julia Harumi Mass, Nicholas Napolitan, Francisco M. Ugarte

12:00

Adjourn

Faculty

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