

# **Legal Analysis of EOIR Court Witness Lists: Procedural Requirements, Deadlines, and Considerations in Immigration Court Practice**

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## **FINDINGS**

# **COMPREHENSIVE LEGAL ANALYSIS OF EOIR COURT WITNESS LISTS: PROCEDURAL REQUIREMENTS, DEADLINES, AND STRATEGIC CONSIDERATIONS IN IMMIGRATION COURT PRACTICE**

### **Executive Summary**

Witness lists represent a critical procedural component of immigration court proceedings administered by the Executive Office for Immigration Review. This report provides a detailed examination of the requirements governing witness list submission, the mandatory timing deadlines, the consequences of non-compliance, and the specific obligations attendant to expert witness testimony in removal and relief proceedings. The analysis reveals that witness list submission is mandatory under [8 C.F.R. § 1003.23(b)(1)][5] and the Immigration Court Practice Manual, with strict filing deadlines that vary based on hearing type and respondent detention status.[5][11] Failure to comply with procedural requirements can result in the automatic exclusion of witnesses from testifying,[5][19] effectively barring critical evidence from the record and potentially foreclosing viable relief arguments. For practitioners in Northern California, San Francisco Immigration Court judges apply these requirements consistently with occasional procedural variations that necessitate early attention and documentation. This analysis synthesizes binding regulatory authority, EOIR Policy Guidance, and relevant case law to provide actionable guidance for immigration law practitioners representing respondents, accused noncitizens, and their families navigating the immigration court system.

### **Legal Framework Governing Witness Lists in EOIR Proceedings**

#### **Statutory and Regulatory Foundation**

The procedural architecture governing witness lists in immigration court proceedings derives from both statutory and regulatory sources. The Immigration and Nationality Act itself does not specifically enumerate witness list requirements, but delegates procedural rule-making authority to the Attorney General for proceedings before immigration judges.[30] This delegation establishes the foundation for the regulatory framework codified in Title 8 of the Code of Federal Regulations. The Department of Justice has exercised this authority by promulgating [8 C.F.R. § 1003.23(b)(1)][30], which establishes the procedural prerequisites for filing substantive materials in immigration proceedings, including motions, applications, and witness-related documentation. Additionally, [8 C.F.R. § 1240.7(a)][25] provides that immigration judges "may receive in evidence any oral or written statement that is material and relevant to any issue in the case," establishing the foundational evidentiary standard that witness testimony must meet to be admissible.[25] The regulatory framework is further operationalized through the Immigration Court Practice Manual, which serves as binding guidance on parties appearing before immigration judges.[10] Chapter 3.3(g) of this manual specifically addresses witness lists and establishes mandatory content requirements, formatting standards, and procedural prerequisites that practitioners must satisfy.[7][21]

The regulatory structure creates a hierarchical framework in which substantive rules of evidence (while not identical to the Federal Rules of Evidence) guide judicial determinations regarding witness admissibility and probative value. The Board of Immigration Appeals and circuit courts have consistently recognized that while strict rules of evidence are not binding in immigration proceedings, they provide "useful guidance" in determining the admissibility of expert evidence and other testimony.[13] This principle establishes that practitioners may reference Federal Rule of Evidence 702, which sets forth standards for expert witness

qualification, as persuasive authority in structuring expert witness presentations for immigration court.[3][6]

## **EOIR Practice Manual Requirements**

The Immigration Court Practice Manual establishes that a witness list package must contain specific components arranged in mandatory order.[7][21] First, if the respondent is represented by an attorney or accredited representative who has entered an appearance using Form EOIR-28, the witness list must be accompanied by that form or Form EOIR-61.[7][21] This requirement ensures that the immigration court has current information regarding who is authorized to represent the respondent and who will be submitting witness-related documents on the respondent's behalf.[7] Second, the package must include a cover page that complies with the formatting requirements specified in Chapter 3.3(c)(6) of the Practice Manual.[7][21] The cover page serves as an organizational tool and must include the full name of each alien covered by the filing as it appears on the charging document (the Notice to Appear), the alien registration number or "A-number," the title of the filing clearly labeled as "WITNESS LIST," the name and address of the individual filing the document, and any applicable court case identifiers.[7][21] Third, the witness list itself must comply with the substantive requirements outlined in Chapter 3.3(g).[7][21] Fourth, the package must include a Proof of Service demonstrating that an identical copy of the witness list has been served upon the Department of Homeland Security (DHS) or, if DHS is represented by counsel, upon DHS counsel.[7][21]

Within the witness list document itself, practitioners must include specific information for each witness except the respondent.[7][21] This information requirement reflects the immigration court's need to facilitate case management, enable the opposing party to prepare for cross-examination and potential objections, and ensure that the respondent has adequate notice of what evidence the respondent intends to present. For each witness, the list must include the witness's full name, the alien registration number if applicable (which typically applies only to witnesses who are also noncitizens in immigration status),[7][21] a written summary of the testimony that the witness will provide, an estimated length of the testimony, the language in which the witness will testify (which is critical in immigration proceedings involving multilingual parties and witnesses), and a curriculum vitae or resume if the witness will be called as an expert.[7][21] The written summary of testimony serves multiple functions: it apprises DHS of the nature of the evidence the respondent intends to present, it enables the immigration judge to assess relevance and potential time management issues during the hearing, and it creates a record that can be referenced if disputes arise later regarding whether a particular witness's testimony constituted proper rebuttal evidence or exceeded the scope of what was disclosed in the witness list.

## **Expert Witness Documentation Standards**

Expert witness requirements impose an additional layer of documentation obligations beyond those required for lay witnesses. The Immigration Court Practice Manual specifies that expert witnesses must be accompanied by a curriculum vitae or resume.[7][21] While the manual does not prescribe the length or specific format of this curriculum vitae, the Department of Justice's own guidance on expert witnesses in immigration proceedings indicates that expert evidence requires qualification through documentation of the expert's knowledge, skill, experience, training, or education.[3] An expert witness's curriculum vitae should therefore document the witness's educational background, professional licenses or certifications, relevant work experience, prior expert work in litigation or administrative proceedings, publications or presentations in the expert's field, professional associations and memberships, and any other qualifications that demonstrate expertise beyond that of a lay person in the subject matter on which the expert will testify.[3][6]

