

Your Name
Your Facility Name
Your Facility Address

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

CITY, STATE

← **NOTE:** Write the city and state of the court you are filing the motion with; for example: MIAMI, FLORIDA. Or if you are filing with the Board of Immigration Appeals, BOARD OF IMMIGRATION APPEALS, FALLS CHURCH, VIRGINIA

In the Matter of:

)

)

Your Name

)

)

)

In Removal Proceedings

)

A# XXX-XXX-XXX

Hon. Immigration Judge: Judge Name

Next Hearing: None

RESPONDENT'S MOTION TO REOPEN AN *IN ABSENTIA* ORDER

RESPONDENT’S MOTION TO REOPEN AN *IN ABSENTIA* ORDER

I, (your name), **proceeding pro se**, respectfully request for this Court to rescind its (date: D, MM, YYYY) *in absentia* removal order and reopen my immigration case. In support of this motion, I state the following:

NOTE: This sample is meant as a guideline of how you can present your motion. The **bolded** words are suggested language. It is important that the motion be in your own words and that you present your own argument so that you can speak to the judge about the motion if necessary.

1. (Describe the situation of why you did not attend the hearing. Choose one of the following or describe any other reasons as to why you did not appear at the hearing:)
 - a. **I did not receive notice of the hearing.** (Describe the procedure of the case including information about any hearings you did attend and any notifications you received from the court. Some reasons you might have not received a hearing notice include: you moved and changed your address with the Court and ICE, but still did not receive a hearing notice; you were detained at the time of hearing and ICE did not take you to the hearing; you changed your address with ICE but not the immigration court; you attempted to change venue, but it was not received/accepted in time; and any other reasons that you did not receive the hearing notice).
 - b. **I received notice of the hearing, but I could not attend the hearing because of exceptional circumstances.** (Describe what happened that kept you from attending the hearing. Some examples could be a medical emergency or car accident that kept you from getting to court or a serious medical problem with or death of a close family member).
 - c. **My attorney did not advise me of the hearing date.** (If you were represented by an attorney and that attorney did not change your address, or if the attorney

received a notice of hearing but did not inform you of the hearing, describe the communications you had with your attorney including if you signed a contract, paid the attorney, and if you tried to contact the attorney and the attorney did not respond. NOTE: If this is applicable to you, you may be able to reopen your removal proceedings due to ineffective assistance of counsel. There are specific requirements you will have to meet to reopen based on this ground.).

2. **I would have attended the hearing if I had had (notice of the hearing/the ability to attend).** (Describe how you would have attended the hearing if you had either had notice of the hearing or if the exceptional circumstances had not existed).
3. **This motion is timely because it is being filed as promptly as possible after receiving notice of the *in absentia* order.** (Generally, a motion to reopen must be filed with 90 days of the court's decision, but when the motion to reopen is based on new evidence, the motion can be filed after 90 days, but it must still be filed in a timely manner. Therefore, you need to explain to the court why your motion is being filed as soon as you could – in this case, as soon as you could after you were aware of the *in absentia* order.)

For the reasons, I, (your name), respectfully request that this Court to rescind my *in absentia* removal order and reopen my case.

Date:

Respectfully submitted,

Your Name

Your A# XXX-XXX-XXX

Your Facility

Your Facility Address

NOTE: This is a proposed order for the Immigration Judge to sign. It should be included with the motion.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CITY, STATE**

In the Matter of:) **A# XXX-XXX-XXX**
) **IN REMOVAL PROCEEDINGS**
Your Name) **DETAINED**
)
In Removal Proceedings)

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's **MOTION TO REOPEN**, it is **HEREBY ORDERED** that the motion be _____ **GRANTED** _____ **DENIED** because:

- DHS does not oppose the motion.
- The Respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The Court agrees with the reasons state in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadline: _____.

- The application(s) for relief must be filed by _____.
- The Respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

CERTIFICATE OF SERVICE

I, _____, certify that on _____ I served a copy of
Your Name Date

copy of this **MOTION TO REOPEN**.

This document was served by:

Mail:

Office of Chief Counsel
Immigration and Customs Enforcement
Address
City, State

Personal Service to _____

Your Name

Date

NOTE: You must show the court that you gave a copy of the motion to the Department of Homeland Security (DHS) when you filed it with the court. You can do this by mail or in person.