

## Using Benchbook Templates to Craft an Oral Decision

### A. Selecting an Appropriate Template

This interactive benchbook offers the immigration judge templates that can be used as the foundation upon which to construct a solid and well-reasoned decision. The book then links the selected template to legal citations and authorities that can be inserted into the template to support the decision.

The first task in using this book is to select the appropriate template upon which to build one's decision. There are two types of templates offered in this book: law-specific templates and generic templates.

Law-specific templates are templates that address a particular area of immigration law. Such templates may, for example, address whether the elements needed to sustain a particular ground of removal are present or whether eligibility for a particular form of relief has been established.

Generic templates include the basic elements that need to be included in any immigration judge decision and are generally used where no law-specific template addressing the issue at hand is available.

The first step in using this book is to peruse the generic template to see if a law-specific template addressing the issues before you exists. For example, if you are deciding an asylum case, look for an asylum template. If you are deciding a cancellation of removal case, look for a cancellation of removal template. Try to find the template that most closely addresses the issues before you.

If there is no law-specific template available or the law-specific template offered does not meet your needs, you will need to use a generic template and build your own decision. You can build a decision using the generic template by following the steps below.

## How to Build a Decision Using the Generic Template

### 1. Getting Started:

Click on the "Generic Template" button.

If you get a security warning, click "Open."

If you get a message asking if you want to continue, click "Yes."

A generic template will open up as an editable word processing document in WordPerfect.

Start by filling in the case caption.

## Choosing Introductory Paragraphs:

After the caption, there are five headings or sections that are commonly included at the beginning of an oral decision. These are:

### a. Introduction and Jurisdictional Statement

Service of the Notice to Appear  
Ten Day Period  
Pleading  
Burden of Proof on Removal Charge

Under each heading is suggested language that may be used in the oral decision relating to that particular heading. Review and select (and edit as necessary) the language under each heading that most closely fits the case pending before you.

You can select text by: 1) printing the generic template and marking the text that you choose to include in your decision, 2) by printing the generic template and crossing out text that you choose not to include in your decision, 3) by making deletions and additions right in the body of the word processing document on your screen, 4) by printing and cutting and pasting relevant sections, or 5) by any other method that works for you.

When you have completed this step for each of the five headings, move to Step 3 below.

## Choosing a "Statement of Law on Removability/Inadmissibility" - 3 Options:

The "Statement of Law on Removability/Inadmissibility" section lists commonly

addressed grounds of removal and inadmissibility.

Under each ground of removal/inadmissibility, you have up to three options or links containing text to choose from. Each option appears as a hyperlink and contains different types of language that may be inserted into your oral decision. The three link options are :

Law-Specific Templates  
Standard Language  
Additional Resources

#### Option 1: Templates

Clicking the template link will take you to a draft decision that addresses the specific ground of removability/inadmissibility above that link. For example, clicking a template under "controlled substance violations" will take you to a draft decision that discusses removability for violating a law relating to a controlled substance.

#### Option 2: Standard Language

If there is no template link listed for your topic area or if the draft decision under the template link does not meet your needs, your second option is to click on the "Standard Language" link. The standard language link contains widely accepted principles of law relating to the link topic that may be inserted into the oral decision and used to research and build your decision.

Note: The generic template also contains links to standard language that may be referred to in dictating a decision explaining one's credibility findings. This text is accessed by clicking the word "credible" wherever it appears in the generic template.

### Option 3: Additional Resources

If the standard language under Option 2 does not meet your needs, Option 3 is to click the additional resources button. This button takes you to a collection of helpful and regularly updated legal resources that you can use to build your own decision.

#### 4. Summarizing the Evidentiary Record, Making Findings of Fact, and Drawing Conclusions of Law:

Once you have completed the "Statement of Law on Removability/Inadmissibility," the next step is to fill in the paragraphs that ask you to list the evidentiary record of the proceeding, make findings of fact, and draw conclusions of law. Due to the wide range of possible outcomes, no standard or suggested language is available here. You will have to draft these paragraphs on your own. We have, however, given you some guidelines that may help you get started and help frame your paragraphs.

#### 5. Designating a Country of Removal:

This section is self-explanatory and works the same as "Choosing Introductory Paragraphs" explained in Number 2 above.

## 6. Addressing Relief Issues:

The six paragraphs that follow the designation of a country of removal in the generic template address issues of relief and are used in the same fashion as the paragraphs on issues of removability/inadmissibility explained in Numbers 2, 3, and 4 above.

## 7. Conclusion - Requests and Orders:

To conclude your decision, rule on any motions or requests pending and enter your order in the case. We have included some sample orders for your consideration. We have also included the text of warnings to the respondent which may be required by law in certain types of cases.

## 8. Dictating the Decision

At this point, using the template, you should have a completed draft of your oral decision. Depending on how you decided to use the template and prepare your decision, you should now be able to take the printed generic template with your notations and changes on it with you to the bench or print out the draft decision you prepared in word processing and dictate your oral decision.

If you edited the generic template in WordPerfect to reflect your preferences, your edited document can be named and saved for future use as with any other word processing document.