The Department of Justice has recognized that expert evidence can be particularly significant and potentially determinative in whether a party meets their burden of proof in immigration proceedings.[3] This principle

establishes that the stakes of expert evidence are high and that documentation demonstrating the expert's qualifications is correspondingly important. The guidance further indicates that expert testimony must satisfy three basic requirements for admission: relevance (whether the expert testimony will assist the immigration judge in understanding evidence or determining facts at issue), qualification (whether the expert possesses greater knowledge than a lay person on the particular subject matter), and reliability (whether the expert's methodology and reasoning are sound and applied reliably to the facts of the case).[3][6] The curriculum vitae or resume serves as the primary documentary vehicle through which an expert establishes these three prerequisites. Practitioners should ensure that expert witness documentation clearly addresses each of these elements rather than assuming that an immigration judge will extrapolate qualifications from general professional information.[3][6]

## **Procedural Deadlines and Timing Requirements for Witness List Submission**

### **Master Calendar Hearing Deadlines**

The Immigration Court Practice Manual establishes distinct deadlines for witness list submission depending on whether the proceeding involves a master calendar hearing or an individual calendar hearing, and whether the respondent is detained or non-detained, represented or unrepresented.[5][11] For master calendar hearings involving unrepresented, non-detained aliens, filings including witness lists must be submitted at least fifteen days in advance of the master calendar hearing if the respondent is requesting a ruling at or prior to the hearing.[5][11] If the respondent is not seeking a ruling prior to the hearing, filings may be made either in advance of the hearing or in open court during the hearing itself.[5][11] When a filing (including a witness list) is submitted at least fifteen days prior to a master calendar hearing, the responding party must submit its response within ten days after the original filing with the immigration court.[5][11] This creates a staggered submission schedule designed to ensure that parties have adequate notice and time to prepare responses to each other's evidence and arguments.

For represented, non-detained aliens, the procedural pathway differs slightly.[5][11] If Form EOIR-28 is filed at least fifteen days prior to the master calendar hearing, the hearing will be vacated and the immigration judge will issue a scheduling order that establishes deadlines for submission of written pleadings and evidence related to the charges of removability.[5][11] This vacated hearing procedure is designed to reduce the volume of cases appearing at master calendar hearings and to provide sufficient time for the respondent's counsel to prepare defensive pleadings and gather evidence before appearing in immigration court.[5][11] If Form EOIR-28 is filed less than fifteen days prior to the master calendar hearing or at the master calendar hearing itself, the practitioner of record and the respondent must appear at the scheduled hearing, and the immigration judge will issue a scheduling order at that hearing if needed.[5][11] The parties are generally given thirty days from the date of the vacated hearing to submit written pleadings and evidence related to the charges of removability.[5][11]

### **Individual Calendar Hearing Deadlines**

Individual calendar hearings (also called merits hearings or evidentiary hearings) involve contested matters such as challenges to removability and applications for relief. The timing requirements for witness list submission are more stringent at the individual calendar hearing stage than at the master calendar stage because individual calendar hearings involve substantive fact-finding and the presentation of evidence, and both parties require adequate preparation time. For individual calendar hearings involving unrepresented, non-detained aliens, filings including witness lists must be submitted at least thirty days in advance of the hearing.[5][11][18] This provision does not apply to exhibits or witnesses offered solely to rebut and/or

impeach the other party's evidence or testimony, reflecting a principle that rebuttal evidence need not be disclosed as far in advance as affirmative evidence.[5][11][18] Responses to filings submitted in advance of an individual calendar hearing must be filed within ten days after the original filing with the immigration court.[5][11][18] Objections to evidence may be made at any time, including at the hearing itself.[5][11][18]

For individual calendar hearings involving represented, non-detained aliens, amendments to applications for relief, additional supporting documents, and updates to witness lists must be submitted at least thirty days in advance of the individual calendar hearing.[5][11][18] Like the provision for unrepresented aliens, this requirement does not apply to exhibits or witnesses offered solely to rebut and/or impeach.[5][11][18] Responses to filings must be filed within ten days after the original filing with the immigration court, and objections to evidence may be made at any time, including at the hearing.[5][11][18] This framework ensures that both the immigration judge and the opposing party have minimum notice of what witnesses will testify and what their testimony will address, enabling proper preparation, fair notice, and efficient hearing management.

### **Detained Alien Procedures**

For individual calendar hearings involving detained aliens, filing deadlines are specified by the immigration court rather than governed by the uniform timeline applicable to non-detained aliens.[5][11][18] This variation reflects the practical constraints of detention and the policy objective of providing timely hearings for detained respondents who may be in ICE custody. Practitioners representing detained respondents should make immediate inquiry with the immigration court to determine what specific deadline applies in their case.[5][11][18] Similarly, for master calendar hearings involving detained aliens, filing deadlines are as specified by the immigration court.[5][11][18] This flexibility is designed to accommodate situations in which detention may impede the respondent's or representative's ability to prepare and file materials on the standard timeline.[5][11][18]

### **Calculation of Days and the "Receipt Rule"**

An important procedural principle governs how days are calculated in immigration court proceedings. The immigration court places a date stamp on all documents it receives, and absent persuasive evidence to the contrary, the immigration court's date stamp is controlling in determining whether a filing is timely.[5] This creates what is sometimes called the "receipt rule" in immigration practice: a document is not considered filed merely because it has been received by the United States Postal Service, a commercial courier, a detention facility, or other outside entity.[5][28] Rather, the filing is deemed complete only when the immigration court receives and date-stamps the document.[5][28] This distinction carries significant practical implications. A practitioner who places a witness list in the mail thirty days before a hearing, expecting it to arrive in time, risks having the filing treated as untimely if postal delivery extends beyond the deadline. Because filings are date-stamped upon arrival at the immigration court, parties should file documents as far in advance of deadlines as possible, and practitioners are strongly encouraged to verify receipt by the immigration court rather than relying on postal or courier delivery tracking.[5]

## **Consequences of Non-Compliance with Witness List Requirements**

### **Automatic Exclusion of Witnesses**

The consequences of failing to comply with witness list filing deadlines are severe and nearly absolute. The Immigration Court Practice Manual explicitly provides that if a witness list is untimely, the witnesses on the list are barred from testifying.[5][15][19] This is not a consequence that an immigration judge has discretion

to impose or forgo-it is a mandatory procedural bar that applies automatically upon untimely filing unless the respondent obtains a motion to accept the untimely filing approved by the immigration judge.[5][15][19] The rationale for this strict bar is that DHS must have adequate notice of the witnesses who will testify to enable fair preparation, cross-examination, and potential objections. Without this notice, DHS would be disadvantaged in its ability to prepare to contest testimony or present contrary evidence.[5][15][19]

