

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. §1324a Proceeding
) CASE NO. 93A00134
MUSHTAQ AHMED CHAUDRY,)
Respondent.)
_____)

ORDER CONFIRMING PREHEARING CONFERENCE

On December 21, 1993, as previously Ordered, I held a prehearing conference with Alan Rabinowitz, Esquire, for Complainant, and with Mr. Mushtaq Chaudry, Respondent. Also present as Respondent's interpreter was Mr. A. Waheed Chaudry, Respondent's brother. At issue were Respondent's representation before this court and clarification of the arrangements for an interpreter.

Under oath, with Mr. A. Waheed Chaudry acting as interpreter, Respondent stated that he wished Mr. A. Waheed Chaudry to be his representative before the court. As Complainant did not object and I did not find that the Court would be prejudiced, I held that Mr. A. Waheed Chaudry could represent Respondent before this Court.

The next issue argued regarded questioning Respondent in English. Mr. A. Waheed Chaudry represented that he would object to any questions being put to Respondent that were in English, and not in his native Punjabi. On the other hand, Complainant disputed Respondent's position that he was not fluent in English. After considered both arguments, I acknowledged Complainant's position but found that, even if Respondent spoke some English, it appeared that he was more comfortable with his native language than he was with English. Thus, questioning through an interpreter was appropriate.

I reminded the parties that, under the relevant regulations, this court is not authorized to provide an interpreter. I informed the parties that since Mr. A. Waheed Chaudry would be acting in a

representative capacity, in order to maintain a fair and proper proceeding, I would not allow him to act as either an interpreter or as a witness in this proceeding. Respondent indicated that it would provide its own interpreter for the hearing, which I hope to set sometime in February, 1994.

Complainant indicated that it would be conducting discovery, beginning with Respondent's deposition. Complainant stated that due to administrative and scheduling procedures, including arranging for a Punjabi interpreter, it anticipated that the deposition would probably not be scheduled until around January 15, 1994. Subsequent to that, Complainant intended to serve interrogatories and requests for admission. Respondent also indicated that it intended to conduct discovery including deposing several Immigration & Naturalization Service agents. After completing discovery, Complainant and Respondent will notify the Court of their hearing witness list.

Before concluding the prehearing conference, Complainant stated that it was amenable to settlement of this case, that it was willing to meet informally with Respondent to provide it with the names of the agents it wished to depose, and that it would contact Mr. A. Waheed Chaudry before setting the deposition date so that it would be conducted at a mutually convenient time. Respondent stated that he would cooperate under the law.

I directed the parties to remain in touch and to work towards an amicable settlement. It was my opinion that after Respondent's deposition, the parties might be in a better position to discuss the issues in this case and arrive at a mutually agreeable settlement despite the fact that there are many disputed facts. If necessary, after discovery, an evidentiary hearing date will be set that is convenient to all parties.

IT IS SO ORDERED this 22nd day of December, 1993, at San Diego, California.

E. MILTON FROSBURG
Administrative Law Judge