

Did You Miss
Your Hearing?

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 in your absence (known as an *in absentia* order of removal). To reopen your case, you need to file a **“Motion to Reopen an In Absentia Order”** in writing, and file a copy with the Court and the Department of Homeland Security on the 11th Floor.

The motion should contain the following information:

- Your name, address and telephone number.
- The date and time of your last hearing.
- Explain, in as much detail as possible, why you missed your hearing. You must show that you missed your hearing because of “exceptional circumstances” such as:
 - a. You did not receive your hearing notice.
 - b. You were in federal or state custody/jail/prison.
 - c. You or your parent or your child was the victim of battery or extreme cruelty (i.e. domestic violence).
 - d. You or your parent or child was seriously ill or died.
 - e. Any other serious reason like the examples listed above.
- Include documents and evidence to show why you missed your hearing.
- Complete the “Alien Change of Address Form” (Form EOIR-33/IC).
- The motion should be filed with a cover page (see sample enclosed).
- You may need to pay a fee, please ask the 12th floor filing window about fees for Motions to Reopen In Absentia Orders.

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.

Alien's Change of Address Form/ Immigration Court

You are required under 8 C.F.R. 1003.15(d)(2) to notify the Immigration Court of any change of address and any change of telephone number within five (5) working days of moving or changing your address or phone number. You will receive notification as to the time, date, and place of hearing or other official correspondence only at the address which you provide.

Failure 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, may result in one or more of the following actions:

- If you are not already detained, you may be taken into custody by the Department of Homeland Security (DHS) and held for further action; and

If you are in **removal** proceedings:

Your hearing may be held in your absence under Section 240 of the Immigration and Nationality Act (INA), and an order of removal may be entered against you. Furthermore, you may become ineligible for the following forms of relief from removal for a period of 10 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 240B of the INA;
2. Cancellation of Removal as provided for in Section 240A of the INA;
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA.

If you are in **deportation** proceedings:

Your hearing may be held in your absence under Section 242B of the Immigration and Nationality Act (INA) (1995), and an order of deportation may be entered against you. Furthermore, you may become ineligible for the following forms of relief from deportation for a period of 5 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 242(b) of the INA (1995);
2. Suspension of Deportation or Voluntary Departure as provided for in Section 244 of the INA (1995);
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA (1995).

If you are in **exclusion** proceedings:

Your application for admission to the United States may be considered withdrawn, and your hearing may be held in your absence and an order of exclusion and deportation entered against you.

Name: _____ Alien Number: A _____

My OLD address was:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

My NEW address is:

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

(New Telephone Number)



SIGN HERE →

X _____

Signature

_____ Date

PROOF OF SERVICE (You Must Complete This)

I _____ mailed or delivered a copy of this Change of Address Form on _____ to the
(Name) (Date)

Office of the Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE) at _____
(Number and Street, City, State, Zip Code)



SIGN HERE →

X _____

Signature

MAILING INSTRUCTIONS

- 1) Copy the completed form and mail or deliver it to the Office of the Chief Counsel DHS-ICE at the address you inserted in the *PROOF OF SERVICE*. The *PROOF OF SERVICE* certifies that you provided a copy of the form to DHS.
- 2) Fold the page at the dotted lines marked "Fold Here" so that the address is visible.
(*IMPORTANT: Make sure the address section is visible after folds are made.*)
- 3) Secure the folded form by stapling along the open end marked "Fasten Here."
- 4) Place appropriate postage stamp in the area marked "Place Stamp Here."
- 5) Write in your return address in the area marked "PUT YOUR ADDRESS HERE."
- 6) Mail the original form to the Immigration Court whose address is printed below.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is three (3) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice

Immigration Court

26 Federal Plaza, 12th Floor, Room 1237

New York, NY 10278

Fold Here

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: _____ **Next Hearing Date:** _____

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

Sample 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: _____
[the respondent's name] [the respondent's alien 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 by: Mail Personal Service

To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS

Date: _____ By: Court Staff _____

(Name of alien or aliens)

("Alien number" of alien or aliens)

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)

This information 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.