This automatic bar applies regardless of the good-faith efforts of counsel or the potential relevance and probative value of the excluded witness's testimony. Hypothetically, if a respondent's attorney in an asylum case overlooked filing a witness list thirty-one days before an individual calendar hearing, and the list contained the testimony of a critical corroborating witness who could testify to country conditions or the respondent's family circumstances, that witness would be barred from testifying unless counsel successfully moved to accept the untimely filing. The immigration judge cannot simply permit the testimony at the hearing on the basis that it is probative or that justice would be served by hearing the evidence. This principle reflects the procedural nature of the bar-it is rooted in notice and fairness rather than evidentiary quality or relevance.[5][15][19]

### **Prejudice and Appellate Review**

Federal courts, including the Ninth Circuit, have repeatedly confirmed that automatic exclusion of witness testimony based on procedural noncompliance does not violate due process rights if the respondent has adequate notice of the rule and opportunity to comply.[13] However, federal courts recognize that if an immigration judge's exclusion of evidence prevents a respondent from presenting probative evidence on their own behalf, this may constitute reversible error.[13] The key consideration is whether the immigration judge's evidentiary ruling prevents the respondent from presenting material evidence. If the excluded witness's testimony would have been material to the respondent's case and its exclusion likely changed the outcome of the proceeding, federal courts may find that the immigration judge's application of the procedural bar was unreasonable or violated the respondent's right to be heard.[13]

To demonstrate reversible error based on witness exclusion, a respondent must satisfy a two-part test: first, the respondent was denied a reasonable opportunity to be heard on their evidence, and second, there was resulting prejudice-that is, the outcome of the proceedings may well have been different had the excluded testimony been considered.[13] This demanding standard means that many instances of untimely witness list filings, even if they result in exclusion of witnesses, may not constitute reversible error if alternative evidence in the record adequately addresses the same issues. If, however, the excluded witness was the only source of crucial evidence-for example, the only witness who could testify to family ties in the United States or the only corroborating witness to an account of persecution-the exclusion could be more likely to constitute reversible error.[13]

### **Other Untimely Filing Consequences**

The automatic witness exclusion bar follows a broader pattern of consequences for untimely filings in immigration court. If an application for relief is untimely, the respondent's interest in that relief is deemed waived or abandoned.[5][15][19] If a motion is untimely, it is denied.[5][15][19] If a brief or pre-trial statement is untimely, the issues addressed in that brief or statement are deemed waived or conceded.[5][15][19] If an exhibit is untimely, it is not entered into evidence or is given less weight.[5][15][19] These parallel consequences create a consistent procedural system in which timeliness is taken with utmost seriousness, and the immigration court imposes graduated sanctions based on the type of filing and the prejudice to the opposing party.[5][15][19]

The rationale for this approach is that timely filings enable both parties and the immigration judge to prepare adequately, manage the hearing efficiently, and decide cases based on a complete record that has been subjected to fair notice and opportunity for cross-examination or rebuttal. When filings are late, the immigration court system's ability to function fairly and efficiently is compromised. Immigration judges therefore apply these consequences rigorously to enforce the filing deadline regime.[5][15][19]

## **Amendment and Late Filing Procedures for Witness Lists**

### **Motions to Accept Untimely Filings**

The Immigration Court Practice Manual provides a narrow avenue by which parties may seek acceptance of untimely filings, including witness lists.[5][15][19] If a party wishes the immigration judge to consider a filing despite its untimeliness, the party must make an oral or written motion to accept the untimely filing.[5][15][19] This motion represents the only formal mechanism by which the automatic bar on untimely witness testimony can be overcome. The motion to accept an untimely filing must explain the reasons for the late filing and show good cause for acceptance.[5][15][19] The immigration judge retains discretion to determine how to treat an untimely filing, but this discretion is constrained by the requirement of good cause; mere negligence, inadvertence, or poor case management is typically insufficient to justify acceptance of a late filing.[5][15][19]

Practitioners are strongly encouraged to support the motion to accept the untimely filing with documentary evidence such as affidavits or declarations under penalty of perjury.[5][15][19] For example, if counsel's staff person was hospitalized and counsel's office lacked coverage to file the witness list by the deadline, counsel might submit a medical declaration regarding the hospitalization, explaining how this directly prevented timely filing. Similarly, if counsel attempted to file electronically and the EOIR system experienced an outage (as is periodically tracked by EOIR in the ECAS Outage Log), counsel might submit documentation of that system outage and attempt to file as soon as the system came back online.[5][15][19] These affidavits and declarations create a record that the immigration judge can review in deciding whether good cause exists to accept the untimely filing.

The standard for "good cause" in immigration proceedings is not precisely defined by regulation or the practice manual, but generally encompasses circumstances that are beyond the party's reasonable control or represent extraordinary circumstances rather than ordinary negligence or scheduling conflicts. In contrast, failure to timely file because counsel was busy with other cases, experienced ordinary administrative delays, or failed to calculate deadlines correctly typically does not constitute good cause.[5][15][19] However, examples that courts have found to constitute good cause include: system failures that prevented electronic filing, loss of counsel due to unexpected circumstances, significant client emergency circumstances that made it impossible to coordinate witness list information, and other circumstances truly beyond the party's control.[5][15][19]

### **Updates to Witness Lists**

Within the context of individual calendar hearings, the Immigration Court Practice Manual contemplates that witness lists may be updated as the case proceeds toward hearing.[5][11][18] The manual specifically mentions "updates to witness lists" as a category of submission that must be made at least thirty days in advance of the individual calendar hearing for represented, non-detained aliens.[5][11][18] This language suggests that counsel may modify or supplement a previously filed witness list, adding witnesses, removing witnesses, or modifying the testimony description, provided that such updates are made at least thirty days before the hearing.[5][11][18] However, once the thirty-day deadline has passed, updates to the witness list

would presumably be treated as untimely filings subject to the automatic bar, unless counsel successfully moves to accept the untimely filing based on good cause.[5][11][18]

This framework reflects the practical reality that cases evolve as the hearing date approaches. A witness might become available or unavailable, a respondent might locate additional corroborating evidence or witnesses, or counsel might determine that a particular witness's testimony is less important than initially anticipated. The thirty-day deadline for updates provides flexibility within the notice and fair preparation framework. Once that deadline passes, however, the rigid bar applies to protect the opposing party's preparation rights.[5][11][18]

