

Did You Miss Your Hearing?

How to File a Motion to Reopen

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

DID YOU MISS YOUR HEARING?

If you missed your hearing, the Judge may have closed your case and ordered you removed from the United States for not coming to court. This is known as an “*in absentia* order of removal.” If you want the Judge to reopen your case to consider your eligibility for immigration benefits, such as asylum or cancellation of removal, it may not be too late.

First, call the Immigration Court Hotline at 1-800-898-7180 to find out if the Judge ordered you removed from the United States. If the Judge ordered you removed, file a written “Motion to Reopen an In Absentia Order” with the Court where your hearing is scheduled to take place and the Department of Homeland Security. The motion should contain the following:

- Your name, address, and telephone number.
- The date and time of your last hearing.
- A detailed explanation of why you missed your hearing. You must show that you missed your hearing because:
 - a. You did not receive your hearing notice;
 - b. You were in federal or state custody/jail/prison; or
 - c. Of “exceptional circumstances” beyond your control, such as:
 - You or your parent or your child was the victim of battery or extreme cruelty (i.e. domestic violence).
 - You were seriously ill or your parent or child was seriously ill or died.
 - There was severe weather that made it impossible to travel to the court.
 - Any other serious reason beyond your control like the ones listed above.
- Documents and evidence to show why you missed your hearing. This may include prison records, medical records, weather reports, affidavits, or other evidence.
- A “Change of Address/Contact Information Form” (Form EOIR-33/IC).
- A cover page with your name, address, and A number (see sample enclosed).
- A filing fee receipt or a fee waiver application, if applicable.

Filing Fees

- If you file a motion to reopen, you generally must pay a filing fee to the Department of Homeland Security or request a fee waiver. A filing fee is NOT required if you want to reopen your case only to apply for asylum or because you did not receive notice of the hearing where the Judge ordered you removed from the United States.

When to File Your Motion:

- You can file your motion *at any time* if (1) you missed your hearing because you did not receive your hearing notice **or** (2) because you were in federal or state custody/jail/prison. You *must* file your motion *within 180 days* of the hearing you missed, if you missed that hearing for any other reason.
- Note: You cannot be removed while the Judge is deciding your Motion to Reopen an In Absentia Order.

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in **removal** proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in **deportation** proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in **exclusion** proceedings: Your application for admission to the United States may be considered withdrawn.

Name - Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:	My CURRENT address and phone number are:
<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>	<hr/> <p style="text-align: center;">"In care of" other person (if any)</p> <hr/> <p style="text-align: center;">Number; Street; Apartment (if any)</p> <hr/> <p style="text-align: center;">City, State, and ZIP Code; Country (if other than U.S.)</p> <hr/> <p style="text-align: center;">Phone Number (include country code if other than U.S.)</p> <hr/> <p style="text-align: center;">Email Address</p>

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	X _____	_____
	Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____, to the

(Name) (date)

Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at: _____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eserviceregistration.ice.gov>), or by mail or personal delivery.

SIGN HERE →	X _____	_____
	Signature	Date

SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked “Fold Here” so that the address is visible. (**Important:** Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked “Fasten Here.”
4. Place appropriate postage stamp in the area marked “Place Stamp Here.”
5. Write your return address in the area marked “PUT YOUR ADDRESS HERE.”
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

1961 Stout Street
Suite 3101
Denver, CO 80294

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR’s immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR’s system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

Your Name: _____

Your Address: _____

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

City and State: _____

_____)
In the Matters of:)
_____)
(your name))
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____

**MOTION TO
REOPEN AN *IN*
ABSENTIA ORDER**

United States Department of Justice
Executive Office for Immigration Review
Immigration Court

[the court's location (city or town) and state]

In the Matter of: _____ Alien Number: _____

[your name]

[your alien registration number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's **Motion to Reopen an In Absentia Order**, 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 stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

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

Date

Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED VIA:

MAIL () PERSONAL SERVICE () ELECTRONIC SERVICE ()

TO: RESPONDENT () RESPONDENT'S C/O CUSTODIAL OFFICER ()

RESPONDENT'S ATTY/REP () DHS ()

DATE: _____ BY: COURT STAFF _____

ATTACHMENTS: EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER ()

(Your name)

(Your alien registration number)

PROOF OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this **Motion to Reopen an In Absentia Order**,

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)