

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT  
26 MCGREGOR RANGE ROAD  
CHAPARRAL, NEW MEXICO 88081**

**STANDING ORDER OF THE IMMIGRATION JUDGE: IMPEACHMENT EVIDENCE**

Effective April 10, 2020, the Department of Homeland Security (DHS) is hereby ordered to file with the Court and to serve upon the Respondent any impeachment evidence it wishes to submit in the Respondent's case at least 10 days prior to the Respondent's individual merits hearing.

"Impeachment evidence" includes copies of any documents or records in the possession of DHS that may be used in the Respondent's case in order to impeach the Respondent's testimony, including, but not limited to, the following: (1) any record of statements attributed to the Respondent; (2) the Respondent's Form I-213, Record of Deportable/Inadmissible Alien; (3) the Respondent's Record of Sworn Statement; (4) the Respondent's Record of Determination/Credible Fear Interview; (5) the Respondent's passport or other identification documents; (6) any record of prior visa application by the Respondent; and (7) any document related to the Respondent's criminal history.

The Court has authority to exercise "independent judgment and discretion and may take any action consistent with [its] authorities under the Act and regulations that is appropriate and necessary for the disposition of cases." 8 C.F.R. § 1003.10(b). The Court has authority to set time limits for filing documents. 8 C.F.R. § 1003.31(c); *see also* Immigration Court Practice Manual Chapter 3.1(b)(i)(B) & (b)(ii)(B). The Court notes that the Respondent is "entitled to the production of his visa or other entry document, if any, and of any other documents and records ... pertaining to such entry in the custody of the Service." INA § 291. The Court recognizes that the

Respondent is entitled to have “a reasonable opportunity to examine the evidence against the alien.” INA § 240(b)(4)(B); 8 C.F.R. § 1534(c)(3). The Court finds that filing impeachment evidence with the Court and serving this evidence upon the respondent at least 10 days prior to the Respondent’s individual merits hearing is necessary to ensure a fundamentally fair and orderly hearing. *Mukhia v. Holder*, 506 F. App’x 824, 828 (10th Cir. 2013); *Osei v. INS*, 305 F.3d 1205, 1208 (10th Cir. 2002).

If impeachment evidence is not filed within the time set by the Court, the opportunity to file that evidence shall be deemed waived. 8 C.F.R. § 1003.31(c).

This Order supersedes any contrary instruction or policy, including the Immigration Court Practice Manual. *See* 8 C.F.R. § 1003.10(b).

WHEREFORE, IT IS HEREBY ORDERED that all impeachment evidence shall be filed with the Court and served upon the Respondent no later than 10 days prior to the Respondent’s individual merits hearing.

IT IS SO ORDERED.

3/27/20  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
BROCK E. TAYLOR  
United States Immigration Judge