## **Expert Witness Requirements and Documentation Obligations**

### **Qualification and Admissibility Standards**

Expert witnesses in immigration court proceedings must satisfy relevance, qualification, and reliability requirements derived from Federal Rule of Evidence 702.[3][6][13] An expert is broadly defined as anyone qualified as an expert by knowledge, skill, experience, training, or education.[3][6] This definition is capacious and does not require formal academic credentials or professional licensure. An individual with extensive lived experience in a particular area can qualify as an expert; for example, a noncitizen with years of personal experience living under a particular gang's control, or a medical professional with training in trauma and its effects, can testify as an expert based on that experience and knowledge.[3][6]

The qualification requirement means that the expert must have greater knowledge than a lay person on the particular subject matter at issue.[3][6] The respondent typically establishes this through the expert's curriculum vitae, which documents education, training, experience, and any prior expert work. During cross-examination, DHS may challenge the expert's qualifications through questioning designed to establish gaps in expertise, methodological weaknesses, or limitations on the expert's prior experience. The immigration judge ultimately determines whether the expert has been adequately qualified, and this determination is reviewed by the Board of Immigration Appeals and federal courts for abuse of discretion.[3][6]

The relevance requirement means that the expert testimony must assist the immigration judge in understanding evidence or determining facts at issue.[3][6][13] Expert testimony on issues within the lay person's common knowledge typically fails the relevance requirement; for example, expert testimony on what constitutes a normal emotional response to grief would likely be found irrelevant because immigration judges, as lay persons, understand human emotional responses.[3][6] Conversely, expert testimony on medical consequences of torture, psychological effects of trauma, country conditions in a specific nation, or specialized legal or technical matters typically satisfies the relevance requirement.[3][6]

The reliability requirement means that the expert's testimony must be based upon sufficient facts or data, the testimony must be the product of reliable principles and methods, and the witness must have applied the principles and methods reliably to the facts of the case.[3][6] An expert cannot testify based on speculation, intuition, or unreliable methodologies. For example, an expert on country conditions must base their testimony on reliable sources-government reports, credible NGO investigations, media reporting from reliable outlets-rather than personal conjecture or unverified rumors.[3][6] Similarly, a medical expert testifying about trauma's effects must rely on peer-reviewed research, established clinical principles, and proper diagnosis and examination of the individual.[3][6]

### **Country Conditions Expert Evidence**

Country conditions evidence, particularly expert evidence regarding persecution patterns, safety conditions, and gang activity in specific countries, represents one of the most critical categories of expert evidence in

asylum and withholding of removal cases.[3][6] Such evidence often proves whether a respondent has demonstrated a well-founded fear of persecution or the objective components of persecution or torture risk that immigration law requires.[3][6] Immigration judges frequently cannot make country conditions determinations based solely on judicial notice or personal knowledge; they must rely on expert evidence and country conditions reports from sources such as the State Department, Human Rights Watch, Amnesty International, and academic researchers.[3][6]

Expert witnesses on country conditions must document their specific expertise regarding the country or region at issue, their access to reliable country conditions information, their prior publications or reports on country conditions, any field experience in that country, and their familiarity with current conditions.[3][6] The curriculum vitae should demonstrate that the expert maintains current knowledge rather than relying on outdated information. For example, an expert on gang violence in Central America should document recent publications, field investigations, or professional engagement with the subject, not merely work done five or ten years ago when conditions may have changed substantially.[3][6]

### **Medical and Psychological Expert Evidence**

Medical and psychological expert evidence addresses consequences of persecution-physical injuries, psychological trauma, torture sequelae, and other health effects that provide corroboration for a respondent's account of persecution.[3][6] Such evidence also serves to explain apparent inconsistencies in a respondent's testimony, such as gaps in recall, difficulty providing specific dates, or emotional responses that might otherwise be viewed by an immigration judge as inconsistent with truthfulness.[3][6] Medical experts typically must document medical qualifications (license to practice medicine or psychology, board certification if applicable), prior experience with trauma survivors or torture victims, and familiarity with the diagnostic criteria they will apply in evaluating the respondent.[3][6]

The Department of Justice guidance on expert witnesses specifically recognizes that medical and psychological evidence can be critical in establishing elements of asylum claims, and that expert testimony explaining difficulty in recalling dates or providing a coherent narrative can support credibility findings in the respondent's favor rather than undermine them.[3][6] This reflects modern understanding of trauma's effects on memory and narrative consistency. A respondent who has survived torture or severe persecution may not recall dates precisely or may demonstrate gaps in their account not because they are dishonest but because traumatic memory operates differently than ordinary memory. Expert evidence explaining this principle can directly impact whether an immigration judge finds the respondent credible.[3][6]

### **Impact on Burden of Proof and Well-Founded Fear**

Expert witness evidence can be "very significant and potentially determinative" in whether a party meets their burden of proof in immigration proceedings.[3] In asylum cases, respondents must demonstrate either past persecution or a well-founded fear of future persecution on account of a protected ground (race, religion, national origin, membership in a particular social group, or political opinion). Expert evidence addressing country conditions, gang activity, family ties as a particular social group, gender-based violence patterns, or other specialized matters often provides essential objective evidence supporting the subjective elements of these claims.[3] Without expert evidence corroborating a respondent's testimony, many asylum claims fail not because the respondent's testimony is implausible but because the respondent has not satisfied evidentiary burdens regarding objective circumstances in their home country or specific persecution patterns.[3]

## **San Francisco-Specific Context and Local Implementation**

## **San Francisco Immigration Court Procedures**

The San Francisco Immigration Court maintains three physical locations: the principal location at 100 Montgomery Street, Suite 800, San Francisco; a secondary location at 630 Sansome Street, 4th Floor, Room 475, San Francisco; and a Concord hearing location at 1855 Gateway Blvd., Suite 850, Concord, California. The procedural requirements outlined in the EOIR Practice Manual apply uniformly across all EOIR locations, including San Francisco, though individual judges may have local preferences regarding hearing management and evidence presentation. Practitioners appearing in San Francisco Immigration Court should consult with the court's scheduling office to determine which physical location will host their hearing, as witness availability and travel considerations may be affected by venue.

San Francisco Immigration Court judges have been observed to apply witness list requirements rigorously and to enforce filing deadlines consistently.[5][11][18] Judges in this court typically do not accept late witness list filings without substantial good cause documentation, and practitioners who fail to file timely witness lists should expect that their witnesses will be barred from testifying absent a successfully granted motion to accept the untimely filing.[5][11][18] This strict approach reflects both the court's commitment to procedural regularity and the reality that San Francisco Immigration Court maintains a heavy caseload requiring careful docket management. When large numbers of witnesses appear without timely notice, the court's ability to manage hearing time effectively is compromised, and the opposing party's preparation is impeded.

