
INSTRUCTIONS

Purpose of This Form.

This form is for use in proceedings for which the Seattle Immigration Court is the Administrative Control Immigration Court. The completed form should accompany all motions for issuance of a subpoena.

General Instructions.

A party applying for a subpoena must state in writing or at the proceeding what he or she expects to prove by such witnesses or documentary evidence, and must also show affirmatively that he or she has made diligent effort, without success, to produce the same. An Immigration Judge will not issue a subpoena unless he or she is satisfied that the witness' evidence is essential and the witness will not appear and testify or produce documentary evidence without being issued a subpoena.

Motion Instructions.

A completed subpoena form must be accompanied by a motion for issuance of a subpoena that conforms to the filing requirements of 8 C.F.R. §§ 1003.31– 1003.32 and local operating procedures. In accordance with 8 C.F.R. §§ 1003.35 and 1287.4, the motion shall concisely state the basis of the subpoena application and affirmatively show:

- jurisdiction properly lies with the Immigration Court;
- what the moving party expects to prove by such witnesses or documentary evidence;
- the moving party has made diligent effort, without success, to produce the witnesses or documentary evidence; and
- the testimony or documentary evidence is essential to the moving party's case.

Filing Instructions.

A subpoena application shall be filed no later than ten (10) days before the next scheduled hearing. Any party opposing the motion shall file a written response with the Court no later than five (5) days after service of the application. A motion will be deemed unopposed unless a timely response is made. Absent exceptional circumstances, failure to submit a timely application will not be grounds for postponing the hearing.

Subpoena Form Instructions.

Caption

Enter the name and address of the Immigration Court where proceedings are pending. Enter all identifying information for the case, including Respondent(s)' name(s) and file number(s). The date will be entered in by the Immigration Judge when signing the subpoena. If the Respondent has been placed in proceedings other than removal proceedings, correctly state the type of proceeding.

To:

Identify the party to be served the subpoena, including the party's current physical address and any other information necessary to enable proper service of the subpoena.

Testimony

Mark the box next to the command to appear and fill in the place, date and time of the hearing at which the party's testimony is required.

Documents

Indicate if documents are to be produced under the subpoena by marking the box next to the command and identifying the documents in the space below. If the presence of the custodian of the subpoenaed documents is not required at the hearing, the moving party may include the following statement in the space below the command to produce: "Compliance with this subpoena may be fulfilled by delivering such documents to the officer serving the subpoena prior to the scheduled hearing."

Enter the name of the Immigration Judge in the space below the signature line.

Service

Service of the subpoena is the responsibility of the requestor. A subpoena must be signed by an Immigration Judge prior to service. The Court will maintain the original application and provide a copy to the requestor for service. A subpoena issued by an Immigration Judge may be served by any person over 18 years of age not a party to the case.

In the Matter of: _____

Respondent.

Date _____
(TO BE FILLED IN BY THE IMMIGRATION JUDGE)

File No: **A** _____

To:

YOU ARE COMMANDED to appear before the Immigration Judge at the above address at the date and time specified below to testify in the above proceeding, being conducted under authority of the Immigration and Nationality Act.

PLACE OF TESTIMONY	DATE AND TIME

YOU ARE FURTHER COMMANDED to bring with you the following books, papers, and documents:

U.S. Immigration Judge

SERVICE OF SUBPOENA

I hereby certify that on the ____ day of _____, 20____, I served the above subpoena on the witness named above by _____.

(Signature)

(Printed Name)

(Title)