

**[CID LAW INSTRUCTIONS NO. 6, January 28,
1988]**

SYSTEM FOR DEPORTATION CASES

1. Refer to Deportation Guidelines dated 10 October 1972.
2. Complaint shall be filed with the office of the Commissioner. The Technical Assistant for Law (TAL) shall dismiss cases that fall under the Deportation Guidelines, paragraphs 3 to 6.
3. Cases that are not dismissed under the Deportation Guidelines shall be referred to the Special Prosecutor for preliminary investigation. He may call on the assistance of any member of the Law Division.
4. For inquest cases, if the Special Prosecutor recommends that the charge should be dismissed, he shall secure the comment of the arresting officer and forward the records to the Commissioner for approval.
5. The Special Prosecutor shall file the formal charge with the TAL. The latter shall assign it by lottery to the Board of Special Inquiry, and include it in the court calendar.
6. The Board of Special Inquiry, with all three members sitting en banc, shall hear the case in open court. Each Board shall hear one case at a time until terminated. As assigned by the TAL, a member of the Law Division shall, if necessary, appear as counsel for complainant or respondent.
7. The Board shall draft the judgment and submit it with the case records to the TAL. He shall include it in the Board's weekly calendar. The Board of Commissioners shall evaluate the evidence and promulgate the decision.
8. The respondent may file a motion for voluntary departure. He shall be advised that the proper step is to offer a plea of deportability. The Board of Special Inquiry shall immediately draft summary decision, form attached.
9. The policy is to prefer self-deportation to voluntary departure.

Adopted: 28 Jan. 1988

(SGD.) MIRIAM DEFENSOR SANTIAGO
Commissioner