Practitioners should therefore consider submitting witness lists earlier than the thirty-day minimum deadline requires, providing DHS with the maximum possible notice and demonstrating diligence. Some practitioners submit witness lists as early as forty-five to sixty days before the scheduled hearing to ensure that any technical issues can be remedied and to demonstrate to the immigration judge that the respondent's case has been carefully prepared. This practice also provides DHS additional time to identify potential vulnerabilities in the proposed witness testimony and to prepare rebuttals or counter-evidence.[5][11][18]

### **Northern California ICE and CBP Context**

Northern California falls within ICE Enforcement and Removal Operations (ERO) Field Office 1, which covers the entire region from the San Francisco Bay Area through the Central Valley. Respondents in immigration court proceedings in San Francisco may have been apprehended by ICE or encountered at ports of entry administered by Customs and Border Protection (CBP). Understanding the procedural context in which respondents entered removal proceedings informs witness list strategy. For example, if a respondent was encountered at the San Ysidro or Otay Mesa port of entry and subjected to expedited removal screening, witnesses regarding conditions at the port of entry, CBP procedures, or the credible fear screening process may be necessary to challenge removal orders or establish procedural defects.[5][15][19]

Similarly, respondents detained in Northern California ICE facilities may have been apprehended through enforcement operations by ICE field offices in the region. Witnesses who can testify regarding circumstances of apprehension, detention conditions affecting the respondent's ability to prepare their case, or other enforcement-related matters should be identified and listed timely. Coordination with immigration judges regarding telephonic or video testimony for witnesses who are difficult to locate or who reside outside Northern California may be necessary; such arrangements also require advance notice through the witness list.[5][11][18]

### **California State Law Intersections**

California state law intersects with immigration consequences in ways that affect witness needs and strategy in immigration court proceedings. Under California Penal Code § 1473.7, respondents may move to vacate

criminal convictions if the criminal conviction resulted in adverse immigration consequences and the conviction was either legally invalid or if counsel's performance was inadequate under the Sixth Amendment.[5] Such motions may require expert evidence regarding immigration law consequences of particular convictions, or evidence regarding what counsel should have known about immigration consequences at the time the criminal case was resolved. Practitioners addressing both state criminal consequences and federal immigration consequences should consider whether expert evidence regarding immigration law is needed in state court, whether such evidence will also be useful in immigration court proceedings, and how to coordinate filing of witness lists across both state and federal proceedings.

Additionally, California Proposition 47 (reducing certain drug and property crimes from felonies to misdemeanors) and Proposition 64 (the Medicinal and Adult-Use Cannabis Regulation and Safety Act) have created opportunities for sentence modification that can avoid immigration consequences. Where criminal history is at issue in immigration court proceedings, witnesses regarding the nature and disposition of criminal convictions, sentences imposed, and any post-conviction relief obtained become critical. Practitioners should ensure that witness lists accurately reflect the current criminal history as modified by any state post-conviction relief proceedings.[5][11][18]

## **Strategic Analysis and Practical Implementation for Practitioners**

### **Witness List Preparation Checklist**

Practitioners preparing witness lists for submission to San Francisco Immigration Court should follow a systematic approach that ensures compliance with all procedural requirements and maximizes the likelihood that witnesses will testify as planned. First, the practitioner should determine what issues are contested in the proceeding and what evidence is necessary to meet the burden of proof on each issue. This assessment drives the universe of potential witnesses: which witnesses can address key facts in dispute, what combination of lay and expert witnesses will most effectively present the respondent's evidence, and whether any witnesses are essential versus helpful but non-essential.[5][11][18]

Second, the practitioner should identify all potential witnesses, their contact information, their willingness and availability to testify, and any logistical barriers to their appearance (geographic distance, language needs, employment conflicts, etc.). Third, for each witness, the practitioner should determine whether they will testify as a lay witness or will be qualified as an expert, and if expert, what specialty they will address (country conditions, medical/psychological effects, legal matters, etc.). Fourth, the practitioner should prepare the written summary of testimony for each witness, ensuring that the summary is specific enough to provide fair notice of the testimony but not so detailed as to undermine privilege or strategy by revealing cross-examination angles or the precise testimony the respondent intends to elicit.[5][11][18]

Fifth, for expert witnesses, the practitioner should obtain the expert's curriculum vitae or resume and review it to ensure it demonstrates the expert's qualifications to address the specific matter on which they will testify. If the CV is deficient (for example, if it does not adequately address expertise in the specific country or subject matter), the practitioner should request supplementation before filing the witness list.[3][6] Sixth, the practitioner should compile the complete witness list package in the proper order: Form EOIR-28 (if required), cover page, witness list, and Proof of Service.[7][21]

Seventh, the practitioner should serve an identical copy of the witness list on DHS or DHS counsel at least as early as the witness list is filed with the immigration court, and obtain a Proof of Service confirming service. Eighth, the practitioner should file the witness list with the immigration court and retain documentation of the filing date and the immigration court's date stamp as proof of timely filing. Ninth, as the hearing date

approaches, the practitioner should maintain contact with all identified witnesses to confirm their availability and to coordinate the precise order and timing of testimony. Tenth, if circumstances change (a witness becomes unavailable, a new witness becomes available, or the scope of testimony needs to be modified), the practitioner should determine whether an update to the witness list is needed and file it at least thirty days before the hearing if possible, or file a motion to accept an untimely update with substantial good cause documentation if the thirty-day deadline has passed.[5][11][18]

### **Testimony Length and Hearing Time Management**

The immigration court Practice Manual requires that the witness list include an "estimated length of the testimony" for each witness.[7][21] This seemingly administrative requirement actually serves important time management and strategic functions. The estimated length enables the immigration judge to assess how much hearing time will be required and to schedule hearings accordingly. If a respondent's witness list indicates that witnesses will require ten hours of testimony, and the court has scheduled only one hour for the hearing, time management issues will emerge that may prejudice both parties' ability to present evidence adequately.[7][21]

Practitioners should provide realistic estimates rather than understating testimony length to avoid disclosing case scope. Underestimated testimony length that results in substantial overages can frustrate the immigration judge and may result in limits on live testimony or restrictions on redirect examination. Conversely, overestimated testimony length wastes court resources and may be viewed as inefficient case preparation. The estimate should account for direct examination, anticipated cross-examination, and any re-direct, and should consider the complexity of the testimony and whether interpretation will be required (which typically doubles testimony length).[7][21]

### **Language and Interpretation Requirements**

The witness list must specify the language in which each witness will testify.[7][21] This is critical information for immigration court scheduling and resource management. If a respondent proposes to have witnesses testify in Spanish, Cantonese, Mandarin, Vietnamese, or any language other than English, the immigration court must arrange for qualified interpreters. The EOIR maintains information on available interpreter languages and can schedule interpreters only if notified in advance through the witness list.[7][21][29] Failure to disclose language needs in the witness list can result in hearing delays or rescheduling while interpreters are located and scheduled.

For respondents who do not speak English fluently, interpretation is provided by the immigration court at no charge to the respondent.[7][21][29] However, the respondent or respondent's counsel should clarify which language the respondent wishes to use, whether interpretation of witness testimony will be needed, and whether any witnesses require interpretation.[7][21][29] Some respondents prefer to have certain family member witnesses testify through interpretation in their native language for authenticity and to reduce potential communication barriers, while other respondents may prefer that English-fluent witnesses testify in English to streamline proceedings. The practitioner should coordinate these decisions with the respondent and ensure they are clearly reflected in the witness list.[7][21][29]

### **Rebuttal and Impeachment Evidence Exception**

The procedural rules governing witness list deadlines contain an important exception for rebuttal and impeachment evidence. The Immigration Court Practice Manual specifies that the thirty-day advance filing requirement for witness lists in individual calendar hearings does not apply to "exhibits or witnesses offered solely to rebut and/or impeach." [5][11][18] This exception recognizes that affirmative evidence must be disclosed in advance, but that responsive evidence addressing opposing party arguments may necessarily arise

during the hearing and cannot always be anticipated.[5][11][18]

However, practitioners should apply this exception cautiously. The exception applies to witnesses offered "solely" to rebut or impeach, meaning that if a witness serves any affirmative purpose in the respondent's case, the witness must be listed thirty days in advance.[5][11][18] For example, if the respondent proposes to call a witness to corroborate the respondent's version of facts (affirmative evidence), the witness must be listed thirty days before the hearing, even if the witness will also be cross-examined by DHS and therefore technically offers impeachment evidence as well.[5][11][18] The distinction between affirmative and rebuttal evidence is critical to determining whether the thirty-day deadline applies.[5][11][18]

Rebuttal witnesses are typically called by the party that does not present affirmative evidence first. In immigration removal proceedings, DHS typically presents its evidence of removability first (or in the case of relief applications, the respondent presents affirmative evidence of eligibility for relief, then DHS presents evidence addressing removability). The other party then presents rebuttal evidence addressing DHS arguments or respondent evidence. Witnesses offered solely in rebuttal—that is, witnesses who would not have been called had the opposing party not presented certain evidence—may not need to be listed thirty days in advance.[5][11][18] However, the immigration judge retains discretion to exclude even rebuttal witnesses if they were not disclosed with reasonable notice, so practitioners should provide as much advance notice as possible even for rebuttal witnesses.[5][11][18]

## **Recent Developments and Current Legal Landscape in 2025-2026**

### **EOIR Administrative Updates**

As of the current date of February 3, 2026, the EOIR continues to operate under the immigration court practice manual's requirements for witness lists and related filings that have been in effect since 2008 and periodically updated.[10] There have been no recent wholesale changes to the witness list regime, though EOIR maintains continuous attention to procedural efficiency and has implemented electronic filing requirements through the eRegistry system that affect how witness lists and other documents are submitted to immigration courts nationally.[5][10]

Electronic filing through the eRegistry system is now mandatory for represented respondents in most EOIR locations, including San Francisco Immigration Court. This means that witness lists must be filed electronically through the EOIR portal rather than by paper submission.[2][5] Practitioners must ensure that they have registered accounts, that their accounts are current and authorized, and that they understand the eRegistry system's file format requirements before submitting witness lists. The system accepts documents in PDF format with specific formatting requirements designed to ensure readability and proper processing. Practitioners should test the submission process with non-critical documents before submitting the witness list, as system errors or format issues can result in rejection of filings.[2][5]

### **Procedural Enforcement and Judicial Trends**

Judicial experience at San Francisco Immigration Court and other EOIR locations shows that immigration judges continue to apply witness list requirements strictly. There is no current trend toward relaxing deadline requirements or accepting late witness lists without substantial good cause. Rather, immigration judges appear to view rigorous enforcement of procedural requirements as necessary to maintain docket control and fair process, particularly given the high volume of cases in major urban immigration courts like San Francisco.[5][11][18]

Additionally, the EOIR has emphasized the importance of timely filings as part of broader case management

improvements. Immigration judges have been directed to apply the consequences outlined in the practice manual-automatic barring of witnesses not timely listed, deemed abandonment of applications filed late, denial of untimely motions-as written, without discretionary exceptions except where parties successfully move to accept untimely filings based on good cause with documentary support.[5][15][19]

## **Critical Considerations for Immigration Practitioners**

### **Evidentiary Sufficiency and Witness Strategic Choices**

Beyond compliance with procedural requirements, practitioners must make strategic decisions about whether and which witnesses to include in witness lists. These decisions require assessment of whether the evidence the witness will provide is material to proving elements of the respondent's claim or to contesting DHS charges, whether the witness is more or less credible than the respondent's own testimony, and what risks the witness's testimony may present if DHS is able to undermine the witness's credibility or testimony on cross-examination.[3][6]

For example, in an asylum case alleging persecution by gang members, a family member who can corroborate details of the persecution may be valuable, but if that family member has not directly witnessed the persecution and is testifying based on what the respondent told them, DHS may effectively cross-examine to establish that the family member's testimony is hearsay and essentially repetitive of the respondent's own testimony. In such circumstances, relying on the respondent's direct testimony may be more effective than adding a witness who can be impeached as not having firsthand knowledge.[3][6]

Conversely, a medical expert's testimony regarding trauma symptoms consistent with persecution-related torture can powerfully corroborate a respondent's account even if the expert has not met the respondent prior to evaluating them. The expert's independent professional judgment and specialized knowledge often carries significant weight with immigration judges.[3][6] Similarly, country conditions experts testifying regarding gang violence patterns, government persecution, or persecution of members of particular social groups can establish the objective factual predicate for a respondent's well-founded fear even if the expert has not met the respondent.[3][6]

### **Coordination with Other Case Components**

In cases where respondents have concurrent state criminal proceedings or post-conviction relief proceedings, witness lists in immigration court proceedings must be coordinated with evidence strategies in state court. If a respondent is pursuing PC § 1473.7 relief in state court to vacate a criminal conviction that has adverse immigration consequences, witnesses needed to prove ineffective assistance of counsel in the criminal case may also be relevant to immigration court proceedings. Practitioners representing respondents in both forums should carefully coordinate witness strategies to avoid unnecessary duplication of testimony while ensuring that all necessary evidence is presented in the proper forum.[5]

Similarly, in cases involving VAWA (Violence Against Women Act) protections, UCCJE (Unaccompanied Children's Court of Special Jurisdiction), or other specialized immigration benefits, witnesses who establish the factual predicate for eligibility in immigration court may also be needed in family law proceedings, victim services programs, or other forums. Coordinated witness planning across multiple proceedings ensures efficient use of witness time and resources while maintaining strategic flexibility in each forum.[3][6][21]

### **Preservation of Arguments for Appeal**

Practitioners should consider not only whether to present certain evidence at the immigration judge level but

also what arguments should be preserved for potential appeal to the Board of Immigration Appeals or federal court. If a critical witness cannot be presented (due to illness, travel barriers, or other circumstances), practitioners should consider whether the witness can provide a declaration or affidavit that can be included in the record for appeal purposes, even if live testimony is not possible at the immigration court level.[6][21][24]

Additionally, if the immigration judge rules that certain witnesses are not credible or that testimony should be given less weight, practitioners should ensure that the record reflects the witness's testimony and that any grounds for challenging the credibility determination are preserved in the immigration judge's written opinion or in a brief on appeal. Credibility determinations by immigration judges are reviewed by the Board of Immigration Appeals and federal courts with significant deference, but if the credibility determination is based on inadequate reasoning or contradicted by other evidence in the record, appellate review may result in reversal or remand.[13]

## **Procedural Roadmap for Witness List Preparation and Submission**

### **Timeline and Sequencing for Individual Calendar Hearings**

For individual calendar hearings in represented, non-detained alien cases, the procedural timeline should begin at least ninety days before the scheduled hearing date, though earlier preparation is advisable for complex cases with multiple witnesses or documentary evidence. At ninety days before the hearing, the practitioner should have completed the factual investigation of the case, identified potential witnesses, assessed their credibility and relevance, and begun preliminary discussions regarding availability and testimony scope.[5][11][18] At seventy-five days before the hearing, the practitioner should have drafted the witness list in accordance with Practice Manual requirements, ensured that expert CVs are complete and accurately reflect qualifications, and prepared the cover page and Proof of Service.[7][21]

At sixty days before the hearing, the practitioner should file the witness list with the immigration court and serve an identical copy on DHS or DHS counsel, maintaining documentation of both filings. This early filing provides DHS with substantial notice (well in excess of the thirty-day minimum) and demonstrates the respondent's diligence to the immigration judge should any subsequent scheduling issues arise.[5][11][18] At forty-five days before the hearing, the practitioner should confirm that all witnesses remain available for the scheduled hearing date and address any logistical issues such as childcare, employment scheduling, or travel arrangements. If any witness becomes unavailable, the practitioner should update the witness list or remove that witness from the list and file an updated version with the immigration court and DHS.[5][11][18]

At thirty days before the hearing, the thirty-day advance filing deadline for individual calendar hearings passes, and any witnesses not previously listed will be barred from testifying unless the practitioner obtains a motion to accept the untimely filing granted based on good cause.[5][11][18] After this deadline, the practitioner should focus on witness preparation, detailed trial planning, and ensuring that the immigration court has all necessary information to manage the hearing efficiently.[5][11][18] At seven to ten days before the hearing, the practitioner should conduct final confirmation calls with all witnesses to reconfirm attendance, clarify travel instructions if the hearing location is not easily accessible, and provide a brief testimony preview to reduce witness anxiety and ensure consistent testimony.[5][11][18]

### **Witness Preparation Strategy**

Once a witness has been identified and listed, the practitioner should prepare the witness for testimony through interviews, document review, and mock cross-examination to the extent possible. For lay witnesses (family members, friends, or others testifying from personal knowledge), the practitioner should conduct

multiple interviews to establish the witness's knowledge of relevant facts, to assess the witness's credibility and communication style, and to identify potential cross-examination vulnerabilities.[24] The practitioner should prepare the witness to expect cross-examination questions that may be aggressive or may challenge the witness's recollection or bias.[24]

For expert witnesses, the practitioner should ensure that the expert has reviewed all relevant case materials, understands the specific issues on which the expert will testify, and is prepared to explain complex matters in language that an immigration judge (who may not have specialized knowledge in the expert's field) can understand.[3][6] The expert should also be prepared for cross-examination by DHS challenging the expert's methodology, the reliability of sources the expert is relying on, or the expert's qualifications to opine on particular matters.[3][6]

Witnesses should be informed of the basic format of immigration court proceedings, the location where the hearing will be held, the expected length of testimony, the interpreter arrangements if applicable, and the demeanor expectations (dress appropriately, avoid argumentative responses, listen carefully to questions before responding, etc.).[5][11][18] Witnesses should also be informed of confidentiality principles-certain information in immigration proceedings may be subject to confidentiality protections or sensitive vetting procedures-and should understand which information they can discuss with others and which information should remain confidential.[5][11][18]

## **Risk Assessment and Mitigation Strategies**

### **Scenarios Presenting Heightened Witness Exclusion Risk**

Certain scenarios present heightened risk that witnesses will be barred from testifying due to late filing or failure to include witnesses in the witness list. Practitioners should identify these risk scenarios and implement enhanced protective measures. First, cases with numerous witnesses carry heightened exclusion risk if the practitioner fails to prepare the witness list early and comprehensively. With many witnesses, the likelihood of administrative oversight increases, and any witness not included in the written witness list will be barred.[5][15][19] Practitioners with complex multi-witness cases should maintain a master witness database and multiple cross-checks to ensure all witnesses are included in the witness list.[5][15][19]

Second, cases involving witnesses outside Northern California or outside the United States carry risk that travel arrangements will become uncertain or that witnesses may be unavailable on short notice. Practitioners should make earlier confirmations of witness availability, secure written commitments from distant witnesses regarding their intention to travel for the hearing, and consider telephonic or video testimony arrangements if in-person attendance becomes uncertain.[5][11][18][29] Third, cases involving expert witnesses carry risk of inadequate documentation of expert qualifications. Practitioners should require that expert witnesses provide comprehensive CVs and should review those CVs carefully before filing the witness list to ensure that the expert's qualifications are apparent.[3][6]

Fourth, cases with represented respondents who are in detention carry risk that witness coordination may be impeded by limitations on the respondent's ability to communicate with potential witnesses from detention. Practitioners should work with detention facility counseling or phone systems to enable the respondent to participate in witness coordination to the extent possible, and should file the witness list early to accommodate any communication delays.[5][11][18]

### **Mitigation Through Early Filing and Flexible Strategy**

Practitioners can mitigate witness exclusion risk through early filing-submitting witness lists substantially in

advance of deadlines rather than at the last permitted moment. Early filing provides opportunity to correct defects, to respond to DHS challenges or objections, and to address any circumstances that might otherwise result in late amendments or post-deadline witness additions.[5][11][18]

Additionally, practitioners can maintain strategic flexibility by preparing multiple credible witnesses on the same issues when possible. If one witness becomes unavailable or testimony is excluded, a backup witness can potentially substitute. This approach requires more witness preparation work but provides insurance against unexpected witness unavailability or exclusion.[5][15][19] Practitioners should also consider whether certain evidence can be presented through documents, affidavits, or declarations rather than live witness testimony, providing alternative presentation paths if live testimony is not feasible.[6][21][24]

## **Conclusion: Procedural Mastery as Foundation for Immigration Court Advocacy**

Witness list procedures, while ostensibly administrative in nature, fundamentally structure the evidence-gathering, presentation, and adjudicatory process in immigration court proceedings. The regulatory framework established by [8 C.F.R. § 1003.23(b)(1)][30], the Immigration Court Practice Manual Chapter 3.3(g), and EOIR Policy guidance creates a binding procedural regime that practitioners must master to effectively represent respondents.[5][7][21] The mandatory components of witness lists-names, testimony summaries, estimated testimony length, language of testimony, and expert qualifications-ensure that both the immigration court and the opposing party receive adequate notice of the evidence the respondent will present.[7][21] The strict filing deadlines-fifteen days before master calendar hearings for unrepresented aliens, thirty days before individual calendar hearings for all non-detained aliens-reflect the immigration court's commitment to efficient case management and fair process through advance notice.[5][11][18]

The consequences of non-compliance are severe: untimely filed witnesses are barred from testifying unless the respondent successfully moves to accept the untimely filing based on good cause.[5][15][19] This nearly absolute bar reflects the principle that procedural regularity serves evidentiary fairness and judicial efficiency. Practitioners who fail to comply with witness list requirements risk losing critical evidence and faces that could prove determinative in their clients' cases. Conversely, practitioners who master these procedural requirements-by preparing comprehensive witness lists early, by ensuring that expert witnesses are adequately qualified, by maintaining detailed timelines and tracking systems, and by building flexibility into witness strategies-provide their clients with the foundation necessary for effective advocacy in immigration court.[5][7][21]

In San Francisco Immigration Court and throughout the EOIR system, the witness list regime operates consistently and rigorously. Practitioners appearing in these forums should expect that immigration judges will apply procedural requirements as written, that late filings will be excluded unless good cause is demonstrated, and that the quality and timeliness of witness list preparation will directly affect case outcomes. By understanding the procedural framework, implementing systematic tracking and timeline management, and preparing witnesses thoroughly, practitioners can ensure that their clients' evidence is heard and considered by the immigration judge. This procedural mastery, combined with substantive legal knowledge and factual investigation, constitutes the foundation of effective immigration law practice in the removal and relief context.

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## **Complete Source Citations and Reference List**

### **Statutes and Regulations**

8 U.S.C. § 1229a - Removal Proceedings (establishing the procedural framework for removal proceedings before immigration judges)

8 C.F.R. § 1003.23(b)(1) - Filing Requirements (establishing deadlines and procedural requirements for filings in immigration court)

8 C.F.R. § 1240.7(a) - Evidence in Immigration Proceedings (permitting immigration judges to receive any oral or written statement that is material and relevant to any issue in the case)

8 C.F.R. § 1003.41 - Evidence of Criminal Conviction (establishing admissibility standards for criminal conviction evidence)

### **EOIR Practice Manual and Policy Guidance**

Immigration Court Practice Manual, Chapter 3.3(g) - Witness Lists (establishing mandatory components and formatting requirements for witness list submissions)

Immigration Court Practice Manual, Chapter 3.1 - Delivery and Receipt (establishing filing deadlines for master calendar and individual calendar hearings)

Immigration Court Practice Manual, Chapter 4.16 - Individual Calendar Hearing (describing procedures for individual calendar hearings and witness preparation requirements)

Immigration Court Practice Manual, Chapter 5.7 - Motions to Reopen (describing procedures for reopening proceedings and motion requirements)

EOIR Immigration Judge Benchbook, Section on Evidence (providing guidance on evidentiary standards, witness qualification, and admissibility determinations)

### **Expert Witness Guidance**

Department of Justice, Expert Witnesses in Immigration Proceedings, Vol. 4, No. 5 (2010) (comprehensive guidance on expert witness qualification, reliability standards, and evidentiary admissibility under Federal Rule of Evidence 702)

Expert Witnesses in U.S. Asylum Cases: A Handbook (practical guidance on country conditions experts, medical and psychological experts, and witness qualification in asylum proceedings)

Drafting and Editing Declarations, Affidavits, and Letters (guidance on witness declaration preparation, lay witness categories, and chain of custody documentation)

### **Immigration Court Deadline Guidance**

Immigration Court Deadline Checklist (practical checklist for asylum case deadlines, including witness list submission requirements)

Sample Witness List (model witness list for reference)

Sample Witness List Document (CLINIC sample witness list format and content)

### **Motions and Procedures**

Reopening Removal Proceedings Based on Ineffective Assistance of Prior Counsel (June 2025) (guidance on motion to reopen procedures, ineffective assistance standards, and equitable tolling)

In Absentia Orders and Exception Circumstances (2024) (guidance on exceptional circumstances and procedural requirements for absence-related issues)

### **Court-Specific Information**

EOIR San Francisco Immigration Court Locations and Procedures (information on San Francisco court locations, contact information, and administrative procedures)

Northern District of California and Central District of California Current Information (information on federal court options for habeas corpus and judicial review petitions)

### **Secondary Sources and Academic Guidance**

Extraordinary Circumstances for Late Asylum Filing (guidance on "extraordinary circumstances" standard applicable to procedural exceptions)

### **Current Practice Materials**

EOIR eRegistry System for Electronic Filing (electronic filing portal for submission of witness lists and other documents to immigration courts nationwide)

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Date Last Updated: February 3, 2026

Note on Currency: This report reflects the Immigration Court Practice Manual requirements, EOIR policy guidance, and case law as of February 2026. Immigration law and EOIR procedures are subject to periodic updates. Practitioners should verify the current status of all cited authority before relying on this report in client representation. This research is provided for informational purposes and does not constitute legal advice or a substitute for independent legal consultation with qualified immigration counsel.